



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **Monday, October 7, 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. Appointment

- A. Lt. Michael P. Hurley to Acting Police Chief
- B. Approval of Contract for Police Chief Michael Hurley
- C. Police Chief Michael Hurley as Emergency Management Director

III. Town Accountant Contract

IV. Board/Committee Appointments and Updates

- A. Local Comprehensive Planning Committee – Elaine McIlroy, Housing Authority representative
- B. Energy and Climate Action Committee – discuss details on intent to seek grant money to hire an engineering consultant to assess climate related vulnerabilities

V. Business

- A. Renewal of license agreement with Thomas J. Siggia and Cathy G. Siggia [TA]
- B. Bicycling in Wellfleet
- C. Discuss and possibly decide fate of old Shellfish Shack [TA]
- D. Discuss the Blasch Superseding Order of Conditions [Wilson]
- E. New Selectboard Policy – Local Access Television
- F. Request from Arbor Committee to plant trees at Memorial Park

VI. Selectboard Reports

VII. Town Administrator's Report

VIII. Topics for Future Discussion

IX. Minutes

- A. September 24, 2019

X. Adjournment



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

II

A. APPOINTMENT OF LT. MICHAEL HURLEY TO POLICE CHIEF

REQUESTED BY:	Police Chief Fissette
DESIRED ACTION:	Appointment of Lt. Michael Hurley to Police Chief
PROPOSED MOTION:	I move to appoint Lt. Michael P. Hurley as the Acting Police Chief from 11/01/2019 to 2/20/2020 and as the permanent Police Chief effective 2/21/2020.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet
Police Department

September 11, 2019

To: Selectboard
From: Chief Ronald L. Fisette

Subject: POLICE CHIEF APPOINTMENT

We are in the final steps in the transition of the Police Chief's position with my upcoming retirement. The next step is for the Selectboard to make the appointment official. We have discussed the procedure at different times over the past year, agreeing on the transition plan and now the Selectboard needs to take the next step. I will remain the active Police Chief till October 31, 2019. At that time, command of the Wellfleet Police Department will transition over to Lt. Michael P. Hurley, and I will be on vacation till my official retirement of February 21, 2020.

I request that the Selectboard at their regularly scheduled meeting on October 8, 2019 officially appoint Lt. Michael P. Hurley as our next Police Chief as follows:

Acting Police Chief Michael P. Hurley from 11/01/2019 to 2/20/2020

Police Chief Michael P. Hurley effective 2/21/2020

Respectfully submitted for your information and consideration.



Ronald L. Fisette,
Chief of Police

cc: Dan Hoort, Town Administrator
Jennifer Congel, Assistant Town Clerk
Michael P. Hurley, Lieutenant



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

II

B. APPROVAL OF CONTRACT FOR POLICE CHIEF MICHAEL HURLEY

REQUESTED BY:	Police Chief Fisette
DESIRED ACTION:	Approval of Contract for Police Chief Michael Hurley
PROPOSED MOTION:	I move to approve the Contract for Police Chief Michael Hurley and authorize the Town Administrator to sign the contract.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

II

C. APPOINTMENT OF EMERGENCY MANAGEMENT DIRECTOR

REQUESTED BY:	Police Chief Fisette
DESIRED ACTION:	Appointment of Michael Hurley as Emergency Management Director
PROPOSED MOTION:	I move to appoint Michael P. Hurley as the Emergency Management Director effective October 9, 2019.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet
Police Department

October 2, 2019

To: Selectboard
From: Chief Ronald L. Fisette

Subject: EMERGENCY MANAGEMENT DIRECTOR

We are in the final steps in the transition of the Police Chief's position with my upcoming retirement. The position of Emergency Management Director needs to be made.

I request that the Selectboard at their regularly scheduled meeting on October 7, 2019 officially appoint Lt. Michael P. Hurley as our next Emergency Management Director as follows:

Emergency Management Director Michael P. Hurley effective 10/09/2019

Respectfully submitted for your information and consideration.



Ronald L. Fisette,
Chief of Police

cc: Dan Hoort, Town Administrator
Jennifer Congel, Assistant Town Clerk
Michael P. Hurley, Lieutenant



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

III

TOWN ACCOUNTANT CONTRACT

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Approval of Town Accountant Contract
PROPOSED MOTION:	I move to approve the contract for Town Accountant Gene Ferrari and authorize the Town Administrator to sign the contract.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

EMPLOYMENT AGREEMENT
Between
TOWN OF WELLFLEET
and
GENE FERRARI

THIS AGREEMENT, made and entered into this 7th day of October, 2019 by and between the Town of Wellfleet, Commonwealth of Massachusetts, a municipal corporation, hereinafter called the "Town", acting by and through its Selectboard, hereinafter called "Board" and GENE FERRARI, hereinafter called the "Employee."

WITNESSETH:

WHEREAS, the Town desires to employ the services of said Employee as Town Accountant 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 him to remain in such employment; and

WHEREAS, GENE FERRARI, agrees to accept employment as Town Accountant 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 Town Accountant of said Town, and the Employee accepts said offer. The Town Accountant shall perform the duties specified in the Town Accountant job description, Attachment #1, such additional duties as are imposed upon the position by law and other such duties as the Town Administrator shall from time to time legally assign to her.

Section II – Term.

This Agreement shall become effective on September 23, 2019 and shall be in full force and effect until September 22, 2022, subject to Sections III and XIV of the Agreement and subject to sufficient appropriation of funds.

Section III – Termination and Severance Pay

- A. The Employee agrees that employment shall be on a probationary basis during the first twelve (12) months of his employment. Thereafter the Town Administrator may terminate the employee for just cause during the term of the Agreement.
- B. In the event the Employee voluntarily terminates her position 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 Administrator.

Section IV – Salary

- A. The Town agrees to pay the Employee for services rendered under this Agreement, an annual base salary of \$100,000. Salary shall be payable in regular installments at the same time as other employees of the Town are paid.
- B. All base salary figures stated under this Section shall be adjusted by the cost of living increases given to other Executive Group employees (Department Heads) and such other adjustments as shall be agreed to by the Town and the Employee.

Section V – Performance Evaluation

The Town Administrator shall review and evaluate the performance of the Employee every year during the month of May. 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 his evaluation with the Town Administrator.

Section VI – Benefits

- A. The Employee shall receive all benefits that are currently extended to Executive Group employees (Department Heads) of the Town of Wellfleet. Benefits shall include but not be limited to: Health Insurance (65% paid by the Town), Life Insurance, Vacation of 4 weeks (20 days) annually, 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. 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 training(s) and conference(s), etc.
- 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 her vacation or other personal leave.

Section VII – Dues and Subscriptions

- A. The Town agrees to budget and pay for the professional dues and subscriptions of the Employee necessary for her 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 Accountant, provided that the employee has acted in good faith, without gross negligence or misconduct and within the authority of her position as Town Accountant, even if said claim has been made following her 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 involving the employee in her 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.

Section XI – Non-Renewal of Contract

If the Board decides not to renew this Agreement, the Board shall give the Employee three (3) months notice of its intent not to renew this Agreement. If the Board fails to give such notice, this Agreement shall be extended.

Section XII – Other Terms and Conditions of Employment

- A. All provisions of the laws of the Commonwealth of Massachusetts relating to retirement, health insurance and other fringe benefits and working conditions, as they now exist or hereafter may be amended, shall apply to the employee as they apply to other employees of the Town, in addition to said benefits enumerated herein specifically for the benefit of the employee, except as otherwise provided in this Agreement.
- B. To the extent that a specific provision of this Agreement relates to a given situation, then it shall apply and prevail over the provisions of the Town's Personnel Bylaws and Regulations; to the extent that this Agreement is silent with respect to a given situation, then the Town's Personnel Bylaws and Regulations shall apply.

Section XIII – No Reduction in Benefits

The Town shall not at any time during the term of the Agreement reduce the salary, compensation or other benefits of the employee.

Section XIV – Notices

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

1. Town: Daniel Hoort, Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
2. Employee: Gene Ferrari
111 Orchard Street
Athol, MA 01331

Alternatively, notices required pursuant to this Agreement may be personally served. Notice shall be deemed as given as of the date of personal service or as of the date of such written notice in the course of transmission in the United States Postal Service.

Section XV – General Provisions

- A. The text herein shall constitute the entire Agreement between the parties.
- B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the employee.
- C. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

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 Board of Selectmen, and the Employee has signed and executed this Agreement, both in duplicate, the day and first above written.

TOWN OF WELLFLEET

Daniel Hoort
Town Administrator

Gene Ferrari



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

IV

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – A

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Appointment of Elaine McIlroy as the Housing Authority Representative to the Local Comprehensive Planning Committee
PROPOSED MOTION:	I move to appoint Elaine McIlroy as the Housing Authority Representative to the Local Comprehensive Planning Committee for a two-year term.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

IV

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – B

REQUESTED BY:	Energy and Climate Action Committee
DESIRED ACTION:	Discussion
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Board of Selectmen

Request for Placement on Agenda

Name: Suzanne Ryan

Address: PO BOX 93 South Wellfleet, MA 02663

Company or Organization Representing: Wellfleet Energy and Climate Action Committee

Phone Number: 774-208-8627

Email Address: suzeryan01@gmail.com

Specific Request: Committee wants to provide select board with details on intent to seek grant money to hire an engineering consultant to assess climate related vulnerabilities (e.g. low lying roads) and offer solutions. This would be the first step before applying for a future grant to repair and protect vulnerable areas.

To be Filed out by Dept.

Applicant Notified: _____ Date of Hearing: _____

Date Request Completed: _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

V

BUSINESS – A

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Approval of renewal of license agreement with Thomas and Cathy Siggia
PROPOSED MOTION:	I move to approve the license agreement with Thomas and Cathy Siggia, owners of the property located at 325 Paine Hollow Road, for a two-year period ending September 30, 2021.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

LICENSE AGREEMENT

This License Agreement (this "License") is entered into as of this 1st day of October 2019, by and between the **Town of Wellfleet** (the "Town"), having an address of 300 Main Street, Wellfleet, MA 02667, and **Thomas J. Siggia and Cathy G. Siggia**, having an address of 325 Paine Hollow Road, Wellfleet, MA 02667 ("Licensor").

Whereas, the Licensor is the owner of the property located at 325 Paine Hollow Road, Wellfleet, Massachusetts, being Assessor's Map 35, Parcel 71 (the "Property");

Whereas, the Paine Hollow Town Landing, which provides public access to Paine Hollow, traverses the Property;

Whereas, the Town has requested Licensor's permission to utilize the Property, for members of the public to pass and repass, on foot and to bring small boats, to Paine Hollow, for swimming, boating, and other water activities;

Whereas, the Licensor is amenable to granting the Town and the public such access on the terms and conditions set forth below.

Now, Therefore, for good and valuable consideration, the parties agree as follows:

1. Use, Purpose, Term. The Licensor hereby grants the Town and members of the public a license to enter and traverse the Property, along Paine Hollow Road, by foot, for the purpose of swimming, boating, the harvesting of shellfish from the wild and other water activities at Paine Hollow. There shall be no commercial use of the Property, except shellfishing by both commercial shellfishing permit holders and aquaculture grant lease holders. Said License shall commence on October 1, 2019 and terminate on September 30, 2021, unless sooner terminated under the provisions hereof. The Licensor may revoke this License, at any time, upon thirty (30) days written notice to the Town.

2. Consideration. In consideration for this License, the Town shall pay a fee of \$1.00 and shall bear all costs and expenses associated with the exercise of the rights granted hereunder, together with the observation and performance by the Town of all the obligations and covenants set forth within this License.

3. Condition of the Property. The Town accepts the Property in its "as is" condition for the purpose of this License, and acknowledges and agrees that the Licensor has made no representations or warranties regarding the fitness or condition of the Property, and acknowledges that such entry shall be at its sole risk. The Town acknowledges that the Licensor is not obligated to improve, repair, remove any trees or brush or other obstructions on the Property, secure the Property, and/or to undertake any other activity to enable the Town's or the public's use of the Property.

4. Town's Conduct. During the exercise of the rights hereby granted, the Town shall at all times conduct itself so as not to unreasonably interfere with the Licensor's use of the Property, obtain all necessary permits, and observe and obey all applicable federal, state and local laws, statutes, bylaws, regulations and permitting or licensing requirements. The Town shall promptly restore the Property to its condition prior to this License, and repair any damage caused to the Property resulting from any act, failure to act or negligence of the Town, or members of the public.

5. Insurance. The Town shall include the Licensor as an "additional insured" on its liability insurance.

6. Termination, Expiration. Upon the expiration or earlier termination of this License, the Town shall promptly restore and/or repair the Property, as close as reasonably possible, to its original condition. This obligation shall survive the expiration or termination of this License.

7. Right of the Licensor to Occupy the Property. The Licensor reserves the right and the Town shall permit the Licensor to occupy and use the Property at any time and for any and all purposes, except insofar as such use shall interfere with the Town's rights under this License.

8. Directing the Public. The Town shall take appropriate measures, at its sole cost and expense, to ensure the public is directed to the Town Landing, such as a split rail fence, for the protection of the Property. The Town and the Licensor shall mutually agree on the mechanism to be used. Upon the expiration or termination of this License, the Town shall remove any such improvements, and restore the Property to its condition prior to this License.

9. Pre-Existing Rights This license does not affect any underlying rights of the parties; whatever rights existed at the time of this License continue and survive this License.

10. Miscellaneous.

A. No Estate Created. This License shall not be construed as creating or vesting in the Town any estate in the Property, but only the limited right of use as hereinabove stated.

B. Survival of Terms and Provisions. All appropriate terms and provisions relating to the restoration of the Property affected hereby shall survive the expiration and/or termination of this License, in addition to the survival of other terms stated herein to so survive.

C. Governing Law. This License shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this License shall be brought in courts within the Commonwealth of Massachusetts.

[Signature Page Follows]

In Witness Whereof, the parties hereto have caused this License Agreement to be executed as of the 7th day of October, 2019.

LICENSOR:

Thomas J. Siggia

Cathy G. Siggia

LICENSEE:

TOWN OF WELLFLEET,
By Its Board of Selectmen

Janet Reinhart, Chair

Kathleen Bacon, Vice-Chair

Michael DeVasto, Clerk

Justina Carlson

Helen Miranda Wilson



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

V

BUSINESS – B

REQUESTED BY:	Chair
DESIRED ACTION:	Discussion on Bicycling in Wellfleet
PROPOSED MOTION:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Draft letter 10.2.19

Dear Governor Baker,

As members of the Board of Selectmen in Wellfleet, we represent our residents on all important public issues. We are writing to bring to your attention an ongoing serious public safety concern our town has related to where the DCR has planned to end the Cape Cod Rail Trail Bike Path.

Our town is very supportive of the Bike Path and appreciates all the hard work and planning that has gone into the project. However, we do not support the current DCR plan as it has the bike path end along Route 6 near one of the busiest and congested intersection on that part of the highway. Members of our town have repeatedly voiced their public safety concerns at public meetings hosted by the DCR and in smaller gatherings with DCR staff, but they feel that their reasonable considerations have been ignored. That is why we are reaching out to you.

*On April 23, 2019 at our Annual Town Meeting, citizens of Wellfleet voted almost unanimously in favor of Article 44, which requested **"that the Board of Selectmen, the Conservation Commission and the Planning Board consider alternate routes for the Bike Trail Extension and to ask the appropriate agencies to halt any planning or construction of the bike trail extension beyond Old County Road until those deliberations have occurred."***

Therefore, we formally request the DCR suspend any further construction and planning of the bike trail extension beyond Old County Road due to public safety concerns, and that the DCR work with the town to pursue alternative routes to end the Cape Cod Rail Trail in our town.

Thank you for your help to give the Town of Wellfleet a role so we can protect the safety of our citizens and our visitors.

*Sincerely,
Wellfleet Selectboard*

Dear Governor Charlie Baker:

We present you with this petition requesting your immediate action to:

- 1) Halt efforts by the MA Department of Conservation and Recreation (DCR) to develop a parking lot and bikeway terminus at US Route 6 in Wellfleet;
- 2) Halt MA Department of Transportation (DOT) efforts to develop a bikeway alongside US Route 6 in Wellfleet; and
- 3) Direct those departments to collaborate with the Town of Wellfleet on bikeway projects the state proposes in Wellfleet.

The currently planned state projects damage Wellfleet and Cape Cod. They fail to promote or enhance the Cape's natural, cultural, and recreational resources. They are missed opportunities to improve the Outer Cape and promote safe cycling.

- Foremost, DCR and DOT plans needlessly compound dangers in a congested stretch of US Route 6 with multiple curb cuts, already known for traffic accidents and fatalities.
- Secondly, the DCR project will demolish high-quality affordable housing – already rare in Wellfleet – and evict its residents.
- Thirdly, better alternatives exist. Wellfleet's Bike and Walkways Committee seeks to collaborate with DCR and DOT to evaluate alternative bikeway corridors that promote safe cycling on the picturesque Outer Cape instead of funneling cycle traffic toward and alongside a congested US highway.

The State DCR and DOT are imposing low-quality, highway-centric bikeway projects on Wellfleet in the interest of expediency, with poor sense of location, disregarding safety and resource objections expressed in near-unanimous town votes and meetings, and in opposition to the interests of Wellfleet voters, taxpayers, and vacationers.

The DCR and DOT plans for Wellfleet diminish our historic town, complicate safety along the Outer Cape's main traffic artery on Route 6, and squander opportunities to promote the pristine Outer Cape.

Governor Baker, we request your immediate action to halt DCR and DOT efforts and to direct those departments to collaborate with the Town of Wellfleet on bikeway plans.

Attached is a list of individuals who have added their names to this petition.

Sincerely,

Concerned Citizens for a Sensible Wellfleet Bikeway



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

V

BUSINESS – C

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Discuss and possibly decide fate of old Shellfish Shack
PROPOSED MOTION:	Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



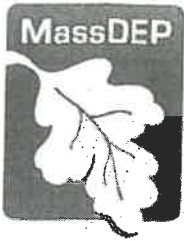
BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

V

BUSINESS – D

REQUESTED BY:	Wilson
DESIRED ACTION:	Discuss the Blasch Superseding Order of Conditions
PROPOSED MOTION:	Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



181
1440 Chequessett
Neok

RECEIVED
SEP-17-19

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

SEP 12 2019

James Halleck Hoeland, Trustee
c/o Thomas O. Moriarty, Esq.
Moriarty Troyer & Malloy LLC
30 Braintree Hill Office Park, Suite 205
Braintree, Massachusetts 02184

RE: WELLFLEET – Wetlands
File No. SE 77-1495
Superseding Order of
Conditions

Dear Attorney Moriarty:

Following an in-depth review of the above-referenced file and in accordance with Massachusetts General Laws, Chapter 131, Section 40, the Massachusetts Department of Environmental Protection (Department) has issued the enclosed Superseding Order of Conditions (SOC). This Order approves the proposed project subject to certain conditions. The Department has determined that the project area is significant to the statutory interests of flood control, storm damage prevention and the protection of wildlife habitat.

The project site is located within Land Subject to Coastal Storm Flowage (Flood Zone VE e1-17), Coastal Bank, as defined in 310 CMR 10.30(2); and Coastal Beach, as defined in 310 CMR 10.27(2). The Massachusetts Natural Heritage and Endangered Species Program determined that the project site is rare species habitat pursuant to 310 CMR 10.37.

The Notice of Intent proposes the construction of a 241-foot long rock revetment with a fiber roll and planted sand covering, additional protective plantings, and compensatory sand nourishment, to protect a building located within twenty-five feet of the top of a rapidly eroding Coastal Bank. Pursuant to 310 CMR 10.30(3), the Department considers the existing building to be a reconstruction of a building constructed prior to the effective date of 310 CMR 10.21 through 10.37. The Department finds that the coastal engineering structure has been designed and will be constructed so as to minimize, using best available measures, adverse effects on adjacent or nearby coastal beaches due to changes in wave action; and the applicant has demonstrated that no method of protecting the building other than the proposed coastal engineering structure is feasible. The building is therefore eligible to be protected from storm damage by a coastal engineering structure.

The SOC prohibits project activities between April 1 and August 31 of any year to protect the nesting habitat of state-listed shorebirds. The SOC requires annual beach nourishment to mitigate for the loss of a sediment source. The Department reserves the right to include maintenance as an on-going condition in any Certificate of Compliance, based on the results of the biannual monitoring reports and surveys required by the SOC.

This Superseding Order of Conditions does not relieve the applicant of the need to obtain approval of this project under and comply with the requirements of the Wellfleet Wetlands Protection Bylaw.

In the opinion of the Department the reasons given here are sufficient to justify this SOC. However, the Department reserves the right, should there be further proceedings in this matter, to raise additional issues and present further evidence as may be appropriate.

If you have any questions regarding this matter, please contact Daniel F. Gilmore at 508-946-2808.

Very truly yours,



James Mahala, Chief
Wetlands & Waterways Program
Bureau of Water Resources

JM/dfg

Enclosure

Certified Mail #7017 1450 0000 0281 2707

cc: Wellfleet Conservation Commission

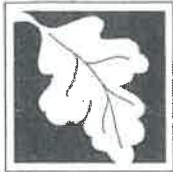
EOEEA – MEPA Unit
ATTN: Erin Flaherty
100 Cambridge Street, Suite 900
Boston, MA 02114

Massachusetts Division of Marine Fisheries
ATTN: John Logan
836 South Rodney French Blvd.
New Bedford, MA 02744

Massachusetts Department of Fish & Game
NHESP (ATTN: Amy Hoenig)
1 Rabbit Hill Road
Westborough, MA 01581

cc: Massachusetts Office of Coastal Zone Management
ATTN: Robert Boeri
251 Causeway Street, Suite 800
Boston, MA 02114-2136

United States Department of the Interior
National Park Service – Cape Cod National Seashore
ATTN: Brian T. Carlstrom, Superintendent
99 Marconi Site Road
Wellfleet, MA 02667



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Superseding Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE 77-1495
MassDEP File # _____
eDEP Transaction # _____
Wellfleet
City/Town

A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important: When filling out forms on the computer, use only the tab key to

1. From: Massachusetts Department of Environmental Protection – Southeast Region
Issuing Authority

2. This issuance is for (check one):
a. Superseding Order of Conditions
b. Amended Superseding Order of Conditions

3. To: Applicant:

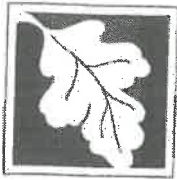
James Halleck Hoeland, Trustee
a. First Name b. Last Name
c/o Thomas O. Moriarty, Esq., Moriarty Troyer & Malloy LLC
c. Organization
30 Braintree Hill Office Park, Suite 205
d. Mailing Address
Braintree MA 02184
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

James Halleck Hoeland, Trustee
a. First Name b. Last Name
The Family Trust established under Article IV, paragraph e(1) of the Grantor Retained Annuity Trust of Mark Blasch
c. Organization
55 Maher Lane
d. Mailing Address
Newtown PA 18940
e. City/Town f. State g. Zip Code

5. Project Location:

1440 Chequessett Neck Road Wellfleet
a. Street Address b. City/Town
18 7
c. Assessors Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known: 41d 56m 0.48s N -70d 4m 11.21s W
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Barnstable
 a. County
 197582
 b. Certificate Number (if registered land)
 c. Book
 d. Page

7. Dates:
 September 11, 2018
 a. Date Notice of Intent Filed
 January 30, 2019
 b. Date of Site Visit
 December 21, 2018
 c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Plant Showing Proposed Shorefront Protection – James H Hoeland Trustee – 1440 Chequessett Neck Road, Wellfleet
 a. Plan Title
 Coastal Engineering Co.
 b. Prepared by
 Roger Paul Michniewicz, PE
 11-09-2018
 c. Signed and Stamped by
 d. Final Revision Date
 varied
 e. Scale
 Plant Specifications and Work Protocols for Fiber Roll Installation Wilkinson Ecological Design 11-09-2018
 f. Additional Plan or Document Title Prepared by g. Date
 Restoration Plan Wilkinson Ecological Design 09/06/2018
 h. Additional Plan or Document Title Prepared by Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, the Department finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply
 - b. Land Containing Shellfish
 - c. Prevention of Pollution
 - d. Private Water Supply
 - e. Fisheries
 - f. Protection of Wildlife Habitat
 - g. Groundwater Supply
 - h. Storm Damage Prevention
 - i. Flood Control
2. This Department hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Department orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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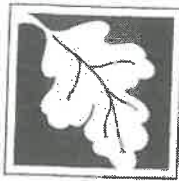
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100- 200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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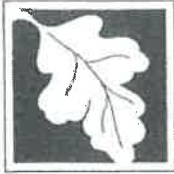
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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas				
11. <input type="checkbox"/> Land Under the Ocean				
	Indicate size under Land Under the Ocean, below			
	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	6,000	6,000	1,107 cu yd	1,107 cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes			cu yd	cu yd
15. <input checked="" type="checkbox"/> Coastal Banks	241	241	c. nourishment	d. nourishment
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores				
17. <input type="checkbox"/> Salt Marshes				
18. <input type="checkbox"/> Land Under Salt Ponds				
	a. square feet	b. square feet	c. square feet	d. square feet
	a. square feet	b. square feet		
19. <input type="checkbox"/> Land Containing Shellfish				
	c. c/y dredged	d. c/y dredged		
20. <input type="checkbox"/> Fish Runs				
	a. square feet	b. square feet	c. square feet	d. square feet
	a. square feet	b. square feet		
	c. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	1,734	1,734		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area				
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft				
Sq ft between 100-200 ft	c. square feet	d. square feet	e. square feet	f. square feet
	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section

23. Restoration/Enhancement *:

a. square feet of BVW _____

b. square feet of salt marsh _____

24. Stream Crossing(s):

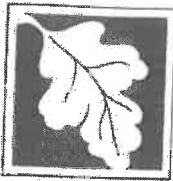
a. number of new stream crossings _____

b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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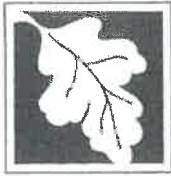
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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Department on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE 77-1495 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Department.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Department in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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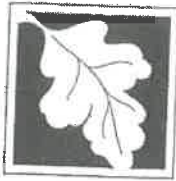
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Department.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Department, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
- 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (see page(s) 13, 14 & 15 for additional special conditions numbers 1 to 17):

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no jurisdiction to supersede the local by-law order.

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4 or #6, from the date of issuance.

1. Date of Issuance

Signature:

James Mahala

James Mahala, Chief, Wetlands & Waterways Program, Bureau of Water Resources

Issued:

by hand delivery on

by certified mail, return receipt requested, on

SEP 12 2019

Date

Date Certified Mail # 7017 1450 0000 0281 2707



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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Department listed below.

Massachusetts Department of Environmental Protection – Southeast Region
 Issuing Authority

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Department.

To:

Massachusetts Department of Environmental Protection – Southeast Region
 Issuing Authority

Please be advised that the Order of Conditions for the Project at:

1440 Chequessett Neck Road, Wellfleet
 Project Location, Town

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 MassDEP File Number

Has been recorded at the Registry of Deeds of:

Barnstable
 County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

JM/dfg

Signature of Applicant



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G. Appeal Rights and Time Limits

The applicant, the landowner, any person aggrieved by the Superseding Order, Determination or other Reviewable Decision as defined at 310 CMR 10.04, who previously participated in the proceedings leading to this Reviewable Decision, the conservation commission, or any ten (10) residents of the city or town where the land is located if at least one resident was previously a participant in the permit proceeding, are hereby notified of their right to appeal this Reviewable Decision pursuant to M.G.L. c.30A, § 10, provided the request is made by certified mail or hand delivery to the Department, along with the appropriate filing fee and a MassDEP Fee Transmittal Form within ten (10) business days of the date of issuance of this Superseding Order or Determination, and addressed to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the request (hereinafter also referred to as Appeal Notice) shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, the person that requested the Superseding Order or Determination, and the issuing office of the MassDEP at:

MassDEP
20 Riverside Drive
Lakeville, MA 02347

In the event that a ten resident group requested the Superseding Order or Determination, the Appeal Notice shall be served on the designated representative of the ten resident group, whose name and contact information is included in this Reviewable Decision (when relevant).

Contents of Appeal Notice

An Appeal Notice shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6) and 310 CMR 10.05(7)(j), and shall contain the following information:

- (a) the MassDEP Wetlands File Number, name of the applicant, landowner if different from applicant, and address of the project;
- (b) the complete name, mailing address, email address, and fax and telephone numbers of the party filing the Appeal Notice; if represented by consultant or counsel, the name, fax and telephone numbers, email address, and mailing address of the representative; if a ten residents group, the same information for the group's designated representative;
- (c) if the Appeal Notice is filed by a ten (10) resident group, then a demonstration of participation by at least one resident in the previous proceedings that led to this Reviewable Decision;
- (d) if the Appeal Notice is filed by an aggrieved person, then a demonstration of participation in the previous proceeding that led to this Reviewable Decision and sufficient written facts to demonstrate status as a person aggrieved;
- (e) the names, telephone and fax numbers, email addresses, and mailing addresses of all other interested parties, if known;



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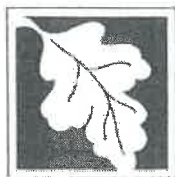
- (f) a clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error is inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c. 131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's Decision, and the relief sought, including any specific desired changes to the Department's decision;
- (g) a copy of the Department's Reviewable Decision that is being appealed and a copy of the underlying Conservation Commission decision if the Reviewable Decision affirms the Conservation Commission decision;
- (h) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and
- (i) if asserting a matter that is Major and Complex, as defined at 310 CMR 10.04, a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

Filing Fee and Address

A copy of the Appeal Notice along with a MassDEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.



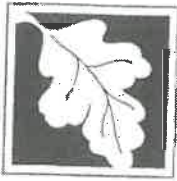
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Additional Special Conditions:

1. As specified in the December 5, 2018 letter from the Division of Fisheries & Wildlife's Natural Heritage and Endangered Species Program, the project shall comply with the following conditions to protect the habitat of state-listed rare wetland wildlife species:
 - A **Limit of Work.** All Work, including access and staging, shall occur within the Limit of Work and the hybrid revetment coir system shall be limited to the ± 241 foot section of Coastal Bank depicted on the "Plan Showing Proposed Shorefront Protection" (dated 11/9/2018). Any changes to the proposed work or any additional work beyond that shown on the Plan shall require additional review and written approval from the Division. Routine nourishment and minor maintenance, as described in the filing is approved by this determination. Major reconstruction of the stone revetment requires consultation with the Division.
 - B **Work Timing.**
 - a. All work associated with the stone revetment and coir system including maintenance is prohibited during the period **April 1 – August 31**, to protect breeding shorebird species.
 - b. All equipment and construction materials, including staging, are prohibited from the beach during the period **April 1 – August 31**.
 - C **Nourishment.** Immediately upon installation completion of the hybrid revetment and coir stabilization, an initial deposition of 275 cubic yards of compatible sand shall be distributed overtop the hybrid system.
 - a. After initial deposition (275 CY), compatible sand nourishment shall be maintained over the system to a depth of 4-6 inches, provided the coir system remains intact.
 - b. The applicant is responsible for 1,107 CY of compatible sand nourishment if the coir system is abandoned or removed, naturally or otherwise, and not reconstructed. Prior to manual removal or within 30 days of the loss of the system (if storm related), the applicant shall submit a proposed nourishment schedule to the Division; the applicant must obtain written approval of the nourishment schedule. The Division will require that within 10 days of the completion of the nourishment (or each phase of nourishment if carried out in phases) the applicant shall provide the Division with delivery slips or invoices documenting the volume of sand used for nourishment.
 - c. If the applicant proposes to maintain a system that retains a portion of the coir system, then, prior to maintenance, the applicant shall submit a plan to the Division for the purpose of establishing an appropriate nourishment volume and schedule. Said plan must receive written approval by the Division.
 - d. All nourishment must avoid the shorebird nesting period; therefore, sand shall not be deposited during April 1 – August 31, unless otherwise approved in writing by the Division.
 - D **System Installation.** If additional Coastal Bank erosion occurs prior to the start of work, then similarly, the hybrid revetment system should be constructed landward to account for the loss of Coastal Bank. Constructing the revetment as close to the toe/bottom of the Coastal Bank, existing at the time of construction and thence landward, should serve to reduce impacts on the Coastal Beach.



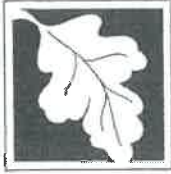
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Superseding Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE 77-1495
MassDEP File #

eDEP Transaction #
Wellfleet
City/Town

Additional Special Conditions (continued):

- E **State-listed Species Protection.** The applicant has the responsibility of protecting breeding Piping Plovers and state-listed species of terns that may be on this section of beach. Therefore, the applicant must allow regular monitoring for the presence of Piping Plovers and terns by a qualified shorebird monitor, as determined by the Division, during the period April 1 – August 31 and shall allow any nests, scrapes, or unfledged chicks to be protected with symbolic fencing (warning signs and twine fencing).
 - F **Compliance Report:** Within thirty (30) days of completion of work, the Applicant shall submit as-built site plans and a brief written report including photographs showing final constructed conditions with particular emphasis on demonstrating compliance with the Conditions herein.
 - G **Authorization Duration.** This authorization is valid for 5 years from the date of issuance. Work may be completed at any time during this 5-year period in compliance with the conditions herein. Thereafter, the applicant shall re-file under the MESA.
 - H **Notice.** Upon filing for renewal, extension, or amendment of the Orders of Conditions, the applicant shall contact the Division for written response regarding impacts to Resource Area habitat of state-listed wildlife.
2. A copy of this Order shall be made available to the contractor(s) prior to the start of construction and shall be kept available on-site during all phases of construction until a Certificate of Compliance has been issued by the Department.
 3. Notice of work commencement shall be given to the Wellfleet Conservation Commission and the Department not less than three (3) business days prior to the start of work.
 4. Prior to the start of construction, the applicant shall provide to the Wellfleet Conservation Commission and the Department, any and all authorizations necessary for construction of the structures, and access to and from the site for construction and monitoring.
 5. Prior to the start of construction, the Mean High Water Line (MHW) shall be clearly delineated in the field by a professional land surveyor licensed by the Commonwealth of Massachusetts. The MHW markers shall be maintained until all phases of construction have been completed. No work under this Order is permitted seaward of the MHW markers.
 6. Prior to the start of construction, the applicant shall submit a plan showing the location of the monitoring transects and a pre-construction report including photographs of the area, and beach profile surveys.
 7. Any supplies, debris, fill or other materials shall be stockpiled away from the MHW Line and the Tidal Flat portion of the Coastal Beach, and at a location to prevent such materials from entering Land Under the Ocean or the Tidal Flat portion of the Coastal Beach resource areas.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Superseding Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE 77-1495
MassDEP File #

eDEP Transaction #
Wellfleet
City/Town

Additional Special Conditions (continued):

8. All equipment shall be operated and stored away from the MHW Line and the Tidal Flat portion of the Coastal Beach, and at a location to prevent such equipment from impacting Land Under the Ocean or the Tidal Flat portion of the Coastal Beach resource areas.
9. Upon completion of construction of the revetment and coir fiber rolls, not less than 1,107 cubic yards of clean compatible sand shall be provided as nourishment to offset the loss of sediment caused by armoring of the Coastal Bank.
10. Subsequent annual nourishment volume of sand shall be not less than 1,107 cubic yards of clean compatible sand.
11. The nourishment material shall be deposited by Thanksgiving of any year.
12. Post-construction monitoring reports including photographs of the area and beach profile surveys of transects across the revetment and coir fiber rolls shall be prepared twice per year for the first three years. The monitoring and surveying shall be completed prior to April 1 and after September 1 of any year. At the end of the initial three years of monitoring and surveying, the applicant may request that the monitoring and surveying requirements be reduced to annually.
13. Minor maintenance of the revetment and coir fiber rolls in accordance with the above referenced plans and the conditions of this Order may be allowed for the timeframe this Order remains valid.
14. After reviewing the monitoring reports and survey results to determine whether any adverse impacts have occurred to the coastal resource areas associated with the site and the interests of the Act, the Department may authorize on-going maintenance of the structure in any Certificate of Compliance issued for this filing.
15. Special Conditions Numbers 1, 10, 11, & 12 are on-going mitigation, monitoring and/or notification related conditions. Therefore, these conditions shall not expire at the end of three years and shall be included in any Certificate of Compliance issued for this Order. The Department reserves the right to suspend or modify any of the above-mentioned mitigation, monitoring and/or notification related special conditions.
16. Upon completion of the project, a Request for a Certificate of Compliance (Form 8A) shall be submitted in accordance with General Condition No. 12, and under the provisions of 310 CMR 10.05 (9)(d). An "AS- BUILT" plan and a statement from a Registered Professional Engineer certifying compliance with the conditions of this Order shall accompany the Request for a Certificate of Compliance.
17. This Superseding Order of Conditions does not relieve the applicant of the need to obtain approval of this project under and comply with the requirements of the Wellfleet Wetlands Protection Bylaw.



Department of Environmental Protection Adjudicatory Hearing Fee Transmittal Form

IMPORTANT! This form is intended for fee transmittal only. The contents of a request for an adjudicatory appeal (Notice of Claim) are established at 310 CMR 1.01(6) and the substantive statutes and regulations governing the Department's action.

A. Person/Party Making Request

1. Name and address of person or party making request:

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

2. Project Information:

Street Address

City

State

Zip Code

DEP File or ID Number

\$

Amount of filing fee attached

Email Address

B. Applicant (if applicable)

1. Name and address of applicant:

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

Email Address

C. Instructions

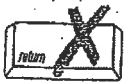
1. Send this form and check or money order of \$100.00 payable to the Commonwealth of Massachusetts to the MassDEP Lockbox at:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

2. Send a copy of this form and a copy of the check or money order with the Request for Adjudicatory Appeal (Notice of Claim) to:

Case Administrator
Office of Appeals and Dispute Resolution
One Winter Street
Boston, MA 02108

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

V

BUSINESS – E

REQUESTED BY:	Media Coordinator
DESIRED ACTION:	Formulation of New Policy – Local Access Television
PROPOSED MOTION:	I move that the Board vote that the policy recommended by the Cable Advisory Committee is worthy of formulation as a policy as presented/amended.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Wellfleet Channel 18: Policy and Usage Guidelines

- I. **POLICY** - The Wellfleet Government Access Cable Television Channel (hereafter “Channel 18”) is intended solely to provide information to Wellfleet citizens about issues, services, programs, activities, and events involving or affecting local government and the community.

- II. **CONTENT** - All public meetings of all Town policy-making and regulatory boards and commissions, including Annual and Special Town Meetings, will be recorded for television broadcast and/or digital streaming in their entirety, without editing or commentary (with the sole exception of editing out technical pauses which may occur to rearrange chairs or equipment).
 - A. The current list of Town policy-making and regulatory boards is as follows: Selectboard, Conservation Commission, Board of Health, Local Comprehensive Planning Committee, Planning Board, Board of Water Commissioners, Wellfleet Elementary School Committee, and Zoning Board of Appeals. This list may be modified in the future at the discretion of the Town Administrator and Selectboard.

 - B. Additional boards and commissions may be recorded at the discretion of the Town Administrator, the Selectboard, and the Channel 18 Operations Manager. Additional content, including but not limited to: public service announcements, emergency messages, informational interviews, Town training videos, recordings of Town school events, and recordings of Town recreation events, may be produced for broadcast and/or streaming at the discretion of the Town Administrator and the Operations Manager.

 - C. All content must meet approval of technical broadcast standards at the discretion of the Operations Manager.

 - D. Political forums and debates may be recorded for broadcast and/or streaming, but Channel 18 may not be used for the promotion of individual political campaigns. All commercial advertising and religious promotion is prohibited.

 - E. Programming and streaming schedules will be at the discretion of the Operations Manager and preference may not be awarded based on financial

- F. Any outside agency or citizen submitting programming for broadcast and/or streaming is responsible for obtaining all necessary copyright clearances and will hold the Town and its successors, departments, officers, employees, servants, attorneys, and agents harmless in any case of copyright infringement.
- III. **ACCURACY** - The accuracy of all information in Channel 18 broadcast and/or streaming content is the responsibility of the board, commission, or entity being recorded. Statements made may not reflect the views of Channel 18 or other Town staff. Channel 18 staff are not responsible for the accuracy or quality of information recorded.
- IV. **ACCESS** - All members of the public will have equal access to Channel 18 content. Channel 18 will broadcast continuously except in the case of technical malfunction. DVD copies of Channel 18 programming will be made available upon request to the Operations Manager. Streaming content can be viewed on personal computers, mobile devices, or Town computers at the Wellfleet Public Library.
- V. **EQUIPMENT USAGE** - Channel 18 equipment will be used for the production of Channel 18 content and may not be loaned to the public. Channel 18 equipment may be used by the Operations Manager and approved Production Technicians to produce programming for other Town entities and departments (including but not limited to: the Public Library, the Council on Aging, and local community organizations without political or religious affiliation) at the discretion and approval of the Operations Manager and Town Administrator.
- VI. **STAFFING** - The Operations Manager is the director of all Channel 18 business and will report to the Town Administrator and Selectboard as required. The Operations Manager will hire and manage Production Technicians. The work of all Production Technicians must meet technical broadcast standards and the approval of the Operations Manager. Production Technicians may not make any technical, political, financial, or managerial decisions for Channel 18 without explicit instruction from the Operations Manager.

Wellfleet Media Department: Data Report

The Wellfleet Media Department began regular operations in January 2019. Below are viewing numbers as of 10/2/19 for several boards and committees since 1/1/2019:

Board/Committee	Recordings since 1/1/2019	Highest views	Average views
Selectboard	21	4,200 (3/26)	2,451
Annual Town Meeting	2	2,712 (4/23)	2,581
Community Forums	10	3,827 (4/10)	1,080
Finance Committee	9	2,100 (2/13)	466
Shellfish Advisory Board	7	5,871 (2/25)	1,911
Zoning Board of Appeals	5	1,062 (6/13)	547

Total views across all recorded programs since 1/1/19: 99,298

Statistics:

- These are the numbers for the town's Video on Demand streaming service. I do not have a way to collect data for Channel 18 broadcasts, but there are additional viewers on traditional television.
- About 22% of the Video on Demand programs are watched on mobile devices, indicating a substantial audience of people who do not have access to computers or extended time at home.
- Wellfleet's year-round population (as of the 2017 census) was about 2,700.
- In a recent survey conducted of Wellfleet's full- and part-time residents regarding Comcast usage, 50% of those surveyed rated the town's public access programming as a "very important" service. 20% rated it "fairly important," 15% "slightly important," and 10% "not important."

Need:

- Regulatory boards are by definition making decisions which affect Wellfleet's land use, taxpayer revenue, public bylaws, long-term plans, or some combination thereof. Though their meetings are open to the public, they all take place in the afternoon or evening, when the majority of the town's working residents cannot regularly attend.
 - Wellfleet's two major industries, marine commerce and tourism, are based on tidal schedules and evening shifts in food service and retail. Most service jobs are not full-time and do not provide vacation hours. Even if a working person can afford to miss a shift—unlikely in a place where housing costs are astronomical—childcare is prohibitively expensive.
 - Senior citizens may be more flexible in schedule, but are often prevented from attending meetings in person by inability to walk or drive safely, especially in evening darkness or winter weather.
- Wellfleet, like the rest of Cape Cod, is hemorrhaging young people. A vital part of retaining an increasingly disenfranchised population is making access to information freely available. Meeting minutes record decisions and votes, but cannot capture the nuances of a debate.
- The only substitute for attending a meeting in person is watching an unedited recording. And in 2019, given the constraints of schedules, geography, and socioeconomics, not allowing access to information via television or Internet is the prohibition of public access.

Wellfleet as compared to the rest of Cape Cod:

- All fifteen towns on the Cape have an active public access media program. The vast majority record and broadcast their regulatory boards.
- There are only three towns without posted policies or mandates addressing their public access television guidelines: Yarmouth, Mashpee, and Wellfleet.
- There are only four towns not to record their Conservation Commission: Yarmouth, Sandwich, Bourne, and Wellfleet.
- There are only two towns not to record their Board of Health: Sandwich and Wellfleet.
- Wellfleet is the only town not to record its Planning Board.

Note:

- All personnel, equipment, fees, and miscellaneous expenses are paid for by the Comcast receipts fund, which cannot be used for any other purpose.
- Establishing a civic recording policy permanently codifies government transparency and public information access for the benefit of Wellfleet's current and future citizens.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

V

BUSINESS – F

REQUESTED BY:	Arbor Committee
DESIRED ACTION:	Discussion of Plan to Plant Trees at the Memorial Park
PROPOSED MOTION:	I move to approve the request of the Arbor Committee to plant 2 Red Maple trees at the Memorial Park.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Board of Selectmen

Request for Placement on Agenda

Name: Tim Callis

Address: 100 Main Street

Company or Organization Representing: Wellfleet Arbor Committee

Phone Number: 508-246-8549

Email Address: timcallis36@gmail.com

Specific Request: _____

Requesting permission to plant 2 street trees on sidewalk parallel to
the Memorial Park. The 2 trees would be planted between the 3 benches.

The space is open now and we have support of the LeBart family.

The type of tree we would like to plant is Acer Rubrum, commonly
called Red Maple or Swamp Maple (native tree).

To be Filed out by Dept.

Applicant Notified: _____ Date of Hearing: _____

Date Request Completed: _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

VI

SELECTBOARD REPORTS



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

VII

TOWN ADMINISTRATOR'S REPORT

This report is for the period September 21, 2019 through October 4, 2019.

1. General

- Request for Bids for the Pavilion at Baker Field due October 16th

2. Fiscal Matters

- FY 2021 CIP delivered to BOS and FinCom
- FY 2021 Budget in progress
- Finalizing submission of FY 2020 tax rate materials

3. Meetings

- September 24 – Board of Water Commissioners Chair
- September 24 – Resident regarding COMCAST coverage
- September 24 - Selectboard meeting
- September 25 – FinCom meeting (cxld for lack of quorum)
- September 26 – Discussion of economic vitality efforts in Town
- September 27 – Housing Roundtable discussion in Provincetown
- September 27 – Dredging meeting with Secretary Kennealy
- September 30 – Selectboard meeting
- October 2 – Cable Advisory Board Chair
- September 11 – Meeting on phone system update
- September 16 – Staff planning meeting
- September 17 – Site visit to inspect tennis courts
- September 19 – WEA negotiations

4. Complaints.

- none

5. Personnel Matters:

- none



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019

IX

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of meeting minutes
PROPOSED MOTION:	I move to approve the minutes of September 24, 2019 as amended.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

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**Wellfleet Selectboard Meeting
Tuesday, September 24, 2019 at 7pm
Wellfleet Senior Center**

Selectboard Members Present: Chair Janet Reinhart; Helen Miranda Wilson; Justina Carlson; Michael DeVasto

Regrets: Kathleen Bacon (personal)

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Shellfish Constable Nancy Civetta; Harbormaster Michael Flanagan

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

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.

- The Flu Clinic, hosted by the VNA and Cape Cod Healthcare, will be held on October 4th from 2-4pm at the Wellfleet COA.
- The Board congratulated DPW Mechanic Warren Silva on his retirement and thanked him for his years of service to the Town.
- Butler announced that the 2020 Artist Beach Sticker application is open until October 1 at 12 Noon. Information can be found on the Town's website on the Cultural District page.
- Reinhart read a letter of thanks from the family of the late Marie Morrison who was so appreciative of the staff at the Council on Aging.
- Audience member Alfred Pickard questioned if a Board member who made a significant donation for the purchase of land that included aquaculture acreage should be disqualified from voting on shellfish related issues including regulation changes. TA Hoort responded that he had spoken with town counsel regarding the matter and Wilson has a financial conflict of interest only in matters related to the purchase of the HDYLTA Trust property.

PUBLIC HEARINGS

Change to Shellfish Regulations 7.19.5. Overwintering of Equipment on Grants [Continued from 08/27/19 BOS meeting]

DeVasto recused himself and left the room.

Civetta presented the changes which will alter the Town's regulations regarding equipment being left, or not left, on grants during the winter months. Currently equipment has been allowed to be left on grants during winter months through a simple contract. She cited problems with lost gear due to ice this previous winter. Civetta said the Shellfish Advisory Board made minimal changes to the regulation but did say the Department should be able to enforce the regulation as written. She said her Department thought they could do better and were also cognizant of being one segment of users of the harbor and wanted to take into consideration the Marina Advisory Committee's recommendations and tried to strike some sort of balance. Civetta noted the need for a year-round market in Wellfleet and for people to make a living. She said she also emailed her memo to the entire Shellfish Community and to Department Heads for suggestions. Civetta said she, like all those in Town, want to have a thriving industry, but the industry also needs to be responsible.

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Reinhart clarified that the audience, comprised mostly of shellfishermen, had read the suggested changes. They nodded in agreement.

Carlson echoed Civetta's comment that it is important to keep the winter market open, not only for the grant holders but for the buyers of shellfish. Carlson said she thought Civetta's proposed changes are very balanced and address the needs of the industry as well as the concerns brought forward.

Wilson asked to read Bacon's statement from the August 27th meeting, as Bacon could not attend this evening. Wilson noted Bacon made her statement prior to the Board receiving 3 to 4 letters from the shellfish community. Bacon's direct quote from that meeting read as follows: "She (Bacon) said this is a big regulation change and she is 100% in agreement with the Harbormaster and the Marina Advisory Committee on this. Bacon said she considers herself an environmentalist who has lived here all her life and is watching what this crap (equipment) is doing in our harbor and our waterways or what it is doing to the marine life. Bacon said she was very interested in seeing what the sonar study puts upon the bulkhead up at the pier and she thinks that everyone would be shocked at how much abandoned equipment is out on the water. She said she will not support leaving any kind of equipment out in the harbor or our waterways over the winter months where the Town gets ice. She said she will not support a regulation that does not state that – anybody that is a shellfishermen in Wellfleet – that every piece of equipment, every bag, every piece of rebar, every zip tie, has to have a name tag on it, she wants to know who it belongs to. She said this stuff is killing us – it is killing the marine life, it's killing our water quality. She said the shellfish industry has gone from picking in the wild, when she was growing up here, to an industry that is \$6.5 million dollars a year – let's get responsible. She asked the shellfish community to be responsible and respectful to the environment and the industry."

Carlson expressed understanding for Bacon's concerns, and respected that she is an environmentalist, but said the Board could institute incremental changes and review them at future dates.

Reinhart asked to hear from a member of the Shellfish Advisory Board, one person who sells shellfish in the winter, as well as one proponent and one opponent of the proposed changes.

Audience member Zack Dixon, from the Shellfish Advisory Board, said the Shellfish Advisory Board voted to bring the gear height in the winter down to 6 inches. He said the sentiment behind that was that because the rules that exist need to have a chance to be enforced before they are changed drastically. Reinhart asked how they were not being enforced, Dixon said that racks are not checked to ensure they are being pumped down to the proper level, which caused racks to get away this past winter. Reinhart asked if the Advisory Board approves the changes to regulations. Dixon said that Civetta brings the proposed changes to the Advisory Board and the Advisory Board makes their recommendations. Reinhart asked Dixon if the Advisory Board felt that 3,000 racks left out in the winter was an adequate amount. Dixon said yes. He said the Advisory Board also voted not to recommend or support Civetta's second round of recommendations.

Audience member Chris Merl asked Dixon to clarify if the Shellfish Advisory Board voted that 3,000 racks was acceptable or was that an opinion. Dixon said there was no specific vote. Civetta

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said she wrote and posted the original memo because the Shellfish Advisory Board made no recommendations, so she wrote a new memo. She said the Board stayed with their same recommendations as in the beginning which was to pump the racks down to 4-6 inches, as well as condos. Civetta then wrote a new memo, which is included in the meeting packet, that was a counter to the Board's recommendations. There was further discussion.

Audience member William "Chopper" Young asked for clarification on the process, saying he thought Civetta was supposed to go to the Advisory Board prior to coming to the Selectboard. Reinhart asked Young how many racks he felt he needed. Young said this was splitting hairs because if everyone responsible for their equipment it shouldn't be limited, because that would be nitpicking individual businesses. He suggested using augers to keep equipment tied down. There was further discussion.

Reinhart asked the audience who harvested in the winter, about 15 people in the audience raised their hands. An audience member said that Shellfishermen Bob Wallace stated he needed 400 racks to sustain his business.

Flanagan reiterated his opinion that all equipment come off during the winter. Reinhart asked what the people who want to harvest in the winter would do. Flanagan suggested fishing in the wild. The audience audibly disapproved of this suggestion. Flanagan noted that if nothing was on the grants then there was nothing to be enforced.

Pickard said that last year was a bad winter for the ice and that last year was not going to be the only year. He said there was not one or two people who left their racks out there, it was 3,000 racks. He said good intentions do not stop Mother Nature.

Wilson said she has attended all meetings by committees regarding this matter. She said, somewhat in jest, that all shellfishermen should go to prison if they do not tag their equipment perfectly. Wilson said there was another issue besides maintaining a winter market, which is that different parts of the harbor have different types of bottom, so the range of cultivation varies from year-to-year. She said she felt Civetta's language in the draft included in the meeting packet was a good meeting of all parties halfway.

Wilson asked audience member Bob Wallace if he had an allowance of 100 racks to leave out in the winter, would it be enough for him to retain his winter market in a normal year. Wallace said it would be minimal and he said the equipment being considered should be flush with the ground. He said it is difficult to legislate morality, noting trying to be environmentally responsible while also encouraging winter business.

Young asked about the investment the shellfishermen have with seeds they have purchased. He asked the Board how they expected the shellfishermen to overwinter those seeds with no gear in the water. Reinhart asked what the compromise was, noting the Marina Advisory Committee and Harbormaster do not want racks in the water.

Joe Aberdale, from the Marina Advisory Committee, noted the Committee conducted a hearing last week on the proposals from Civetta. He noted the Committee agreed upon the lack of conformity in tagging the gear. He said the tags need to be approved by either the Constable, the Harbormaster,

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the State, or a combination of all three. Civetta said different types of businesses use different systems and she recognizes that some tags stay on better than others. She said she would ask the Shellfish Advisory Board what they thought of trying to mandate a uniform tag. Wilson agreed tagging requirements should be enforced across the board. There was further discussion.

Civetta said she could not attend the second Shellfish Advisory Board meeting because she was sick. She said she did her best, with the help of her department staff, to think of compromises on the matter. She said she is flexible and willing to try something out, that she is trying to find a common ground. Civetta recognized the two strong forces at play – those who believe everything should come off and those who believe we should continue doing what we've always done.

Carlson said she thought Civetta had an innovative solution – that grant holders who wish to overwinter more than 100 racks place \$5 into a fund that would do a cleanup of lost gear should there need to be one. Civetta noted the main difference then would be flush to the bottom, instead of 4-6”.

Audience member Sheila Lyons asked how long this practice, of leaving the equipment out over the winter, has been occurring. She noted it is an arduous process to take equipment out for the winter. Young said it began at least 25 years ago. Merl asked if there was anything that addressed damage to other grant holders' property. Civetta said it was number 11 in her member and that whoever's gear it is, is solely liable.

Wilson asked Pickard to give historical context on the issue. Pickard said 15 years ago that draggers did not bring home their equipment 3 days a week and now they are. He noted that galvanized equipment was not in use 15 years ago. He noted that \$5 was not a deterrent and that funding should be sought.

Reinhart asked Flanagan and Aberdale that if everyone was responsible for taking everything off, would they be amendable to that. Flanagan said of course but he does not see that happening. Aberdale noted that the gear cannot be identified when cleanups occur, reiterating his point about mandating proper tagging.

Audience member Andy Koch said this is a tough issue and noted the pushback to regulations he suggested during his tenure as Constable. Reinhart said there needs to be a better compromise. Civetta noted this would be a big change to get everyone on the same page. There was further discussion.

Dixon noted there was a limited number of racks that can be taken off in a trip. Wilson asked Dixon how many racks his farm had currently, he said about 1,000. She asked what a reasonable number of racks, in his opinion, would be to be left out. Dixon said that isn't the issue.

Audience member Dave Zimba, a retired shellfisherman and dragger, noted that Wellfleet started on wild oysters and the market is still well supplied on wild oysters. He suggested ground cropping larger oysters and ground pitting smaller oysters.

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Wallace reiterated that he ground-flushes his racks and asked the Board to consider that racks that are flush be left out of the equation. Civetta noted that her recommendation asks that equipment being left out in the water has product on it, not be left empty like Wallace suggests.

Pickard said nothing would change, if Civetta's proposal goes through, except for the \$5 for funding clean up. Wilson said there was a change, which was that racks had to be pushed down to be flush with the bottom before January 15th.

There was further discussion.

- Wilson moved to approve the changes to Section 7.19.5 of the Wellfleet Shellfish Regulations and Appendix D as recommended by the Shellfish Constable.
- Carlson seconded, and the motion carried 3-0.

Review and approve new Section 8 Commercial Shellfishing: Dragging and Dredging regulations

Civetta presented the proposed regulation. She said Bay Scallop season begins on Tuesday, October 1, and she was unable to attend the Shellfish Advisory Board meeting because she was sick, so no decisions were made by that Board. Civetta said that currently, as the regulation is written, she does not have clear guidance on how to implement the regulation without specifying gear type, which is an impediment for her and her staff to do their jobs. Civetta said anytime a piece of gear is deployed one is targeting a type of fish. She said she and her staff researched many types of regulations in other towns, which all specify the gear type. Civetta was specifically speaking of bay scallop dredges to obtain bay scallops. She said the blood clam bycatch will not be implemented because it is not a regulated species by the State.

Wilson said the bycatch has to be regulated since it is in their regulations. Civetta said Department of Marine Fisheries (DMF) would not support her on this issue. Wilson said when the bycatch was put in the regulations, DMF supported the Town but maybe this had changed. She said there is not one regulation that DMF has not approved, that is the benefit of Home-Rule. Civetta said the bay scallop is a state regulated season and the Town would need to petition the state to extend the season, which the Town has done. Wilson said she was only discussing the blood ark.

Wilson read Section 8.4. By-catch Limited to 20%, which says "No vessel shall land more than twenty per cent (20%) of the permitted daily catch of any species of shellfish, as by-catch, other than such species which the gear used is designed to harvest." She asked Civetta to confirm that she needed this to be more enforceable by defining the gear. Civetta said yes. Wilson said she would vote to approve this but would like to hear what the Shellfish Advisory Board has to say about it at their next meeting and would like Civetta to be able to begin enforcing it on October 1st.

Young asked Civetta if she planned to enforce the State bushel size. Civetta said they would be using the Wellfleet bushel baskets and respect 10 bushels, the State limit. Young asked Civetta if no other Towns have teeth on them, saying he had found them in other Towns to have teeth on them. Civetta said that is correct, according to Deputy Constable Manulla's research. Young said he has dredges from other Towns. Civetta said it is not traditional in Wellfleet harbor. There was further debate.

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Audience member Dan Morton said there should be more discussion at the Shellfish Advisory Board meeting before a vote is taken.

Aberdale said the issue of enforceability is an issue the Committee had a lot of discussion about. He noted that in Civetta's original proposal she noted she would need to shift her duties to be able to enforce this.

Zimba agreed with Civetta about the Bay Scallop issue except that Wellfleet is allowed to take a string-tied bushel bag to create the same yield as other Towns. Civetta said this was still in the regulations.

Wilson asked to continue the hearing and asked the Shellfish Advisory Board to discuss the matter at their next meeting.

- Wilson moved to continue the hearing for the new Section 8 of the Wellfleet Shellfish Regulations, Commercial Shellfishing: Dragging and Dredging until the October 22nd meeting.
- DeVasto seconded, and the motion carried 4-0.

PRESENTATION BY NAUSET SUPERINTENDENT TOM CONRAD ON BUILDING PROJECT

Superintendent of Nauset Schools Tom Conrad, Chris Easley, from the Nauset Regional School Committee, and Harry Terkanian, from the Building Needs and Assessment Committee presented an update on the High School Renovation Project.

Conrad noted the assistance of the Massachusetts School Building Association (MSBA), saying they provide funding for such projects. He said that Nauset was chosen as 1 of 14, out of 80 applicants, to be selected for financing. Conrad said the educational vision for this program goes out as far as 20 to 30 years, setting the tone to begin the looking at the space to meet the needs of that educational plan. He noted the project is currently in the schematic phase. Conrad said the Committee has placed poster boards that depict the project throughout town, including at the COA, Library, and Town Hall.

Conrad said the concern of safety and security has been discussed and there is a plan to use gates to control the flow of people coming into the school. He said there is also recognition that learning does not stop at any age, and the Committee sees the opportunity for the facility to be a community learning center. He noted the importance of maximizing the use of the facility for all those who have access to it.

Easley said the school is 47 years old and there is a fair amount of maintenance that has been put off in years. He said the partnership with the State is beneficial because roughly 41% of the project will be shared by the State, putting less of a burden on the Towns. Easley noted the importance of education and preparing students for life after their time at Nauset.

Conrad said there are 1-hour tours of the school being offered every Wednesday from 4:00 to 6:00pm at the campus.

Terkanian said it is important for the public to understand that the Committee has tried to be good stewards of taxpayers' dollars. He said the Committee has paid close attention to efficiencies in the

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building and to retain as much of the existing structure as possible. He said the MSBA state has awarded an additional 1% of funding for maintenance, 3% for retaining existing structures, and 2% for energy efficiency – which totals to an additional 6% to the current 37.9% reimbursement from the State.

Reinhart asked the projected number of students who will use the school. Conrad said the estimate is 905 students. Reinhart asked about solar panels, Terkanian said that will be part of the design process. DeVasto asked how open the use of the auditorium will be. Conrad said he would entertain the idea of adults, after given proper background checks, being able to take place in extracurricular classes if there were open seats. He also suggested having all sorts of classes on weekends and utilization of a black box theater and the gymnasium. He said he believed that taxpayers own the school and it is theirs to use.

Wilson opposed the idea of allowing adults to intermingle with the students during their academic day.

Carlson said she feels the teachers are amazing but agreed the building is rundown, saying she is thrilled about the project. She commended Nauset for serving a wide range of needs of the students. DeVasto, who graduated from Nauset about 20 years ago, agreed that the building is run down. He commented about school choice and said he wanted to see the school be an attractive choice for students to attend and for the State to help fund. He said he would like to see the school utilize programs that could be offset costs for the school.

More information can be found about the project at www.nausetbuidlingproject.com

BOARD/COMMITTEE APPOINTMENTS AND UPDATES

Open Space Committee – Margaret Sagan

Sagan was not present, but audience member Denny O’Connell said he thought she would be a great addition to the Committee.

- Carlson moved to appoint Margaret Sagan to the Open Space Committee for a one-year term.
- DeVasto seconded, and the motion carried 4-0.

Marijuana Cultivation-Host Community Agreement - Patrick Kemple & Ennie MacDonald

Hoort said this group has presented to the Board before and Town Counsel has approved the HCA. Reinhart asked about the term “manufacturing”. Stephanie Ryan, a representative from SunDog, said “manufacturing” meant packaging in this case.

Wilson said this was different than the establishment HCAs, noting the group is not opening an establishment. She asked what a canopy was. Ryan said this was the footage of what the plants cover – the tops where the leaves touch. Wilson said, like a forest, and Ryan concurred. Wilson noted the group had many more steps to complete after the Board signs the HCA, including getting licensed by the Cannabis Control Commission. She noted a possible issue of smell and that the Community gets to voice their opinion on whether the smell would be detrimental to the neighborhood or not.

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DeVasto noted that it is legal for people to grow for personal consumption already and that the smell is not a problem, because it is not apparent throughout Town.

Carlson commended MacDonald's entrepreneurial spirit.

- Wilson moved to approve the Marijuana Cultivation Host Community Agreement with Patrick Kemple and Ennie MacDonald, doing business as SunDog Cannabis Cape Cod, LLC, located at 165 Paine Hollow Road.
- Carlson seconded, and the motion carried 4-0.

Discuss, deliberate and take appropriate action to respond to letter from the Planning Board

Hoort said on September 10th the Board received an email from Jude Ahern that stated "You must be joking. There is NO WAY Gerry Parent is going to represent the Town of Wellfleet in anything beyond its borders. If this ridiculous idea is pushed forward, I will start my assault on the Planning Board. Understood?"

Reinhart said when this was received, she asked Hoort to refer the email to Town Counsel. She noted that this was not the first inappropriate correspondence Ahern has sent. Hoort noted this correspondence crossed the line, saying the use of the word "assault" is not condoned and can be interpreted in many ways. He said he spoke with Counsel who suggested the "Board discuss appropriate action regarding Ms. Ahern's e-mail and make a statement that they do not condone the behavior and language. The word assault is not appropriate under any circumstances and Ms. Ahern has threatened a group of public officials. The Board should consider whether this is a threat that may result in violence and decide whether this threat should be referred to the office of the Barnstable County District Attorney." Counsel also suggested the Board write a letter to Ms. Ahern stating they do not condone this behavior and said that "having the conversation may be a warning to Ms. Ahern that this behavior is unacceptable." Hoort said he inquired about getting a restraining order against Ms. Ahern and Carolyn Murray, from KP Law, said "the courts have been very hesitant to do this because you are restricting a citizen's access to their government. However, Ms. Ahern should, at a minimum, be warned that the Town will take all appropriate and necessary action to protect its officers and staff."

Wilson said civil discourse is essential to our government. No negative characterizations – which you could also describe as "verbal abuse" and certain kinds of informal language that are meant not simply to express disagreement with vehemence, intimidate, threatens, and stifles an exchange of different opinions and is counterproductive and distracting. She noted an Open Meeting Law complaint filed by Ahern that was filled with conjecture and had an intimidating tone. Wilson suggested making sure that every Chair of every Board and Committee understands that the minute anyone loses 1 derogatory term and steps over that line is immediately cut short.

Reinhart said that, while she is Chair, Ahern is welcome to attend any meeting but that she, nor anyone who acts in this way, will be recognized. Reinhart said she said Ahern should be made aware, but that Ahern probably watches the recording and can view the Board's determination then.

Carlson noted the option of referring the letter to the County Attorney and recommended the Board take that action. She said Ahern is often well informed and does good research but her particular

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style in being confrontational and threatening is not acceptable. She said a stricter response is needed.

DeVasto agreed with Carlson and said the use of the word “assault” was probably not meant in a violent manner but he then thought of how he would feel if a man had written it. He said he may have thought differently about the use of the word if it was written by someone of a different gender and didn’t think he should discriminate by gender what was written. He said he did not know what Ahern was capable of, that assault is assault, and that the matter should be looked into.

Wilson said this was a pattern of abusive language that has built up and that is reason enough to send this for review at a higher level.

- Wilson moved that the Board submit the email, received on September 10, 2019, as well as evidence and a report of a pattern of harassment by Jude Ahern to the Barnstable County District Attorney.
- Carlson seconded, and the motion carried 4-0.

BUSINESS

Approve renewal of license agreement with Thomas J. Siggia and Cathy G. Siggia

Hoort said this will be taken up at the next meeting, due to an error in the agreement.

No action taken.

Review of Bookstore & Restaurant hour extension

Albert DiNapoli, attorney for Caroline and Steven Parlante presented their request. DiNapoli reminded the Board that they asked for a review of the extension after approving it at the start of the summer. Reinhart noted 1 incident in which a patron had to be subdued with a taser.

Wilson said the Board learned from the Police Chief that if they extend the hours for one business, they must do so for all businesses as they cannot be selective. DeVasto noted that the number of establishments open until 1AM is only 2 and that 1 of them is now closed for the season. He noted that there was no request from any other establishment. He said he felt comfortable extended the hours, as there were no major incidents or noise complaints.

Carlson asked Steve Parlante his thoughts on the extension. He said he only had the one issue that has already been mentioned. Carlson said it was her understanding that he ran a tight ship. Reinhart asked who was out at 1 AM, Parlante said it is mostly restaurant workers. He noted that he stops serving at 1AM when they close at 2AM and this change made things easier for him.

Hoort read a statement from Bacon who said “I am against extending the hours to 2AM. I do not wish this to be town wide.”

Wilson and Parlante noted the MA law is 2AM. DiNapoli noted the Board has the power to review the license at any time and if there was an incident the Parlantes would certainly come in to address it. He echoed DeVasto’s comment that no other establishment requested to have their hours extended.

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Audience member John Wolf said that even though he does not drink, it is not uncommon for him to go to the Bomb Shelter because it is the only place open to socialize. He said he did not see why there would be a problem with this.

- Wilson moved to approve the continued extension of hours for the licensee, Bookstore & Restaurant, Inc., from 1AM to 2AM until further notice.
- DeVasto seconded, and the motion carried 4-0.

Dredging Update

Hoort said the Army Corps of Engineers has all permits in order to be able to dredge the federal channel. He said it is expected that the federal funding is coming through and the Corps is expected to be ready to start on October 1, 2020. Hoort said this takes care of the federal channel being dredged and on Friday, September 27, the Secretary of Housing and Economic Development, Michael Kennealy and Rep. Sarah Peake will meet with the Dredging Task Force at 5pm to see the local channel at low tide. This tour will be followed up with a meeting to discuss possible funding sources.

Finalize FY 2020 goals

There was no discussion.

- Wilson moved to approve the Selectboard's FY 2020 Goals as presented and amended and as more specifically described in each individual Selectboard members' list of goals.
- Carlson seconded, and the motion carried 4-0.

DeVasto asked if these could be amended in the future, Reinhart said yes.

Approve FY 2021 Budget Policy

Hoort said this is the same policy presented at the September 10th meeting, with Wilson's amendment.

- Carlson moved to approve the FY 2021 Budget Policy as presented by the Town Administrator.
- Wilson seconded, and the motion carried 4-0.

Approve FY 2021 Annual Budget & 2020 Annual Town Meeting schedule

Hoort noted that all of these documents will be on the Town's website under the Selectboard's page.

- Wilson moved to approve the FY 2021 Annual Budget and the 2020 Annual Town Meeting Schedule as presented by the Town Administrator.
- Carlson seconded, and the motion carried 4-0.

Consent for Town Administrator to be involved in business activity related to a business he has owned since 2005

Wilson said she felt carefully and responsibly discussed this matter when they were renewing the Town Administrator's contract. She said what the Town Administrator, or a similar employee, does in their own time professionally is their own business.

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Carlson said Hoort was transparent about his minimal involvement in the business. She said this was a thoroughly vetted issue.

DeVasto said he couldn't believe the Board even had to sign anything, unless it had significant detriment to the Town.

Carlson said the Town was lucky to have Hoort as the Administrator.

- Reinhart moved to approve consent for the Town Administrator to be involved in business activity related to a business he has owned since 2005 and that the Board adds a vote of confidence in the Town Administrator.
- Wilson seconded, and the motion carried 4-0.

- Reinhart moved that the Board adds a vote of confidence in the Town Administrator.
- Carlson seconded, and the motion carried 4-0.

A resolution in support of a Future Act

Reinhart said this was presented to her by a resident whose daughter is on the board of Mothers Out Front, a nonprofit organization that is pushing for awareness of how fuel emissions affect our climate.

Wilson asked to strike the 7th whereas, which relates to fracking.

- Reinhart moved to support the resolution of Future Act H.2849/S.1940, An Act for Utility Transition to Using Renewable Energy, as amended, and authorize the Board to sign it.
- Wilson seconded, and the motion carried 4-0.

SELECTBOARD REPORTS

- Reinhart: Will distribute the definition of what constitutes a meeting and the definitions of a quorum and deliberation to Board members
- DeVasto: Met with Seashore Superintendent and members of the Bike & Walkways Committee to discuss possible new bicycle trails. He said his impression was that the Seashore does not have funding or resources to do this on their own, but they are willing to work with the Town. He noted that permitting for creating new trails is extensive.
- DeVasto: Concerned Citizens for a Responsible Bikeway met with State Senator Julian Cyr
- Wilson: At the Selectmen and Councilor's Association breakfast Andrew Gottlieb did a good presentation on the Massachusetts Shellfish Initiative
- Wilson: The Division of Marine Fisheries has created a Shellfish Advisory Panel

TOWN ADMINISTRATOR'S REPORT

This report is for the period September 7, 2019 through September 20, 2019.

1. General:
 - Applications for FY 2020 Affordable Housing Tax exemption are now closed. (7 applicants, 6 qualified)
 - Issuing Request for Bids for the Pavilion at Baker Field
2. Fiscal Matters:

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- FY 2021 CIP scheduled for delivery to BOS and FinCom on October 1st
 - FY 2021 Budget in progress
 - Finalizing submission of FY 2020 tax rate materials
3. Meetings:
- September 9 – Meeting W.H.A.T
 - September 10 - Selectboard meeting
 - September 11 – Meeting on phone system update
 - September 16 – Staff planning meeting
 - September 17 – Site visit to inspect tennis courts
 - September 19 – WEA negotiations
4. Complaints:
- none
5. Personnel Matters:
- Town Accountant starts on September 23rd
 - DPW Mechanic Warren Silva has retired, our thanks to him for his years of service to the Town.

Hoort reminded the Board that at least 3 members need to go online to the Gateway portal and sign the necessary documents to set the tax rate.

TOPICS FOR FUTURE DISCUSSION

- Wilson asked to discuss the marijuana and HCA policies. Butler noted that it is slated as an agenda item for a work meeting.

VACANCY REPORT

Butler noted that this agenda item has changed from “Correspondence and Vacancy Report” to just “Vacancy Report.” She said this was changed to prevent items of correspondence, which may pertain to citizens’ requests or complaints, from being discussed when they are not included in the packet. She asked the Board to inform her prior to a meeting if there is a piece of correspondence that they would like to discuss, so she may add it to the agenda and meeting packet.

MINUTES

September 10, 2019

Wilson noted that the motion for SPAT’s use of town property approval did not specifically name the use of the Town lot next to the Custom’s House. Butler said she would ask the Principal Clerk to contact SPAT and make sure they are aware of which lot(s) they may use.

- Wilson moved to approve the minutes of the September 10, 2019 as amended.
- Carlson seconded, and the motion carried 4-0.

ADJOURNMENT

- DeVasto moved to adjourn.
- Carlson seconded, and the meeting adjourned at 10:30 pm.

Respectfully submitted,

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Courtney Butler,
Secretary

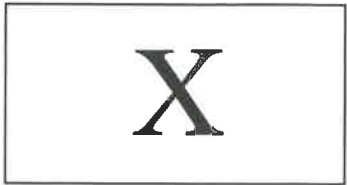
Public Records Material as of 9/20/19

1. Public Hearing Papers – Change in Shellfish Regulations 7.19.5 Overwintering of Equipment on Grants and Section 8 Commercial Shellfishing: Dragging and Dredging regulations
2. Presentation materials for Nauset Building Project from Superintendent Tom Conrad
3. Appointment papers for Margaret Sagan
4. Letter from the Planning Board to the Selectboard
5. License Agreement with Thomas J. Siggia and Cathy G. Siggia
6. Marijuana Cultivation – Host Community Agreement with Patrick Kemple and Ennie MacDonald
7. Letter from Attorney DiNapoli and Chief Fisette re: Bookstore & Restaurant hour extension
8. Selectboard FY 2020 Goals
9. FY 2021 Budget Policy
10. FY 2021 Annual Budget and 2020 Annual Town Meeting schedule
11. Consent memo for Town Administrator to be involved in business activity related to a business he has owned since 2005
12. Resolution in support of a Future Act and Mother's Out Front information paper
13. Town Administrator's Report
14. Vacancy Report
15. Draft minutes for September 10, 2019



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: October 7, 2019



ADJOURNMENT

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

