



Wellfleet Selectboard

Note: Start Time of 6pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, November 26, 2019, at 6:00 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667.** *It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.*

I. 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. Community Project Update – Eversource

III. Committee Update – Natural Resources Advisory Board

IV. Use of Town Property

A. White Crest Beach – Kendra Luongo on June 27, 2020

B. Town Hall Lawn – Chamber of Commerce on December 7, 2019

V. Business

A. Review and discuss appropriate action in regard to letter from Marconi Beach Restaurant re: temporary closure

B. New Selectboard Policy – Local Access Television

C. Army Corps of Engineers Access Privileges Renewal

D. Request approval to close town offices from 3 to 5pm on Thursday, December 12th for Staff Holiday Appreciation Party [TA]

VI. Selectboard Reports

VII. Town Administrator's Report

VIII. Topics for Future Discussion

IX. Correspondence and Vacancy Reports

X. Minutes

A. November 6, 2019 – Special Meeting

B. November 12, 2019 – Regular Meeting

C. November 19, 2019 – Work Meeting

XI. Close Open Meeting and Adjourn into Executive Session:

A. Pursuant to G.L. c. 30A, §22(g)(2), Approval of Executive Session Minutes

1) July 23, 2019 – approve

2) September 30, 2019 – approve and release

3) October 25, 2019 – approve and release



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

II

COMMUNITY PROJECT UPDATE – EVERSOURCE

REQUESTED BY:	Eversource
DESIRED ACTION:	Presentation

Courtney Butler

From: Goldstein, Ronit <ronit.goldstein@eversource.com>
Sent: Friday, November 15, 2019 10:51 AM
To: Dan Hoot
Cc: Courtney Butler
Subject: Wellfleet Conversion Project overview

Good morning Dan,

As requested. Below is a brief narrative describing the project. I will be in attendance along with Paul Sellars from our Vegetation Management Group and likely a representative from Electric Field Operations.

I can get you the names and titles for all three of us early next week.

Overview:

Circuits in the town of Wellfleet were identified for improvement in the company's capital plan. Currently large parts of these circuits do not have good tie options. The Conversion Project needed would improve reliability to the town center, for residences in the area as well as for Wellfleet Harbor. The project consists of the conversion of select areas from 8 KV to 22 KV, and includes the installation of new poles, new wire and additional infrastructure that will enable remote switch capability. Weather events typically effect trees and cause extensive damage to infrastructure, which typically leads to prolonged restoration time for residents. By upgrading some poles and wire, and improving tree clearances on Main St. and School Street, we will establish electrical ties between three of the four circuits that serve the town, and therefore improve reliability to residents and businesses.

In the meantime, please let me know if you have any questions.

Regards,

Ronit

Ronit Goldstein

Community Relations and Economic Development

EVERSOURCE
ENERGY

Cell: 617-966-8459

247 Station Drive, Plymouth

Westwood, MA 02090

This electronic message contains information from Eversource Energy or its affiliates that may be confidential, proprietary or otherwise protected from disclosure. The information is intended to be used solely by the recipient(s) named. Any views or opinions expressed in this message are not necessarily those of Eversource Energy or its affiliates. Any disclosure, copying or distribution of this message or the taking of any action based on its contents, other than by the intended recipient for its intended purpose, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and delete it from your system. Email transmission cannot be guaranteed to be error-free or secure or free from viruses, and Eversource Energy disclaims all liability for any resulting damage, errors, or omissions.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

III

COMMITTEE UPDATE – NATURAL RESOURCES ADVISORY BOARD

REQUESTED BY:	Chair
DESIRED ACTION:	Committee Update



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

IV

USE OF TOWN PROPERTY – A

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Approval of the use of Town Hall Lawn by the Chamber of Commerce
PROPOSED MOTION:	I move to approve the use of the Town Hall Lawn by the Chamber of Commerce on December 7, 2019 from 4-5:30 PM by the Wellfleet Chamber of Commerce subject to the conditions, if any, listed on the application form.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**TOWN OF WELLFLEET
APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY**

Applicant Lara Henry

Affiliation or Group Wellfleet Chamber of Commerce

Telephone Number 508-349-2510

Mailing Address Box 571, Wellfleet MA 02667

Email address info@wellfleetchamber.com

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

Date(s) and hours of use: Saturday, December 7, 2019 – 4-5:30pm

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

The purpose of this gathering is WCC's annual Holiday Tree-Lighting and Sing Along. We expect about 30-50 people to attend the short tree-lighting ceremony, followed by a holiday themed sing-along. Equipment used will include a PA system for musicians, various instruments, spotlight, 10x10ft pop-up tent.

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

Use of outside electrical outlet for extension cord for musicians to plug in their instruments, the PA system, spot-lights – and permission to "light" the trees (plug-in) in front of Town Hall.

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

Action by the Board of Selectmen:

Approved as submitted

Approved with the following condition(s):

Disapproved for following reason(s):

Date:

NOV - 8 2019

Processing Fee: \$50.00

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent:	Inspector of Buildings:
Comments/Conditions:	11/20/19 slr Comments/Conditions:
Permits/Inspections needed:	Permits/Inspections needed:

Police Department:	Fire Department:
Comments/Conditions: 11-20-19	11/20/19 Comments/Conditions:

DPW:	Community Services Director:
Comments/Conditions 11/20/19	Comments/Conditions:

Harbormaster:	Shellfish:
Comments/Conditions	Comments/Conditions

Recreation:	Town Administrator:
Comments/Conditions	Comments/Conditions Camille R. Hoot



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

IV

USE OF TOWN PROPERTY – B

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Approval of the use of White Crest Beach by Kendra Luongo
PROPOSED MOTION:	I move to approve the use of the White Crest Beach by Kendra Luongo on June 27, 2020 from 3PM to 7PM, subject to the conditions, if any, listed on the application form, for a fee of \$110.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant Kendra Luongo

Affiliation or Group N/A

Telephone Number 617.519.4785

Mailing Address 52 Dela Park Road Westwood, MA 02090

Email address kendrabluongo@gmail.com

Town Property to be used (include specific area) White Crest Beach

Date(s) and hours of use: ~~August 27, 2020 OR August 29, 2020~~ 3pm-7pm

3pm - 7pm
June 27th

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

Wedding
120 guests
Seating for guests
Parking needed
Restroom facilities needed

Describe any Town services requested (police details, DPW assistance, etc.) - N/A

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

Action by the Board of Selectmen:

 Proof of Insurance Required

 Approved as submitted

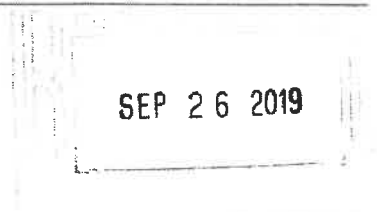
 Approved with the following condition(s): _____

 Disapproved for following reason(s): _____

Date: _____

Processing Fee: \$50.00

Fee: \$110.00



APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: <i>John Cea</i> Comments/Conditions: <i>OK</i> Permits/Inspections needed:	Inspector of Buildings: Comments/Conditions: Permits/Inspections needed:
--	---

Police Department: <i>[Signature]</i> Comments/Conditions: <i>OK</i> <i>9/30/19</i>	Fire Department: <i>[Signature]</i> Comments/Conditions: <i>OK</i> <i>10/11/19</i>
--	---

DPW: <i>David Natta</i> Comments/Conditions: <i>Applicant is responsible for trash removal</i> <i>10/23/19</i>	Community Services Director: <i>St Thomas</i> (OK) Comments/Conditions: <i>1 - Bathrooms will be open</i> <i>2 - Parking is as available -</i> <i>charging until 5 \$30/vehicle</i> <i>no reserved spots</i>
---	--

Harbormaster: Comments/Conditions <i>X</i>	Shellfish: Comments/Conditions <i>X</i>
---	--

Recreation: Comments/Conditions <i>X</i>	Town Administrator: <i>Daniel R. Hoard</i> Comments/Conditions
---	---

Courtney Butler

From: Kendra Luongo <kendrabluego@gmail.com>
Sent: Tuesday, November 12, 2019 8:58 PM
To: Courtney Butler
Cc: Suzanne Thomas
Subject: Re: Application for use of town property

Hi Courtney!

Thank you for your note.

1. Yes, I did consider the tides! We are flexible in terms of timing & would be happy to start early enough to wrap up before high tide at (roughly) 5pm.
2. The guest count is 85 (I used 120 worst case scenario figure). There will be 1 folding chair per guest.
3. There will be ~ 40 cars. I will be covering their parking fees & am happy to arrange that beforehand so that there are no issues or surprises.
4. Location of the ceremony will depend on the tide. We also have to keep sound in mind - we want people to be able to hear & not compete with the sound of the waves. I would imagine we will be dune side vs. shore side.
5. There will be two babies (1 and 1.5 years old) & two older children (12 & 14) years old. My family has visited Wellfleet every Summer for the last 30 years & I am *extremely* sensitive to the erosion concerns. **This will be not be an issue.**

Please let me know if you'd like to connect over the phone - I don't want to make your life difficult! I am happy to discuss further at any time. Thank you so much for all of your help.

Kendra

On Tue, Nov 12, 2019 at 8:12 PM Courtney Butler <Courtney.Butler@wellfleet-ma.gov> wrote:

Hello,

The Board had questions prior to approving your request:

- o Did you consider high tide / low tide?
- o What type of seating and is it seating for all 120 guests – meaning will there be 120 seats?
- o Are you aware that guests must pay for parking at \$30/vehicle?
- o Where on beach will the ceremony occur – up top or down below?
- o Are there kids and are they aware of erosion issues?
- o How many cars will be expected to park in the lot?

Until these questions are answered, the Board will not approve the request. The next meeting of the Selectboard is November 26, if you are able to answer these questions by that time, I will gladly put your request up for reconsideration.

Thank you,

Courtney Butler

Executive Assistant to the Town Administrator

Town of Wellfleet

300 Main Street

Wellfleet, MA 02667

Telephone: (508) 349-0300

Fax: (508) 349-0305

Office Hours: 8am-12pm, 1pm-4pm M-F

Courtney.Butler@wellfleet-ma.gov



From: Kendra Luongo <kendrablunogo@gmail.com>

Sent: Tuesday, November 12, 2019 11:54 AM

To: Courtney Butler <Courtney.Butler@wellfleet-ma.gov>

Subject: Re: Application for use of town property

Thank you so much Courtney!

On Tue, Nov 12, 2019 at 10:19 AM Courtney Butler <Courtney.Butler@wellfleet-ma.gov> wrote:

Okay, I will email you with their determination after it has been made this evening.

Best,
Courtney



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

V

BUSINESS – A

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Review and discuss appropriate action in regard to letter from Marconi Beach Restaurant re: temporary closure
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



RUSS & MARIE'S
MARCONI BEACH
BBQ & SEAFOOD RESTAURANT

November 21, 2019

Select Board
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667

Dear Wellfleet Select Board,

I am writing to say that my restaurant closed for the season on Veteran's Day. We were able to offer complimentary meals to 163 Veterans during lunch and dinner. It was an honor to be able acknowledge those who give so much for all of us.

As you know, my restaurant is for sale. If it does not sell soon, I plan to reopen in late winter 2020. It is very difficult to find qualified help and our local population is just not enough to support the very high expenses at the restaurant during the quietest off-season months. Thank you.

Sincerely,

Russell Swart
Owner

NOV 21 2019

Russell Swart, Owner
545 Route 6 • South Wellfleet ~ PO Box 1741 • Wellfleet MA 02667
508-349-6025 • marconibeachrestaurant.com



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

V

BUSINESS – B

REQUESTED BY:	Town Administrator
DESIRED ACTION:	New Selectboard 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 open meetings of all Town policy-making and regulatory boards, committees, 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). Legally approved Executive Sessions will not be recorded.
 - A. The current list of Town policy-making and regulatory boards, committees, and commissions 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, committees, 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 compensation.
 - 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.

Courtney Butler

From: Dan Hoort
Sent: Tuesday, November 19, 2019 11:29 AM
To: Courtney Butler
Subject: FW: Proposed Selectboard Policy

From: Kenneth Granlund <mainstaymotor@aol.com>
Sent: Friday, June 28, 2019 11:20 AM
To: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>
Subject: Re: Proposed Selectboard Policy

I am speaking for myself, I left a message with Hillary to let her know about this email and to send it to the Board members. One of the issues I have with the Board of Health being video taped is the issues of disseminating private information and it could leave the board open to personal liabilities.

Kenneth G Granlund Jr.
Mainstay Motor Inn
Po Box 295
South Wellfleet, MA 02663
800-346-2350
mainstaymotor@aol.com

-----Original Message-----

From: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>
To: Becky Rosenberg <Becky.Rosenberg@wellfleet-ma.gov>; Carrie Mazerolle <Carrie.Mazerolle@wellfleet-ma.gov>; Hillary Lemos <Hillary.Lemos@wellfleet-ma.gov>; Jennifer Congel <Jennifer.Congel@wellfleet-ma.gov>; Jennifer Wertkin <jennifer.wertkin@wellfleet-ma.gov>; Justin Post <justin.post@wellfleet-ma.gov>; Karen Murphy <karen.murphy@wellfleet-ma.gov>; Mark Vincent <Mark.Vincent@wellfleet-ma.gov>; Michael Flanagan <Michael.Flanagan@wellfleet-ma.gov>; Miriam Spencer <Miriam.Spencer@wellfleet-ma.gov>; Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>; Nancy Vail <Nancy.Vail@wellfleet-ma.gov>; Rich Pauley <rich.pauley@wellfleet-ma.gov>; Ron Fisette <ronald.fisette@wellfleet-ma.gov>; Suzanne Thomas <Suzanne.Thomas@wellfleet-ma.gov>; Alex Hay <Alex@macsseafood.com>; Bruce Hurter-Open Space <brucehurter@comcast.net>; Christine Bezio-Recreation <christinebezio@comcast.net>; Diane Roehm <dgroehm@yahoo.com>; Dick Elkin <dickelkin@gmail.com>; Elaine McIlroy <emcilroy@comcast.net>; Gary Sorkin <gary.sorkin21@gmail.com>; Gerry Parent <geparent@yahoo.com>; Harry <harry@outermostsystems.com>; Historical Commission <WellfleetHistoricalCommission@gmail.com>; J Aberdale-Marina Advisory Chair <josephaberdale@gmail.com>; Jake Puffer <Puffer.Jacob@gmail.com>; Jan Plaue-Sch Cte Chair <janaue@comcast.net>; Janet Loewenstein <janloew@gmail.com>; Jim Hood <jmhood@hotmail.com>; John Cumbler <cumbler@louisville.edu>; John Riehl - NRAB <jlriehl@comcast.net>; Ken Granlund-BOH Chair <mainstaymotor@aol.com>; Lydia Vivante-Recycling Chair <vivantelydia@gmail.com>; Reatha Ciotti <ciotti_family@comcast.net>
Sent: Fri, Jun 28, 2019 10:35 am
Subject: Proposed Selectboard Policy

The Cable Advisory has proposed the attached policy as a new Selectboard policy. Sending it to Committee Chairs, Committees and Department Heads is step 2 of the process listed below. The Selectboard will review the policy and any comments received at their August 13th meeting. In order for your comments to be included on August 13th please have them to Courtney Butler no later than Thursday, August 8th.

Thank you

Daniel R. Hoort

Courtney Butler

From: Dan Hoort
Sent: Tuesday, November 19, 2019 11:30 AM
To: Courtney Butler
Subject: FW: "Wellfleet Channel 18: Policy and Usage Guidelines"

From: dennyoc <dennyoc@comcast.net>
Sent: Wednesday, July 3, 2019 4:33 PM
To: Board of Selectmen <BoS@wellfleet-ma.gov>
Cc: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>; Baumgarten Mia <miabaumgarten@gmail.com>
Subject: "Wellfleet Channel 18: Policy and Usage Guidelines"

To the Selectboard members – The above referenced document was included in your prep material for the June 18th SB meeting and was represented a policy in development from your board.

Although I believe it is good that Channel 18 broadcasts Wellfleet municipal information, this is not the primary issue. I believe this is an inappropriate way for your to achieve what you seem to be seeking – and I have some problems with what you are seeking.

The POLICY states that Channel 18 “is intended to provide information to Wellfleet citizens...” I don’t agree with that statement – you are only dealing with the citizens who are customers of Comcast – so you have created a tying arrangement for citizens to have to be Comcast customers. Further you are tied to Comcast’s operations over which you have incomplete (or very little) control. You would be more appropriate to have a policy concerning recording of videos and posting to the Town’s website. Then, if you want, or Comcast wants, you can negotiate what content Comsat should broadcast.

In the CONTENT section you are requiring all regulatory (etc.) bodies be recorded without getting their input. The SB has less than a shining performance of fully staffing all Boards in Town - it is your job, per the Charter. Volunteers are not forthcoming and this requirement will likely be another barrier. Also, you will likely find some existing members who don’t want to be recorded for various reasons, but theirs. All meetings are “public meetings” and open to the public. At a minimum, meetings must be minuted and the minutes must be posted in a timely manner. If something controversial is going on, meetings can be audio recorded. I would encourage you to get feedback from the Boards and respect their reasoned judgment.

In “B”, you are describing what will be broadcast on Channel 18, not what is recorded (for the Town Website). the words you have chosen allow the Operations Manager to decide what will be broadcast, and by implication, what will be recorded.

I suggest that you separate the recording policy from the broadcast policy.

I will try to watch to see when you will be discussing this policy further, but my two biggest concerns are distinguishing between recording and broadcasting – and that you are mandating the operation of each committee. They may have good reasons for not wanting a complete recording.

Dennis (Denny) O’Connell

Courtney Butler

From: Dan Hoort
Sent: Tuesday, November 19, 2019 11:30 AM
To: Courtney Butler
Subject: FW: 07/23/19 BOS Meeting

From: Kenneth Granlund <mainstaymotor@aol.com>
Sent: Wednesday, July 24, 2019 2:35 PM
To: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>
Subject: Re: 07/23/19 BOS Meeting

As per my last email my recommendation to the BOH is that we don't allowed any recordings of our meeting until the town protects the board from any ligation.

Kenneth G Granlund Jr.
Mainstay Motor Inn
Po Box 295
South Wellfleet, MA 02663
800-346-2350
mainstaymotor@aol.com

-----Original Message-----

From: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>
To: All Staff <all.staff@wellfleet-ma.gov>; Alex Hay <Alex@macsseafood.com>; Betsy Pontius-School Cte Chair <epontius386@gmail.com>; Bruce Hurter-Open Space <brucehurter@comcast.net>; Christine Bezio-Recreation <christinebezio@comcast.net>; Diane Roehm <dgroehm@yahoo.com>; Dick Elkin <dickelkin@gmail.com>; Elaine Mcllroy <emcilroy@comcast.net>; Fred Magee-FinCom Chair <jfredmagee@gmail.com>; Gary Sorkin <gary.sorkin21@gmail.com>; Gerry Parent <geparent@yahoo.com>; Harry <harry@outermostsystems.com>; Historical Commission <WellfleetHistoricalCommission@gmail.com>; J Aberdale-Marina Advisory Chair <josephaberdale@gmail.com>; Jake Puffer <Puffer.Jacob@gmail.com>; Jim Hood <jmhood@hotmail.com>; John Cumbler <cumbler@louisville.edu>; John Riehl - NRAB <jlriehl@comcast.net>; Ken Granlund-BOH Chair <mainstaymotor@aol.com>; Lydia Vivante-Recycling Chair <vivantelydia@gmail.com>; Reatha Ciotti <ciotti_family@comcast.net>
Sent: Wed, Jul 24, 2019 1:22 pm
Subject: 07/23/19 BOS Meeting

BOS is bcc

The Town Administrator's report on the 07/23/19 Selectboard meeting is attached.

Please Note:
Selectboard meetings will start at 7pm throughout the summer

Daniel R. Hoort
Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
(508) 349-0300

**Wellfleet Planning Board
300 Main Street
Wellfleet, MA 02667
508-349-0330**

July 12, 2019

Dear Selectboard Members,

At its meeting on July 10, 2019 the planning board discussed the proposed plan to have the Selectboard policy changed and have all primary boards meetings taped. The Planning Board has previously discussed and voted unanimously to not have any of their meetings taped as a general rule. They are not a full member board and feel that there are many members of the community that won't step forward to be on the board due to not wanting to be on tape.

Thank you for your time and consideration with this matter.
Warm Regards,

Gerry Parent
Chair, Planning Board



Wellfleet Board of Water Commissioners
300 Main Street
Wellfleet, Ma 02667

July 30, 2019

Dear Select Board Members,

At it's meeting on July 16, 2019 the Board of Water Commissioners voted to stand with their original vote of not having their meetings vide taped. They believe that having the meetings taped could discourage certain conversations. They feel they don't do policy more than they do discussions about the water system and aren't comfortable being on camera. They would like you to please consider this when deciding on videotaping meetings.

Thank you,
Rebekah Eldridge
Committee Secretary/Water Clerk



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

V

BUSINESS – C

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Approval of Army Corps of Engineers Access Privileges Renewal
PROPOSED MOTION:	I move to approve the renewal of the Right of Entry No. 2734 access privileges for the Army Corps of Engineers for the parcel located on Assessor's Map 42, Lot 601, for a one-year term not to exceed January 23, 2021.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

October 24, 2019

Mr. Daniel Hoort
Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, Massachusetts 02667

Dear Mr. Hoort:

Since January 2017 the Town of Wellfleet has provided access privileges to the U.S. Army Corps of Engineers for its environmental assessment and response activities under the Defense Environmental Restoration Program – Formerly Used Defense Sites (DERP-FUDS) at Former Camp Wellfleet.

We are requesting that the Town continue to provide access privileges for another one year term. Please find enclosed two originals of an extension agreement called Supplemental Agreement No. 3 to Right of Entry No. 2734. Kindly have the appropriate Town officer sign both originals of the enclosed Supplemental Agreement and return them in the envelope provided for Government signature. The Certificate of Authority attached to each copy must be executed by someone other than the official signing the Supplemental Agreement. A fully executed original of Supplemental Agreement No. 3 will be returned to you for your records.

If you have any questions about the right of entry, please contact Maureen Davi of this office at the address above or by telephone at (978) 318-8070 or by email at Maureen.B.Davi@usace.army.mil. For questions of a technical nature, please contact Project Manager Gina Kaso by telephone at (978) 318-8180 or by email at Gina.A.Kaso@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gaelen C. Daly", is written over a blue horizontal line.

Gaelen C. Daly
Chief, Real Estate Division

OCT 28 2019

**DEPARTMENT OF THE ARMY
RIGHT-OF-ENTRY
FOR ENVIRONMENTAL ASSESSMENT AND RESPONSE**

PROJECT NAME: Former Camp Wellfleet **Supplemental Agreement No. 3**
PROJECT FUDSMIS NUMBER: D01MA0033 **DERP ROE No. 2734**
LOCATION: Wellfleet, Barnstable County, Massachusetts
ASSESSORS PARCEL NUMBER: Map 42, Lot 601

WHEREAS, on 24 January 2017, the Town of Wellfleet (hereinafter called the "OWNER") granted to the United States of America (hereinafter called the "GOVERNMENT") a right of entry to enter property in Wellfleet, Massachusetts, to perform remedial activities under the Defense Environmental Restoration Program- Formerly Used Defense Sites (DERP-FUDS) for a period of one year from 24 January 2017; and

WHEREAS, Supplemental Agreement No. 1 to the right of entry extended the term for an additional one year to January 23, 2019; and Supplemental Agreement No. 2 provided for an additional one year term to January 23, 2020; and

WHEREAS, the Government desires to extend the term for an additional one year by this Supplemental Agreement No. 3;

NOW, THEREFORE, the terms and conditions of Right of Entry No. 2734 are hereby amended in the following respect and in this respect only, effective 23 January, 2020:

1. The language of condition 1 of said right of entry describing the term is hereby amended by providing for a period not to exceed one year. This Supplemental Agreement No. 3 extends the right of entry for a period not to exceed 23 January 2021.

2. All other terms and conditions of the aforesaid Right of Entry except as amended by Supplemental Agreement No. 1, Supplemental Agreement No. 2, and this Supplemental Agreement No. 3, are hereby ratified and shall remain in full force and effect.

Signatures are on the following page.

WITNESS MY HAND AND SEAL this _____ day of _____, 2019.

TOWN OF WELLFLEET

By: _____

Printed Name: _____

Title: _____

UNITED STATES OF AMERICA

By: _____

Real Estate Contracting Officer

CERTIFICATE OF AUTHORITY

I, _____ certify that I am _____ of the
(Name) *(Title)*

Town of Wellfleet, MA, and that _____, who signed
(Name of person who signed above)

the foregoing instrument on behalf of the Town of Wellfleet, MA, was then the

_____ of the Town of Wellfleet, MA. I further certify that
(Title of person who signed above)

said _____ was acting with the scope of powers
(Name of person who signed above)

delegated to him/her in executing the said instrument.

Date: _____

Signature: _____

**DEPARTMENT OF THE ARMY
RIGHT-OF-ENTRY
FOR ENVIRONMENTAL ASSESSMENT AND RESPONSE**

PROJECT NAME: Former Camp Wellfleet **Supplemental Agreement No. 3**
PROJECT FUDSMIS NUMBER: D01MA0033 **DERP ROE No. 2734**
LOCATION: Wellfleet, Barnstable County, Massachusetts
ASSESSORS PARCEL NUMBER: Map 42, Lot 601

WHEREAS, on 24 January 2017, the Town of Wellfleet (hereinafter called the "OWNER") granted to the United States of America (hereinafter called the "GOVERNMENT") a right of entry to enter property in Wellfleet, Massachusetts, to perform remedial activities under the Defense Environmental Restoration Program-Formerly Used Defense Sites (DERP-FUDS) for a period of one year from 24 January 2017; and

WHEREAS, Supplemental Agreement No. 1 to the right of entry extended the term for an additional one year to January 23, 2019; and Supplemental Agreement No. 2 provided for an additional one year term to January 23, 2020; and

WHEREAS, the Government desires to extend the term for an additional one year by this Supplemental Agreement No. 3;

NOW, THEREFORE, the terms and conditions of Right of Entry No. 2734 are hereby amended in the following respect and in this respect only, effective 23 January, 2020:

1. The language of condition 1 of said right of entry describing the term is hereby amended by providing for a period not to exceed one year. This Supplemental Agreement No. 3 extends the right of entry for a period not to exceed 23 January 2021.

2. All other terms and conditions of the aforesaid Right of Entry except as amended by Supplemental Agreement No. 1, Supplemental Agreement No. 2, and this Supplemental Agreement No. 3, are hereby ratified and shall remain in full force and effect.

Signatures are on the following page.

WITNESS MY HAND AND SEAL this _____ day of _____, 2019.

TOWN OF WELLFLEET

By: _____

Printed Name: _____

Title: _____

UNITED STATES OF AMERICA

By: _____

Real Estate Contracting Officer

CERTIFICATE OF AUTHORITY

I, _____ certify that I am _____ of the
(Name) *(Title)*

Town of Wellfleet, MA, and that _____, who signed
(Name of person who signed above)

the foregoing instrument on behalf of the Town of Wellfleet, MA, was then the

_____ of the Town of Wellfleet, MA. I further certify that
(Title of person who signed above)

said _____ was acting with the scope of powers
(Name of person who signed above)

delegated to him/her in executing the said instrument.

Date: _____

Signature: _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

V

BUSINESS – D

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Approval to close Town offices from 3 to 5 PM on Thursday, December 12th for Staff Holiday Appreciation Party
PROPOSED MOTION:	I move to approve the request to close Town offices from 3 to 5 PM on Thursday, December 12th for Staff Holiday Appreciation Party
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

VI

SELECTBOARD REPORTS

Reported by:	Topic:



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

VII

TOWN ADMINISTRATOR'S REPORT

To: Board of Selectmen
From: Dan Hoort, Town Administrator
Subject: Town Administrator's Report
Date: November 22, 2019

This report is for the period November 9, 2019 through November 22, 2019.

1. General
 - Worked on response to two public records requests
2. Fiscal Matters
 - FY 2021 CIP delivered to BOS and FinCom
 - FY 2021 Budget being finalized
3. Meetings
 - November 9 – Budget meeting with staff
 - November 9 - Selectboard meeting
 - November 10 – Budget meeting with staff
 - November 14 – Budget meeting with staff
 - November 19 – Housing Choice Summit in Provincetown
 - November 19 – Selectboard meeting
 - November 20 – Budget meeting with staff
 - November 21 – Meeting regarding Comprehensive Wastewater
 - November 21 – Budget meeting with staff
 - November 21 – Meeting with Water Commissioner Chair
 - November 21 – Meeting with FinCom Chair
4. Complaints.
 - Jude Ahern – multiple
 - Complaint regarding delayed water hook-up
5. Personnel Matters:
 - none



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

IX

CORRESPONDENCE AND VACANCY REPORT

As of Friday, November 22, 2019

Letters (emails):

11/4	AIM Thrift Shop Board of Directors	OysterFest Congratulations and Thank You
11/9	Jude Ahern	Questions for CDP
11/11	Jude Ahern	ZBA
11/12	Ron Beaty	Failures of the Woods Hole Report
11/12	Nancy Civetta	Shellfish Crier
11/13	Rebecca Brodwick Noble	Information on material guidelines for multi-use paths
11/14	Dan Hoort fwd from Sharon Inger	Mass Appeal will not be affected by marijuana establishment going in at Cove Corner
11/14	Courtney Butler	11/19 Work Meeting Packet
11/14	Jude Ahern	Use of town land (again)
11/18	Courtney Butler	Executive Session Minutes
11/18	Dan Hoort	Approval
11/20	Jude Ahern	Public Records Request – Jude Ahern: HDYLTA documents
11/20	Jude Ahern	Aquaculture bill raises concern among Outer Cape shellfishermen - News - southcoasttoday.com
11/20	Jude Ahern	Public Records Request – HDYLTA (multiple)
11/20	First Congregational Church	Church Tower Clock Restoration
11/20	Courtney Butler	Reschedule of 12/17 meeting
11/21	Jude Ahern	While Wellfleet has its TA re-write the new charter
11/21	Rebecca Noble/Bike and Walkways Committee	DPW Line Painting follow up
11/21	Russell Swart	Closure of Marconi Beach Restaurant
11/21	Mary Berry	Water Hook Up
11/22	Dan Hoort	2020 ATM

Applications:

11/8	Chamber of Commerce / Lara Henry	Use of Town Property -12/7 Town Hall
------	----------------------------------	--------------------------------------

Federal State Local:

11/4	NextEra Energy	Services Disclosure Label LLC
11/4	Cape Light Compact	Quarterly Report



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

IX

Board & Committee Minutes:

10/29	Community Preservation	Minutes from 9/25
11/7	Housing Authority	Minutes from 10/1
11/7	Housing Authority	Minutes from 10/3
11/7	Housing Authority	Minutes from 10/11

Legal:

11/4	Carolyn Murray	James Halleck Hoeland v. Wellfleet ConsCom
11/7	Carolyn Murray	James Halleck Hoeland v. Wellfleet ConsCom
11/7	Carolyn Murray	HDYLTA Realty Trust
11/12	Carolyn Murray	OML Complaint Response re: Jude Ahern Complaint filed 10/22/19

Date: November 21, 2019
To: Board of Selectmen
From: Jeanne Maclauchlan
Re: Vacancies on Town Boards

Building and Needs Assessment Committee (5 Members)

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

Requesting Appointment: No applications on file

Bylaw Committee (3 Members)

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

Requesting Appointment: No applications on file

Cable Advisory Committee (5 members)

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

Requesting Appointment: No applications on file

Commission on Disabilities (up to 7 Members)

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

Requesting Appointment: No applications on file

Conservation Commission (7 Members)

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

Requesting Appointment: No applications on file



BOARD OF SELECTMEN

IX

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

Council on Aging (11 Members)

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

Requesting Appointment: One application on file

Cultural Council (no more than 15 Members)

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

Requesting Appointment: No applications on file

Finance Committee (9 members, 2 alternate)

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

Requesting Appointment: No applications on file

Human Rights Commission (1 Representative)

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

Requesting Appointment: No applications on file

Marina Advisory Committee (7 Members, 2 Alternates)

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

Requesting Appointment: No applications on file

Natural Resources Advisory Board (At least 3 Members)

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

Requesting Appointment: No applications on file

Personnel Board (4 members + TA + FinCom Rep)

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

Requesting Appointment: No applications on file

Planning Board (7 members)

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

Requesting Appointment: No applications on file

Recycling Committee (7 members)

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

Requesting Appointment: No applications on file



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

Shellfish Advisory Board (7 members + 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Zoning Board of Appeals (5 members + 4 Alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

X

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of meeting minutes
PROPOSED MOTION:	<ul style="list-style-type: none">• I move to approve the minutes of the November 6, 2019 special meeting as amended.• I move to approve the minutes of November 12, 2019 as amended.• I move to approve the minutes of November 19, 2019 as amended.
ACTION TAKEN:	Moved By: _____ Secoded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

DRAFT

**Wellfleet Selectboard Meeting
Special Meeting
Wednesday, November 6, 2019 at 1:00pm
Town Hall Basement Hearing Room**

Select Board Members Present: Chair Janet Reinhart; Helen Miranda Wilson; Kathleen Bacon;
Regrets: Justina Carlson; Michael DeVasto
Also Present: Dan Hoort, Town Administrator

Call Meeting to Order

Chair Reinhart called the meeting to order at 1:00 pm.

Special Meeting to discuss, deliberate, and take appropriate action against the Open Meeting Law Complaint filed by Jude Ahern on 10/22/2019

Hoort said the purpose of this meeting was to discuss Ms. Ahern's filing that the Board violated the Open Meeting Law (OML), not to talk about what the Board discussed at the September 24, 2019 meeting. He said the Board posted a proper notice, in the form of an agenda, on its website on September 20 at 12:40 p.m. for a meeting which was to be held at least 48 hours later, on September 24 at 7:00 p.m. The topics that were listed for discussion at the meeting included Item IV B – Discuss, deliberate and take appropriate action to respond to the letter from the Planning Board. A copy of the referenced letter was included in the agenda packet posted on-line.

Town Administrator Hoort recapped the events leading up to the September 24th Selectboard discussion.

1. On September 13, the Town Administrator forwarded Ms. Ahern's e-mail to Mr. Parent and requested advice from Town Counsel in response to the same. The Planning Board subsequently discussed the e-mail at its meeting on September 18, and, in light of the tone threatening an assault on public officials, decided that prompt action was required. As such, on September 18, the Planning Board voted to send a letter to the Selectboard requesting that the Selectboard address the matter appropriately.
2. The Selectboard received the letter from the Planning Board and included it as a topic of discussion on its meeting notice for the September 24 meeting.
3. The Board is under no obligation under the OML to notify a resident when the Board will discuss – in open session - an email the resident sent to the Board.
4. The Town Administrator and Town Counsel are not public bodies subject to the OML.
5. The remedies requested by the Complainant – an apology, discipline of the TA, replacement of counsel, or education of the importance of the First Amendment – are not appropriate remedies under the OML.

Wilson said her memory was that the letter sent on September 10 was from Ms. Ahern to the Board, not sent directly to Mr. Parent. Hoort confirmed this as true. Wilson said the text of the OML Guidelines asks the Chair to post an agenda that will include anything that will be reasonably anticipated to discuss. She said this should include a list of topics that is sufficiently specific to reasonably inform the public of what is to be discussed at the meeting. Wilson said that, arguably, the Board did this, but did not include Ms. Ahern's name in the topic so it could have been more specific. She noted that the e-mail from Ahern which discussed her assault on the

DRAFT

Planning Board as well as the letter in response from the Planning Board where both included with the agenda packet when posted on-line.

Wilson asked that all Board members be able to confer with Counsel; Hoort said OML does not permit this as the Board is required to respond within 14 days. Wilson asked to review the response at the next meeting, which will take place on November 12, 2019. Wilson noted that the meeting transcript by Ahern and included with her complaint is an accurate transcript of the meeting. She said she felt the Board discussed this matter reasonably and with care.

Bacon stated she was not at the September 24th meeting but has gone over the tape and the transcript, saying she agrees with Wilson's assessment of the word "assault" at that meeting and was taken aback that someone would think Ms. Ahern's use of the word would mean to do serious harm. Bacon said, however, she agrees with Wilson that the Board followed the letter of OML, which in Section (4)(b), suggests in the Guidelines that an individual be named in the agenda if the matter being discussed pertains to them. She said she felt Ms. Ahern should have had the opportunity to have attended the September 24th meeting.

Reinhart said she and Hoort would work on the letter and say the Board feels they are not in violation of OML but could have been more descriptive, according to the Guidelines.

- Wilson moved to authorize Town Counsel to submit a response on the Board's behalf to the Open Meeting Law complaint received from Jude Ahern on October 25, 2019 regarding the Selectboard meeting on September 24th and to designate Chair Janet Reinhart to act as liaison with Town Counsel to review and approve the response.
- Bacon seconded, and the motion carried 3-0.

Wilson requested the response include the following:

1. The Selectboard followed the open meeting law and did not violate the law.
2. Following the Open Meeting Law Guidelines, the Selectboard's agenda could have been more specific and referenced Ahern.
3. The meeting transcript by Ahern and included with her complaint is an accurate transcript of the meeting.
4. The e-mail from Ahern which discussed her assault on the Planning Board as well as the letter in response from the Planning Board where both included with the agenda packet when posted on-line.

Adjournment

- Bacon moved to adjourn.
- Reinhart seconded.

Meeting was adjourned at 1:22 pm.

Public Records Materials:

DRAFT

1. Open Meeting Law complaint filed by Jude Ahern, dated October 22, 2019 and received on October 25, 2019

DRAFT

**Wellfleet Selectboard Meeting
Tuesday, November 12, 2019 at 6pm
Wellfleet Senior Center**

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

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Acting Police Chief Mike Hurley; Fire Chief Rich Pauley

Chair Reinhart called the meeting to order at 6:00 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.

- Bacon thanked the Wellfleet Arbor Committee for their installation of four new trees in Town, which were installed at no cost to the Town.
- Butler, on behalf of Hilary Lemos-Greenberg, announced the call for instructors for the Winter Wednesdays program hosted at the Provincetown Schools. The program runs from February 5 through March 25 and the application to apply to be an instructor closes on November 18. Information is available on the Town's website.
- Chief Hurley announced the department was participating in the winter coats and gloves for Veterans program.
- Chief Hurley also announced the Toys for Tots program was starting.
- Chief Hurley said the department applied for and expects to receive a \$10,000 traffic grant for summer enforcement.

COMMUNITY DEVELOPMENT PARTNERSHIP – STRATEGIC PLAN PRESENTATION

Jay Coburn of the CDP made the presentation. His presentation was provided to the Board and is available online in the meeting packet for this meeting. Coburn introduced Rob Doane, the new CFO for the CDP. The Board commended and thanked Coburn and the CDP on their efforts and workshops held.

COMMITTEE UPDATE – MARINA ADVISORY BOARD

Chair Joe Aberdale and Vice Chair Walter Baron, of the Marina Advisory Committee, presented their update. Aberdale said the Committee works with the Harbormaster and his staff reviewing then entire operation of the marina, addressing problems, complaints, and concerns, and conducts hearings on such matters. He said they provide any resources they can to the Harbormaster and explore new concepts that can be incorporated. Aberdale said one of these efforts is the Town's ongoing commitment to the harbor dredging. Additionally, the Committee presents recommendations on Town policies and projects including the Shellfish Regulations and electric vehicle charging station installations. Aberdale noted current studies and projects at the harbor, including parking. Aberdale also noted the Committee's work with Assistant Town Administrator, Mike Trovato, who has a background in marina planning and grant writing. He also noted members' related Committee

DRAFT

Baron concurred with Aberdale's report. He commented on the name of the Committee, noting the word "advisory" and the purpose is to advise the Selectboard on matters relating to the Marina. Baron noted working with the Shellfish Constable, specifically related to the overwintering of gear. He said the Committee tries to educate people on all the work going on at the Marina, noting there is a lot happening.

Reinhart thanked the members for their report and the Committee for their efforts. She agreed that Trovato's experience will be beneficial.

Aberdale noted the Enterprise Fund and that Wellfleet is one of the only communities on the Cape to have such a fund. Baron noted there was at least 5 or 6 different communities that utilize the pier and marina: commercial shellfishermen, commercial draggers, mooring people, people with slips, those who park their cars as employees, shoppers and diners of local businesses, and those who walk the path on the pier.

Bacon noted that funding was approved to replace the gas tanks at the spring Town Meeting. She asked where this project was at; Aberdale said this was yet to be determined. He noted that Hoort oversaw the RFPs that went out and that the tanks are at the end of their life. Aberdale said the issues at hand are whether the tanks will be underground or aboveground, and where they will go. Bacon asked if this would be seen in 2019; Aberdale said he was not in a position to answer that right now, but it was a realistic goal.

Reinhart clarified that the Marina Enterprise Fund gets money from moorings and slips. Aberdale said it also gets funding from the launch ramp. Wilson noted the Board decided they wanted the tanks above ground, due to the risk of sea level rise. She noted the study to see what is under the water in the harbor and asked how the Committee plans to remove the sediments once it is determined what is there. Wilson also asked if there was a schedule for this survey. Aberdale said the sonar survey was completed but they have not seen it yet. He said if the report is not received soon the Committee will make an inquiry. There was further discussion. Reinhart announced that the Center for Coastal Studies will be hosting a fund-raising event at their offices in Provincetown on Tuesday, November 19. The funds raised will go towards beach cleanups.

Carlson thanked the members for coming to present and for being a committee the Board can rely on for a professional opinion. Aberdale noted the Parking Task Force is finishing their report regarding the parking at the Marina. He said a challenging item that will be coming up is that the Marina has served as a municipal parking lot for many constituencies over the years. Aberdale said there will have to be a new effort that will occur when dredging takes place there.

DeVasto asked if the Committee has looked into increasing the capacity of the Harbor for slips for commercial fishermen. Aberdale said they have heard from other commercial fishermen about this issue and it is a situation where the Town has to decide what kind of Marina they want and how large. There was further discussion.

Bacon asked what the decrease is in revenue due to the lack of the use of moorings. Aberdale said it is not down significantly, because people have waited a long time for their slip that they are not willing to give it up. She asked if they felt the use of the Marina has decreased; Aberdale said the uses of boating time is certainly down. There was further discussion.

DRAFT

2019 OYSTERFEST REPORT – POLICE CHIEF

Chief Hurley presented his report with Chief Pauley. The report was provided to the Board and in the meeting packet online. Hoort noted that SPAT will provide their report on OysterFest at the first meeting in December.

Hurley said the Fest had a huge turnout and that the two departments coordinated with the organizing party, SPAT. He noted that the security agency hired, of about 25 people, cancelled on the morning of the event.

Chief Hurley noted the Police and Fire Chiefs met with SPAT to discuss the event and that the discussion went well. He said it was an open and productive discussion. Chief Hurley noted that SPAT hires security for the event and he would like to see that change.

Bacon noted that SPAT does have an emergency management plan and asked the Chiefs their opinions on it. Chief Pauley said he puts together an Incident Action Plan (IAP) for each day of the event, between the Police and Fire Departments. He said he was very uncomfortable with the crowd size this year. Chief Pauley said he and Chief Hurley have had very direct but respectful conversations with the Executive Director of SPAT and the SPAT board, and they are looking at the event from the bottom up. Chief Pauley said there will be an expected ramp up in security and personnel next year.

Bacon asked if there was a medical emergency, emphasizing if the Department staff was able to get in and out of the crowd effectively. Chief Pauley said it was shoulder-to-shoulder and the crowd size was of concern. Bacon noted that she heard from residents how uncomfortable it was to have a crowd size that large and the inability to maneuver on the streets. Bacon said it was suggested that increasing the entry fee to attempt to fend off attendees; she disagreed that this would work due to the event's popularity. Bacon suggested moving some of the event down to the Mayo Beach area.

Wilson asked why the security agency did not show up. Chief Hurley said it was told to him that the founder of the company had a medical event and did not have a second in command. Wilson noted that the Board permits this event and it would not be good publicity for the Town if something were to go wrong. Chief Hurley said that he told SPAT that until these concerns are addressed, he and Chief Pauley will not sign the requests for use of town property to make it to the Board for approval. Reinhart clarified that no one was hurt on Saturday; Chief Hurley said no one was hurt but they cannot continue to run the event on luck.

Wilson suggested moving the event to take place past the Library. Carlson said a concern of SPAT is that there is not enough oversight financially. She asked how the Board can support the departments. Chief Pauley said he was quite certain the Board would support the Departments and there will be no sign-offs be himself of Chief Pauley until everything is vetted.

Carlson asked about limiting ticket sales to scale the event back. Chief Hurley said that suggestion was put on the table the past few years. He said his concern was for those who are not online and would not be informed about the limitation and show up in Town anyway. Chief Hurley again noted the difficulties that volunteers and staff faced at the gate dealing with the crowd of attendees. There was further discussion.

DeVasto said the weather was really good for the event this year, which did play into the crowd size. He noted the congestion issues. DeVasto suggested offering something on Sunday to shift the crowd's attention from mainly attending on Saturday. Chief Hurley noted that Saturday is typically the out-of-town crowd, while Sunday attendees are more local.

Bacon asked when the security agency cancelled, and when that notice came to the Chiefs. Chief Hurley said he and Chief Pauley found out from SPAT at 10:45 AM on Saturday. She thanked the Chiefs for a job well done.

LICENSES

Liquor License Renewals – multiple

Bacon asked about Marconi Beach Restaurant, saying that the owner has once again walked away from the business without notifying the Board. She said she spoke with Jeanne Maclauchlin, Principal Clerk, and asked what the Alcohol and Beverage Commission (ABC) thought of this. Bacon suggested he was forfeiting his year-round liquor license and noted that he must be open X amount of days per year to keep his license. She asked to remove that establishment in the motion. Wilson said that was a good idea and said that the owner would have to come back and reapply for an annual liquor license.

Carlson asked if not including him meant he will have lost his renewal, saying she would rather hear from the owner. Reinhart said he would have to come back and apply for a new license.

Audience member Tim Sayre said that it was unfair of the Board to ask a business to stay open year-round if the owner is not around to manage and oversee operations. Wilson said the owners must request from the Board to close their business. Bacon said the ABC has requirements for the business to stay open and the Board acts as the licensing agency for the Commission. There was further discussion.

- Carlson moved to renew the liquor licenses for the following establishments for a 1 year, beginning January 1, 2020 and ending December 31, 2020: Bookstore and Restaurant, The Wagner at Duck Creek, Seaside Liquors, Wellfleet Marketplace, Wellfleet Spirits Shoppe, The Wicked Oyster, Wellfleet Harbor Actor's Theater, PB Boulangerie Bistro, Wellfleet Preservation Hall, JB's Pizza Bar & Grill, Blackfish Variety, C. Shore, Wellfleet Mobil.
- DeVasto seconded, and the motion carried 5-0.
- DeVasto moved to renew the liquor license for Marconi Beach Restaurant contingent upon the owner's appearance before the board, or a letter of explanation, as to his intentions of being closed this season and compliance with the ABC.
- Bacon seconded, and the motion carried 4-1, with Wilson opposed.

BOARD/COMMITTEE APPOINTMENTS

Request medical leave of absence from the Planning Board and Energy and Climate Action Committee – David Mead-Fox

Wilson noted the Board received the votes from each committee.

- Bacon moved to approve the medical leave of absence for David Mead-Fox from the Planning Board and the Energy and Climate Action Committee through December 2019.
- Wilson seconded, and the motion carried 5-0.

DRAFT

Commission on Disabilities – Kate Clemens, 3-year term

Clemens introduced herself and presented her request to serve on the Commission. She said she is the Director of Special Education and Student Services at Cape Cod Tech. Clemens noted she applied because she is looking for ways to grow and serve the community.

Bacon asked if other Wellfleet residents serve on the Commission. Clemens said there is one member listed on the website. Wilson asked if there was a Charge; Butler read the Town Meeting votes from 1984 and 1992, found on the website and noted there is a State Commission that provides guidance to municipal commissions. She offered her assistance to Clemens in getting this started.

There was further discussion.

- Wilson moved to appoint Kate Clemens to the Commission on Disabilities for a term expiring June 30, 2022.
- Bacon seconded, and the motion carried 5-0.

Recycling Committee – Jed Foley to alternate member and Christine Wisniewski to regular member

Wilson asked if Foley was aware that he could not miss more than 4 consecutive meetings in a row; Bacon said yes.

- Bacon moved to approve the change of Jed Foley to an alternate member, and Christine Wisniewski to a regular member, on the Recycling Committee, effective immediately.
- Carlson seconded, and the motion carried 5-0.

USE OF TOWN PROPERTY

Town Hall Driveway – Friends of the Library on July 5 and August 2, 2020

Bacon asked to waive the fee.

- Bacon moved to approve the use of the Town Hall Driveway on July 5, 2020 and August 2, 2020 from 7AM to 3PM, with rain dates of July 12 and August 9, by the Friends of the Library subject to the conditions, if any, listed on the application form.
- Wilson seconded, and the motion carried 5-0.

White Crest Beach – Kendra Luongo on June 27, 2020

The Board asked Butler to record the following questions to provide to Suzanne Grout Thomas and/or the applicant to answer or ask the applicant:

- Did the applicant consider high tide / low tide?
- What type of seating and is it seating for all 120 guests – will there be 120 chairs?
- Is the applicant aware that guests must pay for parking at \$30/vehicle?
- Where on beach will the ceremony occur – up top or down below?
- Are there kids and are they aware of erosion issues?
- How many cars will be expected to park in the lot?

DeVasto noted the beach handles that many people on a regular basis and the parking lot can accommodate this number as well. There was further discussion. Wilson asked to charge a higher fee for this due to the number of guests.

- No action taken.

BUSINESS

HDYLTA Trust Purchase Update

Hoort provided the update, saying that the purchase has closed and the survey, using the Spillane Case, came in with less acreage than which the Town originally thought they were purchasing. He noted that the appraisal, however, came in at \$2,450,000 which is in excess of the maximum of \$2million which the Town voted to pay for it at the spring Town Meeting. Because of this, the Board was comfortable paying \$2 million for the property. Hoort said the Town filed to take all land owned by the Trust, which was 250 acres. He said he does not expect this to change but if it should, the Town has ownership of the entire property and is protected either way.

Bacon clarified, through Hoort, that the appraisal for \$2,450,00 for the 162 acres. She also clarified that everything Hoort has spoken of and what the Board approved was well within the scope of what was approved at Town Meeting. Hoort concurred.

Wilson said she checked a third time with the Ethics Commission, and since her money is no longer affected, she may discuss this matter. She asked the audience to research NGVD88 Surveys, saying this was the best way to find out what the low-mean tide would be. Wilson noted the use of the property would not change, no matter what the survey said.

Carlson said she felt this was a fabulous accomplishment on behalf of the Town, and Wilson's contribution. She noted the purchase included a piece of beach, creating uninterrupted beach access. There was further discussion.

Approve 2020 Meeting Schedule

Wilson noted she would be having surgery on December 13, 2019 and would be unavailable to meet following that on December 17, 2019. She asked the Board if they were comfortable with having a 4-week gap between the December 17, 2019 and January 14, 2020 meetings. The Board consensus was that they were comfortable with this gap.

There was further discussion.

- DeVasto moved to approve the 2020 meeting schedule as printed in the packet.
- Wilson seconded, and the motion carried 5-0.

Review of Open Meeting Law Complaint Response

Wilson asked Hoort to review Counsel's response to the Attorney General regarding the complaint filed by Ms. Ahern. Hoort provided the Board with the response as written and sent by Carolyn Murray of KP Law. Hoort said that Counsel explained that the Town did not violate Open Meeting Law (OML) but acknowledged that the Board is aware it could have been more specific in the agenda as per the Open Meeting Law Guidelines. Counsel also spoke up to the Attorney General's office asking them to consider the fact that this person has filed numerous complaints.

Wilson noted there are many ways to object to this prior to filing an OML complaint. Reinhart noted Ahern's email was included in the meeting packet online, so while it could have been more specific in naming her in the agenda, those items were included.

DRAFT

Bacon said the Board cannot continue to respond with knee-jerk reactions to this situation and is confident that the Board followed the letter of the OML. Wilson noted the meeting regarding this matter, on November 6, was recorded. She agreed that the Board complied with the letter of the law in posting the meetings. Wilson noted that responding to these requests cost time and money.

Hoort noted that this response was received today and so it was not included in the meeting packet. He said he would include it in his report to the Board after this meeting. It is also available for public record per the Administration office.

Carlson said this was a thorough letter from Counsel and asked to have a record of all complaints filed and the substance of those complaints from this individual. Hoort said he wanted to wait for the Attorney General's response prior to providing more information.

DeVasto noted the spirit of the Open Meeting Law is to prevent the Board from deliberating from behind closed doors. He said this clearly was not the basis of the complaint. DeVasto said the spirit of the OML is to make sure the Board does not deliberate behind closed doors. He said it was a waste of everyone's time when the filer knows it was not the issue of the complaint. DeVasto advised those who file complaints to know the law and file in the spirit of what the law was created for, or otherwise to use their time more constructively.

SELECTBOARD REPORTS

- Wilson: Attended Wellfleet Shellfish Association meeting where Rep. Peake and Senator Cyr were also present. Carlson and DeVasto attended same meeting.
- Wilson: Attended NRAB-Shellfish Advisory Board joint meeting
- Wilson: attended the Herring River Stakeholders meeting.
- Wilson: will be attending the Herring River Technical Team meeting.
- Bacon: Met with Recycling Committee to commend them on the elimination of plastic cups at OysterFest. She asked what more we could do.
- Reinhart: attended the Cape Cod Selectmen and Councilors Association meeting, and the next one will be held on December 13 at the Upper Cape Technical School in Bourne. The topic will be recycling. Hoort noted the Recycling Committee has been sought as a resource for other communities and commended their efforts.
- Carlson: Gave opening remarks at the Wellfleet Harbor Conference.

TOWN ADMINISTRATOR'S REPORT

This report is for the period October 19, 2019 through November 8, 2019.

1. General
 - none
2. Fiscal Matters
 - FY 2021 CIP delivered to BOS and FinCom
 - FY 2021 Budget in progress
3. Meetings
 - October 22 - Selectboard meeting
 - October 23 – Meeting at Center for Coastal Studies regarding CZM grant
 - October 23 – Finance Committee meeting
 - October 24 – WEA union negotiations
 - October 24 – Herring River Executive Committee meeting
 - October 25 & 28 – Vacation day

DRAFT

- November 2 – Wellfleet Harbor Conference
 - November 4 – Staff Department Head meeting
 - November 6 – Budget meeting
 - November 6 – Budget meeting
 - November 7 – Budget meeting
4. Complaints.
- Jude Ahern - multiple
5. Personnel Matters:
- none

Hoort said the biggest thing happening now is budgets. Carlson asked about the meeting at the Center for Coastal Studies regarding the CZM grant; Hoort said it was exciting to participate in the meeting where 3 Towns are working with a nonprofit. Bacon asked if the Town was likely to hear something back from the DCR or the DOT. Hoort said he emailed with the DOT last week and he will be setting up a meeting with them. He noted that the DCR wants to come to Wellfleet after the 1st of the year, to show the Town what its final plans are for the bike trail extension project.

TOPICS FOR FUTURE AGENDAS

- Wilson: Barbara Taylor did a report on bike paths in the Seashore. Wilson would like to see the report on a future agenda for discussion.
- DeVasto: Would like to see bike path on future agenda.
- Wilson: Requests an executive session meeting on 3 Kendrick Avenue.
- Wilson: Discuss and finalize the marijuana HCA policy.
- Wilson: Discuss the Old Shellfish Shack, including having a map that shows what will be covered due to sea level rise.
- Wilson: Discuss Long-term use of town owned property.
- Wilson: Questioned the use of drones in Town, said Board should discuss their policy.
-
- Reinhart asked to have a work meeting with the Shellfish Department, the Harbormaster, and the Marina Advisory Board to discuss the marina. This would not include discussion of the Shellfish Shack.
- Wilson asked to discuss the 2 long-term uses of Town Owned Property. Hoort said it would be listed as “short-and-long-term use of Town Owned Property”.
- Reinhart asked to discuss the potential donation of private property to the Town; Hoort said it has not come all the way forward yet as it is owned by 2 people and only 1 has agreed to donate it. He will be looking into it further.
- Reinhart: Wants to know if the new marijuana store in the Cove Road plaza will be displacing Mass Appeal.
- Carlson asked to have the aforementioned establishment return to the Board for an update.
- DeVasto asked to discuss and update the Social Media Policy.

CORRESPONDENCE REPORT

Reinhart read a letter she received from Aim Thrift Shop Board of Directors congratulating herself, Hoort, and Michele Insley of SPAT on a successful OysterFest. The letter stated that the Thrift Shop appreciated being part of such a wonderful event and had many visitors.

DRAFT

Wilson noted an email received on November 12 about establishing a drone policy. Wilson asked Butler to note emails that are forwarded from her to the Board, as they do are not originally sent from her.

MINUTES

October 15, 2019 – Work Meeting

October 22, 2019 – Regular Meeting

Wilson provided amendments to Butler and the Board.

- Wilson moved to approve the minutes of Tuesday, October 15, 2019 and Tuesday, October 22, 2019 meeting as amended.
- Bacon seconded, and the motion carried 5-0.

ADJOURNMENT

- Bacon moved to adjourn.
- Wilson seconded, and the meeting adjourned at 9:10 pm.

Respectfully submitted,
Courtney Butler,
Secretary

Public Records Material as of 10/18/19

1. Community Development Partnership Strategic Plan Presentation materials
2. Memo from Police Chief to the Selectboard re: OysterFest 2019
3. Requests from the Energy and Climate Action Committee and the Planning Board re: Medical Leave of Absence for David Mead-Fox
4. Appointment paper for Kate Clemens
5. Request from Recycling Committee re: change in member statuses
6. Application for Use of Town-Owned Property from the Friends of the Library and Kendra Luongo
7. Draft 2020 Meeting Schedule
8. Response filed by KP Law, on behalf of the Town, to the Open Meeting Law Complaint filed by Jude Ahern, dated October 22, 2019 and received by the Town on October 25, 2019
9. Town Administrator's Report
10. Correspondence Report
11. Draft minutes for October 15, 2019 and October 22, 2019



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: November 26, 2019

XI

CLOSE OPEN MEETING AND ADJOURN INTO EXECUTIVE SESSION

REQUESTED BY:	Chair
DESIRED ACTION:	Enter into Executive Session pursuant to c. 30A, §22(g)(2), Approval of Executive Session Minutes
PROPOSED MOTION:	<p>I move to close the open meeting and adjourn into Executive Session pursuant to c. 30A, §22(g)(2).</p> <p>Approval of Executive Session Minutes:</p> <ul style="list-style-type: none">• I move to approve, but not release, the Executive Session minutes of July 23, 2019.• I move to approve, and release, the Executive Session minutes of September 30, 2019.• I move to approve, and release, the Executive Session minutes of October 25, 2019.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

DRAFT

**Work Meeting
Wellfleet Selectboard Meeting
Tuesday, November 19, 2019 at 2:00 PM
Town Hall Conference Room**

Select Board Members Present: Chair Janet Reinhart; Kathleen Bacon; Justina Carlson; Michael DeVasto

Regrets: Helen Miranda Wilson (illness)

Also Present: Dan Hoort, Town Administrator; Courtney Butler, Executive Assistant

Chair Reinhart called the meeting to order at 2:00pm.

Announcements, Open Session and Public Comment

There was no public present and there were no comments.

Discussion of Short and Long-term Use of Town Owned Property and Review of Fees

Reinhart said the Board should discuss what it should do going forward. She said there needs to be a more formal process for use of town property. She asked to see an agreement for long-term use, which would include a map, and the process to include negotiations. She would also like to discuss maintenance.

Hoort read a statement from Wilson, who could not attend due to illness:

I am not attending this meeting because I have a bad cold and I don't want to give it to anyone. Here are my thoughts on the agenda item, as posted:

Our current, well-crafted Policy on Use of Town Property & Fees does everything we need it to do, just as it is.

In the case of SPAT or the Library trustees' annual, but temporary, use of Town property, this is easily covered by the existing policy.

Long-term, continuous use of Town Property should be arranged by means of a lease, as it is with Prez Hall, Gull Pond Road affordable dwellings, or as it will be, with Lawrence Road. Even if the lessee is a not-for-profit organization, the need to have a detailed contract that covers long-term use is necessary. These leases can extend far into the future or can come up for renewal after a set number of years, or be broken, under certain circumstances.

Bacon asked who the Board was directing the long-term use toward; Reinhart said the two properties that come to mind are at Mayo Beach, where there are picnic tables that benefit Mac's on the Pier; and Ceraldi's which has a parking lot as well as dumpsters and a septic system on town-owned property. Reinhart said she hopes this clears up ambiguity. In the example of Ceraldi's, she would like the agreement to stipulate that their parking lot is for public use. In the circumstances with Mac's she said she has determined through her research that the picnic tables were donated to the Town and requests that the agreement would commit the restaurant to maintain the land on which they are situated. Additionally, she discussed SPAT using property for four to five days. Reinhart said all of these businesses benefit the Town. She said there needs to be clarity about whose it what and what is to be done.

DRAFT

Carlson said SPAT is great and OysterFest benefits a number of businesses and the Town, but the event has grown up. She said a gate of 15,000 attendees is a revenue of \$300,000. She requested an annual report from SPAT regarding how they fulfill their mission and their use of funds raised as well as financial reports. Carlson also noted the recent public safety issue at this year's event. In terms of a restaurant using land and not paying for it, Carlson said there is an issue of equity that needs to be addressed. Carlson cited that Mac's does not pay taxes on the land and are grandfathered in, in terms of their use of the land. There was further discussion.

DeVasto said he was concerned about long-term use in the form of a lease for most of Town property, unless it was for something community oriented. He noted that a lease is exclusive, although the picnic tables are primarily used for customers at Mac's. DeVasto said "continuous" use was still applicable under the current policy. He noted the policy currently requests a copy of the Assessor's maps. DeVasto requested to eliminate the maximum fee for *Festivals/Functions/Events open to the public*, which is currently set at \$110.00 per parcel, with a \$500.00 maximum. He said he would like the Board to be able to determine the maximum based on the type of event. DeVasto said he felt the other current fees were feasible. He questioned the issuing of a lease for Mac's use of the land where the picnic tables are and suggested asking them to come forward to apply for a use of town property. He suggested a per-day amount and requested to hear from Mac and get their opinion on what they feel the value of the tables is to their business. There was further discussion.

Carlson wondered what the concession stand would pay at Nauset Beach. Bacon said it was \$10,000 per season. Carlson said she would be interested in charging \$10,000 to Mac's but agreed with DeVasto that the Board should hear from Mac's.

Bacon said she was recommending that the Board does not do anything, saying she is happy with the policy the way it is. She said there is currently one business owner, Todd LeBart of the Beachcomber, who operates a parking area on a lease with the Town. In regard to these two businesses aforementioned, she said it is difficult to operate a business and costly. She suggested putting up signage that notes the area is a public area and the tables are for public use. Bacon said the Town should be looking at the parking area around the Harbor Actors Theater Building that could be better maintained. She said she believes both businesses truly give back to the community in many ways, including charitable denotations that do not get recognized. Bacon cited the loss of businesses in Town.

Carlson said this is a hard town to do business in. She said she would like to hear from Mac that he does not have a competitive rate for the use of the property, citing she would like to know how the Pearl and the Bookstore feel about his use of the land. Carlson said, that for her, it is not about getting money from Mac, but rather creating a level playing field for the businesses.

Reinhart said the Pearl and the Bookstore are not located right where Mac's is, citing that both have their own parking lots and do not offer the same take-out experience as Mac. Reinhart said she did not want to get lost in the Pearl and Bookstore discussions. Carlson said the Board has a duty to be fair, Reinhart asked how they would do that. Carlson said it is obvious that if Mac is using Town land for free and no one else is that is unfair. Bacon said it should be recognized that if he donated the tables, then they are not his tables. Carlson noted that the tables visually look

DRAFT

like part of the restaurant and it is reasonable to request an annual fee. Carlson said she would suggest \$10,000.

Hoort asked the Board to consider whether it would be handled via the use of town-owned property or a lease, regardless of the fee. The consensus would be to use the use of town-owned property policy. Bacon said it should be known to the public, visitors, and residents, that the tables sit on a Town beach and the area around the Harbor Actors Theater building is town-owned, public parking.

Reinhart asked Hoort if it was true, as she had heard, that the DPW gladly stores and puts out the picnic tables each season. He said that was his understanding, yes. Hoort said he did not feel anyone was getting a special advantage by this. DeVasto said that there still needs to be some application for use of town property, even for dumpsters and picnic tables. He again cited the inherent value of having the picnic tables for the business and that it was fair to ask the business what they felt was of value to them. Carlson noted that \$10,000 for 5 months is \$2,000/month.

Reinhart restated what the Board would like to see:

1. The Board negotiates with the business;
2. Form created that covers safety issues, dumpsters, signs that depict public parking/beach;
3. Cleanliness around the business and agreed maintenance;
4. Charge something more than nothing

At the mention of needing to have signs stating it is Town owned property by Reinhart, Bacon said she felt the signs should be the responsibility of the Town. Hoort said the DPW can have the signs made and it was no issue.

DeVasto clarified that Reinhart was seeking a different use of town-owned property form, while still being used under the current policy. Reinhart said yes, she wants the businesses to acknowledge their responsibility. DeVasto, after further review of the policy, said he felt the Board just needs to add “continuous” to the policy to be able to settle a lot of these questions of use. There was further discussion.

Reinhart asked if this would be on an annual or 2 to 5-year basis. Bacon said every two years was good. Carlson suggested 1 year for the first year, then every two years. DeVasto agreed it should be annual. The members were split, 2 (Carlson and DeVasto) for annual reviews, and 2 (Reinhart and Bacon) for a period of every 2 years. Bacon requested to follow up at a public meeting and have the businesses present and to let the public weigh in. Carlson asked if this would include OysterFest. Bacon noted that SPAT was coming before the Board in December. Carlson’s concerns were surrounding public safety, the serving of alcohol, and the revenues generated by the Fest. There was discussion about SPAT’s OysterFest revenues and use of those funds, as well as their paying for a local police and fire detail, which they cover.

DeVasto asked about removing the \$500 maximum. Bacon suggested saying “maximum to be determined.” Hoort said this could be discussed when the Board discusses all Town fees at a future meeting date. DeVasto also requested to review the section on exemptions, noting the policy says the following are exempt from fees: *Town sponsored events, fundraisers for the Town, not-for-profit events and political gatherings or protests*. He noted that SPAT is a not-for-

DRAFT

profit and currently in the policy are exempt from fees. DeVasto suggested changing “are” to “may be” exempt. He said, however, he liked that some of these are exempt from fees. Bacon felt this was fine the way it currently stood and suggested creating something just for OysterFest.

Carlson read section 3 of the policy which read:

Third: The nature of the organization and its relationship to the Town.

- *No fee is required of Town departments, boards, commissions or committees.*
- *Not for profit organizations formed solely to support Town government operations, such as the PTA, Friends of Recreation and Friends of the Library, would qualify for a reduced fee or no fee.*
- *Not for profit organizations formed to support a specific segment of the community or region as opposed to directly supporting Town operations would pay a larger fee than not for profits which directly support Town government.*

The Board felt this section covered their concerns; Carlson felt it was inconsistent with the fees statement.

Adjournment

- Bacon moved to adjourn.
- Carlson seconded.

Meeting was adjourned at 2:55pm.