



Wellfleet Selectboard

Note: Start Time of 6pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, December 10, 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. Cape Cod Municipal Health Group – Town Treasurer**
 - A. Determination of Conflict of Interest – Miriam Spencer
 - B. CCMHG Joint Purchase Agreement
- III. Determination of Conflict of Interest Disclosure Exemption – Media Operations Manager**
- IV. Determination of Conflict of Interest Disclosures – Shellfish Advisory Board**
- V. Committee Updates**
 - A. 95 Lawrence Road Task Force
 - B. Housing Authority
 - C. Local Housing Partnership
- VI. Licenses**
 - A. Extension of Liquor License – Fox and Crow Café
- VII. Business**
 - A. Appointment of Mike Trovato to the Barnstable County HOME Consortium Advisory Council
 - B. Reappoint shellfish constables
 - C. Report on use of SPAT Recreational Shellfishing Grant to date – Constable
 - D. 2019 OysterFest report from SPAT
 - E. Vote of authorization for signing of permit applications for the Herring River Restoration Project
- VIII. Selectboard Reports**
- IX. Town Administrator's Report**
- X. Topics for Future Discussion**
- XI. Correspondence and Vacancy Report**
- XII. Minutes**
 - A. November 26, 2019
- XIII. Adjournment**



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

II

CAPE COD MUNICIPAL HEALTH GROUP - A

REQUESTED BY:	Town Treasurer
DESIRED ACTION:	Determination of Disclosure of Conflict of Interest
PROPOSED MOTION:	I move that the Board has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the town may expect from Miriam Spencer, Town Treasurer. The disclosure is dated November 4, 2019.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET

Office of the Treasurer

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Memo

November 4, 2019

To: Wellfleet Select Board

From: Miriam Spencer, Town Treasurer

Re: Cape Cod Municipal Health Group Board of Directors Conflict of Interest

At the recent CCMHG Board of Directors meeting an issue was discussed regarding the potential conflict of interest for some Board members who are insured through plans that are offered by their employer through said CCMHG. Accompanying this memo is a communication from the Gallagher Benefit Insurance Service describing the situation, a legal opinion from CCMHG's legal counsel and a Conflict of Interest Disclosure that I have completed.

My request is that the Select Board sign off on the Disclosure, allowing me to continue serving on the CCMHG Board of Directors.

Best regards,

Miriam Spencer

To: (wtaylor@mashpeema.gov); Woodbury Carol (woodburc@dy-regional.k12.ma.us)
Cc: Karen Carpenter
Subject: CCMHG - Important matter for Board members
Attachments: 9.13.19 Opinion Letter re JPG Conflict of Interest Issue.pdf; Sample Partially completed Disclosure Form - 19(b)(1).doc; Blank Conflict of Interest Disclosure Form - 19(b)(1).doc

CCMHG Board members:

I have written to you on this topic within the last month or so, but have been asked to write again. At yesterday's CCMHG Board meeting the Ethics Commission (EC) position concerning those who are appointed to serve on Joint Purchase Group (JPG) Boards while they are receiving health benefits through the JPG was discussed. This is the situation for most JPG Board members, i.e. they are getting benefits through the JPG. The EC considers these individuals to have a *conflict of interest*. Please read the attached opinion letter written by Atty. Leo Peloquin who is legal counsel for CCMHG. Individuals who have this conflict of interest can address it by taking these steps: filling out a Disclosure Form, having the appointing authority sign it, and filing it with the Town Clerk (or the equivalent for a school or other district).

In addition to legal counsel's letter, I'm attaching two sets of the Disclosure Forms. One is partially filled out by legal counsel, and we suggest you use that form. The other is a blank form. Again, this is only required if the CCMHG Board member receives his/her benefits through the CCMHG. It applies to the Primary Board Representative and the Alternate Board Representative. The next Board meeting will be on January 29th so Disclosures should be finalized by that date. If you are on the Steering Committee or other CCMHG Committee which meets sooner than Jan. 29, you should complete the process prior to the next meeting at which you would be taking a vote.

Carol

Carol G. Cormier, MHA, LIA
Senior Client Executive



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Leo J. Peloquin
Tim D. Norris
Melissa R. Murray
Antoine Fares

Philip Collins
Of Counsel

September 13, 2019

Carol G. Cormier, MHA, LIA
Senior Client Executive
Gallagher Benefits Services
11 Midstate Drive, Suite 200
Auburn, MA 01501

Re: CCMHG Request for Legal Opinion

Dear Carol:

Issue/Summary of Opinion

On behalf of the Cape Cod Municipal Health Group ("CCMHG"), you have asked for a legal opinion about whether a representative to the CCMHG for a Participating Governmental Unit ("PGU Representative") who subscribes to a CCMHG health insurance plan violates Massachusetts' Conflict of Interest Law (M.G.L. c. 268A) by participating in deliberations/votes that affect the costs of CCMHG health insurance plans without disclosing the "conflict" and obtaining the approval of the Representative's appointing authority to participate.

For the reasons stated below, we advise any PGU Representative to the CCMHG who subscribes to a CCMHG health insurance plan not to deliberate or vote on matters that affect the costs of CCMHG health insurance plans until they obtain the exemption under section 19(b)(1) of c. 268A.

Background

M.G.L. c. 32B, § 12 authorizes municipal entities to form Health Insurance Joint Purchase Groups for the negotiation and purchase of health insurance, with the goal being to lower health

insurance costs for the Participating Governmental Units. Generally, these groups operate under the provisions of a Joint Purchase Agreement ("JPA") which requires each PGU to appoint a primary and back-up representative to a Board which administers the JPA. It is our understanding that most of the PGU Representatives to the CCMHG subscribe to health insurance offered by the CCMHG.

The issue addressed by this letter arose when a PGU Representative to the CCMHG, who we will refer to as "PGU Representative A," was accused by someone from PGU Representative A's community of having a conflict of interest. Although no complaint was filed with the Ethics Commission, the PGU Representative A reached out to the Ethics Commission's Legal Division for advice regarding whether PGU Representative A's participation created a conflict of interest. Like all other PGU Representatives to the CCMHG, PGU Representative A participates in deliberations and votes on what health insurance plans the CCMHG will offer to PGUs, including the premium cost, changes in plan design, etc. As discussed further below, the Ethics Commission advised PGU Representative A that the Representative must abstain from participating in deliberations and votes related to the cost of the CCMHG health insurance plans unless the Representative obtains an exemption under section 19(b)(1).

There has never been any suggestion that any actions, votes, etc. by PGU Representative A, or any other PGU Representative to the CCMHG, was motivated by personal financial interests. Rather, this comes down to the definition of "financial interest" in c. 268A. Although the position of the Ethics Commission is directed at PGU Representative A, its position raises the question about whether a similarly situated PGU Representative to the CCMHG---or, for that matter, similarly situated PGU Representatives to other Massachusetts Health Insurance Joint Purchase Groups under M.G.L. c. 32B, § 12---are violating c. 268A unless they follow the exemption process available under M.G.L. c. 268A, § 19.

Pertinent Provisions of M.G.L. c. 268A

M.G.L. c. 268A, § 19 reads as follows:

Section 19. (a) Except as permitted by paragraph (b), a municipal employee who participates as such an employee in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 ½ years, or both.

(b) It shall not be a violation of this section:

(1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so

substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee, or

(2) if, in the case of an elected municipal official making demand bank deposits of municipal funds, said official first files with the clerk of the city or town, a statement making full disclosure of such financial interest, or

(3) if the particular matter involves a determination of general policy and the interest of the municipal employee or members of his immediate family is shared with a substantial segment of the population of the municipality.

The Ethics Commission's online Summary of the Conflict of Interest Law for Municipal Employees states the following about section 19:

- A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.
- A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

"Participation" includes giving advice and making recommendations, as well as deciding and voting on particular matters. M.G.L. c. 268A § 1(j). According to Ethics Commission decisions, financial interest may be of any size and may be either positive or negative. EC-COI-84-96. Further, the financial interest only need be "reasonably foreseeable" in order to be covered by § 19. EC-COI-86-25; 84-123; 84-98; 84-96.

Ethics Commission Position with Respect to PGU Representative A

With the permission of PGU Representative A, we spoke with the Ethics Commission Attorney who advised Representative A. That attorney advised that, as defined under § 19 of M.G.L. c. 268A, the Representative has a "financial interest" in the costs associated with the health insurance plans. The Ethics Commission Attorney also advised that the Representative was eligible to seek a § 19 exemption that would allow continued participation. The process involves filing a disclosure form with the Representative's Appointing Authority and obtaining from that

Appointing Authority a written determination that the financial interest is not so substantial as to be likely to affect the integrity of the Representative's services as the PGU's Representative to the CCMHG.

As the Ethics Commission sees it, a PGU Representative to the CCMHG who participates in deliberations and/or votes related to the costs of CCMHG health insurance plans is "participating" in a "particular matter" for the purposes of section 19. But the critical issue is whether a PGU Representative, by deliberating and voting on matters that affect the cost of CCMHG health insurance plans while subscribing to a CCMHG health insurance plan, has a financial interest that is "reasonably foreseeable."

A PGU Representative who participates in discussions and votes that affect the terms and costs of the health insurance plans offered by the CCMHG is supposed to be representing the broader interests of the PGU and its health insurance subscribers, and we fully expect that is what these representatives do. While the Ethics Commission does not dispute this in the case of PGU Representative A, it points to the broad definition of "financial interest" under M.G.L. c. 268A as the basis for its position that the Representative also has a personal financial interest that is "reasonably foreseeable"---an objective standard that is not based on how the Representative acted or voted in any particular matter.

For this reason, the Ethics Commission advised PGU Representative A that the Representative must abstain from participating in deliberations and votes related to the cost of the CCMHG health insurance plans unless the Representative obtains an exemption under section 19(b)(1), which provides:

b) It shall not be a violation of this section

(1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee,

The disclosure form used to obtain this exemption is enclosed.

Notwithstanding that there are similarly situated PGU Representatives to the CCMHG, as well as to other Health Insurance Joint Purchase Groups in Massachusetts, this is the first time that we know of that this type of c. 268A issue has been raised with respect to a PGU Representative to a Health Insurance Joint Purchase Group in Massachusetts. The Ethics Commission Attorney could not point us to any prior decision of the Ethics Commission that addressed the issue in this context.

No Regulatory Exemptions, Opinions or Cases to Challenge the Ethics Commission Position

We note that the Courts give the Ethics Commission deference in its interpretation/application of c. 268A to particular circumstances. We may differ with the Commission's application of section 19 to PGU Representative A and/or other PGU Representatives, but our research has not revealed a regulatory exemption, opinion or case upon which to challenge the Commission's view.

We informed the Massachusetts Municipal Association ("MMA") of the Ethics Commission's position with respect to PGU Representative A, including to point out the negative impact it could have on the administration of the CCMHG and other Health Insurance Joint Purchase Groups in Massachusetts and to seek assistance before the Ethics Commission on behalf of such Groups. However, the MMA indicated that, several years ago, it was involved in a matter involving a municipal official who subscribed to the municipal health insurance while making cost decisions about the health insurance plans that would be offered. This official was advised by the Ethics Commission that the official was in violation of section 19 unless the official sought and obtained the exemption under section 19(b)(1). Ultimately, the MMA advised the official to comply. The MMA's response in this matter is essentially the same. Therefore, it appears that persuading the Ethics Commission to adopt a regulatory exemption and/or the Legislature to amend c. 268A are the only routes available to change the section 19 requirement for PGU Representatives to Health Insurance Joint Purchase Groups.

Conclusion

As we understand it, all, or almost all, of the PGU Representatives to the CCMHG fit the definition of "municipal employee" under M.G.L. c. 268A. Section 19, in pertinent part, prohibits a municipal employee from participating as such an employee in any particular matter in which (to his or her knowledge) he or she has a personal financial interest unless the employee first receives an exemption. "Participation" includes giving advice and making recommendations, as well as deciding and voting on particular matters. M.G.L. c. 268A, § 1(j). According to the Ethics Commission decisions, financial interest may be of any size and may be either positive or negative. EC-COI-84-96. Further, the financial interest only need be "reasonably foreseeable" in order to implicate section 19. EC-COI-86-25; 84-123; 84-98; 84-96. In this instance, the cost of health insurance plans constitutes a financial interest for a PGU Representative who subscribes to a CCMHG health insurance plan.

However, a PGU Representative so situated will not violate c. 268A if the PGU Representative:

... first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee. (M.G.L. c. 268Am, § 19 (b) (1).

For the above reasons, it is our opinion that PGU Representatives who subscribe to CCMHG health insurance plans can only be involved in deliberations and votes that affect the costs of health insurance plans if they file a disclosure and get the determination from their Appointing Authority that it is acceptable for them to do so.

We have enclosed a sample disclosure form as well as a partially completed form that shows how it should be completed to seek the exemption. If you have any further questions or concerns about this matter, please contact me or Attorney Antoine Fares.

Sincerely,

A handwritten signature in black ink, appearing to read "Leo J. Peloquin". The signature is fluid and cursive, with a large initial "L" and "P".

Leo J. Peloquin

LJP/tmc

Enclosures

cc: Antoine Fares, Esq.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Miriam Spencer
Title or Position:	Treasurer
Municipal Agency:	Town of Wellfleet
Agency Address:	300 Main St. Wellfleet, MA 02667
Office Phone:	508-349-0346
Office E-mail:	miriam.spencer@wellfleet-ma.gov
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. As an appointed member of the Cape Cod Municipal Health Group Board of Directors I participate in deliberations and votes that affect the benefits and costs of health insurance including but not limited to 1) copayments; 2) deductibles; 3) other cost-sharing plan design features; 4) program approval and implementation
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. I participate in deliberations that affect the benefits and costs of health insurance.
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. I am insured under a plan offered by the Town of Wellfleet through Cape Cod Municipal Health Group. The cost is approximately \$1,121.00 per year.

Employee signature:	
Date:	11/4/19

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

II

CAPE COD MUNICIPAL HEALTH GROUP - B

REQUESTED BY:	Town Treasurer
DESIRED ACTION:	Joint Purchase Agreement – Areas for Revision/Amendment
PROPOSED MOTION:	I move that the Board accepts the terms of this Agreement for Joint Negotiation and Purchase of Health Coverage on behalf of the Town, with presented amendments.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELFLEET

Office of the Treasurer

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Memo

November 4, 2019

To: Wellfleet Select Board

From: Miriam Spencer, Town Treasurer

Re: Cape Cod Municipal Health Group Joint Purchase Agreement – areas for revision/amendment

The Cape Cod Municipal Health Group intends to make revisions to language in its current Joint Purchase Agreement and requests feedback on the proposed changes from the appointing authorities of its Board of Directors. Accompanying this memo is a summary of the proposed changes and a copy of the Joint Purchasing Agreement in its entirety for your perusal. No vote is required on this first reading, only feedback. A final version to be voted on will be provided at a later date.

Best regards,

Miriam Spencer

Cape Cod Municipal Health Group

Joint Purchase Agreement – areas for revision/amendment

Article 3 language conflicts with Article 11 language.

Article 3 says, “Any Participating Governmental Unit may withdraw from this Agreement at its discretion but may do so only as of the anniversary date of the health plan contracts purchased through this agreement, i.e. midnight June 30th of any year, and upon written notification to the Board of such intent to withdraw by December 1st of the year preceding the intended withdrawal.”

Article 11 says, “Any proposed change to the level of coverage or benefits schedule(s) shall take effect on a date designated by the Board, but notice of such proposed change(s) shall be provided to the appropriate public authority of each Participating Governmental Unit by the Board at least sixty (60) days prior to the proposed implementation date of such and voted at least ten (10) days before any Participating Governmental Unit reaches the notification of withdrawal date specified in Article 3.”

Since the notification of withdrawal is due to the Board no later than Dec. 1, this would mean that a vote to change plan design or benefits for the next Policy Year would have to occur no later than Nov. 20.

Options: (1) Keep as is and make all plan design decisions prior to Nov. 20 or **(2) eliminate last part of last sentence of Article 11.** Steering Committee recommends “(2)”.

Article 8. Calculation of health and dental plan funding rates

Paragraph 1 does not provide for reducing projected rates because of fund balance surplus above the targeted range.

Article 8, para. 1 says, “The payment calculated by the Board shall be comprised of a rate determined to be 100% of the funding rate or premium requirement as established through underwriting and/or actuarial estimates.”

CCMHG could add to the end of sentence above the following or similar language: “....or a rate which when combined with an approved amount to be funded through the Fund Balance in excess of the Fund Balance target as established by the Fund Balance Policy will provide 100% of expected needed funding.” Steering Committee recommends.

Article 8, paragraph 2

- the last sentence of the 2nd paragraph should refer to Article 8, paragraph 4 and not paragraph 5. Steering Committee recommends.

Article 10. Eligibility Determination

Article 10 now says, "It is understood and agreed that nothing contained in this Agreement shall in any way limit the authority of a Participating Governmental Unit to determine that a person is eligible for participation in the health coverage program in accordance with the provisions of MGL Ch. 32B." Suggest adding to the end of that sentence something like, "*... other applicable laws and regulations, health and/or dental plan requirements, and any eligibility rules approved by 2/3rds vote of the full Board.*"

CAPE COD MUNICIPAL HEALTH GROUP

**MUNICIPAL HEALTH GROUP
AGREEMENT FOR JOINT NEGOTIATION
AND PURCHASE OF HEALTH COVERAGE
As amended through October 19, 2016**

Article 1. Authority and Purpose.

This Agreement is entered into in accordance with M.G.L. Chapter 32B, Section 12, (all reference herein to state or federal law refer to current statutes, any amendments thereto, and successor legislation of like purpose and effect) to enable the governmental units executing this Agreement as indicated in Article 15 hereof, and any subsequent amendment to this Agreement adding additional governmental units accepted for participation in accordance with the procedures described in Articles 2 and 11 hereof, hereinafter referred to as the "Participating Governmental Units," to join together in negotiating and purchasing policies authorized under M.G.L. Chapter 32B, Section 3, including health and life insurance; Health Maintenance Organization coverage as authorized by M.G.L. Chapter 32B, Section 16; Administrative Services Only coverage as authorized by M.G.L. Ch. 32B, Section 3A, which may include Preferred Provider Arrangements; or other methods of self-funding employee health, dental, and life coverage as may be allowed by law. The economies of scale and other benefits derived through joint negotiation and purchase anticipated by the authority granted to the participants by M.G.L. Chapter 32B, Section 12, constitute the purpose of this Agreement.

Article 2. Participants.

The participants in this joint negotiation and purchase agreement are those listed as signatories to this Agreement on each page of Article 15. It is understood and agreed that additional governmental unit participants may be added pursuant to Article 11.

**Article 3. Term of Agreement and Participation.
(as amended on November 29, 2001)**

This Agreement shall take effect on July 1, 1987 or on the date that three or more governmental units execute signature of this Agreement. This Agreement shall continue in full force and effect for an indefinite period, subject to amendment as agreed upon in accordance with the terms of Article 11 of this Agreement, so long as three or more governmental units elect to continue participation.

Any Participating Governmental Unit may withdraw from this Agreement at its discretion but may do so only as of the anniversary date of the health plan contracts purchased through this agreement, i.e. midnight June 30th of any year, and upon written

CAPE COD MUNICIPAL HEALTH GROUP
AGREEMENT FOR JOINT NEGOTIATION & PURCHASE
OF HEALTH COVERAGE

Original Agreement: Effective October 1987

Amended July 1993, April 1996, July 1997, January 1998, November 29, 2001,
July 25, 2007, October 9, 2013, and October 19, 2016

notification to the Board of such intent to withdraw by December 1st of the year preceding the intended withdrawal.

Notwithstanding any other provisions of this Agreement, a Participating Governmental Unit maintains its autonomy and responsibility for collective bargaining.

Any Participating Governmental Unit ("PGU") which is ninety (90) days in arrears for the payment due under Article 9 of this Agreement may be charged late fees as described in Article 9. If a PGU fails to pay the outstanding balance plus late payment fees within 31 days of having been billed for these charges, the PGU may be terminated from participation in this Agreement at the Board's discretion. Such termination shall not limit the remaining Participating Governmental Units from obtaining payment of all monies in arrears under Article 9.

Article 4. Administration.
 As amended through 10/9/13

Administrative authority shall be vested in a Board to be known as the Cape Cod Municipal Health Group Board, herein referred to as the "Board." The appropriate public authority, as defined in M.G.L. Chapter 32B, Section 2(a), of each Participating Governmental Unit shall appoint one primary member of the Board, who shall have one vote, and one alternate member who shall assume all of the responsibilities of the primary member in the event of the primary member's absence. Appointment of primary and alternate members of the Board to represent Dukes County shall be made in accordance with the Articles of Merger previously executed by and between the Cape Cod Municipal Health Group and the Dukes County Health Group. Said appointments shall be made within thirty (30) days following the execution of this Agreement. The Board Member representative of each Participating Governmental Unit shall serve until replaced by the appropriate public authority of the Participating Governmental Unit. It is understood and agreed that the Cape Cod Municipal Health Group Board Members may rely on the authority of each Board Member to represent the respective Participating Governmental Units and any vote of any individual Board Member shall be deemed to be binding upon the Participating Governmental Unit represented by such Board Member.

It is understood and agreed that the Board shall have full discretion to elect from its memberships a chairman and any other officers that it deems appropriate and may elect to establish any committee for whatever purpose it deems appropriate and consistent with the terms of this Agreement.

It is further understood and agreed that the Board may elect from its membership (both primary and alternate members) a Steering Committee of up to nine (9) persons representing nine (9) Participating Governmental Units, hereinafter referred to as the Steering Committee. The Steering Committee members shall serve for a term of one year or until removed by the Board. Steering Committee members may be elected for

succeeding terms. In the event that a Steering Committee member is removed from the Board by the appropriate public authority of the Participating Governmental Unit, the Board may elect a replacement.

It is furthermore understood and agreed that the Board may elect from its membership (both primary and alternate members) one (1) Alternate Steering Committee Member, representing a tenth (10th) Participating Governmental Unit, who shall be authorized to assume all responsibilities, including voting, of any one (1) absent Steering Committee member.

The Steering Committee shall have whatever authority is granted to it by the Board including the establishment of advisory sub-committees. Such authority may include the authority to negotiate and contract with health insurance carriers or other health coverage providers, insurers, consultants, and any other individuals or organizations deemed to be appropriate by the Steering Committee on behalf of and for the benefit of the Board and each Member's respective Participating Governmental Unit concerning the subject of this Agreement. The Steering Committee may be vested with other powers including the power: (1) to review annual rate renewals; (2) to negotiate health coverage renewal contracts, negotiate funding and other financial arrangements (including ASO or other financial arrangements authorized by M.G.L. Chapter 32B, Section 3A); (3) make recommendations to the Board regarding levels of coverage; and any other matter authorized by M.G.L. Chapter 32B which is not specifically reserved to each respective Participating Governmental Unit. The Board, either directly or acting through its Steering Committee, may establish a central administrative office and employ such personnel or contract for such administrative services as may be necessary to carry out the provisions of M.G.L. Chapter 32B and this Agreement.

Whenever the Board or the Steering Committee (as authorized) enters into agreements with a central administrative office, a consultant, or administrative personnel, payment for such services and related expenses shall be appropriately allocated to the Participating Governmental Units in proportion to the number of the Participating Governmental Unit's subscribers covered under the contracts negotiated and purchased under the authority of this Agreement.

Article 5. Quorum.
 (as amended through July 25, 2007)

The Board shall adopt a schedule of meeting dates and times for the conduct of ordinary business and shall establish a reasonable procedure for notice to the members of the Board and appropriate public authorities concerning special meetings. The Steering Committee shall, in a like manner, establish a procedure for adequate notice to each Steering Committee member for all meetings to be conducted. A quorum of the Board or the Steering Committee following issuance of the required notice shall consist of not less than a majority of the members of the Board with reference to Board meetings and

Steering Committee with reference to the Steering Committee meetings. A majority vote of the members in attendance at a duly called meeting shall be deemed to be a vote of the Board or the Steering Committee, respectively, except as is otherwise noted in Article 11. The Board and the Steering Committee are subject to the requirements of M.G.L. Chapter 39, Sections 23A & 23B ("Open Meeting Law").

Article 6. Organization and Chairperson.

The Board and the Steering Committee shall each elect from their respective memberships, by majority vote of the participants at a duly called meeting, a Chairperson, who shall serve for a term of twelve (12) months, unless replaced prior to termination of such twelve (12) month period by a vote of respective majorities of the Board or the Steering Committee, respectively, in attendance at a duly called meeting. It is understood and agreed that the Chairperson may be elected for succeeding twelve (12) month terms at the discretion of the Board or the Steering Committee, respectively.

It shall be the duty of the respective Chairpersons to call meetings of the Board and the Committees, including designation of the date, place, and time of such meetings, and to perform other duties and functions as delegated by the Board and Committees respectively.

The Board and the Committees of the Board may elect any other officers for their respective bodies, whom the Board and the Committees respectively deem appropriate, by vote of a majority in attendance at a duly called meeting.

Article 7. Communication.

It shall be the duty of each member of the Board, and in the primary member's absence, the duty of the alternate member, to communicate all matters relating to the action of the Board to the member's respective Participating Governmental Unit's appropriate public authority. Copies of the minutes of Board and Steering Committee meetings shall be sent to each Participating Governmental Unit's Appropriate Public Authority and Town Clerk's Office. In the event that both the primary and alternate members representing a governmental unit are absent, it is the duty of the Chairperson, acting directly or through the central administrative office or other designee of the Chairperson, to communicate, in writing and in a timely manner to the absent Board member's respective appropriate public authority, any action taken by the Board.

It shall be the duty of the Chairperson of each Committee of the Board to report to the Board through the Chairperson of the Board all actions taken by the Committee. In addition, it shall be the duty of each Committee to report to the Board membership at a duly called meeting of the Board, the actions of the Committee and, in any event, such reports shall be made no less than four (4) times during each fiscal year.

Article 8. Calculation of Health and Dental Plan Funding Rates.

The Board shall determine the monthly rates payable by each Participating Governmental Unit ("PGU"). The payment calculated by the Board shall be comprised of a rate determined to be 100% of the funding rate or premium requirement as established through underwriting and/or actuarial estimates or a rate(s) which when combined with an approved amount funded through the excess of Fund Balance above the targeted range as established by the Fund Balance Policy provides 100% of the calculated funding requirement.

It is understood and agreed that notwithstanding the individual experience rating of each PGU, all surpluses and deficits shall be dealt with on a collective basis. In the case of a certified surplus, the Board will determine whether the excess funds will remain in the trust fund for the purpose of reducing the PGUs' future funding rate expenses, or be distributed to each PGU through this Agreement based on its proportionate share as described in paragraph 5 of this Article 8. At the time of a certified deficit, additional revenue will be raised from the PGUs through direct assessment through this Agreement based on each PGU's proportionate share as described in ~~paragraph 5~~ paragraph 4 of this Article 8.

If the Board determines that it will deal with a certified surplus (deficit) through reducing (increasing) future funding rates that will be charged to PGUs, the funding rate(s) ("basic funding rate(s)") will be determined based on claims experience projected forward, and the amount of reduction (increase) due to application of the surplus (reducing the deficit) will be determined and presented separately ("funding rate adjustment"). A new PGU will be assessed the basic funding rates without the "funding rate adjustment" for a period to be determined by the Board which shall not be less than two years nor greater than three (3) years unless no less than two-thirds of the Board present at a duly called meeting votes to make an exception to this stipulation.

If the Board determines that it will deal with a certified surplus or deficit by direct distribution to or assessment of each PGU, the determination of a PGU's proportionate share of a certified surplus or deficit shall be calculated as follows:

The proportionate share of a PGU shall be the sum of funds billed to the PGU by the Cape Cod Municipal Health Group ("CCMHG") for self-funded plans for the most recent 12-month fiscal year period divided by the sum of funds billed to all CCMHG PGUs for self-funded plans for the most recent 12-month period. The sums may be adjusted for retroactive enrollment changes made in the first month after the 12-month period.

The Board, either directly or through the Steering Committee, shall determine within six (6) months of the end of each policy year, a reconciliation of the trust fund balance for the joint purchase group. A surplus or deficit shall then be dealt with appropriately.

It is further understood and agreed that each Participating Governmental Unit shall be responsible for paying all insurance, premium, administration, or claims charges

which were incurred by that Participating Governmental Unit or any person insured by that Governmental Unit prior to the effective date of the joint purchase group's coverage with the health insurance carrier. Each Participating Governmental Unit shall be responsible for paying in full all "run-out" claims charges from cost plus arrangements which terminate upon the effective date of this coverage. Premium charges for services incurred by a Participating Governmental Unit prior to the effective date of this coverage but billed to the joint purchase group after the effective date of this Agreement will be billed in full to the Participating Governmental Unit by the central administrative office, and payment will be remitted by the central administrative office to the carrier.

Article 9. Payment of Health and Dental Plan Funding rates and Insurance Premiums, including but not limited to Medicare Senior plan and Vision Care plan.

Each PGU shall make payment on a monthly basis of the health and dental plan funding rates and insurance premiums based on the PGU's enrollments in each plan and the allocated expenses for the maintenance of a central administration office and the hiring of consultants and administrative personnel pursuant to Article 4 and other insurance products and services including but not limited to reinsurance and administrative fees. It is further understood and agreed that the central administrative office or other designee of the Board shall determine the appropriate payment due from each PGU each month.

It is also understood and agreed that each governmental unit shall pay as billed and that adjustments, if required, shall be made retroactively.

The Board shall contract with one or more banks to act as depository of payments contemplated by this Article 9, and accounts established shall be interest bearing accounts. Each designated bank shall be required, as a precondition to service as such depository, to act under the direction of the Board or its designee for the benefit of the Participating Governmental Units and the Board and shall provide for periodic reports and statements of accounts as required by the Board or its designee.

The Board shall provide for an annual independent audit of the payments contemplated by this Article 9. This report shall be provided to each member of the Board within six (6) months of the end of the Cape Cod Municipal Health Group's fiscal year.

All payments described in this Article 9 shall be due and payable no later than thirty (30) days following receipt of notice or bill from the Board or the CCMHG's central administrator. Interest at a rate determined by the Steering Committee may begin to accrue starting on the thirty-first (31st) day following receipt of notice or bill. In the event that any such payment is in arrears or in the event that the Board determines that additional funds are required due to the premium and other charges contemplated by this Article 9, the Board shall be authorized to obtain funds through financial arrangements with providers of health coverage, and other financing arrangements including advances

from the PGUs. The Board shall determine the respective payments for interest and other charges allocable to each PGU.

Article 10. Eligibility Determination.

It is understood and agreed that nothing contained in this Agreement shall in any way limit the authority of a PGU to determine that a person is eligible for participation in the health coverage program in accordance with the provisions of M.G.L. Chapter 32B, other applicable laws and regulations, health and/or dental plan requirements, and any eligibility rules approved by a 2/3rds vote of members present at a duly called meeting.

Formatted: Superscript

In addition, all notification of eligibility, employee direct billing, including notification to and from affected parties of eligibility rights under M.G.L. Chapter 32B, the Consolidated Omnibus Budget Reconciliation Act of 1985, and any other applicable federal and state statutes, shall be the responsibility of and determined by the PGU.

Article 11. Amendment Procedure, Adding New Members, and Changes to Benefit Plans. (as amended on November 29, 2001)

This Agreement may be amended at any time, provided that no less than two-thirds of the Board present at a duly called meeting of the Board vote to accept such amendment.

Additional governmental units may be added commencing on a date mutually agreed upon, provided that no less than two-thirds of the Board present at a duly called meeting of the Board vote to accept such additional participants. Such additional Participating Governmental Units will not be responsible for deficits incurred by the Cape Cod Municipal Health Group prior to the date of their participation in this agreement nor will they participate in any dividend or direct distribution or allocation of any surplus in the claims trust fund accrued by the Cape Cod Municipal Health Group prior to the date of their affiliation as described in Article 8. An exception to the requirements of Article 8, paragraph 3 may be made if no less than two-thirds of the Board present at a duly called meeting votes to make an exception to this stipulation.

Any change in the level of coverage or benefit schedule(s) implemented following the effective date of this Agreement shall not take effect until approved through the amendment procedure described in this Article 11. Any proposed change to the level of coverage or benefits schedule(s) shall take effect on a date designated by the Board, but notice of such proposed change(s) shall be provided to the appropriate public authority of each Participating Governmental Unit by the Board at least sixty (60) days prior to the proposed implementation date of such and voted at least ten (10) days before any Participating Governmental Unit reaches the notification of withdrawal date specified in Article 3.

Article 12. Liability Following Termination of Participation.
(as amended on November 29, 2001)

There shall be no liability for premium expense following the effective date of termination of a PGU's coverage under a contract purchased through this Agreement, except for the withdrawing PGU's proportionate share as defined in Article 8 of any deficit in the trust as of its termination date, or change in the audited fund balance during the Participating Governmental Unit's last fiscal year of participation in this Agreement as defined in this Article 12, and open premium expense and subsequent expense for its subscribers still on the plan after termination (where such continued coverage is required by law).

According to Article 3 of this agreement a PGU may withdraw from or terminate participation in this agreement only on the anniversary date of the health plan contracts purchased through this agreement, i.e. effective at midnight on June 30 of any year. The Board shall engage an independent certified public accounting firm to do an annual financial audit of the Cape Cod Municipal Health Group's health and dental trust funds at the end of each fiscal year. The Board will make every effort to assure that the audited financial statements are completed and the auditor's report is provided no later than six (6) months after the end of the fiscal year.

If a PGU terminates participation in this agreement at a time when there is a positive audited fund balance (surplus) at the end of the last fiscal year of the PGU's participation which is greater than the positive fund balance (surplus) at the end of the previous fiscal year, the PGU will receive its proportionate share of the amount that the fund balance increased as defined in this Article 12.

If a PGU terminates participation in this agreement at a time when there is a positive audited fund balance (surplus) but there was a deficit audited fund balance or zero fund balance at the end of the previous fiscal year, the PGU will receive its proportionate share of the surplus as defined in this Article 12.

If a PGU terminates participation in this agreement at a time when the audited fund balance (surplus) is less than the audited fund balance at the end of the previous fiscal year, the PGU will not be entitled to any of the fund balance upon withdrawal.

If a PGU terminates participation in this agreement at a time when there is deficit fund balance and there had also been a deficit fund balance at the end of the previous fiscal year, the PGU will be required to pay to the Cape Cod Municipal Health Group its proportionate share of the fund balance as certified on the last day of its participation as defined in this Article 12.

If a PGU terminates participation in this agreement at a time when there is a deficit fund balance; however, at the end of the previous fiscal year there had been a positive fund balance, the PGU will be required to pay to the Cape Cod Municipal Health Group its proportionate share, as defined in Article 8 and in this Article 12, of the total decrease in the fund balance as certified on the last day of its participation as defined in this Article 12.

Determination of a Participating Governmental Unit's proportionate share of a positive fund balance or deficit fund balance or change in the fund balance shall be calculated as follows:

The proportionate share of a PGU shall be the quotient obtained by dividing the sum of funds billed to the PGU by the CCMHG for self-funded plans for the most recent 12-month fiscal year period by the sum of funds billed to all CCMHG PGUs for self-funded plans for the most recent 12-month fiscal year period. The sums may be adjusted for retroactive enrollment changes made in the first month after the 12-month period.

Any portion of the fund balance owed to that Participating Governmental Unit based on its proportionate share shall be paid to that Participating Governmental Unit within sixty (60) days of receipt of the auditor's report on the financial statements.

A Participating Governmental Unit that withdraws owing a proportionate share payment to the Cape Cod Municipal Health Group, shall make such payment within sixty (60) days of receiving the bill following the receipt of the auditor's report on the financial statements.

Article 13. Hold Harmless Protection. (as amended April 24, 1996)

Each Participating Governmental Unit agrees that it is the responsibility of the Unit to indemnify and hold harmless each representative designated by the Participating Governmental Unit to serve on the Board and any committee established by the Board from personal financial loss and expense, including reasonable legal fees and costs, if any, to the full extent permitted by all applicable statutes, including M.G.L. Chapter 258, Sections 8, 9, and 13. Indemnification should be provided by each Participating Governmental Unit for liability arising from all activities directly related to the establishment of this Agreement.

Indemnification should be provided for liability arising from all activities directly related to the establishment of this agreement and all related activities, commencing on and after the effective date of this Agreement and this agreement through and including the date on which such designated representative terminates his or her position as a member or alternate member to the Board and the Board's committees. This hold harmless protection should include indemnification for any claim, demand, suit, or judgment relating to any act or omission arising, except for intentional violation of the civil rights of any person arising as a result of such person's service to the Cape Cod Municipal Health Group Board. This hold harmless status should include any and all activities relating to such Board participation, including, but not limited to, serving on any related committee, holding an office as a member of the Board or Committee established by the Board, traveling to and from meetings relating to the designee's service, communications and all other acts related to the appointment as a delegate or alternate delegate of the Participating Governmental Unit.

Article 14. Exclusive Group Participation in Health Benefits Program.

(Article added April 24, 1996)

Participating Governmental Units may offer to employees and retirees only those medical health plans sponsored by the Cape Cod Municipal Health Group. A governmental unit wishing to offer a medical health plan not sponsored by the Group may put such request in writing to the Board no later than December 1st for a July 1st effective date. A two-thirds (2/3rds) vote of the Board present at a duly called meeting at which a quorum is present is required to override the requirement of exclusive participation.

Article 15. Signatories to Agreement.

This copy of the Cape Cod Municipal Health Group Agreement for Joint Negotiation and Purchase of Health Coverage is executed as a sealed instrument by the undersigned on the date or dates indicated below to confirm its acceptance of the Joint Purchase Agreement following destruction by fire of the original executed Joint Purchase Agreement and to confirm acceptance of all amendments adopted since the effective date of membership of this governmental unit.

By our signatures, we, the undersigned appropriate public authority within the meaning of M.G.L. Chapter 32B, Section 2(a), members of the _____ governmental unit, evidence our acceptance of the terms of this Agreement for Joint Negotiation and Purchase of Health Coverage on behalf of our governmental unit.

For:

Name of Governmental Unit (M.G.L. Chapter 32B, Section 2(f)).

Name (printed)

Signature

Date



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

III

CONFLICT OF INTEREST DISCLOSURE – MEDIA OPERATIONS MANAGER

REQUESTED BY:	Media Operations Manager
DESIRED ACTION:	Determination of Disclosure of Conflict of Interest Exemption
PROPOSED MOTION:	I move that the Board approves the State Ethics Commission's "Small Town Exemption" for disclosure of financial interest for Mia Baumgarten as presented.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

December 5, 2019

Selectboard
300 Main Street
Wellfleet MA 02667

Dear Selectboard:

The purpose of this letter is to request your approval for me to hold more than one appointed position with the Town.

In general, the conflict of interest law restricts municipal employees from holding more than one appointed town position, where at least one position is paid. However, in recognition of the difficulty small towns experience in finding people willing to serve in town positions, the law gives Boards of Selectmen the power to grant exemptions from that restriction.

The multiple appointed positions that I wish to hold are:

- 1) Media Operations Manager, 15 hours/week, \$40/hour; and
- 2) Production Technician, average of 2 - 3 recordings/week; \$90/recording plus \$30/hour if the meeting should exceed 3 hours (standard rate applies to all Production Technicians for the Town); and
- 3) Temporary Library Assistant, average of 10 hours/week, \$18.96/hour; and
- 4) Cable Advisory Committee, Chair; and
- 5) Wellfleet Housing Authority, Regular Member.

Under § 20 of the conflict of interest law, G.L. c. 268A, in towns with a population of less than 3,500, the Selectboard may allow a municipal employee to have more than one appointed position. Since our town, Wellfleet, has a population of 2,750 as of the latest decennial census, you as the Selectboard have the power to authorize me to hold all of the positions listed above.

I hereby request that the Selectboard approve the exemption under § 20 to allow me to hold all of the listed appointed positions.


Very truly yours,



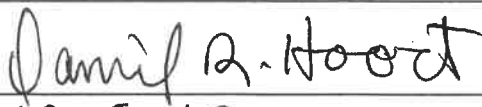
Mia Baumgarten

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Mia Baumgarten
Title or Position:	1) Media Operations Manager 2) Production Technician
Municipal Agency:	Town of Wellfleet
Agency Address:	300 Main Street Wellfleet, MA 02667
Office Phone:	508-349-0300
Office E-mail:	Mia.Baumgarten@wellfleet-ma.gov
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	I have been hired for the position of Media Operations Manager for the Town of Wellfleet. The Media Operations Manager is responsible for coordinating the filming of municipal boards, committees, and commissions for the purpose of public access programming. I am also contracted as one of the Production Technicians for the Town of Wellfleet. The Production Technicians perform the camera and technical operations of recording an assigned board, committee, or commission.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Recognition and approval/disapproval of my performing the job of Media Operations Manager and my work as a contracted Production Technician, as permitted under § 20 of the conflict of interest law, G.L. c. 268A, where in towns with a population of less than 3,500, the Selectboard may allow a municipal employee to have more than one appointed position.
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Wellfleet's Production Technicians are assigned work according to the recording schedule created by the Media Operations Manager. All Production Technicians receive the same compensation: boards, committees, and commissions are taped at a rate of \$90/meeting, unless the meeting should exceed 3 hours, in which case the additional time is billed at \$30/hour.

	Currently the Town of Wellfleet records an average of 2 – 3 meetings per week, distributed among three Production Technicians. Should the Media Operations Manager increase the number of recorded boards, committees, and commissions, there will be additional work distributed among the three Production Technicians.
Employee signature:	
Date:	12/5/2019

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	Daniel R. Hoort
Title or Position:	Town Administrator
Agency/Department:	Town of Wellfleet
Agency Address:	300 Main St Wellfleet, MA 02667
Office Phone:	(508) 349-0300
Office E-mail	TownAdministrator@wellfleet-ma.gov
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	12-5-19
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

IV


CONFLICT OF INTEREST DISCLOSURE – SHELLFISH ADVISORY BOARD

REQUESTED BY:	Shellfish Constable
DESIRED ACTION:	Determination of Disclosures of Conflict of Interest
PROPOSED MOTION:	I move that the Board has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the town may expect from Dave Seitler, Rebecca Taylor, Zack Dixon, Thomas Siggia, John Duane, Chip Benton, and Jake Puffer, Shellfish Advisory Board Members. The disclosure is dated December 6, 2019.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Dave Seidler
Title or Position:	Sab chair
Municipal Agency:	Wellfleet
Agency Address:	
Office Phone:	774-722-2840
Office E-mail:	
<p>My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.</p>	
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	<p>Please describe the particular matter.</p> <p>Licence fees for shellfishing</p>
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	<p>Please describe the task you are required to perform with respect to the particular matter.</p> <p>Make Recommendation to Select Board</p>
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<p><input checked="" type="checkbox"/> I have a financial interest in the matter.</p> <p><input type="checkbox"/> My immediate family member has a financial interest in the matter.</p> <p><input checked="" type="checkbox"/> My business partner has a financial interest in the matter.</p> <p><input checked="" type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter.</p> <p><input checked="" type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.</p>

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TOWN CLERK
TOWN OF WELFLEET

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. I am a commercial shellfisherman
Employee signature:	
Date:	12/5/19

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	Select Board
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Rebecca Taylor
Title or Position:	Member
Municipal Agency:	Shelfish Advisory Board
Agency Address:	300 main St
Office Phone:	
Office E-mail:	
My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.	
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. Vote on Shelfish industry Related Fees.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. Vote on Possible Fee Changes
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input checked="" type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. <i>I have a shellfish grant in town</i>
Employee signature:	<i>R. Gleason</i>
Date:	<i>12/5/19</i>

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	


Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

2019 DEC -5

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Zack Dixon
Title or Position:	Shellfish Advisory Board, Secretary
Municipal Agency:	Volunteer
Agency Address:	Town of Wellfleet
Office Phone:	774-722-1788
Office E-mail:	zack@holbrookcoyster.com
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Partner in aquaculture business and also a member of SAB.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	I will be voting on Shellfish Dept. proposal of grant fees
	FINANCIAL INTEREST IN THE PARTICULAR MATTER

Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input checked="" type="checkbox"/> My business partner has a financial interest in the matter. <input checked="" type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Partner in aquaculture business
Employee signature:	
Date:	11/5/19

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	Selectboard
Title or Position:	
Agency/Department:	Wellfleet
Agency Address:	300 Main St.
Office Phone:	508 349 0300
Office E-mail	
	DETERMINATION
Determination by appointing authority.	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	


Comment:	
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Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Form revised February, 2012

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	THOMAS SIGGIA
Title or Position:	SAB member
Municipal Agency:	Shellfish Advisory Board
Agency Address:	
Office Phone:	518-935-3093
Office E-mail:	TSIGGIA@GMAIL.COM
My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.	
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. Discussion + vote on SHELLFISH Reg'd FY21 Budget Discussion + vote on SHELLFISH Permit Fee Increase Discussion + vote on initiating a Grant Service Fee
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. Need to Discuss + vote on the Above 3 items
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply. N.A.	<input type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. No Financial interest
Employee signature:	 12/5/2019

RECEIVED

2019 DEC -6 A 8:03

TOWN CLERK
TOWN OF WELLFLEET

Date:	
-------	--

DETERMINATION BY APPOINTING OFFICIAL

APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	Selectboard
Title or Position:	
Agency/Department:	Wellfleet
Agency Address:	300 Main St.
Office Phone:	508 349 0300
Office E-mail	
DETERMINATION	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Form revised February, 2012

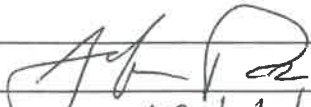
**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	John Duane
Title or Position:	Member
Municipal Agency:	Wellfleet Shellfish Advisory Board
Agency Address:	366 Main St.
Office Phone:	508 349 0300
Office E-mail:	
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter <small>E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.</small>	Please describe the particular matter. <div style="font-size: 1.2em; font-family: cursive;">Vote on shellfish industry related fees</div>
Your required participation in the particular matter: <small>E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.</small>	Please describe the task you are required to perform with respect to the particular matter. <div style="font-size: 1.2em; font-family: cursive;">Vote on possible fee changes</div>
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
<div style="font-size: 1.2em; font-family: cursive;">X</div> Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

RECEIVED

2019 DEC -6 A 11: 59

TOWN CLERK
TOWN OF WELFLEET

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. Recreational permit holder
Employee signature:	
Date:	12/6/19

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	Selectboard
Title or Position:	
Agency/Department:	Wellfleet
Agency Address:	350 Main St.
Office Phone:	508 349 0300
Office E-mail	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Alfred E. Benton III (Chip)
Title or Position:	Member
Municipal Agency:	Town of Wellfleet Shellfish Advisory Board
Agency Address:	300 Main St
Office Phone:	
Office E-mail:	
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. Vote on Shellfish Industry related fees
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. Vote on possible fee changes
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input checked="" type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. <i>I earn my living shellfishing.</i>
Employee signature:	<i>OST. Benton</i>
Date:	<i>Dec 6, 2019</i>

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	<i>Selectboard</i>
Title or Position:	
Agency/Department:	<i>Wellfleet</i>
Agency Address:	<i>300 Main St.</i>
Office Phone:	<i>508 349 0300</i>
Office E-mail	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Jake Puffer
Title or Position:	Member
Municipal Agency:	Wellfleet Shellfish Advisory Board
Agency Address:	300 Main St.
Office Phone:	508 349 0300
Office E-mail:	
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. Vote on Shellfish industry related fees
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. Vote on possible fee changes
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input checked="" type="checkbox"/> My immediate family member has a financial interest in the matter. <input checked="" type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. <i>Grant Holder, Permit Holder</i>
<input checked="" type="checkbox"/> Employee signature:	<i>[Signature]</i>
<input checked="" type="checkbox"/> Date:	<i>12/6/19</i>

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	<i>Selectboard</i>
Title or Position:	
Agency/Department:	<i>Wellfleet</i>
Agency Address:	<i>300 Main St.</i>
Office Phone:	<i>508 349 0300</i>
Office E-mail	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

V

COMMITTEE UPDATES – A

REQUESTED BY:	Chair
DESIRED ACTION:	Committee Update – 95 Lawrence Rd. Task Force
PROPOSED MOTION:	Update
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

V

COMMITTEE UPDATES – B

REQUESTED BY:	Chair
DESIRED ACTION:	Committee Update – Housing Authority
PROPOSED MOTION:	Update
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

V

COMMITTEE UPDATES – C

REQUESTED BY:	Chair
DESIRED ACTION:	Committee Update – Local Housing Partnership
PROPOSED MOTION:	Update
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

VI

LICENSES – A

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Extension of Liquor License – Fox and Crow Café
PROPOSED MOTION:	I move to approve the extension of the liquor license for the Fox and Crow Café to December 31, 2019.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

The Fox and Crow, Inc.
340 Coles Neck Rd.
Wellfleet, MA 02667

December 2, 2019

Town of Wellfleet Selectboard
300 Main St.
Wellfleet, MA 02667

Dear Selectboard Members,

I am requesting a hearing on the upcoming Selectboard meeting on December 10, 2019 to request an extension to the liquor license for The Fox and Crow Café, located at 6 Commercial St., Wellfleet, MA, to December 31, 2019.

Thank you for your time and consideration.

Sincerely,

Trudy Vermehren, Owner
The Fox and Crow Inc.
340 Coles Neck Rd.
Wellfleet, MA 02667

DEC - 2 2019

2000



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

VII

BUSINESS – A

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Appointment of Mike Trovato to the Barnstable County HOME Consortium Advisory Council
PROPOSED MOTION:	I move to appoint Mike Trovato as the Wellfleet representative to the Barnstable County HOME Consortium for a term to expire January 31, 2021.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



BARNSTABLE COUNTY
DEPARTMENT OF HUMAN SERVICES
3195 Main Street, Post Office Box 427
Barnstable, Massachusetts 02630
Office: 508-375-6628 | Fax: 508-362-0290
www.bchumanservices.net

Barnstable County HOME Consortium Advisory Council

The HOME Consortium Advisory Council consists of seventeen members: one representative from each town and two at-large members. The primary tasks of the Advisory Council include the following:

1. Determine the allocation of federal HOME funds received by the County (currently about \$400,000 per year) and approve specific housing development funding requests within that allocation.
2. Establish local HOME program policies as allowed by regulations.
3. Remain current on local, state, and federal housing issues and to advocate for policies that will promote the creation and preservation of affordable housing in the region.
4. Act as a liaison with their local housing partnership/committee to report relevant regional, state, or federal housing policy information and to share local successes and/or concerns with the Advisory Council.

Advisory Council town members are nominated by the governing bodies in all fifteen towns and are appointed by the County Commissioners. At large members are recommended by HOME Consortium staff and are appointed by the County Commissioners. The term of each member is three years with no limit established on the number of terms any member can serve.

The Advisory Council has a standard meeting schedule of once a month on the second Thursday at 8:30 a.m. in the Innovation Room at the Barnstable County Complex.

Creating a Healthy Connected Cape Cod

The Mission of the Department of Human Services is to plan, develop, and implement programs which enhance the overall delivery of human services in Barnstable County and promote the health and social well-being of County residents through regional efforts that improve coordination of services.



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

www.wellfleetma.org

December 6, 2019

Barnstable County Commissioners
c/o Human Services Department
P.O. Box 427
Barnstable, MA 02630
ATTN: Renie Hamman

RE: Barnstable County HOME Consortium

Dear County Commissioners:

The Wellfleet Board of Selectmen voted to appoint Michael Trovato as the Wellfleet Representative to the Barnstable County HOME Consortium for a term to expire January 31, 2021.

Dated:

Sincerely,

Wellfleet Board of Selectmen



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

VII

BUSINESS – B

REQUESTED BY:	Shellfish Constable
DESIRED ACTION:	Reappointment of Shellfish Constables
PROPOSED MOTION:	I move to reappoint Johnny Mankevetch as Assistant Shellfish Constable and Chris Manulla as Deputy Shellfish Constable for a period of three years.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: December 2, 2019

TO: Town of Wellfleet Selectboard Members

RE: Re-Appointment of Assistant and Deputy Shellfish Constables

Dear Selectboard Members:

I am writing you to request that you re-appoint Johnny Mankevetch as Assistant Shellfish Constable and Chris Manulla as Deputy Constable for three years. In March of this year, they were both awarded "Deputy Constables of the Year for 2019" from the Massachusetts Shellfish Officers Association following my nomination and many letters of support from our community. I stand by my assessment at that time and can attest to the fact that they are both well deserving of re-appointment to continue serving the town's shellfishing resources and industry.

Johnny Clam has dedicated hours to educating me about human nature and mother nature. He shares his insights on fishermen and how our work supports them, but also how our decisions and actions affect the resource we are responsible for managing. Johnny has a clear vision for the Town's propagation program and uses his extensive knowledge and experience to lead the department's propagation relaunch, now in its second year. He takes the pulse of fishermen and growers to help direct our efforts and works closely with AmeriCorps. His passion and expertise are valuable assets to the Town, to me as Constable and to the shellfishing community.

Chris has been sharing his 20 years(!) of experience in the department with me to help train me for my duties and responsibilities. Chris's ability to think through complicated issues and arrive at a plan for implementation have provided important guidance for me as I learn the intricacies of this position and its jurisdictional oversight. He has grown into his duties of boat patrol over the course of this year and has taught me how to monitor boats while fishing and at unloading and to navigate our Carolina skiff. His expertise and historical knowledge are real assets to our efforts. The Town is fortunate to have such a dedicated and experienced employee.

Not only have I had incredible support, guidance and mentorship from them, I believe that together we have created a very strong Wellfleet Shellfish Department over the past two+ years since I started as Wellfleet's Shellfish Constable.

I would ask that at your December 10 meeting you vote to re-appoint Johnny Mankevetch as Assistant Shellfish Constable and Chris Manulla as Deputy Shellfish Constable for the Town of Wellfleet for three years.

Thank you,

Nancy Civetta, Shellfish Constable

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

VII

BUSINESS – C

REQUESTED BY:	Shellfish Constable
DESIRED ACTION:	Report of use of SPAT Recreational Shellfishing Grant to date
PROPOSED MOTION:	Report
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

INTERIM REPORT COMMUNITY RECREATIONAL SHELLFISHING PROGRAM

Date: December 2, 2019

To: Wellfleet SPAT Board of Directors via Michele Insley, Executive Director

From: Nancy Civetta, Shellfish Constable, and John Mankevetch, Assistant Shellfish Constable for Propagation, Town of Wellfleet

Dear SPAT Board of Directors:

We'd like to update you on our progress with bolstering Wellfleet Shellfish Department's community recreational shellfishing program as part of the grant award you gave us in March 2019.

Report on our efforts as outlined in your award letter:

1) Planting 50-100 bushels of contaminated relay quahogs and instituting rotational closures/spawning sanctuary.

We bought 400 bushels of mixed sizes of contaminated quahog clams at the end of May. We planted 150 bushels in the Burton Baker Beach area of the Indian Neck recreational only shellfishing area. We also planted 150 bushels in the eastern area of Chipman's Cove and 100 bushels in the western area of Chipman's Cove, which are open to both recreational and commercial harvesting.

The clams are lightly-contaminated and able to purge themselves completely. This does not affect the surrounding water; in fact, clams purify the water as they feed. This is part of a tightly monitored state-run program. Water samples and a random selection of quahogs from the sites were sent off to the Mass. Division of Marine Fisheries on August 19. Test results gave the clams a clean bill of health and cleared them for harvest!

Another asset of the contaminated quahog relay program is that the state mandates that the area where the clams are planted be closed for three months to allow the clams to spawn, contributing larval quahogs to the public waters. The added bonus of this program is that it helps us create established clam beds and sustainable clam populations into the future.

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

We opened the Burton Baker area for recreational harvest on Wed., 9/18, Sun., 9/22, Wed., 9/25 and Sun., 9/29. The area saw good traffic, with most individuals leaving with their weekly peck (10-quart) limits. Approximately 14 bushels of quahogs were harvested in these four tides, which translates into 56 happy recreational shellfishermen. We then closed it again to make sure all of our seasonal permit holders will be happy as clams next summer. We will reopen the area on June 1, 2020. Chipman's Cove opened on its usual date of the last Sunday in October (Oct. 27), and so far, our best estimate is that more than 11 bushels of quahogs have been harvested there by recreational shellfishermen.

2) Placing an estimated 15,000 pounds of whole sea clam cultch in the harbor to provide habitat for oysters spat

We used cultch that had overwintered last year, and we laid down five strips of sea clam cultch in the Indian Neck recreational only area in June and July. We distributed more than 500,000 pounds of cultch around Wellfleet Harbor overall, including in Chipman's Cove and other mixed-use shellfishing areas such as Blackfish Creek and Lieutenant Island. We bought one entire load of sea clam shells, equal to 30,000 pounds, to dedicate to this project next year.

3) Collecting oyster seed on Chinese hats to distribute in the harbor

By the time we received the grant money, the hat supplier was not able to fill our order. We have already pre-ordered 100 stacks with 45-mini Chinese hats each for the 2020 spawning season.

In order to ensure that the Shellfish Department made an effort to collect oyster spat during this spawning year, we used close to 60 sepa bags that had been given to us as a donation and filled them with sea clam shells from our cultch pile. We put them on five racks in Chipman's Cove as part of an AmeriCorps project day on Friday, July 5. What an experiment! We estimate that we collected close to 70,000 baby oysters on these sea clam shells because they were up off the bottom. We distributed the shells with spat around Chipman's Cove in October. This amazing success means we will continue to adopt this practice into the future, even as we add Chinese hats to our propagation repertoire. We are going to more than double our remote set efforts by buying more racks and creating our own remote set bags that we will put on racks in Chipman's Cove and perhaps elsewhere around the harbor because the slight elevation of being on a rack means collecting more baby oysters.

In Chipman's Cove in particular, due to the black mayonnaise, we believe that elevating our bags will produce better results than traditional cultching. Also, with the upcoming dredging, using sepa bags and remote set bags will allow us to move the juvenile oysters around the harbor to the areas we feel need them most.

4) Recognize SPAT's support of this program with signage at recreational harvest areas, at the WSD office or as appropriate.

Since the Burton Baker Beach area was only open for four tides, we did not place signage there. We would like to place signage there by June 1, 2020. In the meantime, we would also like to place signage at both landings of Chipman's Cove where the relayed quahogs are planted (Old Pier Rd. and Indian Neck). **Please review the attached sign and approve or suggest revisions.**

5) Quarterly reporting of the success and/or challenges of this new initiative

We were simply too busy during the summer to provide quarterly reports in June and September. I am hoping that this December interim report and a final report will suffice. **Please advise.**

Here is a breakdown of our expenses to date:

<u>Description</u>	<u>Expenses</u>
1-Contaminated relay quahogs	\$8,800.00
2-Mini Chinese hats-45 on a stack	\$0 (ordered)
3-Outfitting of cultch barge+GPS	\$1,343.72
4-Second GPS	\$0 (need to order)
5-Load cultch: IN rec area + closure	\$1,000.00
6-Rec program and relay supplies	\$ 603.97
	=====
TOTAL TO DATE:	\$11,747.69

Budget:

\$17,770.00

(\$11,747.69)

=====

\$5,952.31 left to spend

Projection on expenses:

Contaminated relay quahogs (new state fee)	\$ 400.00
Mini Chinese hats-45 on a stack	\$2,000.00
Second GPS	\$ 500.00 (estimate)

A LOOK AHEAD

In 2019, the Shellfish Dept. had modest success in increasing shellfish resources for both commercial and recreational harvest. However, as we are still playing catch up from years of lesser activity, we feel the need to increase our efforts. We created a small area to start this year in the Burton Baker Beach zone, but next year, we plan on closing a larger area by the Indian Neck breakwater, which we know to be excellent clam bottom and which is also a strictly recreational-only area. We anticipate augmenting the relay quahogs in the closed area with our own aquaculturally-reared quahogs.

We have initiated a very successful oyster seed donation program. This year, grant holders donated close to 600,000 baby oysters collected in Chipman's Cove or on their grants. We will winter these over in our pits at the transfer station and distribute them around the harbor to both recreational and commercial areas next summer. Our long-term plan is to decrease our dependency on buying oyster seed from hatcheries and concentrate on our own propagation efforts (hats and cultching) and the generosity of grant holders. We would then be able to dedicate our small seed budget to purchasing quahog seed.

In addition to the expenses outlined above, we will likely still need some equipment for the barge and for our boat, which we also use for propagation activities. We plan to use some of the remaining funds from this grant for those expenses. We will also need more supplies to mark off the larger Indian Neck closed area next year and will reserve some grant funds for that purpose. We could also purchase additional racks to use as part of our spat collecting efforts in Chipman's Cove and around the Harbor, if you agree. Any remaining funds will be put toward the 2020 quahog relay. We hope this meets with your approval. **Please advise.**

We look forward to hearing your thoughts on this report and on our efforts to date, and of course, to continuing our collaboration to the betterment of Wellfleet Harbor's shellfish resources and the commercial and recreational communities that depend on them.

In gratitude,



Nancy Civetta
Shellfish Constable
617-901-7193

John Mankevetch
Assistant Shellfish Constable for Propagation
508-962-0691



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

VII

BUSINESS – D

REQUESTED BY:	Town Administrator
DESIRED ACTION:	2019 OysterFest Report
PROPOSED MOTION:	Report
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

VII

BUSINESS – E

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Vote of authorization for signing of permit applications for the Herring River Restoration Project
PROPOSED MOTION:	<p>I move to authorize the Town Administrator to sign on behalf of the Town of Wellfleet as Applicant, or as a Co-Applicant with the Cape Cod National Seashore as the case may be, environmental permit applications to be submitted to the Cape Cod Commission, Massachusetts Department of Environmental Protection, US Army Corp of Engineers, Massachusetts Coastal Zone Management, US Coast Guard, National Oceanic and Atmospheric Administration, US Fish and Wildlife Service, Massachusetts Department of Transportation, Truro Conservation Commission and Wellfleet Conservation Commission, for review and approval of Phase 1 of the Herring River Restoration Project as set forth in the Herring River Restoration Project Final Environmental Impact Statement/Environmental Impact Report, dated May 2016 (MA EOEEA Number 14272), and further to authorize Friends of Herring River, Inc., and their respective consultants, to represent the Town of Wellfleet in connection with public hearing processes and other aspects of permit administration with the above named agencies.</p>
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Memorandum

To: Daniel Hoort

From: Carole Ridley, Herring River Project Coordinator

Date: December 5, 2019

Re: Selectboard December 10, 2019 meeting agenda request re: authorization to sign permit applications

In accordance with the current Memorandum of Understanding between the Town and Cape Cod National Seashore (MOU IV), permit applications for Phase 1 of the Herring River Restoration Project are being prepared for submission.

The first permit application to be submitted is for Development of Regional Impact review by the Cape Cod Commission. Subsequent permit applications will be submitted to other local, state and federal entities. The list of required permits is attached.

On June 14, 2016, the Selectboard voted to authorize the Town Administrator or Selectboard Chair to sign a permit application to the Cape Cod Commission. The vote (attached) references a Project of Community Benefit filing, which is no longer applicable. The vote also refers to the Town of Truro as co-applicant.

I respectfully request that the Selectboard renew its vote of authorization to update references and to encompass all permit applications that will be needed to implement Phase 1 of the restoration. A sample motion is provided below for consideration. This motion has been reviewed and approved by Town Counsel:

MOTION xx: To have the Selectboard vote to authorize the Town Administrator and/or the Chairperson of the Selectboard to sign on behalf of the Town of Wellfleet as Applicant, or as a Co-Applicant with the Cape Cod National Seashore as the case may be, environmental permit applications to be submitted to the Cape Cod Commission, Massachusetts Department of Environmental Protection, US Army Corp of Engineers, Massachusetts Coastal Zone Management, US Coast Guard, National Oceanic and Atmospheric Administration, US Fish and Wildlife Service, Massachusetts Department of Transportation, Truro Conservation Commission and Wellfleet Conservation Commission, for review and approval of Phase 1 of the Herring River Restoration Project as set forth in the Herring River Restoration Project Final Environmental Impact Statement/Environmental Impact Report, dated May 2016 (MA EOEEA Number 14272), and further to authorize Friends of Herring River, Inc., and their respective consultants, to represent the Town of Wellfleet in connection with public hearing processes and other aspects of permit administration with the above named agencies.

Cc: Gregor McGregor, McGregor & Legere
Olympia Bowker, McGregor & Legere

List of Federal, State, and Local Permit Approvals for the Herring River Restoration Project

Agency/Regulatory Authority	Permit/Approval	Status
<i>Federal</i>		
U.S. Department of the Interior – National Park Service	NEPA Review	Complete (Record of Decision published June 21, 2016)
U.S. Environmental Protection Agency	U.S. Clean Waters Act - NPDES Construction General Permit	To be filed
U.S. Army Corps of Engineers	Individual Permit pursuant to Section 404 of Clean Water Act and Section 10 of Rivers and Harbors Act	To be filed
U.S. Department of the Interior - National Park Service	Review under Section 106 of the National Historic Preservation Act	Complete
U.S. Fish and Wildlife Service	Review under Section 7 of the Federal Endangered Species Act	To be completed
NOAA Fisheries	Essential Fish Habitat Review -Magnuson-Stevens Fishery Conservation and Management Act	To be completed
Federal Consistency Review (through MA Coastal Zone Management)	Review under Coastal Zone Management Act of 1972	To be reviewed
U.S. Coast Guard	Bridge Permit	Determination of Non-Applicability to be requested.
U.S. EPA	National Pollution Discharge Elimination System (NPDES) Permit	To be filed
<i>State</i>		
Executive Office of Energy and Environmental Affairs	Massachusetts Environmental Policy Act (MEPA) (MGL C. 30, s 61-62H) Review	Complete (MEPA Certificate issued July 15, 2016)
Massachusetts Department of Environmental Protection - Wetlands and Waterways	Section 401 Water Quality Certification (314 CMR 9.00)	To be filed
Massachusetts Department of Environmental Protection -	Chapter 91 Waterways Licensing and Permitting (310 CMR 9.00)	To be filed

Wetlands and Waterways		
Massachusetts Department of Environmental Protection - Wetlands and Waterways	Massachusetts Wetlands Protection Act (MGL C 131, s 40 and 40A) – Orders of Conditions from Wellfleet and Truro Conservation Commissions	To be filed with local Conservation Commissions
Massachusetts Historical Commission	State Historic Register Review	PNF has been filed. Programmatic Agreement in place.
Massachusetts Department of Transportation	Bridge Permit for Chequessett Neck Road Bridge	To be filed
Massachusetts Natural Heritage and Endangered Species Program	Habitat Management and Monitoring Plan	MEPA Certificate notes NHESP comments that it appears that the Project qualifies for MESA Habitat Management Exemption. A Draft Habitat Management and Monitoring Plan will be submitted and reviewed by NHESP pursuant to 321 CMR 10.14(15)
Regional		
Cape Cod Commission	Development of Regional Impact Review: Scoping Determination	Scoping decision issued March 7, 2019
Cape Cod Commission	Development of Regional Impact Review	To be filed
Local - Wellfleet		
Wellfleet Conservation Commission	Order of Conditions – Massachusetts Wetlands Protection Act and Local Bylaws	To be filed
Local - Truro		
Truro Conservation Commission	Order of Conditions – Massachusetts Wetlands Protection Act and Local Bylaws	To be filed



**Wellfleet Board of Selectmen
Minutes of June 14, 2016
Wellfleet Senior Center**

Present: Selectmen Dennis Murphy, Helen Miranda Wilson; Berta Bruinooge, Janet Reinhart, Jerry Houk; Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

Chairman Dennis Murphy called the meeting to order at 7:00 pm.

Announcements, Open Session and Public Comment [7:00]

- Wilson thanked outgoing members Campbell Rea for serving on the Conservation Commission and Evi Sheffres for serving on the COA Board.
- Terkanian announced: 1) The Outer Cape Bicycle and Pedestrian Master Plan fourth public workshop is scheduled for Wednesday, June 15 at 7:30 pm at the Truro Community Center; 2) Congressman Bill Keating will be at the Library on June 17 from 8 to 9 am to have coffee with the Outer Cape community; 3) A full size set of Police Station progress prints are available at the Library for public to review;
- Wilson said that the Environmental Impact Statement (EIS) for the Herring River Restoration Project (HRRP) is available at the Library.
- Don Palladino said that the Cape Cod Commission will have a public hearing on June 30 at the COA on the HRRP EIS.
- Steve Oliver requested to be on the next Board of Selectmen agenda for the traffic on Route 6 and distributed letters to the Executive Assistant.

Special Police Officers Appointments

MOTION 216-609: Reinhart moved and Bruinooge seconded to appoint Leslie Reynolds, Craig Thatcher, Christopher Hartsgrove, Christopher Anderson, W. Russell Hughes, Anne Peterson, Ryan Peterson, Timothy Morrison, Eric Trudeau to Special Police Officers from July 1, 2016 through June 30, 2017. The motion passed 5-0.

Murphy opened the Public Hearings at 7:05 pm.

Amendments to the Marina and Harbor Rules and Regulations

Harbormaster Michael Flanagan gave a background information on the proposed changes to the Marina and Harbor Rules and Regulations. Terkanian added that there is another component to the requested change in terms of parking regulations and the ban of overnight parking on the Marina.

MOTION 216-610: Bruinooge moved and Wilson seconded to accept the proposed Marina Rules and Regulations changes as printed. The motion passed 5-0.

Amendments to the Traffic Rules and Orders

Police Chief Ronald Fisette and Terkanian presented the proposed changes to the Traffic Rules and Regulations. Terkanian went over each change individually and raised two concerns on pages 4 and 5 – the first one referring to the intersection with an unnamed road and West Rd; and the second to the parking area lost to erosion on Chequessett Neck Rd, and said that ways to correct these issues should be identified. Wilson suggested continuing this hearing for the purposes of clearing the above concerns and clarifying the language for Chequessett Neck Rd. Terkanian suggested getting public comments and continuing the hearing to June 28. Alice Iacuesssa wanted to know if there were public parking lots for parking from 2 am to 5 pm. Wilson suggested adding this part to

MOTION 216-617: Houk moved to disapprove the appointment. Wilson seconded. Discussion ensued. Wilson said that based on the facts brought by Murphy and Houk, she had changed her opinion. Bruinooge said that she does not think the Selectmen should be reviewing resumes and making hiring decisions. Reinhart said that she will also favor disapproval of the hire, but agreed with Bruinooge to not get involved with micromanaging. The motion passed 5-0.

After the vote Murphy explained that the job has to be re-advertised and the process will have to begin all over. Reinhart suggested placing this on the agenda for June 28 and invite the DPW Director.

Houk left at 8:05 pm.

Use of Town Property: Wellfleet Recreation Department to hold a Skate Park grand opening on June 25 (*rain date July 9*) with food truck on premises and to use Baker Field tent and area for Reggae D.J. Dance Event on July 4, 1 pm – 4 pm with food truck on premises.

Recreation Director Becky Rosenberg presented the two requests for use of Town Property by the Recreation Department and explained the need for food truck vendor present at the events. Terkanian said that usually Town Boards and Committees are not required to fill in use of Town Property form and the only reason for this request is the food truck vendor. Terkanian explained that the food truck vendor proposed by the Rosenberg – Joey Rugo needs to provide an updated hawkers and peddler state license, because the current one will expire on June 21. The Selectmen agreed to allow food truck vendors present at the requested events with the above condition.

Authorize the Town to file an application (possibly jointly with the Town of Truro) for approval of a Development of Regional Impact for the Herring River Restoration Project and authorization for the engagement of counsel for that purpose.

Terkanian explained the requirement for an environmental impact statement for the HRRP and the need for professional legal help. The counsel company used by the Friends of Herring River is ESS and the requested authorization will make it official.

MOTION 216-618: Wilson moved and Reinhart seconded to have the Board of Selectmen vote to authorize the Town Administrator and/or the Chairperson of the Board of Selectmen to sign on behalf of the Town of Wellfleet as a Co-Applicant with the Town of Truro a Hardship Exemption (Project of Community Benefit) Application to be submitted to the Cape Cod Commission for review and approval of the Herring River Restoration Project as set forth in the Herring River Restoration Project Final Environmental Impact Statement/Environmental Impact Report, dated May 2016 (MA EOEEA Number 14272), and further to authorize the Herring River Restoration Committee and Friends of Herring River, Wellfleet/Truro, Inc., and their respective consultants, to represent the Town of Wellfleet in connection with the public hearing process with the Cape Cod Commission. The motion passed 4-0.

Oysterfest 5K Road Race change of route request

Recreation Director Rebecca Rosenberg and Police Chief Ronald Fisette presented the request for change of route for the 5K Oysterfest Road Race based on safety concerns and traffic issues. They felt that the proposed route is a little more appropriate and safer. Chief Fisette said that this route will be revisited annually. Wilson wanted to clarify the time of the race and suggested informing fishermen who may be affected by the event and will have to bring their product to the pier within the two-hour state required time frame. The Selectmen agreed with the requested change.

AmeriCorps – Report of Service in Wellfleet

Maggie Gardner and James Ryans gave a report¹ of the AmeriCorps services in Wellfleet and spoke about the AmeriCorps program. Denny O'Connell and the Selectmen thanked Maggie and James for their dedication and service.

[illegible]



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

IX

TOWN ADMINISTRATOR'S REPORT

To: Board of Selectmen
From: Dan Hoort, Town Administrator
Subject: Town Administrator's Report
Date: December 6, 2019

This report is for the period November 23, 2019 through December 6, 2019.

1. General

- No outstanding public records requests at this time

2. Fiscal Matters

- FY 2021 Budget delivered to Selectboard and Finance Committee

3. Meetings

- November 25 – Budget meeting with staff
- November 25 – Budget meeting with staff
- November 26 - Selectboard meeting
- November 28 & 29 – Thanksgiving Holiday
- December 5 – Barnstable County IT review
- December 6 – COMCAST negotiations review

4. Complaints.

- none

5. Personnel Matters:

- none

[illegible]



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

XI

CORRESPONDENCE AND VACANCY REPORT

CORRESPONDENCE TO THE SELECTBOARD

As of Friday, December 6, 2019

Letters (emails):

11/22-12/6	Wellfleet Chamber	Multiple – Event Updates
11/22	John Duane	CC to Rep. Peake: VA non-compliance determination letter Wellfleet
11/22	Hilary Lemos	Wastewater Staff Meeting
11/25	J&R Graphics	Thanksgiving card
11/26	Dan Hoort	FinCom comments on video recording
11/26	Jude Ahern	Video recording
11/26	Willem Post	Fwd: Dartmouth Biomass Boiler Emissions Equivalent to 280 High-efficiency, Wood-fired, Household Stoves at One Point
11/26	Courtney Butler	Sept. and Oct. monthly reports
11/26	Rebekah Eldridge	FinCom CIP recommendations
11/26	John Duane	2018 Pleasant Bay Report
11/26	John Riehl	Curley Report follow up
11/27	Courtney Butler	Liquor License Rules and Regs
12/2	Greg Sawyer	Wellfleet Closure
12/2	Ronit Goldstein	Thank You – Eversource
12/2	Trudy Vermehren	Extension of Liquor License
12/2	Mike Trovato	News Store Building Update
12/2	Nancy Civetta	Re-Appointment of Assistant and Deputy Constables
12/3	Sheryl Jaffee	MLK Day event
12/3	Hilary Lemos	Wastewater meeting 1/9/20
12/3	Janet Reinhart	Fwd: Please Distribute to all Selectmen/Councilors
		CCSCA December Meeting Notice

Federal State Local:

11/27	AG's Office	In reference to Jude Ahern OML Complaint filed on 10/25 and responded to on 11/13
11/12	ABCC	Beachcomber Violation Decision
11/19	Comcast	Price Changes

Board & Committee Minutes:

12/5	Community Preservation	Minutes from 10/23
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Legal:

11/15	KP Law	OML Complaint - Jude Ahern filed 10/22
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BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

XI

Date: December 5, 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		

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



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

XI

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

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: December 10, 2019

XII

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of meeting minutes
PROPOSED MOTION:	I move to approve the minutes of November 26, 2019 as amended.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

DRAFT

**Wellfleet Selectboard Meeting
Tuesday, November 26, 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;

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.

- There were no announcements.

COMMUNITY PROJECT UPDATE – EVERSOURCE

Eversource representatives present: Ronit Goldstein, Community Relations and Economic Development Specialist; Paul Sellars, Manager, Vegetation Management; Brian Sullivan, Manager, Electric Operations.

Goldstein noted that there are Eversource Community Impact grants available for non-profits in the area.

Goldstein provided the following overview of the project: *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 23 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.*

Sullivan said the current circuit, which runs from Main Street to Chequessett Neck, is a radio-circuit with no backup, as well as on School Street that is being connected to, and that both connections will aim to keep as many customers on feed as possible. He noted there is a substation on Gross Hill Road which will be tied to a new transformer behind Town Hall, providing 2 substations.

Sellars noted the necessary removal of trees in some areas to provide an increase of power. He said they have identified areas on Main and School Streets as well as Holland Lane, totaling 43 trees for removal. Of these 43, 2 lie on Town property, and the remaining 41 lie on private property. Sellars said an Eversource arborist will approach homeowners and abutters of the trees about the pruning and removal. He said they have also noted 8 locations for relocating trees.

Reinhart noted that Eversource has been pruning or removing trees all through Town in recent years due to major storms. She noted that no one likes losing trees, but no one likes losing electricity either.

Bacon asked when the project would be finished; Sullivan said the goal is by January 1st but said there would be continued work done through the beginning of the year because Verizon will have to install poles as well. Bacon asked if a police detail would be used through the entirety of the property; Sullivan said yes. Bacon said she is inconvenienced by this project, due to where she lives off of Main Street, and she is upset with losing 43 trees. She also noted that having a police detail takes the officers away from other issues they need to attend to.

Sellars responded by saying that trees would be replanted along the areas that Bacon referenced. He noted that Eversource does consult the Town's Tree Warden when discussing removal and replanting of trees.

Carlson said Bacon raised important points but that trees that get too tall can cause various problems as well. She said she is happy Eversource would listen to all concerns, including Bacon's, but is happy they are doing necessary work.

Wilson clarified that if a property owner did not want pruning or removal done, they could say "no". Sellars said they could say no to removal, but if someone is adamant that they do not want any pruning either, then it can be cut right to the property line edge, but this does more damage than good.

Wilson noted that wherever light hits asphalt, there is a lot more warming, noting the Town needs all the trees it can get. She said of course one does not want to lose power and asked about the replanting Eversource would do – which species would be planted and where and asked how many of the 43 trees will be removed. Sellars said that only 16 trees have been approved for removal and is still waiting to receive some permissions back. Wilson asked what happens to the wood, once cut down, noting her passion for Black Locusts. Sellars said their Arborist asks the property owners if they want to keep the wood, or what they would like to do with it – he said about half of the property owners would like to have the wood hauled away, and this includes Pitch Pine as well as Locust. Sellars noted the wood could be donated to the wood bank. There was further discussion.

Wilson asked if there was enough power on the Outer Cape to supply all the residents. Sullivan said that there is almost too much power, because there is a lot of solar and wind energy being pumped into the system too. Wilson asked if the high voltage readings they are receiving would damage the setup; Sullivan said no. Wilson asked if there was a way that Eversource tests the system, before the storms test it for us; Sullivan said yes. He said the tentative dates are December 15 and December 30 and Goldstein noted that customers would be altered before any testing or scheduled outages would be conducted. She also said these would occur during the night.

DeVasto asked the representatives to consider replacing 1 tree for every tree they remove as a gesture of good will. He also asked them to ask property owners if they would like to donate their wood to the wood bank, as a third option to removal and keeping it. Sellars said these could be considered and that the Tree Warden has a very influential role in what they do and how they do it. Sellars also said trees could be replanted, but not on a 1 for 1 basis because most trees removed are hazard trees.

COMMITTEE UPDATE – NATURAL RESOURCES ADVISORY BOARD

John Riehl, John Duane, and Laura Hewitt from the Natural Resources Advisory Board (NRAB) presented the update. Riehl said the group is working on putting together the 3rd Harbor Management Plan. He noted that some recommendations from the 2006 plan are still in flux including the Herring River and Mayo Creek restorations, wastewater, and the harbor dredging. Riehl noted that in 2006, Climate Change was never managed, and they are focusing on that now.

DRAFT

Duane noted the Curley report, which was done by the MA Division of Marine Fisheries in 1972 with a study period of 12 months between 1968 and 1969 and is a study of marine resources in Wellfleet Harbor. He noted that Owen Nichols, from the Center for Coastal Studies, recently completed a report for Pleasant Bay. Duane said this study should be done more frequently, at least every 5 years. Riehl said this is one project where NRAB would take the lead. Reinhart asked the Board to discuss what money and how much they would need to complete future work; Riehl said he would come back to them with that.

Riehl discussed shellfishing, talking about plastics and biodiversity. He also discussed the NRAB's responsibility for coastal and pond access, saying a previously completed report will be an appendix to the Harbor Management Plan. Riehl said he would also like another shellfishing report, authored by Seth Tuller, to be an appendix.

Bacon asked the members if they could volunteer time to the Ocean Acidification Board, through Julian Cyr's office. Riehl said the NRAB asked the Shellfish Advisory Board (SAB) if they had noticed problems with acidification and they said no, but the solution would be to deal with biodiversity. Bacon asked if the repaving that was done this fall was not in compliance with the Stormwater Management Plan; Riehl said that was useful information.

DeVasto thanked the members for picking up the Curley report and noted the 2006 report focused on oyster disease. He noted that there is currently a clam disease that is affecting the industry greatly and there is no research currently being done on the matter. DeVasto noted this disease affects the size of clams and the harvesting of them. Riehl said speaking with Shellfish Constable Nancy Civetta would be a good start. There was further discussion.

Duane said he spoke with Owen Nichols today to discuss the Wellfleet Harbor Management Plan and study. Wilson thanked the NRAB for reaching out to the SAB. Wilson asked if all shellfish shells are affected by acidification and if all species were affected by biodiversity. Riehl said it is difficult to deal with acidification, for all shellfish, but that some would not be susceptible if biodiversity was present, in theory. Wilson said the Curley report will provide what needs to be addressed in the Plan and asked if the report should come before the Plan. Riehl said the report could be designed so that the answers given could be immediately applied to certain questions, or the report could provide a broad background and identify questions.

Carlson thanked the members for their update and work. She noted the 2.75% tax of the room and occupancy tax that goes towards water protection and said she would inform the group if money is available from that to their study.

DeVasto suggested having a forum to determine what should be put in the report and asked if the NRAB will have any sort of open dialogue to determine the criteria of the report from the contractor. Riehl said this was good advice and they have a lot of good partners who will assist in the process.

USE OF TOWN PROPERTY

White Crest Beach – Kendra Luongo On June 27, 2020

DRAFT

Reinhart noted that Luongo provided answers to their questions asked at the November 12 meeting. Carlson noted Luongo's answers were thorough and she was comfortable moving on this. Wilson clarified that Luongo's response to the question of where the location of the ceremony would be, was that it would be "dune side". Reinhart said that it would be on the beach, closer to the dunes rather than the shore.

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

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

Bacon gave praise to Andrew Staker, who has worked on this event each year.

- Bacon moved 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.
- DeVasto seconded, and the motion carried 5-0.

BUSINESS

Review and Discuss Appropriate Action in Regard to Letter from Marconi Beach Restaurant Re: Temporary Closure

DeVasto noted that no date for reopening was stated in the letter, but he did not feel that Swartt was in violation of any policy. Bacon said it was her mistake, that the ABCC does not have a policy for when businesses need to have a policy for when they are open or closed, that it is up to the Board to decide. DeVasto said he was okay with the approval for renewal but would like to have a better idea of when he plans to reopen. Reinhart said that Swart has been in business for a long time and is trying to sell his business. She noted that Swart would also like to have a better idea of dates.

Wilson noted that her issue is not that the business wants to close, it is that they did not request permission to do so. Carlson noted that the letter informs the Board that he is closing, even though it does not implicitly ask for permission. DeVasto said the business is already closed. Hoort said the letter provided last year was very similar.

Wilson clarified that the Board was OK with the language in Swart's letter and asked that Town Staff clarify with Swart that he needs to be more specific in his request in the future.

Reinhart asked if the Board had to also vote to renew the liquor license and Hoort noted the Board moved to approve the renewal of the license at its November 12 meeting, contingent upon receiving a letter from Swart.

- DeVasto moved to approve the temporary closure of Marconi Beach restaurant from November 11, 2019 through late winter.
- Bacon seconded, and the motion carried 5-0.

New Selectboard Policy – Local Access Television

Mia Baumgarten, Media Manager, and Jennifer Wertkin of the Cable Advisory Committee, were

present. Baumgarten noted the only changes she made since her last presentation of the policy are that she added the Board's recommended changes, including not recording Executive Session meetings and the capturing of Closed Captioning via YouTube.

Baumgarten noted that the Town Media program is paid for through Comcast receipts funds, which subscribers cannot opt out of, and cannot be used for anything else. She said residents have already paid for this service and the Town is choosing not to provide it to the best of their ability.

Baumgarten said it was suggested that she was not the appropriate person to bring this up because it involves increasing the work she would be doing. She noted that she would not be the only one doing said work, that it would be shared with Tom Cole and Andrew Staker. Baumgarten said she is advocating for this because she is the point person and she feels she really has her pulse on what people would like to see. She also noted that this policy was drafted via the Cable Advisory Committee, as most Towns who have a similar policy has done.

Reinhart said this is not just a matter of Baumgarten having her pulses on the policy, there is a conflict of interest. She noted that since Baumgarten is advocating for more work and hours for herself, which would occur with the passage of the policy, there is a conflict of interest. Carlson said it was not a question of being appropriate, she said it was a part of transparency to observe the State Ethic laws.

Wertkin noted that Baumgarten brought the conflict of interest to the Board when this program was developed. Carlson said that is not how the law reads. Wertkin said that Baumgarten would not have to be the one recording the meetings. Reinhart said since Baumgarten is the advocate and author of the policy, and it is benefiting her financially, there is a conflict of interest. Wertkin said the entire Committee drafted the policy.

Wilson provided Baumgarten advice on how to go about determining if there is a conflict of interest with the State. Baumgarten said she would do.

DeVasto said the Board should not discuss the policy further this evening to protect Baumgarten. Baumgarten said she felt this information was helpful.

- Bacon moved to postpone the approval of the policy.
- Wilson seconded, and the motion carried 5-0.

Army Corps of Engineers Access Privileges Renewal

Hoort said this renewal has come up annually and deals with the property known as the "Former Camp Wellfleet". DeVasto asked what the Army Corps was doing in the area; Bacon said environmental testing.

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

Request Approval to Close Town Offices From 3 To 5pm on Thursday, December 12th For Staff Holiday Appreciation Party

DRAFT

Hoort said everyone enjoyed the event last year at the Well and that is where the party will be held again.

- Bacon moved to approve the request to close Town offices from 3 to 5 PM on Thursday, December 12th for Staff Holiday Appreciation Party
- Carlson seconded, and the motion carried 5-0.

SELECTBOARD REPORTS

- Carlson: The Cape Cod Water Protection Fund has moved to take a couple of months off, as the Bylaw Committee is doing work
- Reinhart: the DCR requested a meeting be withheld until after the holidays

TOWN ADMINISTRATOR'S REPORT

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

TOPICS FOR FUTURE AGENDAS

- Bacon: asked to have the Board of Water Commissioners come before the Board as soon as possible
- Wilson: Baumgarten's public of interest disclosure
- Wilson: meeting recording policy
- DeVasto: Board's discretion over derelict buildings in the historic, commercial district

CORRESPONDENCE AND VACANCY REPORTS

Reinhart noted that the Selectboard is responsible for filling vacant positions on Committees.

Wilson was concerned with a spam email that came in to the Board. Butler reminded the Board that spam emails do occur and to ignore them, mark them as spam, and delete them immediately.

MINUTES

November 12, 2019 – Regular Meeting

Wilson noted amendments to the discussion of OysterFest with Acting Chief Hurley and Chief Pauley.

- Wilson moved to approve the minutes of November 12, 2019 as amended.
- DeVasto seconded, and the motion carried 5-0.

November 6, 2019 – Special Meeting

Wilson provided amendments to Butler and the Board.

- Wilson moved to approve the minutes of the November 6, 2019 special meeting as amended.

Carlson seconded, and the motion carried 5-0.

November 19, 2019 – Work Meeting

- Bacon moved to approve the minutes of November 19, 2019 as presented.
- Carlson seconded, and the motion carried 4-0-1, with Wilson abstained.

ADJOURNMENT

Reinhart moved to close the open meeting and adjourn into Executive Session, – *pursuant to M.G.L.c. 30A, §22(g)(2)*, approval of Executive Session minutes.

- Carlson seconded: roll call vote:
 - Bacon yea
 - Carlson yea
 - Reinhart yea
 - Wilson yea
 - DeVasto yea
- The meeting adjourned at 7:38 pm.

Respectfully submitted,
Courtney Butler,
Secretary

Public Records Material as of 11/22/19

1. Emails from Ronit Goldstein re: Eversource project update
2. Report from Natural Resource Advisory Board
3. Application for Use of Town-Owned Property from the Wellfleet Chamber and Kendra Luongo
4. Email from Kendra Luongo re: response to questions about application for Use of Town-owned property
5. Letter from Russel Swart re: temporary closure of Marconi Beach Restaurant
6. Social Media Policy and Committee comments on Policy

DRAFT

7. Army Corps of Engineer request for renewal of right of entry
8. Town Administrator's Report
9. Correspondence Report
10. Draft minutes for November 6th special meeting; November 12th regular meeting; and November 19th work meeting.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: December 10, 2019

XIII

ADJOURNMENT

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

