



Wellfleet Selectboard

Note: Start Time of 1pm

The Wellfleet Selectboard will hold a public meeting on **Wednesday, September 30, 2020, at 1:00 p.m.** **This meeting will be held via Zoom Video Conference** in accordance with the temporary suspension and enhancement of the Open Meeting Law requirements by Governor Baker. Instructions for a Zoom video conference meeting which also allows phone dial-in are given below:

1. Watch a livestream on Wellfleet's YouTube Channel located at the following link:
www.youtube.com/c/wellfleettownmedia.
2. Join the meeting hosted in Zoom by using the following link:
<https://zoom.us/j/98788085014?pwd=VjN4bGtBaml4YmtGQjNiZEFUVk1QZz09>
3. Audio, video, chat, and screen sharing functions will be disabled during the public session. Request to participate by using the "raise hand" function. **Meeting ID: 987 8808 5014 | Passcode: 063835**
 - a. Raise hand in smartphone app – touch bottom of your screen and select "more" - hit "raise hand" button
 - b. Raise hand on computer – hit "participants" button on bottom of screen – hit "raise hand" button on bottom of participants panel
 - c. Please make sure you properly identify yourself before speaking, rename yourself by selecting the participants button and choosing "more" (or by holding down on your name on a smartphone app) and selecting "rename" - full, legal names only.
 - d. Please join the meeting on time.
4. You may also listen to the meeting by calling in on a phone to **+1 929 205 6099** and enter **Meeting ID: 987 8808 5014 | Passcode: 063835** Landline callers can participate by **dialing *9 to raise their hand**.
5. You may submit questions and comments to the Town using the following email:
executive.assistant@wellfleet-ma.gov Comments made during the meeting via e-mail will be sent to Selectboard members **AFTER** the meeting.
6. Meeting materials are attached to this agenda, available online at Wellfleet-ma.gov. It is recommended that phone participants access materials in advance of the meeting.
7. **Please follow the following general instructions:**
 - a. Keep your phone muted at all times when not talking; no one is allowed to unmute themselves during the meeting.
 - i. Selectboard meetings are NOT interactive. If public comments are allowed that's all, comments only, not questions.
 - ii. If the Chair is allowing comments during the meeting the number of comments will be limited and may be **no longer than one minute**.
 - b. Do not use speakerphone; do not use Bluetooth devices; mute all background noise.
 - c. Please do not speak until the Chair asks for public comments or questions and you have been recognized by the moderator and unmuted.
 - d. After the business section is complete no public comments are permitted. Future agenda items are from the Selectboard, no one else.
8. 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. Town Finances

- A. Projected Cash Shortfall [Town Administrator]
- B. Approval of Disclosure of Financial Conflict of Interest for Miriam Spencer – Cape Cod Municipal Health Group
- III. 2020 Post Town Meeting Comments [Moderator]**
- IV. Animal Control Memorandum of Understanding [Police Chief]**
- V. Board/Committee Appointments and Updates**
 - A. Barnstable County Assembly of Delegates Update – Lilli Green
 - B. Approval of Request for Proposals for 95 Lawrence Road Housing Project
 - C. Selectboard member as a representative to the 95 Lawrence Road Task Force
- VI. Business**
 - A. FY 2021 Selectboard Goals – review FY 2020 and Proposed FY2021 Goals
 - B. Thank you letter to those involved in Annual Town Meeting [Curley]
 - C. Response to Seashore Superintendent Brian Carlstrom’s letter dated August 28, 2020, re: Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination [Wilson]
 - D. Authorize the Town Administrator to sign the Green Communities Grant Contract
- VII. COVID-19 Updates and Recommendations**
- VIII. Selectboard Reports**
- IX. Town Administrator’s Report**
- X. Topics for Future Discussion**
- XI. Correspondence Report**
- XII. Minutes**
 - A. September 8, 2020
 - B. September 11, 2020
- XIII. Adjournment**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

II

TOWN FINANCES – A

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Projected Cash Shortfall
PROPOSED MOTION:	N/A - Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET
Office of the Town Accountant
Office of the Treasurer

Memo

September 17, 2020

From: Town Accountant Gene Ferrari & Treasurer Miriam Spencer

To: Wellfleet Select Board
Maria Broadbent, Town Administrator
Michael Trovato, Assistant Town Administrator

Re: Projected Cash Shortfall

The Town of Wellfleet is currently experiencing a cash flow problem with many factors. Here are the facts as they stand today.

Cash Bank Acct.s	Balances As of 9/17/20
General Fund	2,891,762.97
Online Tax Collections	32,367.80
Ambulance Acct	4,880.39
Beach Credit Cards	17,488.85
COA Credit Cards	39.01
Recreation Credit Cards	347.20
Gen. Investment MM CC5	111,828.41
Gen. Investment MM Coop of CC	338,499.34
Total Cash on Hand	3,397,213.97
Gen. Stabilization Acct. Balance	922,332.64

The Town expenses approximately **\$850,000** each payroll/vendor warrant cycle, on average. That leaves the Town able to pay **four more cycles** before having to borrow. That gets us through **November 4, 2020**. **Short-term borrowing requires a three-week lead time, so we would need to act quickly if that is how we want to proceed.**

As mentioned above, there are many factors attributable to this shortfall.

- Revenues are down and expenses are up due to COVID
- The fall tax bills will be delayed due to a late ATM and other mitigating factors

Revenue Comparisons

	2020 July/Aug	2021 July/Aug	Variance
General Fund	555,809	596,052	40,243
Revolving Funds	946,186	428,178	(518,008)
Enterprise Funds	242,426	177,454	(64,972)
CPA Fund	17,623	12,574	(5,049)
Other Special Revenue	<u>286,415</u>	<u>312,750</u>	<u>26,335</u>
	2,048,459	1,527,008	(521,451)

Major sources of decrease in revenues:

Ambulance:	(49,651)
Transfer Station:	(39,818)
Recreation:	(42,518)
Beach:	<u>(375,080)</u>
	(507,067)

Tax Bill Timeline:

The tax rate is close to being finalized but accounting discrepancies are slowing progress. Once the rate is finalized by the Accountant and the Assessor it must be approved by the State. Given that approval, which make take up to a week, the Assessor and Collector have some work to do before the bill file can be sent to the printer for processing. At best, the fall tax bills will be mailed out on Friday, October 16, with tax revenue beginning to arrive the following week.

Stabilization Fund & Finance Committee Reserve Fund BOS Policies in Review

Per Budget and Financial Management Policy (Adopted August 13, 2013 as Policy 2013-02)

Stabilization Fund:

The Town of Wellfleet shall maintain a Stabilization Fund.

Standard Stabilization Fund uses include, but are not exclusively limited to, settlement of litigation and emergency expenditures.

The Town may, with town meeting approval, use the Stabilization Fund as an “internal bank” to borrow from itself for capital projects.

The Town shall have a goal to maintain a minimum Stabilization Fund balance of 5.00% of the Operating Budget. If the fund is used for any reason, the goal is to replenish it as soon as possible and no later than within five years.

Finance Committee Reserve Fund:

Its purpose is to respond to extraordinary and unforeseen events/obligations. The Town has established an annual budget reserve in accordance with the provisions of Massachusetts General Law, Ch.40 §6.

The Reserve Fund shall be budgeted annually to provide for extraordinary and unforeseen expenditures that could not have been anticipated before town meeting, and/or to allow immediate expenditures of funds in the event of an emergency or opportunity that cannot be deferred until the next scheduled town meeting.

The annual funding target for Reserve Fund shall be 0.50% of the Operating Budget.

A request for a Reserve Fund transfer will not be considered if it is contrary to the vote of town meeting, or as a 'backdoor' means to increase a budget.

Any unexpended balance at the end of the fiscal year will be closed to expenditure.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

II

TOWN FINANCES – B

REQUESTED BY:	Town Treasurer
DESIRED ACTION:	Approval of Disclosure of Financial Conflict Interest for Miriam Spencer – Cape Cod Municipal Health Group
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 September 18, 2020.
ACTION TAKEN:	Moved By: _____ Seconded By: _____
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:	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:	9/18/2020

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.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

III

2020 POST TOWN MEETING COMMENTS

REQUESTED BY:	Moderator
DESIRED ACTION:	2020 Post Town Meeting Comments
PROPOSED MOTION:	N/A - Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

MEMO

DT: September 17, 2020
TO: Selectboard
FR: Dan Silverman, Town Moderator
RE: Post-Town Meeting comments
CC: Maria Broadbent, Town Administrator
Mike Trovato, Assistant Town Administrator
Courtney Butler, Executive Assistant
Jennifer Congel, Town Clerk

Last Saturday's historic outdoor session of our Annual Town Meeting was a success. A truly cooperative effort among town staff who comprised the planning task force made sure that the meeting was as safe and comfortable as could be, given the challenges. And a team of volunteers helped manage the meeting so that all voters could participate fully in debate.

As per past practice, here are my thoughts following the meeting.

Warrant:

1. The organization of the warrant by general subject matter is good and should continue.
2. The statements of the tax effect of financial proposals are helpful information for voters. This information was not included for all proposals, but should be, including the omnibus, capital budgets and enterprise budgets
3. The use of a consent agenda continues to be an effective way to deal with non-controversial articles. Using them for the (usually) non-controversial Community Preservation Committee's appropriations was tried for the first time at this meeting and seemed to meet with no objections. I recommend that we continue to use consent agendas where possible.
4. The confusion engendered by scheduling the override/debt exclusion election before the meeting should have been avoided. Because we were in such an unusual situation, it's understandable that no one was paying attention to the state statute that sets deadlines for elections on contingent questions. The Town could have avoided the scheduling problem by calling a special town meeting **within** the annual meeting just to deal with the contingent questions. This would have given us 90 days from the date of the meeting to have the election. (Town counsel indicated after the fact that their opinion was that a case could be made that the meeting could be considered a special town meeting, but I'm not convinced that either the Attorney General or bond counsel would necessarily agree.) Should a similar situation ever arise again, we should think a bit more creatively about a solution.
5. I repeat my recommendation from last year that the Board send the warrant articles to the relevant Boards and Committees as early as possible and require that the required recommendations be made in time to be printed with the Warrant. Boards or Committees that have an interest in an article should have a chance to see that the article is what they expect. There should not be any surprises to the interested parties when the final Warrant comes out. The use of amendments to achieve an end result that could have been included in the Warrant can raise questions of scope and adds procedural complexity that should be avoided whenever possible.

6. The same recommendation applies to sending the warrant to Town Counsel, who should be involved early in drafting the warrant articles.
7. As Moderator, I appreciate being able to review the Warrant in draft form before it goes to press and having the opportunity to make suggestions that might avoid procedural conflicts. The same early review regarding the motions has been useful and should continue.

Motions:

1. The motions booklet has been a major improvement in the Meeting's procedures. With the actual motions made available to every voter, we've eliminated the need for a verbatim reading of the motions. By making the motions with reference to the wording "as printed in the motions booklet", we've removed most of the tedious recitation while still satisfying the requirements of statutes (and bond counsel, with regard to borrowing authorizations). This practice should continue.
2. Having the Selectboard chair and vice-chair respectively make and second most of the main motions is also a welcome new procedure. I recommend that this become standard practice for future meetings.

Meeting practicalities:

1. It's quite possible that next spring's ATM will still need to be held outdoors, if the pandemic hasn't run its course. To that end, the planning task force met last Thursday for a post-meeting review. We've identified lessons learned and will be better prepared if we have to plan another similar meeting in the future.
2. I recommend that the Board give serious consideration to moving Town Meeting to a Saturday, regardless of where the meeting is held. It seems that voters were less fatigued by the end of the meeting, and it makes it more likely that only one session would be needed to complete the meeting. And, when we move back to the elementary school gym, the school would be happy not to lose the use of the gym for a few days.
3. After the 2019 ATM, we discussed offering childcare during Town Meetings to encourage participation by younger voters and had some preliminary discussions with Ms. Rodman, elementary school principal, about using school facilities for this. While the limitations imposed by the pandemic made it impossible this year, we should continue to plan on providing childcare in the future when we can so more younger parents would be able and encouraged to participate in the meetings.

Input from the Board:

1. If Selectboard members have suggestions for the planning task force, please let us know so we can incorporate them into future planning.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

IV

ANIMAL CONTROL OFFICER MEMORANDUM OF UNDERSTANDING

REQUESTED BY:	Police Chief
DESIRED ACTION:	Approval of Animal Control Officer Memorandum of Understanding
PROPOSED MOTION:	I move to approve the Memorandum of Understanding between for an Animal Control Officer and authorize the Town Administrator to sign it.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

INTER-MUNICIPAL SERVICE AGREEMENT – Animal Control Officer

This Inter-Municipal Agreement (IMA) (hereinafter “Agreement”), dated _____, 2020 by and between the Town of Wellfleet (hereinafter Wellfleet), and the Town of Eastham (hereinafter Eastham), is entered into pursuant to M.G.L., Chapter 40, Section 4A, and with the following terms and conditions:

WHEREAS Wellfleet and Eastham are both, under the laws of the Commonwealth, required to employ an Animal Officer, and;

WHEREAS Wellfleet and Eastham are desirous of making the most efficient use of community resources while maintaining sound community services, and;

WHEREAS Wellfleet currently employs a full time Animal Control Officer.

NOW THEREFORE, in consideration of these promises and the mutual covenants contained herein, Eastham and Wellfleet agree as follows:

1. Scope

The Town of Wellfleet agrees that the Wellfleet Animal Control Officer will operate as Animal Control Officer in both Wellfleet and Eastham.

2. Operation of Service

The Animal Control Officer will report to the Police Chief in the Town of Wellfleet on a day to day basis and as required by the Town of Wellfleet for all duties associated with the Town of Wellfleet and the Animal Control Officer will report to the Police Chief in the Town of Eastham on a day to day basis and as required by the Town of Eastham for all duties associated with the Town of Eastham.

- a. The Town of Wellfleet Animal Control Officer will provide Animal Control Services to the Town of Eastham. The Town of Wellfleet will hire an Animal Control Officer to render Animal Control Services to the Town of Wellfleet and the Town of Eastham with the job description in the attached in Addendum A. The Animal Control Officer shall have the ability to perform services in both Wellfleet and Eastham. The Animal Control Officer shall have the responsibility to coordinate all animal control services for the two towns. The Wellfleet and Eastham Police Departments will provide backup for the Animal Control Officer as necessary.
- b. The Animal Control Officer shall maintain the requisite records for each Town.
- c. The Animal Control Officer shall conduct all animal inspection services for both the Town of Wellfleet and the Town of Eastham.
- d. The Animal Control Officer shall complete all reports as required by the Town of Wellfleet and the Town of Eastham.
- e. The Town of Wellfleet will provide the Animal Control Officer with a police radio. Each town will provide administrative support services to include (a) a dog license list; (b) letters of complaint; (c) fines issued, paid and unpaid; (d) 10-day notices; and (e) 21-day notices.

3. Budget/Compensation

- a. The Animal Control Officer's is employed by Wellfleet and shall be compensated by the Wellfleet. Eastham shall pay the Town of Wellfleet \$30,000, annually, for its share of the budget. The payment is due on an annual basis on or about on or about July 15th each year.
- b. The Animal Control Officer shall use the automobiles provided by either town for duties in both towns. Each Town shall be responsible for the registration, insurance costs, and maintenance of their own vehicles.
- c. Both towns will share Animal Control Officer training expenses.
- d. Each Town shall collect and maintain their fees charged for licensing of animals.

4. Term

This Agreement is effective July 1, 2020 and will continue in effect for no longer than three (3) years (June 30, 2023), or until one of the parties hereto provides notice at least four (4) months prior to the start of a new fiscal year that they do not intend to participate in this agreement for the upcoming fiscal year ("Notice of Termination").

All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given if delivered or mailed, postage prepaid, certified mail, return receipt requested or by electronic mail to:

The Town of Eastham
Town Administrator
2500 State Highway
Eastham1, MA 02642

The Town of Wellfleet
Town Administrator
300 Main Street
Wellfleet, MA 02667

5. Default

Should any party hereunder fail to provide said Notice of Termination as set forth in section 4 above, or fail to maintain the appropriate insurance as required hereunder or in any way violates the terms of this agreement or fails to pay when and as due as required herein, then that party shall be considered in default hereunder and shall be responsible to the other party for any amounts due hereunder for the remainder of the fiscal year, as well as any and all attorney fees, court costs and any other damages which may result in the non-defaulting party's attempt to collect what is due and payable hereunder as well as any damages which result from the early termination or default hereunder.

6. Indemnification

Each Party ("Indemnitor") agrees to indemnify, save harmless and defend each other ("Indemnitee") from and against any and all liabilities, claims, penalties, forfeitures, suits and the costs and expenses incident thereto, (including costs of defense, settlement, and reasonable attorney's fees), which Indemnitee may hereafter incur, become responsible for, or pay out as a result of death or bodily injuries to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation of governmental laws, regulations, or orders, to the extent caused by Indemnitor's breach of any warranty, term or provision of the Agreement, or any negligent act, negligent omission or willful misconduct of Indemnitor, its employees, or Wellfleet's in the performance of the Agreement, regardless of any contributing or concurrent negligence caused by indemnified party. Eastham shall indemnify

Wellfleet for any costs or liability associated with Wellfleet's providing services by its employee under this Agreement.

7. **Miscellaneous**

The Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and permitted assigns. The Agreement shall be governed by and construed in accordance with the laws of the State in which the Facility is located. A faxed signature of any party shall have the same legal binding effects as an original signature.

This Agreement may only be amended or modified by written document signed by an authorized official in each Town.

This Agreement shall be governed in accordance with the laws of the Commonwealth of Massachusetts and any dispute hereunder shall be directed to the appropriate court within Barnstable County.

If any provision, section, phrase or word contained herein is determined by a court of competent jurisdiction to be unenforceable, for any reason, or beyond the scope of the statutory provisions of Chapter 40, Section 4A of the General Laws, as amended, then it is the intention of the parties that, for public purposes, the remaining provisions thereof shall continue in full force and effect.

Executed as a sealed instrument as of the day and year first written above.

Town of Eastham
Authorized Official(s)

Town of Wellfleet
Authorized Official(s)



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

V

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – A

REQUESTED BY:	Chair
DESIRED ACTION:	Barnstable County Assembly of Delegates Update
PROPOSED MOTION:	I move to approve the letter in support of IT Bond Bill, Proposed Resolution 20-05, as drafted by Lilli Green, and authorize the Board to sign it.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Courtney Butler

From: Lilli Green <lillianngreen349@gmail.com>
Sent: Friday, September 18, 2020 10:19 AM
To: Courtney Butler
Subject: Information for SelectBoard meeting on Tuesday, 9/22/20
Attachments: 1-Update information for 9-22-20 Selectboard meeting - from Assembly Delegate Green.pdf; 3-Proposed letter from Selectboard in Support of IT Bond Bill.doc; 2-Resolution 20-05 Support of IT Bond Bill.pdf; 5-APPROVED 9-2-20 Journal.pdf; 4-Barnstable County to Host Drive-Thru Flu Shot Event _ Barnstable County Department of Health and Environment.pdf

Hi Courtney,

Thank you for taking my call this morning and for the time on the agenda for the SelectBoard meeting on Tuesday, 9/22/20.

Please find that the action step I would appreciate the SelectBoard to take at the 9/22 meeting is to make a motion and approve sending a letter to the Governor in support of the IT Bond Bill. I have attached a document with a proposed template for such a letter, As discussed, please prepare the motion and letter with town letterhead and appropriate signature lines should they decide to send a letter:

3-Proposed letter from Selectboard in Support of IT Bond Bill

I have updated the materials for the meeting and have attached these to this email.

1-Update information for 9-22-20 Selectboard meeting - from Assembly Delegate Green (which is an overview of the topics I will discuss)

2-Resolution 20-05 Support of IT Bond Bill (the final signed resolution and letter from the Assembly of Delegates as received from the County Clerk)

3-Proposed letter from Selectboard in Support of IT Bond Bill (template letter for Selectboard)

4-Barnstable County to Host Drive-Thru Flu Shot Event _ Barnstable County Department of Health and Environment (information for distribution)

5-APPROVED 9-2-20 Journal (highlighted background information)

If you have any questions or need any further information, please contact me at your convenience. Thank you again for all of your great help.

Sincerely,
Lilli-Ann Green
Wellfleet Assembly Delegate

Selectboard Meeting on 9-22-20

Supporting materials for Barnstable County Assembly Delegates update from the Wellfleet Delegate

1. Resolution 20-05 and letter to the Governor submitted to the Assembly of Delegates by Delegate Green and passed by the Assembly on 9/16/20 to ask that Governor Baker in his role as chief safety officer of the Commonwealth of Massachusetts, release the funds designated in the IT Bond Bill for Barnstable County projects.
<https://3r9qki35veds49kv7zzquner-wpengine.netdna-ssl.com/wp-content/uploads/2020/09/P.R.-20-05-Support-of-IT-Bond-Bill-2.pdf>
 - a. Request for Selectboard and any other relevant town committee to send a similar letter request to the Governor
2. Update on presentation to the Assembly by Open Cape. (see attached Journal of 9-2-20, presentation on pages 5-18 and highlighted in yellow on pages 13-15)
 - a. Request for the Selectboard to consider creating a town committee or other such group to review issues regarding information technology connectivity in our town to better understand the topic, to make recommendations and to guide the town in its communication with Open Cape, the Cape Cod Commission, Verizon or Comcast connections and other entities.
3. Brief update on septic research and solid waste management – County cooperation with town of Wellfleet, support of innovative septic management
Septic research:
<https://3r9qki35veds49kv7zzquner-wpengine.netdna-ssl.com/wp-content/uploads/2020/09/9-16-20-Innovative-Alternative-Septic-System-Update-Presentation.pdf>
Solid waste management (\$150,000 ordinance amount approved by Assembly for research on 9/16/20):
<https://3r9qki35veds49kv7zzquner-wpengine.netdna-ssl.com/wp-content/uploads/2020/08/8-19-20-Solid-Waste-Presentation.pdf>
4. Update on flu clinic at County parking lot on Sat. Sept. 26th
<https://www.barnstablecountyhealth.org/uncategorized/barnstable-county-to-host-drive-thru-flu-shot->
5. Resolution for Public Participation in Barnstable County Assembly of Delegates Meetings and Hearings Guide
<https://3r9qki35veds49kv7zzquner-wpengine.netdna-ssl.com/wp-content/uploads/2020/09/P.R.-20-06-Assembly-Public-Participation-Guide-1.pdf>
6. Update on presentation to the Assembly from Cape Cod Municipal Policy Academy Director Peter Carnes. (see attached Journal of 9-2-20, presentation on pages 18-26 highlighted in blue)
7. Update on proposed plans for Americorps future work on Herring River project



SEE CURRENT COVID-19 CASES IN MASSACHUSETTS

DATA IS UPDATED DAILY BY 4:00 PM

Mass 211

Click HERE for information about the 24-hour state-supported COVID-19 HOTLINE.

HOME

COVID-19

HEALTH TOPICS

PROGRAMS & SERVICES

BCDHE IN MASSACHUSETTS

RESOURCES

CONTACT

Barnstable County to Host Drive-Thru Flu Shot Event

Filed in COVID-19, COVID-19 Local News, Department News and Updates, Local Health News, Newsroom, Prevention, Uncategorized, Uncategorized COVID-19 8/20/20 at 3:36 pm 477

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For Immediate Release



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Information from Barnstable County Department of Health & Environment

Barnstable County to Host Drive-Thru Flu Shot Event

No appointment is necessary

FOR IMMEDIATE RELEASE | Barnstable County – August 20, 2020 – Barnstable County residents can get a flu shot without leaving their cars at the Barnstable County complex on September 26 from 8:00 AM to 12:00 PM, and no appointment is needed.

Efforts to reduce the spread of COVID-19 have led to decreased use of routine preventive medical services, including immunization services. Making it easy for residents to receive regular vaccinations during the COVID-19 pandemic is vital for protecting our region from vaccine-preventable diseases and outbreaks, including flu, and preventing our healthcare system from becoming overwhelmed.

The drive-thru flu clinic is provided to all residents in Barnstable County by the Barnstable County Public Health Nurse Division of the Barnstable County Department of Health and Environment.

Barnstable County Public Health Nurse Deirdre Arvidson said, "Our goal is to help boost uptake of flu vaccinations among our residents who may be reluctant to attend clinics during the pandemic and avoid social distancing challenges." Arvidson added, "With Governor Baker's announcement today that all students in Massachusetts will be required to get the flu vaccine before the end of the year, we hope that this will make it easy for families to get it done."

The Public Health Nurse Division wants residents to know that prior infection with suspected or confirmed COVID-19 or flu does not protect someone from future flu infections. The best way to prevent seasonal flu is to get vaccinated every year.

Barnstable County to Host Drive-Thru Flu Shot Event

When: September 26, 2020 | 8:00 AM to 12:00 PM

Where: Barnstable County Complex in Barnstable Village. Enter the complex at the side driveway from Railroad Avenue. Signs will be posted for the drive-thru flu clinic directing you to the parking lot in front of the old jailhouse. A volunteer will direct you to a lane.

Instructions before arrival:

To receive your flu vaccination, you will need to bring a completed consent form for each person being vaccinated. Consent forms will be available to download and print at <https://www.barnstablecountyhealth.org/programs-and-services/public-health-nurse>. Bring your insurance card for billing; there is no co-pay. Children 18 and under are free (state vaccine), and adults with no insurance are also free (state vaccine).

Those who are getting the vaccine should remember to wear short sleeves or clothing with easy access to the upper arm.

Kindly leave pets at home.

Vaccines Available:

DEPARTMENT CONTACT INFORMATION

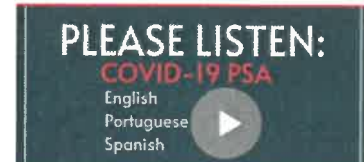
508-375-6613

bch.info@barnstablecounty.org

P.O. Box 427, Barnstable, MA
02630

DURING THE CORONAVIRUS PANDEMIC, WE HAVE ACTIVATED A GENERAL EMAIL ADDRESS FOR YOUR QUESTIONS: COVID-19@barnstablecounty.org

COVID-19 PUBLIC SERVICE ANNOUNCEMENTS



FROM THE NEWSROOM

For Immediate Release



Barnstable County to Host Drive-Thru Flu Shot Event

8/20/20

Information from Barnstable County
Department of Health & Environment
Barnstable County to Host Drive-Thru Flu Shot

Event No appointment is [READ MORE](#)



Watch the Replay of the Informational Webinar for School Leadership and Stakeholders During COVID-19 | August 20, 2020

8/20/20

Offering Quadrivalent influenza vaccine (designed to protect against four different influenza viruses; two influenza A viruses and two influenza B viruses)
Immunizing ages six months +
High dose flu vaccine available for ages 65+
State vaccine is available for the uninsured.

About the Barnstable County Department of Health and Environment

Established under a Special Act of the Legislature in 1926, the Barnstable County Department of Health & Environment (BCDHE) provides regional public health and environmental health services throughout the 15 towns comprising Barnstable County. The Department manages several environmental, public health, and homeland security grants funded through state and federal resources. The Department's primary mission is to protect public health and the environment and promote the physical and mental health and well-being of Barnstable County residents.

« Watch the Replay of the Informational Webinar for School Leadership and Stakeholders During COVID-19 | August 20, 2020

Food Access & Resources »

Barnstable County hosted a webinar for school departments, personnel and all stakeholders on Cape Cod and the Islands today providing

[READ MORE](#)



Drive-Thru Flu Clinic on September 26th from 8 AM-Noon

8/14/20

SAVE the DATE! Barnstable County Public Health Nurses Division is offering a Drive-Thru Flu Clinic on September 26th from 8

[READ MORE](#)



August 7, 2020: Governor Baker's COVID-19 Update: New Measures on Enforcing Public Health Orders

8/7/20

Following a careful review of public health data and working with health officials, Governor Baker and Lt. Governor Polito made

[READ MORE](#)



Please Show Up With A Mask

7/29/20

The Barnstable County Department of Health and Environment is exploring new ways to convey to young locals and visitors the

[READ MORE](#)



Barnstable County Health Officials Stocking Up On Supplies

7/26/20

Barnstable County Health Officials Stocking Up On Supplies [READ MORE](#)



Barnstable County Provides Contact Tracing Update

7/8/20

The Barnstable County Department of Health and Environment recently updated the public on coronavirus-related contact tracing within Barnstable County. Barnstable

[READ MORE](#)

BARNSTABLE COUNTY
In the Year Two Thousand and Twenty

RESOLUTION 20-05

Whereas, An Act Financing the General Governmental Infrastructure of the Commonwealth^{1,2}, or Information Technology (IT) Bond Bill was recently signed by Governor Baker.

Whereas, Barnstable County has insufficient internet and cell service connectivity and bandwidth, and the COVID 19 pandemic brings with it an urgency to address these issues for people of all ages in Barnstable County.

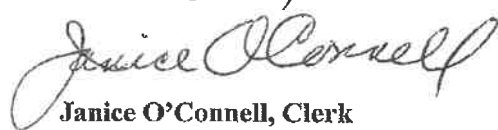
NOW, THEREFORE,

BE IT HEREBY RESOLVED that the *Barnstable County Assembly of Delegates* Resolves: To call upon Governor Charles Baker, by delivering a copy of this resolution and a letter authorized by the Barnstable County Assembly of Delegates and signed by the Assembly Speaker via certified mail and email, to ask that in his role as chief safety officer of the Commonwealth of Massachusetts, he release the funds designated in the IT Bond Bill for Barnstable County projects.

A copy of this resolution and letter to Governor Baker shall also be delivered to the Massachusetts Lt. Governor, the Governor's Chief of Staff and Deputy Chief of Staff, both State Senators and all State Representatives for Barnstable County.

The foregoing Resolution 20-05 was adopted by the Barnstable County Assembly of Delegates, by a roll call vote of 96.34 % voting "YES", and 3.66% "ABSENT" at the regular virtual meeting held on September 16, 2020.

Attested by:



**Janice O'Connell, Clerk
Assembly of Delegates**

Governor Charles Baker
Massachusetts State House
Office of the Governor, Room 280
Boston, Massachusetts 02133

September 17, 2020

Dear Governor Baker,

We, the members of the Barnstable County Assembly of Delegates, representing the 15 towns of Barnstable County wish to thank you for recently signing the Information Technology Bond Bill. The bill which was championed by Representative Sarah Peake and Senator Julian Cyr and includes funds which are sorely needed in Barnstable County due to insufficient internet and cell service connectivity. The COVID 19 pandemic brings with it an urgency to address these issues for people of all ages and in all sectors of our county including:

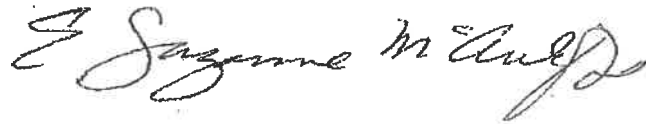
- a. Students from pre-school children to college age and adult learners
- b. People working from home
- c. Telemedicine visits when in-person medical visits are not advised
- d. Emergency services
- e. Elderly and those with vulnerable medical conditions who are isolating at home
- f. The ability of local government to meet and function

The bill includes:

- a. \$400,000 for the Cape Cod Commission to conduct a regional study of internet access for residential and commercial properties on the Cape, Martha's Vineyard and Nantucket and to identify the most significant gaps in cellphone signal coverage in the region
- b. Funding of not less than \$100,000 for Cape Cod Community College to equip students in need with technology necessary to participate in remote learning³
- c. \$1.7M in funds allocated for OpenCape Internet connectivity projects on the Cape & Islands, which will support the following planned projects:
 1. Main Street Fiber Internet Initiatives in Provincetown and Chatham
 2. Strategic extensions of the OpenCape fiber backbone in Wellfleet, Truro and Eastham
 3. Enhanced fiber outreach in Falmouth.
 4. Fiber expansion strategic planning for Martha's Vineyard and Nantucket^{4,5}

As the Assembly of Delegates, we ask that you release the funds to support Barnstable County which are allocated in the IT Bond Bill. We thank you Governor for considering this serious matter and for communicating with us as to your results.

Sincerely,



Suzanne McAuliffe, Speaker
Barnstable County Assembly of Delegates

¹ <https://www.mass.gov/doc/h4932-signed-parchment/download>

² <https://www.mass.gov/news/governor-baker-signs-18-billion-bond-bill-to-improve-information-technology-public-safety-and>

³ <https://www.capecodtimes.com/news/20200706/political-notes-bill-includes-provisions-for-tech-funding-in-region>

⁴ <https://opencape.org/uploads/newsPDF/Advocate-Today.pdf>

⁵ <https://wellfleet.wickedlocal.com/news/20200830/opencape-wants-citizens-to-call-gov-baker-to-release-funds?template=ampart>

CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES

Pursuant to Governor Charles Baker's Executive Order Suspending Certain Provisions of the Open Meeting Law dated March 12, 2020, the Assembly of Delegates held a Virtual Meeting @ 4:00 P.M.

APPROVED Journal of Proceedings – September 2, 2020

CALL TO ORDER

Speaker MCAULIFFE: I'm going to start. I'm going to convene the Cape Cod Regional Government, the Assembly of Delegates. **It's Wednesday, September 2, 2020, at 4 p.m.**

This meeting is held through remote participation, and it is pursuant to Massachusetts Governor Charles D. Baker's order suspending certain provisions of the Open Meeting Law on March 12, 2020.

This meeting is also livestreamed on YouTube. Anyone wishing to make a comment can do so by calling 1-929-205-6099 and using an ID number, which is 953 4971 1300 or by using a Zoom link.

I would also say that anyone who calls in, we cannot see you; we just see a number. If you need to put a hand up because you would like to speak, you need to press *9, and if you are muted, you need to press *6 to unmute. So if I'm not seeing a hand and you want to just speak, you can press *6 and say, "I'd like to speak," and then I can recognize you when it's time.

So I begin the meeting with a moment of silence to honor our troops who have died in service to our country and all those serving in the Armed Forces.

(Moment of silence.)

Speaker MCAULIFFE: Thank you. We'll have the Pledge of Allegiance. Unfortunately, Janice has the flag. Oh, there it is. All right.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Thank you.

Will the Clerk please call the roll?

ROLL CALL ATTENDANCE

Present (68.57%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).

Arriving Late (20.92%): Patrick Princi (20.92% - Barnstable - @4:55 P.M.).

Absent (10.51%): James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, you have a quorum with 68.57 percent of the Delegates present; 31.43 percent are absent.

Speaker MCAULIFFE: Thank you.

APPROVAL OF THE CALENDAR OF BUSINESS

Speaker MCAULIFFE: Our next item is approval of the Calendar of Business. Is there a motion to approve?

Delegate O'MALLEY: So moved.

Delegate O'HARA: Second.

Speaker MCAULIFFE: There's a second, okay. Will the Clerk please take the vote?

ROLL CALL ON MOTION TO APPROVE CALENDAR OF BUSINESS

Voting "YES" (68.57%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).

Absent (31.43%): James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker the Business Calendar is approved with 68.57 percent of the Delegates voting yes; 31.43 percent are absent.

APPROVAL OF THE JOURNAL OF PROCEEDINGS OF 8/19/20

Speaker MCAULIFFE: Next is the approval of the Journal of August 19, 2020.

Delegate HARDER: I move to accept -- to approve the Journal of August 19, 2020.

Delegate CHAFFEE: Second.

Speaker MCAULIFFE: Okay. Thank you. Now we can vote.

ROLL CALL ON MOTION TO APPROVE THE JOURNAL OF 8/19/20

Voting "YES" (68.57%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).

Absent (31.43%): James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker the Journal is approved with 68.57 percent of the Delegates voting yes; 31.43 percent are absent.

Speaker MCAULIFFE: Thank you.

SUMMARY OF COMMUNICATIONS FROM THE BOARD OF REGIONAL COMMISSIONERS

- **Commissioner Bergstrom updated the Assembly on the Commissioners meeting of 8/26/20**
- **Commissioners had discussion on expanding the County Nursing Program**
- **Commissioners submitted Proposed Ordinance 20-18 for FY21 Dredge Supplemental Appropriation and Proposed Ordinance 20-19 for FY21 County Supplemental Appropriations for various programs**

Speaker MCAULIFFE: Next is communications from the Board of Regional Commissioners. We have Commissioner Bergstrom with us.

Commissioner RONALD BERGSTROM: Yes, here I am.

Speaker MCAULIFFE: Yes, you are. Thank you.

Commissioner RONALD BERGSTROM: Looking out at my rainy, cool backyard. It's amazing how we look forward to cool, rainy days now, huh, after a hot summer.

Speaker MCAULIFFE: Yes, hot, dry summer.

Commissioner RONALD BERGSTROM: Hot, dry summer. Good afternoon. We did not meet today. Jack has been out for a week or so because of a death in his family; his sister passed away. I spoke to him last week and told him that there was no pressing business that needed his immediate attention. I suspect that he would be back on Monday.

He emailed us today saying he's going to take a couple more days off and he'll be back. So probably not going to be available at the end of your meeting to answer the questions. I don't know if you have staff members there. I don't see Steve Tebo's name. Any pressing questions you have on ongoing business, you're going to have to ask me, and I can promise you I'll have the answers.

We did meet the 26th of August. We had our weekly update on the COVID-19 epidemic, and the numbers on the Cape are very good, very few cases. No hospitalizations as far as I know and certainly no deaths.

The Cape has been, fortunately, much better off than the rest of Massachusetts, and I'm hoping we can be even more optimistic. One wonders how far down we're going to have to go in these numbers before we start up the state's economy, but that's above my pay grade so.

We did have a discussion on expanding County's Nursing Program and there's a proposal that will be given to us to hire two 18-month positions in the Health Department, two nurses to assist with the Health Department and also the town Health Departments with ongoing issues regarding the COVID-19.

I don't know if you've gotten a budget update, but the budget within the Registry of Deeds revenues estimate are good. We're trying to do what we can. The Commissioners looking at what we can do, to assist the towns in any way we can dealing with the issues that they face.

One of the ways we're doing that, hire two nurses who assist us and them. I pressed Sean on a budget and also on a job description and he hopes to get that to me. I haven't talked to him directly. In the messages, I told him I'd like to have it by next Wednesday. And you'll have an ordinance in front of you -- in front of the County for a vote.

Once again, we addressed the petition by the Town of Barnstable to reopening -- discontinuing a County Way on a portion of Phinney's Lane. You'll remember we voted to do this

last week even though Barnstable town had not even voted. Since then, they voted to send this to the Commissioners. Once again, we agreed to accept it and hand over that County lane to the Town of Barnstable, which, according to many people, we had already done years ago but records were lost.

We have two ordinances which I'm going to present to you. One ordinance is to add to the County's Dredge Operating Budget for fiscal year -- this coming Fiscal Year 2021 by making Supplemental Appropriations of \$65,000. We had set aside -- no we hired a new Dredge manager. We had some issues. We had some money in the budget, the 2021 budget already. This is a supplemental budget of \$65,000 to add to that. I don't know off the top of my head the salary range but it's not just that, it's a couple other things.

Then we have another ordinance to add to the County's Operating Budget in this Fiscal Year. This was originally Ordinance 20-04, the previous one was originally 20-06. They're making supplemental appropriations of \$449,297, and I'll run down that real quick.

We have Emergency Management for \$150,000.

We have a salary in the Cooperative Extension Department of \$85,660.

We have the Fire Training Equipment, which we purchased of \$63,000,

And we have a Solid Waste Recycling Study; I don't know if I addressed this with you previously. Actually, I think we did a PowerPoint. We're looking to locate a Solid Waste Facility at the Base, so this is \$150,000 to the fund and total amount as I said was \$449,297.

That pretty much covers the meeting last Wednesday. And if you have any questions, here I am.

Speaker MCAULIFFE: The Dredge amount you said was \$65,000 or \$85,000?

Commissioner RONALD BERGSTROM: Sixty -- \$65,000.

Speaker MCAULIFFE: Okay. And is that coming -- that's an Enterprise Fund

so --

Commissioner RONALD BERGSTROM: That's from the Enterprise Fund. It still has to be appropriated.

Speaker MCAULIFFE: Okay. So it's just moving money within the fund then.

Commissioner RONALD BERGSTROM: Right.

Speaker MCAULIFFE: Okay. Any questions for Commissioner Bergstrom?

Delegate BROWN: I have one; I'm sorry.

Speaker MCAULIFFE: Yes, Doug Brown.

Delegate BROWN: Real quick, I don't know if it was my feed or yours, Ron, but I couldn't hear what the 20-04 was about, please.

Commissioner RONALD BERGSTROM: 20-04 (original FY21 budget ordinance number as adopted) is a combination of several supplemental appropriations bundled into \$449,297. Solid Waste Recycling Study was \$150,000. The Fire Training Equipment, which needs to be purchased, \$63,000, and the Salary in the Commission Department came to a total of Wages \$63,000, Employee Benefits.....Medicare..... for a total of \$85,000. Also the Emergency Management Department.

Delegate BROWN: Okay. Thank you, very much.

Speaker MCAULIFFE: We'll get all the detail on this in writing. They're submitting it

today. We'll get the copy of the ordinance, and then at our next meeting we will have a public hearing and an opportunity for further questions and discussions. So you can have the numbers in front of you then.

Delegate BROWN: Okay. Thank you.

Commissioner RONALD BERGSTROM: I should add to the Dredge -- report the Dredge up. I received from Steve a schedule of proposed dredging projects -- didn't have -- actually, it didn't have the time schedule for the number of projects listed. I don't know if he copied that to the Assembly or not but if he didn't, I will. Looking --

Speaker MCAULIFFE: Thank you. No, I didn't get that, so that would be very helpful. I think even though it's within the Enterprise Fund, I think for the next meeting, obviously, just a little information, you know, on these specific ordinances from Jack or Steve or whomever would be very helpful.

Delegate O'HARA: Madam Chair.

Speaker MCAULIFFE: Yes, Tom O'Hara.

Delegate O'HARA: Thank you, Madam Chair. I have a couple of questions on the dredge. I don't know if now's the time or not, but you seem to be going beyond the budget.

The workgroup that we talk about so frequently with the dredge, can we get a list of who is on that workgroup for -- I know my member wants to speak to the other members on the board; it's the workgroup.

And, also, if we could have a list of the chain of command for the Dredge Program as to who is -- who and a list of who's in place or being hired, just so we can get a grip of what we're doing and be able to move forward. We had a tough year last year in Mashpee. I'd like to get this moving in a positive manner.

Commissioner RONALD BERGSTROM: Right. The dredge -- I don't know if all of them did, but I know many of them did. So they sat down and they flushed out the schedule together. I will get you the names of those people. I've requested them myself before. I'm sure they're lying around somewhere. And I will also get you whatever further information we can on the organizational chart.

Clerk O'CONNELL: I'll follow up with an email, Ron. I'll send an email.

Delegate O'HARA: Okay. Perfect.

Speaker MCAULIFFE: Good.

Delegate O'HARA: Thanks, Ron.

Speaker MCAULIFFE: Any other people have questions? No. Okay. Thank you, very much, Ron.

Commissioner RONALD BERGSTROM: All right.

Speaker MCAULIFFE: And, obviously, too, if people have questions, they can always email Jack earlier in the week, and we can email the question-and-answer to everybody too. It doesn't have to wait until the next meeting if people have something that they want to discuss sooner. Thank you.

Presentation from OpenCape Executive Director Steve Johnston

Speaker MCAULIFFE: Next item would be communications from OpenCape. We have

the Executive Director Steve Johnston present.

Exec. Dir. STEVEN JOHNSTON: Hello. Can everyone hear me okay?

Speaker MCAULIFFE: Yes. Excellent. How are you doing?

Exec. Dir. STEVEN JOHNSTON: Good. It's a pleasure to be back here in front of you. I think the last time I was in front of you was October 2018.

Speaker MCAULIFFE: I think we were -- were we in the Harborview, I think?

Exec. Dir. STEVEN JOHNSTON: I believe so, yes.

Speaker MCAULIFFE: Yes. That was two places ago.

Exec. Dir. STEVEN JOHNSTON: Yes. So I'm happy to speak with you. I'll give you kind of a brief overview for the newer members. I can quickly cover maybe some background things, and then I'm happy to answer questions. I'm sure you all have questions.

We've been in the news a lot. We've been doing a lot of things, so you may have questions that pertain to your town. But when I spoke to you back in 2018, we were experiencing a phase of growth. Things were looking pretty positive.

For those of you that don't know, OpenCape is a not-for-profit organization. We own 555 -- 550 miles, route miles of fiber, that's map miles, almost a hundred thousand fiber miles, and we cover the Cape, part of the Islands, and I'll talk about that as well, and about 35 Southeastern Mass. towns. We connect in Providence and Boston to what are called the "Internet Hotels." That's where we peer with Tier 1 Internet carriers. We service community -- municipal -- municipalities, businesses large and small, schools/education, and I can kind of run through that. And as of last night, we officially turned up our first residential clients in a pilot that I'll talk about as well.

So, since I spoke to you in 2018, I think many of you will remember I joined OpenCape in 2015. We still were working with a company called CapeNet, which was our for-profit partner. Their responsibilities were selling and maintaining the network. That relationship didn't go too well, so we terminated that relationship in September of 2016, and we brought the sales, marketing, and maintenance of the network inside. And I'm happy to report since that time we have seen our growth -- about 600 percent growth over the past few years. So we are incredibly busy. We have a strategy which I'll mention here.

Our initial strategy was to connect those businesses that were near or close to our network, and the plan there was that would make the network strong and sustainable. We could keep the lights on. We can hire people. We can reinvest. We can maintain the network. And I'm pleased to report that has gone swimmingly well. We're doing all those things. We're hiring staff. We're creating jobs. We are growing the network, reinvesting in the network, maintaining the network, expanding it, running some pilots. We are being philanthropic in giving away things that we feel pertain to our mission, and I'll talk specifically about that.

But at this point, things with OpenCape are going very, very well. We are in a very strong financial position, so I don't have to worry about keeping the lights on or how am I going to make payroll or any of those issues. We are really planning for the future.

In fact, our network is, without giving you too much tech speak, the topology of our network is a series of rings that allows us to offer added redundancy to our clients that we serve. And we're in the process -- right now, the max I can offer someone is about hundred gigabits of service. Coming in December, we'll be boosting that. We'll be increasing the infrastructure on our

network so it will be about 400 gigs. So if someone wanted 400 gigs worth of service, we could -- not that that one person would want that, but multiple clients combined. We're spending about two hundred and almost \$300,000 to upgrade the network this fall. So, it's doing well.

And feel free if you have a question, raise your hand or speak up. I'm happy to interrupt and stop and proceed again.

And in addition to connecting enterprise customers, when I say "enterprise," I mean business, small and big. Ninety-nine percent of our customers are taking one kind of service from us, and that is a dedicated symmetrical service, which means you guys are all on Zoom today so you have probably Comcast, dedicated means your signal never changes; it doesn't go up or down. It doesn't slow down when kids get out of school, (Ringing) sorry about that. It doesn't slow down when there's a snowstorm and the kids are home from school. It doesn't slow down on July 3 when the Cape is inundated with people from off-Cape.

So dedicated means if I'm giving you 100, 500, 1 gig, 5 gigs, 50 gigs, that's what you get always and it never varies; it never vacillates; it's dedicated 24/7, 365 days a year.

The other thing "symmetrical," is just what it sounds; your downloads and your uploads are equivalent. You're going to get 100 down and 100 up.

Now, in some of our projects that I'm going to talk about, we have one of the first ones we did was the Falmouth Main Street project. So the Falmouth Main Street project if you haven't heard about it really grew out of initiative where the businesses on Main Street in Falmouth came to the EDIC and the Chamber of Commerce and said, "We can't process credit cards." Now, in my world, that's a pretty low threshold. That's right-of-kin to breathing. You know, if you can't process a credit card, you can't operate your retail establishment.

And it simply was, you know, I'm not going to beat up on Comcast because I don't do that, but it really was just a byproduct of in the summer when our communities expand, the legacy network from the incumbent provider simply couldn't handle the traffic. So we worked with the EDIC, the Chamber. We worked with Senator deMacedo, Representative Vieira, the Falmouth Selectmen, the Board of Selectmen, and we were able to -- we received \$80,000 from the EDIC, and OpenCape put up the other \$250,000, and we built out the remaining part of Falmouth Main Street we hadn't built out. But what we did differently is -- so in my world, we have our backbone, which is exactly what it sounds like, is the main trunk of our fiber, 144 strands or 288 strands depending on where you are. But in order to offer this service to small businesses, we had to build additional fiber called "distribution fiber" because we don't want to chew up the backbone. The fiber on the backbone is like gold. And you want to be very specific on how you use it, where you use it. So when we come to some place we know we're going to do a lot of building, we'll also lay distribution fiber so we don't have to cut up our main backbone.

So we built out distribution fiber in downtown Falmouth, starting on Gifford Street and working our way west. We immediately had about 50 businesses sign up. As of today, we have connected -- I think we're about 41 or 40. We have a crew, actually in Falmouth today, connecting folks. COVID slowed us down a little bit there because we couldn't go into businesses. We couldn't go into and do installs, so we had to kind of wait.

But the good news is those 50 that will probably grow to a hundred by the end of the year, those businesses are seeing -- they have had a shared gigabit connection.

Now, we could do one out of two things when we deliver service like that; we can give a -- have it be a free-for-all where you can get a full gig down and maybe a full gig up, and then if someone else is using, they may get less. We put some filters on it so on average people see about 350 megs down and about 250 megs up. Really reliable, super steady, and they're paying \$117 a month for that service. That service breakdown is \$80 for the service, \$20 -- \$27 on the service of the loan they took out to pay for it, and \$10 into the Connection Fund. All those businesses got connected for free and we paid . We're trying to rebuild that Connection Fund so the other businesses continue to get connected for free.

So, early results are very positive. We've connected a litany of businesses in downtown Falmouth. I'm actually looking at spending some more money to build east up Main Street so I can connect some more that we have on our list that would like connectivity.

So the real thing -- the thing that's really important about this is the technology that we're using on the Main Street, this Main Street initiative, is called GPON, Gigabit Passive Optical Network. It's the same stuff that Google Fiber was using, the same type of technology, the same technology they're using. AT&T uses it, Google Fiber, pretty much all the big ISPs use it. So it's the exact type of equipment I would use if I were to provide service to you guys at your homes, so very similar. So that was a pilot, an important pilot for us.

Likewise, we have installed the same servers and backbone in Hyannis and that is allowing us to light up some MDU projects, Multiple Dwelling Units, and turning up our first residential service last night, as a matter of fact. I didn't turn it up knowing that I was coming here today. It just worked out that way. It was a happy coincidence.

But 255 Main Street -- is it possible for me to share a screen? Can I show you something or is it -- because I can just show you some images, you know, rather than me just talking, it might be a little more -- here we go. So here is the -- you all see a map of downtown -- this is downtown Falmouth; can you see a map?

Delegate CHAFFEE: Yes.

Exec. Dir. STEVEN JOHNSTON: Okay. So that was the downtown Falmouth I was talking about. The green line was our backbone fiber that came down to Gifford Street over here and then went up to power the Lawrence and the Morse Schools. So we effectively built out -- and the pole lines in downtown Falmouth are behind the store so we built out on either side. The blue and red lines and then down -- back down to MacArthur Boulevard where we proceeded to connect Woods Hole.

And on the next slide, it should have -- this is how we do our planning. So we actually go building by building and figure out what buildings are in there. We allocate for how many stores, residences, whatnot. We plan so we know how many terminal rolls, where we're going to place the terminal rolls, where we're going to splice.

So, for us, this was a learning exercise because, typically, we're connecting one building, one client at a time. This is multiple buildings. So it really got our process down and how do we work in a multiple process environment.

Let me change slides again. I'll show you this. This is 255 Main Street in Hyannis. It is an historic building. It's right there across from the CCRTA, next to Heritage House Hotel, right on Main Street. Eleven residential units, two commercial units, and as you can see this is the map up

here. Our fiber comes up and comes over and connects. This is the speed test I ran last night; 1069 down and 916 up, so that's a full gig down and almost a full gig up, up and down. So this project is up and running.

We're doing a couple more of these residential -- this is the inside -- these are closets inside the building. So this is the panel. I pulled out the router here but everything fits nicely in a nice little box in each unit. The real interesting thing here is the landlord is including the Internet in the rent so that you're getting it whether you're at a market rate apartment or a subsidized apartment --

This is 306 Breeds Hill in Hyannis in the Industrial Park. This is the Industrial Park down here. We're also doing this building; this is 49 units. This is Joe Keller and Bruce Macgregor's project. We'll be doing this later this fall. We've already run fiber within the building.

So these are some of the projects we're working on right now. I can -- I just want to show you some visual images, for instance, just hearing me talk. Those are important because they are kind of -- it's never going to be a scenario where OpenCape has the money to connect the roughly 100,000 households on the Cape.

We're going to have to continue to work with the towns. Falmouth, you know, I hate to talk about Falmouth a whole lot, but on the scale of who's got it together in terms of connectivity, Falmouth's at the top of that list. They have the Falmouth Community Internet Team is working very effectively looking at building out fiber across all of Falmouth that they would own. They would plug into OpenCape and power every home, every home in Falmouth. Yarmouth is having some good conversations there as well. Prior to Town Administrator Panagore leaving in Provincetown, and I know they've had some issues up there and are busy, we were making good progress in Provincetown as well.

But I am having other conversations with lots of other towns. I continue to be surprised. I live in Sandwich, and Delegate Killion is not on, Sandwich is the stone age of the Internet portal. (Laughter.) So I will just say that, and I know that because I pay taxes here and, yes, the wheels are still square in Sandwich. But we're working on that. We are making progress.

Yes, Doug.

Delegate BROWN: So we met a couple years ago with a group of citizens from Buzzards Bay Avenue area in Woods Hole that wanted to put up the money ahead of time to do the infrastructure.

Exec. Dir. STEVEN JOHNSTON: Yes.

Delegate BROWN: We were waiting for Main Street. Do you think now that we're almost in a position to consider that project?

Exec. Dir. STEVEN JOHNSTON: Well, so, we have built down into Woods Hole all the way down to Water Street because that connects part of WHOI's change of heart where they were acting as the ISP for all of Woods Hole, and now they want everyone off their network. We're connecting NOAA, MBL, Pie in the Sky, Coffee Obsession, the Market, all the way down. We wrapped the corner by Water Street to NOAA and then we work our way up.

So there are a couple areas where we're looking at very hard doing a pilot of, you know, 20, 30, maybe 50 homes, individual homes.

Delegate BROWN: Yes.

Exec. Dir. STEVEN JOHNSTON: Right now, we've been focused on doing MDUs,

Multiple Dwelling Units, because, quite frankly, they're new construction; they're easy. And like that 255 building, my fiber goes right by it already anyway, so I made it very user-friendly in that sense.

Delegate BROWN: Okay.

Exec. Dir. STEVEN JOHNSTON: Woods Hole is one of these areas and it's funny I was on -- you have one of Barack Obama's cabinet members or staffers that lives in Woods Hole, and I see him on MSNBC all the time, he says, "Live from Woods Hole," and he's doing a Zoom cast. So we are, indeed, reaching out to him to talk to him about getting him connected just because we could use that PR.

Delegate BROWN: Right.

Exec. Dir. STEVEN JOHNSTON: But it is -- Woods Hole --

Speaker MCAULIFFE: Steven.

Exec. Dir. STEVEN JOHNSTON: Yes.

Speaker MCAULIFFE: Steven, your issues then are still financial. When you came before us two years ago, residential was way far in the future. You were looking more trying to deal with commercial and municipal because it's just so expensive.

Exec. Dir. STEVEN JOHNSTON: Yes.

Speaker MCAULIFFE: Do you see a path to get financing to get more residential connections?

Exec. Dir. STEVEN JOHNSTON: Well, I think the best model forward, Suzanne, is, so, there's roughly a hundred thousand houses on the Cape, plus or minus. You know, for me to connect all of them is going to cost somewhere between \$85 and \$115 million. But, yes, I could do that but it would probably take me 50 years to earn that money to do that or less.

Speaker MCAULIFFE: Yes.

Exec. Dir. STEVEN JOHNSTON: So the best way forward, the way that makes the most sense forward and what other towns in the Commonwealth are doing pretty regularly, Charlemont, Leverett, Alford, Otis, Marlborough, Egremont, the real dynamic here is the Commonwealth, the governor and the administration, has spent about \$100 million on Western Mass. connectivity in the last four years. Now, I grew up in Western Mass., a little town called Sheffield. I still own a house there, so I speak fluent Western Mass. so I can say this, there's not a whole hell of a lot of R-O-Y you're going to see back on the connecting that, but at the same time places like Mount Washington or Egremont or Otis, you know, literally, I own some land in Otis and there's 800 people that live there, there's not one business.

So when I talked to the governor, my issues are parity. Like, why is it okay that you're spending all this money in Western Mass. and you're not investing the Cape and the Islands? And that kind of -- I'll talk about the IT Bond Bill and where we stand with that right now. But the administration has been hesitant because they are of the concept they believe that Comcast adequately serves the people of -- the people and businesses of the Cape and Islands, Southeastern Mass., and that's not the case. I'm not saying they don't do a good job, and even during COVID they've done a pretty good job. I thought they would go down much more than they did, but they did a pretty good job. I'll give them credits where they're due. Although, I like hiring all their people now, that they come and work for me.

But that's kind of our focus is so the way I really see for the best way forward is for the towns, and I know in some towns this is heresy from what I'm going to say, is the towns are going to have to say, look, if you really want great connectivity in our town, we're going to have to come up with a plan; we're going to bond it out; we're going to build connectivity to each town; we're going to own that process. It becomes a revenue stream for the town. They control the process. They maintain the pricing. They plug in to OpenCape. I mean, basically, I've used this analogy before, we're the autobahn, and I'm doing the best I possibly can to try to connect as many people as I can, but we're the autobahn and you have to build your access, your exit ramp into us because, you know, we didn't -- yes, we got \$40 million and that really -- all of that went toward building the backbone. And, yes, we're sustainable and we're growing. I've paid for the lateral down at the Woods Hole. I'm building other laterals. We're reinvesting in the network. But in order to scale so it's usable in our lifetime, I need an infusion of cash from someplace. And the only way I could see that happening realistically is for towns to move ahead and bond that out, and that's kind of what's going on in Falmouth. They're doing the work right now to see if it's feasible. They're doing the financial studies, what are the take-rates looking like. You know, in Leverett before they laid one piece of fiber, they had 83 percent of the households signed up. By the time they started building, they had like 94 percent of the households signed up. And basically what they did is they built every home in Leverett, Mass., whether you wanted service or not, because they knew at some point you're going to sell your home; you're going to change your mind; you're going to want the service. All right. We're just going to connect your house. You're not going to pay for the service but at least your house is connected. That's the most efficient way to do it.

And the simple math, just so you can all do this in the back of your notepad tonight, the national average to connect a house to the fiber Internet is \$2,500 per home. So you take the number of homes in your town times 2,500 and that's your top number. That's the most you're going to spend. If you do the whole town at once, if you go up one street and down the other and are superefficient, I think Leverett pushed that number down to 800 or a thousand dollars a house. So just use -- let's be safe, let's call \$1,200 a home. That's your low number. That's what it's going to cost to connect every home in your town to fiber. Somewhere in between those two numbers.

Speaker MCAULIFFE: I think eight months ago, nine months ago, people would've said, oh gee. But I think the last six months have really shown the country how important the connectivity and how dependent we are on it. So it may be a different discussion now than it was nine months ago with the towns.

Exec. Dir. STEVEN JOHNSTON: I think it is much different, yeah. The one good -- if there's anything good to come out of COVID, it has shown the bright light of, you know, bright light on the need for connectivity. So the minute COVID happened, we did a couple different things and this is what probably differentiates us from others. All of our customers, several hundred of them, all got an email from me saying, "If you need additional bandwidth whether you're a town or a school or whatnot, we'll give it to you 100 percent free."

So in some cases, we had people that had a gig that wanted 2 gigs. Some people who had 50 megs, they wanted 500. Whatever. Done. So right now, currently, I have 63 customers that are getting free service -- it's not free service; it's free increases in half.

You know, we continue to subsidize very heavily police, fire, EMS connections. So a

normal dedicated 50 by 50 -- 50 megs over 50 megs circuit for a business would be about \$450 a month, police pay \$113. Fire the same. So we subsidize police, fire. We give great deals to the schools. We connected 33 libraries on the Cape. They have the same subsidies that the police and fire have. And, actually, we've also set aside an additional \$50,000 that we're working with the libraries to outfit them to broadcast their signal, kind of like we've done in Eastham, to the parking lot. And that is a huge -- I can't impact students any other way. I connected 17 of the 18 high schools on the Cape, another 50 middle and elementary schools, both in my footprint. But the best way I can reach kids outside of school is in public spaces because I don't have a huge installed home base yet. So we figure by using the libraries as an essential point, at least people can go there and get great connectivity for free.

Speaker MCAULIFFE: What would you do with the governor's -- how much money do you dissipate from the Governor's IT Bond, and what do you think you would do with that?

Exec. Dir. STEVEN JOHNSTON: So the IT Bond Bill, Representative Peake and Senator Cyr came to me and said, hey, we have 24 hours to add amendments to this Bond Bill, what do you have?

Luckily, we had fully scoped out Provincetown and Chatham as well as some strategic laterals on the Outer-Cape. So when I say scoped out, basically, they're recreating what we did in Falmouth in Provincetown. So if you're familiar with Provincetown, I'm halfway down on Bradford Street right now. The farther west I go is Provincetown Commons. We would go down Bradford, down Bradford Extension to the west end and then back up Commercial creating a loop in Provincetown. That would allow us to connect probably the bulk of the businesses that were right on either Bradford or Commercial as well as any adjacent or above apartments or residence. So that would be an excellent use of some money. I figured about \$450,000 right there, just ballparking that, to build, manage that, outfitted, license poles, replace some poles. Some of those poles were placed there by the Pilgrims when they stopped, so we need to do that.

Likewise in Chatham, we would further extend down Main Street in Chatham a similar type of initiative. I figured I'd spend another \$350,000 there. A little bit I would spend extending fiber east on Main Street in Falmouth. Of the 1.7 million that Representative Peake and Senator Cyr submitted for OpenCape, 1.3 would be spent on the Outer-Cape and the rest of it would be spent on other strategic projects across the Cape.

I'd be specifically looking at extensions in Eastham, Wellfleet, and Truro connecting places like Outer-Cape Health Care, those type of places that are not connected yet but need to be connected. Also, some of the cultural and nonprofits, looking at some of those. I would spend some of the money so, really quickly, I have a 10-meg fiber circuit out to Nantucket which is basically useless, 10 megs. I mean we're using that now. We're using more than that right now. It's like fiber dental floss. It's completely useless. I have nothing out to the Vineyard. I have a microwave -- 1 gig microwave shot. But any time I go aerial through a microwave, my throughput, if I send a gig, I get about 600 megs on the other side. So it's not really an economical use of our time.

We've been working with Nantucket, Representative Fernandes, a bunch of different folks on Nantucket and Martha's Vineyard about what it costs to run fiber, real fiber, a significant amount of fiber out there. We're looking about \$25 million to get the boat here. It's an expensive

undertaking.

The good news is I'm really, really good at finding money, that's what I do. And there's a lot of really rich people on Nantucket and Martha's Vineyard who would gladly foot that bill, I'm hoping. So I started to have some of those conversations with individuals who really care about the community, understand the necessity particularly in this COVID period, and, hopefully, we can move that forward as well.

So I would agree that now during COVID you're talking about schools and, right now, it's even crazier for us because, you know, I have five kids myself ranging from 19 to 3 and everyone's going back to school. So all the schools are freaked out right now about are they going to have enough bandwidth. You know, Nauset just changed. They were doing in person and now they're doing all remote based on some ventilation stuff they have going on. So I've actually upgraded them just yesterday from 1 gig to 3 gigs to make sure that they have enough bandwidth, and we'll figure out how they're going to pay for that later but we're making it available to them.

You know, Sandwich, Falmouth, Mashpee, they've all pushed their bandwidths up. Barnstable, Harwich, Monomoy, they've all got enough bandwidth, and I've got enough if someone needs overflow, I can make it available to them. So --

Speaker MCAULIFFE: That's great.

Exec. Dir. STEVEN JOHNSTON: Yes, I think that the climate now is for us to capture -- the amazing thing that's worth mentioning right now is the amount of calls we're getting right now from people who are second homeowners and have fled Boston, New York, Philly, Albany, whatnot, and I can't even tell you I get probably 10 calls a week. You know, hey, Steve, my wife and I are lawyers from Manhattan. We're at our summer house. We're going to stay here for the next two years or longer and we need great connectivity and we don't care what it costs. Like, we need to be able to do our work from wherever. And that is really becoming the battle cry is that people they can work wherever they want now. It truly is, you know, I think I told you before, before I took this job, I worked for a Silicon Valley Tech Company and I ran New York and London out of my East Sandwich house. And it was a challenge because the connectivity sucked.

Now you can do -- I mean it was -- I literally have like pictures of me here holding like a golf club trying to get my cell phone to work. But now Comcast has stepped it up some, not a lot but some, and I'll give credit where credit's due. Also, you've got the arrival of like the Cape Spaces and the Chatham Works; we power both of those places. The Hyannis and the Mashpee Cape Space locations as well as Chatham Works, the co-working spaces. The Provincetown Commons, also a co-working space. So there's a lot of connectivity out there and we need to do more to expand that.

Speaker MCAULIFFE: It's amazing in two years how geometrically things have changed, and I think a lot of that change has occurred in the last year. But it's an amazing change since '18.

Exec. Dir. STEVEN JOHNSTON: Significantly, yes.

Speaker MCAULIFFE: Do you know if you -- did you have more you wanted to say or did you want to open up to questions or --

Exec. Dir. STEVEN JOHNSTON: I'm happy to answer, I mean, I've given you a good --

Speaker MCAULIFFE: Yeah, you've given us a great overview.

Exec. Dir. STEVEN JOHNSTON: So the good news is, let me just reiterate this because

this always becomes an issue.

Speaker MCAULIFFE: Okay.

Exec. Dir. STEVEN JOHNSTON: OpenCape is not in any sort of financial jeopardy. We are not going out of business. We are not going away. We are not being brought by the County, by McDonald's, by whoever starts those rumors. We are completely -- and our 990s are available online. You can look at it. We're doing well. When I say we're doing well, we're not well enough to finance \$100 million worth of builds but we're doing fine. So that is good.

We are growing. We are hiring. We're creating jobs. I have about 10 employees right now, and we employ about another 35 part-time contractors and whatnot to help us with our build teams. So we have a growing arsenal of people. I still don't have any trucks that say OpenCape on them because I outsource all my build stuff. So people will say that. They're like, "How come I never see your trucks on the road?" They're like, "I see Comcast everywhere." And it's because Comcast is always breaking down. That's the simple answer to that question.

But we are going to order our first truck this year so that we can do some work ourselves. So you will see an OpenCape truck, just one because we're very thrifty, just thrifty over there, but we're going to have our own truck because sometimes it just saves us money so.

Speaker MCAULIFFE: Steven, this is, you know, this is great. Does anyone else have any comments or questions? Yes, Lilli Green.

Exec. Dir. STEVEN JOHNSTON: Lilli, yes.

Delegate GREEN: Yes. Thank you, Madam Speaker, and thank you, Steven, for the overview. I do have a number of questions. I'm the Wellfleet delegate, and I know that you have in that 1.7 million allocated for OpenCape in the IT Bond Bill, it says strategic extension for OpenCape fiber backbone in Wellfleet, Truro, and Eastham. I know you gave a brief overview of that. Is it only that or are you expanding to the beaches, as we talked about the last time?

Exec. Dir. STEVEN JOHNSTON: Sure.

Delegate GREEN: And are there any other areas that you hope to expand besides, you know, the Outer-Cape Health and the, you know, the non-profits on the Main Street in Wellfleet and other locations down here.

And does Wellfleet and Truro and Provincetown, I mean, are our libraries -- are all the libraries equipped with availability through the parking lots or is it just Eastham?

Exec. Dir. STEVEN JOHNSTON: Good questions. Thanks, Lilli. So, keep in mind when Senator Cyr and Representative Peake called, I had about 24 hours to respond to them with something quasi concrete.

We had done the work in Provincetown and Chatham already. There's a host of things I could connect in Wellfleet, and I would never think to do that in a vacuum where I just said, oh, I've got this much money. And, so, I would hope that I could sit with, you know, if there's a Broadband Committee in Wellfleet, there's not; I just know there's not. But if we could have a group of, you know, the town manager, maybe the Delegates from the Assembly, concerned citizens and say, okay, what makes the most sense to connect, and if I'm building my fiber, you know, I always try to think about it this way. You know, people say to me, oh, well you've connected, you know, rich people call you to connect their homes; you better believe I'll connect their homes because if I'm connecting a McMansion on the beach, I've got to build five miles of

fiber to get to that beach, and I pass a whole bunch of other houses that those people are paying for.

So I want to use this money as the best way I possibly can, and I wouldn't want to do that in a vacuum. So for me just to say, hey, this is what I'm going to connect in Wellfleet, I would never do that. It would be more of a discussion.

In Chatham and Provincetown we're a little bit further down the road there because I had talked with the town managers, the Board of Selectmen about these projects previously, and I had them ready to go. So, literally, if the governor called me right now and said, hey, here's your money, we can start tomorrow on the process and planning for at least those two aspects. But I hope that answers your question.

And then the other part you had about the libraries. So what we've done right now is I've set aside \$50,000, and I'm working with the folks over at CLAMS. The first -- and we do connect 33 libraries on the Cape. I have the first proposal I've written is for Falmouth where they want to put three new radios outside about \$1,800 in cost, so I'm going to pay for that. I'm going to pay for that, make sure they're up there, and if we need to increase their bandwidth, we'll do that gratis. And then we're just going to see how it goes from there.

Some libraries are not necessarily conducive to expansion like, you know, they don't have great parking or a main street or whatnot. So we have to kind of go library by library. I don't know that we'll get them all in. It will be a process, but we'll work to get them and solve these issues for folks. And there may be a better location than the library; it's just we're there in most cases.

Delegate GREEN: Okay. So do you see that the Wellfleet library is not connected? I mean, can people go to the parking lot and connect?

Exec. Dir. STEVEN JOHNSTON: No. Wellfleet, to my knowledge, unless they're doing it without my knowledge, they're not shooting their signal out into the parking lot currently. We're doing that in Eastham. We're pumping a gig of service out into the parking lot. They literally had to put up a sign that said, you know, if you're sitting in the parking lot using the Internet, like don't rattle your engines and shut your lights off because it was that popular.

Delegate GREEN: And, also, am I hearing what you're saying is that if somebody who's wealthy, let's say in Wellfleet or Truro or someplace down here that has a house on the ocean, you know, that you're going to be running the lines out to the ocean and because, again, the issue is the sharks, I mean, and if we have, you know, an emergency services on the beaches.

So I mean, again, there are people on the Outer-Cape that are very concerned about that and would really like to have the service out to the beach for those reasons. I know you said last time that you would connect it for free but it meant that it had to be run first, I guess.

Exec. Dir. STEVEN JOHNSTON: Right. So what we said was immediately the first time the shark bite happened, I sent a group of our folks on that path. We looked at the 12 most visited beaches on the Cape, and we came up with a plan and an estimate on how much it would cost to run fiber to each one of those beaches? That's still -- you can download it off our websites. It's a significant document.

And we talked about putting small cell or DAS at the termination point at every beach so you wouldn't have a big tower, but you'd have enhanced cell phone capability and the ability to

connect or even put, you know, if you wanted to some sort of smart buoy that would automatically ping versus the more kind of -- the buoys that are now where they have to download that stuff. Yes, we have to build to there. So I think the cost, and I don't have it in front of me, I think the cost to build to those two beaches was close to \$1.5 million. And we had sent that up the pipeline, shared it with the political delegation on the Cape, nothing really became of it because the fervor died down.

I do agree with you and we love going to Head of the Meadow. My kids all surf and they're terrified to go in the water right now, so I get it. I would love -- and that may be some of the strategic extensions we talk is in Wellfleet and Truro and Eastham, what makes the most sense? Is it more sense to go inland toward the bay or to head out and connect the beaches? So that may be something, and, yes, we would provide the connectivity for any shark monitoring for free. We would do that for free.

Delegate GREEN: Thank you.

Speaker MCAULIFFE: Anyone else have a question for Steven Johnston of OpenCape?

Exec. Dir. STEVEN JOHNSTON: Yes, Doug.

Speaker MCAULIFFE: Doug Brown.

Delegate BROWN: So, Steve, I thought I heard you say that the microwave to the Vineyard is not the greatest and the estimate for the line to the Nantucket was 25 million so --

Exec. Dir. STEVEN JOHNSTON: Not just Nantucket. That was -- let me back up. So we shoot a 1 gig signal --

Delegate BROWN: Yes.

Exec. Dir. STEVEN JOHNSTON: --from Woods Hole, on top of one of the buildings in Woods Hole, to American Tower tower just east of the Edgartown airport. So my throughput on that, I shoot a gig over there and any time you go aerial via microwave and this holds true to any sort of wireless connectivity be in your house and you're getting 100 megs --

Speaker MCAULIFFE: Sorry, that's me.

Exec. Dir. STEVEN JOHNSTON: -- that's okay -- you're only going to see about 60 megs throughput. So, for me, I'm sending a thousand megs or 1 gig, I'm going to need about 600 megs on the ground. So it's not the most efficient is what I was saying.

The estimate, so, there's a few big contractors that do this. We went to the guys that are doing Block Island right now. They're actually doing Block Island, one of our vendors. So it costs just like \$5 million just to even get the boat here. I mean there's outfitting the boat. It's a big, huge boat. It's laying cable. So the cost to go from Woods Hole to Martha's Vineyard and then to Nantucket is \$25 million.

Delegate BROWN: I see.

Exec. Dir. STEVEN JOHNSTON: That's just to get the fiber from Point A to Point Z.

Delegate BROWN: Okay.

Exec. Dir. STEVEN JOHNSTON: And that doesn't even mean like we're going to run the fiber around the island.

Delegate BROWN: Yes.

Exec. Dir. STEVEN JOHNSTON: That's just getting us to the beach, you know, in Oak Bluffs or in downtown Nantucket.

Delegate BROWN: Okay. I just wasn't clear that you included the Vineyard. So, thank you.

Exec. Dir. STEVEN JOHNSTON: Yes. No, that was we looked at doing them separately; it's just more cost-effective to go Vineyard then Nantucket versus running a separate line to Nantucket -- to the Vineyard and a separate line to Nantucket. It's all about cost efficiency.

Delegate BROWN: That makes sense. Thanks.

Speaker MCAULIFFE: Great. Thank you, so much, Steven.

Exec. Dir. STEVEN JOHNSTON: No, no --

Speaker MCAULIFFE: I think -- oh yes, Patrick.

Deputy Speaker PRINCI: I'm here.

Speaker MCAULIFFE: Yes.

Deputy Speaker PRINCI: Thank you, Madam Speaker, and thanks, Steve, for, once again, you know, giving us an annual update on what's been going on with OpenCape and so forth and it's appreciated.

Some of my thoughts are more along the lines of, you know, this whole pandemic and remote learning and schools not having proper mechanisms and infrastructure in place to adequately service all. And, further, my guess is that based on the prices of homes right now and the inventory is that, you know, one, we're going to become a year-round-type economy. And, secondly, we're going to have a lot of wealth here in the region that work for major corporations and conglomerates globally that might choose to settle here but might not find that they have the adequate infrastructure in place.

And part of what I've seen over the years is not enough collaboration with, you know, some of the other entities that might have the wherewithal for infrastructure improvement. For instance, partnering up with Comcast, other utility companies to move things forward.

I understand they all have stakeholders and shareholders involved and that's their primary focus and not necessarily the residential end of it. But at the same time, I do feel that if there was some organization through an economic development outlet here in the region through the Cape Cod Commission with some other of the private utility companies all coming together, I feel like we could move a lot faster than we have in the last 10 years and actually see some results for the residents that we all serve.

Exec. Dir. STEVEN JOHNSTON: Sure. I mean, so let's look at the environment right now, and I'll address your Comcast question. So, currently, Comcast is the 800-pound gorilla. They're serving the bulk of the Cape, Southeastern Mass.

Now, I look at my footprint because we cover the islands, the Cape, and then the Southeastern Mass. very differently because off-Cape I've got Verizon, Verizon Fios, Crown Castle, Extranet, Comcast; I have a bulk of competition off-Cape.

On the Cape, really, it's Comcast. Verizon has pretty much stopped coming across the bridge. So I have not one, not two, but 3 ex-Verizon employees that work for us at a very high level and there's really no plans to. They've kind of said they could walk away from the Cape; they'd be more than happy to.

When I say Verizon, you have to remember you have Verizon, like Verizon Fios and then Verizon Wireless, two separate entities operating under the same umbrella.

With regard to Comcast, we go head-to-head with Comcast 10 times a week if not more. So my bread and butter, what allows me to pay my staff, maintain the network is literally taking clients away from Comcast. I will say that here.

So since the time I last spoke with you and one of the issues we had when we had CapeNet involved with OpenCape is no one wanted to connect to us because they were kind of weasels, and they didn't like them to be perfectly honest. Since then, we have connected South Coast Hospitals, that's off-Cape. I've got eight locations connected. I've got six Cape Cod Healthcare locations connected; Cape Cod 5 locations connected. So as we connect each one of these offices, branches, urgent care centers, we go deeper into communities. So that's part of that strategy that I talked about earlier about connecting businesses that are close to our network. Eighteen of Cape Cod 5's branches are within 500 feet of my backbone.

So, obviously, I have been working with the executives over at Cape Cod 5 about how do we explore a plan to connect all your branches to fiber through OpenCape down the road. They also happen to be our bank, so it's totally self-serving on their part.

But, Patrick, I agree with you. I mean, remember, we're an open access network. So, for example, let's just say last night I turned up 255 Main Street; there's 11 residences there. Comcast could come to us and say, knock, knock, knock, "Steve, I know you collect those 11 residences, we want to ride your fiber into those buildings and offer Comcast service. They have no desire, no intent, no nothing to do that. They just don't want to do that. They want their own proprietary network, and they kind of -- they tolerate us but we're like an annoying No see um mosquito in their face at the beach. They kind of deal with this.

They spend more on Post-it notes in a year than my entire budget. So they don't really see us as a threat. And, again, they're also probably not too concerned if they lost every resident on the Cape. I mean think about it; do the math. There's 195,000 people on the Cape, and the average person pays whatever their Comcast bill is, let's call it \$125, that \$70 million a month. My Comcast bill is \$364, just FYI, which is ridiculous. That's the other thing I have a problem with is the cost.

For those residents at 255, they're getting it free as part of their Internet, but their cost to their landlord is \$55 a month. So it's trying to make Internet accessible.

I agree with you, Patrick, we need to go faster and to find resources to do that. One potential place that may help us a little but is the 5G effort which, first of all, don't expect 5G here anytime soon. I know it may show up on your phone, that is complete marketing hooey. There's nothing. Your phone is not 5G yet and it won't be for a while.

But the backhaul that these carriers need, Sprint or, sorry, T-Mobile, AT&T, I already have a deal with AT&T where we're connecting 72 of their towers. I'm in talks with T-Mobile to connect 92 of their towers, their locations. So that may provide me some added revenue where I can move a little bit faster on some things.

We do try to collaborate. We work with Eversource and National Grid. Eversource, we have a special deal that allowed us to get our backbone up on the poles in what's called the neutral because we use the ADSS fiber which has no metal in it. It doesn't conduct electricity so they were okay with that. So that allowed us to build on almost 20,000 poles on the Cape and it allowed us to build relatively quickly without tons of expense. But we try to do that, Patrick. I just don't

envison Comcast being overly welcome, just FYI. Yes.

Speaker MCAULIFFE: It's really helpful information. Thank you.

Deputy Speaker PRINCI: I just have one quick follow-up, if it's okay, Madam Speaker?

Speaker MCAULIFFE: We have -- we have -- okay. We have also another presentation plus a hearing with people who wanted to speak. So I'm just --

Deputy Speaker PRINCI: Okay. I'm just going to --

Speaker MCAULIFFE: -- make it fast. Make it fast.

Deputy Speaker PRINCI: No, I won't. I'm going to defer. With your permission, I'll give Steve a call and talk to him at some point this week.

Exec. Dir. STEVEN JOHNSTON: That would be good.

Deputy Speaker PRINCI: Thank you.

Speaker MCAULIFFE: Okay. Thank you.

Exec. Dir. STEVEN JOHNSTON: Lilli, you had a question too?

Speaker MCAULIFFE: Lilli, I needed to move.

Delegate GREEN: Yes. Maybe Steve could respond via email to us. If he could tell us -- if Steve could respond via email to us -- about 5G. When 5G does come here, what impact is it on his -- on OpenCape and, you know, peering through the looking glass anyway?

Speaker MCAULIFFE: Yes.

Delegate GREEN: But maybe he could respond via email. Thank you.

Exec. Dir. STEVEN JOHNSTON: That would be good.

Speaker MCAULIFFE: We can also have Steve -- we can also have Steve back too, you know, if there's more interest in other topics. It certainly is a very timely subject right now, and I guess I was thinking it was going to be a quick overview, but I think that there's a lot of interest, obviously, and a lot of questions. But thank you, so much, Steven.

Exec. Dir. STEVEN JOHNSTON: Okay. Yes, and shoot me an email, call me. I'm happy to talk to you and answer any questions you have. We are reaching out to the Governor trying to get him to release that \$1.7 million. It's approved in the House and the Senate. He needs to sign the bill. So if he releases it, we can make some magic happen. But until it happens, we'll continue as we have.

Speaker MCAULIFFE: Yes. Lilli is coming forward with a resolution to the Assembly today later on in the meeting to have us write a letter to the Governor.

Exec. Dir. STEVEN JOHNSTON: Oh, that would be great. That would be super appreciated.

Speaker MCAULIFFE: Yes, and she was surprised when she found out that you hadn't called me to come in and do a presentation to get, you know, to get a letter, that this was just totally we wanted to hear from you, and it just happened to be an issue that's current. So we will be discussing that briefly later on in our meeting.

Exec. Dir. STEVEN JOHNSTON: Well I appreciate that. That would be great, very helpful.

Speaker MCAULIFFE: Yes, we'll let you know how it goes. All right. Thank you.

Exec. Dir. STEVEN JOHNSTON: Thank you, all.

Presentation from Cape Cod Municipal Police Academy Director Peter Carnes

Speaker MCAULIFFE: Our next item is an update and it says, "Communications from the Cape Cod Municipal Police Academy Director Peter Carnes. Peter, I see you. Welcome.

Director PETER CARNES: Madam Speaker, it's a pleasure to be here. Greetings to you from the academy staff and the directors of the academy. I'm joined up there with Chief Wayne Sampson, retired from Shrewsbury, and also recently retired Wellfleet Police Chief Ron Fiset, and the three of us function as academy directors. We're responsible for the day-to-day operation.

And as we informed in a previous presentation, we work under the auspices of the Cape Cod Center for Public Safety Training, which the director is Mr. Phil Burt. So he has almost daily contact with us when we run our academies.

Proudly over 54 weeks, we trained 101 recruit police officers. They went back to Cape and Island departments; they went back to some departments in the southeastern portion of Massachusetts. And on July 10th, 58 of those recruits went to 31 different police agencies in Massachusetts. They all met the standards of the curriculum from the state from the Municipal Police Training Committee. They were awarded their diplomas.

I have to tell you that running a police academy during COVID was a challenge. We were facing changes, major changes. We had to cut 140 hours out of our academy program, the curriculum. We also had to move. We had to move to another location that allowed us to have social distancing. And the Coast Guard at the Base was cooperative enough to allow us to take over a movie theater that's on the Base and had 475 seats that we put 58 people in spaced at six feet apart. So we were successful in our move.

We were shut down for several weeks, and we opened up again in June, and we were able to graduate the 58 officers on July 10th, and they went back to their departments.

The Cape, obviously, was very well represented in this class, as was the Islands, and places like Barnstable, Bourne, Chilmark, Dennis. We also had a number of officers from Falmouth, Aquinnah. We had officers from Mashpee. We had them from other Cape communities such as Sandwich, island community of Tisbury, Truro, we had representation. From the Vineyard, we had West Tisbury, and we also had officers, I believe, I said Aquinnah already who, you know, met the mission that we were directed to follow of training Cape and Islands people first and then opening the academy to outsiders. And the outsiders, of course, are from the Southeastern Massachusetts region. This recent class, we went as far north as Norton, Massachusetts for a young woman to be trained and as far west as Hubbardston, and each of these officers came to our academy each morning at six and they left every afternoon at 4 o'clock. So it was exciting for us.

We're very proud of the instructors we had, the senior staff. It's my goal and, hopefully, sometime we'll achieve that, is to have our total staff from Cape Cod. And that's a tremendous opportunity because these men and women will be networking with these instructors when they begin their professional careers.

The support we've received from the County has been extraordinary. Jack Yunits, Steve Tebo have done a great job supporting the mission with Phil, and also Paul Tucker from the Fire Academy has worked with us providing unilateral support when needed with equipment. You know, small things that might appear small at the moment but shuttling water to the recruits on a hot day is huge for survival of these people during defensive tactics or during different types of

fitness training and things like that.

We did for the first time, to meet the challenge of COVID, we did interactive training. We, of course, did a lot of Zoom work, and we were able to do a lot of online training to make up the 140 hours we lost. So that was very important.

One of the unique parts about being at Joint Base Cape Cod, we can do everything there. We can do our emergency vehicle driving. We have a beautiful gymnasium that we use. We also have the firearms training is done on the Base. So we're pretty much self-contained at the Base. The support from the Coast Guard, the National Guard, General Faux has just been -- it's been second to none.

So we're giving a positive report to you that we've been a success for our second class. Our third class is scheduled to begin January 4, 2021, and we're looking forward to 60 recruits showing up on day one and being part of our training program on Cape Cod.

Speaker MCAULIFFE: Thank you. Now, Mary had requested an update. Mary, did you have any specific questions or you just wanted a general update?

Delegate CHAFFEE: I was interested in an update on the program and, specifically, how training had to be adapted to COVID since, obviously, police training involves a lot of physical activity. You mentioned what you did to you use the theater to do social distancing. Are there other police training activities that you've had to reshape to keep everybody well?

Mr. PETER CARNES: Absolutely. We had to follow state mandates from the Governor and also through the executive director of the Municipal Police Training Committee. And what they did, Mary, they shut down anything that involves physical contact. Defensive tactics where, you know, may be in the past you'd be putting handcuffs on people and things like that, they eliminated that. During many segments of the training, the officers were wearing gloves as well as wearing their mask, obviously. And, also, we abandoned the parts of physical training that necessitated taking a shower during the day. So they did their showers at home. Anything that might involve physical training that would require a shower, we'd do that at the end of the day. They could drive to their own respective communities to their homes to take their shower. They didn't do it with us.

So social distancing in a classroom was probably the most obvious step. We required all instructors coming in to wear masks, also use hand sanitizer. And during the last few weeks, we got into taking people's temperatures during the day. So when people reported, we checked their temperatures to make sure nobody had any type of problem with a temperature or any symptoms. And, also, we constantly reminded the 58 recruits that, you know, had they had anybody in their family, you know, to immediately report it to us and let us know if anybody at home had the symptoms.

One thing that was remarkable and I think many of us knew this but there's some type of connection with the law enforcement field and the medical field, and it seems like a lot of our recruits either their mother was a nurse or they were dating a nurse, or, you know, they had somebody in healthcare in their family. So we had to sort of be a little more careful with that too making sure that we got the information quickly.

And we had plans in place. We worked with Phil. We worked with the County Health folks. We had plans to test the class had we had any symptoms that we were concerned about, and

the recruits would receive a test at the site that was at Cape Cod Community College.

So we did quite a bit. We did everything we could and, hopefully, it was enough. And even our graduation, Mary, was reduced. We had to only allow a few members of the family to come to the awards presentation. It was conducted outside, social distancing, and stadium seating. And it was a challenge to do that, but we get the idea we have to keep everybody safe and we're willing to support that measure.

Delegate CHAFFEE: Thank you. And I do have a follow-up. I'm interested in both gender and racial mix of your two classes and whether they are reflective of Massachusetts.

Director PETER CARNES: Yes, they are, and particularly when I am drawing recruits from the Southcoast area, particularly New Bedford, from Brockton and places like that, we did have a number of minority graduates. Black and brown recruits were well represented in the class, and, also, we also had a number of women represented. I think across Massachusetts as far as having women in the class, I think we had the largest percentage of women recruits, which, you know, set us ahead of everybody else. We support the concept of hiring minorities, particularly when you're in a situation that these men and women are going to go back and police communities that, you know, had that reflection of color that the department has to be in balance with the community. There's no question about that.

Speaker MCAULIFFE: Thank you.

Delegate CHAFFEE: Thank you.

Speaker MCAULIFFE: Yes, John Ohman.

Delegate OHMAN: Hi. Thanks for telling us what's going on with that, Peter. It's much appreciated. Just to follow-up with what Delegate Chaffee said, have you got any creative ideas or ways that we can attract minorities and/or women to these things through scholarships or any ideas that we can do to try to proactively bring that population into the policing departments on Cape Cod?

Mr. PETER CARNES: John, that's a good question. We have looked at this for years on how to attract minorities to Cape Cod to take police exams, to become parts of our department. I know many of the departments have had some success in that area. One thing we have to realize up front, we are training people that the departments give us. So the departments, for the most part, have already hired the individuals. So the need for a real aggressive diversity hiring program would have to be in the individual departments doing the hiring.

One thing we can do, which I'm excited about the potential and to be a little bit creative, we might just step off the -- step outside the box a little bit with our mission and come up with a program that we could probably partner with four C's, the Cape Cod Community College, to provide resources for young men and women who are interested in coming into the field. In other words, how to get the job; how they can be better prepared, whether it be in a community college level; what they can do to improve as far as taking police exams and make themselves a better candidate.

We do have on Cape Cod, we have two specific ways of hiring police officers. We have Barnstable, Bourne, Falmouth, and Sandwich are Civil Service departments. They require a test. Barnstable requires a residency requirement for their hires, which can be a challenge to say I want the department to become 10 percent minority officers soon. I mean you have to find ways to do

that.

The other departments other than those that I mentioned, the four or five of them, are non-Civil Service. So they can do their own individual exam. They can interview their own candidates. And I'm sure with some work that the County can do adjacent to the academy, maybe in addition to what the academy does, we can cosponsor with the college some type of academy preparation.

One of things that we're finding out there are some physical requirements, and we have to meet what is known as the Cooper Standards. In other words, these young men and women have to be in shape when they come to the academy. So one of the things we can do is, early on, let them know that they have to be prepared not only mentally but physically before coming into the police academy to pass. And across the state, there has been a significant percentage of men and women coming in who do fail the first time at the Cooper Standards. And they have time to prepare and they're designed by age. It's not everybody is held to one exact standard. The officer that's coming in at age 40 would have a reduced standard opposed to the person that might be 21.

But I'm giving you a long answer to a short question, John. You can consider and we'll be willing to cooperate and work cosponsoring a program with Cape Cod Community College. I employ the Director of the Criminal Justice Program, John Szucs, at the academy. He's already working for us. And we discuss all the time how we can do more for the young men and women of Cape Cod to get them jobs here on Cape Cod. This could be part of it.

Speaker MCAULIFFE: Great. Thank you. Any other questions or comments for Chief Carnes? Yes, Brian O'Malley.

Delegate O'MALLEY: Thank you, Madam Speaker, and thank you, Mr. Carnes, very much, for the update here. The following question reflects my role as liaison to the Barnstable County Human Rights Advisory Commission, which, as you may know, has been involved in a number of conversations with a number of the chiefs including Fred Fredrickson of Yarmouth, of course, and a number of others.

In the aftermath of the George Floyd "Black Lives Matter" movement, one of the conversations that has been recurrent through that has been about the question of -- questions of both recruiting, of course, who are we recruiting and what is the training like? And you've clarified and made clear a very important point here in terms of recruitment, that that's done by the individual departments. And I would anticipate that there might be room there for programs that examine how we recruit, who we recruit, etcetera.

But let me then focus on this question since we're at the academy, what has been the impact of the last 4, 5, 6 months on your training program? What changes have been instituted to reflect what's been going on and how there are -- I can cite a number of the elements, but what training that involves -- what initiates an encounter? What about escalation of force? What about the various tactics? What have you changed in what you're doing in response to what's been going on in the country?

Director PETER CARNES: Brian, that's a good question. We have followed the state mandates with the curriculum changes. We are, every day, in discussion with the recruits relative to use of discretion, relative to use of force, and Massachusetts has one of the best Use of Force Policies in the country. Statistically, Massachusetts police officers use force far less than police

officers from around the country in other jurisdictions. There's been studies out there. We're in the bottom numbers as far as infrequent use of force because of our Use of Force Policy. The Use of Force Policy that has been in place for the past 10 years has not had things like choke holds, okay. And I almost, you know, I took the Floyd case so serious as far as training and how can we do better, choke holds are not on the table. Choke holds are prohibited. You cannot do that in Massachusetts. And if you do do it, it is a crime.

Daily discussions with the recruits were held not only with the defensive tactics instructors. They were also with our attorneys that teach the legal updates with the different types of programs that get into what exactly you can do. Force cannot be done in every case of a contact with a person. There has to be some type of violence. There has to be some type of regulation. And use of force in Massachusetts starts with a verbal command, "Stop," or "Don't do what you're doing," or whatever. And then, of course, it goes up the ladder gradually to the top rung which, of course, is deadly force.

And I don't want to say I'm proud to say, but it's worthy of saying; police officers in Massachusetts it is very seldom when they use deadly force. And men and women that are hired, men and women who are the young people we're getting, and men and woman that have been on the job 30 or 40 years have never fired their firearm or never used deadly force in their careers. So it's a very rare opportunity. We are in the single-digit percentages on that, but that does not mean you do not continue to discuss it. I can tell you with our recruits every one of them were appalled by what they saw in Minnesota, and they were proud that it doesn't happen here in that manner. Massachusetts is not Minnesota. It's not Georgia. It's not Texas. It's done differently here, and I'm proud to say it's well controlled, and I'm proud of the work of the chiefs.

I find it a little bit ironic when I read the bills that were coming out on police reform. I supported such things as decertification of police officers, making changes in curriculums and things like that, and then I remembered that over the last 20 years many of our police chiefs have lobbied. We've filed papers. We've written papers. We'd be proud to provide you with them on how we can improve policing.

Decertification was there, accreditation was there, hiring police officers and paying them more for educational backgrounds were there, and many of those things were taken away because of funding issues with the legislature.

Speaker MCAULIFFE: Thank you.

Delegate O'MALLEY: I'm very appreciative of that perspective, and I think it's clear that, for all of us, no one wants to see another Minneapolis happening on the Cape.

Mr. PETER CARNES: Exactly, Brian.

Delegate O'MALLEY: Exactly. So let me just ask as a subsequent, part of this conversation has made it clear to me that the situations that you as police departments are responding to these days are really quite different than what we dealt with decades ago; that is, you know, armed robbery in progress, that there's a tremendous amount of social service, health issues, substance abuse, overdoses, and that kind of domestic situations. Can you tell me about how you're working to compile that and to then go from there to affect what you do and what kind of people are you bringing into the program? Who are you recruiting? Are we necessarily going towards a model where some of the officers need to be more, you know, less physical people and

more social interactive? You know, clearly, that's a conversation that has gone on as part of this discussion and it makes it seem like recruitment might need to be affected in that way.

Director PETER CARNES: Well, recruitment involves not only involves just the hiring practice or the hiring of the individual, it involves psychiatric testing of the officer. It involves a rigid background check which would surface any type of violent behavior that person might have in their private life. It also might uncover any biases that they might have or any prejudice they might have.

So my opinion on Cape Cod, we're doing a good job with that. We can always do better, and we also know that people sometimes change. I mean, you might be hiring a 22-year-old today and by the time that person's 35, they may have views that are somewhat in a different direction which is unfortunate.

But we do hire from the human race. So, as a chief that's hiring individuals, I want to make sure it's a person that's been tested; they can utilize good discretion; they're making good decisions. And in the academy, what we do is we get into role-playing, and we bring professional role-players in. We bring in people that have been -- people from the battered women's shelter. We bring in people who have been involved in substance abuse. We let them get into role-playing situations with the officers which, I guess, for a lack of a better term gives them real-time opportunity in the classroom for our recruits to see people under stress, people in difficult situations, and we monitor the responses. And the instructors at that time if they don't see an appropriate response, they deal with it not only at the moment but also the recruits are tested on this. And based on passing the test and things like that, it is critical. I mean it's all part of patrol procedures. It's all part of anticipating what they're going to be doing when they go on that 9-1-1 call.

Now I know probably the next question, I don't want to read your mind, but the next question on why are we sending the police to these calls sometimes when it involves mental health and things, and the short answer is they're dangerous calls. I mean their calls where people get hurt, people get killed. And I have a high regard for our domestic violence advocates and our social workers and things like that, but you can't be sending those people in there without protecting them and making sure that they're not going to become in harm's way quickly.

Now overnight in Wisconsin, a community service officer was killed going to a dispute, unarmed. Unarmed, basically a social worker/security guard combination went to a call that normally would be a police call and that community service officer, unfortunately, was killed. And 35 years old, he was killed by a 65-year-old man having a mental issue. So very unfortunate. So we need the police for those calls.

Speaker MCAULIFFE: I think also, I'm just going to jump in just having done some drive arounds with Chief Carnes when he was chief and I was Alcohol and Licensing Chairman for the Town of Yarmouth, and the calls come in and you have no idea what that 9-1-1 call is going be going forward.

Mr. PETER CARNES: That's true.

Speaker MCAULIFFE: You don't know if someone's impaired, if they're mental, and most towns on the Cape or very few towns have any really strong social services departments. So the police become the frontline in terms of unstable, unpredictable situations. But, also, because, you know, even if you did have a social worker, I can tell you as a mother of a social worker, she

wouldn't go into the situation knowing how unpredictable people can be on some of these calls.

So it's great to have ideas about social services and things like that, but the reality is -- I remember when Chief Carnes told me that the most increased unpredictable calls, this was a decade ago he told me this, were the domestic.

Director PETER CARNES: That is true. It remains true today.

Speaker MCAULIFFE: Going and having a chat with a couple that was fighting to walking into a situation where you had to have backup because you don't know what's going to happen.

Mr. PETER CARNES: Yes.

Speaker MCAULIFFE: So it's a whole different world today, and also we live on the Cape where we don't have big, strong social services departments as well.

Director PETER CARNES: That is true. After 4 o'clock in the afternoon and on weekends, it's 9-1-1. It's your police officers, your fire department paramedics who are going to these calls, and there are multiple calls on a weekend for those type of services.

Speaker MCAULIFFE: And, yes, some of them might be appropriate for a psychiatric or a social worker but you don't know that going in.

Director PETER CARNES: Very true.

Speaker MCAULIFFE: Yes, Brian, I wanted to get to Elizabeth and then I'll get to you. Elizabeth.

Delegate HARDER: Thank you, Madam Speaker. I just have a quick question on your thought of the National Guard wanting to put a machine gun range at the Base. And if they did, would that be something that the academy would use?

Director PETER CARNES: Well, first of all, the police departments on the Cape do not use machine guns. They do have semiautomatic weapons and things like that. But I doubt we'd be using the machine gun range. We would be using the rifle range for what they call AR 15's and what they call patrol rifles. The military has totally different needs than what we have. They would have a larger caliber weapon that they would use during war. We don't use anything like that.

We do use -- there's I think 25 or more ranges over there. We do use their rifle range. We do use their handgun range successfully. And if they were to get a machine gun range over there, I'm not sure that they've had one recently, it would have no impact on us really.

Speaker MCAULIFFE: Doug Brown.

Delegate BROWN: Thank you, Chief Carnes. So I appreciate the new recruits we have in Falmouth. It's great to get them. We really are shorthanded.

Mr. PETER CARNES: Great.

Delegate BROWN: And we're actually going to be having a discussion about whether or not the Civil Service is really working for us.

Mr. PETER CARNES: Yes.

Delegate BROWN: We'll be talking about that soon. I'm wondering about the schedule for the next round of recruits. I think I heard you say that they are coming in January 4th.

Director PETER CARNES: That is correct, Doug. They're going to come in January 4th. It's a 20-week program, and what our goal is for, you know, places like Falmouth or Barnstable or

any of these departments that have busy summers, we want to get them out of the academy as soon as we can. So these recruits will be getting out of there in June. And at that time, your chief could be, you know, putting them into what they call a Field Training Opportunity.

Delegate BROWN: Okay. And so my question is you had a graduating class in July; is there now a class in place now?

Director PETER CARNES: No, there is not, and the reason there is not, it takes us time to sort of regroup from the class, and Plymouth is having an academy class right now of 48 recruits. And so Plymouth started there's about three weeks ago. And one of the reasons we did not start up immediately is that the chiefs in the police departments need time to do the background checks that I previously mentioned, start planning for their people.

In October and November, we'll be doing the physical testing with the Cooper Standards. And, in reality, to get us any sooner than January if we were going to do something say in December, we'd have the holidays and all of that. So it seemed more appropriate to schedule our class for the first week in January and do it then.

Delegate BROWN: Okay. Because I was just curious if it was another factor with the Civil Service delaying the process or if it was just a schedule that you guys have worked out.

Director PETER CARNES: No, there is a Civil Service list that came out, I believe, it would have been prior to the February class. So your folks in Falmouth would be already on that list, already in line, and I'm sure the chief has got that pretty well worked out.

I'm looking -- I think you got seven people back from us in your --

Delegate BROWN: Yes, we did.

Director PETER CARNES: And they were all tremendous young people. They did a great job. And, also, one of your officers is one of our instructors. He's one of our senior staff, one of your detectives. So there's a lot of continuity with the Falmouth Police Department.

Delegate BROWN: Good to hear. Thank you.

Speaker MCAULIFFE: Thank you. Well, thank you, very much, Peter. Thank you for the update. We wish you well in these troubled times.

Director PETER CARNES: Thank you. Thank you.

Speaker MCAULIFFE: We hope that you are able to get a very good cross-section of new candidates for the Cape. I think that would be a real strength of this academy.

Director PETER CARNES: Well, thank you, Suzanne, and also to your members. We're available any time to answer questions. I mean we're happy to do that. Some good suggestions came up today. I know the Human Service Group is working with Chief Frederickson and Chief Sonnabend in Barnstable. And, also, John Ohman's suggestions on what can we do, I think we're going to see something come from that Cape Cod Community College in preparing people to enter the academy.

Speaker MCAULIFFE: Excellent. Keep us posted as you, you know, if there's anything that you do come up with in terms of a curriculum direction or an incentive --

Mr. PETER CARNES: All right.

Speaker MCAULIFFE: -- or whatever you do. We'd be very interested.

Mr. PETER CARNES: Glad to do it, Suzanne. Thank you, everybody.

Speaker MCAULIFFE: Yep. Take care.

Delegate BROWN: Thank you.

Speaker MCAULIFFE: All right. The next item on our agenda is any communication from Public Officials? Now, if you are on the phone, you will need to use *9 to put a hand up or you will need to use *6 to unmute. So if there's anyone -- I don't see anyone, I don't think, on the phone. I think most people have come in on the Zoom.

Speaker MCAULIFFE: Our next -- I don't see any hands up for Public Officials.

Communications from Members of the Public

- **Communication form Muska Yousuf**

Speaker MCAULIFFE: Now the way our Public Hearing will go, our next item is communication from members of the public and that is just for general Assembly-type comments or business. That will be followed by a Public Hearing on the Proposed Ordinance, which is the Charter Recall Amendment.

So people who have joined the meeting to speak about the recall amendment would do so under the Public Hearing because that's specifically designed for input on that Charter amendment.

So, if anyone -- if there are any members of the public who are here to speak on matters other than the amendment? Yes, Muska.

Ms. MUSKA YOUSUF: Hi. Thank you, everybody. So my name is Muska Yousuf, and I'm a resident of Yarmouth. I'm also going to speaking later about the amendment. But I did have a response that I wanted to give in response to the police officer that was just on here.

I hope in the future that when you guys do have the police chiefs, you also include members of the community, especially people of color to tell you their experiences with the police departments on the Cape.

I think it's one thing for the police chief to say that there is no problem in Massachusetts and that there is no problem on the Cape. I'm a person of color on the Cape. I have many friends on the Cape. I'm an advocate and a civil rights attorney on the Cape, I can tell you that they have a very, very different story.

I want to keep in mind that the records that are out there are only the reported cases but, of course, as we all know, if you have any kind of issue with a police officer and you file a complaint, it first goes into an internal investigation and it can die there where there is no record.

Then, also, because of qualified immunity, it is nearly impossible for there to be a legal record of any malfeasance against a police officer in a civil court.

So just because you don't see any written records of problems, please do not believe that that means it does not exist.

I also want to specifically address something he said about domestic violence. I'm a domestic violence advocate, and can I tell you how many of my clients have had horrible incidences with police officers on the Cape, one of which once said to me on the phone that he believed that maybe abuse was just part of Jamaican culture, and that was his justification for why he did not believe that it necessitated calling the on-call judge.

I'm not sure if many of you are aware about how domestic violence works if you get a

restraining order. If something happens after work hours, after the Court is closed, a police officer that comes on the scene has the ability to call an on-call judge. For some reason, the statute is written so that it is the police officer's judgment call as to whether what occurred rises to the level of abuse under the statute. If the police officer does not believe that it is abuse, the police officer will not call the on-call judge and tell the victim, "Wait until tomorrow and go to the courthouse."

Any of you that have any experience with domestic violence should know that when the police are involved, those few hours afterwards are the most deadly times for a victim in which the oppressor and the perpetrator could kill said victim.

If you have a police officer who doesn't qualify that as abuse and then she has to wait hours until the next day to go to court, she could be killed. And I have personal experience, and I can give you the departments if you were interested, of times where a police officer did not know what the standard was, could not define on the phone what the statute says abuse is. That is problematic. This should not be the police officer's call. That is giving legal advice and they are not qualified to give legal advice. There are attorneys that have a difficult time determining what is and what isn't abuse under the statute.

So I just want to say that I've had cases where a police officer didn't think something was abuse and then it took me on the phone saying, "What is the definition under the statute?" They had no idea. So if they're getting properly trained, that's problematic that I've had numerous conversations with police officers in different departments on the Cape that could not just basically tell me what is the statute under 209A. That's not proper training.

Then, I had to call -- be on the phone with the police officer saying, "Call the on-call judge. Leave it up to a legal expert." And you know what happens each and every single time, and I can give you evidence, the judge says, "Yes, that qualifies as abuse."

So I just want you guys to understand that there is another perspective here and the rosy picture that he just gave is not the full story. And I just want you guys to be aware of that, and I really hope you have more public hearings where you bring in the actual people in the community and the people of color that can tell you what's really going down. Because I can tell you there are racial slurs, there are allegations of sexual abuse happening to women, and there is negligence, what I would consider criminal negligence and how the treatment and understanding of training of domestic violence.

So that's all I have to say about that and then I will --

Speaker MCAULIFFE: Thank you.

Ms. MUSKA YOUSUF: -- I will talk later about the recall.

Speaker MCAULIFFE: Thank you. Yes, no, thank you. Your comments are certainly appropriate given that we're talking about the police training academy and certainly may warrant a further, you know, a further discussion.

We, as the County, do support the training academy. So there is a bit of weight that the Assembly can ascribe to comments.

Public Hearing on Proposed Ordinance 20-17: Charter Recall Amendment

Speaker MCAULIFFE: All right. I think what we'll do is we will go into -- because I have several people here who, I think, want to speak on the recall amendment.

So I'm going to open the Public Hearing on Proposed Ordinance 20-17, the Charter Recall Amendment. The recall amendment has been available publicly, electronically on the website and available through email. This was all published in the paper and many different forms of access to the document. I am not going to read the document. It is three and a half pages long, so people who have had an interest in it can certainly -- have had a chance to access it.

The very brief summary of this recall ordinance is that it is a proposed recall for the County Commissioners who are four-year terms. It does not include Assembly of Delegates because they have two-year terms and there really isn't sufficient time to fit a recall into a two-year term; whereas, a four-year term you have a chance to go through all the required steps. So that is how the amendment ended up after Charter consideration.

Typically, we do have a sign-up sheet on a Public Hearing. I only heard from one person prior to the meeting but, Muska, I wanted to recognize you first because you had identified that you wanted to speak to this ordinance.

Ms. MUSKA YOUSUF: Thank you. So, yes, I wanted to just reiterate that I support, I strongly support the recall amendment. The only concerns I have is that -- I have two big concerns. I was at the August 5th meeting and my first concern is that I have a feeling that this is going to have a difficult time being passed due to the fact that it's only -- only applies to the County Commissioners. And I know that there was a discussion about how it didn't make sense to include the Assembly of Delegates since it was only a two-year term.

I do think that if it doesn't get passed and further discussions have to be made and we have to go back to the drawing board, that the Assembly should reconsider making the term limits four years so that you're held to the same standard as the County Commissioners.

The second thing that I worry about is that at the last meeting there was a motion passed to take out the words "impropriety" and "misbehavior" from the recall provision. I just want to express my deep disappointment that you all voted to eliminate those words. Anything that gives an elected official more leeway to avoid accountability is problematic to me. There's a reason why the subcommittee included that language in the draft, and I suspect it's because it gave more power to the people to call County government accountable for their words and actions. And if the amendment does not go forward and we have to go back to the drawing board, I truly hope that that language is reconsidered and added back into the amendment because a right without an appropriate remedy for its violation is not truly right at all.

So, thank you. That's all I have to say.

Speaker MCAULIFFE: Yes. Danielle Tobey, I recognize you next. You wanted to make a comment on the recall amendment.

Ms. DANIELLE TOBEY: Hi. Yes, my name is Danielle Tobey. I am Mashpee Wampanoag. I was born and raised in Barnstable, Massachusetts. I totally 100 percent support what Muska just said regarding the recall amendment. I do agree that the term should be extended to four years.

And, also, it is appalling that the language was changed to disclude misbehaving or, you know, misconduct, especially at a time in this country where there's so much racial unrest where we have Ron Beaty in office who is inciting violence in the community, in particular to myself and my own family. And my grandfather worked with many of you and knew many of you, and he

dedicated his entire life to service in Barnstable. Yet, my family is living in a place where we're just -- we have to be careful just in case people that he's associated with are around, that it's so disturbing that people in the community just turned a blind -- turn a blind eye to this behavior.

I have children there, and my grandparents are there. My grandmother's there and her 99-year-old grandmother, and I have had to teach them how to use the security system because of statements that Ron Beaty made on social media and inboxes that he left me. This shouldn't happen, you know.

So I just urge you guys to really consider the repercussions of not having a recall amendment to having someone that can't be removed from office. And like I've said several times, everyone in the community has the right to feel safe psychologically and physically.

In addition to that, I do have concerns regarding something that I read in the Charter rules, and that was that no member of the Assembly of Delegates shall individually or collectively seek to influence the Board of Regional Commissioners to dismiss to a point or to promote any person to any position in the executive branch of the Cape Cod Regional Government. It's my understanding that Linda Zuern particularly --

Speaker MCAULIFFE: Okay. Excuse me, Danielle.

Ms. DANIELLE TOBEY: Yes.

Speaker MCAULIFFE: I'm going to interrupt you. This is a time for public comment, not time for specific individuals. I'll take general comments.

Ms. DANIELLE TOBEY: Well, I do have a concern --

Speaker MCAULIFFE: No, that's not -- I will -- I'm warning you right now, I run a very tight meeting, and one of my rules is you do not -- you respect each other; you do not go after each other at a meeting, and I will apply that to speakers as well. So everyone has an opinion, but I don't believe in personal attacks at meetings.

So I'm warning you, Danielle. I have been known to mute and/or remove people if they don't follow the rules. So I'm just telling you, believe me, I do this with the Assembly members. If any of them goes after any of the other ones, I shut it down quickly, and they frequently get a lecture from me. So I just want people to be able to express their opinions but not have individual attacks on people.

Ms. DANIELLE TOBEY: I don't -- that's not my intention. My intention is to have some accountability, that's my intention. And I just would like to know what -- how you guys are holding each other accountable to what the rules are?

Speaker MCAULIFFE: Well, in general, as elected officials, each elected official is accountable for their own behavior. The Assembly does not have authority over other Assembly members in terms of reprimanding or even having a vote of no-confidence as each one is elected individuals stands on their own and is responsible for their own.

So we're not policing each other, I guess, or responsible for each other. That's -- you have to live by a Code of Ethics.

Ms. DANIELLE TOBEY: I understand that. So who do you have --

Speaker MCAULIFFE: The electorate, the electorate. Every two years, the Delegates are elected, and if there's something that the delegate has done whether it's behavior, whether it's absences, whether it's their philosophy, their votes, how they behave, whatever it is, their town has

the ability to not elect them every two years.

Ms. MUSKA YOUSUF: Excuse me, Suzanne. This is -- I understood it to be
a --

Speaker MCAULIFFE: Excuse me, Musaka (phonetic), this is not a debate.

Ms. MUSKA YOUSUF: Excuse me, please pronounce my name correctly if you're going
to talk to me, okay?

Speaker MCAULIFFE: Okay.

Ms. MUSKA YOUSUF: It's very disrespectful --

Speaker MCAULIFFE: Okay. I'm sorry.

Ms. MUSKA YOUSUF: -- to not pronounce my name correctly as a person of color. So I
want to say, number one, you can mute --

Speaker MCAULIFFE: No. You may not -- you may not speak. Danielle, I'm going to
move on to the next person now and I'm sorry --

Ms. DANIELLE TOBEY: Well, I just want to say that I feel silenced, and I
feel --

Ms. MUSKA YOUSUF: Yes.

Ms. DANIELLE TOBEY: -- as if you are blocking me from saying what needs to be said.
So I am very appalled at how you run your meeting, and how you're blocking people from
speaking, especially when we're speaking respectfully.

Ms. MUSKA YOUSUF: Danielle, let's leave.

Delegate O'MALLEY: And I would support Danielle in her objection to being silenced.

Ms. MUSKA YOUSUF: Yes. No, we will -- you will hear from us about this, okay? So
do not think that you can silence us here. Bye. I don't want to have any discussion with you.
Danielle --

Speaker MCAULIFFE: Ian, would you please remove the --

Ms. DANIELLE TOBEY: Yes, this is ridiculous. I mean....

Speaker MCAULIFFE: -- remove the person interrupting the meeting.

Ms. MUSKA YOUSUF: Yes if you want to understand color --

Speaker MCAULIFFE: Please remove -- Ian. Thank you.

Ms. ROSE PARKINGTON: What?

Speaker MCAULIFFE: Did you say, excuse me, I'm going to recognize other people. But
I am going to tell you I have had ongoing and long communications with Muska and Danielle. We
have had -- and I'm happy to share the emails of trying to explain the Assembly and how it works,
and how the regulations are, and the Charter, and everything else, and I've offered to talk to them
on the phone. They have never given me their phone numbers. I've asked for their phone
numbers. This is not, in my opinion, necessarily an honest communication so much as a wanting
to express an opinion and doing it in the way that they want to.

So I am telling you the background on this is I have spent a lot of time with both of them,
emailing, and offered to talk to them on the phone to answer questions, but the bottom line is it
was not the interaction; it was the wanting to question and challenge and not understand the
Charter.

Now, I'm going to go back to the ordinance and Rose Parkington. Are you here to speak

on the recall amendment ordinance?

Ms. ROSE PARKINGTON: Yes. I'm here to voice my support for the recall amendment. I am disappointed as to what just happened. I do feel that two voices were cut off in the middle of what they we're saying. I understand that you had previous conversations with them, but it felt to me that you cut them off in the middle of what they were saying and kind of ridiculed them in front of this whole group of people during a Public Hearing, which didn't feel very --

Speaker MCAULIFFE: I never ridicule. I am never -- that is how I run my meetings with respect, and that is why I don't allow people to attack each other. And I know people would like to let other people speak and take over meetings; I've been at this for a long enough time that there are certain meetings that are public and certain meetings that are for the public. And this meeting is to take public opinion on a certain issue. This is not a public hearing on anything other than this ordinance. If we had a public hearing on something else, then there would be -- that topic would be open.

Ms. ROSE PARKINGTON: But I --

Speaker MCAULIFFE: So and I did allow a lot of comment. I know and that's the problem, I wanted phone numbers. People don't understand --

Ms. ROSE PARKINGTON: You're not letting me --

Speaker MCAULIFFE: People don't understand -- okay.

Ms. ROSE PARKINGTON: -----each other.

Speaker MCAULIFFE: Okay. I am going to -- if you want to address the ordinance, that's fine, but otherwise --

Ms. ROSE PARKINGTON: Well I couldn't ---

Speaker MCAULIFFE: Otherwise --

Ms. ROSE PARKINGTON: -----I --

Speaker MCAULIFFE: So on the way I run a meeting, you can certainly send me send me those comments for the next Assembly meeting.

Ms. ROSE PARKINGTON: There's not that many people here to speak, you know, besides, you know, for this public opinion. So to cut people off I just -- there's like four people --

Speaker MCAULIFFE: The public opinion is on the amendment.

Ms. ROSE PARKINGTON: -- and they were speaking to the amendment. I'm very appalled. They were speaking to the amendment and they were cut off.

Speaker MCAULIFFE: Okay. Fine. You're appalled. You don't like the way we run our meetings; I hear you. Okay. Anything else?

Ms. ROSE PARKINGTON: Nope, just that I highly -- I very -- I support the recall amendment, and I hope that you --

Speaker MCAULIFFE: Well, you'll be happy to know I'm not running for reelection so you won't have to deal with.....

Ms. ROSE PARKINGTON: No, that doesn't -- that's not what I'm concerned about. I'm more concerned about, you know, having people's voices being heard and not being shut down during a public hearing --

Speaker MCAULIFFE: If they're on topic --

Ms. ROSE PARKINGTON: -- in the middle of a --

Speaker MCAULIFFE: -- I'm perfectly willing to hear them. And if they're not personal, I'm perfectly willing to hear them. And there will be different leadership that may operate differently next time but -- next session, but this is the way I have developed my leadership style, and that's the way it is for now.

All right. Anyone else from the public who needs to address the amendment? Is there anyone else? Okay. If anyone's on the phone and they want to be recognized, they need to do a *9. I don't see that. I have a couple of phone calls. This is how this all started. People didn't know how to unmute their phones to get in.

Okay. Then I will close the Public Hearing on Proposed Ordinance 20-17, the Charter Recall Amendment.

(Public Hearing closed as there were no additional public comments)

ASSEMBLY CONVENES

Proposed Ordinance 20-17: Charter Recall Amendment

To revise and amend the Barnstable County Home Rule Charter in accordance with the third paragraph of Section 9-1 of the Barnstable County Home Rule Charter by amending the Charter to include a Recall provision for the removal from office of a member of the Board of Regional Commissioners. This Proposed Ordinance authorizes the filing of a Petition to the General Court for Special Legislation filed by the Assembly of Delegates with the Approval of the Board of Regional Commissioners.

The Cape Cod regional government, known as Barnstable County, hereby ordains:

Notwithstanding the provisions of any general or special law to the contrary, the county of Barnstable shall be governed by the provisions of the following revised home rule charter. If revisions and amendments are accepted by the voters of Barnstable County at the next eligible State election, the county of Barnstable shall thereafter be governed by the provisions of this ordinance: to the extent that the provisions of this ordinance modify or are otherwise inconsistent with any special or general law, the provisions of this act shall govern. The charter shall become effective upon its passage. In the event that this amendment to the charter is not approved by a majority of voters voting thereon, the Barnstable County Home Rule Charter as described in Chapter 163 of the Acts of 1988 and Chapter 716 of the Acts of 1989 and Chapter 2 of the Acts of 1990, as amended by the voters at the November election in 2000, shall remain in full force and effect.

The Assembly of Delegates, with the Approval of the Board of Regional Commissioners, respectfully Petitions the General Court of the Commonwealth to add a new section to the Charter with language shown below.

This Section provides for the removal from office of any member of the Board of Regional Commissioners.

1. Recall of a Member of Board of Regional Commissioners elected by the voters

Any member of the Board of Regional Commissioners may be removed from office by the voters of the Cape Cod Regional Government through the recall process described in this Section.

2. Time for Recall

A recall may not commence under this section until a member of the Board of Regional Commissioners has served at least one year of the term of office. A “Petition for a Recall Ballot Question” of any member of the Board of Regional Commissioners, pursuant to this Section, must be filed with the Cape Cod Regional Government Clerk on or before June 30 in the year of the next state election after the commencement of the term of any member of the Board of Regional Commissioners elected by the voters.

3. Grounds for Recall

Grounds for recall for actions during the term of office are:

-malfeasance

-misconduct

-neglect of duty

-inability to perform official duties

4. Citizens Request for a Recall

A “Citizen’s Request for a Recall” must be filed with the Cape Cod Regional Government Clerk by filing an Affidavit containing the name of the elected official whose recall is sought and a statement of the grounds for recall. The form and requirements of the Affidavit shall be approved by the Assembly of Delegates.

- a. An Affidavit seeking the recall of a Member of the Board of Regional Commissioners shall include the signatures of at least 120 voters with a minimum of 20 each from five different Barnstable County municipalities.

When the “Citizens Request for a Recall” is filed, the signatures shall be certified as the names of voters in said municipality by the registrars of voters of the municipalities in which they are collected. The Cape Cod Regional Government Clerk shall determine if the “Citizen’s Request for a Recall” meets the requirements of this Section.

5. Petition for a Recall Ballot Question

Within five business days of receipt of a “Citizens Request for a Recall”, the Cape Cod Regional Government Clerk shall deliver blank “Petition for a Recall Ballot Question” forms to the first ten persons certified by the registrars of voters named on the “Citizens Request for a Recall”. The Cape Cod Regional Government Clerk shall keep these forms available.

The blank “Petition for a Recall Ballot Question”:

- a. may be completed by printing or typewriting;
- b. shall be addressed to the Assembly of Delegates;
- c. shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit;
- d. shall demand the recall of an elected official; and
- e. shall be dated and signed by the Cape Cod Regional Government Clerk.

The “Petition for a Recall Ballot Question” form shall be returned to the Cape Cod Regional Government Clerk within 45 days following the date they are issued.

- a. A “Petition for a Recall Ballot Question” form seeking to recall a member of the Board of Regional Commissioners shall be signed by at least three (3) percent of the total number

of persons registered to vote in Barnstable County as of the date of the most recent state election.

6. Submission of Petitions for a Recall Ballot Question to Registrars and Notification to Cape Cod Regional Government Clerk

The signatories to the Affidavit shall, within five business days following the filing of the “Petition for a Recall Ballot Question”, submit the Petitions to the board of registrars of voters in the municipality or municipalities from which collected which boards of registrars shall certify thereon the number of signatures which are the names of voters. Within five (5) days of certification by the board of registrars, the Petitions shall be filed with the Cape Cod Regional Government Clerk.

7. Notification to Municipal Clerks and Official Sought to be Recalled

After the Cape Cod Regional Government Clerk determines that sufficient signatures have been certified to authorize a recall election, the Cape Cod Regional Government Clerk shall provide a written statement to that effect to the Clerk of the municipalities that comprise Barnstable County. The Cape Cod Regional Government Clerk shall simultaneously cause to be served upon the person sought to be recalled a certified copy of the “Petition for a Recall Ballot Question” within ten (10) days after certification of the signatures.

8. Petition for a Recall Ballot Question and Statement

The person sought to be recalled shall have ten (10) days from receipt of notification to file with the Cape Cod Regional Government Clerk a statement of no more than 300 words. After receipt of proof of service upon the person sought to be recalled, the Cape Cod Regional Government Clerk shall prepare a form titled “Petition for a Recall Ballot Question and Statement” which shall include the Petition and a statement from the person sought to be recalled (but only if a statement is provided within the required time period), and shall cause the Petition and any statement to be published on the Cape Cod Regional Government website.

9. Resignation of Official Sought to be Recalled

Following the determination by the Cape Cod Regional Government Clerk that sufficient signatures have been certified by the board of registrars of the municipality(ies) of the Cape Cod Regional Government for the recall of a member of the Board of Regional Commissioners, the person sought to be recalled may provide a written resignation to the Cape Cod Government Regional Clerk within fifteen (15) days of receipt of a certified copy of the Petition as provided herein for. A resignation within the designated period shall be given immediate effect and there shall be no further action taken under this Section.

10. Request to Secretary of the Commonwealth to Place Recall Question on Ballot

If a written resignation by the person sought to be recalled is not received as provided in Section 9, the Cape Cod Regional Government Clerk shall notify the Clerks of the municipalities where the recall is proposed to request the Secretary of the Commonwealth to place the recall question on the ballot on the next state election.

11. Ballot Question

The ballots for a recall election shall include this question:

Shall (name of person) be removed from the office of Board of Regional Commissioners by recall?

12. Authorization to Cape Cod Regional Government Clerk

The Cape Cod Regional Government Clerk shall be empowered and authorized to take any actions necessary to comply with the provisions of this enactment with the Clerks of the municipalities that comprise Barnstable County and the Secretary of the Commonwealth.

13. Appointment of Successor to Official Removed from Office

In the event a member of the Board of Regional Commissioners is removed from office in accordance with this Section of the Charter, a successor shall be appointed in accordance with the provisions of Section 3-9 of the Charter.

Speaker MCAULIFFE: I will convene the Assembly, and we will have a discussion and vote on Proposed Ordinance 20-17, the Charter Recall Amendment.

I'll take a motion to put the amendment on the floor, the recall amendment, Ordinance 20-17.

Delegate OHMAN: So moved.

Delegate HARDER: Second.

Speaker MCAULIFFE: Okay. So moved by John Ohman, second by Elizabeth Harder. Any further discussion from the Assembly?

Delegate HARDER: I would just --

Speaker MCAULIFFE: Yes.

Delegate HARDER: -- with what happened, I think, perhaps, if you know there might be people speaking who have a problem with something and you've been dealing with them with email, it might be helpful to the rest of us to let us know that ahead of time so that, you know, share those emails with us.

It sounded to me like Danielle, I think her name was, had personnel -- had questions about interference in the community -- in the Commission, and that seems to me to be something that we should be made aware of, but I'm not sure what she was getting at. But I feel like we need to be kept informed if there are questions like that because that does sort of -- if there were being interference somehow, that would be something that would be relevant to the recall discussion because it might make us want to think about having a way for the Assembly to be responsible for the bad behavior of other delegates. So, that's all I'd like to say.

Speaker MCAULIFFE: Yes, and that could be a matter for a Charter Review. I think there's a, you know, some -- I'm happy to share emails, but some of the stuff I think is -- might be personal history stuff, and I don't know about sharing that. There have been, you know, some personal stuff that was shared. So, you know, that certainly is an option.

Yes, Brian O'Malley.

Delegate O'MALLEY: Madam Speaker, it seems to me that it is quite germane to the Charter amendment that we're discussing that we have a public official who we are being informed by a member of the public has been personally abusive, we need to know about that. Where is an individual in the community supposed to go? Who are they supposed to talk to?

We are now appointing ourselves as a recall body, and what we're being told today is we

can't hear about that because it's personal. That's a contradiction and I --

Speaker MCAULIFFE: No, no, no. I am telling you that the understanding of the Charter was challenging, and I attempted to explain the Charter in terms of what the Assembly can do in terms of what kind of authority we have over other Assembly members or over the Commissioners. And you know that we don't have authority over the Commissioners, and we don't have authority over other Assembly members. And I tried to explain that, and there was an issue with, well, taking language literally from the Charter and misunderstanding it, and rather than talking to me so that I could explain it, it was brought forward as the misunderstanding. And there's been personal experience with one of the Commissioners. It's very complex, very convoluted, very time-consuming, and I was hoping to stick to business as opposed to getting down to, you know, people's personal agendas that, frankly, go off track.

And I know you like to hear from people and that's certainly your prerogative. But right now, I think it's, you know, my business to move the meeting forward, and I think that looking at the other people I think that there's a lot of agreement.

Yes, Mary.

Delegate CHAFFEE: Thank you, Madam Speaker. I just wanted to remind us all that we are on Item 14, an "Assembly discussion and vote on a Proposed Ordinance," and I think that we need to remain focused on that discussion.

And if there are concerns about an individual matter, this is not the time or place to address it, and that needs to be done in a different venue.

I also wanted to point out that since we've been in this meeting, the Clerk did email us two other emails from the public expressing opinions. Both were in support of passing the recall amendment. Thank you.

Speaker MCAULIFFE: Thank you. I haven't seen the emails. Thank you. All right. Are we ready for a vote?

Speaker MCAULIFFE: Will the Clerk please call the vote?

ROLL CALL ON MOTION TO APPROVE PROPOSED ORDINANCE 20-17: CHARTER RECALL AMENDMENT

Voting "YES" (80.34%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable).

Voting "NO" (9.15%): Linda Zuern (9.15% - Bourne).

Absent (10.51%): James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 20-17 passes with 80.34 percent of the Delegates voting yes; 9.15 percent voting no; 10.51 percent are absent. Now known as Ordinance 20-10.

Ordinance 20-10: Charter Recall Amendment

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1. Recall of a Member of Board of Regional Commissioners elected by the voters

Any member of the Board of Regional Commissioners may be removed from office by the voters of the Cape Cod Regional Government through the recall process described in this Section.

2. Time for Recall

A recall may not commence under this section until a member of the Board of Regional Commissioners has served at least one year of the term of office. A “Petition for a Recall Ballot Question” of any member of the Board of Regional Commissioners, pursuant to this Section, must be filed with the Cape Cod Regional Government Clerk on or before June 30 in the year of the next state election after the commencement of the term of any member of the Board of Regional Commissioners elected by the voters.

3. Grounds for Recall

Grounds for recall for actions during the term of office are:

-malfeasance

-misconduct

-neglect of duty

-inability to perform official duties

4. Citizens Request for a Recall

A “Citizen’s Request for a Recall” must be filed with the Cape Cod Regional Government Clerk by filing an Affidavit containing the name of the elected official whose recall is sought and a statement of the grounds for recall. The form and requirements of the Affidavit shall be approved by the Assembly of Delegates.

b. An Affidavit seeking the recall of a Member of the Board of Regional Commissioners shall include the signatures of at least 120 voters with a minimum of 20 each from five different Barnstable County municipalities.

When the “Citizens Request for a Recall” is filed, the signatures shall be certified as the names of voters in said municipality by the registrars of voters of the municipalities in which they are collected. The Cape Cod Regional Government Clerk shall determine if the “Citizen’s Request for a Recall” meets the requirements of this Section.

5. Petition for a Recall Ballot Question

Within five business days of receipt of a “Citizens Request for a Recall”, the Cape Cod Regional Government Clerk shall deliver blank “Petition for a Recall Ballot Question” forms to the first ten persons certified by the registrars of voters named on the “Citizens Request for a Recall”. The Cape Cod Regional Government Clerk shall keep these forms available.

The blank “Petition for a Recall Ballot Question”:

f. may be completed by printing or typewriting;

g. shall be addressed to the Assembly of Delegates;

h. shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit;

i. shall demand the recall of an elected official; and

j. shall be dated and signed by the Cape Cod Regional Government Clerk.

The “Petition for a Recall Ballot Question” form shall be returned to the Cape Cod Regional Government Clerk within 45 days following the date they are issued.

b. A “Petition for a Recall Ballot Question” form seeking to recall a member of the Board of Regional Commissioners shall be signed by at least three (3) percent of the total number of persons registered to vote in Barnstable County as of the date of the most recent state election.

6. Submission of Petitions for a Recall Ballot Question to Registrars and Notification to Cape Cod Regional Government Clerk

The signatories to the Affidavit shall, within five business days following the filing of the “Petition for a Recall Ballot Question”, submit the Petitions to the board of registrars of voters in the municipality or municipalities from which collected which boards of registrars shall certify thereon the number of signatures which are the names of voters. Within five (5) days of certification by the board of registrars, the Petitions shall be filed with the Cape Cod Regional Government Clerk.

7. Notification to Municipal Clerks and Official Sought to be Recalled

After the Cape Cod Regional Government Clerk determines that sufficient signatures have been certified to authorize a recall election, the Cape Cod Regional Government Clerk shall provide a written statement to that effect to the Clerk of the municipalities that comprise Barnstable County. The Cape Cod Regional Government Clerk shall simultaneously cause

to be served upon the person sought to be recalled a certified copy of the “Petition for a Recall Ballot Question” within ten (10) days after certification of the signatures.

8. Petition for a Recall Ballot Question and Statement

The person sought to be recalled shall have ten (10) days from receipt of notification to file with the Cape Cod Regional Government Clerk a statement of no more than 300 words. After receipt of proof of service upon the person sought to be recalled, the Cape Cod Regional Government Clerk shall prepare a form titled “Petition for a Recall Ballot Question and Statement” which shall include the Petition and a statement from the person sought to be recalled (but only if a statement is provided within the required time period), and shall cause the Petition and any statement to be published on the Cape Cod Regional Government website.

9. Resignation of Official Sought to be Recalled

Following the determination by the Cape Cod Regional Government Clerk that sufficient signatures have been certified by the board of registrars of the municipality(ies) of the Cape Cod Regional Government for the recall of a member of the Board of Regional Commissioners, the person sought to be recalled may provide a written resignation to the Cape Cod Government Regional Clerk within fifteen (15) days of receipt of a certified copy of the Petition as provided herein for. A resignation within the designated period shall be given immediate effect and there shall be no further action taken under this Section.

10. Request to Secretary of the Commonwealth to Place Recall Question on Ballot

If a written resignation by the person sought to be recalled is not received as provided in Section 9, the Cape Cod Regional Government Clerk shall notify the Clerks of the municipalities where the recall is proposed to request the Secretary of the Commonwealth to place the recall question on the ballot on the next state election.

11. Ballot Question

The ballots for a recall election shall include this question:

Shall (name of person) be removed from the office of Board of Regional Commissioners by recall?

12. Authorization to Cape Cod Regional Government Clerk

The Cape Cod Regional Government Clerk shall be empowered and authorized to take any actions necessary to comply with the provisions of this enactment with the Clerks of the municipalities that comprise Barnstable County and the Secretary of the Commonwealth.

13. Appointment of Successor to Official Removed from Office

In the event a member of the Board of Regional Commissioners is removed from office in accordance with this Section of the Charter, a successor shall be appointed in accordance with the provisions of Section 3-9 of the Charter.

Speaker MCAULIFFE: Thank you. Now this Charter Recall Amendment as you know has missed the deadline in terms of getting legislative action for this year. I saw Attorney Troy here earlier. I don't see him here now. But what we can do is have him write an email if there's anything that we can go forward with legally at this point.

But my understanding that this is now an ordinance, it's in effect. It will go to the

Commissioners, and however they vote, it may or may not come back to us. But then it will be there for the Assembly going forward to take action on, you know, at a future date. But it is not -- I don't want anyone to think that this means that it's going to be sent up to the legislature right now because the timing is not right to get action that way.

But by January, you know, the clock starts again, and the Assembly can certainly go forward as an action that they have taken.

So I want to applaud people. This has been on the books for 10 years, and I think that the subcommittee did just yeoman work on this, and I want to applaud you for doing something that I think the Assembly really wanted to take a stand on and wanted to go forward with. So, thank everyone on the subcommittee for getting us to this place.

County Counsel TROY: Madam Speaker.

Speaker MCAULIFFE: Who's speaking?

County Counsel TROY: Yes, this is Bob Troy. I'm sorry. I was --

Speaker MCAULIFFE: Oh, I'm sorry.

County Counsel TROY: Yes. I'm sorry.

Speaker MCAULIFFE: You are listed as Bob Troy.

County Counsel TROY: Yes, ironically, I lost my Internet connection, which I don't know how I could have after hearing about OpenCape.

Speaker MCAULIFFE: OpenCape.

County Counsel TROY: But, yes, I lost it and so I had to call back.

Speaker MCAULIFFE: Okay.

County Counsel TROY: So if I might --

Speaker MCAULIFFE: Yes, please.

County Counsel TROY: -- just address the issue. What is required under the Charter is a petition, and we have decided to do that through the ordinance process. So from this point on, the petition will -- the ordinance will go to the County Commissioners and they will vote on it.

If they vote affirmatively, in other words, if it passes by two -- at least two Commissioners or three Commissioners, we will have then perfected what we need to do. And at that point, we can submit the petition to the legislature. And I talked to Janice about it yesterday. Essentially what we would do is we would simply kind of wrap a petition around the ordinance. So the ordinance could be acted upon in the form of a petition and it can be filed with the legislature.

Speaker MCAULIFFE: Excellent. Great.

County Counsel TROY: That, obviously, it will not be on the ballot on this November, but the legislature once it is received can process it. And my recommendation would be to send a copy of the petition to all of the Cape Cod Legislative Delegation.

Speaker MCAULIFFE: Excellent. Okay. So we can still go forward, it just won't be this November that it's dealt with.

County Counsel TROY: Correct.

Speaker MCAULIFFE: Excellent. All right. Anybody have any questions for Bob Troy? Okay. Great. Thank you.

Speaker MCAULIFFE: All right. Okay. The next is committee reports. I don't believe we

Governor Charles Baker
Massachusetts State House
Office of the Governor, Room 280
Boston, Massachusetts 02133

[Date]

Dear Governor Baker,

We, the members of the Wellfleet SelectBoard wish to thank you for recently signing the Information Technology Bond Bill. The bill which was championed by Representative Sarah Peake and Senator Julian Cyr and includes funds which are sorely needed in Barnstable County due to insufficient internet and cell service connectivity. The COVID 19 pandemic brings with it an urgency to address these issues for people of all ages and in all sectors of our county including:

- a. Students from pre-school children to college age and adult learners
- b. People working from home
- c. Telemedicine visits when in-person medical visits are not advised
- d. Emergency services
- e. Elderly and those with vulnerable medical conditions who are isolating at home
- f. The ability of local government to meet and function

The bill includes:

- a. \$400,000 for the Cape Cod Commission to conduct a regional study of internet access for residential and commercial properties on the Cape, Martha's Vineyard and Nantucket and to identify the most significant gaps in cellphone signal coverage in the region
- b. Funding of not less than \$100,000 for Cape Cod Community College to equip students in need with technology necessary to participate in remote learning¹
- c. \$1.7M in funds allocated for OpenCape Internet connectivity projects on the Cape & Islands, which will support the following planned projects:
 1. Strategic extensions of the OpenCape fiber backbone in Wellfleet, Truro and Eastham
 2. Main Street Fiber Internet Initiatives in Provincetown and Chatham
 3. Enhanced fiber outreach in Falmouth.
 4. Fiber expansion strategic planning for Martha's Vineyard and Nantucket^{2,3}

As the Wellfleet SelectBoard, we ask that you release the funds to support our town and Barnstable County which are allocated in the IT Bond Bill. We thank you Governor for considering this serious matter and for communicating with us as to your results.

Sincerely,

Wellfleet SelectBoard

¹ <https://www.capecodtimes.com/news/20200706/political-notes-bill-includes-provisions-for-tech-funding-in-region>

² <https://opencape.org/uploads/newsPDF/Advocate-Today.pdf>

³ <https://wellfleet.wickedlocal.com/news/20200830/opencape-wants-citizens-to-call-gov-baker-to-release-funds?template=ampart>



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

V

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – B

REQUESTED BY:	Assistant Town Administrator
DESIRED ACTION:	Approval of Request for Proposals for 95 Lawrence Road Housing Project
PROPOSED MOTION:	I move to approve the Request for Proposals for the 95 Lawrence Road Housing Project, as presented by the Task Force, Assistant Town Administrator, and reviewed by Town Counsel, and direct Town Staff to issue it following Massachusetts Procurement Laws.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

MEMO

TO: Select Board

FROM: Elaine McIlroy, Chair, 95 Lawrence Road Task Force

DATE: September 17, 2020, 2020

RE: 95 Lawrence Road Rental Housing Request for Proposal (RFP)

The 95 Lawrence Road Task Force is pleased to submit the attached final draft of the 95 Lawrence Road RFP, as reviewed by Town Counsel and our Mass Housing Partnership consultant, for your approval.

There were several general information questions that you had at the work session with the 95 Lawrence Road Task Force on May 5. Responses to those questions are given below:

What are the current income limits for Wellfleet to 80% AMI?

Click on this link to see income limits in Barnstable County and all counties in MA.

<https://www.mhp.net/writable/resources/documents/Income-Limits-2020v3.pdf>

How is rent determined? Are there set rents based on income and unit size?

Rents are set at 30% of the household income limit per unit.

Click on link to see maximum rents in Barnstable County and all counties in MA.

<https://www.mhp.net/writable/resources/documents/Rent-Limits-2020v2.pdf>

What happens if you get a unit and your income increases?

Tenants are re-certified annually. Their household income can increase up to 140% of the income limit for the unit with no consequences. Should their income exceed 140% of the income limit for the unit, they would be required to pay market rent for the unit.

Are the units affordable in perpetuity?

The Town can, and should, require affordability in perpetuity.

What can you negotiate with a developer, to what extent can changes be made from the RFP?

There is a fine line in negotiations after selecting the developer. There can be minor design or siting changes, but not wholesale changes. Public control over design and construction may trigger public construction laws which would make a project financially unfeasible.

How can the Town add funds to enhance the development?

In addition to the outside funding that will be secured by the developer, CPA funds, Affordable Housing Trust Funds, and other sources such as short-term rental tax funds can be provided by the Town to support a quality development.

Will the meetings of the RFP Evaluation Committee be open meetings?

Yes.

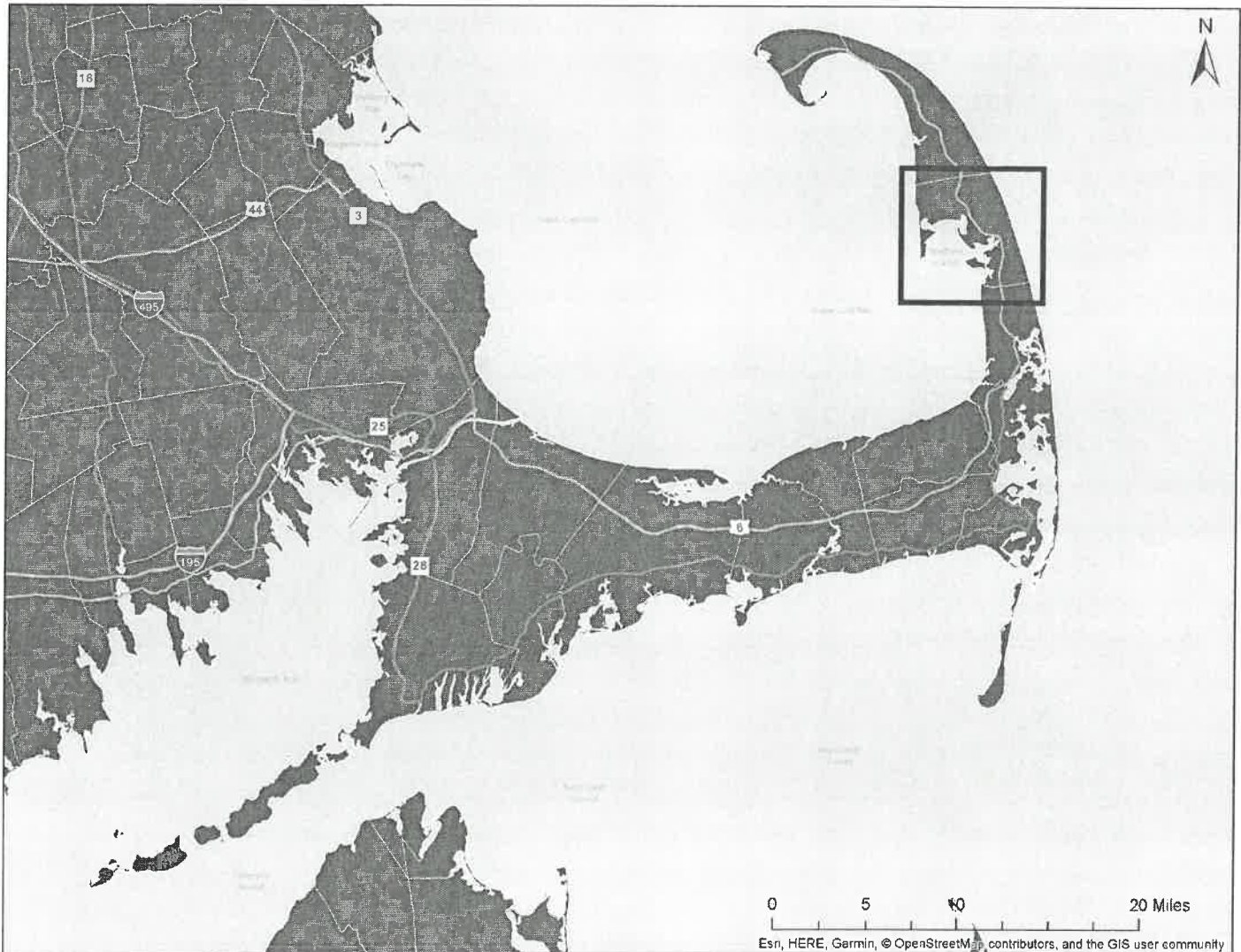
Please feel free to contact me if you have any questions at 617-947-1269 or emcilroy@comcast.net

Town of Wellfleet
300 Main Street
Wellfleet, MA 02667



Request for Proposals

To select a developer to design, construct, operate and manage no more than 46 units of affordable rental units on 6 acres of land at 95 Lawrence Road.



Important Dates

Pre-Proposal Meeting/Site Tour:
XX-XX-XXXX at XX:XX a.m.

Proposal Submission Deadline:
XX-XX-XXXX at XX:XX a.m.

Table of Contents

- I. Invitation to Bid
- II. Proposal Submission and Selection Process
- III. Site Tour and Briefing
- IV. Development Objectives
- V. Property Description
- VI. Proposal Submission Requirements
- VII. Developer Selection Criteria
- VIII. Selection Process
- IX. Post Selection
- X. Attachments

I. Invitation to Bid

The Town of Wellfleet ("Town"), through its Chief Procurement Officer, is seeking proposals from qualified developers for the development of not more than 46 units of affordable rental housing on 6 acres of an approximately 9.6 acre parcel of land owned by the Town, located at 95 Lawrence Road in Wellfleet.

The Town acquired the land through a tax taking in 1938, by a Treasurer's deed recorded in 1944 with the Barnstable County Registry of Deeds in Book ____, Page _____. The Town voted at the 2019 Annual Town Meeting (Article 42) to make the land available for affordable, community rental housing. (See Attachment C for deed and warrant article)

The Town intends to enter into a Land Disposition Agreement and lease the 6 acre portion of the property to the developer through a 99 year ground lease, with affordability restrictions. The developer will be responsible for the design, construction, development and operation of the affordable units at the property.

The purpose of this RFP is to select a developer with demonstrated experience and capacity to carry out a development project that best addresses the needs and goals of the community as described in this RFP. The most advantageous proposal, from a responsive and responsible proposer, taking into consideration all evaluation criteria set forth in the RFP, will be selected.

II. Proposal Submission and Selection Process

The Town has determined that the award of this contract is subject to the Uniform Procurement Act. M.G.L. c. 30B. The provisions of M.G.L. c. 30B are incorporated herein by reference.

Applicants shall submit on or before ____ p.m., _____ 2020, a clearly marked original proposal plus seven copies, including an electronic copy on a flash drive, to:

Mike Trovato, Assistant Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667

Faxed or electronically mailed proposals will be deemed non-responsive and will not be accepted.

Proposals submitted after the submission deadline will not be accepted. In order to be considered a complete submission, proposals should be marked "**Lawrence Road Housing Proposal**" and must include all required documents completed and signed by a duly authorized signatory, including the following:

1. Cover page labeled Lawrence Road Housing Proposal to Town of Wellfleet for the development of rental family housing, specifying: (1) the development entity, (2) primary contact person, and (3) all contact information.
2. One clearly marked original, in a three-ring binder, and 7 copies of the proposal with required attachments.
3. An electronic version of the complete proposal submission on a flash drive.

The Town reserves the right to reject any or all proposals or to cancel this Request for Proposals if that is deemed to be in the best interest of the Town.

Inquiries on RFP

All inquiries should be made via e-mail and directed to: Mike Trovato, Assistant Town Administrator at mike.trovato@wellfleet-ma.gov no later than _____, **2020**. Inquiries should have a subject line entitled: *Lawrence Road Housing RFP Inquiry*. Any inquiries after such date will not be accepted. All inquiries for which a response is provided, together with the responses, will be shared with all proposers who have provided their contact information.

Proposers' Responsibility for due diligence

Proposers should undertake their own reviews and analyses concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, and other development and legal considerations.

Additional Notes

Proposals will be opened publicly at _____ **a.m.** on _____, **2020**. A Proposer may correct, modify or withdraw a proposal by written notice received prior to the time set for the submission of proposals, but not thereafter. Each responsive proposal will be evaluated first for compliance with the threshold (minimum) criteria and, if it meets those criteria, then evaluated according to the criteria set forth in Attachment **A** 'Comparative Evaluation Criteria'.

The Town makes no representations or warranties, express or implied, as to the accuracy and/or completeness of the information provided in this RFP. This RFP, including all attachments, is made subject to errors, omissions, and withdrawal without prior notice, and different interpretations of laws and regulations. The Proposer assumes all risk in connection with the use of the information and releases the Town from any liability in connection with the use of the information provided by the Town. Further, the Town makes no representation or warranty with respect to the property, including without limitation, the value, quality or character of the property or its fitness or suitability for any particular use and/or the physical and environmental condition of the property. The property will be leased in "AS-IS" condition.

Each Proposer shall undertake its own review and analysis (due diligence) concerning the physical and environmental condition of the property, applicable zoning and other land use laws, required permits and approvals, and other development, ownership and legal considerations pertaining to the property and the use of the property, and shall be responsible for applying for and obtaining any and all permits and approvals necessary or convenient for the Proposer's use. All costs and expenses of leasing and developing the property, including, without limitation, the costs of permitting and improvements, shall be the sole responsibility of the successful proposer.

III. Site Tour and Briefing

Interested Proposers are encouraged to attend a voluntary on-site briefing session at _____ **a.m. on _____, 2020, at 95 Lawrence Road**. The site visit is not mandatory; however all proposers must familiarize themselves with the property by undertaking an independent review and analysis of physical conditions, regulatory constraints, required permit and approvals, and other legal considerations.

IV. Development Objectives

The Town is seeking a developer to build no more than 46 community rental housing units on the site. The development should be designed for a variety of households (individuals of all ages, families with children, persons with disabilities) and reflect a mix of affordability levels. The Town of Wellfleet Housing Needs Assessment and Action Plan that was approved at the 2018 Annual Town Meeting can be found on the Town of Wellfleet website at the following address:

https://www.wellfleet-ma.gov/sites/g/files/vyhlf5166/f/file/file/wellfleet_housing_plan_final.pdf

The Executive Summary of the Plan is provided as Attachment D.

The Town would like to see a mix of residential building types. The bedroom mix should be based on the site's capacity, good site planning and landscaping considerations, and the market and financial feasibility of an affordable rental project at this location.

Ideally, the Town would like site access from Lawrence Road. Along Long Pond Road, the Town would like the natural vegetation maintained and enhanced to serve as a natural buffer.

The development will be subject to a 99 year Ground Lease and a Land Development Agreement (See examples of each in Attachment G) in forms that are acceptable to the Town.

Affordability

At a minimum, there shall be at least 50% of the units affordable to households at or below 80% AMI. The Town prefers 85% of the units to be affordable to households below 80% and that affordability will range between 30% AMI to 120% AMI, assuming 120% is below market rate (See Evaluation Criteria at Attachment A for details). The proposer should include a clear analysis as to the levels of affordability proposed and the reasoning behind the proposed unit and income mix. The Town is seeking affordability by design (e.g., energy efficient utilities and maintenance) in addition to affordability by restriction. All affordable units must meet the requirements for inclusion in the Department of Housing and Community Development's (DHCD) Subsidized Housing Inventory (SHI).

The developer shall enter into a Regulatory Agreement with DHCD and the Town on terms acceptable to the parties and shall, at the Town's request, grant the Town a separate leasehold affordable housing restriction on terms acceptable to the Town and be in form and substance acceptable to DHCD

Sale or Transfer

Until the project has been substantially completed, the developer shall not convey or transfer the property or any portion thereof or assign or otherwise transfer the ground lease or its interest therein to any person or entity other than the rental of individual units.

Unit Types

The development should reflect the needs of Wellfleet and provide housing for a range of household sizes as noted in the Town's Needs Assessment, Attachment E. For this reason, the Town is interested in a variety of residential building types as well as "universally accessible" design. At least 10% of the units shall contain three or more bedrooms to satisfy the State's family housing policy. Unit layouts should emphasize efficiency. Kitchens should be sized based on the bedroom composition of the unit.

Building Design and Aesthetics

The Town has provided design guidelines (Attachment D). The development's architecture should reflect and be compatible with the existing architecture and style of the Wellfleet community. The goal is for the development to look like it belongs in Wellfleet. The Town of Wellfleet encourages the following:

- Multiple buildings, which can be of various sizes
- Landscaping in keeping with Wellfleet's character
- Outdoor common and recreation areas
- Ample storage for residents
- Onsite laundry facilities
- Parking should be scattered as much as possible
- Areas for outdoor trash and recycling receptacles
- Sensitivity to neighborhood and adjacent properties

Energy Efficiency

The Town is looking for proposals that include building and site designs that reduce the tenants' energy, water usage and cost, and limit the project's environmental impact.

Proposals that meet Passive House, LEED or other energy efficiency standards are preferred. Proposers are encouraged to reach out to Cape Light Compact regarding their Passive House and other energy efficiency rebate programs.

Details regarding sustainable design features should be incorporated into the proposal.

Site

The property is located at 95 Lawrence Road in Wellfleet, and is identified as Assessor's Map _____, Lot _____. It contains approximately 9.6 acres, of which approximately 6 acres will be leased to the successful proposer.

The site has Town water and will need private septic. The Town expects the wastewater system will reduce average nitrogen to less than 10mg/L, and prefers it be a so-called "Enhanced Innovative Alternative System". The wastewater leaching system may be sited under the adjacent ball field, to provide ideal optimization of the land. The ball field is in good condition and the developer would be responsible for the restoration of the ball field after the septic is installed. The Town expects some vegetation to be left as a natural buffer between the development and ball field.

The site has approximately _____ feet of frontage on Lawrence Road. The Town anticipates two access points, both on Lawrence Road - one for the building(s) sited behind the ball field and another access point for the small piece of land at the corner of Long Pond Road and Lawrence Road. (See conceptual site designs Attachment H)

An existing one-story wood frame building with a concrete foundation on the smaller portion of the site, at the corner of Long Pond Road and Lawrence Road, is vacant. The Town will require the developer to include its demolition in its proposed plan and to include the demolition cost in the sources and uses statement submitted to financing sources.

The Town prefers lower density buildings near the two Town roads that abut the property (Long Pond Road and Lawrence Road) with the vegetation along Long Pond Road enhanced to serve as a natural buffer. Although the water tower easement breaks up the two sites, as shown in Attachment B, the Town expects the developer to provide a walkway connecting the two sites.

Project Permitting

The property is zoned Residential 1. Proposals should include a description of the permitting process that the developer plans to use. Due to the existing zoning, however, the Town anticipates permitting will be through M.G.L. Chapter 40B (Comprehensive Permit).

Rental Management

The successful respondent's development team must include a qualified and experienced property management firm, or, if not identified at the time of submission, a description of the process for procuring such a firm and the performance standards to be met by the property management firm. It is expected that there will be on-site management and 24-hour emergency maintenance service.

V. Property Description

The site is relatively flat and, excluding the easements for the ball field and water tower, covered in forest. It is bordered by residences and the Wellfleet Elementary School. The Wellfleet Fire Department and the Wellfleet Police Department headquarters are also located nearby on Lawrence Road.

Deed

Please see Attachment C for the Treasurer's Deed.

Zoning

The property is currently zoned Residential 1, however, it is expected that the development will be permitted through M.G.L. Chapter 40B.

Utilities

- Water: Public
- Wastewater: Private - see Wastewater System Comparative Report Attachment I
- Electric: Eversource or Cape Light Compact

Site Context

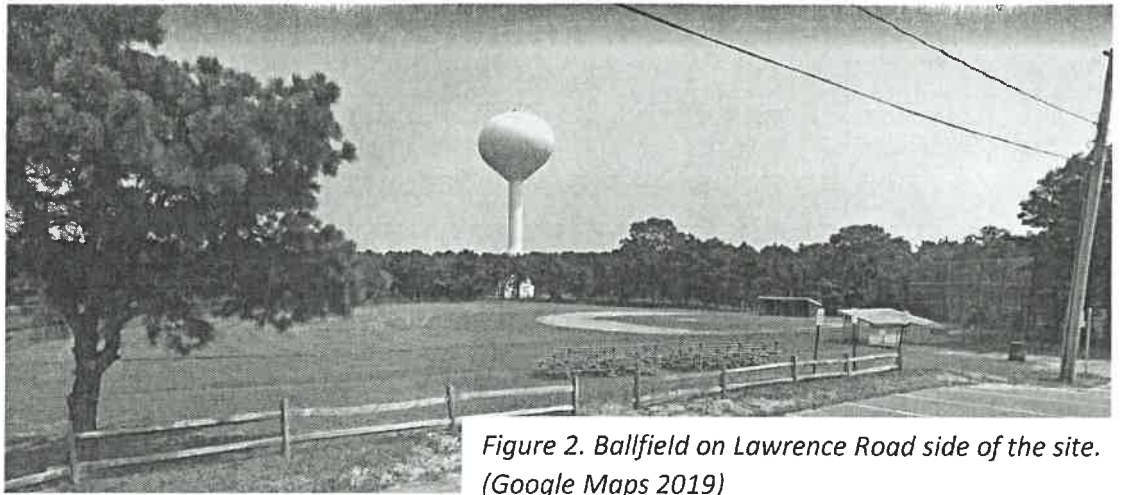


Figure 2. Ballfield on Lawrence Road side of the site.
(Google Maps 2019)

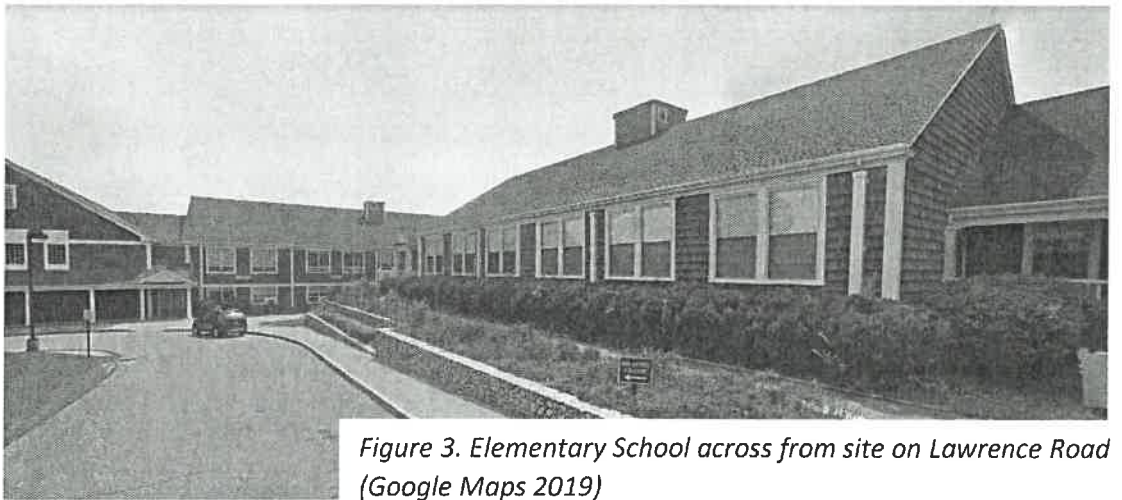


Figure 3. Elementary School across from site on Lawrence Road
(Google Maps 2019)

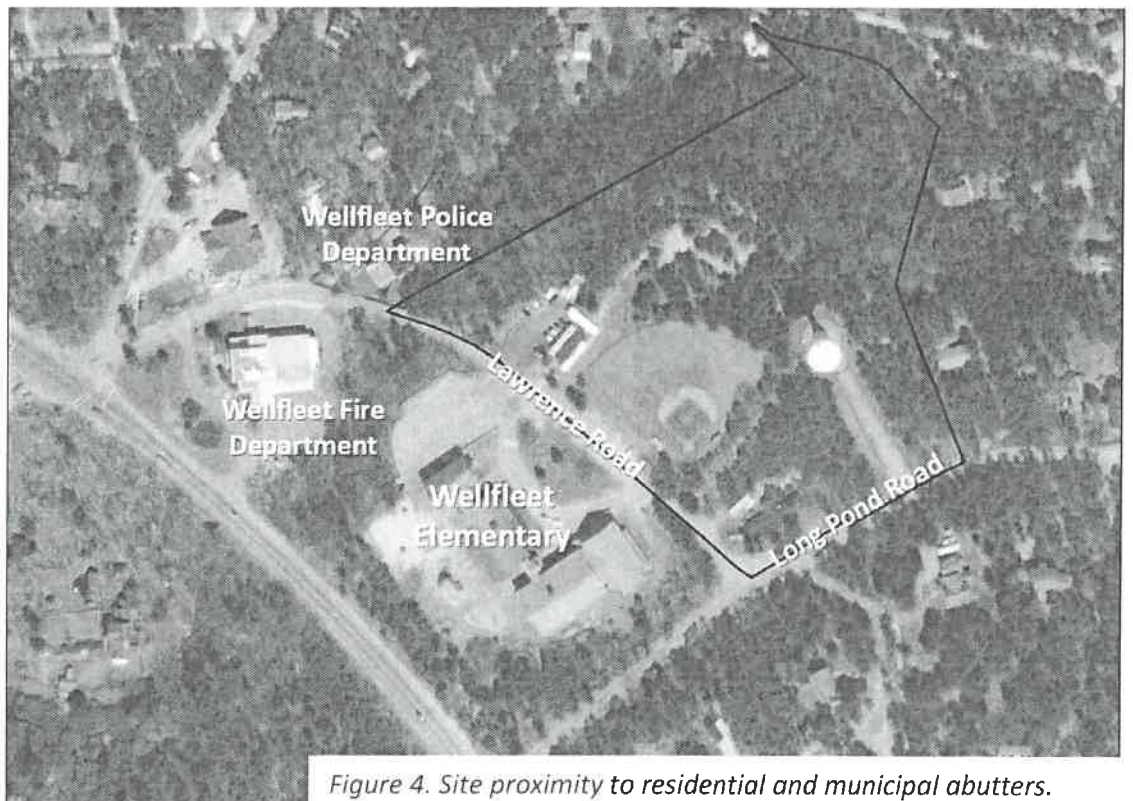


Figure 4. Site proximity to residential and municipal abutters.

VI. Proposal Submission Requirements

The Development Team

The proposal must include a description of the development team, the individuals and organizations to be involved in the development, **including the project manager**, and the experience of these parties. The development team may include, without limitation, the developer, property manager, architect, contractor, engineers, consultants, lenders and investors. Proposals must include:

- The name, address, e-mail address, and telephone number of the proposer; the name of any representative authorized to act on his/her behalf, and the name, title and contact information for the individual designated by the developer to receive all correspondence from the Town and its agents.
- The names and primary responsibilities of each individual on the development team.
- If the proposer is not an individual doing business under their own name, a description of the firm and legal form and status of the organization (e.g., whether a for-profit, not-for-profit, a general or limited partnership, a corporation, LLC, LLP) and the jurisdictions in which it is registered to do business. If the proposer is a non-profit entity, please include a list of the organization's Board of Directors and areas of expertise they represent.
- The ownership structure of the entity to enter into the ground lease and development agreement with the Town and its relationship to any investors, lenders and guarantors of debt, if any.
- Identification of all principals, partners, co-venturers or sub-developers participating in the transaction, and the nature and share of participants' ownership in the project.
- Identification of the person designated to be the property manager if the property developer will also be the property manager. If this is not the case, state the legal and financial relationship between the entities and describe the process for securing property management services and criteria and minimal qualifications it will use in selecting the property management firm.
- Identification of the development team, such as architects, engineers, landscape designers, contractor, and development consultants. In addition, provide background information, including firm qualifications and resumes for principals and employees expected to be assigned to the project.
- A summary of the developer's and the development team's experience, both collectively and individually, with similar projects. Particular attention should be given to demonstrate experience with **projects of a similar scale and complexity, site conditions, permitting issues, design and financing**, as well as location. Proposers should demonstrate the ability to perform as proposed and to complete the project in a competent and timely manner, including the ability to pursue and carry out design, permitting, financing, construction, and marketing/unit absorption.
- A list of all projects in progress or planned with details of their current status.

Format

Proposers should use the following format to submit the information required (above):

- For referenced projects: project name, location, project type, number of residential units, project scope, start date, projected and actual completion date, total development costs, development team, key personnel, and current status.
- Narrative on why the Proposer's experience is relevant to the Lawrence Road housing project
- Description of the organizational structure of the development team and a plan for the maintenance of effective communications between the Town and the development team during all phases of the project.
- Information regarding any legal or administrative actions past, pending or threatened that could relate to the conduct of the Proposer, its principals or any affiliates.

- Confirmation that no local, state or federal taxes are due and outstanding for the development team or any constituent thereof.
- Provision of third-party references for 3 completed projects including one affordable housing project. Provide contact names, title and current telephone numbers, who can provide information to the Town concerning the Proposer's experience with similar projects.

Development Concept

The proposal must include a detailed description of the development concept for the property and its improvements, including but not limited to:

- Number and size of units (square footage and number of bedrooms) and affordability levels. Include narrative as to why/how the mix of bedrooms, sizes and affordability was determined to ensure project financial feasibility and appropriateness for the marketplace.
- Preliminary site design.
- Discussion of the physical plan and architectural character of the project and the various programmatic and physical elements of the development, including energy savings and green design elements of the buildings and site design.
- Construction staging plan and discussion of construction impacts how the project will be managed to limit impact on neighbors and especially the school, in particular with respect to noise and traffic during the construction period.
- Project financing – provide a sources and uses pro forma (see comparative evaluation criteria), and describe previous experience in securing such funding. Describe in detail what, if any, local, state or federal subsidy money will be sought to create affordability and the timeline for securing those sources.
- Projected 10 year operating budget
- Letters of interest from both construction and permanent lenders (mentioned in the comparative evaluation criteria)

Conceptual Design Drawings

The proposal must include 11 x 17 plans including:

- Site plan that describes parking layout and numbers of parking spaces and building footprints
- Landscape plan with sufficient detail on how the plan addresses limiting the project impact on surrounding areas and the users of those areas
- Floor plans
- Elevations with material indications
- Typical unit plans
- Color Rendering

Management Plan

Please provide a management plan that includes the following:

- Description of the target market (e.g. pricing and the strategy for marketing and lottery process).
- In addition, if the Proposer is including a property manager as part of the team, all relevant information as outlined under 'The Development Team', above, including details of any projects where the Proposer and Manager have previously worked together.
- Lottery for affordable units: To ensure a fair and equitable selection process for the affordable units, a lottery shall be conducted for all of the affordable units. Proposals may include a lottery agent as part of the development team. A marketing/lottery plan shall be required as part of the approval of the units for inclusion on the Subsidized Housing Inventory prior to issuance of a building permit. For the proposal, the Proposer shall indicate any other lotteries they have been involved in, their role and the outcomes.
- Experience with Low Income Housing Tax Credits if proposed as a funding source

- Experience with project-based rental assistance, Section 8, 811, and/or MRVP if proposing such subsidies.

The Proposer and/or their property manager must demonstrate:

- A clear understanding of fair housing requirements/laws
- A clear understanding of the local preference opportunities and requirements, and how the lottery will address any local preference.
- Ability and commitment to utilize appropriate stated standards to determine program and unit eligibility – i.e., qualified tenants.
- Clear criteria for tenant selection and a fair and unbiased selection process.
- Competency for selecting properly qualified tenants.
- Ability and commitment to maintain all necessary reports and certifications required under state and federal law.

Implementation Plan and Timeline

The proposed development should be completed within 3 years of the execution of the Land Development Agreement. Extensions may be granted at the discretion of the Select Board. The proposal must include a description of how the development concept will be implemented, including, but not limited to:

- Detailed development schedule for all elements of the plan including key milestones, financing benchmarks, zoning approvals and compliance, and projected completion/occupancy timeframes.
- Outline of the required land use, environmental, operation, and other governmental or regulatory approvals, including zoning, development and environmental permits. The proposer should provide a schedule for securing approvals as part of the proposal. The Proposer should note what zoning variances, special permits or modifications, if any, are required as part of the development plan.

VII. Developer Selection Criteria

All proposals submitted by the due date will be evaluated for conformance with the below stated minimum criteria. Those proposals that meet the minimum criteria will then be evaluated by the comparative criteria described below. Proposers may be invited to present their proposal to the review committee. The presentation will not be scored.

Minimum threshold criteria

The following are minimum criteria for Proposal consideration. Proposals that do not clearly and fully convey compliance with these minimum criteria will not be considered.

- Complete conformance with all Submission Requirements (Sec. VI)
- Proposer must have a minimum of 5 years' experience in housing development
- A successful track record of similar projects with at least 3 references
- Availability to begin work towards permitting within 60 days of executing the Land Disposition Agreement and show sufficient staff resources and availability to perform required services
- Complete required forms found in Attachments J, K & L: Certificate of non-collusion, tax compliance, disclosure of beneficial interests form as required by M.G.L. c. 7C, Section 38 (formerly M.G.L. c. 7, Section 40J)

Comparative Evaluation Criteria

Projects meeting the minimum threshold criteria above will then be judged and scored based on the Comparative Evaluation Criteria further explained and outlined in Attachment A.

Proposal Submission Terms and Requirements

- A. The Town reserves the right to reject any and all proposals in whole or in part, and to waive minor informalities, when at its sole discretion is deemed to be in the best interests of the Town and to the extent permitted by law.
- B. Proposals that meet all quality requirements shall be evaluated based on responsiveness to the criteria, terms and conditions contained in this RFP and its attachments. Failure to follow the instructions, meet the criteria, or agree to the terms and conditions contained in this RFP may be cause for rejection of the proposal as non-responsive.
- C. All proposals shall be submitted to the Town, as and where set forth above, on or before the proposal deadline. Proposals and unsolicited amendments to proposals received by the Town after the proposal deadline will not be considered, and requests for extensions of time will not be granted. Proposers who mail proposals should allow sufficient time for receipt by the Town by the proposal deadline. Proposals received after the proposal deadline will be returned to the Proposer unopened.
- D. All proposals shall be signed in ink by the Proposer. If the Proposer is a corporation, the authority of the individual signing shall be endorsed upon, or attached to, the proposal and certified by the clerk of the corporation.
- E. All proposals submitted shall be binding upon the Proposer for a minimum period of one hundred twenty (120) calendar days following the opening of proposals.
- F. Proposals submitted to the Town shall be securely kept and shall remain unopened until the proposal deadline and the opening of proposals.
- G. Proposals once submitted may, upon request of the Proposer prior to the proposal deadline, be withdrawn or amended. If amended, resubmission of the proposal shall comply with all requirements of this RFP.
- H. Negligence on the part of the Proposer in preparing the proposal confers no right of withdrawal after the proposal deadline. The Town does not assume any responsibility for errors, omissions, or misinterpretations which may have resulted in whole or in part from the use of incomplete proposal documents. Any Proposer finding an ambiguity, inconsistency, or error shall promptly notify the Town.
- I. If it becomes necessary to revise any part of this RFP or if additional data are necessary to enable an exact interpretation of provisions, such addenda will be provided to all Proposers who have requested this RFP and provided their contact information. No addenda will be issued within the immediate three (3) business day period prior to the proposal deadline.
- J. By submitting a proposal in response to this RFP, the Proposer shall be deemed to have certified that no officer, agent, or employee of the Town has a direct or substantial financial interest in the procurement, that the proposal is submitted in good faith and exclusively on Proposer's own behalf, without fraud, collusion or connection of any kind with any other Proposer for the same work or with any undisclosed party.
- K. Proposers may add additional stipulations or otherwise qualify their proposals, but the Town shall retain the sole right to judge the importance of any such stipulation or qualification. If the Town determines that the

stipulation or qualification is not in its best interest and/or is materially unacceptable, and if the Proposer does not clearly indicate this to be an alternative for consideration, then the Town reserves the right to reject such proposal.

- L. Selection of a Proposer's proposal will not create any rights on the Proposer's part, including, without limitation, rights of enforcement, equity or reimbursement, until the Land Disposition Agreement and all related documents are fully executed.
- M. It is understood, agreed upon and made a part hereof, and shall be a part of the Land Disposition Agreement, that the Agreement entered into between the Town and the Proposer shall not be assigned or assignable by way of sub-contract or otherwise, unless or until the Town shall have first assented thereto in writing.
- N. The Town reserves the right to modify any specifications and submission requirements associated with the proposal and the scope of the project.

VIII. Selection Process

The evaluation committee, consisting of the Lawrence Rd. Task Force, will review and evaluate all proposals that have been received by the submission deadline based on the criteria outlined herein. Evaluation of the proposals will be based on the information provided in the Proposers' submissions in accordance with the submission requirements of this RFP and any interviews, references, and additional information requested and/or gathered by the Town. The Town or its designee(s) will select the developer it determines has presented the most advantageous proposal. ***The Town reserves the right to select the most advantageous proposal that best meets the needs of the community. This may not be the proposal that achieves the highest score.***

The Town will notify all Proposers in writing of its decision.

The Town reserves the right to disqualify any proposal or response due to insufficient supporting or explanatory information, or to request additional supporting information. The Town may request additional information of one or more Proposers relative to a proposal or qualifications. Questions shall be in writing with the expectation of a written response within a specified time. Proposers may also be invited to appear before the evaluation committee. Failure to comply with any such request will result in rejection of the proposal at issue.

The Town reserves the right to reject any or all proposals or to cancel this Request for Proposals at any time if doing so is in the best interest of the Town.

IX. Post Selection

Land Disposition Agreement

It is the intent of the Town to enter into a Land Disposition Agreement with the selected proposer within 90 days of selection and then to lease the land with deed restrictions after certain benchmarks have been met. The Land Disposition Agreement will be finalized after the selection process. A draft Land Disposition Agreement can be found at Attachment D.

Chapter 30B Real Property Dispositions to Promote Public Purpose Requirements

The name of the selected Proposer and the amount of the transaction will be submitted for publication in the state's *Central Register*.

If the Town determines that the public purpose of the project is best met by disposing of the property for less than fair market value, the Town will post a notice in the state's Central Register explaining the reasons for this decision and disclosing the difference between the property value and the price to be received. This notice will be published before the Town enters into any agreement with the selected developer.

- X. Attachments**
 - A. Comparative Evaluation Criteria**
 - B. Locus Map**
 - C. Treasurer's Deed & Town Meeting Votes**
 - D. 95 Lawrence Road Project Design Guidelines**
 - E. Executive Summary of Housing Needs Assessment and Action Plan**
 - F. Preliminary Site Feasibility report**
 - G. Draft Land Disposition Agreement & Draft Ground Lease**
 - H. Conceptual Site Design**
 - I. Wastewater Comparative Report**
 - J. Certificate of Non-Collusion**
 - K. Tax Compliance Certificate**
 - L. Disclosure of Beneficial Interest**

ATTACHMENT A
Comparative Evaluation Criteria: Lawrence Road, Wellfleet

	Unacceptable	Advantageous	Highly Advantageous
Developer Experience & Capacity (Team)			
<ul style="list-style-type: none"> • Demonstrated experience in and capability for designing, permitting, developing and managing similar residential projects. • Outcome of comparable projects • Experience with site septic system issues • Property management experience with similar projects • The quality of the team’s reputation and references, particularly in terms of its regulatory track record and ability to complete projects as proposed • Success in marketing approach, including affirmative fair housing marketing plans and lottery, meeting State requirements 	Development team members have only minimal experience in the development of projects with similar scope – including legal, design, development, financing, and management experience with rental housing.	Development team members have significant experience in the development of projects of similar scope – including legal, design, financing, affordable housing management. Significant experience (2 or more projects) including with private septic. Energy efficient buildings part of standard approach.	Development team members have significant experience in the development of projects of similar scope – including legal, design, financing, affordable housing management. Extensive experience (4 or more projects) including with private septic. Energy efficient design is their standard approach to design and development.
Affordability			
Proposal meets a range of incomes. At a minimum 50% units must be restricted to households at or below 80% AMI	Less than 50% affordable to 80% AMI.	At least 70% affordable to 80% AMI with some targeted at or below 50%.	At least 85% affordable to 80% AMI or below with the affordability ranging from 30% to 120% AMI.

<p>Site Design</p> <ul style="list-style-type: none"> • Thoughtful and efficient site design using the natural topography of the site as much as feasible • Provides a walkway between the two areas of the development • Efficient, safe internal traffic flow • Underground utilities • Exterior lighting – minimal impact to neighbors and night sky • Landscape plan including within parking area includes native plantings and, when feasible, enhances rather than replaces existing vegetation • Designated area for snow • Adequate parking for residents and visitors • Two access points on Lawrence Road • Keep natural buffer to surrounding residential neighbors • Respects adjacent properties • Provides outdoor community gathering space • Include bike racks 	<p>Proposal fails to meet the majority of the RFP criteria for site design.</p>	<p>The proposal meets some or all of the RFP site design criteria with thoughtful building siting, safe, efficient traffic flow, and natural buffers to surrounding neighborhoods.</p>	<p>Proposal meets or exceeds all of criteria</p>
<p>Infrastructure and Green Design</p>			
<p>Wastewater system proposed will reduce average nitrogen to less than 10mg/L,</p> <ul style="list-style-type: none"> • Wastewater leaching system may be located beneath school ball field • Underground utilities • Storm water management uses standards of low impact development • Buildings are located for maximum solar potential • Roof construction is “solar ready” (designed to support solar panels) • Meets green design standards for LEED, Passive House, or other comparable programs • Provide charging station(s) for EVs 	<p>Proposal fails to meet the majority of the RFP criteria for infrastructure and green design</p>	<p>The proposal meets some or all of the RFP infrastructure and green design criteria</p>	<p>Proposal meets or exceeds all of criteria</p>

<p>Building Design</p> <ul style="list-style-type: none"> • Reflects the design guidelines in Attachment D • Exterior is of high quality, while remaining compatible with local architectural design • Creative design that is cost effective and high quality • Interior design and layouts meet a variety of household sizes and mobility needs • Finishes support durability and low-maintenance for tenant • Construction maximizes soundproofing between units • Height dimensions consistent with the Residential 1 District. • Provides community space for residents, preferably with kitchen facilities • Includes office space for management • Provides storage space, either in basements or sheds • Prefer individual exterior space (patios or balconies) 	<p>Design appears incongruous with local designs, interior layout does not meet a variety of household types and mobility needs, and does not comply with a majority of the RFP criteria</p>	<p>Design reflects or complements local designs, layout provides for a variety of household types and mobility needs, Complies with a majority of the RFP criteria and preferences</p>	<p>Design proposal articulates a creative development vision that is a cost-effective, energy efficient, attractive design that reflects and/or complements the local vernacular, and provides a variety of household types and mobility needs. Complies with all of the RFP criteria and preferences</p>
<p>Financial Feasibility</p> <ul style="list-style-type: none"> • Adequacy of proposed budgets (development and operating) • Appropriateness of rents in relation to the market • Track record of securing proposed financing 	<p>Proposals does not demonstrate an understanding of development costs and operating budgets for affordable housing and/or does not have a successful record of securing financing.</p>	<p>Proposal contains realistic development and operating budgets and evidence of success in securing necessary financing.</p>	<p>Proposal contains realistic development and operating budgets and evidence of a high degree of success in securing necessary financing and other sources of funding.</p>

References, Site Visits, and Interviews			
<ul style="list-style-type: none"> ● A minimum of three references including references from all projects undertaken in the last 10 years ● The evaluation committee may choose to visit proposers' completed projects ● The evaluation committee may choose to have proposers present their proposals. Presentations will not be scored. 	<p>Did not provide minimum of 3 references not met, or references were poor and/or inadequate. Properties visited were in poor condition.</p>	<p>Strong references reflecting projects came in on time and within budget, good property management structure. Properties visited were in good condition, site layout was efficient, and buildings were well designed.</p>	<p>Strong references reflecting timely completion, excellent budget control, excellent property management structure and professionalism of developer. Properties visited were in great condition, site layout building design, and landscaping excellent, and use of energy efficient and durable materials.</p>

MHP
2019 MAXIMUM ALLOWABLE RENTS FOR AFFORDABLE HOUSING UNITS

Note: These maximum rents are based on U.S. Department of Housing and Urban Development (HUD) income limits for 2019 which are effective until new income limits for 2020 are published by HUD (typically in mid-to late-March of 2020).

At least 20% of the units in an MHP-financed project must be affordable to households earning no more than 50% of the area median income, or at least 40% of the units must be affordable to households earning no more than 60% of the area median income, or at least 50% of the units must be affordable to households earning no more than 80% of the area median income. Alternatively, at least 25% of the units in each project must be rented to households earning less than 80% of the median area income, provided that the maximum allowable restricted rents are at least 10% below comparable market rents. MHP requires that tenants in affordable units meet income-eligibility guidelines, and also requires that the rents for the affordable units not exceed the Maximum Allowable Rents published annually by the MHP. These rents assume that the landlord pays all utilities; an allowance for any utilities paid by tenants must be deducted from these rents. Utility allowances are available from the local housing authority or by calling MHP. "TC" refers to Maximum Allowable Rents under the Tax Credit Program. Rents for projects approved under the Local Initiative Program (LIP), can be obtained from the Department of Housing and Community Development (DHCD)(Rieko Hayashi; rieko.hayashi@state.ma.us). Here are the current Maximum Allowable Rents for the affordable units in all MHP-financed projects:

	# Bedrooms	SRO	Studio	1BR	2BR	3BR	4BR
Barnstable Town, MA	30% RENT	360	481	515	618	720	864
	50% RENT	600	801	858	1,030	1,190	1,327
	TC 50% RENT	801	801	858	1,030	1,190	1,327
	60% RENT	720	961	1,029	1,236	1,428	1,593
	TC 60% RENT	961	961	1,029	1,236	1,428	1,593
	80% RENT	960	1,281	1,373	1,647	1,903	2,123
	110% RENT	1,321	1,762	1,887	2,266	2,618	2,920
Boston-Cambridge-Quincy, MA	30% RENT	466	622	666	800	924	1,031
	50% RENT	777	1,037	1,111	1,333	1,540	1,718
	TC 50% RENT	1,037	1,037	1,111	1,333	1,540	1,718
	60% RENT	933	1,245	1,333	1,600	1,848	2,062
	TC 60% RENT	1,245	1,245	1,333	1,600	1,848	2,062
	80% RENT	1,170	1,561	1,673	2,007	2,319	2,587
	110% RENT	1,711	2,282	2,444	2,934	3,389	3,781
Brockton, MA	30% RENT	364	486	520	625	724	864
	50% RENT	607	810	867	1,041	1,202	1,341
	TC 50% RENT	810	810	867	1,041	1,202	1,341
	60% RENT	729	972	1,041	1,249	1,443	1,609
	TC 60% RENT	972	972	1,041	1,249	1,443	1,609
	80% RENT	971	1,295	1,387	1,665	1,924	2,146
	110% RENT	1,336	1,782	1,908	2,290	2,645	2,950
Lawrence, MA	30% RENT	402	537	575	690	797	890
	50% RENT	669	893	957	1,148	1,327	1,481
	TC 50% RENT	893	893	957	1,148	1,327	1,481
	60% RENT	804	1,072	1,149	1,378	1,593	1,777
	TC 60% RENT	1,072	1,072	1,149	1,378	1,593	1,777
	80% RENT	990	1,321	1,415	1,698	1,963	2,190
	110% RENT	1,474	1,966	2,106	2,527	2,920	3,258

MHP

2019 MAXIMUM ALLOWABLE RENTS FOR AFFORDABLE HOUSING UNITS

	# Bedrooms	SRO	Studio	1BR	2BR	3BR	4BR
Lowell, MA	30% RENT	424	566	606	727	840	937
	50% RENT	706	942	1,009	1,211	1,399	1,561
	TC 50% RENT	942	942	1,009	1,211	1,399	1,561
	60% RENT	848	1,131	1,211	1,453	1,679	1,873
	TC 60% RENT	1,131	1,131	1,211	1,453	1,679	1,873
	80% RENT	990	1,321	1,415	1,698	1,963	2,190
	110% RENT	1,554	2,073	2,220	2,664	3,078	3,434
Berkshire County, MA	30% RENT	349	466	499	598	709	864
	50% RENT	582	776	831	998	1,153	1,286
	TC 50% RENT	776	776	831	998	1,153	1,286
	60% RENT	698	931	998	1,198	1,383	1,543
	TC 60% RENT	931	931	998	1,198	1,383	1,543
	80% RENT	931	1,242	1,331	1,597	1,845	2,058
	110% RENT	1,280	1,707	1,830	2,197	2,536	2,829
Pittsfield, MA	30% RENT	349	466	499	598	709	864
	50% RENT	582	776	831	998	1,153	1,286
	TC 50% RENT	776	776	831	998	1,153	1,286
	60% RENT	698	931	998	1,198	1,383	1,543
	TC 60% RENT	931	931	998	1,198	1,383	1,543
	80% RENT	931	1,242	1,331	1,597	1,845	2,058
	110% RENT	1,280	1,707	1,830	2,197	2,536	2,829
Easton-Raynham, MA	30% RENT	463	618	663	796	919	1,026
	50% RENT	774	1,032	1,106	1,327	1,533	1,710
	TC 50% RENT	1,032	1,032	1,106	1,327	1,533	1,710
	60% RENT	929	1,239	1,327	1,593	1,839	2,052
	TC 60% RENT	1,239	1,239	1,327	1,593	1,839	2,052
	80% RENT	990	1,321	1,415	1,698	1,963	2,190
	110% RENT	1,703	2,271	2,433	2,920	3,372	3,762
New Bedford, MA	30% RENT	304	406	435	533	699	864
	50% RENT	507	676	724	868	1,003	1,120
	TC 50% RENT	676	676	724	868	1,003	1,120
	60% RENT	608	811	869	1,042	1,204	1,344
	TC 60% RENT	811	811	869	1,042	1,204	1,344
	80% RENT	810	1,080	1,157	1,388	1,604	1,790
	110% RENT	1,115	1,487	1,593	1,911	2,208	2,464

MHP
2019 MAXIMUM ALLOWABLE RENTS FOR AFFORDABLE HOUSING UNITS

	# Bedrooms	SRO	Studio	1BR	2BR	3BR	4BR
Providence-Fall River, RI-MA	30% RENT	322	430	460	552	699	864
	50% RENT	537	717	768	922	1,065	1,188
	TC 50% RENT	717	717	768	922	1,065	1,188
	60% RENT	645	861	922	1,107	1,278	1,426
	TC 60% RENT	861	861	922	1,109	1,278	1,426
	80% RENT	859	1,146	1,228	1,473	1,703	1,900
	110% RENT	1,183	1,578	1,691	2,029	2,343	2,615
	30% RENT	383	511	548	657	759	864
	50% RENT	639	852	913	1,096	1,266	1,412
	TC 50% RENT	852	852	913	1,096	1,266	1,412
Taunton-Mansfield-Norton, MA	60% RENT	767	1,023	1,096	1,315	1,519	1,695
	TC 60% RENT	1,023	1,023	1,096	1,315	1,519	1,695
	80% RENT	990	1,321	1,415	1,698	1,963	2,190
	110% RENT	1,406	1,875	2,010	2,411	2,785	3,107
	30% RENT	349	466	499	598	709	864
	50% RENT	582	776	831	998	1,153	1,286
	TC 50% RENT	776	776	831	998	1,153	1,286
	60% RENT	698	931	998	1,198	1,383	1,543
	TC 60% RENT	931	931	998	1,198	1,383	1,543
	80% RENT	931	1,242	1,331	1,597	1,845	2,058
Franklin County, MA	110% RENT	1,280	1,707	1,830	2,197	2,536	2,829
	30% RENT	349	466	499	598	709	864
	50% RENT	582	776	831	998	1,153	1,286
	TC 50% RENT	776	776	831	998	1,153	1,286
	60% RENT	698	931	998	1,198	1,383	1,543
	TC 60% RENT	931	931	998	1,198	1,383	1,543
	80% RENT	931	1,242	1,331	1,597	1,845	2,058
	110% RENT	1,280	1,707	1,830	2,197	2,536	2,829
	30% RENT	349	466	499	598	709	864
	50% RENT	582	776	831	998	1,153	1,286
Springfield, MA	TC 50% RENT	776	776	831	998	1,153	1,286
	60% RENT	698	931	998	1,198	1,383	1,543
	TC 60% RENT	931	931	998	1,198	1,383	1,543
	80% RENT	931	1,242	1,331	1,597	1,845	2,058
	110% RENT	1,280	1,707	1,830	2,197	2,536	2,829
	30% RENT	457	610	653	785	906	1,011
	50% RENT	762	1,017	1,090	1,307	1,510	1,685
	TC 50% RENT	1,017	1,017	1,090	1,307	1,510	1,685
	60% RENT	915	1,221	1,308	1,569	1,812	2,022
	TC 60% RENT	1,221	1,221	1,308	1,569	1,812	2,022
Eastern Worcester County, MA	80% RENT	990	1,321	1,415	1,698	1,963	2,190
	110% RENT	1,678	2,238	2,398	2,876	3,323	3,707

MHP
2019 MAXIMUM ALLOWABLE RENTS FOR AFFORDABLE HOUSING UNITS

	<u># Bedrooms</u>	<u>SRO</u>	<u>Studio</u>	<u>1BR</u>	<u>2BR</u>	<u>3BR</u>	<u>4BR</u>
Fitchburg-Leominster, MA	30% RENT	349	466	499	598	709	864
	50% RENT	582	776	831	998	1,153	1,286
	TC 50% RENT	776	776	831	998	1,153	1,286
	60% RENT	698	931	998	1,198	1,383	1,543
	TC 60% RENT	931	931	998	1,198	1,383	1,543
	80% RENT	931	1,242	1,331	1,597	1,845	2,058
	110% RENT	1,280	1,707	1,830	2,197	2,536	2,829
	30% RENT	349	466	499	598	709	864
	50% RENT	582	776	831	998	1,153	1,286
	TC 50% RENT	776	776	831	998	1,153	1,286
Western Worcester County, MA	60% RENT	698	931	998	1,198	1,383	1,543
	TC 60% RENT	931	931	998	1,198	1,383	1,543
	80% RENT	931	1,242	1,331	1,597	1,845	2,058
	110% RENT	1,280	1,707	1,830	2,197	2,536	2,829
	30% RENT	372	496	531	637	736	864
	50% RENT	619	826	885	1,061	1,226	1,367
	TC 50% RENT	826	826	885	1,061	1,226	1,367
	60% RENT	743	991	1,062	1,273	1,471	1,641
	TC 60% RENT	991	991	1,062	1,273	1,471	1,641
	80% RENT	990	1,321	1,415	1,698	1,961	2,188
110% RENT	1,362	1,817	1,947	2,334	2,697	3,008	
Worcester, MA	30% RENT	387	516	553	663	767	864
	50% RENT	645	861	922	1,106	1,278	1,426
	TC 50% RENT	861	861	922	1,106	1,278	1,426
	60% RENT	774	1,033	1,107	1,327	1,533	1,711
	TC 60% RENT	1,033	1,033	1,107	1,327	1,533	1,711
	80% RENT	1,018	1,358	1,455	1,746	2,018	2,251
110% RENT	1,420	1,894	2,029	2,433	2,811	3,137	
Dukes County, MA	30% RENT	459	613	657	788	911	1,017
	50% RENT	766	1,022	1,095	1,315	1,518	1,693
	TC 50% RENT	1,022	1,022	1,095	1,315	1,518	1,693
	60% RENT	920	1,227	1,314	1,578	1,822	2,032
	TC 60% RENT	1,227	1,227	1,314	1,578	1,822	2,032
	80% RENT	996	1,328	1,423	1,708	1,973	2,201
110% RENT	1,686	2,249	2,410	2,893	3,341	3,726	
Nantucket County, MA	30% RENT	459	613	657	788	911	1,017
	50% RENT	766	1,022	1,095	1,315	1,518	1,693
	TC 50% RENT	1,022	1,022	1,095	1,315	1,518	1,693
	60% RENT	920	1,227	1,314	1,578	1,822	2,032
	TC 60% RENT	1,227	1,227	1,314	1,578	1,822	2,032
	80% RENT	996	1,328	1,423	1,708	1,973	2,201
110% RENT	1,686	2,249	2,410	2,893	3,341	3,726	

MHP
2019 INCOME LIMITS FOR AFFORDABLE UNITS

Note: These maximum rents are based on U.S. Department of Housing and Urban Development (HUD) income limits for 2019, which are effective until new income limits for 2020 are published by HUD (typically in mid-to late-March of 2020).

At least 20% of the units in an MHP-financed project must be affordable to households earning no more than 50% of the area median income, or at least 40% of the units must be affordable to households earning no more than 60% of the area median income, or at least 50% of the units must be affordable to households earning no more than 80% of the area median income. Alternatively, at least 25% of the units in each project must be rented to households earning less than 80% of the median area income, provided that the maximum allowable restricted rents are at least 10% below comparable market rents. The MHP requires that tenants in affordable units meet income-eligibility guidelines, and also requires that the rents for the affordable units not exceed the Maximum Allowable Rents published annually by the MHP. "TC" refers to Multifamily Tax Subsidy Income Limits and are to be used for projects funded with tax credits. Please contact the MHP for more information about determining the income-eligibility of tenants. Here are the current income requirements for new tenants in affordable units:

Area Median Income (AMI)	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Barnstable Town, MA								
30% AMI	19,250	22,000	24,750	27,450	30,170	34,590	39,010	43,430
50% AMI	32,050	36,600	41,200	45,750	49,450	53,100	56,750	60,400
TC 50% AMI	32,050	36,600	41,200	45,750	49,450	53,100	56,750	60,400
60% AMI	38,460	43,920	49,440	54,900	59,340	63,720	68,100	72,480
TC 60% AMI	38,460	43,920	49,440	54,900	59,340	63,720	68,100	72,480
80% AMI	51,250	58,600	65,900	73,200	79,100	84,950	90,800	96,650
110% AMI	70,510	80,520	90,640	100,650	108,790	116,820	124,850	132,880
Boston-Cambridge-Quincy, MA								
30% AMI	24,900	28,450	32,000	35,550	38,400	41,250	44,100	46,950
50% AMI	41,500	47,400	53,350	59,250	64,000	68,750	73,500	78,250
TC 50% AMI	41,500	47,400	53,350	59,250	64,000	68,750	73,500	78,250
60% AMI	49,800	56,880	64,020	71,100	76,800	82,500	88,200	93,900
TC 60% AMI	49,800	56,880	64,020	71,100	76,800	82,500	88,200	93,900
80% AMI	62,450	71,400	80,300	89,200	96,350	103,500	110,650	117,750
110% AMI	91,300	104,280	117,370	130,350	140,800	151,250	161,700	172,150
Brockton, MA								
30% AMI	19,450	22,200	25,000	27,750	30,170	34,590	39,010	43,430
50% AMI	32,400	37,000	41,650	46,250	49,950	53,650	57,350	61,050
TC 50% AMI	32,400	37,000	41,650	46,250	49,950	53,650	57,350	61,050
60% AMI	38,880	44,400	49,980	55,500	59,940	64,380	68,820	73,260
TC 60% AMI	38,880	44,400	49,980	55,500	59,940	64,380	68,820	73,260
80% AMI	51,800	59,200	66,600	74,000	79,950	85,850	91,800	97,700
110% AMI	71,280	81,400	91,630	101,750	109,890	118,030	126,170	134,310

MHP
2019 INCOME LIMITS FOR AFFORDABLE UNITS

Area Median Income (AMI)	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Lawrence, MA								
30% AMI	21,500	24,550	27,600	30,650	33,150	35,600	39,010	43,430
50% AMI	35,750	40,850	45,950	51,050	55,150	59,250	63,350	67,400
TC 50% AMI	35,750	40,850	45,950	51,050	55,150	59,250	63,350	67,400
60% AMI	42,900	49,020	55,140	61,260	66,180	71,100	76,020	80,880
TC 60% AMI	42,900	49,020	55,140	61,260	66,180	71,100	76,020	80,880
80% AMI	52,850	60,400	67,950	75,500	81,550	87,600	93,650	99,700
110% AMI	78,650	89,870	101,090	112,310	121,330	130,350	139,370	148,280
Lowell, MA								
30% AMI	22,650	25,850	29,100	32,300	34,900	37,500	40,100	43,430
50% AMI	37,700	43,050	48,450	53,800	58,150	62,450	66,750	71,050
TC 50% AMI	37,700	43,050	48,450	53,800	58,150	62,450	66,750	71,050
60% AMI	45,240	51,660	58,140	64,560	69,780	74,940	80,100	85,260
TC 60% AMI	45,240	51,660	58,140	64,560	69,780	74,940	80,100	85,260
80% AMI	52,850	60,400	67,950	75,500	81,550	87,600	93,650	99,700
110% AMI	82,940	94,710	106,590	118,360	127,930	137,390	146,850	156,310
Berkshire County, MA								
30% AMI	18,650	21,300	23,950	26,600	30,170	34,590	39,010	43,430
50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
TC 50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
TC 60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
80% AMI	49,700	56,800	63,900	70,950	76,650	82,350	88,000	93,700
110% AMI	68,310	78,100	87,890	97,570	105,380	113,190	121,000	128,810
Pittsfield, MA								
30% AMI	18,650	21,300	23,950	26,600	30,170	34,590	39,010	43,430
50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
TC 50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
TC 60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
80% AMI	49,700	56,800	63,900	70,950	76,650	82,350	88,000	93,700
110% AMI	68,310	78,100	87,890	97,570	105,380	113,190	121,000	128,810

MHP
2019 INCOME LIMITS FOR AFFORDABLE UNITS

Area Median Income (AMI)	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Easton-Raynham, MA								
30% AMI	24,750	28,300	31,850	35,350	38,200	41,050	43,850	46,700
TC 50% AMI	41,300	47,200	53,100	58,950	63,700	68,400	73,100	77,850
60% AMI	49,560	56,640	63,720	70,740	76,440	82,080	87,720	93,420
TC 60% AMI	49,560	56,640	63,720	70,740	76,440	82,080	87,720	93,420
80% AMI	52,850	60,400	67,950	75,500	81,550	87,600	93,650	99,700
110% AMI	90,860	103,840	116,820	129,690	140,140	150,480	160,820	171,270
New Bedford, MA								
30% AMI	16,250	18,550	21,330	25,750	30,170	34,590	39,010	43,430
50% AMI	27,050	30,900	34,750	38,600	41,700	44,800	47,900	51,000
TC 50% AMI	27,050	30,900	34,750	38,600	41,700	44,800	47,900	51,000
60% AMI	32,460	37,080	41,700	46,320	50,040	53,760	57,480	61,200
TC 60% AMI	32,460	37,080	41,700	46,320	50,040	53,760	57,480	61,200
80% AMI	43,200	49,400	55,550	61,700	66,650	71,600	76,550	81,450
110% AMI	59,510	67,980	76,450	84,920	91,740	98,560	105,380	112,200
Providence-Fall River, RI-MA								
30% AMI	17,200	19,650	22,100	25,750	30,170	34,590	39,010	43,430
50% AMI	28,700	32,800	36,900	40,950	44,250	47,550	50,800	54,100
TC 50% AMI	28,700	32,800	36,900	40,950	44,250	47,550	50,800	54,100
60% AMI	34,440	39,360	44,280	49,140	53,100	57,060	60,960	64,920
TC 60% AMI	34,440	39,360	44,380	49,140	53,100	57,060	60,960	64,920
80% AMI	45,850	52,400	58,950	65,500	70,750	76,000	81,250	86,500
110% AMI	63,140	72,160	81,180	90,090	97,350	104,610	111,760	119,020
Taunton-Mansfield-Norton, MA								
30% AMI	20,450	23,400	26,300	29,200	31,550	34,590	39,010	43,430
50% AMI	34,100	39,000	43,850	48,700	52,600	56,500	60,400	64,300
TC 50% AMI	34,100	39,000	43,850	48,700	52,600	56,500	60,400	64,300
60% AMI	40,920	46,800	52,620	58,440	63,120	67,800	72,480	77,160
TC 60% AMI	40,920	46,800	52,620	58,440	63,120	67,800	72,480	77,160
80% AMI	52,850	60,400	67,950	75,500	81,550	87,600	93,650	99,700
110% AMI	75,020	85,800	96,470	107,140	115,720	124,300	132,880	141,460

MHP
2019 INCOME LIMITS FOR AFFORDABLE UNITS

Area Median Income (AMI)	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Franklin County, MA								
30% AMI	18,650	21,300	23,950	26,600	30,170	34,590	39,010	43,430
50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
TC 50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
TC 60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
80% AMI	49,700	56,800	63,900	70,950	76,650	82,350	88,000	93,700
110% AMI	68,310	78,100	87,890	97,570	105,380	113,190	121,000	128,810
Springfield, MA								
30% AMI	18,650	21,300	23,950	26,600	30,170	34,590	39,010	43,430
50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
TC 50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
TC 60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
80% AMI	49,700	56,800	63,900	70,950	76,650	82,350	88,000	93,700
110% AMI	68,310	78,100	87,890	97,570	105,380	113,190	121,000	128,810
Eastern Worcester County, MA								
30% AMI	24,400	27,900	31,400	34,850	37,650	40,450	43,250	46,050
50% AMI	40,700	46,500	52,300	58,100	62,750	67,400	72,050	76,700
TC 50% AMI	40,700	46,500	52,300	58,100	62,750	67,400	72,050	76,700
60% AMI	48,840	55,800	62,760	69,720	75,300	80,880	86,460	92,040
TC 60% AMI	48,840	55,800	62,760	69,720	75,300	80,880	86,460	92,040
80% AMI	52,850	60,400	67,950	75,500	81,550	87,600	93,650	99,700
110% AMI	89,540	102,300	115,060	127,820	138,050	148,280	158,510	168,740
Fitchburg-Leominster, MA								
30% AMI	18,650	21,300	23,950	26,600	30,170	34,590	39,010	43,430
50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
TC 50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
TC 60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
80% AMI	49,700	56,800	63,900	70,950	76,650	82,350	88,000	93,700
110% AMI	68,310	78,100	87,890	97,570	105,380	113,190	121,000	128,810

MHP
2019 INCOME LIMITS FOR AFFORDABLE UNITS

<u>Area Median Income (AMI)</u>		<u>1 PERSON</u>	<u>2 PERSON</u>	<u>3 PERSON</u>	<u>4 PERSON</u>	<u>5 PERSON</u>	<u>6 PERSON</u>	<u>7 PERSON</u>	<u>8 PERSON</u>	
Western Worcester County, MA		30% AMI	18,650	21,300	23,950	26,600	30,170	34,590	39,010	43,430
		50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
		TC 50% AMI	31,050	35,500	39,950	44,350	47,900	51,450	55,000	58,550
		60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
		TC 60% AMI	37,260	42,600	47,940	53,220	57,480	61,740	66,000	70,260
		80% AMI	49,700	56,800	63,900	70,950	76,650	82,350	88,000	93,700
		110% AMI	68,310	78,100	87,890	97,570	105,380	113,190	121,000	128,810
Worcester, MA		30% AMI	19,850	22,650	25,500	28,300	30,600	34,590	39,010	43,430
		50% AMI	33,050	37,750	42,450	47,150	50,950	54,700	58,500	62,250
		TC 50% AMI	33,050	37,750	42,450	47,150	50,950	54,700	58,500	62,250
		60% AMI	39,660	45,300	50,940	56,580	61,140	65,640	70,200	74,700
		TC 60% AMI	39,660	45,300	50,940	56,580	61,140	65,640	70,200	74,700
		80% AMI	52,850	60,400	67,950	75,450	81,500	87,550	93,600	99,600
		110% AMI	72,710	83,050	93,390	103,730	112,090	120,340	128,700	136,950
Dukes County, MA		30% AMI	20,650	23,600	26,550	29,500	31,900	34,590	39,010	43,430
		50% AMI	34,450	39,350	44,250	49,150	53,100	57,050	60,950	64,900
		TC 50% AMI	34,450	39,350	44,250	49,150	53,100	57,050	60,950	64,900
		60% AMI	41,340	47,220	53,100	58,980	63,720	68,460	73,140	77,880
		TC 60% AMI	41,340	47,220	53,100	58,980	63,720	68,460	73,140	77,880
		80% AMI	54,350	62,100	69,850	77,600	83,850	90,050	96,250	102,450
		110% AMI	75,790	86,570	97,350	108,130	116,820	125,510	134,090	142,780
Nantucket County, MA		30% AMI	24,550	28,050	31,550	35,050	37,900	40,700	43,500	46,300
		50% AMI	40,900	46,750	52,600	58,400	63,100	67,750	72,450	77,100
		TC 50% AMI	40,900	46,750	52,600	58,400	63,100	67,750	72,450	77,100
		60% AMI	49,080	56,100	63,120	70,080	75,720	81,300	86,940	92,520
		TC 60% AMI	49,080	56,100	63,120	70,080	75,720	81,300	86,940	92,520
		80% AMI	53,150	60,750	68,350	75,900	82,000	88,050	94,150	100,200
		110% AMI	89,980	102,850	115,720	128,480	138,820	149,050	159,390	169,620



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

V

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – C

REQUESTED BY:	Chair
DESIRED ACTION:	Selectboard member as a representative to the 95 Lawrence Road Task Force
PROPOSED MOTION:	I move to appoint _____ as the Selectboard liaison/representative to the 95 Lawrence Road Task Force.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020



BUSINESS – A

REQUESTED BY:	Chair
DESIRED ACTION:	Selectboard FY2021 Goals – Begin Process by Reviewing the FY2020 Goals
PROPOSED MOTION:	Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Michael DeVasto - goals

1. **Attainable housing** - increase inventory for year round market rate and affordable rentals. Also increase assistance to working domiciled residents to purchase homes.
2. **Harbor Dredging** - and a maintenance plan to prevent the deteriorated conditions that currently exist.
3. **Infrastructure and Buildings** - Work with DPW to get assessment of all public infrastructure and buildings. Create maintenance plan to ensure town property is kept from disrepair.
4. **Town hall lawn** - Work with DPW and gather public input on revitalization of town hall lawn, replace the awful plastic public benches with nice wooden ones.
5. **Bike trail** - Find an alternate route for the bike trail that can ensure safe transport from one end of Wellfleet to the other.
6. **Recreation** - Work with the national seashore to increase recreational opportunities including bike trails and parking areas.
7. **Climate Change** - Prepare for future sea level rise.

SELECTBOARD GOALS 2021

JANET REINHART

1. Dredging – continue and start a maintenance plan
2. Parking – continue support
3. Housing – continue support
4. Wastewater – continue support
5. Harbor/Marina Plan
 - a. Shellfish Shack
 - b. Public/Private plan for improvement
 - c. Parking
 - d. Bathrooms
 - e. Climate mitigation
6. Fiber Optics/Cell Tower/Consultant
7. Bike Trails and Bike Lanes

SELECTBOARD GOALS 2021

HELEN MIRANDA WILSON

1. Resolve the issues relating to the DCR's proposed Bike Trail, the DOT's proposed changes to the stretch of Rte. 6, Main Street and Cahoon Hollow Road. Meet together, for the first time, in an Open Meeting, with the DOT, DCR, NPS, the Selectboard, and the Bike and Walkways Committee, with our constituents and the many people who pass through this zone able to attend. Preferably before any further tax-payer money is spent on these proposals.

2. Continue to improve ongoing communication between all municipal groups (including staff). When a jurisdictional overlap occurs, have related committees and personnel informed.

3. Continue to improve the public process with support for compliance with laws and regulations, including training for committee members. Research and organize workshops for same.

See the Sb policy, Statement of Goals on the Town website under *Bylaws and Regulations*, on the home page.

4. Continue to negotiate/discuss with the NPS land swaps or shared use of land.

5. Include sea level rise and climate change when considering all long-term land use decisions. Every time

6. Read and discuss documents related to the hydrology and geology of the Outer Cape to provide background for future water resource decisions.

7. Decide (again) what to do with the old shellfish shack.

SELECTBOARD GOALS 2021

JUSTINA CARLSON

1. HOUSING

- a. Support AADU program

2. ECONOMIC DEVELOPMENT

- a. Local business, jobs

3. ENVIRONMENT

- a. Represent Wellfleet, Cape Cod Water Protection Collaborative
- b. Represent Wellfleet, Cape Cod Water Protection Fund, management board

4. GENERAL

- a. Improve ongoing communication and process for compliance with Boards and Committees

Ryan Curley Goals for FY 2021
09/16/2020

Bike Trail

- Work to try to secure an alternative bike trail terminus.
 - I have been very clear on multiple occasions as to why I believe that having the bike trail terminus at the proposed location on Rt. 6 is a bad idea and would negatively impact public safety. There are potential alternative routes that would be far safer for all parties. It feels like the DCR picked the route it did because it has the quickest and cheapest option not necessarily the best option.

Marina

- The L Pier
 - The L pier at the marina is in disrepair and deteriorating with loose boards and exposed fasteners. This is causing damage to the boats that tie up on the pier. The town needs to start looking and planning for overdue maintenance to the pier.

Public Safety

- Police Dash and Body Cameras.
 - I want a full proposal that can be put before the annual 2021 town meeting even in the absence of state grant money and regardless of what happens to the state Police Reform Bill. We have been waiting and waiting to see if there will be grant funding. To date, there hasn't been. We need to stop waiting and start doing.
- Lifeguards in September
 - Implement a permanent plan to have lifeguards on Newcombs and Lecount Hollow for September. September is a highly active month for sharks, and if we needed a reminder of that, Arthur Medici's bench was dedicated Sunday, Sept. 13th of this year. Lifeguards warn beachgoers when they observe or are notified of shark activity within the areas of our beaches. They serve as the critical bridge from the beach to our EMS services. We know that there is little to no cell phone coverage at our oceanside beaches. We have call boxes that help but lifeguards are critical in communicating issues directly from our beach to our emergency services, while also responding to the issues themselves. They are the first responders on the beach. Many other problems can happen on the beach beside a shark encounter. A beachgoer could be injured by a shore break, caught in a rip, or have something as every day as a heart attack. In all of these situations, a quick response is critical in the outcome. Until there is cell coverage for the beaches, our lifeguards provide an irreplaceable public safety purpose. We need a plan to keep them on our beaches until the last weekend of September, though it would be physically prudent to allow the Beach Director to stop patrols a week early due to weather conditions.
- Cell phone repeaters for the beaches.
 - Cell phones have been one of the most significant public safety improvements in the last twenty years. Unfortunately, our ocean-side beaches are in a cell service

dead zone due to the topography and locations of the cell antennas. We have repeatedly asked my cell providers to install an antenna closer to our beaches. No company has been willing to do so. It is time for us to pursue the lack of cell service on our beaches by other means. Either by installing cell phone repeaters or by installing antennas ourselves.

Staffing

- Start a discussion about the possibility of an IT Director.
 - Covid has shown how valuable it would be to have a dedicated IT person on staff. Much of Wellfleet's operations are still conducted on paper. We should be looking at ways to streamline processes digitizing as much as possible. Staff, boards, and committees need support. Public records could be made readily available online reducing formal public record requests. Improving IT could make our town's government more accessible and transparent. There is a robust array of modern management tools that could be utilized to support staff, but these tools rely on a solid internal IT framework.

Housing

- 95 Lawerence Rd
 - Continue to advance and support the 95 Lawerence Rd project.
- Expanded Residential Tax Exemption
 - Implement an expanded residential tax exemption to include housing rented on a year-round basis. FY 2020's median residential tax exemption was \$857/yr (Nancy Vali, Wellfleet Selectboard Meeting, Sept 8, 2020). Expanding this exemption provides a small incentive to those who rent their property out on a year-round basis. Without expanding the exemption to include year-round rentals, we expose this type of housing an additional tax burden of approximately \$300/yr. An expansion of the exemption would provide a net benefit to year-round rentals of roughly \$1157 for a median house.
- Change Condominium Regulations
 - Promote long term housing stock availability by changing condominium regulation to allow more than one unit to be occupied on a year-round basis provided there is sufficient septic capacity. Intentionally limiting a segment of Wellfleet's housing stock in the face of a housing crisis is irrational and artificially reducing year-round housing stock. Wellfleet had 339 condominiums as of 2017, with the overwhelming majority of these restricted to seasonal use only (Housing Needs Assessment and Action Plan, 2017).
- Accessory Dwelling Units by Right
 - Accessory dwelling units should be allowed by right as long as a lot can meet all other applicable requirements, bylaws, and occupied on a year-round basis. Accessory dwelling units should be available to all potential residents regardless of income requirements. The affordable accessory dwelling unit requirements

currently in place are a paperwork nightmare and one that needs to be repeated year after year. Due to this, only a handful of affordable accessory dwelling units have been built since adopting the affordable accessory dwelling unit bylaw. Removing these onerous requirements will spur the construction of such housing in the future. We will need a mechanism to ensure that accessory dwelling units can only be used for year-round housing to prevent their use as short term rentals. This may encourage non-resident taxpayers to construct year-round accessory dwelling units on properties that otherwise are used only on a seasonal basis.

- Affordable Home Ownership Opportunities
 - In addition to creating more rental units, our town needs to carve out a better ownership path. If a family is planning on being long term residents, there needs to be a way to get them into permanent housing that they own. Owning as opposed to renting allows a family to retain part of their housing costs as equity and greater freedom on how they use their property. With property values continuing to escalate, the housing available to own on the market at affordable rates is shrinking. The initial quality within that price range is also deteriorating, with many units having significant issues that can be very costly to remedy. Wellfleet should create 2-3 housing units per year with a permanent deed restriction requiring these properties to be sold at affordable rates into the future.

Expansion of Home Based Business.

- Allow more non-family members to work for a home-based business.
 - Wellfleet's current bylaws require that "service trade home business" to have no more than three non-family member employees, for general home-based business, no more than two non-family members. This constraint, combined with the lack of commercial space, presents a challenge for a business to grow. Wellfleet should increase the number of allowable non-family employees for all home-based businesses. Employees should also be defined as full-time equivalent employees.
- Increase the allowable floor area allocated to home-based businesses.
 - Increase the allowable floor area utilized by the home occupation from the current 25% to 35% for both Home Occupations and Service Trade Home Businesses. Home-based businesses have always been part of our traditional character. These two changes aim to allow a home-based business to expand organically to the point where it can afford to rent a dedicated commercial location while addressing the limited availability of affordable commercial space.

Energy

- Municipal Rooftop Solar
 - Access all town-owned buildings in good repair for their suitability for rooftop solar and the cost-effectiveness of any modifications needed to support rooftop solar. Rooftop solar presents an opportunity to reduce the town's energy costs

while reducing greenhouse gas emissions. The continued decrease in the installation cost of PV panels and the slow increase in MA electrical prices makes rooftop solar an attractive investment to reduce long term energy costs. In addition to determining the present-day economic practicality of installing rooftop solar, we should implement a scale that weighs changes in price per kW installed and the wholesale price per kW for electricity providers. This would allow us to judge in the future when it may be economically particle to fit rooftop solar on buildings where it may not make sense currently.

- Municipal Plugin Hybrids
 - Transition town department vehicle replacements to plugin hybrids where available and practicable. Over the long term, plug-in hybrids could provide significant cost reductions in operations through reduced fuel and maintenance costs, while reducing emissions.
- Electric Equipment
 - In addition to vehicles, the town should establish a replacement policy for all current fuel-powered equipment classes to replace them with eclectic equipment where possible and economical. Electric equipment often has drastically lower maintenance costs. Reducing long maintenance costs presents a means to build long term savings into the town's operations.

Wastewater.

- Need for Wastewater Plans.
 - The time for talking is closing as a town we real action, and it needs to happen soon. First, everyone needs to realize that there is a clear and pressing need. Second is that no matter what we do, it will cost significant amounts of money. The water quality condition in the entire harbor is declining year over year. Further water quality declines are inevitable unless steps are taken to address the issue. The longer we wait to materially address our harbor's water quality problems, the greater risk of adverse outcomes within the harbor or the town being sued.
- Setting Nutrient Remediation Standards for Municipal Projects.
 - We need to establish standards for town-owned or maintained assets within the Wellfleet Harbor watershed, even in the absence of a completed wastewater plan. Every project that the town conducts presents an opportunity to reduce nutrient inflows. Any project that is built without building in nutrient remediation features is a lost opportunity that may result in higher costs incurred by the town to retrofit these assets at a later date.

Some pre-existing projects that are priorities that I am hoping are completed this fiscal year.

- Gas tanks replacement at the maria. The 2019 town meeting approved funding. We need to get this done. The current tanks are in the ground and are past their expected life expectancy.
- The right of way for the landfill solar array. We need to be able to hook up the array as soon as possible. Resolving these issues is a priority for the town, so we can start to see the returns generated by this solar installation.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

VI

BUSINESS – B

REQUESTED BY:	Selectboard member Curley
DESIRED ACTION:	Thank you letter to those involved in the Annual Town Meeting
PROPOSED MOTION:	I move to send a thank you letter to those involved in the Annual Town Meeting as drafted by Ryan Curley and as amended at this meeting.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____

We would like to thank everyone who made Wellfleet's Town Meeting a success.

2020 has been a year when everything is done under unusual and challenging circumstances. In the spring, a novel coronavirus became a global pandemic. A pandemic continues to rage and continues to exact its toll. COVID-19 interrupted many familiar aspects of our daily lives. Town meeting is the oldest form of direct democracy in America and presents a unique opportunity for public participation. Like many other aspects, it was quickly apparent that we could not have Town Meeting the same way as in years past. We needed to adapt to ensure that the essential functions performed by Town Meeting that these would be done in a manner in keeping with the traditions and legalities of Town Meeting.

Conducting Town Meeting in a manner that ensured that everyone could speak, be heard by their peers, and do so safely under the conditions imposed by COVID-19 was an unprecedented challenge for this year's town meeting. We may be a small town, we are also a vocal one. The town rose and met this challenge only due to the hard work of many town staff who worked for months to address the novel needs imposed by the public health crisis. Like an athlete training for months for a big match, much of this effort was only known to a few and was unrecognized during these long months. On Saturday, September 12th all of this showed. Everyone who attended quickly came to appreciate all of their efforts and understood how much work and planning was involved. They put in the time and deserve our thanks and gratitude. The volunteers who were needed to pull off this year's town meeting were invaluable.

To Town Moderator Daniel Silverman. Thank you for your patience and determination and for putting together and leading the team. Your steady and measured leadership was critical.

To the Town Meeting Planning Task Force. Thank you for many hours first spent selecting a location and a time, and second for executing and coordinating across town departments. Without the teamwork of the task force, we have been unable to have a successful town meeting, which was conducted in a manner that maximized all participants' safety. Thank You.

Town Meeting Planning Task Force:

Town Moderator Daniel Silverman

Town Administrator Maria Broadbent

Assistant Town Administrator Mike Trovato

Executive Assistant to the Town Administrator Courtney Butler

Town Clerk Jennifer Congel

DPW Director Mark Vincent

DPW Asst Director Jay Norton

FD Chief Rich Pauley

FD Captain Joe Cappello

PD Chief Mike Hurley

PD Lt. Kevin LaRocco

Community Services Director. Suzanne Thomas

Health Agent Hillary Lemos

Media Ops Manager Mia Baumgarten
Rec Director Becky Rosenberg

In particular, two members of the taskforce deserve extra thanks.

To Courtney Butler, you served tirelessly as the critical bridge between departments. You took on this additional work on top of your everyday responsibilities. You served as the keystone. Thank You.

To Mia Baumgarten, your technical expertise was irreplaceable. Your input on selecting sites, the technical challenges posed by different locations, and addressing those challenges after in a manner that maximized public participation was essential. Thank You.

To the Mike Wranglers who tirelessly tracked down voters waiting for their chance to speak, and made the moderator aware that someone was waiting to speak. Thank you.

Mic wranglers:

Maggie Cox
Dylan Duarte
Emma O'Dell
Harry Galloway-Kahn
Tia Schabot
Nicole Schabot

To the volunteers helped set up the field and direct people to their seats as the tellers checked them in. Thank you.

Volunteers:

Marla Freedman
Dennis O'Connell
Sharon Agger
David Agger
Evelyn Savage
Wayne Clough
Chris Allgeier
Christine Shreves
Melon Civetta
Carol Magenau
Lynda Shuster
Marusya Chavchavadze
Kristen Shantz
Janice Gray

To the Tellers. Quickly checking in people as they arrived ensured that there was no crowding at the entrance of town meeting took on added importance this year. Thank You.

Kristen Shantz
Dennis Cunningham
Dick Morrill
Mike Fisher

To the voters who came out, ensuring that we had a quorum, voted, and said their two cents. Thank you.

To the weather for being a beautiful September day. Thank you.

Sincerely et al.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

VI

BUSINESS – C

REQUESTED BY:	Selectboard member Wilson
DESIRED ACTION:	Response to Seashore Superintendent Brian Carlstrom's letter dated August 28, 2020, re: Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination
PROPOSED MOTION:	I move to approve the letter, as drafted by Helen Miranda Wilson and at this meeting, in response to Seashore Superintendent Brian Carlstrom's letter, re: Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination and authorize the Board to sign it.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

We invite you to attend a round table meeting of all the parties involved in the DCR's Bike Trail and the DOT's Rte. 6 project, as currently being proposed, to improve the stretch of Rte. 6 in Wellfleet in the vicinity of Main Street and Cahoon Hollow Road.

We would like to meet all together, for the first time before any further steps are taken and to consider where to go from here. And preferably before any further tax-payer money is spent.

Since the Cape Cod Commission Report on the Cape Cod Bike Trail was published, a lot of water has gone under the bridge. More of the public has more information relating to continuing the Bike Trail through Wellfleet and has repeatedly asked to be effectively included in this part of the process.

Everyone on the Outer Cape drives through this stretch of road. We are all abutters. We have heard from our constituents and the many people who pass through this zone and they are concerned.



United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:

D-18

August 28, 2020

Paul Jahnige, Director DCR Greenways & Trails Program
MA Department of Conservation and Recreation
136 Damon Rd.
Northampton, MA 01060

Brian Chapman, Project Manager
MA Department of Transportation
10 Park Plaza, Suite 4160
Boston, MA 02116

Subject: Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination

To MA DCR and MA DOT Project Managers,

We are writing concerning the materials that Stantec shared with the Town of Wellfleet on July 24, 2020 on your agencies' behalf. We attended the Selectboard meeting this week and have been able to review the materials. The Route 6 and Rail Trail extension projects that you are proposing have great interest to us and we would like to share additional comments to those in our April 9 letter (see attached).

We held consultations with several members of MA DCR and MA DOT during the *Outer Cape Bicycle Pedestrian Master Plan* (Master Plan) development, which was a collaboration of Cape Cod National Seashore, in conjunction with the Cape Cod Commission, with the towns of Wellfleet, Truro and Provincetown. These two agency projects - the MA DOT Complete Streets safety enhancing strategy for the Wellfleet Route 6 corridor and the MA DCR Rail Trail extension - are major projects envisioned in the Master Plan.

We strongly support buffering the bicycle and pedestrian use from the vehicles on the busy Route 6 corridor where motorists routinely cross the fog line as an essential safety measure in this commercial section of the highway corridor. At a minimum the installation of flexible, removable delineator bollards should be installed to safely separate motorists from bicyclists.


As we wrote in April, the 10-foot-wide sidewalk on the Route 6 corridor plan is essentially what was envisioned as a **fully-separated multi-use pathway** in the Outer Cape Bicycle-Pedestrian Master Plan (OCBPMP) selected after extensive consideration and analysis of a preferred primary (spine) route up the Outer Cape. There were no other satisfactory alternatives that would provide this bicycle transportation need. We would like to see both Segments 2 and 3 of the Route 6 improvements have buffered bicycle lanes, and to see a 10-foot multi-use path width on the east side of Route 6 extend to the Truro town line and beyond.

We still encourage coincident phasing of the project in less phases. Most importantly, we believe that the 2-mile MA DCR bicycle trail project should be undertaken in one piece from LeCount Hollow Road to a new terminus at Route 6. We believe completing the entire MA DCR project will avoid: 1) added costs of contracting, mobilization and construction, 2) the potential a second phase loses or never gets funding, 3) adverse impacts to bicyclist safety on Old County Road and Cahoon Hollow Road, and 4) unintended consequences, such as excessive overuse at Duck Pond.

We believe that the Rail Trail – Route 6 terminus has been designed to meet the bicyclist safety challenges expressed by the public and the town, although we are aware that there is still community opposition. We would be pleased to have the opportunity to meet again regarding these plans along with Town of Wellfleet representatives and Cape Cod Commission transportation and bicycle planning staff.

Please share these comments with Stantec engineers. Also, we would appreciate a chance to discuss our comments from this and our April correspondence via a conference call.

Sincerely,



Brian T. Carlstrom
Superintendent

cc:

DCR Commissioner Jim Montgomery
State Senator Julian Cyr
State Representative Sarah Peake
Governor Baker's Office
Wellfleet Town Administrator Maria Broadbent
Wellfleet Selectboard
Steven Tupper, Cape Cod Commission



United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:

D-18

April 9, 2020

MA Department of Conservation and Recreation
Office of Public Outreach
251 Causeway Street, Suite 600
Boston, MA 02114

Brian Chapman, Project Manager
MA Department of Transportation
10 Park Plaza, Suite 4160
Boston, MA 02116

Subject: Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination

To MA DCR and MA DOT Project Managers,

We are writing concerning the presentation materials that you shared from your March 10, 2020 joint agency workshop with the Town of Wellfleet that are posted for review and comment. We are pleased to have the opportunity to see the bicycle trail and Route 6 corridor plans, renderings and presentation slides.

The projects that you are proposing have great interest to us due to the relatively recent completion of the *Outer Cape Bicycle Pedestrian Master Plan* (Master Plan). This plan was a collaboration of Cape Cod National Seashore, in conjunction with the Cape Cod Commission, with the towns of Wellfleet, Truro and Provincetown to develop a comprehensive master plan of bicycle trails and pedestrian amenities throughout the Outer Cape and the Seashore. We held consultations with several members of MA DCR and MA DOT during master plan development. The Master Plan was completed in February 2017 and posted at:

https://www.capecodcommission.org/resource-library/file/?url=/dept/commission/team/Website_Resources/initiatives/OuterCapeBikePedPlan/OCBMPFinalReport9-2016UpdateFeb2017.pdf

The 10-foot-wide sidewalk on the Route 6 corridor plan is essentially what was envisioned as a fully separated multi-use pathway in the Outer Cape Bicycle-Pedestrian Master Plan (OCBPMP). This was selected after extensive consideration and analysis of a preferred primary (spine) route and secondary connector bicycle routes in the OCBPMP. The Complete Streets approach is a safety enhancing strategy for the entire Wellfleet Route 6 corridor.

We have the following comments on the details in the presentation materials:

1. Route 6 sidewalk work is not planned until Phase 4 of MA DOT improvements to Route 6 in Segment 2 and it is essential due to current bicycle and pedestrian use levels. We recommend coincident phasing of the sidewalk work to happen as part of this effort.
2. If you wish to proceed with a bike lane and separate sidewalks along Route 6 versus the separated multi-use path envisioned in the Master Plan, we recommend the bike lanes be inside of the buffer next to the sidewalk rather than directly next to vehicle traffic lanes. We heard a strong demand during Master Plan development that there be buffered bicycle lanes to achieve a higher level of bicyclist safety.
3. We would like to see both Segments 2 and 3 of the Route 6 improvements have buffered bicycle lanes, and to see a 10-foot multi-use path width on the east side of Route 6 extend to the Truro town line (as proposed in the Master Plan).
4. The Segment 1 Route 6 proposal from the Eastham town line is complementary to the existing adjacent rail trail in South Wellfleet.
5. It is of great concern that Phase 3 for the second section of the MA DCR bicycle trail extension does not have a projected date. We recommend that the whole 2-mile bicycle trail extension project be completed rather than needing to recompute and remobilize this critical alternative transportation enhancement project.
6. At the existing terminus of the MA DCR bike trail, please consider downsizing the widening expansion at the parking lot to retain the vegetative buffer of the rear loading zones of the commercial properties on the west side of the trail; cautionary striping could be used to assist in bicycle safety for parked vehicles backing up.
7. Since the use level is very low, the proposed separate driveway north of LeCount Hollow Road can also be downsized to reduce the construction footprint and tree loss; the use level does not warrant the proposed extent of access road/driveway widening and shoulders.
8. ADA accessible upgrades at key intersections are welcomed; details will be appreciated at the next level of design.
9. On the Pavement Preservation Contract slide we were unclear if a traffic signal at LeCount Hollow is proposed; it seems warranted given the need by town for police directing traffic in summer. It would be helpful to specify where the detail inset conditions are proposed.
10. The Route 6 bike trail terminus parking lot could be downsized and still meet demand, while improving safety of the parking area bike trail terminus as the community desires.
11. Is there a maintenance plan for the grassy buffer on Route 6? It was also noted that the DCR plan shows a 7' grass strip and DOT plan shows 5'.

We appreciate consideration of the national seashore's comments and encourage you to contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian T. Carlstrom".

Brian T. Carlstrom
Superintendent

cc:

State Senator Julian Cyr
State Representative Sarah Peake
Wellfleet Town Administrator Dan Hoot

Courtney Butler

From: Janet Reinhart <lifeexercises@comcast.net>
Sent: Tuesday, September 15, 2020 9:42 AM
To: Board of Selectmen
Subject: Seashore/Bike Trail Letter

Here are my edits/comments re: Helen's letter Supt. Carlstrom.

1. Peter Cook said twice he would email me the copy of the 1000+ signatures. I received reply emails, 1 had 20 signatures, the other one was mostly illegible. From what I was told, Baysails and other businesses along Rte. 6 had there customers fill out the petition. That is fine, however it does not represent Wellfleet voters. So please send me verified names on the petition.
2. There is no such number as "almost unanimously." Please use the number of voters at Town Meeting 2019, figure out the majority and then deduct what you guess would have been the nays.
3. Paragraph 6 you say bicyclists will be "invited." Really? How are they invited? Same inflammatory wording as "dumped on to Rte. ^."Also, "it will be a seemingly convenient access to the center of town and nearby attractions..." This present plan by DOT/DCR says nothing about continuing into town. That idea was suggested years ago but put aside.

I agree that the sidewalk going into town from Rte. 6 needs to be looked at more closely.

My problem with this back and forth is the manipulative wording.

Also, Rebecca Noble has said she has this plan, with permission from landowners, to proceed with a different bike trail through the Seashore and power lines. Ten years ago that was looked at and wasn't possible. All it took was 1 owner to say no. Please ask her to show this presentation at a Selectboard meeting.

So, please, before you send to to Supt. Carlstrom, this needs more editing!

Janet Reinhart



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020



BUSINESS – D

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Authorize the Town Administrator to sign the Green Communities Grant
PROPOSED MOTION:	I move to authorize the Town to sign the Green Communities Grant.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



I.COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the **Standard Contract Form Instructions, Contractor Certifications and Commonwealth Terms and Conditions** which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.macomptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: Town of Wellfleet (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Department of Energy Resources MMARS Department Code: ENE	
Legal Address: (W-9, W-4): 300 Main Street, Wellfleet, MA 02667		Business Mailing Address: 100 Cambridge Street, Suite 1020, Boston, MA 02114	
Contract Manager: Maria Broadbent	Phone: 508-349-0300	Billing Address (if different): Not Applicable	
E-Mail: townadministrator@wellfleet-ma.gov	Fax: 508-349-0305	Contract Manager: Jane Pfister	Phone: 617-626-1194
Contractor Vendor Code: VC6000192030		E-Mail: jane.pfister@mass.gov	Fax: 617-626-7300
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s):	
RFR/Procurement or Other ID Number:			
<input checked="" type="checkbox"/> NEW CONTRACT		<input type="checkbox"/> CONTRACT AMENDMENT	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		Enter Current Contract End Date <u>Prior</u> to Amendment: Enter Amendment Amount: AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions, Contractor Certifications and the following Commonwealth Terms and Conditions document is incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or new total if Contract is being amended). \$137,761.00.			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days <input type="checkbox"/> PPD; Payment issued within 15 days <input type="checkbox"/> PPD; Payment issued within 20 days <input type="checkbox"/> PPD; Payment issued within 30 days <input type="checkbox"/> PPD. If PPD percentages are left blank, identify reason: <input type="checkbox"/> ; agree to standard 45 day cycle <input checked="" type="checkbox"/> ; statutory/legal or Ready Payments (M.G.L. c. 29 § 23A); <input type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) This is a contract to award a grant to the Town of Wellfleet for fiscal years 2021-2022 under the Green Communities Competitive Grant Program in the amount of one hundred thirty-seven thousand seven hundred sixty-one dollars (\$137,761.00) to fund energy conservation measures, heat pump water heater, EMS, LED lighting, VFD and motors, in municipal facilities including Council on Aging, Elementary School, Library, and Town Hall, to be provided for the benefit of, and subject to the direction and oversight of, the Grantee as detailed in Attachment C.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 2. may be incurred as of <u>20</u> , a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 3. were incurred as of <u>20</u> , a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>September 30, 2021</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, this Standard Contract Form, the Standard Contract Form Instructions, Contractor Certifications, the applicable Commonwealth Terms and Conditions, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR:		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:	
X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)		X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)	
Print Name: <u>Daniel Hoort</u>		Print Name: <u>Chanthav Sor</u>	
Print Title: <u>Town Administrator</u>		Print Title: <u>Acting Chief Financial Officer</u>	

BACKGROUND

1. The DOER has selected the Grantee to receive Green Communities grant funds for projects described in the Grantee’s response to the PON.
2. The DOER approves the expenditure of funds as described in Attachment D (Budget) for the work planned and described in Attachment C (Scope of Grant Award).
3. The Grantee agrees to complete the projects described in the Scope of Grant Award (collectively referred to as “the Project”).

This agreement (Agreement) incorporates and makes part hereof certain attachments and forms which have been provided and accepted by the parties as part to this Agreement. Copies of such agreed upon attachments and forms are attached hereto set forth in their entirety and made part of this Agreement by reference:

THE COMMONWEALTH STANDARD CONTRACT FORM

BACKGROUND

ATTACHMENT A: GREEN COMMUNITIES COMPETITIVE GRANT APPLICATION

MATERIALS

ATTACHMENT B: GRANTEE RESPONSE

ATTACHMENT C: SCOPE OF GRANT AWARD

ATTACHMENT D: BUDGET

THE COMMONWEALTH OF MASSACHUSETTS STANDARD CONTRACT ATTACHMENTS

1. COMMONWEALTH TERMS AND CONDITIONS
2. GRANTEE AUTHORIZED SIGNATORY LISTING
3. W-9 FORM
4. EFT

ATTACHMENT A – Green Communities Competitive Grant Application Materials

The Program Opportunity Notice (PON) was provided to the municipality via Commbuys, the Commonwealth's procurement website from 1/16/2020 until 5/16/2020

DOER PON-ENE-2020-011 2020 Green Communities Competitive Grant Program

Bid # **BD-20-1041-ENE01-ENE01-47476**

And amended

**DOER PON-ENE-2020-011 2020 GC Competitive Grant Program Opportunity Notice
Amendment One 03.19.20 (FINAL).pdf**

ATTACHMENT B – Grantee Response

1. Grantee submission narrative – project narratives.docx
2. Grantee grant table submitted – grant application table 20200709.xlsx
3. Grantee certification of application submitted – certification of application.pdf

Response included additional files

- instant fit lamp guide.pdf
- icn3p16tledn datasheet 2 4 19.pdf
- library type c led drivers.pdf town hall type c drivers.pdf;
- vfd and ec savings methodology.docx
- wellfleet coa.pdf
- school rise 10 ems ce.pdf
- lighting wellfleet town hall.pdf
- lighting wellfleet library.pdf
- rise 89a vfd ecm savings analysis ma trm.pdf
- es report edited 5 13 2020.pdf
- lighting wellfleet senior center.pdf
- town hall.pdf
- library.pdf
- elementary school.pdf
- coa.pdf

ATTACHMENT C – SCOPE OF GRANT AWARD

**COMMONWEALTH OF MASSACHUSETTS
SCOPE OF GRANT AWARD AGREEMENT**

**By and Between
Department of Energy Resources
and
Town of Wellfleet**

SCOPE OF GRANT AWARD

1. Overview

The purpose of this contract is to award a grant to the Town of Wellfleet (Grantee) for a maximum obligation amount not to exceed one hundred thirty-seven thousand seven hundred sixty-one dollars (\$137,761.00) to fund energy conservation measures in municipal facilities including Council on Aging, Elementary School, Library, and Town Hall, as more particularly described in Attachment B (Project). In connection with the above referenced grant, the Grantee requested one hundred forty-two thousand nine hundred eighty dollars (\$142,980.19) in public funding out of one hundred eighty-three thousand four hundred eighty-five dollars (\$183,485.00) in total project costs for energy conservation measures listed in attachment B. The energy conservation measures funded are heat pump water heater, EMS, LED lighting, VFD and motors.

The Grantee is responsible for informing the Department of Energy Resources (DOER) of all eligible expenses and Project deliverables as compared to the original proposal as set forth in Attachment B.

Note that no changes in Project scope can occur or proceed without the prior written authorization from the DOER.

2. Contingencies

The Grantee shall provide to the DOER's satisfaction, the required information as stated below as applicable to the Project(s), when the information becomes available.

1. Documentation that the municipality has met, teleconferenced, or had an email exchange with its gas and/or electric public utility representatives regarding the availability of utility incentives for any eligible energy conservation or efficiency measures.
2. Documentation of having **applied for all gas and electric rebates** provided for eligible energy conservation or efficiency measures. The Grantee is required to have documentation from utilities regarding rebates before selection and installation of products.

3. Procurement

All procurement contracts and subcontracts entered into by public agencies and governmental bodies shall be governed by and in accordance with Massachusetts General Laws. Where applicable, such procurements, contracts and subcontracts shall be governed by the all provisions of either M.G.L. c.25A, § 11C or §11I, M.G.L. c.30B, or M.G.L c.149. All designer selection for building projects shall be governed by M.G.L. c.7, §§38A1/2 - O.

4. Program Schedule

The following are milestones to ensure timely completion of the Project(s). If the Grantee is unable to meet these milestones it will promptly contact the DOER.

- (1) Complete construction of the Project – August 1, 2021

(2) End of grant period – September 30, 2021

5. Disbursement of Funds

Initial Disbursement: Twenty five percent (25%) of the award in the amount of thirty-four thousand four hundred forty dollars and ^{25/100} (\$34,440.25) will be disbursed by the DOER subsequent to the execution of this grant agreement and upon the DOER agreement that contingency number one as stated under Section Two Contingencies of this Scope of Grant Award Agreement has been fully satisfied.

Second Disbursement: Fifty percent (50%) of the award in the amount of sixty-eight thousand eight hundred eighty dollars and ^{50/100} (\$68,880.50), shall be disbursed upon verification by the DOER that twenty-five percent (25%) of the grant funds have been expended and that contingency number two as stated in Section Two Contingencies of this Scope of Contract Award has been fully satisfied and that all reporting requirements have been met. Reporting requirements will include submittal by the Grantee to the DOER of detailed dated invoices of Grantee's costs incurred to date.

Final Disbursement: Twenty five percent (25%) of the award in the amount of thirty-four thousand four hundred forty dollars and ^{25/100} (\$34,440.25), shall be disbursed after a site visit by the DOER, a review of the detailed invoices of the Project(s) and any other requested documentation and verification by the DOER that the Project(s) are complete, that one hundred percent (100%) of grant funds have been expended, evidence of approved utility incentives have been provided, and that **all** reporting requirements and requests by the DOER have been met, including submittal and approval of the Final Report.

Funds shall not be used for the reimbursement of any work related to this Project(s) performed before the contract Effective Date.

6. Grantee Warrants to Keep Facility Open

For Project(s) involving services or construction at facility(s) owned by or under the control of the Grantee, the Grantee hereby warrants and certifies that the facility (s) for which grant funds are designated will remain open and in service for at least five (5) years following completion of proposed project(s).

7. Separate Accounts

The Grantee shall at all times conduct its business and affairs in such a manner that any and all ledger accounts and records pertaining to the receipt and expenditure of the DOER funds under this Agreement shall be kept separate and distinct from all ledger accounts and records of the Grantee relative to any other enterprise which the Grantee has engaged in, developed, or administered.

8. Unused Funds

Any funds undisbursed or uncommitted by the Grantee after September 30, 2021, shall be promptly returned to the DOER within sixty (60) days.

9. Administrative Costs

Grantee's administrative costs cannot exceed ten percent (10%) of the maximum obligation contract amount of one hundred thirty-seven thousand seven hundred sixty-one dollars (\$137,761.00).

10. Publicity

The municipality will coordinate with the DOER on all publicity regarding this Project(s).

11. Reporting and Other Required Documentation

- A. Should Grantee engage a third party to manage administrative functions of the program and rely on the internal controls of that third party, the third party shall provide the results of an internal controls audit annually according to the provisions Statements of Auditing Standards No. 70 to the DOER and Grantee.
- B. Grantee shall have a program to combat fraud, waste and abuse of funds and shall incorporate into its program guidance provided by the Office of the State Comptroller.
- C. **Quarterly reports:** The Grantee shall be required to file progress and financial reports once every quarter, unless specifically exempted in writing by the DOER. Quarterly reports are due by 5pm 4 days after the completion of each of the following quarters:
 - a. July 1 – Sept 30
 - b. Oct 1 – Dec 30
 - c. Jan 1 – Mar 30
 - d. Apr 1 – June 30

Quarterly reports shall include:

- a. The progress and status of activities performed in relation to the Scope of Grant Award including an explanation of any delays or obstacles encountered in meeting the performance schedule as well as a description of efforts taken to resolve delays; and
 - b. The actual costs incurred to date by the Project, breaking down all costs in such manner as the DOER may prescribe.
- D. Final report:** The final report shall be submitted within two (2) months after completion of the final project receiving funding, and shall include a summary of the projects completed, including project locations and capacity. All quarterly and final reports above shall be submitted to:

Jane Pfister
Green Communities Grant Coordinator
617-626-1194
jane.pfister@mass.gov

NOTE: If the services funded by this Agreement are solicited pursuant to M.G.L. ch. 25A § 11C or § 11I, then the Grantee shall also comply with the monitoring and reporting requirements set forth in the DOER’s regulations at 225 C.M.R. 10.00, 19.00 or other applicable regulations. For solar PV systems, registration with and reporting to the Massachusetts Clean Energy Center Production Tracking System (PTS) is required.

- E. **Ownership of Reports and Other Required Documentation:** The deliverables shall be owned by the Commonwealth of Massachusetts and treated as public documents. Following the completion of the contract both the Commonwealth of Massachusetts and the Grantee retain the right to make further use of the deliverables.

VI. ATTACHMENT D - BUDGET

Check one: Initial Budget Budget/Account Amendment. Maximum Obligation before this Amendment:

PRIOR MMARS DOCUMENT ID: _____ (for reference - if applicable)

CURRENT DOC ID: _____.

[See Instructions for Additional Guidance on completion. Insert as many additional lines as necessary.]

A	B	C	D	E	F	G	H	I
Budget Fiscal Year	Account	Object Class	Activity / Function Codes	Initial Amount / or Amount Prior to Amendment	Indicate Add or Reduce +/-	Amendment Amount	Enter "YES" if Amount is a prior FY budget reduction or a current FY "Carry-in" authorization for Federal Funds	New Amount After Amendment
FY21	2000-0113	P01	GNCO-COMP	\$137,760.00				
FY22	2000-0113	P01	GNCO-COMP	\$ 1.00				

FISCAL YEAR SUBTOTALS AND TOTAL MAXIMUM OBLIGATION FOR DURATION OF CONTRACT	
FISCAL YEAR: <u>2021</u> SUBTOTAL (or New Subtotal if Fiscal Year Subtotal being amended)	\$137,760.00
FISCAL YEAR: <u>2022</u> SUBTOTAL (or New Subtotal if Fiscal Year Subtotal being amended)	\$ 1.00
FISCAL YEAR: _____ SUBTOTAL (or New Subtotal if Fiscal Year Subtotal being amended)	
FISCAL YEAR: _____ SUBTOTAL (or New Subtotal if Fiscal Year Subtotal being amended)	
TOTAL MAXIMUM OBLIGATION FOR DURATION OF CONTRACT	\$137,761.00

**VII. COMMONWEALTH OF MASSACHUSETTS
STANDARD CONTRACT ATTACHMENTS (ENCLOSED)**

1. COMMONWEALTH TERMS AND CONDITIONS
2. GRANTEE AUTHORIZED SIGNATORY LISTING
3. W-9 FORM
4. EFT



COMMONWEALTH TERMS AND CONDITIONS

This Commonwealth Terms and Conditions form is jointly issued by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) for use by all Commonwealth of Massachusetts ("State") Departments and Contractors. *Any changes or electronic alterations by either the Department or the Contractor to the official version of this form, as jointly published by ANF, CTR and OSD, shall be void.* Upon execution of the Standard Contract Form these Commonwealth Terms and Conditions will be incorporated by reference. Performance shall include services rendered, obligations due, costs incurred, commodities and deliverables provided and accepted by the Department, programs provided or other commitments authorized under a Contract. A deliverable shall include any tangible product to be delivered as an element of performance under a Contract. The Commonwealth is entitled to ownership and possession of all deliverables purchased or developed with State funds. Contract shall mean the Standard Contract Form issued jointly by ANF, CTR and OSD.

1. Contract Effective Start Date. Notwithstanding verbal or other representations by the parties, the effective start date of performance under a Contract shall be the later of the date the Contract was executed by an authorized signatory of the Contractor, the date the Contract was executed by an authorized signatory of the Department, the date specified in the Contract, or the date of any approvals required by law or regulation.

2. Payments And Compensation. The Contractor shall only be compensated for performance delivered and accepted by the Department in accordance with the specific terms and conditions of a Contract. All Contract payments are subject to appropriation pursuant to M.G.L. c. 29, § 26, or the availability of sufficient non-appropriated funds for the purposes of a Contract, and shall be subject to intercept pursuant to M.G.L. c. 7A, § 3 and 815 CMR 9.00. Overpayments shall be reimbursed by the Contractor or may be offset by the Department from future payments in accordance with state finance law. Acceptance by the Contractor of any payment or partial payment, without any written objection by the Contractor, shall in each instance operate as a release and discharge of the State from all claims, liabilities or other obligations relating to the performance of a Contract.

3. Contractor Payment Mechanism. All Contractors will be paid using the Comptroller's payment system unless a different payment mechanism is required. The Contractor shall timely submit invoices and supporting documentation as prescribed in a Contract. The Department shall review and return rejected invoices within fifteen (15) days of receipt with a written explanation for rejection. Payments shall be made in accordance with the bill paying policy issued by the Office of the Comptroller and 815 CMR 4.00, provided that payment periods listed in a Contract of less than forty-five (45) days from the date of receipt of an invoice shall be effective only to enable a Department to take advantage of early payment incentives and shall not subject any payment made within the forty-five (45) day period to a penalty. The Contractor Payroll System shall be used only for Individual Contractors who have been determined to be Contract Employees as a result of the Department's completion of an Internal Revenue Service SS-8 form in accordance with the Omnibus Budget Reconciliation Act (OBRA) 1990, and shall automatically process all state and federal mandated payroll, tax and retirement deductions.

4. Contract Termination Or Suspension. A Contract shall terminate on the date specified in a Contract, unless this date is properly amended in accordance with all applicable laws and regulations prior to this date, or unless terminated or suspended under this Section upon prior written notice to the Contractor. The Department may terminate a Contract without cause and without penalty, or may terminate or suspend a Contract if the Contractor breaches any material term or condition or fails to perform or fulfill any material obligation required by a Contract, or in the event of an elimination of an appropriation or availability of sufficient funds for the purposes of a Contract, or in the event of an unforeseen

public emergency mandating immediate Department action. Upon immediate notification to the other party, neither the Department nor the Contractor shall be deemed to be in breach for failure or delay in performance due to Acts of God or other causes factually beyond their control and without their fault or negligence. Subcontractor failure to perform or price increases due to market fluctuations or product availability will not be deemed factually beyond the Contractor's control.

5. Written Notice. Any notice shall be deemed delivered and received when submitted in writing in person or when delivered by any other appropriate method evidencing actual receipt by the Department or the Contractor. Any written notice of termination or suspension delivered to the Contractor shall state the effective date and period of the notice, the reasons for the termination or suspension, if applicable, any alleged breach or failure to perform, a reasonable period to cure any alleged breach or failure to perform, if applicable, and any instructions or restrictions concerning allowable activities, costs or expenditures by the Contractor during the notice period.

6. Confidentiality. The Contractor shall comply with M.G.L. c. 66A if the Contractor becomes a "holder" of "personal data". The Contractor shall also protect the physical security and restrict any access to personal or other Department data in the Contractor's possession, or used by the Contractor in the performance of a Contract, which shall include, but is not limited to, the Department's public records, documents, files, software, equipment or systems.

7. Record-keeping And Retention, Inspection Of Records. The Contractor shall maintain records, books, files and other data as specified in a Contract and in such detail as shall properly substantiate claims for payment under a Contract, for a minimum retention period of six (6) years beginning on the first day after the final payment under a Contract, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving a Contract. The Department shall have access, as well as any parties identified under Executive Order 195, during the Contractor's regular business hours and upon reasonable prior notice, to such records, including on-site reviews and reproduction of such records at a reasonable expense.

8. Assignment. The Contractor may not assign or delegate, in whole or in part, or otherwise transfer any liability, responsibility, obligation, duty or interest under a Contract, with the exception that the Contractor shall be authorized to assign present and prospective claims for money due to the Contractor pursuant to a Contract in accordance with M.G.L. c. 106, § 9-318. The Contractor must provide sufficient notice of assignment and supporting documentation to enable the Department to verify and implement the assignment. Payments to third party assignees will be processed as if such payments were being made directly to the Contractor and these payments will be subject to intercept, offset, counter claims or any other Department rights which are available to the Department or the State against the Contractor.

9. Subcontracting By Contractor. Any subcontract entered into by the Contractor for the purposes of fulfilling the obligations under a Contract must be in writing, authorized in advance by the Department and shall be consistent with and subject to the provisions of these Commonwealth Terms and Conditions and a Contract. Subcontracts will not relieve or discharge the Contractor from any duty, obligation, responsibility or liability arising under a Contract. The Department is entitled to copies of all subcontracts and shall not be bound by any provisions contained in a subcontract to which it is not a party.

10. Affirmative Action, Non-Discrimination In Hiring And Employment. The Contractor shall comply with all federal and state laws, rules and regulations promoting fair employment practices or prohibiting employment discrimination and unfair labor practices and shall not discriminate in the hiring of any applicant for employment nor shall any qualified employee be demoted, discharged or otherwise subject to discrimination in the tenure, position, promotional opportunities, wages, benefits or terms and conditions of their employment because of race, color, national origin, ancestry, age, sex, religion, disability,



COMMONWEALTH TERMS AND CONDITIONS

handicap, sexual orientation or for exercising any rights afforded by law. The Contractor commits to purchasing supplies and services from certified minority or women-owned businesses, small businesses or businesses owned by socially or economically disadvantaged persons or persons with disabilities.

11. Indemnification. Unless otherwise exempted by law, the Contractor shall indemnify and hold harmless the State, including the Department, its agents, officers and employees against any and all claims, liabilities and costs for any personal injury or property damages, patent or copyright infringement or other damages that the State may sustain which arise out of or in connection with the Contractor's performance of a Contract, including but not limited to the negligence, reckless or intentional conduct of the Contractor, its agents, officers, employees or subcontractors. The Contractor shall at no time be considered an agent or representative of the Department or the State. After prompt notification of a claim by the State, the Contractor shall have an opportunity to participate in the defense of such claim and any negotiated settlement agreement or judgment. The State shall not be liable for any costs incurred by the Contractor arising under this paragraph. Any indemnification of the Contractor shall be subject to appropriation and applicable law.

12. Waivers. Forbearance or indulgence in any form or manner by a party shall not be construed as a waiver, nor in any way limit the legal or equitable remedies available to that party. No waiver by either party of any default or breach shall constitute a waiver of any subsequent default or breach.

13. Risk Of Loss. The Contractor shall bear the risk of loss for any Contractor materials used for a Contract and for all deliverables, Department personal or other data which is in the possession of the Contractor or used by the Contractor in the performance of a Contract, until possession, ownership and full legal title to the deliverables are transferred to and accepted by the Department.

14. Forum, Choice of Law And Mediation. Any actions arising out of a Contract shall be governed by the laws of Massachusetts, and shall be brought and maintained in a state or federal court in Massachusetts which shall have exclusive jurisdiction thereof. The Department, with the approval of the Attorney General's Office, and the Contractor may agree to voluntary mediation through the Massachusetts Office of Dispute Resolution (MODR) of any Contract dispute and will share the costs of such mediation. No legal or equitable rights of the parties shall be limited by this Section.

15. Contract Boilerplate Interpretation, Severability, Conflicts With Law, Integration. Any amendment or attachment to any Contract which contains conflicting language or has the effect of a deleting, replacing or modifying any printed language of these Commonwealth Terms and Conditions, as officially published by ANF, CTR and OSD, shall be interpreted as superseded by the official printed language. If any provision of a Contract is found to be superseded by state or federal law or regulation, in whole or in part, then both parties shall be relieved of all obligations under that provision only to the extent necessary to comply with the superseding law, provided however, that the remaining provisions of the Contract, or portions thereof, shall be enforced to the fullest extent permitted by law. All amendments must be executed by the parties in accordance with Section I of these Commonwealth Terms and Conditions and filed with the original record copy of a Contract as prescribed by CTR. The printed language of the Standard Contract Form, as officially published by ANF, CTR and OSD, which incorporates by reference these Commonwealth Terms and Conditions, shall supersede any conflicting verbal or written agreements relating to the performance of a Contract, or attached thereto, including contract forms, purchase orders or invoices of the Contractor. The order of priority of documents to interpret a Contract shall be as follows: the printed language of the Commonwealth Terms and Conditions, the Standard Contract Form, the Department's Request for Response (RFR) solicitation document and the Contractor's Response to the RFR solicitation, excluding any language stricken by a Department as unacceptable and including any negotiated terms and conditions allowable pursuant to law or regulation.

IN WITNESS WHEREOF, the Contractor certifies under the pains and penalties of perjury that it shall comply with these Commonwealth Terms and Conditions for any applicable Contract executed with the Commonwealth as certified by their authorized signatory signing the Standard Contract Form.

**COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING**

Issued May
2004



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

Signature

Date:

Title:

Telephone:

Fax:

Email:

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

**COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING**

Issued May
2004



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

PROOF OF AUTHENTICATION OF SIGNATURE

**This page is optional and is available for a department to authenticate contract signatures.
It is recommended that Departments obtain authentication of signature for the signatory
who submits the Contractor Authorized Listing.**

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type):

Title:

X _____

Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, _____ (NOTARY) as a notary public certify that I witnessed
the signature of the aforementioned signatory above and I verified the individual's identity on this date:

_____, 20 _____.

My commission expires on:

AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the
signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's
authority as an authorized signatory for the Contractor on this date:

_____, 20 _____.

AFFIX CORPORATE SEAL

Request for Taxpayer Identification Number and Certification

Completed form should be
given to the requesting
department or the department
you are currently doing
business with.

Please print or type

Name (List legal name, if joint names, list first & circle the name of the person whose TIN you enter in Part I-See **Specific Instruction** on page 2)

Business name, if different from above. (See **Specific Instruction** on page 2)

Check the appropriate box: Individual/Sole proprietor Corporation Partnership Other

Legal Address: number, street, and apt. or suite no. **Remittance Address:** if different from legal address number, street, and apt. or suite no.

City, state and ZIP code

Phone # () Fax # () Email address:

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). **However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instruction on page 2.** For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 2.

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Social security number

□□□-□□-□□□□

OR

Employer identification number

□□-□□□□□□

Vendors:
Dunn and Bradstreet Universal Numbering System (DUNS)

DUNS

□□□□□□□□

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), **and**
- I am not subject to backup withholding because: **(a)** I am exempt from backup withholding, or **(b)** I have not been notified by the Internal Revenue Services (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or **(c)** the IRS has notified me that I am no longer subject to backup withholding, **and**
- I am an U.S. person (including an U.S. resident alien).
- I am currently a Commonwealth of Massachusetts's state employee: (check one): No ___ Yes ___ If yes, **in compliance with** the State Ethics Commission **requirements**.

Certification instructions: You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply.

Sign Here

Authorized Signature ▶

Date ▶

Purpose of Form

A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and , when applicable, to:

- Certify the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify you are not subject to backup withholding

If you are a foreign person, use the appropriate Form W-8. See Pub 515, Withholding of Tax on Nonresident Aliens and Foreign Corporations.

What is backup withholding? Persons making certain payments to you must withhold a designated percentage, currently 28% and pay to the IRS of such payments under certain

conditions. This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. **Payments you receive will be subject to backup withholding if:**

- You do not furnish your TIN to the requester, or
- You do not certify your TIN when required (see the Part II instructions on page 2 for details), or
- The IRS tells the requester that you furnished an incorrect TIN, or
- The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Part II instructions on page 2.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name. If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first and then circle the name of the person or entity whose number you enter in Part I of the form.

Sole proprietor. Enter your **individual** name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, **enter the owner's name on the "Name" line.** Enter the LLC's name on the "Business name" line.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Other entities. Enter your business name as shown on required Federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Part II - Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box.

If you are a **resident alien** and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN** below.

If you are a **sole proprietor** and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are an LLC that is **disregarded as an entity** separate from its owner (see **Limited liability company (LLC)** above), and are owned by an individual, enter your SSN (or "pre-LLC" EIN, if desired). If the owner of a disregarded LLC is a corporation, partnership, etc., enter the owner's EIN.

Note: See the chart on this page for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get **Form SS-5**, Application for a Social Security Card, from your local Social Security Administration office. Get **Form W-7**, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN or **Form SS-4**, Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS's Internet Web Site www.irs.gov.

If you do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments.

The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Part II - Certification

To establish to the paying agent that your TIN is correct or you are a U.S. person, or resident alien, sign Form W-9.

For a joint account, only the person whose TIN is shown in Part I should sign (when required).

Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

Dunn and Bradstreet Universal Numbering System (DUNS) number requirement – The United States Office of Management and Budget (OMB) requires all vendors that receive federal grant funds have their DUNS number recorded with and subsequently reported to the granting agency. If a contractor has multiple DUNS numbers the contractor should provide the primary number listed with the Federal government's Central Contractor Registration (CCR) at www.ccr.gov. Any entity that does not have a DUNS number can apply for one online at <http://www.dnb.com/us/> under the DNB D-U-N Number Tab.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to give your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA or MSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold a designated percentage, currently 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

What Name and Number to Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹ The minor ²
3. Custodian account of a minor (Uniform Gift to Minors Act)	The grantor-trustee ¹
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship	The owner ³
For this type of account:	Give name and EIN of:
6. Sole proprietorship	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name, but you may also enter your business or "DBA" name. You may use either your SSN or EIN (if you have one).

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

If you have questions on completing this form, please contact the Office of the State Comptroller. (617) 973-2468.

Upon completion of this form, please send it to the Commonwealth of Massachusetts Department you are doing business with.



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE COMPTROLLER
 Electronic Funds Transfer Sign Up Form

Request type must be checked: Initial Request Changing Existing Account Closing Account

I _____, hereby certify that the account/s indicated on this form is under my direct control and access; therefore, I authorize the State Treasurer as fiscal agent for the State of Massachusetts to initiate, change or cancel credit entries to that account/s as indicated on this form.

For ACH debits consistent with the International ACH Transaction (IAT) rules check one:

- I affirm that payments authorized hereunder are not to an account that is subject to being transferred to a foreign bank account.
- I affirm that payments authorized hereunder are to an account that is subject to being transferred to a foreign bank account.

This authority is to remain in full force and effect until the Office of Comptroller has received written notification, from ether me or an authorized officer of organization of the account's termination in such time and in such a manner as to afford CTR a reasonable opportunity to act upon it.

VENDOR BANK INFORMATION

Vendor Bank Name: _____
 Vendor Bank Transit Number (ABA): _____
 Vendor Bank Account Number: _____

Filling out this field is a requirement for changing account number

Vendor Bank Old Account Number: _____
 Account Type: _____

VENDOR INFORMATION

Vendor Tax Identification Number (TIN): _____
 Vendor/Business Name: _____
 Vendor Contact Name: _____
 E-mail: _____
 Telephone: _____
 Address: _____
 City: _____ State: _____ Zip: _____

This authorization will remain in effect until either canceled in writing or an updated form changing information is sent to the Department you currently do business with.

AUTHORIZED SIGNATURE: _____

Print Name: _____ Title: _____ Date: _____

Form forwarded to Commonwealth Department: _____

Attached voided check here:





SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

VII

COVID-19 UPDATES AND RECOMMENDATIONS

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

VIII

SELECTBOARD REPORTS

Reported by:	Topic:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

IX

TOWN ADMINISTRATOR'S REPORT

To: Board of Selectmen
From: Maria T. Broadbent, Town Administrator
Subject: Town Administrator's Report
Date: September 17, 2020

This report is for the period September 4, 2020 through September 17, 2020.

1. General

- Town buildings remain closed as precaution to the COVID-19 virus. Town staff is available by appointment.
- Following Governor Baker's directive staff has been directed to continue to work from home whenever possible.
- Staff members sharing an office alternate their time in the office or take precautions as necessary.
- Town Administrator plans to work in person at least on Tuesday afternoons and on Wednesdays until mid-afternoon
- The administrative staff person responsible for issuing building permits will be working in-office full-time beginning on September 21 so that that office can devote the needed attention issuing permits on a timely basis.

2. Fiscal Matters

- Please see memo from the Town's Treasurer and Accountant regarding cashflow and budget concerns as a result of revenue shortfalls related to COVID-19. As a result, departments have been directed to curtail spending until enough revenue has been received to restore bank accounts to necessary levels.

3. Meetings – Most meetings are via conference call/Zoom

- September 4-KP Law, prep for Annual Town Meeting
- September 9-Comcast Cable Negotiations
- September 10-Cable Advisory Committee
- September 10-Cape Manager's Meeting
- September 11-Herring River Restoration project update

4. Complaints:

5. Personnel Matters:

- Michael Flanagan will be retiring soon.
- Building inspector position has been posted and interest has been shown



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

XI

CORRESPONDENCE REPORT

Thursday, September 3, 2020, through Friday, September 18, 2020

Letters (emails):

9/3	Courtney Butler	9/8 Agenda Meeting Packet
9/3	Collen Cronin	new police reform bill
9/3	MMA	Welcome to the Massachusetts Select Board Association!
9/4	Ryan Curley	Omaha Road
9/4	Jane Pfister	WELLFLEET—Competitive Grant Contract Documents
9/5	Ryan Curley	Interview with Jeff Behler of the Census Bureau Regarding the Cape
9/5	Ryan Curley	Sunday 9/13 Site Visit
9/6	Anne Fausto Sterling	Omaha Road Parking and Boats
9/8	Robert Airosus	Concerns
9/8	MMA	Justina, Nominate Your Municipality for the MMA's 2021 Annual Meeting Awards
9/8	Courtney Butler	For Reference - Articles 23 and 25
9/8	Eddie DiLorenzo	Arthur Medici Bench @ Newcomb Hollow
9/8	Maria Broadbent	420 Lecount Hollow - zoning violation
9/8	Ryan Curley	95 Lawrence Rd
9/8	Betty Burkes	Seeking contact information for Select Person Helen Wilson
9/8	Ryan Curley	Fwd: Cape Cod Water Protection Fund Clarification
9/8	Ryan Curley	Library of Congress Legal Right of Assembly
9/8	Courtney Butler	Board Goals – Not Consolidated
9/8	MMA	Register Now for MSA Webinar on Reopening Schools & Police Reform 9/15
9/9	Sara Blandford	Application for BLM March
9/9	Della Spring	Building permit
9/9	Donna Alexander	Anniversary Celebration
9/9	MMA	WLG Symposium Debrief & Discussion
9/9	Donna Alexander	Grace Chapel
9/9	Janet Reinhart	Medici Memorial this Sunday @ 3:30
9/9	Ryan Curley	Sunday's Meeting
9/10	MMA	Registration is Open for WEMO's Virtual Leadership Conference 10/16!
9/10	MA Division of Marine Fisheries	ASMFC and MAFMC Public Hearings on Black Sea Bass Commercial Allocation Management
9/10	Helen Miranda Wilson	Fwd: Taxation Aid Committee
9/10	Ryan Curley	Letter from Donna Rickmna Concerning the Cemetery Restorations



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

9/10	Ryan Curley	Fwd: Cemetery Issues
9/10	Janet Reinhart	Committee Meetings
9/10	Courtney Butler	Fwd: OML Question - Wellfleet
9/10	Courtney Butler	Motions "Cheat Sheet"
9/11	MA Division of Marine Fisheries	Federal 2020 Winter II Scup Quota and Possession Limit Set; DMF Proposes to Adopt Complementary Limit
9/12	Ryan Curley	State Guidance and Advice for Extreme Heat Events
9/13	Chief Rich Pauley	Explosives Incident, 2013 Route 6
9/13	Ron Beaty	NEWS RELEASE: "Ron Beaty Seeks Public Feedback on Proposal to Rename Cape Cod National Seashore After President Trump"
9/14	MA Division of Marine Fisheries	Reminder: The Saltwater Derby Runs through November 30th
9/14	MMA	Las Chance to Register for Tomorrow's MSA Webinar on Reopening Schools & Police Reform!
9/14	Scott Tetreault	Boston25 Request
9/14	Elizabeth Beyus	Condition of headstone repairs at Pleasant Hill, Oak Dale and at Duck Creek Cemeteries
9/15	Janet Reinhart	Seashore/Bike Trail Letter
9/15	Ryan Curley	Town Moderator on Town Meeting Voting Tallies
9/15	James Maillet	Building Inspector's Job
9/15	Ryan Curley	town meeting thank you's
9/15	Courtney Butler	Fwd: MSA 9/15 Reopening Schools & Police Reform Webinar Follow-Up
9/16	MMA	The Select Board Association Wants You to Join the 2021 Board of Directors!
9/16	Ryan Curley	Fwd: Bike Trail Petitions
9/16	Ryan Curley	Fwd: bike path petition (clarification)
9/16	Ryan Curley	Revised costs for 95 Lawrence
9/17	Ryan Curley	The CLF notified MA DEP and the towns of Barnstable and Mashpee of its intent to file a lawsuit to stop septic systems
9/17	Robert Airosus	Purple Bag Data
9/17	Helen Miranda Wilson	Agenda item: Yet another Zoom glitch!
9/17	Courtney Butler	Goals and 9/22 materials
9/17	Lilli Green	Selectboard Agenda request
9/18	Courtney Butler	9/22 Meeting Packet and Information
Internal Memos:		
9/10	Ryan Curley	
	Selectboard Vendor and P/R Expenditures	W09152020 \$408,492.73 09152020PR \$422,753.24



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

XII

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of meeting minutes
PROPOSED MOTION:	I move to approve the minutes of September 8, 2020 as printed in draft. I move to approve the minutes of September 11, 2020 as printed in draft.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

DRAFT – A full audio recording of this virtual meeting can be found on the Town’s website under Wellfleet Town Media.

**Wellfleet Selectboard Meeting
Tuesday, September 8, 2020 at 7pm
Zoom Virtual Meeting**

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

Also Present: Town Administrator Maria Broadbent; Assistant Town Administrator Mike Trovato; Executive Assistant Courtney Butler; Police Chief Michael Hurley; Fire Chief Rich Pauley; Moderator Dan Silverman; Community Services Director Suzanne Thomas; Shellfish Constable Nancy Civetta; Tax Assessor Nancy Vail;

Chair DeVasto called the meeting to order at 7:00 p.m. This meeting was held via Zoom and the recording is available on the Town website.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT

- Wilson: tomorrow, September 9, at 3:00 the Wastewater Committee and the Board of Health will meet.

PUBLIC HEARINGS

Annual Tax Classification Hearing

Vail presented the annual tax classification hearing, asking the Board to declare the tax rate for FY2021. She first asked the Board to decide if they would maintain a unified tax rate for both commercial and residential properties and all other classes. Currently, the split between the two classes is 96% residential and 4%. A shift would place an undue burden of 4% on Wellfleet taxpayers.

DeVasto said this would be an unfair burden to place onto the small commercial properties in Town.

- DeVasto moved to make the Residential Factor the numeral 1 for FY2021.
- Reinhart seconded, and the motion carried 5-0.

Vail said during FY19 only 600 people turned in their paperwork, but this year there have been 732 people so far. She said the Board can vote to exempt up to 35% of the average value of the entire residential class. Vail noted that last year she did ask the Board to keep it at 20%, and that she is asking the Board for that same percentage this year. She said she would like one more year to have a handle on the program and that there is also an influx of new homeowners or those who were Non-Resident Taxpayers now moving into their second home.

Reinhart asked Vail to say the cutoff dates to file for the exemption; Vail said that it is September 1, 2020 with the Town, even though the due date under the law is April 1, 2021, to qualify for the FY2021 exemption. She said that even if the Town’s due date is Sept. 1, people can still file until April 1. Vail also noted that if you have already filed once, you need not do it again. Carlson agreed that holding the exemption at 20% was a good idea.

Curley said he would like to extend the exemption for year-round rentals. Vail said that is called the extended-residential exemption, which is still on the legislative level; she suggested that the Board contact local representatives to get that bill filed. Curley said this is a small incentive but a good

DRAFT – A full audio recording of this virtual meeting can be found on the Town’s website under Wellfleet Town Media.

way to save the rental stock in Town. Wilson said that there is no way of knowing the finances of the people in either category, a point she has made in years past, and that some second homeowners spend more time here than people who are registered voters. She said she did not like describing people who live here year-round as “uniformly in greater financial need.” Wilson asked that people who choose to domicile here, who do not need an exemption, to not apply for it, noting that the tax rate increases for all. Vail said that the exemption is not need based at all; it is only based on domicile.

Vail also noted that there are many types of people who apply, even some who take the exemption but then use those funds to donate to a cause on the Lower and Outer Cape. DeVasto said the benefit of this program far outweighs the few who don’t need it and take it. There was further discussion.

Susan Reverby, President of the Wellfleet Seasonal Resident Association, said she was struck that Eastham voted not to do this because their ration of domiciled to not domiciled was 50-50. She asked the Board to keep an eye on Wellfleet’s ratio. Reverby said that in her neighborhood, all the houses owned by non-resident taxpayers were bought from year-round residents; stating that by selling a home for the most amount of money, one also contributes to the high cost living.

Wilson said that the tax rate last year went up from \$7.48 to \$7.75; she will be asking Curley to draft a letter to the legislators about the extended residential exemption he mentioned earlier, later in the meeting. Wilson and Vail also noted the Taxation Aid Fund, which is funded by donations and has certain parameters for qualifying, as well as the Tax Work Off program. Vail, saying that both focus on the elderly population, but nothing exists for those younger than 55.

- Reinhart moved to approve the adoption of a residential tax exemption for FY2021.
- DeVasto seconded, and the motion carried 5-0.

- DeVasto moved that the residential tax exemption for FY2021 be 20% .
- Reinhart seconded, and the motion carried 5-0.

Vail presented the Open Space exemption. She noted that, again, there is no private open space that would benefit from this, as all open space land is owned by a public group such as the Conservation Trust or Audubon Society. No action taken.

Vail presented the Small Business exemption. She noted that a small business is defined as “one having less than 10 employees and an assessed value of less than \$1 million.” She noted that all Wellfleet businesses are considered small under these parameters, so they would almost all be exempt, placing an undue burden of the commercial tax burden to the handful of employers who are not considered small. Curley asked if there was any way to reduce those amounts; Vail said that is State law, no. No action taken.

COVID-19 UPDATES AND RECOMMENDATIONS

- Butler announced that next Tuesday, September 15, at 10 AM, the Emergency Management Team will host their next COVID-19 Community Update Call.
- Wilson reflecting on beach parking and the closure of White Crest, saying that it should have been handled differently.

DRAFT – A full audio recording of this virtual meeting can be found on the Town’s website under Wellfleet Town Media.

- Chief Hurley said that in August, Massachusetts Emergency Management A made a shipment of 6,000 pieces of equipment for the pandemic.

BOARD/COMMITTEE APPOINTMENTS AND UPDATES

Onsite Engineering – Final Report of Evaluation of Septic Options for 95 Lawrence Road Housing Project [Assistant Town Administrator]

Trovato introduced this item along with David Formato and Ray Willis, of Onsite Engineering. Trovato said that the Task Force and the Board of Water Commissioners received a District Local Technical Assistance grant to conduct a study for sewage treatment and disposal systems at the proposed affordable housing site.

Formato described the work done to compile the report provided to the Board; the Executive Summary was provided in the packet for this meeting on the Town website and both the Summary and full Report are also available from the Administration office.

Curley said he felt the Board was missing half of the information, saying he did not see enough information about the actual nitrogen removal that would take place. He also said he forwarded the Board a message from Scott Horsley, consultant, describing the nitrogen information he was seeking. Formato said that the very detailed Request for Proposals that he responded to did not ask proposers to go into that much research and detail regarding nitrogen. Wilson asked Formato if he was ever informed of the activities of the Wastewater Committee, who were also looking into nitrogen; Formato said no. Trovato said he asked the Health Agent to work on the RFP and that while this may not give the Board the information they want, it does provide the developer options for the system that they need to build.

Curt Felix, Chair of the Wastewater Committee, said that Horsley was involved in the process and the systems that were selected and reviewed have similar high-nitrogen removal. He said that these are all great system and in the ballpark of what the Town is looking for, he cited no concerns. DeVasto asked Felix, if the Town went with the larger system, if the means to get people tied into those systems was a bigger burden, asking if people have a choice in whether they want to connect to this system. Felix said everyone receives a benefit due to the credits received by the nitrogen reduction; citing that the more people that hook up, the higher the credit. There was further discussion.

Curley asked what the next steps were; Trovato said that this scope of work has been completed and that Onsite will finalize their report. He said that they would need to work with the Cape Cod Commission to use their grant funds for an addendum to this scope. DeVasto said it would be good to get all the information Curley seeks into the Onsite report; Trovato said he would work on that.

Fall Tax Bill Inserts

Lydia Vivante, Recycling Committee, presented their request. Reinhart said it would be a good idea to have handouts, like the one presented, provided to those who rent their homes.

- DeVasto moved to approve the Fall Tax Bill Insert for the Recycling Committee.
- Reinhart seconded, and the motion carried 4-0-1, with Carlson abstained.
- DeVasto moved to approve the Fall Tax Bill Insert for the Taxation Aid Committee.
- Reinhart seconded, and the motion carried 5-0.

DRAFT – A full audio recording of this virtual meeting can be found on the Town’s website under Wellfleet Town Media.

Rights of Public Access Committee – Choose 3

Mike Kubiak, Barbara Brennessel, Stephen SetteDucati, Melissa Yow, Sonya Woodman, Thomas Siggia, and Nicholas Baron each submitting an application to join this committee.

Kubiak said he knows a lot of woodland trails, where he spends a lot of time, and can serve the committee in that aspect, as not to focus solely on shellfishing and beaches.

Brennessel, who also serves on the Conservation Commission, presented her reasons for wanting to join this committee, saying the two intersect.

SetteDucati said he was encouraged to apply by Kubiak and expressed his reasons for wanting to serve on the committee.

Yow presented her reasons for wanting to join, saying she spoke with Civetta and Jim Falcone and is interested in the access to public rights.

Woodman was unable to be on the call, but she does want to serve on the committee; Civetta provided a letter for Yow and Woodman.

Siggia described the boards he serves on currently and said that he has dealt with having a Town Landing on private property, which he has enjoyed working with the Town on and providing.

Baron described his reasons for wanting to serve on this committee, which mostly revolves around his love of the outdoors and wanting to give back to his town.

There was further discussion of the candidates. Curley said he would like to see Baron, Yow, and Woodman on the committee. Wilson preferred Brennessel, Woodman, and Yow, and was torn between Baron and Siggia. Carlson also preferred Baron, Yow, and Woodman. DeVasto said he was leaning toward Curley and Carlson’s recommendations.

- Curley moved to appoint Sonya Woodman to the Rights of Public Access Committee, for a term ending June 30, 2021.
- Reinhart seconded, and the motion carried 4-1, with Wilson opposed.
- Curley moved to appoint Melissa Yow to the Rights of Public Access Committee, for a term ending June 30, 2021.
- Reinhart seconded, and the motion carried 5-0.
- Curley moved to appoint Nicholas Baron to the Rights of Public Access Committee, for a term ending June 30, 2021.
- Reinhart seconded, and the motion carried 5-0.

Planning Board – Olga Kahn from alternate to regular member

Kahn currently serves as an alternate on the Planning Board and would like to become a full member. She encouraged others to step up and serve as an alternate as well.

- DeVasto moved to appoint Olga Kahn, currently an alternate, as a regular member of the Planning Board with a term ending June 30, 2023.
- Carlson seconded, and the motion carried 5-0.

Planning Board Meeting Schedule Discussion [Curley]

Curley was concerned that the Planning Board has not met since the beginning of the pandemic; he was also concerned that their December 2019 meeting minutes are not posted online. Gerald Parent, Chair of the Planning Board, said that the Board has not had anything submitted to the Board since COVID-19 that would require a meeting. Butler said she would work with the Planning Board Secretary to get minutes posted online. DeVasto asked the Planning Board’s thoughts on the

DRAFT – A full audio recording of this virtual meeting can be found on the Town’s website under Wellfleet Town Media.

proposed DCR and DOT projects; Parent said that the Planning Board has not taken a position, but individual members have. There was further discussion.

Planning Board Comments and Involvement in the Proposed Route 6/Main Street and Cape Cod Rail Trail Projects

This item was discussed in conjunction with the above item.

USE OF TOWN PROPERTY

Location TBD – Sam Giamatti and Sarah Blandford

Blandford and another member of her group were present, Giamatti was not. The group is interested in providing another opportunity for the community to create another march and to engage the energy that is alive in their community for a more equitable and just community and Cape Cod. They plan to hold the event on September 20 at 10 AM, following the same route as their last march on July 4. The group has made a request to the Congregational Church to use their space for this event.

Chief Hurley said that Giamatti contacted him a few weeks ago, hoping to hold the event on Labor Day and the date changed. Chief Hurley recommended that the request go on this agenda last week, even though no application was on file, so that it can be approved prior to the event. He stated the support that his department will provide and said that because of the use of the Congregational Church, the only use of Town property is at the pier and on the roads. Wilson asked for the specific route and locations, since traffic will be stopped. Hurley described the route for the event.

Carlson asked if there was a backup plan to the Church; Blandford said that they do not have a plan yet and the Church is working to approve their use. DeVasto, feeling that the right to assemble is a constitutional right, chose to abstain from this matter; Carlson agreed and chose to abstain. There was further discussion.

- Wilson moved to approve the use of town property to peacefully assemble and march from the Marina along Commercial Street, East Commercial Street, Whit’s Lane, and East Main Street, by Sam Giamatti and Sarah Blandford, on September 20, 2020, at 10 AM, contingent upon the completion of an application and subject to the conditions, if any, as listed on that application form, for a fee of \$110.
- Curley seconded, and the motion failed 2-1-2, with Reinhart and DeVasto abstained.

BUSINESS

Additions to Recreational Shellfishing Permit Categories [Shellfish Constable]

- DeVasto moved to amend Section 5.2.1, Eligibility for Noncommercial Permits and Section 5.2.2, Noncommercial Permit Fee Schedule, of the Wellfleet Shellfishing Policy and Regulations, as written and proposed by the Shellfish Constable, in accordance with the August 14, 2020 memo from the Massachusetts Division of Marine Fisheries Director Daniel J. McKiernan, in order to bring the regulations in to compliance with the November 2018 change to M.G.L. c. 130, s. 52. approve the Fall Tax Bill Insert for the Recycling Committee.
- Reinhart seconded, and the motion carried 5-0.

DRAFT – A full audio recording of this virtual meeting can be found on the Town’s website under Wellfleet Town Media.

Shellfish Permits for Town Staff [Shellfish Constable]

Curley asked how many non-resident employees there were; Butler said no more than a dozen.

- DeVasto moved to amend Section 5.2.2, Noncommercial Permit Fee Schedule, of the Wellfleet Shellfishing Policy and Regulations to reflect the permitted sale of recreational shellfishing permits to non-resident Town of Wellfleet employees at the resident rate, as recommended by the Shellfish Constable and Shellfish Department staff.
- Reinhart seconded, and the motion carried 5-0.

Request to Change Article 22: Shellfish Revolving Fund to Include Increased Spending Limit [Shellfish Constable]

Civetta discussed the purpose of the Revolving Fund.

- DeVasto moved to support the recommended increase of \$10,000 for the request in Article 22: Shellfish Revolving Fund Spending Limit, as proposed by the Shellfish Constable.
- Curley seconded, and the motion carried 5-0.

Correction of a Mistaken Designated Shellfish Growing Area in Regulations [Shellfish Constable]

- DeVasto moved to correct the area of Lt. Island South in Section 4.2.2, Boundaries, of the Wellfleet Shellfishing Policy and Regulations, to reflect the appropriate Cape Cod Bay 11 (CCB11) designation, as recommended by the Shellfish Constable.
- Carlson seconded, and the motion carried 5-0.

Selectboard FY2021 Goals – Begin Process by Reviewing FY2020 Goals

Butler asked the Board to begin thinking of their FY2021 goals, by reviewing their FY2020 goals. Wilson asked for the members individual goals, not just consolidated.

Response to Seashore Superintendent Brian Carlstrom’s letter dated August 28, 2020, re: Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination [Wilson]

Wilson explained the context of the letter. Curley and Reinhart supported the letter but did not want to go into amendments this evening due to the time. Carlson asked that the letter be more of an invitation to meet. The letter will be revisited at a future meeting.

Final Recommendations for Warrant Articles 23 and 25 [Moderator]

The Board will wait until Friday, September 11, 2020 to make recommendations.

SELECTBOARD REPORTS

- Wilson: attended the Gull Pond Association meeting
- Wilson: spoke with Cemetery Commissioner David Agger
- Curley: discussion with Scott Horsley, re: Nitrogen levels
- Curley: met with Anne Fausto Sterling about issues on Field Point
- Curley: site visit planned for Sunday, September 13, 2020

TOWN ADMINISTRATOR’S REPORT

This report is for the period August 22 through September 3, 2020

1. General

- Town buildings remain closed as precaution to the COVID-19 virus. Town staff is available by appointment.

DRAFT – A full audio recording of this virtual meeting can be found on the Town’s website under Wellfleet Town Media.

- Following Governor Baker’s directive staff has been directed to continue to work from home whenever possible.
 - Town Administrator plans to work in person on Tuesday afternoons and on Wednesdays until mid-afternoon
 - Plans continue for holding Annual Town Meeting on September 12 at the elementary school ballfield
2. Fiscal Matters
- Monitoring events as they relate to finances.
3. Meetings – Most meetings are via conference call/Zoom
- Continue general introduction meetings with staff
 - August 24-Town Bike & Walkway Committee, Rail Trail Bikeway Project
 - August 25- Jim Hood, Water System Upgrade
 - August 26-Herring River Restoration Project
 - August 26-Brian Carlstrom, National Seashore collaboration issued
 - August 26-Carolyn Murray, Town legal update
 - August 27- Wellness Team
 - August 28-Fred Magee, Finance Committee
 - September 1-Community Preservation Committee
 - September 2-Harry Terkanian, meet & greet
4. Complaints.
- None
5. Personnel Matters:
- Justin Post, Building Inspector, has resigned to take a position with the Town of Eastham. The position has been posted.

Broadbent said she will be bringing forth recommendations about parking issues on private property as well as other staff issues.

TOPICS FOR FUTURE DISCUSSION

- Wilson: Letter to Legislature
- Wilson: abide by Open Meeting and Conflict of Interest laws
- DeVasto: Selectboard member on the 95 Lawrence Road Task Force
- Curley: MEPA review for Map 30, Parcel 14
- Curley: gas tank replacement at Marina
- DeVasto: Selectboard member on the Wastewater Committee

CORRESPONDENCE AND VACANCY REPORTS

There was no discussion.

MINUTES

August 25, 2020

- DeVasto moved to approve the minutes of August 25, 2020 as printed.
- Reinhart seconded, and the motion carried 4-0-1, with Wilson abstained.

ADJOURNMENT

- Reinhart moved to adjourn.

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

The meeting adjourned at 10:50pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Documents available as of 9/8/2020:

1. Public Hearing Papers for Annual Tax Classification;
2. Memo from the Tax Assessor, re: Classification Hearing – Fiscal 2021;
3. 95 Lawrence Road Wastewater System Evaluation Report from Onsite Engineering;
4. 95 Lawrence Road Wastewater System Executive Summary from Onsite Engineering;
5. Email from Scott Horsley, re: 95 Lawrence Road;
6. Fall Tax Inserts for the Recycling and Taxation Aid Committees;
7. Appointment papers for Mike Kubiak, Barbara Brennessel, Stephen Ducati, Melissa Yow, Sonja Woodman, Thomas Siggia, Nicholas Baron, Olga Kahn;
8. Letter of recommendation from the Shellfish Constable for Melissa Yow and Sonya Woodman;
9. Memo from the Planning Board Secretary, re: Planning Board Meeting Schedule;
10. Draft minutes of the Planning Board meetings for January 22, February 12, and March 4, 2020;
11. Emails from Police Chief Michael Hurley, Town Administrator Maria Broadbent, Sam Giamatti, and Executive Assistant Courtney Butler, re: Use of Town Property by Sam Giamatti;
12. Memo from the Shellfish Constable, re: Additions to Recreational Shellfishing Permit Categories;
13. Memo from the MA Division of Marine Fisheries, re: Fees charged to Commonwealth veterans for recreational shellfishing;
14. Memo from the Shellfish Constable, re: Request to change Article 22;
15. Memo from the Shellfish Constable, re: Correction of a Mistaken Designated Shellfish Growing Area in Regulations;
16. Memo from Executive Assistant, re: FY 2021 Goals;
17. FY2020 Selectboard Goals;
18. DRAFT letter to Superintendent Carlstrom, re: DCR/DOT Bike Projects;
19. Letters from Seashore Superintendent Carlstrom, re: Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination, dated April 9, 2020 and August 28, 2020;
20. 2020 Annual Town Meeting Warrant;
21. Town Administrator’s Report;
22. Correspondence and Vacancy Reports;
23. Draft minutes of the August 11, 2020 meeting.

DRAFT – A full audio recording of this virtual meeting can be found on the Town’s website under Wellfleet Town Media.

**Wellfleet Selectboard Meeting
Tuesday, September 11, 2020 at 7pm
Zoom Virtual Meeting**

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

Also Present: Town Administrator Maria Broadbent; Assistant Town Administrator Mike Trovato; Executive Assistant Courtney Butler; Moderator Dan Silverman; Town Counsel Attorneys John Giorgio and Carolyn Murray

Chair DeVasto called the meeting to order at 4:30 p.m. This meeting was held via Zoom and the recording is available on the Town website.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT

- Curley: metal lifeguard stands were removed over the weekend and the wooden stands will be used at the top of the dunes for the remainder of the season (September 27); this provides better visibility for the busier shark season
- Butler: Annual Town Meeting Tomorrow, Saturday, September 12, 2020 at 10 AM
- Wilson: arrive at Town Meeting early to check in, it starts at 9:15

COVID-19 UPDATES AND RECOMMENDATIONS

- Butler: Emergency Management Update Call is on Tuesday, September 15, 2020 at 10 AM
- DeVasto: Masks are required at Town Meeting and social distancing protocols will be followed

2020 ANNUAL TOWN MEETING

Vote recommendations on Town Meeting warrant articles

Article 23: Commercial Single-Use Plastic Water Bottle Ban

Reinhart said she was hesitant about this article at first but now wants to get it passed, saying that it is important to start doing things for the environment. Christine Shreves, petitioner, said this is would ban the commercial sale of all still water under 1 gallon in size. Curley suggested amendments to the article which concerned the ban being at the discretion of the Board as well as using water for events, construction or the like job sites providing water for workers, and also heat emergencies. There was further discussion about the language of the article.

DeVasto questioned if businesses would adapt and start selling canned water, citing a behavioral change that will need to occur for many, especially during the time of the pandemic. He also noted the implementation date of September 1, 2021. DeVasto also cited that removing water as a drinking option only leaves sugary, less healthful drinks. He said he was hesitant to recommend this at the moment. Wilson said she did not feel it was her, or the Board’s, place to address people’s personal rehydration options. Carlson agreed with DeVasto and said that those who don’t want to buy plastic bottles shouldn’t and there is something else that can be done to reduce plastic. DeVasto said it was odd to ban only one beverage, saying that they all come in plastic bottles. Shreves said that a lot of companies, including Pepsi and Coke, are getting on board with canned and plastic-alternative bottling. She reminded everyone to not reuse their plastic water bottles, as they leech down and have chemicals.

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Moderator Silverman noted that petitioned articles, once on the Warrant, belong to the Meeting and anyone can make an amendment; saying the only requirement for these types of articles is that they be placed in the Warrant exactly as written. He also asked the Board for any amendments in writing by the start of the meeting.

- Wilson moved to recommend Article 23, Commercial Single-Use Plastic Water Bottle Ban.
- Reinhart seconded, and the motion failed 2-2-1, with Curley abstained.

Article 25: Proposal to Amend Town of Wellfleet General Bylaw

Reinhart said that it is time to do this, adopt a Climate Policy. Wilson noted that sections of the General Bylaws do not have labels anymore, nor is there a table of contents. Wilson also noted that she made some amendments to the motion. Curley said that the motion was amended to include new language and there was further discussion.

Carlson was curious if this applied to town vehicles and buildings; DeVasto said yes. She noted that this would mean in 30 years the Town would be at total net zero, she said this was problematic because there has been no study that has been done yet to confirm that this could be done. Reinhart said that the Town adopted the Green Communities Act and is already buying green vehicles and adjusting buildings. Reinhart and Carlson agreed that taking the time frame out would be good. In response to Reinhart, Wilson said the Town is way behind in reducing its green house gas emissions; she said she felt that 30 years was not conservative enough. DeVasto noted that the State has a bill to achieve net-zero emissions by 2050 also. Broadbent said it would be good to tie this directly to the State goal.

Reinhart asked Giorgio and Murray if they have seen this article in other Towns and how to approach it. Giorgio said there was no State goal right now, only proposed legislation, so tying it to the goal could be problematic. He also said the Town can be more stringent, as did Wilson; he recommended leaving the article as placed in the Warrant. Giorgio said that the Town may find that it wants to amend the bylaw in the future.

- Reinhart moved to recommend Article 25, Proposal to Amend Town of Wellfleet General Bylaw as written in the Warrant.
- Carlson seconded, and the motion carried 4-1, with Wilson opposed.

Article 27 was withdrawn, there was no discussion.

Discussion of Special Town Election Results and Corresponding Warrant Articles – Next Steps

Moderator Silverman shared that the 4 ballot questions that failed will be postponed indefinitely until the 2021 Annual Town Meeting. DeVasto asked if another election could be held, if these passed at the Town Meeting floor. Giorgio said that this Meeting could be considered a Special Town Meeting and an election could be held within 90 days to re-vote those 4 questions that failed. Silverman said that since all three department heads said they did not mind waiting until Spring, there is no need to hold another election; DeVasto agreed.

Reinhart asked to clarify which articles failed; Silverman said 2C, 2D, 2H, 2J. There was a question about Article 2B, Shellfish Department Pick Up Truck. The Board wishes to not recommend it and Shellfish Constable Civetta said she would be okay with it being indefinitely postponed.

Additional Town Meeting Discussions

DRAFT – A full audio recording of this virtual meeting can be found on the Town’s website under Wellfleet Town Media.

Butler said that she shared a motion “cheat sheet” with the Board for their use tomorrow. Butler asked the Board to confirm their attendance at the meeting for tomorrow; all members said that they would be in attendance. Silverman asked the Board to keep their remarks tight at the meeting tomorrow, saying that they have already made their recommendations. He said he would offer the same recommendation to all voters as well. Silverman thanked Town staff for all of their effort and for really stepping up to make this event happen. Wilson asked that people not be rushed or censored. Silverman said

Article 30: High Toss Road

Butler shared that because certain statutory steps were not followed, such as having the Plan of Land on file with the Town Clerk for 7 days before the Town Meeting Vote and not having the Selectboard approve the plan and notify abutters to a public hearing, that this article will need to be indefinitely postponed. She said that the Herring River Executive Council and Technical Team are aware and understand.

TOPICS FOR FUTURE DISCUSSION

- Reinhart: Letter to Seashore Superintendent, re: Cape Cod Rail Trail and Route 6/Main Street Projects
- Reinhart: Selectboard Goals
- DeVasto: local media policy

ADJOURNMENT

- Reinhart moved to adjourn.
- Curley seconded, and the motion carried 5-0.

The meeting adjourned at 6:00pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Documents available as of 9/11/2020:

1. 2020 Annual Town Meeting Warrant;
2. Memo from Ryan Curley, re: Article 27, Disposition of Town Land to Conservation Commission;
3. Unofficial Special Town Election Results, September 8, 2020;
4. Memo from the Moderator, dated September 8, 2020, re: Contingent articles and ballot questions;
5. Motion “Cheat Sheet” as drafted by Courtney Butler and Dan Silverman
6. Email from Carolyn Murray, KP Law, dated September 8, 2020, re: Wellfleet ATM Motions revised;
7. Plan of Land, High Toss Road, dated April 6, 2020;



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 22, 2020

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 _____