



## Wellfleet Selectboard

### **Note: Start Time of 6pm**

The Wellfleet Selectboard will hold a public meeting on **Tuesday, November 10, 2020, at 6:00 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](http://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](mailto: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.

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### **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. Public Hearings**

- A. To transfer shellfish grant licenses #85-C and 85-C-A from Margaret Jennings and Lee Clark to Margaret Jennings, Lee Clark and Nora Clark-Jennings
- III. **Licenses**
  - A. Request to Temporarily Close the Wicked Oyster from Ken Kozak
  - B. Review and Approval of Policies and Procedures, designed to mitigate any concerns and issues of neighbors for The Old Bank, LLC, “The Piping Plover”, as required per the Host Community Agreement – Zachary Ment
- IV. **Business**
  - A. Discussion of Solar Array at Landfill – Right of Way and Response to Order to Show Cause, as presented by Town Counsel [Curley]
  - B. Accounting Update [Chair]
  - C. Review and Approve FY 2022 Annual Budget and 2021 Annual Town Meeting Schedule
  - D. Review and Approve FY2022 Budget Policy
  - E. Review and Approve 2021 Selectboard Meeting Schedule
  - F. Approval of Thank You Letter to Erika Meads for Organizing Trick-or-Treating in Wellfleet Center [Curley]
  - G. Approval of Thank You Letter to Those Involved in The September 12, 2020 Ordinance Disposal [Curley]
- V. **COVID-19 Updates and Recommendations**
- VI. **Selectboard Reports**
- VII. **Town Administrator’s Report**
- VIII. **Topics for Future Discussion**
- IX. **Correspondence and Vacancy Reports**
- X. **Minutes**
  - A. October 27, 2020
- XI. **Adjournment**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

# II

### PUBLIC HEARINGS – A

|                         |   |
|-------------------------|---|
| <b>REQUESTED BY:</b>    | Principal Clerk   |
| <b>DESIRED ACTION:</b>  | To transfer shellfish grant licenses #85-C and 85-C-A from Margaret Jennings and Lee Clark to Margaret Jennings, Lee Clark and Nora Clark-Jennings.   |
| <b>PROPOSED MOTION:</b> | I move to approve the transfer of shellfish grant #85-C and #85-C-A from Peggy Jennings and Lee Clark to Peggy Jennings, Lee Clark, and Nora Clark-Jennings, as recommended by the Shellfish Constable. |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s):   |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____   |



## Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

October 16, 2020

To: Town of Wellfleet Selectboard  
Re: Recommendations  
From: Nancy Civetta, Shellfish Constable

I received an application on October 1, 2020 to transfer shellfish grant licenses #85-C and #85-C-A from Peggy Jennings and Lee Clark to Peggy Jennings, Lee Clark and Nora Clark-Jennings.

I recommend that grants licenses #85-C and #85-C-A be changed as described above. Nora used to have a grant of her own and has long been involved in the shellfishing industry here. She is an experienced shellfish farmer and has been working with her mom, Peggy, on this grant for the past three years.

Attached please find all related paperwork.

Respectfully submitted,

Nancy Civetta  
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 10-1-20

To: Town of Wellfleet Selectboard  
300 Main Street  
Wellfleet, MA 02667

I/We hereby request transfer of Shellfish Grant License # 85-C-A  
85-C + 2-acre Extension

From MARGARET Y JENNINGS & LEE CLARK

To MARGARET Y. JENNINGS, LEE CLARK & NOVA CLARK-Jennings

Said grant license is located at off Indian Neck in Wellfleet, MA

and consisting of 3 acres, as shown on a plan prepared

by Albert Nickerson and dated 10/1/1985  
Thomas Murray 10/1/1985

Margaret Y. Jennings Lee Clark  
Signature Signature Signature

Margaret Y. Jennings Nova Clark-Jennings LEE CLARK  
Name Name Name

PO Box 284 PO Box 284 PO Box 131  
Mailing Address Mailing Address Mailing Address

Wellfleet, MA 02667 Wellfleet, MA 02667

770-377-767 774-361-2179 508-574-7480  
Telephone Telephone Telephone

epgys104@comcast.net (nova.clark349@gmail.com) WELLFLEET-MAINTOWN  
Email Email Email @YAHOO.COM

To: Wellfleet Selectboard

From: Nora Clark-Jennings

Date: 10/6/2020

I, *Nora Clark-Jennings*, agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

*Nora Clark-Jennings*

Nora Clark-Jennings

Oct 5, 2020

Nora has been a part of the fishing Community her entire life. She has been involved with both the wild fisheries and grant work. On the grant she has full knowledge of setting up equipment, seed work, culling, selling of product, and winter storage. She has worked with both oysters and quahogs and knows the regulations for both. Nora has done it all on my grant and it is now time for her to raise her own products for which she will be proud.

Much Appreciation,

Margaret Jennings  
(See Mom)

NORA CLARK-TENNINGS

TOWN OF WELFLEET SHELLFISH DEPARTMENT  
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- ☒ Applicant is a domiciled resident of Welfleet, as that is defined in Section 1 of our regulations.
- ☒ Applicant is 18 years of age or older.
- ☒ Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- ☒ All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- ☒ At this time, there are no more than three lease holders named to the lease.
- ☒ If applicant is applying for a lease on private property other than their own, written permission from the owner has been provided.
- ☐ The applicant has held and been documented by the Shellfish Department using a Welfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports,  
OR,
- ☒ The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.
- ☒ The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.
- ☒ The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

# III

### LICENSES – A

|                         |   |
|-------------------------|---|
| <b>REQUESTED BY:</b>    | <b>Principal Clerk</b>  |
| <b>DESIRED ACTION:</b>  | <b>Request to Temporarily Close – The Wicked Oyster</b>   |
| <b>PROPOSED MOTION:</b> | <b>I move to approve the request from The Wicked Oyster, Ken Kozak, Manager, to temporarily close from _____ to April 2021.</b> |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s):   |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____   |



TEK Restaurant Group Inc.  
d/b/a  
**the wicked oyster**  
50 main street  
wellfleet, ma 02667

November 4, 2020

Dear Board Members,

We are requesting permission to close The Wicked Oyster until April of 2021 or whenever it may be prudent to open next spring/early summer.

We recognize that this is a much longer period of time than would normally be granted for a "year-round" license but these are certainly not "normal" times!

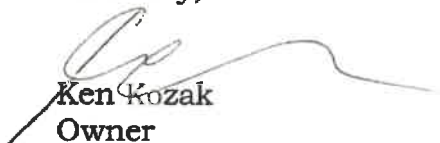
We feel VERY fortunate to have made it through the summer without any health incidents or irreparable financial loss. However, we feel both our health, and *certainly* our finances, will be at great risk if we try to remain open. We do not want to test fate this "Off Season" only to jeopardize our wherewithal for the 2021 summer season.

We will, as always, use the time to improve our property and our systems!

Thank you in advance for your understanding and consideration.

If you have any questions or concerns please feel free to contact me at (508) 221-4197.

Sincerely,

  
Ken Kozak  
Owner



Phone 508-349-3455 • Fax 508-349-3468  
[thewickedoyster@comcast.net](mailto:thewickedoyster@comcast.net)/[www.thewickedo.com](http://www.thewickedo.com)



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

# III

### LICENSES – B

|                         |   |
|-------------------------|---|
| <b>REQUESTED BY:</b>    | Chair   |
| <b>DESIRED ACTION:</b>  | <b>Review and Approval of Policies and Procedures, designed to mitigate any concerns and issues of neighbors for the Old Bank, LLC, “The Piping Plover”, as required per Section 6, Community Impact Hearing Concerns, of the Host Community Agreement – Zachary Ment</b> |
| <b>PROPOSED MOTION:</b> | <b>I move to approve the policies and procedures for the Old Bank, LLC, “The Piping Plover”, as outlined by Zachary Ment, and in accordance with the Host Community Agreement.</b>  |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s):   |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____   |

#### **6. Community Impact Hearing Concerns**

The Company agrees to employ its best efforts to work collaboratively and cooperatively with its neighboring businesses and residents to establish written policies and procedures to address mitigation of any concerns or issues that may arise as a result of its operation of the RME and which presents a clear disruption to the use of such neighboring business's or resident's property, including, but not limited to any and all concerns or issues that are raised at the Company's required Community Outreach Meeting relative to the operation of the RME. Said written policies and procedures, as may be amended from time to time, shall be reviewed and approved by the Selectboard prior to commencement of operations and shall be incorporated herein by reference and made a part of this Agreement, the same as if each were fully set forth herein.

**DRAFT**



## **Good Neighbor Policy**

In order for us to all be good neighbors, please:

- Remember that products are to be purchased for **YOU and YOU ALONE!** Ensure that your products are stored securely and kept away from anyone under the age of 21.
- Do not litter or dispose of our products or packaging inappropriately. All products can be traced back to the customer!
- Inform our staff if you see any suspicious activity at our site, or inappropriate use of our products in public spaces.
- Take your products home before you consume them and do not open them in your car or on the property.
- Do not exchange monies or cash with anyone other than The Piping Plover cash register agents.
- Respect our neighbors and the surrounding homes and businesses. Please do not trespass, loiter or illegally park at any of the abutting homes or businesses. If you are here visiting, please adhere to your hotel or home-rental smoking policy. This means Cannabis too!!
- Respect our environment!
- Be kind :)

The Piping Plover reserves the right to refuse service to anyone. We require all customers, staff, and visitors, to strictly adhere to the above mentioned "Community Norms." Any violators may be denied future access to our store.

Also, please remember that Cannabis is a controlled substance: It is **ILLEGAL** and dangerous to operate a motor vehicle while under the influence or impaired! **ALL** Public consumption is illegal. Cannabis is **STILL FEDERALLY ILLEGAL** and we are surrounded by the Cape Cod National Seashore which is under federal jurisdiction.

## Training Manual: Piping Plover Wellfleet - Educational Materials for Dispensary Customers

### Purpose

Educational Material must be made available to all customers who visit The Piping Plover Cannabis Dispensary (PPW). This SOP covers the topics that must be addressed in PPW Educational Material according to regulations.

### Responsibility

The Director of Retail and Retail Manager must have educational materials prepared to distribute to dispensary clientele. Educational Materials such be available in the dispensary at all times.

### Terminology

Consumer Education. A Marijuana Retailer shall make available educational materials about Marijuana Products to Consumers. A retailer must have an adequate supply of current educational material available for distribution. Educational materials must be available in commonly spoken languages designated by the Commission, which will include, but not be limited to, appropriate materials for the visually- and hearing-impaired. Such materials shall be made available for inspection by the Commission on request. The Commission will establish fines or other civil penalties for a Marijuana Establishment's failure to provide these materials.

### Scope

Any educational materials that is to be given customers must contain the following information:

- (a) A warning that Marijuana has not been analyzed or approved by the FDA, that there is limited information on side effects, that there may be health risks associated with using Marijuana, and that it should be kept away from children;
- (b) A warning that when under the influence of Marijuana, driving is prohibited by M.G.L. c. 90, § 24, and machinery should not be operated;
- (c) Information to assist in the selection of Marijuana, describing the potential differing effects of various strains of Marijuana, as well as various forms and routes of administration;
- (d) Materials offered to Consumers to enable them to track the strains used and their associated effects
- (e) Information describing proper dosage and titration for different routes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained;
- (f) A discussion of tolerance, dependence, and withdrawal;
- (g) Facts regarding substance abuse signs and symptoms, as well as referral information for substance abuse treatment programs;
- (h) A statement that Consumers may not sell Marijuana to any other individual;
- (i) Information regarding penalties for possession or distribution of Marijuana in violation of Massachusetts law; and
- (j) Any other information required by the Commission.

Training Manual:  
Piping Plover Wellfleet – Notice of Good Neighbor Agreement to All New Customers

**Purpose**

In addition to the Educational Material that must be made available to all customers who visit The Piping Plover Cannabis Dispensary (PPW). PPW will ensure that all new customers are made aware of its “Good Neighbor Policy” (attached below) designed to address the concerns of its neighbors, and to reiterate important aspects of its Educational Materials.

**Responsibility**

The Director of Retail and Retail Manager must have The Good Neighbor Policy prepared to distribute to ALL NEW dispensary clientele. All Security Agents will be responsible for ensuring that all first-time customers be made aware of the policy by viewing it on their smart device (via QR Code), on paper, or verbally if requested—BEFORE BEING ALLOWED ACCESS TO THE DISPENSARY SALES FLOOR.

**Terminology**

PER HOST AGREEMENT: SECTION 6: Community Impact Hearing Concerns.

“The Company agrees to employ its best efforts to work collaboratively and cooperatively with its neighboring businesses and residents to establish written policies and procedures to address mitigation of any concerns or issues that may arise as a result of its operation of the RME and which presents a clear disruption to the use of such neighboring business’s or resident’s property, including, but not limited to any and all concerns or issues that are raised at the Company’s required Community Outreach Meeting relative to the operation of the RME. Said written policies and procedures, as may be amended from time to time, shall be reviewed and approved by the Select Board prior to commencement of operations...”

Good Neighbor Agreement. Per the above condition of PPW's Host Agreement with The Town of Wellfleet, PPW management has developed a “Good Neighbor Agreement” that all new clientele will be asked to acknowledge before patronizing the dispensary. The Director of Retail and Retail Manager must ensure that an adequate supply of current educational material is available for distribution. Such materials shall be made available for inspection by the Wellfleet Select Board, and direct abutters to the facility on request.

Note: The Good Neighbor Agreement is subject to change based on feedback from Neighbors and the Wellfleet Community.

**Good Neighbor Agreement Attached**



Michael P. Hurley  
Chief of Police

# Town of Wellfleet

POLICE DEPARTMENT  
36 GROSS HILL ROAD  
WELLFLEET, MA 02667  
Telephone: 508-349-3702  
Fax: 508-349-7683

TOWN OF WELLFLEET



on Cape Cod

To Serve and Protect

October 27, 2020

To Whom it may Concern,

The Wellfleet Police Department has reviewed and approve of the attached security plan for The Old Bank LLC DBA The Piping Plover Cannabis Dispensary at 10 Main Street.

We have had several meetings with company management and will continue to meet periodically to discuss security and traffic related concerns as they arise.

If you have any questions, please free to contact me at (508) 349-3702.

Respectfully submitted,

Michael P. Hurley  
Chief of Police

## AGREEMENT AND LICENSE

AGREEMENT and LICENSE made this 21 day of February 2020, by and between NANCY E. COOK, with a mailing address of Post Office Box 105, Wellfleet, Massachusetts 02667 [herein "COOK"], and THE OLD BANK, LLC, a Massachusetts Limited Liability Company, with a usual place of business at 10 Main Street, Wellfleet, MA 02667 [herein "OLD BANK"].

WHEREAS, OLD BANK is renting the real estate located at 10 Main Street, Wellfleet, Massachusetts [herein "BANK PROPERTY"] as shown on a plan entitled: "Plan of Land in Wellfleet Massachusetts prepared for Tonn, Inc., 25 October 1984, Scale 1" = 20', Nickerson & Berger Inc. R.L.S., P.E., Orleans, Massachusetts," which plan is recorded in the Barnstable County Registry of Deeds in Plan Book 390, Page 68 [herein "Plan"]; and

WHEREAS, COOK owns the adjacent lot, located at 30 Main Street, Wellfleet, Massachusetts [herein "COOK'S PROPERTY"] as described in a Deed recorded in the Barnstable County Registry of Deeds in Book 4993, Page 97; and

WHEREAS, COOK and OLD BANK have reached an agreement regarding the use of the BANK PROPERTY.

NOW, THEREFORE, in consideration of the provisions and covenants set forth herein, COOK and OLD BANK hereby covenant and agree as follows:

1. COOK grants to OLD BANK a non-exclusive license of convenience to maintain the landscaped area to the west of the driveway and to continue to use that part of the driveway as it currently exists for access to its property located at Main Street and Route 6A over the following described premises in Wellfleet, Barnstable County, Massachusetts:

The land shown as "Proposed License Area" and to include the "Hedge" as shown on a sketch attached as "License Plan of Land," meaning and intending to be over the southeasterly corner of the land as described in a deed in to COOK dated March 27, 1986 and recorded in the Barnstable County of Registry of Deed in Book 4993, Page 97 (the "Burdened Premises").

Said License is intended to benefit the OLD BANK, and being for the land shown on a recorded plan in the Barnstable County Registry of Deeds in Plan Book 390, Page 68 and further described in a deed recorded in said Registry in Book 7548, Page 7, (the "Benefitted Premises"). Please see Merger registered as Document No. 970,010 in the Barnstable Land Court Registry.

Maintenance and use of the License granted herein shall be at the sole expense, risk and responsibility of OLD BANK. This License shall be revocable by either

party and at anytime upon written notice to the other party.

A copy of the License Plan of Land is recorded herewith and made a part hereof.

2. OLD BANK shall install and maintain a split-rail fence at the border between the two properties. In the event, and during the first year of this License, that COOK shall request that a portion of the fence be converted to a privacy fence due to noise, unauthorized foot traffic or any other security, privacy or lifestyle disruption, OLD BANK shall, at their sole cost and expense, install the requested privacy fence.
3. OLD BANK shall use no lighted signage (e.g. neon or similar bright lighting) at the property, other than that required by law or town bylaw.
4. OLD BANK, and its patrons, shall engage in no noise amplification outside the buildings.
5. OLD BANK agrees to consult with COOK with regard to any changes regarding parking on the BANK PROPERTY.
6. OLD BANK agrees to consult with COOK with regard to any future "drive through" capability.
7. OLD BANK agrees that there will be no late-night or early morning deliveries to the BANK PROPERTY. Deliveries may only occur between the hours of 8:00 a.m. to 8:00 p.m.
8. OLD BANK agrees that their hours of operation shall not be earlier than 10:00 a.m. or later than 8:00 p.m.
9. OLD BANK agrees that there shall be no on-site product consumption, e.g. cannabis smoking.
10. OLD BANK agrees to ensure good behavior by their customers.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 21 day of February 2020.

THE OLD BANK, LLC

  
NANCY E. COOK

By:   
ZACHARY MENT, its Manager

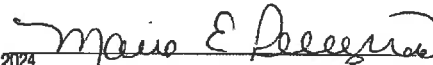
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 21 day of February 2020, before me, the undersigned notary public, personally appeared NANCY E. COOK, proved to me through satisfactory evidence of identification, being ☐ driver's license or other state or federal governmental document bearing a photographic image, ☐ oath or affirmation of a credible witness known to me who knows the above signatory, or ☐ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose.



MARIE E. PELLEGRINO  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires September 20, 2024



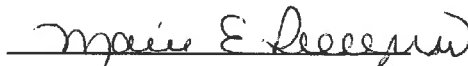
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 21 day of February 2020, before me, the undersigned notary public, personally appeared ZACHARY MENT, proved to me through satisfactory evidence of identification, being ☐ driver's license or other state or federal governmental document bearing a photographic image, ☐ oath or affirmation of a credible witness known to me who knows the above signatory, or ☐ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose, as the Manager for THE OLD BANK, LLC.



MARIE E. PELLEGRINO  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires September 20, 2024





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

# IV

### BUSINESS – A

|                         |  |
|-------------------------|--|
| <b>REQUESTED BY:</b>    | Selectboard Member Curley  |
| <b>DESIRED ACTION:</b>  | Discussion of Solar Array at Landfill – Right of Way and Response to Order to Show Cause, as presented by Town Counsel |
| <b>PROPOSED MOTION:</b> | N/A – Discussion   |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s):  |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____  |

**COMMONWEALTH OF MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE TRIAL COURT**

BARNSTABLE, ss.

19 SBQ 29786 12-001 (MDV)

TOWN OF WELLFLEET,

Petitioner.

**ORDER TO SHOW CAUSE**

On December 6, 2019, the Town of Wellfleet petitioned for a new certificate of title, to be issued in the name of the Town, on account of the Town allegedly having taken Lot 3 on a plan filed with the Registry District of Barnstable County as Plan No. 29786-B. The Town claims it took Lot 3 via an Order of Taking dated April 29, 1987, filed with the Registry District as Document No. 430386 (the “Order of Taking”). According to Certificate of Title No. 67483, title to Lot 3 stands in the name of Paul C. Guth, Henry W. Lauterstein, and George Siegel, as Trustees of The Green Hills Trust under indenture of trust dated January 22, 1973.

Chapter 79, § 4 provides in part that if a “body politic or corporate . . . acquires the fee simple of all or part of . . . registered land, a new certificate shall be entered to the body politic or corporate making the fee simple taking.” But § 4 also provides (emphasis added): “If land of a registered owner . . . is taken by eminent domain, the board of officers by whom the taking is made shall file for registration in the proper registry district a description of the registered land so taken, giving the name of each owner thereof, *referring by number and place of registration in the registration book to each certificate of title*, and stating what estate or interest in the land is taken, and for what purpose.”

The Court has examined the registered Order of Taking. The Order as typed by the Town in 1987 does not include a “description of the registered land so taken” by reference to the “number and place of registration in the registration book to each certificate of title. . . .” The Order does bear a handwritten marginal notation, “For title reference see cert # 67483,” but it’s common for Registry personnel to insert such things when they accept documents for registration. It’s not clear that the Town’s Board of Selectmen put that notation in the Order. (Even if the Board were responsible for the notation, it provides only a “number . . . of registration,” but not the “place of registration,” for Certificate of Title No. 67483.)

“In takings of private property by eminent domain the requirements of governing statutes are to be strictly observed.” *Shea v. Inspector of Bldgs. of Quincy*, 323 Mass. 552, 554 (1949) (construing G.L. (Ter. Ed.) c. 82, § 37). *See also Burwick v. Massachusetts Highway Dept.*, 57 Mass. App. Ct. 302, 307 (2003) (same, applying G.L. c. 81, § 7A). “Where statutory requirements or conditions precedent are not satisfied, the purported taking is invalid or void.”

*Id. See also Lichoulas v. City of Lowell*, 78 Mass. App. Ct. 271, 276 (2010) (same, construing G.L. c. 164, § 35). As it appears that the Order of Taking may not have complied with c. 79, § 4, the Court ORDERS the Town to show cause in writing by October 15, 2020 as to why its alleged taking of Lot 3 is valid. Otherwise, the Court will dismiss the Town's petition.

**SO ORDERED.**

By the Court (Vhay, J.)

/s/ Michael D. Vhay

Attest:

/s/ Deborah J Patterson  
Deborah J. Patterson, Recorder

Dated: September 24, 2020

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

LAND COURT DEPARTMENT  
19 SBQ 29786 12-001 (MDV)

TOWN OF WELLFLEET,

Petitioner.

RESPONSE TO ORDER TO SHOW  
CAUSE

Now comes the Petitioner, the Town of Wellfleet, and hereby responds to the Court's Order to Show Cause issued on September 24, 2020. In the Order to Show Cause, the Court states that "it appears that the Order of Taking may not have complied with c. 79, § 4," and ordered the Town to show cause in writing as to "why its alleged taking of Lot 3 is valid." The Town respectfully submits that the Order of Taking complies with G.L. c. 79, § 4, and its taking of Lot 3 is valid.

As a threshold matter, the Town concurs with the Court's statement that in takings of private property by eminent domain, governing statutes are to be observed. With that said, it is the Town's position that the Order of Taking complies with the statutory requirements of G.L. c. 79, § 4. The Court expressed concern with two discrete elements of the Order of Taking, to wit, it was missing a reference to the "number and place of registration book to each certificate of title . . . ." As the Court observed, however, the number of the relevant certificate of title is located on the face of the Order of Taking as a marginal notation.<sup>1</sup> Furthermore, the place of registration is properly captioned at the top of the Order of Taking (i.e., "Barnstable, ss.") and is also referenced within the Order of Taking itself. Indeed, the Order of Taking was noted against

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<sup>1</sup> While it is the Town's position that the author of the marginal notation is irrelevant, it notes for the Court's consideration that the handwriting of the marginal notation is different than the handwriting on the document's Registry District cover page. See Document No. 430386.

the Certificate of Title and on the Memorandum of Encumbrances for the Certificate of Title for the prior owner.

General Laws Chapter 79, Section 4, simply requires a board to refer by number and place of registration of each certificate of title. Section 4 does not require the information to be located in the typewritten text of the Order of Taking, nor in a specific location. Arguably, Section 4 does not even require a copy of the Order of Taking to be registered, but simply requires the registration of a “description of the registered land so taken . . . .” Compare G.L. c. 79, § 3: “The board of officers by whom an order of taking has been adopted . . . shall within thirty days thereafter cause a copy thereof . . . to be recorded in the registry of deeds . . . .” (emphasis added), with G.L. 79, § 4: “If land of a registered owner, or any rights or interest therein, is taken by eminent domain, the board of officers by whom the taking is made shall file for registration in the proper registry district a description of the registered land so taken . . . .” (emphasis added)

The Land Court routinely, in an effort to assist with and/or clarify a filing, makes notes on the instrument. It is customary for the recorder, in the case of registered land, to add information so that the document will conform to the Land Court standards. In fact, the marginal notation made on the Order of Taking in this matter would appear to be expressly sanctioned by the Land Court Guidelines on Registered Land, dated April 1, 2020 (the “Guidelines”). Section 4 of the Guidelines, addressing the alteration of documents, sets forth three categories of notations made to Land Court filings. The first category consists “of changes and insertions of information which are either obviously required or are of a ministerial or clarifying nature,” which alterations may be accepted, without further documentation and without Court approval. One example of such a change is “the insertion of the grantor’s Certificate of Title number in a

deed.” Guidelines, Section 4, Paragraph (3). In this matter, the certificate of title of the prior owner was handwritten on the document. Such an insertion is properly accepted by the Land Court, and its inclusion, in the margin of the document, is in accordance with both customary practice and the Guidelines, and should be considered by this Court as integral to and part of the Order of Taking.

Petitioner agrees with the Court that, in takings of private property by eminent domain, the requirements of governing statutes are to be strictly observed. The cases highlighted by the Court, however, involve matters where the taking authority did not comply with substantive requirements of the enabling legislation. In Shea v. Inspector of Bldgs. of Quincy, 323 Mass. 552, 554 (1949), the Supreme Judicial Court addressed the taking of a building line in Quincy. The Court found that the preliminaries to such a taking under G.L. c. 82, § 37 are governed by G.L. c. 43, § 30, and “must, of course, be so conducted as not to conflict with any applicable provisions of c. 82 relating to ways or building lines, or with c. 79, relating to all takings by eminent domain.” Id., at 557. The City failed to comply with the enabling statute, i.e., that any taking under the operative statute be preceded by a request of an executive or administrative department of the City government – which did not happen in the case before the Supreme Judicial Court.

Burwick v. Massachusetts Highway Dept., 57 Mass. App. Ct. 302, 306 (2003) presented a question regarding the taking of an easement under G.L. c. 81, § 7A. The statute states that an easement may be taken “only if access to and egress from the property enjoying the benefit of the easement will be made inoperative by highway construction.” Since this was not the case, the Appellate Court held that the taking would exceed the statutory grant of authority, and lack a sufficient purpose. Id. Lastly, in Lichoulas v. City of Lowell, 78 Mass. App. Ct. 271 (2010), the

plaintiff asserted that the City did not comply with the preliminary requirements prescribed by G.L. c. 164, §§ 35 and 37 for the taking of a municipal lighting plant.

The Town maintains that in the case before this Court, it complied with all of the substantive procedural requirements for a taking under the enabling statute, Chapter 79. The Board of Selectmen, pursuant to the authority given to it by Town Meeting (Article 52 of the April 22, 1985 Annual Town Meeting and Article 14 of the September 22, 1986 Special Town Meeting), voted pursuant to Chapter 79 to take property, in fee simple absolute, which property was described in the Order of Taking by metes and bounds and with reference to Subdivision Plan 29786-B, filed with the Land Registration Office at Boston, a copy of which was filed in the Barnstable County Registry of Deeds in Land Registration Book 528, Page 30, with Certificate of Title No. 65470 as Lot 3 on said Subdivision Plan, for the purpose of the extension of the landfill area and/or for use of the Department of Public Works. The Town complied with the substantive prerequisites to an exercise of eminent domain, and, specifically, with G.L. c. 79, § 1, which requires the taking authority to describe the land and the purpose for which such property is taken. The Town described the property, and the specific purpose for which the land was taken. The property owner was named in the Order of Taking, and paid damages (\$475,000) for the taking of its land. Unlike the cases cited by the Court, there was no substantive defect in the taking of this property.

This Court properly accepted and registered the Town's Order of Taking. Accordingly, as of the filing, title was vested in the Town.<sup>2</sup> Failure to issue a certificate of title in the name of the Town would be contrary to the purpose of the Land Court Act, G.L. c. 185, which is "to provide a means by which title to land may be made certain and indefeasible." Deacy v.

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<sup>2</sup> See Fitzgerald v. Register of Deeds, S. Distr., Middlesex Registry of Deeds, 348 Mass. 690, 693 (1965), finding that all acts of an assistant recorder are done under the ultimate direction of a standing order of the Land Court.

Berberian, 344 Mass. 321, 328 (1962). If a new certificate of title is not issued in the name of the Petitioner, the simultaneous registration of the Order of Taking and a certificate of title issued in the name of the prior owner reflect competing property interests results in uncertainty as to the true owner of the property.

The purpose of the registration system is to bind the land and to quiet title to property. See G.L. c. 185, § 58. “Every conveyance, lien, attachment, order, decree, instrument or entry affecting registered land, which would under other provisions of law, if recorded, filed or entered in the registry of deeds, affect the land to which it relates, shall, if registered, filed or entered in the office of the assistant recorder of the district where the land to which such instrument relates lies, be notice to all persons from the time of such registering, filing or entering.” If construed to invalidate Wellfleet’s taking, the impact of G.L. c. 79, § 4 would have far-reaching ramifications. Hundreds, if not thousands, of titles to municipal properties would be in question.<sup>3</sup> There is no ready means of recourse. If this Court finds the taking by Wellfleet to be without legal effect, the Town would need to, once again, take the subject property. It would be impractical for the Town to do another taking decades later. An Order of this Court having such a consequence would place an unreasonable hardship on the Town.

It is critical to the registration system that there be certainty. General Laws Chapter 79, Section 4, if applied in the manner suggested in the Court’s Order to Show Cause, would introduce unpredictability to registered land titles, instead of the reliability which is the purpose of the registration system.

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<sup>3</sup> Note this Court’s Order to Show Cause in the matter of Town of Hamilton (19 SPQ 03153 12-001 (MDV)), dated September 25, 2020.

Therefore, the Petitioner respectfully requests that this Court enter an Order directing the Assistant Recorder of the Barnstable Land Registry District to issue a new certificate of title for the property in the name of the Town of Wellfleet.

TOWN OF WELLFLEET,

By its attorney,



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Jonathan G. Murray (BBO# 703748)

KP Law, P.C.

Town Counsel

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Date: October 14, 2020  
735174/WELL/0181



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

# IV

### BUSINESS – B

|                         |   |
|-------------------------|---|
| <b>REQUESTED BY:</b>    | Chair   |
| <b>DESIRED ACTION:</b>  | Accounting Update                                   |
| <b>PROPOSED MOTION:</b> | TBD   |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s): |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____                   |



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

# IV

### BUSINESS – C

|                         |   |
|-------------------------|---|
| <b>REQUESTED BY:</b>    | <b>Chair</b>  |
| <b>DESIRED ACTION:</b>  | <b>Review and Approve the FY2022 Annual Budget and 2021 Annual Town Meeting Schedule</b>                            |
| <b>PROPOSED MOTION:</b> | <b>I move to approve the FY2022 Annual Budget and 2021 Annual Town Meeting Schedule as presented in the packet.</b> |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s): _____   |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____   |

## FY 2022 Annual Budget, 2021 Annual Town Meeting and Town Election Schedule

| OCTOBER                       |   |                             |        |
|-------------------------------|---|-----------------------------|--------|
| DATE                          | ACTION  | WHO                         | Status |
| October 15, 2020              | TA: Prepare draft for Selectboard of 1.) Budget & Annual Town Meeting Calendar; 2.) FY 2022 Budget Policy Statement; 3.) Five-year financial forecast for submission to SB  | TA                          |        |
| October 24, 2020              | Distribute Capital Improvement Plan to Finance Committee (Charter 7-5-2)  | TA                          |        |
| October 28, 2020              | <b>FINCOM MEETING: Review draft Annual Town Meeting calendar</b>  | FinCom                      |        |
| October 31, 2020              | FINAL deadline date for SB Budget Policy Statement and SB/FinCom to set date for budget submission (see above Charter Sec 7-2-2)  | FinCom                      |        |
| TBD                           | Certify Free Cash   | Accountant                  |        |
| NOVEMBER                      |   |                             |        |
| DATE                          | ACTION  | WHO                         | STATUS |
| November 6, 2020              | Distribute budget materials to department heads   | Accountant                  |        |
| November 10, 2020             | <b>SB MEETING: Issue FY2022 Budget Policy Statement (Charter Sec. 7-2-1 'On or before the 31st of October of each year, the SB shall prepare and issue a policy statement relating to the budget for the ensuing Fiscal Year.')</b> | SB/TA/ATA                   |        |
| November 10, 2020             | <b>SB MEETING: Set date for budget submission and distribute Budget Message per Budget Policy Statement (see above Charter Sec 7-2-2)</b>   | SB/TA                       |        |
| November 10, 2020             | <b>SB MEETING: Adoption of 1.) Annual Town Meeting Calendar and 2.) Budget Policy Statement. 2nd Review of 5 Year Financial Forecast</b>  | SB                          |        |
| November 18, 2020             | <b>FINCOM MEETING: Public Forum on Capital Improvement Plan</b>   | FinCom/TA                   |        |
| November 30, 2020             | <b>DEADLINE</b> for submission of Operating Budget to TA  | Dept Heads                  |        |
| November 30, 2020             | <b>1st Request</b> Annual Reports from officers, boards & committees  | EA                          |        |
| Confirm with FinCom           | Finance Committee submits their report on the Capital Improvement Plan to the Selectboard and Town Administrator (Charter 7.5.2)  | FinCom                      |        |
| Confirm with FinCom           | Finance Committee summary of the Capital Improvement Plan is published in local newspaper (Charter 7.5.3)   | Staff                       |        |
| DECEMBER                      |   |                             |        |
| DATE                          | ACTION  | WHO                         | STATUS |
| December 7-11, 2020           | Individual Dept Head Meetings with TA. Alert FinCom liaison to Departments of specific meeting date   | TA/EA/Dept Heads/<br>FinCom |        |
| December 30, 2020             | 2nd Request Annual Reports from officers, boards & committees   | EA                          |        |
| December 31, 2020             | Submission of budget documents and budget message to SB + FinCom. Include FY20 budget documents + message in SB Packets   | TA/ATA                      |        |
| JANUARY                       |   |                             |        |
| DATE                          | ACTION  | WHO                         | STATUS |
| January 4, 2021               | Develop 1st draft ATM Article Index   | ATA/EA                      |        |
| January 4, 2021               | Update revenue estimates based on first 6 months of the current fiscal year   | Accountant                  |        |
| January 4, 2021               | First day to obtain nomination papers for Town Election   | Clerk                       |        |
| Confirm with School Committee | <b>SB MEETING: Submit FY21 Regional School Budget Development Schedule to SB with packets</b>   | TA                          |        |
| January 5, 2020               | Budget materials made available to public   | EA                          |        |
| January 12, 2020              | <b>SB MEETING: Distribute budget packets of the Big 5 Budgets</b>   | TA/EA                       |        |
| January 12, 2020              | Send memo requesting proposed ATM Articles + Transfer Requests to Dept + Committee Heads. Deadline for submission Jan 31, 2019  | EA                          |        |
| January 12, 2020              | <b>SB MEETING: Submit draft ATM Article Index to SB</b>   | ATA/EA                      |        |
| Confirm with FinCom           | <b>FINCOM MEETING: Dept Heads may be invited to attend to answer budget questions</b>   | Dept Heads                  |        |

|                               |   |                            |        |
|-------------------------------|---|----------------------------|--------|
| January 31, 2021              | DEADLINE to submit Annual Reports   | EA/Dept + Comms            |        |
| January 31, 2021              | Deadline to receive proposed ATM Articles + Transfer Requests from Department Heads + Committee Chairs  | Dept + Committees          |        |
| <b>FEBRUARY</b>               |   |                            |        |
| DATE                          | ACTION  | WHO                        | STATUS |
| Confirm with School Committee | School Committee Meeting - Final budget review + vote to approve FY2019 regional school budget  | School Committee           |        |
| Confirm with School Committee | <b>SB MEETING: Review Elementary School, Tech School + NRSD Budget w FinCom at joint meeting</b>  | SB/FinCom Sch Reps         |        |
| Confirm with School Committee | TENTATIVE - Receive approved regional school budget   | NRSD Bus. Mgr.             |        |
| February 10, 2021             | Distribute placed Articles to Boards/Committees   | EA                         |        |
| February 23, 2021             | <b>SB MEETING: Review draft of warrant, no action required</b>  | SB                         |        |
| Confirm with FinCom           | <b>FINCOM MEETING:</b> Dept Heads may be invited to attend to answer budget questions   | Dept Heads                 |        |
| Confirm with FinCom           | FINCOM to submit final budget recommendations to TA   | FinCom                     |        |
| February 26, 2021             | Deadline for petitioned articles (" <b>Prior to March 1</b> " - Charter 2-4-2) Must be submitted to the Town Clerk by 4pm.  | Registered Voters          |        |
| <b>MARCH</b>                  |   |                            |        |
| DATE                          | ACTION  | WHO                        | STATUS |
| March 1, 2021                 | Submit Articles other than budget Articles to FinCom  | SB through TA/ATA          |        |
| March 1, 2021                 | <b>Submit Annual Town Report TO PRINTER</b>   | EA                         |        |
| March 2, 2021                 | Planning Board Public Hearing on Any Citizen Petition Zoning Changes  | ATA                        |        |
| March 2, 2021                 | <b>SPECIAL JOINT SB/FINCOM MEETING:</b> Joint SB/FinCom Budget: to review and reconcile the select board and finance committee recommendations before town meeting. | SB/FinCom/Dept Heads       |        |
| March 12, 2021                | Last day to obtain nomination papers for Town Election(MGL c. 53, s. 9A)  | Clerk                      |        |
| March 12, 2021                | <b>FINAL Board/Committee recommendations due to TA's office in order to be printed in the ATM Warrant</b>   | Boards and Ctes            |        |
| March 12, 2021                | Deadline for certification to Town of NRSD and Cape Tech assessments (45 days before the earliest town meeting of a member town?)                                   | Regional School Committees |        |
| March 15, 2021                | Last day to file nomination papers with the Town Clerk (MGL c. 53, s. 10)   | Clerk                      |        |
| March 16, 2021                | <b>SB MEETING: Final Article recommendations and vote on Warrant.</b>   | SB                         |        |
| March 19, 2021                | Final Review of Warrant   | TA/ATA/EA                  |        |
| March 19, 2021                | Constable to Sign Warrant (5 copies). Constable to post.  | EA                         |        |
| March 23, 2021                | Regular SB Meeting - SB Sign Warrant (5 copies).  | SB                         |        |
| March 24, 2020                | <b>FINCOM MEETING</b>   | FinCom                     |        |
| March 26, 2021                | Submit Warrant to printer   | EA                         |        |
| March 31, 2021                | Last day to object to or withdraw nomination papers (MGL c. 53, s. 11)  | Clerk                      |        |
| <b>APRIL</b>                  |   |                            |        |
| DATE                          | ACTION  | WHO                        | STATUS |
| April 6, 2021                 | Last day to register to vote at ATM and Annual Town Election (MGL c. 51, ss 26, 28)   | Town Clerk                 |        |
| April 12, 2021                | Deadline for posting and mailing Warrants ("14 days prior to ATM" Charter 2-6-3)  | Printer                    |        |
| April 13, 2021                | <b>SB MEETING</b>   | SB                         |        |
| April 14, 2021                | Finalize Article Motions  | TA/ATA/EA                  |        |
| April 15, 2021                | Moderator's conference call with Town Counsel to review and finalize Motions  | Town Counsel<br>TA/ATA/SB  |        |
| April 19, 2021                | Create Power Point Presentation with Articles and Motions for ATM   | EA                         |        |

|                |   |            |               |
|----------------|---|------------|---------------|
| April 26, 2021 | <b>FINCOM MEETING:</b> Special meeting immediately preceding ATM                  | FinCom     |               |
| April 26, 2021 | <b>SB MEETING:</b> Special meeting immediately preceding ATM                      | SB         |               |
| April 26, 2021 | ATM ("4th Monday in April" - Charter 2-6-1)                                       | ALL        |               |
| April 27, 2021 | RESERVED FOR SECOND DAY OF ATM  | ALL        |               |
| <b>MAY</b>     |   |            |               |
| <b>DATE</b>    | <b>ACTION</b>   | <b>WHO</b> | <b>STATUS</b> |
| May 3, 2021    | Annual Town Election ("First Monday after the 4th Monday in April" Charter 2-6-1) | Town Clerk |               |



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

# IV

### BUSINESS – D

|                         |   |
|-------------------------|---|
| <b>REQUESTED BY:</b>    | <b>Chair</b>  |
| <b>DESIRED ACTION:</b>  | <b>Review and Approve the FY2022 Budget Policy</b>                            |
| <b>PROPOSED MOTION:</b> | <b>I move to approve the FY2022 Budget Policy as presented in the packet.</b> |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s):                           |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____   |

**DRAFT  
TOWN OF WELLFLEET  
BUDGET POLICY  
FISCAL YEAR 2022**

**It shall be the policy of the Town of Wellfleet that this Budget Policy articulates the Town's priorities and goals and provides an overview of the issues to be addressed during the Town of Wellfleet's budget process. This policy is adopted pursuant to Town Charter section 7-2-1 and Board of Selectmen's Policy 2013-02, Budget and Fiscal Management Policy.**

**BUDGET COMPLIANCE:** The Budget will be estimated in accordance with all applicable laws.

**BUDGET COMPONENTS:** The Budget shall be composed of the General Fund Operating Budget, the Marina Enterprise Fund Budget, the Water System Enterprise Fund Budget, the Capital Budget, the ten-year Capital Improvement Plan and any budget Articles proposed for the Annual Town Meeting Warrant. The Capital Budget shall consist of capital requests to be funded from available funds including the tax levy; capital requests to be funded by borrowing shall be set forth in separate articles. The Budget should include financial results for the previous year and the current year to date. Object codes and summaries should be consistent across all organizational units. The Budget shall also include detailed revenue estimates and projections which will be created with the input of the Department Heads and the Town Accountant.

**ENTERPRISE FUNDS:** The Town of Wellfleet shall propose budgets for the Enterprise Funds that are self-supporting without a property tax transfer and which shall also reasonably and accurately allocate indirect costs.

**CAPITAL BUDGET:** The Capital Budget is important because regular replacement of worn out or obsolete equipment and prompt maintenance of facilities are important steps to avoid larger future expenditures which can result from delayed replacement or maintenance. The Town of Wellfleet shall propose a Capital Budget for the upcoming Fiscal Year that will include all capital projects and items with an overall expenditure of at least \$5,000 and a life expectancy of greater than one year. Replacement of vehicles will be reviewed in accordance with the Board of Selectmen's Vehicle Rollover Policy. The Selectboard may adopt a revised fuel-efficient vehicle policy in time to be considered as part of the proposed budget.

Certain capital budget items may be funded by borrowing. When presenting any capital item whose funding source is borrowing to town meeting voters the warrant shall include the projected debt service cost in the first year and the total projected debt service costs (principal and interest) for the entire borrowing term.

**CAPITAL IMPROVEMENT PLAN:**<sup>1</sup> The Town of Wellfleet shall propose a five-year Capital Improvement Plan that will encompass any capital project or item with an overall expenditure of at least \$5,000 and a life expectancy of at least one year. Inclusive within the Capital Improvement Plan shall be a breakdown of the possible additional operational costs associated with the capital project or item, including whether additional personnel may be required. (The FY 2021 Capital Improvement Plan has been previously approved and can be found on the town web site.

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<sup>1</sup> See Town Charter section 7-5.  
Budget Policy FY 2022

The Town Administrator will review and present the recommended FY 2022 Capital Improvement Plan with Department Heads during the fall budget planning process. The Finance Committee report on the FY 2022 Capital Improvement Plan shall be delivered by **TBD**.

**BUDGET DEVELOPMENT:** Department Heads shall make appropriate and well-reasoned budget submittals to the Town Administrator by November 20, 2020. The Town Administrator shall submit the proposed budget to the Board of Selectmen and the Finance Committee on December 20, 2020.

Where personnel costs are unknown due to pending contract negotiations department budgets shall include personnel costs based on FY 2021 costs. Required salary adjustments will be proposed in a separate article or articles. For the FY 2022 budget the Wellfleet police Union is the only collective bargaining up for renewal.

**PUBLIC MEETINGS ON THE PROPOSED BUDGET AND BUDGET APPROVALS:** The Town Board of Selectmen and the Finance Committee shall hold joint budget workshops at 7:00 p.m. on Tuesdays or Wednesdays in January and in February. Department Heads will only need to be present at budget workshops if requested by the Board of Selectmen, the Finance Committee or the Town Administrator. The Board of Selectmen shall approve its proposed budget by the end of January. The Board of Selectmen's proposed budget may be subject to modifications if subsequent additional or unexpected budget or revenue information, including regional school district assessments or adjustments to state revenue or charges, becomes available prior to the Annual Town Meeting. Any modifications to the budget will be dated and consolidated where possible. The Finance Committee shall hold at least one Public Hearing on the proposed budget and shall make its recommendations on the proposed budget by **TBD**.

**ADDITIONAL REQUESTED BUDGET AMOUNTS:** Additional requested budget amounts above the previous year's budget request are not encouraged but will be considered if justification for such additional amounts is included with the budget materials. Justification and any supporting documents shall be submitted by department heads as a separate submission. Priority will be given for requests that place a minimum reliance upon the property tax to fund these endeavors and for requests required to meet legal obligations of the Town of Wellfleet.

Requests for new or expanded programs or services or substantial increases in ongoing expenditures, programs and services shall be detailed on the FY 2022 Additional Budget Request form (attached) and included with the proposed budget.

**NON-PROPERTY TAX REVENUE SOURCES:** The Town of Wellfleet shall continue supporting the concept that user fees, reasonable sponsorships and other non-property tax revenues be utilized to help offset the property tax and, to the fullest extent practical, be devised to recoup the costs of supplying a particular service. The Town Administrator in preparation of the budget shall review current department fee structures and charges for services and propose modifications as deemed necessary and appropriate.

**BUDGET TIMETABLE:** Due dates and deadlines are specified in the "Fiscal 2022 Budget and 2021 Annual Town Meeting and Annual Town Election Schedule" to be adopted by the Board.

**THE BOARD OF SELECTMEN ADOPTS THE FOLLOWING FISCAL MANAGEMENT GOALS FOR FISCAL YEAR 2022:**

- To work towards presenting a balanced budget, within the constraints of Proposition 2 ½, without requesting an override.
  1. To limit the overall increase in the budgets recommended for the Wellfleet Elementary School and the Nauset Regional School District to 2.5% or less while acknowledging the actual Town of Wellfleet assessment for the Nauset Regional School District and the Cape Cod Regional Technical High School may be above or below that amount due to variances in student enrollment numbers.
  2. To limit the increase in the unclassified accounts budget to 8% or less while acknowledging that the increase in health insurance and the retirement assessment is not controlled by the Town of Wellfleet.
  3. To limit the Fiscal 2022 operating budget for expenditures other than education and unclassified accounts to 2.5% or less.
- The Selectmen's Budget and Financial Management Policy specifies annual capital expenditures (exclusive of items financed by borrowing) of between three and seven percent of the operating budget. The Fiscal 2022 capital budget, based on the same set of operating budget assumptions, should therefore be between **\$amount to be determined**.
- Not to authorize any new significant program without an identified financing source to pay for said program.
- Not to authorize any new full-time personnel beyond current authorized levels. However, if any such new personnel are funded the positions shall be valued at a cost that includes both salary and benefits.
- Any open positions will be evaluated and if needed, replaced with part-time or full-time employees as appropriate for the position.
- The maximum utilization of funds from all revenue sources to fund programs.
- Whenever possible and reasonable staff will cultivate productivity improvements that could lead to realized savings.
- Whenever possible and reasonable staff will investigate regional opportunities that could lead to realized savings.
- All staff and volunteers shall pursue grant funding to offset the cost to taxpayers for operations and special projects.
- The Town Administrator shall review regularly the methods of operation, program service delivery and expenditure of resources in the various Town departments to ensure maximum efficiency for the Town of Wellfleet.

- The town will continue to provide for an annual Other Post-Employment Benefits (“OPEB”) contribution.
- The Town has reached its policy goal of a Stabilization Fund balance equal to approximately 5.0% of the annual operating budget. The Town will continue to fund the Stabilization Fund to meet the 5% goal. Each year a transfer equal to 5% of the budget growth will be requested.
- To maintain the Finance Committee Reserve Fund at an amount equal to 0.5% of the operating budget. Because the unexpended Reserve Fund balance reverts to free cash at the end of each fiscal year it must be appropriated in full each budget cycle. The estimated appropriation required to meet this goal for **FY 2022 is \$to be determined.**
- To maintain a free cash balance equal to approximately 4.5% of the operating budget. The estimated free cash balance required to meet this goal for **FY 2022 is \$to be determined.**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

# IV

### BUSINESS – E

|                         |  |
|-------------------------|--|
| <b>REQUESTED BY:</b>    | <b>Chair</b>   |
| <b>DESIRED ACTION:</b>  | <b>Review and Approve 2021 Selectboard Meeting Schedule</b>                                |
| <b>PROPOSED MOTION:</b> | <b>I move to approve the 2021 Selectboard Meeting Schedule as presented in the packet.</b> |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s): _____                                  |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____  |

## 2021 SELECTBOARD MEETING SCHEDULE TOWN OF WELLFLEET

ON THE SECOND AND FOURTH TUESDAY OF THE MONTH

\*\*DUE TO THE COVID-19 PANDEMIC, MEETINGS WILL BE HELD VIA ZOOM UNTIL FURTHER NOTICE  
OR UNLESS OTHERWISE INDICATED ON THE MEETING AGENDA\*\*

| 2021 Board of Selectmen<br>Meeting Dates | Time and Location<br>of Meeting | Filing Deadline for<br>Board Agenda Items |
|--|---------------------------------|---|
| January 12                               | 6pm - Zoom                      | January 8                                 |
| January 26                               | 6pm - Zoom                      | January 22                                |
| February 9                               | 6pm - Zoom                      | February 5                                |
| February 23                              | 6pm - Zoom                      | February 19                               |
| March 9                                  | 6pm - Zoom                      | March 5                                   |
| March 23                                 | 7pm - Zoom                      | March 19                                  |
| April 13                                 | 7pm - Zoom                      | April 9                                   |
| <b>April 26 (ATM)</b>                    | <b>5pm - WES</b>                | April 22                                  |
| May 11                                   | 7pm - TBD                       | May 7                                     |
| May 25                                   | 7pm - TBD                       | May 21                                    |
| June 8                                   | 7pm - TBD                       | June 4                                    |
| June 22                                  | 7pm - TBD                       | June 18                                   |
| July 13                                  | 7pm - TBD                       | July 9                                    |
| July 27                                  | 7pm - TBD                       | July 23                                   |
| August 10                                | 7pm - TBD                       | August 6                                  |
| August 24                                | 7pm - TBD                       | August 20                                 |
| September 14                             | 7pm - TBD                       | September 10                              |
| September 28                             | 7pm - TBD                       | September 24                              |
| October 12                               | 7pm - TBD                       | October 8                                 |
| October 26                               | 7pm - TBD                       | October 22                                |
| November 9                               | 6pm - TBD                       | November 5                                |
| November 23                              | 6pm - TBD                       | November 19                               |
| December 7                               | 6pm - TBD                       | December 3                                |
| December 14 (with FinCom)                | 6pm - TBD                       | December 10                               |

*ADDITIONAL MEETINGS MAY BE SCHEDULED AS NEEDED.*

### LEGAL HOLIDAYS TOWN HALL WILL BE CLOSED

|                                   |   |                                    |
|-----------------------------------|---|------------------------------------|
| January 1, 2021<br>New Year's Day | Jan 18, 2021<br>Martin Luther King Day        | Feb 15, 2021<br>Presidents' Day    |
| April 19, 2021<br>Patriots' Day   | May 31, 2021<br>Memorial Day                  | July 4, 2021<br>Independence Day   |
| September 6, 2021<br>Labor Day    | October 11, 2021<br>Columbus Day              | November 11, 2021<br>Veterans Day  |
| Nov 25, 2021<br>Thanksgiving Day  | Nov 26, 2021<br>Friday after Thanksgiving Day | December 25, 2021<br>Christmas Day |



**TOWN OF WELLFLEET  
OFFICE OF THE SELECTBOARD**

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

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

[www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

November 10, 2020

We would like to extend our warmest thanks and gratitude to Erika Meads, who organized the Halloween trick-or-treating in Wellfleet Center. Her efforts, and those of volunteers, residents, and businesses of the center of town, gifted the town's children a normal Halloween night. With COVID-19 pandemic, those slices of normality are dear to everyone.

It was an amazing night, and it was heartwarming to see the children in their Halloween costumes having a great time. Thank you for working with the Health Agent to put together a safe and fun way to have trick or treating this year.

Sincerely with gratitude on the behalf of Wellfleet,

The Wellfleet Selectboard

---

Michael DeVasto, Chair

---

Janet Reinhart, Vice-Chair

---

Ryan Curley, Clerk

---

Helen Miranda Wilson

---

Justina Carlson



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

IV

### BUSINESS – G

|                         |  |
|-------------------------|--|
| <b>REQUESTED BY:</b>    | Selectboard Member Curley  |
| <b>DESIRED ACTION:</b>  | Approval of Thank You Letter to Those Involved in The September 12, 2020 Ordinance Disposal  |
| <b>PROPOSED MOTION:</b> | I move to approve the thank you letter to those involved in the September 12, 2020 ordinance disposal, as drafted and presented in the packet. |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s):  |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____  |



**TOWN OF WELFLEET  
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November 10, 2020

Wellfleet Fire Chief Richard Pauley  
10 Lawrence Road  
Wellfleet, MA 02667

Dear Chief Pauley,

On September 12, 2020, immediately after Wellfleet's Town Meeting, a highly hazardous situation occurred at a private residence when a homeowner was expanding their driveway and unearthed not one, not two, but nine live munitions ranging from target shooting explosives to 12-14" shells. The Massachusetts State Police Bomb Squad was called in and attempted to x-ray the munitions but were unable to due to the thickness of the casings and the age of the shells. Additional help was requested with US Navy Bomb Technicians were flow to Wellfleet from U.S. Naval Station Newport, RI. These explosives were estimated to be World War I vintage. As explosives age, they become more unstable, significantly increasing the risk of accidental detonation. This made it was critical to destroy the explosives immediately.

To prevent damage to the homeowner's house and surrounding properties, the devices were carefully loaded into a Department of Public Works dump truck and covered with sand, transported to the sandpit, and carefully unloaded and detonated in a total of four controlled detonations. Altogether it took 7 hours of carefully coordinated teamwork.

Unexploded ordnance has been discovered several times on the beach at Marconi. Explosives found at Marconi are typically able to be detonated in place. The incident on September 12th was an order of magnitude more hazardous due to it being in a residential neighborhood, the sheer number of devices found, and the need to transport them to a location where they could be safely detonated. It is important to recognize the team members involved in successfully completing this operation and the risks they faced.

We give special thanks to Incident Commander, Wellfleet Fire Department Lt. Curtis Gelatt. Thank you to Wellfleet Fire Department staff: FF/EMT Joshua Wagner, FF/EMT Jeff Hall, FF/EMT, Theresa Townsend, and EMT Paul O'Neil; Wellfleet Police Department staff: Sgt. Mike Turner, Officer Mark Spigel, and Officer Edward Garneau; Kevin Berry of the Wellfleet Department of Public Works.

The Town of Wellfleet also thanks Members of MA State Police Bomb Squad and the U.S. Navy Munitions/Explosives Technicians.

Sincerely,

The Wellfleet Selectboard

---

Michael DeVasto, Chair

---

Janet Reinhart, Vice-Chair

---

Ryan Curley, Clerk

---

Helen Miranda Wilson

---

Justina Carlson

CC:

Lt. Curtis Gelatt (WFD)

FF/EMT Joshua Wagner (WFD)

FF/EMT Jeff Hall (WFD)

FF/EMT, Theresa Townsend (WFD)

EMT Paul O'Neil (WFD)

Sgt. Mike Turner (WPD)

Officer Mark Spigel (WPD)

Officer Edward Garneau (WPD)

Kevin Berry (WDPW)

MA State Police Bomb Squad

U.S. Navy Munitions/Explosives Technicians



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

V

### COVID-19 UPDATES AND RECOMMENDATIONS – A

|                         |   |
|-------------------------|---|
| <b>REQUESTED BY:</b>    | <b>Chair</b>  |
| <b>DESIRED ACTION:</b>  |   |
| <b>PROPOSED MOTION:</b> | <b>TBD</b>  |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s): |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____                   |

[illegible]



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

# VII

### TOWN ADMINISTRATOR'S REPORT

To: Board of Selectmen  
From: Maria T. Broadbent, Town Administrator  
Subject: Town Administrator's Report  
Date: November 6, 2020

This report is for the period October 24, 2020 through November 6, 2020.

#### 1. General

- Town Hall remains closed to the public, except by appointment only, as precaution to the COVID-19 virus. Town staff is available by appointment.
- The Health/Conservation Agent has updated the COVID-19 Mandatory Safety Standards and Workplace Training Manual based on guidance from the Commonwealth, and the Board of Health and feedback from the Selectboard.

#### 2. Fiscal Matters

- The Town Treasurer worked with worked closely with the Eastham Finance Director to finish up the tax rate filing. They are working to respond to feedback from the Department of Revenue.
- The Town is receiving \$14,172 in CARES Act funding from the Commonwealth toward reimbursement for funds expended related to COVID-19 measures. Funding from FEMA will likely only be available for expenditures related to public safety.
- Lisa Souve', the retired accountant from Brewster, has been brought on board to provide accounting services while the Town conducts a search for a permanent accountant.

#### 3. Meetings – Most meetings are via conference call/Zoom

- October 27-Lili Green, Energy Committee/Barnstable County Delegate
- October 27-Energy & Climate Committee members re low-lying roads to be considered for future grant applications
- October 28-FinComm FY22 CIP requests

#### 4. Personnel Matters:

- The Town Accountant position has been advertised on the Town website and with relative professional organizations.

[illegible]

## TOPICS FOR FUTURE AGENDA ITEMS

### As of November 6, 2020

For future reference:

- Future new updates will be in **BOLD**
- Completed items will be dropped from list

| Date              | Issue  | Update   |
|-------------------|--|--|
| 8/11/20<br>(HMW)  | Selectboard Correspondence   |  |
| 8/11/20<br>(HMW)  | Town Administrator<br>Evaluation Plan and Process  |  |
| 8/11/20<br>(MD)   | Selectboard Social Media<br>Policy   |  |
| 8/25/20<br>(HMW)  | Selectboard Policies – review,<br>refine, edit   | In process - Obtaining Legal Counsel and Fuel-Efficient Vehicle<br>policies were asked to be forwarded to Boards and Committees by<br>the TA at the 10/27 meeting. |
| 9/8/20<br>(RC)    | MEPA for Map 30, Parcel 14   |  |
| 9/8/20<br>(HMW)   | Abiding by OML/Conflict of<br>Interest Discussion  |  |
|                   |  |  |
| 9/30/20<br>(RC)   | Bike and Walkways<br>Committee Update  |  |
| 9/30/20<br>(RC)   | Cemetery Commission update   |  |
| 10/13/20<br>(MD)  | Stairway from Historical<br>Society  | In process – acceptance of gift at 10/27/20 meeting, awaiting the<br>“letter of agreement” for review  |
| 10/13/20<br>(JC)  | Update from Comp.<br>Wastewater Mgmt Planning<br>Committee – oysters as<br>nitrogen mitigators |  |
| 10/13/20<br>(RC)  | Landfill right-of-way at for<br>Solar Array at the Transfer<br>Station                         | Update being given on 11/10/20   |
| 10/13/20<br>(RC)  | Follow-Up with National<br>Seshore about Woodland Fire<br>Managment                            |  |
| 10/13/20<br>(MD)  | Local Media Policy   |  |
| 10/13/20<br>(HMW) | Status of Roads in the<br>Subdivision  |  |
| 10/27/20<br>(RC)  | Accounting/Accountant<br>Update  |  |

New updates are in **BOLD**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

IX

# CORRESPONDENCE AND VACANCY REPORTS

*Thursday, October 22, 2020 through Friday, November 6, 2020*

### Letters (emails):

|       |  |   |
|-------|--|---|
| 10/23 | Rebekah Eldridge                       | Meeting Agenda  |
| 10/23 | Simone Wright                          | Shellfish Notice for Wellfleet                              |
| 10/23 | Jude Ahern                             | 1446 Route 6A South Wellfleet General Store                 |
| 10/23 | Michael DeVasto                        | Employee Workspace Safety                                   |
| 10/23 | Courtney Butler                        | Agenda items for 11/10                                      |
| 10/23 | Hillary Lemos                          | employee training manual 10-23-20                           |
| 10/24 | Ryan Curley                            | Eastham Elementary School Students Test Positive            |
| 10/24 | Nancy Civetta                          | Shellfish Crier: Chipman's Cove Opens Tomorrow; Note        |
|       |  | Yellow Flag on Pier   |
| 10/24 | Nancy Civetta                          | Recreational Shellfishing Crier: Chipman's Cove Opens       |
|       |  | Tomorrow, One Generous Shellfish Farmer!, and more          |
| 10/24 | Ryan Curley                            | Revised Draft Guidelines 10.24.20 for Direct Sale of        |
|       |  | Shellfish to Consumers                                      |
| 10/24 | Ryan Curley                            | Re: Meeting Agenda  |
| 10/26 | Jude Ahern                             | money launderers's HCA agreement dated May 6, 2019?         |
| 10/26 | Courtney Butler                        | Meeting with Superintendent Carlstrom                       |
| 10/26 | MA Division of Marine Fisheries        | Reminder: MA Public Hearing on Black Sea Bass               |
|       |  | Commercial Allocation Management on October 29              |
| 10/26 | Janet Reinhart                         | Cannabis Commission   |
| 10/26 | Maria Ecke (Fax)                       | Residential Tax Exemption                                   |
| 10/26 | Ryan Curley                            | Maine's Guidance on Shellfish Sales.                        |
| 10/26 | Andy Jones                             | Copy of MassDEP Correspondence                              |
| 10/26 | Wellfleet Shellfisherman's Association | Letter of Support   |
| 10/26 | Helen Miranda Wilson                   | Some data for our COVID 19 agenda item.                     |
| 10/27 | Ryan Curley                            | Draft Guidelines for Direct Shellfish Sales 10.26.20        |
| 10/27 | Cape Light Compact                     | Quarterly Report Apr-June 2020                              |
| 10/27 | Helen Miranda Wilson                   | For COVID-19 Mandatory Safe Standards Agenda item           |
| 10/27 | Maria Broadbent                        | Wellfleet Affordable Housing Trust Fund                     |
| 10/27 | Courtney Butler                        | For BOS Agenda  |
| 10/28 | Zachary Ment                           | Getting on a selectBoard agenda to discuss opening plan and |
|       |  | conditions of Host Agreement                                |
| 10/28 | Courtney Butler                        | Letter to sign  |
| 10/28 | Maria Broadbent                        | FW: CIP Request For FY 22                                   |
| 10/28 | Maria Mojica                           | Appeal-Corrected claim                                      |
| 10/28 | Maria Broadbent                        | FY22 DRAFT budget schedule and policy                       |
| 10/28 | Dawn Rickman                           | Short term borrowing  |
| 10/28 | MA Division of Marine Fisheries        | Commercial Black Sea Bass Fishery to Close Effective        |
|       |  | November 3, 2020  |
| 10/28 | MA Division of Marine Fisheries        | Commercial Tautog Fishery to Close Effective November 3,    |
|       |  | 2020  |
| 10/28 | Courtney Butler                        | Scanned Correspondence week of 10/26                        |
| 10/29 | Cape Cod Commission                    | Cape Cod Commission Reporter: October 2020                  |
| 10/29 | MA Division of Marine Fisheries        | Summer Flounder Trip Limit to Increase on November 1        |
| 10/29 | Helen Miranda Wilson                   | Fwd: Harbor Conference Info on Town Website                 |



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

IX

|       |                                 |  |
|-------|---------------------------------|--|
| 10/29 | Ryan Curley                     | Fwd: Debt Service & Assessments Schedules for FY21   |
| 10/30 | MA Division of Marine Fisheries | Commercial Black Sea Bass Season Extended Through November 5, 2020                           |
| 10/31 | Ryan Curley/Miriam Spencer      | Fwd: Debt Service & Assessments Schedules for FY21   |
| 11/2  | Courtney Butler                 | 11/10 Selectboard Agenda - Items due 11/6 at 12 Noon   |
| 11/2  | Maria Broadbent                 | Accounting temp services   |
| 11/2  | MA Division of Marine Fisheries | November Marine Fisheries Advisory Commission Business Meeting is Cancelled                  |
| 11/2  | Ryan Curley                     | New COVID Restrictions   |
| 11/2  | MMA                             | Here's your November issue of The Beacon from the MMA  |
| 11/3  | Maria Broadbent                 | Next week  |
| 11/3  | Wellfleet Chamber of Commerce   | COVID-19 Protocol Updates for MA Businesses and Residents                                    |
| 11/4  | Maria Broadbent                 | FYI: Tax Rate filing   |
| 11/4  | MA Division of Marine Fisheries | Commercial Tautog Fishery to Reopen on November 6  |
| 11/5  | MA Division of Marine Fisheries | CORRECTED NOTICE: Commercial Tautog Fishery to Reopen on November 6                          |
| 11/5  | Lilli Green                     | RE: Resolution and letter to Governor in support of shellfishers to sell direct to consumers |
| 11/6  | Jon Li                          | Massachusetts US Universal Health and Social Services - City Managed                         |
| 11/6  | Maria Broadbent                 | FYI: Optical Ground Wiring Project along Line 125-using helicopters                          |
| 11/6  | Courtney Butler                 | Packet for 11/10 Meeting   |
| 11/6  | Maria Broadbent                 | FYI: Helicopters to be used for powerline work   |

### Federal State Local:

|      |                         |                                     |
|------|-------------------------|-------------------------------------|
| 11/2 | Conservation Commission | Notice to Abutters 210 Kendrick Ave |
|------|-------------------------|-------------------------------------|

### Board & Committee Minutes:

|       |                  |   |
|-------|------------------|---|
| 10/28 | Chris Bates      | approved Conservation Commission mtg mins 10/7/20         |
| 10/28 | Richard Ciotti   | FW: Housing Authority Pandemic Minutes                    |
| 10/28 | Rebekah Eldridge | fincom minutes 9/10/20                                    |
| 11/3  | Chris Allgeier   | Dredging Task Force - MINUTES OF MEETING OCTOBER 19, 2020 |
| 11/4  | Carol Ubracio    | approved WHC minutes for Sept. 24, Oct 7, Oct. 22         |

### Internal Memos:

|       |             |   |
|-------|-------------|---|
| 10/23 | Ryan Curley | SELECTBOARD VENDOR AND P/R EXPENDITURES |
|       |             | 10/27/2020                              |
|       |             | W10272020      \$609,033.24             |
|       |             | 10272020PR     \$355,520.43             |

### Legal:

|      |                       |  |
|------|-----------------------|--|
| 11/5 | KP Law, Amy E. Kwesel | James Halleck Hoeland, Trustee of the Family Trust, et al. v. Town of Wellfleet Conservation Commission No. 972CV00053 |
|------|-----------------------|--|



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

# IX

Date: November 4, 2020  
To: Board of Selectmen  
From: Jeanne Maclauchlan  
Re: Vacancies on Town Boards

**Board of Health** (5 members, 2 alternates)

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

**Board of Water Commissioners**

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

**Building and Needs Assessment Committee** (5 Members)

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

**Cable Advisory Committee** (5 members)

|   |                      |                |
|---|----------------------|----------------|
| Vacant Positions                                | Appointing Authority | Length of Term |
| 1 Position                                      | Board of Selectmen   | 1 year         |
| Requesting Appointment: No applications on file |                      |                |

**Commission on Disabilities** (up to 7 Members)

|   |                      |                |
|---|----------------------|----------------|
| Vacant Positions                                | Appointing Authority | Length of Term |
| 5 Positions                                     | Board of Selectmen   | 3 years        |
| Requesting Appointment: No applications on file |                      |                |

**Conservation Commission** (7 Members + 2 alternates)

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

**Council on Aging** (11 Members)

|  |                      |                |
|--|----------------------|----------------|
| Vacant Positions                               | Appointing Authority | Length of Term |
| 1 Positions                                    | Board of Selectmen   | 3 years        |
| Requesting Appointment: No application on file |                      |                |

**Cultural Council** (no more than 15 Members)

|   |                      |                |
|---|----------------------|----------------|
| Vacant Positions                                | Appointing Authority | Length of Term |
| 4 Positions                                     | Board of Selectmen   | 3 years        |
| Requesting Appointment: No applications on file |                      |                |

**Finance Committee** (9 members, 2 alternate)

|  |                      |                |
|--|----------------------|----------------|
| Vacant Positions                               | Appointing Authority | Length of Term |
| 1 Alternate Positions                          | Town Moderator       | 3 years        |
| Requesting Appointment: No application on file |                      |                |

**Marina Advisory Committee** (7 Members, 2 Alternates)

|                  |                      |                |
|------------------|----------------------|----------------|
| Vacant Positions | Appointing Authority | Length of Term |
|------------------|----------------------|----------------|



# SELECTBOARD

## AGENDA ACTION REQUEST Meeting Date: November 10, 2020

---

|            |                    |         |
|------------|--------------------|---------|
| 1 Position | Board of Selectmen | 2 years |
|------------|--------------------|---------|

1 Alternate Position

Requesting Appointment: No application on file

### **Personnel Board** (4 members + TA + FinCom Rep)

|                  |                      |                |
|------------------|----------------------|----------------|
| Vacant Positions | Appointing Authority | Length of Term |
|------------------|----------------------|----------------|

|            |                    |         |
|------------|--------------------|---------|
| 1 Position | Board of Selectmen | 3 years |
|------------|--------------------|---------|

Requesting Appointment: No applications on file

### **Planning Board** (7 members + 2 alternates)

|                  |                      |                |
|------------------|----------------------|----------------|
| Vacant Positions | Appointing Authority | Length of Term |
|------------------|----------------------|----------------|

|            |                    |         |
|------------|--------------------|---------|
| 1 Position | Board of Selectmen | 3 years |
|------------|--------------------|---------|

Requesting Appointment: No applications on file

### **Recycling Committee** (7 members)

|                  |                      |                |
|------------------|----------------------|----------------|
| Vacant Positions | Appointing Authority | Length of Term |
|------------------|----------------------|----------------|

|            |                    |         |
|------------|--------------------|---------|
| 1 Position | Board of Selectmen | 3 years |
|------------|--------------------|---------|

2 Alternate Positions

Requesting Appointment: No applications on file

### **Shellfish Advisory Board** (7 members + 2 Alternates)

|                  |                      |                |
|------------------|----------------------|----------------|
| Vacant Positions | Appointing Authority | Length of Term |
|------------------|----------------------|----------------|

|                      |                    |         |
|----------------------|--------------------|---------|
| 1 Alternate Position | Board of Selectmen | 3 years |
|----------------------|--------------------|---------|

Requesting Appointment: No applications on file

### **Zoning Board of Appeals** (5 members + 4 Alternates)

|                  |                      |                |
|------------------|----------------------|----------------|
| Vacant Positions | Appointing Authority | Length of Term |
|------------------|----------------------|----------------|

|                      |                    |         |
|----------------------|--------------------|---------|
| 1 Alternate Position | Board of Selectmen | 3 years |
|----------------------|--------------------|---------|

1 Position

Requesting Appointment: No applications on file



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

X

### MINUTES

|                         |   |
|-------------------------|---|
| <b>REQUESTED BY:</b>    | <b>Executive Assistant</b>  |
| <b>DESIRED ACTION:</b>  | <b>Approval of meeting minutes</b>  |
| <b>PROPOSED MOTION:</b> | <b>I move to approve the minutes of October 27, 2020 as printed in draft.</b> |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s):                           |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____   |

**Wellfleet Selectboard Meeting  
Tuesday, October 27, 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; Health Agent Hillary Greenberg-Lemos; Town Treasurer Miriam Spencer; Community Services Director Suzanne Grout Thomas; Shellfish Constable Nancy Civetta; Assistant Harbormaster Will Sullivan;

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**

- Curley: Thanked Jennifer Congel for her efforts on early voting.
- Audience member Lilli Green, Assembly Delegate: discussed the Barnstable County Assembly of Delegates work to support Direct Shellfish Sales with Governor Baker. Please watch, attend, or submit comments to the Janice O’Connell at Barnstable County.
- Butler: The Secretary of the Commonwealths office is recommending that Ballot Boxes be moved to a location in which they can be monitored, due to what happened in Boston on Sunday. The Wellfleet box will be moved from outside of Town Hall on Wednesday, October 27, to the main vestibule at the Police station. The vestibule is open 24 hours a day, is monitored and has handicapped accessibility.

**COVID-19 UPDATES AND RECOMMENDATIONS**

***Cashflow Update & Proposed Short-Term Borrowing***

Spencer said that pre-paid tax revenues (\$74,232) as well as Rooms & Meals Tax revenues (\$554,783) have arrived and the need to use a short-term borrowing loan is no longer present. Instead, borrowing would be done internally. DeVasto asked if the Stabilization Fund require a Town Meeting vote; Spencer said no and Broadbent said this would not be funds borrowed from the Stabilization Fund.

Wilson asked where the funding, of \$1,021,395 for a payment to the Nauset School District, would come from. Spencer said that she would use whatever cash was on hand, with the Selectboard’s permission. Wilson asked if this was absolutely best route to cover the payment, saying she wanted to ensure payroll would still be met, for example. Spencer said whichever fund the money comes from would be back-filled.

Curley noted that the Tax Rate had not yet been set, indicating at least a month of time that will pass before they are sent out. Broadbent explained that the State system was complicated and that the assistance from Rich Bienvenue, of Eastham, was assisting them in entering information correctly. Curley asked when the tax bills would go out; Spencer said she was meeting with Bienvenue tomorrow and hoped to make progress this week.

**DRAFT – A full audio recording of this virtual meeting can be found on the Town’s website under Wellfleet Town Media.**

Carlson asked, if the tax bills were going to be sent out later, what it did to the cashflow. Spencer discussed the many factors at play and then said that the Town was looking to hire a contractor to assist in the accounting department, someone who has helped before.

Fred Magee, Finance Committee Chair, noted that the internal funds are a zero-sum, indicating that they will not replenish themselves and will hit a \$0 balance at some point. He expressed concern of going into the holidays, in a pandemic, assuming people will pay their taxes right away. Spencer said that this was more of a dire tone than necessary, and noted the amount received in pre-paid taxes thus far as well as the housing market and turnover in homes.

Wilson said that more than \$1 million was needed; Spencer said that this money was the one piece that could not be covered under the current cash on hand. Curley noted the payroll and vendor amounts per cycle, which were ranged from \$819,00 to \$964,000. He said that the Town could make it through 4 pay cycles with cash on hand and expressed overall concerns for the accounting matters. There was further discussion.

Chief Hurley discussed the COVID expenditures, saying they were expecting at least \$150,000 from FEMA. Chief Pauley expressed concerns about cashflow. DeVasto asked that the motion stipulate that the Stabilization Fund be used.

- Wilson moved to approve the use of short-term borrowing, as recommended by the Treasurer, in the amount of \$1,021,395.00.
- Carlson seconded, and the motion carried 5-0.

***Return-to-Work Plan***

DeVasto and Wilson provided amendments to the drafted Plan prior to the meeting, which Butler shared with the audience. Wilson spoke to her amendments regarding face coverings, which she amended for clarity and requirement. Wilson noted that once this Board approved this plan, it became mandatory to follow. DeVasto noted similar amendments and one other that provide accommodations for staff who travel and need to isolate per the Governor’s Travel Order, or need to isolate for other reasons. Broadbent asked about laborers, or staff who do not work in an office environment. DeVasto said that if it could be accommodated, by providing other work from home, that is should be made. He noted that it was the State guideline; Broadbent noted two current situations, one in which the staff member took sick time because the nature of their work could not be done from home. There was further discussion of accommodations for remote work.

There was discussion of different testing methods that could possibly be required by the State and it was determined that the “molecular PCR” test would be required, with a negative result, to return-to-work.

- Wilson moved that the Board approve the COVID-19 Mandator Safety Standards and Workplace Training Manual as printed and amended.

**BOARD/COMMITTEE APPOINTMENTS AND UPDATES**

***Council on Aging Advisory Board – Request to Change Name of Senior Building***

Thomas was present and described the desire of 1/3 of the Town’s resident’s, aged 65 and above, to not go to a building that was associated with the word “Senior”. The request is to change the name to Adult Community Center. Evelyn Savage spoke in favor of the change. Brian Quigley said this was more of a brand change and noted that Barnstable has also changed its Senior Center name as

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well. Wilson asked why it could not simply be called the Community Center, and the Board agreed that a Community Center was bigger and offered more than this building could, and did not want to discount the opportunity for one in the future. There was further discussion of the name change.

DeVasto said the change was simply of the building and that, with no offense, it would still serve as a “Senior Center”

- Reinhart moved to support the Council on Aging Advisory Board’s recommendation to change the name of the Senior Center Building to the Adult Community Center.
- Carlson seconded, and the motion carried 4-1, with DeVasto opposed.

***Rights of Public Access Committee – Conflict of Interest Disclosures for Sonya Woodman and Melissa Yow***

- Wilson moved that the Board has determined that the financial interest of Sonya Woodman and Melissa Yow is not so substantial as to be deemed likely to affect the integrity of the services which the town may expect from them as members of the Rights of Public Access Committee member. The disclosure are dated, respectively, October 7, 2020 October 8, 2020.
- Curley seconded, and the motion carried 5-0.

***Request for a Temporary Seasonal Allowance of Direct Sales of Shellfish Letter. Seasonal Allowance of Direct Sales of Shellfish Letter, and the Draft Guidelines for Direct Shellfish Sales [Curley]***

DeVasto recused himself and asked Reinhart to Chair this discussion. Reinhart asked Curley who would be responsible for this; Curley said he was working on guidelines with Joshua Reitsma, from the Cape Cod Cooperative Extension.

Wilson asked Civetta her thoughts on the matter; Civetta said she has spent a lot of time with many people involved from the County to the State. Reinhart asked to focus on the letter for now; Curley said the Board could send the letter first and indicate that they are working on guidelines. Wilson asked that the letter be sent to the Cape Cod Delegation, Senator Cyr and Representative Peake. Carlson asked if this was also a successful program in Maine; Curley said yes, it was legal by State law and there is a whole set of guidelines.

Curley clarified that he was asking for a temporary allowance, due to COVID-19. Sullivan asked that he be asked to work on the guidelines too. Civetta said this was a good effort, to go through the Governor and asked for input from the Board of Health as well. She did express concern for the time it would take to get this moving and asked to work with the Town’s current regulations and to also meet with the MA Department of Health and the MA Division of Marine Fisheries.

- Wilson moved to direct the Shellfish Constable to work with the Department of Health and the Division of Marine Fisheries and the Shellfish Advisory Board and the Shellfishing Community including the Wellfleet Shellfishermen's Association In order to develop a regulatory path to selling shellfish directly to consumers.
- Carlson seconded and the motion carried 4-0, with DeVasto recused.
- Wilson moved to send the letter requesting the allowance of Direct Sales of Shellfish, to the Governor, the DMF, DPH SAB, WSA, and the Cape Delegation, as drafted by Curley.
- Carlson seconded and the motion carried 4-0, with DeVasto recused.

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- Wilson moved that the Vice-Chair sign the letter, on behalf of the Board.
- Reinhart seconded, and the motion carried 4-0, with DeVasto recused.

***Municipal Affordable Housing Trust Fund***

DeVasto noted that Counsel confirmed that the Board did not need a Town Meeting vote to appoint member to this Fund Board. DeVasto expressed his interest in serving and the Board did not oppose. Elaine McIlroy, member of the Housign Authority, congratulated DeVasto on his efforts.

- Wilson moved to appoint DeVasto as the Selectboard to the Municipal Affordable HOusing Trust Fund.
- Carlson seconded, and the motion carried 5-0.

**BUSINESS**

***Request to Place Stairwell between the Town Hall Parking Lot and the Historical Society and Museum [Chair]***

DeVasto said he did not know why this was taking so long, as the intention was for the Historical Society to donate the stairwell on the Town land. Eric Winslow, of the Society, said it would be great to be able to gift this and have the stairwell in place by next Spring. He said the plans were approved by the previous Building Inspector and that he would also clear it with the new one when he starts.

Reinhart cited concerns with liability, the last time this request came before the Board. DeVasto noted that the Town has liability insurance. Wilson asked whose property it went on to; Winslow said it goes directly to the Historical Society property. Wilson noted that the stairwell would be built on Town property and asked if the Society would provide permission for the public to use the stairwell on the Society property. Winslow said that was fine, and the Society could provide a letter of agreement.

Kathleen Bacon, former Selectboard member, cautioned the Board in accepting this gift. She suggested an easement; DeVasto disagreed and there was further discussion.

- DeVasto moved to accept the stairwell between the Wellfleet Historical Society and Museum and the Town Hall parking lot, as a gift to the Town, pending a letter of agreement between the Town and the Historical Society whereas the Historical Society is responsible for maintain said stairwell and allowing public access through their property.
- Reinhart seconded, and the motion carried 5-0.

The letter of agreement will be brought forth for approval at a future meeting.

***Marina Fuel Tanks Update [Curley]***

Sullivan provided the update, saying that the plan is almost ready to present to the Board. He said the preferred location of the tanks would be wear they are now. Sullivan said he would not know the cost until both plans, above and below ground, were provided. DeVasto asked for the engineer to come to a meeting of the Selectboard when the designs came in. Wilson said she understood that the Board agreed to have the tanks above ground, and asked why the underground option was even being considered. Curley said that Article 23, voted on at Town Meeting, dictated that the tanks be above ground. There was further discussion.

- No action taken.

***Recommended changes to Town Accountant Position to Finance Director/Accountant [Town Administrator]***

Broadbent provided an overview of her recommended changes to the Town Accountant position. She was recommending a Finance Director/Town Accountant position, which would have 4 direct reports and asked for the Board’s approval of this reorganization. Broadbent noted that the Personnel Board wished to see the job description as well.

Carlson did not feel that the current environment was not the right one to reorganize the department in and said the focus should be on an Accountant who can focus on the Accountant function. Carlson also suggested using an outside accounting firm to help with the current situation. Reinhart agreed with Carlson. Wilson said the position is titled Finance Director/Town Accountant, so their main function would be as the Accountant. Carlson said that other towns set the Accountant apart, as a separate position. There was further discussion.

Curley agreed that the issue of the Town Accountant and Town finances was the main issue that should be focused on.

- Curley moved to direct the Town Administrator, Maria Broadbent, to write a memo on her rationale for the termination of the previous Town Accountant and the current state Town finances and place it in the Selectboard office as confidential.
  - There was no second, as this motion was deemed inappropriate as it was not related to the agenda item at hand. Curley said it was hard to understand what is needed in an Accountant, without knowing what went wrong last time.

DeVasto said that the request for the Town Administrator to write a memo could be asked of in the Town Administrator report or as a future agenda item. There was further discussion about posting the Town Accountant position and the possible use of an Acting Accountant/Consultant.

- Carlson moved to approve the reorganization of the Town Accountant position as described in the memorandum provided to the Board for this meeting by the Town Administrator.
- Wilson seconded, and the motion failed 2-3, with Curley, Carlson, and DeVasto opposed.

***Revision of Selectboard Policy on Obtaining Legal Opinions. [Curley]***

- Wilson moved that amending the Selectboard’s Policy on Obtaining Legal Opinions as printed in our packet is a good idea and that the Town Administrator distribute the DRAFT for review and comment, as specified in the Selectboard’s Policy on Policies.
- Curley seconded, and the motion carried 4-1, with Reinhart opposed.

***Fuel Efficient Vehicle Policy Revision [Curley]***

- Wilson moved that amending the Selectboard’s Policy on Fuel Efficient Vehicles as printed in our packet is a good idea and that the Town Administrator distribute the DRAFT for review and comment, as specified in the Selectboard’s Policy on Policies.
- Curley seconded, and the motion carried 4-1-1, with Reinhart opposed and Carlson abstained.

**SELECTBOARD REPORTS**

- There were no reports.

## **TOWN ADMINISTRATOR’S REPORT**

There was no discussion.

This report is for the period October 9, 2020 through October 23, 2020.

### **1. General**

- Town Hall remains closed to the public, except by appointment only, as precaution to the COVID-19 virus. Town staff is available by appointment.
- The Health/Conservation Agent and a retired medical professional member of the Board of Health toured Town Hall to determine what measures need to be taken to safely and comfortably return all staff to working in person in a way that follows Governor Baker’s COVID-19 directives. With some relatively minor movement of staff and office equipment, staff will be brought back to work at Town Hall but the building will continue to operate by appointment only for the public. The draft of the recommendations was reviewed by the Board of Health and their comments and the draft report are included on the October 27, 2020 Selectboard agenda.
- The space used by inspection staff in the Public Works Department building will be examined more closely once the new Building Official is on board.

### **2. Fiscal Matters**

- The Town Treasurer continues to work closely with the Eastham Finance Director to finish up the tax rate filing. The Eastham Director has been helping Wellfleet staff to review information needed by the Department of Revenue.
- The Town received a deposit of the June – September Rooms Tax in the amount of \$554,783, and \$74,232 in prepaid real estate taxes.
- An assessment payment to the Nauset Regional School District is due on December 1. It is recommended that the Town initiate internal short-term borrowing to cover the payment until tax receipts cover the cost. The approval for this internal borrowing is included on the Selectboard’s October 27, 2020 agenda.

### **3. Meetings – Most meetings are via conference call/Zoom**

- October 13-Cable Advisory Committee
- October 14-Fred Magee-FinCom
- October 15-Cape Code Climate Action Plan
- October 15-MA Interlocal Insurance Association
- October 20-Emergency Management Team
- October 20-Jim Nowak-School fire suppression system bid process
- October 23-Carolyn Murray, KP Law,

### **4. Personnel Matters:**

- Recommended changes to the Town Accountant position and the reorganization of finance staff have been included on the Selectboard’s October 27, 2020 agenda. It is hoped that the position can be advertised shortly.

## **TOPICS FOR FUTURE DISCUSSION**

- Wilson: understand more about the 2 documents received about Lot 3, the Solar Array
- Curley: Town Accountant position
- Reinhart: meetings go back to 6 PM starting on November 10, 2020

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- Reinhart: committees copy the Board on their minutes
- Curley: discussion of the state of Town finances and the Town Accountant position (if needed after discussion with the Town Administrator)
- Wilson: discussion of letter from Gayle Ferguson regarding a lot on West Main Street

**CORRESPONDENCE AND VACANCY REPORTS**

Wilson asked to discuss the email from Gayle Ferguson, regarding a small lot on West Main Street, and an easement over it, or not. Reinhart said the Planning or Zoning Board should look into it.

**MINUTES**

***October 13, 2020***

- Wilson moved to approve the draft minutes of October 13, 2020 as printed in draft.
- Reinhart seconded, and the motion carried 4-0-1, with Wilson abstained

**ADJOURNMENT**

- Wilson moved to adjourn.
- Reinhart seconded, and the motion carried 5-0.

The meeting adjourned at 10:43pm.

Respectfully submitted,

Courtney Butler,  
Secretary

Public Records Documents available as of 10/27/2020:

1. Memo from the Town Treasurer, dated October 20, 2020, re: Cashflow Update and Proposed Short-Term Borrowing;
2. COVID-19 Employee Training Manual;
3. Amendments to COVID-19 Employee Training Manual, provided by Michael DeVasto;
4. Amendments to COVID-19 Employee Training Manual, provided by Helen Miranda Wilson;
5. COVID-19 Work Site Visit Reports;
6. Memo from Robin Slack, re: Change of COA Building Name;
7. Disclosures of Financial Conflict of Interests for Melissa Yow and Sonya Woodman;
8. Memo from Elaine McIlroy, dated October 20, 2020, re: Municipal Affordable Housing Trust Fund;
9. MGLc44§55C – Municipal Affordable Housing Trust Fund;
10. Email from Elaine McIlroy and Ryan Curley, dated October 20, 2020, re: Municipal Affordable Housing Trust Fund;
11. Email from KP Law, dated October 27, 2020, re: Appointment to Municipal Affordable Housing Trust Fund;
12. Request from Historical Society to install a stairwell in the Town Hall Parking lot and supporting information;
13. Marina Fuel Tank Update from William Sullivan;
14. Recommendations for Town Accountant position from the Town Administrator;
15. Current Town Accountant job description;

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16. Recommended Updated Town Accountant job description;
17. Provincetown Town Accountant job description;
18. Request for a Temporary Seasonal Allowance of Direct Sales of Shellfish Letter. Seasonal Allowance of Direct Sales of Shellfish Letter, and the Draft Guidelines for Direct Shellfish Sales;
19. Draft guidance of Allowance of Direct Sales of Shellfish, as drafted by Ryan Curley;
20. Selectboard Policy on Obtaining Legal Opinions;
21. Fuel Efficient Vehicle Policy;
22. MA Green Communities Program;
23. Town Administrator’s Report;
24. Correspondence Report;
25. Vacancy Report;
26. Draft minutes of the September 30, 2020 and October 5, 2020 meetings.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: November 10, 2020

# XI

## ADJOURNMENT

|                         |   |
|-------------------------|---|
| <b>REQUESTED BY:</b>    | <b>Chair</b>  |
| <b>DESIRED ACTION:</b>  | <b>Adjournment</b>                                  |
| <b>PROPOSED MOTION:</b> | <b>I move to adjourn.</b>                           |
| <b>ACTION TAKEN:</b>    | Moved By: _____ Seconded By: _____<br>Condition(s): |
| <b>VOTED:</b>           | Yea _____ Nay _____ Abstain _____                   |