



Wellfleet Selectboard

Note: Start Time of 6pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, November 24, 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.
2. Join the meeting hosted in Zoom by using the following link:
<https://zoom.us/j/98788085014?pwd=VjN4bGtBam14YmtGOjNiZEFUVk1QZz09>
3. Audio, video, chat, and screen sharing functions will be disabled during the public session. Request to participate by using the "raise hand" function. **Meeting ID: 987 8808 5014 | Passcode: 063835**
 - a. Raise hand in smartphone app – touch bottom of your screen and select "more" - hit "raise hand" button
 - b. Raise hand on computer – hit "participants" button on bottom of screen – hit "raise hand" button on bottom of participants panel
 - c. Please make sure you properly identify yourself before speaking, rename yourself by selecting the participants button and choosing "more" (or by holding down on your name on a smartphone app) and selecting "rename" - full, legal names only.
 - d. Please join the meeting on time.
4. You may also listen to the meeting by calling in on a phone to +1 929 205 6099 and enter **Meeting ID: 987 8808 5014 | Passcode: 063835** Landline callers can participate by dialing *9 to raise their hand.
5. You may submit questions and comments to the Town using the following email:
executive.assistant@wellfleet-ma.gov Comments made during the meeting via e-mail will be sent to Selectboard members AFTER the meeting.
6. Meeting materials are attached to this agenda, available online at Wellfleet-ma.gov. It is recommended that phone participants access materials in advance of the meeting.
7. **Please follow the following general instructions:**
 - a. Keep your phone muted at all times when not talking; no one is allowed to unmute themselves during the meeting.
 - i. Selectboard meetings are NOT interactive. If public comments are allowed that's all, comments only, not questions.
 - ii. If the Chair is allowing comments during the meeting the number of comments will be limited and may be **no longer than one minute**.
 - b. Do not use speakerphone; do not use Bluetooth devices; mute all background noise.
 - c. Please do not speak until the Chair asks for public comments or questions and you have been recognized by the moderator and unmuted.
 - d. After the business section is complete no public comments are permitted. Future agenda items are from the Selectboard, no one else.
8. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.

I. **Announcements, Open Session and Public Comments**

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

- II. MassDevelopment Presentation and Vote Authorizing the Town of Wellfleet to Participate in the Massachusetts Commercial Property Assessed Clean Energy Program (PACE)**
- III. COVID-19 Updates and Recommendations**
 - A. Town Finances and Accounting Update [Town Administrator and Chair]
- IV. Board/Committee Appointments and Updates**
 - A. Comcast License Agreement - Bill Hewig and Cable Advisory Committee
 - B. Mark Washburn – Cable Advisory Committee
 - C. Peter Cook – Bike and Walkways Committee
 - D. Planning Board Member – 95 Lawrence Road Task Force
 - E. Conservation Restriction (CR) on 3.2 acres that is part of two contiguous lots off Old King’s Highway – Conservation Trust
- V. Licenses**
 - A. Renewal of Annual Liquor Licenses [Principal Clerk]
- VI. Business**
 - A. Update on Fuel Tanks at Marina [Town Administrator]
 - B. Review, Discuss, and Approve Letter in Support of an Expanded Residential Tax Exemption Proposal [Curley]
 - C. Discussion of the Status of H746: An Act Relative to Shellfish (Cutler Bill) [Wilson]
- VII. Selectboard Reports**
- VIII. Town Administrator’s Report**
- IX. Topics for Future Discussion**
- X. Correspondence and Vacancy Reports**
- XI. Minutes**
 - A. November 9, 2020 – Work Meeting
 - B. November 10, 2020 – Regular Meeting
- XII. Adjournment**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020



MassDevelopment Presentation and Vote Authorizing the Town of Wellfleet to Participate in the Massachusetts Commercial Property Assessed Clean Energy Program (PACE)

REQUESTED BY:	Town Administration/MassDevelopment
DESIRED ACTION:	Selectboard Opt-In Vote to the Massachusetts Commercial Property Assessed Clean Energy Program (PACE)
PROPOSED MOTION:	I move to authorize the Town of Wellfleet to Participate in the Massachusetts Commercial Property Assessed Clean Energy Program.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

MassDevelopment currently has a Wellfleet commercial property owner interested in participating in this program but they cannot do so until the Town opts into it.

Benefits:

Property Owners: Advantageous, non-recourse, upfront, long-term, potentially off balance sheet financing that remains with the property if sold. Capital improvements could reduce operating costs and increase property values

- **Municipality:** Job creation, business growth, and environmental benefits associated with energy consumption



Property Assessed Clean Energy (PACE) Massachusetts

PACE Massachusetts for commercial buildings is a new mechanism to finance energy improvements, such as energy-efficiency projects, renewables, and gas line extensions, on commercial and industrial properties in Massachusetts. To finance improvements, a property owner agrees to a betterment assessment on their property, which repays the financing. This approach enables owners to undertake more comprehensive energy upgrades with longer payback periods of up to 20 years. At property sale, the lien stays with the property and is transferred to subsequent property owners.

PACE Background

Commercial Property Assessed Clean Energy was passed as part of the energy legislation signed by Governor Baker in August 2016. MassDevelopment and the Massachusetts Department of Energy Resources (DOER) will administer the PACE program. PACE financing will be available in 2018.

PACE Process and Eligibility

- Individual municipalities may opt into PACE one time by a majority vote of the city or town council or the board of selectmen, as appropriate.
- Properties eligible for financing through PACE include:
 - Commercial buildings
 - Industrial buildings
 - Multi-family buildings with five or more units
- Improvements eligible for financing through PACE must be permanently fixed to the property. Eligible improvements include:
 - Energy efficiency upgrades
 - Renewable energy
 - Extension of existing natural gas distribution to a property

To learn more call 800.445.8030 or visit MassDevelopment.com today. [MassDevelopment.Way to grow.](#)





Benefits of PACE

- Property owners: Advantageous, non-recourse, upfront, long-term, potentially off balance sheet financing that remains with the property if sold. Capital improvements could reduce operating costs and increase property values.
- Municipalities: Job creation, business growth, and environmental benefits associated with reducing energy consumption.
- Lenders/Mortgage holders: Improved cash flow and reduced credit risk from lower operating costs via financing that cannot be accelerated. Capital improvements could also increase collateral property value.

PACE is an economic development tool for cities and towns across Massachusetts. Energy upgrades create a more competitive environment for attracting and retaining businesses through lower energy costs. **Email pace@massdevelopment.com with your questions.**

MassDevelopment helps cities and towns revitalize, develop, and transform. We offer financing programs and real estate technical assistance services and have the expertise to take on your most challenging projects. **Learn more by calling 800-445-8030 or visit MassDevelopment.com.**

Main Office:

99 High Street, Boston, MA 02110
617-330-2000

To learn more call 800.445.8030 or visit MassDevelopment.com today. **MassDevelopment. Way to grow.**





Property Assessed Clean Energy (PACE) PROGRAM OVERVIEW

Goal

PACE is a tax based financing mechanism (M.G.L. 23M § 1) for commercial buildings that enables low-cost, long-term funding for energy improvements such as energy-efficient projects, renewables, and gas line extensions.

Description

PACE financing is repaid via a **Betterment Assessment** on a commercial property's tax bill. PACE betterment assessments work similar to improvements for public infrastructure that benefit specific properties. MassDevelopment acts as lead program administrator and MA. D.O.E.R. approves each project. The Municipality acts as the pass-through agent on the betterment assessments.

Eligibility	<ul style="list-style-type: none"> • Commercial/Industrial (ie office buildings, malls, hotels, restaurants, manufacturers) • Not For Profit (ie YMCA, schools, healthcare) • Multi-family - (5) or more units (ie apartment complexes) <i>(Municipality not eligible)</i>
Eligible Measures	<ul style="list-style-type: none"> • Energy Efficiency (ie energy management systems, insulation & air seal, HVAC, boilers/furnaces, lighting, energy recovery & distribution systems) • Renewable Energy (ie solar panels, solar hot water, geothermal) • Gas Line Extensions (to existing natural gas) <i>(Improvements must be permanently affixed to property)</i>
Key Elements	<ul style="list-style-type: none"> • Municipal opt-in (one time) required • Municipality acts as pass-through charging betterments • Maximum financing term allowed by statute is 20 years • Energy cost savings must exceed cost of improvements (including any financing costs and associated fees) • 3rd Party direct private financing (no public funds used) • Existing mortgage holders must provide written consent to a PACE financing and lien • Municipality files liens and assigns to MassDevelopment • Municipality gets reimbursed for lien fees • Municipal liens are senior to PACE liens. Unpaid PACE assessments cannot be accelerated (only unpaid amount can be collected) • If property is sold, the remaining PACE assessment and PACE lien stays with the property <u>and</u> transfers to new owner • No official thresholds (min \$250K) • Demo/rebuild ok if walls remain intact



Property Assessed Clean Energy (PACE) PROGRAM OVERVIEW

	<ul style="list-style-type: none"> • Retroactive between Aug 2016 and program start • 12 month look back • MassDevelopment can do bridge financing
Benefits	<ul style="list-style-type: none"> • Property Owners: Advantageous, non-recourse, upfront, long-term, potentially off balance sheet financing that remains with the property if sold. Capital improvements could reduce operating costs and increase property values • Municipality: Job creation, business growth, and environmental benefits associated with energy consumption • Lenders/Mortgage Holders: Improved cash flow and reduced credit risk from lower operating cost via financing that cannot be accelerated. Capital improvements could also increase collateral property value
Position	<p>1st: Town of Wellfleet 2nd: MassDevelopment 3rd: Lenders/Banks</p>
Implementation /Approval	<ul style="list-style-type: none"> • Town Selectboard Vote to opt -in (one-time) • MA Dept. of Energy Resource (D.O.E.R.) Approves Project • MassDevelopment will act as Lead Program Administrator in consultation with D.O.E.R.



PACE Massachusetts Program Information

November 2020



MassDevelopment

- Works with businesses, nonprofits, financial institutions, and communities to stimulate economic growth throughout Massachusetts
- Promotes capital investment and economic development by providing financing and development solutions
- In FY20, MassDevelopment financed or managed 341 projects generating investment of more than \$2.6 billion in the Massachusetts economy
- These projects are projected to create or support more than 10,871 jobs and build or preserve more than 1,787 housing units

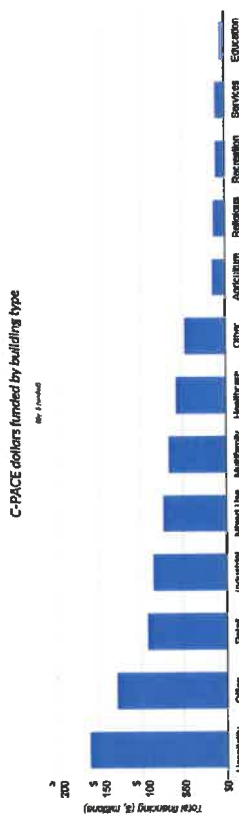


What is PACE?

- Property Assessed Clean Energy (PACE) is a tax-based financing mechanism that enables low-cost, long-term funding for energy improvements
- PACE financing is repaid via a betterment assessment on a property's tax bill
- PACE betterment assessments work similar to improvements for public infrastructure that benefit specific properties (i.e., sidewalk or sewer)

National Commercial PACE Market

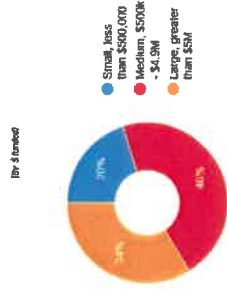
- 23 States (plus DC) have active commercial PACE programs
- 37 states (plus DC) have PACE enabling legislation
- \$1.9 billion financed for 2,507 projects (as of 9/2020)



New England Commercial PACE Programs

- Connecticut passed PACE enabling legislation in 2011; C-PACE is administered by the Connecticut Green Bank
- Rhode Island passed PACE enabling legislation in 2016; RI C-PACE is sponsored by the RI Infrastructure Bank (SRS is administrator)
- New Hampshire passed PACE enabling legislation in 2016

C-PACE projects by amount financed



PACE in Massachusetts



- Commercial Property Assessed Clean Energy (PACE) was passed in H4568 and signed by Governor Baker in August 2016
 - Amendment for PACE technical correction signed August 2019
- MassDevelopment will act as Lead Program Administrator
- MassDevelopment will administer the PACE Massachusetts program in consultation with the Massachusetts Department of Energy Resources
- PACE guidelines, related information including RFI for Capital Providers available at:
 - www.massdevelopment.com/PACE

Eligible Properties: Existing Buildings



Property Type

- Commercial/Industrial
- Not for profit
- Multifamily (5 units or more)

Examples

- Office buildings
- Malls
- Hotels
- Restaurants
- Manufacturers
- YMCAs
- Schools
- Health Care
- Apartment complexes



Eligible Measures

Measure Type

- Energy efficiency

Potential Examples

- Energy management systems
- Insulation and air sealing
- HVAC systems
- Boilers and furnaces
- Lighting
- Energy Recovery and redistribution systems
- Solar panels
- Solar hot water
- Geothermal



Key Elements of PACE Massachusetts



- Municipal opt-in (one time) required
- Maximum financing term allowed by statute is 20 years (dependent on useful life of project measures)
- Energy cost savings must exceed cost of improvements (including any financing costs and associated fees)
- Third party direct private financing (no public funds used)
 - open, ongoing RFI for PACE Mass. Capital Providers (required for participation)

Key Elements of PACE Massachusetts (continued)



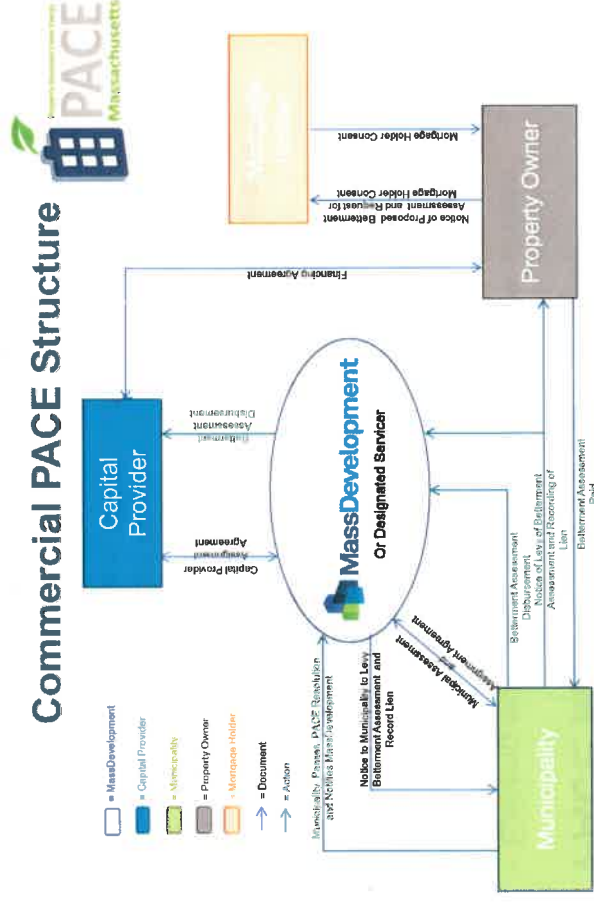
- Existing mortgage holders must provide written consent to a PACE financing and lien
- Municipal liens are senior to PACE liens; unpaid PACE assessments are senior to all other private mortgage liens in a foreclosure
- PACE assessments cannot be accelerated (only unpaid amount can be collected)
- If property is sold, the remaining PACE assessment and PACE lien stays with the property and transfers to new owner
- No limit or maximum financing cost*
 - * project must still meet energy cost savings requirement

PACE-Authorizing Municipalities (Thirty-three as of 11/3/20)

- Acton
- Agawam
- Amesbury
- Barnstable
- Brockton
- Chelsea
- Concord
- Devens
- Easthampton
- Erving
- Fall River
- Fitchburg
- Franklin
- Greenfield
- Gardner
- Gloucester
- Lexington
- Ludlow
- Milton
- Montague
- New Bedford
- North Adams
- Northampton
- Orange
- Pittsfield
- Plymouth
- Randolph
- Rockland
- Somerville
- Springfield
- Wendell
- West Springfield
- Yarmouth



Commercial PACE Structure





Wendy Lee O'Malley

MassDevelopment

Vice President, PACE Program Manager

99 High Street

Boston, MA 02110

phone: 617-330-2000 fax: 617-330-2001

direct: 617-330-2019

womalley@massdevelopment.com

**Vote Authorizing the Town of Wellfleet to Participate in the Massachusetts Commercial
Property Assessed Clean Energy Program
(PACE Massachusetts)**

WHEREAS, pursuant to M.G.L. c. 23M, as amended (the “PACE Act”), the Commonwealth has established a commercial sustainable energy program known as the Massachusetts Property Assessed Clean Energy Program (“PACE Massachusetts”) to provide a financing mechanism (“PACE financing”) to private owners of commercial and industrial properties for certain qualifying commercial energy improvements (“improvements”); and

WHEREAS, pursuant to the PACE Act, PACE Massachusetts is administered by the Massachusetts Development Finance Agency (“MassDevelopment”), in consultation with the Massachusetts Department of Energy Resources; and

WHEREAS, under PACE Massachusetts, the owner of the commercial or industrial property benefitting from the improvements (the “benefitted property”) is required to repay the PACE financing through the payment of a betterment assessment (a “PACE betterment assessment”) placed on such benefitted property by the municipality in which the benefitted property is located; and

WHEREAS, in order for an owner of commercial or industrial property to participate in PACE Massachusetts, Section 2 of the PACE Act requires that the municipality in which such property is located must elect to participate in PACE Massachusetts; and

WHEREAS, the Town of Wellfleet (the “Town”) has determined that it is in the best interest of the Town to participate in PACE Massachusetts as a “participating municipality” as provided in the PACE Act, to permit the owners of commercial and industrial properties located in the Town to access PACE financing for qualifying commercial energy improvements through PACE Massachusetts;

WHEREAS, NOW THEREFORE, BE IT VOTED, as follows:

The Selectboard of the Town of Wellfleet hereby approves the Town’s participating in PACE Massachusetts pursuant to the PACE Act, and authorizes the Town Administrator to enter into a PACE Massachusetts Municipal Assessment and Assignment Agreement (the “Agreement”) with MassDevelopment, pursuant to which the Town will agree to (i) levy PACE betterment assessments and impose PACE betterment assessment liens on benefitted properties located in the Town, in the amounts determined by MassDevelopment to be sufficient to repay the PACE financing, (ii) assign the PACE betterment assessment liens to MassDevelopment, which MassDevelopment may in turn assign to the providers of the PACE financing (each a “capital provider”), as collateral for such PACE financing, (iii) include on the property tax bills for the benefitted properties the installment payments necessary to repay the PACE betterment assessments, in the amounts and at the times as determined by MassDevelopment, (iv) collect and pay over to MassDevelopment or its designee, the PACE betterment assessment installment payments, as and when collected, and (v) enforce, to the extent required by the Agreement, the PACE betterment assessments and liens; the Agreement to be substantially in the form presented to this meeting, with such changes, modifications and insertions as the Town Administrator may approve as being in the best interest of the Town. The Collector Treasurer of the Town or such other Town agency as may be designated in the Agreement is authorized to levy such PACE betterment assessments and impose the PACE betterment assessment liens on behalf of the Town without further authorization by this legislative body.

Notwithstanding any other provision of law to the contrary, officers and officials of the Town, including, without limitation, municipal tax assessors and tax collectors, are not personally liable to MassDevelopment or to any other person for claims, of whatever kind or nature, under or related to PACE Massachusetts, including, without limitation, claims for or related to uncollected PACE betterment assessments. Other than fulfillment of the obligations specified in the Agreement, the Town has no liability to the owner of the benefitted property or to any capital provider related to the Town’s participation in PACE Massachusetts.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

III

COVID-19 UPDATES AND RECOMMENDATIONS – A

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Town Finances/Accounting Update
PROPOSED MOTION:	I move to approve enlisting the services of the Massachusetts Department of Revenue Financial Review Services.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Section 3-4 Powers of Investigation

3-4-1 The Board of Selectmen may conduct investigations and may authorized the Town Administrator or other agent to investigate the affairs of the Town and the conduct of any Town Department, Office, or Agency, including any doubtful claims against the Town, and for this purpose the Board may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The report of such investigation shall be placed on file in the Office of the Town Clerk, and a report summarizing such investigation shall be printed in the next Town Report.

Section 3-7 Prohibitions

3-7-1 Except for the purpose of investigation authorized by this Charter, the Board of Selectmen or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Town Administrator solely through the Town Administrator, and neither the Board nor its members shall give orders to any such officer or employee, either publicly or privately.



TOWN OF WELLFLEET

Office of the Treasurer

Memo

November 19, 2020

From: Treasurer Miriam Spencer

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

Re: Cashflow, FY21 Tax Bill & Staffing Update

Account	10/31/2019	10/31/2020	11/30/2019	11/18/2020
General Fund	1,174,924	1,797,859	7,844,518	1,501,705
Online Tax Collections	146,559	3,380	739,958	5,826
Ambulance	13,489	57,179	52,281	69,946
Beach Credit Card	1,294	1,868	1,292	1,868
COA Credit Card	1,134	20	1,189	20
Recreation Credit Card	118	455	100	436
General Invt Money Market CC5	110,961	111,873	111,128	111,873
General Invt Money Market Coop CC	<u>335,871</u>	<u>338,722</u>	<u>336,269</u>	<u>338,722</u>
	\$1,784,349	\$2,311,357	\$9,086,734	\$2,030,397

Current Stabilization Fund Balance: \$962,429.33

Current CPA Acct Balance: \$3,150,380.09

With the recent deposit of the June – September Rooms Tax in the amount of \$554,783, and \$116,050 in prepaid taxes and the adjusted Nauset Regional SD Assessment that was reduced from \$1.02M to just over \$700K, the Town's cashflow picture is somewhat less concerning than in weeks past.

The tax rate has been set and the bills are scheduled to be mailed on 11/24/20, with a due date of 12/24/20.

Lisa Souve, the former finance director in Brewster, has been hired to work with the finance team to close the books on FY20 and help to get FY21 off on solid ground.

Rich Bienvenue, ATA and Finance Director in Eastham will be assisting as needed on a consult basis.

Applications for the Town Accountant position have been received and will be reviewed by the hiring committee after the closing date of 11/20/20.

To: Selectboard
From: Maria T. Broadbent, Town Administrator
Date: November 20, 2020
Re: Financial Management Review

Staff recommends engaging the Massachusetts Department of Revenue's Technical Assistance Bureau to conduct a Financial Management Review of the Town's accounting practices. This free service will focus on:

- (1) town government structure in the context of the duties and responsibilities of financial officers;
- (2) the Town's budget and capital planning procedures;
- (3) the degree of coordination and communication that exists between and among boards, officials and staff involved in the financial management function; and
- (4) the general efficiency of financial operations measured by the town's success in maximizing resources and minimizing costs.

The Technical Assistance Team recommends that this work begin once a permanent accountant has been hired and has had some time to get established in the position. If the Selectboard approves a motion to engage in the services, the team could be available in the spring to conduct their review. This would be preceded by a meeting in late November to mid-December with the Town financial management staff.

In 2009, the Technical Assistance Team conducted a Marina Enterprise Fund Review for the Town. Their services are highly regarded and have been by communities across the Commonwealth.

November 19, 2020

To: Maria Broadbent, Town Administrator

Fr: Rich Bienvenue, CPA *RS*

Re: Comments and observations related to condition of the Town's financial records

SUMMARY

As requested, I am writing this memo to you summarizing my observations related to the condition of the Town's financial records as a result of my recent work assisting the Town in setting its FY 2020 tax rate, as well as to provide some recommendations and suggestions about how to move forward.

During my work, I noted the Town's accounting general ledger was not in balance, contained several incorrect entries in an attempt to record certain transactions, and that other transactions, while technically correct, were posted to incorrect funds or accounts. As a result of this condition, the ability to produce timely, accurate financial reports is limited and inter-departmental reconciliations of activity has not been completed. Completing inter-departmental reconciliations is a key internal control and helps to ensure completeness of financial transactions and reports.

The limitation on financial reporting was impactful on the ability of the Town to file the information necessary to set its tax rate with the Department of Revenue in a timely manner. While this condition exists, budgetary oversight for the current fiscal year and the ability to perform financial planning for the upcoming fiscal year are limited. Until corrected this condition will continue to affect the Town's ability to complete upcoming required financial reporting obligations including:

- Closing the FY 2020 ledger and internal reporting on FY 21 results
- Year-End financial reporting to the Department of Revenue and the certification of free cash
- Completion of Schedule A – part of required data reporting to the Department of Revenue
- Completion of the annual audit

Despite the accounting ledgers current condition, I do want to provide the Town with a level of reassurance regarding where it now finds itself. Over my 27-year career in municipal finance as an auditor, consultant, accountant, and Finance Director these types of situations do arise and unfortunately it is not uncommon across the Commonwealth's 351 cities and towns from time to time. Knowing this does not make the current circumstances any better, but this experience and perspective does inform on how best to move forward.

Currently, the Town is still completing much of the day to day work that is necessary to maintain the organization, this includes:

- Processing and paying of vendor invoices
- Processing and paying of payroll
- Processing, depositing, and recording of receipts and revenue

In addition, work, and maintenance of records in the other financial offices independent of the accounting function continue to operate. This includes:

- Maintenance of property records and values, and processing of abatement & exemptions in the Assessor's office
- Collection of tax receipts and maintenance of taxpayer records in the Tax Collectors office
- Processing of payroll, deposits, issuance of approved payments, and maintenance of banking transactions (including a cash book and reconciliation to bank records) in the Treasurer's office

By design, the municipal finance function in Massachusetts towns is spread among these statutory offices/officials which, when operating properly and fully, provides for segregation of duties to ensure proper oversight and that essential functions can continue to operate when one of the functions does not function as it should.

While a significant amount of work needs to be done to bring the Town's accounting records up to date, and to ensure they are properly reconciled and implemented – completing this work is not insurmountable. It also provides an opportunity for the Town to reevaluate its financial policies, practices, and procedures to ensure a more sustainable operation in the future. I highly recommend the Town maintain this perspective as it moves forward on getting the Town's finance function back on track.

BACKGROUND

Establishing a tax rate for a community in Massachusetts follows a prescribed process that is administered by the Massachusetts Department of Revenue, Division of Local Services (DLS). To ensure compliance with municipal finance laws and regulations, this process requires filing of various forms and information with the DLS summarized in what is known as the Tax Rate Recapitulation Form ("the recap"). Prior to approving and "setting" the tax rate, DLS requires this information be attested to by municipal officials, including the: Assessor, Town Clerk, Town Treasurer, and Town Accountant.

The Town had recently terminated its appointed Town Accountant, resulting in an inability to provide the Town Accountant attestations. The DLS indicated to the Town that it would not be able to approve a tax rate without a qualified individual to provide those attestations. DLS was also concerned with the ability of the prior Town Accountant to provide those attestations. I was asked if I could serve in that capacity for purposes of completing the tax rate recap and given my long history and experience with the DLS and on similar matters, the DLS agreed that I was appropriate to serve in this role given the circumstances.

To develop a comfort level to provide the Town Accountant attestations, I was required to perform a level of due diligence on the information contained within the Town's accounting records. In addition, I was asked to provide assistance in completing some of the recap forms due to the existing staff's inexperience or unfamiliarity with the recap requirements. This work serves as the basis of my observations and recommendations.

Finally, it is important to note that the Town also converted to a new financial management system (FMS), effective July 1, 2019 (Fiscal Year 2020) from an FMS that had previously been in place for several years. The implementation of this FMS and data conversion issues are also an important factor contributing to the current condition of the accounting ledger.

COMMENTS AND RECOMMENDATIONS

During my work, I had many specific observations concerning financial matters, much of which is a matter of preference or best-practice. I am happy to continue to assist the Town as it desires on some of these observations. However, as it pertains to the current condition of the accounting records, the following high-level comments summarizes my key comments to the Town.

Perform a complete “work-out” of the fiscal year 2020 accounting general ledger

As noted above, transactions posted to the Accountant’s general ledger for FY 2020 (July 1, 2019 – June 30, 2020) need to be reviewed and corrected in order to present a balanced general ledger. As part of my work I noted the types of transactions that were consistently recorded incorrectly. These types of transactions are relatively small in number compared to the entirety of transactions that are posted – focusing on these types of transactions will resolve much of the imbalance. These transactions include the posting of budgetary entries, interfund transfers, and entries related to implementing the new financial management system. Not every single transaction needs to be reviewed, it appears that much of the typical day-to-day transactions are properly posted.

For those transactions that are properly recorded, a top-level evaluation should be done to ensure they are properly classified. Again, as part of my work, I have noted a handful of transaction types that appear to have been recorded to the incorrect fund, or account. Once identified, an entry to properly classify these amounts will resolve this issue. An example of this is Comcast Franchise Fees – these appear to have been recorded in the General Fund, but the Town has traditionally accounted for these in a separate Special Revenue Fund.

While in Town, I did review reports previously filed in connection with the June 30, 2019 (FY 2019) year-end financial reporting cycle. I am continuing to review these reports and related reconciliations, but these appear to be substantially complete and provide a good starting point for the FY 20 ledgers.

Review and complete work necessary to properly implement the new Financial Management System

From my work, it is apparent that the settings required to properly implement the new financial management system has not been completed. Most automated systems (including the Town’s Vadar system) provide for “linking” of subsidiary accounts such as revenue and expense accounts to general ledger control accounts, such as fund balance. These links are necessary to maintain a balanced ledger of accounts overall, as well as to maintain balance between the multiple funds typical in a municipal environment.

Incomplete linking of accounts and system settings is impacting the ability to maintain the FY 20 ledger and will continue to be impactful until corrected.

Complete Inter-Department Reconciliations

As indicated above, the Town's Treasury, Collecting and Assessing departments have continued to operate and I have not been made aware of any issues in the day to day operations of those offices. I have spent a significant amount of time with the Town Treasurer and she is maintaining a detailed cash book that is typical in a municipal environment. The cash book maintains a detailed record of transactions and is being reconciled against banking records on a timely, routine basis – a key internal control.

Due to the condition of the accounting ledgers, the Town has not been able to complete a reconciliation of the Treasurers cash book activity to the accounting ledgers during fiscal year 2020. As I understand it, the same condition applies to a reconciliation between the Tax Collector's receivable records and the accounting ledger. The last reconciliation appears to have been completed in connection with filing the June 30, 2019 financial reports with the Department of Revenue.

To be clear, this does not mean there is anything wrong – the Treasurer and Tax Collector are the custodians of these "source documents" and these appear to be maintained on an ongoing basis. What is missing is a reconciliation between these source documents to the amounts reported by the Town Accountant. This process ensures that all transactions have been properly communicated between departments and is a key internal control that should normally be completed in a routine, timely basis. This is a necessary step for an accountant to produce financial reports with confidence that they are complete.

Request a Financial Management Review from the Department of Revenue

While the work of getting the Town's accounting records up to date should be the top priority, it is apparent that there is a level of concern over how this type of situation arises. One resource that is available to the Town is through our partners at the Department of Revenue, Division of Local Services. Through the Technical Assistance Bureau, the DLS conducts Financial Management Reviews upon request.

During my work in completing the tax rate and communicating with DLS staff I noted the DLS staff were aware of some of the conditions in Town and are willing and ready to provide their assistance and guidance. I have had extensive experience with these types of reviews and with the staff that conduct them and highly recommend the Town proceed with this review.

Once authorized by the Select Board, DLS will assign an experienced review team that will perform a thorough assessment of the town's financial operations. This will include interviews and assessments with Town staff and elected officials. As part of this work the review team will issue a comprehensive report to the Town that can inform the Select Board, Town Administration and the community with specific recommendations and a road map on what should be prioritized in improving financial and administrative operations.

Samples of Financial Management Reviews can be found at the following link:

<https://www.mass.gov/lists/technical-assistance-projects>

MOVING FORWARD/APPROACH

Currently, the Town has hired an experienced part-time, Town Accountant and is currently advertising for a new full-time Town Accountant. My suggestion is to focus the efforts of these individuals on this fiscal year (FY 2021) activity as well as completing any further steps (i.e. "linking") required to complete the implementation of the new Vadar Financial Management System.

Of course, the ability to complete financial reporting on fiscal year 2021 cannot be complete, nor accurate, until FY 2020 transactions have been analyzed, cash and receivable reconciliations are complete, and the books closed for that fiscal year. In this effort, I recommend the town retain an individual or firm that will work with your existing staff (and new Town Accountant) to assist and advise on how to complete this effort. There are several approaches on completing this work – my experience has been that the best approach is a collaborative approach between an outside individual and in-house staff to ensure that there is an understanding of the corrections/adjustments that are made in order to modify current process and procedures to ensure the work performed is sustained in the future resulting in a stronger overall financial team and function, as well as in a more thoughtful and complete result.

To this end, the biggest consideration in the approach you choose is time and money – a more deliberate, collaborative approach will take longer than hiring a firm retained with a specific, narrow scope of service (i.e. "close the books"), but may end up with a better long-term result, less short-term disruption and a lower overall cost. The Town will have to weigh the advantages and disadvantages of these approaches against its own goals and objectives.

I am available to assist the Town and to act as a resource to Town staff if needed and could likely provide resources to complete financial tasks on a one-off basis (i.e. complete Schedule A, provide direction for cash reconciliation, or submit the year-end Balance Sheet). However, given my other responsibilities I cannot take on a wholesale responsibility for updating the town's accounting ledgers. The ongoing role of the Interim Town Accountant and the experience/qualifications of the new Town Accountant may help determine the best course of action.

Phil Benvenuto, CPA

YARMOUTH FINANCE DEPARTMENT INTERVIEW BOARD QUESTIONS

Introduction

Candidates are scheduled for an oral interview before the interview board. The board consists of five (5) individuals. All elements of the interview will be conducted in a uniform manner for each candidate in order to be effective and impartial. Uniform questions, a defined set of personal attributes to be measured, and a uniform rating scale will be used.

The pace of the Q&A will be quick so that we can get to a number of questions, particularly those that get at the applicants ability to hit the ground running.

The Interview Questions

Individual attributes, characteristics, and traits have been identified through job task analysis as essential for the successful performance of job tasks for the position of appraisal assistant. The oral interview questions have been designed in order to be able to measure the degree to which each candidate possesses the identified attributes. Following each question is the attribute(s) to be measured and a commentary that explains the attribute as it relates to the question. Interview board members will consistently present the same questions during each candidate interview. Clarification of answers may be sought by any of the board members.

Scoring

Rating scales and procedures will be uniform in order to permit valid and useful distinctions among candidates and their expected job performance. Board members shall individually rate each candidate. Board members will individually rate the candidate's response to each interview question utilizing the rating scale that follows the commentary prior to proceeding to the next question. The rating is to be based upon the degree to which the candidate possesses the attribute(s), which the question is intended to measure. A rating of 10 indicates the candidate possesses a high degree of the identified attribute while a rating of 1 indicates a low degree. Upon conclusion of the interview, the candidate's score from each board member shall be added together and the resulting sum then divided by the number of board members (5). This final figure will represent the candidate's Oral Interview Score.

Interview Questions Town Accountant Hiring Process

Candidate Name: _____

Interview Panel Member: _____

1. **Please tell us what you know about the Town Accountants Office and why you want to be the Town Accountant in Yarmouth?**

This question measures the candidate's oral communication skills, the ability to think clearly, and the candidate's initiative in determining information concerning the Department.

Oral Communication Skills/Ability to Think Clearly/Initiative

1 2 3 4 5 6 7 8 9 10

2. **What have you done to prepare yourself for this position?**

This question measures the candidate's initiative and interest in this position. Prior work experience, training, college education.

Commentary: It is important that the candidate has sincerely thought about the qualities and abilities needed for the position.

Initiative/Interest in position

1 2 3 4 5 6 7 8 9 10

3. **What skills do you possess that make you a good candidate for this position?**

This question measures the candidate's self-confidence, ability to think clearly, and oral communication skills. The candidate should be able to identify several skills that make them a good candidate, such as oral and written communication skills, multi-tasking skills, and ability to get along with others, leadership skills, ability to work with minimum supervision, and other skills that are necessary to properly perform at this position.

Oral Communication Skills/Ability to Think Clearly

1 2 3 4 5 6 7 8 9 10

4. **When we speak with people who know you and, have worked with you, please tell us one positive and one negative thing they will say about you?**

This question measures the candidate's honesty, openness, and oral communication skills. The Board should probe the candidate's answer.

Honesty/Ability to Defend Challenges/Oral Communication Skills

1 2 3 4 5 6 7 8 9 10

Interview Questions Town Accountant Hiring Process

Candidate Name: _____

Interview Panel Member: _____

5. What are the most important attributes someone in this position should possess?

This question measures the degree to which the candidate has seriously considered a career at the Town of Yarmouth and the qualities necessary. After the response, the candidate should be asked if his work and personal life reflect these attributes.

Ability to Think Clearly/Oral Communication Skills

1 2 3 4 5 6 7 8 9 10

6. Tell us why you are an excellent candidate and why we should select you for a position with our department.

This question measures the candidate's oral communication skills and his/her self-confidence. This question is intended to allow candidates to leave the interview with a feeling that they presented themselves in the best manner possible.

Oral Communication Skills/Self-Confidence

1 2 3 4 5 6 7 8 9 10

7. Describe a time when you received criticism. How did you handle it?

This question illustrates a candidate's ability to learn. While being open to feedback is never easy, the best candidate will take it in, analyze it, and potentially make changes based upon the criticism. A good candidate should never take the criticism personally. A good answer will show emotional maturity, adaptability, and leadership potential.

Honesty/Humility/Ability to work with others/Professionalism

1 2 3 4 5 6 7 8 9 10

7. Please describe your approach to managing people – employees and departments.

This question illustrates a candidate's ability to learn. While being open to feedback is never easy, the best candidate will take it in, analyze it, and potentially make changes based upon the criticism. A good candidate should never take the criticism personally. A good answer will show emotional maturity, adaptability, and leadership potential.

Employee Management / Department Management

1 2 3 4 5 6 7 8 9 10

**Interview Questions
Town Accountant Hiring Process**

Candidate Name: _____

Interview Panel Member: _____

Start of Specific Town Accountant Job Knowledge:

8. **Tell us what a position and its staff do on daily, weekly, monthly and annually. Which of these items do you do?**

See the Accounting Team Goals spreadsheet.

Job Knowledge 1

1 2 3 4 5 6 7 8 9 10

9. **Describe your positions interaction with the Assessing, Collector/Treasurer and Town Clerk's departments?**

Job Knowledge 2

1 2 3 4 5 6 7 8 9 10

10. **What are the different modules you use in the Munis Financial Management software or your knowledge of Munis if you have not previously used this software? If you have not used Munis please describe modules used in another package that you are expert in.**

Job Knowledge 3 - knowledge of the scope of financial management software solutions?

1 2 3 4 5 6 7 8 9 10

11. **Of the modules no mentioned in 10 what is knowledge of the following modules – either using Munis or another software solution:**

- a. Budget Module
- b. Wage/Salary Projection Modules
- c. Contracts
- d. Purchase Orders
- e. Accounts Payable
- f. Accounts Receivable (for Munis users what is used for Water/Server Billing / Management)
- g. Project Accounting
- h. Accruals / Time Off Management
- i. Grants Management
- j. Vendor Self Service
- k. Treasury Management
- l. Tyler Content Manager – Paperless Processing – Accts Payable, Accts Receivable & Payroll?

Job Knowledge 4 – specific questions about modules not mentioned in 10.

1 2 3 4 5 6 7 8 9 10

**Interview Questions
Town Accountant Hiring Process**

Candidate Name: _____

Interview Panel Member: _____

12. **What is your role in Fund Setup and Fund management?**

Job Knowledge 5 - Munis / software knowledge & authority?

1 2 3 4 5 6 7 8 9 10

13. **What is the process used to reconcile Collector/Treasurers Cash to the General Ledger in your community or business on a monthly basis? What is the process used to reconcile receivables on a monthly basis?**

Job Knowledge 6 - use Treasury management or duplicate set of books?

1 2 3 4 5 6 7 8 9 10

14. **What type of custom reporting tools have you used to generate reporting or streamline processes? Examples would be: SQL, Crystal Reports - Business Objects / Microsoft Power BI**

Have you created the reports from scratch or do you used what someone else has created. Have you designed reports for other people to build and tested the reports to ensure they work properly?

What type of custom reporting – reporting not available from the Financial Management solution does your Town(s) or Businesses use?

Job Knowledge 7 - Use custom reporting for streamlining functions or provide actionable intelligence?

1 2 3 4 5 6 7 8 9 10

15. **How do you go about generating the information for Schedule A, Balance Sheet, CP1 & 2, Ambulance, Library and other reporting?**

Job Knowledge 8 – Use custom reporting for these functions?

1 2 3 4 5 6 7 8 9 10

16. **Please discuss the type of workload handle and how much is handled by the staff you manage including – weekly Accounts Payable Transactions, Unions for Accrual Processing, Employees for Payroll processing, etc.**

Job Knowledge 8 – Use custom reporting for these functions?

1 2 3 4 5 6 7 8 9 10

Interview Questions
Town Accountant Hiring Process

Candidate Name: _____ Interview Panel Member: _____

17. **Anything not included in your resume such as being a Certified Government Accountant, Massachusetts Certified Procurement Officer, etc.**

Job Knowledge 9 – Use custom reporting for these functions?

1 2 3 4 5 6 7 8 9 10



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

VI

COVID-19 UPDATES AND RECOMMENDATIONS

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

IV

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – A

REQUESTED BY:	Cable Advisory Committee
DESIRED ACTION:	Comcast License Agreement
PROPOSED MOTION:	I move to approve and sign the Comcast Cable Television License Agreement for a ten-year period, beginning on December 1, 2020 and ending on November 30, 2030, and authorize the Selectboard to sign it.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

To: Selectboard
From: Maria T. Broadbent, Town Administrator
Date: November 2, 2020
Re: DRAFT Comcast license renewal

Attached please find the draft Renewal Cable Television License with Comcast. Here are some of the highlights and the recommended timeline.

Highlights:

- The license was negotiated on behalf of the Towns of Wellfleet, Brewster, Eastham, Orleans and Truro by William Hewig of K-P Law.
- Wellfleet will receive \$127,800 in annual payments of \$12,780 over the ten years of the license agreement for capital improvement of equipment and facilities, in addition to the 5% of the Gross Annual Revenues for PEG (Public, Educational, Government) public access, received in quarterly payments and used for general operations.
- Lower Cape Television will receive \$4,970 to facilitate a move to a new studio.
- One high definition, HD, PEG channel will be provided within 36 months of the effective date of the license.
- Comcast will make service available, upon request, to every residence within the Town where the minimum density is at least 15 dwelling units per aerial mile and 20 dwelling units per underground mile, measured from Comcast's existing equipment. The current density rate is 25 per mile aerial and 25 per per mile underground. Note that only one town in Massachusetts has a density lower than the rate negotiated.
- A discount will be provided for seniors in a separate letter to be provided to the Town.

Proposed Timeline:

January 31	Expiration of existing lease
November 24	Selectboard meeting w Cable Advisory Committee & William Hewig
November 24	Public hearing notice published
December 1	Public hearing notice published
December 8	BOS meeting/public hearing & vote on lease
December 22	BOS meeting/vote on lease if not voted on at December 8 meeting
December 1	Effective date of lease (date can be changed if desired)



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

III

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – A

REQUESTED BY:	Cable Advisory Committee
DESIRED ACTION:	Comcast License Agreement
PROPOSED MOTION:	I move to approve and sign the Comcast Cable Television License Agreement for a ten-year period, beginning on December 1, 2020 and ending on November 30, 2030, and authorize the Selectboard to sign it.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

III

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – B

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Appointment of Mark Washburn to the Cable Advisory Committee
PROPOSED MOTION:	I move to appoint Mark Washburn to the Cable Advisory Committee for a one-year term.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

IV

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – B

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Appointment of Mark Washburn to the Cable Advisory Committee
PROPOSED MOTION:	I move to appoint Mark Washburn to the Cable Advisory Committee for a one-year term.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



**TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Mark Washburn Date 10/30/2020

Mailing Address 300 Main Street, Wellfleet MA 02667 (mailing)
300 Main Street, Wellfleet MA 02667 (local)

Phone (Home) _____ (cell) 617-529-2800

E-mail mark@thewashburns.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I have 25 years of professional experience in the telecommunications industry including CEO of a CLEC and senior positions

with national companies including MFS, Level 3 and Allegiance Telecom. Additionally, I have testified before the Massachusetts Department of Public Utilities and guest lectured at the MIT Sloane School of Management about telecommunications issues.

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

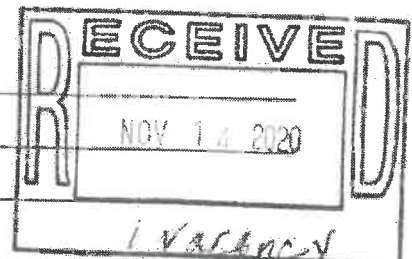
BS Clarkson University

20 year home owner in Wellfleet in an area not served by Comcast. I would like to offer my extensive industry experience to help bring broadband to every home on the Outer Cape.

Committees/Boards of Interest: 1) Cable Advisory Committee

2) _____

3) _____





SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

IV

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – C

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Appointment of Peter Cook to the Bike and Walkways Committee
PROPOSED MOTION:	I move to appoint Peter Cook to the Bike and Walkways Committee to fill a term ending June 30, 2022.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



**TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Peter D. Cook Date 12 Nov 2020

Mailing Address PO Box 7
Wellfleet, MA 02667

Phone (Home) 508-349-9064 (cell) 774-487-2787

E-mail cookpd@comcast.net

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town:

30+ years of program and resource management problem-solving experience, first as an Air Force Officer and then as a nonprofit R&D program portfolio manager. Experienced at identifying opportunities, assessing alternatives in a disciplined manner, leading teams to develop integrated solutions to tough problems, and conducting successful inter-agency government partnerships.

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

BS Mechanical Engineering

MBA

MS Mechanical Engineering

US Government senior certifications in Systems Engineering and Program Management

Committees/Boards of Interest: 1) Bike & Walkways Committee

2) _____

3) _____

November 12, 2020

From: Peter D, Cook

PO Box 3042

Wellfleet, MA 02667

To: Wellfleet Select Board

300 Main Street

Wellfleet, MA 02667

To the Select Board:

I hereby apply to become a member of the Wellfleet Bike & Walkways Committee to help conduct an objective, systematic, and informed approach to planning future bike and walking routes throughout the town of Wellfleet. I look forward to contributing to route planning that promotes the town's best interests, attracts cycling and walking on the Cape, and creates successful cooperation with the state and other agencies. As a committee member, I will work with the Cape Cod National Seashore, other Cape towns, the state, and the Cape Cod Commission to continue the Cape bike trail northward to Truro and Provincetown.

Thank you,

A handwritten signature in black ink, appearing to read "Peter D. Cook". The signature is fluid and cursive, with the first name "Peter" and last name "Cook" clearly legible.

Peter D. Cook



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

IV

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – D

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Appointment of Planning Board member to the 95 Lawrence Road Housing Task Force
PROPOSED MOTION:	I move to appoint Olga Kahn to the 95 Lawrence Road Housing Task Force.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Courtney Butler

From: Olga Kahn <olgakahn@gmail.com>
Sent: Thursday, November 19, 2020 8:33 PM
To: Courtney Butler
Cc: davidrowell349@gmail.com; Rebekah Eldridge
Subject: Planning Board Liaison appointment to the 95 Lawrence Road Task Force
Attachments: OKahn resume before retirement.pdf

Courtney,

I have just spoken with David Rowell, who generously withdrew his nomination to the Task Force. It appears, then, that I am the Planning Board's nominee, to be approved by the Select Board.

In case there are questions about my qualifications, I am attaching my work resume--from before retirement. I spent five years with MassHousing (formerly Massachusetts Finance Housing Agency) in their Design and Technical Department, working with tenants, architects and builders on multi-family housing projects that were funded by the MHFA. I have served on the Wellfleet Housing Authority, Planning Board (prior to my current position), Historical Commission, Cable Advisory Committee and the Historic Review Board (before it was folded into the Historical Commission).

I have been the owner of an Affordable Accessory Dwelling Unit (AADU) for over 15 years, and am passionate about affordable housing. I would be honored to serve as the Planning Board's liaison to 95 Lawrence Road Task Force.

Olga Kahn

--

781 454-9686 (cell)
30 Marsh View
Wellfleet, MA 02667-6948

Olga B. Kahn
30 Marsh View
Wellfleet, MA 02667

home/office: 508 349-0997
cell: 781 454-9686
email: olgakahn@comcast.net

Architect with strong management experience and excellent organizational and people skills

HIGHLIGHTS OF QUALIFICATIONS

- Working knowledge of building codes and zoning ordinances
- Supervisory experience with subcontractors and building trades maintenance staff
- Excellent written communications and document control
- Ability to describe scopes of work in graphic form and written specifications
- Proficiency in word-processing, spreadsheets, and CAD computer programs
- Drawing, photography and videography skills

PROFESSIONAL EXPERIENCE

- Clerk of the Works and Owner's Representative – wind turbine/PV installations; affordable housing
- Architectural renovations of large public projects to small residential projects
- Construction contract administration of large public projects – new construction and renovations
- Lighting design for a variety of architectural and individual clients (Ripman Lighting Consultants)
- Measured drawings of existing conditions – Orleans, MA Meeting House; Brewster, MA U.U. church
- Historic Districts Commissioner (Arlington, MA); former Housing Authority Board treasurer (Wellfleet); former member Planning Board (Wellfleet); currently Wellfleet Historical Commission, secretary

WORK HISTORY

2006 – **Architectural Consultant** with wide range of clients, including homeowners, Town of Truro, Highland Affordable Housing, Chatham Yacht Club, US Dept of Justice, contractors, engineers and other architects

2004-2005 **Secretary**, Eastham Council on Aging (Cape Cod)

2002-2003 **Project Manager**, Mattie & O'Brien Contracting Corp. (South Boston)

2002 **Kitchen Design/Sales**, Certified Remodelers (Medford)

2000-2001 **Construction Administrator**, HMFH Architects (Cambridge)

1995-2000 **Staff Architect**, Massachusetts Housing Finance Agency (MassHousing)

EDUCATION

M.Arch, M.I.T. School of Architecture and Planning
B.A., Psychology, Barnard College

LICENSES

ARCHITECT: Massachusetts License No. 7382
CONSTRUCTION SUPERVISOR: Massachusetts License No. 86402

SOMWBA-CERTIFIED Woman-owned business

Courtney Butler

From: davidrowell349@gmail.com
Sent: Friday, November 20, 2020 9:12 AM
To: Courtney Butler
Subject: Re: Planning Board Liaison appointment to the 95 Lawrence Road Task Force

Courtney, worked it out with Olga, she is very willing to assume this task
Neither one of us wanted this routine appointment to become a cumbersome task for the town. I withdraw my nomination.
Thank you
David

Sent from my iPhone

On Nov 20, 2020, at 8:13 AM, Courtney Butler <Courtney.Butler@wellfleet-ma.gov> wrote:

Thank you, Olga. I appreciate you both offering to do the job. When I hear from David, I'll confirm his withdrawal.

I will include your letter in the packet.

Thank you,

Courtney Butler
Town of Wellfleet
Executive Assistant to the Town Administrator

From: Olga Kahn <olgakahn@gmail.com>
Sent: Thursday, November 19, 2020 8:32:35 PM
To: Courtney Butler <Courtney.Butler@wellfleet-ma.gov>
Cc: davidrowell349@gmail.com <davidrowell349@gmail.com>; Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>
Subject: Planning Board Liaison appointment to the 95 Lawrence Road Task Force

Courtney,

I have just spoken with David Rowell, who generously withdrew his nomination to the Task Force. It appears, then, that I am the Planning Board's nominee, to be approved by the Select Board.

In case there are questions about my qualifications, I am attaching my work resume--from before retirement. I spent five years with MassHousing (formerly Massachusetts Finance Housing Agency) in their Design and Technical Department, working with tenants, architects and builders on multi-family housing projects that were funded by the MHFA. I have served on the Wellfleet Housing Authority, Planning Board (prior to my current position), Historical Commission, Cable Advisory Committee and the Historic Review Board (before it was folded into the Historical Commission).

I have been the owner of an Affordable Accessory Dwelling Unit (AADU) for over 15 years, and am passionate about affordable housing. I would be honored to serve as the Planning Board's liaison to 95 Lawrence Road Task Force.

Olga Kahn

--

781 454-9686 (cell)
30 Marsh View
Wellfleet, MA 02667-6948



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

IV

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – E

REQUESTED BY:	Wellfleet Conservation Trust
DESIRED ACTION:	Conservation Restriction on 3.2 acres that is part of two contiguous lots off Old King's Highway
PROPOSED MOTION:	I move to approve the conservation restriction on the land of 66 Old Kings Highway as recommended by the Wellfleet Conservation Trust.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



November 16, 2020

The Selectboard, Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
- by email delivery to Courtney Butler, Executive Assistant

Dear Selectboard Members:

**Re: Review and Approval a Conservation Restriction
Reinhart Properties - Parts of Map 24/180 and Map 30/73**

Please find attached a proposed conservation restriction (CR) for 3.65 acres off 66 Old Kings Highway in Wellfleet, the Reinhart Property, for your review and approval at your scheduled November 24, 2020 meeting. This CR will be held by the Wellfleet Conservation Trust (WCT) and will be reviewed by the Wellfleet Conservation Commission at their November 18, 2020 meeting for recommendation to the Selectboard. The ConsCom recommendation will be provided before your meeting. A map of the property is included in this package

This CR has been reviewed by the State EOEEA officials. The CR will be accepted and signed by WCT. After the Selectboard votes and signs the CR, we will forward it to the State for its final review and approval by Kathleen A. Theoharides, Secretary of State for Energy and Environmental Affairs. After all signatures, the CR will be recorded at the Registry of Deeds in Barnstable in the month of December. **Please sign the CR on page 16.** At this time, I only need to collect the signature page. We will provide a fully signed and recorded copy of your files when all is complete.

The Reinhart Property contains several features of conservation value, among them:

- It falls completely within the Massachusetts Natural Heritage Endangered Species Priority and Estimated Habitats of Rare Species;
- Is 100% within BioMap2 Core Habitat and Critical Natural Habitat; and
- It is adjacent to Wellfleet Conservation Trust preserved open space, is approximate to the Cape Cod National Seashore, and abuts the State's Department of Conservation and Recreation's proposed Cape Cod Rail Trail.

Preserving this 3.65-acre parcel will protect wildlife habitat, upland forest, open space and the rural character of Wellfleet.

Thank you in advance. I will plan to attend the November 24th meeting. Should any of your members have any questions for clarification, they are welcome to contact me in advance, as shown below my signature block, or I can respond at your meeting.

Sincerely,

R. Dennis O'Connell

R. Dennis O'Connell, President

508-349-2162 or dennyoc@comcast.net

Enclosures: Map of Reinhart Conservation Restriction Area
 Conservation Restriction

CC: Maria Broadbent, Wellfleet Town Administrator
 Mark Robinson, Executive Director, The Compact of Cape Cod Conservation Trusts

GRANTOR: Janet M. Reinhart

GRANTEE: Wellfleet Conservation Trust

ADDRESS OF PREMISES: off 60 Rama's Way & off 66 Old Kings Highway, Wellfleet, MA 02667

FOR GRANTOR'S TITLE SEE: Barnstable County Registry of Deeds at Book 3756 Page 49; and, Book 5270 Page 16.

FOR PLAN OF RECORD SEE: Barnstable County Registry of Deeds Plan Book _____ Page _____, and sketch in Exhibit B

CONSERVATION RESTRICTION

Janet M. Reinhart, individually, as surviving tenant by the entirety, with an address at 60 Rama's Way, Wellfleet MA 02667 and a mailing address of P.O. Box 869, Wellfleet MA 02667, as sole owner of the Premises herein defined, for its permitted successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants, with QUITCLAIM COVENANTS, to **R. DENNIS O'CONNELL, JANE S. BARON, MARCIA D. SEELER, RICHARD CIOTTI, VIRGINIA G. PAGE, WILLIAM IACUessa, SUSAN H. ANTHONY, MARY ROGERS, GARY J. JOSEPH, BARBARA D. CARY, BERTRAM BRUCE, SUSAN QUIGLEY, S. DAVID KOONCE, JR., MICHAEL FISHER AND JONATHAN KELLY, AS TRUSTEES OF WELLFLEET CONSERVATION TRUST**, established under Declaration of Trust dated September 5, 1984 and recorded in the Registry in Book 4811, Page 281, as amended, having an address at P.O. Box 84, Wellfleet, Massachusetts 02667, and its permitted successors and assigns ("Grantee"), for nominal consideration, as this conveyance is to be considered and characterized as a gift, **IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES**, the following Conservation Restriction on land located in the Town of Wellfleet, County of Barnstable, Commonwealth of Massachusetts consisting of a tract of land totaling approximately 3.65 acres ("Premises"), which Premises is more particularly described in Exhibit A and shown in the sketch in Exhibit B, both of which are incorporated herein and attached hereto.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic, and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values ("conservation

values”).

The conservation values include the following:

- Open Space Protection. The Premises contributes to the protection of the natural character of Wellfleet and the protection of the Premises will enhance the open space value of the permanently protected Wellfleet Conservation Trust holdings adjacent to the Premises. The Premises also is adjacent to the Massachusetts Department of Conservation and Recreation’s Cape Cod Rail Trail, a multi-use 25.5-mile trail from Yarmouth to Wellfleet, and in the vicinity of the Cape Cod National Seashore.
- Protection of Wildlife Habitat. The Premises is 100% within a Massachusetts Natural Heritage and Endangered Species (“NHESP”) Priority Habitat of Rare Species as well as 100% within an NHESP-designated Estimated Habitat of Rare Wildlife. Therefore, protection of the Premises aligns with NHESP’s and Mass DEP’s wildlife and habitat protection objectives.
- BioMap2. The Premises is 100% within an NHESP-designated BioMap2 Core Habitat area containing the Species of Conservation Concern Core Component. This Core Component includes species that meet the criteria for listing under the Massachusetts Endangered Species Act, as well as several species that do not satisfy these criteria, but are considered to be of conservation concern in the Commonwealth. BioMap2, published in 2010, was designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. BioMap2 is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan. The Premises is also 100% Critical Natural Landscapes Landscape Blocks.
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan* (“RPP”), amended in 1996, 2002, 2009, 2012, and 2018, which provided, *inter alia* (references are to the 2018 RPP):
 - “To protect, preserve, or restore wildlife and plant habitat to maintain the region’s natural diversity” (Wildlife and Plant Habitat Goal, pp. 55).
 - In reference to this Wildlife and Plant Habitat Goal, the RPP states, “For many years habitat loss due to development has been the primary threat to the region’s habitats” (pp. 32);
 - “To conserve, preserve, or enhance a network of open space that contributes to the region’s natural and community resources and systems” (Open Space Goal, pp. 55).
 - In reference to this Open Space Goal, the RPP states, “[t]he open space of the Cape is critical to the health of the region’s natural systems, economy, and population. Open space provides habitat for the region’s diverse species and protection of the region’s drinking water supply” (pp. 30); and,

- “To protect and preserve the significant cultural, historic, and archaeological values and resources of Cape Cod” (Cultural Heritage Goal, pp. 58).
- Granting this Conservation Restriction will advance each of these objectives outlined in the RPP. The Wildlife and Plant Habitat Goal will be served because the Premises contains various important plant and wildlife ecosystems and falls within an NHESP BioMap2 Core Habitat as well as Critical Natural Landscape area. The Open Space Goal will be advanced because the Premises is proximate to several other Wellfleet Conservation Trust open space parcels, and nearby Cape Cod Rail Trail and Cape Cod National Seashore. The Cultural Heritage Goal will be served because protecting the Premises with this Conservation Restriction will aid in maintaining the region’s historic rural character.
- Consistency with Clearly Delineated Town of Wellfleet Conservation Policies. The Town’s 2005 Open Space and Recreation Plan outlines several goals that would be advanced by the permanent protection of the Premises. Relevant open space and recreation goals include:
 - + acquiring, retaining and protecting a maximum of open space for the community and its natural and wildlife habitats (p.122); and,
 - + identified criteria for “Areas of Concern for Land Conservation,” including rare species habitat; and,

Further, the Town of Wellfleet has adopted a Conservation Restriction Program, consisting of policies and guidelines approved by the Board of Selectmen, Board of Assessors and Conservation Commission in 1989, which encourage the use of conservation restrictions in perpetuity as a means of “protecting water resources and clean air, preserving open space, forest lands, and natural habitat of fish, wildlife or plants and providing scenic enjoyment, outdoor recreation and education of the public;” and,

Further, the Town identified, among other things, the following purposes which a conservation restriction can help to fulfill:

- To prevent the cutting of trees;
 - To preserve important natural habitats;
 - To prevent or limit construction in areas of natural resource value.
- Consistency with Clearly Delineated State Conservation Policy. The Premises possesses significant open space, natural, aesthetic, ecological, plant and wildlife habitat, solid and water resource quality, watershed, and scenic values (collectively “Conservation Values”) of great importance to the Grantee and the people of Wellfleet and the Commonwealth of Massachusetts. The Premises supports the State Wildlife Action Plan’s goals for conserving pitch-pine upland forest and coastal upland areas. The Premises also borders the Massachusetts Department of Conservation and Recreation’s Cape Cod Rail Trail.
 - Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of “conservation purposes” as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: protect wildlife and wetland habitats; and it would contribute to the preservation of open space because it is located in proximity to several other parcels already conserved, including more than nine acres of conservation land owned by the Grantor, adjacent to the Premises.

These and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

I. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, wind turbine, antenna, utility pole, tower, solar panel, solar array, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (6) Hunting, owing to state safety setbacks, trapping, or camping;
- (7) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility impaired;

- (8) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel. The development rights which are encumbered and extinguished by this Conservation Restriction shall not be transferred to any other property pursuant to a transferable development rights plan, cluster development plan, or otherwise;
- (9) The use of the Premises for business, residential or industrial use, or commercial recreation;
- (10) Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would impair its conservation values.

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the conservation values or purposes of this Conservation Restriction.

- (1) Vegetation Management. The selective minimal removing of brush, pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises.
- (2) Wildlife Habitat Improvement. With the prior written approval of the Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species;
- (3) Trails and Benches. With the prior written approval of the Grantee, the creation, modification, use, and abandonment of foot trails, provided said trails do not exceed five (5) feet in width and are surfaced only with water pervious materials, and the placement of simple sitting benches along the trails;
- (4) Non-Native or Nuisance Species. The right to control and remove invasive species in a manner designed to affect the targeted species and to avoid damage to the non-target species and water quality, including the right to control poison ivy and other potentially hurtful species and other plant life that threatens indigenous species anywhere within the Premises, including the use of spot-applied herbicides, fungicides and pesticides, so long as surrounding species and water quality are not materially affected or disturbed;
- (5) Composting. The stockpiling and composting of stumps, trees, brush, limbs and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not impair the conservation values. Exercise of this Reserved Right shall take into account sensitive areas and avoid harm to nesting species during nesting season;
- (6) Pest Control. With the prior written approval of the Grantee, trapping and removal of animals for pest control purposes.

- (7) Signs. The erection, maintenance and replacement of signs with respect to trespass, hunting, trail access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, and the protected conservation values;
- (8) Permits, Regulations, Laws. The exercise of any right reserved by Grantor under this Paragraph II(B) shall be in compliance with zoning and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.
- (9) Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph II(B) shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Notice and Approval.

1. Procedure for Notice and Approval. Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.
2. Deemed Denial. Grantee agrees to use reasonable diligence to respond to Grantor's request within sixty (60) calendar days of delivery. Grantee's failure to respond within the sixty (60) calendar day period shall be deemed a denial of the request (hereinafter, a "Deemed Denial"). A Deemed Denial is not final or binding on Grantee, and Grantee may submit the same or a similar request for approval.

II. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

III. ACCESS

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises (i) after reasonable notice and at reasonable times and in a reasonable manner, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction; and, (ii) after sixty (60) days prior written notice, except in an emergency in which case notice shall be given as soon as is practicable, to take any and all actions with respect to the Premises as may be necessary or appropriate, with or without order of court, to remedy, abate or enforce any violation hereof unless the Grantor has prior to the expiration of said sixty (60) days given written notice to the Grantee reasonably addressing all alleged violations and setting forth a reasonable plan to remedy any such alleged violation and has made reasonable efforts to cease the activity or to begin remediation.

There is no right of physical access by the general public to the Premises, unless specifically granted by the Grantor.

IV. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V(B), subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds.

The Grantor and the Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the gift, bears to the value of the entire property as unencumbered at that time (the "Proportionate Value"). For the purposes of this Paragraph IV(B), the Proportionate Value shall remain constant. To establish the Proportionate Value, Grantor shall provide Grantee with a complete copy of any qualified appraisal performed for Grantor (at the time of donation of this Conservation Restriction) as required under Internal Revenue Code Sec. 170(h).

C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph IV(B), after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

V. DURATION & ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of herself and her successors and assigns, appoints the Grantee her attorney-in-fact to execute, acknowledge and deliver any such instruments on her behalf. Without limiting the foregoing, the Grantor and her successors and assigns agree to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the

Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the assignee is not an owner of the fee in the Premises, and the assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VI. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

VIII. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

IX. LIMITATIONS ON AMENDMENT

A. Background; Acting in Good Faith. Grantor and Grantee have been informed that the Internal Revenue Service ("IRS") is concerned about the possibility of the parties thereto amending conservation restrictions in the future in a manner that fails to protect the conservation values of the subject property in perpetuity. Accordingly, Grantor and Grantee have agreed to include a

suitably restrictive amendment clause in the Conservation Restriction to address IRS concerns.

B. In General. Grantor and Grantee recognize that natural conditions, landscapes, and technologies change over time (including best practices of open space stewardship techniques), and, in an abundance of caution, have determined, in good faith, to articulate herein the limited parameters of any permissible amendment hereto. The intent of Grantor and Grantee is that (except in a case involving solely the correction of a drafting mistake, or mapping error, or in a situation involving solely adding additional property to the existing encumbered property) any such amendment would be executed only in rare instances and unusual circumstances not envisioned by either party at the time of this grant, consistent with and true to the perpetual protection of the conservation values of the Premises and the conservation objectives of this Conservation Restriction, and consistent with the goals and provisions of Sections 31-33 of Chapter 184 of the Massachusetts General Laws and the goals and provisions of Section 170(h) of the Internal Revenue Code of 1986. Further, it may be necessary at some point to amend this Conservation Restriction in response to changes over time specifically to ensure the perpetual protections of the conservation values of the Premises. This section is accordingly carefully limited so as to ensure: (i) that the conservation values of the Premises and the conservation objectives of this Conservation Restriction are protected in perpetuity, and (ii) that any amendment shall not in any way impair the perpetual protection of the conservation values of the Premises. Nothing in this section shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

C. Limitations on Amendment. This Conservation Restriction shall be amended only upon the written agreement of Grantor and Grantee, and Grantee's sole and absolute discretion, and subsequent review and approval from the Town of Wellfleet and the Massachusetts Secretary of Energy and Environmental Affairs, but only if such amendment:

- (1) does not constitute private inurement or give rise to an impermissible private benefit under Section 501(c)(3) and other applicable provisions of the Internal Revenue Code of 1986 or the law of the Commonwealth of Massachusetts, based on an appraisal of the economic impact of the proposed amendment by an appraiser selected by Grantee;
- (2) has a neutral or positive effect on the conservation values of the Premises, based on an evaluation of the effect of the proposed amendment on the conservation values by an independent and qualified person selected by Grantee;
- (3) is consistent with the conservation objectives of this Conservation Restriction and the perpetual protection of the conservation values of the Premises;
- (4) does not affect the perpetual nature of this Conservation Restriction; and,
- (5) complies with Sections 31-33 of Chapter 184 of the Massachusetts General Laws and Section 170(h) of the Internal Revenue Code of 1986.

Further, no amendment shall be permitted that: (a) does not comply with the provisions of this Paragraph IX; (b) would involve the removal of any of the Premises from this Conservation Restriction; or (c) would alter or remove the restrictions on assignment of this Conservation Restriction under the provisions of Paragraph VI(C), or the provision on extinguishment contained in Paragraph V. In the case of any amendment, all of these requirements and restrictions contained in this Paragraph IX must be satisfied.

D. Updated Baseline Report. In the event Grantor and Grantee agree to an amendment pursuant to the provisions of this Section X, an addendum to the Baseline Report shall be

prepared and shall be acknowledged by Grantor and Grantee as memorializing the condition of the Premises as of the date of the amendment. Notwithstanding the foregoing, an addendum to the Baseline Report shall not be required for any amendment that involves solely the correction of a drafting mistake or mapping error.

E. Costs. If Grantor requests an amendment to this Conservation Restriction, Grantor shall be responsible for all reasonable and customary costs related to Grantee's evaluation of said request and the amendment's execution and, if applicable, any necessary agency or judicial proceeding, including reasonable attorney's fees and staff, contractor, legal, and consultant costs incurred by Grantee, and any costs associated with the preparation of the updated Baseline Report prepared pursuant to Paragraph IX(D).

F. Court Approval Required. A proposed amendment that is agreed to by Grantor and Grantee but nevertheless exceeds the scope of the limited discretion granted under this Paragraph IX is not permitted unless ordered by a final non-appealable judgment of a court having jurisdiction.

G. Compliance with Article 97 of the Amendments to the Massachusetts Constitution, Gifts, or Funding Requirements. Any amendment shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable, and any gifts, grants, or funding requirements.

H. Amendments Must Be Recorded. Any amendment shall be recorded in the Barnstable County Registry of Deeds in a timely manner at the Grantor's cost.

X. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in a timely manner in the Barnstable Registry of Deeds.

XI. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Janet M. Reinhart
P.O. Box 869
Wellfleet, MA 02667

To Grantee: Wellfleet Conservation Trust
P.O. Box 84
Wellfleet, MA 02667

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XII. GENERAL PROVISIONS

- A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.
- B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
- C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.
- D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIII. MISCELLANEOUS

- A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non- existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre- existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.
- B. Homestead. The Grantor hereby releases, agrees to waive, subordinate, and release any and all Massachusetts General Law Chapter 188 Homestead rights it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release. In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to Section 10(e) of Chapter 188 of the Massachusetts General Laws.
- C. Subordination. The Grantor shall record at the appropriate Registry of Deeds simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.
- D. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor: Janet M. Reinhart

Grantee Acceptance: Wellfleet Conservation Trust

Approval by the Town of Wellfleet Board of Selectmen

Approval of the Secretary of Energy and Environmental Affairs.

Exhibits:

Exhibit A: Legal Description of Premises

Exhibit B: Sketch of Premises

WITNESS my hand and seal this ____ day of _____, 2020,

Janet M. Reinhart

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Janet M. Reinhart, and proved to me through satisfactory evidence of identification which was personal knowledge, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Mark H. Robinson
Notary Public
My Commission Expires:
8 July 2027

ACCEPTANCE OF GRANT

This Conservation Restriction from Janet M. Reinhart was accepted by the Trustees of the Wellfleet Conservation Trust this _____ day of _____, 2020.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared R. Dennis O’Connell, Trustee and President and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of said Trust.

Mark H. Robinson, Notary Public
My Commission Expires: 8 July 2027

APPROVAL OF TOWN OF WELLFLEET BOARD OF SELECTMEN

We, the undersigned, being a majority of the Board of Selectmen of the Town of Wellfleet, hereby certify that at a public meeting duly held on _____, 2020, the Board of Selectmen voted to approve the foregoing Conservation Restriction from Janet M. Reinhart to the Wellfleet Conservation Trust in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

**TOWN OF WELLFLEET
BOARD OF SELECTMEN:**

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Janet M. Reinhart to the Wellfleet Conservation Trust has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2020

Kathleen A. Theoharides
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Kathleen A. Theoharides, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Description of the Premises

The Premises subject to this Conservation Restriction is a tract of vacant land, totaling approximately 3.65 acres, situated in (South) Wellfleet, Barnstable County, Commonwealth of Massachusetts, more particularly bounded and described as follows:

(insert metes and bounds description from 2020 Poole survey sketch – pending)

This Conservation Restriction does not pertain to any remaining land owned by Grantor at locus.

For Grantor's title, see deeds recorded in the Barnstable County Registry of Deeds in Book 3756 Page 49; and, Book 5270 Page 16.

Street Addresses: off 60 Rama's Way and off 66 Old King's Highway, Wellfleet MA

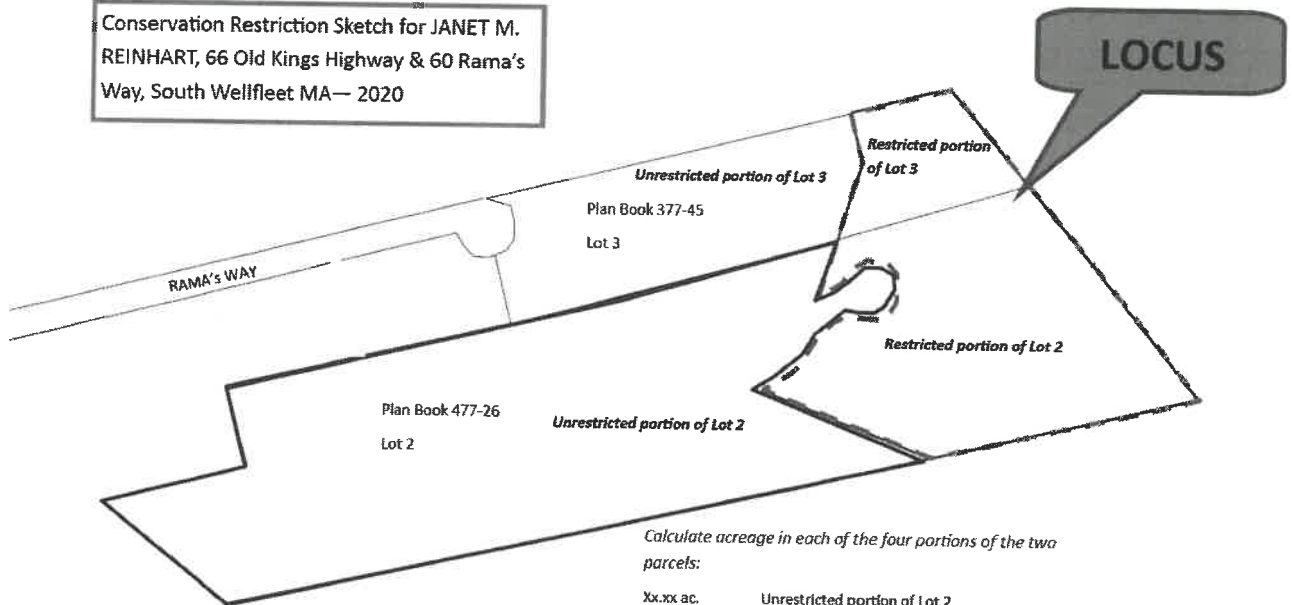
EXHIBIT B

Sketch Plan of Premises

N.B.

A SURVEY PLAN HAS BEEN CONTRACTED FOR IN ORDER TO DETERMINE THE METES AND BOUNDS FOR THE 3.68 ACRES TO BE PLACED UNDER CONSERVATION RESTRICTION IN DECEMBER 2020.

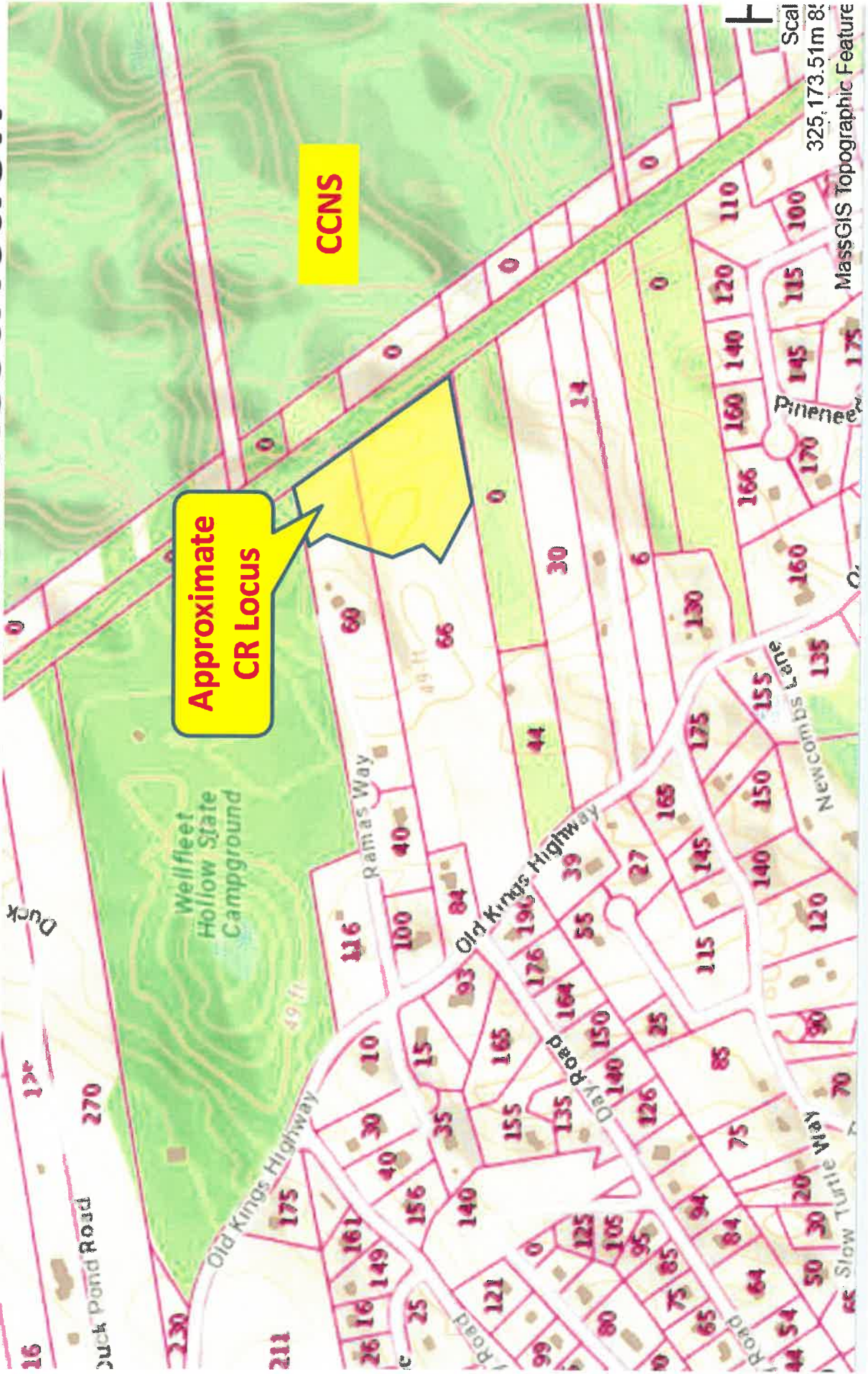
Conservation Restriction Sketch for JANET M. REINHART, 66 Old Kings Highway & 60 Rama's Way, South Wellfleet MA— 2020



Calculate acreage in each of the four portions of the two parcels:

Xx.xx ac.	Unrestricted portion of Lot 2
<u>Xx.xx ac.</u>	Restricted portion of Lot 2
Xx.xx ac.	TOTAL area of Lot 2
Xx.xx ac.	Unrestricted portion of Lot 3
<u>Xx.xx ac.</u>	Restricted portion of Lot 3
Xx.xx ac.	TOTAL area of Lot 3

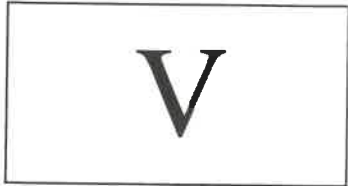
Map of Reinhart Conservation Restriction





SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020



LICENSES – A

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Renewal of Annual Liquor Licenses
PROPOSED MOTION:	<p>I move to approve the renewal of the Annual Liquor Licenses as presented in the packet and recommended by the Principal Clerk.</p> <p>Bookstore and Restaurant The Wagner at Duck Creek Seaside Liquors Wellfleet Marketplace Wellfleet Spirits Shoppe The Wicked Oyster Wellfleet Harbor Actors Theater PB Boulangerie Bistro Wellfleet Preservation Hall JB's Pizza Bar and Grill Blackfish Variety C Shore Fox and Crow Block and Tackle Wellfleet Mobil</p>
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

VI

BUSINESS – A

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Update on Fuel Tanks at Marina
PROPOSED MOTION:	Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

VI

BUSINESS – B

REQUESTED BY:	Selectboard Member Curley
DESIRED ACTION:	Review, Discuss, and Approve Letter in Support of an Expanded Residential Tax Exemption Proposal
PROPOSED MOTION:	I move to approve the letter in support of an expanded residential tax exemption proposal, as drafted by Ryan Curley and amended at this meeting.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

In brief, the Selectboard talked about possibly creating an expanded residential tax exemption that would extend to properties that were rented out on a year round basis when we reviewed the annual tax classifications and set the current residential tax exemption. Nancy Vail indicated it would take an act of legislature. I reached out to Sarah Peake and Julian Cyr. They informed me that Truro asked last year for an expanded residential tax exemption and they have filed it. Bill H.4209.

<https://malegislature.gov/Bills/191/H4209>

To ask for the same exemption we will need to bring it to Town Meeting. If it passes at town meeting then Representative Peake and Senator Cyr could file the bill.

Below is the language of the an article to be brought before town meeting that is copied from Truro, with a few minor changes, replacing the Truro with Wellfleet and Board of Selectmen with Selectboard. I have tweaked the explanation slightly as well.

These units are currently being assessed the same as seasonal units adding about \$300/yr in tax burden to a year round rental. The FY 2020 residential exemption was \$857. The estimated incentive that this would create would be a net benefit of approximately \$1150 for a median valued property.

Article __ Expanding Residential Property Exemption: Home Rule Petition

To see if the Town will vote to petition the General Court to enact a special act of the Town of Wellfleet, the text of which is set forth below, and that the General Court be authorized with the approval of the Selectboard to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation to secure its passage, as follows:

AN ACT EXPANDING THE EXEMPTION FOR RESIDENTIAL PROPERTY IN THE TOWN OF WELLFLEET

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 5C of chapter 59 of the General Laws or any other general or special law to the contrary, with respect to each parcel of real property classified as class one residential in the town of Wellfleet as certified by the commissioner of revenue to be assessing all local property at its full and fair cash

valuation, and with the approval of the Selectboard, there shall be an exemption equal to not more than 35 per cent of the average assessed value of all class one residential parcels within the town of Wellfleet, or such other maximum percentage as may be established from time to time by the General Court; provided, however, that the exemption shall be applied only to: (i) the principal residence of the taxpayer as used by the taxpayer for income tax purposes; or (ii) a residential parcel occupied by a resident of the town of Wellfleet, other than the taxpayer, occupied on a year-round basis and used as the resident's principal residence for income tax purposes. The town of Wellfleet may adopt and amend criteria to determine who qualifies as a resident under this act. This exemption shall be in addition to any exemptions allowable under section 5 of said chapter 59; provided, however, that the taxable valuation of the property, after all applicable exemptions, shall not be reduced to below 10% of its full and fair cash valuation, except through the applicability of clause eighteenth of said section 5 of said chapter 59. Where, under the provisions of said section 5 of said chapter 59, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for the purposes of the preceding sentence shall be computed by dividing the amount of tax by the residential class tax rate of the town of Wellfleet and multiplying the result by \$1,000. For the purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the board of assessors of the town of Wellfleet in accordance with the deed for the property and shall include a condominium unit.

SECTION 2. A taxpayer aggrieved by the failure to receive the residential exemption authorized under this act may apply for the residential exemption to the board of assessors of the town of Wellfleet in writing on a form approved by the board of assessors, on or before the deadline for an application for exemption under section 59 of said chapter 59. For the purposes of this act, a timely application filed under this section shall be treated as a timely filed application pursuant to section 59 of chapter 59 of the General Laws.

SECTION 3. This act shall take effect on the first day of the fiscal year following passage of this act and shall apply to taxes levied for fiscal years beginning that fiscal year and thereafter.

Or to take any other action relative thereto

Explanation: In the interest of creating and retaining year round rental housing for residents of Wellfleet this article would allow the Selectboard to petition the General Court to expand the residential tax exemption (RTE) to property owners who rent their property on a year round basis. In order to qualify, the property would need to be rented on a year round basis to a resident of Wellfleet who declares the property to be their principle residence for income tax purposes.

Truro 2019 Annual Town Meeting Article 14

HOME RULE PETITION ARTICLES

Article 14: Expanding Residential Property Exemption: Home Rule Petition

To see if the Town will vote to petition the General Court to enact a special act of the Town of Truro, the text of which is set forth below, and that the General Court be authorized with the approval of the Board of Selectmen to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation to secure its passage, as follows:

AN ACT EXPANDING THE EXEMPTION FOR RESIDENTIAL PROPERTY IN THE TOWN OF TRURO

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 5C of chapter 59 of the General Laws or any other general or special law to the contrary, with respect to each parcel of real property classified as class one, residential in the town of Truro as certified by the commissioner of revenue to be assessing all local property at its full and fair cash valuation, and with the approval of the board of selectmen, there shall be an exemption equal to not more than 35 per cent of the average assessed value of all class one, residential parcels within the town of Truro, or such other maximum percentage as may be established from time to time by the general court; provided, however, that the exemption shall be applied only to: (i) the principal residence of the taxpayer as used by the taxpayer for income tax purposes; or (ii) a residential parcel occupied by a resident of the town of Truro, other than the taxpayer, occupied on a year-round basis and used as the resident's principal residence for income tax purposes. The town of Truro may adopt and amend criteria to determine who qualifies as a resident under this act. This exemption shall be in addition to any exemptions allowable under section 5 of said chapter 59; provided, however, that the taxable valuation of the property, after all applicable exemptions, shall not be reduced to below 10% of its full and fair cash valuation, except through the applicability of clause Eighteenth of said section 5 of said chapter 59. Where, under the provisions of said section 5 of said chapter 59, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for the purposes of the preceding sentence shall be computed by dividing the amount of tax by the residential class tax rate of the town of Truro and multiplying the result by \$1,000. For the purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the board of assessors of the town of Truro in accordance with the deed for the property and shall include a condominium unit.

SECTION 2. A taxpayer aggrieved by the failure to receive the residential exemption authorized under this act may apply for the residential exemption to the board of assessors of the town of Truro in writing on a form approved by the board of assessors, on or before the deadline for an application for exemption under section 59 of said chapter 59. For the purposes of this

Provincetown Expanded Residential Exemption



Expanded Provincetown Residential Exemption – Requirements and Application

Exemption for taxpayers renting year-round to Provincetown Residents

In February 2018, the Provincetown Residential Exemption was expanded to include: “a residential parcel occupied by a resident of the Town of Provincetown, other than the taxpayer, occupied on a year-round basis and used as his or her principal residence for income tax purposes.” This exemption will adjust the taxes of owners who rent on a year -round basis to residents of Provincetown who use the rental as their principal residence for income tax purposes.

The Select Board must vote to adopt a Residential Exemption as part of the Tax Rate setting process. Acceptance by the Select Board enables both versions of the Exemption. The exemption is revenue neutral; no additional revenue is raised by this action.

To qualify under the expanded version of the exemption for FY 2021, the applicant must provide either

1. a current Rental Certificate, a signed (landlord and tenant) year-round lease beginning on or before **January 1, 2020** and a copy of the first page of your renters **2019 Federal 1040 and State income tax Form 1 filings listing Provincetown as the mailing address**. Inclusion of the tax forms is for residency verification only. All financial information can and should be redacted. **OR:**
2. a current Rental Certificate, a signed (landlord and tenant) year-round lease beginning or before **January 1, 2020** and a copy of your tenant’s Driver’s License listing the rental property address. Additionally, your tenant must satisfy **two** of the following: a year- round parking permit; be registered to vote in Provincetown; be on the Town Census or provide a copy of a December 2019 Utility bill in the tenant’s name for the rental address.

As with a traditional Residential Exemption, if you qualify under the Expanded Residential Exemption, a property’s taxable value will be lowered by a fixed amount, before the tax rate is applied. For FY 2021, the amount is \$175,221. Here is an example of how the exemption works:

Property A with residential exemption	Property A no residential exemption
---------------------------------------	-------------------------------------

act, a timely application filed under this section shall be treated as a timely filed application pursuant to section 59 of chapter 59 of the General Laws.

SECTION 3. This act shall take effect on the first day of the fiscal year following passage of this act and shall apply to taxes levied for fiscal years beginning that fiscal year and thereafter.

or to take any other action relative thereto.

Requested by the Board of Selectmen

Explanation: In the interest of creating more year-round rental housing for residents of Truro and incentives for its creation, this article would allow the Board of Selectmen to petition the General Court to enact special legislation that would allow the Town to expand the residential tax exemption (RTE) to nonresident property owners who rent their property on a year-round basis. In order to qualify, the property would need to be rented to a registered voter of the Town of Truro who declares the property as their principal residence for income tax purpose. Voting for this article will not create the expansion of the RTE but only allow the Board of Selectmen to ask the General Court for legislation that, if passed in the future, would allow the Town to do so.

Finance Committee Recommendation	4	0	0
Board of Selectmen Recommendation	5	0	0

Article 14: Move to authorize the Board of Selectmen to petition the General Court to enact special legislation expanding the residential property tax exemption, as set forth in the warrant. Move the question -passes by 2/3.

Article 14: passes by majority. (8:18)

Assessed value of	\$500,000	Assessed value of	\$500,000
Residential exemption of	<u>(\$175,221)</u>	Residential exemption of	<u>(\$0)</u>
Taxable Valuation of	\$324,779	Taxable Valuation of	\$500,000
Tax rate per thousand of	<u>\$7.08</u>	Tax rate per thousand of	<u>\$7.08</u>
Property Tax =	\$2,299.44	Property Tax =	\$3,540.00

In addition to a completed, signed application form you must include the required supporting documentation as listed above. **Please understand there can be no exceptions, except as otherwise provided below to ensure everyone is treated fairly and equally.** If you use your tenant's tax returns as supporting documentation and they use a post office box as their primary mailing address, you must submit the tax return page showing the PO Box, along with a copy of both sides of their driver's license. **This exemption is not automatic; you must complete the application in order to receive the expanded Residential Exemption. Please complete the enclosed application and supply the required verification in order to receive the exemption.**

The fall 2020 tax bill should be paid as assessed. Qualifying applications will be handled as a standard exemption. Qualifying applications will have their adjustment applied to the Spring 2021 Tax Bill.

If you have any questions, please call the Assessors' office at 508-487-7017 or email sfahle@provincetown-ma.gov.

STATE TAX FORM 128-SC

Date stamp here:

FISCAL YEAR 2021

EXPANDED RESIDENTIAL EXEMPTION

THE COMMONWEALTH OF MASSACHUSETTS

PROVINCETOWN

All information on this form must be completed in full and required documentation must be attached in order the application to be considered complete. Under statute, the application for residential exemption must be filed no later than April 1, 2021 or 3 months after the date the actual tax bill is issued, whichever is later.

The undersigned being aggrieved by the failure to receive a residential exemption on real estate situated at

_____ for fiscal year 2021 hereby applies for such an exemption.

Number Street

STATEMENT OF FACTS

1) Name(s) of record owner/taxpayers(s) _____ 2) Name of Resident/Renter(s) _____
_____ 3) Date Property Acquired _____

4) Was the parcel *owned* by you and was a year- round rental agreement in place as of January 1, 2020? YES
NO _ **NOTE: If no, then you do not qualify for the exemption.**

3. 5) Please provide the required verification documentation: a current Rental Certificate, a signed (landlord and tenant) year-round lease beginning on or before January 1, 2020 and a copy of the first page of your renters 2019 Federal 1040 and State income tax Form 1 filings listing the above parcel as the mailing address. Inclusion of the tax forms is for residency verification only. All financial information can and should be redacted. OR: a current Rental Certificate, a signed (landlord and tenant) year-round lease beginning on or before January 1, 2020 and a copy of your tenant’s Driver’s License listing the rental property address. Additionally, your tenant must have two of the following: a year- round parking permit; be registered to vote in Provincetown; be on the Town Census or provide a copy of a December 2019 Utility bill in the tenant’s name for the rental address.

If the tax return shows a PO Box, please provide a copy of both sides of current driver’s license along with the above verification information.

PLEASE READ THE FOLLOWING INFORMATION CAREFULLY!

- **You must file your Expanded Residential Exemption application each year as we need to verify the lease and rental certificate information each year.**
- **Failure to do so will result in loss of the exemption.**

Signing this form under the penalties of perjury has the legal effect of swearing under oath to the truthfulness of the information contained herein. All items on this form must be completed as indicated. In addition to other sanctions provided by law, intentional misrepresentation of facts in this application may result in disqualification of this exemption and the subsequent issuance of an omitted bill for the exempted value involved for the current fiscal year. Verification of the truthfulness of the information contained herein may include visitation of the rental property and include an interview with the renters.

9) **Signature of Applicant:**

10) **Mailing Address):** _____

Email Address: _____ Phone Number: _____

KEY# _____ (Assessor’s Use)

ASSESSOR'S USE ONLY

GRANTED:

DENIED:

NO ACTION: _____

DATE:

CERTIFICATE #:

AMOUNT ABATED: _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

VI

BUSINESS – C

REQUESTED BY:	Selectboard Member Wilson
DESIRED ACTION:	Discussion of Status of H746: An Act Relative to Shellfish (Cutler Bill)
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

VI

Courtney Butler

From: Helan Miranda Wilson <helmirwil@c4.net>
Sent: Thursday, November 19, 2020 1:35 PM
To: Courtney Butler
Subject: Re. H746 An Act Relative to Shellfishing (Cutler Bill)

Hi EVERYONE.

Read below Representative Peake's informative response.

This was originally sent to the Massachusetts Shellfish Officers' Association.

Helen

Sb, no reply please.

From: Renee Gagne <rgagne@chatham-ma.gov>
Sent: Monday, November 16, 2020 3:37 PM
To: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>; Shareen Davis <SDavis@chatham-ma.gov>; Melissa Sanderson <melissa@capecodfishermen.org>; bvanderhoop@yahoo.com; Chris Southwood (csouthwood@town.dennis.ma.us) <csouthwood@town.dennis.ma.us>; Conrad Caia <CCaia@yarmouth.ma.us>; Croteau, Amy <Amy.Croteau@town.barnstable.ma.us>; Danielle Ewart (dewart@tisburyma.gov) <dewart@tisburyma.gov>; ddeconto@townofsandwich.net; Henry Lind <lindh@c4.net>; Hickey, Michael (MISC) <michael.hickey@state.ma.us>; Paul Bagnall <plblrc@comcast.net>; Paul Bagnall (Pbagnall@edgartown-ma.us) <Pbagnall@edgartown-ma.us>; Scott LaPreste (scottshells9@comcast.net) <scottshells9@comcast.net>; Shields, Thomas (MISC) <thomas.shields@state.ma.us>
Subject: FW: [External]: FW: Cutler Bill - H746

Please see a reply from Sarah Peake explaining the process....

Renee

From: Peake, Sarah - Rep. (HOU) <Sarah.Peake@mahouse.gov>
Sent: Monday, November 16, 2020 3:18 PM
To: Renee Gagne <rgagne@chatham-ma.gov>
Cc: McKiernan, Dan (FWE) <dan.mckiernan@mass.gov>; Ferrara, Sarah (HOU) <Sarah.Ferrara@mahouse.gov>; Cyr, Julian (SEN) <Julian.Cyr@masenate.gov>; Johnson, Patrick (SEN) <Patrick.Johnson@masenate.gov>
Subject: Re: [External]: FW: Cutler Bill - H746

Hi Renee, Director McKiernan forwarded me your email.

Let me explain and interpret into non-legislative-speak what you have read on the legislative website. On October 13, 2020, the bill H.746 was committed to study and bundled with other bills put to study in new bill H5012. As per our procedures all of the dead bills that were bundled into H5012 and it was sent to the Rules committee.

In a nutshell, as promised, the bill is DEAD FOR THIS SESSION. The only way to move a bill from study to the calendar is to petition the Rules committee. I have spoken with Representative Cutler and there is no intention to do this.

Can you please reach out to your original distribution list and advise them that the bill is no longer viable this session? I have received several calls, emails and texts about the bill still moving through the legislative pipeline, which is simply not the case.

Please don't ever hesitate to reach out with any question you may have about legislative procedure or anything else I can help you with.

Please stay well and safe and have a Happy Thanksgiving.

Sarah

Rep. Sarah Peake

Room 7, State House

Boston, MA 02133

617.722.2040

Sent from my iPad

On Nov 16, 2020, at 2:15 PM, McKiernan, Dan (FWE) <dan.mckiernan@mass.gov> wrote:

?

From: Shields, Thomas (FWE) <thomas.shields@mass.gov>
Sent: Monday, November 16, 2020 12:32 PM
To: McKiernan, Dan (FWE) <dan.mckiernan@mass.gov>; Kennedy, Jeff (FWE) <jeff.kennedy@mass.gov>
Cc: Petitpas, Christian (FWE) <christian.petitpas@mass.gov>
Subject: FW: Cutler Bill - H746

It seems that on October 13th the Cutler Bill was moved out of committee and referred to the House Committee on Rules. I will keep you posted on actions taken by the MSOA Board of Directors.

Tom

Thomas Shields

South Coast Shellfish program Leader

MA Division of Marine Fisheries

706 South Rodney French Boulevard

New Bedford, MA 02744

Phone: 508-742-9767

Cell: 508-965-2371

From: Renee Gagne <rgagne@chatham-ma.gov>

Sent: Monday, November 16, 2020 12:01 PM

To: bvanderhoop@yahoo.com; Chris Southwood (csouthwood@town.dennis.ma.us) <csouthwood@town.dennis.ma.us>; Conrad Caia <CCaia@yarmouth.ma.us>; Croteau, Amy <Amy.Croteau@town.barnstable.ma.us>; Danielle Ewart (dewart@tisburyma.gov) <dewart@tisburyma.gov>; ddeconto@townofsandwich.net; Henry Lind <lindh@c4.net>; Hickey, Michael (FWE) <michael.hickey@mass.gov>; Paul Bagnall <plbrlc@comcast.net>; Paul Bagnall (Pbagnall@edgartown-ma.us) <Pbagnall@edgartown-ma.us>; Scott LaPreste (scottshells9@comcast.net) <scottshells9@comcast.net>; Shields, Thomas (FWE) <thomas.shields@mass.gov>

Subject: Cutler Bill

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Board members,

Just happened to check in on the State General Court website and low and behold, H746, the Cutler Bill, has moved out of committee "favorably" and has been referred to the House Committee on Rules. So much for "tabled". Perhaps we should schedule a BOD meeting to discuss our next step. One of our Board of Selectmen will be contacting our representatives about this, so may have more information shortly. This was moved out of committee on October 13th. Would have been nice to have a heads up.

Paul, I will be willing to write a letter on behalf of MSOA with our concerns on the new language in the Model Ordinance. I'll put together a draft and send out for review.....not sure when, may have some time tomorrow.

Renee

Renée Gagne, Shellfish Constable

Town of Chatham

261 George Ryder Rd

Chatham, MA 02633

rgagne@chatham-ma.gov

Phone: 508 945-5184 ><> FAX: 508 945-5163

"This email is for the distribution of materials only, not for discussion purposes."

Kindly remember that the Secretary of State has deemed most email a public record.



TOWN OF WELFLEET
300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 Fax (508) 349-0305
www.wellfleetma.org

September 4, 2019

Senator Anne M. Gobi
Chair, Joint Committee on Environment, Natural Resources and Agriculture
24 Beacon Street, Room 513
Boston, MA 02133

Representative Smitty Pignatelli
Chair, Joint Committee on Environment, Natural Resources and Agriculture
24 Beacon Street, Room 473F
Boston, MA, 02133

Re: H746: An Act Relative to Shellfish Aquaculture Licenses

Dear Senator Gobi and Representative Pignatelli:

With regard to H746: An Act relative to shellfish aquaculture licenses, which was referred to the Joint Committee on Environment, Natural Resources and Agriculture on January 22, 2019:

We protest the proposed Bill, which first and foremost undermines a municipality's role as the authority that manages the use of intertidal land for shellfishing within its borders.

In Massachusetts, land use decisions are generally delegated to local boards which act under local regulations and bylaws, in compliance with State law. Because the social and environmental factors that affect land use are specific to each area, this is reasonable and practical. One size does not fit all. The language of this bill would impose a mandate on every municipality that has shellfishing as part of its economy.

At present, MGL Chapter 130, §57 and §58 do not prohibit the option of owning a license and being able to sell it, bequeath it or gift it. A municipality could allow for that in its regulations. It may be appropriate elsewhere, but we do not want this to be possible in Wellfleet. Because of the remarkable quality of the resource and size of our industry, Wellfleet has worked out how to manage what we have fairly and in an environmentally sound way, over a long period of time. It has resulted in a productive equilibrium.

Replacing the word "may" with "shall" in MGL Chapter 130, §57 and §58, imposes a requirement that all licenses in the Commonwealth be owned as such, in addition to being granted by the local authority.

Ownership of a license that can be sold to anyone and then farmed by anyone who qualifies according to the criteria in our regulations, adds the additional qualification of having enough money to buy that license, *as such*. This is not possible for everyone and could result in people being priced out of a business to a greater extent than it is now. Licensees are already impacted by the weather, environmental variability of the habitat, the market, cost of equipment and seed, and the extreme physicality of the work.

Although money changes hands at times when a transfer occurs, the purchase of equipment, product, the purchase of a business in operation on a license, or the acceptance of an individual to be transferred onto a grant by existing licensees, happens here very much within a community of farmers who are familiar with the harbor, who know what they will be in charge of because they have been and will be there, doing it. The license cannot be inherited by anyone who isn't already committed to farming it and has therefor been transferred onto it because of that. In these cases, formally, legally, the right to use the surveyed farm is not what is sold. This is a fine shade of difference, but it's crucial in our town.

Because a grant is in a specific place, such ownership would create a situation where, really, licenses become real estate and more likely to be subject to the bidding war phenomenon that is inherit in real estate transactions. A seller would decide who the buyer might be according to their own needs, which are not necessarily in the best interests of the fishery or the Town's goals for it.

Let §57and §58 stay as they are. They work well. Don't fix what isn't broken.
Let any municipality who wishes to allow licenses to be sold, enact that for themselves.

Respectfully,

WELLFLEET SELECTBOARD

Janet Reinhart, Chair

Helen Miranda Wilson

Justina Carlson

Kathleen Bacon

Michael DeVasto

CC:

Senator Julian Cyr
Representative Sarah K. Peake
Representative Josh S. Cutler, et.al.
Massachusetts Aquaculture Association

Massachusetts Shellfish Initiative
Steering Committee
Massachusetts Shellfish Initiative
Taskforce



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

VII

SELECTBOARD REPORTS

Reported by:	Topic:



SELECTBOARD

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TOWN ADMINISTRATOR'S REPORT

This report is for the period November 7, 2020 through November 20, 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. Tax bills will be mailed on November 24 and will be due on December 24. The residential tax rate is \$7.86 which is up 1.1% from last year's rate of \$7.75.
- Rich Bienvenue prepared a report of his findings while helping Town staff with the tax rate filing, including his recommendations going forward. That report is on the Selectboard's November 24 agenda.
- Lisa Souve', the retired accountant from Brewster, continues to provide accounting services on an hourly basis while the Town conducts a search for a permanent accountant.
- Staff recommends enlisting the services of the Department of Revenue's Technical Assistance Team to conduct a free Finance Management Review. This should be conducted after the Town has permanently filled the accountant position.
- The Town has been awarded a \$2.5 million Mass Works grant to help pay for the water system expansion project approved at Town M

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

- November 9-Selectboard & Brian Carlstrom, re Bike Trail options
- November 10-Open Gov permitting software options
- November 16-Congressional staff re Herring River Restoration project funding
- November 16-Chris Allgeier & Joe Aberdale-Dredging Task Force
- November 17-Piggyback dredging pre-bid conference
- November 17-Ben Zehnder, introduction
- November 18-Bill Traverse, Barnstable County IT support agreement
- November 19-DOR Technical Assistance Bureau
- November 19-Gerry Canter, Ameresco solar panel project
- November 20-GEI update on fuel tank project

4. Personnel Matters:

- The Town Accountant position has been advertised on the Town website and with relative professional organizations, with a closing date of November 20. A panel will be assembled to conduct interviews.



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TOPICS FOR FUTURE AGENDA ITEMS As of November 16, 2020

For future reference:

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

Date	Issue	Update
8/11/20 (HMW)	Selectboard Correspondence	
8/11/20 (HMW)	Town Administrator Evaluation Plan and Process	
8/11/20 (MD)	Selectboard Social Media Policy	
8/25/20 (HMW)	Selectboard Polices – review, refine, edit	In process - Obtaining Legal Counsel and Fuel-Efficient Vehicle policies were asked to be forwarded to Boards and Committees by the TA at the 10/27 meeting.
9/8/20 (RC)	MEPA for Map 30, Parcel 14	
9/8/20 (HMW)	Abiding by OML/Conflict of Interest Discussion	
9/30/20 (RC)	Bike and Walkways Committee Update	
9/30/20 (RC)	Cemetery Commission update	
10/13/20 (MD)	Stairway from Historical Society	In process – acceptance of gift at 10/27/20 meeting, awaiting the “letter of agreement” for review
10/13/20 (JC)	Update from Comp. Wastewater Mgmt Planning Committee – oysters as nitrogen mitigators	
10/13/20 (RC)	Follow-Up with National Seashore about Woodland Fire Management	
10/13/20 (MD)	Local Media Policy	
10/13/20 (HMW)	Status of Roads in the Subdivision in Indian Neck Heights	
11/10/20 (JR)	Executive Session to go over all current cases in litigation	In process – working to schedule
11/10/20 (HMW)	Cutler Bill regrading Chapter 130 (shellfish)	



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CORRESPONDENCE AND VACANCY REPORTS

Friday, November 6, 2020 through Friday, November 20, 2020

Letters (emails):

11/6	Nancy Civetta	Propagation Grant for COVID relief
11/6	Helen Miranda Wilson	Researched documents related to past NPS bike path proposals. For 11/9/20 meeting with Supt. Carlstrom.
11/6	Dawn Rickman	Forensic Audi
11/6	Michael DeVasto	Fwd: Trail maps
11/6	MMA	Janet, State Budget Bills Are On The Move
11/6	KP Law	KP Law, P.C. - Latest COVID-19 Related Executive Orders and Stay-at-Home Advisory
11/9	Courtney Butler	Zoom for Today
11/9	Michael DeVasto	FLAP PROGRAM
11/9	Helen Miranda Wilson	Map 16, Assessor's Map N. Wellfleet Index
11/9	Hillary Lemos	Covid-19
11/9	Courtney Butler	Cape Cod Mosquito Control - ATM Appropriations
11/9	Ryan Curley	FYI Fiscal Year 20 & 21 recaps
11/9	Courtney Butler/Lauren McKean	Fwd: Bike trail materials discussed today
11/9	MMA	Justina, House FY21 State Budget Debate Starts Tomorrow
11/9	MA Division of Marine Fisheries	Atlantic Sea Herring Fishery in Management Area 1A to Close
11/10	Courtney Butler	Amendment for Tonight - 10/27 Minutes
11/10	Wellfleet Chamber of Commerce	Show your local love & play Small Biz Bingo 
11/10	MA Division of Marine Fisheries	Commercial Tautog Fishery to Close Effective November 12, 2020
11/10	Lara Henry	Re: Wellfleet Chamber - holiday event updates
11/10	Maria Broadbent	Meeting w DOT & DCR re bike trail
11/10	MMA	Women Leading Government, Dec. 10 Meeting
11/10	Nancy Civetta	Wellfleet Shellfish Department Receives \$10,000 Matching Grant from Barnstable County
11/10	Diane Brunt – Sent by Courtney Butler (Executive Assistant)	Cell towers
11/10	Courtney Butler	Goals
11/10	Helen Miranda Wilson	OPGW Eversource project
11/12	MMA	Don't miss our inspiring Annual Meeting speakers!
11/12	Heather Doyle	Shark Watch Cape Cod Critical Developments
11/12	Courtney Butler	Signature Stamps
11/12	Hillary Lemos (FWD from Courtney Butler)	Letter to community
11/12	Helen Miranda Wilson	Unanimous HREC consensus decision re. use of pesticides for vegetation management in Herring Rive Project.
11/12	Jude Ahern	Fwd: ZBA question about procedure
11/12	MMA	Save the Date for the MSA Virtual Annual Business Meeting 1/8!
11/13	Jude Ahern	Fwd: question about 1446 route 6
11/13	Janice O'Connell	Barnstable County Assembly of Delegates Meeting Notices and ZOOM Meeting link for Assembly 11/18/20 meeting
11/13	Jude Ahern	ZBA Question about procedure



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11/13	MA Division of Marine Fisheries	Public Comment Period and Public Hearings on New Protected Species Regulations Affecting Trap and Gillnet Fisheries
11/16	Courtney Butler	11/24 Selectboard Agenda Items - Due 11/20 at Noon
11/16	Courtney Butler	Executive Session Scheduling
11/16	MMA	Janet, Senate FY21 State Budget Debate Starts Tomorrow
11/16	Maria Broadbent	FYI - Good news - Water works grant to be awarded
11/17	Victor Rubdi (sent by Courtney Butler)	Church Steeple Restoration has begun, Please continue to support
11/17	Wellfleet Chamber of Commerce	Small Biz Bingo continues through November!
11/17	Rob Doane	CCRT Extension
11/17	Courtney Butler	Resignation
11/17	MA Division of Marine Fisheries	DMF to Host Trial Webinar for Upcoming Public Hearings and Post Public Hearing Records to YouTube Channel
11/17	MA Division of Marine Fisheries	DMF to Renew Wintertime Commercial Summer Flounder and Black Sea Bass Pilot Program Allowing Possession of Multiple States' Limits when Offloading
11/18	Ned Oliver	Peter Cook nomination
11/18	Maria Broadbent	FYI: WELLFLEET HARBOR – DREDGING
11/18	Courtney Butler	FW: Gift Item
11/18	Maria Broadbent	Tax bills
11/18	Chief Hurley	FW: OPGW Project
11/18	Rebekah Eldridge	Planning Board Member to be appointed to 95 Lawrence Road Task Force
11/19	Courtney Butler	MassWorks Announcement - YouTube Link
11/19	Helen Miranda Wilson (sent by Courtney Butler)	FW: Re. H746 An Act Relative to Shellfishing (Cutler Bill)
11/19	Maria Broadbent	FW: Memo and TA Questionnaire
11/19	Jeanne Maclauchlan	Signature stamps
11/20	Courtney Butler	Re: Special Meeting in Early Dec - Dredging Contract Award
11/20	Maria Broadbent	FYI: Marine Renewable Energy Conference Leaders-- Steering Committee of thought leaders SEPT 2020
11/20	Maria Broadbent	FYI: report from DOR Technical Assistance Team re Marina Enterprise Fund

Applications:

11/13	Peter Cook	Bike and Walkways Committee
11/13	Mark Washburn	Cable Advisory Committee
11/20	Olga Kahn	95 Lawrence Road appointee as Planning Board member

Board & Committee Minutes:

11/9	Joe Aberdale (FWD from Courtney Butler)	Marina Advisory – September 2 and October 7, 2020
11/9	Chris Bates	Conservation Commission Minutes 10/21/2020
11/9	John Riehl (FWD from Courtney Butler)	Natural Resources Advisory Board Minutes 10/8/20
11/10	Richard Ciotti (FWD from Courtney Butler)	WHA approved October minutes
11/10	Zack Dixon	SAB minutes Oct 8, 2020
11/18	Chris Allgeier	Dredging Task Force minutes 11/2/20
11/19	Chris Bates	Approved Conservation Commission mtg mins 11/4/20
11/19	Chris Bates	Approved ZBA mtg mins from October 8, 2020



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Internal Memos:

11/7 Ryan Curley

SELECTBOARD VENDOR AND P/R EXPENDITURES

11/10/2020

W10112020	\$277,454.81
11102020PR	\$376,766.14
total	\$654,220.95

Date: November 20, 2020
To: Board of Selectmen
From: Jeanne Maclauchlan
Re: Vacancies on Town Boards

Bike and Walkways (5 Members)

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

Requesting Appointment: **One application on file**

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: **One application 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



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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
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



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XI

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of meeting minutes
PROPOSED MOTION:	I move to approve the minutes of the November 9, 2020 work meeting as printed in draft. I move to approve the minutes of the November 10, 2020 meeting as printed in draft.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

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

**Wellfleet Selectboard Work Meeting
Monday, November 9, 2020 at 11 am
Zoom Virtual Meeting**

Selectboard Members Present: Chair Michael DeVasto; Janet Reinhart; Helen Miranda Wilson; Ryan Curley

Regrets: Justina Carlson

Also Present: Town Administrator Maria Broadbent; Assistant Town Administrator Mike Trovato; Executive Assistant Courtney Butler; Cape Cod National Seashore Superintendent Brian Carlstrom; Park Planner Lauren McKean; Bike and Walkways Committee Members Rebecca Noble, Lance Miller, Peter Cook

Chair DeVasto called the meeting to order at 11:00 a.m. This meeting was held via Zoom and the recording is available on the Town website.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT

- Wilson: Cutler Bill regarding Chapter 130 (shellfish)

MEETING WITH CAPE COD NATIONAL SEASHORE SUPERINTENDENT BRIAN CARLSTROM TO DISCUSS AND REVIEW THE PROPOSED BIKE PROJECTS

Carlstrom thanked the Board for having him. He reminded the Board of the deferred maintenance backlog, of \$40 million plus, that must be taken on as priority, but said that he is willing to listen to what Wellfleet wants to discuss. Carlstrom said that the Town would have to present overwhelmingly compelling evidence, supported by the public, before it would discuss developing a new route. He also discussed the Outer Cape Bicycle and Pedestrian Master Plan (OCBPMP).

Wilson asked if there was a way for the Park to share the financial burden with DCR and DOT; Carlstrom said this had not been discussed yet. Curley said the OCBPMP left out this particular area in Wellfleet that needed additional study prior to building a bike path.

DeVasto asked about the Federal Lands Access Program (FLAP); McKean said there have not been FLAP funds at the Seashore in some time. McKean noted the planning and cost of the OCBPMP. DeVasto said he understood and appreciated the work that went into the OCBPMP but was concerned that Wellfleet was left in a gray area. He asked if there was a way to continue recreational bike traffic through Wellfleet, but away from the highway. DeVasto asked if the FLAP funding stream was still available and asked if it was possible to use Town and Fire Roads. Carlstrom said that the National Park Service has an office to assist communities with recreation programs, that could potentially work on this. He noted that anything the Park Service would do is typically a two-year process before the funds even become available. Carlstrom said the use of Fire Roads is feasible, but a lot of planning would need to be done first.

Carlstrom said that bicycle accidents are the number one safety concern in the Seashore, stating that there is no accident that occurs more within the park. He said the park does community outreach to increase awareness of accidents and bicycle safety. McKean mentioned that the proposed Department of Conservation and Recreation (DCR) route is outside of the Seashore.

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

Curley asked the typical cost of the raised, asphalt bike path; McKean said the improvements to the existing Head of the Meadow bike trail was about \$2 million. Curley said he wanted the bike trail to stop at the campground, but rather Old County Road, nor did he want it to connect to Route 6. Reinhart asked about the draft plans provided to the Board, by members of the Bike and Walkways Committee. DeVasto said these were other possible routes they had developed. There was further discussion of possible plans. There was further discussion.

Miller, a new member of the Bike and Walkways Committee, said he recently walked 4.9 miles of path that the Committee feels may be a better route. This would start on LeCount Hollow and end on Collins Road in Truro and would follow the power lines and Old Kings Highway.

Wilson asked for a more collaborative work effort, with all agencies involved, to consider all possibilities for the route. Curley said his goal today was to find out what the Seashore was willing to consider, before meeting with the State to determine alternate routes. He said that he felt the path forward was to fund a study to determine alternative routes, saying that Noble has already spoken with the Cape Cod Commission on this matter who is ready to assist if funding is available. Curley said he would also like to get the bike path to get to Long Pond Road, which already has a bridge over the highway, eliminating the need to cross traffic to get to Town Center. McKean suggested tackling the section to Long Pond Road first, as that does not need Seashore approval and provided further insight. McKean mentioned an alternative routes document from 2016 that should be available, as a component to the OCBPMP.

Wilson asked if the Board would like to alert the State to this conversation and invite them back. Reinhart said the goal of the Department of Transportation (DOT) is to bring a safe bikeway, as well as the DCR wishes to provide a recreation opportunity; she suggested trying to promote those ideals. Carlstrom said a lot of planning has been done on this and anything going forward is complimentary to this baseline work that has been completed. DeVasto agreed with Carlstrom.

- Wilson moved to ask Courtney Butler to contact the DOT, the DCR, Brian Carlstrom, the Wellfleet Bike and Walkways Committee, and the Cape Cod Commission, to set up a virtual meeting, where everyone can see the same the same documents, and further discuss this.
- DeVasto seconded, and the motion carried 4-0.

ADJOURNMENT

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

The meeting adjourned at 12:11pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Documents available as of 11/9/2020:

1. DRAFT Bike Trail Maps – “South to North” and “Possible Trails” as provided by Dennis O’Connell;

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

2. Memo from Barbara Taylor to the Wellfleet Bike and Walkways Committee, dated August 26, 2019, re: Previously Proposed Bike Routes Thru Wellfleet;
3. Federal Land Access Program (FLAP) information;
4. 2016 Outer Cape Bicycle and Pedestrian Master Plan – Updated 2017;
5. 2016 Outer Cape Bicycle and Pedestrian Master Plan – alternative routes;
6. August 2, 2019 CCNS Press Release – Head of the Meadow Bicycle Trail and Connector Construction Project Completion;
7. NPS Bike Use Rule Flow Chart (36 CFR §4.30)

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

**Wellfleet Selectboard Meeting
Tuesday, November 10, 2020 at 6pm
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; Shellfish Constable Nancy Civetta;

Chair DeVasto called the meeting to order at 6:00 p.m. This meeting was held via Zoom and the recording is available on the Town website.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT

- Wilson: announced that on November 18, the Finance Committee will have a public hearing about the Capital Improvement Plan. Meeting information and Zoom link will be posted on the Town website.
- Lilli-Ann Green: announced that the BCAD voted to approve Resolution 20-07, a letter to the Governor asking to allow shellfishers to sell direct to consumers
- Chief Hurley: announced expected helicopter activity in Town, due to Eversource work in the area; the work is from 7-5, Monday through Saturday and helicopters will be landing by the substation on Gross Hill Road
- Lara Henry: announced, with regret, that the Chamber of Commerce has decided to postpone the annual Tree-Lighting and Sing-Along this year; Small-Biz Bingo is taking place however and you can find more information on the Chamber’s website
- Civetta: reminded the audience of the approval of \$10,00 to be spent by the Shellfish Department for COVID relief program for oyster farmers, voted on and approved at the Town Meeting, and announced that the department received a \$10,000 matching grant – providing \$20,000 to support these farmers buy buying their oysters for resale.

PUBLIC HEARINGS

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

DeVasto recused himself and asked Reinhart to Chair this discussion. Carlson also recused, due to a personal relationship. Civetta explained the request and the relationship between the grantees, being mother and daughter.

- Wilson moved to approve the transfer of shellfish grant licenses #85-C and #85-C-A from Margaret Jennings and Lee Clark to Margaret Jennings, Lee Clark, and Nora Clark-Jennings, as recommended by the Shellfish Constable.
- Curley seconded, and the motion carried 3-0, with DeVasto and Carlson recused.

LICENSES

Request to Temporarily Close the Wicked Oyster from Ken Kozak

Kozak was present and said that he was looking to close his business early in order to keep everyone safe, and to be in good shape to re-open in the Spring. Reinhart asked when the starting date was; Kozak said he hoped for the 15th to be his last day. Carlson and Wilson thanked Kozak for being safe.

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

- Wilson moved to approve the request from The Wicked Oyster, Ken Kozak, Manager, to temporarily close from Monday, November 16, 2020 to a date April 2021 to be determined.
- Reinhart seconded, and the motion carried 5-0.

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

Ment was present and said he wished to make good on the Host Community Agreement, which asked the organization to present their Neighbor Policy and Security Plans approved by the Police Department. Ment detailed his policies and plans, his information is available as a public record for this meeting.

Carlson congratulated Ment on his work on restoring the property where The Piping Plover dispensary will be located and provided comments on his policy. Wilson asked if Town Counsel had reviewed the policies presented by Ment; Broadbent said no. DeVasto said that this was just for the Board to approve the policies, as the Board requested in the Host Community Agreement (HCA). Broadbent confirmed that this was only to discuss Section 6, not a review of the entire HCA. There was further discussion.

Chief Pauley said that he has reviewed the information provided and that Ment has been exceedingly responsive to Fire Department concerns, and provided support for Ment. Curley asked to abstain, as he was not present when the HCA was executed and prior discussions between Ment and the Board took place. He said he supported getting the business open, but wanted to make sure that previously expressed concerns of the Board have been met. DeVasto noted that this was the first time these materials had come before the Board, so Curley did not have to abstain, but that he was welcome to.

- Reinhart moved 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.
- Carlson seconded, and the motion carried 4-0-1, with Curley abstained.

BUSINESS

Discussion of Solar Array at Landfill – Right of Way and Response to Order to Show Cause, as presented by Town Counsel [Curley]

Curley requested an update on this item, but noted that the documents provided indicated that the Town was awaiting a response from the Court. Curley asked if this was a matter of paperwork; Broadbent said yes, there was information that was not including in the body of the document that should have been – according to the Court. Town Counsel responded on behalf of the Town. No action taken.

Accounting Update [Chair]

DeVasto said he felt uneasy after the last meeting and asked for further clarification on the status of accounting in the Town. Broadbent said that the Tax Rate was approved, and the next step is to set up and mail tax bills. Broadbent discussed the assistance the Town is getting from Rich Bienvenue of Eastham and Lisa Souve, the former Accountant for Brewster. She noted that Bienvenue provided advice that the Town did not need to seek out a CPA or Forensic Audit at this time.

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Carlson expressed concerns that Bienvenue could only provide so much support to the Town, pro-bono, as he has a full time job in Eastham. She asked Broadbent if she was still seeking a Request for Proposals from the Mark Abrahams Group; Broadbent said not at this time. Carlson also asked about cashflow, as was discussed at a previous meeting; Broadbent said that information could be provided when the Town Treasurer was back in the office. Carlson discussed emails received by the Board from former Treasurer/Clerk Dawn Rickman, where Rickman expressed concerns over Town finances and the need for a forensic audit.

Curley said that Broadbent called him after the last meeting to discuss the Town finances, noting that the Board asked Broadbent to write a report marked “confidential” to be placed in the Selectboard’s office. He noted that this report has yet to be provided; Broadbent said that a report of the finances will come from the Bienvenue, who has been working to review the finances. Wilson said she felt that the Board just received their report and asked how much a forensic audit cost; DeVasto said he felt an internal audit, rather than forensic, would be more appropriate. There was further discussion about the possibility of conducting an audit.

- DeVasto moved that the Selectboard conduct an investigation into the Town’s finances in accordance with Section 3-4-1 of the Town Charter.
- Carlson seconded, discussion:

Wilson asked DeVasto to read Section 3- 4- 1 Powers of Investigation: “The Board of Selectmen may conduct investigations and may authorized the Town Administrator or other agent to investigate the affairs of the Town and the conduct of any Town Department, Office, or Agency, including any doubtful claims against the Town, and for this purpose the Board may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The report of such investigation shall be placed on file in the Office of the Town Clerk, and a report summarizing such investigation shall be printed in the next Town Report.”

With regard to the ability for the Board to communicate with staff, DeVasto read Section 3- 7- 1 Prohibitions: “Except for the purpose of investigation authorized by this Charter, the Board of Selectmen or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Town Administrator solely through the Town Administrator, and neither the Board nor its members shall give orders to any such officer or employee, either publicly or privately.”

Reinhart asked DeVasto to clarify his intent with the motion; he said it was the Board’s due diligence to look into Town finances and to talk to staff to get a full understanding of the scope of the problem. Reinhart said that she felt this has been being worked on, even though it is not solved yet which all parties agree on. DeVasto said this has been going on too long and that taxpayers and the Board deserve a clear understanding of how things got to where they are now. There was further discussion about the need and process for an investigation.

- Motion carries, 5-0.

The Board will meet next to decide the process of the investigation and expectations for outcomes. Curley recommended referring this to Town Counsel, to clarify any questions.

Review and Approve FY 2022 Annual Budget and 2021 Annual Town Meeting Schedule

Curley asked about the dates on the schedule that have passed and asked Broadbent to clarify which tasks have been completed already. Broadbent indicated the items up to November 10 on the

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

calendar that have been completed, which included sending information to Department Heads and providing the Capital Improvement Plan to the Finance Committee.

Carlson asked why the budget materials provided to Department Heads did not include FY20 actuals (expenditures); Broadbent said this was because the FY20 books were not closed yet. Curley asked if any deadlines might change and that the Board be updated if anything on the schedule changes. Carlson asked how uncomfortable Department Heads were with the lack of information about FY20; Broadbent said they were just as uncomfortable as she was and that she would keep the Board apprised of any changing deadlines. There was further discussion.

Chief Pauley noted that the information his department has been receiving from the Accounting department in recent years has not been as complete, but that he feels confident with his budget thanks to the work of Theresa Townsend, Administrative Assistant. Chief Hurley echoed these comments and appreciation for Ilene Davis, Administrative Assistant. Carlson was uncomfortable approving the schedule and committing staff to dates of submittal, without having all the information needed.

- Wilson moved to approve the FY2022 Annual Budget and 2021 Annual Town Meeting Schedule as presented in the packet.
- Reinhart seconded, and the motion carried 4-1, with Carlson opposed.
- Wilson moved to request that the Town Administrator check-in with departments as to their progress with meeting the deadline for budget submission this year.
- DeVasto seconded, and the motion carried 5-0.

Review and Approve FY2022 Budget Policy

Wilson made an amendment (bold) to the Enterprise Fund section of the FY2022 Budget Policy, asking it to read “The Town of Wellfleet should propose budgets for the Enterprise Funds as self-supporting as possible, without a property tax transfer and which shall also reasonably and accurately allocate indirect costs.” There was further discussion about Enterprise Funds. DeVasto was not in support of Wilson’s proposed amendment.

- Wilson moved to approve the approve the FY2022 Budget Policy as presented and amended in the packet.
- Reinhart seconded, and the motion failed 2-3, with Carlson, Curley, and DeVasto opposed.
- DeVasto moved to approve the approve the FY2022 Budget Policy as presented in the packet.
- Reinhart seconded, and the motion carried 4-1, with Wilson opposed.

Review and Approve 2021 Selectboard Meeting Schedule

Butler noted a correction, that the legal holiday will be December 24, 2021, as Christmas falls on a Saturday. DeVasto noted that the meetings for 2021 will continued to be held via Zoom.

- Reinhart moved to approve the 2021 Selectboard Meeting Schedule as amended in the packet.
- Wilson seconded, and the motion carried 5-0.

Approval of Thank You Letter to Erika Meads for Organizing Trick-or-Treating in Wellfleet Center [Curley]

Wilson asked that the letter be signed on behalf of the Board by one member, citing COVID-19 concerns for going into Town Hall to sign documents. DeVasto asked Butler to obtain signature stamps for each member to use in place of a physical signature.

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

- Wilson moved to approve the thank you letter to Erika Meads for Organizing Trick-or-Treating in Wellfleet Center, as drafted and presented in the packet and delegate the Chair to sign it on behalf of the Board.
- Wilson seconded, and the motion carried 5-0.

Approval of Thank You Letter to Those Involved in The September 12, 2020 Ordinance Disposal [Curley]

Reinhart provided amendments to the letter. Chief Pauley noted that the correct spelling is *ordnance*.

- Reinhart moved to approve the thank you letter to those involved in the September 12, 2020 ordinance disposal, as drafted and corrected in the packet and delegate the Chair to sign it on behalf of the Board.
- DeVasto seconded, and the motion carried 5-0.

COVID-19 UPDATES AND RECOMMENDATIONS

DeVasto read an email from the Health Agent, which confirmed that there are 3 active cases in Town currently and proper contact tracing has been conducted. Chief Pauley, noting that there were 0 cases for 6-8 weeks and then 3 within 2 weeks, asked the audience to be vigilant, especially going into flu season.

Wilson discussed the Governor’s new orders, which mandate that masks always be worn, regardless of social distancing. There was further discussion of mandatory mask wearing in Town offices. DeVasto noted that the pandemic reached an all-time high for nationwide hospitalizations, at 60,000, saying the pandemic is not going away.

SELECTBOARD REPORTS

- Wilson: attended the MA Marine Fisheries Advisory meeting
- Wilson: attended the State of the Harbor Conference
- Wilson: attending the Herring River Technical Team meeting this week

TOWN ADMINISTRATOR’S REPORT

Broadbent said the Town has received \$14,000 in CARES Act Funding. Broadbent discussed the Comcast contract which will be coming up on the next meeting agenda. Broadbent discussed the Opioid Lawsuit, which the Town filed a few years ago with many towns across the nation; she said that one of the companies named to the suit has filed for bankruptcy. Wilson clarified that the Town did not incur expenses on this case; Broadbent confirmed.

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

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

- 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.

TOPICS FOR FUTURE DISCUSSION

- Reinhart: Executive Session to go over all current cases in litigation
- Wilson: Cutler Bill regarding Chapter 130 (shellfish)
- Wilson: change of status regarding subdivision roads in Indian Neck Heights

CORRESPONDENCE AND VACANCY REPORTS

Wilson asked that correspondence sent to the Town Administrator to go to the Board in a timely manner.

MINUTES

October 27, 2020

- Reinhart moved to approve the draft minutes of October 27, 2020 as printed.
- DeVasto 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 9:00pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Documents available as of 11/10/2020:

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

1. Memo from the Shellfish Constable, dated October 16, 2020, re: Shellfish Grant Transfer Request for Grants #85-C and #85-C-A from Margaret Jennings and Lee Clark to Margaret Jennings, Lee Clark, and Nora Clark-Jennings;
2. Application for Transfer of Shellfish Grant License from Margaret Jennings, Lee Clark, and Nora Clark-Jennings;
3. Signed statement from Nora Clark-Jennings, dated October 6, 2020, re: Agreement to Comply with Town of Wellfleet’s Shellfishing Policy and Regulations;
4. Letter from Margaret Jennings, dated October 5, 2020, re: Support of Nora Clark-Jennings;
5. Application for Aquaculture Lease from Nora Clark-Jennings;
6. Letter from Ken Kozak dated November 4, 2020, re: Request to Temporarily Close the Wicked Oyster;
7. Police Documents for The Old Bank, LLC d/b/a The Piping Plover;
8. Order to Show Cause from Commonwealth of MA Land Court, dated September 24, 2020;
9. Response to Order to Show Cause from KP Law, dated October 14, 2020;
10. Draft FY 2022 and 2021 Annual Town Meeting Schedule;
11. Draft FY 2022 Budget Policy;
12. Draft 2021 Selectboard Meeting Schedule;
13. Draft letter from the Selectboard to Erika Meads, re: Thank You for Organizing Trick-or-Treating;
14. Draft letter from the Selectboard to Chief Pauley, re: Thank You for Assistance in Ordinance Disposal on September 12, 2020;
15. Town Administrator’s Report;
16. Topics for Future Agendas;
17. Correspondence Report;
18. Vacancy Report;
19. Draft minutes of the October 27, 2020 meeting.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 24, 2020

XII

ADJOURNMENT

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