



## Wellfleet Selectboard

### **Note: Start Time of 7pm**

The Wellfleet Selectboard will hold a public meeting on **September 13, 2022, at 7:00 p.m.** Under Chapter 107 of the Acts of 2022, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

#### **Joining the Meeting:**

In-person at the Wellfleet ACC, 715 Old King's Highway, Wellfleet, MA, 02667

#### **Join the meeting hosted in Zoom by using the following link:**

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

By Phone: **phone to +1 929 205 6099** and enter **Meeting ID: 856 8960 4806** | **Passcode: 611877** Landline callers can participate by dialing \*9 to raise their hand.

#### **To Participate during public comment:**

- Zoom: Raise hand to be called on to speak.
- Phone: dial \*9 to raise your hand.

It is at the Chair's discretion to call on members of the public. All speakers must be recognized to speak. If attending a meeting in person, please find the closest available microphone and confine any personal conversations to outside the meeting room. Anyone may record the session but must notify the Chair and may not interfere with the meeting to record it.

Additionally, the meeting will be broadcast live, in real time, via live broadcast on Comcast cable (Wellfleet Government TV Channel 18), also available via livestream or Video on Demand (VOD) recordings at [www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

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

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

### **II. *Consent Agenda***

- A. Proclamation for September to be suicide awareness month ~ Wellfleet Selectboard
- B. Dennis O'Connell; Coast Sweep, beach/landing cleanup, ~ October 10, 2022; 8:30am-12:00pm.
- C. Authorize the town administrator to sign and execute Green Communities Grant Application
- D. Accept donation of 5 IMAC computers from local residents to be distributed to library and Community Center for media service use
- E. Application from The Community Preservation Act for the Lower Cape Cod Development Corporation; board to sign

- F. Della Spring ~ Tuesday's and Thursdays from June 27, 2023 – August 31, 2023, from 8:30am – 9:45am~ Mayo Beach behind the Basketball Courts
- G. Deirdre Oringer ~ Sandy Strip at Mayo Beach ~ for small market ~ June 29, 2023, - August 31, 2023, 7am – 4pm.
- H. Emily Kelly-Joseph, Newcomb Hollow Beach, Wedding Ceremony ~ October 9, 2022; 2pm – 5:30pm.
- I. T-Mobile Hometown Grant Support Letter ~ Chair Curley
- J. Francis J. Conroy ~ to be appointed to the Wellfleet Cultural Council

**III. *Licenses***

- A. One Day Beer and Wine ~ Wellfleet SPAT ~ October 15 & 16<sup>th</sup>, 2022 ~ 10:00am – 4:00pm
- B. General Business License ~ Acadia Healthcare Comprehensive Treatment Center Mobile Clinic ~ 2700 State Highway, Wellfleet

**IV. *Business***

- A. Authorize the town administrator to sign and execute Power's and Sullivan contract for auditing services
- B. Financial Policies – Chair Curley
- C. Maurice's Campground (80 State Highway)

**V. *New Business***

**VI. *Selectboard Reports***

**VII. *Town Administrator's Report***

**VIII. *Topics for Future Discussion***

**IX. *Vacancy Reports***

**X. *Minutes***

- A. January 25, 2022
- B. August 16, 2022

**xi. *Adjournment***



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

I

### ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

<b>REQUESTED BY:</b>	<b>Wellfleet Selectboard</b>
<b>DESIRED ACTION:</b>	<b>Announcements to the board and public</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>NOTE:</b> Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

II

### CONSENT AGENDA

<b>REQUESTED BY:</b>	Various Parties
<b>DESIRED ACTION:</b>	To approve the following without objection
<b>SUMMARY:</b>	<p><b>I move to approve the following items with no objection:</b></p> <ul style="list-style-type: none"><li>• The proclamation for the month of September from now on be suicide prevention awareness month</li><li>• To approve Dennis O'Connell for the coastal beach/landing sweep on October 10, 2022, from 8:30am-12:00pm at no charge</li><li>• To authorize the town administrator to sign and execute the Green Communities Grant Application</li><li>• To accept the donation of 5 iMac computers from local residents to be distributed to the library and community center</li><li>• To approve and sign the application from the community preservation act for the lower cape cod development corporation.</li><li>• To approve the use of town property for Della Spring ~ Summer 2023 Season for a fee of \$200.00</li><li>• To approve the use of town property for Deirdre Oringer for the sandy strip of Mayo Beach, small artist market from June 29, 2023, to August 31, 2022, 7am-4pm for a fee of \$325.00</li><li>• To approve the use of Cahoon Hollow Beach for a small wedding ceremony on October 9, 2022, from 2pm to 5:30pm, for a fee of \$110</li><li>• To approve and sign the letter of support for the hometown T-Mobile Grant</li></ul>

## **National Suicide Prevention Month Proclamation 2022 Town of WELLFLEET**

WHEREAS, September is known as Suicide Prevention Month, a time in which mental health advocates, individuals, prevention organizations, survivors, allies and communities around the country unite to promote suicide prevention awareness; and

WHEREAS, the past year has presented our communities with challenges and led to transitions that, expected or unexpected, welcomed or not, can be unsettling, disorienting, and stressful; and

WHEREAS, the pandemic has changed our fabric of life, and major life changes are environmental risk factors for suicide; and

WHEREAS, we know that connecting, working with, and supporting one another can help prepare us for the future; and

WHEREAS, according to the American Foundation for Suicide Prevention (AFSP), Suicide is the 10th leading cause of death among adults, and the 2<sup>nd</sup> leading cause of death among individuals between the ages of 10 and 34 in the US; and

WHEREAS, more than 48,000 people died by suicide across the United States in 2019, with an average of 132 suicides completed daily; and

WHEREAS, each suicide directly impacts a minimum of 100 additional people, including family, friends, co-workers, neighbors, and community members; and

WHEREAS, local organizations like the Cape and Islands Suicide Prevention Coalition encourage all residents to take the time to understand the importance of mental health education and recognize that taking care of ourselves and others includes taking care of mental health; and

WHEREAS, the Town of Wellfleet, Massachusetts publicly places its full support behind those who work in the fields of mental health, education, and law enforcement.

WHEREAS, all Barnstable residents are urged to play a role in suicide prevention and promote mental health and wellness as we strive towards reducing suicides; and

WHEREAS, September is recognized across the United States as Suicide Prevention Month and provides the opportunity to educate our community about the warning signs for suicide and how to reach out and connect to those experiencing an emotional crisis;

**NOW, THEREFORE**, be it resolved that I, Ryan Curley, Chairman of the Wellfleet Selectboard do hereby proclaim the month of September 2022, as National Suicide Prevention Month in the town of Wellfleet, Wellfleet Selectboard.

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

**TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667**

**Applicant:** Dennis O'Connell (WCT)      **Affiliation or Group:** Wellfleet Conservation Trust(WCT) and others\*  
\* includes: Friends of Herring River, Open Space Committee, Conservation Commission, Recycling Committee, Shellfish Advisory Committee, and Mass Audubon Wellfleet Sanctuary

**Telephone Number** 508-349-2126 \_\_\_\_\_      **Mailing Address:** PO Box 84 \_\_\_\_\_

**Email address:** info@wellfleetconservationtrust.org      Wellfleet, MA 02667 \_\_\_\_\_

**Town Property to be used (include specific area) :** Meet at Mayo Beach Parking Lot and disperse to other accessible landings on Wellfleet Harbor \_\_\_\_\_

**Date(s) and hours of use:** Monday October 10, 2022 from 8:30 AM until 12:00 noon \_\_\_\_\_

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

This is part of the state-wide "CoastSweep" sponsored by the Mass Office of Coastal Zone Management (CZM). Volunteer participants will meet at Mayo Beach parking area at 9:00 AM to sign State-required release forms, create two to four person teams (perhaps up to 12 teams); be assigned to stretches of the beach along Wellfleet Harbor; "Sweep the Beaches" to collect and record the trash that is collected; return to Mayo beach to dispose of trash and turn in records of collected trash. WCT will consolidate the data and report to the CZM. Total people involved is expected to be 60, or less. No fees are collected as this is an all-volunteer event. There will be no food/beverage service

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

A trash dumpster at Mayo Beach by 9:00 AM on Monday October 10 is requested. Please pick up the dumpster anytime after 3:00 PM on that day. (It is DPW's discretion as to specific of drop-off and pick-up timing)

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

Action by the Board of Selectmen:

\_\_\_\_\_ \ \_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

Date: \_\_\_\_\_

Processing Fee: \_\_\_\_\_ \$50.00

Fee: pd 8-8-22 - RJE

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b> ok - Delaney Greenberg Comments/Conditions: Remos  Permits/Inspections needed:	<b>Inspector of Buildings:</b> N/A Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b> ok Chief Herley Comments/Conditions:	<b>Fire Department:</b> ok Chief Pauley Comments/Conditions:
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<b>DPW:</b> Comments/Conditions	<b>Community Services Director:</b> ok - Suzanne Grant Comments/Conditions: Thomas
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<b>Harbormaster:</b> ok will Sullivan Comments/Conditions	<b>Shellfish:</b> ok - Nancy Cvetta Comments/Conditions
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<b>Recreation:</b> ok - Becky Rosenberg Comments/Conditions	<b>Town Administrator:</b> Comments/Conditions
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## COMMONWEALTH TERMS AND CONDITIONS

This Commonwealth Terms and Conditions form is jointly issued by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) for use by all Commonwealth of Massachusetts ("State") Departments and Contractors. ***Any changes or electronic alterations by either the Department or the Contractor to the official version of this form, as jointly published by ANF, CTR and OSD, shall be void.*** Upon execution of the Standard Contract Form these Commonwealth Terms and Conditions will be incorporated by reference. Performance shall include services rendered, obligations due, costs incurred, commodities and deliverables provided and accepted by the Department, programs provided or other commitments authorized under a Contract. A deliverable shall include any tangible product to be delivered as an element of performance under a Contract. The Commonwealth is entitled to ownership and possession of all deliverables purchased or developed with State funds. Contract shall mean the Standard Contract Form issued jointly by ANF, CTR and OSD.

**1. Contract Effective Start Date.** Notwithstanding verbal or other representations by the parties, the effective start date of performance under a Contract shall be the later of the date the Contract was executed by an authorized signatory of the Contractor, the date the Contract was executed by an authorized signatory of the Department, the date specified in the Contract, or the date of any approvals required by law or regulation.

**2. Payments And Compensation.** The Contractor shall only be compensated for performance delivered and accepted by the Department in accordance with the specific terms and conditions of a Contract. All Contract payments are subject to appropriation pursuant to [M.G.L. c. 29, § 26](#), or the availability of sufficient non-appropriated funds for the purposes of a Contract, and shall be subject to intercept pursuant to [M.G.L. c. 7A, § 3](#) and [815 CMR 9.00](#). Overpayments shall be reimbursed by the Contractor or may be offset by the Department from future payments in accordance with state finance law. Acceptance by the Contractor of any payment or partial payment, without any written objection by the Contractor, shall in each instance operate as a release and discharge of the State from all claims, liabilities or other obligations relating to the performance of a Contract.

**3. Contractor Payment Mechanism.** All Contractors will be paid using the Comptroller's payment system unless a different payment mechanism is required. The Contractor shall timely submit invoices and supporting documentation as prescribed in a Contract. The Department shall review and return rejected invoices within fifteen (15) days of receipt with a written explanation for rejection. Payments shall be made in accordance with the bill paying policy issued by the Office of the Comptroller and [815 CMR 4.00](#), provided that payment periods listed in a Contract of less than forty-five (45) days from the date of receipt of an invoice shall be effective only to enable a Department to take advantage of early payment incentives and shall not subject any payment made within the forty-five (45) day period to a penalty. The Contractor Payroll System shall be used only for Individual Contractors who have been determined to be Contract Employees as a result of the Department's completion of an Internal Revenue Service SS-8 form in accordance with the Omnibus Budget Reconciliation Act (OBRA) 1990, and shall automatically process all state and federal mandated payroll, tax and retirement deductions.

**4. Contract Termination Or Suspension.** A Contract shall terminate on the date specified in a Contract, unless this date is properly amended in accordance with all applicable laws and regulations prior to this date, or unless terminated or suspended under this Section upon prior written notice to the Contractor. The Department may terminate a Contract without cause and without penalty, or may terminate or suspend a Contract if the Contractor breaches any material term or condition or fails to perform or fulfill any material obligation required by a Contract, or in the event of an elimination of an appropriation or availability of sufficient funds for the purposes of a Contract, or in the event of an unforeseen

public emergency mandating immediate Department action. Upon immediate notification to the other party, neither the Department nor the Contractor shall be deemed to be in breach for failure or delay in performance due to Acts of God or other causes factually beyond their control and without their fault or negligence. Subcontractor failure to perform or price increases due to market fluctuations or product availability will not be deemed factually beyond the Contractor's control.

**5. Written Notice.** Any notice shall be deemed delivered and received when submitted in writing in person or when delivered by any other appropriate method evidencing actual receipt by the Department or the Contractor. Any written notice of termination or suspension delivered to the Contractor shall state the effective date and period of the notice, the reasons for the termination or suspension, if applicable, any alleged breach or failure to perform, a reasonable period to cure any alleged breach or failure to perform, if applicable, and any instructions or restrictions concerning allowable activities, costs or expenditures by the Contractor during the notice period.

**6. Confidentiality.** The Contractor shall comply with [M.G.L. c. 66A](#) if the Contractor becomes a "holder" of "personal data". The Contractor shall also protect the physical security and restrict any access to personal or other Department data in the Contractor's possession, or used by the Contractor in the performance of a Contract, which shall include, but is not limited to, the Department's public records, documents, files, software, equipment or systems.

**7. Record-keeping And Retention, Inspection Of Records.** The Contractor shall maintain records, books, files and other data as specified in a Contract and in such detail as shall properly substantiate claims for payment under a Contract, for a minimum retention period of six (6) years beginning on the first day after the final payment under a Contract, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving a Contract. The Department shall have access, as well as any parties identified under [Executive Order 195](#), during the Contractor's regular business hours and upon reasonable prior notice, to such records, including on-site reviews and reproduction of such records at a reasonable expense.

**8. Assignment.** The Contractor may not assign or delegate, in whole or in part, or otherwise transfer any liability, responsibility, obligation, duty or interest under a Contract, with the exception that the Contractor shall be authorized to assign present and prospective claims for money due to the Contractor pursuant to a Contract in accordance with [M.G.L. c. 106, § 9-318](#). The Contractor must provide sufficient notice of assignment and supporting documentation to enable the Department to verify and implement the assignment. Payments to third party assignees will be processed as if such payments were being made directly to the Contractor and these payments will be subject to intercept, offset, counter claims or any other Department rights which are available to the Department or the State against the Contractor.

**9. Subcontracting By Contractor.** Any subcontract entered into by the Contractor for the purposes of fulfilling the obligations under a Contract must be in writing, authorized in advance by the Department and shall be consistent with and subject to the provisions of these Commonwealth Terms and Conditions and a Contract. Subcontracts will not relieve or discharge the Contractor from any duty, obligation, responsibility or liability arising under a Contract. The Department is entitled to copies of all subcontracts and shall not be bound by any provisions contained in a subcontract to which it is not a party.

**10. Affirmative Action, Non-Discrimination In Hiring And Employment.** The Contractor shall comply with all federal and state laws, rules and regulations promoting fair employment practices or prohibiting employment discrimination and unfair labor practices and shall not discriminate in the hiring of any applicant for employment nor shall any qualified employee be demoted, discharged or otherwise subject to discrimination in the tenure, position, promotional opportunities, wages, benefits or terms and conditions of their employment because of race, color, national origin, ancestry, age, sex, religion, disability,





## COMMONWEALTH TERMS AND CONDITIONS

handicap, sexual orientation or for exercising any rights afforded by law. The Contractor commits to purchasing supplies and services from certified minority or women-owned businesses, small businesses or businesses owned by socially or economically disadvantaged persons or persons with disabilities.

**11. Indemnification.** Unless otherwise exempted by law, the Contractor shall indemnify and hold harmless the State, including the Department, its agents, officers and employees against any and all claims, liabilities and costs for any personal injury or property damages, patent or copyright infringement or other damages that the State may sustain which arise out of or in connection with the Contractor's performance of a Contract, including but not limited to the negligence, reckless or intentional conduct of the Contractor, its agents, officers, employees or subcontractors. The Contractor shall at no time be considered an agent or representative of the Department or the State. After prompt notification of a claim by the State, the Contractor shall have an opportunity to participate in the defense of such claim and any negotiated settlement agreement or judgment. The State shall not be liable for any costs incurred by the Contractor arising under this paragraph. Any indemnification of the Contractor shall be subject to appropriation and applicable law.

**12. Waivers.** Forbearance or indulgence in any form or manner by a party shall not be construed as a waiver, nor in any way limit the legal or equitable remedies available to that party. No waiver by either party of any default or breach shall constitute a waiver of any subsequent default or breach.

**13. Risk Of Loss.** The Contractor shall bear the risk of loss for any Contractor materials used for a Contract and for all deliverables, Department personal or other data which is in the possession of the Contractor or used by the Contractor in the performance of a Contract, until possession, ownership and full legal title to the deliverables are transferred to and accepted by the Department.

**14. Forum, Choice of Law And Mediation.** Any actions arising out of a Contract shall be governed by the laws of Massachusetts, and shall be brought and maintained in a state or federal court in Massachusetts which shall have exclusive jurisdiction thereof. The Department, with the approval of the Attorney General's Office, and the Contractor may agree to voluntary mediation through the Massachusetts Office of Dispute Resolution (MODR) of any Contract dispute and will share the costs of such mediation. No legal or equitable rights of the parties shall be limited by this Section.

**15. Contract Boilerplate Interpretation. Severability. Conflicts With Law. Integration.** Any amendment or attachment to any Contract which contains conflicting language or has the effect of a deleting, replacing or modifying any printed language of these Commonwealth Terms and Conditions, as officially published by ANF, CTR and OSD, shall be interpreted as superseded by the official printed language. If any provision of a Contract is found to be superseded by state or federal law or regulation, in whole or in part, then both parties shall be relieved of all obligations under that provision only to the extent necessary to comply with the superseding law, provided however, that the remaining provisions of the Contract, or portions thereof, shall be enforced to the fullest extent permitted by law. All amendments must be executed by the parties in accordance with Section 1 of these Commonwealth Terms and Conditions and filed with the original record copy of a Contract as prescribed by CTR. The printed language of the Standard Contract Form, as officially published by ANF, CTR and OSD, which incorporates by reference these Commonwealth Terms and Conditions, shall supersede any conflicting verbal or written agreements relating to the performance of a Contract, or attached thereto, including contract forms, purchase orders or invoices of the Contractor. The order of priority of documents to interpret a Contract shall be as follows: the printed language of the Commonwealth Terms and Conditions, the Standard Contract Form, the Department's Request for Response (RFR) solicitation document and the Contractor's Response to the RFR solicitation, excluding any language stricken by a Department as unacceptable and including any negotiated terms and conditions allowable pursuant to law or regulation.

**IN WITNESS WHEREOF, the Contractor certifies under the pains and penalties of perjury that it shall comply with these Commonwealth Terms and Conditions for any applicable Contract executed with the Commonwealth as certified by their authorized signatory signing the Standard Contract Form.**

# COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME :  
CONTRACTOR VENDOR/CUSTOMER CODE:

**INSTRUCTIONS:** Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

**NOTICE:** *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
Richard J Waldo	Town Administrator
Jay Norton	Public Works Director

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

\_\_\_\_\_  
Signature

Date:

Title: *Town Administrator* Telephone: *(508) 349-0300*

Fax: *(508) 349-0305* Email: *Richard.Waldo@Wellfleet-MA.Gov*

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

**COMMONWEALTH OF MASSACHUSETTS  
CONTRACTOR AUTHORIZED SIGNATORY LISTING**

Issued May  
2004



CONTRACTOR LEGAL NAME :  
CONTRACTOR VENDOR/CUSTOMER CODE:

**PROOF OF AUTHENTICATION OF SIGNATURE**

**This page is optional and is available for a department to authenticate contract signatures.  
It is recommended that Departments obtain authentication of signature for the signatory  
who submits the Contractor Authorized Listing.**

**This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.**

Signatory's full legal name (print or type):

Title:

**X** \_\_\_\_\_  
Signature as it will appear on contract or other document (**Complete only in presence of notary**):

**AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:**

I, \_\_\_\_\_ (NOTARY) as a notary public certify that I witnessed  
the signature of the aforementioned signatory above and I verified the individual's identity on this date:

\_\_\_\_\_, 20 \_\_\_\_.

My commission expires on:

AFFIX NOTARY SEAL

I, \_\_\_\_\_ (CORPORATE CLERK) certify that I witnessed the  
signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's  
authority as an authorized signatory for the Contractor on this date:

\_\_\_\_\_, 20 \_\_\_\_.

AFFIX CORPORATE SEAL



COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE COMPTROLLER

**Electronic Funds Transfer (EFT) Authorization Agreement**

Complete this form to enroll, modify, or terminate an existing electronic funds transfer (EFT) agreement with the Commonwealth of Massachusetts Departments.

**PART I: REASON FOR SUBMISSION – See Instructions on Page 3**

New Enrollment  Change Enrollment  Cancel Enrollment Document Included:  Voided Check  Bank Letter

**PART II: ACCOUNT HOLDER INFORMATION- See Instructions on Page 3**

Account Holder Legal Name:

DBA Name if different from above:

Legal Address: number, street, and apt. or suite no. City: State: Zip Code:

Account Holder Tax Identification Number (9 digits EIN or SSN) EIN: SSN:

**PART III: FINANCIAL INSTITUTION INFORMATION- See Instructions on Page 3**

Financial Institution Name:

Routing Number (only nine digits): Account Number: Account Type (Checking or Saving):

**IF YOU ARE MODIFYING BANKING INFORMATION, YOU MUST INCLUDE YOUR OLD BANK INFORMATION OR YOUR REQUEST WILL BE RETURNED**

Old Financial Institution Name:

Old Routing Number (only 9 digits): Old Account Number: Old Account Type (Checking or Saving):

**PART IV: VENDOR/CUSTOMER CONTACT INFORMATION: This is the person we will contact for any questions regarding this EFT – See Instructions on Page 3**

Contact Person's Name: Contact Person's Title:

Contact Person's Phone: Contact Person's Email Address:

**PART V: AUTHORIZATION- See Instructions on Page 3**

By signing below, I hereby certify that the account(s) indicated on this form is under my direct control and access; therefore, I authorize the State Treasurer as fiscal agent for the Commonwealth of Massachusetts to initiate, change, or cancel credit entries to the account(s) as indicated on this form. For ACH debits consistent with the International ACH Transaction (IAT) rules check one:

- I affirm that payments authorized by this agreement are not to an account that is subject to being transferred to a foreign bank account.
- I affirm that payments authorized by this agreement are to an account that is subject to being transferred to a foreign bank account.

This authority is to remain in full force and effect until the Office of Comptroller (CTR) has received written notification from either me or an authorized officer of the organization of the account's termination in such time and in such a manner as to afford CTR a reasonable opportunity to act upon it.

**Account Holder must sign and mail this EFT form and include a confirmation of account information on bank letterhead or a void check and mail to the Commonwealth Department you are doing business with.**

Account Holder Authorized Signature:	Print Name: Title:	Date:
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**PART VI: VERIFICATION FROM THE COMMONWEALTH DEPARTMENT – See Instructions on Page 3**

I hereby certify the Vendor/Customer is an authorized signatory and verified by internal records and verbal confirmation initiated by our department.

VCC/VCM Document ID:	Three letter Department Code:	
Signature:	Title:	Date:
Print Name:	Phone#	

## INSTRUCTIONS FOR COMPLETING THE EFT AUTHORIZATION AGREEMENT

All EFT requests are subject to a 5 (five) day pre-certification period in which all accounts are verified by the qualifying financial institution before any direct deposits are made.

### PART I: REASON FOR SUBMISSION

Indicate your reason for completing this form by checking the appropriate box: New EFT enrollment, a change to your EFT enrollment account information, or cancellation of your EFT enrollment.

### PART II: ACCOUNT HOLDER INFORMATION

- Account Holder Name: Enter the account holder legal name (individual or business name), as reported to the Internal Revenue Service (IRS).
- DBA Name: Enter the DBA name if applicable.
- Street Address: Enter the account holder's street address.
- Enter the account holder's city, state, and zip code.
- Account Holder Tax Identification Number: Enter the tax identification number as reported to the IRS. If the business is a group, organization or corporation, provide the Federal employer identification number (EIN). If enrolling as an individual provide your Social Security Number.

### PART III: FINANCIAL INSTITUTION INFORMATION

- Financial Institution Name: Enter your Financial Institution's name (this is the name of the bank or qualifying depository that will receive the funds).
  - **NOTE:** The account name to which EFT payments will be paid is to the name submitted on Part II of this form.
- Routing Number: Enter the bank or financial institutional nine-digit routing number, including applicable leading zeros.
- Account Number: Enter the account holder's account number with the financial institution, including applicable leading zeros.
- Account Type: Enter the account type (Checking or Saving).
- If account holder is changing the banking information, you must provide OLD banking information.
- Old Financial Institution Name: Enter your Financial Institution's name (this is the name of the bank or qualifying depository that will receive the funds).
- Old Routing Number: Enter the Old bank or financial institutional nine-digit routing number, including applicable leading zeros.
- Old Account Number: Enter the Old account holder's account number with the financial institution, including applicable leading zeros.
- Account Type: Enter the Old account type (Checking or Saving).
  - **NOTE:** Supporting bank documents must be in the account holder legal name only.
- If you do not submit this information, your EFT authorization agreement will be returned without further processing.

### PART IV: CONTACT INFORMATION

- Enter the name and title of a contact person who can answer questions about the information submitted on this EFT form.
- Enter the contact person's telephone number. Enter the contact person's e-mail address.

### PART V: AUTHORIZATION

- By your signature on this form, you are certifying that the account is drawn in the Name of an Individual, or the Legal Business Name of the person or entity who has sole control of the account to which EFT deposits are made.
- The EFT authorization form must be signed and dated by the same account holder name in Part II and include a title and telephone number.
- Mail this form with the original signature in black or blue ink (no facsimile signatures can be accepted) to the Commonwealth Department that you doing business with.

### PART VI: VERIFICATION FROM THE COMMONWEALTH DEPARTMENT

By your signature on this form, you are certifying that authentication of the vendor/customer's authorized signatory was conducted by review of the Contractor Signatory Authorization Form (CASL) or by another internal verification process, and additional verification was conducted to confirm banking or address change request. Departments should have multiple known vendor contacts to confirm any registration change.

**Completed form should be given to the requesting department or the department you are currently doing business with.**



I. COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



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

Form with multiple sections: CONTRACTOR LEGAL NAME, COMMONWEALTH DEPARTMENT NAME, Legal Address, Business Mailing Address, Contract Manager, Billing Address, E-Mail, Vendor Code, MMARS Doc ID, PROCUREMENT OR EXCEPTION TYPE, AMENDMENT TYPE, COMPENSATION, PROMPT PAYMENT DISCOUNTS (PPD), BRIEF DESCRIPTION OF CONTRACT PERFORMANCE, ANTICIPATED START DATE, CONTRACT END DATE, and CERTIFICATIONS. Includes signature lines for both Contractor and Commonwealth.

**BACKGROUND**

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

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

THE COMMONWEALTH STANDARD CONTRACT FORM

BACKGROUND

ATTACHMENT A: GREEN COMMUNITIES COMPETITIVE GRANT APPLICATION

MATERIALS

ATTACHMENT B: GRANTEE RESPONSE

ATTACHMENT C: SCOPE OF GRANT AWARD

ATTACHMENT D: BUDGET

THE COMMONWEALTH OF MASSACHUSETTS STANDARD CONTRACT ATTACHMENTS

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



**ATTACHMENT A – Green Communities Competitive Grant Application Materials**

The Program Opportunity Notice (PON) was provided to the municipality via Commbuys, the Commonwealth’s procurement website.

**DOER PON-ENE-2022-007 2022 Green Communities Competitive Grant Program**

Bid # [BD-22-1041-ENE01-ENE01-71370](#)

**ATTACHMENT B – Grantee Response**

*(All documents listed below are available to DOER fiscal staff at:*

<https://massdoer.imeetcentral.com/greencommunities/dbapp=7ary4jojv3xnh83ficwf09s252274943&ac=h&num=0&view=1152484>

1. Grantee submission narrative – Wellfleet project narratives.pdf
2. Grantee grant table submitted – Wellfleet gc grant table 2022.xlsx
3. Grantee certification of application submitted – Wellfleet certification of application.pdf

Response included additional files:

- fire memo.pdf

**ATTACHMENT C – SCOPE OF GRANT AWARD**

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

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

**SCOPE OF GRANT AWARD**

**1. Overview**

The purpose of this contract is to award a grant to the Town of Wellfleet (Grantee) for a maximum obligation amount not to exceed Two Hundred Thousand Dollars and No Cents (\$200,000.00) to fund energy conservation measures in municipal facilities including New Fire Station and town vehicle fleet, as more particularly described in Attachment B (Project). In connection with the above referenced grant, the Grantee requested two hundred thousand dollars and no cents (\$200,000.00) in public funding out of four hundred twenty five thousand six hundred fourteen dollars and no cents (\$425,614.00) in total project costs for energy conservation measures listed in attachment B. The energy conservation measures funded are Variable Refrigerant Flow heat pump system, Energy Recovery ventilation, and hybrid police cruiser.

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

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

**2. Contingencies**

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

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

**3. Procurement**

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

**4. Program Schedule**

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

- (1) Complete construction of the Project (s) – August 1, 2024

(2) End of grant period – September 30, 2024

## **5. Disbursement of Funds**

**Initial Disbursement:** Twenty five percent (25%) of the award in the amount of fifty thousand dollars and no cents (\$50,000.00) will be disbursed by the DOER subsequent to the execution of this grant agreement and upon the DOER’s agreement that contingency number one as stated under Section Two Contingencies of this Scope of Grant Award has been fully satisfied.

**Second Disbursement:** Fifty percent (50%) of the award in the amount of one hundred thousand dollars and no cents (\$100,000.00), shall be disbursed upon verification by the DOER that twenty-five percent (25%) of the grant funds have been expended and that contingency number two as stated in Section Two Contingencies of this Scope of Contract Award has been fully satisfied and that all reporting requirements have been met. Reporting requirements will include submittal by the Grantee to the DOER of detailed dated invoices of Grantee’s costs incurred to date.

**Final Disbursement:** Twenty five percent (25%) of the award in the amount of fifty thousand dollars and no cents (\$50,000.00), shall be disbursed after a site visit by the DOER, a review of the detailed invoices of the Project(s) and any other requested documentation and verification by the DOER that the Project(s) are complete, that one hundred percent (100%) of grant funds have been expended, evidence of approved utility incentives have been provided, and that all reporting requirements and requests by the DOER have been met, including submittal and approval of the Final Report.

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

## **6. Grantee Warrants to Keep Facility Open**

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

## **7. Separate Accounts**

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

## **8. Unused Funds**

Any funds undisbursed or uncommitted by the Grantee after September 30, 2024, shall be promptly returned to the DOER within sixty (60) days.

## **9. Administrative Costs**

Grantee’s administrative costs shall not exceed ten percent (10%) of the maximum obligation contract amount of Two Hundred Thousand Dollars and No Cents (\$200,000.00).

## **10. Publicity**

The municipality will coordinate with the DOER on all publicity regarding this Project(s).

## 11. Reporting and Other Required Documentation

- A. Should Grantee engage a third party to manage administrative functions of the program and rely on the internal controls of that third party, the third party shall provide the results of an internal controls audit annually according to the provisions Statements of Auditing Standards No. 70 to the DOER and Grantee.
- B. Grantee shall have a program to combat fraud, waste and abuse of funds and shall incorporate into its program guidance provided by the Office of the State Comptroller.
- C. **Quarterly reports:** The Grantee shall be required to file progress and financial reports once every quarter, unless specifically exempted in writing by the DOER. Quarterly reports are due by 5PM four (4) days after the completion of each of the following quarters:
  - a. July 1 – Sept 30
  - b. Oct 1 – Dec 30
  - c. Jan 1 – Mar 30
  - d. Apr 1 – June 30

Quarterly reports shall include:

- a. The progress and status of activities performed in relation to the Scope of Grant Award including an explanation of any delays or obstacles encountered in meeting the performance schedule as well as a description of efforts taken to resolve delays; and
  - b. The actual costs incurred to date by the Project, breaking down all costs in such manner as the DOER may prescribe.
- D. **Final report:** The final report shall be submitted within two (2) months after completion of the final project receiving funding, and shall include a summary of the projects completed, including project locations and capacity. All quarterly and final reports above shall be submitted to:

Jane Pfister  
Green Communities Grant Coordinator

[jane.pfister@mass.gov](mailto:jane.pfister@mass.gov)

NOTE: If the services funded by this Agreement are solicited pursuant to M.G.L. Ch. 25A § 11C or § 11I, then the Grantee shall also comply with the monitoring and reporting requirements set forth in the DOER’s regulations at 225 C.M.R. 10.00, 19.00 or other applicable regulations. For solar PV systems, registration with and reporting to the Massachusetts Clean Energy Center Production Tracking System (PTS) is required.

- E. **Ownership of Reports and Other Required Documentation:** The deliverables shall be owned by the Commonwealth of Massachusetts and treated as public documents. Following the completion of the contract both the Commonwealth of Massachusetts and the Grantee retain the right to make further use of the deliverables.

**VI. ATTACHMENT D - BUDGET**

Check one:  Initial Budget

Budget/Account Amendment. Maximum Obligation before this Amendment:

PRIOR MMARS DOCUMENT ID: \_\_\_\_\_ (for reference - if applicable)

CURRENT DOC ID: \_\_\_\_\_

[See Instructions for Additional Guidance on completion. Insert as many additional lines as necessary.]

A	B	C	D	E	F	G	H	I
Budget Fiscal Year	Account	Object Class	Activity / Function Codes	Initial Amount / or Amount Prior to Amendment	Indicate Add or Reduce +/-	Amendment Amount	Enter "YES" if Amount is a prior FY budget reduction or a current FY "Carry-in" authorization for Federal Funds	New Amount After Amendment
FY23	2000-0113	P01	GNCO-COMP	\$199,998.00				
FY24	2000-0113	P01	GNCO-COMP	\$ 1.00				
FY25	2000-0113	P01	GNCO-COMP	\$ 1.00				

FISCAL YEAR SUBTOTALS AND TOTAL MAXIMUM OBLIGATION FOR DURATION OF CONTRACT	
FISCAL YEAR: <u>2023</u> SUBTOTAL (or New Subtotal if Fiscal Year Subtotal being amended)	\$199,998.00
FISCAL YEAR: <u>2024</u> SUBTOTAL (or New Subtotal if Fiscal Year Subtotal being amended)	\$ 1.00
FISCAL YEAR: <u>2025</u> SUBTOTAL (or New Subtotal if Fiscal Year Subtotal being amended)	\$ 1.00
FISCAL YEAR: _____ SUBTOTAL (or New Subtotal if Fiscal Year Subtotal being amended)	
<b>TOTAL MAXIMUM OBLIGATION FOR DURATION OF CONTRACT</b>	<b>\$200,000.00</b>

**VII. COMMONWEALTH OF MASSACHUSETTS  
STANDARD CONTRACT ATTACHMENTS (ENCLOSED)**

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



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300

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

September 13, 2022

Dear Emily & Josh

The Wellfleet Selectboard would like to take this opportunity to extend our sincerest thanks for the very generous donations of the IMac Computers you gave to the town. We are beyond grateful and wanted you both to know that the two large computers will go to the library and the three smaller screened computers will be placed at the adult community center to help our media team deliver the highest quality local television possible.

We appreciate you thinking of the town when wanting to replace your computers, knowing that donations like this are rare.

Once again thank you so much and be assured they will be put to great use!

Sincerely,

The Wellfleet Selectboard

---

Ryan Curley, Chair

---

Michael DeVasto, vice chair

---

Barbara Carboni, member

---

Kathleen Bacon, Member

---

John Wolf, Member

**WELLFLEET, MASSACHUSETTS**  
**COMMUNITY PRESERVATION ACT**  
**GRANT AGREEMENT FOR**

**Lower Cape Cod Community Development Corporation**

This GRANT AGREEMENT (“Agreement”) is made on this 19<sup>th</sup> day of August, 2022 (the “Commencement Date”), by and between the **Town of Wellfleet**, a municipal corporation duly organized under the laws of Massachusetts and having its usual place of business at Wellfleet Town Hall, 300 Main Street, Wellfleet, MA 02667, acting by and through its Selectboard (the “Town”), and the **Lower Cape Cod Community Development Corporation dba Community Development Partnership**, having an address of 3 Main Street Mercantile, Unit 7, Eastham, MA 02642 (the “Grantee”).

WITNESSETH:

WHEREAS, the Wellfleet Community Preservation Committee (the “CPC”) invited submission of proposals for grants of funds for purposes consistent with the Community Preservation Act, G.L. c. 44B (the “Act”); and

WHEREAS, the Grantee submitted a proposal in response thereto (the “Proposal”), and the CPC reviewed and approved the Proposal and recommended that Town Meeting vote to appropriate from the Community Preservation Fund the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) to be used for the purpose of contributing to the Cape Housing Institute for use by the Grantee and the public for Lower Cape Cod Community Development Partnership Corporation (the “Project”); and

WHEREAS, the Wellfleet Town Meeting thereafter appropriated the funds recommended by the CPC for the Project and authorized the Town to enter into a grant agreement with the Grantee for the purposes set forth in the Proposal.

NOW THEREFORE, the Town and the Grantee agree as follows:

1. **Funding.** As recommended by the CPC under Article 31 of the June 11, 2022 Town Meeting, and as appropriated by said Town Meeting, the Town shall grant to the Grantee the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) (the “Funds”) for the purpose of planning and presenting seminars for municipal officers and staff to promote understanding of housing needs and planning for future growth (the “Work”) on the condition that the Grantee shall use the Funds only for the purposes of the Project, as set forth more particularly in



the Proposal and the documents attached thereto, and in accordance with the terms of this Grant Agreement.

2. Conditions. The Funds provided pursuant to Section 1 above are subject to the following terms and conditions:
  - a) Work on the Project must commence within one (1) year from the Commencement Date. All work must be done within two (2) years from the Commencement Date (the "Completion Date"), unless the Town, acting through its Selectboard grants an extension for good cause shown.
  - b) Excess or unused Funds will be returned to the Community Preservation General Fund if the Project has not begun or the Project has not been completed as provided for in Section 2(a).
  - c) The Grantee agrees to use the Funds solely for the Lower Cape Housing Institute program.
  - d) The Grantee shall seek the approval of, and work closely with, the Town in the implementation of the Project.
3. Contact. The Grantee shall identify in writing a contact person responsible for administration of the Project and a second person, authorized to act if the contact person is unavailable. Name, address, telephone number(s) and e-mail address, if any shall be provided for both contact persons. As of the date of this Agreement, the Grantee contact shall be Ann Robinson and Jay Coburn of the Lower Cape Cod Community Development Corporation. Upon execution of this Agreement, Grantee shall provide any additional information necessary for compliance with this paragraph.
4. Budget/Other Sources of Funding. Prior to the commencement of any work, the Grantee must submit a complete budget for the Project, including all final bids that account for: (a) the expenditure of all Funds awarded under this Grant Agreement, and (b) all other sources of funding necessary to complete the Project as described herein. Reimbursement for monies spent will not commence unless sufficient sources of funding have been secured to complete the Project, and the Project budget has been approved by the Town. The Town's approval shall not be unreasonably withheld. If the Town determines that Funds have been spent on goods and/or services not included in the Project budget or otherwise not authorized under the Act, reimbursement may not be authorized, or if the Funds have already been provided pursuant to this Agreement, the Grantee shall reimburse the Town for any such unauthorized expenditure, said funds to be returned to the Community Preservation Fund.
5. Liability of the Town. The Town's liability hereunder shall be to make the payment specified in Section 1 of this Agreement, provided that the conditions set forth in Section 2 are followed, and the Town shall be under no further obligation

and shall have no further liability. Nothing in this Grant Agreement shall be construed to render the Town or any elected or appointed official or employee of the Town, or their successors in office, personally liable for any obligation under this Agreement.

6. Indemnification. Grantee shall indemnify, defend, and hold the Town and its departments, officers, employees, representatives and agents harmless from and against any and all claims, demands, liabilities, actions, causes of actions, costs and expenses, including attorneys' fees, of any nature whatsoever arising as a result of (a) any injury to person or property resulting from the Work, (b) the quality of the Work, (c) Grantee's performance of the Work or the negligence or misconduct of Grantee or Grantee's agents, employees, contractors and invitees, (d) the failure of any contractor hired by Grantee to perform the Work or any other act or omission of any such contractor, and (e) any and all claims for the payment by the Town of any amount in excess of the Grant Amount.
7. Inspections and Reports. The Grantee shall submit semi-annual progress reports to the Town, beginning thirty (30) days from the date this Agreement is signed, for as long as the Funds remain unexpended, and a final report, including digital photographs and other documents, if applicable, within thirty (30) days of the Completion Date. All documents, including, but not limited to, photographs and videos, submitted to the Town shall become the property of the Town and shall be available for use by the Town and available to the public under the Massachusetts Public Records Law.
8. Record Keeping. The Grantee agrees to keep, for a period of six (6) years after the Project is completed, such records with respect to the utilization of the Funds as are kept in the normal course of business and such additional records as may be required by the Town or the CPC. The Grantee further agrees to make these records available to the Town upon request.
9. Payments. The Town shall disburse the Funds during the duration of the Project, which disbursements shall be apportioned based on the work done and be made no more than once a month and paid only upon the presentment of detailed invoices from Grantee. No payment shall be made until the Town reasonably determines that the work has been done in compliance with the Proposal.
10. Successors and Assigns. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. The Grantee shall not assign, subcontract or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the Town.
11. Termination. In the event the Grantee fails to fulfill all obligations under the terms of this Agreement, as determined by the Town, and such failure is not cured within forty-five (45) days after the Town has given written notice to the Grantee specifying such failure, the Town shall have the right, in its sole discretion, to

terminate this Agreement upon written notice to the Grantee. Upon receipt of said termination notice, the Grantee shall cease to incur additional expenses in connection with this Agreement. Upon termination, the Town shall be free to pursue any rights or remedies provided within this Agreement, including without limitation, recapture of Funds as set forth in Section 12 below. Upon the expiration or earlier termination of this Grant Agreement, all rights and obligations of the parties hereunder shall expire and be of no further force and effect, except that the provisions of Sections 5, 6, 9, 12, 13, and 17 shall survive said expiration or earlier termination.

12. Return of Funds. In the event the Grantee fails to fulfill all obligations under the terms of this Agreement and this Agreement is terminated pursuant to Section 11, any Funds granted to the Grantee under this Agreement and not yet expended shall be returned forthwith to the Town without further expenditure thereof. If the Grantee fails to fulfill its obligations under the terms of this Agreement as a result of negligent or intentional acts or omissions of the Grantee, its agents, employees, contractors or invitees, the Grantee shall be liable to repay to the Town the entire amount of the Funds provided under this Agreement, and the Town may take such steps as are necessary, including legal action, to recover such Funds. Any Funds so returned or recovered shall be placed in the Town's Community Preservation Fund. In the event that the Town takes legal action under this Agreement, the Grantee shall pay any and all costs, including reasonable attorneys' fees, expended by the Town for the enforcement of this Agreement.
13. Compliance with Laws. The Grantee shall comply with all Federal, State and local laws, rules, regulations and orders applicable to the Project, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals required in connection with the Project. No local permit or license is waived by the award of this Grant or by this Agreement.
14. Notice. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.
15. Community Preservation Act Awareness. The Grantee shall also identify that the Project was funded in part through the Town of Wellfleet in its written materials about the Project, including press releases, brochures, website notices and similar materials.

16. Severability. If any term or condition of this Grant Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
17. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the Grantee submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Grant Agreement.

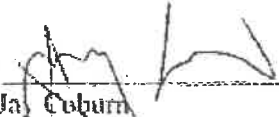
[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this Grant Agreement on the day and year first written above.

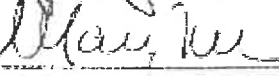
TOWN OF WELLFLEET.  
By Its Selectboard

GRANTEE  
Lower Cape Cod Community  
Development Corporation

\_\_\_\_\_  
Ryan Curley, Chair

By:   
\_\_\_\_\_  
Jay Culum  
Chief Executive Officer

\_\_\_\_\_  
Michael DeVasto, Vice-Chair

By:   
\_\_\_\_\_  
Mary Nee  
Treasurer

\_\_\_\_\_  
Kathleen Bacon, Member

\_\_\_\_\_  
Barbara Carboni, Member

\_\_\_\_\_  
John Wolf, Member

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667

Applicant Della Spring Affiliation or Group \_\_\_\_\_

Telephone Number 781-789-8725 Mailing Address \_\_\_\_\_

\* Email address dellaspring28@gmail.com \_\_\_\_\_

Town Property to be used (include specific area) Mayo beach, behind basketball courts

Date(s) and hours of use: Tuesdays + Thursdays 8:30am - 9:45am  
June 27 - Aug 31, 2023

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

Yoga on the beach is a fun, safe yoga class for people of all ages and abilities. No equipment or services needed. Typically there are between 6-20 students. Class fee is \$18 each

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

no town services needed

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

Action by the Board of Selectmen:

\_\_\_\_\_ Proof of Insurance Required

\_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

Date: \_\_\_\_\_

Processing Fee: \$50.00 pd - 8/26, 2022 RAE

Fee: \_\_\_\_\_

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b>	<b>Inspector of Buildings:</b>
Comments/Conditions:	N/A Comments/Conditions:
Permits/Inspections needed:	Permits/Inspections needed:

<b>Police Department:</b> ok per Chief Hurley Comments/Conditions:	<b>Fire Department:</b> ok - per Chief Pauley Comments/Conditions:
--	--

<b>DPW:</b> Comments/Conditions	<b>Community Services Director:</b> ok - Suzanne Thomas Comments/Conditions:
------------------------------------	--

<b>Harbormaster:</b> ok - will Sullivan Comments/Conditions	<b>Shellfish:</b> ok - Nancy Cuetta Comments/Conditions
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<b>Recreation:</b> ok. Becky Rosenberg Comments/Conditions	<b>Town Administrator:</b> Comments/Conditions
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APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667

Applicant Deirdre Oringer Affiliation or Group Wellfleet S.P.A.T.  
Telephone Number 508-776-8408 Mailing Address Po Box 2156  
Email address wellfleetmakersmarket@gmail.com wellfleet, MA 02667  
Town Property to be used (include specific area) sandy strip @ Mayo Beach parking lot.

Date(s) and hours of use: Thursdays from June 29, 2023 to August 31, 2023 <sup>am</sup> 7 to 4 <sup>pm</sup>

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

arts + crafts weekly market, with approximately 15 vendors using 10x10 tents using 40lbs of weight per leg of tent. Parking for vendors will be at Wellfleet Pier, behind Ceraldi's and 1-3 cars at Mayo Beach. fee per day = \$75 with S.P.A.T. as the beneficiary. S.P.A.T. will also have a booth.

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

not requesting town services

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

Action by the Board of Selectmen:

\_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

Date: \_\_\_\_\_

Processing Fee: \$50.00 pd - check 2950

Fee: \_\_\_\_\_

8-31-22

RdE

(over)



**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b> OK - Helary Comments/Conditions: Greenberg Permits/Inspections needed: James	<b>Inspector of Buildings:</b> N/A Comments/Conditions: Permits/Inspections needed:
--	--

<b>Police Department:</b> OK - per chief Dudley Comments/Conditions:	<b>Fire Department:</b> OK - per chief Comments/Conditions: Pauley
--	--

<b>DPW:</b> Comments/Conditions	<b>Community Services Director:</b> OK - Suzanne Thomas Comments/Conditions: received only Positive reviews for this event throughout the summer.
------------------------------------	--

<b>Harbormaster:</b> OK - w/ed Sullivan Comments/Conditions Harbormaster	<b>Shellfish:</b> OK - Nancy - Comments/Conditions no problems w/ this event all summer of 2022
---	--

<b>Recreation:</b> Comments/Conditions	<b>Town Administrator:</b> Comments/Conditions
---	---

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667

Applicant: **Emily Kelly-Joseph** Affiliation or Group: **n/a**

Telephone Number: **508-237-2767** Mailing Address: **366 Old Kings Highway, Wellfleet MA 02667**

Email address: **ekellyjo@gmail.com**

Town Property to be used (include specific area) ~~Indian Neck Beach, to the left of the jetty if you are facing the water~~  
*Applicant changed location to Newcomb Hollow Beach to not interfere with recreational shellfishing*

Date(s) and hours of use: **Sunday October 9 from 2-5:30 pm**

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

**We are hoping to use the beach for a wedding ceremony. There would be about 75 attendees, about 50 chairs set up, a driftwood arch and some lanterns. The ceremony would be from about 4-5pm.**

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

\_\_\_\_\_  
\_\_\_\_\_

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

Action by the Board of Selectmen:

\_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

\_\_\_\_\_

Date: September 1, 2022

Processing Fee: \$50.00

Fee: \_\_\_\_\_

(over)

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b> <i>ok - Delary Jemas</i> Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b> <i>N/A</i> Comments/Conditions:  Permits/Inspections needed:
--	---

<b>Police Department:</b> <i>ok - per Chief Hurley</i> Comments/Conditions:	<b>Fire Department:</b> <i>ok - Chief Pauley</i> Comments/Conditions:
---	---

<b>DPW:</b> Comments/Conditions	<b>Community Services Director:</b> <i>ok - Suzanne Thomas</i> Comments/Conditions: <i>ok with Newcomb Hollow</i>
------------------------------------	--

<b>Harbormaster:</b> <i>ok - Will Sullivan</i> Comments/Conditions	<b>Shellfish:</b> <i>ok with Newcomb Hollow</i> Comments/Conditions <i>Nancy Ciotta</i>
--	--

<b>Recreation:</b> <i>N/A</i> Comments/Conditions	<b>Town Administrator:</b> Comments/Conditions
---	---



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667  
Tel (508) 349-0300 [www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

**September 13, 2022**

To Whom it May Concern.

We are writing this letter to support the Wellfleet Historical Society & Museum's (WHS&M) application for the T-Mobile Hometown Grant. The WHS&M is the principal steward of the Wellfleet's culture and heritage. The building and renovation project are much needed to create a community meeting place that is ADA (Americans with Disabilities Act) accessible so all residents and visitors can appreciate all that the Museum has to offer.

The renovations made to the Main Street exterior during the early part of this project have created an attractive and appealing site for residents and visitors as they enter Wellfleet. The completion of the addition and interior of the current buildings will revitalize our community by providing a state-of-the art Museum that will serve to educate residents and visitors on the cultural, social, and economic history of our hometown.

The **Wellfleet Selectboard** offers our full support to the WHS&M in their pursuit of the T-Mobile Hometown Grant. Your money will be well spent!

Thank you,

---

**Ryan Curley, Chair**

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**Michael DeVasto, Vice Chair**

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**Kathleen Bacon, Member**

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**Barbara Carboni, Member**

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**John Wolf, Clerk**



**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 or bring it to:  
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Francis J. Conroy Date 08/30/2022

Mailing Address PO Box 805  
Wellfleet MA 00267-0805

Phone (Home) \_\_\_\_\_ (cell) (914) 329-1432

E-mail fjconroy@conroy.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Long career in financial management. Served on a number of non-profit boards, most recently as audit committee chair of part of the Solution, Inc., a Bronx, NY based emergency food and social services agency. Served one term as elected Village Trustee in Pelham, NY. Please see attached resume for full educational and work history.

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, MBA

CPA (New York)

\_\_\_\_\_

Committees/Boards of Interest: 1) Wellfleet Cultural Council

2) \_\_\_\_\_

3) \_\_\_\_\_

## Town of Wellfleet Boards and Committees

Bike & Walkway Committee	3 year term
Board of Assessors	3 year term
Board of Health	3 year term
Board of Water Commissioners	3 year term
Building and Needs Assessment	3 year term
* Bylaw Committee	3 year term
Cable Advisory Committee	1 year term
Cape Cod Commission	3 year term
Cape Cod National Seashore Advisory Commission	
Cape Cod National Seashore Collaborative	
Charter Review Committee	
Citizens Economic Development Committee	1 year term
Commission on Disabilities	3 year term
Community Preservation Committee	3 year term
Comprehensive Wastewater Management	3 year term
Conservation Commission	3 year term
Council on Aging	3 year term
Cultural Council	3 year term
Energy Committee	3 year term
* Finance Committee	3 year term (ATM)
Health Care Campus Committee	Indefinite
Historical Commission	3 year term
Herring River Restoration Committee	
Housing Authority	5 year term (ATM)
Local Housing Partnership	1 year term
Marina Advisory Committee	2 year term
Natural Resources Advisory Committee	3 year term
Open Space Committee	1 year term
Personnel Board	3 year term
Planning Board	5 year term
Recreation Committee	3 year term
Recycling Committee	3 year term
Shellfish Advisory Board	3 year term
* Social and Human Services Committee	3 year term
Wastewater Planning Committee	
Zoning Board of Appeals	3 year term

## FRANCIS J. CONROY, CPA

25 Powers Lane PO Box 805  
Wellfleet, MA 00267-0805

Mobile: (914) 329-1432  
fjconroy@conroy.com

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### PROFESSIONAL EXPERIENCE

#### **Oak Harbor Group, LLC**

Manager (October 2021 to Present)

Chief Financial Officer (July 2020 to September 2021)

- Provide general management and financial consulting services.

#### **Gabelli Group Companies**

**GGCP, Inc.** – Corporate Secretary/Special Assistant to the CEO (June 2017 to May 2019)

**Associated Capital Group, Inc.** – Interim Chief Financial Officer (November 2017 to March 2019)

- Advise CEO of holding company/family office with controlling interests in two publicly-traded investment managers and a portfolio of marketable securities, hedge funds, private equity funds and direct investments on portfolio composition, portfolio monitoring, private equity investments, and tax-sensitive transactions.
- Served as interim CFO of a NYSE-listed company with investment manager and broker/dealer subsidiaries. Responsible for all aspects of regulatory reporting and financial operations. Instrumental in successful completion of two tender offers to reduce public ownership of company.

#### **Kohlberg Kravis Roberts & Co. – KKR Prisma (formerly Prisma Capital Partners LP)**

Chief Operating Officer/Chief Financial Officer (April 2004 to October 2016)

- Responsible for all business operations of an \$11 billion registered investment adviser offering funds of hedge funds, direct trading funds and separately managed accounts including finance and accounting, investment performance reporting, legal, compliance, HR, IT and facilities management. Led operational due diligence function which assessed non-investment functions of potential investment managers.
- Executed acquisition of business by KKR and transitioned all business operations from separate entity to global network of a publicly-traded company.
- Structured, documented and executed formation and liquidation of all funds and accounts including Delaware LPs and LLCs, Cayman exempted and segregated portfolio companies, and a Luxembourg SICAV for clients including public and private retirement funds, insurance companies, family offices, bank distribution platforms and HNWI individuals. Served as director for all corporate fund and internal vehicles. Extensive supervision of external service providers to insure funds met all required business objectives and regulatory requirements.
- Participated, as member of Investment Committee, in determination of strategy allocation targets and all investment and disposition decisions for client portfolios.
- Served as Chief Compliance Officer (2004-2011). Successfully coordinated firm response to two routine SEC examinations.

#### **Mezzacappa Management, LLC**

Chief Financial Officer (November 1998 to April 2004)

- Responsible for all financial, accounting, compliance, personnel and operational activities of a \$1 billion registered investment adviser offering private and 1940 Act registered funds of hedge funds.
- Structured, documented and implemented all funds offered. Extensive supervision of funds' legal and accounting advisors. Negotiated with SEC regarding comments to 1940 Act registered product offering documents. Negotiated agreements with investors to meet specific client needs.

**Lazard Frères & Co. LLC**

Director (January 1999 to June 1999)

Senior Vice-President (January 1992 to December 1998)

- Responsible for tax planning and compliance for international investment bank with affiliates in 16 countries. Provided individual income and estate planning advice for senior management and 80 resident and non-resident managing directors.
- Negotiated and implemented reorganization to share profits among three principal firms in U.S., France and the U.K. Implemented reporting and tax compliance systems in each of the three jurisdictions for participating individuals and entities.
- Extensive involvement in qualified and non-qualified retirement plan design, operation, and reporting.

**McKinsey & Company, Inc.**

Director of Taxes (August 1989 to December 1991)

- Responsible for global tax planning and compliance for multinational consulting company.
- Participated in first acquisition in Company's history and opening of an office in India.

**Catalyst Energy Corporation**

Vice President - Development (October 1988 to July 1989)

Director of Taxes (March 1987 to September 1988)

- Managed operations of two resource recovery facilities as COO of waste-to-energy subsidiary.
- Negotiated sale of operating facility and sale/leaseback. Participated in IPO of subsidiary and construction joint venture. Participated in planning proposed LBO and implementation of stock tender offer.
- Responsible for tax planning and compliance for 40-member corporate group.

**Arthur Andersen & Co.**

Manager (July 1983 to March 1987)

Senior Accountant (May 1981 to June 1983)

- Provided tax planning advice and oversaw tax compliance for broad range of high net worth individual, partnership, and corporate clients.

**EDUCATION AND PROFESSIONAL DESIGNATIONS**

Harvard Business School, M.B.A., 1981

Fordham University College of Business Administration, B.S., *summa cum laude*, 1979

Certified Public Accountant, State of New York

**OTHER ACTIVITIES**

Member of Executive Committee, Fordham University President's Council

Former Director, Chair of Audit and Governance Committee, Part of the Solution, Inc., an emergency food and social services agency serving the Bronx, New York

Former Treasurer, Face-to-Face/Faith-to-Faith, a program of Auburn Theological Seminary, New York, New York

Former President, United Way of Pelham

Former Treasurer, Friends of the Town of Pelham Public Library

Former Director, Wall Street Tax Association and Wall Street Education Foundation

Former elected Trustee, Village of Pelham, New York

Former Treasurer, Pelham Family Services, an agency providing home health and counseling services





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

III

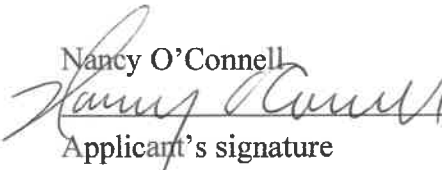
### LICENSES

~ A ~

<b>REQUESTED BY:</b>	Wellfleet SPAT
<b>DESIRED ACTION:</b>	To approve a two-day liquor license for Oysterfest
<b>PROPOSED MOTION:</b>	I move to approve a two-day liquor license issues to Wellfleet SPAT toe October 15, 2022 & October 16, 2022; from 10am-4pm each day, to expire on October 17, 2022; For a fee of \$100.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET  
APPLICATION FOR SPECIAL EVENT LIQUOR LICENSE

1. Applicant Wellfleet SPAT, Shellfish Promotion and Tasting, Inc.  
Address P.O. Box 2156, Wellfleet, MA, 02667 Telephone 508.349.3499
2. Affiliation/Group Wellfleet OysterFest 2022 For Profit  Non Profit
3. Type of License All Alcohol (\$100.00/day) \_\_\_\_\_ Beer and Wine (\$50.00/day)
4. Type of Activity Being Conducted Wellfleet OysterFest 2022- Our hometown festival that celebrates the town's famous oysters, clams and shellfishing traditions. The Shuck Off is our main event during the 'Fest featuring local competitors and out-of-towners pitting their oyster shucking skills against each other.
5. Date October 15 & 16, 2022 Hours of Service 10:00-5:00 pm
6. Description of Premises Beer and wine will be served and consumed within the barriers of Baker's Field. Wine and beer service will stop at 4:30 PM. 4:00 P.M. MJC
7. Name, Address, Telephone of Designated Manager (persons responsible for activity)  
Nancy O'Connell, SPAT Board President, P.O. Box 2156, Wellfleet, MA, 02667  
Maia Ward, SPAT Director of Development, P.O. Box 2156, Wellfleet, MA, 02667
8. If activity involves food service, please describe fully (i.e. raw shellfish, heated casseroles, bakery goods, etc.) Raw Shellfish, and an array of 6 food vendors will be present. Appropriate health permits will be obtained and food safety precautions will be taken to ensure public health. Food and beverage safety trained shellfisherman and volunteers (HACCP/ServeSafe/TIPS) will be present.

Nancy O'Connell  
  
Applicant's signature

August 10, 2022  
Date

Police Dept Signature \_\_\_\_\_

Building Dept. Signature \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fire Dept. Signature \_\_\_\_\_

Health Dept. Signature \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DPW Dept. Signature \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Fee

\_\_\_\_\_  
Date Issued



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

III

### LICENSES

~ B ~

<b>REQUESTED BY:</b>	<b>Acadia Healthcare</b>
<b>DESIRED ACTION:</b>	<b>To approve the comprehensive Treatment Center Mobile Clinic</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve Acadia Healthcare's Comprehensive Treatment Center Mobile Clinic to be stationed at 2700 State Highway, Wellfleet for the hours listed in their application packet.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition (s):
<b>VOTED:</b>	



Town of Wellfleet  
300 Main Street  
Wellfleet, MA 02667

2021

**BUSINESS LICENSE APPLICATION**

Fee  
BOH Fee  
Processing Fee  
**TOTAL**

Business Name/Map/Lot Habit Opco, LLC dba  
Habit Opco Yarmouth - Mobile Component Unit

Mailing Address 31A Workshop Road

Town/State/Zip South Yarmouth 02664

Business Street Address 2700 Route 6, Wellfleet, MA 02667

Business Telephone 508-398-5155 Cell 608-318-4804 Federal ID Number 20-5054049

Manager Camilla Wisbauer E-Mail Address Camilla.Wisbauer@ctcprograms.com  
RVP Matt Davis Matt.Davis@ctcprograms.com

**LICENSE TYPE:** Annual Seasonal  
Mobile Component Unit

- |                       |                     |                     |
|-----------------------|---------------------|---------------------|
| <u>General</u>        | Class II            | Retail Food         |
| Charter Boat          | Class IV            | Food Service        |
| Common Victualler     | Automatic Amusement | Residential Kitchen |
| Sunday Entertainment  | Taxi                | Catering            |
| Weekday Entertainment | Driver              | CMT                 |
| Food Truck            | Trash Hauler        | Bed & Breakfast     |

If applicant is an individual or partnership, please answer below: N/A

a. Telephone \_\_\_\_\_

b. Name \_\_\_\_\_

c. Mailing Address \_\_\_\_\_

a. Telephone \_\_\_\_\_

b. Name \_\_\_\_\_

c. Mailing Address \_\_\_\_\_

If applicant is a corporation or trust, please answer below:  
List the titles of all officers and manager:

Title	Full Name	Home Address
Regional Vice President	Matt Davis	31A Workshop Road, South Yarmouth 02664
Clinic Director	Camilla Wisbauer	31A Workshop Road, South Yarmouth 02664

Corporate or Trust Name Acadia Healthcare

Corporate Mailing Address 6183 Paseo Del Norte Ste 200, Carlsbad, CA 92011

Corporate Telephone 760-710-0966 - Licensing Coordinator II

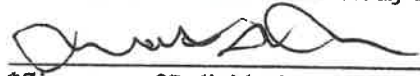
Establishment is open Annual months a year. Total seating capacity N/A Take-out service only? N/A


Name of Certified Food Handler (s) N/A P.I.C. N/A

Does establishment have outside seating? N/A Seating Capacity N/A Is area enclosed? N/A

If seating capacity are over 25, person Chokesaver Certified: N/A

I certify under the penalties of perjury that I, to the best knowledge and belief, have filed all state tax returns and paid all State taxes under law. I further certify that in the conduct of this business I will abide by all Town bylaws and regulations.

 - Royal Vice President

 - Licensing Coordinator

\*Signature of Individual or Signature of Corporate Officer w/Title (Mandatory)

Corporate Name (Mandatory if Applicable)

20-5054049  
Federal Identification No.

08/23/2022  
Date of Application

\*Approval of a contract or other agreement will not be granted unless this certification clause is signed by the applicant.  
\*\* Your social security number will be furnished to the MA Dept. of Revenue to determine if you have met tax filing or payment obligations. Providers who fail to correct their non-filing or delinquency will not have a contract or other agreement issued, renewed or extended. This request is made under the authority of M.G.L. c. 62C s. 49A.

**Mobile Component Unit**

Does establishment have a lockbox? Yes Fire Alarm? Yes Police Alarm? Security Provided

Company name, number Habit Opco, LLC dba Habit Opco Yarmouth 508-398-5155

**FOR OFFICE USE ONLY BELOW THIS LINE**

**Department Head or Designee Signatures**

Police	_____	Date	_____	Comment	_____
Fire	_____	Date	_____	Comment	_____
Tax	_____	Date	_____	Comment	_____
Building	_____	Date	_____	Comment	_____
Health	_____	Date	_____	Comment	_____

Received \_\_\_\_\_ By (initials) \_\_\_\_\_ Fee Received \_\_\_\_\_ Insurance \_\_\_\_\_ Date Issued \_\_\_\_\_



### **Justification for need to establishing a medication unit**

Excerpt from FDA Law Blog regarding DEA decision to expand NTP program to Mobile Components.

With the current opioid epidemic, the need to ensure access to medication-assisted treatment is more acute than ever. **To help address this public health crisis, DEA has published a proposed rule that would increase accessibility to medication-assisted treatment for patients with substance use disorders, including opioid use disorder.**

Registration Requirements for Narcotic Treatment Programs with Mobile Components, 85 Fed. Reg. 11,008 (Feb. 26, 2020). **DEA proposes to waive the requirement that registered NTP operating mobile units that dispense narcotic drugs for maintenance or detoxification treatment at remote locations would need to obtain a separate DEA registration as a coincident NTP activity. The proposal would allow the NTPs to bring treatment via Mobile Narcotic Treatment Programs ("MNTPs") to areas previously inaccessible and treat patients unable to travel. The proposal would make maintenance and detoxification treatment more available while requiring safeguards to minimize the risk of methadone and other controlled substance diversion.**



### **Description of the Medication Unit to be used**

The Medication Unit to be used consists of a new Ford E-450, Model StarCraft Allstar purchased from Don Brown Bus Sales and customized per our specific guidelines, which adhere to and meet all DEA requirements.

The attached two diagrams identify the location of fixtures, furniture and security system.





**NOTES:**  
 1. THIS SYSTEM IS DESIGNED TO PROTECT THE VEHICLE FROM UNAUTHORIZED ACCESS AND THEFT.  
 2. THE SYSTEM IS DESIGNED TO PROTECT THE VEHICLE FROM UNAUTHORIZED ACCESS AND THEFT.  
 3. THE SYSTEM IS DESIGNED TO PROTECT THE VEHICLE FROM UNAUTHORIZED ACCESS AND THEFT.  
 4. THE SYSTEM IS DESIGNED TO PROTECT THE VEHICLE FROM UNAUTHORIZED ACCESS AND THEFT.  
 5. THE SYSTEM IS DESIGNED TO PROTECT THE VEHICLE FROM UNAUTHORIZED ACCESS AND THEFT.

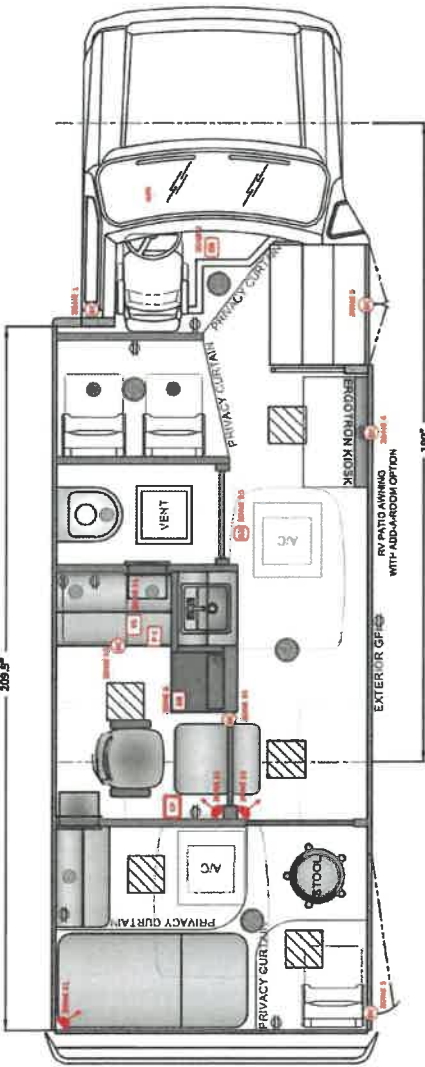
# Mobile Medical Components

## Habit Opco Intrusion System:

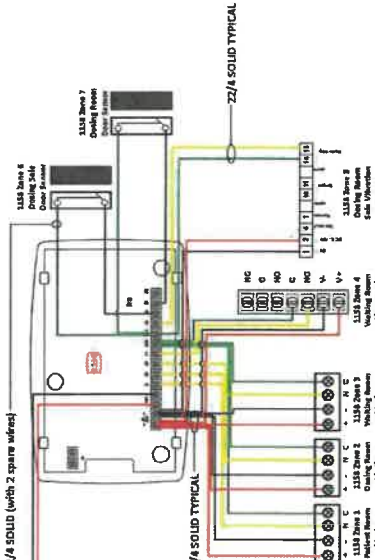
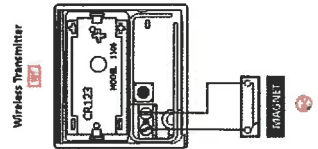
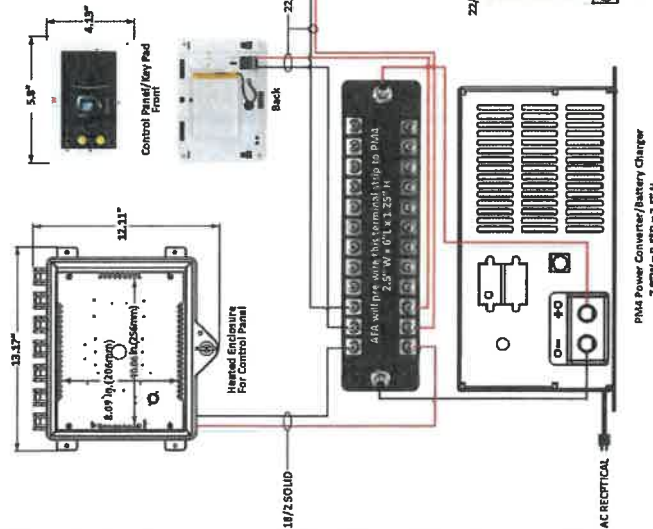
- Control Panel/Key Pad
- Heated Enclosure
- Hard Wired Door Contact
- Wireless Transmitter
- Safe Vibration Sensor
- Motion Detector
- Wireless Dues Button
- Glass Break Detector
- DMP 1158 Module
- Power Converter/Charger
- GPS Tracker

Date: 2/11/2022  
 VAN  
 Scale: NTS  
 By: JPL  
**SECURITY**

- 110v Ceiling Light
- Ceiling Speaker
- 12v Cabinet Light

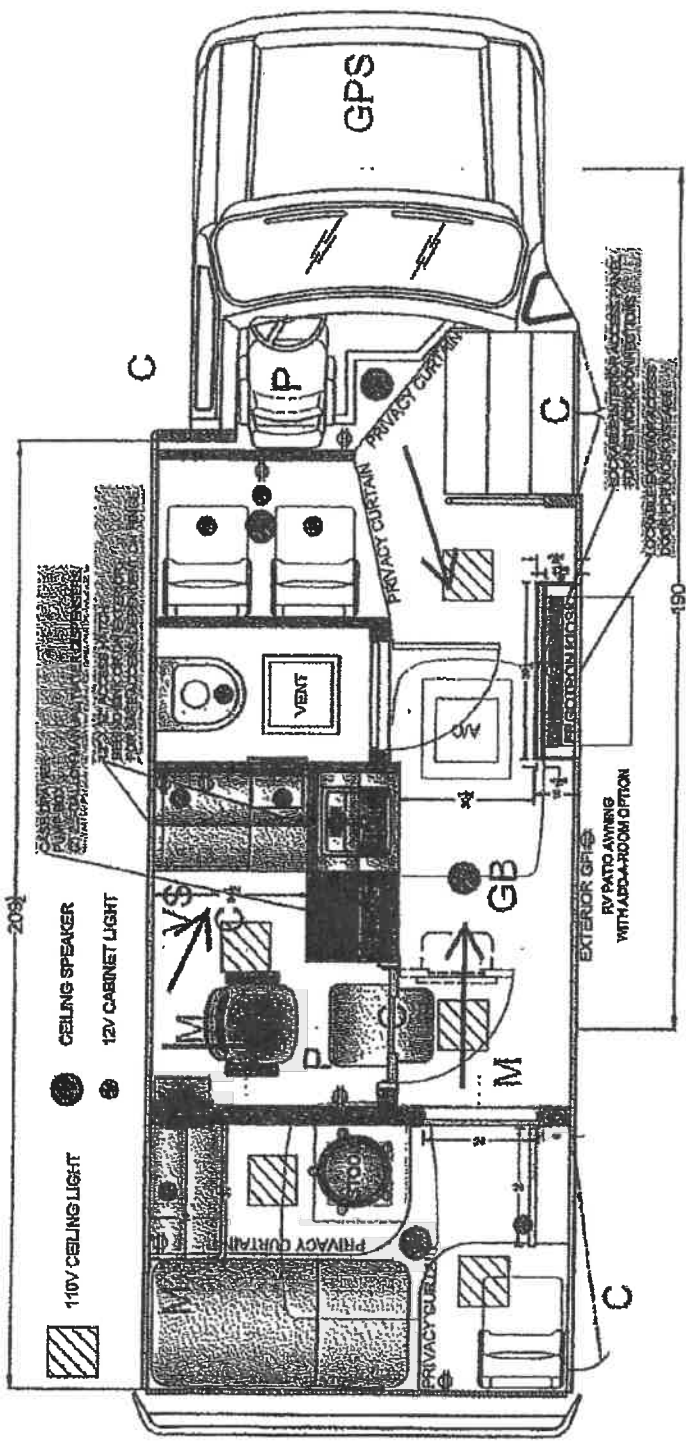


Note: AFA will provide two types of hard wired door contacts in an effort to give flexibility in the install. Hardwired door contacts can either be wired from door to the 1158 module and wired as shown in diagram. Alternatively hard wired door contacts can be wired into a wireless transmitter as shown in diagram with the transmitter hardwired near the door. Additionally the wireless transmitter may be installed at the door with provided magnet and used as a wireless door contact.



THIS DRAWING IS THE PROPERTY OF STARCRAFT ALLSTAR. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF STARCRAFT ALLSTAR IS STRICTLY PROHIBITED. THE CLIENT ACCEPTS ALL RISKS AND LIABILITIES ASSOCIATED WITH THE USE OF THIS DRAWING. STARCRAFT ALLSTAR SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DRAWING. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN PERMISSION OF STARCRAFT ALLSTAR. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL MATERIALS AND FINISHES ARE TO BE AS SHOWN UNLESS OTHERWISE NOTED. ALL WORK IS TO BE DONE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

SIGNATURE \_\_\_\_\_  
 DATE \_\_\_\_\_  
 APPROVED BY (PRINT) \_\_\_\_\_



COMMENTS & NOTATIONS

SALES PERSON	DEALER/COMPANY	CLIENT	COPYRIGHTED	DRAWING NUMBER	REV.
EVAN KUSHNER	DCN BROWN BUS SALES	ACADIA HEALTHCARE	NOV 3, 2021	HLE 21-10000	R2
MAKE	MODEL	DESCRIPTION			
FORD E-450	STARCRAFT ALLSTAR	MOBILE MEDICAL UNIT - FLOOR PLAN			

## THE EXTERIOR VIEW







### **Justification for need to establishing a medication unit**

Excerpt from FDA Law Blog regarding DEA decision to expand NTP program to Mobile Components.

With the current opioid epidemic, the need to ensure access to medication-assisted treatment is more acute than ever. **To help address this public health crisis, DEA has published a proposed rule that would increase accessibility to medication-assisted treatment for patients with substance use disorders, including opioid use disorder.**

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**Habit Opco Yarmouth**

**Mobile Component Business Hours for Wellfleet Leased Site**

**2700 Route 6, Wellfleet, MA 02667**

**Monday – Friday: 6:00am to 9:00am**

**Saturday: 6:00am to 9:00am**

**Sunday: 6:00am to 9:00am**

Once business hours have completed at the leased site, the Mobile Component will return to “Home Base” Habit Opco Yarmouth Clinic. The Mobile Component will be parked and secured. All medication, money and records will be securely taken inside the clinic per procedure.



**Sarah A. Turano-Flores**  
Direct Line: (508) 790-5477  
Fax: (617) 810-9198  
E-mail: sturano-flores@nutter.com

July 12, 2022  
0124065-00001

**By Hand Delivery**

Town of Wellfleet  
Town Clerk's Office  
286 Main Street  
Wellfleet, MA 02667

Re: Acadia Healthcare Yarmouth Comprehensive Treatment Center Mobile Clinic  
2700 State Highway (Route 6)  
Special Permit Application to the Zoning Board of Appeals

Dear Madam or Sir:

This firm represents Acadia Healthcare's Yarmouth Treatment Center (hereafter, "Acadia"), who is proposing a Mobile Clinic at the Outer Cape Health Services pharmacy location addressed as 2700 State Highway (Route 6), Wellfleet (the "Property"). Pursuant to Section 5.2 of the Wellfleet Zoning Bylaw, Health Care Clinic uses are allowed by Special Permit from the Board of Appeals as provided for in Section 8.4.2 of the Bylaw.

On behalf of Acadia, I enclose the following materials for filing with the Wellfleet Zoning Board of Appeals for the proposed Project:

1. One (1) original completed Application for Special Permit, signed and notarized;
2. A check in the amount of \$195, payable to the Town of Wellfleet, representing the filing fee for the Special Permit application; a second check in the amount of \$35, also payable to the Town of Wellfleet, representing the public notice costs;
3. Thirteen (13) packages containing the following materials:
  - a. Copy of the Special Permit Application;
  - b. Zoning Analysis;
  - c. Sketch Site Plan dated July 11, 2022, prepared by Coastal Engineering Co., showing the proposed location for the mobile clinic (Exhibit A to the Zoning Analysis);
  - d. Plans showing the proposed dimensions and floor plan for the mobile unit (Exhibit B to the Zoning Analysis);



Town of Wellfleet  
July 12, 2022  
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- e. Copy of a letter of support from Property owner, Outer Cape Health Services, Inc. (Exhibit C to the Zoning Analysis);
  - f. Copy of Assessor's Map 15, with the Property (Parcel 142) highlighted thereon in yellow;
  - g. Copy of the Assessor's Card for the Property;
  - h. Copy of the current deed for the Property, confirming OCHS's ownership of the Property; and
4. Two (2) copies of prior zoning relief granted for the Property:
- a. Zoning Board of Appeals Certificate of Granting of Special Permit & of Variance 95-11, dated June 29, 1995;
  - b. Zoning Board of Appeals Decision 99-14, dated May 6, 1999;
  - c. Zoning Board of Appeals Decision 99-15, dated May 20, 1999;
  - d. Zoning Board of Appeals Decision 99-17, dated June 17, 1999;
  - e. Zoning Board of Appeals Decision 00-38, dated August 17, 2000;
  - f. Zoning Board of Appeals Certificate of Granting of Special Permit 00-38, dated September 7, 2000; and
  - g. Zoning Board of Appeals Certificate of Granting of Special Permit 21-25, dated December 1, 2021.

Please do not hesitate to contact me with any questions, comments, or should you require any additional information. Otherwise, kindly schedule this application for the August 11, 2022 hearing agenda of the Zoning Board of Appeals.





Town of Wellfleet  
July 12, 2022  
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Thank you very much for your assistance with this matter. With best regards, I remain,

Very truly yours,

A handwritten signature in blue ink that reads "Sarah A. Turano-Flores". The signature is written in a cursive, flowing style.

Sarah A. Turano-Flores

Enclosures

cc: Matthew Davis, Acadia Healthcare Yarmouth Comprehensive Treatment Center  
Brad Malo, Coastal Engineering

5628288.1

Nutter, McClennen & Fish, LLP

Seaport West  
155 Seaport Boulevard  
Boston, MA 02210-2604

Date:  
July 12, 2022

Check No. 87412

Santander Bank, N.A.

5-7515

0110

Pay: One hundred ninety-five and 00/100\*\*\*\*\*

\$ 195.00

PAY  
TO THE  
ORDER OF:

Town of Wellfleet

⑈0000087412⑈ ⑆011075150⑆ 62104972138⑈

Town of Wellfleet

Vendor ID: 012586

Check #:87412

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>	<u>Return Check Tr</u>
7/12/22-2	7/12/2022	\$195.00	\$195.00	\$0.00	\$195.00	
<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>	
7/12/2022	0124065	00001	FILFEE	Filing Fee	\$195.00	
<b>Totals:</b>		\$195.00	\$195.00	\$0.00	\$195.00	



\* R 2 2 6 0 7 1 \*

Nutter, McClennen & Fish, LLP

Seaport West  
155 Seaport Boulevard  
Boston, MA 02210-2604

Date:

July 12, 2022

Check No. 87411

Santander Bank, N.A.

5-7515

0110

Pay: Thirty-five and 00/100\*\*\*\*\*

\$ 35.00

PAY  
TO THE  
ORDER OF:

Town of Wellfleet



Security features included. Details on back.

⑈0000087411⑈ ⑆011075150⑆ 62104972138⑈

Town of Wellfleet

Vendor ID: 012586

Check #:87411

<u>Invoice Num</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>	<u>Return Check Tr</u>
7/12/22	7/12/2022	\$35.00	\$35.00	\$0.00	\$35.00	
	<u>Disb Date</u>	<u>Client</u>	<u>Matter</u>	<u>Disb</u>	<u>Description</u>	<u>Amount</u>
	7/12/2022	0124065	00001	LEGADV	Legal Advertising Fees	\$35.00
<b>Totals:</b>		<b>\$35.00</b>	<b>\$35.00</b>	<b>\$0.00</b>	<b>\$35.00</b>	

\* R 2 2 6 0 7 0 \*

**Wellfleet Zoning Board of Appeals Application for Hearing and Findings of Fact** (12/08)

DATE: July 12, 2022

1. Location of Property:

Assessor's Map Number: 15 Parcel Number(s): 142  
Street 2700 State Highway (Route 6) N, S, E or W Side: East Side  
Driving directions to property from Town Hall: Main Street to Route 6; left at lights onto Route 6;  
Property is located at second set of lights on east side of Route 6.

2. Nature of Action or Relief Requested: You may only select ONE

- Application for Special Permit (MGL Ch. 40-A, S. 9 / 6)  
 Application for Variance (MGL Ch. 40-A, S.10)  
 Application for Affordable Accessory Dwelling Unit  
 Application for Exemption, Flood Hazard District Regulations  
 Appeal from Person Aggrieved (MGL Ch. 40-A, S.8)

3. Name and Mailing Address of Each Petitioner:

Name: Matthew Davis, Acadia Healthcare CTC Group Name \_\_\_\_\_  
Address: c/o Sarah A. Turano-Flores, Esq., Nutter Address \_\_\_\_\_  
McClennen & Fish, LLP, PO Box 1630, Hyannis \_\_\_\_\_  
MA 02601 Bus. Phone: \_\_\_\_\_  
Bus. Phone: (508) 790-5477 Home Phone: \_\_\_\_\_  
e-mail: sturano-flores@nutter.com

Name and Mailing Address of Property Owner(s), if different from above:

Name: Outer Cape Health Services, Inc. Address: 710 Main Street; Harwichport  
e-mail \_\_\_\_\_ MA 02646

4. Make a brief statement of what you are requesting from the Board, and under what section of the Zoning Bylaw or of Mass. General Laws you are applying:

\_\_\_\_\_  
Special Permit for Health Care Clinic pursuant to Sections 5.2 and 8.2 of Wellfleet Zoning Bylaw  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. In What zoning district is property located?      Commercial  
Is Property in the Floodplain?      No  
If so, in what Zone?      N/A

6. Registration of Property.  
In whose name(s) is the Title of the property recorded?  
Name: Outer Cape Health Services, Inc. County Registry: Barnstable  
Address: PO Box 589; Harwichport MA 02646  
Book: 28061 Page: 42  
Certificate No.,  
If registered land \_\_\_\_\_

7. State briefly what is on the premises: (buildings, sheds, pool, etc.)  
Approximately 5,644 square foot commercial building currently occupied by a pharmacy, animal clinic, drive-thru pharmacy, together with related parking, access/egress and associated infrastructure

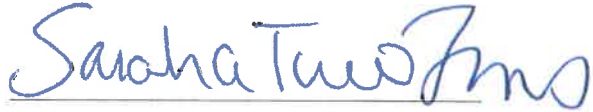
8. Submit ONE copy of all prior petitions and decisions regarding this property with the ORIGINAL application (including Conservation Commission, Board of Health and ZBA petitions & decisions)  
Date: \_\_\_\_\_ Nature of request: \_\_\_\_\_  
Remarks:  
See attached.

9. Give the name and mailing address of each attorney or agent of the petition:  
Name: Sarah. A. Turano-Flores Name: \_\_\_\_\_  
Address: Nutter McClennen & Fish, LLP Address: \_\_\_\_\_  
1471 Iyannough Road; PO Box 1630  
Hyannis MA 02601 Phone: \_\_\_\_\_  
Phone: 508-790-5477 e-mail \_\_\_\_\_  
e-mail: sturano-flores@nutter.com

**This form must be notarized prior to submitting application**

**The undersigned submits under oath the information and representations contained in all statements made herein for consideration by the Zoning Board of Appeals is correct and accurate.**

Signed this 12th day of July, 2022



(Applicant's Signature)

\_\_\_\_\_  
(Applicant's Signature)

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

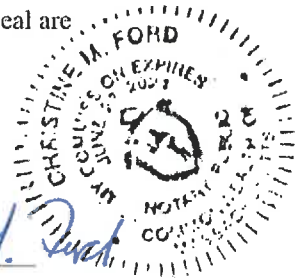
July 12, 2022

Then personally appeared the above-named **Sarah A. Turano-Flores** before me and made oath and said that the foregoing statements and representations contained in this appeal are true and accurate to the best of his / her knowledge, information and belief.

Notary Public



My Commission Expires: 6/22/2023



CHRISTINE M. FORD  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires June 22, 2023

These Findings **must** be filled out by the applicant.  
Request for Findings of Fact regarding **Special Permit** Application.

Please see Section 8.4.2 of the Wellfleet Zoning Bylaw for full text of items listed below, available at Town Hall or on the Town website at [www.wellfleetma.org](http://www.wellfleetma.org). **Special Permits** shall be granted only upon the Board's written determination that the proposal's benefits to the Town will outweigh any adverse effects for the Town or the vicinity, after consideration of the stated district objectives (WZB Section 3.2) and, where germane, the following matters:

**8.4.2.1 Suitability of the Proposed Location for the proposal, taking the following into consideration:**

**SEE ATTACHED NARRATIVE**

- (a) Nearby land uses, whether supported or damaged by proposed use: \_\_\_\_\_
- (b) Adequacy of roads, drainage and other public services  
\_\_\_\_\_  
\_\_\_\_\_
- (c) Sensitivity of site to possible environmental damage, for example, erosion, siltation, groundwater or surface water contamination, habitat disturbance or loss of natural vegetation  
\_\_\_\_\_  
\_\_\_\_\_

**8.4.2.2 Activity, type, mix and intensity, taking the following into consideration:**

**SEE ATTACHED NARRATIVE**

- (a) Whether proposal contributes to diversity of services or housing opportunities available locally  
\_\_\_\_\_  
\_\_\_\_\_
- (b) Seasonal consequences, including peak period congestion:  
\_\_\_\_\_  
\_\_\_\_\_
- (c) Service to local, in preference to regional markets and to year-round in preference to seasonal activities: \_\_\_\_\_  
\_\_\_\_\_
- (d) For business developments, likelihood of year-round employment:  
\_\_\_\_\_  
\_\_\_\_\_

(e) For residential developments, any contribution to year round residents:

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**8.4.2.3 Building and site design, including consideration of the following:**

**SEE ATTACHED NARRATIVE**

(a) Whether scenic views from public ways and developed properties have been considerably treated:

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(b) Whether reasonable efforts have been made to minimize visibility of parking and service areas

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(c) Whether any traditional public access to or along the shoreline has been maintained.

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These findings **must** be filled out by the applicant  
Request for Findings of Fact regarding application for exemption from **Special Flood Hazard District Regulations**.

**NOT APPLICABLE**

Please see Sections 6.13 and 6.14 of the Wellfleet Zoning Bylaw for the full text of the By-Law, available at Town Hall or on the Town website at [www.wellfleetma.org](http://www.wellfleetma.org).

6.14.3 To appeal the restrictions in this section, application may be made to the Wellfleet Board of Appeals for a floodplain exemption from this floodplain bylaw in accordance with the following:

6.14.3.1 A determination that the granting of an exemption will not result in increased flood heights, decreased flood storage capacity, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing local laws.

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6.14.3.2 Compliance in all respects with the State Building Code, Section 744.0.

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6.14.3.3 Approval of the Wellfleet Conservation Commission in accordance with MGL Chapter 131, S. 40, the Wetlands Protection Act, and with the Town of Wellfleet's Environmental Protection Bylaw.

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These findings **must** be filled out by the applicant  
Request for Findings of Fact regarding a **Variance** application.

Please see Section 8.4.3 of the Wellfleet zoning Bylaw available at Town Hall or on the Town website at [www.wellfleetma.org](http://www.wellfleetma.org).

**NOT APPLICABLE**

Variations from the terms of this Bylaw may be granted where the Board of appeals specifically finds that owing to the circumstances listed below, relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of purpose of the Bylaw. All four criteria must be met:

- (a) The following circumstances relating to the soil conditions, shape or topography specifically affect the land and/or structure(s) in question but do not generally affect the zoning district in which it is located.

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- (b) A literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the petitioner for the following reasons:

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- (c) Desirable relief may be granted without substantial detriment to the public good:

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- (d) Desirable relief may be granted without nullifying or substantially derogating from the intent and purpose of this Bylaw:

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These Findings **must** be filled out by the applicant.

Request for Findings of Fact regarding **National Seashore Park District Special Permit** Application  
(These Findings are in addition to the Findings to be completed under WZBL 8.4.2)

**NOT APPLICABLE**

Please see Section 6.24.3 of the Wellfleet Zoning Bylaw for full text of items listed below, available at Town Hall or on the Town website at [www.wellfleetma.org](http://www.wellfleetma.org).

6.24.3 In addition to the standards and criteria listed in Section 8.4.2 of this By-law, the following criteria shall apply to properties within the National Seashore Park District that are subject to a Special Permit:

1. The landscape shall be preserved in its natural state insofar as practical. The Board shall encourage the applicant to avoid grade changes and the removal of native vegetation and soil. Any grading or earth-moving shall be planned and executed in such a manner, and retain to the extent practicable final contours consistent with existing terrain both on and adjacent to the site.  

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2. Proposed buildings and foundations shall to the extent practicable, minimize alteration on steep slopes, flood plains, hilltops, dunes, coastal banks, scenic views and wetlands to preserve the integrity and scenic qualities of natural features whenever possible. Proposed developments shall take into account and, to the extent practicable, minimize obstruction of water views and other scenic views from publicly accessible locations.  

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3. Proposed developments shall preserve and protect unusual or rare natural and/or historical features. Development and redevelopment shall not interfere with legal access. Proposed developments should minimize obstruction of water views and other scenic views from publicly accessible locations. Electric, telephone, cable and other utility lines shall be installed underground unless the Board determines that the benefits to be achieved are outweighed by costs or other factors.  

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4. The protection of unusual or significant environmental resources including protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies is critical and shall be evaluated. All runoff shall be recharged on site based on a calculated 25-year storm. Storm water infiltration systems shall be designed so that run-off shall not be increased, groundwater recharge is maximized, pollution impacts are minimized and neighboring properties will not be adversely affected.

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5. Lighting must be consistent with General Bylaws of the town of Wellfleet. There shall be protection of adjacent properties and the night sky from intrusive lighting. Consideration should be given to the placement of decks and patios and their potential for noise pollution and its adverse impact on adjacent properties.

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6. In addition to the Maximum Site Coverage table allowance for the lot size, the Board shall consider the Cape Cod National Seashore's 50% Use Guideline. Proposed development shall not exceed the 50% formula unless the Board finds that the development shall not have a significant adverse impact on the scenic views and on the prevailing scale, mass and character of the neighboring and zoning district.

The Cape Cod National Seashore's 50% expansion guideline is based on "the livable area of the single-family residence that existed as of Sept 1, 1959" and allows for 50% expansion to the single-family dwelling; and of this expansion total sum another 50% is allowed for use on an accessory structure(s). For example, 1,000 sq. ft. of single-family dwelling living space as of September 1, 1959 is expandable to 1,500 sq. ft. and of this total sum another 750 sq. ft. is allowable for an accessory building

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**Notice to Applicants for a Special Permit or Variance for Property within the National  
Seashore Park District**

Please see Section 8.4.3.1 of the Wellfleet Zoning Bylaw for full text of the section referenced below, available at Town Hall or on the Town website at [www.wellfleetma.org](http://www.wellfleetma.org)

Pursuant to WZBL 8.4.3.1 applicants for a variance or special permit within the National Seashore Park District are notified that the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire, by condemnation, property which is made the subject of a variance or exception that, in his opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. In addition, you are advised that the Secretary shall be given notice by the Board of any variance, or exception, or, building permit granted or denied within the Seashore District.

**Acadia Healthcare's Special Permit Application**  
**2700 State Highway (Route 6)**  
**Zoning Analysis**

The following zoning analysis is submitted in support of Acadia Healthcare Yarmouth Comprehensive Treatment Center's ("Acadia's") zoning application filed pursuant to Sections 5.2 and 8.4.2 of the Wellfleet Zoning Bylaw ("Bylaw"). Acadia is requesting that the Wellfleet Zoning Board of Appeals grant it a Special Permit for its proposed Mobile clinic ("Mobile Clinic") at the site of the Outer Cape Health Services pharmacy located at 2700 Route 6 in Wellfleet, also shown as Parcel 142 on Wellfleet Assessor's Map 15 (the "Property").

Acadia seeks a Special Permit to operate as a Health Care Clinic on the Property, per Section 5.3 of the Wellfleet Zoning Bylaw. The Mobile Clinic will be parked on the Property seven days per week, from 6 AM until 9AM only, and will return to its Yarmouth home base after service hours each day ("the Project"). As described below, Project the meets the Special Permit criteria set forth in Section 8.4.2, and thus a Special Permit is warranted in these circumstances.

**Existing Conditions**

The Property is located on Route 6 and contains approximately 1.24 acres of upland. It is located within the Commercial Zoning District. The Property is currently improved with a single commercial structure, built in approximately 1960, per Assessors records. Currently, the structure is occupied by the Outer Cape Health Services Pharmacy (including a drive-thru window) and the Duck Creek Animal Clinic. The entrance to the site off Route 6 is signaled, with a single point of egress at Route 6. The site contains a paved parking area in the front of the building, as well as a gravel parking area to the south of the building.

**Proposed Project Overview**

Acadia is a leading provider of behavioral healthcare services in the United States, providing mental health and addiction treatment in a variety of settings, including inpatient psychiatric hospitals, residential treatment centers, specialty treatment facilities, outpatient treatment centers, and medication-assisted treatment clinics. Its Yarmouth Comprehensive Treatment Center provides medically supervised medication-assisted treatment for Cape residents suffering from addiction to heroin, prescription painkillers, and other opioids. The Yarmouth Center provides effective treatment medications, such as methadone, as well as counseling services to promote successful recovery from addiction to these opioids.

Acadia's Mobile clinic treatment program is designed to expand access for the treatment of Opioid Use Disorder (OUD) in remote and underserved areas. The Outer Cape was recently identified as one such area. According to data from the state Department of Public Health, 79 residents of Barnstable County died of opioid overdoses in 2021, an increase of 8.8% from the previous year. The state has seen a dramatic increase in emergency room visits, as well as an increased need for treatment programs. Currently, residents of the Outer Cape must travel all the way to Yarmouth to receive the daily treatment needed for opioid addiction, a commute that can stretch well over an hour each way for residents living in the Outer Cape. The proposed Mobile

Clinic would lessen this strain by providing medically supervised treatment at the Wellfleet location, seven mornings per week.

The Mobile Clinic will serve as an extension of the fully licensed and registered Opioid Treatment Program (“OTP”) provided at the Yarmouth treatment center. As noted above, the Mobile Clinic is proposed to be parked on the Property seven days per week, from 6 AM until 9AM only, and will return to its Yarmouth home base each day after service hours end. It is proposed to be parked in the gravel parking area located to the south of the building on the Property, as shown on the Sketch Site Plan attached hereto as Exhibit A. A plan reflecting the specifications of the Mobile Clinic, including its dimensions and floor plan, are also attached hereto as Exhibit B.

The clinic will be staffed at all times by medically trained professionals, who will provide the same OUD medications and treatment services as the OTP provided at the Yarmouth Comprehensive Treatment Center, thus ensuring the same confidential and quality patient care while simultaneously maintaining compliance with all Federal, State, and local laws and/or regulations for such units. Treatment services that will be offered include, but are not limited to:

- Administering and dispensing medications for opioid use disorder treatment
- Dispensing of take-home medications
- Collection of samples for drug testing and analysis
- Intake screening process for admission to the registered OTP which shall include a full medical and biopsychosocial assessment (a comprehensive physical examination will be completed within the required days per state regulations of such admissions to the OTP or as otherwise promulgated for a Mobile Clinic)
- Induction of any medication approved and authorized to be dispensed or administered by the registered OTP shall be done so by and at the Mobile Clinic only after an appropriate medical assessment has been completed
- Individual counseling will be provided as required by state/federal regulations either directly located on the Mobile Clinic or through telehealth/telephonic services where permissible

In addition to medical personnel, the Mobile Clinic will be staffed by a security officer who will also serve as the driver of the vehicle. The Mobile Clinic vehicle will return to Yarmouth each morning, after 9 AM. Medication will be transferred via the Mobile unit to the Property each day and once the vehicle returns to Yarmouth the medication will be returned to the safe at the Yarmouth facility. Only one (1) days’ worth of medication will be on the vehicle each day and will be housed in a safe on the van. The vehicle will have all the required alarm and security systems that are required by the DEA, and has received all required approvals from DEA, DCP, DPH and federal approval through SAMSHA.

The Project does not involve any proposed changes to the building footprint or parking areas. It will not result in any changes to the existing landscape. It will operate within areas of existing paved and gravel surfaces within the site, and stormwater runoff will continue to be

contained onsite. The Project will utilize the existing traffic controls on site and is not anticipated to cause any increase in traffic or parking demand, given the early morning hours of operation.

**Special Permit Relief is Warranted in These Circumstances**

The proposed Project satisfies the Special Permit criteria, as set forth in Section 8.4.2 of the Bylaw, as follows:

1. Section 8.4.2.1 - The Property is Suitable for the Project. The Property is located within the Commercial District, on Route 6 in Wellfleet. The proposed Project involves no site alterations and, indeed, no changes are proposed to the footprint of the existing building, parking areas, or landscaping. Rather, the existing gravel parking area located to the south of the existing pharmacy building will be utilized. The Mobile Clinic van will back into the rear portion of the gravel parking area, as shown on the Sketch Site Plan (Exhibit A). The remainder of the gravel parking area will be utilized for clinic patient parking. Through careful scheduling and appointment allocation, Acacia expects no more than 5-10 patient cars on site at any given time. The vehicular traffic will be far less intensive than the existing pharmacy, and because it occurs in the early morning hours between 6 AM and 9 AM, the Mobile Clinic is not anticipated to have an adverse impact on the existing roads, drainage, and utilities serving the Property and surrounding area. Safe access and egress are ensured through the existing traffic signals, signage, delineator posts, and pavement markings.
2. Section 8.4.2.2 - The Proposed Mobile Clinic Use and Intensity is Appropriate for the Site. Mobile Clinic patients will be directed verbally during patient orientation, as well as in a written Patient Manual to wait in their cars for Mobile Clinic security personnel to approach and conduct patient check-in, adding the patient number to the service list in order of arrival. Security personnel will notify the patient when it is time to enter the van, and patients are required to wait in their vehicles until called to enter the clinic. The proposed use is highly compatible with and complementary to the existing pharmacy use and is supported by Outer Cape Health Services (see letter of support filed with the application materials, attached as Exhibit C). The proposed Project will contribute to the diversity of year-round services offered in Wellfleet and the Outer Cape region, and in particular will provide crucial and much needed opioid addiction treatment options for the underserved Outer Cape population.
3. Section 8.4.2.3 - The Project Will Have No Impact on Existing Building or Site Design. The Project consists of a Mobile Clinic, which will leave the site each day, and utilize an existing gravel parking area for only three hours daily. The van is proposed to be parked in the rear portion of the gravel parking area to the south of the building, as shown on the Sketch Site Plan (Exhibit A). No proposed changes to the building, parking area or site design are proposed as part of this project. The number of parking spaces and the footprint of the gravel parking area will remain the same. As such, the proposal will have no impact on existing views from public ways, nor will it impact the visibility of parking and service areas.



In light of the foregoing factors, Acadia respectfully requests that the Board approve its application for a Special Permit pursuant to Sections 5.2 and 8.4.2 of the Bylaw for the proposed Mobile Clinic located on the Property at 2700 Route 6 in Wellfleet.

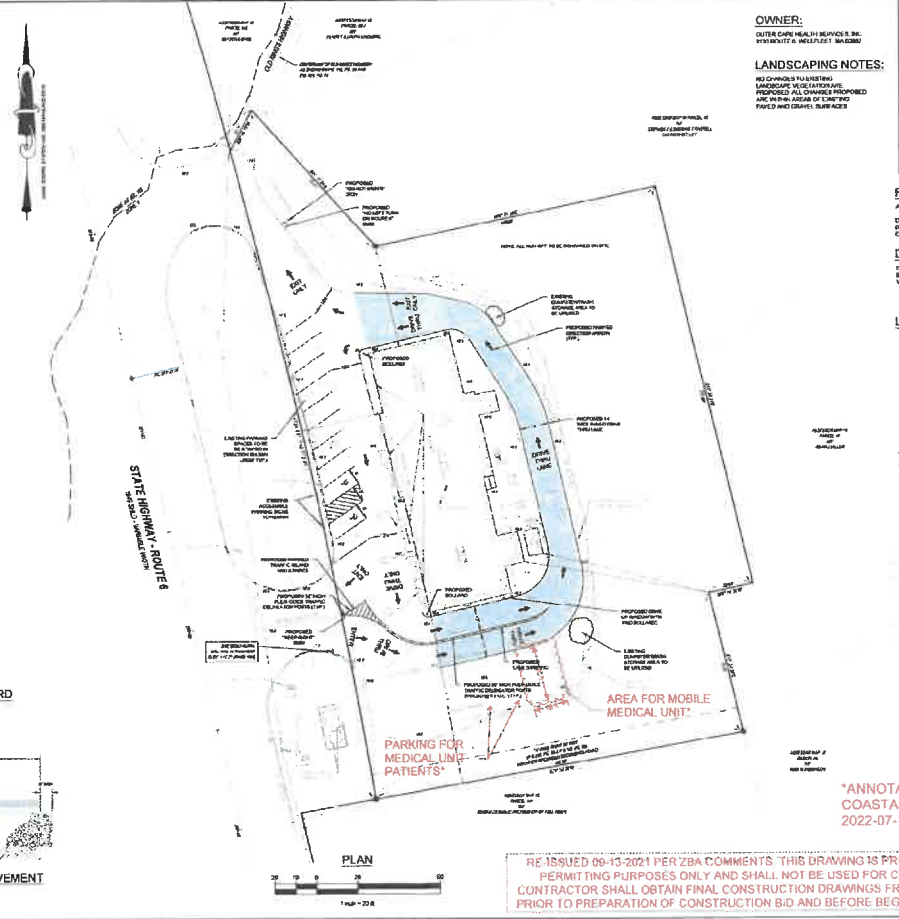
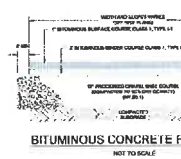
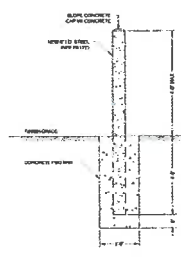
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# Exhibit A

### ZONING TABLE

ZONING DISTRICT: COMMERCIAL				ASBE'S ZONING MAP 15, PARCEL 142			
SUBJECT	REQUIRED	EXISTING	PROPOSED	SUBJECT	REQUIRED	EXISTING	PROPOSED
LOT AREA	46,868 S.F.	34,132 S.F.	NO CHANGE	FRONT SETBACK	100 FT	36.44 FT	NO CHANGE
FRONTAGE	300 FT	300 FT	NO CHANGE	SIDE SETBACK	30 FT	30.25 FT	NO CHANGE
FRONT SETBACK	100 FT	36.44 FT	NO CHANGE	REAR SETBACK	30 FT	30.15 FT	NO CHANGE
SIDE SETBACK	30 FT	30.25 FT	NO CHANGE	REAR SETBACK	30 FT	30.15 FT	NO CHANGE
REAR SETBACK	30 FT	30.15 FT	NO CHANGE	BUILDING COVERAGE	75% OF 3.57 AC	5.87 AC	NO CHANGE
BUILDING COVERAGE	75% OF 3.57 AC	5.87 AC	NO CHANGE	CURBWAY WIDTH	30 FT	30 FT	NO CHANGE
CURBWAY WIDTH	30 FT	30 FT	NO CHANGE				

- ### PLAN NOTES:
1. THIS PLAN WAS PREPARED FOR A REVIEW OF PROPOSED SITE INDICATORS RELATIVE TO THE PROPOSED USE OF A DRIVE-UP DRIVEWAY.
  2. THE PROPOSED SITE INDICATORS ARE SUBJECT TO A COMPLIANCE REVIEW AND APPROVAL BY THE WELLFLEET ZONING DEPARTMENT.
  3. THE SLOPE FOR AREAS OF ACCESSIBLE PARKING SPACES, WALKWAY AND DRIVEWAYS WITH DRIVEWAYS AND DRIVEWAYS SHALL NOT EXCEED 5% IN ALL DIRECTIONS.
  4. NO CHANGES TO EXISTING UTILITY PATTERNS ARE PROPOSED.
  5. ALL NEW STORMWATER RUNOFF TO BE CONFINED ON SITE.
  6. ALL SIGN AND PAVEMENT MARKINGS SHALL CONFORM TO THE STANDARDS OF THE DISTRICT DEPARTMENT OF THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION.
  7. EXISTING UTILITIES ARE SHOWN AS PER RECORD DRAWINGS. UTILITIES MAY EXIST IN ADDITION TO THOSE SHOWN.
  8. THIS PROJECT MAY REQUIRE REVIEW BY WABDOT, SUCH REVIEW COULD REVEAL REQUIREMENTS FOR ADDITIONAL SITE PLAN AND DESIGN CHANGES.



**REFERENCE:**  
ASBE'S ZONING MAP 15, PARCEL 142  
DEED BOOK 2886, PAGE 42  
POLYCON PLAN OF RECORD  
CONVEY TO THE TOWN

**DATUM:**  
ELEVATIONS IN THIS PLAN ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.

- ### LEGEND
- EXISTING**
- BOUNDARY
  - CATCH BASIN
  - SEWER MANHOLE
  - ASBE MANHOLE
  - HYDRANT
  - WATER DATE
  - WATER MAIN
  - UTILITY POLE
  - GUY WIRE
  - GUY POLE
  - ELECTRIC METER
  - RAIL BOX
  - ONE METER
  - WALKWAY POINT OF BOLLARD
  - ASBE SIGN
  - CHAIN LINK FENCE
  - SPALT WALK FENCE
  - STOCKADE FENCE
  - UNDERGROUND GAS SERVICE
  - UNDERGROUND ELECTRIC SERVICE
  - UNDERGROUND TELEPHONE SERVICE
  - WATER SERVICE OVER HEAD WIRE
  - GUY WIRE
  - SPOT LIGHT
  - DECORATIVE TREE
  - PARKING SPACE DENT

**COASTAL engineering CO.**

**PROJECT:** OUTER CAPE HEALTH SERVICES, WELLFLEET, MA

**SCALE:** AS NOTED

**DATE:** 01/19/2021

**REV:** 09-15-2021, 09-09-2021

**DRAWN BY:** MARIAN WONG

**CHECKED BY:** BSM

**C2.1.1**

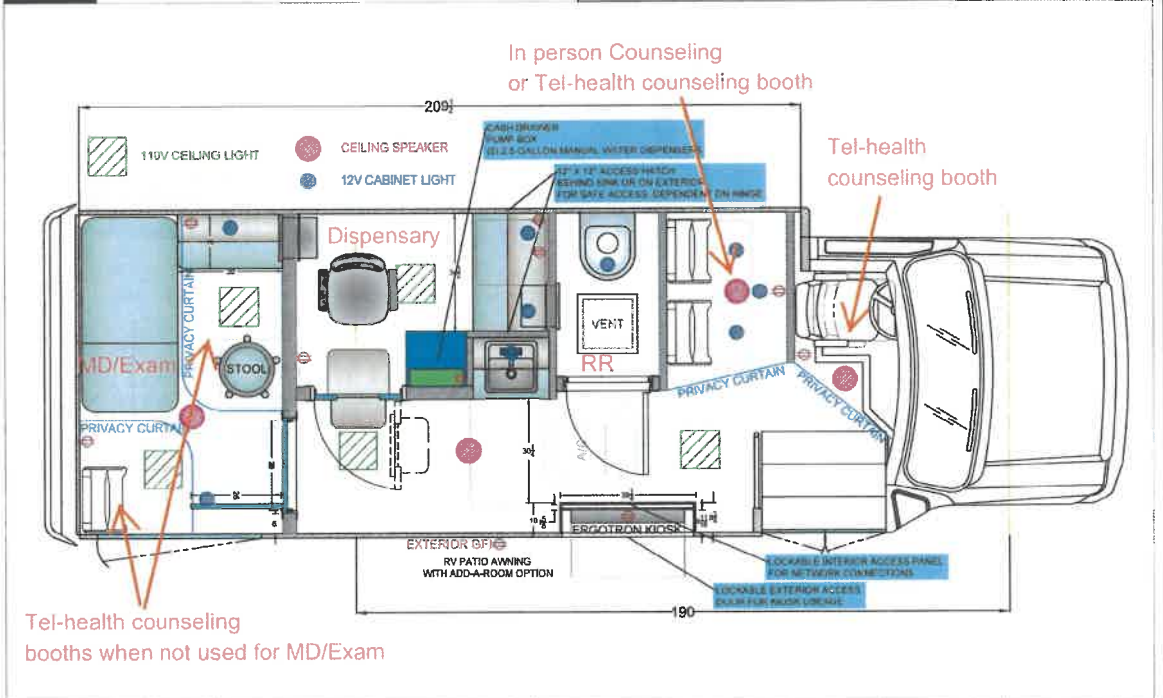
**PROJECT NO:** C19007-00

**\*ANNOTATIONS BY COASTAL ENGINEERING CO. 2022-07-11 (BPM)**

RE-ISSUED 09-15-2021 PER ZBA COMMENTS. THIS DRAWING IS PREPARED FOR ZBA PERMITTING PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION. CONTRACTOR SHALL OBTAIN FINAL CONSTRUCTION DRAWINGS FROM THE ENGINEER PRIOR TO PREPARATION OF CONSTRUCTION BID AND BEFORE BEGINNING ANY WORK.

# Exhibit B

	COMMENTS & NOTATIONS			<small>THIS DRAWING AND DESIGN IS FOR THE EXPRESS USE OF THE INTENDED CLIENT AND IS NOT TO BE REPRODUCED, SOLD, SHARED, OR OTHERWISE COPIED TO ANY ONE OTHER THAN THE INTEND CLIENT WITHOUT THE WRITTEN CONSENT OF HIGH LEVEL ENTERPRISE. ALL DIMENSIONS ARE SUBJECT TO ENGINEERING &amp; MANUFACTURING TOLERANCES. HLE RESERVES THE RIGHT TO MAKE ANY CHANGES IN COLORS, COMPONENTS, SPECIFICATIONS, AND FLOOR PLAN AND TO DISCONTINUE MODELS AT ANY TIME WITHOUT NOTICE OR OBLIGATION.</small>
		SIGNATURE		
		DATE	APPROVED BY (PRINT)	



SALESPERSON		DEALER/COMPANY		CLIENT		COPYRIGHTED	DRAWING NUMBER	REV.
EVAN KUSHNER		DON BROWN BUS SALES		ACADIA HEALTHCARE		NOV 3, 2021	HLE 21-10000	R2
MAKE	FORD E-450	MODEL	STARCRRAFT ALLSTAR	DESCRIPTION	MOBILE MEDICAL UNIT - FLOOR PLAN			

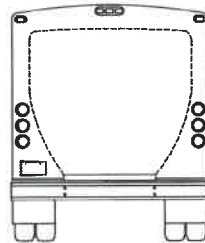
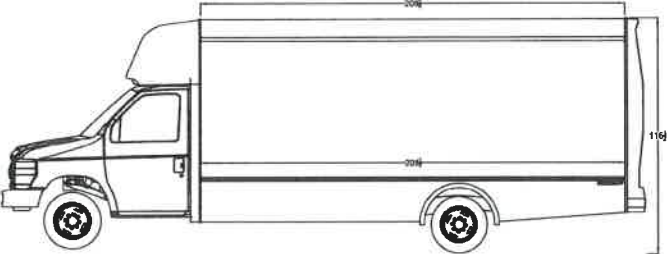
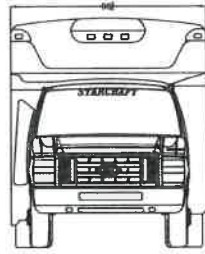
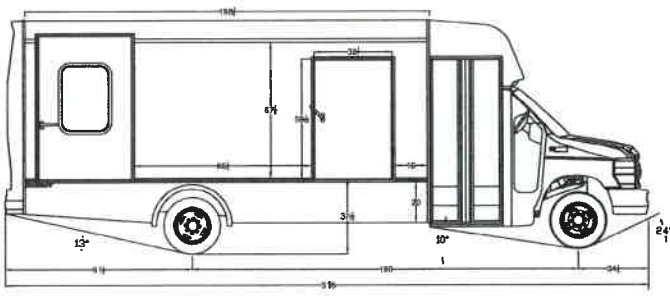


COMMENTS & NOTATIONS

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ (APPROVED BY (PRINT)) \_\_\_\_\_

THIS DRAWING AND DESIGN IS FOR THE EXPRESS USE OF THE INTENDED CLIENT AND IS NOT TO BE DISTRIBUTED, REPRODUCED, COPIED, OR OTHERWISE COPIED TO ANY ONE OTHER THAN THE INTEND CLIENT WITHOUT THE WRITTEN CONSENT OF HILL LEVEL ENTERPRISE. ALL DIMENSIONS ARE SUBJECT TO ENGINEERING & MANUFACTURING TOLERANCES. HILL LEVEL ENTERPRISE RESERVES THE RIGHT TO MAKE ANY CHANGES IN COLORS, COMPONENTS, SPECIFICATIONS, AND FLOOR PLAN AND TO DISCONTINUE MODELS AT ANY TIME WITHOUT NOTICE OR OBLIGATION.



SALESPERSON	DEALER/COMPANY	CLIENT	COPYRIGHTED	DRAWING NUMBER	REV.
EVAN KUSHNER	DON BROWN BUS SALES	ACADIA HEALTHCARE	NOV 3, 2021	HLE 21-10000	R2
MAKE	FORD E-450	MODEL	STARCRRAFT ALLSTAR	DESCRIPTION	MOBILE MEDICAL UNIT - EXTERIOR ELEVATIONS

# Exhibit C



July 8, 2022

Matthew N. Davis  
Regional Vice President – Northeast  
CTC Group

Dear Matt:

I am pleased to offer a letter of support for the proposed Mobile Component that will provide daily Methadone maintenance for individuals within the Outer Cape communities.

The proposed location for this van is at the Outer Cape Health Services Pharmacy location at 2700 Route 6 in Wellfleet, which provides ease of access for members of these communities.

The most important benefit provided through this proposed new service is expanded access to this medication assisted treatment medication, closer to home. Today, many members of the Outer Cape communities spend several hours each day commuting to the South Yarmouth location for this medication. The inconvenience and disruption of these trips often contribute to their stopping this important Opioid Use Disorder treatment and, ultimately, their Recovery Plan.

Please accept this letter as full support of this proposal. This service is critical to our Outer Cape communities.

Sincerely,

A handwritten signature in blue ink that reads "Patricia A. Nadle".

Patricia A. Nadle  
Chief Executive Officer  
Outer Cape Health Services



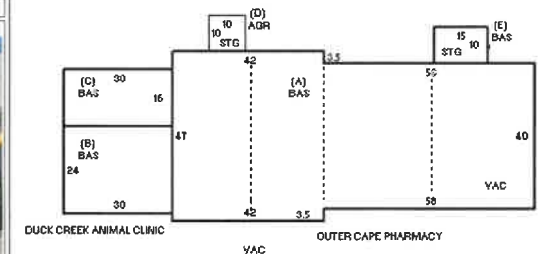


Key: 1390

Town of WELLFLEET - Fiscal Year 2022

11/19/2021 9:50 am SEQ#: 1,494

CURRENT OWNER		PARCEL ID		LOCATION		CLASS	CLASS%	DESCRIPTION		BN ID	BN	CARD							
OUTER CAPE HEALTH SERVICES BOX 598 HARWICHPORT, MA 02646		15-142-0		2700 STATE HWY RTE 6		3250	100	SMALL RETAIL			1	1 of 1							
		TRANSFER HISTORY		DOS	T	SALE PRICE	BK-PG (Cert)												
		OUTER CAPE HEALTH SERVICE CALLIS SANDRA B TRUSTEE		03/31/2014	U	650,000	28061-42												
				06/19/1992	N	1	8074-152												
CD	T	ACRSF/UN	Nbhd	INFL1	INFL2	ADJ BASE	SAF	Scenic	Lpi	VC	CREDIT AMT	ADJ VALUE							
103	S	43,580	C	1.00	1.00	187,200	1.00	100	1.00	C2	1.00	187,200							
303	A	0.240	C	1.00	1.00	17,600	1.00	100	1.00	C2	1.00	4,220							
TOTAL		1.240 Acres		ZONING	C	FRNT	0	ASSESSED		CURRENT	PREVIOUS								
Nbhd		COMMERCIAL		ASSOCPAR1=121-22 117//		LAND		191,400		191,400									
INFL1		NO ADJUST				BUILDING		116,900		121,000									
INFL2		ECONOMIC 60				DETACHED		3,500		3,500									
						OTHER		0		0									
						TOTAL		311,800		315,900									
TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO 08/06/2013											
APV	A	1.00	F 1.00	1960	3,600	0.90	3,200												
SW1	A	1.00	A 1.00 3*5	1998	15	21.00	300												
BUILDING		CD	ADJ	DESC		MEASURE	8/6/2013	SF	BLDG COMMENTS										
MODEL		5		C/M					DUCK CREEK ANIMAL CLINIC= 1200 SQ FT										
STYLE		20	1.90	OFFICE BUILDING [100%]		LIST	8/10/2000	PH											
QUALITY		A	1.00	AVERAGE [100%]		REVIEW	8/6/2013	SF											
FRAME		1	0.99	WOOD FRAME [100%]															
YEAR BLT	1960	SIZE ADJ	0.835	ELEMENT		CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	500,260	
NET AREA	5,644	DETAIL ADJ	1,886	FOUNDATION	3	CONTIN WALL	1.00	+	BAS	L	BASE AREA	5,644	1960	89.61	505,740	CONDITION ELEM	CD		
\$NLA(RCN)	\$90	OVERALL	1,000	EXTERIOR WALL	1	WOOD SHINGLES	1.00	D	AGR	N	ATTACHED GARAGE	100		25.20	2,520				
CAPACITY		UNITS	ADJ	ROOF STRUCTURE	1	GABLE	1.00												
				ROOF COVER	1	ASPH/COMP SHIN	1.00												
STORIES	1	1.00		FLOORING	3	WWW CARPET	1.00												
% HEATED	100	1.00		INT FINISH	2	DRYWALL	1.02												
% A/C	0	1.00		H.V.A.C.	9	WM/CL AIR PKGE	1.04												
% SPRINKLERS	0	1.00		FUEL SOURCE	1	OIL	1.00												
EFF. YR/AGE		1997 / 23		COND		37 37%		FUNC		0		ECON		40 Exempt		DEPR		77 % GD 23	
RCNLD																		\$116,900	



**QUITCLAIM DEED**

I, **SANDRA B. CALLIS, INDIVIDUALLY, AN UNMARRIED PERSON, AND AS TRUSTEE of The Sidney B. Callis Trust of 1991** u/d/t dated December 24, 1991 and recorded with the Barnstable County Registry of Deeds in Book 8074, Page 137, of 3 Main Street, Unit 19, Eastham, Massachusetts 02642 (the "Trust"),

In consideration paid of **SIX HUNDRED FIFTY THOUSAND AND 00/100 (\$650,000.00) DOLLARS**

Grant to **OUTER CAPE HEALTH SERVICES, Inc., a Massachusetts nonprofit corporation**, with an address of 3130 Route 6, Wellfleet, Massachusetts 02667,

WITH QUITCLAIM COVENANTS,

The land and buildings thereon situated in Wellfleet, Barnstable County, Massachusetts, consisting of two parcels of land.

**PARCEL NO. 1** - A parcel of land with the buildings thereon on the easterly side of the State Highway (Rt. 6) bounded and described as follows:

BEGINNING at the Southwest corner of the parcel herein being conveyed at the Easterly side line of said Massachusetts State Highway (1949 alteration), said point being an arc distance of sixty-five and twenty hundredths (65.20) feet Northerly from a Massachusetts Highway Bound set at the land of the Cemetery;

THENCE Northerly an arc distance of two hundred twelve and fourteen hundredths (212.14) feet (with radius of (3075.00) in range of said State Highway to the Center line of Old Kings Highway;

THENCE N 0° 30' 40" E sixty-three and seventy-four hundredths (63.74) feet (being measured on said Old Kings Highway center line);

THENCE S 41° 42' 30" E by other land now or formerly of the Johnsons, eighty-five and ninety- six hundredths (85.96) feet;

THENCE N 78° 15' 30" E by other land now or formerly of the Johnsons, one hundred forty (140) feet;

THENCE S 13° 33' 20" E by other land now or formerly of the Johnsons, two hundred (200) feet;

MASSACHUSETTS STATE EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 03-31-2014 @ 12:59pm  
Ct1#: 827 Doc#: 13092  
Fee: \$2,223.00 Cons: \$650,000.00

BARNSTABLE COUNTY EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 03-31-2014 @ 12:59pm  
Ct1#: 827 Doc#: 13092  
Fee: \$1,755.00 Cons: \$650,000.00

THENCE S 78° 15' 30" W by other land now or formerly of the Johnsons and by land supposedly of Heirs of E.P. Cook, two hundred (200) feet to the side line of said Massachusetts State Highway at the point of beginning.

Containing an area of 40,920 square feet.

**PARCEL NO. 2** - A parcel of land bound as described as follows:

BEGINNING at the Southwesterly corner of the premises at the Easterly side of the State Highway, Route 6, at land of the Catholic Cemetery;

THENCE Northerly by the curvature of said State Highway, sixty-five and 04/100 (65.04) feet;

THENCE N 78° 15' 30" E by land now or formerly of Paul L. Hinckley, one hundred seventy-eight and 36/100 (178.36) feet;

THENCE S 13° 33' 20" E by land now or formerly of Herman Johnson et ux, eighty-two and 27/100 (82.27) feet to land of the Catholic Cemetery; and

THENCE S 79° 47' 10" W by said Catholic Cemetery, about one hundred eighty-five (185) feet to the point of beginning.

Subject to and with the benefit of any and all existing ways, insofar as the same exist, are in force and applicable.

Being the same premises conveyed to Sandra B. Callis, Trustee of The Sidney B. Callis Trust of 1991 by Deed dated December 24, 1991, and recorded with the Barnstable County Registry of Deeds in Book 8074, Page 152.

**Property Address: 2700 State Highway, Wellfleet, Massachusetts 02667**

The Grantor certifies that The Sidney B. Callis Trust of 1991 and its beneficiaries are not classified during their current taxable year as a corporation for federal income tax purposes.

The Grantors hereby certify, under oath, that this property is not the principal residence of any of the Grantors nor is it the principal residence of their current or former spouses or civil partners, and they claim no homestead rights in said property and further certify that no current or former spouses or civil union partners of any of the Grantors are entitled to claim the benefit of any estate of homestead in and to the property being conveyed hereunder.

Sandra B. Callis, Trustee as aforesaid hereby certifies that the Trust is in full force and effect, and has not been altered, amended, revoked or terminated;; all beneficiaries of the Trust are alive, not minors, not a corporation or other entity selling all or substantially all of its assets in Massachusetts, not a personal representative of an estate subject to a requirement to file an estate tax return, and are legally competent; and the undersigned has full power and authority and has been directed and authorized by all of the beneficiaries of the Trust to convey title to the Grantee the premises described herein by Quitclaim Deed for the consideration recited above.

Executed as a sealed instrument and under the pains and penalties of perjury this 27<sup>th</sup> day of March 2014.

Sandra Callis  
Sandra B. Callis, Individually

THE SIDNEY B. CALLIS TRUST OF 1991

Sandra Callis Trustee  
By: Sandra B. Callis, Trustee, as aforesaid

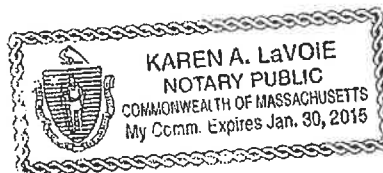
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

March 27, 2014

On this \_\_\_\_\_ day of March 2014, before me, the undersigned notary public, personally appeared Sandra B. Callis, individually and as Trustee of The Sidney B. Callis Trust of 1991, proved to me through satisfactory evidence of identification, which was known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

Karla Voie  
Karen A. LaVoie, Notary Public  
My Commission Expires January 30, 2015



COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WELLFLEET  
ZONING BOARD OF APPEALS

June 29, 1995

Certificate of Granting of Special Permit & of Variance  
(Massachusetts General Laws, Chapter 40-A, Section 11)

The Zoning Board of Appeals of the Town of Wellfleet, Mass. hereby certifies that a Special Permit and a Variance have been granted to the following:

Carl J. & Stephanie Ellsworth and  
Patrick & Annette Salvadori  
P.O. Box 208  
Wellfleet, MA 02667

affecting the rights of the owner with respect to land and/or buildings at the following location:

Property owned by Sandra B. Callis, Trustee  
Lot 142, 2700 State Highway/Route 6  
Assessor's Map 15, Wellfleet

And the said Zoning Board of Appeals further certifies that the Decision attached hereto is a true and correct copy of its decision granting said Special Permit and said Variance, and that copies of said Decision, and of all plans referred to in the Decision, have been filed with the Town Clerk.

The Zoning Board of Appeals also calls to the attention of the owner and/or applicant that Massachusetts General Laws, Chapter 40-A, Section 11 (last Paragraph) provides that no Special Permit or Variance, or any extension, modification or renewal thereof, shall take effect until a copy of the Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Barnstable County Registry of Deeds and indexed in the grantor index under the name of the owner of record and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or the applicant.

*2700 Route 6, Wellfleet*

*Frank Koebel*  
Frank Koebel, Chair  
Zoning Board of Appeals

*Birgitta V. Olson*  
Birgitta V. Olson, Clerk  
Zoning Board of Appeals

June 8, 1995

DECISION OF THE WELFLEET ZONING BOARD OF APPEALS (1) IN GRANTING A SPECIAL PERMIT UNDER SECTION 5.3.2 (COMMERCIAL, DRIVE-IN RESTAURANT) OF THE WELFLEET ZONING BYLAW, AND (2) IN GRANTING A VARIANCE FROM SECTIONS 7.3.3 & 7.3.4 (SIGNS/SIGNS REQUIRING PERMITS) OF THE ZONING BYLAW; CASE #95-11, CARL J. & STEPHANIE ELLSWORTH FOR PROPERTY OWNED BY SANDRA B. CALLIS, TRUSTEE, LOT 142, 2700 STATE HIGHWAY/ROUTE 6, ASSESSOR'S MAP 15; SPECIAL PERMIT APPLICATION TO OPERATE A PIZZA AND SANDWICH SHOP FOOD SERVICE; APPLICATION FOR VARIANCE FROM SIGN CODE.

Pursuant to a Notice of Petition and Public Hearing, which was published in The Cape Codder newspaper on May 9, 1995 and May 16, 1995, and which was posted in the Town Hall from May 11, 1995 to May 25, 1995, and which was sent to abutters and parties in interest on May 11, 1995, a public hearing of the petition cited above, for the property cited above, was held on Thursday, May 25, 1995 at 7:45 p.m. in the Cafeteria of the Wellfleet Elementary School.

The Board for this hearing consisted of Frank Koebel, Chair; John Ferro, Robert Hankey, Philip Richardson and John Sandilands.

After having made a site inspection; and after a review of the history of the use of this property by the Chair; and after hearing the presentation of Attorney Harry S. Terkanian on behalf of the applicants, including a description of the proposed operation, the point that it will be very like the delicatessen formerly on the premises, a review of the parking plan for the property, and note of Board of Health approval under certain conditions; and after hearing questions and comments from the floor from abutters Carol Mackay and Frank & Clare Bucknam concerning the potential for loud music and noise, lighting, use of the parking lot as a hangout, etc.; and after hearing from Dr. Sidney Callis about former uses of the property; and after ascertaining that there will be no seating either inside or outside, and no consumption of food on the premises, the Board made the following findings of fact with respect to special permit criteria:

- (1) District objectives are met.
- (2) Nearby residential land uses need not be damaged if conditions re hours of operation, direction of lighting, control of parking, prohibition of loitering, etc. are imposed on the permit granting.
- (3) The proposal is for the replacement of a delicatessen by a similar food establishment business; no change of use is proposed for the property.
- (4) Adequate access to the business is provided via Route 6, and a traffic light controls the intersection.

WELLFLEET ZONING BOARD OF APPEALS DECISION  
CASE #95-11, CARL J. & STEPHANIE ELLSWORTH  
LOT 142, 2700 STATE HIGHWAY; DRIVE-IN RESTAURANT

2

- (5) There is adequate parking for the proposed expansion.
- (6) One or two additional jobs will be provided locally.

Philip Richardson MOVED "that the Board of Appeals adopt the findings of fact." SECONDED by Robert Hankey and CARRIED unanimously.

Philip Richardson MOVED "that the Board of Appeals grant the Special Permit as requested, based on the findings of fact made by the Board and subject to the following conditions:

- (1) The Special Permit is granted specifically to Carl J. & Stephanie Ellsworth and Patrick & Annette Salvadori.
- (2) For the purpose of this Special Permit, the provision in the definition of Restaurant, Drive-In allowing consumption of food in cars parked on the premises does not apply.
- (3) Hours of operation may be year round, seven days a week, from 7:00 a.m. to 11:00 p.m.
- (4) No lighting is to be projected out onto Route 6.
- (5) No flood lighting which projects out onto abutting properties is allowed at the rear of the building. Only low level lighting for security purposes is allowed.
- (6) Employee parking is to be at the rear of the building.
- (7) The former walk-in refrigerator space is not to be used for refrigeration, but may be used for storage."

SECONDED by Robert Hankey and CARRIED unanimously.

The Board next turned to the application for a Special Permit under Section 7.3.4 (Signs Requiring Permits) of the Zoning Bylaw, or in the alternative, for a Variance from Section 7.3.3 (Signs) of the Sign Code. After some discussion it was determined that a Variance is required, as MOVED by Robert Hankey, SECONDED by Philip Richardson, and CARRIED unanimously.

After reviewing a revised design for a 27 square foot sign, and after hearing the representation of Attorney Terkanian, including the fact that the building is situated well back from the highway, and the fact that no alteration to the grandfathered Callis sign on the grassy area in front of the building, which is in the highway layout, is permitted by the Massachusetts State Highway Department, the Board made the following findings of fact with reference to variance criteria:

- (1) The situation of this lawfully existing, non-conforming building so far back from the roadway, and yet so close



WELLFLEET ZONING BOARD OF APPEALS DECISION  
CASE # 95-11, CARL J. & STEPHANIE ELLSWORTH  
LOT 142, 2700 STATE HIGHWAY, DRIVE-IN RESTAURANT

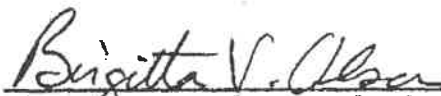
3

- to the State highway layout that there is no room for a ladder sign except in the access road or the parking area is unique. MOVED by Hankey, SECONDED by Richardson, and CARRIED unanimously.
- (2) A literal interpretation of the Bylaw would work hardship on the proprietors of the business, since they are not allowed use of the ladder sign in front of the building, and since the eight foot square sign allowed on the building would not be adequate to advertise the business. MOVED by Hankey, SECONDED by Richardson, and CARRIED unanimously.
- (3) Relief can be granted without derogation from the intent of the Bylaw, since 33 square feet of signage are allowed to this one-third of the building, and since the sign will not be obtrusive from Route 6. MOVED by Hankey, SECONDED by Ferro, and CARRIED unanimously.
- (4) Relief can be granted without detriment to the neighborhood insofar as the business is in a developed Commercial Zone, and the Special Permit granting has been conditioned to protect residential properties from disturbance. MOVED by Hankey, SECONDED by Ferro, and CARRIED unanimously.

Robert Hankey MOVED "that the Board of Appeals adopt the findings of fact." SECONDED by Philip Richardson and CARRIED unanimously.

Robert Hankey MOVED "that the Board of Appeals grant the Variance as requested, based on the findings of fact made by the Board." SECONDED by Philip Richardson and CARRIED unanimously.

  
\_\_\_\_\_  
Frank Koebel, Chair

  
\_\_\_\_\_  
Birgitta V. Olson, Clerk

ZONING BOARD OF APPEALS  
TOWN OF WELFLEET  
Town Hall  
RR #1 - Main Street  
Wellfleet, MA 02667

CERTIFICATION OF TOWN CLERK

I, Dawn Rickman, Town Clerk, Town of Wellfleet, Massachusetts do hereby certify that twenty (20) days have elapsed since the filing with this Office of the Decision of the Wellfleet Board of Appeals in:

Case #95-11, Carl J. & Stephanie Ellsworth  
for property owned by Sandra B. Callis, Trustee  
Lot 142, 2700 State Highway/Route 6, Ass.Map 15

- (1) Special Permit Application, Drive-In  
Restaurant
- (2) Application for Variance from Sign Code.

and that no notice of appeal of said decision has been filed with me, or if such appeal has been filed, it has been dismissed or denied.

Dated

June 29, 1995

Signed

Dawn E. Rickman

Dawn Rickman, Town Clerk

ZONING BOARD OF APPEALS  
TOWN OF WELLFLEET  
Town Hall  
300 Main Street  
Wellfleet, MA 02667

May 6, 1999

NOTICE OF DECISION

To Petitioners and Parties in Interest:

You are hereby notified that after careful consideration of the petition of:

George White, Case #99-14  
for property owned by Sandra B. Callis, Trustee  
2700 State Highway, Lot 142, Assessor's Map 15

Special Permit Application, Retail Trade  
Upholstery Business

and after a public hearing of which you were notified, the Wellfleet Board of Appeals has decided as follows:

To grant the Special Permit under the Wellfleet Zoning Bylaw.

Appeals against this decision, if any, should be made pursuant to Massachusetts General Laws, Chapter 40-A, Section 17, and said appeal shall be filed within twenty (20) days after the decision has been filed in the Office of the Town Clerk, Wellfleet, that date being: May 6, 1999.

Birgitta V. Olson  
Clerk

May 6, 1999

CASE #99-14, GEORGE WHITE FOR PROPERTY OWNED BY SANDRA B. CALLIS, TRUSTEE, 2700 STATE HIGHWAY, LOT 142, ASSESSOR'S MAP 15: DECISION OF THE WELLFLEET ZONING BOARD OF APPEALS IN GRANTING A SPECIAL PERMIT UNDER SECTION 5.3.2 (COMMERCIAL, RETAIL TRADE/BUSINESS) OF THE WELLFLEET ZONING BYLAW: PETITION TO OPERATE AN UPHOLSTERY BUSINESS ON THE PREMISES.

Pursuant to a Notice of Petition and Public Hearing, which was published in The Cape Codder newspaper on April 13, 1999 and April 20, 1999, and which was posted in the Town Hall from April 13, 1999 to April 29, 1999, and which was sent to abutters and parties in interest on April 13, 1999, a public hearing of the petition cited above, for the property cited above, was held on Thursday, April 29, 1999 at 8:15 p.m. in the Town Hall Hearing room.

The Board for this hearing consisted of Frank Koebel, Chair; John Ferro, Robert Hankey, Jay Horowitz and John Sandilands.

After hearing the presentation of the petitioner, who wishes to operate an upholstery business with sale of fabrics in two 15 x 16' & 10 x 10' spaces; and after a review of businesses already in the building (Duck Creek Animal Clinic and Compass Real Estate) and of the parking plan for the complex made in 1989 showing 35 spaces; the Board discussed the advisability of having an overall plan for use of this property and instructed the clerk to request the property owner to come in to discuss the matter. Alexandra Grabbe spoke from the floor about potential hazard from the mixing of Old King's Highway traffic with increased traffic from the parking area for this building. Frank Koebel said the Board must deal with the existing access and egress pattern, but suggested that the back of the building be utilized for employee parking and that signage be used to control traffic flow. The Board then made the following findings of fact with reference to Mr. White's petition:

- (1) The proposed upholstery business is an appropriate use of this commercial space.
- (2) It is a low intensity use and will generate less traffic than what was there before (doctor's office).
- (3) The necessary three parking spaces are available for this business.
- (4) There are no objections from abutters.
- (5) The proposed business will be an additional service available in the town, and will provide employment for one or more people.

John Ferro MOVED "that the Board of Appeals adopt the findings of fact." SECONDED by Robert Hankey and CARRIED 5-0.

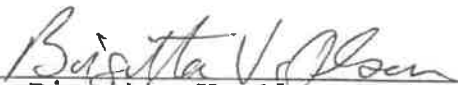
WELLFLEET ZONING BOARD OF APPEALS DECISION  
CASE #99-14, GEORGE WHITE, 2700 STATE HIGHWAY  
SPECIAL PERMIT, UPHOLSTERY BUSINESS

2

Robert Hankey MOVED "that the Board of Appeals grant a Special Permit to George White as requested, based on the findings of fact made by the Board, and subject to the following conditions:

(1) Hours of operation may be 9:00 a.m. to 9:00 p.m., seven days a week, year round. (2) Any signage must conform to the Sign Code." SECONDED by John Ferro and CARRIED 5-0.

  
\_\_\_\_\_  
Frank Koebel, Chair

  
\_\_\_\_\_  
Birgitta V. Olson, Clerk

ZONING BOARD OF APPEALS  
TOWN OF WELFLEET  
Town Hall  
300 Main Street  
Wellfleet, MA 02667

May 20, 1999

NOTICE OF DECISION

To Petitioners and Parties in Interest:

You are hereby notified that after careful consideration of the petition of:

Bruce Einhorn, Case #99-15  
for property owned by Sandra B. Callis  
2700 State Highway, Lot 142, Assessor's Map 15

Special Permit Application, Retail Trade/Business  
Specialty Embroidered Baseball Caps

and after a public hearing of which you were notified, the Wellfleet Board of Appeals has decided as follows:

To grant the Special Permit under the Wellfleet Zoning Bylaw.

Appeals against this decision, if any, should be made pursuant to Massachusetts General Laws, Chapter 40-A, Section 17, and said appeal shall be filed within twenty (20) days after the decision has been filed in the Office of the Town Clerk, Wellfleet, that date being: May 20, 1999.

Birgitta V. Olson  
Clerk

May 20, 1999

CASE #99-15: BRUCE EINHORN FOR PROPERTY OWNED BY SANDRA B. CALLIS, 2700 STATE HIGHWAY, LOT 142, ASSESSOR'S MAP 15: DECISION OF THE WELLFLEET ZONING BOARD OF APPEALS IN GRANTING A SPECIAL PERMIT UNDER SECTION 5.3.2 (COMMERCIAL, RETAIL TRADE/BUSINESS: PETITION TO OPERATE A SPORTSWEAR BUSINESS ON THE PREMISES.

Pursuant to a Notice of Petition and Public Hearing, which was published in The Cape Codder newspaper on April 27, 1999 and May 4, 1999, and which was posted in the Town Hall from April 27, 1999 to May 13, 1999, and which was sent to abutters and parties in interest on April 27, 1999, a public hearing of the petition cited above, for the property cited above, was held on Thursday, May 13, 1999 at 7:30 p.m. in the Town Hall Hearing Room.

The Board for this hearing consisted of Frank Koebel, Chair; Robert Hankey, Jay Horowitz, Gail MacGibbon, and Peter Watts.

In view of multiple petitions being filed for use of this property, the Board had made a site inspection with owner Sandra B. Callis to establish her overall plan for use of the building and to review the parking plan. The real estate office will remain in the south office, and the animal clinic in the north; the former medical office will be divided into two retail spaces, and a third will be located in the next office to the south. Tenants and employees are to park in the back of the building, with the front spaces left for clients. Ms. Callis stated that her family bought the commercial property in 1964, and it had been in existence long before that. Mr. Einhorn said his business is custom embroidered baseball caps, that he has a retail store in Provincetown and wishes to use this location to make caps for orders taken on the internet, with minimal walk-in trade. In summer he would like to close the Provincetown store and work out of the Wellfleet site. Alexandra Grabbe spoke from the floor about the concerns of residents of Old King's Highway with increased and undirected traffic on the north end of the property where the Highway meets Route 6 and there is no proper curb cut. She said southbound traffic is accustomed to using the parking areas to reach the traffic lights at the intersection with Main Street and urged the Board to look carefully at the situation and consider signage or a barrier. Ms. Callis said the State owns the property to the north where Old King's Highway meets Route 6, and she cannot put signs there. Board members thought the problem of Old King's Highway traffic, the island and unbroken lines in Route 6 out of their jurisdiction. Martin Clapp asked about landscaping. The Chair noted that this is a long-established commercial property and nothing in the Bylaw requires landscaping. The Board then made the following findings of fact with reference to special permit criteria:

CASE #99-15, BRUCE EINHORN, 2700 STATE HIGHWAY  
DECISION OF THE WELLFLEET ZONING BOARD OF APPEALS  
PETITION FOR SPECIAL PERMIT, RETAIL TRADE/BUSINESS

2

- (1) The proposed use is consistent with district objectives.
- (2) The proposed use is low intensity, and not more than has existed there for years.
- (3) Year round use is proposed for off-season, with the site being used for mail order business in summer.
- (4) Access and egress are controlled by traffic lights, and parking is adequate.
- (5) The proposed use is a new type of commercial activity, and will contribute to the diversity of local services.

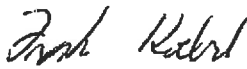
Robert Hankey MOVED "that the Board of Appeals adopt the findings of fact." SECONDED by Jay Horowitz and CARRIED 5-0.


Robert Hankey MOVED "that the Board of Appeals grant a Special Permit as requested to Bruce Einhorn, based on the findings of fact made by the Board, and subject to the following conditions:

(1) There is to be no outdoor display of goods. (2) Hours for retail operation are to be 10:00 a.m. to 6:00 p.m., seven days a week, year-round." SECONDED by Philip Richardson.

Alexandra Grabbe again voiced concern about potentially chaotic traffic patterns at the site and asked the Board to recommend to local and State authorities that the traffic flow be controlled by barriers and signs. The Board agreed to do this.

VOTE: Motion CARRIED 5-0.

  
\_\_\_\_\_  
Frank Koebel, Chair

  
\_\_\_\_\_  
Birgitta V. Olson, Clerk



ZONING BOARD OF APPEALS  
TOWN OF WELLFLEET  
Town Hall  
300 Main Street  
Wellfleet, MA 02667

June 17, 1999

NOTICE OF DECISION

To Petitioners and Parties in Interest:

You are hereby notified that after careful consideration of the petition of:

Carl Hogg, Case #99-17  
for property owned by Sandra B. Callis, Trustee  
2700 State Highway, Lot 142, Assessor's Map 15

Special Permit Application, Retail Trade  
Sporting Goods Business

and after a public hearing of which you were notified, the Wellfleet Board of Appeals has decided as follows:

To grant the Special Permit under the Wellfleet Zoning Bylaw.

Appeals against this decision, if any, should be made pursuant to Massachusetts General Laws, Chapter 40-A, Section 17, and said appeal shall be filed within twenty (20) days after the decision has been filed in the Office of the Town Clerk, Wellfleet, that date being: June 17, 1999.

Birgitta V. Olson  
Clerk

June 17, 1999

CASE #99-17, CARL HOGG FOR PROPERTY OWNED BY SANDRA B. CALLIS, TRUSTEE, 2700 STATE HIGHWAY, LOT 142, ASSESSOR'S MAP 15: DECISION OF THE WELLFLEET ZONING BOARD OF APPEALS IN GRANTING A SPECIAL PERMIT UNDER SECTION 5.3.2 (COMMERCIAL, RETAIL TRADE/BUSINESS) OF THE WELLFLEET ZONING BYLAW: PETITION TO OPERATE A RETAIL SPORTING GOODS BUSINESS ON THE PREMISES.

Pursuant to a Notice of Petition and Public Hearing, which was published in The Cape Codder newspaper on May 18, 1999 and May 25, 1999, and which was posted in the Town Hall from April 18, 1999 to June 3, 1999, and which was sent to abutters and parties in interest on May 18, 1999, a public hearing of the petition cited above, for the property cited above, was held on Thursday, June 3, 1999 at 7:30 p.m. in the Town Hall Hearing Room. The Board for this hearing consisted of Frank Koebel, Chair; John Ferro, Robert Hankey, Jay Horowitz and John Sandilands.

After having made a site inspection; and after hearing the presentation of the petitioner, who wishes to sell bait and tackle, fishing gear, darts and archery equipment, and firearms; the Chair read letters expressing concern about increased use of the Callis property causing potential traffic and safety problems affecting residents along the Old King's Highway as they exit onto Route 6, from the following: Irene & Ray Stiver, Alexandra Grabbe, and Jeffrey & Laurel Silber. The Board also reviewed a petition from abutters to Old King's Highway addressed to Selectmen and seeking a study of traffic flow on the State highway and the Callis property, directional signs, and an examination of the feasibility of closing the Old King's Highway curb cut onto the State Highway, with all parties to exit at the traffic lights. Two letters from Sandra Callis to Selectmen were also reviewed; Ms. Callis noted that the property is commercially zoned and that access and ingress are controlled by traffic lights; that previous restaurant businesses on the site had generated more traffic than the current proposals; and that residents of Old King's Highway had the option of exiting via Long Pond Road. Ms. Callis said she had also spoken to Police Chief Rosenthal, Fire Chief Hight, and DPW Director Bell about problems on Route 6 at this location and found that there had been one motor vehicle warning issued at Seamen's Bank in 1996 and one accident, also at Seaman's Bank, in 1997. Ms. Callis submitted a plan from the State DPW showing her property in relation to the highway easement with a letter attesting to the road layout; and a letter from the Wellfleet Town Clerk attesting that Old King's Highway is a public way. The State highway plan shows that Ms. Callis owns sufficient property between the road right-of-way and her building to erect a fence to stop Old King's Highway traffic from crossing her property. She concluded her presentation by saying that the building will house professional offices and low impact businesses only, and that there will be no outside displays.

Chair Frank Koebel noted that this is one of two commercial sites on Route 6 in Wellfleet controlled by traffic lights and thus with

excellent egress onto the State highway. He further noted that the egress from Old King's Highway onto Route 6 is adequate so long as cars turn right onto the highway; turning left is illegal and risks a ticket. Use of Ms. Callis' private property to reach the traffic lights is not necessarily feasible, but Old King's Highway residents can also egress via Long Pond Road. Mr. Koebel directed the discussion back to the matter of the Hogg Special Permit, and the Board made the following findings of fact with reference to special permit criteria:


- (1) The property is commercially zoned and the site suitable for the proposed use, without damage to nearby land uses.
- (2) There is safe and adequate access from/egress onto Route 6, controlled by traffic lights.
- (3) The proposed use would contribute to the diversity of services offered in Wellfleet, and also to the regional market.
- (4) The proposed use would offer year round employment to two persons.

Robert Hankey MOVED "that the Board of Appeals adopt the findings of fact." SECONDED by Jay Horowitz and CARRIED 5-0.

Robert Hankey MOVED "that the Board of Appeals grant a Special Permit as requested to Carl Hogg, based on the findings of fact made by the Board, and subject to the following conditions:

- (1) Hours of operation may be from 8:00 a.m. to 8:00 p.m., seven days a week, year round.
  - (2) There is to be no outside display of goods.
  - (3) Any lights are to be turned inward onto the property."
- SECONDED by John Sandilands and CARRIED 5-0.

  
\_\_\_\_\_  
Frank Koebel, Chair

  
\_\_\_\_\_  
Birgitta V. Olson, Clerk

ZONING BOARD OF APPEALS  
TOWN OF WELLFLEET  
Town Hall  
300 Main Street  
Wellfleet, MA 02667

August 17, 2000

NOTICE OF DECISION

To Petitioners and Parties in Interest:

You are hereby notified that after careful consideration of the petition of:

Mid-Cape Home Centers, Inc., Case #00-38  
for property owned by Sandra B. Callis, Trustee  
2700 State Highway, Lot 142, Assessor's Map 15

Special Permit Application,  
Kitchen Display Showroom & Salesroom

and after a public hearing of which you were notified, the Wellfleet Board of Appeals has decided as follows:

To grant the Special Permit under the Wellfleet Zoning Bylaw.

Appeals against this decision, if any, should be made pursuant to Massachusetts General Laws, Chapter 40-A, Section 17, and said appeal shall be filed within twenty (20) days after the decision has been filed in the Office of the Town Clerk, Wellfleet, that date being: August 17, 2000.

Birgitta V. Olson  
Clerk

August 17, 2000

CASE #00-38, MID-CAPE HOME CENTERS FOR PROPERTY OWNED BY SANDRA B. CALLIS, TRUSTEE, 2700 STATE HIGHWAY, LOT 142, ASSESSOR'S MAP 15: DECISION OF THE WELLFLEET ZONING BOARD OF APPEALS IN GRANTING A SPECIAL PERMIT UNDER SECTION 5.3.2 (COMMERCIAL, RETAIL TRADE/BUSINESS) OF THE WELLFLEET ZONING BYLAW: PETITION TO OPERATE A KITCHEN DISPLAY SHOWROOM AND SALESROOM ON THE PREMISES.

Pursuant to a Notice of Petition and Public Hearing, which was published in The Cape Coffer newspaper on July 25, 2000 and August 1, 2000, and which was posted in the Town Hall from July 25, 2000 to August 10, 2000, and which was sent to abutters and parties in interest on July 25, 2000, a public hearing of the petition cited above, for the property cited above, was held on Thursday, August 10, 2000 at 7:45 p.m. in the Town Hall Hearing Room.

The Board for this hearing consisted of Frank Koebel, Chair; Robert Hankey, Jay Horowitz, Gail MacGibbon and Peter Watts.

The Board had made a site inspection. After hearing the presentation of Ken Kramer and Mark Dupont of Mid-Cape Home Centers, supported by their attorney, Duane P. Landreth; and after accepting Richard Robicheau's comment from the floor that this type of business is preferable to a gun store; the Board made the following findings of fact:

- (1) The property is commercially zoned and the site suitable for the proposed use, without damage to nearby land uses.
- (2) There is safe and adequate access from/egress onto Route 6, controlled by traffic lights.
- (3) There is adequate parking in the complex to accommodate this proposed use.
- (4) The proposed use would contribute to the diversity of services offered in Wellfleet, and also to the regional market.
- (5) The proposed use would offer year round employment to two persons.

Robert Hankey MOVED "that the Board of Appeals adopt the findings of fact." SECONDED by Peter Watts and CARRIED 5-0.

Peter Watts MOVED "that the Board of Appeals grant a Special Permit as requested under Section 5.3.2 of the Wellfleet Zoning Bylaw, based on the findings of fact made by the Board, and subject to the following conditions: (1) Hours of operation may be from 7:00 a.m. to 6:00 p.m., six days a week, year round. (2) There is to be no additional lighting for the complex." SECONDED by Robert Hankey and CARRIED 5-0.

  
\_\_\_\_\_  
Frank Koebel, Chair

  
\_\_\_\_\_  
Birgitta V. Olson, Clerk

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WELLFLEET  
ZONING BOARD OF APPEALS

September 7, 2000

Certificate of Granting of Special Permit  
(Massachusetts General Laws, Chapter 40-A, Section 11)

The Zoning Board of Appeals of the Town of Wellfleet, Mass. hereby certifies that a Special Permit has been granted to the following:


Mid-Cape Home Centers, Inc.  
P.O. Box 99  
Orleans, MA 02653

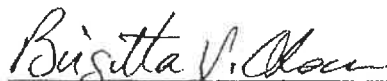
affecting the rights of the owner with respect to land and/or buildings at the following location:

Property owned by Sandra B. Callis, Trustee  
2700 State Highway, Wellfleet  
Lot 142, Assessor's Map 15

And the said Zoning Board of Appeals further certifies that the Decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said Decision, and of all plans referred to in the Decision, have been filed with the Town Clerk.

The Zoning Board of Appeals also calls to the attention of the owner and/or applicant that Massachusetts General Laws, Chapter 40-A, Section 11 (last Paragraph) provides that no Special Permit, or any extension, modification or renewal thereof, shall take effect until a copy of the Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Barnstable County Registry of Deeds and indexed in the grantor index under the name of the owner of record and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or the applicant.

  
\_\_\_\_\_  
Frank Koebel, Chair  
Zoning Board of Appeals

  
\_\_\_\_\_  
Birgitta V. Olson, Clerk  
Zoning Board of Appeals

M.R. BOOK 13228 PAGE 075

ZONING BOARD OF APPEALS  
TOWN OF WELLFLEET  
Town Hall  
300 Main Street  
Wellfleet, MA 02667

CERTIFICATION OF TOWN CLERK

I, Dawn Rickman, Town Clerk, Town of Wellfleet, Massachusetts do hereby certify that twenty (20) days have elapsed since the filing with this Office of the Decision of the Wellfleet Board of Appeals in:

Case #00-38, Mid-Cape Home Centers, Inc.  
2700 State Highway, Lot 142, Assessor's Map 15

Special Permit Application,  
Kitchen Display Show/Salesroom

and that no notice of appeal of said decision has been filed with me, or if such appeal has been filed, it has been dismissed or denied.

Dated

Sept. 7, 2000

Signed

Dawn E. Rickman  
Dawn Rickman, Town Clerk

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WELLFLEET  
ZONING BOARD OF APPEALS

Certificate of Granting of Special Permit

(Massachusetts General Laws, Chapter 40-A, Section 11)

The Zoning Board of Appeals of the Town of Wellfleet, Massachusetts hereby certifies a Special Permit has been granted to the following:

**Special Permit 21-25**

**Outer Cape Health Services, Inc.**

**Addition of a drive-thru window in connection with the existing pharmacy use**

**2700 State Highway (Route 6)**

**Map 15, Parcel 142**

**Book 28061, Page 42**

And the said Zoning Board of Appeals further certifies that the Decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said Decision, and of all plans referred to in the Decision, have been filed with the Town Clerk.

The Zoning Board of Appeals also calls to the attention of the owner and/or applicant that Massachusetts General Laws, Chapter 40-A, Section 11 (last paragraph) provides that no Special Permit, or any extension, modification or renewal thereof, shall take effect until the Decision bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, it has been dismissed or denied, is recorded in the Barnstable County registry of Deeds and indexed in the grantor index under the name of the owner of record and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or the applicant.

 12/1/21  
Sharon Inger, Chair    Date

  
Christine A. Bates, Clerk



WELLFLEET ZONING BOARD OF APPEALS

220 West Main St., Wellfleet, MA 02667

November 3, 2021

DECISION OF THE WELLFLEET ZONING BOARD OF APPEALS.

**21-25 Outer Cape Health Services, Inc.**, 2700 State Highway (Rte 6), Map 15, Parcel 142, Application for a Special Permit under WZB 5.2 and 8.4.2 for the addition of a drive-thru window in connection with the existing pharmacy use. (new application).

Pursuant to a Notice of Petition and Public Hearing, which was published in The Cape Codder newspaper on 09/24/21 and 10/01/21, and which was posted in the Town Hall from 10/01/21 to 10/14/21 and which was sent to abutters and parties in interest on 09/17/21, the public hearing of the petition cited above, for the property cited above, was held on Thursday, October 14, 2021 at 7:13 pm.

The Board consisted of Sharon Inger, Manny Heyliger, Trevor Pontbriand, Andy Freeman and Reatha Ciotti. Wil Sullivan recused himself. Eliza Cox, attorney, represented the applicant and introduced members of Outer Cape Health Services along with Sean Riley, engineer. She reviewed the previous application which was approved and was appealed due to one condition regarding a "no left turn sign" at the northerly exit from Old Kings Highway onto Route 6. The revised plan identifies the location of the proposed left sign on Outer Cape Health Services, Inc. property and also includes the addition stanchion. A letter of support was received from the abutter who appealed as well as from a tenant in the building. This application is the same as the previous application other than the sign and adding the stanchion. The Board had no questions and didn't feel they needed to discuss the previous application. Al Mueller pointed out that making a left turn onto Route 6 from Old Kings Highway is crossing a divided highway with double yellow lines. Ms. Lindberg, abutter, stated the clients can exit using the light at the Outer Cape Health Services, Inc. location. The Police Chief informed Chair Inger it is not advisable to turn left from Old Kings Highway but is permitted. Mr. Mueller stated if the Outer Cape clients are turning right and other traffic from Old Kings Highway take a left, there could be a collision. As a citizen, Wil Sullivan stated Old Kings Highway is a public road and the Board does not have any jurisdiction regarding what direction people take. Trevor Pontbriand moved for Findings of Fact; seconded by Reatha Ciotti. VOTE: Manny Heyliger aye; Sharon Inger aye; Trevor Pontbriand aye; Andy Freeman aye; and Reatha Ciotti aye. 5-0.

1. The lot is in the Commercial District.
2. The property, which contains approximately 1.24 acres of upland, is currently improved with a single commercial structure, built in approximately 1960 per the Assessor's records.


3. The applicant seeks to add a drive-thru window to its existing year-round pharmacy on the property to improve access to medicines, particularly for disabled patrons or guardians of children, and to minimize human interaction.
4. The use conforms with the objectives of the commercial district as stated in WZNBL 3.2.
5. There was no objection to the project from the police, fire, or DPW.
6. There was one letter in support of the application.
7. There were no appearances or correspondence in opposition to the application.
8. The roads, drainage, and other public services are adequate for the project.
9. The use contributes to the diversity of services available.
10. The Board has found that pursuant to WZBL 8.4.2.:
  - a. The property is suitable for the proposal and traffic patterns have been redesigned to ensure that all queuing will remain on the property.
  - b. Low-intensity rear-round use will contribute to a diversity of services.
  - c. The proposal will have no impact on the existing building footprint or parking areas.
11. After considering the District Objectives for the zoning district as provided for in WZBL 3.2 and the relevant criteria set forth in WZBL 8.4.2, the Board finds that the applicant has demonstrated that the benefits of the proposal will outweigh any adverse effects on the Town and the vicinity.

Condition:

1. Bollards or stanchions shall be placed along the entire length of the proposed lane striping along the south side of the building where the drive-thru window will be located, as shown on site plan C2.1.1. prepared by Coastal Engineering and dated 9/13/21.
2. A no left turn sign will be placed as shown on site plan C2.1.1. prepared by Coastal Engineering and dated 9/13/21.

Trevor Pontbriand moved the Findings of Fact with conditions; seconded by Manny Heyliger. Vote: Manny Heyliger aye; Sharon Inger aye; Trevor Pontbriand aye; Andy Freeman aye; and Reatha Ciotti aye. 5-0.

Andy Freeman moved to grant the Special Permit based on the Findings of Fact; seconded by Manny Heyliger. Manny Heyliger aye; Sharon Inger aye; Trevor Pontbriand aye; Andy Freeman aye; and Reatha Ciotti aye. 5-0.

  
Sharon Inger, Chair

  
Christine Bates, Committee Secretary

**ZONING BOARD OF APPEALS  
TOWN OF WELLFLEET  
Town Hall  
300 Main Street  
Wellfleet, MA 02667**

CERTIFICATION OF THE TOWN CLERK

I, Jennifer Congel, Town Clerk, Town of Wellfleet, Massachusetts, do hereby certify that twenty (20) days have elapsed since the filing with this Office of the Decision of the Wellfleet Zoning Board of Appeals in:

**Special Permit 21-25**

**Outer Cape Health Services, Inc.**

**2700 State Highway (Route 6)**

**Map 15, Parcel 142**

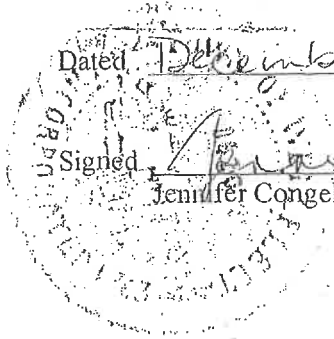
**Book 28061, Page 42**

**Addition of a drive-thru window in connection with the existing pharmacy use**

and that no notice of appeal of said decision has been filed with me, or if such appeal has been filed, it has been dismissed or denied.

Dated, December 01, 2021

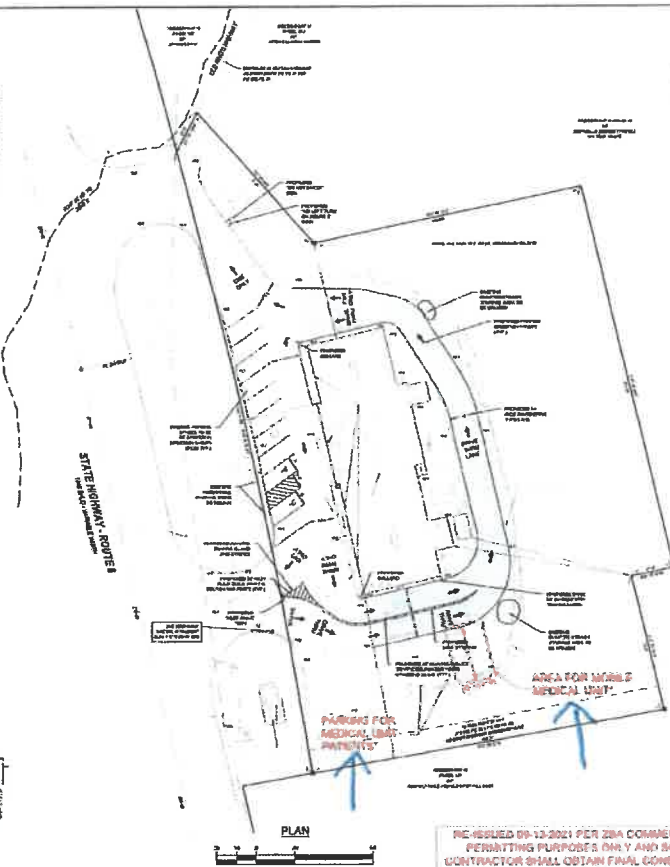
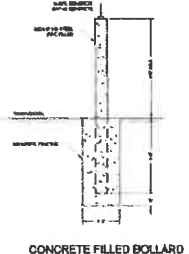
Signed, Jennifer M. Congel  
Jennifer Congel, Town Clerk



**ZONING TABLE**

ZONE	MINIMUM LOT AREA (SQ. FT.)	MINIMUM FRONT YARD SETBACK (FEET)	MINIMUM SIDE YARD SETBACK (FEET)	MINIMUM REAR YARD SETBACK (FEET)	MINIMUM BUILDING HEIGHT (FEET)	MINIMUM LOT COVERAGE (%)	MINIMUM OPEN SPACE (%)
COMMERCIAL	10,000	10	5	5	35	30	10
INDUSTRIAL	20,000	15	10	10	40	20	15
RESIDENTIAL	5,000	5	3	3	25	40	15
...	...	...	...	...	...	...	...

- PLAN NOTES:**
1. THIS PLAN IS PREPARED FOR THE PURPOSES OF PERMITTING AND SHALL NOT BE USED FOR CONSTRUCTION UNLESS APPROVED BY THE ZONING DEPARTMENT.
  2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ZONING DEPARTMENT.
  3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ZONING DEPARTMENT.
  4. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ZONING DEPARTMENT.



**OWNER:**  
OUTER CAPE HEALTH SERVICES, INC.

**LANDSCAPING NOTES:**  
NO GRASS TO BE MAINTAINED WITHIN THE PROPOSED PAVED AREAS UNLESS SPECIFICALLY NOTED OTHERWISE.



**REFERENCE:**  
ALL DISTANCES ARE IN FEET UNLESS OTHERWISE NOTED.

**DATUM:**  
ELEVATIONS ARE IN FEET ABOVE MEAN SEA LEVEL UNLESS OTHERWISE NOTED.

- LEGEND**
- 1. BOUNDARY
  - 2. DRIVEWAY
  - 3. SIDE DRIVEWAY
  - 4. SIDEWALK
  - 5. DRIVEWAY
  - 6. DRIVEWAY
  - 7. DRIVEWAY
  - 8. DRIVEWAY
  - 9. DRIVEWAY
  - 10. DRIVEWAY
  - 11. DRIVEWAY
  - 12. DRIVEWAY
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  - 15. DRIVEWAY
  - 16. DRIVEWAY
  - 17. DRIVEWAY
  - 18. DRIVEWAY
  - 19. DRIVEWAY
  - 20. DRIVEWAY

**\*ANNOTATIONS BY COASTAL ENGINEERING CO. 2022-07-11 (BPM)**

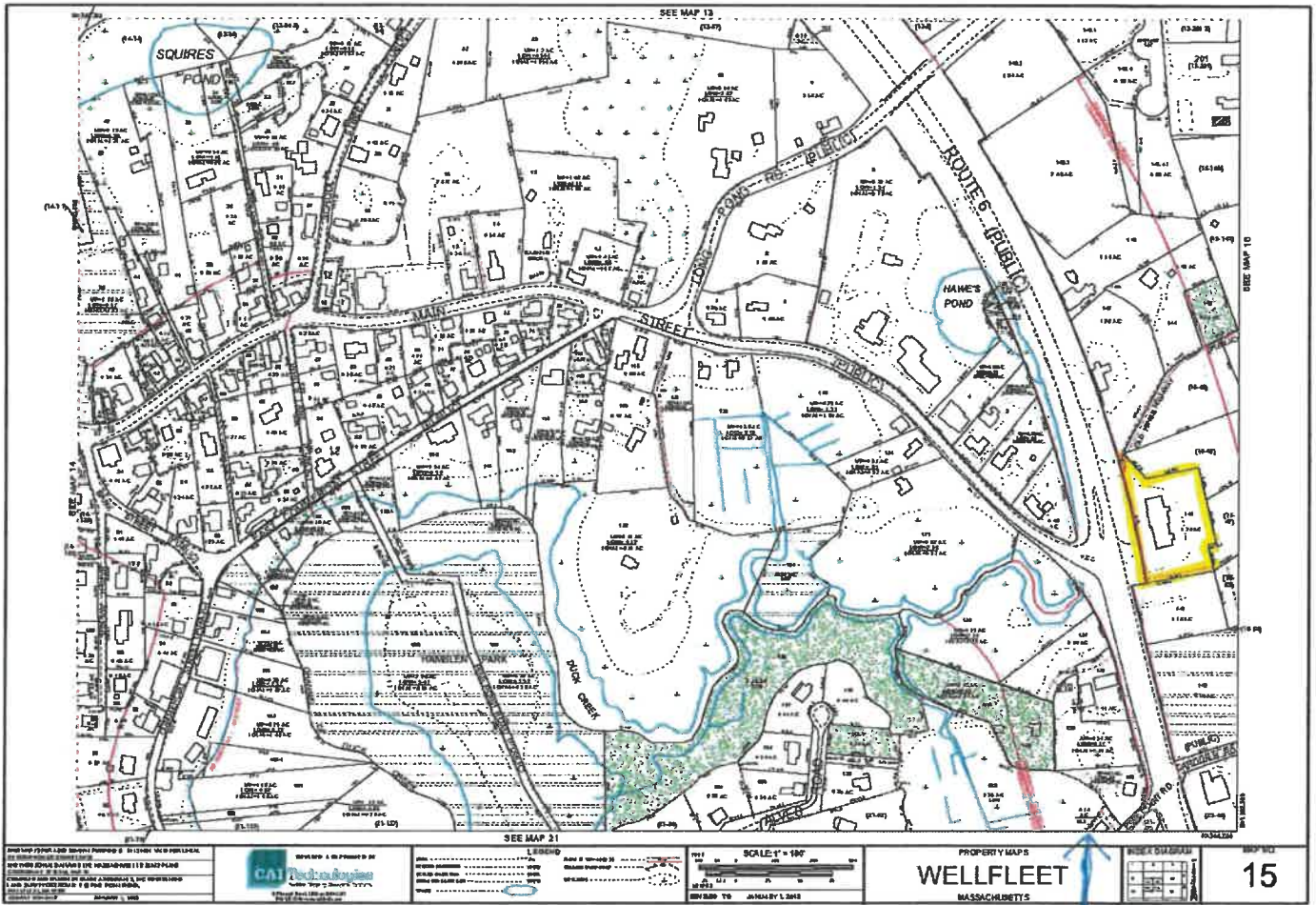
**RE ISSUED 09-13-2021 PER ZBA COMMENTS THIS DRAWING IS PREPARED FOR ZBA PERMITTING PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION. CONTRACTOR SHALL OBTAIN FINAL CONSTRUCTION DRAWINGS FROM THE ENGINEER PRIOR TO PREPARATION OF CONSTRUCTION BID AND BEFORE BEGINNING ANY WORK.**

**COASTAL engineering co.**  
ENGINEERING ARCHITECTURE

**OUTER CAPE HEALTH SERVICES**  
Preliminary Plan Showing Proposed Site Improvements

**C2.1.1**

DATE: 07-11-2022  
BY: BPM  
CHECKED BY: [Signature]





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

IV

### BUSINESS

~ A ~

<b>REQUESTED BY:</b>	<b>Town Administrator ~ Richard J. Waldo</b>
<b>DESIRED ACTION:</b>	<b>To authorize the town administrator to sign and execute Auditing Services Contract</b>
<b>PROPOSED MOTION:</b>	<b>I move to authorize the town administrator to sign and execute the Power's and Sullivan contract for auditing services.</b>
<b>SUMMARY:</b>	
<b>Project</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



August 16, 2022

Town of Wellfleet  
300 Main Street  
Wellfleet, MA 02667

We are pleased to confirm our understanding of the services we are to provide the Town of Wellfleet, Massachusetts for the fiscal year ending June 30, 2022.

### **Audit Scope and Objectives**

We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the disclosures, which collectively comprise the basic financial statements of the Town of Wellfleet as of and for the year ended June 30, 2022. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Wellfleet's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Wellfleet's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) General Fund Budgetary Comparison Schedule.
- 3) Retirement System Schedules.
- 4) Other Postemployment Benefit Plan Schedules.

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Wellfleet's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole:

- 1) Schedule of Expenditures of Federal Awards.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole.

Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and Government Auditing Standards will

always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with Government Auditing Standards.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).

### **Auditor's Responsibilities for the Audit of the Financial Statements and Single Audit**

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and Government Auditing Standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, Government Auditing Standards do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements or noncompliance may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and Government Auditing Standards. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.



We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

Our audit of financial statements does not relieve you of your responsibilities.

### **Audit Procedures—Internal Control**

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to Government Auditing Standards.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, Government Auditing Standards, and the Uniform Guidance.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to Government Auditing Standards.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and

other applicable procedures described in the OMB Compliance Supplement for the types of compliance requirements that could have a direct and material effect on each of the Town's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on the Town's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

### **Other Services**

We will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of the Town in conformity with accounting principles generally accepted in the United States of America and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under Government Auditing Standards and such services will not be conducted in accordance with Government Auditing Standards.

We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities for the financial statements, schedule of expenditures of federal awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, the schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, the schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

### **Responsibilities of Management for the Financial Statements and Single Audit**

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with accounting principles generally accepted in the United States of America; and for compliance with applicable laws and regulations (including federal statutes), rules, and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information. You are also responsible for making drafts of financial statements, schedule of expenditures of federal awards, all financial records, and related information available to us and for the accuracy and

completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance; (3) additional information that we may request for the purpose of the audit; and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review on May 30<sup>th</sup> each year.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received, and COVID-19-related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains, and indicates that we have reported on, the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

#### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form (if applicable) that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

We will provide copies of our reports to the Town of Wellfleet; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Powers & Sullivan, LLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the applicable cognizant or oversight agency for audit or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Powers & Sullivan, LLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the applicable cognizant or oversight agency for audit, or Pass-through Entity. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Our fee for the audit of the Town's basic financial statements including Federal Single Audit if applicable will be \$24,900 for FY2022. These fees include out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.). Any fees charged for bank and similar confirmations or responses from legal representatives are the sole responsibility of the Town. Our invoices for these fees will be rendered as work progresses and are payable on presentation.

The Town and Powers & Sullivan, LLC can agree to extend these services for Fiscal Year 2023 and fiscal year 2024 at the rate of \$24,900 per year. If the services are extended this engagement letter will remain in effect.

In the event we are requested or authorized by Wellfleet or required by government regulation, subpoena, or other legal process to produce our working papers or our personnel, Wellfleet will, so long as we are not party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such a request.

**Reporting**

We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Select Board of the Town. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

The Government Auditing Standards report on internal control over financial reporting and on compliance and other matters will state that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will state that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We appreciate the opportunity to be of service to the Town of Wellfleet and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



Powers & Sullivan, LLC

**RESPONSE:**

This letter correctly sets forth the understanding of the Town of Wellfleet, Massachusetts.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

IV

### BUSINESS

~ B ~

<b>REQUESTED BY:</b>	Selectboard Chair ~ Ryan Curley
<b>DESIRED ACTION:</b>	To review and approve the Town of Wellfleet Financial Policies
<b>PROPOSED MOTION:</b>	I move to approve the Town of Wellfleet Financial Policies as drafted and amended at tonight's meeting. To be posted on the towns website under policies and a copy given to the town clerk
<b>Summary:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



**Comprehensive Financial  
Management Policies for  
The Town of Wellfleet ~~of~~**

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Adoption of these polices will supplant the following (See Appendix II)

[Budget and Financial Management](#)

[Debt Policy](#)

[Grant Revenue](#)

[Investment Policy](#)

[Vehicle Rollover Policy](#)

[Meals Payment Policy](#)

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## PREFACE

The policies are intended to outline objectives, provide direction, and define authority to help ensure sound fiscal stewardship and management practices. Each should be periodically reviewed and updated as necessary. With these policies, the Town of Wellfleet, through its Selectboard, Town Administrator, Finance Committee, and employees, commits to the following objectives:

- Sustaining a consistent level of service and value for residents and businesses
- Safeguarding financial integrity and minimizing risk through a system of internal controls
- Ensuring the quality and maintenance of capital assets
- Conforming to general law, uniform professional standards, and municipal best practices
- Preserving the town's AAA credit rating
- Promoting transparency and public disclosure
- Assuring accurate and timely reporting
- Ensure that Wellfleet has the ~~ex~~pr~~itise~~expertise on staff to effectively ~~m~~an~~ag~~e~~manage its finances and departmental operations.~~

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## INTRODUCTION

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To ensure the growing and continued financial health of the Town of Wellfleet, provide the public with confidence that Town officials seriously respect their responsibility for fiscal stewardship, and demonstrate to bond rating agencies that the Town has thoughtfully prepared for its future, the financial policies outlined below shall guide the Town. These policies are a living tool and shall be reviewed by the Town Administrator and designated staff on an annual basis and updated as necessary, changes may be required to adapt to the needs of the Town.

This document is intended to establish a set of financial management policies and not the procedures that identify the specific methods and actions necessary to carry out these policies. Policies are the terms and conditions which guide and direct the town in making financial management decisions. They are not hard and fast rules so that they may recognize extraordinary situations. Financial management policies are made to support strategies. In many instances, administrative procedures are or will be developed as tools to implement these policies.

The GFOA recommends that governments should formally adopt financial policies as a best practice and that “Financial policies are central to a strategic, long-term approach to financial management. Some of the most powerful arguments in favor of adopting formal, written financial policies include their ability to help governments.”

### Objectives:

#### ***The objectives of the Financial Management Policies are as follows:***

- A. To guide the Selectboard, Finance Committee, and management staff in evaluating and implementing decisions that have significant impact on the Town.*
- B. To set forth planning and operating principles which require that the cost of government be clearly identified, and that financial risk be minimized.*
- C. To employ balanced and fair fee and user revenue policies that provide funding for required and needed programs.*
- D. To regularly evaluate the Town’s financial capacity to meet present and future needs.*
- E. To promote credible and sound financial management by providing accurate and timely information on the Town’s financial condition to elected officials, staff, the public and external interests.*
- F. To ensure that current and future capital needs are addressed in a comprehensive and financially sound manner.*
- G. To promote improvement in the Town’s credit rating and provide financial resources sufficient to meet the Town’s obligations on all municipal debt and other long-term obligations.*

H. To establish an effective system of internal controls that ensures the legal use of financial resources.

~~I.—To promote cooperation and coordination with other governments and the private sector in the financing and delivery of services.~~

~~I. Establish sustainable long-term financial practices.~~

~~J.—To invest and develop the town's human capital and set performance expectations. Human Resources?~~

References:

Adopting financial policies. GFOA (n.d.). Retrieved April 2, 2022, from <https://www.gfoa.org/materials/adopting-financial-policies>

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## A. GENERAL BUDGET POLICIES

### A-1 Balanced Budget

#### **Background:**

All Massachusetts municipalities are required by state law to prepare balanced annual budgets.

The Government Finance Officers Association (GFOA) notes a true structurally balanced budget is one that supports financial sustainability for multiple years into the future.

#### **Policy:**

The Town shall adopt balanced budgets in which current revenues (non-one-time) equal or exceed current expenditures. Expenditures shall be realistically budgeted and estimated revenues shall be conservatively budgeted to allow for unanticipated events. The Town shall present said estimates and assumptions behind revenue estimates along with the balanced budget.

The Town will not balance the budget by using one time or other nonrecurring revenues to fund ongoing expenditures. The Town shall not use budgetary procedures that balance the budget at the expense of future years, such as postponing or deferring payment of expenses already incurred, accruing future year revenues, or rolling over short-term debt to avoid making principal payments.

The Town budget shall also support a financially sound operating position by maintaining reserves for emergencies and providing sufficient liquidity to pay bills on time and avoid revenue anticipation borrowing.

#### **References:**

*M.G.L. c.44, §31*

*Achieving a Structurally Balanced Budget*, Government Finance Officers Association Best Practice, February 2012



## **A-2 Local Receipts**

### **Background:**

Local Receipts are comprised of, short term occupancy tax, meals tax, parking fees, motor vehicle excise taxes, licenses, permits, departmental revenue and other non-property tax or state aid revenues. Local receipts are more economically sensitive and volatile than the property tax levy. Some of these revenues may be dedicated to specific uses or special purpose funds such as the Beach Fund by previous town meeting votes. Due to these factors, there is a more significant variance from year to year in actual vs. estimated local receipts than the tax levy.

### **Policy:**

Estimated revenues shall be conservatively budgeted to allow for unanticipated events. The Town shall budget for no more than 805% of the previous fiscal year's local receipts. Conservative budgeting for local receipts protects the taxpayers and services they utilize from unexpected economic conditions or changes in the law. Any funds taken ~~in~~ in excess of the 85% will be in the following year's free cash or as otherwise allocated by previous town meeting votes.

### **References:**

Treasurer's Manual, Massachusetts Collectors and Treasurers Association, 2017

Comparison of budgeted and actual local receipts from the Tax Rate Recap, MA DLS 2021

### **A-3 Submission of Budget and Budget Message**

#### **Background:**

Two important principles of public budgeting are clarity and publicity. The GFOA considers the preparation of the annual budget document of great importance in providing detailed financial information and also explaining the key issues that face the community. It is also important to broadly distribute this information to the staff, elected and appointed officials and the general public in order to give them a greater understanding of the operations, financing and key issues confronting the community.

#### **Policy:**

The Selectboard's budget proposal to Town Meeting shall provide a complete financial plan of all general and enterprise funds and activities for the ensuing fiscal year, an accompanying budget message, and supporting documents. The budget message from the Selectboard shall explain the proposed budget for all Town agencies in fiscal terms and in terms of work programs. It shall outline the proposed financial policies for the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major differences from the current fiscal year in financial policies, expenditures, and revenues, together with the reason(s) for such changes, summarize the Town's debt position, and include such other material as the Selectboard deems desirable, or the Finance Committee or Town Meeting may reasonably require.

The Finance Committee is encouraged to also supply a message to the Selectboard and Town Meeting.

The Town Administrator shall also provide a budget message.

The Town shall work toward the implementation of a budget document that meets the high standards of the Government Finance Officers Association "Distinguished Budget Presentation Award Program."

#### **References**

*Distinguished budget presentation award program*. GFOA (n.d.). Retrieved April 2, 2022, from <https://www.gfoa.org/budget-award>

## **A-4 Revenue and Expenditure Forecast**

### **Background:**

A critical step in maintaining a sound financial plan is the preparation of a multi-year revenue/expenditure forecast(s). Long term financial planning, including revenue and expenditure assumptions, is one of the local government financial practices that credit rating agencies evaluate when assessing municipalities for credit quality.

The Massachusetts Division of Local Services (DLS) states that a financial forecast, or multi-year revenue and expenditure forecast, allows a municipality to evaluate the impact of various government decisions over time.

A forecast will provide decision-makers with an indication of the long-term fiscal impact of current policies and budget decisions, and will allow the Town Administrator and staff, the Finance Committee, and the Selectboard to test various “what-if” scenarios and examine the fiscal impact on future budgets.

### **Policy:**

Each year the Town Administrator, in consultation with the Finance Committee and Selectboard, shall prepare and maintain a five-year Financial Forecast for General Fund and Enterprise Fund operations based on current service levels and current funding sources and including the five-year Capital Improvement Program.

The forecast shall be used as a budget tool to enable Town officials to review operating needs, identify fiscal challenges and opportunities, and develop long-term budgeting policies as part of an overall strategic plan. The forecast shall be designed to provide an outlook on the implications of changes in revenues and expenditures and allow for analyzing multiple scenarios. The forecast will: 1) provide insight into whether the current mix and level of resources in the General Fund are likely to continue to be sufficient to cover current service levels and capital projects; and, 2) identify the resources needed to maintain required enterprise fund operations and 3) estimate the impact on rate payers.

The Town Administrator, in cooperation with the Finance Committee, the Selectboard and Town departments, will review fiscal assumptions every year when the forecast is updated and will use information that is timely and accurate in preparation of the forecast. The forecast and the associated assumptions shall be made available to the Selectboard and the Finance Committee no later than upon submission of the Capital Improvement Plan.

### **References:**

*Revenue and Expenditure Forecasting*, MA DOR Division of Local Services Best Practice

*Financial Forecasting in the Budget Preparation Process*, Government Finance Officers Association Best Practice, February 2014

Ryan Curley [01-04-22](#) [05.15.22](#) v [Delta](#) Comprehensive Financial Management Policies for the Town of Wellfleet

*Financial Management Assessment, Standard and Poor's, June 2006.*

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## A-47 New Revenue Sources [STUB]

Background: ~~THIS IS A~~  
~~-STUB~~

Creating new sources of municipal revenues are limited by the provisions of Massachusetts home rule. Amendment Article 89, Section 7 (1966) reserves to the state sole authority to regulate elections; levy, assess and collect taxes; borrow money or pledge a municipality's credit; dispose of parkland; enact private or civil laws; and impose criminal penalties. Home rule requires an act of the legislature to enact a home rule petition or acceptance of a state statute. This results in few home rule petitions being enacted and drastically limits the ability of Massachusetts municipalities compared to the practices elsewhere in the country in developing new revenue streams.

Massachusetts's common procedure is to adopt legislation establishing state-level statutes. Two recent examples of state-level statutes are expanding rooms tax to short-term rentals and cannabis taxes. Both were the result of sustained lobbying over many years. These state-level statutes allow local option taxation up to a maximum determined by the statute. These local options exist in addition to the taxes collected by the state on the activity generating the revenue subject to taxation. The statutes may include restrictions on the allowable uses for funds collected under them.

In addition to state-level statutes, a municipality can generate revenues from fees, leases, or rental of municipal assets. New revenue sources cannot be incorporated into the estimated receipts as part of a municipality's budget until actuals are in hand. They cannot be estimated at a higher level than was received by a municipality the prior year. This results in new revenues or increases in a revenue source being included in the following year's free cash. For some new revenue sources, a municipality may have a limited ability to estimate receipts until actuals are in hand (E.g. Cannabis).

**Policy:** The Town recognizes the unique nature of any new revenue source and shall commit to a robust examination of preferred uses. New Revenue sources less the expense of collecting and or administering them shall not be applied to the general budget until and unless a policy governing their use is adopted and shall be based on actual receipts. Said policy shall utilize a community engagement process to determine the use of the funds. Until such a policy has been adopted, these funds shall follow H-1 Use of One Time Revenue.

The community- engagement process should take no longer than two months and shall include the following order:

1. Notification to all public bodies on the technicals of a revenue source. If applicable, this shall include the enacting legislation and any restrictions included in said statute. Administration shall give an estimated range of receipts covering three years.
2. Presentation of the technicals and funding priorities identified by Administration to the Selectboard and the Finance Committee.
3. A workshop or workshops with all boards and committees with a stake in the revenue or funding needs. The administration shall develop a synthesis based on this workshop/s. This synthesis shall include recommended uses for the funds and how they may be divided.

4. The synthesis shall be presented to the general public along with the technicals in a public workshop. Public comment and priorities shall be incorporated into the synthesis, and a draft policy shall be developed.
5. The draft policy governing the use of the revenue is presented to the Selectboard for adaptation.

~~(Enacting legislation)~~

References:

*Constitution of the Commonwealth of Massachusetts. Article 39 Sec. 7*

*Local options data and reporting. Mass.gov. Retrieved April 3, 2022, from <https://www.mass.gov/service-details/local-options-data-and-reporting>*

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## A-5 Appropriation Close Out

### Background:

Wellfleet has a Town Meeting – Selectboard – Town Administrator form of governance. Town Meeting is the legislative body of the Town. Town Meeting is the sole body capable of authorizing appropriations. These appropriations are authorized at specific dollar amounts prior to receiving bids, proposals, or quotes. The bids received may be for a dollar amount below the amount authorized or funded via outside funding sources, leaving a positive balance. Bids may be higher than the amount authorized, resulting in no contract being issued. In addition, there are instances when the appropriation is not acted on in a timely fashion or is determined to be unnecessary at a later date.

### Policy:

The Town recognizes that appropriations made at Town Meeting reflect the will of the legislative body and are an assumption of liability on the part of the town's taxpayers to fund the approved use. As such, the Town shall utilize the funds the voters have approved in a timely fashion. Therefore, any appropriation shall be closed out after two years unless a written justification is provided by the party responsible for the project and found sufficient by the Selectboard and Town Administrator to retain the funds. Close outs shall be returned to Town Meeting as free cash subject to the will of Town Meeting.

### References:

*Town of Wellfleet Home Rule Charter S 1-2-1*

*Town of Wellfleet Home Rule Charter S 2-5-1*

## **B. Human Resources**

### **B-1 Human Resources**

#### **Background:**

The personnel employed by a municipality underpin the performance of the town as a whole. Whenever there is an under-investment in human resources, there is a significant impact on employee morale, and it becomes a point of friction within the organizational structure. The FY 2020 annual audit management letter identified significant deficiencies resulting from the town's lack of functioning human resource services. Human resources include recruiting qualified personnel, skill development, cross-training, oversight, performance standards, labor relations, conflict resolution, onboarding, offboarding, payroll standardization, benefits administration, and consulting. The industry-recommended best practice of maintaining one human resource professional for every 100 employees. Ultimately under-investing in these functions imposes significant costs to the town.

#### **Policy:**

The town shall create human resources program with dedicated human resource professional/s. The human resource program shall support skill development opportunities for town personnel. Performance standards shall be set for each position, and support shall be available to staff to surpass those standards. The resiliency of town services shall be promoted with the cross-train personnel and clearly defined successions of responsibilities. Onboarding strategies shall be implemented to ensure that new staff are well supported, and exit interviews of departing personnel shall be conducted.

#### **References:**

*Town of Wellfleet, MA, Annual Audit Management Letter June 30, 2020, Powers & Sullivan LLC*

*Massachusetts Municipal Human Resources Association, Massachusetts Municipal Association (MMA). (n.d.). Retrieved April 2, 2022, from <https://www.mma.org/members/mmhr/>*

*MMA Policy Committee on Personnel and Labor Relations Best Practice Recommendation: Human Resources Professionals, January 2019 Volume 4, Number 7.*

*MMA Policy Committee on Personnel and Labor Relations Best Practice Recommendation: Professional Development for Municipal Officials, January 2019*



## B-2 Comprehensive Five-Year Personnel Planning

### Background:

Direct or Indirect personnel costs are the most significant driver of increases in a town's operating budget on a year-over-year basis. These costs include the direct compensation of employees as well as the indirect costs of benefits, unemployment insurance, and elements of liability insurance. Over time certain positions may need to be added to accommodate changes in law or changes in the demographics and needs of the townspeople.

### Policy:

Long-term personnel planning shall be conducted in a manner akin to a Capital Improvement Plan. A complete organizational structure review shall be conducted every five (5) years. This review should contain departmental narratives on roles and position responsibilities and organizational charts of positions in each department. As part of this review departments should identify any unmet personnel needs. The Town Administrator shall also provide a five-year (5) staffing plan and recommendations for each department. The Town Administrator shall work with Departments to identify roles or responsibilities held in common across the Town's organizational structure and determine if these can be more effectively and efficiently be served by shared personnel. The Town Administrator shall also look for opportunities to automate or streamline workflow.

### References:

*In Face of Staff Cuts, Cities and Towns Need a New Management Roadmap*, Will Brown, Municipal Advocate Vol 24, No. 4

### **B-3 Personnel Policies and Labor Contracts**

#### **Background:**

The Town has approximately **XX** full and part time town and schools employees and a total of **X** unions and associations. For the purposes of these policies, the following definitions shall apply:

- Personnel Policies are the documents that represent the conditions of employment, wages, benefits, hiring, promotions, classifications, and many other categories of employer/employee relations. Collective bargaining agreements, as well as state laws and regulations, take precedence over the terms included in the Personnel Policy.
- Pay and Classification Plans are the schedules that identify employees by job category, job title, and union/non-union status on a typical Grade structure. Pay Plans are the wage schedules that specify pay rates, typically on an annual step or merit system, for each union and non-union position.
- Memorandums of Agreement (MOAs) are the documents that represent an agreement between a municipality and the various labor unions. They are created when a municipality and the respective union have reached an agreement for a contract period about wages and working conditions.
- Collective Bargaining Agreements (CBAs) are the documents that incorporate the negotiated changes and represent the total agreement that exists between a municipality and a union.
- Side Letters are documents that represent a ~~short~~ short term agreement between a municipality and a union.

#### **Policy:**

Pay plans and pay rates shall be constantly monitored to ensure compliance with labor contracts, personnel policies, and accuracy. Contract proposals and agreements will be fully costed out to understand the short and long-term impact on Town finances. In order to foster transparency in the provision of employment agreements and benefits, the Town will prepare and maintain documents that are publicly available, including personnel policies, pay plans, classification plans, memorandums of agreement, collective bargaining agreements, and side letters.

#### **References:**

*Town of Wellfleet Employee Personnel Manual*

*Town of Wellfleet Personnel Bylaw*

## **B-4A- Position Control & Vacancies**

### **Background:**

The largest segment of a town's operating budget is its personnel costs. Failure to accurately monitor the personnel budget can lead to errors in budgeting, over or under staffing, incorrect grading, and other personnel costs. Over time certain roles and responsibilities lose their relevancy, or technological advances increase productivity allowing the same work to be performed by fewer employees, while needs elsewhere may have increased. It is in the town's best interest to ensure that resources are employed judiciously.

### **Policy:**

The Town shall maintain a personnel system that accurately tracks authorized, filled, and unfilled positions as well as their funding source. Annual budgets shall be prepared that account for all the costs necessary to cover positions that the Town intends to have during that budget period. The existing staffing structure shall be regularly reviewed and justified by the Town Administrator, Department Heads, the Selectboard and the Personnel Board. Whenever a position is vacated, the Town Administrator shall evaluate the scope and responsibilities of the position and if it is still needed within the Town's organizational structure or if those resources would be more effectively employed elsewhere.

### **References:**

*In Face of Staff Cuts, Cities and Towns Need a New Management Roadmap*, Will Brown, Municipal Advocate Vol 24, No. 4

## C. Housing

### Background

The lack of affordable housing in Wellfleet is a crisis that places considerable strain on year-round residents and impedes economic development in the region due to the lack of housing for the workforce. Affordable year-round rentals are in short supply, rental stock is limited due to the premium placed on high-priced summer vacation rentals, and lower-wage workers cannot afford market-rate rents for year-round housing.

In the 2017 report titled “Regional Housing Market Analysis and 10-Year Forecast of Housing Supply and Demand for Barnstable County, Massachusetts”, the Cape Cod Commission estimated that the Lower Cape needed at least 1,100 new units of housing affordable to working families to meet the need at the time. As the trends in that report have continued upward, in part due to Covid, demand has increased in the town and the region. The income needed to purchase a median-priced home in Wellfleet was \$123,000 in 2019, and today it is \$156,000. This is 61% higher than AMI of a household of four in Barnstable County, and Wellfleet’s AMI is below the county average. With housing prices out of reach for most local workers, rentals are more important than ever, but the vacancy rate for year-round rentals has been virtually 0% for years. Sustainable communities need year-round housing for all income levels.

HUD defines cost-burdened families as those “who pay more than 30 percent of their income for housing” and “may have difficulty affording necessities such as food, clothing, transportation, and medical care.” Severe rent burden is defined as paying more than 50 percent of one’s income on rent. Many residents and town personnel are housing cost-burdened. Most rentals mirror the housing makeup locally, consisting primarily of single-family homes. The reliance on single-family homes creates a precarious long-term rental market with a more frequent cycling of housing out of the year-round rental market as landlords convert properties to lucrative seasonal rentals or sell a property to new owners than experienced in urban areas. With no vacancies locally, these residents are displaced and forced to find alternative arrangements and often must leave the area.

Housing costs impair the town’s ability to recruit qualified personnel, and the cost burden imposed by housing is increasing the cost to the town to attract and retain personnel. The town must bear the cost to train staff who are hired without being fully qualified for a position and pay a higher salary to retain them. The housing crisis is intrinsically linked to the town’s personnel budgets, our internal controls, and the quality of services offered by the town. Housing costs are undermining the long-term sustainability of both the town as a working community and the governmental services addressing the needs of the community and environment.

### Policy:

Investment in Community and Affordable Housing shall be prioritized with dedicated funding streams derived from new revenues or future increases in funding receipts. Any new revenue source shall include a distribution to the Wellfleet Affordable Housing Trust. Infrastructure projects that enable year-round housing opportunities shall be prioritized.

## **DB. ENTERPRISE FUND POLICIES**

### **DB-1 Self Sufficiency and Rates**

#### **Background:**

Enterprise Funds provide a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods and services. Under enterprise accounting, the revenues and expenditures of the service are segregated into a separate fund with its own financial statements, rather than commingled with revenues and expenditures of all other government activities. Enterprise accounting allows a community to demonstrate to the public the total cost of providing a service.

#### **Policy:**

Enterprise Funds (e.g., Water & Marina Funds) shall be fully supported by the revenue from their rates, fees, and other ~~revenue-revenue~~ generating operations. The methodology for calculating indirect costs shall be explicitly documented and agreed upon by Town Accountant, Treasurer, and Enterprise Department heads.

Rates and fees for enterprise services shall be set at a level to provide for self- supporting enterprise operations, including direct and indirect costs. Capital projects shall be financed from enterprise revenues and grants.

Enterprise Funds shall be reviewed annually by the responsible board, commission, or department head to project revenues and expenditures for the next fiscal year and generate estimates of the current fiscal year and the projections for future years ~~in order~~ to prevent the need for subsidy by the General Fund operating budget. Estimates of capital project costs, debt service, and other liabilities shall be included in this analysis in order to project future enterprise fund budgets and revenues necessary to maintain self-sufficiency. Non-recurring fees shall not be used to fund the general operating expenses of the Enterprise Fund.

Specific to the Water Enterprise, changes in the rates and/or rate structure shall be carefully analyzed prior to recommendation and implementation in order to ascertain the short and ~~long-long~~ term impact on rate payers.

#### **References:**

*MGL, Chap 44, Sec 53F1/2*

*Enterprise Funds, MA DOR Division of Local Services Best Practice*

## **CE. RESERVE FUNDS/FUND BALANCE POLICIES**

### **Background:**

Formal written policies that establish guidelines for funding and maintaining reserves can help a community sustain operations during difficult economic periods. Reserves can be used to finance unforeseen or emergency needs, to hold money for specific future purposes, or in limited instances, to serve as a revenue source for the annual budget. Reserve balances and policies can also positively impact a community's credit rating and as a consequence, the long-term cost to fund major projects. The discussion of reserves, and the attention of credit rating agencies, is generally focused on free cash, stabilization funds, and, sometimes, overlay surplus.

### **EG.1 Free Cash**

#### **Background:**

The Division of Local Service's *Municipal Finance Glossary (May 2008)* defines Free Cash as follows:

Free Cash (Also Budgetary Fund Balance) -- Remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the prior year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the community's auditor, accountant, or comptroller. Important: free cash is not available for appropriation until certified by the Director of Accounts.

Free Cash provides a financial cushion against events such as a sudden loss of a revenue source, an economic downturn, an emergency, or other unanticipated expenditures, non-recurring capital expenditures, and uneven cash flow. Free cash can serve as a source for funding capital funds or replenish other reserves.

GFOA notes it is essential that governments maintain adequate levels of fund balance to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures).

DLS recommends that a municipality strive to generate free cash in an amount equal to 3-to-5% of its annual budget.

#### **Policy:**

The Town of Wellfleet will eliminate its dependence on free cash to fund the operating budget.

In accordance with the Selectboard policy, the Town will endeavor to maintain a target minimum free cash balance equivalent to 4.5% of the operating budget after town meeting appropriations. Amounts in excess of this 4.5% target will be available for capital or other one-time expenses, while the target amount will be left unspent from year to year.

Ryan Curley 051.1513.22-~~Delta Draft~~<sup>beta</sup> Comprehensive Financial Management Policies for the Town of Wellfleet

Free cash will not be depleted in any year, so that the following year's calculation will begin with a positive balance. Conservative revenue projections and departmental appropriations shall be managed to produce excess income and departmental budget turn backs.

Free Cash may be used for certain one-time expenditures, such as major capital projects, studies, non-capital non-reoccurring expenses, emergencies, other unanticipated expenditures, or to replenish reserve funds.

**References:**

*Free Cash*, MA DOR Division of Local Services Best Practice.

*Appropriate Level of Unrestricted Fund Balance in the General Fund*, Government Finance Officers Association Best Practice, September 2015.

*Reserve Policies*, MA DOR Division of Local Services Best Practice.

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## EC-2 Stabilization Funds

### **Background:**

A stabilization fund allows a Town to maintain a reserve to enhance the Town's fiscal stability. By state law, it allows a town to set aside monies to be available for future spending purposes, including emergencies or capital expenditures, although it may be appropriated for any lawful purpose.

Under State law, a municipality may establish one or more stabilization funds for different purposes and may appropriate into and from them in any year. Generally, a majority vote of town meeting is required to establish, amend the purpose of, or appropriate money into a stabilization fund, and a two-thirds majority is required to appropriate money from a stabilization fund. Any interest generated by a fund must be added to and become a part of the fund. The total of all stabilization fund balances shall not exceed 10% of a municipality's equalized values.

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**EC-2 A General Stabilization Policy:**

The Town shall maintain a General Stabilization Fund of not less than 5% of the prior year's tax levy for the purpose of extraordinary or unforeseen expenditures. Until this target has been reached, a minimum of \$50,000 will be appropriated each year to this fund. The Town will endeavor to leave the stabilization fund balance unspent, except in the event of an emergency or extraordinary or unforeseen events. If it is necessary to draw down from the General Stabilization Fund, the Town will ensure that it is restored through the appropriation of revenues such as free cash and/or one-time revenues.

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**EC-2 B Capital Stabilization Policy:**

The Town shall maintain a special purpose Capital Stabilization Fund that shall serve as a funding source for the Town's capital improvement plan, including any associated debt service. The Town shall have a goal to maintain a Capital Stabilization Fund equal to 2% of the prior year's tax levy. Until this target has been reached, a minimum of \$25,000 will be appropriated each year to this fund. Each year, as pay as you go capital is expended from the Fund, the Town shall replenish the fund to the targeted policy goal.

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**EC-2 C Finance Committee Reserve Fund:**

**Background:**

The Town has established an annual budget reserve in accordance with the provisions of Massachusetts General Law, Ch.40 §6. The Wellfleet Finance Committee maintains a reserve fund to that may be used in the event of unforeseen funding needs that may occur in during a fiscal year that cannot be deferred until the next scheduled town meeting. This fund must be re-authorized each fiscal year by town meeting vote.

**Policy:**

The Finance Committee shall be funded at 0.5% of the Operating Budget. Any unexpended balance at the end of the fiscal year will be closed to expenditure. A request for a Finance Committee Reserve Fund transfer will not be considered if it is contrary to the vote of town meeting, or as a means to increase the operating budget.

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## EG-2 D Overlay Surplus:

The purpose of the overlay reserve is to offset unrealized revenue resulting from uncollected property taxes, abatements, exemptions, and forgiveness. It can be used for other purposes only after it is determined to have a surplus. Therefore, unlike the other two types of general fund reserves, this policy does not set a consistent, specific funding target for the overlay. Rather, each year as part of the budget process, the Board of Assessors will vote to raise an overlay amount on the annual tax recapitulation sheet based on the following:

- Current balance in the overlay account
- Three-year average of granted abatements and exemptions
- Potential abatement liability in cases pending before, or on appeal from, the Appellate Tax Board (ATB)
- Timing of the next DLS certification review (scheduled every five years)

At the conclusion of each fiscal year, the Board of Assessors will submit to the Town Administrator and Chief Financial Officer an update of the overlay reserve with data that includes, but is not limited to, the gross balance, potential abatement liabilities, and any transfers to surplus. If the balance exceeds the amount of potential liabilities, the Select Board may request that the Board of Assessors vote to declare those balances surplus and available for use in the Town's capital improvement plan or for any other one-time expense.

### REFERENCES

[M.G.L. c. 40 §5B](#)

[M.G.L. c. 59 §25](#)

[M.G.L. c. 44 §53F½](#)

*Wellfleet Senior Citizen Tax Work-Off Program*

*Wellfleet Veterans Tax Work-Off Program*

DLS Best Practices: [Free Cash](#) and [Special Purpose Stabilization Funds](#)

DLS Form: [Dedication of Revenue to Stabilization Fund](#)

DLS Informational Guideline Releases 08-101: [Enterprise Funds](#), 17-20: [Stabilization Funds](#) and 1723: [Overlay and Overlay Surplus](#)

Government Finance Officers Association Best Practices: [Fund Balance Guidelines for the General Fund](#) and [Working Capital Targets for Enterprise Funds](#)

### EC-3 Ambulance Fund:

#### **Background:**

Wellfleet's Ambulance fund is a special purpose fund funded with reimbursements from usage fees. The fund was established by town meeting ~~to as a way of moderating~~ the impact of ambulance replacements on the town's budget and ~~to~~ ensure they are replaced in a timely fashion. Wellfleet's median age is 57.2(ACS 2019). The initial data releases of 2020 Decennial Census show that Wellfleet's permanent population has grown by 29.7% in the last decade. Wellfleet has a growing high-risk population. The Cape as a whole sees an immense increase in population in the summer month. Wellfleet provides and receives mutual aid to the surrounding towns; the closest emergency room facilities are in Hyannis-e. Each leg of the trip takes approximately forty minutes. All these factors underscore the critical need to maintain the availability of Wellfleet's ambulances. It is imperative that Wellfleet is able ~~to~~ replace the ambulance fleet in a timely basis to minimize the down-time or be able to quickly replace one or both ambulances in an emergency. Utilizing non-reoccurring sources of revenue to fund operating budgets creates budgetary shocks when those non-reoccurring sources of revenue are not available.

#### **Policy:**

The Town shall maintain the Ambulance Fund's balance of not less than ~~the full cost replacement value of two fully outfitted ambulances~~ two fully outfitted ambulances replacement value. The Fire Chief is expected to update this reserve balance each fiscal year to reflect the change in the replacement costs. Until this reserve balance has been reached ~~no funds shall be transferred out of the fund unless they are specifically related to the purpose of the fund~~ fund's purpose. Funds from the ambulance fund shall never be utilized ~~at any level~~ to fund the general operating budget or reoccurring costs. Funds in excess of the reserve balance may be transferred from the ambulance fund at the end of the fiscal year. These funds shall be treated one-time revenues and the use of those funds shall follow **H-1 Use of One Time Revenue** with a preference to fund items related to EMS services, public safety or OPEB.

#### **References:**

*M.G.L. c. 40 §5B*

*Special Purpose Stabilization Funds, MA DOR Division of Local Services Best Practice.*

*American Community Survey 2019, US Census Bureau*

*2020 US Decennial Census Data Release, US Census Bureau*

*Regional Study of EMS Provision, Lower Cape Cod Region, Final Report, Capital Strategic Solutions, 3/01/2022*

## **FD. CAPITAL PLANNING**

### **Background:**

Planning, budgeting and financing for the replacement, repair and acquisition of capital assets is a critical component of any municipality's budget and operation. Prudent planning and funding of capital assets ensures that a municipality can provide quality public services in a financially sound manner. It is recognized that a balance must be maintained between operating and capital budgets so as to meet the needs of both to the maximum extent possible. Adherence to this policy will help the Town meet its capital needs despite limited resources.

~~Long-Long~~ term capital planning is one of the local government financial practices that credit rating agencies evaluate when assessing municipalities for credit quality. Climate change has recently started to factor in bonding and needs to be taken into consideration for Town Capital Projects.

### **Policy:**

The Town will maintain its physical assets by providing funding in the operating budget to protect its capital investments and minimize future maintenance and replacement costs. The Town will emphasize preventive maintenance as a cost-effective approach to capital reinvestment and replace exhausted goods as necessary. All town buildings will be inspected annually by the Town Administrator, the DPW, the Building, Plumbing, and Electrical inspectors. Individual building components will be assessed and maintained. If it is determined that there needs to a significant project in excess of \$~~1025~~,000 it shall be incorporated into the Capital Improvement Plan.

To support a systematic acquisition and replacement schedule, the Town Administrator, with the assistance of the DPW Director will annually update and maintain a detailed inventory of all capital assets, which shall include dates built, acquired or last improved, original costs, current conditions, expected and remaining useful lifespans, depreciated values, extent of use, and any scheduled replacement or expansion dates.

## FD-1 Capital Improvement Plan

### **Background:**

The development of a Capital Improvement Program (CIP) is the mechanism that a municipality uses to identify projects, prioritize funding, and create a long-term financial plan that can be achieved within the limitations of the budget environment. A delay in necessary infrastructure upgrades will frequently require a catch-up period to properly address problems caused by deferred maintenance and replacements.

### **Climate Change and Resiliency:**

Impacts and adaptation to climate change will impact Wellfleet's CIP. Capital projects have a long lifespan as such, it is imperative that they be assessed for ~~long-term~~ long-term resiliency in response to climate change. Wellfleet has identified several municipal capital assets that are vulnerable to climate change. Coastal erosion, shoreline change, and coastal flooding will present unprecedented challenges in the years to come. Low lying roads are in danger of becoming impassable, municipal structures are vulnerable to flooding, coastal parking lots regularly lose parking spaces, and Ocean View Drive will be severed at some point in the future in the face of the advancing Atlantic Ocean. As the sea level rises, the freshwater lens of the aquifer will rise in response posing the danger of nuisance flooding to ~~low~~ low-lying areas that are not directly impacted by the seawater itself. The groundwater response also poses a danger to ~~low-low-lying~~ infrastructure such as septic systems even well inland.

Massachusetts has set a goal of achieving net zero in greenhouse gas emissions by 2050. Article VII Section 39 of Wellfleet's general bylaws commits the town to these goals and calls for achieving them at the earliest feasible time and that all officers, departments, committees, and representatives of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.

### **Policy:**

Each year, the Town Administrator shall submit a ten-year capital improvement plan to the Selectmen and Finance Committee by the end of October.

To qualify as a capital expenditure, a proposed capital item or project must have a useful life of five years or more and must exceed \$120,000 in cost. ~~All Officers, Boards, Commissions, and Committees shall, by the end of September of each year,~~ By the end of September of each year, all Officers, Boards, Commissions, and Committees shall submit to the Town Administrator information concerning all anticipated Capital Projects and Purchases requiring Town Meeting action.

At a minimum, the following ~~principals~~ principles will guide the development of the CIP.

- The Finance Committee shall set ~~their-its~~ standards for the CIP no later than June 30<sup>th</sup> of each year.

- The Town Administrator will prepare forms and instructions, distribute them no later than July 30<sup>th</sup> of each year, and shall coordinate the development of the capital improvement budget.
- ~~Future operating costs associated with new capital improvement will be projected and included in operating budget forecasts, as appropriate.~~ As appropriate, future operating costs associated with new capital improvement will be projected and included in operating budget forecasts.
- Federal, state, or private grants or loans shall be pursued and used when available to finance those capital improvements ~~that are consistent with the Town's capital improvement plan and priorities, and for which consistent with the Town's capital improvement plan and priorities.~~ Operating and maintenance costs have shall be en included in operating budget forecasts to the maximum, extent possible and prudent. Any conditional requirements of a grant/s shall be evaluated before the assumption of said conditions.
- All assets shall be maintained at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs.
- Equipment replacement and building repair needs shall be projected for the next ten years and will be updated each year. ~~From this projection, a maintenance and replacement schedule will be developed and followed.~~ A maintenance and replacement schedule will be developed and followed from this projection.
- Capital items shall be evaluated for vulnerability to climate change.
- Non-vehicle capital items shall be evaluated for increased energy efficiency with a preference for net-net-zero wherever possible.
- Capital projects shall be prioritized based upon criteria established by the Town and shall incorporate climate change adaptation and resiliency.
- Building Projects shall conform to Wellfleet's Policy on Town Building Projects.
- The estimated costs and potential funding sources for each proposed capital project shall be determined before it is submitted to Selectboard and Town Meeting for appropriation.

#### References:

*Wellfleet Selectboard Fuel Efficient Vehicle Policy, 2021*

*Wellfleet Town Charter, 2018*

*Wellfleet Capital Improvement Plan*

*Wellfleet General Bylaws, Section 39, 2021*

Ryan Curley 051.1513.22- ~~Delta Draft~~ beta Comprehensive Financial Management Policies for the Town of Wellfleet



*Wellfleet Policy on Town Building Projects, 2013*

*Massachusetts 2050 Decarbonization Roadmap, MA Executive Office of Energy and Environmental Affairs*

*Massachusetts Acts of 2021 Ch 8 An Act Creating a Next-Generation Roadmap For Massachusetts Climate Policy*

*Acts of 2008 Chapter 169 An Act Relative to Green Communities*

*Wellfleet Hazard Mitigation Plan, 2016*

*Massachusetts DOR/Division of Local Services, Developing a Capital Improvement Program Financial*

*Management Assessment, Standard and Poor's, June 2006.*

*Wellfleet Parking Task Force II Final Report, Feb 25, 2020*

## **FD-2 Vehicle Replacement**

### **Background:**

As a vehicle depreciates, it is subject to more frequent and expensive maintenance. Significant down time for servicing may negatively impact the availability and quality of service. At some point, the cost curve for ongoing maintenance and the replacement of a vehicle intersect, and replacing said vehicle becomes more ~~cost-cost~~ effective than continuing to maintain it. Municipal vehicles have a variety of uses and different priorities in availability.

### **Policy:**

All vehicles in the town of Wellfleet's fleet shall be regularly assessed for their capability to meet the needs placed on them and their cost effectiveness in doing so. The DPW shall make annual evaluations of each vehicle unless a department has ~~their own internal capabilities of doing~~ its own internal capabilities. Vehicles ~~that are~~ used on an infrequent basis shall be evaluated for continued need and if there are more cost-effective arrangements that can be made before a replacement is purchased. Borrowing should not be used to fund purchases of ~~vehicles that are routinely replaced~~ routinely replaced vehicles. Replacement of vehicles will be reviewed in accordance with Wellfleet's Fuel-efficient Vehicle Policy.

To facilitate these decisions, requests for the replacement of Town vehicles must be supported with:

For the Pre-existing Vehicle:

- Description of ~~the~~ vehicle being replaced the VIN number, Purchase date of the vehicle.
- Base purchase price of the vehicle being replaced.
- Extra assets and cost (radio, lights, plow, etc.).
- Manufacturer's projected lifespan of vehicle being replaced.
- Primary use of the vehicle & Secondary use for example snow removal.
- Projected trade in or auction value of vehicle being replaced as of projected replacement date.
- Maintenance records including:
  - Service performed, date of service performed, service provider if not DPW employee.
  - Mileage, engine hours at date of service.
  - Combined Fuel Economy and type of Fuel
  - Projected service requirements over the expected useful life of the vehicle.

For the replacement vehicle:

- Base price quote of replacement.
- Price quote for needed extras such as radios, plow, etc.
- Target date for replacement.
- Combined Fuel Economy and type of Fuel
- Manufacturer's expected normal lifespan of replacement.
- Expected lifespan under Wellfleet conditions.

Comparative costs for:

Ryan Curley ~~051.1513.22-~~ Delta Draft ~~beta~~ Comprehensive Financial Management Policies for the Town of Wellfleet

- Cost of leasing replacement vehicle and terms
- Cost of renting replacement vehicle and terms
- Cost and terms of subcontracting the work

Attachment 1 is a suggested paper form for capturing and reporting the required data. It, or a modified format with the same content, is to be used until a software program can be implemented:

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Asset \_\_\_\_\_ ID# \_\_\_\_\_ VIN# \_\_\_\_\_  
 -Most Recent Inspection \_\_\_\_\_ Pass (Y/N) \_\_\_\_\_ If N why? \_\_\_\_\_  
 Type \_\_\_\_\_ Condition \_\_\_\_\_ Extent of Use \_\_\_\_\_  
 Model Year \_\_\_\_\_ Purchase Date \_\_\_\_\_ Purchase Cost Base \_\_\_\_\_  
 Primary Use \_\_\_\_\_ Secondary Use \_\_\_\_\_  
 Mfg's Projected Life Span in local conditions \_\_\_\_\_ yrs. Anticipated Life Span \_\_\_\_\_ yrs.  
 Mfg's expected mpg \_\_\_\_\_ Trade in or Auction Value as of \_\_\_\_\_ \$ \_\_\_\_\_

**SERVICE RECORD**

Date	Miles, Engine Hours, Fuel Type, Fuel Used, Service Provided Downtime	Parts \$	Labor \$

**PROJECTED SERVICE** Next 12 Months (include down time & labor costs, travel time & expenses to and from the repair facility, total expected time out of service)

**REPLACEMENT INFORMATION**

Target Date for Replacement \_\_\_\_\_  
 Base Cost of Replacement \$ \_\_\_\_\_ Cost of Extras (detail) \$ \_\_\_\_\_  
 Quoted by \_\_\_\_\_ Date \_\_\_\_\_ Expected life span of replacement \_\_\_\_\_

What is the expected lease cost over a comparable time period \_\_\_\_\_  
 Does the Replacement Vehicle Meet the Town's Fuel-Efficient Vehicle Policy? Y/N  
 If no why?  
 Expected Ownership Cost per Year: \_\_\_\_\_  
 Additional Notes & Information:

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## **GE. CAPITAL IMPROVEMENT FINANCING AND DEBT MANAGEMENT**

### **Background:**

Debt management is essential to the overall financial planning of any municipality. Borrowing funds and repaying over a number of years allows the Town to finance essential projects that the town could not afford to pay from current operating dollars and also spread the cost to citizens who will be benefitting from the capital investment.

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## **GE-1 Capital Improvement Financing**

It is critical to develop policies and guidelines for the issuance, timing and tax impact of current and future debt. For those projects supported by user fees, it is important to identify the impact on user rates as a result of debt service costs.

For the purpose of these policies, the following definitions shall apply:

- General Fund Debt Service – All town debt service (non-exempt and Proposition 2 ½ exempt) excluding enterprise debt service.
- General Fund Budget – The total amount raised by the town as reported on the tax recapitulation form less the amount reported as enterprise revenue.
- General Fund Debt Service as a % of General Fund Budget – The percentage of the town’s general fund budget that is allocated to debt service for capital investment.
- Water Fund Debt Service – All town debt service for the water system capital projects.
- Water Fund Budget- The total amount of revenues reported on the tax recapitulation form for the water enterprise which is the amount required to provide for a self-supporting water system.
- Water Fund Debt Service as a % of Water Fund Budget- The percentage of the town’s water budget that is allocated to water debt service for capital investment.
- Marina Fund Debt Service – All town debt service for the Marina capital projects.
- Marina Fund Budget- The total amount of revenues reported on the tax recapitulation form for the marina enterprise which is the amount required to provide for a self-supporting marina.
- Pay As You Go Capital Projects – Capital projects that are funded with current revenues (typically tax revenue, grants or user fees) and/or reserves (typically free cash or stabilization funds)

### **Policy:**

Annually, the Town will strive to maintain 3-~~7~~<sup>1</sup> % of the operating budget, net of debt, on capital investment allocations. Funding shall be derived from a combination of property taxes and the general and capital improvement stabilization funds. Long-term debt is an appropriate funding source for certain types of projects, while short-term debt and current revenues should be used for assets with short useful lifespans. The Wellfleet capital improvement program (CIP) shall be prepared and financed in accordance with the following policies:

- Outside Funding – State, federal, or private grant funding shall be pursued and used to finance the capital budget wherever possible.
- Debt Exclusion – Large projects, typically in excess of \$1 million, shall be funded by a Proposition 2 ½ debt exclusion vote in order to collect annual revenues sufficient to pay the new debt costs and not impact funds necessary to maintain the annual town and school operating budgets.
- General Fund Debt – Smaller projects may be funded by non- exempt debt with a careful review of the timing and impact on the operating budget while also maintain~~ing~~<sup>ing</sup> the town’s investment in its capital infrastructure and equipment.

- Water Fund Debt – The Water system operates as an enterprise, and all costs (direct, indirect, and debt service) shall be covered by water revenues. Projects funded by debt shall have a careful review of the timing and impact on water rates
- General Fund Debt Service as % of General Fund Budget– The annual Debt Service requirement should not exceed 15% of the town’s general fund annual revenues (excluding enterprise funds), with a long-term target of 10%.
- Water Fund Debt Service as % of Water Fund Budget – The annual Water Fund Debt Service requirement should not exceed 20% of the town’s water fund annual revenues

Pay As You Go Local Funding – The first source of capital investment shall be free cash unless the project exceeds \$1 million. Even when a significant balance exists in this account, the Town will be cautious about the amount of funds to be used. After establishing a base of approximately \$300,000, the Town shall increase its capital investment by the same rate as regular budget growth. The Town will use modest amounts from the capital stabilization or other reserves above target levels to fund pay-as-you go capital needs in order to meet urgent needs above the 10 percent Net Capital Investment target. In the event that annual deposits into the capital stabilization fund change significantly, the Town will revisit this capital funding policy.

#### Debt-Financing/Borrowing

- The term of borrowing for a capital project shall not exceed its estimated useful life.
- The Town will attempt to maintain a long-term debt schedule such that at least 50% of its outstanding principal will be paid within 10 years to 15 years.
- The Town will strive to issue level principal debt such that debt service will decline over the term of the issue as another means to mitigate risk regarding this funding source.
- For any capital item funded by debt, the cost of borrowing, including estimated principal and interest by fiscal year shall be projected in the report.
- The strategy of utilizing “level debt service” versus “level principal and declining interest cost” shall be analyzed before borrowing is authorized.
- Refunding opportunities will be evaluated annually to consider the possibility of future interest cost savings. The Town will consider a refunding of existing bonds should present value savings equal to or exceeding 2-6% of the amount of the bonds being refunded.

#### Capital Project Closeouts

The Town will endeavor to close out all capital projects within six months of completion or discontinuation. When closing out any project with a residual balance, the Chief Financial Officer will work with the Treasurer/Collector to do one of the following:

- If the project was funded by available revenue (tax levy or reserves), reallocate the balance to another capital project(s) or close it to the appropriate fund surplus.
- If the project was bond-funded and has a balance under \$50,000, propose that the Select Board apply the balance to debt service.
- If the project was bond-funded and has a balance over \$50,000, propose that the Select Board apply the balance to another capital project(s) for which the Town may borrow for an equal or greater term than the originally issued loan.



**References:**

*Wellfleet Capital Improvement Plan*

*Benchmarking and Measuring Debt Capacity*, Government Finance Officers Association

[M.G.L. c. 44, § 20](#)

[M.G.L. c. 44, § 33B](#)

Division of Local Services (DLS) Best Practices: [Presenting and Funding Major Capital Projects](#) and [Special Purpose Stabilization Funds](#)

DLS Financial Management Guidance: [Capital Improvement Planning Manual](#) and [Capital Improvement Planning Guide – Developing a Comprehensive Community Program](#)

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## GE-2 Debt Management

### **PURPOSE**

~~To provide for the appropriate issuance and responsible use of debt, this policy defines the parameters and provisions governing debt management.~~ his policy defines the parameters and provisions governing debt management to provide for the appropriate issuance and responsible use of debt. Policy adherence will help the Town ~~to responsibly address capital needs, provide flexibility in current and future operating budgets, control borrowing, sustain capital investment capacity, and maintain or enhance the Town's bond rating so as~~ responsibly address capital needs, provide flexibility in current and future operating budgets, control borrowing, sustain capital investment capacity, and maintain or enhance the Town's bond rating to achieve long-term interest savings.

### **APPLICABILITY**

This policy applies to the budget decision-making duties of the Select Board, Town Administrator, Finance Committee, and Water Commission. Further, it applies to the Treasurer/Collector's debt management responsibilities and Chief Financial Officer's budget analysis and reporting duties.

### **POLICY**

Under the requirements of federal and state laws, the Town may periodically issue debt obligations to finance the construction, reconstruction, or acquisition of infrastructure and other assets or to refinance existing debt. The Town will issue and manage debt obligations in such a manner as to obtain the best long-term financial advantage and will limit the amount of debt to minimize the impact on taxpayers. Debt obligations, which include general obligation bonds, revenue bonds, bond anticipation notes, lease/purchase agreements, and any other debt obligations permitted to be issued under Massachusetts law, will only be issued to construct, reconstruct, or purchase capital assets that cannot be acquired with current revenues.

#### **A. Debt Financing**

In financing with debt, the Town will:

1. Issue long-term debt only for purposes ~~that are~~ authorized by state law and qualify for tax exempt bonds and only when the financing sources have been ~~clearly~~ identified.
2. Use available funds to the greatest extent possible to reduce ~~the amount of~~ borrowing on all debt-financed projects.
3. Confine long-term borrowing to capital improvements and projects that cost at least [\$100,000] and that have at least [10] years of useful life or whose useful lifespans will be prolonged by at least 10 years.
4. Refrain from using debt to fund any recurring purpose, such as cyclical vehicle replacements, and current operating and maintenance expenditures.
5. Consider using revenue bonds, special assessment bonds, or other types of self-supporting bonds instead of general obligation bonds whenever possible.
6. Set user fees to cover capital costs for the water and golf operations to the extent practicable.

## B. Debt Limits

The Town will adhere to these debt parameters:

1. Total debt service, including debt exclusions and any self-supporting debt, shall be limited to [10] percent of general fund revenues, with a target balance of [five to seven] percent.
2. As dictated by state statute, the Town's debt limit shall be five percent of its most recent equalized valuation.

## C. Structure and Terms of Debt

The following shall be the Town's guidelines on the structure and terms of all debt:

1. The Town will attempt to maintain a long-term debt schedule such that at least [50] percent of outstanding principal will be paid within 10 years.
2. The term of any debt shall not exceed the expected useful life of the capital asset being financed and in no case shall it exceed the maximum allowed by law.
3. The Town will limit bond maturities to no more than [10] years, except for major buildings, land acquisitions, and other purposes in accordance with the useful life borrowing limit guidelines published by the Division of Local Services (DLS).

## D. Debt Issued through the Bond Market

In addition to all the provisions detailed in the policy thus far, the Town will also adhere to the following provisions if it obtains debt funding through the issuance of bonds.

1. Any vote to authorize borrowing by bond issuance will include an authorization to reduce the amount of the borrowing by the amount of the net premium and accrued interest.
2. The Town will work closely with its financial advisor to follow federal regulations and set time frames for spending borrowed funds to avoid committing arbitrage, paying rebates, fines and penalties to the federal government, and jeopardizing any debt issuance's taxexempt status.
3. To achieve potential debt service savings on long-term, tax-exempt debt through bond refunding the Town will:
  - a) Issue debt with optional call dates no later than 10 years from issue.
  - b) Analyze potential refunding opportunities on outstanding debt as interest rates change.
  - c) Use any net premium and accrued interest to reduce the amount of the refunding.
  - d) Work with the Town's financial advisor to determine the optimal time and structure for bond refunding.
4. To obtain and maintain a favorable bond rating, the Town will:
  - a) Maintain good communications with bond rating agencies, bond counsel, banks, financial advisors, and others involved in debt issuance and management.
  - b) Follow a policy of full disclosure on every financial report and bond prospectus, including data on total outstanding debt per capita, as a percentage of per capita personal income, and as a percentage of total assessed property value.

- c) Strive to implement and maintain strong management practices and debt ratios favored by rating agencies.

E. Reporting

1. The Treasurer/Collector will report to the Select Board and Town Administrator on the Town's debt status by [September 30] each year.
2. The Chief Financial Officer will include an indebtedness summary as part of a report on receipts and expenditures in Wellfleet's Annual Town Report.
3. The Chief Financial Officer, with the Town's financial advisor, will file the annual audit and official disclosure statement within 270 days of the end of the fiscal year (March 31).

**REFERENCES**

[M.G.L. c. 41, § 59](#)

[M.G.L. c. 41, § 61](#)

[M.G.L. c. 44, § 4](#)

[M.G.L. c. 44, § 6](#)

[M.G.L. c. 44, § 6A](#)

[M.G.L. c. 44, § 7](#)

[M.G.L. c. 44, § 8](#)

[M.G.L. c. 44, § 17](#)

[M.G.L. c. 44, § 19](#)

[M.G.L. c. 44, § 20](#)

[M.G.L. c. 44, § 21A](#)

[26 USC § 148](#)

DLS Best Practice: [Understanding Municipal Debt](#)

DLS Borrowing Guidelines: [Asset Useful Life - Borrowing Limits](#)

DLS Informational Guideline Releases 17-21: [Borrowing](#) and 17-22: [Premiums and Surplus Proceeds for Proposition 2½ Excluded Debt](#)

Government Finance Officers Association Best Practice: [Refunding Municipal Bonds](#)

Internal Revenue Service Guidance: [Arbitrage Guidance for Tax-Exempt Bonds](#)

## **HF. GRANTS MANAGEMENT POLICIES**

### **Background:**

DLS recommends analyzing the current and future impact of grants on the operating budget, capital improvement program, and debt management.

The Government Finance Officers Association recommends that governments establish processes to promote awareness throughout the government that grants normally come with significant requirements.

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## HF-1 Grant Administration

### Policy:

The Town shall ensure that grants are efficiently and appropriately managed by the respective Boards/Commissions/Committee/Departments ~~that~~ receive the grant. Prior to acceptance of a grant award, the Town shall consider any specialized requirement(s) that apply to the general operations of the grant, specific compliance rules, monitoring of other parties (e.g., sub-grantees) that may receive resources from the grant, specialized reporting requirements, and any long term commitments required by the grant, such as the requirement - either as a condition of the grant itself or politically - to financially maintain a program or asset after the expiration of the grant, among other considerations. Effective grant management helps promote the pursuit of grants that are in the Town's best interest and assure ~~the~~ timely reimbursements to optimize cash flow, and ~~to guard~~ against year-end account deficits. As a legal contract, every grant agreement must be fulfilled in accordance with its prescribed terms and conditions, as well as applicable federal, state, and local regulations. Failure in this regard exposes the Town to legal and financial liabilities and compromises future grant funding.

No department shall expend grant funds, until after a fully executed agreement has been accepted and approved for expenditure by the Selectboard (or the School Committee, when applicable). Further, no grant funds shall be used to supplant an existing expense for the purpose of diverting current funds to another use.

The Town Accountant is responsible for consulting with departments on grant budgetary matters, accounting for grants in the general ledger, monitoring grant expenditures in excess of revenues and distributing monthly reports of grant expenditures to departments. The Town Accountant will also maintain a database of all grants and grant activity from inception to closure. The Boards/Commissions/Committee/Departments is responsible ~~to ensure~~for ensuring consistency with award requirements and tracking the timeliness of reimbursement requests.

**HF-2 Grant Impacts on Operating Budget**

**Policy:**

When positions are funded by grants, the current and future impact on the operating budget shall be analyzed. When allowable, the cost for providing benefits, such as health insurance, should be included in the grant budget to cover the Town's cost for providing that benefit.

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### **HF-3 Grant Impacts on Capital Improvement Program**

**Policy:**

When grants are accepted for capital purposes, the Town shall include in its capital improvement program any share of costs associated with the grant and project the Town's share of debt service in its debt management plan. Any future increase or decrease in operating costs associated with the grant should be identified in the Town's revenue /expenditure forecast.

**References:**

*Administering Grants Effectively*, Government Finance Officers Association Best Practice, May 2013.

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#### H-4 Grant Matching Reserve Funds

**Background:**

Many grant opportunities are within narrow windows of time and often require some form of grant matches on the part of the town. These grant opportunities offer a means for the town to provide improvements in either service available to the townspeople or for reductions in long-term costs. These grant opportunities often do not align with Town Meeting.

**Policy:**

The town shall establish a general grant matching fund that may be utilized for grant matches up to \$50,000 with a vote from both the Selectboard and the Finance Committee. This fund shall be maintained with at an annual level of \$50,000.

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## **IG. POLICIES REGARDING ESTABLISHMENT OF FEES**

### **IG-1 Fees and Charges**

#### **Background:**

The Government Finance Officers Association recommends that when certain services provided especially benefit a particular group, governments should consider charges and fees on the service recipients. Well-designed charges and fees not only reduce the need for additional revenue sources, ~~but and~~ promote service efficiency. ~~Regular~~ A regular and consistent review of all fees is necessary to ensure the costs associated with the delivery of specific services have been appropriately identified and that a municipality is collecting reasonable charges. Fees make up a portion of local receipts.

The Division of Local Services recommends communities adopt written policies for setting charges and fees. A policy should identify what factors are to be taken into account when pricing services. It should also state whether the community intends to recover the full cost of providing the service or benefit and under what circumstances a charge or fee is set at less than full recovery (e.g., debt exclusion or other subsidy). Such a policy and the fee structure should be reviewed periodically to ensure they remain current, and both should be communicated with the public clearly and openly.

#### **Policy:**

Town fees and charges shall be reviewed periodically in relation to the cost of providing the service. The Town will compare rates with nearby communities to determine if the fees established are competitive. The Town may decide against full cost recovery where greater public benefit is demonstrated. Exceptions to full recovery costs include cases where: the fee maximums are established by the General Laws of Massachusetts (MGL) or where a policy decision has been made otherwise.

#### **References:**

*M.G.L. c.140*

*Emerson College v. Boston, 391 Mass. 415 (1984).*

*Costing Municipal Services: Workbook and Case Study, MA DOR Division of Local Services' workbook.*

*Establishing Government Charges and Fees, Government Finance Officers Association Best Practice, February 2014*

*Division of Local Services, A Guide to Financial Management for Town Officials, p. 20-21.*

*Wellfleet Use of Town Property Fee Schedule, 2021*

## **JH. USE OF ONE TIME REVENUE OR NEW REVENUES**

### **JH-1 Use of One Time Revenue & First Year Receipts of Unencumbered Revenue Source**

#### **Background:**

The Government Finance Officers Association recommends that communities develop guidance on the use of one-time revenues to minimize services disruptions due to the non-recurrence of these sources.

The first year of a new source of revenue cannot be accounted for in that year's fiscal budget. New sources of revenue are rare. Depending on the enacting legislation, there may be encumbrances.

The Division of Local Services states that funding operations with one-time revenues, without identifying future available offsets, effectively postpones difficult decisions necessary to achieve a structurally sound, sustainable spending plan. One-time revenue is usually defined as nonrecurring revenue.

#### **Policy:**

The Town shall reduce its use of free cash for the operating budget by at least \$50,000 each year until it ceases using one-time revenue sources for recurring costs in the annual Town operating budget. One-time revenues or the first year of an unencumbered revenue source shall be appropriated to reserve funds, used to fund one-time budget or capital costs, housing support, OPEB, and/or address unfunded liabilities. Encumbered revenues shall be accounted for and used solely on allowable uses. Community and Affordable housing is identified as priority use.

## **K1. UNFUNDED LIABILITIES**

### **Background:**

Defined as “the actuarial calculation of the value of future benefits payable less the net assets of the fund at a given balance date”, unfunded liabilities represent a significant financial obligation for all levels of government across the country. In Wellfleet and other Massachusetts municipalities, the two primary unfunded liabilities are for Pensions and Other Post-Employment Benefits (OPEB).

### **K1-1 Pensions/Retirement**

#### **Background:**

The Contributory Retirement System is a defined benefit program that is governed by Massachusetts General Laws, Ch.32 and is regulated by the Public Employee Retirement Administration Commission (PERAC), a state entity responsible for the oversight, guidance, monitoring, and regulation of Massachusetts' 105 public pension systems. Funding for this system covers the costs of employees who are part of the Town's retirement system, this does not include teachers, as their pensions are funded by the State. The Town of Wellfleet is a member of the Barnstable County Retirement System and pays an annual pension assessment to the County.

#### **Policy:**

In accordance with state law, PERAC regulations and government accounting standards, the Town shall continue to fund this liability in the most fiscally prudent manner, recognizing the fact that the adoption of a funding schedule is, by law, the responsibility of the County retirement board.

#### **References:**

*M.G.L. c.32*

## KI-2 Other Post- Employment Benefits (OPEB)

### **Background:**

OPEB consists primarily of the costs associated with providing health insurance for retirees and their spouses. The Government Accounting Standards Board (GASB) issued Statements No. 43 and No. 45 in 2004 to address the OPEB issue. GASB 43 required the accrual of liabilities of OPEB generally over the working career of plan members rather than the recognition of pay-as-you-go contributions, while GASB 45 required the accrual of the OPEB expense over the same period of time. The reporting requirements of GASB 43 and 45 include disclosures and schedules providing actuarially determined values related to the funded status of OPEB. This requires that the accrued liabilities be determined by a qualified actuary using acceptable actuarial methods.

### **Policy:**

While there is currently no legal requirement to fund OPEB, the Town recognizes the importance and financial advantage of initiating early and regular funding for these long-term obligations. The Town will endeavor to appropriate ~~a sum not less than the net annual increase in OPEB liabilities, or \$20150,000~~ or more per year, ~~whichever is greater~~ into the irrevocable trust established under MGL c. 32B, §20 until such a time that OPEB obligations are fully funded.

The annual budget shall list the current outstanding OPEB liabilities, the net annual increase in OPEB liabilities, the annual contribution to the fund, the current balance of the fund, any investment returns accrued to the fund and an estimated date to fully fund the OPEB trust fund.

This policy encompasses OPEB-related budget decisions, accounting, financial reporting, and investment. It applies to the Selectboard and the Finance Committee in their budget ~~decision~~-making duties, and it also applies to the OPEB-related job duties of the Treasurer and Town Accountant. Careful consideration shall be given to identifying the investment vehicle that offers the best rate of return in the safest possible environment.

### OPEB Funding Strategies

To address the OPEB liability, decision makers will annually analyze a variety of funding strategies and subsequently implement them as appropriate ~~with the intention of fully funding to fully fund~~ the obligation. The Town will derive funding for the OPEB trust fund from taxation, free cash, and any other legal form. Achieving full funding of the liability requires the Town to commit to funding its annual required contribution (ARC) each year, which is calculated based on actuarial projections. Among strategies to consider for funding the ARC:

- Transfer unexpended funds from insurance line items to the OPEB trust fund.
- Appropriate amounts equal to the Town's Medicare Part D reimbursements.
- Determine and commit to appropriating an annual portion of free cash.
- Appropriate an annually increasing percentage of yearly revenues.
- One time sources of revenue may be used to contribute to OPEB

- Once the pension system is fully funded, on a subsequent annual basis, appropriate to the OPEB trust fund the amount equivalent to the former pension-funding payment or the ARC, whichever is less.

**References:**

*MGL c. 32B, §20*

*Statement No. 43, Reporting for Postemployment Benefit Plans Other Than Pension Plans, Governmental Accounting Standards Board, April 2004.*

*Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions, Governmental Accounting Standards Board, June 2004.*

*GASB Statements 43 and 45 on Other Postemployment Benefits, Governmental Accounting Standards Board.*

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## U. RISK MANAGEMENT POLICIES

### U-1 Risk Management Program

#### **Background:**

In recognition that ~~during daily operations, a municipality is constantly exposed to potential impact of property loss, personal injury, and liability~~ a municipality is continuously exposed to the potential impact of property loss, personal injury, and liability during daily operations, the Government Financial Officers Association recommends that governments develop a comprehensive risk management program that identifies, reduces or minimizes risk to its property, interests, and employees. Costs and consequences of harmful or damaging incidents arising from those risks should be contained. As a coastal town, Wellfleet will be bearing significant risks relative to climate change. Critical infrastructure is at risk, coastal erosion is accelerating along with sea level rise, the Gulf of Maine is one of the ~~fastest fastest-~~ warming water bodies globally and ocean acidification presents a real long-term risk to Wellfleet's shellfish industry.

#### **Policy:**

The Town's insurance programs shall be aimed at covering the potential impact of the types of property loss, personal injury, and liability the Town is exposed to on a regular basis.

The Town shall develop and maintain a risk management program to protect the Town against the financial consequences of accidental loss of property, liability, fraud and personal injury to the extent possible through effective prevention and loss control policies and practices.

The risks posed by climate change shall be incorporated into Wellfleet's risk management programs. These risks shall include but not be limited to the findings of the most current Municipal Vulnerabilities Plan.

#### **References:**

*Creating a Comprehensive Risk Management Program*, Government Finance Officers Association Best Practice, March 2009.

*Municipal vulnerability preparedness documents*. Wellfleet MA. (n.d.). Retrieved April 2, 2022, from <https://www.wellfleet-ma.gov/healthconservation-department/news/municipal-vulnerability-preparedness-documents>

## **MK. ACCOUNTING/AUDITING/FINANCIAL REPORTING POLICIES**

### **MK-1 Annual Audit**

#### **Background:**

The objective of an audit is to obtain independent assurance that a community's year-end financial statements are reliable, accurate, and complete. An audit also helps to ensure that financial checks and balances are in place to protect public assets. Consequently, it can be a powerful tool by which a community can build taxpayer confidence in government operations.

The Government Finance Officers Association (GFOA) & MA DLS recommends that communities engage the same auditor by entering into multiyear agreements, or a series of one-year contracts, for a term of at least five years. A multiyear agreement allows for greater continuity and enables a new auditor to spread initial start-up costs over multiple years, potentially reducing costs in the initial years.

However, after this term, the GFOA & MA DLS recommends a full, competitive selection process and a rotation of auditors after each multiyear agreement, provided there is adequate competition among qualified auditors. Contracting with a new audit firm not only brings a fresh perspective, but it also reflects good practice.

Where competition is limited, participation of the current auditors is acceptable, assuming their past performance has been satisfactory and conformed to industry standards. In the event the Town chooses to remain with an audit firm, it is advisable to rotate the audit manager on a regular basis.

#### **Policy:**

The Town will utilize accounting practices that best conform to generally accepted accounting principles (GAAP) as set forth by the Governmental Accounting Standards Board (GASB).

~~The Town shall have an independent outside audit performed by a certified public accountant each year.~~ Each year, the Town shall have an independent outside audit performed by a certified public accountant. The Selectboard shall provide for such an audit by an accountant or a firm of accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the Town government direct or indirect personal interests in the Town government's fiscal affairs or of any of its officers or employees. The Town will require ~~that each year,~~ a Management Letter be provided as part of the independent public accounting firm as a companion document to the annual audit each year. The Town will ~~either~~ re-advertise for auditing services every ~~five-three~~ years and ensure that there is a regular rotation of audit managers within a particular firm if it elects to stay with a given audit firm. The Town will strive to ~~have the annual audit completed~~ complete the annual audit by the end of November. The Audit and Mmanagement Letter will be made available to the Selectboard, the Finance Committee and the public at large.

#### **References:**

*Wellfleet Town Charter: Ch 7 s7: Annual Audit*

Ryan Curley ~~051.1513.22-Delta Draft~~ beta Comprehensive Financial Management Policies for the Town of Wellfleet



*Annual Audits, MA DOR Division of Local Services Best Practice.*

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## **MK-23 Monthly Reporting**

### **Background:**

Monthly reporting helps a community to determine whether sufficient funds are available to cover current obligations, any surplus can be invested, or shortfall exists requiring temporary borrowing. It enables the Town to take prompt management action if fiscal problems are indicated or adjust spending behavior to meet financial challenges.

### **Policy:**

The Accounting Department shall produce and distribute to Department heads monthly budget-to-actual reports. If financial problems are indicated, the Accountant will review with the Town Administrator a monthly report of revenues and expenditures at the line item level. The monthly budget to actual reports shall also be provided to the Selectboard and the Finance Committee.

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## **MK-34 Cash Collections**

### **Background:**

One of a government's functions is to collect taxes and other revenues. The process involves many actors including the Treasurer/Collector's office, accounting office, legal counsel, tax assessor, other departments or agencies, other governments at the state and/or local level, commercial banks, and private collection agencies.

### **Policy:**

The Town shall collect all revenue using fair and consistent methods, exercising all powers provided to it under law.

On or before September 1<sup>st</sup>, the Town shall commence tax title proceedings against all properties that owe property taxes to the Town.

The Treasurer/Collector shall establish and maintain reliable record keeping systems and enforce a timely collections process. All amounts committed must be supported with a warrant and a detailed listing of all amounts due. All monies received should be turned over to the Treasurer/Collector's office at least weekly so they may be deposited in the bank in a timely manner.

The Treasurer/Collector shall aggressively pursue the collection of delinquent accounts and with assistance from the Deputy Collector and other Town officials, to pursue the collection of outstanding real estate taxes, personal property taxes, excise taxes, and fines. The execution of a systematic and deliberate program to collect taxes owed is intended ~~not only to capture revenue, but also to capture revenue and~~ establish a clear policy that tax delinquents will be aggressively pursued. The Treasurer/Collector shall execute in a timely manner collection remedies such as issuance of demands immediately after bills become past due and initiate tax taking shortly afterwards to increase the rate of collection of municipal monies, thereby assisting in the financial stability of the Town.

### **References:**

*Wellfleet General Bylaws, Article III Town Affairs, s11 & s13*

*Wellfleet General By-Laws, Tax Title Payment Plans*

*Revenue Collection, Government Finance Officers Association Best Practice.*

## **K-5 Reconciling Cash and Receivables**

### **Background:**

Two of the largest assets for a community are cash and receivables. Information pertaining to these is kept by the Treasurer/Collector, and the Accountant. A Treasurer is the custodian of the community's revenues, tax titles, and tax possessions, while a Collector keeps listings of outstanding receivables due to the community, and an Accountant is responsible for maintaining the accounting records. Prompt and frequent reconciliations between these offices are essential in order to maintain control and ensure checks and balances are in place.

### **Policy:**

Within thirty days after the end of each month, the Treasurer/Collector shall internally reconcile the cashbook to all bank statements, and the Treasurer/Collector shall internally reconcile all receivable balances with the receivable control. The results of these activities shall be forwarded to the Accountant's office and compared to the general ledger records. If differences are determined, the Treasurer/Collector and Accountant shall reconcile the variances (e.g., missing information, errors, and timing differences).

The Town shall reconcile revenues and expenditures for each fiscal year within one to two months of the end of the fiscal year.

### **References:**

Treasurer's Manual 2009 and Collector's Manual 2008: *Massachusetts Collectors & Treasurers Association*

*Reconciling Cash and Receivables*, MA DOR Division of Local Services Best Practice February 2016

## **MK-46 Cash Flow Forecasting and Budgeting**

### **Background:**

The purpose of cash flow forecasting is to determine whether sufficient funds are available to cover current obligations, any surplus can be invested, or if any cash shortfall exists which may require temporary borrowing.

The Division of Local Services recommends maintaining a cash flow budget to forecast investment opportunities or borrowing needs. Major revenue sources like property taxes and state aid are generally received in large, lump sums at specific points in the fiscal year and do not necessarily coincide with expense patterns, which ~~often can~~ results in cash surpluses or shortfalls during certain periods of the year.

The Government Finance Officers Association also recommends cash flow forecasting as a best practice. When used as a cash management guide, it can lead to the optimized use of funds ~~as well as it~~ and ensure sufficient liquidity.

### **Policy:**

The Treasurer/Collector will develop a cash flow forecast for the upcoming fiscal year after approval of the annual budget and before July 1 each year. This shall be provided by the Town Administrator to the Selectboard and Finance Committee.

### **References:**

*Cash Flow Forecast in Treasury Operations*, Government Finance Officers Association Best Practice, February 2011.

## MK-52 Comprehensive Annual Financial Report

### **Background:**

A Comprehensive Annual Financial Report (CAFR) is a set of Government financial statements comprising the financial report of the municipal entity that complies with the accounting requirements promulgated by the General Accounting Standards Board (GASB). GASB provides standards for the content of a CAFR in its annual updated publication *Codification of Government Accounting and Financial Reporting Standards*. A CAFR is compiled by the municipal accounting staff and audited by an external Certified Public Accounting firm utilizing GASB requirements. It is comprised of three sections: Introductory, Financial, and Statistical. It combines the financial information of fund accounting and Enterprise Authorities accounting.

### **Policy:**

The Town shall work towards the preparation of a Comprehensive Annual Financial Report (CAFR) that meets the criteria established by the GFOA's Certificate of Achievement in Financial Reporting Program. This program encourages the preparation of a comprehensive report that goes beyond the annual audit report and presents information that enhances government transparency and disclosure.

## MK-67 Reconciliations

### **Background:**

Reconciliations are an essential tool to identify errors or issues in a timely fashion. In order for them to be effective, they must be done on a regular and timely basis. To ensure transactions are in balance, mitigate fraud, safeguard general ledger accuracy, and maximize certifications of free cash, financial officers must conduct regular reconciliations of their accounting records, and these must be reconciled to the general ledger. Although each financial officer is responsible for maintaining independent records of his or her office's transactions, they are also collectively accountable for the overall accuracy of Wellfleet's financial records.

### **Policy:**

Town Treasurer in concert with the Collector, and other financial staff, perform monthly reconciliations of all funds under their purview. Corrections shall be documented and made in a timely fashion. Significant ~~discrepancies that are unresolved~~ unresolved discrepancies shall be brought to the attention of the Town Administrator, the Finance Committee, and the Selectboard immediately, along with a plan to resolve them. Causes shall be identified, documented, and remedial actions shall be undertaken to prevent such discrepancies in the future.

## MK-7A Cashbook Reconciliation

### **Policy:**

To ensure an accurate accounting of all revenue activity, the Treasurer/Collector will maintain a cashbook that reflects up-to-date and accurate information for all cash and assets. To do so, the Treasurer/Collector will make certain that all cash receipts, disbursements, transfers, and interest are recorded in the cashbook within [two business days] of each transaction and will reconcile cashbook accounts to their corresponding bank accounts within [five days] of receiving bank statements. These will include zero-balance vendor and payroll bank accounts, whose balances must equal the outstanding checks at the end of any month.

The Treasurer/Collector will identify all reconciling items, including deposits in transit, bounced and voided checks, and discrepancies between the cashbook and financial institutions, and will correct them when appropriate. The Treasurer/Collector will then forward the reconciled cashbook balances in an Excel report to the Chief Financial Officer and, when needed, an additional Schedule of Receipts for any adjustments made.

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## MK-7B Payroll Withholdings Reconciliation

### **Policy:**

Payroll withholdings include federal and state taxes, child support and other wage assignments for legal obligations, deferred compensation, optional insurances, association dues, and other employer-sponsored options, which are all itemized in separate general ledger accounts. At the conclusion of each pay cycle, the Treasurer/Collector forwards a summary report of employee and employer withholdings to the Chief Financial Officer to be recorded in the general ledger.

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## MK-7C Accounts Receivable Reconciliation

### Policy:

Accounts receivable are outstanding monies owed to the Town, whether from committed bills (i.e., taxes, excises, water charges) or from uncommitted department invoices (e.g., police details). To ensure these assets are accounted for and balanced, the Treasurer/Collector and any department head with accounts receivable duties (each referred to here as “record-keeper”) will make certain that all cash receipts are recorded timely, maintain a control record for each receivable type and levy year, and verify the detail balance agrees with the receivable control. The receivable control is a record of original entry in which the record-keeper reduces a commitment according to collections, abatements, and exemptions and increases it by refunds issued. To maintain accuracy, the record-keeper must review the detailed list of receivables, identify credit balances as prepaid amounts or investigate them for possible correction, and reconcile the control balance to the detail. Whenever these records do not agree, the record-keeper must determine the discrepancy by:

- Verifying the various transactions (commitments, abatements, refunds, chargebacks) against their supporting documents.
- Comparing the total amount of posted payments to the turnovers accepted by the Treasurer/Collector
- Determining whether any revenues were incorrectly recorded as payments to the commitment, such as interest and fees.

The record-keeper will forward a copy of the internally reconciled accounts receivable balances to the Chief Financial Officer. For the Treasurer/Collector, this is the Schedule of Outstanding Receivables.

## MK-7D Special Revenue Reconciliation

### **Policy:**

Governed by various state statutes, special revenue funds are specific revenues segregated from the general fund and earmarked for specific purposes. They include gifts and grants from governmental entities, individuals, and organizations; revolving funds; and receipts reserved for appropriation. To ensure these funds are balanced, department heads with responsibility for special revenue funds will verify that all revenues turned over to the Treasurer/Collector, expenditures authorized for payment by the Chief Financial Officer, and properly authorized transfers are recorded for the period. These department heads will subsequently provide the Chief Financial Officer with quarterly reconciliation reports on the funds.

## **MK-7E General Ledger Reconciliation**

### **Policy:**

To ~~achieve the core objective of maintaining~~ **maintain** the general ledger's integrity, the Chief **F**inancial Officer must regularly reconcile it with the separately maintained accounting records outlined in Sections A – D above. In addition, it is the Chief **F**inancial Officer's responsibility to review all accounts analytically from time to time for reasonableness and to identify unusual activity.

The general ledger's cash accounts should reflect only those transactions reported to the Chief **F**inancial Officer by the Treasurer/Collector, so that in theory, the general ledger should be in balance with the cashbook. However, errors may occur due to omitting transfers or transactions or applying them in the wrong amounts or to the wrong accounts. ~~Whenever. Therefore, whenever~~ the Chief **F**inancial Officer identifies a discrepancy between the general ledger and the cashbook, the following steps must be taken in conjunction with the Treasurer/Collector to determine the cause:

- If the total amount of revenue reported in the cashbook does not agree with the amount recorded in the ledger for that month, the Treasurer/Collector must verify that the monthly Treasurer/Collector's Schedule of Receipts agrees by detailed amount and classification with the cashbook and correct any errors.
- Compare the total amount of warrants paid during the month as recorded in the cashbook with the total recorded in the ledger for the same period. The last warrant paid must be the last one recorded; otherwise, a timing problem will create a discrepancy.
- If the records still do not agree, the Treasurer/Collector and Chief financial Officer must trace each entry to the ledger until the variance is determined.

All receivable records must also be reconciled to the Chief **F**inancial Officer's general ledger. If a given receivable control has been internally reconciled, any discrepancy must be in the general ledger, so the Chief financial Officer must:

- Review the commitments, charges, payments, abatements, refunds, reclassifications, and adjustments in the general ledger, as appropriate for the particular control.
- Verify whether receipts are recorded to the correct type and levy year.
- Verify the dates that activities were recorded.

The Chief **F**inancial Officer's receivable accounts in the general ledger should reflect the transactions provided by each particular record-keeper. Therefore, the above steps must resolve any discrepancies between the receivable control and the ledger. If they do not, the record-keeper and Chief financial Officer must trace each ledger entry until they determine the reason for variance.

The Chief **F**inancial Officer will verify that all special revenue fund reconciliations match the general ledger. The responsible department head and Chief financial Officer must research any discrepancy and correct the record(s) as appropriate.

## K-7F Time frames and Documentation

### Policy:

Employees subject to this policy will complete reconciliations of their internal accounting records early each month so that subsequent reconciliations to the general ledger take place no later than [the 15th] of the month following the one being reconciled. At each quarter-ending month, the Chief Financial Officer will extend the cash reconciliation process to individually reconcile every general ledger account that directly corresponds to a specific bank account (e.g., stabilization funds, trust funds, guarantee bond deposits).

Each general ledger reconciliation will be documented by a worksheet cosigned by the two parties. If, at that time, any variance has not yet been fully resolved, this must be noted, along with a work plan and timetable for resolution. The Chief Financial Officer will submit the collective set of reconciliation worksheets to the Town Administrator at each month's end.

## **MK-7G Audit of Reconciliations**

### **Policy:**

All reconciliation activities are subject to audit by Wellfleet's independent auditor.

### **References:**

*Treasurer's Manual*, Massachusetts Collectors and Treasures Association, 2017

*DLS Best Practice: Reconciling Cash and Receivables*

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## **NL. PROCUREMENT AND PURCHASING POLICIES**

### **NL-1 Procurement and Purchasing Policy**

#### **Background:**

The Commonwealth of Massachusetts establishes municipal purchasing regulations under M.G.L. Chapter 30B, and other related regulations. The State Inspector General's office has oversight of public purchasing laws and has published a comprehensive guide to Chapter 30B requirements.

#### **Policy:**

The Town shall follow the guidance contained in the Inspector General's "The Chapter 30B Manual: Procuring Supplies, Services, and Real Property" in order to comply with the requirements of M.G.L. Ch. 30B. To supplement this guidance, the Town's Chief Procurement Officer will maintain a concise manual on purchasing procedures for department heads or others involved in Town purchasing or procurement.

#### **References:**

*Wellfleet Town Charter Chapter V Town Administrator*

*Conducting Best Value Procurements, Operational Services Division, Sept 2021*

*MGL Ch. 30B Uniform Procurement Act*

## **OM. TREASURER INVESTMENT POLICIES**

### **OM-1 Investment Policies – General Fund, Stabilization Fund, OPEB Trust Fund, Other Town Funds**

#### **Background:**

A local government's investment policy establishes guidelines and responsibilities in accordance with state law for managing and investing municipal funds.

The Governmental Accounting Standards Board recommends the disclosure of key policies affecting cash deposits and other long-term investments to ensure they are managed prudently or are not subject to extraordinary risks.

When assessing municipalities for credit quality, rating agencies look for investment management policies that address selection of financial institutions for services and transactions, risk assessment, investment objectives, investment maturities and volatility, portfolio diversification, safekeeping and custody, and investment performance reporting, benchmarking, and disclosure.

#### **Policy:**

The Treasurer-Collector is responsible for developing and maintain the policies for investing Town funds and will make all decisions regarding their management. The Treasurer/Collector shall invest Town funds in a manner that meets daily operating cash flow requirements and conforms to state statutes governing public funds, while adhering to generally accepted diversification, collateralization, and the prudent investment principles of safety, liquidity and yield. The Treasurer/Collector will also regularly monitor statutory changes governing investments and offer any policy amendments. The Treasurer Collector will submit a report of investments ~~on a regular basis~~ regularly to the Town Administrator.

### **AUTHORIZED AND SUITABLE INVESTMENTS**

#### **SELECTION CRITERIA FOR BANKS AND BROKERS/DEALERS**

A bank on the list of qualified banks for investment and banking services must meet minimum criteria, ~~which are~~ defined below. Banks failing to meet the minimum criteria or which, in the judgment of the Treasurer fail to offer adequate safety to the Town, will be removed from the qualified list. Although a bank is on the qualified list, it will still be required to pledge collateral on all deposits and investments, pursuant to Town and State Law.

- (1) Capital adequacy;
- (2) Asset quality;
- (3) Management; (4) Earnings, and;
- (5) Liquidity.

#### **OTHER POST EMPLOYMENT BENEFITS TRUST FUNDS**

Ryan Curley 051.1513.22- ~~Delta Draft~~beta Comprehensive Financial Management Policies for the Town of Wellfleet



Massachusetts General Laws, Chapter 32B, Section 20 allows a city, town, district, county or municipal light plant to setup a special trust fund known as the Other Post Employments Benefits (OPEB) Liability Trust fund. Wellfleet accepted this section by vote of the Town under Article 15 of the 2009 Annual Town Meeting and has established and funded an OPEB Liability Trust fund. The Town Treasurer is the custodian of the fund. ~~Investment of fund monies by the custodian~~The custodian's investment of fund monies shall be consistent with the prudent person standard set forth in Massachusetts General Laws, Chapter 203C for private trust funds. Income earned by the fund shall be added to the fund principal.

**References:**

*M.G.L. Ch. 40, §5; M.G.L. Ch. 44, §54, §55A, §55B; and M.G.L. c. 44B, §7*

*Wellfleet Investment Policy Statement for General Funds, Special Revenue Funds, Enterprise Funds, and Capital Projects Funds 2017*

*Wellfleet OPEB Trust Investment Policy Statement 2017*

*Deposit and Investment Risk Disclosures, Governmental Accounting Standards Board Statement No. 40, as amended by Statement No. 3, March 2003.*

*Creating an Investment Policy, Government Finance Officers Association Best Practice, October 2010.*

*Financial Management Assessment, Standard and Poor's, June 2006.*

## OM-1A Authorized and Suitable Investments

### Policy:

The following are authorized and suitable investments, amendments to these investment types may be made at the request of the Chief Financial Officer or the Treasurer:

1. The Town is empowered by statute to invest in the following types of securities:
2. United State Treasury Bills. Short-term obligations of the United State government issued and sold at a discount, with maturities of 13, 26, and 52 weeks.
3. United State Treasury Notes and Bonds. Obligations of the United State government issued with a fixed coupon rate and original maturities of one year.
4. Repurchase Agreements. Contractual agreements between the Town and brokerage firms, banks or government bond dealers. The repurchase agreement (Repo) issuer receives cash and, in turn, provides securities to the Town as collateral for the cash. There exists a contractual agreement for the repo issuer to repurchase the securities at pre-determined dates and prices. The right of substitution of collateral may be granted to the issuer upon approval by the Treasurer.
5. Collateralized Public Deposits. Instruments issued by financial institutions (banks) that state specified sums have been deposited for specified periods of time and at specified rates of interest. The certificates of deposit are to be backed by acceptable collateral securities as dictated by State and local law. The right of substitution of collateral may be granted to the financial institution upon approval by the Treasurer. Interest will be calculated on a 365day year/actual-day month basis, or another method approved by the Treasurer in writing.
6. Federal Farm Credit Bank Discount Notes. Consolidated obligations of the Farm Credit Banks, issued on a discount basis, with maturities of one year or less.
7. Federal Farm Credit Bank Debentures. Unsecured consolidated obligations of the Farm Credit Banks, issued with a fixed coupon rate, with maturities ranging from six months to one year.
8. Federal Home Loan Bank Discount Notes. Consolidated obligations of the twelve district banks, issued on a discount basis, with maturities of one year or less.
9. Federal Home Loan Bank Debentures. Unsecured consolidated obligations of the twelve district banks, issued with a fixed coupon rate, with maturities running one year or less.
10. Federal National Mortgage Association Discount Notes. Obligations of the Association, issued on a discount basis, with maturities under one year.
11. Federal National Mortgage Association Debentures. Unsecured obligations of the Association, issued with a fixed coupon rate, with various maturities.
12. Federal Home Loan Mortgage Corporation Discount Notes. Obligations of the Corporation, issued on a discount basis, with maturities under one year.
13. Federal Home Loan Mortgage Corporation Debentures. Unsecured obligations of the Corporation, used with a fixed coupon rate, with various maturities.
14. Bank Money Market Account. Interest bearing bank deposits.
15. Federal Home Loan Mortgage Corporation Participation Certificates. Issues of the Corporation, representing undivided interests in conventional mortgages underwritten and previously purchased by the Corporation. The Corporation guarantees the timely payment of interest at the certificate rate and full return of principal. Original maturity payment dates are thirty days.
16. Participation Units in a combined Investment Fund. The fund must only invest in Treasury of Agency of the Federal Government instruments. Municipal bonds or corporate bonds rate "A" or higher. (e.g. MMDT- Chapter 44, Section 55)

## **OM-1B Selection Criteria for Bank, Brokers and Dealers**

### **Background:**

A local government's investment policy establishes guidelines and responsibilities in accordance with state law for managing and investing municipal funds.

The Governmental Accounting Standards Board recommends the disclosure of key policies affecting cash deposits and other long-term investments to ensure they are managed prudently or are not subject to extraordinary risks.

When assessing municipalities for credit quality, rating agencies look for investment management policies that address selection of financial institutions for services and transactions, risk assessment, investment objectives, investment maturities and volatility, portfolio diversification, safekeeping and custody, and investment performance reporting, benchmarking, and disclosure.

### **Policy:**

The Treasurer-Collector is responsible for developing and maintain the policies for investing Town funds and will make all decisions regarding their management. The Treasurer/Collector shall invest Town funds in a manner that meets daily operating cash flow requirements and conforms to state statutes governing public funds, while adhering to generally accepted diversification, collateralization, and the prudent investment principles of safety, liquidity and yield. The Treasurer/Collector will also regularly monitor statutory changes governing investments and offer any policy amendments. The Treasurer Collector will submit a report of investments on a regular basis to the Town Administrator.

### **References:**

*M.G.L. Ch. 40, §5; M.G.L. Ch. 44, §54, §55A, §55B; and M.G.L. c. 44B, §7*

*Deposit and Investment Risk Disclosures, Governmental Accounting Standards Board Statement No. 40, as amended by Statement No. 3, March 2003.*

*Creating an Investment Policy, Government Finance Officers Association Best Practice, October 2010.*

*Financial Management Assessment, Standard and Poor's, June 2006.*

**OM-2 Post-Issuance Tax Compliance Procedure for Tax-Exempt Debt Obligations and Other Tax-Benefited Obligations**

**Background:**

Post-issuance compliance procedures are designed to ~~provide for the effective management of~~effectively manage a municipality's post bond or note issuance compliance program for tax-exempt and other tax-benefited bonds in a manner consistent with state and federal laws applicable to such obligations.

**Policy:**

The Treasurer/Collector shall review post-issuance compliance procedures at least annually and implement revisions or updates as deemed appropriate, in consultation with bond counsel or Financial Advisor.

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## **PN- Antifraud**

### **Background:**

To protect the Town's assets and reputation from misappropriation and abuse, this policy provides guidelines to safeguard against fraudulent activities and any appearance thereof. Policy objectives include:

- To create an environment in which employees and citizens can report any suspicion of fraud
- To communicate the Town's intent to prevent, report, investigate, and disclose to proper authorities suspected fraud, abuse, and similar irregularities
- To provide management with guidelines and responsibilities regarding appropriate actions in conducting investigations of alleged fraud and similar improprieties

### **Policy:**

This policy pertains to any suspected fraud, abuse, or similar irregularity against the Town. It applies to all elected and appointed Town officials and employees and to any other persons acting on behalf of the Town, such as vendors, contractors, volunteers, casual employees, and grant subrecipients.

The Town is committed to protecting its revenue, property, information, and other assets from any attempt, either by members of the public, contractors, consultants, vendors, agents, or its own employees, to gain by deceit, financial or other benefits at the expense of taxpayers. Town officials, employees, and other persons acting on behalf of the Town must, at all times, comply with all applicable policies, laws, and regulations. The Town will not condone any violation of law or ethical business practices and will not permit any activity that fails to withstand the closest possible public scrutiny. The Town intends to fully, objectively, and impartially investigate any suspected acts of fraud or other similar irregularities regardless of the position, title, length of service, or relationship with the government of any party who may be the subject of such investigation.

#### **A. Definitions**

**Any person acting on behalf of the Town** will mean any person responsible for or to Wellfleet's government placed in that position by some official relationship with the Town.

**Abuse** can occur in financial or nonfinancial settings and refers to, but is not limited to:

- Improper use or misuse of authority
- Improper use or misuse of Town property, equipment, materials, records, or other resources
- Waste of public funds

**Fraud or other irregularity** refers but is not limited to:

- Any dishonest or fraudulent act
- Forgery or alteration of any document or account
- Forgery or alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiteering as a result of insider knowledge of Town activities
- Disclosing confidential or proprietary information to outside parties
- Accepting or seeking anything of material value from consultants, contractors, vendors, or persons providing services or materials to the Town
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment
- Any claim for reimbursement of expenses not made for the exclusive benefit of the Town
- Any computer-related activity involving the alteration, destruction, forgery, or manipulation of data for fraudulent purposes
- Any omissions and misrepresentations made in bond offering documents, presentations to rating agencies, and annual financial reports

#### B. Antifraud Responsibilities

Every employee has the responsibility to assist the Town in complying with policies and laws and in reporting violations. The Town encourages the support and cooperation of all employees in meeting the Town's commitment and responsibility to such compliance.

Town officials and department heads are responsible for instituting and maintaining a system of internal controls to reasonably ensure the prevention and detection of fraud, misappropriations, and similar irregularities. Management should be familiar with the types of improprieties that could occur within their areas of responsibility and be alert for any indications of such conduct.

The Town Administrator has primary responsibility for investigating all activity defined in this policy and will, to the extent practical, notify the Select Board of reported allegations of fraudulent or irregular conduct upon commencing the investigation. In all circumstances where there are reasonable grounds to indicate fraud may have occurred, the Town Administrator, subject to the advice of Town Counsel, will contact the Wellfleet Police Department and/or the District Attorney's office. Upon concluding the investigation, the Town Administrator will report results to the Select Board and others as determined necessary.

#### C. Disclosure

If the Town's investigation concludes that there was a violation of any federal criminal law involving fraud, bribery or gratuity potentially affecting a federal award, the Town Administrator will disclose such in writing to the federal awarding agency in compliance with the Office of Management and

Budget's Omni Circular. Similarly, if there are findings of bond offering information falsification, the Town Administrator will disclose this in writing to the bondholders.

## **PROCEDURES**

The Town Administrator will create a set of procedures to be appended to this policy or incorporated by reference. The procedures should cover all of the following at minimum:

1. Procedure and methods for reporting suspicions of fraud, abuse and other irregularities
2. Assignment of responsibilities in response to reported suspicions
3. Employee protections from retaliation
4. Security of investigation documents
5. Treatment of anonymous allegations and false allegations (intentional and unintentional)
6. Personnel disciplinary actions
7. Responsibilities around media contact
8. Training, education and awareness
9. Disclosure requirements and protocols

## **REFERENCES**

[M.G.L. c. 149 § 185](#)

U.S. Office of Management and Budget, December 2013: [Omni Circular](#)

## PN-1 DISBURSEMENTS

### Background:

To mitigate the risk of fraud and ensure the Town disburses cash only for legally valid liabilities, this policy establishes guidelines for the expenditure of Town funds.

### Policy:

This policy applies to the Chief Financial Officer, Treasurer/Collector's, ~~and their designees' job duties and~~ ~~to their designees' job duties, and~~ the Selectboard's warrant approval responsibilities. It further applies to all department heads and elected or appointed officials who submit requests for expense and payroll disbursements (all referred to here as "department heads").

No disbursement for any payroll or accounts payable (AP) expense shall occur without the prior review and approval of the Chief Financial Officer and Selectboard. Accordingly, the Chief Financial Officer is responsible for finalizing every AP and payroll warrant and the Selectboard Clerk's signature

All payroll expenditures must be based on approved time and attendance records and consistent with collective bargaining agreements, personal service contracts, or Wellfleet's personnel bylaw. All vendor payments must be based on original invoices and issued only to entities with valid form W-9s on file. All invoices must be charged to the proper fiscal year. Payment for any bills payable for a prior fiscal year must be approved by vote of town meeting in accordance with [M.G.L. c. 44, § 64](#).

Printed on the face of every disbursed check will be: "Void if not cashed within one year of issuance." The Treasurer/Collector will secure all checks in a safe until distributed. As a tax-exempt organization, the Town will not pay sales tax on any expense, including those associated with any employee's personal reimbursements.

#### A. Ongoing Maintenance of Payroll and Leave Time Data

The Treasurer/Collector is responsible for maintaining a database all town employees, including their salaries, pay rates, stipends, weekly work hours, earned leave time, benefit options, and withholdings. Any change to an employee's employment status, work hours, or pay rate can only be made by the Treasurer/Collector based on a personnel action form signed by the appropriate department head, ~~and~~ ~~the~~ Town Administrator or their designee.

The Chief Financial Officer or their designee is responsible for maintaining and updating weekly a database of employee leave time accumulations and usage. Any change the Chief Financial Officer or their designee makes to any employee's rate of accumulation must be supported by one of the following documents: collective bargaining agreement, classification and compensation schedule, or personal services contract. Deductions to leave time will be based on data reported on weekly time sheets.



## B. Weekly Responsibilities Related to Disbursement Processing

Each **department head** is responsible for:

- Assuring that all purchases of goods and services conform to the state's procurement laws
- Verifying that adequate funds exist in the department's budget for every AP and payroll submission, attesting to the accuracy of each submission via signature, and timely submitting the disbursement requests to the Chief Financial Officer
- Distributing paychecks to employees upon receipt from the Treasurer/Collector

The **Chief Financial Officer** (and/or any delegated staff) is responsible for:

- Including each requested expense on the AP/payroll warrant only after validating:
  - Procurement laws were adhered to
  - The submission is legal
  - No fraud is evident
  - Adequate funds exist
- Preparing the AP and payroll warrants and submitting them to the Select Board for approval
- Ensuring the payroll warrant balances with the Treasurer/Collector's payroll preliminary report before providing it to the Select Board and subsequently notifying the Treasurer/Collector to finalize the payroll
- Updating the general ledger with all AP and payroll warrant expenditures
- Receiving blank checks from the Treasurer/Collector, imprinting them with the disbursement data using the office printer, and returning them to the Treasurer/Collector

The **Treasurer/Collector** (and/or any delegated staff) is responsible for:

- Entering payroll data in the Abra database based on time sheets received from the Chief Financial Officer and transmitting the finalized electronic file when notified to do so by the Chief Financial Officer
- Reviewing the AP warrant and withholding from disbursement any amounts owed to the town by listed payees
- Upon receipt of payroll and AP warrants signed by the Select Board, funding the associated bank accounts in the gross amount of each warrant
- Providing the Chief Financial Officer with the appropriate number of sequential blank checks for printing
- Mailing out all AP checks to the vendors. The Treasurer/Collector will not give any vendor checks to department heads or other employees to mail.
- Notifying department heads to pick up paychecks on pay day.
- Updating the cashbook to document the disbursement activity

The **Selectboard** members are responsible for:

- Reviewing each warrant for appropriateness by examining the invoices, back-up documents, and payroll detail, and directing any inquiries to the Chief Financial Officer

- Approving the warrants by signing them

C. Emergency Disbursements

If there is an emergency or extenuating circumstance where payment must be made to a vendor outside of the normal warrant process, the Treasurer/Collector may issue a manual check with written authorizations by the Town Administrator. In any such case, the department head will submit the expense to be processed as a no-check on the next accounts payable warrant.

D. Petty Cash

To mitigate the risks of illegal expenditures, procurement law violations, or instances of expenses exceeding appropriations, no petty cash accounts are authorized.

E. Audit

All disbursement activity is subject to audit by Wellfleet's independent auditor.

**REFERENCES**

[M.G.L. c. 41, §§ 41, 41A, 41B, 41C, 42, 43, 52, 56](#)

[M.G.L. c. 44, §§ 56, 58, 64](#)

[M.G.L. c. 30B](#)

*Wellfleet's collective bargaining agreements, classification and compensation plan, and personal service contracts*

## PN-2 Employee Reimbursement

### **Background:**

To mitigate opportunities for fraud, waste and abuse, the Town must properly monitor and control reimbursements to employees and officials. This policy establishes rules governing reimbursements for legitimate business-related expenses, including necessary travel expenses incurred in performing official duties. It also provides guidelines for determining reasonable travel-related and other expenses and details the procedures, forms, and documentation necessary to receive reimbursement.

### **Policy:**

The Town will reimburse employees for reasonable expenses incurred on the Town's behalf as authorized by their department heads, boards, or committees.

Travel shall be restricted to necessary activities that provide a public benefit, such as training, professional conferences, and other municipal-related activities. All travel on Town business shall be planned for using the most economical mode and class of transportation reasonably available and the most direct and time-efficient route. Employees will travel using government and group rates when available. The Town will not reimburse or pay sales tax but will, however, pay meals and room excise taxes.

Business-related expenses, such as office supplies, should be procured through the Town's vendors and billed directly to the Town as much as feasible. Whenever this is not possible, the purchase must be made with the department head's approval.

When this policy is not followed, there is no guarantee that all expenditures will be reimbursed. Employees should determine estimates for their travel costs, discuss any extraordinary circumstances and expenses with their department heads, and obtain their authorizations in advance.

### **A. Unauthorized Expenses**

The following expenditures will not be reimbursed:

- Alcoholic beverages and tobacco
- Massachusetts sales tax
- Costs associated with any political or charitable event
- Flowers or other gifts for employees or others
- Expenses incurred by or on behalf of any person who is not a Town employee who accompanies the employee on official business
- Expenses incurred for the sole benefit of the traveler, such as valet service, entertainment, laundry services, etc.
- Theft, loss, or damage to personal property while on Town business
- Non-mileage-related personal automobile expenses, including repairs, insurance, gasoline, and traffic citations

The Chief Financial Officer may refuse to approve for payment any claim deemed to be ineligible, fraudulent, unlawful, or excessive. In that instance, the Chief Financial Officer will file a written statement of the reason for refusal with the Treasurer/Collector and forward copies to the Town Administrator and the originating department head. Resolution of all disputes shall reside with the Town Administrator.

## B. Reimbursable Expense Categories

### Transportation

- Employees authorized to travel using their personal vehicle will be reimbursed at the mileage reimbursement rate established yearly by the Internal Revenue Service (IRS) or, for union employees, the rate established in their contractual agreement.
- Mileage will be calculated starting from the employee's office location or residence to the destination point, whichever distance is shorter.
- Employees must present receipts to be reimbursed for parking, tolls, airfares, taxi fares, and, when using a Town-owned vehicle, fuel charges.

### Lodging

- If travel requires an employee to be away from home for more than 24 hours, he or she will be reimbursed for reasonable charges for lodging expenses.
- Lodging expenses must not exceed the group rate published by the conference or activity sponsor. If the sponsor's group rate is not available when booking, the Town will reimburse for lodging costs comparable in location and quality and reserved at the lodging's government or group rate, whenever that is available.
- The Town will reimburse for only one night preceding any conference.

### Meals

- If travel requires an employee to be away from home for more than 24 hours, he or she will be reimbursed for reasonable charges for meal expenses.
- Meal costs, including tips and taxes, incurred during approved travel will be reimbursed only upon presentation of itemized receipts. If the receipt is for multiple employees, they should be listed on the back of the receipt.
- Meals included in registration costs cannot be claimed for reimbursement or advance.
- Under no circumstance will the total meals reimbursement exceed the Town's per diem rate of \$65.

### Registrations

- Whenever possible, registration fees for any conference, training, or workshop should be paid in advance through the Town's accounts payable warrant process. To pay advance registrations timely, the registration bill must be received in the Chief Financial Officer no later than two weeks prior to the registration deadline.
- If registration is not paid in advance, the employee must pay out-of-pocket and then submit for reimbursement.

### **Business and Office Supplies**

- Employees must obtain department head approval prior to incurring expenses for any business or office supplies, and all purchases made on behalf of the Town must be necessary, reasonable, and appropriate.
- Business-related special postal services or delivery services that are not available through the Town will be reimbursed.

### **C. Reimbursement Submission**

Every claim for reimbursement must be documented using an [Expense Reimbursement Form] signed by the employee and the authorizing department head. Required information on the form includes: the travel or purchase date(s), purpose, amount(s), and total business-related mileage (as applicable). Except for mileage, the employee must attach to the form a receipt or other valid proof of payment for each reimbursement claim.

Employees should submit for reimbursement as soon as the travel has concluded or the expense has been paid, but at maximum, no later than 30 days after the expenses being incurred. If an employee does not submit the [Expense Reimbursement Form] and accompanying receipts or other necessary documentation within that time, he or she may be personally responsible for the expenses.

### **D. Violations**

Employees who violate this policy will be held directly responsible for their actions. Consequences may include revocation of travel privileges, reparatory payments, suspension, or termination. Improper documentation of otherwise valid travel expenditures creates the appearance of fraud, waste, or abuse and may result in similar consequences. Moreover, misrepresenting expenses and intentionally submitting false claims are fraudulent and could result in criminal penalties.

### **E. Audit**

All expenses are subject to verification that they comply with this policy and to audit by the Town's independent auditor.

### **REFERENCES**

[M.G.L. c. 41, §52](#)

[M.G.L. c. 44, §58](#)

[M.G.L. c. 268A, § 3](#)

IRS webpage, [Standard Mileage Rates](#)

## **Q9: FINANCIAL MANAGEMENT TEAM**

### **Background:**

Team meetings help the Town's finance officers to maintain open lines of communication and reinforce awareness of their interdependence. In this forum, team members can identify critical junctures, consider strategies to deal with anticipated areas of concern, and establish agreement about goals, deadlines, and each individual's role in meeting common objectives. A formal financial management team approach also fosters institutional continuity during times of turnover in financial offices.

To maximize the effectiveness of financial practices by optimizing the coordination of interdepartmental activities and long-range plans, this policy establishes a financial management team that will meet regularly to discuss common goals and objectives.

### **POLICY**

The Town establishes a financial management team consisting of the Town Administrator, Chief Financial Officer, Treasurer/Collector, Assessor, & Town Accountant. Meetings of the team will be scheduled at a consistent time each month and more frequently when necessary.

### **Agenda topics will include:**

- Updating the status of assigned responsibilities and due dates related to cyclical procedures, such as tax takings, tax recaps, year-end closings, and others
- Monitoring monthly revenue and expenditure reports and analyzing cash flow
- Reviewing the effectiveness of internal controls, including the status of reconciliations
- Coordinating submissions to the Division of Local Services
- Assessing special projects assigned by the Selectboard or Town Administrator
- Pursuing professional development and training opportunities
- Assessing progress on any initiatives being implemented.

### **REFERENCES**

Division of Local Services Best Practice: [Financial Management Team](#)

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## APPENDIX 1: SELECTED GLOSSARY OF TERMS

**Available Funds** – Balances in the various fund types that represent non-recurring revenue sources. As a matter of sound practice, they are frequently appropriated to meet unforeseen expenses, for capital expenditures or other onetime costs. Examples of available funds include free cash, stabilization funds, overlay surplus, water surplus, and enterprise net assets unrestricted (formerly retained earnings).

**Betterments (Special Assessments)** – Whenever part of a community benefits from a public improvement, or betterment (e.g., water, sewer, sidewalks, etc.), special property taxes may be assessed to the property owners of that area to reimburse the governmental entity for all, or part, of the costs it incurred in completing the project. Each property parcel receiving the benefit is assessed a proportionate share of the cost which may be paid in full, or apportioned over a period of up to 20 years. In this case, one year's apportionment along with one year's committed interest computed from October 1 to October 1 is added to the tax bill until the betterment has been paid.

**Block Grant** – A Block Grant is a Federal grant of money awarded by formula under very general guidelines that allow grantees broad latitude in spending activities. Recipients are normally state or local governments.

**Bond** – A means to raise money through the issuance of debt. A bond issuer/borrower promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate. The term of a bond is always greater than one year.

**Bond and Interest Schedule Record (Bond Register)** – The permanent and complete record maintained by a treasurer for each bond issue. It shows the amount of interest and principal

coming due each date and all other pertinent information concerning the bond issue.

**Bond Anticipation Note (BAN)** – Short-term debt instrument used to generate cash for initial project costs and with the expectation that the debt will be replaced later by permanent bonding. Typically issued for a term of less than one year, BANs may be reissued for up to five years, provided principal repayment begins after two years (MGL Ch. 44§17).

Principal payments on school related BANs may be deferred up to seven years (increased in 2002 from five years) if the community has an approved project on the Massachusetts School Building Authority (MSBA) priority list. BANs are full faith and credit obligations.

**Bond Authorization** – The action of town meeting or a city council authorizing the executive branch to raise money through the sale of bonds in a specific amount and for a specific purpose. Once authorized, issuance is by the treasurer upon the signature of the mayor, or selectmen. (See Bond Issue)

**Bond Buyer** – A daily trade paper containing current and historical information of interest to the municipal bond business.

**Bond Counsel** – An attorney or law firm engaged to review and submit an opinion on the legal aspects of a municipal bond or note issue.

**Bond Issue** – The actual sale of the entire, or a portion of, the bond amount authorized by a town meeting or city council.

**Bond Rating (Municipal)** – A credit rating assigned to a municipality to help investors assess the future ability, legal obligation, and willingness of the municipality (bond issuer) to make timely debt service payments. Stated otherwise, a rating helps prospective investors determine the level of risk associated with a given fixed-income investment. Rating agencies, such as Moody's and Standard



and Poor's, use rating systems, which designate a letter or a combination of letters and numerals where AAA is the highest rating and C1 is a very low rating.

**Bonds Authorized and Unissued** – Balance of a bond authorization not yet sold. Upon completion or abandonment of a project, any remaining balance of authorized and unissued bonds may not be used for other purposes, but must be rescinded by town meeting or the city council to be removed from community's books.

**Capital Assets** – All tangible property used in the operation of government, which is not easily converted into cash, and has an initial useful life extending beyond a single financial reporting period. Capital assets include land and land improvements; infrastructure such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. Communities typically define capital assets in terms of a minimum useful life and a minimum initial cost. (See Fixed Asset)

**Capital Budget** – An appropriation or spending plan that uses borrowing or direct outlay for capital or fixed asset improvements. Among other information, a capital budget should identify the method of financing each recommended expenditure, i.e., tax levy or rates, and identify those items that were not recommended. (See Capital Asset, Fixed Asset)

**Capital Improvements Program** – A blueprint for planning a community's capital expenditures that comprises an annual capital budget and a five-year capital program. It coordinates community planning, fiscal capacity and physical development. While all of the community's needs should be identified in the program, there is a set of criteria that prioritizes the expenditures.

**Capital Outlay** – The exchange of one asset (cash) for another (capital asset), with no ultimate effect on net assets. Also known as "pay as you go," it is

the appropriation and use of available cash to fund a capital improvement, as opposed to incurring debt to cover the cost.

**Capital Outlay Expenditure Exclusion** – A temporary increase in the tax levy to fund a capital project or make a capital acquisition. Exclusions require two-thirds vote of the selectmen or city council (sometimes with the mayor's approval) and a majority vote in a community-wide referendum. The exclusion is added to the tax levy only during the year in which the project is being funded and may increase the tax levy above the levy ceiling

**Chapter 90 Highway Funds** – State funds derived from periodic transportation bond authorizations and apportioned to communities for highway projects based on a formula under the provisions of MGL Ch. 90 §34. The Chapter 90 formula comprises three variables: local road mileage (58.33 percent) as certified by the Massachusetts Highway Department (MHD), local employment level (20.83 percent) derived the Department of Employment and Training (DET), and population estimates (20.83 percent) from the US Census Bureau. Local highway projects are approved in advance. Later, on the submission of certified expenditure reports to MHD, communities receive cost reimbursements to the limit of the grant.

**Contingent Appropriation** – An appropriation that authorizes spending for a particular purpose only if subsequently approved in a voter referendum. Under MGL Ch. 59 §21C (m), towns may make appropriations from the tax levy, available funds or borrowing, contingent upon the subsequent passage of a Proposition 2½ override or exclusion question for the same purpose. If initially approved at an annual town meeting, voter approval of the contingent appropriation must occur by September 15. Otherwise, the referendum vote must occur within 90 days after the town meeting dissolves. The question may be placed before the voters at more than one election, but if not approved by the applicable deadline, the appropriation is null and void. If contingent appropriations are funded through property taxes, DOR cannot approve the

tax rate until the related override or exclusion question is resolved or the deadline passes, whichever occurs first.

**Debt Authorization** – Formal approval by a two-thirds vote of town meeting or city council to incur debt, in accordance with procedures stated in MGL Ch. 44 §§1, 2, 3, 4a, 6-15.

**Debt Burden** – The amount of debt carried by an issuer usually expressed as a measure of value (i.e., debt as a percentage of assessed value, debt per capita, etc.). Sometimes debt burden refers to debt service costs as a percentage of the total annual budget.

**Debt Exclusion** – An action taken by a community through a referendum vote to raise the funds necessary to pay debt service costs for a particular project from the property tax levy, but outside the limits under Proposition 2½. By approving a debt exclusion, a community calculates its annual levy limit under Proposition 2½, then adds the excluded debt service cost. The amount is added to the levy limit for the life of the debt only and may increase the levy above the levy ceiling.

**Debt Limit** – The maximum amount of debt that a municipality may authorize for qualified purposes under state law. Under MGL Ch. 44 §10, debt limits are set at 5 percent of EQV. By petition to the Municipal Finance Oversight Board, cities and towns can receive approval to increase their debt limit to 10 percent of EQV.

**Debt Policy** – Part of an overall capital financing policy that provides evidence of a commitment to meet infrastructure needs through a planned program of future financing. Debt policies should be submitted to elected officials for consideration and approval.

**Debt Service** – The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest on any particular bond issue.

**Enterprise Fund** – An enterprise fund, authorized by MGL Ch. 44 §53F½, is a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods or services. It allows a community to demonstrate to the public the portion of total costs of a service that is recovered through user charges and the portion that is subsidized by the tax levy, if any. With an enterprise fund, all costs of service delivery—direct, indirect, and capital costs—are identified. This allows the community to recover total service costs through user fees if it chooses. Enterprise accounting also enables communities to reserve the "surplus" or net assets unrestricted generated by the operation of the enterprise rather than closing it out to the general fund at year-end. Services that may be treated as enterprises include, but are not limited to, water, sewer, hospital, and airport services. See DOR [IGR 08-101](#)

**Free Cash (Also Budgetary Fund Balance)** – Remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the community's auditor, accountant, or comptroller. Important: free cash is not available for appropriation until certified by the Director of Accounts.

**General Obligation Bonds** – Bonds issued by a municipality for purposes allowed by statute that are backed by the full faith and credit of its taxing authority.

**Levy Limit** – A levy limit is one of two types of levy (tax) restrictions imposed by MGL Ch. 59 §21C (Proposition 2½). It states that the real and personal property taxes imposed by a city or town

may only grow each year by 2½ percent of the prior year's levy limit, plus new growth and any overrides or exclusions. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion. (See Levy Ceiling)

**Massachusetts School Building Authority (MSBA)** – Administers the state program that reimburses cities, towns, and regional school districts varying percentages of their school construction costs depending on the wealth of the community or district and the category of reimbursement. Projects that received their first reimbursement payment prior to July 26, 2004 will continue to get annual state payments to offset the related annual debt service. Thereafter, cities, towns, and regional school districts will receive a lump sum amount representing the state's share of the eligible project costs... (See DOR [IGR 06-101](#))

**New Growth** – The additional tax revenue generated by new construction, renovations and other increases in the property tax base during a calendar year. It does not include value increases caused by normal market forces or by revaluations. New growth is calculated by multiplying the assessed value associated with new construction, renovations and other increases by the prior year tax rate. The additional tax revenue is then incorporated into the calculation of the next year's levy

limit. For example, new growth for FY07 is based on new construction, etc. that occurred between January and December 2005 (or July 2005 and June 2006 for accelerated new growth communities). In the fall of 2006, when new growth is being determined to set the FY07 levy limit, the FY06 tax rate is used in the calculation.

**Non-Recurring Revenue Source** – A one-time source of money available to a city or town. By its nature, a nonrecurring revenue source cannot be relied upon in future years. Therefore, such funds should not be used for operating or other expenses

that continue from year-to-year. (See Recurring Revenue Source)

**Principal** – The face amount of a bond, exclusive of accrued interest.

**Receipts Reserved for Appropriation** – Proceeds that are earmarked by law and placed in separate accounts for appropriation for particular purposes. For example, parking meter proceeds may be appropriated to offset certain expenses for parking meters and the regulation of parking and other traffic activities

**Principal** – The face amount of a bond, exclusive of accrued interest.

**Receipts Reserved for Appropriation** – Proceeds that are earmarked by law and placed in separate accounts for appropriation for particular purposes. For example, parking meter proceeds may be appropriated to offset certain expenses for parking meters and the regulation of parking and other traffic activities

**Sale of Cemetery Lots Fund** – A fund established to account for proceeds of the sale of cemetery lots. The proceeds may only be appropriated to pay for the cost of the land, its care and improvement or the enlargement of the cemetery under provisions of MGL Ch. 114 §15.

**Sale of Real Estate Fund** – A fund established to account for the proceeds of the sale of municipal real estate other than proceeds acquired through tax title foreclosure. MGL Ch. 44 §63 states that such proceeds shall be applied first to the retirement of debt on the property sold. In the absence of such debt, funds may generally be used for purposes for which the city or town is authorized to borrow for a period of five years or more

**Short-Term Debt** – Outstanding balance, at any given time, on amounts borrowed with a maturity date of 12 months or less.

**Special Exclusion** – For a few limited capital purposes, a community may exceed its levy limit or levy ceiling without voter approval. Presently, there are two special expenditure exclusions: 1) water and sewer project debt service costs which reduce the water and sewer rates by the same amount; and 2) a program to assist homeowners to repair or replace faulty septic systems, remove underground fuel storage tanks, or remove dangerous levels of lead paint to meet public health and safety code requirements. In the second special exclusion, homeowners repay the municipality for the cost plus interest apportioned over a period of time, not to exceed 20 years

**Special Revenue Fund** – Funds, established by statute only, containing revenues that are earmarked for and restricted to expenditures for specific purposes. Special revenue funds include receipts reserved for appropriation, revolving funds, grants from governmental entities, and gifts from private individuals or organizations.

**Stabilization Fund** – A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL Ch. 40 §5B). Communities may establish one or more stabilization funds for different purposes and may appropriate into them in any year an amount not to exceed ten percent of the prior year's tax levy. The total of all stabilization fund balances shall not exceed ten percent of the community's equalized value, and any interest shall be added to and become a part of the funds. A two-thirds vote of town meeting or city council is required to establish, amend the purpose of, or appropriate money into or from the stabilization fund.

## **APPENDIX 2: Polices To Be Superseded**

Adoption of these polices will supplant the following Polices

Budget and Financial Management

Debt Policy

Grant Revenue

Investment Policy

Vehicle Rollover Policy

Meals Payment Policy

## **APPENDIX 3: Chart of Allowable Uses of Funds**

TBD

**DRAFT**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

# IV

### BUSINESS

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<b>REQUESTED BY:</b>	Selectboard
<b>DESIRED ACTION:</b>	To give any updates and discuss 80 State Highway, Maurice's Campground
<b>PROPOSED MOTION:</b>	If a motion is needed one will be made at the time of the meeting.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

V

### NEW BUSINESS

<b>REQUESTED BY:</b>	Chair Ryan Curley
<b>DESIRED ACTION:</b>	To Discuss topics that are not reasonably anticipated by the Chair more than 48 hours before the meeting.
<b>PROPOSED MOTION:</b>	If a motion is needed for a topic that is brought up one will be made at the time of the meeting.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022



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## SELECTBOARD REPORTS:

Reported by:	Topic:





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

VII

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### TOWN ADMINISTRATOR REPORTS

- **The Town Administrator will give an update on the happenings of the town and with each department.**
- **Please see the Selectboard packet for the full update**



# MEMORANDUM

TOWN OF WELLFLEET MASSACHUSETTS 02667  
Tel (508) 349-0300 Fax (508) 349-0305  
www.wellfleet-ma.gov

To: Selectboard  
From: Richard J. Waldo, Town Administrator  
Cc: Rebekah Eldridge, Executive Assistant to Town Administrator  
Subject: Department Update Report for the September 13, 2022 Select Board Meeting  
Date: August 30, 2022

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## Administration

- Town Administration met with EPA Regional Administrator David Cash last week to discuss the Herring River Restoration Project. Mr. Cash was excited to see the project that he had heard so much about and wished Wellfleet success with construction.
- Town Meeting has taken precedence last week and on Saturday September 10<sup>th</sup> the Town body will vote on 20 warrant articles including the purchase of Maurice's campground for a future housing development.
- Attended the pre-town meeting forum on Wednesday September 7<sup>th</sup>. Good discussion and presentations were had on the Town Warrant. This provided a good opportunity to hear any concerns from the public prior to Town Meeting.
- Herring River mandatory site walk occurred last week with nearly a dozen firms attending the mandatory site visit. Bid openings for the Chequessett Neck Bridge projects is currently scheduled to open on September 15<sup>th</sup>.
- Opened and reviewed the Financial Auditor Services Bid, Selectboard will vote to execute contract on September 13<sup>th</sup>, 2022.

## Assessing

- Jennifer Kane and I recently attended a Barnstable County Assessor's Association meeting. The topic was the Residential Tax Exemption and the assessors from Barnstable, Provincetown, Truro, Tisbury and Wellfleet spoke about the successes and challenges we've experienced.
- Our FY23 values will be finalized by September 9. We can then hold the annual Tax Classification Hearing, after which we can submit our Recap in order to set a tax rate.
- Single family home and condo values are up by a whopping 28%, and vacant land by about 14%.

## Building

- Review Building Permit Applications, Issue Permits, Issue Certificates of Occupancy, Issue Certificates of Completion, Annual Inspections, Issue Certificate of Inspections, building site

inspections, Respond to Complaints, Office Hours 8:00 – 10:30 a.m., (or by appointment) to address Building Code and Zoning questions with applicants and the public.

- 1065 State Highway Route 6 – Document activity and complaints.
- 1065 State Highway Route 6 – Completed Request for Production of Documents, to comply with the limited discovery request served upon the Town of Wellfleet by the attorney for Great White Realty.

## Community Services

### **Council on Aging**

- Interviews for the Front Desk position were held on Tuesday, August 30th. We had six applicants and interviewed three. I will be checking references and offering the position within the next week.
- Join us for Wellness Wednesdays in October. Classes will present techniques for achieving physical and mental wellness.
- A vaccine clinic for Wellfleet residents 18 and over will be held at the Adult Community Center on October 7 from 9am to 11am. Cape Cod Healthcare and the VNA will offer both Quadrivalent Flu vaccines and COVID boosters. At this time, we do not know if the COVID boosters will be the traditional boosters or the bivalent boosters that are yet to be authorized by the CDC. Please call to reserve your place.

### **Beach Program**

- Sunday, September 4th is the last day on the beaches for the lifeguards and parking lot people and the last day for the Beach Sticker Office.
- We have lost personnel to schools and jobs and will be able to man only one beach per day which will be Newcomb Hollow from now until September 4th. If there are sufficient guards for a second location, the Head Guard will make the decision about that location on the day itself.
- A shout out to the Wellfleet PD and to the Wellfleet PD who collaborated with us and supported us this season. It wouldn't be as safe or enjoyable on the beaches without them.

### **Social and Human Services**

- The Voucher applications for 2022-2023 school year have been received. There will be 16 three and four years olds attending local pre-schools and receiving up to \$7,000 per child during the school year.
- Billing for Preschools will be accepted monthly this year, rather than the quarterly billing of the past, to ease the cash flow of the schools.
- The Social and Human Services grants have been decided and the contracts for FY23 will be sent out for signature and return by Labor Day.

## Harbormaster

- Labor day: As the end of the summer approaches we will be preparing for another busy weekend. Staffing is low, and it is increasingly harder to keep up extended hours with not

much interest this year for filling open positions. We will be reducing “open” hours to match the availability to fill the shifts.

- Calls for assistance: We have seen an increasing demand in calls for assistance. From IFAW (Whale Dolphin and Seal) strandings, injured birds to Wildcare, stranded kayakers and paddle boarders, Medical calls on Jeremy’s, Great Island and beyond. Great team work with the Fire and Police Departments to provide services to all of Wellfleet.
- Research: As You Know we are involved with many different research projects in Wellfleet Harbor you can name the organization, WHOI, NPS, Etc. This fall we will be teaming up with a new study by The New England Aquarium Which will be focused on Sea Turtles.

### Health/Conservation

- On vacation

### Fire

- We interviewed a total of eight (8) candidates for the two (2) newly approved Firefighter/Paramedic-EMT positions and as a result of a three step recruitment process and have created an eligibility list for four individuals. Two (2) of these individuals have been given a conditional job offer (based upon background checks, pre-employment physicals, etc.) for the two (2) new approved positions at June’s Annual Town Meeting. We are hopeful that both of these individuals will be starting employment with the Department at the end of September.
- With the assistance of our Assistant Town Administrator we have published the bid specifications and RFP to rehabilitate and make improvements to our recently acquired 2005 Seagrave, 75’ Aerial/1500 GPM pump, Quint that was purchased from the Town of Wellesley this Spring. We are looking forward to this project being completed.
- With the assistance of our Town Moderator and other Departments we are making the preparations for the September 10th Special Town Meeting. This entails over 100 hours of staff planning, coordinating, the day’s coverage, etc. on just the part of the Fire Department alone.

### Library

- Thanks to the Friends, we have a "Season Extending Seed Library". Come by and select seeds to plant a variety of fall and winter crops. Our seed library is one of our most successful programs. We are happy that every year, thousands of people have food thanks to our seeds. We were particularly proud of this endeavor during the beginning stages of the pandemic, when we provided Seeds By Mail. It was our first outreach program and we helped hundreds of people during a time when they needed food and it was difficult to get produce. We also have a number of gardening periodicals and books designed to help you on your gardening journey - whether you are just starting out or are already a seasoned gardener.
- On September 8th, at 7:00 PM, we will be hosting John Okrent, son of local residents and authors Daniel and Rebecca Okrent. John is a medical doctor and during the depths of the Covid-19 pandemic, he chose to express himself in the most beautifully crafted sonnets - a book he called, The Costly Season. This is sure to be a special evening.

- Award-winning Classical Guitarist, Aaron Larget-Caplan will be back at the Wellfleet Library with two events! On September 10th at noon, he will be playing a one-hour children's concert. It is suitable for all ages and is interactive and fun! at 5:00 PM, he will be dazzling adults with a gorgeous concert. These events are sponsored by the Wellfleet Cultural Council and The Friends of the Wellfleet Library.

## Police

- This past month the department finished Active Shooter Training for the upcoming school year, the following is a quick overview; **Over the last several weeks, officers from the Brewster, Orleans, Eastham, and Wellfleet Police Departments, along with National Park Service Rangers, received specialized training at Nauset Regional High School on responding to an active threat. This training gave 75 law enforcement officers and 9 dispatchers from the Nauset District Police Departments, along with our partners at the National Park Service, a much-needed refresher on the topic of responding to an active threat, as well as an up-to-date look at the configuration of the interior of Nauset High School. Officers from each department received 8 hours of training consisting of a classroom presentation followed by several hours of live drills designed to make the training as realistic as possible. Although training in this area is commonly conducted within schools, this training is not specific to the school environment. An active threat situation could arise in any public or private building and this training has helped to ensure that your law enforcement officers are prepared for that situation. As with many of the trainings that we do, we sincerely hope that we never encounter a scenario where it is needed, however we are committed to a high level of training to ensure the best possible safety for our community. The department will be working closely with the Wellfleet Elementary School staff to continue improving on school safety protocols and drills.**
- As the summer ends, the Department would like to recognize the following part-time staff members who were vital to a successful season. First, Reserve Officer Marc Spigel, who was assigned to day shift Wednesday-Sunday with his primary assignment Ocean View Drive/Ocean Beaches. Marc is a true professional and dedicated police officer, who kept order under stressful and at times difficult days on Ocean View Drive. Residents and visitors alike who would encounter Marc always comment on his community-oriented approach to policing. The department and the town owe Marc our thanks and gratitude for taking on such an assignment and doing it with a smile!! Next, Reserve Officer Alex Flaxman, who returned this summer under a wavier from the state as he was the first group scheduled to be decertified on June 30, 2022. Alex has family roots in Wellfleet and has spent several summers working for the department. As Chief, I could not ask for a more polite, professional, and community-oriented police officer as I saw with Alex. From working 6pm to 2am staying over until 7am when the shifts were short, to dancing along with the participants at the square dance to taking care of prisoners in custody, Alex was always the first to step up. I want to congratulate Alex on his career accomplishment of being hired full time by the Seekonk Police Department and wish him luck in his future endeavors. Finally, I want to recognize and thank Community Service Officers Sam Bradshaw and Jack Richards. Although this was their first summer working for the department, the feedback from the community was nothing but appreciation for these two young men. They both brought community policing to the position everyday helping those in need along with biking around the downtown district and Marina.

## Public Works

- DPW Director attended both pre-bid meetings for the Herring River CNR bridge construction and OPR RFP
- Highway department is reaching out to the National Seashore to initiate improvements to Great Island Road access way to alleviate safety concerns
- DPW is in full gear preparing for Special town meeting set up
- Mechanic position applications are due 9/4. We have received 1 applicant thus far
- We are coordinating fall projects with other departments
- Facilities department constructed a wall at the Fire Department to create a new bunk area for additional staffing
- Transfer station is acquiring 3 new 35 CY roll off containers through the use of grant funding through the Recycling Dividends program (RDP)

### Recreation

- The skateboard competition on August 20 was a huge success. Many thanks to local skate shops for donating the prizes, and to the recreation staff, especially monitor Anthony Rock for organizing such a well-run popular event. (See link below for an article about the skate comp in the local paper.)

### [Skaters Jam at the Wellfleet SK8 Park - The Provincetown Independent](#)

- Registration is under way for the upcoming recreation soccer season for grades K-6. Practices begin the week of 9/12. Weekly Saturday games being on 9/24.
- Extensive planning is underway for the 22nd Annual Shuck and Run 5K Road Race which will take place on Sunday October 9 at 9:00 AM. The race route will go from the Mayo Beach Parking Lot to the scenic overlook just past Chequessett Yacht and Country Club and Back. More information is available on the Town website.

### Shellfish Department

- We are proud to announce, although it is certainly bittersweet, that Deputy Shellfish Constable Jordan Halloran, who served a year with us as an AmeriCorps member and then took over as the lead for of our recreational shellfishing program in July of 2021, has been hired as the new Shellfish Constable for the town of Dennis, Mass. We are thrilled for her as this is a year-round, full-time position with benefits. She has brought our recreational shellfishing program to a new level and increased the capacity of the department to manage the increasing work load and paperwork involved with overseeing our 110+ shellfish farms (grants). Johnny Clam taught her well on our farm, making her well positioned to revive the Dennis propagation program. Obviously, this is a loss for our department after investing two years in training her – much as what happened with Drew before her, but we are thinking ahead and will propose that we add a full-time, year-round position with benefits to our team for FY24.
- We are continuing to help the Mass. Division of Marine Fisheries with a study on background vibrio levels in oysters in our harbor. We alternate by harvesting wild oysters from two areas one week and getting grant oysters from the same two areas another week.

- We are in the process of breaking down our 2022 oyster seed by separating them into lower density grow bags. Johnny continues to bull rake clams. We have been taking all of our oysters and clams to the Indian Neck recreational area, but with Labor Day weekend upon us, we will now begin to focus on the commercial fishery.
- The Shellfish Department and the Conservation Department received our permit for cultching Wellfleet Harbor. This concludes more than a decade-long process, and we are very grateful to Conservation Agent Hillary Greenberg-Lemos, who oversaw and managed this process for more than 10 years. THANK YOU!



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

VIII

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### TOPICS FOR FUTURE DISCUSSION

- **The Selectboard will discuss a list of current items that are outstanding**





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

IX

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## VACANCY REPORTS

**\*\*\*Please see the packet for full report\*\*\***

Date: September 13, 2022  
To: Board of Selectmen  
From: Rebekah Eldridge  
Re: Vacancies on Town Boards

**Bike and Walkways Committee (5 members)**

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1 year (complete term)

Requesting Appointment: No applications on file

**Board of Assessors (3 members, 1 alternate)**

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

Requesting Appointment: No applications 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 (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

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

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

Requesting Appointment: No applications on file

**Cable Advisory Committee (5 Members)**

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

Requesting Appointment: No applications on file

**Commission on Disabilities (up to 5 Members)**

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

Requesting Appointment: No applications on file

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

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

Requesting Appointment: No applications on file

**Council on Aging (11 Members)**

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

Requesting Appointment: No application on file

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

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

Requesting Appointment: **One** application on file

**Dredging Task Force** (7 Members)

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

Requesting Appointment: **One** application on file

**Historical Commission** (7 members)

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

Requesting Appointment: **no** application on file

**Local Housing Partnership** (at least 10 members)

Vacant Positions	Appointing Authority	Length of Term
0 Vacancy	Board of Selectmen	1 year

Requesting Appointment: No application on file

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

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

Requesting Appointment: No applications on file

**Natural Resources Advisory Committee** (7 Members)

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

Requesting Appointment: No application on file

**Open Space Committee** (7 Members)

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

Requesting Appointment: **No** application on file

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

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

Requesting Appointment: No applications on file

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

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Position	Board of Selectmen	5 years

Requesting Appointment: No applications on file

**Recreation Committee** (7 Members)

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

Requesting Appointment: No applications on file

**Recycling Committee (7 Members + 2 Alternates)**

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

**Rights of Public Access (5 Members)**

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1-2 years
Requesting Appointment: No application 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		

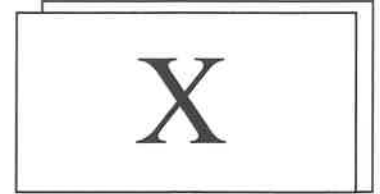
**Zoning Board of Appeals (5 Members, 4 Alternates)**

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



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022



## MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of Minutes</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the meeting minutes of August 16, 2022 as printed in draft.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

***Wellfleet Selectboard  
Virtual Meeting ~ Zoom  
Tuesday January 25, 2022, 6pm  
Meeting Minutes***

**Members Present:** Ryan Curley, Chair; Michael DeVasto, Vice Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

**Others Present:** Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Chief of Police; Kevin LaRocco, Lieutenant; Nancy Civetta, Shellfish Constable; Will Sullivan, Harbormaster; Rebecca Taylor, Chair of Shellfish Advisory Board; Betty Finken, use of town property applicant; John Braden & Kathleen Walker, Representatives of WOMR triathlon; Rick Sawyer, representative of ARC; Kathleen Bacon, resident; Jacob Angelo, Shellfisherman from Barnstable; Bob Wallace, local shellfisherman, former shellfish constable; Brian Carlstrom, Cape Cod National Seashore; Gabrielle Sakolsky, Cape Cod Mosquito Control; Geof Sanders, National Park Service; Lilian Greene, Cape Cod Delegate; Curt Felix, Chair Clean Water Committee

Chair Curley Called the meeting to order at 6:02pm

**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.

Chair Curley made two announcements to the group. His first was to inform the group that the town lawn will not be discussed this evening.

The second Chair Curley asked the group for a moment of silence in memory of Juliette Brown who lost her life Sunday January 23, 2022.

**II. *Consent Agenda***

Chair Curley took two items out of the consent agenda the Recreation Pavilion and the WOMR.

**Chair Curley Moved that the two items on the consent agenda from Wellfleet Gardens and Friends of the Library have been approved as there were no conflicts with their applications.**

**A. Recreation Pavilion ~ Betty Finken ~ September 16, 2022; 5pm-10pm**

Chair Curley asked Finken to give the board a little more information on what she is looking to do with the pavilion. She explained to the board that her daughter is getting married, and she would like the wedding party and the guests that are coming from out of town to have a place to stop and grab a bite to eat before they go to their hotel rooms. She stated she was looking to use the parking lot at the pavilion and across the street for an alcohol and food truck. Wilson questioned the liquor license from the owner of the truck. Finken explained that she believed they did have the licenses, but she would double

check and make sure all licenses were up to date. The board discussed this rental with Finken more.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the use of The Wellfleet Pavilion to Betty Finken on September 16, 2022, from 5pm – 10pm and the Pavilion to be returned to its present condition to the satisfaction of the Department of Public Works and the Recreation department for a fee of \$600. The applicant shall be responsible for supplying toilet facilities, trash removal and be responsible for the reimbursement of the town for staff time. To also confirm that Mobile Mixtures is licensed as required by the state to pour alcohol.**

**Roll Call Vote: 5-0**

- B. Town Hall Driveway ~ Wellfleet Gardeners ~ May 28, 2022; 6am-1pm  
**Approved**
- C. Town Hall Driveway and Front Lawn ~ Friends of the Library ~ July 3, 2022. August 7, 2022; 7am-2pm (with rain dates on July 10th and August 14th, 2022)  
**Approved**

- D. Various Locations ~ WOMR ~ September 24, 2022; 5am-11am  
Wilson began commenting on the fact that she loves this group, but she feels it puts too much tax on the town and the town staff. She explained she feels the town should cut back on these events. Braden stated he was the executive director of WOMR and stated that this event isn't asking anymore than what they have asked for in the past. He explained that they are in town at 5am and then usually fully cleaned up and out of town by 11am. Walker agreed with Braden and explained that they always clean up the area when they leave, and the race was moved to September to make it easier on the town resources. The board disagreed with Wilson and stated that the group does have to pay for the resources and believes it is good for the town. The board questioned Chief Hurley who stated the department has been able to accommodate this group and will inform the board if there are any issues for this year.

**Chair Curley Moved, Board Member Reinhart Seconded, and it was voted to approve the use of various locations throughout the town of Wellfleet for the Wellfleet Sprint Triathlon to WOMR on September 24, 2022, from 5am to 11am with all areas to be returned to the pre-race conditions to the satisfaction of the Department of Public Works and the Director of Community Services for a fee of \$800.**

**Roll Call Vote: 5-0**

### III. *Police Department Update*

- A. Commendation of Sergeant Paul Clark and Officer Michael Allen  
Chair Curley explained that he would like to officially recognize the two officers for performing life saving efforts to save a resident.

Chief Hurley explained to the board that he like to send these commendations to the board to allow the public to know what an amazing and dedicated staff the department has.

**Board Member Reinhart stated that the Wellfleet Selectboard would like to commend Sergeant Paul Clark and Officer Michael Allen for their life saving actions on January 17, 2022. Chair Curley Seconded.**

**Roll Call Vote: 5-0**

**B. Deployment of Body Cams**

Chief Hurley explained to the board that in the previous week the department rolled out their body camera program. He informed the board and the public that they would be conducting community outreach to explain and demonstrate how these cameras work. He also stated that only 10% of the departments have body cameras and gave the statistics on the positive aspects of having the cameras for the officers.

**C. New Police Officer Appointment**

The board moved on to the appointment of Christopher Greene. Chief Hurley stated that the department was facing a staffing shortage and Greene saw the Facebook recruitment video and was interested in applying to the town. Chief continued stating that he was able to get Greene into the academy with the previous appointment so they will be able to work soon. Greene gave some background to the board and stated he is looking forward to working in the town and feels it is a great fit.

**Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the appointment of officer Christopher A. Greene as a full-time police officer for the town of Wellfleet subject to the successful acceptance and subsequent completion of the Massachusetts Police Training Council Academy.**

**Roll Call Vote: 5-0**

An item was taken out of correspondence to inform the public about load shedding. Chief Hurley explained that this is information that he received as the town's emergency director that due to the short supply of natural gas and the over taxing on the power source that Eversource is notifying customers that there are chances that there will be outages throughout the community. There will be no knowledge of where and when the communities will be affected and Eversource is trying to reduce the impact on the communities. Chief Hurley stated that this isn't just Wellfleet this is throughout all the areas that Eversource services. He explained that some of the outages could be longer and stated if needed warming stations will be opened and available to the town. It was again reiterated that the town has no control over these outages but will keep the public informed.

**No action taken**

**IV. *Notification of Appearance of Conflict of Interest***

**A. Chair Curley**

Chair Curley stated he has an appearance of conflict of interest, he has no financial interest as he stated his uncle and cousin have grants.



**B. Rebecca Taylor ~ Chair of the Shellfish Advisory Board**

Chair Curley explained that Taylor does have a financial conflict of interest regarding ARC. He stated the board will have to vote if they believe Taylor has an actual conflict. Reinhart questioned on the disclosure that Taylor hosts ARC on her grant and asked for explanation on what that entails. Taylor stated that she sometimes she hires ARC and sometimes she does research with them. Taylor explained if she recuses herself with this matter at Shellfish meetings, they have a difficult time maintaining a quorum and feels that it might be difficult to maintain a quorum and get votes accomplished.

Chair Curley stated that he has concerns that Taylor will be put into very uncomfortable positions if she doesn't recuse herself.

**Board Member Wilson moved, that the because the board has reviewed this particular matter and the financial interest identified in the disclosure by Rebecca Taylor a special municipal employee and the board has determined that Rebecca Taylor's financial interest is not so substantial as to be deemed likely to affect the integrity of services which the municipality may expect of her as a special employee and is required by Massachusetts General Law 268A, Section 10, relative to ARC.**

There were some questions of the board regarding financial interest and revenue. DeVasto read a section of Conflict-of-Interest Law regarding the town Shellfish Advisory Boards.

**There was no second on this motion, the motion didn't carry.**

**Chair Curley Moved, Board Member Reinhart Seconded; that the board finds that the financial interest relative to ARC is substantial enough that it is deemed possible that her services might be questioned exclusive to this matter.**

**Roll Call Vote: 2-2 (motion doesn't carry)**

Wilson explained that this vote removes Taylor from a quorum.

**Board Member Wilson Moved; Board Member Wolf Seconded; and it was voted that because the board has reviewed the particular matter of ARC and the financial interest as identified above by Rebecca Taylor a special municipal employee, we have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of services which the municipality may expect of the employee and is required by Massachusetts General Law 268A, Section 10.**

**Roll Call Vote: 2-2 (motion doesn't carry)**

The board discussed a broader discussion needs to be had regarding ARC and residents before they discuss Taylor's conflict.

They moved on to the bounds of Taylor's licensed area disclosure. Chair Curley stated he had no issues for her second conflict of interest filed as this is something that is very common.

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted that the selectboard, the appointing authority as required by Mass General Law 268A Section 19 has reviewed the particular matter subject relative to licensed area boundaries and has determined that the financial interest identified by Special Municipal Employee Rebecca Taylor is not so substantial as to be deemed likely to affect the integrity of the services to which the municipality may expect of the employee.**

**Roll Call Vote: 4-0**

Chair Hurley explained that another conflict was filed by the shellfish constable Nancy Civetta he stated they did not need a motion for this conflict. Civetta explained that back in 2015 she worked for a nonprofit organization and did some work with ARC.

V. ***Public Hearings***

Chair Curley made an announcement to the public stating that they will hear all the information on ARC, their grant and the renewal of their grant but they will not make any decisions and will continue this hearing to a later date. They will deliberate on this matter at this meeting.

**Board Member DeVasto stated he will recuse himself for the entire hearing regarding shellfish.**

A. Status of License Holder Aquacultural Research Corporation (A.R.C.) of Shellfish Grant License #792 with regards to Sections 7.8.1. Eligibility Requirements, and 7.8.2. Domicile Requirement and Exception.

Chair Curley began introducing Sawyer to the public and board. Wilson began asking when the last person who worked with ARC was domiciled in Wellfleet. Sawyer explained that he is not sure of when someone from Wellfleet was employed by ARC. He stated they have been in the town since 1982. Wilson asked at what point did ARC stop functioning within the town's shellfish regulations. Sawyer stated this section applies only to ARC. She continued that they were stopped being adhered to and when was that? She expressed that this was both the town's fault and ARC's fault. She asked if there is any part of the regulation that ARC is complying with.

Sawyer stated he believed that they haven't stopped complying with these regulations and are still currently doing so. He continued stating there will be a study done this year to help come up with a strain of clams that are less susceptible to aplasia. He continued explaining how they have continued following these regulations.

Chair Curley explained that this isn't about what the hearing is advertised under. He stated under the eligibility requirements ARC doesn't meet that criterion. He stated that when the license was renewed in 2017 the chief officer was domiciled

in Wellfleet and ARC was going to contribute seed to the town. He continued stating that they have not done that in a considerable amount of time. Chair Curley continued expressing that ARC is not meeting any of the eligibility requirements for a new license which is what they are doing tonight.

Sawyer responded to Chair Curley and stated he feels they do meet the requirements. Chair Curley stated they are not conditioned under the grandfather clause because their grant doesn't meet the size. Discussion continued about this grant and whether or not it is legal for ARC to hold the grant because there is no one residing in Wellfleet.

The board discussed how much research was done and where is the research taking place? Civetta explained that the license was never issued by the town for research. She explained that this is not the way the license was issued in 1982 and has never been renewed as a research grant. The letter from 1982 was discussed and what kind of license was discussed. There was a great amount of discussion if ARC is still allowed to have a grant in Wellfleet if they are not domiciled here.

Bacon stated that the board worked so hard pursuing the HDYLTA parcel so no outsiders could come into Wellfleet and take land to shellfish on. She questioned has ARC been doing research like they stated they would be and is there anyone domiciled in Wellfleet. She stated the town's shellfish regulations are very clear and need to be fair to everyone.

Angelo spoke to the board and questioned Sawyer and Taylor. He questioned which research projects Taylor was hosting Taylor did not answer. He asked how much seed was sold from ARC to which harvester or the town of Wellfleet. Which farms use that seed. He continued discussing seed and business plans for each farm. He also questioned the studies of aplasia. Sawyer stated that those haven't been conducted and will be done in the spring. He explained that they do report to the state on how much seed they sell to the harvesters. There was more discussion on research that ARC is doing. Sawyer explained that he didn't have a list of all the research projects that ARC has done.

Wallace spoke to the board stating that when ARC was approved, he was the shellfish constable 1979-1982. He explained that at the time was financially ARC was unable to survive on the sale of seed alone, he continued that the entire industry was an experiment and he felt that the survival of ARC as the sole supplier of seed to the industry. Wallace continued explaining how ARC came to have a grant. The board continued to discuss the grant, the legality of the grant. Chair Curley stated again that the board will make no decisions on this grant at tonight's meeting.

**No Action was Taken**

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to continue the hearing on Grant #792, ARC. February 22, 2022, at 6pm.**

**Roll Call Vote: 4-0**

- B. SAB (Shellfish Advisory Board) Recommendations and planning for the use of the HDYLTA parcel.**

Chair Curley moved on to Taylor and asked her to give the shellfish advisory board recommendations for the HDYLTA parcel. Taylor explained they held a

meeting and had long deliberations to decided and come to an agreement on what to do with the parcel. Their recommendations were screen shared by Chair Curley. The board discussed the seven recommendations that the SAB made. Chair Curley asked for public comments there were none. He moved on to the deep-water grants that the SAB discussed in their recommendations.

- C. As recommended by the Shellfish Advisory Board at its meeting on December 28, 2021, to relocate the five deep water Indian Neck grants to within the town owned HDYLTA property as proposed on the map provided by the Wellfleet Shellfish Department.

Chair Curley explained that any recommendation in this that had to do with parcel #792, ARC has been continued and will not be voted on tonight.

Civetta stated to the board that MEPA would not move on any recommendations unless all five grants were voted on at this meeting. The board discussed this.

There were no issues with the layout of the grants. Chair Curley stated ARC didn't meet the regulations, Civetta explained that they are voting on the current licensed grants not upcoming grant applications or renewals.

**Board Member Reinhart Moved; Board Member Seconded; and it was voted as recommended by the Shellfish Advisory Board at their meeting on December 28, 2021; to relocate the five deep water Indian Neck Grants within the town owned HDYLTA property as proposed on the Map provided by the Wellfleet Shellfish Department.**

- D. That these relocated grants, will keep their same grant numbers and lease holders as follows: 01-03 David Seitler and Melissa Yow, 01-06 Robert Paine and Allison Paine, 792 Aquacultural Research Corporation, 01-04 William Young, Jr. and 01-05 Justin Lynch and Eben Kenny, but be defined by the corresponding new boundary coordinates provided by the Shellfish Department.

Chair Curley asked for these to be two separate motions. He didn't want to vote on 01-06.

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted that these grants will keep their same grant numbers and lease holders as follows, 01-03 David Seitler and Melissa Yow; #792 Aquacultural Research Corporation; 01-04 William Young Jr.; 01-05 Justin Lynch and Eben Kenny. Be defined by the corresponding new boundary coordinates provided by the Wellfleet Shellfish Department. In the January 25<sup>th</sup>, 2022, Selectboard packet the respective current leases shall remain valid and will be updated with the new coordinates as outlined in the shellfish constable's memo in the packet and the status of ARC eligibility to be established at a later date.  
Roll Call Vote: 4-0**

**Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted as recommended by the Shellfish Advisory Board with a vote of 5-0 at their meeting on December 28, 2021, to relocate license area 01-06, Robert Paine and Allison Paine within the town owned HDYLTA property as proposed on the map provided by the Shellfish Department; this grant will**

keep the same grant number and lease holder as follows; Robert Paine and Allison Paine but be defined by the corresponding new boundary coordinates provided by the Wellfleet Shellfish department. In the January 25, 2022, Selectboard Packet the respected lease shall remain valid and will be updated with the new coordinates as outlined in the Shellfish Constable's memo in the packet.

**Roll Call Vote: 3-0 (Chair Curley Recused himself)**

**Board Member Reinhart moved; Chair Curley Seconded; and it was voted to take the agenda out of order.**

- E. To return the area that these grants formerly occupied to the wild and abandon it as an aquaculture area.

There was no discussion on moving these grants back to the wild.

- F. Recommendations and planning for the use of the HDYLTA parcel.

The board discussed this area and Civetta explained that this area that they are discussing is highly used by boaters and moorings.

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted that the area between license 85-5-A to the North and 2006-1 and 2006-1 extension be left free and clear for the purposes of navigation.**

Chair Curley moved on to the second parcel and showed it on the screen. He stated it is a one-acre parcel that is currently vacant. He stated this is a potential site for another grant. A lottery for this parcel was discussed.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted that the town of Wellfleet create a new grant between grants #851 & 863 to the west and grants # 861A & 861B to the east if the Wellfleet Shellfish Department determines that the area is suitable for aquaculture and will follow the process laid out in section 7.1 and will hold a lottery as laid out in 7.2 of the Wellfleet Shellfish Policy.**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member Reinhart Seconded; and it was voted that the Wellfleet Select Board shall consider grant extensions where reasonable within the HDYLTA parcel.**

**Roll Call Vote: 3-0-1 (Wilson Abstained)**

- G. Status of Moratorium placed on the HDYLTA parcel north of parcel 17.49 on August 16th, 2021.

**Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to life the moratorium placed on the HDYLTA parcel north of parcel 17.49 on August 16, 2021.**

**Roll Call Vote: 3-0-1 (Wilson Abstained)**

- H. Status of Moratorium placed on the HDYLTA parcel south of parcel 17.49 on August 16th, 2021  
**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to lift the moratorium placed on the HDYLTA parcel south of parcel 17.49 on August 16, 2021.**  
**Roll Call Vote: 4-0**

The board will discuss the remaining SAB recommendations at a later meeting.

VI. ***Licenses***

A. **Common Victualer:**

- Blackfish Variety
- Block & Tackle
- Boathouse Fish Market
- Cumberland Farms
- Dent Donuts
- Fox & Crow Café
- Harbor Stage Company
- Hatch's Fish Market
- JB's Pizza Bar & Grill
- Mac's Seafood Market
- Mac's Shack
- Mac's Seafood Takeout
- PB Boulangerie Bistro

**Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to approve the Common Victualler Licenses to the businesses as printed in the Selectboard Packet.**

**Roll Call Vote: 5-0**

B. **Weekday Entertainment**

- Block & Tackle
- Fox & Crow Café
- Harbor Stage Company
- PB Boulangerie Bistro

**Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to approve the Weekday Licenses as printed in the Selectboard Packet.**

**Roll Call Vote: 5-0**

C. **Sunday Entertainment**

- Block & Tackle
- Fox & Crow Café
- PB Boulangerie Bistro

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the Sunday Entertainment Licenses as printed in the Selectboard Packet.**

**Roll Call Vote: 5-0**

**All Licenses to be copied with the towns Noise Policy**

**VII. *Board/Committee Appointments and Updates***

**A. SAB Recommendation on Seasonal Shellfish Licenses**

Taylor and Civetta spoke to the Shellfish Advisory Board's recommendation on the seasonal shellfish Licenses. Seasonal permits were discussed. Civetta explained the advantages of having these licenses. Raising the rate was discussed.

**Board Member DeVasto Moved; Board Member Reinhart Seconded; and it was voted to approve the issuance of seasonal shellfish licenses in 2022.**

**Roll Call Vote: 5-0**

**VIII. *Business***

**A. Cape Cod Mosquito Control Project, CCNS on Mosquito Mitigation – Member Wolf**

Sakolsky began her presentation to the board explaining that this past summer had a high number of mosquitos and explained they were unable to access certain areas and have asked for the National Seashores help in extending their permit on the seashore, so they are able to treat the standing water to keep the number of mosquitos at a low rate.

Carlstrom spoke to the board explaining how the park chain of command works. He stated that Sanders has a slide show to share with the board and public.

Carlstrom also stated to the board that the park service's mission is based on an ecological basis not a species-to-species basis and wants people to understand that they will continue to work with their specialist at the seashore.

Sanders shared his screen with the board and explained the work that the park has been doing. He explained they did some mapping of the dunes and over washed areas. He explained the park has installed monitoring devices that capture water level and salinity. He stated they are learning how far the salt water is moving up the system. He showed the studies done at Duck Harbor and the over wash that has happened there. He continued explaining what they are tracking and why. He continued stating what their mosquito management plan will be moving forward. The board discussed this plan and will there be negative affects on people and species.

**No action was taken**

**B. Shellfish tax insert – WSD**

Civetta spoke to the board regarding her shellfish insert. She gave the board copies of the brochure and gave some explanations to the board and public. She stated that it is trifold and because of the weight it will prohibit any other tax insert to be put into the mailings. The board has not voted on any other tax insert and agreed this was a good insert to have. Wilson stated that she would like this insert sent to the nonresident taxpayer's association so if they rent their homes in the summer this can be hung on the refrigerator.

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the insertion of the Shellfish Department's voters guide to shellfish farm and gear in Wellfleet Harbor in the Wellfleet spring 2022 tax insert.**

**Roll Call Vote: 5-0**

**C. Determination and Consent Pursuant to Massachusetts Rules of Professional Conduct, Rule 1.7 - Representation of the Towns of Wellfleet and Truro for the Herring River Restoration Project -KP Law**

Chair Curley explained that there needed to be a motion to determine and give consent for KP Law to represent the town of Wellfleet and the Town of Truro in regard to the Herring River Restoration Project. Sumner gave a brief update on this agenda item. Wilson asked which attorney's from KP Law were working on this particular item. Sumner stated he didn't know that information.

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted that the Selectboard as the appointing authority consents to KP Law to represent the town of Wellfleet notwithstanding the firm also serving as counsel to the town of Truro with regard to the review of those amendments to the Herring River Restoration Project and to authorize the chair to sign the Determination as required by the roles of professional conduct.**

**Roll Call Vote: 5-0**

**D. Town Lawn – DPW Director Jay Norton ~ This was postponed to a future meeting.**

**IX. *Selectboard Reports***

Chair Curley spoke to the board that the Cape and Islands water protection fund took in a little over 19 million dollars from March of 2021 to November 2021. There were no other reports.

**X. *Town Administrator's Report***

Sumner gave an update, stating there was a first meeting of the Town Administrator Search Committee, they were able to get things set up and at their next meeting they will review interview questions. He continued that the town treasurer and town accountant jobs are still posted and will keep Mary McIsaac and Lisa Souve employed to help transition the new hires into the roles. He continued that he is working hard on the annual town meeting warrant. He stated his goal is to get final input from the department heads and send it off to town counsel for review. He



discussed his financial forecast stating that the next piece if that will be the Nauset Regional School District budget which will be reviewed, and he stated he should have the forecast finished.

He updated the board that there was a meeting with the water rate consultant. He stated to the board that it was a great and productive meeting.

**XI. *Topics for Future Discussion***

Reinhart would like to look at the code of conduct and the financial management policy that was handed out. Chair Curley stated they are due the end of February and it should be on the first March meeting. The board discussed when they would be discussing Budgets. Chair Curley informed the board that they need to do their annual report for the 2021 annual report and because the board had an investigation on town finances, they need to have an update in the annual report for 2021. They discussed a Cape Cod Commission meeting on February 3<sup>rd</sup>.

**XII. *Correspondence and Vacancy Reports***

Please see the selectboard packet for both reports.

**XIII. *Minutes***

**A. January 4, 2022, ~ Chair Curley Moved; Board Member Reinhart Seconded and it was voted to approve the minutes as printed**

**Roll Call Vote: 4-0-1 (Wilson Abstained)**

**B. January 11, 2022, ~ Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the minutes as printed**

**Roll Call Vote 4-0-1 (Wilson Abstained)**

**XIV. *Adjournment***

**Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to adjourn**

**Roll Call Vote: 5-0**

**Meeting Adjourned 10:01pm**

**Public Documents:**

- \*Applications submitted for the use of town property*
  - Recreation Pavilion ~ Betty Finken*
  - Town Hall Driveway ~ Wellfleet Gardeners*
  - Town Hall Driveway and Front Lawn ~ Friends of Wellfleet*
  - Various Locations throughout Wellfleet ~ WOMR ~ Triathlon*
- \*Letter of Commendation for Sergeant Paul Clark and Officer Michael Allen*
- \*Press release regarding officer body cameras*
- \*New Officer Christopher Greene's information*
- \*Shellfish hearing documentation*
- \*Appearance of disclosure of conflict of interest*
- \*Business License applications*
- \*Slide show from Cape Cod National Park Service*
- \*Shellfish Department Tax insert flyer*
- \*Letter from KP Law regarding the determination for Herring River*
- \*Meeting Minutes of January 4<sup>th</sup>, & January 11<sup>th</sup>, 2022*

**Respectfully submitted:**

*Rebekah Eldridge*

**Wellfleet Selectboard  
Hybrid Meeting  
Tuesday August 16, 2022; 7pm  
Meeting Minutes**

**Members Present:** Ryan Curley, Chair; Kathleen Bacon, John Wolf, Barbara Carboni

**Members Absent:** Michael DeVasto

**Others Present:** Richard Waldo, Town Administrator (9:00pm remote); Rebekah Eldridge, Executive Assistant; Sharon Rule-Agger, Presenter of Maurice's Campground, Various residents of Wellfleet for the 1065 Route 6; David Agger, Chair of the Cemetery Commissioners; Carole Ridley, Herring River restoration project;

Chair Curley called the meeting to order at 7:01pm

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

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

Local Residents got up to the microphone and spoke of their frustrations with the selectboard not addressing the cease-and-desist letters issued to Great White Realty, who continue to build and move boulders causing dust, noise, and complete disruption to their neighborhood. The board members stated they hear the frustration and are not able to speak to this issue as it is not on the agenda.

Agger spoke to the board and public that there will be a fall cemetery clean up and invited everyone to join.

**II. *Consent Agenda***

**A. Waiver of Appraisal and Damages for Wellfleet Conservation Trust to be signed by Selectboard – Taken out of consent Carboni had to recuse**

**B. Order of taking ~ Herring River Restoration Project – Taken out of consent; Carboni had to recuse.**

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve items A and B without objection**

**Roll Call Vote: 3-0-1 (Carboni Recused)**

**C. Marina Fuel Tanks ~ Rebecca Roughley, ATA**

**D. Christina Black ~ DPW Parking lot (off hours) Friday September 9, 2022; 5pm-11pm; Sunday September 11, 2022; 8am-12pm**

**E. Colin McGuire ~ Overflow Parking at White Crest Beach ~ October 22, 2022; 3pm-11pm**

**F. Tax Insert for fall taxes for: Wellfleet Targeted Watershed Management Plan ~ Hillary Lemos, Health & Conservation Agent**

**G. Appointment to the Clean Water Advisory ~ Hillary Greenberg Lemos ~ Health & Conservation Agent.**

**H. Approval of Letter advocating for electric school busses.**

I. Special Police Officer Appointment/ Animal Control Officer ~ Jacob Berrick  
**Chair Curley Moved; Board Member Carboni seconded; and it was voted to approve all items under the consent agenda without objection.**  
**Roll Call Vote: 4-0**

III. ***Licenses***

- A. General Business License ~ Jaqueline Scott ~ Commercial Signage  
**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve Jaqueline Scott for a general business license for a fee of \$125.00**  
**Roll Call Vote: 4-0**
- B. General Business License ~ Frying Pan Gallery ~ Steven Swain  
**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve Steven Swain a general business license for a fee of \$125.00**  
**Roll Call Vote: 4-0**

IV. ***Business***

- A. Presentation for 80 State Highway/Maurice's Campground Working Group information update  
Rule-Agger presented to the board and public a 17-page slide show to show about the purchase of Maurice's Campground and the efforts and work the subgroups have put into the due diligence of the purchase. The board had some remarks and questions to Chair Curley. Cape Cod Commission was discussed and having them come to see the campground.  
**Carboni moved; Chair Curley Seconded; and it was voted to approve the financing plan as presented and request to the TA to approach the Cape Cod Commission to review the financial plan and make recommendations as needed.**  
**Roll Call vote: 4-0**
- B. Request of variance from the Wellfleet Board of Health 80 State Highway/Maurice's Campground.  
Chair Curley spoke to the board about presenting the Wellfleet Board of Health and requesting a variance from them for the campground so they are able to keep the septic systems for the remainder of the campground's operations, once the campground has fulfilled its term with the campground being run for 6 years they will build a system for the property. There was a letter written to the Board of Health for the board to review so they would approach the Board of Health with this letter. Carboni spoke to the letter stating that requesting a complete waiver for the full 6 years might be too much of a cost to the town regarding upkeep of the septic systems and cesspools on the property. Bacon stated that she has been informed that because the property has only been used for seasonal use that the water and septic systems have benefited from being seasonal only. The board discussed this and addressed Board Member Carboni's concerns about purchasing the property without further inspection. Chair Curley explained that this variance letter needs to be sent to the Board of Health by tomorrow to be on their agenda for the August 24<sup>th</sup> meeting.

**Chair Curley moved; Board member Wolf seconded; and it was voted to approve the request of a variance letter addressed to the Board of Health to be heard at their August 24<sup>th</sup>, 2022, meeting.**

For discussion Carboni asked to amend the language of the letter.

**Chair Curley moved, Board Member Wolf seconded; and it was voted to approve the request of variance to the Wellfleet board of health as amended  
Roll Call Vote: 4-0**

**C. Final Grant Agreement to fund Herring River Restoration Project Phase 1**

**Board Member Carboni recused from this agenda item**

Ridley spoke to the board about the final grant for funding of the project and gave the details of this phase and the grants being received, she explained to the board that there were some changes but do not alter the intent of the money. The board discussed this.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted that the Selectboard accept and authorize the town administrator to execute the final grant contract consisting of the Commonwealth of Massachusetts standard contract form and attachment A, scope of services, Town of Wellfleet Massachusetts, Herring River Estuary Restoration Project; Wellfleet and Truro Massachusetts and the contractor authorize signatory listing form as proposed by the Massachusetts Department of Fish and Game, division of ecological restoration for the grant to the town of up to 22 million 670 thousand dollars and financial assistance for implementation of the Herring River Restoration Project.**

**Roll Call Vote: 3-0-1 (Carboni Recused)**

**Chair Curley Moved; Board Member Wolf seconded; and it was that the Selectboard accept and authorize the town administrator to execute the final US department of agricultural notice of grant and agreement award for a grant to the town of Wellfleet for up to 24 million in financial assistance and 3.2 million in technical assistance for implementation in the Herring River Restoration Project**

**Roll Call Vote: 3-0-1 (Carboni recused)**

**D. Selectboard goals ~ Selectboard Goals**

The board began discussing their individual goals. Chair Curley stated he made a list of goals that he feels could be in the town administrator's realm.

The board went through the goals. The board first discussed Cahoon Hollow beach and how it has been an issue with buses and a huge burden to the police and fire departments, Chair Curley explained to the board that the Beach director Suzanne Thomas won't put new staff on that beach due to the issued that are there every summer. The buses were a major part of the discussion and regulating them. Chair Curley spoke about alternate options to address the behavior on the beach. Cahoon Hollow Beach is a priority of the board, they will discuss more how they can address the issues.

The board continued discussions on other goals, LeCount Hollow bathhouse was a topic for discussion, needing to update its infostructure Bacon spoke

about all the oceanside restrooms stating the goal needs to be broader. Carboni stated to 'REVIEW AND PRIORITIZE ALL RESTROOM FACILITIES'  
Bacon spoke to the 95 Lawrence project should be important and at the top of the list of goals, stating that this is an important project and one that is fast approaching. They discussed if this was more of a town administrator's project rather than a town administrator goals. **95 Lawrence will be listed as a Town Administrators Goal.**

**The Town's Website was discussed and will also be a town administrator's goal.**

**The staffing goals will also be given to the town administrator**

Wolf spoke to the board about dredging and the need for a working group involving the town administrator. The board continued to discuss their goals and which ones they would delegate to the town administrator and which they would keep as the board's goals. Bacon spoke about the shellfish shack and the want/need to upgrade it and it being very important. Chair Curley stated he didn't believe there was anything they could do with it unless it was completely restructured. Bacon stated she would like the building inspector and the DPW director to look at it and see if there was something they could do for \$50,000 or under. Chair Curley read the deed and what was stated on it with regard to the shack. He again stated he didn't believe the board would get anywhere with the shack. The discussion continued.

**No Action Was Taken**

**E. Approval of Code of Conduct Policy –**

Chair Curley spoke to this code and gave a brief description of the changes that were made by town counsel. There was no discussion

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to Approve the code of conduct as amended by KP Law and be placed on the town's website; to have the town clerk distribute.**

**Roll Call Vote: 4-0**

**F. Liaisons ~ Go through the list of committees that would like a selectboard member as a liaison**

The board discussed the boards who wished to have liaisons

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to appoint Board member Wolf as a liaison to the Marina Advisory Committee.**

**Roll Call Vote: 4-0**

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to appoint Ryan Curley as the liaison to the Commission on Disabilities**

**Roll Call Vote: 4-0**

**Chair Curley Moved; board member Bacon Seconded; and it was voted to appoint Barbara Carboni as a liaison to the Energy and Climate Action Committee.**

**Roll Call Vote: 4-0**

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to appoint Kathleen Bacon as a liaison to the Natural Resources advisory Board**

**Roll Call Vote: 4-0**

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to appoint Barbara Carboni as a liaison to the Community Preservation Committee.**

**Roll Call Vote: 4-0**

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to appoint Barbara Carboni as a liaison to the Rights of the Public Access Committee**

**Roll Call Vote: 4-0**

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to appoint Ryan Curley as a liaison to the Finance Committee.**

**Roll Call Vote: 4-0**

- G. Financial Policy ~ Chair Curley ~ Board Member Bacon requested this agenda item be postponed until the town administrator can be at a meeting.**

**V. *New Business***

Chair Curley addressed the letter to the board from the superintendent of the National Seashore stating that the bylaws being addressed by the Planning Board Wednesday August 17<sup>th</sup>. He stated he wanted to address it tonight regarding the Zoning Bylaw and that the Planning Board if the appointing authority so the letter will be addressed

**VI. *Selectboard Reports***

There were none.

**VII. *Town Administrator's Report***

**Board Member Bacon Moved; Board member Carboni Seconded; and it was voted to accept the town administrators report as printed stating it was well done.**

**Roll Call Vote: 4-0**

**VIII. *Topics for Future Discussion***

Other than the goals set for tonight there were none

**IX. *Vacancy Reports***

Chair Curley spoke to about the Wellfleet Cultural Council who is looking for a treasurer to be a part of their board. He gave some details about the board and their uniqueness.

**X. *Minutes***

**A. August 2, 2022**

**B. August 9, 2022**

**Chair Curley Moved; Board Member Bacon seconded; and it was voted to approve the minutes as printed.**

**Roll Call Vote: 4-0**

**XI. *Adjournment***

**Chari Curley Moved; Board Member Bacon Seconded; and it was voted to adjourn.**

**Roll Call Vote: 4-0**

**Meeting Adjourned: 9:21pm**

***DRAFT*** \*\*\* a full recording of this meeting can be found on the town's website \*\*

***Public Records***

***Waiver of Appraisal and Damages for Wellfleet Conservation Trust***

***Order of taking ~ Herring River Restoration Project***

***Marina Fuel Tanks application and signature page***

***Application use of town property, Christina Black DPW Parking Lot***

***Use of Town property, White Crest Beach; Colin Mcgurie***

***Tax Insert ~ Hillary Greenberg Lemos***

***Letter from Selectboard approving electric school busses when they become available.***

***Special Police officer appointment***

***General Business License applications; Jaqueline Scott & Frying Pan Gallery***

***80 State Highway slideshow presentation***

***Variance Request letter from the selectboard to the Board of Health***

***Final Grant Agreement for the Herring River Restoration Project***

***Selectboard FY 2023 Goals***

***Wellfleet Code of Conduct policy***

***Town Administrator's Report***

***Meeting Minutes; 8/2/2022 & 8/9/2022***





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 13, 2022

XI

### ADJOURNMENT

<b>REQUESTED BY:</b>	Selectboard Chair Ryan Curley
<b>DESIRED ACTION:</b>	To Adjourn
<b>PROPOSED MOTION:</b>	I move to Adjourn
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____