



## Wellfleet Selectboard

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

The Wellfleet Selectboard will hold a public meeting on **Tuesday, September 28, 2021, at 7:00 p.m.** **This meeting will be held via Zoom Video Conference** in accordance with the temporary suspension and enhancement of the Open Meeting Law requirements by Governor Baker. Instructions for a Zoom video conference meeting which also allows phone dial-in are given below:

1. Join the meeting hosted in Zoom by using the following link:  
<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>
  2. Audio, video, chat, and screen sharing functions will be disabled during the public session. Request to participate by using the “raise hand” function. **Meeting ID: 856 8960 4806 | Passcode: 611877**
    - a. Raise hand in smartphone app – touch bottom of your screen and select “more” - hit “raise hand” button
    - b. Raise hand on computer – hit “participants” button on bottom of screen – hit “raise hand” button on bottom of participants panel
    - c. Please make sure you properly identify yourself before speaking, rename yourself by selecting the participants button and choosing “more” (or by holding down on your name on a smartphone app) and selecting “rename” - full, legal names only.
    - d. Please join the meeting on time.
  3. You may also listen to the meeting by calling in on a phone to +1 929 205 6099 and enter **Meeting ID: 859 8960 4806 | Passcode: 611877** Landline callers can participate by **dialing \*9 to raise their hand.**
  4. You may submit questions and comments to the Town using the following email:  
[executive.assistant@wellfleet-ma.gov](mailto:executive.assistant@wellfleet-ma.gov) Comments made during the meeting via e-mail will be sent to Selectboard members **AFTER** the meeting.
  5. Meeting materials are attached to this agenda, available online at Wellfleet-ma.gov. It is recommended that phone participants access materials in advance of the meeting.
  6. **Please follow the following general instructions:**
    - a. Keep your phone muted at all times when not talking; no one is allowed to unmute themselves during the meeting.
      - i. Selectboard meetings are NOT interactive. If public comments are allowed that’s all, comments only, not questions.
      - ii. If the Chair is allowing comments during the meeting the number of comments will be limited and may be **no longer than one minute.**
    - b. Do not use speakerphone; do not use Bluetooth devices; mute all background noise.
    - c. Please do not speak until the Chair asks for public comments or questions and you have been recognized by the moderator and unmuted.
    - d. After the business section is complete no public comments are permitted. Future agenda items are from the Selectboard, no one else.
  7. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.
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- I. **Announcements, Open Session and Public Comments**  
Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
- II. **Explanation of Consent Agenda Procedures**
- III. **Consent Agenda Approval without objection is required for the following items:**
  - A. To accept the appointment of Building Commissioner ~ Interim Town Administrator Charles Sumner
  - B. To accept the appointment of DPW Superintendent ~ Interim Town Administrator Charles Sumner
- IV. **COVID-19 Updates and Recommendations**
- V. **Public Hearings**
  - A. Discussion and vote on potential of opening up specific areas of Chipman's Cove on September 29 for commercial harvest only in order to mitigate potential silting over and mortality of shellfish resources due to dredging-related impacts. ~ Nancy Civetta, Shellfish Constable
  - B. Use of Town Property Fee Schedule ~ Selectboard Chair Ryan Curley
- VI. **Use of Town Property**
  - A. Macs on the Pier ~ Interim Town Administrator Charles Sumner
  - B. Missing Voices, LLC. ~ Kory Banning ~ Town Pier ~ Time to be Determined ~ 10/18- 11/20
- VII. **Board/Committee Appointments and Updates**
  - A. Natural Resources Advisory Board
    - 1) Harbor Plan ~ NRAB
    - 2) Wellfleet Harbor Flora and Fauna Survey Article for Special Town Meeting ~ NRAB
    - 3) Natural Resources Advisory Board Charge Article for Special Town Meeting ~ NRAB
  - B. Dredging Update ~ Joe Aberdale
  - C. COA Advisory Committee Amended Charge ~ Selectboard Chair Ryan Curley
  - D. Seashore Advisory Council Letter ~ Lilli Ann Green
- VIII. **Business**
  - A. Special Town Meeting, Date Time & Location ~ Selectboard Chair Ryan Curley
  - B. Town Administrator Search Consultant, RFP or Alternatives ~ Selectboard Chair Ryan Curley
  - C. SLFRP /CARES Reimbursement Disbursement ~ Selectboard Chair Ryan Curley
  - D. East Commercial Street and Main Street Speed Limit Petition ~ Bradley Reichard
  - E. Dredging Clerk of the Works ~ Interim Town Administrator Charles Sumner
  - F. Accept the Provisions of at 940 CMR 29.1 0 ~ Selectboard Chair Ryan Curley
  - G. Formally Asking for 3' Sharrow Lanes on Main St ~ Selectboard Chair Ryan Curley
  - H. 2022 Selectboard Goals ~ Selectboard Chair Ryan Curley
- IX. **Selectboard Reports**
- X. **Town Administrator and Assistant Town Administrator Report's**
- XI. **Topics for Future Discussion**
- XII. **Correspondence and Vacancy Reports**
- XIII. **Minutes**
  - A. August 27, 2021
  - B. September 14, 2021
- XIV. **Adjournment**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

I

### ANNOUNCEMENTS, OPEN SESSION & PUBLIC COMMENTS

<b>REQUESTED BY:</b>	<b>Public on attendance and board members</b>
<b>DESIRED ACTION:</b>	<b>No action required</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements and Public Comments</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

II

### EXPLANATION OF CONSENT AGENDA PROCEDURES

<b>REQUESTED BY:</b>	<b>Ryan Curley ~ Chair</b>
<b>DESIRED ACTION:</b>	<b>To explain to the board and public what a consent agenda is and how they work</b>
<b>PROPOSED MOTION:</b>	<b>No Action Desired</b>
<b>SUMMARY:</b>	<b>Chair Curley will explain consent agendas and the procedures that go along with them</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## Explanation Consent Agenda of Procedure

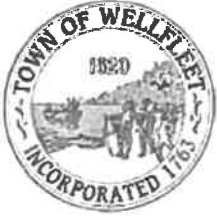
The Chair will read

“Without objection, I will waive the reading of the consent agenda” and will ask if there are any and pause.

If anyone would like an item removed from the agenda for discussion please ask for the item to be removed.

Without objection, the chair will declare the consent agenda approved. (less any items removed)

If any items have been removed they will be discussed in the order they appear in the agenda.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

III

### CONSENT AGENDA

**Approval without objection is required for the following**

<b>REQUESTED BY:</b>	<b>Ryan Curley ~ Chair</b>
<b>DESIRED ACTION:</b>	<b>To approve the town positions below unanimously</b>
<b>PROPOSED MOTION:</b>	<b>I move to accept the appointments of Building Commissioner and the Department of Public Works Superintendent as recommended by the Town Administrator.</b>
<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 28, 2021

IV

### COVID-19 UPDATES AND RECOMMENDATIONS

<b>REQUESTED BY:</b>	<b>Chair Curley and Health Agent Hillary Lemos</b>
<b>DESIRED ACTION:</b>	<b>To update the Board and public on any new Covid-19 information</b>
<b>PROPOSED MOTION:</b>	<b>No votes needed</b>
<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 28, 2021

V

### PUBLIC HEARINGS

~A~

<b>REQUESTED BY:</b>	<b>Nancy Civetta ~ Shellfish Constable</b>
<b>DESIRED ACTION:</b>	<b>To discuss and vote on potential of opening up specific areas of Chipman's Cove on September 29, 2021.</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the opening of Chipman's Cove on September 29, 2021, for commercial harvest only in order to mitigate potential silting over and mortality of shellfish resources due to dredging related impacts.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

V

### PUBLIC HEARINGS ~ B ~

<b>REQUESTED BY:</b>	<b>Ryan Curley ~ Selectboard Chair</b>
<b>DESIRED ACTION:</b>	<b>To discuss and possibly vote for an official Wellfleet Use of Town Property Fee Schedule</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the use of town property fee schedule as printed in the Selectboard packet.</b>
<b>SUMMARY:</b>	<b>The Selectboard has debated the proper charge for various applications for the use of town property. This has resulted in longer meetings and fees that can vary greatly.</b>
<b>Project</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

# DRAFT

## Proposed Fee Schedule for the Use of Town Property

\$500 per day Roadrace

\$300 per day for a swim event

\$800 per day for a swim and road race event

\$110 per day for single-day use at a single location and \$25/day thereafter

\$200 per day for the memorial garden if the Preservation hall is hosting the main event

\$110 per day for a wedding, reunion, or other personal events

\$110 per day for public art which may be waived if said art is a betterment

\$110 per day ~~f~~For a single day class under 30 ppl in which a fee is charged, \$250 for a class of 30 people or greater in which a fee is charged. For Multi-Day Classes the initial fee shall be charged and for each date \$25 thereafter.

\$600 for large events utilizing town parking or roads per day.

\$600 per location for a Food Trucks or highest bid whichever is greater.

\$385 Surf or watercraft instructional lessons per landing used

\$385 Commercial Small Watercraft drop off per landing used. Not allowed at Gull Pond.

\$1000 minimum per parcel for commercial filming (this might be low but it was charged in the past)

\$800 for staging construction equipment or for traversing a town landing or town-owned property to affect work on seawalls or beach renourishment or anything of nature with and must be additional bonding.

\$500 Fine for use town property without permission per day.

Long-term use of an outdoor location shall be charged by the sq ft and shall be non-exclusive unless otherwise specified. ~~\$45~~ \$8/sq ft/yr is a recommended starting rate.

Total sq/ft x Price per Sq Ft. ÷ 12 (months) = Monthly Rent

### From Policy on Use of Town Property & Fees:

- *No fee is required of Town departments, boards, commissions or committees.*
- *Not-for-profit organizations formed solely to support Town government operations, such as the PTA, Friends of Recreation, and Friends of the Library, would qualify for a reduced fee or no fee.*
- *For beach cleanups, the fee is waived.*
- *Not-for-profit organizations formed to support a specific segment of the community or region as opposed to directly supporting Town operations would pay a larger fee than not for profits which directly support Town government.*
- *Organizations with commercial or quasi-commercial purposes pay a larger fee. An example would be a commercial film crew.*

**Bond or deposit:** *As a condition of approving any application, the Town, in its sole discretion, may require the sponsoring organization to furnish a bond or security deposit to insure the payment of all costs and the restoration of the property to its original condition.*

***Other conditions:*** *As a condition of approving any application, the Town, in its sole discretion, may impose such additional conditions as it determines are reasonably necessary to protect the interests of the Town.*

Board of Selectmen  
Policy on Use of Town Property & Fees  
Original Date: November 22, 1989

1989-1

Revised: April 19, 1994

Reaffirmed: February 17, 1998

Reaffirmed: January 16, 2001

Reaffirmed: March 9, 2004 1989-2

Revised: March 23, 2010

Revised August 11, 2015

Revised March 22, 2016 (fee change)

The Board of Selectmen shall permit use of Town property by individuals or groups for only those activities which are not detrimental to public safety and convenience and which are completely in accordance with all relevant laws and regulations. Insurance coverage and potential liability exposure will be considerations whenever the use of Town property is requested.

Fees are established for use of Town property in order to balance the Town's responsibility to manage the assets entrusted to it by the voters, including Town real estate, in a manner that is consistent with the need to insure that Town government operations can be conducted and citizens access to Town property is preserved while balancing community needs for exclusive use of Town property for specific events. In order to balance these competing needs the Wellfleet Board of Selectmen adopts the following fee structure:

This fee structure applies only to properties under the control, care and custody of the Board of Selectmen. It therefore excludes from its operation properties such as the Wellfleet Elementary School which is under the care, custody and control of the School Committee and the Wellfleet Public Library which is under the care, custody and control of the Library Trustees.

Application fee: \$20.00 until June 30, 2016; \$50 thereafter. The application fee is required for all applications regardless of the event or sponsoring organization and is intended to partially cover the time required to review and process the application.

Reimbursement of direct costs: In addition to the application fee and the use fee, the sponsoring organization shall reimburse the Town for the cost of all Town services requested by the applicant or required by the Town as a condition of approval. The cost of services shall include any equipment charges, required minimum payment to employees for callbacks, private duty fees, etc. to which will be added an administrative surcharge to cover the administrative costs associated with furnishing services.

Insurance: As a condition of approving any application, the Town, in its sole discretion, may require the sponsoring organization to furnish proof of liability insurance covering the interests of the Town with such coverage limits as the Town shall require.

Bond or deposit: As a condition of approving any application, the Town, in its sole discretion, may require the sponsoring organization to furnish a bond or security deposit to insure the payment of all costs and the restoration of the property to its original condition.



Other conditions: As a condition of approving any application, the Town, in its sole discretion, may impose such additional conditions as it determines are reasonably necessary to protect the interests of the Town.

Basic use fee per day (or portion thereof) per parcel (or portion thereof): Between zero (\$0.00) and one thousand (\$1,000) dollars depending on the application of the following criteria. Parcel as used in this document means a parcel shown on the Town of Wellfleet assessing atlas in use at the time of the application.

In determining the fee to be charged for a specific application the Selectmen shall consider the following criteria:

**First:** The nature of the parcel or parcels for which application is made. Parcels which are heavily used by the public warrant a higher fee than parcels not as frequently or as intensively used by the public. An example of a heavily used parcel is the Town Hall parking lot which is used by persons having business at Town Hall or with Main Street merchants, employees, persons parking in order to travel on public transportation, etc. Less heavily used parcels would warrant a fee toward the lower end of the fee scale.

**Second:** The degree of exclusivity required. An application that requires the use of an entire parcel or a significant portion of a parcel to the exclusion of all others warrants a higher fee than uses which do not exclude the public or requires only a small portion of a parcel. In evaluating this criterion the Board may also consider whether and the extent to which adjacent public streets will be used by the event. An example of a use that warrants a high fee is one which requires use of the Town Hall parking lot and adjacent streets to the exclusion of the public for a day or more. An example of a use that warrants a lower fee is one that uses a beach parking lot to stage a road race during the early morning hours before the lot is manned by the Beach Department staff.

**Third:** The nature of the organization and its relationship to the Town.

- No fee is required of Town departments, boards, commissions or committees.
- Not for profit organizations formed solely to support Town government operations, such as the PTA, Friends of Recreation and Friends of the Library, would qualify for a reduced fee or no fee.
- Not for profit organizations formed to support a specific segment of the community or region as opposed to directly supporting Town operations would pay a larger fee than not for profits which directly support Town government.
- Organizations with commercial or quasi commercial purposes pay a larger fee. An example would be a commercial film crew.

**Fourth:** Whether an admission fee is charged by the event organizers for entrance into the event and for what purpose.

**Fifth:** Whether the event includes as participants businesses which pay a fee to the event organizers in order to participate in the event.

The five criteria taken together provide a basis for establishing a fee which reflects the importance of the public space, the degree to which the public is displaced from that space and the degree to which the Town benefits, directly, indirectly or not at all.

At their meeting of April 10, 2018, the Wellfleet Board of Selectmen voted to approve the following Use of Town Property fees:

Application fee	\$50.00
Weddings/Family Functions/Private Events closed to the public	\$110.00 per day
Festivals/Functions/Events open to the public	\$110.00 per parcel * (\$500.00 maximum)
Professional Filming fee	\$110.00 per day, minimum
Surf Lessons (at White Crest only)	\$385.00 per season

**Fees must be paid by certified check, money order or cash seven (7) days prior to event.**

**Events exempt from fees:**

Town sponsored events, fundraisers for the Town, not-for-profit events and political gatherings or protests, provided that application is made to the Board of Selectmen at a Public Meeting at least 30 calendar days prior to the event.

\*Copy of Assessor's map must be included with the application with all areas of the proposed use highlighted.



# Public Hearing

## Proposed Public Use Fee Schedule for Town Properties

The Board of Selectmen will hold a public hearing on **Monday, July 26 at 7:00 p.m.** in the **Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown** to consider the new fee schedule for Town Properties and the Regulations for the Public Use of Town Properties:

*The following proposed fee changes will take effect September 1, 2021 (approved applications with a deposit in place will be grandfathered under the Usage Fee at the time of approval).*

## Use of Town Properties Fee Schedule

**Non-Profit Organization** - Non-Profit fees only apply to organization's who are registered Non-Profits.

Town Hall Grounds, Bas Relief, First Landing Park, Town Parking Lots	July – August	May – June Sept – Oct	Nov – April
Usage Fee per day	\$300	\$150	\$75
Multi-day discount (subsequent days*)	\$100	\$75	\$25
Town Officer	\$35/hr.	\$35/hr.	\$35/hr.
Parking Fee – Bradford St. Town Hall Spaces (4)	\$20 / space	\$10 / space	No charge
Deposit (100% of Usage Fee)	100%	100%	100%
Cancellation Fee (within 4 months of the event)	Deposit total	Deposit total	Deposit total
<b>Lopes Square, Suzanne's Garden</b>	No charge	No charge	No charge

## For-Profit Organization and Individuals

Town Hall Grounds, Bas Relief, First Landing Park, Town Parking Lots, Suzanne's Garden	July – August	May – June Sept – Oct	Nov – April
Usage Fee per day	\$1000	\$500	\$250
Multi-day discount (subsequent days*)	\$300	\$200	\$100
Town Officer	\$35/hr.	\$35/hr.	\$35/hr.
Parking Fee – Bradford St. Town Hall Spaces (4)	\$20 per space	\$10 per space	No charge
Deposit (100% of Usage Fee)	100%	100%	100%
Cancellation Fee (within 4 months of the event)	Deposit total	Deposit total	Deposit total
<b>Lopes Square</b>	No charge	No charge	No charge

\* Multi-day events are consecutive days of a single event and not exceeding more than seven days. Please see the Town of Provincetown's Zoning Regulations for additional information.

# Regulations for Use of Town Properties

## **PURPOSE:**

The Town of Provincetown is fortunate to have a vast array of historic and natural resources for all to enjoy. The purpose of these regulations is to preserve the existing landscape and fragile resources of the Town, as well as minimize any impacts to vehicle and pedestrians, and ensure that others may be able to enjoy these properties for years to come.

These regulations apply to the following properties:

1. Town Hall Grounds
2. Bas Relief Park
3. Lopes Square<sup>1</sup>
4. Suzanne's Gardens
5. First Landing Park
6. VMCC Parking Lot

Commented [TH1]: I changed this to VMCC Parking Lot on the last version

## **FILING PROCESS:**

The application for the Use of Town Properties for any event (public or private) is to be filed with the Provincetown Event Coordinator, who in turn is responsible for managing all requests. These regulations are administered by Town Administration on behalf of the Select Board. Required fees must be paid and ancillary permits associated with the work approved prior to the event.

## **RULES AND REGULATIONS:**

1. An application and permit will be required when an individual or group requests use of a Town Facility (i.e. the above mentioned properties) for the purpose of (but not limited to) the following:
  - a. ~~The exclusive use of a Town-owned property~~
  - b. A non-profit event (i.e. fundraiser, concert, training, etc.)
  - c. A for-profit event (i.e. performance, concert, show, etc.)
  - d. Wedding
  - e. Photography Shoot
  - f. Other
2. The use of Town Properties by an organization and/or individuals for the purpose of marketing private product or company is prohibited.
3. Proper liability insurance will be required in the amount of at least One Million Dollars (\$1,000,000.00). An original certificate indemnifying the "Town, its officers, agents, and employees" must be submitted with the application, or provided to the Town a minimum of 21 days prior to the event to avoid forfeiture of the deposit.
4. For each permitted use, a representative will be designated as the responsible party. The responsible party must provide a Certificate of Liability Insurance for the event with the Town of Provincetown named as an additional insured. The General Liability limits shall be \$1,000,000 per occurrence/\$2,000,000 General Aggregate, and proof of Worker's Compensation Insurance (if applicable) in the amount of the state statutory limit. An insurance waiver may be required.

<sup>1</sup> Re-routing of traffic for an event at this area and/or any facility may require additional permitting

5. Non-profit requests must be made by a non-profit and include a current IRS 501(c) (3) form letter. The application must be signed by the Town Authorized Officer of the non-profit, or include a letter containing the non-profit's letterhead appointing an authorized agent for the purposes of the application and declaring that the event's proceeds benefit for the non-profit, and that the non-profit will collect the funds associated with the activity. Subletting is strictly prohibited and will result in the loss of use of the property, forfeiting of any deposit, and suspension from future use of the property.
6. If more than one person (up to two) is authorized to be responsible for access and security, their name, address and telephone number must be submitted in advance to the Event Coordinator.
7. Town Hall Land is available for use seven (7) days a week subject to availability. Events will not be permitted which interfere with the normal routine of Town business or normal use of the premises concerned. If a permitted event interferes, the Event Coordinator will work with the representative of the event to determine the best solution. In the event of a conflict, failing such resolution, the use permission will be suspended or revoked in favor of the Town's needs without the Town incurring any resultant liability.
8. In the event of a conflict, Town business will prevail, with no resultant liability incurred by the Town.
9. In the event of an emergency, the Authorized Town Representative takes on the role as the Person in Charge. In the case where a member of the law enforcement is present, this person will take on the role as the Person in Charge.
10. The applicant agrees to pay for the repair of any damage to the premises or its contents, or to pay for the replacement of any contents damaged, as a result of the permitted use, and to cover any potential legal costs associated with the recovery of damages. There shall be no alteration or modifications made to Town property, either temporary or permanent. Anchoring into sidewalks, lawns, memorials, and modifications of existing landscaping are forbidden, will result in loss of a deposit, and may accrue other penalties, including loss of future use of the property.
11. Advertising, decorations, etc. must be approved by the Town Authorizing Officer and are subject to local zoning by laws, licensing regulations, and any additional required permits. The Town Authorized Officer will be the Town Event Coordinator, Custodian, or other Designated Town Employee. Items are strictly prohibited from being attached to Town Property that will permanently destroy or mark the finish.
12. If signs will be on display, a Temporary Sign Permit needs to be submitted and approved by the Building Commissioner prior to approval. Please note that Sandwich Boards are considered signs.
13. A designated Town Officer will have the authority and responsibility to oversee and regulate permitted uses. Once an application has been approved, the responsible party for the event will arrange to meet with the Event Coordinator to discuss specific access times and set-up requirements. This meeting must take place no later than two weeks prior to the permitted use.
14. In addition to the usage fee, a Town Officer fee shall be assessed in accordance with the current rate schedule (at an hourly rate). The person appointed as the Town Officer is dependent on the scope of the proposed event.
15. All permitted users must provide a description of the event or function at the time an application is submitted. A detailed agenda must be provided a minimum of 21 days prior to the event.
16. The public use of Town Properties where liquor is sold and/or with 100 anticipated attendees or more requires a special duty Police Detail subject to the Police Chief's

discretion. This detail must be scheduled for the duration that the event is open to the public. Arrangements should be made directly with Police Department and confirmed with the Event Coordinator. Please contact the Police Department 14 days in advance of the event at 508-487-1212 to schedule the detail. Associated fees are not covered in the application fee.

- 17 At the discretion of the Town Officer, the presence of additional staff may be required during the permitted use, or if additional access time is required for delivery, set up or break down of equipment. Additionally, if during the scheduled event the Special Duty Officers determine additional Police Detail is necessary then an officer(s) will be detailed. Associated costs for these additional personnel will be at the expense of the party with no advance notice required.

Reservations and Cancellation:

1. Town Properties may be reserved based on the following:
  - a. With the understanding that events where greater than 99 people in attendance are proposed, Police Chief Approval and Police Detail will be required. The scheduling of any Police Detail may only be reserved 14 days in advance of the event, and is the responsibility of the applicant.
  - b. Up to 18 months in advance of an event;
  - c. No later than 60 days prior to an event when beer or wine is requested. Please see the Town's rules and regulations regarding the serving of alcohol at any proposed event. Additional liability insurance and permissions are required for this use, and must be approved by the Licensing Board. Please contact the Licensing Agent to determine hearing dates and deadlines. The Licensing Agent will schedule the applicant for the Licensing Board if alcohol will be requested on premise.
    - i. Beer and Wine may be served at an event only upon the expressed approval of the Town Manager and pursuant to Provincetown Licensing Board's Regulations. Beer, Wine and/or All-Alcohol may only be served at a Private Individual event which:
      - a. Has a host; and
      - b. Has restricted access to invited guests only; and
      - c. Was not publicly advertised or at a non-profit event, if 100% of the sales go directly to the non-profit applicant on record and only upon the expressed approval of the Town Manager and pursuant to approval by the Provincetown Licensing Board.

An application for beer and wine and/or All-Alcohol service must also be signed off by the Police Chief. Licensing Board approval may be required, consult the Licensing Agent for the Licensing Board meeting schedule. Events with beer and wine and/or All-Alcohol service shall comply with the following additional liability insurance requirements:

- a. Provide copy of Commercial General Liability with a minimum limit of \$1,000,000 per occurrence/\$2,000,000 general aggregate with the Town named as "Additional Insured"
- b. Provide copy of Liquor Liability Coverage with a minimum limit of \$1,000,000 per occurrence/\$2,000,000 general aggregate with the Town named as "Additional Insured"

- c. Provide a copy of the certificate of insurance showing that a Workers' Compensation policy is in effect. The Town would NOT be an additional insured on this policy.
  - d. Ensure that all bartenders are TIPS trained
  - d. Service of food of any kind requires a permit from the Health Department. A food service permit is applied for with the Health Department. Please contact the Health Department to determine any dates and deadlines which may be necessary to meet. The approved permit must be posted in a visible location at the time of and for the duration of the event.
  - e. No later than 60 days prior to an event when entertainment is proposed. Entertainment must comply with the Town of Provincetown Noise By-Law. Any proposed entertainment is subject to Licensing Board Regulations and requires a hearing with the Licensing Board. Please contact the Licensing Agent for restrictions, dates, and deadlines regarding this use.
  - f. The Event Coordinator shall have discretion in the event of a scheduling conflict. Annual recurring events scheduling for at least 3 consecutive years at the same time each year will have a preference to scheduling.
2. Reservations require a 100% deposit of the Usage Fee for each reserved day/night. Deposits accompanied by a completed and signed application form must be submitted to the Event Coordinator at the time the reservation is made. Failure to pay deposit or other fees due within the required time period will result in automatic cancellation.
  3. After the application and deposit is received, the Event Coordinator will submit the form for approval to the Town Manger and Chief of Police (when applicable). Expect up to 21 days for processing. Once approved the Event Coordinator will confirm the reservation with the applicant.
  4. Reservations cancelled within four (4) months of the permitted use are subject to a cancellation penalty of 100% of the deposit total. Cancellation notices must be received in writing.

Property Rules and Guidelines:

Although the locations of the Town properties as listed above vary, please see the following rules regarding their use.

1. Access, including set up and break down, to any Town Property, is from 8am until 12am.
2. All permitted uses of Town Properties must be accessible to the public, pursuant to the Americans with Disabilities Act (A.D.A.) of 1990 (42 U.S.C. 1201 et seq.), which prohibits discrimination against disabled individuals in private and public employment, public accommodations, public transportation, government services, and telecommunications. By contracting for the Use of Town Property, the responsible party assures the Town that it complies with the Americans with Disabilities Act and does not discriminate against the disabled. The responsible party shall also include this requirement in agreements entered into with any subcontractors associated with the permitted use.
3. Any use of Town Property must comply with the Building Department's *Place of Assembly Fire Safety Inspection Checklist*.
4. When the use of a temporary structure is proposed, the structure must be stake-less and cannot exceed seven days. Please see the Town's Zoning Regulations for additional information. A temporary structure permit application must be submitted to the Building Department for their approval. Tents erected must remain within the perimeter of the park and grounds, and cannot include any anchoring into the sidewalk, landscaping, or other natural features. A Site Plan showing the proposed structure location as well as the size must be included with the application.

5. Access to the permitted space and limitations on the space permitted shall be as specified by the Town Authorized Officer.
6. Permission for use includes the normal installed electrical outlets only. Additional lighting or electrical equipment of any nature must be approved and inspected by the Wiring Inspector in advance of the event. Unusual loading of other types or the use of additional equipment of any nature must be approved and inspected by the Building Inspector and the Town Officer on duty.
7. The use of Town property does not include the use of any Town technical equipment, lights, or podiums (in whole or in part). All equipment to be used for the proposed event must be provided by the responsible party.
8. If the use of Portable Toilets is proposed, all must be placed in such a manner that they are accessible from the street. The driving of any vehicles on the sidewalk or lawns is strictly prohibited.
9. Limited reserved parking may be available from May to October for up to 4 spaces on Bradford Street, requires an additional fee, and is subject to availability. Please see the fee schedules for rates. Parking for unloading and loading of materials for an event must be scheduled with the Event Coordinator, may require an additional fee, and is subject to availability. All other parking areas are subject to fees as designated by the Parking Department.
10. The Department of Public Works maintains the Town properties on a regularly scheduled routine basis. Mowing or additional landscape requests will not be honored. Arrangements must be made with a private hauler to dispose of trash and debris. The site must be returned in the condition which it was received.
11. Approval of an application to use Town Properties does not relieve any applicant of its responsibility to obtain any other necessary licenses or permits, and does not constitute independent approval of any such licenses or permits.
12. Violation of any regulations or specific conditions of permitted use may cause permission to be suspended or revoked, and may be cause for refusal to grant permission for future use of Town Property.
13. if the application for Use of Town Property is denied, the applicant may request a review by the Select Board.

Copies of the regulations and fee schedule are available on the Town's website at:  
<https://www.provincetown-ma.gov/1146/Event-Coordinator>

The public is encouraged to submit any written comments by Tuesday July 20, 2021 by 12:00 noon to [selectmen@provincetown-ma.gov](mailto:selectmen@provincetown-ma.gov), to the office of the Board of Selectmen at Town Hall, 260 Commercial Street, Provincetown, MA 02657, or in person at the hearing.

*David Abramson  
Chairman, Select Board*

Posted Town Hall: [www.provincetown-ma.gov](http://www.provincetown-ma.gov)  
Provincetown Banner: July 8 and July 15, 2021





## Town Properties Application Use Checklist

Town of Provincetown

Attention: Event Coordinator

260 Commercial Street Provincetown, MA 02657

508-487-7000 x 595 [thess@provincetown-ma.gov](mailto:thess@provincetown-ma.gov)

<http://www.provincetown-ma.gov/1146/Event-Coordinator>

*Fees are calculated by the scope of the work. Please review the Regulations for Use of Town Properties to determine the fee(s) for your proposed event(s).*

### CHECKLIST: PLEASE SUBMIT THIS WITH YOUR APPLICATION

- Application filed with the Town of Provincetown  
*This must be submitted to the Provincetown Events Coordinator a minimum of sixty (60) days prior to the proposed event(s)-see Regulations for Use of Town Property for additional timeline requirements.*
- Facility Use Fee  
*This is required when using any Town-owned property. Applications can be submitted up to 18 months in advance of the proposed event. Please expect up to 21 days for processing.*
- Submitted Proof of Insurance Form. The following name and address should appear on the certificate:  
**Town of Provincetown  
260 Commercial Street  
Provincetown, MA 02657**  
*All Uses of Town Property are required to submit an original, signed Certificate of Insurance. The General Liability limits shall be \$1,000,000 per occurrence/\$2,000,000 General Aggregate, and proof of Worker's Compensation Insurance (if applicable) in the amount of the state statutory limit, valid for the duration of the production, with the "Town of Provincetown" listed as additional insured.  
Certificates can be emailed to: [thess@provincetown-ma.gov](mailto:thess@provincetown-ma.gov) or mailed to the Town of Provincetown, Attention: Event Coordinator, 260 Commercial Street, Provincetown, MA 02657.*

### THE FOLLOWING ARE ONLY APPLICABLE IN CERTAIN CIRCUMSTANCES. PLEASE CHECK ALL THAT APPLY

- Police Detail  
*This will be required when a police officer presence is necessary for management of an event where greater than 100 people will be in attendance. The Event Coordination will determine whether or not this is necessary. The scheduling of any Police Detail may only be reserved 14 days in advance of the event, and is the responsibility of the applicant. Fees apply.*
- Health Department Applications  
*A food permit will be required when providing any food service.*
- Liquor Service  
*This request must be received **a minimum of 60 days prior to the proposed event**, and requires the approval of the Licensing Board. A public hearing with the Licensing Board will be required. Fees apply.*
- Entertainment  
*This request must be received **a minimum of 60 days prior to the proposed event**. This will be required when entertainment is proposed. This may require a waiver of the Town's Noise By-Law. Contact the Licensing Agent for guidelines. A public hearing with the Licensing Board will be required. Fees apply.*
- Tent or Temporary Structure Use<sup>2</sup>  
*This request includes the filing of a Temporary Structure Application with the Building Department. The Building Commissioner must review and approve all applications. Any use of Town Property must comply with the Building Department's Place of Assembly Fire Safety Inspection Checklist. Fees apply.*
- Parking and Use of Town Parking Lots  
*This will be required when requesting parking reservations, meter bagging requests, etc. Fees apply.*
- Public Works Services  
*This will be required when requesting road closures, street clean ups, etc. Fees apply.*
- Use of a Drone  
*The Provincetown Police Department must be notified when use of a drone is proposed.*

<sup>2</sup> Please see the Provincetown Zoning By-Laws regarding Temporary Structures



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

VI

### USE OF TOWN PROPERTY

~A~

<b>REQUESTED BY:</b>	<b>Charlie Sumner ~ Town Administrator</b>
<b>DESIRED ACTION:</b>	<b>To update and possibly vote on an agreement with Macs on the Pier</b>
<b>PROPOSED MOTION:</b>	<b>To be determined if one is needed at the meeting</b>
<b>Summary:</b>	<b>Charlie has be in contact with Mac Hay and Town Counsel to come up with an agreement for the use of town property regarding the land in front of Macs that is town owned. He will update the board and they will go from there as to the decisions made.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



Ryan Curley &lt;ryan.d.curley@gmail.com&gt;

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**FW: Wellfleet - Mac's Restaurant License Agreement**

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**Charles Sumner** <Charles.Sumner@wellfleet-ma.gov>

Wed, Sep 15, 2021 at 8:44 AM

To: Ryan Curley &lt;ryan.d.curley@gmail.com&gt;

Cc: Rebekah Eldridge &lt;Rebekah.Eldridge@wellfleet-ma.gov&gt;, Rebecca Slick &lt;Rebecca.Slick@wellfleet-ma.gov&gt;

Good morning Ryan,

This is the information that I received from Katie Klein recently on the Mac's matter.

Charlie

**From:** Katharine L. Klein <KKlein@k-plaw.com>

**Sent:** Monday, September 13, 2021 8:05 AM

**To:** Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

**Cc:** Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>; Carolyn M. Murray <CMurray@k-plaw.com>

**Subject:** Wellfleet - Mac's Restaurant License Agreement

**ATTORNEY-CLIENT PRIVILEGED - CONFIDENTIAL**

Charlie:

I have drafted a proposed License Agreement for the Town Pier for Mac's Restaurant. I have highlighted the sections identifying the properties, and would appreciate confirmation these sections are accurate.

I do have some concerns that someone may challenge this license by saying it is more akin to a lease, and requires compliance with Chapter 30B, Section 16, which governs the acquisition and disposition of real property. In my opinion, when a license has sufficient characteristics of a lease, the Town should comply with Chapter 30B, Section 16. Such indicia would include, but not be limited to, the license has a long term, e.g., in excess of three years; the fair market value of the license exceeds the threshold for Chapter 30B to apply (\$35,000); the consideration paid is substantial and/or the license is for a term certain, and is not revocable except for cause. A license with one or more of the foregoing characteristics which is issued without complying with Chapter 30B could be construed as an attempt to circumvent the procurement laws. This License does not contain any of these factors, and does have the most important indicia of a license - that it is revocable at will. I address this only because I am aware that one or more persons has complained of the use of the Town Pier by Mac's Restaurant.

You mention in your Memorandum to the Selectboard a couple of issues that I have not addressed, e.g., the walk-in refrigerator, trash and recycling containers and usage of the funds for the Marine Enterprise Fund (which would not need to be included in the License Agreement).

Please do not hesitate to contact me with any questions.

Katie

Katharine Lord Klein

KP | LAW

101 Arch Street, 12<sup>TH</sup> Floor

Boston, MA 02110

O: (617) 654 1834

F: (617) 654 1735

Cell: (617) 275-6742

[kklein@k-plaw.com](mailto:kklein@k-plaw.com)

[www.k-plaw.com](http://www.k-plaw.com)

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**KP-#779313-v1-WELL\_License\_for\_Mac\_s\_Restaurant\_(Outdoor\_Eating\_on\_Town\_Pier).DOC**

60K

## LICENSE AGREEMENT

THIS LICENSE AGREEMENT (this "License") is entered into as of this \_\_\_\_ day of September, 2021, by and between the **Town of Wellfleet** (the "Town"), acting by and through its Selectboard, having an address of 300 Main Street, Wellfleet, MA 02667 and **MacGregor B. Hay and Alexander B. Hay** ("Licensee"), a having an address of 265 Commercial Street, Wellfleet, MA 02667.

WHEREAS, the Town is the owner of certain property located at 255 Commercial Street, being Assessor's Map 21-114-0 (the "Town Property"), which Town Property contains a Town landing, and a pier, said Town landing and pier depicted on the sketch plan attached hereto as Exhibit A (the "License Area"); and

WHEREAS, the Licensee is the owner of record of property located at 265 Commercial Street, being Assessor's Map 21-113-0, described in a deed recorded with the Barnstable County Registry of Deeds in Book 14545, Page 51 (the "Licensee Property"), which is the site of a restaurant, commonly known as "Mac's, which is contiguous to the License Area; and

WHEREAS, Licensee has requested the Town to grant Licensee a license allowing Licensee to use the License Area for the operation of an outdoor eating and drinking area adjacent to and contiguous to the Licensee Property, and appurtenant to Mac's Restaurant, as depicted on the Plan attached hereto as Exhibit A, including but not limited to, chairs, tables, fencing, bollards and planters and related appurtenances, that can be easily removed without damage to the Town Property and subject to the conditions set forth herein (the "Intended Purpose"); and

WHEREAS, the Town is amenable to granting Licensee permission to use the License Area for the aforesaid purposes, on the terms and conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration, the parties agree as follows:

1. USE. PURPOSE. TERM. The Town hereby grants Licensee and its agents, representatives, employees and invitees, including members of the public, a license to use and maintain the License Area solely for the Intended Purpose.

The Term of this License shall commence on January 1, 2021 and continue until December 31, 2021, unless sooner terminated in accordance with the provisions of Section 9 below (the "Term"). Such entry and use shall be further limited by the provisions of Section 4.

2. CONSIDERATION. In consideration for this License, Licensee shall pay an annual fee of \$7,500.00 and shall bear all costs and expenses associated with the exercise of the rights granted hereunder, together with the observation and performance by Licensee of all the obligations and covenants set forth within this License to the reasonable satisfaction of the Town.

3. CONDITION OF THE PREMISES. Licensee accepts the License Area in its “as is” condition for the purpose of this License, and acknowledges and agrees that the Town has made no representations or warranties regarding the fitness of the Town Property or its suitability for the purpose of this License. In no event shall the Town be responsible or liable for the condition of the License Area, including its security, which shall be the sole responsibility of Licensee. The provisions of this paragraph shall survive the termination of this License.

4. LICENSEE’S CONDUCT. During the exercise of the rights hereby granted, Licensee shall at all times conduct itself so as not to unreasonably interfere with the use of the Town Property by the Town, members of the public, and others entitled thereto, and observe and obey directives of the Town and its duly designated representatives, as well as all applicable laws, statutes, by-laws, regulations and permitting or licensing requirements. Licensee’s use shall not disturb or damage the Town Property or the License Area, any improvements thereon, and Licensee shall repair any and all damage to the Town Property, the License Area and/or any improvements caused by the act, omission or negligence of Licensee, its contractors, agents, representatives, employees, invitees and/or permittees (with Licensee, the “Licensee Parties”). This obligation shall survive the termination of this License.

For avoidance of doubt, this License is not exclusive, and members of the public, other than customers of the Licensee, may use the License Area for any and all purposes, including occupying Licensee’s tables, chairs and other amenities at the License Area. Moreover, at all times, Licensee shall leave sufficient room for members of the public to access other property of the Town located towards the water beyond the License Area.

Licensee shall not make any permanent alterations or modifications to the License Area without the approval of the Town, which approval may be denied, in the Town’s sole discretion. In the event the Town permits such alterations or modifications, Licensee must procure all necessary permits before constructing any improvements at the License Area, and cause all work to be performed in a good and workmanlike manner, and in accordance with the requirements of insurers, employing materials of good quality. Licensee shall at all times comply with any and all applicable local, state and federal rules, regulations and by-laws. At the termination of the License, all such improvements must be removed, unless the Town elects that such improvements shall remain.

Licensee shall not permit any mechanics’ liens, or similar liens, to remain upon the License Area for labor and material furnished to Licensee or claimed to have been furnished to Licensee in connection with work of any character performed or claimed to have been performed at the direction of Licensee and Licensee shall cause any such lien to be released of record forthwith without cost to the Town. All laborers and materialmen furnishing labor and materials for the work shall release the Town from any and all liability. If Licensee does not perform the work itself, it shall employ responsible contractors to perform the work.

Licensee shall, during the Term of this License and at its sole expense, maintain the License Area, and any improvements thereon, in good and safe order and condition.

5. INDEMNIFICATION AND RELEASE. Licensee shall defend, indemnify and hold harmless the Town from and against any and all claims, demands, suits, actions, costs, judgments and liabilities of whatsoever kind or nature, including, without limitation, reasonable attorneys' fees, which may be brought against, imposed upon, incurred by, or asserted against the Town by reason of any failure on the part of Licensee to comply with any provision or term required to be performed or complied with by Licensee under this License, or the terms of any applicable laws, rules, regulations and/or by-laws; for any injury, death and/or property damage suffered by any person in or around the Town Property or the License Area, relating in any way to Licensee's exercise of its rights under this License, the negligence or willful misconduct of any of Licensee Parties, and/or the condition of or any defect in the materials installed or improvements made by Licensee.

Licensee releases the Town, its employees, officers, agents, board members, and attorneys from any claims, actions, rights of action, causes of action, damages, costs, loss of services, expenses, compensation, attorneys' fees or other liability or responsibility for Licensee's losses or damages related to the condition of the Town Property and License Area, and Licensee agrees and covenants that it will not assert or bring, nor cause any third-party to assert or bring, any claim, demand, lawsuit or cause of action against the Town, including, without limitation, claims for property damages, diminution in property value claims, personal injury or death damages and any other damages relating to, or arising from, Licensee's use of the Town Property or the License Area.

The provisions of this Section shall survive the termination of this License.

6. INSURANCE. Licensee shall maintain public liability insurance, including coverage for bodily injury, wrongful death and property damage, in the minimum amounts set forth herein to support the obligations of Licensee under the terms of this License to indemnify, defend and hold harmless the Town: General Liability: \$1,000,000 per occurrence, and umbrella liability coverage of \$2,000,000. Licensee shall require the insurer to give at least thirty (30) days' written notice of termination, reduction or cancellation of the policy(ies) to the Town. The insurance shall be placed with insurance companies licensed by the Massachusetts Division of Insurance to do business in the Commonwealth of Massachusetts and have a Best's rating of B+ or better. Licensee shall provide the Town with a certificate of insurance prior to entering upon the License Area and at such other times as the Town may reasonably request, in each case indicating the Town is an additional insured on the policy(ies) and showing compliance with the foregoing provisions.

To the extent required by law, Licensee or Licensee's contractors shall maintain worker's compensation insurance, during the performance of any work on the License Area until the completion thereof. Licensee agrees that any contractor performing work on behalf of Licensee shall carry workers' compensation insurance, liability insurance, and automobile liability insurance in amounts reasonably acceptable to the Town and shall name the Town as an additional insured party. Prior to the commencement of any work on the License Area, Licensee shall provide Town with a copy of the contractor's insurance certificate indicating liability insurance coverage as herein specified, and copies of any approvals, including any permits, necessary or obtained to conduct said work. To the extent possible, Licensee shall obtain, for

each policy of insurance secured by it, provisions permitting waiver of any claims against the Town for loss or damage within the scope of the insurance, and Licensee, for itself and its insurers, waives all claims against the Town as to such claims covered by such insurance.

8. RISK OF LOSS. Licensee agrees that it shall enter upon and use the License Area at its own risk, and the Town, its agents, employees, representatives, officers, agents, board members and attorneys shall not be liable to Licensee for any injury or death to persons entering the License Area pursuant to the License, or loss or damage to vehicles, equipment or other personal property of any nature whatsoever of Licensee, or of anyone claiming by or through Licensee, that are brought upon the License Area pursuant to the License, except if such injury, death, loss or damage is caused by the willful act or gross negligence of the Town, or its employees, agents or contractors. The provisions of this Section shall survive the termination of this License.

9. TERMINATION. This License shall be terminated by either party upon written notice of revocation given to the other party at least thirty (30) days prior to the termination date stated within said notice, except in the event of default in Licensee's obligations, including the insurance obligations, in which case this License shall terminate by written notice given to Licensee seven (7) days prior to the termination date stated in the notice unless Licensee cures the same to the Town's reasonable satisfaction within said 7-day period.

In the event of the termination of this License by either party, Licensee, at Licensee's sole cost and expense, shall remove any improvements and restore and/or repair the License Area to such condition as shall be specified by the Town by the effective date of such termination. In the event that any such improvements are not removed on or prior to the termination date, the improvements shall automatically become the Town's property, without any consideration due from the Town. The provisions hereof shall survive the termination of this License.

10. NOTICE. For purposes of this License, the parties shall be deemed duly notified in accordance with the terms and provisions hereof, if written notices are hand-delivered, sent by registered or certified mail, postage prepaid, or sent by recognized overnight mail, or sent by confirmed facsimile transmission, to the addresses set forth above, or to such other addresses as may from time to time hereafter be designated by the parties by like notice.

11. MISCELLANEOUS

A. No Estate Created. This License shall not be construed as creating or vesting in Licensee any estate in the License Area, but only the limited right of use as hereinabove stated.

B. Survival. All appropriate terms and provisions relating to the restoration of the Property and the removal of the improvements shall survive the termination of this License, in addition to the survival of other terms stated herein to so survive.

C. Modifications. Modifications or amendments to this License shall be in writing and duly executed by both parties hereto to be effective.



D. Assignment. This License, or any of the rights created herein, are personal to those persons listed herein as Licensee, and their agents, employees, contractors and invitees, and may not be assigned or transferred in any manner.

E. No Waiver. The failure of either party to seek redress for violation or to insist upon the strict performance of any covenant or condition of this Agreement shall not prevent a subsequent act, which would have originally constituted a violation, from having all the force and effect of a violation. No provision of this Agreement shall be deemed to have been waived by either party unless such waiver is in writing and signed by the party to be bound thereby.

F. Remedies. No mention in this License of any specific right or remedy shall preclude the Town or Licensee from exercising any other right, or from having any other remedy, or from maintaining any action to which it may otherwise be entitled either in law or in equity.

G. Captions. The captions in this License are inserted for convenience of reference only and in no way define, describe or limit the scope or intent of this License or any of the provisions thereof.

H. Governing Law. This License shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this License shall be brought in courts within the Commonwealth of Massachusetts.

[Signature Page Follows]

In Witness Whereof, the parties hereto have caused this License Agreement to be executed as of date above written.

TOWN OF WELLFLEET,  
By Its Selectboard

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

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

\_\_\_\_\_  
Janet Reinhart, Member

\_\_\_\_\_  
Helen Miranda Wilson, Member

\_\_\_\_\_  
John A. Wolf, Member

LICENSEE:

\_\_\_\_\_  
MacGregor B. Hay

\_\_\_\_\_  
Alexander B. Hay

**EXHIBIT A**

Sketch Plan of License Area



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

VI

### USE OF TOWN PROPERTY

~ B ~

<b>REQUESTED BY:</b>	<b>Principal Clerk</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of the town pier</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve to use of the town pier to Kory Banning of Missing Voices LLC with times to be determined from October 18, 2021 to November 20, 2021.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

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

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

Applicant Kory Banning - "Unheard"

Affiliation or Group Missing Voices LLC

Telephone Number 93

Mailing Address \_\_\_\_\_

Email address K

Town Property to be used (include specific area): Wellfleet Town Pier, exterior of Harbormasters Office on the west side of the building. Also, a small section of the adjacent parking lot.

Date(s) and hours of use: One day of work sometime between October 18th and November 20th, due to the scheduled dredging that will be taking place (during Oct 1-Dec 1) we are unsure of the actual date. After speaking with Will Sullivan, he said he would know the dredging company's schedule after the 1st of October. We will have an exact date locked down after that, and can send an amended permit if needed.

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 will be filming a small scene where our main actress looks at a bulletin board as some dockworkers attempt to start a conversation. Our crew is approximately 40 people and we will have a small footprint of vehicles. Approximately 4 small box trucks, 2 pass vans and some crew cars. A small section of parking spaces would be greatly appreciated, and we will work with the harbor to make sure we do not disturb any business/traffic on the day of our filming. Also, we will not stop any foot traffic from pedestrians. We may ask them to stop briefly, but only while we are recording, and then we will release.

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

No town services required, but please ask if you have any questions, or if any services are required of us.

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): \_\_\_\_\_



Processing Fee: \$50.00

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

(over)

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

**Health/Conservation Agent:**

Comments/Conditions:

Permits/Inspections needed:

X

**Inspector of Buildings:**

Comments/Conditions:

Permits/Inspections needed:

X

**Police Department:**

Comments/Conditions:

9/21 Michael Hurley

okay

**Fire Department:**

Comments/Conditions:

9/21 Rich Pawley

okay

**DPW:**

Comments/Conditions:

9/21 Jay Norton

okay

**Community Services Director:**

Comments/Conditions:

X

**Harbormaster:**

Comments/Conditions:

9/22 Will Sullivan

A-OKAY

**Shellfish:**

Comments/Conditions:

X

**Recreation:**

Comments/Conditions:

X

**Town Administrator:**

Comments/Conditions:



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

VII

### BOARD/COMMITTEE APPOINTMENTS AND UPDATES

~ A ~

<b>REQUESTED BY:</b>	Natural Resources Advisory Board
<b>DESIRED ACTION:</b>	The NRAB will present to the board their Harbor Management Plan and ask that the board approve the plan as presented in the Selectboard Packet.
<b>PROPOSED MOTION:</b>	I move to approve the Natural Resources Advisory Board Harbor Management Plan dated August 11, 2021 as presented by Chair of the Board John Riehl.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667  
Tel (508) 349-0300 Fax (508) 349-0305  
[www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

Wellfleet Board of Selectmen

August 11 2021

Selectboard Members –

The Natural Resources Advisory Board, is pleased to submit to the Selectboard the third Harbor Management Plan (HMP), for approval.

This HMP differs from earlier versions in two ways:

> It is shorter.

First of all, this is because – as noted in the opening chapter – there is much good work on-going. We saw no need to comment on this, having confidence in the working teams. Second, as we reviewed the 2006 HMP, we felt that it was too complicated and un-focused. We preferred to emphasize a few key, new issues.

> It is on-line.

One benefit of this is that a reader can directly link to key documents without the need to search through a long written list. Secondly, periodic revisions or updates of this plan would be much easier. We could have a “living” plan, without waiting another 15 years for a revision.

Sincerely,

*John Riehl, Chair*

For the NRAB



# WELLFLEET HARBOR MANAGEMENT PLAN - 2021

## NATURAL RESOURCES ADVISORY BOARD

Town of Wellfleet, MA



By:

John Duane  
Tom Flynn  
Laura Hewitt  
John Riehl  
Tom Slack

March 2021



## Introduction

This is the third Harbor Management Plan (HMP), after those of 1995 and 2006.

We are encouraged by the progress in the past 25 years. We have two useful Harbor management plans. We have the formation of the Friends of Herring River. We have 18 years of Wellfleet Harbor Conferences. Both the Wellfleet Conservation Trust and the Mass Audubon Wellfleet Bay Sanctuary have contributed to the harbor's wellbeing. Other non-profits such as the Provincetown Center for Coastal Studies (CCS) and the Association to Preserve Cape Cod (APCC) are active here. The Cape Cod National Seashore (CCNS) owns, in trust for the people of the United States, much of the western harbor and Herring River: it is active in conservation science and policy. We have excellent work by many Town committees. The goal of this plan is to suggest ways to continue forward.

In the [1995 Harbor Management Plan](#), the key issue was harbor cleanliness. This was addressed in years following by a nearly universal adoption of Massachusetts Environmental Code Title V septic systems.

The [2006 Harbor Management Plan](#) also had a focus on harbor water quality, due then to excess nitrogen. A second key issue was tidal restoration of marshes that were isolated by diking, especially the Herring River and Mayo Creek estuaries.

Work on several of the issues from 1995 and 2006 is on-going. We recommend as high priorities that these projects be supported to completion:

- Nitrogen. The Comprehensive Waste Water Planning Committee (CWWCP) is working on a plan. Reducing harbor nitrogen loading in surface waters remains a key goal. Wellfleet is currently on the Association to Preserve Cape Cod "red list", requiring immediate restoration.
- Herring River restoration. The project is in the midst of the permitting process.
- Mayo Creek restoration. A plan has been prepared by the Mayo Creek Committee and accepted by the Selectboard; implementation is needed.
- Harbor dredging. Not a priority in 2006 but became one due to cost and scheduling issues. A good plan is in place which needs to be fully implemented.
- Citizen and shellfishing access to the harbor is an on-going issue, now the responsibility of the newly formed Rights of Public Access Committee.

In addition, there are some important new initiatives, which merit Town support:

- Shoreline Response and Management – New regulations are being drafted by the Conservation Commission



- Coastal Resiliency. A four Town shoreline management project is underway; the Wellfleet representative is the Town Conservation Agent, Hillary Greenberg-Lemos. An [initial report](#) has been issued by CCS.

In the longer term, a broad-based Town Climate Change Committee is warranted – comprised of staff and citizens. It will not be possible to separate conservation issues from shellfishing issues from health issues from shoreline structures issues. Consider, for example, Mayo Beach. From the harbor inland there are: shellfish grants, tidal flats, the beach itself, parking, Kendrick Avenue, private homes and Mayo Creek marshes. A broad view is needed.

There are four chapters in the 2021 HMP:

- i. Climate Change and its effect of the harbor – especially sea level rise and temperature increase. We note that this key issue was not even mentioned in 1995 or 2006.
- ii. Dredging. This is perhaps better known as “after-dredging”. The goal is to find ways to minimize future dredging and to make better use of dredge “spoils”.
- iii. Shellfishing. A review of steps that might be considered to enable the wild shellfish populations in the harbor to flourish, as an environmental and commercial benefit.
- iv. Survey of Wellfleet Harbor Marine Resources. This is an update of the 1972 [“CurleyReport”](#). The goal is to provide a useful basis for tracking harbor changes.

Finally, we are of course aware of possible social consequences from climate change. For example, increased tidal flooding of road and uplands including east Commercial Street, Mayo Beach and Lieutenant Island is likely. These concerns are outside the scope of this report: we note that adequate Town planning is needed to minimize damages.

### **Introduction Recommendations**

- Emphasize and complete key on-going projects, as listed.
  - Action by: Selectboard, and appropriate Town committees and staff
- Create a Climate Change Committee of staff and citizens to oversee and co-ordinate response to climate change and sea level rise.
  - Action by: Selectboard



## Chapter 1 - Climate Change

Climate change has become a major new issue for the Town. Climate change, due to global warming, is a well-established fact. All the scientific evidence – and common sense – indicates that the effects will become more consequential over the coming years.

Wellfleet Harbor will see several consequences:

- Sea Level Rise
- Increased winds and storms
- Increased rainfalls
- Warmer harbor waters
- More acidic harbor waters

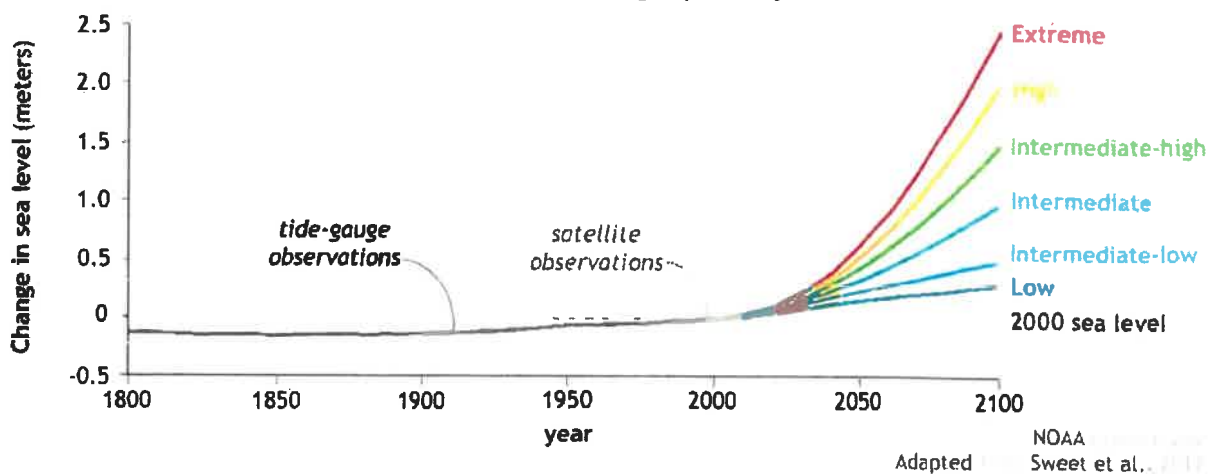
The consequences of warmer and more acidic harbor waters are mostly felt by the shellfishing community. These are discussed in a separate chapter.

### Sea Level Rise

Sea level rise is perhaps the most dramatic new issue facing the Town. Because of both warmer sea waters and glacial melting, sea levels are rising globally. In addition, Cape Cod has been geologically sinking, which augments the effect.

Some NOAA predictions are shown in the following graph, courtesy NOAA:

Possible future sea levels for different greenhouse gas pathways





There is a wide range of long-term predictions. Recently, the more dramatic of these (Extreme – High) predictions seem more likely.

We note however that, for all the models, the largest rise in sea level is predicted for 2030 and beyond. This is important. The good news is that we thus have some time to plan and take steps to limit local consequences of climate change.

Sea level rise will increase tidal flooding of the salt marshes of the harbor. Salt marshes are critical sources of nutrients and life for the harbor, so any loss of marshes or their efficiency would be a major concern for Wellfleet Harbor.

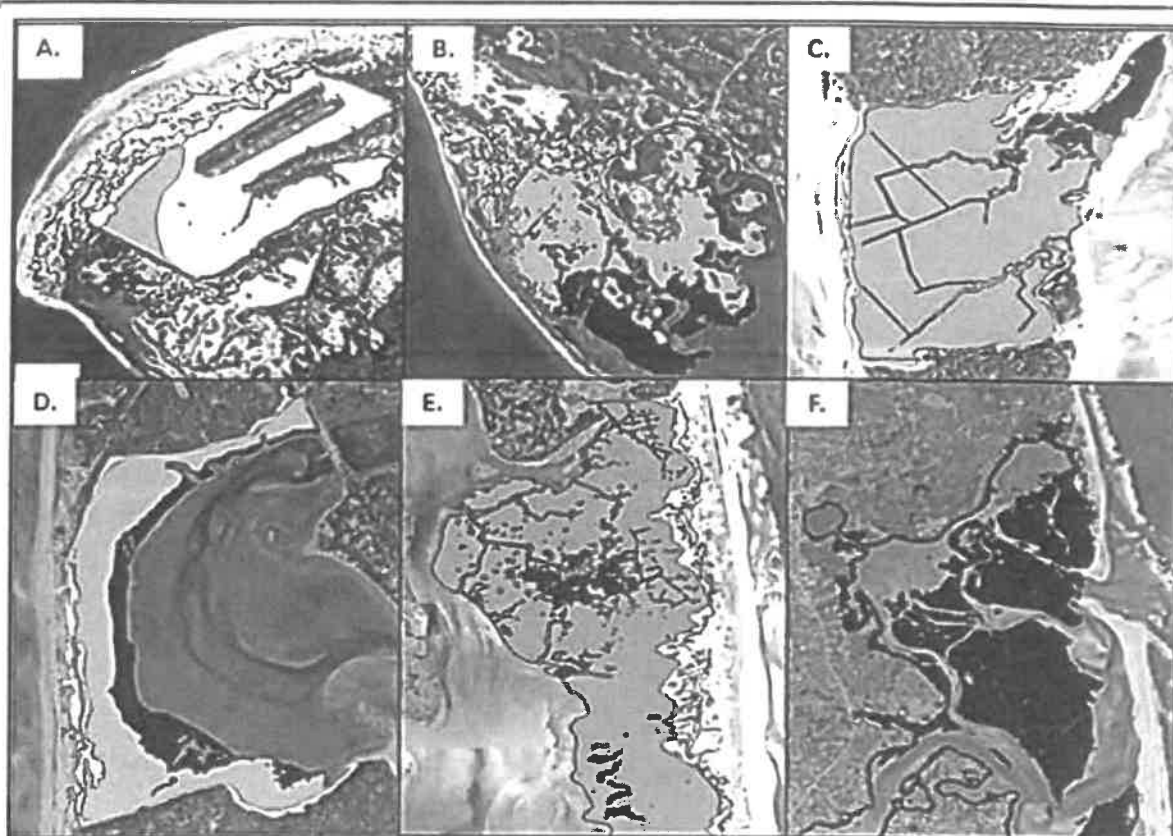
Normally, salt marshes maintain their elevation above sea level by retaining silt and other sediments carried by flood tides. Existing salt marshes have been able to keep pace with historical sea level rise by migrating inland.

The prediction and understanding of the effects of sea level rise on salt marshes is an active area of research. Techniques from sophisticated modelling to field science, such as the use of the lead-210 isotopes to measure the historical rates of salt marsh elevations. An example of a local application of this technology is available from the [United States Geological Service \(USGS\)](#).

The research laboratories at CCNS have underway a program of regular salt marsh monitoring. This work is led by Dr. Steve Smith. The work includes measures of salt marsh elevations (hypsoetry), vegetative changes and predictions of the ability of local salt marshes to sustain sea level rise as a flooded marsh edge meets adjoining inland dunes.

- [Salt marsh monitoring](#)
- [Salt marsh migration](#)
- [Salt marsh elevation growth](#)

The work has been tested on marshes owned by the Cape Cod National Seashore, such as Middle Meadow and Nauset Marsh. Similar results have been obtained by research on the Newbury Great Marsh in Essex County sponsored by The Trustees of Reservations (TToR).



Estimations of marsh changes without land-use or slope constraints in a 1-m Sea Level Rise (SLR) scenario. Black polygons are marshes that have been lost, gray polygons are present-day marshes, and white polygons are potential marsh habitats with landward migration. A. Hatches Harbor, B. West End, C. Middle Meadow, D. Gut, E. Pleasant Bay, F. Nauset; PB and NS figures show only portions of those systems to provide adequate resolution. The work is based on marshes owned by the Cape Cod National Seashore.

Marshes bordered with gradual dune slopes have a better chance of sustaining sea level rise, at least in the short term. From the Gut (site D), we can see predicted loss of marshland is at least somewhat compensated by a small upland increase. However, a marsh such as in Nauset Harbor (site F), which sits in the center of the estuary, is predicted to be lost entirely.

Important marsh vegetative changes are also observed. High marsh salt marsh hay (*Spartina patens*) is being replaced by low marsh to Cordgrass (*S. alterniflora*). The consequence is a loss in marsh biodiversity.

Salt marsh monitoring should be extended to north and east side Wellfleet harbor marshes, such as Duck Creek, Blackfish Creek and Lt. Island (see Recommendations).

There are several additional specific concerns:



- As we have already seen around Wellfleet Harbor, shoreline armoring by revetments prevents this. However, thus far, shorelines with gradual slopes have been mostly left in a natural state. The Conservation Commission is evaluating changes in regulations that will help preserve all these shorelines. These regulations deserve Town support.
- It is also important to consider restoration of the upland reaches of some salt estuaries, even if the area is small. These would provide additional expansion space for the harborside estuaries and marshes. Three possibilities are Blackfish Creek, east of Route 6, Trout Brook (which, as named, has been the home to Sea Trout breeding ground) and Fox Island.
- Salt marshes in the south of the harbor, such as on Lt. Island, lack dune backing and are also more open to shoreline erosion. Actual marsh protection using low lying breakwaters or oyster reefs to help protect against wind shoreline erosion should be kept in mind.
- A further remediation strategy requires using harbor or other sediments to replenish or accelerate the raising of salt marsh elevations to keep pace with sea level rise. The technology is known as “thin layer deposition – TLD”. Examples of work are at the: [Prime Hook Refuge in Delaware Bay](#), and in Narragansett, [Rhode Island](#). This topic directly connects to a long-term dredging strategy and is discussed in that chapter.

Finally, Wellfleet has about 1250 acres of salt marshes. Restoration of the Herring River and Mayo Creek will add dike protection of up to 1100 acres to this. In a sense we have an insurance policy. However, a major change in the long-term balance between south and north harbor may produce consequences that are hard to predict.

### **Wind and Storms**

Increasing global temperatures will lead to increases in wind energy and velocity. This may manifest itself particularly in increased storm frequency and intensity. For the harbor, the main consequence will likely be increased marsh and shoreline erosion. The risk would be greatest near the south end of the harbor, such as Lt. Island and Jeremy Point.

A program to monitor at these locations for wind and wave energy is warranted.

### **Precipitation Increase**

The predictions for New England are a climate change driven increase of about 10% in precipitation, primarily as rain. There are two expected consequences.



First, there will be an increase in fresh water flow into the harbor from all upland sources, tending to decrease harbor salinity. There is also an increased contamination concern. A review of the Town's culverts system is recommended.

Second, ground water levels in the aquifers under Wellfleet will rise. Operations of septic systems will be adversely affected, leading to potentially greater nitrogen and bacterial flows into harbor waters. This issue is under consideration by the Town Board of Health.

There are many references and people who have provided ideas and results for this plan. We wish to especially acknowledge the [report by Dr. Seth Tuler](#), working with an ad hoc Town committee. Though focused on shellfishing, the report has broad harbor applicability. The report is still timely, even if dated 2015.

**Coastal Resiliency Program**, through the efforts of the Town Conservation Agent. This deserves our full support.

#### **Climate Change - Recommendations**

- Monitor current and past growth rates of marshes in Wellfleet – determine which marshes are at greatest risk
  - Action by: NRAB
- Investigate ways to protect and restore existing marshes, including use of dredge sediments
  - Action by: NRAB, Marina Advisory Board
- Support Cons Com proposal for protecting upland slopes and ACEC lands to allow marsh migration
  - Action by: Selectboard, NRAB
- Restore (smaller) marshes as available to optimize inland migration options, such as the east end of Blackfish Creek
  - Action by: NRAB, Conservation Agent





## Chapter 2 – Dredging

Wellfleet's Marina is a busy center of activity in the Town, as has always been the case since colonial times.

Wellfleet Harbor is a tidal harbor. At no time did deep-water vessels have full access to the harbor. Smaller ships did come into the Duck Creek harbor at high tides, before the RR dike was finished (about 1875).

In modern use of the harbor, a navigable harbor at all tides is deemed essential for numerous economic and recreational reasons including the marina, commercial fishing, aquaculture, tourism, boating safety (and others).

It follows that dredging of Wellfleet Harbor has become crucial to maintain harbor utility. Dredging takes place in the main south channel, the mooring basin at Chipman's Cove, at the marina and in the north marina channel. These basins naturally fill with sediments, requiring periodic dredging.

However, due to costs and permitting issues, it is not certain that the current system can be relied upon in the future.

Dredging spoils have usually been deposited in deep water of Cape Cod Bay well away from the harbor. This has been seen to be the most efficient, economical, and - presumably - the safest way of dealing with the dredged material. Dredge spoils have also been used in the past for wetlands fill – for example in Chipman's Cove – but this is now prohibited by wetlands regulations. (see HMP 1, page 79)

However, spoils can be used in other ways. The Town of Truro uses dredged sand from Pamet Harbor to replenish the Town Beach erosion. In Wellfleet, harbor current driven sands which are trapped and deposited at the L-shaped pier are regularly moved back to their initial source at Keller's Corner.

There are several options for using local spoils for marsh replenishment. The obvious targets are the marshes of Duck Creek, Mayo Creek, and the Cove, as these were the natural sites for tidal sediment depositions before development of the marina.

The goal is to replace dredging in a way that allows local control and lower costs for needed harbor dredging.

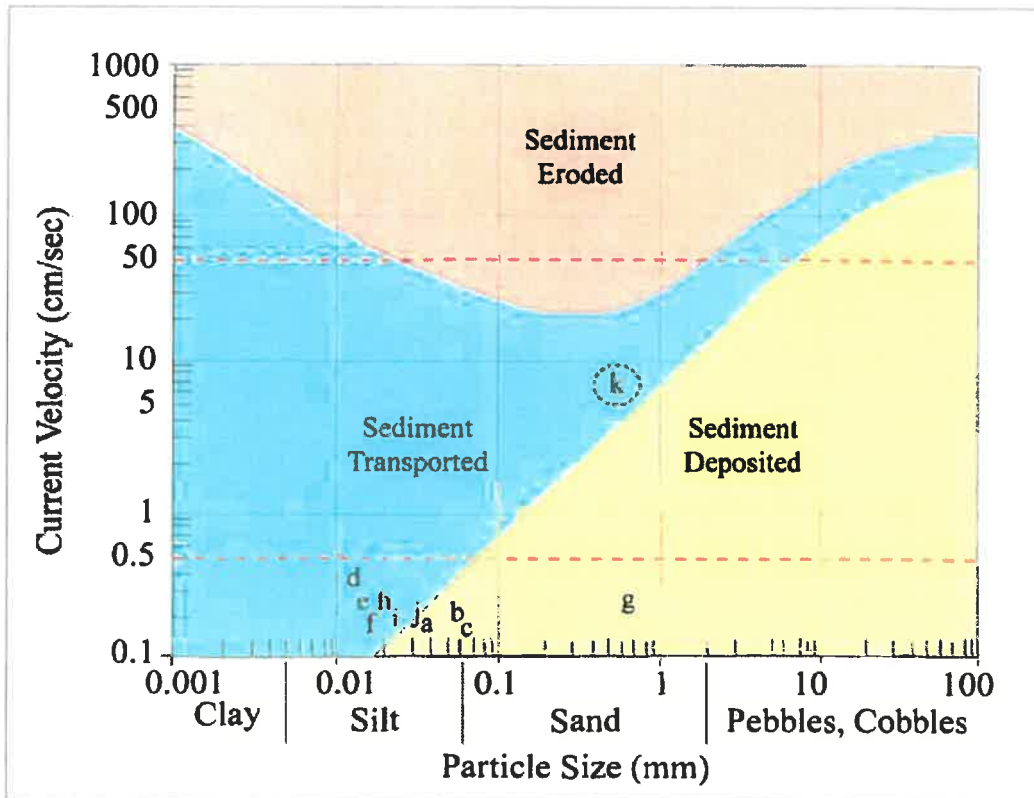
A first step in this project was to analyze dredging spoils, for both project planning and permitting needs. To this end, NRAB sponsored research at the Center for Coastal Studies (CCS) about the nature of "[Black Mayonnaise](#)" in the north marina channel:



Dr. Agnes Mittermyer was the lead author of the report. Funding was agreed to by the Town at the Annual Town Meeting in 2016. The report provides answers to these questions: where is it?, what is it?, how thick is it?, where does it come from?, and how does it move? A terminology note: the term “black custard” is preferred by the study authors for the material in Wellfleet harbor. (Elsewhere, the term “black mayonnaise” has been used to refer to a toxic material).

“Black Custard” is a flocculated material, composed of silts and clay, bound in part by natural harbor organic algae. Our black custard consists of 70% fine grain sediment and 30% marine organic matter. The black color is from iron compounds. The odor was shown to be the result of hydrogen sulfide, a normal marsh gas produced due to oxygen deprivation. No toxic organic or inorganic ingredients were found, so it is possible to consider broad options for use of this material for beach or marsh replenishment.

The particle size of the deposits is very sensitive to local tidal current flows: small currents lead to small particles and vice versa. Particle size data is shown in the figure below, taken from the report. All of the samples were taken around the Marina pier except k (at the Gut) and g (at the Mayo Creek outfall). The lower dotted line is boat basin current velocities, the upper line is away from the basin. The data show the current velocities needed to transport sediments.





With these results, it makes sense to reconsider alternatives to north channel dredging.

Currently, the tidal flow rates in the north marina channel are very low. Higher flow rates are needed to transport the black custard. This could involve a yearly pumping of accumulated spoils from the north channel to the flow channel of Duck Creek. Restoration of Mayo Creek could provide also two benefits: deposition of black custard on the marsh during flood tides and increased flows during ebb.

Additional sediment transfer modelling will be necessary, as originally suggested in the report by Dr. Graham Geise, et al. in the 1995 Harbor Plan, including the effect of the railroad dike and the partial restoration of Mayo Creek.

A second option for inner harbor dredge spoils would be “Thin Layer Deposition” (TLD), a system of spraying a slurry of dredged material over marshes. As mentioned in Chapter 2, this process has been used to restore marshland in a number of southern and Atlantic Coast states. Extensive review of the current status of this method is available in Army Corps of Engineering websites. However, this is a new technology, needing significant developments, both for engineering and permitting. An advantage of the Duck/Mayo Creek estuary is that it would be possible to use the natural tidal cycle for deposition. A first step would be monitoring to confirm that the Duck Creek marsh is failing to keep pace with expected sea level rise.

Spoils from immediately south of the marina – into Chipman’s Cove – have not been studied in detail. They are likely to be very similar to those in the north channel and could be used for salt marsh elevation in the Cove.

Further south in the harbor – such as Blackfish Creek – the use of TLD or other similar technologies is not obvious. It is critical there that the way for marsh migration inland be preserved. From the main channel, south of the breakwater out towards the bay, the spoils are mainly sand. (See the [Bourne Engineering Report](#).) These spoils could be used for sandy shoreline restorations, as already used in Truro.

Of course, maintenance dredging and spoils transport is always a possibility with a Town owned or shared dredge if these other options are not practical.

### **Dredging - Recommendations**

- Provide a grant to study feasibility of using dredge spoils from Wellfleet harbor to replenish marsh erosion, either directly or by using Thin Layer Deposition (TLD). Modelling will be required. Follow developments of TLD technology.
  - Action by: NRAB, Marina Advisory Board



- Work with Center for Coastal Studies (CCS) and Association to Preserve Cape Cod (APCC), in evaluating potential cost/benefit of removing the old railroad bridge and other infrastructure modifications.
  - Action by: NRAB
  
- Work with Dredge Task Force in reviewing feasibility of maintenance dredging, including possible purchase or sharing of a dredge, training, permitting, etc.
  - Action by: Selectboard



## Chapter 3 - Shellfishing

Shellfishing has been and remains an important part of Wellfleet's social and economic life. It is the living for many residents. Continued success of the enterprise demands good management and a sound harbor environment.

As the historical work in the "Belding" report shows, management has failed in the past. Strong continuing leadership from the Shellfish Advisory Board, Shellfish Constable in co-ordination with the Cape Cod Extension Marine Program will continue to be needed.

Much of what NRAB could contribute to this discussion was already anticipated by a Climate Change Working Group Report, authored by Dr. Seth Tuler, 2015, already referenced in the Introduction. It is still a key reference, which NRAB supports.

Climate change will result in several changes in the harbor environment that may affect shellfishing:

- Warmer harbor waters
- More acidic harbor waters, due to increased CO<sub>2</sub> dissolving in the harbor to create higher carbonic acid (H<sub>2</sub>CO<sub>3</sub>) levels
- Sea level rise itself with a risk of deeper waters for shellfish access
- New species entering the harbor that may compete with the current fauna
- Increased precipitation could lead to an increase in contaminants from road run-off and septic systems.

### Warmer Harbor Waters

Climate change will lead to gradually warmer waters in the harbor. Shellfish can well adapt to these conditions: there is an important shellfish business on the south shore of Cape Cod, in Long Island sound, and in Chesapeake Bay. Historically, these bays have been the source for Wellfleet shellfish. It is important that our seed stocks continue to reflect this diversity, allowing normal biological processes to compensate for climate change.

Another warm water effect may result in a mis-match of the concurrence in the timing of shellfish breeding and spat release with phyto-plankton blooms. We recommend monitoring of these blooms as part of monitoring harbor health.



## **Harbor Acidity**

Shellfish shells are basically calcium carbonate, which dissolves in acid waters. This leads to thinner, fragile shells. Increasing atmospheric carbon dioxide dissolved in harbor water will lead to increasing acidity due to the formation of carbonic acid.

As noted, genetic diversity is needed to allow Wellfleet oysters to adapt and make sufficiently strong shells.

## **Sea Level Rise**

In areas where the shoreline is dominated by revetments, sea level rise may lead to deeper average tidal depths. Shellfish harvesting directly from boats may then become more important.

## **New Species**

Not all changes are expected to be harmful. Blood Ark & Razor Clams, Blue-claw Crabs and increases in Bay Scallops have opened new markets.

Harvesting Bay Scallops is a very profitable business. In the [1995 Harbor Management Plan](#) results of an experiment to enhance Bay Scallops was reported. For three years, dragging was prohibited in an area of the lower harbor. The result reported was an increase in Bay Scallops and their habitat, eelgrass.

This experiment should be repeated with a longer-term point of view, both for the scallops and for overall harbor health.

## **Impact from Increased Precipitation**

Climate change predicts increased rainfall in the northeast. This will lead to an increase in ground-water levels and road run-off. The rise in ground water levels may also impact performance of even Title V septic systems.

Water quality in the inner harbor is also diminished by high nitrogen levels. Completion of the comprehensive waste-water program is essential.

All of these effects could lead to contamination of harbor waters with a consequent risk to shellfish. An overall review and plan to respond to the above issues is needed.



## **Other Items to Consider:**

### **Harbor Shellfish Resources**

We need to monitor the health of Wellfleet wild shellfish populations on a long term, regular basis. The last time this was done was in 1972; a plan to renew this project is outlined in Chapter 5.

NRAB is working with partners to re-start this program. The sites for sampling will need to be distanced from aquaculture locations to be sure that it is broad harbor health that is measured.

### **Plastics**

Wellfleet shellfishers are properly worried about micro-plastics contamination of products. As part of a harbor and cleanliness project, the Shellfish Department and Board are undertaking a project to reduce the use of plastic in local shellfishing operations. However, if reduction of incoming micro-plastics is warranted, producing a clean product for market would require a new technology.

### **Shellfish Reefs**

A concern for Wellfleet harbor is that a combination of sea level rise and wind speeds would threaten salt marshes. A possible solution, in part, would be the establishment of a reef barrier that would protect a marsh. In fact, "oyster reefs" have been used as protective barriers. There have even been trials on Cape Cod sites, in Bourne.

If barriers of either sort are deemed necessary, the Shellfish Department would have to be closely involved in design, permitting and use.

### **Shellfishing - Recommendations**

- Continue to ensure genetic diversity in Wellfleet shellfish, in response to warmer and more acidic waters
  - Action by: Shellfish Advisory Board (SAB), Shellfish Department
- Prioritize programs to reduce risk to harbor water quality due to sea level rise and increased rainfall negatively affecting road run-off and septic performance.
  - Action by: Board of Health, Comprehensive Waste-water Committee



- Take advantage of positive trends such as Blood Arks & increased Bay Scallop opportunities
  - Action by: Shellfish Department
  
- An updated Shellfish Management Plan is needed.
  - Action by: Shellfish Advisory Board, NRAB support





## Chapter 5 - Wellfleet Harbor Marine Resources

A major goal of NRAB is to help ensure that Wellfleet harbor remains a clean and productive site for residents and those who earn their living directly from harbor waters.

Monitoring of harbor waters and biology is an important part of achieving this goal. Back in 1972, the Division of Marine Fisheries produced a comprehensive report to this end entitled "A Study of the Marine Resources of Wellfleet Harbor". The lead author was John R. Curley, so we refer to it as the [Curley Report](#)

One of the recommendations of the report was that the survey be repeated every 10 years. This was clearly not done. We recommend a renewal of the report, which would provide a guide for an action plan based on nearly 50 years of changes.

The Curley report has a number of sections:

- Harbor morphology
- Benthic fauna
- Water quality: temperature, oxygen, pH
- Finfish, both bait and sport
- Shellfish
- Marine and Marsh vegetation
- Other harbor monitoring,
- Economics of Harbor related activities

### Harbor Morphology

The original Curley report has a basic but still useful depth contour map of the harbor. A more detailed [study of the benthic harbor habitat](#) was issued in 2019 by the Center for Coastal Studies, under the direction of Dr. Mark Borelli.

### Benthic fauna

The same study which surveyed harbor morphology also reported on benthic life in the harbor.

### Water Quality

Extensive [water quality testing](#) is on-going, lead by Dr. Amy Costa at The Center for Coastal Studies. Crucially, this data also contains information on harbor nitrogen and phosphorous, the importance of which has become better understood in recent years.



## Finfish

In the original Curley report, nine finfish stations were established. Sampling used a 60' beach seine and an otter trawl in deeper water. Data was collected monthly.

Key baitfish were Silversides, Mummichog, and Striped Killifish. Winter Flounder, Alewife, and Menhaden were also significant among the larger fish. Interestingly, neither Bluefish nor Striped Bass were found. This was attributed to those species' ability to avoid the sampling nets rather than absence from harbor waters.

Work on finfish populations is already well underway. The Center for Coastal Studies (CCS), Owen Nichols as lead scientist, is completing field work for a study of baitfish. A final report is being written. [This work was funded by a Palladino Fellowship from the Friends of Herring River.]

A follow-up proposal has been prepared, also by CCS, for a larger project to sample the harbor for commercial and sport fish.

Finally, for many years the Friends of Herring River has sponsored a volunteer count of the Spring herring run in the river. A summary of data follows:

Year	Fish Counted	Count Sessions	Statistical Estimate	First Sighting	Last Sighting	Peak Count	Peak Date
2009	1663	235	22,000	7-Apr	25-May	131	18-Apr
2010	744	265	12,500	4-Apr	30-May	61	7-Apr
2011	645	340	9,500	9-Apr	26-May	111	27-Apr
2012	1192	465	11,700	19-Mar	24-May	122	9-Apr
2013	2035	383	25,000	6-Apr	26-May	220	26-Apr
2014	4903	325	60,000	9-Apr	26-May	320	14-Apr
2015	1561	303	18,000	11-Apr	25-May	208	26-Apr
2016	1379	347	12,900	28-Mar	18-May	143	26-Apr
2017	673	284	8,000	7-Apr	18-May	177	11-Apr
2018	2426	304	27,000	11-Apr	25-May	288	29-Apr
2019	3244	318	46,000	7-Apr	27-May	214	8-May
2020	1591	485	13,200	27-Mar	21-May	81	30-Apr

Restoration of the Herring River will provide a major opportunity for improvement in finfish habitat: data from that project will continue to be important.



## Shellfish

There is extensive shellfish data in the Curley report, especially for Quahog and Oyster. We also have data from the early 1900's due to the research of Dr. David Belding. Very useful commercial data is compiled annually by the Shellfish Constable.

However, a direct comparison with modern data for the purpose of monitoring overall harbor health will be difficult. There have been two significant changes in the intervening 45 years:

- The use of aquaculture for commercial shellfishing has become a key part of the shellfishing business. Many of the test sites in the earlier study are now used for aquaculture.

Sites will need to be identified that are wild growth only: the Fresh Brook estuary, west side location along Great Island south to Jeremy Point, and parts of the Gut.

- Cultching has become a widely used and effective tool to encourage shellfish propagation. The study could compare cultched and native sites that are adjacent or nearly so: Chipmans Cove and the Gut are possibilities.

These changes have benefitted shellfish populations in the harbor. Aquaculture provides a source for "spat" – young oysters and clams. Cultching provides habitat for oyster spat to adhere and grow.

However, in order to use shellfish information to monitor long term general harbor quality, we will need to effectively start over. Therefore, comparisons back to Curley, or even David Belding's works will be difficult. Probably, we will need more repetitions of shellfish data. Co-operation with the Shellfish Constable and SAB will be essential.

Sampling decisions that need to be considered are:

- Cultched versus totally wild sampling sites;
- Harbor east (where most of the marshes are located) versus harbor west (fewer marshes) and harbor north (protected waters) versus harbor south (open waters);
- The Curley report took no mid-harbor samples. Dragging for shellfish is an important tool for the shellfish business in Wellfleet. For mid-harbor data to be useful, some short-term designation of dragging sanctuaries would be needed.



## **Marine life**

Shellfish live on phytoplankton. The abundance of these microscopic algae is critical to the populations of shellfish. In addition, the blooms of phytoplankton relative to spat release by breeding shellfish is important. This is the phenomenon called “phenology”. So, measures of phytoplankton blooms compared to shellfish spat release could be a critical measure of the health of the harbor.

## **Marsh Vegetation**

Monitoring salt marsh vegetation changes is discussed under the “Climate Change” chapter.

## **Harbor Economics**

We will include most recent numbers (excepting 2020) from the Shellfish Department, Harbormaster, and Recreation Department.

## **Other Harbor Monitoring**

There is already underway various harbor monitoring projects, of great value, which deserve support:

- Diamond-backed Terrapins, Horseshoe Crabs: Wellfleet Bay Wildlife Sanctuary

Note: Horseshoe Crab populations in the harbor are greatly reduced; these crabs greatly benefit shellfishing beds. We need to work further with the Division of Marine Fisheries on a strategy to build populations in Wellfleet harbor.

- Glass Eels; Wellfleet Bay Wildlife Sanctuary

Note: there is a spring migration monitoring site at the Wellfleet Bay Sanctuary. This monitoring should be expanded; for example to Hawes Pond and the Herring River

- Birds : perhaps the most interesting data could be obtained in the winter; for examples, Eider eat small shellfish; Loons and Merganser eat small fish.

A conclusion from this summary is that many of the monitoring test data already exists or is currently underway. The biggest gap is for larger, sport fish. The main resulting challenge will be to put the range of results together in a useful report.



### **Wellfleet Harbor Marine Resources – Recommendations**

- Complete and report results of a renewed monitoring of Wellfleet Harbor, with an appropriate action plan.
  - Action by: NRAB



## Summary of Recommendations

### Introduction

- Emphasize and complete key on-going projects, as listed.
  - Action by: Selectboard, and appropriate Town committees and staff
- Create a Climate Change Committee of staff and citizens to oversee and co-ordinate response to climate change and sea level rise.
  - Action by: Selectboard

### Climate Change

- Monitor current and past growth rates of marshes in Wellfleet – determine which marshes are at greatest risk
  - Action by: NRAB
- Investigate ways to protect and restore existing marshes, including use of dredge sediments
  - Action by: NRAB, Marina Advisory Board
- Support Cons Com proposal for protecting upland slopes and ACEC lands to allow marsh migration
  - Action by: Selectboard, NRAB
- Restore (smaller) marshes as available to optimize inland migration options, such as the east end of Blackfish Creek
  - Action by: NRAB, Conservation Agent

### Dredging

- Provide a grant to study feasibility of using dredge spoils from Wellfleet harbor to replenish marsh erosion, either directly or by using Thin Layer Deposition (TLD). Modelling will be required. Follow developments of TLD technology.
  - Action by: NRAB, Marina Advisory Board
- Work with Center for Coastal Studies (CCS) and Association to Preserve Cape Cod (APCC), in evaluating potential cost/benefit of removing the old railroad bridge and other infrastructure modifications.
  - Action by: NRAB



- Work with Dredge Task Force in reviewing feasibility of maintenance dredging, including possible purchase or sharing of a dredge, training, permitting, etc.
  - Action by: Selectboard

### **Shellfishing**

- Continue to ensure genetic diversity in Wellfleet shellfish, in response to warmer and more acidic waters
  - Action by: Shellfish Advisory Board (SAB), Shellfish Department
- Prioritize programs to reduce risk to harbor water quality due to sea level rise and increased rainfall negatively affecting road run-off and septic performance
  - Action by: Board of Health, Comprehensive Waste-water Committee
- Take advantage of positive trends such as Blood Clams & increased Bay Scallop opportunities
  - Action by: SAB, Shellfish Department
- An updated Shellfish Management Plan is needed.
  - Action by: Shellfish Advisory Board, NRAB support

### **Monitoring of Wellfleet Harbor Marine Resources [“Curley Report”]**

- Complete and report results of a renewed monitoring of Wellfleet Harbor, with an appropriate action plan.
  - Action by: NRAB



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

VII

### BOARD/COMMITTEE APPOINTMENTS AND UPDATES

A-1

<b>REQUESTED BY:</b>	<b>Natural Resources Advisory Board</b>
<b>DESIRED ACTION:</b>	<b>To insert an article into the Special Town Meeting Warrant</b>
<b>PROPOSED MOTION:</b>	<b>I move to insert and recommend the Flora &amp; Fauna Natural Resources Advisory Board into the 2021 Special Town Meeting Warrant as printed.</b>
<b>SUMMARY:</b>	<b>This article had to be pulled at the last minute as there was no way to fund it as written and it was too late to change it to debt exclusion</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



**ARTICLE XX: Wellfleet Harbor Flora and Fauna Survey.** To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$60,000, or any other sum, for the purpose of broadly initiating a field survey of the fauna and flora in Wellfleet harbor, especially shellfish and finfish, as a basis for future actions to preserve and enhance this environment, or to do or act on anything thereon.

(Request of the Natural Resources Advisory Board)

**Summary:** This article seeks funds to complete a broad overview of the state of Wellfleet harbor as recommended in the Harbor Management Plan (March 2021). It replicates a study by the Division of Marine Fisheries, which is now nearly 50 years old. Current funding is for a harbor wide study of shellfish and finfish. NRAB views this work as a critical step in establishing a baseline for future management, as well as identifying and preserving the health of the harbor in view of climate change and other environmental impacts.

**NOTE** This was pulled from the ATM warrant at the last minute due to funding not being available. Below is a draft if it were to be funded via borrowing.

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow \$60,000, or any other sum, for the purpose of broadly initiating a field survey of the fauna and flora in Wellfleet harbor, especially shellfish and finfish, as a basis for future actions to preserve and enhance this environment, or to do or act on anything thereon, and costs related thereto. And that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of M.G.L. c. 59, §21C (Proposition 2½). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or to take any other action in relation thereto.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

# VII

### BOARD/COMMITTEE APPOINTMENTS AND UPDATES

~ A -2 ~

<b>REQUESTED BY:</b>	<b>Natural Resources Advisory Board</b>
<b>DESIRED ACTION:</b>	<b>The NRAB will present their Board Charge Article for special town meeting</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the article presented by the Natural Resources Advisory Board to be inserted in the December 4, 2021 special town meeting warrant.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

Curley-ATM

ATM – 2021 – NRAB request: revised

Article YY – To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$60,000, or any other sum, for the purpose of sponsoring a field survey of the fauna and flora in Wellfleet harbor, especially shellfish and finfish, as a basis for future actions to preserve and enhance this environment, or to do or act on anything thereon.

Summary – This article seeks funds to further a broad overview of the state of Wellfleet harbor as recommended in the Harbor Management Plan (March 2021). It replicates a study by the Division of Marine Fisheries, which is now nearly 50 years old. We plan a broad survey of harbor life – finfish and wild shellfish at the top, phytoplankton and harbor grasses at the base. NRAB views this work as a critical step in identifying and preserving the health of the harbor in view of climate change and other environmental impacts. Another goal of the project is to create a process for regular and periodic renewal of the work.

(Request of the Natural Resources Advisory Board)

\*\*\*

**NOTE This was pulled from the ATM warrant at the last minute due to funding not being available. Below is a draft if it were to be funded via borrowing.**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow \$60,000, or any other sum, for the purpose of broadly initiating a field survey of the fauna and flora in Wellfleet harbor, especially shellfish and finfish, as a basis for future actions to preserve and enhance this environment, or to do or act on anything thereon, and costs related thereto. And that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of M.G.L. c. 59, §21C (Proposition 2½). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or to take any other action in relation thereto.

## **ATM 1987, Art. 52 [voice vote]**

Voted: to create a Natural Resources Advisory Board of at least three members to be appointed by the Selectmen for three year overlapping terms, to be assisted by the Harbormaster, the Shellfish Warden, the Health/Conservation Officer and other Town officials as directed by the Town Administrator, the Board to have such duties as the Selectmen may specify but including the following:

1. The creation of a Harbor Management Plan.
2. The continuous review and updating of the Shellfish Management Plan and Harbor Management Plan.
3. The identification of the natural resources within the Town of significant importance --vistas, wildlife habitats, recreational open spaces, areas of special beauty, rarity, or historic interest, fauna and flora, especially endangered species, etc.-- and appropriate action as may be possible to preserve and protect these resources

\*\*\*\*\*

Voted: to create a Natural Resources Advisory Board of at least three members to be appointed by the Selectmen for three year overlapping terms, to be assisted by the Harbormaster, the Shellfish Warden, the Health/Conservation Officer and other Town officials as directed by the Town Administrator, the Board to have such duties as the Selectmen may specify but including the following:

1. The creation of a Harbor Management Plan and a Ponds Management Plan, each on roughly a ten year cycle
2. Co-operate with the Shellfish Advisory Board, the Conservation Commission, the Open Space Committee and other Town committees as needed to maintain the natural resources in the Town of Wellfleet.
3. The identification of the natural resources within the Town of significant importance --vistas, wildlife habitats, recreational open spaces, areas of special beauty, rarity, or historic interest, fauna and flora, especially endangered species, etc.-- and appropriate action as may be possible to preserve and protect these resources





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

# VII

### BOARD/COMMITTEE APPOINTMENTS AND UPDATES

~ B ~

<b>REQUESTED BY:</b>	<b>Dredging Task Force ~ Joe Aberdale</b>
<b>DESIRED ACTION:</b>	<b>To update the Board on the dredging that will take place in the upcoming months.</b>
<b>PROPOSED MOTION:</b>	<b>No action required</b>
<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 28, 2021

VII

## BOARD/COMMITTEE APPOINTMENTS AND UPDATES

~ C ~

<b>REQUESTED BY:</b>	<b>Ryan Curley ~ Chair</b>
<b>DESIRED ACTION:</b>	<b>To amend the Council on Aging Committee's Charge</b>
<b>PROPOSED MOTION:</b>	<b>I move to amend the Council on Aging Advisory Board's Charge as printed in the Selectboard Packet.</b>
<b>SUMMARY:</b>	<b>The amended charge reduces the size of committee members from 11 to 9 and updates language throughout. The COA Advisory Committee has been presented with the amendments on September 8, 2021 and were in favor of them and provided an amendment of their own.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## Wellfleet Council on Aging Advisory Committee

~~In accordance with the Wellfleet Town Charter, the Board of Selectmen hereby establishes the Council on Aging Committee as an ad hoc committee with the following Charge: (no longer in the charter)~~

### Section 1 RESPONSIBILITIES OF THE COUCIL ON AGING **ADVISORY** COMMITTEE

Work with the Director & COA Staff to:

- A. Identify the over ~~sixty~~ **fifty** year old population of the Town of Wellfleet that need services.
- B. Ascertain the needs of this segment of the population.
- C. Educate the community about these needs.
- D. Enlist the support and participation of all citizens in programs to meet these needs.
- E. Design, develop and implement services to fill those needs and/or coordinate existing services.

### Section 2 MEMBERSHIP & MEETINGS

#### Section 2.1 Membership

~~The Council shall consist of eleven~~ **nine** residents of the Town of Wellfleet, ~~at least six of whom are sixty years of age or older.~~ Each member will be appointed by the ~~Board of Selectmen~~ Selectboard, for a term of **not more than** three fiscal years ~~(except when appointments are made to fill unexpired terms)~~ with suggestions ~~form the current Council member.~~ Terms shall be staggered so that not more than ~~four~~ **three** appointments shall expire in any year. ~~(except where necessary to fill an unexpired term).~~

#### Section 2.2 Regular Meetings

The Council shall hold regular meetings on such dates and times as shall be determined by Council members. Ordinarily, the Wellfleet Council on Aging shall meet on the **third last** Wednesday of each month, September though June, ~~at 9:30. All meetings of the Council, regular, annual or special shall conform to the Open Meeting Law.~~

#### Section 2.3 Annual Meeting

The first regular meeting of the year (September) shall be considered the Annual Meeting of the Wellfleet Council on Aging.

#### Section 2.4 Special Meetings

Special Meetings may be called at any time the ~~Chairman~~ or may be called by the ~~Chairman~~ or Secretary on the written request of three or more Council members.



**Section 2.5 Quorum**

~~The presence of at least six members shall constitute the quorum necessary to transact business at all Council meeting.~~



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

VII

## BOARD/COMMITTEE APPOINTMENTS AND UPDATES

~ D ~

<b>REQUESTED BY:</b>	<b>Lillian Green</b>
<b>DESIRED ACTION:</b>	<b>To discuss the letter, she sent regarding Seashore Advisory Council Letter</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>TO BE DETERMINED</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

Dear Senator Manchin, Chairman, Senate Energy and Natural Resources Committee,  
Senator John Barrasso Ranking Member, and  
Senator Angus King, Chairman, National Parks Subcommittee

As Town Administrator of Wellfleet and on behalf of the town of Wellfleet, your support is urged for S.2158. This bill, if passed, would reauthorize the Cape Cod National Seashore (CCNS) Advisory Commission for 10 years, retroactive to 2018 when the previous charter expired. The Advisory Commission is the oldest in the nation with representatives from each of the six towns where the National Seashore exists.

This bill has profound importance for the future management of CCNS and its critical partnership and relationships with the six local towns within its boundary. There has been tremendous support for the Advisory Commission from the Select Board and citizens of our town.

For over almost 60 years of operation, the Advisory Commission has provided the key forum for coordination and communication between the local communities and the National Park Service management and has been an outstanding example of a partnership in cooperative land stewardship in the National Park System.

The CCNS Advisory Commission was authorized in 1961, as part of the National Seashore's enabling legislation. As stated in Section 8, its purpose is "to provide a means of ongoing consultation and liaison with private, local, and community interests that were expected to remain within the seashore."

CCNS was established with a pattern of land ownership and management that is most unusual in the National Park System. Most national parks are many miles away from any town. The boundaries of Cape Cod National Seashore incorporated significant portions of the six Lower Cape towns. The towns, however, retained ownership of numerous parcels within the National Seashore including ponds, beaches, parking lots and roads; and over 600 parcels within the bounds of Cape Cod National Seashore are privately owned. Activities on all these lands can have potentially profound effects on protected resources, and vice versa.

Consequently, there was intense political debate about and considerable local opposition to the original proposal to create CCNS. The need for a forum for open, constructive dialogue where the towns and private sector had a voice was solved by the establishment of the CCNS Advisory Commission; and that need continues today as new issues emerge and others reappear. It is fair to say that the CCNS Advisory Commission was one of the keys to the successful establishment of Cape Cod National Seashore.

It is imperative that the CCNS Advisory Commission resume its operations at this time as the six local communities and the National Park Service must now address and coordinate on many critical public safety issues including the proliferation of great white sharks in waters adjacent to National Seashore and town beaches: the potential complications from the coronavirus situation; and many facilities and infrastructure projects that have bearing on CCNS and the towns.

The cost of operating the Advisory Commission is negligible. All members serve voluntarily and are not reimbursed for expenses. The CCNS costs include listing meetings in the Federal Register, a court reporter, GPO publication of meeting minutes and staff support for 6 or 7 meetings a year. It is abundantly clear that modest cost for the annual operation of the Advisory Commission pays invaluable dividends and assures the smooth operation of CCNS.

The Advisory Commission has the full support of all six towns, the Governor Baker administration and all sectors of the community including private businesses and home owners. It is therefore urged that you approve S. 2158 and support its prompt passage.

Sincerely,

**NAME**  
**TITLE**  
**ADDRESS**  
**PHONE**

CC:  
Senator Edward Markey  
Senator Elizabeth Warren  
Representative William Keating



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

VIII

### BUSINESS

~A~

<b>REQUESTED BY:</b>	<b>Ryan Curley ~ Chair</b>
<b>DESIRED ACTION:</b>	<b>To set the date and time of town meeting</b>
<b>PROPOSED MOTION:</b>	<b>I move that the Town of Wellfleet hold a special town meeting beginning at 10am on December 4, 2021, with the alternate weather dates of December 5<sup>th</sup>, 11<sup>th</sup>, &amp; 12<sup>th</sup> to be held at the Nauset Regional High School Gymnasium in Eastham Massachusetts.</b>
<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 28, 2021

# VIII

## BUSINESS

~B~

<b>REQUESTED BY:</b>	<b>Ryan Curley ~ Chair</b>
<b>DESIRED ACTION:</b>	<b>To authorize an RFP seeking a consultant to assist in the town in its TA search, or any alternatives.</b>
<b>PROPOSED MOTION:</b>	<b>I move for the town to issue and RFP as printed in the Selectboard Packet.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**TOWN OF WELLFEET  
SOLICITATION OF PRICE QUOTATIONS  
EXECUTIVE SEARCH CONSULTING SERVICES FOR THE  
RECRUITMENT AND SELECTION OF A TOWN ADMINISTRATOR**

**A. Purpose of this Solicitation for Quotes**

The Town of Wellfleet Select Board seeks consulting services for the recruitment and selection of an appropriate candidate for the position of Town Administrator for the Town of Wellfleet, Massachusetts.

**B. Schedule**

Interested parties shall submit a written quote for services. Quotes shall be received by the Select Board, in the Selectmen's Office, Wellfleet Town Hall, 300 Main Street, Wellfleet, MA 02667 **no later than 3:00 PM on (date)**.

**C. Awarding Authority**

The awarding authority is the Town of Wellfleet acting by and through its Select Board.

**D. Clarification of Quotes**

The Town of Wellfleet reserves the right to contact any party for the purpose of clarifying a quote and/or requesting additional information.

**E. Confidentiality**

Under Massachusetts General Laws, the Town cannot assure the confidentiality of any material or information that may be submitted by any parties in response to this Solicitation for Quotes. Thus, those who choose to submit confidential material or information do so at their own risk. Quotes received by the Town become public documents available for inspection by interested parties. All quotes received are subject to the Massachusetts Public Records Law, M.G.L. c. 66, § 10, and to M.G.L. c. 4, § 7, cl. 26.

**F. Quality Requirements**

Each quote shall meet all of the following criteria:

1. Consulting agencies shall have been in business for a minimum of five years.
2. Consulting agencies shall have experience doing comparable satisfactory work for at least five municipalities.
3. Consulting agencies shall have at least two qualified persons available to work on this project who will be able to start work on the project within ten days of the award of the contract and be able to work continuously to complete the project at the earliest possible date consistent with professional performance.

**G. Execution of Agreement**

Upon the acceptance of a quote, the Town will prepare and submit an Agreement to the successful Consulting agency for signing. Incorporated by reference into the Agreement that is to be entered into by the Town and the successful Consulting agency pursuant to this Solicitation for Quotes will be:

All of the information presented in or with this Solicitation for Quotes and the Consulting

agency's response thereto including

1. A Certificate of Tax Compliance and a Certificate of Non-Collusion.
2. A Certificate of Corporate Vote attesting to the authority of the person signing to bind the corporation, if applicable.
3. The Town reserves the right to negotiate the final price of the contract.

#### **H. Required Format**

Each applicant shall furnish all requested information in the formats specified by this Solicitation for Quotes. Specifically, each proposal shall, consist of the following:

##### **Item 1: Transmittal Letter**

The Consulting agency shall submit a transmittal letter signed by an authorized representative of the consulting agency and include the names of the individuals authorized to conduct business with the Town. The consulting agency's mailing address, telephone number and email address shall also be included.

##### **Item 2: Quote**

An original and five (5) copies of the quote, which must contain the following sections and information to be considered:

1. Describe the consulting agency's background, relevant experience in the business of providing recruitment and selection consulting services to municipal governments.
2. List cities or towns for which the consulting agency has done work in the past five years. This list should specifically identify the type of recruitment performed and the tenure of the hired candidate
3. At least three references from municipal clients worked for in the past five years. The Town reserves the right to solicit additional references. Poor references may be a basis for a determination the consulting agency is not a responsible bidder.
4. Specify the composition of the project team who will be providing the services specified in this Solicitation for Quotes, including appropriate resumes.
5. Provide a work plan outlining the consulting agency's proposed timetable for each aspect of the Work (see Detailed Requirements for Selected the consulting agency, below).
6. Provide samples of work, such as reports, a sample position profile, evaluation forms and other decision-making tools.
7. Show evidence of the consulting agency's knowledge of the Select Board/Town Manager model of government.
8. A price proposal which shall include all costs associated with the project and shall include a schedule of payments which shall be dependent upon completion of elements of work required by Scope of Services, Detailed Requirements. Quotes shall be mailed or delivered to the following address:

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



Quotes shall be received no later than 3 pm on (date) in order to be considered. Late submissions will be rejected and returned to the consulting agency unopened.

The selected consulting agency shall provide all services, labor, materials and facilities to perform the work as specified in the following Scope of Services.

Scope of Services for Selected Consulting Agency

- 1 Prepare, in consultation with the Select Board, a plan for the search, recruitment and selection of a candidate for the position of Town Administrator for the Town of Wellfleet. Consult with and assist Select Board in defining the appropriate roles and level of participation of the Select Board and the Search Committee in the overall search process.

The plan shall be presented in a written report and shall include the following:

- a) A profile of the position and a profile of the desired candidate, reflecting the qualities and attributes the Select Board believes the next Town Administrator should possess.
  - b) Specification of the process for receiving and screening resumes or applications for the position including criteria by which candidates are to be evaluated, along with background and preliminary reference checks.
  - c) Description of a detailed procedure for interviewing qualified candidates, which may include role-playing exercises deemed helpful to assess the sound judgment and capabilities of a candidate.
2. The consulting agency shall perform the following services following acceptance and approval of the plan to be developed as specified.
    - a) Prepare advertising for the position and assist in the selection of media for publication.
    - b) Conduct active recruitment of potential candidates known to the consulting agency and Town officials who may not respond to other recruiting measures.
    - c) Recommend in written reports to the Search Committee, all qualified candidates for further evaluation through an informal interview process which may be conducted by telephone (informal prescreen).
    - d) Assist with and participate with the Search Committee in the conduct of structured interviews with preliminarily qualified candidates. One interview may be held in executive session pursuant to Massachusetts law.

- e) After completion of the recruiting and evaluation process to this point, recommend in writing the best qualified candidates, in consultation with the Search Committee, to be interviewed in a public meeting or meetings by the Select Board.
  - f) Assist the Search Committee and Select Board with compensation issues.
  - g) Assist the Select Board in preparing for public interviews under the Massachusetts Open Meeting law of the best qualified candidates recommended by the Search Committee.
3. The consulting agency shall meet with the Search Committee as frequently and for such time as may be necessary to carry out his or her work and shall regularly update the Select Board as to the progression of the process.
  4. The principal shall be prepared to commit no fewer than (60) sixty hours to such meetings in the execution of this task.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

# VIII

## BUSINESS

~ C ~

<b>REQUESTED BY:</b>	<b>Ryan Curley ~ Chair</b>
<b>DESIRED ACTION:</b>	<b>To dedicate any unused CLFRF/CARES reimbursements to affordable housing</b>
<b>PROPOSED MOTION:</b>	<b>I move to dedicate all CLFRF monies not used by administration to the Wellfleet Housing Trust to be used for affordable housing.</b>
<b>SUMMARY:</b>	<b>Allowable uses are:</b> <ul style="list-style-type: none"><li>• Support public health expenditures, by funding Covid-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health safety staff.</li><li>• Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector; [note this includes housing support]</li><li>• Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic</li><li>• Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors</li><li>• Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and expand access to broadband internet.</li></ul>

## **FACT SHEET: The Coronavirus State and Local Fiscal Recovery Funds Will Deliver \$350 Billion for State, Local, Territorial, and Tribal Governments to Respond to the COVID-19 Emergency and Bring Back Jobs**

**May 10, 2021**

*Aid to state, local, territorial, and Tribal governments will help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery*

Today, the U.S. Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments. Treasury also released details on how these funds can be used to respond to acute pandemic response needs, fill revenue shortfalls among these governments, and support the communities and populations hardest-hit by the COVID-19 crisis. With the launch of the Coronavirus State and Local Fiscal Recovery Funds, eligible jurisdictions will be able to access this funding in the coming days to address these needs.

State, local, territorial, and Tribal governments have been on the frontlines of responding to the immense public health and economic needs created by this crisis – from standing up vaccination sites to supporting small businesses – even as these governments confronted revenue shortfalls during the downturn. As a result, these governments have endured unprecedented strains, forcing many to make untenable choices between laying off educators, firefighters, and other frontline workers or failing to provide other services that communities rely on. Faced with these challenges, state and local governments have cut over 1 million jobs since the beginning of the crisis. The experience of prior economic downturns has shown that budget pressures like these often result in prolonged fiscal austerity that can slow an economic recovery.

To support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery, the American Rescue Plan Act of 2021 established the Coronavirus State and Local Fiscal Recovery Funds, designed to deliver \$350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and its economic impacts. Today, Treasury is launching this much-needed relief to:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control;
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs;
- Support immediate economic stabilization for households and businesses; and,
- Address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic on certain populations.

The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each jurisdiction to meet local needs—including support for households, small businesses, impacted industries, essential workers, and the communities hardest-hit by the crisis. These funds also deliver resources that recipients can invest in building, maintaining, or upgrading their water, sewer, and broadband infrastructure.

Starting today, eligible state, territorial, metropolitan city, county, and Tribal governments may request Coronavirus State and Local Fiscal Recovery Funds through the Treasury Submission Portal. Concurrent with this program launch, Treasury has published an Interim Final Rule that implements the provisions of this program.

## **FUNDING AMOUNTS**

The American Rescue Plan provides a total of \$350 billion in Coronavirus State and Local Fiscal Recovery Funds to help eligible state, local, territorial, and Tribal governments meet their present needs and build the foundation for a strong recovery. Congress has allocated this funding to tens of thousands of jurisdictions. These allocations include:

<b>Type</b>	<b>Amount (\$ billions)</b>
States & District of Columbia	\$195.3
Counties	\$65.1
Metropolitan Cities	\$45.6
Tribal Governments	\$20.0
Territories	\$4.5
Non-Entitlement Units of Local Government	\$19.5

Treasury expects to distribute these funds directly to each state, territorial, metropolitan city, county, and Tribal government. Local governments that are classified as non-entitlement units will receive this funding through their applicable state government. Treasury expects to provide further guidance on distributions to non-entitlement units next week.

Local governments should expect to receive funds in two tranches, with 50% provided beginning in May 2021 and the balance delivered 12 months later. States that have experienced a net increase in the unemployment rate of more than 2 percentage points from February 2020 to the latest available data as of the date of certification will receive their full allocation of funds in a single payment; other states will receive funds in two equal tranches. Governments of U.S. territories will receive a single payment. Tribal governments will receive two payments, with the first payment available in May and the second payment, based on employment data, to be delivered in June 2021.

## **USES OF FUNDING**

Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to:

- **Support public health expenditures**, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- **Provide premium pay for essential workers**, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Within these overall categories, Treasury’s Interim Final Rule provides guidelines and principles for determining the types of programs and services that this funding can support, together with examples of allowable uses that recipients may consider. As described below, Treasury has also designed these provisions to take into consideration the disproportionate impacts of the COVID-19 public health emergency on those hardest-hit by the pandemic.

### 1. Supporting the public health response

Mitigating the impact of COVID-19 continues to require an unprecedented public health response from state, local, territorial, and Tribal governments. Coronavirus State and Local Fiscal Recovery Funds provide resources to meet these needs through the provision of care for those impacted by the virus and through services that address disparities in public health that have been exacerbated by the pandemic. Recipients may use this funding to address a broad range of public health needs across COVID-19 mitigation, medical expenses, behavioral healthcare, and public health resources. Among other services, these funds can help support:

- **Services and programs to contain and mitigate the spread of COVID-19, including:**
  - ✓ Vaccination programs
  - ✓ Medical expenses
  - ✓ Testing
  - ✓ Contact tracing
  - ✓ Isolation or quarantine
  - ✓ PPE purchases
  - ✓ Support for vulnerable populations to access medical or public health services
  - ✓ Public health surveillance (e.g., monitoring for variants)
  - ✓ Enforcement of public health orders
  - ✓ Public communication efforts
  - ✓ Enhancement of healthcare capacity, including alternative care facilities
  - ✓ Support for prevention, mitigation, or other services in congregate living facilities and schools
  - ✓ Enhancement of public health data systems
  - ✓ Capital investments in public facilities to meet pandemic operational needs
  - ✓ Ventilation improvements in key settings like healthcare facilities

- **Services to address behavioral healthcare needs exacerbated by the pandemic, including:**
  - ✓ Mental health treatment
  - ✓ Substance misuse treatment
  - ✓ Other behavioral health services
  - ✓ Hotlines or warmlines
  - ✓ Crisis intervention
  - ✓ Services or outreach to promote access to health and social services
- **Payroll and covered benefits expenses** for public health, healthcare, human services, public safety and similar employees, to the extent that they work on the COVID-19 response. For public health and safety workers, recipients can use these funds to cover the full payroll and covered benefits costs for employees or operating units or divisions primarily dedicated to the COVID-19 response.

## 2. Addressing the negative economic impacts caused by the public health emergency

The COVID-19 public health emergency resulted in significant economic hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote education, and travel declined precipitously, over 20 million jobs were lost between February and April 2020. Although many have since returned to work, as of April 2021, the economy remains more than 8 million jobs below its pre-pandemic peak, and more than 3 million workers have dropped out of the labor market altogether since February 2020.

To help alleviate the economic hardships caused by the pandemic, Coronavirus State and Local Fiscal Recovery Funds enable eligible state, local, territorial, and Tribal governments to provide a wide range of assistance to individuals and households, small businesses, and impacted industries, in addition to enabling governments to rehire public sector staff and rebuild capacity. Among these uses include:

- **Delivering assistance to workers and families**, including aid to unemployed workers and job training, as well as aid to households facing food, housing, or other financial insecurity. In addition, these funds can support survivor's benefits for family members of COVID-19 victims.
- **Supporting small businesses**, helping them to address financial challenges caused by the pandemic and to make investments in COVID-19 prevention and mitigation tactics, as well as to provide technical assistance. To achieve these goals, recipients may employ this funding to execute a broad array of loan, grant, in-kind assistance, and counseling programs to enable small businesses to rebound from the downturn.
- **Speeding the recovery of the tourism, travel, and hospitality sectors**, supporting industries that were particularly hard-hit by the COVID-19 emergency and are just now beginning to mend. Similarly impacted sectors within a local area are also eligible for support.
- **Rebuilding public sector capacity**, by rehiring public sector staff and replenishing unemployment insurance (UI) trust funds, in each case up to pre-pandemic levels. Recipients may also use this funding to build their internal capacity to successfully implement economic relief programs, with investments in data analysis, targeted outreach, technology infrastructure, and impact evaluations.

### 3. **Serving the hardest-hit communities and families**

While the pandemic has affected communities across the country, it has disproportionately impacted low-income families and communities of color and has exacerbated systemic health and economic inequities. Low-income and socially vulnerable communities have experienced the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 223 deaths per 100,000 compared to the U.S. average of 175 deaths per 100,000.

Coronavirus State and Local Fiscal Recovery Funds allow for a broad range of uses to address the disproportionate public health and economic impacts of the crisis on the hardest-hit communities, populations, and households. Eligible services include:

- **Addressing health disparities and the social determinants of health**, through funding for community health workers, public benefits navigators, remediation of lead hazards, and community violence intervention programs;
- **Investments in housing and neighborhoods**, such as services to address individuals experiencing homelessness, affordable housing development, housing vouchers, and residential counseling and housing navigation assistance to facilitate moves to neighborhoods with high economic opportunity;
- **Addressing educational disparities** through new or expanded early learning services, providing additional resources to high-poverty school districts, and offering educational services like tutoring or afterschool programs as well as services to address social, emotional, and mental health needs; and,
- **Promoting healthy childhood environments**, including new or expanded high quality childcare, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

Governments may use Coronavirus State and Local Fiscal Recovery Funds to support these additional services if they are provided:

- within a Qualified Census Tract (a low-income area as designated by the Department of Housing and Urban Development);
- to families living in Qualified Census Tracts;
- by a Tribal government; or,
- to other populations, households, or geographic areas disproportionately impacted by the pandemic.

### 4. **Replacing lost public sector revenue**

State, local, territorial, and Tribal governments that are facing budget shortfalls may use Coronavirus State and Local Fiscal Recovery Funds to avoid cuts to government services. With these additional resources, recipients can continue to provide valuable public services and ensure that fiscal austerity measures do not hamper the broader economic recovery.



Many state, local, territorial, and Tribal governments have experienced significant budget shortfalls, which can yield a devastating impact on their respective communities. Faced with budget shortfalls and pandemic-related uncertainty, state and local governments cut staff in all 50 states. These budget shortfalls and staff cuts are particularly problematic at present, as these entities are on the front lines of battling the COVID-19 pandemic and helping citizens weather the economic downturn.

Recipients may use these funds to replace lost revenue. Treasury's Interim Final Rule establishes a methodology that each recipient can use to calculate its reduction in revenue. Specifically, recipients will compute the extent of their reduction in revenue by comparing their actual revenue to an alternative representing what could have been expected to occur in the absence of the pandemic. Analysis of this expected trend begins with the last full fiscal year prior to the public health emergency and projects forward at either (a) the recipient's average annual revenue growth over the three full fiscal years prior to the public health emergency or (b) 4.1%, the national average state and local revenue growth rate from 2015-18 (the latest available data).

For administrative convenience, Treasury's Interim Final Rule allows recipients to presume that any diminution in actual revenue relative to the expected trend is due to the COVID-19 public health emergency. Upon receiving Coronavirus State and Local Fiscal Recovery Funds, recipients may immediately calculate the reduction in revenue that occurred in 2020 and deploy funds to address any shortfall. Recipients will have the opportunity to re-calculate revenue loss at several points through the program, supporting those entities that experience a lagged impact of the crisis on revenues.

Importantly, once a shortfall in revenue is identified, recipients will have broad latitude to use this funding to support government services, up to this amount of lost revenue.

##### **5. Providing premium pay for essential workers**

Coronavirus State and Local Fiscal Recovery Funds provide resources for eligible state, local, territorial, and Tribal governments to recognize the heroic contributions of essential workers. Since the start of the public health emergency, essential workers have put their physical well-being at risk to meet the daily needs of their communities and to provide care for others.

Many of these essential workers have not received compensation for the heightened risks they have faced and continue to face. Recipients may use this funding to provide premium pay directly, or through grants to private employers, to a broad range of essential workers who must be physically present at their jobs including, among others:

- ✓ Staff at nursing homes, hospitals, and home-care settings
- ✓ Workers at farms, food production facilities, grocery stores, and restaurants
- ✓ Janitors and sanitation workers
- ✓ Public health and safety staff
- ✓ Truck drivers, transit staff, and warehouse workers
- ✓ Childcare workers, educators, and school staff
- ✓ Social service and human services staff

Treasury's Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

In addition, employers are both permitted and encouraged to use Coronavirus State and Local Fiscal Recovery Funds to offer retrospective premium pay, recognizing that many essential workers have not yet received additional compensation for work performed. Staff working for third-party contractors in eligible sectors are also eligible for premium pay.

#### **6. Investing in water and sewer infrastructure**

Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures, including projects that address the impacts of climate change.

Recipients may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines.

Recipients may also use this funding to invest in wastewater infrastructure projects, including constructing publicly-owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works.

To help jurisdictions expedite their execution of these essential investments, Treasury's Interim Final Rule aligns types of eligible projects with the wide range of projects that can be supported by the Environmental Protection Agency's Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Recipients retain substantial flexibility to identify those water and sewer infrastructure investments that are of the highest priority for their own communities.

Treasury's Interim Final Rule also encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions.

#### **7. Investing in broadband infrastructure**

The pandemic has underscored the importance of access to universal, high-speed, reliable, and affordable broadband coverage. Over the past year, millions of Americans relied on the internet to participate in remote school, healthcare, and work.

Yet, by at least one measure, 30 million Americans live in areas where there is no broadband service or where existing services do not deliver minimally acceptable speeds. For millions of other Americans, the high cost of broadband access may place it out of reach. The American Rescue Plan aims to help remedy these shortfalls, providing recipients with flexibility to use Coronavirus State and Local Fiscal Recovery Funds to invest in broadband infrastructure.

Recognizing the acute need in certain communities, Treasury's Interim Final Rule provides that investments in broadband be made in areas that are currently unserved or underserved—in other words, lacking a wireline connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload. Recipients are also encouraged to prioritize projects that achieve last-mile connections to households and businesses.

Using these funds, recipients generally should build broadband infrastructure with modern technologies in mind, specifically those projects that deliver services offering reliable 100 Mbps download and 100

Mbps upload speeds, unless impracticable due to topography, geography, or financial cost. In addition, recipients are encouraged to pursue fiber optic investments.

In view of the wide disparities in broadband access, assistance to households to support internet access or digital literacy is an eligible use to respond to the public health and negative economic impacts of the pandemic, as detailed above.

#### **8. Ineligible Uses**

Coronavirus State and Local Fiscal Recovery Funds provide substantial resources to help eligible state, local, territorial, and Tribal governments manage the public health and economic consequences of COVID-19. Recipients have considerable flexibility to use these funds to address the diverse needs of their communities.

To ensure that these funds are used for their intended purposes, the American Rescue Plan Act also specifies two ineligible uses of funds:

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue due to a change in law from March 3, 2021 through the last day of the fiscal year in which the funds provided have been spent.** The American Rescue Plan ensures that funds needed to provide vital services and support public employees, small businesses, and families struggling to make it through the pandemic are not used to fund reductions in net tax revenue. Treasury's Interim Final Rule implements this requirement. If a state or territory cuts taxes, they must demonstrate how they paid for the tax cuts from sources other than Coronavirus State Fiscal Recovery Funds—by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be paid back to the Treasury.
- **No recipient may use this funding to make a deposit to a pension fund.** Treasury's Interim Final Rule defines a "deposit" as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions for employees whose wages and salaries are an eligible use of funds.

Treasury's Interim Final Rule identifies several other ineligible uses, including funding debt service, legal settlements or judgments, and deposits to rainy day funds or financial reserves. Further, general infrastructure spending is not covered as an eligible use outside of water, sewer, and broadband investments or above the amount allocated under the revenue loss provision. While the program offers broad flexibility to recipients to address local conditions, these restrictions will help ensure that funds are used to augment existing activities and address pressing needs.

## **Coronavirus State and Local Fiscal Recovery Funds**

### **Frequently Asked Questions**

**AS OF JULY 19, 2021**

This document contains answers to frequently asked questions regarding the Coronavirus State and Local Fiscal Recovery Funds (CSFRF / CLFRF, or Fiscal Recovery Funds). Treasury will be updating this document periodically in response to questions received from stakeholders. Recipients and stakeholders should consult the [Interim Final Rule](#) for additional information.

- For overall information about the program, including information on requesting funding, please see <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments>
- For general questions about CSFRF / CLFRF, please email [SLFRP@treasury.gov](mailto:SLFRP@treasury.gov)
- Treasury is seeking comment on all aspects of the Interim Final Rule. Stakeholders are encouraged to submit comments electronically through the Federal eRulemaking Portal (<https://www.regulations.gov/document/TREAS-DO-2021-0008-0002>) on or before July 16, 2021. Please be advised that comments received will be part of the public record and subject to public disclosure. Do not disclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Questions added 5/27/21: 1.5, 1.6, 2.13, 2.14, 2.15, 3.9, 4.5, 4.6, 10.3, 10.4 (noted with “[5/27]”)

Questions added 6/8/21: 2.16, 3.10, 3.11, 3.12, 4.7, 6.7, 8.2, 9.4, 9.5, 10.5 (noted with “[6/8]”)

Questions added 6/17/21: 6.8, 6.9, 6.10, 6.11 (noted with “[6/17]”)

Questions added 6/23/21: 1.7, 2.17, 2.18, 2.19, 2.20, 3.1 (appendix), 3.13, 4.8, 6.12 (noted with “[6/23]”)

Question added 6/24/21: 2.21 (noted with “[6/24]”)

Questions added 7/14/21: 1.8, 3.14, 3.15, 4.9, 4.10, 4.11, 4.12, 6.13, 6.14, 6.15, 6.16, 6.17, 10.3 updated (noted with “[7/14]”)

Answers to frequently asked questions on distribution of funds to non-entitlement units of local government (NEUs) can be found in this [FAQ supplement](#), which is regularly updated.

## **1. Eligibility and Allocations**

### **1.1. Which governments are eligible for funds?**

The following governments are eligible:

- States and the District of Columbia
- Territories
- Tribal governments
- Counties
- Metropolitan cities
- Non-entitlement units, or smaller local governments

**1.2. Which governments receive funds directly from Treasury?**

Treasury will distribute funds directly to each eligible state, territory, metropolitan city, county, or Tribal government. Smaller local governments that are classified as non-entitlement units will receive funds through their applicable state government.

**1.3. Are special-purpose units of government eligible to receive funds?**

Special-purpose units of local government will not receive funding allocations; however, a state, territory, local, or Tribal government may transfer funds to a special-purpose unit of government. Special-purpose districts perform specific functions in the community, such as fire, water, sewer or mosquito abatement districts.

**1.4. How are funds being allocated to Tribal governments, and how will Tribal governments find out their allocation amounts?<sup>1</sup>**

\$20 billion of Fiscal Recovery Funds was reserved for Tribal governments. The American Rescue Plan Act specifies that \$1 billion will be allocated evenly to all eligible Tribal governments. The remaining \$19 billion will be distributed using an allocation methodology based on enrollment and employment.

There will be two payments to Tribal governments. Each Tribal government's first payment will include (i) an amount in respect of the \$1 billion allocation that is to be divided equally among eligible Tribal governments and (ii) each Tribal government's pro rata share of the Enrollment Allocation. Tribal governments will be notified of their allocation amount and delivery of payment 4-5 days after completing request for funds in the Treasury Submission Portal. The deadline to make the initial request for funds is June 21, 2021.

The second payment will include a Tribal government's pro rata share of the Employment Allocation. There is a \$1,000,000 minimum employment allocation for Tribal governments. In late-June, Tribal governments will receive an email notification to re-enter the Treasury Submission Portal to confirm or amend their 2019 employment numbers that were submitted to the Department of the Treasury for the CARES Act's Coronavirus Relief Fund. To receive an Employment Allocation, including the minimum employment allocation, Tribal governments must confirm employment numbers by July

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<sup>1</sup> The answer to this question was updated on July 19, 2021.

23, 2021. Treasury will calculate employment allocations for those Tribal governments that confirmed or submitted amended employment numbers by the deadline. In August, Treasury will communicate to Tribal governments the amount of their portion of the Employment Allocation and the anticipated date for the second payment.

**1.5. My county is a unit of general local government with population under 50,000. Will my county receive funds directly from Treasury? [5/27]**

Yes. All counties that are units of general local government will receive funds directly from Treasury and should apply via the [online portal](#). The list of county allocations is available [here](#).

**1.6. My local government expected to be classified as a non-entitlement unit. Instead, it was classified as a metropolitan city. Why? [5/27]**

The American Rescue Plan Act defines, for purposes of the Coronavirus Local Fiscal Recovery Fund (CLFRF), metropolitan cities to include those that are currently metropolitan cities under the Community Development Block Grant (CDBG) program but also those cities that relinquish or defer their status as a metropolitan city for purposes of the CDBG program. This would include, by way of example, cities that are principal cities of their metropolitan statistical area, even if their population is less than 50,000. In other words, a city that is eligible to be a metropolitan city under the CDBG program is eligible as a metropolitan city under the CLFRF, regardless of how that city has elected to participate in the CDBG program.

Unofficial allocation estimates produced by other organizations may have classified certain local governments as non-entitlement units of local government. However, based on the statutory definitions, some of these local governments should have been classified as metropolitan cities.

**1.7. In order to receive and use Fiscal Recovery Funds, must a recipient government maintain a declaration of emergency relating to COVID-19? [6/23]**

No. Neither the statute establishing the CSFRF/CLFRF nor the Interim Final Rule requires recipients to maintain a local declaration of emergency relating to COVID-19.

**1.8. Can non-profit or private organizations receive funds? If so, how? [7/14]**

Yes. Under section 602(c)(3) of the Social Security Act, a State, territory, or Tribal government may transfer funds to a “private nonprofit organization . . . , a Tribal organization . . . , a public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of State or local government.” Similarly, section 603(c)(3) authorizes a local government to transfer funds to the same entities (other than Tribal organizations). The Interim Final Rule clarifies that the lists of transferees in sections 602(c)(3) and 603(c)(3) are not exclusive, and recipients may transfer funds to constituent units of government or private entities beyond those

specified in the statute. A transferee receiving a transfer from a recipient under sections 602(c)(3) and 603(c)(3) will be considered to be a subrecipient and will be expected to comply with all subrecipient reporting requirements.

The ARPA does not authorize Treasury to provide CSFRF/CLFRF funds directly to non-profit or private organizations. Thus, non-profit or private organizations should seek funds from CSFRF/CLFRF recipient(s) in their jurisdiction (e.g., a State, local, territorial, or Tribal government).

## **2. Eligible Uses – Responding to the Public Health Emergency / Negative Economic Impacts**

### **2.1. What types of COVID-19 response, mitigation, and prevention activities are eligible?**

A broad range of services are needed to contain COVID-19 and are eligible uses, including vaccination programs; medical care; testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); enforcement of public health orders; public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools; ventilation improvements in congregate settings, health care settings, or other key locations; enhancement of public health data systems; and other public health responses. Capital investments in public facilities to meet pandemic operational needs are also eligible, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics.

### **2.2. If a use of funds was allowable under the Coronavirus Relief Fund (CRF) to respond to the public health emergency, may recipients presume it is also allowable under CSFRF/CLFRF?**

Generally, funding uses eligible under CRF as a response to the direct public health impacts of COVID-19 will continue to be eligible under CSFRF/CLFRF, with the following two exceptions: (1) the standard for eligibility of public health and safety payrolls has been updated; and (2) expenses related to the issuance of tax-anticipation notes are not an eligible funding use.

### **2.3. If a use of funds is not explicitly permitted in the Interim Final Rule as a response to the public health emergency and its negative economic impacts, does that mean it is prohibited?**

The Interim Final Rule contains a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of Fiscal Recovery Funds not explicitly listed. The Interim Final Rule also provides flexibility for recipients to use Fiscal Recovery Funds for programs or services that are not identified on these non-exclusive lists but which meet the objectives of section 602(c)(1)(A) or 603(c)(1)(A) by responding to the COVID-19 public health emergency with respect to COVID-19 or its negative economic impacts.

**2.4. May recipients use funds to respond to the public health emergency and its negative economic impacts by replenishing state unemployment funds?**

Consistent with the approach taken in the CRF, recipients may make deposits into the state account of the Unemployment Trust Fund up to the level needed to restore the pre-pandemic balances of such account as of January 27, 2020, or to pay back advances received for the payment of benefits between January 27, 2020 and the date when the Interim Final Rule is published in the Federal Register.

**2.5. What types of services are eligible as responses to the negative economic impacts of the pandemic?**

Eligible uses in this category include assistance to households; small businesses and non-profits; and aid to impacted industries.

Assistance to households includes, but is not limited to: food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance; emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker's occupation or level of training.

Assistance to small business and non-profits includes, but is not limited to:

- loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs;
- Loans, grants, or in-kind assistance to implement COVID-19 prevention or mitigation tactics, such as physical plant changes to enable social distancing, enhanced cleaning efforts, barriers or partitions, or COVID-19 vaccination, testing, or contact tracing programs; and
- Technical assistance, counseling, or other services to assist with business planning needs

**2.6. May recipients use funds to respond to the public health emergency and its negative economic impacts by providing direct cash transfers to households?**



Yes, provided the recipient considers whether, and the extent to which, the household has experienced a negative economic impact from the pandemic. Additionally, cash transfers must be reasonably proportional to the negative economic impact they are intended to address. Cash transfers grossly in excess of the amount needed to address the negative economic impact identified by the recipient would not be considered to be a response to the COVID-19 public health emergency or its negative impacts. In particular, when considering appropriate size of permissible cash transfers made in response to the COVID-19 public health emergency, state, local, territorial, and Tribal governments may consider and take guidance from the per person amounts previously provided by the federal government in response to the COVID crisis.

**2.7. May funds be used to reimburse recipients for costs incurred by state and local governments in responding to the public health emergency and its negative economic impacts prior to passage of the American Rescue Plan?**

Use of Fiscal Recovery Funds is generally forward looking. The Interim Final Rule permits funds to be used to cover costs incurred beginning on March 3, 2021.

**2.8. May recipients use funds for general economic development or workforce development?**

Generally, not. Recipients must demonstrate that funding uses directly address a negative economic impact of the COVID-19 public health emergency, including funds used for economic or workforce development. For example, job training for unemployed workers may be used to address negative economic impacts of the public health emergency and be eligible.

**2.9. How can recipients use funds to assist the travel, tourism, and hospitality industries?**

Aid provided to tourism, travel, and hospitality industries should respond to the negative economic impacts of the pandemic. For example, a recipient may provide aid to support safe reopening of businesses in the tourism, travel and hospitality industries and to districts that were closed during the COVID-19 public health emergency, as well as aid a planned expansion or upgrade of tourism, travel and hospitality facilities delayed due to the pandemic.

Tribal development districts are considered the commercial centers for tribal hospitality, gaming, tourism and entertainment industries.

**2.10. May recipients use funds to assist impacted industries other than travel, tourism, and hospitality?**

Yes, provided that recipients consider the extent of the impact in such industries as compared to tourism, travel, and hospitality, the industries enumerated in the statute. For example, nationwide the leisure and hospitality industry has experienced an

approximately 17 percent decline in employment and 24 percent decline in revenue, on net, due to the COVID-19 public health emergency. Recipients should also consider whether impacts were due to the COVID-19 pandemic, as opposed to longer-term economic or industrial trends unrelated to the pandemic.

Recipients should maintain records to support their assessment of how businesses or business districts receiving assistance were affected by the negative economic impacts of the pandemic and how the aid provided responds to these impacts.

**2.11. How does the Interim Final Rule help address the disparate impact of COVID-19 on certain populations and geographies?**

In recognition of the disproportionate impacts of the COVID-19 virus on health and economic outcomes in low-income and Native American communities, the Interim Final Rule identifies a broader range of services and programs that are considered to be in response to the public health emergency when provided in these communities. Specifically, Treasury will presume that certain types of services are eligible uses when provided in a Qualified Census Tract (QCT), to families living in QCTs, or when these services are provided by Tribal governments.

Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic. In identifying these disproportionately-impacted communities, recipients should be able to support their determination for how the pandemic disproportionately impacted the populations, households, or geographic areas to be served.

Eligible services include:

- Addressing health disparities and the social determinants of health, including: community health workers, public benefits navigators, remediation of lead paint or other lead hazards, and community violence intervention programs;
- Building stronger neighborhoods and communities, including: supportive housing and other services for individuals experiencing homelessness, development of affordable housing, and housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity;
- Addressing educational disparities exacerbated by COVID-19, including: early learning services, increasing resources for high-poverty school districts, educational services like tutoring or afterschool programs, and supports for students' social, emotional, and mental health needs; and
- Promoting healthy childhood environments, including: child care, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

**2.12. May recipients use funds to pay for vaccine incentive programs (e.g., cash or in-kind transfers, lottery programs, or other incentives for individuals who get vaccinated)?**

Yes. Under the Interim Final Rule, recipients may use Coronavirus State and Local Fiscal Recovery Funds to respond to the COVID-19 public health emergency, including expenses related to COVID-19 vaccination programs. See 31 CFR 35.6(b)(1)(i). Programs that provide incentives reasonably expected to increase the number of people who choose to get vaccinated, or that motivate people to get vaccinated sooner than they otherwise would have, are an allowable use of funds so long as such costs are reasonably proportional to the expected public health benefit.

**2.13. May recipients use funds to pay “back to work incentives” (e.g., cash payments for newly employed workers after a certain period of time on the job)? [5/27]**

Yes. Under the Interim Final Rule, recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to unemployed workers. See 31 CFR 35.6(b)(4). This assistance can include job training or other efforts to accelerate rehiring and thus reduce unemployment, such as childcare assistance, assistance with transportation to and from a jobsite or interview, and incentives for newly employed workers.

**2.14. The Coronavirus Relief Fund (CRF) included as an eligible use: "Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What has changed in CSFRF/CLFRF, and what type of documentation is required under CSFRF/CLFRF? [5/27]**

Many of the expenses authorized under the Coronavirus Relief Fund are also eligible uses under the CSFRF/CLFRF. However, in the case of payroll expenses for public safety, public health, health care, human services, and similar employees (hereafter, public health and safety staff), the CSFRF/CLFRF does differ from the CRF. This change reflects the differences between the ARPA and CARES Act and recognizes that the response to the COVID-19 public health emergency has changed and will continue to change over time. In particular, funds may be used for payroll and covered benefits expenses for public safety, public health, health care, human services, and similar employees, including first responders, to the extent that the employee's time that is dedicated to responding to the COVID-19 public health emergency.

For administrative convenience, the recipient may consider a public health and safety employee to be entirely devoted to mitigating or responding to the COVID-19 public health emergency, and therefore fully covered, if the employee, or his or her operating unit or division, is primarily dedicated (e.g., more than half of the employee's time is dedicated) to responding to the COVID-19 public health emergency.

Recipients may use presumptions for assessing whether an employee, division, or operating unit is primarily dedicated to COVID-19 response. The recipient should

maintain records to support its assessment, such as payroll records, attestations from supervisors or staff, or regular work product or correspondence demonstrating work on the COVID-19 response. Recipients need not routinely track staff hours. Recipients should periodically reassess their determinations.

**2.15. What staff are included in “public safety, public health, health care, human services, and similar employees”? Would this include, for example, 911 operators, morgue staff, medical examiner staff, or EMS staff? [5/27]**

As discussed in the Interim Final Rule, funds may be used for payroll and covered benefits expenses for public safety, public health, health care, human services, and similar employees, for the portion of the employee’s time that is dedicated to responding to the COVID-19 public health emergency.

Public safety employees would include police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel. Public health employees would include employees involved in providing medical and other health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions, and other support services essential for patient care (e.g., laboratory technicians, medical examiner or morgue staff) as well as employees of public health departments directly engaged in matters related to public health and related supervisory personnel. Human services staff include employees providing or administering social services; public benefits; child welfare services; and child, elder, or family care, as well as others.

**2.16. May recipients use funds to establish a public jobs program? [6/8]**

Yes. The Interim Final Rule permits a broad range of services to unemployed or underemployed workers and other individuals that suffered negative economic impacts from the pandemic. That can include public jobs programs, subsidized employment, combined education and on-the-job training programs, or job training to accelerate rehiring or address negative economic or public health impacts experienced due to a worker’s occupation or level of training. The broad range of permitted services can also include other employment supports, such as childcare assistance or assistance with transportation to and from a jobsite or interview.

The Interim Final Rule includes as an eligible use re-hiring public sector staff up to the government’s level of pre-pandemic employment. “Public sector staff” would not include individuals participating in a job training or subsidized employment program administered by the recipient.

**2.17. The Interim Final Rule states that “assistance or aid to individuals or businesses that did not experience a negative economic impact from the public health emergency would not be an eligible use under this category.” Are recipients**

**required to demonstrate that each individual or business experienced a negative economic impact for that individual or business to receive assistance? [6/23]**

Not necessarily. The Interim Final Rule allows recipients to demonstrate a negative economic impact on a population or group and to provide assistance to households or businesses that fall within that population or group. In such cases, the recipient need only demonstrate that the household or business is within the population or group that experienced a negative economic impact.

For assistance to households, the Interim Final Rule states, “In assessing whether a household or population experienced economic harm as a result of the pandemic, a recipient may presume that a household or population that experienced unemployment or increased food or housing insecurity or is low- or moderate-income experienced negative economic impacts resulting from the pandemic.” This would allow, for example, an internet access assistance program for all low- or moderate-income households, but would not require the recipient to demonstrate or document that each individual low- or moderate income household experienced a negative economic impact from the COVID-19 public health emergency apart from being low- or moderate income.

For assistance to small businesses, the Interim Final Rule states that assistance may be provided to small businesses, including loans, grants, in-kind assistance, technical assistance or other services, to respond to the negative economic impacts of the COVID-19 public health emergency. In providing assistance to small businesses, recipients must design a program that responds to the negative economic impacts of the COVID-19 public health emergency, including by identifying how the program addresses the identified need or impact faced by small businesses. This can include assistance to adopt safer operating procedures, weather periods of closure, or mitigate financial hardship resulting from the COVID-19 public health emergency.

As part of program design and to ensure that the program responds to the identified need, recipients may consider additional criteria to target assistance to businesses in need, including to small businesses. Assistance may be targeted to businesses facing financial insecurity, with substantial declines in gross receipts (e.g., comparable to measures used to assess eligibility for the Paycheck Protection Program), or facing other economic harm due to the pandemic, as well as businesses with less capacity to weather financial hardship, such as the smallest businesses, those with less access to credit, or those serving disadvantaged communities. For example, a recipient could find based on local data or research that the smallest businesses faced sharply increased risk of bankruptcy and develop a program to respond; such a program would only need to document a population or group-level negative economic impact, and eligibility criteria to limit access to the program to that population or group (in this case, the smallest businesses).

In addition, recognizing the disproportionate impact of the pandemic on disadvantaged communities, the Interim Final Rule also identifies a set of services that are presumptively eligible when provided in a Qualified Census Tract (QCT); to families and individuals living in QCTs; to other populations, households, or geographic areas

identified by the recipient as disproportionately impacted by the pandemic; or when these services are provided by Tribal governments. For more information on the set of presumptively eligible services, see the Interim Final Rule section on *Building Stronger Communities through Investments in Housing and Neighborhoods* and FAQ 2.11.

**2.18. Would investments in improving outdoor spaces (e.g. parks) be an eligible use of funds as a response to the public health emergency and/or its negative economic impacts? [6/23]**

There are multiple ways that investments in improving outdoor spaces could qualify as eligible uses; several are highlighted below, though there may be other ways that a specific investment in outdoor spaces would meet eligible use criteria.

First, in recognition of the disproportionate negative economic impacts on certain communities and populations, the Interim Final Rule identifies certain types of services that are eligible uses when provided in a Qualified Census Tract (QCT), to families and individuals living in QCTs, or when these services are provided by Tribal governments. Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic.

These programs and services include services designed to build stronger neighborhoods and communities and to address health disparities and the social determinants of health. The Interim Final Rule provides a non-exhaustive list of eligible services to respond to the needs of communities disproportionately impacted by the pandemic, and recipients may identify other uses of funds that do so, consistent with the Rule's framework. For example, investments in parks, public plazas, and other public outdoor recreation spaces may be responsive to the needs of disproportionately impacted communities by promoting healthier living environments and outdoor recreation and socialization to mitigate the spread of COVID-19.

Second, recipients may provide assistance to small businesses in all communities. Assistance to small businesses could include support to enhance outdoor spaces for COVID-19 mitigation (e.g., restaurant patios) or to improve the built environment of the neighborhood (e.g., façade improvements).

Third, many governments saw significantly increased use of parks during the pandemic that resulted in damage or increased maintenance needs. The Interim Final Rule recognizes that "decrease[s to] a state or local government's ability to effectively administer services" can constitute a negative economic impact of the pandemic.

**2.19. Would expenses to address a COVID-related backlog in court cases be an eligible use of funds as a response to the public health emergency? [6/23]**

The Interim Final Rule recognizes that "decrease[s to] a state or local government's ability to effectively administer services," such as cuts to public sector staffing levels, can constitute a negative economic impact of the pandemic. During the COVID-19 public

health emergency, many courts were unable to operate safely during the pandemic and, as a result, now face significant backlogs. Court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic decreased the government's ability to administer services. Therefore, steps to reduce these backlogs, such as implementing COVID-19 safety measures to facilitate court operations, hiring additional court staff or attorneys to increase speed of case resolution, and other expenses to expedite case resolution are eligible uses.

**2.20. Can funds be used to assist small business startups as a response to the negative economic impact of COVID-19? [6/23]**

As discussed in the Interim Final Rule, recipients may provide assistance to small businesses that responds to the negative economic impacts of COVID-19. The Interim Final Rule provides a non-exclusive list of potential assistance mechanisms, as well as considerations for ensuring that such assistance is responsive to the negative economic impacts of COVID-19.

Treasury acknowledges a range of potential circumstances in which assisting small business startups could be responsive to the negative economic impacts of COVID-19, including for small businesses and individuals seeking to start small businesses after the start of the COVID-19 public health emergency. For example:

- A recipient could assist small business startups with additional costs associated with COVID-19 mitigation tactics (e.g., barriers or partitions; enhanced cleaning; or physical plant changes to enable greater use of outdoor space).
- A recipient could identify and respond to a negative economic impact of COVID-19 on new small business startups; for example, if it could be shown that small business startups in a locality were facing greater difficulty accessing credit than prior to the pandemic, faced increased costs to starting the business due to the pandemic, or that the small business had lost expected startup capital due to the pandemic.
- The Interim Final Rule also discusses eligible uses that provide support for individuals who have experienced a negative economic impact from the COVID-19 public health emergency, including uses that provide job training for unemployed individuals. These initiatives also may support small business startups and individuals seeking to start small businesses.

**2.21. Can funds be used for eviction prevention efforts or housing stability services? [6/24]**

Yes. Responses to the negative economic impacts of the pandemic include “rent, mortgage, or utility assistance [and] counseling and legal aid to prevent eviction or homelessness.” This includes housing stability services that enable eligible households to maintain or obtain housing, such as housing counseling, fair housing counseling, case management related to housing stability, outreach to households at risk of eviction or promotion of housing support programs, housing related services for survivors of

domestic abuse or human trafficking, and specialized services for individuals with disabilities or seniors that supports their ability to access or maintain housing.

This also includes legal aid such as legal services or attorney's fees related to eviction proceedings and maintaining housing stability, court-based eviction prevention or eviction diversion programs, and other legal services that help households maintain or obtain housing.

Recipients may transfer funds to, or execute grants or contracts with, court systems, non-profits, and a wide range of other organizations to implement these strategies.

### **3. Eligible Uses – Revenue Loss**

#### **3.1. How is revenue defined for the purpose of this provision? [appendix added 6/23]**

The Interim Final Rule adopts a definition of “General Revenue” that is based on, but not identical, to the Census Bureau’s concept of “General Revenue from Own Sources” in the Annual Survey of State and Local Government Finances.

General Revenue includes revenue from taxes, current charges, and miscellaneous general revenue. It excludes refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and revenue generated by utilities and insurance trusts. General revenue also includes intergovernmental transfers between state and local governments, but excludes intergovernmental transfers from the Federal government, including Federal transfers made via a state to a locality pursuant to the CRF or the Fiscal Recovery Funds.

Tribal governments may include all revenue from Tribal enterprises and gaming operations in the definition of General Revenue.

Please see the appendix for a diagram of the Interim Final Rule’s definition of General Revenue within the Census Bureau’s revenue classification structure.

#### **3.2. Will revenue be calculated on an entity-wide basis or on a source-by-source basis (e.g. property tax, income tax, sales tax, etc.)?**

Recipients should calculate revenue on an entity-wide basis. This approach minimizes the administrative burden for recipients, provides for greater consistency across recipients, and presents a more accurate representation of the net impact of the COVID- 19 public health emergency on a recipient’s revenue, rather than relying on financial reporting prepared by each recipient, which vary in methodology used and which generally aggregates revenue by purpose rather than by source.

#### **3.3. Does the definition of revenue include outside concessions that contract with a state or local government?**



Recipients should classify revenue sources as they would if responding to the U.S. Census Bureau's Annual Survey of State and Local Government Finances. According to the Census Bureau's [Government Finance and Employment Classification manual](#), the following is an example of current charges that would be included in a state or local government's general revenue from own sources: "Gross revenue of facilities operated by a government (swimming pools, recreational marinas and piers, golf courses, skating rinks, museums, zoos, etc.); auxiliary facilities in public recreation areas (camping areas, refreshment stands, gift shops, etc.); lease or use fees from stadiums, auditoriums, and community and convention centers; and rentals from concessions at such facilities."

**3.4. What is the time period for estimating revenue loss? Will revenue losses experienced prior to the passage of the Act be considered?**

Recipients are permitted to calculate the extent of reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. This approach recognizes that some recipients may experience lagged effects of the pandemic on revenues.

Upon receiving Fiscal Recovery Fund payments, recipients may immediately calculate revenue loss for the period ending December 31, 2020.

**3.5. What is the formula for calculating the reduction in revenue?**

A reduction in a recipient's General Revenue equals:

$$\text{Max} \{ [\text{Base Year Revenue} * (1 + \text{Growth Adjustment})^{\left(\frac{n_t}{12}\right)}] - \text{Actual General Revenue}_t ; 0 \}$$

Where:

*Base Year Revenue* is General Revenue collected in the most recent full fiscal year prior to the COVID-19 public health emergency.

*Growth Adjustment* is equal to the greater of 4.1 percent (or 0.041) and the recipient's average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency.

*n* equals the number of months elapsed from the end of the base year to the calculation date.

*Actual General Revenue* is a recipient's actual general revenue collected during 12-month period ending on each calculation date.

Subscript *t* denotes the calculation date.

**3.6. Are recipients expected to demonstrate that reduction in revenue is due to the COVID-19 public health emergency?**

In the Interim Final Rule, any diminution in actual revenue calculated using the formula above would be presumed to have been “due to” the COVID-19 public health emergency. This presumption is made for administrative ease and in recognition of the broad-based economic damage that the pandemic has wrought.

**3.7. May recipients use pre-pandemic projections as a basis to estimate the reduction in revenue?**

No. Treasury is disallowing the use of projections to ensure consistency and comparability across recipients and to streamline verification. However, in estimating the revenue shortfall using the formula above, recipients may incorporate their average annual revenue growth rate in the three full fiscal years prior to the public health emergency.

**3.8. Once a recipient has identified a reduction in revenue, are there any restrictions on how recipients use funds up to the amount of the reduction?**

The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. Government services can include, but are not limited to, maintenance of infrastructure or pay-go spending for building new infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.

However, paying interest or principal on outstanding debt, replenishing rainy day or other reserve funds, or paying settlements or judgments would not be considered provision of a government service, since these uses of funds do not entail direct provision of services to citizens. This restriction on paying interest or principal on any outstanding debt instrument, includes, for example, short-term revenue or tax anticipation notes, or paying fees or issuance costs associated with the issuance of new debt. In addition, the overarching restrictions on all program funds (e.g., restriction on pension deposits, restriction on using funds for non-federal match where barred by regulation or statute) would apply.

**3.9. How do I know if a certain type of revenue should be counted for the purpose of computing revenue loss? [5/27]**

As discussed in FAQ #3.1, the Interim Final Rule adopts a definition of “General Revenue” that is based on, but not identical, to the Census Bureau’s concept of “General Revenue from Own Sources” in the Annual Survey of State and Local Government Finances.

Recipients should refer to the definition of “General Revenue” included in the Interim Final Rule. See 31 CFR 35.3. If a recipient is unsure whether a particular revenue source is included in the Interim Final Rule’s definition of “General Revenue,” the recipient may consider the classification and instructions used to complete the Census Bureau’s Annual Survey.

For example, parking fees would be classified as a Current Charge for the purpose of the Census Bureau’s Annual Survey, and the Interim Final Rule’s concept of “General Revenue” includes all Current Charges. Therefore, parking fees would be included in the Interim Final Rule’s concept of “General Revenue.”

The Census Bureau’s Government Finance and Employment Classification manual is available [here](#).

**3.10. In calculating revenue loss, are recipients required to use audited financials? [6/8]**

Where audited data is not available, recipients are not required to obtain audited data. Treasury expects all information submitted to be complete and accurate. See 31 CFR 35.4(c).

**3.11. In calculating revenue loss, should recipients use their own data, or Census data? [6/8]**

Recipients should use their own data sources to calculate general revenue, and do not need to rely on published revenue data from the Census Bureau. Treasury acknowledges that due to differences in timing, data sources, and definitions, recipients’ self-reported general revenue figures may differ somewhat from those published by the Census Bureau.

**3.12. Should recipients calculate revenue loss on a cash basis or an accrual basis? [6/8]**

Recipients may provide data on a cash, accrual, or modified accrual basis, provided that recipients are consistent in their choice of methodology throughout the covered period and until reporting is no longer required.

**3.13. In identifying intergovernmental revenue for the purpose of calculating General Revenue, should recipients exclude all federal funding, or just federal funding related to the COVID-19 response? How should local governments treat federal funds that are passed through states or other entities, or federal funds that are intermingled with other funds? [6/23]**

In calculating General Revenue, recipients should exclude all intergovernmental transfers from the federal government. This includes, but is not limited to, federal transfers made via a state to a locality pursuant to the Coronavirus Relief Fund or Fiscal Recovery Funds. To the extent federal funds are passed through states or other entities or intermingled with other funds, recipients should attempt to identify and exclude the

federal portion of those funds from the calculation of General Revenue on a best-efforts basis.

**3.14. What entities constitute a government for the purpose of calculating revenue loss? [7/14]**

In determining whether a particular entity is part of a recipient's government for purposes of measuring a recipient's government revenue, recipients should identify all the entities included in their government and the general revenue attributable to these entities on a best-efforts basis. Recipients are encouraged to consider how their administrative structure is organized under state and local statutes. In cases in which the autonomy of certain authorities, commissions, boards, districts, or other entities is not readily distinguishable from the recipient's government, recipients may adopt the Census Bureau's criteria for judging whether an entity is independent from, or a constituent of, a given government. For an entity to be independent, it generally meets all four of the following conditions:

- The entity is an organized entity and possesses corporate powers, such as perpetual succession, the right to sue and be sued, having a name, the ability to make contracts, and the ability to acquire and dispose of property.
- The entity has governmental character, meaning that it provides public services, or wields authority through a popularly elected governing body or officers appointed by public officials. A high degree of responsibility to the public, demonstrated by public reporting requirements or by accessibility of records for public inspection, also evidences governmental character.
- The entity has substantial fiscal independence, meaning it can determine its budget without review and modification by other governments. For instance, the entity can determine its own taxes, charges, and debt issuance without another government's supervision.
- The entity has substantial administrative independence, meaning it has a popularly elected governing body, or has a governing body representing two or more governments, or, in the event its governing body is appointed by another government, the entity performs functions that are essentially different from those of, and are not subject to specification by, its creating government.

If an entity does not meet all four of these conditions, a recipient may classify the entity as part of the recipient's government and assign the portion of General Revenue that corresponds to the entity.

To further assist recipients in applying the forgoing criteria, recipients may refer to the Census Bureau's [\*Individual State Descriptions: 2017 Census of Governments\*](#) publication, which lists specific entities and classes of entities classified as either independent (defined by Census as "special purpose governments") or constituent (defined by Census as "dependent agencies") on a state-by-state basis. Recipients should note that the Census Bureau's lists are not exhaustive and that Census classifications are based on an analysis of state and local statutes as of 2017 and subject to the Census Bureau's judgement. Though not included in the Census Bureau's publication, state

colleges and universities are generally classified as dependent agencies of state governments by the Census Bureau.

If an entity is determined to be part of the recipient's government, the recipient must also determine whether the entity's revenue is covered by the Interim Final Rule's definition of "general revenue." For example, some cash flows may be outside the definition of "general revenue." In addition, note that the definition of general revenue includes Tribal enterprises in the case of Tribal governments. Refer to FAQ 3.1 (and the Appendix) for the components included in General Revenue.

**3.15. The Interim Final Rule's definition of General Revenue excludes revenue generated by utilities. Can you please clarify the definition of utility revenue? [7/14]**

As noted in FAQs 3.1 and 3.9, the Interim Final Rule adopts a definition of "general revenue" that is based on, but not identical to, the Census Bureau's concept of "General Revenue from Own Sources" in the Annual Survey of State and Local Government Finances. Recipients should refer to the definition of "general revenue" included in the Interim Final Rule. See 31 CFR 35.3. If a recipient is unsure whether a particular revenue source is included in the Interim Final Rule's definition of "general revenue," the recipient may consider the classification and instructions used to complete the Census Bureau's Annual Survey.

According to the Census Bureau's [Government Finance and Employment Classification manual](#), utility revenue is defined as "[g]ross receipts from sale of utility commodities or services to the public or other governments by publicly-owned and controlled utilities." This includes revenue from operations of publicly-owned and controlled water supply systems, electric power systems, gas supply systems, and public mass transit systems (see pages 4-45 and 4-46 of the manual for more detail).

Except for these four types of utilities, revenues from all commercial-type activities of a recipient's government (e.g., airports, educational institutions, lotteries, public hospitals, public housing, parking facilities, port facilities, sewer or solid waste systems, and toll roads and bridges) are covered by the Interim Final Rule's definition of "general revenue." If a recipient is unsure whether a particular entity performing one of these commercial-type activities can be considered part of the recipient's government, please see FAQ 3.14.

## **4. Eligible Uses – General**

**4.1. May recipients use funds to replenish a budget stabilization fund, rainy day fund, or similar reserve account?**

No. Funds made available to respond to the public health emergency and its negative economic impacts are intended to help meet pandemic response needs and provide immediate stabilization for households and businesses. Contributions to rainy day funds

and similar reserves funds would not address these needs or respond to the COVID-19 public health emergency, but would rather be savings for future spending needs. Similarly, funds made available for the provision of governmental services (to the extent of reduction in revenue) are intended to support direct provision of services to citizens. Contributions to rainy day funds are not considered provision of government services, since such expenses do not directly relate to the provision of government services.

**4.2. May recipients use funds to invest in infrastructure other than water, sewer, and broadband projects (e.g. roads, public facilities)?**

Under 602(c)(1)(C) or 603(c)(1)(C), recipients may use funds for maintenance of infrastructure or pay-go spending for building of new infrastructure as part of the general provision of government services, to the extent of the estimated reduction in revenue due to the public health emergency.

Under 602(c)(1)(A) or 603(c)(1)(A), a general infrastructure project typically would not be considered a response to the public health emergency and its negative economic impacts unless the project responds to a specific pandemic-related public health need (e.g., investments in facilities for the delivery of vaccines) or a specific negative economic impact of the pandemic (e.g., affordable housing in a Qualified Census Tract).

**4.3. May recipients use funds to pay interest or principal on outstanding debt?**

No. Expenses related to financing, including servicing or redeeming notes, would not address the needs of pandemic response or its negative economic impacts. Such expenses would also not be considered provision of government services, as these financing expenses do not directly provide services or aid to citizens.

This applies to paying interest or principal on any outstanding debt instrument, including, for example, short-term revenue or tax anticipation notes, or paying fees or issuance costs associated with the issuance of new debt.

**4.4. May recipients use funds to satisfy nonfederal matching requirements under the Stafford Act? May recipients use funds to satisfy nonfederal matching requirements generally?**

Fiscal Recovery Funds are subject to pre-existing limitations in other federal statutes and regulations and may not be used as non-federal match for other Federal programs whose statute or regulations bar the use of Federal funds to meet matching requirements. For example, expenses for the state share of Medicaid are not an eligible use. For information on FEMA programs, please [see here](#).

**4.5. Are governments required to submit proposed expenditures to Treasury for approval? [5/27]**



No. Recipients are not required to submit planned expenditures for prior approval by Treasury. Recipients are subject to the requirements and guidelines for eligible uses contained in the Interim Final Rule.

**4.6. How do I know if a specific use is eligible? [5/27]**

Fiscal Recovery Funds must be used in one of the four eligible use categories specified in the American Rescue Plan Act and implemented in the Interim Final Rule:

- a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- d) To make necessary investments in water, sewer, or broadband infrastructure.

Recipients should consult Section II of the Interim Final Rule for additional information on eligible uses. For recipients evaluating potential uses under (a), the Interim Final Rule contains a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of Fiscal Recovery Funds not explicitly listed. See Section II of the Interim Final Rule for additional discussion.

For recipients evaluating potential uses under (c), the Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. See FAQ #3.8 for additional discussion.

For recipients evaluating potential uses under (b) and (d), see Sections 5 and 6.

**4.7. Do restrictions on using Coronavirus State and Local Fiscal Recovery Funds to cover costs incurred beginning on March 3, 2021 apply to costs incurred by the recipient (e.g., a State, local, territorial, or Tribal government) or to costs incurred by households, businesses, and individuals benefiting from assistance provided using Coronavirus State and Local Fiscal Recovery Funds? [6/8]**

The Interim Final Rule permits funds to be used to cover costs incurred beginning on March 3, 2021. This limitation applies to costs incurred by the recipient (i.e., the state, local, territorial, or Tribal government receiving funds). However, recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to households, businesses, and individuals within the eligible use categories described in the Interim

Final Rule for economic harms experienced by those households, businesses, and individuals prior to March 3, 2021. For example,

- Public Health/Negative Economic Impacts – Recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to households – such as rent, mortgage, or utility assistance – for economic harms experienced or costs incurred by the household prior to March 3, 2021 (e.g., rental arrears from preceding months), provided that the cost of providing assistance to the household was not incurred by the recipient prior to March 3, 2021.
- Premium Pay – Recipients may provide premium pay retrospectively for work performed at any time since the start of the COVID-19 public health emergency. Such premium pay must be “in addition to” wages and remuneration already received and the obligation to provide such pay must not have been incurred by the recipient prior to March 3, 2021.
- Revenue Loss – The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. The calculation of lost revenue begins with the recipient’s revenue in the last full fiscal year prior to the COVID-19 public health emergency and includes the 12-month period ending December 31, 2020. However, use of funds for government services must be forward looking for costs incurred by the recipient after March 3, 2021.
- Investments in Water, Sewer, and Broadband – Recipients may use Coronavirus State and Local Fiscal Recovery Funds to make necessary investments in water, sewer, and broadband. See FAQ Section 6. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021, provided that the project costs covered by the Coronavirus State and Local Fiscal Recovery Funds were incurred after March 3, 2021.

**4.8. How can I use CSFRF/CLFRF funds to prevent and respond to crime, and support public safety in my community? [6/23]**

Under Treasury’s Interim Final Rule, there are many ways in which the State and Local Fiscal Recovery Funds (“Funds”) under the American Rescue Plan Act can support communities working to reduce and respond to increased violence due to the pandemic. Among the eligible uses of the Funds are restoring of public sector staff to their pre-pandemic levels and responses to the public health crisis and negative economic impacts resulting from the pandemic. The Interim Final Rule provides several ways for recipients to “respond to” this pandemic-related gun violence, ranging from community violence intervention programs to mental health services to hiring of public safety personnel.

Below are some examples of how Fiscal Recovery Funds can be used to address public safety:

- In all communities, recipients may use resources to rehire police officers and other public servants to restore law enforcement and courts to their pre-pandemic levels.



Additionally, Funds can be used for expenses to address COVID-related court backlogs, including hiring above pre-pandemic levels, as a response to the public health emergency. See FAQ 2.19.

- In communities where an increase in violence or increased difficulty in accessing or providing services to respond to or mitigate the effects of violence, is a result of the pandemic they may use funds to address that harm. This spending may include:
    - Hiring law enforcement officials – even above pre-pandemic levels – or paying overtime where the funds are directly focused on advancing community policing strategies in those communities experiencing an increase in gun violence associated with the pandemic
    - Community Violence Intervention (CVI) programs, including capacity building efforts at CVI programs like funding and training additional intervention workers
    - Additional enforcement efforts to reduce gun violence exacerbated by the pandemic, including prosecuting gun traffickers, dealers, and other parties contributing to the supply of crime guns, as well as collaborative federal, state, and local efforts to identify and address gun trafficking channels
    - Investing in technology and equipment to allow law enforcement to more efficiently and effectively respond to the rise in gun violence resulting from the pandemic
- As discussed in the Interim Final Rule, uses of CSFRF/CLFRF funds that respond to an identified harm must be related and reasonably proportional to the extent and type of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses.
- Recipients may also use funds up to the level of revenue loss for government services, including those outlined above.

Recognizing that the pandemic exacerbated mental health and substance use disorder needs in many communities, eligible public health services include mental health and other behavioral health services, which are a critical component of a holistic public safety approach. This could include:

- Mental health services and substance use disorder services, including for individuals experiencing trauma exacerbated by the pandemic, such as:
  - Community-based mental health and substance use disorder programs that deliver evidence-based psychotherapy, crisis support services, medications for opioid use disorder, and/or recovery support
  - School-based social-emotional support and other mental health services
- Referrals to trauma recovery services for crime victims.

Recipients also may use Funds to respond to the negative economic impacts of the public health emergency, including:

- Assistance programs to households or populations facing negative economic impacts of the public health emergency, including:

- Assistance to support economic security, including for the victims of crime;
  - Housing assistance, including rent, utilities, and relocation assistance;
  - Assistance with food, including Summer EBT and nutrition programs; and
  - Employment or job training services to address negative economic or public health impacts experienced due to a worker's occupation or level of training.
- Assistance to unemployed workers, including:
    - Subsidized jobs, including for young people. Summer youth employment programs directly address the negative economic impacts of the pandemic on young people and their families and communities;
    - Programs that provide paid training and/or work experience targeted primarily to (1) formerly incarcerated individuals, and/or (2) communities experiencing high levels of violence exacerbated by the pandemic;
    - Programs that provide workforce readiness training, apprenticeship or pre-apprenticeship opportunities, skills development, placement services, and/or coaching and mentoring; and
    - Associated wraparound services, including for housing, health care, and food.

Recognizing the disproportionate impact of the pandemic on certain communities, a broader range of services are eligible in those communities than would otherwise be available in communities not experiencing a pandemic-related increase in crime or gun violence. These eligible uses aim to address the pandemic's exacerbation of public health and economic disparities and include services to address health and educational disparities, support neighborhoods and affordable housing, and promote healthy childhood environments. The Interim Final Rule provides a non-exhaustive list of eligible services in these categories.

These services automatically qualify as eligible uses when provided in Qualified Census Tracts (QCTs), low-income areas designated by HUD; to families in QCTs; or by Tribal governments. Outside of these areas, recipient governments can also identify and serve households, populations, and geographic areas disproportionately impacted by the pandemic.

Services under this category could include:

- Programs or services that address or mitigate the impacts of the COVID-19 public health emergency on education, childhood health and welfare, including:
  - Summer education and enrichment programs in these communities, which include many communities currently struggling with high levels of violence;
  - Programs that address learning loss and keep students productively engaged;
  - Enhanced services for foster youths and home visiting programs; and
  - Summer camps and recreation.
- Programs or services that provide or facilitate access to health and social services and address health disparities exacerbated by the pandemic. This includes Community Violence Intervention (CVI) programs, such as:
  - Evidence-based practices like focused deterrence, street outreach, violence interrupters, and hospital-based violence intervention models, complete with

- wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance; and,
- Capacity-building efforts at CVI programs like funding more intervention workers; increasing their pay; providing training and professional development for intervention workers; and hiring and training workers to administer the programs.

Please refer to Treasury’s Interim Final Rule for additional information.

**4.9. May recipients pool funds for regional projects? [7/14]**

Yes, provided that the project is itself an eligible use of funds and that recipients can track the use of funds in line with the reporting and compliance requirements of the CSFRF/CLFRF. In general, when pooling funds for regional projects, recipients may expend funds directly on the project or transfer funds to another government that is undertaking the project on behalf of multiple recipients. To the extent recipients undertake regional projects via transfer to another government, recipients would need to comply with the rules on transfers specified in the Interim Final Rule, Section V. A recipient may transfer funds to a government outside its boundaries (e.g., county transfers to a neighboring county), provided that the recipient can document that its jurisdiction receives a benefit proportionate to the amount contributed.

**4.10. May recipients fund a project with both ARP funds and other sources of funding (e.g., blending, braiding, or other pairing funding sources), including in conjunction with financing provided through a debt issuance? [7/14]**

Cost sharing or matching funds are not required under CSFRF/CLFRF. Funds may be used in conjunction with other funding sources, provided that the costs are eligible costs under each source program and are compliant with all other related statutory and regulatory requirements and policies. The recipient must comply with applicable reporting requirements for all sources of funds supporting the CSFRF/CLFRF projects, and with any requirements and restrictions on the use of funds from the supplemental funding sources and the CSFRF/CLFRF program. Specifically,

- All funds provided under the CSFRF/CLFRF program must be used for projects, investments, or services that are eligible under the CSFRF/CLFRF statute, Treasury’s Interim Final Rule, and guidance. See 31 CFR 35.6-8; FAQ 4.6. CSFRF/CLFRF funds may not be used to fund an activity that is not, in its entirety, an eligible use under the CSFRF/CLFRF statute, Treasury’s Interim Final Rule, and guidance. For example,
  - CSFRF/CLFRF funds may be used in conjunction with other sources of funds to make an investment in water infrastructure, which is eligible under the CSLFRF statute, and Treasury’s Interim Final Rule.
  - CSFRF/CLFRF funds could not be used to fund the entirety of a water infrastructure project that was partially, although not entirely, an eligible use under Treasury’s Interim Final Rule. However, the recipient could use CSFRF/CLFRF funds only for a smaller component project that does

constitute an eligible use, while using other funds for the remaining portions of the larger planned water infrastructure project that do not constitute an eligible use. In this case, the “project” under this program would be only the eligible use component of the larger project.

- In addition, because CSFRF/CLFRF funds must be obligated by December 31, 2024, and expended by December 31, 2026, recipients must be able to, at a minimum, determine and report to Treasury on the amount of CSFRF/CLFRF funds obligated and expended and when such funds were obligated and expended.

**4.11. May Coronavirus State and Local Fiscal Recovery Funds be used to make loans or other extensions of credit (“loans”), including loans to small businesses and loans to finance necessary investments in water, sewer, and broadband infrastructure? [7/14]**

Yes. Coronavirus State and Local Fiscal Recovery Funds (“Funds”) may be used to make loans, provided that the loan is an eligible use and the cost of the loan is tracked and reported in accordance with the points below. See 31 CFR 35.6. For example, a recipient may use Coronavirus State and Local Fiscal Recovery Funds to make loans to small businesses. See 31 CFR 35.6(b)(6). In addition, a recipient may use Funds to finance a necessary investment in water, sewer or broadband, as described in the Interim Final Rule. See 31 CFR 35.6(e).

Funds must be used to cover “costs incurred” by the recipient between March 3, 2021, and December 31, 2024, and Funds must be expended by December 31, 2026. See Section III.D of the Interim Final Rule; 31 CFR 35.5. Accordingly, recipients must be able to determine the amount of Funds used to make a loan.

- For loans that mature or are forgiven on or before December 31, 2026, the recipient must account for the use of funds on a cash flow basis, consistent with the approach to loans taken in the Coronavirus Relief Fund.
  - Recipients may use Fiscal Recovery Funds to fund the principal of the loan and in that case must track repayment of principal and interest (i.e., “program income,” as defined under 2 CFR 200).
  - When the loan is made, recipients must report the principal of the loan as an expense.
  - Repayment of principal may be re-used only for eligible uses, and subject to restrictions on timing of use of funds. Interest payments received prior to the end of the period of performance will be considered an addition to the total award and may be used for any purpose that is an eligible use of funds under the statute and IFR. Recipients are not subject to restrictions under 2 CFR 200.307(e)(1) with respect to such payments.
- For loans with maturities longer than December 31, 2026, the recipient may use Fiscal Recovery Funds for only the projected cost of the loan. Recipients may estimate the subsidy cost of the loan, which equals the expected cash flows associated

with the loan discounted at the recipient's cost of funding. A recipient's cost of funding can be determined based on the interest rates of securities with a similar maturity to the cash flow being discounted that were either (i) recently issued by the recipient or (ii) recently issued by a unit of state, local, or Tribal government similar to the recipient. Recipients that have adopted the Current Expected Credit Loss (CECL) standard may also treat the cost of the loan as equal to the CECL-based expected credit losses over the life of the loan. Recipients may measure projected losses either once, at the time the loan is extended, or annually over the covered period.

Under either approach for measuring the amount of funds used to make loans with maturities longer than December 31, 2026, recipients would not be subject to restrictions under 2 CFR 200.307(e)(1) and need not separately track repayment of principal or interest.

Any contribution of Fiscal Recovery Funds to a revolving loan fund must follow the approach described above for loans with maturities longer than December 31, 2026. In other words, a recipient could contribute Fiscal Recovery Funds to a revolving loan fund, provided that the revolving loan fund makes loans that are eligible uses and the Fiscal Recovery Funds contributed represent the projected cost of loans made over the life of the revolving loan fund.

**4.12. May funds be used for outreach to increase uptake of federal assistance like the Child Tax Credit or federal programs like SNAP? [7/14]**

Yes. Eligible uses to address negative economic impacts include work “to improve efficacy of programs addressing negative economic impacts, including through use of data analysis, targeted consumer outreach, improvements to data or technology infrastructure, and impact evaluations.” See 31 CFR 35.6(b)(10). Of note, per the CSFRF/CLFRF [Reporting Guidance](#), allowable use of funds for evaluations may also include other types of program evaluations focused on program improvement and evidence building. In addition, recipients may use funds to facilitate access to health and social services in populations and communities disproportionately impacted by the COVID-19 pandemic, including benefits navigators or marketing efforts to increase consumer uptake of federal tax credits, benefits, or assistance programs that respond to negative economic impacts of the pandemic. See 31 CFR 35.6(b)(12).

**5. Eligible Uses – Premium Pay**

**5.1. What criteria should recipients use in identifying essential workers to receive premium pay?**

Essential workers are those in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others.

Critical infrastructure sectors include healthcare, education and childcare, transportation, sanitation, grocery and food production, and public health and safety, among others, as provided in the Interim Final Rule. Governments receiving Fiscal Recovery Funds have the discretion to add additional sectors to this list, so long as the sectors are considered critical to protect the health and well-being of residents.

The Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

**5.2. What criteria should recipients use in identifying third-party employers to receive grants for the purpose of providing premium pay to essential workers?**

Any third-party employers of essential workers are eligible. Third-party contractors who employ essential workers in eligible sectors are also eligible for grants to provide premium pay. Selection of third-party employers and contractors who receive grants is at the discretion of recipients.

To ensure any grants respond to the needs of essential workers and are made in a fair and transparent manner, the rule imposes some additional reporting requirements for grants to third-party employers, including the public disclosure of grants provided.

**5.3. May recipients provide premium pay retroactively for work already performed?**

Yes. Treasury encourages recipients to consider providing premium pay retroactively for work performed during the pandemic, recognizing that many essential workers have not yet received additional compensation for their service during the pandemic.

## **6. Eligible Uses – Water, Sewer, and Broadband Infrastructure**

**6.1. What types of water and sewer projects are eligible uses of funds?**

The Interim Final Rule generally aligns eligible uses of the Funds with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF).

Under the DWSRF, categories of [eligible projects](#) include: treatment, transmission and distribution (including lead service line replacement), source rehabilitation and decontamination, storage, consolidation, and new systems development.

Under the CWSRF, categories of [eligible projects](#) include: construction of publicly-owned treatment works, nonpoint source pollution management, national estuary program projects, decentralized wastewater treatment systems, stormwater systems, water

conservation, efficiency, and reuse measures, watershed pilot projects, energy efficiency measures for publicly-owned treatment works, water reuse projects, security measures at publicly-owned treatment works, and technical assistance to ensure compliance with the Clean Water Act.

As mentioned in the Interim Final Rule, eligible projects under the DWSRF and CWSRF support efforts to address climate change, as well as to meet cybersecurity needs to protect water and sewer infrastructure. Given the lifelong impacts of lead exposure for children, and the widespread nature of lead service lines, Treasury also encourages recipients to consider projects to replace lead service lines.

**6.2. May construction on eligible water, sewer, or broadband infrastructure projects continue past December 31, 2024, assuming funds have been obligated prior to that date?**

Yes. Treasury is interpreting the requirement that costs be incurred by December 31, 2024 to only require that recipients have obligated the funds by such date. The period of performance will run until December 31, 2026, which will provide recipients a reasonable amount of time to complete projects funded with Fiscal Recovery Funds.

**6.3. May recipients use funds as a non-federal match for the Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF)?**

Recipients may not use funds as a state match for the CWSRF and DWSRF due to prohibitions in utilizing federal funds as a state match in the authorizing statutes and regulations of the CWSRF and DWSRF.

**6.4. Does the National Environmental Policy Act (NEPA) apply to eligible infrastructure projects?**

NEPA does not apply to Treasury's administration of the Funds. Projects supported with payments from the Funds may still be subject to NEPA review if they are also funded by other federal financial assistance programs.

**6.5. What types of broadband projects are eligible?**

The Interim Final Rule requires eligible projects to reliably deliver minimum speeds of 100 Mbps download and 100 Mbps upload. In cases where it is impracticable due to geography, topography, or financial cost to meet those standards, projects must reliably deliver at least 100 Mbps download speed, at least 20 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.

Projects must also be designed to serve unserved or underserved households and businesses, defined as those that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.

**6.6. For broadband investments, may recipients use funds for related programs such as cybersecurity or digital literacy training?**

Yes. Recipients may use funds to provide assistance to households facing negative economic impacts due to Covid-19, including digital literacy training and other programs that promote access to the Internet. Recipients may also use funds for modernization of cybersecurity, including hardware, software, and protection of critical infrastructure, as part of provision of government services up to the amount of revenue lost due to the public health emergency.

**6.7. How do I know if a water, sewer, or broadband project is an eligible use of funds? Do I need pre-approval? [6/8]**

Recipients do not need approval from Treasury to determine whether an investment in a water, sewer, or broadband project is eligible under CSFRF/CLFRF. Each recipient should review the Interim Final Rule (IFR), along with the preamble to the Interim Final Rule, in order to make its own assessment of whether its intended project meets the eligibility criteria in the IFR. A recipient that makes its own determination that a project meets the eligibility criteria as outlined in the IFR may pursue the project as a CSFRF/CLFRF project without pre-approval from Treasury. Local government recipients similarly do not need state approval to determine that a project is eligible under CSFRF/CLFRF. However, recipients should be cognizant of other federal or state laws or regulations that may apply to construction projects independent of CSFRF/CLFRF funding conditions and that may require pre-approval.

For water and sewer projects, the IFR refers to the EPA [Drinking Water](#) and [Clean Water](#) State Revolving Funds (SRFs) for the categories of projects and activities that are eligible for funding. Recipients should look at the relevant federal statutes, regulations, and guidance issued by the EPA to determine whether a water or sewer project is eligible. Of note, the IFR does not incorporate any other requirements contained in the federal statutes governing the SRFs or any conditions or requirements that individual states may place on their use of SRFs.

**6.8. For broadband infrastructure investments, what does the requirement that infrastructure “be designed to” provide service to unserved or underserved households and businesses mean? [6/17]**

Designing infrastructure investments to provide service to unserved or underserved households or businesses means prioritizing deployment of infrastructure that will bring service to households or businesses that are not currently serviced by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. To meet this requirement, states and localities should use funds to deploy broadband infrastructure projects whose objective is to provide service to unserved or underserved households or businesses. These unserved or underserved households or businesses do not need to be the only ones in the service area funded by the project.



**6.9. For broadband infrastructure to provide service to “unserved or underserved households or businesses,” must every house or business in the service area be unserved or underserved? [6/17]**

No. It suffices that an objective of the project is to provide service to unserved or underserved households or businesses. Doing so may involve a holistic approach that provides service to a wider area in order, for example, to make the ongoing service of unserved or underserved households or businesses within the service area economical. Unserved or underserved households or businesses need not be the *only* households or businesses in the service area receiving funds.

**6.10. May recipients use payments from the Funds for “middle mile” broadband projects? [6/17]**

Yes. Under the Interim Final Rule, recipients may use payments from the Funds for “middle-mile projects,” but Treasury encourages recipients to focus on projects that will achieve last-mile connections—whether by focusing on funding last-mile projects or by ensuring that funded middle-mile projects have potential or partnered last-mile networks that could or would leverage the middle-mile network.

**6.11. For broadband infrastructure investments, what does the requirement to “reliably” meet or exceed a broadband speed threshold mean? [6/17]**

In the Interim Final Rule, the term “reliably” is used in two places: to identify areas that are eligible to be the subject of broadband infrastructure investments and to identify expectations for acceptable service levels for broadband investments funded by the Coronavirus State and Local Fiscal Recovery Funds. In particular:

- The IFR defines “unserved or underserved households or businesses” to mean one or more households or businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speeds and 3 Mbps of upload speeds.
- The IFR provides that a recipient may use Coronavirus State and Local Fiscal Recovery Funds to make investments in broadband infrastructure that are designed to provide service to unserved or underserved households or businesses and that are designed to, upon completion: (i) reliably meet or exceed symmetrical 100 Mbps download speed and upload speeds; or (ii) in limited cases, reliably meet or exceed 100 Mbps download speed and between 20 Mbps and 100 Mbps upload speed and be scalable to a minimum of 100 Mbps download and upload speeds.

The use of “reliably” in the IFR provides recipients with significant discretion to assess whether the households and businesses in the area to be served by a project have access to wireline broadband service that can actually and consistently meet the specified thresholds of at least 25Mbps/3Mbps—i.e., to consider the actual experience of current

wireline broadband customers that subscribe to services at or above the 25 Mbps/3 Mbps threshold. Whether there is a provider serving the area that advertises or otherwise claims to offer speeds that meet the 25 Mbps download and 3 Mbps upload speed thresholds is not dispositive.

When making these assessments, recipients may choose to consider any available data, including but not limited to documentation of existing service performance, federal and/or state-collected broadband data, user speed test results, interviews with residents and business owners, and any other information they deem relevant. In evaluating such data, recipients may take into account a variety of factors, including whether users actually receive service at or above the speed thresholds at all hours of the day, whether factors other than speed such as latency or jitter, or deterioration of the existing connections make the user experience unreliable, and whether the existing service is being delivered by legacy technologies, such as copper telephone lines (typically using Digital Subscriber Line technology) or early versions of cable system technology (DOCSIS 2.0 or earlier).

The IFR also provides recipients with significant discretion as to how they will assess whether the project itself has been designed to provide households and businesses with broadband services that meet, or even exceed, the speed thresholds provided in the rule.

**6.12. May recipients use Funds for pre-project development for eligible water, sewer, and broadband projects? [6/23]**

Yes. To determine whether Funds can be used on pre-project development for an eligible water or sewer project, recipients should consult whether the pre-project development use or cost is eligible under the Drinking Water and Clean Water State Revolving Funds (CWSRF and DWSRF, respectively). Generally, the CWSRF and DWSRF often allow for pre-project development costs that are tied to an eligible project, as well as those that are reasonably expected to lead to a project. For example, the DWSRF [allows](#) for planning and evaluations uses, as well as numerous pre-project development costs, including costs associated with obtaining project authorization, planning and design, and project start-up like training and warranty for equipment. Likewise, the CWSRF [allows](#) for broad pre-project development, including planning and assessment activities, such as cost and effectiveness analyses, water/energy audits and conservation plans, and capital improvement plans.

Similarly, pre-project development uses and costs for broadband projects should be tied to an eligible broadband project or reasonably expected to lead to such a project. For example, pre-project costs associated with planning and engineering for an eligible broadband infrastructure build-out is considered an eligible use of funds, as well as technical assistance and evaluations that would reasonably be expected to lead to commencement of an eligible project (e.g., broadband mapping for the purposes of finding an eligible area for investment).

All funds must be obligated within the statutory period between March 3, 2021 and December 31, 2024, and expended to cover such obligations by December 31, 2026.

**6.13. May State and Local Fiscal Recovery Funds be used to support energy or electrification infrastructure that would be used to power new water treatment plants and wastewater systems? [7/14]**

The EPA's [Overview of Clean Water State Revolving Fund Eligibilities](#) describes eligible energy-related projects. This includes a “[p]ro rata share of capital costs of offsite clean energy facilities that provide power to a treatment works.” Thus, State and Local Fiscal Recovery Funds may be used to finance the generation and delivery of clean power to a wastewater system or a water treatment plant on a pro-rata basis. If the wastewater system or water treatment plant is the sole user of the clean energy, the full cost would be considered an eligible use of funds. If the clean energy provider provides power to other entities, only the proportionate share used by the water treatment plant or wastewater system would be an eligible use of State and Local Fiscal Recovery Funds.

**6.14. How should states and local governments assess whether a stormwater management project, such as a culvert replacement, is an eligible project for State and Local Fiscal Recovery Funds? [7/14]**

FAQ 6.7 describes the overall approach that recipients may take to evaluate the eligibility of water or sewer projects. For stormwater management projects specifically, as noted in the EPA's [Overview of Clean Water State Revolving Fund Eligibilities](#), “Stormwater projects must have a water quality benefit.” Thus, to be eligible under CSFRF/CLFRF, stormwater management projects should be designed to incorporate water quality benefits consistent with the goals of the Clean Water Act. [Summary of the Clean Water Act.](#)

**6.15. May recipients use Funds for road repairs and upgrades that occur in connection with an eligible water or sewer project? [7/14]**

Yes, recipients may use State and Local Fiscal Recovery Funds for road repairs and upgrades directly related to an eligible water or sewer project. For example, a recipient could use Funds to repair or re-pave a road following eligible sewer repair work beneath it. However, use of Funds for general infrastructure projects is subject to the limitations described in FAQ 4.2. Water and sewer infrastructure projects are often a single component of a broader transportation infrastructure project, for example, the implementation of stormwater infrastructure to meet Clean Water Act established water quality standards. In this example, the components of the infrastructure project that interact directly with the stormwater infrastructure project may be funded by Fiscal Recovery Funds.

**6.16. May Funds be used to build or upgrade broadband connections to schools or libraries? [7/14]**

As outlined in the IFR, recipients may use Fiscal Recovery Funds to invest in broadband infrastructure that, wherever it is practicable to do so, is designed to deliver service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps to households or businesses that are not currently serviced by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. Treasury interprets “businesses” in this context broadly to include non-residential users of broadband, including private businesses and institutions that serve the public, such as schools, libraries, healthcare facilities, and public safety organizations.

**6.17. Are eligible infrastructure projects subject to the Davis-Bacon Act? [7/14]**

The Davis-Bacon Act requirements (prevailing wage rates) do not apply to projects funded solely with award funds from the CSFRF/CLFRF program, except for CSFRF/CLFRF-funded construction projects undertaken by the District of Columbia. The Davis-Bacon Act specifically applies to the District of Columbia when it uses federal funds (CSFRF/CLFRF funds or otherwise) to enter into contracts over \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Recipients may be otherwise subject to the requirements of the Davis-Bacon Act, when CSFRF/CLFRF award funds are used on a construction project in conjunction with funds from another federal program that requires enforcement of the Davis-Bacon Act. Additionally, corollary state prevailing-wage-in-construction laws (commonly known as “baby Davis-Bacon Acts”) may apply to projects. Please refer to FAQ 4.10 concerning projects funded with both CSFRF/CLFRF funds and other sources of funding.

Treasury has indicated in its Interim Final Rule that it is important that necessary investments in water, sewer, or broadband infrastructure be carried out in ways that produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency. Treasury encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions, not only to promote effective and efficient delivery of high-quality infrastructure projects, but also to support the economic recovery through strong employment opportunities for workers. Using these practices in construction projects may help to ensure a reliable supply of skilled labor that would minimize disruptions, such as those associated with labor disputes or workplace injuries.

Treasury has also indicated in its reporting guidance that recipients will need to provide documentation of wages and labor standards for infrastructure projects over \$10 million, and that that these requirements can be met with certifications that the project is in compliance with the Davis-Bacon Act (or related state laws, commonly known as “baby Davis-Bacon Acts”) and subject to a project labor agreement. Please refer to the Reporting and Compliance Guidance, page 21, for more detailed information on the reporting requirement.

## 7. Non-Entitlement Units (NEUs)

Answers to frequently asked questions on distribution of funds to NEUs can be found in this [FAQ supplement](#), which is regularly updated.

## 8. Ineligible Uses

### 8.1. What is meant by a pension “deposit”? Can governments use funds for routine pension contributions for employees whose payroll and covered benefits are eligible expenses?

Treasury interprets “deposit” in this context to refer to an extraordinary payment into a pension fund for the purpose of reducing an accrued, unfunded liability. More specifically, the interim final rule does not permit this assistance to be used to make a payment into a pension fund if both: (1) the payment reduces a liability incurred prior to the start of the COVID-19 public health emergency, and (2) the payment occurs outside the recipient’s regular timing for making such payments.

Under this interpretation, a “deposit” is distinct from a “payroll contribution,” which occurs when employers make payments into pension funds on regular intervals, with contribution amounts based on a pre-determined percentage of employees’ wages and salaries. In general, if an employee’s wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee’s covered benefits as an eligible use of Fiscal Recovery Funds.

### 8.2. May recipients use Fiscal Recovery Funds to fund Other Post-Employment Benefits (OPEB)? [6/8]

OPEB refers to benefits other than pensions (see, e.g., [Governmental Accounting Standards Board](#). “[Other Post-Employment Benefits](#)”). Treasury has determined that Sections 602(c)(2)(B) and 603(c)(2), which refer only to pensions, do not prohibit CSFRF/CLFRF recipients from funding OPEB. Recipients of either the CSFRF/CLFRF may use funds for eligible uses, and a recipient seeking to use CSFRF/CLFRF funds for OPEB contributions would need to justify those contributions under one of the four eligible use categories.

## 9. Reporting

On June 17, 2021, Treasury released [Guidance on Recipient Compliance and Reporting Responsibilities for the Coronavirus State and Local Fiscal Recovery Funds](#). Recipients should consult this guidance for additional detail and clarification on recipients’ compliance and reporting responsibilities. A users’ guide will be provided with additional information on how and where to submit required reports.

**9.1. What records must be kept by governments receiving funds?**

Financial records and supporting documents related to the award must be retained for a period of five years after all funds have been expended or returned to Treasury, whichever is later. This includes those which demonstrate the award funds were used for eligible purposes in accordance with the ARPA, Treasury's regulations implementing those sections, and Treasury's guidance on eligible uses of funds.

**9.2. What reporting will be required, and when will the first report be due?**

Recipients will be required to submit an interim report, quarterly project and expenditure reports, and annual Recovery Plan Performance Reports as specified below, regarding their utilization of Coronavirus State and Local Fiscal Recovery Funds.

Interim reports: States (defined to include the District of Columbia), territories, metropolitan cities, counties, and Tribal governments will be required to submit one interim report. The interim report will include a recipient's expenditures by category at the summary level and for states, information related to distributions to non-entitlement units of local government must also be included in the interim report. The interim report will cover activity from the date of award to July 31, 2021 and must be submitted to Treasury by August 31, 2021. Non-entitlement units of local government are not required to submit an interim report.

Quarterly Project and Expenditure reports: State (defined to include the District of Columbia), territorial, metropolitan city, county, and Tribal governments will be required to submit quarterly project and expenditure reports. This report will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of award funds. Reports will be required quarterly with the exception of non-entitlement units, which will report annually. An interim report is due on August 31, 2021. The reports will include the same general data as those submitted by recipients of the Coronavirus Relief Fund, with some modifications to expenditure categories and the addition of data elements related to specific eligible uses. The initial quarterly Project and Expenditure report will cover two calendar quarters from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury within 30 days after the end of each calendar quarter.

Non-entitlement units of local government will be required to submit the project and expenditure report annually. The initial annual Project and Expenditure report for non-entitlement units of local government will cover activity from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent annual reports must be submitted to Treasury by October 31 each year.

Recovery Plan Performance Reports: States (defined to include the District of Columbia), territories, metropolitan cities, and counties with a population that exceeds 250,000



residents will also be required to submit an annual Recovery Plan Performance Report to Treasury. This report will include descriptions of the projects funded and information on the performance indicators and objectives of each award, helping local residents understand how their governments are using the substantial resources provided by Coronavirus State and Local Fiscal Recovery Funds program. The initial Recovery Plan Performance Report will cover activity from date of award to July 31, 2021 and must be submitted to Treasury by August 31, 2021. Thereafter, the Recovery Plan Performance Reports will cover a 12-month period and recipients will be required to submit the report to Treasury within 30 days after the end of the 12-month period. The second Recovery Plan Performance Report will cover the period from July 1, 2021 to June 30, 2022 and must be submitted to Treasury by July 31, 2022. Each annual Recovery Plan Performance Report must be posted on the public-facing website of the recipient. Local governments with fewer than 250,000 residents, Tribal governments, and non-entitlement units of local government are not required to develop a Recovery Plan Performance Report.

Please see the [Guidance on Recipient Compliance and Reporting Responsibilities](#) for more information.

**9.3. What provisions of the Uniform Guidance for grants apply to these funds? Will the Single Audit requirements apply?**

Most of the provisions of the Uniform Guidance (2 CFR Part 200) apply to this program, including the Cost Principles and Single Audit Act requirements. Recipients should refer to the Assistance Listing for detail on the specific provisions of the Uniform Guidance that do not apply to this program. The Assistance Listing will be available on beta.SAM.gov.

**9.4. Once a recipient has identified a reduction in revenue, how will Treasury track use of funds for the provision of government services? [6/8]**

The ARPA establishes four categories of eligible uses and further restrictions on the use of funds to ensure that Fiscal Recovery Funds are used within the four eligible use categories. The Interim Final Rule implements these restrictions, including the scope of the eligible use categories and further restrictions on tax cuts and deposits into pensions. Reporting requirements will align with this structure.

Consistent with the broad latitude provided to recipients to use funds for government services to the extent of the reduction in revenue, recipients will be required to submit a description of services provided. As discussed in IFR, these services can include a broad range of services but may not be used directly for pension deposits, contributions to reserve funds, or debt service. Recipients may use sources of funding other than Fiscal Recovery Funds to make deposits to pension funds, contribute to reserve funds, and pay debt service, including during the period of performance for the Fiscal Recovery Fund award.

For recipients using Fiscal Recovery Funds to provide government services to the extent of reduction in revenue, the description of government services reported to Treasury may be narrative or in another form, and recipients are encouraged to report based on their existing budget processes and to minimize administrative burden. For example, a recipient with \$100 in revenue replacement funds available could indicate that \$50 were used for personnel costs and \$50 were used for pay-go building of sidewalk infrastructure.

In addition to describing the government services provided to the extent of reduction in revenue, all recipients will also be required to indicate that Fiscal Recovery Funds are not used directly to make a deposit in a pension fund. Further, recipients subject to the tax offset provision will be required to provide information necessary to implement the Interim Final Rule, as described in the Interim Final Rule. Treasury does not anticipate requiring other types of reporting or recordkeeping on spending in pensions, debt service, or contributions to reserve funds.

These requirements are further detailed in the guidance on reporting requirements for the Fiscal Recovery Funds available [here](#).

**9.5. What is the Assistance Listing and Catalog of Federal Domestic Assistance (CFDA) number for the program? [6/8]**

The [Assistance Listing](#) for the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) was published May 28, 2021 on SAM.gov. This includes the final CFDA Number for the program, 21.027.

The assistance listing includes helpful information including program purpose, statutory authority, eligibility requirements, and compliance requirements for recipients. The CFDA number is the unique 5-digit code for each type of federal assistance, and can be used to search for program information, including funding opportunities, spending on [usaspending.gov](#), or audit results through the Federal Audit Clearinghouse.

To expedite payments and meet statutory timelines, Treasury issued initial payments under an existing CFDA number. If you have already received funds or captured the initial CFDA number in your records, please update your systems and reporting to reflect the final CFDA number 21.027. **Recipients must use the final CFDA number for all financial accounting, audits, subawards, and associated program reporting requirements.**

To ensure public trust, Treasury expects all recipients to serve as strong stewards of these funds. This includes ensuring funds are used for intended purposes and recipients have in place effective financial management, internal controls, and reporting for transparency and accountability.

Please see [Treasury's Interim Final Rule](#) and the [Guidance on Recipient Compliance and Reporting Responsibilities](#) for more information.



## **10. Miscellaneous**

### **10.1. May governments retain assets purchased with Fiscal Recovery Funds? If so, what rules apply to the proceeds of disposition or sale of such assets?**

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds. If such assets are disposed of prior to December 31, 2024, the proceeds would be subject to the restrictions on the eligible use of payments.

### **10.2. Can recipients use funds for administrative purposes?**

Recipients may use funds to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary due to the COVID-19 public health emergency and its negative economic impacts. This includes, but is not limited to, costs related to disbursing payments of Fiscal Recovery Funds and managing new grant programs established using Fiscal Recovery Funds.

### **10.3. Are recipients required to remit interest earned on CSFRF/CLFRF payments made by Treasury? [5/27, updated 7/14]**

No. CSFRF/CLFRF payments made by Treasury to states, territories, and the District of Columbia are not subject to the requirement of the Cash Management Improvement Act and Treasury's implementing regulations at 31 CFR part 205 to remit interest to Treasury. CSFRF/CLFRF payments made by Treasury to local governments and Tribes are not subject to the requirement of 2 CFR 200.305(b)(8)–(9) to maintain balances in an interest-bearing account and remit payments to Treasury. Moreover, interest earned on CSFRF/CLFRF payments is not subject to program restrictions. Finally, States may retain interest on payments made by Treasury to the State for distribution to NEUs that is earned before funds are distributed to NEUs, provided that the State adheres to the statutory requirements and Treasury's guidance regarding the distribution of funds to NEUs. Such interest is also not subject to program restrictions.

Among other things, States and other recipients may use earned income to defray the administrative expenses of the program, including with respect to NEUs.

### **10.4. Is there a deadline to apply for funds? [5/27]**

The Interim Final Rule requires that costs be incurred by December 31, 2024. Direct recipients are encouraged to apply as soon as possible. For direct recipients other than Tribal governments, there is not a specific application deadline.

Tribal governments do have deadlines to complete the application process and should visit [www.treasury.gov/SLFRPTribal](http://www.treasury.gov/SLFRPTribal) for guidance on applicable deadlines.

Non-entitlement units of local government should contact their state government for information on applicable deadlines.

**10.5. May recipients use funds to cover the costs of consultants to assist with managing and administering the funds? [6/8]**

Yes. Recipients may use funds for administering the CSFRF/CLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements.

## **11. Operations**

**11.1. How do I know if my entity is eligible?**

The Coronavirus State and Local Fiscal Recovery Funds American Rescue Plan Act of 2021 set forth the jurisdictions eligible to receive funds under the program, which are:

- States and the District of Columbia
- Territories
- Tribal governments
- Counties
- Metropolitan cities (typically, but not always, those with populations over 50,000)
- Non-entitlement units of local government, or smaller local governments (typically, but not always, those with populations under 50,000)

**11.2. How does an eligible entity request payment?**

Eligible entities (other than non-entitlement units) must submit their information to the [Treasury Submission Portal](#). Please visit the [Coronavirus State and Local Fiscal Recovery Fund website](#) for more information on the submission process.

**11.3. I cannot log into the Treasury Submission Portal or am having trouble navigating it. Who can help me?**

If you have questions about the Treasury Submission Portal or for technical support, please email [covidreliefitsupport@treasury.gov](mailto:covidreliefitsupport@treasury.gov).

**11.4. What do I need to do to receive my payment?**

All eligible payees are required to have a DUNS Number previously issued by Dun & Bradstreet (<https://www.dnb.com/>).

All eligible payees are also required to have an active registration with the System for Award Management (SAM) (<https://www.sam.gov>).

And eligible payees must have a bank account enabled for Automated Clearing House (ACH) direct deposit. Payees with a Wire account are encouraged to provide that information as well.

More information on these and all program pre-submission requirements can be found on the [Coronavirus State and Local Fiscal Recovery Fund website](#).

**11.5. Why is Treasury employing id.me for the Treasury Submission Portal?**

ID.me is a trusted technology partner to multiple government agencies and healthcare providers. It provides secure digital identity verification to those government agencies and healthcare providers to make sure you're you – and not someone pretending to be you – when you request access to online services. All personally identifiable information provided to ID.me is encrypted and disclosed only with the express consent of the user. Please refer to ID.me Contact Support for assistance with your ID.me account. Their support website is <https://help.id.me>.

**11.6. Why is an entity not on the list of eligible entities in Treasury Submission Portal?**

The ARPA statute lays out which governments are eligible for payments. The list of entities within the Treasury Submission Portal includes entities eligible to receive a direct payment of funds from Treasury, which include states (defined to include the District of Columbia), territories, Tribal governments, counties, and metropolitan cities.

Eligible non-entitlement units of local government will receive a distribution of funds from their respective state government and should not submit information to the Treasury Submission Portal.

If you believe an entity has been mistakenly left off the eligible entity list, please email [SLFRP@treasury.gov](mailto:SLFRP@treasury.gov).

**11.7. What is an Authorized Representative?**

An Authorized Representative is an individual with legal authority to bind the government entity (e.g., the Chief Executive Officer of the government entity). An Authorized Representative must sign the Acceptance of Award terms for it to be valid.

**11.8. How does a Tribal government determine their allocation?**

Tribal governments will receive information about their allocation when the submission to the Treasury Submission Portal is confirmed to be complete and accurate.

**11.9. How do I know the status of my request for funds (submission)?**

Entities can check the status of their submission at any time by logging into [Treasury Submission Portal](#).

**11.10. My Treasury Submission Portal submission requires additional information/correction. What is the process for that?**

If your Authorized Representative has not yet signed the award terms, you can edit your submission with in the into [Treasury Submission Portal](#). If your Authorized Representative has signed the award terms, please email [SLFRP@treasury.gov](mailto:SLFRP@treasury.gov) to request assistance with updating your information.

**11.11. My request for funds was denied. How do I find out why it was denied or appeal the decision?**

Please check to ensure that no one else from your entity has applied, causing a duplicate submission. Please also review the list of all eligible entities on the [Coronavirus State and Local Fiscal Recovery Fund website](#).

If you still have questions regarding your submission, please email [SLFRP@treasury.gov](mailto:SLFRP@treasury.gov).

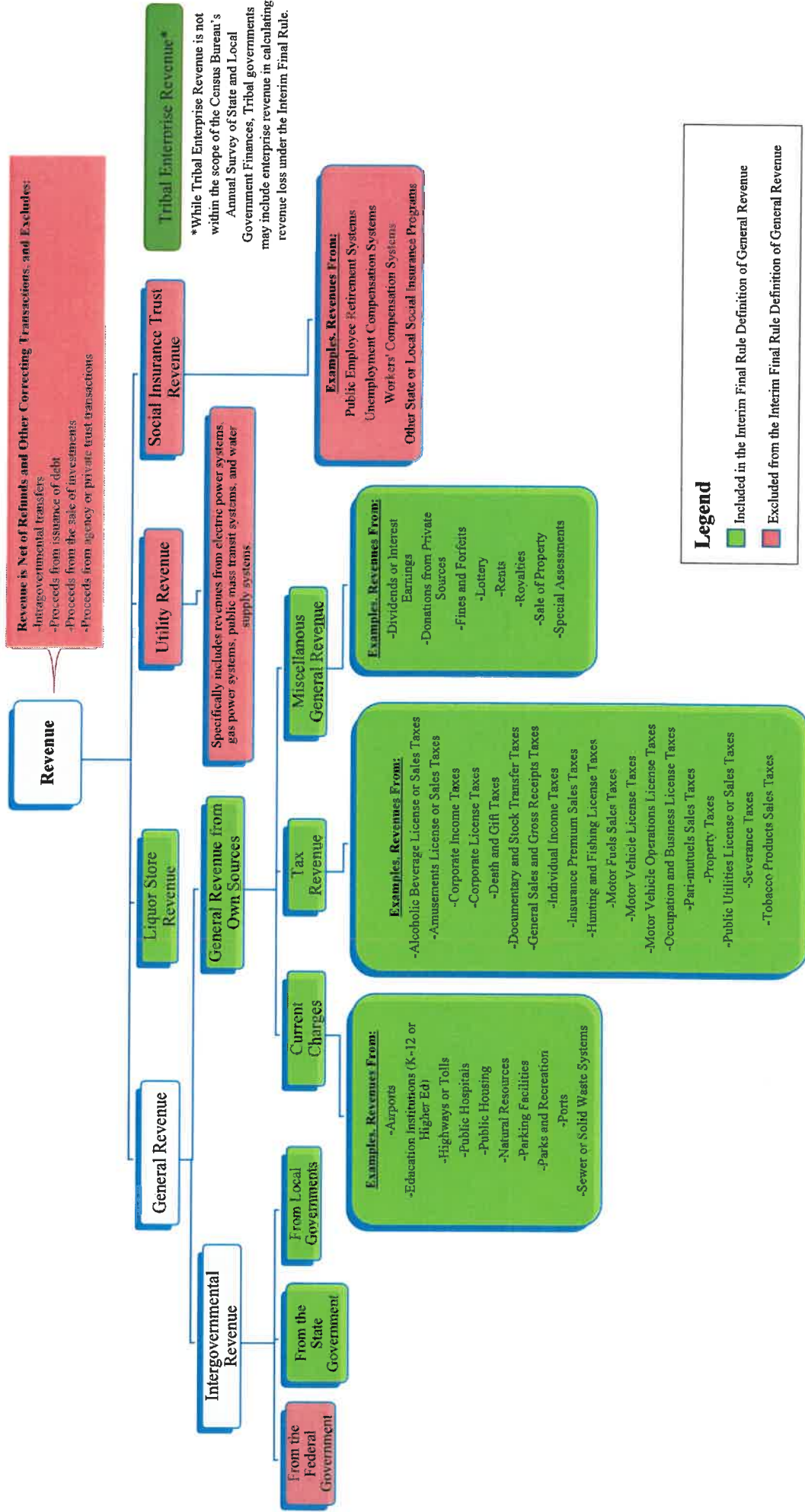
**11.12. When will entities get their money?**

Before Treasury is able to execute a payment, a representative of an eligible government must submit the government's information for verification through the [Treasury Submission Portal](#). The verification process takes approximately four business days. If any errors are identified, the designated point of contact for the government will be contacted via email to correct the information before the payment can proceed. Once verification is complete, the designated point of contact of the eligible government will receive an email notifying them that their submission has been verified. Payments are generally scheduled for the next business day after this verification email, though funds may not be available immediately due to processing time of their financial institution.

**11.13. How does a local government entity provide Treasury with a notice of transfer of funds to its State?**

For more information on how to provide Treasury with notice of transfer to a state, please email [SLRedirectFunds@treasury.gov](mailto:SLRedirectFunds@treasury.gov).

**Appendix: Interim Final Rule Definition of General Revenue Within the Census Bureau Classification Structure of Revenue**



Source: U.S. Bureau of the Census Government Finance and Employment Classification Manual, 2006; Annual Survey of State and Local Government Finances



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

VIII

### BUSINESS

~ D ~

<b>REQUESTED BY:</b>	<b>Bradley Reichard</b>
<b>DESIRED ACTION:</b>	<b>To discuss and possibly vote on East Commercial and Main Street Speed Limit</b>
<b>PROPOSED MOTION:</b>	<b>A Motion will be determined at the meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

Mike

## EAST COMMERCIAL AND MAIN STREET SPEED LIMIT REDUCTION Fact Sheet

Section 193 of Chapter 218 of the Acts of 2016 allows cities or towns to opt-in to Chapter 90, Section 17C of the Massachusetts General Laws (MGL), setting the reasonable and proper speed on municipally owned streets within thickly settled or business districts at 25 mph. This may apply to any or all city or town ways that do not have existing special speed regulations. Notification to Massachusetts Department of Transportation is required if and when these speed limits are established.<sup>1</sup> Prior to this legislation, to post a different (regulatory) speed limit required completion of a through traffic engineering study following detailed procedures and approval by various agencies.<sup>2</sup>

Fifty-two Massachusetts cities and towns to date have opt-in to adopt MGL chapter 90 § 17C to reduce to 25 mph the speed limit on either a street-by-street or townwide basis.<sup>3, 4</sup>

Why is this proposed speed limit reduction necessary?

East Commercial and Main Street at its beginning at Route 6 to the vicinity of 170 Main Street (Accessor's Map 15, Lot 14) or to a further termination point:

- are thickly settled
- are contiguous with the Town's commercial or central districts<sup>5,6</sup>
- lack sidewalks in the areas proposed for the speed limit reduction
- lack marked pedestrian crosswalks
- lack shoulders along the road restricting driver's options in cases of emergency
- have narrow travel lanes (10 to 11 feet)
- have heavy traffic volume
- have limited driver line-of-sight in multiple locations due to curves and hills
- accommodate all users in the roadway including pedestrians, bicycles, cars, light trucks, semi-tractor trailer trucks, and buses in one shared travel lane.

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<sup>1</sup> <https://www.mass.gov/how-to/notify-massdot-of-mgl-chapter-90-section-17c-adoption>

<sup>2</sup> Massachusetts Department of Transportation, Highway Division, *Procedures for Speed Zoning on State Highways and Municipal Roads*, p.2-16, (February 2017). (<https://www.mass.gov/massdot-speed-zoning>, last accessed June 23, 2021)

<sup>3</sup> <https://www.mass.gov/info-details/speed-limits-in-thickly-settled-or-business-districts#municipalities-that-have-notified-massdot-of-opt-in-> (last accessed June 23, 2021).

<sup>4</sup> Mass DOT recommends that if a municipality opts-in to MGL c.90 §17C, that it does so on a city- or town-wide basis to avoid potential confusion for drivers. However, cities and towns do have the option to opt-in on a street-by-street basis.

<sup>5</sup> Town of Wellfleet, Zoning Bylaws, p.98 (April 23, 2018)

<sup>6</sup> Town of Wellfleet, Zoning Map, [https://www.wellfleet-ma.gov/sites/g/files/vyhliif5166/f/file/file/wel\\_zoningjan17.pdf](https://www.wellfleet-ma.gov/sites/g/files/vyhliif5166/f/file/file/wel_zoningjan17.pdf)



Reducing speed reduces vehicle stopping distance which is critical in limited line-of-sight situations. The stopping distance for motor vehicles reduces from 200 feet at 30 mph to 155 at 25 mph.<sup>7</sup> Stopping distance is the distance for a vehicle traveling at a speed to stop before reaching a stationary object in its path.

Reducing motor vehicle speeds provides increase awareness of pedestrians and bicyclists; improves safety for pedestrians since there are more suitable gaps for pedestrians to cross the road and is complemented by improved yielding by drivers. The safety improvement is further compounded by reducing the probability of and severity of motor vehicle collisions with pedestrians and bicyclists. When collisions do occur on a scale of 1 (no injury) to 6 (fatality) the severity of injury reduced from 4 at 30 mph to 2.5 at 25 mph.<sup>8</sup>

### How to implement?

In a special or annual town meeting the Town Meeting vote on a warrant article, such as in the form below, to accept Chapter 90, Section 17C of the General Laws, (Ter. Ed.):

To see if the Town will vote to accept the provisions of Chapter 90, Section 17C of the General Laws, (Ter. Ed), which allows the Selectboard to establish a speed limit of 25 miles per hour in any thickly settled or business district in the Town that is not a state highway, or take any other action relative thereto.

Upon Town meeting acceptance, the Selectboard, pursuant to the authority in MGL c. 90 § 17C and in the interest of public safety, adopts a 25mph speed limit regulation for East Commercial Street in its entirety and Main Street between its intersection with Route 6 and in the vicinity of 170 Main Street (Accessor's Map 15, Lot 14)

The Selectboard amends the "Traffic Rules and Orders of the Town of Wellfleet" to reflect the new speed limit on these streets.<sup>9</sup>

A copy of the approved change to the municipal traffic code is sent to the Regulations Engineer at MassDOT Highway Division Traffic and Safety Engineering.<sup>10</sup>

Speed limit signs are then posted reflecting the new speed limit.

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<sup>7</sup> Massachusetts Highway Department, *Project Development and Design Guide, 2006 edition*, p. 3-38. Accessed at <https://www.mass.gov/doc/2006-project-development-and-design-guide/download>, last accessed June 24, 2012.

<sup>8</sup> Id. p. 16-3.

<sup>9</sup> [https://www.wellfleet-ma.gov/sites/g/files/vyhllf5166/f/file/file/traffic\\_rules\\_and\\_orders\\_w/with\\_appendix\\_a\\_2016-06-28.pdf](https://www.wellfleet-ma.gov/sites/g/files/vyhllf5166/f/file/file/traffic_rules_and_orders_w/with_appendix_a_2016-06-28.pdf)

<sup>10</sup> <https://www.mass.gov/how-to/notify-massdot-of-mgl-chapter-90-section-17c-adoption>



## Applicable Massachusetts Laws

MGL c. 90 § 17C, Establishment of 25-miles-per-hour speed limit in thickly settled or business district in city or town; violation reads:

Section 17C. (a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway.

(b) Upon establishing a speed limit under this section, the city or town shall notify the department. The operation of a motor vehicle at a speed in excess of a speed limit established under this section shall be a violation of section 17.

MGL c. 4 § 4, Mode of acceptance by municipality or district reads:

Section 4. Wherever a statute is to take effect upon its acceptance by a municipality or district, or is to be effective in municipalities or districts accepting its provisions, this acceptance shall be, except as otherwise provided in that statute, in a municipality, by vote of the legislative body, subject to the charter of the municipality, or, in a district, by vote of the district at a district meeting.








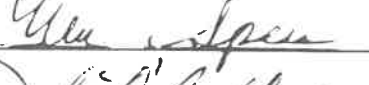
MGL c. 90 § 1, Definitions reads in relevant part:

"Thickly settled or business district", the territory contiguous to any way which is built up with structures devoted to business, or the territory contiguous to any way where the dwelling houses are situated at such distances as will average less than two hundred feet between them for a distance of a quarter of a mile or over.

**EAST COMMERCIAL AND MAIN STREET SPEED LIMIT REDUCTION TO 25 MPH  
PETITION TO WELLFLEET SELECTBOARD**

We, the undersigned resident and non-resident Wellfleet property owners, respectfully petition the Town of Wellfleet Selectboard to take the following actions in the interest of public safety. Reducing the speed limit to 25 miles per hour still maintains an efficient flow of traffic while creating a safer environment for all roadway users.

- **Take the necessary actions to opt-in to MGL chapter 90, Section 17C and reduce the statutory speed limit from 30 mph to 25 mph for the following roads:**
  - ◆ East Commercial Street
  - ◆ Main Street between its beginning at Route 6 to the vicinity of 170 Main Street (Accessor's Map 15, Lot 14) or to a further termination point.

<u>Name</u>	<u>Signature</u>	<u>Wellfleet address</u>
Nancy F. Cook		30 Main St.
Zachary <sup>Mort</sup> <del>Parent</del> Old Bank LLC		10 Main St.
JORGE SILVETTI		35 MAIN ST.
RODOLFO MACHADO		35 MAIN ST
TIM CALLIS		100 MAIN ST.
ELIZA S. FITTS		50 MAIN ST. and 40 MAIN ST
Miriam Spencer		55 East Commercial St.
Julie Sullivan		30 East Commercial St.



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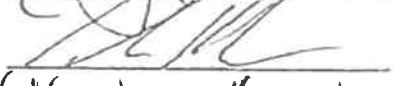
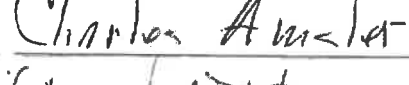

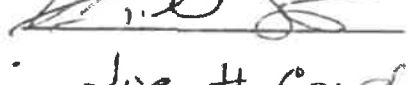
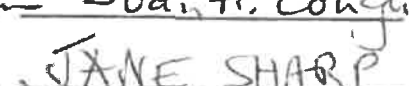



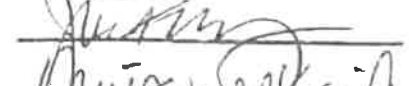


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<u>Name</u>	<u>Signature</u>	<u>Wellfleet address</u>
Ruth Bishop	<i>Ruth Bishop</i>	19 E. Commercial St
DOUGLASK BISHOP	<i>Douglass Bishop</i>	19 E. COMMERCIAL ST
GRAD REICHARD	<i>Grad Reichard</i>	35 MAIN ST
Jane Carpenter	<i>Jane Carpenter</i>	155 Main Street
Julian Regan	<i>Julian Regan</i>	155 Main Stm
Crete Eini	<i>Crete Eini</i>	160 Main St
DOROTHY DOLAN	<i>Dorothy Dolan</i>	165 Main St
Stephanie Grotz	<i>Stephanie Grotz</i>	170 Main
Nina Eskandari	<i>Nina Eskandari</i>	5 E Commercial
Joe McLoughlin	<i>Joe McLoughlin</i>	5 E Commercial
Pamela Fish	<i>Pamela Fish</i>	22 E Commercial
Michael Fish	<i>Michael Fish</i>	22 E Commercial
BRENDA CORREIA	<i>Brenda Correia</i>	70 E COMMERCIAL

**EAST COMMERCIAL AND MAIN STREET SPEED LIMIT REDUCTION TO 25 MPH  
PETITION TO WELLFLEET SELECTBOARD**

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<u>Name</u>	<u>Signature</u>	<u>Wellfleet address</u>
Nancy Lauvo		36 E. Commercial St
JOSHUA KAHN		36 E Commercial ST
Charles Amala		80E Commercial ST
180 G. THOMAS		80E Commercial ST
H. Todd Spencer		55 E. Commercial St.
Joan H. Conghlin		Masonic Lane
Jane Ho Shop	JANE SHARP	43 E. COMMERCIAL ST
DAVID POLANCO		135 MAIN ST #1
MICHAEL SHANNON		55 MAIN ST
DAVID MANTON		115 Main St
JUDITH MENDLY		31 EAST COMMERCIAL ST
Denise Ilkovich		11 + 9 EAST COMMERCIAL
DAVID ILKOVICH		9-11 E COMMERCIAL ST

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XIV** PUBLIC WAYS AND WORKS

**Chapter 90** MOTOR VEHICLES AND AIRCRAFT

**Section 17C** ESTABLISHMENT OF 25-MILES-PER-HOUR SPEED LIMIT IN THICKLY SETTLED OR BUSINESS DISTRICT IN CITY OR TOWN; VIOLATION

Section 17C. (a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway.

(b) Upon establishing a speed limit under this section, the city or town shall notify the department. The operation of a motor vehicle at a speed in excess of a speed limit established under this section shall be a violation of section 17.

*July 8, 1966  
Amended March 13, 1995;  
Feb. 24, 2003; March 23, 2004;  
June 22, 2004; Feb 22, 2011;  
June 18, 2013; May 13, 2014;  
December 9, 2014;  
June 28, 2016*

## **TRAFFIC RULES AND ORDERS**

At a meeting of the Board of Selectmen held in Wellfleet on July 8, 1966, the following vote was duly passed:

The Board of Selectmen of the Town of Wellfleet, acting by virtue of the power given to it by Chapter 40, Section 22, of the General Laws (Ter. Ed.) and by virtue of any other power it hereto enabling, hereby adopts and makes the following rules and orders for the regulation of traffic upon the streets and highways of said Town, the same to be known as Traffic Rules and Orders of the Town of Wellfleet insofar as the said rules and orders or any of them are the same as any valid regulations, rules and orders now in force, they shall be deemed to be a continuation thereof.

By vote under Article 5 of the October 5, 1981 Special Town Meeting the Town accepted Chapter 90, Section 20A½ of the General Laws, (Ter. Ed.)

### **ARTICLE I**

#### **DEFINITIONS**

For the purpose of these rules and orders, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning.

- (a) Street or Highway The entire width between property lines of every way opens to the use of the public for the purpose of travel.
- (b) Roadway That portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.
- (c) Lane A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.
- (d) Vehicle Every device in, upon or by which any person or property is or may be transported or drawn upon any street or highway, including bicycles when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks.
- (e) Parking The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

- (f) Official Traffic Signs All signs, markings and devices, other than signals, not inconsistent with these rules and orders, and which conform to the standards prescribed by the Department of Public Works of the Commonwealth of Massachusetts and placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning, or regulating traffic.
- (g) Officer For the purpose of these rules and orders an officer shall be construed to mean any officer, any constable or special officer, provided he has his badge of office displayed over his left breast and upon his outer garment.
- (h) Emergency Vehicles Vehicles of the Fire Department, Police Department vehicles, ambulances and emergency vehicles of Federal, State and municipal departments or public service corporations when the latter are responding to an emergency in relation to the Police or Fire Departments.
- (i) Official Street Marking Any painted line, legend, marking or marker of any description painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Board of Selectmen and which has the written approval of the Department of Public Works, Commonwealth of Massachusetts.
- (j) Person The word "person" shall mean and include any individual, firm, co-partnership, association or corporation.

## ARTICLE II

### AUTHORITY AND DUTIES OF POLICE

#### Section 1. Police to Direct Traffic

It shall be the duty of the Police Officers to enforce the provisions of these rules and orders. Police Officers are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of these rules and orders, provided that in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the Police or Fire Departments may direct traffic as conditions may require, notwithstanding the provisions of these rules and orders.

#### Section 2. Police May Close Streets Temporarily

The Police may temporarily close any street or highway in an impending or existing emergency, during construction or repair or for any lawful assemblage, demonstration or procession provided there is reasonable justification for the closing of such street.

#### Section 3. Police May Prohibit Parking Temporarily

The Police may temporarily prohibit parking on any street or highway or part thereof in an impending or existing emergency, during construction or repair or for a lawful assemblage, demonstration or procession provided there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.



Section 4. Exemptions

The provisions of these rules and orders shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair, to officers when engaged in the performance of public duties nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of these rules and orders. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

**ARTICLE III**

**TRAFFIC SIGNS, SIGNALS, MARKINGS AND ZONES**

Section 1. Interference with Signs, Signals and Markings Prohibited

It shall be unlawful for any person, to willfully deface, injure, move, obstruct or interfere with any official traffic sign, signal or marking.

Section 2.

No driver of any vehicle shall disobey the instructions of any official traffic control signal, sign, marking, or legend, unless otherwise directed by a police officer.

**ARTICLE IV**

**PARKING**

Section 1. General Prohibitions

No person shall stand or park and no person shall allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places:

- (a) within an intersection.
- (b) upon any sidewalk.
- (c) upon any crosswalk.
- (d) upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway.
- (e) upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
- (f) in front of any private road or driveway.
- (g) upon any street or highway within twenty (20) feet of an intersecting way, except alleys.
- (h) in a marked Loading Zone.
- (i) in a marked Bus Stop

Section 2. Prohibited on Certain Streets

Upon the following streets or highways or parts thereof parking is hereby prohibited.

BRIAR LANE – Both sides from Main Street to Route 6.

CAHOON HOLLOW ROAD - both sides from Route 6 to the town owned parking area at Cahoon Hollow.

CHEQUESSETT NECK ROAD - Northerly side from the intersection with Kendrick Avenue to the terminus of the road (at The Gut). Southerly side from the intersection with Kendrick Avenue to the eastern side of the Herring River Dike and from the western side of the Herring River Dike to the terminus of the road (at The Gut). Parking is specifically allowed along the property line / road frontage located at 915 Chequessett Neck Road and on the easterly side at the terminus of the road at the Gut easterly to the trail access point in the spaces marked for parking.

COMMERCIAL STREET - Both sides from Main Street to Kendrick Avenue.

COVE ROAD - As shown on a plan entitled “Plan of a Town Way in Wellfleet, MA, as laid out by the Selectmen and accepted at a Town Meeting held 2/13/50.” Said plan of a Town Way in Wellfleet, MA, to be found at Book & Page 91/87-91 in the Barnstable County Record of Recorded Deeds and to prohibit said parking on both sides of the road, between station 66 + 75.20 and station 70 and 86.65 as shown on said plan, and including that portion of Samoset Road running S. 24 – 38’ – 20” E. a distance of 75.46’ from station 68 + 90.98 as shown on said plan.

CROSS STREET - Both sides between Chequessett Neck Road and West Main Street.

EAST COMMERCIAL STREET - Both sides from Main Street to Commercial Street.

GILL ROAD - Both sides from West Road to Route 6.

GRIFFIN ISLAND ROAD - Both sides from Chequessett Neck Road to the Duck Harbor parking area.

GROSS HILL ROAD - Both sides easterly from Route 6 to the Newcomb Hollow parking area.

HOLBROOK AVENUE - Both sides from Main Street to Commercial Street.

KENDRICK AVENUE - Both sides westerly from the Marina to Keller’s Corner.

LECOUNT HOLLOW ROAD - Both sides from Route 6 to Ocean View Drive.

LONG POND ROAD - Both sides from the intersection with Main Street to Ocean View Drive.

MAIN STREET - On the North side from Route 6 to Briar Lane. On the South side from Route 6 to Bank Street and from Holbrook to West Main Street.

NAUSET ROAD - (*amended 2/24/03*) East side from the intersection with Indian Neck Road and Samoset Road to the town owned parking area at Indian Neck; West side from the intersection with Indian Neck Road and Samoset Road to the area designated as beach parking and thence to the town owned parking area at Indian Neck.

OCEAN VIEW DRIVE - Both sides from LeCount Hollow Road to Gross Hill Road.

SCHOOL HOUSE ROAD EXTENSION AND STEELE ROAD - Both sides northerly and easterly from Schoolhouse Road approximately 1900 feet.

SCHOOL STREET - Both sides from Gross Hill Road to Main Street.

WEST MAIN STREET - Both sides from Main Street to Pole Dike Road.

WILSON AVENUE - Both sides from LeCount Hollow Road to Ocean View Drive.

### Section 3. - Time Limited in Designated Areas

No person shall park a vehicle for a period of time longer than hereafter specified daily between the hours of 7 a.m. and 6 p.m. Parking regulations will be enforced from June 15 through Labor Day. (*amended May 13, 2014*)

MAIN STREET – South side between Bank Street and Holbrook Ave. - No person shall park a vehicle on Main Street, on-street curb parking on South side between Bank Street and Holbrook Avenue, between the hours of 2:00 AM and 5:00 AM. No person shall park a vehicle on Main Street, on-street curb parking on South side between Bank Street and Holbrook Avenue, for a period of time longer than two (2) hours between June 15<sup>th</sup> and Labor Day. (*amended May 13, 2014*)

MAIN STREET MUNICIPAL PARKING LOT (OPPOSITE PRESERVATION HALL) - No person shall park a vehicle in the Main Street Municipal Parking Lot for a period of time longer than two (2) hours between June 15<sup>th</sup> and Labor Day. No person shall park a vehicle between the hours of 2:00 AM and 5:00 AM. (*amended June 28, 2016.*)

TOWN HALL PARKING LOT - No person shall park a vehicle in the Town Hall Parking Lot for a period of time longer than two (2) hours between June 15<sup>th</sup> and Labor Day except four (4) hours in spaces marked as four-hour parking and except for spaces marked as Town Hall employees only. No person shall park a vehicle, between the hours of 2:00 AM and 5:00 AM. (*amended June 28, 2016.*)

SOUTH WELLFLEET PARKING LOT - No person shall park a vehicle in the South Wellfleet Municipal Parking Lot for a period of time longer than two (2) hours between June 15<sup>th</sup> and Labor Day in spaces so marked, otherwise no time limit. No person shall park a vehicle, between the hours of 2:00 AM and 5:00 AM. (*amended June 28, 2016.*)

BEACH PARKING LOTS – Duck Harbor, Powers Landing, Indian Neck Beach, Burton Baker Beach, Maguire Landing at Lecount Hollow, White Crest Beach, Cahoon Hollow Beach, Newcomb Hollow, Terminus of Chequessett Neck Road – (The Gut), Gull Pond, Long Pond, Great Pond and Duck Pond and the Mayo Beach parking areas. Parking at

Page 6 - Traffic Rules and Orders

these lots is regulated by the Beach Rules and includes a restriction on overnight parking with an exception for persons fishing. *(added June 28, 2016.)*

WELLFLEET MARINA - Parking regulations for the Marina are set forth in Section X of the Marina and Mooring Rules and Regulations and in the Beach Rules and include a restriction on overnight parking. *(added June 28, 2016.)*

Section 4. Tow-away Zone Regulations

Section 4.1 General

In accordance with the provisions of Chapter 40, Section 22D of the General Laws, the Board of Selectmen of the Town of Wellfleet hereby enacts the following regulations authorizing the removal to a convenient place of vehicles parked or standing in such manner, or in such areas as are hereinafter described on any way under the control of the Town of Wellfleet. Vehicles specifically exempt by Chapter 40, Section 22D shall not, however, be subject to such removal.

Section 4.2 Authorization of Police

The moving or towing of any vehicle under the provisions of this Article shall be by and at the direction of the Chief of Police or such officer as the Chief of Police may from time to time designate.

Section 4.3 Fees

The owner of any vehicle moved or towed to a convenient place, under the provisions of this article, shall be subject to the following fees:

- (a) Removal or towing fee not to exceed that which is provided in or as authorized by Statute Law.
- (b) Storage Fees:  
Not to exceed that which is provided in or as authorized by Statute Law.

Section 4.4 Liability for Damage During Removal or Storage

The towing company shall be liable to the owner for any damage arising out of negligence caused to a vehicle in the course of removal and storage.

Section 4.5 General Prohibition Towing Zones

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places:

- (a) Upon any way in such a manner as to impede the removal or plowing of snow or ice except vehicles parked in accordance with approved regulations governing All Night Parking.
- (b) Upon any sidewalk.
- (c) Upon any crosswalk.
- (d) Upon any way within twenty (20) feet of an intersecting way except alleys.
- (e) Upon a way within ten (10) feet of a fire hydrant.

- (f) On a roadway side of any vehicle stopped or parked at the edge or curb of the way.
- (g) In front of a public or private driveway.
- (h) Upon any way where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic

Vehicles found in violation of the provisions of this Section except those specifically exempt by law, shall be removed to a convenient place under the direction of an officer of the Police Department and the owner of the vehicle so removed or towed away shall be liable to the cost of such removal and storage, if any, as set forth in Section 3 of this Article. The owner of any vehicle removed or towed away under the provisions of this Section shall also be subject to the penalties of fines or parking violations in the Town of Wellfleet in effect at the time of violation.

#### Section 4.6 Parking Prohibitions, Towing Zone

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park on any of the ways or parts of ways hereinafter described and during the periods of time set forth. Vehicles found in violation of the provisions of this section except those specifically exempted by law shall be removed to a convenient place under the direction of an Officer of the Police Dept., and the owner of the vehicle so removed, or towed away shall be liable to the cost of such removal and storage, if any, as set forth in Section 3 of this Article. The owner of any vehicle removed or towed away under the provisions of this section shall be subject to the penalties of fines for parking violations in the Town of Wellfleet in effect at the time of the violation.

BRIAR LANE – Both sides northerly from Main Street to Route 6.

CAHOON HOLLOW ROAD – Both sides from Route 6 to the Cahoon Hollow parking area.

CHEQUESSETT NECK ROAD – Northerly side from Duck Harbor Road to “The Gut” and southerly side from the terminus of the road easterly to the trail access point.  
(*amended March 23, 2004*)

LONG POND ROAD – Both sides from Main Street to Ocean View Drive.

OCEAN VIEW DRIVE – Both sides from LeCount Hollow Road to the intersection with Gross Hill Road.

WEST MAIN STREET – Both sides westerly from Briar Lane to Pole Dike Road,

#### Section 4.7 Official Traffic Signs

The provisions of Section 4.6 shall be effective only during such time as a sufficient number of official traffic signs bearing the legend TOW-AWAY ZONE are installed, erected, maintained and located so as to be visible to approaching drivers, said signs to be appended above or incorporated into the legend of Parking Prohibition Signs.

Section 4.8 Police to Keep Record of Towed Vehicles

The Police Department shall keep a record of all vehicles towed or removed under the provisions of the Article. Such record shall be retained for one (1) year and shall contain the following information:

1. The registration of the vehicle.
2. The location from which it was towed, and the time and date of tow order.
3. The location to which it was moved.
4. Name of towing contractor, if any.
5. Name and rank of officer who authorized towing.

**ARTICLE VI**

**OPERATION OF VEHICLES**

Section 1. Obedience to Stop Signs and Yield Signs

- a. Obedience to Stop Signs. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign or a flashing red signal indication shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. 720 CMR 9.06(13) shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic-regulating sign, signal or device or as provided in 720 CMR 9.06(24) (c).

In accordance with the foregoing, the erection and maintenance of an isolated stop sign, or signs or flashing red signals, as the case may be, are authorized as shown in **Appendix A.**

- b. Flashing Red – When a red lens is illuminated in a traffic control signal by rapid intermittent flashes, and its use has been specifically authorized by the Department of Public Works, Commonwealth of Massachusetts, drivers shall stop before entering the nearer line of crosswalk of the street intersection, or at a stop line when marked, and the right to proceed shall then be governed by provisions of Chapter 89, Section 8 of the General Laws (Ter. Ed.)
- c. Obedience to Yield Signs. - Except when directed by a police officer, every driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within

the intersection or junction of roadways; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right of way<sup>1</sup>. 720 CMR 9.06(14) shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device or as provided in 720 CMR 9.06(24)(c). (*added December 9, 2014*)

In accordance with the foregoing the erection and maintenance of "Yield" signs are authorized so as to face:

Eastbound drivers on Chequessett Neck Road at Kendrick Ave  
Northbound drivers on Kendrick Ave at Chequessett Neck Road

## ARTICLE VII

### RESPONSIBILITY, PENALTIES AND REPEALS

#### Section 1. Owner Prima Facie Responsible for Violations

If any vehicle is found upon any street or highway in violation of any provisions of these rules and orders and the identity of the driver cannot be determined, the owner or the person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

#### Section 2. Penalties

Any person convicted of a violation of any rule, regulations or order made hereunder, except as otherwise provided, shall be punished by a fine not exceeding twenty dollars (\$20) for each offense. See schedule of fines attached.

#### Section 3. Repeal

These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other except insofar as by express reference or necessary implication any rule or any part of a rule is made dependent upon another rule or part thereof.

The provisions of these rules so far as they are the same in effect as those of any valid existing rules, orders, or regulations heretofore made by the Selectmen of Wellfleet relative to or in connection with official signs, lights, markings, signal systems or devices shall be construed as a continuation thereof, but all other existing rules, orders and regulations so made for the regulation of vehicles are hereby expressly repealed. This repeal, however, shall not affect any punishment or penalty imposed or complaint or prosecution pending at the time of the passage hereof or an offense committed under any of the valid rules, orders or regulations hereby repealed.

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<sup>1</sup> See, MGL c. 89, s. 9

July 8, 1966  
*Amended June 24, 2002;*  
*March 23, 2004;*  
*May 13, 2014;*  
*June 28, 2016*

**SCHEDULE OF FINES**

1. No Beach Permit - \$75
2. Unauthorized Beach Permit - \$75
3. Within 20' of Intersection - \$50
4. Over 1 Foot from Curb - \$50
5. Within an Intersection - \$50
6. Upon a Sidewalk or Crosswalk - \$50
- 7A. Upon a Roadway in Residential 1 and Residential 2 Zoning Districts - \$75
- 7B. Off Road in Woods - \$75
- 8B. Across a Driveway - \$50
9. Upon a Street or Highway Posted No Parking - \$50
10. Bus Stop - \$50
11. Loading Zone - \$50
12. All Night Parking When Restricted - \$50
13. Snow Removal - \$50
14. Obstructing Fire/Police Station - \$50
15. Street Cleaning - \$50
16. Rescue/Fire Lane - \$75
17. Handicapped Parking - \$300
18. No Stopping or Standing on Roadway - \$50
19. Double Parking - \$50
20. Restricted Area - \$75
21. Improper Parking - \$50
22. Beach Parking Regulations Violation - \$75
23. Tow Zone - \$75
24. Town Hall Parking Lot - \$50
25. Town Hall Employee Parking Area - \$50
26. Municipal Parking Lot - \$30
27. Other - \$50



## Wellfleet Traffic Rules and Orders

### Appendix A

#### Article VI, Operation of Vehicles, section 1 Obedience to Stop Signs

#### TOWN ROADS

#### STOP SIGNS

Road	Description (signs are to be erected as to face as follows)	Date Adopted
Anawan Road	Westbound drivers on Anawan Road at King Phillip Road	6/22/2004
Bank Street	Northbound drivers on Bank Street at Main Street	6/22/2004
Billingsgate Road	Northeast bound drivers on Billingsgate at King Phillip Road	6/22/2004
Briar Lane	Southbound drivers on Briar Lane at Main Street	6/22/2004
Browns Neck Road	Westbound drivers on Browns Neck Road at Brown's Neck Road	7/8/1966
Cahoon Hollow Road	Eastbound drivers on Cahoon Hollow Road at Ocean View Drive	6/22/2004
Cahoon Hollow Road	Westbound drivers on Cahoon Hollow Road at Intersection with Ocean View Drive	7/8/1966
Chequessett Neck Road	Eastbound drivers on Chequessett Neck Road at Holbrook Avenue	7/8/1966
Chequessett Neck Road	Southbound drivers on Chequessett Neck Road at Kendrick Avenue (Mayo Beach Extension)	7/8/1966
Coles Neck Road	Eastbound drivers on Coles Neck Road at Old Truro Road	6/22/2004
Cottontail Road	Southbound drivers on Cottontail Road at Old County Road	6/22/2004
Disposal Road	Southbound drivers at Bound Brook Island Road	6/22/2004
DPW Lot	Westbound drivers on DPW Lot at Pole Dike Road	6/22/2004
East Commercial Street	Northeast bound drivers on East Commercial street at Main Street	7/8/1966
Gross Hill Road (2 signs)	Eastbound drivers on Gross Hill Road at Ocean View Drive	7/8/1966
Gull Pond Road	Eastbound drivers on Gull Pond road at Gross Hill Road	7/8/1966
Holbrook Avenue	Northbound drivers Holbrook Avenue at Main Street	7/8/1966
Howland lane	Northbound drivers on Howland Lane at West Main Street	6/22/2004
King Phillip Road	Northbound drivers on King Phillip Road at Billingsgate	6/22/2004
King Phillip Road	Northbound drivers on King Phillip Road at Indian Neck Road	6/22/2004
Lawrence Road	Northbound drivers on Lawrence Road at Gross Hill Road	6/22/2004
Lawrence Road	Southbound drivers on Lawrence Road at Long Pond Road	6/22/2004
LeCount Hollow Parking Lot (AKA Maguire Landing)	Westbound drivers LeCount Hollow Parking Lot at Ocean View Drive and LeCount Hollow Road	6/22/2004
Long Pond Road	Southwest bound drivers on Long Pond Road at Main Street	7/8/1966

**Wellfleet Traffic Rules and Orders**

**Appendix A**

**Article VI, Operation of Vehicles, section 1 Obedience to Stop Signs**

**TOWN ROADS**

**STOP SIGNS**

Road	Description (signs are to be erected as to face as follows)	Date Adopted
Long Pond Road (2 signs)	Eastbound drivers on Long Pond Road at Ocean View Drive	6/22/2004
Mill Hill Road	Northbound drivers on Mill Hill Road at Briar Lane	6/22/2004
Ocean View Drive	Northbound drivers on Ocean View Drive at Gross Hill Road	6/22/2004
Old Chequessett Neck Road	Eastbound drivers on Old Chequessett Neck Road at West Main Street	7/8/1966
Paine Hollow Road	Eastbound drivers on Paine Hollow Road at Pleasant Point Road	7/8/1966
Pilgrim Spring Road	Westbound drivers on Pilgrim Spring Road at Cove Road and Indian Neck Road	7/8/1966
Railroad Avenue	Westbound drivers on Railroad Avenue at Holbrook	7/8/1966
Railroad Avenue	Eastbound drivers on Railroad Avenue at Commercial Street	7/8/1966
School Street	Southbound drivers on School Street at Main Street	7/8/1966
Spring Valley Road	Northeast bound drivers on Spring Valley Road at Old Kings Highway	6/22/2004
Unnamed Road	Westbound drivers on Unnamed Road at Intersection with West Road	7/8/1966
West Main Street	Eastbound drivers on West Main Street at Briar lane and Main Street	7/8/1966
Wilson Avenue	East and Westbound drivers on Wilson Avenue at Ocean View Drive	7/8/1966

**OLD STOP SIGNS**

Road	Description (signs are to be erected as to face as follows)	Date Removed
Holbrook Lane	Northbound drivers Holbrook Lane at Main Street	6/22/2004
Commercial Street	Northbound drivers on Commercial Street at Main Street	6/22/2004



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

# VIII

### BUSINESS

~ E ~

<b>REQUESTED BY:</b>	<b>Charlie Sumner ~ Town Administrator/ Will Sullivan ~ Harbormaster</b>
<b>DESIRED ACTION:</b>	<b>To discuss and possibly vote on Dredging Clerk of the Works</b>
<b>PROPOSED MOTION:</b>	<b>A Motion will be determined at the meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s): _____
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**APPOINTMENT OF CLERK OF THE WORKS  
2021 WELLFLEET HARBOR DREDGING WORK**

**REQUESTED BY:** Harbormaster

**DESIRED ACTION:** Appoint a Clerk of the Works to oversee the Town's interests in the 2021 Wellfleet Harbor Dredging Work.

**PROPOSED MOTION:**

I move that the Selectboard appoint Christopher Allgeier to serve as Wellfleet's Clerk of the Works for the 2021 Wellfleet Harbor Dredging Work.

**SUMMARY:**

The Wellfleet Dredging Task Force recommends appointment of a Clerk of the Works to represent the Town's interest in the 2021 Wellfleet Harbor Dredging Work.

On September 13, 2021 the Dredging Task Force (DTF) passed the following motion:

*The DTF supports the appointment of Chris Allgeier to serve as Clerk of the Works for the 2021 Wellfleet Harbor 2021 Dredging work.*

The Motion passed 6-0.

**Clerk of the Works - Tasks and Duties**

- Oversee and represent the Town's interests in the 2021 Wellfleet Harbor Dredging Work.
- Keep the Harbormaster apprised of the Contractor's progress and advise him of any major issues.
- Conduct a project kick-off meeting among contractor, harbormaster, engineer, and representatives from police, fire, and shellfish department.
- Resolve any issues among the contractor, harbormaster, shellfish department.
- Perform daily site inspections, 2- 3 times per day.
- Provide written inspection reports for each site inspection.
- Review Contractor's daily reports as submitted to the Town.
- Conduct weekly coordination meetings to include the Harbormaster, the design engineer, the contractor, members of DTF.
- Coordinate any issues with the Harbormaster or engineer, as appropriate.
- Monitor Contractor's production.
- Monitor Contractor's performance for compliance with the contract documents including permits, environmental requirements, safety plan, and technical specifications.
- Review Contractor's invoices.

**Candidate's qualifications**

Currently serving as co-chair of the Dredging Task Force.

Chris Allgeier is a retired fulltime resident of Wellfleet. Prior to his retirement in 2019, he spent 46 years managing large Engineering/Procurement/Construction (EPC) Projects, primarily in North America and the Caribbean.

**Education:**

BS Civil Engineering

MS Civil Engineering (Construction Management)

Bucknell University

Stanford University

**Meeting Date:**

September 13, 2021

**Wellfleet Dredging Task Force Committee  
Minutes of Meeting**

**September 13, 2021 – 7:00 pm**

**Meeting held via Zoom conference call**

**DTF Present:** Co-Chair Joe Aberdale, Co-Chair Chris Allgeier, Charles Annett, Alfred Pickard, Jr. Kevin Coakley, Curt Felix.

**Others Present (DTF Committee Participants):** Will Sullivan, Rebecca Slick.

**Others:**

1. Announcements, Open Session, and Public comments.
  - 1.1. There were no announcements or open/public session discussions.
2. Administrative.
  - 2.1. Roll call was taken to confirm attendees.
  - 2.2. Approval of Minutes of Meeting, June 1, 2021. Previous approval had been deferred due to lack of quorum on June 7, 2021.
    - 2.2.1. A brief time was allocated for people to review the Meeting Minutes from the 6/01/21 DTF meeting.
    - 2.2.2. A motion to accept the Minutes was made by Charles and seconded by Joe. The motion was approved by a vote of 5-0 and 1 abstention.
  - 2.3. Approval of Minutes of Meeting, September 1, 2021.
    - 2.3.1. A brief time was allocated for people to review the Meeting Minutes from the 9/01/21 DTF meeting.
    - 2.3.2. A motion to accept the Minutes was made by Curt and seconded by Kevin. The motion was approved by a vote of 6-0.
3. Status of 2021 Dredging Contract
  - 3.1. Will advised that approval of the contract award will go before the Select Board tomorrow evening (September 14, 2021). It is expected the award will go to Burnham. KP Law will weigh in on the award prior to the Select Board meeting.
  - 3.2. Robert B. Our has filed a formal protest, questioning Coastline Consulting and Burnham's status as a MA DOT pre-qualified contractor. Kevin advised that Bobby Our had performed well on a previous project for him.
  - 3.3. Chris noted that Coastline was not on the MA DOT list at time of bid submittal and therefore were disqualified. Burnham is on the MA DOT list of pre-qualified contractors, albeit only recently, but prior to the September 1, 2021 2:00 pm bid submittal. Robert Our is approximately \$500,000 higher than Burnham.
4. Clerk of the Works.
  - 4.1. A question had been raised recently about having additional Town supervision to oversee the 2021 dredging work. Possibilities that were discussed included hiring an independent third party or amending the GEI Task Order for GEI to provide a Clerk of the Works.
  - 4.2. Alfred stated his strong preference that the Clerk of the Works independent from the engineer.
  - 4.3. Chris volunteered to perform the duties of Clerk of the Works on behalf of the Town.
  - 4.4. Brief discussion ensued. Several DTF members voiced support and/or appreciation for this solution
  - 4.5. The following motion was proposed by Charles and seconded by Curt:  
*The DTF supports the appointment of Chris Allgeier to serve as Clerk of the Works for the 2021 Wellfleet Harbor 2021 Dredging work.*
  - 4.6. The motion was approved 6-0.
  - 4.7. (It is presumed that the Select Board approval is also required and therefore this motion will be sent to Charlie Sumner for discussion with the Select Board).

5. Update on Permit Activity
  - 5.1. Area 2 permit activities - Joe advised that we've received a strong endorsement from our congressional delegation.
  - 5.2. USACE issued a Notice for Public comments on August 24; comments are due September 24. DTF and our lobbyist are preparing a Town response to the Public Notice.
  - 5.3. Mitigation – DTF and our lobbyist are preparing a letter on mitigation, emphasizing the difficulty of implementing new mitigation projects since the Town's pro-active approach to conservation leaves few remaining new opportunities. The letter will provide details of the many recent and current conservation initiatives that are already part of the Town's culture.
  - 5.4. Curt advised that he could provide details on several salt marsh restoration projects including Duck Creek and Hawes Pond.
  
6. Miscellaneous Discussion.
  - 6.1. During review of the September 1, 2021 Minutes of Meeting, Joe had asked if the discussion planned for September 3, 2021 (Item 4.3 of September 1, 2021 Minutes of Meeting) had taken place. Will noted that he was off that day but stated that Nancy will be looped in with GEI.
  - 6.2. Alfred asked if a pre-dredge shellfish survey was planned. Chris will send a note to Nancy requesting information for her plans to do a pre-dredge shellfish survey and asking her to include Alfred in that information/discussion.
  - 6.3. Chris advised that Wellfleet was recently awarded an SEC Grant for \$39,600 for Area 2 Dredging Design and Permitting costs. Will and Rebecca Slick attended the award presentation held last week (September 9, 2021) at Massachusetts Maritime Academy.
  
7. Next Meeting – it was agreed the next DTF meeting will be held on Monday, September 27, 2021 at 7:00 pm.
  
8. Motion to Adjourn – a motion to adjourn was made by Curt and seconded by Kevin. The motion was approved, 6-0.

The meeting was adjourned at approximately 7:43 pm.

Respectfully submitted: Joe Aberdale and Chris Allgeier



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

# VIII

### BUSINESS

~ F ~

<b>REQUESTED BY:</b>	Ryan Curley ~ Chair
<b>DESIRED ACTION:</b>	To vote to accept the provisions of 940 CMR 29.10
<b>PROPOSED MOTION:</b>	I move to accept the provisions of 940 CMR 29.10
<b>Summary:</b>	<p>This was an oversight on the Chair Curley's part with the previous meeting. The baod should vote on 940 CMR 29.10 as the remote participation policy is based upon 940 CMR 29.10. It may have been covered by adopting the remote participation policy. Voting on this makes sure that we have covered all of the boards bases.</p>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

(f) that minutes, records or other materials be made public; or

(g) other appropriate action.

Orders issued following a hearing shall be available on the Attorney General's website.

(4) A public body subject to an order of the Attorney General following a written determination issued pursuant to 940 CMR 29.07 shall notify the Attorney General in writing of its compliance with the order within 30 days of receipt of the order, unless otherwise indicated by the order itself. A public body need not notify the Attorney General of its compliance with an order requiring solely immediate and future compliance pursuant to 940 CMR 29.07(2)(b)(1) or 940 CMR 29.07(3)(a).

(5) A public body or any member of a body aggrieved by any order issued by the Attorney General under 940 CMR 29.07 may obtain judicial review of the order through an action in Superior Court seeking relief in the nature of certiorari. Any such action must be commenced in Superior Court within 21 days of receipt of the order.

#### 29.08: Advisory Opinions

The Attorney General will generally not issue advisory opinions. However, the Attorney General may issue written guidance to address common requests for interpretation. Such written guidance will appear on the Attorney General's website.

#### 29.09: Other Enforcement Actions

Nothing in 940 CMR 29.06 or 29.07 shall limit the Attorney General's authority to file a civil action to enforce M.G.L. c. 30A, §§ 18 through 25, pursuant to M.G.L. c. 30A, § 23(f).

#### 29.10: Remote Participation

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating 940 CMR 29.10, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the M.G.L. c. 30A, §§ 18 through 25, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, § 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.



(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to M.G.L. c. 32, § 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent meetings of that public body and its committees.

(g) Local Commissions on Disability. In accordance with M.G.L. c. 30A, § 20(e), a local commission on disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If a local commission on disability is authorized to utilize remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other, as required by M.G.L. c. 30A, § 20(d);

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, § 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, § 23D.

(5) Permissible Reason for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), only if physical attendance would be unreasonably difficult.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

i. telephone, internet, or satellite enabled audio or video conferencing;

ii. any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, § 22.

(8) Further Restriction by Adopting Authority. 940 CMR 29.10 does not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

#### 29.11: Meeting Minutes

(1) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes, in accordance with M.G.L. c. 30A, § 22(a).

(2) Minutes of all open and executive sessions shall be created and approved in a timely manner. A "timely manner" will generally be considered to be within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay. The Attorney General encourages public bodies to approve minutes at the next meeting whenever possible.

REGULATORY AUTHORITY 940 CMR 29.00: M.G.L. c. 30A, § 25(a) and (b).



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

VIII

## BUSINESS

~ G ~

<b>REQUESTED BY:</b>	<b>Ryan Curley, Selectboard Chair</b>
<b>DESIRED ACTION:</b>	<b>To send a letter on the behalf of the Selectboard Formally asking</b>
<b>PROPOSED MOTION:</b>	<b>for 3 ft sharrows on Main St.</b>  <b>I move to send the letter as printed in the packet.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

On August 28<sup>th</sup> the Wellfleet Selectboard voted to seek a waiver on Main Street within the project area asking for a 3' share the road bicycle accommodations in place of the proposed 5' bike lanes. The intent is to reduce the impact on abutters by creating a narrower overall cross section.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

VIII

### BUSINESS

~ H ~

<b>REQUESTED BY:</b>	<b>Ryan Curley, Selectboard Chair</b>
<b>DESIRED ACTION:</b>	<b>To discuss Selectboard Goals for 2022</b>
<b>PROPOSED MOTION:</b>	<b>No motion is required.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## **Michael DeVasto - goals**

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

## SELECTBOARD GOALS 2021

JANET REINHART

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



## SELECTBOARD GOALS 2021

HELEN MIRANDA WILSON

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

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

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

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

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

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

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

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

## SELECTBOARD GOALS 2021

JUSTINA CARLSON

### 1. HOUSING

- a. Support AADU program

### 2. ECONOMIC DEVELOPMENT

- a. Local business, jobs

### 3. ENVIRONMENT

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

### 4. GENERAL

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

Ryan Curley Goals for FY 2021  
09/16/2020

Bike Trail

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

Marina

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

Public Safety

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

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

#### Staffing

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

#### Housing

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

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

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

#### Expansion of Home Based Business.

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

#### Energy

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

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

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

#### Wastewater.

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

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



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

FY 2021







## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

X

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# **TOWN ADMINISTRATORS & ASSISTANT TOWN ADMINISTRATOR REPORTS**

- Please see selectboard packet

To: Selectboard  
From Charles L. Sumner, Interim Town Administrator  
Rebecca Slick, Assistant Town Administrator  
Subject: Administration's Report  
Date September 23, 2021

Please find enclosed a copy of our report for the period of September 9 to September 23, 2021:

1. **Financial Management Issues:**
  - a. **Financial Review Study** – The Massachusetts Department of Revenue/Division of Local Services held 2 site visits in the Town of Wellfleet where they met with the Town's full financial team, and members from the Selectboard and Finance Committee. They will be working to develop a report summarizing their findings, along with a series of recommendations going forward. This work element will take approximately 2 months and will be presented to the Selectboard shortly thereafter.
  - b. **Town Audit** – Our Town Audit, Sullivan & Powers has tentatively scheduled to begin the Wellfleet audit for FY2021 on December 13, 2021. Lisa Souve and Mary McIsaac will be working with the staff to prepare for this important effort.
  - c. **Tax Rate & Bills** – Another top priority for us is to get the tax rate established and issue the first half tax bills for FY2022. Lisa & Mary will also be quarterbacking this demanding process. Once again, they are working with financial staff to start the process of preparing documentation on the State's Gateway portal. I will have timeline to present at our next meeting.
  - d. **Finance Team Meeting** – We continue to hold bi-monthly meeting with the Town's financial staff to allow for a group conversation about the progress that is being made to address issues identified in the FY2020 Town Audit, as well as to review current issues, projects, questions, and problems.
  - e. **Town Capital Plan** – While I am a little late, I did send out a request to department heads to begin work on their capital planning needs for FY2023. I have established a submittal date of October 1, 2021 and will work with the Chair of the Finance Committee to finalize this process.
  - f. **Financial Forecast/Projection for FY2023** – Lisa, Mary and I have been working to create a comprehensive forecast tool for FY2023, with a goal of presenting a plan to the Selectboard and Finance Committee towards the end of October 2021. This process will allow the Selectboard and Finance Committee to establish a series of guidelines and objectives for the FY2023 budget development process.
2. **Town Solar Project** – I have had recent communications with Geri Kantor from Ameresco, Inc and Dick Elkin from the Town's Energy Committee concerning the new solar project on the Town's capped landfill. It appears that this project is going through the final phases for approval by the local utility company. There are a few critical documents, those being the Notice of Lease and the agreement between the Town and Eversource that need to be executed. I have sent these documents to Town Counsel for review to expedite this project.
3. **Finance Committee** – I have made an application to the Wellfleet Finance Committee for a reserve fund transfer in the amount of \$27,682.66 to address a deficiency in the Property and Liability Insurance budget line item. The original appropriation for this budget was \$334,000, which is grossly underfunded by the amount of \$68,171.28. I have entered an installment plan with our insurance vendor to pay this obligation over 8 months. The reserve fund transfer will



# TOWN OF WELLFLEET

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

## ASSISTANT TOWN ADMINISTRATOR UPDATE – 9/22/2021

- The 95 Lawrence Task Force continues to review the bids for a developer. We are slated to present to the Select Board by 10/26.
- More procurement! Water Main bid due date is 10/13 and a firm for the maintenance of the current water system bid due is 10/12. We are putting together a bid package for the media services to be put out to bid within the next 2 weeks. A RFQ is going out next week for the repurposing of dredge spoils (NRAB working with me on this).
- Grant Administrations – Mass Works (Water Main) and the Dredging Grant quarterly reporting being submitted for 9/30.
- New Grants Received:
  - MVP - \$589,600 – Herring River Phase 1 Final Construction Plans and Bid Specs, (Friends of the Herring River with Rebecca Slick)**
  - MVP - \$236,258 – Regional Low Lying Road Feasibility Study (Hillary)**
- Wellfleet is scheduled for a 5-year review on November 1 for the Community Rating System (CRS). The town's participation in the CRS provides a 10% discount to all flood insurance policyholders in town. I am the liaison with Barnstable County until the New Building Commissioner begins.
- Continuing to support various boards/commissions with their needs regarding procurement, grant opportunities, and general administration support. More recently the Clean Water Advisory Board, Planning Board, Board of Water Commissioners, and Building Department, i.e. zoning complaints/violations.





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

XII

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## CORRESPONDENCE AND VACANCY REPORTS

**\*\*Please see packet\*\***










!	📄	📧	📧	From	Subject	Received	Size	📧
<b>Today</b>								
				Nancy Civetta	VOLUNTEERS NEEDED!	Thu 9/23/2021 1...	25 KB	
1.				Volunteers Needed! Next Friday, October 1, we are scheduled to begin the daunting project of dredging our inner harbor.				
				<b>MA Municipa...</b>	<b>Apply for the 2022 WEMO Steering Committee</b>	<b>Thu 9/23/2021 ...</b>	<b>42 KB</b>	
				WEMO Steering Committee Seeking New Leaders				
				<b>Capital Strat...</b>	<b>ARPA Presents Opportunities for Water Quality Challenges</b>	<b>Thu 9/23/2021 ...</b>	<b>68 KB</b>	
				We offer a wide range of services to help manage ARPA funds and projects...				
				<b>MA Division ...</b>	<b>In-Season Adjustments to the 2021 Commercial Summer Flounder Lim...</b>	<b>Thu 9/23/2021 ...</b>	<b>50 KB</b>	
				In-Season Adjustments to the 2021 Commercial Summer Flounder Limits				
				📧 <b>Sheehan, Cra...</b>	<b>P#607397 Wellfleet</b>	<b>Thu 9/23/2021 ...</b>	<b>481 KB</b>	
				Dear Chair Curley: Please see attached correspondence from MassDOT Right of Way Bureau. This correspondence is sent after the				
<b>Yesterday</b>								
				<b>lancerness@...</b>	<b>Comments prepared for MDOT hearing 9/22/21</b>	<b>Wed 9/22/2021...</b>	<b>22 KB</b>	
				Dear Selectmen, I am afraid I will not get the opportunity to make my prepared comments to you given the format of the meeting.				
				<b>Nancy Cook</b>	<b>Plans for Route 6 and Main Street</b>	<b>Wed 9/22/2021...</b>	<b>23 KB</b>	
				This is not the first time I've written to you on this subject. I want to let you know my opinion has not changed regarding the				
				<b>Ryan Curley</b>	<b>Fwd: FW: Wellfleet Rte 6 &amp; Main St - Misc Follow Up Items</b>	<b>Wed 9/22/2021...</b>	<b>50 KB</b>	
				----- Forwarded message -----				
				<b>Laura Kozak</b>	<b>Misspelling</b>	<b>Wed 9/22/2021...</b>	<b>14 KB</b>	
				Sorry about that wrong spelling of Orleans. Hit send too early. In CT to see a grandson play varsity soccer. He was the only one to				
				📧 <b>Rebekah Eldr...</b>	<b>minutes of September 14, 2021</b>	<b>Wed 9/22/2021...</b>	<b>98 KB</b>	
				Hello again 😊 I have attached the minutes of September 14th for you to look over before I send the packet out. Thanks Rebekah...				
				<b>Laura Kozak</b>	<b>No bike lanes in Orleans</b>	<b>Wed 9/22/2021...</b>	<b>14 KB</b>	
				When this town did a lot of work to Main Street they did not put in any lanes. The international bike symbols are on Route 28 and				
				<b>Laura Kozak</b>	<b>Bike Path in Town</b>	<b>Wed 9/22/2021...</b>	<b>25 KB</b>	
				You don't choose the Cape. The Cape chooses you. Sent from my iPad				
				📧 <b>Rebekah Eldr...</b>	<b>August 27 Meeting Minutes</b>	<b>Wed 9/22/2021...</b>	<b>76 KB</b>	
				Chair Has asked me to send you the draft minutes for the 27th meeting Rebekah L. Eldridge Executive Assistant to the Town				
				<b>MA Municipa...</b>	<b>Apply Now for the MSA 2022 Board of Directors</b>	<b>Wed 9/22/2021...</b>	<b>42 KB</b>	
				MSA Board Seeking New Leaders				
				<b>Ryan Curley</b>	<b>Re: FW: Wellfleet Rte 6 &amp; Main St - Misc Follow Up Items</b>	<b>Wed 9/22/2021...</b>	<b>34 KB</b>	
				Please direct comments to mass DOT or through town staff to mass DOT. Please do not send anything to me, the board or other				
				<b>Wellfleet Cha...</b>	<b>Don't forget to submit your artwork for the 2022 Guidebook Cover!</b>	<b>Wed 9/22/2021...</b>	<b>85 KB</b>	
				< <a href="https://r20.rs6.net/on.jsp?ca=46f099ae-0658-4162-9266-9687938f22d3&amp;a=1112873798651&amp;c=176496d0-bfb9-11e3-9e33-d4ae52">https://r20.rs6.net/on.jsp?ca=46f099ae-0658-4162-9266-9687938f22d3&amp;a=1112873798651&amp;c=176496d0-bfb9-11e3-9e33-d4ae52</a> >				
				<b>Charles Sum...</b>	<b>FW: Route 6 Outer Cape Shared Use Path</b>	<b>Wed 9/22/2021...</b>	<b>79 KB</b>	
				Good morning all, I wanted to share this communication with you prior to tonight's meeting. Charlie Charles L. Sumner Interim				
<b>Tuesday</b>								
				<b>Charles Sum...</b>	<b>RE: Police Department</b>	<b>Tue 9/21/2021 ...</b>	<b>19 KB</b>	
				Good evening I did receive an update on Officer Deoliveira from Chief Hurley and he's banged up and sore but will be ok. They are				
				<b>Ryan Curley</b>	<b>Fwd: FW: Wellfleet Rte 6 &amp; Main St - Misc Follow Up Items</b>	<b>Tue 9/21/2021 ...</b>	<b>40 KB</b>	
				Hello all, see below and due to the timing which makes it impossible to have a letter from the board within the time frame if				
				<b>Charles Sum...</b>	<b>Police Department</b>	<b>Tue 9/21/2021 ...</b>	<b>17 KB</b>	
				Good afternoon all, I just received a phone call from Chief Hurley that one of our police officers was doing a special detail				
				📧 <b>Ryan Curley</b>	<b>Fwd: Capital Improvement Program for Fiscal Year 2023</b>	<b>Tue 9/21/2021 ...</b>	<b>3 MB</b>	
				----- Forwarded message -----				
				<b>Ryan Curley</b>	<b>Fwd: Remaining one precinct</b>	<b>Tue 9/21/2021 ...</b>	<b>34 KB</b>	
				----- Forwarded message -----				
				Nancy Civetta	Shellfish Crier: Potential of Chipman's Opening Early and other important n...	Tue 9/21/2021 1...	35 KB	
				Town Shellfish Crier September 21, 2021				
<b>Monday</b>								
				📧 <b>Ryan Curley</b>	<b>Fwd: FW: Wellfleet - Route 6 and Main Street (607397) and Route 6 Pa...</b>	<b>Mon 9/20/2021...</b>	<b>701 KB</b>	
				----- Forwarded message -----				
				<b>Rebekah Eldr...</b>	<b>RE: Copy of DOT's Greg Mischel's email requesting wide distribution o...</b>	<b>Mon 9/20/2021...</b>	<b>23 KB</b>	
				Helen,				
				<b>Helen Miran...</b>	<b>Copy of DOT's Greg Mischel's email requesting wide distribution of He...</b>	<b>Mon 9/20/2021...</b>	<b>16 KB</b>	
				Virtual Design Public Hearing MASS DOT Sb, no reply please. What has been posted on the Town website is a copy of the DOT's				
				<b>Michael Hurley</b>	<b>Assist Medical Call</b>	<b>Mon 9/20/2021...</b>	<b>20 KB</b>	
				Good Afternoon All, I wanted to take a moment and recognize Officer Ed Garneau for an outstanding job on a medical call he				

!	📄	📧	📧	From	Subject	Received	Size	📄
				<b>Ryan Curley</b>	<b>Fwd: FW: [External Email]Town of Wellfleet Funding Request for Herri...</b>	<b>Mon 9/20/2021...</b>	<b>33 KB</b>	
----- Forwarded message -----								
				<b>Wellfleet Cha...</b>	<b>Fundraiser at Moby Dick's to support Wellfleet Residents</b>	<b>Mon 9/20/2021...</b>	<b>70 KB</b>	
This Friday, September 24 // 11:30am-8:30pm								
				<b>Rebekah Eldr...</b>	<b>FW: 25% design hearing</b>	<b>Mon 9/20/2021...</b>	<b>47 KB</b>	
Good Morning, I did reach out to Greg asking about registering. The link to register is on the town's home page, the calendar and on								
<b>Sunday</b>								
				<b>Ryan Curley</b>	<b>Re: Attending the DOT Hearing on Wednesday.</b>	<b>Sun 9/19/2021 ...</b>	<b>405 KB</b>	
It's on both the calender and on the homepage.								
				<b>Helen Miran...</b>	<b>Attending the DOT Hearing on Wednesday.</b>	<b>Sun 9/19/2021 ...</b>	<b>14 KB</b>	
I'm assuming we'll all be there but don't see this posted on the Town website yet. It's a hearing! How will the need to register								
				<b>Ryan Curley</b>	<b>Mass DOT Rt. 6 &amp; Main St Hearing Registration</b>	<b>Sun 9/19/2021 ...</b>	<b>15 KB</b>	
Hello all,								
<b>Last Week</b>								
				<b>Nancy Civetta</b>	<b>FW: Aquaculture site license certification: DeVasto, Wellfleet</b>	<b>Sat 9/18/2021 ...</b>	<b>342 KB</b>	
Forwarding this along from MADMF in regards to DeVasto grant extension. Nancy Civetta Shellfish Constable Town of Wellfleet								
				<b>Nancy Civetta</b>	<b>FW: Aquaculture site license certification: Murphy, Wellfleet</b>	<b>Sat 9/18/2021 ...</b>	<b>343 KB</b>	
Forwarding this along from MADMF in regards to Murphy grant extension. Nancy Civetta Shellfish Constable Town of Wellfleet								
				<b>Nancy Civetta</b>	<b>FW: Aquaculture site license certification: Winslow, Wellfleet</b>	<b>Sat 9/18/2021 ...</b>	<b>342 KB</b>	
Forwarding this along from MADMF in regards to Winslow grant extension. Nancy Civetta Shellfish Constable Town of Wellfleet								
				<b>Owen Fletcher</b>	<b>Barnstable County Assembly of Delegates 09/22/21 Regular Meeting ...</b>	<b>Fri 9/17/2021 4...</b>	<b>403 KB</b>	
As attached in PDF and available on the web at <a href="https://www.barnstablecounty.org/event/assembly-of-delegates-regular-meeting/">https://www.barnstablecounty.org/event/assembly-of-delegates-regular-meeting/</a>								
				<b>Dick Elkin</b>	<b>Coles Neck Solar PV Project status</b>	<b>Fri 9/17/2021 4...</b>	<b>23 KB</b>	
Hi All, We have some news of progress from Ameresco. We are getting closer to opening the Solar Array at the transfer station.								
				<b>MA Division ...</b>	<b>Seafood Industry Grant Funding Opportunities</b>	<b>Fri 9/17/2021 2...</b>	<b>50 KB</b>	
Seafood Industry Grant Funding Opportunities								
				<b>Rich Gallivan</b>	<b>Please please do not support the state's bike plan.</b>	<b>Fri 9/17/2021 2...</b>	<b>14 KB</b>	
I live on Marven Way and travel this portion of Rt 6 frequently. One ghost bike is enough. Thanks Richard Gallivan Restaurant Sites								
				<b>Jacob Pickard</b>	<b>The link to Pre-register</b>	<b>Fri 9/17/2021 1...</b>	<b>15 KB</b>	
Good afternoon,								
				<b>Wellfleet Cha...</b>	<b>Calling all artists! Now accepting submissions for the 2022 Guidebook ...</b>	<b>Fri 9/17/2021 1...</b>	<b>84 KB</b>	
< <a href="https://r20.rs6.net/on.jsp?ca=be06f813-e871-4419-9b9b-54851f544d15&amp;a=1112873798651&amp;c=176496d0-bfb9-11e3-9e33-d4ae52">https://r20.rs6.net/on.jsp?ca=be06f813-e871-4419-9b9b-54851f544d15&amp;a=1112873798651&amp;c=176496d0-bfb9-11e3-9e33-d4ae52</a> >								
				<b>MA Municipa...</b>	<b>Register: WEMO Leadership Conference October 15</b>	<b>Fri 9/17/2021 9...</b>	<b>45 KB</b>	
Register for the WEMO Leadership Conference								
				<b>Capital Strat...</b>	<b>Maximizing ARPA, CARES, and FEMA Grants</b>	<b>Thu 9/16/2021 ...</b>	<b>66 KB</b>	
We offer a wide range of services to help manage and administer ARPA funds and projects...								
				<b>Rebekah Eldr...</b>	<b>Documents needing your signatures</b>	<b>Thu 9/16/2021 ...</b>	<b>34 KB</b>	
Hi there, Jennifer Congel has some documents in the selectboard office that need your signatures. If you are able to come in please								
				<b>OpenGov Tra...</b>	<b>Join us at OpenGov Transform October 19-21 (an open, virtual trainin...</b>	<b>Thu 9/16/2021 ...</b>	<b>44 KB</b>	
We are excited to see you this October at OpenGov Transform								
				<b>Cape Cod Co...</b>	<b>OneCape 2021 In Review</b>	<b>Thu 9/16/2021 ...</b>	<b>76 KB</b>	
< <a href="https://r20.rs6.net/on.jsp?ca=3d24b1a2-d22c-48a3-a773-6016f72ae82e&amp;a=1114459560235&amp;c=b7e60c50-ff24-11e4-a769-d4ae527">https://r20.rs6.net/on.jsp?ca=3d24b1a2-d22c-48a3-a773-6016f72ae82e&amp;a=1114459560235&amp;c=b7e60c50-ff24-11e4-a769-d4ae527</a> >								
				<b>Rebekah Eldr...</b>	<b>FW: meeting with department of revenue</b>	<b>Wed 9/15/2021...</b>	<b>37 KB</b>	
This is the email I sent out to the selectboard to set up times to meet with DOR. As I stated everyone responded except for John and								
				<b>Jude Ahern</b>	<b>Fwd: Come to Moby Dick's and help support The Fleet Fund</b>	<b>Wed 9/15/2021...</b>	<b>163 KB</b>	
Can one of you please ask your Wastewater committee when they plan to post minutes? It's been since March 2020. I'll wait until								
				<b>Jude Ahern</b>	<b>Fwd: Come to Moby Dick's and help support The Fleet Fund</b>	<b>Wed 9/15/2021...</b>	<b>52 KB</b>	
Again, another reason why such organizations should not be overly influential in town policy.								
				<b>Jude</b>	<b>Fwd: Fleet Fund Inquiry</b>	<b>Wed 9/15/2021...</b>	<b>21 KB</b>	
Like I wrote, last time I checked, the public can ask questions. There is nothing "accusatory" here but I don't know why something								
				<b>Jennifer Con...</b>	<b>RE: 8/4/21 Approved Cons Comm minutes</b>	<b>Wed 9/15/2021...</b>	<b>17 KB</b>	
Thank you!								
				<b>Jude</b>	<b>Fwd: Come to Moby Dick's and help support The Fleet Fund</b>	<b>Wed 9/15/2021...</b>	<b>42 KB</b>	
This is why 501 (c)3s should not be confused with town committees. As I wrote to Jeff, someone got back to me to answer my								
				<b>Helen Miran...</b>	<b>Wellfleet Town Media Policy as amended 9/14/21.</b>	<b>Wed 9/15/2021...</b>	<b>45 KB</b>	
Sb no reply please. Hi everyone, Re. the ARCHIVES addition, I just spent awhile in the Secretary of State's Electronic Records								
				<b>Christine Bates</b>	<b>8/4/21 Approved Cons Comm minutes</b>	<b>Wed 9/15/2021...</b>	<b>55 KB</b>	
Fyi and files Christine Bates Committee Secretary for ZBA and Conservation Commission								



!	📄	📧	📧	From	Subject	Received	Size	🔍
				Jennifer Con...	RE: Approved 6/16/21 mtg mins	Wed 9/15/2021...	17 KB	
				Thank you!				
				Christine Bates	Approved 6/16/21 mtg mins	Wed 9/15/2021...	56 KB	
				For your files / review. Chris Christine Bates	Committee Secretary for ZBA and Conservation Commission			
				Wellfleet Cha...	Early morning Early Stages with local Author Anne Peretz	Wed 9/15/2021...	81 KB	
				Saturday, September 18 at 10:30am				
				Charles Sum...	FW: Vinny's Resume and application	Wed 9/15/2021...	460 KB	
				Good morning everyone,	Please find attached a copy of an application and resume from Vinny Tirone as Wellfleet's Building			
				HYTORC Ind...	HYTORC Online Classes - Basic Bolting Overview, Training for Engineers	Wed 9/15/2021...	86 KB	
				September is filling up fast, register now				
				Ryan Curley	FW: FW: Wellfleet - Mac's Restaurant License Agreement	Wed 9/15/2021...	108 KB	
				Selectboard please do not respond to my email. All questions should be directed to administration only thank you.				
				Ryan Curley	Fwd: 95 Lawrence interviews with developers	Tue 9/14/2021 ...	19 KB	
				----- Forwarded message -----				
				Wellfleet Cul...	SEEKING PROPOSALS FROM LOCAL ARTS, HUMANITIES & SCIENCE PR...	Tue 9/14/2021 ...	49 KB	
				<https://r20.rs6.net/on.jsp?ca=890e84ab-ed1c-4c81-b5ea-3cf4e01c6c85&a=1103697757343&c=87d442d0-0470-11e3-bf2a-d4ae527				
				Executive As...	FW: From Yvonne Barocas	Tue 9/14/2021 ...	22 KB	
				From: abiyoyo1@aol.com	<abiyoyo1@aol.com>			
				Ryan Curley	Re: Tonight's Meeting	Tue 9/14/2021 ...	16 KB	
				Ok, thanks for letting us know.				
				Massachuset...	UPDATE - "Shuck-tember" - buck-a-bag promotion underway to bene...	Tue 9/14/2021 ...	49 KB	
				Please spread the word and consider participating				
				Janet Reinhart	Tonight's Meeting	Tue 9/14/2021 ...	16 KB	
				Sorry, but I won't be able to make tonight's meeting.	Janet <end>			
				Ryan Curley	Selectboard Goals Sept 28th	Tue 9/14/2021 ...	1 MB	
				Hello all,				
				MA Division ...	Mid-Atlantic Fishery Management Council to Host Electronic Reportin...	Tue 9/14/2021 ...	47 KB	
				MAFMC to Host Electronic Reporting Software Demo Webinar				
				Jude Ahern	Fwd: DeVasto's forged paperwork	Tue 9/14/2021 ...	1 MB	
				Please produce the original paperwork which would prove me wrong. They would have been sent to Michael Ramsdell because he				
				Rebekah Eldr...	Town Property Current Fees	Tue 9/14/2021 ...	115 KB	
				Helen asked if I would send out the current fees so you have something to compare the fees in front of you this evening. I have				
				Andrew Goo...	questions for anyone on the board	Tue 9/14/2021 ...	20 KB	
				My name is Andrew Goodrich and am a Select Board member in the town of Scituate. I was hoping that someone on the Wellfleet				
				Jennifer Con...	RE: WELLFLEET HARBOR DREDGING TASK FORCE - MINUTES OF MEETI...	Tue 9/14/2021 ...	19 KB	
				All set!				
				Chris Allgeier	WELLFLEET HARBOR DREDGING TASK FORCE - MINUTES OF MEETING...	Tue 9/14/2021 ...	113 KB	
				Attached are the June 1, 2021 and September 1, 2021 Minutes of Meeting (approved on September 13, 2021). <end>				
				Wellfleet Cha...	Selectboard meeting tonight, September 14 at 7:00pm	Tue 9/14/2021 ...	82 KB	
				<https://r20.rs6.net/on.jsp?ca=8f99bb68-0628-4b09-a455-fbc2c11a5a05&a=1112873798651&c=176496d0-bfb9-11e3-9e33-d4ae529				
				Ryan Curley	FYI Provincetown Use of Town Property Schedule of Fees	Tue 9/14/2021 ...	141 KB	
				See attached. They also have an additional schedule for the use of recreational facilities but I do not have it. <end>				
				Elaine Mclroy	95 Lawrence interviews with developers	Tue 9/14/2021 ...	15 KB	
				Dear Chairman Curley and members of the Select Board,				
				Massachuset...	Justina, Nominate Your Municipality for the MMA's 2022 Annual Meet...	Tue 9/14/2021 ...	54 KB	
				Submit your community's entry today!				
				Ryan Curley	Fwd: FW: selectboard meeting 9-14-2021	Tue 9/14/2021 ...	112 KB	
				----- Forwarded message -----				
				Jude Ahern	Fwd: when can we speak?	Mon 9/13/2021...	1 MB	
				Ryan Curley	Fwd: GEI Bid Review and Recommendation Letter	Mon 9/13/2021...	2 MB	
				FYI per Charlie, it is a minor edit to correct a typo.				
				Rebekah Eldr...	FW: GEI Bid Review and Recommendation Letter	Mon 9/13/2021...	2 MB	
				Good Morning,				
				Ryan Curley	Fyi Letter Adobe Scan Sep 13, 2021	Mon 9/13/2021...	1 MB	
				Created and shared using Adobe Scan.				
				Rebekah Eldr...	Fwd: Petition for Placement on an the Agenda of the Upcoming Meeti...	Sun 9/12/2021 ...	8 MB	
				Get Outlook for iOS <https://aka.ms/o0ukef>				



!   	From	Subject	Received	Size	
	<b>Ryan Curley</b>	<b>Dredging Bids Correction</b>	Sun 9/12/2021 ...	2 MB	
Hello, one of the bids in our packet was missing two pages. Rebekah has sent out and posted a corrected packet. I have attached					
	<b>Rebekah Eldr... updated packet</b>		Sun 9/12/2021 ...	16 MB	
Good Morning,					
<b>Two Weeks Ago</b>					
	<b>Rich Pauley</b>	<b>Fire Chief out of State</b>	Sat 9/11/2021 ...	194 KB	
Hello, Please be advised that I am out of State from 9/11 – 9/20/21 available by cell phone only. I will be checking my e-mail from					
	<b>Steven Tupper</b>	<b>Letter to Selectboard: Wellfleet Alternative Bikeway Routes Report</b>	Fri 9/10/2021 6...	3 MB	
Mr. Curley, Please find attached a letter offering Cape Cod Commission staff comments on the Analysis of Alternative Bikeway					
	<b>carol magher</b>	<b>Alternate Bike Plans</b>	Fri 9/10/2021 2...	32 KB	
September 10, 2021					
	<b>Nancy Civetta</b>	<b>Shellfish Crier: CCB13 Re-Opens, Shellfish Hearings at Tuesday's Select...</b>	Fri 9/10/2021 2...	44 KB	
Town Shellfish Crier September 10, 2021					
	<b>Wright, Simo...</b>	<b>Shellfish Notice for Wellfleet- Hurricane Ida</b>	Fri 9/10/2021 1...	366 KB	
Hello, Please see the attached notice. Simone Wright Massachusetts Division of Marine Fisheries Shellfish Sanitation and					
	<b>Wellfleet Cha...</b>	<b>Nuevos Aires Festival this weekend at Payomet!</b>	Fri 9/10/2021 1...	81 KB	
Sunday, September 12 // Welcome Reception 4pm - Concert 5pm					
	<b>Ryan Curley</b>	<b>Fwd: Signed Letter for Deron Davis Relative to the Herring River</b>	Fri 9/10/2021 1...	753 KB	
----- Forwarded message -----					
	<b>Rebekah Eldr... packets</b>		Thu 9/9/2021 6...	33 KB	
Your packets are printed and ready to be picked up at your convenience Rebekah L. Eldridge Executive Assistant to the Town					
	<b>Jude</b>	<b>Devasto again</b>	Thu 9/9/2021 5...	15 KB	
Three of these appeals are still active. I've asked Chief Hurley for my police report since March 2020 when Dan Hoort asked the police					
	<b>Ryan Curley</b>	<b>Re: Packet</b>	Thu 9/9/2021 4...	16 MB	
Corrected Packet					
	<b>Rebekah Eldr... Packet</b>		Thu 9/9/2021 4...	12 MB	
Good Afternoon, I have attached your agenda and packet for next weeks meeting. The only thing that might be added is a little					
	<b>Helen Miran...</b>	<b>Re: behavior in Selectboard meetings. To Ryan Curley</b>	Thu 9/9/2021 1...	19 KB	
SB, NO REPLY PLEASE. Dear Katherine, thank you for this email. I am responding as only one member of the Sb, solely on my own					
	<b>MA Municipa...</b>	<b>Register: MSA Affordable Housing Webinar' September 10</b>	Thu 9/9/2021 1...	47 KB	
Register for MSA Affordable Housing Webinar					
	<b>Wellfleet Cha...</b>	<b>Reserve Your Spot on the 2022 Wellfleet Discovery Map!</b>	Thu 9/9/2021 1...	70 KB	
< <a href="https://r20.rs6.net/on.jsp?ca=2f1e30db-a267-43e0-9ab8-b0246be3a612&amp;a=1112873798651&amp;c=176496d0-bfb9-11e3-9e33-d4ae52">https://r20.rs6.net/on.jsp?ca=2f1e30db-a267-43e0-9ab8-b0246be3a612&amp;a=1112873798651&amp;c=176496d0-bfb9-11e3-9e33-d4ae52</a> >					
	<b>MA Division ...</b>	<b>DMF Proposes to Adopt Possession and Landing Limit to Complement ...</b>	Thu 9/9/2021 1...	48 KB	
DMF Proposes to Adopt Possession and Landing Limit to Complement Federal Winter II Scup Trip Limit					
	<b>Jude</b>	<b>Fwd: I still can't get your comment out of my head</b>	Thu 9/9/2021 5...	22 KB	
Dear Selectboard: Excuse the brevity?! I thank him very much for clearly making this a civil rights issue for which I can recoup any					

Date: September 23, 2021  
To: Board of Selectmen  
From: Jeanne Maclauchlan  
Re: Vacancies on Town Boards

**Bike and Walkways Committee (5 members)**

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

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
1 alt Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

**Board of Water Commissioners**

Vacant Positions	Appointing Authority	Length of Term
2 alt Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

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

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

**Cable Advisory Committee (5 Members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	1 year

Requesting Appointment: No applications on file

**Commission on Disabilities (up to 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
2 Positions	Board of Selectmen	3 years
2 alt Positions		3 years

Requesting Appointment: No applications on file

**Council on Aging (11 Members)**

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

Requesting Appointment: No applications on file

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

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

Requesting Appointment: No applications on file

**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: No applications on file

**Natural Resources Advisory Committee (7 Members)**

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

Requesting Appointment: No application on file

**Open Space Committee (7 Members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	1 year

Requesting Appointment: No applications on file

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

Vacant Positions	Appointing Authority	Length of Term
3 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 Positions	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 application on file

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

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

Requesting Appointment: No applications on file

**Zoning Board of Appeals (5 Members, 4 Alternates)**

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

Requesting Appointment: No applications on file



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

# XIII

## MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of Minutes for August 27, 2021 &amp; September 14, 2021</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the Minutes for August 27, 2021, and September 14, 2021, as printed in Draft form</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

DRAFT

**Wellfleet Selectboard  
August 27, 2021; 7PM  
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; Evan Brunage, Resident; Irene Goldman, Resident; Marcia Geier, Resident; Chief Michael Hurley, Police Chief; Katie Cushman, Wellfleet SPAT; Benton Niggel, Paddle Cape Cod; Edward Seavers, Resident; Will Sullivan, Harbormaster; Della Spring, Resident; Mac Hay, owner Mac's on the Pier; Kevin Coakley, Resident, member of Marina Advisory Committee; Gordon Kahn, Historical Commission; David Mead-Fox, Joe Aberdale, Marina Advisory Committee; Martin Murphy, Applicant for Conservation Commission; Olivia Krauss, applicant for Recycling Committee; Jill McLaughlin, Stantec Engineering; Irene Goldman, Resident; Scott Horsley, Consultant for wastewater and drainage

Chair Curley Called the meeting order at 7:04pm

**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 updated the Board and Public, that the Chamber of Commerce has updated to the board that the Labor Day Parade was not going to be held on September 4, 2021, due to covid concerns.

Brunage spoke to the Board regarding previous issues concerning his grant. Stated he has written letters with is grant 783. He stated that because no direction has been given to him or his neighbor, he was hoping that this issue would be lumped in HDYLTA discussion. He stated his concerns and has people working over there and there are people moving in on his land and there is no resolve.

Goldman spoke to the Board regarding a business item and Chair told her it would be best to ask at the time of that item.

Geier spoke to the board regarding clarification on the issue of parking a camper/RV on residential property and not use it. She stated she asked the previous commissioner and got no response. The Board stated they are not able to deliberate this matter.

## II. *COVID-19 Updates and Recommendations*

### A. Cares Act Reimbursements ~ Chief Hurley

Chief Hurley spoke to the Board regarding money that has come in from the state for the Covid Cares Act. He gave the total amount that has been given to the town of Wellfleet. He explained it has been spent on Covid related items. He gave more details.

Sumner gave some updates on monies received from the state.

Chair Curley stated that he would like meeting and public hearing postings to be posted outside on the billboard as well as in the town hall and on the website.

**Chair Curley moved; Board Member DeVasto Seconded; and it was voted to direct town administration to post all meetings and hearings on the bulletin board outside of town hall as a posting location for public notices.**

**Roll Call Vote: 4-0-1 (Reinhart abstained)**

## III. *Use of Town Property*

### A. Wellfleet SPAT ~ Various Locations ~ 1pm – 6pm October 3, 2021

Cushman thanked the board and gave information on the locations SPAT is looking to use on October 3, 2021. Referring to this event as a smaller Oysterfest for locals. Eldridge screen shared all the locations SPAT is looking to use. Cushman continued with he details of SPAT's plan to use town property.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the use of various locations in Wellfleet to SPAT from 1pm-6pm on October 3, 2021, and Mayo Beach and Powers Landing on October 10, 2021, from 8:30am to 9:30am for a fee of \$110.**

**Roll Call Vote: 5-0**

### B. Paddle Cape Cod ~ Benten Niggel ~ Various Landings; 8am-8pm through the month of August

Niggel spoke to the board explaining what he is asking to do regarding his paddle boarding business. He gave some background information. Seavers asked Niggel if his business was based out of Willy's gym in Eastham. Sullivan stated some concerns about Niggel using the word rescue vehicle. There was much discussion about Niggel's application.

**Board Member Wilson Moved; Chair Curley Seconded; and it was voted to approve Benton Niggel of Paddle Cape Cod to use various town landings in Wellfleet from 8:00am to 8:00pm, for the duration of 2021, for a fee of \$385, as conditioned by departments, with the town named as an additional insured party.**

**Roll Call Vote: 4-0-1 (Reinhart abstained)**

### C. Conservation Trust ~ Dennis O'Connell ~ Long Pond Lot; 8:30am – 12:00pm ~ September 11, 2021

O'Connell spoke to the board stating that the Conservation Trust has done walks in Wellfleet and are limiting the number of people this year but would like to continue to do this walk.

**Board Member DeVasto moved; Board Member Wolf Seconded; and it was voted to approve Dennis O’Connell the use of Long Pond Lot from 8:30am – 12:00pm on September 11, 2021, and to waive the fee.  
Roll Call Vote: 4-0-1 (Reinhart abstained)**

- D. Della Spring ~ Tuesdays & Thursdays; 8:30am – 9:45am Mayo Beach; June 27, 2022 – September 1, 2022**  
The Chair asked the board if they want to approve this because it is in the year 2022. Spring explained that she is moving to Germany and has requested this for many years and is hoping they would agree to vote on this tonight. The Board discussed this and agreed to vote on this. Thomas wrote a note on the application stating that they reserve the right to change the location based on current 2022 situations.  
**Chair Curley Moved, Board Member Wilson Seconded; and it was voted to approve the use of Mayo Beach to Della Spring from June 27, 2022, through September 1, 2022, from 8:30am – 9:45am on Tuesdays and Thursday’s. For a fee of \$200 and reserve the right to the director of Community Services to change the location based on circumstances of 2022.  
Roll Call Vote: 4-0-1 (Reinhart Abstained)**

- E. Macs at the pier**  
Sumner updated the Board that he had spoken to Mac Hay the owner of Macs on the Pier, stating he also spoke with town counsel to be aware of the town’s legal abilities. They discussed the benefits of having Macs use town property, taxes and care of the property. Sumner explained that the town can have a licensed agreement with Macs and have a fee per year.  
The Board discussed this issue and how to move forward. There were some concerns of leasing town land as they do with The Beachcomber. A few residents spoke to this issue stating concern of trash throughout the pier and not being picked up by the owners. There was much discussion on this property and fees that could be charged. It was discussed that Sumner would work with town counsel and the owners of Mac’s to come to an agreement that would be beneficial for both the town and Macs. Hay spoke to the Board stating that he was grateful to have this issue before the Selectboard. He stated that he recognized the tables were beneficial to the restaurant and to the town and stated all that his business has contributed to the community.  
**Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to authorize the town administrator to work with town counsel and Mac Hay on structuring a license agreement and conditions for the property at Mayo Beach.  
Roll Call Vote: 5-0**

IV. ***Board/Committee Appointments and Updates***

A. Milton Gatch ~ Historical Commission~ Term of 3 years, ending 2024

Gatch was unable to attend the meeting due to a personal conflict. Kahn spoke on his behalf, stating that he has been a wonderfully active of the community and would be grateful to have him on the historical commission.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to appoint Milton Gatch to the Historical Commission for a term of 3 years ending June 30, 2024, and to be sworn in by the town clerk and to read all the rules and regulations of being on a town committee and board.**

**Roll Call Vote: 4-0-1 (Reinhart abstained)**

B. Edward Kane & William Barrio ~ Marina Advisory Committee ~ Term of 2 years, ending 2023

The Board discussed the vacancies. Aberdale spoke to the board recommending Edward Kane, Board Member DeVasto told the board that William Barrio has been a long-time resident of Wellfleet, stating that there is a lack of younger members to the Board he feels it would be good to have a younger person on the committee.

**Board Member DeVasto moved; Board Member Seconded; and it was voted to appoint William Barrio as a regular member of the Marina Advisory Committee for a term of two years, ending June 30, 2023, to be sworn in by the town clerk and to read all rules and regulations to be on a town committee and board.**

**Roll Call Vote: 4-0-1 (Reinhart Abstained)**

**Chair Curley moved; Board Member Wilson Seconded; and it was voted to appoint Edward Kane as an alternate Member of the Marina Advisory Committee for a term of two years, ending June 30, 2023, to be sworn in by the town clerk and to read all rules and regulations of being on a town committee or board.**

**Roll Call Vote: 4-0-1 (Reinhart abstained)**

C. Martin Murphy ~ Conservation Commission for a term of 3 years ending 2024; Planning Board for a term of 5 years, ending 2026

Mead-Fox spoke to the board stating that he doesn't know Murphy but being on a town board is a big responsibility and asked the board to appoint Murphy only to the Conservation Commission. Chair Curley stated he didn't want to appoint anyone to the Planning Board until he gets more information on Murphy's view on housing. Murphy gave some background information to the board.

**Board Member Wilson moved; Board Member DeVasto Seconded; and it was voted to appoint Martin Murphy to the Conservation Commission for a term of three years ending June 30, 2024; to be sworn in by the town clerk and to read all rules and regulations of being on a town board or committee.**



**Roll Call Vote: 4-0-1 (Reinhart abstained)**

- D. Olivia Kraus ~ Recycling Committee for a term of three years, ending 2024  
**Chair Curley moved; Board Member DeVasto Seconded; and it was voted to appoint Olivia Kraus to the recycling Committee for a term of three years ending June 30, 2024, to be sworn in by the town clerk, and to read all the rules and regulations of being on a town board or committee.**  
**Roll Call Vote: 4-0-1 (Reinhart abstained)**

- E. Open Space Committee Article for 2021 Special Town Meeting  
Chair Curley gave an update on this article that has not gone in front of the Planning Board and had to be pulled from the June town meeting. The Committee is asking that this article be placed on the special town meeting in December. The Chair made note that he isn't sure this article will be able to be on the special town meeting due to scheduling.  
**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to refer the open space committee article to the town administrator as required in the policy of disposition of town own land for public comment and then to be referred to the Planning Board to be placed on either the Special Town Meeting or the Annual Town meeting.**  
**Roll Call Vote: 4-0-1 (Reinhart abstained)**

V. ***Business***

- A. CBDG Grant invitation ~ Jean Stanley  
Chair Curley updated the board that this was something that had a deadline, he has signed the invitation and it has been sent to Stanley
- B. CORI Policy ~ Charlie Sumner  
Sumner spoke to the board that he is working on filling a few town positions. In filling these positions, he stated the town should perform CORI checks on incoming employees. They discussed this as a policy.  
**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adopt the CORI policy as presented by the town administrator.**  
**Roll Call Vote: 5-0**
- C. Letter to Senator Markey ~ Drafted by Carole Ridley  
Chair Curley spoke to the Board stating that they wanted to write a letter to thank Senator Markey thanking him for visiting Wellfleet. The Board agreed to sign this letter in person and not use the administration stamps.  
**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the letter as drafted by Carole Ridley to send to the honorable Senator Markey.**  
**Roll Call Vote: 4-0-1 (Reinhart abstained)**

**D. Route 6 and Main Street Project**

Chair Curley asked Mclaughlin began screen sharing. Chair Curley stated the rules and regulations regarding this slide presentation to move the meeting along quickly. Stating the intent was to go through this section by section. She showed pictures of the engineering plans that her company has put together. She went through each slide in detail. *(The full slideshow can be seen on the town's you tube channel under the August 27, 2021, Selectboard meeting video 1:54)*

- ***Environmental Constraints***
- ***Roadway Design***
  - Route 6
  - Main Street
- ***Bicycle & Pedestrian Accommodations***
  - Route 6
  - Main Street
- ***Intersection Design***
  - Route 6 & Main Street
  - Route 6 & Cahoon Hollow Road
- ***Stormwater Design***
- ***Next Steps***

There were periods during the presentation that the Board was allowed to participate with questions and concerns. Mclaughlin presented to the Board two options for the left land turn on route 6. They board discussed at great length.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to support the Route 6 Main Street intersection design for vehicle traffic.**

**Roll Call Vote: 4-0-1 (Wilson abstained)**

**Board Member Wolf made a motion to support the Cahoon Hollow Layout and after much discussion Board Member DeVasto Moved to rescind the original motion and table, Chair Curley seconded.**

**Roll Call Vote: 4-0-1 (Reinhart abstained)**

DeVasto asked Stantec revisit the Cahoon Hollow and Route 6 intersection with regard to the curb cuts at PJ's restaurant, and to consider the Board's suggestions.

Chair Curley called on some residents that had comments and concerns with this layout of roads and bike lanes. There was appreciation from some residents to the board for this in depth and detailed presentation.

**Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to refer the stormwater run off back to Stantec to work with Scott Horsley and the Clean Water Committee to come up with the best**

**solution for nitrogen reduction and the environmental sensitivity to the wetland.**

**Roll Call Vote: 4-0-1 (Reinhart Abstained)**

Chair Curley made note that the Conservation Commission is very interested in this project and would like to refer this to them for comment.

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to refer the culvert and tide gate connecting Hawe's pond to Duck Creek for comment from the Conservation Commission.**

**Roll Call Vote: 4-0-1 (Reinhart abstained)**

**E. Council on Aging Board Amended Charge**

Chair Curley stated that Thomas has asked to defer this subject to the next meeting.

**VI. *Selectboard Reports***

**A.** Wilson reported that she went to the Board of Health Meeting and reported that the mask mandate has been reduced to a Mask Advisory. She also stated she went to the Zoning Board of Appeals meeting

**B.** Chair Curley stated he met with Sumner and Town Counsel and reported that he would like to have an executive session in mid-September.

**VII. *Town Administrator & Assistant Town Administrator Report***

**A.** Sumner gave his report and stated he would be away next week. He corrected that the Harbor Dredging Bid was listed incorrectly it is Thursday September 2, 2021, at 2PM. There were no questions for him.

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

**A.** There were none.

**IX. *Correspondence and Vacancy Reports***

**A.** The report was in the Selectboard Packet

**X. *Adjournment***

**Board Member DeVasto moved; Board Member Wilson Seconded; and it was voted to adjourn the meeting.**

**Roll Call Vote 4-0**

**Meeting Adjourned 10:54PM**

***Public Records:***

*Cares Reimbursement Act produced by Chief Michael Hurley*

*Applications for town boards/committees*

*Application for Use of town property*

*Open Space Committee Article for Special Town Meeting*

*CDBG Grant Invitation by Jean Stanley*

*Letter to Senator Markey drafted by Carole Ridley*

*Route 6 and Main Street Slide Show Presentation presented by Stantec*

*Town Administrator and Assistant to the Town Administrator's Report*

*Correspondence and Vacancy Reports*

**Wellfleet Selectboard  
Tuesday September 14, 2021; 7PM  
Virtual Meeting ~ Zoom  
Meeting Minutes**

**Members Present:** Ryan Curley, Chair; Michael DeVasto, Vice Chair; Helen Miranda Wilson, John Wolf

**Members Absent:** Janet Reinhart

**Others Present:** Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Mary McIsaac, Interim Town Accountant, Chief Mike Hurley, Police Chief; Suzanne Grout Thomas, Director of Human Services; Dan Silverman, Town Moderator; Nancy Civetta, Shellfish Constable; Paul Bagnal, Representative of the Massachusetts Shellfish Association; Katy Cushman, Wellfleet SPAT; Lori Rutter, Wellfleet Resident; Evonne Barocas, Wellfleet Cultural Council; Jennifer Congel, Town Clerk; Deborah Freeman, applicant for Board of Health; Kevin McMahon, applicant for Cultural Council; Carole Ridley, Herring River Restoration Project; Kathleen Klein, KPLaw, Town Counsel; Will Sullivan, Harbormaster; Dan Robbins, GEI Engineer; John Gorgio, KPLaw, town counsel;

Chair Curley called the meeting to order 7:01PM

Chair Curley called for a moment of silence in remembrance of the 20<sup>th</sup> anniversary for the tragic 9/11 terrorists attacks.

***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.***

- Silverman let the public know that Moby Dick's will be hosting a fundraiser for the "Fleet Fund" on September 24, 2021, from 11:30am to 8:30pm. He explained that there will be information about the Fleet Fund and what the money goes towards.
- Wilson stated that she would also like to remember the individuals in the armed forces who gave their lives in Afghanistan.
- Thomas spoke to the Board explaining that the COA will begin opening more than they had in the summer, book clubs will resume, bridge games will resume, and legal help will also be available again. She gave details and explained what needed to happen in order to participate. She explained they are also in the process of scheduling their Fall Food Clinic. She also stated that the long-time aerobics instructor will no longer be teaching classes.
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**II. COVID-19 Updates and Recommendations**

There was no update given at this meeting

**III. Financial Management Workplan**

Sumner stated he has been working with both McIsaac and Souve. McIsaac began her update and explained that they are working on the Capital Budget, the Enterprise budgets and are preparing for the FY 2023 Fiscal year. She explained that there is a finance meeting every other Tuesday consisting of the entire finance department so they can form a bond and understand the work that is before them. She continued to go over her memorandum that she submitted to the Selectboard in their meeting packet.

The Board had some questions for McIsaac regarding credit card procedures, the review that the accounts did and processing exemptions. Sumner explained to the Board that he is beginning to work on the Capital Plan and the financial forecast. He gave a timeline to the Board that he would like to present to the Selectboard and the Finance Committee sometime in October. Sumner also discussed with the Board setting the tax rate. He addressed the free cash issue, stating it is important and when they dive into the financial forecast, he will have a better understanding of what needs to be done with that money.

**IV. Staff Appreciation**

A. Nancy Civetta to receive Shellfish Constable of the Year award~ Paul Bagnol

Bagnol introduced himself and extended his gratitude to the Board for their continued support. He stated Civetta hit the ground running as a shellfish constable and has done a lot of learning during their meetings. He then presented her with the SHELLFISH CONSTABLE OF THE YEAR AWARD.

Civetta thanked the board and her staff for their amazing support. She thanked her peers, her family, and friends.

**V. Public Hearings**

- Transfer of Shellfish Grant Licenses # 85-J and 85-J-A ~ Shellfish Constable ~Nancy Civetta  
DeVasto spoke to the Board recusing himself for all shellfish agenda items.  
Mulpeter spoke to the Board regarding his transfer of license.  
**Chair Curley Moved; Board Wilson Member Seconded; and it was voted to approve the transfer of shellfish grant license #85-J and #85-J-A from James O'Connell to James O'Connell and James Mulpeter.**  
**Roll Call Vote: 3-0**

- Transfer of Shellfish Grant Licenses# 00-01 and 00-01-Ext ~ Shellfish Constable~Nancy Civetta  
**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the transfer of shellfish grant license #00-01 and #00-01 extension from James O'Connell and Nancy O'Connell to James O'Connell, Nancy O'Connell, James Mulpeter.**  
**Roll Call Vote: 3-0**
- Transfer of Shellfish Grant License #01-01 Ext ~ Shellfish Constable ~ NancyCivetta  
**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the transfer of shellfish grant license #01-01 extension from Ralph Bassett, Rodney Avery and George Peirce III to Ralph Bassett and Rodney Avery.**  
**Roll Call Vote: 3-0**
- Shellfish Regulation Changes Section 7.6.1 ~ Shellfish Constable~ Nancy Civetta  
Civetta explained to the Board that there were very minor changes and she explained the changes to the Board. She stated that Massachusetts Department of Marine Fisheries made some mandatory changes. She went through the changes. Chair Curley asked for a few changes, Civetta corrected them and there were no other comments.  
**Board Member Wilson Moved; Chair Curley Seconded; and it was voted to add the amendment into the rules and regulations.**  
**Roll Call Vote: 3-0**  
**Chair Curley Moved; Board Member Wolf Seconded; and it was voted amend section 7.6.1 of the Shellfish regulations as amended.**  
**Roll Call Vote: 3-0**
- Wellfleet SPAT ~ One Day Beer and Wine License ~ October 9, 2021  
Cushman stated to the Board that SPAT is applying for a one-day license for the Art & Oyster Crawl.  
**Chair Curley moved; Board Member DeVasto Seconded; and it was voted to approve the one-day beer and wine license for October 9, 2021 to Wellfleet SPAT.**  
**Roll Call Vote: 4-0**
- Use of Town Property Fee Schedule~ Chair of the Selectboard ~ Ryan Curley  
Chair Curley spoke to the Board stating that the Board is always trying to figure out fees for each use of town property. Wilson stated she feels that because Reinhart is not at the meeting, she would like to postpone this discussion until Reinhart can attend the meeting and be involved in the

discussion. The Board agreed to wait

**Chair Curley moved; Board Member Wilson Seconded; and it was voted to continue the hearing on The Use of Town Property Fee Schedule.**

**Roll Call Vote: 4-0**

**VI. *Update From Chair***

- A. Briefing Board on Some Modifications to our Meetings ~ Ryan Curley  
Chair Curley began stating that he would like to try and make the meetings shorter, he discussed a consent agenda.

Sumner raised his hand and stated that the previous motion needed to be amended with the date and time.

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to reconsider the previous motion.**

**Roll Call Vote: 4-0**

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to amend the previous motion that the hearing on The Use of Town Property Fee Schedules will be continued until September 28, 2021, at 7PM.**

**Roll Call Vote: 4-0**

Curley continued the discussion on his memo to the board (found in the selectboard packet)

Wilson stated some issues she had with this document. The Board discussed the document at great length with some debating.

**VII. *Use of Town Property***

- A. Kat Williams ~ Bandstand at the Pier ~ September 26, 2021, ~ 4pm-6pm

**Chair Curley Moved; Board Member Wilson Seconded, and it was voted to approve the use of bandstand at the pier to Kat Williams on September 26, 2021; from 4pm to 6pm**

Williams asked the Board if she could change the date.

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to amend the date to October 10, 2021, from 4pm to 6pm.**

**Roll Call Vote: 4-0**

**VIII. *Board/Committee Appointments and Updates***

- A. Personnel Board~ Lori Rutter~ Term of 3 years to end June 30, 2024

There were no questions for Rutter

**Board Member Curley Moved; Board Member Seconded and it was voted to approve Lori Rutter to the Personnel Board with a term of 3 years ending June 30, 2024. The appointee shall be sworn in by the Town Clerk before acting as a member of the committee and shall comply with the town charter and all state and local requirements while serving the town.**

**Roll Call Vote 4-0.**

- B. Board of Health ~ Deb Freeman ~ Term of 3 years to end June 30, 2024

**Board Member Wilson Moved; Chair Curley Seconded; and it was voted to appoint Deb Freeman to the Board of Health with a term of 3 years ending June 30, 2024. The appointee shall be sworn in by the Town Clerk before acting as a member of the committee and shall comply with the town charter and all state and local requirements while serving the town.**

**Roll Call Vote: 4-0**

- C. Wellfleet Cultural Council Committee Size~ Ryan Curley~ Chair of the Selectboard  
Chair Curley spoke to the Board stating he received a letter from Evonne Barocas who asked for 13 members to be considered. Curley stated he had no problems with complying with this request. Wilson stated she feels they should keep the size to 11 members and not move it up so there are no issues with quorum. They discussed this further. Evonne spoke to the Board stating the committee never had issues with quorums.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to reduce the size of the Wellfleet Cultural Council from 15 members to 13 members.**

**Roll Call Vote: 4-0**

- D. Cultural Council ~ Kevin McMahon~ Term of 3 years to end June 30, 2024  
**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to appoint Kevin McMahon to the Wellfleet Cultural Council for a term of 3 years ending June 30, 2024. The appointee shall be sworn in by the Town Clerk before acting as a member of the committee and shall comply with the town charter and all state and local requirements while serving the town.**

**Roll Call Vote: 4-0**

- E. TA Search Committee Charge ~ Ryan Curley ~ Chair of the Selectboard  
Curley explained this is to advertise in local newspapers to create a search committee for a new Town Administrator. The Board discussed this at length, and it was stated that there will be many applicants and the board will discuss appointing committee members. Some language was changed in the document.

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the Town Administrator Search Committee Charge as amended/**

**Roll Call Vote: 4-0**

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to authorize the posting of a public notice in the Provincetown Independent; The Cape Codder and the Cape Cod Times newspapers advertising for Committee Members for the 2021 Town Administrator Search Committee.**

**Roll Call Vote: 4-0**



***IX. Business***

- A. Vote to remain a one precinct town for election purposes. ~ Jennifer Congel, Congel explained to the Board that the most recent town census back and the town is still within the number of residents to remain a one-precinct district.  
**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the town of Wellfleet remain a one precinct Town for all election purposes pursuant to MGL chapter 54 Section 6.**  
**Roll Call Vote: 4-0**
- B. High Toss Rd ~ Carole Ridley & Katie Klein  
Ridley explained to the Board that this is the last step in the taking of High Toss Road. She continued to explain the logistics of the taking and the mylar that will need to be signed by the entire board. Klein gave her update as town counsel. Klein continued to explain some background on the road being public and how the board needs to proceed. The Board had some questions for Klein regarding the mylar.  
**Board Member Wilson Moved; Board Member DeVasto Seconded; it was voted to Adopt and execute the order of taking and to approve and execute the plans as included in the Selectboard packet, to authorize town counsel to file the order of taking and Mylar Plans with the Registry of Deeds.**  
**Roll Call Vote: 4-0**
- C. Harbor Dredging Contract Award ~ Harbormaster ~ Will Sullivan  
Robbins spoke to the Board regarding the four bids that were submitted to Town Administration. He explained how the bids were evaluated and the decision they came to. The recommendation was to hire Burnham Associates. Gorgio spoke to the board explaining the qualifications and a protest that had been filed up by Robert B Our. He stated he agreed with the recommendation of Burnham Associates.  
**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to award the Wellfleet Harbor Area One Dredging Project to Burnham Associates Inc.**  
**Roll Call Vote: 4-0**
- D. Remote Participation Policy ~ Selectboard Chair~ Ryan Curley  
The Board discussed the policy and some of the changes that were made to this policy. Executive Session was brought up and the recording of the meeting. It was explained that there are some minutes that haven't been approved and the meeting has taken place so far back a recording for the minute taker would benefit the accuracy of the minutes. There was some debate on this issue. Chair Curley proposed an amendment to the policy.  
**Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to amend the sentence "Not being remotely recorded on any device unless authorized by the chair."**  
**Roll Call Vote: 4-0**  
**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to adopt the remote participation policy as drafted and amended.**

**Roll Call Vote: 4-0**

- E. Town Media Policy~ Selectboard Chair~ Ryan Curley  
Chair Curley discussed this policy and the modifications that he made. The Board had a few questions regarding this policy. There was some debate about is the town has capacity to carry this policy out. Some examples given were staffing, technical assistance. Sumner gave some input on town media and his plans moving forward of trying to hire a group which has a lot of members and experience. Chair Curley stated that the board needs to get in the habit of voting on items that come up at each of their meetings.  
**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adopt the town media policy as amended at the meeting.**  
**Roll Call Vote: 4-0**

- F. Proclaim the month of September as Suicide awareness month for the Town of Wellfleet~  
**Chair Ryan Curley Moved; Board Member Wolf Seconded; and it was voted to proclaim the month of September in the town of Wellfleet as suicide awareness month, to issue the proclamation as printed in the Selectboard Packet.**  
**Roll Call Vote: 4-0**

**X** *Selectboard Reports*

Board Member Wilson reported to the Board that she attended the Cemetery Commissioners meeting and learned a lot about green burials. She urged the board the watch the meeting and get familiar with green burials, she would like to receive their approved guidelines pertaining to green burials.

Chair Curley reported to the Board that there is a Conservation Committee Meeting the next day with an item to reduce parking and he urged the board to join the meeting.

Civetta spoke to the Board stating that they are not trying to reduce the amount of parking but want to put more guidelines on parking as al the parking there now is destroying the land. She stated this has nothing to do with the shellfish community. Chair Curley corrected her stating it was a different location.

**XI.** *Town Administrator's and Assistant Town Administrator's Report*

- A. Sumner gave a brief summary of his written report. (The Full report can be found in the 9-14-2021 Selectboard Packet).

**XII.** *Topics for Future Discussion*

- A. Wilson stated that the tax rate needs to be set, Sumner stated he and the accountants need some time to get that done and are working with DOR.

**XIII.** *Correspondence and Vacancy Reports*

- A. Chair Curley spoke to the Board stating there was a letter that was sent to them through certified mail, and he stated he sent it electronically to the board for their review.  
B. The Cape Cod National Seashore also sent in letters regarding the Bike &

**DRAFT** *A full recording of the meeting can be found on the town's website.*

Walkways recommendations.

**XIV. Minutes**

**A. August 10, 2021**

Wilson had a few amendments and gave them to the Board. Eldridge corrected the issues.

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the minutes from August 10, 2021.**

**Roll Call Vote: 3-0-1 (Wilson Abstained)**

**XV. Adjournment**

**Chair Curley Moved; Board member Wilson Seconded; and it was voted to adjourn**

**Roll Call Vote: 4-0**

**Meeting Adjourned at 9:45pm**

**\*\*\*Public Records\*\*\***

*Financial Memorandum provided by Mary McIsaac*

*Documents and applications for Shellfish Grant Licenses*

*Amended Shellfish Regulations*

*SPAT application for one day beer and wine license*

*Document showing Use of Town Property fee schedules*

*Memorandum from Ryan Curley*

*Application for use of Town Property, Bandstand at the pier, Kat Williams*

*Application from Lori Rutter to be on the Wellfleet Personnel Board*

*Application from Deborah Freeman to be on the Wellfleet Board of Health*

*Application from Kevin McMahon to be on Wellfleet Cultural Council*

*Town Administrator Search Committee Advertisement*

*Paperwork for Wellfleet to remain one precinct district*

*Remote Participation Policy*

*Town Media policy*

*Town Administrator and Assistant Town Administrator's Report*

*All Public Correspondence to the Selectboard*

*Meeting Minutes, August 10, 2021*



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: September 28, 2021

# XIV

## ADJOURNMENT

<b>REQUESTED BY:</b>	<b>Selectboard Chair Ryan Curley</b>
<b>DESIRED ACTION:</b>	<b>To Adjourn</b>
<b>PROPOSED MOTION:</b>	<b>I move to Adjourn</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s): _____
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____