



Wellfleet Selectboard

Note: Start Time of 4:30pm

The Wellfleet Selectboard will hold a public meeting on **Friday, September 11, 2020, at 4:30 p.m.** This meeting will be held via **Zoom Video Conference** in accordance with the temporary suspension and enhancement of the Open Meeting Law requirements by Governor Baker. Instructions for a Zoom video conference meeting which also allows phone dial-in are given below:

1. Watch a livestream on Wellfleet's YouTube Channel located at the following link:
www.youtube.com/c/wellfleettownmedia.
2. Join the meeting hosted in Zoom by using the following link:
<https://zoom.us/j/96798437162?pwd=R2kvbGp4dzMvdStlOEF6R3VzNzFyQT09>
3. Audio, video, chat, and screen sharing functions will be disabled during the public session. Request to participate by using the "raise hand" function. **Meeting ID: 967 9843 7162 and Passcode: 860257.**
 - a. Raise hand in smartphone app – touch bottom of your screen and select "more" - hit "raise hand" button
 - b. Raise hand on computer – hit "participants" button on bottom of screen – hit "raise hand" button on bottom of participants panel
 - c. Please make sure you properly identify yourself before speaking, rename yourself by selecting the participants button and choosing "more" (or by holding down on your name on a smartphone app) and selecting "rename" - full, legal names only.
 - d. Please join the meeting on time.
4. You may also listen to the meeting by calling in on a phone to **+1 929 205 6099** and enter the **Meeting ID: 967 9843 7162 and Passcode: 860257**. Landline callers can participate by **dialing *9 to raise their hand**.
5. You may submit questions and comments to the Town using the following email:
executive.assistant@wellfleet-ma.gov Comments made during the meeting via e-mail will be sent to Selectboard members **AFTER** the meeting.
6. Meeting materials are attached to this agenda, available online at Wellfleet-ma.gov. It is recommended that phone participants access materials in advance of the meeting.
7. **Please follow the following general instructions:**
 - a. Keep your phone muted at all times when not talking; no one is allowed to unmute themselves during the meeting.
 - i. Selectboard meetings are **NOT** interactive. If public comments are allowed that's all, comments only, not questions.
 - ii. If the Chair is allowing comments during the meeting the number of comments will be limited and may be **no longer than one minute**.
 - b. Do not use speakerphone; do not use Bluetooth devices; mute all background noise.
 - c. Please do not speak until the Chair asks for public comments or questions and you have been recognized by the moderator and unmuted.
 - d. After the business section is complete no public comments are permitted. Future agenda items are from the Selectboard, no one else.
8. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.

I. Announcements, Open Session and Public Comments

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

- II. COVID-19 Updates and Recommendations**
- III. 2020 Annual Town Meeting**
 - A. Vote recommendations on Town Meeting warrant articles
 - B. Discussion of Special Town Election Results and Corresponding Warrant Articles – Next Steps
 - C. Additional Town Meeting Discussions
- IV. Topics for Future Discussion**
- V. Adjournment**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 11, 2020

II

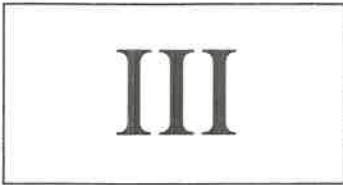
COVID-19 UPDATES AND RECOMMENDATIONS

REQUESTED BY:	Chair
DESIRED ACTION:	COVID-19 UPDATES AND RECOMMENDATIONS
PROPOSED MOTION:	N/A – Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 11, 2020



2020 ANNUAL TOWN MEETING – A

REQUESTED BY:	Moderator
DESIRED ACTION:	Final Recommendations for Warrant Articles 23 and 25
PROPOSED MOTION:	<p>I move to recommend Article 23, Commercial Single-Use Plastic Water Bottle Ban.</p> <p>I move to recommend Article 25, Proposal to Amend Town of Wellfleet General Bylaw.</p> <hr/> <p>I move to reconsider Article 27, Disposition of Town Land to Conservation Commission.</p> <p>I move to reconsider Article 27, Disposition of Town Land to Conservation Commission.</p>
Requested by: Curley	
ACTION TAKEN:	<p>Moved By: _____ Seconded By: _____</p> <p>Condition(s):</p>
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 11, 2020

ARTICLE 23: Commercial Single-Use Plastic Water Bottle Ban.

To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Wellfleet, Massachusetts.

Section 1. Sale of Single-use Plastic Water Bottles

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Wellfleet. Enforcement of this regulation will begin September 1, 2021.

Section 2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

Section 3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 4. Enforcement

Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.

Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in G. L. Chapter 40 21D. The following penalties apply:

- First violation: Written warning
- Second violation: \$150 fine
- Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Wellfleet.

All businesses will be routinely inspected until the Town Manager deems the inspection to no longer be required.

Majority vote required.

(Petitioned Article)

Selectboard: Reserves recommendation.

Recycling Committee: Recommends 0-0.

Bylaw Committee: Recommends 2-0 with the following amendment:

Change Section 4 to replace Town Manager with Town Administrator in the three places it is listed.

SUMMARY: Single-use plastic bottles impact environmental health, and the health and longevity of other species, who may ingest plastic as food. Ultimately, plastic re-enters the human food chain where the adverse consequences are both known and emerging. Plastics pollute and impact our environment across their lifecycle from production to use to disposal.

Over 1,500 single-use plastic water bottles are used and discarded in the U.S. per second. Elimination of the use of single-use plastic water bottles will have a significant impact on future plastic-based pollution including the nation's greenhouse gas footprint and is consistent with protection of the natural



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environment in Wellfleet, Barnstable County, our nation and our earth, which we have a common responsibility to protect and steward.

ARTICLE 25: Proposal to Amend Town of Wellfleet General Bylaw.

To see if the Town will vote to adopt the following as a general bylaw and to insert it into ARTICLE VII of the By-laws of the Town of Wellfleet, Massachusetts as Section 39:

Section 39 Climate Policy

The Town of Wellfleet recognizes that the climate emergency, driven by human activity including energy consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses an imminent threat to the health, safety and economic security of the residents of the Town. The Town of Wellfleet therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and directs that all officers and departments of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.

Majority vote required.

(Petitioned Article)

Selectboard: Reserves recommendation 4-0-1.

Bylaw Committee: Does NOT recommend 2-0.

Recycling Committee: Recommends 0-0

ARTICLE 27: Disposition of Town Land to Conservation Commission. To see if the Town will vote to transfer care, custody, management and control of Assessors Map 20, Parcels 11, 12, and 16, Town owned properties along Kendrick Avenue from the board or commission currently having custody thereof and from the purpose for which said property is currently held, to the Wellfleet Conservation Commission for open space purposes, or to do or act anything thereon.

Two-thirds vote required.

Selectboard: Recommends 4-0-1

Open Space Committee: Recommends 0-0.

Planning Board: Recommends 5-0.

Conservation Commission: Reserve recommendation until town meeting.

Natural Resources Advisory Board: Recommends 5-0.

SUMMARY: These three properties are located west of Mayo Beach and are each classified as Coastal Dune, Coastal Beach and Barrier Beach. They contain 1.84 acres and are all within the Areas of Critical Environmental Concern (ACEC) and the Flood Zone.

January 14, 2020

• DeVasto seconded, and the motion carried 4-0-1, with Carlsott abstaining.

The Board discussed the proposed Articles 34 and 35. Articles 34 and 35 are Disposition of Town Owned Property Articles and seek to transfer care, custody, management and control of land to the Wellfleet Conservation Commission for open space purposes, or to do or act anything thereon.

The Planning Board recommends these articles by a vote of 5-0.

2

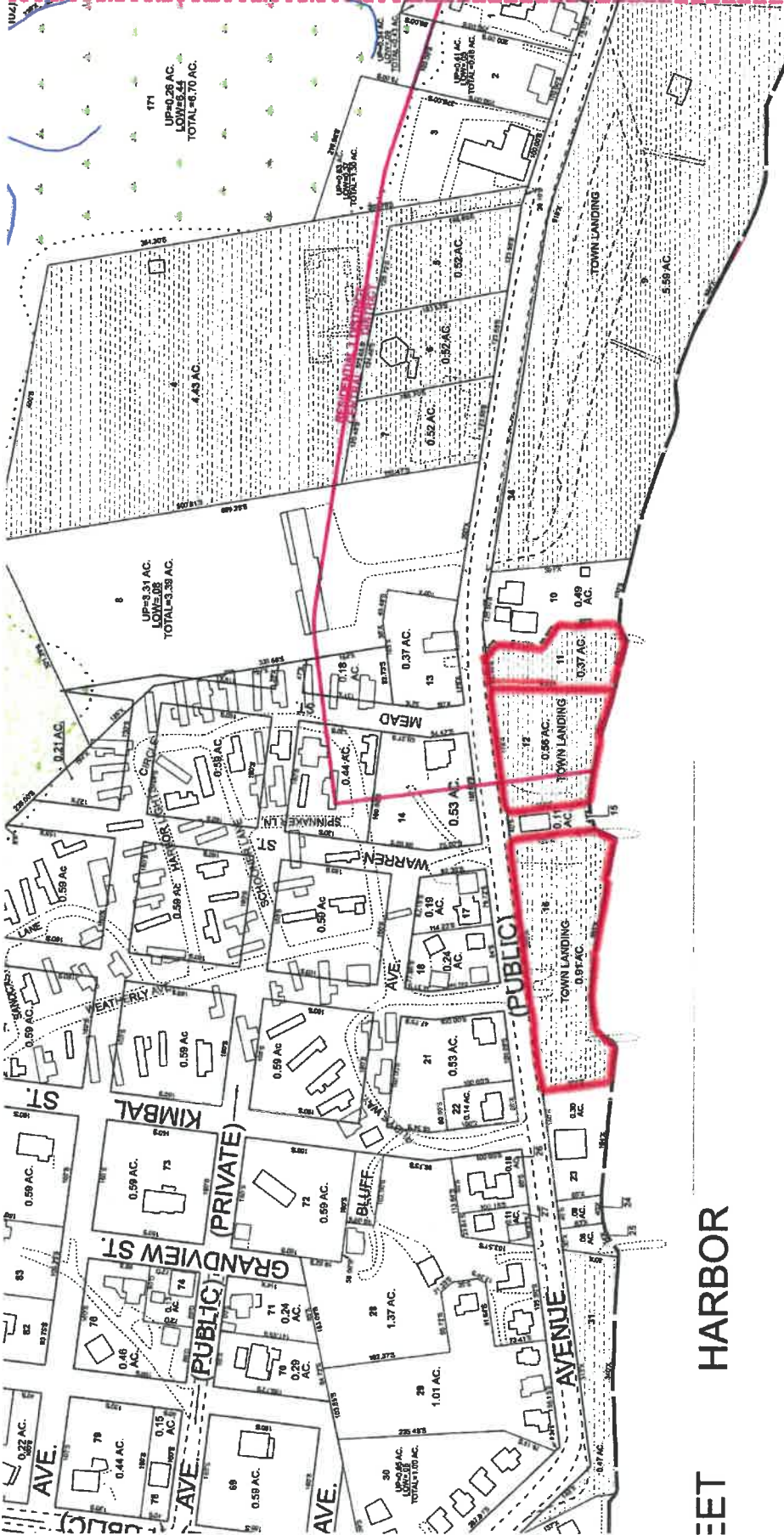
Approved March 24, 2020 - A full recording of this video is available through the Town's video archive.

- Bacon moved to recommend Articles 34 and 35 and insert them into the Warrant.
- Wilson seconded, and the motion carried 4-0-1, with DeVasto abstaining from recommendations but agreeing to insert the Articles.

March 17, 2020

Disposition of Town-owned Land – Map 35-1, Parcels 201, 209, 210 [Open Space Committee]
DeVasto said he thought the Board should just refer it because they have no choice. He said this raised the question of what if the entire Board voted no. Reinhart said this is a procedure [laid out in the Policy]. Wilson said it was supposed to pass across the Board's table on its way to the Town committees. She said that these particular lots are already protected by Cons Com, but these requests are coming from the Open Space Committee. Wilson said this area gets a lot of use from people who shellfish and is under the public's eye.

- Bacon moved to refer the request for disposition of Town-owned land, Map 35-1, Parcels 201, 209, and 210, to appropriate committees, boards, departments, and other potentially interested parties.
- Wilson seconded, and the motion carried 4-1, with DeVasto opposed.



ET HARBOR



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 11, 2020

III

2020 ANNUAL TOWN MEETING – B

REQUESTED BY:	Moderator
DESIRED ACTION:	Discussion of Special Town Election Results and Corresponding Warrant Articles – Next Steps
PROPOSED MOTION:	N/A – Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**Wellfleet Special Town Election
Unofficial Results
September 8, 2020**

	TAPE TOTAL
Question 1 Water Main	
Yes	484
No	235
BLANKS	6
TOTAL	725
Question 2 Two new firefighters	
yes	446
No	273
BLANKS	6
TOTAL	725
Question 3 Police Cruiser	
Yes	352
No	365
BLANKS	8
TOTAL	725
Question 4 Command Vehicle	
Yes	337
No	383
BLANKS	5
TOTAL	725
Question 5 Forestry 90 Vehicle	
Yes	391
No	320
BLANKS	14
TOTAL	725
Question 6 EMS Equipment	
Yes	508
No	210
BLANKS	7
TOTAL	725
Question 7 Backhoe	
Yes	336
No	375
BLANKS	14
TOTAL	725
Question 8 Guard Shack	
Yes	326
No	384
BLANKS	15
TOTAL	725
Question 9 Fire Suppression	
Yes	570
No	148
BLANKS	7
TOTAL	725
Question 10 Road Repair	
Yes	381
No	334
BLANKS	10
TOTAL	725

Memo

Dt: September 8, 2020
To: Selectboard
Cc: Town Administrator
Town Clerk
Town Counsel
Fr: Town Moderator
Re: Contingent articles and ballot questions

At the time of writing this memo, the outcome of Tuesday's election is unknown. But here are some things to consider if some of the questions don't pass.

- Why was the election scheduled before the Town Meeting? The Town Clerk refreshed my memory today that this was the result of the legislature not taking any action to modify MGL Ch 59§21C(m), which requires that "...no election at which the question appears on the ballot shall take place later than the September 15 following the date of an appropriation vote adopted at an annual town meeting...".
- This was not brought to her attention until after we had decided on the dates (including rain dates) for Town Meeting. Had we all been more aware of this constraint, perhaps the Board could have included a Special Town Meeting within the regular meeting, which would then have permitted an election within 90 days following the meeting.
- Regardless of whether the ballot questions pass or fail, the articles are still properly before the voters and can be acted on. If one or more of the articles pass at Town Meeting, another special election could be called, assuming Town Counsel and bond counsel agree that even though this is our Annual Town Meeting, it might be considered a Special Town Meeting for such articles and election. I don't know whether this would pass muster with the attorney general, bond counsel or others who decide on these matters. There is also still the challenge and cost of scheduling yet another election during a busy fall election calendar.
- Ultimately, it's up to the Board (or to other proponents) whether to move these articles on Saturday, or to move for indefinite postponement those which did not pass at the election. Noting that the 2021 ATM is only about 7-1/2 months away (hoping we can meet normally by then), indefinite postponement might be the best course of action.



SELECTBOARD

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III

2020 ANNUAL TOWN MEETING – C

REQUESTED BY:	Moderator
DESIRED ACTION:	Additional Town Meeting Discussions
PROPOSED MOTION:	Article 30: High Toss Road – Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Courtney Butler

From: Carolyn M. Murray <CMurray@k-plaw.com>
Sent: Tuesday, September 8, 2020 12:29 PM
To: Moderator; Courtney Butler
Cc: John Giorgio; Maria Broadbent
Subject: RE: Wellfleet ATM Motions revised

Dan and Courtney,

I agree with you regarding the consent calendar. First, ask Town Meeting to approve considering the selected articles as a group, and if that motion passes, then entertain a single motion to approve all of those articles in the group.

Art. 29: Articles granting an easement typically include a plan to give members a general idea of where the easement is to be located, and the warrant does direct folks to the sketch plan. Whether it is a single page or four does not matter. If the date of the plan is wrong in the warrant, then we should correct this in the motion, but it might be that the sketch is dated August 18, 1987 but then was approved (perhaps by the BOH?) a month later on September 10, 1987. Let's confirm once we see a copy of the sketch.

Art. 30: I will look for the email with the plan. As for the explanation, accepting a road as a town road has specific statutory steps, including the Selectboard sending notice to owners of property abutting the way of the Board's intent to accept the road as a town road followed by a meeting at which the Selectboard actually vote to adopt the layout, which is the plan of the road to be accepted, showing the metes and bounds of the road. This layout plan must be accepted by the Selectboard and then filed with the Town Clerk, where it must remain in file for at least 7 days prior to Town Meeting's vote to accept the road. Where we do not have a record of the Selectboard sending out notices, having the meeting or voting to adopt the layout plan, it appears the statutory process was not followed, and therefore, the article should be postponed until the process can be perfected.

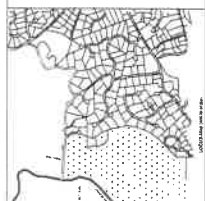
I will look for the email with the plan now.

Thank you,

Carolyn M. Murray, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1726
F: (617) 654 1735
C: (617) 257 9581
cmurray@k-plaw.com
www.k-plaw.com

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From: Moderator <Moderator@wellfleet-ma.gov>
Sent: Tuesday, September 8, 2020 11:15 AM
To: Courtney Butler <Courtney.Butler@wellfleet-ma.gov>



I hereby certify that this plan was prepared in accordance with the requirements of the Regulations effective Jan. 1, 1976 and revised Jan. 8, 1988

Donald T. Poole, P.L.S. #32862 Date _____

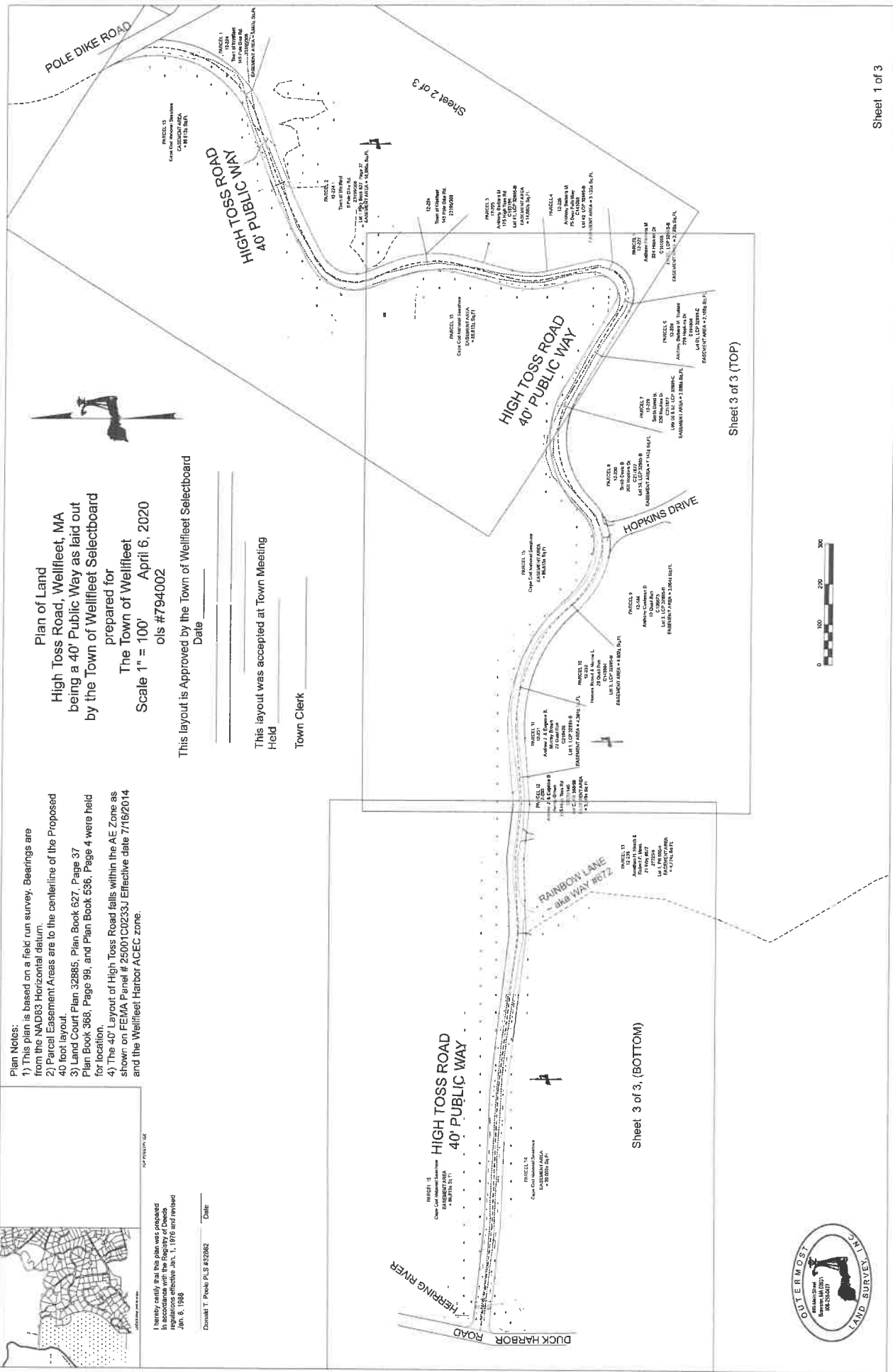
Plan Notes:

- 1) This plan is based on a field run survey. Bearings are from the NAD83 Horizontal datum.
- 2) Parcel Easement Areas are to the centerline of the Proposed 40' foot layout.
- 3) Land Court Plan 32885, Plan Book 627, Page 37; Plan Book 368, Page 99, and Plan Book 536, Page 4 were held for location.
- 4) The 40' Layout of High Toss Road falls within the AE Zone as shown on FEMA Panel # 25001C0233J, Effective date 7/16/2014 and the Wellfleet Harbor ACEC zone.

Plan of Land
High Toss Road, Wellfleet, MA
 being a 40' Public Way as laid out
 by the Town of Wellfleet Selectboard
 prepared for
The Town of Wellfleet
 Scale 1" = 100' April 6, 2020
 o/s #794002

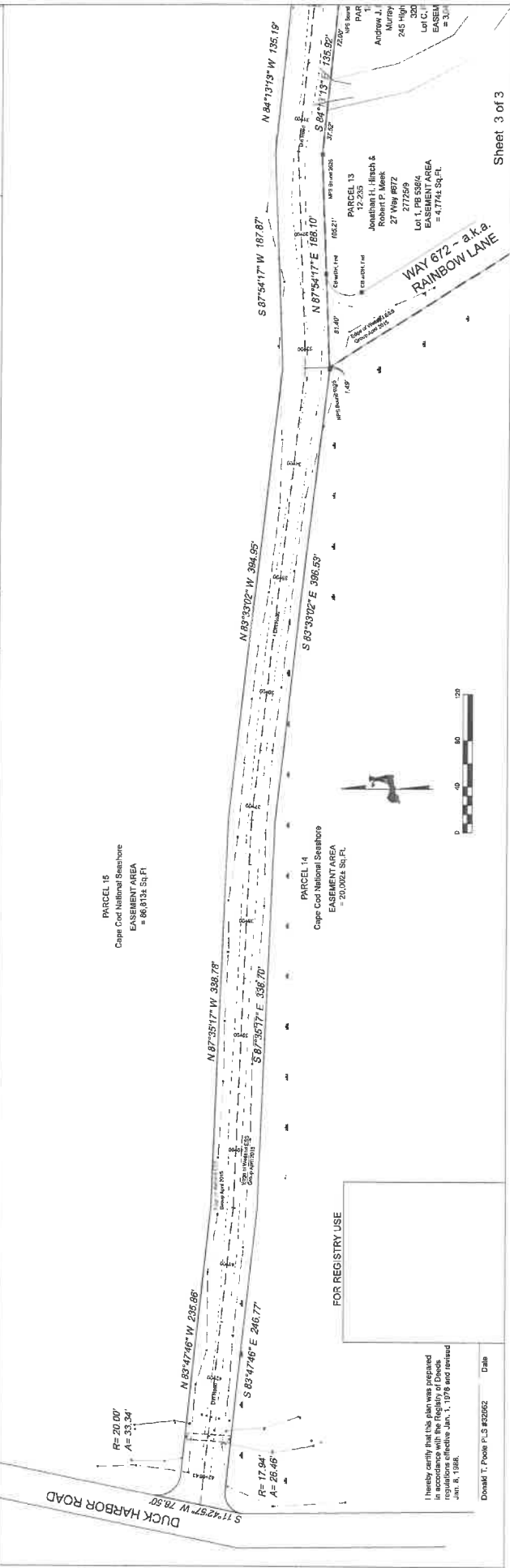
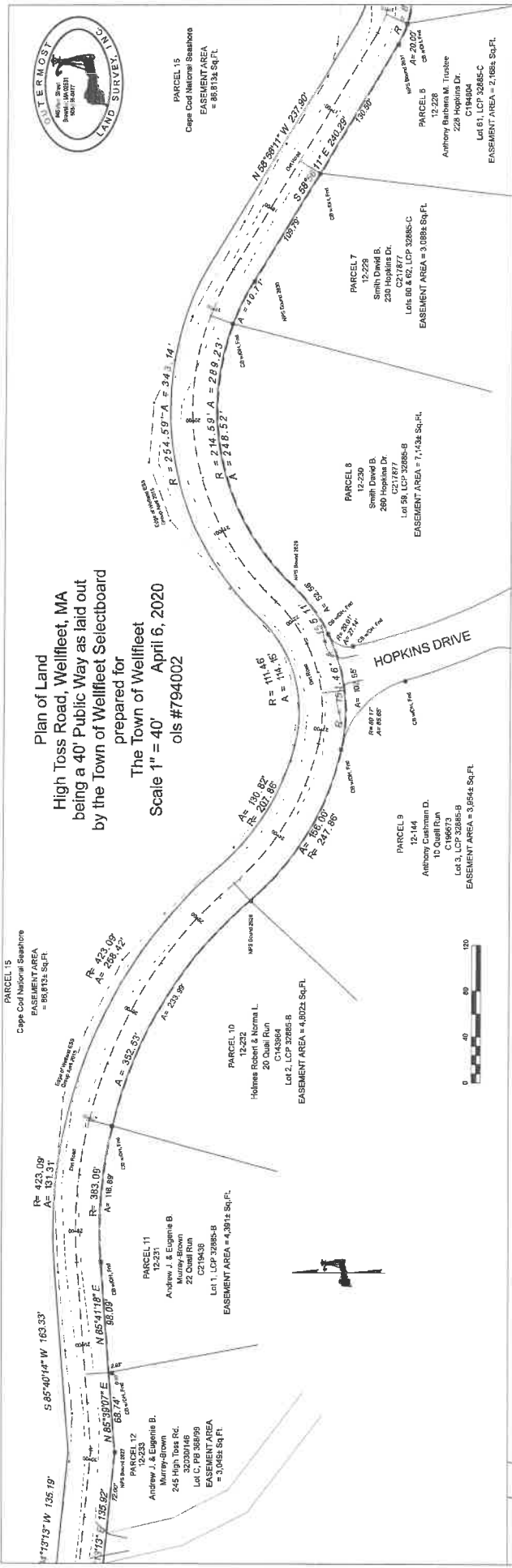
This layout is Approved by the Town of Wellfleet Selectboard
 Date _____

This layout was accepted at Town Meeting
 Held _____
 Town Clerk _____





Plan of Land
High Toss Road, Wellfleet, MA
being a 40' Public Way as laid out
by the Town of Wellfleet Selectboard
prepared for
The Town of Wellfleet
Scale 1" = 40' April 6, 2020
ols #794002



I hereby certify that this plan was prepared in accordance with the Registry of Deeds regulations effective Jan. 1, 1978 and revised Jan. 8, 1988.

Donald T. Poole P.L.S. #20662 Date



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 11, 2020

V

ADJOURNMENT

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