



Wellfleet Selectboard

Note: Start Time of 6pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, March 19, 2024, at 6:00 p.m.** located at the Wellfleet Adult Community Center (ACC), 715 Old King's Highway, Wellfleet, MA 02667. Remote participation will be available by Zoom and telephone as provided below, in compliance with 940 CMR 29.10 and the Town's Remote Participation Policy. If technological problems interrupt remote participation, the meeting may be suspended or ended at the discretion of the Chair in consultation with the Board.

Selectboard meetings are broadcast live on Comcast cable (Wellfleet Government TV Channel 18) and are recorded. Recordings of meetings are available at wellfleet-ma.gov

Note: Any individual may record the meeting, but must first notify the Chair, and may not interfere with the meeting to record it. See M.G.L. c. 30A, s. 20(f).

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

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

By Phone: +1 929 205 6099 and enter Meeting ID: 856 8960 4806 | Passcode: 611877

To participate during public comment:

In person: go to closest available microphone.

Zoom: raise hand to be called on to speak.

Phone: dial *9 to raise hand to be called on

All participants must be recognized by the Chair prior to speaking during public comment or at any other time during the meeting. See "Speech and Conduct at Public Meetings" page following Agenda for further information on the law governing public participation.

I. *Open Meeting Law Complaints*

A. Open Meeting Law Complaints

- Discuss and Vote to have town counsel send a response, open meeting law filed by Jude Ahern, March 4, 2024
- Discuss and vote to have town counsel send a response. Open meeting law files by Michael Shannon – March 11, 2024

II. *Announcements and Public Comments*

Note: Public comments are limited to no more than three minutes per speaker.

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

III. *Consent Agenda*

- #### **A. Use of Town Property ~ WOA ~ Banners on Main Street for Oysterfest and then change over to holiday banners for the holiday Season, beginning May 17, 2024.**

- Consent Agenda A ~ Chair Carboni is recused from this item.***
- B. Extension of allowable work hours ~ Jay Norton, DPW; Wes Stinson; Environmental Partners
- IV. ***Police Department Appointments & Business ~ Chief LaRocco***
- A. Appointment of Full time Police Officer Rachel Bunce
- B. Appointment of Full time Police Officer Brianna M. Johnson
- C. Cahoon Hollow Beach Discussion ~ Kevin LaRocco ~ Police Chief
- V. ***Public Hearings***
- A. Transfer of all Alcohol license from The Wicked Oyster License to Alexander Bradford Hay, Garrett William Smythe, and Sebastian C. Taffara.
- B. Changing a Yield sign to a stop sign at Pole Dike Road and Coles Neck Road, ~ Kevin LaRocco, Police Chief
- C. Beach Office Changes ~ Suzanne Grout-Thomas, Beach Director
- VI. ***Business***
- A. Discussion on meeting times moving forward.
- VII. ***Capital Budgets***
- A. The board will review and vote on the department's capital budgets.
- VIII. ***Town Administrator's Report***
- IX. ***Selectboard Reports***
- X. ***Topics for Future Discussion***
- XI. ***Minutes***
- A. March 12, 2024
- XII. ***Adjournment***

Speech and Conduct at Public Meetings

The SJC's Barron v. Kolenda case decided in March of 2023 held that "civility cannot be required regarding the content of speech at a public comment session in a public meeting."

Barron v. Kolenda also held that public bodies may impose restraints on the conduct of individuals at a public meeting:

"What can be required is that the public comment session be conducted in an "orderly and peaceable" manner, including designating when public comment shall be allowed in the governmental meeting, the time limits for each person speaking, and rules preventing speakers from disrupting others, and removing those speakers if they do. We have concluded that such time, place, and manner restrictions do not violate either the right to assembly under art. 19 or the right to free speech under art. 16.

In addition to the SJC's instructions in Barron v. Kolenda on a public body's right to require "orderly and peaceable" public comment, the Massachusetts Open Meeting Law contains rules for conduct at public meetings. From Mass. General Laws Chapter 30A, s. 20:

- No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent.
- No person shall disrupt the proceedings of a meeting of a public body.
- If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting
- If the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

Public comment at Selectboard meetings

The Selectboard does not seek to, and will not regulate the content of speech by participants at public comment (with the exception of threats, incitements to violence, or other jeopardy to public safety). However, consistent with the Barron v. Kolenda case, the Chair will enforce the above rules to prevent disruption of meetings and to ensure "orderly and peaceable" public comment. Examples of conduct that disrupts a meeting include:

- Addressing the Board or the public when not recognized by the Chair, whether at the microphone or in the audience.
- Interrupting a speaker recognized by the Chair.
- Interrupting a Board member or Board discussion.
- Continuing to speak when time for comment has expired and the Chair has advised that the speaker is no longer recognized.
- Refusing to cease any of the above or other disruptive conduct when requested by the Chair

The Chair will flag disruptive conduct and issue a verbal warning to the individual engaged in it. If an individual who has received a verbal warning continues to disrupt proceedings (at that time or later in the meeting), the individual will be asked to leave the meeting. If the individual does not leave the meeting, the Chair will authorize his or her removal from the meeting.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

I

BUSINESS

~ A ~

Open Meeting Law Complaint

REQUESTED BY:	Jude Ahern
DESIRED ACTION:	To review and discuss a response to the Open Meeting Law Complaint filed on March 4, 2024.
PROPOSED MOTION:	I move direct town counsel to send a response for this complaint to the attorney general's office on behalf of the Wellfleet Selectboard.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Judith Last Name: Ahern

Address: P.O. Box 394

City: South Wellfleet State: MA Zip Code: 02663

Phone Number: 9174881513 Ext.

Email: jude@judeahern.com

Organization or Media Affiliation (if any):

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Town of Wellfleet Selectboard

Specific person(s), if any, you allege committed the violation: Fake Chair Barbara Carboni, Town Administrator Rich Waldo

Date of alleged violation: February 6, 2024

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On February 6, 2024, four hours into a four and a half hour meeting, the Wellfleet Selectboard had a twenty minute spirited debate about the Town Administrator hiring our new town Planner without informing them. It was not on the agenda but was discussed under "Topics for Future Discussion". Selectboard member Ryan Curley brought it up because it was not on the agenda and the Town Administrator had quit and was leaving in three days.

Two Selectboard members had questions because our Charter states that the Selectboard has 14 days to disapprove of a hire and there was not another meeting scheduled within 14 days. The Fake Chair was extremely supportive of the Town Administrator, stating that this hire was outside of their jurisdiction, and she characterized their questioning the Town Administrator about this new hire as "interrogate" and "grilling". She said "we should just move on". The town Planner is an extremely important position we have been wanting to hire since April 2023 when we appropriated the salary for this new position at Annual Town Meeting. The person who was hired for Planner was hired as our Conservation agent in late October, quit on January 25 effective immediately with no explanation why, and then resurfaced as our new town Planner two weeks later with a contract rather than as a union employee.

When a citizen from the audience came to the microphone to ask a question about this hire, she was told she was not recognized and was disrupting the meeting and told to leave or she would be removed from the room by the Police. There were only three people in the audience at that point at 10:30pm. The Fake Chair reminded her that, "There is no right to comment on any agenda item."

This was not on the agenda but should have been so at least Selectboard members could discuss it openly. It is a clear violation of Open Meeting Law the way it was done instead. The People of Wellfleet no longer have confidence in their Selectboard under the "leadership" of Fake Chair Barbara Carboni who assumed power in an Executive Session coup on June 27, 2023. Town Administrator Rich Waldo knew full well that he needed to inform the Selectboard of this new, extremely important, hire but CHOSE not to put it on the agenda with the intent to circumvent any public process.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

For Fake Chair Barbara Carboni to step down as Selectboard Chair since she assumed power in an Executive Session coup. For the hire of the new town Planner to be on the next Selectboard agenda if for no other reason than to meet this person and hear her introduce herself and share with us her approach and experience.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: _____

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

AGENDA FROM FEBRUARY 6, 2024



Wellfleet Selectboard

Note: Start Time of 6pm

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I. *Announcements and Public Comments*

Note: Public comments are limited to no more than three minutes per speaker. Speakers are allowed to speak once during public comments. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

II. *Consent Agenda*

- A. Authorize the selectboard chair to sign the contract for the interim town administrator on behalf of the board.
- B. Appointment of Nancy Gralla from alternate to voting member, for the Energy and Climate Action Committee.

III. *Joint Finance Committee & Selectboard*

- A. FY25 Budget Presentation – Operating & Capital Budget ~ Rich Bienvenue

IV. *Residences at Lawrence Hill*

- A. Update on the Lawrence Hill project ~ Jay Coburn & Vita Shklovsky, Community Development Partnership.
- V. ***Charter Changes & Town Meeting Date***
- A. Discussion of proposed amendments to Wellfleet Charter ~ Dan Silverman, Moderator
 - B. Discussion and possible vote to change the Annual Town Meeting ~ Town Moderator, Dan Silverman
- VI. ***Community Preservation Presentation***
- A. The committee will present their recommendations and needs to the board.
- VII. ***Public Hearings***
- A. Application received on 1/18/2024 from Robert McClellan (Wellfleet, MA) and Margaret McClellan (Wellfleet, MA) for the transfer of shellfish grant license #s 85-B and 85B-A1 consisting of approximately two acres total on Indian Neck from Robert McClellan and Margaret McClellan to Robert McClellan, Margaret McClellan and Adrien Kmiec (Wellfleet, MA).
 - B. Application received on 1/23/2024 from William Young, Jr. (Wellfleet, MA) for the transfer of shellfish grant license #01-04-B consisting of three acres in the deep-water area of Indian Neck from William Young, Jr. to Andrew Young (Wellfleet, MA).
 - C. Application received on 1/11/2024 from Paul Lalumiere (Wellfleet, MA), James Clark (Wellfleet, MA) and Brett Morse (Wellfleet, MA) for the renewal of shellfish grant license #741 consisting of approximately 4.8 acres inside the Indian Neck Breakwater in the Inner Harbor area for nine years, eight months, and ten days beginning August 20, 2024, and expiring April 30, 2033.
 - D. Application received on 1/11/2024 from Robert LaPointe (Wellfleet, MA) and Lorraine LaPointe (Wellfleet, MA) for the renewal of shellfish grant license #s 2006-01 and 2006-01 Ext. consisting of approximately two acres and 1.41 acres respectively on Indian Neck for four years and 24 days beginning April 6, 2024, and expiring April 30, 2028.
 - E. Application received on 1/16/2024 from Justin Lynch (Wellfleet, MA) and Eben Kenny (Wellfleet, MA) for the renewal of shellfish grant license # 01-05-B consisting of approximately three acres in the deep-water area of Indian Neck for nine years, ten months, and 18 days beginning June 12, 2024, and expiring April 30, 2033.
 - F. Application received on 1/18/2024 from Zachary Rennert (Wellfleet, MA) and Blake Olson (Wellfleet, MA) for the renewal of shellfish grant license #s 95-23 and 95-24 consisting of approximately two acres total on Egg Island for nine years, six months, and 29 days beginning October 1, 2024, and expiring April 30, 2033.
 - G. Application received on 1/22/2024 from Keith Rose (Wellfleet, MA) and Lisa Dexter (Wellfleet, MA) for the renewal of shellfish grant license #s 95-25 and 95-26 consisting of approximately two acres total on Egg Island for nine years and one month beginning March 30, 2024, and expiring April 30, 2033.
- VIII. ***Licenses***
- A. **Common Victualler License Renewals**

- Bob's Sub & Cone
- Box Lunch
- Ceraldi
- Endless Coast
- Even Tide Motel
- Maurice's Campground
- Moby Dick's Restaurant
- PB Boulangerie Bistro
- The Wicked Oyster
- Wellfleet Miniature Golf, Dairy Bar & Grill
- Wellfleet Cinemas
- Wellfleet Drive-In & Flea Market
- Wellfleet Motel and Lodge
- The Copper Swan
- Van Rensselaer's

B. Weekday Entertainment License Renewals

- The Wicked Oyster
- Wellfleet Miniature Golf
- Wellfleet Cinemas
- Wellfleet Drive-In & Flea Market
- The Copper Swan
- Van Rensselaer's

IX. *Business*

- A. Amendment #2 to MA Division of Ecological Restoration (MA DER) Grant to Fund Herring River Restoration Project, Phase 1 ~ Carole Ridley
- B. Intermunicipal Agreement between the towns of Eastham and Wellfleet for extension of public water supply
- C. Draft Annual Town Meeting Warrant ~ Town Administrator
- D. Ice Machine ~ Chair Carboni

X. *Selectboard Reports*

XI. *Topics for Future Discussion*

XII. *Minutes*

- A. January 16, 2024
- B. January 30, 2024

XIII. *Adjournment*

APPROVED MINUTES FROM FEBURARY 6, 2024:

Roll Call Vote: 5-0

D. Ice Machine ~ Chair Carboni

Chair Carboni explained she was looking for a volunteer to be a liaison from the selectboard to work with the small working group to move the ice machine project forward.

The board discussed and decided John would be the liaison for the board.

X. *Selectboard Reports*

DeVasto questioned the cable advisory grant for the fiber optics to the beaches.

Waldo gave a brief rundown and Eldridge stated she is working on a meeting with that group and the interim TA.

XI. *Topics for Future Discussion*

Curley spoke to the board about the town planner, asking who the interview committee was for that position. Waldo explained that he, Genoa and The Human Resource director were the three interviewers. Wolf stated that the board needs to have trust in the people that they hire. The board discussed the issues. This position was discussed and the 15-day grace period. It was asked if it was a contract position or a union position. Curley stated his objection to this.

Sayre spoke to the board about a community forum.

Curley spoke to the board about the housing workshop, he would like to discuss how to structure that meeting.

Curley would like a Route 6 resurfacing and the main street project update.

Curley gave suggestions on the capital budget.

XII. *Minutes*

A. January 16, 2024

B. January 30, 2024

Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to approve the meeting minutes of January 16th as amended and the minutes of January 30, 2024, as printed.

Roll Call Vote: 5-0

XIII. *Adjournment*

Board Member Sayre Moved; Board Member Curley Seconded; and it was voted to adjourn the meeting.

Roll Call Vote: 5-0

Meeting Adjourned: 10:45pm

Public Documents:

Application from Nancy Gralla to move from an alternate member to a voting member on the Energy and Climate action Committee.

Contract for the interim town administrator Thomas Guerino

Budget slideshow presentation

Charter change documents

Community Preservation Committee documents including recommendation.

Shellfish Grant and Transfer Paperwork

Herring River Restoration project documents concerning the #2 Amendment.

Intermunicipal Agreement for the towns of Eastham and Wellfleet for the extension of the Water Supply.

Draft Annual Town Meeting Warrant

March 19, 2024

Carolyn M. Murray
cmurray@k-plaw.com

BY ELECTRONIC MAIL ONLY (openmeeting@state.ma.us)

Carrie Benedon, Esq.
Director, Division of Open Government
Office of Attorney General
One Ashburton Place
Boston, MA 02108

Re: Town of Wellfleet – Select Board
Open Meeting Law Complaint from Judith Ahern dated March 4, 2024

Dear Ms. Benedon:

Please be advised that his firm serves as Town Counsel to the Town of Wellfleet (the “Town”). The Town’s Selectboard (the “Board”) is in receipt of an Open Meeting Law Complaint (the “Complaint”) filed by Jude Ahern (the “Complainant”), received on March 4, 2024. The Complainant alleges that the Board violated the Open Meeting Law on February 6, 2024 by discussing a matter at a meeting that was not included on the agenda. A copy of the Complaint is attached hereto as Exhibit 1.

On March 7, 2024, the Board met at a properly posted meeting to discuss the Complaint and consider its response. The Board has reviewed the allegations contained in the Complaint and, following such discussion, has authorized this response on its behalf, in accordance with G.L. c. 30A, § 23 and 940 CMR 29.05(5).

BACKGROUND

The Complaint alleges that the Board violated the Open Meeting Law at its February 6, 2024 meeting by discussing the Town Administrator’s appointment of a Town Planner under the “Topics for Future Discussion” item without that topic having been specifically listed on the meeting notice, which is attached hereto as Exhibit 2. As discussed below, however, the discussion regarding the Town Planner was not reasonably anticipated by the Chair 48 hours in advance of the meeting. Nonetheless, as the discussion did involve introduction by a Board member of a topic for a future Board meeting, it was properly considered under “Topics for Future Discussion”.

By way of background, the appointment of the Town Planner is within the authority vested in the Town Administrator by the Town’s Charter under Chapter 5, § 5-4-2(a). However, the Town Planner is a new position, recently approved at Town Meeting, and is not among the positions listed in the Charter. Assuming the Town Planner is considered a department head, the Board is required, within 14 days of the Town Administrator’s appointment, to disapprove of the appointment; if not, the appointment becomes final. See Chapter 5, § 5-4-2. The Town Administrator made an offer of

{Name of Recipient}

March 19, 2024

Page 2

employment to the Town Planner, and in an e-mail dated February 6, 2024, the Town Administrator notified the Board of the appointment, thereby commencing the Board's 14-day period to consider disapproval of the appointment. Complicating matters is the fact that the Town Administrator was resigning from the Town effective February 9, 2024. Accordingly, following February 6, there was no other opportunity for the Board to meet and substantively discuss this appointment with the outgoing Town Administrator. As discussed herein, the Open Meeting Law does not prohibit a public body from discussing a time-sensitive unanticipated item just because it was not listed on the meeting notice. Under these unique circumstances, the Board asserts that no Open Meeting Law violation occurred.

DISCUSSION

A public body must post notice of every meeting at least 48 hours in advance, not including Saturdays, Sundays, and legal holidays. G.L. c. 30A, § 20(b). Notices must include "a listing of topics that the chair reasonably anticipates will be discussed at the meeting." *Id.*; 940 CMR 29.03(1)(b). The list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. 940 CMR 29.03(1)(b). However, a public body may discuss a topic not listed on a meeting notice if the topic was not reasonably anticipated 48 hours in advance of the meeting. *See* OML 2017-2. Although public bodies are encouraged to postpone discussion of topics that were not listed on the meeting notice until the topic may be included on a meeting notice, these topics may be discussed if the circumstances demand immediate action by the public body. *See* OML 2013-197.

As an initial matter, a recording of the February 6, 2024 meeting clearly demonstrates that the Chair did not anticipate that the topic would be discussed at that meeting.¹ When the topic was raised by a member of the Board, specifically asking about the Town Planner's housing goals and the "interview committee" responsible for the hiring process, the Town Administrator asked "how much you want to get into this discussion" given that the item was not on the agenda (4:12:12). The Chair responded, "not much, not much," but another member of the Board raised the issue that, if the subject were not addressed at the February 6 meeting, the Board would forego its oversight ability (4:12:30). Therefore, where the appointment was raised by another Board member during the meeting, this discussion could not have been reasonably anticipated by the Chair 48 hours in advance of the meeting. *See* 940 CMR 29.03(1)(b); OML 2012-40, at 2 ("The topic raised ... was a result of information [the Board] discovered the previous night, and could not have been reasonably anticipated by the Chair 48 hours before the meeting.").

Furthermore, after the subject had been raised, and after expressing a reluctance to discuss given that the item was not on the agenda, the Chair then asked if the Board wanted to take a vote on

¹ The discussion is available at <https://reflect-townofwellfleet.cablecast.tv/CablecastPublicSite/show/3128?site=1>. This topic begins approximately 4 hours, 11 minutes into the video. Subsequent citations to the meeting video are in the following format: (hour:minute:second).

{Name of Recipient}

March 19, 2024

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the appointment or schedule further discussion at a future Board meeting (4:13:50). After more general discussion about the hiring process, the Chair then asked, again, whether any member of the Board would like to object to the appointment or set a meeting to discuss it further (4:17:40). However, the discussion ended without any formal objection to the appointment or any request for a further public meeting (4:26:10). In other words, given that the Chair offered to schedule time to discuss the appointment further, and given that the discussion resulted in a plan to invite the Town Planner to a future meeting (4:26:40), the appointment was properly within the “Topics for Future Discussion” category, even though it was not anticipated. The failure to post the appointment as its own item, then, was not itself a violation of the Open Meeting Law.

Moreover, although public bodies are generally discouraged from discussing items that were not reasonably anticipated 48 hours in advance of a meeting, and therefore were not posted on the agenda, there is an exception in cases where the circumstances demand immediate action by the public body. See OML 2013-197. This was the case here, as the outgoing Town Administrator resigned as of February 9, 2024; where the Board would not have another meeting until February 20, 2024, the Board’s only opportunity to discuss this appointment with the Town Administrator and ratify or disapprove of the appointment was at the February 6, 2024 meeting.

By the Town’s Charter, the power to appoint department heads is exclusively the Town Administrator’s. See Chapter 5, § 5-4-2(a) (“the Town Administrator shall also have the power to appoint ... directors and department heads”). The Chair explained this during the meeting (4:16:40), and subsequently two other members of the Board reaffirmed the perspective that the Board’s role in the hiring process was limited (4:19:20; 4:21:10). Assuming the position is a director or department head, the Board’s only power in this context is to disapprove of an appointment within fourteen days of notice thereof. See Chapter 5, § 5-4-2 (“Subject to disapproval by the Selectboard within fourteen days of notice of the proposed appointment by the Town Administrator...”). The Town Administrator’s appointment, therefore, triggered the 14-day period in which the Board could vote to disapprove of the appointment. As a result, circumstances demanded immediate discussion by the Board, or else it might forfeit its Charter-provided review of the appointment, and the Board’s discussion of the appointment did not violate the Open Meeting Law. Regardless, the discussion of the Town Planner’s appointment was raised, in part, by a Board member asking to have the Planner appear before the Board at a future meeting to discuss housing goals, which was appropriate under the “Topics for Future Discussion” item listed on the meeting notice.

CONCLUSION

Based on the foregoing, the Board asserts that it did not commit a violation of the Open Meeting Law in discussing the Town Administrator’s appointment of the Town Planner on February 6, 2024, notwithstanding the fact that this topic was not explicitly listed on the agenda for the Board’s meeting. The Chair submits that the topic was not reasonably anticipated 48 hours in advance and that, if it was, circumstances required immediate discussion by the Board. Finally, the



{Name of Recipient}

March 19, 2024

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Board submits that the discussion regarding the Planner properly fell under the “Topics for Future Discussion” item listed on the meeting notice.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

Carolyn M. Murray

CMM/SAM

Enc.

cc: Jude Ahern (by e-mail to _____)



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

I

BUSINESS

~ A ~

Open Meeting Law Complaint

REQUESTED BY:	Michael Shannon
DESIRED ACTION:	To review and discuss a response to the complaint filed on March 11, 2024.
PROPOSED MOTION: SUMMARY:	I move direct town counsel to send a response for this complaint to the attorney general's office on behalf of the Wellfleet Selectboard.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Michael Last Name: Shannon

Address: 55 Main Street

City: Wellfleet State: MA Zip Code: 02667

Phone Number: 203214330 Ext.

Email: mshannon100@yahoo.com

Organization or Media Affiliation (if any): N/A

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Wellfleet Select Board

Specific person(s), if any, you allege committed the violation: N/A

Date of alleged violation: Feb 16, 2024

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

It is alleged that the Wellfleet Select Board violated the Open Meeting Law M.G.L. c. 30A, §§ 18- 25. Specific allegations are:

It is alleged the minutes of the January 16, 2024 executive meeting minutes were not timely approved by the Select Board. The Open Meeting Law requires a public body to “create and maintain accurate minutes of all meetings...” and the meeting minutes must be viewed and approved in a timely manner. M.G.L. c. 30A, § 22(a), (c). “Timely manner” means “within the next three public body meeting or within 30 days, whichever is later, unless the public body can show good cause for further delay” 940 C.M.R. 29.11(2). OML 2019-11, OML 2023 - 35. OML 2023 - 207.

It is alleged that the Select Board violated the Open Meeting Law by failing to conduct a complete and timely review of its January 2 and 16, 2024 executive session minutes as required by M.G.L. c. 30A, § 22(g)(2). When a public body receives a request for executive session minutes, it shall review those minutes and release “the non-exempt minutes, or any portion thereof not later than the body’s next meeting or 30 days, whichever occurs first.” The law contemplates a two-stage review of executive session minutes, with both stages occurring within 30 days of a request. M.G.L. c. 30A, § 22(f), (g)(2). At the conclusion of this review, the public body must response to the requestor and either make the minutes available or provide an explanation of what is being withheld and why. It will be clear the Board failed to do either.

See Description of Alleged Violations Continuation Sheet

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Release the January 2 and 16, 2024 executive meeting minutes in complete and unredacted form by March 25, 2024.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Michael A. Shannon

Date: March 11, 2024

For Use By Public Body	For Use By AGO
Date Received by Public Body:	Date Received by AGO:

Description of Alleged Violations Continuation Sheet
OML Complaint Re: Jan 2 and Jan 16 Executive Minutes - Shannon

On January 2, 2024 the Wellfleet Select Board held an executive meeting under “M.G.L c. 30A, Sec 21 [sic]; Purpose 2: To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.” (Exhibit 1). On information and belief, this meeting was with former Town Administrator Richard Waldo, after he submitted his resignation from that position, to determine his contract end date.

On January 16, 2024 the Wellfleet Select Board held an executive meeting for two purposes. The purpose relevant here was under “M.G.L c.30A, Sec 21 - Purpose 2: To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel. A. Negotiate contract with Silvio Genoa as interim town administrator.” (Exhibit 2).

On February 12, 2024, I emailed a request for “a copy pursuant to M.G.L. c. 30A, §20 (Open Meeting Law) of the official record of the Wellfleet Select Board executive meeting held on January 2, 2024.” I sent this request to Barbara Carboni, the Select Board chair, and Jennifer Congel, the Town Clerk. (Exhibit 3).

On February 15, 2024, I emailed a request for “a copy pursuant to M.G.L. c. 30A, §20 (Open Meeting Law) of the official record of the Wellfleet Select Board executive meeting held on January 16, 2024.” I sent this request to Barbara Carboni, the Select Board chair, and Jennifer Congel, the Town Clerk. (Exhibit 4).

On February 16, 2024 I received responses to both my February 12, 2024 request (for January 2 minutes) and my February 15, 2024 request (for January 16 minutes) from Town Clerk Congel. (Exhibits 5 and 6). Both responses were provided “in accordance with M.G.L. c. 66, § 10 of the Massachusetts Public Records Law” even though my request was “pursuant to M.G.L. c. 30A, § 20 (Open Meeting Law).”

The February 16 letter response to my February 12 request stated “the Board met to review its [January 2, 2024] executive session meeting minutes responsive to your request on *February 15, 2024*. The Board has approved the minutes, and have voted to send the minutes to Town Counsel for review. *At a future executive session meeting, date to be determined*, the Select Board will determine whether the purpose for the executive session has expired and/or if any information contained in the requested executive session meeting minutes will need to be redacted....” (Emphasis added). (Exhibit 5).

The Select Board Meeting Agendas on the town’s website do not show any select board meeting on February 15, 2024 (Exhibit 7).

The February 16 letter response to my February 15 request stated “the Board will *meet at a future date* to review the minutes from the January 16, 2024 meeting” and “when the Board meets to review the January 16, 2024 minutes, they will determine whether the purpose for the

executive session has expired and/or if any of the information contained in the requested executive session meeting minutes will need to be redacted....” (Emphasis added). (Exhibit 6).

On February 18, 2024, I sent to Chair Carboni and Clerk Congel two similar emails saying I found the town’s February 16, 2024 emails “confusing and ambiguous” and wanted to “clear up any possible misunderstandings.” I noted that the Open Meeting Law and Public Records Law each have their “own procedures, deadlines, and responsible state agencies.” I stated I am making these requests under the Open Meeting Law and not the Public Records Law and if necessary, please limit this OML request to the executive session minutes. I also pointed out that:

“Upon request by any person to inspect or copy the minutes of executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. M.G.L. c. 30A, §22(g)(2). The 10-day response deadline is calendar not business days. See Office of the Atty. Gen. [*Frequently Asked Questions About the Open Meeting Law*, Office of the Attorney General, <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law#frequently-asked-questions-about-meeting-minutes-> (February 17, 2024)].” (Internal quotations omitted). (Exhibit 8).

In a February 28, 2024 response to my February 18th email, Town Clerk Congel said she “responded to your request for both executive session minutes of January 02, 2024 and January 16th, 2024, because you sent the request to me (the Record Access Officer for the Town) and I am obligated to respond.” Her response was also “meant to inform [me] of where the two executive session meeting minutes are in the timeline of being released. The January 2nd executive session minutes have been approved by the Board and sent to Town Counsel to review and the Board has not yet scheduled an executive session to review the minutes of January 16, 2024 minutes. When I have more information, I will be in touch.” (Exhibit 9).

Exhibit 1

Wellfleet Selectboard
Tuesday January 2, 2024; 5:30pm
Virtual Meeting ~ Zoom
Executive Session
Agenda

The Wellfleet Selectboard will hold a public meeting on **Tuesday, January 2, 2024; 5:30pm**. The Chapter 2 of the Acts of 2023, this meeting will be conducted virtually only.

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

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

By Phone: +1 929 205 6099 and enter Meeting ID: 856 8960 4806 | Passcode: 611877

Landline callers can participate by dialing *9 to raise their hand.

To Participate during public comment:

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

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

I. *Announcements and Public Comments*

Note: Public comments are limited to no more than three minutes per speaker.

The Board will not deliberate or cote on any matter raised solely during Announcements & Public Comments.

II. *Adjourn Open Session and enter Executive Session not to reopen in Open Session.*

M.G.L. c.30A, Sec. 2; Purpose 2: To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.

III. *Adjourn Executive Session*

Exhibit 2

Wellfleet Selectboard
Tuesday January 16, 2024; 5:00pm
Hybrid Meeting ~ Zoom & 715 Old Kings Highway
Executive Session
Agenda

The Wellfleet Selectboard will hold a public meeting on **Tuesday, January 16, 2024; 5:00pm**. The Chapter 2 of the Acts of 2023, this meeting will be conducted virtually only.

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

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

By Phone: +1 929 205 6099 and enter Meeting ID: 856 8960 4806 | Passcode: 611877

Landline callers can participate by dialing *9 to raise their hand.

To Participate during public comment:

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

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

I. *Announcements and Public Comments*

Note: Public comments are limited to no more than three minutes per speaker.

The Board will not deliberate or cote on any matter raised solely during Announcements & Public Comments.

II. *Adjourn Public Comments and open Executive Session to reopen in Regular session at 6pm*

M.GL. c.30A, Sec. 21- Purpose 2: To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.

A. Negotiate contract with Silvio Genoa as interim town administrator.

M.GL. c.30A, Sec. 21 – Purpose 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.

B. Executive Session Meeting Minutes July 18, 2023 – to review and vote to approve and or release.

III. *Adjournment of Executive Session.*

Exhibit 3

From: Michael Shannon mshannon100@yahoo.com
Subject: OML Records Request, Select Board Executive Session Jan 2, 2024
Date: February 12, 2024 at 11:06 AM
To: Barbara.Carboni@wellfleet-ma.gov, Jennifer Congel jennifer.congel@wellfleet-ma.gov



Dear Chair Carboni and Town Clerk Congel

I am requesting a copy pursuant to M.G.L. c. 30A, § 20 (Open Meeting Law) of the official record of the Wellfleet Select Board Executive Session held on January 2, 2024.

I may be contacted at 202-321-4330 if you have any questions.

Thank you.
Mike Shannon

Exhibit 4

From: Michael Shannon mshannon100@yahoo.com
Subject: OML Records Request, Jan 16, 2024 Select Board Executive Meeting
Date: February 15, 2024 at 1:28 PM
To: Barbara.Carboni@wellfleet-ma.gov, Jennifer Congel jennifer.congel@wellfleet-ma.gov





Dear Chair Carboni and Town Clerk Congel

I am requesting a copy pursuant to M.G.L. c. 30A, § 20 (Open Meeting Law) of the official record of the Wellfleet Select Board Executive Session held on January 16, 2024.

I may be contacted at 202-321-4330 if you have any questions.

Thank you.
Mike Shannon

Exhibit 5

From: Jennifer Congel Jennifer.Congel@wellfleet-ma.gov  
Subject: RE: OML Records Request, Select Board Executive Session Jan 2, 2024
Date: February 16, 2024 at 12:15 PM
To: Michael Shannon mshannon100@yahoo.com, Barbara Carboni Barbara.Carboni@wellfleet-ma.gov



Hi Mike,
In response to your public records request, please see the attached.

Best Regards,
Jennifer

Jennifer M.Congel
Town of Wellfleet - Town Clerk
300 Main Street
Wellfleet MA 02667
Phone 508-349-0301
Fax 508-349-0317

Open Meeting Notices must be submitted to the Town Clerk's office at least 1/2 hour prior to the close of business. Except in an emergency, a public body must post a notice of meeting at least 48 hours in advance, excluding Saturdays, Sundays, and legal holidays.

****The Commonwealth of Massachusetts Secretary of State has determined that e-mail is a public record****

-----Original Message-----

From: Michael Shannon <mshannon100@yahoo.com>
Sent: Monday, February 12, 2024 2:07 PM
To: Barbara Carboni <Barbara.Carboni@wellfleet-ma.gov>; Jennifer Congel <Jennifer.Congel@wellfleet-ma.gov>
Subject: OML Records Request, Select Board Executive Session Jan 2, 2024

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chair Carboni and Town Clerk Congel

I am requesting a copy pursuant to M.G.L. c. 30A, § 20 (Open Meeting Law) of the official record of the Wellfleet Select Board Executive Session held on January 2, 2024.

I may be contacted at 202-321-4330 if you have any questions.

Thank you.
Mike Shannon



MS exec session
0102.pdf



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET, MASSACHUSETTS 02667

Office of the Town Clerk

Townclerk@wellfleet-ma.gov

Tel (508) 349-0301 Fax (508) 349-0317

Wellfleet-ma.gov

February 16,2024

BY ELECTRONIC MAIL ONLY

Public Records Request Received on February 12, 2024

Dear Mr. Shannon,

The Town of Wellfleet (the "Town") is in receipt of your public records request, dated February 16,2024 and received by electronic mail on the same day in which you request certain Selectboard executive session meeting minutes. I am providing the within response in accordance with M.G.L. c. 66, §10 of the Massachusetts Public Records Law.

Request: In your request, you are specifically seeking the following records:

I am requesting a copy pursuant to M.G.L. c. 30A, § 20 (Open Meeting Law) of the official record of the Wellfleet Select Board Executive Session held on January 2, 2024.

Response:

The Town has reviewed your request and its records and identified those executive session minutes responsive to your request. Please be advised that the Town is providing this initial response to your request as required by law and to advise you that the Board met to review its executive session meeting minutes responsive to your request on February 15, 2024. The Board has approved the minutes, and have voted to send the minutes to Town Counsel for review.


At a future executive session meeting, date to be determined , the Select Board will determine whether the purpose for the executive session has expired and/or if any of the information contained in the requested executive session meeting minutes will need to be redacted under any of the exemptions to the Public Records Law, other applicable provisions of law, and/or common law privileges, such as the attorney-client privilege. See, e.g., G.L. c. 4, §7(26); Suffolk Construction Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444, 449-450 (2007); 950 CMR 32.06(3). In accordance with G.L. c.66 §10(b)(iv), nothing herein shall limit the Town's ability to redact or withhold information in accordance with state or federal law.

I will be in touch as soon as I know the date of the executive session meeting where further review of the executive session minutes will be voted for possible release.

Best Regards,

Jennifer M. Congel
Town Clerk/RAO

Exhibit 6

From: Jennifer Congel Jennifer.Congel@wellfleet-ma.gov 
Subject: RE: OML Records Request, Jan 16, 2024 Select Board Executive Meeting
Date: February 16, 2024 at 12:36 PM
To: Michael Shannon mshannon100@yahoo.com



Dear Mr. Shannon,
In response to your public records request please see the attached.

Best Regards,
Jennifer

Jennifer M.Congel
Town of Wellfleet - Town Clerk
300 Main Street
Wellfleet MA 02667
Phone 508-349-0301
Fax 508-349-0317

Open Meeting Notices must be submitted to the Town Clerk's office at least 1/2 hour prior to the close of business. Except in an emergency, a public body must post a notice of meeting at least 48 hours in advance, excluding Saturdays, Sundays, and legal holidays.

****The Commonwealth of Massachusetts Secretary of State has determined that e-mail is a public record****

-----Original Message-----

From: Michael Shannon <mshannon100@yahoo.com>
Sent: Thursday, February 15, 2024 4:28 PM
To: Barbara Carboni <Barbara.Carboni@wellfleet-ma.gov>; Jennifer Congel <Jennifer.Congel@wellfleet-ma.gov>
Subject: OML Records Request, Jan 16, 2024 Select Board Executive Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chair Carboni and Town Clerk Congel

I am requesting a copy pursuant to M.G.L. c. 30A, § 20 (Open Meeting Law) of the official record of the Wellfleet Select Board Executive Session held on January 16, 2024.

I may be contacted at 202-321-4330 if you have any questions.

Thank you.
Mike Shannon



MS exec session
Jan 16.pdf



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET, MASSACHUSETTS 02667

Office of the Town Clerk

Townclerk@wellfleet-ma.gov

Tel (508) 349-0301 Fax (508) 349-0317

Wellfleet-ma.gov

February 16, 2024

BY ELECTRONIC MAIL ONLY

Public Records Request Received on February 16, 2024

Dear Mr. Shannon,

The Town of Wellfleet (the "Town") is in receipt of your public records request, dated February 16, 2024, and received by electronic mail on the same day, in which you request certain Selectboard executive session meeting minutes. I am providing the within response in accordance with M.G.L. c. 66, §10 of the Massachusetts Public Records Law.

Request: In your request, you are specifically seeking the following records:

I am requesting a copy pursuant to M.G.L. c. 30A, § 20 (Open Meeting Law) of the official record of the Wellfleet Select Board Executive Session held on January 16, 2024.

Response:

The Town has reviewed your request and its records and identified those executive session minutes responsive to your request. Please be advised that the Town is providing this initial response to your request as required by law and to advise you that the Selectboard will be meeting at a future date to review the minutes from the January 16, 2024 meeting.

Please be advised that when the Board meets to review the January 16, 2024 minutes, they will determine whether the purpose for the executive session has expired and/or if any of the information contained in the requested executive session meeting minutes will need to be redacted under any of the exemptions to the Public Records Law, other applicable provisions of law, and/or common law privileges, such as the attorney-client privilege. See, e.g., G.L. c. 4, §7(26); Suffolk Construction Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444, 449-450 (2007); 950 CMR 32.06(3). In accordance with G.L. c.66 §10(b)(iv), nothing herein shall limit the Town's ability to redact or withhold information in accordance with state or federal law.

Following the Select Board's next executive session meeting, the Town will provide a further response to your request.

Best Regards,

Jennifer M. Congel
Town Clerk/RAO

Exhibit 7

[2021 Town Meeting and Town Election, FY 2022 Budget Schedule](#)

[2023 Annual Town Meeting Warrant](#)

[2023 Selectboard Goals](#)

[2023 Selectboard Meeting Schedule](#)

[2024 Selectboard Meeting Schedule](#)

[Agenda Placement Request](#)

[Code of Conduct Policy](#)

[FY 2022 Budget Policy](#)

[Fuel Efficient Vehicle Policy](#)

[Policies](#)

[Special Municipal Employees 1-4-2022](#)

[Volunteer Application](#)

[Which Board or Committee has to be hybrid?](#)

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2024 Selectboard Meeting Agendas

[Minutes & Agendas Archive](#)

[Agenda - with Executive Session](#)

March 7, 2024 - 6:00pm

[Agenda](#)

February 29, 2024 - 6:00pm

[Agenda](#)

February 27, 2024 - 6:00pm

[Agenda](#)

February 22, 2024 - 6:00pm

[Agenda](#)

February 20, 2024 - 6:00pm

[Agenda](#)

February 6, 2024 - 6:00pm

[Agenda](#)

January 30, 2024 - 5:00pm

[Agenda](#)

January 29, 2024 - 12:45pm

[Agenda](#)

January 24, 2024 - 12:30pm

[Agenda](#)

January 16, 2024 - 6:00pm

[agenda with Executive Session](#)

January 16, 2024 - 5:00pm

[Agenda](#)

January 9, 2024 - 6:00pm

[Agenda ~ with Executive Session](#)

January 2, 2024 - 5:30pm



Wellfleet Town Hall
300 Main Street
Wellfleet, MA 02667

Hours

Mon - Fri 8:00am - 4:00pm
P: 508-349-0300 F: 508-349-0305

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Exhibit 8



From: Michael Shannon mshannon100@yahoo.com
Subject: Follow Up - OML Records Request, Select Board Executive Session Jan 2, 2024
Date: February 18, 2024 at 10:24 PM
To: Jennifer Congel Jennifer.Congel@wellfleet-ma.gov, Barbara.Carboni@wellfleet-ma.gov

I found your response confusing and ambiguous. I want to ensure I did not misread anything and clear up any possible misunderstandings. (Letter from Jennifer Congel, Town Clerk/RAO to Michael Shannon (February 16, 2024) *Public Records Request Received on February 12, 2024*, (via Email Jennifer Congel to Michael Shannon, February 16, 2024, 12:15PM)).

I am making this request under the Open Meeting Law M.G.L. c. 30A, §§18 - 25 and not the Public Records Law M.G.L. c. 66, § 10 (See Email from Michael Shannon to Barbara Carboni and Jennifer Congel, *OML Records Request, Select Board Executive Session Jan 2, 2024*, (February 12, 2024, 11:06 AM)). As you know, each has its own procedures, deadlines and responsible state agencies.

Your letter states "I am providing the within response [sic] in accordance with M.G.L. c. 66, §10 of the Massachusetts Public Records Law." "[T]he Board met to *review its executive session meeting minutes responsive to your request on February 15, 2024*. The Board has approved the minutes, and have voted to send the minutes to Town Counsel for review." "*At a future executive session meeting, date to be determined*, the Select Board will determine whether the purpose for the executive session has expired and/or if any of the information contained in the requested executive session meeting minutes will need to be redacted... (emphasis added)."

I am confused as to what you mean by "*at a future executive session meeting, date to be determined*." Will the response to my request be in accordance with the Open Meeting Law, specifically M.G.L. c. 30A §22 as described below? If necessary, please limit this OML request to the minutes of this executive session. I will provide a separate request under the Public Records Law at a later date for other public records.

"Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session." M.G.L. c. 30A, §22(d). "Documents used by a public body at a meeting maybe retained separately from the minutes, through the minutes must list all the documents used by the public body during the meeting." *Frequently Asked Questions About the Open Meeting Law*, Office of the Attorney General, <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law#frequently-asked-questions-about-meeting-minutes> (February 17, 2024).

"Upon request by any person to inspect or copy the minutes of executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs." M.G.L. c. 30A, §22(g)(2). The 10-day response deadline is calendar not business days. See Office of the Atty. Gen., *supra*.

Thank you.

Michael Shannon

From: Michael Shannon mshannon100@yahoo.com
Subject: Follow Up - OML Records Request, Jan 16, 2024 Select Board Executive Meeting
Date: February 18, 2024 at 10:43 PM
To: Jennifer Congel Jennifer.Congel@wellfleet-ma.gov, Barbara.Carboni@wellfleet-ma.gov

MS

Dear Chair Carboni and Town Clerk Congel

I found your response confusing and ambiguous. I want to ensure I did not misread anything and clear up any possible misunderstandings. (Letter from Jennifer Congel, Town Clerk/RAO to Michael Shannon (February 16, 2024) *Public Records Request Received on February 16, 2024*, (via Email Jennifer Congel to Michael Shannon, February 16, 2024, 12:36PM)).

I am making this request under the Open Meeting Law M.G.L. c. 30A, §§18 - 25 and not the Public Records Law M.G.L. c. 66, § 10 (See Email from Michael Shannon to Barbara Carboni and Jennifer Congel, *OML Records Request, Select Board Executive Session Jan 16, 2024*, (February 15, 2024, 4:28PM)). As you know, each has its own procedures, deadlines and responsible state agencies.

Your letter states "I am providing the within response [sic] in accordance with M.G.L. c. 66, §10 of the Massachusetts Public Records Law." "[T]he Selectboard will be *meeting at a future date* to review the minutes from the January 16, 2024 meeting." "Please be advised that *when the Board meets* to review the January 16, 2024 minutes, they will determine whether the purpose for the executive session has expired...." "*Following the Select Board's next executive session meeting*, the Town will provide a further response to your request."

I am confused as to what you mean by *meeting at a future date, when the Board meets, following the select board's next executive session* ." Will the response to my request be in accordance with the Open Meeting Law, specifically M.G.L. c. 30A §22 as described below? If necessary, please limit this OML request to the minutes of this executive session. I will provide a separate request under the Public Records Law at a later date for other public records.



"Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session." M.G.L. c. 30A, §22(d). "Documents used by a public body at a meeting maybe retained separately from the minutes, through the minutes must list all the documents used by the public body during the meeting." *Frequently Asked Questions About the Open Meeting Law*, Office of the Attorney General, <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law#frequently-asked-questions-about-meeting-minutes> (February 17, 2024).

"Upon request by any person to inspect or copy the minutes of executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs." M.G.L. c. 30A, §22(g)(2). The 10-day response deadline is calendar not business days. See Office of the Atty. Gen., *supra*.

Thank you.

Michael Shannon

Exhibit 9

From: Jennifer Congel Jennifer.Congel@wellfleet-ma.gov  
Subject: RE: Follow Up - OML Records Request, Jan 16, 2024 Select Board Executive Meeting
Date: February 28, 2024 at 12:49 PM
To: Michael Shannon mshannon100@yahoo.com, Barbara Carboni Barbara.Carboni@wellfleet-ma.gov

JC

Hi Michael,

I am sorry I am just now responding to your email from last week, and that my responses were confusing.

I responded to your request for both the executive session minutes of January 02, 2024, and January 16th, 2024, because you sent the request to me (the Record Access Officer for the Town) and I am obligated to respond.

My response was also meant to inform you of where the two executive session meeting minutes

you requested are in the timeline of being released. Again, the January 2nd executive session minutes have

been approved by the Board and have been sent to Town Counsel to review.

As I understand it, the Board has not yet scheduled an executive session to review the minutes of the January 16, 2024 minutes.

When I have more information, I will be in touch.

Best Regards,
Jennifer

Jennifer M.Congel
Town of Wellfleet - Town Clerk
300 Main Street
Wellfleet MA 02667
Phone 508-349-0301
Fax 508-349-0317



Open Meeting Notices must be submitted to the Town Clerk's office at least 1/2 hour prior to the close of business.

Except in an emergency, a public body must post a notice of meeting at least 48 hours in advance, excluding Saturdays, Sundays, and legal holidays.

*****The Commonwealth of Massachusetts Secretary of State has determined that e-mail is a public record*****

March 19, 2024

Carolyn M. Murray
cmurray@k-plaw.com**BY ELECTRONIC MAIL ONLY** (openmeeting@state.ma.us)Carrie Benedon, Esq.
Director, Division of Open Government
Office of Attorney General
One Ashburton Place
Boston, MA 02108Re: Town of Wellfleet – Select Board
Open Meeting Law Complaint from Michael Shannon dated March 11, 2024

Dear Ms. Benedon:

Please be advised that this firm serves as Town Counsel to the Town of Wellfleet (the “Town”). The Town’s Selectboard (the “Board”) is in receipt of an Open Meeting Law Complaint (the “Complaint”) filed by Mr. Michael Shannon (the “Complainant”), received on March 12, 2024. The Complainant alleges that the Board violated the Open Meeting Law by not timely approving minutes from executive sessions held on January 2, 2024 and January 16, 2024 and by not issuing a response for executive session meeting minutes, or releasing said minutes, in accordance with the Open Meeting Law. A copy of the Complaint is attached hereto as Exhibit 1.

On March 19, 2024, the Board met at a properly posted meeting to discuss the Complaint and consider its response. The Board has reviewed the allegations contained in the Complaint and, following such discussion, has authorized this response on its behalf, in accordance with G.L. c. 30A, § 23 and 940 CMR 29.05(5).

BACKGROUND

The Complaint alleges that the Board violated the Open Meeting Law by not timely approving of executive sessions minutes. The Open Meeting Law was enacted “to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based.” Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). The Open Meeting Law specifically requires that a public body “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.” G.L. c. 30A, § 22(a). Meeting minutes for both open and executive sessions must be created and approved in a timely manner. G.L. c. 30A, § 22(c); 940 CMR 29.11(2). “Timely manner” means “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.” 940 CMR 29.11(2). The Complainant alleges that the January 2, 2024 and January 16, 2024 executive session minutes were not timely approved.

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As discussed further below, the Board acknowledges that executive session minutes from January 2, 2024 were approved on February 15, 2024,¹ and that the executive session minutes from January 16, 2024 were approved on March 7, 2024.² While the Board acknowledges that these minutes were therefore approved on a slightly longer timeline than set forth by Open Meeting Law requirements, the Board submits that given the totality of the circumstances there was good cause for such minor delay in light of the significant transition of Town Administration at the time and the Board's responsibilities relative to such transition matters. The Board further submits that it acted in good faith to approve the minutes in question, which have, in fact, already been approved, and further that any minimal and unintentional delay has been remedied already.

Furthermore, the Board contends that to the extent the Complainant alleges the Board violated the Open Meeting Law by not previously releasing the January 2 and January 16 executive session meeting minutes, the Board acted within its discretion to carefully review the executive session meeting minutes relative to the matters being reviewed in 2024. However, the Board will review these executive session minutes again on March 21, 2024 in good faith and assess their release given the current status of the topics reviewed. Accordingly, the Board maintains that no Open Meeting Law violation occurred, or if a violation did occur, the violation will be cured by the anticipated imminent release of the requested minutes.

DISCUSSION

I. Timely approval of the executive session minutes

As the meeting notice for the January 2, 2024 meeting, attached hereto as Exhibit B, indicates the Board met in executive session to discuss contract negotiations with non-union personnel, specifically the Town Administrator and Assistant Town Administrator. In particular, the Town Administrator had announced his resignation from the Town, with an expected departure date of February 9, 2024, which implicated terms of the Town Administrator's employment contract. In addition, it prompted the Board to consider entering into an employment contract for an Interim Town Administrator, and at that time, the Board considered the Assistant Town Administrator, who also had an employment contract with the Town that would have to be modified, if elevated to the Interim Town Administrator position. While some aspects of the Town Administrator's resignation had been resolved at the January 2, 2024 executive session, there was ongoing communications regarding the

¹ The agenda for the February 15, 2024 meeting shows that these minutes were to be discussed: <https://www.wellfleet-ma.gov/home/events/103776>.

² The agenda for the March 7, 2024 meeting shows that these minutes were to be discussed: <https://www.wellfleet-ma.gov/home/events/104501>.



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Town Administrator's resignation up until the February 9, 2024 resignation date, and therefore, the purpose for this executive session was considered unresolved until very recently.

On January 16, 2024, the Board again convened in executive session for the purpose of conducting contract negotiations with non-union personnel, the former Assistant Town Administrator as the matter had not been concluded at the January 2, 2024 meeting. The meeting notice for the January 16, 2024 executive session is attached hereto as Exhibit C. The purpose of the executive session was twofold: 1) to negotiate a modification to the Assistant Town Administrator's contract to temporarily promote the Assistant to Interim Town Administrator; and 2) to review and possibly approve the executive session minutes from July 18, 2023.

On February 15, 2024, the Board met to review and voted to approve the January 2 executive session meeting minutes. On March 7, 2024 the Board met to review and voted to approve the January 16 executive session meeting minutes. At these meetings, the Board also discussed the release of both sets of minutes subject to Town Counsel reviewing and redacting any attorney/client privileged information or other information to be redacted by law. The Board submits that there was good cause for this time frame for approval given the significant transition of Town Administration during this time period, including the departure of the Town Administrator and Assistant Town Administrator and the Board's review and response to related personnel matters and transition planning for Town administration. Although the Board acknowledges that as a general matter, staffing changes and shortages do not provide "good cause" for failure to timely approve minutes, see OML 2018-67, the Board submits these administrative overhauls at the same time took up significant amounts of time and Board resources during this time of administrative transition. Therefore, the slight delay in approving the January 2024 executive sessions from this process was excusable. Since the meeting minutes have been approved, the Board submits no further remedial action would be appropriate.

II. Response and release of the minutes

The Board disagrees with the Complainant's allegations, however, to the extent that it is suggested that the Board was obligated to make available the meeting minutes from January 2 and January 16, 2024, upon the Complainant's original requests. Under G.L. c. 30A, § 22(g)(2):

Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption. ... if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs.

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Where an individual requests executive session meeting minutes, and a review with respect to whether the minutes are subject to nondisclosure has not yet been conducted, a public body must respond within 10 days and perform such review and release the minutes after its next meeting or within 30 days, whichever occurs first. OML 2019-163. However, “as long as publication may defeat the lawful purposes of the executive session,” the minutes do not need to be released. G.L. c. 30A, § 22(f).

At the time of the Complainant’s February 12 and February 15 requests for the executive session minutes from January 2 and January 16, as noted above, the ongoing personnel matters that would be compromised by publication had only recently resolved. Therefore, review of the 2024 executive session minutes for whether nondisclosure was still appropriate had not yet occurred. The Town Clerk responded to the Complainant, stating that such a review would be forthcoming.³ See OML 2022-155 (“In such circumstances, the body must still respond to the requestor within 10 days, notifying him or her that it is conducting this review.”). Furthermore, given that the Interim Town Administrator was only hired on approximately February 2, 2024, and then that Board is engaged in the process of securing a permanent Town Administrator—a process which could be compromised by the release of executive session minutes discussing details of the hiring process—the Board respectfully submits that nondisclosure indeed was not appropriate at that time. See OML 2023-189 (“we generally defer to a public body’s assessment of whether the inclusion of such information would compromise the purpose for the executive session” as long as there is a “reasonable basis”). See also Amos v. Town of Westford, No. 1681-CV-03254, 2017 WL 6419285, at *2 (Mass. Sup. Ct. Oct. 6, 2017) (noting “discretion to withhold the minutes of those executive sessions”).

The Board therefore submits that the time frame for approval was in accordance with the Open Meeting Law given that there was good cause for the slight delay and the minutes required further review for potential release in light of the pending Town administration transition. The Board further submits that it will review the two sets of executive session meeting minutes on **March 21, 2024** for consideration of release at this time in light of the current status of such executive session topics.

CONCLUSION

Based on the foregoing, the Board asserts that there was no violation of the Open Meeting Law given the circumstances regarding the executive sessions and the approval of such minutes, and maintains that there was good cause for the Board’s schedule for approval of the January 2024 executive session meeting minutes during the significant transition in Town Administration this

³ In the instant case, the Complainant sent the request to both the Chair of the Selectboard and the Town Clerk. See Complaint, Exs. 4-5. Therefore, whether the Board was obligated to respond within 10 calendar or 10 business days is unclear, as it has been acknowledged that “a request for meeting minutes that is directed to a public body will trigger the Open Meeting Law. On the other hand, a request for minutes that is directed to a municipal employee, such as the Town Clerk, will likely trigger the Public Records Law.” OML 2019-163. In any case, the Town Clerk promptly responded to the Complainant the next day.



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January and early February. Alternatively, to the extent the Board is found to have violated the Open Meeting Law, the Board asserts that such violation will be cured by the imminent release of those minutes in accordance with the Public Records Law and Open Meeting Law. The Board submits that it continues to strive to meet the requirements of the Open Meeting Law.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

Carolyn M. Murray

CMM/SAM

Enc.

cc: Michael Shannon (by e-mail to [REDACTED])

910170/WELL/0178



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

II

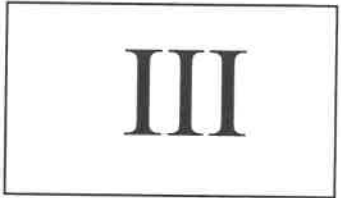
ANNOUNCEMENTS AND PUBLIC COMMENTS

REQUESTED BY:	Wellfleet Selectboard
DESIRED ACTION:	Announcements to the board and public
PROPOSED MOTION: SUMMARY:	<i>NOTE: Public comments are limited to no more than three minutes per speaker and be allowed to speak once during open comments.</i> The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024



CONSENT AGENDA

REQUESTED BY:	Various Parties
DESIRED ACTION:	To approve the following without objection
SUMMARY:	I move to approve the following items with no objection: <ul style="list-style-type: none">• Use of Town Property ~ Wellfleet Oyster Association, use of utility poles with brackets, like last year to advertise Oysterfest and then the holidays; beginning May 17th – see details in the selectboard packet.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Conditions:
VOTED:	Yes _____ No _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN-OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant: **Deirdre Oringer**

Affiliation or Group: **Wellfleet Oyster Alliance**

Telephone Number: **508-349-3499 or 508-776-8408**

Mailing Address: **PO Box 2156 Wellfleet, MA 02667**

Email address: **vendors@wellfleetoa.org**

Town Property to be used (include specific area):

9 utility poles with brackets for banners on Main Street

Date(s) and hours of use: **May 17th through October end of October 2024 & longer*****

Describe the 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 the applicant.

**3 designs in total, Banners would display information about
Shellfish Farm Tours
Wellfleet OysterFest
Wellfleet Makers Market**

*****WOA would like to replace banners being taken down at the end of October or early November with 3 different holiday banner designs.**

The designs would be generic 'Happy Holidays', 'Peace on Earth', 'Seasons Greetings'

These holiday banners would be a gift to the Town of Wellfleet from WOA (with nothing to ID they are supplied by WOA)

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

W-DPW would need to hang them

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any

additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

Approved as submitted

Approved with the following condition(s):

Disapproved for following reason(s):

Date:

Processing Fee: \$50.00

Fee:

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: N/A Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: N/A Comments/Conditions: Permits/Inspections needed:
--	---

Police Department: <i>ok - Kevin LaRocco</i> Comments/Conditions:	Fire Department: <i>ok - Rich Pauley</i> Comments/Conditions:
---	---

DPW: <i>ok - Jay Norton</i> Comments/Conditions	Community Services Director: OKAY - Suzanne Thomas Comments/Conditions:
---	---

Harbormaster: <i>N/A</i> Comments/Conditions	Shellfish: <i>N/A</i> Comments/Conditions
--	---

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024



CONSENT AGENDA

~ A ~

Chair Carboni is Recused from this consent item.

REQUESTED BY:	Jay Norton, DPW Director & Wes Stinson, Environmental Partners
DESIRED ACTION:	To extend the allowable work hours for the Herring River Restoration Project to accelerate work due to a 3 ½ month shut down.
PROPOSED MOTION:	I move to approve MIG Corporation to extend the hours for workdays starting on March 20, 2024, for the Herring River Restoration Project from dusk to dawn, exclusive of day of Holidays.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



MIG CORPORATION, INC.

March 15, 2024

Jay Norton
DPW Director
Town of Wellfleet
220 West Main Street
Wellfleet, MA 02667

RE: Herring River Restoration Project
Chequesett Neck Road Bridge and
Water Access Facility Construction
Town of Wellfleet, MA
Contract No: 20120636.A22

Dear Mr. Norton-

We hereby request to extend work hours/workdays starting 03/20/24 on the above captioned Project. Work hours would be dusk to dawn, exclusive of day of Holiday only. The reason for this request is to accelerate work, as we have been shut down for 3 ½ months due to Utility Company relocations.

Kindly advise our office of your determination so we can plan accordingly. We thank you for your attention to this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "D. Voghel".

Donald Voghel,
Chief Executive Officer
dvoghel@migcorporation.com

cc: Nils Wiberg- Fuss & O'Neill
Wes Stinson- Environmental Partners
Bob Sawyer- MIG



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

IV

POLICE DEPARTMENT

~ Appointments ~

~ A ~

REQUESTED BY:	Chief Kevin LaRocco
DESIRED ACTION:	To approve the appointment of Rachel Bunce to the Wellfleet Police Department as a full-time Police Officer
PROPOSED MOTION:	I move to approve the appointment of Rachel Bunce to the Wellfleet Police Department as a full-time police officer upon the conditional items listed in the Selectboard packet.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet
Police Department

March 19, 2024

To: Select Board
From: Chief Kevin LaRocco

Subject: FULL TIME POLICE OFFICER APPOINTMENT

I request Rachel Bunce be appointed as a Full Time Police Officer for the town of Wellfleet, Rachel will be filling one of our current vacant positions.

Rachel Bunce:

Interview	Completed/Passed
Physical	Completed/Passed
Background Check	Completed/Passed
Psychological Evaluation	Completed/Passed
POST Certified	Completed/Passed

I recommend that Rachel Bunce be appointed as above and that a conditional offer of employment be extended as follows:

- Satisfactorily complete the Field Training program.
- Satisfactory completion of one year of probation.

Respectfully submitted for your information and consideration.



Kevin LaRocco
Chief of Police

cc: Tom Guerino, Acting Town Administrator

Police Officer Position; Full Time Part Time
 Communications Position; Full Time Part Time

**WELLFLEET POLICE DEPARTMENT
 SUMMARY SHEET OF APPLICANT'S INFORMATION**

Applicant's Name : Bunce Rachel N
 (Last) (First) (Middle)

The following information is a summary of information provided as part of a 10 page application packet. The entire application is available for your review if you so desire.

I PERSONAL HISTORY

Address: _____
 (Number & Street)
 Westfield MA 01085
 (City/Town) (State) (Zip)

II EDUCATION

	School Name, Address and Phone Number	Graduated Yes/No	Number of Years Attended	Degree	Major
High School	Dennis Yarmouth Regional High School, (508) 398-7639	Yes	4	X	
Undergraduate	Westfield State University	Yes	4	Bachelors	Criminal Justice
Graduate					
Other					

- b. Have you attended or are attending a Reserve Police Academy? Yes No If yes, give details to include completion date: _____
- c. Have you attended or are attending a Full Time Police Academy? Yes No If yes, give details to include completion date: _____
- d. Do you have a First Responder certificate? Yes No Exp. Date: _____
- e. Do you have a CPR certificate? Yes No Exp. Date: _____

f. List any special abilities, interests, sports, or hobbies along with degrees of proficiency:
Field Hockey, Rugby, Hiking, Fishing

g. List any special equipment or computer systems with which you have experience.
IMC police computer program, CJIS, Excel

III EMPLOYMENT HISTORY

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
11/2020	present	North Hampton Police Department, 29 Center St, North Hampton, MA 01060 Police Officer (413) 587-1110			Lieutenant Greg Korepta
Reason for Leaving: Would like to be closer to family and are where she grew up.					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
10/2020	11/2020	Dennis Yarmouth Regional High School, 210 Station Ave South Yarmouth, MA 02664, (508) 398-7630 Long Term Science teacher substitute.			Principal Paul Funk

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
6/2010	6/2020	Buncey's Pizza and Sports Café, 894 Route 134, South Dennis, MA 02660, (508) 385-1413 Prep cook and secretary			Timothy Bunce Owner
Reason for Leaving: left for undergraduate school.					

b. Have you ever been disciplined or forced to resign because of misconduct or unsatisfactory employment? Yes [] No [] If yes, give details:

b. Have you ever been disciplined or forced to resign because of misconduct or unsatisfactory employment? Yes [] No [] If yes, give details:

c. Are you eligible to be rehired with each of your former employers? Yes [] No [] If no, please explain: _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

IV

POLICE DEPARTMENT

~ Appointments ~

~ B ~

REQUESTED BY:	Chief Kevin LaRocco
DESIRED ACTION:	To approve the appointment of Brianna M. Johnson to the Wellfleet Police Department as a full-time officer
PROPOSED MOTION:	I move to approve the appointment of Brianna M. Johnson to the Wellfleet Police Department as a full-time police officer upon the conditional items listed in the Selectboard packet.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet
Police Department

March 19, 2024

To: Select Board
From: Chief Kevin LaRocco

Subject: FULL TIME POLICE OFFICER APPOINTMENT

I request Brianna M. Johnson be appointed as a Full Time Police Officer subject to the successful acceptance and subsequent completion of the Massachusetts Police Training Council Academy. Brianna will be filling a current vacant position.

Brianna Johnson:

Physical	Completed/Passed
Physical Agility Test	Pending
Police Academy Application	Pending
Background Check	Pending
Psychological Evaluation	Completed/Passed
POST Application	Pending

I recommend that Brianna be appointed as above and that a conditional offer of employment be extended as follows:

- Pass a background investigation.
- Pass the Physical Agility Test (PAT test)
- Obtain or be able to obtain a MA license to carry a firearms permit (Class A)
- Complete the Full Time Police Academy
- Satisfactorily complete the Field Training program
- Satisfactory completion of one year of probation
- Satisfactory POST Commission certification

Respectfully submitted for your information and consideration.



Kevin LaRocco
Chief of Police

cc: Tom Guerino, Acting Town Administrator

Police Officer Position; Full Time Part Time

Communications Position; Full Time Part Time

WELLFLEET POLICE DEPARTMENT SUMMARY SHEET OF APPLICANT'S INFORMATION

Applicant's Name: Johnson Brianna M
(Last) (First) (Middle)

The following information is a summary of information provided as part of a 10 page application packet. The entire application is available for your review if you so desire.

I PERSONAL HISTORY

Address: XXXXXXXXXX
(Number & Street)
Tucson AZ 85718
(City/Town) (State) (Zip)

II EDUCATION

	School Name, Address and Phone Number	Graduated Yes/No	Number of Years Attended	Degree	Major
High School	Santa Rita High School, 3951 S Pantano Rd. Tucson, AZ 85730 (520) 731-7501	NO	3		
Undergraduate					
Graduate					
Other	Canyon Rose Academy 2401 S Wilmot Rd. Tucson ,AZ 85711, (520) 797-4884	YES	1		

- b. Have you attended or are attending a Reserve Police Academy? Yes No If yes, give details to include completion date: _____
- c. Have you attended or are attending a Full Time Police Academy? Yes No If yes, give details to include completion date: _____
- d. Do you have a First Responder certificate? Yes No Exp. Date: _____
- e. Do you have a CPR certificate? Yes No Exp. Date: _____

f. List any special abilities, interests, sports or hobbies along with degrees of proficiency:
Reading, writing novels, hiking and fishing, painting kindness rocks.

g. List any special equipment or computer systems with which you have experience.
Word and Excel, Experience with AXON system, Intergraph Mobile for Public Safety (MPS)

III EMPLOYMENT HISTORY

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
6/2022	Current	Tucson Police Department, 270 S Stone Ave, Tucson, AZ 85701, Community Service Officer, 520-791-4444			Rueben Guido Sergeant 520-484-4403
Reason for Leaving: Currently employed.					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
3/2021	06/2022	Humane Society of Southern AZ 85705 Animal Care Tech/Lost and Found/Phone operator 520-327-6088			Christian Gonzalez C.O.O. 508-327-6088
To pursue a career in law enforcement.					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
4/2011	12/2018	Humane Society of Southern AZ 85705 Animal Care Technician/Adoption 520-327-6088			Felipe Monteiro
Reason for Leaving: Found different employment.					

Rachel was suspended for two days because of a self-reported incident with a friend while at a concert.

c. Are you eligible for rehire with each of your former employers? Yes [] No [] If no, please explain: _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

IV

POLICE DEPARTMENT

~ C ~

REQUESTED BY:	Chief Kevin LaRocco & Lt. Michael Turner
DESIRED ACTION:	To discuss the summer season at Cahoon Hollow Beach
PROPOSED MOTION:	If a motion is needed one will be made at the town of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition (s):
VOTED:	

To: Town Administrator Tom Guerino and

Board of Selectman

From: Chief Kevin M. LaRocco

Date: March 10, 2024

Subject: Ocean View Drive at Cahoon Hollow Summer - 2023

Executive Summary

The Beachcomber and Cahoon Hollow Beach continue to be popular” must-see” destinations for many summer visitors to Cape Cod.

Vehicle, bicycle, and pedestrian traffic on Ocean View Drive (OVD) from White Crest Beach through Long Pond Road, as well as visitors on Cahoon Hollow Beach, continue to be a public safety concern that we have been able to manage with additional police resources.

In response to public safety concerns on Cahoon Hollow Beach, the Town of Wellfleet and the National Park Service worked together on a plan to address concerns noted in past years related to increased volume and consumption of alcohol at high levels on the beach. In 2023 the National Park Service amended the Cape Cod National Sea Shore Superintendents Compendium to ban the consumption of alcohol and open containers of alcohol on National Sea Shore property at Cahoon Hollow Beach between May 20th and September 10th. By doing so this added to the existing Wellfleet alcohol ban on the portion of the beach owned by the town – making the entire area an alcohol-free zone. This change was successful in removing the “Spring Break” excessiveness that had been building in past years. During the summer of 2023 Cahoon Hollow seemed to be more like any other beach on Cape Cod regarding alcohol consumption.

Commercial Transportation drop-offs and pick-ups, primarily on Saturdays and Holiday Weekends, decreased this year. There are several reasons that may have led to the decrease:

1. The weather conditions in 2023 provided only a few nice weekends compared to 2022, where sunshine was the rule.
2. The change in regulations related to the consumption of alcohol on Cahoon Hollow Beach.

We have statistics that support that Bus Charters decreased by 46% in 2023 over 2022 (189 in 2023 vs. 352 in 2022), a decrease of 163 charters, while the passenger count decreased by 52% (2,970 in 2023 vs. 6,198 in 2022), a decrease of 3,228 visitors in a comparable period. We interact with the charters twice, both upon arrival and departure. We did not track Uber and Lift Drop-offs and Pick-ups – but based on observation, they continued to be used extensively on Saturdays, and the use seems to be increasing each year.

After the Beachcomber parking lot fills, drop-offs and pick-ups remained strong on nice weekends and holidays. The high volume of activity consists of the following: 1) Commercial traffic, including Ubers; 2) Visitors in their personal vehicles who park at White Crest and drop off and pick-up passengers on OVD; and 3) People dropping off their friends and family for a day at Cahoon Hollow Beach, but not participating themselves.

As part of our continuous improvements to public safety, I have made the following observations on things that we can work to improve for the summer of 2024.



Early Morning OVD Traffic Congestion:

Problem Statement: On many mornings, the parking line at the Beachcomber overflows onto OVD, creating a long line of vehicles that requires the Wellfleet Police Department to assign one or two officers to provide Traffic Control so vehicles, bicycles, and pedestrians can get around the line safely.

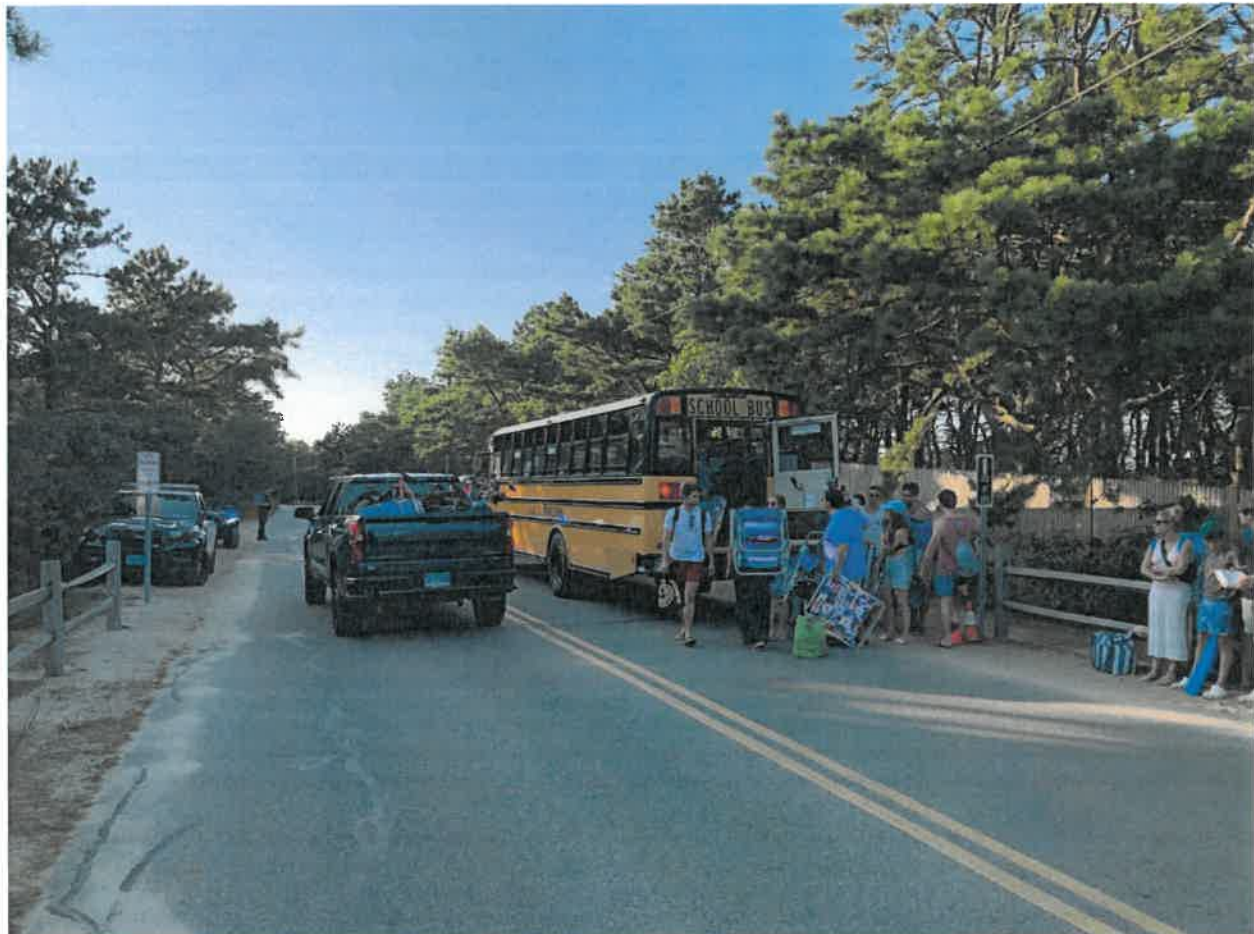


Detailed Analysis: The Wellfleet Police Department needs to provide Traffic Control on Ocean View Drive at Cahoon Hollow Road many mornings. During 2023, between 5/28 and 9/4, we provided traffic

control on 23 occasions (down from 34 in 2022) due to the early arrivals of Beachcomber patrons. This has been an ongoing issue, and to the Beachcomber's credit, they have opened earlier than they did nine years ago. However, the traffic on Ocean View Drive can be eliminated or, on some days, significantly mitigated if the Beachcomber opens their lot when their patrons arrive. The Beachcomber parking staff does not report to work until 8 AM and, in the best case, cannot open the lot before 8:10 AM. Many days, this creates a situation in which the cars are lined up on Ocean View Drive before that time. In the morning Beachcomber staff that handles the parking is also responsible for set-up and unloading trucks, so there are some days that the priority is placed on those aspects of their job, not opening the parking lot. Most days one officer is needed, but on Saturdays generally two officers are needed as the line goes "over the hill" towards White Crest Beach. None of our other beaches have this issue.

Drop-Offs and Pick-Ups:

Problem Statement: – When Cahoon Hollow Road leading to the Beachcomber / Cahoon Hollow Beach is blocked off due to the parking lot being full, vehicles dropping off and picking up passengers and their beach gear at the Beachcomber /Cahoon Hollow Beach tend to stop at the intersection of OVD and Cahoon Hollow Road to unload and subsequently load, creating congestion and safety issues in a busy intersection.



Detailed Analysis: In 2021 we designated an area for beach drop offs and pick-ups. The designated drop off / pick-up area is north of Cahoon Hollow Road on the East side of the street – just past the existing split rail fencing. In 2022 the DPW added signage to the area as a specific area for drop offs and pick-ups well out of the OVD/Cahoon Hollow Rd intersection, along with additional signage where we do not want people to stop. This has proved to be an improvement to the traffic situation when Cahoon Hollow Road was closed off by sending cars to drop off in the designated area.



In 2022, prior to July fourth weekend the owners of 920 Ocean View Drive had a split rail fence installed on Town Owned Property in the area we designated as the Drop off / Pick up area. This created a situation forcing the busses further into the street than planned resulting in a single lane of traffic on OVD during drop offs and pick-ups.



In addition to the creation of a designated area we deployed traffic cones at the corner of OVD and Cahoon Hollow Road to limit people pulling off for drop offs as well as adding “No Stopping/ No Standing” signage. This seems to have helped. There are several areas that a split rail fence could limit where people could pull slightly off the road for drop offs

Pedestrians on OVD:

Problem Statement: Once the Cahoon Hollow lot fills visitors’ intent on going to the Beachcomber and Cahoon Hollow Beach are directed to White Crest Beach for parking, where the Town collects from each vehicle \$31.50 for parking. In the past three years, there was a significant increase in pedestrian foot traffic on Ocean View Drive on those days, as the Beachcomber no longer provides a “Funk Bus” shuttle to and from White Crest Beach. As Ocean View Drive does not have sidewalks, there was a lot of added foot traffic on the street. This foot traffic reappears at the end of the beach day as those parking at White Crest return for their vehicles.



Detailed Analysis: Many of the pedestrians walking on Ocean View Drive between the beaches behaved as if there were no cars or bicycles on the road. We observed people walking literally in the middle of the street as cars and bicycles also attempted to use the road. This created additional congestion that was not as great when the Funk Bus shuttle ran in previous years. On the plus side, we observed that the number of visitors enjoying White Crest Beach has increased since 2021.

Charter Busses:

Problem Statement: Charter buses have been on an increasing trend. Possibly due to the changes implemented, the summer of 2023 has seen a leveling off to between the 2019 / 2021 numbers. Over the summer of 2023, we had 189 charters dropping off and subsequently picking up 2,970 visitors. This compares with 2022 when we had 352 charters dropping off, and subsequently picking up 6,198 visitors. Year over year 2023 / 2022 showed a 46% decrease in the number of charters and a 52% decrease in the number of visitors brought by Charter Bus. This primarily occurs on Saturdays and additional days over holiday weekends.

Here is a summary of the trends from 2019 - 2023.

Wellfleet Police

Charter Bus Summary 2019 - 2023 Actual

Source	PTF Report Actual	WPD Data Actual	WPD Data Actual	WPD Data Actual
Year	2019	2021	2022	2023
Total Charters	133	241	352	189
Total Passengers	2,933	4,573	6,198	2,970
July 4 Weekend Charters	57	73	89	37
July 4 Weekend Passengers	1,027	1,728	2,077	640
July 4 as a % of Total	35%	38%	34%	22%
Y/Y Increases				
Total Charters		81%	46%	-46%
Total Passengers		56%	36%	-52%
July 4 Weekend Charters		28%	22%	-58%
July 4 Weekend Passengers (2019 Est)		68%	20%	-69%

Notes:

2020 Not Included - COVID

2019 July 4th weekend passenger count is estimated

2019 and 2021 data was from Mid June, 2022 and 2023 data started Memorial Day Weekend





July 4th Weekend 2023 (7/1/23)



July 4th Weekend 2022 (7/3/22)



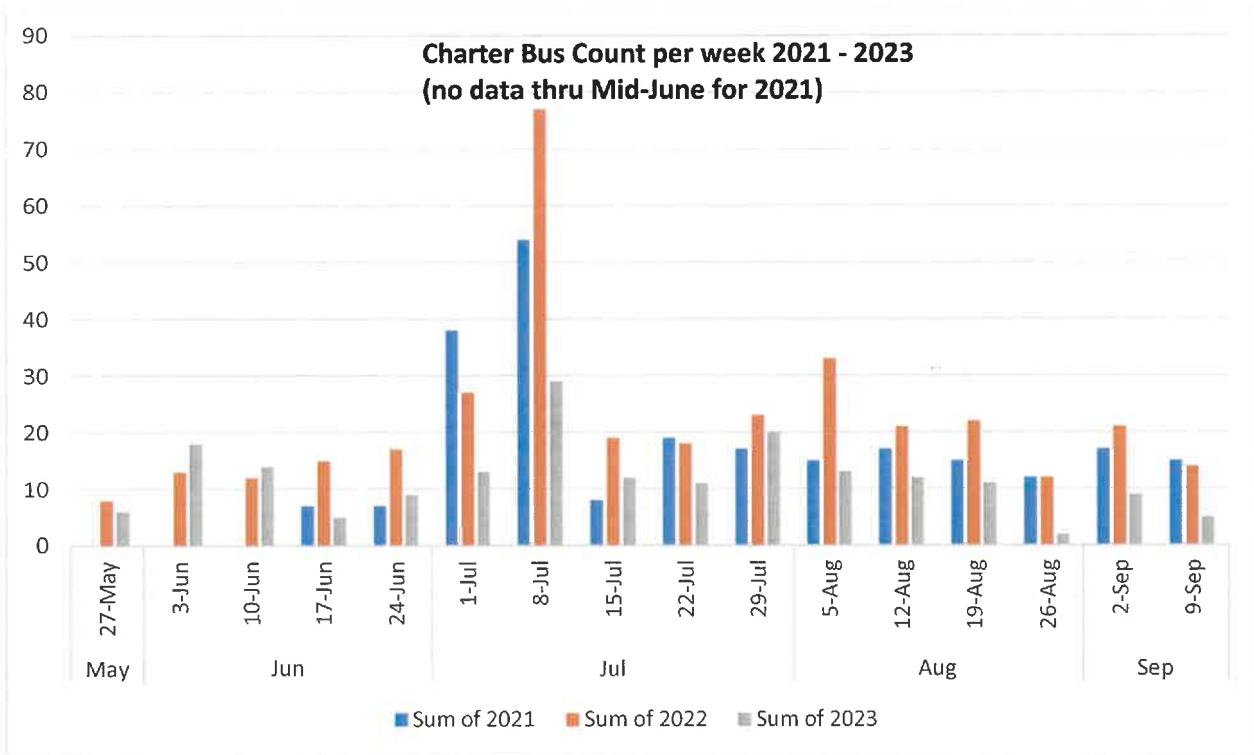
Detailed Analysis: In response to public safety concerns on Cahoon Hollow Beach related to the increase in the number of people at the beach primarily due to the increase in commercial transportation, a high degree of intoxication, and other instances of public disorder, the Town of Wellfleet and the National Park Service worked together on a plan to address concerns noted in past years.

In 2023 the National Park Service amended the Cape Cod National Sea Shore Superintendents Compendium to ban the consumption of alcohol and open containers of alcohol on National Sea Shore property at Cahoon Hollow Beach between May 20th and September 10th. By doing so this added to the Wellfleet alcohol ban on the portion of the beach owned by the town – making the entire area an alcohol-free zone. This change was successful in removing the “Spring Break” excessiveness that had been building in past years. During the summer of 2023, Cahoon Hollow was like any other beach on Cape Cod.

To safely manage this influx of visitors, the Wellfleet Police Department has assigned resources to both manage the arrivals and departures on Ocean View Drive and to provide a visible presence on the beach itself. To help manage the flow of bus charters, an officer greets each bus and reviews our safety guidelines, including the ban on open containers or consumption of alcohol on the beach, and arranges an agreed time for their pick-up at the end of the day (two pick-ups scheduled every 15 minutes). To enhance safety on the beach, two Wellfleet officers on ATVs and two National Park Service Law Enforcement Rangers were assigned to Cahoon Hollow Beach on busy days to provide presence and assist lifeguards with the larger crowds and to educate the public about the new regulations regarding the consumption of alcohol and open containers on the beach. Over the July 4th weekend, two additional ATVs from the Barnstable County Sheriff’s Office were deployed.

We have succeeded to date in managing the influx of visitors –

Recommendation: As predicted in prior year recommendations, the extension of the “No Alcohol Zone” did, in fact, dramatically reduce the number of charter buses and passengers in 2023. This should become the norm going forward. The Town of Wellfleet will need to continue to budget for the police presence required to safely manage the large Saturday and Holiday weekend crowds.



Wellfleet Police
Summary of Cahoon Hollow Charter Busses
Sorted by Number of Passengers
5-28-23 - 9-3-23

Charter Company Name	Number of Trips	Number of Passengers	Percent of Trips	Percent of Passengers	Average Passengers / Trip
Funk Bus / Cape Cab	134	1,809	71%	61%	14
Cape Destinations	21	470	11%	16%	22
5 Star	9	277	5%	9%	31
First Student	4	132	2%	4%	33
Buzz Bus	2	47	1%	2%	24
Wildcat Livery	3	40	2%	1%	13
Rock Star Limo	1	32	1%	1%	32
Kon Limo	2	21	1%	1%	11
Newson	1	21	1%	1%	21
Elite Limo	2	17	1%	1%	9
Pro Limo	2	17	1%	1%	9
Express	1	15	1%	1%	15
A Plus Coach	1	14	1%	0%	14
Princess Limo	1	14	1%	0%	14
Boston Town Car	1	11	1%	0%	11
Top Notch Limo	1	10	1%	0%	10
Chatham Van	1	8	1%	0%	8
Ptown Cab	1	8	1%	0%	8
Shore Shuttle	1	7	1%	0%	7
Total	189	2,970	100%	100%	16

Uber / Ride Share:

Problem Statement: The use of Uber and other rideshare services has continued to increase, bringing more visitors to the Beachcomber and Cahoon Hollow Beach. Once both Cahoon Hollow and White Crest parking lots fill, visitors have been finding other parking areas around town and hiring rideshare services to bring them to the Beachcomber and Cahoon Hollow Beach.



Detailed Analysis: Once the parking on Ocean View Drive is at capacity, we start seeing many Uber and other rideshares dropping off patrons. The Ubers are directed to the drop-off area for disembarking their passengers and later for pick-ups. The Ubers have increased the number of patrons that use Cahoon Hollow. As many visitors drive to Wellfleet, they are finding areas to park their cars, undoubtedly putting added pressure on parking in Wellfleet Center and the Pier.

Respectfully submitted,

Kevin M. LaRocco
Chief of Police

Marc Spigel
Police Officer



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

V

PUBLIC HEARINGS

~ A ~

REQUESTED BY:	Alexander Hay, Garrett Smythe, and Sebastian Taffara
DESIRED ACTION:	To approve the transfer of an All-Alcohol License.
PROPOSED MOTION: Summary:	I move to approve the application received on February 26, 2024, from Alexander Bradford Hay, Garrett William Smythe, and Sebastian C. Taffara for a transfer of All Alcohol License from TEK Restaurant Group Inc. DBA The Wicked Oyster; Kenneth Kozack, Treasurer/Manager & Eliza S. Fitts President/Manager., to Alexander Hay, Garrett Smythe, and Sebastian Taffara.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**WELLFLEET
SELECTBOARD**

In accordance with MLG Chapter 138, notice is hereby given that the **Wellfleet Selectboard will hold a hybrid public hearing on Tuesday March 19, 2024, 6pm** via zoom and in person at 715 Old Kings Highway to vote and approve on the following:

Application received February 26, 2024, from Alexander Bradford Hay, Garrett William Smythe, and Sebastian C. Taffara; application for a transfer of All Alcohol License from TEK Restaurant Group, Inc. DBA: The Wicked Oyster; Kenneth W. Kozack, Treasurer/Manager & Eliza S. Fitts President/Manager., to Alexander Hay, Garrett Smythe, and Sebastian Taffara.

Published in The Provincetown Independent: March 7, 2024 & March 14, 2024

Join Zoom Meeting

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

Meeting ID: 856 8960 4806

Passcode: 611877

Dial by your location: • +1 929 205 6099 US (New York)

WELLFLEET SELECTBOARD



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Transfer of License through sale of business and change from seasonal to annual.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12	\$12 Restaurant	All Alcoholic Beverages	Annual

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Indoor- two function room (1280 sq •rt), bar area (250 sq/ rt), restrooms in front. One exit and entrance at front and rear. Three other exits
 Outdoor- one function area (1550 sq/ft) with one exit and one entrance on side and rear. One other exit

Total Sq. Footage	<input type="text" value="5250"/>	Seating Capacity	<input type="text" value="134"/>	Occupancy Number	<input type="text" value="145"/>
Number of Entrances	<input type="text" value="3"/>	Number of Exits	<input type="text" value="5"/>	Number of Floors	<input type="text" value="1"/>



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM
 APPLICATION FOR A TRANSFER OF LICENSE

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input checked="" type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input checked="" type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name	TEK Restaurant Group, Inc.	By what means is the license being transferred?	Purchase
List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.			
Name of Principal	Title/Position	Percentage of Ownership	
Eliza S Fitts	President/Manager	50%	
Name of Principal	Title/Position	Percentage of Ownership	
Kenneth W Kozack	Treasurer/Manager	50%	
Name of Principal	Title/Position	Percentage of Ownership	
Name of Principal	Title/Position	Percentage of Ownership	
Name of Principal	Title/Position	Percentage of Ownership	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Alexander Bradford Hay	110 Herring River Rd Wellfleet, MA 02667		09/21/1978
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
President	50%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
MA Resident	<input checked="" type="radio"/> Yes <input type="radio"/> No		
Name of Principal	Residential Address	SSN	DOB
Garrett William Smythe	Eastham, MA 02642		08/09/1982
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Manager	25%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
MA Resident	<input checked="" type="radio"/> Yes <input type="radio"/> No		
Name of Principal	Residential Address	SSN	DOB
Sebastien C Taffara	Rd Eastham, MA 02642		11/05/1985
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Manager	25%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
MA Resident	<input checked="" type="radio"/> Yes <input type="radio"/> No		
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident	<input type="radio"/> Yes <input type="radio"/> No		

APPLICATION FOR A TRANSFER OF LICENSE

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

Name of Principal	Residential Address	SSN	DOB
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident			
<input type="radio"/> Yes <input type="radio"/> No			

Name of Principal	Residential Address	SSN	DOB
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident			
<input type="radio"/> Yes <input type="radio"/> No			

Name of Principal	Residential Address	SSN	DOB
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident			
<input type="radio"/> Yes <input type="radio"/> No			

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE
 Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE
 Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No
 If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Alexander B Hay	On Premise	Mac's Shack	
Alexander B Hay	On Premise	Mac's Fish House	

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6 A or 6 B ever been suspended, revoked or cancelled?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. CORPORATE STRUCTURE

Entity Legal Structure

Corporation

Date of Incorporation

Feb 19, 2024

State of Incorporation

MA

Is the Corporation publicly traded?

Yes

No

8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

4050 Main LLC

Landlord Phone

508-255-5300

Landlord Email

invoices@wellfleetshell.com

Landlord Address

PO Box 1 857 North Eastham, MA 026 51

Lease Beginning Date

04/01/2024

Rent per Month

20,000

Lease Ending Date

12/31/2044

Rent per Year

240,000

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes

No

9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:

Alexander Hay

Phone:

509-737-9465

Title:

President

Email:

alex@wellfleetshell.com

APPLICATION FOR A TRANSFER OF LICENSE

10. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	2,400,000
B. Purchase Price for Business Assets	250,000
C. Other* (Please specify)	150,000
D. Total Cost	2,800,000

*Other: (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Wellfleet Shellfish Company Inc.	900,000
Total	900,000

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
Farm Credit East	2,200,000 Approx	Mortgage/LOC	<input type="radio"/> Yes <input checked="" type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

Wellfleet Shellfish Co., sister company, will provide up to 900k to fund the purchase and supply start up operating costs as an unsecured short term credit as needed.
Farm Credit will provide approximately 2.2mm as a secured mortgage on the real property and assets. Loan is contingent on transfer of licenses.

11. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? Yes No

Please indicate what you are seeking to pledge (check all that apply) License Stock Inventory

To whom is the pledge being made?

12. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
04/2012	CURRENT	Owner/President	Wellfleet Shellfish Co. Inc.	N/A
05/1995	12/2020	Owner/Dir Operations	WHSC Inc/Mac's Seafood	N/A

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

13. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

Yes No

If yes, please fill out section 13.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

13A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone		
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>		
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

If yes, attach an affidavit providing the details of any and all convictions.

Yes No

13B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 13A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

13C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 13A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

13D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 13A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

13E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question section 13B, 13C, 13D ever been suspended, revoked or cancelled?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

13F. TERMS OF AGREEMENT

a. Does the agreement provide for termination by the licensee? Yes No

b. Will the licensee retain control of the business finances? Yes No

c. Does the management entity handle the payroll for the business? Yes No

d. Management Term Begin Date e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

- \$ per month/year (indicate amount)
- % of alcohol sales (indicate percentage)
- % of overall sales (indicate percentage)
- other (please explain)

ABCC Licensee Officer/LLC Manager

Management Agreement Entity Officer/LLC Manager

Signature:

Signature:

Title:

Title:

Date:

Date:

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

A large, empty rectangular box with a thin black border, intended for providing additional information. The box is currently blank.

APPLICANT'S STATEMENT

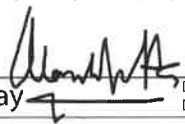
I, the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:  Digitally signed by Alex Hay
Date: 2024.02.21 14:27:18 -05'00'

Date:

Title:

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of
City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other
- Change of DBA

“VOTED: To authorize
Name of Person

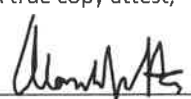
to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted.”

“VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts.”

A true copy attest,


Corporate Officer /LLC Manager Signature
Alexander B Hay
(Print Name)

For Corporations ONLY
A true copy attest,


Corporation Clerk's Signature
Alexander B Hay
(Print Name)

ADDENDUM A

6. PROPOSED OFFICER, STOCK OR OWNERSHIP INTEREST (Continued...)

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name <input style="width:100%; height:25px;" type="text"/>	Percentage of Ownership in Entity being Licensed (Write "NA" if this is the entity being licensed) <input style="width:100%; height:25px;" type="text"/>
--	--

Name of Principal <input style="width:100%; height:25px;" type="text"/>	Residential Address <input style="width:100%; height:25px;" type="text"/>	SSN <input style="width:100%; height:25px;" type="text"/>	DOB <input style="width:100%; height:25px;" type="text"/>
Title and or Position <input style="width:100%; height:25px;" type="text"/>	Percentage of Ownership <input style="width:100%; height:25px;" type="text"/>	Director/ LLC Manager <input type="radio"/> Yes <input type="radio"/> No	US Citizen <input type="radio"/> Yes <input type="radio"/> No
MA Resident <input type="radio"/> Yes <input type="radio"/> No			

Name of Principal <input style="width:100%; height:25px;" type="text"/>	Residential Address <input style="width:100%; height:25px;" type="text"/>	SSN <input style="width:100%; height:25px;" type="text"/>	DOB <input style="width:100%; height:25px;" type="text"/>
Title and or Position <input style="width:100%; height:25px;" type="text"/>	Percentage of Ownership <input style="width:100%; height:25px;" type="text"/>	Director/ LLC Manager <input type="radio"/> Yes <input type="radio"/> No	US Citizen <input type="radio"/> Yes <input type="radio"/> No
MA Resident <input type="radio"/> Yes <input type="radio"/> No			

Name of Principal <input style="width:100%; height:25px;" type="text"/>	Residential Address <input style="width:100%; height:25px;" type="text"/>	SSN <input style="width:100%; height:25px;" type="text"/>	DOB <input style="width:100%; height:25px;" type="text"/>
Title and or Position <input style="width:100%; height:25px;" type="text"/>	Percentage of Ownership <input style="width:100%; height:25px;" type="text"/>	Director/ LLC Manager <input type="radio"/> Yes <input type="radio"/> No	US Citizen <input type="radio"/> Yes <input type="radio"/> No
MA Resident <input type="radio"/> Yes <input type="radio"/> No			

Name of Principal <input style="width:100%; height:25px;" type="text"/>	Residential Address <input style="width:100%; height:25px;" type="text"/>	SSN <input style="width:100%; height:25px;" type="text"/>	DOB <input style="width:100%; height:25px;" type="text"/>
Title and or Position <input style="width:100%; height:25px;" type="text"/>	Percentage of Ownership <input style="width:100%; height:25px;" type="text"/>	Director/ LLC Manager <input type="radio"/> Yes <input type="radio"/> No	US Citizen <input type="radio"/> Yes <input type="radio"/> No
MA Resident <input type="radio"/> Yes <input type="radio"/> No			

Name of Principal <input style="width:100%; height:25px;" type="text"/>	Residential Address <input style="width:100%; height:25px;" type="text"/>	SSN <input style="width:100%; height:25px;" type="text"/>	DOB <input style="width:100%; height:25px;" type="text"/>
Title and or Position <input style="width:100%; height:25px;" type="text"/>	Percentage of Ownership <input style="width:100%; height:25px;" type="text"/>	Director/ LLC Manager <input type="radio"/> Yes <input type="radio"/> No	US Citizen <input type="radio"/> Yes <input type="radio"/> No
MA Resident <input type="radio"/> Yes <input type="radio"/> No			

Name of Principal <input style="width:100%; height:25px;" type="text"/>	Residential Address <input style="width:100%; height:25px;" type="text"/>	SSN <input style="width:100%; height:25px;" type="text"/>	DOB <input style="width:100%; height:25px;" type="text"/>
Title and or Position <input style="width:100%; height:25px;" type="text"/>	Percentage of Ownership <input style="width:100%; height:25px;" type="text"/>	Director/ LLC Manager <input type="radio"/> Yes <input type="radio"/> No	US Citizen <input type="radio"/> Yes <input type="radio"/> No
MA Resident <input type="radio"/> Yes <input type="radio"/> No			

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
If yes, attach an affidavit providing the details of any and all convictions.

Yes No



FARM CREDIT EAST, ACA

67 Bedford Street, Middleboro MA 02346
800.946.0506 | 508.946.4455 | FarmCreditEast.com

Feb. 23, 2024

Wellfleet Shellfish Company, Inc
137 Holmes Rd
Eastham, MA 02642

****Approval Letter****

I'm pleased to share with you that you are approved for short-term financing, per your request with Farm Credit East, ACA (Lender).

Short Term Revolving Loan Total Approved Commitment:

- [REDACTED]
- Capital: \$350,000
- [REDACTED]

Loan Collateral:

- Wellfleet Shellfish Company NMFS Surf Clam Allocation – C-8290
- Wellfleet Shellfish Company Accounts Receivable and Inventory
- 110 Herring River Rd, Wellfleet MA 02667
- F/V Ruth & Gail, ON: 909088
- F/V Ruth & Gail MA Permit #173594

Parties to the Proposed Loan (collectively, Borrower(s)):

- Alex Hay
- Elspeth Hay
- F/V Ruth & Gail, Inc.
- Wellfleet Shellfish Company, Inc.

Not A Final Commitment: This approval is not a final commitment, and any final commitment will be subject to additional terms and conditions. Conditions will include, but are not limited to, finalized signed loan documents, including, but not limited to a signed loan application and agreement.

This approval expires on April 1, 2024, unless extended in writing by Lender. Please reach out with any questions. I look forward to working with you.

Sincerely,

Katelyn Landers
Loan Officer
Farm Credit East, ACA



LOANS & LEASES • PAYROLL • TAX SERVICES • RECORD-KEEPING
BENCHMARKS • APPRAISALS • ESTATE PLANNING • PROFITABILITY CONSULTING
CROP INSURANCE • COUNTRY HOME LOANS • KNOWLEDGE EXCHANGE





JEAN M. LORIZIO, ESQ.
CHAIRMAN

Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150

CORI REQUEST FORM

The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

ABCC LICENSE INFORMATION

ABCC NUMBER: <small>(IF EXISTING LICENSEE)</small>	00040-RS-1348	LICENSEE NAME:	The Wicked Oyster	CITY/TOWN:	Wellfleet
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APPLICANT INFORMATION

LAST NAME:	HAY	FIRST NAME:	ALEXANDER	MIDDLE NAME:	BRADFORD
MAIDEN NAME OR ALIAS (IF APPLICABLE):		PLACE OF BIRTH:	NORWOOD, MA		
DATE OF BIRTH:	09/20/1978	SSN:	[REDACTED]	ID THEFT INDEX PIN (IF APPLICABLE):	
MOTHER'S MAIDEN NAME:	BRADFORD	DRIVER'S LICENSE #:	S [REDACTED]	STATE LIC. ISSUED:	MA
GENDER:	MALE	HEIGHT:	6 0	WEIGHT:	210
EYE COLOR:	BLUE				
CURRENT ADDRESS:	110 HERRING RIVER RD				
CITY/TOWN:	WELLFLEET	STATE:	MA	ZIP:	02667
FORMER ADDRESS:	361 MAIN ST				
CITY/TOWN:	WELLFLEET	STATE:	MA	ZIP:	02667

PRINT AND SIGN

PRINTED NAME:	ALEXANDER B HAY	APPLICANT/EMPLOYEE SIGNATURE:	
---------------	-----------------	-------------------------------	--

NOTARY INFORMATION

On this 02/27/2024 before me, the undersigned notary public, personally appeared Alexander B HAY (name of document signer), proved to me through satisfactory evidence of identification, which were MASS. DRIVERS LICENSE to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

NOTARY

MARCIA WENDY SPAMPINATO
Notary Public, Commonwealth of Massachusetts
My Commission Expires May 02, 2025

DIVISION USE ONLY

REQUESTED BY:	
	SIGNATURE OF CORI-AUTHORIZED EMPLOYEE

The DCJ Identity Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCJ. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCJ via mail or by fax to (617) 660-4614.



JEAN M. LORIZIO, ESQ.
CHAIRMAN

Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150

CORI REQUEST FORM

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ABCC LICENSE INFORMATION

ABCC NUMBER: 00040-RS-1348 (IF EXISTING LICENSEE) LICENSEE NAME: THE WICKED OYSTER CITY/TOWN: WELLFLEET

APPLICANT INFORMATION

LAST NAME: TAFFARA FIRST NAME: SEBASTIEN MIDDLE NAME: CLAUDE
 MAIDEN NAME OR ALIAS (IF APPLICABLE): PLACE OF BIRTH: SAINT-LO, FRANCE
 DATE OF BIRTH: 11/05/1985 SSN: [REDACTED] 38 ID THEFT INDEX PIN (IF APPLICABLE):
 MOTHER'S MAIDEN NAME: MARIE DRIVER'S LICENSE #: [REDACTED] STATE LIC. ISSUED: MA
 GENDER: MALE HEIGHT: 5' 10" WEIGHT: 175 EYE COLOR: BROWN
 CURRENT ADDRESS: 15 SEAVIEW RD
 CITY/TOWN: EASTHAM STATE: MA ZIP: 02642
 FORMER ADDRESS: 584 MASSASOIT RD
 CITY/TOWN: EASTHAM STATE: MA ZIP: 02642

PRINT AND SIGN

PRINTED NAME: SEBASTIEN C TAFFARA APPLICANT/EMPLOYEE SIGNATURE: *Sebastien Taffara*

NOTARY INFORMATION

On this 02/27/2024 before me, the undersigned notary public, personally appeared SEBASTIEN C. TAFFARA
 (name of document signer), proved to me through satisfactory evidence of identification, which were MASS DRIVERS LICENSE
 to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.
 [Signature] NOTARY

DIVISION USE ONLY

REQUESTED BY: [REDACTED] SIGNATURE OF CORI-AUTHORIZED EMPLOYEE
 The DCI Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCI. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCI via mail or by fax to (617) 660-4614.





Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150

JEAN M. LORIZIO, ESQ.
CHAIRMAN

CORI REQUEST FORM

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ABCC LICENSE INFORMATION

ABCC NUMBER: 00040-RS-1348 LICENSEE NAME: THE WICKED OYSTER CITY/TOWN: WELLFLEET

APPLICANT INFORMATION

LAST NAME: SMYTHE FIRST NAME: GARRETT MIDDLE NAME: WILLIAM
 MAIDEN NAME OR ALIAS (IF APPLICABLE): PLACE OF BIRTH: MD
 DATE OF BIRTH: 08/09/1982 SSN: ID THEFT INDEX PIN (IF APPLICABLE):
 MOTHER'S MAIDEN NAME: ROBERTS DRIVER'S LICENSE #: STATE LIC. ISSUED: MA
 GENDER: MALE HEIGHT: 5' 11" WEIGHT: 175 EYE COLOR: HAZ
 CURRENT ADDRESS:
 CITY/TOWN: EASTHAM STATE: MA ZIP: 02642
 FORMER ADDRESS:
 CITY/TOWN: SOMERVILLE STATE: MA ZIP: 02143

PRINT AND SIGN

PRINTED NAME: GARRETT W SMYTHE APPLICANT/EMPLOYEE SIGNATURE:

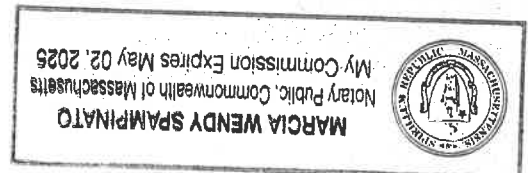
NOTARY INFORMATION

On this 02/27/2024 before me, the undersigned notary public, personally appeared GARRETT SMYTHE
 (name of document signer), proved to me through satisfactory evidence of identification, which were MASS DRIVERS LICENSE
 to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.
 NOTARY

DIVISION USE ONLY

REQUESTED BY: SIGNATURE OF CORI-AUTHORIZED EMPLOYEE

The DCI Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCI. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCI via mail or by fax to (617) 660-4614.



Mail body: Fwd: Liquor Transfer Application

----- Forwarded message -----

From: Alex Hay <Alex@wellfleetshell.com>
Date: Mon, Feb 26, 2024 at 2:10 PM
Subject: Liquor Transfer Application
To: sebastien taffara <sebastientaffara@gmail.com>

Seb,

Call me once you print everything and I will go over each section so you know what is what. Thanks -A

Attached:

- \$200 Monetary Transmittal Form
- DOR Certificate of Good Standing This must be obtained by the seller, not the buyer.
- DUA Certificate of Compliance This must be obtained by the seller, not the buyer.
- Transfer Application
- Manager Application
- Vote of the Entity
- Business Structure Documents/Articles of Organization from the Secretary of the Commonwealth
- CORI Authorization Form Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. This form must be notarized with a stamp or raised seal.
- Purchase and Sales Agreement
- Proof of Citizenship for the proposed Manager of Record.
- Supporting Financial Records for all financing and or loans
- Floor Plan
- Advertisement (NOT YET)

PURCHASE AND SALE AGREEMENT
OF COMMERCIAL REAL ESTATE

Agreement made this 14th day of February, 2024.

1. Parties

WICKED ON MAIN, LLC, a Massachusetts limited liability company having a mailing address of 50 Main Street, Wellfleet, MA 02667, hereinafter called the "**Seller**", agree to SELL and

4050 MAIN STREET LLC, a Massachusetts limited liability company (**or its nominee**), with a mailing address of P.O. Box 1857, North Eastham, MA 02651, hereinafter called the "**Buyer**" agree to BUY, upon the terms hereinafter set forth, the following described premises:

Land with the buildings thereon located at 40 and 50 Main Street, Wellfleet, MA 02667 (the "Premises"). For further description, see Deed recorded at the Barnstable County Registry of Deeds in Book 28894, Page 97.

2. Deed. Said Premises are to be conveyed by a good and sufficient quitclaim deed running to the Buyer or to the nominee designated by the Buyer by written notice to the Seller at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except

- (a) Provisions of existing building and zoning laws;
- (b) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
- (c) Any liens for municipal betterments assessed after the date of this agreement; and
- (d) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the present use of said Premises.

3. Buildings, Structures, Improvements, Fixtures. Included in the sale as a part of the Premises are the buildings, structures and improvements now thereon, and the fixtures used in connection therewith, including, if any, all wall-to-wall carpeting, drapery rods, automatic garage door openers, venetian blinds, window shades, screens, screen doors, storm windows and doors, awnings, shutters, furnaces, heaters, heating equipment stoves, ranges, oil and gas burners and fixtures appurtenant thereto, hot water heaters, plumbing and bathroom fixtures, garbage disposals, electric and other lighting fixtures, mantels, outside television antennas, fences, gates, trees, shrubs, plants, burglar and fire alarm systems, refrigerators, air conditioning equipment, ventilators, and dishwashers, the Premises being sold "as is" and "where is".

Seller shall at the closing deliver to Buyer all existing keys to the Premises in their possession and all necessary security codes for alarm systems on said Premises.

4. Plans. If said deed refers to a plan necessary to be recorded therewith the Seller shall deliver such plan with the deed in form adequate for recording or registration.

5. Registered Title. In addition to the foregoing, if the title to said Premises is registered, said deed shall be in form sufficient to entitle the Buyer to a Certificate of Title of said Premises, and the Seller shall deliver with said deed all instruments, if any, necessary to enable the Buyer to obtain such Certificate of Title.

6. **Purchase Price.** The agreed purchase price for said Premises is **TWO MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 (\$2,650,000.00)** (the "Purchase Price"), of which:

\$25,000.00	was previously with the Offer as a binder;
\$75,000.00	has been paid as an additional deposit upon executing this Agreement; and
\$2,550,000.00	to be paid at the time of delivery of the deed by attorney's IOLTA check or wire transfer.
<hr/>	
\$2,650,000.00	TOTAL

Buyer and Seller agree that within fourteen (14) days following the execution of this Agreement, this Agreement and the APA will be amended to reflect the agreement of Buyer, Seller and Asset Seller as to the allocation of the total purchase price between the Premises and the Subject Assets.

7. **Time For Performance.** Such deed is to be delivered on or before eleven o'clock a.m. on the date which is fourteen (14) business days from the final approval date by the ABCC and the Town of Wellfleet for the approval of a year round liquor license from **TEK RESTAURANT GROUP, INC.** (the "Asset Seller") to Buyer (or his nominee) (the "Asset Buyer") at the offices of Buyer's attorney or Buyer's lender's attorney, or at such other place, date, or time as may be fixed by mutual agreement of the parties but in any event no later than 90 days after the execution of this Agreement absent mutual agreement of the parties. The parties agree that neither the Seller nor the Seller's attorney shall be required to physically attend the closing and agree to facilitate delivery of the necessary closing documents to Buyer's attorney via recognized overnight delivery service (i.e., FedEx, UPS). It is agreed that time is of the essence of this Agreement. In the event that Buyer is unable to obtain approval of the transfer or issuance of the liquor license on or before the 90th day after execution of this Agreement, then upon written notice to Seller all deposits paid under this Agreement shall be refunded to Buyer and this Agreement shall terminate without further recourse to the parties hereto.

8. **Possession and Condition of Premises.** Full possession of said Premises free from all tenants and occupants is to be delivered at the time of the delivery of the deed, the Premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted, (b) not in violation of said building and zoning laws, and (c) in compliance with provisions of any instrument referred to in Paragraph 2 hereof. The Buyer shall be entitled to personally inspect the Premises prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause.

9. **Extension to Perfect Title.** If the Seller shall be unable to give title or to make conveyance, or to deliver possession of the Premises, all as herein stipulated, then the Seller shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, as the case may be, and thereupon the time for performance hereunder shall be extended for a period of thirty (30) days; provided, however, that any such extension is not beyond Buyer's financing commitment date. Seller's "reasonable efforts", shall be limited to, and Seller shall not be obligated to expend more than \$13,250.00 (1/2 of 1% of the purchase price), exclusive of the actual cost to discharge liens of record and pay deed excise stamps, real and personal property taxes, and final utility bills.

10. **Failure to Perfect Title or Make Premises Conform, etc.** If at the expiration of

the extended time the Seller shall have failed to so remove any defects in title, deliver possession, or make the Premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on the Premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then any payments made under this Agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this Agreement shall be void without recourse to the parties.

11. Buyer's Election to Accept Title. The Buyer shall have the election, at either the original or any extended time for performance, to accept such title as the Seller can deliver to the said Premises and to pay therefore the purchase price without deduction, in which case the Seller shall convey such title except that in the event of such conveyance in accord with the provisions of this clause, if the said Premises shall have been damaged by fire or casualty insured against, then the Seller shall, unless the Premises have previously been restored to their former condition, either

(a) pay over or assign to the Buyer, on delivery of the deed, all amounts recovered or recoverable on account of such insurance, less any amounts reasonably expended by the Seller for any partial restoration, or

(b) if a holder of a mortgage on said Premises shall not permit the insurance proceeds or a part thereof to be used to restore the said Premises to their former condition or to be so paid over or assigned, give to the Buyer a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of the said mortgage less any amounts reasonably expended by the Seller for any partial restoration.

12. Acceptance of Deed. The acceptance and recording of a deed by the Buyer or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.

13. Use of Money to Clear Title. To enable the Seller to make conveyance as herein provided, the Seller may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed, or at such later time as shall be reasonably acceptable to Buyer, and provided further, with respect to discharges of mortgages from insurance companies, banks, credit unions, and other institutional lenders, such discharges may be recorded within a reasonable time after the recording of the deed, in accordance with Barnstable County conveyancing practices.

14. Insurance. Until the delivery of the deed, the Seller shall cause the Asset Seller to maintain the present insurance coverage on said Premises in accordance with the lease.

15. Adjustments. Water use charges and taxes for the then current fiscal year shall be apportioned and fuel value shall be adjusted, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the Buyer at the time of delivery of the deed.

16. Adjustment of Unassessed and Abated Taxes. If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be

apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.

17. **Broker's Fee, Broker as Party and Warranty.** The Buyer shall pay the commission due to the broker, GJSW, Inc. dba Premier Commercial, in accordance with a separate agreement between them, only after recording of deed and disbursement of fees, and only if, as and when the SELLER receives the full purchase price pursuant to this Agreement, but not otherwise and regardless of the reason for failing to close hereunder.

The Broker named herein, GJSW, Inc. dba Premier Commercial, joins in this Agreement and becomes party hereto, insofar as any provisions of this agreement expressly apply to said Broker, and to any amendments or modifications of such provisions to which said Broker agrees in writing.

The Broker named herein, GJSW, Inc. dba Premier Commercial, warrants that said Broker is duly licensed as such by the Commonwealth of Massachusetts.

18. **Deposits.** All deposits made hereunder shall be held in escrow by GJSW, Inc. dba Premier Commercial, as escrow agent subject to the terms of this Agreement and shall be duly accounted for at the time for performance of this Agreement. In the event of any disagreement between the parties, the escrow agent shall retain all deposits made under this Agreement pending instructions mutually given by the Seller and the Buyer, or by a Court of competent jurisdiction.

19. **Buyer's Default Damages.** If the Buyer shall fail to fulfill the Buyer's agreements herein, all deposits made hereunder by the Buyer shall be retained by the Seller as liquidated damages. This shall be Seller's sole remedy at law or in equity for any breach of this Agreement. The parties acknowledge and agree that Seller have no adequate remedy in the event of Buyer's default under this agreement because it is impossible to exactly calculate the damages which would accrue to Seller in such event. Therefore the parties agree that (i) the deposit hereunder is the best estimate of such damages which would accrue to Seller in the event of default, (ii) said deposit represents damages and not a penalty against the Buyer, and (iii) the parties have been afforded the opportunity to consult an attorney with regard to the provisions of this paragraph.

20. **Liability of Trustee, Shareholder, Beneficiary, etc.** If the Seller or Buyer executes this Agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the Seller or Buyer so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

21. **Warranties and Representations.** The Buyer acknowledges that the Buyer has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this Agreement or previously made in writing.

22. **Construction of Agreement.** This Agreement, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled modified or amended only by a written instrument executed by both the Seller and the Buyer. If two or more persons are named herein as Buyer their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered part of this Agreement.

23. **Financing Contingency.** This Agreement is contingent upon Buyer obtaining a commitment from a recognized lending institution (which may include the SBA) for a \$2,252,500.00 mortgage at prevailing rates, terms and conditions. Buyer agrees to use Buyer's best efforts to obtain such commitment. If, despite Buyer's efforts, Buyer is unable to obtain such commitment on or before March 16, 2024 (the "Contingency Date"), Buyer shall notify Seller on or before 5PM on the Contingency Date, and thereupon all deposits made hereunder shall be refunded and the obligations of the parties shall cease, and this Agreement shall be void and without recourse to the parties. If Buyer fails to so notify Seller, then the provisions of this paragraph shall after the Contingency Date, cease to be of any force and effect.

24. **Septic Contingency.** As a condition of the sale, the Seller shall provide at the Seller's expense, subsurface sewage disposal system inspection reports as required by the State Environmental Code Title V and, if applicable, as required by the Board of Health in the Town of Wellfleet, MA within 15 days from the execution of this Agreement. Should the conclusion of this report indicate that the systems are in good working condition and comply with the requirements of Title V of the State Sanitary Code, then the provisions of this contingency will be satisfied, and the balance of the Agreement will be held in full force and effect. Should the conclusion of the report indicate that either system is in marginal or failed condition, or not in compliance with said Title V requirements, the Seller shall make any repairs necessary in order to put the system in good working order. Should the Seller decline to make said repairs, and fails to provide a compliant Title V inspection report, all payments made under this Agreement shall be forthwith refunded and all other obligations of the parties shall cease and this Agreement shall be void without recourse to the parties hereto.

25. **Due Diligence Contingency.** Purchase by Buyer is contingent upon Buyer's satisfaction with the results of property inspections to be completed on or before February 28, 2024 (the "Inspection Date"), the cost of such inspections to be at Buyer's sole cost and expense. In the event that the results of any of these inspections are not satisfactory, in Buyer's sole discretion, Buyer shall notify Seller on or before 5PM on the Inspection Date, and thereupon all deposits made hereunder shall be refunded and the obligations of the parties shall cease, and this Agreement shall be void and without recourse to the parties. If Buyer fails to so notify Seller, then the provisions of this paragraph shall after the Inspection Date, cease to be of any force and effect.

26. **Sale Contingency.** Sale is contingent upon the simultaneous closing on the purchase by Buyer (or its nominee(s)) of the business assets of the Asset Seller pursuant to that certain Asset Purchase Agreement dated as of the date hereof (the "APA"). In the event that this contingency is not satisfied, all payments made under this Agreement shall be forthwith refunded and all other obligations of the parties shall cease and this Agreement shall be void without recourse to the parties hereto.

27. **Prior Agreements.** This Agreement supersedes any and all prior agreements between the parties.

28. **Notices.** Any notice, request, demand or other communication required or permitted hereunder shall be in writing and shall be deemed to have been given if delivered or sent by (a) electronic mail transmission, upon receipt, between the hours of 9:00 am and 6:00 pm with a confirmation copy delivered by another method permitted under this Section 28; or (b) overnight courier by a courier providing tracking and a receipt; or (c) by personal delivery. Notice given in accordance herewith for all permitted forms of notice other than by electronic mail shall be effective upon the earlier to occur of actual delivery to the address of the addressee

or refusal of receipt by the addressee. Notice given by electronic mail shall be deemed effective upon confirmation of transmission; it being agreed that upon a transmitting party's request, the recipient of an email shall promptly confirm its receipt of such email by return email. All notices to a party will be sent to the addresses set forth below or to such other address or person as such party may designate by notice to each other party hereunder:

To Buyer: Bruce A. Bierhans, Esq.
Law Offices of Bruce A. Bierhans, LLC
540 Main Street, Suite 17
Hyannis, MA 02601
508-778-4500
bruce@bierlaw.com

To Seller: Melanie J. O'Keefe, Esq.
LaTanzi, Spaulding & Landreth, LLP
P.O. Box 2300
Orleans, MA 02653
508-255-2133
mokeefe@latanzi.com
With a copy to: jgrimm@latanzi.com

Any notice given hereunder may be given on behalf of any party by his or her counsel or other authorized representatives

29. Title and Practice Standards. Any matter or practice arising under or relating to this agreement which is the subject of a title standard or a practice standard of REBA at the time for delivery of the deed shall be covered by said title standard or practice standard to the extent applicable, unless otherwise specifically stated in this agreement.

30. Brokers. Seller and Buyer represent and warrant to each other that they have not dealt with any brokers in connection with this Agreement other than GJSW, Inc. dba Premier Commercial, and neither party knows of any other broker who has claimed or may have the right to claim a commission with respect to this Agreement or the sale of the Premises.

31. Execution of Extensions and Amendments. Amendments and extensions of the time for performance of the provisions of this Agreement may be executed on behalf of a party by counsel therefore.

32. Certificates. Seller hereby agrees to sign and deliver, at the time of performance, such affidavits, documents and certificates as may be reasonably required by the Buyer or the title insurance company which is providing title insurance for this transaction relating to:

(a) affidavits enabling Buyer to procure title insurance indicating the parties in possession being the tenants under written leases accepted by Buyer and that no persons are owed a debt for materials or labor entitling such persons to a mechanics' or materialmen's lien against the Premises;

(b) an affidavit satisfying the requirements of the Internal Revenue Code providing the Seller's social security number or tax identification number and indicating that Seller is not a foreign person subject to withholding of funds;

(c) a 1099S required under the Internal Revenue Code; and

(d) any other affidavits and certificates customarily required by Buyer's attorney or mortgagee in Barnstable County for transactions of this type.

33. Post Closing Adjustments. If any errors or omissions are found to have occurred in any calculations or figures used in the settlement statement signed by the parties (or would have been included if not for any such error or omission) and notice thereof is given within two months of the closing date to the party to be charged, then such party agrees to make a payment to correct the error or omission.

34. Signatures. To facilitate the execution and delivery of this Agreement, Seller and Buyer agree that original executed Agreements transmitted by Facsimile, DocuSign or electronic mail shall for all purposes be considered and treated as original signed Agreements.

35. Condition of Purchase. It shall also be a condition of Buyer's obligation to purchase said Premises that at the Closing:

- (a) all buildings, structures and improvements, including but not limited to any driveways, garages, cesspools and septic systems and all means of access to the premises, shall be located completely within the boundary lines of the Premises and shall not encroach upon or under the property of any other person or entity, except as allowed by written and recorded instrument;
- (b) no building, structure or improvement of any kind belonging to any other person or entity shall encroach upon or under the Premises, except as allowed by written and recorded instrument;
- (c) the way, on which the Premises front is a public way or there is appurtenant to said Premises the perpetual right and easement of record to use the way and any and all other roads leading to the nearest public way for all purposes for which the streets and ways are now or may hereafter be used in the town in which the Premises are located, including without limitation access on foot or in motor vehicles thereon and installation and use thereon and therein of utility service lines for water, electricity, cable television and telephone service;
- (d) said Premises are served by municipal water, and that the quantity and quality of the water furnished thereby is adequate to serve the present use of the Premises;
- (e) the septic systems for said Premises lies wholly within the boundaries of said Premises;
- (f) Buyer can obtain an owner's policy of insurance insuring title to said Premises in Buyer, free from encumbrances except as set forth in Clause 4 of this Agreement and for standard exceptions and other exceptions, including but limited to takings, assessments and offers, as are routinely taken in ALTA Owner's policies, issued by a title insurance company qualified to do business in Massachusetts.

36. Broom Clean Condition. The Premises shall be delivered to Buyer in a "broom clean" condition, with all debris and personal property removed by Seller prior to the Closing, other than the personal property being acquired by the Asset Buyer from the Asset Seller simultaneously herewith.

37. **Seller Representations.** The Seller represents to the best of Seller's knowledge and belief that the following information is true and accurate as of the date of this Agreement and shall remain true and accurate as of the date of Closing:

- (a) There are no underground oil storage tanks or related apparatus (including piping) for fuel oil, waste oil or other petroleum products located on or under the Premises and the Seller has not removed such tanks or apparatus from the Premises and has no knowledge of any releases into the soil from any such tanks or apparatus;
- (b) Other than reasonable quantities of normal household products, there has been no release of any toxic or hazardous substances (as same is contemplated by MGL Ch. 21E) and no such toxic or hazardous substances have been used, released, generated, stored, treated, disposed of, or otherwise deposited, in, on, about or from the Premises, including without limitation oil, asbestos and/or chlordane;
- (c) Seller has complete and unencumbered ownership of all fixtures, fittings and equipment located in the Premises (other than those items that may be owned by Asset Seller);
- (d) There is no pending bankruptcy, mortgage foreclosure, or other proceeding which might in any material way impact adversely on Seller's ability to perform under this Agreement. In the event that Seller files for bankruptcy, or if involuntary proceedings are instituted against Seller, Buyer may, at Buyer's election, terminate this Agreement by written notice to the Seller whereupon any payments made under this Agreement shall be forthwith refunded to the Buyer and all other obligations of the Parties hereto shall cease and this Agreement shall be void without recourse to the Parties hereto.
- (e) Seller is not aware of any suits, actions, orders, decrees, claims, writs, injunctions or proceedings pending or threatened against the Seller or affecting all or any part of the Premises or the operation thereof before any court or administrative agency or officer which, if adversely determined, would have material adverse effect upon the Premises;
- (f) As of the date hereof, Seller has received no notice from any municipal, county, state or federal agency asserting or alleging that the Premises are or may be in violation of the provisions of any municipal, county, state or federal codes, ordinances, statutes or regulations relating to zoning, building, environment proceedings, which representation shall be deemed to have been repeated at the time and by virtue of delivery of the deed.
- (g) Seller represents that Seller has no knowledge of any municipal betterments affecting the Premises approved, pending, proposed or contemplated by the town in which the Premises are situated which is likely to result in an assessment against the Premises.
- (h) Seller has no knowledge of the occurrence of any substantial damage to the Premises by fire, vandalism, flood or other casualty (whether or not insured against, and whether or not previously repaired or restored);
- (i) That at the time of the Closing, there will be no contracts, oral or in writing, involving the Premises or financing of any property within the Premises which will be binding upon Buyer or affect the Premises in any manner;
- (j) The Seller represents to Buyer that the purchase price herein is sufficient to payoff all of

the Seller's obligations that may affect the sale of the Premises including, but not limited to: mortgages, municipal charges, real estate broker's commissions, document stamp tax and other reasonable and customary expenses of the sale, and that the within transaction is not a so-called "short-sale."

38. **Deed.** Buyer shall not be obligated to accept a deed under power of attorney and Seller shall provide Buyer with a deed containing his/her/their original signature(s).

39. **Permits.** Seller represents that with respect to any work Seller has caused to be undertaken at the Premises, such work was performed pursuant to building permits, if so required by the municipality with said permit(s) having received final sign-off and closure by the Building Inspector ("Inspector") and that Seller has no knowledge of any "open" building permits. In the event that there are any such "open" building permits, then Seller shall obtain a final sign off by the Inspector for said "open" building permits. In the event Seller has caused work to be done to the Premises without obtaining the requisite permits, then Seller shall obtain a final sign off by the Inspector for said work.

40. **1031 Exchange.** Either party may consummate the purchase or sale (as applicable) of the Premises as part of a so-called like kind exchange (an "Exchange") pursuant to §1031 of the Internal Revenue Code of 1986, as amended (the "Code"), provided that: (a) the Closing shall not be delayed, or affected by reason of the Exchange nor shall the consummation or accomplishment of an Exchange be a condition precedent or condition subsequent to the exchanging party's obligations under this Agreement; (b) the exchanging party shall effect its Exchange through an assignment of this Agreement, or its rights under this Agreement, to a qualified intermediary (c) neither party shall be required to take an assignment of the purchase agreement for relinquished or replacement property or be required to acquire or hold title to any real property for purposes of consummating an Exchange desired by the other party; and (d) the exchanging party shall pay and indemnify the other party against any additional costs or liabilities that would not otherwise have been incurred by the non-exchanging party had the exchanging party not consummated the transaction through an Exchange. Neither party shall by this Agreement or acquiescence to an Exchange desired by the other party have its rights under this Agreement affected or diminished in any manner or be responsible for compliance with or be deemed to have warranted to the exchanging party that its Exchange in fact complies with §1031 of the Code.

[SIGNATURES ON THE FOLLOWING PAGE]

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney.

Executed this 1st day of February, 2024.

SELLER:

WICKED ON MAIN, LLC

DocuSigned by:


KENNETH KOZAK, Manager


DocuSigned by:



ELIZA S. FITTS, Manager

BUYER:

4050 MAIN STREET LLC

Name:
Title:





Alexander B Hay
Manager

The Commonwealth of Massachusetts, William Francis Galvin
Corporations Division

One Ashburton Place - Floor 17, Boston MA 02108-1512 | Phone: 617-727-9640

Articles of Organization

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

Minimum Filing Fee:
 \$250.00

Identification Number: 001760149 (number will be assigned)

ARTICLE I

The exact name of the corporation is:

THE WICKED OYSTER INC

ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Specify if you want a more limited purpose:

TO OPERATE A RESTAURANT, COCKTAIL LOUNGE AND EVENT/FUNCTION SPACE AND ALL ANCILLARY MATTERS RELATED THERETO.

ARTICLE III

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par value per share (Enter 0 if no Par)	Total authorized number of shares	Total authorized par value	Total issued and outstanding number of shares
CNP	0	100	0	100

ARTICLE IV

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the corporation must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

ARTICLE V

The restrictions, if any, imposed by the articles of organization upon the transfer of shares of stock of any class are:

NONE

ARTICLE VI

Other lawful provisions, and if there are no provisions, this article may be left blank.

NONE

ARTICLE VII

The effective date of organization shall be the date and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a later effective date is desired, specify such date, which may not be later than ninety (90) days from the date and time of filing

Later Effective Date (mm/dd/yyyy): Time (HH:MM)

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the articles of organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Agent name: BRUCE A. BIERHANS ESQ

Number and street: 540 MAIN ST SUITE 17

Address 2:

City or town: HYANNIS State: MA Zip code: 02601

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Title	Individual Name	Address
PRESIDENT	ALEXANDER BRADFORD HAY	[REDACTED] WELLFLEET, MA 02667 USA
TREASURER	ALEXANDER BRADFORD HAY	1 [REDACTED] D WELLFLEET, MA 02667 USA
SECRETARY	ALEXANDER BRADFORD HAY	[REDACTED] WELLFLEET, MA 02667 USA
DIRECTOR	GARRETT WILLIAM SMYTHE	[REDACTED] MA 02642 USA
DIRECTOR	SEBASTIEN C TAFFARA	1 [REDACTED] STHAM, MA 02642 USA
DIRECTOR	ALEXANDER BRADFORD HAY	[REDACTED] D WELLFLEET, MA 02667 USA

d. The fiscal year end (i.e., tax year) of the corporation:

December 31

e. A brief description of the type of business in which the corporation intends to engage:

RESTAURANT, COCKTAIL LOUNGE AND EVENT/FUNCTION SPACE.

f. The street address (post office boxes are not acceptable) of the principal office of the corporation:

Number and street: 110 HERRING RIVER ROAD
Address 2:
City or town: WELLFLEET State: MA Zip code: 02667
Country: UNITED STATES

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):

Number and street: 110 HERRING RIVER ROAD
Address 2:
City or town: WELLFLEET State: MA Zip code: 02667
Country: UNITED STATES

Which is:

- its principal office an office of its transfer agent
 an office of its secretary/assistant secretary its registered office

Signed this 19 Day of February, 2024 at 09:02 AM by the incorporator(s). (If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)

BRUCE A. BIERHANS ESQ

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

February 19, 2024 09:23 AM

A handwritten signature in cursive script, reading "William Francis Galvin". The signature is written in black ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email and via text message.



Transaction Processed Successfully.

INVOICE #: 779f2c62-7d89-4051-8671-bd276fcc12bd

DESCRIPTION	ACCOUNT NUMBER OR TRANSACTION NUMBER	AMOUNT
FILING FEES-RETAIL	00040-RS-1348	\$200.00
		\$200.00

Total Convenience Fee: **\$4.70**

Date Paid: **2/21/2024 2:31:51 PM EDT**

Total Amount Paid: **\$204.70**

Payment On Behalf Of

License Number or Business Name:
00040-RS-1348

Fee Type:
FILING FEES-RETAIL

Billing Information

First Name:
Alexander

Last Name:
Hay

Address:
137 Holmes Rd

City:
Eastham

State:
MA

Zip Code:
02642

Email Address:
alex@wellfleetshell.com

PARKING

25'

FORMER 16 SEAT PATIO
(CURRENT WAITING)
AREA

PARKING

TRK. 61

60

PROPOSED
SEATS IN
1550 SQ. FT.

EXIT

EXIT

EXIT

RETAINING WALL

2

4

4

6

FENCED
IN
DECK

8

4

4

2

50' FT

30' FT

the
WICKED OYSTER
OUTDOOR
SEATING
PLAN

EXIT

SERVER
STATION

3

3

2

4

2

4

4

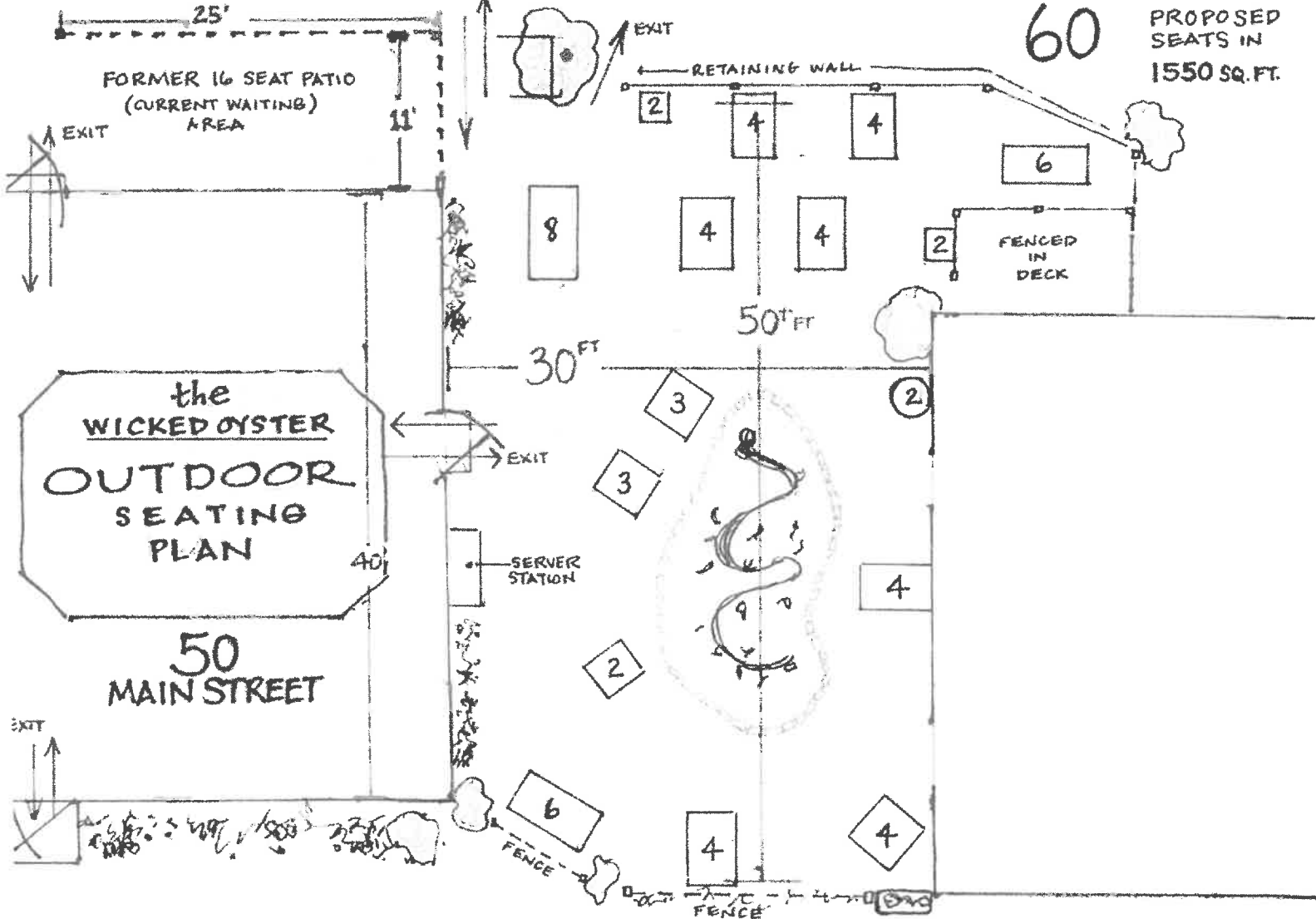
6

EXIT

FENCE

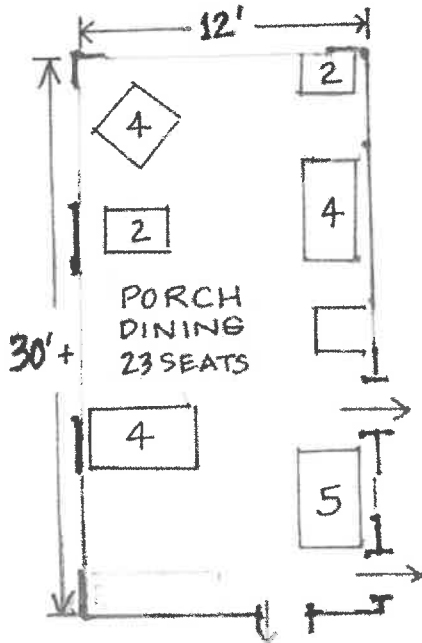
FENCE

MAIN STREET

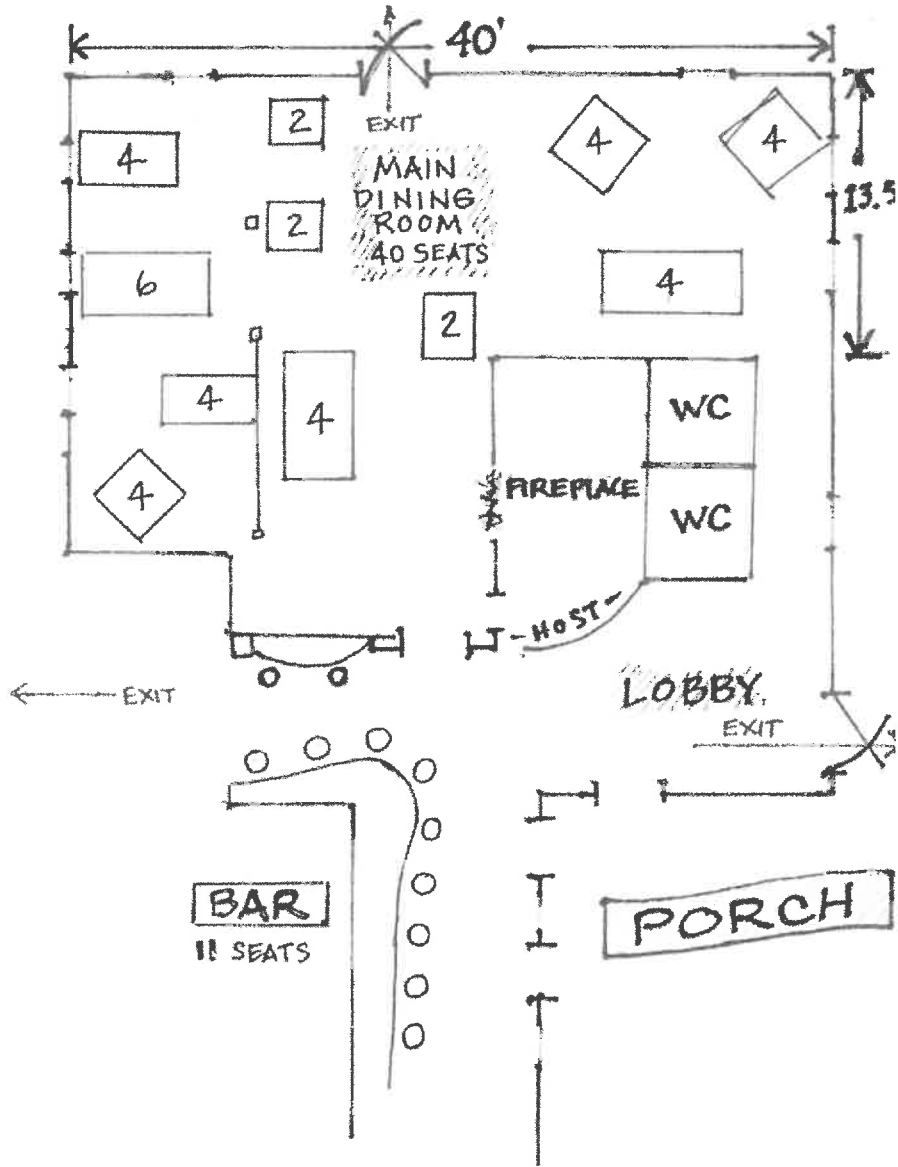


DRIVEWAY →

MAIN STREET



OUTSIDE DINING



REAR OF BUILDING

the wicked oyster
INDOOR
 SEATING PLAN
 63 SEATS / 1280 SQ. FT.



FARM CREDIT EAST, ACA

2 Constitution Drive, Bedford NH 03110-6010
800.825.3252 | 603.472.3554 | FarmCreditEast.com

Feb. 20, 2024

Alex Hay
137 Holmes Rd
Eastham MA 02642

****Pre-Approval Letter****

I'm pleased to share with you that you are conditionally pre-approved for mortgage financing for 40 & 50 Main St in Wellfleet, MA per your request with Farm Credit East, ACA (Lender).

Purchase Price: [REDACTED]

Proposed Loan Purpose: Purchase of the real estate and personal property located at 40 & 50 Main St, Wellfleet, MA, 02667 inclusive of all of the real estate and personal property proposed for purchase by the buyer.

Loan Collateral: The real estate and personal property (and other assets, as may be applicable) purchased with loan proceeds

Parties to the Proposed Loan (collectively, Borrower(s)):

- Alex Hay
- Sebastien Taffara
- Garrett Smythe
- Wellfleet Shellfish Company, Inc
- All entities or individuals having any ownership of, beneficial interest in, or plan to conduct business on the proposed property. This is not intended to include third party unrelated tenants, if any.

Not A Final Commitment: This pre-approval is not a final commitment, and any final commitment will be subject to additional terms and conditions. Conditions will include, but are not limited to, a satisfactory appraisal report prepared for Lender, a mortgage securing specified property and naming Lender as secured party, appropriate title search and insurance as well as continued and satisfactory standing with current creditors and credit bureaus. Final approval is subject to additional credit underwriting. A decision to lend credit can only be reached once final documentation is submitted and an appraisal review of the property is completed.

This pre-approval expires on May 31, 2024, unless extended in writing by Lender. Please reach out with any questions. I look forward to working with you.

Sincerely,

Katelyn Parsons
Loan Officer
Farm Credit East, ACA



LOANS & LEASES • PAYROLL • TAX SERVICES • RECORD-KEEPING
BENCHMARKS • APPRAISALS • ESTATE PLANNING • PROFITABILITY CONSULTING
CROP INSURANCE • COUNTRY HOME LOANS • KNOWLEDGE EXCHANGE



TRANSFER OF LICENSE

To apply for a transfer of alcoholic beverages retail license, you will need the following:

- **\$200 Fee** paid online through our online payment link: [ABCC PAYMENT WEBSITE](#)
- **Monetary Transmittal Form**
- **DOR Certificate of Good Standing** This must be obtained by the seller, not the buyer.
- **DUA Certificate of Compliance** This must be obtained by the seller, not the buyer.
- **Transfer Application**
- **Manager Application**
- **Vote of the Entity**
- **Business Structure Documents**
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- **CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- **Purchase and Sales Agreement**
- **Proof of Citizenship** for the proposed Manager of Record.
- **Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- **Legal Right to Occupy**, a lease or deed.
- **Floor Plan**
- **Advertisement**
- **Additional information, if necessary, utilizing the formats provided and or any affidavits.**
- **Management Agreement**, if applicable, requires the following :
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 13 and attachments

Please Note: You may be requested to submit additional supporting documentation if necessary.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

V

PUBLIC HEARING

~ B ~

REQUESTED BY:	Chief Kevin LaRocco
DESIRED ACTION:	To approve the changing of a yield sign to a stop sign at Pole Dike Road/Coles Neck Road
PROPOSED MOTION: SUMMARY:	I move to approve the request to change a yield sign located at Pole Dike Road/Coles Neck Road to a stop sign as explained by Chief LaRocco.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Kevin M. LaRocco
Chief of Police

Wellfleet Police Department

36 Gross Hill Road ° Wellfleet MA 02667
Phone 508-349-3702
Fax 508-349-7683



Michael P. Turner
Lieutenant

January 22, 2024

To: Wellfleet Select Board
From: Chief Kevin M. LaRocco

Subject: Changing Yield Sign to Stop sign: Pole Dike Road/Coles Neck Rd

In November 2023, I received a phone call and a follow-up email from a concerned citizen advocating for a modification at the intersection of Pole Dike Road and Coles Neck Road. The proposal suggests replacing the existing yield sign on Pole Dike Road with a stop sign to enhance safety. Despite the absence of concrete data indicating a history of accidents at this intersection, the change is seen as a proactive measure to provide clear instructions for drivers entering from the town. The intention is to ensure that motorists approaching from the town must come to a complete stop and carefully observe vehicles traveling down Coles Neck. Following discussions with the Department of Public Works, it is believed that making this adjustment could contribute positively to the safety of the intersection.

Please see attached emails.

Respectfully submitted for your information and consideration.

A handwritten signature in blue ink that reads "Kevin M. LaRocco".

Kevin M. LaRocco
Chief of Police

Cc: Jay Norton

Proudly Serving and Protecting our community

Kevin LaRocco

From: Denice Lapierre <c...@...m>
Sent: Thursday, November 30, 2023 1:59 PM
To: Kevin LaRocco
Subject: Intersection of Pole Dike and Coles Neck Rd.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I would like to put in a formal request to have the current YIELD sign changed to a STOP sign where Coles Neck and Pole Dike Rds intersect. I have lived next to this intersection for 25 years and have nearly been killed by drivers blowing through that yield sign numerous times. The last few years with the increase in year round people that frequent the dump and the extremely high number of bicyclists that cross through there I feel it is time for the sign to reflect what would be required for a driver to safely cross between the two roads. I personally come to a complete stop there every time naturally because I am aware of all the potential traffic, pedestrians, cyclists and horses that are coming from multiple directions. I do not think this would inconvenience anyone but would give clear direction to those coming from town that they must stop and observe. Currently I am not sure if the sign is unseen or not understood. Either way it is a major safety issue. A stop sign is VERY clear and overall people do a better job obeying the law when it is clear. I appreciate your willingness to look into this and look forward to hearing back. Thanks!

Denice Lapierre
55 Whitetail Lane

--

Denice Lapierre



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024



PUBLIC HEARING ~ C ~

REQUESTED BY:	Suzanne Grout-Thomas, Wellfleet Community Service and Beach Director
DESIRED ACTION:	To review and approve the recommendations for the Beach Program, summer of 2024.
PROPOSED MOTION:	I move to approve the beach office be open for the season on the fourth Saturday in June rather than the third Saturday which is specified in the Beach Rules and Regulations.
SUMMARY:	
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

To: Tom Guarino, Interim TA

From: Suzanne Grout Thomas

Date: February 23, 2024

Re: Beach Program 2024

- Official season
 - According to the Beach Rules and Regulations, the season opens (and stickers are required) on the third Saturday in June.
 - This permits approximately one week for a shake down period before we are hit by Fourth of July crowds.
 - In 2024 there are five Saturdays in June which puts opening day on June 15th.
 - Many of the Beach staff are still in High School and can't report for work until the last week of June.

Recommendation: change the opening date to the fourth Saturday, just for 2024, which allows for eight days to get everything up and running and not spend unnecessary payroll for a period when the crowds are light.

- Opening of the Beach Office
 - In 2023, the Beach Office opened in mid-April to accommodate local people who prefer to purchase in person.
 - Business was VERY slow in April and May.
 - As of June 1, the doors were closed to the public and people were served at the windows. The Shellfish Department doesn't like people waiting in the building during the busy season. They have equipment everywhere and it is a trip and fall hazard.

Recommendation: Open the Beach Office on June 1, 2024. This will give local people three weeks to come in person and we will switch to window service on June 21.

Vote needed: SB needs to approve opening for the season on the fourth Saturday rather than the third as specified in the Beach Rules and Regulations

**TOWN OF WELLFLEET
BEACH RULES AND REGULATIONS**

Amended 12/18/00, 02/24/03, 01/27/04, 05/11/04, 06/13/06, 06/26/07, 03/24/09, 1/26/10, 2/22/11, 8/14/2012, 2/26/2013, 4/22/2014, 5/10/2016, 4/11/2017, 1/23/2018, 6/11/2019, 1/12/2021, 6/20/2023

1. Authority

The Board of Selectmen of the Town of Wellfleet, MA, has adopted the following rules and regulations pertaining to the use of all Town-owned landing places and beaches within the Town of Wellfleet pursuant to the provisions of Mass. General Laws, Chapter 88, Section 19, Chapter 21, subsection (1) and Chapter 90B, Section 15(b) and any amendments thereof.

2. Purpose and Intent

The purpose and intent of these regulations is to establish requirements for the orderly use of the bathing beaches and associated parking areas owned by the Town of Wellfleet to protect the health and safety of the public and to preserve and protect the resource areas covered by these regulations. A list of the applicable bathing beaches within the Town of Wellfleet is attached hereto and incorporated by reference herein.

3. Definition: “Summer season” is the period between the third Saturday in June through Labor Day between the hours of 9:00 am and 5:00 pm. (amended 02/27/07)

4. Parking

Any motor vehicle parked at a Town landing place or beach or on Nauset Road in the marked area during the summer season must clearly display a valid parking permit.

• Newcomb Hollow	• The terminus of Chequessett Neck Road aka The Gut
• White Crest	• Duck Harbor
• Maguire Landing at LeCount Hollow	• Powers Landing
• Gull Pond	• Indian Neck
• Great Pond	• Nauset Road (designated area)
• Long Pond	• Burton Baker Beach

- A. The permit must be permanently attached to the upper part of the exterior of the rearmost side window on the driver’s side of the vehicle. (Taping of the sticker renders it invalid)
- B. Any motor vehicle without a rear side window shall clearly display its permit on the upper portion of the driver’s side window.
- C. Vehicles that remove soft tops and side doors may put the sticker on the lower corner of the front windshield in front of the driver.
- D. Parking permits will not be issued to Dealer Plates unless authorized by the Director of Community Services.
- E. Parking without a valid permit may be authorized only by the Director of Community Services. (amended 02/24/03, 01/27/04, 11/20/09)
- F. All Town landing places and beaches shall be closed to parking between the hours of midnight and one half hour before sunrise each day from June 1 to October 1 except to those persons actively engaged in fishing.
- G. No trailers or overnight campers are allowed to park in beach areas or Town parking areas between midnight and one half hour before sunrise from June 1 to October 1 except for those persons actively engaged in fishing.
- H. **Parking at Maguire Landing at LeCount Hollow is restricted to those vehicles with a Resident Beach or a Resident Beach/Transfer sticker. (6/20/2023)**

5. Prohibitions

- A. Fishing or surf casting, water skiing and use of personal watercraft are prohibited within 500 feet of all Town landing areas during the summer season. Personal watercraft are prohibited in any Town-owned parking lots or on any Town- owned beaches (amended 01/27/04)
- B. Surfing is prohibited during the summer season on the guarded portion of the beaches at Newcomb Hollow, Cahoon Hollow or Maguire Landing at LeCount Hollow when the lifeguards are on duty. Surfing is permitted during the summer season on the guarded portion of the beach at White Crest. (amended 03/24/06)
- C. Hang gliding and para-gliding are prohibited at any Town beach or landing, adjacent dunes and parking lots from April 15th through October 1. (amended 06/26/07)
- D. Using, launching, landing or operating an unmanned aircraft from, above or on land, or waters associated with any of the Town of Wellfleet bathing beaches is prohibited at all times by private individuals and entities except as approved in writing by the Town Administrator. The term “unmanned aircraft” means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device and the associated operational elements and components that are required for the pilot or system or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g. model airplanes, quadrocoptors, drones) that are used for any purpose including recreation or commerce.
- E. Garbage, litter and recycling of all kinds must be deposited in the specified containers or carried from the area with you.
- F. The use of soap, shampoo, detergents or cleaning substances is prohibited in all fresh water ponds.
- G. Nudity is not permitted at any time on Town of Wellfleet beaches and landings. (amended 01/12/2021)
- H. No rafts or other floatation devices may be used at any ocean beach without the permission of the lifeguard(s) on duty during the summer season. (amended 01/27/04)
- I. Climbing on all dunes and coastal banks is prohibited except along designated access routes to the beach.
- J. Alcoholic beverages are prohibited on all Town property. (General By-Laws, Article VII, Section 19)

6. Animals

- A. No domesticated animals may be left unattended in any parked vehicle in any beach parking lot or in any beach area or on Nauset Road from May 1st to October 1st.
- B. The owner or person in charge of any domesticated animal that defecates on any Town of Wellfleet owned property shall promptly remove the fecal matter and dispose of it in a place where it will not cause pollution either directly or indirectly of any pond, wetland, groundwater or coastal water.
- C. All domesticated animals must be leashed at all times on Town beaches and landings where they are permitted.
- D. Domesticated animals are not allowed on the lifeguarded portions of Newcomb Hollow, Cahoon Hollow, White Crest and Maguire Landing at LeCount Hollow between the hours of 9am and 5pm during the summer season except to walk from the parking lot to a point beyond the end of the guarded beach.
- E. Domesticated animals are never allowed on the following salt water beaches and landings: Burton Baker, Indian Neck and Nauset Road, Mayo Beach and Powers Landing.
- F. Domesticated animals shall be kept away from bathers at all town landings and beaches at all times.
- G. Domesticated animals are not allowed in the following freshwater ponds or on the beaches of these ponds: Gull Pond, Long Pond, Great Pond, Duck Pond, Higgins Pond, the Sluiceway, Spectacle Pond, or Dyer Pond from May 15th through October 15th. (amended 03/24/09)

7. Lessons and Events

- A. Permission to Use Town Property must be obtained from the Wellfleet Board of Selectmen to use a Town beach or landing prior to and for the purpose of:
 - giving lessons of any kind
 - conducting canoe, SUP Board or kayak tours or lessons

- holding events
 - conducting a private rental business of canoes, kayaks and SUP boards in which the agent of the business drops off the vessels at Town Landings for use by private individuals for a fee.
 - Liability insurance naming the Town of Wellfleet as an additional insured in the amount of \$1,000,000 is required.
 - A fee may be required by the Selectboard.
 - All surfing lessons and surfing competitions shall be limited to White Crest Beach and adjacent parking lots. (amended 06/13/06, 03/24/09)
- B. Activities at Gull Pond are limited to:
- Swimming Lessons conducted by the Recreation Department
 - Extended Day Summer Recreation conducted by the Recreation Department
 - Supervised canoe and kayak tours by the Cape Cod National Seashore or by the Mass Audubon

8. Enforcement Penalties

A. Whoever violates any provision of these rules and regulations may, in the discretion of officers of Wellfleet Police Department, the Director of Community Services, Harbormaster, Assistant Harbormaster, Shellfish Constable, Deputy Shellfish Constables and Animal Control Officer be penalized by a non-criminal complaint pursuant to the provisions of M.G.L Chapter 40, Section 21D and be subject to a fine according to the schedule listed below. A violation of each specific rule or regulation shall be deemed a separate offense, and each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein. (03/24/09, 1/26/10, 8/14/2012, 6/11, 2019, 1/12/2021)

B. Schedule of Fines

a. Section 6

- | | |
|---|--------------|
| i. First Offense | \$50 |
| ii. Second Offense | \$100 |
| iii. Third Offense | \$300 |
| iv. Fourth or subsequent offense | \$500 |

b. All other Sections **\$ 75 per offense**

C. If the payment for such a fine or any other outstanding fees owed to the Town of Wellfleet is not received by the Town within the time mandated by the department charging the fee, the violator shall lose the right to obtain or use a Wellfleet Beach Fire Permit and a Wellfleet Beach Parking Permit. Permits will be issued only upon verification in writing that the required payment has been received by the Town.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

VI

BUSINESS

~ A ~

REQUESTED BY:	Executive Assistant and Chair Barbara Carboni
DESIRED ACTION:	To discuss and take a possible vote on the time of future selectboard meetings
PROPOSED MOTION:	Once a decision is made, a motion will be made at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

VII

CAPITAL BUDGETS

~ A ~

REQUESTED BY:	The Selectboard
DESIRED ACTION:	To review the different town departments capital budgets
PROPOSED MOTION:	I move to approve the Capital Budgets as presented at tonight's meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELFLEET, MASSACHUSETTS

FISCAL YEAR 2025 BUDGET



CAPITAL BUDGET

ARTICLE 4A: CAPITAL BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$2,503,000 to fund the Fiscal Year 2025 Capital Budget for the purposes, and from the sources, as listed below, or take any other action thereon.

Line	Function/Department	Amount	Funding Source
1	Administration & Finance Departments		
a	Town Hall Repair & Maintenance Program	100,000	Free Cash
b	IT Network Replacement Program	30,000	Tax Levy
c	IT PC & Component Replacement Program	40,000	Tax Levy
d	Maurices Campground Site Development	225,000	Tax Levy
e	Wastewater Planning, permitting, testing	250,000	Free Cash
2	Police & Dispatch Departments		
a	Police Station Repair & Maintenance Program	50,000	Free Cash
b	Police Department Fleet Replacement Program	132,000	Tax Levy
c	Police Department Equipment Replacement Program	28,000	Tax Levy
d	Dispatch Equipment Replacement Program	5,000	Tax Levy
3	Fire Department		
a	Fire Station Repair & Maintenance Program	50,000	Free Cash
b	Fire Department HVAC Upgrade	350,000	Free Cash
c	Ambulance 98 Replacement (additional)	33,500	Reappropriated Articles
d	Fire Department Fleet Replacement Program	33,000	Tax Levy
e	Medical/Rescue Equipment Replacement Program	35,500	Ambulance Fund
f	Fire Suppression Equipment Replacement Program	29,000	Ambulance Fund
g	Radio/Communication Equipment Replacement Program	19,000	Ambulance Fund
h	Power Lift Stretchers for ambulances	80,000	Ambulance Fund
4	Public Works Department		
a	Public Works Facility Repair & Maintenance Program	50,000	Free Cash
b	Construct Equipment Shed – Transfer Station	60,000	Free Cash
c	Beach Restroom Planning	200,000	Free Cash
d	Public Works Fleet Replacement Program	150,000	Tax Levy
e	Replace 1979 Tractor	35,000	Free Cash
f	Public Works Equipment Replacement Program	35,000	Tax Levy
g	Transfer Station Equipment Replacement Program	22,000	Tax Levy
5	Shellfish Department		
a	Shellfish Department Fleet Replacement Program	32,000	Shellfish Fund
b	Equipment/engine Replacement Program	25,000	Tax Levy

6	Council On Aging		
a	Senior Center Repair & Maintenance Program	50,000	Free Cash
b	Council on Aging Fleet Replacement Program	9,000	Tax Levy
c	Equipment Replacement Program	3,500	Tax Levy
7	Beach Department		
a	Beach Department Fleet Replacement Program	11,500	Beach Fund
b	Beach Equipment Replacement Program	7,500	Beach Fund
8	Recreation Department		
a	Court Resurfacing Repair & Maintenance Program	25,000	Free Cash
b	Bakers Field Repair & Maintenance Program	10,000	Free Cash
c	Transportation Van	59,000	Free Cash
d	Recreation Equipment Replacement Program	9,000	Tax Levy
9	Library Department		
a	Library Repair & Maintenance Program	25,000	Free Cash
b	Furniture & Shelving Replacement Program	5,000	Tax Levy
10	School Department		
a	Elementary School Repair & Maintenance Program	75,000	Free Cash
b	Equipment/furnishings Replacement Program	15,500	Tax Levy
11	Marina Enterprise Fund		
a	Boat Engine Replacement Program	22,000	Retained Earnings
b	Equipment/Trailer Replacement Program	3,500	Retained Earnings
12	Water Enterprise Fund		
a	Water Tank Maintenance	29,000	Retained Earnings
b	Treatment Facilities Maintenance & Upgrades	44,500	Retained Earnings
	Total Capital Budget Appropriations	2,503,000	

SUMMARY OF FUNDING SOURCES	
Free Cash	1,459,000
Ambulance Fund	163,500
Shellfish Fund	32,000
Beach Fund	19,000
Reappropriated Articles	33,500
Marina Enterprise Fund Retained Earnings	25,500
Water Enterprise Fund Retained Earnings	73,500
Tax Levy	697,000
Total Funding	2,503,000

Proposed Motion:

I move to raise and appropriate the sum of \$2,404,000 in the General Fund for the purpose of acquiring the items and undertaking the repairs and improvements as printed in the warrant, and to defray this amount transfer the following amounts from the following funds:

Transfer from Free Cash	\$1,459,000
Transfer from the Beach Fund	\$19,000
Transfer from the Shellfish Fund	\$32,000
Transfer from the Ambulance Fund	\$163,500
And reappropriate	\$14,640 from the NPS Mutual Aid Fund
And reappropriate	\$7,468.88 from Article 2F of the 9/12/2020 ATM
And reappropriate	\$11,391.12 from Article 4, line 9c of the 4/29/2023 ATM

Leaving \$697,000 to be funded from the Tax Levy for the Capital Budget items.

And furthermore, I move to raise and appropriate the sum of \$25,500 in the Marina Enterprise Fund for the purpose of acquiring the items and undertaking the repairs and improvements as printed in the warrant, and to defray this amount transfer \$25,500 from the Marina Enterprise Fund Retained Earnings.

And furthermore, I move to raise and appropriate the sum of \$73,500 in the Water Enterprise Fund for the purpose of acquiring the items and undertaking the repairs and improvements as printed in the warrant, and to defray this amount transfer \$73,500 from the Water Enterprise Fund Retained Earnings.

For total appropriations of \$2,503,000.

ARTICLE 4B: AUTHORIZE LEASE PURCHASE OF AMBULANCE

To see if the Town will authorize, under General Laws Chapter 44, Section 21C, upon the recommendation of the Select Board, a lease purchase financing agreement for the acquisition of an ambulance for the Fire Department for a term of up to the useful life of said equipment, and to fund the first year of said lease, appropriate and transfer from the Ambulance Fund the sum of \$125,000, or take any action relative thereto.

Proposed motion:

I move the Town authorize under General Laws Chapter 44, Section 21C, a lease purchase financing agreement for the acquisition and equipping of an ambulance for the Fire Department for a term of up to 5 years, and to fund the first year of said lease, appropriate and transfer from the Ambulance Fund the amount of \$125,000.

ARTICLE 4C: AUTHORIZE BORROWING FOR DREDGING

To see if the Town will vote to raise and appropriate or borrow the sum of \$4,500,000, or any other sum, for the purpose of funding the dredging of Wellfleet Harbor, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59, Section 21C (Proposition 2 ½ so called) amounts required to pay the principal and interest of the borrowing approved by such vote.

Proposed Motion:

I move that this article be accepted and adopted as printed in the warrant and that the sum of \$4,500,000, be appropriated for this purpose and for costs incidental and related thereto and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of \$4,500,000 pursuant to Massachusetts General Law Chapter 44, Section 7, or any other enabling authority, and to issue bonds or notes of the Town thereof, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by Massachusetts General Laws Chapter 59, Section 2C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by this vote.

TOWN OF WELFLEET, MASSACHUSETTS

CAPITAL BUDGET for Fiscal Year 2025 and CAPITAL IMPROVEMENT PLAN FY 2026 through 2030, and years 6-10 THEREAFTER

ASSET TYPE/ITEM	Classification	Dept.	FY 2025		FY 2026		FY 2027		FY 2028		FY 2029		FY 2030		Thereafter Amount
			Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	
FACILITIES AND LAND															
Extend walking path	Renovation/Cons	COA	280,000	CPA											
Adult Exercise Area	Renovation/Cons	COA			150,000	CPA									
Design/Engineering for ACC Addition	Renovation/Cons	COA					400,000	BI							
Construction of ACC Addition	Renovation/Cons	COA							4,000,000	Other					
Court Resurfacing Maintenance Program	Extrordinary Mai	Recreation	25,000	FC	10,750	FC	10,750	FC	10,750	FC	10,750	FC	10,750	FC	53,750
BasketBall Court Lighting	Acquisition	Recreation									25,000	FC			
Skateboard Park Lighting	Acquisition	Recreation							25,000	FC					
Tennis Court Lighting	Acquisition	Recreation													30,000
Tennis/Pickle Ball Court Lighting	Acquisition	Recreation											30,000	FC	
Bakers Field - Field upgrades	Renovation/Cons	Recreation									800,000	Other			
Engineering/Design of Library improvements	Planning/Enginee	Library							500,000	Other					
Construction - Fire Suppression System	Renovation/Cons	Library									2,000,000	Other			
Construction - Video Studio Renovation	Renovation/Cons	Library									2,000,000	Other			
Salt Shed Replacement	Renovation/Cons	DPW	100,000	Ch90											
DPW Fuel Tank Replacement	Extrordinary Mai	DPW			100,000	FC									
Fire Department HVAC upgrade	Extrordinary Mai	FD	350,000	FC											
Fire Department HVAC upgrade	Extrordinary Mai	FD	200,000	Grt											
Elementary School Exterior Repairs	Extrordinary Mai	School					1,000,000	BI							
Town Hall Repair & Maintenance Program	Extrordinary Mai	General	100,000	FC	75,000	FC	75,000	FC	75,000	FC	75,000	FC	75,000	FC	375,000
Senior Center Repair & Maintenance Program	Extrordinary Mai	COA	50,000	FC	50,000	FC	50,000	FC	50,000	FC	50,000	FC	50,000	FC	250,000
DPW Facility Repair & Maintenance Program	Extrordinary Mai	DPW	50,000	FC	50,000	FC	50,000	FC	50,000	FC	50,000	FC	50,000	FC	250,000
Transfer Station Repair and Maintenance Program	Extrordinary Mai	DPW			25,000	FC	25,000	FC	25,000	FC	25,000	FC	25,000	FC	125,000
Transfer Station - Construct Equipment Shed	Acquisition	DPW	60,000	FC											
Police Station Repair & Maintenance Program	Extrordinary Mai	PD	50,000	FC	50,000	FC	50,000	FC	50,000	FC	50,000	FC	50,000	FC	250,000
Fire Station Repair & Maintenance Program	Extrordinary Mai	FD	50,000	FC	50,000	FC	50,000	FC	50,000	FC	50,000	FC	50,000	FC	250,000
Beach/Sticker Building Repair & Maintenance Program	Extrordinary Mai	Beach													
Library Repair & Maintenance Program	Extrordinary Mai	Library	25,000	FC	25,000	FC	25,000	FC	25,000	FC	25,000	FC	25,000	FC	125,000
Harbormaster Building Repair & Maintenance Program	Extrordinary Mai	Marina													
Marina Facility Repair & Maintenance Program	Extrordinary Mai	Marina													
Elementary School Repair & Maintenance Program	Extrordinary Mai	School	75,000	FC	75,000	FC	75,000	FC	75,000	FC	75,000	FC	75,000	FC	375,000
Bakers Field Repair & Maintenance Program (excluding Recreation)	Extrordinary Mai	Recreation	10,000	FC	10,000	FC	10,000	FC	60,000	FC	10,000	FC	10,000	FC	50,000
Fire Department Sub-station maintenance	Extrordinary Mai	FD			25,000	FC									
Water Filling Stations	Acquisition	General			25,000	FC	27,500	FC	30,000	FC					
Beach Restroom Planning	Planning/Enginee	Beach	200,000	FC											
Maguries Landing Beach & Landing Projects	Extrordinary Mai	DPW			15,000	FC									
White Crest Beach & Landing Projects	Extrordinary Mai	DPW					400,000	BI							
Mayo Beach & Landing Projects	Extrordinary Mai	DPW													
Cahoon Hollow Beach & Landing Projects	Extrordinary Mai	DPW													

TOWN OF WELLFLEET, MASSACHUSETTS

CAPITAL BUDGET for Fiscal Year 2025 and CAPITAL IMPROVEMENT PLAN FY 2026 through 2030, and years 6-10 THEREAFTER

ASSET TYPE/ITEM	Classification	Dept.	FY 2025		FY 2026		FY 2027		FY 2028		FY 2029		FY 2030		Thereafter Amount
			Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	
Newcomb Hollow Beach & Landing Projects	Extraordinary Mai	DPW					400,000	BI							
Gull Pond Beach & Landing Projects	Extraordinary Mai	DPW					250,000	BI							
Long Pond Beach & Landing Projects	Extraordinary Mai	DPW													
Great Pond Beach & Landing Projects	Extraordinary Mai	DPW													
Power's Landing Beach & Landing Projects	Extraordinary Mai	DPW													
Burton Baker Beach & Landing Projects	Extraordinary Mai	DPW													
Duck Harbor Beach & Landing Projects	Extraordinary Mai	DPW													
Indian Neck/Nauset Rd. Beach & Landing Projects	Extraordinary Mai	DPW													
Miscellaneous Land, Parks & Cemeteries	Extraordinary Mai	DPW													
Subtotal Facilities & Land			1,625,000		735,750		2,898,250		5,025,750		5,245,750		450,750		2,133,750
INFRASTRUCTURE															
Dredging															
Dredge Planning & maintenance	Planning/Enginee	Marina													
Area 1 Dredging (Pier/Inner Channel)															
Permit & Mitigation	Planning/Enginee	Marina									500,000	BI			
Maintenance Dredge	Extraordinary Mai	Marina									3,200,000	BI			
Full Dredge	Renovation/Cons	Marina													8,000,000
Area 2 Dredging (Mooring Field)															
Permit & Mitigation	Planning/Enginee	Marina	4,500,000	BI											
Maintenance Dredge	Extraordinary Mai	Marina													
Full Dredge	Renovation/Cons	Marina			10,000,000	BI									
Local Road Improvements															
Lt. Island Road Improvements (NRCS Grant)	Renovation/Cons	DPW													
Local Road Improvement Program	Renovation/Cons	DPW	75,000	Ch90	75,000	Ch90	75,000	Ch90	75,000	Ch90	75,000	Ch90	75,000	Ch90	375,000
Route Six Corridor Improvements															
Stormwater, Seawalls, Jetties, Revetments															
Kellehers Corner Revetment & Stormwater Imp. (NRCS Grant)	Renovation/Cons	DPW	55,000	Grt	500,000	Grt									
Mayo Creek Revetment (NRCS Grant)	Renovation/Cons	DPW	100,000	Grt											
Power's Landing Stormwater Improvements	Renovation/Cons	DPW	350,000	Grt											
Briar Lane Culvert				0	400,000	Ch90									
Community Development															
Maurice's Campground Site Development	Planning/Enginee	General	225,000	CL	225,000	CL	225,000	CL	225,000	CL	225,000	CL	225,000	CL	
WasteWater Infrastructure															

TOWN OF WELFLEET, MASSACHUSETTS

CAPITAL BUDGET for Fiscal Year 2025 and CAPITAL IMPROVEMENT PLAN FY 2026 through 2030, and years 6-10 THEREAFTER

ASSET TYPE/ITEM	Classification	Dept.	FY 2025		FY 2026		FY 2027		FY 2028		FY 2029		FY 2030		Thereafter Amount
			Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	
Wastewater planning, permitting, testing	Planning/Engineering		250,000	FC	250,000	FC									
Engineering/Design	Planning/Engineering						5,000,000	BI							
Implementation/construction	Renovation/Const										50,000,000	BI			
Water System															
System Development & Planning	Extrordinary Mai	Water			50,000	OAF	45,500	OAF	12,800	OAF					
Water Tank Maintenance	Extrordinary Mai	Water	29,000	OAF	225,000	OAF	15,500	OAF							
Distribution System Maintenance	Extrordinary Mai	Water													
Treatment Facilities Maintenance & Upgrades	Extrordinary Mai	Water	44,500	OAF	15,000	OAF							44,500	OAF	
Well & Pump Stations Maintenance & Upgrades	Extrordinary Mai	Water					37,500	OAF	37,500	OAF	17,500	OAF			
Other Projects															
Floating Upweller Nursery Project	Stewardship	Shellfish									45,000	FC			
Chequesset Neck Bridge	Extrordinary Mai	DPW													1,000,000
Lt. Island Bridge	Extrordinary Mai	DPW						50,000	FC						
DPW Recurring Maintenance Programs															
Subtotal Infrastructure			5,628,500		11,740,000		5,398,500		400,300		54,062,500		344,500		9,375,000
FLEET INVENTORY (VEHICLES)															
Fleet Replacement Program (See Vehicle Inventory List)	Vehicles	Police	132,000	CL	132,000	CL	132,000	CL	132,000	CL	132,000	CL	132,000	CL	660,000
Motorcycle (3 year lease payment)	Vehicles	Police			20,000	FC					20,000	FC			
Equipment Trailers (2)	Vehicles	Police													
Ambulance 97 Replacement	Vehicles	Fire													625,000
Ambulance 98 Replacement	Vehicles	Fire	33,500	OAF									600,000	LI	
Ambulance 99 Replacement	Vehicles	Fire	550,000	LI											
Forestry Truck 90 - Chasis replacement only	Vehicles	Fire			150,000	LI									
Engine 89 - replacement w/ used engine	Vehicles	Fire					250,000	AF							
Engine 94	Vehicles	Fire													
Engine 95	Vehicles	Fire													
Tanker 96	Vehicles	Fire													
Ladder 93	Vehicles	Fire													2,500,000
FD Fleet Vehicle Replacement Prg.	Vehicles	Fire	33,000	CL	33,000	CL	33,000	CL	33,000	CL	33,000	CL	33,000	CL	165,000
Cargo Trailers	Vehicles	Fire													
Rigid Hull Inflatable Boat & Trailer	Vehicles	Fire									75,000	FC			
Fleet Replacement Program	Vehicles	Beach	11,500	OAF	11,500	OAF	11,500	OAF	11,500	OAF	11,500	OAF	11,500	OAF	57,500
Fleet Replacement Program	Vehicles	COA	9,000	CL	9,000	CL	9,000	CL	9,000	CL	9,000	CL	9,000	CL	45,000

TOWN OF WELLFLEET, MASSACHUSETTS

CAPITAL BUDGET for Fiscal Year 2025 and CAPITAL IMPROVEMENT PLAN FY 2026 through 2030, and years 6-10 THEREAFTER

ASSET TYPE/ITEM	Classification	Dept.	FY 2025		FY 2026		FY 2027		FY 2028		FY 2029		FY 2030		Thereafter Amount
			Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	
Tranportation Van	Vehicles	Recreation	59,000	FC											
Harbormaster Light Duty Vehicle	Vehicles	Marina													65,000
Marina Medium Duty Vehicle	Vehicles	Marina					70,000	FC							
Crane Truck/Unit - not in replacement prg.	Vehicles	Marina													
ATV - Not in replacement prg.	Vehicles	Marina													
Rescue Boat	Vehicles	Marina													
Work Skiff	Vehicles	Marina													50,000
Harbor Work Boat	Vehicles	Marina											150,000	FC	
Fleet Replacement Program	Vehicles	Shellfish	32,000	OAF	32,000	OAF	32,000	OAF	32,000	OAF	32,000	OAF	32,000	OAF	160,000
Barge	Vehicles	Shellfish													
Work Boat (Skiff)	Vehicles	Shellfish										35,000	FC		
Trailer	Vehicles	Shellfish													
Fleet Replacement Program	Vehicles	DPW	150,000	CL	80,000	CL	80,000	CL	80,000	CL	80,000	CL	80,000	CL	400,000
TS 1995 Tractor	Heavy Equip	DPW													
TS 1979 Tractor	Heavy Equip	DPW	35,000	FC											
TS 2019 Loader	Heavy Equip	DPW													
TS 2006 Refuse Trailer	Heavy Equip	DPW			140,000	FC									
TS 2008 Refuse Trailer (OFF ROAD)	Heavy Equip	DPW					150,000	FC							
TS 2015 Refuse Trailer	Heavy Equip	DPW													
TS 2019 Refuse Trailer	Heavy Equip	DPW													
TS 2020 Refuse Trailer	Heavy Equip	DPW													
TS 2001 Roll Off	Heavy Equip	DPW													
TS 2024 MACK ROLL OFF	Heavy Equip	DPW													
TS 2015 Excavator	Heavy Equip	DPW													
TS 2022 Backhoe	Heavy Equip	DPW													
TS Message board	Opreational Equi	DPW													
Hw 2000 Tractor Peterbilt to haul trash	Vehicles	DPW									100,000	FC			
Hw 2001 6-Wheel Truck (10) on order already	Vehicles	DPW													
Hw 2006 6-Wheel Truck (12)	Vehicles	DPW							200,000	Ch90					
Hw 2021 6-Wheel Truck (11)	Vehicles	DPW													
Hw 2003 10-Wheeler	Vehicles	DPW											300,000	Ch90	
Hw 1999 Small Trailer	Opreational Equi	DPW					15,000	FC							
Hw 2005 Interstate Trailer	Opreational Equi	DPW							40,000	FC					
Hw 2005 Bandit Trailer	Opreational Equi	DPW													40,000
Hw 2013 Loadrite Trailer	Opreational Equi	DPW													
Hw 2013 Carmate Trailer	Opreational Equi	DPW													
Hw 2015 Loadrite Trailer	Opreational Equi	DPW													
Hw 2019 Bigtow Trailer	Opreational Equi	DPW													
Hw 2006 Grader	Heavy Equip	DPW													140,000

TOWN OF WELLFLEET, MASSACHUSETTS

CAPITAL BUDGET for Fiscal Year 2025 and CAPITAL IMPROVEMENT PLAN FY 2026 through 2030, and years 6-10 THEREAFTER

ASSET TYPE/ITEM	Classification	Dept.	FY 2025		FY 2026		FY 2027		FY 2028		FY 2029		FY 2030		Thereafter
			Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount
Hw 2008 John Deere Flail Mower	Operational Equip	DPW													70,000
Hw 2019 Street Sweeper	Heavy Equip	DPW													
Hw 2023 Mini Excavator	Heavy Equip	DPW													
Hw 2022 John Deere Loader	Heavy Equip	DPW													
Hw 2015 John Deere Farm Tractor	Heavy Equip	DPW													
Subtotal Fleet Inventory			1,045,000		607,500		782,500		537,500		527,500		1,347,500		4,977,500
EQUIPMENT															
Departmental Equipment Replacement Program	Operational Equip	Police	28,000	CL	28,000	CL	28,000	CL	28,000	CL	28,000	CL	28,000	CL	140,000
Building Video Surveillance system	Operational Equip	Police			65,000	FC									
Interior Furnishings (Desks, storage, tables, chairs)	Operational Equip	Police					15,000	FC							
Speed Display Road Signs	Operational Equip	Police													
Records Management Applications	Software/Applica	Police													
Dispatch Equipment Replacement Program	Operational Equip	Dispatch	5,000	CL	5,000	CL	5,000	CL	5,000	CL	5,000	CL	5,000	CL	25,000
CAD Software update/upgrades	Software/Applica	Dispatch					200,000	FC							
Medical/Rescue Equipment Replacement Prg.	Operational Equip	Fire	35,500	AF	35,500	AF	35,500	AF	35,500	AF	35,500	AF	35,500	AF	177,500
Fire Suppression Equipment Replacement Prg.	Operational Equip	Fire	29,000	AF	29,000	AF	29,000	AF	29,000	AF	29,000	AF	29,000	AF	145,000
Radio/Communication Equipment Replacement Prg.	Operational Equip	Fire	19,000	AF	19,000	AF	19,000	AF	19,000	AF	19,000	AF	19,000	AF	95,000
Power Lift Stretchers for Ambulances	Operational Equip	Fire	80,000	AF											
SCBA Compressor System	Operational Equip	Fire					100,000	OAF							
Equipment Replacement Program	Operational Equip	Beach	7,500	OAF	7,500	OAF	7,500	OAF	7,500	OAF	7,500	OAF	7,500	OAF	37,500
Kitchen Equipment	Acquisition	COA	1,200	Other	1,200	Other	1,200	Other	1,200	Other	1,200	Other	1,200	Other	6,000
Kitchen Ventilation System	Renovation/Cons	COA													50,000
Keyless Entry System	Software/Applica	COA													
Security/Camera System	Software/Applica	COA													
Equipment Replacement Program	Operational Equip	COA	3,500	CL	3,500	CL	3,500	CL	3,500	CL	3,500	CL	3,500	CL	17,500
Recreation Equipment Replacement Program	Operational Equip	Recreation	9,000	CL	9,000	CL	9,000	CL	9,000	CL	9,000	CL	9,000	CL	45,000
Furniture & Shelving Replacement Program	Operational Equip	Library	5,000	CL	5,000	CL	5,000	CL	5,000	CL	5,000	CL	5,000	CL	25,000
Technology upgrades	Operational Equip	Library			10,000	CL									
Boat Engine Replacement Program	Operational Equip	Marina	22,000	EF	9,000	EF	9,000	EF	9,000	EF	9,000	EF	9,000	EF	45,000
Equipment/Trailer Replacement Program	Operational Equip	Marina	3,500	EF	3,500	EF	3,500	EF	3,500	EF	3,500	EF	3,500	EF	3,500
Pier Camera System	Operational Equip	Marina			15,000	EF									
Engine/Equipment Replacement Program	Operational Equip	Shellfish	25,000	CL	6,000	CL	6,000	CL	20,000	CL	6,000	CL	6,000	CL	30,000
DPW Equipment Replacement Program	Operational Equip	DPW	35,000	CL	35,000	CL	35,000	CL	35,000	CL	35,000	CL	35,000	CL	175,000
Transfer Station Equipment Replacement Prg.	Heavy Equip	DPW	22,000	CL	22,000	CL	22,000	CL	22,000	CL	22,000	CL	22,000	CL	110,000
Transfer Station Scale	Operational Equip	DPW													100,000
Transfer Station Compactor 1	Operational Equip	DPW													100,000
Transfer Station Compactor 2	Operational Equip	DPW													100,000
Transfer Station Compactor 3	Operational Equip	DPW													100,000

TOWN OF WELLFLEET, MASSACHUSETTS

CAPITAL BUDGET for Fiscal Year 2025 and CAPITAL IMPROVEMENT PLAN FY 2026 through 2030, and years 6-10 THEREAFTER

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			Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount	Src.	Amount
School Equipment/Furnishings Replacement Program	Operational Equip	School	15,500	CL	15,500	CL	15,500	CL	15,500	CL	15,500	CL	15,500	CL	77,500
IT Network Replacement Program	Computer Hardw	GENERAL	30,000	CL	39,000	CL	39,000	CL	30,000	CL	39,000	CL	39,000	CL	150,000
IT PC & Component Replacement Program	Computer Hardw	GENERAL	40,000	CL	40,000	CL	50,000	CL	45,000	CL	50,000	CL	50,000	CL	200,000
Subtotal Equipment			415,700		402,700		637,700		322,700		322,700		322,700		1,954,500
TOTAL CAPITAL PLAN EXPENDITURE AMOUNTS			8,714,200		13,485,950		9,716,950		6,286,250		60,158,450		2,465,450		18,440,750

ANTICIPATED FUNDING SOURCES															
(CL) Capital Levy (Recurring)			697,000		697,000		697,000		697,000		697,000		697,000		
(CEX) Capital Levy Exclusion															
(BI) Bond Issuance			4,500,000		10,000,000		7,450,000				53,700,000				
(LI) Lease Issuance			550,000		150,000									600,000	
(FC) Free Cash			1,459,000		1,060,750		898,250		615,750		720,750		556,250		
(CPA) Community Preservation Act			280,000		150,000										
(AF) Ambulance Fund			163,500		83,500		333,500		83,500		83,500		83,500		
(CF) Cable Fund															
(Ch90) Chapter 90			175,000		475,000		75,000		275,000		75,000		375,000		
(BF) Beach Fund			19,000		19,000		19,000		19,000		19,000		19,000		
(SF) Shellfish Fund			32,000		32,000		32,000		32,000		32,000		32,000		
(MEF) Marina Enterprise Fund			25,500		27,500		12,500		12,500		12,500		12,500		
(WEF) Water Enterprise Fund			73,500		290,000		98,500		50,300		17,500		89,000		
(OAF) Other Available Fund			33,500		-		100,000		-		-		-		
(Grt) Grant			705,000		500,000										
Other			1,200		1,200		1,200		1,200		1,200		1,200		
Other/To Be Determined									4,500,000		4,800,000		-		18,440,750
TOTAL ANTICIPATED FUNDING			8,714,200		13,485,950		9,716,950		6,286,250		60,158,450		2,465,450		18,440,750
Capital Plan Funding Surplus (Deficit)			-		-		-		-		-		-		-

Note: Ambulance Fund amounts committed for lease payments:

Ambulances				125,000		125,000		125,000		125,000		255,000		520,000
Forestry Truck				40,000		40,000		40,000		40,000		40,000		40,000
Reserve Engine														

TOWN OF WELFLEET, MASSACHUSETTS

FISCAL YEAR 2025 BUDGET



OTHER BUDGET ITEMS

Appropriations – Other Budget Items

Funding of Reserves

Contribution of \$500,000 to Unrestricted Stabilization Fund.

- Anticipated balance \$1.5m at year-end, about 4.8% of Operating Budget.

Contribution of \$1,000,000 to Capital Stabilization Fund.

- Addresses Financial Policy regarding Maurices rents.

OPEB Fund is allocated \$200,000 w/in Operating Budget.

Other Reserve Type Funds may be desirable in the future.

- Injured on Duty Fund
- Compensated Absence Fund
- Require Town Meeting adoption of General Law provision

Other Budget Items

- Funding necessary to achieve Town goals, but neither operating nor capital in nature.
- Potential for Opioid Remediation Work Group
- Potential for a Scholarship Fund via petition article

Housing Stabilization Funds

- Receives ongoing funding from Community Impact Fee
- CIF split of 35/65 to affordable and mixed income

Funding of Other Budget Items

Free Cash Certified - \$4,729,198

Free Cash held for GF Reserve (4.5%) - \$1,400,000

Unspent/unreserved Free Cash – \$270,198

APPROPRIATIONS		
Element	Amount	Source
Financial Reserves:		
Stabilization Fund	500,000	Free Cash
Capital Stabilization Fund	1,000,000	Free Cash
OPEB Fund – supplemental (\$200k incl in Op Budget)	-	
Injured on Duty Fund	-	
Compensated Absence Fund	-	
Other Budget Requests:		
Opioid Remediation Work Group	<u>tbd</u>	
School Department Scholarship Program	<u>100,000</u>	Free Cash
Total Other Budget Items	1,600,000	

PROJECTED BALANCES OF RESERVES			
Reserve Fund	Current Balance	Contribution	Expected Balance
Stabilization Fund	963,931	500,000	1,500,000
Capital Stabilization Fund	-0-	1,000,000	1,000,000
Harbor Dredge Stabilization Fund	10,169	-	
Marina Stabilization Fund	71,584	-	
Affordable Housing Stabilization Fd.	37,476	8,000	45,500
Mixed Inc. Housing Stab. Fund.	69,597	16,000	85,600
Opioid Special Purpose Stab. Fund	5,126		
OPEB Trust Fund	3,381,427	200,000	3,600,000
Free Cash General Fund Reserve			1,400,000
Unspent/Available Free Cash			270,198

ARTICLE 5: OTHER BUDGET ITEMS

To see if the Town will vote to raise and appropriate from Free Cash, and/or transfer from available funds, a sum of monies for the following purposes or to take any action relative thereto.

Line	Item to Fund	Amount	Funding Source
1	Transfer to Unrestricted Stabilization Fund	500,000	Free Cash
2	Transfer to Capital Stabilization Fund	1,000,000	Free Cash
3	Outer Cape Opioid Remediation Work Group	tbd	Free Cash

Proposed Motion:

I move that the Town raise and appropriate and transfer from Free Cash the sum of \$x,xxx,xxx for the purposes as listed in the warrant.

Note: Separate petition article requesting funding of Scholarship Program.



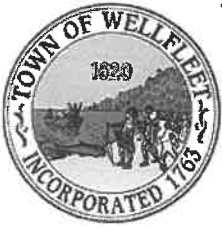
SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

VIII

TOWN ADMINISTRATOR REPORTS

- **The town administrator will give a verbal report at this meeting.**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

X

TOPICS FOR FUTURE DISCUSSION

- **The board will bring up topics that they wish to be on future agendas.**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

XI

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Meeting Minutes for March 21, 2024
PROPOSED MOTION:	I move to approve the minutes of March 21, 2024.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Wellfleet Selectboard
Tuesday March 12, 2024; 6pm
Hybrid Meeting: Zoom ~ 715 Old King's Highway
Meeting Minutes

Members Present: Barbara Carboni, Chair; John Wolf, Vice Chair; Michael DeVasto (Virtually), Ryan Curley, Tim Sayre

Others Present: Tom Guerino, Interim Town Administrator; Rebekah Eldridge, Executive Assistant; Will Sullivan, Harbormaster; Brittany Tilton, Assistant Harbormaster; Angelo Salamone, Building Inspector; Lisa Brown, WOA; Tonya Felix, WOA; Walter Baron, Old Wharf Dory; Paul Millett, Environmental Partners; Jay Norton, DPW Director; Roland Blair, Jude Ahern, Zach Ment, Owner Piping Plover; Joe Aberdale, Alfred Pickard, Wes Stenson, Environmental Partners; Nils Wiberg, Fuss & O'Neill

Chair Carboni Called the meeting to order at 6:03pm

I. *Announcements and Public Comments*

Note: Public comments are limited to no more than three minutes per speaker, and a speaker will be allowed to speak only once. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Chair Carboni asked for any public comments, Wolf announced that it has been suggested to him that it might be helpful to have a monthly newsletter come from the selectboard he stated he was open to suggestions on this idea. Curley spoke about the time for daylight savings time change on meetings. Guerino announced that the ice machine has gone out to bid and the id opening is March 26th at 10 am in his office at town hall. Chair Carboni read the speech conduct memo and then asked if there were any public comments. Blair spoke to the board asking about the parking fees for Maurice's Campground residents. Norton made an announcement about the route 6 project. Ahern spoke to the board about the budget and warrant not being on the agenda and wanted to know when they would be discussed. She also brought up the Chapter 91 grants.

II. *Consent Agenda*

A. Use of Town Property – Wellfleet United Methodist Church; Newcomb Hollow Beach parking lot, for Sunrise service, March 31, 2024, 6:15am – 6:45am

B. Use of Town Property ~ Wellfleet Gardeners ~ Driveway between Town Hall and Abiyoyo, for plant sale, May 25, 2024, 6am – 2pm.

- Chair Carboni asked for the Herring River portion of the consent agenda to be taken out as she is recused from all items having to do with Herring River
- **Board Member Curley Moved; Board Member Seconded; and it voted to adopt the consent agenda excluding the Herring River item as listed in the selectboard packet.**

Roll Call Vote: 5-0

- C. Wellfleet Herring River Restoration OPR services Amendment #2 for Year 2 Services. ~ **Chair Carboni recused herself from this agenda item.**
Norton explained this item stating that there was no cost to the taxpayers, and this is funded all by the state. Curley had a few questions for Norton regarding this amendment. The board discussed this in more detail.
Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to approve the Herring River OPR services amendment #2 for year 2 services with environmental partners.
Roll Call Vote 4-0-1 (Carboni Recused)

III. **Public Hearings**

- A. Amendment of Wellfleet Marina Schedule of fees ~ Will Sullivan, Harbormaster; Brittany Tilton, Assistant Harbormaster ~ **Wolf recused himself from this agenda item.**
Chair Carboni opened the public hearing for the marina harbor fees changes. Sullivan spoke to the board explaining the proposal of changes. He explained that 7% was approved by DOR. Chair Carboni asked if there was anything in particular that Sullivan would like to bring up to the board. He spoke about the items by section, which other marinas don't do. He spoke about the fees being much less than marinas in the surrounding towns. He explained the changes to the board. Curley questioned many of the fees and they were discussed. Sayre had a few questions, for Sullivan, Aberdale came to the microphone and spoke to the board about the fees and the DOR. Pickard spoke to the board stating he had no problem with the fee increase but would like to see the marina open longer than October 15th. The board discussed the fees at great length. Changing some of the fees and Curley stated he felt the hearing should be continued. The board discussed the continuation of the hearing.
Board Member DeVasto Moved; Chair Carboni Seconded; and it was voted to approve the FY2024 Marina Fees as amended by the board.
Roll Call Vote: 3-1-1 (Curley Voted No, Wolf Was recused)
Board Member Moved; Board Member Sayre Seconded; and it was vote to close the public hearing for marina fees.
Roll Call Vote: 4-0-1
- B. Amendment of Wellfleet Building Department schedule of fees ~ Angelo Salamone, Building Inspector; Daren Davis, Administrative Assistant
Salamone came to the table to present his budget.
Chair Carboni opened the public hearing for the Building Fees.
Salamone presented the options to the board regarding the fee changes. Chair Carboni spoke to the board asking that this item be continued as some of the material was not in the packet and provided for the public. They discussed this, Eldridge explained because there are other fees to be considered there needs to be a new hearing advertised as the fees
Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to close this public hearing.
Roll Call Vote: 5-0

IV. Licenses

A. Renewal of Seasonal Alcohol licenses

- Rookies Inc, DBA Bobs Sun N Cone
 - Chequesset Yacht & Country Club
 - Lobster & Chowder House
 - Vrs Inc, Van Rensselaer's
 - Fobro, Inc. DBA: Flying Fish Café
 - Wellfleet Harbor Seafood Company DBA: Mac's Shack
 - New Fleet Corp. DBA: Hog Island Surf Lodge & Beer Yard
- Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the seasonal alcohol licenses as printed in the selectboard packet.**
Roll Call Vote: 5-0

V. DOT Project

A. Tree Removal ~ 10 Main Street, status report and discussion

Ment was on the meeting virtually to explain his concern about saving a tree on his property with regard to the DOT route 6 project. He didn't realize the state was going to take this tree and would like the board to help him figure out how to save it. Norton filled the board in on his plans to help Ment with saving the tree. Sayre spoke to the board about the bylaw that was passed regarding notable trees. Norton explained that the state doesn't have to adhere to the notable tree bylaw as they took this property by eminent domain. The board discussed this issue and what they could do as a board of the town to help reach out to the state and save the tree. Guerino will go to the meeting Wednesday morning to talk to the state.

Board Member DeVasto Moved; Board Member Sayre Seconded; and it was voted to that the Wellfleet selectboard take a vote of support to preserve the tree at 10 Main Street, direct the town administrator and the DPW direct to work with the property owner to work with the state to save the tree.

Roll Call Vote: 5-0

VI. Use of Town Property

A. WAO (Wellfleet Oyster Alliance) ~ Oysterfest ~ Application updated with improvements made with the board and public recommendations and suggestions. See full application in the packet. ~ *Board Member DeVasto recused himself from this agenda.*

Brown spoke to the board as a member of the executive committee for the Oysterfest. She explained there were some changes, due to the community forum that was held to hear concerns, ideas, and suggestions. She explained the changes. Seabury spoke to the board with her concerns. Brown spoke to the board about meeting with Seabury and stated she would be open to meeting with her again.

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the use of town property to WOA for the set up and clean

up of the Wellfleet Oysterfest from October 15, 2024, through October 23, 2024; for a fee of \$1,200.

Sayre amended the motion to a fee of \$2,000.

Roll Call Vote: 4-0-1 (DeVasto recused)

- B. WOA – Tonya Felix, Wellfleet Oyster Crawl, May 26, 2024; 2:30pm – 5:00pm
Felix spoke to the board about the shop and shuck, stating they are trying to do more with the Main Street businesses. She explained the event and the gave details of the use of town property.

Board Member Sayre Moved; Board Member Wolf Seconded; and it was voted to approve the use of Main Street on May 26, 2024; from 2:30pm to 5:00pm for the Wellfleet Oyster Crawl; to Wellfleet Oyster Alliance for a fee of \$110.

- C. Provincetown Swim for Life ~ Provincetown Community Compact; September 7, 2024; 9:00am – 12:00pm ~ Great Pond

Board Member Wolf Moved; Board Member Seconded; and it was voted to approve the use Great Pond to the Provincetown Community compact for their annual Swim for Life and Paddler Flotilla with the condition that the conservation agent signs off on the application.

Roll Call Vote: 4-0-1 (Sayre Recused)

- D. Walter Baron ~ Old Wharf Dory Co; 10th Annual Wellfleet Rowing Rendezvous, free event; September 21, 2024; 11:00am -3:00pm.
Baron spoke to the board about this event and stated they have been doing it for years.

Board Member Wolf moved, Board Member Sayre seconded; and it was voted to approve the use of Mayo Beach on September 21, 2024; from 11:00am - 3:00pm for the 10th annual Wellfleet Rowing and Rendezvous.

Roll Call Vote: 5-0

VII. *Board/Committee Appointments and Updates*

- A. Jean Caviness ~ interview and possible vote to be appointed to the Cultural Council as a voting member.

Board Member Curley moved; Board Member Sayre Seconded, and it was voted to appoint Joan Caviness as a voting member to the Wellfleet Cultural Council, for a term of three years, to be signed in by the town clerk before voting at a meeting.

Roll Call Vote: 5-0

- B. Andrew Spangler ~ interview and possible vote on being appointed to the cable Advisory Committee as a voting member.

Spangler spoke to the board stating he is new to the town and would like to be involved more with the community.

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to appoint Andrew Spangler to the Wellfleet Cable, Internet and Cellular Service Advisory Committee as a voting member for a term of Three years, to be sworn in by the Town Clerk before voting at the next meeting.

Roll Call Vote: 5-0

VIII. Business

A. Maurice's Campground ~

Maurice's Campground Master Planning Services Recommendations – Votes may be taken. Curley came to the end of the table as the chair of the Maurice's Planning Committee and explained the committee's long detailed process on how they came to choose Studio G. Sullivan explained to the board that this is personal to her as she is a part time resident of Wellfleet and knows the needs of the town.

Board Member DeVasto Moved; Board Member Wolf seconded; and it was voted to direct the town administrator to work with Studio G in creating the contract to move the project forward.

Roll Call Vote: 4-0-1 (Curley recused)

B. Fuss O'Neill to present to the board options for the exterior face of the Chequessett neck river bridge. *Chair Carboni recused herself from this agenda item.*

Norton, Stinson, and Wiberg came to the table, to discuss and present the options for the town regarding the Chequessett Neck Bridge. The screen was shared to show the board and the public the different surfaces that the bridge could have and the cost of each option.

Wolf had a few questions for the group regarding overruns of this project. The group addressed those concerns stating that the first option of the base concrete was the best route to go to keep this project "lean and mean". The board agreed with this suggestion. The board continued to discuss the options that they were presented with.

Board Member Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the base bid for the Chequessett Neck Road Bridge for the Herring River Project.

Roll Call Vote: 4-0-1

C. Town Elections

- Discussion on scenarios and public outreach.

Guerino spoke to the board about the town meeting being moved to the end of May which is after the town elections. He spoke about closing the warrant on March 26th explaining why he felt this would give the town the ability to work with any changes needed. He stated there could be public meetings or allowing the forum to do a public outreach to inform the public of the of each of the warrant articles.

Curley had some issues with voting on the closing of the warrant articles. He also stated they hadn't had a chance to review the capital budget or the warrant articles and the school's budget.

It was discussed to move the dredging article to the fall town meeting, so the voters have more knowledge of what is being asked.

Capital Budgets were discussed and Guerino stated he is comfortable with the Capital budget, and he is ready to present the board with that budget to the department heads. He explained the process with the operating budget changes. Guerino explained his next steps and what his recommendations.

Bacon spoke about the warrant and stated she couldn't understand the chaos.

She reminded the board about the 2.5-million-dollar grant that is in jeopardy.

Chair Carboni asked to take this up next Tuesday evening.

D. Dredging

- To discuss professional assistance on dredging matters.

Wolf explained to the board that this is an alternative that he has been working on. He explained the use of a lobbyist has been extremely helpful and he has been trying to reach out to the lobbyist before he reaches out to the congressional delegates and would like to know what it would entail to enter into a short agreement with the lobbyist to help with this he would like to the town administrator to reach out to the lobbyist to see if he would be willing to work with the town.

Guerino questioned the budget, where the funds are coming from and the time frame he has. He stated he needed more definition.

The board agreed that Guerino should get a quote from the lobbyist for services.

IX. *Selectboard Reports*

- Wolf spoke to the ice machine progress, he stated they are discussing the locations of the machine and some issues they have come across regarding the abutter.

X. *Topics for Future Discussion*

- Curley would like the town administrator report added to the agenda moving forward.
- Sayre stated that he would like to have a discussion with the TA, Fire and Police as far as the location of the ice machine.
- Chair Carboni spoke about the email she received seeking support regarding the pending legislature that would reduce control of energies.
- Having meetings in the library.

XI. *Minutes*

A. February 20, 2024 –

B. February 22, 2024 –

C. February 27, 2024 – cross out cape light compact.

D. February 29, 2024 – amended with Ryan's comments.

A. Board Member DeVasto Moved; Board Member Sayre Seconded, and it was voted to approve the meeting minutes of February 20, 2024, as written in draft.

Roll Call Vote: 5-0

II. *Adjournment*

Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to adjourn.

Roll Call Vote: 5-0

Meeting Adjourned: 10:05pm

DRAFT *** A full recording of this meeting can be found on the town's website***

***** Public Documents*****

Application for use of town property, United Methodist Church, Lecount Hollow Beach
Application for use of town property, Wellfleet Gardeners, Town Hall Driveway
Herring River Restoration Project amendment #2
Marina Fees, current and proposed.
Building Department Fees, Current and proposed.
Application for use of town property, WOA; Oysterfest
Application for use of town property, WOA, Oyster Crawl; Main Street Wellfleet
Application for use of town property, Provincetown Swim for Life, Great Pond
Application for use of town property, Walter Baron, Rowing Rendezvous
Application to be on the Cultural Council as a voting member, Jean Caviness
Application to be on the Cable Advisory Committee as a voting member; Andrew Spangler
Maurice's Campground planning documents and proposal
Chequessett Neck Bridge Options from Fuss & O'Neill
Memo to the board from Tom Guerino regarding town elections
Meeting Minutes of February 20th, 22nd, 27th & 29th; 2024.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 19, 2024

XII

ADJOURNEMENT

REQUESTED BY:	Selectboard Chair Barbara Carboni
DESIRED ACTION:	To Adjourn the meeting
PROPOSED MOTION:	I move to adjourn
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____