



Wellfleet Selectboard

Note: Start Time of 6pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, January 4, 2022, at 6:00 p.m.** This meeting will be held via **Zoom Video Conference** in accordance with the temporary suspension and enhancement of the Open Meeting Law requirements by the General Court of the Commonwealth of Massachusetts. Instructions for a Zoom video conference meeting which also allows phone dial-in are given below:

1. Join the meeting hosted in Zoom by using the following link:
<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>
2. Audio, video, chat, and screen sharing functions will be disabled during the public session. Request to participate by using the “raise hand” function. **Meeting ID: 856 8960 4806 | Passcode: 611877**
 - a. Raise hand in smartphone app – touch bottom of your screen and select “more” - hit “raise hand” button
 - b. Raise hand on computer – hit “participants” button on bottom of screen – hit “raise hand” button on bottom of participants’ panel
 - c. Please make sure you properly identify yourself before speaking, rename yourself by selecting the participants button and choosing “more” (or by holding down on your name on a smartphone app) and selecting “rename” - full, legal names only.
 - d. Please join the meeting on time.
3. You may also listen to the meeting by calling in on a phone to **+1 929 205 6099** and enter **Meeting ID: 856 8960 4806 | Passcode: 611877** Landline callers can participate by **dialing *9 to raise their hand.**
4. You may submit questions and comments to the Town using the following email: executive.assistant@wellfleet-ma.gov Comments made during the meeting via e-mail will be sent to Selectboard members AFTER the meeting.
5. Meeting materials are attached to this agenda, available online at Wellfleet-ma.gov. It is recommended that phone participants access materials in advance of the meeting.
6. **Please follow the following general instructions:**
 - a. Keep your phone muted at all times when not talking; no one is allowed to unmute themselves during the meeting.
 - i. Selectboard meetings are NOT interactive. If public comments are allowed that’s all, comments only, not questions.
 - ii. If the Chair is allowing comments during the meeting the number of comments will be limited and may be **no longer than one minute.**
 - b. Do not use speakerphone; do not use Bluetooth devices; mute all background noise.
 - c. Please do not speak until the Chair asks for public comments or questions and you have been recognized by the moderator and unmuted.
 - d. After the business section is complete no public comments are permitted. Future agenda items are from the Selectboard, no one else.

7. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.
-

- I. ***Announcements, Open Session and Public Comments***
Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
- II. ***Covid Updates or Announcements***
- III. ***Financial Management Plan***
- IV. ***Board/Committee Appointments and Updates***
 - A. Sergeant's Promotion ~ Chief Hurley
 - B. Disclosure of Appearance of Conflict of Interest ~ John Cumbler
 - C. Special Municipal Employees ~ Updated List ~ Chair Curley
- V. ***Business***
 - A. Police Cruiser Replacement
 - B. Long Pond Stairs Replacement ~ Suzanne Grout Thomas
 - C. Beach Cleanups ~ Suzanne Grout Thomas
 - D. Herring River ~ Duck Unlimited, Town of Wellfleet's Matching Contribution ~ Chair Curley
 - E. Code of Conduct ~ Chair Curley
 - F. Bylaw on the Feeding of Wild Animals ~ Member Wilson
 - G. Commercial Single-Use Plastic Non-Alcoholic Beverage Bottle Ban ~ Chair Curley
 - H. Formula Business Bylaw Replacement
- VI. ***Selectboard Reports***
- VII. ***Town Administrator's Report***
- VIII. ***Topics for Future Discussion***
- IX. ***Correspondence and Vacancy Reports***
- X. ***Minutes***
 - A. December 14, 2021
- XI. ***Adjournment***



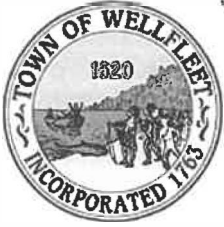
SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

I

ANNOUNCEMENTS, OPEN SESSION & PUBLIC COMMENTS

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

II

COVID-19 UPDATES AND RECOMMENDATIONS

REQUESTED BY:	Chair Curley/Health Agent Lemos
DESIRED ACTION:	A report will be given to the town regarding the statistics of the Covid-19 pandemic
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

III

FINANCIAL MANAGEMENT PLAN

REQUESTED BY:	Town Administrator Charlie Sumner
DESIRED ACTION:	To give an update to the board and public of the progress of the town's financial plan
PROPOSED MOTION: SUMMARY:	No action needed
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

IV

BOARD/COMMITTEE APPOINTMENTS & UPDATES

~ A ~

REQUESTED BY:	Chief Hurley
DESIRED ACTION:	To discuss and approve the promotion of Officer Jeremiah Valli to the position of Police Sergeant for Wellfleet
PROPOSED MOTION:	I move to approve the appointment of Officer Jeremiah Valli to the position of Police Sergeant.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet
Police Department

December 27, 2021

To: Wellfleet Select Board
From: Chief Michael P. Hurley

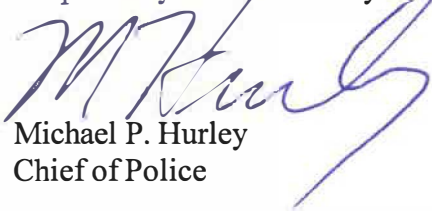
Subject: PROMOTION OF OFFICER JEREMIAH VALLI TO THE POSITION OF SERGEANT

I request Officer Jeremiah Valli be promoted to the position of Sergeant within the Wellfleet Police Department. Over the past few months, I conducted a promotional process involving the department's Patrol Officers. The first phase was to request a letter of interest as to why the Patrol Officer feels he/she should be selected and promoted. The second phase was an interview panel with the Lieutenant, Assistant Town Administrator and the DPW Director. Finally, I conducted a one-on-one interview with each candidate and a review of their personnel records along with their career accomplishments. After undertaking this process, I feel that Officer Jeremiah Valli is the best candidate and would proudly serve the residents and visitors to the Town of Wellfleet and the Wellfleet Police Department (attached is his letter of interest).

Officer Valli's summary of information:

March 2004	Hired with the Barnstable County Sheriff's Office
May 2007	Hired as part-time Police Officer Wellfleet
July 2009	Hired as a full-time Police Officer Truro
April 2018	Hired as a full-time Police Officer Wellfleet
October 2018	Firearms and Taser Instructor
July 2020	Researching Body Cameras
July 2021	Implementation Body Camera Program

Respectfully submitted for your information and consideration.



Michael P. Hurley
Chief of Police

cc: Charlie Sumner, Interim Town Administrator
Jennifer Congel, Town Clerk



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

IV

BOARD/COMMITTEE APPOINTMENTS & UPDATES

~ B ~

REQUESTED BY:	John Cumbler ~ Member of the Conservation Commission
DESIRED ACTION:	
PROPOSED MOTION: SUMMARY:	I move to accept the appearance of conflict of interest in Relation to the Herring River Restoration Project filled by John Cumbler in his service as a member of the Conservation Commission.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

PUBLIC EMPLOYEE INFORMATION	
Name of public employee:	John Cumbler
Title or Position:	Volunteer Committee member Coms Com
Agency/Department:	Conservation Commission
Agency address:	Wellfleet
Office Phone:	
Office E-mail:	
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
APPEARANCE OF FAVORITISM OR INFLUENCE	
Describe the issue that is coming before you for action or decision.	The Herby River project will come before Coms Com. I own property which might be affected if phase II of the project but not phase I. At this time the H.R. is only about phase I
What responsibility do you have for taking action or making a decision?	I would be involved in approving phase I the under CZMA.
Explain your relationship or affiliation to the person or organization.	I own the property owner
How do your official actions or decision matter to the person or organization?	<hr/>

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

PUBLIC EMPLOYEE INFORMATION	
Name of public employee:	
Title or Position:	
Agency/Department:	
Agency address:	
Office Phone:	
Office E-mail:	
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
APPEARANCE OF FAVORITISM OR INFLUENCE	
Describe the issue that is coming before you for action or decision.	
What responsibility do you have for taking action or making a decision?	
Explain your relationship or affiliation to the person or organization.	
How do your official actions or decision matter to the person or organization?	

<p>Optional: Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.</p>	<p><i>Please I which is coming before Coms Com does not affect me.</i></p>
<p>If you cannot confirm this statement, you should recuse yourself.</p>	<p>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</p> <p><input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.</p>
<p>Employee signature:</p>	<p><i>John T. [Signature]</i></p>
<p>Date:</p>	<p><i>12/14, 2021</i></p>

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

IV

BOARD/COMMITTEE APPOINTMENTS & UPDATES

~ C ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To discuss and take possible votes on the Town of Wellfleet's updated Special Municipal Employees
PROPOSED MOTION:	I move to approve the list of Special Town Employees as presented at tonight's meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**Special Municipal Employees Town of Wellfleet
As of December 23, 2021**

Moderator
Council on Aging
Cemetery Commissioners
Trustees of Public Libraries
Marina Advisory Committee
Shellfish Advisory Committee
Bike and Walkways Committee
Board of Health
Parking Clerk
Open Space Committee
Beach Guards
Constables
Seasonal Laborers
Town Administrator Search Committee
Building and Needs Assessment Committee
Cable Advisory Committee
Cape Cod Technical High School Committee
Charter Review Committee
Community Preservation Committee
Conservation Commission
Dredging Task Force
Herring River Executive Council
Local Housing Partnership
Recycling Committee
Taxation Aid Committee
Wellfleet Elementary School Committee

Election Officers
Zoning Board of Appeals
Planning Board
Historical Commission
Personnel Board
Board of Assessors
Finance Committee
Board of Water Commissioners
Plumbing & Gas Inspector
Natural Resources Advisory Board
Lifeguards
Call Firefighters
Special Police Officers
Deputy Shellfish Constables
Bylaw Committee
Cape Cod Commission
Cape Light Compact Committee
Commission on Disabilities
Clean Water Advisory Board
Cultural Council
Energy and Climate Action Committee
Housing Authority
Local Housing Trust
Selectboard



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

V

BUSINESS

~ A ~

REQUESTED BY:	Chair Curley & Chief Hurley
DESIRED ACTION:	To discuss and possibly vote on police cruiser replacements with the possibility of purchasing hybrid cruisers
PROPOSED MOTION:	To be determined at meeting
SUMMARY:	
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

To: Chief Michael Hurley

From: Sgt. Michael Turner

Subject: Hybrid Patrol Vehicles

Date: December 21, 2021

Chief,

The increase in cost to purchase a hybrid patrol vehicle versus a gasoline engine will be \$3459.00 per vehicle. In addition to the added cost there are a few considerations when deciding to purchase hybrid patrol vehicles. I spoke with the head mechanic at Chatham Ford, one of the dealerships that we use to service our patrol vehicles. He explained to me that the operating system in a hybrid vehicle is completely different than in a gasoline engine. He went on to explain that only a certified electric vehicle mechanic can work on a hybrid system. He also told me that the hybrid system is not necessarily designed for emergency or law enforcement vehicles. The stress that is put on the system from the constant stop and go, quick acceleration and long hours of idling tends to make the system break down quickly. He explained that the only Ford Certified mechanic that can work on hybrid/electric vehicles in our area, is located at Janell Ford in Hanover.

It is my opinion with only four patrol vehicles that it may put us in a precarious position to be without one or possibly two cruisers for an extended period of time if issues arise. I believe there is a place for more economic patrol vehicles in our department, but I think we should wait for the technology to improve before making that jump.

Respectfully submitted,



Sergeant Michael Turner

TOWN OF WELLFLEET

FY 2023 Capital Improvement Request

Department Wellfleet Police

Requested By: Chief Michael Hurley

Project Description & Objectives

Cruiser Replacement Plan

Project Need & Background

Replace aging Police Cruisers. This is part of an ongoing cycle to replace cruisers as part of a four-year cycle. Since July of 2020 the replacement plan has been put off a year due to vehicles being removed from the budget.

Priority #

of Projects Submitted

Priority #

for Fiscal Year

1

2

1

FY23

Degree of Urgency (Check all that apply)

Priority of Function (Check all the apply)

- Legislation: required by state or federal legislation regulation
- Hazard: removes an obvious or potential hazard to public health or safety
- Efficiency: replace equipment or facility that is obsolete, or would be too costly to repair or maintain and better utilizes existing standard of service
- Standard of Service: maintains or provides existing standard of service
- Economic Advantage: directly benefits the Town's economic base by increasing property values or other revenue potential
- Increased Service: expands or increases a service or improves a standard of service
- New services: make possible a new service or increases convenience of an existing service.

- Protection of persons and property: police, fire, rescue, inspection, etc.
- Environmental health: water, sewer, sanitation, public health, etc.
- Heritage and cultural: education libraries, etc.
- Housing: public housing, etc.
- Pedestrian and vehicular transportation: street construction and maintenance, parking etc.
- Recreation: parks, athletic programs, etc.
- General government: office facilities, central services, etc.

Projects Costs by Year

FY 2023: \$120,000

FY 2024: _____

FY 2025: _____

FY 2026: _____

FY 2027: _____

TOTAL: \$120,000

Other Comments:

This is the replacement cost for two vehicles



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

V

BUSINESS

~ B ~

REQUESTED BY:	Suzanne Grou t-Thomas
DESIRED ACTION:	To present on the replacement of the Long Pond Stairs and roadside improvement.
PROPOSED MOTION: Summary:	To be determined at the time of the meeting
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

To: Selectboard

Cc: Charles Sumner, Town Administrator

From: Suzanne Grout Thomas, Director of Community Services

Date: December 10, 2021

Re: Long Pond stairs

On Thursday, December 9th, DPW Foreman Peter Williams and I conducted a site visit at Long Pond with the intent to determine what would be required to replace the existing stairs. We proposed the following:

- To accommodate Helen Wilson's request for a shorter rise, the existing 4x6 timbers will be replaced with 4x4 timbers
- To replace the existing plastic fencing that people simply rip off the uprights and step over, with chain link fencing
 - There is an area directly east of the existing stairs that is badly eroded with exposed tree roots.
 - This area will be closed off and stabilized with jute matting as was done at Duck Pond over the past three years
 - At the bottom of the stairs, there are tree trunk remains that are approximately 6 inches high and present a trip and fall opportunity – these will be removed or cut down to the level of the sand
 - The tree with the fractured trunk will be cut down and the stump removed. Right now it is listing badly and another storm or two will weaken it even more.
 - The area that is now used as a footpath through the trees down to the handicap access ramp will be graded and amended with stone to protect the exposed roots and to give better footing to those who chose to use the path rather than the stairs

Peter estimates that the cost for this project will be around \$10,000 but please bear in mind that prices for materials and labor are skyrocketing and may be significantly more by spring. Funding could come from the Beach Fund in a FY22 transfer at STM or ATM.

If we can come to an agreement on this project, it will also need to go to ConsCom to verify that it falls within the parameters of Wellfleet Environmental Protection regulations.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

V

BUSINESS

~ C ~

REQUESTED BY:	Suzanne Grout-Thomas
DESIRED ACTION:	To discuss the trash collection at Wellfleet Beaches
PROPOSED MOTION:	I move to approve the the placement of sponsored beach trash disposal stations at Wellfleet beaches where practicable under the supervision of the Beach and DPW Directors.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____

To: Selectboard

CC: Charlie Sumner, Town Administrator

From: Suzanne Grout Thomas

Date: December 28, 2021

Re: Beach Clean Up Stations



Peyton Flanagan, a young woman who has been born and raised in Wellfleet, has generously offered to find sponsors for Beach Clean Up Stations. The sponsors would be responsible for the cost of the materials for the stations and the DPW would put them in place. Peyton got the idea from a similar program in Truro (pictures of the wooden boxes and bags). The Truro DPW builds the boxes and is responsible for replacing missing bags and any repairs that are necessary. I spoke to DPW Director Jay Norton and he would prefer a system of plastic shopping baskets and a rack to secure them. We had previously discussed this possibility but it was a victim of COVID needs. Peyton graciously is willing to support what the DPW Director and I feel is the better option for Wellfleet.

Tonight, we seek your approval of placing these on however many locations for which sponsors can be found. Once your approval is in hand, we will determine a price per sponsor, locations that will be appropriate and a process for businesses to offer to sponsor these baskets as time goes on.

I want to thank Peyton for reaching out and offering what I believe will be a popular placement.

Wellfleet



Sponsored by _____

- **Borrow a basket**
- **Pick up trash**
- **Put trash in trash receptacle**
- **Return the basket**



Agenda Item

3 messages

Suzanne Thomas <Suzanne.Thomas@wellfleet-ma.gov>
To: Ryan Curley <ryan.d.curley@gmail.com>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

Ryan,

Peyton Flanagan, daughter of Brian Flanagan, wants to find sponsors for and donate to the Town a system that will encourage Beach Clean-up Meadow on FB, but it is a framed box with plastic bags for people to use to clean up the beach while they are walking/swimming/surfing. She is the Truro DFW Director and he said that they (Truro DFW) construct and restock the box, using the sponsorship money from Salty Me about the durability of the box and the need to restock the bags. As an alternative, Jay and I prefer a supply of shopping baskets with two can be attached to a post. A sign indicating which business is the sponsor would be attached to the post as well. The baskets, if they disappear would not be adding to the plastic pollution that threatens our oceans. Peyton is fine with this alternative and I am therefore requesting a plan to decide if they will allow sponsorships at Town beaches. Thank you, Suzanne

ULINE 1-800-295-5510

Products Uline Products Quick Order Catalog Request Special Offers

Home > All Products > Store Operations > Shopping Baskets and Carts > Hand-Held Shopping Baskets

HAND-HELD SHOPPING BASKETS
Customer convenience that pays for itself.

- Includes 12 baskets, sign and steel stand to hold baskets.
- Durable metal handles with comfort grips.
- Break-resistant plastic.

MODEL NO.	SIZE W x L x H	CAPACITY	QTY./ CTN.	LBS./ CTN.	PRICE PER CARTON OF 12		ADD TO CART
					1	5+	
<u>H-7875</u>	12 x 17 x 9"	5 Gallons	12	20	\$89	\$79	<u>Specify Co</u>

Restrictions apply. See items for details.

Suzanne Grout Thomas
Director of Community Services

12/28/21, 4:03 PM

Gmail - Agenda item

[Town of Wellfleet](#)

[715 Old Kings Highway](#)

[Wellfleet, MA 02667](#)

Suzanne.thomas@wellfleet-ma.gov

Ryan Curley <ryan.d.curley@gmail.com>
To: Suzanne Thomas <Suzanne.Thomas@wellfleet-ma.gov>
Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

Wed, Dec 22, 2021 at 12:10 PM

Does Jan 4th work for this as well?
[Quoted text hidden]

—
Sincerely,
Ryan Curley
(508)-246-4718
Ryan.D.Curley@gmail.com

Suzanne Thomas <Suzanne.Thomas@wellfleet-ma.gov>
To: Ryan Curley <ryan.d.curley@gmail.com>

Wed, Dec 22, 2021 at 12:52 PM

Yes, thank you

Suzanne Grout Thomas
Director of Community Services
Town of Wellfleet
www.wellfleet-ma.gov

On Dec 22, 2021, at 12:11, Ryan Curley <ryan.d.curley@gmail.com> wrote:

[Quoted text hidden]



image001.png
128K



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

V

BUSINESS

~ D ~

REQUESTED BY:	Chair Curley ~ Herring River
DESIRED ACTION:	Amend Funding Source to meet in the kind match
PROPOSED MOTION:	<p>I move to amend the town of Wellfleet's approval serve as a 10% match partner for a \$2 million grant proposal to be submitted by Ducks Unlimited to the US FWS North American Restoration Project, and that the town's 10% match contribution be met by pledging \$200,000 in values of land transferred to the care & custody of the Wellfleet Conservation Commission toward the project from January 2019 through September 2025, and to authorize the signing of the Partner letter of support.</p>
SUMMARY:	<p>Ducks Unlimited allows the town to pledge the value of land on which it either places a conservation restriction on or transferred to the care and custody of the Conservation Commission additionally it allows the town to include such transfers going back to January 2019 the town has transferred that land to the Conservation Commission with assessed values in excess of \$3.2 million. We had previously authorized the use of the MVP funds that were received for the project. Many other grant sources do not allow the pledging of land. By pledging a small portion of the value of the land which we have already transferred to the Conservation Commission we will retain the MVP funds received for the project to meet other grant match obligation thereby potentially reducing the cost to tax payers for the project.</p>
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):



Ryan Curley <ryan.d.curley@gmail.com>

Carole Ridley <cr@ridleyandassociates.com>

Mon, Jun 7, 2021 at 1:24 PM

To: Ryan Curley <ryan.d.curley@gmail.com>

Cc: Rebekah Eldridge <rebekah.eldridge@wellfleet-ma.gov>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

Hi Ryan,

Good question.

The MVP grant request is for roughly \$590,000 so, even if we don't get full MVP funding, the award may be enough to cover the match. However, even a partial MVP award is not certain, so we need to look at contingencies.

The grant allows the counting of match contributions from a period of January 2019 through September 2025. We would work with the Town to identify non-cash contributions to the project that could count toward the match. This could include: the value of staff time spent on the project during that period, the value of using the DPW sand pit on Pole Dike Road to store excavated material, any DPW work or inspections related to the project, legal fees paid to McGregor Legere and KP LAW for work they have done in connection with the project, or other non federal grants for the project that are applied for and received by the Town through September 2025 (i.e., we can apply for another MVP grant next year). Over six years these categories will add up substantially. In addition or alternately, the Town could put a conservation restriction on land it already owns, or transfer town land from Selectboard ownership to Conservation Commission ownership, and the value of that CR or transferred land could be counted. This is all to say that there are many creative ways to value non-cash match. As a last resort, if the MVP grant is not successful and the Town is uncomfortable with compiling the other forms of match, the Town could withdraw as a 10% partner, even post grant award.

I hope that helps to clarify.

[Quoted text hidden]

Property Transferred to The Conservation Commission 2019 & 2020

2020 ATM Accessed Values

Article 28

Map 35 Parcel 201 accessed value: \$15,400

Map 35 Parcel 209 accessed value: \$116,100

Map 35 Parcel 210 (Was subdivided FY 20 & FY 21) accessed value:
\$168,000 & \$72,800

2020 Total Value \$204,300 to \$372,300

2019

Article 39

Map 46 Parcel 19 \$65,100

Article 40

Map 40 Parcel 81 \$769,300

Map 40 Parcel 170 \$444,200

Map 40 Parcel 171 \$831,900

Map 40 Parcel 176 \$53,100

Map 40 Parcel 184 \$890,900

2019 Total Value

\$3,054,500

Total Value 2019 & 2020 \$3,258,800 to \$3,426,800

Memorandum

To: Wellfleet Selectboard

From: Carole Ridley

Date: June 4, 2021

Re: Request for Town To Serve as Grant Match Partner

BACKGROUND

The Town of Wellfleet and Cape Cod National Seashore are currently seeking funding to implement Phase 1 of the Herring River Restoration Project (Project). One funding opportunity being pursued is the US Fish and Wildlife Service (US FWS) North America Wetlands Conservation Act (NAWCA) grant program. For this year only, applicants may request up to \$2 million.

NAWCA grants are intended to “increase bird populations and wetland habitat, while supporting local economies and American traditions such as hunting, fishing, bird watching, family farming, and cattle ranching. Wetlands protected by NAWCA provide valuable benefits such as flood control, reducing coastal erosion, improving water and air quality, and recharging ground water.”

Ducks Unlimited, Inc. (DU) will be submitting an application to US FWS for a \$2 million NAWCA grant to help fund Project implementation costs. The application is due July 8, 2021. If awarded, funds will be used for implementation actions on Town of Wellfleet and/or Cape Cod National Seashore property.

Competitive NAWCA grant proposals include a minimum of three 10% match partners that contribute non-federal cash or in-kind value to the project totaling 10% of the grant amount or in this case, \$200,000. It is requested that the Town serve as one of the 10% match partners. It is proposed that the Town’s \$200,000 match contribution be met by pledging a portion of grant funds for which the Town has applied to the Commonwealth’s Municipal Vulnerability Preparedness Action Grant program. If the MVP grant funds are not received, the Town would pledge to find alternate match totaling \$200,000. This could be met by other non-federal grants and town in-kind contributions toward the project from January 2019 through September 2025, including staff and administrative time, and use of DPW facilities, etc.

If the grant is awarded, the Town would be required to sign an agreement with DU committing to undertaking the restoration efforts as proposed for a minimum of 25 years.

REQUEST

For the Town to agree to serve as a 10% match partner on the above referenced NAWCA grant proposal and authorize signature of a statement of support describing this commitment (see draft attached). A suggested motion follows:

Motion: That the Town of Wellfleet serve as a 10% match partner for a \$2 million grant proposal to be submitted by Ducks Unlimited to the US FWS North American Wetland Conservation Act program for the Herring River Restoration Project, and that the Town’s

10% match contribution be met by pledging \$200,000 of a pending grant from the Commonwealth's Municipal Vulnerability Preparedness Action Grant Program or, if the MVP grant funds are not received, by pledging alternate match value totaling \$200,000 that could be met by other non-federal grants and in-kind contributions toward the project from January 2019 through September 2025, and to authorize the signing of a Partner letter of support.

**NORTH AMERICAN WETLANDS CONSERVATION ACT PROPOSAL
PARTNER CONTRIBUTION STATEMENT**

What is the title of the proposal that you are contributing to? Herring River Restoration and Protection: Phase I

What is the name of your organization (private landowners/individuals indicate "Private")? Town of Wellfleet (municipality)

When will you make the contribution? During the grant period

What is the value of your contribution and how did you determine the value? Does the contribution have a non-Federal origin? If this is based on a fund-raising event or other future action, if that future action fails, will you still provide the contribution amount? The Town of Wellfleet is pledging \$200,000 in funding towards the construction project. Funding will cover direct restoration activities and staff time for equipment managers on restoration activities on lands owned by the Town. The value is based on cost estimates determined from external consulting firm budgets, and construction cost estimates. Specific tasks will include finalizing designs, material costs, and other direct project related costs. The funding is based on a pending funding. Funds will not be leveraged towards any other federal sources and are non-federal in origin. If the funds are not received, the Town and partners are committed to finding a solution to ensure the pledged amount is still allocated to the project.

What long-term migratory bird and wetlands conservation work will the contribution cover? The project will re-establish tidal flow to the Herring River estuary through removal of tidal obstructions to reconnect hydrology and through vegetation and marsh management. The elimination of connectivity has resulted in the loss of important migratory bird habitat, loss of function as a nursery for a regionally important commercial and recreational fishery and shellfishery. After restoration the wetlands in the project area would change from degraded habitats influenced by freshwater to tidal marsh habitats influenced by varying degrees of salt water. Increased tidal range would restore an estuarine salinity gradient and allow for colonization of native tidal marsh plants. Restoration of the Herring River estuary will likely also beneficially or positively impact several state-listed species and their habitats in the estuary, including American Bittern, Least Bittern, Northern Harrier. The project area is recognized within the State and Globally as an Important Bird Area: The Outer Cape Code National Seashore. For decades, this area has been recognized throughout the Atlantic Flyway for its importance for marshbird breeding habitat for Saltmarsh Sparrows, wintering habitat for American black ducks, and a migration stopover for >300 bird species.

Does the proposal correctly describe your contribution, especially the amount? Yes

If applicable to the proposal, is your organization competent to hold title to, and manage, land acquired with grant funds and are you willing to apply a Notice of Grant Agreement or other recordable document to the property? N/A

Please confirm that your contribution has not been used to meet any other federal programs match or cost share requirements. The funding will not be used to leverage other programs or cost-shares.

Will the project benefit tribal hunting and fishing treaty rights and if so, how? No

Do you have any additional comments?

Signature:

Name (printed), Title, and Affiliation:

Date Signed:

DRAFT

A.

Request Town to Serve as 10% Match Partner for Grant Proposal for Herring River Restoration Project~ Carole Ridley.

Ridley explained to the Board that the project has an opportunity to apply for a grant for up to two-million dollars. She stated they are working with "Ducks Unlimited" who will be helping them to apply for the grant. She gave more details about the town matching the grant along with other donors that will be matching. Ridley continued to explain how this would work and the benefits of receiving this grant. She also explained that the town could withdraw the match if they become uncomfortable with a match. Ridley introduced Fleming to the Board who stated that there would be no cost to the town if they were to do an appraisal of the land.

Board Member Curley moved; Board Member Reinhart seconded; and it was voted to approve the town of Wellfleet serve as a 10% match partner for a \$2 million grant proposal to be submitted by Ducks Unlimited to the US FWS North America Wetland Conservation Act program for the Herring River Restoration Project, and that the Town's 10% match contribution be met by pledging \$200,000 of a pending grant from the Commonwealth's Municipal Vulnerability Preparedness Action Grant Program or, if the MVP grant funds are not received, by pledging alternate match value totaling \$200,000 that could be met by other non-federal grants and in-kind contributions toward the project from January 2019 through September 2025, and to authorize the signing of a Partner letter of support, by the Selectboard Chair

Roll Call Vote: 5-0



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

V

BUISNESS

~ E ~

REQUESTED BY:	Chair Ryan Curley
DESIRED ACTION:	To discuss and possibly vote on Wellfleet's Code of Conduct
PROPOSED MOTION:	To be determined at the time of meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

I. PURPOSE

The Town recognizes that all individuals elected or appointed by the Town must maintain and enforce respectful discourse with their fellow elected or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a standard of conduct for all elected and appointed officials in the Town.

II. APPLICABILITY

This policy shall apply to all elected and appointed officials acting on behalf of the Town and covers all of their actions and communications, whether spoken or written, including but not limited to all electronic communications, including social media.

III. CODE OF CONDUCT

All Town elected and appointed officials must act honestly, conscientiously, reasonably, and in good faith at all times, having regard to their responsibilities, the interests of the Town, and the welfare of its residents.

The Town elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive, or threatening manner towards members of the community, other elected or appointed officials, the Town Administrator, or Town Staff.

Moreover, all elected and appointed officials must fully comply with the Town's Policy Against Workplace Violence.

Further, all elected and appointed officials of the Town must assume the following responsibilities:

III A. Conduct Generally and in Relation to the Community

- i Be well informed concerning the local and State duties of a municipal employee or member of a public body.
- ii Never purport to represent the opinion of your public body except when specifically authorized by a recorded vote to do so.
- iii Accept your position as a means of unselfish public service, not to benefit personally, professionally, or financially from your position.
- iv Conduct yourself so as to maintain public confidence in our local government.
- v Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- vi Demonstrate respect for the public that you serve.
- vii Unless specifically exempted, conduct the public's business in a manner that promotes open and transparent government.

- viii Safeguard confidential information.
- ix Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.
- x Comply as fully as possible with all applicable laws, Town policies, regulations, and bylaws, including, without limitation, the following:
 - o Selectboard Policies, including the Workplace Violence and Harassment, Sexual Harassment policies
 - o The Open Meeting Law;
 - o Conflict of Interest Law (M.G.L. c. 268A);
 - o Massachusetts Procurement Laws;
 - o Town Personnel Bylaw
 - o Town of Wellfleet Employee Personnel Manual

III B. Conduct in Relation to other elected and appointed officials

- i. Treat all members of the public body to which you belong with respect despite differences of opinion, keeping in mind that professional respect does not preclude honest differences of opinion but requires civility when expressing those differences.
- ii. Participate and interact in official meetings with dignity and decorum, fitting those who hold a position of public trust.
- iii. Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chair should you, for any reason, be unable or unwilling to continue to serve. Formal notice to resign from a public body requires written notification to the Town Clerk.
- iv. Recognize that action at official legal meetings is binding and that you alone cannot bind a public body outside of such meetings.
- v. Members of a public body should refrain from making statements or promises as to how they will vote on matters within their body's jurisdiction until they have had an opportunity to hear the pros and cons of the issue during a public meeting of their body.
- vi. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- vii. Make decisions only after all facts on a question are presented and discussed.

III. C. Conduct in Relation to the Town Administrator

- i. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- ii. Give the Town Administrator full responsibility for discharging their duties and/or solutions, as specified in the Charter. Refrain from giving orders or directions to the Town Administrator for action as an individual member of a public body.

III. D. Conduct in Relation to Town Staff

- i. Treat all staff as professionals and respect each individual's abilities, experience, and dignity.

- ii. Refrain from giving instructions to Town staff but rather channel all such activities through the Town Administrator.
- iii. Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Administrator through private communication.
- iv. Officials who interact with Town staff must do so respectfully and understand that employees should not be expected to take direction from any individual official.

IV. DISTRIBUTION AND EDUCATION

- i The Town Clerk shall provide a copy of this policy to all elected and appointed officials upon its issuance and upon any individual's subsequent appointment or re-appointment.
- ii Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. If any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

V. ENFORCEMENT

In addition to any other remedies or enforcement options available under the law, each board committee or the Selectboard may vote to censure any elected member. The appointing authority may remove or decline to reappoint an individual who violates any provision of this Code of Conduct. Previous violations of this Code of Conduct must be noted when any appointed official is reappointed or appointed to a different position.

If any elected or appointed official is accused of violating the Town's Policy Against Workplace Violence, or Sexual Harassment Policy, the Town Administrator, or if the Town Administrator is the individual accused the Selectboard, shall refer the matter for investigation to the contact named in the Policy Against Workplace Violence, or Sexual Harassment Policy, or a disinterested outside firm or individual qualified to investigate the alleged conduct. The Town Administrator shall not be obliged to obtain any additional authority; this policy shall be sufficient authority. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator or if the Town Administrator is the individual under investigation to the Selectboard. The Town Administrator shall share the reported findings and recommendations with the elected official's public body and the Selectboard. The public body or Selectboard shall then take such action as is authorized by law and as it deems fit in response to the matter.

If an elected or appointed official is accused of violating any other provision of this Code of Conduct, the public body that the official represents or, if applicable, the appointing authority may take such action as is authorized by law and as it deems fit or it may vote upon the request of the Town Administrator or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town

Administrator. The Town Administrator shall share the reported findings and recommendations with the public body and the Selectboard. The public body or the Selectboard shall then take such action as is authorized by law and as it deems fit in response to the matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

V

BUSINESS

~ F ~

REQUESTED BY:	Board Member Helen Miranda Wilson
DESIRED ACTION:	Discussion on a bylaw regarding the feeding of Wild Animals
PROPOSED MOTION:	To be determined
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Rebekah Eldridge

From: Helen Miranda Wilson <helmirwil@c4.net>
Sent: Wednesday, December 29, 2021 11:24 AM
To: Rebekah Eldridge
Cc: Hillary Lemos; Desmond Keogh; Rebecca Roughley
Subject: 12/29/21 DRAFT Bylaw pertaining to the feeding of wild animals.
Attachments: Prohibitions Pertaining to the Feeding of Wild Animals.docx

Hi Everyone. **Sb, no reply please.**

- I still want to do a close reading of this most-recent draft with Officer Keogh.
- I started with an excellent model ordinance from Green Policy 360-eOS and tailored it to Wellfleet (see attached, above).
[Ordinance Pertaining to a Prohibition to Feeding Wild ...](#)
- I have gone into MGL and CMR and used what seems applicable, with citations included in the text.
- I searched through NPS Regulations and Guidelines and could find nothing that's enforceable. Officer Keogh had mentioned this. I did put a question in to Park staff, just in case there's something hidden away in their legal structure.
Havn't heard back yet.
- I used the fee and penalty structure from our Animal Control Bylaw.

Happy New Year 2022, Helen

Prohibitions Pertaining to the Feeding of Wild Animals

- In this Bylaw:

“Attractant” means any substance which could reasonably be expected to attract a wild animal or does attract a wild animal, including but not limited to, garbage, unenclosed compost bins, human food products, pet food, feed, grain or salt.

“Wild animal” means any animal which is not normally domesticated in Massachusetts, including but not limited to, bears, coyotes, foxes, fisher cats, weasels, rats, deer, opossums, raccoons, squirrels, feral cats and skunks.

Prohibitions

1. No person shall feed or in any manner provide an attractant to any wild mammal.
2. No person shall leave, store, or maintain any attractant in a manner, area, or location accessible to any wild animal.

Exceptions

- The prohibitions of this Bylaw shall not apply to:

(1) Any person who is the legal owner of a wild animal, if the wild animal is kept in compliance with all applicable federal, State and local laws and regulations.

(2) Any person who feeds or provides food to a trapped, injured or unweaned wild animal between the time that the agency in charge of animal control, or its designated agent, or a licensed wildlife rehabilitator, is notified of the wild animal and the wild animal is received by the agency, facility, or designated agent.

(3) A wildlife rehabilitator licensed pursuant to Massachusetts 321 CMR 2.13, or a wildlife sanctuary licensed pursuant to 321 CMR

7.00, and otherwise in compliance with all applicable federal, State and local bylaws and regulations.

(4) Any person with a bird feeder, provided the feeder is suspended on a cable or other device to make it inaccessible to wild mammals, and the area below the feeder is kept free from the accumulation of seed debris.

(5) Any person or organization that is providing care for feral cats and is making a reasonable effort to trap and sterilize the animals.

(6) Any person feeding animals in the normal course of raising farm animals for food production or in the care of livestock animals, provided all reasonable efforts are made to reduce attractants to wild animals in the course of feeding livestock/farm animals, and in the storage of animal feed.

7) An owner or tenant of land or, if authorized by such owner or tenant, any member of their immediate family or their employee, using an attractant to bait common-type mouse and rat traps, nets, or box or cage-type traps to trap mammals who are causing damage to their property. A box or cage-type trap is one that confines the whole animal without grasping any part of the animal. All such trapping must be done in compliance with MGL Chapter 131, Section 80A and any applicable federal, State and local laws and regulations.

Enforcement

The animal control authority, its staff, its agents, or local law enforcement agents are authorized and empowered to enforce the provisions of this Bylaw.

Penalty

Any person violating this Bylaw shall be guilty of a civil penalty of not less than \$200.(two hundred dollars) and not more than \$2000. (two thousand dollars) for each violation. Each day that a violation continues or occurs will be considered a new violation for the purpose of assessing fines

under this act.

Fines and Penalties

XX.XX.X

Criminal Disposition - In addition to any other legal remedies that may be available, the Animal Control Officer or other designated person, may enforce this By-law by Non-Criminal Disposition. If a Non-Criminal Disposition process, as provided in Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal disposition By-law is elected, then any person who violates the provisions of **ARTICLE XX**, Section §**XX** of the Town's General By-laws shall be subject to the following enforcement fines and penalties.

The enforcing officer or designee may give a written warning for the first offense or shall impose the following fines:

First Offense **\$50.00**

Second Offense **\$100.00**

Third Offense **\$300.00**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

V

BUSINESS

~ G ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	To discuss commercial single-use plastic non-alcoholic beverage bottle ban
PROPOSED MOTION:	This motion will be made at the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Section 49. ~~Commercial Single-Use Plastic~~ Non-Alcoholic Beverage Water Bottle Ban.

~~Section 1:~~ Sale of Single-use Plastic ~~Water~~ Bottles

Effective ~~on September~~ May 1, 2023, ~~the Commerical Single Use Plastic Water Bottle Ban will be amended as printed. Effective May 1, 2023~~ it shall be unlawful to sell bottled non-alcoholic beverages non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Wellfleet.

Enforcement of this regulation will begin ~~on May~~ September 1, 2023.

~~Section 2.~~ Definitions

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

~~Section 3.~~ Exemptions

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

~~Section 4.~~ Enforcement

Enforcement of this article shall be the responsibility of the Town Administrator or his/her designee.

The Town Administrator shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in G.L. Chapter 40 21D. The following penalties apply:

- First violation: Written Warning
- Second violation: \$150.00 fine.
- Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Wellfleet. All businesses will be routinely inspected until the Town Administrator deems the inspection to no longer be required.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

V

BUSINESS

~ H ~

REQUESTED BY:	Chair Curley
DESIRED ACTION:	Request town counsel to draft a bylaw to replace the Formula Business Bylaw
PROPOSED MOTION:	I move to request the town counsel draft an enforceable bylaw that helps ensure Wellfleet's to replace the formula business bylaw
SUMMARY:	Formula Business Bylaw is unenforceable due to a 2016 court ruling. It has been put forward to repeal the bylaw at past town meetings which have overwhelmingly failed.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

VII

TOWN ADMINISTRATORS & ASSISTANT TOWN ADMINISTRATOR REPORTS

- Please see selectboard packet

To: Selectboard

From: Charles L. Sumner, Interim Town Administrator, and
Rebecca Roughley, Assistant Town Administrator

Subject: Activities Report from December 15 to December 28, 2021

Date: December 28, 2022

1. Finance Committee – I participated in the Wellfleet Finance Committee on Wednesday, December 15, 2021 and received approval for 2 reserve fund transfers to pay costs associated with the Town Administrator Search Consultant and for payments no. 3 and 4 for the installment payment plan for the Town's property and liability insurance program.
2. Herring River Restoration Project – I have participated in a series of meetings organized by Carole Ridley including all the various stakeholders in the Herring River Restoration project over the past few weeks. These meetings have included discussions about the bidding processes, potential funding opportunities, permanent and temporary easement issues, involvement with the Town of Truro, language for a town meeting article for the 2022 Annual Town Meeting. These meetings and the related discussions have been very productive.
3. Massachusetts Chapter 90 Program – Jay Norton, our DPW Superintendent has filed and received approval from the MASS DOT for 3 Chapter 90 project requests, as follows:
 - a. Lt. Island Bridge Repairs - \$117,465.41
 - b. Rt. 6/Main Street Engineering Design - \$23,061.25
 - c. Update the Town's Pavement Management Program - \$25,800
4. Lower Cape Fire & Rescue Study – The Towns of Provincetown, Wellfleet and Truro are participating in a study to evaluate regional solutions in emergency medical services. There was an initial meeting about several weeks that Chief Pauley attended representing Wellfleet. Additionally, I received a message this week from the firm of Capital Strategic Solutions, Inc., who was hired by Truro to perform the study. They are in the process of setting up a series of meetings with various officials to see if they can identify areas of opportunity to improve to EMS services on the Lower Cape.
5. Municipal Solid Waste – The Town of Wellfleet has a contract with New Bedford Waste Services to dispose of municipal solid waste. I received a letter recently informing us that New Bedford Waste Services, Inc. has a sale pending to Waste Connections US Holdings, Inc. They are requesting an assignment of Wellfleet's waste disposal agreement to this new entity. I have forwarded this proposal to Town Counsel for review now.
6. Lease of Town-owned Land – I have received in inquiry from a firm interested in installing a small cell facility on a town owned utility pole on Gross Hill Road. I have checked with Town Counsel and this type of arrangement would require town meeting approval. I am in the process of setting up a meeting with the vendor to understand the proposal more fully.
7. Wellfleet Fire Station building – As you will recall Chief Pauley and Jay Norton have included a funding request within the capital plan to carry out some repairs to the HVAC system in the fire headquarters. Thanks to the efforts of Jay Norton, Cape Light Compact has agreed to fund the full costs of the engineering services for the HVAC and lighting upgrades for this project in the amount of \$12,750.

8. Opioid Lawsuit Settlement Fund – I did execute a participation form on behalf of the Town of Wellfleet related to the National Opioid Litigation; the potential settlement allocation for our community is \$54,000 to \$72,000 over 18 years.
9. Outdoor Area Lighting operation and Maintenance Agreement – We participate in a cape-wide agreement for the operation and maintenance of streetlights through Cape Light Compact. The contract was scheduled to expire on December 31, 2021. I just signed an agreement to extend the contract through June 30, 2022.
10. Solar System at the Transfer Station – The new solar system is fully activated and operational. I have set up a meeting with the installer and appropriate town staff to review the financial aspects of this new system. I want to understand the full components of the system, in terms of net metering and ground lease payments so that we properly budget for municipal electrical need for Fiscal Year 2023.
11. The Wellfleet Town Administrator Search Committee will have it's first meeting with Rick White via zoom on Wednesday January 12, 2022.
12. Town Finance Issues:
 - a. FY2023 Town Budget – Judy Sprague and I have been actively working to develop a operational budget for FY2023. We have met with all the town's department heads to review their proposed spending plan. We intend to complete this process by January 7, 2022 and be able to provide the Selectboard and the Finance Committee with an operational budget for the new fiscal year. Additionally, we will include a first draft of a warrant for the 2022 Annual Town Meeting. Once this is complete, I will finalize a projection document to determine the tax rate implications of this plan. As I have mentioned in the past a General Override of Proposition 2 ½ will most likely be necessary to maintain municipal services in the new fiscal year.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

VIII

TOPICS FOR FUTURE DISCUSSION

Requested by:	Topic:	Requested to be on:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

IX

CORRESPONDENCE AND VACANCY REPORTS

****Please see packet****



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

X

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Minutes <ul style="list-style-type: none">• December 14, 2021
PROPOSED MOTION:	I move to approve the Minutes for December 14, 2021 as printed in draft
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Wellfleet Selectboard
Tuesday December 14, 2021; 5:30am
Virtual Meeting ~ Zoom
Meeting Minutes

Members Present: Ryan Curley, Chair; Janet Reinhart, John Wolf, Helen Miranda Wilson, (joined the meeting at 5:57pm); Michael DeVasto, Vice Chair (joined the meeting at 7pm)
Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Chief Michael Hurley, Police Chief; Chief Rich Pauley, Fire Chief; Jay Norton, DPW Director; Suzanne Grout Thomas, Director of Community Services; Jennifer Wertkin, Library Director; Jill McLaughlin, Stantec consultant; Jennifer Congel, Town Clerk; Joan Zukos, School Committee applicant; Sarah Chase, newly appointed full time police officer; Christine Shreves, Recycling Committee

Chair Curley Called the meeting to order at 5:33pm

I. *Announcements, Open Session and Public Comments*

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

- There were no announcements or public comments.

II. *School Committee Appointments*

Zukos was introduced by Chair Curley, who stated her application was complete and she had a lot of experience. He and the other board members had no issues with this appointment. Chair Curley checked with Sumner about the term,

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the appointment of Joan Zukos to the Wellfleet School Committee with a term ending at the next annual town election.

Roll Call Vote: 3-0

Chair Curley explained to Zukos that she isn't able to vote as part of the committee until she is sworn in by the town clerk.

III. *Appointments*

A. Police Officer Appointment ~ Chief Hurley

Chief Curley introduced Chase to the board. He explained this is the second police position to be filled out of the three open positions. He explained that she is a graduate of Nauset High School and has volunteered at the Orleans police department.

Chair Curley Moved, Board Member Reinhart Seconded; and it was voted to approve Sarah E. Chase as a full-time police officer subject to the successful acceptance and subsequent completion of the Massachusetts Police Training Council Academy.

Roll Call Vote: 3-0

IV. Covid Updates or Announcements

Eldridge gave an update on behalf of Hillary Greenberg Lemos who was unable to attend the meeting. Eldridge reported there were 12 active cases in Wellfleet bringing the percentage rate to 4.4%. She gave information on the Omicron variant of Covid and explained that Lemos continues along with the CDC to have the public wear masks and get vaccinated and boosted.

V. Financial Management Plan

Sumner gave a brief update on the current financial status for the town. Explaining that with vacancies in the accounting and treasurer department has caused some delay in the closing of 2020 and 2021 books. He reassured the board they are working diligently to get the books closed and certify free cash. He addressed the letter sent to the board and then discussed in a local newspaper from Dan Hoort the former Town Administrator. He informed the board he would like to present the financial forecast to the board at some point in January. He stated he suspects the town will be asking for an override. He explained he didn't write a report for this meeting because he gave a full report at the meeting last week. He stated he would work on getting all of his reports online for the public to be able to see. He informed the board that he received a phone call from the inspector general questioning some complaints they have received. He explained that he has spoken to the inspector general and is keeping everyone informed of the progress. Chair Curley asked Sumner to speak to the way the town decided to do a journal entry. Sumner explained that the auditors suggested this path for the town, although not the easiest he explained the most transparent for the public. He explained to the board that the town's department heads are very organized and have great records which makes record keeping easier for the accounting office.

VI. Business

A. Seasonal Wages

Thomas was on the call and explained that Wellfleet has many seasonal employees for the beach, recreation, and harbormaster, DPW and the Shellfish departments. She explained that all the department heads met and discussed wages and the surrounding town wages. The board discussed the wages. Reinhart mentioned maybe making some incentives to the employees coming in. It was agreed that the seasonal employee wages do need to be raised. Norton spoke to the board, stating that he supported incentives and would discuss them with his staff.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the FY 2023 Seasonal Wages for the departments as printed in the packet

Roll Call Vote: 4-0

B. Lt. Island Bridge Change Order

Norton spoke to the board giving them a timeline as to what has happened with the bridge. He explained that it was determined that the stringers on the bridge were rotted and needed to do an emergency repair allowing heavy trucks to continue to cross the bridge. He stated this fix was just temporary and there needs to be a more permanent fix. The Change order is to be able to do those permanent repairs. He stated the time frame for the repairs is set to expire on December 31, 2021. He stated he would need to timeline moved to Labor Day which he feels is a reasonable time frame to get the repairs completed. This is just for change order 2. Chair Curley asked if he wanted Norton to amend the date tonight as well. Norton explained that he hadn't finalized the date with the contractor, but he would be okay with the vote tonight.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approved change order number 2 and to extend the contract date to May 30, 2022.

Roll Call Vote: 4-0

C. Main Street Change of ownership

Norton gave a small summary of what this agenda item is, the culvert that runs under main street has been in disrepair for a long time and is technically on state highway. He stated that the state is willing to pay for the engineering, design and the installation of the self-regulating tide gate and as a tradeoff for that they are asking for a state highway layout change which would put the culvert within town boundaries which would have the town responsible for future repairs and maintenance of the gate. He stated he feels his department could handle this maintenance. He asked McLaughlin to give more details. She shared her screen with the board so they were able to see where the state would be working and where the layout change would take place.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the change of ownership for Main Street in Wellfleet Massachusetts as presented.

Roll Call Vote: 4-0

D. Hawes Pond Tide gate

Chair Curley stated he believed the board had already covered the tide gate; the board agreed with him.

E. DPW CIP Items

- **Water Refill Stations**

Shreves spoke to the board beginning with a recap of what the recycling committee has accomplished throughout the town in the last two years. She gave details on the water stations around town and where they are located. The board discussed with Shreves the ability to not have them work with electric so in case of an emergency like a power outage people would need to be able to have access to the water. They discussed solar water stations

and Norton explained that there are no solar water stations in the state. He continued to explain that these are seasonal water stations and power outages are rare in the summer.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the capital request for water refill stations.

Roll Call Vote: 5-0

- Rt 6 Main St Engineering
Chair Curley stated that Reinhart wasn't at the meeting when they discussed this and asked Norton to recap what this was for. Norton stated it is to continue Stantec's services for 2021, he explained the cost is a lot lower.
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the capital request for route 6 Main Street intersection engineering.
Roll Call Vote: 4-0-1 (Wilson Abstained)

F. Police Department CIP

- Chief Hurley began his presentation of his Capital Improvement Budget. He stated it isn't a huge budget and is mostly comprised of vehicles and other equipment. He stated he has the same issues that Norton spoke of having to replace things that aren't expected to be fixed. He discussed where these monies should be put. Chair Curley questioned how many police cars were in the department and what the year cycles were for replacing the cars. Chief Hurley stated he goes above the three year recommended replacements and go above the 50,000-mile recommendation. He stated they are well over 100,000 miles and at about 5 years per vehicle. Wilson asked Chief Hurley about money spent on gas for the police vehicles, chief explained that it is hard to budget for gas when the prices fluctuate so frequently. Hybrid police vehicles were discussed and recommended. They asked Chief Hurley to investigate hybrids with his vendors with delivery time and bring back the information. He will bring back the information at the January 4th

Selectboard Meeting

No action was taken

Bullet Proof vests were discussed and the need for replacing them. Chair Curley asked if there was a benefit to replacing all the vests at once. Wilson questioned how the vests are worn out. He explained the materials that the vests are built out of begin to deteriorate, with heat from the body and they fray.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the FY2023 capital request for bullet proof vest replacements.

Roll Call Vote: 5-0

G. Other CIP Items

- **TA - General MIS Equipment & Software**
Sumner explained to the board that he has spoken with the town's tech employee Dan and Dan Keefe suggested to Sumner that he speak with the head of Barnstable County IT who would have better knowledge of what the \$50,000 would be used for.
- **Town Clerk- Microfilming Project**
Congel spoke to the board about the importance of microfilming given the limited storage space at town hall. She stated what they had now was outdated. She stated it needed to be reappropriated for fiscal year 2023.
Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the town clerks' capital request for digitization and audit of records.
Roll Call Vote: 5-0
- **Library – Public Computer Upgrades**
Wertkin presented to the board stating that was trying to keep the computers that they have at the library right now for a little longer but was just informed that Barnstable IT will no longer support of repair the computers at the library. She continued explaining the disarray the computers are in. She gave some statistics of the usage of the computers.
Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the library capital request for public computer upgrade replacements.
Roll Call Vote: 5-0

H. TA Salary

- Sumner gave a summary about town administrators salaries across the state and discussed the search consultant that gave a list salary. He explained that the critical point in the advertisement for the town administrator is the salary. He stated White put in the ad \$165,000 - \$195,000. He continued stating that it was up to the selectboard to decide what they were comfortable. Chair Curley stated he felt comfortable starting at \$175,000. The board discussed the salaries and the probation period for the incoming salary.
Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to establish and advertise a range salary of \$170,00 to \$195,000.
Roll Call Vote: 4-1 (Helen voted no)

I. Signature of Chair on warrants ~ Chair Curley

- This was explained that in case Wolf was unavailable to sign documents and warrants the chair would step in and be the designated signature.
Chair Curley Moved; Board Member Seconded; and it was voted to approve that the chair be able to sign warrants

- J. Town Hall Hours for Christmas Eve~ Chair Curley
Eldridge explained that the Town Hall is closed on Christmas Eve and questioned the board if the town hall could close on December 23, 2021 at noon. The board agreed.
Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to close Town Hall on December 23, 2021, at 12pm noon.
Roll Call Vote: 5-0

VII. ***Selectboard Reports***

- Chair Curley stated he had one report and told the board that he had a meeting with the Cape Cod Water Protection Collaborative and were discussing the towns structures having to do with the current planning for Wellfleet. He gave some details of this planning and meeting and will send the information to the board when he obtains it.
- Reinhart expressed that at the Cape and Islands Selectmens and Council Association Senator Cier stated that the state does have plans to disperse many funds to towns in Massachusetts. She stated if there are departments and committees have projects for the future it was suggested that they get those into the state as soon as possible and to make sure the projects are shovel ready.
- Wolf explained to the board that there was an issue with shellfisherman and the dumping of sand. Civetta has been notified and has gone before the Conservation Commission, Chair Curley stated he had also brought this issue up with the Conservation Commission

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

- Wilson discussed an email that the board received discussing a shared route pass from Main Street Wellfleet to Shore Road in Truro. She explained to the board that she responded to the email as an individual and stated her email was responded to but not as an individual but as a selectboard member. Wilson continued that she would like these people to come before the board and make a small presentation to the board explaining what they are looking to do with this road and shared route.
- Sumner stated he did read the correspondence but was confused, He explained he reached out to Norton who explained to the board he was shocked with the email, and he has reached out this group to get more details and understanding of what they are looking to do.

IX. ***Correspondence and Vacancy Reports***

- The Selectboard packet has the full list of correspondence and vacancies reports.
- Wilson stated that it needed to be noted that there was a letter sent to the Selectboard from the former town administrator Dan Hoort which was part of a newspaper article.

X. Minutes

A. August 16, 2021; ~ HDYLTA Public Hearing

- There were a few amendments made to the minutes by Board Member Wilson.
- **Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the minutes as amended**
Roll Call Vote: 5-0

XI. Adjournment Open Session and Enter Executive Session

- A. M.G.L.c.30A, Sec. 21-Effective July 1, 2010;** To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares

Meeting Adjourned at 7:30PM

Public Records:

School Committee Candidate Application

New Police Officer paperwork

Seasonal Wages paperwork

Lt. Island Bridge Change order paperwork

Main Street Change of Ownership paperwork

Department of Public Works Capital Improvement Plan paperwork

Police Department Capital Improvement Plan paperwork

Town Clerk Capital Improvement Plan paperwork

Library Capital Improvement Plan Paperwork

Administration Technical Capital Improvement Plan paperwork

TA Salary paperwork

Correspondence

Meeting Minutes from August 16, 2021



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: January 4, 2022

XI

ADJOURNMENT

REQUESTED BY:	Selectboard Chair Ryan Curley
DESIRED ACTION:	To Adjourn
PROPOSED MOTION:	I move to Adjourn
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____