



Wellfleet Selectboard

Note: Start Time of 6pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, January 28, 2020 at 6:00 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667.** *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. Public Hearings

A. Request from The Fox and Crow, Inc. to change from a Seasonal Licenses to an Annual License

B. Request to temporarily close – Wicked Oyster

C. Review and vote on all Town fees

III. Committee Update – Conservation Commission

IV. Licenses

A. Special Event Liquor License – Jeanne Maclauchlan

B. Common Victualler – Chequessett Yacht & Country Club, Dent Donuts, Emack & Bolio’s, Endless Coast, Flying Fish Café, The Fox and Crow Café, Moby Dick’s, PJ’s Family Restaurant, Wellfleet Cinemas, Wellfleet Drive In and Flea Market, Wellfleet Miniature Golf and Dairy Bar & Grill

C. Weekly Entertainment – Wellfleet Cinemas, Wellfleet Drive In and Flea Market, Wellfleet Miniature Golf and Dairy Bar & Grill

V. Board/Committee Appointments and Updates

A. COA Board – Stephen Greenburg

B. Shellfish Advisory Board (alternate) – Damien Parkington

C. Disclosure of Conflict of Interest – Michael Fisher, Conservation Commission

D. Conservation Commission – Leon Shreves

VI. Business

A. CZM Grant – Hilary

B. Authorize Housing Authority to apply for a Housing Choice Designation in 2020

C. Discussion of beginning Town Administrator search [Chair]

D. ATM Meeting Changes – Moderator

E. Approval of signature to Declaration of Restrictive Covenants [TA]

VII. Selectboard Reports

VIII. Town Administrator’s Report

IX. Topics for Future Discussion

X. Correspondence and Vacancy Reports

XI. Minutes

A. January 7, 2020

B. January 14, 2020

XII. Adjournment



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

II

PUBLIC HEARINGS – B

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Change from Seasonal to Annual License – Fox and Crow, Inc.
PROPOSED MOTION:	I move to approve the request from the Fox and Crow, Inc. to change from a Seasonal License to an Annual License.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET
PUBLIC NOTICE

In accordance with M.G.L. Chapter 138, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday January 28, 2020 at 6:00 p.m. in the Wellfleet Council on Aging to consider the request received December 30, 2019 from The Fox and Crow, Inc. to change from a Seasonal License to an Annual License.

WELLFLEET BOARD OF SELECTMEN



RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION FOR AMENDMENT-Change of License Classification

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 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 MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

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



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

II

PUBLIC HEARINGS – C

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Request to temporarily close – The Wicked Oyster
PROPOSED MOTION:	I move to approve the request from The Wicked Oyster to temporarily close from February 17, 2020 through April 2, 2020.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET
PUBLIC HEARING

In accordance with M.G.L. Chapter 138, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, January 28, 2020 at 6:00 p.m. in the Wellfleet Council on Aging to consider the following:

- Request received January 7, 2020 from Ken Kozak to close The Wicked Oyster from February 17, 2020 through April 2, 2020.

WELLFLEET BOARD OF SELECTMEN



TEK Restaurant Group Inc.
d/b/a
the wicked oyster
50 main street
wellfleet, ma 02667

January 2, 2020

To Whom It May Concern,

I am requesting permission to close The Wicked Oyster from February 17, 2020 through April 2, 2020.

We will be using this time to do our yearly renovations, painting, and general clean up. It will also allow our year round staff some time off.

Thank you for your consideration.

If you have any questions please feel free to contact me at (508) 221-4197.

Sincerely,


Ken Kozak
Owner

Phone 508-349-3455 • Fax 508-349-3468
thewickedoyster@comcast.net/www.thewickedo.com

JAN - 7 2020



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

II

PUBLIC HEARINGS – D

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Review and Vote on All Town Fees
PROPOSED MOTION:	I move to continue until February 25, 2020.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET
PUBLIC NOTICE

Notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, January 28, 2020 at 6:00 p.m. in the Wellfleet Council on Aging, 715 Old Kings Highway, to review and vote on all Town fees.

WELLFLEET BOARD OF SELECTMEN

Review of Town Fees: Feedback from Departments

To the Selectboard:

The Public Hearing for Review of All Town Fees was published for January 28, 2020. At this meeting, the Board can choose to continue the hearing until February 25, 2020 to allow for review and discussion of proposed fee changes that may come from the Board of Health at that time.

Responses from Department Heads:

- 1/8/2020 Jennifer Congel, Town Clerk – Okay with Town Clerk Fees
- 1/8/2020 Miriam Spencer, Treasurer – Okay with fees as provided by Butler
- 1/8/2020 Nancy Vail, Assessor – Board of Assessors is good with their current fee structure
- 1/8/2020 Suzanne Thomas – Beach Fees are in the last year of the Five-Year Plan; recommends that Beach and COA fee structures (attached) remain the same for 2020.
- 1/9/2020 Police Chief Michael Hurley – Okay with fees
- 1/9/2020 Hilary Lemos-Greenberg – Board of Health did not have ample time to review the fees, prior to their 1/8/2020 meeting date. Will provide feedback and updates at 2/25/2020 Selectboard meeting after the BOH has met at their 2/12/2020 meeting to discuss. Hilary expects changes to fees.

Fee Schedule
Wellfleet Senior Center
715 Old King's Highway
Wellfleet, MA 02667
Suzanne.thomas@wellfleet-ma.gov

Refundable Deposit **\$160.00**

- **Made out to the Town of Wellfleet**
- **Returned to the group using the Senior Center if the condition of the building is satisfactory at the conclusion of period of use.**

Building Use Fee by the Day – any use over four hours is considered a one day use.

- **Great Pond (entire big room) \$310.00**
- **Long Pond (1/2 big room with kitchen) \$235.00**
- **Duck Pond (1/2 big room – no kitchen) \$235.00**
- **Health Room \$185.00**
- **Conference Room \$185.00**

Building Use Fee by the Hour – up to four hours

- **Great Pond (entire big room) \$55.00**
- **Long Pond (1/2 big room with kitchen) \$55.00**
- **Duck Pond (1/2 big room – no kitchen) \$55.00**
- **Health Room \$35.00**
- **Conference Room \$35.00**

The Beach Fees are in the last year of the Five Year Plan:

	2016	2017	2018	2019	2020
Resident	\$ 25.00	\$ 25.00	\$ 25.00	\$ 30.00	\$ 30.00
Seasonal	\$250.00	\$300.00	\$300.00	\$300.00	\$300.00
Two Week	\$160.00	\$170.00	\$170.00	\$180.00	\$180.00
One Week	\$ 85.00	\$ 90.00	\$ 90.00	\$ 95.00	\$ 95.00
Three Day	\$ 50.00	\$ 55.00	\$ 55.00	\$ 60.00	\$ 60.00

The Senior Center fee structure is attached.

I recommend that the Beach fee structure as well as the COA fee structure, remain the same for 2020.

Suzanne

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

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

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

Events exempt from fees:

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

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



TOWN OF WELLFLEET

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

**BOARD OF
SELECTMEN**

ADMINISTRATION FEES

EFFECTIVE JULY 1, 2016

Business License Filing Fee	\$50.00
Use of Town Property Filing Fee	\$50.00
Noise Bylaw Waiver	\$50.00
Registration	\$25.00
Taxi Cab	\$75.00
Taxi Operator/Driver	\$50.00
Auctioneers - year	\$40.00
Auctioneers - day	\$35.00
Automatic Amusement	\$30.00
Junk Collector	\$50.00
Entertainment - One Day	\$50.00
Entertainment - Sunday	\$50.00
Entertainment - Weekday	\$75.00
General Retail	\$75.00
Common Victualler	\$100.00
Innholder	\$100.00
Class II	\$125.00
Class IV	\$75.00
Flea Market	\$550.00
Charter Boat Booth	\$100.00
Liquor License Filing Fee	\$50.00
Annual - All Alcohol Restaurant	\$1,500.00
Annual - All Alcohol Package Store	\$1,500.00
Annual - Beer & Wine Restaurant	\$1,375.00
Annual - Beer & Wine Package Store	\$1,375.00
Seasonal - All Alcohol Restaurant	\$1,600.00
Seasonal - All Alcohol Innholder	\$1,600.00
Seasonal - All Alcohol Package Store	\$1,600.00
Seasonal - Beer & Wine Restaurant	\$1,450.00
Seasonal - Beer & Wine Package Store	\$1,450.00
Seasonal License Extension	\$125.00
One Day Beer & Wine	\$100.00
One Day All Alcohol	\$150.00



Building

OK

Published on Wellfleet MA (<https://www.wellfleet-ma.gov>)

Home > Departments > Building > FEES

FEES

Fees for any work not listed below will be determined by the Building Commissioner. Fees are non refundable once permit is issued (All Departments). Please confirm up-to-date fees with

Building Department. Records request that will take more than 20 minutes will be charged at Department Assistant pay rate.

Fees tripled for all work started without a permit (All Departments).

RESIDENTIAL BUILDING CONSTRUCTION FEES	effective 7/1/16
New Construction (New Structures & Additions)	\$0.65 per sq. ft. or \$55 minimum
Existing Structures (Alterations & Repairs)	\$0.55 per sq. ft. or \$55 minimum
New & Existing Un-Conditioned Space, Porch	\$0.40 per sq. ft. or \$55 minimum
Decks	\$0.25 per sq. ft. or \$55 minimum
Garages, Barns, Accessory Structures/Sheds over 120 sf	\$0.25 per sq. ft. or \$55 minimum
Accessory Structures/Sheds 120 sf and under	\$55
Window / Door Replacement, Re-roofing, Re-siding	\$55 + 1% of construction value
Chimneys, Wood Stoves, Fireplaces	\$55
Fire Sprinklers	\$55
Pools Above Ground	\$115
Pools In ground	\$115 plus \$0.25 per sq. ft.
Solar Panel	\$55 + 1% of construction value
Wind Generation	\$55 + 1% of construction value
Signs	\$50 + \$25 per sf over 24 sf
Mechanical / Duct Work/Exhaust Hood	\$55
Retaining Walls, Foundation Walls only, Trench	\$55
Awnings, Tents, Temporary Construction Trailers	\$55
Demolition - 300 sq. ft. & under	\$60
Demolition - 301 sq. ft. & over	\$115
Moving Structures	0.25 per sf or \$55 minimum
Dock, Floats, Piers	\$115 + \$1.25 per sf
Certificate of Occupancy - each unit	\$55
Re-inspection	\$55
Emergency, Off-hour, Week-end Inspections	\$115

COMMERCIAL BUILDING CONSTRUCTION FEES	effective 7/1/16
New Construction (New Structures & Additions)	\$0.65 per sq. ft. or \$55 minimum
Existing Structures (Alterations & Repairs)	\$0.55 per sq. ft. or \$55 minimum
New & Existing Unconditioned Space, Porch	\$0.40 per sq. ft. or \$55 minimum
Decks	\$0.25 per sq. ft. or \$55 minimum

Garages, Barns, Accessory Structures / Sheds over 120 sf	\$0.25 per sq. ft. or \$55 minimum
Accessory Structures / Sheds 120 sf and under	\$75
Window / Door Replacement, Re-roofing, Re-siding	\$55 application fee + 1% of construction costs
Chimneys, Wood Stoves, Fireplaces	\$55
Fire Sprinklers	\$55
Pools Above Ground	\$125
Pools In ground	\$150 plus \$0.25 per sq. ft.
Solar Panel	\$55 application fee + 1% of construction costs
Wind Generation	\$55 application fee + 1% of construction costs
Cell Towers	\$250 plus \$0.25 per linear foot
Signs	\$125 plus \$0.25 per sf. over 24 sq. ft.
Mechanical/Duct Work / Exhaust Hood	\$55
Retaining Walls, Foundation Walls only, Trench	\$55
Awnings, Tents, Temporary Construction Trailers	\$55
Demolition - 300 sq. ft. & under	\$60
Demolition - 301 sq. ft. & over	\$110
Moving Structures	\$0.25 per sq. ft. or \$55 minimum
Dock, Floats, Piers	\$225 plus \$1.25 per sq. ft.
Certificate of Occupancy - each unit	\$55
Certificate of Occupancy - Hotels & Motels	\$55 plus \$5 per room
Re-inspection	\$55
Emergency, Off-hour, Week-end Inspections	\$125
Commercial Annual Inspection	\$50

ELECTRICAL / WIRING PERMIT FEES	effective 7/1/16
Residential & Commercial (New, Addition, Alteration, Repair)	\$60 per inspection
New & Temporary Service	\$60
Re-inspection	\$50
Extra Inspection	\$50
Emergency, Off-hour, Week-end Inspections	\$100
All solar installations require 2 inspections	\$60 each

PLUMBING PERMIT FEES	effective 7/1/16
Residential & Commercial (New, Addition, Alteration, Repair)	\$60 plus \$10 per fixture
Re-inspection	\$50
Emergency, Off-hour, Week-end Inspections	\$100

GAS PERMIT FEES	effective 7/1/16
Residential & Commercial (New, Addition, Alteration, Repair)	\$60 plus \$10 per fixture
Re-inspection	\$50
Emergency, Off-hour, Week-end Inspections	\$100

ZONING BOARD OF APPEALS APPLICATION FEES	effective 7/1/16
Change in Use Only (No Construction):	\$85
Affordable Accessory Dwelling Unit	\$85
Residential Change in Use	\$85
Commercial / Business Change in Use	\$195

Construction of any sort: \$ 0 - \$ 1,000	\$90
\$ 1,001 - \$ 10,000	\$145
\$ 10,001 - \$ 50,000	\$195
\$ 50,001 - \$ 100,000	\$295
\$ 100,001 - \$ 250,000	\$395
\$ 250,001 - \$ 500,000	\$595
\$ 500,001 - \$1,000,000	\$1,045
\$1,000,001 - \$1,500,000	\$1,545
\$1,500,001 - and above	\$2,045
Amendment to Active Special Permit	\$90
Request for Extension to Special Permit	\$95
Appeal As Person Aggrieved	\$95

GENERAL CONDITIONS	effective 7/1/16
Building Permit Renewal	\$115
Replacement of Building Sign Off Card	\$35
Building Commissioner Opinion Letter	\$55
Building Permit Amended (All Departments)	\$55
Not Calling For Required Inspection (All Departments)	\$55
Covering Up work Without Inspection (All Departments)	\$115
Removal of Stop Work Order (All Departments)	\$210

Fees for any work not listed above will be determined by the Building Commissioner. Fees are non-refundable once a permit has been issued (All departments).

Please confirm up-to-date fees with the Building Department. Records requests that will take more than 20 minutes will be charged at Department Assistant pay rate.

Fees tripled for all work started without a permit. (All Departments)

Source URL: <https://www.wellfleet-ma.gov/building-department/pages/fees>

Conservation

Request for Determination of Applicability	\$ 30.00
Notice of Intent	\$ 100.00
Certificate of Compliance	\$ 15.00
Amended Order of Conditions	\$ 50.00
Coastal Engineering Structure	\$ 2.00/ linear ft.
Docks	\$ 2.00/ linear ft.
Re-issuance of a permit*	\$ 20.00
After-the-Fact filing of a Request for Determination of Applicability	\$ 300.00
After-the-fact filing of a Notice of Intent	\$ 1000.00
Jurisdictional Opinion	\$15.00
Small Vessel Permit	See Section 2.06 of this Regulation
Continuance after two hearings due to a lack of appearance or at the request of the applicant	\$5.00 / Additional Hearing

Board of Health

Permit Type, Effective 8/7/08	Fee
Commercial Septic Const. Permit - New Construction	\$150.00
- Varianced	\$250.00
- Upgrade	\$100.00
- Simple Repair	\$75.00
Residential Septic Const. Permit - New Construction	\$125.00
- Varianced	\$200.00
- Upgrade	\$75.00
- Simple Repair	\$50.00
Real Estate Transfer Septic Waiver	\$100.00
Real Estate Transfer Oil Tank Waiver	\$150.00
Septic Re-Inspection	\$50.00
Well Construction/Replacement Permit	\$50.00
Soil Evaluation (Perc Test)	\$100.00
Installer's Exam	\$25.00
Housing Inspection/ Field Determination, Per unit	\$60.00
Food Establishment	
0-50 Seats	\$100.00
51-100 Seats	\$150.00
Over 100 Seats	\$200.00
Temporary Food Establishment	\$25.00 per calendar day
Frozen Dessert Manufacturer	\$25.00
Mobil Food Service Vendor (Prepared Foods)	\$100.00
Mobil Food Service Vendor (Packaged Foods)	\$75.00
Retail Food	\$100.00
Retail Food / Food Service Establishment	\$150.00
Septic Installers	\$100.00
Septage Haulers	\$100.00
Refuse Haulers	\$100.00
Motel/Cabin/Trailer Park Permit	\$50.00
Recreational Camp For Children	\$50.00
Commercial Pool Permit	\$100.00
Residential Pool Installation Permit	\$50.00
Tobacco	\$100.00
Funeral Director	\$100.00
Animal Permit, Per animal or per 3 fowl	\$3.00
Stable Permit	\$25.00
Tanning Facility	\$200.00
Body Art Establishment	\$600.00
Body Art Practitioner	\$400.00 per person

Vote on 2/25



Town of WELLFLEET Massachusetts

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[Home](#) > Permits & Fees

Vote on 2/25

Permits & Fees

Permits & Fees

Town of Wellfleet/Board of Health

Schedule of Fees and Conditions for Solid Waste Disposal at the Wellfleet Transfer Station

EFFECTIVE 7/1/2014

Residential Waste Disposal

1. Resident Vehicle Sticker

- A. 1st vehicle.....\$25.00
- B. 2nd vehicle.....\$10.00
- C. 3rd vehicle.....\$35.00

Stickers are to be permanently affixed to the windshield, lower corner driver's side of the vehicle, and allow unlimited entry for disposal of reasonable quantities of ordinary household waste from a single residence only. All waste must be in Wellfleet designated "Pay as You Throw" bags.

2. Pay As You Throw Bags

- A. large (about 33 gallons).....\$1.50 Sold in rolls of 5 for \$7.50
- B. medium (about 15 gallons).....\$1.00 Sold in rolls of 5 for \$5.00
- C. small (about 8 gallons).....\$.50 Sold in rolls of 5 for \$2.50

3. User Fee for non-PAYT Bags.....\$5.00 per bag

Pay as You Throw bags not required however, there is a \$5.00 charge per bag with a 35-gallon size bag limit.

Commercial Waste Disposal

1. Commercial Business Vehicle Sticker

- A. small vehicle (<1 ton).....\$65.00
- B. large vehicle (>1 ton).....\$95.00

Disposal of waste from hotels, motels, cottage colonies, condominiums, restaurants, and commercial businesses requires a commercial business vehicle sticker.

2. Commercial Refuse Fee

- A. waste in Pay as You Throw bags.....free
- B. waste not in Pay as You Throw bags.....\$80.00/ton

Commercial Refuse Hauler

- 1. Commercial Refuse Hauler Vehicle Sticker.....\$95.00

Construction and Demolition Disposal

1. Construction and Demolition Disposal Fee.....\$270.00/ton

Construction and demolition includes sheet rock, bricks, asphalt, shingles, windows, doors, and scrap lumber which is cut into six foot lengths. (Please Note:We do not accept asbestos, creosol or hazardous waste.)

Bulk Metal

1. Bulk Metal Disposal Fee.....\$40.00/ton

Special Fee Items

Appliances.....\$10.00 each

Carpets.....\$10.00 each

50 Gallon Drums.....\$5.00 each

Mattresses and Box Springs.....\$20.00 each

Petroleum Tanks-300 Gallons.....\$30.00 each

Propane Tanks- 20 lb Capacity.....\$3.00 each

Propane Tanks- >20 lb Capacity.....\$20.00 each

Sofas and Chairs.....\$10.00 each

Sleeper Sofas.....\$20.00 each

Televisions and Computer Monitors.....\$10.00 each

Car Tires.....\$2.00 each

Pick-Up Truck Tires.....\$5.00 each

Water Tanks.....\$5.00 each

Other Bulky Items.....\$10.00 each

THERE WILL BE NO FEE FOR RECYCLABLE MATERIALS

Content goes here.

Source URL: <https://www.wellfleet-ma.gov/permits-fees>



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

III

COMMITTEE UPDATE – CONSERVATION COMMISSION

REQUESTED BY:	Chair
DESIRED ACTION:	Committee Update
PROPOSED MOTION:	N/A
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____

Wesley Swamp

- Isolated freshwater wetland of about 1 acre in Wellfleet center.
- Surrounded by homes, businesses, lawns and parking areas with history of encroachment and wetland filling.
- Includes south lawn of Preservation Hall, filled in early 20th century.
- State-certified vernal pool with breeding by rare spadefoot toads.
- Artificially drained by pumping since at least 1970.





**On-going pumping and drainage by Town (on private land)
is illegal, per State and Town wetland protection laws**



REPORT OF THE WESLEY'S SWAMP DRAINAGE COMMITTEE

There has been installed a cement building with an eight thousand gallon an hour pump inside, which pumps the water that collects in the swamp up to the Main Street storm drainage system and eventually empties into the Herring River through Pole Dyke Creek.

The Cape Cod Mosquito Control dug a ditch in the center of the swamp at no cost to the Town, and the committee wishes to publicly thank them for their fine work toward this project.

The pump works automatically with a rise and fall of water in the ditch of about six inches leaving the rest of the swamp dry at all times.

There is a possible pollution problem in this area which we believe is a matter for the Board of Health to handle.

As with all mechanical operations there will be required a year around maintenance and care taker, a person who will be responsible for the continued operation of this system, and we recommend that this person be paid \$25.00 per month with \$100.00 for supplies, etc.

This cost compares with over \$1,000.00 previously spent each year for just lowering the water level a few times during the wet season but never to drain the swamp dry as with the present system.

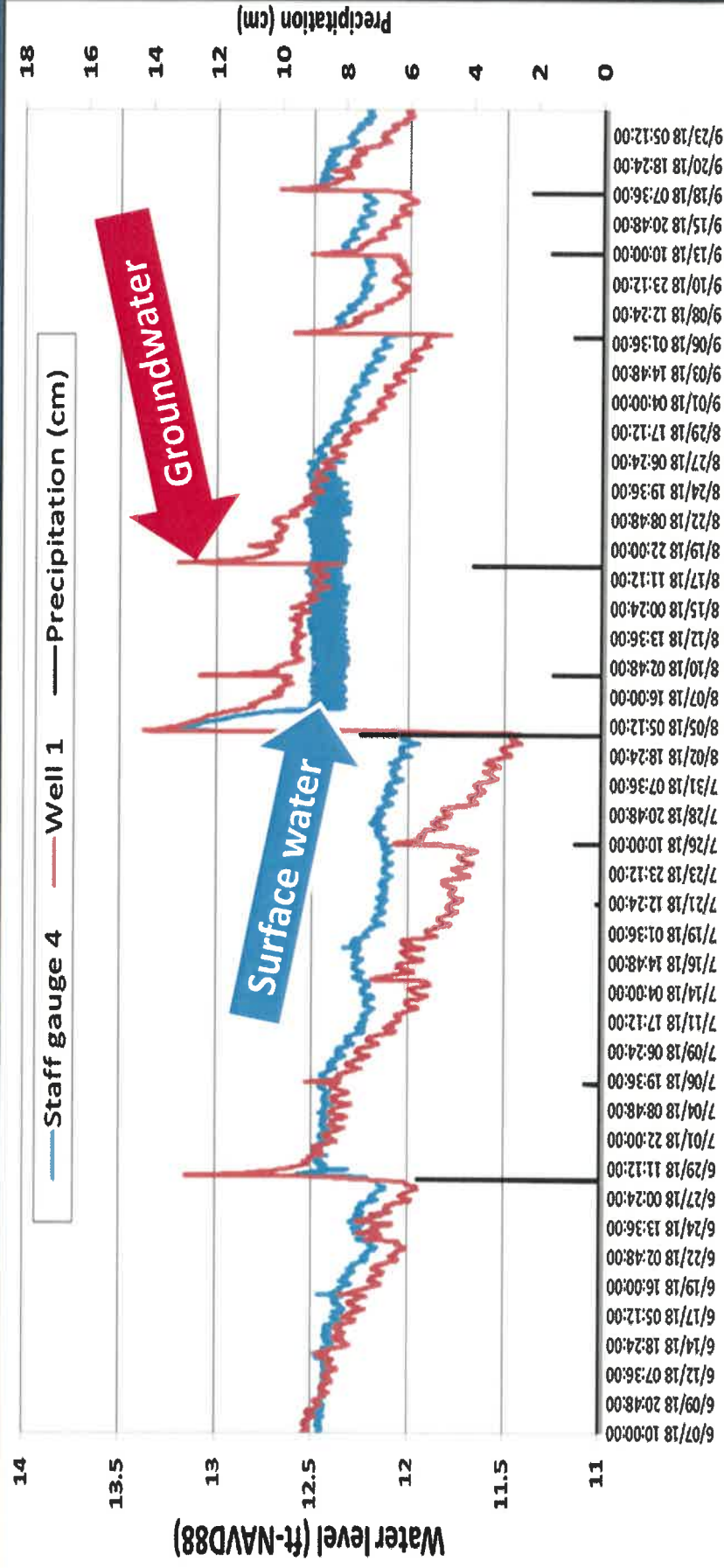
Respectfully submitted,
Lawrence R. Gardinier, Chairman
Charles E. Frazier, Jr.
Norman W. Gill

Swamp Drainage Committee

Surface water and Groundwater Hydrology 2018-2019,

Conservation Commission and Cape Cod Commission

- Pumping does limit surface-water level and flooding.
- Pumping does not affect groundwater level and subsurface wastewater disposal.



Reasons given for continued pumping and wetland drainage:

- To prevent flooding of Preservation Hall south lawn.



- To maintain low water table for adjacent septic system function.

Conservation Commission recommendations to Selectboard

Hire engineering consultant to:

1. Review hydrology;
2. Design a flood barrier to allow Wesley Swamp water levels to fluctuate naturally while preventing flooding onto Preservation Hall's south lawn;

Terminate pumping and wetland drainage.



Memo

To: Board of Selectmen

From: Wellfleet Conservation Commission

cc: Dan Hoort
Preservation Hall
Mark Vincent

Date: September 20, 2019

Re: Wesley Swamp

The Wellfleet Conservation Commission has been studying Wesley Swamp since 2013. We have concluded that the pump draining the isolated freshwater wetland is in violation of the MA Wetlands Protection Act (WPA) and the Local Environmental Protection Bylaw (WEPB). While the pump was installed in 1970 prior to the WPA and WEPB, the activity as it operates today threatens the habitat of the protected spadefoot toad and degrades a certified vernal pool within the center of town.

Attached to this memo you will find correspondence sent to abutters, meeting minutes, and two reports detailing work that has been completed.

We would like to see the Town contract with an engineer to verify our work and assist in the conclusion that the groundwater and the surface water are separate in this area thus the pump can be turned off with little to no impact on abutting properties. We have identified one property, Preservation Hall that could be impacted and have preliminarily discussed the option of a berm or sheet pile wall to prevent any flooding. This option and any other options deemed feasible for hydraulically separating Preservation Hall should be reviewed by the engineer and presented to the Town.

Please let us know if you have any questions.

Vegetation and Water Management in Wesley Swamp, Wellfleet Center

7 December 2013

John Portnoy, Wellfleet Conservation Commission

Wesley Swamp is a seasonally flooded freshwater wetland of about one acre occupying a kettle depression south of Main Street and east of Holbrook Avenue in Wellfleet Center (Figure 1). The wetland is surrounded by homes, businesses, lawns and parking areas, many of which have apparently encroached in the past to reduce the wetland's extent with solid fill. Nearly all of the remaining wetland area is on private land (Figure 2), though the south lawn of presently town-owned Preservation Hall (a former Catholic church) covers a substantial area of original wetland, reportedly filled by the church in the early 20th century (Figure 3). The swamp typically floods and dries seasonally and provides habitat for rare wildlife, specifically eastern spadefoot toads (*Scaphiopus holbrookii*); it is therefore certifiable and protected, under state regulations, as a vernal pond under the Massachusetts Natural Heritage and Endangered Species Program. The swamp's juxtaposition among a dense array of on-site wastewater systems suggests that it probably serves an important social function, removing nitrogen from contaminated groundwater.

Figure 1. Aerial view of Wesley Swamp (outlined in yellow) in Wellfleet Center, March 2013.

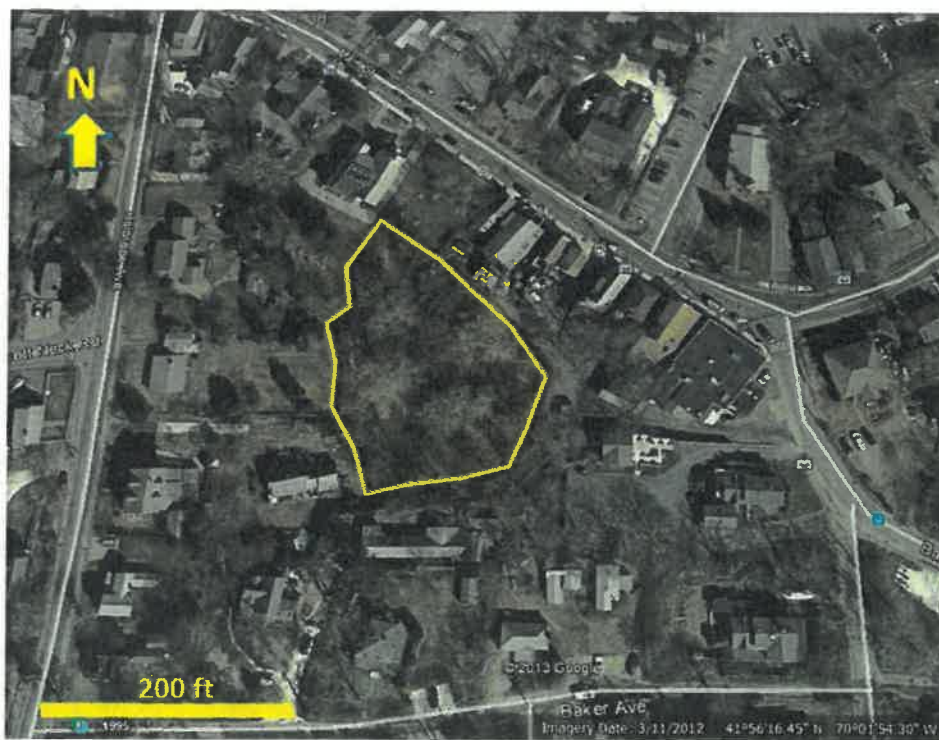


Figure 2. Assessor's map for the vicinity of Wesley Swamp, shaded green.

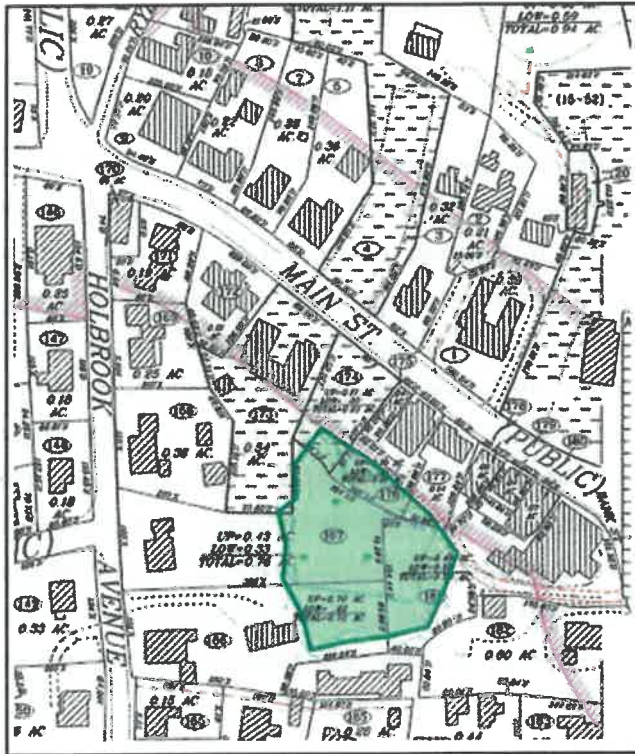


Figure 3. Wetland border, drainage ditch and pump house locations at Wesley Swamp. Two obvious areas of filled wetland are outlined in green: however, past filling has very likely reduced the size of the wetland elsewhere along its border.



Vegetation

The native vegetation of Wesley Swamp before the development of Wellfleet Center is unknown, but given its physiographic setting and hydrology, it was probably similar to other small and isolated Cape Cod freshwater wetlands. These typically have a sphagnum ground cover with emergent and bordering freshwater shrubs, e.g. water willow or swamp loosestrife (*Decodon verticillatus*), sweet pepperbush (*Clethra alnifolia*), highbush blueberry (*Vaccinium corymbosum*), swamp azalea (*Rhododendron viscosum*), red maple (*Acer rubrum*). These wetland shrub communities attract abundant small mammals and both resident and migratory passerine birds.

None of the above native plant species are seen at Wesley Swamp today. Disturbance in the form of drainage, probable nutrient enrichment from runoff and wastewater disposal, and solid filling have apparently completely transformed the flora. Lowest elevations are now dominated almost exclusively by the non-native and invasive common reed *Phragmites australis* (Figure 4); this species is notorious for displacing native vegetation following nutrient enrichment (cultural eutrophication). The only other plants observed in the wetland proper were duckweed (*Lemna minor*) covering much of the surface of the drainage ditch, and common in stagnant water receiving high nutrient loading, and a small patch of non-native and invasive yellow iris (*Iris pseudacorus*) (Figure 5).

At higher elevations, i.e. on the fill around the wetland margin, there are several large (10-40 ft tall) and many smaller willows (possibly *Salix nigra*) and blackberry (*Rubus allegheniensis*), both of which may be native. However, all the remaining upland plants observed on the wetland bank were non-native including: Japanese knotweed (*Fallopia japonica*), oriental bittersweet (*Celastrus orbiculatus*), an arborvitae (*Thuja* sp.), periwinkle (*Vinca minor*), Norway maple (*Acer plantanoides*), Morrow's honeysuckle (*Lonicera morrowii*), privet (*Ligustrum ovalifolium*), multiflora rose (*Rosa multiflora*) and Japanese honeysuckle (*Lonicera japonica*).

Figure 4. *Phragmites* dominates Wesley Swamp today. Pump house in lower right.



Figure 5. Duckweed and yellow iris in drainage ditch, flanked by willow trees.

Hydrology and water management

The swamp occupies a depression that reaches the water table; i.e. given land surface elevations available on topographic maps, it does not appear to be perched above the regional groundwater level. Thus, seasonal water level fluctuations under natural conditions would roughly follow local groundwater rise and fall due to precipitation and evapotranspiration (ET), with the exception of relatively high ET from wetland vegetation, and correspondingly low swamp water levels, during summer. However, development around the wetland, including lawns and compacted and semipermeable parking areas, likely increases direct sheet flow of water into the wetland.

For many decades, the maximum water level in Wesley Swamp has been controlled by a pump owned and operated by the town. The pump is actuated by a float valve, with discharge reportedly directed through a pipe to the street-drainage system under Main Street. The original rationale for water-level control in Wesley Swamp is poorly documented, as is the choice of maximum water level. Presumably the pumping is to prevent flooding of developed areas and/or structures adjacent to the swamp; however, it is unclear if there has ever been an engineering analysis to identify the minimum pumping and water-level depression required. This seems like a serious program deficiency in light of documented breeding by the state-threatened spadefoot toad, likely presence of many other vernal-pond dependent wildlife, and other environmental and social values (e.g. nitrogen attenuation) of this "island" of native habitat in an otherwise highly developed landscape.

Besides solid fill, including ongoing trash dumping (Figure 6) and pumping, the wetland has been altered by excavation of a drainage ditch along its northeast border (Figures 3 & 5), i.e. along the dirt road between Main Street shops and the swamp. The ditch apparently serves as a sump to collect water and direct it towards the pump to the southeast. The sump and pump system is apparently effective in draining this wetland, since during my visit (7 December 2013) the only surface water visible was in the ditch and about one foot deep, with the remainder of the wetland completely exposed. [Note: Wetland water levels should be checked again during periods of high precipitation and runoff.]

The loss of wetland area and values at Wesley Swamp has been incremental over many decades. Continual wetland drainage and nutrient loading has steadily eliminated native wetland vegetation (and probably dependent wildlife) and encouraged invasion by non-native *Phragmites* and upland plants. The sustained drainage program, plus episodic fill, has also facilitated the encroachment of roadways, wastewater disposal systems and landscaped yards into the degraded wetland's margins.

Figure 6. Ongoing trash dumping over the bank at Wesley Swamp.



Some management questions

1. How was the maximum allowable level (the float-switch level) of Wesley Swamp determined?
2. Can pumping water from the swamp be reduced or stopped to allow wetland water levels to fluctuate more normally?
3. Would higher wetland water levels interfere with the operation of nearby wastewater disposal systems?
4. Does pumping disrupt spadefoot toad breeding, or even kill spawning toads, since both likely occur after heavy rains?
5. Is there legal authority to pump water from, i.e. to drain, this wetland?
6. Can land management, especially vehicular use, immediately beside the wetland be altered to reduce soil compaction and runoff into the wetland?
7. Can invasive plants be controlled or eliminated and can a more typical vernal pond flora be re-established?
8. Can continued solid filling of the wetland be stopped, including the dumping of trash?
9. Can some of the solid fill be removed to restore presently buried portions of the wetland?
10. Given the extent of lawns and gardens immediately bordering portions of the wetland, are there safeguards in place to control fertilizer use and runoff into the swamp?



TOWN OF WELLFLEET
Health & Conservation Department

220 West Main Street
Wellfleet, MA 02667
508-349-0308 ♦ fax 508-349-0327

Hillary H. Greenberg
Health & Conservation Agent
Hillary.Lemos@wellfleet-ma.gov

May 29, 2014

Dear Wesley Swamp Abutter:

The Conservation Commission would like to invite you to attend their business meeting at 4:00 pm on June 18, 2014 to discuss Wesley Swamp. Over the past few years Wesley Swamp, a certified vernal pool has been the subject of much discussion. This swamp is surrounded by homes, businesses, lawns, and parking areas and is subject to the Wetland Protection Act and the local Wellfleet Environmental Protection Bylaw and Regulations. Further it serves as habitat for the rare eastern spadefoot toad. In addition to all of this, the water level in the swamp has been controlled by a pump owned and operated by the Town of Wellfleet for many years. All of these factors led to our desire to discuss the swamp with you, the abutters and see if there is a way to improve the habitat and wetland values of this very important swamp.

We hope that you will attend the meeting and very much look forward to sharing information and beginning a dialogue on how best to move ahead. Attached to this letter please find a report drafted by John Portnoy, a member of the Wellfleet Conservation Commission. It provides a thorough overview of Wesley Swamp. If you should have any questions please do not hesitate to contact me.

Yours,

Hillary Greenberg

cc: Conservation Commission



TOWN OF WELLFLEET
Health & Conservation Department

220 West Main Street
Wellfleet, MA 02667
508-349-0308 ♦ fax 508-349-0327

Hillary H. Greenberg
Health & Conservation Agent
Hillary.Lemos@wellfleet-ma.gov

May 11, 2018

Dear Wesley Swamp Abutter:

Over the past few years Wesley Swamp, a certified vernal pool has been the subject of much discussion. As you know this swamp is surrounded by homes, businesses, lawns, and parking areas and is subject to the Wetland Protection Act and the local Wellfleet Environmental Protection Bylaw and Regulations. Further it serves as habitat for the rare eastern spadefoot toad. In addition to all of this, the water level in the swamp has been controlled by a pump owned and operated by the Town of Wellfleet for many years. The Conservation Commission is hopeful that there may be a way to improve the habitat and wetland values of this very important swamp while also protecting the abutting property.

Recently we have been working with the Cape Cod Commission to conduct a hydrologic study of the wetland to better determine if the water in the wetland is perched or is in direct contact with the groundwater. If it is in direct contact, it may be that the pumping has little to no effect on the water level in the swamp. –

To gain the best results we would like the opportunity to install a 1.5” observation well on your property to evaluate water levels. This observation well would be hand driven and would remain on your property temporarily until we gather enough data to develop a water table map.

We need your permission to install an observation well on your property. If you are agreeable to this, please send me an email and I will be back in touch with more information.

Yours,

Hillary Greenberg

cc: Conservation Commission

21 June 2019

MEMO

To: Wellfleet Health and Conservation Agent Hillary Greenberg-Lemos

From: John Portnoy, Wellfleet Conservation Commission

Re: Wesley Swamp water management

In December 2013 I produced a report for the Commission describing the history of vegetation and water management at Wesley Swamp (Portnoy 2013). This work was prompted by the fact that the Town had been operating a pump to drain this isolated freshwater wetland for many decades with no documented purpose (but see Appendix) and in violation of both the Wetlands Protection Act and the Wellfleet Environmental Bylaw. This wetland has recently been certified by the State as a vernal pool, in part in recognition of its use for breeding by the State-threatened Spadefoot Toad, and therefore deserves special protection. The 2013 report ended with a list of outstanding management questions for Conservation Commission and broader Town consideration.

Since 2013, I have attempted to answer some of those questions through search of Health Department records, interview of Town DPW staff, local landowners and other long-time residents, and a ten-month field study of groundwater and surface water levels in collaboration with Hydrologists Tom Cambareri and Scott Michaud at the Cape Cod Commission. Cape Cod National Seashore loaned us water-level data loggers and surveying equipment. The principal objective of this hydrological field study was to determine whether the pumping of water from the swamp was even necessary. In other words, could the Town end pumping and allow natural water-level fluctuations without harming surrounding development.

In June 2018, four wells were installed through the wetland peat at Wesley Swamp to monitor shallow groundwater levels. In addition, a staff gauge was installed in the ditch just outside the pump house to record surface water levels (Figure 1). One well (WS-1) and the staff gauge (Staff 4) were equipped with data loggers to record water levels at 15-minute intervals from June 2018 to March 2019. Water levels in Well 1, Staff 4, and the remaining wells 1, 2, 3 and 4 were also monitored by electric tape on a roughly monthly basis.

Findings to date are summarized in answers to the questions raised by the 2013 report.

1. *How was the maximum allowable level (the float-switch level) of Wesley Swamp determined?*

Though the Town DPW reportedly installed the pump, pump house and sump in 1970 (Richmond Bell, personal communication, see Appendix), current staff do not know how the float-switch level was set.

It was likely determined by trial and error with the goal of keeping surface water from flooding the filled wetland, now a lawn behind Preservation Hall (formerly the Catholic Church). Survey and water-level monitoring for the current study found that the pump float switch was apparently set to hold the maximum wetland water level at about 12.5 ft from June through September 2018, and at 12.4 ft after pump failure and repair from October 2018 to mid-February 2019. Then about the 13th of February the pump failed again and apparently remained inoperative until our loggers were removed in March 2019 (Figures 2 & 3), when surface water reached 12.5 ft. **[All elevations in this memo are relative to NAVD88.]**

Note that observed groundwater and surface water elevations in Wesley Swamp during this study, i.e. 12-14 ft, are 8-9 ft above that indicated for this area of Wellfleet Center on Cape Cod Commission's Water Table Map of the Outer Cape (2002). Therefore, Wesley Swamp is a perched wetland apparently underlain by soils that block or impede percolation; this perched water table may extend over a much larger portion of Wellfleet Center. The hydrology of similarly perched vernal wetlands has been studied in nearby Eastham (MA) (Sobczak et al. 2003), where the wetlands hold water and therefore respond at a slower rate than adjacent groundwater; the two are separated by soils with low hydraulic conductivity.

2. *Can pumping water from the swamp be reduced or stopped to allow wetland water levels to fluctuate more normally?*

There are two constraints on allowing normal water-level fluctuations, both imposed by the intense development surrounding this wetland. First, the discontinuance of pumping will cause flooding of the lowest portions of Preservation Hall's back lawn, lowest elevation 13.5 ft. Perhaps an impermeable flood wall would prevent surface flooding, but this needs further investigation. Otherwise, the only alternative to keep the lawn dry throughout the year is to raise it with more fill. The land surface elevation immediately behind (south) of the Preservation Hall building is 16-17 ft, i.e. 3-4 ft above the maximum swamp water level observed in this study. The lowest portion of Memorial Garden, which borders the swamp to the northeast, is at elevation 14.5 ft, with most of the garden area above 16 ft. Given this topography, the wetland water level would have to rise to an elevation of about 14 ft to flood a substantial area of the Preservation Hall back lawn; there would be no flooding of Memorial Garden at this water level.

The second constraint on allowing natural water-level fluctuations is a belief that pumping controls groundwater levels, and termination of pumping will cause the water table to rise and

inundate wastewater leaching systems. Only one leach field (Map 14 Lot 177, Table 1 below) appears to be low enough for its function (i.e. bacteria removal per Title 5) to be compromised by a 2-ft rise in water level. Table 1. Septic system elevations for developed properties surrounding Wesley Swamp, from Health Department files.

Map	Lot	Plan date	Elev ft-NAVD88		
			Base of leach field	Tank bottom	Water table
14	166	1/29/2002	48.74		
14	167	11/25/1999	20.44	18.89	
14	176	5/16/2001	20.24		15.24
14	177	9/5/2016	15.17		10.17 (adjusted)
14	181	3/30/1995	21.35		
14	173	9/3/2009	24.55		

However, although the Town's pumping clearly controls the wetland water level, it has little effect on groundwater levels (Figures 2 & 3). Groundwater is often higher than the wetland water level, and consistently so during the September-March period, indicating that the pump does not have the capacity to control groundwater levels especially during the exceptional high water table period of the last year (Figures 4 & 5). These generally high water levels in 2018 caused the pump to run continually and, notably, to little effect on groundwater level.

Therefore, the only reason to continue pumping water from Wesley Swamp is to limit surface flooding of the lawn behind Preservation Hall.

3. Does pumping disrupt Spadefoot Toad breeding, or even kill spawning toads, since both likely occur after heavy rains?

Although there are no reports of damage, these toads have been observed calling and likely spawn in the ditch that serves as a sump from which water is pumped into the Main Street drainage system. Toad eggs and larvae could be drawn into the pump and culvert system and killed.

4. Is there legal authority to pump water from, i.e. to drain, this wetland?

The ongoing drainage of Wesley Swamp is a violation of the Massachusetts Wetlands Protection Act and Wellfleet's Environmental Bylaw.

5. Can land management, especially vehicular use, immediately beside the wetland be altered to reduce soil compaction and runoff into the wetland?

This is a problem beyond the scope of this study and should be considered by surrounding landowners, the DPW and Selectboard, as well as the Conservation Commission.

6. *Can invasive plants be controlled or eliminated and can a native vernal-pond flora be re-established?*

The Town should consult with wetland restoration professionals to review options for re-establishing native flora. Because nearly all of the wetland is on private property, restoration actions will have to involve surrounding land owners.

7. *Can continued solid filling of the wetland be stopped, including the dumping of trash?*

See Question 6, above.

8. *Can some of the solid fill be removed to restore presently buried portions of the wetland?*

See question 6, above.

9. *Given the extent of lawns and gardens immediately bordering portions of the wetland, are there safeguards in place to control fertilizer use and runoff into the swamp?*

This wetland, which very likely developed for many centuries as a nutrient-poor dystrophic bog or maple swamp, is now suffering from nutrient enrichment from surface runoff, shoreline septic systems and perhaps lawn and garden fertilizer. The modern dominance of Common Reed (*Phragmites australis*) is probably a symptom of that nutrient pollution. There is nothing in place to capture runoff from the hard-packed dirt driveway. Nitrogen-rich septic leachate, and possibly lawn and garden fertilizer, probably reaches Wesley Swamp via surface and subsurface flow, fouling surface water and favoring invasive *Phragmites* and other non-native plants.

Literature Cited

Portnoy J.W. 2013. Vegetation and Water Management in Wesley Swamp, Wellfleet Center. Report to Wellfleet Conservation Commission.

Sobczak, R.V., Cambareri, T.C., and Portnoy, J.W., 2003, Physical hydrology of selected vernal pools and kettle hole ponds in the Cape Cod National Seashore, Massachusetts: Cape Cod Commission, Barnstable, Massachusetts, 174 p.

Figure 1. Aerial view of Wesley Swamp showing well locations. Station WS-4 includes both a staff gauge (Staff 4), to monitor wetland water level, and a well (Well 4). Data loggers were in the staff gauge at Station 4 and in Well WS-1.

Wells installed 31 May 2018



Figure 2. Surface water (Staff gauge 4) and groundwater (Well 1) levels and precipitation from June through September 2018 at Wesley Swamp.

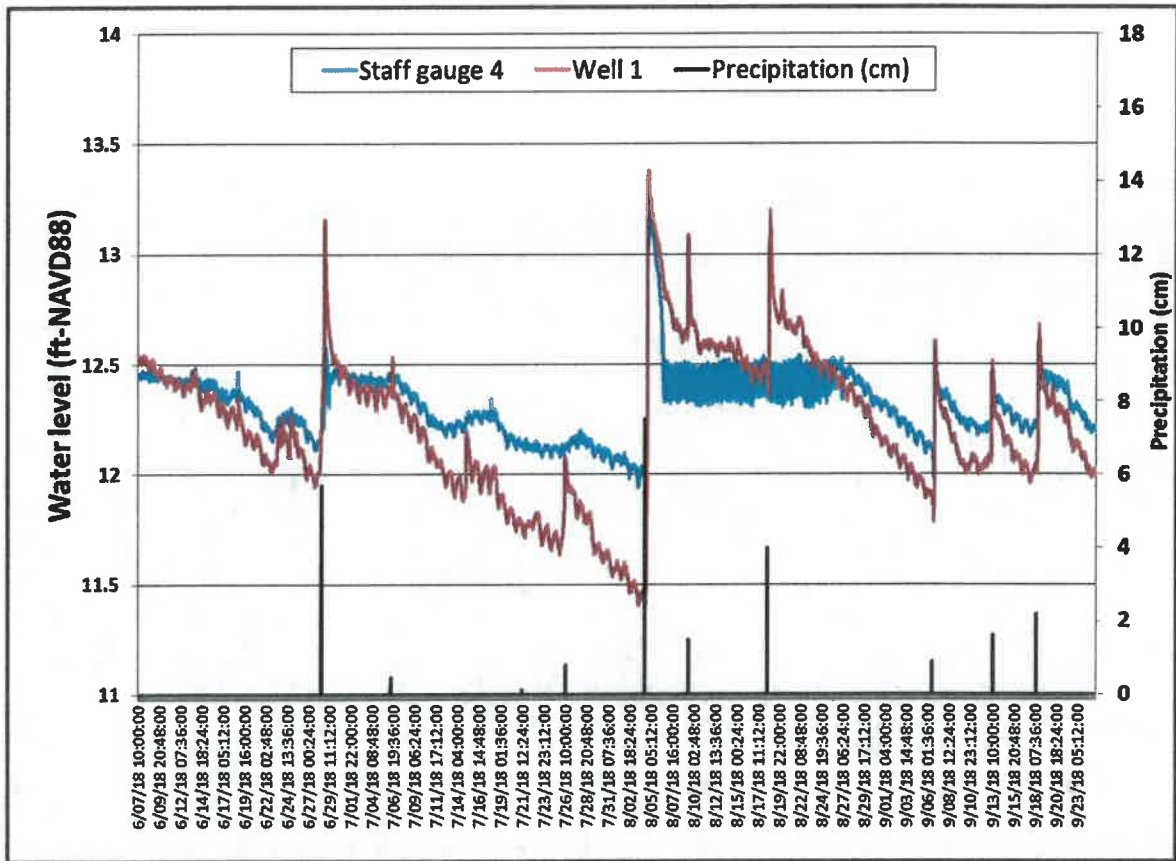
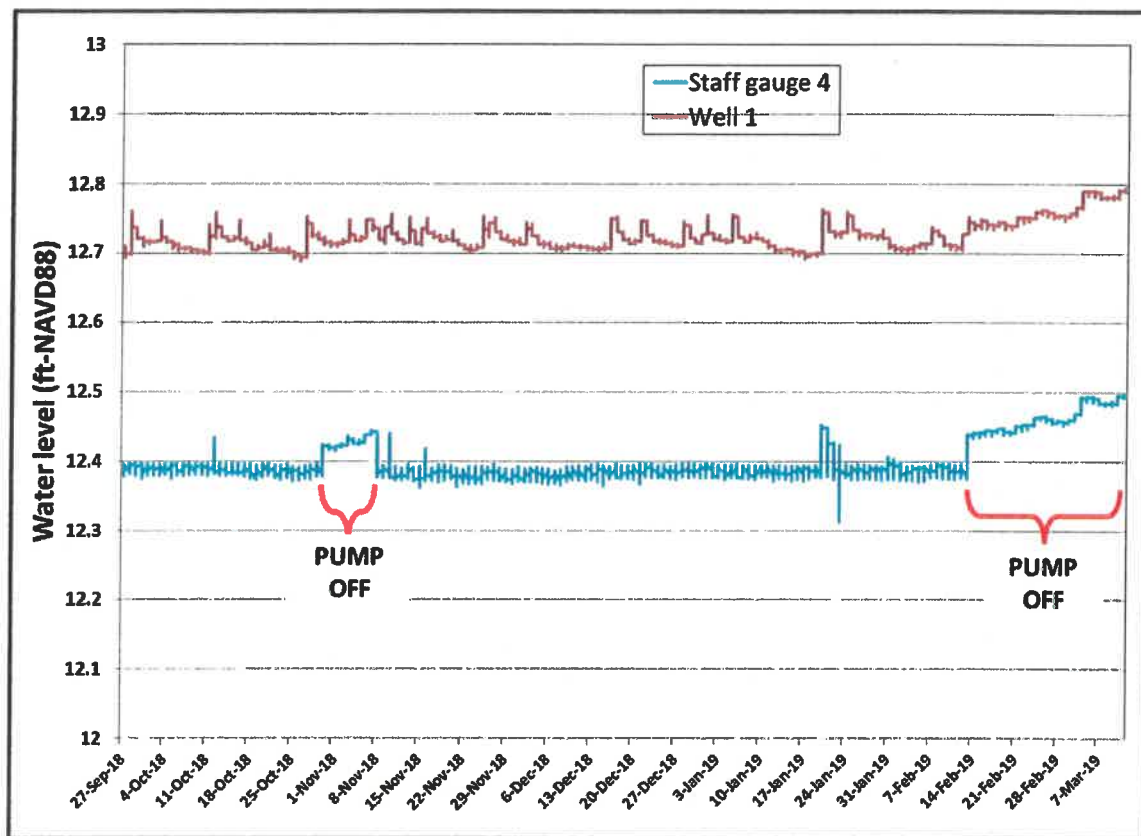


Figure 3. Surface water and groundwater levels from September 2018 to March 2019 at Wesley Swamp. Note slight rise in surface-water level during indicated periods of pump failure.



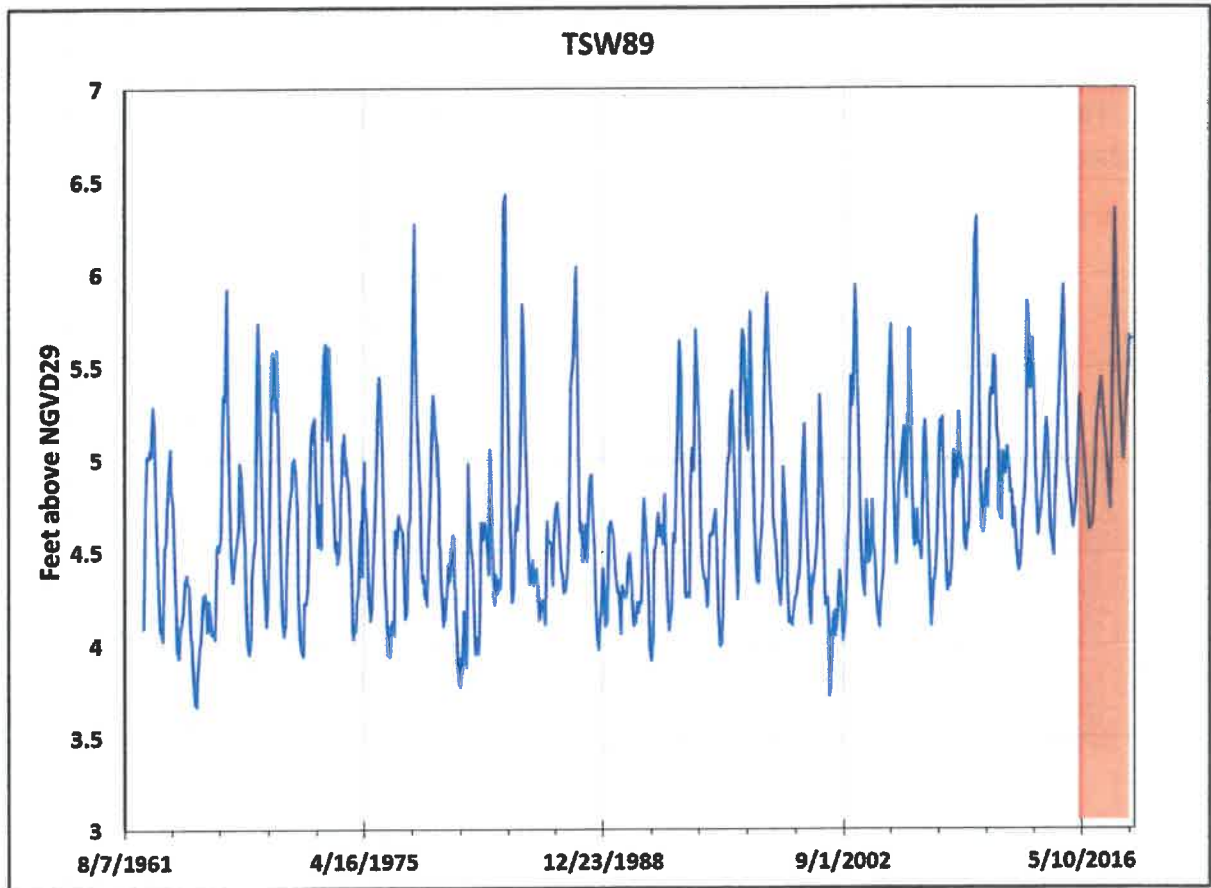


Figure 4. Plot of groundwater levels 1961-2019 at USGS Index Well TSW89 in North Truro. Note especially high water table over the past two years (pink shading).

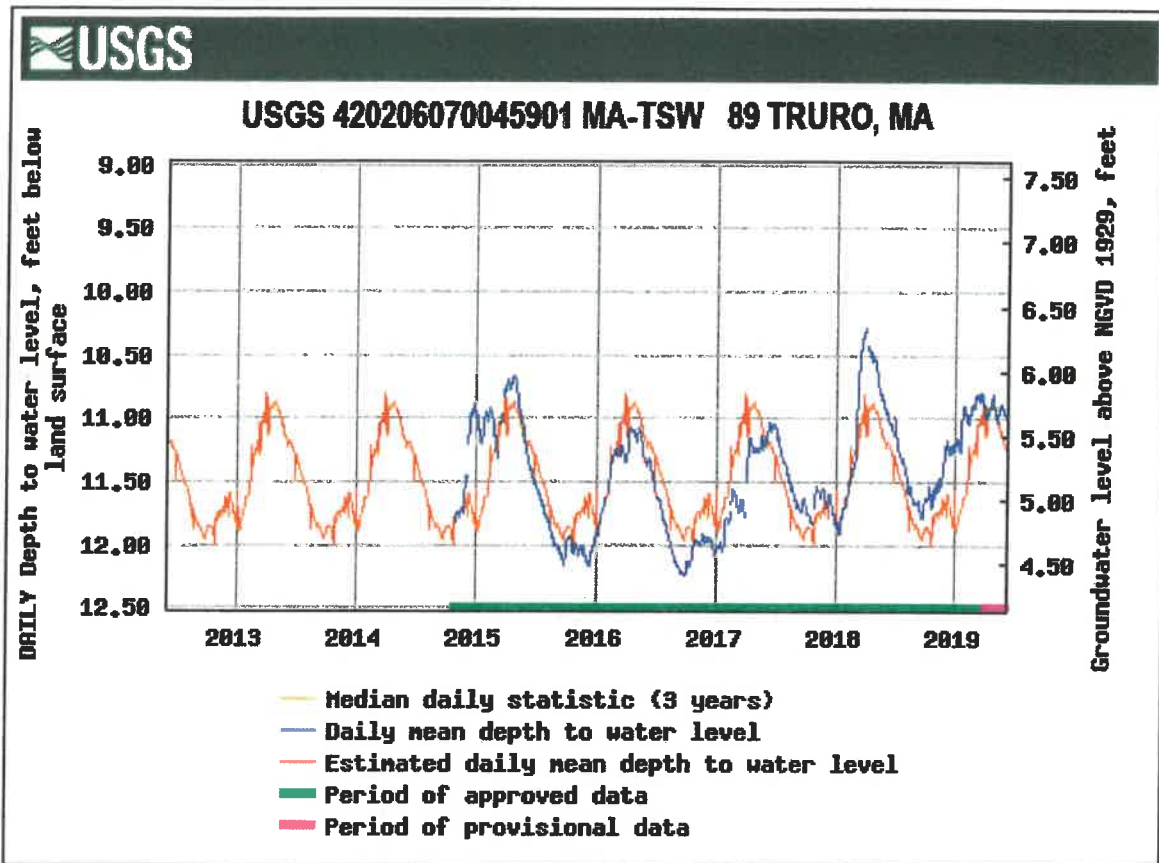


Figure 5. Water levels over the past six years in USGS Observation Well 89 in nearby Truro, MA. Note relatively high groundwater levels during the course of the present study.

Appendix: Did Wesley Swamp ever drain naturally to a larger surface-water body?

Whether or not Wesley Swamp was ever naturally connected via surface flow to a larger surface water body, e.g. Pole Dike Creek, has modern regulatory implications. If the swamp had been naturally connected via a surface-water channel to Pole Dike Creek, it would today be classified and regulated as “bordering vegetated wetland” under the Wetlands Protection Act with a 50-ft protected buffer zone; if it had no surface-water connection to the larger coastal marsh, it would be regulated by the WPA as an isolated freshwater wetland with no State-protected buffer. (Note that as a State-certified vernal pool Wesley Swamp may have a 100-ft protected buffer “in some cases” surrounding the wetland proper, according to the DEP website <https://www.mass.gov/service-details/vernal-pool-protection>.)

On 11 and 21 June 2019 I spoke by phone with Richmond Bell, who worked for the Wellfleet Fire Department from 1956 to 1996. According to Richmond, the Department was pumping water from the Catholic Church (now Preservation Hall) basement twice a year during the late 1950s and 1960s; the basement was flooded by overflow from Wesley Swamp. Selectman Lawrence “Duffy” Gardinier had blocked a culvert that had crossed his property and drained water from Wesley Swamp to the Main Street drainage system at Holbrook Avenue. This Main Street system discharged (and still discharges) into the ditch that drains Squire’s Pond into upper Pole Dike Creek, thence down to Herring River. With this channel blocked, water backed up and flooded the Catholic Church yard, sometimes the basement and Gardinier’s yard (Map 14: Lot 169). Richmond says that Gardinier “solved the problem that he himself had created” by installing the pump in Wesley Swamp. Richmond remembers having to pump the church basement for 10-15 years after he joined the fire department, i.e. until the pump was installed in Wesley Swamp in 1970. (He also said that condensation from the big coolers at the market, now The Marketplace, was drained into the swamp and contributed to the flooding problem; this cooler drainage ended about the same time as the pumping started.) Richmond mentioned that he was on a Wesley Swamp Drainage Committee.

Here’s the only reference to this committee that I could find in Annual Town Reports, in 1970:

**REPORT OF THE
WESLEY'S SWAMP DRAINAGE COMMITTEE**

There has been installed a cement building with an eight thousand gallon an hour pump inside, which pumps the water that collects in the swamp up to the Main Street storm drainage system and eventually empties into the Herring River through Pole Dyke Creek.

The Cape Cod Mosquito Control dug a ditch in the center of the swamp at no cost to the Town, and the committee wishes to publicly thank them for their fine work toward this project.

The pump works automatically with a rise and fall of water in the ditch of about six inches leaving the rest of the swamp dry at all times.

There is a possible pollution problem in this area which we believe is a matter for the Board of Health to handle.

As with all mechanical operations there will be required a year around maintenance and care taker, a person who will be responsible for the continued operation of this system, and we recommend that this person be paid \$25.00 per month with \$100.00 for supplies, etc.

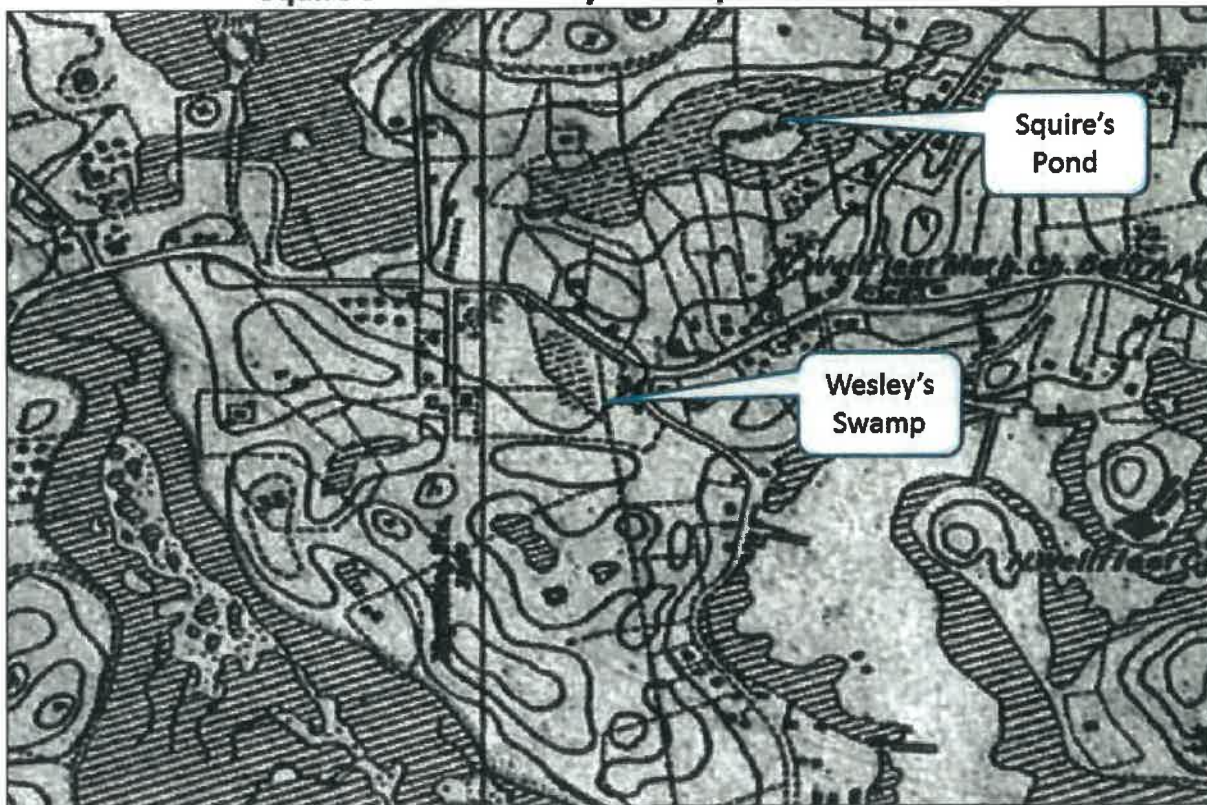
This cost compares with over \$1,000.00 previously spent each year for just lowering the water level a few times during the wet season but never to drain the swamp dry as with the present system.

Respectfully submitted,
Lawrence R. Gardinier, Chairman
Charles E. Frazier, Jr.
Norman W. Gill
Swamp Drainage Committee

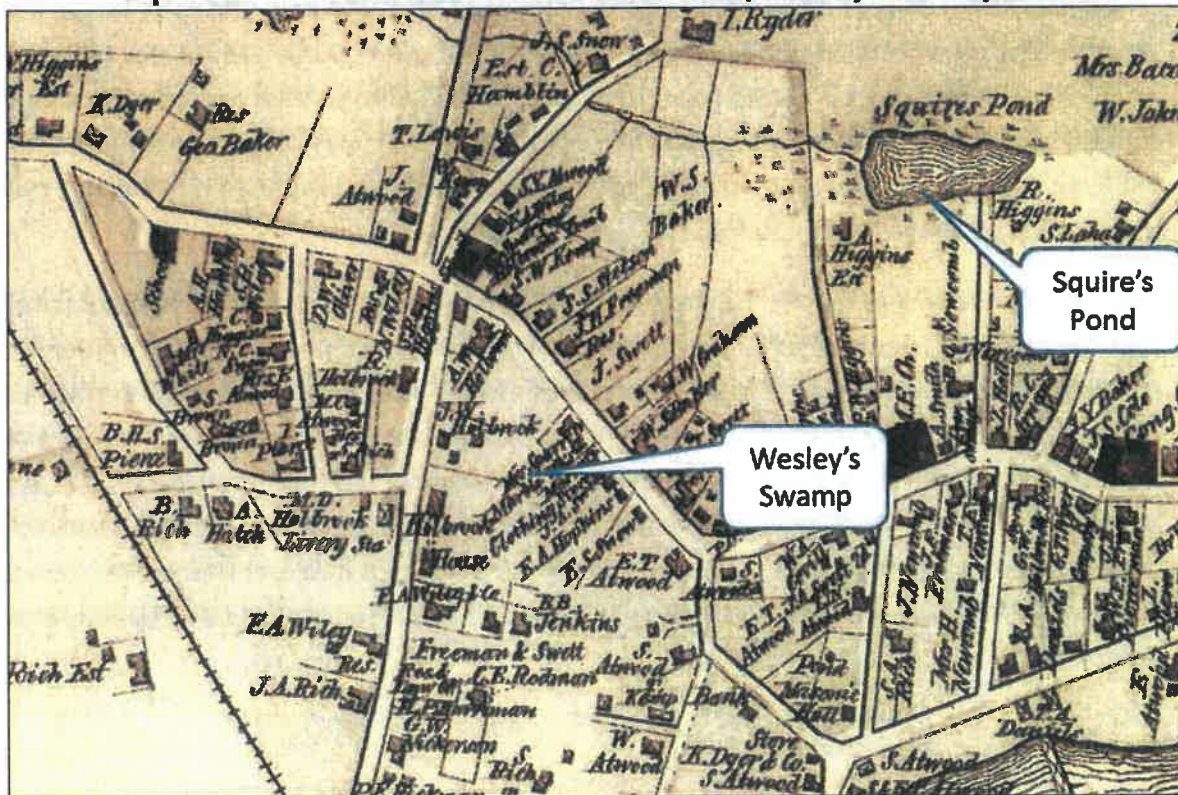
Historic maps dated 1848, 1880 and 1944, included below, show no channel, natural or otherwise, between Wesley Swamp and the Pole Dike Creek wetland, and the two are in fact separated by over 500 feet of high ground, so a natural water course seems very unlikely. In addition, the 1848 Coastal Survey Map, the earliest detailed topographic map of Wellfleet that I could find, shows both Wesley Swamp and Squire's Pond as isolated freshwater wetlands. (By 1880, Squire's Pond is shown connected to Pole Dike Creek, and thus the Herring River system, presumably by a man-made ditch.)

In summary, I found no maps that show Wesley Swamp connected via a ditch or creek to Pole Dike Creek or any other larger surface-water body. This together with the information from Richmond Bell indicates that Wesley Swamp was never naturally connected via surface water to upper Pole Dike Creek or any other major surface water body and has always been an isolated freshwater wetland (now a certified vernal pool). Any historic or modern flooding of adjacent properties, some of which are on wetland fill, is due to normal fluctuations in the swamp's water levels. Ongoing pumping is not therefore mitigation for human disturbance, but rather an illegal alteration of natural wetland hydrology, with adverse impacts to wetland plants and animals.

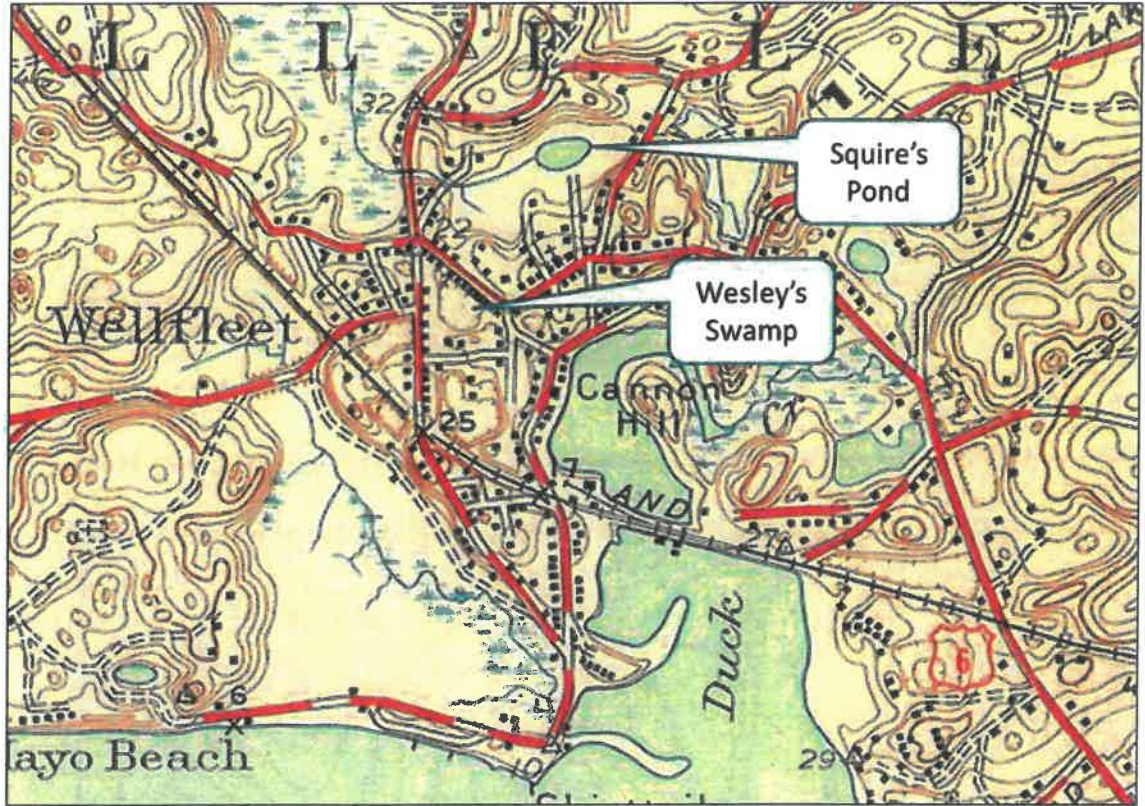
**1848 T-sheet US Coastal Survey Map,
Squire's Pond & Wesley's Swamp isolated**

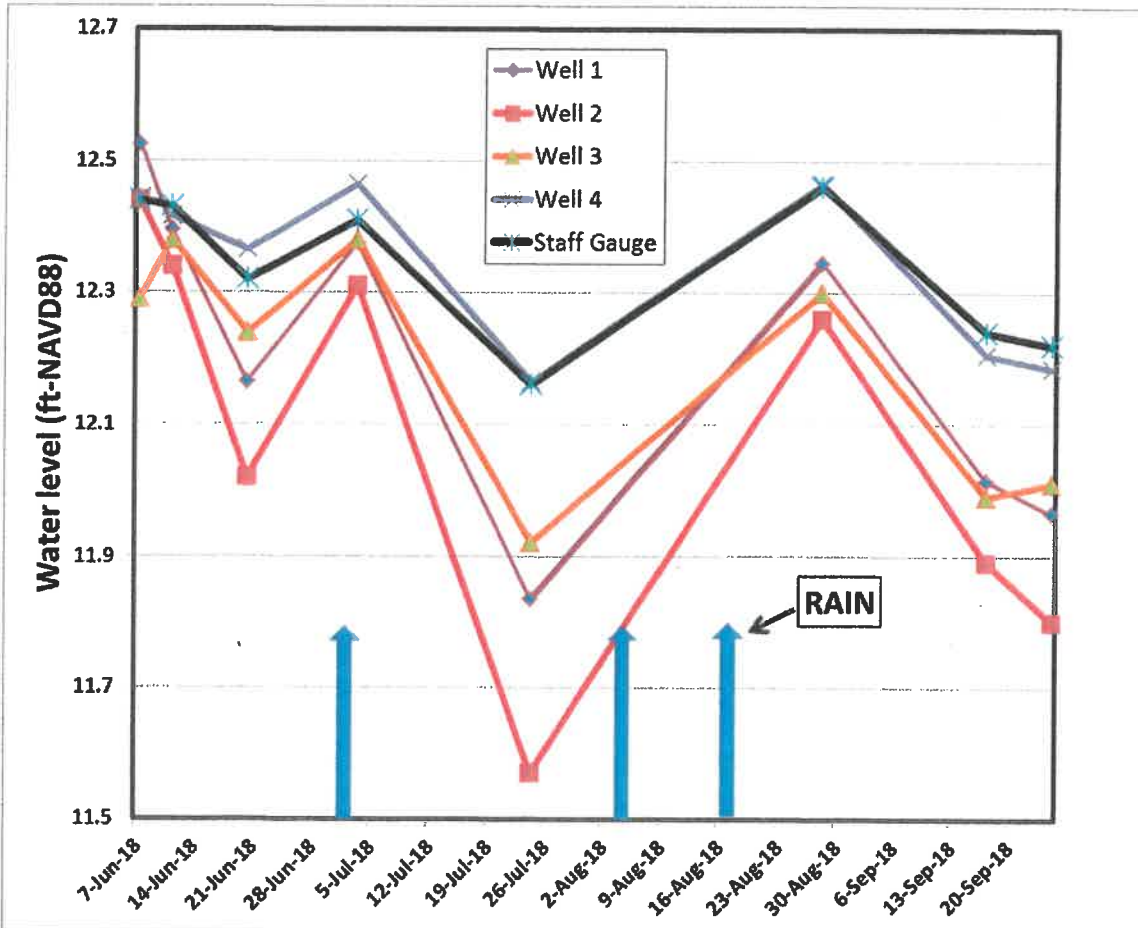
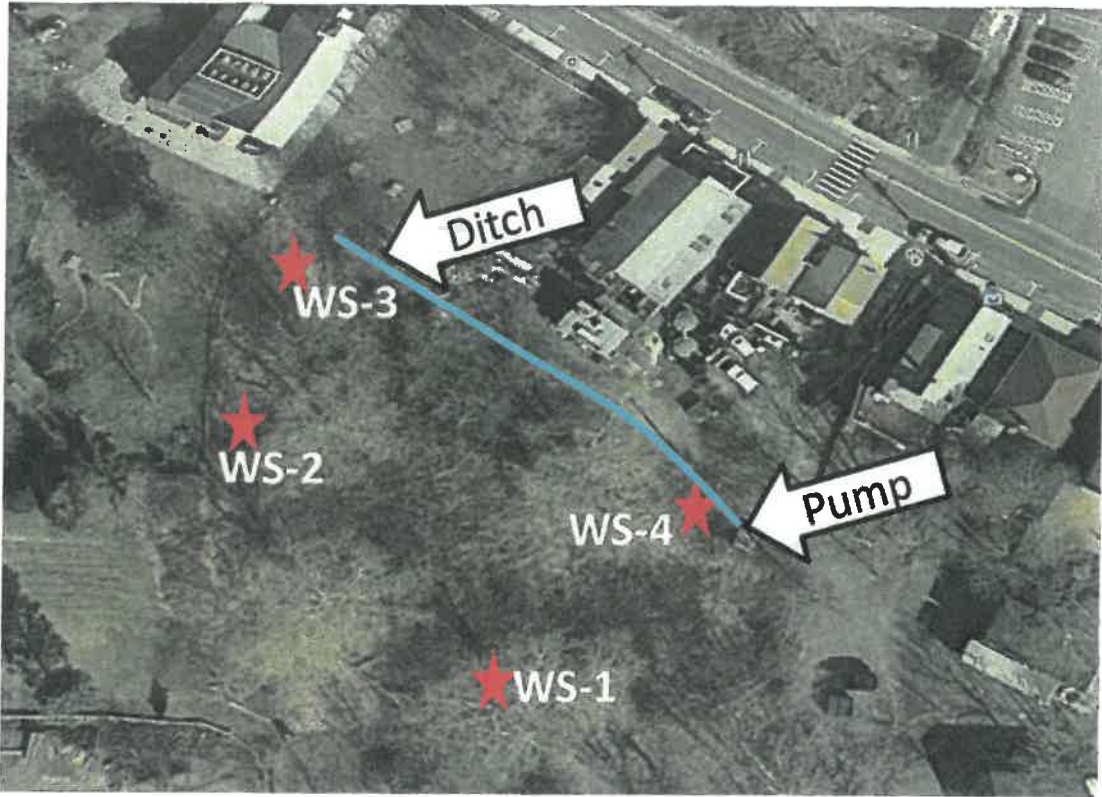


**1880 Village of Wellfleet, Town of Wellfleet
Squire's Pond connected to Pole Dike Creek, Wesley's Swamp isolated**



1944 USGS Quad. Sheet
Squire's Pond connected to Pole Dike Creek; Wesley Swamp isolated







BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

IV

LISENCES – A

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Approval of Special Event Liquor License
PROPOSED MOTION:	I move to approve a Special Event Liquor License for Jeanne Maclauchlan on February 1, 2020 for use at Adam's Lodge, 1 Masonic Lane.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET
APPLICATION FOR SPECIAL EVENT LIQUOR LICENSE

1. Applicant Jeanne Maclauchlan Affiliation _____

Address 2082 State Highway Telephone 508-514-0407

2. Type of License All Alcohol (\$150.00/day) _____ Beer and Wine (\$100.00/day) X

3. Type of Activity Being Conducted Birthday Party

4. Date February 1, 2020 Hours of Service 11 am – 6 pm

5. Description of Premises Adam's Lodge 1Masonic Lane

6. Name, Address, Telephone of Designated Manager (person responsible for activity)

Jeanne Maclauchlan 2082 State Highway 508-514-0407

7. If activity involves food service, please describe fully (i.e. raw shellfish, heated casseroles, bakery goods, etc.)

Snacks, pre made sandwiches, possible casseroles, birthday cake.


Applicant's signature

Processing Fee \$50.00
Fee: ~~\$100.00~~
\$150.00

paid

Police Department

M. K...

Comments/Conditions

OK

Building Department

AA

Comments/Conditions

Fire Department

...

Comments/Conditions

OK

Health Department

...

Comments/Conditions

DPW Department

Phone ok

Comments/Conditions

Town Administrator

Samuel R. Hoort

Comments/Conditions

Other

Comments/Conditions

Other

Comments/Conditions

JAN - 3 2020

Date Received

Fee

150.00

Date Issued



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

IV

LICENSES – B

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Renewal of Common Victualler Licenses
PROPOSED MOTION:	I move to renew the Common Victualler Licenses for Chequessett Yacht & Country Club, Dent Donuts, Emack & Bolio's, Endless Coast, Flying Fish Café, The Fox and Crow Café, Moby Dick's, PJ's Family Restaurant, Wellfleet Cinemas, Wellfleet Drive In and Flea Market, Wellfleet Miniature Golf and Dairy Bar & Grill.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

BOS 01/28/20

BUSINESS LICENSES:

CV:

Chequessett Yacht & Country Club

Dent Donuts

Emack & Bolio's

Endless Coast

Flying Fish Café

The Fox and Crow Café

Moby Dick's

PJ's Family Restaurant

Wellfleet Cinemas

Wellfleet Drive In, Flea Market

Wellfleet Miniature Golf, Dairy Bar & Grill

WE:

Wellfleet Cinemas

Wellfleet Drive In, Flea Market

Wellfleet Miniature Golf, Dairy Bar & Grill



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

IV

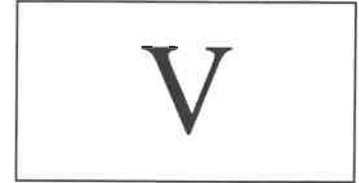
LICENSES – C

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Renewal of Weekly Entertainment Licenses
PROPOSED MOTION:	I move to renew the Common Victualler Licenses for Wellfleet Cinemas, Wellfleet Drive In and Flea Market, Wellfleet Miniature Golf and Dairy Bar & Grill.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020



BOARD/COMMITTEE APPOINTMENTS AND UPDATES – A

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Appointment of Stephen Greenburg to the COA Advisory Board
PROPOSED MOTION:	I move to appoint Stephen Greenburg to the COA Advisory Board for a term ending June 30, 2022.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____



TOWN OF WELFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

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

Name Stephen J Greenberg Date 1/8/2020
Mailing Address ^{B6X} 2021, Wellfleet, MA 02667
Phone (Home) 508-349-2129 (cell) 610-283-1864
E-mail stephenjgreenberg@gmail.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: _____

I was a lawyer for 49 years and was a teacher in the Philadelphia Recycle Program. I was a Director and Treasurer of the Friends of the COA. I am a director and co-chair of the Field Point Property Owners Association, Inc.

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

I graduated from the U of PA Law School in 1966. I was a JAGC Capt. in the US Army for 4 years. I was a partner in two major law firms and was a Life Member of the American Law Institute, a legal reform organization. I had numerous bar association memberships.

Committees/Boards of Interest: 1) Advisory Board of Wellfleet COA
2) _____
3) _____

JAN - 8 2020



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

V

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – B

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Appointment of Damien Parkington as an alternate to the Shellfish Advisory Board
PROPOSED MOTION:	I move to appoint Damien Parkington as an alternate to the Shellfish Advisory Board for a term ending June 30, 2023.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

RECEIVED

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

DEC 26 P 1:5

TOWN CLERK
TOWN OF WELLFLEET

FILL OUT THE FORM BELOW and mail it to:

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

Name DAMIAN PARKINGTON Date 11/18/19

Mailing Address 210 WEST Rd 1-11
WELLFLEET MA 02667

Phone (Home) 774-216-1500 (cell)

E-mail clm0675@yahoo.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town:

I AM A COMMERCIAL SHELLFISHERMAN WHO
IS INVESTED AND CONCERNED WITH OUR
SHELLFISH MANAGEMENT

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

I OWN AND OPERATE A LOBSTER/SCALLOP
BUSINESS WHILE STILL PARTICIPATING IN
WELLFLEETS WILD SHELLFISH INDUSTRY. I AM MOTIVATED
TO PROTECT OUR WILD FISHERIES.

Committees/Boards of Interest: 1) SAB ALTERNATE
2) _____
3) _____



BOARD OF SELECTMEN


AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

V

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – C

REQUESTED BY:	Town Clerk
DESIRED ACTION:	Approval of Disclosure of Appearance of Conflict of Interest
PROPOSED MOTION:	I move that the Board has determined that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the town may expect from Michael Fisher, member of the Conservation Commission. The disclosure is dated January 14, 2020.
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:	Michael H. Fisher
Title or Position:	Commissioner
Agency/Department:	Wellfleet Conservation Commission
Agency address:	220 West Main Street Wellfleet, MA 02667
Office Phone:	508-349-0308
Office E-mail:	Hillary.Lemos@wellfleet-ma.gov
	In my capacity as a special 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. I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.
	APPEARANCE OF FAVORITISM OR INFLUENCE
Describe the issue that is coming before you for action or decision.	I am a Trustee of the Wellfleet Conservation Trust. In some applications that come before the Conservation Commission, the applicant's land abuts land that the Wellfleet Conservation Trust owns as a fee property or on which it holds conservation restrictions
What responsibility do you have for taking action or making a decision?	As a member of the Wellfleet Conservation Commission. I am to vote on such applications.
Explain your relationship or affiliation to the person or organization.	I am a Trustee of the Wellfleet Conservation Trust, a 501 (c) non-profit organization which is not a business organization.
How do your official actions or decision matter to the organization?	The Wellfleet Conservation Trust has an interest that will be affected when I perform my official duties with regard to such applications.
Optional: Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	On 12/19/2019, I applied to the Massachusetts State Ethics Board for written advice on how I should proceed for such applications. Ms. Amy Bressler Nee, Staff Counsel, sent me written legal advice dated 1/8/2020 indicating: The Wellfleet Conservation Trust "is not a business organization" so that G.L. c. 268A, para 19 "is not an issue" for me as a Conservation Commissioner. In applications where I can "be fair and objective" I should complete this para 23(b)(3) form...Once the disclosure is on file, you may perform your official duties" as a Conservation Commissioner.
If you cannot confirm this statement, you should recuse yourself.	WRITE AN X TO CONFIRM THE STATEMENT BELOW. <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.
Employee signature:	
Date:	1/14/20



Commonwealth of Massachusetts
STATE ETHICS COMMISSION

One Ashburton Place - Room 619
Boston, Massachusetts 02108

Maria J. Krokidas
Chair

CONFIDENTIAL

David A. Wilson
Executive Director

January 8, 2020

Michael H. Fisher
15 Richman Lane, Box 2075
Wellfleet, MA 02667

Dear Mr. Fisher:

This letter is a response to your request for advice about the conflict of interest law, G.L. c. 268A.

You are a member of the Wellfleet Conservation Commission.

You are also on the Board of Trustees of the Wellfleet Conservation Trust ("WCT"). You are not an officer of the WCT. The WCT is a 501(c) non-profit. Its By-Laws on its website explain:

The Purpose of the Trust and its primary mission is to acquire land (and interests therein) for open space protection to further the goals of natural resources' protection enumerated by federal law and Article 97 of the Amendments to the Massachusetts Constitution. More specifically, the Trust shall be authorized to:

- Acquire fee ownership and hold conservation restrictions in Wellfleet, Massachusetts;
- Assist in and promote the preservation of the rural character of the Town of Wellfleet, Massachusetts, and the establishment of sound conservation practices;
- Preserve and maintain areas within the Town of Wellfleet for: conservation of public water resources; preservation of marshland, upland, swamps and other wetlands and the animal and plant life therein; and general public outdoor passive recreation;
- Engage in related conservation, educational, scientific and charitable activities.

Phone: 617-371-9500 or 888-485-4766
www.mass.gov/ethics

Michael H. Fisher
January 8, 2020
Page 2

The Trust accepts donations of land for conservation purposes, and on several occasions over the years, the Town has bought land and WCT has reimbursed the Town. You have told me that The Trust owns 300 acres in fee, and owns conservation restrictions on about 40-50 acres owned by the Town or other non-profit entities (The Compact of Cape Cod Conservation Trusts). These properties are tax exempt and can never be sold. The public has access to the land at no cost.

WCT is an abutter to properties that are the subject of some applications to the Wellfleet Conservation Commission. You do not have any personal financial interests that would be affected by decisions on these applications.

Most immediately, the Town of Wellfleet has applied to the Conservation Commission to repave long sections of Lieutenant Island Road, on which the WCT owns one property in fee (Map 41 plot 42, 250 Lieutenant Island Road). You have asked whether you may vote as a Conservation Commissioner on this application. The Conservation Commission will not have a quorum to decide on this application unless you vote. Occasionally, other applications raise similar issues.

Business organization. Our advice depends in part on whether WCT is a business organization for purposes of the conflict of interest law. Under § 19 of the law, you may not participate as a municipal employee in a particular matter if you are a trustee of a business organization and the business organization has a financial interest in the matter.

The criteria for determining whether a non-profit or other entity is a “business organization” are explained in *EC-COI-07-2*. The Commission will consider the following factors: (1) whether the organization’s activities involve commerce, trade, the sale of goods or the provision of services in exchange for fees (or other compensation) or any other activities, including professional activities, that are commonly understood to be business activities; (2) whether the organization’s business activities are engaged in for its support or profit; (3) whether the organization’s business activities are continuously or regularly engaged in; and (4) whether the organization’s business activities constitute a significant rather than *de minimis* portion of the total activities of the organization.

In *EC-COI-07-2*, using these factors, the Commission found that the Vineyard Conservation Society (“VCS”), a non-profit, tax exempt, charitable environmental advocacy organization, was not a business organization for purposes of the conflict of interest law.

VCS achieves its land preservation goals by assisting landowners in placing voluntary restrictions against development on their land or deeding the land or interests in the land to other entities, by contributing funds so that others may acquire such lands and, on rare occasions, by holding temporary fee interests in land and permanent conservation restrictions on land. VCS offers free legal assistance to private landowners and municipalities by drafting conservation restrictions and other legal instruments to preserve undeveloped land, directs landowners to entities that can receive gifts of land or conservation restrictions,

contacts potential funding sources, contributes to acquisition costs, and temporarily holds ownership or easements in land and conveys such interests to suitable entities. VCS has never sold any land or interest in land for a profit. VCS rarely holds a permanent fee interest in property.

The Commission also described VCS's advocacy and education activities, which included sales of trail guides, a book, hats and T-shirts for a total of about \$3,000 in sales, or slightly more than 1% of its operating expenses.

The Commission found, "VCS is neither organized for the purpose of engaging in commerce or trade for gain, benefit, advantage or livelihood, nor is it substantially engaged in the provision of goods or services for payment or fees."

A distinction between VCS and WCT is that VCS rarely held property in fee permanently whereas, on several occasions over the years, WCT purchased and now owns about 300 acres in fee. Where WCT has made these purchases for conservation purposes, and not for profit, this distinction does not convince us that WCT is a business organization. Our conclusion is that WCT is not a business organization, and that § 19 therefore is not an issue for you.

Section 23(b)(3). Under § 23(b)(3), while you serve as a municipal employee, you may not act in a manner which would cause a reasonable person, having knowledge of the relevant facts, to conclude that any person can unduly enjoy your favor or improperly influence you in the performance of your official duties, or that you are likely to act or fail to act as a result of someone's kinship, rank, position or undue influence.

You have two choices when § 23(b)(3) is an issue. First, if you feel that you cannot be fair and objective when you perform your official duties, you should recuse yourself. Otherwise, before you perform your official duties, you should complete a § 23(b)(3) disclosure explaining the task you are expected to perform as a Conservation Commissioner and the relationship or affiliation that could cause a reasonable person to suspect undue favoritism or improper influence. The disclosure calls upon you to confirm that, taking into account the facts you have disclosed, you feel that you can be fair and objective when performing your official duties. You should file the disclosure with your appointing authority. Once the disclosure is on file, you may perform your official duties.

In this instance, you should file a § 23(b)(3) disclosure that explains that the Town of Wellfleet has applied to the Conservation Commission to repave long sections of Lieutenant Island Road, that you serve on the Board of Trustees of the WCT, and that the WCT owns one property in fee on Lieutenant Island Road and is an abutter. After the disclosure is on file with your appointing authority, you may perform your duties as a Conservation Commissioner regarding the Town's application.

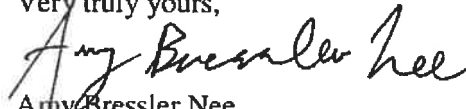
Confidentiality. Both this letter and your request for advice are confidential by statute. This means that you are free to disclose this advice to anyone you wish, but that the State Ethics

Michael H. Fisher
January 8, 2020
Page 4

Commission may not disclose your request or any other identifying information unless you consent, or unless you misrepresent the contents of this letter.

I hope this advice has been helpful. Please contact us again if you have any further questions about your obligations under the conflict of interest law.

Very truly yours,

A handwritten signature in black ink that reads "Amy Bressler Nee". The signature is written in a cursive style with a large initial "A".

Amy Bressler Nee
Staff Counsel



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

V

BOARD/COMMITTEE APPOINTMENTS AND UPDATES – D

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Appointment of Leon Shreves to the Conservation Commission
PROPOSED MOTION:	I move to appoint Leon Shreves to the Conservation Commission for a term ending June 30, 2023.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

VI

BUSINESS – A

REQUESTED BY:	Health Agent
DESIRED ACTION:	Discussion of Coastal Zone Management Grant
PROPOSED MOTION:	I move to approve the draft language of the Memorandum of Understanding for the Coastal Zone Management grant.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Memo

To: Dan Hoort, Town Administrator

Cc: Selectboard

From: Hillary Greenberg-Lemos, Health and Conservation Agent

Date: January 15, 2020

Re: FY20 CZM Coastal Resilience Grant Award

The Massachusetts Office of Coastal Zone Management has awarded the Towns of Provincetown, Truro, Wellfleet, and Eastham a grant of **\$115,000** through the FY20 Coastal Resilience Grant Program to develop an inter-municipal shoreline management plan among the four towns along the shoreline of Eastern Cape Cod Bay. The goal of this project is the development of a comprehensive framework for managing approximately 35 miles of shoreline in an effective, mutually beneficial manner in order to increase coastal resiliency throughout the four towns of Eastham, Wellfleet, Truro, and Provincetown. These four communities will work together to assess the characteristics of the Cape Cod Bay shoreline extending from Rock Harbor in Eastham, along the shores of Wellfleet and Truro, to Provincetown Harbor, irrespective of town boundaries, jurisdictions, and regulations. This approach will require the establishment of base line conditions that include: 1) a complete and up-to-date database of human uses and alterations (e.g. coastal engineering structures, dredging, replenishment, etc.), natural resources, and a characterization of shoreline resilience (e.g., rates of shoreline change, inundation vulnerability, sediment transport pathways and obstructions such as groins, harbors, jetties, etc.); 2) identification of the existing regulatory structure in each town including a comparison of local by-laws and traditional management approaches; 3) assessment of the strengths and weakness of the individual towns' approaches to shoreline management, including consistencies and inconsistencies; and 4) the identification of the challenges to implementing a natural, system-based management approach within the context of a traditional inter-municipal management framework.

At the conclusion of this analysis, town boundaries will be overlaid onto the baseline conditions and recommendations for a comprehensive shoreline management framework will be finalized. A Memorandum of Agreement (MOA) will be prepared and endorsed by each town, stipulating each town's agreement to refine and implement the principles of this framework in an Eastern Cape Cod Bay inter-municipal shoreline management plan in a future phase of this project.

The Center for Coastal Studies is the contractor which will be conducting the project. The Town of Wellfleet is acting as the fiscal agent for this project, and each town will be contributing a cash match of \$2,500 in addition to the in-kind contributions of staff members from each of the four towns. The cash match will come from the CIP funds approved at the 2018 and 2019 Annual Town Meetings for Marine Department Shoreline Protection and Beach Nourishment projects.

The conservation agents of the four Outer Cape towns have been meeting on a regular basis for the past 2+ years to find ways to share resources and staff expertise to advance our common, regional goals. This grant is the first collaborative project of this scope to come to fruition from this initiative. We look forward to continuing this partnership to help our region mitigate and adapt to the impacts of sea level rise and climate change.

See this link for a video about the project:

<http://www.capecodtoday.com/article/2019/11/03/249829-LCTV-Outer-Cape-United-Protect-Shore>

MEMORANDUM OF AGREEMENT
Between the Towns of Provincetown, Truro, Wellfleet, and Eastham
TO PURSUE THE DEVELOPMENT OF AN INTER-MUNICIPAL
SHORELINE MANAGEMENT PLAN

This Memorandum of Agreement (MOA) dated _____, an addendum to the 2018 Provincetown, Truro, Wellfleet, and Eastham Inter-Municipal Agreement (IMA), by and between the Town of Provincetown, acting through its Select Board (hereinafter "Provincetown"), the Town of Truro, acting through its Select Board (hereinafter "Truro"), the Town of Eastham, acting through its Select Board (hereinafter "Eastham"), and the Town of Wellfleet, acting by and through its Select Board (hereinafter "Wellfleet"), is entered into pursuant to G.L. c. 40 "A, upon the following terms and conditions:

WHEREAS, in 2018 the towns of Provincetown, Truro, Wellfleet, and Eastham entered into an Inter-Municipal Agreement (IMA) under which any town may propose regionalizing services or make a request for assistance from another town for any public purpose, including but not limited to services performed by or through the departments of health and conservation and/or inspectional services; and

WHEREAS, the IMA recognized that the sharing of personnel and equipment under certain circumstances will increase each Town's ability to provide adequate and professional public services for their communities; and

WHEREAS, the eastern shoreline of the body of water known as Cape Cod Bay lies within the municipal boundaries of Provincetown, Truro, Wellfleet, and Eastham; and

WHEREAS, the length of said shoreline extending from Race Point in Provincetown to Rock Harbor in Eastham is defined by approximately 46 miles of barrier beaches, dunes, banks, tidal flats, land under the ocean and salt marsh as these terms are defined in the state Wetlands regulations (310 CMR 10.00); and

WHEREAS, these coastal wetland resource areas function together to promote the health and resiliency of the eastern Cape Cod Bay shoreline; and

WHEREAS, the Conservation Commission/Natural Resource Department staff of each town worked together to apply for and secure funding from the Massachusetts Office of Coastal Zone Management (CZM), or other applicable grant programs, to pursue the development of an Inter-Municipal Shoreline Management Plan (Plan) that promotes a uniform, natural systems-based approach for the management of the Eastern Cape Cod Bay shoreline; and

WHEREAS, it is the towns' desire to pursue a subsequent planning phase in which they will pursue implementation of uniform shoreline management policies and regulations along Cape Cod Bay's eastern shoreline.

NOW THEREFORE, in consideration of the mutual covenants contained herein, Provincetown, Truro, Wellfleet, and Eastham, hereby agree as follows:

I. Scope of Coverage

This MOA is adopted as an addendum to the 2018 IMA in which the undersigned towns agree to continue to work together to develop and implement an Inter-Municipal Shoreline Management Plan.

Specifically this MOA establishes the common goal to continue to pursue uniformly sound management principles and responsible stewardship relative to wetland resources, private and public properties, infrastructure, wildlife, fisheries, boating, and public access along this shoreline.

Each town participating in this planning effort shall retain authority over the resources and activities within its jurisdiction. The actions of the four towns shall coordinate, and not duplicate or compete with, the functions of existing regulatory and planning organizations in each of the undersigned towns as they pertain to the management eastern shoreline of Cape Cod Bay.

The towns agree to seek funding for subsequent planning efforts in accordance with the terms of this agreement.

II. Budgeting and Reporting

This planning effort shall be supported largely through funds obtained from Commonwealth grant programs, or other applicable sources. As a regional effort, the towns agree to partner in responses to applicable Grant opportunities and to name one staff person to represent the town as part of the project team overseeing the preparation of the application. One staff person shall be selected from the project team (one representative from each town) to manage the application process. If required by a grant process, the towns agree to provide in-kind services, and cash matches, as necessary, with the approval of the respective Select Boards.

Upon the awarding of grant funds, a joint meeting with the project team and the Town Manager of each town shall be held to discuss project goals and requirements. The project team will meet monthly to oversee progress, facilitate inter-municipal communication, and otherwise ensure that the funded project is proceeding efficiently and on schedule. At a minimum, quarterly project status updates will be provided to the Town Managers by the project team.

III. Term

This Agreement shall take effect on the date written above and continue in effect for the term of the IMA, unless sooner terminated. It may be terminated by any party upon thirty (30) days written notice to the other parties.

IV. Miscellaneous

This Agreement is not intended to substitute or preclude any other agreements that may now or hereafter be in effect among the Towns, including the provision of mutual aid.

This Agreement may only be amended or modified by written document signed by the Select Board in each Town.

All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given if delivered or mailed, postage prepaid, certified mail, return receipt requested or by electronic mail to:

The Town of Eastham
Town Administrator 2500 State Highway
Eastham, MA 02642
jbeebe@eastham-mh.gov

The Town of Provincetown Town. Manager
260 Commercial Street
Provincetown, MA 02657
dgardner@provincetown-ma.gov

The Town of Truro
Town Manager
24 Town Hall Road
Truro, MA 02666
rpalmer@truro-ma.gov

The Town of Wellfleet
Town Administrator
300 Main Street
Wellfleet, MA 02667
Dan.hoort@wellfleet-ma.gov

This Agreement shall be governed in accordance with the laws of the Commonwealth of Massachusetts and any dispute hereunder shall be directed to the appropriate court within Barnstable County.

If any provision, section, phrase or word contained herein is determined by a court of competent jurisdiction to be unenforceable, for any reason, or beyond the scope of the statutory provisions of Chapter 40, Section 4A of the General Laws, as amended, then it is the intention of the parties that, for public purposes, the remaining provisions thereof shall continue in full force and effect.

Executed as a sealed instrument as of the day and year first written above.

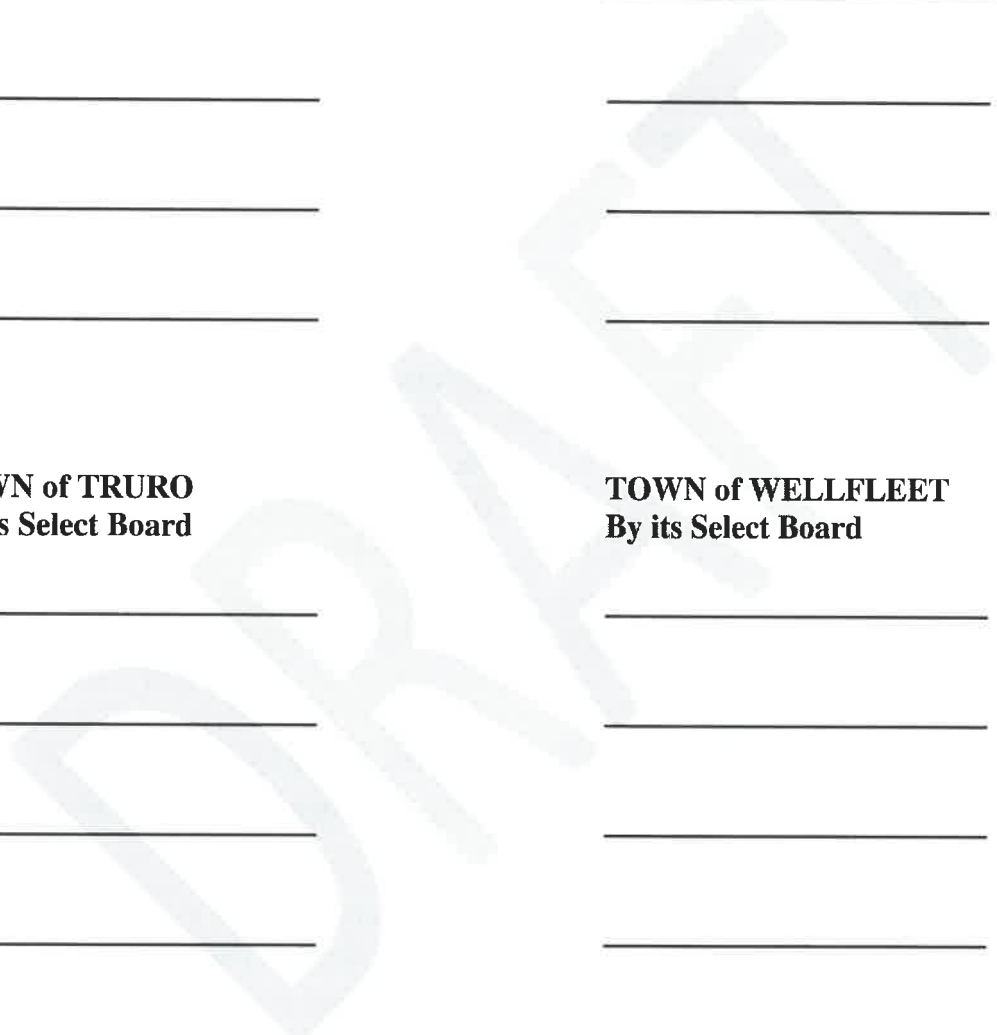
Signature page to follow.

TOWN of EASTHAM
By its Select Board

TOWN of PROVINCETOWN
By its Select Board

TOWN of TRURO
By its Select Board

TOWN of WELLFLEET
By its Select Board



Increasing Coastal Resiliency Through Inter-Municipal Shoreline Management

Project Manager:
Hillary Lemos, Town of Wellfleet

Project Team :
Emily Beebe, Town of Truro
Shana Brogan, Town of Eastham
Tim Famulare, Town of Provincetown
Rex McKinsey, Town of Provincetown

MA Office of Coastal Zone Management
Steve Mckenna

Center for Coastal Studies
Rich Delaney
Mark Borrelli
Sam McFarland
Tom Skinner
Steve Mague

Applied Coastal Research & Engineering, Inc.
John Ramsey, PE

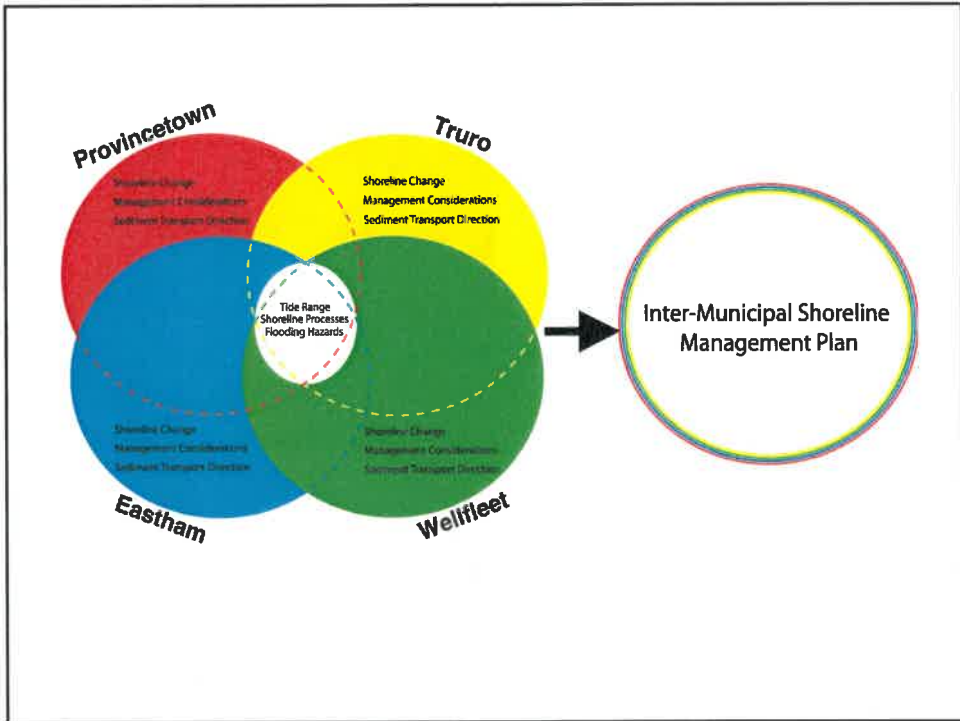
Total Project Cost: \$ 153,546
Match Amount: \$ 38,530 (25%)



Goal

To maximize the resiliency of the Cape Cod Bay shores of Provincetown, Truro, Wellfleet, and Eastham through the application of consistent, complementary shoreline management strategies





Multiple Phases

Phase 1

- **Analysis & Recommendations**
 - Compile, compare, & contrast database of shoreline resources and management approaches
 - Develop comprehensive management framework based on shoreline resources & processes rather than municipal boundaries
- **Memorandum of Agreement (MOA)**
 - Long-term approach
 - Four towns working as one coordinated planning area

Future Phases

- **Framework Development**
- **Implementation**

MOA by Eastham, Wellfleet, Truro, and Provincetown

Prepare & execute a four-town Memorandum of Agreement (MOA) to continue to pursue:

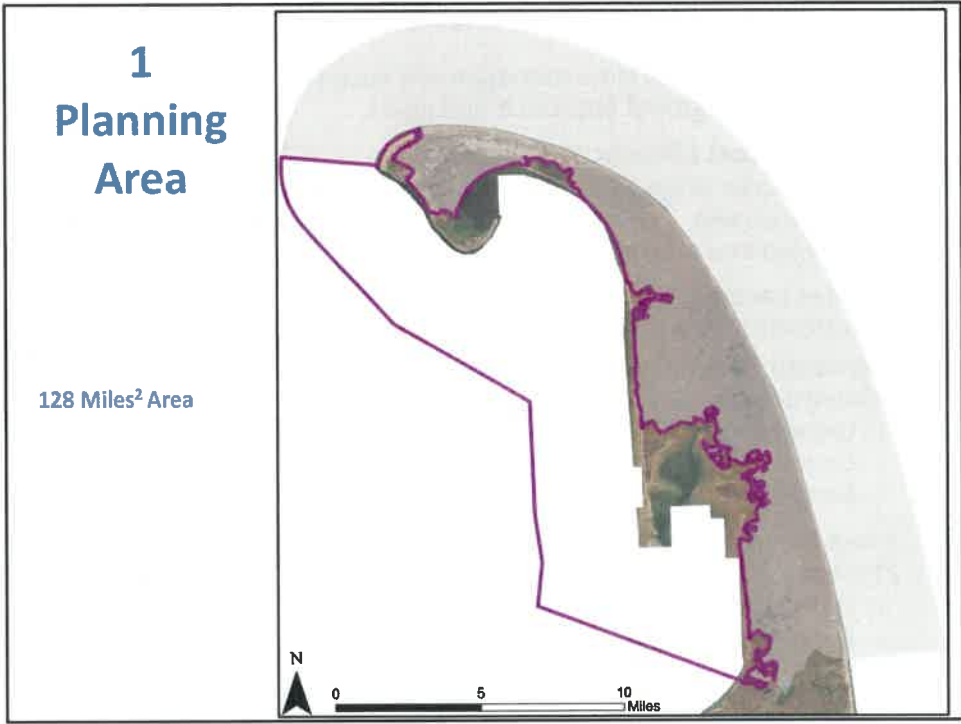
- An Inter-Municipal Shoreline Management Plan
- Common goal of improving long-term coastal resiliency of Cape Cod Bay shorelines

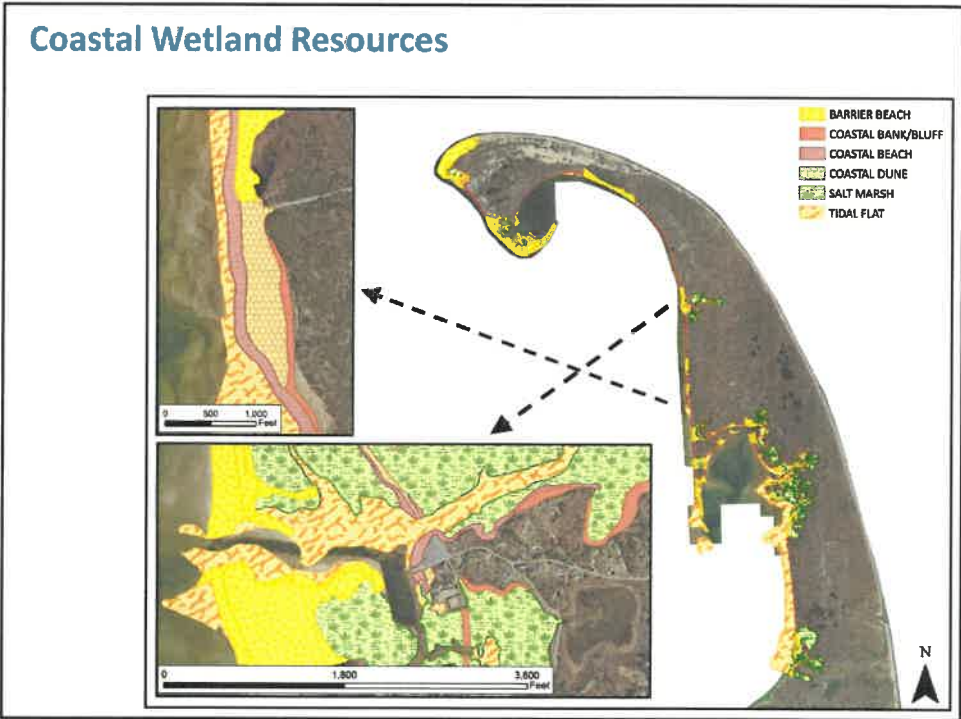
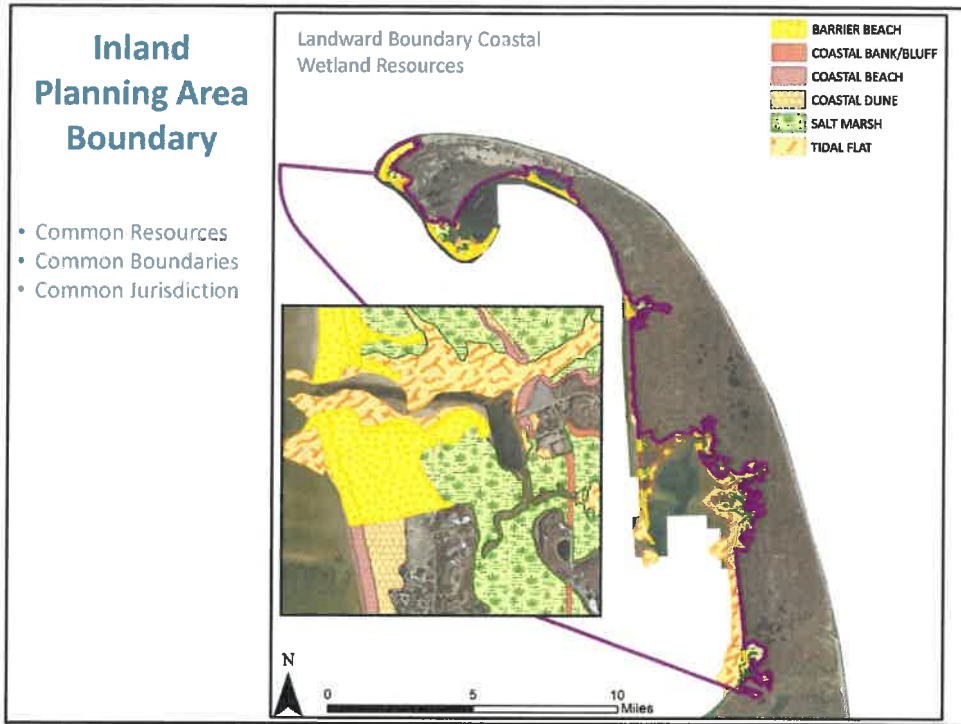


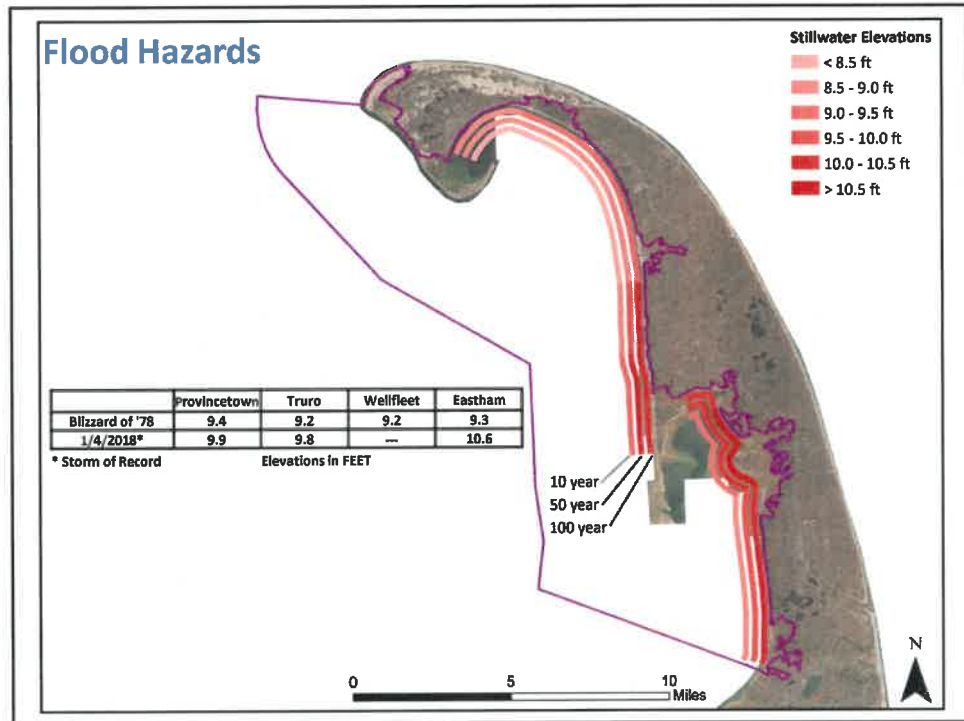
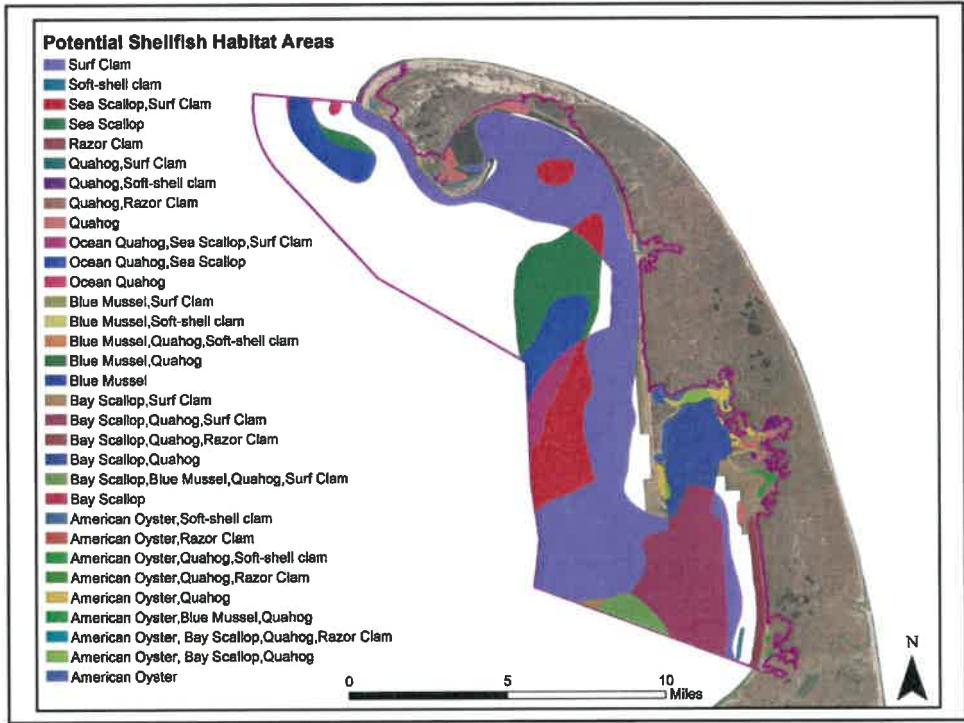
Benefits

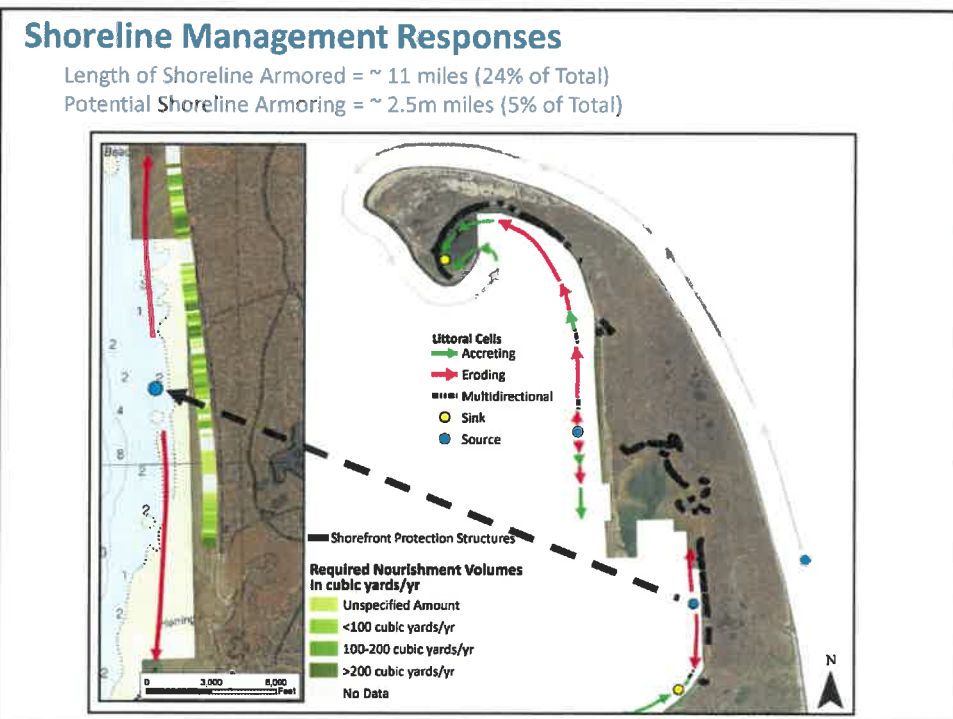
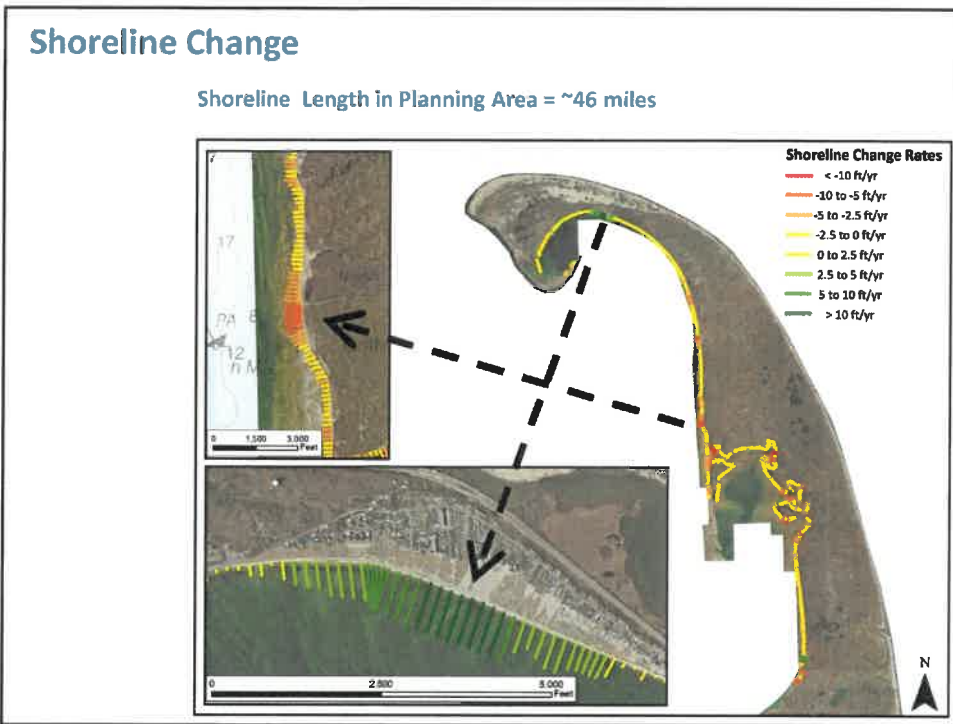
- More effective shoreline management results with unified regional approach and goals
- Improved Cost Efficiencies & Savings
 - Economies of Scale
 - Nourishment
 - Project Cost Sharing
- Greater Leveraging of Grant Opportunities w/ 4 Towns
- Increased Resiliency in Shoreline Infrastructure/Protection
 - Uniform performance standards
 - Common design requirements
 - Standardized Project Conditions
- More Effective Project Review Process
 - Uniform performance standards
 - Common design requirements
 - Standardized Project Conditions



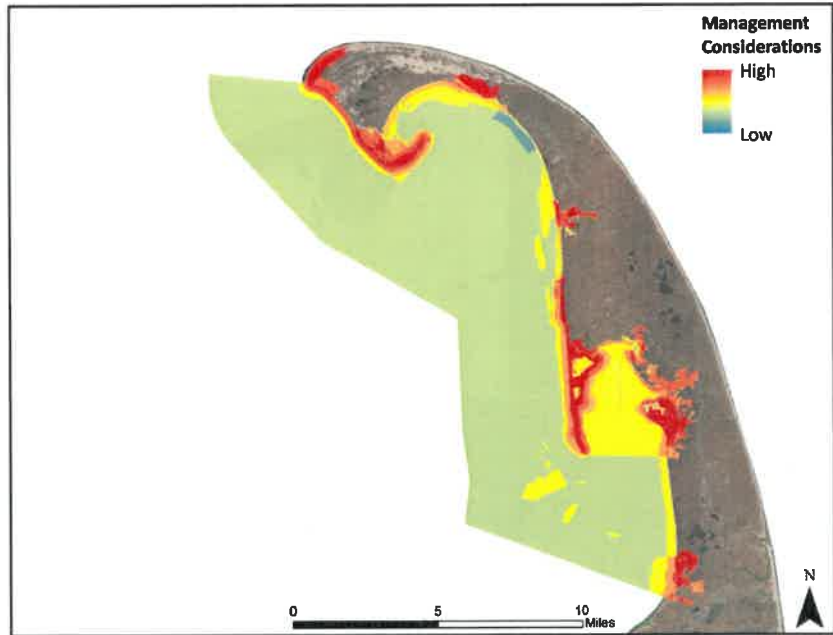








Current Shoreline Management Framework



Town Managers' play a key role in the success of this project

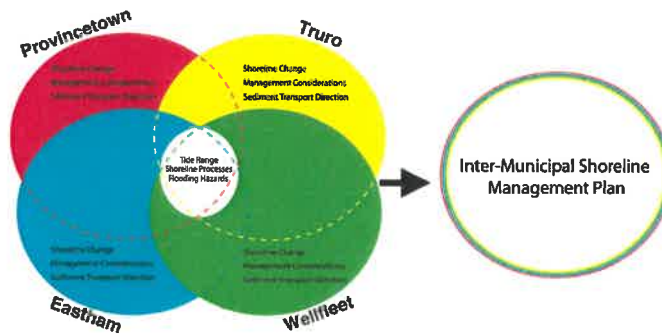
We hope Town Managers will be actively involved in this phase, particularly to:

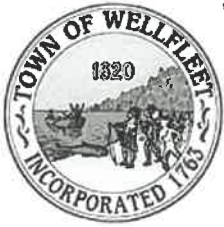
- Schedule initial 15 – 30 min. informational meeting w/ Select Boards
 - Update not PowerPoint
 - When is best?
 - Entire Select Board or Chair?
- Participate in periodic updates with town project team member
 - Provide feedback & guidance necessary to foster regional approach
- Facilitate Final Memorandum of Agreement Reviews and Approvals, including setting meeting dates and review timeframes for:
 - Selectboards
 - Town Counsels
 - Other Local Boards, Groups

Project Timeline

Tasks	Sep 19	Oct 19	Nov 19	Dec 19	Jan 20	Feb 20	Mar 20	Apr 20	May 20	Jun 20
Grant Award Notification: 07/17/19										
Task 1: Shoreline Resource Database										
Task 2: Regulatory Matrix										
Task 3: Identify Inter-municipal MOA Issues and Challenges										
Task 4: Listening Sessions										
Task 5: Inter-municipal Shoreline Mangement Database										
Task 6: Develop Inter-municipal Shoreline Management Framework										
Task 7: Preparation of Final Report										
Task 8: Memorandum of Agreement (MOA)										
Project Complete (June 30, 2020)										

Questions, Comments, Thoughts?





BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

VI

BUSINESS – B

REQUESTED BY:	Housing Authority
DESIRED ACTION:	Authorize Housing Authority to apply for a Housing Choice Designation in 2020
PROPOSED MOTION:	I move to authorize Housing Authority to apply for a Housing Choice Designation in 2020.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Housing Choice Initiative

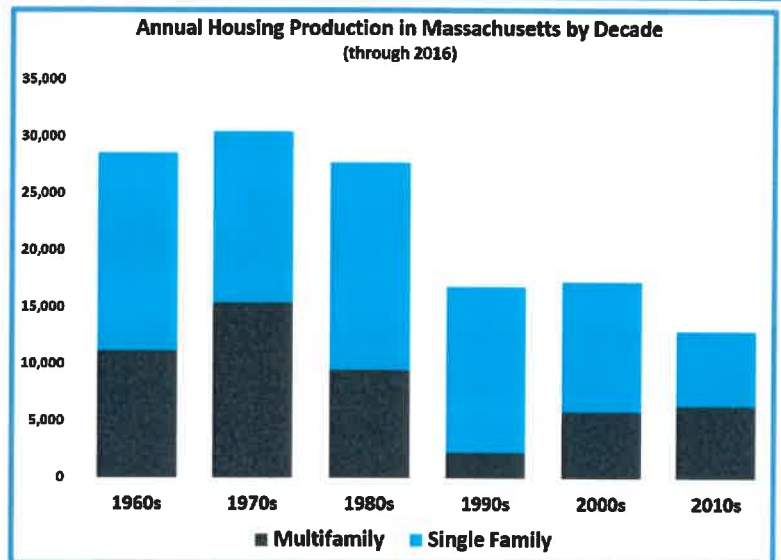
www.mass.gov/housingchoice

NEED FOR MORE HOUSING

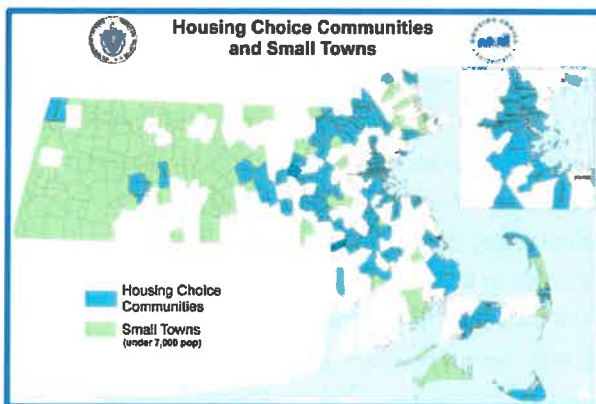
Massachusetts home prices have increased at the fastest rate in the nation, and metropolitan Boston rent prices rank among the highest in the country. **The Commonwealth must add to its housing stock to support a growing economy and provide new housing choices.**

But we can't do it alone: municipalities have control over local zoning and permitting, and they must be partners if the Commonwealth is to successfully overcome these housing challenges. Cities and towns are encouraged to adopt **best practices** and **zoning** that supports sustainable housing production.

The Housing Choice Initiative provides incentives, rewards, technical assistance and targeted legislative reform to encourage and empower municipalities to plan and build the diverse housing stock that the Commonwealth needs to continue to thrive.



HOUSING CHOICE DESIGNATION



A Housing Choice Designation rewards communities that are producing new housing and have adopted best practices to promote sustainable housing development. Housing Choice designation provides:

Exclusive access to Housing Choice Capital Grants, Housing Choice Communities received \$4 million in funding for capital projects in FY 19.

Bonus Points or other considerations for certain Commonwealth funding programs such as Clean Water Trust loans, MassWorks, Seaport Council Grants, Complete Streets, MassDOT capital projects, Energy and Environmental Affairs Planning, LAND and PARC grants.

SMALL TOWN CAPITAL GRANT PROGRAM

Recognizing that small towns face different challenges, the Housing Choice Initiative will set aside funding for a competitive capital grant program exclusively for towns with population under 7,000. **\$1 million** in capital grant monies were awarded to Small Towns for capital projects. Small Towns can also apply for Housing Choice Designation (in 2018, 5 Housing Choice Communities had populations under 7,000).



Housing Choice Initiative

www.mass.gov/housingchoice

NEW AND BETTER COORDINATED TECHNICAL ASSISTANCE

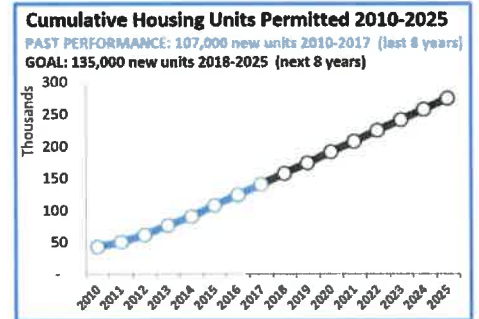
To assist municipalities to achieve Housing Choice status, DHCD’s Housing Choice Program Director coordinates existing technical assistance and provide “one-stop shopping” for information about **technical assistance grants** for local governments. In addition, MassHousing established the *Planning for Housing Production* grant program with **\$2 million** in planning assistance to help cities and towns take actions to implement affordable housing goals under Chapter 40B.



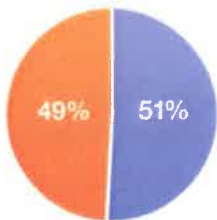
TRACK PROGRESS TOWARD THE HOUSING GOAL

The Housing Choice Initiative is tracking progress toward a goal of **135,000 new housing units statewide by 2025**, or about 17,000 new units per year.

- This goal requires sustaining the level of production over the last three years
- Represents a 26 percent increase in housing production compared to the last eight years
- Keeps pace with projected increases in housing demand
- Closely aligned with the housing production goals required for designation as a Housing Choice community



LEGISLATION – AN ACT TO PROMOTE HOUSING CHOICES



In December 2017, the Administration filed **An Act to Promote Housing Choices**, to facilitate housing production and adoption of zoning best practices. It eliminates barriers to building new housing and improving land use without mandating that cities and towns adopt any specific zoning practices. The Act changes state law **to reduce the required vote from 2/3 “supermajority” to a simple majority for certain zoning changes**. This change makes Massachusetts more consistent with current practice in most states. Zoning changes that promote best practices that would qualify for the simple majority threshold include:

- Building mixed-use, multi-family, and starter homes, and adopting 40R “Smart Growth” zoning in town centers and near transit
- Clustering new homes to permanently preserve open space and protect natural resources
- Reducing parking requirements and dimensional requirements such as minimum lot sizes
- Allowing for transfer of development rights (TDR) zoning and natural resource protection zoning
- Allowing for increased density through a Special Permit process, promoting more flexible development
- Allowing accessory dwelling units or “in-law” apartments



There are two ways to get Housing Choice Designation

#1 High Production

Greater than 5% housing growth OR 500 units over the last 5 years

Housing Choice Communities must have:

Applied for a Community Compact
and

No restrictions on new housing
and

**Adopted or commit to develop an
ADA Self Evaluation / Transition Plan**

#2 Production & Planning

Greater than 3% housing growth OR 300 units over the last 5 years AND
5 of 11 housing best practices (one Affordable)

- Priority scoring for Commonwealth Grant Programs
- Exclusive access to a capital grant program for Housing Choice Communities
- New and better coordinated technical assistance to maintain housing production
- Continue to support sustainable development in order to maintain designation and compete for Housing Choice Grants



Housing Choice Best Practices

For communities with 3% or 300 unit increases in the last 5 years, must also meet 5 of 11 best practices, one of which must be an Affordable Best Practice

*Affordable Best Practices marked with an **

1. * Designated local resources for housing such as established an Affordable Housing Trust, donated land, or spent substantial Community Preservation Act (CPA) funds for community housing over the last 5 years
2. Selected a housing best practice as part of a Community Compact
3. * Have units currently eligible for inclusion in the Subsidized Housing Inventory (SHI) that equal or exceed 10% of total year round housing stock according to the DHCD subsidized housing inventory
4. Have zoning that allows mixed use or cluster / Open Space Residential development by right (or can demonstrate a pattern of approving such developments over the last 5 years)
5. Have zoning that allows for accessory dwelling units by right (or can demonstrate a pattern of approving ADUs over the last 5 years)
6. *Have Inclusionary Zoning that provides for reasonable density increases so that housing is not unreasonable precluded
7. * Have an approved 40R Smart Growth or Starter Homes district
8. * Participate in the Housing Development Incentive Program, have adopted an Urban Center Housing Tax Increment Financing district, approved District Improvement Financing (DIF) related to housing, have adopted an Urban Renewal Plan that includes a significant Housing element, or have adopted property tax relief programs either as provided for by statute (MGL c. 59 section 5) or through a home rule petition.
9. Have at least one zoning district that allows multifamily by right with capacity to add units and that allows for family housing (does not restrict units with more than 2 bedrooms)
10. * Have a CERTIFIED Housing Production Plan which means that you have an DHCD approved Housing Production Plan and have subsequently seen an increase of 0.5% or 1% in your year round housing units (see <https://www.mass.gov/service-details/chapter-40-b-housing-production-plan> for more information)
11. Reduced parking requirement for Multi-Family units within the last 5 years, or require no more than 1 parking space per unit for multifamily units.



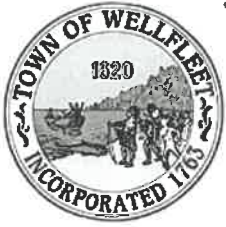
BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

VI

BUSINESS – C

REQUESTED BY:	Chair
DESIRED ACTION:	Discussion of beginning Town Administrator search
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

VI

BUSINESS – D

REQUESTED BY:	Moderator
DESIRED ACTION:	ATM Meeting Changes
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____

Courtney Butler

From: Dan Hoort
Sent: Thursday, November 21, 2019 12:18 PM
To: Dan Silverman
Cc: Janet Reinhart (personal); Courtney Butler; Mike Trovato
Subject: FW: ATM changes
Attachments: 2019 ATM post meeting comments.pdf

Dan,

I'm going to suggest to the Selectboard Chair that we have this on an agenda, perhaps in January, to determine what we might hope to accomplish for the April 2020 Annual Town meeting. Are you available either January 14th or 28th?

Update:

- **Childcare** – we are working with the Wellfleet Elementary School and expect to have child care available for the April 2020 annual town meeting.
- **Bylaw Change allowing a 6pm start** – The Selectboard will discuss at the upcoming meeting whether they would like to put forward a bylaw for this.
- **Change location of both screens to in front of audience** – I've reached out to our Media Operations Manager and IT to see if we can accomplish this.
- **Assistive-hearing devices for those with severe hearing loss** – I've reached out to our Media Operations Manager and asked her to look into this. I expect to have it for April.
- **Consent Articles** – I will work with you and the Selectboard to see what articles we can group under a consent agenda.

Dan

Daniel R. Hoort
Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
(508) 349-0300

MEMO

DT: May 8, 2019

TO: Selectboard

FR: Dan Silverman, Town Moderator

RE: Post-Town Meeting comments

CC: Dan Hoort, Town Administrator

Joe Power, Town Clerk, Assistant Town Administrator

With the recent Annual Town Meeting fresh in mind, I have some thoughts on what went well, and what could be better.

Wellfleet's Town Meeting continues to function well, and voters take their responsibility for self-government seriously. Our Town Meeting has maintained a tradition of respect and patience, ensuring that voters have a chance to make their views heard and to ask questions in an atmosphere of vigorous but courteous civil discourse.

What's working well:

1. The organization of the warrant by general subject matter is both sensible and practical and should continue.
2. The clear statements of the tax effect of financial proposals are very helpful information for voters and should be included in all financial articles. If possible, the same information, even if only an estimate, could be included for the omnibus and capital budgets.
3. The use of a consent calendar continues to be an effective way to deal with non-controversial articles. I recommend that these articles continue to be placed at the end of the Warrant, to be dealt with quickly when voters are tired and patience grows shorter. I recommend that the Board look for other opportunities to group routine articles together. Other normally non-controversial items which might be considered for inclusion in a consent calendar include Chapter 90 Road Repair appropriations, transfers into Stabilization Funds, OPEB appropriations, and Cable Receipts transfers.
4. The motions booklet has been a major improvement in the Meeting's procedures. With the actual motions being made available to every voter, there's no need to repeat the verbatim reading of the motions. With the approval of both town counsel and bond counsel, the mechanics of making the motions might be improved further. If counsel approves, motions can take the form of: *"I move that the Town... (take a specific action) ... as printed in the motions booklet"*. Especially for motions authorizing borrowing or dealing with Town property, this could speed things up considerably.

5. Limiting debate to about three minutes per speaker per occurrence appears to provide enough time for most speakers to make their points effectively. I plan to continue this practice without being overly strict in enforcing it.
6. Guidelines for slide presentations have helped keep these to a reasonable length. The Moderator's advance review is also with an eye to visibility and legibility and will continue.
7. The new sound system is working very well and is welcomed by all meeting participants.
8. I recommend that the Board continue to make every effort to forward the warrant articles to the relevant Boards and Committees and legal counsel as early as possible so as to get the required recommendations back from them in time to be printed with the Warrant. Boards or Committees that have an interest in an article should have a chance to see that the article is what they expect. There should not be any surprises to the interested parties when the printed Warrant comes out. The use of amendments to achieve an end result that could have been included in the Warrant can raise questions of scope and adds procedural complexity that should be avoided whenever possible.
9. I recommend that the Moderator continue to have the opportunity to see the Warrant in draft form before it goes to press and have the opportunity to make suggestions that might avoid procedural conflicts. The same early review regarding the motions has been useful and should continue.

What could be better:

1. Most important, as there does seem to be a strong desire to limit Town Meetings to one night, I recommend strongly that the Board adopt the practice of holding a regular fall Town Meeting and divide the Town's business into two meetings.
 - a. The spring Annual Town meeting would be primarily for all budgetary considerations and other financial proposals. This would be consistent with the Charter (Section 2-6-1).
 - b. The fall Town Meeting would be primarily for bylaw changes (zoning or general), charter amendments, disposition of Town land, and other general articles. A regularly scheduled meeting could be scheduled for the fourth Monday in October without ever conflicting with Columbus Day, Oysterfest, Halloween, or Jewish holidays. It would also space the two meetings exactly 6 months apart.

- c. Neither meeting would be restricted as to subject matter. If there were an urgent matter, either financial or otherwise, it could be taken up at either meeting. A regularly scheduled fall meeting would reduce the intensity of work necessary to prepare for the spring meeting, with staff able to focus on the budgets and other financial proposals.
 - d. This division of Town Meeting would make it much more likely that each session could conclude all business in one night and might lead to a greater participation by a variety of age-groups.
 - e. With voters knowing well in advance when a fall Town Meeting was scheduled, achieving a quorum would be less likely to be a problem than when meetings are scheduled irregularly.
 - f. While there would be some additional costs (though no more than those years when we do have a fall Meeting anyway), this would help keep the Warrants to a reasonable length, give the Town an opportunity to deal with some issues in a more timely manner, and make it more likely that all meetings could conclude in one night.
2. I recommend that the Town find a way to offer childcare during Town Meetings to encourage participation by younger voters. Some of our neighboring Towns do this, and it should be offered in Wellfleet as well. Partnering with the Elementary School, and/or the PTA, the Town could hire teenagers qualified to babysit and perhaps a non-voting parent or teacher from another town to supervise. If the school could make one of the classrooms or the cafeteria available for childcare during the meetings, perhaps more younger parents would be able and encouraged to participate in the meetings. As Moderator, I would be eager and willing to help with investigating and implementing such a plan.
3. I recommend a bylaw change allowing an earlier start to Town Meeting. Currently, Article 1, Section 1 of our bylaws requires a 7:00 PM start for Annual Town Meetings and a 7:00 or 7:30 PM start for Special Town Meetings. I suggest that the Town be asked to amend this bylaw to allow flexibility on the Selectboard's part to determine the start time. This would allow trying an earlier start, and if not successful, a return to a 7 PM start without another bylaw change. The bylaw could be revised to read as follows: "*Annual and Special Town meetings shall be opened at such time as determined by the Selectboard, but in no case earlier than 6:00 PM.*"

4. While the motions booklet has made the projection system less important for understanding the motions themselves, it's still less than ideal for those proponents who wish to use slides to present an article. I'm not sure what technology could be used to project better, but it's worth investigating. The placement of the screens is problematic. I recommend that we find a way to use two screens at the center front of each section of the seating. I think this could be accomplished without too-large an expenditure and would be a great benefit to the voters.
5. Now that we have a good working sound system, we should investigate acquiring assistive-hearing devices for those with severe hearing loss who may be avoiding Town Meeting because they're unable to follow the debate.

Town Elections:

While not specifically the purview of the Moderator, as Town Elections are closely related to and an extension of Town Meeting, I have some thoughts regarding these as well.

1. The hours that the polls are open for Town Elections should mirror those of state and federal elections. It makes no sense, and in fact may be confusing, that Town election hours are from noon to 7 PM when other elections have polling hours from 7 AM to 8 PM. The incremental cost of additional polling hours should not be a consideration when we're talking about enfranchising as many voters as possible.
2. Similarly, though perhaps not quite as important, Monday voting is also divergent from most (though not all) state and federal elections, which normally take place on Tuesdays. Should we consider moving our Town elections to Tuesdays which would be more consistent with other elections?
3. I know that our Town Clerk, has some thoughts on these matters. Though I've thought about these two scheduling inconsistencies for a while, I'd defer to his greater knowledge and expertise in elections as to whether they'd make a significant difference in turnout.
4. With regard to this year's ballot questions, Town Counsel should be questioned as to why their review of the ballot questions didn't identify the problematic language in Question 11.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

VI

BUSINESS – E

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Approval of signature to Declaration of Restrictive Covenants
PROPOSED MOTION:	I move to approve the signatures of the Selectboard to Declaration of Restrictive Covenants for 2619 State Highway, Rte. 6, Wellfleet.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



MORIARTY TROYER & MALLOY LLC
ATTORNEYS AT LAW

Douglas A. Troyer
Direct Dial: (781) 817-4605
dtroyer@lawmtm.com
Admitted in MA & ME

VIA FEDERAL EXPRESS

December 6, 2019

Daniel R. Hoort
Wellfleet Town Administrator
300 Main Street
Wellfleet, MA 02667

Re: Cumberland Farms, Inc. and Town of Wellfleet
Declaration of Covenants – 2619 State Highway, Rte. 6, Wellfleet

Dear Mr. Hoort:

Enclosed please find one original of the Declaration of Restrictive Covenants in the above matter, as executed by Cumberland Farms, Inc. We direct the original to you as requested by Katharine Klein of KP Law, counsel for the Town in this matter.

Please arrange for the execution of the original by the current members of the Board of Selectmen. Once execution is complete, please send us a copy by email and then return the original to us, preferably by overnight mail. We will then arrange to have the original submitted for filing with the Barnstable Registry District of the Land Court.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Thank you for your attention to this matter.

Sincerely,

MORIARTY TROYER & MALLOY LLC

Douglas A. Troyer

Enclosure

cc: Katharine Klein (via email only kklein@k-plaw.com)
Brian Glennon (via email only bglennon@cumberlandfarms.com)

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants made as of this ____ day of December, 2019 by Cumberland Farms, Inc., a Delaware corporation, having a usual address of 165 Flanders Road, Westborough, Massachusetts 01581.

WHEREAS, the undersigned, Cumberland Farms, Inc. (“Declarant”), is the owner of a certain parcel of land with the building and improvements thereon, now known as and numbered 2619 State Highway, Route 6, Wellfleet, Massachusetts (“Wave Property”) which Wave Property is more particularly described in Exhibit A attached hereto and made a part hereof, said property having been conveyed to Declarant by deed of Well Fleet Main Realty LLC, dated August 3, 2018, and filed with the Barnstable Registry District of the Land Court on August 16, 2018 as Document No. 1,352,534, and noted on Certificate No. 217041;

WHEREAS, prior to obtaining title to the Wave Property, Declarant obtained a License, pursuant to G.L. c. 148, § 13, from the Wellfleet Board of Selectmen (“Board of Selectmen”) pertaining to property of the Declarant now known as and numbered 2586 State Highway, Route 6, Wellfleet, Massachusetts, which License bears an effective date of May 22, 2018, and sets forth certain restrictions, conditions and requirements, including, without limitation, that Declarant record a permanent restriction on the Wave Property which prohibits its use in perpetuity for the keeping of hazardous materials of any kind and which prohibits the installation of any tanks or facilities for the storage of such materials, including but not limited to tanks requiring licensing pursuant to G.L. c. 148, § 13; and

WHEREAS, the Declarant desires in and by this Declaration to provide for compliance with such conditions of the License, as required by and for the benefit of the Town of Wellfleet (“Town”), in consideration of the issuance of such License.

NOW, THEREFORE, the Declarant hereby covenants and declares as follows:

1. Restrictions. The Wave Property is subject to the following permanent and perpetual restrictions:
 - (a) Use of the Wave Property for the keeping of hazardous materials of any kind is prohibited; and
 - (b) Use of the Wave Property for the installation of any tanks or facilities for the storage of hazardous materials, including but not limited to tanks requiring licensing pursuant to G.L. c. 148, §13, is prohibited.

2. Term. The foregoing restrictions shall run with and be deemed as a binding servitude upon said Wave Property, and shall bind the Declarant, and its successors and assigns in and to the Wave Property, in perpetuity or the longest time permitted by law, which, at a minimum, shall be ninety-nine (99) years from the recording of this Declaration. Declarant covenants and agrees that the restrictions declared herein shall also be considered an “other restriction held by a governmental body,” as that term is used in G.L. c. 184, §26, and thus not subject to the limitations on the enforceability of restrictions in G.L. c. 184, §§26-30, and, to the extent deemed subject to said statute, said restrictions may, during said term of years, be renewed for successive twenty (20) year periods by the filing of a notice of the continued enforceability of said restrictions prior to thirty (30) years from the recording of this Declaration, and thereafter by filing a notice of continuation prior to the end of each such twenty (20) year renewal period, as allowed by law pursuant to G.L. c. 184, §§ 26-30. Declarant hereby appoints the Town, acting by its Board of Selectmen, as Declarant’s agent to execute and record such notices of the continued enforceability of said restrictions and agrees that the Declarant shall execute and record such a notice upon request by said Board of Selectmen.

3. Severability. The invalidity of any provision of this Declaration shall not be deemed to impair or affect in any manner the validity, enforceability, or effect of the remainder of this Declaration.

4. Enforcement. The Town shall have a reasonable right of access to the Wave Property for the purpose of confirming compliance with the restrictions in paragraph 1 of this Declaration, if the Town has reason to believe the property is not in compliance therewith. The Town shall give prior written notice to the then-owner of record of the Wave Property no less than two (2) business days in advance of exercising such access, except in the event of an emergency, in which case if notice cannot be given prior to exercising such access, notice shall be given as soon after such entry as practicable. The Town shall have the right to enforce this Declaration by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations. Prior to commencing any such legal proceedings, including any proceedings for injunctive or other equitable relief, the Town shall give the party(ies) against which the Town intends to commence such proceedings written notice of the alleged violations of this Declaration for which such proceedings are to be commenced. If the Town prevails in any such proceedings, the Declarant agrees that the Town shall be entitled to recover its reasonable costs and expenses incurred in such proceedings, including reasonable attorney’s fees. The Declarant shall only be responsible for a violation of the covenants contained herein that accrues during such time as the Declarant is the owner of record of the Wave Property according to the records of said Registry District.

5. Provisions to Run With the Land. The rights, liabilities, agreements and obligations herein set forth shall run with the Wave Property, as applicable thereto, and any portion thereof and shall inure to the benefit of and be binding upon the successors and assigns of the Declarant.

6. Incorporation into Deeds, Mortgages, Leases and Instruments of Transfer. The provisions of this Declaration shall be deemed to be incorporated by reference into all deeds transferring, and all mortgages and leases encumbering, the Wave Property, or any portion thereof, whether or not stated therein.

7. Recordation. Declarant shall record this Declaration with the Barnstable Registry District of the Land Court and further agrees to provide the Wellfleet Board of Selectmen with a copy of the recorded Declaration.

8. Amendment. This Declaration may be amended only upon the written acknowledgment of such amendment executed by the Declarant, its successors and assigns, and a majority of the members of the Wellfleet Board of Selectmen.

9. No Waiver. Any forbearance with respect to any violation of the restrictions and covenants contained herein, or failure to enforce said restrictions and covenants, for however long such forbearance or failure to enforce shall continue, shall not preclude enforcement at a later time with respect to the same violation or a subsequent violation. Any election by the Town as to the manner and timing of its right to enforce these restrictions or covenants or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

10. Governing Law. The restrictions and covenants contained herein shall be governed by the laws of the Commonwealth of Massachusetts.

11. Certificate of Compliance. Upon request by the Declarant, including in connection with any conveyance or grant of mortgage or other security interest in the Wave Property, the Town shall promptly execute and deliver to the Declarant a duly executed certificate, in form suitable for filing with the Registry District, certifying compliance by the Declarant with this Declaration and any obligation hereunder or identifying any non-compliance with this Declaration (including, as to any sum then due and unpaid, the amount thereof) as of the date of issuance of such certificate.

[Signature Page Follows]

CUMBERLAND FARMS, INC.

By: _____

Name: Howard S. Rosenstein

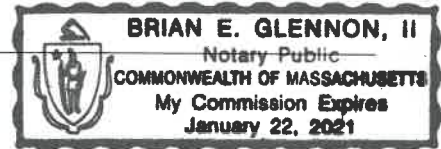
Title: Treasurer, SVP, and CFO

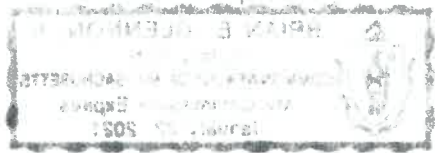
COMMONWEALTH OF MASSACHUSETTS

Worcester County, ss.

On this third day of December, 2019, before me, the undersigned notary public, personally appeared Howard S. Rosenstein, proved to me through satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose, as Treasurer, Senior Vice President, and Chief Financial Officer of Cumberland Farms, Inc.

Notary Public
My Commission Expires: _____





CUMBERLAND FARMS, INC.

By:

Name: Thomas R. Cacciola

Title: Vice President

COMMONWEALTH OF MASSACHUSETTS

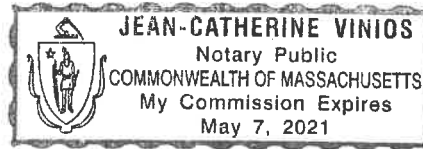
Worcester County, ss.

On this second day of December, 2019, before me, the undersigned notary public, personally appeared Thomas R. Cacciola, proved to me through satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose, as Vice President of Cumberland Farms, Inc.

[Handwritten signature]

Notary Public

My Commission Expires: May 7, 2021



TOWN OF WELLFLEET, ACTING BY
AND THROUGH ITS SELECTBOARD

Janet Reinhart, Chairman

Kathleen Bacon, Vice Chairman

Michael DeVasto, Clerk

Helen Miranda Wilson, Member

Justina Carlson, Member

COMMONWEALTH OF MASSACHUSETTS

Barnstable County, ss.

On this ___ day of _____, 2019, before me, the undersigned notary public, personally appeared Janet Reinhart, proved to me through satisfactory evidence of identification, being (check whichever applies): ___ driver's license or other state or federal governmental document bearing a photographic image, ___ oath or affirmation of a credible witness known to me who knows the above signatory, or ___ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by her voluntarily for its stated purpose.

Notary Public
My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS

Barnstable County, ss.

On this ___ day of _____, 2019, before me, the undersigned notary public, personally appeared Kathleen Bacon, proved to me through satisfactory evidence of identification, being (check whichever applies): ___ driver’s license or other state or federal governmental document bearing a photographic image, ___ oath or affirmation of a credible witness known to me who knows the above signatory, or ___ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by her voluntarily for its stated purpose.

Notary Public
My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

Barnstable County, ss.

On this ___ day of _____, 2019, before me, the undersigned notary public, personally appeared Michael DeVasto, proved to me through satisfactory evidence of identification, being (check whichever applies): ___ driver’s license or other state or federal governmental document bearing a photographic image, ___ oath or affirmation of a credible witness known to me who knows the above signatory, or ___ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose.

Notary Public
My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

Barnstable County, ss.

On this ___ day of _____, 2019, before me, the undersigned notary public, personally appeared Helen Miranda Wilson, proved to me through satisfactory evidence of identification, being (check whichever applies): ___ driver's license or other state or federal governmental document bearing a photographic image, ___ oath or affirmation of a credible witness known to me who knows the above signatory, or ___ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by her voluntarily for its stated purpose.

Notary Public
My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

Barnstable County, ss.

On this ___ day of _____, 2019, before me, the undersigned notary public, personally appeared Justina Carlson, proved to me through satisfactory evidence of identification, being (check whichever applies): ___ driver's license or other state or federal governmental document bearing a photographic image, ___ oath or affirmation of a credible witness known to me who knows the above signatory, or ___ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by her voluntarily for its stated purpose.

Notary Public
My Commission Expires: _____

Exhibit A

Legal Description of Wave Property

The land with building and improvements located on the following described real estate located in Wellfleet, Barnstable County, Massachusetts, bounded and described as follows:

NORTHEASTERLY by the southwesterly line of a State Highway, one hundred eighty-six and 04/100 (186.04) feet;

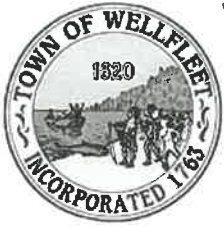
SOUTHERLY by land now or formerly of Carolyn M. Richardson et al, one hundred thirty and 24/100 (130.24) feet;

SOUTHWESTERLY by land now or formerly of Lynne P. Townsend et al, ninety-one and 17/100 (91.17) feet; and

NORTHWESTERLY by land now or formerly of Herbert T. AND WESTERLY Pierce et ux, one hundred sixty-five and 60/100 (165.60) feet.

All of said boundaries are determined by the Court to be located as shown on Plan 26437-A dated February 1956, drawn by John R. Dyer, Civil Engineer, as modified and approved by the (Land) Court, and filed in the Land Registration Office at Boston, a copy of a portion of which is filed in Barnstable County Registry of Deeds in Land Registration Book 161, Page 28, with Certificate of Title No. 21408.

Said land is subject to an easement as set forth in a grant made by Gould Oil Inc. to the Cape & Vineyard Electric Company and the New England Telephone & Telegraph Company, dated June 13, 1955, recorded in Book 911, Page 134 and shown on said plan.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

VII

SELECTBOARD REPORTS

Reported by:	Topic:



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

VIII

TOWN ADMINISTRATOR'S REPORT

To: Board of Selectmen
From: Dan Hoort, Town Administrator
Subject: Town Administrator's Report
Date: January 24, 2020

This report is for the period January 11, 2020 through January 24, 2020.

1. General

- none.

2. Fiscal Matters

- FY 2021 FinCom budget reviews in progress

3. Meetings

- January 14 - Finance Dept. meeting
- January 14 – Selectboard meeting
- January 15 – Finance Committee meeting
- January 16 - Meeting to discuss phone system upgrade
- January 16 – Herring River Executive Council meeting
- January 22 – Finance Dept. Meeting
- January 22 – Dredging Task Force meeting
- January 23 – Meeting with legislative leaders in Boston
- January 24 & 25 – MMA Conference in Boston

4. Complaints.

- none

5. Personnel Matters:

- Begin process for Town Administrator search



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

X

CORRESPONDENCE AND VACANCY REPORTS

Friday, January 10, 2020 to Wednesday, January 22, 2020

Letters (emails):

1/10	Courtney Butler	1/14 Meeting Packet
1/10	Dan Hoort	FW: Housing Choice FY 2020 Grant announcement Press release
1/14	Courtney Butler	Policies on Board/Committee Appointments
1/14	Courtney Butler	December 2019 Monthly Reports
1/14	Dan Hoort	Disposition of Town owned property
1/14	Courtney Butler	1/28 Agenda Items - DUE 1/21
1/14	Dan Hoort	Appointment of Town Clerk
1/14	Meghan Boudreau	Cape Cod Commission Update
1/14	Wellfleet Chamber	Upcoming After Hours to benefit Mass Appeal
1/14	Andrea Aldana	January 16th: Zoning for Housing to Protect Open Space
1/15	Nancy Civetta	Shellfishing in Wellfleet talk by Barbara Brennessel this Sunday, 2 p.m. at the Library
1/15	Dan Hoort	TA Report of 1/14 Selectboard meeting
1/15	Jude Ahern	November 6, 2019 Charter Review Committee Meeting – YouTube
1/15	Jude Ahern	Mass Appeal Still Looking for New Home - The Provincetown Independent
1/16	Dan Hoort	FW: Cumberland Farms - Declaration of Restrictive Covenants
1/16	Purvi Patel (ENV)	NOTICE OF MEPA CONSULTATION SESSION EEA#16144 Town of Wellfleet Proposed Shellfish Propagation Sites – WELLFLEET
1/17	Courtney Butler	Warrants to Sign
1/21	Helen Miranda Wilson	I can drive now.... signing warrants
1/22	Jude Ahern	Town logo
1/22	Jude Ahern	Nancy Civetta and John Pappalardo

Applications:

1/8	Stephen Greenburg	COA Advisory Board
1/15	Leon Shreves	Conservation Commission
1/15	Michael Fisher	Disclosure of Appearance of Conflict of Interest

Federal State Local:

1/15	Cape Cod Commission	DLTA Grant
1/17	Coastal Engineering	Expanded Environmental Notification Form – Proposed Shellfish Propagation Sites

Date: January 22, 2020
To: Board of Selectmen
From: Jeanne Maclauchlan
Re: Vacancies on Town Boards



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

X

Building and Needs Assessment Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Bylaw Committee (3 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Moderator	3 years

Requesting Appointment: No applications on file

Cable Advisory Committee (5 members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	1 year

Requesting Appointment: No applications on file

Commission on Disabilities (up to 7 Members)

Vacant Positions	Appointing Authority	Length of Term
5 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Conservation Commission (7 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: **One application on file**

Council on Aging (11 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: **One application on file**

Cultural Council (no more than 15 Members)

Vacant Positions	Appointing Authority	Length of Term
3 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Finance Committee (9 members, 2 alternate)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Town Moderator	3 years
2 Alternate Positions		3 years

Requesting Appointment: No applications on file

Human Rights Commission (1 Representative)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Marina Advisory Committee (7 Members, 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	2 years

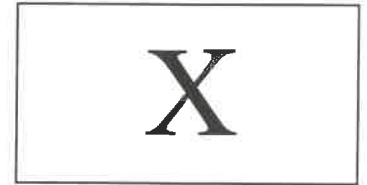
Requesting Appointment: No applications on file

Natural Resources Advisory Board (At least 3 Members)

Vacant Positions	Appointing Authority	Length of Term
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BOARD OF SELECTMEN



AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

1 Position Board of Selectmen 3 years
Requesting Appointment: No applications on file

Personnel Board (4 members + TA + FinCom Rep)

Vacant Positions Appointing Authority Length of Term
1 Position Board of Selectmen 3 years
Requesting Appointment: No applications on file

Recycling Committee (7 members)

Vacant Positions Appointing Authority Length of Term
1 Alternate Position Board of Selectmen 1 year to complete term
Requesting Appointment: No applications on file

Shellfish Advisory Board (7 members + 2 Alternates)

Vacant Positions Appointing Authority Length of Term
2 Alternate Positions Board of Selectmen 3 years
Requesting Appointment: **One application on file**

Zoning Board of Appeals (5 members + 4 Alternates)

Vacant Positions Appointing Authority Length of Term
1 Alternate Position Board of Selectmen 3 years
Requesting Appointment: No applications on file



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

XI

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of meeting minutes
PROPOSED MOTION:	I move to approve the minutes of January 7, 2020 as amended. I move to approve the minutes of January 14, 2020 as amended.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

DRAFT

**Wellfleet Selectboard Meeting
Tuesday, January 7, 2020 at 6pm
Wellfleet Senior Center**

Selectboard Members Present: Chair Janet Reinhart; Kathleen Bacon; Helen Miranda Wilson; Michael DeVasto

Regrets: Justina Carlson

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Acting Police Chief Hurley; Fire Chief Pauley; Direct of Public Works Mark Vincent; Assistant Director of Public Works Jay Norton; Harbormaster Michael Flanagan; Assistant Harbormaster Will Sullivan; Shellfish Constable Nancy Civetta

Chair Reinhart called the meeting to order at 6:00 p.m.

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.

- Hoort read a portion of an e-mail from a Wellfleet resident thanking the Town of Wellfleet for the 3-year-old preschool voucher program and noted the positive effect it had on her twin 3 year-old sons.
- Bacon announced that she will not run for re-election in May 2020. She said it has been an honor and privilege to serve the Town and residents in this capacity and wished the best to her successor. The Board thanked Bacon for her service.
- DeVasto announced that the 95 Lawrence Road Community Forum went well on Monday, January 6, and he is looking forward to a great project. He thanked Bacon for her efforts on the project.
- Audience member Walter Baron announced that there will be a Dredging Task Force meeting on January 8 at 3PM at Town Hall.
- Wilson: Attended the Shellfish Advisory Board meeting which had a good discussion on dredging.
- Audience member Chris Easley, Wellfleet's representative on the Nauset Regional School Committee gave an update on the Nauset High School construction project. Information can be found at nausetschools.org.

PUBLIC HEARING

Marina Fee Schedule

Flanagan presented the change in fees at the Marina. He said there are currently 2 seasons; in-season (May 15-October 15) and off-season (October 16-May14). Flanagan is proposing a third season, winter, noting the damage done to the marina and docks during the winter months. He said that the rate for off-season recreational dockage is currently \$22/night or \$131/week. Flanagan's suggested fees were as follows:

- Recreational/Mooring Holder Off-Season Dockage (September 1-October 15): \$200;
- Commercial Off-Season (April 1-May 14 and October 16-November 31), vessels over 25ft: \$250;

DRAFT

- Commercial Off-Season (April 1-May 14 and October 16-November 31), vessels under 25ft: \$150;
- Commercial Winter dockage (December 1-March 31), vessels over 25ft: \$1500; and
- Commercial Winter dockage (December 1-March 31), vessels under 25ft: \$750.

Wilson thanked Flanagan for his memo and asked if the difference between larger and smaller boats was simply that they take up more space than the other; Flanagan said yes but they are also heavier which can cause more damage if they get stuck in the ice. Wilson asked what future projects were being planned at the marina as noted in Flanagan's memo, and if Flanagan felt that these increases would support that work to be done by his department. Flanagan said he thought it would help, yes.

Bacon asked if these proposed changes had been vetted by the Marina Advisory Committee (MAC); Bacon said the MAC approved Flanagan's suggested changes. Bacon asked how the Town's fees compared to Provincetown and Chatham; Flanagan said the Town's fees are much lower.

DeVasto asked to clarify that the proposed increase would charge an 800% increase for a 25-foot vessel, noting that currently there is 1 season, off-season, and a cost of \$250. He said he would not support such a high increase, of almost \$2000, on the commercial fishing industry. Flanagan noted it would only be a \$1200 increase, saying the \$250 fee is only paid one time; this additional season causes a longer season and the total fee to the owner would be \$1500 for the year. There was further discussion about the amount of the proposed fees.

Bacon asked Flanagan the last time there was a fee increase; Flanagan could not recall. Bacon said point made.

Wilson noted that it is currently hard to get in and out of the Harbor and asked if recreational dockage was down; Flanagan said transient dockage was down. Wilson said she would like to see the fee for commercial users be a tiny bit lower. She concurred with DeVasto that it was a big increase for users. Flanagan said a reason for proposing these fees is that the Marina has become a winter storage area, noting that vessels are being put in the storage area for the winter and not paying any fees.

Audience member Dave Ziemba, a fisherman, said that in Provincetown, the commercial vessel fee is \$61 year-round, whereas Wellfleet is \$40/foot. He noted the new fee schedule would create \$15,000 in revenue. Ziemba noted that the Harbormasters do a great job, but they need help; he noted that the burden should not be placed on the fisherman trying to make a living by docking at the Harbor. He suggested charging for parking at the Marina during the summer.

Bacon, speaking to Ziemba, noted it was a labor to take a boat out of the Harbor. She said she was looking at the issue from a liability standpoint, not a revenue standpoint.

Audience member Mike Ziemba, also a fisherman, said they typically remove their boats when winter weather comes. He asked Flanagan if this would then cause the fisherman to use the L Pier and said it would damage that pier.

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DeVasto asked if it was possible to levy a fee on people who store their boats in the Harbor but do not use them. He said he did not want to charge a fee for those who are responsible and take their vessels out of the water when the ice comes. Flanagan said they have to play it by ear in terms of watching for the ice to come in.

Audience member Nathan Davis, a non-resident tax payer, said he has a vessel in the Harbor. He noted that in Chatham he pays \$294 for a year-round mooring plus a \$1400 parking pass; Falmouth, \$250 for off-season; Orleans, \$110 for year-round. He is currently waiting for a year-round slip in Wellfleet. He asked that the waiting list be moved ahead.

Reinhart said the Harbor is very difficult and the Town is limited in many ways. She said she trusts and supports Flanagan and if he feels the fees need to be made, she supports him in that decision. Wilson said she believed it was generally not a good idea to increase fees at a large increment right away. She said the fees should be increased; she agreed with DeVasto as well; and suggested increasing the fee for commercial vessels over 25ft to only \$750, not the \$1500 suggested. Bacon asked Flanagan if he would be willing to accept that recommendation; Flanagan said yes. Wilson noted that the issue is getting the boats out of the water, and she would be okay with having the smaller boats stay at \$750; DeVasto suggested \$750 and \$500 for vessels under 25ft.

- Wilson moved to approve the 2020 Marina Fee Schedule as presented by the Harbormaster, amended to have the winter dockage fee for commercial vessels over 25 feet be \$750 from December 1- March 31 and the winter dockage fee for commercial vessels under 25 feet from December 1- March 31 be \$500.
- DeVasto seconded, and the motion carried 3-1, with Reinhart opposed.

REVIEW OF FY 2021 PROPOSED BUDGETS:

Shellfish Department

Civetta presented the Shellfish Department's FY20201 budget. She noted that the Department had flown under the radar before she took the helm and she is made adjustments to get the Department to where it needs to be.

Wilson asked if there were anything different in Civetta's budget from the budget the Board received from Hoort. Civetta said the only change is that at the 2019 Annual Town Meeting a Revolving Fund for propagation was created and in FY20, the Department is authorized to use \$5,000. She noted that starting July 1, 75% of shellfish receipts will go into the revolving fund for propagation, as approved at Town Meeting, and the remaining 25% will go into the general fund. Civetta said that Hoort is working to get the Revolving Fund set up as it was intended to be used, by level-funding \$40,000 from the Propagation-180 budget.

Civetta said a consultant will probably need to be hired to finish the cultching in the Harbor; funds will be withdrawn from the Revolving Fund for this. Wilson noted the permit process and told Civetta she hoped she didn't have to reinvent the wheel with a consultant. Civetta said she is working with the Health Agent on this matter. Wilson asked how much would go into the General Fund this year; Civetta said that in total the Department makes about \$100,000 and so \$25,000 would go into the General Fund and \$75,000 into the Revolving Fund.

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DeVasto asked about the budget for aquaculture supplies for cultching. Civetta noted that more racks were needed, which is a costly expense. There was further discussion.

Civetta noted the additional \$1000 for contract services for GPS is a one-time thing.

Wilson asked when the Center for Coastal Studies would conduct the study about the Harbor bottom; Civetta said it was finished in November, but the Department does not have the tools to remove anything from the bottom if necessary.

- Reinhart moved to approve the FY 2021 budget for the Shellfish Department in the amount of \$264,384 as recommended by the Town Administrator.
- Bacon seconded, and the motion carried 4-0.

- Reinhart moved to approve the FY 2021 budget for the Shellfish Department, Conservation and Prorogation, in the amount of \$6,000 as recommended by the Town Administrator.
- Bacon seconded, and the motion carried 4-0.

Fire Department

Chief Pauley presented the Fire Department's FY2021 budget. He noted that the primary difference in his proposed budget and the Town Administrator's is concerning overtime: Pauley suggests a total budget of \$367,499 to include overtime and Hoort suggests \$325,000. Pauley noted staffing needs, citing that due to retirements and other circumstances, he will need to hire 5 full-time employees over the next 2 ½ years to fill the gaps.

Reinhart asked Pauley if he and other Chiefs had ever discussed sharing resources, including staff. Pauley said he is in favor of regionalization in the Outer Cape but does not see the political willpower by the residents nor does he see it happening in his career.

Wilson noted the Town has mutual aid. She commented that the Fire and Police departments both have a lot of staff, but that 2 departments that deal with environment and health, Conservation and Shellfish, have almost no employees. Wilson asked the Fire and Police Chiefs to run their departments like "Swiss watches". She noted she was not saying the departments should have that many staff, but that she scratches her head at the staffing numbers.

Bacon said that the reality is that the Fire Department does not have enough staff; she asked Pauley if he was hopeful that it ever would. Pauley said yes, that getting 5 more people hired over the next 2 ½ years, will help. There was further discussion.

DeVasto clarified the total staff and asked if the 5 positions were in addition to this number. Pauley said there are currently 15 full-time staff members and 12 Firefighter Paramedic/EMTs. There is a breakdown of groups in the budget narrative on Public Safety page 11, which can be found in full on the Town's website on the Selectboard's page. DeVasto noted that the 5 additional will amount for a total of 20 full-time response staff members. There was further discussion of staffing. Pauley noted that on-call staff is essentially non-existent.

Wilson said that at no point will overtime cost nearly as much as salaries for full-time staff. She said she was always in favor of overtime. Pauley said Wilson made a good point about overtime

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and the cost of doing business, but that this summer was the first time he had to put a policy in place to enforce employees to stay at work for overtime due to the lack of staffing. He said he did not like having to enforce this policy but that it was necessary.

- Bacon moved to recommend the FY 2021 budget for the Fire Department in the amount of \$1,808,013 as recommended by the Fire Chief.
- DeVasto seconded, and the motion carried 5-0.

Police Department

Chief Hurley presented the Police Department's FY2021 budget. Chief Hurley addressed staffing issue in his department, similar to Chief Pauley's. He noted that, in his time with Wellfleet, the Department has been fully staffed for maybe one year. Chief Hurley cited retirement and other staff turn-overs. He noted that over the holidays he had to run 1-officer shifts, about 100 shifts per year, which raises cause for concern.

Chief Hurley noted the departure of the Animal Control Officer as well as other matters related to animal control. He noted that Eastham is willing to work with a shared position between the two towns, sharing the cost. Chief Hurley discussed training for staff in areas of marijuana and mental health.

Chief Hurley said he is continually searching for grants to provide funding for the Department.

- Reinhart moved to approve the FY 2021 budget for the Police Department in the amount of \$1,605,028 as recommended by the Town Administrator and the Chief.
- Wilson seconded, and the motion carried 5-0.

- Bacon moved to approve the FY 2021 budget for the Police Department, Communications/Dispatch, in the amount of \$406,667 as recommended by the Town Administrator and the Chief.
- DeVasto seconded, and the motion carried 4-0.

Department of Public Works

Vincent and Administrative Assistant Jean Leidenfrost presented the Department of Public Work's (DPW) FY2021 budget. Vincent said the demands on the DPW have increased over the last 5 years, but he tries to keep everything even-keeled. Vincent began with the 417-Facilities budget, which is used to maintain all year-round Town buildings, beaches, and recreation facilities. He noted the conversion of Town buildings to propane from fuel oil. DeVasto asked about contracted services, jumping from \$95,000 to \$148,574. Vincent said this was a one-time cost for the boilers at the Fire Department.

Wilson clarified that the Marina was paying for the fuel tank at the Marina; Flanagan said yes. Wilson also asked what had been spent from the snow budget last year; Hoort said that could be looked up. Vincent said in 2019 \$107,783 was spent and \$128,180 in 2018.

420-Operations is the general budget to pay for items such as to maintain vehicles and equipment, maintain the cemetery, gasoline, etc. 422-Highways is used for general road and infrastructure maintenance.

DRAFT

423-Snow Removal is the budget for snow removal operations. Wilson asked..... DeVasto asked if salt was always used to treat the roads; Vincent said the mixture is always 3-1 sand to salt. There was discussion about the method of treatments on roads.

424-Street Lights: there are 344 lights in Town that were changed to LED lights a few years ago, cutting the budget in half. Wilson asked Vincent to have the DPW look at areas where street lights may not be needed, citing she had the one on her road removed and the distraction they can provide to drivers.

433-Transfer Station is the budget for such and the solid waste disposal system. Vincent said there was a \$93/ton increase in disposal to SEMASS. Reinhart and DeVasto discussed Amnesty Day operations.

Bacon sited the increase in disposal fees to SEMASS; Vincent noted that when he started his career in Town, Wellfleet was taking 4,000 tons to SEMASS, and last year it took 851 tons. He commended the Town and citizens on their efforts to get to this much lower level.

- Bacon moved to recommend the FY 2021 budget for the Department of Public Works in the amount of \$ S2,161,830 as recommended by the Town Administrator and Director of DPW.
- DeVasto seconded, and the motion carried 4-0.

Other Departments as may be requested by the Selectboard members

The Board did not request to speak with any other departments at this time.

REVIEW OF ALL TOWN FEES

Wilson asked that Department Heads submit any recommendations or suggestions, or if they would like the fees to stay the same. Butler said she would seek their opinions and have the review of town fees posted as a public hearing for a future meeting.

In regard to fees for the Transfer Station, DeVasto asked about the difference in prices between the 1st, 2nd, and 3rd vehicle stickers for the transfer station. Vincent said these are determined by the Board of Health and was devised to prevent multi-use from 1 household.

Wilson asked about Building Fees regarding pools, saying she would like the fees to be much higher to give people pause prior to constructing one.

Bacon suggested an increase for the Use of Town Property fees.

CORRESPONDENCE REPORT

No comments.

MINUTES

December 10, 2019 – Regular Meeting

Wilson provided amendments to Butler and the Board.

- Wilson moved to approve the minutes of December 10, 2019 as amended.

DRAFT

- Bacon seconded, and the motion carried 4-0.

ADJOURNMENT

- Wilson moved to adjourn
- Bacon seconded, and the meeting adjourned at 8:03 pm.

Respectfully submitted,
Courtney Butler,
Secretary

Public Records Material as of 1/2/2020

1. Public Hearing Papers for the Marina Fee Schedule including a memo from the Harbormaster;
2. Proposed 2020 Marina Fee Schedule
3. Shellfish Department Budget and Narrative;
4. Fire Department Budget and Narrative;
5. Police Department Budget and Narrative;
6. Department of Public Works Budget and Narrative;
7. Municipal fee lists: Use of Town Property, Licensing, Building, Conservation, Board of Health, and Transfer Station;
8. Correspondence Report;
9. Draft minutes for December 10th meeting.

DRAFT

**Wellfleet Selectboard Meeting
Tuesday, January 14, 2020 at 6pm
Wellfleet Senior Center**

Selectboard Members Present: Chair Janet Reinhart; Kathleen Bacon; Helen Miranda Wilson; Michael DeVasto

Regrets: Justina Carlson

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Acting Police Chief Hurley; Shellfish Constable Nancy Civetta

Chair Reinhart called the meeting to order at 6:00 p.m.

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.

- Wilson announced that on Thursday, January 16 at 3PM there will be a Herring River Executive Council meeting at the COA
- Bacon said “hello, Wellfleet” with great joy. She will be greeting the audience and viewers at the start of each meeting until her last meeting.
- Audience member Kate Clemens announced that the Commission on Disabilities is seeking new members and there is more information available on the Town website.

PUBLIC HEARINGS

Review and approve new 7.3. Annual License Fee (wording change)

Civetta presented the proposed wording change in the regulations. The change would require that grant fees be due on the same day that the grant reports are due, by February 28th. There were no comments from the audience and Civetta said she heard no qualms from the shellfishermen.

- Wilson moved to amend Section 7.3 of the Wellfleet Shellfishing Policy and Regulations, by adding the sentence “Annual fees are due each year by February 28, when annual grant reports are due.” as recommended by the Shellfish Constable.
- Bacon seconded, and the motion carried 5-0.

COMMITTEE UPDATE – ENERGY AND CLIMATE ACTION COMMITTEE

Members Dick Elkin, David Mead-Fox, Carol Magenau and Suzanne Ryan presented the update. Elkin reminded the audience and the Board that last summer the Committee changed its name from the Energy Committee to the Energy and Climate Action Committee (ECAC). The charge was also changed to include climate mitigation and climate action activities.

Mead-Fox provided an update on the Outer Cape Energize, which was mitigation activities of residents on the Outer Cape including Wellfleet. He said the focus of this program was on carbon replacement technologies and energy technologies and efficiencies. He thanked Town Administrators, Energy Committees, and Selectboards of the participating towns. Mead-Fox said that there was an increase in energy audits by Cape Light Compact on the Outer Cape, which translates into \$200,000 in energy conservation measures. As for solar, he said there have been 134 systems installed to date. Reinhart asked if any funds toward programs would be coming from the State; Mead-Fox said not specifically for solar.

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Elkin discussed the landfill and the solar arrays there which are waiting to be connected to the grid. There are 2358 panels installed, producing 40% of what the Town uses for its annual production. The remaining 60% will be sold to Nauset Regional Schools to offset their electric bills. Elkin noted the various revenues coming in from this array to the Town. He discussed the process to be able to pay Town electricity bills via the array. Bacon asked which buildings would be getting their power from the solar arrays; Elkin said it goes from the array to the net, not directly to any buildings. The payments are in the form of credits which are sent to the Town's electric company. Bacon asked if the Town could add onto this in the future; Elkin said he was hopeful for more arrays to be installed in Town including a solar canopy at White Crest Beach. Wilson asked if there was a way to keep track of usage by individual buildings; Elkin said yes by way of meter reading. DeVasto asked if it was financially advantageous to own the solar array and contract it out; Elkin said this would be less advantageous stating that the current 3rd party lease qualifies for a substantial tax deduction. Elkin said that at the end of the lease, in 7 years, the Town could opt to own the arrays.

Magenau, speaking on behalf of member Robert Shapiro who could not be in attendance, described Shapiro's efforts in collecting data for the Global Covenant of Mayors. The Global Covenant requires compilation of data for a baseline greenhouse gas emissions inventory and a vulnerability assessment. Magenau said the Town has now earned badges indicating the completion of these two milestones. Magenau noted issues in gathering data at the county level such as oil usage.

Ryan discussed on the ECAC's activities in grant-seeking. She said in 2019, the group applied for a grant to hire a consultant to evaluate vulnerabilities in low-lying areas that are prone to flooding. Ryan said the ECAC unsuccessfully applied through the Barnstable County License Plate Grant program, but they did contact the Cape Cod Commission who will be applying for a grant for this, that will include other Cape towns, in the Spring. Ryan said the ECAC will seek grants in 2020 for 3 projects: thermal window treatments at the Elementary School, the COA, and Town Hall; a consultant to evaluate building codes and zoning bylaws for vulnerable areas; and a separate vulnerability study for at-risk populations and buildings in low-lying areas. Ryan said all of these grants require matching funds and asked that those funds, \$50,000, be requested at Town Meeting; Hoort noted this request.

Wilson noted the science research available regarding the benefits of mature trees as well as the difference of white asphalt versus black asphalt. She also told the group to have a sense of what they already know, prior to hiring a consultant. Elkin said the ECAC's plan with the consultant was to help prepare for implementation, as they already know of ideas they have in mind. Elkin noted there is a model plan in the works by the Cape Cod Commission to create zoning bylaws that Ryan mentioned. He discussed the future actions of the ECAC which include the Green Communities Act, the electric vehicle bylaw, 350.org which would attempt to get the Town to net-zero by 2030, working on a piece for inclusion in the Local Comprehensive Plan, and helping with the 95 Lawrence Road project. Carlson thanked the group for their dedication and expertise.

APPOINTMENT OF POLICE OFFICER – MATTHEW MCGUE

Chief Hurley introduced Matthew McGue to the Board and audience. McGue will be filling the vacancy of a veteran officer. Chief Hurley noted that he was impressed with McGue.

Wilson told McGue she appreciated his experience at Mass General Hospital. She asked if the Full Time Police Academy was a pass/fail situation; Chief Hurley said yes. Chief Hurley noted that

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McGue, and another officer in the Academy, will both not be available to work until their completion of the Academy in the Fall.

Bacon asked McGue if he had secured housing yet; McGue said he has connections in the area and is already started his search. Carlson thanked him for his interest in serving the community.

- Bacon moved to appoint Matthew McGue as a Full Time Police Officer from February 17, 2020 through February 16, 2021 as requested by the Police Chief.
- Wilson seconded, and the motion carried 5-0.

CPC NEEDS HEARING/HEARING APPLICATIONS

Mary Rogers and Gary Sorkin, of the Community Preservation Committee (CPC), presented the hearing. Sorkin noted this hearing is done annually, as per their charge, to guarantee funds. Rogers noted the needs list, which was compiled years ago is reviewed annually, the list is available online.

Rogers began with Community Housing Needs and said that #12 under Community Housing Needs on the needs list is new as it pertains to 95 Lawrence Road. #11 is for the Housing Specialist, which has been funded part-time and the group is looking for a full-time specialist. Under Open Space, #10 is in regard to total protection of the wetlands and looks at coastal resiliency. Rogers said that nothing changed from 2018 for the Historic Preservation, but a summer intern worked on a lot of the items listed. Rogers said that under Recreation, a few items were completed that are no longer on the list. She noted that there are items listed that are not within the CPC realm but are certainly needs of the groups represented.

Wilson said that the construction of pools should be discouraged and suggested more use of the facilities at Willy's in Eastham. She noted that big pools put a dent in the environment in many ways and said she was dismayed to see this suggestion on the list, under Recreation #4. Rogers said that CPA funds do not cover indoor construction, so it may have been suggested to build an outdoor pool to meet that need and get funding to do so. Reinhart said this would not be discussed tonight.

Bacon said that, under Community Housing Needs, #6: "Work with the Board of Selectmen to gain use of Town owned land within the National Seashore for creation of affordable housing near the Wellfleet Senior Center," should be taken off the list. She said this discussion had been ongoing for as long as she could remember and that it was not realistic to keep it going. Rogers and Sorkin said it is a difficult task, but it is not insolvable. Under Recreation, Bacon said she would not be in support of constructing a dog park after hearing so many nightmare stories from the one in Provincetown. Rogers noted there has never been an application for such a project, it has only come up as a suggestion.

Carlson said a community center would be a great thing. She said it would be important for the youth of the Town to have something to do. Reinhart asked Hoort to confer with Eastham and Truro to see about possibly buying Willy's Gym should it come up for sale.

Sorkin noted that there are 4 areas in which the CPC can provide grants to: Housing, Open Space, Recreation, and Historic Preservation. He said there is a representative for each group from the CPC and that the needs brought forward tonight are the needs of those areas, who each have a representative on the Committee.

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Sorkin said that as of this month, the CPC will run out of Community Preservation Act (CPA) funds, and current funds will not be made available until July 1. Sorkin provided an overview of the applications which includes the Rental Assistance and Housing Buy Down Programs, the Cape Housing Institute, the Cemetery, and Museum Restoration. Sorkin noted that Wellfleet is the most rent-burdened town on the Cape. Wilson said she would prefer to see funds go toward rental assistance and the buy-down program. In regard to funding cemetery restoration projects, she said that the dead are worthy, but they are dead.

Sorkin said 6 buy-down grants have been given in Town. He said the average price for the homes is slightly more than \$200,000, and the median home in Wellfleet is \$500,000. Sorkin said this was the 4th year that the CPC has given funds to the Community Development Partnership to fund the Cape Housing Institute which is open to anyone. Going back to cemeteries, Sorkin said that there is a need to restore headstones and continue cemetery maintenance. Reinhart suggested that people go online and find a grave to work to keep maintained. Carlson said she was in favor of the effort to improve the cemeteries. Wilson said she could not weigh the difference of using CPA funds to fix cemeteries and helping someone buy-down a house.

Sorkin continued the discussion with museum restoration noting that nearly \$850,000 has been given to this project to date.

LICENSES

Extension of Seasonal Liquor License – Fox and Crow Café

Trudy Vermehren presented her request for an extension of a Seasonal Liquor License. Vermehren noted that she is awaiting approval from the State for an Annual Liquor License, so her request for the extension is until that Annual License is approved. DeVasto said he was happy there was another place open in Town; the Board concurred.

- Bacon moved to approve the extension of the Seasonal Liquor License for the Fox and Crow Café until the application for an Annual License is approved by the State.
- Carlson seconded, and the motion carried 5-0.

Common Victualler

There were no comments.

- Wilson moved to approve the renewal of Common Victualler Licenses for Boathouse Fish Market, Bocce Italian Grill, Box Lunch, Catch of the Day, Ceraldi, C Shore, Cumberland Farms, Even'Tide Motel and Cottages, Harbor Stage Company, Hatch's Fish Market, Mac's Seafood Market, Mac's Shack, Mac's Seafood Takeout, Maurice's Campground, PB Boulangerie Bistro, Pearl Restaurant, Seaberry Surf Gift Shop, Van Rensselaer's, Wellfleet Beachcomber, Wellfleet Harbor Actor's Theater, Wellfleet Marketplace, Wellfleet Motel & Lodge, and Winslow's Tavern.
- DeVasto seconded, and the motion carried 5-0.

Weekly Entertainment

There were no comments. Reinhart asked that each business be given a copy of the Town's Noise Bylaw.

- Wilson moved to approve the renewal of Weekly Entertainment Licenses for Bocce Italian Grill, C Shore, Harbor Stage Company, PB Boulangerie Bistro, Pearl Restaurant, Van

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Rensselaer's, Wellfleet Beachcomber, Wellfleet Harbor Actor's Theater, and Winslow's Tavern.

- Carlson seconded, and the motion carried 5-0.

Class II

There were no comments.

- Wilson moved to approve the renewal of Class II Licenses for L&R Auto and Wellfleet Service Center.
- Bacon seconded, and the motion carried 5-0.

Automatic Amusement

There were no comments.

- Wilson moved to renew the Automatic Amusement Licenses for Southfleet Motor Inn.
- Bacon seconded, and the motion carried 5-0.

Sunday Entertainment

There were no comments. Reinhart asked that each business be given a copy of the Town's Noise Bylaw.

- Wilson moved to renew the Sunday Entertainment Licenses for the Bookstore & Restaurant, Harbor Stage Company, PB Boulangerie Bistro, Wellfleet Beachcomber, Wellfleet Drive In and Flea Market, Wellfleet Harbor Actor's Theater, Wellfleet Preservation Hall, and The Wicked Oyster.
- Bacon seconded, and the motion carried 5-0.

BOARD/COMMITTEE APPOINTMENTS

Appointment of Trudy Vermehren to Conservation Commission.

The Conservation Commission (ConsCom) is requesting Vermehren's appointment due to a lack of quorum and the wish to not table perspective hearings. Wilson noted that Vermehren was the Chair of the ConsCom for a period of time. The Board thanked Vermehren for her service.

- Bacon moved to appoint Trudy Vermehren to the Conservation Commission for a 2-month period as per the Health Agent's recommendation.
- DeVasto seconded, and the motion carried 5-0.

Approval of leave of absence from the Planning Board – Beth Singer

Wilson said that Ms. Singer has missed 4 consecutive meetings over a period of 30 days. So, Singer is automatically taken off of the Planning Board. She asked Singer to apply for a waiver to then be re-appointed to the Planning Board.

- No action taken.

Appointment to Planning Board and Energy and Climate Action Committee – David Mead-Fox

There was no discussion.

- Bacon moved to appoint David Mead Fox to the Planning Board to continue his term ending June 30, 2021.
- Bacon moved to appoint David Mead Fox to the Energy and Climate Action Committee to continue his term ending June 30, 2021.
- Wilson seconded, and both motions carried 5-0.

Reappointment to Cape Light Compact (alternate) – David Mead-Fox

Mead-Fox noted that he was asked to reapply as his term ended in 2018.

- DeVasto moved to reappoint David Mead Fox as the Wellfleet Representative Alternate for a 1-year term.
- Wilson seconded, and the motion carried 5-0.

Mead-Fox thanked everyone who provided support and caring while he was in Boston undergoing open-heart surgery in October. He said the surgery was success, but he could not have gotten through it without his wife, Merrill. He said they are so happy to be home and have much gratitude for many things including being part of the Wellfleet community. The audience and Board applauded.

Approval of Disclosure of Financial Conflict of Interest – Richard Elkin, Cape Cod Commission Representative

Wilson noted that in the past, Elkin has donated to the Friends of the Herring River and that his being the Town Representative to the Commission will involve work on the Herring River and there is an appearance of conflict of interest. Elkin listed the donations he has made in the past. Wilson said that since those donations have been made already, he is not in conflict as the money is no longer his. She suggested to Elkin to no longer make financial donations to anything he could possibly act on with the Commission.

Bacon agreed with Wilson, saying that he is serving a higher calling and also asked him to no longer donate to causes he would be acting on.

Elkin said he does not care particularly one way or the other about the Herring River, but that a lot of housing issues will come up and he would not want to preclude making any donations to those causes.

Carlson said she was reading this as an appearance of conflict of interest and asked that KP Law look at the form; Wilson and other Board members noted that the Attorney General's office is the law agency who make the decision. Elkin said he spoke with that office who helped him file the form.

Wilson said Elkin's work on this is a huge donation and asked him to preclude himself from anything the Commission may act on. DeVasto disagreed with Wilson, saying that as long as an appearance of conflict interest is disclosed then it is Elkin's choice as to whether or not to preclude himself. He said the decision is up to Elkin and attorneys.

- Bacon moved that the Board has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the town may expect from Richard Elkin, Wellfleet Representative to the Cape Cod Commission. The disclosure is dated December 31, 2019.
- DeVasto seconded, and the motion carried 5-0.

BUSINESS

Disposition of Town-owned Land – Map 30, Parcel 14 [Clemens-Nowack & Nowack]

Wilson noted that this request is to purchase Town-owned land by a private property owner and asked who would be purchasing the property. Jim Nowack, the requester, noted that he and his wife Kate Clemens-Nowack would be purchasing the property.

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Bacon said she was thrilled to see this request and hoped it moved through so that 2 young professionals can find a home in Wellfleet.

- Bacon moved to refer the request for disposition of Town-owned land, Map 30, Parcel 14, to appropriate committees, boards, departments, and other potentially interested parties.
- Wilson seconded, and the motion carried 5-0.

Disposition of Town-owned Land – Map 20, Parcels 11, 12, 16 [Open Space Committee]

Wilson noted that 2 of the 3 parcels are Town landings and are very much under the eyes of the ConsCom. She said that the ConsCom has utter jurisdiction under anything in its resource. Wilson said that the Board should not be given to the ConsCom because they would come under the requirement under conservation/open space; she said there might be issues with access for shellfishing given that they may be protected. Wilson did not want ConsCom restrictions to arise.

Bacon asked Wilson if she was not wishing to refer the request; Wilson said yes. Bacon said she would like to refer it and would like to hear the opinions of other boards and committees.

Hoort noted that the Policy states the Board *shall* refer the request to all appropriate committees, boards, departments, and other potentially interested parties, within 14 days of receiving the request.

- Bacon moved to refer the request for disposition of Town-owned land, Map 20, Parcels 11, 12, and 16, to appropriate committees, boards, departments, and other potentially interested parties.
- Wilson seconded, and the motion carried 5-0.

Disposition of Town-owned Land – Map 35-1, Parcels 201, 209, 210 [Open Space Committee]

DeVasto said he thought the Board should just refer it because they have no choice. He said this raised the question of what if the entire Board voted no. Reinhart said this is procedure. Wilson said it was supposed to pass across the Board's table and the humility of being on the Board is a good thing for all of the members. She said that this particular lots are already protected by ConsCom, but these requests are coming from the Open Space Committee. Wilson said this area gets a lot of use from people who shellfish.

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

Disposition of Town-owned Land – Map 14, Parcel 119 [Housing Authority]

- Bacon moved to refer the request for disposition of Town-owned land, Map 14, Parcel 119, to appropriate committees, boards, departments, and other potentially interested parties.

Wilson said this came before the Board last year and that they vetted it. She said she was cross about that because last year the Board said that this land would be affected by climate change. Reinhart said she was dismayed. Carlson agreed with DeVasto's earlier point; Reinhart said the Board is simply referring the request, not making any opinions on it – that will come at a later point.

- Carlson seconded, and the motion carried 3-0-2, with DeVasto and Wilson abstaining.

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Approval of signature to Declaration of Restrictive Covenants

This request is for the parcel at 2619 State Highway, Rte. 6, aka Cumberland Farms. Hoort noted that this is the agreement that restricts another gas station being rebuilt at the old Wave gas station.

Wilson said this would travel with the deed for all time. Wilson asked who drafted this; Hoort noted that it was in conjunction with Kate Klein from KP Law and the attorney for Cumberland Farms.

Wilson discussed an issue she had with the use of the word “may” in Section 2: Term, which says that the term shall be for 99 years, and “.... said restrictions may, during said term of years be renewed for successive twenty (20) year periods by the filing of a notice of the continued Declaration....” Wilson asked if the use of the set of words above, that the Selectboard does not have to refresh the agreement every 20 years. She asked if this covenant was absolutely binding, even for future Selectboards. There was further discussion.

Hoort said he did not know why the sentence “may be renewed for 20-year periods” was used, because it is a 99-year agreement.

Bacon asked Wilson if she would like the word “may” stricken; Wilson said no, that she would like clarification. Bacon said the wording is probably pretty generic and that she did not have a problem with this issue. Wilson said the “may” is good because it does not require the Selectboard to do it, but that she guessed the Cumberland Farms attorney put it in the agreement. She asked for clarification.

Hoort said he was reading the agreement as, in terms of Mass General Law, that if it was limited to 20-years then the Selectboard would be required to renew it for the same period of time. He said he would ask Counsel for clarification.

Carlson agreed with Wilson. Wilson asked that the entire document read as Selectboard, not Board of Selectmen.

- No action taken.

SELECTBOARD REPORTS

- Bacon: attended the 95 Lawrence Task Force meeting on January, where Lots of very good comments were generated.
- Wilson: attended a Shellfish Advisory Board meeting where the Herring River Restoration Project was discussed. The meeting was recorded.
- Wilson: attended a Wastewater Meeting which was very informative and is available online for those who were unable to attend.
- Carlson: also attended the Wastewater meeting.

TOWN ADMINISTRATOR’S REPORT

This report is for the period December 7, 2019 through January 10, 2020.

1. General
 - Three public records requests fulfilled. A fourth is in progress.
2. Fiscal Matters
 - FY 2021 Budget delivered to Selectboard and Finance Committee
3. Meetings

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- December 9 – Meeting with Eastham PD and TA regarding sharing services
 - December 10 – Staff budget meeting
 - December 10 – Selectboard meeting
 - December 11 – Staff budget meeting
 - December 11 – Meeting with worker’s compensation insurance representatives
 - December 11 – Webinar for Housing Choice Grant
 - December 12 – WEA bargaining negotiations
 - December 12 – Finance Dept. meeting
 - December 12 – Holiday Staff Appreciation Party
 - December 13 & 16 – Vacation days to visit family in Michigan
 - December 18 – Meeting with solid waste disposal firm
 - December 23 & 24 – Vacation days
 - January 7 – Finance Dept. meeting
 - January 7 – Selectboard meeting on budgets
 - January 8 – Dredging Task Force meeting
 - January 9 – Meeting on Wastewater
 - January 10 – Meeting to discuss phone system upgrade
4. Complaints.
- none
5. Personnel Matters:
- none

TOPICS FOR FUTURE DISCUSSION

- Wilson and Bacon: decision on the old Shellfish Shack
- Wilson: decision on the old COA building
- Wilson: discuss 3 Kendrick Avenue in Executive Session
- Bacon: adoption of local alcohol beverage licensing regulations similar to Chatham’s regulations which are very easy to follow.
- Reinhart: Moderator’s suggestions for Town Meeting

CORRESPONDENCE AND VACANCY REPORTS

No comments.

ADJOURNMENT

- Bacon moved to adjourn
- Wilson seconded, and the meeting adjourned at 8:00pm.

Respectfully submitted,

Courtney Butler
Secretary

Public Records Material as of 1/10/2020

1. Public Hearing Papers for the Change in Shellfish Regulations 7.3;
2. Email from Nancy Civetta to Dan Hoort, Courtney Butler, and Jeanne Maclauchlan regarding the change in Shellfish Regulations 7.3;

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3. Appointment papers for Special Police Officer Matthew McGue;
4. CPC Needs Hearing and Needs Assessment papers;
5. Request for extension of Seasonal Liquor License from Trudy Vermehren;
6. List of licenses for renewal from Principal Clerk;
7. Email from Dan Hoort to the Selectboard regarding appointment of Trudy Vermehren to the Conservation Commission;
8. Letter from Planning Board requesting approval of leave of absence for Beth Singer;
9. Letter and appointment papers for David Mead-Fox to the Cape Light Compact;
10. Email regarding and the papers of Disclosure of Financial Interest from Richard Elkin dated 12/31/2019;
11. Selectboard Policy on Disposition of Town-owned;
12. Letter from Kate Clemens-Nowack and Jim Nowack regarding the Disposition of Town-owned land and papers for such – Map 30, Parcel 14;
13. Letter from Open Space Committee regarding the Disposition of Town-owned land and papers for such – Map 20, Parcels 11, 12, 16;
14. Letter from Open Space Committee regarding the Disposition of Town-owned land and papers for such – Map 35-1, Parcels 201, 209, 210;
15. Letter from Housing Authority regarding the Disposition of Town-owned land and papers for such – Map 14, Parcel 119;
16. Letter from Moriarty, Trover & Malloy LLC regarding the signature to Declaration of Covenants for the property located at 2619 State Highway, Rte.;
17. Town Administrator's Report;
18. Correspondence and Vacancy Reports;



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: January 28, 2020

XII

ADJOURNMENT

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

