



Wellfleet Selectboard

Note: Start Time of 6pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, March 22, 2022, at 6:00 p.m. This meeting will be held via Zoom Video Conference** in accordance with the temporary suspension and enhancement of the Open Meeting Law requirements by the General Court of the Commonwealth of Massachusetts. Instructions for a Zoom video conference meeting which also allows phone dial-in are given below:

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

7. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.
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I. ***Announcements, Open Session and Public Comments***

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

II. ***Consent Agenda***

- A. Use of Town Property United Methodist Church
- B. Appointment of David Blackman to the Wellfleet Cultural Council
- C. Appointment of Moira Meehan to the Wellfleet Cultural Council
- D. Appointment of Judith Cumbler to the COA Advisory Board
- E. Licenses
 - **Common Victualer:**
Bagel Hound, Blue Willow Fine Foods, Endless Coast, Wellfleet Drive In-Flea Market
 - **Weekday Entertainment:**
Wellfleet Drive In-Flea Market
 - **Seasonal Liquor Licenses:**
Bob's Sub n Cone, Ceraldi, Chequessett Yacht & Country Club Boathouse, Chequessett Yacht & Country Club, Flying Fish Café, Harbor Stage Company, Lobster & Chowder House, Mac's Shack, Maurice's Campground, Pearl Restaurant, Trailside Dining, VR's, Wellfleet Beachcomber, Wellfleet Flea Market, Wellfleet Marketplace, Wellfleet Motel & Lodge, Winslow's Tavern, Wellfleet Wine & Spirits

III. ***Native Beach Rights Declaration***

IV. ***Public Hearings***

- A. Native Beach Rights ~ Suzanne Thomas
- B. Continuation of Grant License #792 ARC

V. ***Budgets***

- A. School Budgets

VI. ***Use of Town Property***

- A. National MS Society
- B. NE Endurance Events
- C. Swim For Life

VII. ***Licenses***

- A. Surrender of annual liquor license # 00057-RS-1348, JB's Pizza Bar and Grill.

VIII. ***Business***

- A. 2022 Annual Town Election Warrant
- B. Process for Aquaculture License Forfeiture

IX. ***Selectboard Reports***

X. ***Topics for Future Discussion***

XI. *New Business*

- A. Topics not reasonably anticipated by the Chair more than 48 hours before the meeting.

XII. *Correspondence and Vacancy Reports*

XIII. *Minutes*

- A. March 8, 2022
- B. March 15, 2022
- C. March 17, 2022

XIV. *Adjournment*



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

I

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS

REQUESTED BY:	Wellfleet Selectboard
DESIRED ACTION:	Announcements to the board and public
PROPOSED MOTION: SUMMARY:	<u>NOTE:</u> Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

II

CONSENT AGENDA

REQUESTED BY:	Various entities
DESIRED ACTION:	The following items require approval without objection
PROPOSED MOTION: SUMMARY:	<p>A. I move to grant the use of Newcomb Hollow parking lot to United Methodist Church for a fee of \$110</p> <p>B. I move to appoint David Blackman to the Wellfleet Cultural Council with a term ending 6/30/2024 to be sworn in by the Town Clerk before acting as a member of the committee and shall comply with the Town Charter, and all state and local requirements</p> <p>C. I move to appoint Moira Meehan to the Wellfleet Cultural Council with a term ending 6/30/2024 to be sworn in by the Town Clerk before acting as a member of the committee and shall comply with the Town Charter, and all state and local requirements</p> <p>D. I move to approve Judith Cumbler to the Wellfleet Council on Aging Advisory Board with a term ending 6/30/2024 to be sworn in by the Town Clerk before acting as a member of the committee and shall comply with the Town Charter, and all state and local requirements</p> <p>E. I move to approve the following Common Victualer Licenses: <i>Bagel Hound, Blue Willow Fine Foods, Endless Coast, Wellfleet Drive In-Flea Market</i></p> <p>F. I move to approve the Weekday Entertainment License for <i>Wellfleet Drive In-Flea Market</i></p> <p>G. I move to approve the following Seasonal Liquor Licenses: <i>Bob's Sub n Cone, Ceraldi, Chequessett Yacht & Country Club Boathouse, Chequessett Yacht & Country Club, Flying Fish Café, Harbor Stage Company, Lobster & Chowder House, Mac's Shack, Maurices Campground, Pearl Restaurant, Trailside Dining, VR's Wellfleet Beachcomber, Wellfleet Flea Market, Wellfleet Marketplace, Wellfleet Motel & Lodge, Winslow's Tavern, Wellfleet Wine & Spirits</i></p>
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: Comments/Conditions: Permits/Inspections needed:
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Police Department: 3/10/22 okay Comments/Conditions:	Fire Department: 3/9/22 okay Comments/Conditions:
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DPW: 3/10/22 okay Comments/Conditions remove any trash	Community Services Director: 3/9/22 okay Comments/Conditions:
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Harbormaster: Comments/Conditions	Shellfish: Comments/Conditions
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Recreation: Comments/Conditions	Town Administrator: Comments/Conditions
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TOWN OF WELLFLEET
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 David Blackman Date Nov. 19, 2021

* Mailing Address 124 Blackstone Blvd, Apt 2
Providence, RI 02906

Phone (Home) _____ (cell) 617-470-5427

E-mail Dblackman110@gmail.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: My career has been in the non-profit sector with a focus on fundraising, marketing and public relations in the arts and culture. I worked for the Museum of Fine Arts Boston and the Philadelphia Museum of Art in management roles, as well as for a small children's museum and regional symphony orchestra.

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 attended numerous conferences on fundraising and arts management and understand well the challenges and opportunities in cultural institutions. I have supported many as an audience member, visitor and donor throughout my life, as well as being a performer in my youth.

Committees/Boards of Interest: 1) Cultural Council

2) _____

3) _____

* Alternate address: P.O. Box 889
Wellfleet, MA 02667



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FILL OUT THE FORM BELOW and mail it to:

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

□ Name Moira Meehan Date 11/21/2020

Mailing Address P.O. Box 2 Wellfleet MA

Phone (Home) _____ (cell) 617.875.1878

E-mail Moira.meehan@yahoo.com

□ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I have a broad range of business

skills - strategic marketing, business planning, profit/loss management, customer research and data analysis. Proficient in a range of software applications.

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

□ Committees/Boards of Interest: 1) Wellfleet Cultural Council
2) Open to other committees
3) as usefull



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APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

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FILL OUT THE FORM BELOW and mail it to:

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

Name Judith Cumber Date 2/15/22

Mailing Address 380 Old Chesapeake Neck Rd

Phone (Home) 508 349 7226 (cell)

E-mail JudithKwiatCumber@gmail.com

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

IFAW

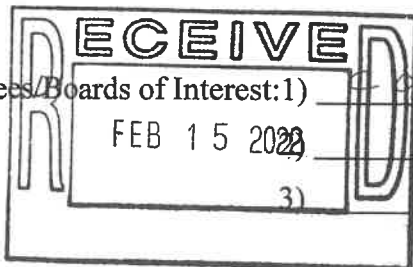
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Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses, or certifications, etc.:

MSW MFT

Committees/Boards of Interest: 1)

IFAW advisory board





SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

III

NATIVE BEACH RIGHTS DELARATION

REQUESTED BY:	Suzanne Grout-Thomas ~ Community Services Director
DESIRED ACTION:	To declare tribal the people of Wellfleet from the Wampanoag Nation have no cost to access the beaches of Wellfleet
PROPOSED MOTION: SUMMARY:	I move to on behalf of the citizens of Wellfleet, returns to the people of the Wampanoag Nation now and forever their custom practice to recreate (this includes, beach fires where permitted by town and within the numbers permitted) beaches owned or managed by the Town of Wellfleet without cost or fee upon presentation of a current Tribal Card.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Proposal for Wellfleet Tribal Rights Beach Access Declaration

"The Wellfleet Select Board, on behalf of the citizens of Wellfleet, returns to the people of the Wampanoag Nation now and forever their custom and practice to recreate on beaches owned or managed by the Town of Wellfleet without cost or fee upon presentation of a current Tribal Card. The right to recreate includes making beach fires where permitted by the Town and within the numbers permitted.

This declaration recognizes the Mashpee Wampanoag tribe's stewardship of the land and resources of Cape Cod for over 12,000 years and honors their continuing presence. It adds to the ancient and aboriginal claim of Native peoples in Massachusetts to hunt, fish and trap the wildlife of this land the right to recreate at beaches owned or managed by the Town of Wellfleet."



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

IV

PUBLIC HEARINGS

~ A ~

REQUESTED BY:	Suzanne Grout-Thomas ~ Director of Community Services
DESIRED ACTION:	To discuss and vote on Beach Rights for Native Americans
PROPOSED MOTION:	A motion will be decided at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET
PUBLIC HEARING

The Board of Selectmen will hold a virtual public hearing on Tuesday, March 22, 2022 at 6:00 pm to discuss amendments to the Beach Rules and Regulations. Proposed changes will be available in the Selectmen's 3/22/22 packet.

WELLFLEET BOARD OF SELECTMEN

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

**TOWN OF WELLFLEET
RULES AND REGULATIONS FOR BEACH STICKER ELIGIBILITY
FOR TAXPAYERS, RESIDENTS and VISITORS**

Effective 6/8/93

Amended 3/7/94, 6/1/98, 6/5/00, 6/11/01, 5/27/03/, 02/28/2012, 5/9/2017

The Burden of Proof of eligibility is the responsibility of the applicant

To be eligible for a Resident Beach Sticker, the applicant must be one of the following:

1. A registered voter in the Town of Wellfleet
2. Listed as a year-round resident on the Town of Wellfleet Census
3. Listed as a real estate property owner in the Assessor's office with property that has a tax bill issued with a total annual tax amount owed of at least \$400.00
4. The spouse or domestic partner of a listed real estate property owner
5. The dependent of a listed real estate property owner with the same year round address on a Driver's license, picture ID or Student ID
6. A Trustee of real estate property listed in the Assessor's office
7. Active military personnel whose home of record is Wellfleet
8. Non-resident employee of the Town of Wellfleet (limited to one sticker per employee on a vehicle registered in the name of the employee).
9. A member of the Mashpee Wampanoag Tribe under the conditions set in the Wellfleet Tribal Rights Beach Access Declaration.

To be eligible for a Visitor's Beach Sticker, the applicant must:

1. Be staying in the Town of Wellfleet
2. Present a written PROOF OF STAY from the property owner or realtor that contains the following information:
 - a. Name of the Visitor(s)
 - b. Name of the Owner
 - c. Wellfleet Street Address
 - d. Dates of Stay
3. The Rental contract from a realtor is acceptable as a Proof of Stay

All applicants for any sticker must present the following documentation:

1. Valid current vehicle registration for each vehicle listing the applicant as the owner of the vehicle
2. Lease listing the applicant as the lessee of a leased vehicle
3. Appropriate written documentation connecting a company owned or leased vehicle to the applicant (i.e., business card or letter of authorization on company letterhead)
4. Applicants presenting Dealer Plates must provide registration of vehicle or documentation connecting that vehicle to the applicant.

General Eligibility and Requirements for Resident Sticker Eligibility

1. Persons renting commercial property in Wellfleet do not qualify for a Resident Beach Sticker.
2. A resident who is entitled to a Resident Beach Sticker, but who has no vehicle or does not intend to purchase a sticker for his or her own vehicle, may assign one Resident Beach Sticker to another individual. This privilege is limited to one Resident Beach Sticker assignment per resident or real estate taxpayer per Fiscal Year (July 1 to June 30). **Once**

a parking permit has been assigned by the Resident, the Resident assigning that sticker is NOT entitled to purchase or assign any further permits during that fiscal year.

3. In the case of real estate property with a life tenancy provision, the Resident Beach Sticker shall be issued to the life tenant.
4. In the case of real estate property held in trust, Resident Beach Stickers may be issued to **trustees** upon presentation of adequate written documentation of trustee status. Beneficiaries and successor Trustees of the trust are not deemed owners of the real estate property and as such are not eligible for a Resident Beach Sticker.

Replacement Stickers

- Only one replacement per sticker is permitted in a season.
- **A portion of the original sticker showing the printed number must be presented at the time of the replacement request.**
- There is a \$5.00 charge for a replacement sticker.
- **If the original sticker or a portion of it is not turned in, replacements will be issued at full price.**

Misuse of Stickers

At all times, the sticker remains the property of the Town of Wellfleet. The person to whom the sticker has been issued (pass holder) has purchased a use privilege, not the sticker and agrees that the sticker may be revoked by removal or other means if it is misused. The pass holder also agrees that the Town of Wellfleet through its Board of Selectmen will make the final judgment as to whether a sticker has been misused.

The following shall be considered a misuse of stickers:

1. Sticker registration number does not match the registration number of the vehicle to which it is attached.
2. Sticker is not permanently affixed to the vehicle in the location required in #1 of the Wellfleet Beach Rules and Regulations except where written permission is issued by the Beach Administrator.
3. Sticker has been altered, defaced, copied or made unreadable.

Penalties and Revocation of Stickers

1. A Parking Control Officer, Police Officer, Special Police Officer may remove stickers for misuse.
2. Persons whose stickers have been removed have seven days to appeal to the Selectboard.
3. Resident/Taxpayers whose Resident or Combination stickers are removed for misuse will not be allowed to purchase a replacement sticker for the remainder of the season.

Appeals

Appeals to these Rules and Regulations may be made directly to the Selectboard in writing.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

IV

PUBLIC HEARINGS

~ B ~

REQUESTED BY:	Ryan Curley ~ Selectboard Chair
DESIRED ACTION:	To open and discuss with possible votes taken the hearing for Grant License #792
PROPOSED MOTION:	If a motion is needed one will be decided on at the time of the meeting.
SUMMARY:	
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET
PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Board of Selectmen will hold a virtual public hearing on Tuesday, January 25, 2022 at 6:00 p.m. to consider the following:

- As recommended by the Shellfish Advisory Board at its meeting on December 28, 2021, to relocate the five deep water Indian Neck grants to within the town-owned HDYLTA property as proposed on the map provided by the Wellfleet Shellfish Department.
- To create five new grants, which will keep their same grant numbers and lease holders as follows: 01-03 David Seitler and Melissa Yow, 01-06 Robert Paine and Allison Paine, 792 Aquacultural Research Corporation, 01-04 William Young, Jr. and 01-05 Justin Lynch and Eben Kenny, but be defined by the corresponding new boundary coordinates provided by the Shellfish Department.
- To return the area that these grants formerly occupied to the wild and abandon it as an aquaculture area.
- Status of License Holder Aquacultural Research Corporation (A.R.C.) of Shellfish Grant License #792 with regards to Sections 7.8.1. Eligibility Requirements, and 7.8.2. Domicile Requirement and Exception.
- Recommendations and planning for the use of the HDYLTA parcel.
- Status of Moratorium placed on the HDYLTA parcel north of parcel 17.49 on August 16th, 2021.
- Status of Moratorium placed on the HDYLTA parcel south of parcel 17.49 on August 16th, 2021.

WELLFLEET BOARD OF SELECTMEN

March 3, 2022

Gregg J. Corbo
gcorbo@k-plaw.com

Hon. Ryan Curley and
Members of the Selectboard
Wellfleet Town Hall
300 Main Street
Wellfleet, MA 02667

Re: Residency Requirement in Aquaculture Regulation

Dear Members of the Selectboard:

You have requested an opinion as to whether Aquacultural Research Corporation (“ARC”) is a “resident” of the Town of Wellfleet for purposes of the Town’s Shellfish Aquaculture License (Grant) Regulations (the “Regulations”) and whether ARC may continue to work under a Grant renewed in 2016 if it is not. Specifically, it is my understanding that ARC is a Massachusetts Corporation with its principal place of business in the Town of Dennis. ARC has held a Grant to conduct aquaculture in the Town of Wellfleet since approximately 1982, and that Grant has been renewed from time-to-time. Although there was no residency requirement in effect when ARC was first licensed, the Town’s Shellfish Regulations have been amended on a number of occasions to include a requirement that Grants may only be held by domiciled residents of Wellfleet. ARC’s Grant was most recently renewed in 2016 for a period of ten years.

For the detailed reasons set forth below, it is my opinion that ARC does not meet the residency requirements required to hold a Grant in the Town of Wellfleet, and that it will not be able to do so unless it can show that its corporate headquarters are located in the Town of Wellfleet. It is my further opinion that the grandfathering provisions in the current version of Regulations do not apply to the residency requirement and that ARC’s Grant is subject to revocation at the discretion of the Selectboard. That being said, I recommend that you provide ARC with an opportunity for a hearing on the matter so that it may present its reasons for being able to retain the license and propose any relief which it believes is appropriate in the circumstances.

As you are likely aware, there is a long history of amendments to the Town’s regulations concerning aquaculture grants. Although it is clear that the Regulations have been amended many times since ARC began conducting aquaculture in Wellfleet, there is an incomplete record as to past versions of the Regulations and the reasons for those amendments. Therefore, you are advised that the opinions expressed in this letter are limited based on the facts that are available to me at this time. If additional information is located in the future which has a bearing on the opinions offered herein, I will be happy to evaluate that information and revise this opinion if necessary.

BACKGROUND

According to records of the Secretary of the Commonwealth, ARC is a Massachusetts corporation with its principal place of business at 99 Chapin Beach Road, Dennis, Massachusetts. ARC has three corporate officers, a President with an address in Barnstable, a Treasurer with an address in Dennis and a Secretary with an address in Chatham. ARC's principal place of business has not changed since 2015. Other than the exercise of its work under the Grant, I am not aware of any other corporate activities or functions that ARC performs in the Town of Wellfleet. Although its principal office is in Dennis, ARC claims that it regularly employs Wellfleet residents and one of an unspecified number of shareholders is a Wellfleet resident.

It is my understanding that ARC received its first Grant to conduct aquaculture in the Town of Wellfleet in or about 1982. Although the Town's records concerning all of the changes to the Town's Shellfish Regulations are not complete, it appears that the first residency requirement was introduced into the Regulations in 1987. At that time, Section 6.1.7 of the Regulations provided that: "As of the date of this Regulation, all new leased or licensed grant (areas) will be assigned only to a person who is a bona fide domiciled resident of Wellfleet." According to a newspaper article from the time, this provision was written so as to only apply to new applicants for the specific purpose of not excluding ARC from holding a Grant.

The Regulations have been amended on many occasions since 1987 and the residency requirement is no longer limited to only new applicants. In fact, at the time that ARC was seeking renewal of its Grant in 2016, the Regulations then in effect included in Section 7.8.1 a provision that "At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of other licensees will not change. If that licensee is the sole licensee then the license shall be revoked."

The Regulations in effect in 2016 also contained the following provisions that are still in the Regulations today:

7.8.5. Limit on Size of Grant

No licensee shall hold a license for, or have use of, more than seven (7) acres in total. Each person named on a license as a licensee shall be charged with the total acreage covered by that license. (See Section 7.3 Annual License Fee.) Individuals holding more than seven (7) acres prior to the adoption of the establishment of this limit will not be required to accept a license for a lesser acreage, but will not be eligible for a license for any additional acreage.

7.8.6. Grants Established Before August 1, 1993

Any license/s issued prior to August 1, 1993, the date on which the Board of Selectmen established the maximum size of seven (7) acres for an aquaculture holding, will remain

valid, and will be allowed to continue according to the existing terms and conditions of said license.

11.10. Prior Terms Revoked

All regulations and specifications made prior to the date of acceptance of these regulations are hereby revoked; with the exception that nothing in these regulations shall be deemed to affect the validity, conditions, or terms of any license granted under the corresponding previous regulations of the Town until the expiration of such license.

By virtue of these provisions, ARC claims that it is entitled to the benefit of all provisions of the Grant it held prior to August 1, 1993. I have not been provided with a copy of that Grant or the version of the Regulations in effect at that time. However, for the detailed reasons set forth below, it is my opinion that these provisions do not apply to the residency requirement in Section 7.8 of the Regulations.

DISCUSSION

1. ARC Does Not Appear to Be A Resident of Wellfleet

The Regulations in effect in 2016 and today, require that Aquaculture License Grants may only be issued to domiciled residents of the Town of Wellfleet, see, Regulations Section 7.8.1. Generally, in the absence of a specific provision to the contrary, the qualifications needed to obtain an original license must also be met at the time of renewal. Roslindale Motor Sales, Inc. v. Police Com'r of Boston, 405 Mass. 79, 82 (1989) (where there is no specific criteria for renewal of expiring licenses, an applicant for renewal must meet the same criteria as an applicant for an original license). The Regulations in effect in 2016 did not contain any specific eligibility requirements for renewal applications. Therefore, it is my opinion that an applicant for renewal of an expiring Grant was required to meet the same eligibility criteria that a new applicant would have to meet.

The Regulations define a resident as “[a] declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Selectboard. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.” See, Regulations, Section 1, Definitions.

Because ARC is a corporation, it does not have the same indicia of domicile as a natural person would, such as voter registration or a driver’s license. Rather, to determine a corporation’s domicile it is necessary to determine where its principal place of business is located. Harrison v. Granite Bay Care, Inc., 811 F.3d 36, 40 (1st Cir. 2016). According to the records of the Secretary of the Commonwealth, ARC’s principal place of business is in the Town of Dennis. Therefore, ARC is presumptively domiciled in Dennis.

Where, however, a corporation performs its business in more than one location, the United States Supreme Court has established the so-called “nerve center” test to determine the location of a corporation's principal place of business. Hertz Corp. v. Friend, 559 U.S. 77, 80–81 (2010). A corporation's “nerve center” (i.e., its principal place of business) is the particular location from which its “officers direct, control, and coordinate the corporation's activities.” Harrison, 811 F.3d at 40 (quoting Hertz, 559 U.S. at 92–93). Generally speaking, this will “be the place where the corporation maintains its headquarters, provided that the headquarters is the actual center of direction, control, and coordination ... and not simply an office where the corporation holds its board meetings (for example, attended by directors and officers who have traveled there for the occasion).” Id.

In this matter, I have not been presented with any evidence to suggest that ARC’s corporate officers direct, control or coordinate its activities from any location in Wellfleet. Rather, although some of ARC’s work is conducted in Wellfleet, it appears that its corporate “nerve center” is in Dennis. Therefore, in the absence of evidence to suggest that ARC has its principal place of business in Wellfleet, it is my opinion that ARC is domiciled in Dennis.

2. The Residency Requirement Applies to ARC

Because it does not appear that ARC was domiciled in Wellfleet when its Grant was renewed in 2016, it is my opinion that it did not qualify for renewal at that time. It is my further opinion that the fact that ARC’s Grant was renewed by the Selectboard in 2016 does not mean that it ARC is exempt from the residency requirement if the renewal was granted in error. Massachusetts courts have consistently held that the rights of the public to have the law properly enforced cannot be forfeited by mistakes made by public officials. New City Hotel Co. v. Alcoholic Beverages Control Commission, 347 Mass. 539, 542 (1964). Rather, public officials may correct their jurisdictional and substantive rulings and a change in position by one relying upon a prior ruling does not normally give rise to any substantive rights. Outdoor Advertising Board v. Sun Oil Co. of Penn., 8 Mass.App.Ct. 872 (1979). Thus, in New City Hotel, supra., the Supreme Judicial Court held that the ABCC had the authority to revoke a license based on the license holder’s failure to comply with licensing requirements even where the license had twice been renewed subject to the defective condition.

In this matter, it does not appear that ARC was domiciled in Wellfleet in 2016 when it applied for renewal. If that is the case, it is my opinion that ARC’s Grant should not have been renewed at that time; and, if the Grant was renewed in error, it is subject to revocation by the Selectboard. In any event, the Regulations in 2016 and today, require that a Grant be revoked if the Grant holder is no longer domiciled in Wellfleet. Therefore, it is my opinion that the Grant is revocable for this additional reason.

3. ARC is not Grandfathered from the Residency Requirement

It is also my opinion that ARC is not entitled to an exemption from the residency requirement by virtue of the fact that it had a Grant prior to August 1, 1993. Specifically, ARC relies on Section 7.8.6, quoted above, to support its position that it is exempt from all changes to the Regulations occurring after that date. I do not agree that that provision, or the grandfather provision in Section 11.10 can be so broadly applied, particularly with respect to the residency requirement.

When interpreting regulations, courts apply traditional rules of statutory construction, which require that the intent of the drafters be “ascertained from all its words construed by the ordinary and approved usage of the language, considered in connection with the cause of its enactment, the mischief or imperfection to be remedied and the main object to be accomplished, to the end that the purpose of its framers may be effectuated.” Moloney v. Boston Five Cents Savings Bank FSB, 422 Mass. 431, 433 (1996). In addition, “a general term in a statute or ordinance takes meaning from the setting in which it is employed. The literal meaning of a general term in an enactment must be limited so as not to include matters that, although within the letter of the enactment, do not fairly come within its spirit and intent.” Richardson v. UPS Store, Inc., 486 Mass. 126, 131 (2020).

Although the grandfathering provisions in Section 7.8.6 and 11.10 (quoted above) are written in broad terms, context and legislative history suggests that they were not intended to apply to the residency requirement. When the residency requirement was first introduced in 1987, it expressly stated that the requirement only applied to “new” grants assigned after the effective date of the Regulation. The language in effect in 1987, however, is no longer in the Regulation. Rather, the Regulation in effect when ARC was applying for renewal in 2016 specifically stated that “At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.”

Where a regulation has been amended to delete language, apparently purposefully, the new version cannot be interpreted to include the rejected requirement, because reading in language that the drafters chose to remove violates basic principles of statutory construction and impermissibly interferes with the legislative function. Commonwealth v. Bennefield, 482 Mass. 250, 255 (2019). In this matter, at some point prior to 2016, the Selectboard chose to remove the exemption from the residency requirement for existing Grant holders and replaced it with an express requirement that residency be maintained throughout the term of the Grant and that it be subject to revocation if residency is lost. In my opinion, this is a clear expression of legislative intent not to allow grandfathering for purposes of residency.

It is also my opinion that the grandfathering provisions in Sections 7.8.6 and 11.10 cannot reasonably be interpreted as applying to the residency requirement because such an interpretation would create an irreconcilable conflict within the Regulations. When two regulations (or provisions within those regulations) conflict, the general rule is that more specific provision, particularly where

March 3, 2022
Page 6

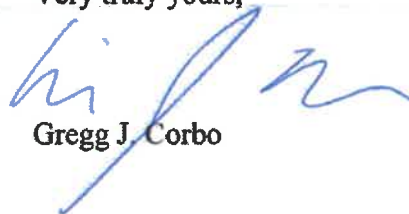
it has been enacted subsequent to a more general provision, applies over the general provision. Doe v. Attorney General, 425 Mass. 210, 215-216 (1997). In this matter, the Regulations specifically address the issue of a Grant holder's loss of residency, and state that the Grant will be revoked if residency is lost. If Sections 7.8.6 and 11.10 are read as providing an exemption from this provision for existing Grant holders, the provision would be rendered meaningless. This is a result that should be avoided. Volin v. Board of Public Accountancy, 422 Mass. 175, 179 (1996). Therefore, it is my opinion that the only reasonable way to read these provisions together, is to conclude that the grandfathering provisions in Sections 7.8.6 and 11.10 do not apply to the requirement that residency be maintained throughout the life of the Grant.

CONCLUSION

For the detailed reasons set forth above, it is my opinion that ARC does not meet the residency requirements required to hold a Grant in the Town of Wellfleet, and that it will not be able to do so unless it can show that its corporate headquarters are located in the Town of Wellfleet. It is my further opinion that the grandfathering provisions in the current version of Regulations do not apply to the residency requirement and that ARC's Grant is subject to revocation at the discretion of the Selectboard. That being said, I recommend that you provide ARC with an opportunity for a hearing on the matter so that it may present its reasons for being able to retain the license and propose any relief which it believes is appropriate in the circumstances.

Please do not hesitate to contact me if there are any questions in this regard.

Very truly yours,



Gregg J. Corbo



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

FW: 2015 Shellfish Regulations

1 message

Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

Mon, Mar 14, 2022 at 11:29 AM

To: Ryan Curley <ryan.d.curley@gmail.com>, "Janet Reinhart (personal)" <lifeexercises@comcast.net>, "Helen M. Wilson (personal)" <helmirwil@c4.net>, Helen Wilson <Helen.Wilson@wellfleet-ma.gov>, John Wolf <John.Wolf@wellfleet-ma.gov>

FYI

Rebecca Roughley, MCPPO

Assistant Town Administrator

[300 Main Street, Wellfleet, MA 02667](#)

(Work) 508-349-0349 X1112

(Cell) 774-392-1457

From: Gregg J. Corbo <GCorbo@k-plaw.com>**Sent:** Friday, March 11, 2022 5:49 PM**To:** Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>**Cc:** Carolyn M. Murray <CMurray@k-plaw.com>**Subject:** 2015 Shellfish Regulations

Hi Rebecca. Our contact at DMF was able to locate one set of regulations from 2015. For some reason the whole regulation was too big to send, so I am attaching just the first page and pages relating the aquaculture.

The requirement that the license be revoked if the licensee ceased to be a resident is the same in the 2015 regulations as it was in the 2017 regulations. Since ARC applied for renewal in 2016, this is further support that it was required to be a resident at the time it applied for renewal, in my opinion.

Please feel free to contact me if there are any questions in this regard.

-Gregg

Gregg J. Corbo, Esq.

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 **WELL_-_Shellfish_Regulations_2015.pdf**
5031K



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: March 17, 2022
To: Town of Wellfleet Selectboard
From: Nancy Civetta, Shellfish Constable
Re: Aquacultural Research Corporation

Dear Selectboard members,

We have been in discussions with Town Counsel Gregg Corbo about the situation with Aquacultural Research Corporation (ARC). It is our understanding that the public hearing on March 22, 2022, will focus on how to proceed given the opinion he provided us all. Given this opinion, it appears that ARC is not grandfathered into the Town's Shellfishing Policy and Regulations domicile requirement as the Department previously believed, and in fact, they do not meet the regulations' domicile requirements.

We hope to get guidance from this conversation on whether the Selectboard, as the regulatory authority, intends to enforce the domicile regulations and give ARC a timeframe within which to relinquish grant #792, or whether you will direct us to work on regulation changes and/or other avenues to accommodate ARC's aquaculture operations in Wellfleet.

We have given this considerable thought and hereby provide you with the opinion of the Wellfleet Shellfish Department and some ideas for finding a framework to potentially accommodate ARC.

It has been the experience of this Shellfish Department that ARC personnel and management have always responded to any of our inquiries and concerns in a timely and professional manner. They have been good stewards of our shellfish areas, have provided support and resources to assist in biological issues that arise in Wellfleet shellfish, and have always contributed staff time and company equipment to assist with aquaculture gear cleanups in hard to access areas.

In going through their folder of documents in the Principal Clerk's Office, we found the attached document from 1994 and believe that what then-Shellfish Constable Paul Somerville expressed in it is still valid today.

In addition, we have held informal talks with ARC management regarding seed donations and possible disease monitoring and mitigation activities and found them very receptive to working with us to improve our aquaculture yields and to help better the aquaculture industry overall in Wellfleet.

To that end, at the Shellfish Department's request, they are participating in a quahog neoplasia study with Roger Williams University (Dr. Roxana Smolowitz), Cape Cod Cooperative Extension and the Wellfleet Shellfish Department. They are making a

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\$20,000 investment in this collaborative effort, which was awarded a Northeastern Regional Aquaculture Center grant.

The Wellfleet Shellfish Department has anecdotal information from a diversity of grant holders that value their relationship with ARC and its presence in the Town of Wellfleet as a fellow grant holder.

We note that since 1982, the Selectboard has always renewed the ARC grant lease without incident. We believe this is because the Town and the shellfishing industry have always attached importance to ARC's presence here and believed it to be a benefit to the Town and the greater good of the industry overall. We think this still holds true today.

Yet, it is time to modernize the Town's relationship with ARC. We think that the original offer that ARC made back in 1982 (letter attached) to donate 50,000 field plant quahogs to the Wellfleet Shellfish Department each year, should be updated to be 150,000 field plant quahogs to be donated annually. This will allow the Department to conduct its own experiments without risking its budget, e.g. a study of large quahog field planting without nets but with a closure and comparing that to a different set of the same clams planted in rigid cages for one growing season.

In addition, while we believe that the above outlined level of investment (i.e. neoplasia study at \$20K) would not be possible to maintain sustainably, the Town should ask ARC to contribute concretely to the overall betterment of the industry here over time, and that identifying appropriate areas for them to contribute research and public service projects should be decided at the community level during a Shellfish Advisory Board (SAB) meeting every other year. A required level of investment – in staff time, resources, product, seed, or financial – not to exceed a value of \$5,000, every other year would be appropriate and warranted, and regular reporting back to SAB and the Selectboard would provide accountability.

The Selectboard has the authority to waive regulation requirements and/or to craft new regulations regarding domicile (as it has done with the Domicile Exception for those shellfishermen who lose housing here through no fault of their own) and/or revise regulations, such as the section on Aquaculture Research and Development Projects. The Shellfish Department would be happy to work with Shellfish Advisory Board and the Selectboard on regulations, should that be your decision. Then, the Town could craft a license agreement specific to ARC with a clear order of conditions imposed by the Selectboard, containing requirements such as those we outlined above.

We look forward to discussing this at the public hearing on Tuesday, March 22, 2022.

Sincerely,



Nancy Civetta



Johnny Clam Mankevetch



Chris Manulla



February 14, 2022

Town of Wellfleet Selectboard
c/o Mr. Ryan Curley, Chair
300 Main Street
Wellfleet, MA 02667

Dear Members of the Wellfleet Selectboard,

I am writing in reference to the public hearing held on January 25, 2022 regarding the "Status of License Holder Aquacultural Research Corporation (A.R.C.) of Shellfish Grant License #792 with regards to Sections 7.8.1. Eligibility Requirements, and 7.8.2. Domicile Requirement and Exception." This letter will also address the Board's consideration of Regulations 7.8.7, 7.8.8, 7.12 and 7.13, announced as discussion points in the upcoming February 22 public hearing. Unfortunately, A.R.C. did not receive advance notice of the specific issues you intended to discuss during the January 25 hearing (other than the language above, which I have quoted from the meeting agenda). We were therefore not in a position to provide informed responses to several of your questions, and regret that the hearing was less productive than it might have been. Accordingly, please accept this written statement which we ask to be added to the relevant public record.

BACKGROUND

For more than 40 years, A.R.C. has been operating in Wellfleet as a partner to the Wellfleet shellfishing community. During this time, A.R.C.'s and Wellfleet's shellfishing industry have evolved and matured alongside one another. The relationship has always been cooperative, mutually beneficial, and interdependent.

A.R.C. is a major supplier of oyster and quahog seed to Wellfleet's many independent aquaculture businesses, an active grower of farmed shellfish, and a wholesale buyer of market-ready product from Wellfleet farmers who we help to access off-Cape markets. A.R.C. has benefited from its farm operations in Wellfleet as our hatchery business would not be financially viable without the additional revenue provided by farming and wholesale operations. At the same time, Wellfleet's shellfishing industry has benefited from A.R.C.'s success in developing dependable, high quality quahog and oyster seed specifically tailored for the environment of Cape Cod Bay, and from A.R.C.'s active collaboration with many Wellfleet growers. This symbiotic relationship is consistent with A.R.C.'s core values and company mission: "...to be a leader in aquaculture research and innovation, to support and promote the local shellfish community, and to help educate current and future generations of shellfish producers."

Just as significantly, the reciprocal advantages of our relationship have been expressly endorsed by the Town of Wellfleet. For 40 years, successive Wellfleet Selectboards, with the support of the town's Shellfish Constables, have welcomed A.R.C. - originally by awarding A.R.C. Shellfish Grant License 792 in 1982; then by repeatedly renewing this license on multiple occasions, including for almost thirty years *after* Wellfleet first established a domicile requirement that some are attempting to use to preclude A.R.C. from holding a grant license.

A.R.C.'s license to operate on Grant 792 was most recently renewed in 2017 and does not expire until 2027. Since the renewal, nothing of significance has changed with respect to our eligibility to work this grant pursuant to its terms. On a nearly daily basis, A.R.C.'s employees work closely with our partner growers in Wellfleet, with the Town's Shellfish Constable and Shellfish Advisory Board, and indeed with anyone in the broader industry who seeks our advice or assistance. In addition, since August 2021, at the request of the Selectboard, A.R.C. has collaborated with the Shellfish Constable to facilitate the relocation of Grant 792. You can surely imagine our

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surprise to learn, as we did on January 25, that the Selectboard now seems inclined to change course and run A.R.C. out of Wellfleet in opposition of 40 years of prior practice.

While we do not understand what provocation has caused the Selectboard to reconsider at this moment whether A.R.C. is welcome as a leaseholder in Wellfleet, we strongly believe that several statements made during the January 25th hearing were misleading or manifestly incorrect. We therefore respectfully request that you take time to consider our comments below in good faith and seek additional input from the broader Wellfleet shellfishing community before taking any action which may irreversibly impair A.R.C.'s ability to continue operating in Wellfleet.

SECTIONS 7.8.1, 7.8.2 & 7.8.7 – ELIGIBILITY REQUIREMENTS, DOMICILE REQUIREMENT AND EXCEPTION, GRANTS ESTABLISHED BEFORE AUG. 1, 1993

Grant License 792 was issued to A.R.C. in 1982, *before Wellfleet established a domicile requirement for License Holders under Sections 7.8.1 and 7.8.2.* Accordingly, A.R.C.'s eligibility as a License Holder is governed by Section 7.8.7, which reads in full:

7.8.7. Grants Established Before August 1, 1993 Any license/s issued prior to August 1, 1993, the date on which the Selectboard established the maximum size of seven (7) acres for an aquaculture holding, will remain valid, and will be allowed to continue according to the existing terms and conditions of said license.

As A.R.C.'s License on Grant 792 was issued prior to August 1, 1993. It is therefore governed "*according to the existing terms and conditions of said license.*" Retroactively applying the domicile requirements of Sections 7.8.1 and 7.8.2 to Grant License 792 would conflict with the non-discretionary language of Section 7.8.7 which clearly directs that such pre-existing grants "*will remain valid, and will be allowed to continue.*" (Emphasis added).

During the January 25 hearing, it was suggested that Section 7.8.7 applies only to grants in excess of 7 acres. Yet such an interpretation would be inconsistent with the plain language of the Regulations. As confirmed by a professor of English at Cape Cod Community College, the interior clause of this section, bounded by commas and beginning, "the date on which...", provides a description of the date of August 1, 1993, but does not alter the subject of the sentence, "*All license/s issued prior to August 1, 1993...*" Only the date on which A.R.C.'s grant license was originally issued, and not the size of the grant, is relevant for determining whether Section 7.8.7 applies.

During the hearing, I was asked whether allowing A.R.C. to continue operating on Grant 792 would create a precedent allowing other non-domiciled businesses, such as Island Creek in Duxbury, from acquiring Wellfleet shellfishing grant licenses. This question can be answered in reference to Wellfleet's existing Regulations; in order to qualify as a valid license holder, a non-domiciled person or entity would have to have been issued a license prior to August 1, 1993. A.R.C.'s non-domiciled status is unique due to its long history in Wellfleet, and therefore does not establish a precedent for other businesses to qualify for grant licenses in Wellfleet that they don't already possess.

During the public hearing on January 25, 2022, it was suggested that the 2017 renewal of A.R.C.'s lease on Grant 792 was conditioned on the Wellfleet residency of our former President, who resided in Wellfleet at the time. However, Grant License 792 is and has always been held in the name of Aquacultural Research Corporation, Inc. and never in any person's name. Neither the language of the license, the renewal application, the minutes of the relevant Selectboard meetings, or any other written record suggests that an employee's residency was a factor in the Selectboard's 2017 decision to renew Grant License 792. In fact, I am not aware of *any* written reference to the residency of *any* A.R.C. employee in *any* renewal of Grant License 792. There is simply no basis for concluding that A.R.C.'s license is conditioned on the residency of any company employee. And this makes perfect sense as Grant License 792 was renewed under the grandfathering exception set forth in Section 7.8.7 and is accordingly exempt from the domicile requirements later established under Sections 7.8.1 and 7.8.2, so no reference to A.R.C.'s domicile (or that of any employee) would be required or appropriate. That said, A.R.C. has employed at least one Wellfleet resident since 2015 through present day.

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But more relevant than whether A.R.C. employs Wellfleet residents is the fact that a Wellfleet organization is an owner of our company. Wellfleet SPAT, whose mission is to "Preserve, protect and promote Wellfleet's shellfishing industry" has been a key shareholder of A.R.C. since 2015.

Section 7.8.8 – AQUACULTURE RESEARCH AND DEVELOPMENT PROJECTS

During the January 25th hearing, it was suggested that the issuance of Grant License 792 to A.R.C. in 1982 was conditioned on the company's use of the grant for research and development and not commercial purposes. Despite good faith efforts, A.R.C. and several other members of the Wellfleet Shellfishing community have been unable to identify any basis for concluding that A.R.C. is limited to using Grant 792 exclusively for research purposes. Some have referenced a March 29, 1982 letter from then A.R.C. Vice President Dick Loring to the Wellfleet Board of Selectman originally requesting a license for 792. The relevant section of the letter reads:

"Aquacultural Research Corporation is requesting this area for experimental plots of hardshell quahaug grow-out. If the experimental plots show good growth, a production phase of quahaug growth will be instituted."

Mr. Loring's letter clearly indicates that A.R.C.'s ultimate intended use of Grant 792 was for quahog production. As noted by the Shellfish Constable during the January 25th hearing, the language of Grant License 792 is identical to all other Wellfleet grant licenses, nearly all of which are used for primarily commercial purposes.

While there is no basis for concluding that A.R.C.'s use of Grant 792 is limited to research, A.R.C. does regularly undertake a variety of research initiatives in and around Wellfleet (though not all on Grant 792). Recent trials and experiments include studying blood ark and butter clam grow-out, comparing Florida grow bags vs. row screens for grow-out, evaluating optimal planting densities, and our ongoing and uninterrupted effort to develop clam and oyster brood stock specifically tailored for local waters to improve disease resistance and growth rates for our Wellfleet seed customers.

Also, in collaboration with the Barnstable County Cooperative Extension, Roger Williams University and the University of Rhode Island, we are currently engaged in a study designed to develop quahog broodstock that is resistant to neoplasia disease, a persistent obstacle to growing quahogs in Wellfleet. This study is designed specifically to be very beneficial to Wellfleet growers and will cost A.R.C. an estimated \$20,000 despite offering no incremental financial benefit to A.R.C.

A.R.C. generally shares information and research results with anyone who asks for it. Our staff operates in Wellfleet several days a week and is often approached by growers seeking information and advice. Growers also regularly call A.R.C. looking for assistance or recommendations and most are unhesitatingly given information over the phone or arrange to meet a member of our staff on their grants for a site visit. This advice and support are provided without charge and is another obvious benefit that results from our local presence.

But the best evidence of A.R.C.'s longstanding commitment to research, development and applied science is the maturity and sophistication of the local aquaculture industry itself. When A.R.C. was founded in the 1960s, aquaculture was in its infancy with no dependable genetic strains of shellfish broodstock or algal feed stock and no best practices for spawning shellfish in a laboratory or growing and cultivating spat. There was no information on how best to manage various shellfish diseases or the dynamic marine and biological environments. Aquaculture equipment was primitive. Every day, for nearly sixty years, A.R.C.'s employees strive to learn more about the various species and biology at the heart of this industry and the most reliable means of cultivating and growing these species in a semi-controlled environment. And we share this knowledge openly with our partner growers directly and through the delivery of a quality product that is essential to every one of our customers' businesses.

SECTIONS 7.12 and 7.13 – EVIDENCE OF PRODUCTIVITY, ANNUAL REPORT

Prior to its relocation on January 25, Grant 792 was one of five deep water grants located off Indian Neck. Unlike tidal grants, these five deep water grants are rarely dry at low tide, making them difficult to access. As a result,

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the productivity of these five grants has been challenged in comparison to tidal grants which are easily workable during most tide cycles. As indicated on Annual Reports some license holders, including A.R.C., have struggled to utilize these areas for the grow-out of market product. But while the value of product grown to market size on Grant 792 has always been low, A.R.C. has used the grant for other purposes, including most significantly as an open water nursery for seed development. Smaller sized seed is bagged and planted on the grant where it continues to grow on naturally available food sources until reaching a suitable size to sell to A.R.C.'s Wellfleet seed customers. This activity has not been captured on our Annual Reports, but we would be happy to provide an estimate of the economic value of this activity in the period following the 2017 renewal of the grant license if this information would be helpful. The value of our past Nursery activity on 792 will be more than enough to be in compliance with the Evidence of Productivity regulation.

Recognizing that some license holders of these deepwater grants have not been able to meet productivity guidelines, the Shellfish Constable recently informed all five license holders of these grants that she intends to recommend that the Selectboard approve a five-year probation period during which license holders will have an opportunity to bring their use of the grants into compliance with the Town's productivity guidelines. A.R.C. supports the Shellfish Constable's recommendation as being reasonable, fair and equitable.

To my knowledge A.R.C. has filed an annual report each year in compliance with regulation 7.13.

CONCLUSION: WHO WE ARE AND WHY OUR OPERATIONS IN WELLFLEET ARE MUTUALLY IMPORTANT

A.R.C.'s status in Wellfleet's shellfishing community is unique and we understand that this unusual situation may lead to confusion and possible resentment, especially because it may be easy to dismiss A.R.C. as a typically faceless, outside "corporation" that does care about the growers and cares more about our financial wellbeing than the strength of Wellfleet's economy. This is a misconception could not be further from the truth.

At its heart, A.R.C. is a community deeply dedicated to the future of shellfishing on Cape Cod. We employ twenty-five, full-time men and women – farm workers and nursery staff, hatchery technicians, a wholesale team, marine biologists specializing in shellfish species and algal scientists. We seek to provide employment opportunities and best-in-class training for young people in the industry so they can realize a viable future living and thriving on Cape Cod. Indeed, half of our employees are under the age of 40. This gives us pride and confidence that the industry will thrive under the leadership of the next generation.

Our hatchery and wholesale department are located just across Cape Cod Bay from Wellfleet, along Chase Garden Creek in Dennis. Additionally, we operate seed nursery sites in Harwich and Chatham where we can take advantage of the warmer water of Nantucket Sound. Our seed and wholesale business supports an estimated 1300 shellfishing jobs on the Cape, including many in Wellfleet. Every day, our dedicated team goes to work knowing that our ability to deliver high quality, dependable seed to our customers is essential to their businesses and their ability to support their families. We take this responsibility extremely seriously.

This responsibility is shared by A.R.C.'s current owners – the third group to own the company since its founding sixty years ago – consisting of 22 individuals, businesses and non-profits with deep connections to Cape Cod. They came together in 2015, not to make a quick buck, but to ensure that A.R.C. survived the retirement of its previous owners, recognizing the critical and irreplaceable support A.R.C. provides to this important industry and with concern for the 1300 jobs that would be in jeopardy if A.R.C. were to fail.

Indeed, while there are other hatcheries on the East coast, most are producing seed at their full capacity, and there is no excess supply available to growers if one hatchery were to shut down. This was clearly demonstrated just last year when a Maine hatchery lost its full seed crop in June leaving many growers, on the Cape and elsewhere, empty handed. Why is this? The truth is that a hatchery is not a financially viable stand-alone business. Many hatcheries in other regions benefit from state support in recognition of the critical role they play in the industry, but this is not the case in Massachusetts or with A.R.C. Since we don't receive operating funding from the government and our hatchery is loss-making on its own, we need additional sources of revenue to survive. This is why our farm operations in Wellfleet are so important to A.R.C. and, by extension, to the industry

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that depends on our seed products. The additional revenue and profit we generate from farming subsidizes the hatchery and is an essential component of A.R.C.'s future viability.

Over and over A.R.C. has demonstrated that we are dedicated to working with and supporting Wellfleet shellfish operations. Ninety nine percent of the shellfish that we grow out for market is sold off-Cape so that we don't compete with independent growers for Cape Cod markets. We purchase clams and oysters at fair prices year-round from licensed growers and commercial wild harvesters for resale.

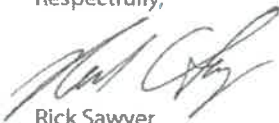
As stated earlier, we have employed people from Wellfleet, support Wellfleet's economy, participate in Wellfleet activities such as beach cleanups and offer help and advice whenever asked. Much of our knowledge comes from working directly in Wellfleet with Wellfleet growers. We take Wellfleet-specific issues into account while selecting brood stock for spawning. And we have proven we are willing to spend significant amounts of time, resources and money to participate in studies to help the Wellfleet shellfish community thrive.

We at A.R.C. deeply appreciate our long-term partnership with Wellfleet and its many independent aquaculture businesses. We understand that it is a privilege for A.R.C. to operate in Wellfleet alongside the town's resident growers, and we strive to repay this privilege whenever possible by acting as a responsible, contributing member of the local shellfishing community. We believe these efforts are recognized and appreciated widely (though perhaps not universally) among Wellfleet's many shellfish growers. We hope you agree.

The Selectboard has an opportunity once every ten years to review A.R.C.'s operations in Wellfleet when our license comes up for renewal. This next occurs in 2027. I respectfully ask that you honor the Grant License for 792 and take the time to properly evaluate whether A.R.C. deserves to continue operating in Wellfleet as it has over the past several decades. I hope you agree that this approach makes more sense than rushing to a hasty and irreversible determination based on half-truths and the discontent of a vocal minority that would have you believe that Wellfleet will be better off without A.R.C.

Thank you in advance for your consideration.

Respectfully,



Rick Sawyer
President

cc: Michael DeVasto, Selectboard Member
Janet Reinhart, Selectboard Member
Helen Miranda Wilson, Selectboard Member
John Wolf, Selectboard Member
Nancy Civetta, Shellfish Constable

March 3 2022

Wellfleet Select board:

I am writing this letter in regards to the ARC license status for this upcoming BOS meeting . Arc has been in Wellfleet for decades when they first started in Wellfleet they helped the aquaculture industry succeed they also helped the few local aquaculture farmers of Wellfleet succeed when it was a fledgling industry. The company acquired the Wellfleet grant for research purposes as well as selling product from the farm for profit in order to keep its hatchery ,wholesale business and research projects afloat. Fast forward to 2022 the original owner of the company has passed away and the original players in the fledgling Wellfleet aquaculture community are now established . ARC is now owned by a group of investors. ARC has the funding, labor and equipment capabilities to continue helping the Wellfleet aquaculture industry. I would propose continuing the licensure of ARC's grant. However in light of the aquaculture industry changing , the company's big changes as well as ARC's ability to sustain with limited use of the grant in question for the past few years . The Town should expect for ARC to directly help Wellfleet's local aquaculture industry. ARC's status being in Wellfleet is solely based on research and to grow shellfish for profit . Wellfleet provides quite a bit of business for ARC. SPAT is an owner by our town and Wellfleet aquaculturists raising funds through the oyster fest that directly allowed ARC to stay afloat . ARC wholesales Wellfleet product grown on Wellfleet farms and itself obtaining a Wellfleet grant grows marketable shellfish which in then turns and sells for profit. ARC also sells Wellfleet Aquaculturists seed which also boost profit. I believe that ARC as a research company has good intentions for the use of the grant in question. I think it would be a shame to under utilize the resources and momentum that ARC has and in 2022 it now can have a new beginning to help all shellfishermen and the town alike.

I would ask the select board require ARC to

- 1: prioritize Wellfleet growers by selling seed to all Wellfleet farmers first.
- 2: reach out to all Wellfleet growers and ensure that seed orders will be met.
- 3: any marketable oysters grown on the parcel in question to be solely used for research . Wellfleet growers should not have to compete for markets with a research company.
- 4: ARC to prioritize the wholesale of Wellfleet growers products because they are using a town resource.
- 5: ARC to provide to the BOS quarterly dissemination of research done on the parcel in question .
- 6: ARC to supply the shellfish dept with shellfish to relay for recreational and commercial purposes
- 7: ARC to donate labor for the shellfish dept and let the shellfish dept have some use of the grant.
- 8: ARC to educate farmers and Wellfleet elementary school students on biology and the shellfish industry.

Everyday shellfishermen are expected to meet education, regulation, and business requirements. I think it's time for ARC to meet some expectations and have guidelines in this new era of aquaculture. It's a different company then when it was started decades ago. I think the BOS and SAB should expect concrete answers and a promise to meet expectations before issuance of a new license for ARC. If the company does not meet requirements within one year of new licensure they will lose their license. ARC is a valuable asset to our community it would be a wasted opportunity to remove ARC from Wellfleet .

Respectfully
Dave Seitler

January 28, 2022

Wellfleet Selectboard:

I am disappointed with the manner in which ARC's status as a license holder in the Town of Wellfleet was discussed at the January 25th meeting. I have learned from my time serving on the Rights of Public Access Committee that it is crucial to understand the events of the past in order to reconcile how we got here today. Your interrogation of ARC's business and how it measures up to our rules today with no regard for the history behind us, is a shame. I have sent you meeting minutes from the 1980s that describe how the Selectboards before you welcomed ARC in an effort to "revive Wellfleet's shellfishing industry," something Bob Wallace, Irving Puffer, and Barbara Austin can attest to. Let's not forget where we came from, and who we owe our aquaculture legacy to.

Dragging them through the mud for not producing on their grant is to single them out among many. On either side of them are two grantholders who have not grown anything out there either, which I might add, is the whole reason you all agreed to move all five deep water grants in. Those who are not currently farming that deep water lease right now have other grants to grow on in Wellfleet. ARC is one of many who made the sensible decision to farm where they are able to in shallower waters. I am one of three insane people who are out there making it work solely because we have no other choice of bottom.

Accusing them of not meeting domicile requirements at a public hearing when the granting of their lease in 1982 clearly offered them exception to the rule with no follow up by the town in the forty years that followed is a slap in the face. Let's own our part here. If you want to make right the arrangement, and fit them into the box of black and white rules that didn't make sense forty years ago, then please do so with respect and collaboration. If your intent is to make room for someone new, then give all eight deep water grantholders a fair chance to farm decent bottom and enforce minimum productivity equitably all over the harbor with those that do not meet it.

This is a symbiotic relationship. In the last forty years, ARC has continued to work with Wellfleet growers to improve methods and broodstock tailored specifically for Wellfleet. Aquaculture has always been experimental. That's the name of the game: to watch what works and what doesn't and adjust accordingly. It's a dynamic industry as we wrestle with a warming climate, rising seas, ocean acidification, and attempt to fight disease and predators all while at the mercy of mother nature. I think we must recognize that aquaculture has changed over the years and will continue to evolve in the face of all of this. We have to be willing to keep adapting to conditions or we will all be wiped out. Part of protecting our shellfishing heritage here means working with the outside world, finding compromise. And who better to do it with than the only entity we share that heritage with?

Someone said to me, what would charming Wellfleet be without a good town fight every now and then? Let's turn this into something good. We have the opportunity to make right our relationship with ARC, the one and only entity whose history is deeply interwoven with ours, and to invest in our collective future. I implore you to discuss with mutual respect and collaboration how we can work with each other to ensure we all remain relevant into the future in the face of an ever-changing environment.

Respectfully,
Melissa Yow

January 25, 2022

To: Wellfleet Board of Selectmen,

As I am unable to attend your meeting, can you please read this letter into the record.

ARC has had a shellfish bed in Wellfleet, on one of my former leases, for over 40 years. I was present at all the meetings when it was decided to allow ARC into our town's shellfish industry. From my 50 plus years of being on the water, this is one of the best moves the town has ever made. ARC has been the backbone of this industry from day one. They have proven its value by providing local viable seed, and their willingness to work with the Wellfleet shellfish farmers, making seed purchase accessible in the spring when cash flow can be tight. They are constantly doing research on better ways to grow shellfish, field nurseries, disease and resistant strains, and seed producing, as well as sharing their vast knowledge. One of the oversights with ARC is that they also provide a year round market for Wellfleet shellfishermen. It is my belief that their very strong oyster broodstock has helped populate Wellfleet Bay with oyster set that was once dormant. I cannot stress how important they are to the shellfish industry and this town. They should be allowed to continue as is. The pros greatly outweigh the cons.

Thank you,

A handwritten signature in black ink, appearing to read 'Irving Puffer', written over a light blue horizontal line.

Irving Puffer



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

ARC - domicile (BOS meeting Jan 25th)

Thomas Siggia <tjsiggia@gmail.com>

Fri, Jan 21, 2022 at 11:11 AM

To: bos@wellfleet-ma.gov

Cc: Rebecca Taylor <beautifulbirth4u@yahoo.com>, John Duane <johnduane@comcast.net>, Zack Dixon <zackwellfleet@gmail.com>, Damian Parkington <dmob75@yahoo.com>, Nancy Civetta <nancy.civetta@wellfleet-ma.gov>

Last night the SAB had a zoom meeting on the topic of Aquaculture Research Company (ARC) grant number 792 and the question of domicile 7.8.2.

Our meeting lasted a little over an hour. A good dialogue from the shellfish community on the history of ARC and the beginning of the shellfish industry in Wellfleet.

A motion was made to give consideration to grandfather ARC pertaining to the domicile regulations. Vote was 4-0 with one individual recused herself.

You can listen to our meeting recording before your session next Tuesday, we believe it would be helpful in your discussion .

Thanks

Sent from my iPad

Town of Wellfleet
Shellfishing Policy and Regulations

Last Amended 04/09/13, 06/04/13, 7/16/13, and 01/28/14, 06/10/14, 8/05/14, 09/16/14, 03/24/15,
05/12/15, 08/11/15, 09/08/15, 12/08/15, 01/26/16, 4/12/16, 9/13/16, 12/6/16, 3/15/17, 8/22/17, 5/22/18,
1/08/19, 05/28/19, 07/23/19, 09/24/19, 01/14/2020, 07/28/2020, 09/08/2020, 04/27/2021, 06/22/2021,
09/14/2021

All References to Massachusetts General Law (MGL) and the Code of Massachusetts Regulations
(CMR) are valid as of 2014

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intertidal areas. (See Town of Wellfleet General Bylaws under ARTICLE VII GENERAL - [Section 24. Beach Vehicular Traffic By-Law.](#))

6.5.2. Terms and Conditions for Use of Motorized Vehicles

All use of vehicles to access areas licensed for aquaculture or other areas open to commercial permit holders, shall also be in accordance with the applicable general bylaws of the Town, and conditions, which may be imposed by the Conservation Commission.

6.5.3. Speed Limit on Beaches and Intertidal Areas

No person engaged in commercial shellfishing or aquaculture shall operate a motorized vehicle at a speed in excess of fifteen (15) miles per hour or a motorized vehicle which is dual wheeled or which has a gross vehicle weight (GVW) greater than the nine thousand two hundred pounds (9200 lbs.) on any tidal beach or flat or other land below the mean-high water line.

6.5.4. Allowed Line of Access for Vehicles

Persons engaged in commercial shellfishing or aquaculture operating motorized vehicles on any tidal beach or flat or other land below the mean-high water line shall drive only on the foreshore of the tidal area below the high tide line but above the tidal flat, closely rounding every groin or other obstruction extending below the high water line, to a point opposite a licensed area, and thence to the licensed area. The traffic not directed to a licensed area shall be confined to the area below the high tide line above the tidal flat, closely rounding any groin or other obstruction extending below the high water line. Parking is permitted on the licensed area or in the access route to a licensed or legal harvesting area as described above.

Section 7. Shellfish Aquaculture

7.1. Issuance of Shellfish Aquaculture Licenses (Grants) for Areas Surveyed and Subdivided by the Town.

Once areas are identified by the Shellfish Constable as potentially suitable for the location of shellfish aquaculture, and the areas are under the control of the Town, the Selectboard may exercise their discretion as the licensing authority for the issuance of license/s for shellfish aquaculture (grants) in compliance with [MGL Chapter 130](#). The Selectboard shall post notice of the availability and location of such acreage, as well as any applicable conditions and/or limitations upon such acreage, on the Shellfish Department's notice board, at Town Hall and on the [Town Website](#).

7.2. Previously Established Grants that Become Available

In the event that a licensed aquaculture area previously certified by the DMF becomes available, its status shall be posted by the Shellfish Constable (see Section 3; [Informing the Public of Meetings Concerning the Fishery](#)) for a period of 30 calendar days. If more than one qualified person (as described in Section 1 under Domiciled Resident, and Section 7.8.1 [Eligibility Requirements](#)) whose name does not appear on another license applies to hold the license, the Selectboard shall hold a public lottery within 14 days to impartially determine who shall be granted the right to use such available acreage for aquaculture. No shareholder, officer, director or other individual holding a similar position having a different title but exercising a similar role, of a corporation that currently holds an aquaculture license in Wellfleet may apply for such grants.

7.3. Annual License Fee

The annual fee for an aquaculture license to be paid to the Town by each licensee shall be \$25.00 per acre (or portion thereof), as required by [MGL Chapter 130; Section 64](#). Annual fees are due each year by February 28, when annual grant reports are due.

7.4. Location of Areas Licensed for Aquaculture (Grants)

Grants may be located in the following areas:

Area 1: On tidal flats off Mayo Beach and Chequessett Neck from the eastern boundary of the Town property at Powers Landing to the Town Pier and at least three hundred (300) feet northward of a line from the seaward end

of the Breakwater to the easternmost tip of Great Island, except in the area above mean low water on Egg Island.

Area 2: On tidal lands lying north and easterly of the Breakwater and of the northerly tip of Indian Neck.

Area 3: On tidal lands off Indian Neck from Omaha Road south to the eastern tip of Field Point.

Area 4: On tidal lands off the westerly side of Old Wharf Point and at the entrance to Loagy Bay.

Approval of the proposed licensed area shall be determined by the Selectboard with appropriate regard for reasonable navigational and recreational interest in the areas concerned.

7.5. Conditions for Use of Area Licensed for Aquaculture

The Selectboard may license specific areas beneath the waters of the Town to individuals for the purpose of granting exclusive rights to plant, grow and harvest shellfish from that area. Said license is subject to the provisions of [MGL Chapter 130](#), those set forth in current regulations of the Division of Marine Fisheries, these regulations or other town bylaws, as well as any specific conditions or restrictions set forth in the license by the Selectboard.

This license does not grant any property rights. Any use of this license for other than the planting, growing, and harvest of shellfish upon privately owned property may not proceed over the objection of the property owner. This license does not authorize any damage to private property or other violation of private rights. The issuance of this license is not a determination of title or ownership. The licensee acknowledges that it is the responsibility of the licensee to obtain permission if requested in writing, from the property owner, before exercising the rights conferred by the license other than for the planting, growing and harvest of shellfish on that property. However, the license holder is on notice that the owners of the property described in the license may nevertheless bring an action for trespass in a court of competent jurisdiction. A license holder may not rely on this license as a defense to an action in trespass. (MGL Chapter 130; [Section 57.](#))

7.5.1 Access to Areas Licensed for Aquaculture is Required

There will be permitted and designated access to all licensed acreage. The method or methods of access shall be precisely specified in the text of the aquaculture license (lease) granted by the Selectboard.

7.5.1.1. Vehicle Access to Grants

Vehicle access will only be allowed when:

- a. Town roads and Town landings are used;
- b. The owners of private roads to be used have no objection;
- c. The specific route of entry from the roadway onto the beach and flats is approved and conditioned by the Conservation Commission.

7.5.1.2 Non-vehicular Access to Grants

Access by foot and/or boat shall be designated in the aquaculture lease, in all cases in which vehicle access is not possible or permitted.

7.6. Process for Approval of Aquaculture Licenses

The Selectboard shall accept and process applications for area licenses in accordance with [MGL Chapter 130; Section 57](#), and the application procedure of the Town.

7.6.1 Application Procedure

This procedure applies to new grant applications, applications for extensions to current grants and grant renewals and transfers. All potential new lease holders must meet the eligibility requirements in Section 7.8.1 [Eligibility Requirements](#). In addition, current lease holders applying to be added to another grant or applying for extensions must have complied with all Town of Wellfleet Shellfishing Policy and Regulations for at least three (3) years preceding the application for each grant license to which the applicant is named. These include but are not limited to: Section 7.3 [Annual License Fee](#), 7.12 [Evidence](#)

of Productivity: Use It or Lose It, 7.13 Annual Report, 7.14 Annual Inspection of Each Grant, 7.15.1 Required State Seed Propagation Permit and 7.19 Aquaculture Gear and Equipment. If applicant meets all criteria outlined above, then the following is required:

1. Fill out an aquaculture license application and get Shellfish Constable signature. Applications available at Shellfish Department offices.
2. Go over the Checklist for Aquaculture Lease Applicants with the Shellfish Constable, who shall provide any additional documentation required, such as a form for a Five-Year Business Plan and a template for a letter to the Selectboard.
3. For new grants and extensions:
 - a. Determine whether owner permission is needed, and if so, obtain written permission.
 - b. Schedule a site visit with Shellfish Constable to assess the area, ensure the shellfish growing area has an appropriate classification for aquaculture, review approximate coordinates for the new grant boundaries and discuss any potential conflicts. The applicant should include the proposed coordinates and map in the documentation provided to the Shellfish Constable for the Selectboard.
 - c. Have Harbormaster review proposal with regards to reasonable navigational and recreational interests in the areas concerned. (See 7.4 Location of Areas Licensed for Aquaculture (Grants).)
 - d. Set up a site visit with the Harbormaster and Shellfish Constable.
4. The Shellfish Constable shall request that the public hearing be placed on an upcoming Selectboard meeting agenda and contact the Principal Clerk for advertisement and posting.
5. The Shellfish Constable shall write a letter of recommendation or concern and shall provide all relevant grant application documents for the Selectboard hearing by the meeting packet deadline.
6. By or before the date of posting, the Shellfish Department shall make contact with and provide notification of the date of the hearing to the Harbormaster and to intertidal abutters who share boundaries with the proposed site, or who are otherwise adjacent or substantially affected by the change in area, as determined by the Shellfish Department.
7. A public hearing shall be held within 60 days of when the Shellfish Constable receives the complete written application with all required documents, and the Selectboard shall determine the outcome of the application.
8. Upon approval by the Selectboard and after the Massachusetts Division of Marine Fisheries biological survey, the applicant must simultaneously
 - a. have the new site professionally surveyed and supply the Shellfish Department with all boundary coordinates in decimal-degrees, and
 - b. start the state and federal permitting process, including, but not limited to, applications for MEPA (MA Environmental Policy Act) if area is a half acre or larger, Notice of Intent (Wetlands Protection Act filing), Chapter 91 authorization, eligibility under the Army Corps General Permit, etc. For more details, visit: <https://www.massaquaculturepermitting.org/>
9. Before the applicant can begin to use the site, they shall be required to clean up and remove all old and/or derelict aquaculture gear that may have accumulated on the site as per Section 7.19.4 Removal of Damaged Gear or Equipment and shall have a grant inspection by the Shellfish Department to confirm its readiness.

7.7. Moratorium on Aquaculture Licenses

The Selectboard may at a duly advertised public hearing declare a moratorium (a time-specific closure) on license approvals at any time this action is deemed appropriate and in the best interests of the fishery and the environment.

7.8. Issuance of Licenses for Aquaculture

7.8.1. Eligibility Requirements: Licenses shall only be issued to domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and been documented by the

Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for a license. Applicant shall submit copies of state-filed catch reports. OR, provided the applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department. This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations. In addition, any applicant shall not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

7.8.2. Domicile Requirement and Exception

At such time as a licensee ceases to be a domiciled resident of the Town, that individual shall be removed from the license, except in the event of loss of housing for reasons clearly beyond their control (such as a fire or a lease not being renewed) as verified by the Shellfish Constable. Status of residency, as defined in Section 2 of these Regulations, must be resumed, and verified by the Shellfish Constable within eighteen (18) months from the time of the license holder's removal to another town, or the licensee will be removed from the license.

Within 30 days of the nine-month anniversary of losing his/her domicile status, the lease holder shall demonstrate sufficient evidence of effort to secure housing in Wellfleet to the satisfaction of the Shellfish Constable. If the lease holder fails to qualify for such an exception, they may appeal the Shellfish Constable's decision to the Selectboard within 30 days.

No aquaculture license or commercial permit from another municipality for the harvest of shellfish may be held by the individual for the duration of the allowed term. A licensee making use of an exemption shall not be eligible to be granted a new license or an extension of a currently licensed area for the duration of the allowed term but may be granted a renewal of their existing license, as per Section 7.8.2.

The status of all other licensees named to the licensed area will not change. If a licensee ceases to be a domiciled resident and is the sole licensee, then the license shall be revoked.

7.8.3. Renewal of Aquaculture Licenses

The initial term for a new license shall be two (2) years. Provided appropriate effort has been demonstrated, as required in Section 7.12, the first renewal of a license may be for five (5) years, unless the licensee agrees to a shorter term. Subsequent renewals may be for ten (10) years, unless the licensee agrees to a shorter term. Renewals may be requested and acted upon only during the twenty four (24) months immediately prior to the expiration date of the current license. The renewal period shall begin on the expiration date of the existing license.

7.8.4. Limit on Individuals Licensed to Use a Grant

Licenses issued under [MGL Chapter 130; Section 57](#) by the Selectboard of the Town of Wellfleet may be issued to up to four (4) individuals, 18 years of age or older, meeting the requirements set forth Section 7. The Selectboard will not recognize more than four (4) individuals as licensees on any one license. Each individual who is licensed to use an area for aquaculture must acknowledge and approve the addition of any person who subsequently applies to be included on that license.

7.8.5. Working of Grants by Non-Licensees

All individuals authorized by a licensed grant holder to work the grant in the absence of a licensed grant holder must be registered with the Shellfish Department. Licensees are responsible for the actions of all such employees or otherwise affiliated persons while they are working on the grant designated by their registration. When more than one licensee has been granted a license for the same acreage, each licensee is responsible only for the actions of the employees or otherwise affiliated persons who are under their

separate management.

7.8.6. Limit on Size of Grant

No licensee shall hold a license for, or have use of, more than seven (7) acres in total. Each person named on a license as a licensee shall be charged with the total acreage covered by that license. (See Section 7.3 Annual License Fee.) Individuals holding more than seven (7) acres prior to the adoption of the establishment of this limit will not be required to accept a license for a lesser acreage, but will not be eligible for a license for any additional acreage.

7.8.7. Grants Established Before August 1, 1993

Any license/s issued prior to August 1, 1993, the date on which the Selectboard established the maximum size of seven (7) acres for an aquaculture holding, will remain valid, and will be allowed to continue according to the existing terms and conditions of said license.

7.8.8. Aquaculture Research and Development Projects

7.8.8.1. License for Aquaculture Research and Development

The Selectboard may issue a license to an individual or an institution (including a corporation) which proposes to conduct aquaculture research and development projects if environmentally appropriate, in the best interests of the town, and beneficial to the aquaculture industry.

7.8.8.2. Initial Term of License

The initial term of a research and/or development license shall not exceed two (2) years. The license may then be renewed for a period of up to eight (8) years, for a total maximum of ten (10) years.

7.8.8.3. Plan of Project

The applicants shall provide a plan of the project including all aspects of the management and operations of the project to the Selectboard, the Shellfish Constable and the Division of Marine Fisheries.

7.8.8.4. Dissemination of Data and Results

All data and subsequent results and analyses of the project shall be made available to the Selectboard, the Shellfish Constable, and the Division of Marine Fisheries at predetermined times to be established in the license.

7.8.8.5. Excess Product Returns to Town

Products resulting from the exercise of this license, in excess of those required for the aquaculture research and development specified in Section

7.8.8.6. License for Aquaculture Research and Development shall be turned over to the Town of Wellfleet annually, for appropriate use by the Shellfish Department.

7.9. Rights of Use and Transfer

Licensees shall have the exclusive use of the area described in their license for the purpose of aquaculture, for the duration of their terms. No other individual may use the license without the express permission of the licensee(s). (See Section 4.9 Poaching, Section 4.10 Disturbance of Grant by Other Than the Licensee and MGL Chapter 130; [Section 57](#), [Section 63](#) and [Section 67](#).)

Licensees may transfer the rights or responsibilities assigned to their license to any other individuals, companies or corporations by vote of the Selectboard, and with the express permission of all other individuals who hold license for the same area. (See MGL Chapter 130; [Section 58](#) and Section 7.8.3 Limit on Individuals Licensed to Use a Grant.)

7.10. Inheritance of Rights to Use an Aquaculture License

Any license issued under the provisions of MGL Chapter 130, Section 57 shall, upon the death of the sole licensee, continue in full force and effect, subject to the same terms, conditions and regulations imposed by the original license, for the balance of the unexpired term or one year, whichever is longer. This is for the use and benefit of the immediate family of the deceased licensee. For purposes of this section the term immediate family shall mean spouse, son, daughter, mother, father, brother and sister of said deceased licensee.

7.11. Liability of the Town

The Town will not be held liable for any damage to a licensed area, or gear, or stock thereon, by reason of any dredging or other harbor improvements undertaken by the Town.

7.12. Evidence of Productivity: Use It or Lose It

7.12.1. Minimum Levels of Investment and Production

There shall be minimum levels of investment and production required in order to retain an area license. These shall be:

- a. During the first, second, and third year after the date of issuance of the license a minimum of \$1000 per acre shall be spent on seed and gear for the area and it shall be evident that this effort of improvement has taken place. Any licensed area that is less than one acre shall be prorated.
- b. During the fourth year and every year thereafter there shall be a minimum production of an average of \$1000 worth of product per year per acre, or prorated for a portion thereof, from the practice of aquaculture on the licensed area. This shall be demonstrated by the annual grant report, and, if so requested by the Shellfish Constable, copies of transaction receipts or other acceptable documentation. (See MGL Chapter 130, [Section 64 Annual fees for license.](#))

7.12.2. Failure to Meet Production Levels

Failure of the licensee/s to meet the specified production level for any three (3) consecutive years may result in the forfeit of the aquaculture license and licensed area, as stated in [MGL Chapter 130; Section 65](#).

7.12.3. Waiver of Production Requirements

The Constable shall have the right to waive the minimum production requirements when there is evidence that the failure to meet the minimum standard is due to events beyond the control of the license holder.

7.12.4. Extension of Licensed Area (Grant): Investment and Production

In the event of an extension being granted to a presently licensed area, the same level of effort per acre for the newly licensed, abutting section is required as described above in Sections 7.12.1 Minimum Levels of Investment and Production and 7.12.2 Failure to Meet Production Levels.

7.13. Annual Report

7.13.1. Due Date

Licensees shall file annual reports under oath, on their activities in accordance with [MGL Chapter 130; Section 65](#) on or before February 28th of the following year. The report must include any changes or deviation from the original plan filed with the original application or any subsequent application.

7.13.2. Penalization for False Report

Any licensee who submits a false licensed area report in violation of [MGL Chapter 130; Section 65](#) shall be penalized by the revocation of his or her license.

7.13.3. Notification of Failure to Meet Minimal Requirements

Subsequent to the filing of the annual report, the Constable will notify any license holder who, in the opinion of the Constable, has failed to meet the minimum requirements. The license holder has the right to appeal to the Selectboard within two weeks after notification. If no appeal is filed on a timely basis, the license will be forfeited.

7.14. Annual Inspection of Each Grant

The Shellfish Department shall make no less than one visit per year to the site of each licensed area in the company of the license holder.

7.15. Shellfish Seed

7.15.1. Required State Seed Permit

No person shall harvest, plant, transplant, transport, sell or otherwise have in their possession seed shellfish, without first obtaining a state seed permit from the Massachusetts DMF, as required by [MGL Chapter 130, Section 80](#) and [CMR 322, Section 15.04\(b\) 1](#)

7.15.2. Special Circumstances for Taking of Seed

From time to time, with the approval of the DMF and the Selectboard, the Shellfish Department may open up an area for the taking of oyster seed only by aquaculture licensees who hold a seed permit.

7.15.3. Use of Spat Collecting Devices

The use of spat collecting devices such as Chinese hats to catch oyster larvae in areas not licensed for aquaculture, may only be done by commercial permit holders who also hold a seed permit (Section 1, Definitions).

During this period, catching oyster larva with such devices is legally considered to be fishing, not farming and the devices are classified as fishing equipment, not growing devices.

From time to time, upon receiving a recommendation from the Constable, the Selectboard may vote to limit the areas in which such fishing is allowed or the numbers of Chinese hats or such other devices that may be set out by individuals in these same areas.

7.15.4. Catch Limit for Seed Specified on Permit

No license holder in any one calendar year may take, or cause to be taken, more than twenty-five (25) bushels of seed oysters per acre of licensed area or fraction thereof, pro rated at that rate.

7.15.4. No Seed Harvested by Dragging

No person shall harvest shellfish seed by dragging, except by the licensee within the boundaries of his or her licensed area.

7.16. Undersized Oysters, Quahogs and Surf Clams

7.16.1 Containers Holding Undersized Shellfish Must Be Tagged

All containers that hold market-bound, aquaculture-raised shellfish whose size is less than that allowed by the State when that species is harvested from the wild (petite oysters whose greatest length is between 2 1/2 and 3", quahogs whose hinge width is between 7/8" and 1", or surf clams whose shell diameter is between 1 1/2" and 5") must be tagged with the words "AQUACULTURE-RAISED" or "FARM RAISED".

7.16.2 Sale Only from Grower to Primary Buyer

The primary sale of undersized, aquaculture-raised (oysters whose greatest length is between 2 1/2 and 3", quahogs whose hinge width is between 7/8 and 1", and surf clams whose shell diameter is between 1 1/2 and 5") must only be between the aquaculturists or their licensed employee, and a licensed wholesale dealer that is also a "primary buyer of shellfish". If the aquaculturist is also licensed as a primary buyer, they may be considered as the primary buyer of their own product.

TOWN OF WELLFLEET



on Cape Cod

JE



Tel. (508) 349-3707

TOWN OF WELLFLEET

RR1, Main Street
Wellfleet, Massachusetts 02667

TO: Board of Selectmen
FROM: Paul Somerville
DATE: April 11, 1994
RE: ARC Grant Recommendation

First, let me apologize to the Board for not having this information available last Friday. Given the complexities and sensitivities involved, I really didn't make up my own mind on this matter until late Saturday. As a matter of fact, up until last Thursday I was not quite sure if I was going to make a recommendation in this matter or if my assistant Jerre Austin was going to do this. After consulting the Ethics Commission on Thursday afternoon, I realized that there is no reason that I can't make recommendations and decisions in matters regarding ARC. The EC Attorney did not feel that there was any conflict of interest on my part due to the length of time that had elapsed since I worked for ARC (11 years this month), the length of time since I have done business with ARC (6 years) and the fact that I have no intention of working for ARC in the near future. On the advice of the EC attorney, I will make these facts known at the hearing, and I will not address the subject again unless someone else brings it up. [As a matter of fact, Jerre had a higher potential of conflict because his wife Barbara does business with ARC.] Anyway, on to the main issue:

Ever since Dick Kraus first mentioned his intention to request additional acreage, my feelings on the matter have ranged across the full spectrum of options available to the Board in this situation. I believe that I have considered as many of the relevant factors and viewpoints applicable to this situation as possible. I think the Board should always keep in mind the ultimate purpose of the Town with respect to the aquaculture industry, which is to provide and foster economic opportunities for as many Wellfleet residents as is reasonable and feasible. This may lead you to the conclusion that the best course of action would be to squeeze ARC out and give their acreage to someone else. However, I believe that ARC's unique role in the present quahog aquaculture industry should be examined and understood. I have drawn a diagram that I believe illustrates this role, which I will explain at the public hearing. The basic realization here is that ARC is an important part of the whole system that many people depend on to some degree or another. The fact is that 1) ARC is a major supplier of seed quahogs, 2) ARC purchases the adult stock back from many grantholders when the stock is ready and 3) ARC purchases wild harvest shellstock from non-grantholders as well.

I am not saying that ARC is the only supplier of seed quahogs available to our aquaculturists, nor are they the only market to sell to. I will say that many people in Town have developed good working relationships with ARC, and I have been approached by many people over the last couple of weeks who have said that they hope they will be able to continue this. You need to realize that if ARC does have to look to other towns to find a suitable number of acres to achieve their purposes, then it is quite possible that they would drop out of the Wellfleet system altogether; this would probably cause a good deal of hardship for those already associated with ARC. It could also take several seasons before similar arrangements could be reestablished with other entities.

Recommendation to the Board of Selectmen
April 11, 1994 -- RE: ARC

My recommendation to the Board is as follows:

ARC has had a lot of problems with the present site #792. The depth of water is not conducive to those methods of quahog cultivation which they have developed and which they feel are most desirable. I have also spoken to Irving Puffer who had attempted to raise oysters in this area. He said that ice damage to his beds in this area was severe. Also, Keith Scott, owner of F/V Norman Scott publicly expressed his opinion at the last Shellfish Advisory meeting that he is strongly against beds that extend out this far towards the fleet's dragging grounds. All of these factors lead me to make the recommendation that ARC should give up grant 792 by a date to be agreed upon.

This leads us to address the option as to where ARC could go. I have drawn a plan which I will present to you at the hearing. It calls for 1) leaving open the possibility for the present 3 acre beds to expand to 4 acres total. 2) leaving a buffer zone of 50' on the outside of the 4-acre boundary lines. 3) Establishing beds outside of there that extend 200 feet out and run parallel to the beach. This would result in beds in shallower water, which seems to be preferable for most operations growing quahogs, and the fishing fleet as well.

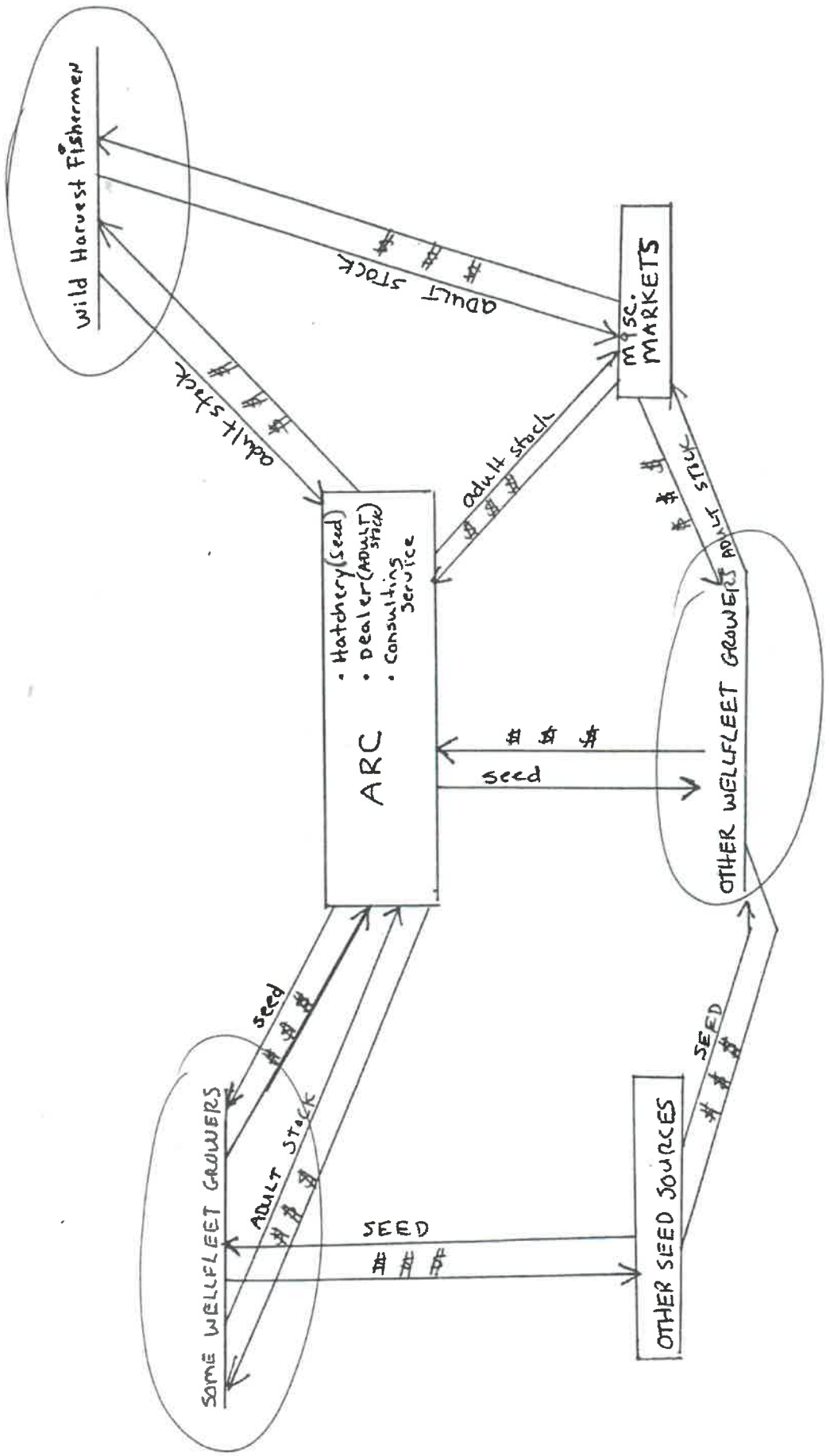
As for the size of ARC's portion, I am recommending a 6-acre parcel. I have made it clear to Mr. Kraus that I would not support anything over 7 acres, a policy of mine that is well documented.

All of my recommendations for additional acreage over the last two years have been for individuals who only had 1 or 1½ acres. I have been attempting to bring them up closer to the Town average of 3 to 3½ acres, keeping in line with the Town's policy of giving out parcels that are as equal in size as possible. Most of those and other parcels in Town have reached the physical and topographical limits appropriate to the area where they are located. I am recommending a six-acre parcel for ARC. This is short of their request by 9 acres, and hopefully enough to help them achieve the financial goals that they feel are necessary for their survival. As I have stated previously, a number of other grantholders feel that their viability hinges on ARC's survival. Therefore, I feel that the compromise I have put forth is justified, and in the best interests of all involved. Please notice that there are also some new grants that would be available as a result of this plan. This is in addition to several other locations presently being discussed by the Shellfish Adviosry Committee and myself.

I realize there will be a need for further discussion at the hearing. I would also recommend to the Board that it should make a decision prior to the "changing of the guard" at the end of this month.



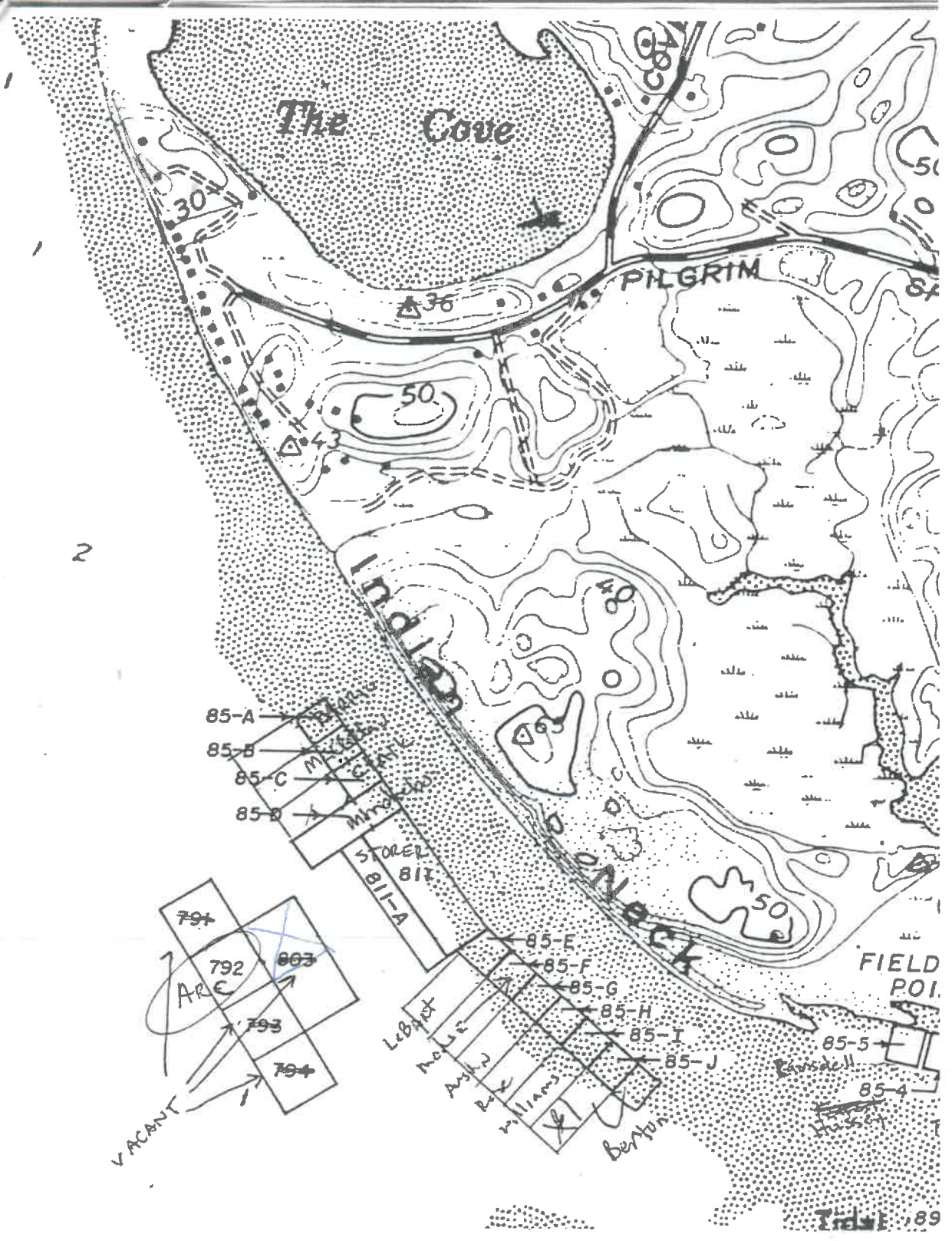
FLOW CHART OF ARC/JN
RELATIONSHIP



EXISTING INDIAN GRANT AREA

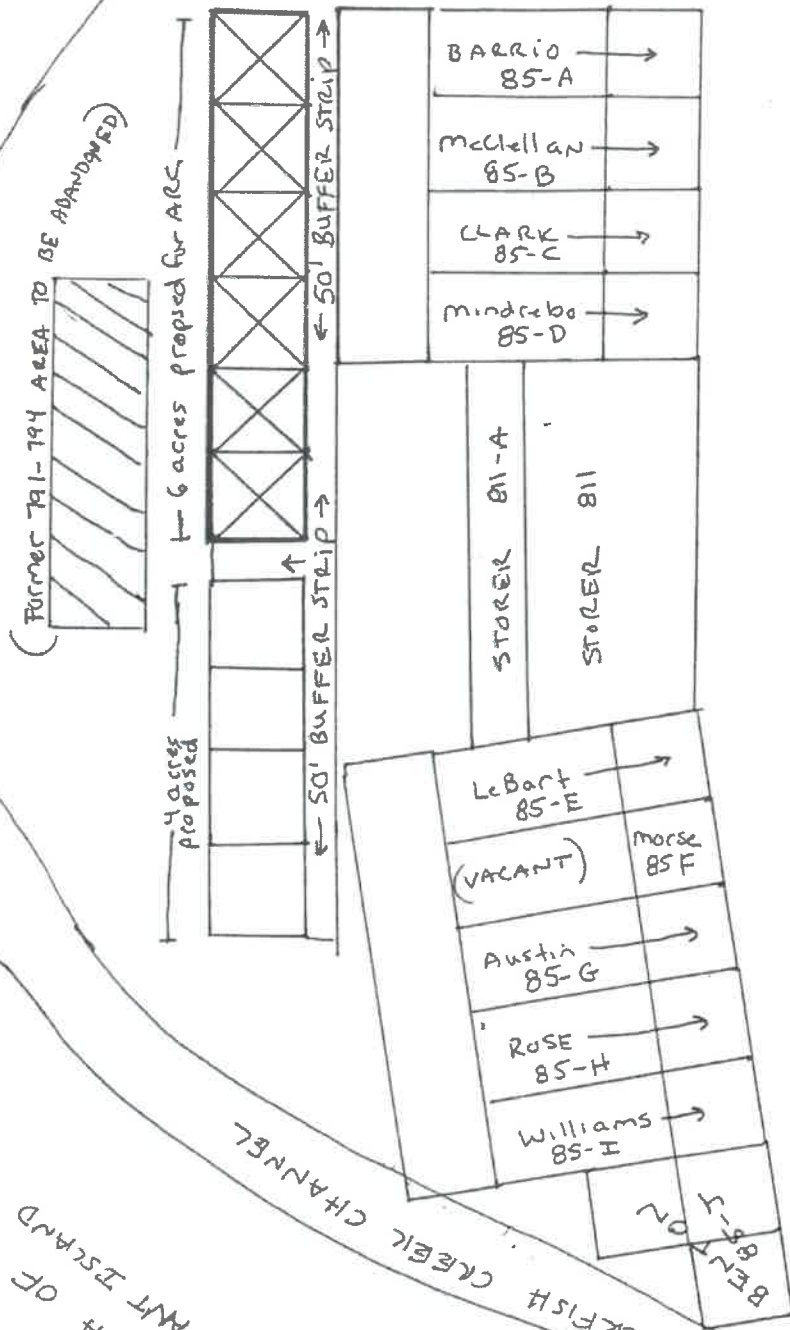
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Tract 89

Proposed re-organization of
Indian Neck Grant AREA



PLAT NORTH OF
LEUTENANT ISLAND
BLACKFISH CREEK CHANNEL

$$\frac{1}{2} \text{ "square} = 1 \text{ acre (200x200)}$$

Aquacultural Research Corporation

RICHARD H. LORING
VICE PRESIDENT

P.O. BOX 597
DENNIS, MASSACHUSETTS
02638

TELEPHONE
386-3833
AREA CODE
617

March 29, 1982

Board of Selectmen
Town of Wellfleet
Box A
Wellfleet, MA 02667

RE: AQUACULTURE GRANT APPLICATION

Dear Sirs:

On February 19, 1982 Aquacultural Research Corporation filed an application for a shellfish grant. This application is for two grant locations adjacent to one another: Indian Neck #792 and #793. A term of five years is requested.

This area is currently non-productive for seed stocks and does not support any adult shellstock population. Aquacultural Research Corporation is requesting this area for experimental plots of hardshell quahaug grow-out. If the experimental plots show good growth, a production phase of quahaug growth will be instituted.

We think that the granting of these areas for use by Aquacultural Research Corporation will be of benefit to shellfish growing in the town. Any spat thrown by the planted animals will be genetically superior to natural stocks in terms of fast growth. The net covers may act as potential spat collectors for quahaugs as well as other species such as softshell clams, mussels and oysters. The working area will not constitute a navigational hazard nor will it be aesthetically obtrusive.

Aquacultural Research Corporation has worked successfully in this manner with the Town of Barnstable for several years and has been approached by the Town of Harwich to set up a similar program within their town waters.

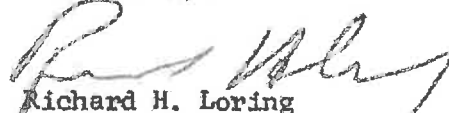
In return for the use of the grants, Aquacultural Research Corp. would be willing to donate to the Town of Wellfleet 50,000 1/4" seed quahaugs in the spring of each growing season of the term of the grant. If the Town prefers, Aquacultural Research Corporation will plant the 50,000 seed quahaugs in the same manner its own seed will be planted and the Town may take the resulting animals in the fall with whatever growth and mortalities have occurred.

March 29, 1982

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Thank you for your consideration of this request.

Yours truly,



Richard H. Loring
Vice President

RHL:gh
Encl.

TOWN OF WELLFLEET
SHELLFISH REGULATIONS

These regulations are adopted by the Wellfleet Board of Selectmen pursuant to General Laws, Chapter 130, Section 52. They take effect on July 1, 1987, and supercede all previous Wellfleet Shellfish Regulations. They supplement State Regulations (MGL Ch. 130) which all persons must also observe.

Section I

1.1 Purposes - To foster, protect and preserve the Town's highly important shellfish resources and habitats, to maintain and improve conditions permitting productive shellfishing for all persons legally engaged therein, and to provide appropriate protection for the reasonable and legitimate interests of all others affected by shellfishing activity in Wellfleet Harbor, the activities identified herein are regulated as hereinafter provided.

1.2 Harbor Management Plan - These regulations shall be amended as and when required so as to be in consonance with the Town's overall Harbor Management Plan when it is prepared and accepted.

Section II

2.1 Definitions - The following terms, unless a contrary meaning is required by the context, or is specifically prescribed, shall have the following meanings:

Aquaculture Permit - Issued by Division of Marine Fisheries to relay seed shellfish from one location to another

Channel - The area which is marked by U.S. Coast Guard navigation markers indicating a navigable channel

Commercially Harvested - The taking and selling of shellfish

Handpicking - The picking of oyster seed by hand or a tool that is an extension of the hand

License - That which is issued by Division of Marine Fisheries or the Town for the purpose of raising, propagating or harvesting shellfish

Licensed Grant - A duly licensed shellfish grant under Chapter 130, Section 57 of the Massachusetts General Laws

Licensed Grantee - A person, persons, corporation or company issued a license by the Board of Selectmen under the provisions of Massachusetts General Laws, Chapter 130, Section 57

Manual Bullrake - Implement used for the harvesting of hard-shelled clams, that which is similar to a standard clam hoe, but has a basket and approximately 20 teeth

Permit - A certificate that is issued by the Board of Selectmen or their designee which allows a person to harvest shellfish and sea worms within the Town of Wellfleet

Permitted - That which is allowed

Planted Areas - Areas where the Shellfish Department plans an abundance of shellfish for propagation purposes, where shellfish may be purchased by a permit holder for a fee that is determined by the Board of Selectmen

Quahog - A marine mollusk of the species *Venus mercenaria*, commonly called the hard-shelled clam

Scallop - A marine mollusk of the species *Aequipecten inadiana*, commonly known as the Cape scallop or bay scallop

Seed Clam - A soft-shelled clam less than 2 (two) inches

Seed Mussel - A mollusk that is less than 2 (two) inches

Seed Oyster - A bivalve mollusk that is less than 3 (three) inches

Seed Quahog - A hard-shelled clam less than 2 (two) inches

Seed Scallop - An immature scallop without the annual growth line

Seed Surf Clam - That which is less than 5 (five) inches

Shellfish - Clams, conches, mussels, oysters, periwinkles, quahogs, razor clams or razor fish, scallops, sea clams, sea quahogs, sea scallops, and winkles

Sub-tidal - The body of water or area below that of mean low water

Tidal Lands - Land between the lines of the ordinary high and low tides covered and uncovered successively by the ebb and flow thereof; land uncovered by ordinary tides

Waters - Coastal waters, tidal flats and tidal creeks of the Town of Wellfleet

Section III

3.1 Posting - Copies of these Shellfish Regulations and any supplements thereto and of any Temporary Shellfish Regulations issued for a limited time or for a stated term shall be published and shall be posted and made available in the following public places as a minimum: Town Clerk's Office; Harbormaster's Office; Shellfish Constable's Office.

Section IV

4.1 General Regulations

4.1.1 All persons twelve (12) years of age or older engaged in taking, removing, catching or having in possession eels, clams, quahogs, surf (sea) clams, razor clams, oysters, mussels, scallops, or sea worms from the waters of the Town shall have an appropriate license or permit, said license or permit to be issued and used only in accordance with the terms, conditions and restrictions herein set forth.

4.1.2 Non-commercial resident permits may be issued to any domiciled resident of the Town (including proven owners and year-round renters of trailers permanently situated in Wellfleet). Non-commercial non-resident permits may be issued to any person 12 years of age or older. No permits are required of children under 12 years of age.

4.1.3 Persons engaged in shellfishing, eeling, or gathering sea worms must have a Town license or permit prominently displayed and show the same on demand to any shellfish constable, deputy shellfish constable, police officer, or other duly authorized agent of the Selectmen. The Selectmen may at their discretion revoke, cancel, or suspend said permit for failure to do so, or for any breach of these regulations.

4.1.4 The Selectmen may restrict the taking of shellfish by commercial or non-commercial permit holders in any areas and in such manner as they deem expedient. Such restrictions shall have the same force and effect as any regulation made herein, and any violation of such restrictions shall be punishable in like manner. No shellfish shall be taken from any area of waters in the Town unless such area has been declared open for the taking of such kind of shellfish by the Board of Selectmen, and only in the quantity specified.

4.1.5 The taking of any shellfish from the waters within the Town by any method other than those commonly known as the long rake, scratcher, tongs, or clam hoe, or by dragging is prohibited. The use of the so-called manual bullrake, except on licensed grants, is prohibited north of a line extending from the seaward end of the breakwater to the easternmost tip of Great Island.

4.1.6 No person who is not a state seed permit holder shall take or have in his possession seed shellfish, defined as: quahogs less than 2 inches; soft-shelled clams less than 2 inches; oysters less than 3 inches; or bay scallops without a well-defined raised annual growth line.

4.1.7 Non-commercial permit holders shall not take more than ten (10) quarts of common shellfish, comprising oysters, quahogs, clams and/or razor clams, per week, one (1) bushel of scallops per week, ten (10) quarts of mussels per week, two (2) bushels of surf (sea) clams per day, and twenty-four (24) sea worms per day, unless otherwise posted per Section 3.1.

4.1.8 No person shall come ashore with shellfish and return to the waters for the purpose of additional shellfishing in excess of established limits.

4.1.9 No person shall dig, pile, take, or carry away any shellfish or shells between one half hour after sunset and one half hour before sunrise by any method whatever from any waters, flats, or creeks of the Town.

4.1.10 All persons taking or carrying away or having in their possession shellfish of any kind in a boat, container, or vehicle shall exhibit such shellfish for inspection on demand by the shellfish constable, deputy shellfish constable, or police officer.

4.1.11 The Board of Selectmen may suspend for cause any permit granted by them for such time as they deem proper. Due notice in writing of such suspension shall be given to the permit holder. Any person whose permit has been suspended shall surrender same to the office of the Town Administrator until the period for which it was suspended has expired.

4.1.12 Scallop season shall open October 1 and close April 1 of the following year, except when otherwise provided.

4.1.13 Except on grants, no shellfishing shall be carried on when the air temperature is below 28 degrees Fahrenheit.

4.1.14 A special fee in an amount determined by the Board of Selectmen may be charged for a permit holder to take shellfish from planted areas in order to compensate the Town for expenses associated with the acquisition and planting of shellfish.

4.1.15 No person holding a non-commercial permit shall dig, take, or carry away shellfish, eels, or sea worms for the purpose of sale.

4.1.16 No raking of seed shall be allowed except in areas approved by the Shellfish Constable, Shellfish Advisory Committee, and Board of Selectmen.

Section V

5.1 Commercial Shellfishing Regulations

5.1.1 Commercial permit holders must abide by all applicable General Regulations as well as regulations pertaining to commercial shellfishing.

5.1.2 Commercial permits may be issued to any person 15 years of age or older who is a bona fide domiciled resident of the Town of Wellfleet. Written proof of residency is required: tax bills, rent receipts, utility bills, driver's license, car registration, etc. Bona fide domiciled residents 15 and 16 years of age may be issued junior commercial permits. Any commercial permit shall be forfeited if the holder ceases to be a bona fide domiciled resident of the Town. Commercial permits will not be issued to unnaturalized foreign-born persons who have not resided in Barnstable County at least five years prior to making application.

5.1.3 Annual commercial permits valid for the calendar year will be issued from January 1 to April 30 of the permit year subject to a 30-day review of the application. The Board of Selectmen may at its discretion grant permits after April 30 if the applicant demonstrates:

- a) that unusual circumstances existed which would reasonably excuse a failure to file an application prior to May 1; and
- b) that a manifest injustice and substantial hardship would be caused by the refusal of the permit; and
- c) that the granting of the late permit would not affect the opportunity of timely applicants to harvest a reasonable quantity of shellfish.

5.1.4 No drag or dredge with or without teeth having a width greater than fifty (50) inches shall be used in Wellfleet Harbor.

5.1.5 No vessel which operates a drag or dredge by any mechanical means shall have more than one drag or dredge in a position ready for use at any time.

5.1.6 No vessel shall operate a drag within the area three hundred (300) feet or more northerly of a line drawn from the easternmost tip of Great Island to the seaward end of the breakwater or within one hundred (100) feet of the edge of the buoyed channel or of a licensed buoyed shellfish grant, with the exception that a grant holder may drag over his own grant.

5.1.7 Hydraulic harvesting of surf (sea) clams as authorized by the Division of Marine Fisheries is permitted. Aerobic (hydraulic) harvesting of quahogs from vessels by means of a drag provided with a blade no longer

than eighteen (18) inches and with hoses of a diameter no greater than four (4) inches for the ejection through nozzles of water under pressure is permitted in the sub-tidal area south of a line running from the seaward end of the breakwater to the easternmost tip of Great Island and north of the Eastham/Wellfleet line, except within 100 feet of the buoyed channel or of any buoyed, licensed grant, but only in such areas and during such periods as may be specified by Temporary Regulations issued by the Board of Selectmen.

5.1.8 Shellfishing by holders of commercial permits by any means is prohibited in areas designated for the use of non-commercial permit holders only.

5.1.9 No person engaged in commercial shellfishing or aquaculture shall operate on any tidal beach or flat or other land below the mean-high water line a motorized vehicle at a speed in excess of fifteen (15) miles per hour or a motorized vehicle which is dual wheeled or which has greater than 9,200 lbs. GVW.

5.1.10 Persons engaged in commercial shellfishing or aquaculture operating motorized vehicles on any tidal beach or flat or other land below the mean-high water line shall drive only on the foreshore of the tidal area below the high tide line but above the tidal flat, closely rounding any groin or other obstruction extending below the high water line, to a point opposite a grant and thence to the grant. Traffic not directed to a grant shall be confined to the area below the high tide line above the tidal flat, closely rounding any groin or other obstruction extending below the high water line.

5.2 Bay Scallops

5.2.1 All scallops taken under a commercial permit shall be landed at the Town Pier.

5.2.2 All bags holding scallops shall be tied prior to landing.

5.2.3 No more than ten (10) bushels (tied) of scallops, including shells, per commercial permit shall be taken in any one day. No more than twenty (20) bushels, shells included, shall be taken by any vessel having two or more permit holders aboard in any one day, except by special express permission of the shellfish constable.

5.3 Mussels

5.3.1 No more than one (1) bushel of mussels per commercial permit shall be taken per day unless otherwise posted per Section 3.1.

5.4 Oysters

5.4.1 No more than five (5) bushels of oysters, including shells, per commercial permit holder shall be taken from a vessel in any one day. No more than ten (10) bushels, including shells, shall be taken by any vessel having two (2) or more holders of commercial permits aboard in any one day.

5.4.2 No drag or dredge without teeth shall be used for the purpose of dragging oysters within the Town of Wellfleet.

5.4.3 No more than five (5) bushels of oysters, including shells, per commercial permit shall be taken by hand picking in any one day unless otherwise posted.

5.4.4 Cultch for the collection of spat shall be replaced in the same areas from which oysters have been taken by commercial permit holders.

5.4.5 No oyster of any size shall be taken out of the Town of Wellfleet for the purpose of transplanting or to be placed in any waters outside the limits of the Town.

5.5 Quahogs

5.5.1 No more than fifteen (15) bushels of quahogs, including shells, per commercial permit shall be taken from a vessel in one day.

5.5.2 No more than twenty-five (25) bushels, including shells, shall be taken in any one day by a vessel having two or more permit holders aboard, except by special express permission of the shellfish constable.

5.5.3 No more than five (5) bushels of quahogs, including shells, per commercial permit shall be taken by hand raking in any one day unless otherwise posted.

5.6 Razor Clams

5.6.1 No more than two (2) bushels of razor clams per commercial permit shall be taken per day unless otherwise posted.

5.7 Sea Worms

5.7.1 No more than forty-eight (48) sea worms per commercial permit shall be taken per day unless otherwise posted.

5.8 Soft-shelled Clams

5.8.1 No more than three (3) bushels of soft-shelled clams per commercial permit shall be taken per day unless otherwise posted.

5.9 Surf Clams

5.9.1 No more than two hundred (200) bushels of surf (sea) clams per vessel per day shall be taken within the waters inshore of the 12-foot depth (at mean low water) line by commercial permit holders.

5.9.2 No more than two (2) bushels of surf (sea) clams per commercial permit shall be taken by hand raking per day.

5.10 Eels

5.10.1 See Section 7.1.4 for quantities permitted to be taken.

Section VI

6.1 Licensed Grants

6.1.1 The annual fee for a shellfish grant license shall be \$25.00 per acre or part thereof, as provided in MGL Ch. 130, Sec. 64.

6.1.2 All grants shall be licensed for a period of five (5) years, except for the initial grant to new applicants which will be for two (2) years. Subject to the approval of the Board of Selectmen, a license may be renewed at any time not more than twenty-four (24) months prior to the expiration date. The new license is to be valid commencing on said expiration date of the preceding license.

6.1.3 A list of applicants for grants in order of date of application shall be kept on file by the Town Administrator, and an up-to-date copy shall be permanently posted on the official bulletin board in the Town Hall. Applications shall be acted upon in the order of dates of application.

6.1.4 Grant licenses may be suspended or revoked by the Board of Selectmen only in accordance with the provisions of the Mass. General Laws, Wellfleet Shellfish Regulations, the regulations of the Division of Marine Fisheries, or the conditions of the grant license.

6.1.5 No licensed grant shall be issued for an area of substantial seed production within the Town.

6.1.6 Licensed grant areas are issued for the exclusive use of the grantee, who may contract or employ others to perform certain necessary activities. Subleasing or sublicensing of the grant area or portion thereof is prohibited.

6.1.7 As of the date of this regulation, all new leased or licensed grant (areas) will be assigned only to a person who is a bona fide domiciled resident of the Town of Wellfleet. Written proof of residency is required: tax bills, rent receipts, utility bills, driver's license, car registration, etc. may serve as proof. Any leased grant area shall be forfeited if the holder ceases to be a bona fide domiciled resident of the Town.

6.1.8 Grant licensees shall file annual reports in accordance with State Law, Chapter 130, Section 65 prior to October 20 covering the shellfish grant year, October to October. This report shall include any changes in the development plan filed with the original application for the grant, and be subject to approval.

6.1.9 No shellfish grants shall be approved in areas above mean high water.

6.1.10 No person shall plant, place or transplant shellfish in or on any water or flat within the Town without first obtaining a state seed permit or aquaculture permit.

6.1.11 No structure (fixed to the bottom) within the boundaries of a grant and (above the mean low-water line) shall be in any part more than eighteen (18) inches above the natural ground level.

6.1.12 Any area containing a structure or structures above the natural ground level within a grant shall be marked by red and white underwater-obstruction-warning buoys, as prescribed by Coast Guard regulations, and shall be registered with the Coast Guard. Insofar as possible, within grants such obstructions shall be clustered, and the appropriate warning buoys shall encompass groups of obstructions. From April 1 to November 1, all shellfish grants shall be marked with twenty-inch (20) or larger in circumference orange or yellow fluorescent international balls at each corner, and said buoys shall be attached to their moorings only by metal chains, cables, or non-floating lines. These buoys shall bear the painted number of the grant, and the figures of said numbers shall not be less than two inches (2") in height. They shall not be interconnected to

obstruct navigation. Evidence of Coast Guard registration of all underwater obstruction buoys shall be provided to the Harbormaster. Additionally, each grant holder shall obtain written confirmation from the Shellfish Constable that he or she has otherwise marked his or her grant in accordance with this regulation. Failure to observe this regulation shall be cause for immediate forfeiture of the grant license in accordance with MGL Chapter 130, Section 61. Effective June 1, 1989, the orange balls mentioned above shall be changed from orange to yellow.

6.1.13 Upon the death of any licensee, his immediate family shall have a period of one year or such other time as is provided for under Section 57 of Chapter 130 of the Mass. General Laws, to remove adult and seed stock that was planted by said licensee in the territory covered by his license. The Shellfish Constable shall, in this event, take appropriate measures to assist in preventing, during this time period, the stock from being unlawfully removed or disturbed by any person. Any person determined to have caused an unauthorized removal of stock shall be subject to the full penalty provided by law and these rules and regulations. The Town will not be liable for any damage or theft.

6.1.14 No holder of any shellfish grant shall hold liable the Town of Wellfleet or the Commonwealth of Massachusetts for any damage to any grant as the result of harbor improvements.

6.1.15 The Board of Selectmen or its representative may allocate certain parts of the oyster-seed-producing area in the Town to be used by holders of grant licenses who are state seed permit holders for the sole purpose of placing cultch to obtain spat, the right to said spat to be held by said licensee, from June 15 to December 15. Any cultch or spat remaining in said parts after December 15 shall be the property of the Town.

6.1.16 The quantity of seed oysters that may be taken and the area or areas from which seed may be taken during any calendar year by a grant holder holding a valid state seed permit shall be limited and regulated from time to time by the Shellfish Constable and such restrictions shall be published in the Temporary Shellfish Regulations. All seed shall be hand picked.

6.1.17 No grant holders shall dig, pile, take, harvest or carry away any shellfish or shells between the period of one-half hour after sunset to one-half hour before sunrise by any method whatsoever, from any waters of the Town. In cases of impending natural emergency due to storm or ice and only after advance notification and permission of the Shellfish Constable or deputy shall the grant holder engage in the securing of threatened stock, the repair of propagation boxes, bottom pens, nets, or other shell-fishing equipment during the period from one-half hour after sunset to one-half hour before sunrise.

6.1.18 Rafts, floats or surface work platforms relative to the operation of shellfish grants shall be approved by the Harbormaster and comply with appropriate regulations.

Section VII

7.1 Eeling

7.1.1 No person shall take, remove, catch or have in his possession eels from the waters of the Town of Wellfleet without first obtaining from the Board of Selectmen an eel permit on which shall be plainly marked the height and color of the eyes and hair of the permittee and any other identification deemed expedient by the Board of Selectmen.

7.1.2 No eels shall be taken within the Town of Wellfleet by the use of a fyke unless a special permit therefore is obtained.

7.1.3 On the demand of any duly authorized officer or agent of the Board of Selectmen, every permittee shall display in full view his entire catch of eels for examination.

7.1.4 Permits issued for the catching or taking of eels from the waters of the Town of Wellfleet shall be issued to Wellfleet commercial permit holders for the taking of unlimited number of eels, and to Wellfleet non-commercial permit holders for the taking of not more than twenty (20) pounds of eels per day.

Section VIII

8.1 Shellfishing by Diving

8.1.1 There shall be no diving for shellfish from October 1 to April 1 south of a line drawn at Indian Neck Breakwater to the easternmost tip of Great Island.

8.1.2 There shall be no diving within one hundred (100) feet of any shellfish grant, except for grant holders diving on their own grants.

8.1.3 Divers for shellfish are subject to the same limits as those of hand pickers or draggers, depending on the area fished.

8.1.4 All divers shall display a flag when in the water and must stay within one hundred (100) feet of the diver flag.

8.1.5 Diving for shellfish in the channel is prohibited.

Section IX

9.1 Scuba Diving - General Laws, Chapter 90B, Section 13A

9.1.1 Every scuba diver or group of scuba divers while swimming on or under the surface of the waters of the commonwealth shall display for each diver or group of divers as a warning device to boat operators, a diver's flag, so-called, constructed of rigidly supported material at least twelve inches by fifteen inches in area of red background with a white diagonal stripe. Such diver's flag shall be displayed on a boat or surface float and shall extend a minimum distance of three feet from the surface of the water. Divers shall remain in an area within one hundred (100) feet of such displayed diver's flag while at or near the surface of the water. A boat operator within sight of a diver's flag shall proceed with caution and within a radius of one hundred (100) feet of such flag shall proceed at a speed not to exceed three miles per hour.

9.1.2 Scuba diving in the channel is prohibited.

Section X Enforcement and Penalties

10.1 The Board of Selectmen reserves the right to suspend for a period of thirty (30) days for the first violation, the shellfish permit of any person found violating the Town rules and regulations on shellfishing.

10.2 Public hearings will be afforded on revocation of shellfish permits.

10.3 All regulations and specifications made prior to the date of acceptance of these regulations and specifications are hereby revoked.

10.4 These regulations and specifications shall remain in full force and effect until revoked by vote of the Board of Selectmen.

10.5 All sections of Chapter 130 of the Massachusetts General Laws which apply to shellfish shall be enforced.

10.5.1 Criminal Complaint - whosoever violates any of the above rules and regulations or laws shall be punished by a fine of not less than ten (10) nor more than one thousand (1,000) dollars in addition to the suspension or revocation of any license at the discretion of the Board of Selectmen. The penalty, upon conviction of poaching or stealing of shellfish, shall be the loss of license for six (6) months for the first offense.

10.5.2 Non-Criminal Disposition - whoever violates any provision of these rules and regulations may, in the discretion of the Shellfish Constable, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of General Laws, Chapter 40, Section 21D. For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows: \$25.00 for the first offense; \$50.00 for the second offense; and \$100.00 for the third and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

Town of Wellfleet
Shellfishing Policy and Regulations

Last Amended 04/09/13, 06/04/13, 7/16/13, and 01/28/14; 06/10/14, 8/05/14, 09/16/14, 03/24/15,
05/12/15, 08/11/15, 09/08/15

All References to Massachusetts General Law (MGL) and the Code of Massachusetts Regulations
(CMR) are valid as of 2014

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6.4.5. Egg Island:

- a. The north side of Egg Island from the flag pole at Chequessett Country Club easterly to the Town Pier is open year round for the taking of quahogs and oysters.
- b. Diving from a boat is permitted with the usual restrictions and conditions. The use of scratcher and basket rakes and clam hoes will be allowed; no other methods of harvest are permitted. (See also Section 9 **Commercial Shellfishing: Diving for Shellfish**)

6.4.6. Blackfish Creek:

Blackfish Creek will be open year round for the taking of quahogs, soft-shelled clams and oysters.

6.4.7 South Lieutenant Island

South Lieutenant Island will be closed for the taking of shellfish from June 1st through September 30th.

6.5. Use of Motorized Vehicles for Shellfishing

6.5.1. Motorized Vehicles on Beaches

Only commercial permit holders or aquaculture licensees may use motorized vehicles on beaches or in intertidal areas. (See Town of Wellfleet General Bylaws under ARTICLE VII GENERAL - Section 24. Beach Vehicular Traffic By-Law.)

6.5.2. Terms and Conditions for Use of Motorized Vehicles

All use of vehicles to access areas licensed for aquaculture or other areas open to commercial permit holders, shall also be in accordance with the applicable general bylaws of the Town, and conditions, which may be imposed by the Conservation Commission.

6.5.3. Speed Limit on Beaches and Intertidal Areas

No person engaged in commercial shellfishing or aquaculture shall operate a motorized vehicle at a speed in excess of fifteen (15) miles per hour or a motorized vehicle which is dual wheeled or which has a gross vehicle weight (GVW) greater the nine thousand two hundred pounds (9200 lbs) on any tidal beach or flat or other land below the mean-high water line.

6.5.4. Allowed Line of Access for Vehicles

Persons engaged in commercial shellfishing or aquaculture operating motorized vehicles on any tidal beach or flat or other land below the mean-high water line shall drive only on the foreshore of the tidal area below the high tide line but above the tidal flat, closely rounding every groin or other obstruction extending below the high water line, to a point opposite a licensed area, and thence to the licensed area. The traffic not directed to a licensed area shall be confined to the area below the high tide line above the tidal flat, closely rounding any groin or other obstruction extending below the high water line. Parking is permitted on the licensed area or in the access route to a licensed or legal harvesting area as described above.

6.6 Transfer of Oysters to Wholesale Dealer's Trucks During Vibrio Control Season

See Section 4.3.2.

Section 7. Shellfish Aquaculture

7.1. Issuance of Shellfish Aquaculture Licenses (Grants) for Areas Surveyed and Subdivided by the Town.

Once areas are identified by the Shellfish Constable as potentially suitable for the location of shellfish aquaculture, and the areas are under the control of the Town, the Board of Selectmen may exercise their discretion as the licensing authority for the issuance of license/s for shellfish aquaculture (grants) in compliance with MGL Chapter 130. The Board of Selectmen shall post notice of the availability and location of such acreage, as well as any applicable conditions and/or limitations upon such acreage, on the Shellfish Department's notice board, at Town Hall and on the Town Website.

7.2. Previously Established Grants that Become Available

In the event that a licensed aquaculture area previously certified by the DMF becomes available, its status shall be posted by the Shellfish Constable (see Section 3; Informing the Public of Meetings Concerning the Fishery) for a period of 30 calendar days. If more than one qualified person (as described in Section 1 under **Domiciled Resident**, and Section 7.8.1 Domiciled Residents) whose name does not appear on another license applies to hold the license, the Board of Selectmen shall hold a public lottery within 14 days to impartially determine who shall be granted the right to use such available acreage for aquaculture.

7.3. Annual License Fee

The annual fee for an aquaculture license to be paid to the Town by each licensee shall be \$25.00 per acre (or portion thereof) per licensee, as required by MGL Chapter 130; Section 64.

7.4. Location of Areas Licensed for Aquaculture (Grants)

Grants may be located in the following areas:

Area 1: On tidal flats off Mayo Beach and Chequessett Neck from the eastern boundary of the Town property at Powers Landing to the Town Pier and at least three hundred (300) feet northward of a line from the seaward end of the Breakwater to the easternmost tip of Great Island, except in the area above mean low water on Egg Island.

Area 2: On tidal lands lying north and easterly of the Breakwater and of the northerly tip of Indian Neck.

Area 3: On tidal lands off Indian Neck from Omaha Road south to the eastern tip of Field Point.

Area 4: On tidal lands off the westerly side of Old Wharf Point and at the entrance to Loagy Bay.

Approval of the proposed licensed area shall be determined by the Board of Selectmen with appropriate regard for reasonable navigational and recreational interest in the areas concerned.

7.5. Conditions for Use of Area Licensed for Aquaculture

The Board of Selectmen may license specific areas beneath the waters of the Town to individuals for the purpose of granting exclusive rights to plant, grow and harvest shellfish from that area. Said license is subject to the provisions of MGL Chapter 130, those set forth in current regulations of the Division of Marine Fisheries, these regulations or other town bylaws, as well as any specific conditions or restrictions set forth in the license by the Board of Selectmen.

This license does not grant any property rights. Any use of this license for other than the planting, growing, and harvest of shellfish upon privately owned property may not proceed over the objection of the property owner. This license does not authorize any damage to private property or other violation of private rights. The issuance of this license is not a determination of title or ownership. The licensee acknowledges that it is the responsibility of the licensee to obtain permission if requested in writing, from the property owner, before exercising the rights conferred by the license other than for the planting, growing and harvest of shellfish on that property. However, the license holder is on notice that the owners of the property described in the license may nevertheless bring an action for trespass in a court of competent jurisdiction. A license holder may not rely on this license as a defense to an action in trespass. (MGL Chapter 130; Section 57.)

7.5.1 Access to Areas Licensed for Aquaculture is Required

There will be permitted and designated access to all licensed acreage. The method or methods of access shall be precisely specified in the text of the aquaculture license (lease) granted by the Board of Selectmen.

7.5.1.1. Vehicle Access to Grants

Vehicle access will only be allowed when:

- a. Town roads and Town landings are used;
- b. The owners of private roads to be used have no objection;
- c. The specific route of entry from the roadway onto the beach and flats is approved and conditioned by the Conservation Commission.

7.5.1.2 Non-vehicular Access to Grants

Access by foot and/or boat shall be designated in the aquaculture lease, in all cases in which vehicle access is not possible or permitted.

7.6. Process for Approval of Aquaculture Licenses

The Board of Selectmen will accept and process applications for area licenses in accordance with MGL Chapter 130; Section 57, and the application procedure of the Town.

7.7. Moratorium on Aquaculture Licenses

The Board of Selectmen may at a duly advertised public hearing declare a moratorium (a time-specific closure) on license approvals at any time this action is deemed appropriate and in the best interests of the fishery and the environment.

7.8. Issuance of Licenses for Aquaculture

7.8.1. Domiciled Residents: Licenses issued will be issued only to domiciled residents (See Sec. 1 Definitions) of the Town, 18 years of age or older, who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and used a Wellfleet commercial shellfishing permit during two (2) of the last three (3) years OR the applicant can demonstrate some experience in shellfish propagation and aquaculture. This may be supported by a letter from a license holder describing the type of work performed and any other information which might be relevant.

At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

7.8.2. Renewal of Aquaculture Licenses

The initial term for a new license shall be two (2) years. Provided appropriate effort has been demonstrated, as required in Section 7.12, the first renewal of a license may be for five (5) years, unless the licensee agrees to a shorter term. Subsequent renewals may be for ten (10) years, unless the licensee agrees to a shorter term. Renewals may be requested and acted upon only during the twenty four (24) months immediately prior to the expiration date of the current license. The renewal period shall begin on the expiration date of the existing license.

7.8.3. Limit on Individuals Licensed to Use a Grant

Licenses issued under MGL Chapter 130; Section 57 by the Board of Selectmen of the Town of Wellfleet may be issued to up to four (4) individuals, 18 years of age or older, meeting the requirements set forth Section 7. The Selectmen will not recognize more than four (4) individuals as licensees on any one license. Each individual who is licensed to use an area for aquaculture must acknowledge and approve the addition of any person who subsequently applies to be included on that license.

7.8.4. Working of Grants by Non-Licensees

All individuals authorized by a licensed grant holder to work the grant in the absence of a licensed grant holder must be registered with the Shellfish Department. Licensees are responsible for the actions of all such employees or otherwise affiliated persons while they are working on the grant designated by their registration. When more than one licensee has been granted a license for the same acreage, each licensee is responsible only for the actions of the employees or otherwise affiliated persons who are under their

separate management.

7.8.5. Limit on Size of Grant

No licensee shall hold a license for, or have use of, more than seven (7) acres in total. Each person named on a license as a licensee shall be charged with the total acreage covered by that license. (See Section 7.3 Annual License Fee.) Individuals holding more than seven (7) acres prior to the adoption of the establishment of this limit will not be required to accept a license for a lesser acreage, but will not be eligible for a license for any additional acreage.

7.8.6. Grants Established Before August 1, 1993

Any license/s issued prior to August 1, 1993, the date on which the Board of Selectmen established the maximum size of seven (7) acres for an aquaculture holding, will remain valid, and will be allowed to continue according to the existing terms and conditions of said license.

7.8.7. Aquaculture Research and Development Projects

7.8.7.1. License for Aquaculture Research and Development

The Selectmen may issue a license to an individual or an institution (including a corporation) which proposes to conduct aquaculture research and development projects if environmentally appropriate, in the best interests of the town, and beneficial to the aquaculture industry.

7.8.7.2. Initial Term of License

The initial term of a research and/or development license shall not exceed two (2) years. The license may then be renewed for a period of up to eight (8) years, for a total maximum of ten (10) years.

7.8.7.3. Plan of Project

The applicants shall provide a plan of the project including all aspects of the management and operations of the project to the Board of Selectmen, the Shellfish Constable and the Division of Marine Fisheries.

7.8.7.4. Dissemination of Data and Results

All data and subsequent results and analyses of the project shall be made available to the Board of Selectmen, the Shellfish Constable, and the Division of Marine Fisheries at predetermined times to be established in the license.

7.8.7.5. Excess Product Returns to Town

Products resulting from the exercise of this license, in excess of those required for the aquaculture research and development specified in Section

7.8.7.6 License for Aquaculture Research and Development shall be turned over to the Town of Wellfleet annually, for appropriate use by the Shellfish Department.

7.9. Rights of Use and Transfer

Licensees shall have the exclusive use of the area described in their license for the purpose of aquaculture, for the duration of their terms. No other individual may use the license without the express permission of the licensee(s). (See Section 4.9 Poaching, Section 4.10 Disturbance of Grant by Other Than the Licensee and MGL Chapter 130;Section 57, Section 63 and Section 67.)

Licensees may transfer the rights or responsibilities assigned to their license to any other individuals, companies or corporations by vote of the Board of Selectmen, and with the express permission of all other individuals who



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Grant Employee Sheet

Grant Holders names and phone #

AQUACULTURAL RESEARCH CORPORATION

ROB DOANE, PRESIDENT

Grant # 792

Employee names

PAUL WITTENSTEIN

TJ GOODROW

PETE HAMILTON

Print name and sign

ROB DOANE

12/2/2016

Date

Phone (508) 349-0325



Fax (508) 349-0305



TOWN OF WELLFLEET

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

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

ASSISTANT
TOWN ADMINISTRATOR

November 29, 2016

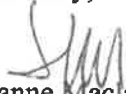
ARC
PO Box 2028
Dennis, MA 02638

Dear Mr. Doane:

Please be advised that the Board of Selectmen will hold a public hearing on Tuesday, December 6, 2016 at 7:05 p.m. in the Wellfleet Council on Aging to consider your request to renew shellfish grant license # 792 for a ten year period.

The Board of Selectmen requests that you be present at the hearing.

Sincerely,


Jeanne MacLauchlan
Principal Clerk

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 10-11-16

TO: Board of Selectmen
300 Main Street
Wellfleet, MA 02667

I/We hereby request renewal of Shellfish Grant License # 792, located at

INDIAN NECK, in Wellfleet MA and consisting of 3 acres,

and dated SEPT. 22, 2017, for a (five) (ten) year period.

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.


Signature ROB DOANE, PRES

AQUACULTURAL
Name RESEARCH CO.

P.O. Box 2028
Mailing Address

DENNIS, MA 02638

508-385-3933
Telephone Number



That we, Dennis Murphy, Chair, Berta Bruinooge, Janet Reinhart, Jerry Houk and Helen Miranda Wilson, members of the Board of Selectmen of the Town of Wellfleet, MA, in accordance with the provisions of Chapter 130 of the General Laws as amended and all other powers thereto enabling, do grant to **Aquacultural Research Corporation** of Dennis, MA for the term of ten years beginning September 22, 2017, license to plant, grow, cultivate and harvest shellfish at all times during the pendency of the license, in and upon the flats and waters situated in said Wellfleet, MA, on a certain parcel of land designated as shellfish grant license # 792 bounded and described as follows:

Land lying at Indian Neck, so called, lying within the tidewaters of Wellfleet Harbor, commencing at a steel survey marker at the corner of the premises herein licensed; thence

- | | | | | | |
|---|-----|-----|-----|---|--|
| N | 57° | 16' | 00" | E | by grant #791, a distance of three hundred sixty and 2/10 (360.2) feet, more or less, to a steel survey marker; thence |
| S | 32° | 31' | 00" | E | a distance of three hundred sixty one and 3/10 (361.3) feet, more or less, to a steel survey marker; thence |
| S | 57° | 19' | 00" | W | by grant #793, a distance of three hundred sixty and 2/10 (360.2) feet, more or less, to a steel survey marker; thence |
| N | 32° | 30' | 00" | W | a distance of three hundred sixty one (361) feet, more or less, more or less, to the point of beginning. |

The above described grant contains an area of 3 acres, more or less, and is shown on a plan filed in the Town Clerk's office and entitled, "Plan of Town Lease Shellfish Grants of Wellfleet Harbor, showing as grants # 791, 792, 793 and 794; scale: 1 in. = 100 ft., May 1979" by Slade Associates, Inc., Registered Land Surveyors. Said plan to be recorded with the Barnstable Registry of Deeds.

This grant license is granted upon the following terms and conditions and in accordance with the provisions of Chapter 130 of the General Laws.

This license does not grant any property rights. Any use of this license for other than digging and taking of shellfish upon privately owned property may not proceed over the objection of the property owner. Pursuant to General Laws Chapter 130, Section 57, the licensee may not impair the private rights of any person. This license does not authorize any injury to private property or invasion of private rights. The issuance of this license is not a determination of title or ownership. The licensee acknowledges, it is the responsibility of the licensee to obtain permission, if required, from a private property owner before exercising the rights conferred by this license other than for digging and taking of shellfish. The license holder is on notice that owners of the property described above may bring an action for trespass in a court of competent jurisdiction. A license holder may not rely on this license as a defense to an action in trespass.

1. That the said **Aquacultural Research Corporation** shall pay to the Town of Wellfleet upon execution of this license the sum of Five Dollars (\$5.00) to be applied as follows: One Dollar (\$1.00) for the recording cost of said license and Four Dollars (\$4.00) as costs incurred in granting said license. He shall pay to the Town of Wellfleet an annual rental payment at the rate of Twenty-Five Dollars (\$25.00) per acre, or any portion thereof, in the sum of \$75.00 per year, the first payment to be made upon the execution of this license, commencing **September 22, 2017**.
2. That the said Aquacultural Research Corporation shall file the report required by Chapter 130, Section 65 of the General Laws annually and comply with all other pertinent sections of said chapter. Any violation of the terms of this license or of any section of said Chapter 130 as amended relating to the planting, growing, digging or taking of shellfish shall be considered as a forfeit and surrender of all

That we, Jacqui W. Beebe, Chairman, Michael May, D. Ira Wood, Dale Donovan and Jerry Houk members of the Board of Selectmen of the Town of Wellfleet, MA, in accordance with the provisions of Chapter 130 of the General Laws as amended and all other powers thereto enabling, do grant to **Aquacultural Research Corporation** of Dennis, MA for the term of ten years beginning September 22, 2007, license to plant, grow, cultivate and harvest shellfish at all times during the pendency of the license, in and upon the flats and waters situated in said Wellfleet, MA, on a certain parcel of land designated as shellfish grant license # 792 bounded and described as follows:

Land lying at Indian Neck, so called, lying within the tidewaters of Wellfleet Harbor, commencing at a steel survey marker at the corner of the premises herein licensed; thence

- | | | | | | |
|---|-----|-----|-----|---|--|
| N | 57° | 16' | 00" | E | by grant #791, a distance of three hundred sixty and 2/10 (360.2) feet, more or less, to a steel survey marker; thence |
| S | 32° | 31' | 00" | E | a distance of three hundred sixty one and 3/10 (361.3) feet, more or less, to a steel survey marker; thence |
| S | 57° | 19' | 00" | W | by grant #793, a distance of three hundred sixty and 2/10 (360.2) feet, more or less, to a steel survey marker; thence |
| N | 32° | 30' | 00" | W | a distance of three hundred sixty one (361) feet, more or less, more or less, to the point of beginning. |

The above described grant contains an area of 3 acres, more or less, and is shown on a plan filed in the Town Clerk's office and entitled, "Plan of Town Lease Shellfish Grants of Wellfleet Harbor, showing as grants # 791, 792, 793 and 794; scale: 1 in. = 100 ft., May 1979" by Slade Associates, Inc., Registered Land Surveyors. Said plan to be recorded with the Barnstable Registry of Deeds.

This grant license is granted upon the following terms and conditions and in accordance with the provisions of Chapter 130 of the General Laws.

This license does not grant any property rights. Any use of this license for other than digging and taking of shellfish upon privately owned property may not proceed over the objection of the property owner. Pursuant to General Laws Chapter 130, Section 57, the licensee may not impair the private rights of any person. This license does not authorize any injury to private property or invasion of private rights. The issuance of this license is not a determination of title or ownership. The licensee acknowledges, it is the responsibility of the licensee to obtain permission, if required, from a private property owner before exercising the rights conferred by this license other than for digging and taking of shellfish. The license holder is on notice that owners of the property described above may bring an action for trespass in a court of competent jurisdiction. A license holder may not rely on this license as a defense to an action in trespass.

1. That the said **Aquacultural Research Corporation** shall pay to the Town of Wellfleet upon execution of this license the sum of Five Dollars (\$5.00) to be applied as follows: One Dollar (\$1.00) for the recording cost of said license and Four Dollars (\$4.00) as costs incurred in granting said license. He shall pay to the Town of Wellfleet an annual rental payment at the rate of Twenty-Five Dollars (\$25.00) per acre, or any portion thereof, in the sum of \$75.00 per year, the first payment to be made upon the execution of this license, commencing **September 22, 2007**.
2. That the said Aquacultural Research Corporation shall file the report required by Chapter 130, Section 65 of the General Laws annually and comply with all other pertinent sections of said chapter. Any violation of the terms of this license or of any section of said Chapter 130 as amended relating to the planting, growing, digging or taking of shellfish shall be considered as a forfeit and surrender of all

rights under this license, and the Board of Selectmen at their sole discretion and judgment may terminate the license by notice in writing which shall be effective and binding when received by the lessee.

3. That the said Aquacultural Research Corporation shall for the purposes aforesaid have the exclusive use of the waters and flats described in this license during the term thereof, subject only to the provision that in the event that it shall become necessary, in the judgment of the Board of Selectmen to use the said area described in said license because of the dredging or improvement of Wellfleet Harbor or channel, the license term may be suspended or cancelled after reasonable notice of at least thirty (30) days in writing to the lessee to remove any shellfish then and there located on the license premises and failure to so remove any or all of the said shellfish shall relieve the Town of Wellfleet from any liability for damage in connection with such work; and subject to the condition and restriction that the aquaculture project be in a location which would interfere with the mooring of recreational boats or other private rights to the extent that they exist.
4. That the said Aquacultural Research Corporation shall conform to the following conditions imposed by the Conservation Commission.
 - a) Access to the Indian Neck Grants shall be by boat and foot whenever feasible and practical.
 - b) Vehicle access to the Indian Neck Grants shall be by the Cove Road Town Landing only. Travel to the grants shall be restricted to a prescribed, marked route set out by the Shellfish Constable and Conservation Commission.
 - c) Vehicles having a greater than 9200 lbs GVW are prohibited.
 - d) Dual wheeled vehicles are prohibited.

This license is transferable only in conformity with the provisions of Chapter 130 and with approval in writing of the Selectmen.

Given under our hand and seal as members of the Board of Selectmen for and on behalf of the Town of Wellfleet and as provided by Chapter 130 of the General Laws as amended, which is made a part hereof by reference, this twenty eighth day of August, 2007.



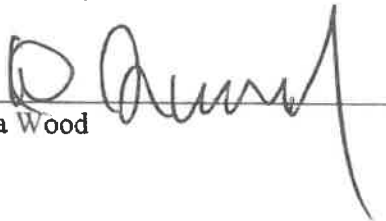
Jacquie W. Beebe, Chair



Dale Donovan

Michael May

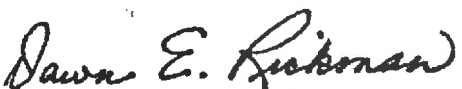
Jerry Houk



D. Ira Wood

WELLFLEET BOARD OF SELECTMEN

September 24, 2007
Received and recorded this day



Town Clerk

TOWN SEAL

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

INDIAN NECK

AQUACULTURAL RESEARCH
CORPORATION

Grant License Location
#792
Grant number
3.0
Number of Acres
MA 125312
Propagation Permit number

Name(s)
99 CHAPIN BEACH ROAD, DENNIS
Address
508-385-3933
Phone number
RICK@ARCHATCHERY.COM
E-mail address

A. Oysters

1. Number (amount) of seed planted (pieces)

10,000

2. Source of seed

N/A

a. Local wild stock (list where, e.g. Chipman's or on grant)

b. Imported wild stock

N/A

c. Hatchery stock (list each hatchery first, then amounts on following line)

A.R.C.

100%

3. Number of mature shellfish removed (pieces)

3,200

4. Value of shellfish removed (optional)

\$2,240

5. Number of shellfish remaining on bed (pieces)

APPROX. 6000

6. Estimated value of shellfish remaining on bed (optional)

B. Quahogs

1. Number (amount) of seed planted (pieces)	20,000
2. Source of seed	
c. Hatchery stock (list each hatchery first, then amounts on following line)	
	A.R.C.
	100%
3. Number of mature shellfish removed (pieces)	14,912
4. Value of shellfish removed (optional)	\$3578
5. Number of shellfish remaining on bed (pieces)	20,000+
6. Estimated value of shellfish remaining on bed (optional)	

C. Other

1. Type	BLOOD CLAMS
2. Number of pieces removed	52
3. Value (optional)	

PLEASE NOTE

It has come to our attention that we could/should have been reporting sales of seed that has passed through Grant 792. Previous Annual Reports did not include these seed sales. A.R.C. has not tracked these numbers specifically but estimate that 30% of our oyster seed sold as sizes R8, R12 and R3/4 was placed as R6 on 792 in nursery densities and allowed to grow to size before being sold to Wellfleet growers. The value (reduced to an estimated 20% of total seed to be conservative) of this seed for the past 4 years is:

2018	\$11,713.00
2019	\$12,935.00
2020	\$19,414.28
2021	\$15,623.10

If the sale of seed grown on Wellfleet grants then sold is considered 'Productivity', A.R.C's previous Annual Reports should be revised to include the above sales.

FIVE-YEAR PLAN

(Each license holder should specify his/her own plan if grant areas are worked independently.)

Grant # 792

Name(s) Aquacultural Research Corp.

Rick Sawyer

Acres 3.0

Location Indian Neck

I. Types and amounts of shellfish to be raised

Quahogs for growout.
Oysters for growout
Oysters and Quahogs nurseries

II. Seed sources (Specify hatcheries, wild spat collecting and where, etc. for each type of shellfish)

A.R.C.

III. Equipment to be used (Specify for each type of shellfish. Please highlight any new gear investments.)

Netting for quahogs.
Hotel cages and bags for oysters.
Bags for seed.

IV. Infrastructure employed off-site and where located (pits/storage containers/refrigerated units, culling facilities, ice machine, etc.)

Refrigerated units and ice machine in Dennis.
Culling will be on-site and in Dennis.

V. Means of access

Truck and boat.

RCVD 3.26.2021 ⁽⁷⁰⁾

TOWN OF WELFLEET
Annual Report of Shellfish Activity

Indian Neck

Grant License Location

792

Grant number

3

Number of Acres

Propagation Permit number

ARC

Name(s)

Box 2028 Dennis, MA 01938

Address

508.385.3933

Phone number

chloe@arc-hatchery.com

E-mail address

A. Oysters

1. Number (amount) of seed planted (pieces)
2. Source of seed
 - a. Local wild stock (list where, e.g. Chipman's or on grant)
 - b. Imported wild stock
 - c. Hatchery stock (list each hatchery first, then amounts on following line)

15,000

ARC Hatchery

3. Number of mature shellfish removed (pieces)
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed (pieces)
6. Estimated value of shellfish remaining on bed (optional)

0

15,000

B. Quahogs

1. Number (amount) of seed planted (pieces)

2. Source of seed

c. Hatchery stock (list each hatchery first, then amounts on following line)

3. Number of mature shellfish removed (pieces)

4. Value of shellfish removed (optional)

5. Number of shellfish remaining on bed (pieces)

6. Estimated value of shellfish remaining on bed (optional)

C. Other

1. Type

2. Number of pieces removed

3. Value (optional)

Ø _____

Ø _____

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

3/26/21
Date

ARC
Licensee/s

[Signature]
Licensee/s

PO Box 2028
Address

Dennis MA 02638
Address

Licensee/s

Licensee/s

Address

Address

I certify that, based on an inspection conducted by me on the above, the estimates of the numbers of shellfish remaining on the bed and the estimated value of the shellfish on the bed are reasonably accurate.

Date

Shellfish Constable

I/We hereby include payment for grant fees for the current year equal to \$25/acre per license holder as established by Wellfleet Shellfishing Policy and Regulations, Section 7.3. Annual License Fee
The annual fee for an aquaculture license to be paid to the Town by each licensee shall be \$25.00 per acre (or portion thereof), as required by MGL Chapter 130; Section 64. (Annual fee for license: Every such licensee or transferee shall pay to the city or town, on or before a date to be fixed by the aldermen, city council or selectmen, an annual fee of not less than five nor more than twenty-five dollars per acre, or part thereof. If any such fee is not paid within six months after it becomes due the license shall thereupon be forfeited.)

3
TOTAL ACREAGE

X \$25/acre (or portion thereof)

= \$ 75
TOTAL DUE per acre by 2/28

LICENSEE

\$ _____
TOTAL PAID

LICENSEE

\$ _____
TOTAL PAID

LICENSEE

\$ _____
TOTAL PAID

LICENSEE

\$ _____
TOTAL PAID

FIVE-YEAR PLAN

(Each license holder should specify his/her own plan if grant areas are worked independently.)

Grant # 792

Name(s) ARC

Acres 3

Location Indian Neck

I. Types and amounts of shellfish to be raised

200k oysters/year

II. Seed sources (Specify hatcheries, wild spat collecting and where, etc. for each type of shellfish)

ARC

III. Equipment to be used (Specify for each type of shellfish. Please highlight any new gear investments.)

Hotel cages

IV. Infrastructure employed off-site and where located (pits/storage containers/refrigerated units, culling facilities, ice machine, etc.)

99 chapin Beach Rd

V. Means of access

skiff, truck

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

Indian Neck
Grant License Location

792
Grant number

3
Number of Acres

Seed Permit number

ARC
Name(s)

Box 2028 Dennis, MA 02638
Address

508-385-3933
Phone number

chloe@archatchery.com
E-mail address

A. Oysters

1. Number (amount) of seed planted
2. Source of seed
 - a. Local wild stock (list where, e.g. Chipman's or on grant)
 - b. Imported wild stock
 - c. Hatchery stock (list each hatchery first, then amounts on following line)

6,000

ARC Hatchery

3. Number of mature shellfish removed (pieces)
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed (pieces)
6. Estimated value of shellfish remaining on bed (optional)

0

~~0~~ ~ 6,000 removed
for winter, will
go back out in spring

FEB 28 2020

B. Quahogs

1. Number (amount) of seed planted

2. Source of seed

c. Hatchery stock (list each hatchery first, then amounts on following line)

look (not under net,
low survival expected)

ARC Hatchery

3. Number of mature shellfish removed (pieces)

4. Value of shellfish removed (optional)

5. Number of shellfish remaining on bed (pieces)

6. Estimated value of shellfish remaining on bed (optional)

~~Ø~~

C. Other

1. Type

2. Number of pieces removed

3. Value (optional)

~~Ø~~

D. Adult Stock/Wild Harvest/Purging on Grant

1 Oysters (pieces and harvest dates)

2. Quahogs (pieces and harvest dates)

3. Other (pieces and harvest dates)

~~Ø~~

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

8/28/20
Date

ARC Hatchery
Licensee/s

[Signature] Colby Storr
Licensee/s

Box 2028 Dennis, MA 02638
Address

Licensee/s

Address

I certify that, based on an inspection conducted by me on the above, the estimates of the numbers of shellfish remaining on the bed and the estimated value of the shellfish on the bed are reasonably accurate.

Date

Shellfish Constable

I/We hereby include payment for grant fees for the current year equal to \$25/acre per license holder as established by Wellfleet Shellfishing Policy and Regulations, Section 7.3. Annual License Fee
The annual fee for an aquaculture license to be paid to the Town by each licensee shall be \$25.00 per acre (or portion thereof), as required by MGL Chapter 130; Section 64. (Annual fee for license: Every such licensee or transferee shall pay to the city or town, on or before a date to be fixed by the aldermen, city council or selectmen, an annual fee of not less than five nor more than twenty-five dollars per acre, or part thereof. If any such fee is not paid within six months after it becomes due the license shall thereupon be forfeited.)

<u>3</u> TOTAL ACREAGE	X \$25/acre (or portion thereof)	= \$ <u>75</u> TOTAL DUE per acre by 2/28
_____ LICENSEE		\$ _____ TOTAL PAID
_____ LICENSEE		\$ _____ TOTAL PAID
_____ LICENSEE		\$ _____ TOTAL PAID
_____ LICENSEE		\$ _____ TOTAL PAID

FIVE-YEAR PLAN

(Each license holder should specify his/her own plan if grant areas are worked independently.)

Grant # 792

Name(s) ARC

Acres 3

Location Indian Neck

I. Types and amounts of shellfish to be raised

200k oysters/year

II. Seed sources (Specify hatcheries, wild spat collecting and where, etc. for each type of shellfish)

ARC Hatchery

III. Equipment to be used (Specify for each type of shellfish. Please highlight any new gear investments.)

Hotel cages

IV. Infrastructure employed off-site and where located (pits/storage containers/refrigerated units, culling facilities, ice machine, etc.)

99 Chapin Beach Rd

- walk in cooler
- tumbler
- ice machine
- culling facilities

V. Means of access

skiff

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

Lillian Neck

Grant License Location

792
Grant number

Seed Permit number

ARC

Name(s)

99 Clapham Beach Rd
Address Dennis, MA 01928

508-385-3933
Phone number

Karen@ARC-Hatchery.com
E-mail address

A. Oysters

1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

2000

C.

ARC

2000

0

B. Quahogs

1. Number of seed planted
2. Source of seed
 - a. Hatchery name and address
3. Number of mature shellfish removed
4. Value of shellfish removed (optional)

20K

ARC

0

FEB 27 2019

5. Number of shellfish remaining on bed

30,000 ~~30~~

6. Estimated value of shellfish remaining on bed (optional)

C. Other

1. Type

Ø

2. Number of bushel removed

3. Value (optional)

D. Adult Stock/Wild Harvest/Wet Storage

1. Oysters

2. Quahogs

3. Other

Ø

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

2/22/19
Date

ARC - Rep by KAREN JOHNSON, Farm
Licensee/s myr

[Signature]

99 Chapin Beach Road
Address

Dennis, MA 01938

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

5-YEAR PLAN

Grant # 792

Name ARC

Location Indian Neck

I. Types of Shellfish to be raised

Oysters, quahog, surf clam

II Method of Propagation

Bags & condos on bottom

III. Means of Access

Boat & Truck

IV. Equipment to be used

Bags, condos, rakes, net & metal

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

Inchan Neck

Grant License Location

792

Grant number

~~508~~ 125312

Seed Permit number

ARC CORP

Name(s)

99 Chapin Road

Address DEUNIS MA 02638

508-385-3933

Phone number

Karen @ ARC.HATCHERY.

E-mail address

com

JAN 17 2018

A. **Oysters**

1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

/

/

B. **Quahogs**

1. Number of seed planted
2. Source of seed
 - a. Hatchery name and address
3. Number of mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

/

30,000

C. Other

- 1. Type
- 2. Number of bushel removed
- 3. Value (optional)

Bay Scallops - planted
~~0~~ 50K

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters
- 2. Quahogs
- 3. Other

~~0~~
~~0~~
~~0~~

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

Date 1/12/18

Licensee/s
 ARC Inc.
 Address
 99 Chapin Road
 Dennis, MA 02628

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable
 Date

5-YEAR PLAN

Grant #

792

Name

ARC Corp.

Location

Indian Neck

I. Types of Shellfish to be raised

Bay scallops and oysters. Possibly additional quahogs.

II Method of Propagation

From ARC seed, planted using nets (for scallops) and bottom cages for oysters. and quahogs

III. Means of Access

Truck during very low tides, boat for all other tides

IV. Equipment to be used

Nets and bottom cages with bags.

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

INDIAN NECK
Grant License Location
797
Grant number
3263
Seed Permit number

2016

AQUACULTURAL RESEARCH
CORP.

Name(s)
PO Box 2028
DENNIS, MA 02638

Address
508.385.3933

Phone number
rob@archatzhery.com

E-mail address

DEC 27 2016

A. Oysters

1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

B. Quahogs

1. Number of seed planted
2. Source of seed
 - a. Hatchery name and address
3. Number of mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

200,000

ARC HATCHERY

ARC DENNIS, MA

37,717

≈ 300,000

C. Other

- 1. Type _____
- 2. Number of bushel removed _____
- 3. Value (optional) _____

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters _____
- 2. Quahogs _____
- 3. Other _____

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

12/21/2016
Date



Licensee/s

ROBERT L. DOANE III, PRESIDENT

AQUACULTURAL RESEARCH CORPORATION

Address

PO BOX 2028

99 CHAPIN BEACH ROAD

DENNIS, MA 02638

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

5-YEAR PLAN

Grant # 792

Name AQUACULTURAL RESEARCH CORPORATION

Location INDIAN WEEK

I. Types of Shellfish to be raised

QUAHOGS, OYSTERS, SCUP CLAMS

II Method of Propagation

IN BOTTOM, FREE PLANT AND COVERED
BY PLASTIC NETTING
NURSERY LAGES RAISED \approx 6" OFF BOTTOM

III. Means of Access

PRIMARILY BY BOAT
OCCASIONALLY BY VEHICLE

IV. Equipment to be used

BULL RAKES FOR HARVESTING

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

2015

INDIAN NEUC

Grant License Location

792

Grant number

3263

Seed Permit number

AQUACULTURAL
RESEARCH CORP.

Name(s)

PO BOX 2028

DENNIS, MA 02638

Address

508-385-3933

Phone number

ROBDOANE@EMAIL.COM

RAK.ARC@EMAIL.COM

E-mail address

GAH.ARC@EMAIL.COM

A. Oysters

1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

B. Quahogs

1. Number of seed planted
2. Source of seed
 - a. Hatchery name and address
3. Number of mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

0
ARC HATCHERY
ARC, DENNIS, MA
0
~ 140,000

JAN 21 2016

C. Other

- 1. Type _____
- 2. Number of bushel removed _____
- 3. Value (optional) _____

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters _____
- 2. Quahogs _____
- 3. Other _____

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

1/19/16
Date


Licensee/s ROBERT L. DOANE, III
PRES.

AQUACULTURAL RESEARCH CORP.
P.O. Box 2028
Address
99 CHAPIN BEACH RD,
DENNIS, MA 02638

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

MDS T S BAL

5-YEAR PLAN

Grant # 792

Name AQUACULTURAL RESEARCH
CORP.

Location INDIAN WELK

I. Types of Shellfish to be raised QUAHOGS, OYSTERS
SURF CLAMS

II Method of Propagation IN BOTTOM, FREE PLANT AND
COVERED BY PLASTIC NETTING
NURSERY CAGES RAISED A 6" OFF BOTTOM

III. Means of Access PRIMARILY BY BOAT
OCCASIONALLY BY VEHICLE

IV. Equipment to be used BULL RAKES FOR HARVESTING

TOWN OF WELFLEET
Annual Report of Shellfish Activity

2014

INDIAN Neck

Grant License Location

792

Grant number

3263

Seed Permit number

AQUACULTURAL
RESEARCH CORP.

Name(s)

P.O. Box 2028

DENNIS, MA 02638

Address

508-385-3933

Phone number

RAK.ARC@GMAIL.COM

GAH.ARC@GMAIL.COM

E-mail address

A. Oysters

1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

B. Quahogs

1. Number of seed planted
2. Source of seed
 - a. Hatchery name and address
3. Number of mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

Ø

A.R.C HATCHERY
ARC, DENNIS, MA

Ø

140, 000



C. Other

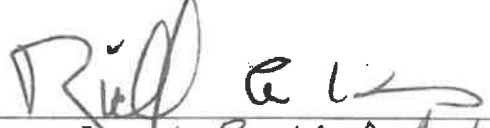
- 1. Type _____
- 2. Number of bushel removed _____
- 3. Value (optional) _____

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters _____
- 2. Quahogs _____
- 3. Other _____

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

2/12/15
Date


Licensee/s RICHARD A. KRAUS, PRES

AQUACULTURAL RESEARCH CORP.

P.O. Box 2028
Address

99 CHAPIN BEACH RD.

DENNIS MA 02638

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

5-YEAR PLAN

Grant # 792

Name AQUACULTURAL
RESEARCH CORP.

Location INDIAN NECK

I. Types of Shellfish to be raised QUAHOGS, OYSTERS

II Method of Propagation IN BOTTOM FREE PLANT AND
COVERED BY PLASTIC NETTING
NURSERY CAGES RAISED \approx 6" OFF BOTTOM

III. Means of Access PRIMARYLY BY BOAT
OCCASIONALLY BY VEHICLE

IV. Equipment to be used BULL RAKES FOR HARVESTING

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

2013

INDIAN NECK

Grant License Location

792

Grant number

3263

Seed Permit number

AQUACULTURAL
RESEARCH CORP.

Name(s) P.O. BOX 2028
DENNIS, MA 02638

Address

508-385-3933

Phone number

RAK.ARC@GMAIL.COM
GAH.ARC@GMAIL.COM

E-mail address



A. **Oysters**

1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

B. **Quahogs**

1. Number of seed planted
2. Source of seed
 - a. Hatchery name and address
3. Number of mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

110,000

ARC

ARC, DENNIS MA

21,200

—

160,000

—

C. Other

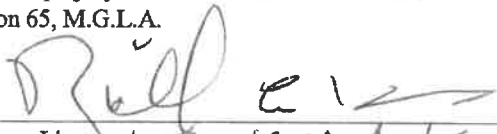
- 1. Type _____
- 2. Number of bushel removed _____
- 3. Value (optional) _____

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters _____
- 2. Quahogs _____
- 3. Other _____

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

12/30/13
Date


Licensee/s RICHARD A. KRAUS, PRES.
AQUACULTURAL RESEARCH CORP.

P.O. Box 2028
Address
CHAPIN BEACH RD.
DENNIS, MA 02638

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

5-YEAR PLAN

Grant # 792

Name AQUACULTURAL RESEARCH CORP.

Location INDIAN NECK

I. Types of Shellfish to be raised QUAHOGS, OYSTERS

II Method of Propagation IN BOTTOM, FREE PLANT AND COVERED BY PLASTIC NETTING
NURSERY CAGES RAISED ~ 6" OFF BOTTOM

III: Means of Access PRIMARYLY BY BOAT
OCCASIONALLY BY VEHICLE

IV. Equipment to be used BULL RAKES FOR HARVESTING

TOWN OF WELFLEET
Annual Report of Shellfish Activity

2012

AQUACULTURAL
RESEARCH CORP.

INDIAN NECK
Grant License Location

792
Grant number

3.363
Seed Permit number

Name(s)
P.O. Box 2028
DENNIS, MA 02638
Address

508-385-3933
Phone number

RAK.ARC@GMAIL.COM
GAH.ARC@GMAIL.COM
E-mail address

AN 28 2013

A. Oysters

1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

B. Quahogs

1. Number of seed planted
2. Source of seed
 - a. Hatchery name and address
3. Number of mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (optional)

125,000

ARC

ARC, DENNIS, MA

35,200

220,000

C. Other

- 1. Type
- 2. Number of bushel removed
- 3. Value (optional)

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters
- 2. Quahogs
- 3. Other

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

1/24/13
Date

Richard A. Keaus
Licensee/s RICHARD A. KEAUS, PRES.
AQUACULTURAL RESEARCH CORP.
P.O. Box 2028
Address
CHAPIN BEACH RD.
DENNIS, MA 02638

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

5-YEAR PLAN

Grant # 792

AQUACULTURAL
Name RESEARCH COOP

Location INDIAN NECK

I. Types of Shellfish to be raised QUAHOGS, OYSTERS

II Method of Propagation - IN BOTTOM, FREE PLANT AND COVERED BY PLASTIC NETTING.

- NURSERY CAGES RAISED 26" OFF BOTTOM

III. Means of Access PRIMARYLY BY BOAT
OCCASIONALLY BY VEHICLE

IV. Equipment to be used BULL RAKES FOR HARVESTING

C. Other

- 1. Type
- 2. Number of bushel removed
- 3. Value (optional)

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters
- 2. Quahogs
- 3. Other

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

12/30/11
Date

Richard A Kraus
Licensee/s RICHARD A KRAUS, PRES
AQUACULTURAL RESEARCH CORP
P.O. Box 2028
Address
CHAPIN BEACH RA
DENNIS, MA 02638

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

5-YEAR PLAN

Grant # 792

Name AQUACULTURAL RESEARCH CORP.

Location INDIAN NECK

I. Types of Shellfish to be raised

QUAHOGS, OYSTERS

II Method of Propagation

- In bottom, free plant and covered by plastic netting.
- Nursery cages raised $\approx 6''$ off bottom.

III. Means of Access

Primarily by boat, occasionally by vehicle.

IV. Equipment to be used

Bull rakes for harvesting.

C. Other

- 1. Type
- 2. Number of bushel removed
- 3. Value (optional)

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters
- 2. Quahogs
- 3. Other

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

12/30/10
Date

Riell A 140
Licensee/s

Aquacultural Research Corp.

P.O. Box 2028
Address

Chapin Beach Rd.

Dennis, MA 02638

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

5-YEAR PLAN

Grant # 792

Name Aquacultural Research Corp.

Location Lac Beauport

I. Types of Shellfish to be raised

Quahogs, Oysters

II Method of Propagation

- In bottom, free plant and covered by plastic netting.
- Nursery cages raised ~ 6" off bottom.

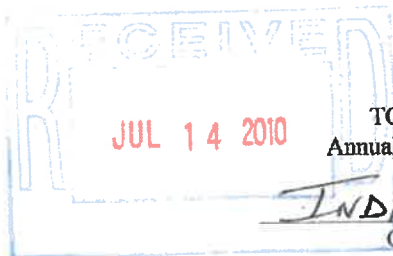
III. Means of Access

Primarily by boat, occasionally by vehicle.

IV. Equipment to be used

Bull rakes for harvesting.

AQUACULTURAL
RESEARCH
CORP.



TOWN OF WELLFLEET
Annual Report of Shellfish Activity

INDIAN NECK
Grant License Location

Name/s

792
Grant No.

3263
Seed Permit No.

2009
REPORT

7-6-10
Report Date

(due 12-31-09)

A. Oysters

1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (Optional)

B. Quahogs

1. Number of seed planted
2. Source of seed
 - a. Hatchery name and address
3. Number of mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (Optional)

290,000
ARC
ARC, CHAPIN BEACH RD.,
DENNIS, MA
92,000
EST. 120,000

C. Other

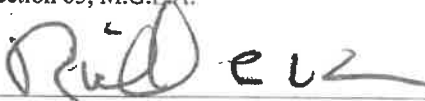

- 1. Type
- 2. Number of bushel removed
- 3. Value (optional)

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters
- 2. Quahogs
- 3. Other

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

7-6-10
Date


Licensee/s RICHARD A. KRAUS, PRES.
AQUACULTURAL RESEARCH CORP.
P. O. Box 2028
Address
 CHAPIN BEACH RD.
DENNIS, MA 02638

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

5-YEAR PLAN

Grant # 792

Name AQUACULTURAL RESEARCH
CORP.

Location INDIAN NECK

I. Types of Shellfish to be raised

QUAHOGS, OYSTERS

II Method of Propagation

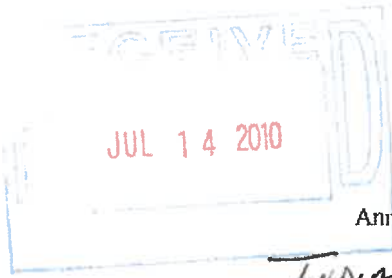
- IN BOTTOM, TREE PLANT AND COVERED BY
PLASTIC NETTING
- WIRE MESH NURSERY CAGES RAISED $\approx 6'$ OFF
BOTTOM

III. Means of Access

PRIMARYLY BY BOATS, OCCASIONALLY BY VEHICLE

IV. Equipment to be used

BULL RAKES FOR HARVESTING



AQUACULTURAL
RESEARCH CORP.
Name/s

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

INDIAN NECK WELLFLEET HARBOR
Grant License Location

792
Grant No.

3263
Seed Permit No.

2008
REPORT

7-6-10
Report Date
due
(12-31-08)

A. Oysters

- 1. Number of bushel of seed planted
- 2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
- 3. Number of bushels mature shellfish removed
- 4. Value of shellfish removed (optional)
- 5. Number of bushels of shellfish remaining on bed
- 6. Estimated value of shellfish remaining on bed (Optional)

B. Quahogs

- 1. Number of seed planted
- 2. Source of seed
 - a. Hatchery name and address
- 3. Number of mature shellfish removed
- 4. Value of shellfish removed (optional)
- 5. Number of shellfish remaining on bed
- 6. Estimated value of shellfish remaining on bed (Optional)

210,000
ARC
ARC, Chapin Beach Rd, Dennis MA
140,300
est. 320,000

C. Other


- 1. Type
- 2. Number of bushel removed
- 3. Value (optional)

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters
- 2. Quahogs
- 3. Other

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.

7-6-10
Date


 Licensee/s RICHARD A. KRAUS, PRES.
AQUACULTURAL RESEARCH CORP.
P. O. Box 2028
 Address
CHAPIN BEACH RD.
DENNIS, MA 02638

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

 Shellfish Constable

 Date

5-YEAR PLAN

Grant # 792

Name AQUACULTURAL RESEARCH
CORP.

Location INDIAN NECK

I. Types of Shellfish to be raised

QUAHOGS, OYSTERS

II Method of Propagation

- IN BOTTOM, FREE PLANT AND COVERED BY PLASTIC NETTING
- WIRE MESH NURSERY CAGES RAISED $\approx 6''$ OFF BOTTOM

III. Means of Access

PRIMARILY BY BOAT, OCCASIONALLY BY VEHICLE

IV. Equipment to be used

BULK RAKES FOR HARVESTING

C. Other

- 1. Type
- 2. Number of bushel removed
- 3. Value (optional)

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters
- 2. Quahogs
- 3. Other

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

7-6-10
Date



Licensee/s RICHARD A. KRAUS, PRES.

AQUACULTURAL RESEARCH CORP.

P. O. Box 2028

Address

 CHAPIN BEACH RD.

DENNIS, MA 02638

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

5-YEAR PLAN

Grant # 792

Name AQUACULTURAL RESEARCH CORP.

Location INDIAN NECK

I. Types of Shellfish to be raised

QUAHOGS, OYSTERS

II Method of Propagation

- IN BOTTOM, FREE PLANT AND COVERED BY PLASTIC NETTING

- WIRE MESH NURSERY CAGES RAISED $\approx 6''$ OFF BOTTOM

III. Means of Access

PRIMARILY BY BOAT, OCCASIONALLY BY VEHICLE

IV. Equipment to be used

BULK RAKES FOR HARVESTING

Aquacultural Research Corp.
Name/s

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

Inselin Neck
Grant License Location

1/4/07

792
Grant No.

Report Date

3263
Seed Permit No.

A. Oysters

1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (Optional)

B. Quahogs

1. Number of seed planted
2. Source of seed
 - a. Hatchery name and address
3. Number of mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (Optional)

440,000

ARC

ARC Dennis, MA

52,000

est. 500,000 ±

JAN 16 2007

C. Other

- 1. Type _____
- 2. Number of bushel removed _____
- 3. Value (optional) _____

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters _____
- 2. Quahogs _____
- 3. Other _____

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

1/4/07
Date

Richard E. Lewis
Licensee/s

Aquacultural Research Corp.

P.O. Box 2028
Address

Chapin Beach Rd.

Dennis, MA 02638

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

5-YEAR PLAN

Grant # 792

Name Agricultural Research Corp.

Location Inglis Neck

I. Types of Shellfish to be raised

eggs, oysters

II Method of Propagation

- in bottom, free plant and covered by plastic netting
- wiremesh nursery cages raised ~ 6" off bottom

III. Means of Access

- primarily by boat, occasionally by vehicle.

IV. Equipment to be used

- ball rakes for harvesting

JAN - 3 2006

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

Agricultural Research Corp
Name/s

Indian Neck
Grant License Location

792
Grant No.

Dec. 27/2005
Report Date

3263
Seed Permit No.

A. Oysters

1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (Optional)

B. Quahogs

1. Number of seed planted
2. Source of seed
 - a. Hatchery name and address
3. Number of mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed
6. Estimated value of shellfish remaining on bed (Optional)

0 (could not plant due to insufficient tidal amplitude)

125,000

~ 400,000

C. Other

- 1. Type
- 2. Number of bushel removed
- 3. Value (optional)

D. Adult Stock/Wild Harvest/Wet Storage

- 1. Oysters
- 2. Quahogs
- 3. Other

I (We), the undersigned, do hereby certify under the penalties of perjury that the information contained in this report is a true and valid presentation of grant activities as required by Chapter 130, Section 65, M.G.L.A.

Dec. 27, 2005
Date

Richard A. Kraus
Licensee/s

Richard A. Kraus

Aquacultural Research Corp.
Address

Po Box 2028

Chapin Beach Rd.

Dennis, MA 02538

I certify that, based on an inspection conducted by me on the above, the estimates of the number of bushels remaining on the bed and the estimated value of shellfish on the bed are reasonably accurate.

Shellfish Constable

Date

5-YEAR PLAN

Grant # 782

Name Agricultural Research Corp.

Location Fairview Neck

I. Types of Shellfish to be raised

Quahogs, oysters

II Method of Propagation

- In bottom, covered by plastic wetting
- wire mesh nursery cages, raised ~ 6" off bottom.

III. Means of Access

- Primarily by boat, occasionally by vehicle.

IV. Equipment to be used

- Bull Ropes

Board of Selectmen
April 5, 1982
Agenda

- A. Public Hearings
 - 1. Application of Robert C. Ferris d/b/a Sundowner for a seasonal, all alcoholic, common victualler liquor license
 - 2. Application of Bookstore and Restaurant, Inc. for extension of premises for a year round, all alcoholic, common victualler liquor license
- B. Open Session
- C. Minutes of Previous Meeting
- D. Reports and Notices
 - 1. Monthly Report of Inspector of Buildings
 - 2. Monthly Report of Shellfish Constable
- E. Communications
- F. Old Business
 - 1. Application of Richard Loring for shellfish grants #792 and 793, located off Indian Neck and consisting of approx. 6 acres
- G. New Business
 - 1. Sunday Entertainment Licenses
 - 2. Appointment
- H. Adjournment

Board of Selectmen
April 5, 1982
Minutes

The meeting was called to order at 7:00 p.m. by Chairman Wilbur C. Rockwell in the Hearing Room of Wellfleet Town Hall. Selectmen present included Benson R. Moore and Warren H. Rhodes.

The application of Robert Ferris d/b/a Sundowner for a seasonal, all alcoholic, common victualler liquor license and the application of the Bookstore and Restaurant, Inc. for an extension of premises on a year round, all alcoholic, common victualler liquor license were postponed until the applicants arrived.

Barbara Echeverria read the Section of the Town by-laws relative to the Town Reports and Town Meeting Warrants and asked how and when they will be distributed. Mrs. Echeverria was advised that the Town Reports will arrive on April 9th and will be available at both Post Offices and at Town Hall.

Minutes of the meeting held March 29, 1982 were approved with two corrections, those being that in the 8th paragraph it should read "Mrs." Echeverria and in the 6th paragraph Mrs. Echeverria was advised that the funds for the shingling of the Highway Garage were taken out of Public Works Expense, Other Supplies Account.

Upon the arrival of Robert Ferris, public hearing was held on his application for a seasonal, all alcoholic, common victualler liquor license. The Board read a letter from Attorney Royal Thurston III, advising the Board that F. Forbes Dodge is no longer connected with Mr. Ferris' operation. Also read was a letter from Earl Godwin objecting to the issuance of the license. Robert Ferris explained that he is asking that only a portion of the first floor be licensed and plans to cater to an after dinner crowd. The Selectmen asked Mr. Ferris if he plans to repair the parking lot and building. Mr. Ferris advised him that he was. The Board entertained questions from the public relative to the septic system, liability insurance, and children passing by the area. After further discussion, the Board unanimously voted to take the application under advisement, with a decision to be announced at next Monday nights meeting.

Public hearing was also held on the application of the Bookstore and Restaurant, Inc. for an extension of premises on a year round, all alcoholic, common victualler liquor license. The Selectmen questioned the special permit granted by the Board of Appeals. Attorney Croce, representing Caroline Parlante, explained that the special permit was granted for 95 seats. Attorney Lawrence Spaulding, representing Stephen Denman, took exception to Mr. Croce's statement, explaining that the original plan submitted to the Board of Appeals did not include a second story. After lengthy discussion, it was agreed that the second floor would not be licensed. On a motion by Rhodes, seconded by Moore, the Board unanimously voted to approve the license as follows: First floor: one dining room, service bar and kitchen; basement: lounge with tables and storage area.

Minutes of the emergency meeting held March 31, 1982 were approved as read.

Reviewed and placed on file were the monthly reports of the Inspector of Buildings and Shellfish Constable.

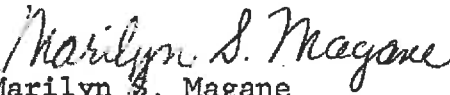
On a motion duly made and seconded, the Board unanimously voted to approve the application of Aquacultural Research Corporation for shellfish grant #792, for the period of one year, with the stipulation that the experimental rafts display flags and reflectors. If it is found that in the future the rafts present a problem to navigation, the lease will be immediately revoked. It was also noted that the lessee shall pay \$25.00 per acre per year to the Town of Wellfleet.

On a motion duly made and seconded, the Board unanimously voted to approve Sunday Entertainment Licenses for Springbrook Center, Inc. for the operation of an Outdoor Movie and Flea Market.

On a motion by Rhodes, seconded by Moore, the Board unanimously voted to appoint Dennis Murphy to the 201 Septage Study Committee to June 30, 1982.

There being no further business, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,


Marilyn S. Magane
Selectmen's Secretary


Wilbur C. Rockwell, Chm.


Benson R. Moore


Warren H. Rhodes

Board of Selectmen
August 26, 1987
Agenda

A. Public Hearings/Bids/Appointments

1. 7:00 Executive Session - Re: Collective Bargaining
2. 7:15
3. 7:30 Acquacultural Research Corp. Re: Shellfish grant hearing continuance
4. 7:45
5. 8:00 Police Chief & Finance Committee Liaison Re: Special Officer's Overtime
6. 8:15
7. 8:30 Robert Ruete
8. 8:45 Barbara Fegan Re: Barnstable County Charter Commission

B. Minutes of Previous Meetings(s)

C. Special Projects Situation Reports

D. Town Administrator Report

E. Action File

F. Other Business

1. Chamber of Commerce Re: Request to Use Town Property
2. Congressman Studts Open Meeting Sept. 19th 3-4 p.m., Town Hall
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

G. Water Commissioners

H. Open Session

J. Adjournment



OFFICE OF SELECTMEN

Box 1400
Wellfleet, Massachusetts 02667



Tel. (617) 349-3707

BOARD OF SELECTMEN

Minutes
August 26, 1987

The meeting was called to order at 7:05 p.m. by Chairman David H. Ernst in the Town Hall Hearing Room. Selectmen present included Charles Thibodeau, James Ryder, Diane Galvin and Raymond Crowell.

Minutes of the meeting held on August 19, 1987 were accepted as printed.

On a motion duly made and seconded, the Board unanimously voted to hold its meeting in Executive Session at 7:09 p.m. to discuss strategy with regard to collective bargaining, specifically union grievances. The vote was as follows: Ernst-yea; Thibodeau-yea; Ryder-yea; Galvin-yea; Crowell-yea. It was noted that the meeting would reconvene in open session.

The meeting reconvened in open session at 7:28 p.m.

Due to the nature of the next agenda item, Selectmen Ernst and Ryder stepped down and Thibodeau assumed the Chair.

Public hearing was continued on the application of Acquacultural Research Corp. to renew shellfish grant #792, located off Indian Neck and consisting of three (3) acres.

On a motion by Galvin, seconded by Thibodeau, the Board voted to approve the renewal, subject to all local and State regulations, and that any use of non-traditional tools would be subject to the approval of the Board of Selectmen, for a 5-year period.

Ernst and Ryder returned to the table and Ernst assumed the Chair.

The Board met with the Chief of Police and Finance Committee liaison regarding the payment of overtime to Special Police Officers. The Board was advised that the Personnel Board has ruled that the Special Police Officers are covered by the Personnel Bylaws and are, therefore, entitled to overtime after 40 hours. The Chief estimated the cost for the year to be between \$600.00 and \$1,000.00.

On a motion duly made and seconded, the Board unanimously voted to support the concept that Special Police Officers be paid overtime for time worked in excess of 40 hours per week.

The Board signed a contract for codification of the Town's bylaws.

On a motion duly made and seconded, the Board unanimously voted to appoint the Town Administrator as the SEMASS Waste Acquisition Agreement Coordinator and to accept the tonnage escalation option.

Barbara Fegan, Barnstable County Charter Commission Representative, appeared before the Board to explain what the Charter Commission is proposing for the structure of County Government.

At Mrs. Fegan's recommendation, the Board agreed to send letters to Representative Cahoon and Senator Doane, requesting that the Registry of Deeds be allowed to remain under the County's control.

The Board met with Robert Ruete, who had been recommended for appointment to the Conservation Commission. On a motion duly made and seconded, the Board unanimously voted to appoint Robert Ruete to the Conservation Commission, to June 30, 1989, effective upon the resignation of Ben Gitlow.

The Board approved the application of the Chamber of Commerce to hold their windsurfing contest at Mayo Beach on September 20, 1987, instead of Indian Neck, subject to the approval of the Harbormaster and adequate supervision of the event.

After lengthy discussion with regard to the location of the benches at the Marina, the Board agreed on its present location, being adjacent to the ramp, and asked the Town Administrator to find out if it was possible to slightly reduce the size of the area containing the benches.

The Town Administrator reported that Congressman Studds will hold an open meeting at the Town Hall on September 19, 1987, from 3:00 - 4:00 p.m.

Galvin reported on a meeting of the County Solid Waste Task Force at which a firm presented a plan for a transfer station costing between \$70,000 and \$75,000 to construct.

The Board approved the application of the Chamber of Commerce to conduct a sand sculpture contest on Mayo Beach on September 20, 1987.

The Board read a letter from Chester Eisinger, Chairman of the Town Democratic Committee, dated August 17, 1987, regarding the appointment of a Registrar of Voters. The Board unanimously voted to take the matter under advisement, pending advice from Town Counsel.

On a motion duly made and seconded, the Board unanimously voted to hold its meeting in Executive Session at 9:45 p.m. to discuss strategy with regard to litigation and collective bargaining. The vote was as follows: Ernst-yea; Thibodeau-yea; Ryder-yea; Galvin-yea;

BOARD OF SELECTMEN meeting 8/26/87 (cont)

Crowell-yea. It was noted that the meeting would not reconvene in open session.

The meeting adjourned at 10:40 p.m.

Respectfully Submitted,

Marilyn S. Magane

Marilyn S. Magane
Administrative Secretary

MSM:aef

David H. Ernst

David H. Ernst

Charles Thibodeau

Charles Thibodeau

James Ryder

James Ryder

Diane Galvin

Diane Galvin

Raymond Crowell

Raymond Crowell

Board of Selectmen
August 29, 1983
Agenda

- A. Public Hearings
 - 1. Applications for Shellfish Grant Renewals:
 - a) Aquacultural Research Corp.
 - b) Joseph V. Menengas
 - 2. Application for Extension of Existing Shellfish Grant:
 - a) Joel and Anne Fox
- B. Open Session
- C. Minutes of Previous Meeting
- D. Reports & Notices
 - 1. Monthly Report of Police Department
 - 2. Report of Tercentenary Delegates
 - 3. Results of Pond Water Testing
 - 4. MIA Memorial Dedication Notice
 - 5. Report of results of meeting with Raymond Duggan, rep. of D.E.Q.E. Re: Herring River Dyke water level
 - 6. Announcement of Household Hazardous Waste Collection Point
- E. Communications
- F. Old Business
- G. New Business
 - 1. Appointments to Group of Professional Personnel to Home Health Agency
- H. Adjournment

Board of Selectmen
August 29, 1983
Minutes

The meeting was called to order at 7:02 p.m. by Acting Chairman Florence A. Schmidt in the Town Hall Hearing Room. Warren H. Rhodes and Gerald Houk were absent.

Public hearing was held on the application of Richard Loring of Aquacultural Research Corp. for renewal of shellfish grant #792 located off Indian Neck. Mr. Loring requested a three-year renewal. Shellfish Constable Bill Chapman stated that everything has gone well during Mr. Loring's first year, and he suggested that a three-year renewal was appropriate. In lieu of lease payments, the corporation will donate 50,000 seed quahogs to the Town annually.

Anthony Massari, a homeowner in the Indian Neck area, asked how many acres will be involved and stated that there were problems with visiting children walking on a grant in the area and having the grant owner yell at them and threaten them.

Mrs. Schmidt suggested that perhaps educating the children about the shellfish grants would alleviate a major part of the problem. Chapman mentioned that the problem was with Toby Storer's grant, not Mr. Loring's, and that he would speak with Mr. Storer. Chapman also stated that there are nine acres leased in the Indian Neck area. There are only two grants there now, as opposed to more than five a few years ago.

Schmidt told Mr. Massari that his point was well taken, but the grant would be renewed for three years. She explained why Wellfleet wants to revive the shellfishing industry.

Public hearing on the application of Joseph Menengas for renewal of his shellfish lease was postponed, as Mr. Menengas was not present.

Public hearing was held on the application of Joel & Anne Fox for an extension of lease number 739 and 739A at Mayo Beach. The Foxes explained that 1.29 acres had been removed from their grant to come up with the 3 acres which had been approved by the Selectmen. This extension would return the 1.29 acres to the grant. They also requested that the December payment and expiration date be changed to September.

Chapman stated that he had no objections to the extension, and that he was encouraged by the Foxes' enthusiasm. The extension was approved, with a five-year lease beginning in September.

Mrs. Schmidt explained that Selectman Houk is away on business.

William Magenau stated that he admires the stand the Eastham Selectmen have taken regarding the state paying for what it mandates. He stated that he hoped Wellfleet would support them.

Minutes of the meeting held August 22, 1983, were accepted as read.

Board of Selectmen
Page 2
August 29, 1983

The monthly report of the Police Department was read and placed on file.

A report from the Barnstable County Tercentenary delegates was read and reviewed.

Mrs. Schmidt read the results of water tests on Gull Pond, Long Pond and Great Pond. All were approved for swimming.

Notice was given that an MIA Merorial Dedication will be held on September 24th at 2 p.m. at the property of Mr. Alvah Howard at Pleasant Point.

Selectman Schmidt reported that during a meeting with Assistant Attorney General Raymond Duggan, Harry Terkanian, Charles Frazier and two Selectmen, a decision was made to raise the water level at the Herring River Dyke from 5.3 to 5.7 as of September 1st. The level will be monitored by the Shellfish Constable and a representative of the D.E.Q.E. After 28 days, another meeting will be held to decide if the level should be raised a second time. The key will remain with the Town of Wellfleet.

Susan Milton questioned what level the state had asked for, and if they had agreed to drop their lawsuit. Schmidt stated that they wanted the same level as when the dyke was repaired several years ago, but there were no records available as to what that level was. She also said that the state has not yet agreed to drop their lawsuit.

Bill Magenau asked where the monitoring will be done. He was advised that there is a measuring stick at the dyke.

Mrs. Schmidt announced that there will be a collection of household hazardous waste containers in October. Wellfleet's collection point is Lema's IGA on Route 6. Pamphlets are available in the Library.

Selectman Schmidt announced the following appointments to the Group of Professional Personnel for the Home Health Agency:

Sandra Busa, Medical Social Worker
Jan Emrich, Rehabilitation Supervisor

There being no further business, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Marianne L. Nickerson
Marianne L. Nickerson
Secretary

Florence A. Schmidt
Florence A. Schmidt

Board of Selectmen
June 22, 1992
Agenda
Library Meeting Room

7:00 p.m.

Open Session

Announcements

Town Administrator's Report

Minutes of Previous Meeting(s)

Selectmen's Comments/Reports

1. Selectmen Goals (BF)

Old Business

1. Appointment to HOME Advisory Council

2. Update on downtown parking

3. Support legal action to stop outfall pipe?

New Business

1. Business Licenses: Wellfleet Harbor Actors' Theatre, ~~Dante's~~ **FLYING FISH PASTA**

2. Application of Chequessett Yacht & Country Club, Inc. for change of
Manager on Liquor License

3. Appointment to Cape Cod Economic Development Council

The above sequence will be interrupted as follows:

7:30 p.m. Fire Chief and Board of Fire Engineers

8:00 p.m. Public hearing on application of Robert, Margaret and Ross McClellan
for two-acre extension of shellfish grant #85-B

8:15 p.m. Public hearing on application of Aquacultural Research Corp. for
renewal of shellfish grant #792

8:30 p.m. Public hearing on application of Robert Wallace for renew of
shellfish grant #821

8:45 p.m. Beach Study Committee recommendaiton for windsurfing at Burton
Baker Beach

Board of Selectmen
June 22, 1992
Minutes

The meeting was called to order at 7:01 p.m. by Chairman Alfred C. Haven in the Library Meeting Room. Selectmen present included Barbara Fegan, John Ryerson, Robert S. Costa and Carolina Kiggins.

David Ernst, Wellfleet's Representative on the Cape Cod Commission, distributed a draft letter concerning the bike trail which was being submitted to the Acting Regional Director of the National Park Service. He noted that the proposal has been approved by the Cape Cod Commission Planning Committee and is scheduled for approval before the full Commission on Thursday.

Paul Somerville updated the Board on the activities of the Shellfish Department.

Mike Andolina reported that members of the Fire Department have generously donated their services to stand-by during the fireworks and that the Police Relief Association has donated \$500 towards the Wellfleet Harbor Festival.

Haven mentioned that he plans to pick up the roadside litter in the downtown area at 8:30 a.m. on Saturday should anyone wish to join him.

The next scheduled agenda item was a meeting with the Fire Chief and members of the Board of Fire Engineers. Fire Chief Roger Henson read a report he prepared in regard to the operation of the Fire Department, which received both positive and negative comments from members of the Board of Selectmen and members of the audience. Chief Henson also distributed copies of the Fire Department Rules and Regulations. The Board agreed discuss the comments next week.

Cynthia Paine explained the latest proposal of Our Lady of Lourdes Church to open its parking lot to the public. She said Father Kelley was agreeable to a one-year lease. The parking lot would be open to the public Monday Friday after morning mass until 10:00 p.m., on Saturday from 9:00 a.m. - 2:00 p.m. and 6:00 p.m. 10:00 p.m. and after masses on Sunday until 10:00 p.m. The Town would also be required to provide traffic control during weekend services. The cost to the Town, over and above the monies being donated by the business community, would be \$500. On a motion by Costa, seconded by Ryerson, the Board unanimously voted to ask the Finance Committee for a \$500 Reserve Fund transfer for the purpose of negotiating a lease with the Catholic Church. The Board agreed to review a copy of the draft lease at next week's meeting.

Public hearing was held on the application of Robert, Margaret and Ross McClellan for a two-acre extension of shellfish grant #85-B. At the recommendation of the Shellfish Constable, the Board unanimously voted to approve the extension.

Public hearing was held on the application of Aquacultural Research Corp. to renew shellfish grant #792. At the recommendation of the Shellfish Constable, the Board voted, with Haven opposed and Costa abstaining, to approve the renewal application.

Public hearing was held on the application of Robert Wallace to renew shellfish grant #821. At the recommendation of the Shellfish Constable, the Board unanimously voted to approve the renewal application. Although Mr. Wallace asked to have his wife's name added to the grant, the Board declined to do so at this hearing but asked Mr. Wallace to submit a separate application.

June 22, 1992

Page 2

David Wright an abutter to Burton Baker Beach, informed the Board that the abutters to Burton Baker Beach have no objection to the Beach Study Committee's proposal in regard to windsurfing at Burton Baker Beach. However, he said there is a concern about increasing the parking in area. The Board agreed to vote on the Beach Study Committee's proposal next week.

On a motion duly made and seconded, the Board unanimously voted to set the following fees for Summer Recreation Programs:

Tennis: \$5.00 per hour

Baker's Field/Gull Pond Program: Resident/Taxpayer - \$20/family

Non-Resident - \$40 plus \$10 add'l for siblings
or \$10 per week, per child

The Board also asked that a scholarship program be available to residents/taxpayers.

In regard to the Town Administrator's Evaluation, it was agreed that the Board members would fill out the evaluation forms and submit them to the Town Administrator by July 13th for distribution to the Selectmen. The Board also agreed to have their objectives available by July 13th.

On a motion by Fegan, seconded by Kiggins, the Board unanimously voted to appoint Catherine Dodge as Wellfleet's Representative to the HOME Advisory Council.

The Board agreed with the reorganization of the Parking Department which provides a \$500 stipend for a Hearings Officer and all tickets being submitted to a parking ticket processing service.

In regard to the schedule of parking violations, the Board unanimously voted to adopt the fee schedule that has been suggested by Town Counsel.

On a motion duly made and seconded, the Board unanimously voted to join the class action suit to stop the outfall pipe and to put an article in the Special Town Meeting Warrant for an appropriate amount of money. It was the opinion of three Selectmen that the outfall pipe should be stopped.

The Board approved business licenses for Flying Fish Pasta and Wellfleet Harbor Actor's Theatre.


The Board approved the Town Pier Property Lease subject to Town Counsel's signature and signature of the lessee, Wellfleet Marine Corp.


The Board approved the application of Chequessett Yacht and Country Club to change the Manager to Richard C. Sjogren.

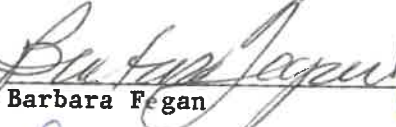
Haven reported that Alan Platt is interested in being appointed to the Planning Board. On a motion duly made and seconded, the Board unanimously voted to appoint Alan Platt to the Planning Board to an unexpired term ending June 30, 1996.

The meeting was adjourned at 11:30 p.m.

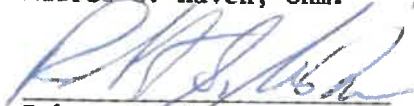
Respectfully submitted,



Marilyn S. Magane
Administrative Assistant


Alfred C. Haven, Chm.


Barbara Fegan


John Ryerson

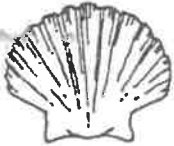

Robert S. Costa


Carolina Kiggins

Town Clerk



Tel.: (617) 349-3707
349-9402



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TOWN CLERK

WELLFLEET SHELLFISH ADVISORY COMMITTEE

Box A, Wellfleet, Massachusetts 02667

June 10, 1992
Minutes

Chairman Michael Parlante called the meeting to order at 10:05 A.M. in the Shellfish Shack. Members present were Doris Tagan, Alfred Benton, Durand Echeverria, Michael Parlante and Willys Bellinger. Also attending was Alternate Robert Hautenan and Asst. Shellfish Constable Jerry Austin.

Durand Echeverria made a motion to correct the following omission in the June 3, 1992 meeting: Alfred Benton made a motion to recommend that Durand Echeverria, Willys Bellinger and Robert Hautenan meet to draw up a draft on Shellfish grant questions, and to go over the list of past recommendations that were not acted upon by the Selectmen. Seconded by Doris Tagan. Vote unanimous.

Durand Echeverria made a motion to accept the minutes as amended. Seconded by Willys Bellinger. Vote unanimous.

Durand Echeverria presented a draft of Shellfish Grant Policies that was drawn up by Willys Bellinger, Robert Hautenan and himself. Alfred Benton made a motion to accept the draft with minor corrections. Under the second Policy Recommendations on page 2 of the draft, the vote to change acres from 2 to 7 was four to one. Durand Echeverria abstained.

Copy Attached

Willys Bellinger made a motion to have Durand give a copy of the draft to the Selectmen and to make available all recommendations to the press.

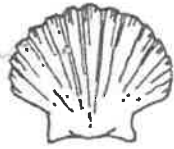
Seconded by Alfred Benton. Vote unanimous.

Durand made a motion to send the waiting list policy to the Grant Study Group with the following additions: "All grantholders must have a State Shellfish permit". Willys Seconded. Vote unanimous. Copy Attached

Having no further business, Ch. Parlante adjourned the meeting at 11:40 A.M.

Respectfully submitted,

Doris Tagan, Secretary



WELLFLEET SHELLFISH ADVISORY COMMITTEE

Box A, Wellfleet, Massachusetts 02667



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WAITING LIST

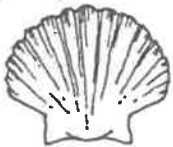
Under the Colonial Ordinance of 1641-1647 and the common law of Massachusetts as repeatedly reaffirmed by the courts, all inhabitants without limitation possess equally the right to fish (including to shellfish), fowl and navigate on or over the tidal flats of the Commonwealth. The state and the cities and towns have by various decisions of the courts the authority to regulate in the public interest this right by requiring licenses or permits, by closing polluted areas, etc. but all persons must be treated equally under the law.

If the tidelands approved for licencing are in an area insufficient to satisfy all the requests for licenses, then the distribution of the acreage available must be made by a rational and equitable method by limiting the size of individual grants and by issuing as many licenses as possible impartially, either by drawing lots or by order of application the present policy in Wellfleet.

Policy Recommendation That the policy of awards in order of application, which tends to equalize the waiting periods of all applicants, be continued; that applicants for new grants be requested when applying to list the particular lot or lots desired and to keep this list up to date; that the Shellfish Constable make all reasonable effort to obtain DMF approval, if appropriate, of lots so requested by applicants, proceeding in order of priority of application; that applicants be permitted to refuse available lots for which they have not so applied without losing their positions on the priority list; that the transfer of new grants not be permitted until more than three years after the effective date of the original license.

Shellfish Regulations Recommendation: Retain Regulation 6.1.3 (Waiting List). Amend Regulation 6.1.2, first sentence to read: "All grants shall be licensed for a period of five (5) years, except for the initial grant to new applicants, which will be for three (3) years instead of two years."

All grantholders must have a State Shellfish permit.



WELLFLEET SHELLFISH ADVISORY COMMITTEE

Box A, Wellfleet, Massachusetts 02667



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-2-

(5) The west and south sides of Lieutenant's Island, accessible by the town landing at the end of East Meadow Road.

"Furthermore, in order to increase productivity and minimize interference with other shoreline activities, the Selectmen shall render passable to authorized vehicles and the general public the Hiawatha Road landing on M. Burton Baker Beach on Indian Neck, and take steps to purchase or acquire by eminent domain the so-called Whitman's Landing on the north point of Indian Neck and the Field Point Landing also on Indian Neck at the mouth of Blackfish Creek. The latter will in addition provide a valuable launching area for small boats and a fine public beach."

3. Query #2: "Whether grants can be issued to corporations, companies or partnerships, and under what conditions."

Query #3: Whether licenses should allow additions of new licensees to any specific grant and under what conditions."

Query "Residency."

Policy Recommendation: The Board of Selectmen shall issue and administer shellfish licenses and permits in accordance with the provisions of Massachusetts General Laws: Ch. 130 as amended.

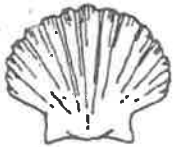
New licenses may be issued to any person, individual, firm or corporation (MGL. Ch. 130, Secs. 57, 59, 60. etc). Licenses may be transferred or renewed to any person, individual, firm or corporation. (MGL Ch. 130, Sec. 58; etc). Licenses may be granted to individuals, to partnerships of two or more persons, to firms, or to corporations. The designation of the licensee on the license may be changed with the consent of the licensee and by proper application at any time upon renewal."

Policy Recommendation: The Board of Selectmen shall not issue a license which would give to any individual, firm, partnership or corporation license to operate a grant or grants totalling in excess of seven (7) acres either as sole licensee or as joint licensee or as partner, member, or owner of capital stock of a licensee. Nothing in this policy shall be interpreted to prevent the renewal of a previously issued license for more than four (4) acres provided that there has been no addition to the members, partners, or owners of capital stock of the licensee since the effective date of the current license."

Shellfish Regulation Recommendation: "Applications for new, extended or renewed licenses by firms or corporations shall contain the full names and addresses of all members, partners, or owners of capital stock."

Shellfish Regulation Recommendation: "Delete Regulation 6.1.7 (Residency requirement)."

Background: The typical Wellfleet grant is a "mom and pop" operation but nevertheless a business and should be permitted and encouraged to operate according to the best accepted business practices. The incorporation of a grant business may be prudent and advantageous for a number of reasons. Incorporation may, for instance, limit the



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liability of the licensee or serve to protect him from legal actions initiated by special interests hostile to the fisheries of the Commonwealth.

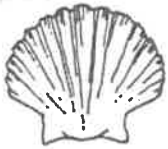
A grant is highly labor intensive and usually requires more man/woman power than one person can provide. Additional help has traditionally been supplied in Wellfleet by family members, employees, or other grant licensees under cooperative agreements. Family enterprises must be assured continuity in the event of the death or incapacity of the senior member. Legal counsel may advise the use of any of a variety of partnerships, agreements, or incorporations in accord with sound legal and business practice. The establishment of such firms or corporations expected to be economically advantageous and conducive to increased productivity is obviously in the public interest and should be not only permitted but encouraged and supported.

In 1973 the General Court amended MGL Ch. 130, Section 57 by deleting the requirement that every partner of a firm or owner of capital stock in a corporation applying for a grant license had to be a registered of the city or town. A similar residency requirement for individual applicants was likewise rescinded in 1973. Presumably the legislature determined that such requirements were not in the public interest and acted to abolish them for evident reasons. For instance it would be impossible to establish the residency of a bank which held equity in an incorporated grant. Residency could not be required of individuals and not of corporations.

We believe that the absence of any residency requirement in Wellfleet prior to July 1, 1987 increased rather than diminished the productivity of the Harbor by making available a superior source of seed and other significant advantages. Resident applicants now on the waiting list will continue to have priority for new grants. If the Town continues actively to open up new grant areas it should be possible to accomodate all additional resident applicants. Provided we can avoid the threat of pollution, we can look forward to increasing productivity from a growing number of grants worked by a number of competent, independent local fishermen operating individual grants large enough to provide good family incomes. The maximum size of new or expanded grants could be increased when more acreage is brought into cultivation.

4. Query #4: "Resolve the definition of subleasing/sublicensing"
Background: This non-question can be resolved by more precise language. Only the Board of Selectmen have under MGL Ch. 130 authority to issue shellfish licenses of any sort. A license is not a lease. The owner (usually unknown) of the tidal flat underlying a licensed shellfish grant is not a party to the license and has no control over the actions of the licensee as long as the owner's private rights are not impaired. The licensee does not lease the land underlying his licensed grant and therefore could not sublease it.

Under MGL Ch. 130 Sec. 63, "The licensee or transferee, or his legal representatives [italics added] shall, for the purposes set forth in section fifty-seven (57) and in accord with the terms set forth in said license, have during the term of the license or any renewal thereof the exclusive use of the waters, flats, or creeks described in the license



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and the exclusive right to take all shellfish there-from....The licensee or transferee, or his legal representatives, may in tort recover treble damages of any person who without his consent.... digs or takes shellfish of any kind...." Thus the license gives the licensee exclusive title to all shellfish raised on the grant and protects him against poaching, but it in no way prohibits him from granting permission to persons he may designate as his "legal representatives" to plant or harvest shellfish on the grant. It has been such grants of permission authorized by Section 63 to legal representatives that have been mistaken as instances of "subleasing" or "sublicensing". Whether a "legal representative" is gathering shellfish by free permission or as an employee or under some contractual agreement appears to be immaterial.

Recommendation: It is recommended that the following statement which requires no change in regulations or policy, be given to each licensee: "A grant licensee is responsible for:

- (1) Any violation of a town, state, or federal law or regulation related to shellfishing committed within the boundaries of his/her grant by the licensee or by a legal representative of the licensee.
- (2) Any liability related to shellfishing incurred within the boundaries of his/her grant by the licensee or by a legal representative of the licensee.
- (3) The proper submission of all reports related to shellfishing on his/her grant required by town, state, or federal authorities.

"The licensee is the exclusive owner of all shellfish on his/her grant. The licensee may employ or contract with any person or persons to perform operations on the grant related to shellfishing and may designate them as his legal representatives. The licensee may dispose of shellfish from his grant in any manner authorized by existing laws and regulations."

Shellfish Regulations Recommendation: Delete Regulation 6.1.6 (Subleasing and sublicensing).

(5) Query: "Driving on the flats."

Background: Vehicular traffic on tidal flats is regulated by the Wellfleet General Bylaw, Article VII, Section 24, most recently amended by the 1992 Annual Town Meeting. Enforcement will now be possible under the non-criminal enforcement procedure. Enforcing officers now are the Wellfleet Police Department (including special officers), the Harbormaster, the Assistant Harbormaster, the Shellfish Constable, the Assistant Shellfish Constable, and the Health and Conservation Officer.

Recommendation: It is recommended that the Board of Selectmen instruct the enforcing officers to enforce this Section more vigorously, especially on the Bay beaches.



**Wellfleet Board of Selectmen
Minutes of December 6, 2016
Wellfleet Senior Center**

Present: Selectmen Dennis Murphy, Helen Miranda Wilson, Janet Reinhart; Berta Bruinooge, Jerry Houk; Town Administrator Dan Hoort, Assistant Town Administrator Brian Carlson

Murphy called the meeting to order at 7 PM.

Announcements, Open Session and Public Comment [7:00]

- Wilson expressed appreciation to Peter Hall for his volunteer service to the Town.
- Police Chief Ron Fisette announced a movie with Santa on Saturday, December 10 and invited the public to attend. He also said that "Toys for Tots" is going on until Sunday, December 11 and asked for participation in the program.
- Don Palladino announced bi-monthly Herring River Restoration Project (HRRP) open meetings at the Library starting in January. More publicity and details will follow. He added that in the spring there will be outreach in collaboration with WHAT Theater. The Friends of Herring River continue to meet with individual property owners and encouraged concerned residents to contact them.
- Brian Carlson said that the Town is has been classified as Class 8 with the FEMA Community Rating System and this will result in about 10% reduction on flood insurance premiums.
- Sky Freis-Cole shared a flyer about a winter stroll on Saturday from 4-5:30 pm organized by the Wellfleet Chamber of Commerce. Houk thanked Freyss-Cole for bringing the Christmas stroll back.
- Trudy Vermehren and Tim Callis gave an update on the Wellfleet Arbor Committee proposal to the CPC and said that they are going forward with the funding application and will bring more information to the Selectmen in the near future.

Murphy opened the public hearings at 7:05 pm. The Shellfish Constable had provided his recommendations in writing with the Board of Selectmen meeting materials.

Public Hearing: Transfer shellfish grant license # 05-01 from Nate O. Johnson to Nate O. Johnson and Rodney Avery

MOTION 217-135: Reinhart moved and Bruinooge seconded to approve the request of Nate O. Johnson to transfer shellfish grant license # 05-01 from Nate O. Johnson to Nate O. Johnson and Rodney Avery. The motion passed 5-0.

Public Hearing: Renewal of shellfish grant license # 792 for a ten-year period.

Reinhart wanted to know more information about ARC. A representative of ARC provided details about the corporation. Wilson said that under 7.8.7 there are certain requirements and asked if the regulations are followed. Bruinooge clarified that these reports go to the Shellfish Constable, not to the Board of Selectmen. The applicant had the 2015 and 2016 reports and presented them to Wilson.

MOTION 217-136: Houk moved and Wilson seconded to approve the application from ARC to renew shellfish grant license # 792 for a ten-year period. The motion passed 5-0.

Public Hearing: Transfer shellfish grant license # 2000-2 from Stephen Pickard to Stephen Pickard, Iris R. Pickard and Benjamin T. Pickard and to renew it for a ten-year period.

The Wellfleet Oyster—Part IV

Young Fisherman Goes To Work 'Growing Finest Oysters Around'

By Nicholas DiGiovanni

Young fishermen like Irving Puffer are like links in a chain, connecting the past and future of Wellfleet's oyster industry.

Mr Puffer, only 25-years-old, last year took over the Mayo Beach shellfish grant worked for decades by Howard Snow. And he was instrumental in a recently-failed attempt to once again make Wellfleet oystering a Big Business proposition.

"I've learned a lot from Howard," Mr Puffer said. "Simple things, like how to make stakes to stake out a grant, and I ask him things like when's the best time to plant, when's the best time to harvest. He knows all that stuff from experience."

He and Mr Snow don't approach the business in quite the same way, Mr Puffer added. "Howard's got tremendous knowledge, but he's never built a raft in his life. He feels you should just let Mother Nature take her course. My thing is that you can approach it scientifically."

"But he's really helped me a lot. Howard's amazing. I don't know how old he is, but he's still quite capable. He's still strong as an ox. I have trouble keeping up with him. The guy amazes me."

The semi-retired Mr Snow and young Mr Puffer have developed a classic relationship—the old-time fisherman passing on his years of experience to a new generation fisherman who's more than willing to learn the ins and outs from an old pro.

But, Mr Puffer remembers, the friendship got off to a rocky start, about five years ago, down by Wellfleet's Herring River. The young oysterman had yet to obtain a shellfish grant. He was working part-time in a factory and "freelancing" in his spare time, harvesting oysters from the town's commercial beds. Mr Puffer would then "market" his oysters door-to-door, from restaurant to restaurant.

Incidentally, he stepped on Mr Snow's toes, moved in on his turf, and sold oysters to one of Mr Snow's long-standing markets.

"He thought I was a little pest, a gnat," Mr Puffer said. Gradually, though, the experienced oysterman warmed up to the new comer. "I think he realized I was going to stay. I guess he figured I wasn't in it just to get what I could take and then get out."

For a while, Mr Puffer worked for Mr Snow. Then, they had side-by-side grants. Finally, when Mr Snow decided to hang up his waders, he chose Irving Puffer to take over the Mayo Beach grant.

"When I was about 12 years old, I used to go down to the Herring River with my older brother," Mr Puffer said. "It was kind of a family thing. Where I grew up, on Commercial Street, the old oyster sheds were right behind our house. It fascinated me."

"I had my first boat when I was 13. My family always had boats. We were always sport-fishing, though—fin-fishing. Then, when I was 17, I got interested in the commercial part of it. I used to take a day to get 'em, another day to sell 'em. You know, I'd go around to all the restaurants—it wasn't easy, because a lot of the older guys had the markets sewed up then. Then I built myself a dragger. I didn't fish fulltime, just during the summer."

Mr Puffer sat back in his chair and passed to listen to a Paul Simon song on the living room stereo. "My father was a fisherman, my mother was a fisherman's friend, and I was born in the boredom and the boredom...." He grinned and said, "Good song."

"I've had a commercial license for six years. I had a non-commercial license for two years before that. I fished on draggers, quabogging, scalloping, oystering."

In December, 1978, he took over a Mayo Beach



Irving Puffer

TCC/DiGiovanni

grant held by Kirk Wilkinson. Mr Puffer's fee for working the grant: two bushels of oysters delivered every month from September to April.

"Being green in the aquaculture part, I had a lot of problems. The stuff I planted wouldn't grow. I had problems with mud covering it over, causing them to suffocate, and I had problems with codium."

Eventually, the grant was turned over to Mr Puffer and eventually, he gave it up. "So then I applied for grants off Indian Neck. I had 12 acres. I tried growing oysters there, but I ran into problems with ice."

Teak Over Snow Grant

That was strike two, but Mr Puffer hit a home run when he took over Mr Snow's grant. "I guess he approached me because he thought I was capable of working it. When I applied for it, there was a big issue of whether a man could work 18 acres sufficiently. If you're going to be a fulltime oysterman and do it properly, you need the acreage."

Wellfleet's selectmen finally voted to transfer about 10 acres of the Snow grant to Mr Puffer. The balance of the acreage, as well as the 12 acres off Indian Neck, was turned back to the town.

"In my mind, I wanted to start a company," Mr Puffer said. About a year before taking over the Snow grant, "one of my friends told me Mr Prevost was looking for someone to start a company. It sounded like a good idea, so I gave it a shot."

The Wellfleet Shellfish Company promised, at that time, to be a sure-thing. Roland Prevost, owner of The Salty Dog restaurant in Boston's Faneuil Hall, president of the company, would handle the marketing and business end. Vice-president Irving Puffer would "obtain the oysters, growing, harvesting, rotating the crop, and supplying the company." The operation was housed in a building near the Mayo Beach grant.

Mr Prevost found markets in Boston, California, Philadelphia, Canada, Maine, Nantucket, Rhode Island and New York. Mr Puffer, working the company's grant and buying oysters from other Wellfleet fishermen, supplied 5,000 bushels in 1980.

"We did it right. We washed the oysters in a machine we had. We boxed them. We made 'em look beautiful."

Mr Puffer's dream of a New Age for Wellfleet's

oyster industry came tumbling down in June, 1981, when he quit the company.

What happened? "We had a hard time stabilizing supply and demand." When bad weather stopped the oyster boats from going out, that's when the "markets" clamored for oysters. Other times, the Wellfleet Shellfish Company was up to its corporate neck in oysters.

Mr Puffer said the company followed a policy of buying oysters from local suppliers, year-round, even when the demand wasn't there in the marketplace. The theory behind the practice, he said, was that local fishermen would be willing to accept a lower price per bushel, in exchange for the luxury of having a year-round, reliable buyer—the Wellfleet Shellfish Company.

Wanted Loyalty

"The company stressed that if it was going to go and find markets for the fishermen, we wanted them to be loyal and sell to us first," he added. The benefit to the fishermen was that "a boat could go out and try to get all it could catch, and we'd try to buy it all."

Wellfleet Shellfish started out paying \$17 per bushel, a price raised to \$18 in mid-1980 and to \$19 early last year. "You can go out and look around and find markets paying \$40-\$45 a bushel," Mr Puffer admitted. "But they might buy only 10 bushels a week."

"The fishermen thought we must have been making a tremendous profit, but our mark-up was low because we sold to other dealers, who then sold to restaurants."

Some fishermen griped about the relatively low price per bushel, and Mr Puffer said he didn't blame them. "I wanted to give them more and still have the company make a profit." But, "Mr Prevost didn't want to pay what the fishermen thought they should get," because the money end of the business couldn't support further price increases.

Before long, Wellfleet oystermen stopped selling to Wellfleet Shellfish, proceeding to strike more profitable deals with smaller markets that sprung up to fill the void, some paying as much as \$25 a bushel.

Mr Puffer thinks the fishermen would have stayed with his company even if the price per bushel was raised by only another one or two dollars.

The straw that broke the oyster's back may have been remarks made by Mr Prevost during the 1980 selectmen's hearing on the Snow grant. Other fishermen griped, pointing out that the town had a waiting list for grants, that Mayo Beach has some of the best oyster beds in town, and they urged the selectmen to divvy up the 18 acres.

Mr Prevost, who came down from Boston for the hearing, and who already was perceived by some fishermen as an "outsider", didn't make very many friends when he got into a shouting match with an angry oysterman. He suggested the only really good oysters coming out of Wellfleet were Wellfleet Shellfish Company oysters, charging that almost all the other oysters coming out of Wellfleet were second-rate "banana" and "seed" oysters.

Mr Puffer has regrets that the company didn't run out, but he's taking it in stride.

Last spring, he started his own company—Cape Cod Sea Farms. Already the owner of one dragger, his fleet has doubled in size. "I'm just dealing in fine shellfish growing the finest oysters, clams, mussels, and quabogs. I've got an agent in New York, and I think he sells to the Oyster Bar in Manhattan. The rest goes mostly to local restaurants."

Undaunted by the demise of the Wellfleet Shellfish Company, Mr Puffer said, "This one's going to be around a long time. Someday I might start a fish market, but, primarily, I'm going to keep doing this, just growing the finest oysters around."

"I'm going to hang right in there. I love the work. I'm independent. And I get a good feeling, taking baby oysters and growing them to marketable size. You're completing something. You feel like you're accomplishing something."

"Yes, I plan to do this for a long while. You know, our way is another, it seems like I've always been down there fishing."

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Farming is making a comeback in Wellfleet, but the big crops are being cultivated on muddy flats instead of lush green fields.

The tillers of this damp domain are a new breed of shellfishermen called aquaculturists who are leaving far less to chance and nature's whims than their predecessors did.

They are true fish farmers, sowing seed and harvesting their crop. The irony is that their crop for the most part is not the incomparable Wellfleet oyster, renowned far and wide for its flavor, but the lowly quahog.

"The oyster industry never survived without importing" seed and adult shellfish, explains former Wellfleet shellfish Warden Bob Wallace, one of those responsible for the renewed interest in shellfish farming. The shellfishermen are finding the quahog to be simply far less of a risk.

But while the quiet revolution in shellfishing promises to be a boon to fishermen, it has raised questions about the effects large scale aquaculture will have on fragile beach areas, questions that will have to be addressed before long.

Shellfishermen have toyed with the concept of aquaculture for years, but only now are they beginning to reap the benefits of their research, experimentation and investment.

Like the farmer, the aquaculturist cannot afford to place his fate in nature's hands and hope for the best. A poor wet, an especially cold winter, natural predators or disease could wipe out a shellfish crop.

Safe Investment

Many who have traditionally made a living harvesting oysters are finding out that quahogs are a safer investment. Each year more and more shellfishermen are devoting larger portions of their shellfish beds to these hard-shell clams.

With practical aquaculture still in its infancy, it is too soon to tell what effect the growth of quahogging will have on the oyster crop. The slack left by oystermen whose interest has shifted to clams may be taken up by others. On the other hand, the industry could suffer from lack of serious attention.

One thing is certain. There is a new look about the flats in parts of town as row after row of mesh-covered, sand-filled boxes that are designed to protect purchased quahog seed from predators begin to take over the areas that once belonged solely to Wellfleet's famous oysters.

Some of the town's 21 grants contain one or two of these quahog trays which are laid flush with the sand and are visible only at low tide. Other grants are taken up by huge protected tracts of shellfish seed.

Oystering has not yet been given up, but those who are going for quahogs in a big way say planting clams eliminates many of the risks which can turn an otherwise promising season into a bust almost overnight.

Aquaculture Not New

Aquaculture is by no means a new idea. In 1910 biologist David Belding wrote of quahog farming: "There would be a striking similarity in this arrangement to a tract of agricultural country in which fertile gardens are interspersed with stretches of meadow and pasture land."

"There can be no question that the system which holds sway over the agricultural districts of our country is equally desirable for our extensive shore areas, which now produce a portion of their annual yield."

Not until more than three generations later, however, has the idea really taken off.

Even during the heyday of the Wellfleet oyster industry, when several big companies shipped their catch out of town by the freight car rather than by the bag, oysters were brought in from Connecticut and Long Island shores to be planted in the fertile harbor. After sitting in Wellfleet waters for a growing season, the oysters developed the special flavor for which "Wellfleet" are prized.

Since the southern supplies dried up, efforts to bring oysters into Wellfleet have been sporadic. Instead, oystermen have depended on the spontaneous set and have helped nature along by transplanting immature shellfish to the best growing areas in the hopes of increasing their chance of survival.

The Grant System

While most of the 123 regular commercial licenses issued in Wellfleet are used in the town's open areas, the more fortunate full-time fishermen hold leases on oyster grants, a privilege for which they pay a state-set annual fee of \$23 per acre.

It is felt that grants supplement rather than pre-empt the existing fishery, so they are not assigned in areas that would otherwise be harvested by oystermen.

About 21 grants are now actively farmed in Wellfleet. Mr. Chapman has a list of others who want grants, but he is reluctant to tie up any more of the flats because there is no guarantee that the grants would be actively cultivated. Also, he said, the

As Shellfish Farming Grows:

Wellfleet's Famous C



Quahog beds on Bob Wallace



Warden Billy Chapman plants seed quahogs in a town-owned bed in South Wellfleet.

TOC Photographs by Judith Feldstein

available areas are used heavily by boaters and oystermen in the summer and leaving them to shellfishermen could cause potential conflicts.

Grantholders may transplant up to 100 bushels of seed oysters per acre of grant every year. If the nature set has been a good one, there are plenty of immature oysters for the taking, but if the set was poor, the oystermen are out of luck.

Even a good set guarantees nothing. Nature has created an abundance of oysters, Mr. Wallace said, but they are susceptible to numerous predators. "It is a beam or boat type species," he said.

After learning as much as he could about raising oysters and clams, Mr. Wallace left tending the town shellfish beds to successor Billy Chapman and started his own shellfishing company a year and a half ago.

A spawning oyster sends about 25 million eggs into the water, but only the lucky ones find a place to set. Of those, only a small percentage can evade the oyster drills which bore holes through their shells. The

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Oyster Loses Ground To Quahogs

By Judith Feldstein



Wallace's grant are bounded by wood and covered by protective mesh.



Bob Wallace

Jacob Bruinooge examines seed quahogs from his bed, showing off remarkable growth in a single season.

men MSX disease, a thick green slime called barnacles which attaches to oyster shells and floats them away, or the ice which can kill them at the whim of Old Man Winter.

That high risk has prompted many veteran oystermen to look seriously at quahog farming instead. Quahogs, or littlenecks, fetch a higher per-pound market price than oysters, and once planted they far less work on the part of the shellfish farmer.

Instead of resting on top of the sand, quahogs grow into the ground, shielding themselves from ice. Aquaculturists protect his crop further by planting them in screened trays. The trays are covered with mesh that keeps out the moonmussel (which are similar to water drills) and crabs.

"You can't raise quahogs without trays," said fisherman Joel Fox. Mr Wallace and grantholder Jacob Bruinooge found out just how true that statement was this summer. Each man lost 10,000 seed oysters virtually overnight when the mesh covers on the trays came loose.

Several years of experimentation with seed purchased from local and off-Cape hatcheries for about \$17 per thousand have taught the fishermen how and where the seed grows best, and has given them some ideas on how to persuade the clams to mature faster.

Many thousand, and in some cases several million, tiny quahog seeds are planted in trays. They are allowed one culture, during which they can grow 10 times their original size. Then they are sorted by hand or by machine, and replanted according to size. The assumption is that the ones which grow fastest during the first season will continue at that rate and be ready for market first.

The beds are left idle after sorting and this is another point in favor of quahog cultivation. Oysters must continually be culled from the seed which attaches to them. Littlenecks are maintenance free.

The laborious process of planting and sorting must be undertaken every year to insure a continuous

marketable crop. Mr Fox brought about 70,000 littlenecks to market this year, but until that point, he had been pouring money into his bed without seeing any return on his investment. Three years from now, when his current crop is harvested, 70,000 clams will represent only a small portion of the take.

So far, very little natural quahog seed has been found in Wellfleet Harbor, but as the cultivated population grows, more and more seed should be released into the wild.

If several million seeds are planted every year, and if each female lays several million eggs, billions of seeds could be released into the harbor each summer. If only a fraction survive, they still will prove a boon to the small natural population.

Quahogs Genetically Marked

The seed purchased from Cultured Clam in Dennis carry a red "notator" which is bred right into the strain of clam and is passed on to the mollusks' offspring. Druggers and shellfishermen already have reported finding the marked quahogs far from the grants where the parent stock was planted.

Quahogs grow to saleable size in about three years. Mr Bruinooge is finding, however, that by planting the four millimeter seed in above ground trays in coarser sand, the growth time can be cut about one-third. This means littlenecks are ready for market in just over two years.

He and Mr Fox are working with Cultured Clam. They provide the company with fertile grow-out space for its seed in return for a cut of the harvest value. Turning over a large chunk of their grants to the company's projects has given both men the opportunity to farm on a large scale without laying out a huge chunk of money for seed purchase.

"I've got the ground and they've got the animals. What could be simpler," Mr Bruinooge explained.

The drastic increase in the size and nature of shellfish cultivation projects is not without some problems. Mr Fox ran into some tangles with the property owners who abut his Mayo Beach grant this summer. His neighbors objected to the heavy equipment being used to plant massive amounts of seed on his bed.

As a result, the Wellfleet Conservation Commission has asked to be notified about any major activity on the beach.

Mr Fox, admits freely that he took sand from some protected areas, but he said he was very careful not to threaten the dunes with heavy equipment. Nevertheless, he thinks driving on the beach is a necessary part of massive aquaculture projects.

"With an operation as big as I hope to be, it would be virtually impossible to run a business without use of the beach," he said. The need to fill 100 planting trays and the large numbers of quahogs he hopes to raise cannot be moved by hand, he said.

As shellfish farming grows, harvesting by the time-tested method of rake and basket will prove too time-consuming.

"Economy of time is the mother of invention," Mr Wallace said. One of the more innovative shellfishermen in town, Mr Wallace has rigged up all sorts of gizmos for cleaning and sorting his crop. To avoid the time constraints imposed by the tides, he donated scuba gear this summer to gather oysters at high tide. He could then rake for quahogs when the tide was out.

With 10 trays it is simple to harvest by hand, Mr Fox explained, but with 30 or 40 large trays, manual raking is ridiculous. However, Wellfleet currently does not allow grantholders to harvest with hydraulic dredges, a policy he hopes will change with the times.

You can't scratch a million clams with a rake, he said. The technology for raising quahogs in Wellfleet in the last five years has advanced greatly, but he does not think the laws regulating shellfish have made equal strides.

Private grantholders are not the only ones experimenting with quahog seeds. The town saw a good thing going and grabbed a piece of the clam action for itself.

Mr Chapman has several trays growing on town beds, holding a total of about 200,000 seeds. However, he continues to spend most of his time overhauling the oyster population, moving it from one area to another, marveling at this summer's good out.

Selectmen Jerry Houk and Florence Schmidt have promised the shellfishermen their support and earned praise from Mr Fox for their help and encouragement. "I think they can see (the industry) is going to be an asset to the town in the future," he said.

The town voted to spend more than \$8000 on seed quahogs and oysters at last month's Special Town Meeting, offering both financial and moral support to the fishery.

"Wellfleet clam" lacks the romantic ring of the town's more celebrated lobster, and towns of farmers tending rows of covered trays are hardly picturesque compared to the lone fisherman shuffling around on the flats with rake in hand. But the times are changing, and it looks like cultured quahogs are here to stay.



Quahog Farming

Dr. David Belding was far ahead of his time. 74 years ago, in a report for the state, Dr. Belding said

the towns were doing a poor job of managing their shellfish beds. Instead of restricting the demand for shellfish, he said, they should be increasing the supply.

He saw two ways of doing this. The public waters could be seeded at the expense of town and state. Or, in the method he preferred, areas of the shellfish flats could be leased through a system of grants, and quahog farming encouraged. This would increase the shellfish supply and provide income and steady work for the fishermen, he said. And it would benefit coastal communities, provide more food for the public and see thousands of acres lying idle.

Dr. Belding was describing what has since become known as "aquaculture," the cultivation of fish or shellfish under a more or less controlled situation. A grant system evolved through the years, but it has been little exploited. The main obstacle has been the opposition of the so-called "wild" shellfishermen who worry, not entirely without foundation, that grants will prevent their traditional shellfishing grounds.

The pressures for change are mounting, however, as fishermen learn of the advantages of aquaculture. On Cape Cod, a potential catalyst for that change is a company called Aquacultural Research Corporation (ARC), located in Dennis on Cape Cod Bay.

Although ARC has been around since 1979, more people are likely to be familiar with the name of its marketing arm, Cultured Clam Corporation. The company was founded to produce shellfish seed in its hatchery and to grow the shellfish out in natural areas, according to Eugene J. Petrovits, general manager since January. Little was known about aquaculture when the company was formed, but much has been learned since then, he said, and ARC has been a pioneer in the field.

Today, ARC markets shellfish seed, primarily quahogs, to people and municipalities, both in

Massachusetts and out of state. Forty million seed quahogs were produced this year and the goal is to double that figure next year.

But ARC is looking beyond that. Mr. Petrovits, who has worked for ARC since 1982, would like to promote aquaculture on Cape Cod. And the vehicle for this goal, so he sees it, is the shellfish grant.

Mr. Petrovits recognizes the concern of the wild shellfish harvesters who fear big business could move in and squeeze them out. "We have to change this attitude," Mr. Petrovits says. He would like to convert some fishermen to aquaculture farming. "By doing this," he says, "it will also help the wild harvester."

In an ideal set-up the hatchery would sell seed to the shellfish farmer. "He plants the seed and harvests it in two, three or four years. He gets more or less a cash predictable crop." And he can still be active in the wild shellfishery. Some shellfishermen are starting off with 150,000 to 200,000 seed quahogs. The quahogs mature in two years and sell for 20 cents apiece at today's prices. Shellfish farmers are bringing in 60 to 90 per cent of their stock crop to harvest, Mr. Petrovits said. It costs \$1700 for 100,000 quarter-inch quahog seeds.

To explain how farming helps the wild harvester, Mr. Petrovits pulled out a board with seed quahog in various stages of growth stuck to it and pointed to a peculiar zig-zag pattern on their shells.

The marking occurs in nature and there have always been a few with the design on the Cape, he said. The pattern is a dominant gene characteristic passed through successive generations of quahogs in Cape waters, the marking is almost like a trademark. The chances are quite high that a quahog with these markings, found on Cape Cod, either originated in the spawning tanks of ARC or had an ancestor who did.

The marked quahogs first came from New Jersey. ARC uses quahogs from several states for its brood stock. The marked quahogs are now popping up all over the place, Mr. Petrovits said, indicating the seed quahogs have grown to maturity and in turn are spawning successfully.

"Since we introduced these," said Mr. Petrovits, "the percentage in the wild population is increasing." ARC was selective breeding, using the fastest-growing quahogs from the wild and from their own tanks. The result is a quahog that grows twice as fast as it does in nature.

About 70 to 90 per cent of the ARC stock has the distinctive marking, according to Mr. Petrovits. In Wellfleet, where there has been less resistance to grants

than in other towns, Mr. Petrovits said, the commercial shellfishermen "has picked this stuff up and he knows what it means."

ARC is working with three Wellfleet shellfishermen but would like to expand its scope to what Mr. Petrovits likes to describe as an example of private enterprise working with the grant roots. When the shellfisherman buys the seed and plants it on his grant he gets 10 per cent of the expected harvest the first year, 20 per cent the second year, in the third year he is paid in full.

Under this arrangement the company, in effect, sublets the growing space from the shellfish farmer who keeps an eye on the valuable seed. ARC worked with the shellfishermen as an experiment last year, using their grants for shellfish nursery areas. "This year we decided to put it on a business basis," Mr. Petrovits said.

"We plan to work with towns and individuals to help them with this venture so they won't have to start from scratch," he continued. But first, a growing area must be acquired, and that isn't easy. In addition to the harvesters of wild quahogs, there is competition for the space from the non-commercial shellfishermen and those who use the water for recreation.

"What we're trying to do," said Mr. Petrovits, "is get some participation from the field and change some ideas of wild shellfishing. We're trying to do this without offending the summer residents who have expensive houses overlooking these areas."

Last year in Wellfleet, for instance, the burgeoning quahog farms ran afoul of the wetlands regulations and prompted complaints from property owners. A shellfish farmer took sand from the beach and trucks were driving where they shouldn't. At the suggestion of shellfish constable, guidelines on working the grants were adopted.

The incident should never have been allowed to happen, in Mr. Petrovits' opinion. Removing the beach sand was "ridiculous," he said. The company now buys its sand and brings it in over water.

Basically, Mr. Petrovits said, ARC is trying to enhance both wild and cultivated shellfishery on the Cape. The company isn't trying to hurt the licensed commercial shellfishermen, he emphasized, and even if more grants are allowed, only a portion of sea bottom will be used in aquaculture.

One possible arrangement is a "sharecropper" deal in which ARC would provide seed and expertise, and

(Continued On Page Fourteen)

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Gloomy and gray and sticky in the morning. Nasty a breath of air to stir up the clinging, damp mixture of ground fog and low cloud cover. This and lots of the porch thermometer reads seventy-two degrees, but the sweat beads stand out on one's upper lip, and the damp quality of a shirt fresh from the closet makes a feel a good deal warmer. Drops of moisture cling to every bush and shrub, reluctantly obeying the law of gravity and falling to the rain-soaked sod, and big puddles stand on the blacktop, a farther reminder of yesterday's torrential rain. Between showers yesterday we waded through the wet grass to our swamp garden. Yanked the last of the radishes, now overgrown and waxy; admired the cucumbers forming on healthy vines; tipped past a pair of bees drunkenly crawling over the bright yellow squash blossoms so's not to disturb them; adjusted the stakes on the tomato plants better to support the burgeoning growth with its tiny green fruits. Then we picked the first cupful of cultivated blueberries, starting at a bold cuboid who obviously had designs on the frost-blue orbs. Came then a sudden downpour, and we scuttled back to the shelter of the cellar, where we briefly played the usual game of moving stuff to be dislodged from one pile to a less conspicuous spot, prodding oneself, the while, to cart it all to the dump next time the sun shines. Except, of course, for the galvanized T-bronze and the best 7/8 inch wood bit, and the V belt we stripped from a long-dead power mower, and several cans of paint with heels of exotic shades we could use in the privy-converted to grain house.

A get-well wave to Joe Duarte sr., who is recovering from surgery at Brigham and Women's Hospital in Boston. And another sincere get-well wish for Bill Cherry, of whom we learn belatedly that he was taken ill while on a late winter jaunt to Florida. Bill is missed by the Finance Committee, on which he served with much credit, and by his many friends and neighbors about town.

Louise Trahan Morris and her husband Glen (Buzzy) are proud parents of a baby boy, 8 pounds plus; born July 21 at CCH. This vital statistic is really out of our jurisdiction, since the Morris' now live in the Andersonville section of Wellfleet, but Buzzy is a native of Truro and Louise has been one of our best teachers for many years.

Put a spray paint can into the hands of some folks, and they go haywire, as witness the traffic orange legends marking the state highway between here and

Wellfleet. At scattered intervals the numerals 93 appear on the berm, together with waveling arrows pointing off into the woods. Mike French, on duty at the dump this morning, hoisted the green concrete on a concrete boat had placed an object in the pocket brush, and had sprayed the multiple rows to reinforce the hunters.

Latest member to join the Lower Cape Concert Band is Bud Savis of Eastham. A veteran percussionist of virtuous quality, Bud adds much to our musical group. His only complaint is the steepness of the stairs at Town Hall, which have him puffing tremendously when he lugs his drums up to rehearsal. "I should have studied the golden piccolo," is his complaint.

While our good wife is browsing through sundry aisles of the department store, we usually head for the hardware department, where we fiddle and inspect the hand and machine tools, but yesterday we got devoured into the men's clothing—and the sight of all those casual headgear items set off our chain of thought. It's easy for a male these days to express his individuality with the limitless assortment of open mesh, visored, one-size-fits-all caps. You can identify yourself as a heavy machine operator, a member of any athletic team in the country, a foreign car buff, a quaffer of rare or common brews, a womanizer, it's your choice. Our own favorite cap bears the legend FIRST NATIONAL BANK OF BOSTON. It was given to us by number four son, Geoff, who works for the venerable institution, but we don't discourage folks from thinking we have a basket of CDs in the bank. But we disagree. Such is our boyhood, a father had to create his own individual headgear. The straw hat for summer wear was a common item, and it went well with the bib overall and the blue chambray workshirt. Next you could do to set off your hat was to decorate it with a rooster feather from the bar-squard, or perhaps, in the political season, to attach a campaign button DAVID I. WALSH for U.S. SENATE to the lathered crown. And then some imaginative lad came up with an idea that fair about the local styles for years to come. His name is lost in the past, but whoever he was, he discovered that you could do much with a discarded man's felt hat—be it fedora or homburg.

First you had to persuade the sun of the house that his hat had seen its best days. And when you had it in hand, you promptly went to work with a pair of sharp scissors and carefully cut off the brim. Next, you removed the satin exterior band and the leather sweat band and the fancy lining. Now came the time to exercise your imagination. First, you dunked the felt in boiling water, and when she was soft and pliable, you shaped 'er to suit your fancy—removing the dents that

had been shaped in by the original owner, blocking the whole affair on a form (a big kitchen mixing bowl made a fine form) so's it fitted your head reasonably well. Then you could cut off the lower section and make yourself a tight-fitting skull cap. Or you could turn up the excess like a trouser cuff, ending up with a modified sailor's cap. Bob Morris shaped his cap on a traffic line paint cone, we recall, and the pointed effect it lent his head was the envy of many of us kids. You could paint flowers, or animals, or sporting goods (crossed baseball bats were much in favor), but the felt had to be properly primed first. And a sharp knife in the hands of an artistic lad could result in a work of art. There'd be vent holes, and fancy borders, and fancy Gothic monograms. And Ernie Snow once had a rooster painted on his cap and carefully inscribed a genuine tall feather where it belonged—fantastic! Those felt caps were practical, too. Herbie Rose was wearing his the day he poled a leaky skiff out of Monroe's Landing—cool spring weather, it was—and Herbie's cap was of the unperforated variety, and the cursed boat started to leak like a sieve, and Herbie snatched off his cap, and rolled down the puff to give himself more volume, and he everlastingly bailed out the craft until he could bring her to shore. Memories, memories....

Fishing—Continued

possibly gear. The former provides space to grow the seed, and his labor. When the shellfish are marketed, the profit would be split.

ARC will offer the expertise of its 26-person staff, which includes five scientific people and a total of 11 college degrees to those interested in marine grants.

The company will offer advice on what to do, how to do it and how to avoid pitfalls. ARC is willing to work with towns on an informal basis, and is looking beyond Cape Cod. This week, for example, the company was putting together a proposal for a National Science Foundation project which, if approved, will be followed up with bigger ones.

For much of its corporate life, ARC has been more or less isolated, except for its business dealings, mostly with shellfishermen, from the Cape community. Mr. Petrovits is trying to change that policy. Seminars in the "high tech" aspects of aquaculture will be held for scientists and technicians, and others of a more practical nature will be held for local shellfishermen. Until this year, the staff, which he considers one of the best in the field, has been forbidden to publish scientific papers. That will no longer be the case. "We're wide open," Mr. Petrovits said.

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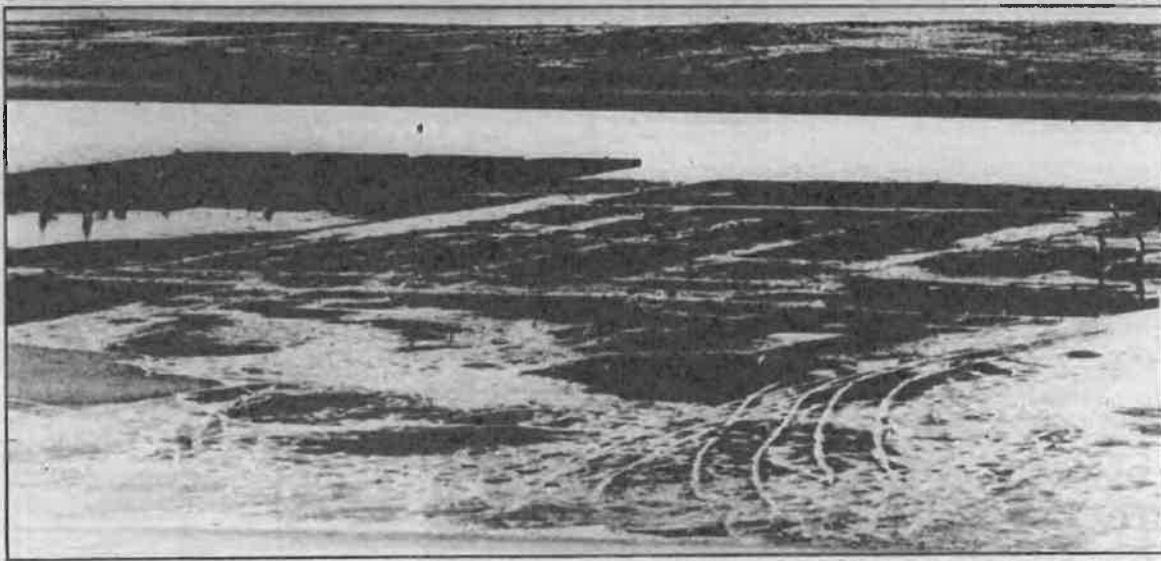
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The view of the Mayo Beach flats from Choquessett Neck bluffs at low tide. On the left is a crew from Aquacultural Research Corporation (ARC), and on the right are shellfishermen Joel and Anne Fox. Bluffs residents have questioned ARC's involvement on Mr. Fox's grant.

TUC/Barnhart

Wellfleet Shellfish Farm Issue To Be Debated Monday

By Bruce Cohen

An open meeting on Wellfleet's shellfish grant management program will be held Monday, starting at 7 pm in the elementary school gym.

Shellfish farming is the hottest issue in town right now, a large turn-out and lengthy debate are expected. The meeting was called by the selectmen to address questions raised by property-owners, who are concerned about the experimental but rapidly growing industry.

About 25 residents have organized a concerned citizens' group. The residents fear the grants are spreading enough to crowd out traditional water uses such as swimming and sailing, and that because of advances in the technology the flats may soon look like factories.

Questions have also been raised about the involvement of Aquacultural Research Corporation (ARC) of Dennis in Wellfleet waters. ARC is a shellfish seed hatchery that also has a hand in marketing mature shellfish.

The shellfishermen, on the other hand, feel they are being harassed and that their livelihood is being threatened — two claims the residents say are not their intention.

Fishermen Enthusiastic

The growth of the industry has boosted the spirits of those fishermen — some of whom have wanted years to get grants. They can now envision a day when Wellfleet waters will once again be filled with delectable oysters and quahogs.

The town leases the grants to the fishermen for \$25 an acre, after the grants have first been approved by the state's

Division of Marine Fisheries (DMF). Once the selectmen license the grants, the fishermen must file with the Conservation Commission to explain their work and how they plan to get to and from the grants.

The commission has limited jurisdiction over the shellfish farming, and is primarily concerned with protecting the beaches by regulating access. According to state law, the grants are an exclusive area for the fishermen.

At the center of the controversy are quahog boxes, which are less than a foot tall. The residents are concerned about the environmental and recreational impact of those boxes, which are used for raising quahogs to adult size.

Shellfisherman Joel Fox, who works a grant off Mayo Beach, has met informally with a group of Choquessett Neck bluffs property-owners and worked out a series of compromises, lowering his boxes and moving them into deeper water. "Out of sight, out of mind," he has said.

Not all the fishermen use their grants to raise quahogs, however. Some plant oysters in the mud flats, then pluck them when they are ready for the market. No boxes are installed on those grants, most of which are off Indian Neck.

The Big Winner

To a handful of the concerned citizens, the real issue is ARC's involvement. From the decks on Choquessett Neck bluffs overlooking Mayo Beach and the harbor, those residents watch ARC crews work Mr. Fox's grant at low tide.

The residents argue that money is leaving the town's

economy through ARC, which they see as the big winner in the shellfishing boom. They are also angry, because as non-resident taxpayers, they cannot buy commercial shellfishing licenses themselves.

But neither the town's nor the state's shellfish grant regulations prohibit a company such as ARC from being involved.

Both an ARC official and Mr. Fox refused to discuss the financial arrangement, which Mr. Fox said is nobody's business.

As a small-time shellfisherman, Mr. Fox argued, he could not subsist without ARC's help. Furthermore, he said, Wellfleet has no shellfish wholesalers or distributors, "so somewhere along the line there's going to be outside involvement anyway."

Although ARC works his grant, "they don't take on one more clam than they plant," he said. And what they do plant, he said, helps the local fishery because the shellfish spawn and will return the harbor "to its once great potential" as a shellfish source.

Shellfish Constable Billy Chapman added that, given ARC's experience experimenting with raising shellfish, all the fishermen benefit. "We all try to help one another out," he said. "We exchange information — that's the name of the game."

Richard Kraus, ARC director of research and development, said people will have a better understanding of his company after the public meeting.

In addition to Mr. Kraus and Mr. Chapman, the selectmen have invited the Shellfish Advisory Committee, a representative from DMF and town council.

ConsCom Hearings Set On Shellfish Grants, Wellfleet 'Gut' House

The Wellfleet Conservation Commission will set an order of conditions for seven shellfish grants and consider a notice of intent for two other shellfish grants at a public hearing Tuesday in Town Hall. All nine grants are off Indian Neck. The meeting will start at 7:30 pm.

In addition, the commission will hear a notice of intent filed by Keith Gordon, owner of the controversial home on the barrier beach known as "The Gut." A couple of months ago the commission ordered Mr. Gordon to file the notice, even though the house is constructed and has been occupied all summer.

Mr. Gordon's home has raised a stir in town because of its visibility on the scenic beach. He has also been accused of violating Cape Cod National Seashore guidelines for new construction, although Park officials have said the home is legal.

The shellfish grants are another controversial issue. Two weeks ago the commission approved work proposed for seven Indian Neck grants, but postponed setting an order of conditions regulating access. The fishermen said they plan to plant and harvest oysters on the grants, but would switch to raising quahogs in boxes if the venture failed.

Quahog boxes off Mayo Beach have concerned shoreline property-owners for three years.

Wellfleet Oil Leak Deemed Not Serious

As expected, the oil spill discovered in Wellfleet near Duck Covek last week did not turn out to be serious.

The state's Department of Environmental Quality Engineering (DEQE), which decides when an oil spill is serious, inspected the site Tuesday and determined no clean-up will be required.

The spill was found by the Board of Health while soil samples were being taken for a restaurant proposed for Depot Square off Commercial Street. The soil leaked in fuel.

Depot Square is so named because it is the site of the former railroad depot. The oil has probably been accumulating for more than 50 years, state officials said. "DEQE" stresses that there have probably been a lot of minor spills over the years, said Strison Hall of the Barnstable County Health Department, who also attended the DEQE inspection.

Fuel-segregated soil is common at old depot sites, Mr. Hall added.

The county health department "some time soon" will test private water wells in the area, Mr. Hall said. He also said the wells are upland from the spill, which is probably not moving anyway. Fuel is easily detected in water supplies, he said, and any contamination would have already been reported by residents.

"I don't think we'll have a problem," he said.

Brewster Trees — Continued

road in question, which is between 15 and 17 feet wide, has had only that one recorded accident since 1982.

Mrs. Hanson emphasized the safety needs of the school bus which uses Tubman Road during the academic year. She also said one of her daughters, who works for the Brewster Fire Department as a part-time paramedic and ambulance driver, was on her way to a heart attack victim when she had to come to a complete stop on Tubman Road to allow another car to pass in the narrow section. "I know if I was having a heart attack, I would want the ambulance there as fast as possible," she said. "My problem is possibility."

It is not yet known exactly what trees would have to be removed to widen the road. An engineering firm is currently drawing up plans for the town detailing the location of all the trees. Mr. Hanson said he expects the drawings to be ready by today.

The Finance Committee, meanwhile, has yet to vote on two other controversial issues facing voters on August 26.

On Monday at 7:30 pm at the Community Center, the committee will meet with The Town Offices Study Committee to review an article which seeks \$1 million to renovate and expand Brewster's historic Town Hall. On Thursday, also at 7:30 pm, the Land Acquisition Committee will present its arguments for buying a 24-acre tract of land (known as the Cambridge property) for \$900,000.

Barton, Fisk, Whitlock Commended

Environmental Climate Improving In Congress, Studds Tells APCC

By William Ibeile

In an upbeat annual meeting August 13, members of the Association for the Preservation of Cape Cod (APCC) witnessed a financial report delivered in rhyme, three Outer Cape residents receive awards for outstanding contributions to the cause of environmental protection, and a keynote address from Congressman Gerry Studds calling attention to the improving climate in Washington for environmental legislation.

"I think there is a growing, bipartisan agreement in the Congress that there is a very high cost attached to ignoring environmental needs," Mr Studds told a capacity crowd of more than 100 people gathered at the Cape Cod Community College in West Barnstable.

The myth is slowly eroding that the environment and the economy reside at opposite poles on the scale of public values, Mr Studds said. "Nobody knows better than a Cape Codder the inextricable linkage between environmental health and economic well-being."

But a related myth has been more difficult to chip away at, according to Mr Studds. It is the myth that "although it might be nice to be careful about the environment, we can't afford it—it is too costly."

"Well, someone," he said, "sooner or later the price required to protect the human environment will have to be paid." As an example of the cumulative cost of delay, Mr Studds noted the more than \$1 billion it will cost to clean up Boston Harbor and the more than \$5 billion in damage each year caused by acid rain, not to our lakes, forests or fish, but to our buildings alone.

"Where is the wisdom, or the fiscal sense in a policy that denies the problem or says we cannot afford to take action?"

Mr Studds said these attitudes are changing. "There was a sense, in 1981, that the Administration somehow had a mandate to destroy the network of environmental and conservation-related laws that had been developed during

the previous half century. But it wasn't so and it didn't work.

"It seems that the body, as well as the spirit, of James Watt has finally left the Department of the Interior. The easy evidence suggests an actual functioning human mind is in control of that post in the person of Donald Hodel." Mr Studds noted recent compromises in California over offshore drilling as evidence of the new outlook in the Interior Department and said this decision may bode well for Cape waters as well.

Major Projects On Cape

The active interest which the federal Environmental Protection Agency (EPA) has shown in Cape Cod is also a source of encouragement to Mr Studds. Two major EPA projects began over the summer—a marine pollution research program in Buzzards Bay and a revolutionary water protection program for Cape Cod co-sponsored by the state's Department of Environmental Quality Engineering (DEQE) and the Cape Cod Planning and Economic Development Commission (CCPEDC).

In light of these encouraging signs, Mr Studds said, it is with some degree of optimism that he looks forward in the coming weeks to "the most important period of Congressional activity on environmental issues in this decade." To be acted on is legislation:

- To extend and possibly strengthen the hazardous waste superfund.
- To extend a ban on offshore oil and gas leasing in four areas of particular economic and ecological importance to the Massachusetts coast.
- To reauthorize the federal water pollution control act, providing federal support for the Coastal Zone Management program, the 200-mile fishing limit and the ocean dumping act which regulates offshore

discharge of sewage, sludge and both industrial and radioactive waste.

With this completed, work will begin on the revision and expansion of the coastal barrier resources system and reauthorization for the Atlantic Striped Bass Conservation Act.

"People are always asking me what they can do to influence public policy on foreign affairs, or the budget or the environment," Mr Studds said. During this requires more than "raising your voice louder than the next person to express an opinion, it requires some homework and some perseverance." Mr Studds commended APCC for displaying those two essential traits in dealing with such issues as population growth on Cape Cod, the plans for renovating Camp Edwards, and the possible designation of Pleasant Bay as an Area of Critical Environmental Concern.

Local Citizens Commended

It is this careful study and perseverance which won three APCC members state and federal awards for many years of diligent work on environmental issues. Cec Barton of North Eastham and Erna J. Fisk of Orleans both won awards from the northeast regional office of the federal EPA. Dr. Herbert Whitlock of Eastham, founder of APCC in 1966, received an award from the state's Office of Environmental Affairs.

These same qualities will be applied to the coming year's priorities, according to APCC president Tom Daly. These include Land Use and acid rain legislation currently pending in the Massachusetts legislature, an off-road-vehicle ban at the Cape Cod National Seashore, a revision of the Camp Edwards Master Plan, and new policies regarding underground storage tanks.

Following Mr Daly's remarks APCC treasurer Joseph Lowell delivered news the year ended with a budget surplus of \$2819 compared with last year's \$4106 deficit. Though income increased in almost every category, the most pronounced rises were in business contributions (\$2225, compared with \$600 last year) and the proceeds from special events (\$830, compared to none last year). Mr Lowell was also pleased to announce APCC had 195 new memberships bringing the total to 2436 memberships representing more than 4000 people—the largest membership in the organization's history.

Mr Lowell was so pleased with the news he was inspired to deliver the entire budget report in verse. □

Wellfleet Will Try To Solve Its Long Shellfish Farming Conflict

By Bruce Cohen

Shellfish farming has been Wellfleet's hottest and most symbolic political issue of the summer, representing to many the clash between the old and new Cape Cod.

On one side is the image of hardworking shellfishermen struggling to earn a year-round living by employing modern shellfishing methods to bring back the days of glory when Wellfleet waters produced some of the sweetest shellfish in the world.

On the other side is the image of those same waters sparkling in the summer sun, one of the many reasons Wellfleet attracts the summer residents whose buying power has replaced fishing as the backbone of the town's economy.

Master Plan

Now, after three years of open conflict between shellfish farming on one hand and swimming, sailing and windsurfing on the other, a committee may be formed to develop a master plan to balance water uses in Wellfleet Harbor and other areas.

"We are formally requesting that the selectmen form such a committee." Chequesset Neck bluffs resident David Baker said Monday night when fishermen and concerned residents met in the elementary school to discuss the issue.

But beyond the images are two concerns that have been raised not only by property-owners whose harbor views now take in quahog trays, but also by Robert Wallace, a shellfish grantholder, and Robert Prescott, director of the Massachusetts Audubon Society's Wellfleet Bay Wildlife Sanctuary. Both are also members of the Conservation Commission.

Mr Wallace warned the selectmen, who license the grants, about large corporations that want to slip their hands into the shellfish farming cookie jar. And Mr Prescott is concerned about the environmental impact of the experimental shellfishing techniques.

The involvement of outside corporations has already been questioned by Chequesset Neck bluffs residents who from their decks have watched crews from Aquaculture Research Corporation (ARC) of Dennis work the grant leased to Joel and Anne Fox.

At Monday's meeting an official from ARC explained his company is not the major corporation those residents fear it is. ARC, owned by one family and employing 20

year-round workers, is a seed hatchery that also needs to market adult shellfish to stay in business, the official said.

The company has received grants from the National Science Foundation and other organizations for its work promoting a viable shellfish farming industry, he added. Without ARC's seed, equipment, advice and in some cases money, the official said, the town's shellfishery would offer slim pickings for the fishermen.

Others in attendance encouraged ARC's involvement. "Stop picking on the people who have actually saved the shellfish industry in Wellfleet," said resident Clarence Smith, a local businessman.

"You don't complain when I go out of town, or someone else goes out of town, and comes back with money from an out-of-town bank," he added.

But while ARC may not be a profit-minded business out to exploit the harbor, other larger corporations have seen the potential growth in the shellfish industry and are interested in the investment, Mr Wallace said.

Since resigning as shellfish consultant in 1982, Mr Wallace has worked six or seven days a week with only one five-day vacation squeezed in, and said he is just now "turning the corner."

"It's a lot of investment and work and money to get any kind of return," he said. "The spelling out these details because anyone who wants to get into this business may or may not need outside help."

'Don Want To Suffer?

"There's very few people who will want to suffer as much as I have to see the light at the end of the tunnel," he said, adding "A major corporation can make a major dent in a scenic area."

Mr Wallace advised the selectmen to broach this potential for outside investment when drawing up leases with shellfishermen. "Things have to be spelled out," he said.

The environmental concerns expressed by Mr Prescott of the Audubon Society have also been voiced by other residents. They urge the need for additional study of the impact caused by trucks on the beaches by the installation of quahog trays in the flats and by the spreading of imported sand in those flats.

And as the shellfish farming industry advances, questions are being asked about what other types of



David Baker of Chequesset Neck bluffs at a public meeting on shellfish grants held in Wellfleet Monday night. TCC/Crowley

equipment the fishermen may require using on the grants.

Mr Prescott, who was not at the meeting, said in a telephone interview Wednesday he fully supports the industry, but feels people should hesitate before jumping on the aquaculture bandwagon. Wellfleet's current shellfishing methods are probably environmentally harmless, he explained, but methods practiced in other areas are considered damaging.

"When you mention aquaculture to some of the environmentalists in this country, they become irate," he said.

"There are long-term questions, but we don't have the answers. You're tinkering with an ecosystem, and there have to be some implications somewhere down the line," he said. □

New Shellfish Rules In Wellfleet Adopted After Drawn-Out Debate

By William Donaldson

Following more than a year of controversy, Wellfleet selectmen Wednesday finally voted to approve an overhaul of the town's shellfishing regulations. The new regulations are effective July 1.

The action comes in the wake of a long dispute between shellfishermen and recreational users of the harbor over many of the proposed regulations, including the use of hydraulic dredging on the tidal flats and in the harbor, as well as the rights of non-residents to operate commercial grants in town.

During the past year proposals from many factions have come before the Board of Selectmen, including the

Shellfish Advisory Committee, Natural Resources Task Force, and waterfront property owners concerned that commercial grant fishermen are infringing on recreational use of the harbor.

About 25 people, mostly grant holders, attended the hearing. While selectmen expected to act on the new regulations without much discussion, several issues were raised and amendments passed before the text in its entirety was approved.

Who Works The Grants?

A section dealing with licensed grants received the most

heated discussion. Grants are issued by the state and allow holders to farm a portion of the tidal flats reserved only for their use.

One of the major issues over the past year has centered on the question of who is allowed to work on Wellfleet's 43 shellfish grants.

While some have said that grants should be restricted to Wellfleet residents, grant fishermen have argued that they should be allowed to hire employees and also operate their grants cooperatively with the help of outside sources.

Aquacultural Research Corporation (ARC) from Dennis, holds one of the grants in town and operates in conjunction with about six other private grant holders. ARC also supplies many of the grant holders with immature shellfish seed planted on the grants.

"We've had this argument for the past two years," said Shellfish Constable Billy Chapman, insisting the issue be resolved and rights to operation of the grants be clearly defined by the end of the hearing.

One of the regulations would have made it illegal for non-residents to hold grants in town.

Selectman Diane Galvin stressed that selectmen want grants reserved for local residents. Allowing non-residents to hold grants would circumvent that policy, she said. "I don't think we should have Xerox Corporation coming down and leasing a grant. I think we should keep it to the townspeople."

Richard K. Mee, general manager for ARC, said, "If the regs go through as written, you will effectively rob us of our livelihood." He said 22 people would lose their jobs if ARC lost its grant.

Arguing that closing down ARC would hurt other grant holders, he stated that ARC provides grant holders with valuable shellfish seed at minimal costs each year. When it ceases, the seed results in \$250,000 worth of stock, he said. "We've been selling seed to at least a dozen grant holders—not to mention the town," he said.

"You cannot find seed like that anywhere. We've done a lot of research, we've put a lot of time into it. And it just so happens that we're the only ones that can raise that seed," he said.

Ben Gulew argued, "In issuing grants we are alienating resources of the Town of Wellfleet and state." The intent is not to interfere with necessary relationships between grant holders and ARC, he said.

Joel Fox, who operates his grant cooperatively with ARC, said the legislature is in the process of banning seed from out-of-state. By restricting ARC, the town would cut off grant holders' supply, he said.

Jacob Bruunoyge, another grant holder, blamed the services of ARC to those of contractors hired to help out during Cape Cod's cranberry harvests.

ARC Breeds Grant

The regulation was amended so that ARC would not lose its grant. Instead, when the new regulations go into effect, new grants would be issued only to residents.

A related regulation to do with grant holders' "entire use" of their grants, was more clearly defined so that grant holders would be able to hire help and run their grants cooperatively.

Bobby Wallace, who operates an oyster grant with partner Irving Puffer, argued that restricting operation only to the grant holder would prevent him and others from hiring additional help needed to work the grants during busy periods of the year.

The selectmen also approved a set of temporary regulations, many of which have to do with hydraulic harvesting of shellfish in the harbor and on the tidal flats.

Currently hydraulic harvesting, which uses water jets to soften the shellfish beds and collect the animals, is prohibited.

The temporary regulations will allow shellfishermen, under the direction of Mr. Chapman, to experiment with hydraulic harvesting for one year.

Hydraulic dredging will be allowed in deep water in an area south of Great Island and the breakwater.

Use of smaller five-horsepower hydraulic harvesters will be allowed on grants, also for one year, but with several restrictions, including main control devices, and hours of operation.

Mr. Chapman will then file a report and recommendations next May to the selectmen on whether and how hydraulic harvesting should be allowed in the future. □

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FISHING

by Sherrill Smith



Aquaculture is defined as the controlled cultivation and harvest of aquatic plants and animals and plants. This includes shellfish, algae, finfish and lobsters from the marine environment and freshwater finfish, bait, amphibians, ornamental fish and aquatic insects and organisms. Hydroponics is a form of agriculture and is not included here. Neither are children who refuse to come out of the water.

A third of the 100-member Massachusetts Aquaculture Association (MAA) are in the freshwater category and operate mainly in the western part of the state. Two-thirds raise shellfish on grants here on Cape Cod and the Islands plus a few in the Plymouth and Wareham areas.

Aquaculture is large in other countries, with the United States contributing only about two per cent of worldwide production. Local statistics are a little more impressive with shellfish aquaculture, small as it is, accounting for nine per cent of statewide dollar value for shellfish in 1986. This is all from less than 500 acres, but says Karl Rank of the Barnstable County Extension Service and the person most instrumental in bringing MAA into being, the numbers reflect aquaculture's high product values. Grants supply 47 per cent of the state oyster crop and 14 per cent of the total quahog harvest. All quahogs are removed from the grants when they attain top dollar littleneck size.

The way our form of aquaculture takes place is by planting seed quahogs or oysters. These are grown from spawn in hatcheries until they are at least 3 or 4 millimeters in size. Next, they are grown to a half inch or so in tanks or rafts or other devices that guarantee a continuous flow of water and nutrients and in which they are protected from predators. When they are of a size to make it on their own, they are planted at the rate of about 70 quahogs per square foot. They yield approximately a 60 per cent survival rate at maturity. These beds are usually covered with a fine mesh plastic screening, but, as the survival rate indicates, it is impossible to prevent the encroachment of moon snails and crabs.

Grants on the Cape average one or two acres, the smallest one are but a half acre while the largest contiguous

holding is the 52-acre grant long held by Cotuit Oyster Company.

Aquacultural Research Corporation (ARC) of Dennis is the major local supplier of seed to both towns and grantholders. Most, if not all municipal shellfish departments on the Cape are engaged in growing out quahogs to help propagate public shellfish beds for both commercial and family permit holders.

Until this program took hold, the only alternative to enhance public shellfish resources was to "put 'n take" mature quahogs dragged from deep water in Cape Cod Bay and sold to the towns for transplanting. Or, under state auspices, polluted quahogs from restricted waters could be bought and transplanted and, after an ample depuration period, become available. "Put 'n take" is still used, supported by shellfish license fees, but growing out seed has steadily increased in importance from one end of the Cape to the other in recent years. Clearly, aquaculture benefits far more than those with grants.

I spent some time last week at ARC and general manager Dick Kraus showed me thousands of seed scallops they have spawned and are growing under contract for North Carolina Sea Grant. This is a sub species of our own scallop and is native to bays south of Virginia. According to Mr Kraus, Sea Grant will grow them out in an experimental program.

It is interesting to note that many shellfish we have are available down the mid Atlantic and southern coasts, but there always appear to be slight species modifications. The North Carolina scallop is a bit deeper dished than ours and the top shell has a distinctive white stripe on the center fluting. In a conversation with Dick Nelson of Cotuit Oyster about seed he uses, he said, "You can't go past Long Island for oyster stock. What you get further south is technically the same animal, but it won't do anything here. You can take oysters but not north." New Jersey has been suggested as the Mason/Dixon line for most northern marine shellfish species.

The life of an aquaculturist is anything but relaxing.



Michelle Mahleb, shellfish technologist at Aquacultural Research Corp. in Dennis, is one of the company's 22 aquacultural employees.

Investing a few years of labor and product cost against a hoped-for payoff from future harvest is not guaranteed. Heavy winter ice moving about can destroy an entire crop. So can predators, natural and illegal. MSX wipes out the majority of oysters wherever that disease exists. Pollution, though, is the greatest worry. What can be worse than to have a year class of littlenecks reach maturity and top dollar status and then be shut down by the state because overfishing waters are not of drinkable standards?



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Vanderhoef, Board Agree To Hold Detailed Inquiry

Town Administrator Sheila Vanderhoef announced Monday that she and selectmen will conduct an inquiry into concerns about Fire Chief Jack Austin and Building Inspector Kenneth Bates.

The investigation is a direct response to the repeated calls for such an inquiry by Eastham residents and businessmen, including Michael Allard, a builder and Eastham resident.

Critics charge that the fire chief should not be allowed to also work as a contractor and the building inspector is not objective and/or consistent in applying building rules.

Mrs. Vanderhoef asked Mr. Allard and his colleagues

to detail in writing specific charges and concerns in preparation for a meeting to discuss the situation. The meeting would be set for about two weeks after receipt of details from Mr. Allard, she said.

She said the meeting would include herself, selectmen and complainants, as well as Mr. Austin and Mr. Bates.

Mr. Allard has been calling for such action at least since August 1990, when he and about 70 people met with the Board of Selectmen regarding their concerns about Mr. Austin and Mr. Bates.

According to Mr. Allard, the selectmen responded three months later with a letter supporting Mr. Bates, and with no comment on Mr. Austin.

Mr. Allard recently reviewed the 1990 actions for selectmen, and he reiterated his concerns about actions and attitudes of Mr. Austin and Mr. Bates.

Mr. Allard said he did not expect the matter to be heaped on the new administrator, who started only last month. He said he wanted selectmen to take "a very active and aggressive approach...using their resources."

Mr. Allard expressed great pleasure with Monday's call for an inquiry.

Mrs. Vanderhoef's letter on the matter, addressed to Mr. Allard, states:

"I am writing to you on behalf of the Board of

(Continued on page 13)



Spring has arrived in Eastham. Residents are making their way to the beach to enjoy the weather.

Staff Photo by Barbara Weibucher

Home Teaching Is Not As Simple As ABC's

By Dotti Farrington

Home-schooling parent Lisa Bolton of Orleans addressed an Eastham audience Sunday on different approaches to education.

Ms. Bolton is a founder of the 8-year-old Abbington Academy in Yarmouth Port, an outgrowth of her experiences with home schooling her son, Zachary, now a high school freshman.

She spoke to members and guests of the Unitarian Universalist Church at the Chapel-in-the-Pines. She is a Harvard Divinity School graduate student and a ministerial intern at First Parish in Brewster.

Her talk was scheduled a few months ago, before the recent outbreak of home-schooling controversies involving Mary Foley and Jill Sears, both of Eastham, who are embroiled in court cases because they are home-schooling their children without approval of the Nauset Regional School System.

Ms. Bolton said a few people Sunday voiced opposition to home schooling, but most favored the concept and the freedom of choice aspects of home schooling.

Ms. Bolton said she was involved in some unpleasant dealings with the Nauset officials before she established approval for her efforts through Abbington. She also reported that her son tried public school again this fall, but that he experienced difficulties with two teachers, and so she returned him to a combined home-schooling program.

She suggested that the Foley and Sears cases represent only a portion of the number of families who are unhappy with public education and have not found a satisfactory alternative.

(Continued on page 12)

Fox Grant Approved Amid Confusion

By Dotti Farrington

Wellfleet selectmen voted 4 to 1 Monday to renew the shellfish grant permits of Joel and Ana Fox, after weeks of delay and a final two-hour discussion of town regulations.

The Fox family got their permits for another five years but selectmen seemed to get no closer to resolution of the issues. Even with a new legal opinion in hand, the selectmen said the issues were unresolved.

Selectman Barbara Fegan voted against the permits because, she said, she still did not understand the issues.

About two dozen shellfishers and others attended the session. A few spoke briefly, but mostly Mr. Fox traded remarks with selectmen.

Since 1973 the Fox family has been conducting a shellfishing operation on 5.46 acres in two grants in Wellfleet Harbor. The grants then were classified as unproductive, and the Fox family since has made the grants exceptionally productive, they said, in part through cooperative efforts with the Aquaculture Research Corporation.

The Fox family applied in mid-January to renew the permits, asking that they be issued in the name of Old Wharf Shellfish Company, which has become the name by which the Fox operations are widely known.

Selectmen Chairman Alfred Haven has been the board's prime debater of town shellfish regulations, especially as they apply to the Fox grants.

He said town rules allow grants only in the name of individuals, not companies, and the town rules prevent subsidizing. He said he was concerned that the Fox arrangement with ARC amounted to subsidizing.

A side skirmish developed because Selectman Robert Costa removed his name Friday from the

(Mr. Fox) said ARC's arrangement with him and other local shellfishers "pumped in about half a million dollars that was put into new homes...new additions...new septic systems...spent right in town."

shellfish grant waiting list so that he could vote on the matter. He acknowledged that he had voted on previous permit renewals without being aware of the appearance of a conflict of interest.

Mr. Fox was critical of the process that led to Mr. Costa's action. Mr. Costa said he did not understand the anger of Mr. Fox.

Mr. Costa said his removal from the waiting list freed him to block a possible stalemate, should the other selectmen have a split vote over the matter. He said the removal of his name also corrects the conflict that he did not see previously.

Town Counsel Michael Ford last week issued an advisory that the town cannot make rules that contradict state law. He noted that state law allows grants in the names of companies. He did not rule specifically on whether the Fox-ARC arrangement amounted to subsidizing.

Mr. Fox insisted that the arrangement did not involve subsidizing, primarily because there was no giving or granting of rights to the land of the grants. He described his arrangement with ARC as an agreement on the working of the grant, and the

(Continued on page 13)

Fox Grant - Continued

regulations allow for grant-holders to have employee arrangements to work the grants. Mr. Haven said town rules limiting grants to individuals were intended to prevent circumvention of the waiting list.

It was the waiting list that caused the most confusion.

Mr. Haven and Mr. Fox each repeatedly stated their positions, without either seeming to change their stances as the discussion continued.

Mrs. Fagan said that changing to a company name, in which the principals of the company could change, seemed to have possibilities for the unfair addition of names on the grant, which contradicted the existence of the waiting list.

The discussion Monday also

involved a swap of perceptions about "keeping money in town." Mr. Fox said he understood some of the concerns about sub-leasing were aimed at protecting the local economy.

He said ARC's arrangement with him and other local shellfishers "pumped in about half a million dollars that was put into new homes...new additions...new septic systems spent right in town."

Mr. Fox said selectmen "are being so narrow sighted, it's inconceivable to me."

Selectman Virginia Crossman said she thought the Fox family "was being picked on" and it was not fair for selectmen to try to change the rules in the middle of any grantholder's application process.

Selectman John Ryerson said he agreed further that the economic issues were out of line. He said the recently completed \$4 million school expansion was done almost entirely by out-of-town contractors who did not pump any money into the local economy.

Mrs. Fagan said Mr. Ryerson was "mixing apples and oranges" by trying to compare the shellfish economics with the school building factors.

Town Administrator Julia Esroth urged selectmen to separate their need to revise shellfish rules with the Fox application process.

Shellfish Constable Paul Somerville supported the Fox renewals, while also calling for an independent effort on clarifying the regulation.



All is quiet in Eastham on a sunny spring day. Staff Photo by Barbara Wellfleet.

Vanderhoef, Board - Continued

Selectmen to acknowledge receipt of your letter at the meeting on March 9, 1992.

"The board has discussed the matter and would like to invite you and your constituents to a meeting with the board, the fire chief and the building inspector. The board feels that you raise some legitimate issues in your letter and would like to address them and any other concerns you may have. It would be helpful if you could supply the board with specific details, including date and time if applicable, of individual events in support of your charges. In that way the board can fully address your concerns. Please be advised, however, that the board will be constrained not to discuss any matter with you that is the subject of pending

Negotiation.

"The board would like to schedule a meeting that could be a benefit to all parties. Therefore, the board requests that you supply me with the charges or detailed allegations that you would like them to address in writing, at least two weeks before a meeting would be scheduled with you.

"I realize that the issues alluded to in your letter have been circulating for some time and the board would like to address them. I feel that a meeting in which specifics can be discussed in the best for all parties, and could facilitate definitive and reasonable conclusion to the matter.

"I look forward to hearing from you soon." Staff reporters Dorel Ferrington and Gordon Blosis contributed to this report.

CLUBS

Andover Society. Sunday, April 5, 12, 19 and 26, at 2 P.M. Salamander searches at the Sanctuary in Wellfleet. Free to members, \$3 to nonmembers. 348-2615.

Beverly Hills Babalash Lodge 141, Orleans. President's Night Monday, April 6, 8 P.M. For transportation call Pat Wardell. 255-0653.

Brewster Men's Club. Thursday, April 9, 11:30 at Ocean Edge Conference Center, Route 6A. Speaker is financial consultant John Donahoe of Orleans.

Canal Cruiseros have scheduled the following trips: April 9, four days in Washington, D.C., \$309; May 14, five days in Pennsylvania Dutch country, \$359; June 28, five-day trip to Beacon Hotel Resort and Ottawa, \$399; July 11, Parade of Tall Ships; Oct. 10, Colonial Williamsburg, five days, \$399. Marie Sharrow, 759-4648.

Canal Chamber of Commerce. Thursday, April 9, 6 P.M. Don Webster, Inn, Main St., Sandwich. Gloria Larson, secretary of Human Affairs, will be guest speaker. \$23, members; \$25 non-members.

Cape Cod Astronomical Society. Meets first Thursday of each month at 7:30 P.M. in the Museum of Natural History, Route 6A, Brewster.

Cape Cod Bird Club. Monday, April 6, 8 A.M., lower parking lot at Port Hill, Eastham. Art King, 255-8919.

Cape Cod Hospital Auxiliary, Orleans. Tuesday, April 7, 9:30 A.M. at the Universal Lodge, Main St., Orleans. Book review of "Traveling Easy" by Grace Talmage. Owners welcome.

Cape Cod Hospital Auxiliary, Yarmouth Port. Thursday, April 9, 9:30 A.M., Congregational Church, Rte. 6A, Yarmouth Port. "Autologous Blood Transfu-

sions," with Barbara Decker.

Cape Cod Intergroup of Overseers Anonymous. All-day workshop April 21, 9 A.M., Old Falmouth Congregational Church, 51 Main Rd. N. Falmouth. 428-5056.

Cape Cod Organ Society. Dinner concert Tuesday, April 14, 5:30 P.M., the Yarmouth House, Rte. 2, W. Yarmouth. Dick Kennedy. Reservations: 778-8717, 778-1118 or 394-9700. Public welcome.

Chatham Retired Men's Association. Friday, April 3, 1:30 P.M., St. Christopher's Church hall, Main Street, Chatham. William F. Hester on operations of Hester Associates.

Chatham Women's Club. Annual meeting Friday, April 10, 12:15 P.M., First Congregational Church. Shirley Gomez on "Solar Aquatics." April 6, 1 P.M., Literature II Dept., home of Phyllis Oulak; April 13, 10 A.M., home of Dorothy Pell; April 16, 1 P.M., Literature I Dept., home of Dorothea Hornfall; April 17, 10 A.M., Legislation Dept., home of Barbara Siffard.

Dennis Chamber of Commerce. "After Hours" Wednesday, April 8, 5:30 P.M., NBIS Entry Bank, Rtes. 28 and 134, S. Dennis Refreshments.

Dennis Men's Forum. April 7, 2 to 4 P.M., Dennis budget and outlook discussed with Bill Hilseney, Arnold Hunter and Heidi Sebald. Dennis Senior Center, Rte. 134 and Seaside Rd.

Dennis Women's Club. Wednesday, April 8, noon, Community Building on School St., W. Dennis. Sumner Pacher, Director of the Cape Museum of Fine Arts.

Dorco Unlimited. Annual dinner/entertainment Friday, April 3, beginning at 6 P.M. at Woods Hole Golf Club, Quisset Ave., Woods Hole. Tickets are \$40 for a sin-

gle and \$60 per couple, includes membership. Signed and numbered prints, original bird carvings, duck stamps, scrimshaw jewelry. 558-3588.

Eastham CCA Travel Club. May 19, Red Sox vs. the Mariners, night game, \$27; July 15, Tall Ships Pageant, \$35; Aug. 1, three-day Tanglewood concert, Norman Rockwell Museum, Berkshire area, \$235; Aug. 17, trip to Nova Scotia; Sept. 14, van Trapp Family Lodge; Sept. 26, "Phantom of the Opera" in Boston, orchestra, \$72. Call Bob Novotny, 255-0513.

Eastham Hiking Club. Wednesday, April 8, 9 A.M., Great Island parking lot, Wellfleet, for a walk across Chequessett Rd. and woods and hills of Griffin Island to the bay. Go to Wellfleet Harbor, turn right on Chequessett Road and follow it to the end.

Ecdemotriels Association. Monday, April 6, 7 P.M., meeting room of Burger King, Rte. 132, W. Barnstable. Dr. Jean E. Talbert is guest speaker.

Friendly Circle of the W. Dennis Community Church. Thursday, April 9, 12:30 P.M., in the church hall. Peg Carver-Ghad on "Lydia and Paul."

Friends of Cape Cod National Seashore. Annual meeting. Directors and members meet April 11, 10 A.M., Park Headquarters, Wellfleet.

Friends of Dennis Senior Citizens. Trip: Easter Show at Radio City and New York, April 22 and 23; Nantucket Daffodil Day, April 23; High Steaks Began in Connecticut, April 8 & Brandywine, April 30 - May 3, Spain, May 4, 10 days; Mississippi River Queen, June 12; Mackinac Island, June 15.

Harwich Newsletters. Trip to Newport, R.I., Friday, May 1. Depart 8:30 A.M. at Parry, Har-

wich Port, Return 5:30 (approx.). \$24 per person based on 30 people, pay by April 13. For details call Sheila, 433-3834.

Harwich Tappers Association. Saturday, April 4, 10 A.M., Town Hall. Presentation to Deputy Fire Chief Robert Peterson.

Heriticultural Society. Meets the third Thursday of the month at 8 P.M. in Oosterville Public Library opposite the post office on Winno Avenue. 428-3848 for more information. Thursday, April 16, Martha Ponsak, Don Griffith and Dave Lane will talk about porcelains from wholesaler to home.

IBM and Compatibles User Group. Thursday, April 9, 7 P.M., at Connecting Point Computer Center, 106 Bassett Lane, Hyannis. A representative from the Boston Computer Society will talk about its bulletin board service.

Lower Cape Advocates for the Monthly Handicapped. Monday, April 6, 7:30 P.M., meeting room of the Orleans branch of Cape Cod Five Cents Savings Bank, 97 Rte. 6A, Orleans. Speaker: Co-Ord. Matt, director of Independent Living Program, Association for Retarded Citizens/Cape Cod.

Massachusetts Association of Insurance Women. April 13, 5:30 P.M., Mitchell's Steak House, Route 28, Hyannis. Program on the 1991 workers' compensation form, with Kathryn A. Beckwith. Reservations through Barnstable County Fire Insurance Company, 363-4567.

Memorial Society of Cape Cod. Annual meeting at 2:30 P.M., April 5, Fellowship Room of Orleans Federated Church, 162 Main St. at Meetinghouse Rd., Orleans. Topic: How to prearrange simple, dignified and economical funerals. Open to public. 896-3370 or 760-4330.

Mount Newsletters. April 8, 9:30 A.M., Elm Lodge, 1 McKay Rd., Eastham. Speaker: Mike O'Connor of the Birdwatcher's Store.

Ocean Waves Square Dance Club. April 9, 7:30 to 10 P.M., Yarmouth Senior Center, Forest Rd., So. Yarmouth. All club level dancers. Callers, Len Newberry; coar, Henry Berry. Information: 965-3196.

Orleans Historical Society. Tuesday, April 7, 7:30 P.M., Meeting House, Main St., Orleans. Lynne Horton, "On the Home Front: Cape Cod 1943-1945." Open to public. Refreshments.

Personal Development Workshops. Friday, April 3, 7 to 9:30 P.M., 176 Main St., Sandwich. "Contact: The Essential Ingredients in Intimate Relationships and Self-Esteem." \$10. 889-0813.

Sandwich Arts and Crafts Association. Monday, April 6, 7 P.M., Human Services Building, Quaker Meetinghouse Rd., Sandwich. Sandwich watercolorist William Parades. 420-3479.

Sleeva Club. Saturday, April 4, 1 P.M., hike in Maple Swamp conservation area, Sandwich. Meet in parking lot on Service Road adjacent to Rte. 6 between exits 2 and 4. Keith Smith, 563-6706, or David Dow, 840-7142.

Vineyard Lodge of Cape Cod, Vasa Order of America. New officers to be installed Sunday, April 5, 2 P.M. at the Howard Masonic Lodge, So. Yarmouth. Refreshments. 430-0098 or 775-6974.

Women's International League for Peace and Freedom. Tuesday, April 7, 7:15 P.M., Resource Center for Peace and Justice, 1269 Rte. 132, E. Dennis, near Rte. 6A, "Gender and Sexuality: Past, Present and Future."

Disease-Resistant Oyster Helps \$4-Million Industry

By John LaDica

The first batch of a new disease-resistant strain of oysters will be ready for harvest this year, an event eagerly awaited by local aquaculturists.

This year's harvest was planted three years ago and should be fully grown by summer. But the destruction of many oyster beds by both Hurricane Bob and the October Nor'easter in 1991, combined with the unusual and hard-to-predict nature of the quirky shellfish, is giving prognosticators fits.

"We'll know at the end of the summer," says Karl Rask, a worker at the county Cooperative Extension Service, involved in the oyster program.

Rutgers University developed a strain of oysters that is supposedly resistant to MSX, the disease that unpredictably comes and goes in area waters, wiping out entire crops and wrecking financial ruin.

Call it "multinucleated spine unknown," a disease which was abbreviated years ago to MSX. Harmless to humans, MSX transforms oysters from plump creatures to ruined, inedible gobs.

The success or failure of the strain here will not just affect restaurant-goers desiring a dose of the delicacies on rock salt and ice chips. Mr. Rask says 130 aquaculturists on Cape Cod, producing \$4 million in

product alone, are eager to see just how the university-educated oyster fares.

Six growers on Cape Cod are testing the new oyster strain. The New Jersey university does not produce the actual seed, rather it contracts that function out to local industries. On Cape Cod, Aquacultural Research Corp. in Dennis produces the seed for the commercial field tests.

"They're very hard to raise," says ARC's Dick Krosche of the oysters. "MSX has been around all the while. There's no way to know what the disease pressure will be this year, until they're harvested."

At Cape Cod's famous Cetus Oyster Company, owner Dick Nelson says his crop of anti-MSX oysters "has been quite healthy."

He, too, can't pass final judgment on the strain, but says, "They're working on it and it's far from perfect. I'm not sure how the consistency is at this point. Can't judge it from one crop. But I'm encouraged."

Mr. Rask seems encouraged, too. Early field tests of small amounts of seed were successful in the mid-1980's. That led to the current commercial-scale field trials.

Almost all of Cetus Oyster Company's crop this year is comprised of the Rutgers seed. Other growers on the Cape have

(Continued on Page 26)



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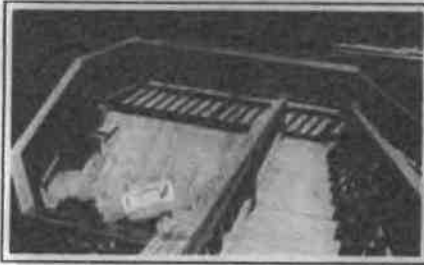
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Disease Resistant Oysters—continued

just small test batches — about 50,000 seed — of the new oyster.

"It's enough so that you can get an idea of how they do with commercial growers," Mr. Rask said of the test batches.

Rutgers oysters and other oysters are indistinguishable on the palate, growers say.

"There's a pretty good mature oyster crop in Wellfleet," Mr. Rask said. "Some years they have MSX and some times they don't." Orleans and Yarmouth are two other towns where growers are trying out the new strain.

Fera LeMay of Yarmouth tested some of the MSX-resistant oysters at his former farm off Great Island.

"We didn't have a problem with MSX, but it's all around us. They gave us a few thousand to test," he said. "The MSX-resistant was slow growing."

The man he said his grant to, Richard Drew of Yarmouth, says, "I don't know if I can tell you how they're doing. I haven't looked at them lately." He does know that the hurricane and northeasters last year did a lot of damage to his beds.

MSX runs in cycles, with peaks and troughs that are hard to predict. The new oysters seem to be doing well, but whether it is because of their genetics or the relative absence of MSX is unclear.

"It may be a down cycle, it may rear its ugly head next year," Mr. Nelson said. "I don't think that you can say positively that this new strain is the end-all."

And even if it is, the oyster business will not become much easier. "There are many other concerns, things we know about and don't even know about yet," he said. "Obviously, in the long term, we can do more with

genetics, but it's still relatively premature."

Mr. Rask says the most talked about worry in oyster circles these days is a disease with a name as perplexing as its effect on crops: The Unexplained Juvenile Oyster Mortality Syndrome. It affects small seed oysters about a half-inch in size and has been the subject of many trade conferences.

"The only thing that's holding down the oyster business around here is these diseases," he said.

Mr. Nelson says developing disease-resistant hybrids is the way to go.

"This particular crop has done what I needed it to do," he said. "What happens tomorrow, who knows? I do believe in the future of it, or I wouldn't be here."

VNA—continued

county. But she stressed the need for the county to insist that VNA provide quality social work case management. Commissioners agreed to draft a letter to VNA outlining their subsidy proposal and their concerns.

The county budget, with the new clinic proposal, goes today to the Advisory Board for County Expenditures and then to the Assembly of Delegates on Wednesday. Commissioners stressed the need to keep the lines of communication open with Falmouth Hospital in the event the VNA proposal falls through.

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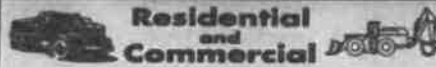
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Church Guild Holds Spring Half Price Sale

St. Joan of Arc's spring half-price sale runs June 9 through 15 from 10:30 A.M. to 1:30 P.M. Monday through Saturday and Wednesday and Friday to 4:30 P.M. on Canal Road, Orleans.

The dollar tag sale will be Tuesday, June 16.

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Swarms of Bees May Force Change of Locale for High School Graduation

By Laura J. MacKay
Bureau Chief

A bunch of harmless but "obnoxious" carpenter bees may compel Provincetown High School to give up its traditional seaside graduation ceremony.

The school usually holds the ceremony in the outdoor amphitheater at Cape Cod National Seashore's Province Lands Visitor Center, where a backdrop of dunes and the Atlantic Ocean beyond provide a fittingly beautiful, inspiring setting.

Unfortunately, swarms of carpenter bees also find the spot desirable. The bees burrow into the amphitheater's wooden benches, where they hibernate for the winter and then lay their eggs after coming in the spring — just in time for graduation, according to David Manaki of the Cape Cod National Seashore, which is considering replacing the benches.

These bees don't have stingers, but, as Mr. Manaki observes, "To the average person, a big bumble bee is sheer terror."

Indeed, he said, male carpenter bees are very terri-

rial and the threatening dives apparently intended to intimidate other male bees can intimidate innocent human bystanders in the vicinity as well.

As Seashore Supt. Andrew Ringgold put it, "They make a lot of noise and they're obnoxious and they swarm around."

The school is concerned enough about being chased out of its graduation venue to alert U.S. Rep. Gerry Studds to the problem.

In a recent letter to the congressman, School Supt. Vincent Yankiewicz asked him to intercede on behalf of the Class of 1993, saying the Seashore had not yet taken any action to resolve the matter.

Mr. Manaki said Monday he is indeed seeking to replace the amphitheater benches with a wood or recycled plastic material repugnant to the bees. The problem is, while the list of woods known to be bee-friendly is long, nobody seems to know just what they don't like.

The Seashore is waiting to hear from the U.S. Forest Service Product Testing Lab, among other organizations with more expertise in such things, Mr. Manaki assured.

Truro May Appeal Decision Against Aquaculture; Wants Added Support

By Joyce Johnson

Truro selectmen will vote today on whether to appeal a court decision that prevents propagation of shellfish on tidal flats if structures are used.

The ruling extends shoreline property rights onto the flats to extreme low tide mark, essentially eliminating the use of tidal flats for shellfishing unless a method is devised to grow them without structures.

The simple structures covered with netting are the crux of the ruling. They are necessary to protect seedling clams from predators and tides that might wash them away or out of the bounds of a specific grant.

Shellfishermen have said until the ruling is reversed, or until another means is found to allow seedlings to mature, the ruling could affect the entire Massachusetts coastal industry.

The ruling also clarifies the 1640 colonial law that allowed "fishing, lowering and navigation" below the mean high tide.

Aquaculture — the propagation of shellfish — in recent years has been recognized as a viable "million dollar" industry at the same time helping to restore the local depleted shellfish beds. (Although the netting assists in controlling the propagation, severe storms inevitably spread some seedlings, resulting in clams growing outside grants "in the wild" as well. The taking of such shellfish, and of those from natural beds, is still legal on the tidal flats.)

The case arose from a suit filed by North Truro motel owner Priscilla Pasolt against Truro shellfisherman John LaFortie who started to develop a shellfish grant near the Provincetown-Truro line two years ago. Ms. Pasolt claimed a section of Mr. LaFortie's grant was on her property and sued him, the state and the town for allowing the grant.

Since Barnstable Superior Court Judge John M. Xidaris' decision early this month, the ramifications have rippled along the shoreline, sending chills down the spines of those who have been making a living at the demanding work.

Richard Kraus, manager of Aquacultural Research Corporation of Dennis, which cultivates and sells seedlings to shellfishermen, said he did not want to comment at this time.

"There is a lot going on — there is too much at stake," he said.

His company employs 25 people who "are all making a living," he said.

Truro selectmen Friday postponed a vote on whether to enter an appeal to the decision until they could talk with Town Counsel Edward Verra. They want to know the cost of filing the appeal and if it would obligate the town to go to court, with the related expense.

Selectman Bruce Travers questioned filing the appeal. He said he believes every person involved in aquaculture from Provincetown to the North Shore should be concerned and willing to pay to fight the decision handed down by Judge Xidaris.

But Selectman Robert Martin said even if litigation cost \$10,000 it would be worth it considering the economic ramifications if the industry is lost.

Mr. LaFortie, who has appealed the decision, said no new parties can enter the suit at this point although others may file briefs as "friends of the court."

"The town will suffer economically without aquaculture," Mr. LaFortie said.

"It is a viable fledgling industry. Here we are with 40 percent unemployment. It doesn't use fresh water, very little goes to the dump, it does not use fertilizers, it uses what is naturally available. Besides that, they are algae eaters that clean the water."

These and other people and institutions will attend an initial meeting on the project on April 2 at 5 pm in the police station conference room.

Anyone interested in the project is encouraged to attend, Mr. Orlando said.

"We're going to ask people to go through their eyes. We're going to start a real campaign on this thing."

Water Rates Hold Steady

Following a slight increase last year, Provincetown water rates will remain steady this year and perhaps for some time to come.

Last year, rates went up for the first time in six years, although only for heavier users.

"We're hoping to shoot again for another four or five years before we have to mess around with the rates," Water Supt. James Cook said Monday.

While residents of other towns are paying more, Provincetown's rates have remained more or less steady thanks to frequent governmental grants for costly projects like the replacement of old water mains, Mr. Cook said.

The town has received such grants nearly every year since about 1977 — over \$3 million in the last decade, he said.

Another grant-funded water project begins Wednesday — the \$160,000 replacement of a water main running from Cemetery and Conwell streets to the Cape Cod National Seashore Boundary on Race Point Road.

The project is not expected to interfere with traffic a great deal, and should be completed by mid- to late May, Mr. Cook predicted.

Provincetown Budget Pegged at \$9.1M; Tax Rate Unlikely to Drop

By Laura J. MacKay
Bureau Chief

Provincetown officials at next month's Town Meeting will seek voter approval of a \$9.1 million Fiscal 1994 municipal operating budget, a 4.5 percent increase over the previous budget.

The budget was designed to cut 25 costs from the tax rate, but town officials assumed the schools would be level-funded. In fact, the school system has proposed an increase of \$172,000, or 3.8 percent, in its own budget.

The bulk of the increase in the town's operating budget is in the fixed costs shared by the town and the schools — the town budget does include some debt service, retirement and insurance costs attributable to the school system. Principally, retirement and health insurance expenses increased by \$117,000.

Another significant hike is \$55,000 in salary increases for town employees: a 3 percent raise stipulated in the town and police union contracts, as well as step raises and performance bonuses, and similar increases for non-union employees.

Not found in the operating portion of the budget presented at Town Meeting, but also added to the tax rate, are court judgments and settlements against the town and the school — \$200,000 for the Schleissner "debacle," as Town Manager Keith Bergman calls it, and \$28,000 for the Buckley case, which involved a discrimination complaint against the high school by a gay teacher.

Selectmen and the finance committee are nearly in agreement on the town budget, selectmen having agreed to \$30,000 in extra cuts recommended by the committee. The only matter of dispute is the town-owned Heritage Museum's \$19,000 budget — the finance committee is philosophically opposed to using tax funds to run the museum.

Helping to keep the tax levy down this year is the \$1.1 million court judgment Provincetown won last fall as the result of a gasoline spill that occurred 15 years ago near one of its principal well fields. While most of the money probably will be used to repurchase the town's stabilization fund, about \$200,000 is earmarked for spending in Fiscal 1994.

That's almost enough to cover the \$228,000 the town lost settling the Schleissner and Buckley cases.

The dispute over the Schleissner property began in the 1970s when the town's failure to correct a drainage problem resulted in damage to the foundation of then Schleissner's 33 Court Street home.

In a two-part court judgment, the town was forced last year to buy the property for \$119,200 — it is now being renovated for use by the housing authority — and now, to cough up \$260,000 in cash.

As for Philip Buckley, in 1990 the former Provincetown teacher filed a complaint against the school system with the Massachusetts Commission Against Discrimination when the school did not renew his contract.

He alleged that he had been discriminated against because of his sexual orientation and handicap, according to Jane Bryson of the commission.

In August of last year, the commission found "probable cause" but the matter was settled out of court in the course of conciliation sessions with the commission, Ms. Bryson said.

The details of the matter are not public information because the case never reached public hearings, she said.

School Supt. Vincent Yankiewicz refused comment on the case.

In Provincetown

Group Seeks to Preserve Precious Town History In Accessible Archive

Provincetown's history is scattered everywhere, in attic and boxes here and abroad, not to mention in more formal repositories of old documents.

The town's historical commission would like to change that, and is spearheading a long-term effort to pull this information together in one central, easy-to-access archive.

"There's material scattered all over the commonwealth. It's time for us to be keepers of our own history," declares Michael Orlando, chairman of the historical commission.

He envisions the archive as a place safe enough to be entrusted with cherished letters. A place with climate controls to preserve its contents, and desks and lamps for study.

The commission is enlisting the help of anyone interested in Provincetown's history. Among the recruits, so far: Roxanne Adams of the Pilgrim Monument and Provincetown Museum, Town Clerk Sheila Silva, Town Librarian Joseph Pavesi, Sal Del Des of the Heritage Museum, Hope Morrill, archivist for the Cape Cod National Seashore, and Arpan Sankar, a Provincetown resident working on preserving old town hall documents.

Provincetown Meetings

March 23: Harbor planning committee, 11 am, Judge Welsh room, town hall.

Licensing board, 5 pm, Judge Welsh room, town hall.

Board of health, 7 pm, caucus hall, town hall.

March 24: Zoning board of appeals, 4 pm, caucus hall, town hall.

Council on aging, 6 pm, caucus hall, town hall.

March 25: Board of assessors, 10 am, Judge Welsh room, town hall.

Cape Cod Commission, 3 pm, Judge Welsh room, town hall for public hearing on the Provincetown transfer station.

Finance committee, 6 pm, caucus hall, town hall.

Harbor planning committee, 7 pm, police station conference room.

Finance meetings may be posted as 1176 as 48 hours in advance this listing may be incomplete.



Earlier this year the fire chiefs from Wellfleet, Eastham, Provincetown, and Truro met at The Bookstore in Wellfleet to discuss the negotiations with the National Seashore. Staff Photo by Ken Seaman

Mutual Aid Pact Between Towns And Seashore Is Terminated

By Ken Seaman

For the first time in nearly 30 years, the National Seashore has no contract for cooperative fire and rescue services within the Park.

Seashore Supt. Andrew Ringgold terminated a 29-year-old agreement with four Outer Cape towns — Provincetown, Truro, Wellfleet and Eastham — in a letter last December informing selectmen of the four towns that the mutual aid pact, under which the Seashore paid the towns a "guaranteed minimum hump sum," would end on the 1st of March.

In the letter, Supt. Ringgold explained the solicitor's office of the US Department of the Interior, which controls the Park, had decided the payments by the Seashore to the towns were illegal.

Apparently, said Wellfleet Fire Chief Roger Henson, the problem lay in the Seashore's paying for services before they were rendered.

Wellfleet was paid \$7,320 in 1992, said Chief Henson, for "total fire protection." The figure also included any payments for response by rescue vehicles, he added.

The Seashore has four pieces of fire apparatus, including a 1000-gallon "water tender," said National Seashore Fire Management Officer David Cray. The rangers and some of the maintenance personnel are trained to fight fires, he said, but their qualifications are largely limited to brush or forest fires. Structure fires are handled by town fire departments, he added.

Over the past year, the fire chiefs of the four towns have been meeting to discuss how to handle the negotiations between their towns and the National Seashore.

Their meetings, often held at The Bookstore Restaurant in Wellfleet, yielded a position paper which the chiefs gave to their respective town administrators Monday.

"It's too early to really say anything," said Chief Henson, "but we've had a cordial relationship with the Seashore since 1964."

Representatives from the towns and the Seashore are expected to meet Wednesday to discuss a new contract.

The cash-strapped towns almost certainly will be asking for more money from the Seashore although no official would comment on an amount.

"Things have changed in the past 20 years," said Eastham Fire Chief Jack Austin. "We plan for a lot more than we did 30 years ago."

One of the biggest changes has been paramedic and emergency medical technicians rescue response. When the contract for fire and rescue aid was first drawn up, emergency rescue response was in its embryonic stages. And when the contract was reworked in 1977 the towns of the Outer Cape were just beginning to implement paramedic rescue response. Now, rescue response is much more sophisticated. It requires more training and education, more equipment and as a result is more expensive.

Mr. Cray said he is happy with the way things have gone in the past and the relations between the towns and the Seashore.

Nonetheless, "legally, we have to rewrite the agreement," he said. From a response stand point, he said he hopes things will remain the same. However, he was quick to add he has no control over reimbursements or monetary arrangements between the towns and the Seashore.

Despite the fact there is currently no contract guaranteeing fire and rescue protection from the towns, the fire departments will answer the bell if called, said Chief Henson. Wellfleet's department will respond to any emergency within the town's borders, he said.

Truro's Selectmen to Appeal Ruling That Threatens Aquaculture Industry

By Joyce Johnson

Truro selectmen Wednesday night voted 4-1 to appeal a landmark court decision that prevents cultivation of shellfish on tidal flats if structures are used.

Since the protective structures are apparently essential for successful propagation of shellfish, the ruling may stop the state's budding aquaculture industry in its tracks.

The decision by Barnstable Superior Court Judge John M. Xifaras resulted from a suit by North Truro motel owner Priscilla Pazoli against Truro shellfisherman John LaForte, who was issued a grant near the Truro-Provincetown line by Truro selectmen. They were also named in the suit, as was the state which upheld the selectmen's decision.

Ms. Pazoli claims the grant was at least partially on tidal lands owned by her.

Judge Xifaras' decision has had a chilling effect on the industry. Richard Kraus, manager of Aquacultural Research Corporation of Dennis which employs 25 people to cultivate and sell seedlings to shellfishermen, last week refused to comment on the issue "because there is too much at stake."

Truro selectmen had postponed the decision to appeal, pending receipt of an estimate of legal costs to pursue the case. Town Council Edward Vears said it would cost about \$2,500 to file an appeal but did not list costs to defend the appeal if it is necessary to do so. Selectman Bruce Tarvers voted against the decision.

He has stated on several occasions that he is concerned the town could be dragged into a very expensive court case through the appeal. He said it is up to all those who have interests in the potentially lucrative aquaculture industry to fight Judge Xifaras' decision.

But Selectman Robert Martin was adamant about appealing the decision since the budding industry could be a major factor in Truro's future economy.

Judge Xifaras' decision clarifies a 1640 colonial law that allows "trespassing" (fishing, fowling and navigation) between the mean high and low water mark on lands owned by others.

The decision would not prohibit anyone with deeded rights from using the tidal flats for aquaculture purposes. It also does not prevent the taking of shellfish naturally present.

Judge Xifaras' decision has raised at least two other potentially knotty issues. It says coastal property owners have rights to the extreme low water mark whereas the colonial law refers to mean low tide, an average of low tides. And it raises an assessing issue since most coastal properties are assessed only to the mean high water mark.

Truro Deputy Assessor Patricia Nelson said the latter could "open a can of worms" that she does not even want to think about, since it could require that all tidal flats be surveyed and probably new formulas applied for assessing purposes.

But that would happen only when the appeals are finished and if Judge Xifaras' decision is upheld.

Mediation Outcome

Community Agrees to Release Papers To ConsCom

By Gordon Bonin

Testing a relatively new way to resolve disputes, representatives of the Orleans Conservation Commission and the Community of Jesus met in Boston last week to discuss the Community's proposed 540-seat church for Rock Harbor in Orleans.

At the meeting Wednesday at the state's Office of Dispute Resolution, the Community agreed to turn over to the conservation commission certain documents — including wetland impact studies and mitigation plans — that had been generated after the conservation commission denied the Community permission to build the church in April 1991. The studies had been made by the Community during deliberations of the Cape Cod Commission on the church proposal. The proposal came under the purview of the Cape Cod Commission as a Development of Regional Impact after the conservation commission decision.

"We agreed that we would send the commission everything else they didn't have," Attorney Chris Kacaga said, referring to about 500 pages of material on groundwater, subsurface water and surface water drainage studies and mitigation plans.

The conservation commission denied approval to the church plans because of the possible impact on three nearby wetlands from the extra sewage that would result from the increased attendance made possible by the larger church.

The Community of Jesus' existing chapel has a capacity less than half that of the proposed church. The plans called for a small septage treatment facility to handle extra effluent created by the increased number of people.

The Community appealed the conservation commission's denial to the state Department of Environmental Protection, which gave the go-ahead to the project if certain conditions were met to protect the wetlands. The Orleans Conservation Commission then appealed this order.

Mediation is a non-binding method for resolving disputes, as opposed to arbitration or adjudicatory decisions.

As New Rules Go Into Effect, Cape Codders See the Future of Garbage And They Are It

By Jeff Blanchard

Some Cape Codders "generate virtually no solid waste whatsoever. They compost food, and grass clippings. They recycle containers. They reuse things. They take clothes and stuff to thrift shops. Except for an odd-ball item they need to get rid of once in a while, they have no use for the landfill. To them the landfill is a horror show. They've got it down to a science."

In all likelihood, everyone knows someone who fits this description, as provided by David Hall, county waste management coordinator. Here on the Outer Cape, there must be thousands of such model low-waste generators.

And they probably don't need to be told that, as much as they may seem like relics, they are also the future, these people who would prefer to avoid the car trips to the dump (and the sometimes \$75 dump stickers).

They are the future because the world is closing in on them, and their habits — or is it a matter of character? — keep them "doing the right things" (as Mr. Hall put it) in terms of garbage disposal, or lack thereof.

The tough part about Cape Cod's garbage picture, Mr. Hall said, is that, as a summer resort, "it's hard to generalize. There are a wide variety of

(Continued on Page 10)



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022



BUDGETS

REQUESTED BY:	School Financial Staff
DESIRED ACTION:	To Discuss and approve the Nauset Regional School System's Fiscal Year 2023 Operating Budget
PROPOSED MOTION: SUMMARY:	I move to approve the School Systems Fiscal Year 2023 Operating Budget as presented
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Cape Cod Regional Technical H.S. District

10.1.21 Enrollment Report with History

MEMBER MUNICIPALITY	ENROLLMENT AS OF 10/1/17	DEBT PRORATION	ENROLLMENT AS OF 10/1/18	DEBT PRORATION	ENROLLMENT AS OF 10/1/19	DEBT PRORATION	ENROLLMENT AS OF 10/1/20	DEBT PRORATION	ENROLLMENT AS OF 10/1/21	DEBT PRORATION	Change
Town of Barnstable	179	30.44%	176	30.88%	194	31.49%	169	27.00%	186	28.48%	17
Town of Brewster	41	6.97%	36	6.32%	29	4.71%	41	6.55%	59	9.04%	18
Town of Chatham	7	1.19%	8	1.40%	10	1.62%	15	2.40%	12	1.84%	-3
Town of Dennis	61	10.37%	68	11.93%	73	11.85%	73	11.66%	72	11.03%	-1
Town of Eastam	22	3.74%	22	3.88%	22	3.57%	23	3.67%	18	2.76%	-5
Town of Harwich	77	13.10%	67	11.75%	58	9.42%	51	8.15%	71	10.87%	20
Town of Mashpee	50	8.50%	45	7.89%	48	7.79%	44	7.03%	48	7.35%	4
Town of Orleans	11	1.87%	9	1.58%	12	1.95%	13	2.08%	11	1.68%	-2
Town of Provincetown	7	1.19%	11	1.93%	14	2.27%	11	1.78%	7	1.07%	-4
Town of Truro	6	1.02%	6	1.05%	6	0.97%	11	1.78%	9	1.38%	-2
Town of Wellfleet	13	2.21%	12	2.11%	13	2.11%	16	2.56%	12	1.64%	-4
Town of Yarmouth	114	19.39%	110	19.30%	137	22.24%	159	25.40%	148	22.66%	-11
	588		570		616		626		653		27
Out of District - Sandwich									1		
									654		

Cape Cod Regional Technical High School

MEMBER MUNICIPALITY ENROLLMENT AS OF 10/1/21:

Town of Barnstable	186
Town of Brewster	59
Town of Chatham	12
Town of Dennis	72
Town of Eastham	18
Town of Harwich	71
Town of Mashpee	48
Town of Orleans	11
Town of Provincetown	7
Town of Truro	9
Town of Wellfleet	12
Town of Yarmouth	148
TOTAL ENROLLMENT:	653

Fiscal 2021 Valuations

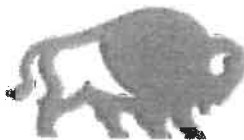
Barnstable	12,142,163,780	(split tax rate) - FY20 AV
Brewster	4,254,853,730	
Chatham	7,479,607,480	
Dennis	7,769,863,870	
Eastham	3,090,059,650	
Harwich	5,973,169,000	(FY20)
Mashpee	5,818,755,370	
Orleans	4,271,316,040	
Provincetown	2,851,362,621	(split tax rate)
Truro	2,160,921,930	(split tax rate)
Wellfleet	2,293,784,642	(split tax rate)
Yarmouth	6,913,042,475	

Fiscal Year	Equals Net Total Debt Service	Wellfleet	
		Wellfleet Debt Service Proration	Wellfleet Est. Tax Rate Impact per \$1,000
2019	115,063	2,544	0.00
2020	7,617,300	160,364	0.07
2021	6,260,700	132,125	0.06
2022	6,255,575	159,887	0.07
2023	6,081,325	111,755	0.05
2024	5,907,075	106,553	0.05
2025	5,732,825	105,351	0.05
2026	5,558,575	102,148	0.04
2027	5,384,325	98,946	0.04
2028	5,210,075	95,744	0.04
2029	5,035,825	92,542	0.04
2030	4,861,575	89,340	0.04
2031	4,687,325	86,138	0.04
2032	4,530,500	83,256	0.04
2033	4,391,100	80,894	0.04
2034	4,251,700	78,132	0.03
2035	4,112,300	75,571	0.03
2036	3,972,900	73,009	0.03
2037	3,833,500	70,447	0.03
2038	3,694,100	67,885	0.03
2039	3,554,700	65,324	0.03
Total	101,048,363	1,939,754	

Assumptions:

- ✦ FY19 estimated share of costs based on 10/1/17 enrollment figures
- ✦ FY20 estimated share of costs based on 10/1/18 enrollment figures
- ✦ FY21 estimated share of costs based on 10/1/19 enrollment figures
- ✦ FY22 estimated share of costs based on 10/1/20 enrollment figures
- ✦ FY23 estimated share of costs based on 10/1/21 enrollment figures
- ✦ Barnstable, Provincetown, Truro and Wellfleet have residential exemption tax rates; Assessed valuation shown reflects residential valuation net of exempt
- ✦ Bonds structured on an equal/declining debt service basis for a maximum term of 20 years.
- ✦ Bonds reflect only estimated local share of project costs.

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A Hilltop Holdings Company.



Nauset Regional School District

District Enrollment

Comparison 10-1-2021 and 10-1-2020 (2020 in red)

Elementary

School	PK	K	01	02	03	04	05	Total	Difference								
Eastham Elementary School	22	16	22	34	30	21	28	28	29	28	34	32	31	34	196	193	-3
Eddy Elementary School	0	0	0	0	0	53	72	80	57	79	85	212	214	2			
Orleans Elementary School	0	16	30	24	18	29	23	32	27	36	29	38	38	175	165	-10	
Stony Brook Elementary	20	27	67	63	64	64	62	71	0	0	0	213	225	12			
Wellfleet Elementary School	0	14	22	16	17	24	13	15	23	21	18	15	20	105	113	8	
Elementary Totals	42	43	119	150	134	120	143	135	129	150	171	136	163	176	901	910	9

Middle

Town	06	07	08	Total	Difference				
Brewster	75	70	77	71	77	75	229	216	-13
Eastham	29	30	33	27	41	30	103	87	-16
Orleans	28	33	33	33	30	35	91	101	10
Provincetown	0	1	2	1	1	2	3	4	1
Truro	5	12	9	6	18	8	32	26	-6
Wellfleet	19	15	14	16	32	15	65	46	-19
Choice	20	13	26	17	14	26	60	56	-4
Middle School Totals	176	174	194	171	213	191	583	536	-47

NOTE:
Truro – students in Gr. 6 are school choice (Truro has a K-6 elem. school)
 Students in Grades 7 & 8 are tuition students
Provincetown – students in Grades 6, 7 & 8 are school choice (Provincetown has a K-8 school)
 Students in Grades 9, 10, 11, 12 are tuition students

High School

Town	09	10	11	12	SP	Total	Difference						
Brewster	70	66	73	74	66	69	65	66	6	6	280	281	1
Eastham	29	39	28	27	33	24	31	31	1	0	122	121	-1
Orleans	30	36	25	27	34	26	23	35	1	0	113	124	11
Provincetown	4	5	6	5	7	4	6	6	0	0	23	20	-3
Truro	15	18	15	14	11	14	19	11	3	60	60		
Wellfleet	12	30	17	11	28	18	24	33	0	81	92	11	
Choice	37	32	49	35	42	46	70	43	0	0	198	156	-42
High School Totals	197	226	213	193	221	201	238	225	9	877	854	-23	

Summary	2021	2022	Difference
Preschool	42	43	1
Elementary	859	867	8
Region	1084	1068	-16
School Choice	258	212	-46
Truro	92	86	-6
Provincetown	26	24	-2
Grand Total	2361	2300	-61

NAUSET REGIONAL SCHOOLS		Oct-21						
ENROLLMENT TRENDS								
HIGH SCHOOL	As of	Live in	Live in	Live in	School	OTHER		TOTAL
	1-Oct	District	Truro	Provincetown	Choice IN	STUDENTS		
	2021	618	60	20	156			854
	2020	596	60	23	188			877
	2019	616	60	26	219			921
	2018	624	63	29	228			944
	2017	603	48	37	236			924
	2016	642	52	40	211			945
	2015	676	52	44	209			981
	2014	687	50	40	197			974
	2013	706	61	43	214			1024
	2012	695	52	33	190			970
	2011	696	56	28	185			965
	2010	737	50	32	168			987
	2009	800	40	NA	153			993
	2007	880	42	NA	119			1041
MIDDLE SCHOOL	As of	Live in	Live in	Live in	School	OTHER		TOTAL
	1-Oct	District	Truro	Provincetown	Choice IN	STUDENTS		
	2021	450	26	4	56			536
	2020	488	32	3	60			583
	2019	480	41	4	64			589
	2018	445	43	5	90			583
	2017	419	38	7	89			553
	2016	424	31	9	77			541
	2015	437	31	9	67			544
	2014	463	37	7	53			560
	2013	489	22	7	65			583
	2012	490	19	8	73			590
	2011	490	27	8	46			571
	2010	477	24	10	43			554
	2009	489	23		55			567
	2007	460	14		31			505
AS OF OCTOBER 1, 2021 Students Attending Nauset High School Under School Choice by Home Town								
Barnstable	Bourne	Chatham	Dennis	Harwich	Sandwich	Yarmouth	Falmouth	Mashpee
28	2	15	24	44	3	37	1	2
TOTAL 156								
AS OF OCTOBER 1, 2021 Students Attending Nauset High School - Tuitioned In								
	Gr. 9	Gr. 10	Gr. 11	Gr. 12	Total			
Truro	18	14	14	14	60			
Provincetown	5	5	4	6	20			
(Barnstable includes: Centerville, Marston Mills, Osterville, Seagram and Barnstable)								
AS OF OCTOBER 1, 2021 Students Attending Nauset Middle School Under School Choice by Home Town								
Barnstable	Chatham	Dennis	Harwich	Sandwich	Yarmouth	Provincetown	Truro	Total
11	2	12	12	1	18	4	14	74
AS OF OCTOBER 1, 2021 Students Attending Nauset Middle School - Tuitioned In								
	Gr. 7	Gr. 8			Total			
Truro	6	8			14			
AS OF OCTOBER 1, 2021 Nauset Resident Students Attending Other High Schools								
	Lighthouse	Sturgis			Tech			
2021	82	14			100			
2020	64	10			92			
2019	46	12			76			
2018	53	15			77			
2017	67	16			88			
2016	67	17			81			
2015	64	19			86			
2014	62	23			69			
2013	64	25			72			
2012	69	23			72			
2011	86	10			80			
AS OF OCTOBER 1, 2020 International Student Program								
2021	0							
2020	0							
2019	2							
2018	3							
2017	4							
2016	5							
2015	17							
2014	17							
2013	11							
2012	6							
2 Chinese, 1 German 2 Chinese, 1 Indonesian, 1 German 2 Brazil, 3 Chinese 1 German, 2 Brazilians, 1 Spanish, 1 Norwegian and 12 Chinese 8 Chinese, 2 Brazilian, 2 French, 3 Spanish, 1 Norwegian and 1 German 3 Chinese, 2 Italian, 4 Brazilians, 1 German, 1 Monaco 2 French, 3 Chinese, 1 Belgium								

NAUSET REGIONAL SCHOOL DISTRICT

SCHOOL COMMITTEE FINANCIAL DASHBOARD REPORTS

For the Year to Date Period Ending: 12/31/2021

Data Complete Through: 12/31/2021

Provided To School Committee: 1/13/2022



**NAUSET REGIONAL SCHOOL DISTRICT
SCHOOL COMMITTEE FINANCIAL DASHBOARD REPORTS
INDEX OF REPORTS**

1 Financial Position Summary - All Funds (Monthly)

Intended to provide the School Committee with a one page snapshot view of the District's overall current financial status. To include projected impact on E&D based on current year budget projections; balances of other available funds and trend history of long-term obligations. Also provides indications of further commentary on each of the key financial indicators monitored by the School Committee.

2 General Fund Accounts Summary (Monthly)

Intended to provide the School Committee with a one page summary of the status of the District's General Fund and operating budget results.

3 Special Revenue Fund Accounts Summary (Monthly)

Intended to provide the School Committee with a one page summary of the status of the various District gift, grants and revolving funds.

4 Capital Project Fund Accounts Summary (Monthly)

Intended to provide the School Committee with a one page summary of the status of the various District capital article funds and capital project funds.

5 Variance Reporting, Commentary and Projections (Monthly for criteria determined)

Intended to provide the School Committee with a summary of comments regarding the pre-determined reporting criteria for each of the dashboard reports.

6 Comparison All Funds Summary With Prior Year (Monthly)

Intended to provide the School Committee with a comparison with prior year's E & D projection with the current year.

7 Fiduciary Fund Accounts Summary (Quarterly - 9/30, 12/31, 3/31, 6/30)

Intended to provide the School Committee with a one page summary of the status of the various District fiduciary accounts.

8 Cash Balances (Quarterly - 9/30, 12/31, 3/31, 6/30)

Intended to provide the School Committee with a complete view of the District's cash holdings.
(Unreconciled Balances)

9 Cash Flow Projection (Quarterly - 9/30, 12/31, 3/31, 6/30)

Intended to provide the School Committee with a one page summary of the District's cash flow for one fiscal year.

10 General Ledger Reports (Quarterly - 9/30, 12/31, 3/31, 6/30)

Financial system generated reports intended to provide the School Committee with full detail of the District's financial accounts. These include: Trial Balance, by Fund Report; General Fund Revenue Ledger Report; General Fund Appropriation Ledger Report; Revolving Fund Report; Grant Fund Report

Projected Excess & Deficiency Balance for 6/30/2022	FY22 budgeted revenues	33,181,968	% of FY21 budget	5.24%
GF Unreserved Fund Balance - beg. of year (not certified yet by DOR)			1,080,528	
Appropriation Savings (Deficit)			-	
Funding Source Savings (Deficit)			686,291	
Other GF Accounts Savings (Deficit)			-	
Amounts voted for use*			-	*
DOR Bond Premium Reduction			-	+
Subtotal Projected E&D per books 6/30/22			1,766,819	
Other Fund Charges (list):				
RF Projected Deficits			(28,314)	
GF Projected Deficits			-	
CPF Projected Deficits			-	
Fiduciary Fund Deficits			-	
<i>Supplemental Homeless Transportation Aid Receivable</i>				
Projected Certified E&D Balance 6/30/2022			1,738,506	

Long-term Obligations & Funding (updated annually on 6/30 Dashboard)							
	6/30/2015	6/30/2016	6/30/2017	6/30/2018	6/30/2019	6/30/2020	6/30/2021
Compensated Absences	199,981	181,624	179,104	197,537	236,791	230,381	
OPEB	31,280,546	31,280,546	28,147,561	35,408,896	39,433,573	49,245,672	
Net Pension Liability	7,583,303	9,413,963	10,044,929	9,865,791	11,006,024		
Bond Anticipation Notes	650,000	-	-	-	806,650	806,650	6,806,650
Long-Term Bonds	455,000	3,506,060	3,325,000	3,150,000	2,975,000	2,800,000	2,625,000

Comments				
GF Exp. Budget	GF Appropriation Comments	GF Revenue Comments	SRF Comments	Other Comments
1,2	a-m	a	a-b	

- * Reduce FY23 Operating Assessments
- + Reserve for Premium on Bond Issue

NOTE: E & D is subject to change pending Department of Revenue Review and Certification. This is a result of additional revenue received after June 30, 2021. (Chapter 70 Aid and respective expenses) DESE has recorded these amounts in FY21 for End of Year Reporting purposes. This will result in an increase of \$164,721 to E & D for the fiscal year ended June 30, 2021.

NAUSET REGIONAL SCHOOL DISTRICT
 School Committee Monthly Financial Dashboard
 YTD through Month of: 12/31/2021

2. General Fund Accounts Summary

.. Appropriation Budget Status		Net Budget (Should Be Zero)					
		Appropriation Surplus (Deficit)					
	Prior Year Actual	FY 2022					% Budget Committed
		Budget	YTD Expended	Current Encumbered	Current Budget Balance	YE Balance	
Debt Service	256,449	364,659	(32,156)	(332,503)	-	-	100.00%
Region Only	9,973,865	10,287,050	(6,012,124)	(4,407,419)	(132,493)	-	101.29%
Region Shared	1,815,855	1,862,854	(999,930)	(916,321)	(53,397)	-	102.87%
Middle School	8,304,713	8,663,380	(3,083,036)	(5,369,052)	211,292	-	97.56%
High School	11,860,998	12,155,584	(4,246,158)	(7,649,311)	260,115	-	97.86%
Total Budget	32,211,880	33,333,527	(14,373,404)	(18,674,606)	285,517	-	99.14%

2. Funding Source Budget Status		Funding Source Surplus (Deficit)					686,291
	Prior Year Actual	FY 2022					% Budget Projected
		Final Budget	YTD Received	Projected Receivable	Projected YE Balance		
Town Assessments	24,144,549	24,746,381	12,373,191	12,373,190	-	-	100.00%
Other Assessments	875,309	971,777	562,256	409,521	-	-	100.00%
State Base Aid	3,362,128	3,562,549	1,484,395	2,078,153	(1)	100.00%	
Charter School Aid	412,718	299,244	202,735	647,745	551,236	284.21%	
Transportation Aid	1,007,422	819,851	12,849	782,561	(24,441)	97.02%	
Truro & P-town Tuition	1,756,811	1,880,965	890,850	1,140,612	150,497	108.00%	
District Receipts	105,919	106,000	44,967	70,033	9,000	108.49%	
<i>Subtotal receipts</i>	<i>31,664,856</i>	<i>32,386,767</i>	<i>15,571,243</i>	<i>17,501,815</i>	<i>686,291</i>	<i>102.12%</i>	
Applied E&D	947,914	946,760	946,760	-	-	100.00%	
<i>Subtotal OFS</i>	<i>947,914</i>	<i>946,760</i>	<i>946,760</i>	<i>-</i>	<i>-</i>	<i>100.00%</i>	
Total budget	32,612,770	33,333,527	16,518,003	17,501,815	686,291	102.06%	

3. Other GF Account Status		Other Account Surplus (Deficit)
List Account	Issue	Financial Effect
<u>Other Fund Balance Charges:</u>		
Close old capital article bal		-
Savings from p/y encumb.		-
Close old grant balances		-
Total Other GF Accounts		-

NAUSET REGIONAL SCHOOL DISTRICT
School Committee Monthly Financial Dashboard
 YTD Through Month of: 12/31/2021

3. Revolving and Grant Funds Summary

Revolving Funds (RF's) (All w/negative bal. & Minimum 80% of Rev. & Exp.)				Projected Gross Deficits	(28,314)
<u>Account</u>	<u>Beginning Balance</u>	<u>Receipts</u>	<u>Expended</u>		<u>Ending Balance</u>
HS Cafeteria	24,040	104,763	(91,723)		37,080
MS Cafeteria	146,639	81,943	(111,757)		116,825
Café Summer Program	26,643	66,670	(38,900)		54,413
Circuit Breaker	345,561	220,840	(437,840)		128,561
School Choice	126,049	687,350	-		813,399
Preschool*	97,368	286,422	(256,471)		127,319
Preschool Encumbered	78,206		(78,206)		-
Community Education	(25,558)	-	(124)		(25,682)
International Students	13,148		(15,780)		(2,632)
					-
					-
All (85) other RF's	<u>364,457</u>	<u>324,163</u>	<u>(219,754)</u>	<u>-</u>	<u>468,866</u>
Total RF's	<u>1,196,553</u>	<u>1,772,151</u>	<u>(1,250,555)</u>	<u>-</u>	<u>1,718,149</u>

% of individually reported RF's (Min. 80%) 81.71% 82.43%

Grant Award Funds (GAF's) (Minimum 80% of total Expended)		Projected Gross Deficits			
<u>Account</u>	<u>Total Grant Award</u>	<u>Expended</u>	<u>Encumbered</u>	<u>Other</u>	<u>Budget Balance</u>
IDEA Grant * 240	678,121	(128,968)	(283,289)		265,864
Title I * 305	423,618	(82,879)	(169,982)		170,757
ESSER II	1,186,908	(239,071)	(202,586)		745,251
					-
					-
					-
All other Region GAF's	<u>407,366</u>	<u>(121,281)</u>	<u>(72,053)</u>	<u>-</u>	<u>214,032</u>
Total Region GAF's	<u>2,696,013</u>	<u>(572,199)</u>	<u>(727,910)</u>	<u>-</u>	<u>1,395,904</u>

% of individually reported GAF's 78.80%

* NRSD is the fiscal agent for these funds that benefit the 5 Districts in Union 54.

All District Capital Project Accounts - Authorization & Budget					
<u>Account</u>	<u>Date Authorized</u>	<u>Debt Amt. Authorized</u>	<u>Debt Issued</u>	<u>Project Budget</u>	<u>Notes</u>
HS Renovation/Addition	3/30/2021	131,825,665	6,806,650	131,825,665	Debt issued are (2) Bond Anticipation Notes (BAN) Balance at YE \$2,625,00, 20 yr term
HS Green Repair & MS Roof	2/9/2016	3,506,060	3,506,060		
Total District CPF's		<u>135,331,725</u>	<u>10,312,710</u>	<u>131,825,665</u>	

All District Capital Article Fund - Financial Activity					Projected CAF PTD Deficits		
<u>Account</u>	<u>Beginning Balance</u>	<u>Budget</u>	<u>Receipts</u>	<u>Expended</u>	<u>Encumbered</u>	<u>Receivable</u>	<u>Ending Balance</u>
Fiscal Year 2018		506,703	490,448	(506,703)	-	16,255	-
Fiscal Year 2019		519,371	519,000	(519,371)	-	371	-
Fiscal Year 2020		532,355	432,369	(526,969)		94,600	5,386
Fiscal Year 2021		545,664	409,022	(437,433)	(37,800)	28,411	70,431
Fiscal Year 2022		559,306	-	(58,522)	(92,486)	58,522	408,298
Total District YTD CPF's		<u>2,663,399</u>	<u>1,850,839</u>	<u>(2,048,998)</u>	<u>(130,286)</u>	<u>198,159</u>	<u>484,115</u>

All District Capital Project Fund - Appropriation Budget Status				Projected CPF PTD Deficits	
<u>Account</u>	<u>Budget</u>	<u>Expended</u>	<u>Encumbered</u>	<u>Current Balance</u>	
HS Renovation/Addition	131,825,665	(4,507,658)	(10,653,378)	116,664,629	

All District Capital Project Fund - Funding Source Status				
	<u>Budget</u>	<u>Received</u>	<u>Projected Receivable</u>	<u>Projected Balance</u>
Beginning Balance	57,000	57,000		-
Bond Anticipation Note	95,092,189	6,806,650	88,285,539	-
Premium on Bonds or Notes		75,120	-	(75,120)
MSBA Grant*	36,676,476	1,702,991	34,973,485	-
Total District YTD CPF's	<u>131,825,665</u>	<u>8,641,761</u>	<u>123,259,024</u>	<u>(75,120)</u>

* Maximum amount of grant on eligible expenditures

1 Region Only Projected Appropriation Deficit	
Analysis	School Committee Action
Region Only negative variance is due to an increase in negative variance balances in the following budget line items: #8746 SE Transportation MS (\$13,021); #8748 SE Transportation HS (\$20,000); #8733 SE Contracted Services OOD Transportation (\$18,000); #8734 Contracted Services Transportation Parent Reimbursement (\$145,055) due to transportation vendor challenges as a result of the lack of available drivers; #8729 Charter School Tuition (\$348,693) due to increase in students leaving the Nauset District and attending Charter Schools; and #8735 SE Tuition Non Public Schools (\$13,078) due to changes in student IEP's in out of district placements. Increase in the Charter School expenses will be reflected in the January, 2022 reporting.	
2 Region Shared Projected Appropriation Deficit	
Analysis	School Committee Action
Negative variance will be reviewed and adjustments and reclassifications will be made next month to ESSER II Grant Fund.	
3 Middle School Projected Appropriation Deficit	
Analysis	School Committee Action
No Deficit	
4 High School Projected Appropriation Deficit	
Analysis	School Committee Action
No Deficit	
5 Projected Appropriation Summary Savings in Excess of 1%	
Analysis	School Committee Action

6 Appropriation Line Item Analysis (Reports Budget Line Items with a variance of 20% or \$100,000 whichever is lower) and .5% of the Department's total budget							
Account #	Account Name	/Analysis	Budget	YTD Expenditure	Encumbered	Variance	School Committee Action
a.	MS 8011	Salaries Teachers	4,016,299	(1,203,618)	(2,659,686)	152,995	
Variance represents savings due to staff changes as a result of retirement and new hires at a lower step (4); and lane changes not attained as budgeted.							
b.	MS 8072	SE Salaries Teachers	756,974	(313,445)	(693,492)	(249,963)	
Variance represents changes in staffing due to retirement and new hires at a higher step; and lane changes attained not previously budgeted. Also, an additional Teacher was hired in lieu of three Ed Assistants. Savings in line item #8080 SE Ed Assistant Salaries to cover some of the negative variance.							
c.	MS 8080	SE Ed Assistant Salaries	780,121	(220,690)	(392,067)	167,364	
Variance represents savings due to staff changes as a result of retirement and new hires at a lower step (4); and resignation (1) that has not been filled at this time as coverage is through long-term substitute line item. Replacements will begin in January. Savings used to hire a new SE Teacher in line item #8072 SE Salaries Teachers.							
d.	MS 8022	Textbooks/Software & Media	52,787	(1,218)	(355)	51,214	
Line item has not been spent or encumbered to date.							
e.	HS 8380	SE Salaries Ed Assistants	510,414	(189,692)	(441,276)	(120,554)	
Variance due to staff required for Truro and Provincetown students based on needs of the students; billings for these services will be prepared monthly.							
f.	HS 8348	Salaries Athletics	456,925	(175,011)	(114,952)	166,962	
Line item has not been encumbered to date for all athletic stipends.							
g.	HS 8361	Contracted Services Buildings	16,000	(47,607)	(34,854)	(66,461)	
Line item is underbudgeted based on the actual amount spent in FY21 and current year expenditures; variance due to repairs for HVAC, elevator, electrical, and plumbing. Items will be reviewed and reclassified to Capital General Repairs as appropriate.							
h.	RO 8734	SE Cont SVC Trans Parent Reimb OOD	3,000	(58,173)	(89,882)	(145,055)	
Variance represents the cost to transport students out of district due to a lack of drivers; the parents are transporting the child(ren) or utilizing a private vendor (1). Additional expenses of \$65,000 have been encumbered from the prior month. The District is reimbursing the parents.							

i.	RO 8729 Charter School Tuition	1,580,895	(803,995)	(1,125,593)	(348,693)	
	Variance represents an increase in the number of Nauset students attending the Charter Schools this year. DESE reporting of 92 students (final enrollment numbers posted in January). This increase is reflective of an additional \$162,099 in Charter School Tuition based on DESE updated numbers.					
j.	RS 8807 Contracted Services Asst Supt	-	-	(10,000)	(10,000)	
	This represents the encumbrance for the Superintendent Search contract.					
k.	RS 8822 General Cont Svc Business	15,525	(2,509)	(1,063)	11,953	
	Variance due to expenses not encumbered or incurred to date.					
l.	RS 8830 Salary Clerical Human Resources	135,959	(90,301)	(80,963)	(35,305)	
	Variance represents changes in staffing in the Human Resources Office and payout of vacation and sick time per contract language due to staff leaving.					
m.	RS 8812 Salary Elementary Curriculum Director	-	(10,326)	(7,404)	(17,730)	
	Variance based on contract language; additional funds are paid through Title I Grant (\$12,270).					
n.						
o.						
p.						
q.						
r.						

7 Revenue Budget Line Item Analysis (Report Budget Line Items with a variance of 10%)							
Account #	Account Name	/Analysis	Budget	YTD Receipts	Projected Receipts	Variance	School Committee Action
a.	4	Charter School Aid	299,244	202,735	647,745	551,236	
<p>Variance represents additional revenue for Charter School Aid based on changes in the calculation formula by DESE. Increase in aid is reflective of an increase in the number of students attending Charter Schools. Year 1 the District receives 100% (FY22 Tuition Change) of the increase in the tuition; year 2 will be 60% of the FY21 tuition; and year 3 will be 40% of the FY20 tuition. This reflects an increase in the number of Nauset students leaving the District to attend Charter Schools. This represents 92 students per DESE as of January reporting and an additional increase of \$363,916 of Charter School Aid.</p>							
b.						-	
c.						-	
d.						-	
e.						-	
f.						-	

8 Revolving Fund Balances (Reports all negative balances)							
Account #	Fund Name	/Analysis	Revenues	YTD Exp./ Transfer	Projected Exp/Transfer	Variance	School Committee Action
a.	8002	Community Education	(25,558)	(124)		(25,682)	
	Variance due to closing of programming due to COVID-19 pandemic and no revenues.						
b.	8515	International Students	13,148	(15,780)		(2,632)	
	Variance due to programming not active during COVID-19 pandemic. Expenses will be reclassified to the Operating Budget next month.						
c.						-	
d.						-	
e.						-	
f.						-	
B.						-	

9 Other Comments (at the Director of Finance & Operations discretion)	
Analysis:	School Committee Action
Analysis:	School Committee Action
Analysis	School Committee Action
Analysis	School Committee Action

NAUSET REGIONAL SCHOOL DISTRICT
SCHOOL COMMITTEE MONTHLY FINANCIAL DASHBOARD

6. Comparison All Funds Summary With Prior Year

MONTH OF: 12/31/2021

Projected Excess & Deficiency Comparison for 6/30/2021	Sep-20	Sep-21	Oct-20	Oct-21	Nov-20	Nov-21	Dec-20	Dec-21
GF Unreserved Fund Balance - beg. of year	1,394,416	915,807	1,394,416	1,080,528	1,394,416	1,080,528	1,394,416	1,080,528
Appropriation Savings (Deficit)			-	-	-	-		
Funding Source Savings (Deficit)	254,493	282,397	265,066	336,412	235,012	336,411	274,992	686,291
Other GF Accounts Savings (Deficit)	-	-	-	-	-	-		
Amounts voted for use*								
DOR Bond Premium Reduction								
Subtotal Projected E&D per books 6/30/2022	1,648,909	1,198,204	1,659,482	1,416,940	1,629,428	1,416,939	1,669,408	1,766,819
Other Fund Charges (list):								
RF Projected Deficits	(99,816)	(63,513)	(36,443)	(62,809)	(51,957)	(51,677)	(62,385)	(28,314)
GF Projected Deficits	-	-	-	-	-	-	-	-
CPF Projected Deficits	-	-	-	-	-	-	-	-
Fiduciary Fund Deficits	-	-	-	-	-	-	-	-
<i>Supplemental Charter School Aid Receivable</i>								
Projected Certified E&D Balance 6/30/2022	1,549,093	1,134,691	1,623,039	1,354,131	1,577,471	1,365,262	1,607,023	1,738,505

NAUSET REGIONAL SCHOOL DISTRICT
 School Committee Monthly Financial Dashboard
 YTD Through Month of: 12/31/2021

7. Fiduciary Fund Accounts Summary

Fiduciary Funds (FF)		Fund Deficits				Manual input if reqd to be raised
<u>Account</u>	<u>Beginning Balance</u>	<u>Receipts</u>	<u>Expended</u>	<u>Encumbered</u>	<u>Other</u>	<u>Ending Balance</u>
(38) Scholarships	223,355	6,637	(474)	-	-	229,517
OPEB Trust Fund	1,253,899	470,926	(2,544)	-	-	1,722,281
HS Student Activity	44,693	14,788	(3,491)	-	-	55,990
MS Student Activity	36,659	29	(1,010)	-	-	35,679
Total FF's	<u>1,558,606</u>	<u>492,380</u>	<u>(7,519)</u>	<u>-</u>	<u>-</u>	<u>2,043,467</u>

8. Cash Balances Summary

A. Cash and checks in office

\$ -

B. Non - Interest Bearing Checking Accounts

Financial Institution	Purpose	Interest Rate	Balance	Sub - Total
Cape Cod-5	Payroll	N/A	0.00	
				\$0.00

C. Interest Bearing Checking Accounts

Financial Institution	Purpose	Interest Rate	Balance	Sub - Total
Cape Cod-5	Vendor	0.05%	41,553.00	
Cape Cod-5	Petty Cash	0.05%	1,602.00	
Cape Cod-5	Refund	0.00%	0.00	
				\$43,155.00

D. Liquid Investments

Financial Institution	Purpose	Interest Rate	Balance	Sub - Total
MMDT		0.13%	6,545,086.00	
Eastern Bank		0.10%	2,558,687.00	
Cape Cod Coop		0.05%	151,592.00	
				\$9,255,365.00

E. Trust Funds

Financial Institution	Purpose	Interest Rate	Balance	Sub - Total
Rockland Trust	(36) Scholarships		229,517.00	
Cape Cod-5	HS Student Activity	0.05%	55,990.00	
Cape Cod-5	MS Student Activity	0.05%	35,679.00	
Rockland Trust	OPEB Fund		1,722,281.00	
				\$2,043,467.00

Total: All Cash and Investments

\$ 11,341,987.00

9. Cash Flow

School Committee Monthly Financial Dashboard
Actual YTD Through Month of: December

CASH RECEIPTS	2021						2022						TOTAL	2022 BUDGET
	JULY	AUGUST	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APRIL	MAY	JUNE		
Assesments			6,186,595			6,186,595			6,186,595			6,186,595	24,746,381	24,746,381
Chapter 70 aid		296,879		593,758	296,879	296,879	296,879	296,879	296,879	296,879	296,879	593,759	3,582,549	3,562,549
Other Assessments	118,472	44,391	132,261	73,160	99,837	94,135	79,000	79,000	65,000	51,120	51,121	50,000	937,497	971,777
Tuition - In	392,007			40,392	181,281	277,171	181,281	181,281	181,281	181,281	181,281	352,383	2,149,638	1,880,965
Charter-In		40,547		81,094	40,547	40,547	40,547	40,547	40,547	40,547	40,547	81,094	486,564	299,244
Transportation aid		12,849												
Interest/Misc/Med		18,740	24,215	858	732	422	8,726	8,726	8,726	8,726	8,726	9,100	782,561	819,851
Capital Articles	(276,204)	160,471	108,518										97,696	106,000
Health Ins reimb	178,403	68,206	71,098	75,182	72,130	58,098	75,000	75,000	75,000	75,000	75,000	125,000	1,023,118	559,307
Cafeteria	108,934	(61,855)	99,752	4,769	56,910	116,912	62,000	62,000	62,000	62,000	62,000	62,000	687,422	(186,437)
Circuit Breaker					220,840		220,840		220,840				687,422	
Choice-In		137,834		274,758	195,269	137,379	137,834	137,834	137,834			137,834	870,680	
Preschool	170,964	720	43,294	(29,062)	14,368	86,138	200,000	5,000	5,000	200,000	5,000	5,000	1,572,244	
Other Revolving	6,605	2,000	37,878	81,754	35,348	25,529	35,000	35,000	35,000	35,000	35,000	20,000	706,422	
Grants	22,105	146,464	67,444	56,072	73,893	585,760	200,000	200,000	200,000	200,000	200,000	200,000	384,114	
MSBA Reimb.		17,105	820,023			414,285							2,151,729	
BAN's	6,000,000												70,000	1,321,413
TOTAL RECEIPTS	6,721,286	884,351	7,591,079	1,252,734	1,288,033	8,319,841	1,537,107	1,121,267	7,860,224	1,502,887	1,093,388	8,660,699	47,862,896	32,946,074
CASH DISBURS.														
Net Payroll #1	471,757	544,289	484,682	541,891	543,873	785,229	550,000	550,000	550,000	550,000	550,000	550,000	6,671,720	
Net Payroll #2	576,172	541,141	585,914	552,392	552,042	602,349	575,000	575,000	575,000	575,000	575,000	575,000	6,860,010	
Net Payroll #3			630,852						600,000				1,230,852	
Payroll wh warrant	478,924	460,779	749,084	535,380	540,381	628,411	540,000	540,000	750,000	540,000	540,000	540,000	6,862,860	
Debt service														
Region warrants	1,810,173	1,260,834	1,803,622	1,464,869	1,195,575	548,326	1,400,000	1,400,000	1,400,000	1,500,000	1,500,000	1,500,000	16,783,399	
Shared warrants	63,633	12,979	13,858	19,278	7,590	6,743	10,000	10,000	10,000	10,000	10,000	10,000	184,081	
Charter-Out		160,799		321,598	160,799	160,799	160,799	160,799	160,799	160,799	160,799	160,799	1,768,789	
Choice-Out		25,801		51,602	25,801	25,801	25,801	25,801	25,801	25,801	25,801	25,801	283,811	
Capital Project war.	1,267,110	450,280	460,300	494,795	479,137		430,763	430,763	430,763	430,763	430,763	425,260	5,730,697	
TOTAL DISBURS.	4,667,769	3,476,902	4,728,311	3,981,808	3,505,196	2,757,656	3,692,363	3,692,363	4,502,363	3,792,363	3,792,363	3,786,860	46,376,318	
Net cash flow	2,053,517	(2,592,551)	2,862,768	(2,729,072)	(2,217,165)	5,562,183	(2,155,256)	(2,571,096)	3,387,861	(2,289,476)	(2,698,975)	4,873,839		
Beginning cash	6,358,838	8,412,355	5,819,805	8,682,573	5,953,501	3,736,336	9,298,520	7,143,263	4,572,167	7,960,028	5,670,552	2,971,577		
Ending cash	8,412,355	5,819,805	8,682,573	5,953,501	3,736,336	9,298,520	7,143,263	4,572,167	7,960,028	5,670,552	2,971,577	7,845,416		

TRURO & P'TOWN
TUITION ENROLLMENT
FY2022
30-Jun-22

	BUDGET	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APRIL	MAY	JUNE	VARIANCE
TRURO	76.00	74.00	74.00	74.00	74.00	-	-	-	-	-	-	(2.00)
PROVINCETOWN	21.00	20.00	20.00	20.00	19.00	-	-	-	-	-	-	(2.00)
TOTAL	97.00	94.00	94.00	94.00	93.00	-	-	-	-	-	-	(4.00)



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

VI

USE OF TOWN PROPERTY

~ A ~

REQUESTED BY:	National Multiple Sclerosis Society ~ Emily Rivera
DESIRED ACTION:	To approve the use of various public roadways throughout Wellfleet for a bike ride to benefit the MS Society
PROPOSED MOTION: Summary:	I move to approve the use of public roadways throughout the Town of Wellfleet to the National MS Society on June 26, 2022, from 9am to 1pm for a fee of \$500. The roadways used during the bike ride are to be returned to the pre ride conditions with the approval of the DPW director
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

22-03

Applicant – Emily Rivera – National MS Society

Affiliation or Group – National MS Society

Telephone Number – 434-426-4299

Mailing Address _____

Email address – emily.rivera@nmss.org

101 First Ave, Suite 6 -Waltham, MA 02451

Town Property to be used (include specific area) _____ public roads for a charity bike ride that raises funds to find a cure for Multiple Sclerosis

Date(s) and hours of use: June 26th – riders will be in Wellfleet from about 9am - 1pm _____

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

See attached route _____

Will be seeking permission to have a rest stop at the elementary school. This will include portable toilets, pop up tents, and pre-packaged water and snacks

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

Police details at West Rd & Rt 6 and at Long Pond & Lawrence _____

NOTE TO APPLICANTS: All applications must be accompanied by a non refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant’s responsibility to secure the same.

Action by the Board of Selectmen:

_____ Proof of Insurance Required

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

Date: 2/10/2022

Processing Fee: \$50.00

Fee: _____

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: 2/10/22 <i>okay</i> Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: Comments/Conditions: Permits/Inspections needed:
---	---

Police Department: 2/15/22 Comments/Conditions: <i>Details required Need to secure permission from the school.</i>	Fire Department: 3/10/22 Comments/Conditions: <i>OK</i> <i>[Signature]</i>
--	---

DPW: 2/15/22 <i>okay</i> Comments/Conditions	Community Services Director: Comments/Conditions:
---	---

Harbormaster: Comments/Conditions	Shellfish: Comments/Conditions
---	--

Recreation: Comments/Conditions	<i>We received 'insurance</i>
---	-----------------------------------



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

VI

USE OF TOWN PROPERTY

~ B ~

REQUESTED BY:	New England Endurance Events ~ Kathleen Walker
DESIRED ACTION:	To approve the use of Mayo Beach, Gull Pond, Great Pond, Long Pond and Wellfleet Elementary School Parking lot and field
PROPOSED MOTION: Summary:	I move to approve the use Mayo Beach, Gull Pond, Great Pond, Long Pond areas and the Wellfleet Elementary School Parking Lot and Field on June 4, 2022, from 5am to 1pm for a fee of \$800; all areas used during the event be returned to pre-event condition with the approval of the Beach Director and the DPW
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: 2/10/2022 okay Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: Comments/Conditions: Permits/Inspections needed:
--	---

Police Department: 2/15/22 Comments/Conditions: Details required Need to secure permission from the school.	Fire Department: 3/8/22 Comments/Conditions: A paramedic & EMT detail required, billed to sponsor
---	--

DPW: 2/15/22 okay Comments/Conditions	Community Services Director: 2/15/22 okay Comments/Conditions:
--	---

Harbormaster: Comments/Conditions	Shellfish: Comments/Conditions
---	--

Recreation: 2/15/22 okay Comments/Conditions	Town Administrator: Comments/Conditions
---	---



OPERATIONS PLAN
WELLFLEET-TRURO-PROVINCETOWN
MULTI-STAGE RACE (SOS CAPE COD) - 2022

- EVENT OVERVIEW
- RACE ORGANIZERS
- COMMUNITY IMPACT
- REFERENCES
- COURSE MAPS
- OPERATIONAL PLAN
- CONCLUSION

Contact:

Kathleen Walker
New England Endurance Events
39 Eldridge Rd
Brewster MA 02631
Cell: (617) 240-4805
Answering. Service: (617) 240-5577
Email: kathleen@neeevents.com
Website: neeevents.com

What's New This Year:

- In the interest of minimizing inconvenience to residents and visitors who use the town's beaches, we have shifted the proposed date to early in the 2022 season: to **Saturday, June 4**. Due to the nature of this low-impact, low-participant event, all beaches will be able to remain open and welcoming to anyone who wishes to visit all morning long.
- This event is **unlike** a typical "road race." Participants will leave the starting line at staggered intervals. Covering a long distance of 27 miles of cycling, 1.5 miles of swimming and 9 miles of running, participants quickly spread out along the course. By the time they reached the finish line the time difference between all athletes will likely be over two hours.
- ***Should Covid remain a concern in June***, we will work with health authorities to implement a safe health plan, as we did in 2021.

Event Overview:

The *Wellfleet-Truro-Provincetown Multi-Stage Race*, which is known as “**SOS Cape Cod**,” is an endurance event first held in June of 2019, then again in September of 2021 after a delay in 2020 due to Covid. With 150 athletes and their families staying in Wellfleet, Truro and Provincetown from three days up to two weeks, the event provided significant benefits to the communities of the Lower Cape as well as expanding the public’s recognition of the area as one of the most beautiful and enjoyable places of New England.

Our charity partner in 2021 was the **United Way of Cape Cod**. For 2022 we have made preliminary arrangements with the Town of Wellfleet’s Recreation Department to **fully fund two scholarships for lifeguard training** — so that more local youths will be able to become lifeguards at town beaches each summer.

This event is organized by Orleans residents **Kathleen Walker and Andrew Scherding**. Kathleen and Andy operate *New England Endurance Events*, a race direction and management company which currently stages seven annual triathlon events throughout New England — including the Wellfleet Sprint Triathlon.

EMT trained and lifeguard certified, Andy spent much of his childhood in South Wellfleet, where his family continues to reside. Kathleen is a Certified Race Director by USA Triathlon: the governing body for the sport. She is also a certified lifeguard, and volunteers as Vice President of the Friends of the Cape Cod Rail Trail, as well as the YMCA’s Lower Cape Development Committee.

Prior to the last two events, Kathleen and Andy met with the **Wellfleet Select Board and Truro Town Manager to plan this race, as well as with the CCNS Superintendent’s Office; Wellfleet Beaches Administrator; Wellfleet, Truro and Provincetown Police; Wellfleet and Truro Fire/Emergency Services Chief; Wellfleet DPW and Wellfleet Conservation Committee**. The trustees of the **Wellfleet First Congregational Church** approved using the church’s grounds for participant parking.

Community Impact:

Like many other endurance events in the U.S., SOS Cape Cod attracts athletes from throughout the Northeast, the nation and the world, who stay in inns, resorts and cottages for the week or a long weekend. They dine in local restaurants, shop in local stores, and visit parks and other attractions in the region.

The National Park Service’s own formula which calculates the economic impact of overnight visitors would indicate a total direct benefit of over **\$270,000** to Wellfleet and surrounding communities for an average three-day stay by the 150 race participants (*Natural Resource*

Report NPS/NRSS/EQD/NRR—2018). In addition, our budget indicates the race organization itself would disburse over **\$55,000** to the Town of Wellfleet, local residents and vendors, for a total community benefit in excess of **\$325,000**.

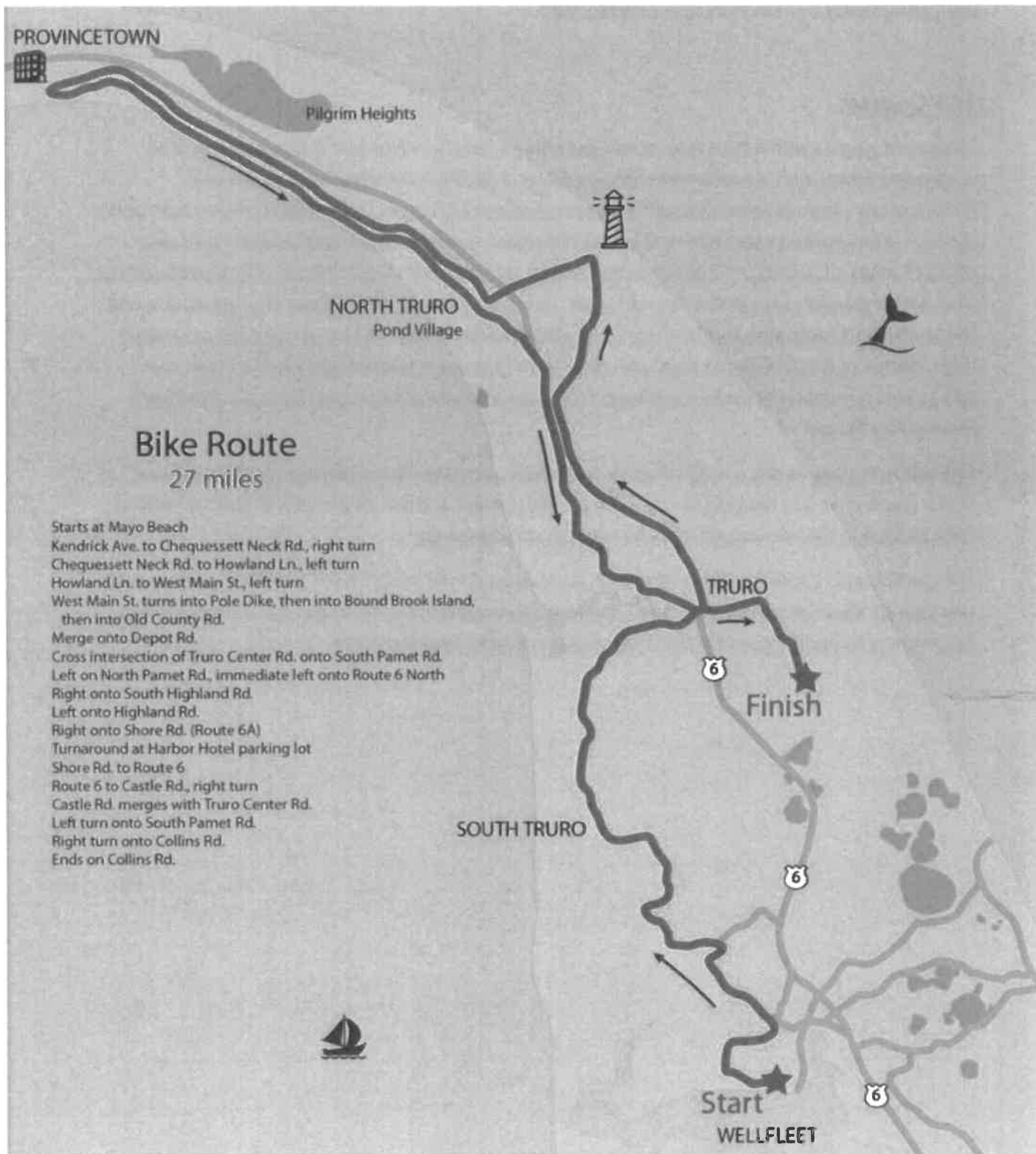
The Course:

The event begins with a bike ride, starting at Mayo Beach in Wellfleet (riders setting off at staggered times) with a course that follows paved roads through Wellfleet, Truro and Provincetown, then returns to South Truro for dismount on quiet Collins Road. From that point, racers — now spread apart after a 27-mile bike ride — embark on a combination run/swim effort (9 miles of running, 1.5 miles of swimming, across seven legs) through National Seashore land and unpaved roads in the “ponds area” on the back side of Wellfleet. The runners would follow existing footpaths and both dirt and paved roads. There will be no running on animal trails, dunes or posted fragile areas. All directional signs are temporarily planted with wire stakes and removed that same weekend. The race ends across the road from the Wellfleet Elementary School.

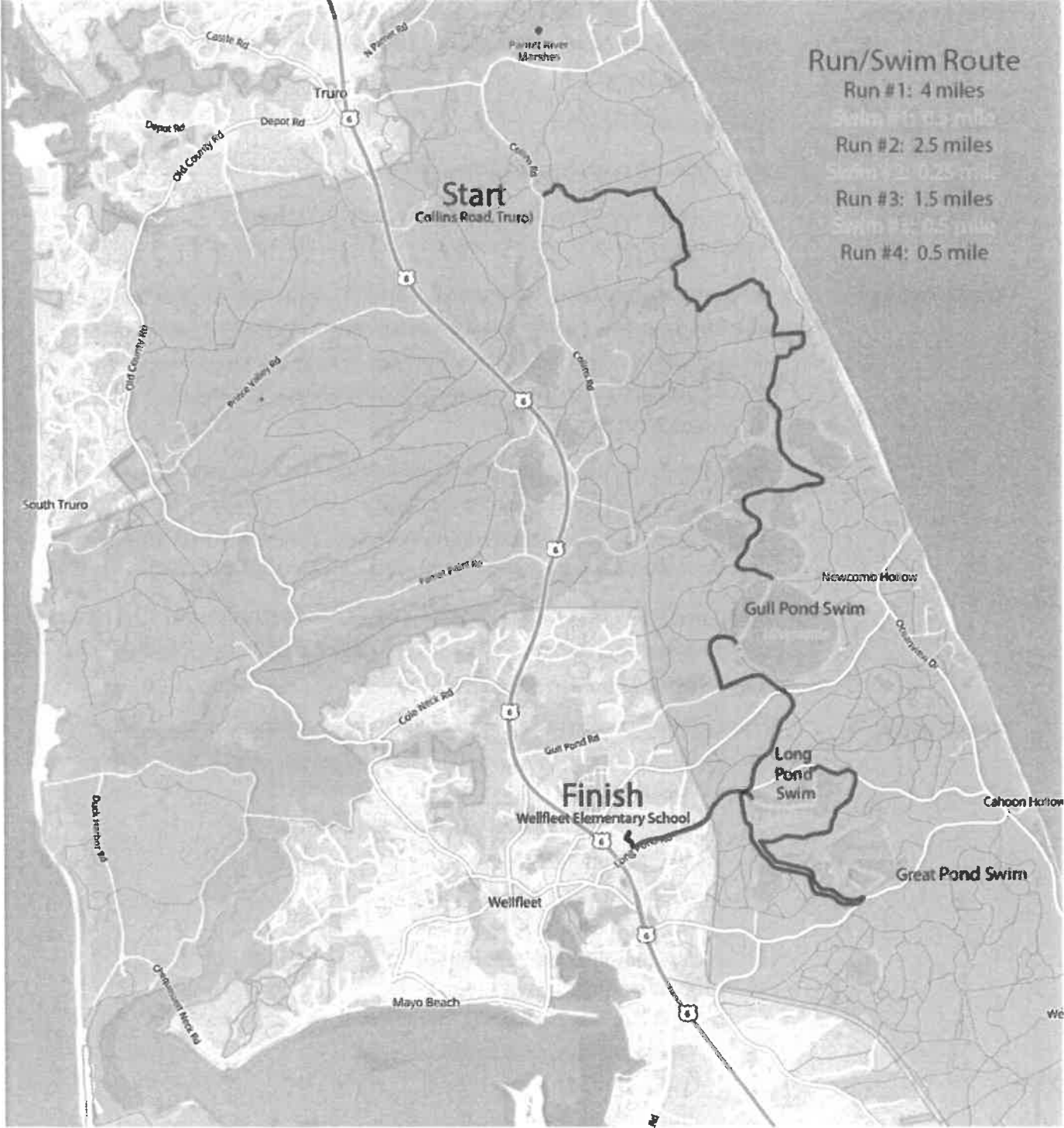
The following pages show maps outlining the likely courses. Our experience has been that minor route changes are likely as we consult with police and fire chiefs as well as the National Park Service in the weeks and months leading up to race day.

The participants “spread out” as the race continues. As we saw in 2019 and 2021, **rarely were any two or three athletes near each other on the course**. No other people are allowed to accompany the participants in the Truro highlands and wooded areas.

Proposed Bike Course:



Proposed Run/Swim Course:



Operational Summary:

Event Type:	Triathlon: 27-mile bike, 1.5 miles total swim, 9-mile total run.
Event Location:	The race will begin at Wellfleet's Mayo Beach and end at the grassy strip next to the athletic field, across the road from the Wellfleet Elementary School.
Event Date:	Saturday, June 4, 2022
Time:	Start: 7am. All participants will be off the course by 1pm.
Participants:	150 — all of whom have proved their ability by having completed recent triathlons of a similar distance within set time limits.
Setup/Cleanup:	<p>Setup will largely occur in the early morning hours: start/finish area, bike course (signs, traffic cones), run course (signs with wooden stakes to be placed in soft areas of the ground). Bike course signs would be placed during the day prior to the event, and then checked by our staff on race morning.</p> <p>For each of the three ponds which would host the swim courses, one vehicle per pond will access the landings in the morning to offload lifeguards, rescue equipment and race buoys. During the event those vehicles will remain parked in designated public parking locations.</p> <p>Cleanup of the course — including removal of all signs — will commence within minutes after the start of the race, with a "rolling" crew following the last participant.</p>
Stakeholders:	<p>The event team will thoroughly communicate and coordinate with these officials, stakeholders and interested parties, before and at the time of the event:</p> <ul style="list-style-type: none">National Seashore Superintendent's OfficeWellfleet Select BoardWellfleet Town AdministratorWellfleet Beach AdministratorWellfleet Police DepartmentWellfleet Fire DepartmentWellfleet Department of Public WorksWellfleet Conservation CommissionTruro Town ManagerTruro Police DepartmentTruro Fire Department

Provincetown Police Department

- Volunteers:** Volunteer organizations as well as local area athletes (not participating in the race) make up the majority of the volunteer positions, with a 15-person New England Endurance staff handling supervisory roles. Most volunteers will be positioned at the start/finish and along paved areas of the course; some will be stationed in the watershed areas to ensure the racers are following the proper paths and roads.
- Road Conditions:** All roads used by the competitors will be open to traffic. The two short stretches of Route 6 that are part of the bike course will follow the bike lanes on the right side of the road. The other roads used are secondary roads, with light vehicular traffic.
- Insurance:** The triathlon will be sanctioned through the USA Triathlon Association, the national governing body for organized triathlon competitions. The insurance coverage from this sanctioning provides comprehensive liability for landowners, participants, and named insureds including municipalities, and is the "gold standard" for triathlons nationwide. Additionally, New England Endurance Events will provide certificates of our comprehensive insurance coverage as required by government entities.
- Sanitary Plan:** Three portable restrooms will be provided for the athletes at the Mayo Beach parking lot on race morning. In addition two portable restrooms will be placed on Collins Road, where the bike leg ends and the run leg begins. They will be removed on the next business day.
- Recycling/Trash:** Trash & recycling bins will be brought in the morning of the event and removed at the conclusion. There are no feed zones or bottle discard zones along the bike course. There will be a volunteer and trash/recycle receptacles just before, and after, each of the three ponds.
- Course Marshals:** Trained volunteers will be placed throughout the course to guide the cyclists and assist police units as needed with pedestrian and traffic control. A volunteer coordinator will be on-site at the registration area in the morning and will make course patrols throughout the day, providing relief when needed. Volunteers will be stationed at both the Black Pond and Schoolhouse Hill entrances to the Wellfleet pond area to halt possible entry onto the dirt roads by families or friends of the racers.

- Signage Plan:** Race directional signage made of heavy-duty coroplast and affixed to stakes will be placed to direct athletes along the bike course. "Pennant" signs with thin wire stakes will be used on the run course. No nails will be driven into trees. All signs will be removed immediately after the event.
- Safety/Medical Plan:** As in prior years, the race directors will work with the local fire chiefs and the CCNS Fire Crew to develop a plan to provide medical and safety coverage on-site and throughout the race course. Certified open-water lifeguards will be stationed throughout the swim courses. The event will have at least one lifeguard for every 35 swimmers in the water at a time, in accordance with the *USA Triathlon* sanctioning rules and current *best practices* standards.
- Communications:** Radios will be used by on-site event staff, with the addition of cell phone communications as back-up. All volunteers will be given cell phone numbers for the staff, and our staff members will have the phone numbers of local EMS stationed at points along the course.
- Support Designate:** At time of presentation at the event to pick up needed materials before race start, each racer will declare a "support designate" over the age of 18 with their own vehicle. (Up to four racers may designate the same support person.) This individual will be ID'd and provided with a wristband coded to match that of the racer(s). The support designate will not be allowed to park a car at the Mayo Beach start area nor to follow his/her competitor during the race, but may be allowed to travel to the turnaround parking lot at the Harbor Inn in Provincetown to cheer the competitors and provide nutrition, sunscreen, fresh clothing and other items. The support person — or any families and friends of competitors — will not under any circumstances be permitted to enter non-paved roads into the Wellfleet Ponds Area at any time.
- Parking Plan:** Racers will be directed to park at the First Congregational Church (permission for this has been granted by the Church's board). All participant vehicles will be directed to the church, from where they can ride their bicycles to the start. This will not impede parking for town residents or vacationers (non-competitors) who will be able to park, as they always do, in the Mayo Beach parking lot that morning.
- Collins Road Plan:** The competitors will end their first leg of the race, the bike ride, on Collins Road in Truro at the trailhead located 0.7 miles from South

Pamet Road and 1.5 miles from Rose Road/Route 6. At 60-90 minutes into the event the support designates will be allowed to enter Collins Road from the Rose Road/Route 6 entrance only (which will be clearly signed) and proceed north on Collins Road to an area just south of the trailhead where volunteers will direct the vehicles to park along the side of the road and wait for their racer to arrive. As the racers arrive, the support designate will be checked for identity and then handed their racer's bicycle to take away. They will then be directed to park their vehicles at the Congregational Church.

Swim/Run Notes:

Competitors first embark on a run through the highlands of South Truro, making their way south along established footpaths to Slough Pond Road. They will follow the road to Black Pond Road and School House Hill Road to Gull Pond for the first swim, then run dirt and paved roads to Great and Long Ponds. Emerging from their final swim at Long Pond, they will run along Long Pond Road to Lawrence Road, where they will turn right for the finish line.

Our promise:

We will do our utmost to make this event one which causes as little inconvenience as possible for Wellfleet's residents, National Seashore visitors, and those visiting the Outer Cape. Much like the annual Wellfleet Sprint Triathlon, this will continue to be an event that enhances the character and spirit of the Outer Cape community.

We look forward to working with our local communities and with the Cape Cod National Seashore. We welcome your input and suggestions.

Kathleen Walker
617-240-4805
kathleen@neeevents.com

Andy Scherding
508-246-6664
andy@neeevents.com



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

VI

USE OF TOWN PROPERTY

~ C ~

REQUESTED BY:	Provincetown Community Compact
DESIRED ACTION:	To approve the use of Great Pond for Swim for Life
PROPOSED MOTION: Summary:	I move to approve the use of Great Pond for the Provincetown Swim for Life and Paddler Flotilla Event on Sunday September 10, 2022, from 8am to 11am for a fee of \$300; the pond and surrounding areas that are used during the event be returned to their pre-event condition with the approval of the Beach Director.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

2210

TOWN OF WELFLEET
300 MAIN STREET
WELFLEET, MA 02667

Applicant: Provincetown Swim for Life and Paddle Flotilla Affiliation or Group: Provincetown Community Compact
Telephone Number: 774-840-0458 Mailing Address: P.O. Box 819
Email address: jay@thecompact.org Provincetown, MA 02657
Town Property to be used (include specific area): Great Pond

Date(s) and hours of use: September 10, 2022, 8:00-11:00 am

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

A benefit for the Swim for Life that supports AIDS, women's health and the community. Limit to 50 swimmers who raise pledges. No food/beverage service. Extra parking available at the Council on Aging.

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

No services requested.

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

Approved as submitted
 Approved with the following condition(s): _____
 Disapproved for following reason(s): _____

Date: _____ Processing Fee: \$50.00 paid
Fee: 300

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: 3/9/22 okay Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: 3/10/22 okay Comments/Conditions: Permits/Inspections needed:
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Police Department: 3/10/22 okay Comments/Conditions:	Fire Department: 3/9/22 okay Comments/Conditions:
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DPW: 3/10/22 okay Comments/Conditions	Community Services Director: St Thomas Comments/Conditions: Portables will be @ Great Pond through the 12th
--	---

Harbormaster: Comments/Conditions	Shellfish: Comments/Conditions
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Recreation: Comments/Conditions	Town Administrator: Comments/Conditions
---	---



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

VII

LICENSES

REQUESTED BY:	JB's Pizza and Bar ~ Albulena Gamella
DESIRED ACTION:	To surrender the annual liquor license for the establishment
PROPOSED MOTION:	I move to approve the surrendering of the Annual Liquor License from JB's Pizza and Bar
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

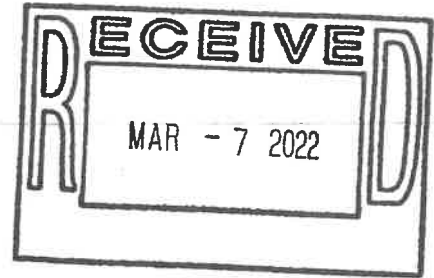
Jeanne Maclauchlan

From: JB's Pizza and Bar <jbspizzabar@gmail.com>
Sent: Monday, March 7, 2022 11:38 AM
To: Jeanne Maclauchlan
Subject: Re: surrendered license

I Albulena Gamella the president of RLJC dba JB's Pizza Bar & Grill in Wellfleet surrender the liquor license for this establishment.

On Mon, Mar 7, 2022 at 10:21 AM Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov> wrote:

Just write it, please. I don't have a template.



From: JB's Pizza and Bar <jbspizzabar@gmail.com>
Sent: Monday, March 7, 2022 10:09 AM
To: Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov>
Subject: Re: surrendered license

Is there a templet or should I just write it myself?

On Mon, Mar 7, 2022 at 10:08 AM Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov> wrote:

You can send it to me.

From: JB's Pizza and Bar <jbspizzabar@gmail.com>
Sent: Wednesday, March 2, 2022 12:56 PM
To: Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov>
Subject: Re: surrendered license

Hi Jean, I was wondering if I should send the email to you or directly to the select man?

On Mon, Feb 28, 2022 at 12:53 PM Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov> wrote:

I spoke with the new owners and they are not interested in a liquor license at this time. So yes, please send the letter surrendering the license.

ANNUAL

LICENSE

00057-RS-1348

ALCOHOLIC BEVERAGES

THE LICENSING BOARD OF

The...Town.....of.....Wellfleet.....

MASSACHUSETTS

HEREBY GRANTS A

COMMON VICTUALER

License to Expose, Keep for Sale, and to Sell

All Kinds of Alcoholic Beverages

To Be Drunk On the Premises

To JB's Pizza Bar & Grill

955 Route 6

Jacqueline M. Pelotte

on the following described premises

Restaurant with small bar. Kitchen, 2 baths and outdoor patio seating.

Inside capacity is 39 and outside is 42 (7 picnic tables).

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31, 20..22., unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this ..twenty third.....day of ..November.....20 ..21.

The Hours during which Alcoholic Beverages may be sold are

From

8:00 am - 1:00 am

Sundays, Memorial Day and

Thanksgiving:

12 noon - 1:00

LICENSING BOARD

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

VIII

BUSINESS

~ A ~

REQUESTED BY:	2022 Annual Town Election Warrant
DESIRED ACTION:	To approve the signature of the 2022 Annual Town Election Warrant
PROPOSED MOTION: SUMMARY:	I move to approve the signing of the 2022 Annual Town Election Warrant
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

ANNUAL TOWN ELECTION WARRANT
Monday May 2,2022

The Commonwealth of Massachusetts

To either of the Constables in the Town of Wellfleet in the County of Barnstable:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet at the **WELLFLEET ADULT COMMUNITY CENTER, 715 OLD KING'S HIGHWAY in Wellfleet on Monday the 2nd day of May, 2022, between twelve o'clock noon and seven o'clock p.m.**, then and there to vote for the election of the following Town officers: one Moderator for one year; two for the Selectboard for three years; one for the Wellfleet Elementary School Committee for three years; one for the Board of Library Trustees for three years; one for the Cemetery Commission for three years; and two for Constable for three years.

2022 ANNUAL TOWN ELECTION WARRANT

And you are hereby directed to serve these warrants by posting attested copies thereof, one in the Post Office in Wellfleet and one in the Post Office in South Wellfleet, fourteen (14) days at least before the date of said meetings.

Hereof fail not and make do return of these warrants with your doings thereon, to the Town Clerk, at the time and place of said meetings.

Given under our hands this ____ day of 2022.

Wellfleet Board of Selectmen

Ryan Derek Curley, Chair

Michael F. DeVasto, Vice Chair

Janet M Reinhart , Member

Helen Miranda Wilson, Member

John A. Wolf , Clerk

Constable's Return of Service

I have served the foregoing warrant by posting attested copies thereof in the Post Office in Wellfleet and the Post Office in South Wellfleet in the Town on _____, which is at least seven (14) days before the date of said meeting, as within directed.

Date: _____

Constable: _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

VIII

BUSINESS

~ B ~

REQUESTED BY:	Chair Ryan Curley
DESIRED ACTION:	To discuss the process of Aquaculture License Forfeiture
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: March 18, 2022
To: Town of Wellfleet Selectboard
From: Nancy Civetta, Shellfish Constable
Re: Review and discuss procedures when aquaculture grant licenses are forfeited per town regulations and/or Mass. General Law.

Dear Selectboard members,

There are two instances of forfeitures in our regulations: **one** for non-payment of annual grant fees (after six months) and **two** for not requesting a public hearing once you have been notified about failing to make minimum productivity.

Specifically for the minimum productivity forfeiture, I think it is important for you to understand the work over at least three years that goes into even getting to Section 7.13.3. Notification of Failure to Meet Minimal Requirements. We conduct multiple site visits each year, which means planning for the particular tide during daylight necessary to inspect that grant. There is outreach, correspondence and meetings with the grant holders. And everything needs to be documented. Conversations take place; chances are given; accommodations are made.

I have also learned a lot from our conversations and from discussions with Shellfish Advisory Board (SAB). One important lesson I learned is that over the years, the SAB has spent much time debating and crafting specific language for the Town's Shellfishing Policy and Regulations. In exploring the regulations with SAB, I have found that there has always been a reason for why regulations are the way they are. I trust the intent of the regulations and base decision-making and enforcement efforts on that intent.

When it gets to forfeiture, I agree that a simple system needs to be in place so that the department's long committed efforts and diligence in enforcement are not thwarted or all for naught. As the regulatory authority, the Selectboard works in partnership with the Shellfish Department, and we have established a strong collaborative relationship over the past five years.

As you debate the process for handling these two instances of forfeiture, I submit the following:

ONE

Per the Town's Shellfishing Policy and Regulations Section 7.3 Annual License Fee:
The annual fee for an aquaculture license to be paid to the Town by each licensee shall be \$25.00 per acre (or portion thereof), as required by MGL Chapter 130; Section 64.
Annual fees are due each year by February 28, when annual grant reports are due.

Additionally, per Mass. General Law, Chapter 130, Section 64:
"Every such licensee or transferee shall pay to the city or town, on or before a date to be fixed by the alderman, city council or selectmen, an annual fee of not less than five nor more than twenty-five dollars per acre, or part thereof. **If any such fee is not paid within six months after it becomes due the license shall thereupon be forfeited.**"



The Shellfish Constable could simply notify the grant holder, Selectboard and Principal Clerk that this has happened and the license has been forfeited, or could bring it to the Selectboard as a business agenda item to more formally revoke the license.

TWO

Per the Town's Shellfishing Policy and Regulations, Sections

7.12.2. Failure to Meet Production Levels

Failure of the licensee/s to meet the specified production level for any three (3) consecutive years may result in the forfeit of the aquaculture license and licensed area, as stated in MGL Chapter 130; Section 65.

7.13.3. Notification of Failure to Meet Minimal Requirements

Subsequent to the filing of the annual report, the Constable will notify any license holder who, in the opinion of the Constable, has failed to meet the minimum requirements. The license holder has the right to appeal to the Selectboard within two weeks after notification. If no appeal is filed on a timely basis, the license will be forfeited.

Per Mass. General Law Ch. 130:

Section 57: Shellfish aquaculture licenses

(I have linked to the full section above, and here is the sentence regarding revocation.)

"Said license may be revoked by the city council, selectmen or the director for failure to comply with any terms, conditions or regulations set forth by these entities, or for lack of substantial use of the licensed area."

Section 65: Annual report of shellfish planted, produced and marketed; estimate of growing shellfish; forfeiture for deficiency

Every licensee or transferee of a license referred to in section fifty-seven shall submit on oath on or before February 28 in each year to the director and to the city council or selectmen of the city or town wherein the licensed area is situated a report of the total number of each kind of shellfish planted, produced or marketed during the preceding year upon or from such licensed area, and an estimate of the total number of each kind of shellfish at the time of such report planted or growing thereon. The city council or selectmen may specify a reasonable yearly market value to be produced by each shellfish project licensed pursuant to section fifty-seven. Failure of the licensed shellfish project to meet such a value for any three consecutive years thereafter may result in a forfeit of the shellfish aquaculture license and licensed area.

Again, the Shellfish Constable could simply notify the grant holder, Selectboard and Principal Clerk that this has happened and the license has been forfeited, or could bring it to the Selectboard as a business agenda item to more formally revoke the license.

Here is the revocation section of the Town's regulations:

11.3. Authority to Revoke Aquaculture License

The Selectboard or the Director of the Division of Marine Fisheries may revoke an area license in accordance with the provisions set forth in MGL Chapter 130, Sections 57 & 65. In the event that a license is revoked, that individual may not possess seed nor harvest shellfish from any licenses area in the Town.

Thank you for your time and collaboration,



Forfeiture

7.12.2. Failure to Meet Production Levels

Failure of the licensee/s to meet the specified production level for any three (3) consecutive years may result in the **forfeit** of the aquaculture license and licensed area, as stated in MGL Chapter 130; Section 65.

7.13.3. Notification of Failure to Meet Minimal Requirements

Subsequent to the filing of the annual report, the Constable will notify any license holder who, in the opinion of the Constable, **has failed to meet the minimum requirements. The license holder has the right to appeal to the Selectboard within two weeks after notification.** If no appeal is filed on a timely basis, the license will be **forfeited**.

Revocation

6.1.2. Domicile Requirement and Exception

Any commercial permit will be revoked if the holder ceases to be a domiciled resident of Wellfleet, with the exception of those who have previously held a commercial permit for at least two (2) years, and who have temporarily lost housing in Wellfleet for reasons clearly beyond their control (such as a fire or a lease not being renewed) as verified by the Shellfish Constable. Status of domiciled residency, as defined in Section 2 of these regulations, and verified by the Shellfish Constable, must be resumed within eighteen (18) months from the time of the permit holder's removal to another town or the permit will then be revoked.

Within 30 days of the nine-month anniversary of losing his/her domicile status, the permit holder shall demonstrate sufficient evidence of effort to secure housing in Wellfleet to the satisfaction of the Shellfish Constable. If the permit holder fails to qualify for such an exception, they may appeal the Shellfish Constable's decision to the Selectboard within 30 days.

No aquaculture license or commercial permit from another municipality for the harvest of shellfish may be held by the individual for the duration of the allowed term. A licensee making use of an exemption shall not be eligible to be granted a new license or an extension of a currently licensed area for the duration of the allowed term but may be granted a renewal of their existing license, as per Section 7.8.2.

The status of all other licensees named to the licensed area will not change. If a licensee ceases to be a domiciled resident and is the sole licensee, then the license shall be revoked.

7.13.2. Penalization for False Report

Any licensee who submits a false licensed area report in violation of MGL Chapter 130; Section 65 shall be penalized by the revocation of his or her license.

7.19.6. Fines for Gear Violations.

Following notice of a violation, either in person, via phone, or by written notice, the licensee has 7 days to comply. After the seventh day, a fifty-dollar ticket shall be issued for each day of noncompliance. After 30 days of non-compliance, the licensee shall have his or her license revoked.

7.23. Extension of Acreage Without Permission

No aquaculture license holder may willfully extend or cause to extend his or her grant boundaries, or allow cultivation, operation, propagation or products and equipment to exist beyond the duly recorded boundaries of his or her licensed area. The Shellfish Constable may cause a licensed area to be re-surveyed by a registered civil engineer, in the event that the assigned boundaries of an aquaculture license are called into question. If a violation of this section is then established, the aquaculture license of the individual guilty of the infraction shall then be revoked.

11.3. Authority to Revoke Aquaculture License

The Selectboard or the Director of the Division of Marine Fisheries may revoke an area license in accordance with the provisions set forth in MGL Chapter 130, Sections 57 & 65. In the event that a license is revoked, that individual may not possess seed nor harvest shellfish from any licenses area in the Town.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

IX

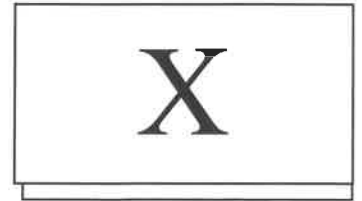
SELECTBOARD REPORTS:

Reported by:	Topic:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022



TOPICS FOR FUTURE DISCUSSION

Requested by:	Topic:	Requested to be on:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

XI

NEW BUSINESS

REQUESTED BY:	Ryan Curley ~ Selectboard Chair
DESIRED ACTION:	To discuss topics that were not reasonably anticipated by the chair more than 48 hours before the meeting
PROPOSED MOTION:	If a motion is determined to be needed; one will be made at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

XII

CORRESPONDENCE AND VACANCY REPORTS

****Please see packet****

! 📄 📧 📎	From	Subject	Received	Size	📌
Today					
	Suzanne Tho...	FW: kayak rack permits -- lack of notice about new system for awardin...	Wed 3/16/2022...	30 KB	
	Dear Mr. Farrell Your email to the Selectboard was forwarded to me. The decision was made to switch to a lottery in the fall of 2021.				
	Rebekah Eldr...	J1 & HB2 Letter	Wed 3/16/2022...	36 KB	
	Good Morning, The letter is now ready to be signed by the board. I will leave it in your office at town hall until Friday and then sta...				
	Wellfleet Cha...	Wellfleet Restaurant Week is coming June 1-7!	Wed 3/16/2022...	84 KB	
	Register your business now and receive savings				
Yesterday					
	Mayo Beach ...	Selectboard Presentation from Friends of Mayo Beach House	Tue 3/15/2022 ...	15 KB	
	Hello again, Ryan- A quick follow-up on my previous email regarding the Friends of Mayo Beach House presenting to the				
	Jack Farrell	kayak rack permits -- lack of notice about new system for awarding sp...	Tue 3/15/2022 ...	18 KB	
	Hello, I just wanted to express my dismay that there's been no notice sent via email or otherwise to previous permit holders for				
	Nancy Civetta	Shellfish Crier: Herring River opens tomorrow at sunrise, upcoming gr...	Tue 3/15/2022 ...	39 KB	
	Town Shellfish Crier March 15, 2022				
	Rebekah Eldr...	RE: Ryan's Wildlife Protection/no-feeding-of DRAFT bylaw.	Tue 3/15/2022 ...	29 KB	
	The numbers are still unable to be read on some of the budgets in your packet ryan				
	Ryan Curley	Re: Ryan's Wildlife Protection/no-feeding-of DRAFT bylaw.	Tue 3/15/2022 ...	21 KB	
	It did not come in late. The wrong packet was sent out.				
	Helen Miran...	Ryan's Wildlife Protection/no-feeding-of DRAFT bylaw.	Tue 3/15/2022 ...	21 KB	
	Excellent!! Amendments I will offer. This came in late, so I'm sending it in late. Still needs a Summary. Sb, no reply please. Wellfleet				
	lifeexercis	RE: Additional meeting Thursday @ 6pm	Tue 3/15/2022 ...	18 KB	
	Sorry...can't make that time. Morning or early afternoon on Wednesday or Thursday. Janet Sent from my Verizon, Samsung Galaxy				
	lifeexercis	RE: Additional meeting Thursday @ 6pm	Tue 3/15/2022 ...	12 KB	
	Sorry...can't make that time. Morning or early afternoon on Wednesday or Thursday. Janet Sent from my Verizon, Samsung Galaxy				
	DMF Shellfis...	MA DMF Seasonal Shellfish Opening Notice for the Town of Wellfleet	Tue 3/15/2022 ...	298 KB	
	Good afternoon, Please see the attached notice. Thank you. <end>				
	Elaine Mclroy	ADU bylaw amendments on agenda tonight	Tue 3/15/2022 ...	92 KB	
	Dear Select Board Members - In looking at the agenda tonight I see that the ADU bylaw is on the agenda, but it appears that the				
	Ryan Curley	Additional meeting Thursday @ 6pm	Tue 3/15/2022 ...	15 KB	
	Hi all, I need to call an additional meeting. I am hoping that Thursday @6pm can work for everyone. The purpose of the meeting is to				
	Ryan Curley	Reminder DPW Fwd: Budgets	Tue 3/15/2022 ...	933 KB	
	----- Forwarded message -----				
	Wellfleet Cha...	In-person After Hours next week in Wellfleet!	Tue 3/15/2022 ...	80 KB	
	📎 Come out for our first networking event since 2020! <https://r20.rs6.net/on.jsp?ca=c1edf13f-d953-4e2b-8552-66d3ca3c998f&a...				
	Ryan Curley	Fwd: Agenda and Packet	Tue 3/15/2022 ...	9 MB	
	Hi all this is the correct packet. The one you were given is missing materials. I will screen share as needed				
	James Badera	1065 State Highway Route 6 - Map 36/Parcel 184	Tue 3/15/2022 ...	79 KB	
	Hello All, Attached please find a copy of the "Cease and Desist" letter that I have written and sent to the owner via certified mail for				
	Nancy Civetta	Recreational Shellfish Crier: Important survey, summer job opportunit...	Tue 3/15/2022 ...	40 KB	
	Town Recreational Shellfish Crier March 15, 2022				
	MA Municipa...	Register: Western Mass Municipal Conference April 9	Tue 3/15/2022 ...	51 KB	
	Register: Western MA Municipal Conference April 9				
	Mary Rogers	RE: lets give this shot.....	Tue 3/15/2022 ...	47 KB	
	Thank you! This appeared, so I'm sending it to you				
	Jeanne Macl...	RE: lets give this shot.....	Tue 3/15/2022 ...	125 KB	
	Of course there were mistakes.....				
	Jeanne Macl...	RE: lets give this shot.....	Tue 3/15/2022 ...	114 KB	
	Forgot the attachment				
	Jeanne Macl...	lets give this shot.....	Tue 3/15/2022 ...	19 KB	
	Jeanne Maclauchlan, Principal Clerk Town of Wellfleet				
Monday					
	Ryan Curley	Fwd: Budgets	Mon 3/14/2022...	932 KB	
	----- Forwarded message -----				
	Bill Biewenga	Herring River Executive Committee Meeting	Mon 3/14/2022...	989 KB	
	Good Morning,				
	Charles Sum...	FW: Wellfleet: 2022 ATM Town Meeting Warrant with KP comments a...	Mon 3/14/2022...	648 KB	
	Good morning all, My flight was delayed until tomorrow. Please find attached a copy of Town Counsel's comments on Draft No. 5 of				

! 📄 📧 📎	From	Subject	Received	Size	🚩
		Wellfleet Cha... Are you hiring? Reserve your spot at the 2022 Nauset Job Fair	Mon 3/14/2022...	75 KB	
		// Register today			
	Massachuset... Register: WEMO Spring Symposium April 2	Register for WEMO Spring Symposium April 2	Mon 3/14/2022...	52 KB	
	Jennifer Fran... Re: Wellfleet - Chequessett Neck Water Line Easement	Thank you, Karen. I evidently misunderstood the meaning of the word "plan." My apologies!	Mon 3/14/2022...	113 KB	
	Karen A. LaV... Re: Wellfleet - Chequessett Neck Water Line Easement	Hi Jennifer: Plan attached on Page 3 of the attachment. Best Regards, Karen Karen A. LaVoie, Esquire P.O. Box 1900, 3 Main Street,	Mon 3/14/2022...	1,024 ...	
	Jennifer Fran... Re: Wellfleet - Chequessett Neck Water Line Easement	Good morning all,	Mon 3/14/2022...	95 KB	
	Karen A. LaV... Re: Wellfleet - Chequessett Neck Water Line Easement	Hi Katie: Apologies.....I was comparing the latest two documents and referred to the prior document. Your last version included in	Mon 3/14/2022...	110 KB	
	Katharine L. ... RE: Wellfleet - Chequessett Neck Water Line Easement	Karen – what about Paragraph 12? Is that the Paragraph you are referring to? Katie Katharine Lord Klein KP LAW	Mon 3/14/2022...	214 KB	
	Karen A. LaV... Re: Wellfleet - Chequessett Neck Water Line Easement	Hi Katie: Did you intentionally remove the paragraph regarding the escrowed funds? Otherwise the balance of the document is fine	Mon 3/14/2022...	85 KB	
	Ryan Curley Re: A note from the Wellfleet Cultural Council	The town will receive the second tranche in July, the first tranche we have dedicated to wellfleet housing trust for affordable housing.	Mon 3/14/2022...	4 MB	
	Katharine L. ... RE: Wellfleet - Chequessett Neck Water Line Easement	Karen: The Town would prefer that the escrow account be a non-interest bearing account, so I have made that change. I believe this	Mon 3/14/2022...	191 KB	
	John Wolf Re: Availability	With a little advance notice I can be available anytime I am needed.	Mon 3/14/2022...	16 KB	
Sunday					
	Yvonne and ... A note from the Wellfleet Cultural Council	To our Wellfleet town officials,	Sun 3/13/2022 ...	52 KB	
	Ryan Curley Availability	Hi all what are your availabilities from Wednesday on. TA interviews are expected shortly <end>	Sun 3/13/2022 ...	14 KB	
Last Week					
	Charles Sum... FW: DASHBOARD REPORT--FEBRUARY 28, 2022	Good morning all.	Sat 3/12/2022 ...	5 MB	
	Rebekah Eldr... Re: Printed Packets	Hi Helen, That email came from ryan but yes I will make sure the motion page is only one sided so no one is confused ☺ Get Out!...	Fri 3/11/2022 1...	20 KB	
	Helen Miran... Re: Printed Packets	Dear Rebecca, That's excellent, uses way less paper, but please go back to having each agenda item be on its own set of double	Fri 3/11/2022 9...	15 KB	
	Nancy Civetta new grant update	Dear Selectboard members: I wanted to let you know that the Shellfish Department has been actively pursuing the options for	Fri 3/11/2022 3...	21 KB	
	Massachuset... Register Today: MMA's Legislative Briefings Continue on March 14	Register Today!	Fri 3/11/2022 2...	43 KB	
	Dareen Davis RE: 1065 State Road Question	Kevin, sorry for my delay in responding to you, the office has been very busy these past 2 weeks. James Badera, the Building	Fri 3/11/2022 1...	22 KB	
	ATI Systems Reminder: Emergency Notification		Fri 3/11/2022 1...	46 KB	
	Rebekah Eldr... Meeting Agenda and Packet March 15, 2022	Good Morning, Please find your agenda and packet for Tuesday night's meeting. Those of you that like hard copies they will be	Fri 3/11/2022 1...	14 MB	
	Kevin Coakley 1065 State Road Question	This week there has been much more activity This property is being used as a CONTRACTORS YARD..... everything that was asked	Fri 3/11/2022 1...	13 MB	
	Rebecca Rou... RE: Printed Packets	Well that is a step in the right direction!!!! Happy to hear this. Rebecca Roughley, MCPPO Assistant Town Administrator	Fri 3/11/2022 1...	20 KB	
	Ryan Curley Printed Packets	Hello everyone, starting next week for those who get printed Packets they will be double sided. Last time we attempted this it was	Fri 3/11/2022 1...	15 KB	
	Barbara How... Fwd: Press Conference at Falmouth Chamber of Commerce on 3/16 at ...	Good afternoon, I hope this email finds you well. My name is Barb Howell and I am the Office Manager and Marketing Specialist at	Fri 3/11/2022 9...	623 KB	
	John Duane SAB comments on mud puddle map 41 parcel 182	Dear Conservation Commission members, board and commission chairs: Please see the attached letter approved at our March 10th	Fri 3/11/2022 8...	168 KB	
	Rebekah Eldr... updated schedule	Hi there,	Thu 3/10/2022 ...	57 KB	
	RealTerm En... Reduce Administrative Burden with Tech	Increase efficiency, automate tasks, track performance, and satisfy your citizens with technology-based solutions for your streetlights.	Thu 3/10/2022 ...	67 KB	

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				Salas O'Brien...	Salas O'brien Eng. Inc	Thu 3/10/2022 ...	15 KB	
				Good Day	We are currently in the process of registering as a vendor, and we would like to know if you make payments to your			
				janet drohan	Re: IA system costs	Thu 3/10/2022 ...	13 KB	
				Thank you Ryan.....	numbers are a bit surprising.....Janet Sent from my iPad			
				Massachuset...	Work Experience Program: For job seekers with disabilities	Thu 3/10/2022 ...	53 KB	
				June 13-16, 2022				
				Massachuset...	Questionnaire - Shellfish Growth and Survival - Deadline 4/1/2022	Thu 3/10/2022 ...	42 KB	
				Please respond	DEADLINE April 1, 2022			
				Ryan Curley	Code of Conduct Comments	Thu 3/10/2022 ...	825 KB	
				-- Sincerely,	Ryan Curley (508)-246-4718			
				Fred Magee	Re: IA system costs	Thu 3/10/2022 ...	10 KB	
				Thanks for the update.	That's a big number			
				Ryan Curley	IA system costs	Thu 3/10/2022 ...	15 KB	
				In a meeting right now	MASSTC is presenting. MASSTC reported on the costs expected to install IA systems For upgrading \$27k			
				Massachuset...	Register: WEMO Spring Symposium April 2	Thu 3/10/2022 ...	52 KB	
				Register for WEMO Spring	Symposium April 2			
				Ryan Curley	Re: 1065 State Highway	Wed 3/9/2022 ...	12 MB	
				📧 On Wed, Mar 9, 2022, 2:25 PM	Dareen Davis <Dareen.Davis@wellfleet-ma.gov <mailto:Dareen.Davis@wellfleet-ma.gov> > wrot...			
				Dareen Davis	RE: 1065 State Highway	Wed 3/9/2022 ...	12 MB	
				Yes, I got everything,	and will make sure that Jim has it all also when he returns. Dari			
				Patricia Lem...	Re: 1065 State Highway	Wed 3/9/2022 ...	12 MB	
				Thanks Ryan, I believe I	included emails to everyone. Christine is the secretary for ZBA and Dareen works for the building inspector.			
				Patricia Lem...	Re: 1065 State Highway	Wed 3/9/2022 ...	12 MB	
				Thank you!				
				Rebecca Rou...	RE: 1065 State Highway	Wed 3/9/2022 ...	12 MB	
				I forwarded both emails to	Victor and Jim. Rebecca Roughley, MCPPO Assistant Town Administrator			
				Ryan Curley	Re: 1065 State Highway	Wed 3/9/2022 ...	12 MB	
				Hi Patricia this needs to be	directed to the Building Inspector and the ZBA. They are the authorities governing this matter.			
				Wellfleet Cha...	Networking is back March 23 at The Block and Tackle in Wellfleet!	Wed 3/9/2022 ...	80 KB	
				Come out for the first	After Hours since 2020!			
				Helen Miran...	Re: Not Running for Selectboard	Wed 3/9/2022 ...	20 KB	
				Hi dear Janet, in that case,	I am as good as my word and will stay on for another while. I am so glad that you have given this decision			
				Patricia Lem...	Re: 1065 State Highway	Wed 3/9/2022 ...	12 MB	
				Some photos from February	Today they dumped more soil			
				Capital Strat...	Join Us in Officially Welcoming Paul Scott to the Capital Strategic Solu...	Wed 3/9/2022 ...	66 KB	
				Paul Scott Joins CSS...				
				Janet Reinhart	Not Running for Selectboard	Wed 3/9/2022 ...	19 KB	
				Good morning,	I awoke with stress and thinking about Wellfleet. I know I told Helen not to worry and that I could continue on the			
				Patricia Lem...	1065 State Highway	Wed 3/9/2022 ...	20 KB	
				Good morning to all board	members, This is not my first letter to your boards, I'm Patricia Lemme and I'm a neighbor to 1065 State			
				Wellfleet Cha...	Reminder: Let's check-in: How can we meaningfully support your smal...	Wed 3/9/2022 ...	81 KB	
				Would you prefer to share	feedback online, or on-the-phone? Let's connect!			
				Ryan Curley	Fyi Fwd: OSC Article	Tue 3/8/2022 8:...	18 KB	
				Bruce just sent me this so	consider this a follow up to the report			
				ATI Systems	Emergency Notification	Tue 3/8/2022 1...	46 KB	
				RealTerm En...	Are You Getting the Most Out of Your Streetlight Investment?🔗	Tue 3/8/2022 1...	67 KB	
				Maintaining your	streetlights can put an additional administrative burden on your staff and be difficult to maintain over time.			
				Wellfleet Cha...	🌟 Admire the Winter Blue Lights in Wellfleet through March	Tue 3/8/2022 7:...	80 KB	
				🌟 <https://r20.rs6.net/on.jsp?ca=6c39b70a-ae56-4f31-b836-f2ad26ad2b17&a=1112873798651&c=176496d0-bfb9-11e3-9e33-...				
				Owen Fletcher	Barnstable County Assembly of Delegates Notice of Receipt of Board ...	Mon 3/7/2022 ...	3 MB	
				Good afternoon,	Pursuant to Section 5-5(a) of the Barnstable County Home Rule Charter, you are hereby notified the Board of			
				Massachuset...	Register Today: MMA's Legislative Briefings Continue on March 11	Mon 3/7/2022 ...	44 KB	
				Register Today!				
				Wellfleet Cha...	Let's check-in: How can we meaningfully support your small business?	Mon 3/7/2022 ...	81 KB	
				Would you prefer to share	feedback online, or on-the-phone? Let's connect!			
				Smart Cities ...	An Ideal Starting Point for Smart City Projects	Mon 3/7/2022 ...	42 KB	
				<http://cdn.mcauto-images-production.sendgrid.net/587c0077f363c10b/2e5537a-3305-4210-bc76-7b49022243dd/400x62.jpg>				

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					Massachuset... Register Now: WEMO Spring Symposium April 2		Mon 3/7/2022 ...	52 KB	
					Register for WEMO Spring Symposium April 2				
					Janet Reinhart Fwd: March 11th th Select Board and Councilors Meeting-RSVP remin...		Mon 3/7/2022 ...	28 KB	
					WE NEED MORE ATTENDEES. ZOOM OR IN PERSON. THIS IS MY FAVORITE MEETING. A CHANCE TO SPEAK WITH OUR				
					Two Weeks Ago				
					Lilli Green Comcast Slides		Sat 3/5/2022 1...	3 MB	
					Dear Selectboard, Please see the slide deck attached a Comcast representative presented to the Assembly of Delegates Standing				
					Janea Dunne D.P.U. 22-22 Eversource Energy - Second Notice of Filing, Public Heari...		Sat 3/5/2022 7:...	168 KB	
					On behalf of NSTAR Electric Company, d/b/a Eversource Energy, attached please find the Company's Second Notice of Filing, Public				
					Rebekah Eldr... Agenda and Packet for March 8th meeting		Fri 3/4/2022 2:...	15 MB	
					Happy Friday, 😊 Please find your agenda and packet for your meeting next Tuesday March 8, 2022 at 6PM. I will have hard copies...				
					Jennifer Congel Public Records Requests		Fri 3/4/2022 2:02...	140 KB	
					Good Afternoon, Please see attached to this email, two public records requests. I would appreciate if you could check to see if you				
					Massachuset... Register Today: MMA's Legislative Briefings Continue on March 7		Fri 3/4/2022 1:...	44 KB	
					Register Today!				
					Wellfleet Cha... Springing forward into March 🦋 Wellfleet Chamber Newsletter		Fri 3/4/2022 7:...	159 KB	
					David Seitler Arc letter dave seitler		Thu 3/3/2022 8:...	30 KB	
					March 3 2022				
					MA Municipa... Here's your March issue of The Beacon from the MMA		Thu 3/3/2022 5:...	49 KB	
					<https://www.informz.net/admin31/images/spacer.gif>				
					MA Division ... States Schedule Public Hearings on Atlantic Striped Bass Draft Amend...		Thu 3/3/2022 4:...	97 KB	
					Monday, March 21 for Massachusetts from 6-8PM				
					MA Division ... Baker-Polito Administration Announces New License Plate to Boost St...		Thu 3/3/2022 3:...	51 KB	
					New License Plate to Boost Striped Bass Conservation				
					Rebekah Eldr... FW: KP Law, P.C. – eUpdate – Pandemic Related Legal Updates		Thu 3/3/2022 2:...	31 KB	
					From: KP Law, P.C. <KPLAW@k-plaw.com>				
					Ryan Curley License #792		Thu 3/3/2022 2:...	15 KB	
					Hello all, I just spoke with Rebecca Roughly and we will need to continue the hearing on license #792 again. It will be continued to				
					MA Municipa... Last Chance to Register: MSA March 4 Webinar		Thu 3/3/2022 1:...	46 KB	
					Register for MSA Program Webinar March 4				
					Massachuset... Register Now: WEMO Spring Symposium April 2		Thu 3/3/2022 9:...	52 KB	
					Register for WEMO Spring Symposium April 2				
					Mayo Beach ... April 19th Meeting Agenda Item		Thu 3/3/2022 9:...	15 KB	
					Good morning, Ryan- A quick follow-up regarding the Mayo Beach House... I'm touching base to see if the Friends of Mayo Beach				

Date: March 16, 2022
To: Board of Selectmen
From: Jeanne Maclauchlan
Re: Vacancies on Town Boards

Bike and Walkways Committee (5 members)

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

Requesting Appointment: No applications on file

Board of Assessors (3 members, 1 alternate)

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

Requesting Appointment: No applications on file

Board of Health (5 members, 2 alternates)

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

Requesting Appointment: No applications on file

Board of Water Commissioners

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

Requesting Appointment: No applications on file

Building and Needs Assessment Committee (5 Members)

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

Requesting Appointment: No applications on file

Cable Advisory Committee (5 Members)

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

Requesting Appointment: No applications on file

Commission on Disabilities (up to 5 Members)

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

Requesting Appointment: No applications on file

Conservation Commission (7 Members + 2 alternates)

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

2 alt Positions
Requesting Appointment: No applications on file

Council on Aging (9 Members)

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

Requesting Appointment: **One application on file**

Cultural Council (13 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	2 3 year terms

Requesting Appointment: **Two applications on file**

Dredging Task Force (7 Members)

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

Requesting Appointment: No applications on file

Finance Committee (9 Members + 2 Alternates)

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

Requesting Appointment: No applications on file

Housing Authority (5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Commonwealth of MA	5 years

Requesting Appointment: **One application on file**

Natural Resources Advisory Committee (7 Members)

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

Requesting Appointment: No application on file

Personnel Board (4 members + TA + FinCom Rep)

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

Requesting Appointment: No applications on file

Planning Board (7 members + 2 alternates)

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Positions	Board of Selectmen	5 years

Requesting Appointment: No applications on file

Recreation Committee (7 Members)

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

Requesting Appointment: No applications on file

Recycling Committee (7 Members + 2 Alternates)

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

Requesting Appointment: No applications on file

Shellfish Advisory Board (7 members + 2 Alternates)

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

Requesting Appointment: No applications on file

Zoning Board of Appeals (5 Members, 4 Alternates)

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

Requesting Appointment: No applications on file



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

XIII

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Minutes <ul style="list-style-type: none">• March 8, 2022• March 15, 2022• March 17, 2022
PROPOSED MOTION:	I move to approve the Minutes of March 8, 2022, as printed I move to approve the minutes of March 15, 2022, as printed I move to approve the minutes of March 17, 2022, as printed
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

***Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday March 8, 2022, 6:00pm
Meeting Minutes***

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

Others Present: Charlie Sumner, Town Administrator; Rebecca Roughley, Assistant Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Police Chief; Rich Pauley, Fire Chief; Nancy Civetta, Shellfish Constable; Rebecca Taylor, Chair of the Shellfish Advisory Board; Kathleen Bacon, Resident of Wellfleet; John Riehl, Chair of the Natural Resources Advisory Board

Chair Curley called the meeting to order at 6:02pm

I. *Announcements, Open Session and Public Comments*

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

Chair Curley stated that SPAT have rescheduled their meeting with the board on March 22, 2022

Board Member Wilson spoke to the board stating that due to health issues and other obligations she will not be continuing after the May 2, 2022, election. She announced that March 11, 2022, is the last day to submit papers to run for Selectboard. She was thanked for her services to the town.

Chair Curley urged the public to run for office.

Sumner reiterated that papers must be filed with the town clerk by the end of business day Friday March 11, 2022; and be returned no later than end of business day Monday March 14, 2022.

DeVasto announced he will be pulling his papers before Friday.

II. *Consent Agenda*

A. Town Accountant ~ Charlie Sumner

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to accept the appointment of Nick Robertson as the new town accountant for the Town of Wellfleet.

Roll Call Vote: 5-0

B. Housing Authority Application ~ Janet Rustow

Chair Curley announced that this application had to be removed tonight because it is a Governors appointment, and the board doesn't have the authority to appoint anyone to this position.

III. *Meeting Rules*

A. Discussion of Meeting Rules ~ Chair Ryan Curley

Chair Curley spoke to the board about meetings that are getting bogged down and he would like to keep them on point. He announced he would be removing the

Covid-19 updates from the agenda unless the board felt the need to keep it on the agenda as a standard agenda item. The board agreed with the removal. Reinhart questioned if these rules could be put on the website, Chair Curley stated he didn't want to write a policy.

Wilson explained that these rules are somewhat inhibiting, she feels the need to be patient with people, who speak slowly and may have questioned that needs to be clarified which takes a while.

The board discussed the rules before them.

IV. ***Public Hearings***

Board Member DeVasto recused himself for the Shellfish Hearings.

- A.** Addition to Section 7.15.3. Use of Spat Collecting Devices in the Town of Wellfleet's Shellfishing Policy and Regulations to add a tagging requirement. Shellfish Advisory Board voted to recommend this addition 4-0 at its November 18, 2021, meeting. ~ SAB

Chair Curley opened the hearing 7.15.3; Use of Spat Collecting Devices ~ Civetta explained the change in regulations and what this change would do for the shellfishermen and the Shellfish Department in Wellfleet. They agreed this change was straightforward and had no concerns or issues.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to amend section 7.15.3 Use of Spat Collecting Devices in the town of Wellfleet shellfishing policy and regulations as presented in the Selectboard March 8, 2022, meeting packet

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

Chair Curley closed this hearing.

- B.** Additions to Section 7.23 Extension of Acreage Without Permission in the Town of Wellfleet's Shellfishing Policy and Regulations to include resolution of boundary disputes. Shellfish Advisory Board voted to recommend this addition 4-0 at its February 9, 2022, meeting. ~ SAB

Chair Curley opened the hearing for shellfish regulations 7.23 Extension of Acreage Without Permission ~

Taylor spoke to the board and stated that the Shellfish Advisory Board feels people should be working with the Shellfish Constable. She stated the Advisory board had no issues with this change and believed it was a necessary change. Chair Curley gave a few amendments that he felt needed to be made. The board discussed this, and Civetta stated that town counsel did have a look at these, but they could word smith what the board wanted to change. They continued to make some small changes to the draft.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to approve the amendments to Section 7.23 Extension Without Acreage Without Permission of the Town's Shellfishing Policy and Regulations as recommended by the Shellfish Advisory Board, included in the March 8, 2022, Selectboard packet, and amended at that meeting.

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

- C. License #792 ARC ~ Continued from February 23, 2022, ~ Will be continued to March 22, 2022.

Chair Curley opened the hearing for License #792; he explained to the board and public that this will be continued.

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to continue this hearing until March 22, 2022, at 6:00pm.

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

V. ***Human Resources***

- A. Discussion on the Human Resource Director ~ Chair Ryan Curley, ATA Rebecca Roughley

Chair Curley began stating that Wellfleet needs to formalize it's Human Resources Department and actions. He asked Roughley to speak to the board. She began stating that she has been with the town for a year and gave a small presentation, which outlined the benefits of having a specific Human Resource Person. She gave many details on why the town needs someone. She stated the most important is regulatory issued, training and accountability.

The board discussed the need for this position. Sumner spoke to this position and also stated that consistency in regulations, training, and enhancing capacity within the staff is very important and needs to be a priority as the town moves forward.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to request the Assistant Town Administrator Rebecca Roughley to scope and find a appropriate compensation for the position.

Roll Call Vote: 5-0

VI. ***Community Relations***

- A. Spat Introduction of New Staff ~ **Postponed until March 22, 2022**

VII. ***Committee/Board Updates & Appointments***

- A. Disclosure by non-elected municipal employee of financial Interest and determination by appointing authority ~ Benjamin Fairbank , Member Wellfleet Conservation Commission

Chair Curley spoke to the board and stated the Fairbank was unable to be at the meeting and if there were any issues from the board members, he would postpone this until the meeting on the 22nd. There were no concerns with the board.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted that as the appointing authority, and as required by G.L. c.268A, § 19, we have reviewed the particular matter and the financial interest identified above. We have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from Benjamin Fairbank, and delegate the Chair to sign this determination on our behalf.

Roll Call Vote: 5-0

VIII. Annual Town Meeting

A. Town Meeting Date ~ Chair Ryan Curley, TA Charlie Sumner, Moderator Silverman

Chair Curley announced that the town moderator is currently on vacation but agrees with Chair Curley's decision and recommendation to move Wellfleet's Annual Town Meeting from April 25th to June 11, 2022. Sumner spoke to the movement of town meeting and stated he would have hoped to be further along in the closing of the fiscal years 2020 and 2021. He explained that he has spoken with DOR and has been working closely with them to be able to get Wellfleet's free cash certified. He stated he believes that to move town meeting is a good plan. He stated there would need to have a special election for the overrides after this date,

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to reschedule the Wellfleet Annual Town Meeting to June 11, 2022, with the backup dates to be June 12, 2022, June 18, 2022, and June 19, 2022.

Roll Call Vote: 5-0

It was questioned if the meeting would be outside. That is still an item to be determined.

Chair Curley also stated that it is with the recommendation of the town moderator to split the warrant and have a special town meeting in the fall. He continued stating that with the current warrant as it stands would be almost 9 hours long and feels that is too much to ask of the residents of Wellfleet.

Norton spoke to the board asking them to make a decision whether to have town meeting outside or not giving the explanation that the tent company needs a lot of lead time for tent rentals.

Bacon spoke to the board stating she would not be supportive of a special town meeting, explaining there is significant costs to the town. She spoke to Sumner about his thoughts. The board discussed pairing down the warrant and the sensibility of having two town meetings.

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to hold a special town meeting in the fall with the date to be determined.

Roll Call Vote: 4-1 (Wilson voted no)

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to ask the town administrator to work on dividing the annual town meeting warrant to have one half at the June town meeting and the Fall town meeting.

Roll Call Vote: 5-0

B. Special Town Election Date ~ Chair Curley

It was stated that an election usually follows the meeting.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to hold a special town election on June 21, 2022.

Roll Call Vote: 5-0

IX. Administration's Budgets & Warrant Articles

A. Budget Line Items 114 through 196

Sumner stated that these first line items that were level funded, and the only increase were wages and salaries. He stated that the advertising expense needed to be increased and the budget for office supplies.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve budget line items 114-196 as amended.

B. Budget Line Items 752-756

There wasn't much discussion with these budget line items.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve Budget line items 752-756 as printed in the March 8, 2022, packet.

Roll all Vote: 5-0

C. Budget Line Items 820-945

Chair Curley moved onto the next line items. Sumner stated that this is paying for the contributions to the Barnstable County Retirement district. He stated that he has captured the prepayment which will save the town \$35,000 in fess by paying all together.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve budget line items 820-945 as printed.

Roll Call Vote: 5-0

X. Business

A. Letter regarding H2Bs & J1S

Chair Curley spoke about the letter he drafted which explains the hardship that people will face this summer due to the conflict with Russia happening right now. Gave a list to the board of people he would like to send the letter to.

There were a few amendments.

Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to approve and send the letter regarding H2B's and J1's as written and reviewed in the March 8, 2022, meeting.

Roll Call Vote: 5-0

XI. Financial Workplan

A. Sumner to give an update on the town's finances

Sumner gave an update on the financial forecast which he stated has been updated since the last meeting. He explained the new town treasurer coming in will take some stress off Mary McIsaac and Lisa Souve. They will be able to focus on finalizing the FY 2020 and 2021 financial audit.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to send a letter of sincere gratitude to the financial team for their extreme work and dedication. Reinhart stated she would write something.

Roll Call Vote: 5-0

- B. The Residential Tax Exemption's ability to offset Override
Chair Curley explained that there was an increase in residential exemption from 20 to 25%. He explained what this meant and the budgets increasing due to this increase without increasing tax rates.

XII. 2022 Warrant Articles

- A. Discussion, Insertion, and recommendation of remaining warrant articles ~
Chair Ryan Curley
Chair Curley asked Sumner if there were any articles he felt needed to be addressed now. Chair Curley informed the board that the energy and climate action committee would be discussed at their March 15, 2022, meeting. Sumner went to Article 40 ~ Easement for the Herring River Restoration Project. Which can't be delayed until the fall meeting.
Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert Article 40, the Easement for the Herring River Restoration Project.
Roll Call Vote: 5-0

Sumner stated article 41 was ready to be inserted and recommended if the board so wanted.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert and recommend Article 41 into the Annual Town Meeting Warrant

Article 42 ~ Main Street Route 6 Project was the next article to be vote on, Sumner explained that this project was one that also couldn't wait until the fall.
Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to insert Article 42, Main Street Route 6 Project into the Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to recommend Article 42, Main Street Route 6 project into the Annual Town meeting warrant.

Roll Call Vote 4-1 (Wilson voted no)

Sumner spoke to Article 45, A beach at Newcomb Hollow there is a pole that is located in the parking lot, and someone went to the Board of Appeals to replace the pole and install an antenna by AT&T which will improve communications at the beach immensely. The town would receive revenue from the rent that AT&T is paying for the use of the pole. Chair Curley had some issues with the wording. Sumner stated he would research this article a little more.

No Action Was Taken on Article #45

The board moved on to Article #48, Sumner stated this article could be voted on. This Article discussed the eligibility for the town to
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert and recommend Article #48, an article adopting and enabling legislation to establish speed limits for provisions of Chapter 90 Section 17c.
Roll Call Vote: 5-0

Article #49 was explained by Sumner to be an article that administration issues a check to someone, and the check is never cashed. They need to notify people and hold on to the check, once the process is finished the town needs to hand it over to the state. He explained that this article would allow the town to keep the checks and not hand them to the state.
Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to insert and recommend article #49, an article that would adopt and enable legislation to the disposition of unclaimed property for Section A of Chapter 200A
Roll Call Vote: 5-0

The board skipped over the zoning articles as they had already voted to insert them but are waiting on the Planning Board to respond so they can either recommend or not.

The next article in the warrant that they addressed was, the article submitted by the Natural Resources Advisory Board. Riehl spoke to the board and explained why they were asking for this article to be considered. He spoke to the main changes in the article. The board discussed this.
Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to insert and recommend an article amending the Natural Resources Advisory Board's charge as presented at the March 15, 2022, meeting.
Roll Call Vote: 5-0

Article #55 was explained it was a citizen's petition.
Chair Curley Moved, Board Member Wilson Seconded, and it was voted to recommend the non-binding public advising question on the pilgrim power plant.
Roll Call Vote: 5-0

The board discussed the citizen's petition that talks about the tree preservation and resolution. Chair Curley spoke to the article and explained that the article confused him, they discussed the article. It was explained that because it is a petition article it has to be placed but the board doesn't have to recommend at this time.

Chair Curley moved on the next articles there was no discussion on these and he explained they could be voted on as a consent agenda.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to insert and recommend an article for the surplus property disposal, an article for the Mass DEP liability indemnification, an article for the Nauset School Assessment Formula, and an article for the collection of taxes.

Roll Call Vote: 5-0

Chair Curley stated he would like to have the other boards and committees of the town review these articles.

Chair Curley Moved, Board Member DeVasto Seconded, and it was voted to insert and article for a report from boards and committees and an article for any other business.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to recommend an article for reports from boards and committees and an article for any other business.

XIII. *Selectboard Annual Town Report*

The board discussed the report written by Chair Curley on behalf of the Selectboard. There were a few amendments made.

Board Member DeVasto Moved; Board Member Wilson Seconded and it was voted to accept the Selectboard Report for the annual town report as amended.

Roll Call Vote: 5-0

XIV. *Selectboard Reports*

Chair Curley spoke to the board about the Open Space Committee and stated that both he and the chair of the Open Space Committee have reached out and spoken to the chair of the Planning Board asking them to hold a public hearing and there has been no action taken on behalf of the Planning Board. They discussed this. It will be added as an agenda item later.

XV. *Town Administrator and Assistant Town Administrator's Report*

A. Sumner reported on the municipal water rate conversations they have been having with the water consultant and should have something to report regarding rate changes in the future. He spoke about the Town Administrator Search Committee meeting with candidates applying for the position and should have candidates to send to the Selectboard soon. He spoke about the Chapter 90 funds that were approved for the town.

He continued giving his update, speaking to amendments that were filed with Mass DEP, stating that there has been communication with property owners where the town is in need of easements for low lying roads and the communication has been good. He spoke to the board about the Wellfleet Solar Panels at the transfer station are now fully operational. He announced there will be an Amnesty Day at the transfer station in April.

XVI. *Topics for Future Discussion*

Wilson spoke about having attention being given to the Field point association. She also stated that She spoke to the board about a shellfish meeting she and DeVasto attended.

Wilson also spoke to the board about The Provincetown Independent being a newspaper of record. She stated she would like this to be on a future agenda, stating there were issues with this newspaper.

She stated that there needs to be a meeting as soon as the candidates for TA are chosen so the town doesn't lose them

Wolf would like to add charging for the Marina Parking Lot

XVII. *Correspondence and Vacancy Reports*

** please see the packet for a full report of correspondence***

XVIII. *Minutes*

A. February 15, 2022, ~ **Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to approve the minutes of February 15, 2022, as written.**

Roll Call Vote: 4-0-1 (Wilson Abstained)

B. February 23, 2022, ~ **Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the minutes of February 23, 2022, as printed.**

XIX. *Adjournment*

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

Roll Call Vote: 5-0

Meeting Adjourned, 8:40pm

Public Documents:

- *Town Accountant resume and Application*
- *Meeting Rules as presented by Ryan Curley*
- *Public Hearing notice*
- *Shellfish Documentation to go with public hearings*
- *Disclosure of non-elected town employee conflict of interest*
- *2022 Draft Annual Town Meeting Warrant*
- *Department Budgets for FY 2023*
- *Town Administrator & Assistant Town Administrator's Report*
- *Correspondence*
- *Meeting Minutes 2/15/2022 & 2/23/2022*

Respectfully Submitted:

Rebekah Eldridge, Executive Assistant

***Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday March 15, 2022; 6:00pm
Meeting Minutes***

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

Others Present: Rebekah Eldridge, Executive Assistant; Rich Pauley, Police Chief, Suzanne Grout-Thomas, Community Services Director; Jay Norton, DPW director; Becky Rosenberg, Recreation Director; Hillary Greenberg-Lemos, Health and Conservation Agent, Lili Ann Green, Assembly Member; Christine Shreves, Co-Chair of The Recycling Committee; Lydia Vivante, Recycling Committee Co-Chair; Dick Elkin, Chair of Energy and Climate Action Committee; Suzanne Ryan, Carol Magenau, Committee Member; Ellaine McIlroy, Chair of the Wellfleet Housing Committee

Chair Curley Called the meeting to order at 6:01pm

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

Wilson informed the board that there is a serious bird flu going around and explained it can't be transmitted to humans and dogs but to chickens. She gave directions on what to do if a person was to see a lethargic bird.

Chair Curley asked Wilson and Reinhart to reiterate what they were doing as far as the selectboard is concerned. Reinhart stated she did not hand in her papers. Wilson stated she will continue and finish her term as a selectboard member.

II. *Committee/Community Updates*

A. Broadband Assembly Update ~ Lili Ann Green

Green began her presentation to the board stating who she was and welcomed residents and board members to their meetings. She spoke to the board about broadband and the ability to receive it. Stating she has spoken with Comcast and that anyone can receive fast internet services. She gave her email to the public explaining that anyone can contact her to get information on high-speed internet and cable.

B. Climate Action Reserve fund for Grant Matching ~ Energy & Climate Action Committee

Elkin spoke to the board about setting up a fund for the committee that will be matched by the town. He explained how this reserve fund would function.

Magenau spoke to the board giving more detail on this fund.

Chair Curley Moved, Board Member Wilson Seconded, and it was voted to insert and recommend an article in the 2022 Annual Town meeting warrant to establish a climate Action Reserve fund in the amount of \$50,000.

Roll Call Vote: 5-0

C. Recycling Committee Plastic Bottle Article

Shreves spoke to the board about their article regarding the plastic bottle ban. She stated the committee would like to add to all nonalcoholic beverages to the ban. She explained the changes. She stated the committee remodeled these changes after the ban in New York City. The board discussed this with some noting their concern. Vivante showed the board and public some examples of aluminum bottles that have other beverages than water in them. The board discussed this article at great length, including recycling of aluminum.

Board Member Reinhart Moved; Board Member Wilson Seconded; and it was voted to insert the Wellfleet Recycling Committee's Plastic Bottle Article into the 2022 Annual Town Meeting Warrant.

Roll Call Vote: 4-1-0 (DeVasto voted no)

Discussion: Chair Curley Moved; Board Member Wilson Seconded and it was voted to amend said article to read under section #2 the sale of other plastic nonalcoholic carbonated beverage bottles effective May 1, 2023, to be unlawful to sell nonalcoholic carbonated beverages other than uncarbonated and flavored drinking water in plastic bottles less than 21 fluid ounces enforcement of this regulation begins May 1, 2023.

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

D. ADU Zoning Bylaw Amendment ~ Wellfleet Housing Authority and the Local Housing Partnership

Board Member DeVasto recused himself from this section

McIlroy spoke to the board about this bylaw and the changes that have been made with the approval of the housing authority and local housing partnership. The board went over the bylaw on the screen and discussing the changes.

Board Member Wilson moved; Chair Curley Seconded; and it was voted to insert and recommend the ADU article as presented in the Selectboard Packet on March 15, 2022, and refer it to the Planning Board.

Roll Call Vote: 3-0-2 (Reinhart, DeVasto abstained)

E. The opening and closing of the Herring River ~ Shellfish Constable ~ Nancy Civetta

The board discussed Herring River and Civetta sent out a Shellfish crier, that explained the Department of Marine Fisheries has opened the Herring River at sunrise on March 16, 2022.

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to open the Herring River Area as defined in the Wellfleet Shellfishing Regulations as of sunrise Wednesday March 16, 2022, and to close it on sunset August 31, 2022, as directed by the Massachusetts Department of Marine Fisheries.

Roll Call Vote: 4-0-1 (DeVasto Recused himself)

III. *Budgets*

A. DPW 417-434

Chair Curley updated the board that there was some confusion with the original DPW budgets, but the board has been emailed the most current and up to date budgets.

Norton spoke to the board about each line item in the various budgets.

He began with 417, DPW Facilities, there was an increase in his budget which he explained was contract services, and prevailing wages.

Norton moved onto line item 420, operating which also had an increase in contract services, with seasonal wages increasing as well due to the hourly wage increase.

Norton continued to line item 422, DPW highways which he explained was level funded.

Norton moved onto line item 423, Snow and Ice which he explained they were over the budget for this year. Norton explained this spending and how it is allowed through the state. Norton was asked about the sand to salt ratio when sanding the roads, Norton explained it was a 3 to 1 ratio because the sand isn't effective to deice the road but is when there is already ice on the road it helps with friction.

Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to authorize deficit spending per MGL chapter 44 section 31D, snow and ice removal for fiscal year 2022.

Roll Call Vote: 5-0

Norton moved on to line item 424, Street lighting which he explained is a level funded budget. There were no questions with this budget

His last budget to be presented was line item 433, Transfer station. Norton explained there was an increase in this budget, contract services and land fill consultant services.

Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to approve line items 417-433 as presented.

Roll Call Vote: 5-0

B. DPW Warrant Articles

Norton spoke to these items, beginning with the Capital improvement budgets. He explained that he spoke with Sumner, and they chose which items on the warrant could be moved to the special fall town meeting or wait until the following year. He explained which articles those were.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert the FY 2023 DPW Capital Budget Items as presented.

Roll Call Vote: 5-0

Norton stated they moved on the transfer station article, and they were going to keep the Keller's Corner project on the warrant as it is an ongoing project that has already begun.

Chair Curley Moved, Board Member Reinhart Seconded, and it was voted to insert and recommend the Keller's Corner Revetment Project into the 2022 Annual Town Meeting Warrant.

Roll Call Vote: 5-0

C. Health and Conservation 510

Lemos Spoke to the board about her budget, she began stating that the budget was very straight forward. She explained that the only item that has jumped in her budget was household hazardous waste has jumped 30% from the previous year.

Chair Curley Moved, Board Member Reinhart Seconded, and it was voted to approve the FY 2023 Health and Conservation budget 510 as presented.

Roll Call Vote: 5-0

D. Human Services 520-543

Thomas spoke to her budgets explaining them by each line item. She began with 520, Human Services which she explained is level funded. She explained what this budget is used to pay for.

She moved on to 541, Council on Aging, she explained there is a discrepancy on the salaries and wages line, so she asked the board to wait on this vote. She stated the rest of the budget was level funded.

She continued with line Veteran Services which she stated is in her budget, but she has nothing to do with creating or overseeing that particular budget.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve Human Services Budget line items 510 through 520 and 553 as presented.

Roll Call Vote: 5-0

E. Human Services Warrant Articles

Thomas explained to the board that the one article she had in the Annual Town Meeting warrant has been removed and will be brought back in front of the board next year.

No Action was taken with the warrant article

F. Culture & Recreation 630-699

Rosenberg gave a presentation with her budget items 630

Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to approve budget 630 as presented.

Roll Call Vote: 5-0

Thomas continued with the Community Service Budget which she explained was her salary, cell phone and portable toilets. She explained the amount requested for the year was adequate.

She moved on to 699, beaches. She explained it has increased due to seasonal wages being increased, she stated she isn't sure she will be fully staffed this summer but explained that if there was any money left over in the budget, she would put it back in the budget. She spoke to the board about purchasing two droans to be able to detect sharks in the water. The board discussed the droans and how they would be used.

Chair Curley Moved, Board Member Reinhart Seconded, and it was voted to approve Culture & recreation Budget item 630-699 as presented.

Roll Call Vote: 5-0

G. Culture & Recreation Warrant Articles

Resurface the basketball courts at Mayo Beach, Thomas explained that this is something that needs to happen this year.

Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to insert an article to resurface the basketball courts at Mayo Beach into the 2022 Annual Town Meeting Warrant.

Roll Call Vote: 5-0

The board collectively decided to wait on the financial plan that Sumner sent in because he wasn't at the meeting.

Chair Curley asked Chief Pauley to speak to the New Fire Engine replacement, Pauley explained to the board that he has been working closely with Sumner to be able to purchase a new fire engine, the down payment would be made from the Ambulance receipt fund and paid over a five-year span which he explained is a common practice.

IV. *Selectboard Warrant Article*

A. Wildlife bylaw

Chair Curley shared his screen and spoke to the amendments made to this bylaw. The board discussed the bylaw at great length and made amendments throughout.

Chair Curley Moved; Board Member Wolf Seconded, and it was voted to insert and recommend an article for the Wildlife Protection Bylaw Feeding of Wildlife as drafted into the 2022 Annual Town Meeting Warrant.

Roll Call Vote: 5-0

V. *Adjournment*

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to adjourn.

Roll Call Vote: 5-0

The board discussed the upcoming Meetings, Chair Curley gave the list of upcoming meetings which deals with the Town Administrator Candidate interviews.

Meeting adjourned 7:40pm

***Wellfleet Selectboard
Virtual Meeting ~ Zoom
Thursday, March 17, 2022; 6pm
Meeting Minutes***

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Helen Miranda Wilson, John Wolf

Others Present: Rebecca Roughley, Assistant Town Administrator; Rebekah Eldridge, Executive Assistant; Richard White, TA Search Consultant

Chair Curley called the meeting to order 6:03pm

I. Open Session & Public Comments

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

There were no announcements.

II. Town Administrator Interview Process

Chair Curley spoke to the board explaining that they are not to discuss the exact questions they would be asking at this meeting.

White spoke to the board on how to begin the interviews and then discussed with the board the process.

The first candidate would be introduced to the community by the Chair and each Selectboard member would ask one or two questions each equaling ten questions. The board will look over the letter from the chair of the Town Administrator Search Committee. They continued discussing how the interviews would go and the procedure for each candidate. It was decided that Roughley and White would pick the questions that they would ask the candidate. There was much discussion about the questions and which member would be in charge of which question. White spoke to the board about the references that were contacted for each candidate and they were all very good references.

III. Town Administrator Selection Process.

The board will take a night in between the interviews and then meet the following day (Tuesday March 22, 2022, at 1pm) to discuss and then decided on the new Town Administrator.

IV. Adjourn.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adjourn

Roll Call Vote: 4-0

Meeting adjourned at 6:35pm



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: March 22, 2022

XIV

ADJOURNMENT

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