



## Wellfleet Selectboard

### Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, April 12, 2022, at 7:00 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](mailto: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, Wellfleet Memorial Garden ~ Luise Geuekci ~ May 7, 2022, 2pm – 3pm
- B. Use of Town Property, Gull Pond, Wellfleet ~ Friends of Herring River ~ May 21, 2022; 11am-1pm (rain date May 22)
- C. Use of Town Property, Mayo Beach ~ Walter Baron/dba Old Wharf Dory Co. ~ September 17, 2022; 1pm-5pm
- D. Cahoon Hollow Parking Lot Contract Extension ~ Rebecca Roughley ~ Assistant Town Administrator
- E. Appointment of Ethan Estey ~ Wellfleet Shellfish Advisory Board
- F. Licenses
  - Annual General License ~ Heart Core Health & Wellness
  - Seasonal General License ~ Golden Cod Gallery ~ Jack Coughlin
  - Seasonal General License ~ The Garage Gallery ~ Janis Ekman
  - Seasonal Food Service License ~ 349 Café ~ Tonya Felix
  - Seasonal Bed & Breakfast ~ Joan Lucarelli
  - Seasonal Charter Boat ~ Captain Curley's Sailing Charters

**III. *Open Meeting Law Complaint filed April 4, 2022 ~ Judith Ahern***

**IV. *Public Safety Update***

- A. EMS Study ~ Fire Chief Pauley

**V. *Public Hearings***

- A. To Close the Hearing on Grant License #792, ARC ~ A New Hearing Will be Advertised for May 24th, 2022
- B. Application dated 3/3/2022 for the transfer of shellfish grant license #2000-4 consisting of 2.16 acres on Egg Island from Ian Ruml and Jeremy Storer to Ian Ruml, Jeremy Storer and Alfred Pickard, Jr
- C. Application dated 3/25/2022 for the transfer of shellfish grant license # 2002-01 and 2002-1 Ext. consisting of 2.06 acres on Egg Island from Brad Kaplan to Brad Kaplan and Anthony Hill

**VI. *Licenses***

**A. *Seasonal - Contract***

- Food truck, Newcomb Hollow ~ Leaside Café, LLC

**VII. *NPS Updates***

- A. Sustained access for town residents on Bound Brook Island Road
- B. Access to Mill Creek water control structure maintenance road from Chequessett Neck Road

**VIII. *Community Relations***

- A. SPAT Introduction of New Staff

**IX. *Use of Town Property***

- A. Mayo Beach Parking Lot (Sandy Strip) ~ Deirdre Oringer; Thursdays from June 30, 2022 – September 1, 2022, 7am – 4pm.  
B. Various Locations near Mayo Beach ~ SPAT ~ Wellfleet Oyster Fest, October 12, 2022, - October 17, 2022.

**X. *Business***

- A. Request for temporary tent structure at Mac's Shack, 91 Commercial Street  
B. Town Meeting Venue ~ Town Moderator Daniel Silverman  
C. Special Election for vacated Selectboard Seat ~ Chair Curley  
D. FY 2023 Budget ~ Interim Town Administrator Charles Sumner  
E. 2022 Annual Town Meeting Warrant ~ Interim Town Administrator Charles Sumner  
F. Wellfleet Code of Conduct ~ Ryan Curley, Chair

**XI. *Selectboard Reports***

**XII. *Town Administrator's Report***

**XIII. *Topics for Future Discussion***

**XIV. *New Business***

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

**XV. *Correspondence and Vacancy Reports***

**XVI. *Minutes***

- March 17, 2022  
March 21, 2022  
March 22, 2022; 1pm  
March 22, 2022; 6pm

**XVII. *Adjournment***



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

I

### ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS

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





APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667

Applicant Wise Gevera, Affiliation or Group \_\_\_\_\_

Telephone Number 774-722-3931 Mailing Address 14 Rock St

Email address lgvera@gmail.com Middleboro MA 0346

Town Property to be used (include specific area) garden area directly adjacent to the Wellfleet Preservation Hall

Date(s) and hours of use: 2:00 pm - 2:45 pm - May 7, 2022

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.

wedding ceremony (85 guests)  
please let me know if we are allowed to set up chairs to use this space for a ceremony

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

None

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: \_\_\_\_\_

Processing Fee: \$50.00 pd re

Fee: \_\_\_\_\_

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b>  Comments/Conditions: N/A  Permits/Inspections needed:	<b>Inspector of Buildings:</b>  N/A Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b> OK Chief Horley Comments/Conditions:	<b>Fire Department:</b> okay Rich Pauley Comments/Conditions: 3/23/2022
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<b>DPW:</b> okay Jay Norton Comments/Conditions 3/23/2022	<b>Community Services Director:</b> okay Comments/Conditions: suzanne 3/24/2022
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<b>Harbormaster:</b>  Comments/Conditions  N/A	<b>Shellfish:</b>  Comments/Conditions  N/A
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<b>Recreation:</b>  Comments/Conditions  N/A	
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To whom it may concern,

I apologize for my absence at today's meeting. I work long hours from 7:30 in the morning until 6:30 pm in the evening and cannot take time to be at this zoom meeting, I work as a dental hygienist on the south shore. I grew up on the cape in Orleans and went to Nauset Highschool, my mom was a French teacher there for many years. I used to waitress at the Wicked Oyster in Wellfleet and lived in Fleet for a few summers. I am so excited to be able to get married at the preservation hall. My fiancé and I are getting married at the preservation hall in Wellfleet May 7th, 2022. We were hoping to use the space in the garden area next to the preservation hall for our ceremony. I was hoping to set up chairs for the ceremony. The preservation hall has made it clear that I am to follow any rules set in stone by the town and I am happy to do so. Please consider allowing me to be married in the garden area. Please specify if I am allowed to set up chairs for the ceremony.

All the best - Luise Geueke

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant: Friends of Herring River Group Friends of Herring River

Telephone Number 508-214-0656

Mailing Address PO Box 565, So Wellfleet, MA, 02663

Email address drheault@herringriver.org

Town Property to be used (include specific area) Gull Pond parking lot for cars, vertical posts in corral for story walk "Allie the Alewife," beach area for gathering, restrooms for visitors.

Date(s) and hours of use: Saturday May 21, 11am -1:00pm Rain Date: Sunday, May 22, 11:00am to 1:00pm

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.

Friends of Herring River offers outreach and education during "May is Celebrate River Month" and is participating in World Fish Migration Day. Several speakers will educate the community about benefits of restoration and fish migration. The herring run will be ongoing and Gull Pond is the end of the migratory path. A "fish" craft will be offered to children in addition to the storywalk. Refreshments will include boxed coffee, muffins and water. This event may attract 50 people. FHR staff and volunteers will facilitate the event. There will be no fees.

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

FHR requests the restrooms be available for use, FHR will remove any trash, the use of 3 picnic tables would be appreciated.

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):

pd. \$50.00 Application fee 3-25-22 check # 1365

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Processing Fee: \_\_\_\_\_ \$50.00 pd 3-25-22

RE

Fee: \_\_\_\_\_

(over)

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b> Comments/Conditions: <i>OK - per Shelley Greenberg</i> Permits/Inspections needed: <i>3/29/22</i>	<b>Inspector of Buildings:</b> Comments/Conditions: <i>N/A</i> Permits/Inspections needed:
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<b>Police Department:</b> Comments/Conditions: <i>ok - per chief Pauley 3-28-22</i>	<b>Fire Department:</b> Comments/Conditions: <i>ok - per Chief Pauley 3-25-22</i>
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<b>DPW:</b> Comments/Conditions	<b>Community Services Director:</b> Comments/Conditions: <i>ok - Suzanne 3-28-22</i>
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<b>Harbormaster:</b> Comments/Conditions: <i>N/A</i>	<b>Shellfish:</b> Comments/Conditions: <i>N/A</i>
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<b>Recreation:</b> Comments/Conditions: <i>N/A</i>	<b>Town Administrator:</b> Comments/Conditions: <i>N/A</i>
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APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELFLEET  
300 MAIN STREET  
WELFLEET, MA 02667

Applicant Walter Baron/dba Old Wharf Dory Co Affiliation or Group Old Wharf Dory Co. /TSCA

Telephone Number 508-349-2383 Mailing Address 170 Old Chequessett Neck Rd, Wellfleet, MA 02667

Email address walter@oldwharf.com

Town Property to be used (include specific area) Mayo Beach

Date(s) and hours of use: 9/17/22 - approximately 1 to 5 PM.

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.

This use would be for the 9th Annual Wellfleet Rowing Rendezvous, a free event for the enjoyment of rowing on Wellfleet Harbor and trying out different rowing craft. As stated above, this is a free event.

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

Use of launch ramp at the marina, possible assistance of Marina personnel

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): \_\_\_\_\_

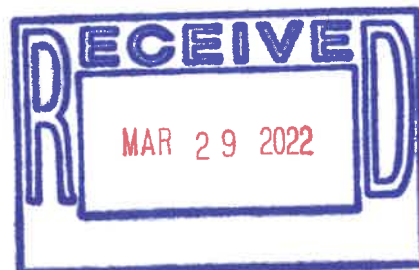
\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

Date: \_\_\_\_\_

Processing Fee: \$50.00 pd 3/29/22 RE

Fee: \_\_\_\_\_

(over)





**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b> N/A Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b> N/A Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b> OK - Chief Sherley Comments/Conditions: 3-29-22	<b>Fire Department:</b> OK Chief Paulley Comments/Conditions:
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<b>DPW:</b> N/A Comments/Conditions	<b>Community Services Director:</b>  Comments/Conditions:
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<b>Harbormaster:</b> OK - Will Sullivan Comments/Conditions 3-29-22	<b>Shellfish:</b> N/A Comments/Conditions
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<b>Recreation:</b> OK - Becky Rosenberg Comments/Conditions 	<b>Town Administrator:</b>  Comments/Conditions
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# TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300

[www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

To: Wellfleet Select Board

From: Rebecca Roughley, ATA

Date: April 7, 2022

Re: Cahoon Hollow Parking Lot Contract

Dear Honorable Select Board Members:

The Cahoon Hollow Lease expired on November 1, 2021. Under the terms of the contract, the Town of Wellfleet has the option, at its discretion to renew the contract for up to two additional years, without going back out to bid. After speaking with Charles Sumner, we both agreed it is in the Town's best interest to exercise said extension for an additional year, (May 1, 2022 – November 1, 2022).

Thank you,

Rebecca Roughley

4/12/22



TOWN OF WELLFLEET  
APPLICATION FOR TOWN BOARDS & COMMITTEES



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

FILL OUT THE FORM BELOW and mail it to:  
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Ethan Estey Date 3/24/22

Mailing Address PO 14  
S. Wellfleet 02663

Phone (Home) 774 219 2212 (cell) 774 219 2212

E-mail Ethanestey@comcast.net

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

I work as the Town of Wellfleet Herring Warden,  
a local shellfish farmer, and I have  
volunteered for the NPS studying Kettle Ponds

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

Bachelors Environmental Conservation  
Masters Marine Biology  
PhD Fisheries and Aquaculture  
Lifelong fisherman in Wellfleet Harbor

Committees/Boards of Interest: 1) Shellfish Advisory Board

2) \_\_\_\_\_

3) \_\_\_\_\_

## Town of Wellfleet Boards and Committees

Bike & Walkway Committee	3 year term
Board of Assessors	3 year term
Board of Health	3 year term
Board of Water Commissioners	3 year term
<b>Building and Needs Assessment</b>	3 year term
<b>* Bylaw Committee</b>	3 year term
<b>Cable Advisory Committee</b>	1 year term
Cape Cod Commission	3 year term
*Cape Cod Regional Technical High School	(ATM)
*Charter Review Committee	(ATM)
<b>Commission on Disabilities</b>	3 year term
Community Preservation Committee	3 year term
Comprehensive Wastewater Management	3 year term
<b>Conservation Commission</b>	3 year term
<b>Council on Aging</b>	3 year term
<b>Cultural Council</b>	3 year term
Energy Committee	3 year term
<b>* Finance Committee</b>	3 year term (ATM)
Health Care Campus Committee	Indefinite
Historical Commission	3 year term
Housing Authority	5 year term (ATM)
Local Housing Partnership	1 year term
<b>Marina Advisory Committee</b>	2 year term
<b>Natural Resources Advisory Committee</b>	3 year term
<b>Open Space Committee</b>	1 year term
<b>Personnel Board</b>	3 year term
<b>Planning Board</b>	5 year term
Recreation Committee	3 year term
<b>Recycling Committee</b>	3 year term
<b>Shellfish Advisory Board</b>	3 year term
* Social and Human Services Committee	3 year term
<b>Zoning Board of Appeals</b>	3 year term

### VACANCIES IN BOLD

*\* Appointed by Moderator*

09/16/19



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022



## OPEN MEETING LAW COMPLAINT FILED

<b>REQUESTED BY:</b>	<b>Ryan Curley ~ Chair</b>
<b>DESIRED ACTION:</b>	<b>To address the Open Meeting Law Complaint Filed on April 4, 2022, by Judith Ahern</b>
<b>PROPOSED MOTION:</b>	<b>If a motion is needed one will be made at the time of the meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

## Your Contact Information:

First Name: Judith Last Name: Ahern

Address: PO Box 394

City: South Wellfleet State: MA Zip Code: 02663

Phone Number: 917-488-1513 Ext. \_\_\_\_\_

Email: jude@judeahern.com

Organization or Media Affiliation (if any): \_\_\_\_\_

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

(For statistical purposes only)

Individual  Organization  Media

## Public Body that is the subject of this complaint:

City/Town  County  Regional/District  State

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

Specific person(s), if any, you allege committed the violation: Helen Miranda Wilson, Ryan Curley and Charlie Sumner

Date of alleged violation: 3/8/22

## Description of alleged violation:

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

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

Two of our five Selectboard members, Helen Wilson and Ryan Curley, and our Acting Town Administrator, Charles Sumner, violated Open Meeting Law by discussing Wilson's unexpected declaration that she was resigning (not yet one year into her term) at a Selectboard meeting on March 8, 2022, for which the upcoming election was not on the agenda. Wilson went on to explain that prior to the meeting, she privately asked the other two Selectboard members whose seats were up for re-election if they were planning to run. Reinhart and DeVasto simply stated that they were running again and did not say anything more. Curley and Sumner and Wilson continued the discussion which last just over 4 minutes. With the deadline to request nomination papers then just three days away, Wilson's statement had far reaching consequences. For those who happen to have been watching the meeting on zoom and been there for opening remarks, there was further confusion the very next day when Reinhart changed her mind and decided not to run which in turn caused Wilson to change her mind and stay. Wilson then privately emailed her followers to explain that now she wasn't resigning but instead started her search for a successor she liked. I asked the Town Clerk on March 10th if Wilson had officially resigned in writing to her as required by our Charter and she said no, Wilson had just be calling her all week and that it must be a difficult decision for her. It was not until I asked two more times that I could see Wilson's official letter of resignation dated March 29, 2022, twenty-one days after she made the surprised announcement that she was resigning and before any minutes of that March 8 meeting were approved. All of this occurred well after the deadline to take out nomination papers passed on March 11. Our Town Charter calls for a special election if a Selectboard member resigns.

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

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

That Helen Wilson publicly apologize for thinking she runs this Town for DECADES by sending backroom emails to her followers or to discourage volunteers she doesn't like and to promise that she will never run for public office in Wellfleet or representing Wellfleet ever again. For the Selectboard to announce a special election ONLY AFTER our May 2, 2022, election so that it will not affect nor influence voters choices in that NONPARTISAN election.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

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

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

### II. Consulting With a Private Attorney.

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

### III. Submit Your Complaint to the Public Body.

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

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

Signed: \_\_\_\_\_

Date: 4/4/22

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:

***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.

<https://youtu.be/FwOyKfkriHw>





Ryan Curley &lt;ryan.d.curley@gmail.com&gt;

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**Not Running for Selectboard**

2 messages

**Janet Reinhart** <lifeexercises@comcast.net>

Wed, Mar 9, 2022 at 10:22 AM

To: Board of Selectmen <bos@wellfleet-ma.gov>, "Charles.Sumner@wellfleet-ma.gov" <Charles.Sumner@wellfleet-ma.gov>, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>

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 board if she needs to stop.  
I then realized that would be another 3year commitment. I just don't want that.  
So, I will not be handing in my papers to run again.  
Tell you friends.

Janet Reinhart

---

**Helen Miranda Wilson** <helmirwil@c4.net>

Wed, Mar 9, 2022 at 12:40 PM

To: Reinhart Janet <lifeexercises@comcast.net>  
Cc: Selectboard Wellfleet <bos@wellfleet-ma.gov>, Sumner Charles <Charles.Sumner@wellfleet-ma.gov>, Eldridge Rebekah <Rebekah.Eldridge@wellfleet-ma.gov>

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 careful consideration.

I can handle it. I will figure my situation out, no worries.

In the meantime, Section 6. Project Governance a. (ii) of MOU IV allows for you to stay on the HREC if you wish. Section 6. a. (iii) has the information about terms.

Sending love. Helen

[MOU IV](#)

[Quoted text hidden]



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

IV

### PUBLIC SAFETY UPDATE

<b>REQUESTED BY:</b>	<b>Rich Pauley ~ Fire Department Chief</b>
<b>DESIRED ACTION:</b>	<b>To give an update to the board and public regarding an EMS study</b>
<b>PROPOSED MOTION:</b>	<b>There is no motion needed for this agenda item</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Wellfleet Fire Department



10 Lawrence Road, Wellfleet, MA 02667

Richard J. Pauley, Jr.  
Fire Chief

Phone: (508) 349-3754  
Fax: (508) 349-0318

**TO:** Selectboard  
**THRU:** Charlie Sumner, Interim Town Administrator  
**RE:** *Regional Study of EMS Provision for the Lower Cape*  
**DATE:** April 4, 2022

You may recall that in February, 2021, this Department participated in a study with the Truro and Provincetown Fire Departments to explore regionalization opportunities and possible solutions to the challenges of providing emergency medical services (EMS) to the outer Cape. The total cost of this study was funded by a grant through the Cape Cod Commission and the study was completed by Capital Study Solutions.

Attached please find a copy of the original grant application letter and the actual findings of this study. A summary of the findings of the study are as follows:

- Both the Truro and Provincetown Fire Departments were unable to provide key important data in terms of average response times and in some cases operational and staffing information.
- The decades long use of Lower Cape Ambulance Association (LCAA) by both Truro and Provincetown has resulted in a number of challenges or issues with respect to performance measures, EMS coverage/staffing and the regular use of Truro and Provincetown resources (ambulances) by LCAA with no financial remuneration coming back to either community.
- Wellfleet's manner (or model) of providing EMS to our community has been and continues to be very successful and this is the model that both Truro and Provincetown should be moving towards. I would also add that significant credit for our success is a direct result of our fire department staff, the support of past and current Selectboard members and of course, the residents of our community who have consistently approved our staffing requests at Annual Town Meeting votes and in other ways.

I welcome any questions or feedback from the Selectboard as a result of this study and will be available at your April 12<sup>th</sup> meeting.

Respectfully submitted,

Richard J. Pauley, Jr.  
Fire Chief

February 18, 2021

Kristy Senatori, Executive Director  
Cape Cod Commission  
3225 Main Street  
Barnstable, MA 02630

Re: 2021 DLTA Technical Assistance: Local Comprehensive Plan Technical Assistance

Dear Ms. Senatori,

The communities of Provincetown, Truro and Wellfleet respectfully request \$40,000 of District Local Technical Assistance funds to explore regionalization opportunities and best practices as we collaboratively determine long-term solutions for Outer Cape fire and emergency medical services that meet the present and future needs of the communities.

Presently, the Truro and Provincetown Fire and Rescue departments receive supplemental medical service support Lower Cape Ambulance Service—a private EMS provider. Lower Cape Ambulance supported Provincetown, Truro and Wellfleet from its inception in 1937 until more recently when Wellfleet transitioned to a full-time department. Truro made a similar transition in 2017, but depends heavily on the transport services provided by Lower Cape Ambulance to augment their services. Provincetown is presently considering moving to a full-time department as it becomes increasingly more difficult to secure volunteer emergency service personnel and as call volume continues to increase.

The transition from volunteer to full-time departments is prompted by the changing demographics of the communities—all three communities face a swelling population of older adults requiring more medical attention and a declining population of working age year-round residents who may serve as volunteer emergency medical personnel. The declining population of working-age, year-round residents is exacerbated by the lack of affordable and moderately priced housing options in the area. It has become impossible to maintain a call department model and to recruit volunteer firefighters that would serve the needs of the community. These transitions to full-time departments directly impact the viability of the local regional ambulance service that currently provides supplemental support to Truro. As this supplemental support disappears, Truro and Provincetown will be required to increase staffing to meet community needs and to comply with National Fire Protection Association standards.

These challenges are worsened by the distance of our communities from Cape Cod Hospital. Appropriate staffing levels are necessary to address in-town coverage when an ambulance transports a patient to Cape Cod Hospital and currently, the approximately 50-mile trip to the nearest hospital requires multiple hour turnaround times.

All three towns provide mutual aid to each other, and as such, we recognize that changes to one community's service model impacts the other two communities. It is critical to approach the planning of our respective departments in a collaborative way to ensure the safety of our residents, visitors and first responders; to address regional hiring shortages and issues of turnover; and to meet these needs in the most cost-effective manner.

In order to complete this analysis, we are requesting that \$40,000 of DLTA funds be granted to be shared by the Town of Truro, the Town of Provincetown and the Town of Wellfleet. These funds will be used to hire a consultant to support a committee in the exploration of approaches, including regional approaches, to mitigate the present and future issues faced by our communities in emergency service provision. The consultant and committee will engage the community, perform needs assessments, identify resources and limitations and make recommendations to the respective community decision-makers and stakeholders. The DLTA funds will be used directly for public safety planning and emergency response and meet the Project Selection Criteria of: support for opportunities for collaborations and/or resource sharing and support for towns to achieve Community Compact best practices in regionalization/ shared services.

On behalf of the communities of Provincetown, Truro and Wellfleet, we thank you for your consideration of our request. If you have any questions about the project or about the community, please do not hesitate to contact us.

Sincerely,

Charles Sumner  
Interim Town Manager  
Town of Provincetown

Darrin K. Tangeman  
Town Manager  
Town of Truro

Maria Broadbent  
Town Administrator  
Town of Wellfleet

# Regional Study of EMS Provision

## Lower Cape Cod Region

Final Report

03/1/2022

*Presented by*



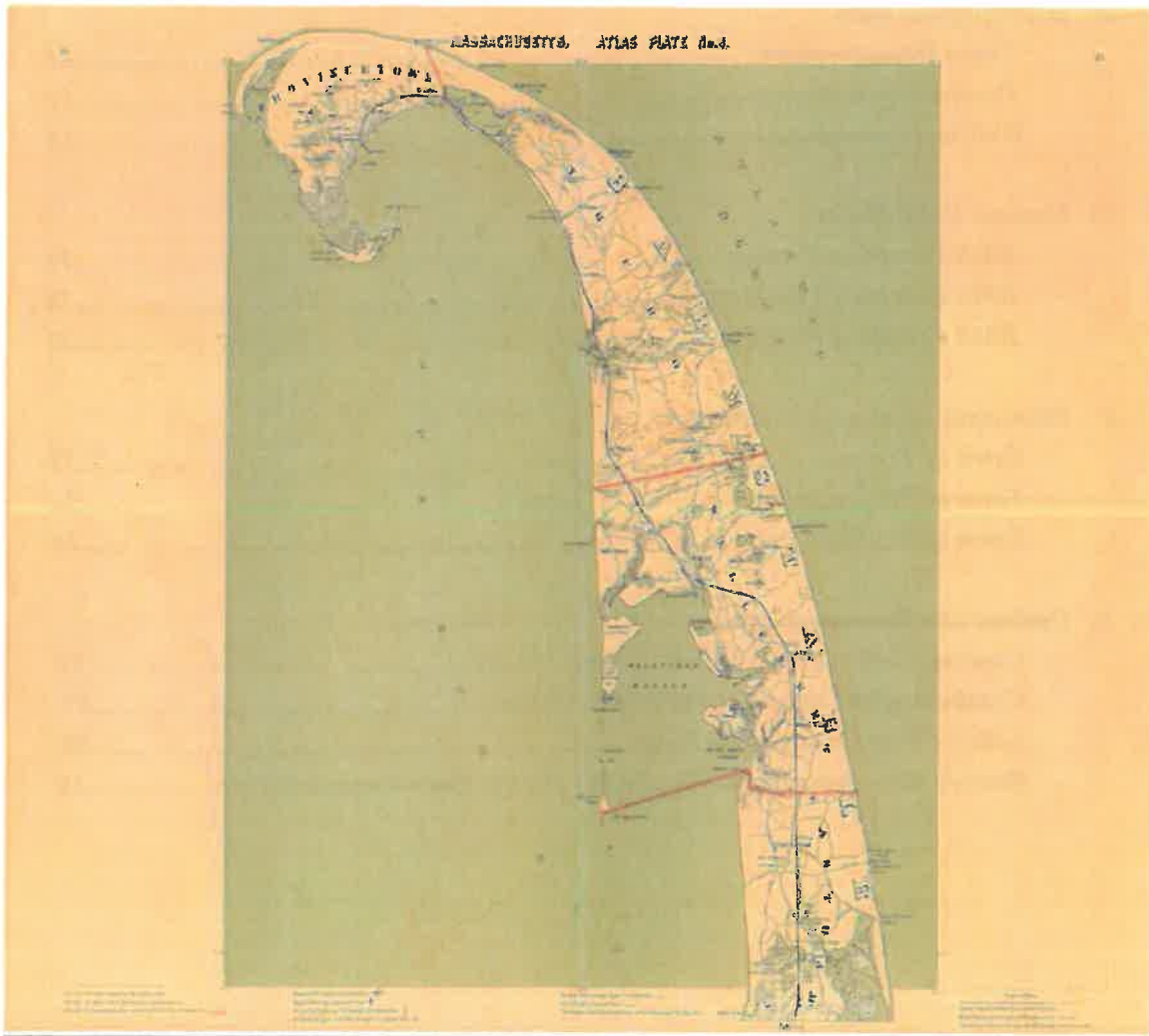
CAPITAL  
STRATEGIC  
SOLUTIONS



## Table of Contents

<b>A. Executive Summary</b>	
<i>Purpose</i> .....	4
<i>Methodology</i> .....	4
<i>Findings</i> .....	8
<i>Options</i> .....	10
<b>B. Demographic Data</b>	
<i>Truro Demographics</i> .....	11
<i>Provincetown Demographics</i> .....	12
<i>Wellfleet Demographics</i> .....	13
<b>C. Current EMS Model</b>	
<i>EMS Provision Truro</i> .....	14
<i>EMS Provision Provincetown</i> .....	18
<i>EMS Provision Wellfleet</i> .....	21
<b>D. Municipal Apparatus and Staffing</b>	
<i>Town of Truro</i> .....	23
<i>Town of Provincetown</i> .....	24
<i>Town of Wellfleet</i> .....	26
<b>E. Options and Recommendations</b>	
<i>Continue with Current Model without change</i> .....	27
<i>Continue with Current Model with revisions</i> .....	27
<i>Solicit Other Private EMS Entities</i> .....	28
<i>Provide Fire Department Based EMS Within Each Community</i> .....	28

**Lower Cape Cod EMS Service Provision Study**  
**Study Area**





## **A. EXECUTIVE SUMMARY**

### **I. PURPOSE**

The Town of Truro has solicited Capital Strategic Solutions (CSS) to review the provision of Emergency Medical Services (EMS) to the Lower Cape Region, specifically, the towns of Truro, Wellfleet, and Provincetown. EMS in this region is currently provided by the Lower Cape Ambulance Association (LCAA), a 501(c)3 non-profit organization. EMS is provided to both Truro and Provincetown through a contract with LCAA whereby the communities pay for the current provision of service. The Town of Wellfleet provides EMS service through its municipal fire department.

This study was precipitated by the Town of Provincetown's decision to explore providing its own EMS service through the Provincetown Fire Department, raising concerns within the Town of Truro of a potentially significant increase in its contractual obligation to LCAA. All pertinent data will be reviewed, and Capital Strategic Solutions will make recommendations for improvement of services as well as present options to the communities involved to provide EMS services moving forward. Our goal will be to make recommendations based on providing the most efficient and effective EMS services to the residents and visitors to the Lower Cape Region.

### **II. METHODOLOGY**

This study will evaluate the current provision of service and its effectiveness today as well as the sustainability moving forward. We will review demographic data for each community involved, trends in population growth, as well seasonal increases. EMS run data will be reviewed thoroughly including run volume, response times, turn-around times, billing and collection data, payer-mix breakdowns, and advanced life support versus basic life support. This will provide us with the data necessary to evaluate the current provision of EMS service and allow us to make

recommendations for both short-term and long-term solutions for EMS provision to the region.

We will also evaluate the apparatus and associated equipment currently owned by each community, current staffing models, and review any potential changes to staffing models which are currently under consideration. This will help to evaluate any potential recommendations presented by CSS.

This evaluation has been conducted over five phases:

- Phase 1 has consisted of reviewing all past studies and gathering demographic data from each community including seasonal changes.
- Phase 2 has consisted of interviews with stakeholders to determine EMS apparatus inventory and current staffing levels. Also identifying key individuals to serve on the Fire and Emergency Services Project Team.
- Phase 3 involves the gathering of EMS run data from each community including volume of runs, level of service provided, response times, billables and receivables. All data has been obtained although Provincetown information has only been provided by Lower Cape Ambulance. Response times are only included for Wellfleet as CSS was unable to obtain this data for Truro and Provincetown.
- Phase 4 has been completed and consisted of the analysis of collected data to evaluate current EMS service provision in the region. This data also provides a foundation for projection of EMS needs for the future.
- Phase 5 has consisted of an evaluation of potential options and recommendations for improved EMS provision in the region.

**Phase 1:** CSS has reviewed past studies of both Fire and EMS provision for the study area and now has a clear understanding of where the communities involved currently stand with the provision of Fire and Emergency Services to the region. We have gathered all demographic data and through our evaluation have identified key challenges as it relates to EMS provision. The first challenge lies in the tremendous

population growth during the peak summer months, as much as ten times the population during off-peak seasons. The population density in these areas rivals many large urban areas during the peak summer months.

Another significant challenge to the provision of EMS in this region is the long transport and turn-around times of EMS units with the nearest hospital 40 miles from Truro and 47 miles from Provincetown by car. This can lead to EMS units being out of service for 4 hours during peak season. With limited resources, particularly in peak season when demand is high, this can cause significant delays in response. This issue can have a negative result on patient outcomes in life threatening situations.

Finally, the heavy dependence on a per-diem workforce and a finite number of ambulances could be catastrophic in the event of a mass casualty incident within the study area.

**Phase 2:** CSS conducted virtual interviews with representatives from the Towns of Truro, Provincetown, and Wellfleet to gather data as it relates to EMS provision to the lower cape region. Interviews with Provincetown officials was extremely limited. During these interviews we have identified individuals who could contribute significantly to the Fire and Emergency Services Project Team. The list of individuals Capital Strategic Solutions believe would best serve the goals of this team are listed below.

**Mr. Darrin K. Tangeman - Town Manager - Town of Truro**

**Chief Timothy Collins - Fire Chief - Town of Truro**

**Lt. Sean Ferguson – President - Truro Firefighters Local 5281**

**Chief Richard Pauley Jr. - Fire Chief - Town of Wellfleet**

**Call FF Theresa Townsend - Administrative Assistant - Wellfleet Fire Department**

**Lt. Curtis Gelatt - President - Wellfleet Firefighters Local 4342**

**Mr. Alex B. Morse - Town Manager - Town of Provincetown**

**Chief Michael Trovato - Fire Chief - Town of Provincetown**

**Mr. Steven Roderick - Chief Financial Officer - Lower Cape Ambulance**

**Ms. Julie Cataldo-Roda – EMS Supervisor – Lower Cape Ambulance**

These men and women represent the key players involved in providing EMS to the Lower Cape Cod Region. There are representatives from both labor and management included in our recommendations as we believe a collaborative effort between labor and management is key to the success of any changes to the provision of EMS to the region. It is also important to include members of the Lower Cape Ambulance Association as they can provide vital insight to the provision of EMS based on their valuable experiences acquired over many years.

Our interviews also identified apparatus and licenses currently in place in the study area which allow these communities to currently provide EMS service at the Advanced Life Support level if LCAA is unable to fulfill its obligation.

**Phase 3:** Capital Strategic Solutions encountered difficulty obtaining accurate EMS run data for the region for several reasons. First, the holiday season is a difficult time of year to be tasked with meeting and requesting data as many stakeholders were away or off for significant periods of time at the outset of this analysis. Secondly, in the case of Wellfleet, Chief Pauley has been plagued with health issues and making contact was difficult. We were able to contact Theresa Townsend, Chief Pauley's Administrative Assistant, who has been extremely helpful in providing us with Wellfleet data. In the case of Provincetown, data has been difficult to obtain after repeated attempts through virtual meetings and electronic communication. Provincetown data was eventually provided by Lower Cape Ambulance on February 18, 2022.

**Phase 4:** At the time this document was published Capital Strategic Solutions has gathered and analyzed all available data from the towns of Truro, Provincetown and Wellfleet.

The following data has been analyzed and that analysis will be detailed in this report:

- Total EMS runs by quarter ALS
- Total EMS runs by quarter BLS
- Payer-mix profiles
- Gross Billables

- Gross Receivables
- Average response times (Wellfleet)
- Average transport times (Wellfleet)
- Projections for future growth of EMS

**Phase 5:** The following options will be reviewed, and recommendations made based on the analysis of which models will best fit the needs of the region.

1. Continue current service provision model without change (Not recommended)
2. Continue short-term service with LCAA with modifications (Recommended)
3. Solicit other private EMS entities to provide service (Not recommended)
4. Establish municipal based EMS services for long-term (Recommended)

### **III. FINDINGS**

There are multiple significant challenges to providing EMS to the study area. The first of these challenges is the tremendous population growth the study area sees during peak season, typically late May through late September. The area relies heavily on tourism and the population increases tenfold during this time significantly stressing the current EMS system.

The second challenge faced by the region is the significant distance to the closest hospital, Cape Cod Hospital in Hyannis, which is 40 miles from Truro and nearly 50 miles from Provincetown. This causes major delays to EMS transport times and the availability of ambulances. It is not uncommon for units to be out of service for 4 hours during peak season.

The final challenge to providing service to the region relates to the rural area and the staffing challenges faced. It is difficult for EMS providers to afford the cost of living in the region based on the high property values of homes in the study area. This leads to many employees being forced to live a significant distance from the area for affordability. In turn, this effects both the availability for these members to respond on callbacks when extra staffing is needed and significantly reduces the available labor pool for both EMS providers and firefighters.

The provision of EMS to the Lower Cape Region is unique in that EMS is provided by a non-profit organization and has been for more than eighty years. Initially LCAA provided EMS service to all three communities in the Lower Cape Region. Lower Cape Ambulance currently provides EMS to the communities of Truro and Provincetown. The Town of Wellfleet has provided EMS to the community through the municipal fire department for the last several decades using LCAA for mutual aid purposes only.

Lower Cape Ambulance provides the Town of Truro with one Class III ambulance staffed and supplied to the ALS level and the Town of Provincetown with two staffed Class III ALS ambulances which are both housed within fire department headquarters in their respective communities. During peak season, typically late May to Late September, Truro sees an influx of more than 20,000 seasonal residents and visitors. When additional ambulances are needed for multiple calls, LCAA staff will operate ambulances owned by the Truro and Provincetown Fire Departments. Interestingly, the revenue generated for transports using municipal resources goes directly to LCAA and not the communities.

During peak season, the Provincetown Rescue Squad operates 2 ALS ambulances to account for the increase in EMS calls due to the significant rise in population. The Provincetown Rescue Squad operates from early May through the end of December. The Town of Provincetown sees a tenfold increase in population, particularly during the peak summer season, when the population can reach more than 30,000. This increase would overload the EMS system were it not for the additional resources made available through this organization.

The system has served the communities well for the last 80 years but is becoming stressed as the communities grow. LCAA operates with a finite number of ambulances and personnel and at times has difficulty fulfilling the contractual obligations of the communities served. Whether it be a shortage of ambulances, ambulances out of service, or personnel shortages, LCAA at times relies heavily on both Provincetown and Truro for equipment and additional personnel.

Many of LCAA's EMT's are full-time municipal employees with other fire departments who may not always be available for per-diem shifts. This can particularly become a problem during natural disasters or large-scale incidents on Cape Cod.

#### IV. OPTIONS

The Town of Wellfleet currently provides EMS to its residents and visitors through its municipal fire department. This system serves Wellfleet very well and gives the fire department both financial and structural control of the EMS system and allows them to make changes to the system as needed to better serve the community.

Capital Strategic Solutions evaluated the feasibility and potential impacts of four courses of action as it relates to the provision of EMS in the study area. In the Towns of Truro and Provincetown the communities can: (1) continue to provide service through LCAA by renewing the existing contract; (2) continue to provide service through LCAA with revisions to the current contract; including performance metrics; (3) solicit bids from other private EMS providers; or (4) Establish fire-based EMS systems through their municipal fire departments.

<u>Option</u>	<u>Description</u>	<u>Endorsement</u>
1	Continue providing service through LCAA with no changes	Not Recommended
2	Continue providing service through LCAA with revisions	Recommended Short-term
3	Solicit bids from other private EMS entities	Not Recommended
4	Establish municipal fire-based EMS services	Recommended Long-term

The communities of Truro and Provincetown currently have significant expenses with regards to EMS provision to their communities. The funds they expend on LCAA contracts, coupled with current ambulance billing receipts, would cover nearly all the expense needed to establish fire-based EMS within their respective communities. Both communities are in an extraordinary position to do so as they



both have multiple municipally owned ambulances licensed to the ALS level of service. Therefore, neither community would need the exorbitant start-up costs associated with establishing a municipal based service.

## **B. DEMOGRAPHIC DATA**

### **I. TRURO DEMOGRAPHICS**

The Town of Truro is situated on Lower Cape Cod and much of the year would be considered a rural community with a population of 2,454 residents. However, during the summer months the population reaches 25,000 which could classify Truro as a small city. This is one of the key hurdles faced by EMS provision to the residents of Truro. Additionally, Truro's population has seen an increase of more than 20% over the last 10 years and current trends would indicate that this growth will not slow in the coming decade.

Truro comprises an area of 20.9 square land miles with a population density of 117.4/sq. mi. However, during July and August the population density explodes to 1,196/sq. mi. The Town of Truro is home to 3001 housing units. Truro is located 48 miles from the nearest hospital by car, Cape Cod Hospital in Hyannis. This poses a significant challenge to transport and turn-around times, particularly during the summer months when traffic is heavy.

The median household income within the Town of Truro is \$68,367, nearly 20% below the statewide average of \$81,215. The median age of Truro residents is 61 years with more than 38% of the community's population over the age of 65, significantly higher than the statewide average of 13.5%. This is significant to this study because older adults tend to impact an EMS system more than younger adults and children. This could also have a significant effect on the payer-mix of private health insurance versus Medicare/Medicaid as it relates to ambulance billing and revenue generated. However, just .7% of Truro residents were without health insurance well below the statewide average of 3%.



## II. PROVINCETOWN DEMOGRAPHICS

The Town of Provincetown is located on the tip of Cape Cod in the Lower Cape Region. Provincetown, much like Truro, is a rural community for much of the year with 3,318 residents. During peak summer season of July and August, Provincetown's population rises to more than 30,000 people due to the significant tourism trade of the area. This puts significant stress on the EMS system and if not for the seasonal Provincetown Rescue Squad would surely overwhelm the system. Provincetown's population has grown significantly over the last decade and has increased more than 25% since the 2010 U.S. Census. We can only expect this trend to continue in the coming years.

Provincetown comprises an area of only 1.8 habitable square land miles which contributes significantly to its population density of 1,878/sq. mi. However, during peak season Provincetown's population density can be higher than many urban areas, including the City of Boston itself at 16,666/sq. mi. Provincetown is home to 4,722 housing units of which many have seasonal visitors.

Provincetown also has the distinction of having the longest transport trip to the hospital in Massachusetts as Cape Cod Hospital, the closest facility, is more than 47 miles away by car. Compound this with seasonal traffic on U.S. 6 and this can be a significant challenge to getting EMS units back in service.

The median household income in the Town of Provincetown is \$58,313, nearly 30% below the median household income in Massachusetts (\$81,215). The median age of Provincetown residents is 57 years with more than 28%, more than double the statewide average, over the age of 65. This can put undue stress on the EMS system with an aging population. In Provincetown more than 4.5% of the residents are uninsured which can influence generated revenue from ambulance billing.

### III. WELLFLEET DEMOGRAPHICS

The Town of Wellfleet is in the Lower Cape Cod Region and is the westernmost town in this regional study. Much like the other two communities, Wellfleet has a relatively low population of 3,566 which identifies it as the larger of the three communities. However, Wellfleet for much of the year would be considered a rural community.

The Town of Wellfleet comprises 19.8 square land miles and is home to 4,263 housing units. For the much of the year Wellfleet has a manageable population density of 180.1/sq. mi. Once gain however, during the summer months the population increases nearly tenfold to 25,000 seasonal residents and a population density of 1262.6/sq. mi. rivalling many larger communities in Massachusetts. Wellfleet's population has increased nearly 30% since the 2010 U.S. Census and this trend is expected to continue as well.

The Town of Wellfleet is the closest of the three subject communities to Cape Cod Hospital with a transport distance of 33 miles. However, this can still cause significant delays in both transport and turn-around times during the summer months.

The median household income in the Town of Wellfleet is \$74,639 which is less than 10% below the statewide average in Massachusetts. Wellfleet does however have a significant number of uninsured residents at 4.5% of the population. It would appear Wellfleet is the more affluent of the three subject communities as its median household income is 10% above that of Truro and more than 20% above that of Provincetown. The median age of a resident of Wellfleet is 57 years with more than 32% of those residents over the age of 65. This community also has a significant percentage of older residents, well above the 13.5% statewide average. With the 4.5% uninsured and the high number of older adults we are again concerned with how the data will bear out the payer-mix.

This trend would lead one to conclude that each of these communities appear to be popular among retiring adults in Massachusetts. Overall, this can have a significant impact on EMS systems throughout the region.

## **C. CURRENT EMS MODEL**

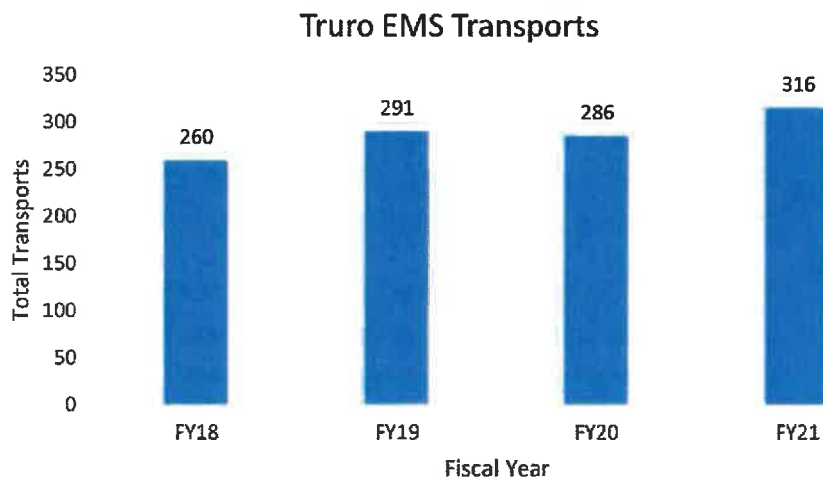
### **I. EMS PROVISION TRURO**

Emergency Medical Services (EMS) within the Town of Truro is currently provided through a public/private partnership with the Lower Cape Ambulance Association (LCAA). LCAA is contracted with the Town of Truro to provide both Basic Life Support (BLS) and Advanced Life Support (ALS) to the residents and visitors of Truro. If needed, patients are transported by ambulance to Cape Cod Hospital. In most cases this is accomplished with an LCAA ambulance and staff but there are unusual circumstances where this may not be the case.

The Town of Truro currently pays LCAA nearly \$430,000 annually to provide EMS to its residents and visitors. In turn, LCAA provides three Class III ambulances staffed to the ALS level within its service area. The first of these ambulances is housed at Truro Fire Department Headquarters and responds to calls for service in the Town of Truro received through Truro's E911 system. The two additional Class III ambulances are housed in Provincetown Fire Headquarters and are the primary ambulances for that community. They will however respond to Truro for a second medical call if available.

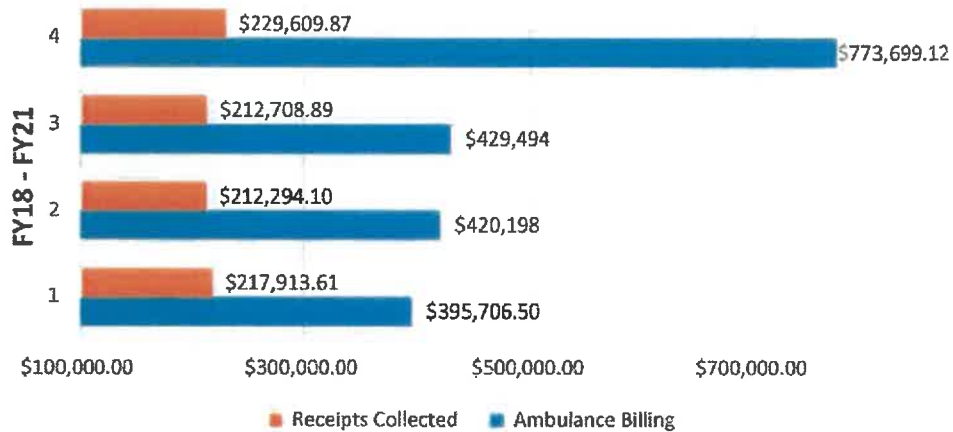
An unusual aspect of this system is that if an LCAA ambulance is unavailable, and a call for service comes in through Truro's E911 system, LCAA employees will operate a Truro Fire Department (TFD) ambulance and transport, if needed, to Cape Cod Hospital with the TFD ambulance. The Town of Truro receives no compensation for the use of its ambulance. In addition, LCAA often uses a TFD ambulance when their units are out of service. Again, in these instances, Truro receives no compensation for the use of its ambulance although supplies are replaced by LCAA staff.

EMS transports within the Town of Truro have steadily increased from FY 18 to FY 21(See Table Below). The number of EMS runs in FY 20 were down slightly, but one must consider the decrease in tourism associated with the COVID 19 pandemic. When tourism returns to its pre-pandemic levels, we must expect the trend of increased transports to continue. Additionally, if population trends continue within Truro as has been demonstrated over the last decade, one can only assume that EMS transports will increase proportionally. With these increases in transports, we would expect that LCAA would look to increase its annual fee for service to the Town of Truro.



Currently all ambulance receipts are retained by LCAA in accordance with the agreement between LCAA and the Town of Truro. These receipts currently total more than \$230,000 annually. The information provided to Capital Strategic Solutions by LCAA indicates only a 50% collection rate. This collection rate could be increased with improved billing practices and collection strategies but is consistent with the payer -mix reported by LCAA. Over the past four years revenues generated through ambulance billing have consistently increased and we would expect that trend to continue (See Below).

## Truro Ambulance Revenue



When we analyze these figures we must consider the payer-mix for ambulance receivables within the Town of Truro. LCAA reports a payer mix of 50% for Medicare, 15% for Medicaid and 35% for private health insurance. While billables may seem significantly higher than receivables, this is not uncommon. Another consideration is Truro's significantly higher than average elderly population with more than 38% of its residents over the age of 65.

The reimbursement rates for Medicare and Medicaid are significantly lower than that of private health insurers. In fact, Medicare and Medicaid reimbursement rates are 50% or less of rates currently billed for service by LCAA. The published ambulance billing rates by LCAA are consistent with many municipalities and private ambulance companies in the Commonwealth.

LCAA charges an average of \$1,522 per call within the Town of Truro while they are reimbursed an average of \$838 per call. This number has also consistently risen during the last four fiscal years, and we would again expect that trend to continue based on the continuing rise in population growth.

Furthermore, there is some concern within the Town of Truro that Provincetown may be moving away from LCAA. Comments made recently by Chief Michael Travato of the Provincetown Fire Department, specifically in the Annual Town

Report, indicate he believes Provincetown should move on from LCAA and run a municipal ambulance service through the Provincetown Fire Department. This could cause serious financial implications for LCAA as well as the Town of Truro.

With Provincetown no longer using LCAA, Lower Cape Ambulance would lose greater than 50% of its revenue which could jeopardize the financial viability of LCAA. This could potentially lead to a significant increase in the fee for service of Truro for LCAA to remain a viable option for EMS in the region. This remains one of the most significant reasons for the development of this study.

However, there can be significant response time delays when ambulances leave the borders of Truro when going and “posting” in Provincetown. This is a practice used in the private EMS industry whereby ambulance stage in communities awaiting calls. Typically, these units are placed in the most advantageous positions to respond to calls efficiently in a predetermined region. But when these ambulances post in Provincetown, they are not in the most advantageous position for Truro residents which can result in a delayed response.

According to the Service Zone Plan filed with the Massachusetts Office of Emergency Medical Services the response times in Truro should have the first ambulance arriving on scene within 9 minutes 90% of the time. The backup ambulance should arrive on scene within 15 minutes 90% of the time. There have been many instances where these goals have not been met but it is not well documented. Truro could not provide detailed information on response times due to the outdated dispatch system currently in place. Documenting these response times in Truro is subjective due to the non-CAD 911 dispatching done within the community. An upgrade to computer aided dispatch would help with the tracking of these numbers.

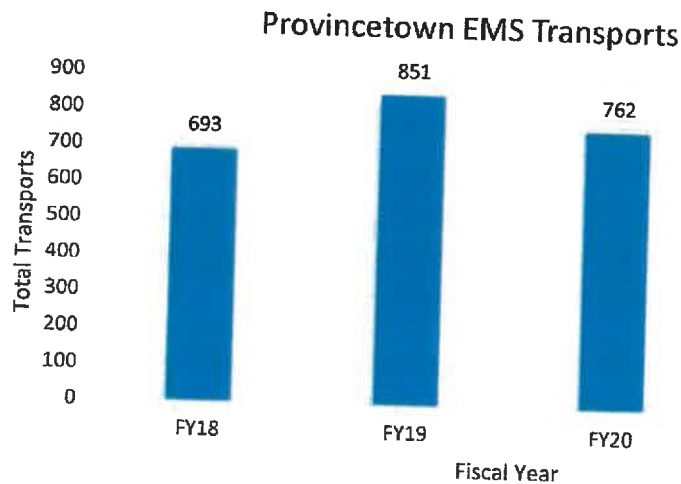
Overall, the EMS system in Truro provides service to its residents and visitors within the current guidelines in place but it would appear significant improvements could be made to improve the overall quality of the service.

**II. EMS PROVISION PROVINCETOWN**

The Town of Provincetown provides EMS to its residents and visitors in much the same fashion as Truro. A public/private partnership is in place between Provincetown and LCAA whereby the town pays a fee for service to LCAA to provide EMS services to its residents and visitors. In turn, LCAA provides three Class III ambulances, staffed, equipped, and licensed to the ALS level of service within its service area. Two of these ambulances are housed at Provincetown Fire Headquarters and the third is housed in Truro.

The EMS system in Provincetown comprises nearly twice as many transports as that in Truro. This justifies the placement of two ambulances in Provincetown while there is only one dedicated to Truro. However, the call volume in Provincetown is more than double that of Truro.

According to the contract between LCAA and the Town of Provincetown the fees are much higher than that of Truro. In the most recent contract, Provincetown is obligated to pay LCAA more than \$973,000 annually to provide EMS to the community. The cost to Provincetown is much higher than that of Truro for two reasons. First, the Provincetown population is higher than that of Truro and secondly, Provincetown has a significantly higher number of calls for service than Truro, as evidenced by the chart below.





While this chart shows a definite downward trend from FY19 to FY20 and 21, we must keep in mind that FY 20 reflects the initial Coronavirus pandemic and FY21 reflects a portion of the summer of 2021 when Provincetown was at the center of the national news with a significant covid outbreak on July 4<sup>th</sup> weekend. Both events significantly impacted tourism in the area for two consecutive summer seasons. One can only expect the increase we see from FY18 to FY19 will be more the norm as we move out of the pandemic and tourism rebounds for the region.

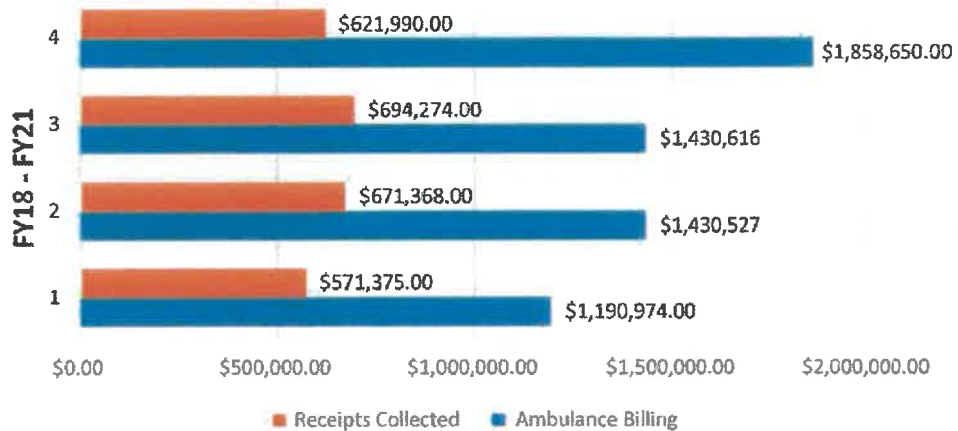
Provincetown is currently engaged with LCAA to negotiate a new contract for EMS services within the community and we can only expect that LCAA will look for increases to its fee for service as labor costs rise and EMS calls continue to increase.

With the significant rise in population during the peak summer season, the needs for EMS also increase. To accommodate the increased call volume Provincetown operates the Provincetown Rescue Squad which provides an additional two ambulances to the community. CSS was unable to obtain any verifiable data on the Provincetown Rescue Squad but according to Mr. Steven Roderick of LCAA, the number of transports is included in the data LCAA provided, as are the ambulance billables/receivables. According to Mr. Roderick, LCAA bills for the service and retains the payments as revenue for LCAA.

It is not uncommon for a private entity to keep the receipts for ambulance billing. This helps to defray the costs of operating ambulances within the region. It also helps in keeping the contractual obligation to a minimum. What is unusual in this case is that LCAA keeps all funds billed for transports with municipal fire apparatus. Both communities should be compensated in some form for the use of their equipment for these transports.

The ambulance billing revenue within Provincetown amounts to a substantial revenue stream. LCAA bills for more than \$1,000,000 annually. However, with the payer-mix in the region, and the significant population over 65, this keeps the actual receivables much lower as evidenced by the following chart.

### Provincetown Ambulance Revenue



The receivables are typically running roughly 50% of the billables over the last several fiscal years. In FY21 however, receivables dropped to merely 33% of billable revenue. This could be due to the restructuring of LCAA ambulance rates in February of 2020. LCAA rates increased more than 80% over previous rates. These rates are consistent with new rates being implemented across the Commonwealth. However, Medicare and Medicaid reimbursement rates have not increased in quite some time and are less than 50% of the published LCAA rates. This would account for significantly higher billables without a significant change in receivables.

LCAA charged an average of \$1,759 per ambulance transport in Provincetown from FY18-FY20. But in FY21 the average ambulance transport charge grew to \$3,534. This is due to the updated fee schedule. During the same period the average revenue collected also grew from \$825/transport to \$1,182/transport.

According to the Service Zone Plan for Provincetown filed with the Massachusetts Office of Emergency Medical Services, the first arriving ambulance should arrive on scene within 9 minutes of a call for service 90% of the time. This Service Zone Plan also states a backup ambulance will arrive on

scene of a call for service when the first ambulance is not available within 15 minutes of a call for service 90% of the time. No data on response times was provided by Provincetown so we cannot be assured this is the case. However, according to a 2019 notice by the Massachusetts Department of Public Health, there have been complaints of ambulance delays in Provincetown.

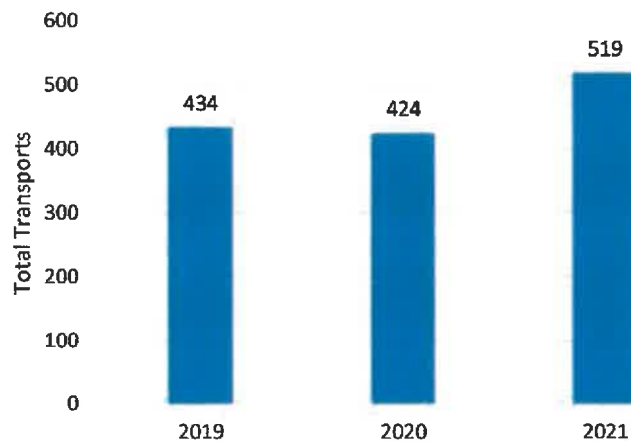
The EMS system within Provincetown has served the town well for more than 70 years. However, there are flaws in the system. The Town of Provincetown has many options to improve the quality of EMS to its residents and visitors. The time has come to explore these options completely and improve the quality of service currently provided.

### **III. EMS PROVISION WELFLEET**

The Town of Wellfleet currently provides EMS to the community through its municipal fire department. The Wellfleet Fire Department has been providing EMS to its residents and visitors for the last several decades with significant success.

The Wellfleet Fire Department reports significantly more EMS calls and EMS transports than the Town of Truro. While the population is 50% more than that of Truro, Wellfleet reports nearly double the EMS transports than that of Truro.

### Wellfleet EMS Transports

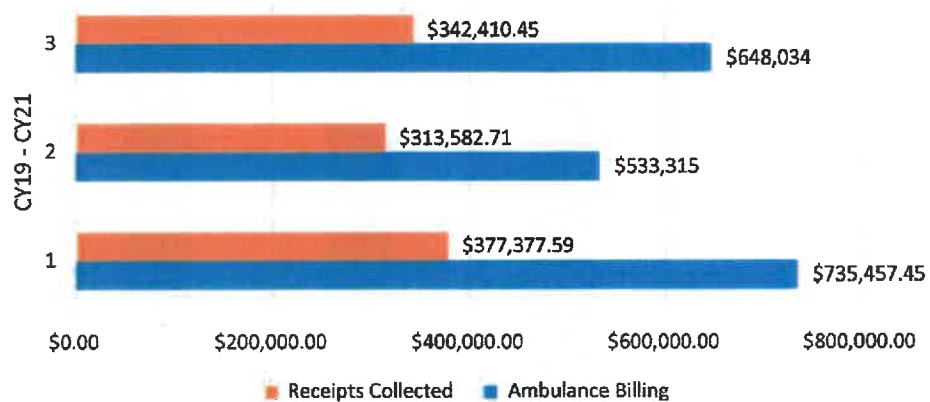


The Wellfleet Fire Department (WFD) has had great success in handling the majority of these calls without the need for mutual aid. In fact, Wellfleet responds to and transports more than 85% of these calls for service which helps to keep the financial benefit of ambulance revenue within the town.

Another impressive aspect of this municipal EMS service is its run response times. Over the last several years, Wellfleet Fire reports response times of 5 minutes or less for 90% of its EMS runs. This is well below the NFPA 1710 standard of 9 minutes or less for rural EMS response. These response times are significant, particularly in life threatening emergencies. Time is of the essence when ALS interventions are needed which was the case in 95% of all EMS runs in Wellfleet in 2021.

These response times are excellent and rival those of urban areas. The control the WFD has over the EMS system allows them to have accountability and act if they are not meeting their goals. This is not the case when using private EMS without any performance metrics in the EMS contract as in Truro and Provincetown.

### Wellfleet Ambulance Revenue



The Wellfleet Fire Department generates a significant amount of ambulance revenue annually. Over the last 3 years, Wellfleet has averaged more than \$350,000 annually in collected ambulance revenue. Wellfleet bills an average of \$1,695 per EMS transport and collects an average of \$870 per EMS transport. This factors in adjustments to ambulance bills by Medicare/Medicaid which reduces the amounts received for transport as compared to the ambulance billing rate. This equates to a collection rate of just over 51%.

The Wellfleet Fire Department model of municipal based EMS is extremely successful and could be used as evidence to support a successful implementation of municipal based EMS in both Truro and Provincetown.

## IV. MUNICIPAL APPARATUS AND STAFFING

### I. TOWN OF TRURO

The Town of Truro currently maintains its own full-time career fire department. The Truro Fire Department operates 24 hours a day seven days per week. The current staffing model consists of two members per 24-hour shift supplemented by a full-time Fire Chief working primarily weekdays. The Fire Chief is available

after hours if needed as he resides in Truro. This allows the Truro Fire Department (TFD) to arrive on scene of a structure fire or major incident with three members responding directly from Truro Fire Department Headquarters on weekdays. On nights and weekends the TFD responds to emergencies from fire department headquarters with only two members available, possibly three if the fire chief is available.

Truro has no supplemental staff such as a call department to rely on to respond via a callback system. Full-time members are also rarely available for a callback system as most live a significant distance from Truro. In fact, only three permanent members reside within the Town of Truro, one of which is the Fire Chief. This makes supplemental staffing very difficult and forces the TFD to rely heavily on mutual aid from neighboring communities.

The staffing level of the Truro Fire Department makes it impossible for them to meet the requirements of OSHA as it relates to conducting interior firefighting operations in a burning structure. The OSHA "two-in/two-out" rule requires that when two members enter an IDLH environment, two additional members should be on the exterior. While one of the members may be engaged in other activities i.e., running a pump or performing incident command, the other must be focused on monitoring the status of the two interior members. The OSHA "two-in/two out" rule does provide for exceptions in the case of "performing emergency rescue". The Truro Fire Department does have an adequate complement of apparatus to protect lives and property within the community, but the primary issue is staffing that apparatus.

The Truro Fire Department owns two Class I ambulances which are fully supplied and licensed to the ALS level. These ambulances are currently utilized more by Lower Cape Ambulance staff than by members of the Truro Fire Department. These two licensed and equipped ambulances have Truro in a position to start a municipal based ambulance service without the typical capital expenditures needed before communities could begin a service.

Truro has already demonstrated a commitment to making their community safer by hiring full-time career firefighters. They have also drafted an article to present

at town meeting proposing the hiring of an additional four firefighters to improve the safety of their firefighters. Starting a municipal based EMS service could help to supplement these suppression forces when they are not performing EMS functions.

This would also help to move Truro toward the nationwide average of 1.81 firefighters per 1000 people in career fire departments reported by the National Fire Protection Association (NFPA). This is difficult to gauge in Truro but with a median annual population approaching 10,000 residents the fire department staffing is currently relatively low.

## **II. TOWN OF PROVINCETOWN**

No data was provided by the Town of Provincetown or the Provincetown Fire Department regarding operations or staffing after repeated collection attempts. All data contained was obtained through research and may not be completely accurate at the time of submission.

The Town of Provincetown is one of the last communities on Cape Cod whose lives and property are protected by a volunteer fire department. The Provincetown Fire Department has served the community well for the last 160 years. But recent trends show that volunteerism in general is declining, and volunteer fire departments are consistently struggling with staffing. In many cases, volunteers receive training which makes them attractive hires for entry level positions in career fire departments. This further compounds the problem for volunteer fire departments and Provincetown is no exception.

The Fire Chief in Provincetown is a part-time position, but he is required to respond to all large-scale incidents. There is however one full-time position, an EMS Coordinator, who is also a full-time employee of the Dennis Fire Department which could affect his availability at times. These positions are supplemented by more than 60 volunteer firefighters of various ranks who respond to calls for service on an as-needed basis.

This allows the Provincetown Fire Department to handle most emergencies they are called to with in-house staffing. It also provides them with the ability to



follow OSHA's "two-in/two-out" rule at most incidents within the community. Despite the high number of volunteer personnel, the Provincetown Fire department still heavily relies on mutual aid from neighboring communities for large scale incidents.

Many members of the Provincetown Fire Department do not have the recommended training which would be required of a full-time career fire department. At a minimum, all members should be trained to the Pro Board Firefighter I/Firefighter II standard. This is an industry best practice in Call/Vol fire departments throughout the United States. This ensures proper training in motor pump operations, fireground hydraulics, ground ladders, and search and rescue, as well as fire attack and fireground operations. This helps to ensure the safety of both the firefighters and those they protect.

The Provincetown Fire Department owns 3 Class III ambulances and one Class I ambulance equipped and licensed to the ALS level of care. These ambulances are used more for transports by LCAA personnel than Provincetown Fire Department personnel. If Provincetown were to consider a municipal based EMS service, these fully equipped, municipally owned ambulance would provide a huge savings, nearly \$2,000,000, in capital expenditures needed to start a service.

If the Town of Provincetown were to consider moving towards a full-time career fire department, as suggested by Chief Travato at a recent Board of Selectmen meeting, there are funds currently being spent which could be redirected to assist in the process.

### **III. TOWN OF WELFLEET**

The Town of Wellfleet is served by a full-time career fire department. They are available for calls for service 24 hours per day, 7 days per week. The current staffing model consists of a Fire Chief working weekdays, a daytime Captain working weekdays, and four shifts of five firefighters each working 24-hour shifts.

This allows the Wellfleet Fire Department to respond to calls for service with up to seven members on weekdays. At night Wellfleet can respond with up to five members. In each of these scenarios Wellfleet can comply with OSHA's "two-in/two-out" rule. This allows for an interior attack to be conducted with the first responding apparatus providing for better potential outcomes. It also allows Wellfleet to affect rescues of trapped occupants while still performing suppression operations.

Wellfleet currently operates a fire-based EMS service and has since 1971. This service provides both ALS and BLS services to the residents and visitors of Wellfleet. The Town of Wellfleet owns three municipal ambulances, two Class III ambulances and one Class I ambulance to provide EMS to the community, however the limited staffing would only allow them to run two simultaneously, after which they rely on mutual aid from neighboring communities. Wellfleet is a model which works well for its community and this model should be considered when looking to improve services in the region.

## **V. OPTIONS AND RECOMMENDATIONS**

### **I. CONTINUE WITH CURRENT MODEL WITHOUT CHANGES**

This option is currently not recommended by Capital Strategic Solutions.

### **II. CONTINUE WITH CURRENT MODEL WITH REVISIONS**

The continued use of LCAA is a viable option in the short-term for both Truro and Provincetown. Municipal-based EMS services will take time to establish. A realistic timeline to consider would be to place ambulances into service in FY24. Therefore, it would be the recommendation of Capital Strategic Solutions to establish contracts through FY23.

However, there must be some performance metrics placed into the contracts of both communities to improve the quality of the service provided. First, there must be some accountability placed on LCAA for EMS response times. According to the Service Zone Plans for Truro and Provincetown, a 9-minute response time for 90% of the calls for service is the benchmark. Many towns of similar size, including Wellfleet report response times of 5-minutes or less 90% of the time. A goal of 7-minutes or less 90% of the time is not unreasonable to expect. A response time performance metric must be included in future contracts to create accountability and help reduce ambulance response delays within the communities.

A second metric to be included, specifically for the Truro contract, would be a clause stating an LCAA ambulance must be in Truro Fire Headquarters at all times, or within the borders of Truro, except for when it is engaged in the transport of a call based in Truro or when Provincetown has a call for service with no available ambulance. The practice of Truro ambulances being pulled to Provincetown for coverage creates an unreasonable response time for the residents and visitors of Truro.

Finally, both communities should be compensated to some degree when municipal ambulances are used by LCAA personnel to transport patients. These pieces of apparatus cost nearly \$300,000 each and maintenance alone can be costly. This payment should be negotiated in any further contracts.

These performance metrics should be included in LCAA's quarterly reports to both Town Managers and Fire Chiefs. These quarterly reports should also include QA/QI reports moving forward. QA/QI is an important metric to ensure residents and visitors are receiving quality care in accordance with Statewide Treatment Protocols. There is no HIPPA concern if patient information is redacted in these reports.

These performance metrics should also be included in any contract extension with the Town of Provincetown. This will help to create accountability moving forward.

**III. SOLICIT BIDS FROM OTHER PRIVATE EMS ENTITIES**

This option is currently not recommended by Capital Strategic Solutions.

**IV. PROVIDE FIRE DEPARTMENT BASED EMS WITHIN EACH COMMUNITY****FIRE-BASED EMS TRURO**

The Town of Truro currently spends more than \$500,000 annually for the provision of EMS to its residents and visitors. This includes \$430,000 annually to LCAA for its contractual obligation, more than \$30,000 annually in EMS supplies, and the costs associated with owning and maintaining two ambulances. For this cost the town receives both ALS and BLS services for the residents of Truro. These funds could be repurposed to transition to providing EMS through a municipal fire department-based EMS service.

Truro is in a unique position to provide ambulance service through its municipal fire department. Initial startup costs for communities' intent on beginning municipal EMS can be exorbitant. With ambulances more than \$300,000 each and equipment to supply them to the ALS level costing more than \$100,000 per unit, communities can spend upward of \$1,000,000 in capital expenditures to do so.

Truro is already in possession of this equipment and is licensed to the ALS level. The only costs to the town to implement this service would be the labor costs associated with hiring 8 paramedics. For approximately \$800,000, Truro could fill this staffing need while also increasing staffing for fire suppression. This would also improve the safety of both Truro firefighters and those they protect.

This additional staffing would be needed to run an effective EMS system without adversely affecting fire suppression within the town of Truro. In fact, Truro could

supplement fire protection by having cross-trained paramedics much like other rural communities in the Commonwealth.

Establishing a fire-based EMS system within the Town of Truro would allow a first due company to adhere to the OSHA “two-in/two-out” rule and would improve firefighter safety within the Truro Fire Department. Truro would also be more in control of response times for ambulances. Rather than relying on an outside entity these duties could all be performed in-house leading to greater accountability.

The Town of Truro deferred an article at the Special town Meeting in the Fall of 2021 which would have brought staffing to three members per shift. If this article is approved at the Annual Town Meeting Truro will be closer to the staffing needed to transition to a fire-based EMS system. This would help to reduce the costs associated with establishing such a system.

If indeed Truro establishes a fire-based EMS system, they will inherit the current ambulance revenue stream of more than \$225,000 annually. This additional revenue will help to offset the cost of establishing such a system. In fact, with the current expenditures on EMS and this additional revenue, Truro could begin this service with only an additional \$100,000. The Town could also maximize this revenue stream by improving the billing practices for ambulance transports.

In Plainville for example, switching to a more automated billing system brought an additional 10% in revenue collection. Plainville changed from Comstar to Pro EMS Solutions to streamline its billing process. Pro EMS Solutions provided all IT infrastructure as well as additional services for just 4% of revenue collected. This improved both the QA/QI process as well as the ambulance billing process through updated technology.

With the implementation of fire-based EMS Truro will have more control over EMS with the potential to improve the quality of patient care and reduce ambulance response times within the community. The increased staff created by the implementation of fire-based EMS could also result in improved Insurance Services Office Public Protection Classification for the town which could have a

positive impact on homeowners insurance rates. Of course, there will be the need for a robust mutual aid agreement within the three communities if this recommendation is implemented.

#### **FIRE-BASED EMS PROVINCETOWN**

The Town of Provincetown should also consider a shift to a municipal fire-based EMS system. Provincetown should work in partnership with Truro to establish such a system in both communities. Either community would see a substantial increase in the cost of EMS if the other moved on from LCAA, so a simultaneous shift is in the best interest of all concerned.

The Town of Provincetown currently pays \$1,000,000 annually for its contract with LCAA. If Provincetown established a municipal-based EMS service, they could expect an additional \$600,000 annually in ambulance revenue. This revenue, combined with the \$1,000,000 Provincetown pays LCAA, could be used to create 16 firefighter/paramedic positions for a municipal-based EMS service. This would allow Provincetown to run 2 ambulances around the clock without any additional expense of municipal funds. Additional funds would need to be appropriated for staffing to increase the number of ambulances available.

This would allow the Provincetown Fire Department to have complete control of EMS within the community. With this type of accountability Provincetown could work to improve the service by reducing response times and ensuring quality EMS is provided to its residents and visitors.

This staffing could also help the Provincetown Fire Department transition from an all call/volunteer fire department to a combination department with both full-time members and call/vol members. There are many departments across the Commonwealth where this is the case.

With improved billing practices these revenues could be maximized to support other areas of the Provincetown Fire Department.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

V

### PUBLIC HEARINGS

~ A ~

<b>REQUESTED BY:</b>	Ryan Curley ~ Chair
<b>DESIRED ACTION:</b>	To close the hearing on Grant License #792, ARC
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	I move to close the hearing for grant license #792 and advertise a new hearing for Grant License #792, ARC for May 24, 2022, at 7pm.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



Dear Members of the Board,

As we are aware our shellfish constable is on a much delayed and need vacation. I have been in communication with her and ATA Rebecca Roughly regarding the scheduling of this hearing following our previous meeting with an intention of continuing it until May when the shellfish constable would be available. To be fair to the license holder (ARC) who is subject to the hearing I asked if they could check with the license holder if rescheduling the hearing was something they were willing to do with the understanding that there would be new board members at that time, and they were. However, because we have now had two public hearings on this matter MGL precludes any board member who were not participants from participating. This means that any new member of the board would be unable to participate, this would have caused us to lose our quorum and we would have been unable to continue the hearing, this also means that we would have had to make a file determination by the annual election. Town Counsel has recommended to remedy that by closing the hearing that is currently open and open a new hearing regarding the license after the election and any new board members are sworn in. Any facts established in the previous hearing would remain facts.



Ryan Curley &lt;ryan.d.curley@gmail.com&gt;

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**#792 hearing continuation?**

4 messages

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

Thu, Mar 24, 2022 at 10:30 AM

To: Rebecca Roughley &lt;Rebecca.Roughley@wellfleet-ma.gov&gt;, Nancy Civetta &lt;Nancy.Civetta@wellfleet-ma.gov&gt;, Rebekah Eldridge &lt;Rebekah.Eldridge@wellfleet-ma.gov&gt;

Hi Rebecca and Nancy,

Could you contact Rick Sawyer and see if he is ok if the hearing on #792 is continued to may 10th. I badly want to conclude the hearing so we can move on but on reflection I am leaning towards continuing it. The primary reason to continue the Hearing is Nancy's availability. The board will have at least one new member for that meeting and he should be made aware of that as well. I will leave the decision up to the license holder. Please let me know what he says as soon as possible so I can set the agenda for April 12th.

---

**Nancy Civetta** <Nancy.Civetta@wellfleet-ma.gov>

Fri, Mar 25, 2022 at 10:24 AM

To: Ryan Curley &lt;ryan.d.curley@gmail.com&gt;, Rebecca Roughley &lt;Rebecca.Roughley@wellfleet-ma.gov&gt;, Rebekah Eldridge &lt;Rebekah.Eldridge@wellfleet-ma.gov&gt;

Letting you know that I advised ARC that the public hearing on 4/12 would open and close and a new hearing would be advertised for May 10 with potential regulation changes and a proposed new lease to discuss. Rick was amenable.

Let me know if I missed anything.

**Nancy Civetta**

Shellfish Constable

Town of Wellfleet

C: 617-901-7193

O: 508-349-0325

E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)[300 Main St.](#)[Wellfleet, MA 02667](#)Check for news and updates on [Facebook](#).

[Quoted text hidden]

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**Nancy Civetta** <Nancy.Civetta@wellfleet-ma.gov>

Fri, Mar 25, 2022 at 6:14 PM

To: Ryan Curley &lt;ryan.d.curley@gmail.com&gt;, Rebecca Roughley &lt;Rebecca.Roughley@wellfleet-ma.gov&gt;, Rebekah Eldridge &lt;Rebekah.Eldridge@wellfleet-ma.gov&gt;

So, I should let Rick know that the hearing is now on May 24, correct?

4/4/22, 8:09 PM

Gmail - #792 hearing continuation?

Nancy Civetta

Shellfish Constable

Town of Wellfleet

C: 617-901-7193

O: 508-349-0325

E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)

[300 Main St.](#)

[Wellfleet, MA 02667](#)

Check for news and updates on [Facebook](#).

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**From:** Ryan Curley <[ryan.d.curley@gmail.com](mailto:ryan.d.curley@gmail.com)>

**Sent:** Thursday, March 24, 2022 10:31 AM

**To:** Rebecca Roughley <[Rebecca.Roughley@wellfleet-ma.gov](mailto:Rebecca.Roughley@wellfleet-ma.gov)>; Nancy Civetta <[Nancy.Civetta@wellfleet-ma.gov](mailto:Nancy.Civetta@wellfleet-ma.gov)>;

Rebekah Eldridge <[Rebekah.Eldridge@wellfleet-ma.gov](mailto:Rebekah.Eldridge@wellfleet-ma.gov)>

**Subject:** #792 hearing continuation?

Hi Rebecca and Nancy,

[Quoted text hidden]

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**Ryan Curley** <[ryan.d.curley@gmail.com](mailto:ryan.d.curley@gmail.com)>

To: Nancy Civetta <[Nancy.Civetta@wellfleet-ma.gov](mailto:Nancy.Civetta@wellfleet-ma.gov)>

Fri, Mar 25, 2022 at 6:48 PM

Yes 👍

[Quoted text hidden]



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

V

### PUBLIC HEARINGS

~ B ~

<b>REQUESTED BY:</b>	Shellfish Constable ~ Nancy Civetta
<b>DESIRED ACTION:</b>	To approve a grant license transfer
<b>PROPOSED MOTION:</b>	I move to approve the transfer of shellfish grant license #2000-4 consisting of 2.16 acres on Egg Island from Ian Ruml and Jeremy Storer to Ian Ruml, Jeremy Storer, and Alfred Pickard, Jr.
<b>SUMMARY:</b>	
<b>Project</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

March 30, 2022

To: Selectboard Members  
Re: Grant renewal recommendation  
From: Nancy Civetta, Shellfish Constable

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Dear Selectboard members:

I received an application dated 03/03/2022 for the transfer of shellfish grant license #2000-4 consisting of 2.16 acres on Egg Island from Ian Ruml and Jeremy Storer (Wellfleet, MA) to Ian Ruml, Jeremy Storer and Alfred Pickard (Wellfleet, MA).

Alfred Pickard is also named to two adjacent Egg Island grants. You will find here attached all of the required paperwork to document his experience and eligibility.

I reviewed the annual grant reports for #2000-4 and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. Some years, including recently, it has struggled to make minimum productivity. We believe adding Mr. Pickard is a good solution for moving forward.

I reviewed their state propagation permits with the Mass. Division of Marine Fisheries who confirmed that both Jeremy and Alfred were in good standing and have already been issued their 2022 permits. That is enough for the Shellfish Department to make a recommendation.

I recommend that shellfish grant license #2000-4 be transferred from Ian Ruml and Jeremy Storer to Ian Ruml, Jeremy Storer and Alfred Pickard.

Attached please find the transfer application and other required documentation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nancy Civetta".

Nancy Civetta  
Shellfish Constable



RCVD  
3.3.2022

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: Feb. 7, 2022

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

I/We hereby request transfer of Shellfish Grant License # 2000-4 (00-04)  
From Jan Ruml & Jeremy Storer  
To Jan Ruml, Jeremy Storer & Alfred J. Pickard Jr.  
Said grant license is located at Egg Island, in Wellfleet, MA  
and consisting of 2.16 acres acres, as shown on a plan prepared  
by Glade Assoc. and dated 4/11/2020

CRW	JS	[Signature]
Alfred J. Pickard Jr.	Jeremy Storer	Signature(s) JAN RUMLE
25 Harbor Knoll Wellfleet MA 02667	101 Fresh Brook Ln Wellfleet MA 02667	Name(s) 196B rt 6 wellfleet MA 02667
Box 1467 Wellfleet MA 02667		Mailing Address
508-344-417	508-237-7523	508 237 6518
	Jeremy Storer@comcast.net	Telephone Email jruml@aychob.com

ALFRED PICKARD

TOWN OF WELFLEET SHELLFISH DEPARTMENT  
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.
- If applicant is applying for a lease on private property, permission from the owner has been obtained.
- 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 this license. Applicant shall submit copies of state-filed catch reports, OR,
- 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. *CURRENT GRANT HOLDER*
- 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.
- For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.
- The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.
- The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#)



and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

- The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

## FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

### SECTION 1: DEFINITIONS

**Aquaculture License** - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ([MGL Chapter 130; Section 57](#)).

**Licensed Area (Grant)** - a designated bottom area, certified by the Division of Marine Fisheries (DMF) and licensed by a vote of the Board of Selectmen, on which the licensee may plant, grow and harvest shellfish ([MGL Chapter 130; Sections 57 & 68](#)).

**Resident** - 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 Board of Selectmen. 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.

### **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.

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.

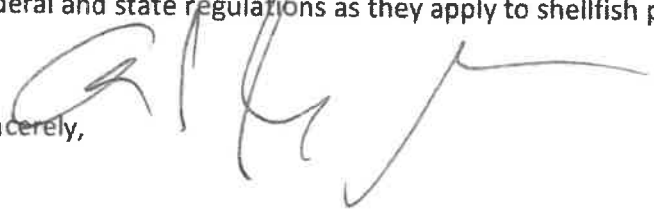
To: Wellfleet Selectboard

From: *Alfred J. Pickard, Jr.*

Date: *2/10/2022*

I, *Alfred J. Pickard Jr.*, agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

A large, handwritten signature in black ink, appearing to read "Alfred J. Pickard, Jr.", is written over the "Sincerely," text and extends to the right.



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: April 12, 2022

V

### PUBLIC HEARINGS

~ C ~

<b>REQUESTED BY:</b>	<b>Shellfish Constable ~ Nancy Civetta</b>
<b>DESIRED ACTION:</b>	<b>To the transfer of a grant license</b>
<b>PROPOSED MOTION:</b>  <b>Summary:</b>	<b>I move to approve the transfer of shellfish grant license #2002-01 and 2002-1 Exr. Consisting of 2.06 acres on Egg Island from Brad Kaplan to Brad Kaplan and Anthony Hill.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

March 30, 2022

To: Selectboard Members  
Re: Grant transfer recommendation  
From: Nancy Civetta, Shellfish Constable

---

Dear Selectboard members:

I received an application dated 03/25/2022 for the transfer of shellfish grant license #s 2002-01 and 2002-01 Ext consisting of 2.06 acres total on Egg Island from Brad Kaplan (Wellfleet, MA) to Brad Kaplan and Anthony Hill (Wellfleet, MA).

Anthony Hill has been an employee of Brad's since 2019. The Shellfish Department has witnessed him working with Brad during the past three years. You will find here attached all of the required paperwork to document his experience and eligibility.

I reviewed the annual grant reports for #2002-01 and 2002-01 Ext and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

I reviewed Brad's state propagation permit with the Mass. Division of Marine Fisheries who confirmed that he is in good standing and has already been issued his 2022 permit.

I recommend that shellfish grant license #s 2002-01 and 2002-01 Ext be transferred from Brad Kaplan (Wellfleet, MA) to Brad Kaplan and Anthony Hill.

Attached please find the transfer application and other required documentation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nancy Civetta".

Nancy Civetta  
Shellfish Constable



RCUD  
3.25.2022

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 3.25.22

To: Town of Wellfleet Selectboard  
300 Main Street  
Wellfleet, MA 02667

I/We hereby request transfer of Shellfish Grant License # 2002-01 + 2002-1 EXT

From Bradley Kaplan

To Bradley Kaplan and Anthony Hill

Said grant license is located at Egg Island / CCB-11, in Wellfleet, MA

and consisting of 2.06 TOTAL acres, as shown on a plan prepared

by Slade Associates and dated May 2, 2002 + Aug. 21, 2003

Bradley Kaplan

Anthony Hill

Signature

Signature

Signature

Bradley Kaplan

Anthony Hill

Name

Name

Name

P.O. box 471

P.O. box 688

Mailing Address

Mailing Address

Mailing Address

WELLFLEET MA 02667

Wellfleet MA 02667

508 349-8201

508-246-2712

Telephone

Telephone

Telephone

cysterpobox2001@yahoo.com

Jellyhill80@yahoo.com

Email

Email

Email

ANTHONY HILL

TOWN OF WELFLEET SHELLFISH DEPARTMENT  
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.

N/A

If applicant is applying for a lease on private property, permission from the owner has been obtained.

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 this license. Applicant shall submit copies of state-filed catch reports, OR,

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.

N/A

For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.

The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.

The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#)



and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

## FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

### SECTION 1: DEFINITIONS

**Aquaculture License** - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ([MGL Chapter 130; Section 57](#)).

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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.



To: Wellfleet Selectboard

From: Brad Kaplan + Anthony Hill

Date: 3.25.22

BRAD KAPLAN +  
I, ANTHONY HILL, agree to comply with the Town of Wellfleet's Shellfishing  
Policy and Regulations and assume full responsibility for understanding and adhering to all  
federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

Bradley R. Kaplan  
Anthony Hill

3/23/22

This letter is from myself.. Brad Kaplan, grant holder of aquaculture grant # 2002-01 on Egg Island. This is in support of my desire to add Anthony Hill onto that grant. Anthony has been working with me for over three years there. He has been an integral part of the grant's operation during that time. He is knowledgeable in all steps of the growing of oysters. He is also knowledgeable in the planting of clam seed, prepping clam runways, growout and the maintenance of clam runs. He has contributed also financially towards equipment and clam seed. He also owns a boat which will be used in our operation. I had downgraded my oyster production a number of years ago and decided to concentrate on clams to a greater degree. Unfortunately there have been well-documented problems with clam growout + mortality in recent years in Wellfleet... so I would like to ramp up oyster production again. I cannot do this alone and truly believe Anthony has the energy, dedication and commitment to accomplishing this goal. He has great ideas. He is a longstanding hard working member of the community. He is a parent, homeowner and business owner. I feel he would be a great addition to the shellfishing community and a conscientious grant holder... and an essential addition to the successful operation of grant # 2002-01.

Thank you for your consideration,

Brad Kaplan



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

VI

### LICENSES

~ A ~

<b>REQUESTED BY:</b>	<b>Murrow VanMeter ~ Leaside Café, LLC</b>
<b>DESIRED ACTION:</b>	<b>To approve the contract renewal for Leaside Café on Newcomb Hollow Beach for the 2022 summer season</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the renewed contract for Leaside Café on Newcomb Hollow for the summer of 2022. Following all Food Truck Rules and Regulations.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# TOWN OF WELLFLEET

## BEACH CONCESSION

Newcomb Hollow Beach

2022

This agreement is made this 10<sup>th</sup> day of June, 2019, by and between the Town of Wellfleet, hereinafter referred to as the lessor, and Murro Van Meter d/b/a The Leeside Café with a mailing address of 105 Aunt Sally's Way, Wellfleet, MA 02667 and hereinafter referred to as the lessee; WITNESSETH:

The LESSOR agrees to let and lease to the LESSEE a 15' x 20' (300 sq. ft.) area, northeast corner of parking lot at Newcomb Hollow Beach for the sole purpose of operating a concession.

Concession Unit must meet all requirements including but not limited to those of the Board of Health, Building Inspector and Board of Selectmen (i.e. permits, roadworthy, safe, insured, sanitary).

The term of the lease shall be for the period commencing June 1, 2022 and expiring November 1 2022 and shall conform to the following specifications:

### Specifications

1. The concession vehicle must meet the State Sanitary Code Chapter X Minimum Standards for Food Establishments, 105 CMR 590.009 Mobile Food Units and Pushcarts and be legally road worthy. Towed concession vehicles are permitted.
2. The Concession Unit must meet all local requirements including but not limited to those of the Board of Health. The lessee will need to complete a Beach Concession Food Permit Application and a separate Food Service Establishment Application.
3. The Concession Unit shall be large enough to meet the demand of the area that it intends to serve but in no case shall be larger than area described in property description.
4. This agreement authorizes Lessee to vend only in the area outlined in the property description and not in any other areas of the Town.
5. Lessee shall furnish electricity and other utilities. The Lessee shall have their electrical usage metered and cost to be paid directly by Lessee to the electric company for all electrical usage at the beach locations.
6. Lessee shall also furnish trash and provide recycling receptacles for customers. Lessee shall remove trash and recycling at the end of each day and shall not dispose of trash and recycling in the town barrels.
7. One parking space (in addition to the lessee location described above in "Property Description" shall be available to Lessee or his/her designated employee. Access to parking space for Lessee and concession unit shall be held open until 10:00a.m. After that time access will be dependent upon current parking situation.
8. Lessee shall have service available on all fair-weather days during the contracted season as stipulated below. The Town Director of Community Services (or designee) shall be called if there is a question about whether it is a "fair weather day." The Town's determination is final.
  - a) Service is optional between May 28<sup>th</sup> and June 17<sup>th</sup>. The truck may be there between 10am and 4pm but may also elect to be there from 7am to 10am and from 4pm to 7pm.

- b) Service is required between June 18th and Labor Day. The truck must be there between 10am and 4pm but may be there from 7am to 10am and from 4pm to 7pm.
- c) Service is optional from September 6 through November 1st. The truck may be there between 10am and 4pm but may also elect to be there from 7am to 10am and from 4pm to 7pm.
- 9. The concession vehicle shall be removed at the end of the day.
- 10. Lessee shall not sublet the concession without the prior written approval of the Town.
- 11. All lessees must operate from a fixed food establishment.
- 12. All lessee vehicles are subject to inspection by local officials.

At all times during the term of the lease, the Lessee shall carry Concessionaire's liability/products liability insurance in the about of \$1 and worker's compensation insurance in the amount of \$500,000 with the Town named as an additional insured. Evidence of the insurance policies shall be provided to the LESSOR.

In consideration of the privileges extended to the LESSEE by this lease, the LESSEE shall pay to the LESSOR \$2,001 for Newcomb Hollow Beach Concessions.

The LESSOR shall have the right to cancel the lease at any time for reasonable cause and the LESSEE shall forfeit the lease payment.

**Agreed upon this 12th day of April 2022.**

\_\_\_\_\_  
**Ryan Curley - Chair**

\_\_\_\_\_  
**Murro VanMeter  
dba Leaside Café**

\_\_\_\_\_  
**Michael DeVasto, Vice Chair**

\_\_\_\_\_  
**Janet Reinhart**

\_\_\_\_\_  
**Helen Miranda Wilson**

\_\_\_\_\_  
**John Wolf**



Town of Wellfleet  
300 Main Street  
Wellfleet, MA 02667

2021  
2022

**BUSINESS LICENSE APPLICATION**

Fee  
BOH Fee  
Processing Fee  
**TOTAL**

Business Name/Map/Lot Leaside Cafe LLC

Mailing Address Box 715

Town/State/Zip Wellfleet MA 02667

Business Street Address 1175 Gross Hill Rd. (Newcombs Hollow parky lot)

Business Telephone \_\_\_\_\_ Cell same Federal ID Number \_\_\_\_\_

Manager Murra Van Meter E-Mail Address \_\_\_\_\_

FEIN  
↓

**LICENSE TYPE:**

Annual

Seasonal

- General
- Charter Boat
- Common Victualler
- Sunday Entertainment
- Weekday Entertainment
- Food Truck

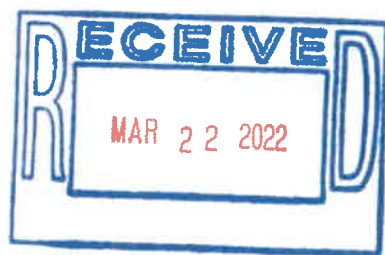
- Class II
- Class IV
- Automatic Amusement
- Taxi
- Driver
- Trash Hauler

- Retail Food
- Food Service
- Residential Kitchen
- Catering
- CMT
- Bed & Breakfast

If applicant is an individual or partnership, please answer below:

- a. Telephone \_\_\_\_\_
- b. Name Murra Van Meter
- c. Mailing Address PO Box 715 Wellfleet MA 02667

- a. Telephone \_\_\_\_\_
- b. Name \_\_\_\_\_
- c. Mailing Address \_\_\_\_\_



pd \$ 300<sup>00</sup>

If applicant is a corporation or trust, please answer below:  
List the titles of all officers and manager:

Title	Full Name	Home Address
<u>Owner / sole proprietor</u>	<u>Murra Van Meter</u>	<u>105 Aunt Sally's way Wellfleet MA 02667</u>

Corporate or Trust Name \_\_\_\_\_

Corporate Mailing Address \_\_\_\_\_

Corporate Telephone \_\_\_\_\_

Establishment is open 4 months a year. Total seating capacity 0 Take-out service only? Yes

Name of Certified Food Handler (s) Murro Van Meter P.I.C. Murro Van Meter

Does establishment have outside seating? No Seating Capacity 0 Is area enclosed? No

If seating capacity are over 25, person Chokesaver Certified: N/A

I certify under the penalties of perjury that I, to the best knowledge and belief, have filed all state tax returns and paid all State taxes under law. I further certify that in the conduct of this business I will abide by all Town bylaws and regulations.



\*Signature of Individual or Signature of Corporate Officer w/Title (Mandatory)

Corporate Name (Mandatory if Applicable)

03722650/31-2589585

2/14/2022

Federal Identification No.

Date of Application

\*Approval of a contract or other agreement will not be granted unless this certification clause is signed by the applicant.  
\*\* Your social security number will be furnished to the MA Dept. of Revenue to determine if you have met tax filing or payment obligations. Providers who fail to correct their non-filing or delinquency will not have a contract or other agreement issued, renewed or extended. This request is made under the authority of M.G.L. c. 62C s. 49A.

Does establishment have a lockbox? No Fire Alarm? No Police Alarm? No

Company name, number N/A

FOR OFFICE USE ONLY BELOW THIS LINE

Department Head or Designee Signatures

Police \_\_\_\_\_ Date \_\_\_\_\_ Comment \_\_\_\_\_

Fire \_\_\_\_\_ Date \_\_\_\_\_ Comment \_\_\_\_\_

Tax \_\_\_\_\_ Date \_\_\_\_\_ Comment \_\_\_\_\_

Building \_\_\_\_\_ Date \_\_\_\_\_ Comment \_\_\_\_\_

Health \_\_\_\_\_ Date \_\_\_\_\_ Comment \_\_\_\_\_

Received \_\_\_\_\_ By (initials) \_\_\_\_\_ Fee Received \_\_\_\_\_ Insurance \_\_\_\_\_ Date Issued \_\_\_\_\_



**M.A. FRAZIER INC.**

**10 Kear Circle  
Wellfleet, MA 02667**

**Phone: 877-908-7768 508-349-7969  
Fax: 508-349-2203 www.mafrazier.com**



**To Whom It May Concern:**

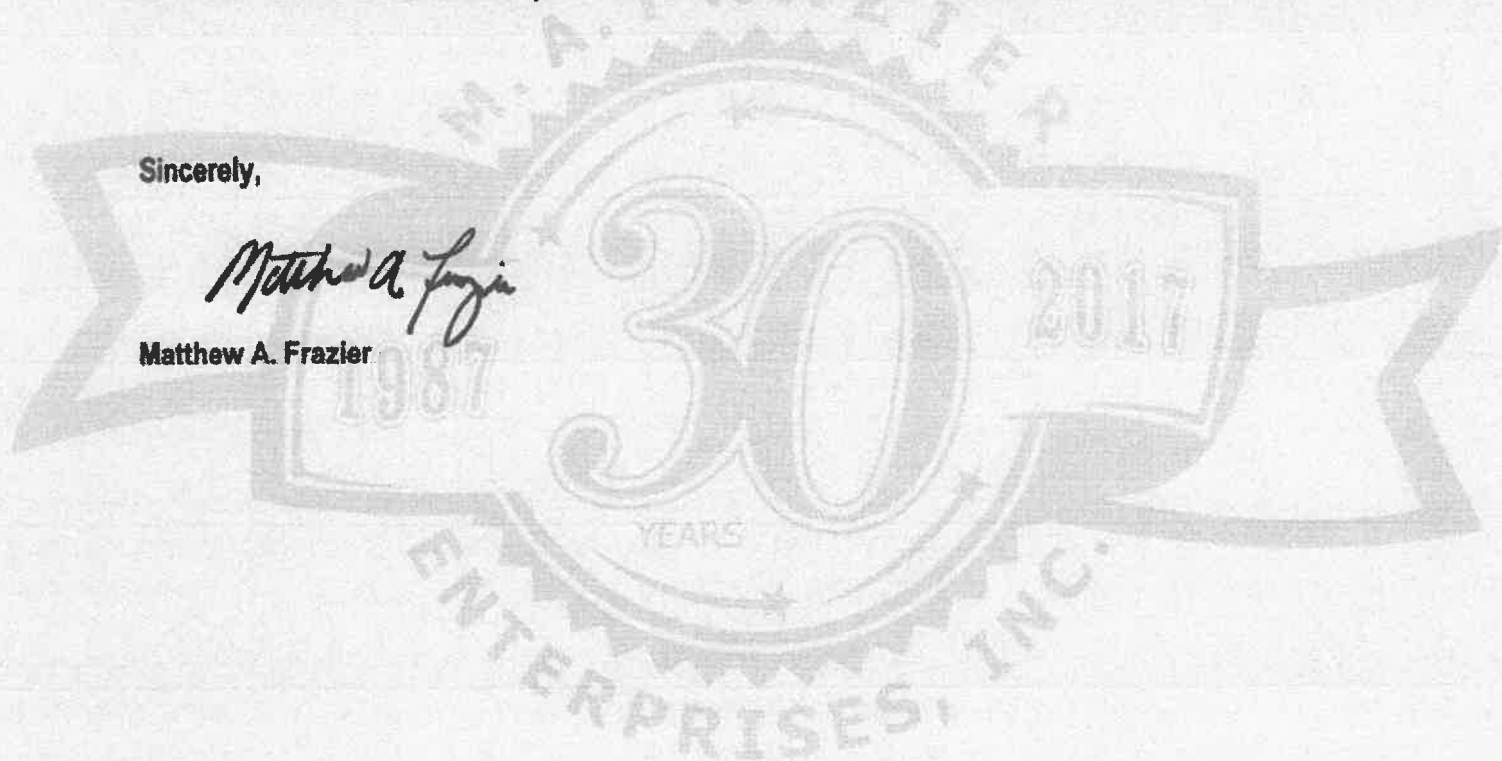
**March 15, 2022**

**This letter is to inform you that Murro VanMeter, d/b/a Leaside Café, subscribes to trash collection services with M.A. Frazier Enterprises Inc. He has been a customer in good standing since 2016.**

**Sincerely,**

A handwritten signature in black ink that reads "Matthew A. Frazier".

**Matthew A. Frazier**



# Commonwealth of Massachusetts

## Division of Standards

### Hawker / Peddler

For current status visit [www.mass.gov/standards](http://www.mass.gov/standards)

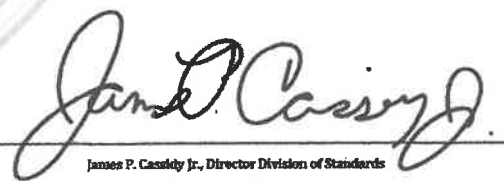
**MURRO VAN METER  
105 AUNT SALLY'S WAY  
WELLFLEET MA 02667**

# 2023

**License No: HP0128089**

**Date of Issue: March 16, 2022**

**Date of Expiration: April 22, 2023**

  
James P. Cassidy Jr., Director Division of Standards

**This license is not transferable**



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: April 12, 2022

# VII

### NPS UPDATES

~ A ~

<b>REQUESTED BY:</b>	<b>Chair Ryan Curley</b>
<b>DESIRED ACTION:</b>	<b>To discuss sustained access for town residents on Bound Brook Island Road</b>
<b>PROPOSED MOTION:</b>	<b>If a motion is needed one will be made at the time of the meeting</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**Herring River Restoration Project Lands Issues  
Cape Cod National Seashore  
April 2022**

**Briefing Materials for Wellfleet Selectboard**

**Agenda items:**

- Sustained access for town residents on Bound Brook Island Road**
- Access to Mill Creek water control structure maintenance road from Chequessett Neck Road**

Since NPS provided land exchange materials to the Town of Wellfleet at the end of July 2021, a few items remain for discussion to inform the land exchange, which we will discuss at a future meeting. We have provided summaries and illustrative maps here in advance of our discussion.

**1) Sustained access for town residents on Bound Brook Island Road.**

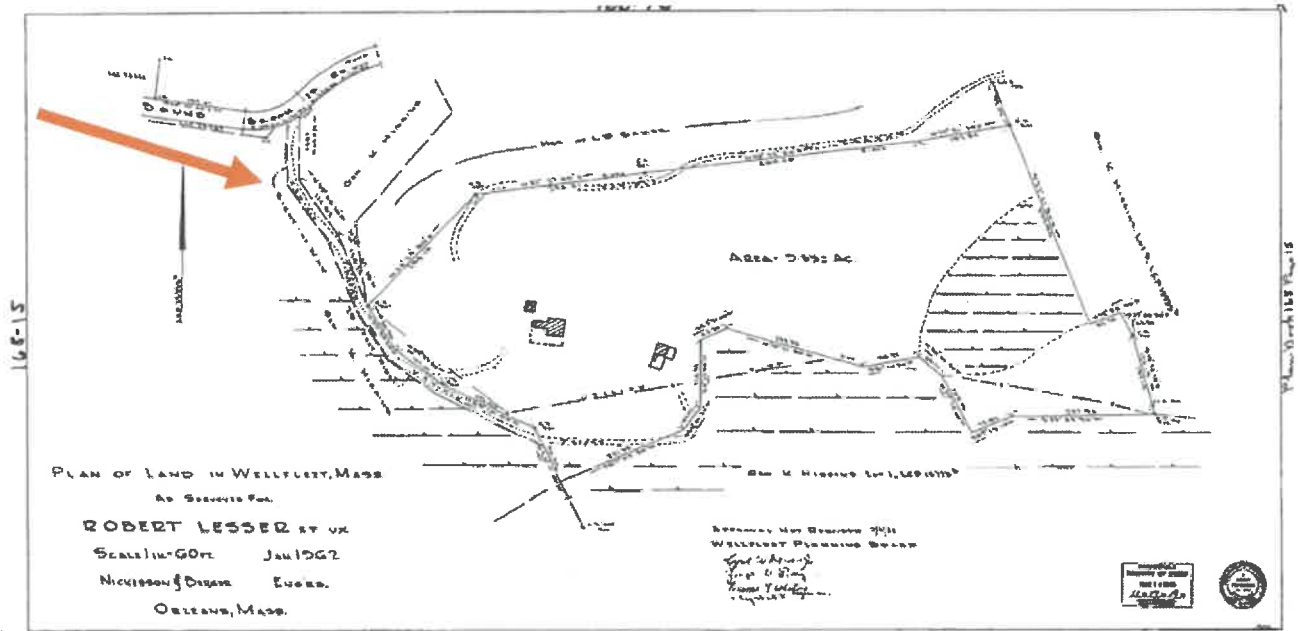
**The new proposal is that the private landowner grants construction rights on their 20-foot-wide way. Only the NPS land outside that way would be added to the land exchange.**

The driveway leading to 695 Bound Brook Island Road needs to be raised and the slopes filled to support a higher driveway alignment. The easement held by private landowners is a 20-foot-wide deeded right to the driveway leading from town-owned Bound Brook Island Road to 695 Bound Brook Island Road; they may enter into an agreement with the Town of Wellfleet to maintain the way within that 20-foot-width; however, they cannot convey rights they do not possess outside of that way that is owned by NPS.

This private driveway interest should have a similar approach to other NPS land along town ways. The fill and culvert for the private landowners' driveway is on NPS land outside of the deeded access. Town of Wellfleet previously declined to add larger acreage for this to the Town - NPS land exchange. Project team members and the NPS devised a way to substantially reduce the land to be exchanged by .6 acre to .36 acre (versus .96 acre), and believe this item could use further consideration by the Selectboard for this substantially lesser amount of land to be exchanged.

**Action Item: NPS seeks agreement to proceed with this two-prong approach to maintain access for a town residential parcel.**

**Herring River Restoration Project Lands Issues  
Cape Cod National Seashore  
April 2022**



Miller Fredrickson Levin land – right of way as depicted on Plan of Land of January 1962

**Map of Right-of-Way for 695 Bound Brook Island Road, Wellfleet, MA**



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

**VII**

## NPS UPDATES ~ B ~

<b>REQUESTED BY:</b>	<b>Chair Ryan Curley</b>
<b>DESIRED ACTION:</b>	<b>To discuss access to Mill Creek water control structure maintenance road from Chequessett Neck Road</b>
<b>PROPOSED MOTION:</b>	<b>If a motion is needed one will be made at the time of the meeting</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



**Herring River Restoration Project Lands Issues  
Cape Cod National Seashore  
April 2022**

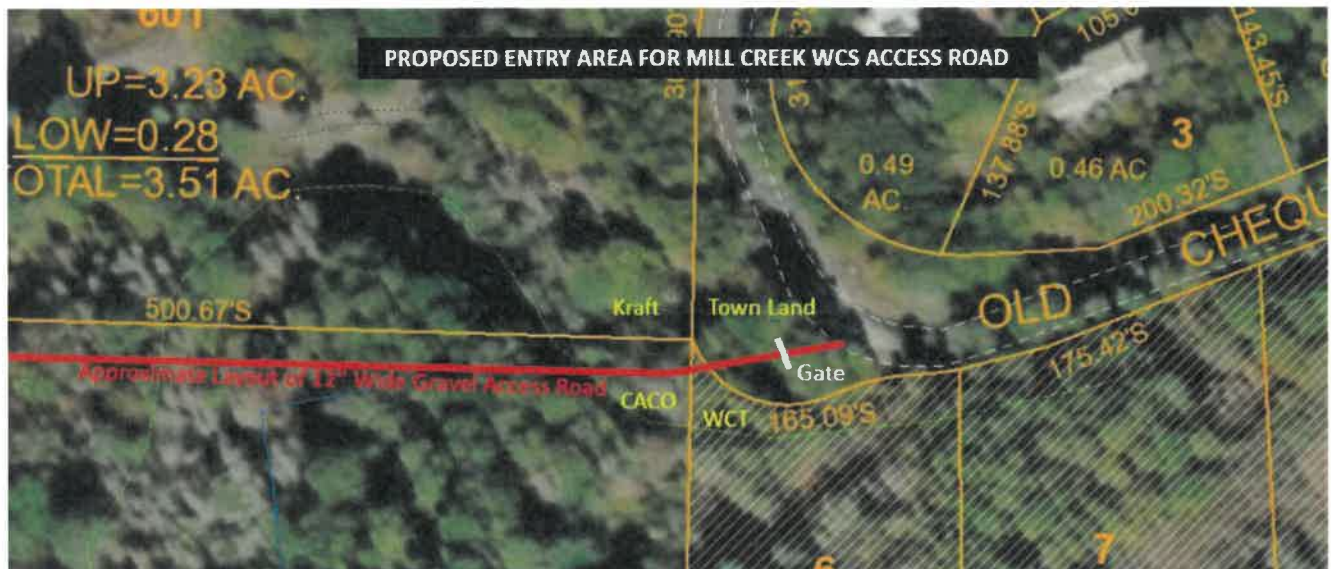
**2) Access to Mill Creek water control structure maintenance road from Chequessett Neck Road.**

The new Mill Creek water control structure will be accessed via a new maintenance road constructed by the NPS. NPS requests that the Town of Wellfleet construct about 50 feet of road to allow for maintenance vehicle access extending from curve of Chequessett Neck Road to the NPS boundary (avoiding onerous NPS administrative boundary change process).

The current access road layout indicates that NPS would need to acquire rights for road crossing Town and Wellfleet Conservation Trust land outside of the authorized NPS boundary. The national seashore does not have legislative authority to accept easements outside our park boundary as per Region 1 Lands Office. We would need an Administrative Boundary Adjustment to bring the road portion of the town and WCT property within the boundary. This requires publications, environmental site assessments, title, survey, and a justification process working under Land and Water Conservation Fund authorities prior to any rights exchange.

WCT leadership has begun review of a request that they will take to their board to convey small portion of WCT land to Town to allow for this access.

**Action item: NPS is looking for concurrence to allow this road work and work on the appropriate follow-up needed between the NPS and the Town.**



10/12/2021 drawing is a rough layout sketch of the Mill Creek access road entrance based on the engineer's plans. The length of the road from the paved road is less than 50 feet. With a 20-foot-width and the minimal length on the WCT parcel, the total area affected would be about 1,000 square feet.



**Herring River Restoration Project Lands Issues  
Cape Cod National Seashore  
April 2022**



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: April 12, 2022

# VIII

### COMMUNITY RELATIONS

<b>REQUESTED BY:</b>	SPAT
<b>DESIRED ACTION:</b>	To be introduced to the new SPAT staff
<b>PROPOSED MOTION:</b>	There is no motion needed for this agenda item
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

**IX**

## USE OF TOWN PROPERTY

~ A ~

<b>REQUESTED BY:</b>	<b>Deirdre Oringer</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of Mayo Beach on Thursdays from June 30, 2022, to September 1, 2022.</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the use of Mayo Beach on Thursdays from June 30, 2022, to September 1, 2022; from 7am to 4pm to Deirdre Oringer, for a fee of \$325.00 and the area is to be returned to the pre use conditions to the satisfaction of the Beach Director</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b> 3/9/22 okay Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b>  Comments/Conditions:  Permits/Inspections needed:
---	---

<b>Police Department:</b> 3/10/22 okay Comments/Conditions:	<b>Fire Department:</b> 3/9/2022 okay Comments/Conditions:
---	--

<b>DPW:</b> 3/10/22 okay Comments/Conditions	<b>Community Services Director:</b> 3/15/22 Comments/Conditions: Must be limited to 10 tents. Venders <u>must</u> park behind the theater.
--	---

<b>Harbormaster:</b> 3/10/22 okay Comments/Conditions	<b>Shellfish:</b> 3/15/22 Comments/Conditions Be aware of shellfish tracks transiting the shack area during low tide
---	---

<b>Recreation:</b>  Comments/Conditions	<b>Town Administrator:</b>  Comments/Conditions
---	---



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: April 12, 2022

IX

### USE OF TOWN PROPERTY

~ B ~

<b>REQUESTED BY:</b>	SPAT
<b>DESIRED ACTION:</b>	To approe the use of various locations near and around Mayo Beach and Baker's Field for the 2022 Wellfleet Oysterfest
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	I move to approve the use of various locations near Mayo Beach to SPAT from October 12, 2022, to October 17, 2022, for the 2022 Wellfleet Oysterfest. All areas used are the be returned to pre festival conditions to the satisfaction of the DPW Director, the Beach Director and the Recreation Director. For a fee to be determined by the Selectboard following their use of town property fee schedule.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



Wellfleet Select Board  
300 Main Street  
Wellfleet, MA 02660

February 23, 2022

Dear Select Board Members,

On behalf of the Board of Directors and staff here at Wellfleet Shellfish Promotion & Tasting Inc. (SPAT), we are excited to announce the reemergence of Wellfleet OysterFest. With lots to learn from 2019, we have made a few changes to the fest that will make for a smoother, safer, and more educationally rich experience.

In this year's Town Use application, SPAT is requesting the use of the Baker's Field for the weekend of Oct. 14th, 15th and 16th. After conversations with town safety officials, moving the 'Fest to this location is the safest and best option for the future of OysterFest. With less than 40,000 usable sq ft in the Town's center, Baker's Field by comparison provides an expansive footprint of 128,000 sq ft. In addition to a more spacious layout, we plan to limit admissions to 5,000 pre sold tickets per day and offer Wellfleet residents free of charge admission on Sunday.

The SPAT Board of Directors and staff appreciate the town's support for SPAT'S programs and its mission to foster Wellfleet's shellfishing community. We look forward to working together for a new and re-imagined 'Fest.

With gratitude,

Kate Moreau  
Director of Education & Outreach  
Wellfleet SPAT

Lisa Brown  
Co-Founder & Board member  
Wellfleet SPAT



## APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667

*Applicant:* Kate Moreau & Lisa Brown      *Affiliation or Group:* Wellfleet SPAT

*Telephone Number:* 973-954-0922      *Mailing Address:* PO Box 2156, Wellfleet, MA 02667

*Email Address:* [kate@wellfleetspat.org](mailto:kate@wellfleetspat.org)

*Town Property to be used (include specific area):*

- Recreation Area
- Baker's Field
- Mayo Beach Parking lot
- Kendrick Ave, from Billingsgate entrance to Mayo Beach Parking lot-entry
- Town access road between Bookstore Restaurant and tennis courts

*Date(s) and hours of use:* Wednesday-Monday, October 12th-17th, 2022

- Wednesday & Thursday- 9:00 AM to 4:00 PM, set up
- Friday- 9:00 AM to 4:00 PM, set up; 4:00 to 8:00 PM, Beer, Food & DJ
- Saturday & Sunday- 6:00 AM to 6:00 PM, set up, event, and clean up
- Monday- 6:00 AM to 6:00 PM, pack up & clean up

*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:*

- Purpose: OysterFest is Wellfleet SPAT's main annual fundraiser. The festival will include: raw bars, food trucks, beer and wine (by separate permit), art and craft exhibitors, non-profit tents, a Family Fun Area, and main stage activities and live music featuring the annual Shuck Off.
- Number of persons involved: 5,000 per day (saturday and sunday). This includes ticketed attendees per day, volunteers, adjunct staff, fire, rescue, police, and security.
- Equipment, Food and Beverage: Main Stage, self contained food vendor trucks, miscellaneous tents, beer garden, porta potties, sanitizing stations, raw bars, shellfish holding and refrigeration, supplemental power panel, sound equipment and tent, miscellaneous kids area equipment.

- Parking Arrangements: Satellite parking at Newcomb Hollow, White Crest and the town pier with drop off stops uptown by Main Street, and down by the fest at Baker's Field.
- Fees: Admission for adults is \$15 per person per day or \$25 for 2 days. Children under 12 will be admitted free. Wellfleet residents will be admitted free on Sunday with valid driver's license or student ID.

Additional:

- SPAT agrees to pay for all town services utilized in the production of this event including permit fees, police and fire details, DPW support services, town water used for the event, and transfer station dump fees.
- Planning meetings with all Town Department Heads
- Planning with the Fire Department and Public Safety- Incident Action Plan will be in effect.

Permits to be obtained:

- Building (tents and stage)
- BOH (Temp Food and Sanitation)
- Electric (Power)
- Special Event Liquor License

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

SPAT will pay all police, fire, rescue, shuttle, and outside security personal

Department of Public Works (DPW):

- Provide "No Parking" signs
- Provide barriers
- Mow grounds pre fest
- Maintenance and repair post fest
- SPAT will be responsible for any repair costs to Baker's Field

Police Department

- Work with SPAT to develop security and traffic plans
- Police details throughout the weekend including security, traffic flow, parking, etc
- Arrange highway signs
- Install barrier fences as needed
- More to be determined

Fire & Rescue

- Work with SPAT to update Incident Action Plan
- Provide staff necessary for emergency services including medical tent and ambulance located strategically outside of the Fest
- Deliver light tower to main stage

- More to be determined

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 the following reason(s): \_\_\_\_\_

\_\_\_\_\_

Date: March 1, 2022

Processing Fee: \$50.00

Fee: pd - check # 2361

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b>	<b>Inspector of Buildings:</b>
Comments/Conditions:	Comments/Conditions:
Permits/Inspections needed:	Permits/Inspections needed:

<b>Police Department:</b>	<b>Fire Department:</b>
Comments/Conditions:	Comments/Conditions: okay chief paulley 3-22-2022

<b>DPW:</b>	<b>Community Services Director:</b>
Comments/Conditions: okay Jay Norton 3-22-2022	Comments/Conditions:

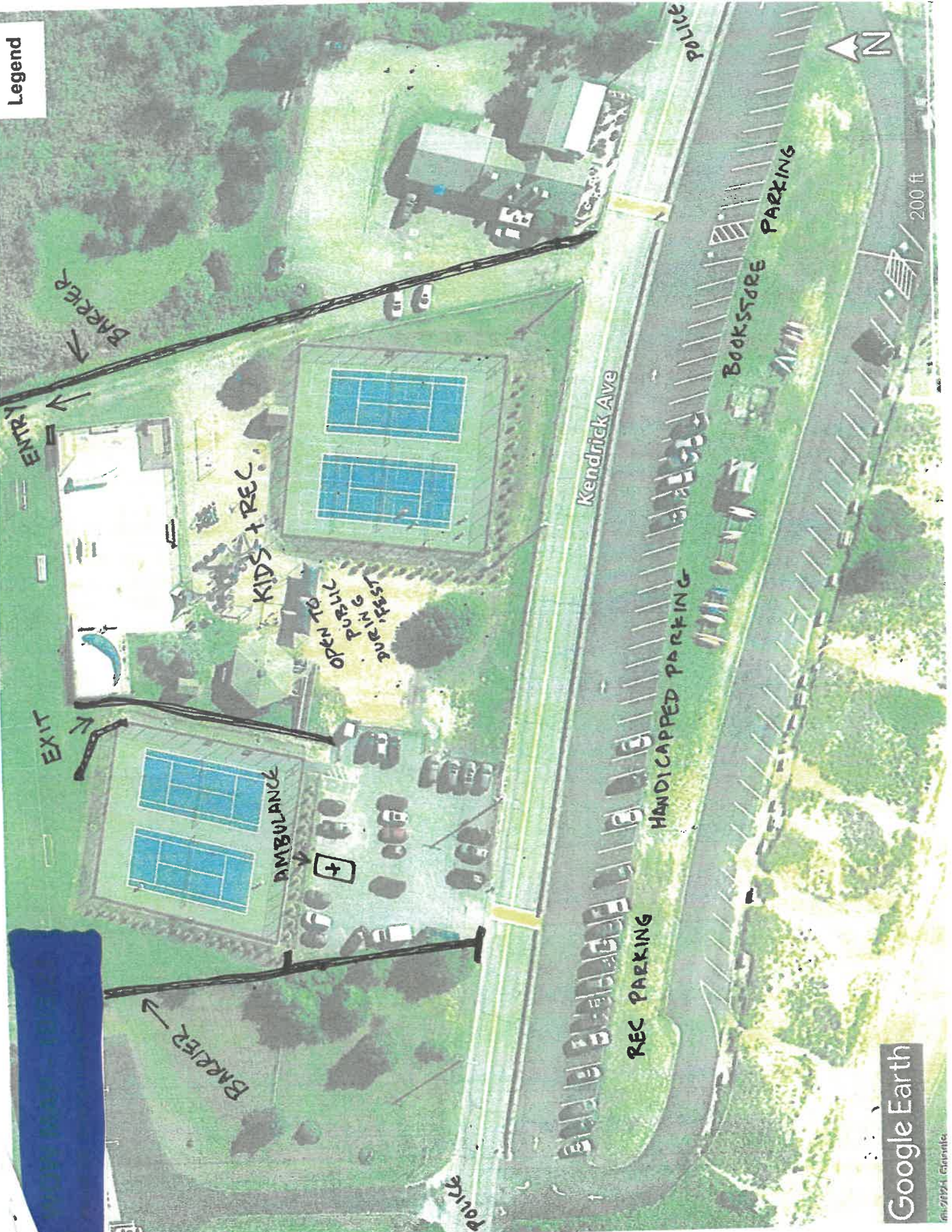
<b>Harbormaster:</b>	<b>Shellfish:</b>
Comments/Conditions	Comments/Conditions: OK - Nancy Cuetta will educate new staff

<b>Recreation:</b>	<b>Town Administrator:</b>
Comments/Conditions	Comments/Conditions

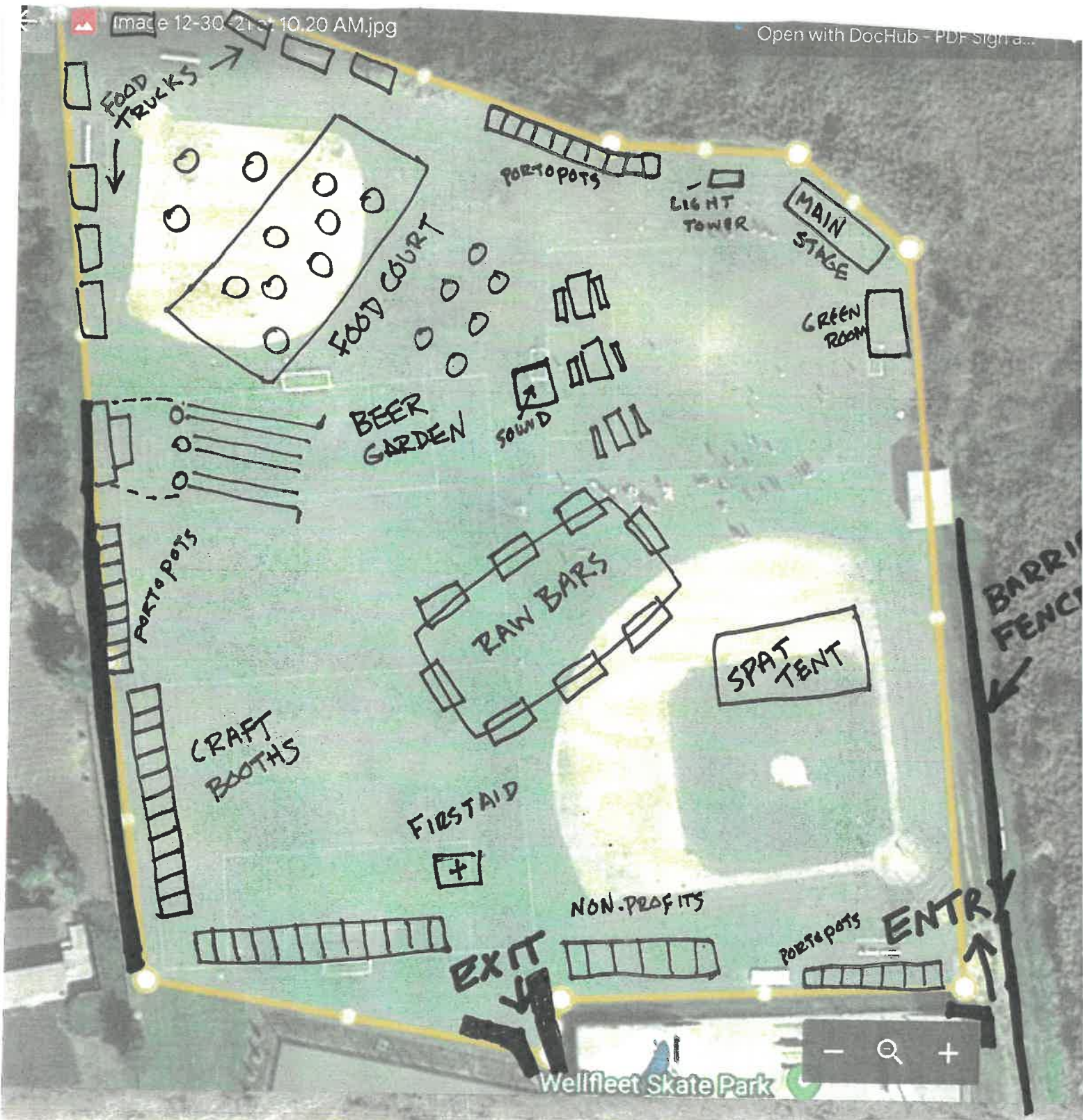
★ The department heads met with Spat to discuss ★



Legend









## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

X

### BUSINESS

~ A ~

<b>REQUESTED BY:</b>	<b>Mac's Shack ~ Mac Hay</b>
<b>DESIRED ACTION:</b>	<b>To discuss and approve the temporary tent structure to Mac's Shack for the summer season</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the DPW 2022 Annual Town Meeting Warrant Article #42 Route 6/Main Street Intersection Project</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____





*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
95 Fourth Street, Suite 3  
Chelsea, Massachusetts 02150  
Tel. (617) 727-3040  
Fax: (617) 727-1510*

Jean M. Lorizio, Esq.  
Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY  
REGARDING THE FURTHER EXPANSION OF PATIO SERVICE AND  
TAKEAWAY/DELIVERY OF ALCOHOL BY ON-PREMISES LICENSEES**

On April 1, 2022, Governor Charlie Baker signed into law “An Act making appropriations for fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects.” The text of the legislation can be found [HERE](#).

This Act permits licensees for on-premises consumption to continue with (1) expanded patio service and (2) extends the ability to sell alcoholic beverages for takeaway and delivery:

**Patios/Outdoor Expansions:** licensees that have been approved for expanded patio/outdoor service may continue their outdoor operations until April 1, 2023.

Licensees that seek to continue patio/outdoor service after April 1, 2023, are encouraged to apply in the ordinary course for an alteration of premises with their local licensing authorities. Otherwise, these amended licenses automatically revert to the status prior to the approval of the expansion of outdoor service as of April 1, 2023.

**Takeaway/delivery of alcohol:** establishments licensed for on-premises consumption of alcohol may continue takeaway and delivery sales of alcohol until April 1, 2023. All alcohol sold for takeaway/delivery must be sold with food and at the same price as alcohol for on-premises consumption.

Please be aware that the ABCC will be holding a public hearing on Thursday, April 7, 2022, at 12:00 p.m. to discuss proposed guidelines for the operation of patios/outdoors alcohol service. Information regarding the public hearing and the proposed guidelines will be available on the ABCC’s website at [www.mass.gov/abcc](http://www.mass.gov/abcc).

As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to the ABCC Executive Director Ralph Sacramone at [rsacramone@tre.state.ma.us](mailto:rsacramone@tre.state.ma.us) or (617) 727-3040 x 731.

(Issued April 1, 2022)



January 27, 2022

Wellfleet Board of Selectmen  
Wellfleet Town Hall  
300 Main Street  
Wellfleet, MA 02667

okayed by  
DPW - 3/23  
Fire - 3/23

Dear Wellfleet Board of Selectmen,

We request your consideration at the February 8, 2022 Board of Selectmen meeting to grant Board approval for Mac's Seafood's application to erect a temporary tent structure at Mac's Shack, 91 Commercial Street, Wellfleet from April 1 to December 1, 2022.

The tent specifications, seating plan and traffic flow pattern are identical to the applications approved by the Board of Selectmen in 2020 and 2021 (see attached narrative).

There will be no change to seating capacity – rather the space allows us to place the dining tables at a safe social distance to help mitigate the risk of Covid-19 and protect the health of customers to the best of our ability as the pandemic continues. The ABCC and Board of Selectmen approved alcohol consumption in the space when we applied for an alternation of premises in 2020.

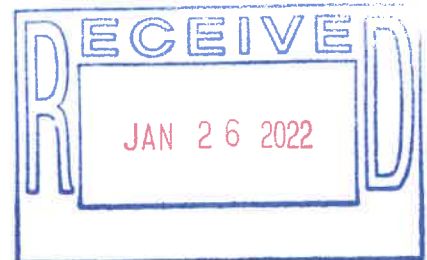
The 2022 Tent Permit Application was submitted to the Building Department on January 26, 2022 and copies distributed to the Police, Fire and Health Departments for approval.

Thank you for your consideration and please contact me if you require any additional information.

Sincerely,



Mac Hay  
President & CEO

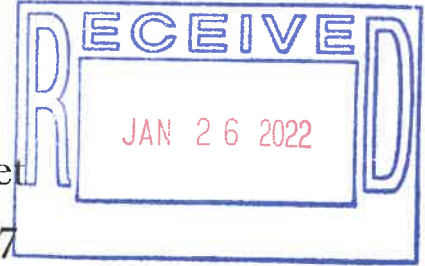


PO Box 1768 | Wellfleet, MA 02667

PH (508) 214-3290 | FAX (508) 214-3292 | [www.macsseafood.com](http://www.macsseafood.com)



Mac's Shack  
91 Commercial Street  
Wellfleet, MA 02667



January 18, 2022

#### Description of Tented Dining area in Parking Lot

1. 30'x40' NaviTrac Tent extending approximately 24' into the parking lot area just east of the hostess shed and west of the walk-in
2. One-ton concrete blocks installed around the perimeter of the tent for tent anchoring and buffer/protection from any potential vehicle traffic
3. Reconfigured parking spaces to provide ample space in the driveway for vehicular traffic – identical approved configuration from 2020 and 2021
4. Traffic lanes re-routed at least 10' away from tent perimeter – identical approved configuration from 2020 and 2021
5. Clear traffic cones and signage to direct "in and out" traffic pattern
6. Tent to be erected in accordance with all MA state laws and permitted as such

*Police okay*  
*Fire okay*



PARCEL 133

MAC'S STACK

91 Commercial St  
Wellfleet

**PARCEL 129**

0.15 ac±

COMMERCIAL STREET

STREET

APPROXIMATE EDGE OF SALT MARSH

EDGE OF WETLAND

PROPOSED DECK

219'±

91 COMMERCIAL STREET

BATHROOM

RAIL BAR

AWNING

BH

LANDSCAPING

HOSTESS SHADE

PROJ

60'±

101.60'

1" = 20'



= Tent




= 2 ton concrete blocks

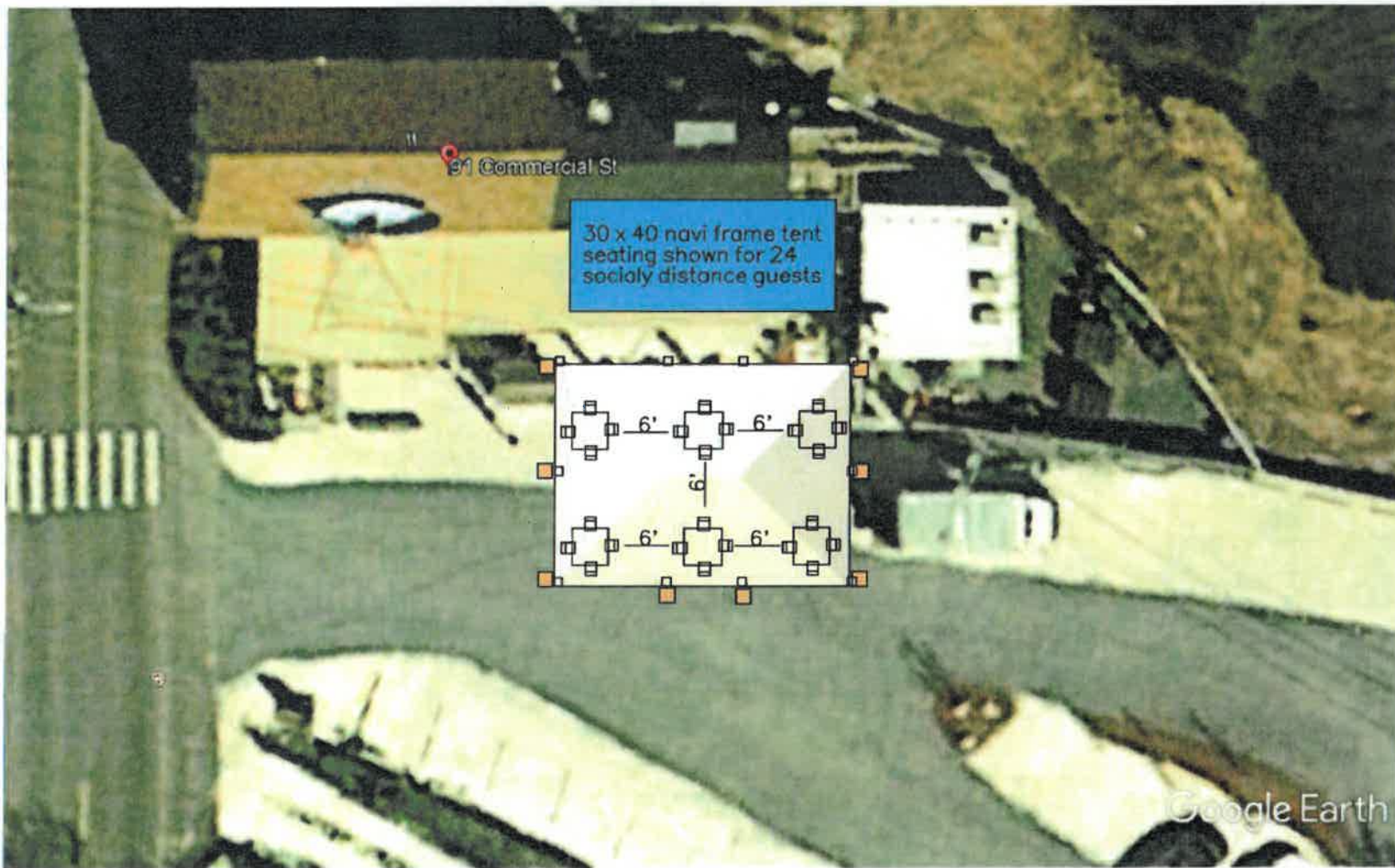
EXISTING 5' FLOOD ZONE (EL 14'± NG)

MAC'S SHACK at Commercial St. Proposed Tent



 = 30x40 Tent





**CHASE CANOPY**  
LUXURY TENTS | EVENT RENTALS

Date: soon  
Project: Mac's Seafood  
Designer: Dan



The Commonwealth of Massachusetts  
Board of Building Regulations and Standards  
Massachusetts State Building Code, 780 CMR, **9th Edition**

Building Permit Application To Construct, Repair, Renovate Or Demolish a  
**One- or Two-Family Dwelling**

**Town of Wellfleet Building Dept.**  
220 West Main St  
Wellfleet, MA 02667  
**508-349-0309**

This Section Is For Official Use Only

Building Permit Number: \_\_\_\_\_ Date Applied: \_\_\_\_\_

Building Official (print name) \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**SECTION 1: SITE INFORMATION**

<b>1.1 Property Address:</b> <u>91 Commercial Street, Wellfleet, MA 02667</u>		<b>1.2 Assessors Map &amp; Parcel Numbers</b> <u>21</u> Map Number <u>129</u> Parcel Number	
1.1a Is this an accepted street? yes <input checked="" type="checkbox"/> no _____			
<b>1.3 Zoning Information:</b> Commercial _____ Restaurant _____ Zoning District _____ Proposed Use _____		<b>1.4 Property Dimensions:</b> <u>0.15</u> Lot Area (sq ft) _____ Frontage (ft) _____	
<b>1.5 Building Setbacks (ft)</b> See attached		<b>Is this a historical or commercial property?</b> <input checked="" type="checkbox"/> Yes _____ No (circle one as required)	
Front Yard		Side Yards	
Required	Provided	Required	Provided
<b>1.6 Water Supply:</b> (M.G.L c. 40, §54) Public <input checked="" type="checkbox"/> Private _____		<b>1.7 Flood Zone Information:</b> Zone: <u>AE</u> Outside Flood Zone? Check if yes <input type="checkbox"/>	
<b>1.8 Sewage Disposal System</b> Municipal _____ On site disposal system <input checked="" type="checkbox"/>			

**SECTION 2: PROPERTY OWNERSHIP<sup>1</sup>**

**2.1 Owner<sup>1</sup> of Record:**  
Belvernon, LLC 91 Commercial Street  
Name (Print) \_\_\_\_\_ **Wellfleet Job Address**  
*Anthony A. King* \_\_\_\_\_ 508-214-3290  
**Owner's signature** \_\_\_\_\_ **Homeowner's phone number**

**SECTION 3: DESCRIPTION OF PROPOSED WORK<sup>2</sup> (check all that apply)**

New Construction <input type="checkbox"/>	Existing Building <input type="checkbox"/>	Owner-Occupied <input type="checkbox"/>	Repairs(s) <input type="checkbox"/>	Alteration(s) <input type="checkbox"/>	Addition <input type="checkbox"/>
Wood Stove <input type="checkbox"/>	Accessory Bldg. <input type="checkbox"/>	Number of Units _____	<b>Solar</b> <input checked="" type="checkbox"/>	Other: Specify: <u>Temporary tent</u>	

Brief Description of Proposed Work<sup>2</sup>:  
Temporary tent for dining. 30x40 Navi Trac Tent/6x30 Marquis Tent  
Duration: April 1 - December 1, 2022 (or sooner, weather dependent)

**SECTION 4: ESTIMATED CONSTRUCTION COSTS**

Item	<b>Estimated Costs:</b> (Labor and Materials)	<b>Official Use Only</b>
1. Building	\$ 35,000	1. Building Permit Fee: \$ _____
2. Electrical	\$ _____	2. <b>Fire Permit:</b> \$ _____ Other: _____
3. Plumbing	\$ _____	List: _____
4. Mechanical (HVAC)	\$ _____	Total All Fees: \$ _____
5. Mechanical (Fire Suppression)	\$ _____	Check No. _____ Check Amount: _____
<b>6. Total Project Cost:</b>	\$ 35,000	Cash Amount: _____ Paid in Full _____ Outstanding Balance Due: _____



**SECTION 5: CONSTRUCTION SERVICES**

**5.1 Licensed Construction Supervisor (CSL)**

N/A  
 Name of CSL- Holder \_\_\_\_\_  
 Street # and Address \_\_\_\_\_  
 City/Town, State, ZIP \_\_\_\_\_  
 Mailing Address **if different** \_\_\_\_\_  
 Telephone \_\_\_\_\_ **E-Mail** \_\_\_\_\_  
 Signature \_\_\_\_\_

N/A

**License Number** \_\_\_\_\_ **Expiration Date** \_\_\_\_\_

List CSL Type (see below) \_\_\_\_\_

Type	Description
U	Unrestricted (up to 35,000 Cu. Ft.)
R	Restricted 1&2 Family Dwelling
M	Masonry Only
RC	Residential Roofing Covering
WS	Residential Window and Siding
SF	Residential Solid Fuel Burning Appliance Installation

**5.2 Registered Home Improvement Contractor (HIC)**

Chase Canopy Company, Inc./Andrew Chase  
 HIC Company Name or HIC Registrant Name  
4 Nicky's Lane, Mattapoisett, MA 02739  
 Address  
 Signature \_\_\_\_\_ 508-758-2155  
 Telephone  
andrew@chasecanopy.com  
**E-Mail**

N/A

**Registration Number** \_\_\_\_\_

**Expiration Date** \_\_\_\_\_

**SECTION 6: WORKERS' COMPENSATION INSURANCE AFFIDAVIT (M.G.L. c. 152. § 25C(6))**

Workers Compensation Insurance affidavit must be completed and submitted with this application. Failure to provide this affidavit will result in the denial of the Issuance of the building permit.

Signed Affidavit Attached? Yes. X No. \_\_\_\_\_

**SECTION 7a: OWNER AUTHORIZATION TO BE COMPLETED WHEN OWNER'S AGENT OR CONTRACTOR APPLIES FOR BUILDING PERMIT**

I, MacGregor Hay, as Owner of the subject property, hereby authorize Chase Canopy to act on my behalf, in all matters relative to work authorized by this building permit application.  
 Signature of Owner *MacGregor Hay* Date 1/20/2022

**SECTION 7b: OWNER<sup>1</sup> OR AUTHORIZED AGENT DECLARATION**

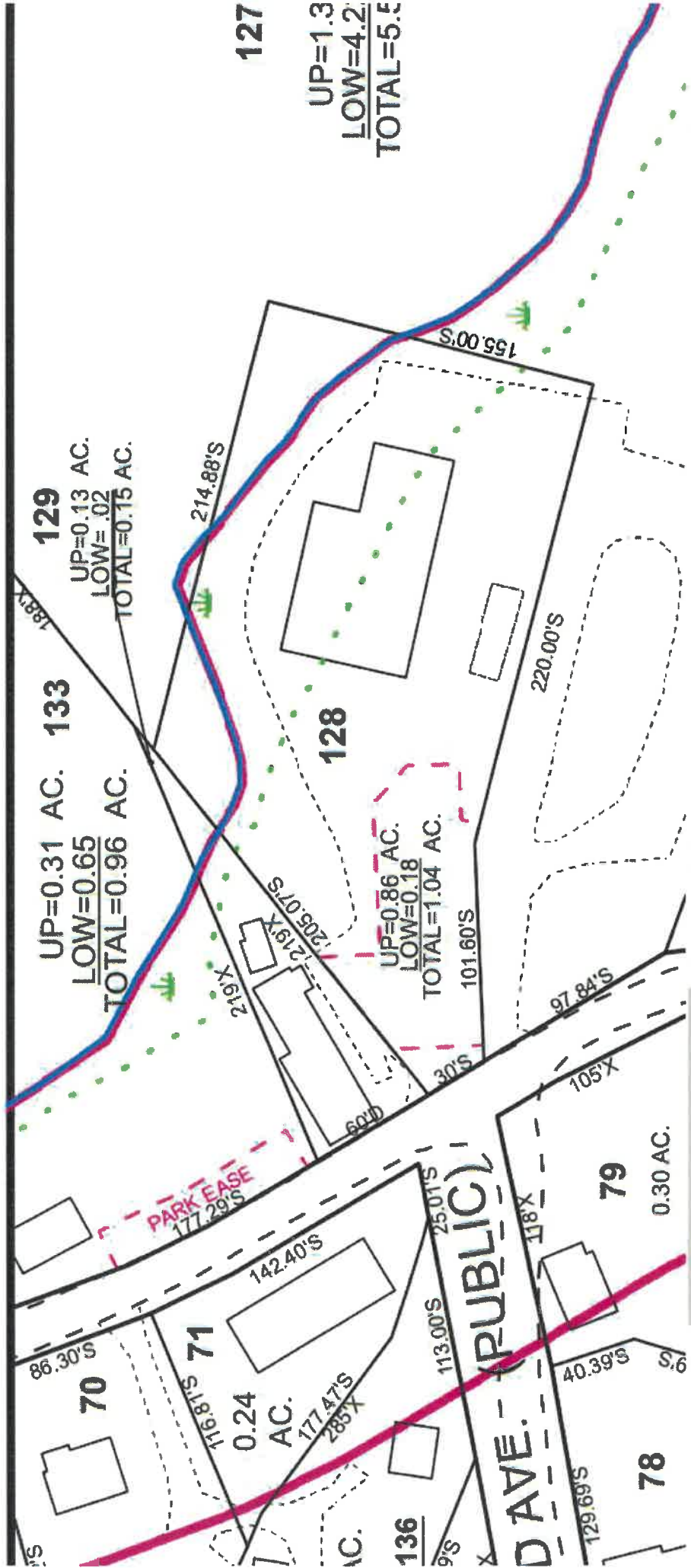
I, MacGregor Hay, as Owner or Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and behalf.  
 Signature of Owner or Authorized Agent *MacGregor Hay* Date 1/20/2022  
 (Signed under the pains and penalties of perjury)

**NOTES:**

1. An Owner who obtains a building permit to do his/her own work, or an owner who hires an unregistered contractor (not registered in the Home Improvement Contractor (HIC) Program), will **not** have access to the arbitration program or guaranty fund under M.G.L. c. 142A. Other important information on the HIC Program and Construction Supervisor Licensing (CSL) can be found in 780 CMR Regulations 110.R6 and 110.R5, respectively.
2. When substantial work is planned, provide the information below:  
 Total floors area (Sq. Ft.) \_\_\_\_\_ (including garage, finished basement/attics, decks or porch)  
 Gross living area (Sq. Ft.) \_\_\_\_\_ Habitable room count \_\_\_\_\_  
 Number of fireplaces \_\_\_\_\_ Number of bedrooms \_\_\_\_\_  
 Number of bathrooms \_\_\_\_\_ Number of half/baths \_\_\_\_\_  
 Type of heating system \_\_\_\_\_ Number of decks/ porches \_\_\_\_\_  
 Type of cooling system \_\_\_\_\_ Enclosed \_\_\_\_\_ Open \_\_\_\_\_

**Debris Disposal: Debris resulting from this work shall be disposed at N/A which is a properly licensed solid waste disposal facility as required by MGL, C111, S 150A**

-(15-98)



**129**  
 UP=0.13 AC.  
 LOW=.02  
 TOTAL=0.15 AC.

**133**  
 UP=0.31 AC.  
 LOW=0.65  
 TOTAL=0.96 AC.

**127**  
 UP=1.3  
 LOW=4.2  
 TOTAL=5.5

**128**  
 UP=0.86 AC.  
 LOW=0.18  
 TOTAL=1.04 AC.

**PARK EASE**  
 177.29'S

**D AVE. (PUBLIC)**

**70**  
 0.24 AC.

**71**  
 0.24 AC.

**79**  
 0.30 AC.

**78**

**136**

188'X

116.87'S

142.40'S

177.47'S

285'X

113.00'S

25.01'S

118'X

105'X

97.84'S

101.60'S

220.00'S

155.00'S

214.88'S

205.07'S

219'X

219'X

60'D

30'S

30'S

60'D

60'D

60'D

60'D

60'D

60'D

**IMPORTANT DOCUMENT**  
*Certificate of Flame Resistance*

ISSUED BY



Date of Shipment  
7/31/2018

Sales Order #  
SO-659446

EVANSVILLE, INDIANA 47725

**MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN**

This is to certify that the materials described are inherently flame retardant and were supplied to:

266675  
CHASE CANOPY COMPANY  
4 NICKYS LN  
P O BOX 48  
MATTAPoisETTE MA 02739  
USA

**FLAME RETARDANT**



Registration Number: SNYDER MFG :  
F-14001.01 & NFPA 701 & ASTM  
E84 CLA

**Fabric meets requirements of**

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and the application of said chemical was done in conformance with California Fire Marshall Code.

**Flame Retardant Process Used Will Not Be Removed By Washing  
And Is Effective For the Life Of The Fabric**

Serial # 8046025 (1)

Description of Item certified: NAVI-TRAC LITE MIDDLE 30W X 10 VINYL WHITE SNYDER

SNYDER MFG

Name of Applicator of Flame Resistant Finish

Signed: *Michael L. McKim*  
**ANCHOR INDUSTRIES INC**

**IMPORTANT DOCUMENT**  
*Certificate of Flame Resistance*

ISSUED BY



Date of Shipment  
7/31/2018

Sales Order #  
SO-659446

EVANSVILLE, INDIANA 47725

**MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN**

This is to certify that the materials described are inherently flame retardant and were supplied to:

266675  
CHASE CANOPY COMPANY  
4 NICKYS LN  
P O BOX 48  
MATTAPOISETTE MA 02739  
USA

**FLAME RETARDANT**



Registration Number: SNYDER MFG :  
F-14001.01 & NFPA 701 & ASTM  
E84 CLA

**Fabric meets requirements of**

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and the application of said chemical was done in conformance with California Fire Marshall Code.

**Flame Retardant Process Used Will Not Be Removed By Washing  
And Is Effective For the Life Of The Fabric**

Serial # 8046023 (2)

Description of item certified: NAVI-TRAC LITE HIP END 30W X 15 VINYL WHITE SNYDER

SNYDER MFG \_\_\_\_\_

Name of Applicator of Flame Resistant Finish

Signed: *Michael L. McKim*  
**ANCHOR INDUSTRIES INC**

**IMPORTANT DOCUMENT**  
**Certificate of Flame Resistance**

REGISTRATION  
NUMBER

F140.1



ISSUED BY



EVANSVILLE, INDIANA 47725  
MANUFACTURERS OF THE FINISHED  
TENT PRODUCTS DESCRIBED HEREIN

Date of Shipment

3/28/2008

Tent Identification

04595468

**This is to certify that the materials described have been flame-retardant treated  
(or are inherently noninflammable) and were supplied to:**

266675  
CHASE CANOPY COMPANY  
4 NICKYS LN  
P O BOX 46

MATTAPOISETTE MA 27390406

**Certification is hereby made that:**

**The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code. All fabric has been tested and passes NFPA 701-99, CPAI 84, ULC 109.**

Serial #

8085010C (10)

Description of item certified:

FI MARQ MID 9WX10 SNYDER WHITE  
#1023970A

**Flame Retardant Process Used Will Not Be Removed By  
Washing And Is Effective For The Life Of The Fabric**

SNYDER MFG NEW PHILADELPHIA OH  
Name of Applicator of Flame Resistant Finish

Signed:

*A. Clark*  
ANCHOR INDUSTRIES INC.

**IMPORTANT DOCUMENT**  
**Certificate of Flame Resistance**

REGISTRATION  
NUMBER

F140.1



ISSUED BY



EVANSVILLE, INDIANA 47725  
MANUFACTURERS OF THE FINISHED  
TENT PRODUCTS DESCRIBED HEREIN

Date of Shipment

3/28/2008

Tent Identification

04595468

This is to certify that the materials described have been flame-retardant treated (or are inherently nonflammable) and were supplied to:

266675  
CHASE CANOPY COMPANY  
4 NICKYS LN  
P O BOX 46

MATTAPOISETTE MA 27390406

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code. All fabric has been tested and passes NFPA 701-99, CPAI 84, ULC 109.

Serial #

8085050C (10)

Description of item certified:

FI MARQ PR OF ENDS 9W (2PC)  
SNYDER WHITE #1023970A

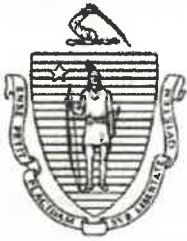
**Flame Retardant Process Used Will Not Be Removed By  
Washing And Is Effective For The Life Of The Fabric**

SNYDER MFG NEW PHILADELPHIA OH  
Name of Applicator of Flame Resistant Finish

Signed:

ANCHOR INDUSTRIES INC.





The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 Office of Investigations  
 Lafayette City Center  
 2 Avenue de Lafayette, Boston, MA 02111-1750  
 www.mass.gov/dia

**Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers**  
**Applicant Information** **Please Print Legibly**

Name (Business/Organization/Individual): Chase Canopy Company, Inc.

Address: P.O. Box 46, 4 Nickys Lane

City/State/Zip: Mattapoisett MA 02739 Phone #: 508-758-2055

<b>Are you an employer? Check the appropriate box:</b> 1. <input checked="" type="checkbox"/> I am an employer with <u>25</u> employees (full and/or part-time).* 2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.] 3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] † 4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡ 5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]		<b>Type of project (required):</b> 6. <input type="checkbox"/> New construction 7. <input type="checkbox"/> Remodeling 8. <input type="checkbox"/> Demolition 9. <input type="checkbox"/> Building addition 10. <input type="checkbox"/> Electrical repairs or additions 11. <input type="checkbox"/> Plumbing repairs or additions 12. <input type="checkbox"/> Roof repairs 13. <input checked="" type="checkbox"/> Other <u>temp tents/ event equip</u>
--	--	--

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.  
 † Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.  
 ‡ Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

***I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.***

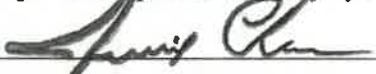
Insurance Company Name: Arch Insurance Company

Policy # or Self-ins. Lic. #: PRWCC0003605 Expiration Date: 01/01/2023

Job Site Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).** Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

***I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.***

Signature:  Date: 01/06/22

Phone #: 508-758-2055

**Official use only. Do not write in this area, to be completed by city or town official.**

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (check one):  
 1  Board of Health 2  Building Department 3  City/Town Clerk 4  Electrical Inspector 5  Plumbing Inspector 6  Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_







## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

X

### BUSINESS

~ B ~

<b>REQUESTED BY:</b>	<b>Town Moderator ~ Daniel Silverman</b>
<b>DESIRED ACTION:</b>	<b>To discuss and vote on the venue for Annual Town Meeting</b>
<b>PROPOSED MOTION:</b>	<b>If a decision is made, a motion will be made at the time of the meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



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

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## Wellfleet Town Meeting

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**Moderator** <Moderator@wellfleet-ma.gov>

Wed, Mar 30, 2022 at 10:05 AM

To: AUDIO ASSOCIATES <audioassoc@verizon.net>

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Jay Norton <Jay.Norton@wellfleet-ma.gov>, Ryan Curley <ryan.d.curley@gmail.com>

Hello Steve,

I hope you and Robin have had a good winter.

Wellfleet is considering holding its Annual Town Meeting outdoors again and if we do so, we'd need your audio services again.

While the Selectboard hasn't made a final decision yet, it looks like that's the direction we're moving in.

Would you be available on Saturday, Jun 11 (with rainedates of Sunday, Jun 12 and Saturday, Jun 18)?

I expect the Selectboard to make a decision at their next regular meeting on April 12 on whether or not to hold the meeting outdoors, but want to give you a heads-up and see about your availability in case they do so.

Thanks.

Dan

Dan Silverman  
Town Moderator  
Moderator@wellfleet-ma.gov



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

II

### BUSINESS

~ C ~

<b>REQUESTED BY:</b>	Ryan Curley ~ Chair
<b>DESIRED ACTION:</b>	Special Election for vacated Selectboard seat
<b>PROPOSED MOTION:</b>  <b>Summary:</b>	<b>I move to accept the resignation of Helen Miranda Wilson from the Wellfleet Selectboard effective June 20, 2022</b> <b>I move to direct the Town Clerk to place on the ballot, for the June 21, 2022 Special Town Election a seat for Selectboard, two-year term to fulfill a vacancy.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____  Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

The charter says in Section 3-1-3 that vacancies must be filled by special election. Per MGL The Town Clerk needs to notify the board that she has received the resignation papers. At that point the board will need to decide on holding a special election. The public has to be provided with the opportunity to take out and submit nomination papers. To make the annual town election, the board would have needed to take action to effectively hold a special election on the same date and time as the annual election for the vacant seat. We would have needed to do this weeks ago to make the posting deadlines for the annual election. It would not be lawful to have the vacant seat included with the annual election at this time.

## CHAPTER 3 SELECTBOARD

### Section 3-1 The Selectboard

3-1-1 A Selectboard of five members shall be elected for three-year overlapping terms.

3-1-2 Members of the Selectboard shall receive such compensation as may be authorized and appropriated by the Town Meeting.

3-1-3 Vacancies on the Selectboard shall be filled by special election in accordance with the provisions of MGL.

## Section 4-1 Elected Town Boards

4-1-1 Beginning with the first annual election held after the adoption of this Charter, Town committees to be elected by vote of the Town shall be:

(a) a Selectboard;

(b) a School Committee of five members;

(c) a Board of Library Trustees of six members;

(d) a Cemetery Commission of three members,

4-1-2 During the term for which a member is elected, and for one year following expiration of such term, no member of any elected committee under this Charter shall be

eligible to accept any paid position under such committee or in the same department.

4-1-3 Vacancies on committees, established under Chapter 4 of this Charter and appointed by the Selectboard, except the Selectboard, shall be filled in accordance with the provisions of MGL Chapter 41, Section 11.

## MGL Ch 41 Section 11: Appointment to fill vacancy in town office

Section 11. As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered

voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified.

Section 10: Failure to elect; procedure to fill vacancy; notice

Section 10. If there is a failure at an election to choose a town officer, except a selectman, or if a person chosen shall not accept such office, or if a vacancy shall occur, the town may at any meeting elect a person to such office.

If, at an election of town officers for which official ballots are used, there is a failure to elect a town officer, he may be elected at an adjourned or succeeding meeting; and ballots shall be prepared and furnished for such meeting, containing the nominations already made and such as may subsequently be made for the office.

The proceedings in such election and the qualifications of a person to be elected or appointed in case of failure to elect, refusal to accept or vacancy shall be the same as in an original election.

If there is a failure to elect or a vacancy occurs in the office of selectman, the remaining selectmen or selectman may call a special election to fill the vacancy and shall call such election upon the request in writing of two hundred registered voters of the town, or twenty per cent of the total number of registered voters of the town, whichever number is the lesser; provided, that such request is filed with them or him not less than one hundred days prior to the date of the next annual election.

If there is a resignation of a town officer creating a vacancy at some later time certain, and such resignation is filed with the town clerk in accordance with the provisions of section one hundred and nine, said town clerk shall certify a vacancy shall occur at the later time certain and the board of selectmen may call a special election as provided in this section; provided, however, that no such election may be held prior to the effective date of the resignation creating such vacancy.

No election shall be held for any office pursuant to this section unless the selectmen file with the town clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification, before the election or any preceding primary, caucus, or preliminary election.

MGL Ch 53 Section Section 7A: Nomination papers for city offices; deadlines; signatures; certification and checking

Section 7A. Except where otherwise provided by law, every nomination petition or other like paper of a candidate for a city office in a city wherein preliminary elections for the nomination of candidates for such office are held shall be submitted, on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it must be filed, to the registrars of the city. In each case the registrars shall check each name to be certified by them on the nomination petition or other like paper and shall forthwith certify thereon the number of signatures so checked which are names of voters both in the city and in the district for which the nomination is made, and only names so checked



shall be deemed to be names of qualified voters for the purposes of nomination. The registrars need not certify a greater number of names than are required to make a nomination, increased by one fifth thereof. Names not certified in the first instance shall not thereafter be certified on the same nomination petitions or other like papers.

#### Chapter 53 Section 10 Paragraph 3

Any provision of general or special law to the contrary notwithstanding, the last day for filing with the town clerk certificates of nomination or nomination papers for the nomination of town offices shall be the thirty-fifth day preceding the date of the election. In any town, the time for presenting nomination papers for certification to the registrars of voters, and for certifying the same, shall be governed by section seven, notwithstanding any contrary provision in any special law.

Section 7: Nomination papers; signatures; addresses; submission; deadlines; correction procedures; certification and checking; special elections

[ Section impacted by 2020, 45, Sec. 1A, as added by 2020, 92, Sec. 3, and 2020, 92, Secs. 15 to 17, effective June 5, 2020 relating to postponing municipal elections in order to address disruptions caused by the outbreak of COVID-19.

Section 7. Every voter signing a nomination paper shall sign in person as registered or substantially as registered, and shall state the address where he or she is currently registered, but any voter who is prevented by physical disability from writing may authorize some person to write his or her name and residence in his or her presence.

Every nomination paper of a candidate for a city or town office shall be submitted to the registrars of the city or town where the signers appear to be voters on or before five o'clock post meridian of the fourteenth day preceding the day on which it must be filed with the city or town clerk. Every nomination paper of a candidate for a state office shall be submitted to the registrars of the city or town where the signers appear to be voters on or before five o'clock post meridian of the twenty-eighth day preceding the day on which it must be filed with the state secretary; and certification of nomination papers of candidates for state office shall be completed no later than the seventh day before the final day for filing said papers with the state secretary.

The registrars shall inform the candidate submitting such papers if the designation of the district only in which he seeks office is incorrect, and shall give said candidate the opportunity to insert the correct designation on such papers before the signatures are certified. The registrars shall, if the candidate so desires, allow a change of district on the nomination papers, in the presence of the candidate whose name appears on the nomination papers, and the registrar and the candidate shall both initial the change of district so made and further shall in writing explain the change of district causing three copies to be made, one of each for the registrar and candidate and one to be attached to the nomination papers. If the correct district designation is not so inserted, the nomination papers shall not be approved. In no case may a correction be made to change the office for which such candidate is nominated.

Every initiative, referendum or other ballot question petition paper, except an application for a public policy question under sections nineteen to twenty-two, inclusive, shall be submitted to the registrars of the city or town where the signers appear to be voters on or before five o'clock post meridian of the fourteenth day preceding the day on which it must be filed with the state secretary; and certification of such papers shall be completed no later than the second day before the final day for filing said papers with the state secretary. In the case of special elections, every nomination paper shall be submitted to the registrars of the city or town where the signers appear to be voters on or before five o'clock post meridian in the afternoon of the seventh day preceding the day on which it must be filed with the state secretary; and certification of nomination papers of candidates shall be completed no later than the twenty-four hours before the final hour for filing said papers with the state secretary, except that, for special elections for senator or representative in congress, every nomination paper shall be submitted to the registrars of the city or town where the signers appear to be voters at or before 5:00 p.m. of the fourteenth day preceding the day on which it must be filed with the state secretary, and certification of nomination papers of candidates shall be completed no later than the 72 weekday hours before the final hour for filing those papers with the state secretary.

Each nomination paper shall be marked with the date and time it was submitted and such papers shall be certified in order of submission. In each case the registrars shall check each name to be certified by them on the nomination paper and shall forthwith certify thereon the number of signatures so checked which are names of voters both in the city or town and in the district for which the nomination is made, and only names so checked shall be deemed to be names of qualified voters for the purposes of nomination. The registrars shall place next to each name not checked symbols designated by the state secretary indicating the reason that name was disqualified. The registrars shall certify a number of names that are required to make a nomination, increased by two fifths thereof, if they are submitted in a timely manner for a certification.

The state secretary need not receive nomination papers for a candidate after receiving such papers containing a sufficient number of certified names to make a nomination, increased by two fifths thereof.

For the purposes of this section a registered voter who in signing his name to a nomination paper inserts a middle name or initial in, or omits a middle name or initial from, his name as registered shall be deemed to have signed his name substantially as registered. If the registrars can reasonably determine from the form of the signature the identity of the duly registered voter, the name shall be deemed to have been signed substantially as registered. The provisions of this section shall apply in all cases where any statute, special act, or home rule charter requires the certification of the signature of a voter by boards of registrars of voters. Signatures shall not be certified on nomination papers or initiative and referendum petitions from more than one city or town per sheet.

The state secretary shall promulgate regulations designed to achieve and maintain accuracy, uniformity, and security from forgery and fraud in the procedures for certifying nomination papers and petitions for ballot questions and names thereon pursuant to this section, and to ensure proper delivery of certified nomination papers and petitions by registrars to the person or organization who submitted such papers or petitions.

## Charles Sumner

---

**From:** Jennifer Congel  
**Sent:** Tuesday, April 5, 2022 12:08 PM  
**To:** Charles Sumner  
**Subject:** FW: Board of Selectemen Vacancy

Here is the email from the Elections division.

**From:** Rosenberry, William (SEC) <william.rosenberry@state.ma.us>  
**Sent:** Monday, April 4, 2022 2:23 PM  
**To:** Jennifer Congel <Jennifer.Congel@wellfleet-ma.gov>  
**Subject:** Board of Selectemen Vacancy

I'm following up on our telephone conversation regarding resignation of a select board member **effective May 2. It is too late to place the vacancy on May 2<sup>nd</sup> Annual Town Election Ballot.** To add a vacant office on a ballot, the resignation must be effective before the date of the election and the remaining selectmen would have had to vote by February 27 to place the vacant office on the ballot. M.G.L. Chapter 41 section 10 requires that the selectmen vote to place vacant offices at least 15 days before papers are due for certification which was March 14, hence February 27.

You are having a June 21<sup>st</sup> special election and this seat could appear on that ballot. **The resignation is in writing, effective May 2.** In accordance with M.G.L. chapter 53, sections 7 and 10, nomination papers for the June 21 special election would be due for certification no later than 5:00 PM on May 3. Therefore the selectmen would need to vote to place the vacancy on the ballot no later than April 18 (15 days prior to May 3). The selectmen may have to call for an emergency meeting as the clock is ticking and the 18<sup>th</sup> is a holiday.

If they do not call a special election, the people may petition for one and then they must hold one. That's also in chapter 41, section 10.

I hope this is helpful.

Regards,

Will Rosenberry  
*Elections Services Manager*  
*Elections Division*  
*One Ashburton Place, Room 1705*  
*Boston, Massachusetts 02108*  
*617-727-2828*  
*fax: 617-742-3238*

Helen Miranda Wilson  
5 Money Hill Road  
Wellfleet MA 02667

Wednesday, April 5, 2022

To the Town Clerk, then Wellfleet Selectboard and the Interim  
Town Administrator:

I hereby submit my resignation from the Wellfleet Selectboard  
as of June 20, 2022.

I was re-elected to the Selectboard on June 30, 2021 but will  
therefor not complete my three year term.

I am grateful for my opportunity to serve the Town.

Sincerely,

*Helen Miranda Wilson*

Helen Miranda Wilson

RECEIVED  
2022 APR -6 P 2:00  
TOWN CLERK  
TOWN OF WELLFLEET

Tuesday, March 29, 2022

To the Town Clerk, and the Acting Town Administrator:

I hereby submit my resignation from the Wellfleet Selectboard as of the time and date on which a duly elected candidate is sworn in to take my place.

I was re-elected to the Selectboard on June 30, 2021 but will therefor not complete my three year term.

I am grateful for my opportunity to serve the Town.

Sincerely,



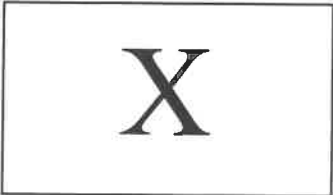
Helen Miranda Wilson  
5 Money Hill Road  
Wellfleet MA 02667





# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022



## BUSINESS

~ D ~

<b>REQUESTED BY:</b>	<b>Charlie Sumner ~ Interim Town Administrator</b>
<b>DESIRED ACTION:</b>	<b>To discuss and go over the FY 2023 Budget</b>
<b>PROPOSED MOTION:</b>	<b>No motion is needed for this agenda item</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

To: Selectboard  
 Finance Committee  
 From: Charles L. Sumner, Interim Town Administrator  
 Subject: 2022 Annual Town Meeting Warrant  
 Date March 10, 2022 (Amended April 5, 2022)

The purpose of this memorandum is to offer an approach to reduce the scope and costs associated with the warrant for the 2022 Annual Town Meeting relative to total expenditures and the associated Proposition 2 ½ Override questions. I did convene a smaller staff meeting of several department heads, to include, Chief Hurley, Chief Pauley, Jay Norton, DPW Superintendent, Suzzanne Thomas, Community Services Director, Nancy Civetta, Shellfish Constable and Will Sullivan, Harbor Master. The purpose of the meeting was to review the need and prioritize spending requests included in the warrant. Additionally, we reviewed possible funding mechanisms relative to those items that should be included in a Proposition 2 ½ Override and those that would receive secondarily consideration should we have some available funds such as Free Cash.

If you look at the most recent Financial Forecast for FY2023, we are projecting a total deficit of ~~\$1,898,142~~ \$1,914,019, which includes ~~\$488,442~~ \$504,319 in the operating budget and \$1,409,700 in capital and special project warrant articles. The following represents a plan to reduce and/or delay a series of spending requests and therefore the Proposition 2 ½ Override request.

	Warrant Article	Delete/ Reduce	Override Raise & Approp.	Free Cash	Other Available Funds
4.	FY 203Capital Budget				
	1a. General MIS Equipment	\$50,000			
	2a. Records Digitization Project				\$11,000
	3a. Shellfish/Beach Office Repairs				\$42,000
	3b. Shellfish Truck Replacement				\$30,000
	4a. Mayo Beach Basketball Courts		\$14,500		
	6a. Marina Radio Replacement	\$10,000			
	8a. Police Cruiser Replacement		\$35,000		\$125,000
	8b. Police Vest Replacement	\$15,000	\$15,000		
	9a. Fire Hose Replacement	\$12,000			
	9b. Fire Portable Radio Replacement		\$80,000		
	9c. Fire Ambulance				\$340,000
	9d. Fire Mobile Data Terminals				\$25,000
	10a. Town Hall Bathroom Repair	\$20,000			
	10b. Town Hall Irrigation Project		\$5,000		

	10c. Adult Learning Ctr. HVAC Repair		\$35,000		
	Warrant Article	Delete/ Reduce	Override Raise & Approp.	Free Cash	Other Available Funds
	10d. Fire Station HVAC Repair		\$80,000		\$80,000
	10e. Bandstand Repair Project			\$50,000	
	10f. Water Refill Station Project			\$20,000	
	10g. DPW Truck Replacement		\$85,000		
	10h. Route 6/Main Street Project		\$30,000		
	10i. DPW Loader Replacement		\$200,000		
	10j. Culvert Replacement Project				\$75,000
	11a. Library Computer		\$35,000		
12.	OPEB Expense	\$150,000	\$50,000		
18.	Harbor Flora & Fauna Study			\$60,000	
23.	Harbor/Marina Feasibility Study			\$30,000	
24.	Transfer Station Feasibility Study	\$50,000			
25.	Adult Learning Center Building Study	\$15,000			
26.	Keller's Corner Revetment Eng.			\$50,000	
27.	Heron Point Survey		\$3,200		
28.	Climate Action Reserve Fund	\$50,000	\$50,000		
	Grand Total	\$372,000	\$552,700	\$210,000	\$728,000

The first column identified as "Delete/Reduce" represents our recommendations for reductions in spending for FY2023. These are items that we collectively felt could be deferred now. Article No. 12 for OPEB contributions could be phased in over a 4-year period to reestablish the commitment to \$200,000 per year.

The second column, "Override/Raise & Appropriate" represents those capital and special project requests that are critical and important and should be presented to voters as one consolidated separate Proposition 2 ½ Override. Essentially if you adopt this approach, we will reduce the override request from the sum of \$1,409,700 to an amended sum of ~~\$717,700~~ \$552,700.

The third column, "Free Cash" represent several funding requests that we would recommend to the community should we have adequate Free Cash funds available. Remember the priority will be to replenish the sum of \$639,200 that we used to balance the FY2022 Town Operating budget in June of 2021. Once I know what our Free Cash balance is I will be able to make some recommendation as to how much money I would propose using on these funding requests.

The fourth column, "Available Funds" are several areas where I believe we might have either some receipts reserved revenues or some pre-existing unspent accounts that we could reallocate to these spending categories.

In closing this approach would reduce the current overall deficit and associated override requests from ~~\$1,898,142~~ **\$1,914,019** to ~~\$1,206,142~~ **\$1,057,019**. Ideally, I would like to continue to work to reduce the total amount down to approximately \$1,100,000 over the next several weeks.

Finally, Fire Chief Pauley and I are working on a plan to eliminate the Proposition 2 ½ Debt Exclusion for the Fire Engine Replacement. The idea would be to commit to reserving Ambulance Receipts revenues for Fire/Ambulance equipment. We could then enter into some type of borrowing or lease/purchase agreement to acquire the apparatus and use the future revenues to pay for the annualized expenses.

**2022 Annual Town Meeting Warrant**

Finally, the Selectboard had asked that I reviewed the proposed 2022 Annual Town Meeting warrant relative to making a recommendation on an approach to reducing the number of warrant articles included on the warrant. The idea being that we would use the 2022 Annual Town Meeting on critical fiscal matters and defer other matters to a special town meeting later in the fall of 2022. Rebecca Roughley, Dan Silverman, and I worked together and offer the following approach to postpone items on the warrant.

No.	Warrant Article Name	Sponsor
18	Wellfleet Harbor Flora and Fauna Survey	Natural Resources Adv. Bd
24	Harbor/Marina Facilities Needs Assessment Project	Selectboard
25	Transfer Station Facilities Needs Assessment Project	Selectboard
26	Adult Community Center Addition Feasibility Study	Selectboard
29	Climate Action Reserve Fund	Selectboard
44	Town Code Adoption of Renumbering of General Bylaws	Selectboard
45	Town Code Adoption of Renumbering of Zoning Bylaws	Selectboard
46	Lease of Town Property	Selectboard
50	Adoption of Enabling Legislation/Unclaimed Property	Selectboard
51	Wildlife Protection Bylaw	Selectboard
52	Affordable Lots Zoning Bylaw	Selectboard
54	Cottage Colony Zoning Bylaw	Selectboard
55	Town Bylaw Amendment for the Natural Resources Advisory Board	Selectboard

**TOWN OF WELLFLEET  
FINANCIAL FORECAST  
FISCAL YEAR 2023 (Draft No. 6 - 4/5/22)**

<b>1. ESTIMATED REVENUES RESOURCES</b>		<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
<b>A. Property Tax Levy Base:</b>							
1. Property Tax Levy Base		\$17,177,914	\$17,937,060	\$18,515,486	\$19,110,974	\$19,724,000	\$20,355,057
2. Proposition 2 1/2 Tax Levy Increase		\$429,448	\$448,426	\$462,887	\$477,774	\$493,100	\$508,876
3. Property Tax Levy Construction Growth		\$161,618	\$130,000	\$132,600	\$135,252	\$137,957	\$140,716
4. Debt Exclusion Levy Authorization		\$2,764,582	\$2,749,184	\$2,611,725	\$2,481,139	\$2,357,082	\$2,239,228
5. Cape Cod Commission Levy Exclusion		\$105,435	\$108,071	\$110,773	\$113,542	\$116,381	\$119,290
6. Prop. 2 1/2 Override		\$168,080	\$0	\$0	\$0	\$0	\$0
<b>Property Tax Levy Sub-total</b>		<b>\$20,807,077</b>	<b>\$21,372,741</b>	<b>\$21,833,471</b>	<b>\$22,318,680</b>	<b>\$22,828,519</b>	<b>\$23,363,167</b>

<b>B. Estimated Receipt Categories:</b>		<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
1. State Aid Receipts		\$343,562	\$417,568	\$423,499	\$427,354	\$431,247	\$435,180
2. Miscellaneous Town Receipt Revenues		\$2,814,275	\$2,532,848	\$2,282,568	\$2,314,341	\$2,346,748	\$2,379,804
<b>Estimated Receipts Sub-total</b>		<b>\$3,157,837</b>	<b>\$2,950,416</b>	<b>\$2,706,067</b>	<b>\$2,741,695</b>	<b>\$2,777,996</b>	<b>\$2,814,984</b>

<b>C. Other Available Funds:</b>		<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
1. Free Cash Funds		\$0	\$639,200	\$0	\$0	\$0	\$0
2. Raise & Appropriate for Misc. Articles		\$32,857	\$0	\$0	\$0	\$0	\$0
3. Fire Department Ambulance Funds		\$93,000	\$385,000	\$0	\$0	\$0	\$0
4. Beach Fund		\$694,000	\$676,000	\$689,520	\$703,310	\$717,377	\$731,724
5. Cable Franchise Funds		\$135,370	\$140,000	\$142,800	\$145,656	\$148,569	\$151,541
6. Shellfish Revolvng Fund		\$37,256	\$56,000	\$5,000	\$5,000	\$5,000	\$5,000
7. Shellfish RRA for Propogation							
8. Transfer Station/SEMSS Fund		\$400,000	\$400,000	\$408,000	\$416,160	\$424,483	\$432,973
9. Recreation Fund		\$20,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000
10. Stabilization Fund		\$614,200	\$0	\$0	\$0	\$0	\$0
11. Waterway Fund		\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
12. Cemetery Fund		\$0	\$9,556	\$2,056	\$2,056	\$2,056	\$2,056
13. Marina Enterprise Revenues		\$586,000	\$593,500	\$608,338	\$623,546	\$639,135	\$655,113
14. Water Enterprise Revenues		\$120,000	\$168,000	\$172,200	\$176,505	\$180,918	\$185,441
14. CPA Estimated Revenues (Added to Tax Bill)		\$696,315	\$738,980	\$757,455	\$776,391	\$795,801	\$815,696
15. CPA Fund Reserves / Projects (Budgeted Reserves)		\$106,582	\$602,800	\$0	\$0	\$0	\$0
16. Debt/Borrowing Warrant Articles		\$3,129,886	\$0	\$0	\$0	\$0	\$0
<b>Other Available Funds Sub-total</b>		<b>\$6,667,466</b>	<b>\$4,471,036</b>	<b>\$2,847,368</b>	<b>\$2,910,624</b>	<b>\$2,975,338</b>	<b>\$3,041,543</b>

<b>1. GRAND TOTAL ESTIMATED REVENUES</b>	<b>\$30,632,379</b>	<b>\$28,794,193</b>	<b>\$27,386,906</b>	<b>\$27,970,999</b>	<b>\$28,581,853</b>	<b>\$29,219,694</b>
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<b>2. ESTIMATED EXPENDITURES</b>							
<b>A. Operating Budgets - Town &amp; Schools:</b>							
	FY2021	FY2023	FY2024	FY2025	FY2026	FY2027	
1. Town & School Operating & Debt Budgets	\$24,375,117	\$24,826,947	\$25,532,399	\$26,341,790	\$27,190,378	\$28,080,577	
2. Water Enterprise Budget	\$285,714	\$408,608	\$418,823	\$429,294	\$440,026	\$451,027	
3. Marina Enterprise Budget	\$600,550	\$598,650	\$613,616	\$628,957	\$644,681	\$660,798	
<b>Sub-total Operating Budgets</b>	<b>\$24,375,117</b>	<b>\$25,834,205</b>	<b>\$26,564,838</b>	<b>\$27,400,041</b>	<b>\$28,275,085</b>	<b>\$29,192,401</b>	

<b>B. Warrant Articles for Annual Town Meeting</b>							
	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	
1. Misc. Raise & Appropriate Articles	\$32,857	\$1,409,700	\$0	\$0	\$0	\$0	
2. Stabilization Fund & Fire Detail Articles (Free Cash)		\$639,200	\$0	\$0	\$0	\$0	
3. Collective Bargaining Settlement Articles		\$227,500	\$0	\$0	\$0	\$0	
4. Ambulance Receipts Account Warrant Articles	\$10,000	\$385,000	\$0	\$0	\$0	\$0	
5. Overlay Surplus		\$0	\$0	\$0	\$0	\$0	
6. Cable Franchise Fee Program	\$135,370	\$140,000	\$140,000	\$140,000	\$140,000	\$140,000	
7. Shellfish Equipment/Project		\$56,000	\$5,000	\$5,000	\$5,000	\$5,000	
8. Waterway/Wetland/Cemetery		\$7,500	\$5,000	\$5,000	\$5,000	\$5,000	
9. CPA Projects	\$802,897	\$1,341,780	\$757,455	\$776,391	\$795,801	\$815,696	
10. Prop 2 1/2 General Override		\$0	\$0	\$0	\$0	\$0	
11. Debt Exclusion Articles	\$3,129,886	\$0	\$0	\$0	\$0	\$0	
<b>Sub-total Warrant Articles</b>	<b>\$4,111,010</b>	<b>\$4,206,680</b>	<b>\$907,455</b>	<b>\$926,391</b>	<b>\$945,801</b>	<b>\$965,696</b>	

<b>C. Other Special Charges &amp; Assessments</b>							
	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	
1. State & County Assessments	\$521,447	\$537,327	\$538,473	\$547,305	\$556,358	\$565,637	
2. Overlay Reserve for Property Tax Abatements	\$26,563	\$130,000	\$133,250	\$136,581	\$139,996	\$143,496	
3. Other Special Charges & Deficits		\$0	\$0	\$0	\$0	\$0	
<b>Sub-total Charges &amp; Assessments</b>	<b>\$548,010</b>	<b>\$667,327</b>	<b>\$671,723</b>	<b>\$683,886</b>	<b>\$696,354</b>	<b>\$709,132</b>	

<b>2. GRAND TOTAL ESTIMATED EXPENDITURES</b>	<b>\$29,034,137</b>	<b>\$30,708,212</b>	<b>\$28,144,016</b>	<b>\$29,010,318</b>	<b>\$29,917,239</b>	<b>\$30,867,229</b>	
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<b>3. PROJECTED SURPLUS OR (DEFICIT*)</b>	<b>\$734,272</b>	<b>(\$1,914,019)</b>	<b>(\$757,110)</b>	<b>(\$1,039,319)</b>	<b>(\$1,335,386)</b>	<b>(\$1,647,536)</b>	
Adjusted Surplus or Deficit		(\$1,914,019)	(\$757,110)	(\$1,039,319)	(\$1,335,386)	(\$1,647,536)	
Operating Budget Deficit		\$504,319					
Capital Budget Deficit		\$1,409,700					

Deficit will result in a requirement for either a Prop 2 1/2 Override, new revenue source or budget reductions.

**TOWN OF WELLFLEET  
FINANCIAL PROJECTIONS  
FISCAL YEAR 2023**

Tax Rate & Levy Projection		Annual Expense	Property Tax Levy	Total Assess Prop Val	Tax Rate	Projected % Increase	Cost (\$) Increase	Tax Impact
	Actual FY2022 Property Tax Levy & Rate		\$20,807,077	\$2,795,267,360	\$7.44			\$618,750
<b>A</b>	Estimated FY2023 Property Tax Levy & Rate	\$565,664	\$21,372,741	\$2,795,267,360	\$7.65	2.72%	\$0.2024	\$125.21

**B. List of Prop Tax Overrides FY2023**

General, capital exclusions and/or debt exclusions.									
1	Town & School General Override	\$504,319	\$504,319	\$21,877,060	\$2,795,267,360	\$7.83	2.36%	\$0.1804	\$111.63
2	Capital Improvement Fund Override	\$1,409,700	\$1,409,700	\$23,286,760	\$2,795,267,360	\$8.33	6.44%	\$0.5043	\$312.05
3	Operating Override for Police Officers (2)	\$186,759	\$186,759	\$23,473,519	\$2,795,267,360	\$8.40	0.80%	\$0.0668	\$41.34
4	Operating Override for FF/Para/EMT (2)	\$206,964	\$206,964	\$23,680,483	\$2,795,267,360	\$8.47	0.88%	\$0.0740	\$45.81
5	Fire Engine Replacement Debt Exclusion	\$0	\$77,280	\$23,757,763	\$2,795,267,360	\$8.50	0.33%	\$0.0276	\$17.11
6	School Fire Supp System Debt Exclusion	\$2,200,000	\$187,280	\$23,945,043	\$2,795,267,360	\$8.57	0.79%	\$0.0670	\$41.46

**C. Other Departmental Funding Requests for FY2023:**

7	Shellfish PT Adm. Support Pos. & Phone	\$0	\$0	\$23,945,043	\$2,795,267,360	\$8.57	0.00%	\$0.0000	\$0.00
8	Rights of Public Access Committee	\$2,500	\$2,500	\$23,947,543	\$2,795,267,360	\$8.57	0.01%	\$0.0009	\$0.55
9	Wellfleet Housing Trust Expense	\$3,000	\$3,000	\$23,950,543	\$2,795,267,360	\$8.57	0.01%	\$0.0011	\$0.66
10	DPW Emergency Contingency	\$0	\$0	\$23,950,543	\$2,795,267,360	\$8.57	0.00%	\$0.0000	\$0.00
11	Cemetery Commission Expenses	\$7,500	\$7,500	\$23,958,043	\$2,795,267,360	\$8.57	0.03%	\$0.0027	\$1.66
<b>Grand Total</b>		<b>\$3,150,967</b>	<b>\$23,958,043</b>	<b>\$2,795,267,360</b>	<b>\$8.57</b>	<b>15.14%</b>	<b>\$1.13</b>	<b>\$697.49</b>	





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

X

### BUSINESS

~ E ~

<b>REQUESTED BY:</b>	<b>Charlie Sumner ~ Interim Town Administrator</b>
<b>DESIRED ACTION:</b>	<b>To present and discuss the new and amended 2022 Annual Town Meeting Warrant</b>
<b>PROPOSED MOTION:</b>	
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



**ANNUAL TOWN MEETING**  
**Saturday June 11, 2022**  
**10:00 AM**  
**at**  
**Wellfleet Elementary School**  
**100 Lawrence Road, Wellfleet, MA**  
**&**  
**ANNUAL TOWN ELECTION**  
**May 2, 2022**  
**&**  
**SPECIAL TOWN ELECTION**  
**June 21, 2022**  
**at**  
**12:00 Noon to 7:00PM**  
**Wellfleet Senior Center**  
**715 Old King's Highway**

**Edit Date: April 5, 2022**  
**Draft No. 9**

## TABLE OF CONTENTS

<b>Annual Town Meeting Warrant Booklet Index</b>
--

<b>FINANCIAL &amp; PROPOSITION 2 ½ TERMS</b>			
<b>TOWN MEETING PROCEDURES</b>			
<b>FINANCE COMMITTEE STATEMENT</b>			
<b>ANNUAL TOWN MEETING WARRANT</b>			
<b>SECTION I: BUDGET ARTICLES</b>			
Article No.	Article	Sponsor	Page No.
1	<b>FY2023 Operating Budget</b>	<b>Selectboard</b>	
2	<b>FY2022 Budgetary Transfers</b>	<b>Selectboard</b>	
3	<b>FY2022 Prior Year Invoices</b>	<b>Selectboard</b>	
4	<b>FY2023 Capital Budget</b>	<b>Selectboard</b>	
5	<b>FY2023 Marina Enterprise Fund</b>	<b>Selectboard</b>	
6	<b>FY2023 Water Enterprise Fund</b>	<b>Selectboard</b>	
7	<b>Wellfleet Police Officers Union Contract</b>	<b>Selectboard</b>	
8	<b>Teamsters Union Local 59 Contract</b>	<b>Selectboard</b>	
9	<b>Wellfleet Communications Union Mass Cops Local 326B Contract</b>	<b>Selectboard</b>	
10	<b>Wellfleet Permanent Firefighters Association Union Local 4342 Contract</b>	<b>Selectboard</b>	
11	<b>Non-Union and Other Personnel Salaries &amp; Wages Compensation</b>	<b>Selectboard</b>	
12	<b>Other Post-Employment Benefits (OPEB) Appropriation</b>	<b>Selectboard</b>	
13	<b>Transfer to Stabilization Fund</b>	<b>Selectboard</b>	
<b>SECTION II: ADDITIONAL FINANCIAL ARTICLES</b>			
14	<b>Additional Police Department Positions New Staff</b>	<b>Selectboard &amp; Police Chief</b>	
15	<b>Additional Fire Department Positions New Staff</b>	<b>Selectboard &amp; Fire Chief</b>	
16	<b>Paramedic Training Program Funding</b>	<b>Selectboard &amp; Fire Chief</b>	
17	<b>Fire Engine Replacement</b>	<b>Selectboard &amp; Fire Chief</b>	

18	Wellfleet Harbor Flora & Fauna Survey	Natural Resources Advisory Board	
19	Chapter 90 Funds	Selectboard	
20	Public, Educational and Government (PEG) Access and Cable Related Fund	Selectboard	
21	Shellfish Revolving Fund Spending Limit	Selectboard	
22	Elementary School Fire Suppression System Project	School Committee	
23	Supplemental Funding for the Fuel Storage Tanks at the Marina	Selectboard	
24	Harbor/Marina Feasibility Study	Selectboard	
25	Transfer Station Feasibility Study	Selectboard	
26	Adult Community Center Addition Feasibility Study	Selectboard	
27	Keller's Corner Revetment Engineering Project	Selectboard	
28	Survey Expense for Lr. Island/Heron Point Road	Rights of Public Access Committee	
29	Climate Action Reserve Fund	Selectboard	
<b>SECTION III: COMMUNITY PRESERVATION ARTICLES</b>			
30	Administrative, Debt & Allocation Expenses	Community Preservation Committee	
31	Wellfleet Affordable Housing Trust	Community Preservation Committee	
32	Buy Down Program	Community Preservation Committee	
33	Lily House	Community Preservation Committee	
34	Lower Cape Housing Institute	Community Preservation Committee	
35	Historical Plan Continuation	Community Preservation Committee	
36	Museum Renovation & Accessibility of Historical Society Museum	Community Preservation Committee	
37	Wellfleet Elementary School Playground	Community Preservation Committee	
<b>SECTION IV: DISPOSITION OF TOWN PROPERTY ARTICLES</b>			

<b>38</b>	<b>Disposition of Town Land/Transfer</b>	<b>Open Space Committee</b>	
<b>SECTION V: UNCLASSIFIED ARTICLES</b>			
<b>39</b>	<b>Affordable Housing Trust Bylaw Amendment</b>	<b>Affordable Housing Trust</b>	
<b>40</b>	<b>Special Detail Fund Account</b>	<b>Fire Chief</b>	
<b>41</b>	<b>Easement for Herring River Restoration Project</b>	<b>Selectboard</b>	
<b>42</b>	<b>Rescind Debt Authorizations</b>	<b>Selectboard</b>	
<b>43</b>	<b>Route 6A/Main Street Intersection Project</b>	<b>Selectboard</b>	
<b>44</b>	<b>Town Code Adoption of Renumbering of General Bylaws</b>	<b>Town Clerk</b>	
<b>45</b>	<b>Town Code Adoption of Renumbering of Zoning Bylaws</b>	<b>Town Clerk</b>	
<b>46</b>	<b>Lease of Town Property</b>	<b>Selectboard</b>	
<b>47</b>	<b>Authorize Acquisition of Access Easement to Indian Neck Tidal Flats</b>	<b>Selectboard</b>	
<b>SECTION VI: BYLAWS, INITIATIVE PETITIONS</b>			
<b>48</b>	<b>Animal Control Bylaw Amendment</b>	<b>Selectboard</b>	
<b>49</b>	<b>Adoption of Enabling Legislation to Establish Speed Limits</b>	<b>Selectboard</b>	
<b>50</b>	<b>Adoption of Enabling Legislation for the Disposition of Unclaimed Property</b>	<b>Selectboard</b>	
<b>51</b>	<b>Wildlife Protection Bylaw</b>	<b>Selectboard</b>	
<b>52</b>	<b>Affordable Lots Zoning Bylaw Amendment</b>	<b>Selectboard</b>	
<b>53</b>	<b>Accessory Dwelling Unit Bylaw Amendment</b>	<b>Selectboard</b>	
<b>54</b>	<b>Amendment to Zoning Bylaws, Cottage Colony</b>	<b>Selectboard</b>	
<b>55</b>	<b>Amendment to Zoning Bylaws Contractor's Yard</b>	<b>Planning Board</b>	
<b>56</b>	<b>General Bylaw Amendment for the Natural Resource</b>	<b>Natural Resource Advisory Committee</b>	
<b>57</b>	<b>Pilgrim Power Plant Non-Binding Public Advisory</b>	<b>Citizen Petition</b>	
<b>58</b>	<b>Governing the Use of Short-Term Rental Community Impact Fees</b>	<b>Selectboard</b>	

<b>59</b>	<b>Short-Term Rental Community Impact Fee Investor-Owned Homes</b>	<b>Selectboard</b>	
<b>60</b>	<b>Short-Term Rental Professionally Managed Community Impact Fee</b>	<b>Selectboard</b>	
<b>61</b>	<b>Tree Preservation Resolution</b>	<b>Citizen Petition</b>	
<b>SECTION VII: STANDARD ANNUAL ARTICLES</b>			
<b>62</b>	<b>Surplus Property Disposal</b>	<b>Selectboard</b>	
<b>63</b>	<b>Collection of Taxes</b>	<b>Selectboard</b>	
<b>64</b>	<b>MASSDEP Liability Indemnification</b>	<b>Selectboard</b>	
<b>65</b>	<b>Nauset Schools Assessment Formula</b>	<b>Selectboard</b>	
<b>SECTION VIII: STANDARD CLOSING ARTICLES</b>			
<b>66</b>	<b>Reports of Boards and Committees</b>	<b>Selectboard</b>	
<b>67</b>	<b>Other Business</b>	<b>Selectboard</b>	

## **FINANCIAL & PROPOSITION 2½ TERMS**

Chapter 59, section 21C of the Massachusetts General Laws is commonly referred to as Proposition 2½ (Prop. 2½) or the Tax Limiting Law for Cities and Towns in Massachusetts.

**LEVY:** The property tax levy is the revenue a Town can raise through real and personal property taxes. The property tax levy is the largest source of revenue for the Town.

**LEVY CEILING:** This is the maximum the levy can be. The ceiling equals 2.5% of the Town's full and fair cash value. The levy limit is equivalent to a tax rate of \$25.00.

**LEVY LIMIT:** The maximum the levy can be in a given year. The limit is based on the previous year's levy limit plus certain allowable increases, such as debt exclusions.

**LEVY LIMIT INCREASE:** The levy limit automatically increases each year by 2.5% of the previous year's levy limit.

**NEW GROWTH:** New construction and new parcel subdivision may also increase the Town's levy limit.

**OVERRIDE:** A community can permanently increase its levy limit by successfully voting at a referendum to exceed the limits. A community may take this action as long as it is below the levy ceiling.

**DEBT EXCLUSION:** This type of override ballot question can be placed on a referendum by a two-thirds vote of the Selectboard. If a majority of the voters approve the ballot question, the Town's levy limit is increased only for the amount voted at the referendum for the life of that debt only. The levy limit increase may exceed the Town's levy ceiling.

**DEBT SERVICE:** The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest owed on any particular bond issue.

**ENCUMBRANCE:** A reservation of funds to cover obligations chargeable to but not yet paid from a specific appropriation account.

**CAPITAL OUTLAY EXPENDITURES EXCLUSION:** This type of override ballot question can be placed on a referendum by a two-thirds vote of the Selectboard. If a majority of the voters approve the ballot question, the additional amount for the payment of the capital project cost is added to the levy limit or levy ceiling only for the year in which the project is being undertaken.

**CONTINGENT VOTES:** Chapter 59, section 21C (m) permits a Town Meeting to appropriate funds contingent upon passage of a referendum question (OVERRIDE/DEBT EXCLUSION). A contingent vote does not automatically result in an override referendum. An override referendum can only be called by the Selectboard. If a referendum is called by the Selectmen, it must take place within forty-five days of the Town Meeting vote.



## TOWN MEETING PROCEDURES

A quorum of 6% of the Town's registered voters must be present in order to conduct business (Charter: Sect. 2-1-3).

Voters are identified by voter cards issued when they check in with the registrars at the beginning of the meeting.

Only voters may participate in voice votes. In case of a counted vote, voters will be identified by their voter cards.

Non-voters who have been admitted to the meeting must sit in the section designated for them. Non-voters who may wish to speak must identify themselves and may address the meeting only by permission of the Moderator (Charter: Sect. 2-1-2).

No voter will be allowed to speak until recognized by the Moderator.

Voters and others recognized to address Town Meeting may only speak twice to any motion or amendment unless authorized by the Moderator (Charter: Sect. 2-7-8).

All motions or amendments must be in writing and be legible. Exceptions for very simple motions or amendments are at the discretion of the Moderator (General Bylaws: Sect. II-2).

The order of consideration of the Articles as printed in the Warrant may be changed only by a 2/3 majority vote (Charter: Sect. 2-7-4).

A motion for indefinite postponement, if passed, ends any proposal under the motion currently being debated. It may only be made after a voter has been recognized and may not come at the end of a speaker's remarks. It is fully debatable to the same extent as the main motion under consideration.

A motion to end debate (known as a "motion for the previous question") must be made by a voter who has been properly recognized. Anonymous cries from voters to "call the question" are out of order and will be ignored by the Moderator. As a motion to end debate requires an additional 2/3 majority vote, it may be more efficient to hear from one or two more speakers and then proceed to a vote on the main motion itself.

A motion to reconsider must be made at the same session as the vote it seeks to reconsider. It can only be made after some intervening business and must be made within one hour of the vote to be reconsidered (Charter: Sect. 2-7-9). It is debatable to the same extent as the motion it seeks to reconsider and requires a majority vote. A motion to reconsider will only be allowed if there is new information that was not available at the time of the original debate. A motion to reconsider will be ruled out of order if, in the judgment of the Moderator, it is simply an attempt at "another bite at the apple."

Some other common motions which require more than a simple majority to pass:

Zoning bylaws (except those subject to majority vote per Housing Choice Act)	2/3 majority
To authorize borrowing or incur debt	2/3 majority
To transfer or sell Town land	2/3 majority
To approve proposed Charter amendments	2/3 majority
To pay unpaid bills of a prior fiscal year	4/5 majority at an Annual Town Meeting 9/10 majority at a Special Town meeting

**FINANCE COMMITTEE STATEMENT**

[ To be Inserted ]



**ANNUAL TOWN MEETING WARRANT**

Saturday, June 11, 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 in the Wellfleet Elementary School, 100 Lawrence Road in Wellfleet on the 11<sup>th</sup> day of June 2022, at ten o'clock in the morning, then and there to vote upon the following Articles:

**SECTION I: BUDGET ARTICLES**

**ARTICLE NO. 1 - FY2023 OPERATING BUDGET:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2023 Operating Budget, as follows:

[Insert Town Budget]

or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Selectboard:**

**Finance Committee:**

**SUMMARY:** This article will provide funding for the operational budgets for the Cape Cod Technical Regional High School, Wellfleet Elementary School, Nauset Regional School District and the Town of Wellfleet municipal operations for the period of July 1, 2022, through June 30, 2023.

**ARTICLE NO. 2 - FY 2022 BUDGETARY TRANSFERS:**

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within FY 2022 appropriations such sums of money necessary to supplement the operating budgets of the various Town Departments as follows:

	From:	Line-Item No.	To:	Line-Item No.	Amount
a.	Nauset Regional School District Expenses	301	Property & Liability - Insurance Expenses	945	\$70,000.00
b.	County Assessment Expenses	830	DPW Facilities Expense - (Rental Expense)	417	\$38,974.00
c.	County Assessment Expenses	830	DPW Highway Expense - Truck Repair	422	\$29,943.00
d.	Community Services Salaries	660	Community Services Expense - Police Details	660	\$8,056.00
e.	Cemetery Receipts	-	DPW Facilities Expense - Prof. Services	17	\$3,000.00
f.	County Assessment Expenses	830	Health Insurance Stipend	917	\$40,000.00
g.	County Assessment Expenses	830	General Administration - Advertising & Office Supplies	124	\$12,000.00

h.	County Assessment Expenses	830	Fire Department Expense -Lodging	220	?
i.	County Assessment Expense	830	DPW- Operating Expenses	420	\$15,000.00
	Grand-Total				\$216,973.00

or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert: 5-0-0**

**Recommend: 5-0-0**

**Finance Committee -**

**SUMMARY:** This article is seeking permission to transfer funding within the FY 2022 operating budget ending June 30, 2022. We have several shortfalls in various departmental budgets that will be remedied by transferring monies from those areas within the budget that have surpluses. Additional requests may be added at Town Meeting.

**ARTICLE NO. 3 – PRIOR YEAR INVOICES:**

To see what sum the Town will vote to transfer from available funds for the purpose of paying prior year unpaid bills listed below:

	Vendor	Source	Line-item	Amount
a.	Massachusetts Department of Unemployment Assistance	County Assessment Expenses	830	\$20,000.00
b.	Terminix Commercial	County Assessment Expenses	830	\$153.00
c.	Dell EMC	County Assessment Expenses	830	\$4,163.00
d.	Cape Fishermen's Supply	County Assessment Expenses	830	\$145.00
e.	Visiting Nurse Association of Cape Cod	County Assessment Expenses	830	\$760.00
f.	The Learning Garden Preschool	County Assessment Expenses	830	\$1,990.00
g.	Joyce Tibbetts – Longevity/ Library Department	County Assessment Expenses	830	\$375.00
h.	Rebecca Roughley – Health Insurance Stipend & Wage Adjustment	County Assessment Expenses	830	\$1,542.00

i.	Ann Bronsdon Retiree Reimbursement	County Assessment Expenses	830	\$268.00
j.	Wellfleet Water Department	County Assessment Expenses	830	\$993.00
k.	New England Time Solutions, Inc.	County Assessment Expenses	830	\$33.00
l.	W.B. Mason	County Assessment Expenses	830	\$145.00
m.	KP Law, P.C.	County Assessment Expenses	830	\$19,412.00
o.	General Code Publishing	County Assessment Expenses	830	\$630.00
p.	Xavus Systems	County Assessment Expenses	830	\$1,800.00
q.	Thompson Reuters	County Assessment Expenses	830	\$508.00
r.	The Abrahams Group	County Assessment Expenses	830	\$250.00
	Grand-total			\$37,539.00

or to do or act on anything thereon.

(Requested by the Selectboard)

**4/5 Vote Required**

**Recommendations:**

**Selectboard:**

**Insert: 5-0-0**

**Recommend: 5-0-0**

**Finance Committee -**

**SUMMARY:** This article will authorize the payment of outstanding bills from a previous fiscal year. According to Massachusetts General Laws, a Town cannot pay a bill from a previous fiscal year with the current year's appropriation. Therefore, Town Meeting authorization is required.

**ARTICLE NO. 4 - FY 2023 CAPITAL BUDGET:**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds such sums of money necessary to fund the Fiscal Year 2023 Town Capital Budget, as follows:

	Department & Project	Amount	Funding Source
1.	MIS/Technology:		
	a. General MIS Equipment	\$50,000.00	Raise & Appropriate
2.	Town Clerk:		
	a. Records Digitizing Project	\$11,000.00	Article No. 3 5/22/2019 ATM
3.	Shellfish Department:		
	a. Shellfish & Beach Office Repair Project	\$42,000.00	Beach Fund - \$21,000.00 &

			Shellfish Fund - \$21,000.00
	b. Truck Replacement	\$30,000.00	Shellfish Fund
4.	Recreation Department:		
	a. Repair & Resurface Basketball Courts at Mayo Beach	\$14,500.00	Raise & Appropriate
5.	Marina Department:		
	a. Portable Radio Replacement	\$10,000.00	Raise & Appropriate
6.	Health, Conservation & Building	\$0.00	
7.	Police Department:		
	a. Police Cruiser Replacement (2 units)	\$120,000.00	Raise & Appropriate
	b. Bulletproof Vest Replacement	\$30,000.00	Raise & Appropriate
8.	Fire Department:		
	a. Water Supply Hose Replacement	\$12,000.00	Raise & Appropriate
	b. Portable Radio Replacement Project	\$80,000.00	Raise & Appropriate
	c. Ambulance Replacement Project	\$340,000.00	Ambulance Fund
	d. Mobile Data Terminal Replacement Project	\$25,000.00	Ambulance Fund
9.	Department of Public Works:		
	a. Town Hall Outside Bathroom Repair Project	\$20,000.00	Raise & Appropriate
	b. Town Hall Irrigation Project	\$5,000.00	Raise & Appropriate
	c. COA HVAC Systems Repair	\$35,000.00	Raise & Appropriate
	d. Fire Station HVAC System Repair Project	\$80,000.00	Raise & Appropriate
	e. Recreation Band Stand Awning Replacement Project	\$50,000.00	Raise & Appropriate
	f. Water Refill Station Project	\$20,000.00	Raise & Appropriate
	g. DPW Truck Replacement Project	\$85,000.00	Raise & Appropriate
	h. Route 6/Main Street Engineering Project	\$30,000.00	Raise & Appropriate



	i. DPW Loader Replacement Project	\$200,000.00	Raise & Appropriate
	j. Briar Lane Culvert Replacement	\$75,000.00	Raise & Appropriate
10.	Library Department:		
	a. Computer & Software Upgrade Project	\$35,000.00	Raise & Appropriate
	Grand-total	\$1,399,500.00	

and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and herby is authorized to borrow for those purposes itemized above as being funded through borrowing under and pursuant to M.G.L. Chapter 44, Sections 7 and 8, or pursuant to any other enabling authority, to issue bonds notes of the Town therefor, and further, to authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with M.G.L. c. 40 s. 20, thereby reducing by a like amount authorized to be borrowed to pay such costs, or to do or act on anything thereon.

(Requested by the Selectboard)

**Two-thirds Vote Required**

**Recommendations:**

**Selectboard:**

	Item:	Insert:	Recommend Yes/No/Abstain
1a	General MIS Equipment	5-0-0	
2a	Town Clerk - Records Microfilming Project		
3a	Shellfish - Shellfish & Beach Office Repair Project	4-0-1	
3b	Shellfish - Truck Replacement	4-0-1	
4a	Recreation - Repair & Resurface Basketball Courts at Mayo Beach	5-0-0	
6a	Marina - Portable Radio Replacement		
8a	Police - Cruiser Replacement	5-0-0	
8b	Police - Bulletproof Vest Replacement	5-0-0	
9a	Fire - Water Supply Hose Replacement	5-0-0	
9b	Fire - Portable Radio Replacement	5-0-0	
9c	Fire - Ambulance Replacement	5-0-0	
9d	Fire - Mobile Data Terminal Replacement Project	5-0-0	
10a	DPW - Town Hall Outside Bathroom Repair Project	5-0-0	
10b	DPW - Town Hall Irrigation Project	5-0-0	
10c	DPW - COA HVAC Systems Repair	5-0-0	
10d	DPW - Fire Station HVAC System Repair Project	5-0-0	
10e	DPW - Recreation Band Stand Awning Replacement Project	5-0-0	
10f	DPW - Water Refill Station Project	5-0-0	
10g	DPW - Truck Replacement Project	5-0-0	
10h	DPW - Route 6/Main Street Engineering Project	5-0-0	
10i	DPW - Loader Replacement Project	5-0-0	

10j	DPW – Briar Lane Culvert Replacement	5-0-0	
11a	Library – Computer & Software Upgrade Project	5-0-0	

**Finance Committee -**

**SUMMARY:** This article represents the Town’s proposed capital spending plan for FY 2023 and includes debt service (principal and interest) for existing long-term debt.

**ARTICLE NO. 5 – MARINA ENTERPRISE FUND:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2023 Marina Enterprise Fund Budget, as follows:

[Insert budget spreadsheet]

or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY:** In accordance with Massachusetts General Laws receipts from Marina Department related activities are used to directly offset Marina related expenditures. Voting a spending amount for the Marina Operations allows all receipts and related expenditures to be recorded in one fund.

**ARTICLE NO. 6 – WATER ENTERPRISE FUND:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2023 Water Enterprise Fund Budget, as follows:

[Insert budget spreadsheet]

or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY:** In accordance with Massachusetts General Laws receipts from Water Department related activities are used to directly offset Water related expenditures. Voting a spending amount for the Water Operations allows all receipts and related expenditures to be recorded in one fund.

**ARTICLE NO. 7 – WELLFLEET POLICE OFFICERS UNION CONTRACT:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money sufficient to fund the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union beginning July 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend**

**Finance Committee -**

**SUMMARY:** The current collective bargaining agreement will expire on June 30, 2022. We are currently engaged in negotiations with this unit; however, we do not have a settlement at the time of the printing of this warrant. Should we reach an agreement prior to the date of the 2022 Annual Town Meeting the settlement will be presented at Town Meeting.

**ARTICLE NO. 8 – TEAMSTERS UNION LOCAL 59 CONTRACT:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money sufficient to fund the collective bargaining agreement between the Town of Wellfleet and the Teamsters Union Local 59 beginning July 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend**

**Finance Committee -**

**SUMMARY:** The current collective bargaining agreement will expire on June 30, 2022. We are currently engaged in negotiations with this unit; however, we do not have a settlement at the time of the printing of this warrant. Should we reach an agreement prior to the date of the 2022 Annual Town Meeting the settlement will be presented at Town Meeting

**ARTICLE NO. 9 – WELLFLEET COMMUNICATIONS UNION MASS COPS LOCAL 326B CONTRACT:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money sufficient to fund the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Communications Union MASS Cops Local 326B beginning July 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend**

**Finance Committee -**

**SUMMARY:** The current collective bargaining agreement will expire on June 30, 2022. We are currently engaged in negotiations with this unit; however, we do not have a settlement at the time of the printing of this warrant. Should we reach an agreement prior to the date of the 2022 Annual Town Meeting the settlement will be presented at Town Meeting.

**ARTICLE NO. 10 – WELLFLEET PERMANENT FIREFIGHTERS ASSOCIATION UNION LOCAL 4342 CONTRACT:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money sufficient to fund the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Permanent Firefighters Union Local 4342 beginning July 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert: 5-0-0**

**Recommend**

**Finance Committee -**

**SUMMARY:** The current collective bargaining agreement will expire on June 30, 2022. We are currently engaged in negotiations with this unit; however, we do not have a settlement at the time of the printing of this warrant. Should we reach an agreement prior to the date of the 2022 Annual Town Meeting the settlement will be presented at Town Meeting

**ARTICLE NO. 11 – NON-UNION AND OTHER PERSONNEL SALARIES & COMPENSATION:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money sufficient to fund wage and salary adjustments for non-union and other personnel beginning July 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**

**SUMMARY:** We have several employees that work under individual employment agreements; this warrant article will be used to fund wage adjustments for some of those individuals.

**ARTICLE NO. 12 - OTHER POST-EMPLOYMENT BENEFITS (“OPEB”) APPROPRIATION:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$200,000.00 to be added to the Town’s Other Post-Employment Benefits Liability Trust Fund or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 3-0-2**

**Finance Committee -**

**SUMMARY: (C. Sumner)**

**ARTICLE NO. 13 - TRANSFER TO STABILIZATION FUND:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$639,200.00, or any other sum for the purpose of contributing to the Stabilization Fund or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend**

**Finance Committee -**

**SUMMARY:** The purpose of this article is to transfer funds from Free Cash into the Stabilization Fund. We had to use the sum of \$639,200.00 from the Stabilization Fund at the June 26, 2022, Annual Town Meeting in order to finance the current FY2022 operational budget. This was not a preferred approach but due to the severity of the Town's fiscal condition we had few alternatives at that moment. This action will reestablish the Stabilization Fund to its prior financial status and is important to maintain the Town's bond rating.

**SECTION II: ADDITIONAL FINANCIAL ARTICLES**

**ARTICLE NO. 14 – POLICE DEPARTMENT NEW STAFF:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$186,759.00, or any other sum, for the purpose of funding two (2) new Police Officers, and all associated costs, provided however that no sums shall be expended hereunder unless and until the Town have voted to assess an additional \$186,759.00 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½), or to do or act on anything thereon.

(Request of the Selectboard and the  
Police Chief)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 4-0-1**

**Finance Committee -**

**SUMMARY:** This article would fund the cost of adding two (2) additional Police Officers. Funding, if approved, would be through a Proposition 2 ½ override. Costs for each position include starting salary of each position (\$60,120), benefits (\$25,685), holiday (\$2,774), uniform (\$1,000) and education incentive (\$3,800). The total payroll, with estimated benefits for one position is \$93,379. As a result of the Police Reform Law of December 2020, the Reserve Officer Program in Massachusetts is being phased out. This

will result in the loss of approximately six Reserve Police Officers for the town of Wellfleet. The level of services provided (beach patrols, parking enforcement, shift coverage, organized events, etc.) along with special event requests held during the summer and shoulder seasons cannot be fulfilled with the current staffing levels.

Effect on Property Taxes: The cost of \$186,759 would add s.s cents to the tax rate and would cost the owner of a median priced (\$xxx,xxx) single-family home \$ss.ss.

**ARTICLE NO. 15 – FIRE DEPARTMENT NEW STAFF:**

To see if the Town will vote to raise and appropriate and/or transfer from any available source of funds the sum of \$206,964.00, or any other sum for the purpose of funding two (2) new Firefighter/EMT/Paramedic positions; provided, however that no sums shall be expended hereunder unless and until the Town has voted to assess an additional \$206,964.00 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½), or do or act on anything thereon.

(Requested by the Selectboard  
and the Fire Chief)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**

**SUMMARY:** This article would fund the cost of adding two (2) additional Firefighter/EMT/Paramedics. Funding, if approved would be through a Proposition 2 ½ override. Costs for each position include starting salary of each position (\$62,797), benefits (\$25,685), training (\$7,000), holiday and call back costs (\$6,000) and uniforms and protective clothing (\$2,000). The total payroll, with estimated benefits and training costs of one position is \$103,482.00. Effect on Property Taxes: The cost of \$206,964.00. would add s.s cents to the tax rate and would cost the owner of a median priced (\$xxx,xxx) single-family home \$ss.ss.

**ARTICLE NO. 16 – PARAMEDIC TRAINING PROGRAM FUNDING:**

To see if the Town will vote to raise and appropriate and/or transfer from the Ambulance Receipts Fund the sum of \$20,000.00, or any other sum, for the purpose of creating and funding a paramedic training fund to pay for paramedic training for current or future Wellfleet Fire and Rescue staff or do or act on anything thereon.

(Request of the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee –**

**SUMMARY:** This article would fund a paramedic training program for the Wellfleet Fire and Rescue Department with the intent to improve recruiting and retention for the Department. Paramedics who leave the department within two (2) full years of employment would be required to reimburse the Town for the full cost. Paramedics who left the department in their third (3rd) year would be required to reimburse 2/3 of the cost and those who left in their fourth (4th) year would be required to reimburse the Town for 1/3 of the costs.

**ARTICLE NO. 17: FIRE ENGINE REPLACEMENT:**

To see if the Town will vote to appropriate the sum of **\$745,000.00** or any other sum for the purpose of paying the cost of purchasing, outfitting and equipping a replacement engine/pumper truck for the Fire Department Engine 95 and for the payment of all other costs incidental or related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore and further, to authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with M.G.L. c. 40 sec. 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½) or to do or act on anything thereon.

(Requested by the Selectboard  
and the Fire Chief)

**Two-thirds vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend**

**Finance Committee -**

**SUMMARY:** This article requests funding for the purchase of a new replacement engine/pumper truck to replace Engine No. 95 for the Wellfleet Fire Department. Engine 95 will be twenty-five (25) years old next year, is becoming no longer cost effective to maintain, parts are becoming unavailable, and beyond its useful life span.

**ARTICLE NO. 18 - WELLFLEET HARBOR FLORA AND FAUNA SURVEY:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$60,000.00, or any other sum, for the purpose of conducting a field survey of the fauna and flora in Wellfleet Harbor, especially shellfish and finfish, as a basis for future actions to preserve and enhance this environment, or to do or act on anything thereon.

(Request of the Natural Resources Advisory Board)



**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 3-0-2**

**Finance Committee -**

**SUMMARY:** This article seeks funding for an overview survey life in Wellfleet harbor as recommended in the Harbor Management Plan (March 2021). It replicates a Division of Marine Fisheries study, which is now nearly 50 years old. We plan a broad survey of harbor life – finfish and wild shellfish at the top, phytoplankton and harbor grasses at the base. Selected sites of specific interest will be included. Local knowledge will be consulted throughout. NRAB views this work as a critical step in identifying and preserving the health of the harbor in view of climate change and other environmental impacts.

**ARTICLE NO. 19 – CHAPTER 90 FUNDS (Consent Calendar):**

To see if the Town will vote to authorize the Selectboard to apply for and accept State Grants in the amount of \$245,684.00 from the Massachusetts Department of Transportation Highway Division (Chapter 90), and to expend those funds for the purposes of State approved Chapter 90 projects, services, and purchases; or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**

**SUMMARY:** The Chapter 90 program was originally enacted in 1973, by the Commonwealth to provide municipalities with reimbursement for documented expenditures on approved road projects. The funding provided within the State's Transportation Bond Bill, authorizes such improvement projects for highway construction, preservation and improvement projects that create or extend the life of transportation facilities. Funds must be allocated to roadway projects, such as resurfacing and related incidental work. The Town is required to appropriate these funds as an available fund and is reimbursed by the State upon the completion of the project and payment to the vendor. The current amount of Chapter 90 funding for FY2022 is \$241,985.

**ARTICLE NO. 20 – PUBLIC, EDUCATIONAL AND GOVERNMENT (PEG) ACCESS AND CABLE RELATED FUND (Consent Calendar):**

To see if the Town will vote to accept the provisions of M.G.L. Chapter 44, Section 53F3/4 for the purpose of establishing a PEG Access and Cable Related Fund, and further to appropriate a sum of money from the PEG Access and Cable Related Fund, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Inset 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**

**SUMMARY:** Included within each Comcast customer's cable bill is a line item to provide for the costs of local cable television services. These monies are retained in a special revenue account and are used to enhance local cable programming for the town's public, education, and government channels. These funds will be used to continue these informational and educational services, and may include, but not limited to, equipment purchases, contracted services, construction services, and labor expenses.

**ARTICLE NO. 21 – SHELLFISH REVOLVING FUND SPENDING LIMIT (Consent Calendar):**

To see if the Town will vote to establish a spending limit for FY2023 of \$50,000.00 for the Shellfish Revolving Fund established pursuant to MGL Chapter 44, Section 53E1/2, or to do or act on anything thereto.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 4-0-0**

**Finance Committee -**

**SUMMARY:** The purpose of this article is to establish the spending limit for the Shellfish Revolving Fund which was established for propagation efforts. The Shellfish Department's propagation efforts include the seeding of quahogs and oysters in all Wellfleet waterways which also contributes to improving water quality and natural oyster set in our harbor to benefit growers and spat collectors. This revolving fund takes the responsibility for funding the shellfish department's budget line 180 out of the taxpayer's pockets and puts it in the hands of those who make their living in the shellfish industry and those who harvest shellfish recreationally. The Shellfish Propagation Revolving Fund revenues will be derived from shellfish grant revenue and permit fees. The Revolving Fund expenditures may be used for the propagation, cultivation, protection, and study of shellfish only.

**ARTICLE NO. 22 – ELEMENTARY SCHOOL FIRE SUPPRESSION SYSTEM PROJECT:**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$2,200,000.00 to fund the installation of a fire suppression system at the Wellfleet Elementary School, including all costs related thereto, and in order to fund this appropriation, the Selectboard will be authorized to borrow said amount pursuant to G.L.C. 44 Sec. 7 or 8, or any other enabling authority, to issue bonds or notes of the Town therefor, and further, to authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with M.G. L. c. 40 sec. 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; provided, however that the appropriation authorized hereunder shall be

contingent on the approval by the voters of the Town of so-called Proposition 2 ½ debt exclusion question under G.L. c. 59, sec. 2C , or to do or act on anything thereto.

(Requested by the School Committee)

**Two-thirds vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY: (Mary Beth Rodman, School Principal)**

**ARTICLE NO. 23 – SUPPLEMENTAL FUNDING FOR FUEL STORAGE TANK FOR MARINA:**

To see if the Town will vote to appropriate an additional sum of **\$334,500.00** or any other sum, to supplement the original appropriation in the amount of \$526,208.00 provided under Article No. 23 of the April 22, 2019 Annual Town Meeting, for the purpose of removing the existing fuel storage tanks at the Marina and purchasing and installing new above ground storage tanks at the Wellfleet Marina and for the payment of all other costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c.44, s.7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G. L. c.44,s. 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY:** The Town appropriated funds at the 2019 Annual Town Meeting to allow for the removal of the existing fuel tanks and installation of new equipment at the Marina. We recently went out to public bids for this project and unfortunately received bids that greatly exceeded the availability of funds. This article is seeking additional funding to allow for the completion of this project. Debt service for this project will be paid from the Marina Enterprise Fund.

**ARTICLE NO. 24 – HARBOR/MARINA FACILITIES NEEDS ASSESSMENT PROJECT:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$30,000.00, or any other sum, for the purpose of paying costs associated with conducting a Marina Facility Needs Assessment study to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY: (Will Sullivan, Harbor Master)**

**ARTICLE NO. 25 – TRAFER STATION FACILITIES NEEDS ASSESSMENT PROJECT:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000.00, or any other sum, for the purpose of paying costs associated with conducting a Transfer Station Facility Needs Assessment study to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY:** The Wellfleet Transfer Station is an asset to the community. Given the constant evolving nature of the trash and recycling industry, it would behoove the Town to evaluate ways to maximize it’s potential. This project is intended to hire a site design professional experienced in Transfer Station operations and development. The intent of the study will focus on functionality, safety, efficiency, and potential financial benefits for both present day and future services. The Town of Dennis performed a similar analysis that resulted in significant improvements to their facility.

**ARTICLE NO. 26 – ADULT COMMUNITY CENTER ADDITION FEASIBILITY STUDY PROJECT:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$15,000.00, or any other sum, for the purpose of paying costs associated with conducting a Adult Community Center Building Addition Feasibility study, to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY:** In the past, several alterations and additions have been proposed for the Adult Community Center.

- Based on plans from 2013, creation of a paved walkway through the woods on the Cahoon Hollow side of the building of one-half mile that connects to the walkway and patio that were installed in 2014. That project was funded with a bequest and there were insufficient funds to complete the entire plan. This walkway will provide access for walkers both able bodied and those with some mobility challenges in a sheltered place by a building with good parking and amenities.
- When Sea Babies (Cape Cod Children’s Place) was using space in the building, they applied for and received a grant from the Community Preservation Committee to install an Infant/Toddler playground. They moved from the building in June of 2020 and the playground is still there but not maintained. I have had requests to purchase and install adult outdoor exercise equipment for the use of adults adjacent to the existing Infant/Toddler playground.
- The Council on Aging Board conducted a survey of Town residents in 2021 to determine what people would like to see added to the programs at the Adult Community Center. One of the top

requests was space for exercise equipment and for free weights. Given the use of the Great Pond Room for COA programs as well as Boards and Committees and as the Wellfleet Polling place, there is no space for this healthy and entertaining activity in the current building. In addition to floor space, a locker room and outside access to the gym will be necessary.

- Because we live in a Pandemic, post-Pandemic world, there is a need for building capacity for hybrid meetings. Because the Adult Community Center is the designated location for that upgrade/expansion, that program will need space to do the job correctly. Additionally, there has been a request for an additional small meeting room like the current Conference Room.

In order to do this in an organized way, I want to do the planning of this multi-level project in one study so that if the decision is made to implement it in stages, everything will fit onto the available land and the end product will be produced with the best fiscal and construction practices in order to create an attractive and functional building and grounds.

**ARTICLE NO. 27 –KELLER’S CORNER REVETMENT ENGINEERING PROJECT:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000.00, or any other sum, for the purpose of paying costs associated with conducting a Keller’s Corner Revetment Engineering project, including the design and permitted related thereto, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**

**SUMMARY:** Keller's Corner (adjacent to Wellfleet Condominiums on Kendrick Ave) is eroding at a high rate which is jeopardizing the infrastructure of the town. This project is proposed to protect the road through means of shorefront stabilization and updated stormwater drainage. This request involves the engineering/permitting only - a request for funds for construction will be sought later. We are actively pursuing grant funding for this project to supplement Town appropriations for both engineering/permitting and construction.

**ARTICLE NO. 28 – LIEUTENANT ISLAND/HERON POINT ROAD SURVEY EXPENSE:**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$3,200.00, or any other sum, for the purpose of paying costs associated with land survey services for Heron Point Road, or to do or act on anything thereon.

(Requested by the Rights of Public Access Committee)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**

**SUMMARY:** The purpose of this article is to survey Heron Point Rd, the road leading to the Lieutenant Island boathouse. The Rights of Public Access Committee has been working to secure the public's right to continue to access the public beach through the boathouse property, Lot 41-178.1. There is evidence that this lot has been used by the public - shell fishermen, fishermen, sailors, kayakers, and beachgoers - to access the beach for several decades, as well as evidence that the Town may have owned it at one point and attempted to establish a Town Landing here in 1962. Today, the lot is owned privately by year-round residents who allow people to pass and who wish to sell it to the Town to prevent future owners from denying access to the public beach. To move forward, the Town needs to secure public access over the dirt road leading to it. Satellite maps overlaid by assessor's maps indicate that the dirt road may either lie on private property to the South, as the latest 2002 survey suggests, or could have possibly shifted over time to exactly where Heron Point Rd was originally laid out in 1967, due to erosion. A current survey of Heron Point Rd is necessary for the Town to determine who to work with when negotiating public access over the dirt road.

**ARTICLE NO. 29 – CLIMATE ACTION RESERVE FUND:**

To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000.00 to establish a Climate Action Reserve fund to be funded at \$50K to be used as the town's matching portion for any Climate Action Grant to the extent required by the grant after in-kind contributions are accounted for, expenditure of these funds shall be under the control by of the Selectboard, any request for a Grant Matching Fund Reserve Funds transfer will not be considered if it is contrary to the vote of town meeting, or as a means to increase the operating budget. This fund must be re-authorized each fiscal year by town meeting vote, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY:** The Energy & Climate Action Committee actively seeks grants to help the Town cope with the effects of global warming and decrease our greenhouse gas emissions. Many grants require matching funds. Generally, these expenditures bring in several times as much money to fund needed improvements in infrastructure.

**SECTION III: COMMUNITY PRESERVATION ARTICLES**

**ARTICLE NO. 30 – COMMUNITY PRESERVATION – ADMINISTRATIVE EXPENSES, DEBT SERVICE, AND ALLOCATION OF RESERVES:**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2023 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of \$28,684.00 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2023; and further to appropriate from the Community Preservation Fund estimated revenues a sum of

\$73,898.00 to the reserve for open space; a sum of \$73,898.00 to the reserve for community housing; and further to reserve a sum of \$73,898.00 for historic resources as recommended by the Community Preservation Committee, as well as a sum of \$488,602.00 to be placed in the 2023 Budgeted Reserve for general Community Preservation Act purposes or to do or act anything thereon.

(Requested by the Community Preservation Committee)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**Community Preservation Committee – Yes 7, No 0.**

**SUMMARY:** This is an annual CPC housekeeping article. Out of a total projected revenue figure of \$738,984.00 for Fiscal Year 2023, \$28,688.00 is 3.9% of estimated revenue allowed for administrative expenses, as provided by the Community Preservation Act. Open Space's 10%, Community Housing's 10%, and Historic Resources' 10% are reserved respectively for open space, housing and historic preservation purposes. The balance of \$488,602 is reserved for approved CPA projects in any category including Outdoor Recreation.

**ARTICLE NO. 31: COMMUNITY PRESERVATION – WELLFLEET AFFORDABLE HOUSING TRUST:**

To see if the Town will vote, pursuant to MGL c.44B, to appropriate \$35,000.00 from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues to the Wellfleet Affordable Housing Trust for the support of community housing, or to do or act on anything thereon.

(Requested by the Community Preservation Committee)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**Community Preservation Committee - Yes 7, No 0.**

**Affordable Housing Authority -**

**Housing Partnership -**

**SUMMARY:** The Community Preservation Act allows communities to allocate funds to their Affordable Housing Trust. This offers the Wellfleet Affordable Housing Committee a way to respond in a timely manner to appropriate market opportunities for land acquisition, building purchase, essential maintenance needs and other allowed activities.

**ARTICLE NO. 32: COMMUNITY PRESERVATION – BUY DOWN 2022:**

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues the sum of \$185,000.00 to contribute to the cost of, and thereby support, for the Affordable Housing Buy Down Program to assist with the purchase of housing



for eligible moderate-income first-time buyers and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or to do or act on anything thereon.

(Requested by the Community Preservation Committee)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**Community Preservation Committee - Yes 7, No 0.**

**Affordable Housing Authority -**

**Local Housing Partnership -**

**SUMMARY:** The purpose of the Affordable Housing Buy Down Program is to provide need-based financial assistance to eligible moderate-income first-time homebuyers purchasing existing homes on the open market in the Town of Wellfleet. The goal of the Buy Down Program is to increase the availability of affordable home ownership opportunities in the Town.

**ARTICLE NO. 33: COMMUNITY PRESERVATION – LILY HOUSE:**

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues, the sum of \$20,000.00 to contribute to the cost of establishing the Lily House as a hospice community home and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or to do or act on anything thereon.

(Requested by the Community Preservation Committee)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**Community Preservation Committee - Yes 7, No 0.**

**Affordable Housing Authority -**

**Local Housing Partnership -**

**SUMMARY:** The Lily House, located at 40 Pocahontas Rd., was bequeathed as a community hospice home for individuals who are at risk of being homeless at the end of life or at risk of dying alone. It will provide a home for two terminally ill residents at a time with an average length of stay of one month. Priority admissions will be given to Wellfleet and other Outer Cape residents. Lily House will offer around-the-clock hospice-level care for 20 to 25 residents per year.

**ARTICLE NO. 34: COMMUNITY PRESERVATION – LOWER CAPE HOUSING INSTITUTE YEAR 6:**

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues the sum of \$7,500.00 to contribute to the cost of, and thereby support, the Community Development Partnership sponsored Lower Cape Housing Institute

in Fiscal Year 2023 and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or to do or act on anything thereon.

(Requested by the Community Preservation Committee)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**Community Preservation Committee - Yes 7, No 0.**

**Housing Authority -**

**Local Housing Partnership -**

**SUMMARY:** The Community Development Partnership (CDP) is offering the Lower Cape Housing Institute for a sixth year. The CDP seeks contributions from the eight participating towns towards the costs of continued training and technical assistance to develop better understanding of Community Housing needs and to support the town in meeting its housing production goals. Sessions are free to Town officials and other interested parties. CDP expects to continue large audience virtual sessions on particular topics and hold in-person peer group meetings.

**ARTICLE NO. 35: COMMUNITY PRESERVATION – HISTORICAL PLAN  
CONTINUATION:**

To see if the Town will vote, pursuant to M.G.L. c.44B, to raise and appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues the sum of \$20,300.00 to the Wellfleet Historical Commission to continue compilation of the Form B inventories of historic properties in Wellfleet with provisions for storage and seminars on the historic homes and their inhabitants, and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or do or act on anything thereon.

(Requested by the Community Preservation Committee)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**Community Preservation Committee - Yes 7, No 0.**

**Historical Commission -**

**SUMMARY:** The Historical Commission's goal is to create a comprehensive historical plan which will include an inventory of all buildings and structures over 75 years old. The Historical Commission's consultant will be able to continue compiling "Form B" inventories — fact sheets on historic properties in Wellfleet — which are stored at the Wellfleet Public Library and are available online at the Massachusetts Historical Commission's website: [www.mhc-macris.org](http://www.mhc-macris.org) (Massachusetts Cultural Resource Information System). The project includes shelving for the Form B's and additional seminars on the history of homes in Wellfleet and the people who lived in them.

**ARTICLE NO. 36: COMMUNITY PRESERVATION - RESTORATION & ACCESSIBILITY OF THE WELFLEET HISTORICAL SOCIETY MUSEUM:**

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues a sum of \$20,000.00 for historic restoration of the mid-section of 262 Main Street and to improve accessibility to the building pursuant to the Americans with Disabilities Act by the Wellfleet Historical Society & Museum, and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or to do or act on anything thereon.

(Requested by the Community Preservation Committee)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**Community Preservation Committee - Yes 7, No 0.**

**Historical Commission -**

**SUMMARY:** The restoration of the mid-section of 262 Main Street will allow the Wellfleet Historical Society and Museum to connect the East wing and the original museum area and provide greater accessibility to the museum. To ensure accessibility, WHSM plans include for a new entrance and reception area, an elevator, handicap restrooms and increased exhibit space. The Historical Society & Museum has completed the permanent Historical Preservation Restriction agreement with the Massachusetts Historical Commission.

**ARTICLE NO. 37: WELFLEET ELEMENTARY SCHOOL PLAYGROUND:**

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues a sum of \$315,000.00 for the restoration and rehabilitation of the land for recreational use by constructing a new playground and swings at the Wellfleet Elementary School, and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or to do or act on anything thereon.

(Requested by the Community Preservation Committee)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**Community Preservation Committee - Yes 7, No 0.**

**School Committee -**

**SUMMARY:** The children have been without a playground since 2020 when an official inspection resulted in its condemnation and demolition. The Wellfleet Elementary School Playground Committee has been working to construct a new outdoor playground environment that is safe, inclusive and accessible for children ages 5-12. The playground is available to the community after school hours, on weekends,

holidays, and school vacations. With a Community Preservation grant and additional fund raising, it will be possible to install the major area of the playground and the swings in the summer of 2022.

**SECTION IV: DISPOSITION OF TOWN PROPERTY ARTICLES**

**ARTICLE NO. 38 - DISPOSITION OF TOWN LAND/ TRANSFER OF MAP #30, PARCEL #186, AND MAP #42, PARCEL #137 TO CONSERVATION COMMISSION:**

To see if the Town will vote to transfer the care, custody, management and control of two properties shown on Assessor's Map 30, Parcel 186, described in a Judgement in Tax Lien Case recorded with the Barnstable Registry of Deeds in Book 24924, Page 207 and on Assessor's Map 42, Parcel 137 described in a Judgement in Tax Lien Case recorded with the Barnstable Registry of Deeds in Book 25524, Page 269, from the board having care, custody, management and control thereof and from the purpose of which said parcels are held to the Conservation Commission for purposes of open space and conservation or to do or act on anything thereon.

(Request by the Open Space Committee)

**2/3 Majority Vote Required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**Open Space Committee -**

**Conservation Commission -**

**SUMMARY:** Map 30-Parcel 186 is a 2.06-acre wetlands marsh property in Blackfish Creek abutting conservation lands owned by the Wellfleet Conservation Trust and Mass Audubon Society. Map 42 – Parcel 137 is 3.26 acres of wetlands marsh in the Fresh Brook Estuary and abuts the Town owned Bayberry Hill Conservation Land and Trail property off Lt. Island Road.

**SECTION V: UNCLASSIFIED ARTICLES**

**ARTICLE NO. 39- AFFORDABLE HOUSING TRUST BYLAW AMENDMENT:**

To see if the Town will vote to amend the Affordable Housing Trust bylaw adopted under Article No. 44 of the 2021 Annual Town Meeting by : (1) amending the third sentence of Chapter 3, which reads "A quorum at any meeting shall be a majority of the Trustees qualified and present in person." by striking from it the words "qualified and present in person"; (2) amending the first sentence of Chapter 6 by replacing "G. L. c. 268A" with "G. L. c. 258"; (3) amending the second sentence of Chapter 6 by replacing "G. L. c. 258" with "G. L. c. 268A"; and (4) amending the fourth sentence of Chapter 6 by replacing "G. L. c. 40, section 15" with "G. L. c. 40, section 15A.", or to do or act on anything thereon.

(Request by the Affordable Housing Trust)

**Majority Vote Required**

**SUMMARY:** This article proposes corrections to the Affordable Housing Trust bylaw in response to suggestions by the Attorney General's Office in the approval letter of October 25, 2021. The amendment to

Chapter 3 is to clarify that the Trust's quorum provisions are consistent with Massachusetts law. The amendments to Chapter 6 are all to correct typographical errors in the bylaw.

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**Affordable Housing Trust -Yes 6, No 0**

**ARTICLE NO. 40 - SPECIAL DETAIL ACCOUNT FOR THE FIRE DEPARTMENT:**

To see if the Town will vote to transfer the sum of \$3,000.00 from available funds to the special detail fund for the Fire Department, said account to be administered by the Fire Chief through the Town Accountant and Town Treasurer, or to do or act on anything thereon.

(Requested by the Fire Chief)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee –**

**SUMMARY:** The Town currently has a Fire Detail Fund that allows for the collection of fees from private parties that need to use Fire Department staff resources for a private event. These monies are then used to pay our staff for those services. Currently we must delay these payments until we collect and deposit the fee from the private party. This appropriation will provide cash flow so that we can pay our staff on a timely basis.

**ARTICLE NO. 41 – EASEMENT FOR THE HERRING RIVER RESTORATION PROJECT:**

To see if the Town will vote to:

- (a) authorize the Selectboard to acquire, by gift, purchase and/or eminent domain on such terms and conditions as the Selectboard shall determine, permanent and temporary easements in parcels of land abutting and/or near Pole Dike Road, Bound Brook Island Road, Old Colony Road, and Way No. 672 for the reconstruction, installation, inspection, maintenance, improvement, repair, replacement and/or relocation of rights of way, drainage, utilities, driveways, slopes, and grading, to enable the Town to undertake the Herring River Restoration Project and for any and all purposes and uses incidental or related thereto, all as approximately shown on plans entitled "Herring River Restoration Project Engineering Design to Elevate Low-Lying Roadways and Replace Associated Culverts, Wellfleet and Truro, Massachusetts, Permanent and Temporary Easement Plan," prepared by WSP for the Town of Wellfleet, dated January 2022, and "Herring River Restoration Project Permit Level Design for Low-Lying Property Impact Prevention, Way #672, Hirsch-Meek Property (25 Way #672) & Ellis Property (27 Way #672), Wellfleet, Massachusetts, Permanent and Temporary Easement Plan," prepared by WSP for the Town of Wellfleet, dated January 2022, copies of which are on file with the Town Clerk, as said plans may be amended from time to time;

- (b) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs related thereto, including, without limitation, the cost of any easement acquisitions; and
- (c) authorize the Selectboard to enter into any and all agreements and take any and all actions necessary or appropriate to effectuate the foregoing purposes.

or to do or act anything thereon.

(Requested by the Selectboard)

**Two-thirds vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend:**

**Finance Committee -**

**SUMMARY:** The Town of Wellfleet and Cape Cod National Seashore are undertaking the Herring River Restoration Project (“Project”) to restore tidal flow and revive the extensive ecological and economic benefits provided by a healthy estuary. The expected benefits include improved water quality, greater community resilience, and enhanced recreational opportunities. More information about the Project is available at <https://www.wellfleet-ma.gov/home/news/herring-river-project>.

The Project includes the elevation of low-lying road segments and replacement of culverts to ensure that roadways are not over-topped during certain conditions once tidal flow is restored. Temporary easement rights are needed allow the Town and its contractors to access portions of private property near the road segments for purposes such as erosion control, staging or other construction activity. Temporary easement rights will expire once the construction work is completed. Permanent easement rights are needed because work will result in certain permanent changes to private property near the road segments, such as a grade change, or installation of a guardrail or culvert, and to allow the Town Department of Public Works access for maintenance. Plans showing the locations of the easements are available for viewing at the Wellfleet Department of Public Works (DPW) located at 220 West Main Street, and the Wellfleet Town Clerk’s office located at 300 Main Street.

**ARTICLE NO. 42 – RESCIND DEBT AUTHORIZATIONS (consent):**

To see if the Town will vote to rescind the following funding authorizations, as follows:

Department	Item	Date	Amount
Department of Public Works	South Wellfleet Parking Lot	4/28/14	\$6,948.00
Elementary School	Elementary School Roof	4/28/14	\$338,909.00
DPW Facilities	Town Hall Furnace	4/28/14	\$75,000.00

Police Department	Police Station Construction	11/15/16	\$540,000.00
Selectboard	Land Acquisition	4/22/19	\$1,000,000.00

or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**

**SUMMARY:** The purpose of this article is to rescind a series of debt authorizations approved by Town Meeting to borrow funds for the identified purposes. These projects have been completed and the debt authorizations were not issued and not necessary for the projects. This proposed action is largely a house keeping matter.

**ARTICLE NO. 43 - ROUTE 6A/MAIN STREET INTERSECTION PROJECT:**

To see if the Town will vote to:

- (a) authorize the Selectboard to acquire by gift, purchase, and/or by eminent domain, parcels of real property, permanent and temporary easements, for public way purposes, including without limitation, for the construction, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, drainage, utilities, driveways, slopes, grading, road realignment, sidewalks and landscaping, and other related purposes, as may be necessary to undertake the MassDOT Route 6/Main Street Transportation Improvement Project, and for any and all purposes incidental or related thereto, in, on and under certain parcels and easement areas being generally shown on a plan entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Route 6/Main Street Intersection and Corridor Improvements" dated February 14, 2022 on file in the Town Clerk's Office as said plans may be amended from time to time and/or incorporated into an easement plan;
- (b) Transfer the care, custody, management and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plans from the board or officer having custody of the same for the purposes for which such properties are currently held to the Selectboard for public way and utility purposes, and further to dedicate said portions of the Town-owned properties to the foregoing purposes;
- (c) raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money, to fund the foregoing project and any and all expenses incidental or related thereto, including without limitation, the costs of any land/easement acquisitions, appraisals, surveys, engineering, design, and other associated services; and



- (d) authorize the Selectboard to enter into all agreements and take any and all actions as may be necessary or appropriate to carry out the foregoing purposes,
- (e) or to do or act on anything thereon.

(Requested by the Selectboard)

**Two-thirds vote Required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 4-1-0**

**Finance Committee -**

**SUMMARY:** This project request is to allow the Town's engineering consultant (Stantec) to continue services for the MassDOT Route 6/Main Street intersection project. Stantec submitted the 75% design plans to the State in December 2021 and is currently working on the 100% design plans to commence construction in 2023. This article further authorizes the Selectboard to acquire the rights needed to undertake the project, and to pay the costs and expenses related to the acquisition of the necessary property interests.

**ARTICLE NO. 44 - TOWN CODE ADOPTION OF RENUMBERING OF GENERAL BYLAWS:**

To see if the Town will vote to renumber, recaption and stylize the General Bylaws of the Town of Wellfleet by (a) assigning a chapter number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article and section titles; (d) updating internal references to reflect the new numbering system; (e) stylizing the text so that "Town," when referring to the Town of Wellfleet, is capitalized throughout, numbers are cited consistently across all bylaws and definitions are alphabetized; and (f) changing "Selectmen" or "Board of Selectmen" to "Selectboard" to implement the Charter changes effective 4-29-2019; all as set forth in the document on file in the Office of the Town Clerk entitled "Final Draft of the Town of Wellfleet, Massachusetts," dated \_\_\_\_\_, prepared by General Code, LLC, or to do or act on anything thereon.

(Requested by the Town Clerk)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY:** This article will permit the codification of our general by-laws, creating a more organized and streamlined format that will be easier to navigate than our current in-house system and will benefit both Town officers and the public.

**ARTICLE NO. 45 - TOWN CODE ADOPTION OF RENUMBERING OF ZONING BYLAWS:**

To see if the Town will vote to renumber and recaption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 235 of the new Town Code; (b) renumbering each section of the Zoning Bylaw accordingly; (c) inserting section titles; (d) updating internal references to reflect the new numbering system; (e) stylizing the text so that "Town," when referring to the Town of Wellfleet, is

capitalized throughout, numbers are cited consistently throughout and definitions are alphabetized; and (f) changing "Selectmen" or "Board of Selectmen" to "Selectboard" to implement the Charter changes effective 4-29-2019; all as set forth in the document on file in the office of the Town Clerk entitled "Final Draft of the Town of Wellfleet, Massachusetts," dated \_\_\_\_\_, prepared by General Code, LLC., or to do or act on anything thereon.

(Requested by the Town Clerk)

**Two-thirds vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY:** This article will permit the codification of our Zoning by-laws, creating a more organized and streamlined format that will be easier to navigate than our current in-house system and will benefit both Town officers and the public.

**ARTICLE NO. 46 - LEASE OF TOWN PROPERTY:**

To see if the Town will vote to transfer the care, custody, management, and control of a Town-owned parcel located at 1176 Gross Hill Road, as shown on Assessors Map 5, Parcel 8, from the Selectboard or other board or commission currently having custody thereof and for the purpose for which said parcel is currently held to the Selectboard for the purpose for which the parcel is currently held and for the purpose of entering into a long-term lease with one or more cellular communication carriers, upon such terms and conditions as the Selectboard deems to be in the best interest of the Town, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY:** AT&T has been working with the Town to locate some communications equipment on a pole in the Newcomb Hollow Beach parking lot. The purpose of this equipment is to improve cellular communications in this area, which will benefit public safety purposes. The proposed license agreement will be for a 10-year period and the Town will receive annual payments for the use of town property.

**ARTICLE NO. 47 - AUTHORIZE ACQUISITION OF ACCESS EASEMENT TO INDIAN NECK TIDAL FLATS:**

To see if the Town will vote to acquire, by gift, purchase and/or eminent domain, an access easement for vehicular and pedestrian traffic to pass and repass on and along the private roads being King Philip Road, Billingsgate Road and Omaha Road to the Indian Neck Tidal Flats, which are owned by the Town of Wellfleet by an instrument recorded with the Barnstable County Registry of Deeds in Book 32413, Page 327, on such terms and conditions as the Selectboard deems to be in the best interests of the Town, and further to authorize the Selectboard to execute any and all documents, agreements and instruments necessary or convenient to carry out the purposes of this article, or to do or act on anything thereon.

(Requested by the Selectboard)

**Two-thirds vote required**

**Recommendations:  
Selectboard -  
Finance Committee -  
SUMMARY:**

**SECTION VI: BYLAWS, INITIATIVE PETITIONS**

**ARTICLE NO. 48 – BYLAW AMENDMENT FOR ANIMAL CONTROL BYLAW:**

To see if the town will vote to amend the General Bylaws of the Town of Wellfleet by voting to delete and replace Article XV entitled Animal Control, in its entirety, a copy of which is on file and available for viewing in the Town Clerk's office and as shown below, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Bylaws, as necessary:

**15.1 Purpose.** The purpose of these by-laws is the control of animals to prevent injury to property, persons and animals.

**15.2 Administration.** The Selectboard shall appoint an Animal Control Officer who, in addition to any other authorized enforcement officers, shall be responsible for the enforcement of these by-laws.

**15.3 Definitions.** The terms used in this by-law shall be as defined in Massachusetts General Laws, Chapter 140, Section 136A, unless another meaning is clearly apparent from the manner in which the word is used.

In addition to the terms defined in said statute, for the purposes of this by-law, the following terms shall have the following definitions:

**Adequate shelter** – A structure that is large enough for the animal to stand naturally, turn around and lie down inside of the structure without being exposed to the elements of weather. The roof and walls of the structure are waterproof and windproof. Bedding must be kept dry and changed regularly to preserve insulating qualities. Insulation and an inner wall must be included in shelter for dogs with short fur (example: Pointers, Staffordshire Terriers, Boxers, Labrador Retrievers) to provide adequate protection from cold. During cold weather a moveable flap must be placed over the entrance to a shelter to preserve the animal's body heat. Adequate shelter from sun may be provided by a tarp placed in a manner to provide deep shade and allow air to pass through for ventilation.

**Dangerous Dog** – Any dog that either (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

**Keeper** – Any person, business, corporation, entity, or society, other than the owner, having possession of a dog. If a person under the age of 18 owns or keeps a dog, that person's custodial parent(s) or legal guardian(s) shall be responsible for complying with the requirements of these by-laws.

**Commercial boarding or training kennel** – An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that this shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

**Commercial breeder kennel** – An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

**Kennel** – A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

**Licensing Period** – The time between January 1st and the following December 31st of each year, both dates inclusive.

**Personal kennel** – A pack or collection of more than four (4) dogs, three (3) months of age or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

**Section 15.4 Dogs Must Be Leashed and Licensed.** All dogs within the territorial limits of the Town of Wellfleet shall be restrained by a leash held by a responsible person capable of restraining the dog, unless confined to the property of their owners or keepers or confined to the property of another with the consent of the person in lawful control thereof. Any dog found running at large will be removed and impounded. The owner of any dog so removed shall be responsible for boarding expenses at the established rate prior to the release of the dog. The Town of Wellfleet Police Department (including special officers), and the Animal Control Officer shall have the authority to enforce this Section.

Consistent with General Laws Chapter 140, Sections 137-139, the owner or keeper of a dog over the age of six (6) months shall obtain a license for the dog from the Town Clerk, unless the dog is subject to a kennel license as set forth in Section 15.10 of this By-law. No fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. The fee for an individual dog license shall be \$--- for a dog that is intact and \$----- for a dog that has been spayed or neutered. A late fee of \$----- shall be assessed in addition to the licensing fee for any dog that is not licensed by January 31.

**Section 15.5 Dog Waste Removal.** All dog owners, keepers or persons having control of a dog are responsible for immediately removing and disposing of all solid wastes produced by said dog on any property (other than the property of the dog owner or keeper) in a sanitary manner and where it will not cause pollution, either directly or indirectly.

**Section 15.6. Barking and Other Noise Caused by Dogs.** No person owning, keeping or otherwise responsible for a dog shall allow said animal to annoy another person's reasonable right to peace or privacy by making loud or other continuing noise, where such noise is plainly audible at a distance of 100 feet from the building, premises, vehicle, or other means of conveyance or housing of said dog, or where such noise is continuing for fifteen (15) minutes. The fact that such noise is plainly audible at said distance or continuing in excess of fifteen (15) minutes on a daily basis shall be prima facie evidence of a violation.

**Section 15.7. Animals in Parked Vehicles.** No animal may be left unattended in a parked vehicle at any time of year.

**Section 15.8 Licensing and Regulation of Dangerous Dogs.**

**Section 15.8.1. Determination That A Dog Is Dangerous or a Nuisance.** The Animal Control Officer shall investigate all complaints made to the Animal Control Officer, the Town of Wellfleet Police Department, the Selectboard, or the Town Administrator that any dog owned or kept within the Town of

**Commented [A1]:** Please determine and finalize the licensing fees, bearing in mind that the fee for a neutered dog must be less than the fee for an intact dog, under G.L. 140, Section 139.

Wellfleet is a nuisance or dangerous dog as those terms are defined in Section 136A of Chapter 140 of the Massachusetts General Laws.

**Section 15.8.2.** The Animal Control Officer shall make whatever inquiry is deemed necessary to determine the accuracy of said complaints referenced in Section 15.8.1, including an examination of the complainant under oath at a public hearing. Based on the facts introduced at the hearing, the Animal Control Officer may find that the dog is a Nuisance Dog or Dangerous Dog and may make such orders as authorized by Massachusetts General Laws, Chapter 140, Section 157.

**Section 15.8.3.** Nothing in this by-law is intended to limit or restrict the authority of the Selectboard to act in accordance with Massachusetts General Laws, Chapter 140, Section 157.

**Section 15.8.4.** Petition for Relief to Court. The owner or keeper of a dog who is the subject of an order under this By-law may petition the district court for relief in accordance with Massachusetts General Laws, Chapter 140, Section 157.

**Section 15.9. Control of Dangerous Dogs**

**Section 15.9.1.** The Animal Control Officer shall notify the Town Clerk of all dogs determined to be dangerous, pursuant to the terms of this By-law, and the Town Clerk shall keep a record of all such dogs.

**Section 15.10. Kennel Licenses, Inspection, and Regulation.**

**Section 15.10.1. Requirement for Kennel License.** Any owner or keeper of more than four (4) dogs, three (3) months of age or older, being maintained at a single premises, shall secure a Kennel License. The Town Clerk shall not issue a Kennel License unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that each dog which is six (6) months of age or older is currently vaccinated against rabies.

**Section 15.10.2. Application and Issuance of Kennel License and Fees.** A Kennel License shall be issued annually by the Town Clerk for the licensing period, upon written application by an owner or keeper of dogs and after inspection of the kennel and a determination, made by the Animal Control Officer, that the basic standards of cleanliness, proper care, confinement, and adequate shelter of said dogs exist on the premises. The name and address of the owner or keeper of each dog kept in any kennel, if other than the person maintaining the kennel, and a veterinarian's certificate verifying that each dog, three (3) months of age or older, is currently vaccinated against rabies and kennel cough, shall be kept on file on the premises and available for inspection by the Animal Control Officer or any authorized persons. Such license shall be in the form prescribed by the Town Clerk.

The license fee for a kennel with nine (9) dogs or fewer shall be fifty dollars (\$50.00). The license fee for a kennel with ten (10) or more dogs shall be one hundred fifty dollars (\$150.00). The Town Clerk shall, upon application, issue without charge a Kennel License to any domestic charitable corporation, incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, and for the relief of suffering among animals. The holder of a license for a kennel shall cause each dog kept therein to wear, while it is at large, a collar or harness of leather or other suitable material, to which shall be securely attached a tag upon which shall appear the current dog license information of the town of where the dog resides. A veterinary hospital shall not be considered a kennel unless it contains an area for the selling or boarding of dogs for other than medical purposes, in which case it shall apply for a Kennel License. Kennel licenses are non-transferrable.

**Section 15.10.3. Inspection.** The Animal Control Officer, Animal Health Inspector, or a police officer may at any reasonable time inspect any kennel or premises for which a Kennel License has been issued.

**Section 15.10.4. Loss of Kennel License.** If the Animal Control Officer, Animal Health Inspector, or other authorized agent, after inspection, determines that the kennel or premises that are the subject of a kennel license are not kept in a sanitary or humane condition, or if records are not kept as required by law, the inspecting officer shall notify the Selectboard of that determination and the facts upon which it is

based. The Selectboard may, by order after a hearing, revoke or suspend such license. If a license has been revoked or suspended, the license may be reinstated after inspection and a reinstatement order by the Selectboard after a new hearing.

**Section 15.10.5. Procedure for Complaint to the Selectboard.** Upon written petition of any person or persons, filed with the Selectboard, setting forth that they are aggrieved or annoyed to an unreasonable extent by one or more dogs at a kennel because of excessive barking or dangerous disposition of said dogs, or other conditions connected with such kennel constituting a public nuisance, said Selectboard, within seven (7) days after the filing of such a petition, shall give notice to the owner or keeper of the kennel, the petitioner(s), and any other person the Selectboard determine should be given notice, of a public hearing to be held within fourteen (14) days after the date of such notice. Said notice shall also be posted on a Town bulletin board. Within seven (7) days after such public hearing, said Selectboard shall make an order either revoking or suspending such kennel license, or otherwise regulating said kennel or premises, or dismissing said petition.

**Section 15.10.6. Petition for Relief to Court.** The holder of a kennel license or other person who is the subject of an order under Section 15.10 may petition the district court for relief in accordance with Massachusetts General Laws, Chapter 140, Section 137C.

**Section 15.11. Fines and Penalties.**

**Section 15.11.1. Non-Criminal Disposition.** In addition to any other legal remedies that may be available, the Animal Control Officer or other designated enforcing person, may enforce this By-law by Non-Criminal Disposition. If a Non-Criminal Disposition process, as provided in Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal disposition By-law is elected, then any person who violates the provisions of ARTICLE XV, Section 15 of the Town's General By-laws shall be subject to the following enforcement fines and penalties.

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

First Offense	\$50.00
Second Offense	\$100.00
Third Offense	\$300.00
Fourth and subsequent offenses	\$500.00

Each day or portion thereof shall constitute a separate offense and each provision violated shall constitute a separate offense.

**Section 15.11.2.** The penalties set forth in Section 15.11.1 shall apply to all violations of this By-law entitled ARTICLE XV ANIMAL CONTROL, Section 15, with the following exceptions:

- (a.) Sections 15.4 Dogs Must be Leashed and Section 15.6. Barking and Other Noise Caused by Dogs. Owners or keepers of dogs found in violation of either such section shall be fined \$50.00 for each offense;
- (b.) Section 15.5 Dog Waste Removal. Owners or keepers of dogs found to be in violation of this section shall be fined immediately as a First Offense and subsequently as listed for the Second, Third, Fourth and subsequent offenses, with no written warning;

**Section 15.11.3.** The Town may enforce this By-law or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

**Section 15.12. Severability.** If any section, paragraph, sentence clause, or phrase of this By-law is held invalid or unconstitutional, such portion shall be deemed a separate and distinct provision and such decision

shall not affect the validity of the remaining portions of these By-law which shall remain in force and effect; and to this end, the provisions of this By-law are hereby declared severable.

Or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard -**

**Finance Committee -**

**SUMMARY: (C. Sumner)**

**ARTICLE NO. 49 - ADOPTION OF ENABLING LEGISLATION TO ESTABLISH SPEED LIMITS:**

To see if the town will vote to accept the provisions of Chapter 90, Section 17C of the General Laws, (Ter. Ed), which allows the Selectboard to establish a speed limit of 25 miles per hour in any thickly settled or business district in the Town that is not a state highway or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**

**SUMMARY:** The Selectboard received a petition from residents seeking to reduce the posted speed limit on a local roadway. To effectuate this the Town will have to adopt this enabling legislation.

**ARTICLE NO. 50 - ADOPTION OF ENABLING LEGISLATION FOR THE DISPOSITION OF UNCLAIMED PROPERTY:**

To see if the Town will vote to accept the provisions of Section 9A of Chapter 200A of the General Laws, which provides as follows:

**DISPOSITION OF UNCLAIMED PROPERTY**

(a) In any city, town or district that accepts this section in the manner provided in Section 4 of chapter 4, there shall be an alternative procedure for disposing of abandoned funds held in the custody of the city, town or district as provided in this section.

(b) Any funds held in the custody of a city, town or district may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within one 1 year after the date prescribed for payment or delivery; provided, however, that the last instrument intended as payment shall bear upon its face the statement "void if not cashed within 1 year from date of issue." After the expiration of one 1 year after the date of issue, the treasurer of a city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument or otherwise cause the



financial institution to decline payment on the instrument and any claims made beyond that date shall only be paid by the city, town or district through the issuance of a new instrument. The city, town or district and the financial institution shall not be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than a year after its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto that are presumed to be abandoned under this section shall post a notice entitled "Notice of names of persons appearing to be owners of funds held by (insert city, town or district name), and deemed abandoned". The notice shall specify the names of those persons who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming the funds and shall state a deadline for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days after the date the notice was either postmarked or first posted on a website as provided in this section. The treasurer of the city, town or district may post such notice using either of the following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last known address of the beneficiary or person entitled thereto; or (2) if the city, town or district maintains an official website, by posting the notice conspicuously on the website for not less than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting of the notice, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation, printed in English, in the county in which the city or town is located.

(d) In the event that funds appearing to be owed to a corporation, organization, beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county in which the city, town or district is located; provided, however, that the notice shall provide an extended deadline beyond which funds shall not be claimed and such deadline shall be at least 1 year from the date of publication of the notice.

(e) Once the final deadline has passed under subsection (d), the funds owed to the corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the General Fund of the city, town or district and the city, town or district shall not be liable to the corporation, organization, beneficiary or person for payment of those funds or for the underlying liability for which the funds were originally intended. Upon escheat, the funds shall be available to the city, town, or district's appropriating authority for appropriation for any other public purpose. In addition to the notices required in this section, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary, or person entitled thereto. Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to

receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest-bearing account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days after receiving notice thereof to the district, municipal or superior court in the county in which the city, town or district is located. The claimant shall have a trial de novo. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or another party or if the treasurer does not receive notice that an appeal has been filed within one 1 year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner provided in this section. If the claimant is domiciled in another state or country and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district, may order that the city, town or district retain the funds.

Or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendation:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**

**SUMMARY:** Under current law unclaimed or abandoned funds must be turned over to the Commonwealth of Massachusetts after a period. The acceptance of this enabling legislation would allow the Town to retain these funds after proper notice and process.

**ARTICLE NO. 51 – WILDLIFE PROTECTION BYLAW:**

To see if the Town will vote to adopt the following as a General Bylaw and insert it into the Town Code, as on file in the office of the Town Clerk and as follows, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Bylaws, as necessary:

**Wildlife Protection**

**1. Definitions:**

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

“Wild animal” means any animal which is not normally domesticated in Massachusetts or listed as domestic pursuant to 321 CMR 9.02(3), including but not limited to, bears, coyotes, foxes, fisher cats, weasels, rats, deer, opossums, raccoons, squirrels, feral cats and skunks.

**Commented [A2]:** State law also regulates the possession of wild animals, and, in my opinion, the definition should be revised so as to remain consistent with the state’s definition of a domestic animal.

“Person” means any individual or individuals, as well as any associations, organizations, firms, partnerships, trusts, and bodies politic and corporate in the Town of Wellfleet.

## 2. Prohibitions

1. No person shall feed, tempt with an attractant, touch, tease, frighten or intentionally disturb wildlife during nesting, breeding or any other activities.
2. No person shall leave, store, or maintain any attractant in a manner, area, or location accessible to any wild animal.

## 3. Exceptions

The prohibitions of this Bylaw shall not apply to:

- (1) Any person who is the legal owner of a wild animal in accordance with state law, if the wild animal is kept in compliance with all applicable federal, state, and local laws and regulations.
- (2) Any person who feeds or provides food to a trapped, injured, or unweaned wild animal between the time that the agency in charge of animal control, or its designated agent, or a licensed wildlife rehabilitator, is notified of the wild animal and the wild animal is received by the agency, facility, or designated agent.
- (3) A wildlife rehabilitator licensed pursuant to Massachusetts 321 CMR 2.13, or a wildlife sanctuary licensed pursuant to 321 CMR 7.00, if they are otherwise in compliance with all applicable federal, state and local bylaws and regulations.
- (4) Any person with a bird feeder, provided the feeder is suspended on a cable or other device to make it inaccessible to wild mammals, and the area below the feeder is kept free from the accumulation of seed debris.
- (5) Any person that is providing care for feral cats and is making a reasonable effort to trap and sterilize said animals.
- (6) Any person feeding animals in the normal course of raising farm animals for food production or in the care of livestock animals, provided that all reasonable efforts are made to reduce attractants to wild animals in the course of feeding livestock/farm animals, and in the storage of animal feed.
- 7) An owner or tenant of land or, if authorized by such owner or tenant, any member of their immediate family or their agents or employees, using an attractant to bait common-type mouse and rat traps, nets, or box or cage-type traps to trap mammals who are causing damage to their property. A box or cage-type trap is one that confines the whole animal without grasping any part of the animal. All such trapping must be done in compliance with M.G.L. Chapter 131, Section 80A and any applicable federal, state and local laws and regulations.

## 4. Enforcement

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

**5. Fines and Penalties**

**Non-Criminal Disposition** - In addition to any other legal remedies that may be available, the Animal Control Officer or Wellfleet Police Officers, may enforce this By-law by Non-Criminal Disposition. If a Non-Criminal Disposition process, as provided in Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal disposition By-law is elected, then any person who violates the provisions of **ARTICLE XX**, Section §**XX** of the Town's General By-laws shall be subject to the following enforcement fines and penalties. Nothing herein shall limit any other remedies available to the Town.

**Commented [A3]:** General Laws Chapter 40, Section 21D authorizes a town by bylaw to provide for noncriminal disposition but requires that the bylaw identify all enforcing persons. The AG has disapproved of bylaws in the past that allow a later-designated person to enforce the bylaw, as opposed to identifying all possible enforcing persons in the bylaw. Therefore, in my opinion, this text should be removed.

Each day that a violation continues or occurs will be considered a new violation for the purpose of assessing fines under this act.

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

<b>First Offense</b>	<b>\$50.00</b>
<b>Second Offense</b>	<b>\$100.00</b>
<b>Third and Subsequent Offenses</b>	<b>\$300.00</b>

**6. Severability.**

If any section, paragraph, sentence clause, or phrase of this By-law is held invalid or unconstitutional, such portion shall be deemed a separate and distinct provision and such decision shall not affect the validity of the remaining portions of these By-law which shall remain in force and effect; and to this end, the provisions of this By-law are hereby declared severable.

or to do or act on anything thereon.  
\_or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendation:**  
**Selectboard -**  
**Finance Committee -**  
**SUMMARY: (Helen Miranda Wilson)**

**ARTICLE NO. 52 – AFFORDABLE LOTS ZONING BYLAW:**

To see if the Town will amend the Wellfleet Zoning By-Laws by inserting 6.28 B Affordable Lots and Affordable Undersized Lots, and to amend the Table of Contents and Sections 2.1, 5.3 as follows:

TABLE OF CONTENTS

**Commented [A4]:** Charlie, in addition to comments note below, please see my cover email to you with more detailed concerns about this amendment. I ask that you please share those comments with the Planning Board as they conduct their hearings on these proposed amendments.

["6.28. B Affordable Lots and Affordable Undersized Lots" is hereby inserted between "6.28 Provisions To Encourage The Development of Affordable Dwellings In Wellfleet" and "6.29 Fast Food & Formula Restaurant Prohibition"]

2.1 DEFINITIONS

[Is hereby amended with the following definitions inserted between Adult Video Store and Alteration]

Affordable Lot - A lot containing not less than 10,000 sq. ft. of contiguous upland area that otherwise does not meet the applicable zoning requirements for a buildable lot. A One Family Dwelling may be constructed on an Affordable Lot so long as the housing unit is maintained as Low or Moderate Income Housing in perpetuity, or the maximum time period allowed by law. Low- or Moderate-Income Housing constructed on an Affordable Lot shall be in compliance with 760 CMR 56.00, the Local Initiative Program (LIP), and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Chapter 40B Subsidized Housing Inventory as Local Action Units.

**Commented [A5]:** It is unclear what is being permitted – a “one family Dwelling” or something else?

Affordable Undersized Lot - A lot containing less than 10,000 sq. ft. of contiguous upland area that otherwise does not meet the applicable zoning requirements for a buildable lot. A One Family Dwelling may be constructed on an Affordable Lot so long as the housing unit is maintained as Low- or Moderate-Income Housing in perpetuity, or the maximum time period allowed by law. Low- or Moderate-Income Housing constructed on an Affordable Lot shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Chapter 40B Subsidized Housing Inventory as Local Action Units. An affordable undersized lot shall be subject to any conditions attached to a Special Permit issued by The Special Permit Granting Authority.

5.3. Use Regulations

Table 5.3.1 is amended as follows: Insert "Affordable Lot" and "Affordable Undersized Lot" before "Bed and Breakfast"

	CD	R1	R2	NSP	C	C2
Affordable Lot	P	P	P	O	P	P
Affordable Undersized Lot	A	A	A	O	A	A

SECTION VI – GENERAL REGULATIONS

Section VI is amended by inserting a new Section 6.28.B, as follows:

6.28.B Affordable Lots and Affordable Undersized Lots

6.28.B.1 Purpose: The purpose of this bylaw is to increase the supply of housing that is

available and permanently affordable to low- or moderate-income households by allowing affordable dwelling units to be built on otherwise non-complying lots, provided the lots meet the criteria listed herein.

It is intended that the affordable housing units created under this bylaw qualify as low or moderate income units for purposes of M.G.L. Ch. 40B sec. 20-23 and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Chapter 40B Subsidized Housing Inventory as Local Action Units.

6.28.B.2 Applicability - This bylaw applies shall apply to lots of record as of January 1, 2021 which do not meet the zoning requirements for a buildable lot as determined by The Town.

**Commented [A6]:** Is the intent for this bylaw to be retroactive to 2021 or should this be 2022 or even 2023?

6.28.B.3 The Building Inspector may issue a building permit for the construction of a One Family Dwelling on an Affordable Lot that meets the following criteria:

1. Parcel is not within the National Seashore Park District.
2. Parcel has no existing dwelling unit.
3. Parcel contains at least 10,000 square feet of contiguous upland area.
4. Parcel satisfies applicable Board of Health requirements.
5. Parcel satisfies applicable Town of Wellfleet's Conservation Commission Environmental Protection Regulations.
6. Parcel has a minimum of twenty (20) feet of frontage on a public way, or a way previously approved by the Planning Board having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic. Lots without a minimum of twenty (20) feet of frontage may be buildable under this section if there is an adequate recorded access easement of at least twenty (20) feet in width from the lot to a public way or a way previously approved by the Planning Board, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic and emergency response apparatus.
7. The front yard, side yard and rear yard setbacks shall not be less than fifteen (15) feet.
8. , A dwelling shall not be built within fifteen (15) feet of any other dwelling or principal structure. If a dwelling is proposed to be built within twenty five (25) feet of any other dwelling or principal structure a stockade type fence of at least 6' in height shall be required by the Building Inspector.
9. A applicant under this Section shall submit a site plan that depicts the dimensions and setbacks of the subject Parcel, and the existing setbacks of principal structures on the lots immediately adjacent to the subject lot must be shown on the plans.
10. A Parcel shall not be built upon if the Parcel; was purposely created, subject to a deed restriction or designated as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town.
11. No part of any access driveway may be within fifteen (15) feet of a principal structure on an adjoining lot.
12. The Applicant submits a Regulatory Agreement and Affordable Housing Deed Rider, to be approved as to form by Town Counsel, that restricts the use of the dwelling unit to Low- or Moderate-Income housing in perpetuity, or the maximum time period allowed by law. Said

**Commented [A7]:** Is the intent to allow an affordable SF house on a lot that is already improved with another dwelling or principal structure? Or, is the intent to allow undersized vacant lots to be developed with affordable units? This provision suggests there could be two houses on one undersized lot.

**Commented [A8]:** In order to qualify for the Town's subsidized housing inventory, income eligible purchasers and tenants would have to be selected pursuant to an Affirmative Fair Marketing Plan, which must be included as a requirement under this bylaw, if the units are to count towards the SHI.



Regulatory Agreement shall include an Affirmative Fair Marketing Plan that complies with DHCD's requirements for the selection of income-eligible tenants/occupants and shall identify a Monitoring Agent who shall be responsible for ensuring that any re-sales of units created under this bylaw shall be made to income-eligible purchasers and comply with the Affirmative Fair Marketing Plan and Affordable Housing Deed Rider. The Applicant shall work with the Town to provide any information necessary to ensure that units created under this bylaw are eligible for inclusion on the Subsidized Housing Inventory maintained by the DHCD as Local Action Units. No building permit (or no certificate of occupancy?) shall be issued until the Regulatory Agreement and Affordable Housing Deed Rider has been approved by Town Counsel, executed by all parties, and recorded at the registry of deeds and proof of such recording has been furnished to the Building Inspector.

6.28.B.4 The Zoning Board of Appeals - As the Special Permit Granting Authority under this section, the Zoning Board of Appeals may grant a special permit to allow construction of a One Family Dwelling on an Affordable Undersized Lot, to be restricted as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, if:

1. The Board finds that such a reduction in minimum lot requirement would further the purposes of the bylaw without causing any undue nuisance, hazard or congestion in the Town or neighborhood.
2. All criteria outlined in section 6.28.B.3, except the minimum 10,000 square foot of upland requirement of 6.28.B.3, paragraph 3, must be met for Board of Appeals approval of a lot with an area under 10,000 square feet upland in size.
3. The Special Permit Granting Authority may impose reasonable conditions and restrictions on the special permit that, in the opinion of the Zoning Board of Appeals, are necessary or appropriate to carry out the intent and purposes of the bylaw and protect the health, safety, convenience, and general welfare of the inhabitants of the Town.

6.28.B.5 Transfer or Sale - The Permit Granting Authority under this section, shall allow the lot owner to transfer or to rent the constructed One Family Dwelling at an affordable price or rent per the applicable standards in Bylaw section 6.28.B.1, provided that the unit is restricted in such a way that future transference or leasing comply with the applicable affordability requirements in Bylaw section 6.28.B.1.

6.28.B.6 Affordability - No Building Permit or Certificate to Occupy shall be issued by the Building Inspector until the developer has demonstrated that all of the applicable requirements of 6.28.B have been met.

6.28.B.7 Conflicts with other bylaws. \_ The provisions of this bylaw shall be considered supplemental to all other zoning bylaws. To the extent that a conflict exists between this bylaw and others, this bylaw, and the provisions therein, shall apply.

or to do or act on anything thereon.

(Requested by the Selectboard)

**Two-thirds vote required**

**Commented [A9]:** A zoning bylaw may not restrict the number of occupants or bedrooms of a single family dwelling. See G.L. c. 40A, § 3, ¶ 2 ("No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building . . ."). However, if the house is served by a septic system, the size of the lot will restrict the septic system and the number of bedrooms. You can leave the bedroom issue to the Board of Health or add "provided that for those single-family houses served by a septic system, the number of bedrooms determined by the Board of Health based on the design of the septic system."

**Commented [A10]:** In my opinion, provisions regarding the transfer or sale of units allowed under this section would be more appropriate for the Regulatory Agreement/Deed Rider.

I recommend deleting this section. Alternatively, the Town may wish to consider the following language:

"Transfer or Sale – The Regulatory Agreement and/or Deed Rider required by Section 6.28.B shall provide that any dwelling unit approved or authorized under this bylaw shall remain restricted to Low or Moderate Income use upon the sale or conveyance of the dwelling unit. The Building Inspector or Zoning Board of Appeals, as applicable, shall submit any proposed Regulatory Agreement and/or Deed Rider to Town Counsel for review and approval as to form, and compliance with this section."



**Recommendations:**

**Selectboard:**

**Insert 4-1-0**

**Recommend**

**Finance Committee -**

**SUMMARY:** This bylaw provides limited relief of zoning requirements to promote the development of otherwise unbuildable lots solely for the purpose of deed-restricted affordable single-family homes in perpetuity or the maximum allowable period by law. The relief granted is a reduction in the minimum lot size, frontage, and setbacks. There are a total of 18 parcels that have a high probability and 26 additional parcels where it may be applicable. These parcels are largely within neighborhoods of similarly sized lots. There is no increase in tax burden borne by the owner of one of these parcels until a building permit has been issued. This bylaw will only apply to pre-existing lots and will not be applicable new lots. 10,000 sq ft is the minimum allowed lot size for Title V septic systems. It is important to note that other issues could cause a lot to be functionally unbuildable such as the location of abutter's wells and septic systems. This is an opportunity for private parties to build a limited number of affordable units that would remain affordable in perpetuity.

**ARTICLE NO. 53 – ACCESSORY DWELLING UNIT BYLAW AMENDMENT:**

To see if the Town will vote to delete Section 6.21 “Affordable Accessory Dwelling Units” of the Wellfleet Zoning By-laws in its entirety, and to replace it with a new Section 6.21 “Accessory Dwelling Units,” as shown below with amendments indicated in BOLD type, and to further amend the Table of Contents, and Sections 2.1, 5.3, 5.46, 5.47, and 8.3 as follows:

**By amending Section II, Section 2.1 Definition, as follows:**

Dwelling **Unit**, Accessory- a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling or other principal structure that shall be leased year-round.

**By amending Section V, Section 5.3 Use Regulations as follows:**

<b>5.3.1 Residential</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
Bed and Breakfast	P	P	P	P	P	P
Boat House, Private	P	P	P	P	P	P
Camper	O	O	O	O	O	O
Cluster Residential Development	O	PB	PB	O	O	O
Conversion of Dwelling Unit	O	A	A	O	O	O
Dwelling, Multiple-Family	O	O	O	O	A	O
<b>Dwelling Unit, Accessory</b>						
Dwelling, One-Family	P	P	P	P	P	P

**Commented [A11]:** At last year’s ATM, both the Selectboard and the Housing Partnership submitted article addressing ADUs. The draft warrant indicates this article was approved at last year’s ATM; however, I ask the Town Clerk to confirm the action taken by Town Meeting on those two articles. As you know, if a zoning amendment received negative action at Town Meeting, it cannot be brought back for two years unless the Planning Board recommended favorable action on that original amendment. However, the repetitive petition provision is only triggered if this article is substantially the same as the prior article. From my review, it appears this article is nearly identical to Article 45 of the 2021 ATM warrant which was also sponsored by the Housing Partnership. If Article 45 was rejected or indefinitely postponed last year, it cannot be brought back this year unless the Planning Board issued a favorable recommendation. The Planning Board will have to confirm their action taken last year.

**Commented [A12]:** These two lines in the table conflict with each other. Perhaps the intent is to delete the first inserted line and keep the second inserted line, which would be more consistent with the prior draft? Please confirm.

Also, I understand the intent is to allow an ADU in all zoning districts by right, except the NSP, where a SP is required. If an ADU is allowed by right in all zoning districts and if the size of the ADU is adjusted as noted herein, this bylaw would only require a majority vote, not two-thirds, per the Housing Choice Act.

<b>Dwelling Unit, Accessory</b>	P	P	P	A	P	P
Garage, Private	P	P	P	P	P	P
Guest House, Private	O	P	P	P	P	P
Home Occupation	P	P	P	P	P	P
Parking, Private	P	P	P	P	P	P
Personal Services (Business)	A	O	O	O	A	O
Roadside Stand, Temporary	O	P	P	O	P	P
Service Trade Home Business (STHB)	A	A	A	A	A	A
Signs <sup>1</sup>	P	P	P	P	P	P
Stable, Private <sup>2</sup>	O	A	A	A	A	A
<b>5.3.1 Residential (continued)</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
Studio, Private	P	P	P	P	P	P
Swimming Pool/Tennis Court, Private	P	P	P	P	P	P
Trailer Home/Mobil Home	O	O	O	O	O	O

By amending Section V, Section 5.4.6. Intensity of Use Application to Accessory Dwelling Units (ADUs) is deleted in its entirety and replaced with the following:

An Accessory Dwelling Unit shall consist of a minimum of 200 square feet of Livable Floor Area, subject to any requirements of the State.

By amending Section V, Section 5.4.7 Intensity of Use Application to the Conversion of the Dwelling Units by inserting the text shown in bold below:

No dwelling unit shall be converted into two or more units unless each resulting unit consists of a minimum of 600 square feet of livable floor area; the external appearance of the structure is not changed; the front, side and rear yard requirements of the district in which located are met; and the lot area is not less per dwelling than the lot requirement of the district in which located, **except in the case of an Accessory Dwelling Unit, as provided in Section 6.21 of these Zoning By-laws.**

**By amending Section VI, Section 6.21, Affordable Accessory Dwelling Units in its entirety and inserting the following:**

**6.21 ACCESSORY DWELLING UNITS (ADU) (6/29/2021)**

**6.21.1 Purpose: To enable an increase of year-round housing opportunities; to encourage greater diversity of housing types appropriate to residents with varying needs, and to support a stable and diverse year-round community and work force.**

**6.21.2 Accessory Dwelling Unit (ADU)**

~~An~~ Accessory Dwelling **Units**, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws ~~is~~ **are one or more** additional dwelling units allowed on a single lot in all districts of the Town if in compliance with all Town, Commonwealth of Massachusetts and Federal statutes, by-laws and regulations where applicable, unless otherwise allowed by this **bylaw**.

**Commented [A13]:** There is no need to define ADU here when it is defined above. However, this states an ADU is allowed in all zoning districts, which is not entirely accurate the NSP requires a SP for this use.

**6.21.2.** Accessory Dwelling Units are allowed either as a Detached Building, or as a separate dwelling unit within or attached to a Dwelling, a building used for a Principal Use; or within or attached to any Accessory Building, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

**6.21.2.2 Individual** Accessory Dwelling Units shall be no larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

**Commented [A14]:** The Housing Choice Act defines and ADU and limits its size to 1/2 the floor are of the principal dwelling or 900 SF, whichever is smaller. If the size of the ADU under this bylaw is brought in line with the statutory dimensions and if the ADU is a use allowed by right in the NSP as noted above, then the quantum of vote could be reduced to a majority vote at Town Meeting.

**6.21.2.3.** In order to maintain its status as an accessory use to the principal use on the same lot, the ADU must be held in the same ownership as the principal use.

**6.21.2.4.** The rights and requirements of this By-law and/or Special Permit, as they apply to each ADU, shall run with the land upon any transfer of ownership of a property containing an Accessory Dwelling Unit built under the provisions of this By-law.

**6.21.2.5.** A property owner may choose to cease to use an Accessory Dwelling Unit by formally reporting its change in use to the agent designated by the Town Administrator to administer and monitor such units and altering it to meet the requirements of a permitted use. The agent will then register this change in use with the Building ~~Inspector~~ **Commissioner**, the Health Agent and the Town Assessor.

**6.21.3 Procedure**

**6.21.3.1** The property owner shall apply for a building permit and/or certificate of occupancy for ~~an~~ **each** ADU. The Board of Health shall also review and inspect ~~the~~ **each** ADU for compliance with the Health Code prior to the issuance of a certificate of occupancy. The Fire Department shall also inspect for working smoke and carbon monoxide detectors.

**6.21.3.2** Prior to the issuance of a certificate of occupancy, ~~the~~ **each** ADU shall be registered with the agent designated by the Town Administrator who will administer and monitor such units,

maintain a current record of such units and register them with the Town's Assessor, Building Department, and Health Department.

#### 6.21.4 Monitoring

An Affidavit of Compliance signed by the property owner shall be submitted initially, when the ADU is first occupied or used, and then again annually on September 1st or the nearest business day thereto, to the agent designated by the Town Administrator to monitor and administer such Units to confirm that the Accessory Dwelling Unit or Units are being leased for a minimum of a year, and not otherwise leased or occupied for any other purpose, and that they shall be used as a dwelling, according to the standards and conditions of this By-law.

#### 6.21.5 Enforcement and Penalties

Upon a written determination by the Building ~~Inspector~~ **Commissioner** that the property owner has failed to comply with these provisions, the property owner shall bring the unit or units into compliance within thirty (30) days of such written notice pursuant to Massachusetts General Law Chapter 40A Section 7. In addition, the Building ~~Inspector~~ **Commissioner** shall impose any and all fines and penalties referenced in Section 8.3 of these By-laws.

#### 6.21.6. Opportunity for Affordable Housing Property Tax Exemption

A property owner who leases an Accessory Dwelling Unit in compliance with this By-law and with Chapter 167 of the Acts of 2010 may request from the agent designated by the Town Administrator to administer and monitor such ADUs to receive an application for a property tax exemption.

By amending Section VIII, Section 8.3 by inserting the text shown in bold as follows:

**8.3 Penalty** Any person violating any of the provisions of these Bylaws may be fined not more than \$50.00 for each offense, **except in the case of violations of Section 6.21 Accessory Dwelling Units, the fine shall be \$300.00 for each offense.** Each day that such violation continues shall constitute a separate offense.

or to do or act on anything thereon.

(Requested by the Selectboard)

**Two-thirds vote required**

**Commented [A15]:** As noted above, if the size of the AD is brought in line with such units under the Housing Choice Act, this could be reduced to a majority vote, but as is, this requires a 2/3 vote.

#### Recommendation:

Selectboard -

Finance Committee -

**SUMMARY:** The purpose of these small, housekeeping changes, which were suggested by Interim Building Commissioner Victor Staley, is to make the Bylaw easier to interpret. They in no way change the intent or the substance of what was approved by the 2021 Annual Town Meeting.

**ARTICLE 54 – AMENDMENT TO WELLFLEET ZONING BY-LAWS, COTTAGE COLONY:**

To see if the Town will amend the Wellfleet Zoning By-Laws by amending the Sections 2.1, 5.3 by striking any text shown a struck through and inserting any text shown in red or underlined, as follows:

**Black pre-existing language in Wellfleet’s Zoning Bylaws**  
**Strikethrough** is where a deletion is being made in the current language  
**Underlines** are additions to the language

Commented [A16]: Charlie, the red text will only show if the Town prints the warrant in color, which is not usually done. Instead, new text is typically underlined.

Section II, Section 2.1 DEFINITIONS are amended as follows:

~~Cottage Colony - A group of two or more detached dwellings located on the same lot not within the National Seashore Park, each containing one dwelling unit only which is designed for independent family living including cooking facilities, ~~and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year.~~ Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft.~~

Cottage Colony NSP - A group of two or more detached dwellings located on the same lot within the National Seashore Park, each containing one dwelling unit only which is designed for independent family living including cooking facilities and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year. Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft.

By amending Section V, Section 5.3. USE REGULATIONS by inserting into Table 5.3.1: "Cottage Colony NSP" following "Cottage Colony" as follows:

	CD	R1	R2	NSP	C	C2
Cottage Colony	O	A	A	O	A	A
Cottage Colony NSP	O	O	O	O	O	O

or to do or act on anything thereon.

(Requested by the Selectboard)

**Two-thirds vote required**

**Recommendations:**  
**Selectboard:**  
**Insert 5-0-0**



**Recommend 5-0-0**

**Finance Committee -**

**SUMMARY:** The size of dwellings within cottage colonies are ideal for housing that might be affordable to local residents and not be income restricted. That Wellfleet has functionally restricted approximately 10% of its housing stock to seasonal use only while we struggle to retain and develop year-round housing is counterproductive. This class of housing also tends to be of modest proportions. It thus commands a lower seasonal rent on the market, making it utterly unreasonable to be restricted to seasonal occupancy only. Wellfleet's year-round housing crisis is well documented. Wellfleet badly needs a more balanced blend of housing options. From young people and families to seniors and well-paid professionals, finding and keeping a year-round rental is less and less possible. Businesses of all types and even the Town's departments struggle to find employees because of the high cost and lack of year-round housing. The housing crisis is impacting both residents and visitors as it is already affecting the Town's quality of life and economic sustainability.

**ARTICLE 55 – AMENDMENT TO WELLFLEET ZONING BY-LAWS CONTRACTOR'S YARD:**

To see if the Town will amend the Wellfleet Zoning By-Laws by amending the Use Regulations Table 5.3.2, as follows:

Contractor's Yard in the Use Regulations Table 5.3.2 from "P" (Permitted Use) in the "C" (Commercial District) and "C2" (Commercial 2 District) to "O" (An exclusive or Prohibited Use),

or to do or act on anything thereon.

(Requested by the Planning Board)

**Two-thirds vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee –**

**Planning Board 7-0-0**

**SUMMARY:**

**ARTICLE NO. 56 – TOWN BYLAW AMENDMENT FOR THE NATURAL RESOURCES ADVISORY BOARD:**

**Black pre-existing language in Wellfleet's Zoning Bylaws**  
~~Strikethrough~~ is where a deletion is being made in the current language  
**Bold** is additions to the language

To see if the town will vote to amend the following general bylaw and insert it into the Town Code, as follows:

To create a Natural Resources Advisory Board of three **to five members and an alternate** to be appointed by the Selectboard for three year overlapping terms, to be assisted by the ~~Harbormaster, the Shellfish Warden, the Health/Conservation Officer~~ **Selectboard, Town Administrator**, Town Officials **and Town Boards as needed** ~~as directed by the Town Administrator~~. The Board to have such duties as the Selectboard may specify but including the following

1. The creation of a Harbor Management Plan **and a Ponds Management Plan, each on roughly a ten-year cycle.**
2. ~~Work with the Town and Town committees for follow up to implement the Harbor & Ponds plans.~~ **Work with the Town and Town committees for follow-up to implement the Harbor & Ponds plans.**
3. The identification of the natural resources within the Town of significant importance --vistas, wildlife habitats, recreational open spaces, areas of special beauty, rarity, or historic interest, fauna and flora, especially endangered species, etc.-- and appropriate action as may be possible to preserve and protect these resources.

and to do or act on anything thereon.

(Requested by the Natural Resources Advisory Board)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee –**

**SUMMARY:**

**ARTICLE NO. 57 – NON BINDING PUBLIC ADVISORY QUESTION IN PILGRIM POWER PLANT:**

Calling upon Holtec Pilgrim, LLC, owner of the closed Pilgrim Nuclear Power Station and Holtec Decommissioning International, LLC, to immediately withdraw any plans to discharge any radioactive water into Cape Cod Bay.

**WHEREAS**, Cape Cod Bay is a federal and state protected area and habitat for the endangered Right Whale; and

**WHEREAS**, Cape Cod Bay provides a vital livelihood for fishermen and the tourist industry; and

**WHEREAS**, The National Academies of Science has determined there is no safe dose of ionizing radiation.

**WHEREAS**, One radioactive element in Holtec Pilgrim water is Tritium, which concentrates up the food hand from sediment to sea grasses to the fish we eat; and

**WHEREAS**, Holtec Pilgrim can discharge radioactive water anytime without approval of the Nuclear Regulatory Commission [NRC]; and

**WHEREAS**, The Attorney General of New Mexico has filed a lawsuit against the NRC for unlawful

proceedings and illegal activities involving Holtec; and  
**WHEREAS**, The Commonwealth has the authority to stop the dumping;

**Therefore**, shall the people of the Town of Wellfleet direct the local government to communicate with Governor Charlie Baker, Attorney General Maura Healey, and the State Legislature to employ all means available to ensure that Holtec commits to immediately withdraw any plans to dump any radioactive water into Cape Cod Bay?

(Citizens Petition)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee –**

**ARTICLE NO. 58 - GOVERNING THE USE OF SHORT-TERM RENTAL COMMUNITY IMPACT FEES (G.L. c. 64G, § 3D(a)) & (G.L. c. 64G, § 3D(b)):**

To see if the Town will vote to adopt the following allocation formula for receipts received under (G.L. c. 64G, § 3D(a)) & (G.L. c. 64G, § 3D(b)). Thirty-Five percent (35%) shall be deposited in a receipts reserved for appropriation account and appropriated by future votes of Town Meeting as grants to the Wellfleet Affordable Housing Trust to be used exclusively for the purposes of affordable housing; or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend**

**Finance Committee –**

**SUMMARY:** This would bind the Town to allocate any funds received from Community Impact Fees on Short Term Rentals to be used exclusively for housing. Statutory requirements are for 35% to be utilized for either affordable housing or infrastructure projects. As proposed, 35% will be used solely for affordable housing by the Wellfleet Housing Trust, 65% would be allocated to the trust and be unencumbered and could be used to support, affordable housing, workforce or market-rate housing. It is uncertain how much revenue will be generated by the community impact fees until the receipts are in hand, it will be modest when compared to the overall room tax revenues. Once receipts are in hand, it should be a relatively predictable source of revenue that would be available to support housing initiatives within Wellfleet.

**ARTICLE NO. 59 - SHORT TERM RENTAL COMMUNITY IMPACT FEE PROFESSIONALLY MANAGED UNITS (G.L. c. 64G, § 3D(a)):**

**Commented [A17]:** DOR has stated that the 35% of community impact fees must be deposited in a receipts reserved for appropriation account limited to either affordable housing or infrastructure. This means that the funds must be appropriated at a future town meeting. I do not think Town Meeting can reserve 65% for workforce or market-rate housing because that is not "affordable housing." The vote could, however, reserve more than 35% for affordable housing.

Town Meeting could establish a special purpose stabilization fund pursuant to G.L. c. 40, §5B, for affordable housing, workforce and market-rate housing, but the Town needs to be concerned with whether such this would be a valid public purpose (to spend money on market rate housing). Provincetown addressed this issue in its HRP for a Year-Round Market Rate Rental Trust.

Alternatively, the Town could seek special legislation which Provincetown is doing this year. The HRP provides:

SECTION 5: Thirty per cent of the excise collected under section 3A of chapter 64G of the General Laws by the town of Provincetown shall be credited without further appropriation to any duly established affordable or community housing trust fund within the town of Provincetown, as determined by the Select Board in its discretion before the beginning of each fiscal year.

Of course, the HRP petition could limit it to just the community impact fees.

To see if the Town will vote to accept the provisions of G.L. c. 64G, § 3D(a), authorizing the imposition of a community impact fee of 1% on the transfer of occupancy of a short-term rental in a "professionally managed unit," which term is defined G.L. c. 64G, §1 with said fee to apply to transfers of occupancies on or after January 1, 2023, or to do or act on anything thereon.

**Commented [A18]:** In our opinion, the fee should simply take effect on a date certain without getting into the date of contract.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend**

**Finance Committee –**

**SUMMARY:** This opts the Town into collecting a community impact fee on short-term rentals of "professionally managed" short-term rental units. Professionally managed units are two or more units run by the same operator not located within a two to three family that includes the operator's primary residence. Three percent (3%) is the maximum allowable local option. The statutory requirement is that 35% of the fee must be used for either affordable housing or capital infrastructure. The Town is proposing to dedicate all these funds to housing. See Article 56 Governing the Use of Short-Term Rental Community Impact Fees (G.L. c. 64G, § 3D(a)) & (G.L. c. 64G, § 3D(b)).

**ARTICLE 60 - SHORT TERM RENTAL IMPACT FEE – OPERATOR'S PRIMARY RESIDENCE FEE (G.L. c. 64G, § 3D(b)):**

To see if the Town will vote to accept the provisions of G.L. c. 64G, § 3D(b), authorizing the imposition of a community impact fee of 1% on the transfer of occupancy of a short-term rental unit that is located in a two- or three-family dwelling that includes the operator's primary residence. The impact fee will apply only to transfers of occupancies on or after January 1, 2023, or to do or act on anything thereon.

**Commented [A19]:** Same comment as above about the effective date.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend**

**Finance Committee –**

**SUMMARY:** This opts the Town into collecting a community impact fee on short-term rental units within a two- or three-family dwelling that includes the operator's primary residence. 3% is the maximum allowable local option. This article requires the adoption of Article 56 Short Term Rental Community Impact Fee Investor-Owned Homes (G.L. c. 64G, § 3D(a)). The statutory requirement is that 35% of the fee must be used for either affordable housing or capital infrastructure. The Town is proposing to dedicate these funds exclusively to housing. See Article 57 Governing the Use of Short-Term Rental Community Impact Fees (G.L. c. 64G, § 3D(a)) & (G.L. c. 64G, § 3D(b)).

**ARTICLE 61 – TREE PRESERVATION RESOLUTION:**

To see if the Town will vote to adopt the following **TREE PRESERVATION RESOLUTION:**

**WHERE AS,** trees are recognized for their abilities to improve air quality, protect from glare and heat, reduce noise, aid in the stabilization of soil, provide natural flood and drainage control, create habitats for wildlife, enhance aesthetics and property values, contribute to the distinct character of certain neighborhoods and roadways, provide natural privacy to neighbors, and reduce ambient carbon in the atmosphere; and

**WHERE AS,** the preservation and protection of certain trees on private property, the requirement to replant trees to replace those removed, and the collection of financial contributions to support the Town’s tree planting and maintenance efforts are public purposes that protect the public health, welfare, environment, and aesthetics; and

**WHERE AS,** at our 2021 Town Meeting, the voters of Wellfleet passed a resolution declaring a climate emergency and committing to eliminate the town’s carbon emissions by or before 2050; and in order to achieve that goal, we will need not only to maintain, but also to *increase* our net number of trees, to compensate for emissions we are not able to eliminate.

**Now, therefore, be it RESOLVED:** That the Town vote to authorize the Select Board to cause to be prepared for consideration at the next Town Meeting, a Tree Preservation ByLaw supporting the preservation and protection of trees on residential, municipal and *commercial* lots *preceding or* during significant demolition and/or construction activity, by designating areas of a lot where trees must be protected, and requiring mitigation for trees removed via replanting or collection of fees to support the Town’s tree planting and maintenance efforts; and

**FURTHER RESOLVED:** That in order to effectuate the purposes of the resolution, the Town of Wellfleet’s Select Board appoint a committee of five (5) members (Tree Preservation Bylaw Committee), with a recommendation to include one member of the Wellfleet Conservation Commission, and one member of the Wellfleet *Zoning Board*, to be charged with the drafting of the Bylaw for the Select Board’s review and approval prior to submission for the Town’s approval at the 2023 Town Meeting; and;

**FINALLY RESOLVED:** That the Tree Preservation Bylaw Committee *consider* the following non-binding recommendations:

1. The Tree Preservation Bylaw only apply to trees that are six (6) inches in diameter or greater and located within a lot’s twenty-five (25) foot setback area (Protected Trees);
2. The Tree Preservation Bylaw will prohibit the removal of Protected Trees during construction, or for a period of time not to exceed fifteen (15) months prior to an application for a demolition or building permit for:
  - (a) demolition of an existing structure of 250 gross square feet or greater, (b) construction of any building or structure on a vacant lot, or (c) construction of one or more structures or additions to structures on a lot that increases the Gross Floor Area by 50% or greater;
3. The Tree Preservation Bylaw will provide an option, if it is not practical to save a Protected Tree, for it to be removed and replaced with new trees elsewhere, or pay into a tree fund, which the Town will use to buy and plant trees in residential areas;
4. The Tree Preservation Bylaw will not apply to the subdivision of land under the Town’s

Subdivision Rules and Regulations, those areas of a property under the jurisdiction of the Wetlands Protection Act, public shade trees pursuant to M.G.L. Chapter 87, emergency projects necessary for public safety, health, and welfare, trees severely damaged as the direct result of a natural disaster, or trees that are hazardous;

5. The Tree Preservation Bylaw will require that mitigation be based upon the DBH (diameter at breast height) of Protected Tree(s) removed. For each inch of DBH of the Protected Tree(s) removed, no less than one half (1/2) inch caliper of a new native tree(s) shall be replanted with each new tree having a minimum caliper of two (2) inches. If the Protected Tree to be removed is an overstory tree species, the replacement tree(s) to mitigate the removal shall be a native overstory tree species; or to take any other action relative thereto:

(Citizens Petition)

**Majority vote Required**

**Recommendations:**  
**Selectboard –**  
**Finance Committee –**

**SECTION VII: STANDARD ANNUAL ARTICLES**

**Voted on together as part of a consent agenda**

**ARTICLE NO. 62 – SURPLUS PROPERTY DISPOSAL:**

To see if the Town will vote to authorize the Town Administrator or his/her designee to dispose of personal property by trade-in or sale, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required**

**Recommendations:**  
**Selectboard:**  
**Insert 5-0-0**  
**Recommend 5-0-0**  
**Finance Committee –**

**SUMMARY:** This is an annual request that provides the Town Administrator to sell, trade-in or dispose of surplus property on behalf of the Town.

**ARTICLE NO. 63 – COLLECTION OF TAXES:**

To see if the Town will vote in accordance with G.L. c. 41, sec. 38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required.**

**Recommendations:**  
**Selectboard:**  
**Insert 5-0-0**  
**Recommend 5-0-0**  
**Finance Committee –**

**ARTICLE NO. 64 – MASSDEP LIABILITY INDEMINIFICATION:**

To see if the Town will vote to assume liability in the manner provided by G.L. c.91, s.29 and 29A, as most recently amended, for damage that may be incurred for work to be performed by the Department of Environmental Protection of Massachusetts for improvements, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, excluding the Herring River and Herring River Dike, in accordance with G.L. c. 91, s. 11, and to authorize the Selectboard to execute and deliver a bond on indemnity therefore to the Commonwealth, or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority vote required.**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**

**ARTICLE NO. 65 – NAUSET SCHOOLS ASSESSMENT FORMULA:**

To see if the Town will vote to accept the provisions of G.L. c. 71, s.16B, which would reallocate the sum of the member Town’s contribution to the Nauset Regional School District in accordance with the Nauset Regional Agreement, rather than the Education Reform Formula, so called, or to do or act on anything thereon.

(Nauset Regional School Committee)

**Majority vote required.**

**Recommendations:**

**Selectboard –**

**Finance Committee:**

**Insert 5-0-0**

**Recommend 5-0-0**

**SUMMARY:** This article will apportion the Nauset School District’s assessment for FY24 to the four (4) member towns based on their proportionate enrollment within the school district. This is the method provided within the inter-municipal agreement approved by the four towns establishing the Nauset Regional School District and has been applied in each of the last seventeen years by Town Meeting vote.

**SECTION VIII: STANDARD CLOSING ARTICLES**

**ARTICLE NO. 66 – REPORTS OF BOARDS AND COMMITTEES:**

To hear reports of the Selectboard, Town Officers, and all other Committees and to act thereon, or do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**



**ARTICLE NO. 67 - OTHER BUSINESS:**

To act on any other business that may legally come before the meeting.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert 5-0-0**

**Recommend 5-0-0**

**Finance Committee -**

**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 SENIOR 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. Also, to vote on the following questions:

**Question 1:** Shall the Town of Wellfleet be allowed to assess an additional \$ \_\_\_\_\_ .00 in real and personal property taxes for the purpose of funding general school and town operations for the fiscal year beginning July 1<sup>st</sup>, two thousand and twenty-two?

**Question 2:** Shall the Town of Wellfleet be allowed to assess an additional \$ \_\_\_\_\_ .00 in real and personal property taxes for the purpose of funding a town-wide capital improvement fund for the fiscal year beginning July 1<sup>st</sup>, two thousand and twenty-two?

**Question 3:** Shall the Town of Wellfleet be allowed to assess an additional \$186,759.00 in real and personal property taxes for the purpose of funding two new Police Officer positions for the fiscal year beginning July 1<sup>st</sup>, two thousand and twenty-two?

**Question 4:** Shall the Town of Wellfleet be allowed to assess an additional \$206,964.00 in real and personal property taxes for the purpose of funding two new Firefighter/EMT/Paramedic positions for the fiscal year beginning July 1<sup>st</sup>, two thousand and twenty-two?

**Question 5:** Shall the Town of Wellfleet be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds issued in order to purchase a replacement fire engine, and pay all other costs related thereto?

**Question 6:** Shall the Town of Wellfleet be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds issued in order to purchase and install a fire suppression system for the Wellfleet Elementary School, and pay all other costs related thereto?

**Commented [RR20]:** There is no general override proposal in the ATM warrant. Confirm whether a warrant article is needed or this ballot question should be removed

**Commented [RR21]:** Same comment as above

**2022 ANNUAL TOWN MEETING WARRANT &**

**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 due 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 Select Board**

\_\_\_\_\_  
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 warrants by posting attested copies thereof in the Post Office in Wellfleet and the Post Office in South Wellfleet and by delivering to the Town Administrator printed copies of the Warrant of a number not less than the number of registered voters in the Town on \_\_\_\_\_, which is at least seven (14) days before the date of said meeting, as within directed.

Date: \_\_\_\_\_

Constable: \_\_\_\_\_

Town of Wellfleet  
June 11, 2022 Annual Town Meeting

Draft No. 7 - April 6, 2022		Total Request	Raise & Appropriate	Free Cash	Prop 2 1/2 Override Ques.	Water Enterprise	Marina Enterprise	Ambul. Fund	Beach Fund	Shellfish & RRA Funds	SEMASS Fund	Recr. Fund	Stab. Fund	CPA Fund	Waterways Fund	Cemetery Funds	Cable Fund	Other
1	FY2023 Operating Budget	\$ 25,129,973	\$ 24,024,417						\$ 676,000.0		\$ 400,000	\$ 20,000				\$ 9,556		
2	FY2022 Budgetary Transfers	\$ 216,973														\$ 3,000		\$ 213,973
3	FY2022 Prior Year Unpaid Bills	\$ 37,539																\$ 37,539.0
4	FY2023 Capital Budget																	
	(1a) General MIS Equipment	\$ 50,000	\$ 50,000															
	(2a) Records Digitization Project	\$ 11,000																\$ 11,000
	(3a) Shellfish/Beach Office Repairs	\$ 42,000							\$ 21,000	\$ 21,000								
	(3b) Shellfish Truck Replacement	\$ 30,000								\$ 30,000								
	(4a) Mayo Beach Basketball Courts	\$ 14,500	\$ 14,500															
	(6a) Marina Radio Replacement	\$ 10,000	\$ 10,000															
	(8a) Police Cruiser Replacement	\$ 120,000	\$ 120,000															
	(8b) Bulletproof Vest Replacement	\$ 30,000	\$ 30,000															
	(9a) Fire Hose Replacement	\$ 12,000	\$ 12,000															
	(9b) Portable Radio Replacement	\$ 80,000	\$ 80,000															
	(9c) Ambulance Replacement	\$ 340,000						\$ 340,000										
	(9d) Mobile Data Terminal Repl	\$ 25,000						\$ 25,000										
	(10a) Town Hall Bathroom Repair	\$ 20,000	\$ 20,000															
	(10b) Town Hall Irrigation Project	\$ 5,000	\$ 5,000															
	(10c) COA HVAC Repair	\$ 35,000	\$ 35,000															
	(10d) Fire Station HVAC Repair	\$ 80,000	\$ 80,000															
	(10e) Recreation Band Stand Project	\$ 50,000	\$ 50,000															
	(10f) Water Refill Station Project	\$ 20,000	\$ 20,000															
	(10g) DPW Truck Replacement	\$ 85,000	\$ 85,000															
	(10h) Route 6/Main Street Project	\$ 30,000	\$ 30,000															
	(10i) DPW Loader Repl Project	\$ 200,000	\$ 200,000															
	(10j) Culvert Replacement	\$ 75,000	\$ 75,000															
	(11a) Computer Hardware & Software	\$ 35,000	\$ 35,000															
5	FY2023 Marina Enterprise Fund	\$ 601,650					\$ 584,650		\$ 10,000	\$ 5,000					\$ 2,000			
6	FY2023 Water Enterprise Fund	\$ 408,608	\$ 240,608			\$ 168,000												
7	Police Officers Union Contract	\$ -																
8	Teamster's Union Contract	\$ -																
9	Communications Union Contract	\$ -																
10	Firefighters Assoc Union Contract	\$ -																
11	Non-Union & Other Personnel	\$ -																
12	Other Post Employment Benefits	\$ 200,000	\$ 200,000															
13	Stabilization Fund	\$ 639,200		\$ 639,200														
14	New Police Officers (2 positions)	\$ 186,759			\$ 186,759													
15	New Firefighters (2 positions)	\$ 206,964			\$ 206,964													
16	Paramedic Training Program	\$ 20,000						\$ 20,000										
17	Fire Engine Replacement	\$ 745,000			\$ 745,000													
18	Harbor Flora & Fauna Study	\$ 60,000	\$ 60,000															
19	Chapter 90 Funds	\$ -																
20	PEG Access & Cable Related Funds	\$ 140,000															\$ 140,000	





Draft No. 7 - April 6, 2022	Total Request	Raise & Appropriate	Free Cash	Prop 2 1/2 Override Ques.	Water Enterprise	Marina Enterprise	Ambul. Fund	Beach Fund	Shellfish Fund	SEMASS Fund	Recr. Fund	Stab. Fund	CPA Fund	Waterways Fund	Cemetery Funds	Cable Fund	Other
54 Cottage Colony Bylaw	\$ -																
55 Contractor's Yard Zoning Bylaw	\$ -																
56 Town Bylaw Amendment NRAB	\$ -																
57 Pilgrim Power Plant Petition	\$ -																
58 Short-term Rental Comm Impact	\$ -																
59 Short-term Impact Fee Investor	\$ -																
60 Short-term Rental Prof Managed	\$ -																
61 Tree Preservation Resolution	\$ -																
62 Surplus Property Disposal	\$ -																
63 Collection of Taxes	\$ -																
64 MASSDEP Liability Indemn	\$ -																
65 Nauset Schools Assess Formula	\$ -																
66 Annual Reports	\$ -																
67 Any Other Business	\$ -																
Grand Totals	\$ 33,795,146	\$ 25,674,725	\$ 639,200	\$ 3,338,723	\$ 168,000	\$ 584,650	\$ 385,000	\$ 707,000	\$ 116,000	\$ 400,000	\$ 20,000	\$ -	\$ 1,341,780	\$ 2,000	\$ 12,556	\$ 140,000	\$ 265,512

\$ 25,674,725  
\$ 1,409,700



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

X

### BUSINESS

~ F ~

<b>REQUESTED BY:</b>	Ryan Curley ~ Chair
<b>DESIRED ACTION:</b>	To discuss, amend and approve the Wellfleet Code of Conduct
<b>PROPOSED MOTION:</b>	I move to approve the Wellfleet Code of Conduct as amended at the meeting of April 12, 2022
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## **I. PURPOSE**

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

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

## **II. APPLICABILITY**

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

## **III. CODE OF CONDUCT**

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

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

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

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

### **III A. Conduct Generally and in Relation to the Community**

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

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

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

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

### **III. C. Conduct in Relation to the Town Administrator**

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

### **III. D. Conduct in Relation to Town Staff**

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

#### **IV. DISTRIBUTION AND EDUCATION**

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

#### **V. ENFORCEMENT**

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

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

If an elected or appointed official is accused of violating any other provision of this Code of Conduct, the public body that the official represents or, if applicable, the appointing authority may take such action as is authorized by law and as it deems fit or it may vote upon the request of the Town Administrator or on its own to refer the matter to a disinterested outside firm or

individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator shall share the reported findings and recommendations with the public body and the Selectboard. The public body or the Selectboard shall then take such action as is authorized by law and as it deems fit in response to the matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.

References:

*Code of Conduct: Can't We All Get Along? MMA Annual Meeting & Trade Show*  
January 20, 2012

*Creating a Civil Dialogue: With Employees, Departments and the Public.* Jane De Colgyll,  
Municipal Advocate Vol 26, No 1.

## Rebekah Eldridge

---

**From:** Hillary Lemos  
**Sent:** Tuesday, January 11, 2022 10:44 AM  
**To:** Rebekah Eldridge  
**Subject:** RE: actual attachment

No comment

**From:** Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>  
**Sent:** Tuesday, January 11, 2022 10:31 AM  
**To:** Dept. Heads <DeptHeads@wellfleet-ma.gov>  
**Subject:** actual attachment

Would be very helpful if I attached the code of conduct document for you to be able to discuss



Rebekah L. Eldridge  
Executive Assistant to the Town Administrator  
(508) 349-0300 ext 1100  
774-383-2609 (cell)  
M-F 8am-12noon; 1pm-4pm

## Rebekah Eldridge

---

**From:** Fred Magee <jfred.magee@gmail.com>  
**Sent:** Tuesday, January 11, 2022 11:22 AM  
**To:** Rebekah Eldridge  
**Subject:** Re: Code of Conduct Review

Rebekah,

One basic question is whether this code of conduct specific to Wellfleet? How much of it has been taken from Mass General Law vs. created by local resources?

Thanks, Fred

On Tue, Jan 11, 2022 at 10:17 AM Rebekah Eldridge <[Rebekah.Eldridge@wellfleet-ma.gov](mailto:Rebekah.Eldridge@wellfleet-ma.gov)> wrote:

*Good Morning,*

The Selectboard has asked me to send this out to all board and committees to review and send back any comments or information you'd like to give. Please return them to me by February 28, 2022. Let me know if you have any questions,

Rebekah



Rebekah L. Eldridge

Executive Assistant to the Town Administrator

(508) 349-0300 ext 1100

774-383-2609 (cell)

M-F 8am-12noon; 1pm-4pm

## Rebekah Eldridge

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**From:** Merrill Mead-Fox <mmeadfox@gmail.com>  
**Sent:** Tuesday, January 11, 2022 1:26 PM  
**To:** Rebekah Eldridge  
**Subject:** Re: Code of Conduct Review

Thanks for sending this, Rebekah. Excellent Code of Conduct, that I imagine other towns may want to copy!

Best,

Merrill Mead-Fox  
Co-Chair  
Historical Commission

On Tue, Jan 11, 2022 at 10:17 AM Rebekah Eldridge <[Rebekah.Eldridge@wellfleet-ma.gov](mailto:Rebekah.Eldridge@wellfleet-ma.gov)> wrote:

*Good Morning,*

The Selectboard has asked me to send this out to all board and committees to review and send back any comments or information you'd like to give. Please return them to me by February 28, 2022. Let me know if you have any questions,

Rebekah



Rebekah L. Eldridge

Executive Assistant to the Town Administrator

(508) 349-0300 ext 1100

774-383-2609 (cell)



## Rebekah Eldridge

---

**From:** William Sullivan  
**Sent:** Tuesday, January 11, 2022 1:46 PM  
**To:** Rebekah Eldridge; Dept. Heads  
**Subject:** RE: actual attachment

Has this been run by the unions or town council?

**From:** Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>  
**Sent:** Tuesday, January 11, 2022 10:31 AM  
**To:** Dept. Heads <DeptHeads@wellfleet-ma.gov>  
**Subject:** actual attachment

Would be very helpful if I attached the code of conduct document for you to be able to discuss



Rebekah L. Eldridge  
Executive Assistant to the Town Administrator  
(508) 349-0300 ext 1100  
774-383-2609 (cell)  
M-F 8am-12noon; 1pm-4pm

## Rebekah Eldridge

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**From:** dennyoc <dennyoc@comcast.net>  
**Sent:** Thursday, January 13, 2022 3:20 PM  
**To:** Rebekah Eldridge  
**Cc:** Parent Gerry  
**Subject:** Re: Code of Conduct Review

Rebekah – In response to your note:

1. The Parking Task Force is “inactive” so I do not think of myself as being an active member, nor other members shown on the website, but
2. Re the policy looks pretty good, but suggest the following :

III.B. iv. “Recognize that you alone cannot bind a public body outside of such meetings.” Consider adding “except as officially provided in a meeting, or as provided in an approved committee procedures”. The Planning Board chair has the authority to sign ANR’s when time is running out and it seems logical.

III.B.vii. Seems too broad and should be changed by saying all “Make decisions only after ~~all~~ facts on a question which are ~~presented~~ submitted on timely basis ~~and~~ are considered ~~discussed~~”

Sending a copy to Gerry Parent

Denny O’Connell

**From:** Rebekah Eldridge  
**Sent:** Tuesday, January 11, 2022 10:17 AM  
**To:** Peter Cook ; Elaine McIlroy ; Ken Granlund ; Jim ; Dawn Rickman ; Mia Baumgarten ; Nancy Vail ; gary.sorkin21@gmail.com ; Curt Felix ; John Cumbler ; Wil Sullivan ; Moe Barocas ; Chris Allgeier ; Joseph Aberdale ; Fred Magee ; Lydia Vivante ; Merrill Mead-Fox ; Robin A Robinson ; Sharon Rule-Agger ; John Riehl - NRAB ; Bruce Hurter-Open Space ; 'Gerry Parent' ; dennyoc@comcast.net ; Harry ; Christine Shreves ; Sonya Woodman ; Rebecca Taylor ; Sharon Inger  
**Subject:** Code of Conduct Review

Good Morning,

The Selectboard has asked me to send this out to all board and committees to review and send back any comments or information you’d like to give. Please return them to me by February 28, 2022. Let me know if you have any questions,

Rebekah



Rebekah L. Eldridge  
Executive Assistant to the Town Administrator

## Rebekah Eldridge

---

**From:** DAWN RICKMAN <derickman@comcast.net>  
**Sent:** Tuesday, March 1, 2022 4:50 PM  
**To:** Rebekah Eldridge  
**Cc:** Lizanne Stansell; Sam Pickard; Diane Galvin; Nancy Bierhans; Susan Messina; Mary Mclsaac  
**Subject:** Fwd: Code of Conduct Review  
**Attachments:** Code of Conduct 2022.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Rebekah - the second document you emailed has been sent to the Bylaw Committee and Taxation Aid committee members for their review and comments to be sent directly to you for the Selectboard.

I have personally reviewed the document and feel that the Town of Wellfleet does not require any more codes that won't be enforced. This document has no enforcement when our elected officials do not conduct themselves in a civil, legal and appropriate manner.  
Just my thoughts.

Dawn Rickman

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

**From:** Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>  
**To:** Peter Cook <cookpd@comcast.net>, Elaine McIlroy <emcilroy@comcast.net>, Ken Granlund <yupjake2014@gmail.com>, Jim <jmhood@hotmail.com>, Dawn Rickman <derickman@comcast.net>, Mia Baumgarten <miabaumgarten@gmail.com>, Nancy Vail <Nancy.Vail@wellfleet-ma.gov>, "gary.sorkin21@gmail.com" <gary.sorkin21@gmail.com>, Curt Felix <cfelix@planktonpower.net>, John Cumbler <cumbler@louisville.edu>, Wil Sullivan <cwilsonsullivan@gmail.com>, Moe Barocas <abiyoyo1@aol.com>, Chris Allgeier <cjallgeier@gmail.com>, Joseph Aberdale <josephaberdale@gmail.com>, Fred Magee <jfred.magee@gmail.com>, Lydia Vivante <vivantelydia@gmail.com>, Merrill Mead-Fox <mmeadfox@gmail.com>, Robin A Robinson <rrobinson@umassd.edu>, Sharon Rule-Agger <rule.aggers@verizon.net>, John Riehl - NRAB <jlriehl@comcast.net>, Bruce Hurter-Open Space <brucehurter@comcast.net>, 'Gerry Parent' <geparent@yahoo.com>, "dennyoc@comcast.net" <dennyoc@comcast.net>, Harry <harry@outermostsystems.com>, Christine Shreves <eclshreves@gmail.com>, Sonya Woodman <sswoodman99@comcast.net>, Rebecca Taylor <beautifulbirth4u@yahoo.com>, Sharon Inger <ingers@comcast.net>  
**Date:** 01/11/2022 10:17 AM  
**Subject:** Code of Conduct Review

*Good Morning,*

The Selectboard has asked me to send this out to all board and committees to review and send back any comments or information you'd like to give. Please return them to me by February 28, 2022. Let me know if you have any questions,

Rebekah



Rebekah L . Eldridge

Executive Assistant to the Town Administrator

(508) 349-0300 ext 1100

774-383-2609 (cell)

M-F 8am-12noon; 1pm-4pm

## Rebekah Eldridge

---

**From:** DAWN RICKMAN <derickman@comcast.net>  
**Sent:** Tuesday, March 1, 2022 6:05 PM  
**To:** Rebekah Eldridge  
**Subject:** Re: Fwd: Code of Conduct Review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Another thought.

On 03/01/2022 5:47 PM dianegalvin@comcast.net wrote:

Hi Dawn-  
Wouldn't the Board of Selectmen or appointing authority already have the power to remove a board or committee member who behaves inappropriately? I don't know that I've heard of behavior issues in Wellfleet that would require a whole code of conduct....Just be adults...!  
-Diane

Diane Galvin  
120 Cottontail Rd, Wellfleet, MA 02667  
[508-349-1001](tel:508-349-1001), [508-237-5519](tel:508-237-5519) cell  
[dianegalvin@comcast.net](mailto:dianegalvin@comcast.net)

On 03/01/2022 4:50 PM DAWN RICKMAN <derickman@comcast.net> wrote:

Hi Rebekah - the second document you emailed has been sent to the Bylaw Committee and Taxation Aid committee members for their review and comments to be sent directly to you for the Selectboard.

I have personally reviewed the document and feel that the Town of Wellfleet does not require any more codes that won't be enforced. This document has no enforcement when our elected officials do not conduct themselves in a civil, legal and appropriate manner.  
Just my thoughts.

Dawn Rickman

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<cumbler@louisville.edu>, Wil Sullivan <cwilsonsullivan@gmail.com>, Moe Barocas <abiyoyo1@aol.com>, Chris Allgeier <cjallgeier@gmail.com>, Joseph Aberdale <josephaberdale@gmail.com>, Fred Magee <jfred.magee@gmail.com>, Lydia Vivante <vivantelydia@gmail.com>, Merrill Mead-Fox <mmeadfox@gmail.com>, Robin A Robinson <rrobinson@umassd.edu>, Sharon Rule-Agger <rule.aggers@verizon.net>, John Riehl - NRAB <jlriehl@comcast.net>, Bruce Hurter-Open Space <brucehurter@comcast.net>, 'Gerry Parent' <geparent@yahoo.com>, "dennyoc@comcast.net" <dennyoc@comcast.net>, Harry <harry@outermostsystems.com>, Christine Shreves <ecshreves@gmail.com>, Sonya Woodman <sswoodman99@comcast.net>, Rebecca Taylor <beautifulbirth4u@yahoo.com>, Sharon Inger <ingers@comcast.net>  
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*Rebekah*



**Rebekah L. Eldridge**

**Executive Assistant to the Town Administrator**

**(508) 349-0300 ext 1100**

**774-383-2609 (cell)**

## Rebekah Eldridge

---

**From:** DAWN RICKMAN <derickman@comcast.net>  
**Sent:** Wednesday, March 2, 2022 3:50 PM  
**To:** Rebekah Eldridge  
**Subject:** Fwd: Re: Fwd: Code of Conduct Review

Another comment.

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

**From:** Susan Messina <sjmessina@comcast.net>  
**To:** DAWN RICKMAN <derickman@comcast.net>  
**Date:** 03/02/2022 3:30 PM  
**Subject:** Re: Fwd: Code of Conduct Review

I agree with you, Dawn, this is simply wishful thinking that will make no difference to those who don't play well with others.

Sue :D

On 03/01/2022 4:50 PM DAWN RICKMAN <derickman@comcast.net> wrote:

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**Rebekah**



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**Executive Assistant to the Town Administrator**

**(508) 349-0300 ext 1100**

**774-383-2609 (cell)**

**M-F 8am-12noon; 1pm-4pm**



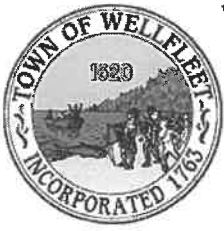
# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

XI

## SELECTBOARD REPORTS:

<b>Reported by:</b>	<b>Topic:</b>



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

XII

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# **TOWN ADMINISTRATORS & ASSISTANT TOWN ADMINISTRATOR REPORTS**

- Please see selectboard packet

To: Selectboard

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

Subject: Administration Report for the period of March 22 to April 7, 2022

Date: April 7, 2022

1. Financial Management Issues:
  - a. Town Accountant – Nick Robertson started employment with the Town as our Town Accountant on Monday, April 4, 2022. Nick previously served as the Assistant Town Accountant for the Town of Provincetown. Lisa Souve will continue to provide transitional assistance to Nick as he acclimates to this important position. Additionally, we have set training with VADAR, our software vendor next week.
  - b. Audit & Financial Review Project – With the recent hiring of a Town Accountant and Town Treasurer, Lisa Souve and Mary McIsaac will be refocusing their energies on completed their review of the Town's financial operations for FY 2020 and 2021, with the goal of closing those books by the end of April 2022. This will be followed up by the audit for FY2021.
2. Town Administrator's Employment Contract – I have been working with Janet Reinhart, John Wolf, Rick White, and Town Counsel over the past 2 weeks on the contract for our new Town Administrator, Rich Waldo. I anticipate that we will have a final proposal to present to the Selectboard sometime during the week of April 11, 2022.
3. Herring River Restoration Project:
  - a. Combined Permit 401 Water Quality Certification – We received notice on March 30, 2022 from the Massachusetts Department of Environmental Protection that they approved the joint request from the Town of Wellfleet and the U.S. National Park Service for the amendment to our combined 401 certificate related to the indemnification issue.
  - b. Notice of Intent – The Town of Wellfleet and the U.S. National Park Service have filed a joint notice of intent with the Truro and Wellfleet Conservation Commissions for the Herring River Restoration project. The first public hearing via Zoom will be held on Thursday, April 14, 2022 at 5:00pm
4. 95 Lawrence Road – We received notice from the Massachusetts Department of Housing & Community Development the Preservation of Affordable Housing has applied to the Department as the subsidizing agency under the Low-Income Housing Tax Credit program for preliminary approval of the 95 Lawrence Road Community Housing project.
5. Water Rates – We hired a consultant back in January of 2022 to review Wellfleet's water rate structure and have had several meetings with representation from the Water Commission over the past few months. We held a public meeting with the Water Commissioners on March 29, 2022 to review our work product to date. I believe the next step will be to hold a more formal public hearing on this new plan.
6. Housing Production Plan Update – We received notice from the Cape Cod Commission that we did receive funding from the Cape Cod Commission under the District Local

Technical Assistance program to allow for the updating of the Town's housing production plan.

7. Grants –
  - a. We submitted a “letter of interest” to the One Stop Program, i.e. Mass Works on 3/18 for the 95 Lawrence Wastewater Treatment Facility. The full application opens on May 2<sup>nd</sup>.
  - b. Quarter 3 Reporting and Reimbursement for the current Mass Works Grant (Water Main) was submitted and approved on 4/4 and 4/5.
  - c. We are in the process of working with Will Sullivan and Chris Allegier on the submittal of another grant to the Massachusetts Dredging Program which is due on 4/15.
  - d. MVP Grant – We submitted our monthly report to our MVP grant coordinator on 4/1 with the collaboration of The Friends of the Herring River. This grant will be expended no later than 6/30/22.
8. Water Main Project monthly report as of 3/9: The Coles Neck Water Main Replacement Project is moving forward, on schedule, with a target completion of mid-November 2022, including a planned work moratorium between Memorial Day and Labor Day. Dig-it Construction has installed approximately 8650 linear feet of water main, representing 79% of the total alignment. All work on local roads has been completed with the exception of temporary and final paving. This week Dig-it Construction began work in the State Highway layout of Route 6, with a completion target in May 2022. All temporary paving shall be installed before Memorial Day, with final paving, including full-width mill and overlay, to be completed in the Fall of 2022.
9. 95 Lawrence – See timeline that was sent out on 4/4.



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: April 12, 2022

XIII

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### TOPICS FOR FUTURE DISCUSSION

- **The Selectboard will bring up items they wish to have as a future agenda item.**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

XIV

### NEW BUSINESS

<b>REQUESTED BY:</b>	Chair Ryan Curley
<b>DESIRED ACTION:</b>	To Discuss topics that are not reasonably anticipated by the Chair more than 48 hours before the meeting.
<b>PROPOSED MOTION:</b>	If a motion is needed for a topic that is brought up one will be made at the time of the meeting.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____





## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: April 12, 2022

# XVI

## MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of Minutes</b> <ul style="list-style-type: none"><li>• <b>March 17, 2022</b></li><li>• <b>March 21, 2022</b></li><li>• <b>March 22, 2022, ~ 1pm</b></li><li>• <b>March 22, 2022, ~ 6pm</b></li></ul>
<b>PROPOSED MOTION:</b>	<b>I move to approve the Minutes of March 17, 2022, as printed</b> <b>I move to approve the minutes of March 21, 2022, as printed</b> <b>I move to approve the minutes of March 22, 2022, the 1pm and 6pm meeting as printed</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s): _____
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

***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**

**Wellfleet Selectboard**  
**Monday March 21, 2022, 1pm**  
**715 Old King's Highway, Adult Community Center**  
**Meeting Minutes**

**Members Present:** Ryan Curley, Chair; Michael DeVasto, Vice Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

**Others Present:** Rebekah Eldridge, Executive Assistant; Richard White, Consultant; Christine Legere, Provincetown Independent reporter; Dan Silverman, Town Moderator; Rich Pauley, Fire Chief; Rich Waldo, TA Candidate; Jayne Wellman, TA Candidate.

Chair Curley called the meeting to order at 1:00pm

**I. *Announcements, Open Session and Public Comments***

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

There were no announcements made.

**II. *Town Administrator Finalists Interviews***

Chair Curley gave some background information on the consulting firm that was hired and how they came to the finalists to be interviewed at this meeting. He continued giving the names of the Town Administrator Search Committee and what they achieved while meeting with the beginning candidates and how they came to the decision.

Chair Curley explained how each interview will be conducted stating that the board will be asking a total of 10 questions. Chair Curley explained that each member of the board will be asking two questions.

**A. *Interview with Richard Waldo***

Waldo entered the room. They welcomed him and began with questioning. Chair Curley asked the first question regarding the challenges that he may face in Wellfleet. Waldo responded that the financial issues that Wellfleet is currently facing is a huge priority right now. He continued with an explanation of management, communications with staff and community, and working with the public. He spoke about 95 Lawrence Road and the importance of making that happen and taking the next step forward. He spoke about long term issues for Wellfleet, aquafer, and aqua culture industry, waste management plan, the climate and its changes.

DeVasto went next asking how the town would benefit from Waldo's working as the Town Administrator. He stated he is an approachable person; he is a people person and stated he is goal oriented; he likes to set goals and achieve them. He

likes to inspire people, building a positive atmosphere. He spoke about a positive work environment. He spoke about his management skills and his understanding of the community of the outer cape. He understands the challenges. Waldo continued that he likes to communicate with staff and residents and solving problems. DeVasto followed up with another questions, speaking about a finance director stating that Wellfleet is a smaller town and doesn't have a director which means those responsibilities fall onto the Town Administrator. How would he handle that and is he comfortable in that role? Waldo gave some examples on how he would manage that role. Waldo spoke to operating and capital overrides, how could these be corrected and bring money into the community.

Wilson spoke to Waldo next and followed up with a management question, being a Town Administrator and how he would work with the board. Waldo spoke about his goals for the first 30 and 60 days of being the town administrator. He stated he wanted to understand the staff, the board, and how everything is working at this time. Clear standards of expectation and carrying out policies that the selectboard decides. He stated his goals as an administrator.

Reinhart spoke about communication; how can he improve the communications with staff and residents. He spoke to the board about the dynamics of communication. He spoke about Covid and the changes aspects of communication. He gave an example of working in Provincetown and how he has adapted with communication, email, in person, phone calls. Spoke about building moral.

Wolf followed up with a question, involving communication and the issues with Wellfleet, lack of accountability is a major concern, and he would like to define accountability in the workplace and how he handles that. How would he handle violations of employment? Waldo stated this was a two part answer he stated there needs to be expectations and goals set for the employee. Objectives that need to be met, encourage staff, giving them resources to be able to achieve the goals that have been set. He continued for staff that doesn't meet those expectations or personnel bylaws, he stated when dealing with staff there needs to be no bias. Everyone needs to be treated with the same standards. Progressive discipline. He spoke about warnings verbal and written. Wolf followed up with questions about communication between departments and how he would handle that. He stated he would like to have weekly staff (department head meetings). To build a work environment each department he feels should be involved or at least notified of what challenge each department is facing. Going to each department making sure the department heads are meeting those expectations and doing what they need to do as far as the department head.

Wilson spoke about performance reviews and asked Waldo how he would handle a performance review with a department head not knowing exactly what the department head does. Waldo stated one of the responsibilities of a Town Administrator is to know the workings of each department he stated he feels performance reviews are very important. Being able to set standards for the staff. He agrees with performance reviews and take them as an opportunity to hold staff accountable.

Wilson continued with a question about losing his temper with staff. Waldo stated that losing your temper is NOT an option. He gave more details about how to deal with staff concerns and resident concerns. Communication is of the utmost importance.

Chair Curley spoke about administrative functions in Wellfleet. Waldo stated that it is very important to have Human Resources, it stated it help set standards. He feels Wellfleet will benefit from a Human Resource Director. Waldo stated he read the previous year's audit report.

The board moved on to housing availability, and attainable housing, DeVasto asked Waldo what role he sees the municipality to help with that. Waldo spoke to workforce housing not just residential. He spoke to the board about Wellfleet doing a good job with the 95 Lawrence Road Housing Project.

He spoke about working with the surrounding towns, working with water quality. He continued maybe making some Zoning amendments.

Waldo was asked about his housing experience.

Reinhart asked about some specific communications with staff and how he would get everyone on the "same page" He also stated that he feels the department heads need to have their own staff meetings, so everyone is on the same page, working together. He gave an example of how the meetings would work.

Wolf spoke about streamlining the financial issues such as payroll. Waldo gave some examples on how he would manage that department.

#### **B. Interview with Jayne Wellman**

Chair Curley began the interview with Jayne at 2:19pm. He gave the same instructions for this interview as he did previously.

The board asked the same questions as the last candidate. The first was the goals of Wellfleet short term and long term. Wellman spoke about the financial issues with Wellfleet, restoring the trust of the public, and getting to know the staff and residents of Wellfleet. She spoke about long terms goals, training and education for staff members. She spoke about Park Services, bringing in the budget and starting the process earlier so everyone understands the numbers and working on the stability fund. Long term goals she spoke about not needing to go for overrides, creating stability. Wastewater, clean water and well water issues. She spoke about the much-needed work that needs to happen with housing.

She spoke to the finances getting to know the treasurer, the town accountant and understanding what needs to happen with regard to the budgets.

Building public trust.

DeVasto spoke to Wellman asking how the town would benefit from her being the Town Administrator. She stated that she believes in management by being out in the community, meeting with staff and residents to understand the needs. Being invested in the community, live within the community. She stated she would be at events building trust and engagement. She spoke about being able to overcome the trust gap, accountability and an open-door policy being able to listen and understand the needs of staff and community members.

Wellfleet would benefit from her extrovert qualities. She spoke about who she met this morning and spoke to some residents.



She spoke about her experience being a selectboard member. Being able to pivot when there is an issue.

Chair Curley spoke about her currently running for another term on the Tewksbury Selectboard. Why is she pursuing the Town Administrator position if she is going to run there? She spoke about wanting to finish up her projects that she has started there. She stated that decision to run came before the job posting for Wellfleet. She stated if she was offered this position, she wouldn't continue her run for Selectboard.

Reinhart spoke to Wellman about communication, asking her to give some examples of her success and weaknesses.

She spoke to her management of communications in Reading where she is currently employed, she runs the website for Reading and works on communication with the town especially throughout the pandemic. She spoke about streamlining messages to the public. She discussed with the board about the press and mistakes that can be made. She spoke about accountability, and Residents of Wellfleet be given the correct information. Consistent communication is a big factor.

Wolf spoke to Wellman about the troubles of Wellfleet and the constant issues that Wellfleet has is accountability, from the finances to various town departments and how she defines accountability and what systems has she put into place when dealing with accountability? If she were to encounter a situation with accountability, how would she approach the problem.

Wellman spoke to the board, she gave her definition of what she thinks it means, the environment being professional and her expectations of staff being professional and providing staff with the right tools so they can do their jobs. She stated she believes in 360-degree performance reviews. She spoke about what happens when mistakes are made. Helping staff to be successful. Which helps from community and trust.

Wolf followed up with staff meetings between the Town Administrator and Department heads. Wellman stated she would like Tuesday morning staff meetings, so she is able to provide the Selectboard with updated reports. She spoke about how those meetings would work. Setting expectations is important. She spoke about how different staff meetings would work.

Chair Curley asked her about her experience leading staff, she gave some detailed information about her experience managing staff, speaking about having team meetings and one on one meetings with staff.

She gave details about her management style being able to help staff become successful.

DeVasto spoke about Human Resource Department and how important does she feel it is. She spoke about human resources being very important, it helps with staff development, and accountability.

Wilson spoke to Wellman about transparency, annual reviews and the essentiality of it. She continued speaking about the importance of Staff Performance reviews and knowing the department heads position. How would she handle doing a review when she doesn't understand the role of the shellfish constable? She answered stating that she would educate herself with each department.

Wilson spoke to Wellman about losing her temper. How she would handle an angry resident/staff member. Wellman spoke about not losing her temper and trying calm the situation. She stated that she would begin with validation, setting expectations. She spoke about getting angry and how she would speak to other colleagues asking how they had handled a similar situation. She continued speaking about problem solving.

Chair Curley asked about the functions of Wellfleet and the problems/concerns she feels they have. She spoke to the board about IT concerns, getting to know town hall staff looking at password protection. She stated she feels Cyber security is important. She stated she spoke with department heads and would need to spend more time with staff so she could get a better understanding of what those department heads need.

Chair Curley spoke about regionalizing services with surrounding towns. She said IT could be regionalized, she spoke about police reform and the possibilities of regionalizing the police department. Public Works help she stated could maybe be regionalized and working collaboratively with surrounding communities.

She spoke about a project she had helped follow through, she gave an example of the town she was working in needed an override and she explained how she handled that and was able to get the override passed.

DeVasto spoke to Wellman about affordable/attainable housing, speaking that it is a crisis here and what role does she see the municipality playing in the housing market. She stated she read some of their housing issues, she knows about the 95 Lawrence project. She spoke about the CPA funds and communicating with the Planning Board and placing infrastructures throughout the town which would make development easier.

Chair Curley asked Wellman her approach to housing. She gave some examples of housing projects that she has been a part of but explained she doesn't work directly with the planning committee where she is currently employed.

She spoke about the 40B law.

There were some more follow up questions regarding housing.

Reinhart spoke to Wellman about municipal departments and her frequency of staff meetings.

Communication standards. Public Service.

DeVasto questioned her management style, she feels its important to have an understanding of what each position is what challenges they are facing. How would she address underperformance, she stated it would be followed carefully?

Is a performance plan needed for the employee? Investing in the employee.

Investing in the staff member, accountability is important.

Wolf spoke to Wellman about generating payrolls using different methods leaving the treasurer with many different payroll issues.

Wilson spoke to Wellman about her dealing with staff and the board, discussing when mistakes are made. She questioned what Wellman would do if the selectboard were about to make a mistake which could be illegal, how would she state that they were about to do something wrong. She answered stating that because she is on a selectboard there needs to be a process and how she would



handle a situation. She wouldn't point out directly but would make it understood the action they were about to take would be wrong.

Chair Curley asked Wellman in ending their meeting did she have any questions for the board.

Wellman asked the board what they as individuals need help with, DeVasto spoke about relating information to the public and having the opportunity to speak to the public. He stated this communication has been difficult. He stated there is lack of communication of the good things that are happening.

Reinhart agreed with DeVasto, and spoke about misinformation getting to the public, social media being an issue. She appreciated Wellman speaking to communication. Reinhart continued that the one thing that is a major issue for Wellfleet is the climate change, the aquafer, and the Herring River Restoration project, and dredging. She stated it is very important. And the environment being her main priority.

Wolf stated that moving forward a major challenge will be the huge deficit in public trust.

Chair Curley spoke to Wellman stating the board needs effective communication with the taxpayers, why there needs to be an override, what is happening now and how is it being fixed. He spoke about the absolute need for housing and the community is dying because of the housing crisis, he spoke about wastewater and the need for that project and the ability to pay for it.

Wilson spoke about process and the importance of it in local government. She continued to give some examples. She stated the board is doing the public's business.

### **III. *Adjournment***

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adjourn.**

**Meeting adjourned 3:45pm**

***Wellfleet Selectboard  
Monday March 22, 2022; 1:00pm  
Virtual Meeting ~ Zoom  
Meeting Minutes***

**Members Present:** Ryan Curley, Chair; Michael DeVasto, Janet Reinhart, Helen Miranda Wilson, John Wolf

**Others Present:** Rebekah Eldridge, Executive Assistant, Rich Pauley, Fire Chief

Chair Curley Called the meeting to order at 1:01pm

**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*

There were no announcements

**II. *Business***

**A. Discussion, Deliberation, and Selection of Town Administrator**

Chair Curley stated he would like to go through the board one at a time and allow them to each speak on who is their preferred candidate and why.

Chair Curley began, stating that there was one candidate who has lead a large team and has strong local ties to the area. He stated he would be choosing Rich Waldo.

Wilson went next stating that whoever the board chooses she would be delighted to work with. Continuing explaining that this was a hard decision for her and she believes there is one with more municipal experience with finances. She continued giving examples of the experience. She stated she would like to choose Jayne Wellman. She believes that what the town in faced with she believes this candidate would be able to maneuver the projects.

Following Wilson, Reinhart spoke to the board and public stating that she believes both candidates are amazing, and she believes that Rich Waldo would be a better fit for Wellfleet. Although they both have great skills.

DeVasto spoke to the board stating like the rest of the board members they bot are great candidates, and he struggles with the choice and would be happy to work with both candidates. He stated his preferred candidate is Rich Waldo, due to his ties to the community and the outer cape.

Wolf finished the discussion stating that he needed to echo what the board had said previously. He stated that he appreciated this process and the Consultants Rich White's dedication to the town of Wellfleet. He stated that because Rich Waldo is raising his children here and not planning on going anywhere so his choice would be Rich Waldo.

**Chair Curley Moved; Board Member Reinhart Seconded and it was voted that the Wellfleet Selectboard has identified Richard Waldo as the preferred candidate and notify the candidates and enter into contract negotiations.**

**Roll Call Vote: 5-0**

Chair Curley stated there is a meeting posted for March 29, 2022, to go into executive Session to discuss the contract and begin negotiations.

### **III. *Adjournment***

**Chair Curley Moved; Board Member Reinhart Seconded, and It was voted to adjourn.**

**Meeting Adjourned 1:13pm**

***Wellfleet Selectboard  
Virtual Meeting ~ Zoom  
Tuesday March 22, 2022; 6pm  
Meeting Minutes***

**Members Present:** Ryan Curley, Chair; Michael DeVasto Vice Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

**Others Present:** Rebecca Roughley, Assistant Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Civetta, Shellfish Constable; Suzanne Thomas, Community Service Director; Nauset Public School Administration ~ Brooke Clenchy, Interim Superintendent of Schools; Martha Gordon, Chris Easley, Mary Beth Rodman, Giovana Venditti, Director of Finances; Arlynn Consiglio, Administration Nauset Schools; Helen McNeil Ashton, works with the Native American tribes; Rick Sawyer, ARC representative; Gregg Corbo, KP Law (Town Counsel); Ginny Parker, Resident of Wellfleet; Alfred Pickard, Wellfleet Resident; Emily Rivera, MS Bike Ride applicant; Kathleen Walker, NE Endurance applicant; Jay Critchley, Swim for Life applicant

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 spoke to the board and public and asked the chair to announce when the board would be going back to in person meetings. Chair Curley stated that once the equipment to allow the meetings to go hybrid they will go back to in person. Chair Curley announced that the board chose the next town administrator for Wellfleet, Richard Waldo. Negotiations will begin in the coming weeks. Chair Curley gave some background information on Waldo.

**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

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adopt the consent agenda as printed in the March 22, 2022; selectboard packet.**

**Roll Call Vote: 5-0**

DeVasto spoke to the board about the Bagel Hound will be open in a few weeks, they are located in the old JB's building.

### III. *Native Beach Rights Declaration*

Thomas and Ashton spoke to the board. Ashton explained what this declaration would do for the Native people in Wellfleet. This is an effort to restore the rights of the Native Americans to recreate on the Wellfleet Beaches. Th

**Chair Curley Moved; Board Member Wilson Seconded, and it was voted to amend the draft declaration, so the first sentence reads "The Wellfleet Selectboard on behalf of the citizens of Wellfleet return to the people of the Wampanoag Nation and other Native Nations, now and forever their custom practice to recreate on beaches owned or managed by the town of Wellfleet without cost or fee upon presentation of current tribal card."**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member Wilson Seconded, and it was voted on behalf of the citizens of Wellfleet to issue the declaration as amended**

**Roll Call Vote: 5-0**

### IV. *Public Hearings*

#### A. Native Beach Rights ~ Suzanne Thomas

Thomas presented to the board the amendment to the beach regulations and recommended that this regulation mirror the declaration with the added words "Other Native Nations"

**Chair Curley Moved; Board Member Wilson Seconded, and it was voted to amend Wellfleet's Beach Rules and Regulations as drafted with the following amendment, where it reads a member of the Mashpee Wampanoag Tribe to now read Members of the Mashpee Wampanoag Tribe and other Native Nations".**

**Roll Call Vote: 5-0**

#### B. Continuation of Grant License #792 ARC

Chair Curley Opened the hearing for the ARC license.

**Board Member DeVasto officially recused himself from this hearing as a member of the Selectboard.**

Chair Curley questioned Roughley and Corbo how this hearing should be handled. Roughley stated that because it was a public hearing, he should allow

everyone involved including the public a chance to speak. Chair Curley allowed Sawyer to speak on behalf of ARC and why they should be allowed to retain their Wellfleet Grant License. Sawyer gave reasons and thoughts as to why the company should be allowed to keep the grant. He spoke about the benefits that Wellfleet would receive keeping ARC in Wellfleet. He spoke about training and the hatchery. Sawyer continued giving some background information of the company and why they would like to stay in Wellfleet. Chair Curley asked town counsel to give their opinion to the board and address what town counsel has said regarding this license.

Corbo spoke to the board and explained his role in this process. He explained his task was to look and see if legally ARC was domiciled in the town of Wellfleet. He gave a detailed explanation of what he found while reading the regulation. He explained that given all the information, ARC doesn't meet the requirements of being domiciled, and explained that this could be something the Selectboard could take into consideration and make alternative arrangements with ARC.

Civetta spoke to the board explaining some amendments that she has worked on and gave details about her work with all the constables. She spoke to the research and development regulations and review what they have now. Civetta spoke to coming up with an agreement with ARC.

Chair Curley spoke to the board and public about the letters that the board received in favor of ARC and the benefits they bring to the town. He read one resident's letter into the record from Irving Puffer speaking in favor of ARC and what they have done for him as a shellfisherman and the community as a whole. The board discussed ARC at great length. Chair Curley questioned if the site they were discussing was currently being used as a research facility. It was answered that no, it was not being used as a research area. It was discussed what seeds were planted on 792, and how will they know if it is developed and growing. Civetta spoke to many grant holders and stated that the Shellfish Department is currently looking at grants that are do not have productivity on their grants and will be receiving forfeiture licenses.

**Board Member Wilson Moved; Chair Curley Seconded; and it was voted to continue the hearing for Grant License #792, ARC until April 12, 2022. Roll Call Vote: 3-1 (Reinhart voted no)**

Chair Curley explained that the other grants cannot be discussed only ARC. She explained that the department is actively enforcing on ARC low productivity. It was discussed what would happen to the grant license if ARC was not allowed to keep the grant. It would go into a lottery. Sawyer explained that ARC is not in competition with local growers but sends shellfish to Europe. There were a few comments from the public, some in favor and some against ARC staying in Wellfleet.

**Board Member Wilson Moved; Board Member Wolf Seconded, and it was voted to ask the Shellfish Department to consider and draft possible**

**amendments to section 7.8.7 and to ask the Shellfish Advisory Board to review them and come back to the Selectboard.**

**Roll Call Vote: 3-1-1 (Curley voted no, DeVasto Recused)**

Civetta asked the board to please wait until a May meeting when she will be back from her time away. Chair Curley stated that if they wait until the first meeting in May there will be a new Selectboard Member and that is unfair to the new member coming in. Chair Curley didn't want to wait much longer to continue this hearing as they are currently not working under the regulations.

**Chair Curley continued this hearing until April 12, 2022, 7pm.**

**V. *Budgets***

**A. School Budgets –**

Clenchy spoke to the board and began a slide show presentation. She went over who was at the helm of Administration. She continued to introduce the staff that was on the meeting and how they are all transitioning the schools through Covid-19 and dealing with Social and Emotional issues with the children. She continued discussing the new building at Cape Cod Technical High School. She explained how each schools budget will be presented to the board at this meeting.

Rodman presented the board with the Elementary Schools budget and gave a full description of what the budgets contains. There were no questions for Rodman with her budget.

Venditti was the next to present; she presented the board with the regional budget she began with the high school, moving on to the middle school. Chair Curley had some questions for the school administration.

**Chair Curley Moved, Board Member Reinhart Seconded, and it was voted to approve the Nauset School System as presented.**

**Roll Call Vote: 5-0**

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

**A. National MS Society**

Rivera Spoke to the board giving details of the MS bike ride to raise money for MS national research. She explained this is the 30<sup>th</sup> year they have been doing this event. She explained the rules of the road will be followed and they have hired police for the event. Both Police and Fire stated there have never been any issues with this event.

**Board Member Wilson Moved, Chair Curley Seconded, and it was voted to approve the use of public roadways throughout the Town of Wellfleet to National MS Society on June 26, 2022, from 9am to 1pm for a fee of \$500; conditional upon permission from the school to use their parking lot, and getting a police detail, the roadways used during the bike ride are to be returned to pre-ride conditions with the approval of the DPW Director.**

DeVasto questioned the need to charge a fee. The board discussed it.

**Roll Call Vote: 5-0 ~ Chair Curley respectfully requested the MS ride try to use the bike path in future bike rides.**



**B. NE Endurance Events**

Walked spoke to the board about her event. Giving details of local lifeguards they are planning to give scholarships to pay for their licensing through the Red Cross. She continued giving details of the mapping of the race.

**Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to approve the use of 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; for all areas that are used during the event be returned to pre-race event with the approval of the DPW director and the beach director.**

**Roll Call Vote: 5-0**

**C. Swim For Life**

Critchley spoke to the board and gave details about his event. Only using Gull Pond which provides an alternative to people who don't wish to swim in the ocean.

**Chair Curley Moved; Board Member Wilson Seconded, and it was voted to approve the use of Gull Pond to the Provincetown Swim for life and the Paddler Floatilla event on Saturday September 10, 2022, from 8am- 11am for a fee of \$300, the pond and surrounding areas that are used during this event to be returned to pre-event conditions as approved by the Beach Director.**

**Roll Call Vote: 5-0**

**VII. Licenses**

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

**Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the surrender of the annual liquor license from JB's Pizza Bar and Grill**

**Roll Call Vote: 5-0**

**VIII. Business**

**A. 2022 Annual Town Election Warrant**

**Chair Curley Moved, Board Member Wilson Seconded, and it was voted to approve the signing of the 2022 Annual Town Election Warrant.**

**Roll Call Vote: 5-0**

**B. Process for Aquaculture License Forfeiture**

Before Discussion began Board Member DeVasto officially recused himself from this agenda item.

Chair Curley explained that this is not a discussion on any one grant, this is about the process of forfeiture. Civetta spoke to the board stating she looked back through the town's records and see what the town has done in the past regarding forfeiture. She stated the board can go back and look at the minutes of 2018 and see how the Select board at the time voted.

She explained there are times when the Shellfish department lets DMF (Department of Marine Fisheries) when a grant/license has been revoked. The board discussed the forfeiture of licenses not the revocation. The board discussed the difference between revoking and forfeiture. Civetta explained how the regulations were voted on and what has been previously done. Chair Curley asked Civetta to explain to the board what the Shellfish Department has been doing recently regarding productivity. Civetta explained there are two instances for forfeiture, if a person's grant fees are not paid by a certain date the grant is forfeited. The next way a license can be forfeited, there is a productivity oversight. She stated since she began the department has been conducting grant inspections. Noticing that there are a few grants that have no productivity. Civetta continued explaining how production is measured and how the process works.

**Board Member Wilson Moved, Chair Curley Seconded and it was voted that when a grant is forfeited per regulation 7.12.2 or 7.13.3 the Shellfish Constable will notify the Grant Holder, the selectboard, the Principal Clerk, and the Department of Marine Fisheries that the license has been forfeited.**

**Roll Call Vote: 4-0**

**IX. *Selectboard Reports***

There were a few updates from Selectboard Members.

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

Wolf would like to talk about having the town use a grant that is forfeited. Wilson spoke to the board about Affordable Dwelling Units, and the Zoning Bylaws

**XI. *New Business***

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

**XII. *Correspondence and Vacancy Reports***

There have been a lot of communication about the development on Route 6 and many complaints.

**XIII. *Minutes***

A. March 8, 2022 -

B. March 15, 2022 -

**Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the meeting minutes of March 8<sup>th</sup> and March 15<sup>th</sup> as printed**

**Roll Call Vote: 5-0**

C. March 17, 2022 – **NO ACTION TAKEN**

**XIV. *Adjournment***

**Board Member Wilson Moved; Chair Curley Seconded; and it was voted to adjourn.**

**Roll Call Vote: 5-0**

**Meeting adjourned 9:35pm**

**\*\*\*Public Documents\*\*\***

*Applications for use of town property*

*Nauset Regional School District 2023 Budgets*

*Annual Town Election Warrant*

*Meeting Minutes of March 8, 15, 17, 2022.*



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: April 12, 2022

# XVII

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## ADJOURNMENT

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