



## Wellfleet Selectboard

### Note: Start Time of 6pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, June 22, 2021, at 6:00 p.m.** **This meeting will be held via Zoom Video Conference** in accordance with the temporary suspension and enhancement of the Open Meeting Law requirements by Governor Baker. Instructions for a Zoom video conference meeting which also allows phone dial-in are given below:

1. Watch a livestream on Wellfleet's YouTube Channel located at the following link:  
[www.youtube.com/c/wellfleettownmedia](http://www.youtube.com/c/wellfleettownmedia).
  2. Join the meeting hosted in Zoom by using the following link:  
<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>
  3. 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.
  4. 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**.
  5. 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.
  6. Meeting materials are attached to this agenda, available online at [Wellfleet-ma.gov](http://Wellfleet-ma.gov). It is recommended that phone participants access materials in advance of the meeting.
  7. **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.
  8. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.
-

- I. *Announcements, Open Session and Public Comments***  
**Note:** Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
- II. *COVID-19 Updates and Recommendations***
- III. *Public Hearings***
- A. Aquaculture Grant Extension for Shea Murphy– Shellfish Constable, Nancy Civetta
  - B. Aquaculture Grant Extension for Pat and Chelsea Winslow ~ Shellfish Constable, Nancy Civetta
  - C. Approve the addition of a domicile exception to the Shellfishing Regulations ~ Shellfish Advisory Board & Shellfish Constable Nancy Civetta
- IV. *Licenses***
- A. Weekday & Sunday Entertainment ~ Lobster & Chowder House ~ Hours will be 1:00pm – 10:00pm
- V. *Use of Town Property***
- A. Sacred Surf School ~ White Crest Beach ~ Zach Pawa, June -Labor Day
  - B. Chamber of Commerce ~ 4<sup>th</sup> of July Parade Route ~ September 6, 2021
- VI. *Board/Committee Appointments and Updates***
- A. Reappointment of the Shellfish Constable, Nancy Civetta; for another three-year term ~ Wellfleet Selectboard
  - B. Reappointments of various committee members ~ Principal Clerk  
**\*\*Please see packet for a full list of reappointments\*\***
  - C. Reappointments of Election Workers ~ Town Clerk  
Peter Cook ~ Warden  
Robin Ward ~ Deputy Warden  
Martha Dilts ~ Clerk
- VII. *Business***
- A. Fidelity Gift Documents ~ Miriam Spencer, Town Treasurer
  - B. Presentation by Historical Committee ~ Merrill Mead-Fox
  - C. Discussion on changing the meeting time from 6pm to 7pm ~ Chair DeVasto.
  - D. Discussion on Town Meeting ~ Dan Silverman, moderator.
  - E. Amend Food Truck Permit ~ Tanya Felix.
  - F. Add Provincetown Independent as a Newspaper of Record ~ Board Member Ryan Curley
  - G. 925 Chequessett Neck Road Easement ~ Administrator Sumner/ KP Law
  - H. Refer Wellfleet Town AV Channel Policy ~ Board Member Curley
  - I. Vote to reconsider, amend, and vote on some Town Meeting Warrant Articles. ~ Administrator Sumner
  - J. Vote to amend the meeting agenda and minutes of the January 26, 2016 Selectboard Meeting to include Michael DeVasto Shellfish grantor 855 & 855B
- VIII. *Selectboard Reports***
- IX. *Town Administrator's Report***
- X. *Topics for Future Discussion***
- XI. *Correspondence and Vacancy Reports***
- XII. *Minutes***
- A. June 8, 2021
- XIII. *Adjournment***



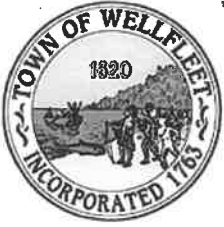
## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

II

### COVID-19 UPDATES AND RECOMMENDATIONS

<b>REQUESTED BY:</b>	<b>Chair DeVasto/Health Agent Lemos</b>
<b>DESIRED ACTION:</b>	<b>Discuss any new updates or information</b>
<b>PROPOSED MOTION:</b>	TBD
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

III

### PUBLIC HEARINGS ~ A

<b>REQUESTED BY:</b>	<b>Shellfish Constable ~ Nancy Civetta</b>
<b>DESIRED ACTION:</b>	<b>Aquaculture Grant Extension for Shea Murphy</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve approximately 1.8 acres as grant extensions 01-02 Extension 2007 – B and 2007 – C for Shea Murphy</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

June 2, 2021

To: Town of Wellfleet Selectboard  
Re: Recommendations  
From: Nancy Civetta, Shellfish Constable


I received an application on April 12, 2021 for three shellfish grant license extensions on Field Point (01-02 Ext., 2007-B and 2007-C) from Shea Murphy, totaling approximately 1.8 acres. These are within the HDYTLA Trust boundaries. His grants are situated on Field Point off of Fox Island.

On May 21, 2021, I visited the proposed sites with Harbormaster Will Sullivan, who will be submitting his own memo to you. Shea's plan seems well thought out. He is an experienced shellfish farmer and has been farming on three grants for the past 14 years. I understand the need for him to diversify his business in order to be successful. For these reasons, I recommend approving the additional grant licenses. Attached please find all related paperwork.

The area will of course need to be surveyed by the Mass. Division of Marine Fisheries to determine if it has significant shellfish resources that could not be taken out of the public domain. He will also need to have it professionally surveyed to determine exact boundary points and acreage.

However, I do need to refer you to the Harbormaster and my joint memo dated April 22, 2021, where we call for a community conversation about planning for the expansion of aquaculture, especially in the HDYLTA Trust area. This may be a discussion that needs to happen sooner rather than later, and I look forward to hearing all sides of this community conversation together.

Respectfully submitted,

  
Nancy Civetta  
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305

APPLICATION FOR SHELLFISH GRANT LICENSE

DATE: 4/8/21

This request is being made under Chapter 130, Sections 57 & 59.

Name Shea Murphy

Address 20 Daniels drive  
Wellfleet Ma 02667

Telephone 774-216-9072

Approximate location of proposed grant license area:

Field point

Desired size of proposed grant license area:

1.8 acres

GENERAL INFORMATION

Previous shellfishing experience:

14 years

How long have you had a shellfish permit (commercial/non-commercial)?

14 years

How long have you lived in Wellfleet?

37 years

Comments: I would like to add an extension to Grant # 2007 and 2001 ext  
I would also like to add a small extension between 01 02 and 2007. It is currently  
a buffer zone. I am currently farming both grants so there is no need for a buffer  
With the extensions I will have enough room to diversify and start planting clams.

Shea Murphy  
Signature of Applicant

[Signature]  
Shellfish Constable

4-13-2021  
RECEIVED

4/8/2021

Dear Wellfleet Selectboard.

I'm formally requesting an aquaculture licence extension in accordance with the town of Wellfleet's shellfish regulations sections 7.6,7.8.1, and 7.12.4, and in accordance with MGL. Chapter 130 section 57.

I am requesting a licence extension for use of the area described on Map-1. This area has previously been deemed suitable, feasible and legally permissible for aquaculture use by the shellfish constable.

The pandemic has created an overstock of product that has resulted in lack of functional space for grow-out and room for the incoming seed. Oysters and Clams take 2-3 years to reach maturity and require a long outlook and successive planting. This is a juggling act and seed must be planted now to harvest 3 years from now. It's imperative to grow oysters and clams at the proper densities to avoid disease, mortality and unmarketable product. This extension will be utilized efficiently. It will improve the health of the harbor and contribute to the nitrogen mitigation required by the DPH. We have removed an estimated 900kgs of nitrogen over the last 10 years.

The area requested would allow the farm to diversify. It would not require any new boundary markers, I would really like to be able to utilize the space in between. Economic opportunity in Wellfleet is difficult. With this extension it would help make it possible to make a living for myself and my family.

I appreciate the opportunity to grow shellfish in the town I grew up in. I hope that the board sees it fit to approve my application for an extension. Please review the attached documents to see that the site is in a suitable area and will have minimal impact on recreation and navigation.

Sincerely,

Shea Murphy

TOWN OF WELLFLEET 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.

*N/A*  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. *TOWN OWNED*

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.

*N/A*  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.

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: Shea Murphy

Date: 4/9/21

I, Shea Murphy, 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, 



INDIAN NECK

POINT

OLD WHARF  
POINT

sandbar

LUITENANT  
ISLAND

red tree  
populus  
cannabina

water

MAP  
#2





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

III

### PUBLIC HEARINGS ~ B

<b>REQUESTED BY:</b>	<b>Shellfish Constable ~ Nancy Civetta</b>
<b>DESIRED ACTION:</b>	<b>To approve the grant extension for Pat and Chelsea Winslow</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve an approximate .45 acre grant extension to grant number 09-01 for Pat and Chelsea Winslow</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

June 2, 2021

To: Town of Wellfleet Selectboard  
Re: Recommendations  
From: Nancy Civetta, Shellfish Constable

I received an application on April 20, 2021, for a shellfish grant license extension on Field Point (09-01 Ext.) from Pat Winslow, totaling approximately .45 acres. It is within the HDYTLA Trust boundaries. His grant is situated on Blackfish Creek across from Old Wharf Point.

On May 21, 2021, I visited the proposed site with Harbormaster Will Sullivan, who will be submitting his own memo to you. Pat's plan is well thought out. He is an experienced shellfish farmer and has been farming on two grants for the past 12 years. I understand that he has maxed out the space in grant #09-01 and his need to expand in order for his business to be successful. For these reasons, I recommend approving the additional grant license. Attached please find all related paperwork.

The area will of course need to be surveyed by the Mass. Division of Marine Fisheries to determine if it has significant shellfish resources that could not be taken out of the public domain. He will also need to have it professionally surveyed to determine exact boundary points and acreage.

However, I do need to refer you to the Harbormaster and my joint memo dated April 22, 2021, where we call for a community conversation about planning for the expansion of aquaculture, especially in the HDYLTA Trust area. This may be a discussion that needs to happen sooner rather than later, and I look forward to hearing all sides of this community conversation together.

Respectfully submitted,

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

Nancy Civetta  
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305

RECD (76)  
4-20-2021

APPLICATION FOR SHELLFISH GRANT LICENSE

DATE: 4/15/2021

This request is being made under Chapter 130, Sections 57 & 59.

Name Patrick Winslow + Chelsea Winslow

Address 75 Goss Lane, Wellfleet MA 02667  
PO Box 224

Telephone 774-722-0232

Approximate location of proposed grant license area: ~ 70 ft East of  
existing Marker Buys on Farm 09-01  
see map

Desired size of proposed grant license area: ~ .45 Acres

GENERAL INFORMATION

Previous shellfishing experience: 12 yrs of Aquaculture experience on abutting  
Farm. 17 yrs of Shellfishing experience working in the wild and  
for other Wellfleet Farmers

How long have you had a shellfish permit (commercial/non-commercial)?  
16 years

How long have you lived in Wellfleet? 38 years

Comments:

I have used all the space available on  
current Farm 09-01,

Patrick Winslow Chelsea Winslow  
Signature of Applicant

[Signature]  
Shellfish Constable

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.

*N/A*  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.

*Town-owned* *N/A*  If applicant is applying for a lease on private property other than their own, written permission from the owner has been provided.

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.

*current licensee holder* *N/A*  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.

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.



To: Wellfleet Selectboard

From:

Date: 4/20/21

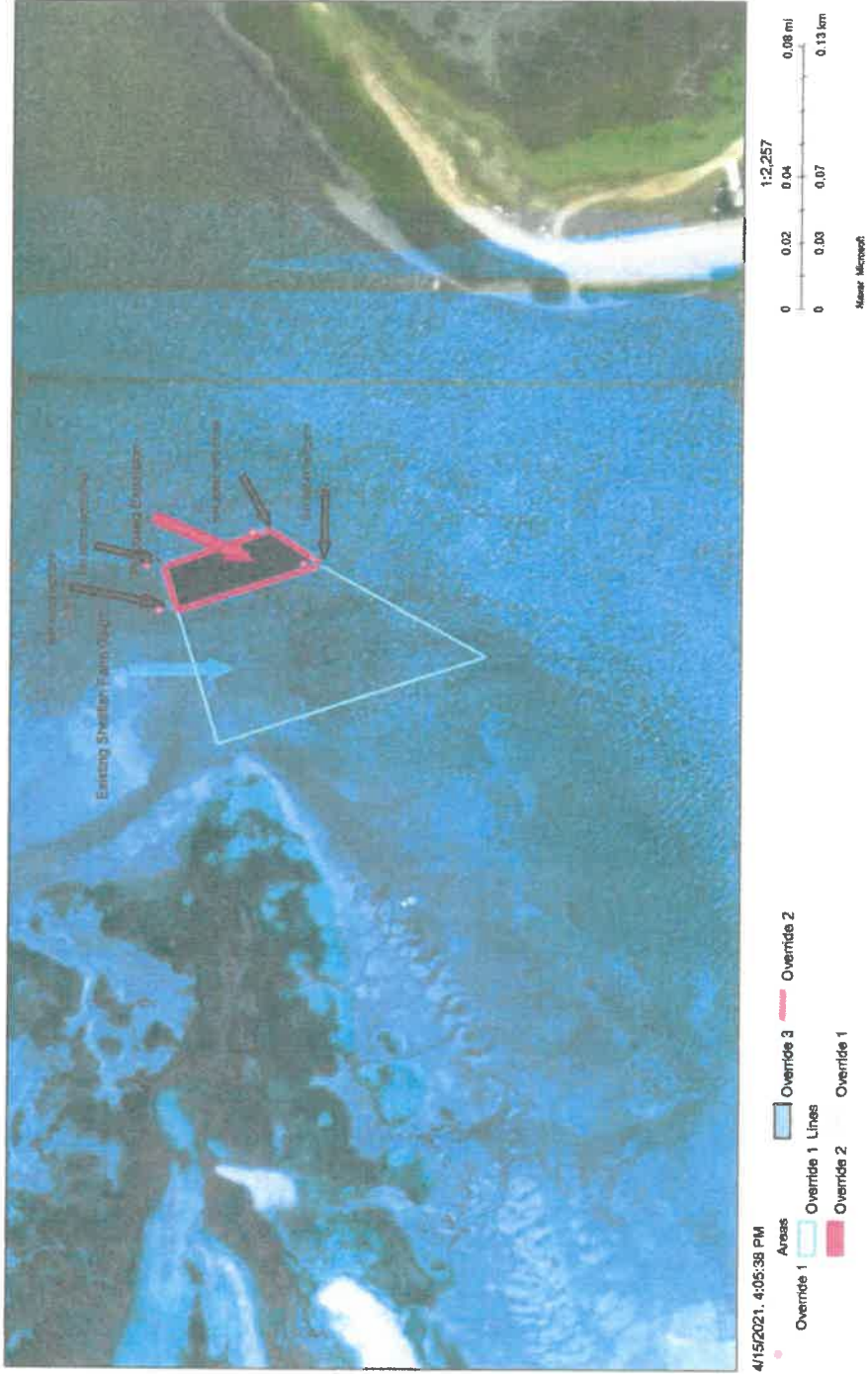
WE, Pat + Chelsea Winslow, agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

Pat + Chelsea Winslow



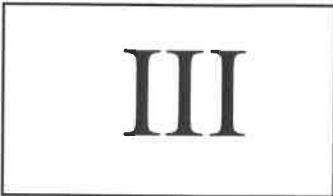
# Permit Application





# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021



## PUBLIC HEARINGS ~ C

<b>REQUESTED BY:</b>	<b>Shellfish Advisory Board and The Shellfish Constable ~ Nancy Civetta</b>
<b>DESIRED ACTION:</b>	<b>To approve the addition of a domicile exception to the Shellfishing Regulations</b>
<b>PROPOSED MOTION:</b>	<b>I move to amend <u>Section 2. Shellfishing Policy fo the Town of Wellfleet</u> and approve the addition of <u>6.1.2 Domicile Requirement and Exception</u> and <u>7.8.2 Domicile Requirement and Exception</u> in the Town of Wellfleet's Shellfishing Policy and Regulations as presented by the Shellfish Constable on behalf of the Shellfish Advisory Board.</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

Date: June 4, 2021  
To: Town of Wellfleet Selectboard  
From: Nancy Civetta, Shellfish Constable  
Re: Proposed Addition of Domicile Exception to Wellfleet's Shellfishing Regulations

Dear Selectboard members,

As a reminder of how we got here:

1. For more than a decade, Helen Miranda Wilson has been working on a draft exception to the required domicile regulation for being able to obtain a commercial shellfishing permit and being named to a grant license. With the housing crisis caused by the COVID-19 pandemic and the specter of local shellfishing families losing their housing in town, she knew it was time to act.
2. She brought her draft regulations to the Shellfish Department, and we worked together on them. Then, she presented them to the Shellfish Advisory Board (SAB) at its March 17 meeting. There was a rich discussion and feedback for revisions was given to her. She brought the revisions back to SAB at its meeting on April 8. After further discussion and a small revision, SAB unanimously approved (4-0) adding these to the regulations.
3. The regulation changes were advertised and a public hearing was held at your April 27, 2021 meeting. Selectboard member Ryan Curley proposed a number of changes, and I suggested bringing the discussion back to the Shellfish Advisory Board for further discussion.
4. At its May 5, 2021, meeting, the Shellfish Advisory Board again had a lengthy discussion about the proposed addition of a domicile exception and some of the procedures necessary for making this determination. They voted to approve the attached regulations (5-0), which are being duly advertised for a public hearing at your June 22 meeting.

Deletions are marked with ~~strike-throughs~~ and additions are **bolded**. I present them to you on behalf of the Shellfish Advisory Board and ask that you vote to amend the regulations as follows.

Sincerely,

Nancy Civetta

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

Phone (508) 349-0325



Fax (508) 349-0305

## Section 2. Shellfishing Policy for the Town of Wellfleet

### Purpose of Regulations

The purpose of these regulations is to foster, protect and preserve Wellfleet's shellfish resources and habitats, to maintain and improve conditions permitting sustainable, productive shellfishing and aquaculture, to ensure equitable use of the resource for all persons legally engaged in these activities, and to provide appropriate protection for the reasonable and legitimate interests of all others affected by shellfishing. To that end, these regulations supplement and are consistent with the requirements of the State of Massachusetts including [Massachusetts General Law Chapter 130, Code of Massachusetts Regulations 322](#), and the current Best Management Practices for the Shellfish Culture Industry in Southeastern Massachusetts, developed by SEMAC (Southeastern Massachusetts Aquaculture Center).

To implement this policy, the ~~Board of Selectmen~~ **Selectboard** may restrict the taking of shellfish by commercial or noncommercial permit holders in any area or in any manner for the purpose of managing the fishery.

The ~~Board of Selectmen~~ **Selectboard** will license areas of intertidal land in such a manner as will allow as many licensed areas as are economically and environmentally practical for any such parcel of intertidal land approved for licensing.

Because much of the area that is used for shellfishing and shellfish aquaculture is a precious natural resource that is owned by the Town, **and because best use of such intertidal land is made by those who are geographically present and personally accountable to the community**, the granting of commercial permits and licenses for aquaculture is restricted to domiciled residents of Wellfleet.

## Section 6. Commercial Shellfishing

### 6.1. Commercial Permits

#### 6.1.1. Eligibility For Commercial Permits

A commercial permit may be issued to any person fourteen (14) years of age or older, who is a domiciled resident of Wellfleet. Individuals aged fourteen (14) through sixteen (16) may be issued junior commercial permits. Only in the calendar year in which a person reaches fourteen (14) years of age may that person apply for a junior commercial permit at any time after the occurrence of that person's birthday. Residents over 65 may be issued senior permits. ~~Any commercial permit will be revoked if the holder ceases to be a domiciled resident of Wellfleet.~~

Commercial permits will not be issued to unnaturalized foreign-born persons who have not resided in Barnstable County at least five (5) years prior to making application ([MGL Chapter 130; Section 55](#)).

### **6.1.2 Domicile Requirement and Exception**

Any commercial permit will be revoked if the holder ceases to be a domiciled resident of Wellfleet, with the exception of those who have previously held a commercial permit for at least two (2) years, and who have temporarily lost housing in Wellfleet for reasons clearly beyond their control (such as a fire or a lease not being renewed) as verified by the Shellfish Constable. Status of domiciled residency, as defined in Section 2 of these regulations, and verified by the Shellfish Constable, must be resumed within eighteen (18) months from the time of the permit holder's removal to another town or the permit will then be revoked.

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

No commercial permit or aquaculture license from another municipality for the harvest of shellfish may be held by the individual for the duration of the allowed term, but they may re-apply for their annual commercial permit as per Section 6.1.2.

**FYI: The current 6.1.2 will become 6.1.3 and each subsection thereafter will also be renumbered in sequential order finishing with 6.1.4 becoming 6.1.5.)**

## Section 7. Shellfish Aquaculture

### 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.~~

#### **7.8.2 Domicile Requirement and Exception**

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

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

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

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

**FYI: The current 7.8.2 will become 7.8.3 and each subsection thereafter will also be renumbered in sequential order finishing with 7.8.7 becoming 7.8.8 and all its subsections reflecting 7.8.)**





# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

IV

## LICENSES ~ A

<b>REQUESTED BY:</b>	<b>Principal Clerk</b>
<b>DESIRED ACTION:</b>	<b>To approve the Weekday and Sunday Entertainment License</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the Weekday and Sunday Entertainment License to the Lobster and Chowder House from the hours of 1:00pm – 10:00pm, located at 975 US-6, Wellfleet MA.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



Town of Wellfleet  
 300 Main Street  
 Wellfleet, MA 02667  
**BUSINESS LICENSE APPLICATION**

2021

Fee 75.00  
 BOH Fee  
 Processing Fee  
**TOTAL \$125.00 Town**  
**\$50.00 State**

Business Name/Map/Lot

*Lobster + Chowder*

Mailing Address

Town/State/Zip

Business Street Address

Business Telephone *508-349-9090* Cell *508-237-5083* Federal ID Number *85-4285023*

Manager *Tim McNulty* E-Mail Address *tim@ptownlobsterpot.com*

LICENSE TYPE: Annual  Seasonal

- |   |                     |                     |
|---|---------------------|---------------------|
| General   | Class II            | Retail Food         |
| Charter Boat  | Class IV            | Food Service        |
| <del>Common Victualer</del>                                 | Automatic Amusement | Residential Kitchen |
| Sunday Entertainment <input checked="" type="checkbox"/>    | Taxi                | Catering            |
| ▶ Weekday Entertainment <input checked="" type="checkbox"/> | Driver              | CMT                 |
| Food Truck  | Trash Hauler        | Inn                 |

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

- a. Telephone *508 237-5083*
- b. Name *Timothy McNulty*
- c. Mailing Address *PO Box 1367*  
*Provincetown 02657*
- a. Telephone \_\_\_\_\_
- b. Name \_\_\_\_\_
- c. Mailing Address \_\_\_\_\_

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

Title	Full Name	Home Address
<i>Pres</i>	<i>Timothy McNulty</i>	<i>10 N. Parnet Rd Truro</i> <i>02666</i>

Corporate or Trust Name LPX 02663 LLC dba Lobster & Chowder House

Corporate Mailing Address Box 1367 P-town

Corporate Telephone 508 237-5093

Establishment is open 6 months a year. Total seating capacity 50 Take-out service only? No

Name of Certified Food Handler (s) Tim McNulty P.I.C. Tim McNulty

Does establishment have outside seating? Yes Seating Capacity 50 Is area enclosed? Yes

If seating capacity are over 25, person Chokesaver Certified: Not Currently

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.

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

LPX 02663 LLC dba Lobster & Chowder House  
Corporate Name (Mandatory if Applicable)

85-4285023  
Federal Identification No.

6-1-21  
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

Alarm company name, number \_\_\_\_\_

FOR OFFICE USE ONLY BELOW THIS LINE

Department Head or Designee Signatures

Police	<u>Mike Harley</u>	Date	<u>6/8/21</u>	Comment	<u>okay</u>
Fire	<u>Rich Pawley</u>	Date	<u>6/8/21</u>	Comment	<u>okay</u>
Tax	<u>Karen Murphy</u>	Date	<u>6/8/21</u>	Comment	<u>okay</u>
Building	<u>Paul Fowler</u>	Date	<u>6/8/21</u>	Comment	<u>okay</u>

Received 6/1/21 By (initials) SMC Fee Received paid Insurance  Date Issued \_\_\_\_\_



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: June 22, 2021

V

### USE OF TOWN PROPERTY ~ A

<b>REQUESTED BY:</b>	<b>Zach Pawa</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of White Crest Beach from June through Labor Day</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the use of White Crest Beach to Zach Pawa for his Sacred Surf School between June 2021, and Labor Day 2021.</b>
<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 WELFLEET  
300 MAIN STREET  
WELFLEET, MA 02667**

Applicant Zach Pawa Affiliation or Group Sacred Surf School

Telephone Number 508-514-1555 Mailing Address 4900 State Hwy Eastham, MA

Email address: sacresurfschool@gmail.com

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

Date(s) and hours of use: June – Labor Day

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.

Surfing Lesson, 1-10 people, surfboards, wetsuits, \$75-100/person fee.

A few instructors not Wellfleet residents and require town sticker.

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

**NOTE TO APPLICANTS:** All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:  
Approved as submitted  
Approved with the following condition(s):

Disapproved for following reason(s):



Date:

Processing Fee: \$50.00 *paid*

Fee: (385)

(over)

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

<b>Health/Conservation Agent:</b>  Comments/Conditions: 6-15-21 okay Permits/Inspections needed:	<b>Inspector of Buildings:</b>  Comments/Conditions: 6-15-21 okay Permits/Inspections needed:
--	---

<b>Police Department:</b> 6-15-21 okay Comments/Conditions:	<b>Fire Department:</b> 6-15-21 okay Comments/Conditions:
---	---

<b>DPW:</b> 6-16-21 okay Comments/Conditions	<b>Community Services Director:</b> 6-15-21 okay Comments/Conditions:
--	---

<b>Harbormaster:</b>  Comments/Conditions	<b>Shellfish:</b>  Comments/Conditions
---	--

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



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

V

### USE OF TOWN PROPERTY ~ B

<b>REQUESTED BY:</b>	<b>Wellfleet Chamber of Commerce ~ Lara Henry &amp; Bob Morrill</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of the 4<sup>th</sup> of July parade route September 6, 2021, between 8am and 11am</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the use of the 4<sup>th</sup> of July Wellfleet Parade Route on September 6, 2021, from 8am to 11am to the Wellfleet Chamber of Commerce.</b>
<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 Lara Henry, Bob Morrill Affiliation or Group Wellfleet Chamber of Commerce

Telephone Number 508-349-2510 Mailing Address PO Box 571, Wellfleet MA 02667

Email address info@wellfleetchamber.com

Town Property to be used (include specific area) Parade route starts at the TOW Pier and travels left on Holbrook Ave, right on Main Street, right on East Commercial Street and continues straight on Commercial Street, ending at the Pier. The antique car portion follows the same route and starts from the Mayo Beach parking lot. We are also requesting permission to place portapotties for one day in the parking lot behind Town Hall, to accommodate event revelers.

Date(s) and hours of use: Monday, September 6, 2021 – 8am-11am

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.

Float Parade and Antique Car Parade: The antique car portion leaves the Mayo Beach parking lot at 9:30am, and the float parade starts at 10am from the Pier parking lot. Revelers and parade participants begin lining up approximately 1 hour prior to start. We require floats throwing candy/parade favors to provide spotters for each side of their vehicle. We also ask that floats not spray water or use hoses. Participants register in advance, but we also accept same day registration; volunteers from the Wellfleet Chamber review the guidelines with floats lined up, prior to parade start.

Based on the recommendation of the Board of Health, we intend to use language in all parade communications encouraging revelers to stay within their family/friend groups, and ask those not vaccinated to wear a mask.

The Wellfleet Chamber understands that the TOW reserves the right to rescind this permit if, after assessment of current public health data, the parade poses significant risk to the health and the safety of the community.

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

The Parade is a joint collaboration between the TOW and Chamber of Commerce; we request services as recommended by the TOW Police, Fire, Emergency and DPW departments.

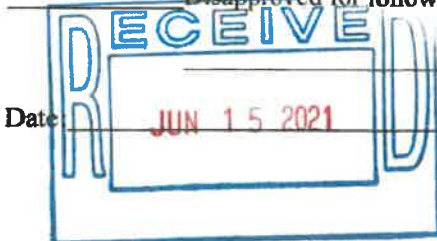
NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

\_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

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



Date

Processing Fee: \$50.00

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

(over)



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

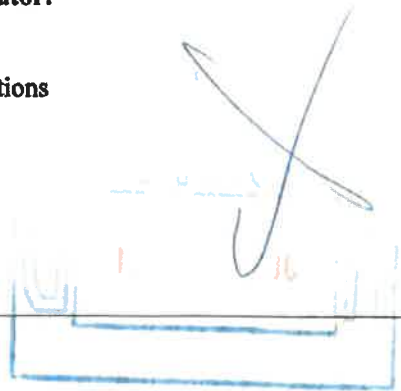
<b>Health/Conservation Agent:</b>  Comments/Conditions: <i>6-15-21 okay</i> Permits/Inspections needed:	<b>Inspector of Buildings:</b>  Comments/Conditions: <i>6-15-21 okay</i> Permits/Inspections needed:
---	--

<b>Police Department:</b> <i>6-15-21 okay</i> Comments/Conditions:	<b>Fire Department:</b> <i>6-15-21 okay</i> Comments/Conditions:
--	--

<b>DPW:</b> <i>6-16-21 okay</i> Comments/Conditions	<b>Community Services Director:</b> <i>6-15-21 okay</i> Comments/Conditions:
---	--

<b>Harbormaster:</b> <i>6-15-21 okay</i> Comments/Conditions	<b>Shellfish:</b>  Comments/Conditions
--	--

<b>Recreation:</b> <i>6-16-21 okay</i> Comments/Conditions	<b>Town Administrator:</b>  Comments/Conditions
--	---





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

VI

### BOARDS/COMMITTEE APPOINTMENTS AND UPDATES

#### A

<b>REQUESTED BY:</b>	<b>Shellfish Constable</b>
<b>DESIRED ACTION:</b>	<b>Reappointment of Nancy Civetta Shellfish Constable for another three-year term</b>
<b>PROPOSED MOTION:</b>	<b>I move to reappoint Nancy Civetta as Wellfleet's Shellfish Constable for a three-year term to end on August 9, 2024.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## Rebekah Eldridge

---

**From:** Nancy Civetta  
**Sent:** Thursday, June 3, 2021 7:16 PM  
**To:** Charles Sumner; Rebekah Eldridge  
**Subject:** June 8 or 22 BOS mtg agenda item  
**Attachments:** AGENDA ITEM REQUEST W-MOTION Shellfish Constable Re-Appointment.doc

Hi Charlie and Rebekah:

I just found the motion for my re-appointment in 2018 and saw that it was through June 30, 2021, not through my anniversary date of August 9.

See page 4 here: [https://www.wellfleet-ma.gov/sites/g/files/vyhlf5166/f/minutes/minutes-file/2018\\_7-24\\_bos\\_minutes\\_approved\\_8-14-2018.pdf](https://www.wellfleet-ma.gov/sites/g/files/vyhlf5166/f/minutes/minutes-file/2018_7-24_bos_minutes_approved_8-14-2018.pdf)

Therefore, I respectfully request that this be added to the BOS meeting agenda for June 8 or June 22. See agenda request and motion attached.

-Re-appointment of Shellfish Constable Nancy Civetta to another three-year term

My start date with the Town was Aug. 9, 2017. I was on probation for a year, then re-appointed for a three-year term which expires on June 30, 2021.

Thank you,  
Nancy

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](#).



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

VI

### BOARDS/COMMITTEE APPOINTMENTS AND UPDATES

#### B

<b>REQUESTED BY:</b>	<b>Reappointment of Various Board/Committee Members</b>
<b>DESIRED ACTION:</b>	<b>To reappoint members of various Town Boards and Committee</b>
<b>PROPOSED MOTION:</b>	<b>I move to reappoint the Town of Wellfleet Boards and Committee Members as listed in the Selectboard Packet, Once reappointed the Board and Committee Members must make an appointment with the Town Clerk Jennifer Congel to be sworn in</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**Reappointments - Please remind members that they need to contact Jennifer Congel to make an appointment to be sworn in. 508-349-0301 extension 1119.**

**Board of Assessors (3 year term):**

Diane Galvin  
Gail Stewart

**Board of Water Commissioners (3 year term):**

Neil Gadwa  
Curt Felix

**Board of Health (3 year term):**

Janet Drohan  
Gary Locke

**Cable Advisory Committee (1 year term):**

Thomas Cole  
Deborah Magee  
Jennifer Wertkin  
Mark Washburn

**Community Preservation Committee (3 year term):**

Geraldine Ramer

**Comprehensive Wastewater Planning Committee (3 year term):**

George Vanderschmidt  
Richard Wulsin

**Conservation Commission (3 year term):**

Michael Fisher

**Council on Aging (3 year term):**

C. Wilson Sullivan  
Laura Gazzano

**Cultural Council (2 3 year terms):**

Patrick Finn (2<sup>nd</sup> term)  
Susan Blake (2<sup>nd</sup> term)  
Madeline Entel (2<sup>nd</sup> term)  
Michelle Olem (2<sup>nd</sup> term)

**Energy Committee (3 year term):**

Charles Cole  
Richard Elkin  
David Mead-Fox  
Gorham Brigham

**Herring Warden (3 year term):**

Ethan Estey

**Historical Commission (3 year term):**

Merrill Mead-Fox

**Local Housing Partnership (1 year term):**

Anne Suggs

Susan Spear

Judy Taylor

Karen Kaminski

Sharon Rule-Agger

**Marina Advisory Committee (2 year term):**

**Frederick Felix**

David Stamatis

Martha Wilson

John Wolf

**Natural Resources Advisory Board (3 year term):**

John Duane

**Open Space Committee (1 year term):**

Bruce Hurter

Thomas Slack

Lynn Southey

Fred Streams

Margaret Sagan

**Planning Board (5 year term):**

Alfred Pickard Jr.

Beth Singer

**Rights of Public Access (2 year term):**

Melissa Yow

Sonya Woodman

Steven Blanchard

**Shellfish Advisory Board (3 year term):**

John Duane

Rebecca Taylor

Zack Dixon

**Shellfish Constable (3 year term):**

Nancy Civetta

**Veteran's Agents (1 year term):**

Gregory Quilty

Scott Dutra

Wilfrid Remillard

Shawney Carrol

**Zoning Board of Appeals (3 year term):**

Trevor Pontbriand

Janet Morrissey



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

VI

### BOARDS/COMMITTEE APPOINTMENTS AND UPDATES

C

<b>REQUESTED BY:</b>	<b>Town Clerk ~ Jennifer Congel</b>
<b>DESIRED ACTION:</b>	<b>To Approve the reappointment of the election officials</b>
<b>PROPOSED MOTION:</b>	<b>I move to reappoint Peter Cook as the Warden, Robing Ward as the Deputy Warden, and Martha Dilts as the Clerk for the Wellfleet Elections</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## Rebekah Eldridge

---

**From:** Jennifer Congel  
**Sent:** Wednesday, June 16, 2021 10:09 AM  
**To:** Rebekah Eldridge  
**Subject:** Election Officials

Peter Cook-Warden  
Robert Ward-Deputy Warden  
Martha Dilts-Clerk

Thank you!

**Jennifer Congel**  
**Town Clerk**  
Town of Wellfleet, Ma  
300 Main Street  
Wellfleet, MA 02667  
Office: (508) 349-0301 Fax: (508) 349-0317



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

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





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

VII

### BUSINESS ~ A

<b>REQUESTED BY:</b>	<b>Town Treasurer ~ Miriam Spencer</b>
<b>DESIRED ACTION:</b>	<b>To authorize Michael DeVasto to execute any and all documents related to the Fidelity gifted account</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the authorization of Michael DeVasto to execute any and all documents related to the gifted Fidelity Account.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## Rebekah Eldridge

---

**From:** Miriam Spencer  
**Sent:** Wednesday, June 16, 2021 11:10 AM  
**To:** Rebekah Eldridge  
**Cc:** Charles Sumner  
**Subject:** Fidelity Acct gift  
**Attachments:** Resolution.pdf

Good morning,

Would it be possible to add the following to the SB agenda for their next meeting:

The gift left to the COA from a resident is in the form of a one-time withdrawal from a Fidelity IRA account. The SB needs to authorize Mike to execute any and all documents related to said account. Attached is the Corporate Resolution drawn up by Town Counsel just for this occasion.

I know the papers have already been signed, but this is the last little piece.

Thanks.

Miriam


**CERTIFICATE OF WELFLEET SELECTBOARD**

We, the undersigned, being members of the Wellfleet Selectboard, hereby certify as follows:

1. The Town of Wellfleet is a duly constituted municipality of the Commonwealth of Massachusetts having an address of 300 Main Street, Wellfleet, Massachusetts 02667.
2. The undersigned constitute the members of the Wellfleet Selectboard, which is composed of five (5) members.
3. The Wellfleet Council on Aging is a board/commission of the Town of Wellfleet, and, as such, under the auspices of the Wellfleet Selectboard.
4. The undersigned, constituting a quorum of the Selectboard, were present at a meeting duly called and held on the \_\_\_ day of \_\_\_\_\_, 2021, at which the Selectboard voted to authorize Michael DeVasto, the Chair of the Selectboard, to execute any and all documents related to Fidelity Account \_\_\_\_\_, including but not limited to, a Fidelity Brokerage Business Account Certification.
5. Said Certificate remains in full force and effect and is not rescinded or amended in any way.

Dated this \_\_\_ day of \_\_\_\_\_, 2021.

TOWN OF WELFLEET,  
By Its Selectboard

  
\_\_\_\_\_  
Michael DeVasto, Chair

  
\_\_\_\_\_  
Janet Reinhart, Vice Chair

  
\_\_\_\_\_  
Ryan Curley, Clerk

  
\_\_\_\_\_  
Justina Carlson

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

True Copy Attest:

\_\_\_\_\_  
Jennifer M. Congel, Town Clerk



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

VII

---

### BUSINESS ~ B

<b>REQUESTED BY:</b>	<b>Merrill Mead-Fox ~ Historical Committee</b>
<b>DESIRED ACTION:</b>	<b>To update the Selectboard regarding the Wellfleet Historical Committee</b>
<b>PROPOSED MOTION:</b>	<b>No action required</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea ____ Nay ____ Abstain ____



# Board of Selectmen

## Request for Placement on Agenda

Name: Merrill Mead-Fox  
Address: 35 Pine Point Way ; Wellfleet (WHC)  
Company or Organization Representing: Wellfleet Historical Commission  
Phone Number: 617-519-8644  
Email Address: mmeadbx@gmail.com

Specific Request: I would like about 5 minutes  
of your time to update the selectboard  
about the work of the WHC and inform  
the town that we will have three  
openings as of 7/1/2021.

To be Filed out by Dept.

Applicant Notified: \_\_\_\_\_ Date of Hearing: \_\_\_\_\_

Date Request Completed: \_\_\_\_\_



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

# VII

### BUSINESS ~ C

<b>REQUESTED BY:</b>	<b>Chair Michael DeVasto</b>
<b>DESIRED ACTION:</b>	<b>To discuss and possibly vote to change the Selectboard meeting time from 6PM to 7PM</b>
<b>PROPOSED MOTION:</b>	<b>I move to change the Selectboard Meetings from 6PM to 7PM beginning July 13, 2021</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

VII

### BUSINESS ~ D

<b>REQUESTED BY:</b>	<b>Town Moderator Dan Silverman</b>
<b>DESIRED ACTION:</b>	<b>To update the Board and Public about Town meeting being held on June 26, 2021</b>
<b>PROPOSED MOTION:</b>	<b>No action needed</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

VII

### BUSINESS ~ E

<b>REQUESTED BY:</b>	<b>Chair Michael DeVasto</b>
<b>DESIRED ACTION:</b>	<b>To amend food truck regulations for Tanya Felix</b>
<b>PROPOSED MOTION:</b>	<b>I move to amend the food truck permit for Tonya Felix with the following conditions: The food truck must remain in the dedicated overnight parking space purchased from the Marina. It may only be moved at the discretion of the harbormaster, or in the event that there is a risk to public health, safety, and/or equipment.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

VII

### BUSINESS ~ F

<b>REQUESTED BY:</b>	<b>Board Member Curley</b>
<b>DESIRED ACTION:</b>	<b>To add the Provincetown Independent as a Newspaper or record</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve adding the Provincetown Independent as a newspaper of record</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

VII

### BUSINESS ~ G

<b>REQUESTED BY:</b>	<b>Town Administrator Charlie Sumner</b>
<b>DESIRED ACTION:</b>	<b>To discuss and sign the 925 Chequessett Neck Road Easement</b>
<b>PROPOSED MOTION:</b>	<b>To move to approve and have the selectboard sign the 925 Chequessett Neck Road Easement as presented by the town administrator.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

Benefited Property – 925 Chequessett Neck Road, Wellfleet  
Burdened Property – Chequessett Neck Road, Wellfleet

### EASEMENT AGREEMENT

This Easement Agreement (this “Agreement”) is entered into on this \_\_\_\_ day of June, 2021, by and between the **Town of Wellfleet** (the “Town”), a Massachusetts municipal corporation, acting by and through its Select Board, pursuant to the vote taken under Article 29 of the September 12, 2020 Annual Town Meeting, a certified copy of which is attached hereto and incorporated herein, having an address of 300 Main Street, Wellfleet, MA 02667, and **Stephen F. Douglass, Trustee of the Stephen F. Douglass Trust, dated October 11, 2006 and Laura G. Douglass, Trustee of the Laura G. Douglass Trust, dated October 10, 2006** (the “Grantees”), having an address of 460 N. Washington Road, Lake Forest, IL 60045.

Whereas, the Grantees are the owners of property located at 925 Chequessett Neck Road, Wellfleet, Massachusetts, which property is described in a Quitclaim Deed, dated January 8, 2020, being Certificate of Title 221783 filed with the Barnstable County Registry District of the Land Court, and shown on Land Court Plan 10669-2 and Land Court Plan 10669-V (the “Grantee Property”);

Whereas, the Town is the owner of a public way, known as Chequessett Neck Road in the Town of Wellfleet, Massachusetts (the “Town Property”);

Whereas, the Grantees have installed a water line across Chequessett Neck Road for the purpose of connecting to a well located on property of Chequessett Yacht and Country Club Trust, situated at 680 Chequessett Neck Road, Wellfleet, Massachusetts, described in a deed dated May 25, 1979, being Certificate of Title 78460 filed with the Barnstable County Registry District of the Land Court;

Whereas, the Grantees have requested that the Town convey the Grantees an access and utility easement on a portion of the Town Property for the benefit of the Grantee Property; and

Whereas, the Town is amenable to granting the Grantees an access and utility easement on a portion of the Town Property on the terms and conditions set forth herein.

Now, Therefore, for consideration paid of One Dollar (\$1.00), the parties hereby agree as follows:

1. Easement; Permitted Uses. (a) The Town hereby grants the Grantees a perpetual non-exclusive easement, appurtenant to the Grantee Property, in, on, and under an approximately ten (10) foot wide strip of land, which is shown as “Well and Waterline Easement” (the “Easement Premises”) on a plan entitled “Well & Waterline Easement for Pierce,” dated December 16, 2019, prepared by Coastal Engineering Co., 260 Cranberry Highway, Orleans,

MA 02653, attached hereto as Exhibit A and incorporated herein, solely for the purposes of constructing, installing, maintaining, repairing and replacing a water line under the Easement Premises to a well at the property of Chequessett Yacht and Country Club Trust. In no event will the water line or any appurtenances thereto (the “utilities”) be placed above ground unless the Town grants its prior written consent. The rights granted hereunder are for the sole benefit of the Grantee Property and not for the benefit of any other property, regardless of when acquired.

(b) The Town makes no warranty or representation that the Town Property, including the Easement Premises, is suitable for the Grantees’ use and the Grantees accept the Town Property, including the Easement Premises, in its current “AS IS” condition, at their sole risk. The Town shall have no obligation to maintain, improve, repair, replace or secure the Easement Premises or the Town Property, including, without limitation, any obligation to remove snow or ice therefrom, and shall not be responsible for any loss or damage to the utilities within the Easement Premises.

2. Plans and Specifications. No additional utilities shall be constructed, installed or placed within the Easement Premises, and no material modifications and/or alterations of the utilities shall be permitted, unless the Grantees have given the Town written notice thereof at least thirty (30) days prior thereto, and obtained the Town’s written consent, which consent may be denied in the Town’s absolute discretion (the “Approved Plan”). Notwithstanding the foregoing, the Grantees may repair, maintain and replace the utilities, subject to the terms of Paragraph 3 hereof. The Grantees’ notice shall include a description of and schedule for the work and include plans and specifications showing and describing the work to be done in sufficient detail for the Town to make an informed decision on the work presented. All work shall be done substantially in accordance with the Approved Plan.

3. Construction. All future work done within or to the Easement Premises shall be done in a good and workmanlike manner, using materials of good quality, and in compliance with any and all applicable permits, licenses or other approvals, copies of which shall be provided to the Town at the Town’s request. The Grantees shall use commercially diligent efforts to complete its work in an expeditious manner and to minimize interference with the use of the rest of the Town Property by the Town and others entitled thereto, including following any directives from the Town relative to traffic control, and shall, if required, pay for a police detail to direct vehicles on Chequessett Neck Road during any such work. The Grantees shall remove all construction debris or rubble from the Easement Premises on a daily basis during any construction period. The Grantees shall forthwith repair and restore any damage or disturbance caused by the Grantees and/or their agents, employees, invitees and/or any one acting by, through or under the Grantees (with the Grantees, the “Grantee Parties”) to the rest of the Town Property and/or any improvements made thereto by the Town to their condition prior to such disturbance or damage, at the Grantees’ sole expense.

4. Liens. The Grantees shall not permit any mechanics’ liens or similar liens to remain upon the Town Property for labor and material furnished to the Grantees in connection with work of any character performed at the direction of the Grantees and the Grantees shall cause any such lien to be released of record forthwith without cost to the Town.

5. Utilities. The Grantees shall be solely responsible for obtaining and paying for any utilities installed and/or used by the Grantees within the Easement Premises. The parties

agree that the utilities shall at all times remain the property and responsibility of the Grantees and the Grantees shall pay all taxes, if applicable, and other fees and charges thereon or therefor.

6. Maintenance. The Grantees shall be solely responsible for the maintenance, repair, and/or replacement of the utilities, all at their sole cost and expense, and shall maintain the utilities and the Easement Premises in good, clean, safe and passable order and condition, including, without limitation, all at their sole cost and expense. In no event shall the Town be responsible for the condition or maintenance of the Easement Premises, provided, however, that the Town shall repair any damage to the utilities caused by the gross negligence or willful conduct of the Town.

7. Relocation. The Grantees agree that if the Town intends to use the Easement Premises for Town purposes and/or to maximize its use of the Town Property, the Town may, at its sole cost and expense, relocate the Easement Premises, including any utilities within said Easement Premises, to another portion on the Town Property that is functionally comparable to the original Easement Premises, provided the Town gives the Grantees at least thirty (30) days prior written notice thereof.

8. Hazardous Materials. The Grantees shall not, nor permit anyone else to, bring onto, store, use, release or dispose of any hazardous materials, hazardous substances, oil or other toxic materials (as set forth in G.L. c. 21E and other applicable federal and state law or regulations, "Hazardous Materials") on the Town Property, and shall defend, indemnify, defend and hold harmless the Town from and against any and all claims, causes of action, administrative actions, administrative penalties, damages, fines, judgments, penalties, costs, liabilities or losses (including, without limitation, any and all costs associated with the removal and clean-up of Hazardous Materials, attorneys' fees, consultant and expert fees) arising by reason of or relating to the presence, use, storage, generation or disposal of Hazardous Materials by the Grantees or any of the other the Grantee Parties in, on or about the Town Property.

9. Indemnification; Release. (a) The Grantees and their successors and assigns shall defend, indemnify and hold harmless the Town from and against any and all claims, demands, suits, actions, costs, expenses, judgments and/or liabilities (including without limitation reasonable attorney's fees) which may be imposed upon, incurred by, or asserted against the Town by reason of, or in consequence of any personal injury, death, or property damage or other liability occurring in or around the Town Property caused by, related to, or in connection with the Grantees' exercise of the rights hereunder, the utilities, any failure by the Grantees to comply with the provisions hereof or of any applicable laws, rules, regulations, and bylaws, and/or the act, omission, negligence and/or intentional misconduct of the Grantees or any of the other Grantee Parties.

(b) The Grantees, for themselves and their successors and assigns, release the Town, its agents, employees, contractors, consultants, board members, officers and those acting by or through the Town (collectively, with the Town, the "Town Parties"), from any and all loss, damage, harm, expense, and/or liability related to the condition or use of the Town Property, including the Easement Premises, except to the extent caused by the direct gross negligence or willful conduct of the Town Parties. Except as provided otherwise, the Grantees shall not assert or bring, nor cause any third party to assert or bring, any claim, demand, lawsuit or cause of

action against the Town in any way relating to or arising from the utilities, the Town Property, and/or the Grantees' exercise of its rights hereunder.

10. Insurance Coverages. The Grantees shall procure, at their sole cost and expense, the following insurance: (a) commercial general liability insurance with a minimum coverage amount of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate limit. The policy shall include blanket contractual liability insurance for all written contracts, and shall include coverage for products and completed operations liability and independent contractor's liability, coverage for property damage from perils of explosion, collapse or damage to underground utilities; (b) automobile liability insurance for owned and non-owned automobiles and trucks, and/or rented automobiles and trucks, in the amount of One Million Dollars (\$1,000,000); (c) workers compensation in the minimum amount of the statutory limit; and (d) umbrella liability in the minimum amount of Three Million Dollars (\$3,000,000) per occurrence and Three Million Dollars (\$3,000,000) aggregate over all other insurance required by this Agreement. The Town shall have the right to require the Grantees to increase the amount of the coverage required hereunder from time to time if the same is then required or recommended for properties similar to the Town Properties in Barnstable County.

11. General Insurance Requirements. All insurance required hereunder shall name the Town as an additional insured (except workers compensation), and shall be issued by insurers authorized to transact insurance business in the Commonwealth of Massachusetts and having an A or better financial rating from a recognized insurance accreditation institution (such as A.M. Best Company). All insurance policies and certificates shall include a provision requiring thirty (30) days' (10 days in the case of cancellation for non-payment of premium) written notice to the Town of any cancellation or reduction. At least annually, and at such other times as the Town may reasonably request, the Grantees shall provide the Town with a certificate evidencing the coverages required hereunder. The Grantees' failure to obtain, procure and/or maintain the required insurance at all times shall constitute a material default hereunder. The Grantees' obligations to the Town under this Agreement shall not be limited by the requirement for, or existence or amount of, insurance coverage.

12. The Town's Rights. The Grantees acknowledge and agree that the Town has the right to use the Town Property, including the Easement Premises, at any and all times for any and all purposes, including, without limitation, the right to pass and repass by foot and vehicles, pave, repair, alter and/or improve the Easement Premises, and install utilities and other improvements in, on, and under the Easement Premises as the Town deems necessary or convenient, provided that the Town does not materially interfere with the Grantees' use thereof for the purposes set forth herein.

13. Miscellaneous:

(a) During the exercise of the rights hereby granted, the Grantees shall not, and shall not permit any of the other the Grantee Parties to interfere unreasonably with the operations of the Town in its use of the Town Property, including the Easement Premises, or the operation and/or use by others entitled thereto.

(b) Any notice required or given under this Agreement shall be deemed duly served if hand-delivered, mailed by registered or certified mail, return receipt requested, postage prepaid,

or sent by recognized overnight delivery, addressed to the parties at the addresses set forth above, which may be changed with like notice.

(c) This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this Agreement shall be brought in courts within the Commonwealth of Massachusetts.

(d) This Agreement contains the entire agreement of the parties and there are no other agreements or understandings between the parties regarding the subject matter of the Agreement. This Agreement may not be modified except in writing, duly executed by both parties.

(e) The captions and headings throughout this Agreement are for convenience of reference only and the words contained therein shall in no way be held or deemed to define, limit, explain, modify, amplify or add to the interpretation, construction or meaning of any provisions of, or the scope or intent of this Agreement, nor in any way affect this Agreement, and shall have no legal effect.

14. Authorization of Trustees. The undersigned Grantee Trustees certify under the penalties of perjury that the Grantee Trusts have not been terminated or altered except by instrument registered with the Barnstable Registry District of the Land Court, that the Trustees have the authority to execute and deliver the within instrument, that all beneficiaries of the said Trusts are of adult age and competent, and that all beneficiaries have authorized and directed the Trustees to execute and deliver the within instrument.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have executed this Easement Agreement as of the date first written above.

TOWN OF WELLFLEET,  
By its Select Board

GRANTEES

STEPHEN F. DOUGLASS TRUST

\_\_\_\_\_  
Michael DeVasto, Chair

By: \_\_\_\_\_  
Stephen F. Douglass, Trustee of the  
Stephen F. Douglass Trust

\_\_\_\_\_  
Janet Reinhart, Vice Chair

\_\_\_\_\_  
Ryan Curley, Clerk

LAURA G. DOUGLASS TRUST

\_\_\_\_\_  
Justina Carlston

By: \_\_\_\_\_  
Laura G. Douglass, Trustee of the  
Laura G. Douglass Trust

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

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned Notary Public, appeared \_\_\_\_\_, member of the Wellfleet Select Board, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Wellfleet.

\_\_\_\_\_  
Notary Public  
My Commission Expires:



COMMONWEALTH/STATE OF \_\_\_\_\_

\_\_\_\_\_, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned Notary Public, appeared Stephen F. Douglass, Trustee of the Stephen F. Douglass Trust, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as said Trustee and that all statements are true to the best of his knowledge and belief.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH/STATE OF \_\_\_\_\_

\_\_\_\_\_, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned Notary Public, appeared Laura G. Douglass, Trustee of the Laura G. Douglass Trust, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose as said Trustee and that all statements are true to the best of her knowledge and belief.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

EXHIBIT A

Plan



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

V

### BUSINESS ~ H

<b>REQUESTED BY:</b>	<b>Board Member Ryan Curley</b>
<b>DESIRED ACTION:</b>	<b>Refer Wellfleet Town Media AV Channels Policy</b>
<b>PROPOSED MOTION:</b>	<b>I move to refer the Wellfleet Town Media AV Channels Policy as drafted to the Town Administrator to refer to Department Heads, Public Bodies of the town, and town Counsel, for comment and review, to be returned to the Selectboard no later than July 27, 2021.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

# **Wellfleet Town Media AV Channels: Policy**

**I. POLICY** – The Wellfleet Government Access Cable Television Channel and Wellfleet Town Media’s Youtube Channel (hereafter “Town Media’s Channels”) is intended solely to provide information to Wellfleet citizens about issues, services, programs, activities, and events involving or affecting local government and the community.

**II. CONTENT** – All open meetings of all Town bodies, will be recorded by audio video (AV) for streaming and television broadcast in their entirety, without editing or commentary (with the sole exception of editing out technical pauses which may occur to rearrange chairs or equipment). All recordings must be accessible through the town’s YouTube Channel. Where staff is not available to record the meeting, it is the responsibility of a body’s chair, vice chair, and secretary to record the meeting. Said recording must be provided to town staff within 72 hours after a meeting is adjourned. All Legally approved Executive Sessions will not be recorded. The taxation aid committee shall be exempt from this policy.

**A.** All content must meet approval of technical broadcast standards at the discretion of the Media Operations Manager.

**B.** Political forums and debates may be recorded for broadcast and/or streaming. Town Media’s Channels may not be used for the promotion of individual political campaigns. All commercial advertising and religious promotion is prohibited.

**C.** Programming and streaming schedules will be at the discretion of the Media Operations Manager and preference may not be awarded based on financial compensation.

D. Any outside agency or citizen submitting programming for broadcast and/or streaming is responsible for obtaining all necessary copyright clearances and will hold the Town and its successors, departments, officers, employees, servants, attorneys, and agents harmless in any case of copyright infringement.

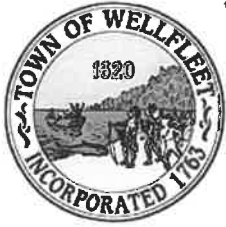
**III. ACCURACY** – The accuracy of all information on Town Media’s Channels is the responsibility of the body, or entity being recorded. Statements made may not reflect the views of Town Media personal, other Town staff, or public bodies separate from the body recorded. Town Media staff is not responsible for the accuracy or quality of information recorded.

**IV. ACCESS** – All members of the public will have equal access to Town Media’s content. Town Media will broadcast continuously except in the case of technical malfunction. DVD copies of Town Media programming will be made available upon request to the Media Operations Manager. Streaming content can be viewed on personal computers, mobile devices, or Town computers at the Wellfleet Public Library.

**V. EQUIPMENT USAGE** – Town Media equipment is used for the production of Town Media content and may not be loaned to the public. Town Media equipment may be used by the Media Operations Manager and approved Production Technicians to produce programming for other Town entities and departments (including but not limited to: the Public Library, the Council on Aging, and local community organizations without political or religious affiliation) at the discretion and approval of the Media Operations Manager and Town Administrator.

**VI. STAFFING** – The Media Operations Manager is the director of all Town Media business and will report to the Town Administrator and Selectboard as required. The Media Operations Manager will hire and manage Production

**Technicians. The work of all Production Technicians must meet technical broadcast standards and the approval of the Operations Manager. Production Technicians may not make any technical, political, financial, or managerial decisions for Town Media without explicit instruction from the Media Operations Manager.**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

# VII

### BUSINESS ~ I

<b>REQUESTED BY:</b>	<b>Town Administrator Charlie Sumner, Lisa Souve, &amp; Mary McIsaac</b>
<b>DESIRED ACTION:</b>	<b>To review, reconsider, amend, and vote some town meeting warrant articles</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the amended articles as presented by town administrator Charlie Sumner</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**\*\*Warrant Articles to be amended\*\***



**PROPOSED MOTIONS  
Annual Town Meeting  
June 26, 2021**

**These motions were prepared by the Town Administrator as a guide for persons desiring to offer affirmative motions under each article and are not meant to preclude the offering of alternate motions.**

**SECTION I: BUDGET ARTICLES**

**ARTICLE 1: FY 2022 Operating Budget.**

Motion: I move that the Town vote to approve the Selectmen's Fiscal Year 2022 Town Operating Budget as printed in the warrant in Appendix A, however that the following line items be amended, as follows:

	Department	Line-Item No.	Current Request	Amended Request
a.	Town Administrator's Expenses	#123	\$9,900.00	\$11,900.00
b.	Reserve Fund	#132	\$0.00	\$89,500.00
c.	Shellfish Salaries	#179	\$256,774.50	\$265,030.00
d.	DPW Facilities	#417	\$340,950.00	\$349,150.00

and that the total amount of \$21,673,707.69 be amended to \$21,781,663.19, with each item to be considered a separate appropriation, including fixing the salaries and compensation of all elected officers of the Town for Fiscal Year 2022, and including approving the Nauset Regional School District and Cape Cod Regional Technical High School District budgets for Fiscal Year 2022, with funding for the Operating Budget provided in the following manner:

Raise and Appropriate		\$20,145,207.19
Beach Fund		\$1,008,200.00
Shellfish Fund		\$8,256.00
Transfer Station/SEMSS Fund		\$400,000.00



**\*\*Warrant Articles to be amended\*\***

Recreation Fund		\$20,000.00
Stabilization Fund		\$200,000.00
<b>Grand Total</b>		<b>\$21,781,663.19</b>

**ARTICLE 2: FY2021 Budget Transfers.**

Motion: I move that the Town approve the following Fiscal Year 2021 Operating Budget transfers, as follows:

	From:	To:	Line-Item No.	Amount
a.	Beach Fund	Beach Salaries & Wages	#699	\$45,000.00
b.	Fire Department Salaries	Tax Work-off Program	#940	\$8,450.00
c.	Fire Department Salaries	Insurance Premiums	#945	\$29,000.00
d.	Fire Department Salaries	Barnstable County Retirement	#911	\$25,300.00
e.	Fire Department Salaries	Unemployment Insurance	#913	\$15,750.00
f.	Fire Department Salaries	Tax Title Expense	#158	\$6,200.00
g.	Fire Department Salaries	Town Clerk/Registrar	#161	\$5,500.00
h.	Fire Department Salaries	Nauset Regional School District	#301	\$4.00
i.	Fire Department Salaries	Community Services Expense	#660	\$30,000.00
j.	Fire Department Salaries	Board of Health	#510	\$5,000.00
k.	Fire Department Salaries	Veteran's Other Assessment	#543	\$1,200.00
l.	Fire Department Salaries	Veteran's Benefits	#543	\$850.00
m.	Snow & Ice Expense	Town Administrator Salaries	#123	\$50,000.00
n.	Snow & Ice Expense	Town Accountant Salaries	#135	\$50,000.00
o.	Snow & Ice Expense	Short-Term Loan Principal & Interest	#423	\$15,750.00
p.	Shellfish Fund	Shellfish Expenses	#179	\$4,638.00
	<b>Grand Total</b>			<b>\$292,642.00</b>

***\*\*Warrant Articles to be amended\*\****

**Article 3 - FY2022 Capital & Debt Service Budget.**

**Motion 3:** I move that the Town vote to approve the Fiscal Year 2022 Town Capital & Debt Budget as printed in the warrant, however that within:

- a. Appendix B-1 Capital Budget - Items 161 (Town Clerk Shelving \$11,000.00 and Town Clerk Microfilming Town Records \$5,750.00) be deleted, and
- b. Appendix B-2 Debt Services – Total Debt Service be amended from the sum of \$2,316,564.87 to \$2,733,288.80,

And further that to fund this amended total appropriation in the amount of \$3,518,419.80 that the Town vote, as follows:

Raise and Appropriate		\$2,940,969.80
Transfer from Ambulance Fund		\$423,000.00
Transfer from Shellfish Fund		\$24,000.00
Transfer from Stabilization Fund		\$100,000.00
Transfer from CPC Fund Balance Reserved for Open Space		\$30,450.00
Grand Total		\$3,518,419.80

For these purposes.



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: June 22, 2021

# VII

### BUSINESS ~ J

<b>REQUESTED BY:</b>	<b>Principal Clerk</b>
<b>DESIRED ACTION:</b>	<b>Vote to amend the meeting agenda and minutes of the January 26, 2016; Selectboard Meeting to include Michael DeVasto Shellfish grantor 855 &amp; 855B</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the amendment of the January 26, 2016 Selectboard Meeting Agenda and Minutes to include Michael DeVasto shellfish grantor 855 &amp; 855 B</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## Board of Selectmen

The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, January 26, 2016 at 7:00 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.

- I. Announcements, Open Session and Public Comment [7:00]** *Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.*
- II. Public Hearing(s) [7:05]**
  - A.** Applications on file from: 1. Charles Reaves to transfer shellfish grant license #861 and 861-A from Charles Reaves to Charles Reaves and Clinton Austin and to renew shellfish grant licenses # 861 and 861A for a ten year period; 2. Patrick Winslow to transfer shellfish grant license # 09-01 from Patrick Winslow to Patrick Winslow and Chelsea Winslow and to renew shellfish grant license #09-01 for a ten year period.
  - B.** Applications on file to renew for ten year period from: 1. John Connors for shellfish grant licenses # 853, 853A, 853B and 853C; 2. Ethan Estey for shellfish grant license # 09-03; 3. Russell Junkins, Sheila Avery and Rodney Avery for shellfish grant license # 89-4; 4. Tobin Storer and Jeremy Storer for shellfish grant licenses # 811 and 811A; 5. William Young Jr. for shellfish grant licenses # 7311A, 7311B and 751; 6. Bradford Morse for shellfish grant licenses # 852 and 852A and 852B; 7. Michael Ramsdell for shellfish grant licenses # 855 and 855B.
  - C.** To discuss possible amendments to the Town of Wellfleet Shellfishing Policy and Regulations 7.18.5.
  - D.** Amendment of fees of the Recreation Department.
- III. Appointments and Reappointments**
  - 1)** Appoint DPW Director Mark Vincent and Police Chief Ronald Fissette to serve with the Building Needs and Assessment Committee as the Designer Selection Committee for the selection of a designer for the renovation of the police station.
- IV. Use of Town Property**
  - A.** Application on file from Challenger Sports to hold Children's Soccer Camp at Baker Field, August 22-26, 2016. \$20 Application fee paid; Event fee TBD.
  - B.** Application on file from Mike Dionne/Ragnar Events to hold a Running Relay on May 14, 2016, 4am-5pm; \$20 application fee paid; event fee TBD.
- V. Business**
  - A.** Possible repeal of policy 2007-01 Commercial Slip Transfers (now in Marina Regulations Sec. IV. G). [TA]
  - B.** Possible repeal of policy 2008-02 Marina Off Season Marina Storage and Parking. (This policy applied to the 2008 – 09 off season only. The subject is now regulated in Marina Regulations Sections VII. D (off season storage) and X (parking).) [TA]
  - C.** Amend Senior Citizen Tax Work-Off Policy by replacing "Council on Aging Director" with "Community Services Director" [TA]
  - D.** Initial review of draft warrant for 2016 Annual Town Meeting [TA]
  - E.** Meeting with town counsel to discuss continuity of representation [TA]
- VI. Town Administrator's Report**
- VII. Future Concerns**
- VIII. Correspondence and Vacancy Report**
- IX. Minutes [January 12 and January 19, 2016]**
- X. Executive session**
  - A.** To discuss strategy with respect to collective bargaining with Wellfleet Employees Association Units A & B.
- XI. Adjournment**

TOWN OF WELLFLEET  
PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, January 26, 2015 at 7:05 p.m. in the Wellfleet Council on Aging to consider the following:

- Application received November 17, 2015 from Charles Reaves to transfer shellfish grant license #861-A from Charles Reaves to Charles Reaves and Clinton Austin and to renew shellfish grant licenses # 861 and 861A for a ten year period.
- Application received November 24, 2015 from Patrick Winslow to transfer shellfish grant license # 09-01 from Patrick Winslow to Patrick Winslow and Chelsea Winslow and to renew shellfish grant license #09-01 for a ten year period.
- Application received November 25, 2015 from John Connors to renew shellfish grant licenses # 853, 853A, 853B and 853C for a ten year period.
- Application received November 30, 2015 from Ethan Estey to renew shellfish grant license # 09-03 for a ten year period.
- Application received December 7, 2015 from Russell Junkins, Sheila Avery and Rodney Avery to renew shellfish grant license # 89-4 for a ten year period.
- Application received December 29, 2015 from Tobin Storer and Jeremy Storer to renew shellfish grant licenses # 811 and 811A for a ten year period.
- Application received December 29, 2015 from William Young Jr. to renew shellfish grant licenses # 7311A, 7311B and 751 for a ten year period.
- Application received January 13, 2016 from Bradford Morse to renew shellfish grant licenses # 852 and 852A and 852B for a ten year period.
- Application received January 15, 2016 from Michael Ramsdell to renew shellfish grant licenses # 855 and 855B for a ten year period.
- To discuss possible amendments to the Town of Wellfleet Shellfishing Policy and Regulations 7.18.5.

Recommendation of the Shellfish Constable will be available in the Administration Office.

WELLFLEET BOARD OF SELECTMEN



**Wellfleet Board of Selectmen  
Minutes of January 26, 2016  
Wellfleet Senior Center**

**Present:** Selectmen Paul Pilcher, Dennis Murphy, Helen Miranda Wilson; Berta Bruinooge, Jerry Houk; Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

Chairman Paul Pilcher called the meeting to order at 7:00 pm.

**Announcements, Open Session and Public Comment**

- Houk announced that the DPW did a great job plowing the streets during the last snow storm.
- Police Chief Ronald Fisette said that the FEMA Pre-disaster Mitigation Plan is in progress and will be available for review by the Selectmen on agenda for February 23, 2016.
- Community Services Director Suzanne Grout Thomas announced that the floors at the Senior Center will be replaced on February 10 and the goal is to be finished before February 23, so it won't impact the Selectmen meeting location.

**Public Hearing(s) – Pilcher opened the public hearings at 7:05 pm.**

**Transfers and Renewals of Shellfish Grant Licenses**

Shellfish Constable Andrew Koch recommended the requested transfers on file<sup>1</sup>.

**MOTION 215-428:** Murphy moved and Wilson seconded to approve the application from Charles Reaves to transfer shellfish grant license #861 and 861-A from Charles Reaves to Charles Reaves and Clinton Austin and to renew shellfish grant licenses # 861 and 861A for a ten year period. The motion passed 5-0.

**MOTION 215-429:** Bruinooge moved and Wilson seconded to approve the application of Patrick Winslow to transfer shellfish grant license # 09-01 from Patrick Winslow to Patrick Winslow and Chelsea Winslow and to renew shellfish grant license #09-01 for a ten year period. The motion passed 5-0.

Constable Koch recommended the renewal of all shellfish grant licenses as requested<sup>2</sup> by the grant holders.

**MOTION 215-430:** Wilson moved and Bruinooge seconded to approve the applications on file to renew for ten year period from: 1. John Connors for shellfish grant licenses # 853, 853A, 853B and 853C; 2. Ethan Estey for shellfish grant license # 09-03; 3. Russell Junkins, Sheila Avery and Rodney Avery for shellfish grant license # 89-4; 4. Tobin Storer and Jeremy Storer for shellfish grant licenses # 811 and 811A; 5. William Young Jr. for shellfish grant licenses # 7311A, 7311B and 751; 6. Bradford Morse for shellfish grant licenses # 852 and 852A and 852B; 7. Michael Ramsdell for shellfish grant licenses # 855 and 855B. Discussion ensued. Grant holders of for shellfish grant licenses # 853, 853A, 853B and 853C were present and said that their names are not listed in the renewal application. The Selectmen deferred action on the application of John Connors for renewal of shellfish grant licenses # 853, 853A, 853B and 853C to the next meeting when the list of all grant holders is available. The motion approving the renewal of the grants listed (other than grants 853, 853A and 853B) passed 5-0.

### **Amendments to the Town of Wellfleet Shellfishing Policy and Regulations 7.18.5<sup>3</sup>.**

Koch confirmed that the new rule for overwintering Shellfishing equipment and gear on grants has been working well, but this proposed change is in effort to address concerns of several grant holders in for the vitality of their shellfish aquaculture in the inner harbor, if the gear is removed. He explained that this new rule will be considered upon special requests on case by case bases. Barbara Austin, Chair of the Shellfish Advisory Board supported the request and thanked the Selectmen for their patience in dealing with Shellfishing Policy and Regulations.

**MOTION 215-431:** Bruinooge moved and Wilson seconded to approve the amendments to the Town of Wellfleet Shellfishing Policy and Regulations 7.18.5 Overwintering of Equipment on Grants to be: Racks, rebar or u hooks used to secure nets on a licensed area must either be securely fastened to within eight inches (8") of the bottom or removed by January 15, or before ice prevents removal, whichever comes first. Any licensee who wishes to overwinter racks on their grant must obtain and sign an agreement form available from the Shellfish Department. (See Appendix D.) In parts of the harbor where there may be a risk of silt covering overwintered racks on a licensed area, the Constable may waive the height requirement in 7.18.5, after a visit to the specific site and documenting the adjustment on the Agreement Form. Koch answered a question raised by Murphy about the duration of the amendment by saying that the new rule will be in effect until further notice. The motion passed 5-0.

**MOTION 215-432:** Wilson moved and Bruinooge seconded to approve the amendment of the Form of Agreement<sup>4</sup> related to Town of Wellfleet Shellfishing Policy and Regulations 7.18.5. as printed. The motion passed 5-0.

### **Amendment of fees of the Recreation Department**

Recreation Director Becky Rosenberg went over the proposed changes of the fee schedule for the Recreation Department and said that the fees have not been raised over the last three years, and those modest changes will become more in line with surrounding towns. Rosenberg talked about the different activities of the Summer Recreation Program. Wilson had questions about the swimming fee lessons for second child of residents versus non residents and asked if the fee for second child of residents can be lowered. Rosenberg explained the fee schedule. Pilcher had concerns about the higher resident versus nonresident percentage rate increases and said he would like to see the percentage increases at least equal or even higher for non residents. Community Services Director Thomas said that the requested changes will be available for another review at the next meeting.

**MOTION 215-433:** Bruinooge moved and Murphy seconded to continue the hearing on amendment of Recreation Department fees to February 9, 2016. The motion passed 5-0.

### **Appointments and Reappointments**

**MOTION 215-434:** Murphy moved and Bruinooge seconded to appoint DPW Director Mark Vincent and Police Chief Ronald Fisette to serve with the Building Needs and Assessment Committee as the Designer Selection Committee for the selection of a designer for the renovation of the police station. The motion passed 5-0.

### **Use of Town Property**

**Request file from Challenger Sports to hold Children's Soccer Camp at Baker Field in August**  
Representative of Challenger sports requested the use of Baker Field for Children's Soccer Camp from August 22 to August 26, 2016. Recreation Director Rosenberg supported the request.

**MOTION 215-435:** Bruinooge moved and Murphy seconded to approve the application on file from Challenger Sports to hold Children’s Soccer Camp at Baker Field, August 22-26, 2016 with use fee of \$500, provide proof of liability insurance and obtain a camp permit. The motion passed 5-0.

**Request from Mike Dionne/Ragnar Events to hold a Running Relay on May 14, 2016, 4am–5pm**  
The Selectmen discussed possible fee schedule for the event, its nature and logistics. Fisette said that the event holder usually pays for police detail.

**MOTION 215-436:** Bruinooge moved to approve the application from Mike Dionne/Ragnar Events to hold a Running Relay on May 14, 2016, 4am–5pm with use fee of \$500, event organizer to furnish proof of liability insurance, responsible for trash removal, portable toilets and cost of police details. Wilson seconded the motion. Further discussion ensued for the \$500 fee and the Selectmen agreed that more information will be helpful on the for profit or nonprofit status of the requesters, if a use fee revision is requested. The motion passed 5-0.

### **Business**

#### **Possible repeal of policy 2007-01 Commercial Slip Transfers**

Terkanian explained that this is now part of the Marina Regulations Sec. IV. G.

**MOTION 215-437:** Murphy moved and Wilson seconded to repeal policy 2007-01 Commercial Slip Transfers (now in Marina Regulations Sec. IV. G.). The motion passed 5-0.

#### **Possible repeal of policy 2008-02 Marina Off Season Marina Storage and Parking.**

Terkanian explained that this policy applied to the 2008 – 09 off season only. The subject is now regulated in Marina Regulations Sections VII. D (off season storage) and X (parking)).

**MOTION 215-438:** Murphy moved and Wilson seconded to repeal policy 2008-02 Marina Off Season Marina Storage and Parking. The motion passed 5-0.

**MOTION 215-439:** Wilson moved and Bruinooge seconded to Amend Senior Citizen Tax Work-Off Policy by replacing “Council on Aging Director” with “Community Services Director”. The motion passed 5-0.

#### **Meeting with town counsel Kopelman and Paige to discuss continuity of representation**

Betsy Lane of Kopelman and Paige (K&P) shared her intention with the Selectmen to retire and assured the Board that Darren Klein and Carolyn Murray as counsel providing services to the Town. She also introduced Deborah Ecker and her qualifications and credentials. Lane talked about the history and track record between K&P and the Town of Wellfleet and the many benefits provided by K&P as part of their representation. Lane referred to a binder specifically prepared for this purpose. Carolyn Murray and Deborah Ecker personally introduced themselves to the Selectmen by giving a brief history of their background. The Selectmen thanked Lane for her dedicated service and the discussion concluded without any action taken by the Board.

#### **Initial Review of Draft 2016 ATM Warrant<sup>5</sup>**

Terkanian lead the discussion for initial review of the draft 2016 ATM warrant. He went over the financial articles and wage adjustments. Pilcher asked a question about potential overrides. Terkanian explained scenarios of how to handle override articles. He said that article 8 for the 13<sup>th</sup> Police Officer is possible candidate for an override. Bruinooge suggested placing the total amount of Town’s liability in article 10. Wilson had a question on the OPEB and wanted to know if the amount appropriated could be increased in order to not put a big burden on the Town in the future. Bruinooge said that she would like to see more appropriated to OPEB, but this may not be possible due to current operating budget



deficits. Terkanian continued the warrant review by addressing each article individually. Special attention was given on proposed articles for snow and ice removal of private roads; Proposed betterment assessments for future expansions of the Wellfleet Municipal Water System, and Herring River Restoration Project authorization for Selectmen to serve on it; and proposed fee increase for the Innholders and Common Victualers licenses. Pilcher referred to the snow removal article and wanted to know the deadline for the articles. Terkanian explained that the Selectmen are not under the same restrictions and deadlines as other Boards and the deadline for petitioned articles is February 28. Carlson said that the Planning Board articles will be available for the meeting in February. Wilson shared several concerns: 1. About the Charter where the Water System is no longer part of DPW and this should be addressed. Terkanian explained how the process of the charter review works. 2. Requested Including financial definitions such as debt service, reserved receipts and possibly others as part of the introduction of warrant; 3. No Poison By-Law article possibly proposed by Board of Health, BWC or ConsCom. Terkanian said that it might not be legal for the Town to do this. Town Counsel Lane said that this may be conflicting with the State Bylaws, but there may be some options where locations for protection can be specified. The discussion concluded without any action.

### **Town Administrator's Report**

Terkanian presented his report<sup>6</sup> and added:

- One complaint for damaged mailbox has been received after the snow plowing over the weekend, but the main damages of the snow storm are to the phone lines of WES. Verizon has advised that the lines will be fixed by Wednesday evening.
- TA Search Committee first meeting is scheduled for January 28, 2016 at 2 pm.
- Request for Designer Services for Police Station is posted on the Town's web site and is expected to be available for award for the meeting on March 1, 2016.

### **Future Concerns**

- Bruinooge shared concerns about single shifts police coverage as a result of the Police Chief's report dated January 19, 2016, and suggested adding \$18,000 in the Police budget to deal with this potentially dangerous situation.
- Wilson suggested regular approval of executive session minutes.
- Terkanian talked about a discussion he had with Seth Rolbein about the Historical Society placing photographs (see letter in correspondence folder) for historic signs and historic high water markings. These two can be future agenda items.

### **Correspondence<sup>7</sup> and Vacancy<sup>8</sup> Report**

#### **Minutes**

**MOTION 215-440:** Murphy moved and Wilson seconded to approve the minutes<sup>9</sup> of January 12, 2016 as amended by Wilson. The motion passed 5-0.

**MOTION 215-441:** Bruinooge mover and Wilson seconded to approve the minutes<sup>10</sup> of January 19, 2016 with amendments by Pilcher and Wilson.

#### **Executive session & Adjournment**

Pilcher read the purpose of the executive session: "To discuss strategy with respect to collective bargaining with Wellfleet Employees Association Units A & B" and said that discussing this in open session may have detrimental effect.

**MOTION 215-442:** Pilcher moved and Wilson seconded to adjourn the public meeting at 8:38 pm and enter in executive session for the above stated purpose and not reconvene in open session. The

motion passed by a roll call vote where Murphy, Bruinooge, Pilcher, Wilson and Houk each said “Aye”.

Respectfully submitted,

Michaela Miteva  
Executive Assistant

---

<sup>1</sup> Shellfish Grant Holders applications on file for grant transfers and license renewals

<sup>2</sup> Shellfish grant holders applications for renewal

<sup>3</sup> Proposed changes to the Town of Wellfleet Shellfishing Policy and Regulations 7.18.5

<sup>4</sup> Shellfishing Rules and Regulations Form of Agreement for Overwintering of Equipment on Grants

<sup>5</sup> First Draft of 2016 ATM Warrant

<sup>6</sup> TA Report of January 21, 2016

<sup>7</sup> Correspondence Report of January 25, 2016

<sup>8</sup> Vacancy Report of January 22, 2016

<sup>9</sup> Draft minutes of January 12, 2016

<sup>10</sup> Draft minutes of January 19, 2016



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021



---

## SELECTBOARD REPORTS:

Reported by:	Topic:



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

IX

---

## TOWN ADMINISTRATORS REPORT

- Please see selectboard packet

To: Selectboard  
From Charles L. Sumner, Interim Town Administrator  
Subject: Town Administrator's Report  
Date: June 17, 2021

Please find enclosed a copy of my report for the period of June 4, to June 17, 2021:

**1. Meetings:**

- a. Continued to participate in a series of meetings with staff representation hosted by Dan Silverman, Town Moderator in preparation for the June 26, 2021, Annual Town Meeting.
- b. I attended the June 9, 2021, Finance Committee to provide them with an overview of Administration's plan to address issues identified in the Auditors 2020 Management letter. Additionally, we reviewed the current 2021 ATM Warrant to present a series of updates on several warrant articles. I will be meeting with the Finance Committee again on June 24, 2021, to present the final funding requests for Article 1, 2 & 3.
- c. I participated in a webinar offered by the Office of Inspector General and the Department of Revenue related to municipal audits. The training session focused on the following elements:
  - What are the difference components of an audit, and what do they cover?
  - What are the benefits of having an audit completed in your community?
  - What are the best practices for procuring a local audit?
  - How often is a community required to have an external audit completed?
  - This session also discussed the benefits of making the audit process transparent, as well as the concept of creating an Audit Committee.

**2. Department of Local Services/ Division of Local Services (DOR/DLS):**

I had a conference call on June 16, 2021, with Jared Curtis and Marcia Bohinc from DOR/DLS relative to scheduling the financial management review for the Town of Wellfleet. Additionally, this meeting was designed to provide a brief overview of the community issues and problems that need to be addressed. We have tentatively agreed for a start date during the last week in July 2021 to kick-off this process. The first element will consist of initial interviews with critical staff.

The Town did receive two grant awards from the DOR/DLS this past winter to undertake 1) Review and Creation of Financial Policies & Procedures, and 2) Review of all Human Resource Practices. The previous Town Administrator did enter a contract with the Edward J. Collins Center for Public Management to undertake this scope of work, however neither of these processes have begun to date. The State has requested that we not undertake work under these contracts until they complete their review.

**3. Town Operating Budget:**

Lisa Souve and I have invested a substantive amount of time reviewing a variety of fiscal issues in relationship to the upcoming 2011 Annual Town Meeting. These fall into the following categories.

- Article No. 1 – Fiscal Year 2022 Operating Budget.  
We are recommending 4 amendments to the proposed FY2022 spending plan, which the Town Administrator's, Finance Committee Reserve Fund, Shellfish Salaries and DPW

Facilities budgets totaling \$107,955.50. I also am recommending the use of \$200,000.00 from the Stabilization Fund for the Fiscal Year 2022 Operating Budget.

- **Article No. 2 – FY2021 Budget Transfers.**  
One of the tasks that we have also been working on is departmental spending for the current Fiscal Year 2021 Operating budget. This has been a little challenging due to the deficiencies with the current financial management system. Nevertheless, we will be proposing a series of 16 amendments totaling \$292,642.00 for Fiscal Year 2021, using savings in other appropriations to offset these deficiencies.
- **Article No. 3 – FY2022 Capital & Debt Service Budget.**  
Finally, we have reviewed the proposed Capital Plan & Debt budget and found several issues. First within the Capital Budget (B-1), we are recommending the deletion of Items 161 for the Town Clerk' shelving and microfilming town records, which already have funding available. More significantly we are proposing an amendment to Debt Budget B-2 to increase the funding request from \$2,316,56.87 to \$2,733,288.80.

**4. Town Meeting Motions Booklet:**

I have been working in cooperation with Dan Silverman, Harry Terkanian, Lisa Souve, Town Counsel and Rebekah Eldridge on the motions booklet for the 2021 Annual Town Meeting, which was complete and sent to the printer on June 17, 2021.

**5. Media Operations:**

I am sorry to inform you that I received a letter of resignation from Mia Baumgarten as our Media Operations Manager, effective July 2, 2021. Mia has accepted a full-time position with the Town of Orleans. Of course, she has graciously offered to assist us with recruitment and training as we move forward.

**6. Covid-19 Matters:**

We are relieved to inform you that the Legislature and the Governor have approved special legislation to continue our ability to hold virtual public meetings through April of 2022. While I have not spent any time on this matter, I do believe that we will need to review our regulations going forward as well as our technology in our various meeting rooms to accommodate those that would prefer to attend remotely. I do know that the Towns of Orleans and Brewster have made an investment in their public meeting spaces to provide for remote participation going forward.

**7. Independent Science Research Study:**

We have received a proposal from a group of students from Thayer Academy who will be conducting an independent science research project through Thayer Academy over the summer to identify and study plastic contamination present on our beaches. They will be using Newcomb Hollow Beach as one of several locations for the study. They will work with and coordinate activities with Suzanne Thomas and share a copy of the study results upon completion.

**8. Legal Opinions:**

I have Town Counsel working on 2 separate legal review matters. The first the use of alternative on our public bodies. Secondly the Rights of Public Access Committee is seeking some advice regarding public access on the Boat House property on Lieutenant Island.

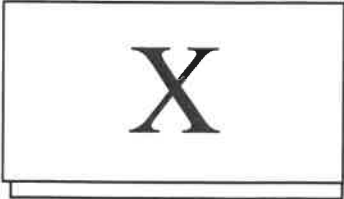
Sincerely,  
Charlie Sumner  
Interim Town Administrator





# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021



---

## TOPICS FOR FUTURE AGENDAS

Requested by:	Topic:	Requested to be on:





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

XI

---

# CORRESPONDENCE AND VACANCY REPORTS



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: June 22, 2021

XII

## MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of Minutes for June 8, 2021</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the Minutes of June 8, 2021 as printed in Draft form</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**Wellfleet Selectboard  
Virtual Meeting ~ Zoom  
Tuesday June 8, 2021; 6PM  
Meeting Minutes**

**Members Present:** Michael DeVasto, Chair; Janet Reinhart, Justina Carlson, Ryan Curley, Helen Miranda Wilson

**Others Present:** Charlie Sumner, Interim Town Administrator; Rebekah Eldridge, Executive Assistant; Rebecca Slick, Assistant Town Administrator; Chief Rich Pauley, Fire Chief; Jay Norton, Acting DPW Director; Will Sullivan, Harbormaster; Trudy Vermehren, Fox and Crow Restaurant; Mary Gallagher, Nanci Sullivan, Frank Corbishley, Dan Silverman, Town Moderator; Michael Nelligan, Powers & Sullivan Auditor; Laura Stone, Auditor Powers & Sullivan; Lara Henry, Executive Director Wellfleet Chamber of Commerce; Michelle Insley, Wellfleet SPAT; Suzanne Grout-Thomas, Beach Director; Carole Ridley, Coordinator Herring River restoration project; Sarah Fleming, Ducks Unlimited; Moe Barocas, Resident of Wellfleet.

Chair DeVasto called the meeting to order at 6:00PM

**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.

- Chair DeVasto stated his condolences to the town staff and family members of Mark Vincent who passed away suddenly.
- Board Member Wilson informed the public that there will be a round table meeting on June 14<sup>th</sup> with DOT, DCR, the Selectboard and members of the Bike & Walkways Committee.
- Lara Henry from the Wellfleet Chamber of Commerce spoke to the board about receiving their letter requesting that the 4<sup>th</sup> of July parade be moved to Labor Day Weekend, and they will be filing a use of town property for the next meeting.

**II. *COVID-19 Updates and Recommendations***

- Board Member Curley stated that the emergency for holding public meetings will be lifted on June 15<sup>th</sup> and hasn't been decided if meetings can stay remote. If there isn't an extension meeting will have to be held in person. He asked the TA to address some reopening plans.
- Board Member Wilson stated that she would like wording attached that if there is a surge with the virus the town can regulate those gatherings.
- Town Administrator Sumner stated to the Board that he will be meeting with the Health Director and the board of health Wednesday evening to discuss the reopening of town buildings and moving forward. He stated his concern with the legislature.
- Board Member Wilson stated that she would like to continue to have meetings virtually throughout the summer, she stated there is more attendance at their meetings and learning how to function with hybrid would be a new learning experience for them and they are in a groove. Board Member Carlson agreed with keeping the zoom format if they are

offered the choice. The Board discussed options and what the state may decide regarding legislation.

**III. Licenses**

- A. Trudy Vermehren ~ Weekday and Sunday Entertainment ~ Fox and Crow Restaurant.**

The Board agreed that this was a straightforward license and had no issues.

**Board Member Reinhart moved; Board Member Wilson seconded; it was voted to approve the weekday and Sunday entertainment license to Trudy Vermehren from the Fox & Crow Restaurant.**

**Roll Call Vote: 5-0**

Vermehren, spoke to a third item in her packet that wasn't on the paper agenda, and it concerned the parking lot that was also a town landing. She stated it was in need of some care and would like that to happen. She stated it was a dangerous intersection.

- B. Weekday Entertainment ~ Lobster & Chowder House**

The Board stated they didn't have any paperwork for this business and decided to continue to the next meeting.

**Board Member Wilson moved; Board Member Reinhart seconded; and it was voted to continue the weekday entertainment license from Lobster & Chowder House until the next meeting in June.**

**Roll Call Vote: 5-0**

**IV. Use of Town Property**

- A. Mayo Beach, Town Pier, and Indian Neck parking areas, for various dates and times ~ Wellfleet SPAT.**

The Board had a couple issues with the dates in July and August regarding parking at the pier. They questioned Will, he stated that parking is always tough on Saturday's and Sundays at the pier, and he doesn't have any issues with parking.

They questioned how many people SPAT is planning on. Insley stated that they weren't planning on more than 20-25 people for these events. She stated her other events that are listed are for no more than 10 people and is hoping these compile of family members. Beach passes were discussed. The Board asked Thomas how this would work. Thomas stated in the past she would be willing to issue a one-day pass for those attending to park.

Board Member Curley asked about the fee. He continued discussing the fee that the town will charge. They discussed previous years charges.

Board Member Curley stated that he felt it would be fair to have a fee of \$260.

**Board Member Reinhart moved; Board Member Curley seconded; and it was voted to approve the use of Mayo Beach, Town Pier, and Indian Neck Parking Areas for the fee of \$260 to Wellfleet SPAT.**

**Roll Call Vote: 5-0**

**Board Member Reinhart moved; Board Member Curley seconded; and it was voted to approve the use of Mayo Beach and Powers Landing Parking Area for Wellfleet SPAT with a fee of \$20 for the dates of July 24th & August 22<sup>nd</sup> at 5PM.**

**Roll Call Vote: 5-0**

- B. Wellfleet Memorial Garden ~ September 18, 2021, 5:30PM ~ Mary Gallagher & Alex Kent**

Gallagher presented to the Board regarding her wedding being held at Preservation Hall and the Memorial Garden. Alcohol in the garden was discussed and stated alcohol was not permitted in the garden.

**Board Member Reinhart moved; Board Member seconded; it was voted to approve the use of the Wellfleet Memorial Garden located beside Preservation Hall to Mary Gallagher & Alex Kent on September 18, 2021, at 5:30PM with the conditions:**

- a) No alcoholic beverages are to be served or consumed in the garden.**
- b) That any damage to the lawn will be repaired to the satisfaction of the DPW and Health Agent**
- c) A fee of \$110 to be charged for the usage.**

**Roll Call Vote: 5-0**

- C. Duck Harbor ~ July 23, 2021, 7:00PM – 8:45PM ~ Nanci Sullivan**

Sullivan presented to the Board wanting to use Duck Harbor for a small gathering for her wedding guests so she can give them an update and information about the wedding.

**Board Member Reinhart moved; Board Member Carlson Seconded; and it was voted to approve the use of Duck Harbor to Nanci Sullivan on July 23, 2021, from 7:00PM to 8:45PM for a fee of \$110.**

**Roll Call Vote: 5-0**

- D. Baker Field Tent ~ Various Dates and Times ~ Neal Nichols, Jr.**

Nichols was not on the meeting, The Board discussed his application, stating that both Becky Rosenburg and Suzanne Thomas have signed off on this usage. They discussed a fee for him to use the pavilion and Board Member Curley stated the policy regarding the use of the pavilion and tent need to be updated. They continued to discuss fees that need to be assessed to the applicant.

**Board Member Wilson moved; Board Member Curley seconded; and it was voted to approve the use of the Baker Field Pavilion and grounds to Neal Nichols, Jr. for various dates and times as listed in the application, for a fee of \$200. And to waive the requirement for the presence of town recreation staff.**

**Roll Call Vote: 5-0**

- E. Baker Field Pavilion ~ June 27, 2021, 6:00PM – 9:00PM ~ Frank Corbishley**  
Corbishley presented to the Board stating this was a private event.

**Board Member Reinhart moved; Board Member Carlson seconded; and it was voted to approve the use of the Baker Field Pavilion to Frank Corbishley on June 27, 2021 from 6:00pm to 9:00pm for a fee of \$110, and to waive the requirement that a town staff member be present.**

V. **Business**

A. Selectboard to rescind the original vote of Town Meeting Quorum.

The Board discussed that due to the governor's order being lifted they needed to rescind it. Silverman explained to the board that Town Counsel was contacted and lowering the quorum was not an option to the town.

**Board Member Curley moved; Board Member Wilson seconded; and it was voted to rescind the vote to lower the Town meeting quorum to 100 people due to the governor's lifted orders.**

**Roll Call Vote: 5-0**

Silverman updated the Board that the quorum needed to be 182 people. He asked the board to inform the public.

Silverman announced to the Board and the public that town meeting will not be requiring masks at town meeting, seating will be spaced to keep distancing.

There will be handouts at the meeting and any information that people would like to be in the handout need to be submitted to Rebekah Eldridge no later than June 14, 2021.

He continued that there will be a "Pre-Town Meeting" on June 14<sup>th</sup> at 7PM

Board Member Curley thanked those people that have and are working on town meeting.

B. Change Name of Wastewater Committee to Clean Water Advisory Committee

The Board moved onto changing the name of the Wastewater Committee. Felix was not on the meeting at the time this came up. Board Member Reinhart stated this is a simple request and didn't feel there needs to be discussion.

**Board Member Reinhart moved; Board Member Curley seconded; and it was voted to approve the change of name from the Wastewater Committee to the Clean Water Advisory Board.**

**Roll Call Vote: 5-0**

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

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

**Board Member Curley moved; Board Member Reinhart seconded; and it was voted to approve the town of Wellfleet serve as a 10% match partner for a \$2 million grant proposal to be submitted by Ducks Unlimited to the US FWS North America Wetland Conservation Act program for the Herring River Restoration Project, and that the Town's 10% match contribution be met by pledging \$200,000 of a pending grant from the Commonwealth's Municipal Vulnerability Preparedness Action Grant Program or, if the MVP grant funds are not received, by pledging alternate**

**match value totaling \$200,000 that could be met by other non-federal grants and in-kind contributions toward the project from January 2019 through September 2025, and to authorize the signing of a Partner letter of support, by the Selectboard Chair**

**Roll Call Vote: 5-0**

- D. Discussion of Remote Participation after the resumption of in person meetings ~ Selectboard Member Curley

Board Member Curley stated this first part of this item was discussion and thoughts/opinions of the Board Members. He provided current regulations. He stated he was hoping to have an organized discussion.

Board Member Reinhart stated she sees advantages to both in person and remote. She stated she likes having the option of Department heads and audience members to be able to be remote. She stated she spoke to an outside town who has begun hybrid meetings and that person stated that it was complicated for the chair who had to be aware who was on the screen and who was in person. The Board discussed increased participation with the remote meetings. The Board believed there were benefits across the board to have remote participation.

- E. Remote Participation Policy ~ Selectboard Member Curley

Board Member Curley informed the Board that the policy that he was presenting was the States policy with some information that was taken from surrounding towns. Chair DeVasto asked Curley to explain what changes he made to the policy. He explained that he changed that the public could participate in person if they wanted. He stated that is zoom would be used is that there is a recording. Chair DeVasto didn't want to single out zoom as there may be more secure platforms in the future. Board Member Wilson expressed her concern for some typos and wanted to correct them. She added a few comments to be added to the policy. Board Member Curley agreed to the amendments.

**Board Member Curley moved; Board Member Wilson seconded; and it was voted to refer the remote participation policy as drafted to the Town Administrator to defer to Department Heads, public bodies of the town, and town counsel for comments and review, to be returned to the Selectboard no later than July 27, 2021.**

**Roll Call Vote: 5-0**

- F. Review of Administration's Workplan to address Auditor's Management letter and comments ~ TA Charlie Sumner, Lisa Souve, Mary McIsaac (interim accountants)

Administrator Sumer presented to the Board that administration has produced a work plan that they will follow and update the Board and public every two weeks as they check off each item on the plan. He went on explaining that Lisa and Mary are two accountants that will be helping. Lisa will be looking at finances moving forward, and Mary will be looking back on where issues began to arise. He continued explaining how they come to this work plan, they went through the auditor's letter and pinpointed each issue listed and will work their way down the list working from top priority. He stated they will be working on this plan daily and will continue to keep everyone updated in a timely manner.

He stated that right now they are struggling to get ready for the annual town meeting and this will be a priority for them right now. He stated to give them a more detailed report when his town administrator's report comes up. Board Member Curley asked if there was a need for an additional audit or auditors, he would come to the selectboard with any information. Sumner explained that the Town has a great bond rating so that is a good sign for them.

**G. Review and Discuss Management & Audit Letter ~ Powers & Sullivan.**

Chair DeVasto introduced Nelligan and Stone to the Board and public. Nelligan presented to the Board the audit and how they performed that and the management letter. He began by thanking the staff who helped him with the audit when they were performing it. He stated the Vadar system being installed within the town there wasn't a significant amount of training for the staff and the turnover in the accountant's office and administration made that harder. He gave their normal timeline for their audits and explained that they are behind the audits for Wellfleet because the past accountant had stated that the numbers weren't in anyway ready to be configured. He discussed funds were being mingled, projects were being mingled and not individualized. HE stated that some funds needed to be fixed and there was a number of weeks spent on prior year balances. He continued to explain how the audit was conducted. He reminded the Board that June 30<sup>th</sup> was only a few weeks away which indicates the end of the fiscal year and stated they will remain flexible with the town when they are ready to do their audit. He then asked if there were any questions. Chair DeVasto questioned why there was no management letter in 2019.

Nelligan explained that the audit was very late that year and they finished it he stated at that time the Town Administrator was ready to leave and the new town accountant was new in his position and stated that he felt it was to late to issue a management letter when he knew the next audit was fast approaching.

The Board discussed previous years and if the auditors felt the town was being responsible and responsive to the letters in previous years. Nelligan stated that he did feel the town was being responsible with all of their recommendations. Board Member Curley stated his dissatisfaction that there was no management letter in 2019 and lack of 1099's issued. He questioned why the issues weren't brought forward? Nelligan stated he believed there were no issues at that time and explained it was a huge effort while working with a new town accountant and administration. He continued to address the issues Board Member Curley brought to him. They continued to discuss the audit and the letter and stated that in the future communication with the town administration and the selectboard needs to be handled more efficiently.

Barocas questioned how the town's issues got so bad. Chair DeVasto stated that these issues were before his time on the Board. Barocas asked if the new software that was implemented in 2020 was something the auditors suggested or administration. The Nelligan stated the auditors did not have any say deciding what software is used. Board Member Wilson explained that the Board was informed when the town switched the software to the Vadar system. Board Member Carlson stated that the Board can't go to town hall and watch over



every employee to micromanage employees. She stated the town needs a strong Town Administrator hire when things are settled, and policies are put into place. Chief Pauley spoke to the Vadar system being implemented and stating to the Board that it wasn't explained or brought to Department Heads and staff. He stated the system has never worked and stated that if the town decides to move forward with a new accounting system there needs to be better communication with Department Heads and much more understanding of the system being put into place. There were no other comments from the public. Chair DeVasto thanked Nelligan for helping them understand.

**VI. *Selectboard Reports***

Wilson gave an update on the round table meeting and how it would be run. She wanted to make this agenda as soon as possible. Also that it would be an open meeting but not allowed to have public comment because it would be a large group. Chair DeVasto explained that there was a quorum of the Selectboard at the Shellfish Advisory Board and wanted to make the public know that there was no deliberation.

**VII. *Town Administrator's Report***

A. TA Sumner explained that he has met with quite a few people over the last few weeks and has enjoyed getting to know them. He went into a little more detail about his work plan and financial issues that he will address in the coming months. He stated that ATA Slick has been working very hard with the housing partnership and has submitted a grant for the 95 Lawrence Road Project. He gave some more detail on the 2021 operating budgets and stated the Souve is working on that currently. He did state to the Board that he will have some items on the June 22<sup>nd</sup> meeting that they will need to vote on at that meeting. HE also stated that there may need to be amendments on town meeting floor. He continued stating that he feels there may need to be a town meeting in the fall. He stated that he had a department head meeting on June 3<sup>rd</sup> and explained that it was a good meeting, and they are willing to work together. He will continue to keep them informed.

He announced that the mail in ballots have been mailed and gave information on where to drop the ballots in person.

Board Member Wilson questioned Sumner if the Board of Health would be issuing a plan regarding reopening. He stated he believed they would.

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

- A. Fees need to be discussed for future uses of town property.
- B. Discuss an agenda for the Round Table meeting with various agencies.
- C. Board Member Curley would like to revisit the Town Media Policy

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

- A. Site map received by Attorney Ben Zehnder for Nature's Alternative

**X. *Minutes***

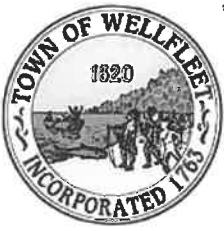
- A. May 17, 2021, ~ **Board Member Reinhart moved; Board Member seconded and it was voted to approve the minutes as written**  
**Roll Call Vote 4-1 (Wilson Abstained)**
- B. May 18, 2021, ~ **Board Member Reinhart moved; Board Member seconded; and it was voted to approve the minutes as written**  
**Roll Call Vote: 4-1 (Wilson Abstained)**

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

- C. May 20, 2021, ~ Board Member Reinhart amended the minutes, her name was in two spaces and needed to be changed. **Board Member Reinhart moved; Board Member seconded; it was voted to approve the minutes as amended. Roll Call Vote: 4-1 (Wilson Abstained)**
  - D. May 25, 2021, ~ **Board Member Reinhart moved; Board Member seconded; and it was voted to approve the minutes as written. Roll Call Vote: 4-1 (Wilson Abstained)**
- XI. Adjournment**  
**Board Member Wilson moved; Board Member Reinhart seconded; and it was voted to adjourn the meeting.**  
**Meeting adjourned 9:33pm**

*Public Records*

*Licenses for Fox and Crow restaurant*  
*License for Lobster and Chowder House*  
*Paperwork from Carole Ridley, regarding Herring River Restoration Project*  
*Paperwork for changing the remote participation in public meetings.*  
*2020 Management Letter from Powers & Sullivan*  
*2020 Audit from Powers & Sullivan*  
*Town Administrators Report as presented by Charlie Sumner.*  
*Town Administration Work Plan*  
*Meeting Minutes*



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: June 22, 2021

XIII

---

### ADJOURNMENT

<b>REQUESTED BY:</b>	<b>Selectboard Chair Michael DeVasto</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 _____