



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **June 7, 2022, at 7:00 p.m.** Under Chapter 20 of the Acts of 2021, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

Joining the Meeting:

In-person at the Wellfleet ACC, 715 Old King's Highway, Wellfleet, MA, 02667

Join the meeting hosted in Zoom by using the following link:

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

By Phone: **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.

To Participate during public comment:

- Zoom: Raise hand to be called on to speak.
- Phone: dial *9 to raise your hand.

It is at the Chair's discretion to call on members of the public. All speakers must be recognized to speak. If attending a meeting in person, please find the closest available microphone and confine any personal conversations to outside the meeting room. Anyone may record the session but must notify the Chair and may not interfere with the meeting to record it.

I. *Announcements, Open Session and Public Comments*

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

II. *Consent Agenda*

- A. Nick Sirucek ~ Appointment to the Shellfish Advisory Board ~ 3-year term
- B. Lydia Vivante ~ Use of Town Hall Driveway ~ Annual Art Sale ~ August 6, 2022 (Rain Date August 7, 2022) 8:30am – 10:30pm

III. *Public Hearings*

- A. Individual votes to consider if each of the following license holders' grant licenses will be forfeited for failure to meet minimum productivity per Town of Wellfleet Shellfishing Policy and Regulations Sections 7.12 Evidence of Productivity: Use It or Lose It, 7.12.2. Failure to Meet Production Levels and 7.13.3 Notification of Failure to Meet Minimal Requirements.
Schooner Grady & Luene Grady for license #95-15 consisting of 0.92 acres on Egg Island
- B. Application received 1/30/2022 for the renewal of shellfish grant license # 7312 consisting of .5 acres off Old Wharf Point for ten years from James and Allison Gray (Wellfleet, MA).

- C. Limitations on the number of Recreational Marijuana Dispensaries in Town
- IV. ***Town Meeting***
 - A. Modified Quorum ~ Moderator Silverman
 - B. Town Meeting Warrant
 - C. Town Meeting Briefing
- V. ***Herring River Restoration Project***
 - A. Final design and bidding Chequessett Neck Rd Bridge. Fuss and O'Neal ~ Herring River Restoration Project
- VI. ***Business***
 - A. On-Site Engineering 95 Lawrence Rd
 - B. Disbandment of 95 Lawrence Rd Trask Force
 - C. Vote on Lecount Hollow beach for summer 2022 ~ DeVasto
 - D. Cottage Colonies Zoning Bylaw
 - E. Zoning Bylaw Amendment Provisions to Encourage the Development of Affordable Dwellings in Wellfleet
 - F. Affordable Lots Zoning Bylaw
 - G. CBAs
 - H. Building Use Policy ~ Wolf
- VII. ***Selectboard Reports***
- VIII. ***Town Administrator & Assistant Town Administrator's Report***
- IX. ***Topics for Future Discussion***
- X. ***Correspondence and Vacancy Reports***
- XI. ***Minutes***
 - A. May 10, 2022
 - B. May 24, 2022
- XII. ***Adjournment***



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

I

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

II

CONSENT AGENDA

REQUESTED BY:	Various Parties
DESIRED ACTION:	To approve the following without objection
SUMMARY:	I move to approve the following items: The appointment of Nick Sirucek as an alternate to the Shellfish Advisory Board for a term of 3 years unless a voting seat on the board becomes available to be sworn in by the town clerk and read all the rules and regulation of the town to be a member on the board. The use of the Town Hall Driveway next to the retail store Abiyoyo to Lydia Vivante from the AIM Thrift Shop on Saturday August 6, 2022, from 8am to 10:30am with a rain date of Sunday August 7, 2022. No fee is to be applied to this use as it is a nonprofit shop.
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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

FILL OUT THE FORM BELOW and mail it to:

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

Name Nicholas F Sirucek Date 5/27/22

Mailing Address P.O. Box 1092
Wellfleet, MA 02667

Phone (Home) — (cell) 508.246.2004

E-mail NSirucek@outlook.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: 10 years in commercial shellfishing industry
in wellfleet

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

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

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant Lydia Vivante Affiliation or Group AIM Thrift Shop

Telephone Number 508 349 6619 Mailing Address PO Box 214

Email address vivantelydia@gmail.com Wellfleet, MA 02667

Town Property to be used (include specific area) Town Hall driveway
(by AB1Y0Y0) RAIN DATE: AUG 7

Date(s) and hours of use: Saturday AUGUST 6 from 8:30-10:30 AM

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

Annual Art Sale benefits health-related ^{nonprofit} organizations
on the Outer Cape. All volunteer-run. No food,
no bev. AIM is a 501c3 nonprofit.

Describe any Town services requested (police details, DPW assistance, etc.)
Request orange safety cones during 8AM dropoff
and 11AM pickup.

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

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

Date: _____ Processing Fee: \$50.00 pd 5/11/22 RSE
Fee: _____

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: OK - <i>Heleny Ramos</i> Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: Comments/Conditions: Permits/Inspections needed: <i>N/A</i>
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Police Department: <i>OK - Chief Hurley</i> Comments/Conditions:	Fire Department: Comments/Conditions:
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DPW: <i>OK - Jay Norton</i> Comments/Conditions	Community Services Director: Comments/Conditions:
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Harbormaster: Comments/Conditions <i>N/A</i>	Shellfish: Comments/Conditions <i>N/A</i>
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Recreation: Comments/Conditions <i>N/A</i>	Town Administrator: Comments/Conditions <i>N/A</i>
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SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

III

PUBLIC HEARINGS

~ A ~

REQUESTED BY:	Schooner & Lune Grady ~ Grant #95-15
DESIRED ACTION:	Approve the appeal of grant #95-15 consisting of .92 acres on Egg Island
PROPOSED MOTION:	A detailed motion will be made at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

WELLFLEET SELECTBOARD

PUBLIC HEARING NOTICE

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 Selectboard will hold a virtual and in-person public hearing on **TUESDAY, JUNE 7, 2022 AT 7:00 P.M.** at the Wellfleet ACC, 716 Old Kings Hwy, Wellfleet, MA 02667 to consider the following:

Individual votes to consider if each of the following license holders' grant licenses will be forfeited for failure to meet minimum productivity per Town of Wellfleet Shellfishing Policy and Regulations Sections 7.12 Evidence of Productivity: Use It or Lose It, 7.12.2. Failure to Meet Production Levels and 7.13.3 Notification of Failure to Meet Minimal Requirements.

Schooner Grady & Luene Grady for license #95-15 consisting of 0.92 acres on Egg Island

Published: Independent, May 26
and June 2, 2022



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: June 3, 2022

TO: Town of Wellfleet Selectboard Members

RE: Public Hearing for Luene and Schooner Grady re: forfeiture of grant #95-15

Dear Selectboard Members:

I was made aware of this public hearing by Town Administration even though the Shellfish Department had already informed the Gradys and the Mass. Division of Marine Fisheries that this grant was forfeited and the Selectboard had also already confirmed with Ms. Grady that this grant had been forfeited. (See attached letters.)

This grant situation was different from the other situations you heard at your May 24 public hearing because minimum productivity has not been met on this grant for a decade or more, with serious enforcement conversations between the Gradys and the Shellfish Department beginning in 2017. The department had multiple communications and meetings with them between 2018 and 2021, all without results. Please read all the bullets in the Historical Overview paperwork for that recap.

Given that long span of time and the fact that the Gradys had not submitted an annual report for the previous year (2020) and neither of them had been observed out on the grant at all in 2021, both Luene and Schooner Grady were sent individual certified letters on February 4, 2022, informing them of their failure to meet minimum productivity requirements on grant #95-15 and their right to request an appeal to the Selectboard within two weeks of notification.

The Shellfish Department received two signed return receipts dated February 10, 2022, which started the clock ticking for the two-week deadline, which was February 24, 2022. The Shellfish Department received no calls from the Gradys, nor did anyone in Town Hall receive any communication from them by that date.

On Monday, February 28, 2022, I happened to walk into the Principal Clerk's office, and she told me she was on the phone with Ms. Grady. I interrupted the conversation to ask the Principal Clerk what Ms. Grady was calling about. She said she was inquiring about paying her grant fees. I said, not about a public hearing? and she said no. I asked the Principal Clerk if I could speak with Ms. Grady directly, and she passed me the phone. I explained to her that they had forfeited the grant because they had not met minimum productivity and neither she nor Mr. Grady had requested a public hearing with the Selectboard in the time frame established in our regulations, and therefore, the grant

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

was forfeited. I said we had sent her and Schooner certified letters. She said she didn't remember getting a letter. I said that I had a certified mail return receipts with hers and Schooner's signatures that they had received the letters, and there was nothing more in our regulations that I could offer her. I told her I am simply following the regulations, as difficult as it is. She acknowledged this and told me I had always been honest and respectful with her and she appreciated how hard I worked. I thanked her for that.

However, from that point on, Ms. Grady made many calls to Town Hall staff requesting a public hearing that we were not able to give. Mr. Grady has never corresponded with the Shellfish Department nor any Town staff throughout this process. Both the Shellfish Department and the Selectboard sent follow up letters to the Gradys, as stated above.

Because it is the only way we can truly know that someone has received our communication, the Shellfish Department uses the date of the signed returned certified mail receipt to start the clock on the two-week deadline. Examples from the May 24 public hearing are:

- Kristi Johns signed for the certified mail on March 18 and requested a public hearing on April 5,
- Allison Gray signed for the certified mail on March 23 and requested a public hearing on April 1,
- Lisa Dexter signed for receipt of the letter in person on March 23 and requested a public hearing on March 28,
- ARC signed for the certified mail on March 24 and requested a public hearing on March 23, and
- The certified letter that the Shellfish Department sent on March 22 to William Young, Jr. was returned to the Shellfish Dept. He requested a public hearing on March 23.

Here are the pertinent regulations for your review.

7.12. Evidence of Productivity: Use It or Lose It

7.12.1. Minimum Levels of Investment and Production

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

a. During the first, second, and third year after the date of issuance of the license a minimum of \$1000 per acre shall be spent on seed and gear for the area and it shall be evident that this effort of improvement has taken place. Any licensed area that is less than one acre shall be prorated.

b. During the fourth year and every year thereafter there shall be a minimum production of an average of \$1000 worth of product per year per acre, or prorated for a portion thereof, from the practice of aquaculture on the licensed area. This shall be demonstrated by the annual grant report, and, if so requested by the Shellfish Constable, copies of transaction receipts or other acceptable documentation.

7.12.2. Failure to Meet Production Levels

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

MGL Chapter 130, Section 65: Annual report of shellfish planted, produced and marketed; estimate of growing shellfish; forfeiture for deficiency

Every licensee or transferee of a license referred to in section fifty-seven shall submit on oath on or before February 28 in each year to the director and to the city council or selectmen of the city or town wherein the licensed area is situated a report of the total number of each kind of shellfish planted, produced or marketed during the preceding year upon or from such licensed area, and an estimate of the total number of each kind of shellfish at the time of such report planted or growing thereon. The city council or selectmen may specify a reasonable yearly market value to be produced by each shellfish project licensed pursuant to section fifty-seven. Failure of the licensed shellfish project to meet such a value for any three consecutive years thereafter may result in a forfeit of the shellfish aquaculture license and licensed area.

7.13.3 Notification of Failure to Meet Minimal Requirements

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

While this is a difficult situation involving nice people, the Shellfish Department is charged with enforcing the regulations, and this grant has been abandoned for far too long. We are including some photos for your reference here, too.

We stand by our work and hope that this grant, which does not present the challenges of the other deep-water and high ground grants that have come back to the Town, will be offered up to the next generation of shellfishermen looking to make a living in this industry and waiting for a viable grant to become available.

As always, we will work with you to ensure the Town of Wellfleet's Shellfishing Policy and Regulations are respected and followed.

Thank you.



Nancy Civetta, Shellfish Constable



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

Luene Grady

Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>
To: Ryan Curley <ryan.d.curley@gmail.com>
Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

Tue, Apr 5, 2022 at 1:30 PM

I feel like I wasn't explaining this correctly. So I have attached all the correspondence that happened between Luene and the shellfish department.

The first letter began back in 2019 explaining the history of the grant. The second letter went out January 31, 2022 explicitly stating that she had the right to a public hearing with the Selectboard, within two weeks of the notice. The last page is the 2 green cards that were both signed. There was no phone call to the Shellfish Department, Jeanne Maclauchlan or myself until the beginning of March when she said she wanted to be on the meeting. Nancy explained the time line had passed to request a hearing.

The letter the Shellfish department sent on March 24th to her stated that she had forfeited her grant.

There is a hearing scheduled for May 24th with the selectboard for the other grants that have had no production and they have all contacted me to be at the hearing and appeal their forfeiture. I have a folder with records of the request.

It may not be the best routine but there are records of those who are requesting hearings and those who haven't made any effort to communicate their wishes for a hearing.



Rebekah L. Eldridge

Executive Assistant to the Town Administrator

(508) 349-0300 ext 1100

774-383-2609 (cell)

M-F 8am-12noon; 1pm-4pm

Nancy Civetta

Subject: FW: Grady
Attachments: Grady.pdf

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

Sent: Thursday, April 7, 2022 12:00 PM

To: Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; John Wolf/Bonehenge Music <johnwolf@bonehenge.com>

Subject: Grady

Hi Luene called me last night. As part of that phone call, she said that William "Chopper" Young was an interested party. Chopper and one of my cousins are partners with a family. Though not required to do so, I am no longer comfortable being involved in this matter and to avoid any appearance of a conflict of interest, I am turning everything regarding this matter over to John, I will inform Luene of this. He will likely be in contact with you at some point soon. This is the packet of material I have put together for him, I am leaving a physical copy of this in the SB office for him with Luene's contact number. He may want to talk with Nancy when she is back.

--

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



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

for 3/22-to discuss procedures for following through on grant forfeiture

1 message

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

Mon, Mar 14, 2022 at 7:19 PM

Hi Ryan,

Here is my stab at the agenda item for March 22:

-Review and discuss procedures when aquaculture grant licenses are forfeited per town regulations and/or Mass. General Law.There are two instances of forfeitures in our regulations: **one** for non-payment of annual grant fees (after six months) and **two** for not requesting a public hearing once you have been notified about failing to make minimum productivity.**ONE**Per the Town's Shellfishing Policy and Regulations Section 7.3 Annual License Fee:The annual fee for an aquaculture license to be paid to the Town by each licensee shall be \$25.00 per acre (or portion thereof), as required by MGL Chapter 130; Section 64. **Annual fees are due each year by February 28, when annual grant reports are due.**Additionally, per Mass. General Law, Chapter 130, Section 64:"Every such licensee or transferee shall pay to the city or town, on or before a date to be fixed by the alderman, city council or selectmen, an annual fee of not less than five nor more than twenty-five dollars per acre, or part thereof. **If any such fee is not paid within six months after it becomes due the license shall thereupon be forfeited.**"*The Shellfish Constable could simply notify the grant holder, Selectboard and Principal Clerk that this has happened and the license has been forfeited, or could bring it to the Selectboard as a business agenda item to more formally revoke the license.***TWO**

Per the Town's Shellfishing Policy and Regulations, Sections

7.12.2. Failure to Meet Production Levels

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

7.13.3. Notification of Failure to Meet Minimal Requirements

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

Per Mass. General Law Ch. 130:

[Section 57: Shellfish aquaculture licenses](#)

(This was too long to copy here, but I have linked to the section, and here is the sentence regarding revocation.)

“Said license may be revoked by the city council, selectmen or the director for failure to comply with any terms, conditions or regulations set forth by these entities, or for lack of substantial use of the licensed area.”

Section 65: Annual report of shellfish planted, produced and marketed; estimate of growing shellfish; forfeiture for deficiency

Every licensee or transferee of a license referred to in section fifty-seven shall submit on oath on or before February 28 in each year to the director and to the city council or selectmen of the city or town wherein the licensed area is situated a report of the total number of each kind of shellfish planted, produced or marketed during the preceding year upon or from such licensed area, and an estimate of the total number of each kind of shellfish at the time of such report planted or growing thereon. The city council or selectmen may specify a reasonable yearly market value to be produced by each shellfish project licensed pursuant to section fifty-seven. Failure of the licensed shellfish project to meet such a value for any three consecutive years thereafter may result in a forfeit of the shellfish aquaculture license and licensed area.

Again, the Shellfish Constable could simply notify the grant holder, Selectboard and Principal Clerk that this has happened and the license has been forfeited, or could bring it to the Selectboard as a business agenda item to more formally revoke the license.

Here is the revocation section of the Town's regulations:

11.3. Authority to Revoke Aquaculture License

The Selectboard or the Director of the Division of Marine Fisheries may revoke an area license in accordance with the provisions set forth in MGL Chapter 130, Sections 57 & 65. In the event that a license is revoked, that individual may not possess seed nor harvest shellfish from any licenses area in the Town.

I can prepare a memo for the Selectboard with the above information. Happy to hear your feedback first.

Thanks,

Nancy

Nancy Civetta

Shellfish Constable

Town of Wellfleet

C: 617-901-7193

O: 508-349-0325

E: nancy.civetta@wellfleet-ma.gov

[300 Main St.](#)

[Wellfleet, MA 02667](#)

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



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

Grady forfeiture of Wellfleet grant #95-15

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

Thu, Mar 24, 2022 at 8:27 AM

To: "Schooner Grady (schoond@hotmail.com)" <schoond@hotmail.com>

Cc: Board of Selectmen <BoS@wellfleet-ma.gov>, Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov>, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>, "Chrissy M. Petitpas Ph. D. (christian.petitpas@state.ma.us)" <christian.petitpas@state.ma.us>, "Gabe Lundgren (gabriel.lundgren@state.ma.us)" <gabriel.lundgren@state.ma.us>

Luene and Schooner Grady

[100 Gull Pond Rd.](#)[Wellfleet, MA 02667](#)

March 24, 2022

Dear Luene and Schooner:

As its meeting on Tuesday, March 22, 2022, the Town of Wellfleet Selectboard confirmed that a grant forfeiture is automatic when someone does not meet the deadline specified in the regulations for requesting a public hearing, as follows:

7.13.3. Notification of Failure to Meet Minimal Requirements

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

Since you did not request a public hearing within two weeks from when your certified mail return receipts were signed as delivered to each of you, I regret to inform you that you have forfeited your license for grant #95-15. As we have discussed and documented, your history of non-usage of this grant goes back at least a decade.

I am copying the Town of Wellfleet Selectboard, the Wellfleet Principal Clerk, the Executive Assistant to the Town Administrator and the Massachusetts Division of Marine Fisheries on this notice so all are notified about this grant forfeiture.

Sincerely,

Nancy Civetta

Shellfish Constable

Town of Wellfleet

CC: Town of Wellfleet Selectboard, Ryan Curley, Chair

Jeanne Maclauchlan, Principal Clerk

Rebekah Eldridge, Executive Assistant to the Town Administrator

Chrissy Petitpas, Senior Aquaculture Biologist, Mass. Division of Marine Fisheries

Nancy Civetta

Shellfish Constable

Town of Wellfleet

C: 617-901-7193


O: 508-349-0325

E: nancy.civetta@wellfleet-ma.gov

[300 Main St.](#)

[Wellfleet, MA 02667](#)

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

 **Grady Wellfleet grant #95-15 forfeiture 3-24-2022.pdf**
300K



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

Luene Grady

6 messages

Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>

Tue, Apr 5, 2022 at 11:15 AM

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

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>, Chris Manulla <Chris.Manulla@wellfleet-ma.gov>

Good Moring 😊

I just spent 10 minutes on the phone with Luene. She claims she was supposed to be on the March 22nd Selectboard meeting to discuss with the board her Grant Forfeiture. According to the shellfish department she was notified and had two weeks to ask for a hearing or to be on the agenda. She did not.

She isn't accepting that she has forfeited her grant and wants to appeal to the board. I am not sure how you want me to handle this. I told her I would reach out and get your feedback.

Thoughts?

Thanks

Rebekah



Rebekah L . Eldridge

Executive Assistant to the Town Administrator

(508) 349-0300 ext 1100

774-383-2609 (cell)

M-F 8am-12noon; 1pm-4pm

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

Tue, Apr 5, 2022 at 11:38 AM

To: Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

So... The letter sent by the department said to call town hall essentially to appeal. This process was not addressed in the previous Selectboard meeting but it should require something in writing. They can be directed to town hall to help facilitate the paperwork etc but the bottom line is that it needs to be in writing a verbal request to appeal without any additional documentation is highly problematic. I've attached the letter sent here. I think we have to grant the hearing because of the lack of documentation and an inability to prove she did not call. That might be possible to remedy to some extent by going through the call logs but that would be a significant undertaking.

I think I will need to put an item on the boards agenda to discuss this.

If I was in the role of the constable I would have a form for an appeal go with the letter. There would be an envelope with the return address included as well. I would also have an electronic PDF with fillable fields listed in the letter both with a url address to download it and a qr code to do the same and encourage them to submit it electronically to a number of email addresses because it is better that way.

[Quoted text hidden]

2 attachments



image001.png
11K

 **Grady minimum productivity mailing 2-4-2022.pdf**
1328K

Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>

Tue, Apr 5, 2022 at 11:53 AM

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

I know it was sent certified because I have a copy of the green cards. I spoke to her first on March 15th. Which is past the deadline. I agree with you but Nancy has spoken to her numerous times (I was there for a few of them) she doesn't like the word no. Do you want it on this upcoming agenda? I just know Nancy was really nice to her but was following the shellfish regulations but totally your call

[Quoted text hidden]

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

Tue, Apr 5, 2022 at 12:22 PM

To: Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>

Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

The process must include adequate documentation that meets legal standards, which means it should be in writing. Those standards have not been met. It is like an appeal to any other regulatory board. If a person is building a structure and the building inspector denies the building permit they can then appeal to the ZBA it must be in writing and the date of receipt is recorded.

I will add it to the agenda with all of the other expected appeals. I think those are going to be on one of the May meetings,

[Quoted text hidden]

--

Sincerely,
Ryan Curley
(508)-246-4718

Ryan.D.Curley@gmail.com

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

Tue, Apr 5, 2022 at 12:36 PM

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

Hi – since we are comparing this to the ZBA, the regulations state that the appeal is to the SB, so the SB / and or clerk of the SB would be the one that has the appeal form in their office. When you appeal a building permit you don't go to the building inspector, you go to the zba clerk. This is just an observation, also maybe the regs should spell out the appeals process more clearly?

Rebecca Roughley, MCPPO

Assistant Town Administrator

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

(Work) 508-349-0349 X1112

(Cell) 774-392-1457

From: Ryan Curley <ryan.d.curley@gmail.com>**Sent:** Tuesday, April 5, 2022 12:22 PM**To:** Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>**Cc:** Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Charles Sumner <Charles.Sumner@wellfleet-ma.gov>**Subject:** Re: Luene Grady

The process must include adequate documentation that meets legal standards, which means it should be in writing. Those standards have not been met. It is like an appeal to any other regulatory board. If a person is building a structure and the building inspector denies the building permit they can then appeal to the ZBA it must be in writing and the date of receipt is recorded.

I will add it to the agenda with all of the other expected appeals. I think those are going to be on one of the May meetings,

On Tue, Apr 5, 2022 at 11:53 AM Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov> wrote:

I know it was sent certified because I have a copy of the green cards. I spoke to her first on March 15th. Which is past the deadline. I agree with you but Nancy has spoken to her numerous times (I was there for a few of them) she doesn't like the word no. Do you want it on this upcoming agenda? I just know Nancy was really nice to her but was following the shellfish regulations but totally your call

From: Ryan Curley <ryan.d.curley@gmail.com>**Sent:** Tuesday, April 5, 2022 11:38 AM**To:** Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>; Charles Sumner <Charles.Sumner@wellfleet-ma.gov>**Subject:** Re: Luene Grady

So... The letter sent by the department said to call town hall essentially to appeal. This process was not addressed in the previous Selectboard meeting but it should require something in writing. They can be directed to town hall to help facilitate the paperwork etc but the bottom line is that it needs to be in writing a verbal request to appeal without any additional documentation is highly problematic. I've attached the letter sent here. I think we have to grant the hearing because of the lack of documentation and an inability to prove she did not call. That might be possible to remedy to some extent by going through the call logs but that would be a significant undertaking.

I think I will need to put an item on the boards agenda to discuss this.

If I was in the role of the constable I would have a form for an appeal go with the letter. There would be an envelope with the return address included as well. I would also have an electronic PDF with fillable fields listed in the letter both with a url address to download it and a qr code to do the same and encourage them to submit it electronically to a number of email addresses because it is better that way.

On Tue, Apr 5, 2022, 11:15 AM Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov> wrote:

Good Moring 😊

I just spent 10 minutes on the phone with Luene. She claims she was supposed to be on the March 22nd Selectboard meeting to discuss with the board her Grant Forfeiture. According to the shellfish department she was notified and had two weeks to ask for a hearing or to be on the agenda. She did not.

She isn't accepting that she has forfeited her grant and wants to appeal to the board. I am not sure how you want me to handle this. I told her I would reach out and get your feedback.

Thoughts?

Thanks

Rebekah

Rebekah L . Eldridge

Executive Assistant to the Town Administrator

(508) 349-0300 ext 1100

774-383-2609 (cell)

M-F 8am-12noon; 1pm-4pm

[Quoted text hidden]

Tue, Apr 5, 2022 at 12:47 PM

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

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

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

The appeal is supposed to be the Selectboard. That is how the regs are written.

7.13.3. Notification of Failure to Meet Minimal Requirements

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

[Quoted text hidden]



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

March 8 Business agenda item request

11 messages

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

Wed, Mar 2, 2022 at 1:32 PM

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

Cc: Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov>, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>

Dear Ryan and Charlie:

The Shellfish Department has been trying to work with Luene and Schooner Grady for more than three years to help them get their one-acre shellfish grant on Egg Island to make minimum productivity, which would be \$1,000 worth of shellfish sales a year. Unfortunately, they have not been able to do that.

Please find here attached the letter I sent to both Luene and Schooner Grady individually on February 4, 2022, per our regulations. I have also included the certified mail receipts and the return receipt requested showing that they signed for it on February 10, 2022. According to our regulations, this means that they should have appealed this to the Selectboard by February 24, 2022.

7.13.3. Notification of Failure to Meet Minimal Requirements

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

Therefore, per Section 11.3 below, I am requesting a business agenda item for the Selectboard to formally consider revoking this aquaculture license.

11.3. Authority to Revoke Aquaculture License

The Selectboard or the Director of the Division of Marine Fisheries may revoke an area license in accordance with the provisions set forth in MGL Chapter 130, Sections [57](#) & [65](#). In the event that a license is revoked, that individual may not possess seed nor harvest shellfish from any licenses area in the Town.

There is nothing in our regulations that specifies a public hearing to revoke a license. It was their right to request a public hearing in front of the Selectboard, but they did not do that on a timely basis as outlined in our regulations. I researched MGL Chapter 130, Sections 57 and 65, and neither specifies that a public hearing is necessary. Neither do our regulations.

Here is what I have put together for your review to this regard:

According to MGL Ch. 130 (emphasis added):

[Section 57](#): Shellfish aquaculture licenses

(This was too long to copy here, but I have linked to the section, and here is the sentence regarding revocation.)

“Said license may be revoked by the city council, selectmen or the director for failure to comply with any terms, conditions or regulations set forth by these entities, or for lack of substantial use of the licensed area.”

Section 65: Annual report of shellfish planted, produced and marketed; estimate of growing shellfish; forfeiture for deficiency

Every licensee or transferee of a license referred to in section fifty-seven shall submit on oath on or before February 28 in each year to the director and to the city council or selectmen of the city or town wherein the licensed area is situated a report of the total number of each kind of shellfish planted, produced or marketed during the preceding year upon or from such licensed area, and an estimate of the total number of each kind of shellfish at the time of such report planted or growing thereon. The city council or selectmen may specify a reasonable yearly market value to be produced by each shellfish project licensed pursuant to section fifty-seven. **Failure of the licensed shellfish project to meet such a value for any three consecutive years thereafter may result in a forfeit of the shellfish aquaculture license and licensed area.**

Here are the Town regulations (emphasis and italics added):

3.2. Posting of Hearings about Aquaculture Licenses, Held by the Selectboard

As required by MGL Chapter 130; Section 60, all hearings held by the Selectboard for the **granting, transferring or renewal** (*not revocation*) of aquaculture licenses must be posted in three public places, and advertised in a local newspaper at least ten (10) days before that hearing is to take place, as well as the Town's web site as soon as the date of the hearing has been determined by the Board. The posting must provide the name of the applicant(s), their residence, and the date of the filing of the application, and the specific location and description of the acreage to be licensed.

7.13.3. Notification of Failure to Meet Minimal Requirements

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

11.3. Authority to Revoke Aquaculture License

The Selectboard or the Director of the Division of Marine Fisheries **may revoke an area license in accordance with the provisions set forth in MGL Chapter 130, Sections 57 & 65.** In the event that a license is revoked, that individual may not possess seed nor harvest shellfish from any licenses area in the Town.

Neither section 57 nor 65 specify that a public hearing is necessary; nor do our Town regulations. Please confirm that you can add this to the March 8 business agenda, and I will prepare a memo for the BOS packet.

Thank you,

Nancy

Nancy Civetta

Shellfish Constable

Town of Wellfleet

C: 617-901-7193

O: 508-349-0325


E: nancy.civetta@wellfleet-ma.gov


300 Main St.

[Wellfleet, MA 02667](#)

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

2 attachments

 **Grady minimum productivity mailing 2-4-2022.pdf**
1328K

 **Grady Return Receipts 2-10-2022 and Certified Mail Receipts 2-4.pdf**
416K

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

Wed, Mar 2, 2022 at 1:36 PM

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

Cc: Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov>, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>

I forgot the motion. See attached.

Nancy Civetta

Shellfish Constable

Town of Wellfleet

C: 617-901-7193

O: 508-349-0325

E: nancy.civetta@wellfleet-ma.gov

300 Main St.

[Wellfleet, MA 02667](#)

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

[Quoted text hidden]

 **AGENDA ITEM REQUEST W-MOTION Grady grant #95-15.doc**
124K

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

Wed, Mar 2, 2022 at 2:53 PM

To: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov>, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

Annual reports are due on February 28th not on February 4th are regs are specific that such a letter can be issued subsequent (not prior to) the due date of the annual report and they then have two weeks to appeal. Additionally, a failure to provide an accurate and timely report can be cause for the revocation of a license. The licensees need to be re-notified

as the notification was issued prior to and not subsequent to the due date of the annual report unless they had submitted their annual report prior to February 28th.

7.13.1. Due Date

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

[Quoted text hidden]

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

Wed, Mar 2, 2022 at 3:11 PM

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

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov>, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

Hello again all,

Apologies for any confusion. The actions of this department are based on not having received an annual report from them 2020 and seeing no aquaculture activity on grant #95-15 in 2021. There will be no grant report for 2021, because they never went out there. We waited for the end of 2021 to give them every chance possible. This grant has not been productive at least since I started in August of 2017 (four years), and my colleagues had been trying to work with them before that. Mass. General Law and our Town regulations state three years of not meeting minimum productivity may result in forfeiture. This is what I am bringing to the Selectboard for consideration. Again, our actions are based on no report in 2020 and no activity in 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

300 Main St.

Wellfleet, MA 02667

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

[Quoted text hidden]

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

Wed, Mar 2, 2022 at 3:14 PM

To: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>

I think it is intended that the revocation of the aquaculture license does not require a hearing unless it is appealed. MGL seems consistent with that. I am concerned about the distinction between a permit and a licensee.

11.3. Authority to Revoke Aquaculture License

The Selectboard or the Director of the Division of Marine Fisheries may revoke an area license in accordance with the

provisions set forth in MGL Chapter 130, Sections 57 & 65. In the event that a license is revoked, that individual may not possess seed nor harvest shellfish from any licenses area in the Town.

11.7. Revocation of Shellfishing Permits

The Selectboard reserves the right to revoke any such permit for particularly egregious violations and/or a pattern of abuse of these regulations. In the event that a permit is revoked, that individual may not harvest shellfish in the Town nor be aboard any vessel which is actively engaged in shellfishing until their permit is restored, with licensed areas being the only exception. A public hearing must be held within 30 days to allow a permit holder to appeal the revocation or suspension of said permit.

[Quoted text hidden]

--

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

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

Wed, Mar 2, 2022 at 3:24 PM

To: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov>, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

Ok, I will put it on the agenda for March 22nd. I am not entirely comfortable taking any action on it if there is no public hearing associated with it.

On Wed, Mar 2, 2022 at 2:53 PM Ryan Curley <ryan.d.curley@gmail.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

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

Wed, Mar 2, 2022 at 3:27 PM

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

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>, Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov>, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

OK. So, for clarity: Are you saying that we should advertise a public hearing even though not required by our regs and MGL? It is fine if that is what you would like to do; I just want to make sure I am understanding you as I have another. I will send that now – just finished it.

Nancy Civetta

Shellfish Constable

Town of Wellfleet

C: 617-901-7193

O: 508-349-0325

E: nancy.civetta@wellfleet-ma.gov

300 Main St.

Wellfleet, MA 02667

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

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

Sent: Wednesday, March 2, 2022 3:25 PM

To: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>

Cc: Charles Sumner <Charles.Sumner@wellfleet-ma.gov>; Jeanne Maclauchlan <Jeanne.Maclauchlan@wellfleet-ma.gov>; Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>; Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>

Subject: Re: March 8 Business agenda item request

Ok, I will put it on the agenda for March 22nd. I am not entirely comfortable taking any action on it if there is no public hearing associated with it.

[Quoted text hidden]

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

Wed, Mar 2, 2022 at 3:38 PM

I would feel more comfortable if it was advertised.

[Quoted text hidden]

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

Wed, Mar 2, 2022 at 3:41 PM

So should I advertise Toby's as well?

[Quoted text hidden]

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

Wed, Mar 2, 2022 at 3:56 PM

Put both on pause for sec trying to clarify a couple of things.

[Quoted text hidden]

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

Wed, Mar 2, 2022 at 4:51 PM

How can I help?

Nancy Civetta

Shellfish Constable

Town of Wellfleet

C: 617-901-7193

O: 508-349-0325

E: nancy.civetta@wellfleet-ma.gov

300 Main St.

Wellfleet, MA 02667

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

[Quoted text hidden]



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

Shellfish Appeal Application

Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>

Wed, Apr 6, 2022 at 12:28 PM

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

Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>

Hi,

So with Rebecca's help I have created an application for the shellfish appeal process.

I have attached it for you to look over.

There is a fee at the bottom for the applicant of \$175 to cover the cost of the advertisement and administration time. There are 7 copies required so each selectboard member has a copy for the hearing, I have a copy for the file in my office and the shellfish department gets a copy for their files.

I have also attached the letter that is being sent to Luene and Schooner Grady regarding their grant forfeiture.



Rebekah L . Eldridge

Executive Assistant to the Town Administrator

(508) 349-0300 ext 1100

774-383-2609 (cell)

M-F 8am-12noon; 1pm-4pm

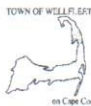
2 attachments

 **Shellfish Appeal Application RE 4-6-2022.docx**
151K

 **Letter from Selectboard to Luene Grady 4-6-2022.docx**
136K

Wellfleet Harbormaster Department

Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Luene and Schooner Grady
100 Gull Pond Rd.
Wellfleet, MA 02667

March 24, 2022

Dear Luene and Schooner:

As its meeting on Tuesday, March 22, 2022, the Town of Wellfleet Selectboard confirmed that a grant forfeiture is automatic when someone does not meet the deadline specified in the regulations for requesting a public hearing, as follows:

7.13.3. Notification of Failure to Meet Minimal Requirements

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

Since you did not request a public hearing within two weeks from when your certified mail return receipts were signed as delivered to each of you, I regret to inform you that you have forfeited your license for grant #95-15. As we have discussed and documented, your history of non-usage of this grant goes back at least a decade.

I am copying the Town of Wellfleet Selectboard, the Wellfleet Principal Clerk, the Executive Assistant to the Town Administrator and the Massachusetts Division of Marine Fisheries on this notice so all are notified about this grant forfeiture.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta
Shellfish Constable
Town of Wellfleet

CC: Town of Wellfleet Selectboard, Ryan Curley, Chair
Jeanne Maclauchlan, Principal Clerk
Rebekah Eldridge, Executive Assistant to the Town Administrator
Chrissy Petitpas, Senior Aquaculture Biologist, Mass. Division of Marine Fisheries

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305



WELFLEET SELECTBOARD

300 MAIN STREET

WELFLEET MA 02667

Phone (508) 349-0300

Fax (508) 349-0305

www.wellfleet-ma.gov

Dear Luene,

April 6, 2022

Thank you for contacting the Wellfleet Selectboard office through Rebekah Eldridge. We have gone through the correspondence between you and the Wellfleet Shellfish Department dating back to July 2019 when you first went into the office and had a conversation with the Shellfish Constable Nancy Civetta. She sent you a letter thanking you for coming in and explained in detail the timeline of your grant from when it was first started in 1996. She gave you the reports of the grant which documented no production on the grant for many years.

You and Schooner Grady were then sent via certified mail on January 31, 2022, a notice that the grant was going to be forfeited for lack of production and grant reports. Both the green cards were signed by you and Schooner, in that letter it stated you had 14 days to request a public hearing with the Selectboard which would have been a date of February 13, 2022. There is no record of you requesting a hearing with the office. If we are mistaken and you have dated documentation that you sent in requesting a hearing within the time frame allowed, please send that in and we will do our best to accommodate your request and to rectify this situation.

If there is no record of such a request unfortunately in the shellfish regulations your time period for a hearing has passed and your grant has been forfeited.

7.13.3. Notification of Failure to Meet Minimal Requirements

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

As stated above, if you have any records of requesting a hearing in writing, please send that to the office at town hall and we will work with you to correct our mistake.

Sincerely,

The Wellfleet Selectboard



TOWN OF WELLFLEET

Town Hall
300 Main Street
Wellfleet-ma.gov
Telephone (508) 349-0300 ext. 1100
Rebekah.eldridge@wellfleet-ma.gov

SHELLFISH GRANT FORFEITURE APPEALS APPLICATION

APPLICANT: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

GRANT HOLDER: _____

LOCATION OF GRANT YOU ARE APPEALING: _____

Section(s) of the Wellfleet Shellfish Regulations in which you
Are appealing: _____

Grant License #: _____

FOR ADMINISTRATIVE USE ONLY

PETITION #: _____

DATE FILED WITH TOWN CLERK:

HEARING DATE: _____

TIME: _____

Was issue discussed with the Shellfish Constable? ___ YES (Date: _____) ___ NO

Description of Project or Changes Proposed (please attach additional pages if needed): _____

NOTICE: The applicant shall provide seven (7) copies of this completed Application, either typewritten or printed clearly and legibly, and seven (7) copies of shellfish appeal requirement as required on page 2, and one digital copy sent to the email above.

In addition, the Applicant shall pay a fee of one hundred seventy-five dollars (\$175.00) for processing the application, notifying abutters and publication of legal notices of the Public Hearing. (Please make check payable to the Town of Wellfleet)

SIGNATURE: _____ DATE: _____
(Grant License Holder)

Application and Fee received by: _____
(Agent for the Wellfleet Selectboard)

Date: _____

OVER

SHELLFISH APPEAL REQUIREMENTS

PLEASE NOTE:

The Wellfleet Selectboard and the Wellfleet Shellfish Department work together to make sure all the Shellfish Regulations are followed. Below is a checklist for the grant holder to use to make sure all regulations are followed.

THE BOARD REQUIRES THE FOLLOWING:

- ___ Proof of payment for grants (\$25.00 per acre)
- ___ Date of Payment (required to be received each year by February 28th)
- ___ Proof of Grant Report submitted to the Shellfish Department (required by February 28th each year)
- ___ Documentation of Reports filed with the State as specified in the Shellfish Regulations
- ___ Proof of Productivity (equaling \$1000 per year)
- ___ Copies of certified letters send from the Shellfish Constable
- ___ Copies of all documentation between the Shellfish Department and Grant License Holder
- ___ Copies of Grant Inspections done.

All documents submitted with this appeal need to be time stamped by the town clerk.

A hearing will be held within 90 days of the request

The Selectboard's office will provide minimum assistance through the appeal process



WELLFLEET SELECTBOARD

300 MAIN STREET

WELLFLEET MA 02667

Phone (508) 349-0300

Fax (508) 349-0305

www.wellfleet-ma.gov

Dear Luene,

April 6, 2022

Thank you for contacting the Wellfleet Selectboard office through Rebekah Eldridge. We have gone through the correspondence between you and the Wellfleet Shellfish Department dating back to July 2019 when you first went into the office and had a conversation with the Shellfish Constable Nancy Civetta. She sent you a letter thanking you for coming in and explained in detail the timeline of your grant from when it was first started in 1996. She gave you the reports of the grant which documented no production on the grant for many years.

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

As stated above, if you have any records of requesting a hearing in writing, please send that to the office at town hall and we will work with you to correct our mistake.

Sincerely,

The Wellfleet Selectboard



Wellfleet Harbormaster Department Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Luene and Schooner Grady
100 Gull Pond Rd.
Wellfleet, MA 02667

March 24, 2022

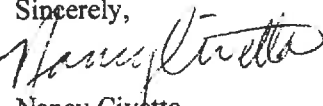
Dear Luene and Schooner:

As its meeting on Tuesday, March 22, 2022, the Town of Wellfleet Selectboard confirmed that a grant forfeiture is automatic when someone does not meet the deadline specified in the regulations for requesting a public hearing, as follows:

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

Since you did not request a public hearing within two weeks from when your certified mail return receipts were signed as delivered to each of you, I regret to inform you that you have forfeited your license for grant #95-15. As we have discussed and documented, your history of non-usage of this grant goes back at least a decade.

I am copying the Town of Wellfleet Selectboard, the Wellfleet Principal Clerk, the Executive Assistant to the Town Administrator and the Massachusetts Division of Marine Fisheries on this notice so all are notified about this grant forfeiture.

Sincerely,

Nancy Civetta
Shellfish Constable
Town of Wellfleet

CC: Town of Wellfleet Selectboard, Ryan Curley, Chair
Jeanne Maclauchlan, Principal Clerk
Rebekah Eldridge, Executive Assistant to the Town Administrator
Chrissy Petitpas, Senior Aquaculture Biologist, Mass. Division of Marine Fisheries

wellfleet-ma.gov/shellfish-department
Phone (508) 349-0325 Fax (508) 349-0305

Wellfleet Harbormaster Department Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Luene and Schooner Grady
100 Gull Pond rd.
Wellfleet, MA 02667

January 31, 2022

Dear Luene and Schooner:

As discussed in our meeting on July 12, 2019, if you did not meet minimum productivity in 2020, you were at risk of forfeiting grant 95-15. You both got propagation permits in 2019, and then did not renew them in 2020 nor 2021. You have missed turning in multiple annual reports, including for 2020. I visited grant #95-15 multiple times in 2020 and 2021, and nothing has changed out there. I understand that due to the pandemic caused by COVID-19, these past two years have presented challenges for all shellfishermen.

However, I sent you a certified mail, which you received on June 11, 2021, about the need to meet minimum productivity, and on July 1, 2021, Schooner called me and left a message about putting Matt Grady on the grant as an employee, which I assumed meant you were going to give it a try. In that message, Schooner said that Matt was putting the buoys out, as well. After this, no one came in to fill out the employee paperwork and nothing happened on the grant for the duration of the year.

Here are my notes from one of my many visits to grant #95-15 in 2021:

GRADY GRANT 95-15 - 07-26-2021 VISIT

2 buoys in wrong place

Buoys marked with wrong numbers (95-16 is not theirs)

1 old oyster grow bag covered in codium

Old clam rebar covered in codium

1 cage emptied of dead oysters and Aaron Francis tag removed; no tag; little white half buoy

1 cage full of dead oysters; Michael Gregory tag; white and green buoy with red stick

Buried rack with old cages covered in codium

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

Therefore, I am notifying you of failing to meet minimum productivity, which would mean forfeiting your grant. You have the right to appeal this to the Selectboard within two weeks from this notification. If you do not file an appeal within that time frame, your license for grant #95-15 will be forfeited automatically. Here are the Town of Wellfleet's Shellfishing Policy and Regulations to this regard:

7.13.3. Notification of Failure to Meet Minimal Requirements

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

I am attaching here my letter to you dated July 22, 2019, along with the Historical Overview of Grant #95-15 that I included there. As I mentioned earlier, we had all met on July 12, 2019 and agreed on what was outlined here.

It is clear to me that you simply don't have the time or resources to do what it takes to meet minimum productivity on grant #95-15, which because it is one acre would be equal to \$1,000 of shellfish sales each year.

Don't hesitate to call me for further details. Should you want to appeal my determination to the Selectboard, that is your right. 617-901-7193 (cell)

Sincerely,



Nancy Civetta
Shellfish Constable
Town of Wellfleet

7020 1290 0000 3238 6418

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com™

Wellfleet, MA 02667

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as indicated)	\$7.05
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.78
Total Postage and Fees	\$7.58

Sent To: Schooner Grady
 Street and Apt. No., or PO Box No. 100 Gull Pond Rd
 City, State, ZIP+4® Wellfleet MA 02667



7020 1290 0000 3238 6418

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com™

Wellfleet, MA 02667

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as indicated)	\$3.05
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.78
Total Postage and Fees	\$7.58

Sent To: Luene Grady
 Street and Apt. No., or PO Box No. 100 Gull Pond Rd
 City, State, ZIP+4® Wellfleet MA 02667



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Luene Grady
P.O. Box 1183
Wellfleet, MA 02667



9590 9402 6450 0346 4718 62

2. Article Number (Transfer from service label)

7020 1290 0000 3238 6418

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

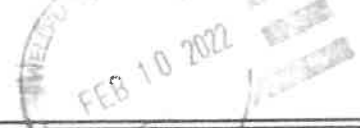
A. Signature

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No



3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Schooner Grady
100 Gull Pond Rd
Wellfleet, MA 02667



9590 9402 6450 0346 4718 55

2. Article Number (Transfer from service label)

7020 1290 0000 3238 6630

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No



3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Wellfleet Harbormaster Department
Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Luene and Schooner Grady
100 Gull Pond rd.
Wellfleet, MA 02667

July 22, 2019

Dear Luene and Schooner:

Thanks for coming in to the office to meet with me about grant #95-15. Please find here enclosed the history of the grant as per Town of Wellfleet records and a summary of our meeting on July 12. As stated therein, if this grant fails to meet minimum productivity at any time in the future, it will be automatically be returned to the town so as to be made available to another eligible shellfisherman who desires to make his/her living through aquaculture.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta
Shellfish Constable
Town of Wellfleet



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

HISTORICAL OVERVIEW OF GRANT #95-15

- License granted on March 1, 1996 to Richard Grady.
- Licensed transferred to Richard Grady, Schooner Grady, Luene Grady and Michael Gregory on February 15, 2000.
- License renewed on March 1, 2004, for ten years to Schooner Grady, Luene Grady and Michael Gregory.
- The last propagation permit for Schooner Grady on this grant was issued in 2009.
- Luene Grady has never had a propagation permit for this grant.
- The last propagation permit for Michael Gregory on this grant was issued in 2017.
- According to annual grant reports submitted to the town for 2008 through 2014, there was no activity on this grant.
- According to annual grant reports, clams were planted on this grant in 2005 and then not again until 2015.
- Again, from annual grant reports in 2015 and 2016, it seems like there may have been limited oyster culture from Chinese hats, but it is hard to tell as the reports are not clear.
- In the late winter of 2017, Asst. Shellfish Constable John Mankevetch met with Michael Gregory and told him his grant was in jeopardy because it was not meeting minimum productivity requirements. Michael said he had a plan to work it that summer.
- Sadly, Michael died on May 13, 2017. John told Luene that he would give her this year off. The 2017 grant report shows no activity.
- Shellfish Constable Civetta did a grant inspection on Dec. 7, 2017 with Schooner Grady present. There was no activity on the grant, and the notes say that "We will work together to come up with a plan for productivity moving forward. We'll meet during winter before grant reports are due." Nancy reached out a number of times to Schooner in 2018 with no reply.
- Nancy walked the grant many times in 2018, and saw no activity, which she documented with photos.
- On Sept. 12, 2018, Nancy was on Egg Island and saw Schooner Grady putting out buoys. They discussed him harvesting the old clam runs he has out there to prove minimum productivity. He could not have done this as he does not have a propagation permit nor a commercial shellfishing permit, so he could not have sold shellfish. State records confirm this.
- No annual report was submitted for this grant for 2018.
- The Grady's are up-to-date with grant payments through 2019. They owed boat excise for 2018 and 2019 and are squaring up with the town Tax Collector.

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

- Nancy met with Luene and Schooner on July 12, 2019.
 - Schooner said that he is back in Wellfleet now and divorced. Town Hall has records that demonstrate his domicile here.
 - He said that he couldn't work the grant before because of his financial issues.
 - He said he can't throw \$10,000 at it now, but he will begin working it again.
 - Nancy reported that she understands the troubles of the last few years, especially with Michael's death, but that the grant has basically been unproductive for ten years now.
 - Nancy encouraged them to think realistically about if they would use it because there are many young shellfishermen who would love to get a grant, but there are none available.
 - Nancy said she wants them to be successful and wants to be fair, but she also has a responsibility to be fair to the shellfishing community and make sure it is successful overall as well.
 - Together, they went over the regulations and expectations for 2019:
 - Schooner and Luene will get 2019 propagation permits.
 - Schooner will get a 2019 commercial shellfishing permit and seller's card.
 - Schooner will put buoys out and clean up the old gear off the grant.
 - Schooner will harvest old clams for the grant in order to make the minimum \$1,000 productivity requirement in 2019.
 - Schooner will plant a run or two of clams in August and/or September.
 - Schooner will communicate with Nancy as each step is made so that she can verify it.
 - Nancy gave them two state propagation permit applications, a state commercial shellfishing permit application and shellfish affidavit and an employee transaction card application.
 - Schooner and Luene understand that WSD needs to see production and that effort is being made.
 - WSD will monitor this grant closely. If there is a lack of activity or if production minimums are not met in any given year, the grant lease will be forfeited by the Grady's and automatically terminated by the Town.



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Luene Grady
100 Gull Pond Rd.
Wellfleet, Ma 02667

August 22, 2019

Dear Luene:

To recap our conversation this morning:

You called to talk about adding someone else to your grant. I asked to have you and Schooner come in again and meet with me. I told you I was trying to work with you to get grant #95-15 up and going given your recent trials with Mick's death and Schooner's divorce, however, I outlined and sent you a memo that demonstrated that this grant should have come back to the town because it has not met production requirements for a decade or more; long before your recent troubles. I told you we were at a "use it or lose it time," and I am not willing to entertain adding someone else to it. You said you understood and appreciated that I am working with you on this. I said that I am also responsible to the next generation of shellfishermen in town and that it could also be a positive result to let it go to a young Wellfleet resident to make a living here. You agreed. I said that we should meet together all three of us if anything changes. You thanked me for everything I am doing.

Please write me back if there is anything more we should add here or if I have left something out. If I don't hear from you, I will assume that I have accurately described our conversation and that you understand what the memo outlined.

I do look forward to working together to make this grant productive again.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Civetta".

Nancy Civetta
Shellfish Constable
Town of Wellfleet
C: 617-901-7193
O: 508-349-0325
E: nancy.civetta@wellfleet-ma.gov
300 Main St.
Wellfleet, MA 02667

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Luene Grady
POB1183
Wellfleet, MA 02667

Schooner Grady
POB 515
Wellfleet, MA 02667

June 8, 2021

Re: 2020 Annual Grant Report

Dear Luene and Schooner,

As I discussed on the phone yesterday with Luene, you need to turn in your annual grant report (form included here) for last year (2020).

Please either contact me (617-901-7193) to coordinate dropping it off, or you can put it in the Tax Payment mailbox behind Town Hall in an envelope addressed to Jeanne MacLauchlan for Shellfish Grant Report.

We have also documented together that your grant has not met minimum productivity for more than a decade. Here is the section from the regulations:

7.12. Evidence of Productivity: Use It or Lose It

7. 12.1. Minimum Levels of Investment and Production

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

a. During the first, second, and third year after the date of issuance of the license a minimum of \$1000 per acre shall be spent on seed and gear for the area and it shall be evident that this effort of improvement has taken place. Any licensed area that is less than one acre shall be prorated.

b. During the fourth year and every year thereafter there shall be a minimum production of an average of \$1000 worth of product per year per acre, or prorated for a portion thereof, from the practice of aquaculture on the licensed area. This shall be demonstrated by the annual grant report, and, if so requested by the Shellfish Constable, copies of transaction receipts or other acceptable documentation. (See MGL Chapter 130, Section 64 Annual fees for license.)

Once you get caught up with your paperwork, let's revisit this. Don't hesitate to call me with any questions in the meantime.

Thank you,

Nancy Civetta
Shellfish Constable, Town of Wellfleet

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



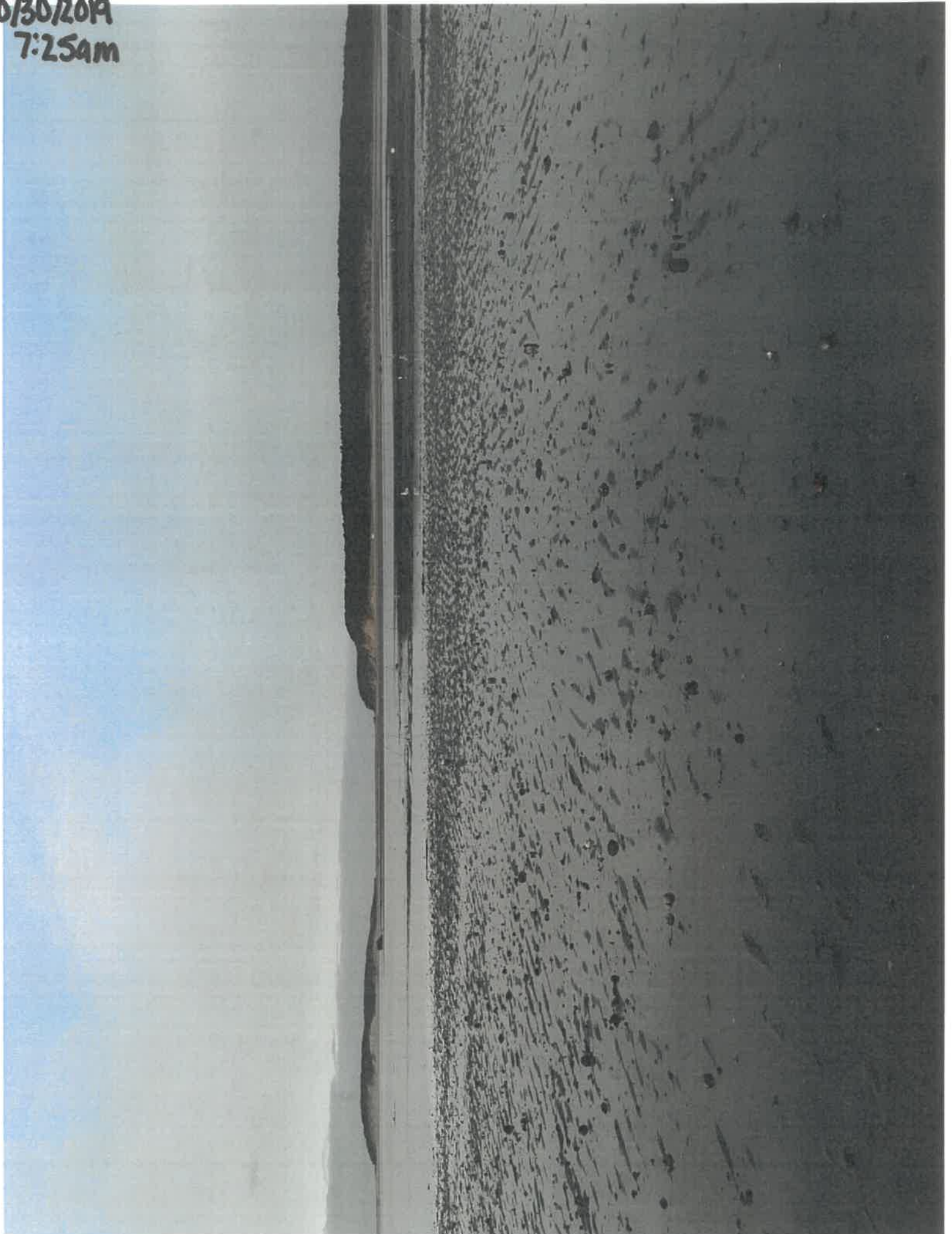
Fax (508) 349-0305

6/25/2019
3:31pm

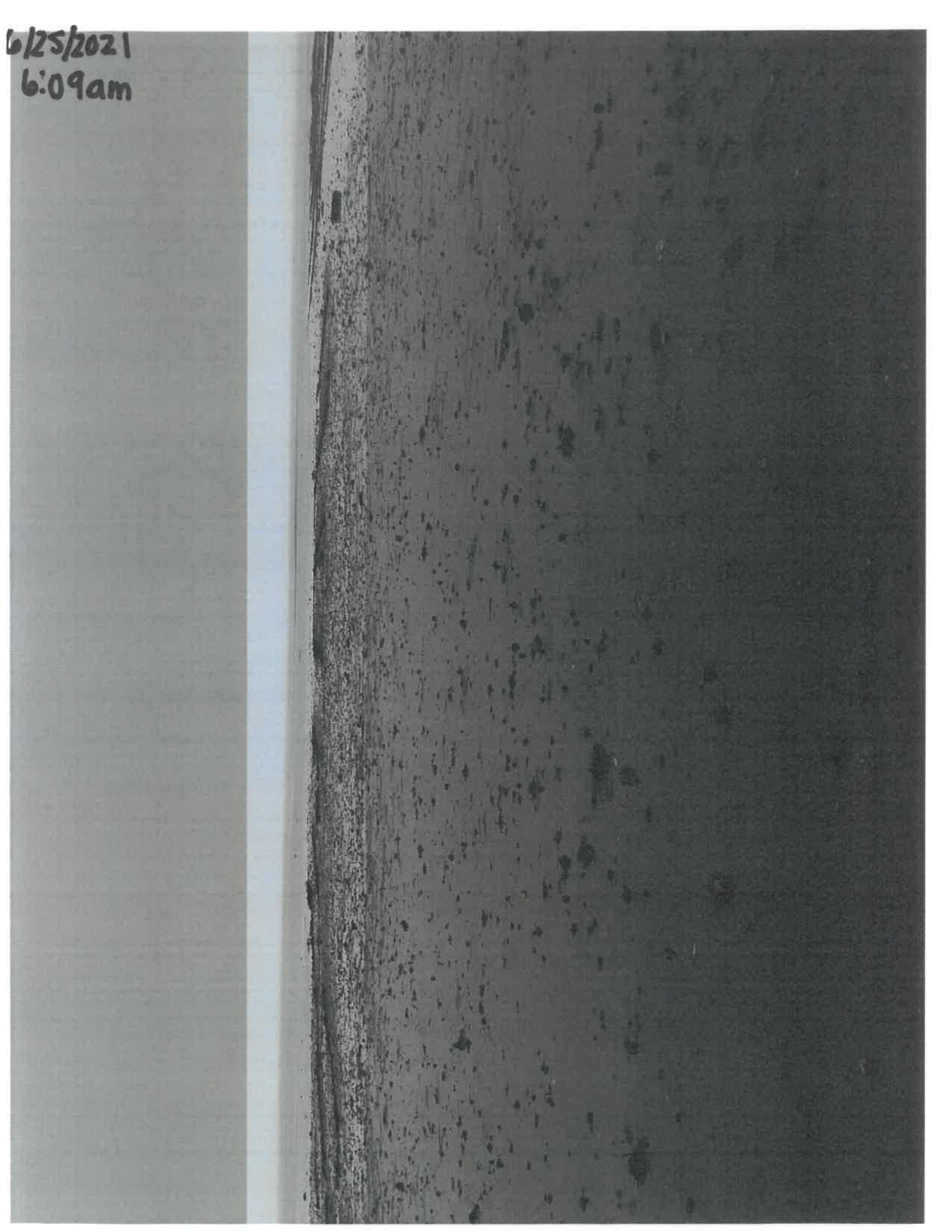
No Activity



0/30/2019
7:25am

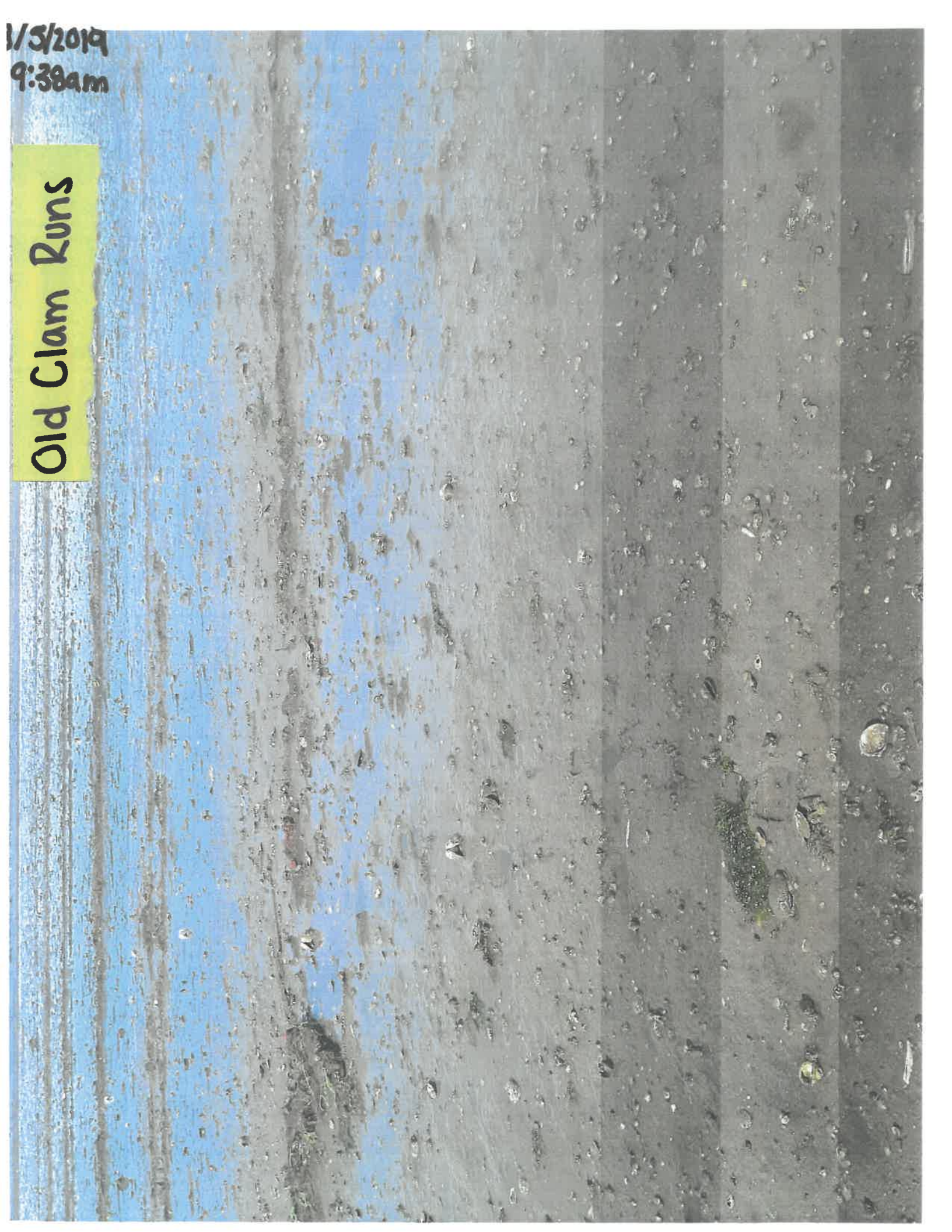


6/25/2021
6:09am

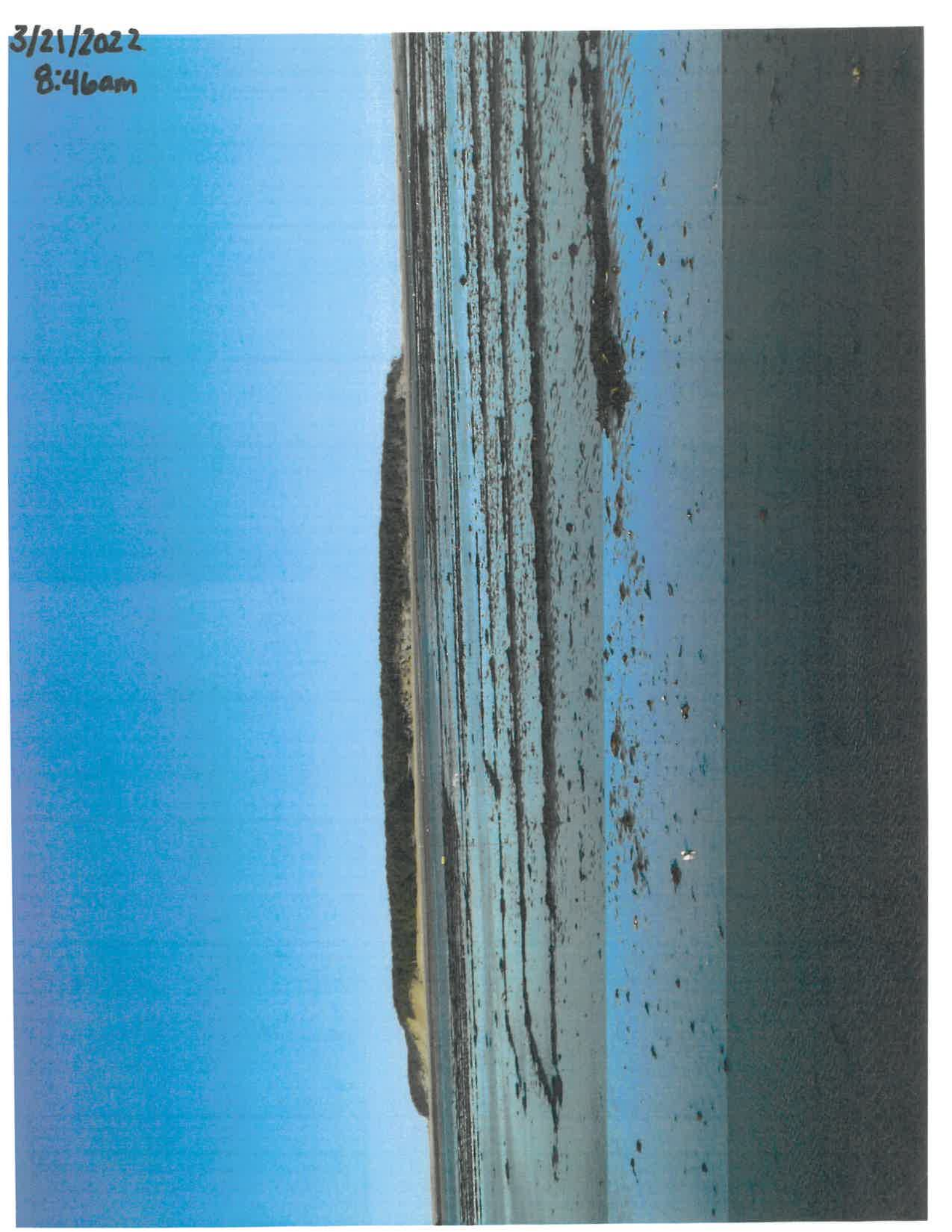


1/3/2019
9:38am

Old Clam Runs

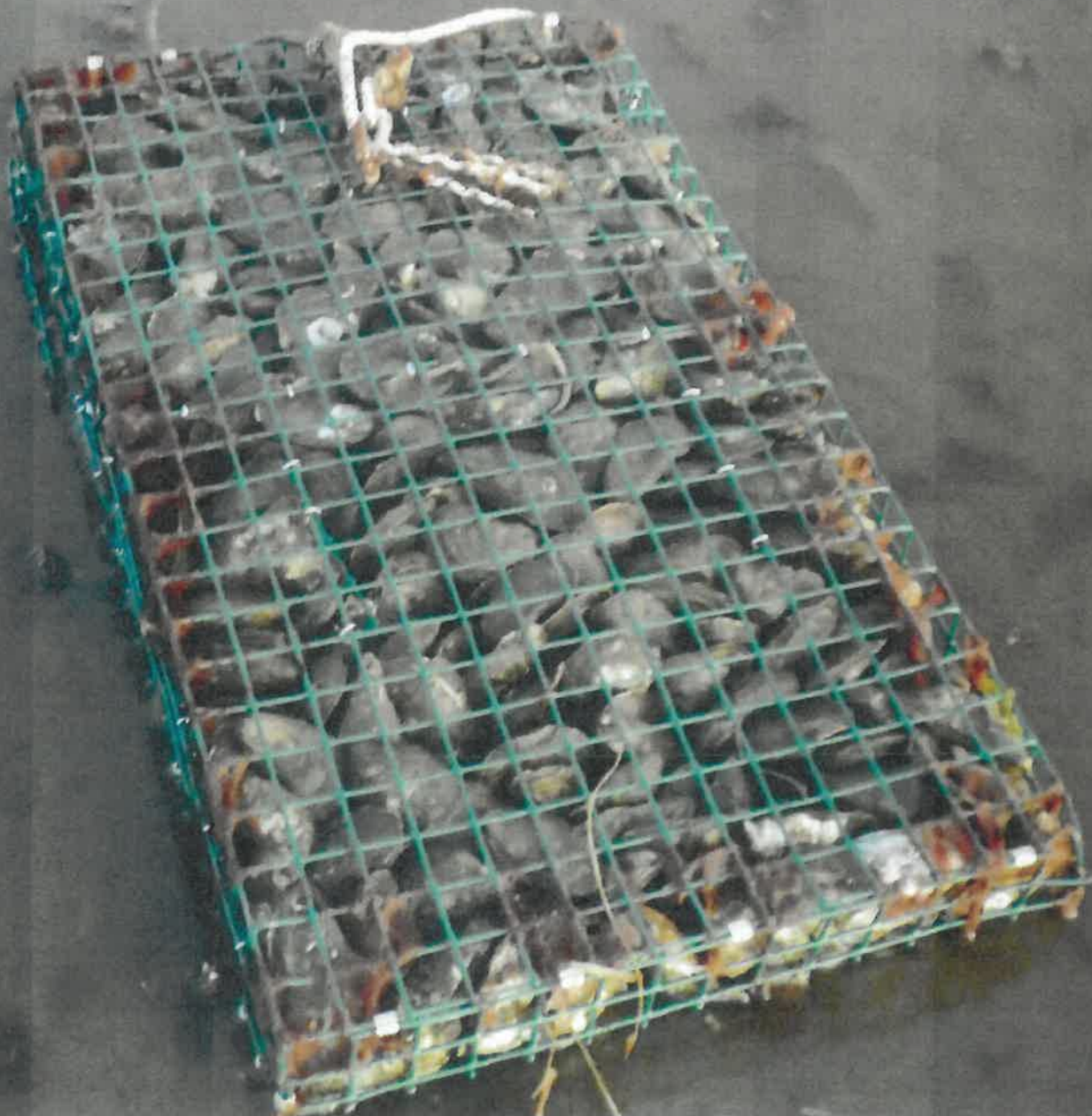


3/21/2022
8:46am



19/2020
5:38pm

Abandoned Oysters
Now Dead



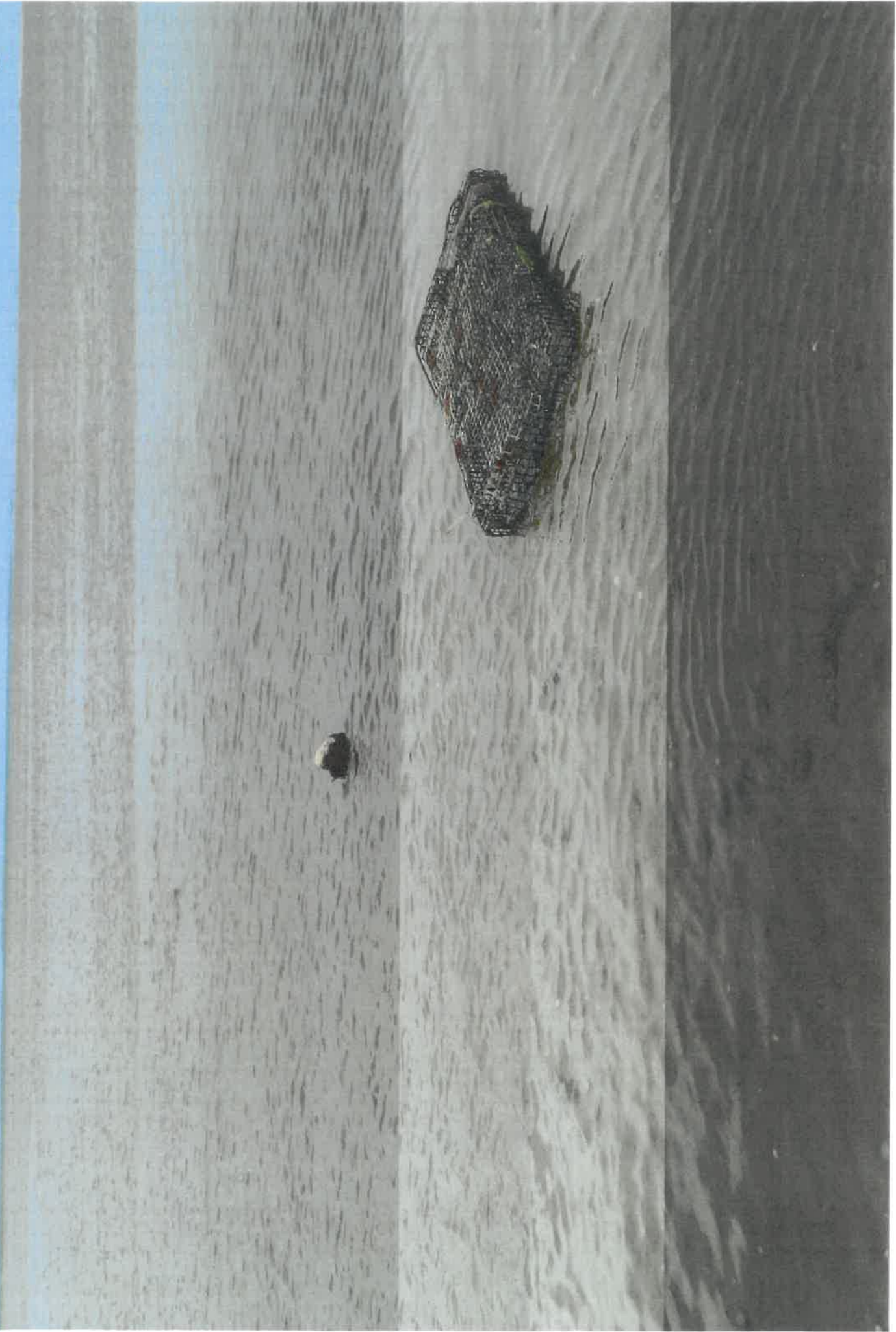
3/4/2021
10:49 am



171 7010 (0.51pm)
1:39pm

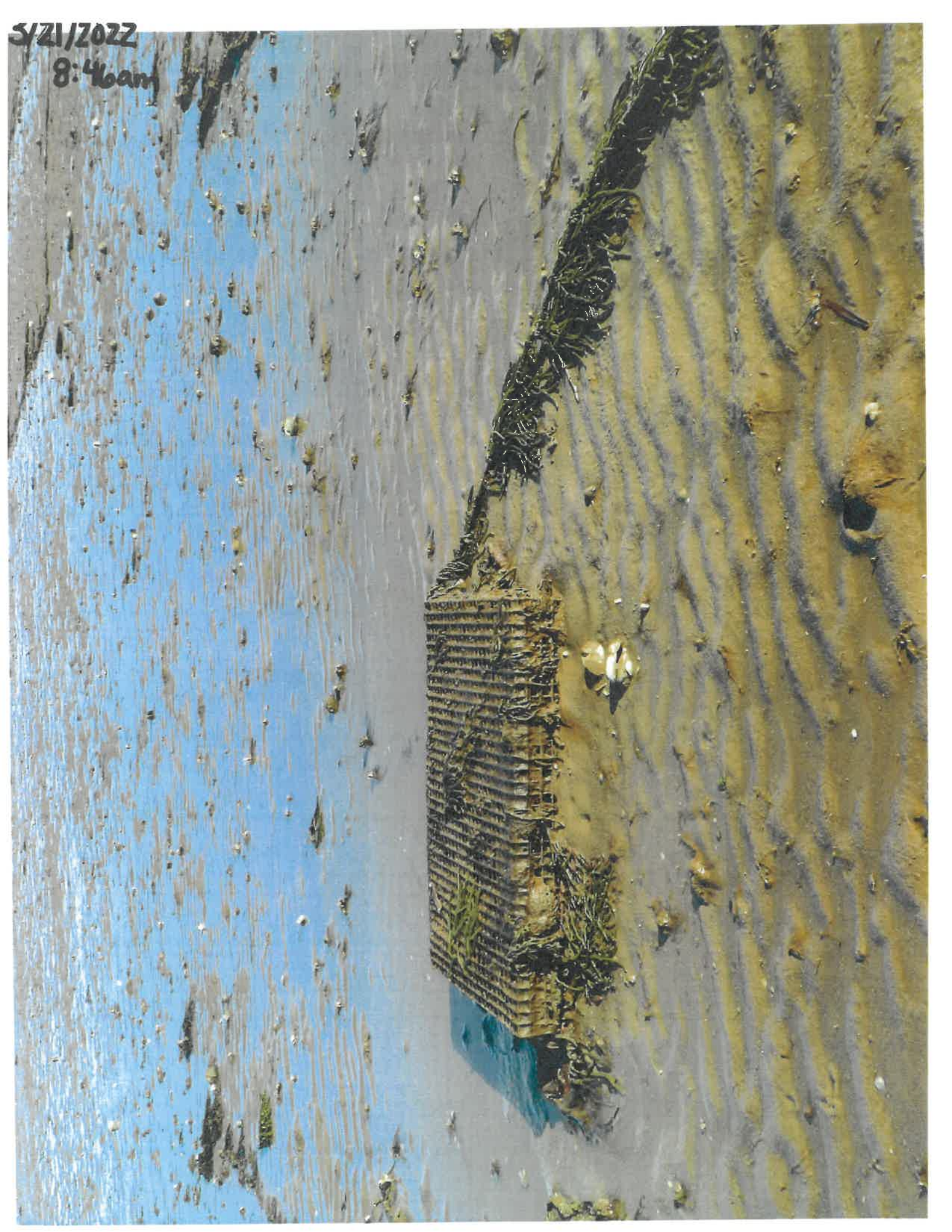


5/28/2021
9:05am



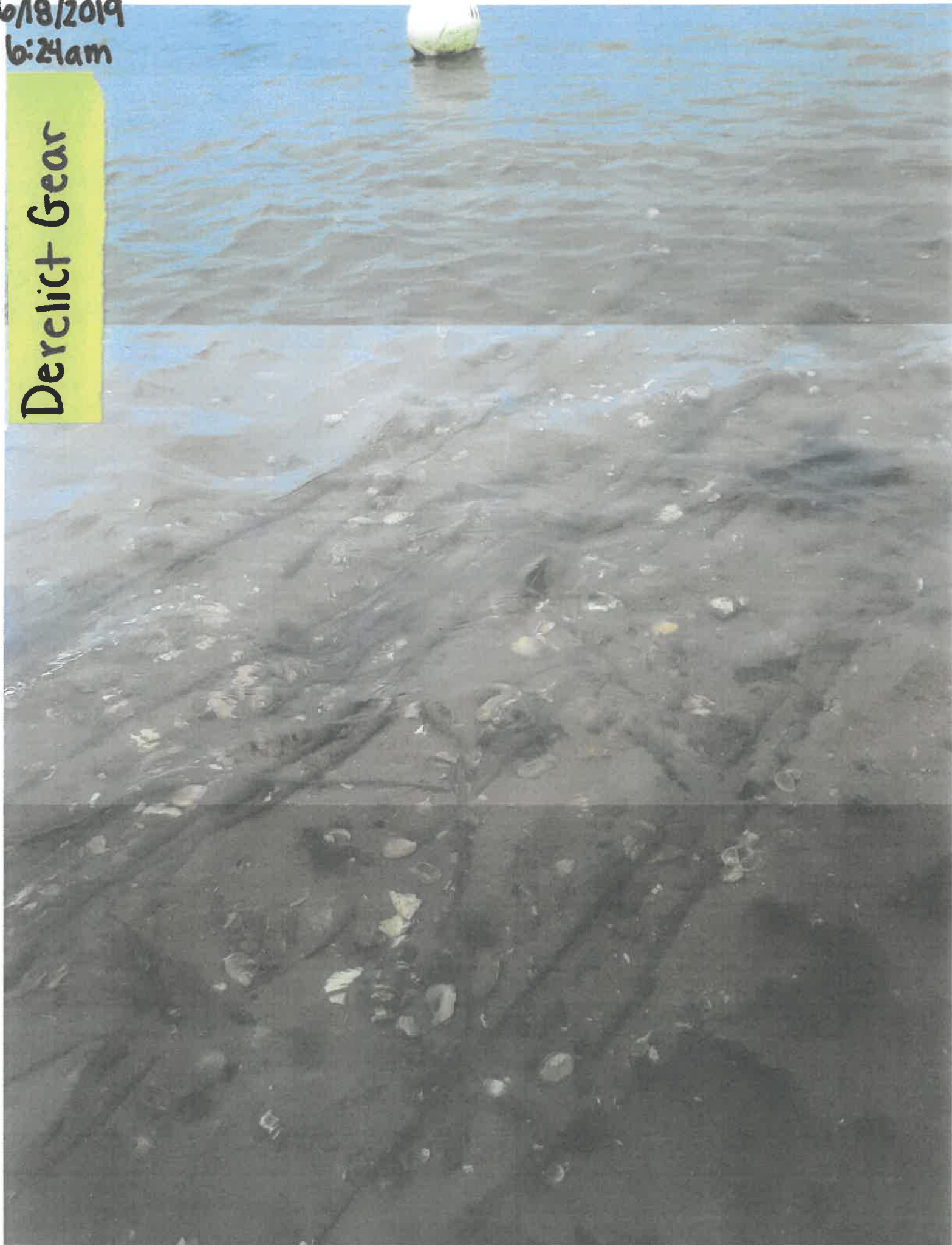
5/21/2022

8:46am



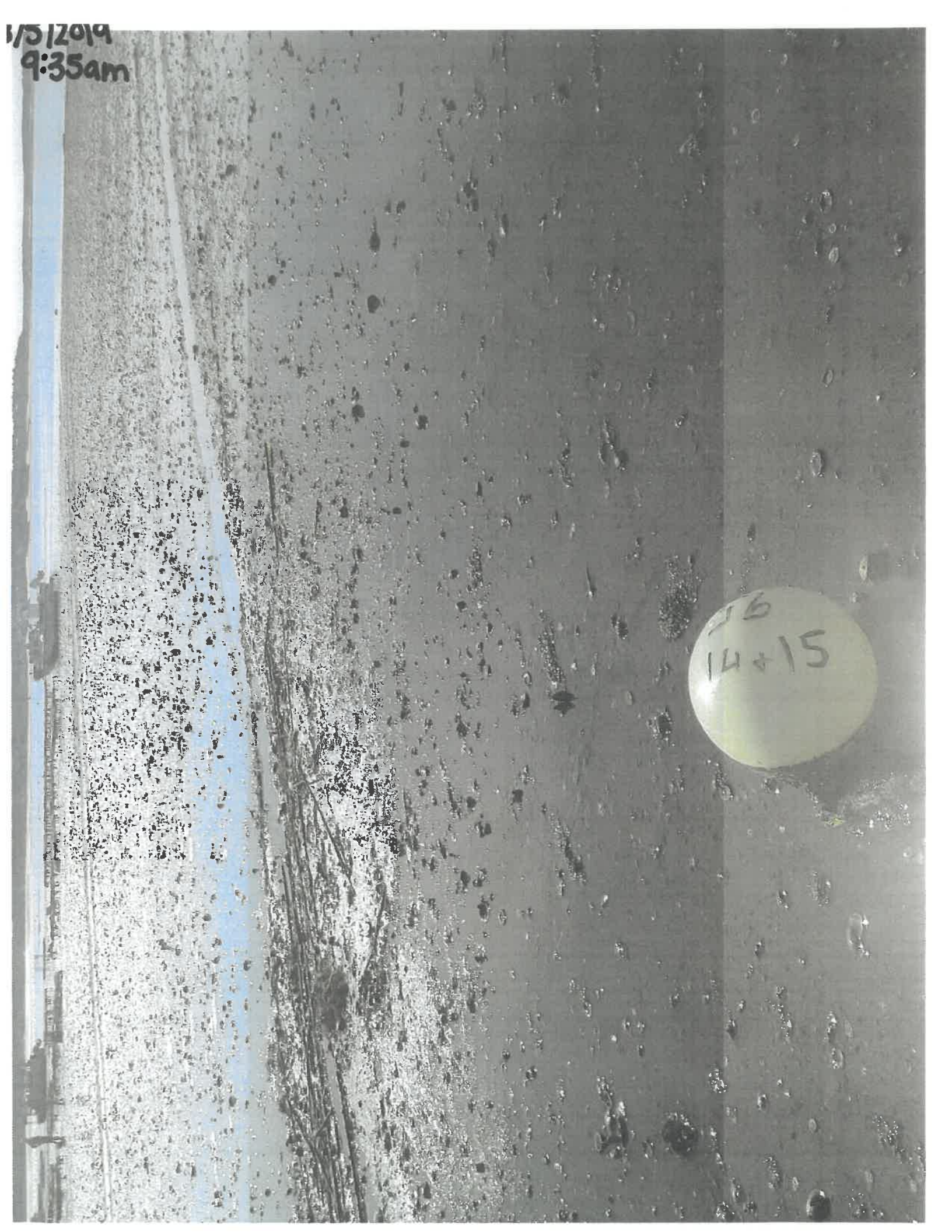
6/18/2019
6:24am

Derelict Gear

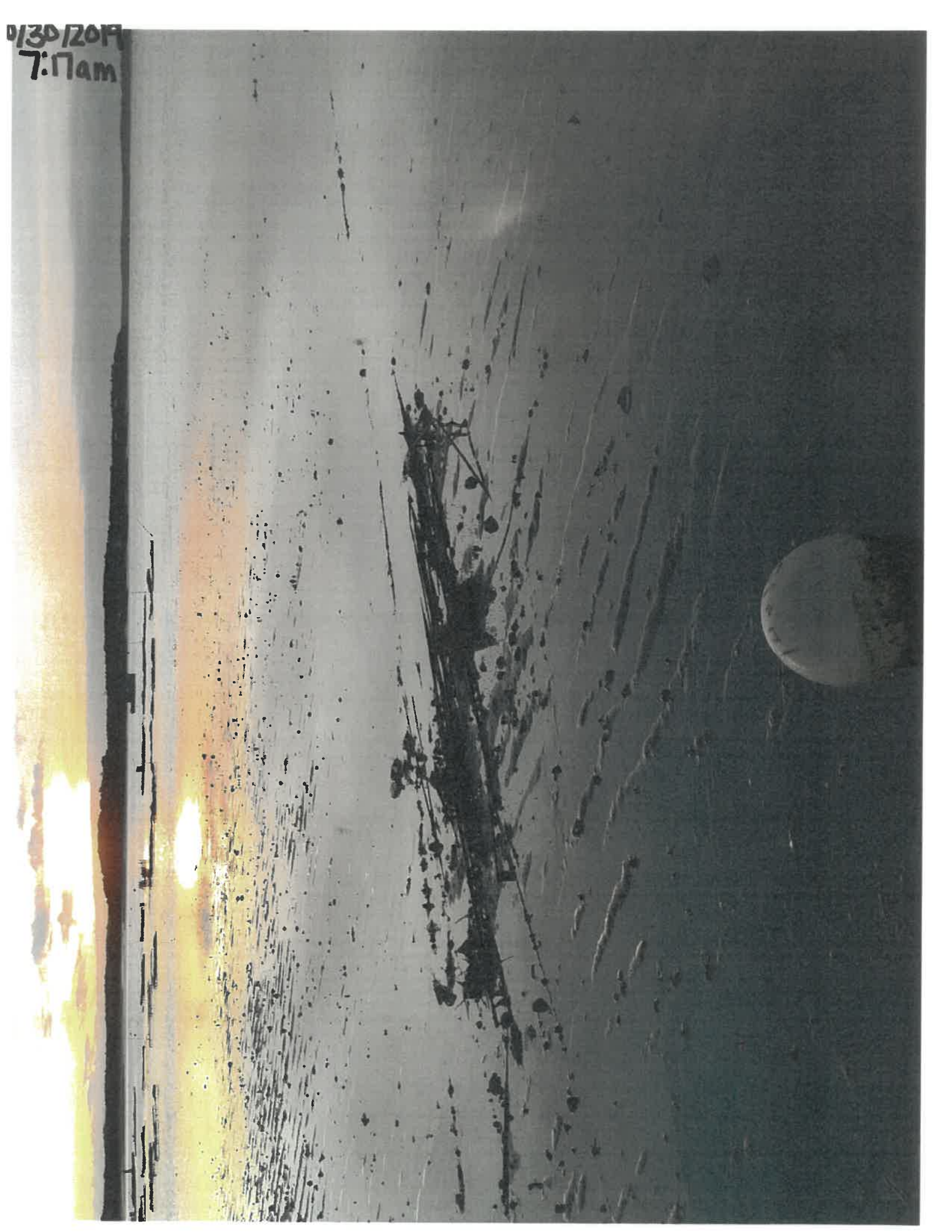


1/5/2019
9:35am

16
14+15



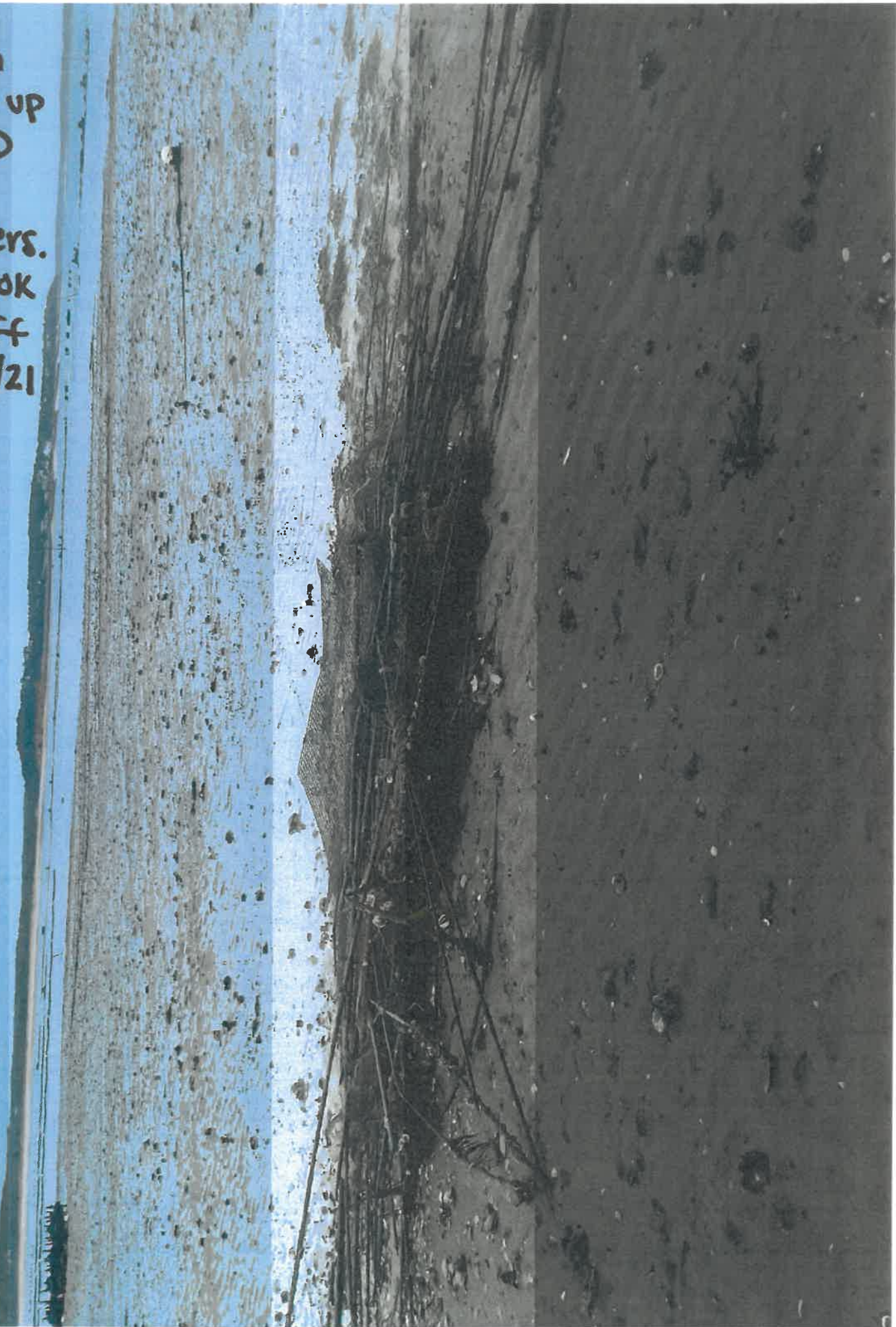
01/30/2019
7:17am



1/17/2020

3:22 pm

Cleaned up
by WSD
and
Volunteers.
WSD took
gear off
on 1/19/21

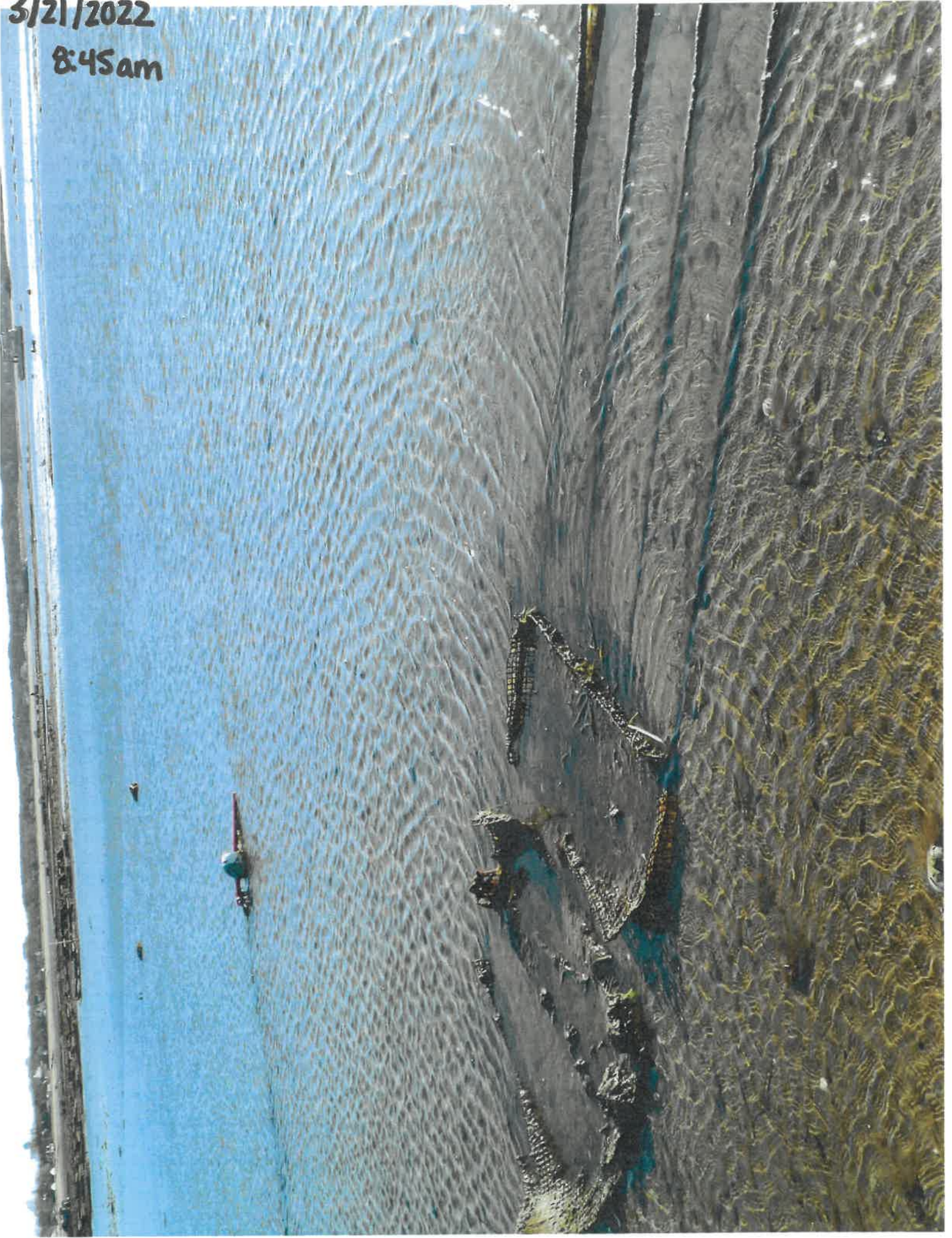


19/2020
5:39pm



5/21/2022

8:45am



TOWN OF WELLFLEET
Annual Report of Shellfish Activity
2019

CCB 11
Grant License Location
95 15
Grant number
1
Number of Acres
Seed Permit number

Schooner, Luene
Name(s) Grady
100 Gull Pond Rd
Address 695 4600
508 349 2151
Phone number
SchoonerHotmail.com
E-mail address

A. Oysters

1. Number (amount) of seed planted
2. Source of seed
 - a. Local wild stock (list where, e.g. Chipman's or on grant)
 - b. Imported wild stock
 - c. Hatchery stock (list each hatchery first, then amounts on following line)
3. Number of mature shellfish removed (pieces)
4. Value of shellfish removed (optional)
5. Number of shellfish remaining on bed (pieces)
6. Estimated value of shellfish remaining on bed (optional)

0

1400
2500
10000

FEB 20 2020

B. Quahogs

1. Number (amount) of seed planted

2. Source of seed

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

3. Number of mature shellfish removed (pieces)

4. Value of shellfish removed (optional)

5. Number of shellfish remaining on bed (pieces)

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

C. Other

1. Type

2. Number of pieces removed

3. Value (optional)

D. Adult Stock/Wild Harvest/Purging on Grant

1. Oysters (pieces and harvest dates)

2. Quahogs (pieces and harvest dates)

3. Other (pieces and harvest dates)

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

_____	_____	_____
Date	Licensee/s	Licensee/s
_____	_____	_____
	Address	Address
_____	_____	_____
	Licensee/s	Licensee/s
_____	_____	_____
	Address	Address
_____	_____	_____

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

_____ Shellfish Constable
Date

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

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

FIVE-YEAR PLAN

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

Grant # 95-15

Name(s) _____

Simon Green

Acres 1

Location CC 13 11

I. Types and amounts of shellfish to be raised

clams 500,000
Oysters 500,000

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

spat (clams/oysters) CC 13 11

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

Stuff 19' nets for clams
nets, rick, oysters cage for Oysters

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

V. Means of access

TOWN OF WELLFLEET
Annual Report of Shellfish Activity
2017

egg Island
Grant License Location

95 15
Grant number

Seed Permit number

Seversons Quarry
Name(s)

100 C. ...
Address

508 645 4629
Phone number

Seversons@Hotmail.com
E-mail address

MAR - 2 2018

A. Oysters

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

0
4 bushels
4 bushels

B. Quahogs

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

0

5. Number of shellfish remaining on bed

6,000

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

C. Other

1. Type

2. Number of bushel removed

3. Value (optional)

D. Adult Stock/Wild Harvest/Wet Storage

1. Oysters

2. Quahogs

3. Other

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

3/2/18
Date

Deborah Gray
Licensee's

Laura Gray

100 Cape Pond Rd
Address

Wareham MA 02667

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

Shellfish Constable

Date

5-YEAR PLAN

Grant # 45-15

Name S. Thomas (Spicer)

Location Ugg Island

I. Types of Shellfish to be raised Oyster 1/2 plane

II Method of Propagation flat bottom and rakes

III. Means of Access 19' can-liner skiff and beach access

IV. Equipment to be used boat, rakes, rakes-oyster bags
anchors netting

KCB 11
Egg Island
~~9516-9517~~

TOWN OF WELLFLEET
Annual Report of Shellfish Activity
2016

Grant License Location

~~9516-9517~~
Grant number

Seed Permit number

FEB - 5 2017

Gradyl Gregory
Name(s)

100 Bull Pound Rd
Address 5645

508-349 2757-508-246
Phone number ~~608~~

none

E-mail address

A. Oysters

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

~~4~~ oyster 4
ARC
clam oyster
~~ARC~~ Hates
hates
2
600\$
1
2,000\$

B. Quahogs

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

0
ARC
ARC
8 Bushel
1,000\$
4 Bushel
2,000\$

C. Other

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

oyster clam
 5-6

D. Adult Stock/Wild Harvest/Wet Storage

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

Quahogs

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

2- -17
 Date

137498
 Licensee/s

100 Gill Pound Road
 Address

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


 Shellfish Constable

Date

5-YEAR PLAN

Grant # 95169517

Name Michael Gregory

Location Egg Island

I. Types of Shellfish to be raised

Oyster
Clam

II Method of Propagation

III. Means of Access

Boat

IV. Equipment to be used

NET Rakes

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

2015

DSGA CCBII Egg Island

Grant License Location

95-16 - 95 - 17

Grant number

167724

Seed Permit number

Michael K Gregory

Name(s)

100 Bull Pound Rd Wellfleet

Address

508-367-2899

Phone number

NONE

E-mail address

A. Oysters

1. Number of bushel of seed planted

4 Bush

2. Source of seed

a.r.c.

a. Local wild stock

18 - Bush

b. Imported wild stock

NONE

c. Hatchery stock

~~18~~ a.r.c.

d. Name and address of source, if not local

Michael K Gregory

3. Number of bushels mature shellfish removed

~~18~~ hard clam is Bush

4. Value of shellfish removed (optional)

?

5. Number of bushels of shellfish remaining on bed

35 Bush

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

?

B. Quahogs

1. Number of seed planted

100,000

2. Source of seed

hard clam

a. Hatchery name and address

3. Number of mature shellfish removed

25 Bush

4. Value of shellfish removed (optional)

15,000 ?

5. Number of shellfish remaining on bed

25 Bush

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

10,000 ?

JAN 21 2016

C. Other

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

D. Adult Stock/Wild Harvest/Wet Storage

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

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

Date

Licensee/s

Address

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

Shellfish Constable

Date

5-YEAR PLAN

Grant # 95-16-95-17

Name Michael Gnagomy

Location wellfleet

I. Types of Shellfish to be raised

hard clam oyster

II Method of Propagation

nets . Rakes

III. Means of Access

Sciff - Boat

IV. Equipment to be used

nets - Rake

TOWN OF WELLFLEET
Annual Report of Shellfish Activity

2014

95
Grant License Location
95-1695-15
Grant number
167724
Seed Permit number

Michael Grogan
Name(s)
611 Pd Rd Wellfleet MA
Address
508 367-2899
Phone number
none
E-mail address

A. Oysters

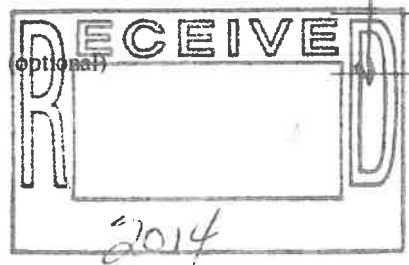
1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining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

0 This year
↓

B. Quahogs

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

0 This year



C. Other

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

D. Adult Stock/Wild Harvest/Wet Storage

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

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

12-23-14
Date

Michael Grayson
Licensee/s

P.O. Box 1232

100 Wellfleet, P.S.A. 02567
Address

Cottage 3

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

Shellfish Constable

Date

5-YEAR PLAN

Grant # 95 15 9516

Name Michael Gwynn

Location Egg Island

I. Types of Shellfish to be raised hard clam

II Method of Propagation NEST

III. Means of Access Boat

IV. Equipment to be used hand rake

TOWN OF WELLFLEET
Annual Report of Shellfish Activity
2013

95
Grant License Location
95-16-95-15
Grant number
167724
Seed Permit number

Michael Gregory
Name(s)
100 Bull Pt Rd Wellfleet Ma
Address
508 367 2899
Phone number
None
E-mail address

A. Oysters

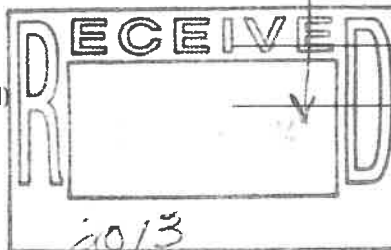
1. Number of bushel of seed planted
2. Source of seed
 - a. Local wild stock
 - b. Imported wild stock
 - c. Hatchery stock
 - d. Name and address of source, if not local
3. Number of bushels mature shellfish removed
4. Value of shellfish removed (optional)
5. Number of bushels of shellfish remaining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

0 this year

B. Quahogs

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

0 This year



C. Other

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

D. Adult Stock/Wild Harvest/Wet Storage

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

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

12-23-14

Date

Luene Grady
Licensee/s

P.O. Box 1184

100 Guil Pd Rd
Address

Weymouth, MA 02667

508-349-2757

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

Shellfish Constable

Date

5-YEAR PLAN

Grant # 95-15 9516

Name Michael Dugan

Location Egg Island

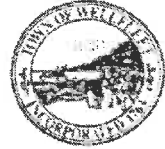
I. Types of Shellfish to be raised hard clam

II Method of Propagation NEST

III. Means of Access Boat

IV. Equipment to be used ~~Hand rake~~ hand rake

Wellfleet Harbormaster Department Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Luene and Schooner Grady
100 Gull Pond rd.
Wellfleet, MA 02667

January 31, 2022

Dear Luene and Schooner:

As discussed in our meeting on July 12, 2019, if you did not meet minimum productivity in 2020, you were at risk of forfeiting grant 95-15. You both got propagation permits in 2019, and then did not renew them in 2020 nor 2021. You have missed turning in multiple annual reports, including for 2020. I visited grant #95-15 multiple times in 2020 and 2021, and nothing has changed out there. I understand that due to the pandemic caused by COVID-19, these past two years have presented challenges for all shellfishermen.

However, I sent you a certified mail, which you received on June 11, 2021, about the need to meet minimum productivity, and on July 1, 2021, Schooner called me and left a message about putting Matt Grady on the grant as an employee, which I assumed meant you were going to give it a try. In that message, Schooner said that Matt was putting the buoys out, as well. After this, no one came in to fill out the employee paperwork and nothing happened on the grant for the duration of the year.

Here are my notes from one of my many visits to grant #95-15 in 2021:

GRADY GRANT 95-15 - 07-26-2021 VISIT

2 buoys in wrong place

Buoys marked with wrong numbers (95-16 is not theirs)

1 old oyster grow bag covered in codium

Old clam rebar covered in codium

1 cage emptied of dead oysters and Aaron Francis tag removed; no tag; little white half buoy

1 cage full of dead oysters; Michael Gregory tag; white and green buoy with red stick

Buried rack with old cages covered in codium

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325

Fax (508) 349-0305

Therefore, I am notifying you of failing to meet minimum productivity, which would mean forfeiting your grant. You have the right to appeal this to the Selectboard within two weeks from this notification. If you do not file an appeal within that time frame, your license for grant #95-15 will be forfeited automatically. Here are the Town of Wellfleet's Shellfishing Policy and Regulations to this regard:

7.13.3. Notification of Failure to Meet Minimal Requirements

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

I am attaching here my letter to you dated July 22, 2019, along with the Historical Overview of Grant #95-15 that I included there. As I mentioned earlier, we had all met on July 12, 2019 and agreed on what was outlined here.

It is clear to me that you simply don't have the time or resources to do what it takes to meet minimum productivity on grant #95-15, which because it is one acre would be equal to \$1,000 of shellfish sales each year.

Don't hesitate to call me for further details) Should you want to appeal my determination to the Selectboard, that is your right. 617-901-7193 (cell)

Sincerely,



Nancy Civetta
Shellfish Constable
Town of Wellfleet

Wellfleet Harbormaster Department
Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Luene and Schooner Grady
100 Gull Pond rd.
Wellfleet, MA 02667

July 22, 2019

Dear Luene and Schooner:

Thanks for coming in to the office to meet with me about grant #95-15. Please find here enclosed the history of the grant as per Town of Wellfleet records and a summary of our meeting on July 12. As stated therein, if this grant fails to meet minimum productivity at any time in the future, it will be automatically be returned to the town so as to be made available to another eligible shellfisherman who desires to make his/her living through aquaculture.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta
Shellfish Constable
Town of Wellfleet

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

HISTORICAL OVERVIEW OF GRANT #95-15

- License granted on March 1, 1996 to Richard Grady.
- License transferred to Richard Grady, Schooner Grady, Luene Grady and Michael Gregory on February 15, 2000.
- License renewed on March 1, 2004, for ten years to Schooner Grady, Luene Grady and Michael Gregory.
- The last propagation permit for Schooner Grady on this grant was issued in 2009.
- Luene Grady has never had a propagation permit for this grant.
- The last propagation permit for Michael Gregory on this grant was issued in 2017.
- According to annual grant reports submitted to the town for 2008 through 2014, there was no activity on this grant.
- According to annual grant reports, clams were planted on this grant in 2005 and then not again until 2015.
- Again, from annual grant reports in 2015 and 2016, it seems like there may have been limited oyster culture from Chinese hats, but it is hard to tell as the reports are not clear.
- In the late winter of 2017, Asst. Shellfish Constable John Mankevetch met with Michael Gregory and told him his grant was in jeopardy because it was not meeting minimum productivity requirements. Michael said he had a plan to work it that summer.
- Sadly, Michael died on May 13, 2017. John told Luene that he would give her this year off. The 2017 grant report shows no activity.
- Shellfish Constable Civetta did a grant inspection on Dec. 7, 2017 with Schooner Grady present. There was no activity on the grant, and the notes say that "We will work together to come up with a plan for productivity moving forward. We'll meet during winter before grant reports are due." Nancy reached out a number of times to Schooner in 2018 with no reply.
- Nancy walked the grant many times in 2018, and saw no activity, which she documented with photos.
- On Sept. 12, 2018, Nancy was on Egg Island and saw Schooner Grady putting out buoys. They discussed him harvesting the old clam runs he has out there to prove minimum productivity. He could not have done this as he does not have a propagation permit nor a commercial shellfishing permit, so he could not have sold shellfish. State records confirm this.
- No annual report was submitted for this grant for 2018.
- The Grady's are up-to-date with grant payments through 2019. They owed boat excise for 2018 and 2019 and are squaring up with the town Tax Collector.

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325

Fax (508) 349-0305

- Nancy met with Luene and Schooner on July 12, 2019.
 - Schooner said that he is back in Wellfleet now and divorced. Town Hall has records that demonstrate his domicile here.
 - He said that he couldn't work the grant before because of his financial issues.
 - He said he can't throw \$10,000 at it now, but he will begin working it again.
 - Nancy reported that she understands the troubles of the last few years, especially with Michael's death, but that the grant has basically been unproductive for ten years now.
 - Nancy encouraged them to think realistically about if they would use it because there are many young shellfishermen who would love to get a grant, but there are none available.
 - Nancy said she wants them to be successful and wants to be fair, but she also has a responsibility to be fair to the shellfishing community and make sure it is successful overall as well.
 - Together, they went over the regulations and expectations for 2019:
 - Schooner and Luene will get 2019 propagation permits.
 - Schooner will get a 2019 commercial shellfishing permit and seller's card.
 - Schooner will put buoys out and clean up the old gear off the grant.
 - Schooner will harvest old clams for the grant in order to make the minimum \$1,000 productivity requirement in 2019.
 - Schooner will plant a run or two of clams in August and/or September.
 - Schooner will communicate with Nancy as each step is made so that she can verify it.
 - Nancy gave them two state propagation permit applications, a state commercial shellfishing permit application and shellfish affidavit and an employee transaction card application.
 - Schooner and Luene understand that WSD needs to see production and that effort is being made.
 - WSD will monitor this grant closely. If there is a lack of activity or if production minimums are not met in any given year, the grant lease will be forfeited by the Grady's and automatically terminated by the Town.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

Wellfleet, MA 02667

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee)	\$7.05
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.78
Total Postage and Fees	\$7.58



Send to:
 Grady Schooner
 100 Gull Pond Rd
 Wellfleet MA 02667

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

Wellfleet, MA 02667

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee)	\$7.05
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.78
Total Postage and Fees	\$7.58



Send to:
 Luene Grady
 100 Gull Pond Rd
 Wellfleet MA 02667

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Luene Grady
 P.O. Box 1183
 Wellfleet, MA 02667



9590 9402 6450 0346 4718 02

2. Article Number (Transfer from service label)

7020 1290 0000 3238 6418

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
- B. Received by (Printed Name) Date of Delivery
- D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Registered Mail
 - Registered Mail Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
- B. Received by (Printed Name) Date of Delivery
- D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

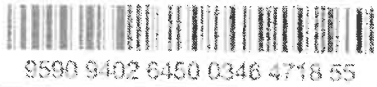
3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Registered Mail
 - Registered Mail Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Schooner Grady
 100 Gull Pond Rd
 Wellfleet, MA 02667



9590 9402 6450 0346 4718 55

2. Article Number (Transfer from service label)

7020 1290 0000 3238 6630

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



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

Shellfish Appeal Application

Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>

Wed, Apr 6, 2022 at 12:28 PM

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

Cc: Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>

Hi,

So with Rebecca's help I have created an application for the shellfish appeal process.

I have attached it for you to look over.

There is a fee at the bottom for the applicant of \$175 to cover the cost of the advertisement and administration time. There are 7 copies required so each selectboard member has a copy for the hearing, I have a copy for the file in my office and the shellfish department gets a copy for their files.

I have also attached the letter that is being sent to Luene and Schooner Grady regarding their grant forfeiture.



Rebekah L. Eldridge

Executive Assistant to the Town Administrator

(508) 349-0300 ext 1100

774-383-2609 (cell)

M-F 8am-12noon; 1pm-4pm

2 attachments

 **Shellfish Appeal Application RE 4-6-2022.docx**
151K

 **Letter from Selectboard to Luene Grady 4-6-2022.docx**
136K

Wellfleet Harbormaster Department
Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Luene and Schooner Grady
100 Gull Pond Rd.
Wellfleet, MA 02667

March 24, 2022

Dear Luene and Schooner:

As its meeting on Tuesday, March 22, 2022, the Town of Wellfleet Selectboard confirmed that a grant forfeiture is automatic when someone does not meet the deadline specified in the regulations for requesting a public hearing, as follows:

7.13.3. Notification of Failure to Meet Minimal Requirements

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

Since you did not request a public hearing within two weeks from when your certified mail return receipts were signed as delivered to each of you, I regret to inform you that you have forfeited your license for grant #95-15. As we have discussed and documented, your history of non-usage of this grant goes back at least a decade.

I am copying the Town of Wellfleet Selectboard, the Wellfleet Principal Clerk, the Executive Assistant to the Town Administrator and the Massachusetts Division of Marine Fisheries on this notice so all are notified about this grant forfeiture.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta
Shellfish Constable
Town of Wellfleet

CC: Town of Wellfleet Selectboard, Ryan Curley, Chair
Jeanne Maclauchlan, Principal Clerk
Rebekah Eldridge, Executive Assistant to the Town Administrator
Chrissy Petitpas, Senior Aquaculture Biologist, Mass. Division of Marine Fisheries

wellfleet-ma.gov/shellfish-department
Phone (508) 349-0325 Fax (508) 349-0305





SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

III

PUBLIC HEARINGS

~ B ~

REQUESTED BY:	James & Allison Gray ~ Grant #7312
DESIRED ACTION:	Approve the renewal of shellfish grant license # 7312 consisting of .5 acres off Old Wharf Point for ten years.
PROPOSED MOTION:	A detailed motion will be made at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Ad Preview

**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 Selectboard will hold a virtual and in-person public hearing on Tuesday, June 7, 2022 at 7:00 p.m. at the Wellfleet ACC, 715 Old Kings Hwy, Wellfleet, MA 02667 to consider the following:

1) Application received 1/30/2022 for the renewal of shellfish grant license # 7312 consisting of .5 acres off Old Wharf Point for ten years from James and Allison Gray (Wellfleet, MA).

Recommendation of the Shellfish Constable will be available in the 06/07/2022 Selectboard's packet.

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

pwd=blpIVFFBZzViQ0xNWkZKMm9iMVdrdz09

**WELLFLEET
SELECTBOARD**



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

June 3, 2022

To: Selectboard Members
Re: Grant #7312 renewal
From: Nancy Civetta, Shellfish Constable

The license for this grant expired on October 21, 2021. On June 7, 2021, I informed James Gray that his grant was up for renewal and to come in for the paperwork. I also reminded him that he still needed to turn in his annual grant report for 2020 and pay his 2021 fees and that this grant needed to make minimum productivity (= \$500 of shellfish sales). I followed up with a letter.

I received the application from James Gray (Wellfleet, MA) and Allison Gray (Wellfleet, MA) on January 31, 2022, to renew shellfish grant license #7312 for a period of ten years. At that time, James Gray agreed that I would hold off on the renewal until the minimum productivity hearing was held.

At your May 24 public hearing about this grant not meeting minimum productivity, you produced a set of requirements that the Grays will need to demonstrate in order to not risk the forfeiture of the grant. While the Shellfish Department has not yet received these from the Selectboard, we will continue to enforce the regulations, as well as your additional requirements as soon as we receive them.

I reviewed Mr. Gray's state propagation and commercial shellfishing permits with the Mass. Division of Marine Fisheries to make sure he was in good standing. The state confirmed that the last propagation permit issued to James Gary was in 2019. He does not yet have one for 2022. He does, however, have his state commercial shellfishing permit for 2022 and had it in 2021. He will need his 2022 propagation permit in order to operate this grant and move shellfish on and off it.

The Grays have not turned in annual grant reports for 2020 or 2021 to the town or the state. Mr. Gray maintains that he paid his 2021 grant fees, but the Town has no record of this. He has not, as yet, paid his 2022 grant fees, which is understandable given this renewal.

~continued~

Phone (508) 349-0325



Fax (508) 349-0305

Given that the Selectboard moved to not revoke the Gray's license for grant #7312 at its minimum productivity hearing on May 24, and to issue a set of conditions to be met, and trusting that the Grays will get all their paperwork in order, pay their grant fees and adhere to all other state and local requirements for aquaculture licenses, including the Town's Shellfishing Policy and Regulations, in addition to the above-mentioned conditions, **I would suggest amending the grant #7312 license renewal term for James and Allison Gray to three years** in order to make sure that minimum productivity and state and local grant requirements are being met and they are successful.

Attached please find the renewal application.

Respectfully submitted,



Nancy Civetta
Shellfish Constable

- On Mar. 25, 2022, a follow-up email was sent to both with an attachment of the certified letter and instructions for how to request a public hearing

RCVD

1-31-2022
but in minimum
productivity do
enforcement

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 1/30/22
after that
hearing

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

I/We hereby request renewal of Shellfish Grant License # 7312, located at

Old Wharf Point, in Wellfleet MA and consisting of .5 acres,

and dated 10/22/2021 expiration, for a (five) (ten) year period.

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

Allison Gray
Signature

[Signature]
Signature

ALLISON GRAY
Name
27 Old Kings Hwy
Wellfleet MA 02667
Mailing Address

JAMES GRAY
Name
27 Old Kings Hwy
Wellfleet, MA 02667
Mailing Address

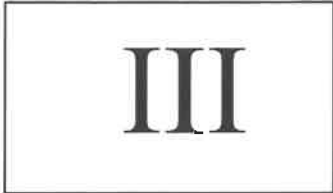
774 4877933
Telephone #

508 737 2381
Telephone Number



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022



PUBLIC HEARINGS

~ C ~

REQUESTED BY:	Michael DeVasto ~ Vice Chair
DESIRED ACTION:	Set a limit on recreational marijuana dispensaries in Wellfleet
PROPOSED MOTION:	I move to set the limit of marijuana dispensaries to 3. Any existing dispensaries or valid host agreements as of June 7, 2022 shall be considered preexisting and allowed to continue to operate so long as they remain in compliance and in good standing with state and local regulations, agreements, and licenses.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet

WELLFLEET SELECTBOARD

PUBLIC HEARING NOTICE

In accordance with M.G.L. Chapter 139, notice is hereby given that the Wellfleet Selectboard will hold a virtual and in person hearing at the ACC 715 Old King's Highway on **TUESDAY JUNE 7, 2022, AT 7:00 PM** to consider the following:

- to consider the following as per the Town's General Bylaws Section 47. Limitations on the number of Marijuana Dispensaries in Town a limit the number of recreational marijuana retail dispensaries within the Town.

Published: Independent, May 26
and June 2, 2022

Section 47. Limitation on Number of Marijuana Dispensaries in Town

Marijuana Establishment Bylaw

A. The number of licenses for registered, retail "Marijuana Establishments", as defined by G.L. Chapter 94G, Section 1, may be limited or granted at the discretion of the Selectboard, serving as the Licensing Board, provided that the minimum number of establishments licensed shall not be less than 20% of the number of liquor licenses presently issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold (pursuant to G.L. Chapter 138, section 15).



COMMONWEALTH OF MASSACHUSETTS

Guidance for Municipalities

November 2021

Massachusetts Cannabis Control Commission

Steven J. Hoffman, Chairman

Nurys Camargo, Commissioner

Ava Callender Concepcion, Commissioner

Kimberly Roy, Commissioner

Bruce Stebbins, Commissioner

Shawn Collins, Executive Director

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Local Control: Bylaws and Ordinances

A community may adopt ordinances and bylaws that impose reasonable safeguards on the operation of MEs and “any business dealing in marijuana accessories,” presumably, MTCs, so long as the restrictions are not unreasonably impracticable and do not conflict with Chapters 94G and 94I, or regulations promulgated by the Commission.³⁸In other words, the local restrictions cannot be so difficult to comply with that they would subject licensees to unreasonable risk, or require such a high investment of risk, money, time or any other resource or asset, that a reasonably prudent businessperson would not operate an ME or MTC.³⁹

A municipality may determine that a proposed marijuana-related use falls under an existing use authorized by its bylaws or ordinances, but if a municipality elects to create new ordinances or bylaws with respect to MEs or MTCs, it may implement ordinances or bylaws that restrict the time, place, and manner of ME or MTC operations and any business dealing in Marijuana Accessories. However, local zoning bylaws or ordinances are not permitted to operate to prevent the conversion of an MTC formerly registered with the Department of Public Health (DPH) prior to July 1, 2017, that is engaged in the cultivation, manufacture or sale of Marijuana or Marijuana Products, to an adult-use ME engaged in the same type of activity.^{40,41} The Commission interprets conversion to include not only replacing the operation of an MTC entirely with the operation of an ME, but also addressing colocated operations, i.e. an establishment that sells both medical-use and adult-use marijuana.

Limiting Marijuana Businesses⁴²

Under G. L. c. 94G, § 3, a municipality may adopt bylaws and ordinances that limit the number of MEs in its community, but it must submit any bylaw or ordinance for approval to the voters if the ordinance or by-law would:

- Prohibit the operation of one (1) or more types of ME within the municipality;
- Limit the number of Marijuana Retailers to fewer than 20% of the number of liquor licenses (retail sale not to be drunk on premises) issued in the municipality under G. L. c. 138, § 15. For

³⁸ G. L. c. 94G § 3 (a).

³⁹ G. L. c. 94G, § 1.

⁴⁰ G. L. c. 94G § 3 (a) 1.

⁴¹ The Supreme Judicial Court’s decision in *CommCan, Inc. & another v. Town of Mansfield*, SJC-139029, provides discussion on this particular issue.

⁴² Prior to December 31, 2018, municipalities may have elected to ban Marijuana in their community. Moratoriums on marijuana businesses are no longer permissible. Municipalities may however ban Social Consumption Establishments. The Commission cautions local officials from amending their zoning bylaws or ordinances in a manner that could be deemed to conflict with the statute and recommends consulting the City Solicitor and Town Counsel regarding any new zoning amendments to this effect.



example, if a municipality has 100 such liquor licenses, that municipality may set a maximum limit of 20 marijuana retailers; or

- Limit the number of any type of ME to fewer than the number of MTCs registered to engage in the same type of activity.

If a municipality chooses to enact any of the above-listed enumerated restrictions, the following procedures shall be followed:

- The city solicitor or town counsel must prepare a summary of the proposed ordinance or bylaw which shall make clear the number and types of MEs which shall be permitted to operate under the proposed ordinance and bylaw and shall be included on the ballot;
- A ballot shall be prepared asking “Shall this [city or town] adopt the following [by-law or ordinance]? [solicitor/counsel summary] [full text of by-law or ordinance]”;
- If the majority of the votes cast in answer to the question are in the affirmative, the city or town may adopt the bylaw or ordinance. but if the majority of votes cast is in the negative, the city or town shall not adopt the by-law or ordinance; and
- The ballot question may be placed on the ballot at a regular or special election held by the city or town by a vote of the board of selectmen or by the city or town council, with the approval of the mayor or chief executive officer of a city that does not have a mayor, and subject to a municipal charter, if applicable.⁴³

Issues to Consider for Limiting Numbers

If a municipality is calculating 20% of its G. L. c. 138, § 15 liquor licenses, and the calculations result in a number less than one, the Commission recommends that the municipality round up to one. If the calculation results in a fraction greater than one, the Commission recommends rounding up to the nearest whole number.

Public Nuisance

A municipality is permitted to restrict the cultivation, processing, and manufacturing of marijuana that is a public nuisance through ordinances or bylaws.⁴⁴

Signage

A municipality is permitted to establish reasonable restrictions on public signs related to MEs, but if the restriction is more restrictive than those imposed by the Commission, the municipality’s restriction cannot be stricter than any restriction it may have on retail establishments that sell alcoholic beverages

⁴³ G. L. c. 94G, § 3.

⁴⁴ G. L. c. 94G, § 3 (a) 3.





SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

IV

TOWN MEETING

~ A ~

REQUESTED BY:	Daniel Silverman ~ Town Moderator
DESIRED ACTION:	To modify the quorum for town meeting.
PROPOSED MOTION:	I move to approve the modification of the Wellfleet Town Meeting quorum from 182 residents to 100 residents for the Annual Town Meeting to be held on June 11, 2022.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

IV

TOWN MEETING

~ B ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To go over the town meeting warrant
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



ANNUAL TOWN MEETING

Saturday June 11, 2022

10:00 AM

at

Wellfleet Elementary School

100 Lawrence Road, Wellfleet, MA

&

SPECIAL TOWN ELECTION

June 21, 2022

at

12:00 Noon to 7:00 PM

Wellfleet Adult Community Center

715 Old King's Highway

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FINANCIAL & PROPOSITION 2½ TERMS

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

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

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

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

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

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

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

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

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

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

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

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

TOWN MEETING PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

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

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

FINANCE COMMITTEE STATEMENT

The Finance Committee provides advice to the Selectboard, Town Administrator and Town Meeting on financial matters of concern to the voters of the Town of Wellfleet.

These include major capital, staffing, and operational outlays for the town's departments as well as new and existing revenues. In addition, we assess the financial impact of large projects like harbor dredging, water/wastewater management and affordable housing.

From 2020 to 2021, the Finance Committee's focus shifted from the impact of COVID to the financial challenges facing Wellfleet that derived from senior staff turnover, adoption of a new accounting system and the transition to a more rigorous set of standardized, auditable financial policies and practices.

In 2021, Finance Committee has undertaken several policy changes to improve its ability to provide sound financial advice to the administration, within its defined role in the Town Charter. These include enhancing the role of our departmental liaisons, meeting regularly with the Town Administrator on the resolution of audit issues and working more closely with the Selectboard.

The Finance Committee makes its budget recommendations by casting votes at open meetings. Its opinions are made available in the Warrant at Town Meeting. Finance Committee meetings are open to the public. We encourage its attendance and participation.

Respectfully submitted,

Fred Magee, Chair, Kathy Granlund, Linda Pellegrino, Stephen Polowczyk, Jenn Rhodes, Jeff Tash, Robert Wallace, Ira Wood, Moe Barocas, and Dave Behrens

ANNUAL TOWN MEETING WARRANT

Saturday, June 11, 2022

The Commonwealth of Massachusetts

To either of the Constables in the Town of Wellfleet in the County of Barnstable:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet in the Wellfleet Elementary School, 100 Lawrence Road in Wellfleet on the 11th day of June 2022, at ten o'clock in the morning, then and there to vote upon the following Articles:

SECTION I: BUDGET ARTICLES

ARTICLE NO. 1 - FY2023 OPERATING BUDGET:

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

FY2023 Operating Budget

General Government		Budget FY2021	Actual FY2021	Budget FY2022	Selectboard FY2023
114 Moderator					
	Salaries	\$225.00	\$225.00	\$225.00	\$225.00
	Expenses	\$400.00	\$20.00	\$400.00	\$400.00
	Total	\$625.00	\$245.00	\$625.00	\$625.00
115 Constable					
	Salaries	\$100.00	\$50.00	\$100.00	\$100.00
	Total	\$100.00	\$50.00	\$100.00	\$100.00
121 Audit					
	Expenses	\$22,900.00	\$22,900.00	\$40,000.00	\$30,000.00
	Total	\$22,900.00	\$22,900.00	\$40,000.00	\$30,000.00
122 Selectboard					
	Salaries	\$12,500.00	\$12,499.84	\$12,500.00	\$12,500.00
	Expenses	\$4,370.00	\$1,971.68	\$4,870.00	\$7,300.00
	Total	\$16,870.00	\$14,471.52	\$17,370.00	\$19,800.00
123 Town Administrator					
	Salaries	\$309,626.00	\$313,102.19	\$275,600.00	\$328,133.00
	Expenses	\$11,250.00	\$7,973.78	\$11,900.00	\$14,000.00
	Total	\$320,876.00	\$321,075.97	\$287,500.00	\$342,133.00
124 General Administration					
	Salaries	\$140,655.83	\$138,619.64	\$210,321.02	\$200,468.00
	Expenses	\$16,361.00	\$18,396.71	\$52,980.00	\$57,180.00
	Total	\$157,016.83	\$157,016.35	\$263,301.02	\$257,648.00
131 Finance Committee					
	Expenses	\$374.00	\$373.44	\$0.00	\$0.00
	Total	\$374.00	\$373.44	\$0.00	\$0.00
132 Reserve Fund					
	Expenses	\$50,650.00	\$0.00	\$89,500.00	\$89,500.00
	Total	\$50,650.00	\$0.00	\$89,500.00	\$89,500.00

			Budget FY2021	Actual FY2021	Budget FY2022	Selectboard FY2023
135	Accountant					
		Salaries	\$216,563.00	\$217,101.66	\$259,200.00	\$159,238.00
		Expenses	\$10,390.00	\$9,430.13	\$38,650.00	\$13,650.00
		Total	\$226,953.00	\$226,531.79	\$297,850.00	\$172,888.00
141	Assessors					
		Salaries	\$137,007.03	\$137,603.12	\$143,309.33	\$148,330.00
		Expenses	\$55,940.00	\$55,246.71	\$53,370.00	\$56,195.00
		Total	\$192,947.03	\$192,849.83	\$196,679.33	\$204,525.00
145	Treasurer					
		Salaries	\$196,898.43	\$198,480.95	\$204,385.00	\$214,422.00
		Expenses	\$46,945.00	\$35,134.73	\$70,365.00	\$70,365.00
		Total	\$243,843.43	\$233,615.68	\$274,750.00	\$284,787.00
151	Legal Expense					
		Expenses	\$118,000.00	\$97,362.78	\$125,000.00	\$125,000.00
		Total	\$118,000.00	\$97,362.78	\$125,000.00	\$125,000.00
153	Computerization					
		Expenses	\$180,500.00	\$172,723.05	\$198,500.00	\$156,500.00
		Total	\$180,500.00	\$172,723.05	\$198,500.00	\$156,500.00
158	Tax Title					
		Expenses	\$12,640.00	\$10,911.68	\$6,000.00	\$10,000.00
		Total	\$12,640.00	\$10,911.68	\$6,000.00	\$10,000.00
161	Town Clerk					
		Salaries	\$84,311.00	\$83,314.95	\$106,854.13	\$103,596.00
		Expenses	\$4,830.00	\$5,674.84	\$11,020.00	\$11,520.00
		Total	\$89,141.00	\$88,989.79	\$117,874.13	\$115,116.00

		Budget FY2021	Actual FY2021	Budget FY2022	Selectboard FY2023
162 Elections/Registrations					
	Salaries	\$5,535.00	\$6,594.95	\$3,062.00	\$9,478.00
	Expenses	\$15,055.00	\$13,131.99	\$7,776.00	\$10,660.00
	Total	\$20,590.00	\$19,726.94	\$10,838.00	\$20,138.00
171 Conservation					
	Expenses	\$4,765.00	\$4,764.99	\$3,430.00	\$4,660.00
	Total	\$4,765.00	\$4,764.99	\$3,430.00	\$4,660.00
174 Planning Board					
	Expenses	\$435.00	\$352.91	\$8,085.00	\$8,000.00
	Total	\$435.00	\$352.91	\$8,085.00	\$8,000.00
176 Zoning Board of Appeals					
	Expenses	\$1,756.00	\$1,656.75	\$306.00	\$300.00
	Total	\$1,756.00	\$1,656.75	\$306.00	\$300.00
177 Open Space Committee					
	Expenses	\$0.00		\$1,500.00	\$1,500.00
	Total	\$0.00	\$0.00	\$1,500.00	\$1,500.00
178 Herring Warden					
	Salaries	\$2,400.00	\$2,400.00	\$2,400.00	\$2,400.00
	Expenses	\$300.00	\$0.00	\$0.00	
	Total	\$2,700.00	\$2,400.00	\$2,400.00	\$2,400.00
179 Shellfish					
	Salaries	\$244,341.29	\$251,084.06	\$265,030.00	\$284,294.00
	Expenses	\$33,698.00	\$22,183.03	\$28,560.00	\$28,560.00
	Total	\$278,039.29	\$273,267.09	\$293,590.00	\$312,854.00
180 Shellfish Propagation					
	Expenses	\$6,000.00	\$1,705.67	\$6,000.00	\$6,000.00
	Total	\$6,000.00	\$1,705.67	\$6,000.00	\$6,000.00
181 Shellfish Advisory Committee					
	Expenses	\$100.00	\$0.00	\$100.00	\$100.00
	Total	\$100.00	\$0.00	\$100.00	\$100.00

		Budget FY2021	Actual FY2021	Budget FY2022	Selectboard FY2023
182	Chamber of Commerce				
	Expenses	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
	Total	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
183	Natural Resources Advisory Board				
	Expenses	\$0.00	\$0.00	\$1,050.00	\$1,050.00
	Total	\$0.00	\$0.00	\$1,050.00	\$1,050.00
189	Housing Authority				
	Expenses	\$2,200.00	\$2,186.81	\$4,800.00	\$7,800.00
	Total	\$2,200.00	\$2,186.81	\$4,800.00	\$7,800.00
195	Town Reports				
	Expenses	\$21,051.00	\$21,050.32	\$14,000.00	\$23,100.00
	Total	\$21,051.00	\$21,050.32	\$14,000.00	\$23,100.00
196	Consulting Expense				
	Expenses	\$0.00	\$0.00	\$20,000.00	\$50,000.00
	Total	\$0.00	\$0.00	\$20,000.00	\$50,000.00
	General Government (114-196)				
	Total	\$1,981,072.58	\$1,876,228.36	\$2,291,148.48	\$2,256,524.00

Public Safety			Budget FY2021	Actual FY2021	Budget FY2022	Selectboard FY2023
210	Police					
		Salaries	\$1,466,893.00	\$1,456,918.73	\$1,632,279.00	\$1,682,011.00
		Expenses	\$138,135.00	\$131,557.04	\$182,610.00	\$209,400.00
		Total	\$1,605,028.00	\$1,588,475.77	\$1,814,889.00	\$1,891,411.00
215	Communications Dispatch					
		Salaries	\$377,567.00	\$373,414.49	\$395,610.38	\$409,934.00
		Expenses	\$29,100.00	\$27,114.63	\$37,500.00	\$46,500.00
		Total	\$406,667.00	\$400,529.12	\$433,110.38	\$456,434.00
220	Fire					
		Salaries	\$1,575,746.92	\$1,594,145.65	\$1,972,713.88	\$1,991,082.00
		Expenses	\$282,244.00	\$212,685.35	\$258,587.00	\$313,192.00
		Total	\$1,857,990.92	\$1,806,831.00	\$2,231,300.88	\$2,304,274.00
241	Building					
		Salaries	\$212,322.86	\$212,313.91	\$224,823.45	\$231,347.00
		Expenses	\$5,017.00	\$4,975.40	\$9,557.00	\$10,557.00
		Total	\$217,339.86	\$217,289.31	\$234,380.45	\$241,904.00
291	Emergency Management					
		Expenses	\$4,880.00	\$4,473.46	\$5,000.00	\$5,000.00
		Total	\$4,880.00	\$4,473.46	\$5,000.00	\$5,000.00
293	Traffic/Parking					
		Salaries	\$2,250.00	\$2,250.00	\$2,250.00	\$2,250.00
		Expenses	\$5,250.00	\$2,270.00	\$5,250.00	\$5,250.00
		Total	\$7,500.00	\$4,520.00	\$7,500.00	\$7,500.00
	Public Safety (210-293)					
		Total	\$4,099,405.78	\$4,022,118.66	\$4,726,180.71	\$4,906,523.00

Public Schools		Budget FY2021	Actual FY2021	Budget FY2022	Selectboard FY2023
300 Elementary School					
	Salaries	\$2,791,238.00	\$1,916,021.26	\$2,182,615.00	\$2,251,281.00
	Expenses	\$0.00	\$613,849.67	\$678,258.00	\$603,417.00
	Total	\$2,791,238.00	\$2,529,870.93	\$2,860,873.00	\$2,854,698.00
301 Nauset Regional School District					
	Expenses	\$3,141,399.00	\$3,141,399.00	\$3,268,642.00	\$3,180,341.00
	Total	\$3,141,399.00	\$3,141,399.00	\$3,268,642.00	\$3,180,341.00
302 C.C. Regional Technical H.S.					
	Expenses	\$389,505.00	\$389,504.00	\$481,979.00	\$355,235.00
	Total	\$389,505.00	\$389,504.00	\$481,979.00	\$355,235.00
Schools (300-302)					
	Total	\$6,322,142.00	\$6,060,773.93	\$6,611,494.00	\$6,390,274.00
Public Works					
417 DPW Facilities					
	Expenses	\$340,161.00	\$338,884.19	\$349,150.00	\$376,350.00
	Total	\$340,161.00	\$338,884.19	\$349,150.00	\$376,350.00
420 DPW					
	Salaries	\$1,072,887.62	\$1,062,839.30	\$1,112,660.02	\$1,160,135.00
	Expenses	\$164,450.00	\$134,172.62	\$176,200.00	\$235,400.00
	Total	\$1,237,337.62	\$1,197,011.92	\$1,288,860.02	\$1,395,535.00
422 Highway					
	Expenses	\$92,900.00	\$43,783.57	\$92,900.00	\$96,200.00
	Total	\$92,900.00	\$43,783.57	\$92,900.00	\$96,200.00
423 Snow & Ice					
	Salaries	\$45,000.00	\$30,983.89	\$45,000.00	\$45,000.00
	Expenses	\$67,430.00	\$75,363.28	\$83,180.00	\$83,180.00
	Total	\$112,430.00	\$106,347.17	\$128,180.00	\$128,180.00
424 Streetlighting					
	Expenses	\$10,600.00	\$654.69	\$10,600.00	\$10,600.00
	Total	\$10,600.00	\$654.69	\$10,600.00	\$10,600.00
433 Transfer Station					
	Expenses	\$345,928.00	\$345,927.78	\$351,850.00	\$402,850.00
	Total	\$345,928.00	\$345,927.78	\$351,850.00	\$402,850.00

		Budget FY2021	Actual FY2021	Budget FY2022	Selectboard FY2023
434	Recycling Committee				
	Expenses	\$775.00	\$398.18	\$1,500.00	\$1,500.00
	Total	\$775.00	\$398.18	\$1,500.00	\$1,500.00
	Public Works (417-434)				
	Total	\$2,140,131.62	\$2,033,007.50	\$2,223,040.02	\$2,411,215.00
Human Services					
510	Board of Health				
	Salaries	\$183,901.39	\$185,489.98	\$186,371.73	\$197,087.00
	Expenses	\$37,934.00	\$36,345.00	\$61,409.00	\$65,171.00
	Total	\$221,835.39	\$221,834.98	\$247,780.73	\$262,258.00
520	Human Services				
	Expenses	\$270,000.00	\$205,182.66	\$305,000.00	\$305,000.00
	Total	\$270,000.00	\$205,182.66	\$305,000.00	\$305,000.00
541	Council on Aging				
	Salaries	\$228,071.88	\$216,539.83	\$238,149.12	\$247,538.00
	Expenses	\$52,125.00	\$21,431.82	\$53,275.00	\$53,375.00
	Total	\$280,196.88	\$237,971.65	\$291,424.12	\$300,913.00
543	Veterans Services				
	Expenses	\$31,850.00	\$31,676.36	\$33,399.34	\$32,708.00
	Total	\$31,850.00	\$31,676.36	\$33,399.34	\$32,708.00
	Human Services (510-543)				
	Total	\$803,882.27	\$696,665.65	\$877,604.19	\$900,879.00
Culture & Recreation					
610	Library				
	Salaries	\$337,915.37	\$343,916.12	\$386,565.59	\$397,047.00
	Expenses	\$145,300.00	\$111,322.09	\$145,300.00	\$149,200.00
	Total	\$483,215.37	\$455,238.21	\$531,865.59	\$546,247.00
630	Recreation				
	Salaries	\$239,735.77	\$240,882.47	\$283,555.62	\$302,208.00
	Expenses	\$68,179.00	\$64,284.22	\$81,929.00	\$84,221.00
	Total	\$307,914.77	\$305,166.69	\$365,484.62	\$386,429.00
660	Community Services Director				
	Salaries	\$100,935.08	\$105,572.01	\$102,345.58	\$106,555.00
	Expenses	\$270,471.00	\$265,833.31	\$55,750.00	\$55,750.00
	Total	\$371,406.08	\$371,405.32	\$158,095.58	\$162,305.00

		Budget FY2021	Actual FY2021	Budget FY2022	Selectboard FY2023
690	Historical Commission				
	Expenses	\$2,600.00	\$110.00	\$200.00	\$200.00
	Total	\$2,600.00	\$110.00	\$200.00	\$200.00
692	Holiday Celebrations				
	Expenses	\$1,200.00	\$0.00	\$1,200.00	\$1,000.00
	Total	\$1,200.00	\$0.00	\$1,200.00	\$1,000.00
696	Cultural Council				
	Expenses	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
	Total	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
699	Beaches				
	Salaries	\$364,125.00	\$369,819.29	\$365,747.00	\$377,959.00
	Expenses	\$66,760.00	\$49,578.58	\$59,900.00	\$69,300.00
	Total	\$430,885.00	\$419,397.87	\$425,647.00	\$447,259.00
	Culture & Recreation (610-699)				
	Total	\$1,599,221.22	\$1,553,318.09	\$1,484,492.79	\$1,545,440.00

		Budget FY2021	Actual FY2021	Budget FY2022	Selectboard FY2023
Interest Expense					
752 BAN (Bond Anticipated Notes)					
	Expenses			\$478,149.37	\$623,825.00
	Total	\$0.00	\$0.00	\$478,149.37	\$623,825.00
753 Short Term Interest					
	Expenses	\$40,750.00	\$39,443.68	\$40,000.00	\$40,000.00
	Total	\$40,750.00	\$39,443.68	\$40,000.00	\$40,000.00
756 Interest on RE Tax Refunds					
	Expenses	\$150.00	\$0.00	\$150.00	\$150.00
	Total	\$150.00	\$0.00	\$150.00	\$150.00
Interest Expenses (753-756)					
	Total	\$40,900.00	\$39,443.68	\$518,299.37	\$663,975.00
Unclassified					
820 State & County Assessments					
	Expenses	\$210,180.00	\$279,872.00	On Recap	\$0.00
	Total	\$210,180.00	\$279,872.00	\$0.00	\$0.00
830 County Assessments					
	Expenses	\$205,398.00	\$205,398.00	\$203,775.00	\$0.00
	Total	\$205,398.00	\$205,398.00	\$203,775.00	\$0.00
911 County Retirement					
	Expenses	\$1,431,877.00	\$1,431,823.00	\$1,522,803.00	\$1,574,968.00
	Total	\$1,431,877.00	\$1,431,823.00	\$1,522,803.00	\$1,574,968.00

		Budget FY2021	Actual FY2021	Budget FY2022	Selectboard FY2023
912 Workers' Comp Insurance					
	Expenses	\$84,000.00	\$83,027.00	\$119,025.00	\$69,841.00
	Total	\$84,000.00	\$83,027.00	\$119,025.00	\$69,841.00
913 Unemployment Compensation					
	Expenses	\$44,037.00	\$44,037.34	\$30,000.00	\$30,000.00
	Total	\$44,037.00	\$44,037.34	\$30,000.00	\$30,000.00
914 Group Health Insurance					
	Expenses	\$1,471,027.00	\$1,471,361.70	\$1,463,578.00	\$1,484,300.00
	Total	\$1,471,027.00	\$1,471,361.70	\$1,463,578.00	\$1,484,300.00
915 Group Life Insurance					
	Expenses	\$6,500.00	\$6,487.71	\$7,750.00	\$7,750.00
	Total	\$6,500.00	\$6,487.71	\$7,750.00	\$7,750.00
916 Town Share of Medicare					
	Expenses	\$144,226.00	\$144,225.21	\$145,946.00	\$175,000.00
	Total	\$144,226.00	\$144,225.21	\$145,946.00	\$175,000.00
917 Health Insurance Stipends					
	Expenses	\$40,000.00	\$34,472.10	\$43,000.00	\$53,667.00
	Total	\$40,000.00	\$34,472.10	\$43,000.00	\$53,667.00
918 Town Share of Health Savings Account					
	Expense	\$19,000.00	\$15,500.00	\$10,000.00	\$16,000.00
	Total	\$19,000.00	\$15,500.00	\$10,000.00	\$16,000.00
940 Tax Work Off					
	Expense	\$8,450.00	\$8,411.63	\$8,500.00	\$8,000.00
	Total	\$8,450.00	\$8,411.63	\$8,500.00	\$8,000.00
945 Property & Liability Insurance					
	Expenses	\$361,457.00	\$379,759.21	\$334,000.00	\$445,100.00
	Total	\$361,457.00	\$379,759.21	\$334,000.00	\$445,100.00
Unclassified (820-945)					
	Total	\$4,026,152.00	\$4,104,374.90	\$3,888,377.00	\$3,864,626.00
Operating Budget Totals		\$21,012,907.47	\$20,385,930.77	\$22,142,477.19	\$22,938,956.00
Excluded (In Capital Budget)					
710 L/T Prin		\$1,213,342.00	\$1,213,342.48	\$1,642,635.00	\$1,526,451.00
751 L/T Int		\$346,819.00	\$346,818.80	\$590,004.43	\$495,159.00
	Total	\$1,560,161.00	\$1,560,161.28	\$2,232,639.43	\$2,021,610.00
Operating & L/T P & I	Total	\$22,573,068.47	\$21,946,092.05	\$24,375,116.62	\$24,960,566.00

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

SUMMARY: This article will provide funding for the operational budgets for the Cape Cod Technical Regional High School, Wellfleet Elementary School, Nauset Regional School District, and the Town of Wellfleet municipal operations for the period of July 1, 2022, through June 30, 2023. This article also sets the salaries of elected officials for FY2023.

ARTICLE NO. 2 - FY2023 OPERATING BUDGET (Contingency Budget Plan):

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

FY2023 Operating Budget						Contingency
General Government			Budget FY2021	Actual FY2021	Budget FY2022	Budget FY2023
114 Moderator						
	Salaries		\$225.00	\$225.00	\$225.00	\$225.00
	Expenses		\$400.00	\$20.00	\$400.00	\$400.00
	Total		\$625.00	\$245.00	\$625.00	\$625.00
115 Constable						
	Salaries		\$100.00	\$50.00	\$100.00	\$100.00
	Total		\$100.00	\$50.00	\$100.00	\$100.00
121 Audit						
	Expenses		\$22,900.00	\$22,900.00	\$40,000.00	\$30,000.00
	Total		\$22,900.00	\$22,900.00	\$40,000.00	\$30,000.00
122 Selectboard						
	Salaries		\$12,500.00	\$12,499.84	\$12,500.00	\$12,500.00
	Expenses		\$4,370.00	\$1,971.68	\$4,870.00	\$7,300.00
	Total		\$16,870.00	\$14,471.52	\$17,370.00	\$19,800.00

		Budget	Actual	Budget	Contingency
		FY2021	FY2021	FY2022	Budget
					FY2023
123	Town Administrator				
	Salaries	\$309,626.00	\$313,102.19	\$275,600.00	\$328,133.00
	Expenses	\$11,250.00	\$7,973.78	\$11,900.00	\$14,000.00
	Total	\$320,876.00	\$321,075.97	\$287,500.00	\$342,133.00
124	General Administration				
	Salaries	\$140,655.83	\$138,619.64	\$210,321.02	\$200,468.00
	Expenses	\$16,361.00	\$18,396.71	\$52,980.00	\$57,180.00
	Total	\$157,016.83	\$157,016.35	\$263,301.02	\$257,648.00
131	Finance Committee				
	Expenses	\$374.00	\$373.44	\$0.00	\$0.00
	Total	\$374.00	\$373.44	\$0.00	\$0.00
132	Reserve Fund				
	Expenses	\$50,650.00	\$0.00	\$89,500.00	\$89,500.00
	Total	\$50,650.00	\$0.00	\$89,500.00	\$89,500.00
135	Accountant				
	Salaries	\$216,563.00	\$217,101.66	\$259,200.00	\$159,238.00
	Expenses	\$10,390.00	\$9,430.13	\$38,650.00	\$13,650.00
	Total	\$226,953.00	\$226,531.79	\$297,850.00	\$172,888.00

			Budget FY2021	Actual FY2021	Budget FY2022	Contingency Budget FY2023
141	Assessors					
		Salaries	\$137,007.03	\$137,603.12	\$143,309.33	\$148,330.00
		Expenses	\$55,940.00	\$55,246.71	\$53,370.00	\$45,195.00
		Total	\$192,947.03	\$192,849.83	\$196,679.33	\$193,525.00
145	Treasurer					
		Salaries	\$196,898.43	\$198,480.95	\$204,385.00	\$214,422.00
		Expenses	\$46,945.00	\$35,134.73	\$70,365.00	\$32,265.00
		Total	\$243,843.43	\$233,615.68	\$274,750.00	\$246,687.00
151	Legal Expense					
		Expenses	\$118,000.00	\$97,362.78	\$125,000.00	\$125,000.00
		Total	\$118,000.00	\$97,362.78	\$125,000.00	\$125,000.00
153	Computerization					
		Expenses	\$180,500.00	\$172,723.05	\$198,500.00	\$156,500.00
		Total	\$180,500.00	\$172,723.05	\$198,500.00	\$156,500.00
158	Tax Title					
		Expenses	\$12,640.00	\$10,911.68	\$6,000.00	\$10,000.00
		Total	\$12,640.00	\$10,911.68	\$6,000.00	\$10,000.00
161	Town Clerk					
		Salaries	\$84,311.00	\$83,314.95	\$106,854.13	\$102,546.00
		Expenses	\$4,830.00	\$5,674.84	\$11,020.00	\$9,620.00
		Total	\$89,141.00	\$88,989.79	\$117,874.13	\$112,166.00

			Budget	Actual	Budget	Contingency
			FY2021	FY2021	FY2022	Budget
						FY2023
162	Elections/Registrations					
	Salaries		\$5,535.00	\$6,594.95	\$3,062.00	\$9,478.00
	Expenses		\$15,055.00	\$13,131.99	\$7,776.00	\$10,660.00
		Total	\$20,590.00	\$19,726.94	\$10,838.00	\$20,138.00
171	Conservation					
	Expenses		\$4,765.00	\$4,764.99	\$3,430.00	\$4,660.00
		Total	\$4,765.00	\$4,764.99	\$3,430.00	\$4,660.00
174	Planning Board					
	Expenses		\$435.00	\$352.91	\$8,085.00	\$8,000.00
		Total	\$435.00	\$352.91	\$8,085.00	\$8,000.00
176	Zoning Board of Appeals					
	Expenses		\$1,756.00	\$1,656.75	\$306.00	\$300.00
		Total	\$1,756.00	\$1,656.75	\$306.00	\$300.00

		Budget FY2021	Actual FY2021	Budget FY2022	Contingency Budget FY2023
177	Open Space Committee				
	Expenses	\$0.00		\$1,500.00	\$1,500.00
	Total	\$0.00	\$0.00	\$1,500.00	\$1,500.00
178	Herring Warden				
	Salaries	\$2,400.00	\$2,400.00	\$2,400.00	\$2,400.00
	Expenses	\$300.00	\$0.00	\$0.00	
	Total	\$2,700.00	\$2,400.00	\$2,400.00	\$2,400.00
179	Shellfish				
	Salaries	\$244,341.29	\$251,084.06	\$265,030.00	\$273,894.00
	Expenses	\$33,698.00	\$22,183.03	\$28,560.00	\$28,560.00
	Total	\$278,039.29	\$273,267.09	\$293,590.00	\$302,454.00
180	Shellfish Propagation				
	Expenses	\$6,000.00	\$1,705.67	\$6,000.00	\$0.00
	Total	\$6,000.00	\$1,705.67	\$6,000.00	\$0.00
181	Shellfish Advisory Committee				
	Expenses	\$100.00	\$0.00	\$100.00	\$100.00
	Total	\$100.00	\$0.00	\$100.00	\$100.00
182	Chamber of Commerce				
	Expenses	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
	Total	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
183	Natural Resources Advisory Board				
	Expenses	\$0.00	\$0.00	\$1,050.00	\$1,050.00
	Total	\$0.00	\$0.00	\$1,050.00	\$1,050.00
189	Housing Authority				
	Expenses	\$2,200.00	\$2,186.81	\$4,800.00	\$4,800.00
	Total	\$2,200.00	\$2,186.81	\$4,800.00	\$4,800.00

			Budget FY2021	Actual FY2021	Budget FY2022	Contingency Budget FY2023
195	Town Reports					
	Expenses		\$21,051.00	\$21,050.32	\$14,000.00	\$23,100.00
	Total		\$21,051.00	\$21,050.32	\$14,000.00	\$23,100.00
196	Consulting Expense					
	Expenses		\$0.00	\$0.00	\$20,000.00	\$40,000.00
	Total		\$0.00	\$0.00	\$20,000.00	\$40,000.00
General Government (114-196)						
	Total		\$1,981,072.58	\$1,876,228.36	\$2,291,148.48	\$2,175,074.00

Public Safety			Budget FY2021	Actual FY2021	Budget FY2022	Contingency Budget FY2023
210 Police						
	Salaries		\$1,466,893.00	\$1,456,918.73	\$1,632,279.00	\$1,682,011.00
	Expenses		\$138,135.00	\$131,557.04	\$182,610.00	\$182,610.00
		Total	\$1,605,028.00	\$1,588,475.77	\$1,814,889.00	\$1,864,621.00
215 Communications Dispatch						
	Salaries		\$377,567.00	\$373,414.49	\$395,610.38	\$409,934.00
	Expenses		\$29,100.00	\$27,114.63	\$37,500.00	\$26,600.00
		Total	\$406,667.00	\$400,529.12	\$433,110.38	\$436,534.00
220 Fire						
	Salaries		\$1,575,746.92	\$1,594,145.65	\$1,972,713.88	\$1,991,082.00
	Expenses		\$282,244.00	\$212,685.35	\$258,587.00	\$265,192.00
		Total	\$1,857,990.92	\$1,806,831.00	\$2,231,300.88	\$2,256,274.00
241 Building						
	Salaries		\$212,322.86	\$212,313.91	\$224,823.45	\$224,347.00
	Expenses		\$5,017.00	\$4,975.40	\$9,557.00	\$8,057.00
		Total	\$217,339.86	\$217,289.31	\$234,380.45	\$232,404.00
291 Emergency Management						
	Expenses		\$4,880.00	\$4,473.46	\$5,000.00	\$5,000.00
		Total	\$4,880.00	\$4,473.46	\$5,000.00	\$5,000.00
293 Traffic/Parking						
	Salaries		\$2,250.00	\$2,250.00	\$2,250.00	\$2,250.00
	Expenses		\$5,250.00	\$2,270.00	\$5,250.00	\$5,250.00
		Total	\$7,500.00	\$4,520.00	\$7,500.00	\$7,500.00
Public Safety (210-293)						
		Total	\$4,099,405.78	\$4,022,118.66	\$4,726,180.71	\$4,802,333.00

		Budget FY2021	Actual FY2021	Budget FY2022	Contingency Budget FY2023
Public Schools					
300	Elementary School				
	Salaries	\$2,791,238.00	\$1,916,021.26	\$2,182,615.00	\$2,251,281.00
	Expenses	\$0.00	\$613,849.67	\$678,258.00	\$603,417.00
	Total	\$2,791,238.00	\$2,529,870.93	\$2,860,873.00	\$2,854,698.00
301	Nauset Regional School District				
	Expenses	\$3,141,399.00	\$3,141,399.00	\$3,268,642.00	\$3,180,341.00
	Total	\$3,141,399.00	\$3,141,399.00	\$3,268,642.00	\$3,180,341.00
302	C.C. Regional Technical H.S.				
	Expenses	\$389,505.00	\$389,504.00	\$481,979.00	\$355,235.00
	Total	\$389,505.00	\$389,504.00	\$481,979.00	\$355,235.00
	Schools (300-302)				
	Total	\$6,322,142.00	\$6,060,773.93	\$6,611,494.00	\$6,390,274.00
Public Works					
417	DPW Facilities				
	Expenses	\$340,161.00	\$338,884.19	\$349,150.00	\$357,350.00
	Total	\$340,161.00	\$338,884.19	\$349,150.00	\$357,350.00
420	DPW				
	Salaries	\$1,072,887.62	\$1,062,839.30	\$1,112,660.02	\$1,118,935.00
	Expenses	\$164,450.00	\$134,172.62	\$176,200.00	\$228,900.00
	Total	\$1,237,337.62	\$1,197,011.92	\$1,288,860.02	\$1,347,835.00
422	Highway				
	Expenses	\$92,900.00	\$43,783.57	\$92,900.00	\$71,200.00
	Total	\$92,900.00	\$43,783.57	\$92,900.00	\$71,200.00
423	Snow & Ice				
	Salaries	\$45,000.00	\$30,983.89	\$45,000.00	\$45,000.00
	Expenses	\$67,430.00	\$75,363.28	\$83,180.00	\$83,180.00
	Total	\$112,430.00	\$106,347.17	\$128,180.00	\$128,180.00
424	Streetlighting				
	Expenses	\$10,600.00	\$654.69	\$10,600.00	\$10,600.00
	Total	\$10,600.00	\$654.69	\$10,600.00	\$10,600.00
433	Transfer Station				
	Expenses	\$345,928.00	\$345,927.78	\$351,850.00	\$389,850.00
	Total	\$345,928.00	\$345,927.78	\$351,850.00	\$389,850.00

		Budget FY2021	Actual FY2021	Budget FY2022	Contingency Budget FY2023
434 Recycling Committee					
	Expenses	\$775.00	\$398.18	\$1,500.00	\$1,500.00
	Total	\$775.00	\$398.18	\$1,500.00	\$1,500.00
Public Works (417-434)					
	Total	\$2,140,131.62	\$2,033,007.50	\$2,223,040.02	\$2,306,515.00
Human Services					
510 Board of Health					
	Salaries	\$183,901.39	\$185,489.98	\$186,371.73	\$197,087.00
	Expenses	\$37,934.00	\$36,345.00	\$61,409.00	\$65,171.00
	Total	\$221,835.39	\$221,834.98	\$247,780.73	\$262,258.00
520 Human Services					
	Expenses	\$270,000.00	\$205,182.66	\$305,000.00	\$205,000.00
	Total	\$270,000.00	\$205,182.66	\$305,000.00	\$205,000.00
541 Council on Aging					
	Salaries	\$228,071.88	\$216,539.83	\$238,149.12	\$247,538.00
	Expenses	\$52,125.00	\$21,431.82	\$53,275.00	\$53,375.00
	Total	\$280,196.88	\$237,971.65	\$291,424.12	\$300,913.00
543 Veterans Services					
	Expenses	\$31,850.00	\$31,676.36	\$33,399.34	\$32,708.00
	Total	\$31,850.00	\$31,676.36	\$33,399.34	\$32,708.00
Human Services (510-543)					
	Total	\$803,882.27	\$696,665.65	\$877,604.19	\$800,879.00
Culture & Recreation					
610 Library					
	Salaries	\$337,915.37	\$343,916.12	\$386,565.59	\$380,691.00
	Expenses	\$145,300.00	\$111,322.09	\$145,300.00	\$141,650.00
	Total	\$483,215.37	\$455,238.21	\$531,865.59	\$522,341.00
630 Recreation					
	Salaries	\$239,735.77	\$240,882.47	\$283,555.62	\$283,208.00
	Expenses	\$68,179.00	\$64,284.22	\$81,929.00	\$84,221.00
	Total	\$307,914.77	\$305,166.69	\$365,484.62	\$367,429.00
660 Community Services Director					
	Salaries	\$100,935.08	\$105,572.01	\$102,345.58	\$106,555.00
	Expenses	\$270,471.00	\$265,833.31	\$55,750.00	\$47,257.00
	Total	\$371,406.08	\$371,405.32	\$158,095.58	\$153,812.00

		Budget FY2021	Actual FY2021	Budget FY2022	Cotingency Budget FY2023
690	Historical Commission				
	Expenses	\$2,600.00	\$110.00	\$200.00	\$200.00
	Total	\$2,600.00	\$110.00	\$200.00	\$200.00
692	Holiday Celebrations				
	Expenses	\$1,200.00	\$0.00	\$1,200.00	\$1,000.00
	Total	\$1,200.00	\$0.00	\$1,200.00	\$1,000.00
696	Cultural Council				
	Expenses	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
	Total	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
699	Beaches				
	Salaries	\$364,125.00	\$369,819.29	\$365,747.00	\$356,359.00
	Expenses	\$66,760.00	\$49,578.58	\$59,900.00	\$69,300.00
	Total	\$430,885.00	\$419,397.87	\$425,647.00	\$425,659.00
	Culture & Recreation (610-699)				
	Total	\$1,599,221.22	\$1,553,318.09	\$1,484,492.79	\$1,472,441.00

		Budget FY2021	Actual FY2021	Budget FY2022	Contingency Budget FY2023
Interest Expense					
	BAN (Bond Anticipated Notes)				
	Expenses			\$478,149.37	\$623,825.00
	Total	\$0.00	\$0.00	\$478,149.37	\$623,825.00
753	Short Term Interest				
	Expenses	\$40,750.00	\$39,443.68	\$40,000.00	\$40,000.00
	Total	\$40,750.00	\$39,443.68	\$40,000.00	\$40,000.00
756	Interest on RE Tax Refunds				
	Expenses	\$150.00	\$0.00	\$150.00	\$150.00
	Total	\$150.00	\$0.00	\$150.00	\$150.00
	Interest Expenses (753-756)				
	Total	\$40,900.00	\$39,443.68	\$518,299.37	\$663,975.00
Unclassified					
820	State & County Assessments				
	Expenses	\$210,180.00	\$279,872.00		\$0.00
	Total	\$210,180.00	\$279,872.00	\$0.00	\$0.00
830	County Assessments				
	Expenses	\$205,398.00	\$205,398.00	\$203,775.00	\$0.00
	Total	\$205,398.00	\$205,398.00	\$203,775.00	\$0.00
911	County Retirement				
	Expenses	\$1,431,877.00	\$1,431,823.00	\$1,522,803.00	\$1,574,968.00
	Total	\$1,431,877.00	\$1,431,823.00	\$1,522,803.00	\$1,574,968.00

		Budget FY2021	Actual FY2021	Budget FY2022	Cotigency Budget FY2023
912 Workers' Comp Insurance					
	Expenses	\$84,000.00	\$83,027.00	\$119,025.00	\$69,841.00
	Total	\$84,000.00	\$83,027.00	\$119,025.00	\$69,841.00
913 Unemployment Compensation					
	Expenses	\$44,037.00	\$44,037.34	\$30,000.00	\$20,000.00
	Total	\$44,037.00	\$44,037.34	\$30,000.00	\$20,000.00
914 Group Health Insurance					
	Expenses	\$1,471,027.00	\$1,471,361.70	\$1,463,578.00	\$1,459,300.00
	Total	\$1,471,027.00	\$1,471,361.70	\$1,463,578.00	\$1,459,300.00
915 Group Life Insurance					
	Expenses	\$6,500.00	\$6,487.71	\$7,750.00	\$7,750.00
	Total	\$6,500.00	\$6,487.71	\$7,750.00	\$7,750.00
916 Town Share of Medicare					
	Expenses	\$144,226.00	\$144,225.21	\$145,946.00	\$175,000.00
	Total	\$144,226.00	\$144,225.21	\$145,946.00	\$175,000.00
917 Health Insurance Stipends					
	Expenses	\$40,000.00	\$34,472.10	\$43,000.00	\$53,667.00
	Total	\$40,000.00	\$34,472.10	\$43,000.00	\$53,667.00
918 Town Share of Health Savings Account					
	Expense	\$19,000.00	\$15,500.00	\$10,000.00	\$16,000.00
	Total	\$19,000.00	\$15,500.00	\$10,000.00	\$16,000.00
940 Tax Work Off					
	Expense	\$8,450.00	\$8,411.63	\$8,500.00	\$8,000.00
	Total	\$8,450.00	\$8,411.63	\$8,500.00	\$8,000.00
945 Property & Liability Insurance					
	Expenses	\$361,457.00	\$379,759.21	\$334,000.00	\$445,100.00
	Total	\$361,457.00	\$379,759.21	\$334,000.00	\$445,100.00
Unclassified (820-945)					
	Total	\$4,026,152.00	\$4,104,374.90	\$3,888,377.00	\$3,829,626.00
Operating Budget Totals		\$21,012,907.47	\$20,385,930.77	\$22,142,477.19	\$22,441,117.00
Excluded (In Capital Budget)					
710 L/T Prin		\$1,213,342.00	\$1,213,342.48	\$1,642,635.00	\$1,526,451.00
751 L/T Int		\$346,819.00	\$346,818.80	\$590,004.43	\$495,159.00
	Total	\$1,560,161.00	\$1,560,161.28	\$2,232,639.43	\$2,021,610.00
Operating & L/T P & I	Total	\$22,573,068.47	\$21,946,092.05	\$24,375,116.62	\$24,462,727.00

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 0, No - 5, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

SUMMARY: This article will provide funding for the operational budgets for the Cape Cod Technical Regional High School, Wellfleet Elementary School, Nauset Regional School District, and the Town of Wellfleet municipal operations for the period of July 1, 2022, through June 30, 2023. This article also sets the salaries of elected officials for FY2023.

ARTICLE NO. 3 - FY 2022 BUDGETARY TRANSFERS:

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

	From:	Line-Item No.	To:	Line-Item No.	Amount
a.	Nauset Regional School District Expenses	301	Property & Liability - Insurance Expenses	945	\$70,000.00
b.	County Assessment Expenses	830	DPW Facilities Expense - (Rental Expense)	417	\$38,974.00
c.	Human Services Expenses	520	DPW Highway Expense - Truck Repair	422	\$29,943.00
d.	Community Services Salaries	660	Community Services Expense - Police Details	660	\$8,056.00
e.	Cemetery Receipts	-	DPW Facilities Expense - Prof. Services	17	\$3,000.00
f.	County Assessment Expenses	830	Health Insurance Stipend	917	\$40,000.00
g.	County Assessment Expenses	830	General Administration - Advertising & Office Supplies	124	\$12,000.00
h.	County Assessment Expenses	830	Fire Department Expense -Lodging	220	\$40,000.00
i.	County Assessment Expense	830	DPW- Operating Expenses	420	\$15,000.00
j.	County Assessment	830	Shellfish Expenses	179	\$2,301.00
	Grand-Total				\$259,274.00

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

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

ARTICLE NO. 4 - PRIOR YEAR INVOICES:

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

	Vendor	Source	Line-item	Amount
a.	Massachusetts Department of Unemployment Assistance	County Assessment Expenses	830	\$20,000.00
b.	Terminix Commercial	County Assessment Expenses	830	\$153.00
c.	Dell EMC	Human Services Expenses	520	\$4,163.00
d.	Cape Fishermen’s Supply	County Assessment Expenses	830	\$145.00
e.	Visiting Nurse Association of Cape Cod	County Assessment Expenses	830	\$760.00
f.	The Learning Garden Preschool	County Assessment Expenses	830	\$1,990.00
g.	Joyce Tibbetts – Longevity/ Library Department	County Assessment Expenses	830	\$375.00
h.	Rebecca Roughley – Health Insurance Stipend & Wage Adjustment	County Assessment Expenses	830	\$1,542.00
i.	Ann Bronsdon Retiree Reimbursement	County Assessment Expenses	830	\$268.00
j.	Wellfleet Water Department	County Assessment Expenses	830	\$993.00
k.	New England Time Solutions, Inc.	County Assessment Expenses	830	\$33.00
l.	W.B. Mason	County Assessment Expenses	830	\$145.00
m.	KP Law, P.C.	County Assessment Expenses	830	\$19,412.00
o.	General Code Publishing	County Assessment Expenses	830	\$630.00

p.	Xavus Systems	County Assessment Expenses	830	\$1,800.00
q.	Thompson Reuters	County Assessment Expenses	830	\$508.00
r.	The Abrahams Group	County Assessment Expenses	830	\$250.00
	Grand-total			\$59,274.00

or to do or act on anything thereon.

(Requested by the Selectboard)

Four-fifths Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

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

ARTICLE NO. 5 - FY 2023 CAPITAL BUDGET:

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

	Department & Project	Amount	Funding Source
1.	Town Clerk:		
	a. Records Digitizing Project	\$11,000.00	Transfer from Microfilming Article No. 3 5/22/2019 ATM \$11,000.00
2.	Shellfish Department:		
	a. Shellfish & Beach Office Repair Project	\$42,000.00	Transfer from Beach Fund - \$21,000.00 & Shellfish Fund - \$21,000.00
	b. Truck Replacement	\$30,000.00	Shellfish Fund
3.	Recreation Department:		
	a. Repair & Resurface Basketball Courts at Mayo Beach	\$14,500.00	Raise & Appropriate

4.	Police Department:		
	a. Police Cruiser Replacement (2 units)	\$120,000.00	Transfer from BMSI Computerization Article \$103,000.00 and Technology Upgrade Article 2020 ATM \$17,000.00
	b. Bulletproof Vest Replacement	\$15,000.00	Raise & Appropriate
5.	Fire Department:		
	a. Portable Radio Replacement Project	\$80,000.00	Raise & Appropriate
	b. Ambulance Replacement Project	\$340,000.00	Transfer from Ambulance Fund
	c. Mobile Data Terminal Replacement Project	\$25,000.00	Transfer from Ambulance Fund
6.	Department of Public Works:		
	a. Town Hall Irrigation Project	\$5,000.00	Raise & Appropriate
	b. COA HVAC Systems Repair	\$35,000.00	Raise & Appropriate
	c. Fire Station HVAC System Repair Project	\$80,000.00	Transfer from Bond Premium Proceeds from the Police Station Project
	d. Recreation Band Stand Awning Replacement Project	\$50,000.00	Transfer from Free Cash
	e. Water Refill Station Project	\$20,000.00	Transfer from Free Cash
	f. DPW Truck Replacement Project	\$85,000.00	Raise & Appropriate
	g. DPW Loader Replacement Project	\$200,000.00	Raise & Appropriate
	h. Briar Lane Culvert Replacement	\$75,000.00	Transfer from Free Cash
7.	Library Department:		
	a. Computer & Software Upgrade Project	\$35,000.00	Raise & Appropriate

8.	Elementary School:		
	a. School Custodial Equipment	\$5,625.00	Transfer from Article No. 3 (300 Elementary School Fence) 2019 ATM \$5,625.00
	Grand-total	\$1,268,125.00	

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee – Recommendation deferred to Town Meeting.

SUMMARY: This article represents the Town’s proposed capital spending plan for FY 2023.

ARTICLE NO. 6 - MARINA ENTERPRISE FUND:

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the

FY2023 Marina Enterprise Fund Budget		Budget	Actual	Budget	Selectboard
		FY2021	FY2021	FY2022	FY2023
Revenues					
Charges for Services		\$345,000.00	\$413,068.88	\$345,000.00	\$360,000.00
Resale Gas/Diesel		\$150,000.00	\$91,863.61	\$150,000.00	\$150,000.00
Dockage		\$56,000.00	\$30,132.19	\$56,000.00	\$56,000.00
Winter Storage		\$4,500.00	\$6,500.00	\$10,000.00	\$10,000.00
Other Income		\$12,000.00	\$10,131.72	\$5,000.00	\$12,500.00
Parking-Seasonal		-	\$19,420.00	\$15,000.00	\$5,000.00
Refunds		-	-	-	-
Interest Income		-	\$1,203.64	-	-
	Total Revenues	\$567,500.00	\$572,320.04	\$581,000.00	\$593,500.00
Other Receipts					
Retained Earnings Transfer		-	-	-	-
Waterways Fund		-	\$2,000.00	\$2,000.00	\$2,000.00
Beach Fund		-	\$10,000.00	\$10,000.00	\$10,000.00
Shellfish Fund		-	\$5,000.00	\$5,000.00	\$5,000.00
	Total Other	-	\$17,000.00	\$17,000.00	\$17,000.00
	Total Receipts	\$567,500.00	\$589,320.04	\$598,000.00	\$610,500.00

Personnel:				
Salaries & Wages-Full time	\$146,061.00	\$161,984.38	\$160,525.00	\$164,200.00
Salaries & Wages- Temp./Seasonal	\$60,000.00	\$76,287.00	\$80,000.00	\$80,000.00
Overtime	\$2,500.00	\$20,224.06	\$10,000.00	\$10,000.00
Weekends	\$1,200.00	\$520.00	\$2,000.00	\$2,000.00
Holiday	\$1,500.00	\$2,750.40	\$2,500.00	\$2,500.00
Longevity	\$1,400.00	\$3,545.00	-	\$375.00
Total Personnel	\$212,661.00	\$265,310.84	\$255,025.00	\$259,075.00
Operating Expenses:				
Electricity	\$9,000.00	\$7,845.45	\$9,000.00	\$6,500.00
Propane Gas	\$4,000.00	\$2,635.75	\$4,000.00	\$3,000.00
Repairs & Maint. Services	-	\$5,940.75	\$10,000.00	\$15,000.00
Service Contract-Copier	-	\$986.50	\$300.00	\$1,500.00
Contract Services	\$40,050.00	\$34,750.11	\$15,000.00	\$15,000.00
Legal	-	-	\$1,000.00	\$1,000.00
Education & Training	\$200.00	\$70.00	\$200.00	\$4,000.00
Telephone	\$1,500.00	\$1,493.61	\$1,600.00	\$1,000.00
Postage	\$600.00	-	\$600.00	\$100.00
Printing	-	-	\$200.00	\$100.00
Advertising	\$250.00	\$762.17	\$250.00	\$200.00
Internet	-	-	\$500.00	-
Office Supplies	\$2,500.00	\$1,215.15	\$2,500.00	\$2,500.00
Repairs & Maint. Supplies	\$12,000.00	\$5,437.89	\$25,000.00	\$25,000.00
Vehicle Supplies	\$2,000.00	\$1,385.30	\$2,000.00	\$2,000.00
Gasoline/Diesel	\$2,500.00	\$270.85	\$2,500.00	\$1,500.00
Resale Gas/Diesel	\$140,000.00	\$105,576.53	\$140,000.00	\$140,000.00
Other Supplies	\$1,000.00	\$413.00	\$2,000.00	\$2,000.00
Uniforms	\$2,000.00	\$926.70	\$3,000.00	\$3,000.00
Travel	\$200.00	-	\$200.00	\$500.00
Dues/Memberships	\$500.00	\$300.00	\$500.00	\$500.00
Credit Card Fees	\$7,000.00	\$2,768.58	\$7,000.00	-
Insurance	\$125.00	\$126.00	\$125.00	\$125.00
Small Equipment	\$1,200.00	\$592.45	\$2,000.00	\$2,000.00
Engineering/Marina	\$20,000.00	\$14,818.45	-	-
Debt-Principal	\$105,000.00	\$105,000.00	\$100,000.00	\$100,000.00
Debt-Interest	\$59,125.00	\$19,125.00	\$16,050.00	\$13,050.00
Reserve Contingency	-	-	-	-
Indirect Costs	\$55,300.00	\$55,300.00	-	-
Total Operating	\$466,050.00	\$367,740.24	\$345,525.00	\$339,575.00
Total Expenses	\$678,711.00	\$633,051.08	\$600,550.00	\$598,650.00
Net Income (Loss)	-\$25,968.00	-\$43,731.04	-\$2,550.00	\$11,850.00

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No – 0, Abstain - 0.

Finance Committee: Recommendation deferred to Town Meeting.

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

ARTICLE NO. 7 - WATER ENTERPRISE FUND:

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

FY2023 Water Enterprise Fund Budget		Budget FY2021	Actual FY2021	Budget FY2022	Selectboard FY2023
Estimated Revenue					
Water Use Charges		\$115,000.00	\$93,155.17	\$120,000.00	\$145,000.00
Loan Principal Interest		\$0.00	\$89,207.89	\$80,000.00	\$0.00
Other Income		\$49,200.00	\$625.90	\$1,500.00	\$0.00
General Fund Transfer		\$119,463.00	\$119,463.00	\$84,214.00	\$41,087.00
Total Revenue		\$283,663.00	\$302,451.96	\$285,714.00	\$186,087.00
Personnel					
Secretary & Clerk		\$21,533.00	\$13,655.66	\$20,938.00	\$27,087.00
Total		\$21,533.00	\$13,655.66	\$20,938.00	\$27,087.00
Operating Expenses					
Utilities-Electric/Telephone		\$12,000.00	\$11,202.83	\$12,000.00	\$13,000.00
Contract Services		\$83,500.00	\$90,021.04	\$138,750.00	\$85,000.00
Services-Contingency		\$25,000.00	\$39,990.32	\$4,000.00	\$30,000.00
Services-Other		\$17,050.00	\$13,372.36	\$0.00	\$29,000.00
Supplies		\$10,600.00	\$149.95	\$250.00	\$250.00
Other Charges		\$1,927.00	\$1,343.16	\$1,450.00	\$1,750.00
Total		\$150,077.00	\$156,079.66	\$156,450.00	\$186,087.00
Debt Service					
Principal & Interest		\$109,031.00	\$109,031.22	\$108,326.00	\$209,521.00
Total		\$109,031.00	\$109,031.22	\$108,326.00	\$209,521.00
General Fund Costs					
Salaries		\$5,000.00	\$796.00	\$0.00	\$0.00
Total		\$5,000.00	\$796.00	\$0.00	\$0.00
Total Operating Expenses		\$285,641.00	\$279,562.54	\$285,714.00	\$395,608.00

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 4, No – 1, Abstain – 0.

Finance Committee: Recommendation deferred to Town Meeting.

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

ARTICLE NO. 8 - WELLFLEET POLICE OFFICERS UNION CONTRACT:

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

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Recommendation deferred until Town Meeting.

Finance Committee: Recommendation deferred to Town Meeting.

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

ARTICLE NO. 9 - TEAMSTERS UNION LOCAL 59 CONTRACT:

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

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Recommendation deferred until Town Meeting.

Finance Committee: Recommendation deferred to Town Meeting.

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

ARTICLE NO. 10 - WELLFLEET COMMUNICATIONS UNION MASS COPS LOCAL 326B CONTRACT:

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

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Recommendation deferred until Town Meeting.

Finance Committee: Recommendation deferred until Town Meeting.

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

ARTICLE NO. 11 - WELLFLEET PERMANENT FIREFIGHTERS ASSOCIATION UNION LOCAL 4342 CONTRACT:

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

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Recommendation deferred until Town Meeting.

Finance Committee: Recommendation deferred until Town Meeting.

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

ARTICLE NO. 12 - NON-UNION AND OTHER PERSONNEL SALARIES & COMPENSATION:

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

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

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

ARTICLE NO. 13 - OTHER POST-EMPLOYMENT BENEFITS (“OPEB”)

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

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

SUMMARY: These funds will help to fund the Town’s share of future health care insurance costs for current employees and retirees. The fund balance in the OPEB Trust Fund as of March 31, 2022, was \$2,735,851.25.

ARTICLE NO. 14 - TRANSFER TO STABILIZATION FUND:

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

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

SUMMARY: The purpose of this article is to transfer funds from Free Cash into the Stabilization Fund. We had to use the sum of \$639,200.00 from the Stabilization Fund at the June 26, 2021, Annual Town Meeting to finance the current FY2022 operational budget. This was not a preferred approach but due to the severity of the Town’s fiscal condition we had few alternatives at that moment. This action will reestablish the Stabilization Fund to its prior financial status and is important to maintain the Town’s bond rating.

SECTION II: ADDITIONAL FINANCIAL ARTICLES

ARTICLE NO. 15 - POLICE DEPARTMENT NEW STAFF:

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

(Request of the Selectboard and the
Police Chief)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

SUMMARY: This article would fund the cost of adding two (2) additional Police Officers. Funding, if approved, would be through a Proposition 2 ½ override. Costs for each position include starting salary of each position (\$60,120), benefits (\$25,685), holiday (\$2,774), uniform (\$1,000) and education incentive (\$3,800). The total payroll, with estimated benefits for one position is \$93,379. As a result of the Police Reform Law of December 2020, the Reserve Officer Program in Massachusetts is being phased out. This will result in the loss of approximately six Reserve Police Officers for the town of Wellfleet. The level of services provided (beach patrols, parking enforcement, shift coverage, organized events, etc.) along with special event requests held during the summer and shoulder seasons cannot be fulfilled with the current staffing levels.

Effect on Property Taxes: The cost of \$186,759 would add \$0.067 cents to the tax rate and would cost the owner of a median priced (\$618,750.00) single-family home \$41.34.

ARTICLE NO. 16 - FIRE DEPARTMENT NEW STAFF:

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

(Requested by the Selectboard
and the Fire Chief)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

SUMMARY: This article would fund the cost of adding two (2) additional Firefighter/EMT/Paramedics. Funding, if approved would be through a Proposition 2 ½ override. Costs for each position include starting salary of each position (\$62,797), benefits (\$25,685), training (\$7,000), holiday and call back costs (\$6,000) and uniforms and protective clothing (\$2,000). The total payroll, with estimated benefits and training costs of one position is \$103,482.00.

Effect on Property Taxes: The cost of \$206,964.00 would add \$0.074 cents to the tax rate and would cost the owner of a median priced (\$618,750.00) single-family home \$45.81.

ARTICLE NO. 17 - PARAMEDIC TRAINING PROGRAM FUNDING:

To see if the Town will vote to raise and appropriate and/or transfer from the Ambulance Receipts Fund the sum of \$10,000.00, or any other sum, for the purpose of creating and funding a paramedic training fund to pay for paramedic training for current or future Wellfleet Fire and Rescue staff or do or act on anything thereon.

(Request of the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

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

ARTICLE NO. 18 - FIRE ENGINE REPLACEMENT:

To see if the Town will vote to appropriate the sum of **\$800,000.00** or any other sum for the purpose of paying the cost of purchasing, outfitting and equipping a replacement engine/pumper truck for the Fire Department Engine 95 and for the payment of all other costs incidental or related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard be and hereby is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; or to do or act on anything thereon.

(Requested by the Selectboard
and the Fire Chief)

Two-thirds Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

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

ARTICLE NO. 19 - WELFLEET HARBOR FLORA AND FAUNA SURVEY:

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

(Request of the Natural Resources Advisory Board)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

Shellfish Advisory Board Yes - 4, No - 0, Abstain - 0.

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

Effect on Property Taxes: The cost of \$60,000.00 would add \$0.0215 cents to the tax rate and would cost the owner of a median priced (\$618,750.00) single-family home \$13.28.

ARTICLE NO. 20 - CHAPTER 90 FUNDS (Consent Calendar):

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

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

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

ARTICLE NO. 21 - PUBLIC, EDUCATIONAL AND GOVERNMENT (PEG)

ACCESS AND CABLE RELATED FUND (Consent Calendar):

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

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

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

ARTICLE NO. 22 - SHELLFISH REVOLVING FUND SPENDING LIMIT

(Consent Calendar):

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

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 4, No - 0, Abstain - 1.

Finance Committee: Yes - 8, No - 0, Abstain - 1.

Shellfish Advisory Board: Yes - 5, No - 0, Abstain - 0.

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

ARTICLE NO. 23 - ELEMENTARY SCHOOL FIRE SUPPRESSION SYSTEM PROJECT:

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$2,200,000.00 to fund the installation of a fire suppression system at the Wellfleet Elementary School, including all costs related thereto, and in order to fund this appropriation, the Treasurer, with the approval of the Selectboard, will be authorized to borrow said amount pursuant to G.L. c. 44, §7(1), or any other enabling authority, to issue bonds or notes of the Town therefor; provided, however, that the appropriation authorized hereunder shall be contingent on the approval by the voters of the Town of a so-called Proposition 2 ½ debt exclusion question under G.L. c. 59, §21C , or to do or act on anything thereto.

(Requested by the School Committee)

Two-thirds Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

SUMMARY: Wellfleet Fire Chief Richard Pauley directed the Wellfleet School Committee and building principal to install a required building fire suppression system. The system should have been installed in the early 1990s when the addition of the school was constructed. The system will detect fires at the beginning stages through heat, smoke, and other warning signals. The fire suppression system will be attached to WES's alarm system and will alert the fire station and the system will automatically release water to extinguish the fire after the detection and/or alert. Fire suppression systems are governed by the codes under the [National Fire Protection Association](#).

Effect on Property Taxes: If a debt exclusion is approved at the Annual Town Election these funds will be borrowed and amortized over a 20-year period. The annual cost is estimated \$187,280.00 would add \$0.067 cents to the tax rate and would cost the owner of a median priced (\$618,750.00) single-family home \$41.46.

ARTICLE NO. 24 - SUPPLEMENTAL FUNDING FOR FUEL STORAGE TANK FOR MARINA:

To see if the Town will vote to appropriate the sum of **\$334,500.00** or any other sum, to supplement the original appropriation in the amount of \$526,208.00 provided under Article No. 23 of the April 22, 2019 Annual Town Meeting, for the purpose of removing the existing fuel storage tanks at the Marina and purchasing and installing new storage tanks at the Wellfleet Marina and for the payment of all other costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard be and hereby is authorized to borrow said amount under and pursuant to G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, or to do or act on anything thereon.

(Requested by the Selectboard)

Two-thirds Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

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

ARTICLE NO. 25 - KELLER'S CORNER REVETMENT ENGINEERING PROJECT:

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

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

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

Effect on Property Taxes: The cost of \$50,000.00 would add \$0.0179 cents to the tax rate and would cost the owner of a median priced (\$618,750.00) single-family home \$11.07.

ARTICLE NO. 26 - LIEUTENANT ISLAND/HERON POINT ROAD SURVEY EXPENSE:

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

(Requested by the Rights of Public Access Committee)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

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

Effect on Property Taxes: The cost of \$3,200.00 would add \$0.001 cents to the tax rate and would cost the owner of a median priced (\$618,750.00) single-family home \$0.71.

SECTION III: COMMUNITY PRESERVATION ARTICLES

ARTICLE NO. 27 - COMMUNITY PRESERVATION – ADMINISTRATIVE EXPENSES, DEBT SERVICE, AND ALLOCATION OF RESERVES:

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2023 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of \$28,684.00 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2023; and further to appropriate from the Community Preservation Fund estimated revenues a sum of \$73,898.00 to the reserve for open space; a sum of \$73,898.00 to the reserve for community housing; and further to reserve a sum of \$73,898.00 for historic resources as recommended by the Community Preservation Committee, as well as a sum of \$488,602.00 to be placed in the 2023 Budgeted Reserve for general Community Preservation Act purposes or to do or act anything thereon.

(Requested by the Community Preservation Committee)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

Community Preservation Committee: Yes - 7, No - 0, Abstain - 0.

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

ARTICLE NO. 28 - COMMUNITY PRESERVATION – WELLFLEET AFFORDABLE HOUSING TRUST:

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

(Requested by the Community Preservation Committee)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

Community Preservation Committee: Yes - 7, No - 0, Abstain - 0.

Housing Authority: Yes – 4, No - 0, Abstain - 0
Local Housing Partnership: Yes - 5, No - 0, Abstain – 0.
Affordable Housing Trust: Yes – 7, No – 0, Abstain – 0.

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

ARTICLE NO. 29 - COMMUNITY PRESERVATION – BUY DOWN 2022:

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues the sum of \$185,000.00 to contribute to the cost of, and thereby support, for the Affordable Housing Buy Down Program to assist with the purchase of housing and approved essential repairs for eligible moderate-income first-time buyers and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or to do or act on anything thereon.

(Requested by the Community Preservation Committee)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.
Finance Committee: Recommendation deferred until Town Meeting.
Community Preservation Committee: Yes -7, No - 0, Abstain - 0.
Housing Authority: Yes - 4, No - 0, Abstain – 0.
Local Housing Partnership: Yes - 5, No - 0, Abstain – 0.
Affordable Housing Trust: Yes – 7, No – 0, Abstain – 0.

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

ARTICLE NO. 30 - COMMUNITY PRESERVATION – LILY HOUSE:

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

(Requested by the Community Preservation Committee)

Majority Vote Required

Recommendations:

Selectboard: Recommendation deferred until Town Meeting.

Finance Committee: Recommendation deferred until Town Meeting.

Community Preservation Committee: Yes - 7, No - 0, Abstain - 0.

Housing Authority: Yes - 4, No - 0, Abstain - 0.

Local Housing Partnership: Yes - 5, No - 0, Abstain - 0.

Affordable Housing Trust: Yes - 7, No - 0, Abstain - 0.

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

ARTICLE NO. 31 - COMMUNITY PRESERVATION – LOWER CAPE HOUSING INSTITUTE YEAR 6:

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2023 Projected Surcharge revenues the sum of \$7,500.00 to contribute to the cost of, and thereby support, the Community Development Partnership sponsored Lower Cape Housing Institute in Fiscal Year 2023 and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or to do or act on anything thereon.

(Requested by the Community Preservation Committee)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

Community Preservation Committee: Yes -7, No - 0, Abstain - 0.

Housing Authority: Yes - 4, No - 0, Abstain - 0.

Local Housing Partnership: Yes - 5, No - 0, Abstain - 0.

Affordable Housing Trust: Yes - 7, No - 0, Abstain - 0.

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

ARTICLE NO. 32- COMMUNITY PRESERVATION – HISTORICAL PLAN
CONTINUATION:

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

(Requested by the Community Preservation Committee)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

Community Preservation Committee: Yes - 7, No - 0, Abstain - 0.

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

ARTICLE NO. 33 - COMMUNITY PRESERVATION - RESTORATION & ACCESSIBILITY OF THE WELLFLEET HISTORICAL SOCIETY MUSEUM:

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

(Requested by the Community Preservation Committee)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

Community Preservation Committee: Yes - 7, No - 0, Abstain - 0.

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

ARTICLE NO. 34 - WELLFLEET ELEMENTARY SCHOOL PLAYGROUND:

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

(Requested by the Community Preservation Committee)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

Community Preservation Committee: Yes - 7, No - 0, Abstain - 0.

SUMMARY: The children have been without a playground since 2020 when an official inspection resulted in its condemnation and demolition. The Wellfleet Elementary School Playground Committee has been working to construct a new outdoor playground environment that is safe, inclusive and accessible for children ages 5-12. The playground is available to the community after school hours, on weekends, holidays, and school vacations. With a Community Preservation grant and additional fund raising, it will be possible to install the major area of the playground and the swings in the summer of 2022.

In the summer of 2020, the Wellfleet Fire Department deemed the WES wooden playground structure that neared 30-years of age, unsafe and arranged for it to be demolished.

In summer 2021 the WES Playground Sub-Committee mobilized and recruited additional staff, parents, and community members, forming a 16 member WES Playground Committee to seek funding sources for a playground installation.

The WES Playground Committee reviewed playground survey outcomes from students, staff, parents, and stakeholders, identified the preferred components, established Playground Outreach Sub-Committees, and developed the Committee's Mission to design and install a playground structure that is representative of the community, Cape Cod, and the general locale; environmentally friendly; meets ADA accessibility, inclusivity, equipment, installation, and surfacing compliance; engaging for all children ages 5 - 12 and encourages play, creativity, exploration, and well-being; uniquely inviting, patron friendly, and a point of pride for the community - *a place considered by many to be a destination*; and a quality product, creatively designed, and will serve our children well for many years to come.

A playground at WES will provide, expand, and preserve services for the Wellfleet community. The purpose of the Community Preservation Act is to help communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities. CPC has funded like-projects for the Recreation Department such as the Skate Park, pickle ball courts, and tennis courts.

SECTION IV: DISPOSITION OF TOWN PROPERTY ARTICLES

ARTICLE NO. 35 - DISPOSITION OF TOWN LAND/ TRANSFER OF MAP #30, PARCEL #186, AND MAP #42, PARCEL #137 TO CONSERVATION COMMISSION:

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

(Request by the Open Space Committee)

Two-Thirds Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

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

SECTION V: UNCLASSIFIED ARTICLES

ARTICLE NO. 36 - AFFORDABLE HOUSING TRUST BYLAW AMENDMENT:

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

(Request by the Affordable Housing Trust)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Affordable Housing Trust: Yes – 7, No - 0, Abstain - 0.

Local Housing Partnership: Yes - 5, No - 0, Abstain - 0.

Housing Authority: Yes - 4, No - 0, Abstain – 0.

SUMMARY: This article proposes corrections to the Affordable Housing Trust bylaw in response to suggestions by the Attorney General’s Office in the approval letter of October 25, 2021. The amendment to Chapter 3 is to clarify that the Trust’s quorum provisions are consistent with Massachusetts law. The amendments to Chapter 6 are all to correct typographical errors in the bylaw.

ARTICLE NO. 37 - SPECIAL DETAIL ACCOUNT FOR THE FIRE DEPARTMENT:

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

(Requested by the Fire Chief)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain – 0.

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

ARTICLE NO. 38 - EASEMENT FOR THE HERRING RIVER RESTORATION PROJECT:

To see if the Town will vote to:

- (a) authorize the Selectboard to acquire, by gift, purchase and/or eminent domain on such terms and conditions as the Selectboard shall determine, permanent and temporary easements in parcels of land abutting and/or near Pole Dike Road, Bound Brook Island Road, Old Colony Road, and Way No. 672 for the reconstruction, installation, inspection, maintenance, improvement, repair, replacement and/or relocation of rights of way, drainage, utilities, driveways, slopes, and grading, to enable the Town to undertake the Herring River Restoration Project and for any and all purposes and uses incidental or related thereto, all as approximately shown on plans entitled "Herring River Restoration Project Engineering Design to Elevate Low-Lying Roadways and Replace Associated Culverts, Wellfleet and Truro, Massachusetts, Permanent and Temporary Easement Plan," prepared by WSP for the Town of Wellfleet, dated January 2022, and "Herring River Restoration Project Permit Level Design for Low-Lying Property Impact Prevention, Way #672, Hirsch-Meek Property (25 Way #672) & Ellis Property (27 Way #672), Wellfleet, Massachusetts, Permanent and Temporary Easement Plan," prepared by WSP for the Town of Wellfleet, dated January 2022, copies of which are on file with the Town Clerk, as said plans may be amended from time to time;
- (b) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs related thereto, including, without limitation, the cost of any easement acquisitions; and
- (c) authorize the Selectboard to enter into any and all agreements and take any and all actions necessary or appropriate to effectuate the foregoing purposes.

or to do or act anything thereon.

(Requested by the Selectboard)

Two-thirds Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

SUMMARY: The Town of Wellfleet and Cape Cod National Seashore are undertaking the Herring River Restoration Project ("Project") to restore tidal flow and revive the extensive ecological and economic benefits provided by a healthy estuary. The expected benefits include improved water quality,

greater community resilience, and enhanced recreational opportunities. More information about the Project is available at <https://www.wellfleet-ma.gov/home/news/herring-river-project>.

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

ARTICLE NO. 39 - RESCIND DEBT AUTHORIZATIONS (consent calendar):

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

Department	Item	Date	Amount
Department of Public Works	South Wellfleet Parking Lot	4/28/14	\$6,948.00
Elementary School	Elementary School Roof	4/28/14	\$338,909.00
DPW Facilities	Town Hall Furnace	4/28/14	\$75,000.00
Police Department	Police Station Construction	11/15/16	\$540,000.00
Selectboard	Land Acquisition	4/22/19	\$1,000,000.00

or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Yes - 9, No - 0, Abstain - 0.

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

ARTICLE NO. 40 - ROUTE 6A/MAIN STREET INTERSECTION PROJECT:

To see if the Town will vote to:

- (a) authorize the Selectboard to acquire by gift, purchase, and/or by eminent domain, parcels of real property, permanent and temporary easements, for public way purposes, including without limitation, for the construction, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, drainage, utilities, driveways, slopes, grading, road realignment, sidewalks and landscaping, and other related purposes, as may be necessary to undertake the Mass DOT Route 6/Main Street Transportation Improvement Project, and for any and all purposes incidental or related thereto, in, on and under certain parcels and easement areas being generally shown on a plan entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Route 6/Main Street Intersection and Corridor Improvements” dated February 14, 2022 on file in the Town Clerk’s Office as said plans may be amended from time to time and/or incorporated into an easement plan;
- (b) Transfer the care, custody, management and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plans from the board or officer having custody of the same for the purposes for which such properties are currently held to the Selectboard for public way and utility purposes, and further to dedicate said portions of the Town-owned properties to the foregoing purposes;
- (c) raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money, to fund the foregoing project and any and all expenses incidental or related thereto, including without limitation, the costs of any land/easement acquisitions, appraisals, surveys, engineering, design, and other associated services; and
- (d) authorize the Selectboard to enter into all agreements and take any and all actions as may be necessary or appropriate to carry out the foregoing purposes,
- (e) or to do or act on anything thereon.

(Requested by the Selectboard)

Two-thirds Vote Required

Recommendations:

Selectboard: Yes - 4, No - 1, Abstain - 0.

SUMMARY: This project request is to allow the Town’s engineering consultant (Stantec) to continue services for the Massachusetts Department of Transportation Route 6/Main Street intersection project. Stantec submitted the 75% design plans to the State in December 2021 and is currently working on the 100% design plans to commence construction in 2023. This article further authorizes the Selectboard to acquire the rights needed to undertake the project, and to pay the costs and expenses related to the acquisition of the necessary property interests.

ARTICLE NO. 41 - ADOPTION OF ENABLING LEGISLATION TO ESTABLISH SPEED LIMITS:

To see if the town will vote to accept the provisions of Chapter 90, Section 17C of the General Laws, (Ter. Ed), which allows the Selectboard to establish a speed limit of 25 miles per hour in any thickly settled or business district in the Town that is not a state highway or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes – 5, No – 0, Abstain – 0.

SUMMARY: The Selectboard received a petition from residents seeking to reduce the posted speed limit on a local roadway. To effectuate this the Town will have to adopt this enabling legislation.

ARTICLE NO. 42 - AMENDMENT TO WELLFLEET ZONING BY-LAWS CONTRACTOR’S YARD:

To see if the Town will amend the Wellfleet Zoning By-Laws by amending the Use Regulations Table 5.3.2, as follows:

Contractor’s Yard in the Use Regulations Table 5.3.2 from “P” (Permitted Use) in the “C” (Commercial District) and “C2” (Commercial 2 District) to “O” (An exclusive or Prohibited Use), or to do or act on anything thereon.

(Requested by the Planning Board)

Two-thirds Vote Required

Recommendations:

Selectboard: Yes – 5, No – 0, Abstain – 0.

Planning Board: Yes – 7, No – 0, Abstain – 0.

Bylaw Committee: Yes – 0, No – 3, Abstain – 0.

ARTICLE NO. 43 - NON-BINDING PUBLIC ADVISORY QUESTION IN PILGRIM POWER PLANT:

Calling upon Holtec Pilgrim, LLC, owner of the closed Pilgrim Nuclear Power Station and Holtec Decommissioning International, LLC, to immediately withdraw any plans to discharge any radioactive water into Cape Cod Bay.

WHEREAS, Cape Cod Bay is a federal and state protected area and habitat for the endangered Right Whale; and

WHEREAS, Cape Cod Bay provides a vital livelihood for fishermen and the tourist industry; and

WHEREAS, The National Academies of Science has determined there is no safe dose of ionizing radiation,

WHEREAS, One radioactive element in Holtec Pilgrim water is Tritium, which concentrates up the food hand from sediment to sea grasses to the fish we eat; and

WHEREAS, Holtec Pilgrim can discharge radioactive water anytime without approval of the Nuclear Regulatory Commission [NRC]; and

WHEREAS, The Attorney General of New Mexico has filed a lawsuit against the NRC for unlawful proceedings and illegal activities involving Holtec; and

WHEREAS, The Commonwealth has the authority to stop the dumping.

Therefore, shall the people of the Town of Wellfleet direct the local government to communicate with Governor Charlie Baker, Attorney General Maura Healey, and the State Legislature to employ all means available to ensure that Holtec commits to immediately withdraw any plans to dump any radioactive water into Cape Cod Bay?

(Citizens Petition)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

ARTICLE NO. 44 - AFFORDABLE HOUSING STABILIZATION FUND:

To see if the Town will vote to establish a special purpose “Affordable Housing Stabilization Fund” fund pursuant to G.L. c. 40, §5B and further to dedicate thirty five percent (35%) of the revenue from community impact fees received by the Town for professionally managed and owner occupied short-term rental units under G.L. c. 64G, § 3D(a) and G.L. c. 64G, § 3D(b), to be appropriated by future votes of Town Meeting as grants. Said fund shall be used exclusively for housing, for purposes of M.G.L. Ch. 40B sec. 20-23 and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and shall meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion DHCD Ch 40B Subsidized Housing Inventory as Local Action Units, or to do or act on anything thereon.

(Requested by the Selectboard)

Two-thirds Vote Required

Recommendations:

Selectboard: Yes – 5, No – 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

Affordable Housing Trust: Yes – 7, No – 0, Abstain – 0.

Local Housing Partnership: Yes – 5, No – 0, Abstain – 0.

Housing Authority: Yes – 4, No – 0, Abstain – 0.

SUMMARY This article asks the town to create an “Affordable Housing Stabilization Fund” funded by receiving 35% of any community impact fees on short-term rentals to support affordable housing initiatives within the town. This fund is restricted to supporting housing for residents earning 80% of the Area Median Income. As a special purpose stabilization fund a two-thirds vote of town meeting will be required to expend any of its funds. This allows the townspeople flexibility in supporting housing initiatives. It is uncertain how much revenue the community impact fees will generate until the receipts are in hand. It will be modest when compared to the overall room tax revenues. Once receipts are in hand, it should be a relativity predicable source of revenue that would be available to support housing initiatives within Wellfleet.

ARTICLE NO. 45 – MIXED INCOME HOUSING STABILIZATION FUND

To see if the Town will vote to establish a special purpose “Mixed Income Housing Stabilization Fund B” fund pursuant to G.L. c. 40, §5B and further to dedicate sixty five percent (65%) of the revenue from community impact fees received by the Town for professionally managed and owner occupied short-term rental units under G.L. c. 64G, § 3D(a) and G.L. c. 64G, § 3D(b), to be appropriated by future votes of Town Meeting as grants or to support housing initiatives within the Town of Wellfleet, or to do or act on anything thereon.

(Requested by the Selectboard)

Two-thirds Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

Affordable Housing Trust: Yes – 7, No – 0, Abstain – 0.

Local Housing Partnership: Yes – 5, No – 0, Abstain – 0.

Housing Authority: Yes – 4, No – 0, Abstain – 0.

SUMMARY: This article asks the town to create a “Mixed Income Housing Stabilization Fund” funded by receiving 65% of any community impact fees on short-term rentals to support housing initiatives within the town. There is a large population whose income is too high to qualify for affordable housing but are unable to afford housing local. As a consequence, they are facing extreme housing insecurity and are often forced to relocate off Cape. These include a wide range of professions including teachers, health professionals, and business managers. This fund would be more inclusive by supporting housing initiatives for these residents as well as still supporting affordable housing. As a special purpose stabilization fund, a two-thirds vote of town meeting will be required to expend any of its funds. This allows the townspeople flexibility in supporting housing initiatives at all levels. It is uncertain how much revenue the community impact fees will generate until the receipts are in hand. It will be modest when compared to the overall room tax revenues. Once receipts are in hand, it should be a relatively predictable source of revenue that would be available to support housing initiatives within Wellfleet.

ARTICLE 46 – SHORT TERM RENTAL COMMUNITY IMPACT FEE ON PROFESSIONALLY MANAGED UNITS (G.L.C 64G, § 3D(a))

To see if the Town will vote to accept the provisions of G.L. c. 64G, § 3D(a), authorizing the imposition of a community impact fee of 3% on the transfer of occupancy of a short-term rental in a “professionally managed unit,” which term is defined G.L. c. 64G, §1 effective as of October 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

Affordable Housing Trust: Recommendation deferred until Town Meeting.

Local Housing Partnership: Yes – 5, No – 0, Abstain – 0.

Housing Authority: Yes – 4, No – 0, Abstain – 0.

SUMMARY: This opts the Town into collecting a community impact fee on short-term rentals of "professionally managed" short-term rental units. Professionally managed units are two or more units run by the same operator not located within a two to three family dwelling that includes the operator's primary residence. Three percent (3%) is the maximum allowable local option. The statutory requirement is that 35% of the fee must be used for either affordable housing or capital infrastructure. The

Town is proposing to dedicate all of these funds to housing. See preceding articles. The fees will be collected by the Massachusetts Department of Revenue for each calendar quarter. The DOR requires 30 days' notice from a municipality prior to the start of the first calendar quarter when the community impact fees will start. As such, October 1, 2022, is the first quarter that Wellfleet could start receiving these fees.

ARTICLE NO. 47 – SHORT TERM RENTAL COMMUNITY IMPACT FEES ON OWNER-OCCUPIED UNITS (G.L. c 64G, § 3D(b))

To see if the Town will vote to accept the provisions of G.L. c. 64G, § 3D(b), authorizing the imposition of a community impact fee of 3% on the transfer of occupancy of a short-term rental unit that is located in a two- or three-family dwelling that includes the operator's primary residence effective as of October 1, 2022, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

Finance Committee: Recommendation deferred until Town Meeting.

Affordable Housing Trust: Recommendation deferred until Town Meeting.

Local Housing Partnership: Yes – 5, No – 0, Abstain – 0.

Housing Authority: Yes – 4, No – 0, Abstain – 0.

SUMMARY: This opts the Town into collecting a community impact fee on short-term rental units within a two- or three-family dwelling that includes the operator's primary residence. 3% is the maximum allowable local option. **In order to accept this provision, the Town must first vote to accept the community impact fee on professionally managed units pursuant to Article 47.** The statutory requirement is that 35% of the fee must be used for either affordable housing or capital infrastructure. The Town is proposing to dedicate these funds exclusively to housing. See preceding articles. The fees will be collected by the Massachusetts Department of Revenue for each calendar quarter. The DOR requires 30 days' notice from a municipality prior to the start of the first calendar quarter when the community impact fees will start. As such, October 1, 2022, is the first quarter that Wellfleet could start receiving these fees.

ARTICLE NO. 48 - TREE PRESERVATION RESOLUTION:

To see if the Town will vote to adopt the following **TREE PRESERVATION RESOLUTION:**

WHERE AS, trees are recognized for their abilities to improve air quality, protect from glare and heat, reduce noise, aid in the stabilization of soil, provide natural flood and drainage control, create habitats for wildlife, enhance aesthetics and property values, contribute to the distinct character of certain neighborhoods and roadways, provide natural privacy to neighbors, and reduce ambient carbon in the atmosphere; and

WHERE AS, the preservation and protection of certain trees on private property, the requirement to replant trees to replace those removed, and the collection of financial contributions to support the Town’s tree planting and maintenance efforts are public purposes that protect the public health, welfare, environment, and aesthetics; and

WHERE AS, at our 2021 Town Meeting, the voters of Wellfleet passed a resolution declaring a climate emergency and committing to eliminate the town's carbon emissions by or before 2050; and in order to achieve that goal, we will need not only to maintain, but also to *increase* our net number of trees, to compensate for emissions we are not able to eliminate.

Now, therefore, be it RESOLVED: That the Town vote to authorize the Select Board to cause to be prepared for consideration at the next Town Meeting, a Tree Preservation ByLaw supporting the preservation and protection of trees on residential, municipal and *commercial* lots *preceding or* during significant demolition and/or construction activity, by designating areas of a lot where trees must be protected, and requiring mitigation for trees removed via replanting or collection of fees to support the Town’s tree planting and maintenance efforts; and

FURTHER RESOLVED: That in order to effectuate the purposes of the resolution, the Town of Wellfleet’s Select Board appoint a committee of five (5) members (Tree Preservation Bylaw Committee), with a recommendation to include one member of the Wellfleet Conservation Commission, and one member of the Wellfleet *Zoning Board*, to be charged with the drafting of the Bylaw for the Select Board’s review and approval prior to submission for the Town’s approval at the 2023 Town Meeting; and;

FINALLY RESOLVED: That the Tree Preservation Bylaw Committee *consider* the following non-binding recommendations:

1. The Tree Preservation Bylaw only apply to trees that are six (6) inches in diameter or greater and located within a lot’s twenty-five (25) foot setback area (Protected Trees);
2. The Tree Preservation Bylaw will prohibit the removal of Protected Trees during construction, or for a period of time not to exceed fifteen (15) months prior to an application for a demolition or building permit for:
 - (a) demolition of an existing structure of 250 gross square feet or greater, (b) construction of any building or structure on a vacant lot, or (c) construction of one or more structures or additions to structures on a lot that increases the Gross Floor Area by 50% or greater.
3. The Tree Preservation Bylaw will provide an option, if it is not practical to save a Protected Tree, for it to be removed and replaced with new trees elsewhere, or pay into a tree fund, which the Town will use to buy and plant trees in residential areas.
4. The Tree Preservation Bylaw will not apply to the subdivision of land under the Town’s

Subdivision Rules and Regulations, those areas of a property under the jurisdiction of the Wetlands Protection Act, public shade trees pursuant to M.G.L. Chapter 87, emergency projects necessary for public safety, health, and welfare, trees severely damaged as the direct result of a natural disaster, or trees that are hazardous.

5. The Tree Preservation Bylaw will require that mitigation be based upon the DBH (diameter at breast height) of Protected Tree(s) removed. For each inch of DBH of the Protected Tree(s) removed, no less than one half ($\frac{1}{2}$) inch caliper of a new native tree(s) shall be replanted with each new tree having a minimum caliper of two (2) inches. If the Protected Tree to be removed is an overstory tree species, the replacement tree(s) to mitigate the removal shall be a native overstory tree species; or to take any other action relative thereto:

(Citizens Petition)

Majority Vote Required

Recommendations:

Selectboard: Yes - 0, No - 5, Abstain - 0.

Bylaw Committee: Yes - 0, No - 3, Abstain - 0.

SECTION VII: STANDARD ANNUAL ARTICLES

Voted on together as part of a consent agenda

ARTICLE NO. 49 - SURPLUS PROPERTY DISPOSAL:

To see if the Town will vote to authorize the Town Administrator or his/her designee to dispose of personal property by trade-in or sale, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

SUMMARY: This is an annual request that provides the Town Administrator to sell, trade-in or dispose of surplus property on behalf of the Town.

ARTICLE NO. 50 - COLLECTION OF TAXES:

To see if the Town will vote in accordance with G.L. c. 41, sec. 38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required.

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

ARTICLE NO. 51 - MASSDEP LIABILITY INDEMINIFICATION:

To see if the Town will vote to assume liability in the manner provided by G.L. c.91, s.29 and 29A, as most recently amended, for damage that may be incurred for work to be performed by the Department of Environmental Protection of Massachusetts for improvements, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, excluding the Herring River and Herring River Dike, in accordance with G.L. c. 91, s. 11, and to authorize the Selectboard to execute and deliver a bond on indemnity therefore to the Commonwealth, or to do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required.

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

ARTICLE NO. 52 - NAUSET SCHOOLS ASSESSMENT FORMULA:

To see if the Town will vote to accept the provisions of G.L. c. 71, s.16B, which would reallocate the sum of the member Town's contribution to the Nauset Regional School District in accordance with the Nauset Regional Agreement, rather than the Education Reform Formula, so called, or to do or act on anything thereon.

(Nauset Regional School Committee)

Majority Vote Required.

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

SUMMARY: This article will apportion the Nauset School District's assessment for FY24 to the four (4) member towns based on their proportionate enrollment within the school district. This is the method provided within the inter-municipal agreement approved by the four towns establishing the Nauset Regional School District and has been applied in each of the last seventeen years by Town Meeting vote.

SECTION VIII: STANDARD CLOSING ARTICLES

ARTICLE NO. 53 - REPORTS OF BOARDS AND COMMITTEES:

To hear reports of the Selectboard, Town Officers, and all other Committees and to act thereon, or do or act on anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard: Yes - 5, No - 0, Abstain - 0.

ARTICLE NO. 54 - OTHER BUSINESS:

To act on any other business that may legally come before the meeting.

(Requested by the Selectboard)

Majority Vote Required

Recommendations:

Selectboard:

Recommend Yes - 5, No - 0, Abstain - 0.

SPECIAL TOWN ELECTION WARRANT

Tuesday June 21, 2022

The Commonwealth of Massachusetts

To either of the Constables in the Town of Wellfleet in the County of Barnstable:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet at the **WELLFLEET ADULT COMMUNITY CENTER, 715 OLD KING'S HIGHWAY in Wellfleet on Tuesday the 21st day of June, 2022, between twelve o'clock noon and seven o'clock p.m.**, then and there to vote for the election of the following Town officer: Selectboard Vote for One, Two years (of a three year term) and to vote on the following questions:

Question 1: Shall the Town of Wellfleet be allowed to assess an additional \$518,820.00 in real and personal property taxes for the purpose of funding general school and town operations for the fiscal year beginning July 1st, two thousand and twenty-two?

Yes: _____ **No:** _____

Question 2: Shall the Town of Wellfleet be allowed to assess an additional \$672,700.00 in real and personal property taxes for the purpose of funding equipment replacement, facility repairs, special projects and Other Post-Employment Benefit expenses for the fiscal year beginning July 1st, two thousand and twenty-two?

Yes: _____ **No:** _____

Question 3: Shall the Town of Wellfleet be allowed to assess an additional \$186,759.00 in real and personal property taxes for the purpose of funding two new Police Officer positions for the fiscal year beginning July 1st, two thousand and twenty-two?

Yes: _____ **No:** _____

Question 4: Shall the Town of Wellfleet be allowed to assess an additional \$206,964.00 in real and personal property taxes for the purpose of funding two new Firefighter/EMT/Paramedic positions for the fiscal year beginning July 1st, two thousand and twenty-two?

Yes: _____ **No:** _____

Question 5: Shall the Town of Wellfleet be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of installing a fire suppression system at the Wellfleet Elementary School, including the payment of all costs related thereto?

Yes: _____ **No:** _____

2022 SPECIAL TOWN ELECTION WARRANT

And you are hereby directed to serve these warrants by posting attested copies thereof, one in the Post Office in Wellfleet and one in the Post Office in South Wellfleet, fourteen (14) days at least before the date of said meetings.

Hereof fail not and make do return of these warrants with your doings thereon, to the Town Clerk, at the time and place of said meetings.

Given under our hands this ____ day of 2022.

Wellfleet Selectboard

Ryan Derek Curley, Chair

Michael F. DeVasto, Vice Chair

Barbara Carboni, Member

Helen Miranda Wilson, Member

John A. Wolf, Clerk

Constable's Return of Service

I have served the foregoing warrant by posting attested copies thereof in the Post Office in Wellfleet and the Post Office in South Wellfleet in the Town on _____, which is at least seven (14) days before the date of said meeting, as within directed.

Date: _____

Constable: _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

IV

TOWN MEETING

~ C ~

REQUESTED BY:	Daniel Silverman ~ Town Moderator & Ryan Curley ~ Chair
DESIRED ACTION:	To go over the town meeting and what to expect
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

GUIDANCE FOR WELLFLEET'S 2022 ANNUAL TOWN MEETING

Hello Voters,

Wellfleet's Annual Town Meeting is when we fulfill our role as citizen-legislators and decide many issues, including our Town's budget and bylaws. Town leaders have again decided that in the interest of public health, the meeting will be held outdoors. Town staff have worked together to set conditions that will allow us to meet and conduct business as safely as possible

The Annual Town Meeting will begin at 10 A.M on Saturday, June 11, 2022 on the Elementary School ballfield. Check-in will open 1 hour earlier at 9:00 A.M.

Should the meeting be postponed because of rain, the rain dates for are Sunday, June 12, Saturday June 18, and Sunday, June 19. The Town will use the Civic Alert system to notify voters if the meeting is postponed.

With the safety of voters and town officials as our goal, here's what you can expect when you come to Town Meeting.

PLAN SUBJECT TO CHANGE IF HEALTH REGULATIONS CHANGE

PARKING:

The parking spaces facing the ballfield are reserved for handicapped parking.

MASKS:

Masks are optional, and to be worn at the discretion of individual voters. If you have not been fully vaccinated, it is strongly recommended that you wear a mask for your own protection and to protect other voters. The Fire Department will have masks available for anyone needing them.

ARRIVAL & SCREENING:

The check-in process will begin at 9:00 AM. The check-in line will be along the fence on the outside of the ballfield. Please maintain a safe distance while in line. If you attend with other members of your household, please stay together throughout the arrival and check-in process.

There will be a list of symptoms posted near the check-in line. If you have any of the symptoms listed, or if feel you may have a fever, we ask that you not attend the meeting for the safety of your fellow voters.

CHECK-IN:

When you approach the entrance to the ballfield, you will be directed to one of the registrars. All registration tables will accept all voters; you do not need to go to a specific table based on your last name.

Only voters will be admitted to the ballfield. There will be a separate seating area outside the ballfield for non-voters, who will be required to maintain a safe distance from others at all times. This restriction does not apply to town officials who are non-voters but are required by our charter to attend Town Meeting.

Children may accompany parents who are voters. Children must stay with their parents at all times, remain distanced from other meeting participants, and not distract voters from the business of the meeting. There is no provision for childcare at this meeting.

SEATING:

After you have been checked in you may sit wherever you like. Seats have been placed in a pattern to maintain a safe distance between voters. Once you are seated, we ask you remain seated for the duration of the meeting unless you are speaking in debate or need to use the restrooms. Please cooperate with the volunteers.

There will be some seats under a tent for shelter from the sun; these should be reserved for older, more vulnerable voters. A special seating area is reserved for those with limited mobility. Depending on attendance, there will likely not be enough seats under the tent for everyone, so you should plan on bringing a hat and sunscreen.

You may bring your own beach chairs or a blanket, but you must set them up at least 6 feet away from others. There will be ample room at the rear of the tented area in the outfield area to set up your own chairs or blankets, and the audio system will allow voters will to hear the proceedings from anywhere on the ballfield.

BATHROOMS:

Porta-potties, hand wash stations and hand sanitizer will be available at the meeting.

NO SMOKING, NO AEROSOL INSECT REPELLENTS OR SUNSCREENS:

No smoking is allowed on the ballfield. Smoking is allowed only on the paved surfaces at least 100 feet away from any seating or check-in areas.

If you bring insect repellent or sunscreen, it must be a liquid or wipe-on type. **Absolutely no aerosol spray insect repellent or sunscreen will be allowed within the ballfield area.**

NO POLITICAL BUTTONS, CLOTHING OR CAMPAIGN SIGNS:

Town Meeting is a non-partisan legislative body. No political buttons, clothing with political or campaign slogans, or campaign signs are permitted within the Town Meeting venue. Any political activity must take place outside the Town Meeting (in this case, outside of the ballfield fence) and must not impede voters checking in or interfere with the meeting in any way.

FOOD AND DRINK:

You may bring your own snacks and beverages, but no alcoholic beverages will be allowed. To reduce the use of disposable containers, please bring your own drinking water if possible. There will be some canned drinking water available for distribution provided by the Wellfleet Recycling Committee.

MOTIONS, TOWN REPORTS AND INFORMATIONAL HANDOUTS:

For this meeting, there will be no PowerPoint presentations. Each voter will receive a booklet with the wording of the motions that are expected to be made under each article. Voters will also be provided with a copy of the annual town report, along with any handouts related to individual article that have been submitted in advance for approval.

Presenters of articles and others may prepare informational handouts for distribution to the voters. **All handouts are strictly limited to one page, double-sided, and should be sent to Rebekah Eldridge, Executive Assistant (rebekah.eldridge@wellfleet-ma.gov) before Friday, June 3 and absolutely no later than Monday, June 6.**

DEBATE:

If you wish to speak during the meeting, please go to one of the microphone locations and wait to be recognized. If you are unable or uncomfortable moving to one of the microphones, a volunteer “microphone wrangler” will bring a microphone to your location once you have been recognized. Please identify yourself clearly once recognized and before speaking, as the Moderator may not be able recognize you by name because of distance and masking.

VOTING:

When you check in, you will be given a brightly colored piece of paper. This will be your voter card for this meeting. Votes will be taken by a show of cards held in the air. If the outcome of a vote cannot be determined by the Moderator by this method, there will be a counted vote taken.

SOUND SYSTEM, RECORDING:

The sound system for this meeting has been designed to make sure that all voters can follow the proceedings and participate in the meeting no matter where they're seated on the ballfield. There will be no visual slide presentations, so there should no concern about visibility from any of the seating areas.

The meeting will be video recorded for later viewing by those unable to attend.

LEAVING THE MEETING:

Please try to stay for the duration of the meeting to minimize foot traffic that would disrupt the meeting.

After the Town Meeting is dissolved, voters are asked to remain in their seats and leave only when their row is called. This will help to minimize crowding at the exits and maintain safe distancing. In order to maintain social distancing and allow everyone to leave the meeting in a timely manner, we ask that you not linger outside the ballfield once the meeting ends.

This will be the third Town Meeting that Wellfleet has conducted outdoors. Wellfleet voters have proved themselves adaptable and we have been able to conduct the Town's business effectively and efficiently. When we meet on June 11, I ask you all again to be patient, maintain your good humor and respect one another as we come together for the 2022 Annual Town Meeting.

BEACH STICKER DRAWING:

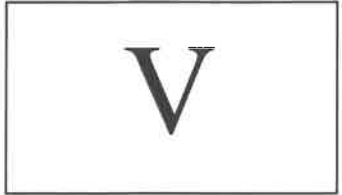
At the conclusion of the meeting, a drawing will be held for 5 Wellfleet beach stickers. Voters must be present to be eligible for the drawing.

Dan Silverman
Wellfleet Town Moderator



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022



HERRING RIVER RESTORATION PROJECT

~ A ~

REQUESTED BY:	Carole Ridley ~ Herring River Restoration Project Coordinator & Jay Norton DPW Director
DESIRED ACTION:	An update on the final design will be given
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Memorandum

To: Wellfleet Selectboard

From: Jay Norton, Director, Wellfleet DPW
Carole Ridley, Herring River Project Coordinator

Date: June 2, 2022

Re: Chequessett Neck Road Bridge Final Design, Construction Bid and Oversight

The Herring River Restoration Project is nearing the end of environmental permitting by multiple local, regional, state and federal agencies. The completion of permitting means that the Project is ready to proceed to final design and preparation of bid specifications for the distinct construction elements. With the announcement of \$29 million in USDA NRCS funding, and anticipated funding from the Commonwealth to meet required non-federal grant match, construction on the Chequessett Neck Road (CNR) bridge could begin in late 2022 or early 2023, pending grant agreements and agency reviews.

Accordingly, Fuss & O'Neill, design engineer for the CNR bridge, is preparing final design and bid specifications. Over the past several months, the firm has also been working with the project team and DPW Director to evaluate alternatives for construction management and oversight.

On June 7, Fuss & O'Neill, DPW Director Jay Norton and members of the Project team will provide the Selectboard with a brief overview of the project status, of the final design and construction bid process, and of plans for construction management and oversight.

The Project team is seeking to review the following topics with the Selectboard:

- 1) Final bridge design options for items such as stone cladding/formliner, timber railing, and concrete safety barriers.
- 2) A bid advertisement in July/August with contract award in August/September, pending successful negotiation of state and federal funding agreements and other agency reviews. This schedule would allow for construction mobilization in late 2022.
- 3) A grant-funded Owners Project Representative position reporting to the DPW Director to provide comprehensive oversight of project construction activities.

Possible Selectboard Motion:

To affirm the final design of the Chequessett Neck Road Bridge, and the DPW Director's intention to advertise the bid documents for construction of the Chequessett Neck Road Bridge as provided in final design plans and bid specifications, and to advertise a grant funded position of Owner's Project Representative to provide construction oversight on behalf of the Town and report to the DPW Director.



Town of Wellfleet



Cape Cod National Seashore

**Update on Chequessett Neck Road Bridge
Final Design and Bidding
June 7, 2022**

Restoration Objectives

Restore Herring River estuary—once one of the most productive salt marsh systems in the Northeast.

Address severe degradation caused by prolonged tidal restriction

- Water quality (Clean Water Act non-compliance, bacterial point source)
- Marsh subsidence – acid sulfate soils
- Loss of resilience, climate adaptability
- Loss of habitat, obstructed fish passage, loss of shellfish areas
- Loss of estuarine function



Water Control Features Restore Tidal Flow

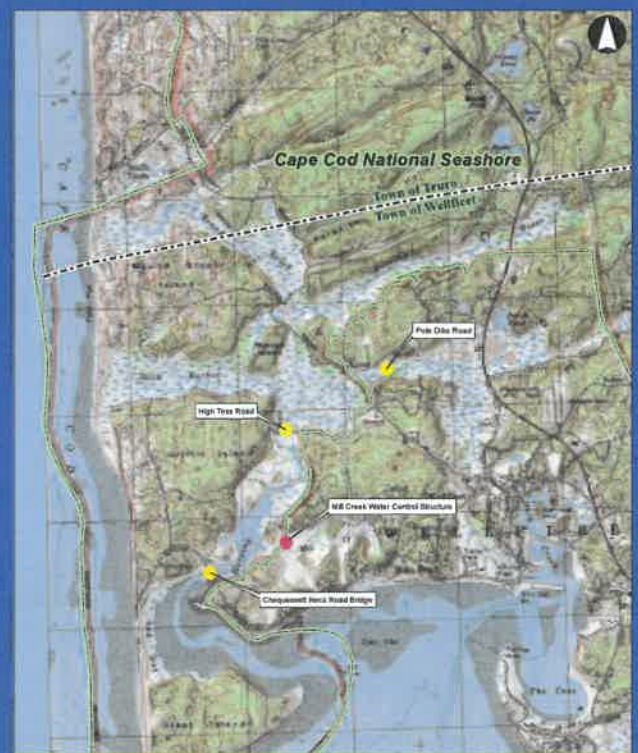
On Town Property:

- Chequessett Neck Road bridge & sluice gates
- Upper Pole Dike Creek WCS & sluice gate
- Removal of High Toss Rd causeway

On CCNS Property:

- Mill Creek WCS & sluice gate

Phase 1 (570 acres) includes all water control infrastructure needed for full restoration



Protect the Built Environment

On Town Property:

- Elevate ≈2 non-contiguous miles of Old County, Bound Brook Island, Pole Dike, High Toss Roads, Way#672
- Replace 5 culverts in Wellfleet (including Pole Dike Creek WCS)
- ≈671 lf of road work & 2 culverts in Truro (IMA)
- Elevated roads increase embankment slopes
 - Easements (Article 38)
 - Seashore Land Transfer

On Private Property:

- Elevate portions of CYCC golf course
- Measures on 3 private properties
- Relocate 2 wells in Mill Creek sub-basin



Local Governance & Decision-making

- Extensive community engagement
- MOU IV - how the Project will be governed
- Herring River Executive Council (HREC):
 - Adaptive management: tide gate, vegetation & marsh management
 - Adopted initial tide gate management policy (1.8 ft over 3 yrs)
- Other ongoing advisory input:
 - Herring River Technical Team
 - Herring River Stakeholders Group
 - Regulatory Oversight Group



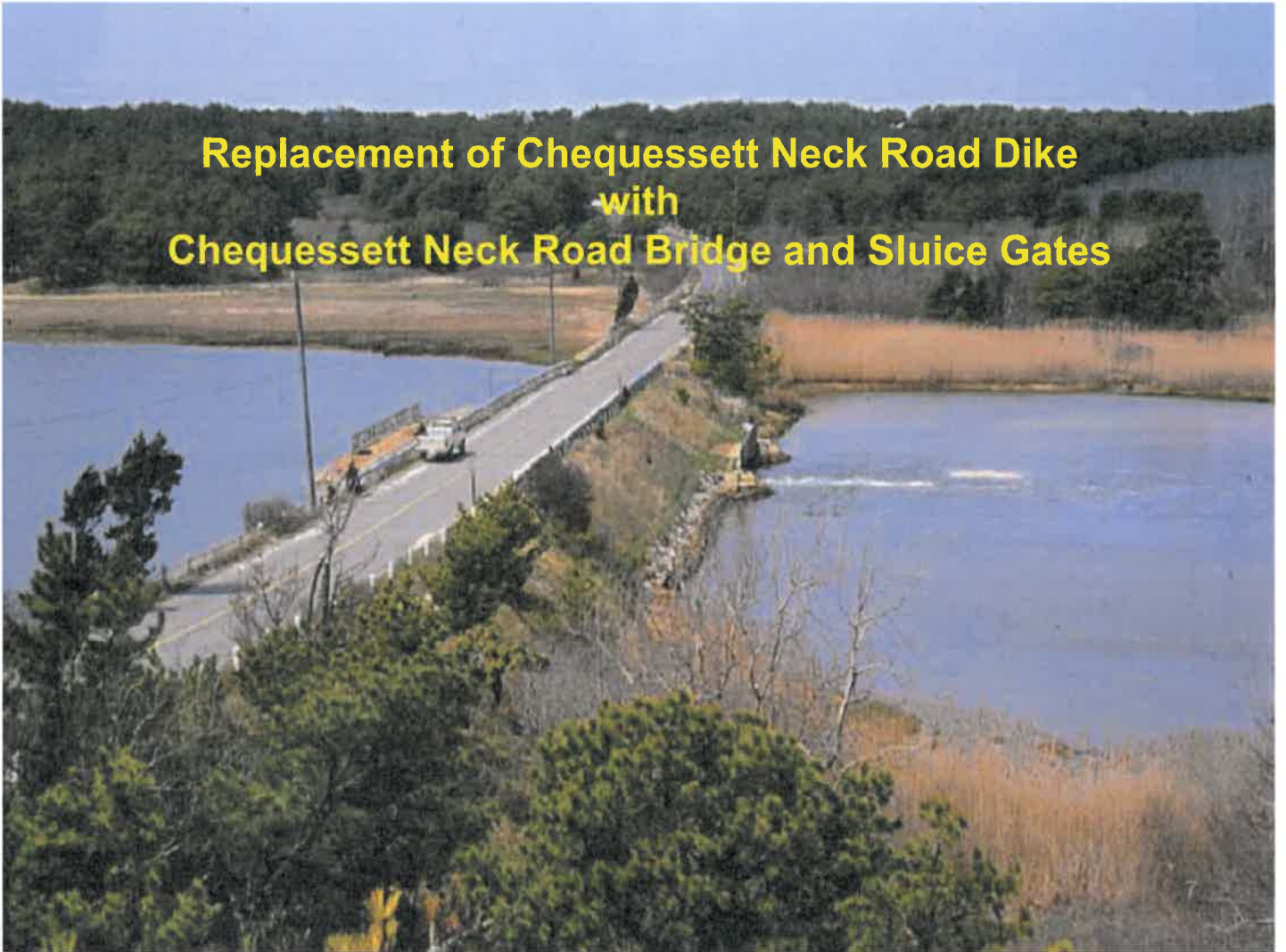
Permitting Status

- MEPA Certificate and Record of Decision - 2016
- Cape Cod Commission Development Regional Impact approval - 2020
- §401 Water Quality Certification - 2021
- Approval under §404 General Permit – 2021
- US Coast Guard Advance Approval - 2021
- MGL Ch. 91 Waterways Licenses (pending)
- Notice of Intent for Ecological Restoration Limited Project (ERLP)
- Final design & bid specifications
 - respond to permitting refinements if any
 - Grant funding requires June 30 completion



S Broker photo

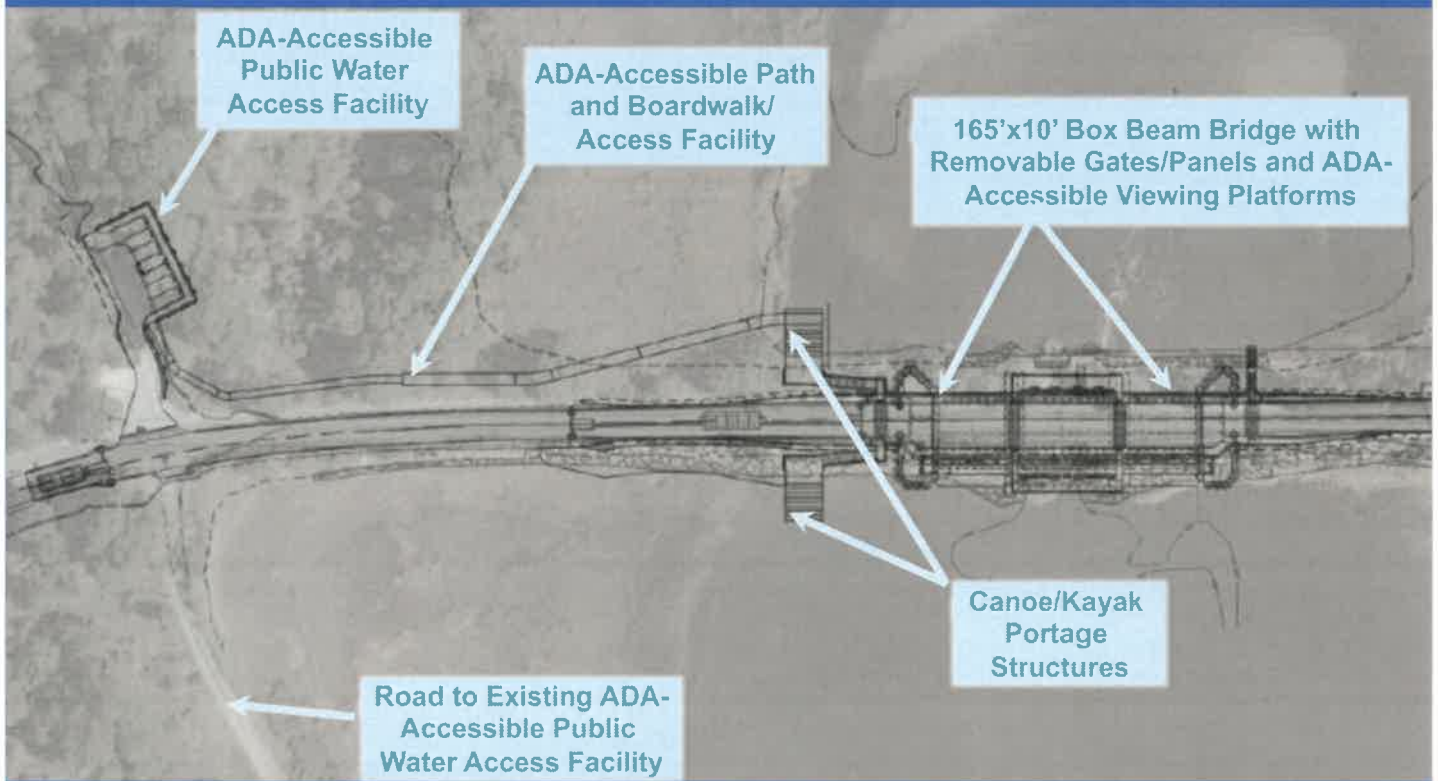
**Replacement of Chequessett Neck Road Dike
with
Chequessett Neck Road Bridge and Sluice Gates**



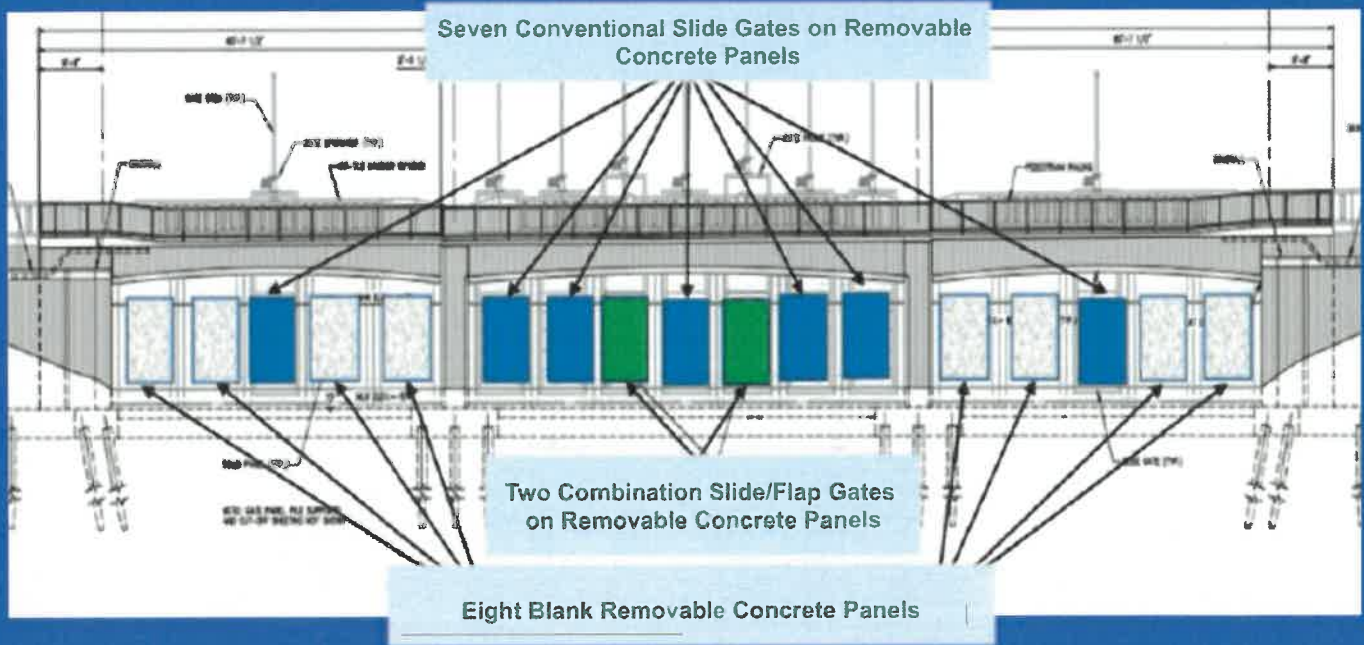
Bridge Structure Design Criteria

- Provide Adaptive Tidal Control to Support Incremental Restoration of Vegetative, Fishery, Shellfish and Wildlife Communities
 - Support Increased Tidal Flushing, Improved Water Quality, Increased Sediment Transport, Other Restoration Goals
 - Respond to Sea Level Rise
- Minimize Operation & Maintenance Requirements/Costs
- Minimize Construction Cost
- Minimize Environmental Impacts
- Fit Natural Character of Site
- Improve Public Accessibility
- Enhance Recreational Access to Water

Chequessett Neck Road Bridge and Water Access Improvements



Bridge Structure Overview



Post-Construction – Gates Partially Open



Post-Construction – Gates Partially Open



Post-Construction – Gates/Panels Removed



Design Issues and Process

- Final design has been coordinated with DPW Director
 - Review of final drawings and specifications ongoing for June 30 completion
 - Provisions for post-construction operation/maintenance and monitoring undergoing review
 - Review aesthetic options established within bid/contract structure with Town & community members
 - Exterior Treatments: Stone Cladding / Stained Concrete Formlining
 - Timber Pedestrian Railing: Pressure-Treated/Cedar Timber vs. Metal
 - Gate Control/Monitoring Equipment Enclosure
 - Benches and Plantings
 - Pigmenting/Staining Other Concrete Structures (e.g., vehicle safety barriers, water access steps)

Exterior Treatment

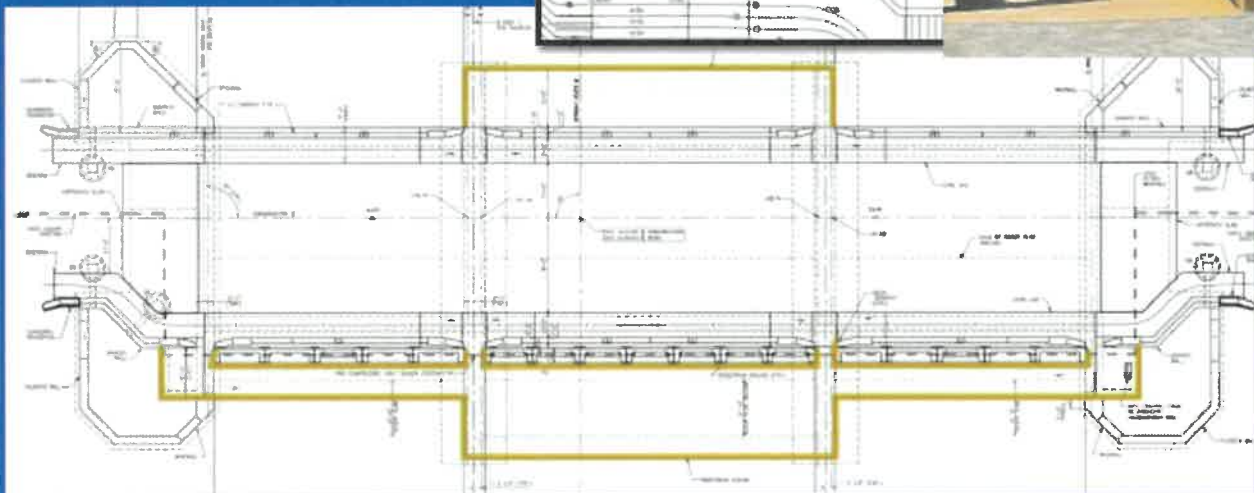
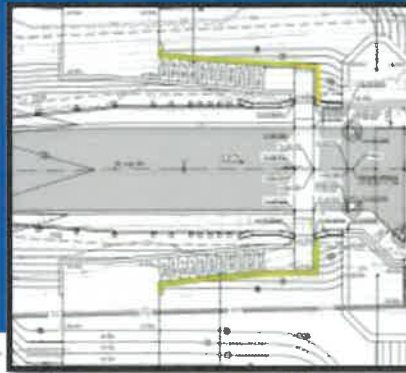
- Authentic Stone Cladding Incorporated as Base Bid
 - Numerous Stone Patterns and Hues Available
 - Selection of “Coastal Sand” Ashlar Pattern Proposed for Bridge Structure to be Congruent with Existing Stone Revetment to be Reinstalled
- Stained Concrete Formliner Incorporated as Alternate Bid
 - Stone Patterns and Hues Equivalent to Stone Cladding Available
- Cladding: Higher Cost, Permanent Natural Appearance vs. Stained Formliner



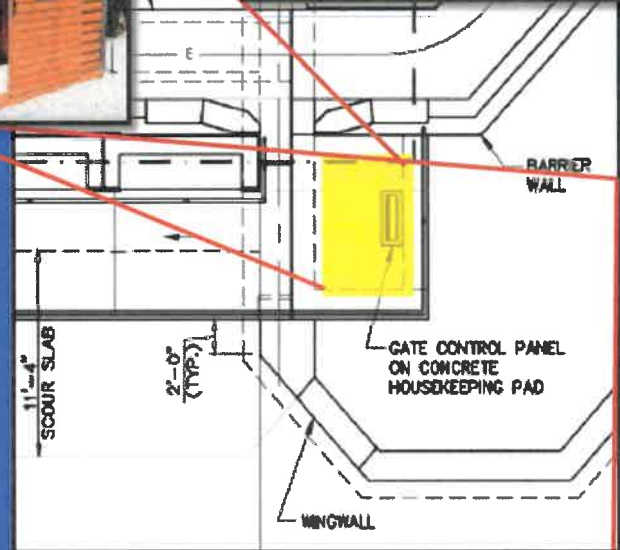
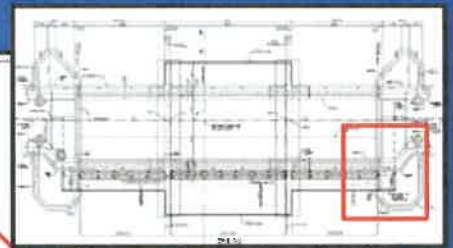
Existing Stone Revetment

Timber Pedestrian Railing

- Selected Timber Pedestrian Railing vs. Metal Railing on Bridge Exterior
 - Tapered Posts
 - Horizontal Rails



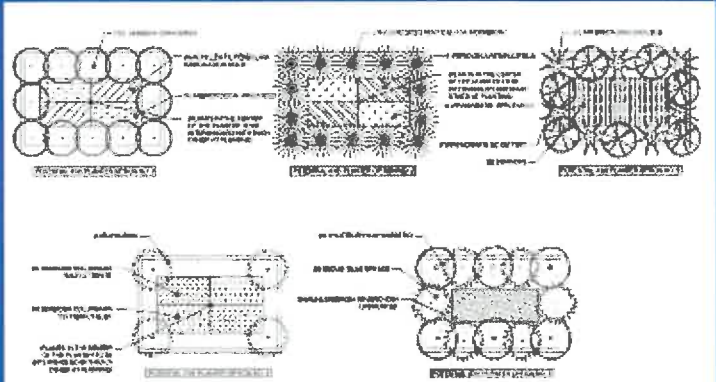
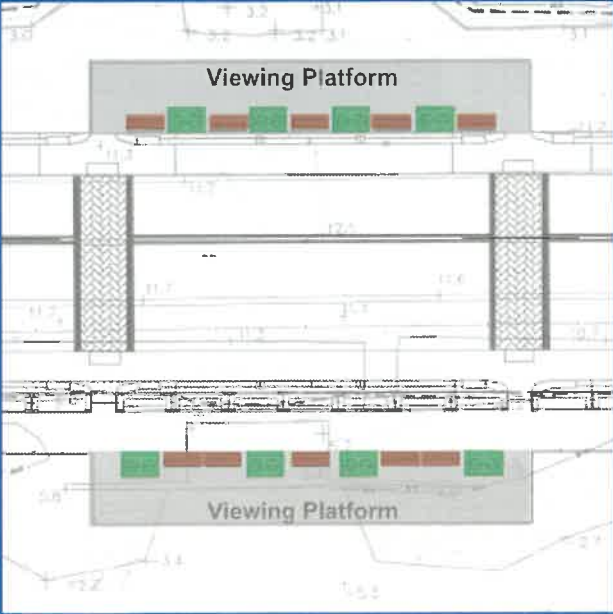
Gate Control & Water Quality Monitoring Equipment Enclosure



- Timber Enclosure to House Gate Control Modules and Water Quality Monitoring Equipment
- Electric Service from Buried Utility to Existing Replace Solar Panels

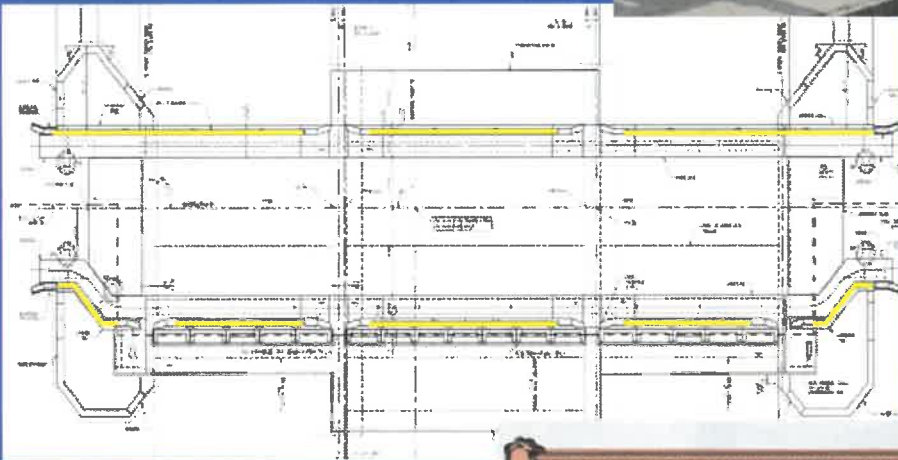
Benches and Planters

- Composite ADA Accessible Benches
- Composite Planters with Water Reservoirs to Reduce Maintenance



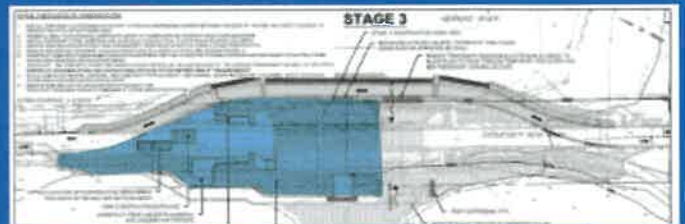
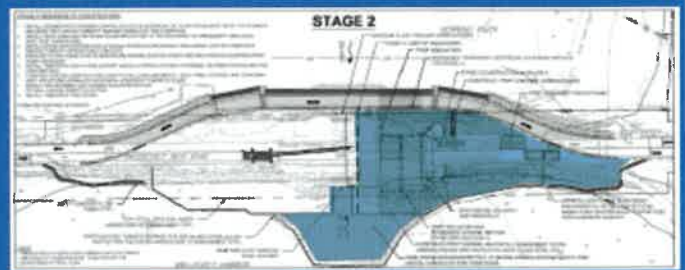
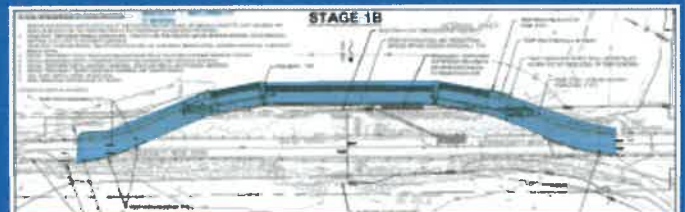
Staining/Pigmenting Concrete

- Required MassDOT Standard Vehicle Safety Barrier
- Stain or Pigment Concrete



Anticipated Construction Timeline

- Fall 2022 – Summer 2023
Construct Temporary Bypass Bridge
- Summer 2023 – Winter 2023
Construct Southern Bridge Pier and Abutment Area
- Winter 2023 – Summer 2024
Construct Northern Bridge Pier and Abutment Area
- Summer 2024 – Spring 2025
Construct Bridge Superstructure, Roadway and Duck Harbor Road Water Access Facility



Construction Management and Oversight

- Bidding to be advertised and administered by Town
 - CNR Bridge bid package advertised (est. July 2022)
 - Contractor selection/contract (est. August/September 2022)
 - Site mobilization and vegetation work (est. late Fall 2022/Winter 2023)
- Grant funded support
 - Owners Project Representative – grant funded position to assist Town with construction oversight. RFP issued soon.
 - CNR construction bids will be reviewed for compliance by Fuss & O'Neill

Herring River Restoration Project





SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

VI

BUSINESS

~ A ~

REQUESTED BY:	Rebecca Roughley ~ Assistant Town Administrator & Ryan Curley Chair
DESIRED ACTION:	To Review the onsite engineering proposal for 95 Lawrence Road.
PROPOSED MOTION:	A motion will be made at the meeting if one is needed.
SUMMARY:	
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET

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

June 2, 2022

To: Honorable Select Board
From: Rebecca Roughley, ATA

Re: Proposed Contract Amendment – 95 Lawrence Road Wastewater Treatment Facility Hydrogeological Permitting and Groundwater Discharge WWTF Design and Permitting

Dear Select Board Members:

I am writing to give you a brief synopsis of the proposal attached to this memo and help educate the newer members of the Board.

After a competitive bid process in June of 2020 Onsite/Bohler Engineering was contracted for the engineering evaluation services associated with the evaluation of Innovative/Alternative (I/A) Subsurface Sewage Disposal Systems and a larger onsite wastewater treatment facility need to reduce the nitrogen impacts to the Duck Creek watershed and Wellfleet Harbor from the proposed housing development at 95 Lawrence Road. The WWTF will also serve the Fire Department, Police Department, Elementary School, and surrounding residents.

As a result, Onsite/Bohler Engineering produced an 82-page document that was instrumental in compiling the RFP for 95 Lawrence Road. Beyond the scope of the feasibility study and without charging the Town for their time, a representative, (David Formato) from Onsite Engineering was available during the bidding process for 95 Lawrence Road and even attended the site visit/walk through in August of 2021. David was also instrumental in helping me apply for the 2021 Mass Works grant (denied partly due to no Developer chosen) to help pay for the design, specifications, and construction of the WWTF and is working with me on submitting the 2022 Mass Works Grant for the same project. We are in a much stronger position to obtain the grant this year since we have POAH/CDP on our team.

Contracting Onsite Engineering for engineering services for the Hydrogeological Permitting and Groundwater Discharge Wastewater Treatment Facility (WWTF) Design for the planned municipal WWTF seems to be the most logical next step in the process as we inch closer to the development of the 95 Lawrence Affordable Housing project.

Jay Norton, Hillary Greenberg Lemos, and I have reviewed the proposal and recommend to the board that we move forward so that Phase 1 of the hydrological site assessment can begin.

Respectfully,

Rebecca Roughley

**Rebecca Roughley, MCPPO
Assistant Town Administrator**



Water, Wastewater and Stormwater Specialists

April 25, 2022

Ms. Rebecca Roughley, MCPPO
Assistant Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667

Re: Proposed Contract Amendment – 95 Lawrence Road Wastewater Treatment Facility
Hydrogeological Permitting and Groundwater Discharge WWTF Design and Permitting

Dear Becky;

Onsite Engineering is pleased to submit this proposal and lump sum fee to perform the requested engineering services for the Hydrogeological Permitting and Groundwater Discharge Wastewater Treatment Facility (WWTF) Design for the planned municipal WWTF that will serve the proposed 95 Lawrence Road affordable housing project and the Town owned parcels adjacent to the site.

We have prepared this scope and fee based upon the approved recommendations from the feasibility study for the project that we completed and our understanding of projects of this nature, having worked on many similarly sized Groundwater Discharge Permit facilities for both public and private clients.

The attached scope of services describes the additional scope items to be added to our agreement that are necessary to complete the site assessment, design and permitting phases of the chosen WWTF system identified in the approved feasibility assessment report. It is important to note that, due to the affordable housing development design and permitting timelines and efforts, we anticipate needing to begin the hydrogeological phase site evaluation tasks this spring in order to meet the required schedule for deliverance of an online wastewater treatment system in accordance with the 95 Lawrence Road Housing Developer's schedule.

In addition to the technical work proposed, we have also included time and fee to assist the Town as needed with applying to and participating in the process to secure and manage grant funding for this project from MassWorks. This effort includes meetings, review of application materials and providing support for that effort and management of the grant (if secured) as needed.

Based upon the attached scope of services, to complete the project as described, we propose a total fee of One Hundred and Ninety Four Thousand Five Hundred Dollars (\$194,500.00), which is itemized by phase as shown in the Table below:

<i>Task</i>	<i>Description</i>	<i>Fee</i>
Phase 1 – Hydrogeological Site Assessment		
1.1	Sewer Base Plan & Hydrogeological Site Assessment of the Discharge Area	\$27,450
1.2	MassDEP WWTF Hydrogeological Site Permitting	\$48,050
Phase 2 – System Design and MassDEP GWDP Permitting		
2.1	Municipal Building's Sewage Collection System Design Services	\$17,350
2.2	Amphidrome WWTF System Design and Permitting Phase Services	\$28,600
Phase 3 – Final Construction Design Plans and Specifications		
3.1	Final Project Construction Document Design Services	\$58,600
3.2	Public Bid Document Preparation and Bidding Assistance	\$14,450

We are looking forward to the opportunity to work with you and the Town on this important project. If you have any questions or require any additional information, please feel free to contact me regarding this proposal.

Sincerely,

Onsite Engineering, Inc.



David C. Formato, P.E.

President

Enclosure

Scope of Services
95 Lawrence Road Wastewater Treatment Facility
Hydrogeological and Groundwater Discharge WWTF Design & Permitting
Wellfleet, Massachusetts

Phase 1 – Hydrogeological Site Assessment

Task 1.1: Base Plan & Hydrogeological Site Assessment of the Discharge Area

1. Prepare for and conduct preliminary soil testing Town of Wellfleet in the 95 Lawrence Road baseball outfield area to determine a suitable effluent disposal system location. We have included a total of one (1) day to perform this task. We have assumed that the Town will provide a backhoe and backhoe operator to dig the test pits (at no cost) and will restore the site after excavations are complete.
2. Using the data from the preliminary testing, prepare and submit a Scope of Work (SOW) in accordance with MassDEP 2022 SOW guidance documents for formal MassDEP review and approval.
3. Publish the required notice of intent to submit the required hydrogeological SOW to MassDEP for review and approval in the EOE Environmental Monitor, as required.
4. Schedule, prepare for and participate in the required pre-scoping meeting with MassDEP to discuss and approve the proposed Hydrogeological Site Assessment Scope of Work.
5. Upon approval of the SOW by MassDEP and after the public comment period, schedule witnessed soil testing with MassDEP personnel.
6. Perform deep observation holes and percolation tests in the presence of a representative from the MassDEP and the Town of Wellfleet in the 95 Lawrence Road baseball outfield area. We have included one (1) - 10 hour day to perform this task and have assumed that the Town will provide a backhoe and backhoe operator (at no cost) to dig the test pits and restore the site after excavations are complete.
7. Select preliminary sites for location of monitoring wells and borings and field locate them for review and approval by Town personnel.
8. Provide an engineer and the services of a drill rig for three (3) days during boring and monitoring well installations to observe the work and direct the collection of drilling data and/or soil samples. We have assumed one (1) day for three (3) borings to an average depth of 15-feet will be needed for the sewage collection system and lift station and two (2) days for up to five (5) borings to an average depth of 30-feet will be completed as part of the leaching field evaluation. All borings at the leaching field will be finished

as 2-inch diameter monitoring wells with 10-15-feet of slotted screen installed within locking standpipe well caps.

9. Perform in-situ testing of the monitoring wells to evaluate the hydraulic conditions of the site.
10. Perform sieve analyses on up to three (3) soil samples taken from the borings.

Task 1.2: MassDEP WWTF Hydrogeological Permitting

1. Develop approximate effluent loading rates in terms of gallons for each area tested relative to site constraints, soils and the proposed layout of the buildings and other site utilities.
2. Based upon the results of the completed soil testing, prepare preliminary layouts of effluent disposal areas suitable for disposal of the anticipated effluent from the proposed project. We have assumed that the leaching field will be designed and permitted to accommodate a flow of approximately 35,000 gallons.
3. Prepare a design, layout, grading and vertical profile of the proposed effluent disposal system(s) as required for use in conducting the hydraulic model as well as for submission to MassDEP.
4. Based upon the results of the data obtained in the hydrogeological site assessment phase and Tasks 1.2.1 through 1.2.3, prepare, calibrate and run a ModFLOW numerical hydraulic model of the discharge site to determine the quantity of effluent that can be disposed of in the effluent disposal areas.
5. Using the model, complete the hydrogeological assessment of the proposed effluent disposal area to determine groundwater elevations, groundwater flow direction and velocity, and the groundwater mound anticipated from the proposed discharge of treated effluent. The assessment shall include the identification and any impacts to potential sensitive receptors including, the Duck Creek Watershed and any adjacent septic systems, and/or public and private water supplies.
6. Based upon preliminary model runs, coordinate with the Town's hydrogeological consultant and Cape Cod Commission relative to the impacts to the Duck Creek Watershed to review the proposed discharge relative to watershed level impacts.
7. Review Town consultant's input and findings and update the model, if necessary, relative to the information provided.
8. The results of the assessment shall be summarized in a hydrogeological analysis letter report to the MassDEP. Three copies of the report and associated background data will be prepared.

9. Prepare the required MassDEP permit application forms for the Hydrogeological Submission (BRP-WP-83).
10. Prepare a Groundwater Monitoring Proposal for submission to MassDEP. The Proposal shall present recommendations for a final groundwater monitoring well network designed to monitor groundwater quality up-gradient and downgradient of the proposed discharge location. The proposal shall include recommendations on the number of permanent groundwater monitoring wells, well installation and development techniques, well construction details, proposed well locations and groundwater sampling techniques.
11. Attend up to one meeting with the Client and one meeting with the MassDEP regarding the hydrogeological analysis and groundwater monitoring report.

Phase 2 – System Design and MassDEP GWDP Permitting

Task 2.1: Municipal Building's Sewage Collection System Design Services

1. As proposed in the approved alternatives analysis, the design of the municipal building collection system shall generally include gravity sewer from the school building to the police and fire station locations, where a submersible sewage lift station will be constructed that will convey sewage to the WWTF to be located on the 95 Lawrence Road parcel. The proposed lift station will include a below grade concrete wet well with a duplex submersible pump package and a stand-alone control cabinet and generator system.
2. Prepare for and participate in a meeting with the Town of Wellfleet DPW to discuss design standards for the proposed sewer infrastructure and lift station, as we have assumed the station will be operated by the Town's DPW once constructed and put into service.
3. Upon finalizing the configuration of the station with the DPW, develop a schematic proposed pump station layout plan for review and approval prior to completing the engineering of the station.
4. After receipt of comments and notice to proceed from scope item #3 under this Task, prepare 60% design drawings and specifications for the station. We anticipate that the design will include the following:
 - Site plan drawings showing existing and proposed conditions.
 - Site plans drawings of the proposed sewer system connecting the three Town parcels to the Lift Station location.
 - Site grading, protection and fencing, as required by the Client, will be designed.
 - Pump station profile drawings, general notes, construction notes, and details will be provided.

- Schematic control panel and alarm systems for each Station will be developed and included in the design plans and specifications. Design of the electrical, control, emergency power and remote telemetry systems will be completed in Phase 3 of the project.
 - Technical specifications for the various trades/materials that will be required.
5. Prepare one round of revisions to the drawings and specifications based upon comments by MassDEP.
 6. Prepare an opinion of probable construction cost for the Pump Station.
 7. Prepare three sets of final plans and specifications for use by the Owner in final permitting with MassDEP. Provide an electronic version of design report, drawings and specifications in a PDF format.

Task 2.2 – WWTF Design and Permitting Phase Services

1. Upon securing the approval of the Hydrogeological Permit submitted in Phase 2.1, prepare a Permit level Engineering Report for submission to the MassDEP for the proposed sewage treatment and disposal facilities. The design and permitting of the facility will be based upon the Amphidrome System, which was reviewed and approved as part of the treatment technology cost benefit/environmental impact analysis completed in the first phase of the project. The following tasks will be included in this item:
 - a. Develop preliminary design criteria based upon MassDEP requirements;
 - b. Develop a conceptual layout of the proposed sewage treatment system and pumping configuration to the proposed disposal facilities;
 - c. Identify and design the major components of the treatment facilities;
 - d. Include the results of the on-site soil investigations and disposal area hydrogeologic assessment as required by the Guidelines for Engineering Report Submission minimum requirements.
2. Prepare engineering design plans and specifications for the wastewater treatment facility capable of accommodating the design flows expected to be generated as approved in the Hydrogeological Analysis. Said plans and specifications will be submitted to the MassDEP for review. We have assumed local permitting with the Board of Health for the WWTF will not be required, as this is a Town project and the Groundwater Discharge Permit Program involves a State level review process that is outside the requirements and regulations in Title 5. The design plans in this task will be for process design only and will not include architectural, structural, electrical and HVAC designs of the treatment facility building, which will be completed in Phase 3.

3. Identify and design the major components of the treatment facilities.
4. Complete the design, layout and details of the effluent disposal system based on the approved hydrogeological analysis.
5. Include the results of the on-site soil investigations and disposal area hydrogeological assessment as required by the Guidelines for Engineering Report Submission minimum requirements.
6. Prepare the required Individual Groundwater Discharge Permit application for up to 50,000 gallons (BRP WP 79).
7. Attend up to one meeting with MassDEP to discuss the design and permitting of the wastewater treatment and disposal facilities. Additional meetings (if necessary) shall be billed at a rate of \$165.00/hr.
8. Prepare specifications of the schematic electrical, control and remote dialing telemetry systems for the treatment process (these systems will not be designed by an electrical engineer as part of this permitting phase).
9. Prepare one round of revisions to the plans and specifications based upon the review and comment by the MassDEP.
10. Prepare an opinion of probable construction cost for the wastewater treatment system.
11. Prepare three (3) sets of final plans and specifications for use by the Owner in final permitting. Provide electronic version of design report, plans and specifications in a PDF format.

Phase 3 – Final Construction Design Plans and Specifications

Task 3.1 - Final Project Construction Document Design Services

1. Prepare final wastewater treatment facility design drawings and specifications that are suitable for bidding and construction stages of the Project.
2. Secure, coordinate and oversee the services of a Professional Electrical Engineer to provide design drawings and specifications for the WWTF building and treatment system components. The electrical design shall include the facility power distribution systems, lighting system, fire alarm system including fire protective signaling and automatic fire detection systems, telephone systems and the standby generator/transfer switch system capable of servicing the wastewater treatment facility and treatment system equipment. Design shall include conduits both electrical distribution and signal wires, but does not include any Owner required security or telemetry systems. Basic phone-telemetry alarm systems

and remote control panel access shall be part of the design. Design shall meet the requirements of the Massachusetts Electrical Code.

3. Secure, coordinate and oversee the services of a Professional HVAC Engineer to provide design drawings and specifications for the WWTF building HVAC system. The heating system shall be based on unit heaters and/or baseboard heaters of either natural gas or electric heat, depending on if natural gas is available at the site. The WWTF ventilation system shall be designed in accordance with requirements for the facility. HVAC design to meet the requirements of the MassDEP and Massachusetts Building Code.
5. Secure, coordinate and oversee the services of a Professional Plumbing Engineer to provide design drawings and specifications for the WWTF building plumbing system. The plumbing design shall include sanitary drains for all plumbing fixtures, natural gas distribution to all gas powered equipment (if needed), the HVAC system, domestic hot and cold water system with backflow prevention device, domestic hot water system, a MassDEP required safety eye wash and shower, as well as all required plumbing fixtures. Plumbing design to meet the requirements of the MassDEP and Massachusetts Plumbing Code.
6. Secure, coordinate and oversee the services of a Professional Registered Architect to provide design drawings and specifications for the required WWTF building's frost wall foundation, slab on grade, building walls, ceilings, final fits and finishes as necessary to secure a Building Permit for the WWTF Control Building. The Building design to meet the requirements of the Massachusetts Building Code.
7. Based upon the designs of the building infrastructure, prepare revised WWTF process, instrumentation and mechanical drawings and specifications for the project. The updated drawings will include updated equipment designs to reflect the most recent design criteria and specifications associated with the treatment system.
8. Prepare contract and bid documents to be included in the final Project Manual. Contract documents shall be based upon the EJCDC Engineering Documents standard format contractor bidding and construction documents and standard conditions.
9. Coordinate sub-consultants as required to finalize design drawings and specifications. Compile all sub-consultants drawings and specifications into one (1) complete drawing set and one (1) Project Manual.

[Task 3.2 - Public Bid Document Preparation and Bidding Assistance](#)

1. Finalize approved drawings and specifications for bidding and construction stages of the Project.
2. Prepare for and administer the bid for the construction of the sewage collection and WWTF systems. Advertise project in Central Register and obtain current Wage Rates for the Project.

3. Provide final bid set to Town of Wellfleet Town Administrator for review and approval prior to bidding. We have assumed the contract documents will be based on EJCDC standard public bid conditions (2018 Ed.)
4. Administer Contract Document distribution to perspective bidders. We have included a \$1,000.00 allowance for printing and distributing the documents and addenda. The cost associated with bidding distribution management, printing and plan shipping/distribution will be billed to the Town on a time and materials basis with a markup of 15%
5. Prepare for and attend one pre-bid conference and issue bid addenda as necessary to clarify any questions posed regarding the project.
6. Prepare for and attend the public bid opening at the Town of Wellfleet Town offices, or as otherwise required to adhere to future Covid-19 requirements.
7. Review and respond to bidder RFIs as part of the bid process as necessary.
8. Compile bid questions and issue Addenda (as needed) to formally address and respond to bidder RFIs.
9. Review bids, bond information and references in an effort to identify and recommend award to the lowest responsive eligible bidder.
10. Prepare a bid tabulation summary letter with a recommendation relative to award for the lowest responsive eligible bidder.
11. Assist the Town in preparing standard EJCDC format Owner-Contractor agreement forms for execution.
12. Assist the Town with compiling completed signed full project manuals for the project. We have assumed three hard and one electronic (PDF) copies of the manuals will be required. If additional hard copies are required, they can be printed as an additional contract expense with a 15% markup.
13. Assist the Town with preparation of Notice to Award and Notice to Proceed documents.

Assumptions and Scope Exclusions

The following assumptions were made based upon our discussions and review of the documentation provided. Additional services noted here are specifically excluded from this proposal. If any of these services

become necessary, they can be provided on an as-needed basis at an additional fee to be negotiated at that time.

1. Survey work associated with preparing a base plan of the 95 Lawrence Site is not included, as the Affordable Housing Developer has carried site survey of that parcel in their scope of services. We have assumed that we will be provided with an electronic (AutoCAD) version of that site plan to use in the siting and design of the WWTF system on that property.
2. As the proposed project is less than 50,000 gpd for wastewater generation and the WWTF system by itself is not a DRI review trigger for the Cape Cod Commission (CCC), there appears to not be MEPA and/or CCC approval necessary for the Town to construct a municipal sewer system serving the Town properties and the proposed 95 Lawrence Road affordable housing project. In addition, based on our review of the winning bid, it appears that the 95 Lawrence Road development team has not included MEPA and CCC permitting in their scope of work and schedule for that project. Given this, we have not included any scope or fee to complete or assist with MEPA and CCC filings for these projects.
3. Design of the 95 Lawrence Road Project's sewage collection system's plans, profiles and any required pump stations are not included in this proposal. We have assumed that they will complete those as part of their site civil design and that those utilities will remain private and not part of the Town's sewer infrastructure. We will provide the development team with a location and elevation of the Town's connection manhole for them to use in their design and will coordinate the same with them as needed to successfully integrate the two designs together.
4. Development of easement plans for any municipal wastewater infrastructure on the 95 Lawrence Road site that is required for recording at the Registry has not been included. We have assumed that those plans, if needed, would be prepared and stamped by the Site Surveyor of the housing development project.
5. Design of fire suppression systems in the WWTF control building are not required by Code and are not included in our scope of work.
6. Our scope and fee proposal is based on meeting a standard Groundwater Discharge Permit, as the project evaluation did not indicate that the proposed discharge area will require advanced levels of treatment for sensitive receptors.
7. Permitting for wastewater treatment and the effluent disposal field on the local level with the Board of Health is excluded. We have assumed that local permitting will be superseded by MassDEP for this project as Title 5 regulations are not applicable.

8. The design of site electrical and telecom systems for power/communications to the WWTF will be completed by the 95 Lawrence Road development team and will be coordinated with our team for this effort. We have assumed that any required transformers and Eversource Permitting for power utilities required for the overall project are included on the 95 Lawrence Road development team scope of work. We anticipate that these utilities will be brought to within 20-feet of the WWTF control building location.
9. We have assumed that since the WWTF control building will be an accessory structure on the 95 Lawrence Road parcel, that the site plan review for the overall housing project will include permitting of the WWTF as necessary. Separate site plan review with Wellfleet Planning and/or ZBA will not be required to secure the necessary construction approvals of the WWTF.
10. As this project is being completed by a Municipality, we have assumed that all state and/or local filing, advertising, public notice and permit fees will be waived and therefore are not included in this fee.
11. We have assumed that since the WWTF control building will be an accessory structure on the 95 Lawrence Road parcel, any filings under the Massachusetts Wetlands Protection Act and/or any local Bylaws or regulations will not be required from Onsite Engineering. Our team will support that effort as necessary, but we have assumed that we will not need to participate in the permitting process and/or public meetings directly.
12. Owner shall provide PDF copies of ownership documents and operating agreements and easements, etc., between the Town and 95 Lawrence Road developer for submission to MassDEP for review and approval as part of the GWDP application.
13. As the project is being completed as a municipal sewer system, MassDEP required Financial Assurance Mechanism (FAM) escrow agreements and cost estimates are not necessary and have not been included in our scope and fee.
14. Additional meetings with MassDEP, Owner or 95 Lawrence Road Development Team, aside from those specifically identified above, will be billed on a time and material basis at a rate of \$165.00/hour.
15. Design of the 95 Lawrence Road Housing Development site utility infrastructure will be by their development team and not included in our scope of work. The stamped sewer system design plans for the housing project will be provided to us in electronic format to be included in the MassDEP Groundwater Discharge Permit application.
16. Installation of the required groundwater monitoring wells (as approved by MassDEP in the hydrogeological permitting phase) and collecting and testing the background groundwater quality in a sample from each well will be included in the contractor's scope of work for the construction of the WWTF, as that work cannot be completed until after the effluent disposal system has been constructed.

17. Construction administration, oversight and resident observation services are not included in this phase of the project and will be provided at a negotiated scope and fee rate once the final configuration of the project is identified and construction funding sources have been secured. The level of construction administration and oversight required can be dictated by certain funding sources, so that must be defined before the scope and fee can be finalized.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

VI

BUSINESS

~ B ~

REQUESTED BY:	Olga Kahn
DESIRED ACTION:	To discuss and vote of the disbandment of the 95 Lawrence Road Task force.
PROPOSED MOTION:	I move to approve the disbandment of the 95 Lawrence Road Task Force, effective immediately as their original charge has been fulfilled.
SUMMARY:	
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



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

Disbandment of the 95 Lawrence Road Task Force?

4 messages

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

Thu, May 19, 2022 at 3:08 PM

It is my understanding that the 95 Lawrence Road Task Force was disbanded once we finished our charge of recommending a developer to the Selectboard. Gerry Parent thinks otherwise, and wants me to continue to be the liaison to the task force from the Planning Board. Gerry says that the selectboard must officially disband the task force. Please let me know whether I'm still involved as a task force member or not.

Thanks!

BTW, Alfred Pickard is the official liaison to the Housing Authority. However, to the best of my knowledge he never goes to HA meetings. I mentioned at the planning board meeting last night that I would be happy to replace him (especially if I no longer am on the 95 Lawrence Road Task Force). Your thoughts?

Don't bother to rush with a reply.

--

781 454-9686 (cell)
[30 Marsh View](#)
[Wellfleet, MA 02667-6948](#)

Ryan Curley <ryan.d.curley@gmail.com> Thu, May 19, 2022 at 3:48 PM
To: Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>, Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Cc: Olga Kahn <olgakahn@gmail.com>

Please Advice if the task force is or should be disbanded or not.

[Quoted text hidden]

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

Rebecca Roughley <Rebecca.Roughley@wellfleet-ma.gov> Thu, May 19, 2022 at 4:12 PM
To: Ryan Curley <ryan.d.curley@gmail.com>, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov>, Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Cc: Olga Kahn <olgakahn@gmail.com>

HI – 95 Lawrence should be dissolved based on the fact their charge is complete. Their charge was to help issue the RFP to choose a developer and forward a recommendation to the SB. As long as their minutes are up to date, (I'll check with Elaine), I believe the SB should dissolve the Task Force.

Rebecca Roughley, MCPPO

Assistant Town Administrator

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

(Work) 508-349-0349 X1112



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

VI

BUSINESS

~ C ~

REQUESTED BY:	Michael DeVasto ~ Vice Chair
DESIRED ACTION:	To discuss and vote on resident and taxpayer parking at LeCount/Maguire landing for the 2022 season
PROPOSED MOTION:	I move to approve that LeCount/Maguire landing be used for resident and taxpayer parking for the 2022 season.
SUMMARY:	Purpose: TO preserve access to the oceanside beach for residents and taxpayers, particularly working people who have limited time to access the beach during the busy season.
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

VI

BUSINESS

~ D ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To discuss and possibly vote on the amended Cottage Colonies Zoning Bylaw
PROPOSED MOTION: Summary:	I move to approve the Zoning Bylaws for Cottage Colonies as amended and presented at tonight's meeting.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Black pre-existing language in Wellfleet's Zoning Bylaws
Strikethrough is where a delationion is being made in the current language
Red is additions to the language

ARTICLE XX Amending Wellfleet Zoning By-Laws, Cottage Colony

To see if the Town will amend the Wellfleet Zoning By-Laws by amending the Sections 2.1, 5.3 as follows:

2.1 DEFINITIONS

[Is hereby amended with the following definitions:]

Cottage Colony - A group of two or more detached dwellings located on the same lot **not within the NSP**, each containing one dwelling unit only which is designed for independent family living including cooking facilities, ~~and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year.~~ Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft.

Cottage Colony NSP - A group of two or more detached dwellings located on the same lot within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities, and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year. Each unit shall contain not less than 550 sq. ft. of floor area and not more than 768 sq. ft

5.3. USE REGULATIONS

Table 5.3.1 is amended as follows: Insert "Cottage Colony NSP" following "Cottage Colony"

["P" is a permitted use. "O" – An excluded or prohibited use "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
Cottage Colony	O	A	A	O	A	A
Cottage Colony NSP	O	O	O	O	O	O

Summary: The size of dwellings within cottage colonies are ideal for housing that might be affordable to local residents and not be income-restricted. That Wellfleet has functionally restricted approximately 10% of its housing stock to seasonal use only while we struggle to retain and develop year-round housing is counterproductive. This class of housing also tends to be of modest proportions. It thus commands a lower seasonal rent on the market, making it utterly unreasonable to be restricted to seasonal occupancy only. Wellfleet's year-round housing crisis is well documented. Wellfleet badly needs a more balanced blend of housing options. From young people and families to seniors and well-paid professionals, finding and keeping a year-round rental is less and less possible. Businesses of all types and even the Town's departments

struggle to find employees because of the high cost and lack of year-round housing. The housing crisis is impacting both residents and visitors as it is already affecting the Town's quality of life and economic sustainability.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

VI

BUSINESS

~ E ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To discuss and possibly vote on the Zoning Bylaw Amendment Provisions to Encourage the Development of Affordable Dwellings in Wellfleet
PROPOSED MOTION: Summary:	A detailed motion will be given at the meeting
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Rebekah Eldridge

From: Karen Plantier
Sent: Thursday, June 2, 2022 10:47 AM
To: Rebekah Eldridge
Subject: Vote Results from ADU Public Hearing from the Planning Board

Rebekah:

Per Chair Parent he has asked me to provide you with the following vote results (It was a public hearing and was Advertised.)

On May 18, 2022, the following vote took place:

ADU Bylaw:

- **Motion:** Beth Singer No recommendation on the ADU Bylaw **Second:** David Rowell **Vote: 3/2** Motion was Approved.

The vote needs to be provided to the Select Board

Thanks
Karen

To see if the Town will amend the Wellfleet Zoning By-Laws by Amending 6.28 Provisions to Encourage the Development of Affordable Dwellings in Wellfleet, and to amend the Table of Contents and Sections 2.1, 5.3 as follows:

TABLE OF CONTENTS

["6.28 Provisions To Encourage the Development of Affordable Dwelling in Wellfleet" is hereby amended to read "6.28 Affordable Dwelling Development Provisions To Encourage the Development of Affordable Dwelling in Wellfleet"

2.1 DEFINITIONS

[Is hereby amended with the following definitions inserted between Adult Video Store and Alteration]

Affordable Dwelling Development - A tract of land of fifty thousand square feet (50,000 sf) or more containing units of residential housing, of which at least twenty-five percent (25%) are encumbered by affordable dwelling deed restrictions.

Dwelling, Affordable - A dwelling unit which is subject to an affordable dwelling restriction, pursuant to Section 6.28.7, and on a minimum lot size of 20,000 sf

[Is hereby amended with the following definition inserted between Sign, Area of and Solar Photovoltaic Array

Special Permit Granting Authority (SPGA) – The Zoning Board of Appeals except for where the Planning Board is expressly designated as the SPGA.

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5.3. Use Regulations

Permitted uses and uses authorized under special permits shall be in conformity with the provisions of Section 5.3 (Use Regulations) and shall not be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, dust, glare, odor, fumes, smoke, gas, sewage, refuse, noise, vibration, danger of explosion or fire, traffic congestion. Any use not listed as a permitted use in Section 5.3 shall be deemed a prohibited use, except that a use not listed in Section 5.3 may be allowed by special permit as provided for in Section 8.4.2 from the Special Permit Granting Authority Board of Appeals, provided said Board determines that the use closely resembles in its neighborhood impact(s) a use listed as permitted or authorized under special permit, in the same zoning district. Said determination shall be in addition to the required findings of the Board as provided for in Section 8.4.2. ATM 4/23/90.

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Table 5.3.1 is amended as follows: Insert " Affordable Dwelling Development " and " Dwelling, Affordable" before "Bed and Breakfast"

"P" is a permitted use. "A" is a use authorized under special permits.

6.268 Affordable Dwelling Developments PROVISIONS TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE DWELLINGS IN WELLFLEET

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(Added 4/26/2011)

6.268.1 Purpose

The purpose of this by-law is to further the goal of encouraging various lot sizes and housing types for persons of various income levels in accordance with Massachusetts General Laws, Chapter 40A, Section 9 which allows municipalities to adopt "incentive" ordinances for the creation of affordable year round dwellings, and for the purpose of helping people who, because of rising land prices, have been unable to obtain suitable housing at an affordable price and maintaining a stable economy by preventing out-migration of residents who provide essential services.

6.28.2 Definitions

~~Affordable Dwelling Development—A tract of land of fifty thousand square feet (50,000 sf) or more containing units of residential housing, of which at least twenty-five percent (25%) are encumbered by affordable dwelling deed restrictions.~~

~~Dwelling, Affordable—A dwelling unit which is subject to an affordable dwelling restriction, pursuant to Section 6.28.7, and on a minimum lot size of 20,000 sf~~

6.26.28.3 Authority

The Planning Board is hereby designated the special permit granting authority for all Affordable Dwelling Development applications under this by-law, and shall have the power to hear and decide applications for special permits and to adopt regulations for carrying out its duties under this by-law.

For the purpose of promoting the development of affordable dwellings in Wellfleet, the Planning Board may by special permit allow the creation of Affordable Dwellings in residential and commercial zoning districts consistent with Section 5.3.1 of the Zoning By-laws. All Affordable Dwellings created shall be for the primary and sole domicile of the eligible tenant or owner for year-round occupancy.

6.26.38.4 Special Permit Requirements for Affordable Dwellings

A. The Planning Board shall have the discretion to reduce the off-street parking requirements otherwise applicable under Section 3.1.3.2 where:

(1) the number of units to be restricted under Section 6.268 equals or exceeds twenty-five percent (25%) of the total units, and;

(2) the applicant demonstrates that the proposed parking is sufficient to address the parking needs of the Affordable Dwelling and/or Affordable Dwelling Development.

B. The second unit created, and at a minimum, every fourth unit created there-after shall be deed restricted as permanently affordable units, per the applicable standards in Section 6.28.7 below.

C. An Affordable Dwelling Unit must have the following minimum areas:

- studio two hundred fifty (250) square feet
- one bedroom units seven hundred (700) square feet
- two bedroom units nine hundred (900) square feet
- three bedroom units one thousand two hundred (1,200) square feet
- four bedroom units one thousand four hundred (1,400) square feet

D. The Affordable Dwelling Development must conform to all other requirements of the Zoning By-law. In the event that a provision of Section 6.28 conflicts with another provision of the By-law, the provisions of Section 6.28 shall control.

6.26.48.5 Standards and Criteria

In reviewing applications under this by-law, the Planning Board shall apply the following standards and criteria:

- A. At least twenty-five percent (25%) of all dwelling units created under this by-law shall be restricted as provided for under 6.2826.7;
- B. At least twenty-five percent (25%) of the total number of bedrooms within any Affordable Dwelling Development shall be within said restricted dwelling units;
- C. The applicant has conformed to the standards and criteria of this by-law and will deliver the needed Affordable Dwelling Units;
- D. The proposed development is suitable for the proposed location, with proportions, orientation, materials, landscaping and other features that provide a stable and desirable character complementary and integral with the site's natural features;
- E. The development, density increase or relaxation of zoning standards has no material, detrimental effect on the character of the neighborhood or Town and is consistent with the performance standards in Section 8.4.2 of the Wellfleet Zoning By-laws.

6.26.5 8-6 Area, Setback and Frontage Requirements for Affordable Dwelling Units and Developments

- A. The Planning Board shall have discretion to reduce or suspend the minimum area and frontage requirements otherwise applicable under Section 5.4.1 of the Wellfleet Zoning By-laws for an Affordable Dwelling Development, provided however that there must be at least 10,000 square feet of lot area for each bedroom created in an Affordable Dwelling Development.
- B. Where an applicant proposes to divide the tract of land that is the locus of a proposed Affordable Dwelling Development, the minimum lot size shall be twenty thousand (20,000) square feet for each affordable unit. All other units included in the development shall comply with lot area requirements in Section 5.4.1 of this Zoning By-law.
- C. The Planning Board may, in its sole discretion, reduce the front, side or rear yard setback requirements of Section 5.4.2, provided however, that said setbacks shall be no less than ten (10) feet.

D. In the case of a subdivided lot, the Planning Board shall have discretion to reduce or suspend the minimum road width for access and frontage may be created through the establishment of a common driveway deemed to provide safe and adequate access.

E. The Planning Board shall have the discretion to permit a density of less than 10,000 square feet for each bedroom if the applicant can demonstrate to the satisfaction of the Planning Board and the Board of Health that the sewage disposal system servicing the development will result in nitrogen loading of less than ten (10) parts per million.

6.26.6 8.7 Affordable Dwelling Restrictions [in Affordable Developments](#) [This whole section needs to be rewritten]

As a condition to any special permit issued under Section 6.28, the applicant shall be required to execute an affordable dwelling restriction ("Restriction") in a form acceptable

to the Planning Board. All restrictions shall be for perpetuity or the longest period allowed by law. The special permit shall not be exercised until the applicant records the Restriction in the Registry of Deeds.

A. The Restriction shall provide that units made available for ownership shall be made available to households earning at or below eighty percent (80%) of the Barnstable County median income (BCMI), adjusted for household size.

The initial sales price of such units shall be calculated on the basis of what a household at seventy percent (70%) of the BCMI could afford to pay (assume a household size of one more than the number of bedrooms in the unit). In determining this amount:

- 1) no more than thirty percent (30%) of the household's gross income may be allocated to housing costs (mortgage principal and interest, real estate taxes, house and private mortgage insurance, and any homeowners' association or condominium fees);
- 2) current interest rates offered for thirty (30) year, no point fixed rate loans with down payments of 5% of total cost shall be applied; and
- 3) current real estate taxes for the Town of Wellfleet shall be used.

B. Any lot containing an Affordable Dwelling shall be subject to a recorded restriction that shall restrict the lot owner's ability to convey interest in the Affordable Dwelling except leasehold estates for the term of the restriction or sale to an income qualified individual or family in accordance with Section 6.28.7 below.

C. It shall be a condition upon every special permit issued under this by-law that the applicant shall comply with any Massachusetts Department of Housing and Community Development ("DHCD") regulations under Chapter 40B of the Massachusetts General Laws and guidelines for qualification of the dwelling units created under this By-law towards the Town's subsidized housing inventory, including but not limited to the form of the affordable dwelling restriction and regulations concerning tenant selection and marketing, unit design standards, and income eligibility standards and maximum rent or sale price.

D. In the event that a dwelling unit subject to a restriction created under this By-law becomes vacant, the owner shall give written notice to the Wellfleet Housing Authority. It is the intent of this by-law that

a local preference shall be used in filling vacancies to the extent permitted by DHCD regulations and guidelines and state or federal laws.

E. An Affordable Dwelling available for rental shall be rented to households earning at or below eighty percent (80%) of the Barnstable County median income (BCMI), adjusted for household size. Maximum rents for studio, one-bedroom, two-bedroom, etc., units respectively, shall be in accordance with current Housing and Urban Development (HUD) published Fair Market Rental Guidelines for Barnstable County.

All occupants of the affordable dwelling shall upon initial application and annually thereafter submit to the Town or its agent necessary documentation to confirm their eligibility for the dwelling unit.

Property owners are required to submit to the Town or its agent information on the rents to be charged along with a lease for a one year period. Each year thereafter they shall submit information to the Town or its agent on annual rents charged along with a one year lease.

F. This section shall not prevent a lot owner from building an affordable dwelling that meets the requirements of this by-law and from transferring such dwelling and lot to an income eligible immediate family member (sibling, parent or child) by gift or inheritance, provided that the restriction required by Section 6.28.7 is properly recorded prior to issuance of a building permit.

G. Penalty – Failure to comply with any provision of this section may result in fines established in Section 8.3 of the Wellfleet Zoning By-laws. Any profits or proceeds from leasing, rental or sale which has not received prior consent from the Wellfleet Housing Authority, shall be paid to the Wellfleet Affordable Housing Trust Fund.

SUMMARY:

These amendments resolve an inconsistency in our zoning bylaws where the Planning Board has previously reserved their rights as a Special Permit Granting Authority. The definitions previously contained in PROVISIONS TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE DWELLINGS IN WELLFLEET are moved to section 2.1 Definitions. The Use Table (Section 5.2) is updated to reflect the pre-existing bylaw. The minimum lot size is not required in the definition as it separately controlled by 6.26.7 B. The amendments renumber the current section 6.28 to 6.26 and updates to numbering within the bylaw reflect that the definitions have been moved to section 2.1. Wellfleet does not currently have a section 6.26 or 6.27 in our Zoning Bylaws.

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SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

VI

BUSINESS

~ F ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To discuss and possibly vote on the Zoning Lots Bylaw
PROPOSED MOTION:	A detailed motion will be given at the meeting
Summary:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

To see if the Town will amend the Wellfleet Zoning By-Laws by inserting 6.28-B27 Affordable Lots and Affordable Undersized Lots, and to amend the Table of Contents and Sections 2.1, 5.3 as follows:

TABLE OF CONTENTS

["6.28-B27 Affordable Lots and Affordable Undersized Lots" is hereby inserted between "6.28 Provisions To Encourage The Development of Affordable Dwellings In Wellfleet" and "6.29 Fast Food & Formula Restaurant Prohibition"]

2.1 DEFINITIONS

[Is hereby amended with the following definitions inserted between Adult Video Store and Alteration]

Affordable Lot - A lot containing not less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a buildable-lot. A of a One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units.

Affordable Undersized Lot - A lot containing less than 10,000 sq ft of contiguous upland area that otherwise does not meet the zoning requirements for a buildable-lot. A of a One Family Dwelling may be constructed upon as an affordable homeownership or affordable rental dwelling unit in perpetuity or the maximum time period allowed by law, and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units. An affordable undersized lot shall be subject to any conditions attached to a Special Permit issued by The Special Permit Granting Authority.

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Contiguous Upland – any portion of property where upland is unintruded by other features

5.3. Use Regulations

Table 5.3.1 is amended as follows: Insert "Affordable Lot" and "Affordable Undersized Lot" before "Bed and Breakfast"

["P" is a permitted use. "A" is a use authorized under special permits.]

	CD	R1	R2	NSP	C	C2
Affordable Lot	P	P	P	O	P	P
Affordable Undersized Lot	A	A	A	O	A	A

5.4.1 is amended as follows:

5.4.1 Minimum Lot Requirements

5.4.1 Minimum Lot Requirements	CD	R1	R2	NSP	C	C2
Area (Square Feet) ¹	20,000	30,000	40,000	3 Acres	40,000	30,000
Frontage (feet) ²	125	135	135 ¹⁷	200	200	135

5.4.2 Minimum Yard Requirements ³	CD	R1	R2	NSP	C	C2	MSO
Front (feet)	25	30	30 ¹⁸	50	100 ¹⁹	50 ^{20, 21}	25 ²²
Side (feet)	20	25	25	35	35	35 ^{23, 24}	6
Rear (feet)	25	30	30	35	35	35 ^{25, 26}	15

6.278-B Affordable Lots and Affordable Undersized Lots

6.278-B:1 Purpose: The purpose of this bylaw is to increase the supply of housing that is available and permanently affordable to low or moderate income households by allowing affordable dwellings units to be built on otherwise non-complying lots, provided the lots meet the criteria listed herein.

6.278-B:2 Applicability - This bylaw applies shall apply to lots of record as of January 1, 2022¹ which do not meet the zoning requirements for a buildable lot as determined by The Town. Any increase in tax assessment for an applicable lot shall only occur upon an issuance of a building permit for an affordable One Family Dwelling on that applicable lot.

It is intended that the affordable housing units Any Dwellings created under this bylaw shall qualify as low or moderate income units for purposes of M.G.L. Ch. 40B sec. 20-23 and shall be in compliance with 760 CMR 56.00 the Local Initiative Program (LIP) and shall meet the guidelines and standards promulgated thereunder by the Department of Housing and Community Development (DHCD) for inclusion in the DHCD Ch 40B Subsidized Housing Inventory as Local Action Units.

¹ minimum area for Affordable Lots are governed by Section 6.27

² minimum frontages for Affordable Lots are governed by Section 6.27

³ Minimum setbacks are for Affordable Lots are governed by Section 6.27

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6.278-B.3 The Building Inspector may allow construction of a One Family Dwelling, ~~to be~~ restricted ~~a~~ by a Regulatory Agreement and/or Deed Rider, in an acceptable form, ~~be~~ executed and recorded by the applicant, as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on an eligible parcel of land that meets the following criteria:

1. Parcel is not within the National Seashore Park District;
2. Parcel has no existing dwelling unit
3. Parcel contains at least 10,000 square feet of contiguous upland area;
4. Parcel satisfies applicable Board of Health requirements;
5. Parcel satisfies applicable Town of Wellfleet's Conservation Commission Environmental Protection Regulations;
6. Parcel has a minimum of twenty (20) feet of frontage on a way previously approved by the Planning Board or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic. Lots without suitable frontage may be ~~buildable~~ Permitted under this section if there is an adequate recorded access easement of at least twenty (20) feet in width from the lot to a previously way approved by the Planning Board or a public way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic and emergency response apparatus;
7. ~~The setbacks shall not be less than fifteen (15) feet, nor shall a dwelling be built within fifteen (15) feet of the any other dwelling or principal structure.~~ If a dwelling is built within twenty five (25) feet of any other dwelling or principal structure a stockage type fence at least 6' in height ~~may~~ shall be required by the Permit Granting Authority.
8. A applicant under this Section shall submit a site plan that depicts the dimensions and setbacks of the subject Parcel, and the existing setbacks of principal structures on the lots immediately adjacent to the subject lot must be shown on the plans.
7. ~~The existing setbacks of principal structures on the lots immediately adjacent to the subject lot must be shown on the plans;~~
9. A Parcel shall not be built upon if the Parcel; was purposely created, subject to a deed restriction or designated as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town.
- 8.10. ~~Parcel shall not be built upon if it was purposely created as an unbuildable lot as part of a subdivision open space or park, or by any other condition or agreement with the Town;~~
11. No part of any access driveway may be within fifteen (15) feet of a principal structure on an adjoining lot.
12. The Applicant submits a Regulatory Agreement and Affordable Housing Deed Rider, to be approved as to form by Town Counsel, that restricts the use of the dwelling unit to Low- or Moderate-Income housing in perpetuity, or the maximum time period allowed by law. Said Regulatory Agreement shall include an Affirmative Fair Marketing Plan that complies with DHCD's requirements for the selection of income-

eligible tenants/occupants and shall identify a Monitoring Agent who shall be responsible for ensuring that any re-sales of units created under this bylaw shall be made to income-eligible purchasers and comply with the Affirmative Fair Marketing Plan and Affordable Housing Deed Rider. The Applicant shall work with the Town to provide any information necessary to ensure that units created under this bylaw are eligible for inclusion on the Subsidized Housing Inventory maintained by the DHCD as Local Action Units. No building permit (or no certificate of occupancy?) shall be issued until the Regulatory Agreement and Affordable Housing Deed Rider has been approved by Town Counsel, executed by all parties, and recorded at the registry of deeds and proof of such recording has been furnished to the Building Inspector.

9.13.

~~6.278-B-4~~ The Zoning Board of Appeals - As the Special Permit Granting Authority under this section The Zoning Board of Appeals, may grant a special permit to allow construction of a One Family Dwelling, to be restricted as an affordable homeownership or rental dwelling unit in perpetuity or the maximum time period allowed by law, on a lot less than 10,000 square feet of upland if:

1. The Board finds that such a reduction in minimum lot requirement would further the purposes of the bylaw without causing any undue nuisance, hazard or congestion in the Town or neighborhood.
2. All criteria outlined in section 6.28.B.3, except the minimum 10,000 square foot of upland requirement of 6.28.B.3, paragraph 3, must be met for Board of Appeals approval of a lot with an area under 10,000 square feet upland in size.
- ~~3.~~ 3. The Special Permit Granting Authority may impose reasonable conditions and restrictions on the special permit that, in the opinion of the Zoning Board of Appeals, are necessary or appropriate to carry out the intent and purposes of the bylaw and protect the health, safety, convenience, and general welfare of the inhabitants of the Town. The Special Permit Granting Authority may impose conditions and restrictions on the special permit, including, but not limited to, a) restricting the total number of bedrooms or occupants in the dwelling, b) such other restrictions or limitations as are considered necessary or appropriate to carry out the intent and purposes of the bylaw.

~~6.278-B-5~~ Transfer or Sale - The Permit Granting Authority under this section, shall allow the lot owner to transfer or to rent the constructed One Family Dwelling at an affordable price or rent per the applicable standards in Bylaw section 6.27.2, provided that the unit is restricted in such a way that future transference or leasing comply with the applicable affordability requirements in Bylaw section 6.27.2. ~~Transfer or Sale—The Permit Granting Authority under this section, shall allow the lot owner to transfer or to rent the constructed One Family Dwelling at an affordable price or rent per the applicable standards in Bylaw section 6.28.B.1, provided that the unit is restricted in such a way that future transference or leasing comply with the applicable affordability requirements in Bylaw section 6.28.B.1.~~

~~6.278-B-6~~ Affordability -

Affordability - No Building Permit or Certificate to Occupy shall be issued by the Building Inspector until the developer has demonstrated that all of the applicable

~~requirements of 6.27 have been met. No Building Permit or Certificate to Occupy shall be issued by the Building Inspector until the developer has demonstrated that all of the applicable requirements of 6.28.B-1 have been met.~~

6.27 ~~8.B-10~~ Conflicts with other bylaws _ The provisions of this bylaw shall be considered supplemental to all other zoning bylaws. To the extent that a conflict exists between this bylaw and others, this bylaw, and the provisions therein, shall apply..

SUMMARY

This bylaw provides limited relief of zoning requirements to promote the development of otherwise unbuildable lots solely for the purpose of deed-restricted affordable single-family homes in perpetuity or the maximum allowable period by law. The relief granted is a reduction in the minimum lot size, frontage, and setbacks. There are a total of 18 parcels that have a high probability and 26 additional parcels where it may be applicable. These parcels are largely within neighborhoods of similarly sized lots. There is no increase in tax burden borne by the owner of one of these parcels until a building permit has been issued. This bylaw will only apply to pre-existing lots and will not be applicable new lots. 10,000 sq ft is the minimum allowed lot size for Title V septic systems. It is important to note that other issues could cause a lot to be functionally unbuildable such as the location of abutter's wells and septic systems. This is an opportunity for private parties to build a limited number of affordable units that would remain affordable in perpetuity.



SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: June 1, 2022

VI

BUSINESS

~ G ~

REQUESTED BY:	Charlie Sumner ~ previous TA & Rich Waldo Town Administrator
DESIRED ACTION:	To discuss the Collective Bargaining that took place with the unions
PROPOSED MOTION: Summary:	A detailed motion will be given at the meeting
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD
AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

VI

BUSINESS
~ H ~

REQUESTED BY:	John Wolf ~ Board Member
DESIRED ACTION:	To discuss and possibly vote on the building use policy
PROPOSED MOTION: Summary:	A detailed motion will be given at the meeting
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: June 1, 2022

VII

SELECTBOARD REPORTS:

Reported by:	Topic:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

VIII

TOWN ADMINISTRATORS & ASSISTANT TOWN ADMINISTRATOR REPORTS

- Charlie will give a verbal update to the board and public at this meeting



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

IX

TOPICS FOR FUTURE DISCUSSION

- **The Selectboard will discuss a list of current items that are outstanding**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

X

CORRESPONDENCE AND VACANCY REPORTS

*****Please see the packet for full reports*****

!	📄	📧	📧	From	Subject	Received	Size	🚩
Today								
				Ryan Curley	Fwd: FW: MassDEP's Regulatory Strategy for Cape Cod Estuaries Impaired b...	Fri 6/3/2022 10:0...	576 KB	
----- Forwarded message -----								
				Massachuset...	EU Shellfish Trade Mission, Sept 24 - 29, 2022	Fri 6/3/2022 7:...	43 KB	
Registration Deadline July 20, 2022								
Yesterday								
				Michael Hurley	Released Statement	Thu 6/2/2022 5...	23 KB	
The following statement below was released on the Police Dept Facebook page and the Town's Website. In the wake of recent								
				U.S. DOT Fed...	June 10 is the deadline for the FHWA 'Build a Better Mousetrap' Nomi...	Thu 6/2/2022 3...	24 KB	
				U.S. DOT Fed...	FHWA Every Day Counts Announces Project Bundling "How To" Peer E...	Thu 6/2/2022 2...	43 KB	
				Carole Ridley	Information for June 7 Selectboard Packet	Thu 6/2/2022 1...	2 MB	
Hi Rebekah- The attached information is submitted for the Selectboard's June 7th meeting packet. For the PowerPoint presentation,								
				Ryan Curley	Re: Housing Hero Award now virtual	Thu 6/2/2022 1...	99 KB	
Hi the best day would be Monday, June 6th before the Wellfleet we could do the photo at 6:00 at COA. I would prefer to have								
				MA Municipa...	Save the Date: Free MSA Newly Elected Select Board Training	Thu 6/2/2022 1...	43 KB	
Save the Date: MSA Newly Elected Select Board Training								
				Verizon	Get answers to your cybersecurity questions.	Thu 6/2/2022 1...	55 KB	
Register for the Verizon 2022 DBIR Webinar.								
				MA Municipa...	Here's your June issue of The Beacon from the MMA	Thu 6/2/2022 9...	51 KB	
< https://www.informz.net/admin31/images/spacer.gif >								
				MAM	Fwd: Gross negligence	Thu 6/2/2022 9...	29 KB	
----- Forwarded message -----								
				harriet korim	Petitioned article 48	Thu 6/2/2022 8...	17 KB	
Dear friends and neighbors I know you all have a lot on your plate preparing for Town Meeting. When I prepared and submitted								
				Susan McCar...	beach parking	Thu 6/2/2022 7...	15 KB	
Dear Members, I have owned a house on Long Pond Road since 2003. Prior to that I vacationed in Wellfleet since 1974. I just read								
Wednesday								
				Rus Lodi	Housing Hero Award now virtual	Wed 6/1/2022 ...	99 KB	
Dear friends from the Town of Wellfleet, My name is Rus Lodi and I'm director of public affairs at MHP. I'm following up on a letter								
				Wellfleet Cha...	How to Take Part in Wellfleet Restaurant Week 🍷	Wed 6/1/2022 ...	98 KB	
Now through June 7								
				Massachuset...	Register: Free MSA Webinar June 15	Wed 6/1/2022 ...	43 KB	
Register for Free MSA Webinar June 15								
				Helen Miran...	Re: Wellfleet Municipal Affordable Housing Trust Finances	Wed 6/1/2022 ...	25 KB	
Thank you Harry!								
				Lisa Holmes	Lecount Hollow	Wed 6/1/2022 ...	16 KB	
To The Wellfleet Select Board: I am writing to eagerly endorse the idea of making Lecounts resident-only again for the summer of								
				U.S. DOT Fed...	FHWA Local Aid Support Announces LTAP/TTAP 40th Anniversary We...	Wed 6/1/2022 ...	24 KB	
				Harry Terkan...	Wellfleet Municipal Affordable Housing Trust Finances	Wed 6/1/2022 ...	23 KB	
Charlie: I don't have Rich Waldo's address yet, this is really for him and the Selectboard. Harry								
Tuesday								
				MAM	Gross negligence	Tue 5/31/2022 ...	21 KB	
Having participated via zoom in the May 31st meeting, there are two observations:								
				Patti Stoll		Tue 5/31/2022 ...	14 KB	
Can I access zoom meeting tonight at 7? Thank you! Patti A. Stoll								
				Nick S	Re: [Wellfleet MA] Board Application (Sent by Nick Sirucek, nsirucek@...	Tue 5/31/2022 ...	24 KB	
Hi Rebekah and Board, Should have been a copy attached to my first email. The hard copy I mailed so maybe it has not shown up								
				Wellfleet Cha...	It all kicks off tomorrow at 349 Cafe! 🍷	Tue 5/31/2022 ...	83 KB	
Wellfleet Restaurant Week's Kick-Off & After Hours Networking								
				Rebekah Eldr...	RE: [Wellfleet MA] Board Application (Sent by Nick Sirucek, nsirucek@...	Tue 5/31/2022 ...	24 KB	
Yes, Helen is correct. I haven't received the application yet so I will put it on the following agenda once I see the application. Thanks								
Monday								
				Massachuset...	WLG: Owing The Interview Process, June 23, Register Now!	Mon 5/30/2022...	45 KB	
< https://www.informz.net/admin31/images/spacer.gif >								

! 📄 📧 📎	From	Subject	Received	Size	🚩
Sunday					
	Ryan Curley	July 5th SB Meeting	Sun 5/29/2022 ...	15 KB	
	Hi Rebekah can you move the July 5th SB meeting to the following week? Thx				
	heather doyle	Re: Beach Safety - Alert details for 2022	Sun 5/29/2022 ...	809 KB	
	Happy sunny Sunday Greetings Below, find a recap of the proposal sent February 22 to alarm Newcomb hollow beach for tagged				
Last Week					
	Helen Miran...	Re: [Wellfleet MA] Board Application (Sent by Nick Sirucek, nsirucek@...	Sat 5/28/2022 ...	14 KB	
	No, only Karen Johnson is on the consent agenda for 5/31. So, with two applicants, it would have to be put on the next agenda.				
	Wellfleet Cha...	Are you rested up for Wellfleet Restaurant Week?	Sat 5/28/2022 ...	102 KB	
	Get ready, the fun kicks off this Wed, June 1 - Tue, June 7				
	Rebekah Eldr...	Re: [Wellfleet MA] Board Application (Sent by Nick Sirucek, nsirucek@...	Sat 5/28/2022 ...	19 KB	
	It is on the agenda. Under the consent agenda				
	Ryan Curley	Re: [Wellfleet MA] Board Application (Sent by Nick Sirucek, nsirucek@...	Sat 5/28/2022 ...	17 KB	
	Would need to be on the 7th it is too late to meet the posting requirements.				
	Contact form...	[Wellfleet MA] Board Application (Sent by Nick Sirucek, nsirucek@out...	Sat 5/28/2022 ...	647 KB	
	Hello bos@wellfleet-ma.gov,				
	Wellfleet Cha...	Come out to support The Block and Tackle 🐟	Sat 5/28/2022 ...	78 KB	
	Tomorrow, May 29 at 2pm				
📧	Benson, Ashl...	Meeting: Wellfleet Select Board & Housing Authority and Senator Cyr	Fri 5/27/2022 2...	34 KB	
	----- Forwarded message -----				
	Rebekah Eldr...	agenda and packet	Fri 5/27/2022 1...	2 MB	
	Happy Friday. Thank you all for coming yesterday to Charlie's goodbye party. I appreciated it and I know he did as well. Please find				
	Govlaunch	Mobility engagement, community budgeting and more 🌟	Fri 5/27/2022 1...	114 KB	
	<https://govlaunch.us10.list-manage.com/track/click?u=88b300557f9ef581c3b0d7bf5&id=337e4e6dbf&e=4c2bfd548c> The				
	Michael Hurley	Memorial Day Weekend	Fri 5/27/2022 1...	3 MB	
	Good morning, I wanted to pass on a few pieces of good news as we enter the Memorial Day weekend and the official start of the				
	Massachuset...	WLG: Owing The Interview Process, June 23, Register Now!	Fri 5/27/2022 1...	45 KB	
	<https://www.informz.net/admin31/images/spacer.gif>				
	Wellfleet Cul...	Funding Alert from Arts Foundation of Cape Cod	Thu 5/26/2022 ...	71 KB	
	Building Community Through Cultural Engagement				
	Rebekah Eldr...	RE: Wellfleet meeting with Senator Cyr	Thu 5/26/2022 ...	64 KB	
	This is posted on the home calendar and the selectboard's page.				
	Ryan Curley	Fwd: Wellfleet meeting with Senator Cyr	Thu 5/26/2022 ...	49 KB	
	Can this be a posted meeting in case a majority of the Selectboard attends?				
	Cape Cod Co...	Cape Cod Commission REPORTER: May 2022	Thu 5/26/2022 ...	65 KB	
	John Wolf	Re: The records should not be with the shellfish department!	Wed 5/25/2022...	17 KB	
	Hadn't we ought to get on this? What do we need to do in order to get into compliance?				
	Carole Ridley	NAWCA Match Commitment	Wed 5/25/2022...	280 KB	
	Rebekah, As requested, the attached materials address the Town's commitment as a 10% match partner on the \$2 million grant				
	Rebecca Rou...	FW: Eversource Webinar- Programs to Help With Energy Bills	Wed 5/25/2022...	68 KB	
	Rebecca Roughley, MCPPO Assistant Town Administrator				
	Brittany McS...	New Book - "So, You Think You Know Cape Cod?" - Full Description At...	Wed 5/25/2022...	394 KB	
	Good afternoon, I'm writing on behalf of author Henry M. Quinlan, who has written a new book about Cape Cod that will go to print				
	Ryan Curley	Fwd: that Hazard Mitigation Plan?	Wed 5/25/2022...	366 KB	
	Hi Chief I am forwarding these comments to you.				
	Ryan Curley	Fwd: The records should not be with the shellfish department!	Wed 5/25/2022...	451 KB	
	----- Forwarded message -----				
	Jude Ahern	the Shellfish Department shouldn't have the grant records they belon...	Tue 5/24/2022 ...	378 KB	
	Chapter 130 Section 62. That's how I found discrepancies in Michael Ramsdell (not DeVasto grant). Those records need to be kept				
	Nancy Civetta	RE: Letter of support from Well. Shellfishermen's Assoc.	Tue 5/24/2022 ...	29 KB	
	This is very helpful David. Thank you. Can you tell me how many members WSA currently has that are members of the shellfishing				
	DAVID WRIG...	Re: Letter of support from Well. Shellfishermen's Assoc.	Tue 5/24/2022 ...	24 KB	
	Hi,Michael, and everyone else. There were 15 members at the meeting.				
	Ryan Curley	Fwd: I want the email and the rest of the documents you purposely wit...	Tue 5/24/2022 ...	382 KB	
	----- Forwarded message -----				
	Michael DeV...	Re: FW: Letter of support from Well. Shellfishermen's Assoc.	Tue 5/24/2022 ...	18 KB	
	Hi David, In the spirit of transparency, could you please provide the number of voting members who attended your May 20th				

! 📄 📧 📎	From	Subject	Received	Size	🚩
	Verizon	The Verizon 2022 DBIR is now available.	Tue 5/24/2022 ...	55 KB	
		See the Public Sector snapshot, full of insights for your industry.			
	Wellfleet Cha...	Selectboard meeting tonight, Tue, May 24 at 7:00pm	Tue 5/24/2022 ...	80 KB	
	John Wolf	Re: does Rebecca Roughly ever come into work?	Tue 5/24/2022 ...	18 KB	
		My understanding is that she and her husband have been moving from their rental home in Eastham to their new home in Sandwich.			
	Rick Sawyer	Documents for 5/24 Board meeting	Mon 5/23/2022...	837 KB	
		Good evening, Selectboard members. It was suggested that I submit an electronic version of my February 15 letter to the			
	Massachuset...	Women Leading Government, June 23, 2022, Register Today!	Mon 5/23/2022...	45 KB	
		< https://www.informz.net/admin31/images/spacer.gif >			
	Charles Sum...	FW: Wellfleet - Amendment to P&S	Mon 5/23/2022...	70 KB	
		Good afternoon all, Please see attached a copy of the proposed 1st Amendment to the P & S agreement between the Gauthier's and			
	Ryan Curley	#792 ARC Binder	Mon 5/23/2022...	9 MB	
		Hi everyone attached is the binder for #792 from the board's previous public hearing. The Materials provided by Constable omits a			
	Massachuset...	Senate budget debate begins Tomorrow, please contact your Senators...	Mon 5/23/2022...	62 KB	
		< https://www.informz.net/admin31/images/spacer.gif >			
	Charles Sum...	FW: Letter of support from Well. Shellfishermen's Assoc.	Mon 5/23/2022...	4 MB	
		Good afternoon all, Please find attached a letter of support concerning the May 24, 2022 Selectboard hearing on grant forfeitures.			
	Ryan Curley	Fwd: lecount permanent change	Mon 5/23/2022...	19 MB	
		----- Forwarded message -----			
	Ryan Curley	Fwd: sorry, one more thing	Mon 5/23/2022...	16 KB	
		----- Forwarded message -----			
	MA Municipa...	Final Week to Provide Input for Select Board Handbook	Mon 5/23/2022...	41 KB	
		Feedback Needed for Select Board Handbook Update			
	Wellfleet Cha...	The Block and Tackle is turning TWO!	Mon 5/23/2022...	78 KB	
	Massachuset...	Register: Free MSA Webinar June 15	Mon 5/23/2022...	43 KB	
		Register for Free MSA Webinar June 15			
	Wellfleet Cha...	June 1 at Chequessett Club: Restaurant Week's Kick-Off & After Hours...	Mon 5/23/2022...	83 KB	
	Wellfleet Cha...	*Correction* Restaurant Week Kick-off & After Hours networking at C...	Mon 5/23/2022...	83 KB	
		Wednesday, June 1 // 5:30-7:00pm			
	Wellfleet Cha...	After Hours networking in Wellfleet at WHAT 🍷	Mon 5/23/2022...	83 KB	
		Monday, May 9 // 5:30-7:00pm			
	Two Weeks Ago				
	Helen Miran...	Re. Remote participation/hybrid municipal meetings.	Sat 5/21/2022 ...	123 KB	
		Ryan had looked this up.			
	Helen Miran...	Not for approval at May 24th Shellfish Hearings.	Sat 5/21/2022 ...	225 KB	
		Sb, no reply and no "reply all" please. <end>			
	Nancy Civetta	RE: Shellfish Department documents for 5-24-2022 public hearings	Fri 5/20/2022 5...	23 KB	
		Please read the WSD MinProd Memo and Packet before reading the individual MinProd packets for the license holders, so you can			
	Nancy Civetta	Shellfish Department documents for 5-24-2022 public hearings	Fri 5/20/2022 5...	9 MB	
		Dear Selectboard members: The attached were posted on the Town website by 5 p.m. today by Town Clerk Jennifer Congel. There			
	Ryan Curley	Fwd: TM Quorum	Fri 5/20/2022 1...	47 KB	
		----- Forwarded message -----			
	Ryan Curley	Ex Session May 24th @ 6pm	Fri 5/20/2022 1...	15 KB	
		Hi all we will have an executive session on May 24th at 6pm. Rebekah sent out the agenda and packet it.			
	Wellfleet Cha...	Get excited for Wellfleet Restaurant Week!	Fri 5/20/2022 1...	99 KB	
		June 1 - 7, 2022			
	Suzanne Tho...	Linda Balch retirement	Fri 5/20/2022 8...	15 KB	
		Linda Balch will retire on June 8th after 31 years as a Town employee. There is a Coffee Open House planned for June 3 at the Adult			
	Rebekah Eldr...	addition to the packet	Thu 5/19/2022 ...	165 KB	
		Rebekah L. Eldridge Executive Assistant to the Town Administrator (508) 349-0300 ext 1100			
	Ryan Curley	Fwd: does Rebecca Roughly ever come into work?	Thu 5/19/2022 ...	16 KB	
		----- Forwarded message -----			
	Ryan Curley	Fwd: May 31	Thu 5/19/2022 ...	16 KB	
		----- Forwarded message -----			

! 📄 📧 📎	From	Subject	Received	Size	🚩
	Rebekah Eldr...	Shellfish packet	Thu 5/19/2022 ...	34 KB	
	I forgot to let you know that Nancy will have a separate packet with all the shellfish documents in there. It will be printed and put into				
	Rebekah Eldr...	AGENDA AND PACKET OPEN SESSION & Executive Session (CONFIDE...	Thu 5/19/2022 ...	27 MB	
	Hi there, I am out of the office tomorrow for a medical appointment. I have attached the agenda and packet for your open session				
	Ryan Curley	Re: PS Re. Agenda item request.	Thu 5/19/2022 ...	16 KB	
	Hi Helen, I have spoken to both Charlie and Rebecca about this agenda item request. They are in agreement that it is ill advised and				
	Michael Hurley ACO Keogh		Thu 5/19/2022 ...	20 KB	
	I wanted to let the Select Board know that ACO Des Keogh has notified me he will be leaving the department on June 30th to accept				
	Smart Cities ...	Join Smart Cities Academy Live Online - Discount Inside	Thu 5/19/2022 ...	38 KB	
	Join us Virtually at Smart Cities Week				
	Rebekah Eldr...	scanned correspondence	Thu 5/19/2022 ...	839 KB	
	I got to the mail this morning.. 😊 Rebekah L. Eldridge Executive Assistant to the Town Administrator (508) 349-0300 ext 110077...				
	Massachuset...	Senate budget debate begins Tuesday, please contact your Senators a...	Thu 5/19/2022 ...	62 KB	
	<https://www.informz.net/admin31/images/spacer.gif>				
	Charles Sum...	FW: Wellfleet	Thu 5/19/2022 ...	16 KB	
	FYI only.				
	Charles Sum...	FW: Open Meeting Law Complaint	Thu 5/19/2022 ...	21 KB	
	FYI Only				
	Michael DeV...	Mosquito alert	Thu 5/19/2022 ...	14 KB	
	FYI- I'm already seeing irregularly high mosquito activity on Pole Dike rd. <end>				
	Massachuset...	CORRECTION: Important Details: Save the Date! MOD Disability Summit	Wed 5/18/2022...	64 KB	
	A hybrid event October 27 at 10 AM				
	Nancy Civetta	FW: Shellfish Advisory Panel Meeting this Friday	Wed 5/18/2022...	23 KB	
	The Shellfish Department posted this on our Facebook page already, but we wanted to forward the State's email to ensure you all are				
	Wellfleet Cha...	Ptown, Truro & Wellfleet Residents: Public Health Needs Assessment	Wed 5/18/2022...	76 KB	
	Massachuset...	Important Details: Save the Date! MOD Disability Summit	Wed 5/18/2022...	61 KB	
	Thursday, October 27 at 10 AM				
	Helen Miran...	PS Re. Agenda item request.	Wed 5/18/2022...	14 KB	
	At their last meeting, the ZBA discussed a lack of follow up on this on the part of the SB/Town. Having a report from the ZBA and the				
	Helen Miran...	Agenda item request.	Wed 5/18/2022...	250 KB	
	Begin forwarded message:				
	Wellfleet Cha...	Your Customers ♡ Wellfleet Chamber Guidebooks	Wed 5/18/2022...	74 KB	
	Pick up copies for your business!				
	Wellfleet Cha...	Wellfleet's Parade is back on Monday, July 4 us	Wed 5/18/2022...	74 KB	
	"Hometown Heroes" coming to a parade near you!				
	Nancy Civetta	Recreational Shellfish Crier: Breakwater on Indian Neck Closed, Regula...	Tue 5/17/2022 ...	52 KB	
	Town Shellfish Crier May 17, 2022				
	Wellfleet Cul...	Ask Your Senator To Support Increased Arts Funding	Tue 5/17/2022 ...	69 KB	
	Building Community Through Cultural Engagement				
	Rebekah Eldr...	Fwd: KP Law, P.C. eUpdate / SCOTUS - Boston's Flag-Raising Decision ...	Tue 5/17/2022 ...	843 KB	
	Please see the attached for tonight's meeting. Rebekah				
	Helen Miran...	CONFIDENTIAL: Document or 5/17/22 Executive Session	Tue 5/17/2022 ...	464 KB	
	Sb, no reply or "reply all" please. This document was somehow not included in our Exec. Sess. packet.				
	Patricia Lem...	Fwd:	Tue 5/17/2022 ...	2 MB	
	Hi James and Christine,				
	Michael Hurley	Re: Touch a Truck Event	Tue 5/17/2022 ...	23 KB	
	Lol Devasto and his family dunked me few times 🤔🤔 Sent from my iPhone On May 17, 2022, at 10:40 AM, Michael Hurley <mich...				
	Michael Hurley	Touch a Truck Event	Tue 5/17/2022 ...	20 KB	
	Good morning Select Board members, I wanted to send a quick email recapping a successful Touch-A-Truck event held this past				
	Wellfleet Cha...	Support Individuals and Families Living & Working in Wellfleet	Tue 5/17/2022 ...	89 KB	
	Massachuset...	Save the Date! MOD Disability Summit	Mon 5/16/2022...	59 KB	
	Thursday, October 27 at 10 AM				
	MA Division ...	Commercial Trap Gear Fishery to Open and Small Vessel Speed Limit t...	Sun 5/15/2022 ...	47 KB	
	Commercial Trap Gear Fishery to Open and Small Vessel Speed Limit to Expire Effective Monday, May 16th				
Three Weeks Ago					

!		📧	📧	From	Subject	Received	Size	📄
				MA Division ...	Saturday May 14th Update on DMF's Monitoring for Right Whales in C...	Sat 5/14/2022 ...	45 KB	
				Saturday May 14th Update on DMF's Monitoring for Right Whales in Coastal Waters				
				Wellfleet Cul...	Cultural Council Supported Events Next Weekend!	Sat 5/14/2022 ...	84 KB	
				Building Community Through Cultural Engagement				
				Rebekah Eldr...	CONFIDENTIAL	Fri 5/13/2022 3...	11 MB	
				Happy Friday, I have attached your packet for Tuesday's meeting. There are hard copies for those of you that like them in your office				
				Ryan Curley	Re: June 21st SB meeting to Thursday June 28th	Fri 5/13/2022 1...	17 KB	
				It's a regular meeting				
				Helen Miran...	Re: June 21st SB meeting to Thursday June 28th	Fri 5/13/2022 1...	11 KB	
				What's it about?				
				MA Division ...	Applicants Sought for ASMFC Advisory Panels	Fri 5/13/2022 1...	51 KB	
				Applicants Sought for ASMFC Advisory Panels				
				MA Division ...	Update on DMF's Monitoring for Right Whales in Coastal Waters	Fri 5/13/2022 1...	46 KB	
				Update on DMF's Monitoring for Right Whales in Coastal Waters				
				Ryan Curley	Re: June 21st SB meeting to Thursday June 28th	Fri 5/13/2022 1...	16 KB	
				Hi Suzanne says it will be difficult to get the meeting room set up by Thursday June 23rd so I am scheduling the meeting for Tuesda...				
				Charles Sum...	FW: DASHBOARD REPORT--MAY 4, 2022	Fri 5/13/2022 9...	6 MB	
				From: Giovanna Venditti <vendittig@nausetschools.org>				
				Ryan Curley	June 21st SB meeting to Thursday June 23rd?	Fri 5/13/2022 8...	15 KB	
				Hi everyone I realized last night with the new schedule the board has a meeting scheduled for June 21st which is the same date as				
				Michael Hurley	Draft Hazard Mitigation Plan	Thu 5/12/2022 ...	7 MB	
				Hello All, We are in the home stretch of finally completing this review and approval of the Hazard Mitigation Plan 2022. This review				
				Ryan Curley	Fwd: FW: TA Contract	Thu 5/12/2022 ...	39 KB	
				----- Forwarded message -----				
				Community ...	CDP and HPC Launch Housing and ADU Resource Center	Thu 5/12/2022 ...	54 KB	
				Ryan Curley	Re: Jordan Halloran-Wellfleet-Shellfish Constable Training Certificate	Thu 5/12/2022 ...	24 KB	
				Tell her congrats from me!				
				Rebekah Eldr...	2022 ANNUAL TOWN MEETING WARRANT	Thu 5/12/2022 ...	1 MB	
				DRUM ROLL PLEASE..... Attached is the Final Town Meeting Warrant! Rebekah L. Eldridge Executive Assistant to the Town				
				Nancy Civetta	Jordan Halloran-Wellfleet-Shellfish Constable Training Certificate	Thu 5/12/2022 ...	3 MB	
				Hi Julia, Please find here attached Jordan Halloran's certificate for having completed the state required Mass. Shellfish Officers				
				Rebekah Eldr...	Warrant	Thu 5/12/2022 ...	37 KB	
				Good Afternoon! I am happy to announce that we have the warrant ready. I am sending it to the printer right after this email and				
				Jennifer Con...	RE: WHC Approved Minutes 4-6-2022	Thu 5/12/2022 ...	39 KB	
				All set! Jennifer M.Congel Town Clerk Town of Wellfleet, Ma				
				Wellfleet His...	WHC Approved Minutes 4-6-2022	Thu 5/12/2022 ...	276 KB	
				Attached please find the approved minutes for our April 6, 2022 meeting. Wellfleet Historical Commission Town Hall				
				Ryan Curley	SB Regular Meeting Schedule	Thu 5/12/2022 ...	39 KB	
				Hi all attached is an updated schedule of our meetings. If there is an obvious mistake or if you have a foreseeable scheduling conflic...				
				Wellfleet Cha...	A message for Members and Friends of the Wellfleet Chamber	Wed 5/11/2022...	69 KB	
				Wellfleet Cha...	Wellfleet Historical Society & Museum: Calendar of Events and Emplo...	Wed 5/11/2022...	73 KB	
				New for 2022!				
				Ryan Curley	Fwd: And Curt's #s must be way off	Wed 5/11/2022...	17 KB	
				----- Forwarded message -----				
				Ryan Curley	Fwd: Any financial report needs to include dates you spoke with Harry...	Wed 5/11/2022...	18 KB	
				----- Forwarded message -----				
				William Iacu...	Regarding the GWR Situation	Wed 5/11/2022...	18 KB	
				Dear ZBA Members. It puzzles me why the ZBA would even entertain an appeal from GWR given that they have not abided by your				
				Ryan Curley	Outstanding Agenda Items	Tue 5/10/2022 ...	53 KB	
				Hi All these are currently outstanding items. Not fully taking into account anything from today. <end>				
				Ryan Curley	Animal Control Bylaw Changes	Tue 5/10/2022 ...	869 KB	
				Hi All this is the existing and proposed animal control bylaw. I've highlighted where the changes are throughout. There are likely				
				Helen Miran...	NOT FOR TONIGHT'S AGENDA Selectboard report: re. Wellfleet Shellfi...	Tue 5/10/2022 ...	222 KB	
				Sb no reply. This update will be included in my report tonight. No opinions included here.				
				Smart Cities ...	Get your Smart Cities Week ticket and join Smart Cities Academy free.	Tue 5/10/2022 ...	36 KB	
				Join us in Denver, May 23-24.				

!   	From	Subject	Received	Size	
	Ryan Curley	Re: GOOD NEWS!	Tue 5/10/2022 ...	16 KB	
	Helen	this is OML violation.			
	Helen Miran...	Premature sending...	Tue 5/10/2022 ...	14 KB	
	...	cat on key board. <end>			
	Helen Miran...	GOOD NEWS!	Tue 5/10/2022 ...	14 KB	
	The possible regulation that could accommodate ARC, as well as any other entity that might apply to use the fishery for purposes				
	Massachuset...	Alert: SENATE W&M COMMITTEE Releases FY2023 Budget	Tue 5/10/2022 ...	63 KB	
	< https://www.informz.net/admin31/images/spacer.gif >				
	 Charles Sum...	FW: Budget with Cuts	Tue 5/10/2022 ...	105 KB	
	Good afternoon all, Attached are 2 documents that I will present this evening under Article No. 2 – Alternative Budget. The				
	Helen-Miran...	Re. ATM 2022 Warrant; Deletion of previous "Dog Leash By-Law"	Tue 5/10/2022 ...	24 KB	
	HI EVERYONE (Sb no reply or "reply all, please).				
	 Ryan Curley	80 State Hwy Timeline	Tue 5/10/2022 ...	35 KB	
	-- Sincerely, Ryan Curley (508)-246-4718				
	MA Municipa...	Reminder: Input Needed for Select Board Handbook Update	Tue 5/10/2022 ...	41 KB	
	Feedback Needed for Select Board Handbook Update				
	Ryan Curley	Fwd: Affordable Housing Trust ATM Recommendation Votes	Tue 5/10/2022 ...	18 KB	
	----- Forwarded message -----				
	 Ryan Curley	Fwd: Mail	Tue 5/10/2022 ...	1 MB	
	----- Forwarded message -----				
	 Charles Sum...	FW: Town of Wellfleet Selectboard - Response to Open Meeting Law C...	Tue 5/10/2022 ...	3 MB	
	FYI only no replies please. Charlie Charles L. Sumner Interim Town Administrator Town of Wellfleet				
	Wellfleet Cha...	Opening Day at the Wellfleet Farmers Market!	Tue 5/10/2022 ...	69 KB	
	Tomorrow, Wednesday, May 11 // 8am-noon				
	 Ryan Curley	Shellfish Constable's Proposed Regulations	Mon 5/9/2022 ...	47 KB	
	Hi All, attached are proposed regulations formulated by the Shellfish Constable for non-domoicaled entities, my understanding is that				
	 Charles Sum...	FW: updated warrant	Mon 5/9/2022 ...	69 KB	
	Good morning all, We will incorporate these changes in the final warrant document, and review tomorrow evening. Charlie Sumner				
	 ciotti_family...	WHA April minutes	Sun 5/8/2022 1:...	53 KB	
	Jennifer, Attached please find two (2) sets of WHA April minutes. Thanks Richard <end>				
	Ryan Curley	Re: Working Group press release with amendments.	Sun 5/8/2022 9:...	19 KB	
	Hi Helen we had decided on Friday to not include the list of people on the press release to keep it under 500 words. That information				
	 Ryan Curley	Fwd: Board of Registrars	Sun 5/8/2022 9:...	576 KB	
	----- Forwarded message -----				
	Wellfleet Cha...	Networking tomorrow at WHAT + Vote for the Parade theme! us	Sun 5/8/2022 7:...	84 KB	
	Monday, May 9 // 5:30-7:00pm				
Last Month					
	Helen Miran...	Also, please add:	Sat 5/7/2022 2:...	15 KB	
	Also Nancy Najmi and Susan Spear. I wasn't sent a list of the names last night so it took awhile to get it together. <end>				
	Helen Miran...	Fwd: Working Group press release with amendments.	Sat 5/7/2022 1:...	189 KB	
	Rebekah, I forgot -please add Sarah Pechukas to the Working Group list. Thank you.				
	Helen Miran...	KPLaw/Sb April 18,2022 OML complaint response.	Sat 5/7/2022 1:...	142 KB	
	With typo, etc. corrections. Please insert dates that we pinned down last night. I didn't make notes of them. <end>				
	 Helen Miran...	Working Group press release with amendments.	Sat 5/7/2022 1:...	184 KB	
	Sb, no reply please. <end>				
	 Ryan Curley	Amended Press Release	Fri 5/6/2022 7:...	41 KB	
	-- Sincerely, Ryan Curley (508)-246-4718				
	 Rebekah Eldr...	Agenda and Packet for May 10, 2022	Fri 5/6/2022 4:...	12 MB	
	Happy Friday, Attached is the agenda and packet for Tuesday night's meeting. Have a nice weekend Rebekah Rebekah L.				
	Helen Miran...	For tonight's meeting. Re. OML complaint.	Fri 5/6/2022 2:...	17 KB	
	Sb, no reply please.				
	Ryan Curley	Fwd: FW: DLS Alert: FORWARD Bill - Projects by Municipality	Fri 5/6/2022 2:...	38 KB	
	----- Forwarded message -----				
	Ryan Curley	Meeting Tuesday May 17th @ 7pm	Fri 5/6/2022 11:...	15 KB	
	Hi, All I am scheduling a meeting for Tuesday, May 17th @ 7pm there will be a couple of items in open session and then the				
	Smart Cities C...	See you at Smart Cities Week!	Fri 5/6/2022 8:44:...	42 KB	
	Join us in Denver this May				

! 📄 📧 📎	From	Subject	Received	Size	🚩
	Massachuset... free registration required	DMF Virtual Meeting 2022 Vibrio Parahaemolyticus Control Plan for O...	Fri 5/6/2022 7:...	49 KB	
📎	Jude Ahern	please include Janet Reinhart's email admitting the intentional act in ...	Thu 5/5/2022 6...	1 MB	
	You forgot this. Please include it with my complaint. Thank you. <end>				
📎	Rebekah Eldr...	agenda and packet for May 6, 2022	Thu 5/5/2022 2...	895 KB	
	I have attached your packet for tomorrow night's meeting. Please let me know if you have any questions. Rebekah L. Eldridge				
	Jude Ahern	Fwd: to confirm what you just said	Thu 5/5/2022 9...	19 KB	
	Begin forwarded message:				
📎	Jude Ahern	copy of my April 18 OML complaint not in May 6 packet	Thu 5/5/2022 7:3...	3 MB	
	Dear Selectboard: Unlike my OML from April 4th (about March 8), my April 18 OML complaint (about April 12) is not included in				



SELECTBOARD
AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

XI

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Minutes <ul style="list-style-type: none">• April 26, 2022• May 6, 2022• May 10, 2022• May 24, 2022
PROPOSED MOTION:	I move to approve the Minutes of May 10th, May 24th, 2022
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Wellfleet Selectboard
Tuesday April 26, 2022; 7pm
Virtual Meeting ~ Zoom
Meeting Agenda

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Kathleen Bacon, Wellfleet Resident; Daniel Silverman, Town Moderator; Elaine McIlroy, housing authority; Gerald Parent, Chair of the Wellfleet Planning Board; Jim Hood, Chair Board of Water Commissioners, Curt Felix, Board of Water Commissioner Member; Will Sullivan, Harbormaster; Suzanne Grout-Thomas, Beach Director

Chair Curley Called the meeting to order at 7:04pm.

I. *Announcements, Open Session and Public Comments*

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

Chair Curley announced to the public that the town of Wellfleet Selectboard has reached a purchase and sales agreement to purchase Maurice's Campground. He gave some information on the special town meeting and stated that more information can be found on the press release for this purchase.

Bacon questioned the board about the status of the fuel tanks to be installed at the pier, Chair Curley referred to Sumner, who explained that this project has gone out to bid and they will need to begin that again.

Wilson announced that on May 2, 2022, from 12pm to 7pm the voting polls will be open to vote in selectboard, school committee and other town candidates.

II. *Consent Agenda*

A. Baker's Field ~ Wellfleet PTA ~ May 28, 2022, 9am to 5pm, (rain date May 29, 2022, 9am to 5pm)

Chair Curley Moved; Board Member Seconded and it was voted to adopt the consent agenda as presented, with no fee to be charged.

Roll Call Vote: 5-0

III. *Letter in response to Open Meeting Law Complaint filed April 4, 2022, by Judith Ahern*

The board continued and began to address the complaint. Wilson spoke to the letter and stated she read through it and made some minor changes to be sent to town counsel and get her amendments added to the letter. Wolf spoke to the board about the complaint and questioned the need for an open meeting law complaint, stating he didn't feel that this incident didn't rise to the level of an open meeting law complaint.

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted send the official report of the open meeting law complaint filed on April 4, 2022, by Judith Ahern with the amendments to the Attorney general's office.

Roll Call Vote: 5-0

Ahern spoke to the board and asked that the letter be added to the public record so it can be read by the public. Ahern corrected the chair and stated that she wanted it listed as public documents in the meeting minutes.

IV. *Special Town Meeting*

Silverman spoke to the board and public about the special town meeting in the fall. He requested that the meeting be held on the 14th of September as the 10th of September is very close to Labor Day Weekend and felt it might be difficult for residents to focus being so close to Labor Day.

The board discussed this and the issues with weather and changing the original date. Chief Hurley informed the group that there is road race that day. The board discussed this and came to the decision that keeping the fall town meeting on the 10th of September.

Silverman asked them to keep in mind that the special provisions issued by the governor will be expired and the lower quorum will no longer be in effect. He also asked to keep the options available to have the meeting inside.

Before the board moved on Chair Curley asked Sumner to introduce to the board and public the "Plan B" article in the warrant. Sumner explained that the budget as it is right now, exceeds the funds that the town has. There needs to be a proposition 2 ½ override at town meeting. IF that doesn't happen on the ballot and the override fails, there is no budget. The Department of Revenue suggested that the town have 2 warrant articles that will explain each budget to the voters.

Silverman recommended voting on both budgets so the public can see what they've voted. Bacon spoke again and stated that he agrees with the moderator to have both budgets discussed and voted on at one meeting. Stating that she feels it would be difficult to have two town meetings so close together.

Ahern questioned the unaccounted money, Sumner responded stating that is an inaccurate statement as no money is missing, he explained that there were ledgers that were filled in incorrectly. He continued stating the finance team has met with the department of revenue and they will be closing fiscal years 2020, and 2021 within the coming weeks. He reiterated there is no missing money rather poor record keeping from past employees.

No Action was taken

V. *95 Lawrence Road PEL*

McIlroy spoke to this letter. Chair Curley had one amendment. They discussed the letter and fully supported the letter.

Chair Curley moved, Board Member Wilson Seconded, and it was voted to approve the letter as amended and designate the chair to sign it on behalf of the Selectboard.

Roll Call Vote: 5-0

VI. Planning Board Contractor's Yard Zoning Amendment

Parent spoke to the board to discuss what the planning Board has discussed and presented to the board how they came to this decision. He explained what was changed in the bylaw and why the planning board came to those decisions. There were some questions from the board to Parent and they discussed some scenarios concerning a contractor's yard. It was discussed that this zoning bylaw needs to remain on the June town meeting warrant due to the fact that the Planning Board had their public hearing for the bylaw change in February and there needs to be a town meeting 45 days after the public hearing. They discussed more about permitted uses.

Chair Curley Moved, Board Member Wilson Seconded, and it was voted to insert and recommend the article amending the Wellfleet Zoning Bylaw Contractor's Yard into the Wellfleet Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Before Parent left the meeting, he announced his gratitude for Reinhart's service.

VII. Enterprise Budgets

A. Water Enterprise Budget ~ Karen Plantier/Jim Hood

Hood was on the meeting and spoke to his budget and asked the board some time to fix and adjust the schedule within their budget. The warrant is due to close on May 10, 2022, and all articles need to be reviewed and commented on. Sumner spoke to the board and stated he would be willing to allow Hood to meet with Souve and himself to.

No Action was taken on this agenda item.

Water Rate Service~ Felix spoke to the rate survey and had a small slide show presentation for the board and public. He explained the new rate structure the board has been working on with the water consultant to help the enterprise budget be able to be less dependent on subsidizing their account. Felix explained to the board the breakdown of the benefits of having this new rate structure. Felix stated that the Board of Water Commissioners have voted in favor of this new rate structure. Sumner agreed that this new rate schedule will help the enterprise fund be able to cover costs that they incur. Beginning to start a small reserve to help build up the fund.

They continued discussing the rates and the benefits to the town for having the rates be changed and looking into grants to help rid the debt of the water system. It was discussed to have the DPW help set up new customers to the water system to reduce the amount of money that it costs to connect to the water. The discussion continued for a while going into the need for water and health aspect of town water. There was some opposition, due to the cost of connecting to town water.

B. Marina Enterprise Budget ~ Will Sullivan ~ Harbormaster

Sullivan spoke to the board about his enterprise fund he questioned the board as to what they wanted to discuss regarding this budget. He stated there was nothing significant in changes and stated that they are running on the same budget. He explained to the board that there needs to be some increase in fees for the marina to be able to pay for the marina's needs. Board Member DeVasto

spoke to the board and asked Sullivan if there would be an increase in fee schedule in the upcoming year? Sumner explained a huge priority of the town in the upcoming year will be to have an increase in fees. He gave some examples on what could happen if the fees weren't adjusted. Sullivan gave some details on how he has been working keep the budget the same but with the inflation and changes within the harbor he agrees that there needs to be an increase.

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to approve the 2023 Marina Enterprise Budget as presented.

Roll Call Vote: 5-0

VIII. *Community Concerns*

A. Lt. Island Bridge Railings

The board discussed the bridge and it's railings. Chair Curley spoke to the rust on the railings. Wolf asked if wood would hold up better and questioned the actual problem of this railing. It was discussed that railings could be dangerous as it has been known to have children jump off the bridge and the railings could cause more harm than good. The railings won't stop people from trying to jump so it should be taken down.

Chair Curley Moved; to remove the railing at the Lt. Island Road Bridge; Board Member Wolf Seconded.

Roll Call Vote: 2-3

MOTION FAILED

B. Ocean View Drive/Cahoon Hollow Issues

Chief Hurley spoke to the board about these issues. He stated they are going on year five with the discussion at this beach and the many issues that surround this situation. He stated that they continue to have the conversations about no alcohol on town property but is allowed on the National Seashore which is a growing problem for the many departments that run the beaches during the summer. Chief Hurley continued to give statistics over the past few years with busses coming to the beach and informed them with the summer officer program being removed the lack of help for his department is an issue. Chair Curley gave some ideas on how to regulate people coming from the seashore to Cahoon Hollow which is considered town property. He suggested a fence to let people know where the town property line is.

The board discussed the issues concerning Cahoon Hollow and Ocean View Drive, the parties and how will they be able to limit these parties and if they even can limit them. Reinhart asked if the board/town could put a maximum capacity on the beach. Thomas expressed that they couldn't because of the seashore and the large size of the beach, she added it would be difficult to know when to shut that number off.

It was discussed to charge for getting onto Cahoon Hollow beach.

This discussion continued at great length, discussing charging to get onto the beach, more for parking.

No Action was taken

IX. Annual Town Meeting Warrant

A. Police Department New Staff ~ Chief Curley

Chair Curley explained why he was waiting on taking a vote on this particular item but stated he was ready to do so now.

Board Member Wilson Moved; Board Member DeVasto Seconded, and it was voted to reconsider the recommendation for the Police Department New Staff warrant article.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert and recommend the Police Department article into the annual town meeting warrant.

Roll Call Vote: 5-0

B. Plastic Bottle Bylaw Amendment

Placing the plastic bottle bylaw on the special town meeting warrant

Chair Curley Moved, Board Member DeVasto Seconded; and it was voted to reconsider the plastic bottle bylaw for the town meeting warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wilson Seconded and it was moved to amend the plastic bottle bylaw as drafted and delete it from the annual town meeting warrant and place it in the special fall town meeting warrant.

Roll Call Vote: 5-0

C. Insertion of Housing Stabilization Fund A ~ Chair Curley

Chair Curley stated that town counsel explained that these funds need to go into a special purchase fund. The board discussed this at great length discussing the dire need for housing in Wellfleet and all over the cape. Chair Curley stated he spoke with town counsel to get clarification on the articles

The discussion continued about housing and the importance of this article.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to insert an article establishing an affordable housing stabilization fund as drafted into the Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to recommend said article into the Annual town Meeting Warrant.

Roll Call Vote: 4-1 (Wilson voted no)

D. Insertion of mixed income Housing Stabilization Fund B

Chair Curley spoke about this as well and talked about the critical need to address the housing issues. Chair Curley stated this has been discussed at length and feels the board can vote.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to insert the article establishing a mixed housing stabilization fund into the annual town meeting warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to recommend the above article.

Roll Call Vote: 4-1 (Wilson voted no)

- E. Amending Governing the use of Short-Term Rental Community Impact Fees
Chair Curley stated that because they board changed and voted to insert the above articles

Board Member DeVasto Moved; Board Member Reinhart Seconded and it was voted to reconsider and remove the article governing the use of short-term rental community impact fees.

Roll Call Vote: 5-0

- F. Amending short-term rental community impact on professionally managed units (G.L. c 64G S 3D (a))

Chair Curley explained these next two items on the agenda, informing the board and public that the highest percent they can collect is 3%. He explained how this works. The board discussed raising this percent to 3% and the importance to have it raised to bring revenue to the town. This fee is only applicable to owners who own a second property.

Chair Curley Moved, Board Member DeVasto Seconded; and it was voted to raise the percentage rate of the short-term rental community impact to 3%, and insert said article in the annual town meeting warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to recommend the above article.

Roll Call Vote: 5-0

- G. Amending Short-term rental community impact fee professionally managed units (G.L. c. 64G 3D (b))

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to reconsider the article for short term rental community impact fee professionally managed units (G.L. c. 64G 3D (b) and to amend it as drafted.

Roll Call Vote: 5-0

- H. Annual Town Meeting Warrant & Budget review

Chair Curley spoke to the board about the warrant. Wilson stated that the board needs to dedicate one meeting to just the warrant so they can get it done and ready to print. Chair Curley stated the board that they are almost done with the warrant and only had a few more articles that they needed to insert and recommend. The board discussed the warrant and Chair Curley stated that if the meeting goes to 10:30 they will stop. Sumner stated he would like to see the board cover all the outstanding articles.

Sumner began with the budget, he stated they have voted to insert it but haven't recommended.

Chair Curley Moved; Board Member Reinhart Seconded and it was voted to recommend the operating budget article as drafted.

Roll Call Vote: 5-0

The next article was the OPEB (other post employee benefits) DeVasto spoke to this article. Stating that he believed they should fund it because it is the future. Chair Curley spoke to this as well. The board continued discussing this article.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to reconsider Article 12, Other post employee benefits.

Sumner complimented the board that the town has a good amount of money in that account, but it was contributed to last year, so it needs to be done this year.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to amend Article 12, Other post-Employment Benefits procreation to read "appropriate and or transfer from a available funds."

Roll Call Vote: 5-0

Article 13 was the transfer to the stabilization fund.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to recommend Article 13 The stabilization fund.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to amend Article 17, to read "appropriate the sum of \$800,000." To recommend Article 17. (This will be from ambulance receipts fund moving forward)

Roll Call Vote: 5-0

Article 22 was the next article that needed to be voted on. This is the fire suppression system for the elementary school. Which was stated this is an important article and must be done.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert and recommend the article for the Wellfleet Elementary School Fire suppression system.

Roll Call Vote: 5-0

The next item to discuss was the supplemental funding for the marina fuel tanks.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to insert and recommend the article for supplemental fuel storage.

Roll Call Vote: 5-0

The CPA articles were not voted on by the board because Lisa Souve isn't ready with them yet but should be ready on the 10th of May.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert the Community Preservation Articles; Articles # 26, 27, 28. 29, 30, 31, 32, and 33 into the annual town meeting warrant.

Roll Call Vote: 5-0

Chair Curley moved; Board Member Reinhart Seconded; and it was voted to recommend Article 34

Roll Call Vote: 4-0-1 (Chair Curley Abstained)

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert and recommend the article for affordable housing trust bylaw amendment.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert and recommend the article for special detail account for the fire department.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to recommend the article for the Herring River Restoration Easement.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to reconsider the article for the acquisition of access easement to Indian Neck Tidal Flats and delete from the Annual town Meeting Warrant.

Roll Call Vote: 3-0-2 (DeVasto and Wilson abstained)

The Animal Bylaw was discussed and the idea to move it to the town meeting in the fall. Wilson tried to explain to the board the amendments made or needed to be made. The board discussed this.

No Action was taken on the Animal Bylaw

The board discussed the petitioned article regarding the trees and stated they couldn't recommend this article.

Chair Curley Moved; Board Member DeVasto Seconded and it was voted to recommend the tree article inserted into the Annual Town Meeting Warrant.

Roll Call Vote 0-5 Motion failed

Chair Curley Moved; Board Member Reinhart Seconded and it was voted to insert and recommend the Nauset School Assessment Formula Article into the Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Sumner asked the board to look at the override questions at the back of the warrant because they would need to vote on them at their next meeting. (May 10, 2022)

E. Chair Curley moved on to the COA Advisory Board and they discussed the vote.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to rescind the vote on the COA Advisory Charge at the date that it was amended.

Roll Call Vote: 4-1 (Wilson abstained)

X. ***Business ~ These items were moved to a future meeting.***

A. Instructions to Public Bodies of Wellfleet on In-Person/Hybrid, and Remote Meetings

B. Code of Conduct ~ Chair Curley

C. Comprehensive Financial Policies ~ Chair Curley

XI. ***Selectboard Reports***

Chair Curley spoke to the public about the Maurice's Campground working group which will be recorded and in person.

XII. *Town Administrator's Report*

Sumner gave a verbal update to the board discussing the fiber optics for virtual meetings being installed.

He explained that he had met with the DOR this afternoon with the finance team in Wellfleet and feels it was a productive meeting. He stated they are close to closing FY2020 and FY2021. He expressed his sincere gratitude to the finance team for all their hard work and efforts in cleaning up these financial mistakes. He stated he would be reaching out to the auditors to have them on standby to come in and do the audit.

He explained that he will be meeting with department heads Thursday and explain that they all need to work on their budgets to cut them.

Wolf discussed the budget and spoke to the public about delays with the audio equipment.

XIII. *Topics for Future Discussion*

Wilson stated that the executive Session Minutes need to be released regarding the campground.

XIV. *Correspondence and Vacancy Reports*

Please check the packet for a full correspondence report.

XV. *Adjournment*

Board Member Wilson Moved; Board member Reinhart Seconded; and it was voted to adjourn.

Roll Call Vote 5-0

Meeting adjourned 10:40pm

**** Public Records ****

Application for use of town property from the Wellfleet Parent and Teachers Association
Letter from KP Law responding to the Open Meeting Law Complaint filed by Judith Ahern
Open Meeting Law Complaint Form filed by Judith Ahern
Letter regarding 95 Lawrence Road PEL
Water Enterprise Budget
Marina Enterprise Budget
2022 Annual Town Meeting Warrant (DRAFT)
Print out of the Selectboard Correspondence

***Wellfleet Selectboard
Virtual Meeting ~ Zoom
Friday May 6, 2022; 7pm
Meeting Minutes***

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Helen Miranda Wilson, John Wolf, Barbara Carboni, new elected member

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Janet Reinhart, Previous Selectboard member; Sharon Rule-Agger, Housing Member

Chair Curley called the meeting to order at 7:02pm

I. Announcement, Open Session, and Public Comments

NOTE: Public Comments must be brief. The board will not deliberate or vote on matters raised solely during announcements and public comments.

Chair Curley Welcomed Carboni to her first meeting. She thanked him and the board. She stated she is looking forward to working with the board.

There were no other

II. Response to Open Meeting Law Complaint filed on April 12, 2022.

~ Judith Ahern

Sumner explained the response from Wellfleet's Town Counsel regarding the open meeting law complaint filed by Ahern. He stated that because the meeting is now available on the town's you tube channel. Wolf questioned the letter and was informed that the board would be deciding the facts in the letter at this meeting. Wolf stated his concern for the chain of command during a meeting via zoom. The letter and complaint were discussed. Sumner stated that human mistakes happen and an error was made. He stated that he will deal with the employee in a office. He stated that this is rectified because the meeting is available. To the public and the complainant.

Wilson asked Eldridge to explain what happened during that meeting. Eldridge explained that she was asked to remove a picture that was offensive to the person asking. She explained to the board the steps she took to try and report the picture, once the report button was clicked Ahern was removed from the meeting.

Eldridge explained that zoom communicated with her asking if she would like to report Ahern officially? Eldridge stated she clicked no and assumed Ahern would be allowed back into the meeting. During the meeting it was stated by Wolf that she was still unable to get into the meeting. Eldridge then stated she was trying to fix the issue but heard she had rejoined by her phone so thought the matter was resolved.

DRAFT

Wilson continued explaining that she feels the executive assistant, anyone in that role has a unique position because she speaks to both the town administrator and the Selectboard where she will make copies and do secretarial things for the selectboard where they don't go through the town administrator for.

He continued that this is a zoom meeting the participants are not separated from the board members. It can become difficult to adjust the audience from the board. DeVasto spoke to the board and stated that he had nothing to do with the removal of Ahern and had no knowledge what was happening. He stated he felt that the picture helped gain support for him. Wolf noted that Ahern was unable to hear the meeting, Chair Curley stated the board had nothing to do with her abilities not to hear the meeting.

They discussed the letter and questioned if there were any issues with the way town counsel responded on their behalf.

They discussed the dates that need to be inserted into the letter tonight so that it can be sent to Ahern and the state on behalf of the board.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to ratify all substantiated discussions that Ms. Ahern may have missed during the April 12, 2022, of the Wellfleet Selectboard meeting.

Roll Call Vote: 4-0-1 (Carboni Abstained)

The board then discussed when she was removed from the meeting and the dates they would put into the letter. Chair Curley stated he believed Ahern was removed from the meeting around 8:30pm which was an hour and thirty minutes into the meeting.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert that Ahern was removed from the meeting at approximately 8:30pm.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to amend the dates of tonight's meeting. May 6, 2022, at 7:00PM.

Roll Call Vote: 4-0-1 (Carboni Abstained)

Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to approve the amendments made in the letter.

Roll Call Vote: 4-0-1 (Carboni Abstained)

Wilson had a few amendments to make to the letter regarding grammar. Eldridge stated she would send he a word document.

She also questioned the board if they understood what the "report" button on zoom meant. The board all stated that they did.

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to send the letter as amended from KP Law to be sent to Judith Ahern.

Roll Call Vote: 4-1-0 (Wolf Voted No)

Ahern addressed the board regarding her complaint. She argued that she doesn't believe it was a mistake, she wanted to know why she wasn't allowed to participate. Chair Curley stated this was previously addressed in the meeting.

Ahern continued stating she was removed more than once from the meeting and argued that because of her sign she had up was because she was thrown out. She

continued arguing that she believed this was not an accidental and purposeful. Eldridge tried to explain what happened in the meeting. Ahern interrupted Eldridge and began yelling that it was a lie. They continued the discussion regarding the Open Meeting Law and explained to Ahern that her civil rights would not be addressed at this meeting. She continued interrupting and arguing with the board and Chair Hurley spoke to Ahern giving her a verbal warning that she was going out of the scope of the meeting. Finally Chair Curley asked Ahern to be muted at this point.

Ahern left the meeting.

III. *Press Release regarding Maurice's Campground Proposal*

A. Rule-Agger spoke to the board regarding the press release for the purchase of Maurice's Campground working groups. She gave details about the meeting that took place and the subcommittees that were formed to get this project moving. Rule-Agger spoke to the rumors that Kathleen Nagle is being compensated for the sale of the Campground and she stated that Nagle is not being paid and is doing this work voluntarily. Chair Curley agreed with that statement and announced it for the record. He also stated the Gauthiers do not have a seller's agent this is all done between the town and the owners.

Chair Curley asked if there were any questions or comments. Wilson spoke to a few amendments she had to the letter but otherwise spoke to how great the letter is. She asked if the names of the members of the work group could be listed.

Carboni stated the working subgroups might need to have their meetings posted. Chair Curley stated that they are treating their meetings as public meetings.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to approve and send out the press release as amended at tonight's meeting.

Roll Call Vote: 5-0

IV. *Adjourn*

Board Member DeVasto Moved; Board Member Wilson Seconded; and it was voted to adjourn.

Roll Call Vote: 5-0

Meeting adjourned at 7:45pm

***Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday May 10, 2022, 7PM
Meeting Minutes***

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Helen Miranda Wilson, Barbara Carboni, John Wolf

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Police Chief; Rich Pauley, Fire Chief; Rev. Frank Alexander, Grace Chapel; Neal Nichols Jr., Artist for ruse of town property; Lara Henry, Chamber of Commerce; Rebecca Arnoldi, Be Body & Earth; Hillary Lemos, Health and Conservation Agent; Nancy Civetta, Shellfish Constable; Daniel Silverman, Town Moderator; Jim Hood, Chair Board of Water Commissioners; Curt Felix, Board of Water Commissioners; Judith Ahern, Resident; Kathleen Bacon, Resident

Chair Curley Called the meeting to order at 7:02pm

I. *Announcements, Open Session and Public Comments*

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

Chief Hurley announced to the board and public that the Wellfleet Police Department along with the Eastham Police Department May 15th they will be sponsoring “Touch A Truck” at the Wellfleet Drive-In admission is free.

He also announced that the draft version of the Hazard Mitigation plan is rounding to the finish line. He is hoping to have it finished by the end of the week. He then stated that public comments will be accepted for a certain amount of time.

II. *Annual Board Re-Organization*

Board Member Wolf Moved; Board Member Wilson Seconded, and it was voted to postpone the board reorganization until after the June 11, 2022 town meeting.

Roll Call Vote: 5-0

A. Welcome of new Board Member/s

Chair Curley welcomed Carboni to the board and she thanked both the board and the public for electing her to this position.

B. Police Officers

• **FULL TIME POLICE OFFICERS REAPPOINTMENT**

Sarah Chase

Christopher Greene

Nicholas Daley

Edward Garneau
Jerimiah Valli
Eric Daley
Michael Allen
Matthew McGue

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to reappoint the full-time officers listed below from 7/1/2022 to 6/30/2023

Roll Call Vote: 5-0

• **SPECIAL POLICE OFFICERS REAPPOINTMENT**

Marc Spigel
Ronald L. Fissette
Desmond Keogh

Chair Curley Moved; Board Member Seconded; and it was voted to reappoint the above listed special police officers from 7/1/2022 to 6/30/2023.

Roll Call Vote: 5-0

C. Goal Setting for Incoming Town Administrator Rich Waldo

Chair Curley stated he wanted the board members to think about goals for the incoming Town Administrator and that he would like to present those goals to Mr. Waldo at the first meeting in June. He continued stating that he would like to have check-ins with Waldo at 3 months, 6 months, 12months and so on. Wilson stated she would like the new Town Administrator to know the new Bylaws and Charter so that he is able to understand and transition more easily.

III. ***Consent Agenda***

A. Grace Chapel Assembly of God ~ Rev. Frank Alexander ~ Stage at the Pier ~ Sunday June 10, 2022; 4:40pm – 6:30pm.

B. Neal Nichols Jr. ~ Artist/Illustrator ~ Baker's Field Pavilion or shaded areas around the area to accommodate tables and chairs ~ Various dates and times throughout the summer. (Please see application/packet)

Chair Curley Moved, Board Member Wilson Seconded; and it was voted to approve the consent agenda as presented to the board.

Roll Call Vote: 5-0

IV. ***Use of Town Property***

A. Wellfleet Chamber of Commerce ~ Lara Henry ~ Wellfleet 4h of July Parade ~ Monday July 4, 2022, ~ 8am – 11am.

The board spoke with Henry regarding the parade. Henry stated the chamber would like to host the parade this year after a break from Covid. The board stated unanimously how happy they were to see this parade coming back.

Board Member Wilson Moved, Board Member DeVasto Seconded, and it was voted to approve the fourth of July parade to be held along town ways in Wellfleet, using the usual route on July 4, 2022, from 8am to 11am to be returned to pre-parade conditions to the satisfaction of the DPW director and to follow all the recommendations of the department heads.

- B. Rebecca Arnoldi ~ Be Body & Earth ~ Various programs (consisting of hikes and yoga classes) ~ Newcomb Hollow Beach, Mayo Beach, Uncle Tim's, Cannon Hill Area, Blackfish Creek Area, and the Gut ~ Various dates and times throughout the summer months and into early fall.

Arnoldi spoke to the board about her application. Chair Curley stated it wasn't very clear on the application as to what she would like to do. Chair Curley stated right now he would like to defer her application to the department heads that have some issues.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to refer the use of town property application filed by Rebecca Arnoldi to the director of community services, the recreation director and the health and conservation agent to define the scope of the request in reasonable terms and conditions that may be requested by them. Also requesting that two separate applications be filed for both uses as they are different.

Roll Call Vote: 5-0

V. ***Public Hearings***

- A. Amendment of Food Truck Regulations ~

Chair Curley opened the public hearing to amend Wellfleet's Food Truck Regulations.

Chair Curley began stating there is an issue with the current regulations not being in line with the Zoning Regulations. Lemos spoke to the regulations and stated that each application for food trucks is reviewed on a case-by-case basis. The discussed the issues brought up with these regulations. The board discussed amendments that were being recommended. Chair Curley gave the public body a chance to speak to the regulations. There were no comments from the public.

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to approve the Wellfleet Food Truck Regulations as drafted.

Roll Call Vote: 5-0

VI. ***Business***

- A. Request to increase spending authorization for Shellfish Revolving Fund Propagation per MGL Ch. 44 sec. 53E 1_2. **Board Member DeVasto Recused himself from this discussion.**

Chair Curley asked for Civetta to speak to this agenda item. Civetta explained that at the Annual Town Meeting it was authorized for the shellfish department to spend up to \$50,000 and stated they have income that exceeds that amount. She continued stating that they have an opportunity has come up for the shellfish department the town will not buy hatchery seed but will participate in the shellfish relay which is where there are shellfish that have been slightly contaminated and put them into the harbor and close the area for 3 months which will allow the shellfish to respawn and become clean. She stated they have previously bought 500 bushels and would like to purchase 1000. She stated this budget is for all propagation which is an appropriate expenditure to pay the

bills out of this fund. Wolf asked what type of contamination? Civetta stated that it was fecal coliform, she explained the contamination levels and the ones that they are purchasing isn't at a level that is so high that it can't be corrected.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve and increase not to exceed \$15,000 from the Shellfish Revolving fund Propagation per MGL ch 44. Sec 53E 1-2.

Roll call Vote: 4-0-1 (DeVasto recused)

B. Hardship Exemption Commercial Shellfish Permit ~ Robert Wallace

Civetta spoke on behalf of Wallace, she gave the guidelines of exemption and explained that Wallace didn't purchase his permit within the time frame to get the commercial license. She explained that documents were submitted in the packet for the Selectboard. She stated she believes he meets the exemption criteria. Wilson commented on the fact that Wallace has never missed a commercial license purchase and stated that this is unusual for him.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the hardship exemption for the commercial shellfish permit to Robert Wallace.

Roll Call Vote 4-0-1 (DeVasto Recused)

C. Water Enterprise Budget

Hood spoke to the board to discuss the operating budget for 2022 and 2023 for the Water Enterprise Fund. He stated it was basically the same as it has been in previous years. He explained a few differences and discussed each line item with the board. Hood continued explaining the loans that the water department has and what they are each for. He explained that as part of working with the consultant to adjust and relook at the water enterprise fund he found that certain funds are supposed to be put directly towards the enterprise fund. Felix stated that the commissioners are working on changing the rates for the water department. The rate structure is set to be changed with a public hearing and have that new rate go into effect on January 1, 2022.

The board discussed the water structure and billing costs with Felix and Hood. Felix stated that they are planning to reduce the rates to hook onto the water system for \$750. Ahern asked how many gallons were used per household. Felix explained it is about 40,000 gallons a year. She questioned the connection fee. Felix explained that board has been discussing changing those rates for a few years and compared the cost to run a well verses connect to the water.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the FY 2023 Water Enterprise Fund as presented and to insert it into the 2022 Annual Town Meeting Warrant.

Roll Call Vote: 4-0-1 (Wilson Voted No)

Chair Curley Moved; Board member Wolf Seconded; and it was voted to recommend the FY2023 Water Enterprise budget.

Roll Call Vote: 4-0-1 (Wilson Voted No)

D. Budget and financial update

Sumner gave an update on the spreadsheets that were in the packet for this meeting. He stated this is draft number 7. He explained the changes he made and explained that this is the last draft that the board will see. He explained not

much has changed in the formatting, but the projected deficit has increased, and he explained why. He stated its split between the operating deficit and the capital projects.

He spoke to the financial forecast which was missing from the packet but stated it lists the impact on the tax rate. It can be picked up at the administration office if wanted.

Chair Curley explained that there are no funds for the capital budgets, and it has been this way for many years. Sumner continued explaining the financial plan. The override was discussed and DeVasto stated he doesn't remember the last time the town of Wellfleet had a 2 ½ percent override and hasn't gotten anyone that knows the answer. He continued explaining that this override is the beginning of restructuring the budget moving forward. He stated it is important for the board to have a dialect with the public. Ahern questioned the missing money, Sumner stated there was no missing money he explained that it was a book entering error. He stated they are behind due to circumstances that he has previously stated. He continued stating that they will have a report of all the findings and have a special meeting to report their findings. He gave some detail where the finance team is at and will hopefully close the books for 2020, 2021 very soon to submit to the DOR. He explained that he doesn't know the date that the DLS report will be issued.

E. Contingency Budget Warrant Article

Chair Curley asked Sumner to explain the and go through the contingency budget. Sumner began explaining the issue that they are dealing with, is if the Operating Budget does not pass at town meeting, then there are budgets that will need to be cut. He went through the budget cuts with each department totaling an amount over \$500,000.00. It was explained to the board and the public that this would be very tough for the community and will be impacting the services that the public are accustomed to.

Department heads spoke to their budgets that would be impacted the most.

Civetta spoke to the board and public about recreational shellfishing in Wellfleet and that the times would be cut down therefore recreational shellfishing would be cut down from one day to two days. Chief Hurley spoke to his budgets and explained that it was nearly impossible to cut special details, beaches, OysterFest, and other town events. He explained if the town wanted to cancel the events, then he would be able to cut staff, but he understood that isn't probable. He explained Amnesty Day for Wellfleet would be completely cut which would impact the community.

Chief Pauley spoke to the board regarding his budget, Norton spoke to his budget and explaining to the board what cuts to his department would be.

Explaining the bathrooms at the beach wouldn't be monitored as much as they have been previously.

Thomas spoke to her budget cuts which would include lifeguards during the active shark season (August through November).

Sullivan spoke to his budget cuts stating that the marina wouldn't be staffed the extra hours that they are now because it isn't in the budget. He stated in the

event of an emergency the response time would be detrimental to the public because he wouldn't be at the marina to respond quickly.

The board continued to discuss this budget. Bacon spoke to the board and stated that maybe they should have a forum on the two budgets so that the residents know in advance of town meeting what the differences are between the two budgets.

F. Final Review and approval of the Annual Town Meeting Warrant

The board went over the articles that they haven't voted on and what articles needed to be recommended.

- **Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert and recommend the FY2023 Operating Budget.
Roll Call Vote: 5-0**
- **Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert the FY2023 Contingency budget into the Annual Town Meeting Warrant.
Roll Call Vote: 5-0**
- **Chair Curley Moved; Board Member Wilson Seconded; and it was voted **NOT** to recommend the FY2023 Contingency budget.
Roll Call Vote: 5-0**
- **Chair Curley Moved; Board Member Wilson Seconded; and it was voted to amend FY2022 budgetary transfers as drafted.
Roll Call Vote: 5-0**
- **Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert and recommend the FY2023 Capital Budget.
Roll Call Vote: 5-0**
- **Board Member DeVasto Moved; Board Member Wilson Seconded; and it was voted to reconsider the recommendation for the Wellfleet Fauna and Flora Study Warrant Article on the Annual Town meeting warrant.
Roll Call Vote: 5-0**
- **Chair Curley Moved; Board Member Carboni Seconded; and it was voted to recommend Article 19 the Wellfleet Harbor Fauna and Flora study for the town meeting warrant.
Roll Call Vote: 5-0**
- **Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to recommend The Community Preservation Warrant Articles into the Annual Town Meeting: Article's #27, 28, 29, 30,31, 32, 33, & 34.
Roll Call Vote: 5-0**

Chair Curley brought up the Animal Control Bylaw and he stated that he feels this should be moved to the Fall town meeting and continue to focus this town meeting on financial articles. Wilson disagreed and stated why. The board discussed this.

- **Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to move the Animal Control Bylaw to the Fall Town Meeting.
Roll Call Vote: 4-1-0 (Wilson voted No)**
- **Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to insert and recommend the Affordable Housing stabilization fund into the Annual Town Meeting Warrant as amended by town counsel.
Roll Call Voted: 5-0**
- **Board Member DeVasto Moved; Board Member Wilson Seconded; and it was voted to insert and recommend Article #47, Mixed Income Housing Stabilization Fund.
Roll Call Vote: 5-0**
- **Chair Curley Moved; Board Member Wilson Seconded; and it was voted to amend article #47 as drafted
Roll Call Vote: 5-0**
- **Chair Curley Moved; Board Member Wilson Seconded, and it was voted to amend article #48 as drafted.
Roll Call Vote: 5-0**

Eldridge Shared her screen to show the third page of the financial projection to explain the tax impacts to the town. They went down line by line to discuss the expenses.

G. 2022 Special Town Election Ballot questions

The Board discussed the questions.

- **Chair Curley Moved; Board Member Wilson Seconded, and it was voted to insert Question #1 into the June 21, 2022, special Election Ballot.
Roll Call Vote: 5-0**
- **Chair Curley Moved; Board Member Wilson Seconded, and it was voted to insert Question #2 for the purpose of funding equipment replacing repairs and other post-employment benefits for fiscal Year 2023 into the June 21, 2022, Special Election Ballot.
Roll Call Vote: 5-0**
- **Chair Curley Moved; Board Member Wilson Seconded, and it was voted to insert Question #3 into the June 21, 2022, special Election Ballot.
Roll Call Vote: 5-0**
- **Chair Curley Moved; Board Member Wilson Seconded, and it was voted to insert Question #4 into the June 21, 2022, special Election Ballot.
Roll Call Vote: 5-0**

- **Chair Curley Moved; Board Member Wilson Seconded, and it was voted to insert Question #5 into the June 21, 2022, special Election Ballot.**

Roll Call Vote: 5-0

Chair Curley Moved; Board Wilson Member Seconded and it was voted to post and close the June 21, 2022, Special Election Ballot.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to post and close the 2022 Annual Town Meeting Warrant.

Roll Call Vote: 5-0

H. Extension of Interim Town Administrator Charlie Sumner's Contract

Chair Curley explained that this would be the last item the board would cover tonight.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the extension of Interim Town Administrator Charlie Sumner's contract to May 30, 2022.

Roll Call Vote: 5-0

Chair Curley Moved the next three agenda items to a later meeting.

I. Newspapers Authorized to Publish Town of Wellfleet Legal Notices

J. Speaking on the behalf of the board ~ Wilson

K. Policy on Use of Public Buildings by a private individual or group ~ Board Member Wolf

VII. *Selectboard Reports*

Wilson notified the board that the board received an email of a report regarding ARC and the Shellfish regulations and where regulations should be changed allowing a combination license. She summarized the letter to the board and the public, explaining that the DMF (Department of Marine Fisheries) had drafted this letter.

Chair Curley stated he attended a meeting with Chief Hurley, DPW staff and Suzanne Thomas and the new head ranger for the national seashore. The new Head ranger stated in that meeting that he would be willing to meet with the board and might be willing to enforce a no alcohol policy on that national seashore side of that beach.

VIII. *Town Administrator's Report*

Sumner stated that there was a notice from the Mass DOT and Wellfleet will be receiving money to help with the state roadways. He also wanted to inform the board and the public that they have received a grant for the Herring River Project and wanted to reiterate that he has received many emails from citizens questioning the funding. He stated there is a team working on just the funding and they are working on grants and other venues and there is nothing on the warrant.

He updated the board on the hybrid meeting situations. He reported that things should be up and running by the May 24th meeting. He also reported he is currently working on the collective bargaining agreements with the unions. Which should be ready by town meeting.

IX. *Topics for Future Discussion*

- A. List of current items outstanding, Chair Curley will send a list to the board so they can review items that they have brought up.
- B. Chair Curley informed the board and public what will be on the May 24, 2022, in person meeting.

X. *New Business not reasonably anticipated by the Chair*

XI. *Correspondence and Vacancy Reports*

*** Please see the May 10th selectboard packet for all correspondence ***

Chair Curley stated to the board that the town received a grant for the water main projects. 2.5 million dollars. He gave details on the grant.

XII. *Minutes*

- A. April 12, 2022, ~ Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as written in draft

Roll Call Vote: 3-0-2 (Carboni & Wilson abstained)

Carboni informed the board that she is often invited to the Truro Selectboard Meetings and asked if it was possible to stagger the Wellfleet Selectboard meetings to be on the opposite Tuesday's so that she is able to attend both meetings if possible. There were no issues from the board moving to the first and third Tuesday of each month. An alternate date was decided that Thursday's work well.

XIII. *Adjournment*

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to adjourn.

Roll Call Vote: 5-0

Meeting Adjourned 10:46pm

Public Documents:

- *Notice of reappointed full time and special police officers' documents*
- *Use of town property application for Grace Chapel, Various beaches, and locations (consent agenda)*
- *Use of town property application (4th of July parade)*
- *Use of town property various locations (Rebecca Arnoldi)*
- *Food Truck Regulations with amendments*
- *Document requesting increase in spending authorization for shellfish revolving fund*
- *Hardship exemption paperwork, Robert Wallace*
- *Water Enterprise Budget*
- *Financial Documents for Annual Town Meeting Warrant*
- *Financial Forecast*
- *Contingency Budget for town meeting warrant*
- *2022 Annual Town Meeting Warrant as drafted*
- *Special Town Election Ballot Questions paperwork.*
- *Meeting Minutes April 12, 2022, printed in draft*

DRAFT **A Full recording of this meeting can be found on the town's website **

**Wellfleet Selectboard
In-Person/Hybrid Meeting
Tuesday May 24, 2022; 7pm
Meeting Minutes**

Members Present: Ryan Curley, Chair; Helen Miranda Wilson, John Wolf, Barbara Carboni
Members Absent: Michael DeVasto

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Police Chief; Trudy Vermehren, owner Fox & Crow Restaurant; Nancy Civetta, Shellfish Constable; Lisa Dexter, Grant owner; Keith Rose, grant owner; James Gray, Grant Owner; Vanessa Rose, Keith Rose's daughter and plans to take the grant over; William Young Jr., Shellfisherman; Richard Blakely, Shellfisherman; Rick Sawyer, ARC representative; Berta Bruinooge, grant owner; Kathleen Bacon, Resident; Barbara Austin, Resident; Rebecca Taylor, Chair of the Shellfish Advisory Board; Alfred Pickard, shellfisherman; Stephen Pickard, Resident/shellfisherman; Daniel Murray, Wellfleet Beachcomber

Chair Curley called the meeting to order at 7:10pm

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.

Chief Hurley spoke to the board, stating that the animal officer Desmond Keough is resigning and moving full time to the town of Eastham.

II. *Use of Town Property*

A. Rebecca Arnoldi ~ Use of various beaches and spots throughout Wellfleet ~ She will report her meetings with recreation and beach departments.

NO Action was taken as Arnoldi wasn't on the meeting.

B. Scott Francis ~ Challenger Sports ~ Baker's Field ~ 6/27/22 – 7/1/22 (3:30pm – 7:30pm) & 8/22/22 – 8/26/22 (9am – 12pm)

Francis wasn't at the meeting to speak to his agenda item.

No Action was taken.

III. *Licenses*

A. Fox & Crow ~ Application received May 6, 2022, from The Fox and Crow Inc.; Trudy Vermehren owner 6 Commercial Street, Wellfleet MA, to transfer the Annual all Alcoholic Restaurant License, Common Victualer License and Annual Business License from 6 Commercial Street Wellfleet, MA; to 70 Main Street Wellfleet, MA.

Vermehren spoke to the board stating that this will be a dual license that they are going to run together with the approval of the board. She is requesting to move into that space and move into the space she stated

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve the amendment filed May 6, 2022, to the Fox & Crow Inc. annual

liquor license to change the address from 6 Commercial Street to 70 Main Street.

Roll Call Vote: 4-0.

- B. Fitzgerald Hill LLC, Grant Hester & John O'Toole ~ owners of 70 Main Street location ~ alteration of premise and amending liquor license to allow Fox & Crow to operate at that location. He explained that everything else will remain the same just the lay out of the restaurant will be done to accommodate The Fox & Crow.
Chair Curley Moved; Board Member Wilson Seconded and it was voted to approve the amendment filed May 6, 2022; to Fitzgerald Hill LLC, Grant Hester and John O'Toole to amend all annual liquor license to alter the premise to accommodate the Fox & Crow Inc.

Roll Call Vote: 4-0

- C. The Wellfleet Beachcomber ~ Todd E. LeBart, Mgr. requesting a tent license on the property.
LeBart was not at the meeting, but the board agreed this was something he had done in the past.
Murray, spoke to the board regarding the tent structure and stated it was the exact same tent they used in the previous year.
Chair Curley moved, Board Member Wilson Seconded; and it was voted to grant the license as drafted in the packet.

Roll Call Vote: 4-0

IV. ***Business I***

- A. Donation of 4 parcels of land from Guenther Back's estate to the Town of Wellfleet into the Care & Custody of the Conservation Commission ~ Tax Accessor Nancy Vail
Chair Curley explained this agenda item and spoke to the parcels that they are non-buildable.
Chair Curley Moved; Board Member Wolf Seconded; and it was voted to accept the four parcels of land donated from Guenther Back's estate to the Town of Wellfleet and to be transferred into the care and custody of the Conservation Commission.

Roll Call Vote: 4-0

- B. COPS Grant ~ Chief Hurley
Chief Hurley spoke to the board about this stating that he would like to begin applying for grants for the board's approval.
Chief Hurley spoke to the grant that has come up with an opportunity to add staff and keep staff. He gave details on how this grant works.
Chair Curley Moved; Board Member Wolf Seconded and it was voted to authorize Chief Hurley to pursue the COPS grant.

Roll Call Vote: 4-0

- C. 2022 Municipal Hazard Mitigation Plan ~ Chief Hurley
Chief Hurley spoke to the 2022 Hazard Mitigation plan he explained that this has been held off for a couple years due to the pandemic and the staff turnover. He stated that the Cape Cod Commission helped write this document and they are currently taking open comments from the public. He mentioned that the

grade 7 class at Nauset Middle School was looking at the plan as part of a class project. Wilson spoke to the board and Hurley about the shellfishermen in Wellfleet that need to be considered in this plan as if there is a severe weather event a grant could be destroyed, and the livelihood of these businesses could be damaged. The board discussed the plan with Chief Hurley and has some questions. He stated that this document was always being updated and changing as the environment changes.

Chair Curley asked the chief if there needed to be a vote for this plan. The Chief stated that there didn't need to be he just wanted to update the board of the progress that this plan was making with the Cape Cod Commission.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the Draft Hazard Mitigation Plan.

Roll Call Vote: 4-0

V. **Public Hearings**

A. Beach Rules & Regulations Amendment – LeCount Hollow ~ DeVasto

Chair Curley Opened the Beach Rules and regulations 7:37pm

Chair Curley spoke to the board and the public stating that there is an amendment to make one of the LeCount Hollow only open to the residents and nonresident taxpayers of Wellfleet.

Wilson spoke to the board to keep that beach open to the public.

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the amended beach regulations as drafted.

Motion Fails: 2-2

Chair Curley Opened the public hearing for all shellfish hearings. 7:42pm

Civetta spoke to the board and introduced to the board and public what she was presenting. She explained what a low productivity means and explained that a grant needs to be produce at least \$1000.00 a year.

She continued giving updates on the grants and how explained that before her being the Shellfish constable grants were not being regularly inspected and the job of the Shellfish Department is to follow the rules and regulations of the town and the state. She explained how she is continuing to do her job and do it to the best of her ability. Civetta continued explaining that before this, she and her staff have worked together with the grant owners to resolve issues with grant owners and the items tonight were not able to resolve those.

Chair Curley stated his concerns with the items listed in the packet explaining that he asked for specific items and he stated Civetta did not receive them. The motives of the constable were questioned, and the new shellfish regulations being written.

Wilson spoke on behalf of Civetta speaking to her ability to keep impeccable records, stating that they were never such decent records before Civetta becoming the Constable.

Lisa Dexter, Resident Keith Rose grant owners spoke to all the grants stating it is unfair to take local grants away.

B. Shellfish S 7.12, 7.12.2, 7.13.3 Minimum Productivity Appeal ~ James Gray and Allison Gray, Wellfleet, MA, for license #7312 consisting of 0.5 acres on Old Wharf Road.

Gray spoke to his grant and stated he had a medical procedure and was unable to tend his grant. He stated that he wasn't contesting.

Chair Curley asked if Gray would be amendable to some stipulations regarding his license.

Civetta spoke to this grant and explained in detail what minimum productivity. She explained her position as Shellfish Constable and explained her memos for each hearing for tonight. She stressed that she wants this industry to succeed but her job is to make sure they follow the rules and regulations.

A new hearing will be posted for June 7, 2022, at 7pm.

Chair Curley stated he would like to take no action on this grant. He listed some conditions for the grant to allow it to get up to minimum productivity.

CONDITIONS:

- 1. The license holders James & Allison Gray must provide proof of purchase for 30,000 of seed of any species (oyster/quahog or a combination of both)**
- 2. License holders provide written documentation signed by two or more hatcheries in the fact that there is no seed available, the period will be extended.**
- 3. By August 23, 2022, the license holders James & Allison Gray must provide proof of minimum investment of seed planted within the licensed area to the satisfaction of the Shellfish Constable. The License holders disagree with the shellfish constable's determination the licensees are able to appeal to the Selectboard.**
- 4. Any appeal of the shellfish constable's determination shall be filed within 14 working days and the board will hear the appeal within 21 days or less.**

Chair Curley stated the board needed to reissue a license for a five-year period. Civetta stated the board couldn't vote on this tonight as it was not advertised. It will be posted on for the June 7th hearing.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to continue tonight's hearing for grant license #7312 James & Allison Gray to June 7, 2022, at 7pm.

Roll Call Vote: 4-0

C. Shellfish S 7.12, 7.12.2, 7.13.3 Minimum Productivity Appeal ~ David Paine and Kristi Johns, Wellfleet, MA, for licenses #s 851, 863 and 861-B consisting of a total of 2.5 acres on Field Point

Civetta spoke to this grant, stating that there hasn't been much productivity and since the hearing was posted that there has been some productivity. Johns spoke to the board regarding why there hasn't been activity on the grant but stated this past year she has been on the grant. They both spoke to the board stating that they plan to attend this grant and be more productive and plant seed. Johns gave details on her plans for the grant. Chair Curley had some questions for Johns and Paine.

851 grants to be forfeited to the town because it is un farmable. Chair Curley asked Civetta if forfeiting the part of their grant because it isn't able to be farmed. **Chair Curley Moved; Board Member Wilson Seconded; and it was voted that the board agrees to except the surrender of license of #851 with the agreement with the license holders.**

Roll Call Vote: 4-0

Chair Curley Moved; Board Member Wolf Seconded; and it was voted that by October 21, 2022, David Paine and Kristi Johns must provide proof of of 40,000 of seed placement on grant license #863 seed may be oyster, quahog, or a combination of both. If the license holder provides written documentation in addition to any that may be caught wild; to the satisfaction of the Shellfish Department if the department doesn't feel they have met these conditions, if they disagree the license holder may appeal to the Selectboard any appeal of the constable's determination must be filed within 21 days of the determination and the selectboard will hear the appeal within 21 days or less of filing. These minimum levels of propagation must be adhered to each of the following years thereafter.

Roll Call Vote: 4-0

D. *Shellfish S 7.12, 7.12.2, 7.13.3 Minimum Productivity Appeal ~ Keith Rose and Lisa Dexter, Wellfleet, MA, for licenses #s 95-25 and 95-26 consisting of a total of two acres on Egg Island.*

Nancy gave an update on this grant stating the owners have great intentions but aren't able to follow through. She also stated that she would like to see this grant be successful. Dexter spoke to her grant stating that she has all her receipts which Civetta never asked for. She continued stating she has clams ordered for the year. She stated that she has done what she feels that is necessary to keep the grant.

Rose spoke to his part of the grant. He stated he has had many medical issues and believes Civetta hasn't been supportive of him and his grant. He expressed his frustration with the shellfish department. Civetta stated that she has done a walk through with Rose. Chair Curley asked if they were able to make productivity, Rose stated that they already have

The board discussed the conditions for this grant. Chair Curly felt he didn't need to have the full list of conditions.

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to place an order of conditions:

CONDITIONS:

- 1. To show minimum productivity by December 31, 2022.**

Roll Call Vote: 4-0

E. *Shellfish S 7.12, 7.12.2, 7.13.3 Minimum Productivity Appeal ~ William Young, Jr., Wellfleet, MA, for grant #01-04 consisting of three acres on Indian Neck.*

Young spoke to the board regarding his grant. Civetta spoke to the board stating that Young wasn't willing to provide the information she asked for.

Young spoke to the board giving details on his grant stating he has met all productivity and will prove with receipts to the board. Chair Curley asked if he reported his seed to the shellfish constable. Chair Curley asked if Young would be amendable to the stipulations that the board has given to previous grant owners. Young stated that no he would not accept those terms. Blakely spoke on behalf of Young and the rest of the shellfisherman.

Board Member Wolf Moved to take No Action was taken

F. *Status of License Holder Aquacultural Research Corporation (A.R.C.) of Shellfish Grant License #792 with regards to Sections 7.8.1. Eligibility Requirements, 7.8.2. Domicile Requirement and Exception, 7.8.8. Aquaculture Research and Development Projects*

Chair Curley opened this hearing. Sawyer spoke to the eligibility of his grant. He continued speaking to the grant held by ARC and the regulations that are being asked for ARC to provide. Sawyer gave the background of ARC and how they have continued holding the grant. Wilson spoke to the board regarding her feelings on allowing ARC to keep their grant. Bruinooge spoke to the board and public stating that she feels that ARC should not hold the grant if they aren't domiciled in the town of Wellfleet.

Bacon spoke to the board stating shellfishing is Wellfleet's industry and it shouldn't allow outside companies to come in and be allowed to hold a grant license. She feels tailoring a regulation to allowing an outside entity into Wellfleet to shellfish. Young had a question regarding the word "new" in the shellfish regulations.

Austin spoke to the board stating that ARC was grandfathered in the town of Wellfleet. She stated she feels "the ball" was dropped on behalf of all parties. Taylor spoke to the board and public stating that she was speaking on behalf of herself as a shellfish grant holder, she made it very clear that she was speaking as an individual and not part of the shellfish board. She continued stating that if ARC goes under, she will have a major problem for her business as ARC is the only company, she is able to buy her quahog seed. She stated that there was an article issued today that stated the only company in Massachusetts that is able and allowed to sell seed. She discussed brewed stock. She stated that she hasn't heard from any other company about seed other than ARC. She continued speaking to the board. She thanked them for their time.

Pickard spoke against ARC being able to own the grant stating that ARC is not the only hatchery selling seed to local fisherman.

DeVasto spoke to the board stating that if the town isn't able to speak to the regulations as to how and when they were changed, then could be considered a legal issue. It was asked how much seed ARC sells to fisherman in Wellfleet. Sawyer stated it was millions. Pickard questioned how much he sells to Florida

or New Jersey. There was heated debate on both sides of this argument. Wilson read the last sentence of the policy regarding domiciled residents.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to revoke License #792 held by ARC for not meeting the domicile requirements of Wellfleet's Shellfish Rules and Regulations.

Roll Call Vote: 3-1 (Wilson voted no)

- G. Shellfish S 7.12, 7.12.2, 7.13.3 Minimum Productivity Appeal ~ Aquacultural Research Corporation, Dennis, MA, for grant #792 consisting of three acres on Indian Neck

NO ACTION TAKEN

VI. Business II

- A. Public meeting to discuss findings and recommendations of the Finance Team's internal review of FY2020 & FY2021

Sumner spoke to the press release that he had drafted to inform the public of the town's finances.

Board Member Wilson Moved; Chair Seconded; and it was voted to approve the press release as drafted and to authorize the chair Ryan Curley to sign on behalf of the selectboard.

Roll Call Vote: 4-0

- B. Annual Town Meeting Review ~ *This agenda item was skipped and will be addressed on June 7, 2022, meeting*

- C. CBA's

Chair Curley asked Sumner to speak to the board stating that he had meetings with both unions. Chair Curley stated that the board came to an agreement with the police union and the communications union.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to ratify the Wellfleet Police Officer's Union collective bargaining agreement as presented subject to town meeting approval.

Roll Call Vote: 4-0

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to ratify the Wellfleet Communications Union Mass Cops Local 362B Collective Bargaining agreement as presented subject to town meeting approval.

Roll Call Vote: 4-0

- D. Instructions to other bodies/boards/committees on how to meet in person. ~ Moved to another meeting. ~ *This agenda item was moved to another meeting.*

VII. Selectboard Reports

Wilson reported she went to the DMF shellfishing advisory committee meeting.

VIII. Town Administrator's Report

Sumner stated that he has a first amendment to the Purchase and sales agreement for 80 state highway that will grant them an extension on the review process.

Sumner recommended that the Chair sign the document. A few questions were asked and answered.

Board Member Carboni Moved; Chair Curley Seconded; and it was voted to approve the chair sign the extension of the purchase and sales agreement on behalf of the Selectboard.

Roll Call Vote: 4-0

IX. *Topics for Future Discussion*

X. *Correspondence and Vacancy Reports*

XI. *Minutes ~ Postponed until the June 7th Meeting*

A. April 26, 2022

B. May 6, 2022

XII. *Adjournment*

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adjourn

Roll Call Vote: 4-0

Meeting adjourned 11:10pm

*****Public Documents*****

- *Use of town property applications*
- *Public hearing notices for the Fox & Crow Inc. & Fitzgerald Hill, LLC to amend all Alcohol Licenses*
- *Public Hearing documentation for Beach Rules and Regulations*
- *Public Hearing Notices for shellfish grants*
 1. *Shellfish S 7.12, 7.12.2, 7.13.3 Minimum Productivity Appeal ~ James Gray and Allison Gray, Wellfleet, MA, for license #7312 consisting of 0.5 acres on Old Wharf Road*
 2. *Shellfish S 7.12, 7.12.2, 7.13.3 Minimum Productivity Appeal ~ David Paine and Kristi Johns, Wellfleet, MA, for licenses #s 851, 863 and 861-B consisting of a total of 2.5 acres on Field Point*
 3. *Shellfish S 7.12, 7.12.2, 7.13.3 Minimum Productivity Appeal ~ Keith Rose and Lisa Dexter, Wellfleet, MA, for licenses #s 95-25 and 95-26 consisting of a total of two acres on Egg Island.*
 4. *Shellfish S 7.12, 7.12.2, 7.13.3 Minimum Productivity Appeal ~ William Young, Jr., Wellfleet, MA, for grant #01-04 consisting of three acres on Indian Neck.*
 5. *Status of License Holder Aquacultural Research Corporation (A.R.C.) of Shellfish Grant License #792 with regards to Sections 7.8.1. Eligibility Requirements, 7.8.2. Domicile Requirement and Exception, 7.8.8. Aquaculture Research and Development Projects*
- *Draft Press Release for a meeting for the financial findings of FY 2020 & 2021*
- *Meeting Minutes*



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: June 1, 2022

XII

ADJOURNMENT

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