



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, July 27, 2021, at 7:00 p.m.** This meeting will be held via **Zoom Video Conference** in accordance with the temporary suspension and enhancement of the Open Meeting Law requirements by Governor Baker. Instructions for a Zoom video conference meeting which also allows phone dial-in are given below:

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

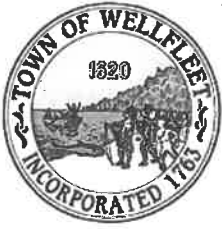
<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

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

I. ***Announcements, Open Session and Public Comments***

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

- II. ***Open Meeting Law Complaint ~ Jude Ahern ~ Received July 8 and 15, 2021 –***
acknowledge receipt of complaints; discussion and possible vote to authorize responses thereto. ~
Attorney Gregg Corbo, KP Law
- III. ***Board Committee Appointments/Updates***
 - A. Cape Cod Water Protection Fund Board ~ Helen Miranda Wilson
 - B. Cape Cod Water Protection Collaborative
 - C. Delegate a liaison in regard to the rail trail extension project.
- IV. ***COVID-19 Updates and Recommendations***
- V. ***Business***
 - A. Historical Society Stairs accepted as a gift ~ Michael DeVasto
 - B. Wellfleet Drive-In – discussion of request by Wellfleet Drive-in for connection to Town of Eastham water supply; discussion and possible vote to authorize Town Counsel to represent both Wellfleet and Eastham in the matter. ~ Attorney Gregg Corbo, KP Law
 - C. Pan Mass Challenge update ~ Chief Hurley
 - D. Herring River ~ Herring River Project ~ Discussion of Land Exchange by the Town of Wellfleet and Cape Cod National Seashore for the Herring River Restoration Project ~ Carol Ridley/ Brian Carlstrom
 - E. Contract Renewal for Charles Sumner ~ Selectboard to approve extension
 - F. Civil Discourse Standards ~ Helen Miranda Wilson & Ryan Curley
 - G. CDBG Application for Cape & Islands to write a support letter ~ Jean Stanley
- VI. ***Selectboard Reports***
- VII. ***Town Administrator’s Report***
- VIII. ***Topics for Future Discussion***
- IX. ***Correspondence and Vacancy Reports***
- X. ***Minutes***
 - A. June 22, 2021
 - B. July 13, 2021
- XI. ***Adjournment***



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021

II

OPEN MEETING LAW COMPLAINTS JUDE AHERN ~ 7/8 & 7/15

REQUESTED BY:	Town Counsel
DESIRED ACTION:	Acknowledge receipt of complaints, discuss and possible vote to authorize responses
PROPOSED MOTION:	To be determined based on discussion
SUMMARY:	Greg Corbo from KP Law will be on the meeting to explain to the Board what options they have and how to resolve the matter
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Jude Last Name: Ahern

Address: PO Box 394

City: South Wellfleet State: MA Zip Code: 02663

Phone Number: 917-488-1513 Ext. _____

Email: jude@judeahern.com

Organization or Media Affiliation (if any): _____

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

(For statistical purposes only.)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

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

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 6/22/21

Description of alleged violation:

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

Note: This text field has a maximum of 3000 characters

The Public was not given sufficient notice about a grant request extension for grant #01-02 because the grant number in the public notice was incorrectly described as #01-02EXT. #01-02EXT already belongs to another individual, Robert LaPointe. I informed the Selectboard of this mistake with supporting documents several times well in advance of their meeting and nothing was done. It was our Shellfish Constable, Nancy Civetta, who informed them of the mistake (hers? didn't admit that) but instead of stating that the public notice had the wrong grant # asking for the extension, she misled them by stating that the new extension needed a new name because #01-02EXT was already taken. In fact, the public notice should have been a request for extension for grant # 01-02 to extend, not #01-02EXT. Naming any new extension is not the issue. Acting Chair Janet Reinhart rightly questioned whether the public notice would need to be corrected and Civetta sidestepped the question, thus this complaint.

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

Note: This text field has a maximum of 500 characters

Rescind the vote and repost the public hearing notice with the correct grant number, #01-02 belonging to Shea Murphy asking for an extension. If granted, the Town can call it #01-02 EXT B but that was not the issue. Stop all extensions until the Town sorts out the shellfish grant paperwork which should be under the custody of our Town Clerk, not an Administrative Clerk who admits to not having control over these records.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

Signed:

Date:

7/7/21

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:



OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Judith Last Name: Ahern

Address: PO Box 394

City: South Wellfleet State: MA Zip Code: 02663

Phone Number: 917-488-1513 Ext. _____

Email: jude@judeahern.com

Organization or Media Affiliation (if any): _____

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

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

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

Specific person(s), if any, you allege committed the violation: Chair, Michael DeVasto

Date of alleged violation: 7/13/21

Description of alleged violation:

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

Note: This text field has a maximum of 3000 characters

The Wellfleet Selectboard Chair Michael DeVasto controls the agenda. He fast tracks his own interests and does not prioritize requests of Items for Future Discussion even from other Selectboard members.

Massachusetts Regulation Chapter 130, Section 60 states that "no license referred to in Section 57 shall be granted, transferred or renewed until after a public hearing, due notice of which as been posted in three or more public places, and published in a newspaper, if any, published in the city or town where the territory described in the application is situated at least ten days before the time fixed for the hearing..." In Wellfleet, FOR DECADES, our Selectboard has designated the Cape Codder as that newspaper and just recently added the Provincetown Independent. It is not the Cape Cod Times or if they publish it in the Cape Cod Times it is in addition to the Cape Codder.

The public hearing was posted on Saturday, July 3, 2021, 9 days prior to the Selectboard July 13 meeting not including the day it was filed ONLY in the Cape Cod Times ONLINE edition. Curiously, another public hearing notice for a July 14th Planning Board meeting was properly published in the Cape Codder July 2nd printed edition. Had DeVasto's public hearing notice been properly posted it would have also been included in the July 2nd Cape Codder which would have been ten days prior to the July 13 Selectboard meeting. Furthermore it was not posted in three public places, on the Town website which does not have a public hearing notice section, nor in Town Hall until it opened to staff only the following Tuesday, July 6, 2021.

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

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

To rescind the vote taken on July 13 to add Chair Michael DeVasto to his uncle, Michael Ramsdell's shellfish grants #855 and #855B and repost the public hearing notice properly in the Cape Codder and Provincetown Independent, at three public places, on the Town Website under News or in a Public Notice section and in the Town Hall hallway, as is always done, so that the public is properly notified and can participate.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

Signed: [Signature]

Date: 7/15/21

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

SEARCH PUBLIC NOTICES:

POPULAR SEARCHES

SEARCH:

devasto

All Words

Any Words

Exact Phrase

EXCLUDE:

FILTERED BY:

COUNTY

Any



CITY

Any



PUBLICATION

3 selected



DATE RANGE

7/16/2020
7/15/2021



RESET

GO

[Home](#) > [Search Results](#) > [Public Notice Detail](#)

Advanced Search Search Keywords: **devasto** Search Type: **All Keywords** Published Date From: **7/16/2020** Published Date To: **7/15/2021** Publication(s): **Cape Cod Times, Cape Codder, The, Provincetown Independent**

VIEW

Cape Cod Times

Saturday, July 03, 2021

Town of Wellfleet Legal Advertisement for Selectboard Public Hearing on Shellfish Grant Licenses
The Town of Wellfleet Selectboard will hold a virtual public hearing pursuant to G.L. c. 130, §§52, 57, 58, 60 and 68 and all applicable Town Shellfish Regulations on July 13, 2021 at 7:00 pm. The p ... **click 'view' to open the full text.**

VIEW

Cape Codder, The

Friday, March 12, 2021

Grant License # 855

LEGAL NOTICE

TOWN OF WELLFLEET

PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Board of Selectmen will hold a virtual public hearing on Tuesd ... **click 'view' to open the full text.**

Publication Name:
Cape Codder, The

Publication URL:
www.wickedlocal.com/brewster

Publication City and State:
Orleans, MA

Publication County:
Barnstable

Notice Popular Keyword Category:

Notice Keywords:
shea wellfleet

Notice Authentication Number:
202107151615212460383
404915464

Notice URL:

Notice Content

SEL/SHELLFISH REGULATIONS

LEGAL NOTICE

TOWN OF WELLFLEET

PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Board of Selectmen will hold a virtual public hearing on Tuesday, June 22, 2021 at 6:00 p.m. to consider the following:

- A. Amend Section 2. Shellfishing Policy for the Town of Wellfleet and approve the addition of 6.1.2 Domicile Requirement and Exception and 7.8.2 Domicile Requirement and Exception in the Town of Wellfleet's Shellfishing Policy and Regulations
- B. Grant extensions 01-02 Ext., 2000-7 and 2000-7ext for Shea Murphy
- C. Grant extension to grant number 09-01 for Pat and Chelsea Winslow

Recommendation of the Shellfish Constable will be available in the 06/22/21 Selectmen's packet.

WELLFLEET BOARD OF

SELECTMEN

AD#13965543

Cape Codder 6/11//21

Publication Name:
Cape Cod Times

Publication URL:
www.capecodtimes.com/

Publication City and State:
Barnstable, MA

Publication County:
Barnstable

Notice Popular Keyword Category:

Notice Keywords:
shellfish

Notice Authentication Number:
202107151614126449601
404915464

Notice URL:

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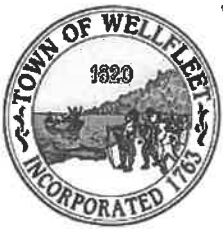
Notice Publish Date:

Saturday, July 03, 2021

Notice Content

Town of Wellfleet Legal Advertisement for Selectboard Public Hearing on **Shellfish** Grant Licenses The Town of Wellfleet Selectboard will hold a virtual public hearing pursuant to G.L. c. 130, §§52, 57, 58, 60 and 68 and all applicable Town **Shellfish** Regulations on July 13, 2021 at 7:00 pm. The purpose of the public hearing is to provide interested parties with an opportunity to comment on a proposed amendment to **shellfish** grant licenses #855 and #855B, issued to Michael Ramsdell and Michael DeVasto on October 25, 2011 to add Michael DeVasto of Wellfleet, MA to the January 26, 2016 renewal, as set forth in the original application. Mr. DeVasto's name was omitted as a result of a clerical error. The application, information concerning the licensed location and acreage and background documents are on file with the office of the Selectboard and are available for inspection during regular business hours. July 3, 2021

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SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: July 27, 2021

III

BOARD COMMITTEE APPOINTMENTS/UPDATES

A

REQUESTED BY:	Helen Miranda Wilson
DESIRED ACTION:	To appoint a representative to the Cape Cod Water Protection Board
PROPOSED MOTION:	I move to appoint _____ to the Cape Cod Water Protection Board for a term ending June 30, 2023.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**BYLAWS OF THE CAPE COD AND ISLANDS WATER PROTECTION FUND
MANAGEMENT BOARD**

ARTICLE I

Definitions

Section 1.1. Except as defined below, capitalized terms shall have the meaning ascribed to them by M.G.L. c. 29C, § 1.

Section 1.2. As used in these Bylaws, the following terms shall have the following meanings:

“Act” shall mean M.G.L. c. 29C, as amended by Chapter 337 of the Acts of 2018 and by Chapter 5 of the Acts of 2019, and as may be further amended.

“Appointing Authority” shall mean the board of selectmen or town council in each municipality that is a member of the Fund.

“Attendance Policy” shall mean the policy set forth in Section 11.3 of these Bylaws.

“Audit Recipients” shall mean the chairs of the joint committee on environment, natural resources and agriculture and each representative and senator who represents at least one municipality in Barnstable, Dukes or Nantucket counties.

“Board” shall mean the Cape Cod and Islands Water Protection Fund Management Board established by §§ 19-20 of the Act.

“Code of Conduct” shall mean the standards set forth in Sections 11.1 and 11.4 of these Bylaws.

“Committee” shall mean any committee, subcommittee, advisory board, or other subgroup or panel appointed by the Board under these Bylaws.

“Conflict of Interest Law” shall mean G.L. c. 268A.

“Department” shall mean the Massachusetts Department of Environmental Protection.

“Ex-Officio Members” shall mean the executive director of the Cape Cod Commission, the executive director of the Martha’s Vineyard Commission, and the town manager of Nantucket.

“Fund” shall mean the Cape Cod and Islands Water Protection Fund established by the Act.

“Open Meeting Law” shall mean M.G.L. c. 30A, §§ 18-25.

“Public Records Law” shall mean M.G.L. c. 66.

“Report Recipients” shall mean the chairs of the joint committee on environment, natural resources and agriculture and each representative and senator who represents at least one municipality in Barnstable, Dukes or Nantucket counties.

ARTICLE II

Name and Offices

Section 2.1. Establishment. The Board is established to carry out the purposes set forth in §§ 19-20 of the Act.

Section 2.2. Offices. The Board has its principal office at the office of the Cape Cod Commission, 3225 Main Street (Route 6A), Barnstable, Massachusetts 02630.

Section 2.3. Official Website. The Board shall maintain a website to share information that the Board deems relevant to its purpose and procedures. The Board shall post the public notices and agendas for all public meetings and hearings on the website. Aside from posting these notices and agendas, the Board has complete discretion to determine what information to publish on the website.

ARTICLE III

Purpose and Powers

Section 3.1. Purpose. The purpose of the Board is to fulfill the statutory duties set forth in the Act. Those duties include:

- (a) Ensuring that the Fund is spent only for the purposes set forth in M.G.L. c. 29C, § 19;
- (b) Determining the method for subsidy allocation, including, but not limited to, an equitable distribution among participating municipalities consistent with revenue deposited into the Fund from each municipality that is a member;
- (c) Considering and, where appropriate, approving expenditures and disbursements from the Fund as is consistent with the statutory authorization, including entering into a memorandum of understanding with the Department to direct the comptroller to transfer an amount not to exceed 10% of the annual revenue deposited into the Fund for the Department to contract with a regional planning agency, institution of higher education or non-profit corporation to evaluate and report on the efficacy of adaptive management measures to reduce nitrogen pollution of coastal waterways undertaken pursuant to an area wide water quality management plan or a suitable equivalent plan, to monitor the water quality and watersheds of areas subject to the study, and to support further assessment and water quality modeling to further refine area wide wastewater management plans or suitable equivalent plans in Barnstable, Nantucket, and Dukes counties;
- (d) Maintaining itemized records of all receipts, expenditures, and disbursements from the Fund, producing and distributing an annual written report, and subjecting its records to

an annual audit by an independent certified public accountant, consistent with paragraphs 3 through 5 of § 20 of the Act.

Section 3.2. The Board shall have all powers necessary and convenient to fulfill the purposes described above and any other purpose served by the Act.

ARTICLE IV

Members

Section 4.1. **Membership and Qualifications.** The Act establishes the membership of the Board. The Board consists of one person appointed by the board of selectmen or town council in each municipality that is a member of the Fund. The appointee must be a member of its Appointing Authority, a town manager, a town administrator, or other municipally employed professional staff. The Board also includes the Ex-Officio Members.

Section 4.2. **Term.** As established by the Act, with the exception of the Ex-Officio Members, each member of the Board shall serve a three-year term and may be reappointed for additional terms without any limit as to the number of terms an individual serves, regardless of whether the terms are successive or intermittent. The Cape Cod Commission shall keep a list of Board members and the dates on which their terms start and end. Each Board member shall be responsible for providing the Cape Cod Commission with the date on which he or she was appointed or reappointed.

Section 4.3. **Removal and Resignation.** The Board shall not have the power to remove members, who are appointed by their Appointing Authority, but may, by majority vote, recommend to an Appointing Authority that its designated Board member be removed for good cause, which shall include, but not be limited to, failure to comply with the Attendance Policy or the Code of Conduct. If a Board member chooses to resign, he or she must do so by tendering resignation to his or her Appointing Authority in a manner consistent with local board or council practices.

Section 4.4. **Vacancies.** Vacancies shall be filled by the Appointing Authority and not the Board. In accordance with the Act, a new Board member shall be appointed to fill the vacancy for the remainder of the unexpired term of the vacant position.

Section 4.5. **Ex-Officio Members.** The Ex-Officio Members shall be full participants in all public meetings and deliberations and may make comments, ask questions, and submit information to the same extent as any other Board member, but shall not make motions, second motions, or vote on any motions made by a voting member of the Board. The Ex-Officio Members may be members of any Committee and may make motions, second motions, and vote on any motions made by a member of the Committee.

Section 4.6. **Participating Non-Members.** From time to time, the Board may vote to allow representatives of municipalities within Barnstable, Dukes, and Nantucket counties who are not members of the Fund to participate in Board meetings or in any Committee meetings on a non-voting basis. This participation shall be at the Board's absolute discretion and may be limited as the Board deems appropriate. A participating representative of a non-member municipality shall

not make motions, second motions, or vote on any motions made by a Board member or Committee member, whichever is applicable.

ARTICLE V

Officers

Section 5.1. Chairperson and Vice Chairperson. As required by the Act, the Board shall have a Chairperson and a Vice Chairperson. The Board may appoint other officers as the Board, in the exercise of its discretion, deems appropriate or convenient for fulfilling its duties and managing its responsibilities under the Act.

Section 5.2. Appointment of Chairperson and Vice Chairperson: Term: Vacancies. The Chairperson and Vice Chairperson shall each be appointed for a one-year term, beginning on July 1st and ending on June 30th of each year. In the event of a removal or resignation under Section 5.6 below, or in the event that the Chairperson or Vice Chairperson is no longer able to carry out the duties of his or her office or is no longer qualified to serve on the Board, the Board shall appoint an interim chair for the remainder of the term of the position he or she is filling.

Section 5.3. No Term Limits. An individual Board member may serve as Chairperson or Vice Chairperson for any number of one-year terms, whether successive or intermittent.

Section 5.4. Duties of Chairperson. The Chairperson is responsible for setting the meeting schedule, establishing the agenda for each meeting, calling the meetings to order, presiding over the meetings, and speaking on behalf of the Board when needed. The Chairperson shall also be responsible for resolving any questions of procedure. If the Cape Cod Commission requires clarification or direction with respect to any administrative or technical support matters to be provided to the Board, the Chairperson shall be responsible for providing that clarification or direction, and the Chairperson's directions shall take precedence over any inconsistent directions by other Board members.

Section 5.5. Duties of Vice Chairperson. In the event that the Chairperson is not present at a meeting or is not able to fulfill his or her duties within the time required to take action, or in the event that the office of the Chairperson is not filled, then the Vice Chairperson shall act as the Chairperson.

Section 5.6. Removal and Resignation. By a majority vote, the Board shall have the power to remove the Chairperson or Vice Chairperson in the event that the officer is not fulfilling his or her duties under these Bylaws or fails to comply with the Attendance Policy or the Code of Conduct or other requirements of these Bylaws. The Chairperson or a Vice Chairperson may resign from his or her position at any time.

ARTICLE VI

Committees and Designees

Section 6.1. Power To Appoint Committees. The Board shall have the power to appoint Committees as necessary to fulfill its responsibilities under the Act. Committees shall consist of no less than five and no more than seven members of the Board. The Board may appoint alternate members to fulfill the responsibilities of a member of a Committee if that member is unavailable to act on a matter.

Section 6.2. Committees and Designees.

- a. Executive Committee. The Board reserves the right to appoint an Executive Committee should the need arise, with membership and powers to be determined by a future vote of the Board.
- b. Bylaws and Regulations Committee. The Board shall appoint and maintain, as a standing committee, a Bylaws and Regulations Committee, which shall be responsible for preparing, for Board approval by a majority vote, the bylaws addressing internal governance matters and the regulations required by Article 10 of these Bylaws. The Bylaw and Regulations Committee shall reevaluate the bylaws no less than once every two years after the date on which the Board adopts the bylaws, and shall reevaluate the regulations no less than once every five years after the date on which the Board adopts the regulations.
- c. Powers of Committees. With the exception of the Executive Committee, which shall have the powers identified in a Board vote under Section 6.2.a. of these Bylaws, the powers of any Committee shall be limited to holding public meetings and hearings, investigating and researching matters within their scope, and making recommendations to the full Board for its consideration.
- d. Designees. The Board may appoint one or more Board members or other persons, including Cape Cod Commission staff, to act as a designee for purposes of attending meetings, or for purposes of attending other events and being a point of contact with governmental authorities or other organizations.

ARTICLE VII

Action by Board; Meetings

Section 7.1. Official Actions. Except as stated in other provisions of these Bylaws or as otherwise allowed by law, the Board will take official actions solely through a majority vote at a public meeting in accordance with the Open Meeting Law. All references to a “majority vote” shall mean a majority vote of a quorum at a meeting. Wherever these Bylaws require or authorize the Board to act, a majority vote of members present or participating remotely is required, regardless of whether expressly stated, unless there is a clear statement to the contrary.

Section 7.2. **Quorum.** A quorum of the Board requires the presence of a simple majority of the voting membership of the Board. The Ex-Officio Members do not count for purposes of having a quorum.

Section 7.3. **Remote Participation.** In accordance with the Open Meeting Law and the regulations at 940 CMR 29.10, as both may be amended from time to time, Board members shall be allowed to participate remotely in meetings of the full Board and of any Committee. In addition to the limitations imposed by the above-referenced state laws, a Board member may only participate remotely in a meeting if he or she is allowed to do so under the Attendance Policy.

Section 7.4. **Notice of Meetings.** In accordance with 940 CMR 29.03(3)(b), the Board will publish notice of its meetings on its website as its official notice posting method. The Board shall file and post notice of its website address, as well as directions on how to locate notices on the website, in each city and town within the Barnstable, Nantucket and Dukes counties in the manner prescribed for local public bodies in that city or town.

ARTICLE VIII

Administration, Finance, and Record-Keeping

Section 8.1. **Fiscal Year.** The Board's fiscal year will be coterminous with the fiscal year of the Commonwealth of Massachusetts.

Section 8.2. **Official Records.** The official records of the Board will be maintained by the Cape Cod Commission at the Commission's offices. The records will be retained and destroyed in accordance with applicable law for regional public bodies in accordance with Public Records Law.

Section 8.3. **Itemized Records.** Paragraph 4 of Section 20 of the Act provides that the Board shall maintain complete itemized records of all receipts, expenditures and disbursements of the Fund in accordance with generally accepted accounting principles. The Board's ability to maintain these records may depend on information supplied by other governmental bodies and officials within the Commonwealth. In the event that the other governmental bodies or officials do not supply the necessary information, the Chairperson shall notify them in writing. To the extent possible based on information in its possession, the Board shall nonetheless maintain itemized records and produce, with appropriate limitations noted, the annual report and audit report required by the Act in accordance with applicable timelines, unless an extension is agreed upon by the Board and either the Report Recipients or Audit Recipients, whichever is applicable.

Section 8.4. **Annual Report.** The Cape Cod Commission shall be responsible for preparing the annual written report required by the Act for review and for submitting the annual report to the Report Recipients. As required by the Act, the annual report shall include, but not be limited to: (i) an account of revenue generated under section M.G.L. c. 64G, § 3C; (ii) itemized expenses of the Board; (iii) summaries of the projects funded through the Fund; (iv) an account of administrative expenses of the Cape Cod Commission and the Martha's Vineyard Commission;

and (v) five-year projections relative to expected revenue and upcoming projects. The full Board shall review and approve the annual report prior to its submittal to the Report Recipients.

Section 8.5. **Annual Audit.** The Board, which may act through the Cape Cod Commission, shall be responsible for making arrangements for an annual audit by an independent certified public accountant, as required by the Act, and for submitting a copy of the annual audit report to the Audit Recipients. The full Board shall review and approve the audit report prior to its submittal to the Audit Recipients.

Section 8.6. **Reimbursement of Cape Cod Commission Expenses.** By a majority vote, the Board may compensate the Cape Cod Commission for administrative and technical support and associated costs provided to the Board. The Cape Cod Commission may propose a budget for approval on an annual basis. The Board shall compensate the Commission for any costs set forth in the budget, if or as approved, but retains discretion with respect to costs not set forth in an approved budget.

ARTICLE IX

Execution of Instruments

Section 9.1. **Authorized Signatories.** The Chairperson and the Vice Chairperson are authorized to execute agreements and other documents on behalf of the Board, provided that signature reflects the vote of the Board.

Section 9.2. **Designees.** By majority vote, on either a general or a case-by-case basis, the Board may designate other persons to execute agreements and other documents on its behalf. The Cape Cod Commission shall include any such designation in the Board's official records.

Section 9.3. **Electronic Signatures.** Wherever a written instrument must be executed, an electronic signature, to the extent permitted by applicable law, shall be deemed a written signature.

ARTICLE X

Regulations

Section 10.1. **Regulations.** The Board shall adopt regulations governing the method of allocating subsidies, and other matters that the Board, in its discretion, deems necessary or convenient to fulfilling the purposes of the Act.

ARTICLE XI

Code of Conduct

Section 11.1. **Non-Discrimination.** In all of its dealings, the Board shall not discriminate against any individual or group for reasons of race, color, creed, sex, age, culture, national origin, marital status, sexual preference, mental or physical handicap, or any category protected by Massachusetts or federal law.

Section 11.2. Open Meeting Law Training and Conflict of Interest Training. Board members shall comply with all training requirements under the Open Meeting Law and the Conflict of Interest Law. In accordance with the opinion of the State Ethics Commission, Board members are considered municipal officials for purposes of the Conflict of Interest Law. Board members are not be required to undergo separate training for their membership on the Board if they are in compliance with training requirements through their position as a municipal official in another capacity. The Cape Cod Commission shall be responsible for informing Board members about their training requirements and including all certificates and other required records of this training in the official records of the Board.

Section 11.3. Attendance Policy. Board members are required to attend at least half of the meetings of the Board in a fiscal year in person. In the event that a Board member has not attended at least half of the Board meetings in person in a fiscal year, then the Chairperson shall send a letter to the Board member's Appointing Authority identifying his or her attendance record and requesting his or her in-person participation. If the Chairperson is the Board member who has not attended at least half of the Board meetings in person, then the Vice Chairperson shall send this letter. Any Board member who did not attend in person at least half of the Board meetings for the prior fiscal year shall not be allowed to participate remotely in meetings for the first six months of the current fiscal year. The provisions of this Attendance Policy shall not apply to the Ex-Officio Members or to the meetings of any Committee.

Section 11.4. Conduct of Official Business. Board members must treat all other persons, including members of the Board, non-voting participants, speakers, and members of the public, with respect. Board members shall demonstrate civil and professional behavior in all Board activities. Board members are responsible for being well informed of their duties and must recognize that the Board operates as a collective body, taking binding action only in publicly-posted meetings with a quorum of the Board present. Individual members cannot bind the Board. In the event that a Board member wishes to make a comment or state an opinion in his or her individual capacity, or on behalf of his or her Appointing Authority or municipality, the Board member shall make clear that the comment or opinion is not being made or expressed in his or her capacity as a Board member.

Section 11.5. Recourse for Violations of Code of Conduct. In the event that, in the opinion of the Chairperson, a Board member violates the Code of Conduct, then the Chairperson may send a letter to the Board member's Appointing Authority identifying this violation. The Chairperson may recommend a course of action and may make official statements for inclusion in the official records of a particular matter, but the Appointing Authority otherwise retains discretion to address the violation or alleged violation in the matter it sees fit. In the event that, in the opinion of a majority of the Board, the Chairperson, Vice Chairperson, any other officer, or any member of a Committee engages in conduct that violates the Code of Conduct, then, by a majority vote, the Board may remove the Chairperson or Vice Chairperson or other officer from office, or remove the Board member from any Committee he or she is assigned. Before any such vote, the Chairperson, Vice Chairperson, other officer, or Committee member shall have an opportunity to address the Board.

ARTICLE XII

Effective Date; Amendments

Section 12.1. Effective Date. These Bylaws shall take effect as of the date on which a majority of the Board votes to adopt them.

Section 12.2. Amendment and Repeal. These Bylaws may not be amended, repealed, or altered except by a majority vote of the Board. The full text of any proposed amendment shall be placed in the meeting notice for any public meeting at which the amendment will be considered.

ARTICLE XIII

General Provisions

Section 13.1. Conflict with Applicable Law. These Bylaws are adopted subject to any applicable law. Whenever these Bylaws may conflict with any applicable law, the conflict shall be resolved in favor of the law.

Section 13.2. Invalid Provisions. If a provision of these Bylaws, or the applicability of the provision to a specific situation, is invalid or unenforceable, the provision shall be modified to the minimum extent necessary to make it or its application valid and enforceable, and the validity and enforceability of all other provisions of these Bylaws and all other applications of any provisions will not be affected.



SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: July 27, 2021

III

BOARD/COMMITTEE APPOINTMENT & UPDATES

B

REQUESTED BY:	Helen Miranda Wilson
DESIRED ACTION:	To appoint a representative to the Cape Cod Water Protection Collaborative
PROPOSED MOTION:	I move to appoint _____ to the Cape Cod Water Protection Collaborative with a term ending June 30, 2023
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Cape Cod Water Protection Collaborative

[Home](#) > Cape Cod Water Protection Collaborative

Cape Cod Water Protection Collaborative

- [Join Virtual Meeting](#)
- <https://capecodcommission.org/ccwpc/join>
- Meeting ID: **994 0515 8977**
- If prompted for a password, enter: **join**

Members of the public can join using one of the following methods:

- **Click on “Join Virtual Meeting”** above. Participants wishing to speak should click “Participants” icon on the lower toolbar and then click “Raise Hand” in the dialog box.
- **Call in to (929) 205-6099** and entering the applicable Meeting ID provided next to the date.
- **Participants wishing to speak** should press *9. Press *6 to mute/unmute.

Overview

The Cape Cod Water Protection Collaborative exists to offer a coordinated approach to enhance the water and wastewater management efforts of towns, the Regional Government and the broader community. The Collaborative seeks to protect Cape Cod’s shared water resources and to provide access to cost effective and environmentally sound wastewater infrastructure. The Collaborative seeks funding support for the Cape communities, establishes priorities, directs strategy, builds support for action, and fosters regionalism.

The Collaborative functions using the following structure:

- The Collaborative shall be managed by a 17-member Governing Board composed of multi-faceted, managerially-experienced persons representing each participating Town and Barnstable County.
- **Each Town joining the Collaborative shall appoint a representative and the Commissioners shall appoint two at-large representatives to serve nominal two-year terms as members of the Governing Board.**
- The Steering Committee, a five-member executive management body, shall be in session as often as needed between regular meetings of the full Governing Board in order to provide timely policy direction and to take decisive management actions as needed.
- *Three members of the Steering Committee shall be appointed by the Governing Board from within its member*

- Three members of the Steering Committee shall be appointed by the Governing Board from within its member Towns, and the other two Steering Committee members shall be the same individuals appointed to the Governing Board by the Commissioners.
- The Governing Board and Steering Committee shall routinely consult with and receive support from a Technical Advisory Committee for research regarding wastewater technologies, and for engineering and technical assistance on wastewater system capabilities, development, operation and maintenance.
- The Governing Board meets monthly and the Steering Committee meets as necessary. View current meeting schedule, meeting agendas and meeting minutes.

The Cape Cod Water Protection Collaborative was created in 2005 by county ordinance. The ordinance was [revised and replaced in June 2017](#).

Resources

[Section 208 Plan Guidance: Consistency Determination](#)

[Section 208 Plan Guidance: Consistency Review Criteria](#)

[Committee Proposed Ordinance \(2017\)](#)

Contact

ccwpc@barnstablecounty.org

508-362-3828

NEXT MEETINGS

THURSDAY

SEP 09, 2021

[AGENDA: Cape Cod Water Protection Collaborative](#)

START TIME: 10:00 AM

THURSDAY

DEC 09, 2021

[AGENDA: Cape Cod Water Protection Collaborative](#)

START TIME: 10:00 AM

Members

Paul Hebert
Barnstable

Dr. Robert Duncanson
Chatham

Jane Crowley
Eastham

Vacant
Provincetown

Vacant
Mashpee

Emily Beebe
Truro

Ryan Bennett
Brewster

Paul McCormick
Dennis

Ray Jack
Falmouth

Sims McGrath
Chair
Orleans

David Mason
Sandwich

Justina Carlson
Wellfleet

Jeffrey Colby
Yarmouth

Zenas Crocker
County Appointee

Mark Forest
County Commissioner

Mandy Holway
Bourne

Ed McManus
Harwich

Contact

Erin Perry
eperry@capecodcommission.org

Project Resources

[VIEW ALL RESOURCES](#)



157K PDF

May 03, 2017

[P.O.-17-08-CCWPC-Changes-1](#)

Pursuant to the provisions of Sections 1-5, 1-6, 6-1 and 6-2 of the Barnstable County Home Rule Charter, the Cape Cod Water Protection Collaborative is hereby established ...



204K PDF

Sep 09, 2019

[2019-09-12 Agenda](#)

Please contact the Cape Cod Commission at (508)362-3828 at least 24 hours in advance of the meeting, for Telecommunications Relay Services (TRS) dial 711 ...



157K PDF

Jun 10, 2019

[CCWPC 6-13-19 agenda](#)

the official notice posting method for posting meeting notices in accordance with the Open Meeting Law (M.G.L. c. 30A § 18-25) and its regulations (940 CMR ...

Related Projects



PLANS

[Section 208 Area Wide Water Quality Management Plan](#)



PROJECTS

[208 Plan Resources](#)



INITIATIVES

[Wastewater](#)





COMMITTEE

[Cape Cod and Islands Water Protection Fund](#)



INITIATIVES

[Drinking Water and Groundwater](#)

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Approved August 27, 2019.

**Wellfleet Selectboard Meeting
Tuesday, July 23, 2019 at 7pm
Wellfleet Senior Center**

Selectboard Members Present: Chair Janet Reinhart; Helen Miranda Wilson; Justina Carlson; Michael DeVasto

Regrets: Kathleen Bacon (absent due to work)

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

Chair Reinhart called the meeting to order at 7:00 p.m.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS

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

- Wilson announced vacancies on the Board of Health (1), the Conservation Commission (2), and the Cape Cod Commission (1). Those interested in the Cape Cod Commission, or any of these vacancies, may contact the Selectboard via the Town website or Wilson at 508-349-3746.
- Butler asked the public, that if they receive any emails from Town staff that ask them to download a shared document and seems suspicious, to please mark them as spam and delete. Additionally, if any Town staff think they may have been compromised, please change your Microsoft password immediately and contact IT.

PUBLIC HEARINGS

To Amend Section 1, Definitions, Resident and Section 6.4.7 South Lieutenant Island

Civetta presented these requests, saying that The Shellfish Advisory Board recently reviewed and recommended changes to two sections of our regulations:

1. Definition of "Resident" to include a one-year domicile requirement. The text would then read: *A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.*

Wilson gave some history of the SAB's drafting of this regulation and mentioned a query from Town Counsel about evidence of domicile.

Civetta said this suggestion came to her from fishermen. Reinhart asked if the Town wanted more than 1 proof of residency. Civetta said yes, she asks the Town staff for confirmation via voter registration, excise tax, property assessments, etc.

Audience member Bob Costa asked why it was only a 1-year residency, not longer. Civetta said this was what most other coastal communities do. Costa said the investment of a year's residency to get a shellfish permit is minimal and should be more. Wilson said she understood Costa's thought, but

Approved August 27, 2019.

this is what can happen when someone's residency is in question, in terms of verification. DeVasto said this was the standard for college admissions and other standard applications for services, and if one is committed to living here, they should be permitted to work here too. Carlson asked Costa if he was considering the need to support the younger people in Town, through supporting the industry and affordable housing; Costa nodded "yes" in reply. Carlson said these fall under the type of community we are trying to be.

1. Lieutenant Island South closure from June 1 to Sept. 30 to only apply to the harvest of oysters, so that clams may continue to be harvested. 6.4.7 South Lieutenant Island South Lieutenant Island will be closed for the taking of oysters shellfish from June 1st through September 30th.

Civetta said this suggestion also came to her from quahog fishermen. She said there are a lot of pools in the area where clams live and was asked if there was any issue with them patrolling it. Civetta said she may need to have separate, north and south patrols at all times to accommodate this change. Wilson said the previous constable had not felt it was possible during the summer, she had spoken with Civetta about this; Civetta said it will be a lot of work, but her staff can do it.

- Wilson moved to amend Section 1, Definitions of Resident and Section 6.4.7 South Lieutenant Island in the current Shellfish Regulations as proposed by the Shellfish Constable.
- Carlson seconded, and the motion carried 3-0, with DeVasto recused.

Application received from Indian Neck Sea Farms to renew shellfish grant licenses #85-D, 85D-A and 85-D-AB for a ten-year period

Todd Mindrebo, the grant holder, who also owns the property, pointed out that the grant is for Indian Neck Sea Farms, Inc. Mindrebo said he has farmed these acres for 30 years, land that he is now selling to the Town in the HDYLTA Trust purchase. He had no further comments.

Civetta said this was a very productive farm and recommended the renewal.

- Wilson moved to renew shellfish grant licenses #85-D, #85D-A, and #85-D-AB to Indian Neck Sea Farms, Inc. for a ten-year period, per recommendation of the Shellfish Constable.
- Carlson seconded, and the motion carried 3-0, with DeVasto recused.

APPOINTMENTS/REAPPOINTMENTS

Wellfleet Representative to the Cape Cod Water Protection Collaborative – Justina Carlson

Wilson noted she was incorrect, at an earlier meeting, when she said the Board could not appoint Carlson; this is not a committee under the Board's supervision, so they may appoint Carlson.

- Wilson moved to appoint Justina Carlson as the Wellfleet Representative to the Cape Cod Water Protection Collaborative.
- DeVasto seconded, and the motion carried 3-0, with Carlson recused.

Wellfleet Representative to Cape Cod Municipal Health Group – Treasurer Miriam Spencer

Approved August 27, 2019.

Spencer was not present. Hoort said this group is run by Outer Cape Health and the Treasurer is usually the representative. With Rosemary's retirement in January, this will allow Spencer to serve in her place.

- Carlson moved to appoint Miriam Spencer as the Wellfleet Representative to the Cape Cod Municipal Health Group.
- Wilson seconded, and the motion carried 4-0.

USE OF TOWN PROPERTY

Newcomb Hollow Beach – Gary Evangelista

This application was withdrawn by the applicant. No action taken.

BUSINESS

Shellfish Industry Letter of Support

Reinhart said this was a letter from the Board to object to the legislation, proposed by House Bill H746. Wilson said the Wellfleet Shellfishermen's Association already wrote a letter about this and hoped the Shellfish Advisory Board would too, with similar language. Wilson said she received help from Senator Cyr's office in preparing the letter.

DeVasto said this bill was proposed by the Massachusetts Aquaculture Association (MAA) and would allow grant-holders the legal right to sell their licenses on the open market to the highest bidder, putting the licensing authority (the Board) in a prickly situation.

The draft Selectboard letter opposes the changing of "may" to "shall" in H746: An Act relative to shellfish aquaculture licenses, GL Chapter 130, §57 and 58. This change would allow anyone to sell their license at anytime to any party.

Carlson said a relatively small, nongovernmental group, the MAA, was lobbying to change the law, in a way which would reduce the authority of a town's Home Rule Charter and which would commodify public land.

Wilson said she also spoke with Chris Schillaci, from the MA Division of Marine Fisheries while drafting the letter. She said there if there are towns who want to allow the ownership of licenses, they can do so legally under the existing law. She said she does not see the need to change the legislation for the whole state.

- Wilson moved to approve a Letter of Support with regard to H746: An Act relative to shellfish aquaculture licenses, to send it to the legislation and House Committee and to other towns, and to authorize the Board to sign it.
- Carlson seconded, and the motion carried 4-0.

HDYLTA Trust Update

Wilson, DeVasto, and Carlson recused themselves and left the room. With Bacon absent, only the Chair was present in the room. There was no quorum. Hoort said a purchase-and-sale agreement was signed and everything is progressing as hoped. He said a surveyor was hired, along with an

Approved August 27, 2019.

appraiser. Both are expected to be done by Labor Day. Civetta said she saw Coastal Engineering doing work on Monday.

Audience member Sheila Lyons asked if, since the purchase-and-sale agreement was signed, the transaction was complete. Hoort said the only remaining contingency is the survey, which is being completed.

Costa asked if the matter could ever be discussed publicly. Hoort said that Carlson is not legally required to recuse herself, but she chose to this evening; when Carlson, Bacon, and Reinhart are in the room, there is quorum.

Lyons continued to ask questions regarding the process.

Audience member Moe Barocas said he thought the audience should get a more detailed update about the sequence of events. He said he was not happy with the lack of transparency. He asked the Board to form a task force of people that the Board can meet with in private and give them to ask questions regarding the sequence of events. Barocas said the town is losing confidence in the Board. He asked for this to be on the next agenda.

Wilson, Carlson, and DeVasto returned to the table.

Social Media Policy for Committees and Staff

Carlson said she was inspired at the MMA conference, and how other towns use visual social media to help communicate what is going on and increase transparency. She is suggesting the Town embarks on a process for how the Town can use social media.

Reinhart said this sounds good. Carlson said she will continue to do work on it.

Butler said she has discussed this with Carlson and thinks it is a good idea. She said that this is a more digital, instant age and the website can only do so much. She provided that her background with the National Park Service, taught her how to appropriately manage such government-run accounts.

The Board agreed it was a good idea to move forward with this idea.

Request from the Wellfleet Arbor Committee to Accept and Plant a Tree on Town Hall Lawn

Wilson said the Arbor Committee had previously presented a whole plan to redesign Town Hall Lawn. She said this plan was pulled and residents asked to keep the spruce trees, which were kept. Wilson said the Maple tree, which had to come down, provided essential shade and the lawn is now lacking shade.

Shelley Robinson, a part-time resident, said she was sad to see the Maple tree gone from the front of Town Hall. Robinson had donated an American Elm to another community. Robinson provided the Board with information from the Elm Institute, from which she is looking to order the tree from.

Approved August 27, 2019.

Tim Callis, from the Wellfleet Arbor Committee (WAC), presented the request. Callis said he put a stake in the ground, with permission from the DPW Director, to mark the suggested location of the Elm; it is 10 feet from the fire hydrant and 9 from the curb of the east side driveway.

Robinson said she has experience with the Elm Institute, which is in Keene, New Hampshire. She said she worked with them to plant an Elm in Sleepy Hollow, NY in 2009. Reinhart said there have been a number of trees lost in Wellfleet. She said trees are good, providing oxygen and shade, and that she is in favor of this.

Carlson asked about Dutch Elm Disease. Robinson said the purpose of the Institute is to grow the trees to be resistant to Dutch Elm Disease. Carlson asked how tall it can get and if it would conflict with the spruces. Callis said the elm will get to about 60 feet tall, with a spread of 35 feet. Carlson asked about the roots affecting the driveway or buckling the sidewalk. Callis said the driveway has always been buckled, and this can happen. He said that, with the tree being 10 feet from the sidewalk, it should not cause in an issue, but that perhaps in 100 years it could be a problem.

Wilson thanked Robinson for the offer of her donation, saying it is a legacy. Wilson asked who would water the tree. Callis said the Arbor Committee will water the tree, but that the DPW also waters plants. Wilson asked what the cost for planting the tree was; Callis said he had not done that assessment yet. Wilson asked if the shipping cost was included; Robinson said she is looking into potentially splitting the cost of shipping with a Truro resident who is also buying a tree.

Callis said that, now that he has the Board's support, he will work to get more information. Robinson said the Institute has only 12, 20-foot trees left, and she would like to order it for planting in September.

DeVasto said he was in favor of this and enjoys elm trees. He said the vision for the entire Town Hall lawn needs to be addressed at some point.

Carlson thanked Robinson and Callis for their efforts but felt the issue with the Spruces hit a nerve with townspeople. She said the design of the Town Hall lawn is something that should be left up to the voters, or another acceptable form of outreach.

Costa thanked Robinson for her offer. He suggested the Board do research on American elms and questioned whether they will grow so big that they will shade the spruces. He also said their roots can cause the buckling in the sidewalk.

Robinson, with a smile, said the best time to plant a tree, was 20 years ago.

- Wilson moved to approve the request of the Arbor Committee to accept and plant the donation of an American liberty elm tree from Shelley Robinson on the Town Hall Lawn in an appropriate spot.
- Reinhart seconded, and the motion carried 3-1, with Carlson opposed.

SELECTBOARD REPORTS

Approved August 27, 2019.

- Wilson said there was a very productive meeting with officials from the DEP, the Cape Cod Commission, and the Association to Preserve Cape Cod about the 208 Plan. The video recording is on the Town website.

TOWN ADMINISTRATOR'S REPORT

This report is for the period July 6, 2019 through July 19, 2019.

1. General
 - Searching for Town Accountant
 - Continue educating residents on the FY 2020 Affordable Housing Tax exemption
2. Fiscal Matters
 - Started FY 2021 CIP Process
 - Hired outside CPA firm to assist us until we have a Town Accountant
3. Meetings
 - July 8 – Assistant Town Administrator interviews
 - July 9 – Selectboard meeting
 - July 10 – Discussion of direction of Mayo Creek Restoration
 - July 11 – Finance Committee meeting
 - July 15 – Housing Task Force meeting
 - July 16 – Meet with CPA firm to help us manage until we have new Town Accountant
 - July 16 – Wastewater meeting
4. Complaints.
 - None
5. Personnel Matters:
 - Open position: Assistant Town Administrator (interviews in progress)
 - Open position: Town Accountant (interviews scheduled)

TOPICS FOR FUTURE DISCUSSION

- DeVasto asked to discuss Town Hall Lawn maintenance.
- Reinhart asked to have another the HDYLTA Trust Purchase update.
- Butler asked to discuss the compilation of the packet – condensing it and conserving paper.

CORRESPONDENCE AND VACANCY REPORT

MINUTES

July 9, 2019

- Wilson moved to approve the minutes of the July 9, 2019 meeting as amended.
- DeVasto seconded, and the motion carried 4-0.

ADJOURNMENT

Bacon moved to adjourn.

Wilson seconded, and the meeting adjourned at 8:25 pm.

Approved August 27, 2019.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Material as of 7/19/19

1. Public Hearing Papers - To amend section 1, Definitions, Resident and section 6.4.7 South Lieutenant Island; and Application received from Indian Neck Sea Farms to renew shellfish grant licenses #85-D, 85D-A and 85-D-AB for a ten-year period
2. Use of Town Property Applications from Gary Evangelista
3. Shellfish Letter Industry Letter of Support
4. Request from Arbor Committee to Accept and Plant a Tree on Town Hall Lawn
5. Town Administrator's Report
6. Correspondence and Vacancy Report
7. Letter from Carole Ridley re: Response to Comments made at June 25, 2019 Meeting, re: Herring River MOU
8. Draft minutes for July 9, 2019



SELECTBOARD

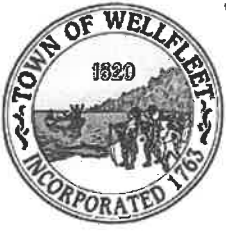
AGENDA ACTION REQUEST
Meeting Date: July 27, 2021

III

BOARDS/COMMITTEE APPOINTMENTS AND UPDATES

C

REQUESTED BY:	Helen Miranda Wilson
DESIRED ACTION:	To delegate a Selectboard member to act as a communications liaison in regard to the rail trail extension project.
PROPOSED MOTION:	I move to delegate _____ to serve as the communications liaison for the rail trail extension project with the various agencies involved in the project.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021

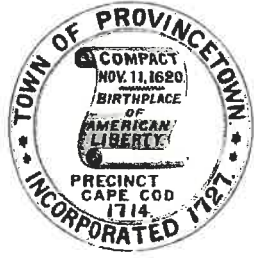
IV

COVID-19 UPDATES AND RECOMMENDATIONS

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

MA DPH Data Dashboard, WEEKLY REPORT of 7/22/21 (for the Period 7/4/21 to 7/17/21, COVID Cases Confirmed by PCR)										
City/Town	Population	(March 2020 to Present) Total Case Count	Case Count Last 14 Days	Average Daily Incidence Rate per 100K	Relative Change in Case Count	(March 2020 to Present) Total Tests	Total Tests Last 14 Days	Positive Tests Last 14 Days	Percent Positivity Last 14 Days	Change in Percent Positivity
Barnstable	44,773	4,247	13	2.1	Lower	88,739	1,496	15	1.00%	Lower
Bourne	21,026	1,309	8	2.7	Higher	52,934	617	11	1.78%	Higher
Brewster	9,926	522	5	3.6	Higher	21,482	287	5	1.74%	Higher
Chatham	5,830	331	<5	3.7	Higher	10,496	208	3	1.44%	Higher
Dennis	13,088	839	7	3.8	Higher	23,327	547	7	1.28%	Higher
Eastham	4,603	192	<5	1.6	No Change	6,293	116	1	0.86%	No Change
Falmouth	31,190	1,590	13	3.0	Higher	69,080	1,048	15	1.43%	Higher
Harwich	12,589	769	8	4.5	No Change	22,554	554	10	1.81%	Lower
Mashpee	15,535	887	6	2.8	Higher	29,516	450	8	1.78%	Higher
Orleans	5,620	297	<5	2.5	Higher	8,763	153	2	1.31%	Higher
Provincetown	2,583	185	64	177.0	Higher	6,597	543	67	12.34%	Higher
Sandwich	21,078	1,223	<5	1.0	Higher	35,794	458	3	0.66%	Higher
Truro	1,968	65	6	21.8	Higher	2,665	99	6	6.06%	Higher
Wellfleet	2,760	81	<5	2.6	Higher	3,893	91	1	1.10%	Higher
Yarmouth	24,062	1,632	16	4.7	Higher	45,361	766	18	2.35%	Higher
Barnstable County	216,629	14,169	153	5.1	Higher	427,494	7,433	172	2.31%	Higher
Aquinnah	261	<5	0	0.0	No Change	634	17	0	0.00%	No Change
Chilmark	759	27	<5	37.7	Higher	4,229	74	5	6.76%	Higher
Edgartown	4,086	481	5	8.7	Higher	14,626	214	5	2.34%	Higher
Gosnold	45	5	0	0.0	No Change	132	0	0	0.00%	No Change
Oak Bluffs	5,209	382	6	8.2	Higher	9,857	158	7	4.43%	Higher
Tisbury	4,174	384	<5	0.0	No Change	18,118	252	0	0.00%	No Change
West Tisbury	2,871	153	5	2.5	Higher	6,323	114	1	0.88%	Higher
Dukes County	17,404	1,437	19	6.6	Higher	53,919	829	18	2.17%	Higher
Nantucket	11,416	1,527	6	3.8	Higher	31,432	410	6	1.46%	Higher
Dukes and Nantucket Counties	28,820	2,963	22	5.5	Higher	85,351	1,239	24	1.94%	Higher
State of MA	6,964,383	667,341	2,581	2.6	Higher	24,329,365	332,798	2,925	0.88%	Higher
Data Source: MA DPH, 7/22/21 Weekly COVID Report (https://www.mass.gov/info-details/covid-19-response-reporting); Analysis: V. Harik BCDHS.										

Provincetown Select Board and
Provincetown Board of Health
260 Commercial Street
Provincetown, MA 02657



Barnstable County Department
of Health and Environment
3195 Main Street/P.O. Box 427
Barnstable, MA 02630

Public Health Advisory

Provincetown Residents and Visitors Urged to Take Precautions Due to Uptick of COVID-19 Cases

July 19, 2021 – Provincetown, MA | Following the 4th of July weekend, there was an increase in positive COVID-19 cases in Provincetown in addition to individuals reporting COVID-like symptoms. COVID-19 infection has occurred in both vaccinated and unvaccinated individuals. As of Friday July 16, 132 confirmed positive cases of COVID-19 had been officially reported to the Massachusetts Department of Public Health associated with the Provincetown cases. Of these cases, 89 are Massachusetts residents, 39 of which reside in Barnstable County. The remainder of individuals who tested positive reside in other states or jurisdictions outside of Massachusetts. Case investigation is ongoing, and the numbers are likely to change as the situation evolves.

Based on the above information, public health authorities from the Provincetown Select Board, Provincetown Board of Health, and the Barnstable County Department of Health and Environment (BCDHE) have determined that the best course of action to reduce the spread of COVID-19 is by issuing an advisory to urge the public to take reasonable precautions.

To protect Provincetown's residents, local businesses, and visitors, the following precautions are strongly advised for all individuals **regardless of vaccination status**:

- **Get tested** if you have been exposed or have symptoms associated with COVID-19, **even if your symptoms are mild**. "Exposure" is considered having contact within 6ft of an infected individual for a total of 15 minutes or more.
- **Stay home from work if you are having symptoms** associated with COVID-19 and get tested. Under Massachusetts Law, employers are required to make paid leave time available to employees for COVID-related illness, quarantine, and vaccinations. For more information, visit: <https://www.mass.gov/info-details/covid-19-temporary-emergency-paid-sick-leave-program>.
- **Get vaccinated** if you have not already. The vaccine is the best way to prevent severe or even life-threatening symptoms of COVID-19.
- Venues with high density where social distancing is not achievable are strongly advised to enforce vaccine verification prior to admittance.

- Individuals are encouraged to take steps to manage their personal risk appropriately, and be aware of the following:
 - Crowds, especially in indoor spaces where social distancing is not achievable, increase risk of transmission of COVID-19.
 - Handshaking, kissing, hugging or other forms of close contact increase risk of transmission of COVID-19.
- Masks are advised indoors where social distancing cannot be achieved.
- All unvaccinated individuals, including children under the age of 12, are required to wear masks **both** outdoors in crowded areas where social distancing cannot be achieved and in public indoor spaces, per CDC guidelines.
- Masks remain mandatory for all individuals on public and private transportation systems (including rideshares, livery, taxi, ferries, MBTA, Commuter Rail and transportation stations), in healthcare facilities and in other settings hosting vulnerable populations, such as congregate care settings.
- Masks should:
 - Fit snugly but comfortably against the side of the face.
 - Be secured with ties or ear loops.
 - Include multiple layers of fabric.
 - Allow for breathing without restriction.
 - Be able to be laundered and machine dried without damage or change to shape.
- Frequently wash your hands with soap and water and follow with hand sanitizer. Use hand sanitizer alone only if soap and water are not available.

COVID-19 Vaccines, Testing, and Services

Testing is an essential tool to prevent the spread of COVID-19. Testing will be conducted at Veterans Memorial Community Center parking lot located at 2 Mayflower Street, Provincetown (off Winslow Street) and will be available daily through Friday, July 23 from 10AM-3PM. COVID-19 testing at this site is free and does not require an appointment.

Free testing and vaccination are also available through Outer Cape Health Services (OCHS) in Provincetown. Individuals seeking testing and/or vaccination can either call the OCHS Patient Access Center at (508) 905-2888 to schedule a test OR they can arrive at the Provincetown health center at 49 Harry Kemp Way and call from OUTSIDE: (508) 487-9395, ext. 1.

Assistance is available for residents and visitors who test positive for COVID-19 and need to quarantine. See the Provincetown Health Department COVID-19 resources webpage for more information: <http://www.provincetown-ma.gov/1316/Resources-during-the-State-of-Emergency>.

Vaccination remains our strongest defense in preventing serious illness, hospitalization, and death from COVID-19. Vaccination is available at the Veterans Memorial Community Center

testing site beginning Monday, July 19 through Friday, July 23. The site offers the two-shot Pfizer mRNA vaccine and the one-shot Johnson & Johnson vaccine. Vaccination is free, easy, and no appointment, ID, or insurance is required. The vaccination provider will return in 3-4 weeks to deliver 2nd doses for Pfizer vaccine recipients.

Barnstable County also holds weekly vaccine clinics on Thursdays between 10AM and 2PM at the Harborside Conference Room at the Barnstable County Complex in Barnstable Village. The clinics are free and open to everyone. Appointments can be made in advance at www.barnstablecountyhealth.org and walk-ins are welcome. Pfizer vaccine is offered to anyone 12+ while Johnson & Johnson vaccine is available for those who are 18+. The next clinic will take place on Thursday, July 22.

The vaccine is free, and you do not need insurance to be vaccinated. No appointment, identification, or insurance is required for vaccination at any of the sites mentioned in this advisory.

Other vaccination locations can be found at <https://vaxfinder.mass.gov/>.

MassNotify

The public is strongly encouraged to enable MassNotify on their smartphones. The service can be accessed through both Android and iPhone settings; it is NOT an application that can be obtained through an app store. This private and anonymous service notifies users of a potential exposure to COVID-19 so they may take the appropriate precautions. For more information and instructions on enabling MassNotify on your smartphone, visit <https://www.mass.gov/info-details/learn-more-about-massnotify>.

Online Resources

Provincetown Health Department COVID-19 Resources

<http://www.provincetown-ma.gov/1316/Resources-during-the-State-of-Emergency>

Barnstable County Department of Health and Environment COVID-19 Resources

<https://www.barnstablecountyhealth.org/covid-19-resource-center>

MA DPH COVID-19 Vaccine Information Page

<https://www.mass.gov/covid-19-vaccine>

MA DPH Multilingual COVID-19 Resources Information Page

<https://www.mass.gov/info-details/multilingual-resources-on-covid-19>

Massachusetts Senator Julian Cyr's COVID-19 Vaccine Information Page

<https://www.senatorcyr.com/>

Massachusetts COVID-19 Temporary Emergency Paid Sick Leave Program

<https://www.mass.gov/info-details/covid-19-temporary-emergency-paid-sick-leave-program>.

###



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021

V

BUSINESS ~ A

REQUESTED BY:	Michael DeVasto
DESIRED ACTION:	To accept the Historical Commissions gift of a stairway
PROPOSED MOTION:	I move to accept the donation of a set of stairs from the Historical Society as described in the packet, conditioned on an approved building permit.
SUMMARY:	The Wellfleet Historical Commission has gifted the town a stairway to be placed behind town hall.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

July 12,2021

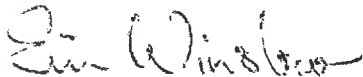
Dear Selectboard:

On behalf of the Wellfleet Historical Society & Museum Board of Directors I am requesting we be put on the selectboard's agenda in order to continue the conversation regarding the proposed stairway from the town hall parking lot to the museum property.

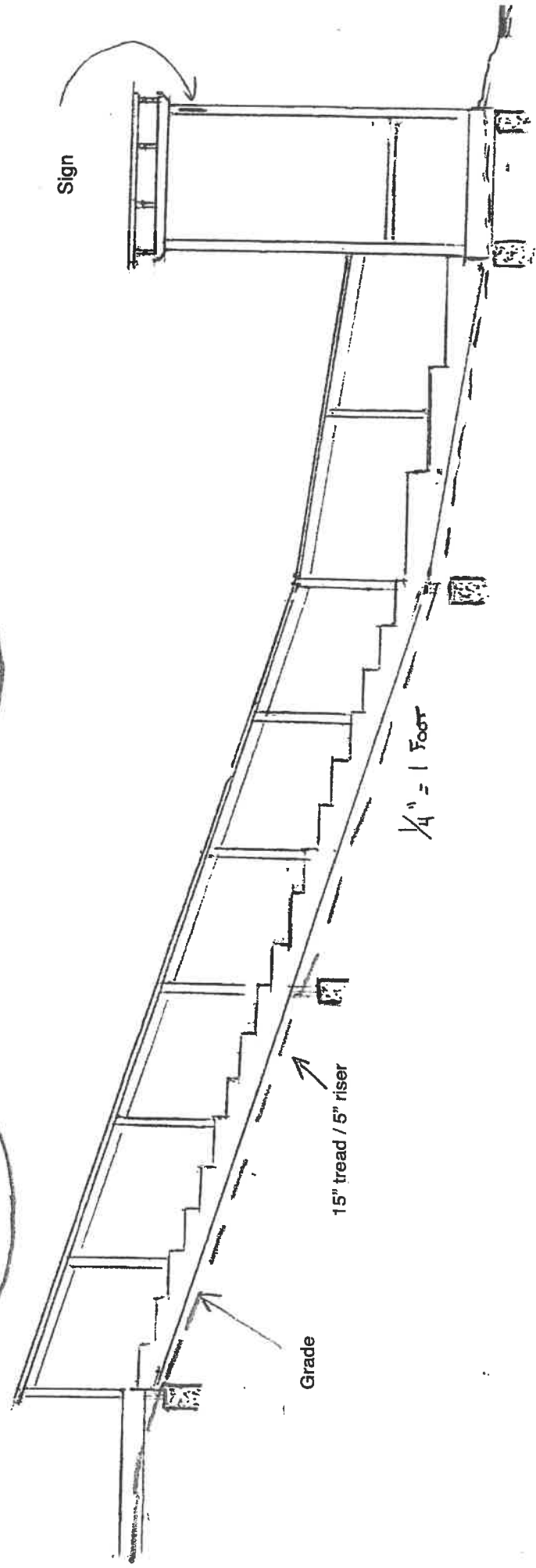
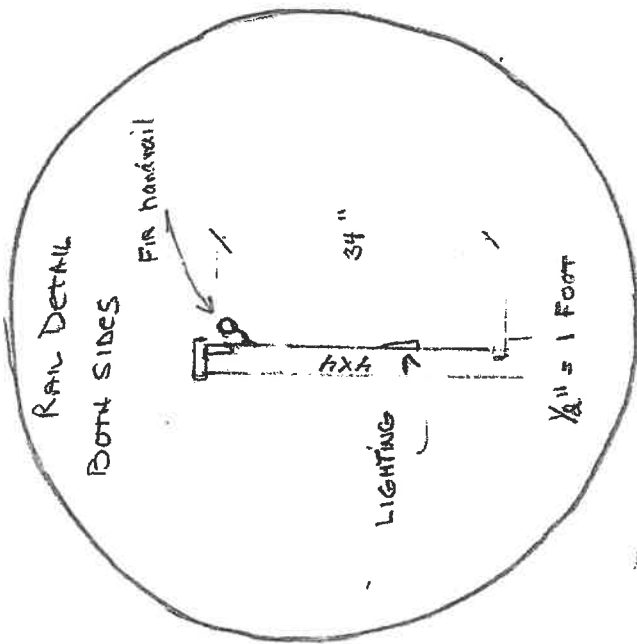
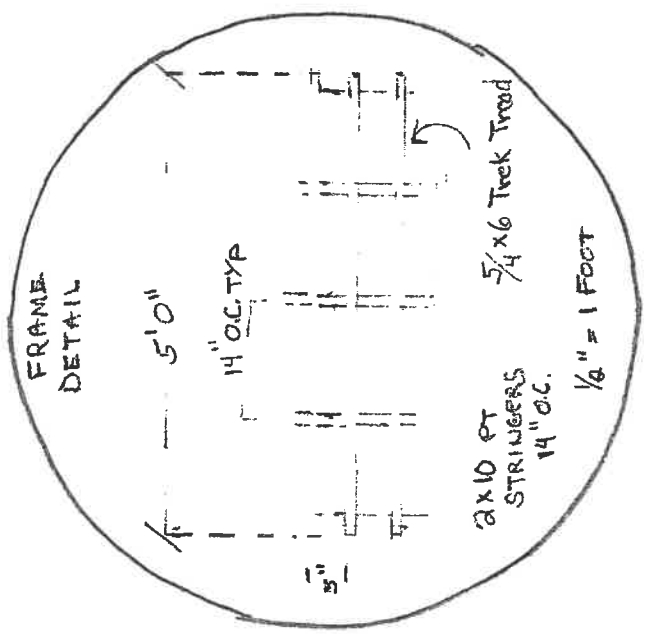
As some of you may recall this was first brought before the board in January 2020. At the time the board was generally in favor of the proposal but took the recommendation of Town Administrator Dan Hoort that the proposal be reviewed by town counsel. We are not aware if town counsel received or reviewed it. In March 2020 we were told by Town Hall personnel that due to the pandemic the proposal was set aside. On October 27th 2020 we appeared before the board again and were asked to provide a letter stating that we would maintain the new stairs and continue to allow people to pass through the museum property. The requested letter was submitted in January 2021 and taken under consideration at another meeting wherein the new town administrator, Maria Broadbent, instead asked that a memorandum of understanding be drafted by the WHSM board. Subsequently we were asked to provide proof that we would carry liability insurance on the structure. This became complicated for our insurance provider since the structure would be located on town property and as we are donating the stairway to the town we would not have ownership. Our insurance provider was also concerned how a maintenance agreement could be crafted for a structure again not owned by WHSM.

Providing the stairway seems to be a concept that everyone supports and we are asking the board to consider accepting it as a gift and letting it fall under the insurance and maintenance policies the town has in place for all its other properties.

Sincerely



Eric Winslow
Vice President, Wellfleet Historical Society & Museum
508 246 1324
ericwinslow65@yahoo.com

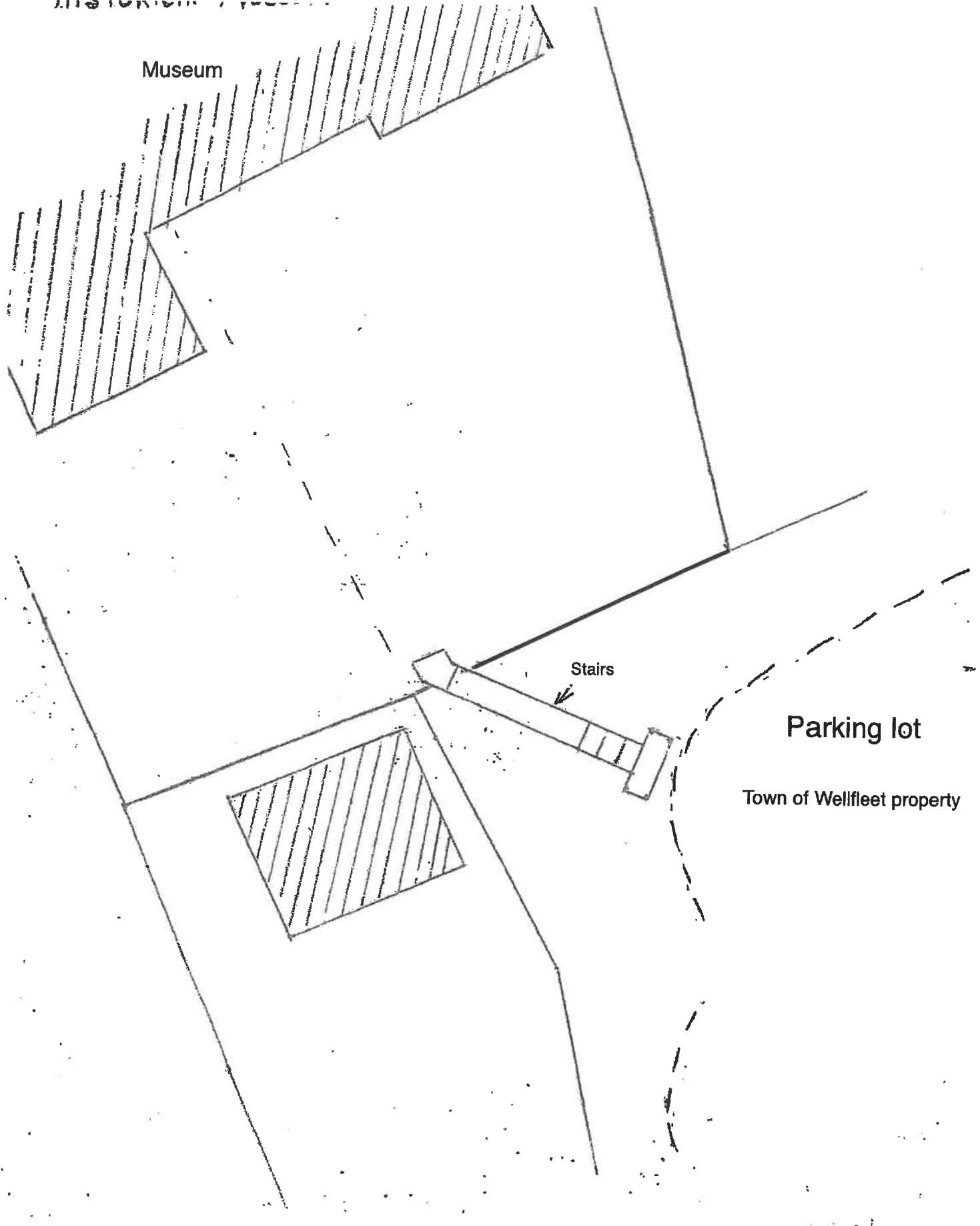


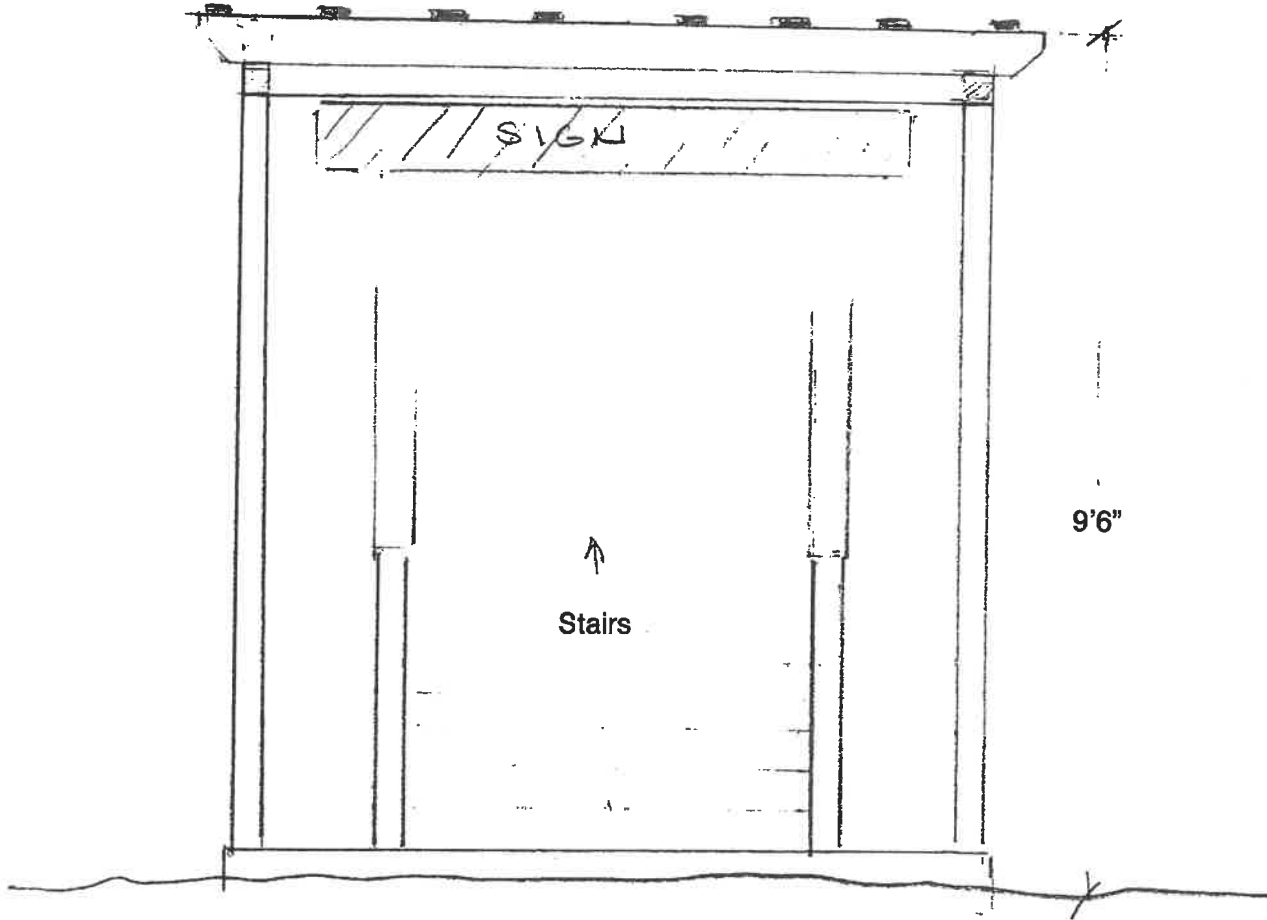
Museum

Stairs

Parking lot

Town of Wellfleet property







SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021

V

BUSINESS ~ B

REQUESTED BY:	Attorney Greg Corbo ~ KP Law
DESIRED ACTION:	discussion of request by Wellfleet Drive-in for connection to Town of Eastham water supply; discussion and possible vote to authorize Town Counsel to represent both Wellfleet and Eastham in the matter.
PROPOSED MOTION:	To be determined
SUMMARY:	The Wellfleet Drive-In has requested to connect to Eastham's Town Water. Attorney Ben Zehnder will explain the reasoning.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

July 22, 2021

Gregg J. Corbo
gcorbo@k-plaw.com

BY ELECTRONIC MAIL ONLY

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

Re: Determination and Consent Pursuant to Massachusetts Rules of Professional Conduct, Rule 1.7 - Representation of the Towns of Eastham and Wellfleet
Review of Agreement to Extend the Eastham Public Water Supply

Dear Members of the Selectboard:

The Town of Eastham has requested our advice and assistance regarding an agreement to extend its public water supply into the Town of Wellfleet for the purpose of allowing connection for property abutting State Route 6 and known as the Wellfleet Drive-in. As you may already know, this firm represents both the Towns of Wellfleet and Eastham as Town Counsel.

Our relationship with Eastham and Wellfleet creates interests that require disclosure pursuant to the Rules of Professional Conduct of the Massachusetts Bar, which mandate that we obtain the express permission of the Appointing Authority of each of our clients before we can represent the either of them in a matter in which they have a mutual interest. The purpose of this letter is to make such disclosure and to request that you determine whether you will permit such representation. In addition, while the State Ethics Commission has determined that KP Law, P.C. and its individual attorneys are not "municipal employees" pursuant to the Conflict of Interest Law, we provide this letter to dispel any appearance of a conflict on the firm's behalf in this matter.

MULTIPLE REPRESENTATION DISCLOSURE

The representation of multiple clients is regulated under the Massachusetts Rules of Professional Conduct. The relevant provision, Rule 1.7, states that an attorney may not represent multiple clients if the interests of one client are directly adverse to those of another client, or if his representation of one client may be materially limited by his responsibilities to another client or his own interests. If, however, the attorney reasonably believes that the representation of either client will not be adversely affected and each of the clients consents after consultation, the attorney may represent the client in such a situation.

Hon. Michael DeVasto and
Members of the Selectboard
July 20, 2021
Page 2

DETERMINATION

It is our belief that our position as Town Counsel for the Towns of Eastham and Wellfleet, for the purposes and under the conditions described in this letter, does not create a concurrent conflict of interest and will not affect the exercise of our independent professional judgment on behalf of Wellfleet with regard to an agreement in which Eastham will extend its public water supply into the Town of Wellfleet (the "Agreement") or any other matter. In fact, because it is expected that Wellfleet will also be a party to this Agreement, our representation of both Towns will likely provide a cost savings by eliminating duplicative efforts with respect to research and drafting and by streamlining scheduling and administrative efforts. The only risk I would note would be in the unlikely event that negotiations over the Agreement or any matter related to the Agreement breaks down between the Towns, to the point where one municipality seeks legal redress from the other(s). Under these circumstances, firm would likely have to cease representing all parties with regard to the Agreement. Although we believe that the benefits of joint representation outweigh the risks, it is for you to determine, as the Appointing Authority, whether the representation described herein will not impair the integrity of this firm's services to Wellfleet.

Accordingly, I request that the Board, as Appointing Authority, consent to our representation of the Town of Wellfleet notwithstanding the firm also serving as counsel to the Town of Eastham with regard to the proposed water supply extension agreement. Should you so consent, I ask that you sign the enclosed determination as required by the Rules of Professional Conduct. Please sign the two originals provided, return one copy to this office, and retain one copy for your records.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

Very truly yours,


Gregg J. Corbo

GJC/caa
Enc.

DETERMINATION

It is determined, pursuant to Rule 1.7 of the Massachusetts Rules of Professional Conduct, that the Wellfleet Selectboard consents to KP Law, P.C. representing the Town of Wellfleet with regard to an agreement to extend Eastham's public water supply into the Town of Wellfleet for the purpose of allowing connection for property abutting State Route 6 and known as the Wellfleet Drive-in, and anything incidental and related thereto, as disclosed in a letter to the Town dated July 21, 2021, notwithstanding that KP Law, P.C. also serves as Town Counsel for the Town of Eastham.

TOWN OF WELLFLEET,
By its Selectboard

Dated: _____

Rebekah Eldridge

From: Karen Plantier
Sent: Wednesday, July 21, 2021 12:04 PM
To: Catharienass@verizon.net; Curt Felix; gfergusonwellfleet@comcast.net; Jim Hood; ngadwa@comcast.net; Tpflynn40@gmail.com
Cc: Rebekah Eldridge; Rebecca Slick
Subject: FW: Wellfleet Drive-In - Eastham Water Hookup

Here is a letter from Ben Zehnder regarding the Wellfleet Drive-In water hookup with Eastham.

From: Benjamin E. Zehnder <BZehnder@latanzi.com>
Sent: Wednesday, July 21, 2021 11:34 AM
To: Karen Plantier <Karen.Plantier@wellfleet-ma.gov>; Charles Sumner <Charles.Sumner@wellfleet-ma.gov>
Cc: Laurie Gillespie-Lee <admin2@eastham-ma.gov>; Jacqueline Beebe <jbeebe@eastham-ma.gov>; Gregg J. Corbo <GCorbo@k-plaw.com>; john@wellfleetdrivein.com
Subject: Wellfleet Drive-In - Eastham Water Hookup

Hello Karen and Charlie:

I am emailing to put in front of Charlie and possibly the Select Board, and the Water Commissioner the potential hookup of the Wellfleet Drive-In property to the Eastham municipal water system. Eastham has tentatively approved the hookup and we are close to a contract with Eastham for the cost of construction and hookup.

Since this is in Wellfleet, I understand that the Wellfleet Board of Water Commissioners needs to approve the hookup and there has to be provision for later connection to the Wellfleet system if there is water service to this area. I am thinking that permitting may be required from Wellfleet for the Eastham hookup as well.

Eastham is represented by Gregg Corbo, and his firm KP is also counsel to Wellfleet. This raises a potential conflict of interest which I think must be waived by both towns.

This matter is time sensitive so I would like to get the conflict question in front of Administration (Charlie) and the hookup question in front of the Water Commissioner (Jim Hood through Karen) as soon as possible.

I am looping Gregg in this so that he can weigh in as well.

Could you both get these matters on your calendars/agendas so that we can discuss?

As always, my regards to everyone.

Ben

Benjamin E. Zehnder
La Tanzi, Spaulding & Landreth
8 Cardinal Lane; P.O. Box 2300
Orleans, MA 02653
(508) 255-2133
(508) 255-3786 (fax)
(508) 246-4064 (mobile)

bzehnder@latanzi.com

Orleans/Provincetown/Barnstable



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From: Benjamin E. Zehnder

Sent: Wednesday, July 21, 2021 9:52 AM

To: 'Gregg J. Corbo' <GCorbo@k-plaw.com>

Cc: Laurie Gillespie-Lee <admin2@eastham-ma.gov>; Jacqueline Beebe <jbeebe@eastham-ma.gov>

Subject: RE: Wellfleet Drive-In hook-up

Hi Gregg:

I was under the impression that Eastham was coordinating with Wellfleet and was going to undertake the project, which would mean obtaining any permits from MDOT, and obtain any permissions from Wellfleet. We were going to be responsible for the costs under the contract.

I am happy to take the lead on this but am not really in a position to do so other than to set up meetings with Wellfleet.

Can I loop Charlie Sumner in Wellfleet so that we can have an overview meeting asap?

Our position in the state allocation of solar funding is on the line now so this has to be sorted.

Ben

Benjamin E. Zehnder

La Tanzi, Spaulding & Landreth

8 Cardinal Lane; P.O. Box 2300

Orleans, MA 02653

(508) 255-2133

(508) 255-3786 (fax)

(508) 246-4064 (mobile)

bzehnder@latanzi.com

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From: Gregg J. Corbo <GCorbo@k-plaw.com>
Sent: Tuesday, July 20, 2021 11:04 AM
To: Benjamin E. Zehnder <BZehnder@latanzi.com>
Cc: Laurie Gillespie-Lee <admin2@eastham-ma.gov>; Jacqueline Beebe <jbeebe@eastham-ma.gov>
Subject: RE: Wellfleet Drive-In hook-up

Hi Ben.

I apologize for the delay. Because the Firm represents both Eastham and Wellfleet as Town Counsel, I need the consent of both clients to work on this matter. I am scheduled to meet with the Wellfleet Selectboard next Tuesday for this purpose.

In the meantime, Jacqui e-mailed you a cost breakdown on May 24, 2021. In addition to the connection costs, I assume that there will be a use fee based on metered flow and that the Drive-in will be subject to all the rules and regulations that other Eastham water users have to comply with.

We will also need Wellfleet's authorization and to comply with any requirements they may have. Have you been in touch with anyone in Wellfleet as to what those requirements might be? Also, because this work is being done in a State highway, I assume that MassDOT will need to have some involvement. Have you been in touch with them?

I can work on the agreement next week, assuming I have Wellfleet's authorization. In the meantime, I ask that you prepare an outline of the business terms for an agreement and send them to me and Jacqui for review, so that we can hit the ground running when we have the go ahead to start drafting.

Thanks.

Gregg J. Corbo, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654-1764
F: (617) 654 1735
gcorbo@k-plaw.com
www.k-plaw.com

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From: Benjamin E. Zehnder <BZehnder@latanzi.com>
Sent: Tuesday, July 20, 2021 10:41 AM
To: Gregg J. Corbo <GCorbo@k-plaw.com>
Cc: Laurie Gillespie-Lee <admin2@eastham-ma.gov>; Jacqueline Beebe <jbeebe@eastham-ma.gov>
Subject: RE: Wellfleet Drive-In hook-up

Hi Gregg:

I had a meeting today with our solar lessee and we are submitting our building permit application this week. In order to lock in the state solar block we have to have a completely signed lease, which we cannot have without something in writing from Eastham with the cost of the water contract and its terms.

Is it possible to front-burner this?

Thanks and my apologies.

Ben

Benjamin E. Zehnder
La Tanzi, Spaulding & Landreth
8 Cardinal Lane; P.O. Box 2300
Orleans, MA 02653
(508) 255-2133
(508) 255-3786 (fax)
(508) 246-4064 (mobile)
bzehnder@latanzi.com
Orleans/Provincetown/Barnstable



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From: Benjamin E. Zehnder
Sent: Monday, July 19, 2021 10:36 AM
To: 'Gregg J. Corbo' <GCorbo@k-plaw.com>

Cc: 'Laurie Gillespie-Lee' <admin2@eastham-ma.gov>; 'Jacqueline Beebe' <jbeebe@eastham-ma.gov>
Subject: RE: Wellfleet Drive-In hook-up

Hi Gregg:

Can you get me a proposed Agreement for the water hookup at the Wellfleet Drive-In? We are submitting building permit applications for solar and can't sign leases with our vendor without a contract. You can make it subject to Wellfleet approval if you want.

This is time sensitive.

My best,

Ben

Benjamin E. Zehnder
La Tanzi, Spaulding & Landreth
8 Cardinal Lane; P.O. Box 2300
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bzehnder@latanzi.com
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From: Benjamin E. Zehnder
Sent: Monday, May 24, 2021 2:59 PM
To: 'Gregg J. Corbo' <GCorbo@k-plaw.com>
Cc: 'Laurie Gillespie-Lee' <admin2@eastham-ma.gov>; 'Jacqueline Beebe' <jbeebe@eastham-ma.gov>
Subject: RE: Wellfleet Drive-In hook-up

Hi Gregg:

Our solar contracts are being held up at the theatres pending review of the contract and figures for the water hookup. Can we at least see the costs and payment structure?

My thanks for your early response.

Ben

Benjamin E. Zehnder
La Tanzi, Spaulding & Landreth
8 Cardinal Lane; P.O. Box 2300
Orleans, MA 02653
(508) 255-2133
(508) 255-3786 (fax)
(508) 246-4064 (mobile)
bzehnder@latanzi.com
Orleans/Provincetown/Barnstable



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From: Benjamin E. Zehnder
Sent: Tuesday, May 18, 2021 9:42 AM
To: Gregg J. Corbo <GCorbo@k-plaw.com>
Cc: Laurie Gillespie-Lee <admin2@eastham-ma.gov>; 'Jacqueline Beebe' <jbeebe@eastham-ma.gov>
Subject: RE: Wellfleet Drive-In hook-up

Hi Gregg:

Can we front burner the Wellfleet Drive-In contract? Eversource has approved our solar project and we can't move to a contract with our provider without the water contract.

Thanks,

Ben

Benjamin E. Zehnder
La Tanzi, Spaulding & Landreth
8 Cardinal Lane; P.O. Box 2300
Orleans, MA 02653
(508) 255-2133
(508) 255-3786 (fax)

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From: Jacqueline Beebe <jbeebe@eastham-ma.gov>
Sent: Thursday, March 25, 2021 2:47 PM
To: Benjamin E. Zehnder <BZehnder@latanzi.com>
Cc: Gregg J. Corbo <GCorbo@k-plaw.com>; Laurie Gillespie-Lee <admin2@eastham-ma.gov>
Subject: Re: Wellfleet Drive-In hook-up

Hi Ben,

I reached out to the Wellfleet BOWC as they will have to approve us hooking you up. Is it ok if I meet with them just taking about the possibility in general terms?

I think the agreement would be that Eastham can hook up the drive in property but if Wellfleet ever has public water that extends that far south, their system would take the property back.

Please advise, Jacqui

Get [Outlook for iOS](#)

From: Benjamin E. Zehnder <BZehnder@latanzi.com>
Sent: Tuesday, March 23, 2021 10:28:54 AM
To: Jacqueline Beebe <jbeebe@eastham-ma.gov>
Cc: Gregg J. Corbo <GCorbo@k-plaw.com>; Laurie Gillespie-Lee <admin2@eastham-ma.gov>
Subject: Re: Wellfleet Drive-In hook-up

Thanks Jacqui. Hi Gregg. Call me anytime. Cell is best. Ben

Sent from my iPad
Benjamin E. Zehnder
La Tanzi, Spaulding & Landreth, LLP
8 Cardinal Lane; P. O. Box 2300

Orleans, MA 02653
(508) 255-2133 - office
(508) 246-4064 - mobile
Bzehnder@latanzi.com

On Mar 23, 2021, at 9:20 AM, Jacqueline Beebe <jbeebe@eastham-ma.gov> wrote:

Hi Ben,

KP Law Attorney, Gregg Corbo will be reaching out regarding drafting the agreement for the Drive-In hook-up. He is copied above. Thanks, Jacqui

Jacqueline W. Beebe
Town Administrator
Town of Eastham
jbeebe@eastham-ma.gov
(774) 801-3211

BEWARE! WIRE FRAUD IS ON THE RISE.

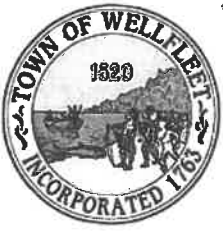
Accepting wire and disbursement instructions by email is dangerous, especially changes to those instructions. Verify by calling the originator of the email using previously known contact information prior to sending funds.

BEWARE! WIRE FRAUD IS ON THE RISE.

Accepting wire and disbursement instructions by email is dangerous, especially changes to those instructions. Verify by calling the originator of the email using previously known contact information prior to sending funds.

BEWARE! WIRE FRAUD IS ON THE RISE.

Accepting wire and disbursement instructions by email is dangerous, especially changes to those instructions. Verify by calling the originator of the email using previously known contact information prior to sending funds.



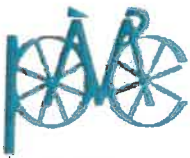
SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021

V

BUSINESS ~ C

REQUESTED BY:	Chief Michael Hurley
DESIRED ACTION:	To give a brief update on the Pan Mass Challenge
PROPOSED MOTION:	No Action Desired
SUMMARY:	Chief Hurley will explain the details of the Pan Mass Challenge and the plans that have been set into place for this race.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Pan-Massachusetts Challenge



July 12, 2021

Chief Michael Hurley
Wellfleet Police Department
36 Gross Hill Road
Wellfleet, MA 02667

Dear Chief Hurley,

I am writing as the Road Coordinator for the most successful and efficient athletic charitable fund-raiser in the nation—the 42nd annual Pan-Massachusetts Challenge—to request your support during the weekend of August 7 & 8, 2021. With that support, and the continuing support of the communities along our routes, we were able to donate \$63 million to the Jimmy Fund in 2019 and \$50 million in 2020 (a virtual event)—100% – every dollar – of funds raised by riders for a total of \$767,000,000 over the 41-year history of the event. Our goal for 21 is \$52 million. The success of this event is critical to the continued efforts of the Jimmy Fund in the war on cancer. Like the Jimmy Fund, the PMC has become a Massachusetts institution and tradition, known throughout America.

This year, the PMC has been substantially “reimagined” with consideration to public health, in 2021 there will be:

- Less than half of the riders in 2019 – about 2,500 on our Saturday routes. On Sunday 1,500 on the Cape, 1,500 on the mainland
- No gatherings or celebrations at our hub sites in Sturbridge, Wellesley, Bourne and Provincetown
- Waterstops will just have packaged snacks, lunches and drinks
- To spread out our riders, starts will be 1-hour windows. Riders are also encouraged to join the routes close to their homes.
- Finish lines will have no showers or alcohol, just changing tents and packaged food and drinks.
- Except for ferries from Provincetown, riders must provide their own transportation and accommodations
- Riders not fully vaccinated are required to wear masks when off their bikes and not socially distanced

There are almost no changes to our Saturday and Sunday Cape routes in 2021. The Sunday mainland routes are all new, with a 100-mile ride from Wellesley to Dighton and back and 25- and 50-mile options. The cyclists will pass through Wellfleet during this weekend on route shown on the enclosed database. You can also see maps of our routes at <http://www.pmc.org/ride/routes>. Choose a route, then scroll to “View the route on Strava”. Based on our experience over the years, our best estimate of the arrival of the first riders and the departure of the last riders on the day(s) we pass through your town is:

Saturday, August 7th	First rider arrives:	Sunday, August 8th	First rider arrives: 7:00:00 AM
	Last rider departs:		Last rider departs: 12:30:00 PM

Our partnership with the public safety agencies and MEMA give us the confidence that we can work together to manage any emergency. Once again, we are fortunate to utilize the MEMA and LEC radio systems to allow us to communicate directly with emergency responders, including your department.

The PMC is not a race. Our cyclists represent a wide range of ages and abilities. We continue to emphasize that the goal is to ride the route with the utmost safety and consideration for the traffic rules, local residents and motorists. Our goal is to pass along our route with a minimum of disruption and inconvenience to your department and your residents. As in past years, we will be mailing letters to households along our routes to alert residents to our event and request their support, which has been outstanding.

With your help, the 42nd PMC will be the most successful yet. I would appreciate your checking the data on the form on the back of this letter, adding and/or correcting it as necessary, and faxing or emailing it to me as soon as possible. Of course, I would welcome the opportunity to discuss any issues you feel are important or to accept any extra offers of assistance.

One of the chiefs along our route said, “I am proud that our town can contribute to this event.” I hope that you can share this sense of pride for an event for an event that brings a greater quality of life to so many, and honors those who have passed. I have had the pleasure of meeting many of you personally over the 29 years I have held this volunteer position. I can assure you that all of us here at the Pan-Mass Challenge, and the Jimmy Fund, are most appreciative of your generous spirit and cooperation. Thank you again.

Sincerely,

Allan J. Eyden

Allan J. Eyden, PMC Road Coordinator
Encl. Route Database, Data Form

PMC Weekend contact phone number (beginning 2PM Friday):
1-800-WE-CYCLE
 Allan J. Eyden: (Day) 781-850-0502 (Cell - after 8/7/21) 339-222-1469
 (Fax) 781-721-2955 Email: ajeyden@pmc.org



2021 Pan-Massachusetts Challenge

Municipal Data for Wellfleet

Please enter, correct, and OK the following data:

Our Current Information

Corrected Data

Police Department Head:

Chief Michael Hurley

PMC police contact (blank if Chief):

Lt. Mike Hurley

Lt Kevin LaRocco

Police Dept. Address:

36 Gross Hill Road

Wellfleet, MA 02667

Phone numbers (as dialed from OUTSIDE your town):

(We need these numbers --not 911-- to reach your department from our command post in Bourne)

Police emergency: (508) 349-3702

Police non-emergency: (508) 349-3702

Police Fax Phone: (508) 349-7683

Police Email Address: michael.hurley@wellfleet-ma.gov

Medical Emergency Phone: (508) 349-3754

Type of Medical Service (Fire Dept. Private Ambulance):

Fire/Ambulance

Hospital serving Wellfleet: Cape Cod Hospital

Hospital Phone: (508) 771-1800

Fire Dept

Head of Department:

Chief Richard Pauley Jr.

Fire Phone: (508) 349-3754

Fire Email:

Public Works or Highway

Head of Department:

Dir. Jay Norton

Public Works Phone: (508) 349-0315

Public Works Email:

Please comment on any assistance you can offer us (and location), any ways we can help you, problems in the past, or any other information relevant to this event.

Your help is sincerely appreciated!

Five Details requested and filled 0700-1100
hours Total Cost \$1,166.00

PLEASE FAX TO 781-721-2955 or scan and email to ajeyden@pmc.org

Day Rte	SEQ	Dir	Street (Remarks)	Miles		Town	First,Last Rider	Elpsd Time	Signs Guide	PD?
Sun 1	223	R	Setucket Rd.	1.1	30.5	Yarmouth	5:53 AM	2:12		
Sun 1	224	S	Setucket Rd. Old Bass River @ .9, Rt. 134 @ 1.6, 4-way Stop	2.6	33.1	Dennis (South Dennis)	8:05 AM	2:24	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sun 1	225	S	Setucket Rd. @ Airline Rd.	1.8	34.9	Brewster	8:24 AM	2:31	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	226	R	Stony Brook Rd. bear R, Setucket becomes Stony Brook	0.8	35.7	Brewster	6:05 AM	2:31	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	227	S	Main St. (Rt 6A) bear R	4.1	39.8	Brewster	6:07 AM	2:35	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	228	R	Flax Pond. Rd. (Nickerson Pk)	0.2	40.0	Brewster	8:42 AM	2:52	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sun 1	229		***BREWSTER WS (7)*** Nickerson State Park		40.0	Brewster	6:19 AM	2:52	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	230	S	Cape Cod Rail Trail ***VANS 905 to 906***	1.1	41.1	Brewster	6:19 AM	2:53	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	231	S	Cape Cod Rail Trail Salty Ridge Rd. for 0.2	0.6	41.7	Orleans	9:12 AM	2:58	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	232	L	West Rd. ***VANS RESUME***	0.2	41.9	Orleans	6:22 AM	3:00	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	233	R	Skaket Beach Rd.	0.1	42.0	Orleans	6:24 AM	3:02	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	234	L	Skaket Beach Rd.	0.3	42.3	Orleans	9:26 AM	3:01	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	235	L	Rock Harbor Rd.	0.5	42.8	Orleans	6:25 AM	3:04	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	236	R	Rock Harbor Rd.	1.0	43.8	Orleans	9:29 AM	3:05	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sun 1	237	L	Bridge Rd.	0.2	44.0	Orleans	6:29 AM	3:10	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	238	S	Bridge Rd. town line sign	0.5	44.5	Eastham	9:39 AM	3:11	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	239	R	Bridge Rd.	0.8	45.3	Eastham	6:30 AM	3:13	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	240	L	Herring Brook Rd.	3.2	48.5	Eastham	9:41 AM	3:16	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	241	R	Oak Rd.	0.2	48.7	Eastham	6:34 AM	3:16	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	242	L	Rt. 6 Eastham PD will cone a lane	0.5	49.2	Eastham	9:50 AM	3:30	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	243	R	Railroad Ave.	0.1	49.3	Eastham	6:42 AM	3:30	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	244	L	Cape Cod Rail Trail	0.9	50.2	Eastham	10:12 AM	3:31	<input type="checkbox"/>	<input type="checkbox"/>
Sun 1	245	S	Cape Cod Rail Trail Marconi Station Rd. @ 1.9	2.7	52.9	Wellfleet	6:43 AM	3:31	<input checked="" type="checkbox"/>	<input type="checkbox"/>
							10:14 AM	3:33	<input type="checkbox"/>	<input type="checkbox"/>
							6:44 AM	3:33	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
							10:17 AM	3:34	<input type="checkbox"/>	<input type="checkbox"/>
							6:44 AM	3:34	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
							10:18 AM	3:37	<input type="checkbox"/>	<input type="checkbox"/>
							6:47 AM	3:37	<input checked="" type="checkbox"/>	<input type="checkbox"/>
							10:24 AM	3:49	<input type="checkbox"/>	<input type="checkbox"/>
							6:54 AM	3:49	<input type="checkbox"/>	<input type="checkbox"/>
							10:43 AM		<input type="checkbox"/>	<input type="checkbox"/>

Day Rte	SEQ	Dir	Street (Remarks)	Miles		Town	First,Last Rider	Elpsd Time	Signs Guide	PD?
Sun	246	S	Rail Trail Parking Lot	0.1	53.0	Wellfleet	6:55 AM	3:49		
	1						10:44 AM		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sun	247	R	Lecounts Hollow Rd.	0.6	53.6	Wellfleet	6:56 AM	3:52		
	1						10:48 AM		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sun	248	L	Ocean View Dr.	1.9	55.5	Wellfleet	7:01 AM	4:01		Single File
	1						11:02 AM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	249	L	Long Pond Rd.	1.8	57.3	Wellfleet	7:06 AM	4:08		
	1						11:14 AM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	250	R	Lawrence Rd.	0.1	57.4	Wellfleet	7:07 AM	4:08		
	1		School St." on map				11:15 AM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	251		***WELLFLEET WS (8)***	0.0	57.4	Wellfleet	7:07 AM	4:08		
	1		Wellfleet Elem. School				11:15 AM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	252	L	Lawrence Rd.	0.1	57.5	Wellfleet	7:07 AM	4:09		
	1						11:16 AM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	253	R	Rt 6 (Mid-Cape)	1.7	58.2	Wellfleet	7:11 AM	4:17		
	1						11:28 AM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	254	R	Rose Rd.	0.2	59.4	Truro	7:12 AM	4:17		
	1						11:29 AM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	255	R	Collins Rd.	2.1	61.5	Truro	7:18 AM	4:26		
	1		repaved 2019				11:44 AM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	256	L	South Pamet Rd.	0.7	62.2	Truro	7:20 AM	4:29		
	1						11:49 AM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	257	R	Rt 6A (East)	0.1	62.3	Truro	7:20 AM	4:30		
	1						11:50 AM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	258	L	Castle Rd.	1.3	63.6	Truro	7:23 AM	4:36		
	1		steep hill				11:59 AM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	259	R	Castle Rd.	0.7	64.3	Truro	7:25 AM	4:39		
	1		sign "Corn Hill"				12:04 PM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	260	L	Rt 6 (Mid-Cape)	5.7	70.0	Truro	7:41 AM	5:03		
	1		Police assist				12:44 PM		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sun	261	S	Rt 6 (Mid-Cape)	2.3	72.3	Provincetown	7:47 AM	5:13		
	1						1:00 PM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	262	R	Race Pt. Rd.	1.5	73.8	Provincetown	7:51 AM	5:20		Alternate Ro
	1		(lights) Alternate route to both finishes--go straight				1:11 PM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	263	L	Provincelands Rd.	2.3	76.1	Provincetown	7:58 AM	5:29		
	1						1:27 PM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	264	R	Provincelands Rd./Rt. 6A	1.2	77.3	Provincetown	8:01 AM	5:35		
	1		FAMILY FINISH riders turn left (Seq 264)				1:36 PM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	265	S	***PROVINCETOWN INN***		77.3	Provincetown	8:01 AM	5:35		
	1						1:36 PM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	266	L	Route 6	1.2	78.5	Provincetown	8:04 AM	5:40		
	1		***FAMILY FINISH ROUTE BEGINS***				1:44 PM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	267	R	Shankpainter Rd.	0.0	78.5	Provincetown	8:04 AM	5:40		
	1						1:44 PM		<input type="checkbox"/>	<input type="checkbox"/>
Sun	268	L	Jerome Smith Rd.	0.1	78.6	Provincetown	8:04 AM	5:41		
	1						1:45 PM		<input type="checkbox"/>	<input type="checkbox"/>



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021

V

BUSINESS ~ D

REQUESTED BY:	Carol Ridley & Brian Carlstrom
DESIRED ACTION:	Discussion of Land Exchange by the Town of Wellfleet and Cape Cod National Seashore for the Herring River Restoration Project
PROPOSED MOTION:	I move to approve the exchange of land by the Town of Wellfleet and Cape Cod National Seashore for the Herring River Restoration Project
SUMMARY:	Brian Carlstrom will present to the Board on exchanging the land between the town of Wellfleet and the Cape Cod National Seashore.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

**SLADE ASSOCIATES, INC.
REGISTERED LAND SURVEYORS**

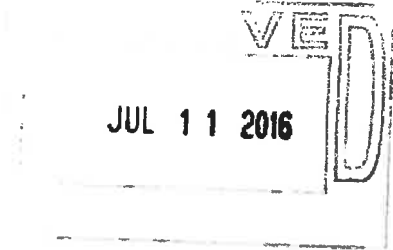
P.O. BOX 592
WELLFLEET, MASSACHUSETTS 02667
(508) 348-3110
FAX (508) 348-7577
e-mail: sladeassoc@capecod.net

ASSOCIATES:

RICHARD F. LAY, R.L.S.
CHESTER N. LAY, R.L.S.

July 11, 2016

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



Re: Sheet 42, Parcel 601 (Tract 30W6005), Wellfleet Atlas

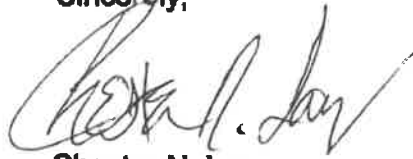
Dear Board Members,

This parcel was taken by the Town for non-payment of taxes in 1949, the final Notice of Disposal by the Land Court was in 1956. It is Lot 10 on a plan prepared for George H. Chapin in August of 1874, which I believe to be the oldest recorded plan here in Wellfleet. In June of 1964 Schofield Brothers did a detail map of the parcels comprising what used to be Camp Wellfleet and they depicted a number of these old subdivision lots, including Tract 30W6005 (or Lot 10 on the 1874 plan), the so-called "landing strip" owned by the Town. My office has since shown this parcel on the assessors' atlas as Schofield Brothers showed it on the Park maps. But we think that it is shown incorrectly. This parcel stops some 700 feet shy of the Old King's Highway, but the original deed to Lot 10 is bounded on the west by the Old King's Highway. Schofield held the distances shown on the 1874 subdivision plan coming westerly from the top of the marine scarp instead of the Old King's Highway – in the hierarchy of deed calls, the call for the Old King's Highway as the westerly abutter would, in my opinion, trump the distances shown on the subdivision plan. Why is this important to the Town? It would add another 8 ½ acres, but more importantly, it would give the Town some leverage when dealing with the Park. What looks to be legal access over the Old King's Highway is in fact no longer viable. In 1903 the Superior Court eliminated the Old King's Highway railroad crossing 5,500 feet south of the South Wellfleet passenger station (which is about 1,000 feet south of the entrance to the Park Headquarters) and also the Old King's Highway crossing the railroad tracks 2,300 north of the North Eastham passenger station, thus cutting off a large stretch of the Old King's Highway through North Eastham and South Wellfleet. So the Landing Strip has frontage on the Old King's Highway, but no viable access. But Marconi Beach Road, the access to Marconi Beach, crosses over Town-owned property and this may give you some weight in negotiations with the Park. We would like to update the Wellfleet atlas to show the "landing strip" parcel as it should be shown – bounded on the west by the Old King's

Highway. Schofield also shows this tract ending easterly at the mean high water line while the deed cites the "backside bank" as the terminus which I believe would be the top of the marine scarp and not the Atlantic, so we would like to make this change as well.

I am enclosing documents relevant to this property. Please feel free to call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester N. Lay". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Chester N. Lay
Professional Land Surveyor

Encls.

CNL/jd

**SLADE ASSOCIATES, INC.
REGISTERED LAND SURVEYORS**

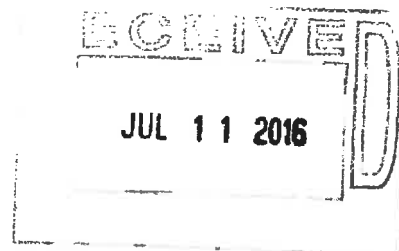
P.O. BOX 592
WELLFLEET, MASSACHUSETTS 02667
(508) 349-3110
FAX (508) 349-7577
e-mail: sladeassoc@capecod.net

ASSOCIATES:

RICHARD F. LAY, R.L.S.
CHESTER N. LAY, R.L.S.

July 11, 2016

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



Re: Sheet 42, Parcel 601 (Tract 30W6005), Wellfleet Atlas

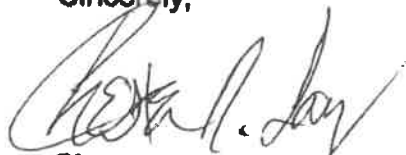
Dear Board Members,

This parcel was taken by the Town for non-payment of taxes in 1949, the final Notice of Disposal by the Land Court was in 1956. It is Lot 10 on a plan prepared for George H. Chapin in August of 1874, which I believe to be the oldest recorded plan here in Wellfleet. In June of 1964 Schofield Brothers did a detail map of the parcels comprising what used to be Camp Wellfleet and they depicted a number of these old subdivision lots, including Tract 30W6005 (or Lot 10 on the 1874 plan), the so-called "landing strip" owned by the Town. My office has since shown this parcel on the assessors' atlas as Schofield Brothers showed it on the Park maps. But we think that it is shown incorrectly. This parcel stops some 700 feet shy of the Old King's Highway, but the original deed to Lot 10 is bounded on the west by the Old King's Highway. Schofield held the distances shown on the 1874 subdivision plan coming westerly from the top of the marine scarp instead of the Old King's Highway – in the hierarchy of deed calls, the call for the Old King's Highway as the westerly abutter would, in my opinion, trump the distances shown on the subdivision plan. Why is this important to the Town? It would add another 8 ½ acres, but more importantly, it would give the Town some leverage when dealing with the Park. What looks to be legal access over the Old King's Highway is in fact no longer viable. In 1903 the Superior Court eliminated the Old King's Highway railroad crossing 5,500 feet south of the South Wellfleet passenger station (which is about 1,000 feet south of the entrance to the Park Headquarters) and also the Old King's Highway crossing the railroad tracks 2,300 north of the North Eastham passenger station, thus cutting off a large stretch of the Old King's Highway through North Eastham and South Wellfleet. So the Landing Strip has frontage on the Old King's Highway, but no viable access. But Marconi Beach Road, the access to Marconi Beach, crosses over Town-owned property and this may give you some weight in negotiations with the Park. We would like to update the Wellfleet atlas to show the "landing strip" parcel as it should be shown – bounded on the west by the Old King's

Highway. Schofield also shows this tract ending easterly at the mean high water line while the deed cites the "backside bank" as the terminus which I believe would be the top of the marine scarp and not the Atlantic, so we would like to make this change as well.

I am enclosing documents relevant to this property. Please feel free to call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester N. Lay". The signature is fluid and cursive, with the first name being the most prominent.

Chester N. Lay
Professional Land Surveyor

Encls.

CNL/jd

Part I ADMINISTRATION OF THE GOVERNMENT**Title XIV** PUBLIC WAYS AND WORKS**Chapter** FERRIES, CANALS AND PUBLIC LANDINGS
88**Section 17** DISCONTINUANCE; APPEAL

Section 17. A town at a meeting called for the purpose may discontinue any common landing place laid out under this chapter. Any resident of the town, or of an adjoining town aggrieved by such discontinuance may, within six months thereafter, appeal to the county commissioners, who shall give notice to the clerk of the town in which such landing place is situated, and to the clerks of every adjoining town, of a hearing on such appeal and of the time and place appointed therefor, at least thirty days before the time appointed for the hearing, and they shall also cause copies of the petition, or abstracts thereof, and of the notice, to be posted in two public places in each of said towns, and to be published three weeks successively in such newspaper as they shall order; the posting and the last publication to be fourteen days at least before any view, hearing or adjudication on such appeal. The proceedings of the county commissioners shall, so far as is practicable, be in accordance with the law regarding the discontinuance of a way by county commissioners, and the decision of the county commissioners shall be final.

Herring River Restoration Land Exchange for resolution of low-lying road and other improvements in the Town of Wellfleet Cape Cod National Seashore

July 21, 2021 pre-final

Background

The 1,100 Herring River restoration is the largest estuarine restoration effort in the Gulf of Maine. The vast majority of restoration acreage is within the Cape Cod National Seashore. The elevation of approximately two miles of non-contiguous low-lying road segments is necessary to protect public and private structures from potential effects of tidal restoration. The fill and elevation and associated construction areas along the low-lying road segments would extend the footprint of roadway embankments outside the existing town road layout encroaching onto federal land. Similarly, construction of the Chequessett Neck Road bridge and adjacent parking and access areas would encroach on federal land. A buffer area of 10-feet is included to enable long-term maintenance activities by the Town without needing future permitting. NPS does not have authority to grant an easement or permit for this activity and must engage in a land exchange to support these restoration project elements.

Engineering design for environmental permitting has sought to minimize impacts to the degree feasible. A work group was formed in 2020 between the Town, NPS, and Herring River Restoration team members to help examine remaining needed design decisions and clarify the resulting land exchange needs presented here. The critical task was confirming and narrowing to the extent possible the NPS land tracts impacted.

Since the group convened, the Herring River Executive Council determined a recommended design approach for the elevation of High Toss Road. Park staff have clarified the portions of the tracts and amount of land to be impacted by the project. NPS has also identified a list of possible town-owned parcels of interest for the exchange discussions.

Cumulative total estimate & Decision points

Approximately **9.39 acres** of cumulative impact on NPS property outside of the town road layouts are expected. These areas are described below and are itemized and depicted on the attached figures and tables. There is a defined process developed by the NPS Lands Office that will be followed on the Land Exchange (see **Attachment A**). The near-term decisions before the Selectboard and Cape Cod National Seashore are as follows:

- 1) Review and confirm the extent of encroachment and the following to be included in the land exchange:
 - North-South Low-Lying Roads
 - Bound Brook Island Road – a) western portion and b) private driveway access
 - High Toss Road

- Lands adjacent to Chequessett Dike area at Chequessett Neck Road and Duck Harbor Road - long-term Town management of parking area and river access
- 2) Discuss engaging in a potential equal value exchange so that we can initiate assistance by the NPS Northeast/Region 1 Lands Office is the current goal.
 - Four areas, including the potential private driveway solution, and tracts of interest to NPS.
- 3) Agree on tracts to be exchanged – follow-up meeting once materials digested.
- 4) Enter into a land exchange agreement.
- 5) Identify the town actions (Selectboard, Town Meeting, etc.) to affect the land exchange.

Town of Wellfleet - NPS Land Exchange Agreement

The town and national seashore will discuss this land exchange needed to advance the restoration project and achieve the restoration benefits within the Seashore. NPS will prepare a justification statement to be furnished to the NPS Regional Director.

An exchange agreement between the Town of Wellfleet and NPS also would be needed (see the **Attachment B** template). The exchange agreement will spell out what needs to happen and who is responsible for each task.

Once the parcels involved in the exchange are agreed to, NPS will work with the Town to develop a scope of work for a survey, and the legal descriptions and data files that are needed. Once the survey and legal descriptions are submitted, a number of other steps are required as noted in the Exchange Checklist. Appraisals are needed and must be done concurrently on NPS and town parcels with the goal of an equal value exchange. The cost of legal descriptions, survey work and appraisals will be covered by the NPS Lands Office.

Land Exchange Description of Herring River Project Areas

NPS Tracts/Parcels needed to be exchanged with Town of Wellfleet.

There are four main areas of encroachment that require the lands transfers: (1) the elevation of segments of Old County, Bound Brook Island and Pole Dike Roads; (2) the elevation of a small section of town-owned road, Bound Brook Island Road, and a BBI driveway to private property on park land, (3) the elevation of segments of High Toss Road, and (4) land on the NW side of the Chequessett Neck Road dike for Duck Harbor Road parking and river access.

Only the portions of NPS tracts that are going to be encroached upon need to be surveyed. The acreage of the portion of each tract to be transferred must be calculated, however, so that the acreage can be deducted from each of the affected tracts accordingly.

The four locations where the property surveys will be conducted are:

1) North-South Low-Lying Roads - Old County (Tract 25-8731) – eastern portion of Bound Brook Island Road (Tract 25-8731 and 25-8732)– Pole Dike Road (Tract 25-8732), Town of Wellfleet

Increasing the elevation and establishing a 3:1 slope of low-lying town road segments encroaches on NPS land. This extends for about two (2) non-contiguous miles and results in several acres of encroachment. The low-lying road work on NPS land that will occur outside of the road right-of-way layout beginning on Pole Dike Road, continuing on to Bound Brook Island (BBI) Road, starting near Pheasant Run and ending south of the Old County & Pamet Point (PP) Roads intersection. The last sections will occur on three short sections of Old County Road.

There are portions of **26 tracts** that will be encroached upon by construction activities. Tracts are depicted on NPS Tract Map # 204-25 and Assessors Maps 2 and 7. Affected NPS Tracts are: **25-4048, 25-5865, 25-5879, 25-5864, 25-4047, 25-4013, 25-5800, 25-4025, 25-4026, 25-5801, 25-4028, 25-5881, 25-5830, 25-4050, 25-5838, 25-5839, 25-4037, 25-5831, 25-5840, 25-5841, 25-5833, 25-4029, 25-4047, 25-5848, 26-4625, and 25-5849.**

Acreage = 5.75

2) Bound Brook Island Road western portion (Tract 25-8732) and to private driveway access to south, Town of Wellfleet

a) Elevating and widening will also occur on the western end of the town-owned Bound Brook Island Road. There are **five (5)** NPS tracts along the town-owned Bound Brook Island Road that will be encroached upon.

Five NPS tracts along the main road are depicted on NPS Tract Map #203-25 and Assessors Map 6. The affected NPS tracts include: **25-4009, 25-4012, 25-8604, 25-4070 and 25-4010.**

Acreage = 1.17

b) Private land impact area – potential resolution

The approach to raising the low-lying driveway of a privately-owned tract is also under consideration. There is a need to address the culvert work and fill for widening on NPS land for the private property with deeded driveway rights across NPS land that extends south from Bound Brook Island Road to the home sites (Tract **25-4010**). One potential option is that NPS consents to the work on Tract 25-4010 by agreeing to add this to the land exchange with the town, if the town consents to adding this minor project element to the other town road work associated with Bound Brook Island Road.

Acreage = 0.96

3) High Toss Road, Wellfleet (Tract 26-8678)

The amount of encroachment on High Toss Road is due to elevated and widened sections between Hopkins Drive to Way 672/Rainbow Lane. The Annual Town Meeting accepted the 40-foot-wide High Toss Road as a town road right-of-way in June 2021. One (1) NPS-owned tract will be affected. The NPS tract is depicted on NPS Tract Map # 202-26 and Assessors Map 12. The **one** potential affected NPS tract is **Tract 26-4630**.

Acreage = 0.6 acre

4) Lands adjacent to Chequessett Dike area at Chequessett Neck Road (Tract 26-8679) and Duck Harbor Road, Wellfleet (Tract 26-8677)

This is the fourth area where some of the construction related to the project will occur, including the bridge and parking area once the staging area for the project is complete.

In 1999, NPS contracted for a title search regarding the ownership of Duck Harbor Road in a joint effort to determine the proper way to approach maintenance of the public way. Both parties have real property interests in Duck Harbor Road. At that time, NPS notified the Town of Wellfleet of the following: "The road is shown as a town road on the assessor's map and the NPS is the abutter on both sides along the entire length of the road. While a deed of transfer was never recorded conveying the property from Mr. Henderson, Certificates of Title have been issued in accordance with a stipulation between Mr. Alexander I. Henderson and the Town of Wellfleet by the Massachusetts Land Court for a 30-foot easement for a public way. The underlying fee interest rests with the NPS as the current owner of the Henderson property."

The staging, river access, and parking area proposed on the south side of Duck Harbor Road is on CACO property known as **Tract 26-4607** and a small section on the west side of Chequessett Neck Road known as **Tract 27-4800**. The construction staging area is not included in the exchange area. The acreage to be included is for permanent and a 10-foot buffer area for future maintenance for the town to erect a parking area, the bridge, and walkway enabling maintenance of the structures and management of river access.

Total = 0.914 acres

Combined total = 9.39 acres

Attachments:

A: NPS Land Exchange Checklist

B: Land Exchange Agreement template

C: CACO Town Road maps and tables

D: Areas of Encroachment - tracts and acreage summary table

E: Town Lands of Interest to the NPS

Att 1: Map attachment regarding town lands

Land Exchange Checklist

This table provides a general overview of the basic steps in a typical land exchange. The steps and the chronology may vary based on the circumstances of an individual exchange and regional variances in procedures. Identification of the party likely to be responsible for the various steps requires close, ongoing coordination between the park and Lands.

Phase of Exchange	Responsible Party	Step
Initiation and Agreement	Park	Determine park has legislative authority to exchange lands/interests
	Park	Determine proposal meets demonstrable benefit suitability criteria
	Park/Lands	Meet with the non-federal party, explain parameters, begin preliminary negotiations
	Lands	Develop preliminary planning maps and legal descriptions
	Park	Superintendent provides Justification Statement for RD approval
	Park	Obtain Regional Director approval to proceed
	Lands	Order Preliminary Title Evidence
Compliance Requirements	Lands	Prepare Exchange Agreement, obtain signature of landowner and Lands Chief (if complex, a preliminary agreement may be needed)
	Park	Park to initiate compliance process (NEPA, Natural/Cultural, etc.) via PEPC system and provide documentation of compliance to Lands
Public Notification & Appraisal	Lands	Prepare NORA, obtain Solicitor Review (if not large/sensitive, no alienation involved)
	Lands	WASO Solicitor review of NORA (if large, sensitive, or will alienate)
	Lands	Obtain RD signature on NORA
	Lands	Send notification letter to landowners, abutters, public officials, etc.
	Lands	Order appraisal following standard AVSO procedures
	Lands	Publish NORA in local newspaper for 3 consecutive weeks
	Lands	Get proof of publication in newspaper, wait 45 days after last publish
	Lands	If no comments notify Superintendent, get permission to proceed
Final Agreement (if needed)	Lands	If adverse comments received, refer to section 11.7.5
	Lands	Receive appraisal, determine equalization payment if applicable
Congressional Notification & Federal Register Notice	Lands	Make final revisions to Exchange Agreement and obtain signatures
	Lands	If Cong. Review is required, send exchange package to WASO Lands
	Lands	If Federal Register notice is required, send to WASO Lands
	Lands	Allow 30-day review by Committees on Appropriations
Closing	WASO Lands	Publish FR notice and submit NORA to Congressional Committees
	Lands	Order Environmental Site Assessment
	Lands	Prepare warranty deed to USA and Quitclaim deed to landowner
	Lands	Obtain Preliminary Title Opinion
	Lands	Prepare closing package
	Lands	After ESA is received and acceptable, arrange for closing

Template Exchange Agreement

UNITED STATES OF AMERICA
DEPARTMENT OF INTERIOR
NATIONAL PARK SERVICE

[PARK NAME]

EXCHANGE AGREEMENT

Tracts: _____

Vendor: _____

THIS AGREEMENT TO EXCHANGE INTERESTS IN REAL PROPERTY is made by and between the [VENDOR NAME], hereinafter referred to as the “[ABBRV],” and the UNITED STATES OF AMERICA, acting by and through the [REGION NAME] REGION of the NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, hereinafter referred to as the “NPS.”

WITNESSETH

WHEREAS [PARK] is a unit of the National Park System, and is administered by the National Park Service; and

WHEREAS, [VENDOR] is interested in obtaining [fee] ownership of property within [PARK NAME] now owned by NPS totally approximately X.XX acres, and being known as Tract _____, and shown on map entitled Exhibit “X”, attached hereto and made a part hereof; and

WHEREAS, [VENDOR] owns a vacant parcel of real property within the boundary of [PARK], and being known as Tracts _____ shown herein on map entitled Exhibit “X”, attached hereto and made a part of hereof, for which [VENDOR] is willing to grant in [fee] ownership approximately X.XX acres, in exchange for fee ownership of X.XX on Tract _____ noted above belonging to NPS; and

WHEREAS the NPS and the [VENDOR] believe that the public interest will benefit through the accomplishment of an exchange of interests in land as hereinafter described; and

WHEREAS the NPS and the [VENDOR] wish to engage in a process through which an exchange of interests in land can be consummated and to set out the respective rights and responsibilities of the parties in this transaction.

NOW, THEREFORE, the NPS, under the authority provided by the [Land and Water Conservation Fund Act, 54 U.S.C. 102901], and the [VENDOR] enter into this agreement to complete the exchange of interests in land described herein for the mutual benefit of the parties hereto and their respective successors and assigns. The terms and conditions of this agreement are as follows:

***** THIS SECTION WILL CHANGE FOR EACH EXCHANGE**

1. **PURPOSE:** The purpose of this document is to agree upon and note the steps necessary to finalize an easement and land exchange process for the properties specified herein. Subject to the terms and conditions set forth below; subject to fulfillment of all Federal requirements, including but not limited to title and hazardous material site assessment survey approval and environmental and cultural compliance; and subject to agreement upon the values of the properties to be exchanged, and the willingness and ability to make up any difference in value by a monetary contribution by the party obligated to do so:

[VENDOR] will: convey to the United States of America, on behalf of NPS, by [fee-simple] deed free of lien or encumbrance, except those encumbrances otherwise mutually agreed upon at a time prior to opening of Escrow, [DESCRIBE EXCHANGE];

The United States of America, through NPS, will convey to [VENDOR] by quitclaim deed, without warranty of title, the surface estate, water rights and following improvements, as hereinafter specified: [DESCRIBE EXCHANGE]

2. **APPRAISAL:** The NPS shall pay the costs associated with obtaining a real estate appraisal of the interests in land to be exchanged. The appraiser will work under the direction of the Department of the Interior Appraisal and Valuation Services Office Directorate, hereinafter referred to as the "AVSO," in order to ensure that the completed appraisal complies with the Uniform Appraisal Standards for Federal Land Acquisition. Both parties will have an opportunity to review the appraisal establishing the market values of the interests in land to be exchanged prior to rendering a decision as to whether to proceed with the exchange as contemplated herein. However, only upon the written approval of the appraisal by the AVSO acknowledging the appraised values as the basis for an equal value exchange of interests in land will the NPS be authorized to proceed with the exchange of interests as contemplated herein.
3. **EQUAL VALUES:** It is understood that the exchange must be an equal value exchange, as such values are established by appraisals of both the properties of [VENDOR] and the property of NPS, which appraisals must be undertaken according to standards established by the U.S. Department of Justice, and reviewed and approved by AVSO. It is understood that if values are not equal, cash contribution up to an equalizing amount must be paid by the appropriate party if the exchange is to be consummated.

[If needed, INSET EQUALIZATION TABLE or language that a table will be provided as an amendment once values are determine.]

4. **ENVIRONMENTAL SITE ASSESSMENT:** It is understood that before NPS acquires or conveys an interest in real property, a Pre-Acquisition Environmental Site Assessment must be undertaken, and said survey reviewed and approved; that NPS may not accept or convey property with hazardous material contamination problems, and if present, such problems must be resolved by the appropriate party before the exchange takes place.
5. **TITLE:** The NPS shall obtain a preliminary title commitment and subsequent title insurance policy for the interests in land to be conveyed by the [VENDOR].

CAT-EX
6. **ENVIRONMENTAL and CULTURAL COMPLIANCE; PUBLIC NOTICE:** The NPS shall consider the effects of the proposed exchange as required by all applicable laws, including NEPA. To this end, the NPS agrees to perform, at its own expense, all NEPA compliance required for the proposed exchange. The NPS further agrees that, immediately upon the execution of this agreement, it shall commence the procedures necessary for the superintendent of [PARK NAME] to sign a categorical exclusion form under section 3.3(C)(2) of National Park Service NEPA Handbook.

EA/EIS
Or
It is understood by both parties that this exchange will be subject to requirements of environmental (including the National Environmental Policy Act [NEPA] and cultural (including State Historical Preservation Office review) compliance laws and regulations, and requirements of public notice. It is possible that the results of such investigations might alter the proposed exchange.

In accordance with NPS guidelines governing proposed land exchanges, the NPS shall, immediately upon the execution of this agreement, undertake to notify the public and various governmental bodies of the proposed exchange (public notification shall include publication of a Notice of Realty Action in a local newspaper providing a minimum 45-day period for public comment).

7. **COST RESPONSIBILITIES:** With respect to costs, NPS agrees to pay for the following for both the NPS and [VENDOR] properties: a) title reports; b) Environmental Site Assessment surveys; c) land surveys and the development of legal descriptions; d) appraisals; e) the cost associated with the requisite public notice requirements; and f) the cost of deed preparation. Both parties agree to equally share the costs of Escrow, and of NEPA/CEQA and cultural resource compliance requirements.

8. **POTENTIAL LOSS:** [VENDOR] and NPS agree that loss or damage to their respective properties by fire or acts of God shall be at their respective risks, until the title to the land and the deeds to [VENDOR] and the NPS respectively, have been accepted by both parties respectively, through their duly authorized representatives; and in the event that such loss or damage occurs, [VENDOR] and the NPS may, without liability, refuse to accept the conveyance of the title or they may elect to accept conveyance of title to such property, in which case there shall be an equitable adjustment of the values of the lands to be exchanged.

9. **CONDEMNATION:** [VENDOR] agrees that the United States may acquire title to the property of [VENDOR] by condemnation or other judicial proceedings, in which event [VENDOR] agrees to cooperate with the United States in the prosecution of such proceedings; agrees that the completed exchange shall be the full amount of the award of just compensation, inclusive of interest, for the taking of said land; and agrees that any and all monetary awards of just compensation that may be made in the proceeding to any defendant shall be payable and deductible from said amount, for the result of an equal value exchange.

10. **CLEAN TITLE:** [VENDOR] agrees that all taxes, assessments, and encumbrances that are a lien against the land at the time of conveyance to the United States shall be satisfied

of record by [VENDOR] at or before transfer of title; that [VENDOR] will, at the request of the United States and without prior tender of the quitclaim deed from the United States, execute and deliver the grant deed to the United States, pay as required the state documentary revenue stamp taxes, state and local recordation or transfer taxes where required, and obtain such other curative evidence of title as may be required by the United States.

11. **RIGHT OF ENTRY:** Both parties agree from the date hereof, officers and accredited agents of either party, shall have, at all proper times, rights and privileges to survey and enter upon the respective properties, for all lawful purposes in connection with the acquisition thereof. Such examinations shall be non-impairing to the environment and to the activities of the owners thereon, and prior notification will be given to the other party in each instance.
12. **NATURE AND CONTINUATION OF AGREEMENT:** Both parties enter into this agreement with the expectation that the exchange of interests in land as set forth herein will be mutually beneficial and should occur as quickly as possible. It is understood that this agreement, once executed, shall bind the parties to consummate the proposed exchange, subject to the following exceptions: 1) the due diligence requirements as outlined in this agreement; and, 2) Department of the Interior concurrence. If any of these exceptions prevent the NPS or [VENDOR] from completing the exchange, the agreement will terminate without prejudice to either party, and neither party is bound to reimburse or pay damages to any party to this proposed exchange or to anyone doing business with any such party.

In the unlikely event that the [VENDOR] is unable to convey a [fee-simple] title in Tract ____ to the NPS in exchange for the NPS's conveyance to the [VENDOR] of Tract ____, the parties pledge to work together to identify other property suitable for the [VENDOR] to convey to the NPS in exchange for the aforementioned Tract ____.

Where factors controlled by both parties are diligently and timely addressed, this agreement shall be continued. If the exchange can no longer be pursued by either party for any of the reasons noted in this paragraph, this agreement can be terminated by either party by giving the other party 30 days written notice.
13. **INTEREST OF MEMBERS OF CONGRESS:** Pursuant to 41 U.S.C. § 22, Interest of Member of Congress, "No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon."
14. **ANTI-DEFICIENCY ACT:** Pursuant to the Anti-Deficiency Act, 31 U.S.C. § 1341(a)(1), as amended, nothing herein contained shall be construed as binding the United States to expend in any one fiscal year any sum in excess of appropriations made by Congress for this purpose, or to involve the United States in any contract or other obligation for the further expenditure of money in excess of such appropriations.
15. **ALL TERMS INCLUDED HEREIN:** All terms and conditions with respect to this agreement are expressly contained herein and the [VENDOR] agrees that no

representative or agent of the United States has made any representation or promise with respect to this agreement not expressly contained herein.

This agreement contains the complete agreement between the parties and may only be amended by a written instrument executed by both parties.

The terms and conditions aforesaid are to apply to and bind the administrators, successors and assigns of the [VENDOR] and the NPS and its assigns.

The captions inserted in this agreement are for convenience only and in no way define, limit, or otherwise describe the scope or intent of this agreement or any provision hereof, or in any way affect the interpretation of this agreement.

16. **COUNTERPARTS:** This agreement may be executed in one or more counterparts, each of which counterpart shall for all purposes be deemed to be an original; but for all such counterparts together shall constitute but one instrument
17. **EFFECTIVE DATE:** The effective date of this agreement shall be deemed to be the last date, in point of time, on which all parties hereto have executed this agreement.
18. **NOTICE:** Notice concerning the agreement shall be provided to the parties at the addresses provided below:

[VENDOR]
[ADDRESS]

NATIONAL PARK SERVICE

National Park Service
[ADDRESS]

Any notice required or permitted hereunder shall be deemed to have been received either (i) when delivered by hand to the party and when the party giving such notice has received a signed receipt therefore, or (ii) when delivered by the United States Postal Service, postage prepaid, or by a recognized commercial air or local courier service, addressed as noted above (or addressed in such other manner as the party being notified shall have requested by such written notice to the other party), except that refusal to accept delivery of notice shall be deemed to be receipt and acceptance hereunder.

SIGNATURES APPEAR NEXT PAGE

Agreed between the parties:

ATTEST:

[VENDOR]

By: _____
Name
Title

Date

Date

ATTEST:

UNITED STATES OF AMERICA

By: _____
[NAME]
Chief, Land Resources Program Center
[REGION]
National Park Service
Department of the Interior

Date

Date


DRAFT

Herring River Restoration Project

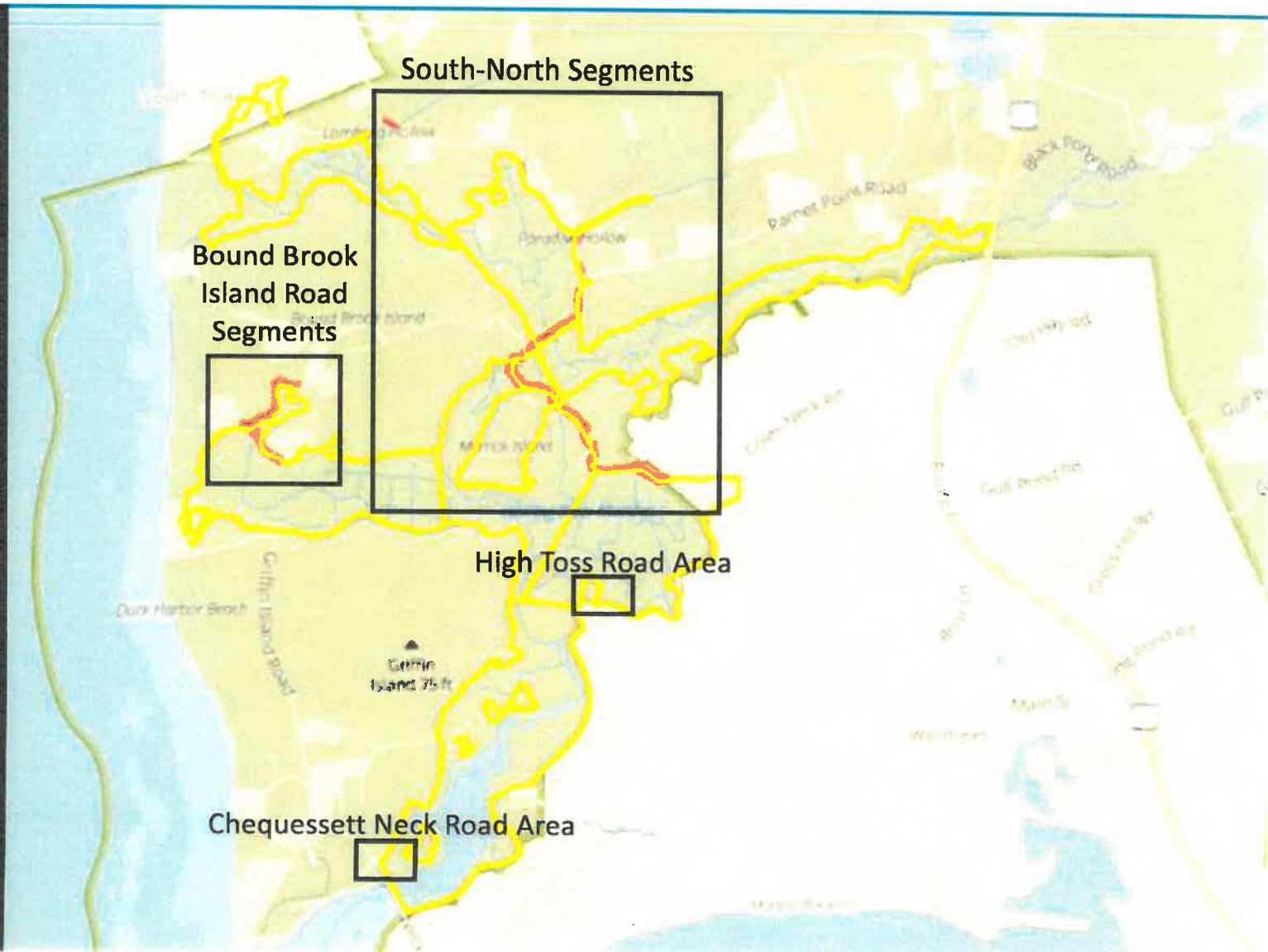
South-North Roads and Bound Brook Island Road Segments Requiring Town Acquisition and Right-of-Way Expansion

 CACO Boundary

 Project Area

 Subject Road Segments

Scale 1:32,000





CACO – Town of Truro Land Exchange
Limits of Construction Work With 10 Foot Buffer

 Areas for Town Acquisition

Truro Area:

NPS Tract#	Map/Lot	Owner	Size (ac/sf)
254005	040-000-999-000	CACO	0.08/3485
254097	040-000-999-000	CACO	0.04/1742
255866	064-000-009-000	CACO	0.08/3485



Truro Assessor's Map_Lot Data
NPS Tract Data
SCALE: 1:2650

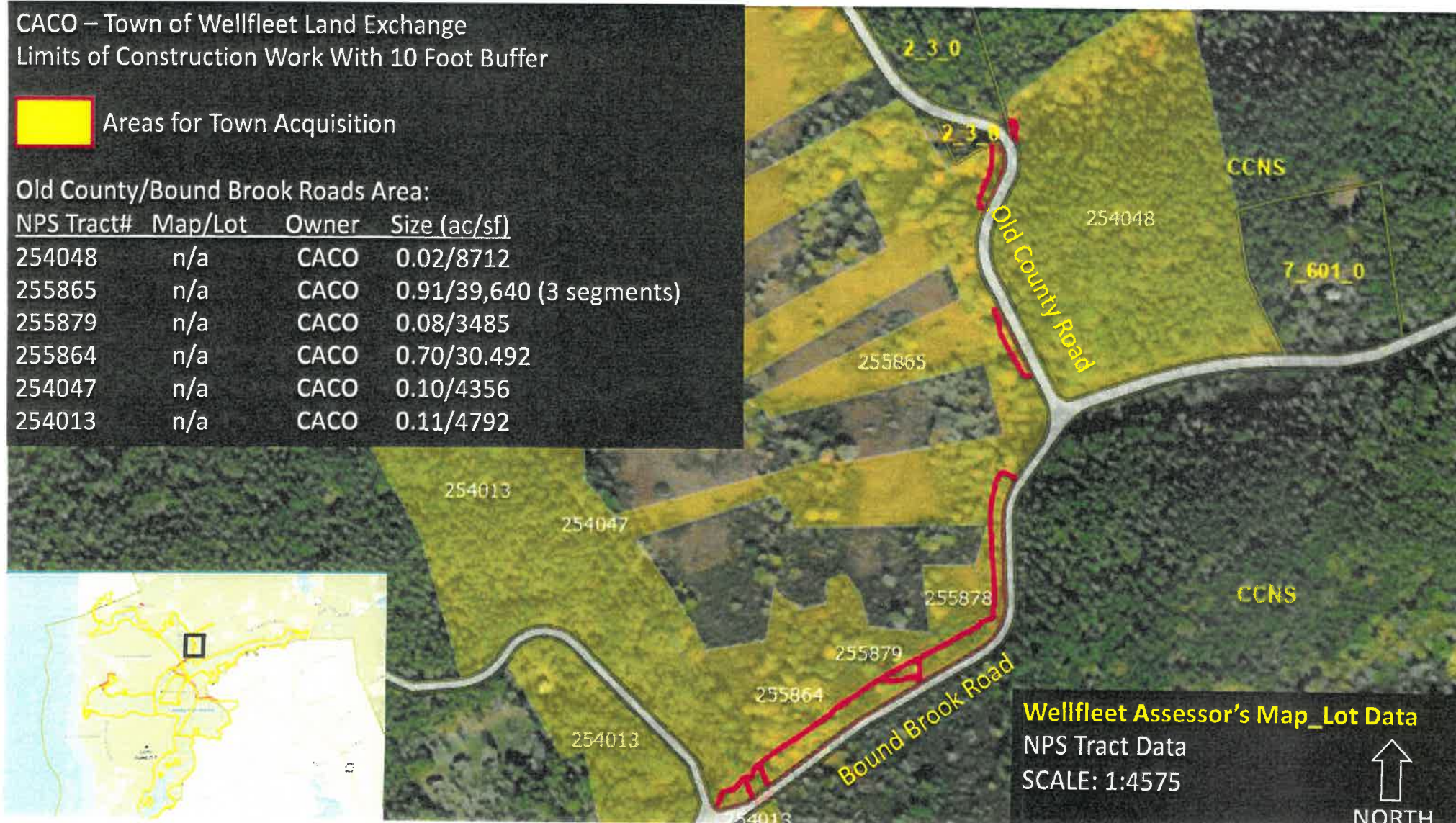


CACO – Town of Wellfleet Land Exchange
Limits of Construction Work With 10 Foot Buffer

 Areas for Town Acquisition

Old County/Bound Brook Roads Area:

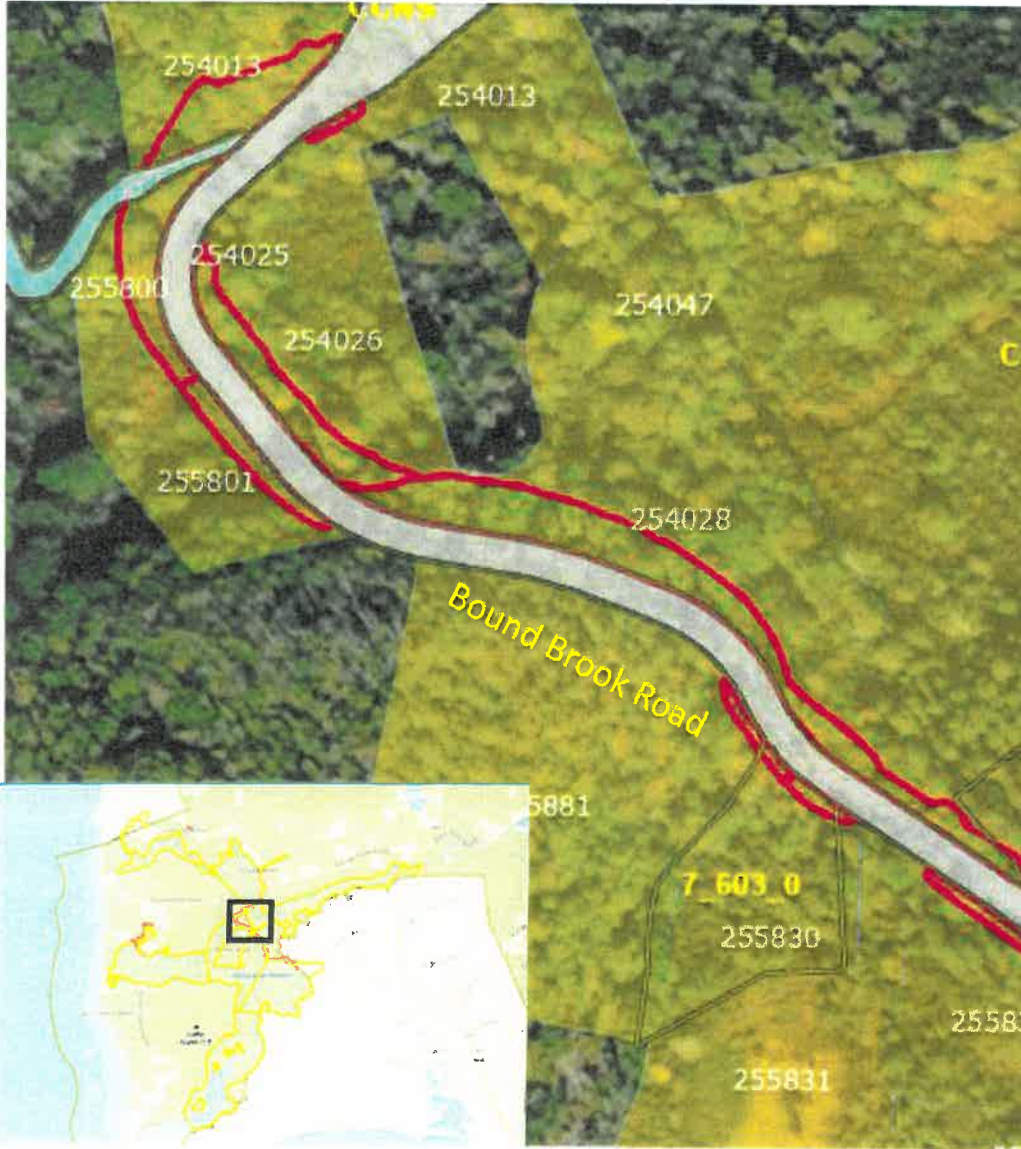
NPS Tract#	Map/Lot	Owner	Size (ac/sf)
254048	n/a	CACO	0.02/8712
255865	n/a	CACO	0.91/39,640 (3 segments)
255879	n/a	CACO	0.08/3485
255864	n/a	CACO	0.70/30,492
254047	n/a	CACO	0.10/4356
254013	n/a	CACO	0.11/4792




Wellfleet Assessor's Map_Lot Data

NPS Tract Data
SCALE: 1:4575





CACO – Town of Wellfleet Land Exchange
Limits of Construction Work With 10 Foot Buffer

 Areas for Town Acquisition

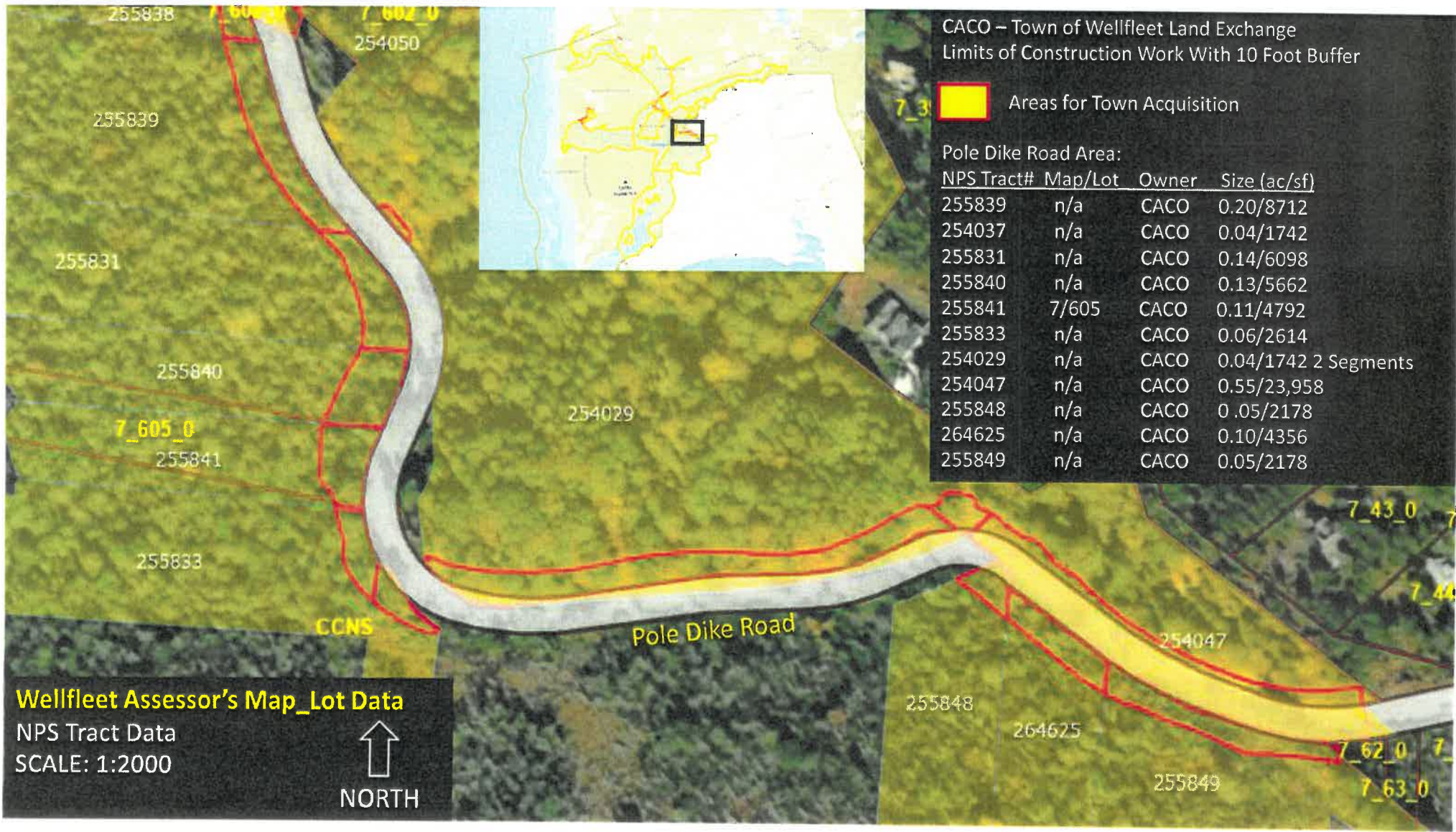
Bound Brook Road Area:

NPS Tract#	Map/Lot	Owner	Size (ac/sf)
254013	n/a	CACO	0.28/12,197 2 Segments
255800	n/a	CACO	0.25/10,890
254025	n/a	CACO	0.003/131
254026	n/a	CACO	0.27/11,761
255801	n/a	CACO	0.11/4792
254028	n/a	CACO	0.75/32,670
255881	n/a	CACO	0.04/1742
255830	7/603	CACO	0.03/1307
254050	7/602	CACO	0.54/23,552
255838	7/602	CACO	0.09/3920 2 Segments

Wellfleet Assessor's Map_Lot Data

NPS Tract Data
SCALE: 1:2900





CACO – Town of Wellfleet Land Exchange
Limits of Construction Work With 10 Foot Buffer

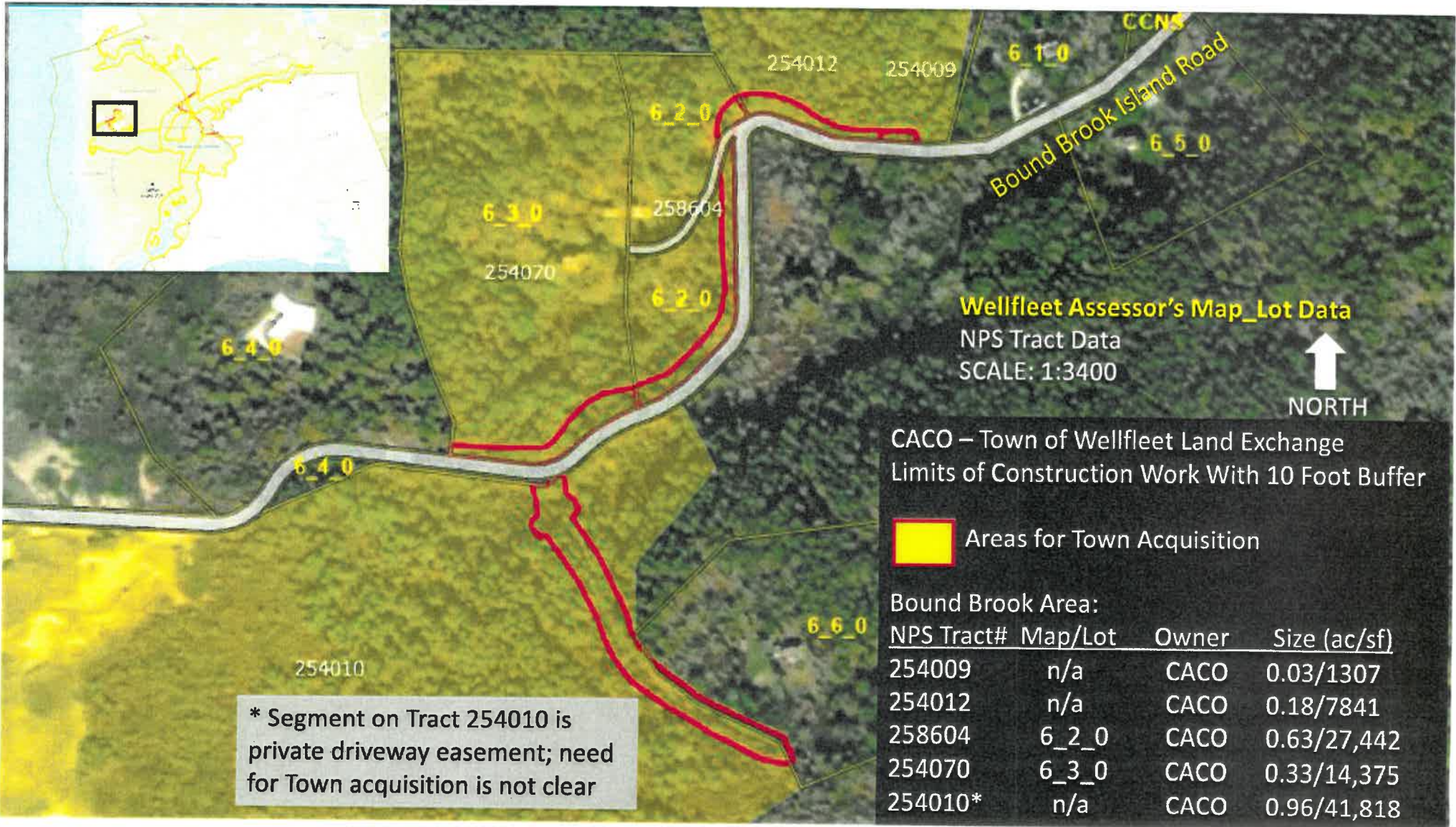
Areas for Town Acquisition

Pole Dike Road Area:

NPS Tract#	Map/Lot	Owner	Size (ac/sf)
255839	n/a	CACO	0.20/8712
254037	n/a	CACO	0.04/1742
255831	n/a	CACO	0.14/6098
255840	n/a	CACO	0.13/5662
255841	7/605	CACO	0.11/4792
255833	n/a	CACO	0.06/2614
254029	n/a	CACO	0.04/1742 2 Segments
254047	n/a	CACO	0.55/23,958
255848	n/a	CACO	0.05/2178
264625	n/a	CACO	0.10/4356
255849	n/a	CACO	0.05/2178


Wellfleet Assessor's Map_Lot Data
NPS Tract Data
SCALE: 1:2000

↑
NORTH





CACO – Town of Wellfleet Land Exchange
Limits of Construction Work With 10 Foot Buffer

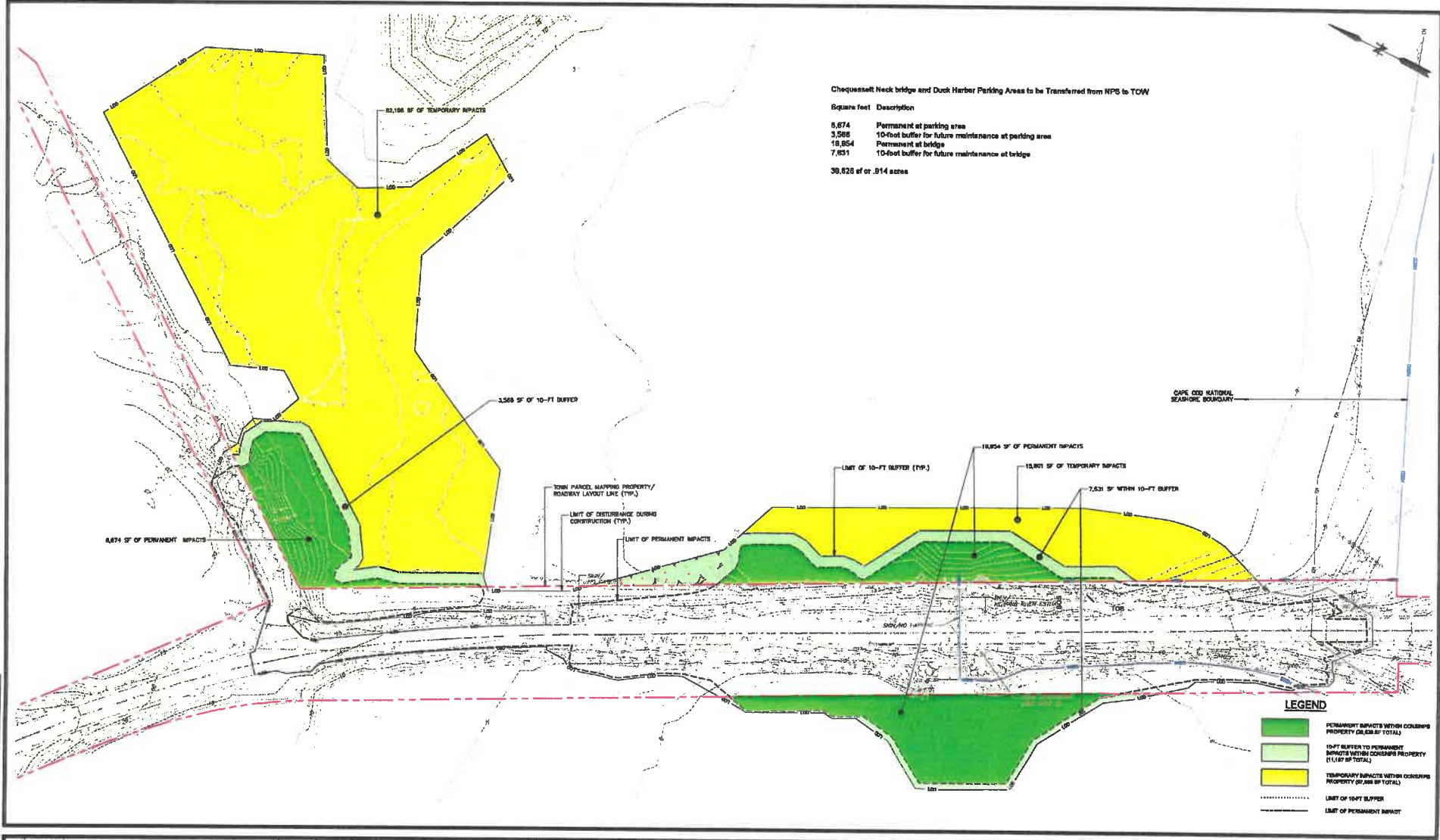
 Areas for Town Acquisition

High Toss Area:

NPS Tract#	Map/Lot	Owner	Size (ac/sf)
264630	n/a	CACO	0.6/26,136



File Path: C:\GIS\2016\20160811\Check\shades\0120160811\IMPACT WITHIN BUFFERING Layout: PRO 2: Impact Title: July 20, 2016 - 2:58 PM User: mfwjg
 Plot Size: 11.00 x 17.00
 Paper: NONE CTS File: PLO.DWG
 Layer State:



No.	DATE	DESCRIPTION	DESIGNER	REVIEWER
1.	TBD	ADD 10-FT. BUFFER AREAS		

SEAL SEAL

NOT FOR
CONSTRUCTION

SCALE
 HORIZ: 1"=40'
 VERT: 1"=40'
 DATUM: NAD83
 HORIZ. UNITS: FEET
 VERT. UNITS: FEET
 GRAPHIC SCALE IN FEET

FUSS & O'NEILL
317 BRON FROGS WAY, SUITE 204
 PROVIDENCE, RI 02908
 401.863.3070
 www.fussandoneill.com

**FRIENDS OF HERRING RIVER
 IMPACT AREAS WITHIN
 CAPE COD NATIONAL SEASHORE /
 NATIONAL PARK SERVICE PROPERTIES
 HERRING RIVER RESTORATION PROJECT
 CHEQUESSSETT NECK ROAD BRIDGE AND WATER ACCESS
 FACILITY CONSTRUCTION
 CHEQUESSSETT NECK ROAD WELLSFLEET, MASSACHUSETTS**

PROJ. No.: 20120634.A17
 DATE: NOVEMBER 2016
FIG. 2

Herring River Project, Low Lying Road Segments fo

South-North Roads

Segments in Truro			
<i>NPS Tract#</i>	<i>Town Map/Lot#</i>	<i>Current Owner</i>	<i>Area (sf)</i>
254005	040-000-999-000	CACO	3,485
254097	040-000-999-000	CACO	1,742
255866	064-000-009-000	CACO	3,485
TOTAL in Truro			8,712

Old County Sgements

<i>NPS Tract#</i>	<i>Town Map/Lot#</i>	<i>Current Owner</i>	<i>Area (sf)</i>
254048	n/a	CACO	8,712
255865	n/a	CACO	39,640
255879	n/a	CACO	3,485
255864	n/a	CACO	30,492
254047	n/a	CACO	4,356

Bound Brook Segments

<i>NPS Tract#</i>	<i>Town Map/Lot#</i>	<i>Current Owner</i>	<i>Area (sf)</i>
254013	n/a	CACO	4,792
254013	n/a	CACO	12,197
255800	n/a	CACO	10,890
254025	n/a	CACO	131
254026	n/a	CACO	11,761
255801	n/a	CACO	4,792
254028	n/a	CACO	32,670
255881	n/a	CACO	1,742
255830	7_603	CACO	1,307
254050	7_602	CACO	23,552
255838	7_602	CACO	3,920

Pole Dike Segments

<i>NPS Tract#</i>	<i>Town Map/Lot#</i>	<i>Current Owner</i>	<i>Area (sf)</i>
255839	n/a	CACO	8,712
254037	n/a	CACO	1,742
255831	n/a	CACO	6,098
255840	n/a	CACO	5,662
255841	7_605	CACO	4,792
255833	n/a	CACO	2,614
254029	n/a	CACO	1,742
254047	n/a	CACO	23,958
255848	n/a	CACO	2,178
264625	n/a	CACO	4,356
255849	n/a	CACO	2,178

Bound Brook Segments

<i>NPS Tract#</i>	<i>Town Map/Lot#</i>	<i>Current Owner</i>	<i>Area (sf)</i>
254009	n/a	CACO	1,307
254012	n/a	CACO	7,841
258604	6_2_0	CACO	27,442
254070	6_3_0	CACO	14,375
254010	n/a	CACO	41,818

High Toss Area

<i>NPS Tract#</i>	<i>Town Map/Lot#</i>	<i>Current Owner</i>	<i>Area (sf)</i>
264630	n/a	CACO	26,136

Chequessett Neck Road Area

<i>NPS Tract#</i>	<i>Town Map/Lot#</i>	<i>Current Owner</i>	<i>Area (sf)</i>
264607		CACO	
274800	n/a		39,814

Total in Wellfleet 417,204
Grand Total 425,916

r Town Acquisition



<i>Area (acres)</i>	<i>Notes</i>
0.08	
0.04	
0.08	
0.20	



<i>Area (acres)</i>	<i>Notes</i>
0.02	
0.91	3 segments
0.08	
0.70	
0.10	

<i>Area (acres)</i>	<i>Notes</i>
0.11	2 segments
0.28	
0.25	
0.00	
0.27	
0.11	
0.75	
0.04	
0.03	
0.54	
0.09	2 segments

<i>Area (acres)</i>	<i>Notes</i>
0.20	
0.04	
0.14	
0.13	
0.11	
0.06	
0.04	2 segments
0.55	
0.05	
0.10	
0.05	

Area (acres)	Notes
0.03	
0.18	
0.63	
0.33	
0.96	Private driveway

Area (acres)	Notes
0.60	

Area (acres)	Notes
0.91	
9.39	
9.59	

Herring River Restoration Land Exchange in the Town of Wellfleet Cape Cod National Seashore

Town Lands of Interest to National Park Service (NPS)

Park and Town of Wellfleet managers had an initial discussion August 25, 2020 generally outlining the land exchange need and issues together. The land exchange will enable parts of the project to proceed for town-owned facilities via a land exchange with the NPS. Selectboard members requested that the NPS identify more than one potential exchange parcel. Subsequently, the national seashore developed a summary of interests and information to guide the consideration of potential exchange parcels for this second discussion.

- When considering land exchanges, Cape Cod National Seashore (CCNS) managers are primarily interested in town parcels not already in conservation – parcels under Selectboard control.
- The Town is looking for input from CCNS on parcels of interest, and the park management team has discussed and consulted maps.
- Helen Miranda Wilson is the Selectboard liaison.
- The highest priority interest for the NPS is the Landing Strip parcel within the Marconi area to consolidate landholdings there for a single approach to resource management in the Marconi wildlife area.
- The town landing at the Gut is a second parcel of interest.
- A final parcel of interest is west of a small unnamed pond on the south side of Cahoon Hollow Road.

We consulted maps that were prepared with assistance of NPS and Mass GIS mapping resources completed for us by the Cape Cod Compact of Conservation Trusts in 2014. We have only put forward town-owned parcels in the “Highest” and “Higher” sensitivity category based on natural communities, wetland, and other resource values.

Marconi landing strip

The parcel of highest interest is a part of the western portion the Marconi “landing strip”, Assessors Map 42, Parcel 601 also known as NPS Tract 30-6005; the eastern portion is vulnerable to coastal erosion. The park’s interest is in a portion of this 48-acre parcel, commensurate with the value of the combined NPS land to be transferred to the town. The cumulative total is 9.39 acres, or about 1/6 of the Landing Strip acreage.

This town parcel is isolated from other town holdings and is surrounded by NPS lands in the area managed as the Marconi wildlife area. The value to the NPS is the undeveloped nature of the unfragmented habitat that it encompasses and surrounds, providing wildlife a contiguous

area of forested and heathland communities. According to NPS and longstanding town records, the parcel has been mapped and found to have no road frontage. This may not have a major effect on its market value and is not an issue that impacts the NPS interest in the land.

To proceed with this parcel, the town would need to resolve a related issue mentioned by Selectboard liaison Helen Miranda Wilson, which is that the town believes there is unresolved landownership of a portion of that parcel; the issue was raised a dozen years ago. Our Regional Lands and DOI Solicitor's Offices reviewed the matter and confirmed NPS ownership and recommended that the town conduct a title search if there is interest in proceeding with a claim that the western property line extends to Old King's Highway fire road (OKH). The issue was first brought forward in 2008 and the town and park exchanged correspondence on the issue in July 2016 and January 2018, accordingly. The NPS came to its findings that the claim is not valid with the DOI Solicitor input, but there has been no final resolution by the Town.

The Gut town landing

The second parcel of interest is the Gut, a town landing on Cape Cod Bay by the Herring River, known as Map 18 Parcel 8, NPS Tract #27-4801, at the end of Chequessett Neck Road. The assessor's map shows a total of 6 acres. There is a great deal of NPS land to the south associated with Great Island, so continuous ownership could be achieved. The town no longer has a beach parking lot at this location. Acquisition of the parcel would provide for consistent management for all the lands of Great Island.

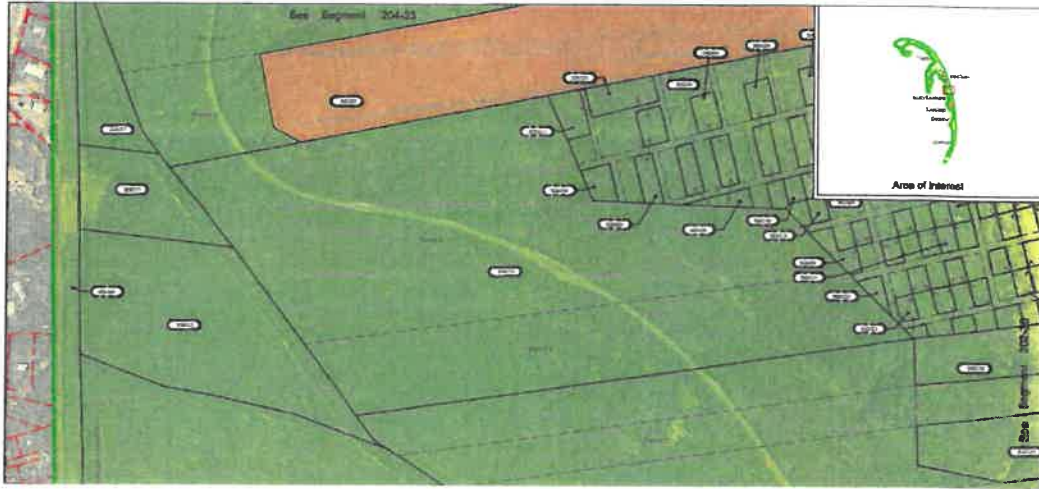
Land west of small pond on Cahoon Hollow Road

The third area of interest is a town parcel on the south side of Cahoon Hollow Road near Great Pond in the higher sensitivity category. There are two parcels known as Map 23, Parcel 602 and 603, with road frontage that lie west of a small wetland owned by NPS; the southern portion of the parcel is near the former town firing range and scout camp. This area is of interest due to proximity to the pond. The NPS may have interest as an option provided there are no contaminants from the town's former shooting range area.

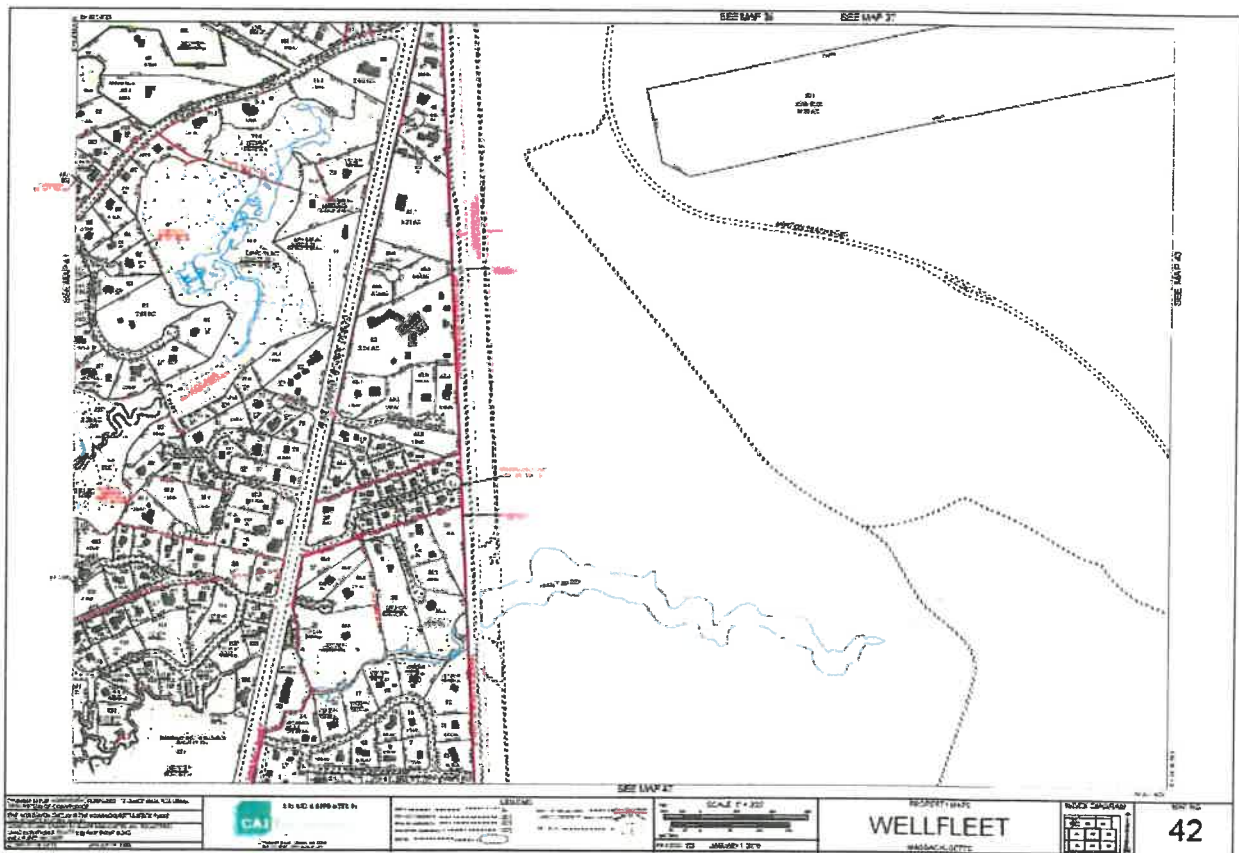
Attachment 1 – NPS and Town Assessor Maps

Marconi “Landing Strip” –

Tract # 30-6005 - 48-acre tract owned by Town of Wellfleet (in light orange)

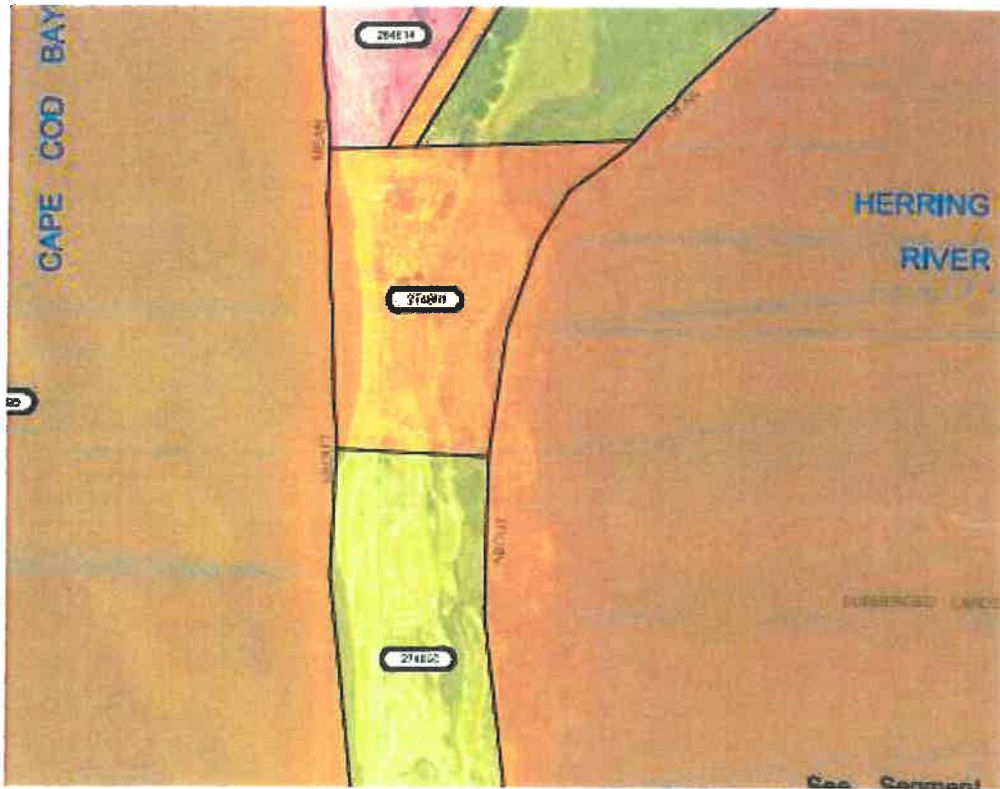


Wellfleet Assessor Map 42, Parcel 601

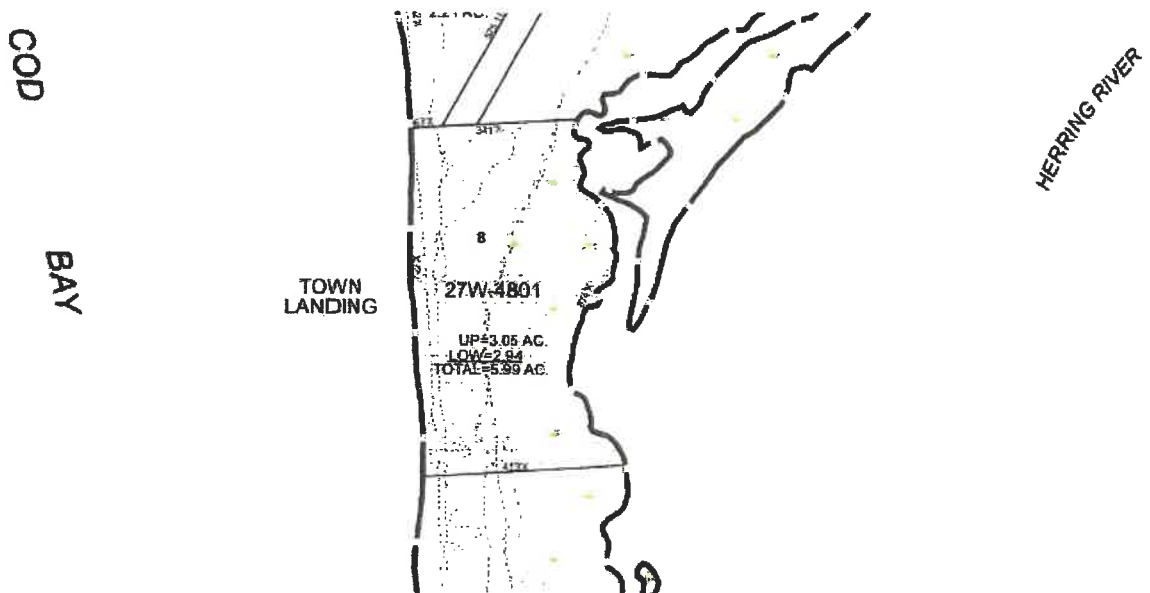


The "Gut" landing

NPS Tract 27-4801, Town-owned (in light orange)

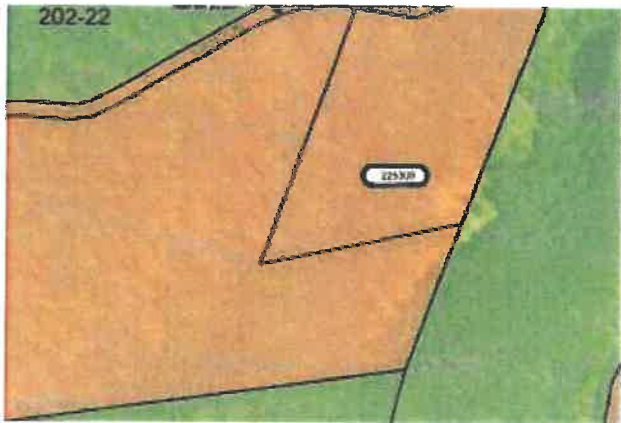
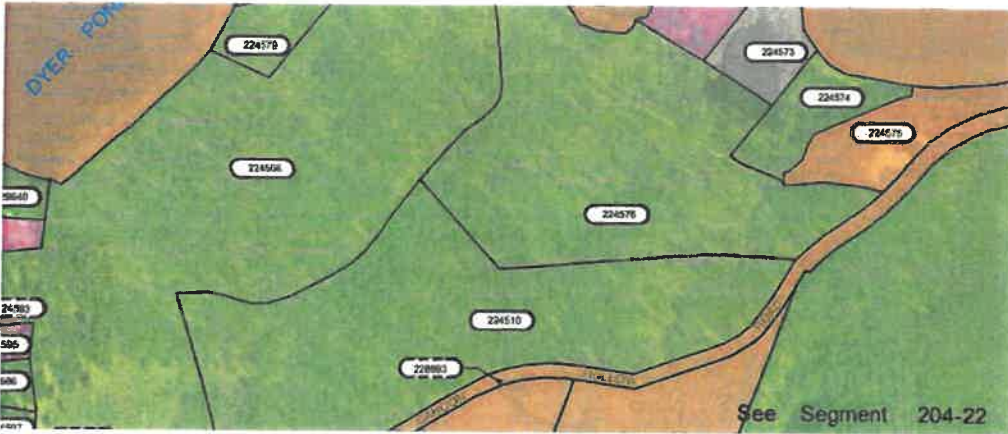


Map 18 Parcel 8, 6-acre parcel leads to Great Island

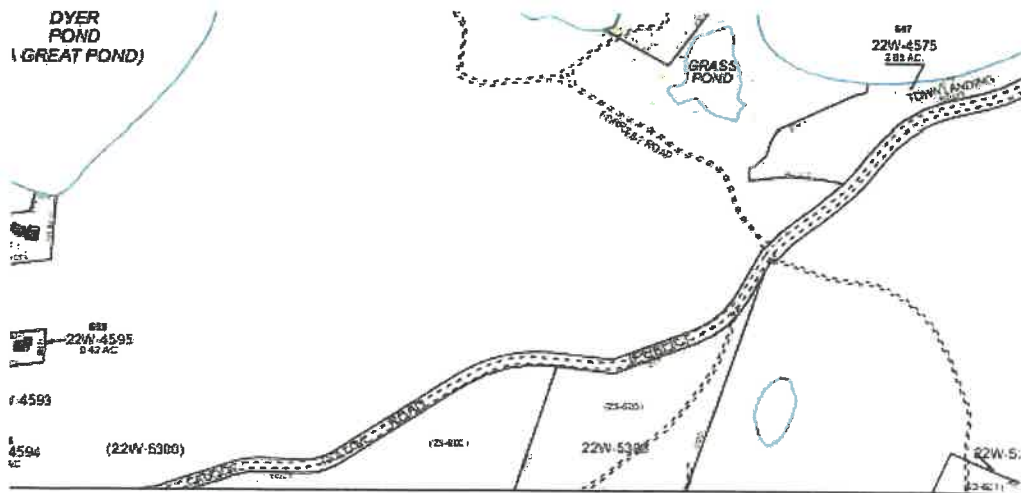


Land west of small pond on Cahoon Hollow Road

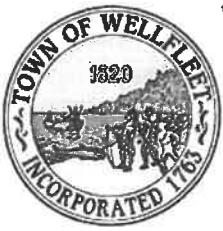
Tract 22W-5308 (two views – in light orange)



Northern Portion of 7.78-acre parcel, Assessors Map 23 Parcel 603 and Parcel 602

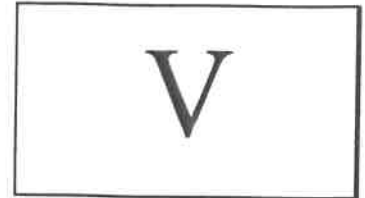


Road frontage (southern portion of Parcel 603, old firing range, not of interest)



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021



BUSINESS ~ E

REQUESTED BY:	Ryan Curley
DESIRED ACTION:	To renew a contract extension for Interim Town Administrator Charlie Sumner
PROPOSED MOTION:	I move to approve the contract extension for Charles Sumner as printed for 90 days.
SUMMARY:	Charlie was signed on for a 90 day contract beginning May 7th and that 90 days will expire on August 7th, the board will vote to extend this contract for another 90 days beginning August 8, 2021.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**EMPLOYMENT AGREEMENT
BETWEEN
TOWN OF WELLFLEET
AND
INTERIM TOWN ADMINISTRATOR**

THIS AGREEMENT, made pursuant to Chapter 41, Section 108N of the General Laws and entered into this 7th day of August 2021, by and between the Town of Wellfleet of Barnstable County, Commonwealth of Massachusetts, a municipal corporation, hereinafter called the "Town," acting by and through its Select Board, hereinafter called "Board" and Charles Sumner, hereinafter called "Interim Town Administrator" as follows:

WITNESSETH:

WHEREAS, there is a vacancy in the position of Town Administrator of the Town of Wellfleet;

WHEREAS, the Board, under Chapter 41, Section 108N of the General Laws, consistent with Chapter 5 Section 5-1-1 of the Charter, may contract with a Town Administrator for such services;

WHEREAS, the operational needs of Town government necessitate the employment of an Interim Town Administrator pending the successful search for a permanent Town Administrator;

WHEREAS, it is the desire of the Board to establish the terms and conditions of employment for said Interim Town Administrator in a written contract; and

WHEREAS, Charles Sumner agrees to accept temporary employment as Interim Town Administrator of said Town on the terms and conditions outlined below;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

Section I, Functions and Duties of the Town Administrator.

The Town hereby offers to employ Charles Sumner as Interim Town Administrator of said Town, and the Interim Town Administrator accepts said offer of employment. The Interim Town Administrator shall be the Chief Administrative Officer of the Town. The Interim Town Administrator shall perform the duties as set forth by the Charter of the Town of Wellfleet, the Town's By-Laws, any other applicable general or special law of the Commonwealth, the attached job description, and such other duties as the Board shall from time to time legally assign to him.

Section II, Term.

This Agreement shall become effective August 7th, 2021, and shall remain in effect for ninety days thereafter, may be further extended by mutual agreement of the parties, or unless sooner terminated in the sole discretion of the Select Board.

Section III, Status.

The parties agree and the Interim Town Administrator acknowledges, that he is an exempt employee for purposes of the Fair Labor Standards Act.

The parties further agree and the Interim Town Administrator acknowledges that despite the initial ninety day term of this Agreement, the Select Board may choose to terminate this Agreement and the Interim Town Administrator's employment at any time, upon a majority vote of the Select Board taken in accordance with the requirements of the Open Meeting Law, G.L. c. 30A, §§18-25. The Interim Town Administrator shall be due any compensation owed as of the date of such termination but shall not otherwise be entitled to any additional amounts or severance payment(s).

Should the Interim Town Administrator voluntarily terminate his position with the Town before the expiration of the term of this Agreement, the Interim Town Administrator shall give the Town two (2) weeks' written notice in advance, unless the parties agree otherwise in writing.

Section IV, Compensation/Hours of Work.

A. The Town agrees to pay the Interim Town Administrator for services rendered under this Agreement, the gross weekly salary \$2,880.00, subject to applicable withholdings and deductions payable in installments at the same time as other employees of the Town are paid. This salary is based upon an average of 32 hours per week of work at a rate of \$90/hour.

B. The Interim Town Administrator's core hours of work will be Monday – Thursday, depending upon operational needs. Moreover, it is understood that in some weeks, the Interim Town Administrator may work more than 32 hours per week in response to the needs and requirements of the job, and to that end, the Interim Town Administrator will be allowed to make adjustments to his weekly schedule as he shall deem appropriate during said normal office hours, provided the taking of such time does not interfere with the proper discharge of his duties. The Interim Town Administrator is expected to track his hours of work.

C. During the term of his employment, the Interim Town Administrator is expected to work primarily onsite at the Wellfleet Town Hall. Any regular schedule that includes remote work on a recurring basis must be approved in advance by the Select Board. Adjustments to this schedule necessary in response to the current COVID-19 related State of Emergency must be reviewed and approved by the Select Board. The Chair of the

Select Board may approve said adjustment(s) on an emergency basis, pending approval by the Board.

D. The Interim Town Administrator is expected to attend all Select Board and Town Meetings unless excused by the Select Board.

E. The parties agree that the Interim Town Administrator will commence his duties with the Town on or before August 12, 2021.

F. The parties agree that the Interim Town Administrator shall not receive any benefits, including any paid accrued leave. The Interim Town Administrator waives participation in any of the Town-offered health, dental, disability, or life insurance plans for which he may otherwise be eligible.

G. The Town shall provide the Interim Town Administrator with a laptop computer to facilitate the performance of his duties. The Interim Town Administrator shall return this laptop, together with any other town-issued property, promptly upon termination of employment.

Section V, Expenses.

The Interim Town Administrator shall be reimbursed for any reasonable expenses incurred in the performance of his duties, or as an official representative of the Town, including attendance by him at civic or social events.

Section VI, Indemnification.

A. To the extent permitted by law, the Town shall defend, hold harmless and indemnify the Interim Town Administrator from any and all civil demands, claims, suits, actions and legal proceedings brought against him in his capacity as Interim Town Administrator, provided that the incident arose while the Interim Town Administrator was acting within the scope of his employment and in good faith.

The Town may obtain such insurance to cover its obligations hereunder as it deems appropriate.

B. The Interim Town Administrator agrees to promptly notify the Town of any such claim and to cooperate fully with Counsel designated by the Town to handle such claim. This section shall not obligate the Town to provide a defense, save harmless or indemnify the Interim Town Administrator if he personally knows of such claim and fails to provide the Town with prompt and timely notice of a claim for which he seeks coverage under this section.

C. The Interim Town Administrator agrees that the Town, acting through the Select Board, has the sole authority to determine the proper defense of any claim that is brought under this section, and he further agrees that the Town has the exclusive authority to make decisions regarding settlement of any claim brought under this section. Finally, the Interim Town Administrator agrees that the Town's obligation to defend, save harmless or indemnify him under this section does not apply to claims settled or defended without the Board's knowledge, consent and/or agreement.

D. Where indemnification is not otherwise required under Subsection A, above, the Town shall not indemnify the Interim Town Administrator in connection with any claim, complaint, demand or other legal action brought by him against the Town or any Town official or employee.

This section shall survive the natural expiration of this Agreement.

Section VII, Notices.

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

1. TOWN: Chair of Select Board
Wellfleet Town Hall
300 Main Street
Wellfleet, MA 02667

TOWN ADMINISTRATOR:

Alternatively, notices required pursuant to this Agreement may be personally served. Notice shall be deemed as given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section VIII, General Provisions.

- A. The text herein shall constitute the entire Agreement between the parties.
- B. This Agreement shall prevail over any conflicting personnel provisions of the Town By-Laws or Rules and Regulations.
- C. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Interim Town Administrator.
- D. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion

Thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

E. This agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Town of Wellfleet, Massachusetts, has caused this Agreement to be signed and executed in its behalf by its Select Board and duly attested by its Town Clerk, and the Interim Town Administrator has signed and executed this Agreement, both in duplicate.

TOWN OF WELLFLEET SELECTBOARD

TOWN ADMINISTRATOR

Ryan Curley, Chair

Charles Sumner

Michael DeVasto

Janet Reinhart

Helen Miranda Wilson

John Wolf

DATE: _____

DATE: _____

Approved as to Legal Form:

Attest to Signature:

Town Clerk, Jennifer Congel

DATE:

Town Counsel

DATE:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021

III

BUSINESS ~ F

REQUESTED BY:	Helen Miranda Wilson & Ryan Curley
DESIRED ACTION:	To Discuss and take possible vote on Civil Discourse Standards
PROPOSED MOTION:	To Be Determined
Summary:	The Board will discuss discourtesy in correspondence and standards moving forward
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Code of Conduct Policy

- This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town
- Sign off at appointment/election and after reappointment/re-elected – Town Clerk
- Covers all their actions and communications whether spoken or written including but not limited to all *electronic communications including social media*
- Proceed with caution and consider:
 - Statutory positions, due process hearings, notice etc.
 - Local bylaws may trump policy

Code of Conduct Policy

Certain boards/commissions are controlled by state statute including:

Board of Health – G.L. chapter 111 Section 26 (Cities) and 41 Section 1 (Towns)

Conservation Commission - G.L. chapter 40 Section 8C.

The statute may specifically address discipline. For example:

Zoning Board of Appeals – G.L. chapter 40A states:

Any member may be removed for cause by the appointing authority upon written charges and after a public hearing.

Code of Conduct Policy

- Conduct Generally and in:
 - Relation to the Community
 - Relation to other elected/appointed officials
 - Relation to the Town Manager/Administrator
 - Relation to the Town Staff

Enforcement and Exposure

Best practice:

- Allegation of discrimination and harassment by an elected or appointed official– SHALL investigate
- Allegation of violation of provisions of code of conduct policy by elected or appointed official– MAY investigate
 - The Town may be liable for the acts of the elected or appointed officials
 - The individual may also be liable for their actions

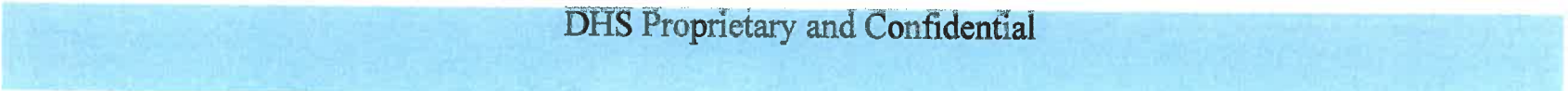
Recent Trends

- Bullying behavior towards staff
 - High staff turnover
 - Poor morale/unproductive staff
 - Allegations of hostile work environment
 - Staff report members to the Attorney General's office
- Yelling, screaming, swearing – hostility amongst board members
 - Not serving the best interest of the public
 - Loss of public trust
- Disrespecting the Town Manager/Administrator

Questions and Answers



DHS Proprietary and Confidential



I. PURPOSE

The Town recognizes that all individuals elected and/or appointed by the Town must maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all elected and appointed officials in the Town.

II. APPLICABILITY

This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town and covers all of their actions and communications whether spoken or written including but not limited to all electronic communications including social media.

III. CODE OF CONDUCT

All Town elected and appointed officials are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard to their responsibilities, the interests of the Town and the welfare of its residents.

The Town elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Administrator or Town Staff.

Moreover, all elected and appointed officials must fully comply with the Town's Policy Against Workplace Violence.

Further, all elected and appointed officials of the Town must assume the following responsibilities:

A. Conduct Generally and in Relation to the Community

- Be well informed concerning the local and state duties of a board/committee member.
- Never purport to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
- Accept your position as a means of unselfish public service, not to benefit personally, professionally or financially from your board/committee position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard confidential information.

- Conduct yourself so as to maintain public confidence in our local government.
- Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
- Comply as fully as possible with all Town policies, including, without limitation, the following:
 - Policy Against Workplace Violence
- Comply as fully as possible with all applicable laws, including, without limitation, the following:
 - The Open Meeting Law
 - Procurement Laws
 - The Ethics/Conflict of Interest Statute (G.L. c.268A)

B. Conduct in Relation to other elected and appointed officials

- Treat all members of the board/committee to which you belong with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion, but requires respect within those differences.
- Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chair should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/committee requires written notification to the Town Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after all facts on a question have been presented and discussed.

C. Conduct in Relation to the Town Administrator

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.

- Give the Town Administrator full responsibility for discharging their disposition and/or solutions. Refrain from giving orders or directions to the Town Administrator for action as an individual board/committee member.

D. Conduct in Relation to Town Staff

- Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- Refrain from giving instructions to Town staff but rather channel all such activities through the Town Administrator.
- Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Administrator through private communication.
- Officials who interact with Town staff must do so in a respectful manner and understand employees should not be expected to take direction from any individual official.

IV. DISTRIBUTION AND EDUCATION

- The Town Clerk shall provide a copy of this policy, to all elected and appointed officials upon its issuance and upon the subsequent appointment or re-appointment of any individual.
- Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. In the event that any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

V. ENFORCEMENT

In addition to any other remedies or enforcement options available under the law, each board committee or the Selectboard may vote to censure any elected member and the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.

If any elected or appointed official is accused of violating the Town's Policy Against Workplace Violence, the Town Administrator shall refer the matter for investigation to the contact named in the Policy Against Workplace Violence or a disinterested outside firm or individual qualified to investigate the alleged conduct. The Town Administrator shall not be obliged to obtain any additional authority; this Code shall be sufficient authority. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator/Manager. The Town Administrator shall share the reported findings and recommendations with the elected official's board/committee and the Selectboard. The board/committee or Selectboard shall then take such action as is authorized by law and as it deems fit in response to the matter.

If an elected or appointed official is accused of violating any other provision of this Code of Conduct, the board/committee that the official represents or if applicable the appointing authority may take such action as is authorized by law and as it deems fit or it may vote upon

request of the Town Administrator or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator shall share the reported findings and recommendations with the board/committee and the Selectboard. The board/committee or Selectboard shall then take such action as is authorized by law and as it deems fit in response to the matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.

BOARD OF SELECTMEN

Policy on Policies

Original Date: November 9, 1988

1988-5

Revised: January 23, 1990 (1990-1)

Revised: November 22, 1993

Reaffirmed: January 16, 1996

Reaffirmed: February 2, 1998

Revised: January 16, 2001

Reaffirmed: March 9, 2004

Revised: March 23, 2004

Revised: August 14, 2007

Revised: August 11, 2015

Proposals for new policies or changes to an existing policy can be initiated by any Board member, employee or citizen. Proposals shall be submitted in writing to the Chairman of the Board of Selectmen through the Town Administrator who shall place them on a meeting agenda for consideration.

For the purpose of efficient drafting, a new policy or a policy revision considered by the Board shall not be adopted at the meeting at which it is introduced, but shall require additional readings at subsequent meetings before adoption is final.

Revocation of an entire policy may be voted on at the same meeting during which it is initially discussed.

SCHEDULE FOR ADOPTION OF POLICY

1. A topic or amendment is proposed and placed on the agenda by a Board member or the Town Administrator. The Board votes that the topic is worthy of formulation as a policy, or that amending a policy is a good idea.
2. The Town Administrator prepares a draft of the policy and sends it to department heads and other appropriate members of Town government for review and comment. If necessary, the Town Administrator refers the proposed policy to Town Counsel.
3. The draft of the proposed policy or policy amendment is placed on the agenda. The Board discusses it and then votes on it. If further amendment is necessary, they vote on the final draft at a subsequent meeting.
4. This process shall take no longer than eight weeks.

CATALOGING OF POLICIES:

Include the original, effective date of the policy and the dates of any subsequent revisions.

Have the title clearly and briefly identify the content so that it will be easy to find in the table of contents.

List the policies in alphabetical order in the table of contents.

All new policies or substantial changes in an existing policy shall be published in the annual report of the Town.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021

III

BUSINESS ~ G

REQUESTED BY:	Jean Stanley
DESIRED ACTION:	To discuss and designate a member to write a letter in support of CDBG Application for Cape and Islands Housing Rehab and Child Care
PROPOSED MOTION:	I move to approve a letter be written on behalf of the town of Wellfleet in support of the Cape & Islands Housing Rehab & Childcare.
SUMMARY:	Jean sent a letter to the selectboard asking for a letter of support regarding their 2021 application for housing rehab and child care funding.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 Fax (508) 349-0305
www.wellfleetma.org

February 18, 2020

Janelle Chan, Undersecretary
Department of Housing and Community Development
Commonwealth of Massachusetts
100 Cambridge Street, Suite 300
Boston, MA 02114

Re: CDBG Housing Rehabilitation Application for FY20

Dear Ms. Chan,

I am writing on behalf of the Wellfleet Selectboard in support of the FY20 Community Development Block Grant (CDBG) application to the MA Department of Housing and Community Development (DHCD) for the Dennis Regional Housing Rehab Grant. This grant will allow the town to continue meeting the housing rehabilitation and childcare voucher needs of LMI (low-moderate income) residents of the Towns of Dennis, Brewster and Wellfleet and will provide \$1.3 million for approximately 25 homes to be rehabbed and childcare vouchers for 35 families.

The affordable housing and economic development challenges of the Cape are well documented. CDBG funding is a vital resource for stabilizing and preserving existing homes in our region and ensuring that working families have affordable child care. The Housing Rehab Programs provide homeowners earning less than 80% of the area median income with an opportunity to address the safety and energy upgrades to their homes.

In addition, the childcare component of these grants provides financial assistance for the cost of childcare for LMI families who rely on local, licensed childcare providers to care for their children while they are at work. The FY20 programs are already filling up and will be at full capacity by mid-2020. Both of these programs are playing a vital role in stabilizing the year-round families living in these towns.

We urge you to provide the funds requested, so that the Town of Wellfleet can continue their work with LMI homeowners in need of critical home repairs and working families with young children in need of safe and affordable childcare. Thank you for your consideration of these proposals.

Sincerely,

Janet Reinhart, Chair
Wellfleet Selectboard

July 8, 2021

Jennifer Maddox, Undersecretary
Department of Housing and Community Development
Commonwealth of Massachusetts
100 Cambridge Street, Suite 300
Boston, MA 02114

Re: CDBG Housing Rehabilitation Application for FY21

Dear Ms. Maddox,

I am writing in support of the FY21 Community Development Block Grant (CDBG) application to the MA Department of Housing and Community Development (DHCD) for the Brewster Regional Housing Rehab Grant. This grant will allow the town to continue meeting the housing rehabilitation and childcare voucher needs of LMI (low-moderate income) residents of Brewster, Dennis, and Wellfleet and will provide \$1.3 million for approximately 25 homes to be rehabbed and childcare vouchers for 35 families.

The affordable housing and economic development challenges of the Cape are historically well documented; our current economic and health crisis has only exacerbated those challenges. Now, more than ever, CDBG funding is a vital resource for stabilizing and preserving existing homes in our region and ensuring that working families have affordable childcare. The Housing Rehab Programs provide homeowners earning less than 80% of the area median income with an opportunity to address the safety and energy upgrades to their homes. For FY20, The Resource Inc. is expected to work on 75 rehab projects for the following grants:

- Dennis Regional Grant, serving Brewster, Dennis, and Wellfleet.
- Martha's Vineyard serving the Towns of Edgartown, Aquinnah, West Tisbury, and Oak Bluffs, Chilmark, and Tisbury.

In addition, the childcare component of these grants provides financial assistance for the cost of childcare for LMI families who rely on local, licensed childcare providers to care for their children while they are at work. Given the extraordinary current economic situation in our region, the FY21 programs are expected to be at full capacity by the third quarter of 2021. Both programs are playing a vital role in stabilizing the year-round families living in these towns.

I urge you to provide the funds requested, so that the Town of Brewster can continue this work with LMI homeowners in need of critical home repairs and working families with young children in need of safe and affordable childcare. Thank you for your consideration of these proposals.



TOWN OF WELLFLEET

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July 27, 2021

Jennifer Maddox, Undersecretary
Department of Housing and Community Development
Commonwealth of Massachusetts
100 Cambridge Street, Suite 300
Boston, MA 02114

Re: CDBG Housing Rehabilitation Application for FY21

Dear Ms. Maddox,

We are writing in support of the FY21 Community Development Block Grant (CDBG) application to the MA Department of Housing and Community Development (DHCD) for the Brewster Regional Housing Rehab Grant. This grant will allow the town to continue meeting the housing rehabilitation and childcare voucher needs of LMI (low-moderate income) residents of Brewster, Dennis, and Wellfleet and will provide \$1.3 million for approximately 25 homes to be rehabbed and childcare vouchers for 35 families.

The affordable housing and economic development challenges of the Cape are historically well documented; our current economic and health crisis has only exacerbated those challenges. Now, more than ever, CDBG funding is a vital resource for stabilizing and preserving existing homes in our region and ensuring that working families have affordable childcare. The Housing Rehab Programs provide homeowners earning less than 80% of the area median income with an opportunity to address the safety and energy upgrades to their homes. For FY20, The Resource Inc. is expected to work on 75 rehab projects for the following grants:

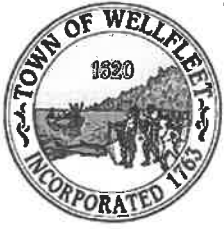
- Dennis Regional Grant, serving Brewster, Dennis, and Wellfleet.
- Martha's Vineyard serving the Towns of Edgartown, Aquinnah, West Tisbury, and Oak Bluffs, Chilmark, and Tisbury.

In addition, the childcare component of these grants provides financial assistance for the cost of childcare for LMI families who rely on local, licensed childcare providers to care for their children while they are at work. Given the extraordinary current economic situation in our region, the FY21 programs are expected to be at full capacity by the third quarter of 2021. Both programs are playing a vital role in stabilizing the year-round families living in these towns.

I urge you to provide the funds requested, so that the Town of Wellfleet can continue this work with LMI homeowners in need of critical home repairs and working families with young children in need of safe and affordable childcare. Thank you for your consideration of these proposals.

Sincerely,

The Wellfleet Selectboard



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021



TOWN ADMINISTRATORS REPORT

- Please see selectboard packet

To: Selectboard
From Charles L. Sumner, Interim Town Administrator
Subject: Town Administrator's Report
Date: July 22, 2021

Please find enclosed a copy of my report for the period of July 9, to July 20, 2021:

1. **Media Operations:**

As you are aware Mia Baumgarten as our Media Operations Manager, has resigned effective July 2, 2021. Mia has accepted a full-time position with the Town of Orleans. Mia did assist us in updating the job description for this position before she left, which was appreciated. We will be starting to pursue a process to fill this void shortly. In the meanwhile, I will also be meeting with a company next week that manages the towns of Yarmouth, Brewster, and Truro for informational purposes.

2. **COVID Cares Act Reimbursement** – We recently completed the application process for funding under the Coronavirus Local Fiscal Recovery Fund in the American Rescue Plan Act for municipal governments with populations under 50,000. Funding will be provided in 2 allocations; we have already received the 1st allocation in the amount of \$142,000. The 2nd allocation will follow in approximately 12 months. These funds can be utilized among the following 4 categories:

- a) Response to public health emergency or its negative economic consequences,
- b) Provisions of premium pay to eligible workers,
- c) Revenue replacement
- d) Investment in water, sewer, and broadband infrastructure.

We will need to work on a plan to present to the Selectboard over the next several weeks.

3. **Public Access Issues** – I have been meeting with representatives from The Rights of Public Access Committee along with Town Counsel to review several legal issues of a few important areas. This work is ongoing and will be reported to the Selectboard when we have more information.
4. **Site Visits** – Now that I have got through Town Meeting and the close of accounting cycle for FY2021, I have been trying to get out of Town Hall to visit town properties, facilities, and staff. These visits to date include the Will Sullivan, Harbormaster; Suzanne Grout-Thomas, Community Services Director; Michael Hurley, Police Chief; Jennifer Wertkin, Library Director; Linda Balch, Terri Frazier and Sally Largely at COA; and Jay Norton at DPW.
5. **Staffing Issues** – We do have 2 critical vacancies that we are working on now. We have already advertised for the Building Commissioners position and have started to receive applications. We intend to start interviews sometime next week. Secondly, we will advertise shortly for the DPW Superintendent's position. In both cases we will create an interview team to screen and interview candidate.
6. **Route 6 & Main Street Intersection Project** – I simply wanted to let you know that our Interim DPW Superintendent, Jay Norton has reached out to MASS DOT to review the status of the public hearing for this project.
7. **Mass Cultural Council** - Thanks to the efforts of Yvonne Barocas, Co-chair of the Wellfleet Cultural Council we became aware that the Town had not submitted our grant contract to the Massachusetts Cultural Council for FY2021; we completed and submitted the necessary documentation in order for Wellfleet to receive the sum of \$4,800.

8. **Financial Review Study** – We did receive notice that the Massachusetts Department of Revenue/Division of Local Services will begin their evaluation of the Town of Wellfleet starting on Wednesday, July 28, 2021. The first day of this evaluation will include interviews with myself, Miriam Spenser, Town Treasurer; Karen Murphy, Town Collector; Jane Tesson, Assistant Town Accountant; Nancy Vail, Town Assessor; and Lisa Souve & Mary McIssac, Interim Town Accountants. Going forward they will also want to meet with members of the Selectboard and the Chair of the Finance Committee. At the conclusion they will be issuing a detail report of finding and recommendation going forward.
9. **Financial Management Issues** – Mary McIssac and Lisa Souve have been busy and productive over the past several weeks working on financial management issues. We will start to report to the Selectboard on the work plan at your meeting on August 10, 2021. Otherwise, this team has been working on the following critical issues:
 - a. Stabilization Funds & OPEB Fund - They have been reconciling and recoding journal entries for the 3 stabilization and one OPEB fund over the past 2 years.
 - b. Fiscal Year 2021 - We have completed the processing of the final payroll and accounts payable warrants for FY2021 and established the encumbrance process for outstanding invoices.
 - c. Chart of Accounts – Lisa Souve has developed a new chart of accounts for Fiscal Year 2022 with consistent coding for all departments, boards, and committees. This information has been distributed to department heads along with a guidance document.
 - d. Debt Service – They have reviewed and identified all prior authorized but unissued debt for FY2020 and FY2021, including setting up an appropriate accounts structure.
 - e. Grant Management – They have created new account numbers for the variety of new grants received by the Town.

Sincerely,
Charlie Sumner
Interim Town Administrator



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021

IX

CORRESPONDENCE AND VACANCY REPORTS

****Please see packet****

	From	Subject	Received	Size
Yesterday				
	MA Division o...	DMF Starts Round Two of CARES Act Fisheries Relief	Tue 7/20/2021 1:...	58 KB
	All applications were mailed on Tuesday, July 20, 2021. All applications must be returned to DMF, postmarked no later than August			
	MA Municip...	Reminder: Register for MSA Leadership Conference Webinar July 28	Tue 7/20/2021 ...	45 KB
	Register for Fourth MSA Leadership Conference Webinar			
	Ryan Curley	Fyi Provincetown Covid	Tue 7/20/2021 ...	265 KB
Monday				
	Ryan Curley	Reminder Doodle Poll on Scheduling a Hearing in Relation to the Plan...	Mon 7/19/2021...	16 KB
	If you have already put in your availability thank you! I am planning on holding a public hearing about the planning and			
	Gregg J. Corbo	RE: public records request for "the attorney" records DeVasto constan...	Mon 7/19/2021...	65 KB
	Hi Jennifer. Attached please find a draft initial response to the public records request set forth below. This response must be sent			
	Wellfleet Cha...	Re: 2021 Parade, please join us!	Mon 7/19/2021...	19 KB
	Good afternoon, Selectboard! The Wellfleet Chamber would like to formally invite you to participate in the 2021 Parade on			
	Matthew Por...	Bocce Grill	Mon 7/19/2021...	14 KB
	Good morning, it ooks like ABCC is all set. Can you let me when the license will be available for pickup? Also, I am told our folks			
	Massachuset...	Reminder: Register for the MMA Webinar on PFAS Wednesday, July 2...	Mon 7/19/2021...	52 KB
	View in browser			
	Nancy Civetta	FW: CORRECTION - DMF Shellfish PSP Closure All Shellfish and Camiv...	Mon 7/19/2021...	301 KB
	I received some calls over the weekend so just wanted you to know that this closure pertains to the North shore and areas in the			
	Katharine L. ...	RE: Wellfleet - Chequessett Neck Water Line Easement	Mon 7/19/2021...	82 KB
	Karen: The Wellfleet Selectboard, as you know, has addressed this matter on a number of occasions – and is quite adamant that			
Sunday				
	Rebekah Eldr...	Re: Agenda Items	Sun 7/18/2021 ...	20 KB
	You usually submit it the week or two before the next selectboard meeting so I assume you want it placed on the next selectboard			
	John Wolf	Re: Agenda Items	Sun 7/18/2021 ...	18 KB
	Shouldn't there be a place for the date on the agenda item request form?			
	John Wolf	Re: WARRANTS ARE READY TO SIGN	Sun 7/18/2021 ...	13 MB
	All warrants and other items requiring my signature have been signed as of 5:30 PM Friday 7/16/21 as per attached photos.			
Last Week				
	Wellfleet Cul...	A Request for Ideas and Input	Sat 7/17/2021 ...	39 KB
	Ryan Curley	Re: Agenda Items	Sat 7/17/2021 ...	17 KB
	Helen the board does not have to vote to include an agenda item. The form is ment to streamline things and was introduced when			
	Helen Miran...	Re: Agenda Items	Sat 7/17/2021 ...	141 KB
	Sb, no reply please. Interesting. I didn't know this form existed. Or for us having to vote as a board so as to place something on a			
	Ryan Curley	Agenda Items	Sat 7/17/2021 ...	139 KB
	Hi all, attached is a modified version of the form for agenda items that Mike & Rebekah introduced. Thank you.			
	Contact form...	[Wellfleet MA] Rte 6 safety and congestion (Sent by Eleanor Weinstei...	Sat 7/17/2021 ...	21 KB
	Hello bos@wellfleet-ma.gov <mailto:bos@wellfleet-ma.gov> ,			
	New Bedford...	New Bedford Ocean Wind Turbine Port Financial Fiasco	Sat 7/17/2021 ...	176 KB
	Ocean Port Costs jump To 3 Billion --"B" that's B Billion The New Bedford Marine Commerce Terminal only has a 120-foot legal			
	Ryan Curley	Re: Doodle Poll in Relation to the Planning and Management of the H...	Sat 7/17/2021 ...	20 KB
	On Sat, Jul 17, 2021 at 10:21 AM Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov> <mailto:Nancy.Civetta@wellfleet-ma.gov> >			
	Ryan Curley	Doodle Poll in Relation to the Planning and Management of the HYLTA...	Sat 7/17/2021 ...	15 KB
	I am planning on holding a public hearing about the planning and management of the HYLTA parcel. The dates and time are			
	Jean Stanley	FY21 CDBG Application for Cape & Island - HOUSING REHAB & CHILD...	Fri 7/16/2021 9...	181 KB
	Dear Mr. Curley and Mr. DeVasto,			
	Charles Sum...	Fwd: Dredging Announced - Proposed date and time	Fri 7/16/2021 6...	38 KB
	Good evening everyone I simply wanted to invite you all to the award ceremony for Harbor Dredging grant project on Thursday			
	Campbell, M...	FW: CORRECTION - DMF Shellfish PSP Closure All Shellfish and Camiv...	Fri 7/16/2021 5...	302 KB
	Please excuse any duplicate postings.			
	Owen Fletcher	Barnstable County Assembly of Delegates 07/21/21 Regular Meeting ...	Fri 7/16/2021 4...	257 KB
	Good afternoon,			

From	Subject	Received	Size
MA Division ...	2021 Quota Managed Menhaden Fishery to Resume on July 19	Fri 7/16/2021 3...	51 KB
Having trouble viewing this email?			
Wellfleet Cha...	Buy one, get one FREE for foot-stomping bluegrass!	Fri 7/16/2021 3...	78 KB
This Sunday, July 18 // 7:00pm			
Jodi Lyn Cutler Re:	MassDEP Free PFAS testing for selected private wells in Wellfleet	Fri 7/16/2021 1...	69 KB
Good morning, Making sure that everyone knows that our meeting is now scheduled for next Friday, July 23. Thank you. Jodi Lyn			
MA Division ...	DMF News 2021 Q1 & Q2 Now Available!	Fri 7/16/2021 1...	95 KB
This edition covers events and issues of the first half of 2021.			
Wellfleet Cha...	Celebrate Wellfleet's Workers in the 2021 Parade!	Fri 7/16/2021 1...	88 KB
Register now!			
Michael DeV...	Tonight's meeting	Thu 7/15/2021 ...	14 KB
Apologies for missing tonight's meeting, it's my mom's birthday and I lost track of time. Thanks, Michael <end>			
Jude Ahern	OML complaint: insufficient notice	Thu 7/15/2021 ...	3 MB
Charles Sum...	FW: here you go	Thu 7/15/2021 ...	33 KB
Good evening all, Please find attached a copy of a spreadsheet that essentially has 2 columns showing, 1) overdrawn accounts in 14			
jaymca@ao...	June 2, 2021 WHC Meeting Minutes	Thu 7/15/2021 ...	3 MB
Attached are the approved minutes of the June 2, 2021 Wellfleet Historical Commission meeting. Best Regards, Jim McAuliffe			
Freeman, Ch...	RE: Sedgwick claim number 40210602GF6-0002 date of accident 06/1...	Thu 7/15/2021 ...	35 KB
Hello, I am sending another follow up email. Can someone please let me know as soon as possible if you need to file a claim with			
Charles Sum...	Mosquito Issues	Thu 7/15/2021 ...	17 KB
Good afternoon all, I did receive notice that NBC in Boston was in Town today doing a story with Cape Cod Mosquito Control			
Charles Sum...	FW: shellfish topics for BOS agenda	Thu 7/15/2021 ...	22 KB
Good morning all, Sorry for the delay but I am cleaning up some old emails, and wanted to share this communication relative to			
Charles Sum...	FW: FOR IMMEDIATE RELEASE: Baker-Polito Administration Awards \$...	Thu 7/15/2021 ...	188 KB
Good morning everyone, I simply wanted to inform you that the Massachusetts Department of Fish & Game recently awarded a			
Wind Turbin...	Pollution from Wind-turbines -short video	Wed 7/14/2021...	62 KB
Subject: Pollution from Wind-turbines -short video About pollution from rotors on Wind turbines. Video Presentation			
Wind Turbin...	Pollution from Wind-turbines -short video	Wed 7/14/2021...	62 KB
About pollution from rotors on Wind turbines. Video Presentation			
MA Municip...	Register: MSA Leadership Conference Webinar July 28	Wed 7/14/2021 ...	45 KB
Register for Fourth MSA Leadership Conference Webinar			
Nancy Civetta	Shellfish Crier: Joint Shellfish Advisory Board and Rights of Public Acc...	Wed 7/14/2021...	36 KB
Town Shellfish Crier July 14, 2021			
Kate Evarts	Fwd: MMA Fiscal 2022 Dues - Invoice Attached	Wed 7/14/2021...	365 KB
Good afternoon, I'm forwarding the attached MMA dues notice for fiscal 2022. Please let me know if you have any questions. Best,			
Rebekah Eldr...	RE: meeting with the membership of WSRA	Wed 7/14/2021...	261 KB
I have attached the agenda with the zoom information and it is posted on the website. Let me know if you would like anything			
Susan Reverby	Re: meeting with the membership of WSRA	Wed 7/14/2021...	20 KB
Rebekah scheduled it for the 12th at 7 pm. I have spoke to Charlie Sumner and he can make it too. Agenda: State of the Town			
Jude Ahern	please include most recent documents surrounding DeVasto public he...	Wed 7/14/2021...	15 KB
It was not on our website, it was not in a printed newspaper ten days before and it was not viewable in Town Hall until the Tuesday			
Jude Ahern	Re: where do I send this invoice for reimbursement from the Town of ...	Wed 7/14/2021...	21 KB
Why did you not address any other i/A systems already in the ground before you asked for \$ 250,000 at ATM? How many are there?			
Jude	Fwd: No power	Tue 7/13/2021 ...	19 KB
Thanks for lying to us about HDYLTA! I hope they expand expand expand expand expand and eventually homeowners notice			
Jude	No power	Tue 7/13/2021 ...	15 KB
You have no more authority to tell anyone anything and I love it. Nobody will ever being getting kicked off any grant from here now			
Jude Ahern	you are all in violation of sufficient notice	Tue 7/13/2021 ...	15 KB
Posting something online on the Saturday of a holiday weekend exactly 10 days before, not counting that day and it not being in			
Ryan Curley	6.22.21 Minutes as Amended	Tue 7/13/2021 ...	49 KB
-- Sincerely, Ryan Curley (508)-246-4718			
Helen Miran...	Re: meeting with the membership of WSRA	Tue 7/13/2021 ...	17 KB
Thursday, the 19th would be best for me: daylong HRTT meeting on the 12th. But if no one else can make the 19th, I will manage.			

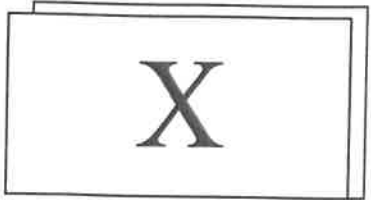
From	Subject	Received	Size
Jodi Lyn Cutler	Re: MassDEP Free PFAS testing for selected private wells in Wellfleet	Tue 7/13/2021 ...	3 MB
My newly revised computer platform wasn't allowing me to attach the map and send. I am hoping this works. Jodi Lyn Cutler			
Jodi Lyn Cutler	Re: MassDEP Free PFAS testing for selected private wells in Wellfleet	Tue 7/13/2021 ...	72 KB
Good morning Wellfleet officials, Thank you for your interest in meeting regarding the MassDEP Private Wells PFAS Sampling			
Rebekah Eldr...	RE: meeting with the membership of WSRA	Tue 7/13/2021 ...	39 KB
Hi Susan,			
Susan Revery	meeting with the membership of WSRA	Tue 7/13/2021 ...	15 KB
Hi Selectboard members. I would like to nail down a night to do a Zoom meeting with the Selectboard and our membership as we			
MA Municip...	Register: MSA Leadership Conference Webinar July 14	Tue 7/13/2021 ...	49 KB
Register for Third MSA Leadership Conference Webinar			
Jude Ahern	the clerical error occurred in 2016 and Jeanne tried to fix it then	Tue 7/13/2021 ...	5 MB
I trust you going to table this discussion because of insufficient notice but if not, consider these facts and consider revoking the			
Ryan Curley	Fyi Provincetown Covid in Vaccinated Ppl	Tue 7/13/2021 ...	14 KB
https://www.capecodtimes.com/story/news/2021/07/12/provincetown-ma-covid-cases-rise-testing-vaccines-requested/7941703002			
Freeman, Ch...	RE: Sedgwick claim number date of accident 06/14/2021 damaged bi...	Mon 7/12/2021...	35 KB
Hello, Thank you for this helpful information. I am the handling adjuster for this claim. I handle claims on behalf of Argonaut			
Rebecca Slick	RE: Sedgwick claim number 40210602GF6-0002 date of accident 06/1...	Mon 7/12/2021...	28 KB
Hi John, Our Acting DPW Director Jay Norton confirmed there's a new sign already up. Thanks for the follow up on this matter.			
John Wolf	Re: Sedgwick claim number 40210602GF6-0002 date of accident 06/1...	Mon 7/12/2021...	23 KB
Don't know if this is of any significance or not, but I did witness that accident.			
Michael Hurley	RE: July 4th Weekend Cahoon Hollow Beach	Mon 7/12/2021...	29 KB
The following is the breakdown and with the bus companies they paid not the individual passengers. Please remember there is			
Jeanne MacL...	reappointment	Mon 7/12/2021...	135 KB
Helen, I heard you were looking for the attached. Sam Peper was appointed to the Marina Advisory Board and should have been			
Janet Reinhart	Re: July 4th Weekend Cahoon Hollow Beach	Mon 7/12/2021...	22 KB
I would like to know how much the Beachcomber and bus passengers paid. Janet Reinhart			
Ryan Curley	FYI Fwd: Aerial?	Mon 7/12/2021...	219 KB
----- Forwarded message -----			
Jude Ahern	Fwd: public records request: proof of minimum requirements from Mi...	Mon 7/12/2021...	31 KB
Just to be clear, there is no five-year plan anywhere for Michael Ramsdell so one must conclude that they work both parcels			
Jude Ahern	Fwd: public records request: proof of minimum requirements from Mi...	Mon 7/12/2021...	30 KB
Like I write below, if this is allowed it will be allowed for everyone.			
Eric Winslow	Stair to Wellfleet Historical Society & Museum	Mon 7/12/2021...	450 KB
Michael Hurley	July 4th Weekend Cahoon Hollow Beach	Mon 7/12/2021...	19 KB
Hello All, We just finished payroll this afternoon so this information was not included in Lieutenant LaRocco's memo that's in your			
Melissa Yow	RPAC Applicant	Mon 7/12/2021...	14 KB
Good morning, I will not be able to attend the Selectboard meeting on Tuesday, but would like to send you my support for			
Steve Mache...	[WEBINAR] COVID-19 and the Rise of Citizen Self-Service CRM	Mon 7/12/2021...	23 KB
join us on June 17th @ 2 pm ET Hello, Helen! The last 18 months have been hard on agencies striving to safely serve the public			
john riehl	Barbara Carboni	Mon 7/12/2021...	14 KB
Dear Selectboard -			
Jennifer Con...	RE: WHA minutes	Mon 7/12/2021...	19 KB
All set!			
Jude Ahern	Fwd: where do I send this invoice for reimbursement from the Town o...	Mon 7/12/2021...	247 KB
Our wastewater committee, now renamed something ridiculous and confusing, has posted ONE meeting minutes in the last 1-1/2			
ciotti_family...	WHA minutes	Sun 7/11/2021 ...	52 KB
Hi Jennifer, Attached please find two sets of approved Housing Authority minutes from June. Thanks Richard <end>			
Two Weeks Ago			
Jude	Fwd: Insufficient notice	Sat 7/10/2021 ...	19 KB
Take it off the agenda! Sent from my iPhone			
Michael Hurley	Final Storm Update	Fri 7/9/2021 4:...	19 KB
Good evening all. The storm is beginning to pull away and overall we are in good shape. There were several calls for lines and			
Wellfleet Cha...	Chandler Travis Philharmonic under the Payomet Tent	Fri 7/9/2021 1:...	77 KB
Tomorrow, Saturday, July 10 // 7:00pm			

From	Subject	Received	Size
Karen A. LaV...	Re: Wellfleet - Chequessett Neck Water Line Easement	Fri 7/9/2021 1:...	61 KB
Hi Katie: Finally have a moment to respond to you on this matter. You may recall back on May 26, 2021, I told you the owner of the			
Massachuset...	Janet, Legislature to Vote Today on \$48.1B FY22 Budget	Fri 7/9/2021 12...	65 KB
Contact Your Legislator Today!			
Wellfleet Cha...	Who doesn't love (volunteering in) a parade?	Fri 7/9/2021 11...	79 KB
Cape Cod Co...	Application Deadline Extended: License Plate Grant Funds for COVID-...	Fri 7/9/2021 10...	62 KB
Helen Miran...	Add Agenda Item for Tuesday 7/13th Sb meeting. PLEASE	Fri 7/9/2021 10...	13 KB
• Standards for Civil Discourse in Municipal Meetings and Correspondence. <end>			
Freeman, Ch...	Sedgwick claim number 40210602GF6-0002 date of accident 06/14/2...	Fri 7/9/2021 10...	24 KB
Hi, I am Chelsey Freeman I am from Sedgwick Claims. I handle claims on behalf of Argonaut Insurance Company/Cape Code			
Jude Ahern	public records request for "the attorney" records DeVasto constantly ...	Fri 7/9/2021 6:...	20 KB
Dear Ms. Congel, Wellfleet Records Access Officer (RAO):			
Jude Ahern	Fwd: public records request: proof of minimum requirements from Mi...	Fri 7/9/2021 6:...	23 KB
I made this request on June 24. The ten working days is TODAY. Nancy is out until Tuesday but that is not a sufficient excuse			
Jude Ahern	Fwd: here's some help, waiting for answer TODAY	Fri 7/9/2021 5:...	41 KB
See, even Nancy thinks this forged one pager with a 1/28/16 date typed in the upper right is DeVasto's "renewal". Had I not actually			
Jude Ahern	Fwd: Jeannie Mac on tape screaming "get out I don't have time for yo...	Fri 7/9/2021 5:...	21 KB
And the fact that she called two police officers to monitor me while i looked through these folders is called intimidation and prior			
Jude Ahern	Fwd: Jeannie Mac on tape screaming "get out I don't have time for yo...	Fri 7/9/2021 5:...	18 KB
And I have so much more, Jeannie Mac loves to talk!			
Jude Ahern	insufficient notice AGAIN	Fri 7/9/2021 5:...	736 KB
This was posted on Saturday, July 3, the meeting is Tuesday, July 13th. That is not a full two weeks with the holiday (counting begins			
Jude	Fwd: Please take down the draft SAB minutes immediately	Fri 7/9/2021 5:...	19 KB
DeVasto should be working at 4, or at the Bomb Shelter instructing Jeanne MacLauchlin what to do for him. Like I said, they better			
Jude	forged documents for Michael Ramsdell grant # 855 and #855 B	Thu 7/8/2021 7:...	10 MB
And absolutely no documents exist between Jeanne Mac and DeVasto? They must talk about it over drinks at the Bomb Shelter on			
Jude Ahern	OML complaint for your 6/22 meeting lack of public notice for grant ...	Thu 7/8/2021 2:...	536 KB
As I'm sure you are all well aware, there were many violations in this meeting. It's laughable to think that the Administrative Clerk			
Jude Ahern	writing check for \$ 284.88 for records that are public	Thu 7/8/2021 1:...	7 MB
Attached please find the culmination of this Town's fifteen month LIE about the Charter Review Committee recordings and what the			
Jude	Fwd: OML complaint against SAB - Town of Wellfleet	Thu 7/8/2021 1:...	41 KB
Sent from my iPhone			
Michael Hurley FW: Situational Awareness Statement # 1: Tropical Storm Elsa		Thu 7/8/2021 1:...	1 MB
Good morning, We are continuing to monitor Tropical Storm Elsa, please see attached advisory from MEMA. In addition, please			
MA Municip...	Register: MSA Leadership Conference Webinar July 14	Thu 7/8/2021 9:...	49 KB
Register for Third MSA Leadership Conference Webinar			
Lindsay Hinde	Wellfleet Swim Program Safety	Wed 7/7/2021 ...	59 KB
Hi Mike, Thanks for talking to me today and listening to some of my concerns. I think Suzanne Thomas is on top of making			



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021



MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Minutes for June 22, 2021 & July 13, 2021
PROPOSED MOTION:	I move to approve the Minutes of June 22, 2021 as amended and July 13, 2021; as printed in Draft form
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**Wellfleet Selectboard
Tuesday June 22, 2021; 6pm
Virtual Meeting ~ Zoom
Meeting Minutes**

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

Others Present: Charles Sumner, Town Administrator; Nancy Civetta, Shellfish Constable; Lara Henry, Wellfleet Chamber of Commerce; Shea Murphy, Shellfisherman; Will Sullivan, Harbormaster; Pat Winslow, Shellfisherman; Chief Michael Hurley, Police Chief; Ginny Parker, Shellfish Advisory Board; Tim McNulty, Lobster and Chowder House; Zach Pawa, Sacred Surf School; Merrill Mead-Fox, Wellfleet Historical Commission; Dan Silverman, Town Moderator; Jeanne Maclauchlan, Principal Clerk.

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.

- Civetta announced that the Shellfish Department is participating with the Mass Oyster project, she explained there are eight different restaurants will be participating and will be collecting oyster and clam shells to be brought to the transfer system and then used for cultch in the spring.

II. *COVID-19 Updates and Recommendations*

- Chair DeVasto updated the public that the governor had extended the emergency orders to allow virtual meetings and the Board will continue discussions on allowing the public to participate remotely.

III. *Public Hearings*

A. Aquaculture Grant Extension for Shea Murphy– Shellfish Constable, Nancy Civetta

Chair DeVasto recused himself from the shellfishing extensions and handed over the chair position to the vice chair Reinhart. She asked Civetta to please inform the Board of the extension plan.

Civetta stated that this will allow Murphy to expand his business and livelihood. She also stated that this is a long process, but it is beginning.

Wilson asked the Board if they were able to watch the Shellfish Advisory Board Meeting in June and she stated there were many issues brought up and stated there were many issues that needed to be addressed before the land is further developed. Wilson continued stating the issues and what she felt regarding this. Reinhart stated she read both letters from the Shellfish Constable and the Harbormaster and trusts the both of them and asked Civetta to weigh in with her thoughts. Civetta explained she understands both sides. She explained her point of view. Reinhart questioned Sullivan on his opinion. He stated they are here now, and the town needs to move in the right direction. He stated to goal is to

make everything work together. He gave some thoughts on ideas that had been presented to him. Marks on buoys to indicate which grant was which. He stated anything the town does will affect their future and he doesn't want working shellfisherman to lose their livelihood. He also stated he didn't believe these grant extensions were making a huge impact in the land but moving forward they will work things out and try their best to make it happen for everyone. Curley stated that he would like in the future he would like to see a copy of the posting in the packet. He also stated that he does feel there needs to be more planning.

Carlson stated she wanted regulations and procedures are done she would want to vote what was in front of her.

Board Member Curley moved; Board Member Wilson seconded; and it was not voted to approve grant extension 01-2 extension B, and extensions 2007 B & C with an area of approximately 1.8 acres for Shea Murphy.

Civetta explained there is already a 01-2 extension, so it needed to be renamed.

Roll Call Vote: 2-1-1 (Wilson voted no); (Carlson abstained)

Board Member Wilson moved; Board Member Curley seconded; and it was voted to extend the hearing to a future date.

Roll Call Vote: 4-0

Board Member Curley moved; Board Member Carlson seconded; and it was voted to reconsider the extensions applied for by Shea Murphy.

Roll Call Vote: 4-0

Murphy spoke to his extension, and he plans to use it. The Board continued to discuss this further.

Board Member Curley moved; Board Member Reinhart seconded; and it was voted to approve the grant extension 01-2B and 2007 B & C with an area of approximately 1.8 acres.

Roll Call Vote: 3-1 (Wilson voted no)

Board Member Curley moved; Board Member Wilson seconded; and it was voted to reconsider the extension of the public hearing for Shea Murphy.

Roll Call Vote: 4-0

A. Aquaculture Grant Extension for Pat and Chelsea Winslow ~ Shellfish Constable, Nancy Civetta

Civetta stated she feels the same way as she did with the previous grant extension, she stated he needs a little bit more room to make his business grow and work.

Reinhart stated she didn't feel comfortable not approving these grant extensions, she feels they are young hard-working individuals and feels the first come first serve is fair. Curley stated that the vote to continue the previous extension was already voted on, so they were unable to go back. They discussed this extension a little further.

Curley spoke about the concern for navigation.

Sullivan spoke about making sure it is clearly marked and it may aid navigation.

Winslow explained how he arrived at the dimensions for the extension and that

the SAB had a robust discussion about planning and there was not overwhelming support one way or the other for a plan.

Reinhart said that was really important to know that the SAB voted not to have a moratorium.

Curley stated he wanted a different marker.

Sumner raised a concern that the previous motion may have passed.

Wilson said that the SAB had discussed planning four times

Carlson said that she was not aware that the SAB voted not to have a moratorium.

Board Member Curley moved; Board Member Carlson seconded; and it was voted to reconsider the extensions applied for by Shea Murphy.

Roll Call Vote: 4-0

- A.** Murphy spoke to his extension, and he plans to use it. The Board continued to discuss this further.

Board Member Curley moved; Board Member Reinhart seconded; and it was voted to approve the grant extension 01-2B and 2007 B & C with an area of approximately 1.8 acres.

Roll Call Vote: 3-1 (Wilson voted no)

Board Member Curley moved; Board Member Wilson seconded; and it was voted to reconsider the extension of the public hearing for Shea Murphy.

Roll Call Vote: 4-0

- B.** **Board Member Carlson moved; Board Member Reinhart seconded; and it was not voted to approve an approximate .45-acre grant extension to grant numbers 9—01 for Pat and Chelsea Winslow.**

Roll Call Vote: 2-2 (Wilson and Curley voted no)

Board Member Curley moved; Board Member Wilson seconded, and to extend the hearing to a future date.

The Board continued to discuss this extension and the layout of it. Civetta explained that she isn't comfortable making decisions on the fly.

Civetta stated that she wants to just have fairness. Curley stated he has sailed in and out of that area for many years and he feels it is to far out.

Roll Call Vote to extend the hearing: 4-0

Winslow told the Board stating that he has been waiting a very long time for this and received his first farm in 2008 and could have asked for more but wanted to wait until he was a more seasoned shellfisherman. He continued to explain his extension. The Board agreed to meet on this at their next meeting.

Sullivan stated that he feels at this point they are trying to stop a building from being built after the foundation has been laid down. He continued stating that there are rules and regulations for these people, and they have followed all the steps and now they are being told no. He didn't feel it was right.

- B. Approve the addition of a domicile exception to the Shellfishing Regulations ~ Shellfish Advisory Board & Shellfish Constable Nancy Civetta
Civetta explained this item and explained there is a strong feeling within the community to have some amendments. She stated she feels they have added some checks and balances and asked them to seriously consider this exception given the housing problem within the town. She also informed the Board that she did take this to the Shellfish Advisory Board, and they agreed, she stated if she encounters problems, she will bring it back to the Board. The Board discussed this change at great length.

Board Member Wilson moved; Board Member Curley seconded; and it was voted to amend section 2 shellfishing policy for the town of Wellfleet and approve the addition of 6.1.2 domicile requirement and exception and 7.8.2 domicile requirement and exception in the town of Wellfleet's shellfishing policy and regulations as presented by the shellfish constable on behalf of the Shellfish Advisory Board.

Roll Call Vote: 4-0

IV. Licenses

- A. Weekday & Sunday Entertainment ~ Lobster & Chowder House ~ Hours will be 1:00pm – 10:00pm

The Board asked McNulty some questions about when the entertainment would be playing. He stated he is applying for the license and will go from there. He stated he had been approached from some local artists asking to play acoustic music. Very soft and low key.

Board Member moved; Board Member Carlson seconded; and it was voted to approve the weekday and Sunday Entertainment License for the Lobster and Chowder House from the hours of 1:00pm to 10:00pm located at route 6 Wellfleet, MA with a copy of the noise bylaw be accompanied with the application.

Roll Call Vote: 5-0

V. Use of Town Property

- A. Sacred Surf School ~ White Crest Beach ~ Zach Pawa, June -Labor Day
Board Member Curley questioned the fee.

Board Member Curley moved; Board Member Carlson seconded; and it was voted to approve the use of White Crest Beach to Zach Pawa for the Sacred Surf School from June 22, 2021 to Labor Day 2021 for a fee of \$385.

- B. Chamber of Commerce ~ 4th of July Parade Route ~ September 6, 2021

Henry spoke to the Board about moving the fourth of July parade to Labor Day weekend just to be safer. She also stated she wanted to amend the date to the Saturday of Labor Day Weekend instead of the Monday so there is more participation. Chair DeVasto explained that there has been a large amount of communication with the town's health officials, and they are in agreement with the date move.

Board Member Wilson moved; Board Member Reinhart seconded; and it was voted to approve the use of The fourth of July Wellfleet parade route

and the town marina parking lot on September 24, 2021, from 8am to 11am to the Wellfleet Chamber of Commerce.

Roll Call Vote: 5-0

VI. *Board/Committee Appointments and Updates*

- A. Reappointment of the Shellfish Constable, Nancy Civetta; for another three-year term ~ Wellfleet Selectboard**

Chair DeVasto recused himself in this matter and Board Member Reinhart took over as chair. Board Member Reinhart stated she has heard nothing but good things about Civetta and believes the shellfish industry has blossomed with her as the constable.

Board Member Carlson stated it is very clear how much Civetta loves the job and how hard working she is in the position.

Board Member Carlson moved; Board Member Wilson seconded; and it was voted to reappoint Constable Nancy Civetta for another three-year term ending August 9, 2024.

Roll Call Vote: 4-0

- B. Reappointments of various committee members ~ Principal Clerk**

****Please see packet for a full list of reappointments****

Chair DeVasto came back to the meeting and stated there was a name that was incorrect on the list of reappointments. It was Roberta Ward as an election worker not Robin.

Board Member Reinhart moved to reappoint the town of Wellfleet Boards and Committee Members as listed in the Selectboard Packet dated June 22, 2021, once reappointed the Board and Committee Members must make and appointment with the Town Clerk Jennifer Congel to be sworn in.

Roll Call Vote: 5-0

- C. Reappointments of Election Workers ~ Town Clerk**

Peter Cook ~ Warden

Roberta Ward ~ Deputy Warden

Martha Dilts ~ Clerk

Chair DeVasto moved; Board Member Wilson seconded; and it was voted to reappoint Peter Cook as Warden, Roberta Ward as Deputy Warden and Martha Dilts as clerk for the elections.

Roll Call Vote: 5-0

VII. *Business*

- A. Fidelity Gift Documents ~ Miriam Spencer, Town Treasurer**

Board Member Carlson moved; Board Member Curley seconded; and it was voted to approve Michael DeVasto to execute any and all documents related to the gifted Fidelity Account.

Roll Call Vote: 5-0

- B.** Presentation by Historical Committee ~ Merrill Mead-Fox
Mead- Fox spoke to the Board thanking the Selectboard for their hard work over the past year during the pandemic. She also stated that three members will be leaving the commission when their term is up at the end of June 2021. She stated they are trying to recruit three new members and gave some background information on the commission. She continued to explain and give updates on what the commission is currently doing throughout the town. Chair DeVasto thanked her for the update and attending the meeting.
- C.** Discussion on changing the meeting time from 6pm to 7pm ~ Chair DeVasto.
Chair DeVasto asked to have this discussion with the board stating he needs the daylight hours in the summertime given his occupation. The Board discussed making a motion.
Chair DeVasto moved; Board Member Curley seconded; and it was voted to move the regular meeting time from 6pm to 7pm.
Roll Call Vote: 5-0
- D.** Discussion on Town Meeting ~ Dan Silverman, moderator.
Silverman spoke to the Board giving them an update regarding town meeting and some details he felt needed to be brought up and shared. He stated the task force for the meeting has been meeting to make sure the meeting runs smoothly. He thanked the forum for the pre-town meeting and the meet the candidates meeting. He stated he hoped the participants listening were able to get their questions answered. He continued to address the motion booklet, he explained the reason for the booklet and gave a little more information. He continued explaining the sheets that various committee or boards will be in the motions booklet as long as they were submitted within the deadline time. He requested the chair make all the motions and the vice-chair second the motions. He explained that the Board will need to share 3 microphones at the table this year. The issue is that sound vendor is also doing another town meeting in Truro, so they are restricted with equipment. Board Member Curley asked about the quorum being reduced since the legislature passed a more relaxed. It was stated that there wasn't enough time to post for the amended quorum, which he believed was 48 hours. The Board discussed amending the quorum. Silverman explained that a quorum is assumed unless it is questioned, if it is questioned then the meeting must stop, and a head count needs to be taken. Board Member Wilson stated that the Board could meet on Friday morning to amend and reduce the quorum. She also questioned more microphones. IT was explained that there are no extra microphones. Silverman asked Sumner if he could look into lowering the quorum. Sumner stated he will look into it first thing the next morning. The Board will hold a 10am meeting Friday June 25, 2021 to reduce quorum for town meeting.

E. Amend Food Truck Permit ~ Tanya Felix.

Chair DeVasto gave an update on this permit. Stating that the Harbormaster had some issues with the truck coming in and out of the parking lot and issued Felix an overnight permit. The Board discussed this, and their regulations were brought up. Board Member Wilson stated in the regulations the Board and the Selectboard have the right to change them on an individual basis. They discussed this permit change.

Board Member Wilson moved; Chair DeVasto seconded; and it was voted to amend the food truck permit for Tanya Felix with the following conditions: the food truck must remain in the dedicated overnight parking space purchased from the marina; To only be moved at the discretion of the harbormaster or in the event that there is a risk to public health, safety, and or equipment. Further, we suspend the requirement in the food truck regulations section titled "Operating Requirements for Mobile Food Vendors, Section 1" which requires food trucks to be removed from the licenses area each day and not be allowed to remain overnight.

Roll Call Vote: 5-0

F. Add Provincetown Independent as a Newspaper of Record ~ Board Member Ryan Curley

Chair DeVasto explained that he spoke to Jeanne, who didn't have any issues adding the paper but stated to him that there are deadlines for each paper, and she needs the papers that will allow her to post in a timely manner.

Curley stated this is a paper that a lot of residents use and would like to remove the other papers. Maclauchlan explained to the Board that the Independent has a much harder schedule to advertise in and it becomes difficult posting with them. The Board continued to discuss this and decided they could add the Independent and not take any of the other papers.

Chair DeVasto moved; Board Member Curley seconded; and it was voted to add the Provincetown Independent as a newspaper of record.

Roll Call Vote: 4-0-1 (Reinhart abstained)

G. 925 Chequessett Neck Road Easement ~ Administrator Sumner/ KP Law

Sumner explained to the Board that this has been an issue he has been working with Town Counsel on. He gave some details about the easements. Stating that there is a requirement that this party get an insurance policy and they are asking the town to waive the insurance coverage.

Board Member Reinhart stated she feels it would be crazy to eliminate insurance coverage. Board member Wilson agreed, stating the town would be liable if there was an incident. Sumner explained that the party was stating it was difficult for them to get insurance. Chair DeVasto stated he wasn't willing to waive the insurance requirement unless something was signed by the owners stating the town isn't liable for any issues pertaining to this. The Board agreed insurance is a must for this and are not willing to waive the requirements.

Chair DeVasto moved; Board Member Wilson seconded; and it was voted to sign the 925 Chequessett Neck Road Easement as presented by the Town Administrator.

Roll Call Vote: 5-0

H. Refer Wellfleet Town AV Channel Policy ~ Board Member Curley

Board Member Curley explained what he was asking for. He explained it is a modification that was presented by Mia Baumgarten in late 2019. He stated he has updated it and the main issue changed is that all meetings throughout the town will be recorded. The Board discussed changing how the meetings are recorded and moving forward how they will be posted.

Board Member Carlson stated that just because we have the technology doesn't mean we need to use it. She continued stating the Board should soften the language a little bit but not change it completely. Baumgarten weighed in stating the town has the ability to spend the money to record all meetings. Baumgarten also stated that the town needs to verify the amount of money that the town gets from Comcast.

The Board debated the amendment made by Board Member Curley. Curley stated it is very beneficial to have all meetings recorded to the residents who want to go back and reference it. Baumgarten explained she will be leaving Wellfleet July 6, 2021, to go to a full-time job. Baumgarten continued to explain the PEG funds and it needs to be used only for programming to be used on Channel 18.

Board Member Curley moved; Board Member Carlson seconded; and it was voted to refer the Wellfleet's Town Media AV Policy as drafted to the Town Administrator to distribute to Department Heads, Public Bodies of the town, and Town Counsel for comment and review as required under the Policy on Policies to be returned to the selectboard no later than August 30, 2021.

Roll Call Vote: 5-0

I. Vote to reconsider, amend, and vote on some Town Meeting Warrant Articles. ~ Administrator Sumner

Sumner discussed with the Board that things needed to be changed and amended due to the struggle with upcoming town meeting and the numbers being incorrect. He continued to discuss the spending plan/budget. He went over Articles 1-3 stating that some of those numbers needed to be changed and amended. He explained to the Board that he has been reviewing revenues and the spending plan. Sumner went over the accounting issues and the numbers he has gone over with Mary McIsaac and Lisa Souve, stating there isn't as much money in the funds (Beach, Ambulance, Sea Mass) that was originally thought. He explained to the Board that they will need to make amendments on town meeting floor. He stated he was only going to give the major issues. Sumner went through each motion in the motion booklet that needed changes to be made.

The Board had some questions about the budget and transfers. Curley asked when the amount of money that was taken from the stabilization fund be able to be paid back in full. Sumner stated he didn't know but would continue to report back to the Board with any and all updates.

DeVasto questioned free cash that was never allocated into a budget. Sumner explained that because it is a new year the cash can't be used unless it is recertified.

They continued to discuss the use of free cash and the ability to use it now. Chair DeVasto stated that all the changes made by Sumner need to be allowed so the town can start to rebuild. Sumner stated he will have more information for town meeting floor, so he is able to figure out the formulas.

Chair DeVasto moved; Board Member Wilson seconded; and it was voted to recommend the town administrator's proposal on article 1 on the FY 2022 Operating Budget.

Roll Call Vote: 5-0

Sumner went into the Budget Transfers that are labeled Article 2 in the motion's booklet. He explained what they were and entertained questions from the Board. He stated he over utilized the snow and ice budget he thought he had more money, he explained he will amend that on town meeting floor.

They discussed these changes, and it was stated that the Board never voted on this article before as the numbers weren't known. It will be amended on town meeting floor.

Chair DeVasto moved; Board Member Wilson seconded; and it was voted to recommend Article 2 Budget Transfers in the amount of \$292,642,000.

Roll Call Vote: 5-0

Sumner continued with Article 3. Fiscal 2022 Capital and Debt Budgets. He explained they are removing the town clerk's asking for shelving and microfilming because there has already been money allocated to those. He went into detail about the amendments he will need to be making on town meeting floor.

Chair DeVasto moved; Board Member Curley seconded; and it was voted to approve the Town Administrator's Capital and Debt Fiscal Year 2022 Budgets with proposed amendments.

Roll Call Vote: 5-0.

Sumner continued to go over different articles that need to be amended, explaining the CPC articles are off by about twelve-thousand dollars. He continued explaining different articles that need to be pulled and brought to the special fall town meeting. Articles 25 & 26 will be brought to the fall town meeting.

The Board discussed having a meeting before town meeting to discuss some changes that will be made on town meeting floor.

Chief Hurley offered the police station to meet.

- J. Vote to amend the meeting agenda and minutes of the January 26, 2016. Selectboard Meeting to include Michael DeVasto Shellfish grantor 855 & 855B

Chair DeVasto excused himself from this portion of the meeting and Vice Chair Reinhart took over. Reinhart explained why this is before them explaining that DeVasto was unintentionally left out of the advertisement, but his name is on the lease and was issued to both him and Ramsdell. Civetta explained how this works. Carlson stated that the paperwork was in order and DeVasto's name is on the proper license paperwork. She was confused as to why Curley wanted to postpone until he heard from Town Counsel. Civetta explained it was a clerical error and it needs to be discussed on the town level.

Curley stated we aren't sure if there needs to be another hearing, which is why he needed to hear from town counsel for a better understanding.

No Action was taken.

VIII. *Selectboard Reports*

There were no reports given other than town meeting notice. The electronic sign on route 6 will be advertising the time, date and place of town meeting.

IX. *Town Administrator's Report*

Sumner reported to the Board that he will be meeting with the Finance Committee this Thursday to give them an update on the state of the Town's finances. He stated the Chair Fred Magee has been very helpful. He also reported he attended a webinar from DOR to go over and learn about financial issues.

He has people coming in to interview the finance staff and help them work through issues.

He reported that Mia has given her notice and will be leaving.

He stated he will be working on Covid issues and reopening once town meeting is done. He will work with Hillary and The Board of Health.

He reported that the Building Inspector Paul Fowler is leaving the town.

Curley questioned the grants that were applied for and why it wasn't brought in front of the Selectboard for approval.

X. *Topics for Future Discussion*

Reinhart expressed the need for a meeting with Department Heads and the Selectboard to discuss how the board can function better and how they can be a better support system to the staff. Figuring out why they are losing good staff members.

Curley would like to discuss the Main Street and Route 6 Project with the public, so the residents have a better understanding of what the actual scope is.

XI. *Correspondence and Vacancy Reports*

XII. *Minutes*

A. June 8, 2021

Chair DeVasto asked to postpone the minutes as he would like to make sure what's in the minutes is correct.

No Action was taken.

XIII. Adjournment

Wilson moved; Curley Seconded; and it was voted to adjourn

Meeting adjourned 10:15pm

Public Records:

Grant extension applications from Shea Murphy and Pat and Chelsea Winslow
Addition of a domicile exception for Shellfish Regulations
Application for weekday and Sunday Licenses from the Lobster and Chowder House
Application for Use of Town Property:
Sacred Surf School
Wellfleet Chamber of Commerce
List of reappointments for various town boards and committees
List of election officials to be reappointed.
Fidelity Documents regarding gift left by a Wellfleet resident.
Amended paperwork for Tanya Felix's permit (use of town property)
Easement for 925 Chequessett Neck Road
Agenda and meeting minutes from Wellfleet Selectboard dated January 26, 2016.
Town Administrators Report dated June 21, 2021
Meeting Minutes dated June 8, 2021

**Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday July 13, 2021; 7pm
Meeting Minutes**

Members Present: Michael DeVasto; Chair, Janet Reinhart, Ryan Curley, Helen Miranda Wilson; John Wolf

Other Present: Charlie Sumner, Town Administrator; Rebecca Slick, Assistant Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Police Chief; Rich Pauley, Fire Chief; Nancy Civetta, Shellfish Constable; Hillary Greenberg-Lemos; Health Agent; Kevin LaRocco; Police Lieutenant; Patrick Winslow, grant extension applicant; Jeanne Maclauchlan, Principal Clerk; Manishaben Marfartia, new owner of Wellfleet Liquor store; John Kenney, Lawyer for Ekdanta Package Corporation; Jay Norton, Acting Director of the DPW; Lydia Vivante; Anna Meichenbaum, New Shellfish Constable for Wellfleet; Jordan Halloran, New Shellfish Constable; Evelene Lakis, applicant for a few town committee; Jennifer Wertkin, Director for the Library; Jay Norton, acting DPW Director; Dan Silverman; Town Moderator

Chair DeVasto called the meeting to order at 7:01 pm

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 updated the public that the South Wellfleet General store lot is overrun with parking, and he reminded everyone there is a two-hour parking limit. He asked for patience. He also thanked his police staff for their hard work and help over the Fourth of July weekend. He stated they are 1,000 calls a day more than they were last year at this time. He thanked the Fire Department for buying them lunch. Hurley stated the department is averaging 500-1000 calls a day.

II. *COVID-19 Updates and Recommendations*

Lemos stated there were Covid cases on the rise on the Outer Cape. Curley asked about the cluster in Provincetown if those people that have Covid are both vaccinated and unvaccinated. She stated yes many of the Covid cases were people who had been vaccinated.

III. *Public Hearings*

A. Continued Aquaculture grant extensions for Pat and Chelsea Winslow ~ Shellfish Constable, Nancy Civetta

Reinhart took over as Chair and DeVasto removed himself from the meeting and recused himself. Reinhart asked Civetta to explain the updated information for the grant extension. She explained that she and the Harbormaster went out to see the grants and they felt this extension wouldn't cause any issues. Reinhart asked if anyone in the audience had questions. No questions were asked.

Board Member Curley moved; Board Member Wolf Seconded; and it was voted to approve the grant extension of approximately .45 acres to grant 09-01 for Patrick and Chelsea Winslow.

Wilson stated that there weren't community discussions to go over the small extension. She continued questioning the way extensions are approved. She stated she wished this wasn't on the agenda. Wolf agreed with Wilson but expressed that the other grants that came before the Board were allowed the extension so he feels the Board should allow this extension to go through.

Winslow spoke to the Board and stated he has followed all the paperwork and has filled out this application before a memo went out before the Harbormaster's memo. He continued explaining his position and why he is needing the grant extension.

Roll Call Vote: 5-1 (Wilson voted No)

- B. Approve 2016 Grant Renewal for Michael DeVasto; grant numbers 855 and 85-5-B to correct paperwork oversight ~ Principal Clerk Jeanne Maclauchlan**

Reinhart moved on to the grant renewal due to a paperwork oversight. Civetta gave the background information on this grant renewal. In 2016 the renewal was made for Michael Ramsdell in a public hearing; in the notice of the public hearing was only in Ramsdell's name and Michael DeVasto's name was inadvertently left out. and the license was made for both Ramsdell and Michael DeVasto. This she explained needed to be corrected.

Wilson questioned that they are renewing the license not the areas of the license. Curley pointed out that all the details and the guidelines were followed with the application.

DeVasto spoke to the Board as an individual and stated that the licensed area is up for renewal for a 10-year period, giving background on how that works.

This was discussed further.

Board Member Wolf moved; Board Member Wilson Seconded; and it was voted to approve 2016 grant renewal for Michael DeVasto grant numbers 855 & 855-B to correct the paperwork oversight in January of 2016.

Roll Call Vote: 5-0

- C. Transfer, pledge of license and pledge of inventory of the seasonal all alcohol license at 2586 State Highway, Route 6 from Patriot Spirits, Inc. dba Liquor N More, Michael J. Patterson, manager, to Ekdanta Package Corporation, Manishaben Marfartia, manager.**

Attorney Kenney explained what his clients were looking to do with the property. He explained to the Board that they were not looking to make changes to the liquor store. He continued to give background information on the owners and the experience they have running liquor stores.

Chair DeVasto Moved; Board Member Curley Seconded; and it was voted to approve the transfer, pledge of license and pledge of inventory of the seasonal all alcohol license at 2586 State Highway, Route 6 from Patriot Spirits, Inc. dba Liquor N More, Michael J. Patterson, manager, to Ekdanta Package Corporation, Manishaben Marfartia, manager.

Roll Call Vote: 5-0

IV. *Use of Town Property*

- A. Provincetown Community Compact ~ Great Pond ~ September 11, 2021; 7am-11am**

The applicant gave details on why he wanted to use Great Pond and explained they had used this pond two-years ago for this race. Curley stated he didn't understand the

rational to limiting this even to 50 people. He responded that they chose 50 at the time because at the time they booked the pond they agreed it was a fitting number.

Wilson also questioned Great Pond and stated Gull Pond has better access.

Chair DeVasto moved; Board Member Reinhart Seconded; and it was voted to approve the use of Great Pond located on 500 Cahoon Hollow Road to Provincetown Community Compact on September 11, 2021, from 7am – 11am. Roll Call Vote: 5-0

B. Sprint Triathlon ~ Various locations ~ September 18, 2021; 5am – 11am

Brayden explained to the Board the details of this event. She explained this is a triathlon that has been going on for a few years now. About 150 athletes. Chief Pauley explained that this is a burden on the Wellfleet Fire department. Stating that his staff is too small.

Curley stated he felt that \$110 fee for this was not high enough considering they were using various locations around Wellfleet. Wilson questioned the modification that the health agent requested. Brayden explained that was for a different race in Wellfleet. Curley stated he felt \$600 was a sufficient amount to request given the number of locations they are using. Chair DeVasto stated he felt this was a high amount for a nonprofit organization. Wolf agreed that \$600 was high. They discussed the event and the amount this organization contributes to the town. The applicants expressed that they would be willing to pay a fee. Chair DeVasto asked for a number to be discussed for this use. It was discussed and decided on \$

Board Member Wilson Moved; Board Member Wolf Seconded; and it was voted to approve the use of various locations throughout Wellfleet for the Wellfleet Sprint Triathlon as listed in the application to be held on September 18, 2021, from 5am to 11am with conditions as listed on the application and in compliance with any Covid protocols in place at that time. To leave the various locations in the condition in which it was found, to the satisfaction of the DPW and the Wellfleet Health Agent, for a fee of \$400.

Roll Call Vote: 5-0

C. New England Endurance ~ Various locations ~ September 25, 2021; 5am – 1pm

The same applicants presented to the Board. They explained this is a smaller event and the participants are spread out. It is an event that this year will benefit the United Way Covid Relief Fund. They continued to give details on the event. Chief Pauley stated again that although this was a smaller event this is a longer event and requires more time of his staff. He stated again that he wants to discuss these issues moving forward. He continued that it takes a lot of resources. Curley stated they are missing the operational plans for this event. He stated they are supposed to charge for each parcel in town that is being utilized. The Board discussed this further stating some concerns. Curley asked Norton from the DPW, what would this event entail for the DPW? Norton explained the department would clean the streets beforehand. He was asked if they provided trash for the event. The DPW doesn't provide trash receptacles for the event. Wilson stated having large amounts of people can be dangerous and that this is a different time. She continued stating there was no mention of the amount of people. She stated she didn't feel Wellfleet should hold this event this year, given the amount of people in Wellfleet, and the amount of stress it causes the departments asked to be involved with the event. Chair DeVasto stated this even it September

which isn't as busy as July or August. He would be inclined to come up with a fee and take a vote. They continued to discuss this event and having it. Curley didn't feel the application wasn't filled out appropriately.

Board Member Wilson Moved; Chair DeVasto Seconded and it was voted to approve the use of various locations throughout Wellfleet as listed in the applicants' operations plans and as approved by the police and fire departments by the New England Endurance Events Organization on September 25, 2021, from 5am to 1pm with a fee of \$400; and in compliance with any conditions listed on the applications.

Roll Call Vote: 3-1-1 (Curley abstained; Wilson voted no)

- D. Lydia Vivante ~ Town Hall Driveway, 300 Main Street, Wellfleet; driveway by Abiyoyo ~ Saturday, August 7, 2021; 8am – 10:30am**

Vivante explained what she is doing on the day at town hall. She gave some background on the thrift shop and explained this is a volunteer event and admittance is free. She requested that the Board waive the usage fee for the event. The Board discussed waiving the fee and agreed it was a good cause.

Board Member Reinhart moved; Board Member Wilson Seconded; and it was voted to approve the side driveway of town hall beside the store Abiyoyo to the AIM Thrift Shop for their annual art sale on Saturday August 7, 2021; from 8am to 10:30am and to waive the fee of \$110.

Roll Call Vote: 5-0

V. *Board/Committee Appointments and Updates*

- A. Reappointment of Sam Peper ~ Marina Advisory Committee**

Chair DeVasto Moved; Board Member Curley Seconded; and it was voted to reappoint Sam Peper to the Marina Advisory Committee to be sworn in by the Town Clerk Jennifer Congel.

Roll Call Vote: 5-0

- B. Appointing two new Seasonal Deputy Shellfish Constables ~ Shellfish Constable Nancy Civetta**

***Jordan Halloran**

***Anna Meichenbaum**

Civetta explained to the Board that there were some staff that left due to needing more year-round work. She explained they have hire two seasonal deputy constables. She stated a person working for Americore applied and was given the job. She stated to the Board how pleased she was to have these two people on her staff. Halloran and Meichenbaum both introduced themselves to the Board and gave some of their background to the Board.

Curley thanked the two women for applying and excepting the positions.

Board Member Wolf Moved; Board Member Curley Seconded; and it was voted to appoint the two new Seasonal Deputy Constables Jordan Halloran and Anna Meichenbaum to the town of Wellfleet Shellfish Department

- C. Evelene Lakis ~ Application to the Historical Commission, Council on Aging, & Cultural Council**

Lakis explained she works for the Thrift Shop and wanted to be a part of that. She noticed on the website that there was a need for members on other boards as well and stated that she would like to help out where she can.

Curley stated he would like to shrink the Council on Aging and Cultural Council to smaller member groups stating the member size is large.

Mead-Fox addressed the Board and stated how happy their Board would be if she was appointed to the Historical Commission.

Chair DeVasto moved; Board Member Curley Seconded; and it was voted to appoint Evelene Lakis to the Historical Commission to be sworn in by the Town Clerk Jennifer Congel, to read and follow all the towns rules and regulations for Board and Committee Members a three-year term ending June 30, 2024.

Roll Call Vote: 5-0

D. Barbara Carboni ~ Application for Rights of Public Access

Chair DeVasto explained they received some letters of support. The Board stated how grateful they were that she has applied to serve the community.

Board Member Reinhart Moved; Board Member Seconded; and it was voted to appoint Barbara Carboni to the Rights of Public Access Committee to be sworn in by the Town Clerk Jennifer Congel and to read and follow all the towns rules and regulations for Boards and Committees; for a term of two years ending June 30, 2023.

Roll Call Vote: 5-0

E. John Grieb ~ Application for Open Space Committee

Board Member Reinhart moved; Board Member Seconded; and it was voted to appoint John Grieb to the Open Space Committee to be sworn in by the Town Clerk Jennifer Congel, to read and follow all the towns rules and regulations for Board and Committee Members. For a three-Year term ending June 30, 2021.

Roll Call Vote: 5-0

VI. *Business*

A. Discussion and possible vote on reopening plan ~ Hillary Greenberg-Lemos/Health Agent

Lemos discussed her reopening plan with the Board that she had worked on. She expressed that flexibility is a must with this plan and it is ever changing due to the covid numbers on the rise. She explained the plan, and which offices will be open (unlocked doors) to the public reiterating that all town buildings are still open by appointment only the other 3 days that the doors are not locked. She continued to discuss mask regulations.

Curley stated he didn't want any meetings to take place in person until the public is able to participate remotely, Lemos explained that at this point the town doesn't have the technology to be able to host hybrid meetings. She agreed that this is a good option and she is committed to looking into it. Curley also expressed his concern that the library meeting room is being used for storage, stating that it is one of the best rooms to meet in. Wertkin was on the meeting and explained that part of her reopening plan is to get people to move through the building quickly, so they have removed all sitting areas. In doing that all the tables, chairs, and toys have been moved into the meeting room. Curley stated he still would like that room vacated. He suggested moving her things from the library to the Town Hall basement.

Wilson stated she doesn't like hybrid meetings stating she feels it changes the dynamic of the meetings. She continued to state she would like to have zoom meetings continue for as long as possible, there is a much higher attendance rate. Wilson asked Lemos if it was possible to do zoom meetings for as long as they like. Sumner explained that the legislature for zoom meetings good until February 2022. Wolf asked if the DPW had any extra storage so the library can use that meeting room. Norton stated that they had no extra storage for the library materials. Chair DeVasto asked the Board if they could leave this until Labor Day and then readdress this then. Wolf asked Lemos about town hall offices. And why not opening them all days. Lemos explained that some staff are not vaccinated and during the summer there are many visitors and random people walking into town hall which is concerning to many of the town hall staff. Lemos also added the reason she put an in person meeting because she had heard of an in person meeting that had happened. The Board discussed the plan and asked that the Board of Health vote on the plan. Wilson asked Lemos why they can't mandate people to wear masks, Lemos explained that she didn't want staff fighting with the public about wearing masks and then end up in an uncomfortable situation. Lemos again stated that this is not a Board of Health Regulation, but the Board has approved this reopening plan and supports it. Wolf added that he was in agreement with Ryan about not having in person meetings. They asked to make a change to no in person meetings. Chair DeVasto stated he didn't have a problem with the way the plan was written, Curley stated he was not comfortable having in person meetings without them being able to be hybrid. The Board changed the language a little bit. Sumner gave his input and stated they will strike this out and bring it back to the board with the changes they have suggested. **Chair DeVasto Moved; Board Member Wolf Seconded; and it was voted to approve the municipal reopening plan with the last two sentences of section 9 removed.**

Roll Call Vote: 5-0

B. Recap on town meeting ~ Dan Silverman

Silverman gave an update to the Board regarding Town Meeting. He thanked all the Department Heads and Chief Pauley, Harry Terkanian, Charlie Sumner, and Rebekah Eldridge for all their help in getting ready for town meeting. He stated he will give the Board a memo giving more details of the meeting. He stated the warrant articles need to go out to the Town Committee and Meetings, so they are able to vote on the articles that need to be voted on. He stated the motion booklets are a good thing. He also commented was that he really appreciated that the town meeting was help on a Saturday he stated it would have been two very long meetings and the Saturday meeting made it easy to finish by the end of the day. His last point was the need for a Fall Town meeting and stated he had been talking to Sumner with plans to have the meeting one of the last two Saturdays in October. He also stated that he would like it to be held indoors.

Wolf spoke to the fall meeting and stated that he had an issue with meeting in the middle of the day when he felt a lot of people weren't able to attend town meeting. It was agreed on this being a future topic for discussion. Chair DeVasto thanked Terkanian again for all his help with putting this warrant together.

Wilson spoke to the board, stating she liked having Saturday meetings, stating they are long meetings and she heard from many people they appreciated the Saturday meeting.

C. Reorganization of the Selectboard ~ Selectboard

Reinhart nominated Michael DeVasto to be reappointed as chair of the Selectboard; DeVasto seconded

Roll Call Vote:3-0

stating he did a great job as chair throughout the past year and was very well spoken. DeVasto stated he would be happy to do it.

Wolf nominated Ryan Curley to be chair of the Selectboard, stating that it was a negative reflection on the current chair, but Curley has a strong attention to detail. Wilson stated she sent an email to the Board saying to the Board what they would all be willing to do. She stated that she would be willing to be vice-chair on the board. She continued stating she feels that rotating the positions on the Board is a good idea. She asked to hear from each member and asking if they could state what they would be willing to do.

DeVasto nominated Ryan Curley; Wolf seconded.

Roll Call Vote: 4-1 (Reinhart voted no)

Reinhart stated that she heard rumors that shellfish people were trying to take over the Board and questioned if there was some type of collusion between the three board members. Wilson stated she has only discussed what she wanted to do with the Board. Wolf stated he has only spoken to Curley about this asking if he would be chair. Curley stated he hasn't spoken to anyone other than Wolf.

They discussed rotating the chair of the Board some were in agreement and others were not. DeVasto stated he was honored to serve as chair this past year and there were no hard feelings on his end towards Curley. Reinhart stated that it takes more than one year to get the hang of being the Chair and she doesn't support rotating the Chair for only one year. She said maybe every two or three years would be better. DeVasto agreed that there is a learning curve to be chair.

The Board discussed other positions on the Board.

DeVasto stated that is has always been the newest member on the board is usually the clerk. Wolf stated he would be happy to do that.

DeVasto moved; Curley Seconded; and it was voted to appoint John Wolf to take the position as Clerk and the person who will be able to sign all the warrants and documents on behalf of the Selectboard.

Roll Call Vote: 5-0

Curley nominated Michael DeVasto as Vice Chair; Wolf Seconded; and it was voted to appoint Michael DeVasto as Vice Chair.

Roll Call Vote: 5-0

The Board discussed the other appointments for Liaisons for various town Committees and Boards, they will make those appointments at another meeting. Wilson gave a list of committees that need liaisons. Curley stated that they could revisit this at the next meeting.

D. July 4, 2021; weekend update on Cahoon Hollow Beach ~ Lieutenant Kevin LaRocco
Hurley gave an update and breakdown of the July 4th weekend costs. He asked LaRocco to give an update to the Board. LaRocco explained that the 4th of July

weekend at Cahoon Hollow beach. He stated there was a record number of buses stating there were 73 buses beginning Friday through Sunday. He also stated there were hundreds of Ubers, ride shares, and Taxis to the beach as well. He thanks officer Seagull who set up a drop off area for the ride shares allowing the people to get safely to the beach.

He stated there were 4 officers on ATV's and 4 officers on traffic control. He continued stating there were people that they were taken into custody due to intoxication, and others who were asked to leave the beach. There were people who needed first aide. He continued his update to the Board. He finished his update stating that the drop offs continue to be a growing problem.

Wilson asked LaRocco if he could compare this weekend to 2019 in terms of numbers. He said it was a higher number of buses from 2018 and 2019. Chief Hurley stated that this year they will see more than 100 buses. He stated it is becoming difficult to manage considering they have a whole town to patrol, and the beach is taking a lot of their time. He suggested setting up a sub-committee to meet in the fall and try to hash this out and try to come up with a plan. Chief Pauley spoke to the growing issues and agreed with Chief Hurley that there needs to be a plan set into place before the summer of 2022.

Curley stated he does believe this is a strain on the resources of the town. DeVasto agreed and asked specifically the tools that the chiefs are looking for from the board. Chief Hurley stated a working group to find out what they're legal options are. The biggest problem right now is there is no alcohol allowed on Wellfleet beaches but it is permitted on the National Seashore which causes a huge problem and it is a public safety issue. He continued stating money is an issue. Reinhart agreed and stated Suzanne Grout Thomas should also be on the task force. She volunteered to be on the task force as well.

E. Fire Department Aerial Ladder Approval ~ Chief Rich Pauley

Chief Pauley presented to the Board the ladder truck that he had acquired. Stating he put this out to bid with the proper RFP's with the Assistant Town Administrator Rebecca Slick and they received two bids he gave the details of those bids and explained he decided to go with the 2005 Seagrave, stating the other company gave a bid for a truck that is no longer being serviced and this would make it very hard for them to get parts if something should happen. He asked the Board to sign a contract with Greenwood Emergency Vehicles. Wilson stated how much she appreciated all the documentation that the Chief sent to the Board.

Chair Curley moved; Board Member Wilson Seconded; and it was voted to approve the purchase by the Wellfleet Fire Department of the 2005 Seagrave 75-foot aerial ladder truck from Greenwood Emergency Vehicles.

Roll Call Vote: 5-0

Chief Hurley asked how to proceed with the Cahoon Hollow Beach issues. Chair Curley explained that he would speak with Sumner and figure out what needs to happen and when. He agreed that it is an issue that needs to be fixed. Reinhart stated that when they appointed the Parking Task force, she was the chair and had a good turn out for people interested in being on the committee.

VII. *Selectboard Reports*

There were no reports given by Selectboard Members

VIII. *Town Administrator's Report*

See Selectboard Packet for full written report

Sumner updated the Board that they are out to bid for the 95 Lawrence Road project and those bids are due August 2nd. He stated there is also a posting for the Building Commissioner now up also done by Slick. He continued that he wanted to talk about the financial plan and stated that they have been working diligently on this plan and will give updates on a more regular basis now the fiscal year is closed. He stated that Mary McIsaac and Lisa Souve will be joining the meetings in the future to help with the updates. He continued that the coming Thursday the final warrant of 2020 will be ready to be signed. The Selectboard and the Finance Committee will have a joint meeting that night to discuss and approve transfers.

Wilson questioned who was putting the videos on You Tube. Eldridge stated she would be putting all videos on the town's website and on the towns, You Tube Channel. The Board continued to talk about Sumner's report

IX. *Topics for Future Discussion*

- A. Task force for Cahoon Hollow Beach
- B. A separate meeting to talk about how the town works regarding staff meetings, how to run meetings. Getting town hall to run a little more smoothly.
- C. Wolf stated having a public hearing at one of the meetings regarding grant extensions.
- D. Wilson would like at the next meeting they need to decid who will be on the water related committees from the Selectboard, she continued stating that there has been some discourtesy with correspondence, she would like and agenda item on standard discourse.
- E. She continued that the Historical Commission would like to put the stairs up behind town hall and she would like this on the next agenda.
- F. She also spoke about having the round table and the options of that meeting on the next agenda.
- G. DeVasto asked that Wastewater be put in front of the Board as they will be on the Town Fall meeting warrant.
- H. The Fee Structure for use of town property, he also stated he wanted to point out that in a previous shellfish advisory meeting he was accused of blocking an agenda item and stated that isn't what happened.

X. *Correspondence and Vacancy Reports*

See Selectboard Packet

Chair Curley stated there were a number of openings on different Boards and he would like people to join boards if they so desire.

XI. *Minutes*

June 8, 2021, ~ **Board Member Reinhart moved; Board Member Wolf seconded; and it was voted to approve the minutes of June 8, 2021.**

Roll Call Vote: 4-0-1 (Wilson Abstained)

June 22, 2021~ Curley stated he amended the meeting minutes to make them easier to read. The Board asked if they could postpone them to the next meeting.

XII. *Adjournment*

Board Member Reinhart moved; Board Member Wilson seconded; and it was voted to adjourn.

Meeting adjourned 10:45pm.

*****Public Records*****

Letter or recommendation for Pat Winslow's Shellfish Grant Extension Application ~ Nancy Civetta (Shellfish Constable)

Letter giving details about the grant extension for the Winslow's ~ Nancy Civetta & Will Sullivan (Shellfish Constable & Harbormaster)

Application for shellfish grant extension ~ Patrick and Chelsea Winslow

Public Hearing Notice for Michael DeVasto to fix a clerical error on a license

Alcohol License Application for Wellfleet Wine & Spirits

Application for Use of Town Property ~ Great Pond ~ Provincetown Community Compact, Inc.

Application for Use of Town Property ~ Various Locations around Wellfleet ~ Sprint Triathlon

Application for Use of Town Property ~ Various Location around Wellfleet ~ New England Endurance

Application for Use of Town Property ~ Driveway on the side of Town Hall ~ AIM Thrift Shop Art Sale ~ Lydia Vivante

Letters to appoint two new seasonal deputy Shellfish Constables ~ Nancy Civetta (Shellfish Constable)

Application to be on Historical Commission ~ Evelene Lakis

Application to be on the Rights of the Public Access Committee ~ Barbara Carboni

Application to be on Wellfleet Open Space Committee ~ John Grieb

Wellfleet Reopening Plan ~ Hillary Greenberg-Lemos

Memorandum on Cahoon Hollow Beach over the 4th of July weekend ~ Chief Michael Hurley & Lieutenant Kevin LaRocco

Aerial Ladder Truck bid Paperwork ~ Chief Rich Pauley

Town Administrators Report ~ Charlie Sumner

Correspondence Spread Sheet ~ Ryan Curley

Vacancy Report for town Boards and Committees ~ Jeanne Maclauchlan

Meeting Minutes June 8, 2021 7 June 22, 2021 ~ Rebekah Eldridge



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 27, 2021

XI

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 _____