



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **September 27, 2022, at 7:00 p.m.** Under Chapter 107 of the Acts of 2022, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

Joining the Meeting:

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

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

<https://us02web.zoom.us/j/85689604806?pwd=b1plVFFBZzViQ0xNWkZKMm9iMVdrdz09>

By Phone: **phone to +1 929 205 6099** and enter **Meeting ID: 856 8960 4806** | **Passcode: 611877** Landline callers can participate by dialing *9 to raise their hand.

To Participate during public comment:

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

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

Additionally, the meeting will be broadcast live, in real time, via live broadcast on Comcast cable (Wellfleet Government TV Channel 18), also available via livestream or Video on Demand (VOD) recordings at www.wellfleet-ma.gov

I. *Announcements, Open Session and Public Comments*

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

II. *Consent Agenda*

- A. Certificate of Adoption, 2022 Hazard Mitigation Plan ~ ATA Rebecca Roughley
- B. Extend seasonal liquor license to December 31, 2022, ~ Winslow's Tavern
- C. Wellfleet SPAT ~ Use of town property ~ Art & Oyster Crawl ~ specific areas listed in the application.
- D. Contract signing of the refurbishment of 75 Quint (ladder truck)
- E. Full time police officer appointment ~ Tyler M. Legare ~ Chief Hurley

III. *Opioid Settlement ~ Kate Lena ~ Program Manager - Substance Use Prevention | Human Services, Barnstable County*

IV. ***Public Hearings***

A. Allocating the local property tax levy among the five classes for Fiscal Year 2023. ~ Nancy Vail, Town Assessor

B. Shellfish Public Hearings ~

- Application dated 6/27/2022 for the transfer of shellfish grant license #01-01 ext. consisting of two acres located north of Lieutenant Island from Ralph Bassett (Wellfleet, MA) and Rodney Avery (Wellfleet, MA) to Rodney Avery (Wellfleet, MA).
- Application received 6/27/2022 for the renewal of shellfish grant license #01-01 consisting of one acre located north of Lieutenant Island for nine years, 11 months and 28 days from Rodney Avery (Wellfleet, MA).
- Application received 6/27/2022 for the renewal of shellfish grant license #01-01 ext. consisting of two acres located north of Lieutenant Island for nine years, 11 months and 28 days from Rodney Avery (Wellfleet, MA).
- Application received 6/24/2022 for the renewal of shellfish grant license #754 consisting of 2.37 acres on Mayo beach for nine years, five months and 27 days from R. Andrew Cummings (Wellfleet, MA).
- Application received 6/27/2022 for the renewal of shellfish grant license #05-01 consisting of .99 acres in Loagy Bay for nine years, 10 months and 28 days from Nate Johnson (Wellfleet, MA) and Rodney Avery (Wellfleet, MA).
- Application received 6/17/2022 for the renewal of shellfish grant license #00-05 consisting of 2.16 acres on Egg Island for nine years, 10 months and 28 days from Chris Merl (Wellfleet, MA), Denice LaPierre (Wellfleet, MA), and Ronald Butilier (Wellfleet, MA).
- Application received 6/30/2022 for the renewal of shellfish grant licenses #739 and #739A consisting of three acres on Mayo Beach for six years, two months and seven days from Michael Parlante (Wellfleet, MA).
- Application received 6/16/2022 for the renewal of shellfish grant licenses #89-5 and #89-5 ext consisting of a total of two acres on Lieutenant Island for nine years and nine months from David Pike (Wellfleet, MA) and Caroline Lloyd (Wellfleet, MA).
- Application received 6/28/2022 for the renewal of shellfish grant license #01-03 consisting of three acres on Indian Neck for nine years, nine months and four days from David Seitler (Wellfleet, MA) and Melissa Yow (Wellfleet, MA).
- Application received 6/27/2022 for the renewal of shellfish grant licenses #95-29 and #95-30 consisting of two acres on Egg Island for nine years and two months from David M. Ziemba (Wellfleet, MA), David E. Ziemba (Wellfleet, MA) and Mike T. Ziemba (Wellfleet, MA).

V. ***Police Department End of Season Beach Report ~ Chief Hurley/Lt. LaRocco***

VI. ***Licenses***

A. Wellfleet Spat ~ One Day alcohol License (beer & Wine only) ~ October 1, 2022, ~ 4pm – 7pm

VII. *Business*

- A. Financial Update ~ Administrator Waldo
- B. Letter of intent submission Maurice's Campground
- C. Maurice's Planning Committee ~ Chair Curley
- D. Maurice's Stakeholders Group ~ Chair Curley
- E. Dissolve Maurice's (80 State Highway) Working Group
- F. FY 2024 Calendars – Budget and Meeting Schedule ~ Chair Curley
- G. Ambulance Fund Policy ~ Chair Curley
- H. Zoning Bylaw Amendment, Food Establishments and Developments of Significant Planning Interest ~ Chair Curley
- I. Zoning Bylaw Amendment, Zoning Enforcement Penalty ~ Chair Curley
- J. Memo to all Boards, Committees & Commissions Relative to ACC Meeting Room ~ Chair Curley
- K. Cannabis Community Host Agreements ~ Chair Curley

VIII. *New Business*

IX. *Selectboard Reports*

X. *Town Administrator's Report*

XI. *Topics for Future Discussion*

XII. *Vacancy Report*

XIII. *Minutes*

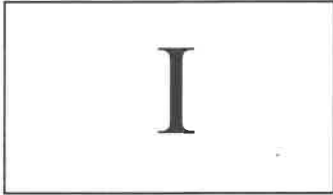
- A. January 11, 2022
- B. January 18, 2022
- C. April 22, 2022
- D. September 13, 2022

XIV. *Adjournment*



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022



ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022



CONSENT AGENDA

REQUESTED BY:	Various Parties
DESIRED ACTION:	To approve the following without objection
SUMMARY:	I move to approve the following items with no objection: <ul style="list-style-type: none">• Certificate of adoption, for the 2022 hazard mitigation plan• To extend the seasonal liquor license to Winslow's Tavern until January 1, 2023• To approve the use of town property to Wellfleet Spat for the Art & Oyster Crawl on October 1, 2022, for a fee of \$110• Approve the town administrator to review and execute the fire truck refurbishment contract• Approve the appointment of the full-time police officer Tyler M. Legare

Certificate of Adoption
Wellfleet, Massachusetts
Select Board

A Resolution Adopting the 2022 Wellfleet Hazard Mitigation Plan

WHEREAS, the Town of Wellfleet established a Committee to prepare the Hazard Mitigation Plan; and

WHEREAS, the Town of Wellfleet participated in the development of the 2022 Wellfleet Hazard Mitigation Plan; and

WHEREAS, the 2022 Wellfleet Hazard Mitigation Plan contains several potential future projects to mitigate potential impacts from natural hazards in the Town of Wellfleet, and

WHEREAS, a duly-noticed public meeting was held by the Wellfleet Select Board on May 24, 2022, for the public and municipality to review prior to consideration of this resolution; and

WHEREAS, the Town of Wellfleet authorizes responsible departments and/or agencies to execute their responsibilities demonstrated in the plan, and

NOW, THEREFORE BE IT RESOLVED that the Town of Wellfleet Select Board formally approves and adopts the 2022 Wellfleet Hazard Mitigation Plan, in accordance with M.G.L. c. 40.

ADOPTED AND SIGNED this September 13, 2022

1. _____
2. _____
3. _____
4. _____
5. _____

WINSLOW'S TAVERN



August 24, 2022

To the Select Board of the Town of Wellfleet,

As you all may recall, Winslow's Tavern requested extensions for its seasonal liquor license in 2018 and 2019 in order to stay open until 12/31. Both extended seasons proved successful, but unfortunately the pandemic in 2020 and 2021 prevented Winslow's from remaining open past October.

This year however, we would like to continue operating Thursday – Sunday nights, with lunch on Saturdays and Sundays until the end of December. We are respectfully asking the Select Board to consider approving the extension of our liquor license. We believe that remaining open will draw more people downtown in the shoulder season and have a positive impact on the community.

Thank you for your consideration of our request.

Best,

Tracey Barry Hunt, GM/Owner
Winslow's Tavern
316 Main Street
Wellfleet, MA 02667
508-349-6450
www.winslowstavern.com

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET

300 MAIN STREET

WELLFLEET, MA 02667

Applicant: Wellfleet SPAT, 501(c)(3) Corporation, Wellfleet Shellfish Promotion and Tasting, Inc.

Affiliation or Group: Art & Oyster Crawl

Telephone Number: 508-349-3499

Mailing Address: vendors@wellfleetspat.org (Deirdre Oringer)

Wellfleet SPAT P.O. Box 2156 Wellfleet, MA 02667

Purpose: SPAT will host an event to celebrate two of Wellfleet's treasures: outstanding art galleries and delicious shellfish. *The Art and Oyster Crawl* will be held on the Saturday, October 1, 2022 from 4:00pm – 7:00pm

Guests will visit participating art galleries for a taste of fresh Wellfleet oysters and clams, paired with fine wines and local beer. A shellfish farmer, a wine or beer representative and SPAT member will be at each gallery to let people know about shellfishing, the fine wines and craft beer being served and about the hosting nonprofit organization. Additional art galleries will be encouraged to participate by remaining open and coming up with their own unique offering. Maximum attendance is 300 people.

Town Property to be used (include specific area):

Public parking at Marina and Town Hall Parking Lot

Participants will be walking from gallery to gallery on sidewalks on Commercial Street & Main Street. Portable restrooms will be set up at the Marrinan Gallery & Jeff Soderbergh's & the rear of the Frying Pan Gallery.

Town property dates & hours of use

Saturday, October 1 from 3:00 – 10:00 pm for set-up, execution and clean-up

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

Guests will gather at the Frying Pan Gallery or at a sign in table in front of Cape Cod 5, at 4:00 pm for a welcome and overview, then proceed to the participating art galleries.

Six galleries will be participating in this year's event: Frying Pan Gallery, Works Gallery, Marrinan Gallery, Front Porch, AMZ Gallery, Jeff Soderbergh

Other galleries and restaurants are invited to be open that evening although SPAT will not provide food or beverage.

At each of the six participating galleries, attendees will be served fresh Wellfleet oysters and clams paired with fine wines and local beer.

Shellfish will be opened by the shellfisherman that grew or harvested the product and talking about the process.

A SPAT representative will serve the wine or beer.

Food and beverage safety trained volunteers (ServeSafe) will be present at each location. The restrooms at each of the participating galleries will be reserved for the food service staff to wash hands and equipment.

Portable restrooms and hand sanitizer will be available for attendees. Ticket price will be \$85 per person, maximum number of attendees is 300.

Permits to be obtained:

Town Use

One-day Beer and Wine

Temp Food Establishment

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

No town services are requested

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

Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s):

_____ Disapproved for following reason(s): _____

Signatures of the Board:

Processing Fee: Date: Fee:

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: Comments/Conditions: OK Permits/Inspections needed: TFE Needed	Inspector of Buildings: Comments/Conditions: Permits/Inspections needed:
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Police Department: Comments/Conditions:	Fire Department: Comments/Conditions:
--	--

DPW: Comments/Conditions	Community Services Director: Comments/Conditions:
---	--

Harbormaster: Comments/Conditions	Shellfish: Comments/Conditions
--	---

Recreation: Comments/Conditions	Town Administrator: Comments/Conditions
--	--



530 JOHN DIETSCH BLVD.
NO. ATTLEBORO, MA 02760
Phone: (508)695-7138 Fax: (508)695-9047
www.GreenwoodEV.com

PROPOSAL GEV# 220919

Sept 19, 2022

Town of Wellfleet Fire Department

We hereby submit Proposal for the following:

Refurbishment of 2005 Seagrave 75' Quint per the published specifications:

One Hundred and Seventy-Nine thousand, six hundred and seventy seven dollars and zero cents.

\$179,677.00

Terms: COD. Greenwood may withdraw this proposal if not accepted within 60 days.

Aonghus Ó Nia
(Vice-President)

**Acceptance of
Proposal: x**

Signature/Date

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents, or delays beyond our control. Owner shall carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.



530 JOHN DIETSCH BLVD.
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www.GreenwoodEV.com

Sublets

- Palmer Spring Co.
1 Althea St,
Providence,
RI 02907
Phone (401) 351-8300
Email: sales@palmer-spring.com

will be performing the suspension and brake inspection (spec # 1.03), brake repairs (# 2.0) and suspension repair (2.03).

- Akron Brass
343 Venture Blvd,
Wooster,
OH 44691
Phone: (800) 228-1161
Email: <https://www.akronbrass.com/customer-support-contact/>

Will be repairing the monitor (spec # 5.05). The department will only be charged the invoiced price for the repair from Akron brass (A copy of the Akron quote will be supplied to the department). Any additional money in the \$3,500 allowance will be credited back to the department. If after inspection by Akron the quoted recommended repairs cost in excess of \$3,500 the department will be notified, and no authorization of the Akron repairs will be approved without approval of the additional costs by the department.



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EXCEPTIONS

None

INVITATION TO BID

TOWN OF WELFLEET FIRE DEPARTMENT

Refurbishment of one (1) 2005 Seagrave 75' Quint

The Town of Wellfleet (hereinafter referred to as: The Town) is requesting bids for the refurbishment of its 2005 Seagrave 75' Quint, as outlined in the attached specifications.

The Town of Wellfleet reserves the right to reject any and/or all bids in its best interest.

Intent of Specification

It is the intent of these specifications to cover the refurbishing process herein as specified, with a view towards obtaining increased safety and service life of the apparatus. These specifications cover minimum requirements as to the type of repairs, construction, finish, and tests to which the apparatus must conform, together with certain details as to equipment and appliances to be furnished. Minor details of construction, materials, where not otherwise specified, are left to the discretion of the contractor who shall conform to industry standards along with applicable requirements of the current NFPA standards. Exempts are original designs that remain unchanged.

Exceptions

Substitutions, deviations, clarifications, or exceptions to these specifications must be listed on a separate page marked, "EXCEPTIONS" and must be accompanied by adequate data to allow the Fire Chief to determine acceptability. Proposals that are found to have deviations without listing them will be rejected.

Pre-Bid Meeting

No bid will be accepted unless the prospective bidder has thoroughly inspected the vehicle and become fully knowledgeable as to the work to be performed. In order to allow all potential bidders an equal opportunity to be acquainted with the apparatus and specifications, a mandatory information session shall be held at the Wellfleet Fire Department 10 Lawrence Rd, Wellfleet, MA 02667 on Thursday, September 1, 2022, at 10:00 AM. Bids will not be accepted from any vendor that does not meet this qualification.

Bid Identification

The outside of the sealed envelope must be clearly marked "Town of Wellfleet– Fire Department Bid for Refurbishment of Quint" with the name of the bidder on the exterior of the envelope. It must be addressed to Ms. Rebecca Roughley, Assistant Town Administrator, Town of Wellfleet, 300 Main Street, Wellfleet, MA 02667. The bid must be received/delivered at the above stated address by Monday, September 19, 2022, at 2:00 PM at which time the bids will be opened and read aloud.

The bid shall be awarded to the lowest responsive and responsible bidder by the Town of Wellfleet in accordance with these specifications.

Qualification of Bidders

Bids will only be considered from companies that have been in the business of emergency apparatus refurbishment without interruption for a minimum period of no less than ten (10) years.

Bids shall only be accepted from corporations registered to do business in this state. Bidders must submit a copy of a current "Certificate of Good Standing" from The Secretary of State. No contract or purchase order shall be awarded to any bidder not meeting this requirement.

Service Requirements

It is the intent of the Fire Department to assure that parts and service are readily available for the apparatus specified. **SERVICE CAPABILITIES WILL BE A MAJOR CRITERIA FOR AWARD OF THIS BID.** To ensure proper service, no bid will be accepted unless the bidder has a facility within one hundred (100) miles of the town of Wellfleet, MA. The facility must provide access to parts and service for emergency vehicles. The facility must be staffed by full time personnel who are properly trained, and emergency vehicle technician (EVT) certified in the operation and repair of fire apparatus, including the aerial devices. In addition, the facility shall have access to the complete inventory including major pump parts, body components, electrical items, fire apparatus hardware, etc., and shall offer in-house services including pump overhaul, body fabrication, collision repair, and a paint shop complete with a cross flow booth with air makeup and bake options to ensure the highest quality paint finish available. The bidder must be able to conduct an on-site pump test at a suitable pump test station. Bids from companies who do not offer a service center will be immediately rejected.

Sublet repairs

Any repairs to be performed by 3rd party specialists (eg. brakes, springs) shall be listed on a separate page marked, "SUBLETS" along with the name & address of the sublet repair facility to allow the Fire Chief to determine acceptability.

Emergency Vehicle Technician Qualifications

Due to the highly specialized nature of fire apparatus repair, (EVT's) employed by the bidder shall be in conformance with National Fire Protection Association (NFPA) Standards 1915 and 1071. The bidder shall employ EVT and ASE certified personnel including a minimum of one (1) employee that carries a current "Master EVT/ASE" certification for fire apparatus.

All aerial repairs must be performed by an EVT certified in F4 (Fire Apparatus Electrical Systems).

All aerial repairs must be performed by an EVT certified in F5 (Aerial Fire Apparatus).

All pump repairs must be performed by an EVT certified in F3 (Fire Pumps and Accessories) and F1 (Maintenance, Inspection, and Testing of Fire Apparatus) who had completed Hale factory pump training.

All bodywork & painting must be performed by a technician with ASE certification in painting & refinishing and Sikkens paint training.

Proof of certifications must be supplied with the bid. There shall be no exceptions to this requirement. Bids from organizations that do not meet these requirements shall be immediately rejected.

Project Management

The bidder must employ a full-time on-site manager to oversee the project. Due to the complex nature of emergency vehicle refurbishment, it is preferred the project manager have a minimum of a bachelor's degree in Engineering or equivalent.

Bid response Requirements

- The bidder shall meet all requirements listed in this document and show proof of credentials to perform the work and procedures as specified. Bidders not meeting the qualifications and specifications herein shall be rejected. The bidder shall include the following information with their bid:
 -
 - The length of time the bidder has been in the emergency vehicle refurbishment and repair business (minimum 10 years).
 - There must be a full body/collision repair, fabrication, paint booth, and pump test services on-site:
 - EVT, ASE, and Sikkens certifications for personnel on staff.
 - The bidder shall supply the Town of Wellfleet with a list of the last ten (10) fire truck refurbishments done by the bidder for the purposes of reference checks. The information provided by the bidder shall include contact name, contact telephone number, organization name vehicle type, and type of work performed.
 - Each bidder must submit a signed statement of non-collusion in the response package.
 - Each bidder shall carry and maintain proper insurance throughout the project in an amount of not less than \$2,000,000.00 of aggregate coverage. An official insurance binder stating the coverage amounts shall be supplied with each vendor's bid and shall list The Town of Wellfleet on the policy as the additional insured.
 - Each bidder shall submit a "Certificate of Good Standing" from the Secretary of the Commonwealth of Massachusetts.
 - The bidder shall own service facilities within one hundred (100) miles of the Town of Wellfleet. The facility shall maintain a complete inventory of major parts, body components, electrical items, and hardware suitable for the emergency repair of the fire apparatus. The facility shall offer services including body fabrication, collision repair and a paint shop.

- Upon completion of the work and upon acceptance by the Fire Department, the vehicle will be inspected and using this document each item and paragraph of this document will be checked for compliance. No deviation from this specification will be permitted unless the vendor has submitted such proposed deviation in writing with the final bid document and such exceptions are accepted by the Town of Wellfleet.

Information/Contact

Questions regarding this bid should be directed to Captain Joseph Cappello at Joe.Cappello@wellfleet-ma.gov.

Completion

The repairs associated with the refurbishment of the apparatus as described in these specifications shall be completed within one hundred and twenty (120) calendar days starting when the contract is executed, and the apparatus is delivered to the bidder's facility.

Bid Bond

Each bid submitted shall be accompanied by a Bid Bond in the form of a certified check, bank treasurer's check, cashier's check, or a bid bond issued in their name by a surety company licensed by the State Division of Insurance, in the amount of five (5%) of the proposed bid amount, made payable to the Town of Wellfleet. No exceptions to this requirement.

The bid deposits held shall be returned upon execution and delivery of the contract, except that if the selected bidder fails to execute and furnish the required bonds and insurance certificates, the bidder's deposit shall become the property of the Town of Wellfleet as liquidated damages.

In instances of death, disability, or other unforeseen circumstances affecting the bidder, which materially impairs the bidder's ability to execute a contract and perform the required service, said bid deposit may be returned.

After execution of the contract and acceptance of the bond(s) by the Town of Wellfleet, the bid deposits accompanying the successful bid will be returned, as well as the deposits of the other bidders.

All bid deposits will be returned upon execution of a Contract, or if no award is made within sixty (60) days after the date of the opening of bids.

Rule for Award

The contract will be awarded to the responsive and responsible bidder who meets the qualifications of this document and is offering the lowest total price for the specified work.

Bidders who do not meet the Service Qualification Requirements will be rejected.

No award will be made to any bidder who cannot satisfy the Town of Wellfleet that the bidder has sufficient ability and experience in this work and sufficient resources to enable the bidder to complete the work successfully within the time allowed. The Town of Wellfleet decision or judgment on these matters will be final, conclusive, and binding.

The Town of Wellfleet may make such investigations as they deem necessary, and the bidder shall furnish to the Fire Department all such information and data for this purpose as the Town of Wellfleet may request.

The contract will be awarded within sixty (60) days after the bid opening unless the time for the award is extended by mutual consent of the parties.

Wellfleet Town of Wellfleet's Right to Reject Bids

The Awarding Authority reserves the right to reject any or all bids, if it is in the public interest to do so.

The Fire Department may consider informal any bid not prepared and submitted in accordance with the provisions hereof and may waive any informality or reject any and/or all bids, should the Town of Wellfleet deem it to be in the public interest.

The Town of Wellfleet may also reject bids which in its sole judgment are incomplete, conditional, obscure, or not responsive or which contain additional not called for, erasures not properly initialed, alterations or similar irregularities, or the Town of Wellfleet may waive such omissions, conditions, or irregularities, if considered minor.

In these matters, the Town of Wellfleet's decision shall be final, conclusive, and binding.

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	Bidder Complies	
	Yes	No

<p>1.0 <u>EVALUATIONS, SERVICES, AND TESTING</u></p> <p>1.01 Pre-Refurb Inspection Prior to the start of the refurbishing process, the successful bidder shall perform a complete and thorough inspection of the apparatus by an OEM approved and EVT certified technician. The inspection shall include checks on the chassis, drivetrain, exhaust, brakes, steering, and suspension to confirm proper function and to disclose any possible wear and or damage. Also, a visual structural inspection shall be performed on the apparatus cab and body as access allows. The Fire Department shall be notified along with any associated cost(s) should any repairs be required that fall outside the scope of these specifications. No additional repairs shall be performed without proper authorization by the Fire Department.</p> <p>1.02 Pump Test The fire pump shall have a three-stage service test performed. After successful completion of the three-stage test a four-stage test shall be performed with the apparatus flowing full capacity of the fire pump at 165 psi for five minutes. Any accessories of the fire pump shall also be tested to confirm proper operation. This shall include any installed foam system, pump governor, pressure relief valves, transfer valve, pump shift, or similar accessory as equipped. The department shall be notified along with any associated cost(s) should any repairs be required that fall outside the scope of these specifications. No additional repairs shall be performed without proper authorization by the Fire Department. NOTE: A pump test report shall be provided to the Fire Department for their service records.</p> <p>1.03 Suspension and Brake Inspection The apparatus' suspension shall be thoroughly inspected by a third-party specialist. The Fire Department shall be notified along with any associated cost(s) should any repairs be required that fall outside the scope of these specifications. No additional repairs shall be performed without proper authorization by the Fire Department.</p> <p>1.04 Steam Clean Apparatus</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	
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	Bidder Complies	
	Yes	No

<p>The apparatus' ladder, cab, chassis, powertrain, fire pump, body and related components shall be thoroughly steam cleaned.</p>		
<p>1.05 Evaluate 12VDC Electrical Systems The components of the apparatus' DC electrical systems and shoreline charger shall be inspected to confirm proper condition and performance. The inspections shall include a test of the alternator for its rated voltage and amperage. The systems cable ends and or wiring junctions shall be inspected for signs of corrosion and or overheating. Proper grounding of the system shall be checked and confirmed. The Fire Department shall be notified along with any associated cost(s) should any repairs be required that fall outside the scope of these specifications. No additional repairs shall be performed without proper authorization by the Fire Department.</p>	✓	
<p>2.0 CHASSIS</p>		
<p>2.01 Chassis Frame The chassis and related components shall be thoroughly steam cleaned. Then all accessible areas of surface corrosion on the apparatus chassis and related components shall be media blasted as required. Care is to be taken as to not damage sensitive chassis mounted components during this process.</p>	✓	
<p>2.02 Brakes Front & Rear The front and rear brake shoes and drums shall be replaced as original along with any required hardware kits. The remaining brake components shall be inspected for proper condition.</p> <p>The department shall be notified along with any associated cost(s) should any repairs be required that fall outside the scope of these specifications. No additional repairs shall be performed without proper authorization by the department.</p>	✓	
<p>2.03 Suspension Front & Rear</p>	✓	

	Bidder Complies	
	Yes	No

<p>The rear spring radius rods shall be re-bushed. The remaining suspension components shall be inspected for proper condition.</p> <p>The department shall be notified along with any associated cost(s) should any repairs be required that fall outside the scope of these specifications. No additional repairs shall be performed without proper authorization by the department.</p>		
<p>2.04 Low Air Light</p> <p>The low air light in the vehicle dashboard stays on all the time, even when the pressure is above 70 PSI. The vehicle air system shall be thoroughly inspected, checked for leaks and the department quoted for any necessary repairs.</p> <p>No additional repairs shall be performed without proper authorization by the department.</p>	✓	
<p>2.05 Engine Oil Leak</p> <p>The engine & chassis shall be thoroughly steam cleaned and inspected to identify the sources of the oil leak/leaks.</p> <p>The department shall be notified along with any associated cost(s) should any repairs be required that fall outside the scope of these specifications. No additional repairs shall be performed without proper authorization by the department.</p>	✓	
<p>2.06 Dip Stick</p> <p>The engine oil dip stick shall be replaced.</p>	✓	
<p>2.07 Generator Leak</p> <p>The generator and dunnage area shall be thoroughly steam cleaned and inspected to identify the sources of the transmission fluid leak/leaks.</p> <p>The department shall be notified along with any associated cost(s) should any repairs be required that fall outside the scope of these specifications. No additional repairs shall be performed without proper authorization by the department.</p>	✓	

	Bidder Complies	
	Yes	No

<p>2.08 Cab Tilt The cab tilt pump assembly and manual hand pump shall be replaced as original. Both cab tilt cylinders shall be replaced.</p>	✓	
<p>2.09 Air Horns Both air horns shall be removed cleaned, rebuilt and reinstalled. The horns shall be then tested and adjusted for proper sound.</p>	✓	
<p>2.10 Air Conditioning The air conditioning system's refrigerant shall be evacuated the compressor replaced, a new receiver-drier installed, and the system recharged as required. Then the system shall be tested for proper function and checked for refrigerant leaks with dye.</p>	✓	
<p>3.0 CAB & BODY</p>		
<p>3.01 Mirrors The driver's and officer's side mirrors shall be replaced with new model 2025 Velvac full glass door mounted mirrors with heat & remote & convex top hat.</p>	✓	
<p>3.02 Grab Rail The cab left and right rear grab rails, stanchions and gaskets shall be replaced as original.</p>	✓	
<p>3.03 Pump Panel The driver's and officer's side stainless steel pump panels (inc. doors etc.) shall be disassembled, stripped of the peeling black coating cleaned/sanded and reinstalled unpainted.</p>	✓	
<p>3.04 Seat Belt A plastic sleeve shall be installed on the driver's seatbelt to prevent the belt from getting caught when closing the cab door.</p>	✓	
<p>3.05 HVAC Vents The two missing HVAV vents shall be replaced as original.</p>	✓	

	Bidder Complies	
	Yes	No

<p>3.06 Cab Seats The existing three (3) SCBA cab seats shall be replaced with new HO Bostrom tanker seats with SecureAll SCBA brackets. The driver's seat shall be replaced with a new HO Bostrom Sierra air ride seat. All new seats shall be upholstered in grey vinyl.</p>	✓	
<p>3.07 Cab Doors All four (4) cab doors shall be disassembled and the interior components (inc. window regulators, felt, tracks, latches, linkages, latch handles) and interior door structure/welds shall be inspected for condition and proper operation. The lower sections of the doors shall be removed and replaced with smooth plate panels covered with 6" 3M diamond grade reflective tape in alternating red and florescent yellow.</p> <p>The department shall be notified along with any associated cost(s) should any repairs be required that fall outside the scope of these specifications. No additional repairs shall be performed without proper authorization by the department.</p>	✓	
<p>3.08 SCBA storage The right front spare SCBA bottle door shall be replaced with a new stainless door to match.</p>	✓	
<p>3.09 Rear Body Reflective Chevron The rear body diamond plate panels and doors shall be removed. The body structure behind the panels inspected and new smooth aluminum panels installed and covered with 6" 3M diamond grade reflective tape in a red & florescent yellow chevron pattern.</p>	✓	
<p>3.10 Compartment door pistons All compartment door holder gas pistons shall be replaced with new pistons of equal pressure.</p>	✓	

	Bidder Complies	
	Yes	No

4.0	<u>PUMP & PLUMBING RELATED</u>		
4.01	Front discharge handle The front bumper discharge pull rod handle and label shall be replaced as original.	✓	
4.02	Master Drain Valve The Waterous pull drain valve and handle shall be replaced as original	✓	
4.03	Gauges The master intake and discharge gauges and eight (8) leaking/malfunctioning discharge pressure gauges shall be replaced with new oil filled gauges.	✓	
4.04	Pump Ball Valves The eleven (11) intake/discharge ball valves for the fire pump shall be removed, inspected, and rebuilt using OEM rebuild kits. The valve bodies and flanges shall be checked for signs of distortion. After rebuilding the fire pump, it shall be pressure and vacuum tested to confirm a proper repair. The pull rods for the ball valves shall be cleaned of corrosion and refinished to insure proper protection and longevity. The clevis pins for the pull rods shall be replaced and lubricated as required.	✓	
4.05	Snubber valve The ¼" snubber valve on the driver's side pump panel shall be replaced.	✓	
5.0	<u>Aerial</u>		
5.01	Lubricate Ladder The aerial shall be thoroughly steam cleaned. Prior to delivery, the ladder shall be lubricated to the manufacturer's specifications.	✓	
5.02	Aerial alignment lights Both the rung and cradle alignment switches shall be replaced and both lights replaced with sealed LED.	✓	


	Bidder Complies	
	Yes	No

<p>Two new red aluminum alignment arrows shall be fabricated and attached to the diamond plate body catwalk and turntable to show cradle alignment.</p>		
<p>5.03 Pump panel Aerial Controls The three (3) rubber boots on the aerial control levers on the driver's side pump panel shall be replaced as original.</p> <p>The pump panel mounted high idle toggle switch shall be replaced with a new switch and rubber cover.</p> <p>The air horn switch shall be replaced with a new waterproof switch.</p>	✓	
<p>5.04 Aerial Electrical Cables The aerial electrical cable at between the base and 2nd section shall have the electrical tape removed and the wire shall be repaired with a new waterproof connector and new heat shrink shall be installed to protect the exposed wires.</p> <p>The corroded connectors at the intercom power and ground wires shall be replaced with a new waterproof heat shrink connectors and a new wire to the pedestal.</p>	✓	
<p>5.05 Monitor The waterway monitor shall be removed and sent to Akron for rebuilding. The rebuilt monitor shall be reinstalled with a new battery, and its operation tested. An allowance of \$3500 for the repair of the monitor by Akron Brass shall be included in the bid. All repairs shall be approved by the department.</p>	✓	
<p>6.0 ELECTRICAL</p> <p>6.01 Battery charger & auto eject The battery charger shall be replaced with a new Kusmaul 1000 charger and compressor. The new charger shall be installed and wired to the batteries & auto eject with all new wiring. Install a mount for the indicator panel so it can be viewed from though the cab side window.</p>	✓	

	Bidder Complies	
	Yes	No

<p>A new Kussmaul 20A auto eject and air auto eject shall be installed on the cab panel behind the driver's seat and connected to the vehicle wet tank and ignition with all new wiring & air hoses/connectors.</p>		
<p>6.02 Cab Outlet A duplex 110V household outlet shall be installed in the cab wired to the shoreline.</p>	✓	
<p>6.03 Q2B Mechanical Siren The existing Q2B mechanical siren shall be removed disassembled and rebuilt and reinstalled.</p>	✓	
<p>6.04 Electrical panels The missing/broken latches for the electrical panel access and trans computer compartment doors shall be replaced.</p>	✓	
<p>6.05 Light bars - NFPA Upper-Level Front Warning Supply and install four (4) Whelen WCX Duo Mini Edge Freedom IV 22" LED light bars. The front light bars shall have clear lenses and two front facing, two front diagonal, one side facing Super LED light modules with red and white interleaved LEDs. See illustration below for positioning and colors of lights. The lights shall be controlled using a Whelen Core-R control system. The lights will be controlled using switches on the driver's dashboard. There shall be one (1) switch for to switch on the warning lights and two (2) switches (one for each side) to allow the side facing white lights to be switched on steady burn for scene illumination. The front facing white warning lights shall switch off when the park brake is applied per NFPA.</p>	✓	

	Bidder Complies	
	Yes	No

		
<p>6.06 Warning lights The lenses on the two (2) white and two (2) red Whelen 600 series warning lights on the cab front shall be replaced as original.</p> <p>The two (2) defective rear body warning lights shall be replaced with new Tecniq K60 red LED warning lights.</p> <p>Two (2) new Tecniq K30-RR120-1 red LED warning lights shall be installed side facing one each side on the rear body corners. The new lights shall be switched with the lower-level warning lights.</p> <p>6.07 DOT lighting The apparatus high and low beam headlights shall be replaced with Maxima LED headlights with heated lenses and automatic temperature sense.</p> <p>The two (2) front and two (2) rear turn signal lights shall be replaced with Tecniq K60 amber LED lights.</p> <p>The cab side amber marker/turn signal light (2) shall be replaced with Tecniq K40 amber LED lights.</p> <p>The two (2) rear backup lights shall be replaced with Tecniq K60 LED.</p> <p>The rear body license plate light shall be replaced with an LED direct replacement.</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	

	Bidder Complies	
	Yes	No

<p>6.08 Brow lights The two (2) front facing cab brow lights shall be replaced with two (2) Whelen PCH2 Pioneer dual panel 12V spot/flood lights to match Wellfleet's Engine 94. The new lights shall be wired to a switch on the driver's side dashboard.</p>	✓	
<p>6.09 Pole lights The two (2) rear cab pole light heads shall be replaced with Whelen Pioneer dual panel 110V flood lights mounted to the existing poles. The lights shall be wired to power and switched as original.</p>	✓	
<p>The two (2) body mounted pedestal lights shall be removed the 110V wiring disconnected at the breaker and any holes in the body catwalk covered and sealed.</p>	✓	
<p>6.10 Scene lights The two rear body halogen scene lights shall be replaced with new Tecniq K60 LED.</p>	✓	
<p>6.11 Step lighting The five (5) rear tailboard lights shall be replaced with Tecniq T46 sealed LED lights and the tailboard step light wiring harness replaced.</p>	✓	
<p>The three (3) turntable access step lights shall be replaced with Whelen TOCACCCR LED grommet mounted lights.</p>		
<p>The three (3) turntable illumination lights shall be replaced with Whelen 3SR0CDRR red LED lights.</p>		
<p>The four (4) cab door, step lights and driver's floor light shall be replaced with Tecniq E18 LED lights.</p>		
<p>6.12 Ground lights The existing ground lights shall be replaced with seven (7) T46 round and four (4) T68 oval Tecniq sealed LED lights. The lights shall be wired to power and switched as original.</p>	✓	
<p>6.13 Pump panel lights</p>	✓	

	Bidder Complies	
	Yes	No

<p>The existing pump panel lights shall be replaced with four (4) new Tecniq E10 pump panel lights mounted two (2) each side.</p>		
<p>6.14 Compartment lights The existing ten (10) compartment lights shall be replaced with new Tecniq E18 LED lights. Two (2) additional lights shall be installed one (1) under each shelf in the L1 & R1 compartments.</p>	✓	
<p>6.15 Aerial control lights The two (2) jack control and pedestal aerial control panel lights shall be replaced with Tecniq D07 LED.</p>	✓	
<p>6.16 Aerial work lights The two (2) aerial climbing lights and two (2) tip lights shall be replaced with new Whelen micro pioneer 12V LED lights on pedestal mounts with built in switches.</p>	✓	
<p>6.17 Work light The body deck unity light shall be upgraded to LED with a Whelen PAR46 LED insert.</p>	✓	
<p>6.18 Outrigger lights The two (2) outrigger 4" illumination lights shall be replaced with four (4) side facing Tecniq T46 sealed LED lights. The outrigger covers shall be replaced with new diamond plate covers with Tecniq T16 red side facing LED flashing lights and front and rear facing D07 red flashing LEDs.</p>	✓	
<p>6.19 Door ajar light The door ajar indicator light in the cab shall be replaced with a Trucklite 2" round LED light. The flasher shall be replaced with a new LED compatible model. The hole in the headliner from the existing ajar light shall be covered with an aluminum panel. It should be possible to remove & disconnect the ajar light without use of any tools.</p>	✓	
<p>6.20 Cab dome lights</p>	✓	

	Bidder Complies	
	Yes	No

The cab dome lights shall be replaced with four (3) new Tecniq E12 red/white LED lights with built in switches. The new lights shall be wired to power and switched as original.

7.0 PAINT

7.01 Paint Cab and Body

All areas of corrosion on the cab and body shall be ground/sandblasted prior to paint. The apparatus cab exterior and body exterior (not inc. compartment interiors, hosebed or crosslay wall etc.) shall be prepared and refinished all red to match Wellfleet Engine 94's paint code using a high-grade automotive refinishing process that is approved for use on aluminum. To assure full coverage of metal treatments and paint to the exterior painted surfaces of the apparatus, the cab and body shall have no fastener mounted or otherwise removable components still mounted prior to the preparation and paint application. The hinged cab and body doors shall be painted separately (off the truck) to insure proper paint coverage on the doors and jambs. The cab and body shall be refinished using a Sikkens paint system and applied by a Sikkens and ASE certified painter. Painter certificates shall be supplied with the bid.

✓

7.02 Ladder Signs

The ladder signs shall be removed, the lettering stripped, painted red and re-lettered using scotchlite reflective material. The final layout shall be approved by the Fire Department.

✓

7.03 Turntable handrails

The rubber covers on the aerial turntable handrails shall be removed; the handrails sanded & coated with black Duraback textured bedliner coating to improve grip.

✓

7.04 Paint Chassis

After the chassis corrosion has been addressed, the chassis, axles, suspension, and related chassis components shall be prepared and refinished using a high-quality automotive chassis paint. The new paint finish shall be black in color.

✓

	Bidder Complies	
	Yes	No

<p>7.05 Clean Hardware All hardware and body components shall be thoroughly cleaned prior to reinstallation. All door hinges, handles and latches shall be inspected prior to reinstallation.</p>	✓	
<p>7.06 Corrosion Protection During the reassembly process all mounted components that penetrate the newly painted apparatus exterior shall utilize new gaskets and their hardware and mounting surface coated with ECK protectant as per the apparatus OEM's guidelines.</p>	✓	
<p>7.07 Cab Door Window Frames The cab door window frames shall be prepared and painted satin black.</p>	✓	
<p>7.08 Finish Lettering The finished apparatus shall be re-lettered using RealGold 22KT gold vinyl adhesive film to match the Fire Department's design. The Fire Departments seals shall be supplied by the Fire Department. The final lettering layout shall be approved by the Fire Department.</p>	✓	
<p>7.09 NFPA Scotchlite Stripe Supply and install a six-inch tall black Scotchlite stripe down the length of the apparatus per the Fire Department's design. The final stripe location shall be approved by the Fire Department.</p>	✓	
<p>7.10 Compartment door reflectors Reflectors shall be added to inner side of all vertically hinged compartment doors</p>	✓	
<p>8.0 MISCELLANEOUS</p>		
<p>8.01 Final Cleaning / Detailing</p>	✓	

	Bidder Complies	
	Yes	No

<p>Upon completion of all repairs and prior to delivery, the apparatus shall be thoroughly clean and detailed. This shall include the cab interior, body compartments, and apparatus exterior.</p>		
<p>8.02 Fluids Check/Lubricate Components Check all fluids levels and lube components prior to delivery.</p>	<p>✓</p>	

REQUIRED BY MASSACHUSETTS LAW

ATTESTATION

Pursuant to M.G.L. Ch 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Greenwood Emergency Vehicles, LLC

Signature of Ind. or Company Name

81-2991295

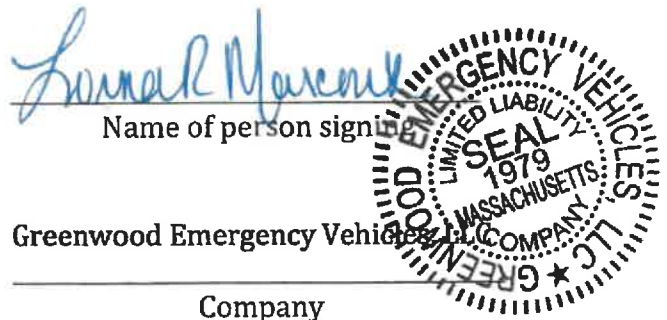
Soc. Sec.# or Federal Identification #



.....

Massachusetts General Laws, Chapter 701 of Acts of 1983 requires that each bidder must certify as follows:

The undersigned certifies under penalties of perjury that this bid is in all respects bona fied, fair and made without collusion or fraud with any other person. As used in this paragraph, the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.



Name of person signing

Greenwood Emergency Vehicles, LLC

Company

CLERK'S CERTIFICATE

I, Lorna R. Marcoux, Clerk of GREENWOOD EMERGENCY VEHICLES, LLC ("the Company"), a Massachusetts company, hereby certify that pursuant to a written consent of the sole Member of the Company dated the 24th day of April 2020, the following resolutions were adopted:

RESOLVED, that the following individuals are hereby appointed, and ratified as, Officers of the Company (collectively, the "Appointed Officers"), in each case with the respective title(s) set forth beside his name below, to hold such office(s) and titles until the earlier of his resignation or removal in accordance with the Operating Agreement:

<u>Officer:</u>	<u>Title(s):</u>
Mark MacDonald	President and Chief Executive Officer
Jerold Kassner	Vice President
Christopher Champagne	Vice President
Aonghus O'Nia	Vice President
Lorna Marcoux	Clerk

RESOLVED, that each Appointed Officer, acting singly, be, and hereby is, authorized and empowered to execute and deliver, for and on behalf of the Company, such agreements, documents and instruments arising in the ordinary course of the Company's business (including, without limitation, bid or performance bonds), upon such terms and conditions as such Authorized Officers deems advisable and in the best interests of the Company

WITNESS the execution hereof under seal this 24th day of April, 2020


Lorna R. Marcoux - Clerk




COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

April 24, 2020

Then personally appeared the above-named Lorna R. Marcoux, Clerk of Greenwood Emergency Vehicles, LLC, and acknowledged the foregoing instrument to be his free act and deed, as Clerk, before me,


Gale A. Demers - Notary Public
My commission expires: August 16, 2024



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L0782858944
Notice Date: January 19, 2022
Case ID: 0-001-405-916



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



GREENWOOD EMERGENCY VEHICLES LLC
530 JOHN L DIETSCH BLVD
NORTH ATTLEBORO MA 02763-1080

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, GREENWOOD EMERGENCY VEHICLES LLC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau



Bid Bond

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, _____

Greenwood Emergency Vehicles, Inc.

as Principal, and Harco National Insurance Company, a corporation of the State of Illinois, as Surety, are hereby held and firmly bound unto

Wellfleet Fire Department, 300 Main Street, Wellfleet, MA 02667

in the penal sum of Five Percent of the Amount of the Attached Bid (\$ 5% of Bid) for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

Signed, this 19th day of September, 2022

The condition of the above obligation is such that whereas the Principal has submitted a certain bid, to enter in to a contract in writing for

Refurbishment of one (1) 2005 Seagrave 75' Quint

NOW, THEREFORE,

- (a) If said bid shall be rejected, or in the alternate
- (b) If said bid shall be accepted and the Principal shall execute and deliver an acceptable form of contract, and shall furnish a bond for the faithful performance of said Contract, and for the payment of the persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said bid;

THEN, THIS OBLIGATION SHALL BE VOID, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

IN WITNESS WHEREOF, the Principal and the Surety have hereto set their hands and seals, and such of them as are corporations have caused their corporate seals, to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Signed, sealed and delivered in the presence of:

ATTEST: Bali J. Daniels

ATTEST: Jessica Henderson

Bid Bond Date September 19, 2022

GREENWOOD EMERGENCY VEHICLES, LLC

By: [Signature]
Principal
Harco National Insurance Company

By: [Signature]

Russell C. Corner II Attorney-In-Fact



Bond # _____

POWER OF ATTORNEY
HARCO NATIONAL INSURANCE COMPANY
INTERNATIONAL FIDELITY INSURANCE COMPANY

Member companies of IAT Insurance Group, Headquartered: 4200 Six Forks Rd, Suite 1400, Raleigh, NC 27609

KNOW ALL MEN BY THESE PRESENTS: That **HARCO NATIONAL INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of Illinois, and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

RUSSELL C. CORNER, II, DENISE A. CHIANESE

East Providence, RI

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 13th day of December, 2018 and by the Board of Directors of **HARCO NATIONAL INSURANCE COMPANY** at a meeting held on the 13th day of December, 2018.

***RESOLVED**, that (1) the Chief Executive Officer, President, Executive Vice President, Senior Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** have each executed and attested these presents on this 31st day of December, 2021



STATE OF NEW JERSEY
County of Essex

Kenneth Chapman

Executive Vice President, Harco National Insurance Company
and International Fidelity Insurance Company

STATE OF ILLINOIS
County of Cook



On this 31st day of December, 2021, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Shirelle A. Outley a Notary Public of New Jersey
My Commission Expires April 4, 2023

CERTIFICATION

I, the undersigned officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, September 19, 2022

Irene Martins, Assistant Secretary



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
9/12/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Woodruff-Sawyer & Co. One Liberty Square, Suite 600 Boston MA 02109	CONTACT NAME: Dan McMullen PHONE (A/C, No, Ext): 617-658-7103 E-MAIL ADDRESS: dmcmullen@woodruffssawyer.com	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE	
INSURED Greenwood Emergency Vehicles LLC; EVH Realty, LLC; Emergency Vehicles Holdings, LLC; Greenwood Motors, LLC 530 John Dietsch Boulevard North Attleboro, MA 02763	INSURER A : Arch Indemnity Insurance Company NAIC # 30830	
	INSURER B : Arch Specialty Insurance Company 21199	
	INSURER C : Mt. Hawley Insurance Company 37974	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES

CERTIFICATE NUMBER: 1062301247

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			MFPK08567804	7/29/2022	7/29/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPI/OP AGG \$ 2,000,000 EBL \$ 1,000,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			MFCA08356704	7/29/2022	7/29/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$			MFUM07998604	7/29/2022	7/29/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	Pollution			STL0001527	7/29/2022	7/29/2023	Pollution Liability \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

Wellfleet Fire Department
300 Main Street
Wellfleet, MA 02667

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/12/2022

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PRODUCER Marsh Affinity a division of Marsh USA Inc. PO Box 14404 Des Moines, IA 50306-9686	CONTACT NAME: Marsh Affinity
	PHONE (A/C, No, Ext): 800-743-8130 FAX (A/C, No):
	E-MAIL ADDRESS: ADPTotalSource@marsh.com
	INSURER(S) AFFORDING COVERAGE NAIC #
	INSURER A: New Hampshire Insurance Co. 23841
	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

INSURED

ADP TotalSource CO XXII, Inc.
 5800 Windward Parkway
 Alpharetta, GA 30005
 Alternate Employer:
 Greenwood Emergency Vehicles LLC

530 JOHN L DIETSCH BLVD
 North Attleboro, MA 027630000

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC 053426840 MA	07/01/2022	07/01/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 2,000,000 E.L. DISEASE - EA EMPLOYEE \$ 2,000,000 E.L. DISEASE - POLICY LIMIT \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
All worksite employees working for Greenwood Emergency Vehicles LLC paid under ADP TOTALSOURCE, INC.'s payroll, are covered under the above stated policy. Greenwood Emergency Vehicles LLC is an alternate employer under this policy.

CERTIFICATE HOLDER

CANCELLATION

Wellfleet Fire Department 300 Main Street Wellfleet, MA 02667	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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ACORD 25 (2016/03)

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TOWN OF WELLFLEET

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

September 21, 2022
Aonghus O'Nia, Vice President
Greenwood Emergency Vehicles
530 John Dietsch Boulevard
North Attleboro, MA 02763

RE: Award for Refurbishment of 2005 Seagrave 75' Quint

Dear O'Nia:

The Town of Wellfleet is pleased to award you the contract for the refurbishment of 2005 Seagrave 75' Quint. Thank you for submitting your certificate of insurance naming the Town of Wellfleet as an additional insured. The agreement attached includes the terms and conditions and the scope of work referred to as attachment A. The Town is also requesting a W-9.

The term of your contract is for one year starting on September 28, 2022 – September 27, 2023.

On behalf of the Town of Wellfleet, we look forward to working with you.

Sincerely,

Rebecca Roughley, Assistant Town Administrator

C.C. Town Administrator, Town Accountant, Wellfleet Fire Chief

AGREEMENT FOR REFURBISHMENT OF A 2005 SEAGRAVE 75' QUINT

The following provisions shall constitute an Agreement between the Town of Wellfleet, acting by and through its Owner, hereinafter referred to as "Town," and Greenwood Emergency Vehicles, with an address of 530 John Dietsch Boulevard, North Attleboro, MA 02763, hereinafter referred to as "Contractor", effective as of the 28th day of September, 2022. In consideration of the mutual covenants contained herein, the parties agree as follows:

ARTICLE 1: SCOPE OF WORK:

The Contractor shall perform all work and furnish all services necessary to provide the Town with the refurbishment of a 2005 Seagrave 75' Quint, including the scope of services set forth in Attachment A.

ARTICLE 2: TIME OF PERFORMANCE:

The Contractor shall complete all work and services required hereunder commencing September 28, 2022 through September 27, 2023.

ARTICLE 3: COMPENSATION:

The Town shall pay the Contractor for the performance of the work outlined in Article 1 above the contract sum of \$179,677.00. The Contractor shall submit monthly invoices to the Town for services rendered, which will be due 30 days following receipt by the Town.

ARTICLE 4: CONTRACT DOCUMENTS:

The following documents form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein:

1. This Agreement.
2. Amendments, or other changes mutually agreed upon between the parties.
3. All attachments to the Agreement.

In the event of conflicting provisions, those provisions most favorable to the Town shall govern.

ARTICLE 5: CONTRACT TERMINATION:

The Town may suspend or terminate this Agreement by providing the Contractor with ten (10) days written notice for the reasons outlined as follows:

1. Failure of the Contractor, for any reason, to fulfill in a timely and proper manner its obligations under this Agreement.
2. Violation of any of the provisions of this Agreement by the Contractor.
3. A determination by the Town that the Contractor has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

Either party may terminate this Agreement at any time for convenience by providing the other party written notice specifying therein the termination date which shall be no sooner than thirty (30) days from the issuance of said notice. Upon receipt of a notice of termination from the Town, the Contractor shall cease to incur additional expenses in connection with the Agreement. Upon such termination, the Contractor shall be entitled to compensation for all satisfactory work completed prior to the termination date as determined by the Town. Such payment shall not exceed the fair value of the services provided hereunder.

ARTICLE 6: INDEMNIFICATION:

The Contractor shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the contract. Contractor shall be solely responsible for all local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and income tax laws. Further, the Contractor shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this Agreement. This shall not be construed as a limitation of the Contractor's liability under the Agreement or as otherwise provided by law.

ARTICLE 7: AVAILABILITY OF FUNDS:

The compensation provided by this Agreement is subject to the availability and appropriation of funds.

ARTICLE 8: APPLICABLE LAW:

The Contractor agrees to comply with all applicable local, state and federal laws, regulations and orders relating to the completion of this Agreement. This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.

ARTICLE 9: ASSIGNMENT:

The Contractor shall not make any assignment of this Agreement without the prior written approval of the Town.

ARTICLE 10: AMENDMENTS:

All amendments or any changes to the provisions specified in this Contract can only occur when mutually agreed upon by the Town and Contractor. Further, such amendments or changes shall be in writing and signed by officials with authority to bind the Town. No amendment or change to the contract provisions shall be made until after the written execution of the amendment or change to the Contract by both parties.

ARTICLE 11: INDEPENDENT CONTRACTOR:

The Contractor acknowledges and agrees that it is acting as an independent contractor for all work and services rendered pursuant to this Agreement and shall not be considered an employee or agent of the Town for any purpose.

ARTICLE 12: INSURANCE:

The Contractor shall be responsible to the Town or any third party for any property damage or bodily injury caused by it, any of its subcontractors, employees or agents in the performance of, or as a result of, the work under this Agreement. The Contractor and any subcontractors used hereby certify that they are insured for workers' compensation, property damage, personal and product liability. The Contractor and any subcontractor it uses shall

purchase, furnish copies of, and maintain in full force and effect insurance policies in the amounts here indicated.

General Liability

Bodily Injury Liability:	\$1,000,000 per occurrence
Property Damage Liability	\$ 500,000 per occurrence
(or combined single limit)	\$1,000,000 per occurrence

Automobile Liability

Bodily Injury Liability:	\$1,000,000 per occurrence
Property Damage Liability	\$ 500,000 per occurrence
(or combined single limit)	\$1,000,000 per occurrence

Workers' Compensation Insurance

Coverage for all employees in accordance with Massachusetts General Laws

Professional Liability Insurance

Minimum Coverage	\$1,000,000 per occurrence
------------------	----------------------------

Prior to commencement of any work under this Agreement, the Contractor shall provide the Town with Certificates of Insurance which include the Town as an additional named insured and which include a thirty day notice of cancellation to the Town.

ARTICLE 13: SEVERABILITY:

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

ARTICLE 14: ENTIRE AGREEMENT:

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or

oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

ARTICLE 15: COUNTERPARTS:

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be a counterpart original.

CERTIFICATION AS TO PAYMENT OF STATE TAXES

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I,

_____, authorized signatory for the Contractor do hereby certify under the pains and penalties of perjury that said Contractor has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Social Security Number or
Federal Identification Number

Signature of Individual or
Corporate Name

By:
Corporate Officer
(if applicable)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

CONTRACTOR

TOWN OF WELLFLEET

By

by its Town Administrator

Printed Name and Title

Approved as to Availability of Funds:

Town Accountant (\$ _____)
530276/99999/0003 Contract Sum

**Town of Wellfleet
Police Department**

September 22, 2022

To: Select Board
From: Chief Michael P. Hurley

Subject: FULL TIME POLICE OFFICER APPOINTMENT

I request Tyler M. Legare be appointed as a Full Time Police Officer subject to the successful acceptance and subsequent completion of the Massachusetts Police Training Council Academy. Mr. Legare will be filling the first of our two positions approved at the June 2022 Town meeting, the academy is scheduled to begin November 28, 2022 with a graduation date of May 8, 2023

Tyler M Legare:

Physical	Complete/Passed
Physical Agility Test	In Progress
Police Academy Application	In Progress
Background Check	Complete/Passed
Psychological Evaluation	In Progress

I recommend that Mr. Legare be appointed as above and that a conditional offer of employment be extended as follows:

- Pass a background investigation
- Pass a psychological
- Pass a physical
- Pass the Physical Agility Test (PAT test)
- Obtain or be able to obtain a MA license to carry a firearms permit (Class A)
- Complete the Full Time Police Academy
- Satisfactorily complete the Field Training program

Respectfully submitted for your information and consideration.


Michael P. Hurley
Chief of Police

cc: Richard Waldo, Town Administrator

Police Officer Position; Full Time Part Time

Communications Position; Full Time Part Time

WELLFLEET POLICE DEPARTMENT SUMMARY SHEET OF APPLICANT'S INFORMATION

Applicant's Name: Legare Tyler M.
(Last) (First) (Middle)

The following information is a summary of information provided as part of a 10-page application packet. The entire application is available for your review if you so desire.

I PERSONAL HISTORY

Address:

[REDACTED]
(Number & Street)

Bellingham MA 02019
(City/Town) (State) (Zip)

II EDUCATION

	School Name, Address and Phone Number	Graduated Yes/No	Number of Years Attended	Degree	Major
High School	Bellingham High School	Yes	4	Diploma	
Undergraduate	Westfield State University	Yes	4	Bachelor	Criminal Justice
Graduate					
Other					

- b. Have you attended or are attending a Reserve Police Academy? Yes No If yes, give details to include completion date: _____
- c. Have you attended or are attending a Full Time Police Academy? Yes No If yes, give details to include completion date: _____
- d. Do you have a First Responder certificate? Yes No Exp. Date: _____
- e. Do you have a CPR certificate? Yes No Exp. Date: 08/2023 _____

- f. List any special abilities, interests, sports, or hobbies along with degrees of proficiency:
Played High school Golf, continued sports during college became moderate golf player. (7.5) handicap
- g. List any special equipment or computer systems with which you have experience.
Moderate Experience with computer. IMC NCIC/ Excel, Word, Microsoft, and I-phone technology. Worked as Dispatcher for one year.

III EMPLOYMENT HISTORY

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
08/2021	06/2022	Bellingham Police Department, MA Dispatcher			James Russell Lieutenant
Reason for Leaving: Purse career in law Enforcement					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
06/2019	08/2019	Gillette Stadium Foxboro, MA Security			On Shift Supervisor Changed daily due to Events
Returned to school, Summer Job only					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
08/2016	01/2020	Market Basket Bellingham, MA			Steven Dunn Supervisor
Reason for Leaving: Returned to College/School					

- b. Have you ever been disciplined or forced to resign because of misconduct or unsatisfactory employment? Yes [] No [XX] If yes, give details:

c. Are you eligible for rehire with each of your former employers? Yes [] No [] If no, please explain: _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022



OPIOID SETTLEMENT

REQUESTED BY:	Kate Lena ~ Program Manager
DESIRED ACTION:	Presentation on substance use prevention/Human Resources, Barnstable County
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Opioid Recovery & Remediation Funds

KATE LENA, MPH

BCDHS SUBSTANCE USE PREVENTION
PROGRAM MANAGER

MANDI SPEAKMAN

BCDHS DEPUTY DIRECTOR

Agenda

1. Introduction and Background
 2. State Guidelines for Spending
 3. General Recommendations
 4. Regional Substance Addiction Council (RSAC) Guidance
 5. Questions/Discussion
-

Introduction + Background

1. Led by Attorney General Maura Healey: \$26 billion resolution, \$500 million coming to Massachusetts
2. Agreement includes: Cardinal, McKesson, AmerisourceBergen, and Johnson & Johnson
3. Industry change to prevent this from happening again
4. Funds paid to: individuals, towns/cities, counties, and state
5. Massachusetts Opioid Recovery and Remediation Fund Advisory Council (ORRF)
 - a. Council includes Cape Cod representation

State Guidelines for Municipal Spending

1. Municipalities are encouraged to pool abatement funds to increase their impact
2. Funds shall not be used to fund care reimbursed by the state, including through MassHealth and BSAS
 - a. Local agencies/programs that provide state-reimbursed services can be supported financially in other ways that help meet the needs of their participants

As these funds are not awarded through Barnstable County, further technical assistance requests should be directed to the contacts listed in Appendix D, Section A of the supporting documents.

State Guidelines for Municipal Spending

1. Opioid Use Disorder Treatment
2. Support People in Treatment + Recovery
3. Connections to Care
4. Harm Reduction
5. Address the Needs of Criminal-Justice-Involved-People
6. Support Pregnant or Parenting Women + their Families, including Babies with Neonatal Abstinence Syndrome
7. Prevent Misuse of Opioids + Implement Prevention Education

See appendix A in associated memo for expanded guidelines for municipal funding put forth by the Attorney General's office

RSAC General Recommendations

1. Pool funds + collaborate with area municipalities
 2. Involve people impacted by substance use disorder in the conversation of how to spend the funds, ie: people in recovery, people who are actively using substances, family members, town substance use coalitions
 3. Create evidence-based plans for spending
 4. Spend funds on substance use-related projects that will directly impact people with substance use disorder and their loved ones
-

RSAC Guidance: Prevention

1. Fund youth behavioral health + substance use surveys
2. Implement substance use and health decision-making education
3. Fund education on risk and protective factors
 - a. Practical information on how to increase protective factors and how to decrease risk factors
4. Provide support for more clinicians who serve youth and young adults
5. Provide support for children who have lost a parent to substance use/overdose, as well as the family members caring for them

RSAC Guidance: Harm Reduction

1. Increase day programs and housing for people who are actively using substances
 2. Create Drug User Health and Outreach Manager role within towns
 3. Provide resources for people who use drugs on occasion
 4. Provide broader and lower barrier access to Narcan
 5. Fund education to decrease stigma and increase empathy through education on addiction, substance use, harm reduction, fentanyl, and why people use
-

RSAC Guidance: Recovery

1. Ensure programming focuses on long term recovery in addition to short term recovery
 2. Promote education on relapse prevention
 3. Create Recovery Support Navigator role within towns
 4. Promote and educate about recovery support group alternatives to NA/AA, i.e.: Refuge Recovery, SMART Recovery
 5. Create Recovery Support Funds
 - a. Transportation, overall wellness, recovery capital, basic needs (toiletries, clothing, nutrition), housing (emergency, sober, long term), legal (IDs, sealing records)
-

RSAC Guidance: Treatment

1. Research and develop plans to create Patient Assessment Centers for centralized resource referral system
2. Increase access to and develop more low barrier access to treatment
3. Address gap in services for youth/teens
4. Conduct feasibility and needs study of a Recovery High School on Cape Cod
5. Develop treatment options tailored for specialized populations and training for all staff on working with more diverse population
 - a. i.e.: older adult population, LGBTQIA+, People of Color

A	B	C	D	E	
Opioid Settlement and Remediation Funds Menu of Example Programs					
Program Name	Brief Description	Estimated Annual Budget (Cost to Town to Implement)	Pooling Funds Possible/Collaboration Encouraged	Ages Served	Example Model
Alternative Peer Group	Under the guidance of counselors, family therapist, recovery peer mentors and certified recovery coaches, teens will be able to unbottle underlying feelings and concerns that their substance use often masks. The teens develop the skills and resilience necessary to grow and create positive change in their lives. This is a peer recovery program for youth and young adults.	\$15,000 from each town would support expansion of program to increase number of youth served, with future possibility to expand to other areas of Cape Cod	Yes	13-17	Recovery Built https://www.r
Drug User Health and	Create a Drug User Health and Outreach Case Manager position within towns. This individual would provide Harm Reduction services including Narcan distribution and access to sterile injection equipment; referrals and education to and on all treatment options; referrals and education to and on all recovery support options. They would serve people who use drugs, people in early or long term recovery, and loved ones of people with substance use disorder. See link for more information on Harm Reduction: https://harmreduction.org/about-us/principles-of-har		Collaboration with neighboring towns is recommended to provide support for people who use substances across small		This position v current Recov Navigator posi inclusion of H framework, ar their work to i with people w

RSAC Menu of Program Examples

See appendix C of the supporting documents.

Additional Information and Resources

For additional resources, see Appendix D of the supporting documents.

1. For answers to questions about **abatement strategies**, reporting and technical support, email OpioidRecoveryandRemediationFund@mass.gov. Website coming soon!
2. For answers to **local finance law questions** relating to the settlement funds, local officials should email their question and phone number to Department of Revenue's [Division of Local Services](#) at DLSlaw@dor.state.ma.us. DLS also published answers to FAQs about municipal treatment of opioid settlement funds in its July 7th issue of [City & Town](#).
3. For **procurement-related guidance** and technical assistance, contact the Office of the Inspector General's [Chapter 30B procurement team](#), at 617-722-8838 or 30BHotline@mass.gov. The OIG also published answers to FAQs about the municipal abatement funds [here](#).
4. For information on **how to pool funds with neighboring municipalities**, contact the Office of Local and Regional Health (OLRH): <https://www.mass.gov/orgs/office-of-local-and-regional-health>

THANK YOU!

Kate Lena
Substance Use Prevention Program
Manager
kate.lena@barnstablecounty.org
508-375-6845

Mandi Speakman
BCHS Deputy Director
Mandi.speakman@barnstablecounty.org
508-470-4936

References

As the Opioid Settlement funds are not awarded through Barnstable County, further technical assistance requests should be directed to the contacts listed in Section A of this reference guide.

For information regarding substance use efforts at the Barnstable County Department of Human Services (Section B), please email Kate Lena at kate.lena@barnstablecounty.org

For more information regarding any of the substance use topics mentioned in the memo, please see the below resources (Section C – Section G).

SECTION A: Statewide Opioid Settlement Virtual Forum Follow-Up Information

This email was distributed by the Attorney General's office and the Massachusetts Department of Public Health, following a community forum on August 12, 2022.

1. To see a copy of the **presentation** or for answers to **settlement-related FAQs**, charts reflecting estimated payments, and other information about the settlements, visit the [AGO's Statewide Opioid Settlements webpage](#) or email MAOpioidSettlements@mass.gov.
2. For educational materials about the state's **Open Meeting Law**, visit the AGO's [webpage](#).
3. For answers to questions about **abatement strategies**, reporting and technical support, email OpioidRecoveryandRemediationFund@mass.gov. Website coming soon!
4. For answers to **local finance law questions** relating to the settlement funds, local officials should email their question and phone number to Department of Revenue's [Division of Local Services](#) at DLSlaw@dor.state.ma.us. DLS also published answers to FAQs about municipal treatment of opioid settlement funds in its July 7th issue of [City & Town](#).
5. For **procurement-related guidance** and technical assistance, contact the Office of the Inspector General's [Chapter 30B procurement team](#), at 617-722-8838 or 30BHotline@mass.gov. The OIG also published answers to FAQs about the municipal abatement funds [here](#).
6. For information on **how to pool funds with neighboring municipalities**, contact the Office of Local and Regional Health (OLRH): <https://www.mass.gov/orgs/office-of-local-and-regional-health>.

SECTION B: Barnstable County Department of Human Services

1. **Regional Substance Addiction Council (RSAC):** *The Barnstable County Regional Substance Addiction Council's (RSAC) purpose is to establish a communication infrastructure across towns, providers, organizations, and individuals on Cape Cod to help the region identify and address gaps and disparities in the service system, maximize inter-agency collaboration and to maximize funding and resource opportunities.*
 - a. <https://www.capecod.gov/departments/human-services/initiatives/substance-use-prevention/regional-substance-use-council-publications-and-data/>

2. **My Choice Matters:** *My Choice Matters is a social norming campaign that works with a coordinated system of prevention, harm reduction, treatment, and recovery partners, so that Cape Cod Communities are happy, healthy, safe and thriving.*
 - a. <https://www.mychoicematters.net/>

SECTION C: Prevention: SAMHSA explains substance use prevention as: *activities that work to educate and support individuals and communities to prevent the use and misuse of drugs and the development of substance use disorders.*

1. SAMHSA Prevention Page
 - a. <https://www.samhsa.gov/prevention-week>
2. MDPH BSAS Prevention Page
 - a. <https://www.mass.gov/topics/substance-use-prevention>

SECTION D: Harm Reduction: The National Harm Reduction Coalition defines Harm Reduction as: *Harm reduction is a set of practical strategies and ideas aimed at reducing negative consequences associated with drug use. Harm Reduction is also a movement for social justice built on a belief in, and respect for, the rights of people who use drugs.*

1. Harm Reduction Coalition
 - a. <https://harmreduction.org/>
2. Drug Policy Alliance
 - a. <https://drugpolicy.org/>
3. CDC Syringe Services Programming Information
 - a. <https://www.cdc.gov/ssp/syringe-services-programs-faq.html>
4. HealthAffairs “Defending Syringe Service Programs”
 - a. <https://www.healthaffairs.org/doi/10.1377/forefront.20210817.592015>
5. MDPH BSAS Opioid Overdose Prevention Information
 - a. <https://www.mass.gov/opioid-overdose-prevention-information>
6. MDPH BSAS Syringe Service Programs
 - a. <https://www.mass.gov/syringe-service-programs>

SECTION E: Recovery: SAMHSA’s working definition for recovery is: *a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential. BCDHS recognizes all forms and definitions of recovery.*

1. Massachusetts Organization for Addiction Recovery (MOAR)
 - a. <https://www.moar-recovery.org/>
2. MDPH BSAS Peer Recovery Support Centers page
 - a. <https://www.mass.gov/info-details/peer-recovery-support-centers>

SECTION F: Treatment: The National Institute on Drug Abuse (NIDA) defines drug treatment as: *Drug treatment is intended to help people with substance use disorders stop compulsive drug seeking and use. Treatment can occur in a variety of settings, take many different forms, and last for different lengths of time. Because drug addiction is typically a chronic disorder characterized by occasional relapses, a short-term, one-time treatment is usually not sufficient. For many, treatment is a long-term process that*

involves multiple interventions and regular monitoring. BCDHS recognizes all forms of treatment as pathways to a healthier individual.

1. Boston Medical Center Grayken Center for Addiction Training and Technical Assistance
 - a. <https://www.addictiontraining.org/>
2. SAMHSA's MAT Program Page
 - a. <https://www.samhsa.gov/medication-assisted-treatment>
3. Massachusetts Substance Use Helpline
 - a. <https://helplinema.org/>
4. National Institute on Drug Abuse (NIDA)
 - a. <https://nida.nih.gov/publications/principles-drug-addiction-treatment-research-based-guide-third-edition/frequently-asked-questions/what-drug-addiction-treatment>

SECTION G: Data and Reports

1. MDPH BSAS Substance Addiction Data and Reports
 - a. <https://www.mass.gov/substance-addiction-data-and-reports>
2. MDPH BSAS Opioid Statistics
 - a. <https://www.mass.gov/lists/current-opioid-statistics>



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Department of Human Services

Joseph R. Pacheco
Director

Mandi Speakman
Deputy Director

TO:

**FROM: Barnstable County Department of Human Services and the Regional Substance
Addiction Council (RSAC)**

DATE:

**SUBJECT: Statewide Opioid Settlements with Opioid Industry Defendants: Memo, Program
Options, and References**

INTRODUCTION AND BACKGROUND

On July 21, 2021 Massachusetts Attorney General Maura Healey announced a \$26 billion settlement agreement with opioid distributors and Johnson & Johnson, which will provide more than \$500 million to the Commonwealth and its cities and towns for *prevention, harm reduction, treatment, and recovery* across Massachusetts. (More information can be found at the Attorney General's website: <https://www.mass.gov/service-details/learn-about-the-ags-statewide-opioid-settlements-with-opioid-industry-defendants>)

This settlement holds accountable several corporations that contributed to the over-prescription of opioids in Massachusetts and brings needed relief to people struggling with substance use disorder. The settlement agreement includes pharmaceutical distributors Cardinal, McKesson, and AmerisourceBergen as well as Johnson & Johnson, which manufactured and marketed opioids. The settlement also requires significant industry changes that are designed to prevent this from happening again. The AG's Office supports the settlement and has been laying the groundwork for its implementation in Massachusetts and



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has created the [Opioid Recovery and Remediation Fund \(ORRF\)](https://www.mass.gov/orgs/opioid-recovery-and-remediation-fund-advisory-council). (For more information on the ORRF: <https://www.mass.gov/orgs/opioid-recovery-and-remediation-fund-advisory-council>)

Per information distributed from the Attorney General's office ([https://www.mass.gov/info-details/frequently-asked-questions-about-the-ags-statewide-opioid-settlements#\(1\)-how-will-abatement-funds-ma-receives-under-statewide-opioid-settlements-be-distributed?-](https://www.mass.gov/info-details/frequently-asked-questions-about-the-ags-statewide-opioid-settlements#(1)-how-will-abatement-funds-ma-receives-under-statewide-opioid-settlements-be-distributed?-)), under the state's approved State-Subdivision Agreement, 40% of abatement funds coming into the Commonwealth under statewide opioid settlements will be allocated to the state's municipalities. 60% of the abatement funds will be allocated to the Opioid Recovery and Remediation Fund to further be dispensed into the community through Department of Public Health grants. Municipalities that completed the Subdivision Settlement Participation Form by March 31, 2022 and agree to use the payments to abate the opioid crisis in their communities will be receiving a portion of the settlement funds directly in the form of eighteen (18) payments over the next seventeen (17) years.

STATE GUIDELINES FOR MUNICIPALITIES

According to the State-Subdivision Agreement, abatement funds allocated to municipalities shall be used to implement the strategies set forth below. Municipalities are encouraged to pool abatement funds to increase their impact, including by utilizing the Office of Local and Regional Health's (OLRH) Shared Service infrastructure (<https://www.mass.gov/orgs/office-of-local-and-regional-health>). Municipal abatement funds shall not be used to fund care reimbursed by the state, including through MassHealth and the Bureau of Substance Addiction Services (BSAS), although local or area agencies or programs that provide state-reimbursed services can be supported financially in other ways that help meet the needs of their participants. The sectors in which settlement funds may be spent include:



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1. Opioid Use Disorder Treatment
2. Support People in Treatment and Recovery
3. Connections to Care
4. Harm Reduction
5. Address the Needs of Criminal-Justice-Involved-People
6. Support Pregnant or Parenting Women and their Families, Including Babies with Neonatal Abstinence Syndrome
7. Prevent Misuse of Opioids and Implement Prevention Education

See Appendix A for expanded guidelines for municipal funding put forth by the Attorney General's office.

MUNICIPAL REPORTING REQUIREMENTS

Please refer to the following link for more information regarding requirements for municipalities: <https://www.mass.gov/doc/massachusetts-abatement-terms/download>

REGIONAL SUBSTANCE ADDICTION COUNCIL (RSAC) GUIDANCE

The below list of example programs is by no means an exhaustive list of all evidence-based uses of the funds. The Prevention, Harm Reduction, Recovery, and Treatment lists of options were based on community needs as collected by the RSAC and RSAC topical Work Groups, and reflects identified gaps in services within Barnstable County.

General Recommendations

1. Municipalities are encouraged to pool funds and/or to collaborate.
2. Include people impacted by substance use disorder as part of the decision-making on how to spend the funds (i.e.: people in recovery, people who are actively using substances, family members).



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3. Create evidence-based plans for spending that are cognizant of any spending constraints there may be (timeframe, content).
4. Spend funds on substance use-related projects that will directly impact people with substance use disorder and their loved ones.

Prevention

Provide:

1. Support for youth behavioral health and substance use surveys in schools and in other youth-serving organizations.
2. Substance use and health decision-making education in schools.
3. Education on risk and protective factors, including practical information on how to increase protective factors and decrease risk factors.
4. More clinicians to serve youth and young adults.
5. Financial and clinical support services to children who have lost a parent to substance use or overdose, as well as to the family members taking care of them.

Harm Reduction

Create:

1. More safe and secure day programs and housing for people who are actively using substances.
2. Harm Reduction or Drug User Health Manager roles within towns to provide support for people who are actively using or in early recovery.

Provide:

1. Resources for people who use drugs on occasion versus on a regular basis.
2. Broader and lower barrier access to Narcan.



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Increase empathy and decrease stigma through education on addiction, substance use, harm reduction, fentanyl, and why people use substances.

Recovery

1. Ensure programming focuses on long term recovery in addition to short term recovery.
2. Create Recovery Support Navigator roles within towns, emergency departments, courts, and jails to support people in all stages of recovery. This role should embrace all forms of treatment, all definitions of recovery, and should operate within a Harm Reduction framework.
3. Promote recovery support group alternatives to NA/AA (i.e.: Refuge Recovery, SMART Recovery)
4. Provide:
 - a. Education on relapse prevention.
 - b. Recovery Support Funding: transportation, basic needs (toiletries, clothing, nutrition), housing (emergency, sober, long term), legal (IDs, sealing records).

Treatment

1. Research and develop plans to create Patient Assessment Centers for a centralized resource referral system. This would be an opportunity to collaborate with neighboring towns.
2. Increase access to and develop more low barrier treatment.
3. Address gaps in services for youth, teens, and young adults, for example:
 - a. Develop safe and specific treatment and recovery services for youth.
 - b. Institute support protocols for students transitioning back to school post-treatment.



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- c. Implement alternative peer group programs and alternatives to suspension programs.
4. Develop safe treatment options tailored for specialized populations and training for all staff on working with more diverse populations, i.e.: youth, older adults, LGBTQIA+, Black, Indigenous, People of Color (BIPOC).
5. Conduct feasibility and needs study on development of a Recovery High School on Cape Cod to assess the region's need, desire, and sustainability.

APPENDICES

Appendix A: Opioid Settlement MA- Subdivision Agreement v. McKesson-Cardinal-AmBergen-JNJ

Appendix B: Municipal Estimates of Settlement Amounts

Appendix C: Menu of Program Examples

Appendix D: References

Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements

A. Statewide Opioid Settlements. As used herein, the term “**Statewide Opioid Settlements**” refers to statewide opioid settlements reached by or before January 1, 2026 between the Massachusetts Attorney General and non-bankrupt opioid industry participants, pursuant to which certain Massachusetts political subdivisions (“**Massachusetts Subdivisions**”) are eligible to participate and share in Global Settlement Abatement Funds (“**Abatement Funds**”), in exchange for releases. For avoidance of doubt, the July 2021 opioid settlements between the Massachusetts Attorney General and opioid distributors McKesson, Cardinal, AmerisourceBergen, and opioid-maker Johnson & Johnson (“**Settlements**”) are Statewide Opioid Settlements. Unless otherwise stated, the capitalized terms herein shall have the same meaning as in the Settlements.

B. Massachusetts Abatement Terms. Abatement Funds shall be used solely to supplement and strengthen, rather than supplant, resources for prevention, harm reduction, treatment, and recovery, in accordance with the purposes and subject to the requirements in the appended Massachusetts Abatement Terms.

C. Allocation of Abatement Funds to Massachusetts Subdivisions. The Massachusetts Subdivisions shall collectively be eligible to receive 40% of each Annual Payment of Abatement Funds that come into the state, allocated among them in the percentages reflected in the Settlements, so long as they timely submit Subdivision Settlement Participation Forms in the form attached to the Statewide Opioid Settlements. Participating Subdivisions may elect to share or pool the funds they receive and collaborate on abatement efforts. Participating Subdivisions may also elect to reallocate to the statewide Opioid Recovery and Remediation Fund some or all of their allocation of any Statewide Opioid Settlement with timely notice to the Settlement Administrator.

D. Allocation of Abatement Funds to Statewide Opioid Recovery and Remediation Fund. The statewide Opioid Recovery and Remediation Fund (“**ORRF**”) shall receive 60% of each Annual Payment of Abatement Funds as well as: (a) amounts voluntarily reallocated to it by Participating Subdivisions; (b) amounts allocated to Subdivisions that are Non-Participating Subdivisions as of a Payment Date; and (c) any other Abatement Funds not paid out pursuant to Section C. The ORRF is a Statutory Trust, as that term is defined in the Settlements, established by the legislature in 2021 to expand access to opioid use disorder, prevention, intervention, treatment and recovery options throughout Massachusetts. The ORRF is administered by the Executive Office of Health and Human Services in consultation with a 20-member state- and municipal-appointed advisory council with expertise and experience with opioid use disorder.¹

E. Consent Judgments. This Agreement will be appended to proposed Consent Judgments filed in the Massachusetts Superior Court, in an action or actions filed by the Attorney General, consistent with the Statewide Opioid Settlements and any related legislation. In the event of a

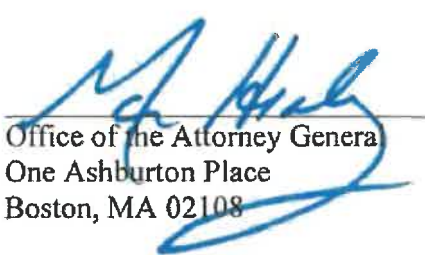
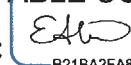
¹ Current appointees include nonprofit leaders, physicians, professors, and public officials from Amherst, Boston, Brockton, Falmouth, Framingham, Lynn, New Bedford, Pittsfield, Springfield, and Worcester. The advisory council holds public meetings every quarter about priorities for addressing the opioid epidemic in Massachusetts.

conflict between this Agreement and the Statewide Opioid Settlements, the Statewide Opioid Settlements will govern.

F. State-Subdivision Agreement. This Agreement is a State-Subdivision Agreement as forth in [Exhibit O](#) to the Settlements and shall take effect subject to the approval requirements therein.

G. Authority. The undersigned officials understand and agree to be bound by this Agreement and represent that their execution of this Agreement is voluntary and authorized.

H. Counterparts. This Agreement may be executed in counterparts, each of which constitutes an original and all of which constitute one and the same Agreement.

<p>THE COMMONWEALTH OF MASSACHUSETTS</p> <p>MAURA HEALEY ATTORNEY GENERAL</p>  <p>Office of the Attorney General One Ashburton Place Boston, MA 02108</p> <p>Date: March 4, 2022</p>	<p>Name of Participating Subdivision: BARNSTABLE COUNTY</p> <p>Signature:  <small>B21BA2FA88E24D9...</small></p> <p>Name of Signer: ELIZABETH ALBERT</p> <p>Title: COUNTY ADMINISTRATOR</p> <p>Address: 3195 MAIN STREET BARNSTABLE, MA 02630</p> <p>Phone Number: 508-375-6626</p> <p>Email: balbert@barnstablecounty.org</p> <p>Date: 3/8/2022</p>
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MASSACHUSETTS ABATEMENT TERMS

I. STATEWIDE COMMITMENT TO ABATEMENT

The Commonwealth and its municipalities have a shared commitment to using abatement funds recovered from statewide opioid settlements to supplement and strengthen resources available to Massachusetts communities and families for substance use disorder prevention, harm reduction, treatment, and recovery in a matter that:

- ❖ reflects the input of our communities, of people who have personal experience with the opioid crisis, of experts in treatment and prevention, and of staff and organizations that are carrying out the abatement work;
- ❖ addresses disparities in existing services and outcomes and improves equity and the health of individuals and communities disadvantaged by race, wealth, and stigma, including through efforts to increase diversity among service providers;
- ❖ addresses mental health conditions, substance use disorders, and other behavior health needs that occur together with opioid use disorder (“OUD”);
- ❖ leverages programs and services already reimbursed by state agencies and programs, including direct care reimbursed by MassHealth and the state’s Bureau of Substance Addiction Services (“BSAS”); and
- ❖ encourages innovation, fills gaps and fixes shortcomings of existing approaches; supplements rather than supplants resources for prevention, harm reduction, treatment, and recovery; includes evidence-based, evidence-informed, and promising programs; and takes advantage of the flexibility that is allowed for these funds.²

This document sets forth: how abatement funds from these settlements must be used by the state and its municipalities (Sections II and III); how the state will support municipal abatement initiatives (Section IV); and state and municipal reporting requirements (Section V).

II. STATE USE OF ABATEMENT FUNDS

Abatement funds directed to the state shall be deposited into the statewide Opioid Recovery and Remediation Fund to supplement prevention, harm reduction, treatment, and recovery programs throughout Massachusetts. The Fund is overseen by the Commonwealth’s Executive Office of Health and Human Services (“EOHHS”) together with a Council comprised of 10 municipal appointees appointed by the Massachusetts Municipal Association and 10 state

² In this document, the words “fund” and “support” are used interchangeably and mean to create, expand, or sustain a program, service, or activity. References to persons with opioid use disorder are intended in a broad practical manner to address the public health crisis, rather than to require a clinical diagnosis, and they include, for example, persons who have suffered an opioid overdose. It is also understood that OUD is often accompanied by co-occurring substance use disorder or mental health conditions, and it is intended that the strategies in this document will support persons with OUD and any co-occurring SUD and mental health conditions.

[appointees](#) qualified by experience and expertise regarding opioid use disorder. Appointees serve for two years. The Council holds public meetings every quarter to identify priorities for addressing the opioid epidemic in Massachusetts.

III. MUNICIPAL USE OF ABATEMENT FUNDS

Abatement funds allocated to municipalities shall be used to implement the strategies set forth below. Municipalities are encouraged to pool abatement funds to increase their impact, including by utilizing the [Office of Local and Regional Health's Shared Service infrastructure](#). Municipal abatement funds shall not be used to fund care reimbursed by the state, including through MassHealth and BSAS, although local or area agencies or programs that provide state-reimbursed services can be supported financially in other ways that help meet the needs of their participants.

1. Opioid Use Disorder Treatment

Support and promote treatment of persons with OUD, including through programs or strategies that:

- a. Expand mobile intervention, treatment, telehealth treatment, and recovery services offered by qualified providers, including peer recovery coaches.
- b. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.
- c. Make capital expenditures to rehabilitate and expand facilities that offer treatment for OUD, in partnership with treatment providers.
- d. Treat trauma for individuals with OUD (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose).

2. Support People In Treatment And Recovery

Support and promote programs or strategies that:

- a. Provide comprehensive wrap-around services to individuals with OUD, including job placement, job training, or childcare.
- b. Provide access to housing for people with OUD, including supportive housing, recovery housing, housing, rent, move-in deposits, and utilities assistance programs, training for housing providers, or recovery housing programs that integrate FDA-approved medication with other support services.
- c. Rehabilitate properties appropriate for low-threshold and recovery housing, including in partnership with DHCD-funded agencies and OUD-specialized organizations.
- d. Provide peer support specialists that support people in accessing OUD treatment, trauma-informed counseling and recovery support, harm reduction services, primary healthcare,

or other services, including support for long-term recovery encompassing relapse, treatment, and continued recovery.

- e. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD.
- f. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD.
- g. Provide transportation to treatment or recovery services for persons with OUD.
- h. Provide employment training or educational services for persons with OUD, such as job training, job placement, interview coaching, community college or vocational school courses, transportation to these activities, or similar supports.
- i. Increase the number and capacity of high-quality recovery programs to help people in recovery.
- j. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
- k. Support programs for recovery in schools and/or standalone recovery high schools.
- l. Support bereaved families and frontline care providers.

3. Connections To Care

Provide connections to care for people who have, or are at risk of developing, OUD through programs or strategies that:

- a. Support the work of Emergency Medical Systems, including peer support specialists and post-overdose response teams, to connect individuals to trauma-informed treatment recovery support, harm reduction services, primary healthcare, or other appropriate services following an opioid overdose or other opioid-related adverse event.
- b. Support school-based services related to OUD, such as school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people. This should include alternatives to suspension or interaction with school resource officers such as restorative justice approaches.
- c. Fund services or training to encourage early identification and intervention for families, children, or adolescents who may be struggling with use of drugs or mental health conditions, including peer-based programs and Youth Mental Health First Aid. Training programs may target families, caregivers, school staff, peers, neighbors, health or human services professionals, or others in contact with children or adolescents.

- d. Include Fire Department partnerships such as Safe Stations.³

4. Harm Reduction

Support efforts to prevent overdose deaths or other opioid-related harms through strategies that:

- a. Increase availability of naloxone and other drugs that treat overdoses for first responders,⁴ overdose patients, individuals with OUD and their friends and family, schools, community-based organizations, community navigators and outreach workers, persons being released from jail or prison, or the public.
- b. Provide training and education regarding naloxone and other drugs that treat overdoses.
- c. “Naloxone Plus” strategies to ensure that individuals who receive naloxone to reverse an overdose are linked to treatment programs or other appropriate services.
- d. Approve and fund syringe service programs and other programs to reduce harms associated with drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, syringe collection and disposal, connections to care, and the full range of harm reduction and treatment services provided by these programs.
- e. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, primary and behavioral health care, recovery support, or other appropriate services to persons with OUD.
- f. Promote efforts to train health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD in crisis training and harm reduction strategies.
- g. Active outreach strategies such as the Drug Abuse Response Team model or the Post Overdose Support Team model.
- h. Provide outreach and services for people who use drugs and are not yet in treatment, including services that build relationships with and support for people with OUD.

5. Address The Needs Of Criminal-Justice-Involved Persons

Support diversion and deflection programs and strategies for criminal-justice-involved persons with OUD, including:

- a. Programs, that connect individuals involved in the criminal justice system and upon release from jail or prison to OUD harm reduction services, treatment, recovery support, primary healthcare, prevention, legal support, or other supports, or that provide these

³ Safe Stations currently operate in Fall River and Revere. *See, e.g.,* <https://www.mma.org/fall-river-fire-stations-become-safe-stations-for-people-seeking-addiction-treatment/>.

⁴ Municipalities can purchase discounted naloxone kits from the State Office of Pharmacy Services. *See* <https://www.mass.gov/service-details/bulk-purchasing-of-naloxone>.

services.

- b. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater OUD expertise.
- c. Public safety-led diversion strategies such as the Law Enforcement Assisted Diversion model.
- d. Participate in membership organizations such as the Police Assisted Addiction Recovery Initiative for training and networking and utilize law enforcement training opportunities such as the Safety and Health Integration in the Enforcement of Laws on Drugs (SHIELD) model.⁵

6. Support Pregnant Or Parenting Women And Their Families, Including Babies With Neonatal Abstinence Syndrome

Support pregnant or parenting women with OUD and their families, including babies with neonatal abstinence syndrome, through programs or strategies that provide family supports or childcare services for parents with OUD, including supporting programs such as:

- a. FIRST Steps Together, a home visiting program for parents in recovery that currently has seven sites serving cities and towns across the state;
- b. Pregnant/post-partum and family residential treatment programs, including and in addition to the eight family residential treatment programs currently funded by DPH; and
- c. the Moms Do Care recovery support program that has grown from two to ten programs in the state.

7. Prevent Misuse Of Opioids And Implement Prevention Education

Support efforts to prevent misuse of opioids through strategies that:

- a. Support programs, policies, and practices that have demonstrated effectiveness in preventing drug misuse among youth. These strategies can be found at a number of existing evidence-based registries such as Blueprints for Health Youth Development (<https://www.blueprintsprograms.org/>).
- b. Support community coalitions in developing and implementing a comprehensive strategic plan for substance misuse prevention. There are a number of evidence based models for strategic planning to consider including but not limited to the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (<https://www.samhsa.gov/sites/default/files/20190620-samhsa-strategic-prevention-framework-guide.pdf>) and Communities That Care developed by the University of Washington (<https://www.communitiesthatcare.net/programs/ctc-plus/>).
- c. Engage a robust multi-sector coalition of stakeholders in both the development and implementation of the above stated strategic plan (<https://www.prevention->

⁵ See <https://paariusa.org>

[first.org/centers/center-for-community-engagement/about-this-center/](https://www.first.org/centers/center-for-community-engagement/about-this-center/)).

- d. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD.
- e. Support greater access to mental health services and supports for young people, including services provided in school and in the community to address mental health needs in young people that (when not addressed) increase the risk of opioid or another drug misuse.
- f. Initiate, enhance, and sustain local youth health assessment through the implementation of a validated survey tool to develop localized strategic plans that will inform the best ways to institute or enhance strategies to reduce and prevent youth substance misuse, including mental health services and supports for young people, intervention services for families, and youth-focused programs, policies, and practices that have demonstrated effectiveness in reducing and preventing drug misuse.

IV. STATE SUPPORT FOR MUNICIPAL ABATEMENT AND INTER-MUNICIPAL COLLABORATION

EOHHS and the Department of Public Health (DPH), including through its [Office of Local and Regional Health](#) (OLRH), will support municipal abatement initiatives by providing strategic guidance to help Massachusetts municipalities select and implement abatement strategies and [effectively pool their resources through inter-municipal Shared Service Agreements](#), as well as other technical assistance. By pooling resources, functions, and expertise, a consortium of cities and towns can expand the public health protections and services they offer residents.

In addition, EOHHS/DPH will collect information regarding municipal abatement and publish an annual report to provide the public with information about the municipal abatement work and to highlight effective strategies, lessons learned, and opportunities for further progress. The support for municipal abatement described in this Section IV will be funded by the state abatement funds described in Section II, above.

V. REPORTING AND RECORD-KEEPING REQUIREMENTS

A. STATE REPORTING. Annually, not later than October 1, the secretary of EOHHS shall file a report on the activity, revenue and expenditures to and from the statewide Opioid Recovery and Remediation Fund in the prior fiscal year with the clerks of the senate and the house of representatives, the house and senate committees on ways and means and the joint committee on mental health, substance use and recovery and made available on the executive office of health and human services' public website. The report shall include, but not be limited to: revenue credited to the fund; expenditures attributable to the administrative costs of the executive office; an itemized list of the funds expended from the fund; data and an assessment of how well resources have been directed to vulnerable and under-served communities. EOHHS filed its [first Annual Report](#) on October 1, 2021.

B. MUNICIPAL REPORTING. Cities and towns that receive annual abatement distributions of \$35,000⁶ or more, whether individually or pooled through OLRH Shared Service arrangements, will be required to submit annual reports of their Municipal Abatement Fund expenditures in the prior fiscal year to EOHHS, starting in FY2023. The reports shall include, but not be limited to: municipal abatement funds received; an itemized list of the funds expended for abatement and administrative costs, if applicable; the unexpended balance; a brief description of the funded abatement strategies and efforts to direct resources to vulnerable and under-served communities. Additional reporting-related guidance shall be provided. All municipalities must maintain, for a period of at least 5 years after funds are received, documents sufficient to reflect that Municipal Abatement Funds were utilized for the Municipal Abatement Strategies listed herein.⁷

⁶ EOHHS retains the right to modify this reporting threshold.

⁷ Nothing in this document reduces obligations under public records law.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	
1	Allocation of Municipal Opioid Abatement Funds Among Eligible Subdivisions																						
	Source: Gillian Feiner, AG's Office, via email 3/8/22																						
2	Total Municipal Abatement Funds for Allocation Among Eligible Subdivisions:		2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	TOTAL			
3	State of MA		\$ 23,644,883	\$ 12,530,556	\$ 17,061,730	\$ 17,869,778	\$ 11,081,673	\$ 11,081,673	\$ 12,773,657	\$ 13,176,510	\$ 13,176,510	\$ 11,375,468	\$ 9,497,907	\$ 9,497,907	\$ 9,497,907	\$ 9,497,907	\$ 9,497,907	\$ 9,497,907	\$ 9,497,907	\$ 9,497,907	\$ 210,257,785		
4																							
5	Allocation of Municipal Abatement Funds Among Eligible Subdivisions:		2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	TOTAL			
6	County of Barnstable		0.06395%	\$ 15,120	\$ 8,013	\$ 10,911	\$ 11,427	\$ 7,087	\$ 7,087	\$ 8,169	\$ 8,426	\$ 8,426	\$ 7,274	\$ 6,074	\$ 6,074	\$ 6,074	\$ 6,074	\$ 6,074	\$ 6,074	\$ 6,074	\$ 134,456	County of Barnstable	
7	Towns:																					Towns:	
8	1	Barnstable (Town of)	0.85783%	\$ 202,833	\$ 107,491	\$ 146,361	\$ 153,292	\$ 95,062	\$ 95,062	\$ 109,576	\$ 113,082	\$ 113,082	\$ 97,582	\$ 81,476	\$ 81,476	\$ 81,476	\$ 81,476	\$ 81,476	\$ 81,476	\$ 81,476	\$ 81,476	\$ 1,803,656	Barnstable (Town of)
9	2	Bourne	0.37840%	\$ 89,471	\$ 47,415	\$ 64,561	\$ 67,618	\$ 41,932	\$ 41,932	\$ 48,335	\$ 49,859	\$ 49,859	\$ 43,044	\$ 35,940	\$ 35,940	\$ 35,940	\$ 35,940	\$ 35,940	\$ 35,940	\$ 35,940	\$ 35,940	\$ 795,605	Bourne
10	3	Brewster	0.12845%	\$ 30,371	\$ 16,095	\$ 21,915	\$ 22,953	\$ 14,234	\$ 14,234	\$ 16,407	\$ 16,925	\$ 16,925	\$ 14,611	\$ 12,200	\$ 12,200	\$ 12,200	\$ 12,200	\$ 12,200	\$ 12,200	\$ 12,200	\$ 12,200	\$ 270,070	Brewster
11	4	Chatham	0.16853%	\$ 39,850	\$ 21,118	\$ 28,755	\$ 30,117	\$ 18,676	\$ 18,676	\$ 21,528	\$ 22,207	\$ 22,207	\$ 19,172	\$ 16,007	\$ 16,007	\$ 16,007	\$ 16,007	\$ 16,007	\$ 16,007	\$ 16,007	\$ 16,007	\$ 354,356	Chatham
12	5	Dennis	0.09700%	\$ 22,940	\$ 12,157	\$ 16,553	\$ 17,337	\$ 10,751	\$ 10,751	\$ 12,393	\$ 12,784	\$ 12,784	\$ 11,036	\$ 9,215	\$ 9,215	\$ 9,215	\$ 9,215	\$ 9,215	\$ 9,215	\$ 9,215	\$ 9,215	\$ 203,989	Dennis
13	6	Eastham	0.07870%	\$ 18,607	\$ 9,861	\$ 13,426	\$ 14,062	\$ 8,720	\$ 8,720	\$ 10,052	\$ 10,369	\$ 10,369	\$ 8,952	\$ 7,474	\$ 7,474	\$ 7,474	\$ 7,474	\$ 7,474	\$ 7,474	\$ 7,474	\$ 7,474	\$ 165,455	Eastham
14	7	Falmouth	0.66330%	\$ 156,833	\$ 83,113	\$ 113,168	\$ 118,527	\$ 73,503	\$ 73,503	\$ 84,726	\$ 87,398	\$ 87,398	\$ 75,452	\$ 62,998	\$ 62,998	\$ 62,998	\$ 62,998	\$ 62,998	\$ 62,998	\$ 62,998	\$ 62,998	\$ 1,394,606	Falmouth
15	8	Harwich	0.28640%	\$ 67,726	\$ 35,891	\$ 48,870	\$ 51,185	\$ 31,741	\$ 31,741	\$ 36,588	\$ 37,742	\$ 37,742	\$ 32,583	\$ 27,205	\$ 27,205	\$ 27,205	\$ 27,205	\$ 27,205	\$ 27,205	\$ 27,205	\$ 27,205	\$ 602,243	Harwich
16	9	Mashpee	0.34590%	\$ 81,791	\$ 43,345	\$ 59,019	\$ 61,814	\$ 38,333	\$ 38,333	\$ 44,186	\$ 45,580	\$ 45,580	\$ 39,349	\$ 32,855	\$ 32,855	\$ 32,855	\$ 32,855	\$ 32,855	\$ 32,855	\$ 32,855	\$ 32,855	\$ 727,313	Mashpee
17	10	Orleans	0.09350%	\$ 22,109	\$ 11,717	\$ 15,954	\$ 16,709	\$ 10,362	\$ 10,362	\$ 11,944	\$ 12,321	\$ 12,321	\$ 10,637	\$ 8,881	\$ 8,881	\$ 8,881	\$ 8,881	\$ 8,881	\$ 8,881	\$ 8,881	\$ 8,881	\$ 196,602	Orleans
18	11	Provincetown	0.08950%	\$ 21,163	\$ 11,215	\$ 15,271	\$ 15,994	\$ 9,918	\$ 9,918	\$ 11,433	\$ 11,793	\$ 11,793	\$ 10,181	\$ 8,501	\$ 8,501	\$ 8,501	\$ 8,501	\$ 8,501	\$ 8,501	\$ 8,501	\$ 8,501	\$ 188,184	Provincetown
19	12	Sandwich	0.49450%	\$ 116,922	\$ 61,962	\$ 84,369	\$ 88,364	\$ 54,798	\$ 54,798	\$ 63,164	\$ 65,157	\$ 65,157	\$ 56,251	\$ 46,966	\$ 46,966	\$ 46,966	\$ 46,966	\$ 46,966	\$ 46,966	\$ 46,966	\$ 46,966	\$ 1,039,704	Sandwich
20	13	Truro	0.06040%	\$ 14,287	\$ 7,572	\$ 10,310	\$ 10,798	\$ 6,696	\$ 6,696	\$ 7,718	\$ 7,962	\$ 7,962	\$ 6,874	\$ 5,739	\$ 5,739	\$ 5,739	\$ 5,739	\$ 5,739	\$ 5,739	\$ 5,739	\$ 5,739	\$ 127,048	Truro
21	14	Wellfleet	0.06680%	\$ 15,790	\$ 8,368	\$ 11,394	\$ 11,934	\$ 7,400	\$ 7,400	\$ 8,530	\$ 8,799	\$ 8,799	\$ 7,597	\$ 6,343	\$ 6,343	\$ 6,343	\$ 6,343	\$ 6,343	\$ 6,343	\$ 6,343	\$ 6,343	\$ 140,412	Wellfleet
22	15	Yarmouth	0.13080%	\$ 30,937	\$ 16,395	\$ 22,323	\$ 23,381	\$ 14,499	\$ 14,499	\$ 16,713	\$ 17,240	\$ 17,240	\$ 14,884	\$ 12,427	\$ 12,427	\$ 12,427	\$ 12,427	\$ 12,427	\$ 12,427	\$ 12,427	\$ 12,427	\$ 275,099	Yarmouth
23	TOTAL			\$ 946,750	\$ 501,728	\$ 683,160	\$ 715,512	\$ 443,712	\$ 443,712	\$ 511,462	\$ 527,594	\$ 527,594	\$ 455,479	\$ 380,301	\$ 380,301	\$ 380,301	\$ 380,301	\$ 380,301	\$ 380,301	\$ 380,301	\$ 8,418,798	TOTAL	
24																							
25																							

Opioid Settlement and Remediation Funds Menu of Example Programs

Program Name	Brief Description	Estimated Annual Budget (Cost to Town to Implement)	Pooling Funds Possible/Collaboration Encouraged	Ages Served	Example Model Program
Alternative Peer Group	Under the guidance of counselors, family therapist, recovery peer mentors and certified recovery coaches, teens will be able to unbottle underlying feelings and concerns that their substance use often masks. The teens develop the skills and resilience necessary to grow and create positive change in their lives. This is a peer recovery program for youth and young adults.	\$15,000 from each town would support expansion of program to increase number of youth served, with future possibility to expand to other areas of Cape Cod	Yes	13-17	Recovery Build
Drug User Health and Outreach Case Manager	Create a Drug User Health and Outreach Case Manager position within towns. This individual would provide Harm Reduction services including Narcan distribution and access to sterile injection equipment; referrals and education to and on all treatment options; referrals and education to and on all recovery support options. They would serve people who use drugs, people in early or long term recovery, and loved ones of people with substance use disorder.	.5 FTE or two .5 FTE	Collaboration with neighboring towns is recommended to provide support for people who use substances across small regions within Barnstable County.	all ages	This position would expand upon current Recovery Support Navigator positions to ensure inclusion of Harm Reduction framework, and would expand their work to include working with people who are still in active addiction/active use.
Recovery High School	Recovery High Schools provide students and their families with the support necessary so that students with substance use disorder can complete their high school education in an environment that supports the individual's unique recovery needs. These high schools operate like other public schools, following Department of Elementary and Secondary Education regulations and requirements.	Regionalization would result in cost-sharing	A feasibility and needs study to assess the region's need, desire and sustainability of such a school is recommended.	High School Ages	Northshore Recovery High School
Syringe Service Program	A holistic program designed to serve people who are actively using substances. This program includes access to clean sterile supplies for injection as well as safe disposal for used injection supplies. In addition program participants can typically access testing for HIV, HCV, and STIs with referrals for treatment; overdose prevention education and Narcan; referrals to healthcare services and substance use treatment.	\$0 to town. Local agency would be funded through MDPH to provide free services with Board of Health letter of support	Collaboration with neighboring towns is recommended to provide support for people who use substances across small regions within Barnstable County. A vote by the Board of Health to provide a letter of support is needed for each town involved.	18+	AIDS Support Group of Cape Cod

Treatment Programs for Specialized Populations	Developing treatment programs for specialized populations recognizes that not one option will work for everyone. Some examples of this would be hiring a youth specialist to work within an existing treatment facility; creating a Structured Outpatient Addiction Program (SOAP) for the aging population, for LGBTQIA+ population, for People of Color; training all staff on working with more diverse populations.	.5 FTE or two .5 FTE focused on specific population	Yes	The age group served depends on the population targeting	Current MDPH grant open to BSAS-contracted-only OBATs and OTPs for funding to enhance OBAT/OTP services in order to increase access and reach underserved populations
Family Support Group	Family Support groups provide peer support for family members and loved ones of people with substance use disorder. There are multiple models operating on Cape Cod which all have different missions, structures, and services offered. Three of these programs are Al-Anon & Alateen; Learn to Cope; and Parents Supporting Parents.	\$0 to town	Collaboration with neighboring towns is recommended to provide support for families across small regions within Barnstable County.	All ages	<div data-bbox="2458 499 2965 832"> Al-Anon & Alateen </div> <div data-bbox="2458 832 2965 913"> Learn to Cope </div> <div data-bbox="2458 913 2965 989"> Parents Supporting Parents </div>
Recovery Support Center	The Massachusetts Department of Public Health defines Peer Recovery Support Centers as recovery-oriented sanctuaries, anchored in the heart of their communities, support multiple pathways, provide hope, and promote wellness. The centers are run by peers, and offer education, resources, social events, recreational activities, and various wellness groups. The Recovery Support Centers provide members the opportunity to build their own unique individual, social and community support, to help prevent relapse and promote long-term recovery from addiction. There are different recovery support center models that can include a focus on wellness, art and music, and/or any other activities.	Variable, pending town location available for Center to operate out of vs need to rent/purchase space; # of staff; available state or private grants to support Center; model of Recovery Support Center	Yes	The age group served depends on the focus on the center, ie: youth, young adults, adults	<div data-bbox="2458 989 2965 1659"> One Shared Spirit </div> <div data-bbox="2458 1659 2965 1780"> Pier Recovery Center </div> <div data-bbox="2458 1780 2965 1856"> Wellstrong </div>

Town Substance Use Coalition	A group of individuals invested in implementing efforts and town advocacy focused on substance use. Can involve town employees, residents in recovery and their family members, and local providers. Meeting frequency and leadership structure varies town-by-town.	< 1 PTE to act as Coalition staff liaison (may use existing staff)	Collaboration with neighboring town coalitions is recommended, and regional coalitions is allowable.	All ages	Substance use coalitions currently exist in: Bourne, Falmouth, Mashpee, Yarmouth, Dennis, Sandwich (in beginning phases)
Recovery Support Fund	A Recovery Support Fund would provide people who are actively using substances, people in various stages of recovery, and loved ones of those with substance use disorder, with the financial support to accomplish their self-determined goals. This would include transportation support for treatment and recovery services, overall wellness needs, support needed to increase recovery capital, basic survival needs (toiletries, clothing, nutrition support), housing (emergency, sober, long term), and legal issues (securing an ID, sealing records).	Variable	Yes	All ages	Outer Cape Health Services contracts with various towns to provide recovery support services and funds, through current Funds. Interested parties submit requests through point persons stationed within different human services and health organizations, like Outer Cape Health Services. Approval is granted through the Fund board and funds are dispensed to individual.

Current Barnstable County Locations	Contact for More Information	Additional Resources
Falmouth, Dennis	Stephanie Briody-Behavioral Health Innovators	
Various towns hold grants for Recovery Support Navigator or similar positions across the Commonwealth	Kate Lena, Substance Use Prevention Program Manager, Barnstable County Human Services.	Click here for more information on Harm Reduction
Does not currently exist on Cape Cod	Stephanie Briody-Behavioral Health Innovators	
Sandwich, Falmouth, Barnstable, Provincetown, Martha's Vineyard	Tanya Kohli-AIDS Support Group of Cape Cod	Click here for more information on Harm Reduction

Various treatment program currently operate in Barnstable County	<u>Jen Miller, M.A.-State Opioid Response (SOR) Program Manager, Bureau of Substance Addiction Services, Massachusetts Department of Public Health.</u>	
Al-Anon & Alateen	<u>Ronnie Gullete</u>	
Learn to Cope	<u>Lisa Donoghue</u>	
Parents Supporting Parents	<u>Linda Cubellis</u>	
Barnstable, Falmouth, Mashpee	<u>DJ Lopez-One Shared Spirit, Outreach Coordinator</u>	
	<u>Shelby Silverson-PIER Recovery Center of Cape Cod, Program Director</u>	
	<u>Danielle Alexandrov-Wellstrong, Executive Director</u>	

<p>Substance use coalitions currently exist in: Bourne, Falmouth, Mashpee, Yarmouth, Dennis, Sandwich (in beginning phases)</p>	<p><u>Kate Lena-Barnstable County Human Services, Substance Use Prevention Program Manager.</u></p>	
<p>Outer Cape Health Services contracts with various towns to provide recovery support services and funds: Wellfleet, Truro</p>	<p><u>Brianne Smith-Outer Cape Health Services</u></p>	



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

PUBLIC HEARINGS

~ A ~

REQUESTED BY:	Nancy Vail ~ Town Assessor
DESIRED ACTION:	To allocate and approve the local property tax
PROPOSED MOTION:	A motion will be made at the meeting once a decision on the tax has been made.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

MEMORANDUM

To: Select Board, Town Administrator
From: Assessor
Subject: Classification Hearing - Fiscal 2023
Date: September 27, 2022

The Legislature has given local communities limited flexibility in allocating the tax burden among the various classes of property. The Select Board has the opportunity to lower the tax rate of residential taxpayers and increase the tax rate of commercial and personal property taxpayers. The Town of Wellfleet has always employed one tax rate for all classes of property. At the Classification Hearing, the Select Board must reaffirm or change this position.

The Board of Assessors recommends retaining the unified tax rate for all classes of property. The current split between classes is 96% residential and 4% commercial & personal property. The shift would place an undue burden on 4% of the Wellfleet taxpayers. **To retain the single tax rate, a motion with a favorable vote to "make the Residential Factor the numeral 1 for Fiscal 2023" must be made.**

The Board of Assessors must also inform the Select Board of other options involving the shifting of the tax burden. The following is for information only. **No action need be taken.**

Option One:

There is a Residential Exemption available to those domiciled in Wellfleet. An amount up to 35% of the average assessment of the entire residential class could be deducted from the total assessed value of domiciled taxpayers. The total amount of exempted value would then be allocated among all residential class taxpayers. The net effect is an increase in the tax rate for all residential taxpayers.

The Board of Assessors does not have a recommendation.

Option Two:

The "Open Space Exemption" allows up to 25% of the assessed value of land so designated to be exempt from taxation. The burden would be shifted to all other classes of property.

The Board of Assessors recommends no action. There is no need for an open space exemption at this time as several tax-friendly options are available for those interested in preserving all or part of their property as open space. Parcels that could qualify are currently involved in other programs that have satisfied any need to date.

Option Three:

Small Business Exemption - An amount up to 10% of the assessed value of a small business (less than 10 employees and an assessed value of less than \$1,000,000) may be deducted. The total deductions are then shifted to those businesses not classified as "small."

The Board of Assessors recommends no action. The majority of the town's businesses are "small." The additional burden would be shifted to a handful of taxpayers.

CLASSIFICATION TAX ALLOCATION

Fiscal Year 2022

1. The selected Residential Factor is 1.000000

If you desire each class to maintain 100% of its full values tax share, indicate a residential factor of "1" and go to question 3.

2. In computing your residential factor, was a discount granted to Open Space?

Yes No

If Yes, what is the percentage discount? 0

3. Was a residential exemption adopted?

Yes No

If Yes, please complete the following:

Class 1 Total Assessed Value	=	2,676,926,055	X	<u>25</u>	=	157,429
Class 1 Total Parcel Count *		4,251		Selected Res. Exemption %		Residential Exemption

* Include all parcels with a Mixed-Use Residential designation

Applicable number of parcels to receive exemption 754

Was a Senior Means Tested exemption adopted?

Yes No

If Yes, please complete the following:

Total Eligible Parcels	0	Total Value Exempted	0
Combined Exemptions			
Total Value Exempted, Residential + Senior Means Tested	118,701,466		
Total Residential Value after exemption(s)	2,558,224,589		

4. Was a small commercial exemption adopted?

Yes No

% Selected 0

If Yes, please complete the following:

No. of parcels eligible	<u>0</u>
Total value of parcels	<u>0</u>
Total value to be exempted	<u>0</u>

5. The following information was derived from the LA-7. Please indicate in column D percentages (accurate to 4 digits to the right of the decimal point) which result from your selected residential factor. (If a residential factor of "1" has been selected, you may leave Column D blank.)

A Class	B Certified Full and Fair Cash Value Assessments	C Percentage Full Value Shares of Total Tax Levy	D New Percentage Shares of Total Tax Levy
Residential	2,676,926,055.00	95.7664%	95.7664%
Open Space	0.00	0.0000%	0.0000%
Commercial	86,415,985.00	3.0915%	3.0915%
Industrial	1,186,800.00	0.0424%	0.0424%
Personal Property	30,738,520.00	1.0997%	1.0997%
TOTALS	2,795,267,360.00	100.0000%	100.0000%

CLASSIFICATION TAX ALLOCATION
Fiscal Year 2023

LA4 VALUES		FFCV PERCENTS		SHIFT OPTIONS	
Residential	3,373,084,601	Residential	95.9017	Min Res Factor at 150%	97.8632
Open Space	0	Open Space	0.0000	Min Res Factor at 175%	0.0000
Commercial	96,369,329	Commercial	2.7399	Chapter 3	0.0000
Industrial	1,208,700	Industrial	0.0344	Lowest Historical Res%	87.0600
Pers Prop	46,567,520	Pers Prop	1.3240	Prior FY LA5 Res Shift%	95.7664
Total	3,517,230,150	Total %	100.0000	Lowest Res Factor	97.8632
		INPUT OPTIONS		OPEN SPACE DISCOUNT	
Estimated Levy	-1,349,868	Resid Factor Selected	1.000000	Open Space Discount %	0.0000
		Com/Ind/PP Shift	1.00000	Open Space Factor	1.00000
		Single Tax Rate	-0.38		
		SHIFT PERCENTS		TAX RATES	
Residential %	95.9017	Residential	-0.40		
Open Space %	0.0000	Open Space	0.00		
Commercial %	2.7399	Commercial	-0.38		
Industrial %	0.0344	Industrial	-0.38		
Pers Prop %	1.3240	Pers Prop	-0.38		
Total %	100.0000				

RESIDENTIAL EXEMPTION OPTIONS & CALCULATIONS (Upload Exemption Calculation Worksheet)

Total Residential Value	3,373,084,601	/ Total Res Parcel Count	4,248	= Average Residential Value	794,041
Avg Residential Value	794,041	X Res Exemption%(max35)	25.0000	= Residential Exemption	198,510
No. Eligible Res Parcels	773.000000	Total Res Value Exempted	153,249,720		
Total Residential Value	3,373,084,601	- Total Res Value Exempted	153,249,720	= Tot Res Value After Exemption	3,219,834,881
Total Residential Value	3,373,084,601	/ # Eligible Res Parcels	773.000000	= Approx. Break-Even Value	4,363,628

SENIOR MEANS TESTED EXEMPTION OPTIONS & CALCULATION (Upload Exemption Calculation Worksheet)

No. Eligible Res Parcels	0	Total Res Value Exempted	0		
Total Residential Value	3,373,084,601	- Total Res Value Exempted	0	= Total Res Val After Exemption	3,373,084,601

COMBINED IMPACT OF SENIOR MEANS TESTED AND RESIDENTIAL EXEMPTIONS

Residential Exemption	153,249,720	+ Senior Means Tested Exemption	0	= Combined Res Value Exempted	153,249,720
Total Residential Value	3,373,084,601	- Combined Res Value Exempted	153,249,720	= Total Res Val After Exemptions	3,219,834,881
Net Value of 101 Parcels After Combined Exemptions			0		

SMALL COMMERCIAL EXEMPTION OPTIONS & CALCULATION



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

PUBLIC HEARINGS

~ B ~

REQUESTED BY:	Nancy Civetta ~ Shellfish Constable
DESIRED ACTION:	To Review and consider the following shellfish items:
PROPOSED MOTION:	
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET

PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing on September 27, 2022, at 7:00 p.m. to consider the following:

- 1) Application dated 6/27/2022 for the transfer of shellfish grant license #01-01 ext. consisting of two acres located north of Lieutenant Island from Ralph Bassett (Wellfleet, MA) and Rodney Avery (Wellfleet, MA) to Rodney Avery (Wellfleet, MA).
- 2) Application received 6/27/2022 for the renewal of shellfish grant license #01-01 consisting of one acre located north of Lieutenant Island for nine years, 11 months and 28 days from Rodney Avery (Wellfleet, MA).
- 3) Application received 6/27/2022 for the renewal of shellfish grant license #01-01 ext. consisting of two acres located north of Lieutenant Island for nine years, 11 months and 28 days from Rodney Avery (Wellfleet, MA).
- 4) Application received 6/24/2022 for the renewal of shellfish grant license #754 consisting of 2.37 acres on Mayo beach for nine years, five months and 27 days from R. Andrew Cummings (Wellfleet, MA).
- 5) Application received 6/27/2022 for the renewal of shellfish grant license #05-01 consisting of .99 acres in Loagy Bay for nine years, 10 months and 28 days from Nate Johnson (Wellfleet, MA) and Rodney Avery (Wellfleet, MA).
- 6) Application received 6/17/2022 for the renewal of shellfish grant license #00-05 consisting of 2.16 acres on Egg Island for nine years, 10 months and 28 days from Chris Merl (Wellfleet, MA), Denice LaPierre (Wellfleet, MA), and Ronald Butilier (Wellfleet, MA).
- 7) Application received 6/30/2022 for the renewal of shellfish grant licenses #739 and #739A consisting of three acres on Mayo Beach for six years, two months and seven days from Michael Parlante (Wellfleet, MA).
- 8) Application received 6/16/2022 for the renewal of shellfish grant licenses #89-5 and #89-5 ext consisting of a total of two acres on Lieutenant Island for nine years and nine months from David Pike (Wellfleet, MA) and Caroline Lloyd (Wellfleet, MA).
- 9) Application received 6/28/2022 for the renewal of shellfish grant license #01-03 consisting of three acres on Indian Neck for nine years, nine months and four days from David Seitler (Wellfleet, MA) and Melissa Yow (Wellfleet, MA).
- 10) Application received 6/27/2022 for the renewal of shellfish grant licenses #95-29 and #95-30 consisting of two acres on Egg Island for nine years and two months from David M. Ziemba (Wellfleet, MA), David E. Ziemba (Wellfleet, MA) and Mike T. Ziemba (Wellfleet, MA).

Recommendation of the Shellfish Constable will be available in the September 27, 2022, Selectboard's packet.

In person: 715 Old King's Highway (Adult Community Center)

Join Zoom Meeting

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

Meeting ID: 856 8960 4806 ~ Passcode: 611877 ~Dial by your location; +1 929 205 6099 US (New York)

WELLFLEET SELECTBOARD



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: September 19, 2022

TO: Town of Wellfleet Selectboard Members

RE: Administrative change for grant license expiration dates moving forward

Dear Selectboard members:

As the Wellfleet Shellfish Department staff reviewed the list of 11 grants up for renewal in 2022, we realized that each group of grants had a different expiration date, which would have meant at least nine different public hearings. This seemed daunting for us and disrespectful regarding the Selectboard's time.

We spoke with other towns about when they renewed their grant licenses, and the Eastham Shellfish Constable explained how she, too, had encountered this problem and decided to change the expiration dates all to be the same date each year. We thought this was a good idea.

We looked for a time when it would be feasible for grant holders to do the paperwork (better in the winter/early spring), when the department would have time (early spring) and when it would best be accommodated by the Selectboard's schedule (once Annual Town Meeting preparation has ended) and came up with April 30.

I then reached out to the grant holders up for renewal this year and explained the change to them. All agreed that it made perfect sense and said that it was fine with them to make this change, even if it meant that their license terms would be slightly less than the 10 years requested.

Michael Parlante preferred an even shorter term so that the licenses up for renewal this year would expire with his other grant licenses. We have no problem with this, and when those all come up for renewal next, we can have them expire together on April 30.

I believe that it is in all our best interest to work efficiently and make the best use of everyone's time with this change. I am happy to answer any questions you may have at your meeting on September 27, 2022.

Thank you,

Nancy Civetta
Shellfish Constable

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

PUBLIC HEARINGS

~ B-1 ~

REQUESTED BY:	Nancy Civetta ~ Shellfish Constable
DESIRED ACTION:	Approval of grant license transfer
PROPOSED MOTION:	I move to approve the transfer of shellfish grant license number #01-01ext. consisting of two acres north of Lieutenant Island from Ralph Bassett and Rodney Avery to Rodney Avery.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

September 19, 2022

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

I received an application from Rodney Avery and Ralph Bassett on June 27, 2022, to transfer shellfish grant license #01-01 ext. from Rodney Avery and Ralph Bassett to Rodney Avery.

Shellfish grant #01-01 ext. is north of Lieutenant Island and consists of two acres. The grant and the lease holders are in compliance with the Town of Wellfleet Shellfishing Policy and Regulations and hold required state permits as well.

I recommend that shellfish grant license #01-01 ext. be transferred from Rodney Avery and Ralph Bassett to Rodney Avery.

Attached please find the transfer application.

Respectfully submitted,

Nancy Civetta
Shellfish Constable



APPLICATION FOR **TRANSFER** OF SHELLFISH GRANT LICENSE

Date: 6-27-2002

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

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

From RALPH BASSETT AND RODNEY AVERY

To RODNEY AVERY

Said grant license is located at North Lieutenant Island, in Wellfleet, MA

and consisting of 2 acres, as shown on a plan prepared

by SWADE ASSOC. and dated 8/4/2004

Signature	Signature	Signature
<u>RALPH BASSETT</u>	<u>[Signature]</u>	<u>[Signature]</u>
Name	Name	Name
<u>PO BOX 841</u>	<u>Wellfleet</u>	<u>MASS 02667</u>
Mailing Address	Mailing Address	Mailing Address
<u>508 237</u>	<u>3483</u>	
Telephone	Telephone	Telephone
Email	Email	Email
<u>r.bass697@comcast.com</u>	<u>comcast.com</u>	

RODNEY
AVERY
POB 734
WELLFLEET
MA
508-922-
4729



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

PUBLIC HEARINGS

~ B-2 ~

REQUESTED BY:	Nancy Civetta ~ Shellfish Constable
DESIRED ACTION:	Approval of grant renewal for Rodney Avery grant number #01-01
PROPOSED MOTION:	I move to approve Rodney Avery's grant renewal request for grant number #01-01 consisting of one acre located north of Lieutenant Island for a period of nine years, 11 months, and 28 days with an expiration date of April 30, 2032
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

September 19, 2022

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

I received an application from Rodney Avery on June 27, 2022, to renew shellfish grants license #01-01 and 01-01 ext. for a period of 10 years.

I reviewed his annual grant reports and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

I reviewed his state propagation and commercial shellfishing permits to make sure they were in good standing. They are.

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that Rodney Avery's licenses for grants #01-01 and #01-01 ext. be renewed for 9 years, 11 months and 28 days, expiring April 30, 2032.

Attached please find the renewal applications.

Respectfully submitted,

Nancy Civetta
Shellfish Constable



RWD 6/27/2022

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 6/22/22

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

I/We hereby request renewal of Shellfish Grant License # 01-01, located at

N. Jet Island, in Wellfleet MA and consisting of 1 acres,

and dated 2/15/2001, for a (five) (ten) year period.

+ expired 5/2/2022

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording

and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.



Signature

Rodney Avery

Name

PO Box 734

Mailing Address

Wellfleet MA 02667

508 922 4729

Telephone Number



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

PUBLIC HEARINGS

~ B-3 ~

REQUESTED BY:	Nancy Civetta ~ Shellfish Constable
DESIRED ACTION:	Approval of grant renewal for Rodney Avery grant number #01-01ext
PROPOSED MOTION:	I move to approve Rodney Avery's grant renewal request for grant number #01-01ext. consisting of one acre located north of Lieutenant Island for a period of nine years, 11 months, and 28 days with an expiration date of April 30, 2032.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

RCVD 6-22-2022

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 6/22/22

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

I/We hereby request renewal of Shellfish Grant License # 01-01 EXT, located at

N of Lt. Island, in Wellfleet MA and consisting of 2 acres,

and dated 5/2/2005, for a (five) (ten) year period.

expired 5/2/2022

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording

and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.

SIGNATURE


Signature

NAME

Rodney Avery
Name

MAILING ADDRESS

PO Box 734
Mailing Address

Wellfleet MA 02667

TELEPHONE #

508 922 4729
Telephone Number



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

PUBLIC HEARINGS

~ B-4 ~

REQUESTED BY:	Nancy Civetta ~ Shellfish Constable
DESIRED ACTION:	Approval of grant renewal for R. Andrew Cummings grant number #754
PROPOSED MOTION:	I move to approve R. Andrew Cummings grant renewal request for grant number #754 consisting of 2.37 acres located on Mayo Beach for a period of nine years, five months, and 27 days with an expiration date of April 30, 2032.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

September 19, 2022

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

I received an application from R. Andrew Cummings on June 24, 2022, to renew shellfish grant license #754 for a period of ten years.

I reviewed his annual grant reports and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

I reviewed his state propagation and commercial shellfishing permits to make sure they were in good standing. They are.

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that R. Andrew Cummings license for grant #754 be renewed for 9 years, 5 months and 27 days, expiring April 30, 2032.

Attached please find the renewal application.

Respectfully submitted,

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

Nancy Civetta
Shellfish Constable



RCVD 6.24.2002

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 6-24-2002

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

I/We hereby request renewal of Shellfish Grant License # 7541, located at

POWERS LANDING / MAYO BEACH, in Wellfleet MA and consisting of 2.37 acres,

and dated 9/19/1975, for a (five) (ten) year period.
expires 11/3/2002

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

R. Andrew Cummings
Signature

R. Andrew Cummings
Name

PO Box 1079
Mailing Address
South Wellfleet, MA 02663

508-349-0819
Telephone Number



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

PUBLIC HEARINGS

~ B-5 ~

REQUESTED BY:	Nancy Civetta ~ Shellfish Constable
DESIRED ACTION:	Approval of grant renewal for Nate Johnson and Rodney Avery grant number #05-01
PROPOSED MOTION:	I move to approve Nate Johnson and Rodney Avery's grant renewal request for grant number #05-01 consisting of 0.99 acres located in Loagy Bay for a period of nine years, 10 months, and 28 days with an expiration date of April 30, 2032.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

September 19, 2022

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

I received an application from Rodney Avery and Nate Johnson on June 27, 2022, to renew shellfish grant license #05-01 for a period of 10 years.

I reviewed their annual grant reports and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

I reviewed their state propagation and commercial shellfishing permits to make sure they were in good standing. They are.

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that Rodney Avery's and Nate Johnson's licenses for grant #05-01 be renewed for 9 years, 10 months and 28 days, expiring April 30, 2032.

Attached please find the renewal application.

Respectfully submitted,

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

Nancy Civetta
Shellfish Constable



RCVD 627
2022

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 6.23.2022

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

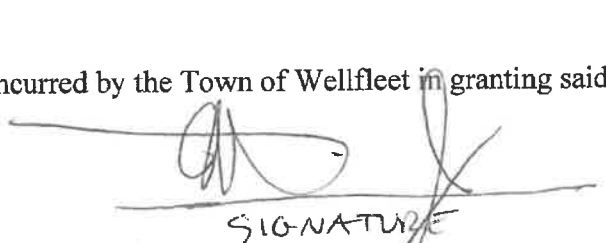
I/We hereby request renewal of Shellfish Grant License # 05-01, located at

Lieutenant Island, in Wellfleet MA and consisting of .99 acres,

- Laggys Bay
and dated 5/12/2005, for a (five) (ten) year period.

expires 6/2/2022

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


SIGNATURE

NATE JOHNSON
NAME

39 WAY 75
MAILING ADDRESS

WELLFLEET, MA 02667

347-831-5010
TELEPHONE NUMBER


Signature

RODNEY AUBREY
Name

PB 734
Mailing Address

Wellfleet, MA 02667

508 922 4779
Telephone Number



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

PUBLIC HEARINGS

~ B-6 ~

REQUESTED BY:	Nancy Civetta ~ Shellfish Constable
DESIRED ACTION:	Approval of grant renewal for Chris Merl, Denice LaPierre, and Ronald Butilier's grant number #00-05
PROPOSED MOTION:	I move to approve Chris Merl, Denice LaPierre, and Ronald Butilier's grant renewal request for grant number #00-05 consisting of 2.16 acres located on Egg Island for a period of nine years, 10 months and 28 days with an expiration date of April 30, 2032.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

September 22, 2022

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

I received an application from Chris Merl, Denice LaPierre, and Ronald Butilier on June 17, 2022, to renew shellfish grant license #2000-05 for a period of ten years.

I reviewed their state propagation and commercial shellfishing permits to make sure they were in good standing. They are.

However, this grant has been struggling to meet minimum productivity during the last five years. I reviewed both of their annual grant reports and compared them with the grant inspections we conducted and concluded that our in-the-field assessment of borderline minimum productivity was accurate. We spoke with the grant license holders multiple times about this issue and have worked closely with them over the last year to monitor their productivity.

Things are currently moving in a positive direction, and we applaud their renewed efforts out there!

At this point, I do recommend that Chris Merl, Denice LaPierre, and Ronald Butilier's license for grant #2000-05 be renewed for 9 years, 10 months and 28 days, expiring 4/30/2032.

The Shellfish Department will continue to work closely with them to ensure they meet minimum productivity for this grant each year moving forward.

Attached please find the renewal application.

Respectfully submitted,

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

Nancy Civetta
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305

RCVD 6-17-2022

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: June 14, 2022

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

I/We hereby request renewal of Shellfish Grant License # 00-05, located at Egg Island


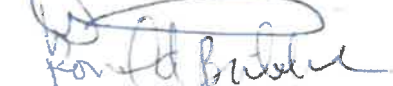
, in Wellfleet MA and consisting of 2.16 acres,

and dated 4.18.2000 issued date 6.2.2022 expiring, for a (five) (ten) year period.

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording

and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.

Signature



Ronald Boutilier

Name

Chris Merl
Denice Lapierre
Ronald Boutilier

Mailing Address

P.O. 1993
Wellfleet, MA 02667



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

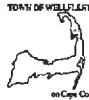
PUBLIC HEARINGS

~ B-7 ~

REQUESTED BY:	Nancy Civetta ~ Shellfish Constable
DESIRED ACTION:	Approval of grant renewal for Michael Parlante grant numbers #739 and #739A
PROPOSED MOTION:	I move to approve Michael Parlante's grant renewal request for grant numbers #739 and #739A consisting of a total of three acres located on Mayo Beach for a period of six years, two months, and seven days with an expiration date of January 10, 2029.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

September 19, 2022

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

I received an application from Michael Parlante on June 30, 2022, to renew shellfish grants licenses #739 and #739A "with an expiration date of January 10, 2029 to match with his other three grant leases expiration dates."

I reviewed his annual grant reports and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

I reviewed his state propagation and commercial shellfishing permits to make sure they were in good standing. They are.

In order to accommodate Michael's request that all five of his grants expire together, I recommend that Michael Parlante's license for grants #739 and #739A be renewed for 6 years, 2 months and 7 days, expiring January 10, 2029.

Attached please find the renewal application.

Respectfully submitted,

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

Nancy Civetta
Shellfish Constable



RCVD 6-30-2022

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 6-30-22

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

I/We hereby request renewal of Shellfish Grant License # 739 & 739 A, located at

Mayos Beach (Powers Landings), in Wellfleet MA and consisting of 3 acres,
and dated 9-19-98 - 11-3-22 ~~expiring with an expiration date of 4/10/2029 to match~~ expiring with an expiration date of 4/10/2029 to match
with my other three grants
leases expiration dates.

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

Michael Parlante
Signature

Michael Parlante
Name

PO Box 777
Mailing Address

Wellfleet, MA 02667

508-349-9621
Telephone Number



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

PUBLIC HEARINGS

~ B-8 ~

REQUESTED BY:	Nancy Civetta ~ Shellfish Constable
DESIRED ACTION:	Approval of grant renewal for David Pike and Caroline Lloyd grant numbers #89-5 and 89-5 ext.
PROPOSED MOTION:	I move to approve David Pike and Caroline Lloyd's grant renewal request for grant numbers #89-5 and #89-5 ext. consisting of a total of two acres located off Lieutenant Island for a period of nine years and nine months with an expiration date of April 30, 2032.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

September 19, 2022

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

I received an application from David Pike and Caroline Lloyd on June 15, 2022, to renew shellfish grant license #89-5 and #89-5 ext for a period of 10 years.

I reviewed their annual grant reports and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

I reviewed their state propagation and commercial shellfishing permits to make sure they were in good standing. David has both, and that is enough.

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that David Pike and Caroline Lloyd's license for grants #89-5 and 89-5 ext be renewed for 9 years and 9 months, expiring April 30, 2032.

Attached please find the renewal application.

Respectfully submitted,

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

Nancy Civetta
Shellfish Constable



RCD
6-15-2022

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 6/15/22

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

I/We hereby request renewal of Shellfish Grant License # 89-5 + 89-5 EXT, located at

LT. ISLAND in Wellfleet MA and consisting of 2 acres,

and dated 7/31/22 EXP., for a (five) (ten) year period.

7/17/2012 ISSUE DATE

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording

and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.

David Pike & Caroline Lloyd
Signature

DAVID PIKE & CAROLINE LLOYD
Name

P.O. Box 576
Mailing Address

WELLFLEET, MA 02667

508-349-9303
Telephone Number



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

PUBLIC HEARINGS

~ B-9 ~

REQUESTED BY:	Nancy Civetta ~ Shellfish Constable
DESIRED ACTION:	Approval of grant renewal for David Seitler and Melissa Yow grant number #01-03
PROPOSED MOTION:	I move to approve David Seitler and Melissa Yow's grant renewal request for grant number #01-03 consisting of three acres on Indian Neck for a period of nine years, nine months, and four days with an expiration date of April 30, 2032.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

September 19, 2022

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

I received an application from David Seitler and Melissa Yow on June 28, 2022, to renew shellfish grant license #01-03 for a period of ten years.

I reviewed their annual grant reports and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

I reviewed their state propagation and commercial shellfishing permits to make sure they were in good standing. They are.

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that David Seitler and Melissa Yow's license for grant #01-03 be renewed for 9 years, 9 months, and 4 days, expiring April 30, 2032.

Attached please find the renewal application.

Respectfully submitted,

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

Nancy Civetta
Shellfish Constable



RCUP 6-28-2022

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 6-27-2022

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



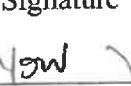
I/We hereby request renewal of Shellfish Grant License # 01-03, located at

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

and with an issue date of 7/26/2005, and an expiration date of 7/26/2022

for a (five)(ten) year period.

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

Signature	Signature	Signature
		
Name	Name	Name
<u>Dave Cape</u>	<u>Wellfleet</u>	<u>Melissa Yow</u>
Mailing Address	Mailing Address	Mailing Address
<u>P.O. Box 1231</u>	<u>PO Box 1712</u>	<u>MA 02667</u>
	<u>Wellfleet, MA 02667</u>	
Telephone	Telephone	Telephone
<u>774-727-2840</u>		<u>860-751-8776</u>
Email	Email	Email
<u>dave_cape_wellfleet@yahoo.com</u>		



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

IV

PUBLIC HEARINGS

~ B-10 ~

REQUESTED BY:	Nancy Civetta ~ Shellfish Constable
DESIRED ACTION:	Approval of grant renewal for David M. Ziemba, David E. Ziemba, and Michael Ziemba grant numbers #95-29 and #95-30
PROPOSED MOTION:	I move to approve David M. Ziemba, David E. Ziemba, and Michael Ziemba's grant renewal request for grant numbers #95-29 and #95-30 consisting of a total of two acres located on Egg Island for a period of nine years and two months with an expiration date of April 30, 2032.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

September 19, 2022

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

I received an application from David E. Ziemba, David M. Ziemba, and Mike Ziemba on June 27, 2022, to renew shellfish grant license #95-29 and #95-20 for a period of 10 years.

I reviewed their annual grant reports and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

I reviewed their state propagation and commercial shellfishing permits to make sure they were in good standing. David E. Ziemba has a propagation permit, and that is enough. All three have state commercial shellfishing permits.

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that David M. Ziemba, David E. Ziemba and Mike Ziemba's license for grants #95-29 and #95-30 be renewed for 9 years and 2 months, expiring April 30, 2032.

Attached please find the renewal application.

Respectfully submitted,

Nancy Civetta
Shellfish Constable



RCLV 6-27-2022

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 6-27-22

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

I/We hereby request renewal of Shellfish Grant License # 95-29/30, located at

Egg Island, in Wellfleet MA and consisting of 2 acres,

and dated 8/21/1995, for a (five) (ten) year period.

EXPIRES 3/1/2023

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording

and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.

[Signature]
SIGNATURE

[Signature]
SIGNATURE

[Signature]
Signature

Mike T Ziemba
NAME

David M Ziemba
NAME

David E Ziemba
Name

MAILING ADDRESS

MAILING ADDRESS

1973 Rt 6,
Mailing Address

Wellfleet, MA 02667

TELEPHONE NUMBER

TELEPHONE NUMBER

508-221-7827
Telephone Number



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

V

End of the Summer Season Report ~ Police ~

REQUESTED BY:	Wellfleet Police Department ~ Chief Hurley/Lt. LaRocco
DESIRED ACTION:	To receive an end of the year report from the police department regarding the beaches and town summer season
PROPOSED MOTION:	If a motion is needed one will be made at the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition (s):
VOTED:	

To: Chief Michael P. Hurley

From: Lieutenant Kevin M. LaRocco

Officer Marc Spiegel

Date: September 13, 2022

Subject: 2022 End of Summer update on OVD

Chief,

The Beachcomber and Cahoon Hollow Beach continue to be a popular “must see” destination for many visitors to Cape Cod each summer. The popularity is continuing to increase amongst visitors, while parking is limited. After the busy July 4th weekend (last report) Cahoon Hollow Beach remained extremely busy with hundreds of more buses and thousands of Ubers and drop offs. Even after Labor Day, this past weekend we had 6+ buses scheduled on Saturday. Our Season started earlier and is ending later every year.

Vehicle, bicycle, and pedestrian traffic on Ocean View Drive (OVD) from White Crest Beach through Long Pond Road, as well as visitors on Cahoon Hollow Beach continue to be a public safety concern. Additional police resources were needed to manage this situation for the summer of 2022. Our officers did a remarkable job controlling this difficult issue, even though I noticed a trend of exhaustion nearing the end of August.

Commercial Transportation drop-offs and pick-ups, (over 350+) primarily on Saturdays and Holiday Weekends increased significantly this year. We have statistics that support that Bus Charters increased 32% in 2022 over the same period in 2021. We did not track Uber and Lift Drop offs and Pick-ups – but based on observation they also increased substantially. The commercial traffic occurs simultaneously with traffic created by visitors who park at White Crest, drop off and pick-up passengers on OVD.

As a result of the numbers of busses arriving and departing, especially on Saturdays, and days around holidays – the Wellfleet Police Department has needed to assign officers to manage the influx created by these charters arriving on Ocean View Drive. All arriving bus charters are informed of our safety guidelines and select a time for their pick-up at the end of the day. We are scheduling two pick-ups scheduled every 15 minutes, as well as having officers assigned to patrol Cahoon Hollow Beach on ATV's. At the end of the day an officer is assigned to Ocean View Drive to manage the scheduled departures.

An additional issue on many mornings is the line for parking at the Beachcomber, this creates an overflow onto Ocean View Drive towards White crest Beach parking area. At times we need to assign either one or two officers to provide traffic control so vehicles, bicycles and pedestrians can get around the line in a safe fashion. During 2022 between 5/29 and 9/4 we provided traffic control on 34 occasions (this is up from 26 in 2021) due to the early arrivals.

This summary is a brief overview of the traffic issues and the need of resources on Ocean View Drive and Cahoon Hollow Beach this summer. The outcome and the way our officers handled this summer was exceptional, and a special thank you to Officer Marc Spigel for all his hard work on Ocean View Drive all Summer.

Below are a couple pictures show casing the crowds and traffic.



Early morning traffic





Respectfully submitted,

Kevin M. LaRocco

Lieutenant Kevin M. LaRocco



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VI

LICENSES

~ A ~

REQUESTED BY:	Wellfleet Spat
DESIRED ACTION:	To approve a one-day alcohol license for the Art & Oyster Crawl on October 1, 2022, from 4pm -7pm
PROPOSED MOTION: SUMMARY:	I move to approve a one-day alcohol license (beer and wine only) to Wellfleet Spat for October 1, 2022, from 4pm-7pm. for a fee of \$50.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET APPLICATION FOR SPECIAL EVENT LIQUOR LICENSE

1. Applicant Wellfleet SPAT, Shellfish Promotion and Tasting, Inc.

Address P.O. Box 2156, Wellfleet, MA, 02667

- 2. Affiliation/Group: Art & Oyster Crawl For Profit
- 3. Type of License All Alcohol (\$100.00/day)

Telephone: 508.349.3499

Non Profit: X

Beer and Wine (\$50.00/day): X

- 4. Type of Activity Being Conducted: Wellfleet SPAT will host an event to celebrate two of Wellfleet's treasures: outstanding art galleries and exceptional shellfish! The event will allow the public to visit local art galleries and learn more about our shellfishing industry. The Art and Oyster Crawl will be held on Saturday, October 1st, 2022 from 4:00 - 7:00 pm.
- 5. Date October 1, 2022 Hours of Service 4:00-7:00 pm
- 6. Description of Premises Beer and wine will be served and consumed in the galleries only.
- 7. Name, Address, Telephone of Designated Manager (persons responsible for activity)
Nancy O'Connell, SPAT Board President, P.O. Box 2156, Wellfleet, MA, 02667
Michael Rose, SPAT Board Member, P.O. Box 2156, Wellfleet, MA, 02667
- 8. If activity involves food service, please describe fully (i.e. raw shellfish, heated casseroles, bakery goods, etc.) Raw Shellfish, beer and wine will be served. Appropriate health permits will be obtained and food safety precautions will be taken to ensure public health. Food and beverage safety trained shellfisherman and volunteers (ServeSafe) will be present at each location.
September 19, 2022

Applicant's signature Date *Deirdre Oringer* *September 19, 2022*

Police Dept Signature Comments/Conditions

Building Dept. Signature Comments/Conditions

Fire Dept. Signature Comments/Conditions

Health Dept. Signature Comments/Conditions

DPW Dept. Signature Comments/Conditions

Date Received Fee

Date Issued



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VII

BUSINESS

~ A ~

REQUESTED BY:	Town Administrator ~ Richard J. Waldo
DESIRED ACTION:	To update the board and public on the current finances of the town
PROPOSED MOTION:	No motion is needed for this agenda item
SUMMARY:	
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VII

BUSINESS

~ B ~

REQUESTED BY:	Selectboard Chair ~ Ryan Curley
DESIRED ACTION:	To review and discuss a letter of intent submission regarding Maurice's Campground
PROPOSED MOTION:	I move to approve the letter of intent and the submission of the letter regarding Maurice's Campground
Summary:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VII

BUSINESS

~ C ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To give updates on 80 State Highway: Maurice's Campground planning committees
PROPOSED MOTION: SUMMARY:	If a motion is needed one will be made at the time of the meeting.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Maurice's Campground/80 State Hwy Planning Committee

The Maurice's Campground/80 State Hwy Planning Committee will be appointed by the Selectboard and the Town Administrator and will work with consultants to engage professional services for predevelopment work. It shall seek input from appropriate Town boards, committees, and stakeholders and host multiple community meetings to develop recommendations for the redevelopment of the 21-acre parcel purchased to address the acute housing needs across various incomes. In addition, it may evaluate additional accessory uses of the parcel as warranted.

The Maurice's Campground/80 State Hwy Planning Committee Planning Committee recommendations will include housing type, unit counts, unit sizes (number of bedrooms), mixed-income housing, parking, multi-modal transportation allowed by the advantageous location property, and other civil engineering considerations. These units may be rental or ownership opportunities or a mix of both.

The Planning Committee will work on determining where to site an advanced treatment septic system subject to a groundwater discharge permit through the MA DEP and evaluate the feasibility of constructing a Cluster wastewater treatment facility that would serve both any uses on the parcel as well as the neighboring properties. This property can also be serviced by Eastham's municipal water system. These two elements afford a great degree of flexibility in the eventual development of the parcel.

Recognizing that this is the only property of this scale that the Town will be able to acquire, the Planning Committee must develop a plan that addresses the unmet housing needs of all ages and incorporate the "Housing Production Plan" currently being drafted. The Planning Committee is also charged with incorporating the needs of the current users who use the campground for seasonal housing. The Planning Committee is charged with determining if it is desirable to have more than one RFP to meet the breadth of the housing needs of the area residents and workers.

The Planning Committee will receive input from The Maurice's Campground/80 State Hwy Stakeholder Group.

[Option] The Planning Committee will oversee any additional qualifications of the parcel. Environmental issues. The Planning Committee will determine if it is advisable for the Town to retain the portion of the property with the store or if the Town is better served by selling that portion of the property. As part of this, it should evaluate its impact on the use of the parcel, the total number of units, and transportation.

The Planning Committee will advise the Town when the Town develops its RFP/s for the property. It is the hope of the Town to issue this within three-four years (2025-2026). The Town's goal is to break ground on the redevelopment within six years (November 1, 2028) when the obligation of operating the campground expires.

Membership:

The Town Administrator may make 2 Appointments to the Planning Committee

The Selectboard shall be responsible for all other appointments.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VII

BUSINESS

~ D ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To review the Maurice's stakeholders' group
PROPOSED MOTION: SUMMARY:	I move to approve the group listed at tonight's meeting to be appointed to the 80 State Highway/Maurice's Campground Stakeholder group.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

The Maurice's Campground/80 State Hwy Stakeholder Group

The Maurice's Campground/80 State Hwy Stakeholder Group's purpose is to communicate with stakeholders to ensure that their respective interests and views are well represented and considered by Maurice's/80 State Hwy Planning Committee. The membership of the Group are charged with communicating with the respective stakeholders they represent. The Group also provides advisory input to the Maurice's/80 State Hwy Planning Committee on key issues both for the interim period of Campground Operations and the redevelopment plan of the parcel.

Who?

Current Users of the Campground

Local Area Businesses/Chamber of Commerce

Representative for Eastham

Abutter/s



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VII

BUSINESS

~ E ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To dissolve Maurice's 80 State Highway working group
PROPOSED MOTION:	I move to dissolve the 80 State Highway/Maurice's Campground working group.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VII

BUSINESS

~ F ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To review and approve the FY 2023 Selectboard Meeting Schedule and the FY2024 Budget Calendar
PROPOSED MOTION: SUMMARY:	I move to approve the budget and meeting schedule as presented at tonight's meeting and be posted on the town's website.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Wellfleet Selectboard 2023 Meeting Schedule

2023 Selectboard Meeting Dates	Times and Location Of Meeting	Filing Deadline General Agenda Items	Filing Deadline for Use of Town Property & Licenses
17 – January	6pm – ACC & Zoom	9 – January	12 – January
31 – January	6pm – ACC & Zoom	23 – January	26 – January
7 – February	6pm – ACC & Zoom	30 – January	2 – February
21 – February	6pm – ACC & Zoom	13 - February	16 – February
7 – March	6pm – ACC & Zoom	27 – February	2- March
21 – March	6pm – ACC & Zoom	13 – March	16 – March
4 – April	7pm – ACC & Zoom	27 - March	30 – March
18 – April	7pm – ACC & Zoom	10 - April	13 – April
2 – May	7pm – ACC & Zoom	24 - April	27 – April
16 – May	7pm – ACC & Zoom	8 - May	11 – May
6 – June	7pm – ACC & Zoom	29 - May	1 – June
20 – June	7pm – ACC & Zoom	12 - June	15 – June
11– July	7pm – ACC & Zoom	30 - June	6 – July
25 – July	7pm – ACC & Zoom	17 - July	20 – July
8 – August	7pm – ACC & Zoom	31 - July	3 - August
22 – August	7pm – ACC & Zoom	14 - August	17 – August
5 – September	7pm – ACC & Zoom	28 - August	31 – August
19 – September	7pm – ACC & Zoom	11 – September	14 - September
3 – October	7pm – ACC & Zoom	25 – October	28 – October
17 – October	7pm – ACC & Zoom	10 - October	12 – October
7 – November	6pm – ACC & Zoom	30 - October	2 – November
21 – November	6pm – ACC & Zoom	13 - November	16 – November
5 – December	6pm – ACC & Zoom	27 – November	30 – November
19 - December	6pm – ACC & Zoom	11 - December	14 - December

**ADDITIONAL MEETINGS MAY BE SCHEDULED AS NEEDED
LEGAL HOLIDAYS WHEN TOWN HALL WILL BE CLOSED**

New Year’s Day	Martin Luther King Day	President’s Day	Patriot’s Day
2 – January	16 – January	20 – February	17 - April
Memorial Day	Juneteenth	Independence Day	Labor Day
29 - May	19 - June	4 – July	4 - September
Columbus Day	Veteran’s Day	Thanksgiving Day	Christmas Day
9 – October	10 - November	23 & 24 - November	25 - December

FY 2024 Annual Budget, 2023 Annual Town Meeting and Town Election Schedule

OCTOBER			
DATE	ACTION	WHO	Status
October 14, 2022	TA: Prepare draft for Selectboard of 1.) Budget & Annual Town Meeting Calendar; 2.) FY 2022 Budget Policy Statement; 3.) Five-year financial forecast for submission to SB	TA	
October 21, 2022	Distribute Capital Improvement Plan to Finance Committee (Charter 7-5-2)	TA	
October 27, 2022	FINCOM MEETING: Review draft Annual Town Meeting calendar	FinCom	
November 1, 2022	FINAL deadline date for SB Budget Policy Statement and SB/FinCom to set date for budget submission (see above Charter Sec 7-2-2)	FinCom	
TBD	Certify Free Cash	Accountant	
NOVEMBER			
DATE	ACTION	WHO	STATUS
November 9, 2022	Distribute budget materials to department heads	Accountant	
November 15, 2022	SB MEETING: Issue FY2024 Budget Policy Statement (Charter Sec. 7-2-1 'On or before the 31st of October of each year, the SB shall prepare and issue a policy statement relating to the budget for the ensuing Fiscal Year.')	SB/TA/ATA	
November 15, 2022	SB MEETING: Set date for budget submission and distribute Budget Message per Budget Policy Statement (see above Charter Sec 7-2-2)	SB/TA	
November 15, 2022	SB MEETING: Adoption of 1.) Annual Town Meeting Calendar and 2.) Budget Policy Statement. 2nd Review of 5 Year Financial Forecast	SB	
November 16, 2022	FINCOM MEETING: Public Forum on Capital Improvement Plan	FinCom/TA	
November 30, 2022	DEADLINE for publishing the FinCom CIP review in the paper and deliver to TA and SB	FinCom	
November 30, 2022	DEADLINE for submission of Operating Budget to TA	Dept Heads	
November 30, 2022	Request Annual Reports from officers, boards & committees	EA	
<i>Confirm with FinCom</i>	Finance Committee submits their report on the Capital Improvement Plan to the Selectboard and Town Administrator (Charter 7.5.2)	FinCom	
<i>Confirm with FinCom</i>	Finance Committee summary of the Capital Improvement Plan is published in local newspaper (Charter 7.5.3)	Staff	
DECEMBER			
DATE	ACTION	WHO	STATUS
December 5-9, 2022	Individual Dept Head Meetings with TA. Alert FinCom liaison to Departments of specific meeting date	TA/EA/Dept Heads/ FinCom	
<i>December 20/21, 2022 NEED TO CONFIRM</i>	SPECIAL JOINT SB/FINCOM MEETING: Joint SB/FinCom Budget Review meeting of five largest Department Budgets	SB/FinCom/Dept Heads	
December 31, 2022	Submission of budget documents and budget message to SB + FinCom. Include FY24 budget documents + message in SB Packets	TA/ATA	
December 31, 2022	2022 ANNUAL REPORT SUBMISSIONS DUE	Depts/Bds/ Committees	
JANUARY			
DATE	ACTION	WHO	STATUS
January 3, 2023	Develop 1st draft ATM Article Index	ATA/EA	
January 3, 2023	Update revenue estimates based on first 6 months of the current fiscal year	Accountant	
January 4, 2022	First day to obtain nomination papers for Town Election	Clerk	
<i>Confirm with School Committee</i>	SB MEETING: Submit FY24 Regional School Budget Development Schedule to SB with packets	TA	

January 6, 2023	Budget materials made available to public	EA	
January 17, 2023	SB MEETING: Distribute budget packets of the Big 5 Budgets	TA/EA	
January 17, 2023	Send memo requesting proposed ATM Articles + Transfer Requests to Dept + Committee Heads. Deadline for submission Jan 31, 2021	EA	
January 17, 2023	SB MEETING: Submit draft ATM Article Index to SB	ATA/EA	
Confirm with FinCom	FINCOM MEETING: Dept Heads may be invited to attend to answer budget questions	Dept Heads	
January 31, 2023	Deadline to receive proposed ATM Articles + Transfer Requests from Department Heads + Committee Chairs	Dept + Committees	

FEBRUARY

DATE	ACTION	WHO	STATUS
Confirm with School Committee	School Committee Meeting - Final budget review + vote to approve FY2024 regional school budget	School Committee	
Confirm with School Committee	SB MEETING: Review Elementary School, Tech School + NRSD Budget w FinCom at joint meeting	SB/FinCom Sch Reps	
Confirm with School Committee	TENTATIVE - Receive approved regional school budget	NRSD Bus. Mgr.	
February 7, 2023	Distribute placed Articles to Boards/Committees	EA	
February 21, 2023	SB MEETING: Review draft of warrant, no action required	SB	
Confirm with FinCom	FINCOM MEETING: Dept Heads may be invited to attend to answer budget questions	Dept Heads	
Confirm with FinCom	FINCOM to submit final budget recommendations to TA	FinCom	
FEBRUARY 24, 2023	Deadline for petitioned articles (" - Charter 2-4-2) Must be submitted to the Town Clerk by 4pm.	Registered Voters	

MARCH

DATE	ACTION	WHO	STATUS
March 8, 2023	Submit Articles other than budget Articles to FinCom	SB through TA/ATA	
March 1, 2023	Submit Annual Town Report TO PRINTER	EA	
March 8, 2023	Planning Board Public Hearing on Any Citizen Petition Zoning Changes	ATA	
March 11, 2023	Last day to obtain nomination papers for Town Election(MGL c. 53, s. 9A)	Clerk	
March 10, 2023	FINAL Board/Committee recommendations due to TA's office in order to be printed in the ATM Warrant	Boards and Ctes	
March 10, 2023	Deadline for certification to Town of NRSD and Cape Tech assessments (45 days before the earliest town meeting of a member town?)	Regional School Committees	

March 7, 2023	SB MEETING: Final Article recommendations and vote on Warrant.	SB	
March 21, 2023	Final Review of Warrant	TA/ATA/EA	
March 21, 2023	Constable to Sign Warrant (5 copies). Constable to post.	EA	
March 21, 2023	Regular SB Meeting - SB Sign Warrant (5 copies).	SB	
March 22, 2023	FINCOM MEETING	FinCom	
March 27, 2023	Last day to file nomination papers with the Town Clerk (MGL c. 53, s. 10)	Clerk	
March 27, 2023	Last day to object to or withdraw nomination papers (MGL c. 53, s. 11)	Clerk	

APRIL

DATE	ACTION	WHO	STATUS
April 4, 2023	Last day to register to vote at ATM and Annual Town Election (MGL c. 51, ss 26, 28) April 5th ATM, April 12 ATE	Town Clerk	
April 10, 2023	Deadline for posting and mailing Warrants ("14 days prior to ATM" Charter 2-6-3)	Printer	
April 4, 2023	SB MEETING	SB	
April 13, 2023	Finalize Article Motions	TA/ATA/EA	

April 17, 2023	Moderator's conference call with Town Counsel to review and finalize Motions	Town Counsel TA/ATA/SB	
April 17, 2023	Create Power Point Presentation with Articles and Motions for ATM	EA	
April 24, 2023	FINCOM MEETING: Special meeting immediately preceding ATM	FinCom	
April 24, 2023	SB MEETING: Special meeting immediately preceding ATM	SB	
April 24, 2023	ATM ("4th Monday in April" - Charter 2-6-1)	ALL	
April 25, 2023	RESERVED FOR SECOND DAY OF ATM	ALL	
MAY			
DATE	ACTION	WHO	STATUS
May 2, 2023	Annual Town Election ("First Monday after the 4th Monday in April" Charter 2-6-1)	Town Clerk	



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VII

BUSINESS

~ G ~

REQUESTED BY:	Ryan Curley, Chair
DESIRED ACTION:	To review and amend or vote on the Town of Wellfleet Ambulance Policy
PROPOSED MOTION:	I move to approve The Town of Wellfleet's ambulance policy as amended at tonight's meeting .
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

E-3 Ambulance Fund:

Background:

Wellfleet's Ambulance fund is a special purpose fund funded with reimbursements from usage fees. The fund was established by town meeting to moderate the impact of ambulance replacements on the town's budget and ensure they are replaced in a timely fashion. Wellfleet's median age is 57.2(ACS 2019). The initial data releases of 2020 Decennial Census show that Wellfleet's permanent population has grown by 29.7% in the last decade. Wellfleet has a growing high-risk population. The Cape as a whole sees an immense increase in population in the summer month. Wellfleet provides and receives mutual aid to the surrounding towns; the closest emergency room facilities are in Hyannis. Each leg of the trip takes approximately forty minutes. All these factors underscore the critical need to maintain the availability of Wellfleet's ambulances. It is imperative that Wellfleet is able to replace the ambulance fleet in a timely basis to minimize the downtime or be able to quickly replace one or more ambulances in an emergency. Utilizing non-reoccurring sources of revenue to fund operating budgets creates budgetary shocks when those non-reoccurring sources of revenue are not available.

Policy:

The Town shall maintain the Ambulance Fund's balance of not less than two fully outfitted ambulances replacement value **to ensure that the fleet of three (3) ambulances is consistently maintained.** The Fire Chief is expected to update this reserve balance each fiscal year to reflect the change in the replacement costs. Until this reserve balance has been reached, no funds shall be transferred out of the fund unless they are specifically related to the fund's purpose. Funds from the ambulance fund shall never be utilized to fund the general operating budget or reoccurring costs. With the approval of the Fire Chief Funds in excess of the reserve balance may be transferred from the ambulance fund at the end of the fiscal year. These funds shall be treated one-time revenues and the use of those funds shall follow **H-1 Use of One Time Revenue** to fund items related to **fire and rescue apparatus and/or equipment**, EMS services, public safety or OPEB.

References:

M.G.L. c. 40 §5B

Special Purpose Stabilization Funds, MA DOR Division of Local Services Best Practice.

American Community Survey 2019, US Census Bureau

2020 US Decennial Census Data Release, US Census Bureau

Regional Study of EMS Provision, Lower Cape Cod Region, Final Report, Capital Strategic Solutions, 3/01/2022



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VII

BUSINESS

~ H ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To review, discuss and vote on the amended zoning bylaws regarding food establishments and developments of significant planning interest.
PROPOSED MOTION:	I move to approve the Wellfleet Zoning Bylaws regarding food establishments and developments of significant planning interest as amended and send to the Wellfleet Planning Board for comments
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Food Establishments and Developments of Significant Planning Interest

To see if the Town will amend the Wellfleet Zoning By-Laws by Sections 2.1, 5.3, 6.29, and 8.4.2. as follows:

2.1 DEFINITIONS

A. By amending Chapter 235 – Article II - DEFINITIONS by inserting in alphabetical order a new definition for “Food Service Establishment,” “Full-Service Restaurant,” “Take-Out Restaurant,” “Fast Food Restaurant,” and “Drive-through Facility” and delete the definitions of “Restaurant,” “Restaurant Drive-In,” and “Restaurant Fast Food” as follows:

Development of Significant Planning Interest: A Food Service Establishment, Bulk Storage, Motor Vehicle Repair or Sales Shop, or involve more than 4,000 square feet of floor area of new commercial construction.

Food Service Establishment – a commercial establishment whose primary business is the sale of food in individual portions to be consumed either on the premises or off the premises.

Full-Service Restaurant – A food service establishment where (1) meals are prepared to order and are served primarily for consumption on the premises, either indoors or outdoors; (2) customers are provided with individual menus; (3) a restaurant employee serves the customers at the same table or counter where the meals are consumed; and (4) non-disposable dinnerware is used. A Full-Service Restaurant operation may include ancillary delivery service and/or take-out service but may not include a drive-through facility.

Take-Out Restaurant – A food service establishment where (1) prepared food and beverages are sold in disposable containers for off-premises consumption only; and (2) the customers pick up their orders either at a counter inside the building or at a walk-up window. A Take-Out Restaurant operation may include an ancillary delivery service but may not include a Drive-through facility.

Fast Food Restaurant – A food service establishment where (1) prepared food and beverages are sold in disposable containers for consumption either on the premises or off the premises; (2) the menu and operation are designed for quick service; and (3) the customers pick up their orders either at a counter or walk-up window.

Drive-through Facility – A service window or a mechanical device where customers waiting in motor vehicles may order and/or pick up prepared food and beverages from a food service establishment.

~~Restaurant – A building or part thereof to be used for the preparation, indoor sale, and consumption of meals and refreshments on the premises. Seating area for a restaurant may include open or outdoor terrace or patio upon issuance of a Special Permit. ATM 4/23/90~~

~~**Restaurant, Drive-In**—Premises where meals and other items of nourishment and refreshment are offered for sale, and where any portion of these are consumed or intended to be consumed off-premises or within cars parked on the premises. ATM 4/23/90.~~

~~**Restaurant, Fast Food**—A restaurant with drive-up window service, or that otherwise receives payment and/or dispenses products to patrons while in their vehicles. (ATM 4/25/11)~~

~~**Restaurant, Formula**—A restaurant that stands alone or with other use(s), and which prepares food and beverage on site for sale to the public, and which is required by contractual or other arrangement or as a franchise to offer any of the following features: Standardized menu, trademark or service mark, defined as a word, phrase, symbol, design or logo, or a combination of words, phrases, symbols, designs and/or architecture, façade, or color scheme that identifies the restaurant as one (1) of twenty-five (25) or more other restaurants worldwide. (ATM 4/25/11)~~

B. Is hereby amended the following are removed from the use table 5.3.2. of “Restaurant,” “Restaurant Drive-In,” and “Restaurant Fast Food” and

5.3. Use Regulations:

5.3.2	CD	R1	R2	NSP	C	C2
<u>Food Service Establishment</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>
<u>Full-Service Restaurant</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>
<u>Take-Out Restaurant</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>
<u>Fast Food Restaurant</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>
<u>Drive-through Facility</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>
Restaurant, Indoor⁸	A	Ø	Ø	Ø	A	Ø
Restaurant, Drive-In⁹	Ø	Ø	Ø	Ø	A	Ø
Restaurant, Fast Food¹⁰	Ø	Ø	Ø	Ø	Ø	Ø
Restaurant, Formula¹¹	Ø	Ø	Ø	Ø	Ø	Ø

C. 6.29 [Is Hereby Amended as follows]

~~FAST FOOD & FORMULA RESTAURANT~~ Developments of Significant Planning Interest

Purpose:

The purpose of regulating the number, location, and visual features of formula businesses in Wellfleet is to maintain the unique, small-scale, small-town character and the quality of life for all Wellfleet residents by preserving the individuality and distinctive appeal which are among the Town’s most recognized features. Preservation of the existing character, diversity, variety,

and scale of commercial activities is vital to the continuation of Wellfleet's ability to attract both residents and visitors. Wellfleet must retain its distinctive Cape Cod character, general welfare, and historical and cultural relevance

This bylaw is consistent with the policy direction of the Town's Comprehensive Plan, the Cape Cod 77 Commission Act, the enabling act of the Cape Cod National Seashore, and Wellfleet's designated historic districts, with which Wellfleet is intimately and intricately associated.

6.29.1 Application Requirements

Applicants for Special Permits for uses so controlled as **Developments of Significant Planning Interest** shall submit to the Zoning Board of Appeals three copies of the following:

- a) An application; intended use and narrative
- b) A site plan prepared by an architect, landscape architect, or Registered Professional Engineer, showing proposed structures, building design, lighting, drives, parking, landscaping, screening, dust mitigation, and drainage
- c) A ground floor plan and elevation of all proposed building and elevations of proposed signs; photographs of the premises and all adjoining structures. Forthwith upon receipt of the above materials, the Board of Appeals shall transmit one set of them to the Planning Board for their review and recommendation.

6.29.2 Floor Area Applicability

Any increase in floor area shall be cumulative upon the adoption of this bylaw (ATM 2023)

6.29.3 Special Permits for Developments of Significant Planning Interest

6.29.3.1 Bulk Storage, Motor Vehicle Repair or Sales Shop.

In addition to S 8.4.2.1, 8.4.2.2, and 8.4.2.3 the following shall be considered by the Special Permit Granting Authority prior to the issuance of a permit for the following uses, **Boat House, Commercial, Bulk Storage, Open, Bulk Storage, Tanks, Filling Station, Motor Vehicle Repair Shop, Motor Vehicle Sales, Warehouse.**

- (a) shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or the public welfare.
- (b) design and any improvements is compatible with the existing architecture and unique aesthetic appearance of the district
- (c) noise, dust mitigation
- (d) storage or presence of hazardous materials
- (e) health and safety of area residents

6.29.3.2 Food Service Establishments or Commercial Developments involving more than 4,000 square feet of floor area”

In addition to S 8.4.2.1, 8.4.2.2, and 8.4.2.3 the following shall be considered by the Special Permit Granting Authority prior to the issuance of a permit:

(a) Designed and operated in a manner that preserves the community’s distinctive small-town character, as detailed in Section 6.29.

(b) Contributes to the diversity of uses to assure a balanced mix of businesses available to serve residents and visitors.

(c) design and any improvements, is compatible with the existing architecture and unique aesthetic appearance of the district

(d) shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or the public welfare.

(e) signage is appropriate to maintain the character of Wellfleet.

(f) litter, noise, dust mitigation

(g) storage or presence of hazardous materials

(h) health and safety of area residents

~~**6.29 FAST FOOD & FORMULA RESTAURANT PROHIBITION (ATM 4/25/11)** Purpose: The Cape Cod seaside character of Wellfleet is unique, and is important to the people of the community and their collective identity as a community, as well as to the visiting public. Far more than most Cape Cod towns, Wellfleet retains its rural village character, which is integral to the fabric of the community. Wellfleet is also traditionally home to small, locally owned and operated businesses. In these senses, Wellfleet has maintained its identity in a manner rare in the region. The purpose and intent of the Formula Based Restaurant Prohibition is to address the adverse impact (in terms of noise, litter, traffic, and aesthetically inappropriate development) that standardized fast food and formula restaurants would have on Wellfleet’s distinctive Cape Cod character, general welfare, and historical and cultural relevance as a rural community. These uses are therefore prohibited in order to preserve and protect the unique and locally-oriented community experience of Wellfleet, and all that this offers to its citizens and tourists alike as a treasured destination. This policy is also consistent with the policy direction of the Town’s Comprehensive Plan, the Cape Cod 77 Commission Act, and the enabling act of the Cape Cod National Seashore, with which Wellfleet is intimately and intricately associated.~~

Summary: When Wellfleet adopted both the Formula Business and Fast Food & Formula Restaurant provisions in 2011 the Attorney General warned the Town that both provisions but noted that at the time, no court rulings had been made. Both provisions used substantially the same language and definitions. The following year, Cumberland Farms, Inc. v. Board of Appeals

of the Town of Wellfleet and the Town of Wellfleet challenged the validity of Section 6.30 Formula Business. In 2015 a ruling was made invalidating Wellfleet's Formula Business provisions on the grounds that they (1) violated G.L. c.40A, §4, which requires that zoning regulations be uniform within a zoning district for each class or kind of structure or use permitted, and (2) imposed impermissibly vague and subjective special permit standards. We have also been advised that the definitions of Drive-In Restaurant and Fast Food Restaurants are likely too similar to prohibit one and allow the other. We have been informed by Town Counsel that the Fast Food and Formula Restaurants is similarly vulnerable to challenge. In order to protect the Town from development that it considers deleterious we need to amend our Zoning Bylaw. This proposal retains the prohibition on Fast Food Restaurants, strengthens our definitions, and gives the Zoning Board of Appeals additional tools to protect the character of Wellfleet and extends them to some other commercial uses of particular concern.

Carolyn M. Murray
cmurray@k-plaw.com

MEMORANDUM

TO: Ryan Curley, Selectboard Chair
(ryan.d.curley@gmail.com)

cc: Charles Sumner, Interim Town Administrator
(Charles.sumner@wellfleet-ma.gov)
Rebecca Roughley, Assistant Town Administrator
(Rebecca.roughley@wellfleet-ma.gov)

FROM: Carolyn M. Murray, Town Counsel

DATE: May 31, 2022

RE: FORMULA RESTAURANT ZONING ISSUES - WELLFLEET

You have asked me to review the Town of Wellfleet's current Zoning Bylaw ("ZBL") provisions governing Fast Food and Formula Restaurants, in order to determine whether they are vulnerable to potential legal challenge. If so, you have asked for suggestions as to appropriate Bylaw amendments. As will be discussed below, it is my opinion that the ZBL Section 6.29 prohibition against Formula Restaurants is vulnerable to the same legal challenges that resulted in the invalidation of the Town's Formula Business regulations. It is my opinion, moreover that the Town's Zoning Bylaw already provides many of the zoning tools necessary to lawfully achieve the purposes described in Section 6.29. Therefore, I recommend that that the Town repeal Section 6.29, rather than amend it, or adopt an alternative formula based bylaw.

Background and Analysis

The Bylaw

The Town of Wellfleet currently prohibits Fast Food Restaurants and Formula Restaurants in all Zoning Districts of the Town, while allowing Drive-in Restaurants by special permit in the Commercial District, and [indoor] Restaurants by special permit in both the Commercial and Central Districts. See ZBL Section 6.29, and Section 5.3.

ZBL Section 6.29, entitled Fast Food & Formula Restaurant Prohibition, states:

The purpose and intent of the Formula Based Restaurant Prohibition is to address the *adverse impact (in terms of noise, litter, traffic, and aesthetically inappropriate development)* that standardized fast food and formula restaurants would have on Wellfleet's distinctive Cape Cod character, general welfare, and historical and cultural relevance as a rural community. These uses are therefore prohibited in order to *preserve and protect the unique and locally-oriented community experience of Wellfleet*, and all that this offers to its citizens and tourists alike as a treasured destination. [Emphasis added.]

Section 6.29 also states that the prohibition is consistent with the policy direction of the Town's Comprehensive Plan, the Cape Cod Commission Act, and the enabling act of the Cape Cod National Seashore.

The term "Formula Restaurant" is defined in ZBL Section 2 as:

A restaurant that stands alone or with other use(s), and which prepares food and beverage on site for sale to the public, and which is required by contractual or other arrangement or as a franchise to offer any of the following features: Standardized menu, trademark or service mark, defined as a word or phrase, symbol, design or logo, or a combination of words, phrases, symbols, design, and/or architecture, façade, or color scheme that identifies the restaurant as one (1) of twenty-five (25) or more other restaurants worldwide. [Emphasis added.]

Related Legal Challenge

The Town's adoption of the Fast Food and Formula Based Restaurant prohibition in 2011 was contemporaneous with its adoption of ZBL Section 6.30, which required a special permit for the use of any structure by a "Formula Business." The term "Formula Business" was defined with substantially the same language as used in the above-quoted definition of "Formula Based Restaurant," describing the use as a:

retail trade business which does or is required by contractual or other arrangement or as a franchise to maintain any of the following features: Standardized (formula) array of merchandise, exterior trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols, designs, and/or architecture, façade that identifies the business as one (1) of twenty-five (25) or more businesses worldwide. [Emphasis added.]

The stated purpose and intent of Section 6.30 were also essentially the same as set forth in Section 6.29 of the Bylaw relative to the prohibition of fast food and formula restaurants.

The Massachusetts Attorney General approved the Section 6.29 and the Section 6.30 provisions in 2011, but warned the Town about applying these bylaws to protect locally owned and operated businesses from competition, and about regulating features that may

not be reasonably related to the stated purposes of these sections.¹ The Attorney General's letter noted, for example, that features such as standardized menus or a standardized array of merchandise, could not reasonably be expected to impact the visual quality of a neighborhood. As there were no appellate decisions concerning the validity of formula-based zoning regulations, the Attorney General's approval letter advised that it expressed no view on how a Massachusetts Court might resolve a challenge to the new bylaws based upon a full factual record. However, recognizing the principal that all presumptions are to be made in favor of the validity of municipal bylaws, the Attorney General approved Sections 6.29 and 6.30.²

The following year, Cumberland Farms filed a complaint in Land Court, Cumberland Farms, Inc. v. Board of Appeals of the Town of Wellfleet and the Town of Wellfleet, MISC 12-459503, challenging the validity of the Section 6.30 Formula Business provisions, both facially and as applied to the Cumberland Farms operation. Following a trial, the Land Court issued a decision in 2015, invalidating the Formula Business regulations on the grounds that they (1) violated G.L. c.40A, §4, which requires that zoning regulations be uniform within a zoning district for each class or kind of structure or use permitted, and (2) imposed impermissibly vague and subjective special permit standards.

The Land Court Judge determined that Wellfleet's Formula Business regulations violated the uniformity requirements of the Zoning Act by regulating businesses based on ownership rather than use. He criticized the Formula Business bylaw as:

draw[ing] a sharp distinction between similarly-situated landowners – for example, a hypothetical 'Wellfleet Convenience Mart' and a Cumberland Farms convenience store, both carrying identical inventory and operating in the identical way – with only the Cumberland Farms required to make the numerous showings necessary for the Formula Business special permit before it can open its doors. All that is needed to trigger the bylaw is the name on the exterior sign, regardless of its size or style.

In response to the Town's argument that the Section 6.30 Formula Business regulations were consistent with the Town's zoning authority to protect the aesthetics of a small New England town from the more standardized appearance associated with Formula Businesses, the Court observed that there are other ways of achieving such a goal, such as through design regulations. Moreover, the Land Court Judge observed that Section 6.30 regulated more than aesthetics, although there had been no evidence presented to demonstrate that Formula Businesses generate greater or different adverse impacts from traffic, garbage, noise, glare, obstruction of scenic views, or other such factors than non-formula businesses. In addition, he found that the Formula Business provisions that did

¹ Between 2008 and 2011, a number of other communities in Massachusetts adopted similar, formula-based business zoning regulations – all apparently adapted from the same set of model regulations. During that period, the Attorney General approved most of the formula-based business regulations with the same warnings that were given to Wellfleet.

² The Attorney General approved Section 6.30 with the deletion of two special permit criteria considered overly vague.

address aesthetics (such as requiring a special permit finding that the Formula Business “will not substantially alter or detract from the established character of the location”) were so vague and ambiguous that they left the Planning Board with “untrammeled discretion.”

The Town did not appeal the 2015 Land Court decision invalidating Section 6.30. Instead, the Town repealed the Formula Business regulations. However, the Section 6.29 prohibition of Formula and Fast Food Restaurants has never been repealed and remains in effect. Since there have been no controlling Massachusetts appellate decisions on this topic, the Land Court decision applies only to Wellfleet’s Section 6.30 regulations. Nevertheless, as will be explained below, it is my opinion that Section 6.29 suffers from the same uniformity issues that resulted in the invalidation of Section 6.30. That is, it regulates restaurants based on factors related to the owner’s identity, rather than on actual “use.”

Analysis of Section 6.29 following Cumberland Farms

A “Restaurant” use is allowed by special permit in the Commercial and Central Zoning Districts. The term “Restaurant” is defined in Section 2.1 of the Bylaw as:

A building or part thereof to be used for the *preparation, indoor sale, and consumption of meals and refreshments on the premises*. Seating area for a restaurant may include open or outdoor terrace or patio on issuance of a Special Permit. [Emphasis added.]

However, pursuant to Section 6.29, a building or premises used for meal preparation, sale and consumption, (i.e., a restaurant use that would otherwise be allowed by special permit) is prohibited if it “*is required by contractual or other arrangement or as a franchise to offer any of the following features: Standardized menu, trademark or service mark, defined as a word or phrase, symbol, design or logo, or a combination of words, phrases, symbols, design, and/or architecture, façade, or color scheme that identifies the restaurant as one (1) of twenty-five (25) or more other restaurants worldwide.*”

Given that the definitions and express purposes of the Formula Restaurant regulations mirror the definitions and purposes the invalidated Formula Business regulations, it is my opinion that Section 6.29 is equally vulnerable to legal challenge. In order to successfully defend a legal challenge to the validity of a bylaw that distinguishes between restaurants that are owned and operated as part of a large restaurant chain (Formula Restaurants), and restaurants that are either individually owned and operated, or operated as part of a smaller chain, the Town would have the burden of demonstrating that Formula Restaurants generate substantially greater adverse impacts from “noise, litter, traffic, and aesthetically inappropriate development,” than non-formula restaurants do. In other words, the Town would have to produce clear and convincing evidence that a restaurant operated as a “Chili’s,” for example, would, by virtue of its standardized menu, color scheme, and/or distinctive logo, generate substantially greater adverse health or safety impacts than a non-formula restaurant with similar size, hours, food preparation and service methods. With respect to any adverse aesthetic impacts, the Town would

have to show that building, signage and other design features of a Formula Restaurant cannot be regulated adequately either through the same special permit regulations and procedures that apply to all other restaurants in the Town, or by enacting design regulations applicable to all restaurant uses in a district. Moreover, the Town would have to demonstrate that regulation of interior elements, such as color schemes or standardized menus, bears a rational relationship to the aesthetic goals articulated in Section 6.29.

For these reasons, it is my opinion that Section 6.29 would suffer the same fate as Section 6.30, if challenged in court. As will be discussed below, however, it is my opinion that the Town can readily avoid violation of the uniformity clause, and still achieve the stated purposes of Section 6.29, by employing other, already existing Zoning Bylaw provisions in lieu of retaining or amending the Section 6.29 prohibition of Formula Restaurants.

In my opinion, the Section 6.29 prohibition of all Fast Food restaurants does not necessarily present the same legal issues as the Section 6.29 prohibition of Formula Restaurants. This is because of the distinct operational differences between restaurants where food is served primarily for consumption by patrons at tables on the premises, and restaurants where food is sold primarily for consumption off premises or in vehicles. Such distinct operational differences are more likely to generate different neighborhood impacts, and thus justify treating the two types of restaurants as two different use categories. Nevertheless, I am concerned that the Wellfleet Zoning Bylaw definitions of “Fast Food Restaurant” and “Drive-in Restaurant” are too similar to each other to provide a reasonable basis for prohibiting one entirely, while allowing the other by special permit.

The term “Fast Food Restaurant” is defined in Section 2.1 as:

A restaurant with drive-up window service, or otherwise receives payment and/or dispenses products to patrons while in their vehicles. [Emphasis added.]

Section 2.1 defines the term “Drive-in Restaurant” as:

Premises where meals and other items of nourishment and refreshment are offered for sale, and where any portion of these are consumed or intended to be consumed off-premises or within cars parked on the premises. [Emphasis added.]

Notably, the definition of “Drive-In Restaurant” is silent on whether the nourishment and refreshment offered for sale are dispensed to patrons “while they are in their vehicles;” nor does the definition of “Fast Food Restaurant” specify whether the products it dispenses “are intended to be consumed on or off the premises.” Unless the definitions are amended to better distinguish between these two types of uses, enforcement of the Fast Food Restaurant prohibition may prove difficult.

Regulation of Formula Businesses and Restaurants Post Cumberland Farms.

Since 2015, several Massachusetts towns have attempted to modify their formula-based zoning regulations in order to avoid some of the problems articulated in the Cumberland

Farms ruling. In all but one instance, these amendments were approved by the Attorney General, with the warning that the bylaws as amended were still similar to the Wellfleet regulations invalidated in the Cumberland Farms decision where no evidence was presented to justify the different treatment of formula businesses. The amendments were approved only "because we cannot conclude that the amendments...are clearly inconsistent with state law."

The Town of Concord's 2011 and 2019 amendments to its formula business regulations were approved without the same warnings that were given to the other towns. Although recognizing that Concord's regulations were similar in many respects to the regulations struck down in the Cumberland Farms decision, the Attorney General's Office determined that Concord's regulations differ from Wellfleet's in important aspects that could serve as a basis for a court to conclude that Concord is not singling out businesses for additional regulation based on the ownership of the business, but rather based on lawful zoning considerations. The Attorney General described those aspects as: (1) that the Concord regulations apply to a limited geographical area, recognized under G.L. c.10, 58A as a "State designated cultural district;" (2) that the regulations allow for a business to change its activities so that it no longer qualifies as a formula business, and (3) that Concord's definition of "Formula Business" focuses on standardized features "regardless of ownership."³ Based on these differences, and given the limited scope of the Attorney General's zoning review authority, the Attorney General's Office "[could] not conclude that [the amendments are] inconsistent with state law or the Land Court's decision in Cumberland Farms."⁴

Overall, it is my opinion that, notwithstanding the Attorney General's approvals, these formula-based bylaws are still vulnerable to legal challenge on the same grounds that Wellfleet's Section 6.30 was invalidated. As noted above, it appears that the all of the formula-based zoning bylaws adopted by the various Massachusetts towns have been adapted from the same model.

Recommendations

Having reviewed the Cumberland Farms decision, as well as the Attorney General's assessment of the numerous formula business zoning bylaws adopted and amended by Massachusetts towns in the past 15 years, it is my strong recommendation that the Town repeal the Section 6.29 prohibition of "Formula Restaurants," as well the Section 2 definition. Nevertheless, it is my opinion that the Town may lawfully accomplish the purposes and intent of that prohibition through already existing provisions in the Wellfleet Zoning Bylaw. More specifically, I note that Wellfleet does not allow *any* restaurants or other business uses in any of the zoning districts, except by special permit. See ZBL Section 5.3.2. Therefore, any proposed restaurant or other business use is

³ In fact, the standards employed by Concord are very similar to those in other Formula Business bylaws, including Wellfleet's Section 6.29, except that the list of standards is modified by the phrase "regardless of ownership."

⁴ It should be noted, however, that the Attorney General's approval was based on her limited scope of determining whether a bylaw is inconsistent with state law or a permissible exercise of a town's zoning power and does not extend to whether the bylaw could withstand a legal challenge on other grounds.

necessarily subject to the requirements and criteria set forth in Section 8.4.2 of the Bylaw. Section 8.4.2 provides in relevant part that a special permit may not be granted:

“ unless the special permit granting authority finds that the benefits of the proposal to the town will outweigh any adverse effects on the Town of [sic] the vicinity, taking into consideration the stated district objectives (Sec. 3.2) and, where germane, the following matters:

8.4.2.1 Suitability of the proposed location for this proposal, taking the following into consideration.

- (a) Nearby land uses, and whether they would be supported or damaged by having the proposed use nearby.
- (b) Uses of the site which would be displaced by or preempted by this use.
- (c) Adequacy of roads, drainage, and other public services in relation to the location.
- (d) Whether the site is more sensitive than are most similarly zoned sites to environmental damage from a proposal such as this....

8.4.2.2 Activity type, mix, and intensity, taking the following into consideration.

- (a) Whether the proposal contributes to the diversity of services ... locally.
- (b) Seasonal consequences, including addition to peak period congestion.
- (c) Service to local,⁵ in preference to regional, markets and to year-round, in preference to seasonal, activities.
- (d) For business developments, likelihood of year-round employment opportunities.

...

8.4.2.3 Building and site design, including consideration of the following.

- (a) Whether scenic views from public ways and developed properties have been considerately treated.
- (b) Whether reasonable efforts have been made to minimize visibility of parking and service areas from public streets.
- (c) Whether traditional public access to or along the shoreline has been maintained.”

In my opinion, the Town can readily address many of the safety and aesthetic concerns stated in Section 6.29 as reasons for prohibiting Formula Restaurants, through application of the detailed special permit considerations set out in Section 8.4.2, in conjunction with application of the Bylaw’s Section 6 landscaping requirements and Section 7 sign regulations. I recommend, however, that the Town consider strengthening these existing tools by amending Section 6.3.15 to add specific landscape, lighting, and building design

⁵ The local preference consideration may be problematic, in that such a preference may be vulnerable to challenge under the Interstate Commerce Clause of the U. S. Constitution. I certainly recommend that local preference never be used as a primary consideration for denying a special permit.

standards for all restaurants and other businesses that qualify as “Developments of Significant Impact.”

Pursuant to Section 6.3.15, any use that is subject to a special permit and which involves required parking for ten or more cars, or involves new construction of more than 4,000 s.f. of floor area, or any use in the Main Street Overlay District, regardless of floor area or number of parking spaces, is considered to be a “Development of Significant Impact.” Section 6.3.1.5 spells out certain information that must be included with a special permit application for such a Development. I recommend adding detailed site and building design standards to Section 6.3.1.5 that will apply to all restaurants, retail establishments, and/or other businesses that qualify as Developments of Significant Impact.⁶ Doing so, should assist the Zoning Board of Appeals in its review of the special permit applications for these uses, and allow for more defensible decision-making. Ultimately, it is my opinion that adoption of carefully considered design standards for all restaurants, and/or all retail businesses, etc. will help the Town to avoid many of the more objectionable features attributable to chain business establishments, without conflicting with the Chapter 40A uniformity requirements. The Town might consider the Cape Cod Commission design guidelines for further recommendations or even incorporate said design guidelines by reference in the ZBL.

Finally, I have drafted proposed definitions for your consideration to address my concerns raised above:

Food Service Establishment – a commercial establishment whose primary business is the sale of food in individual portions to be consumed either on the premises or off the premises.

Full-Service Restaurant – A food service establishment where (1) meals are prepared to order and are served primarily for consumption on the premises, either indoors or outdoors; (2) customers are provided with individual menus; (3) a restaurant employee serves the customers at the same table or counter where the meals are consumed; and (4) non-disposable dinnerware is used. A Full Service Restaurant operation may include ancillary delivery service and/or take-out service, but may not include a drive-through facility.

Take-Out Restaurant – A food service establishment where (1) prepared food and beverages are sold in disposable containers for off-premise consumption only; and (2) the customers pick up their orders either at a counter inside the building, or at a walk up window. A Take-Out Restaurant operation may include ancillary delivery service, but may not include a Drive-through facility.

Fast Food Restaurant – A food service establishment where (1) prepared food and beverages are sold in disposable containers for consumption either on the premises or off the premises; (2) the menu and operation are designed for quick service; and (3) the customers pick up their orders either at a counter or walk-up window, or by using a Drive-through facility.

⁶ Consider adopting standards similar to those set out in Section 2 for the Commercial 2 District.

Drive-through Facility – A service window or a mechanical device where customers waiting in motor vehicles may order and/or pick up prepared food and beverages from a food service establishment. *(This type of facility would be prohibited entirely.)*

Please let me know if you require further assistance concerning this matter.

816307/WELL/0001



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VII

BUSINESS

~ I ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To review and approve the Wellfleet Zoning Bylaw amendment regarding the enforcement penalty
PROPOSED MOTION:	I move to approve the amended Wellfleet Zoning Bylaw regarding the enforcement policy and send it to the Wellfleet Planning Board for comments
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

8.3 PENALTY

~~8.3 Penalty Any person violating any of the provisions of these Bylaws may be fined not more than \$50.00 for each offense, except in the case of violations of Section 6.21 Accessory Dwelling Units, the fine shall be \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.~~

8.3 Penalty: Any person, association, firm or corporation violating any of the provisions of this bylaw may be fined not more than \$300 for each offense. Each day that such a violation continues shall constitute a separate offense.

Accessory Dwelling Units: Any person, association, firm or corporation violating Section 6.21 Accessory Dwelling Units, the fine shall be \$300.00 for each offense. Each Accessory Dwelling Unit in violation shall be a separate violation. Each day that such violation continues shall constitute a separate offense.

Commented [RC1]: No local zoning by-law or ordinance shall assess a penalty of more than \$300 per violation; provided, however, that nothing in this section shall be construed to prohibit local zoning by-laws or ordinances from providing that each day the violation continues shall constitute a separate offense.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40a/Section7>

Commented [RC2]: Wording not quite right. Trying to address what would happen if there are more than one unit in violation. The was disambiguation before.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VII

BUSINESS

~ J ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To review and approve the letter written to all Town Boards, Committees & Commissions relative to Adult Community Center meeting room
PROPOSED MOTION: Summary:	I move to approve the letter written to the town boards, committees, and commissions as printed and send it to all town boards to update them on the adult community center meeting room.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

To all Boards, Committees, and Commissions

[Please, for the love of god, if you have a meeting scheduled, post your meetings as far out as possible.]

Dear members of various boards and committees,

As you are aware, we currently only have a single meeting room for people to meet in person and/or utilize hybrid systems. We are working on getting the town hall basement retrofitted, but that will only be used for smaller committees where only a few members of the public might attend in person. So that all those looking to utilize the ACC meeting room, if your public body has a routine schedule where you meet on a specific day and time on a recurring basis, and you are planning on utilizing, you should post your meetings going out at least six months. The Selectboard posts its regular recurring meetings for at least a year. It is critical that this happens as soon as possible for the various public bodies that are looking to utilize this ACC meeting room can see a schedule that everyone has access to prevent conflicting meetings. Dates also need to be cleared by Suzanne Grout Thomas or Terri Frazier if Suzanne is not available. This is to ensure there are no conflicts with ACC programming or other users of the meeting room. Additionally, it is enormously helpful to the media support staff to know when a meeting is going to happen as far out as possible.

Additionally, it is best practice for the Chair of a board or committee and or town support staff to have a device so that they can easily recognize speakers who are participating remotely. Any devices used need to have their speakers and microphones to be muted.

We thank your commitment to public service and the hard work you and the members of your Committee, Board or Commission. Without the collective efforts of all of you, Wellfleet would not be the community it is.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VII

BUSINESS

~ K ~

REQUESTED BY:	Ryan Curley ~ Chair
DESIRED ACTION:	To review the Wellfleet Cannabis Community Host Agreements
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN of WELLFLEET
Current Host Community Agreements

1. Atlantic Medicinal Partners

1065 State Highway, Route 6

Retail Recreational and Medical

Agreement dated February 13, 2018

Successors/Assigns

This Agreement is binding upon the Parties hereto, their successors, assigns and legal representatives. The Municipality shall not assign or transfer any interest or obligations in this Agreement without the prior written consent of the Company, which shall not be unreasonably delayed, conditioned, or withheld. The Company shall not assign, sublet or otherwise transfer any interest, its rights nor delegate its obligations under this Agreement without the prior written consent of the Municipality, which shall not be unreasonably delayed, conditioned, or withheld.

Termination Clause

. . .The Municipality may terminate this agreement at any time during the Term of this agreement. The Company shall not be required to cease operations following the termination of this Agreement. . .

2. Nature's Alternative

~~1446 State Highway, Route 6~~ - Amended

2393 State Highway, Route 6

Retail Recreational

Agreement dated December 11, 2018

Successors/Assigns

The Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent from the Town, and shall not assign or obligate any of the monies payable under this Agreement, except by and with the written consent of the Town. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives.

Termination Clause

In the event the Company has not secured a final license from the CCC and all necessary local permits from the Town and commenced operations at the RME within two (2) years from the date this Agreement takes effect, this Agreement shall expire and the Company shall be required to negotiate a new Host Community Agreement in order to operate the RME within the Town. The Selectboard, in its discretion, may agree to an extension of the two (2) year expiration, for good cause, which shall include the time required to pursue or await the determination of an appeal of any permits required for the operation of the RME, the special permit or other legal proceeding.

3. The Grateful Mind

15 Bank Street

Retail Recreational

Agreement dated April 9, 2019

Note: The applicant has been asked to come in and sign the agreement, he has yet to do so.

Successors/Assigns

The Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent from the Town, and shall not assign or obligate any of the monies payable under this Agreement, except by and with the written consent of the Town. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives.

Termination Clause

In the event the Company has not secured a final license from the CCC and all necessary local permits from the Town and commenced operations at the RME within two (2) years from the date this Agreement takes effect, this Agreement shall expire and the Company shall be required to negotiate a new Host Community Agreement in order to operate the RME within the Town. The Selectboard, in its discretion, may agree to an extension of the two (2) year expiration, for good cause, which shall include the time required to pursue or await the determination of an appeal of any permits required for the operation of the RME, the special permit or other legal proceeding.

4. CCC Wellfleet

1446 State Highway, Route 6

Retail Recreational

Agreement dated March 26, 2019

Successors/Assigns

The Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent from the Town, and shall not assign or obligate any of the monies payable under this Agreement, except by and with the written consent of the Town. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives.

Termination Clause

In the event the Company has not secured a final license from the CCC and all necessary local permits from the Town and commenced operations at the RME within two (2) years from the date this Agreement takes effect, this Agreement shall expire and the Company shall be required to negotiate a new Host Community Agreement in order to operate the RME within the Town. The Selectboard, in its discretion, may agree to an extension of the two (2) year expiration, for good cause, which shall include the time required to pursue or await the determination of an appeal of any permits required for the operation of the RME, the special permit or other legal proceeding.

5. The Old Bank, LLC

10 Bank Street

Retail Recreational

Agreement dated May 28, 2019

Successors/Assigns

The Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent from the Town, and shall not assign or obligate any of the monies payable under this Agreement, except by and with the written consent of the Town. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives.

Events deemed an assignment include, without limitation: (i) Company's final and adjudicated bankruptcy whether voluntary or involuntary; (ii) the Company's takeover or merger by or with any other entity; (iii) the Company's outright sale of assets and equity, majority stock sale to another organization or entity for which the Company does not maintain a controlling equity interest; (iv) or any other change in ownership or status of the Company; (v) any assignment for the benefit of creditors; and/or (vi) any other assignment not approved in advance in writing by the Town.

Termination Clause

This Agreement shall terminate at the time that either of the following occur:

A. If the Company ceases to operate, for any reason, an RME in the TOWN, then the Agreement shall no longer apply nor shall the Company continue to pay an Annual Community Impact Fee or other payments related to this Agreement.

**6. SunDog Cannabis Cape Cod, LLC
High Dune Craft Cooperative, LLC**

165 Paine Hollow Road

Cultivation

Agreement dated September 24, 2019

Successors/Assigns

HDCC and SDCCC shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent from the Town, and shall not assign or obligate any of the monies payable under this Agreement, except by and with the written consent of the Town, which shall not be unreasonably withheld. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives.

Events deemed an assignment include, without limitation: (i) HDCC or SDCCC's final and adjudicated bankruptcy whether voluntary or involuntary; (ii) HDCC or SDCCC's takeover or merger by or with any other entity; (iii) HDCC or SDCCC's outright sale of assets and equity, majority stock sale to another organization or entity for which the neither entity maintains a controlling equity interest; (iv) or any other change in ownership or status of HDCC or SDCCC; (v) any assignment for the benefit of creditors; and/or (vi) any other assignment not approved in advance in writing by the Town.

Termination Clause

Except as expressly provided herein, this Agreement shall take effect on the date set forth above, and shall be applicable for as long as HDCC and SDCCC operates in the Town with the exception of the Community Impact Fee, which shall be subject to the five (5) year statutory limitations of G.L. c.94G, §3(d).

In the event HDCC has not secured a final license from the CCC and all necessary local permits from the Town and commenced operations at the RME within two (2) years from the date this Agreement takes effect, this Agreement shall expire and HDCC and SDCCC shall be required to negotiate a new Host Community Agreement in order to operate within the Town. The Selectboard, in its discretion, may agree to an extension of the two (2) year expiration, for good cause, which shall include the time required to pursue or await the determination of an appeal of any permits required for the operation of the RME, the special permit or other legal proceeding.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

VIII

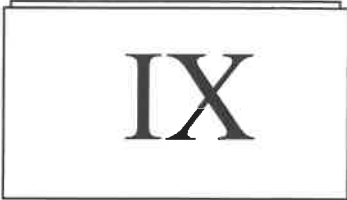
NEW BUSINESS

REQUESTED BY:	Chair Ryan Curley
DESIRED ACTION:	To Discuss topics that are not reasonably anticipated by the Chair more than 48 hours before the meeting.
PROPOSED MOTION:	If a motion is needed for a topic that is brought up one will be made at the time of the meeting.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



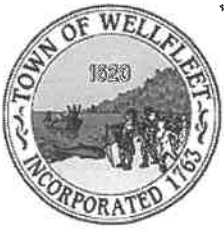
SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022



SELECTBOARD REPORTS:

Reported by:	Topic:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

X

TOWN ADMINISTRATOR REPORTS

- **The Town Administrator will give an update on the happenings of the town and with each department.**
- **Please see the Selectboard packet for the full update**



MEMORANDUM

TOWN OF WELFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 Fax (508) 349-0305
www.wellfleet-ma.gov

To: Selectboard
From: Richard J. Waldo, Town Administrator
Cc: Rebekah Eldridge, Executive Assistant to Town Administrator
Subject: Department Update Report for the September 27, 2022 Select Board Meeting
Date: September 20, 2022

Administration

- Town Administration met with the Executive Office of Energy and Environmental Affairs Secretary Beth Cards and Department of Fish and Games Commissioner Ron Amidon to celebrate the Town's recent \$22.7 million dollar award from the Division of Ecological Restoration.
- We are anticipating another grant award from the National Oceanic Atmospheric Administration (NOAA) to contribute toward the Herring River Restoration Project. An announcement of award may be as soon as Tuesday September 27, 2022.
- Construction bids for the Chequessett Neck Road Bridge Improvements were opened on September 22, 2022. The bids are currently being approved and it is anticipated that a Notice of Award would be approved at the October 4th, 2022 Selectboard meeting.
- United Site Services is terminated and will be removing their units on 10/10. We are in the process of getting quotes to get us through the end of the Fiscal Year. We are also going to be doing our own bids from now on and moving to a fiscal year contract starting FY24.
- We are moving forward with our Housing Production plan with our consultant, J.M. Goldson. They plan on doing a community forum, meet with focus groups, lead a community tour, and will have monthly check ins with our working group. The process start to finish should be approximately 4 months.
- The 95 Lawrence 40B Comprehensive public hearings are wrapped up for the summer! The ZBA starts deliberation on 9/22 and will be issuing a decision in 1-2 meetings. Updates to follow on this exciting step towards affordable housing in Wellfleet.

Building

- Review Building Permit Applications, Issue Permits, Issue Certificates of Occupancy, Issue Certificates of Completion, Annual Inspections, Issue Certificate of Inspections, building site inspections, Respond to Complaints, Office Hours 8:00 – 10:30 a.m., (or by appointment) to address Building Code and Zoning questions with applicants and the public.
- 1065 State Highway Route 6 – Coordinate with Town Counsel on preparation of my affidavit as the Building Commissioner for the Town of Wellfleet to be included in the motion for injunction to be filed with the Land Court.

- Review proposed Oyster Fest site plan and tent permit applications as provided by SPAT.

Community Services

Council on Aging

- As you are aware, the vacancy created by the retirement of Linda Balch was filled by Sally Largey, who has been the Front Desk person here for 18 years. That vacancy was a crucial one, because the front desk person is the clearing house for everything that happens at the COA/ACC. We advertised, interviewed four people and selected Chelsea Micks, who will start on 9/26. Chelsea was born and raised in Wellfleet and educated at Nauset. Please stop by and introduce yourselves on or after the 26th! We are all looking forward to having Chelsea on our team.

Beach Program

- In collaboration with the DPW and the Commission on Disabilities, I am putting together a request for funding from the CPA to create handicapped access at two beaches and to upgrade the existing access at two ponds. The beaches are Mayo and Indian Neck and the ponds are Long Pond and Gull Pond. The Commission is working on a grant that would provide funding for a consultant to determine the handicapped access needs in Wellfleet so that a long range plan to execution and funding can be put into place.

Social and Human Services

- On Thursday, September 15, I attended the startup meeting of the Barnstable County Regional Emergency Planning Committee Communication and Technology working group at the invitation of Sean O'Brien, Director of Health and Environment for Barnstable County. It consists of representatives from all the Towns and entities on Cape Cod that deal with emergency planning as it is impacted by communications and technology. This includes the County Commission, the Assembly, the Sheriff's office, local PDs and FDs, the White Shark Conservancy, the CCNS, the CC Ocean Community and the CC Chamber of Commerce. The working group will meet monthly to identify needs and to explore how to fulfill those needs.

Harbormaster

- Friends of the Harbor: We have been asked by several members of the community if we could establish a friends of the harbor volunteer group. The interest lies in helping out at the Harbor on occasion to do maintenance, fix it's, repairs, painting, etc. Many have reached out to form what would be similar to Friends of the Seashore, as most of the people spend a lot of time at the Harbor and have a particular love for it and would like to help out on occasion with a smaller commitment to fit their lifestyle.
- Update Harbormaster site: We are working on the Harbormaster page on the Town website. The page needs to have the current information updated and old information removed. It seems to be a bit archaic, and we will do what we can to spruce it up.
- Maintenance: Our favorite time of year, when we finally slow down enough to solve a lot of the small issues at the Marina which, adds up! This includes but is certainly not limited to building even more new docks!!! Everyone is excited that materials are on the way for us to build what we can in our down time!

Health/Conservation

- We are continuing to distribute covid antigen test kits to residents and employees of local businesses. Recently the state allowed us to place another order for tests and they should be arriving this week. We will continue to distribute tests until we run out. I expect this to be the last push of tests from the State. In the previous month we have had 2 positives tests identified on our online reporting tool and 17 identified in the state reporting database (PCR Only).
- The BOH is holding a Public Meeting on draft Regulations pertaining to changes to the subsurface sewage disposal section and the Targeted Watershed Management Plan on Wednesday November 9, 2022. It will be a hybrid meeting available on zoom or in person at the Adult Community Center at 5:30 pm. Notification will go out in the tax bill.
- MA DEP will hold a hybrid public meeting on Wednesday September 28th at 2:00 pm at the Wellfleet Adult Community Center to discuss TMDL report findings and receive public comments on the reports. To participate via Zoom you must register in advance of the meeting.
- Cyanobacteria growth rates in the ponds were all at acceptable levels this week and we are continuing to monitor them through mid-November. We have no recreational beach advisories currently.
- AmeriCorps Cape Cod has seen a decrease in recruitment numbers and individual placements are being scaled back. We are hopeful that we will be able to have a member at least one day a week. If not, we have a lengthy list of service projects for group service days.
- We partnered with Outer Cape Community Solutions (OCCS), Eastham, Truro, and Provincetown to submit a grant application to Cape Cod Healthcare in the amount of \$30,000.00 to fund enhanced Winter Wednesday programming. The new partnership with OCCS will allow us to offer programming for youth as well as enhanced outreach and coordination. This is a really exciting development!
- We are working on a Letter of Intent to Barnstable County with the same partners for ARPA funding. We intend to submit for the small to medium project range and hope to be able to bolster our Navigator programming to include, a Crisis Physician, an RN, and a CNA. We are also trying to develop a drop in center for services that would rotate through all four towns. This need was clearly identified in our public health assessment.
- We received word from the State that we were awarded around \$550,000.00 in grant funding to continue our Coastal Resiliency Project with Eastham, Truro, and Provincetown to allow us to continue to work on shoreline management planning for the next two fiscal years.
- Enforcement letters went out to various property owners for housing code, WEPR, and food code violations.

Fire

- We are presently onboarding (pre-employment physicals, background checks, CORI checks, etc.) the two (2) new Firefighter/EMTs that were given conditional offers of

employment earlier this month. We are hoping that both of these individuals will be starting employment with the Department in the very near future.

- With the assistance of our Assistant Town Administrator we have received one (1) bid to rehabilitate and make improvements to our recently acquired 2005 Seagrave, 75' Aerial/1500 GPM pump Quint that was purchased from the Town of Wellesley this Spring. We will be thoroughly reviewing this bid for accuracy and completeness.
- We are in regular contact, conversations and planning mode with SPAT and other Town Departments for the upcoming Oyster Fest in October. As this is a new venue, we need to plan accordingly with fire apparatus, ambulance, rescue equipment, etc., placement and deployment. To date, conversations and planning have been fruitful and positive.

Library

- I submitted my first to two state reports to the Massachusetts Board of Library Commissioners. This one was the Annual Report Information Survey (ARIS) which tracks everything trackable - including our attendance, circulation & holdings (divided into different item type as well as adult/juvenile) number of events, staff, etc. It is time consuming but necessary. We are happy that libraries are rebounding!
- Along with many libraries across the Commonwealth, we are participating in Climate Prep Week this year (Sept. 24-30th) which asks institutions to host climate change activities and events - highlighting issues that may be of specific importance in a particular area. We are welcoming Carol "Krill" Carson to speak about Ocean Sunfish and Climate Change. This is on September 26th at 7:00 PM. This event is taking place at the library. There are many other events around the Cape and MA. Check out the schedule at Climatecrew.org. It's impressive.
- We are partnering with SPAT to host events several events during Oysterfest Month! Stay tuned for more information.

Police

- This past spring Lieutenant LaRocco applied for the Municipal Road Safety (MRS) Program Grant from the Executive Office of Public Safety. Last week the department was notified on the grant status, **Chief Michael Hurley, Congratulations! I am pleased to inform you that your department has been awarded a grant for the FFY23 Municipal Road Safety (MRS) Program in the amount of \$19,984.** The grant will cover over time costs for Traffic Enforcement, Child Safety Seat Inspections, and monies for Bicycle Helmets. The department will continue to pursue grant opportunities to offset public safety costs to the community.
- On Saturday September 17th the department held a full day training for all sworn and civilian staff covering topics ranging from active shooter, electronic citations, emergency dispatch and other day to day operational concerns/issues. Thank you to retired dispatcher Jan Worthington for covering the desk and to the Truro Police Department for covering our calls during the day long training. This will be an annual event for the department to keep staff integrated with best methods/practices, open lines of communication and staff team building.
- Coordinating and completing operational plans for this year's Oyster Festival weekend (October 15th & October 16th). I would like to thank town departments who, as always,

have stepped up to the plate to make this event a success along with SPAT for their continued support and cooperation.

Public Works

- DPW Administration
 - a. DPW Administration has been working with the Herring River Technical Team on preparing and administering addendums for both the Chequessett Neck River (CNR) Bridge RFP and the Owners Project Representative (OPR) RFP.
 - b. Related to the recent Natural Resources Conservation Service (NRCS) grant awards, we are beginning to develop scopes for Powers Landing, Kendrick Ave and Lieutenant Island Road.
 - c. Coordinating the 10 year capital plan, reaching out to contractors for quotes and forecasting improvements for all departments of the DPW
- Facilities/Grounds
 - d. Roof replacement will begin within the next few weeks on the front portico structure at the Library
 - e. We will be servicing various boilers in town buildings
 - f. Conducted kick off meeting with the Department of Energy Resources (DOER) and Cape Light Compact (CLC) for the HVAC system upgrades at the Fire Department through use of Green Communities Grant funding
- Highway
 - g. Starting to prepare for snow and ice operations – checking plows, sanders and inventory for cutting edges. Will be engaging our private contractors soon to get them on board for the 2022-2023 winter season
 - h. As the season winds down, we have been assisting the beach department with various projects such as removal of stairs at Gull Pond, securing floating docks for the season and taking down signs across town.
 - i. We continue to work with the Police Department on the 25 MPH sign replacement project on numerous Town roads. I would estimate we are about 80% complete with that project.
- Transfer Station
 - j. The transfer station is back to normal operating hours of Fri-Tues (Closed Wed/Thurs) and most of our summer help has left.
 - k. We are beginning to develop a report of the current operations including but not limited to revenue/profit/operational costs and analyzing the rate structure

Recreation

- Rec Soccer practices have begun, and Wellfleet has six teams competing in grades K-6, with 90 children participating. Many thanks to volunteer coaches for donating their time. Games for grades 3-6 begin on 9/24.
- Recreation is hosting three activities over Columbus Day Weekend as part of Oysterfest activities. On Friday 10/7, 5-9 PM, Block Party at the Baker's Field Pavilion with Pan Neubean Steel Band Concert and Food trucks, Saturday 10/8, 10 AM-Noon Pickleball Round Robin, Sunday 10/9, 9:00 AM, 22nd Annual Shuck and Run 5K Road Race. Check the website for more information.
- The Recreation Department is in the process of applying for a CPC grant to replace the bandstand awning at the end of the pier. There is much support for this project as it is a beautiful location for events and performances. The Baker's Field Pavilion has been utilized successfully for events such as wedding receptions and graduation parties. The

upgraded pavilion will enable the Town to utilize the pier location for similar purposes as* few Town's have public property right on the water with such beautiful views. The goal is for the Town to host more events at the pier location and to be able to generate revenue through use of Town property applications.

Shellfish Department

- We have continued to propagate the Indian Neck recreational only area with oysters and clams from our grant and given the closing of the Herring River and that Chipman's Cove won't open until the end of October, we have also begun distributing oysters and clams to commercial areas. We have also been breaking down oyster seed into lower densities. Next up: breaking down our hat seed!
- We planted clam seed as part of a study with Roger Williams University and Barnstable County Cape Cod Cooperative Extension. This is the beginning of an experiment to see if different strains of quahog seed are more resistant than others to neoplasia, a leukemia-like disease that kills the clams, even though it is not harmful to humans. This information will be useful to shellfish farmers across Barnstable County and beyond. Aquacultural Research Corporation (ARC) is also an invested partner and spawned clams that survived neoplasia in Wellfleet as well as a control set of clams for this study. We are so thankful to all for this scientific collaboration!
- Assistant Shellfish Constable John Mankevetch and Deputy Shellfish Constable Jordan Halloran participated in a Mass. Shellfish Officers Assn. meeting in Yarmouth. They brought back lots of good information about federal and state shellfish priorities for the future.
- The dragger fishery has been very active with more boats going and harvesting both oysters and quahogs. We expect these harvesting activities to increase even more when bay scallop season opens on Oct. 1.
- We have given a big final push to finish our grant inspections while the weather is still good, even though there are few daylight negative tides which would allow us to do our work more effectively. Out of 150 grants (equal to 104 operating shellfish farms), we have three inspections left and three re-inspections for tags. There are currently 135 grant holders.
- In addition to grant inspections, we have been dedicating countless hours to grant oversight tracking and getting paperwork ready for a dozen renewals, forfeitures, minimum productivity enforcement and state requirements.
- In the last two weeks, we have confiscated catch from visitors harvesting without permits on Mayo Beach, Indian Neck and south Lieutenant Island (they had walked over from Eastham!).

Town Clerk

- Ongoing Election activity; Staffing, Ballot testing, and reporting to the State for both the Election and the September 10th Town meeting.
- Ongoing training of the new Assistant Town Clerk Shannon Ellis.
- Getting Ready for upcoming projects; Kings Information Systems in October. All while the day to day of the Clerk office with Marriage Intensions and public records requests taking much of our time.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

XI

TOPICS FOR FUTURE DISCUSSION

- **The Selectboard will discuss a list of current items that are outstanding**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

XII

VACANCY REPORTS

*****Please see the packet for full report*****

Date: September 27, 2022
To: Board of Selectmen
From: Rebekah Eldridge
Re: Vacancies on Town Boards

Bike and Walkways Committee (5 members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1 year (complete term)

Requesting Appointment: No applications on file

Board of Assessors (3 members, 1 alternate)

Vacant Positions	Appointing Authority	Length of Term
1 alt Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Board of Health (5 members, 2 alternates)

Vacant Positions	Appointing Authority	Length of Term
2 alt Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Board of Water Commissioners (5 Members, 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
2 alt Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Building and Needs Assessment Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Cable Advisory Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	1 year

Requesting Appointment: No applications on file

Commission on Disabilities (up to 5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Conservation Commission (7 Members + 2 alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Positions	Board of Selectmen	
2 alt Positions		3 years

Requesting Appointment: No applications on file

Council on Aging (11 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No application on file

Cultural Council (no more than 15 Members)

Vacant Positions	Appointing Authority	Length of Term
7 Positions	Board of Selectmen	3 years

Requesting Appointment: **No** application on file

Dredging Task Force (7 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Finance Committee (9 members, 2 alternate)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Town Moderator	3 years

Requesting Appointment: **One** application on file

Historical Commission (7 members)

Vacant Positions	Appointing Authority	Length of Term
0 Vacancies	Board of Selectmen	3 years

Requesting Appointment: **no** application on file

Local Housing Partnership (at least 10 members)

Vacant Positions	Appointing Authority	Length of Term
0 Vacancy	Board of Selectmen	1 year

Requesting Appointment: No application on file

Marina Advisory Committee (7 Members, 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	2 years

Requesting Appointment: No applications on file

Natural Resources Advisory Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
3 Position	Board of Selectmen	3 years

Requesting Appointment: No application on file

Open Space Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
0 Positions	Board of Selectmen	1 year

Requesting Appointment: **No** application on file

Personnel Board (4 members + TA + FinCom Rep)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Planning Board (7 members + 2 alternates)

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Position	Board of Selectmen	5 years

Requesting Appointment: No applications on file

Recreation Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Recycling Committee (7 Members + 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Rights of Public Access (5 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1-2 years

Requesting Appointment: No application on file

Shellfish Advisory Board (7 members + 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Zoning Board of Appeals (5 Members, 4 Alternates)

Vacant Positions	Appointing Authority	Length of Term
0 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

An application was received from a resident looking to join a school or housing committee that has ties and deals with green issues. I am currently talking to some housing committees to see where he could best serve the town.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

XIII

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Minutes
PROPOSED MOTION:	I move to approve the meeting minutes of January 11, 2022, January 18, 2022, April 22, 2022, and September 13, 2022, as printed in draft.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday January 11, 2022; 6pm
Meeting Minutes**

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

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Police Chief; Rich Pauley, Fire Chief; Will Sullivan, Harbormaster; Jay Norton, DPW Director; Vaira Harik, Assistant County Administrator; Sheila Lyons, Barnstable County Commissioner; Lilli Anne Green, Delegate for the town of Wellfleet; Gary Sorkin, Chair of Community Preservation Committee; Mary Rogers, CPC Coordinator; Stacey Faris, Town property applicant, Dick Elkin, Fred Magee, Chair of the Finance Committee

Chair Curley announced that he has asked DeVasto to chair the meeting for tonight as he wasn't feeling well.

DeVasto Called the meeting to order at 6:03pm

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 informed the public that the town of Wellfleet will be updating their hazard mitigation plan. He explained there was a survey that has been posted on the town's website. He gave details of when the survey is due and how it will help the town.

II. *County ARPA (American Rescue Plan Act) Funds ~ Vaira Harik, Assistant County Administrator*

Green gave an introduction to Harik, who gave information on how the ARPA funds can and should be used. Asking for resident's input. Lyons spoke to the board explaining this is just an introduction on where the county can help the town decided where these funds would be best used. Lyons stated that Harik was spearheading this and asked her to give more details and the process of how this procedure will work.

Harik spoke to the board giving an outline on the funding, she explained that the funds are based on the population of Wellfleet. She went into detail about how these funds can be used stating it isn't the counties money, it is the people's money in towns all over the cape. She explained there is a survey they are asking residents to fill out so that there is an idea of how the funds will be divided and what projects the money will be used for. There was much discussion about how Wellfleet will get the money and what it could be used for. It was explained that once the survey

responses are in there will be a public hearing. The board discussed these funds and the due date for the survey at great length. Curley explained the objective for tonight's meeting was to decide if the town should have a working group for deciding the use of the funds or have another meeting to discuss and then have the representatives come back at another meeting. Reinhart stated she thinks the board should have a meeting with the department heads to hear what their priorities are for each of their departments.

Board Member Wilson Moved; Board Member Wolf Seconded; and it was voted to have information about this opportunity and the program along with the timeline to all the departments and committees.

Roll Call Vote: 5-0

III. *Covid 19 Updates & Recommendations*

Eldridge read a report given by Hillary Lemos. Giving most recent Covid-19 positive cases and explaining there will be at home tests available to Wellfleet residents on a first come first serve basis at the town transfer station. The board discussed funds about Covid, and Chief Hurley informed them that those funds were used and are no longer available.

IV. *Public Hearings*

A. Annual CPC (Community Preservation Committee) Hearing ~ Gary Sorkin & Mary Rogers

Sorkin began his presentation explaining the funds that the CPC will be using and inform the board of the recommendations that they have made and will have on town meeting floor. He stated there are four areas that they work within, housing, historic, open space: and recreation. He gave some background about the committee which consists of nine members. He asked Rogers to take over Rogers began explaining to the board that there was not a lot of change with these funds. She gave a few points but explained the entire list is posted on the town's website. She gave a summary of what they would be allotting their money to. She stated the main source they would be allocating their money to would be the playground at the elementary school. Sorkin spoke to the board about the money that they would be giving to the school which came to about 40% of the cost of the playground. He also stated they would be doing the first-time home buyer buy down program.

V. *Licenses*

A. **Automatic Amusement:**

Bob's Sub & Cone

Board Member Wilson Moved; Board Member Reinhart Seconded, and it was voted to approve the Automatic Amusement Licenses for 2022 to Bob's Sub & Cone.

Roll Call Vote: 5-0

B. **Common Victualler**

Bob's Sub & Cone

Bookstore & Restaurant

Box Lunch
Ceraldi
Chequessett Yacht & Country Club
C Shore
Emack & Bolio's
Even'Tide
Lobster & Chowder House
Maurice's Campground
Pearl Restaurant
PJ's Family Restaurant
Van Rensselaer's
Wellfleet Beachcomber
Wellfleet Cinemas
Wellfleet Marketplace
Wellfleet Miniature Golf, Dairy Bar and Grill
Wellfleet Motel & Lodge
Wellfleet Preservation Hall
The Wicked Oyster
Winslow's Tavern

Board Member Wilson Moved, Board Member DeVasto Seconded; and it was voted to approve the Common Victualler Licenses as printed in the January 11, 2022; Selectboard Packet.

Roll Call Vote: 5-0

Board Member DeVasto Moved; Board Member Reinhart Seconded; and it was voted to approve the Common Victualler License for Moby Dick's Restaurant.

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

C. Sunday Entertainment

Bookstore & Restaurant
Harbor Stage Company
Lobster & Chowder House
PB Boulangerie Bistro
Wellfleet Beachcomber
Wellfleet Drive In-Flea Market
Wellfleet Preservation Hall
The Wicked Oyster

Board Member DeVasto Moved; Board Member Reinhart Seconded; and it Voted to approve the Sunday Entertainment Licenses as printed in the January 11, 2022, Selectboard Packet.

Roll Call Vote: 5-0

D. Weekday Entertainment

Bookstore & Restaurant
Chequessett Yacht & Country Club
C Shore
Lobster & Chowder House
Pearl Restaurant
Van Rensselaer's
Wellfleet Beachcomber
Wellfleet Cinemas
Wellfleet Miniature Golf, Dairy Bar and Grill
Wellfleet Preservation Hall

The Wicked Oyster
Winslow's Tavern

Board Member DeVasto Moved; Board Member Wilson Seconded; and it was voted to approve the Weekday Entertainment Licenses as printed in the January 11, 2022, Selectboard Packet.

Roll Call Vote: 5-0

***** It was noted that all the licenses be sent with a copy of the town of Wellfleet's Noise Bylaw*****

VI. Use of Town Property

A. Well Easement - Chequessett Neck Rd

DeVasto gave a brief summary about what this easement was about and asked Sumner to give an update on where the town stood with this easement moving forward. Sumner explained that the town's lawyers and the homeowner's lawyers have been working together. He stated he had spoken to Jay Norton who stated the risk for the town is small and if there were to be a leak or any damage the cost would be small. An escrow account was discussed for this easement. The water pipes were discussed and their life expectancy.

Board Member DeVasto Moved; Board Member Wilson Seconded, and it was voted to accept the \$10,000 in escrow for the water line easement pursuant to it being able to be held in perpetuity.

Roll Call Vote: 5-0

B. Wellfleet Main Street Garden ~ Stacey Faris ~ Saturday July 16, 2022, ~ 3-5pm

Faris spoke to the board regarding her application. She stated this is for her daughter's wedding, the board explained to her that she and her party are responsible for the cleanup of the grounds. She agreed.

Board Member Wilson Moved; Board Member DeVasto Seconded; and it was voted to approve the use of the Wellfleet Memorial Garden to Stacey Faris on Saturday July 16, 2022, from 3pm – 5pm, with a condition that the park be returned to the preparty conditions to the satisfaction of the Conservation and Department of Public Works Departments for a fee of \$200.00.

Roll Call Vote: 5-0

VII. Board/Committee Appointments and Updates

A. TA Search Committee Alternate

Board Member DeVasto stated that Chair Curley brought this to the board's attention. This is in case a member of the committee has an issue being sick or not being able to attend the meetings. Chair Curley explained that it is best to have an alternate just in case. The board discussed this at great length.

Board Member DeVasto Moved; Board Member Reinhart Seconded; and it was voted to approve Chief Michael Hurley as an alternate to the Town Administrator Search Committee.

Roll Call Vote: 5-0

VIII. Business

A. Marina Fuel Tanks Update ~ Will Sullivan

Sullivan spoke to the board, stating their schedule is to publish the ad in the Central Register January 26, 2022, they will then go to the Conservation Commission in February. At that time bids will be due around the same time in February, they will award the contract by February 21, 2022. Which will lead to the project being finished by the end of May 2022. He explained there was an issue with the engineering being backed up due to the dredging project.

B. Town Media Services Progress Report

Sumner spoke to the board stating that the new media services person JP Ludwig was hired and has is working with Comcast to get communication drops throughout town. He is trying to resolve some questions with licensing with Comcast. Sumner continued that JP would like to being procurement soon and knows that the vendor is on the state's vendor list.

The board discussed if hybrid meetings would be able to take place once all the licenses have been worked out.

C. Financial Management Workplan ~ Charlie Sumner

Sumner gave an update on the town's financial workplan, he again stated that the accounting and treasurer departments are very short staffed. He stated that FY 2020 has been very challenging for his team as there were a number of actions by town officials that lacked documentation. They are continuing to work on those issues, and he is hopeful that they will come to a conclusion. His goal is to present the selectboard and finance committee with the 2023 operating budget by the next meeting (January 18, 2022) along with his financial forecast. Stating this document will be something he hopes the town will use moving forward.

D. Draft Annual Town Meeting Warrant ~ Charlie Sumner

Sumner spoke to the board about his draft warrant explaining that anytime an article item is brought forth he adds it to the draft, so they don't get lost in the shuffle. He stated he met with his finance team to see about funds and raising and appropriating funds to pay for some items. He recommended that the board

wait to see what free cash they will have available to them and then vote on each article. He explained there is a spreadsheet at the back of the warrant so the board can track items as they get ready for the town meeting. DeVasto asked to have a tally of votes added to the draft warrant, so they know what they have already voted and placed. The Board took no action.

E. Affordable Lots Zoning Bylaw ~ Chair Curley

Wilson questioned who drafted this bylaw, Chair Curley explained that he drafted it by using other towns as templates and stated he has brought it to the Planning Board. Wilson stated that this would be a huge weight on the Zoning Board of Appeals. The board discussed this bylaw at great length.

They discussed having this document reviewed by town counsel to make sure everything in it is appropriate.

Board Member Wilson Moved; Board Member DeVasto Seconded; and it was voted to send the Draft Affordable Lots Zoning Bylaw 6.28.B to ask if it is possible for the town to do this.

Roll Call Vote: 5-0

F. Feeding of Wild Animals Bylaw ~ Member Wilson

Wilson spoke to the board that it took more time than anticipated to get the National Park staff, herself, and the animal officer of Wellfleet. She explained what this Bylaw is about protecting wildlife rather than hurting them. The board discussed bird feeders. DeVasto asked the board to go back and look at this bylaw and they will come back to it.

G. Letter Regarding the Potential Release of Radioactive Water in Cape Cod Bay ~ Chair Curley

The board was appalled that there needed to be a letter written to prevent the release of radioactive waste in the waters of the cape. They discussed about having stronger language. Green spoke to the board stating that the account delegates are also sending a letter. Curley stated there is also a letter to oppose the release of radioactive water into Cape Cod Bay. Reinhart was going to amend the letter for the board.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted that the town of Wellfleet strongly opposes the release of radioactive water into Cape Cod Bay.

Roll Call Vote: 5-0

Reinhart explained her amendments to the board making it known that it is very important to insert that Wellfleet is also known by our clean salt waters that are used by swimmers, boaters, and fisherman. They discussed these changes. Reinhart will send Eldridge the changes so it can be sent.

Board Member Wilson Moved; Board Member DeVasto Seconded; and it was voted to send the amended letter written by Chair Curley.

Roll Call Vote: 5-0

Board Member Wilson Moved; Board Member DeVasto Seconded; and it was voted to approve the letter presented at tonight's meeting and to send it to the list of representatives as found in the Selectboard packet and to copy the owners of the Pilgrim Nuclear Power Plant and the company in charge of decommissioning it and other responsible parties.

Roll Call Vote: 5-0

IX. *Selectboard Reports*

Curley explained to the board that there is a public hearing at Camp Wellfleet the following day regarding ordinates that have been found and this meeting will talk about the actions that can be taken and the recommended actions are on the meeting posting.

A. *Town Administrator's Report*

- Town Administrator to give a verbal report this week
- Sumner stated there was some communication with Verizon to have a tower put on the antenna at Newcomb Hollow Beach. He spoke about a meeting that he had with the Cape Cod Conservation Commission. He continued stating that the solar project at the transfer station has been activated. He has a meeting with Ameresco the company that is leasing that land so that the town understands the accounting when it comes to those panels.

X. *Topics for Future Discussion*

Magee spoke to the joint meeting on the 18th regarding the budget of 2023.

XI. *Correspondence and Vacancy Reports*

- Please see Selectboard Packet for full report

XII. *Minutes*

December 14, 2021

Board Member Wilson Moved; Board Member Reinhart Seconded and it was voted to approve the minutes as amended.

Roll Call Vote: 5-0

XIII. *Adjournment*

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to adjourn.

Meeting adjourned 830pm

Public Records:

CPC Documents

Entertainment Licenses

Chequessett Neck Easement

Use of town property application

DRAFT ***A complete recording of this meeting can be found on the town's website***

Draft Town Meeting Warrant

Draft Affordable Lots Zoning Bylaw

Draft Feeding of Wild Animals Bylaw

Letter regarding radioactive water being dispersed into Cape Cod Bay

Meeting Minutes of December 14, 2021

Wellfleet Selectboard
With
The Wellfleet Finance Committee
Virtual Meeting ~ Zoom
Tuesday January 18, 2022; 6pm
Meeting Minutes

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

Finance Committee Members Present: Fred Magee, Chair; Kathy Granlund, Vice Chair; Ira Wood, Stephen Polowczyk, Bob Wallace, Linda Pellegrino. Moe Barocas, Jeff Tash, Jeff Behrens

Finance Committee Members Absent: Jenn Rhodes

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Chief of Police; Jay Norton, DPW director

Chair Curley Called the meeting to order at 6:00pm

Chair Magee Called the finance committee meeting to order at 6:01pm

I. *Announcements, Open Session and Public Comments*

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

Chief Hurley informed the board and public that the Wellfleet Police Department has officially begun using their body cameras to promote transparency among the public, he explained they would be doing public outreach to introduce the cameras.

Chair Curley asked Chair Magee to chair the next few agenda items and then Chair Curley would chair the remainder of the meeting.

II. *Fin Com*

A. Review Minutes from December 15, 2021, ~ Chair Magee stated there was a quorum and asked for a motion to accept the minutes.

Barocas Moved; Granlund Seconded, and it was voted to accept the minutes as printed.

Roll call Vote: 7-0-1(Polowczyk abstained due to his absence at the meeting)

B. Vote on Request for Transfer re: Cemetery Commission Vendor bills

Chair Magee explained the next order of business was to approve a transfer for the Cemetery Commissioners which he asked Sumner to explain. Sumner began stating that this money would go into the Department of Public Works budget. He stated there is a vendor that installs the markers when a plot is bought at a cemetery and there is an outstanding balance. He continued to explain how his will work. Chair Magee stated that this is the fourth time that there has been a transfer that the committee has approved, he stated he hopes in the future there

will be a better understanding of emergency and unforeseen circumstances. Sumner explained he will keep a list of the funds that the finance committee has so that in the coming years the committee will be able to keep a tally on where the funds are spent.

Polowczyk Moved; Tash Seconded; and it was voted to approve the transfer in the amount of \$2056.00 as presented.

Roll Call Vote: 9-0

- C. Set Meeting agenda for Operating budget reviews in February and March 2022
Chair Magee stated that the next two months would be department budget reviews. He recommended both February 9th & 23rd for their upcoming meetings. There were no objections. No vote was needed for this item.
Chair Magee turned the meeting back over to Chair Curley.

III. **Business**

- A. Presentation of FY 2023 Town & School Budgets ~ Sumner began explaining his intentions for this meeting, stating that he would review his cover letter with the group. He told them that there were budget books made for each of them that gives great detail about each of the department budgets and this book will be used when the department budget reviews are conducted. He explained how he came to this cover letter and what it entailed. He explained there is a budget and a draft warrant.

Sumner continued going over his letter and the finances of the town. He stated he has not yet received the school budgets as it is early in the year for them to receive those, but he forecasted a 3% increase in funds.

Sumner explained that the town has used the local receipt funds a lot so they had to increase that budget. He gave details on the incoming revenue from the marijuana shops and rental funds.

He gave details on the enterprise funds which are the Marina enterprise and the Water enterprise and explained that the Water is very heavily subsidized, and he will continue to work on that. He spoke to the group about special revenues. He explained that the stabilization fund has been depleted and he recommended when the town does receive their certified free cash, they replenish that account so that the town is able to keep their bond rating.

Sumner gave details to the group going over each part of his cover letter.

Explaining incoming new revenues and debts that the town has. He explained that because the solar panels are up and running the town should have a reduced electric bill and have more credits with that account.

Sumner entertained questions for both committees. Charging for parking at the marina was discussed and Sumner stated it is something that the town needs to consider. A 2.5% override was discussed. The members of each committee discussed the letter at great length. There was a long discussion about the water Enterprise fund and the lack of revenue coming in. It was explained that the Board of Water Commissioners has been working with Sumner and a consultant to help reconstruct the fee structure for the water department with expectations this will help to bring in more revenue.

B. Financial Forecast FY 2023 – FY 2027

Sumner moved on to his financial forecast. Eldridge shared the screen to show the group the spreadsheet that he created. He stated he created this with the hopes that the town will continue to use this as the years progress and just be able to build into it for each fiscal year. He explained what each page consisted off with regard to the entire operating budget for the next 5 years.

Sumner went through each line of the forecast explaining his actions and projections. He discussed the Cable money that has been put aside, the CPC (Community Preservation Committee) projects which he explained their budget doesn't really affect any shortfall because the way they work is if the committee has the money in their account, then they can spend it. He explained he would spend more time with 2024 -2027 but stated he increased each year by 2.5% but he would look more closely at each year. There were some comments made and questions answered by various members of the Finance Committee and Selectboard members. It was stated that the town is looking for an operation budget override of about \$740,000.

C. Town Administrator & Assistant Town Administrator's Report

Sumner gave a verbal update on town happenings. He gave an update on the new Building Commissioner James Badera. He stated that with the help of Victor Staley the department has been able to catch up on the backlog of building permits and inspections. He gave an update on the Herring River Restoration project. He continued informing the board that the TA Search Committee met for the first time this afternoon and set the procedure for moving forward.

D. Distribution of Draft Comprehensive Financial Management Policies for the Town of Wellfleet

Chair Curley gave a description of where this plan first came from and how he would like it to move forward. He explained that he would like to have Sumner's financial team to look at this document and make comments as needed. Magee questioned who should give feedback for this document. Chair Curley explained he would like to get a robust amount of feedback before different policies are inspected. Magee continued asking what the timeline was for this document. Chair Curley was commended on his hard work with writing and putting this document together. The board discussed this document and how long they should allow for boards, committees, and department heads to look it over and provide feedback.

Chair Curley Moved; Board Member Reinhart seconded; and it was voted to refer the Comprehensive Financial Policies to the Town Administrator to be distributed to the town department heads, and to interested town boards and committees to be returned to the Selectboard by February 28, 2022.

Roll Call Vote: 5-0

IV. *Topics for Future Discussion*

There we no topics that were brought up at this meeting.

V. *Adjournment*

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

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adjourn the joint meeting with the finance committee.

Roll Call Vote: 5-0

Chair Magee Moved; Board Member Granlund Seconded; and it was voted to adjourn the Finance Committee meeting.

Roll Call Vote 9-0

Meeting Adjourned 8:05pm

Public Records:

- ***Finance Committee Meeting Minutes December 15, 2021***
- ***Finance Committee Transfer Sheet***
- ***Fiscal Year 2023 Town Administrator's Budget Cover letter***
- ***Financial Forecast for Fiscal Years 2023-2027***
- ***Town Administrator's Report***
- ***Draft Comprehensive Financial Management policies***

Respectfully Submitted:

Rebekah Eldridge

Wellfleet Selectboard
Virtual Meeting ~ Zoom
Friday April 22, 2022; 1:00pm
Meeting Minutes

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

Others Present: Charlie Sumner, Interim Town Administrator; Rebekah Eldridge, Executive Secretary; Harry Terkanian, Housing Authority; Dan Silverman, Town Moderator

Chair Curley called the meeting to order at 1:04pm

I. *Announcements, Open Session and Public Comments*

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
There were no announcements.

II. *80 State Hwy Pre-Special Town Meeting Planning*

Chair Curley stated the first thing that needed to be discussed was the posting on the Mass Housing partnership with a formal request to ask them to help the town do their due diligence for the campground. Terkanian explained how the partnership would help the town and they would be willing to help Wellfleet with finances and the paperwork for the campground. Wilson spoke to the board and stated that the letter needed to be signed by the board

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the letter requesting assistant from Mass Housing Partnership on behalf of the Selectboard.

Roll Call Vote: 4-0

Chair Curley moved on and asked the board to authorize him to form a working group for 80 State Highway so that they can pull together quickly and begin working on the campground. DeVasto stated he would like to be a member of that working group. Wilson stated that the board needed to make this decision together as a board. Chair Curley stated he had some names and wanted to ask the people if they would be willing to serve on the working group. Wilson asked if they would be appointed, Chair Curley explained that the members wouldn't be appointed they would be selected by him. Wilson strongly disagreed.

Chair Curley explained his thought process and why he was going about this the way he was. DeVasto questioned if this was outside of the scope of what the housing trust was actually doing. He questioned the charge of the working group. Chair Curley explained the vision for the group, stating that they will be preparing materials for the

public, following up on executing the contract, including deadlines, and working on the financial planning for the campground. Wolf stated he felt time was of the essence with this project, wanting this to move quickly.

Chair Curley Moved, Board Member Wolf Seconded, and it was voted to authorize Chair Curley to form an 80-state highway working group with the members being selected by the chair.

There was discussion if these meetings would be conducted in public or executive session. Wilson shared her concerns and thoughts with this group being formed. She asked Terkanian what his thoughts were on this matter. Terkanian explained his thought process stating some of the information needed to be kept in executive session due to personal information. Wilson advocated that the full board needed to appoint these members. Chair Curley stated that there wasn't enough time to go through a full process or recruiting residents and people of the town. He expressed the need for this to be a speedy process and a week wasn't enough. The board continued the discussion on the working group and the logistics of it. DeVasto asked to add the charge of the working group so that it was clear.

Chair Curley stated the charge of the group would be to develop a financial plan and answer any questions from the finance committee regarding the purchase, oversee and present on the due diligence, develop presentation materials for the public, to address community questions, and to develop recommendations for operating the campground as a business which he stated would go back to a board for approval.

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

III. *Adjournment*

Chair Curley Moved; Board Member Wilson seconded; and it was voted to adjourn.

Roll Call Vote: 4-0

Meeting Adjourned at 1:40pm

**Wellfleet Selectboard
Hybrid Meeting
Zoom/715 Old King's Highway
Tuesday September 13, 2022; 7pm
Meeting Minutes**

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Kathleen Bacon, Barbara Carboni, John Wolf

Others Present: Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Police Chief; Della Spring, applicant for use of town property; Deirdre Oringer, applicant for use of town property; Emily Kelly-Joseph, applicant for use of town property; Francis Conroy, applicant for treasurer on Cultural Council; Dennis O'Connell; Rich Pauley, Fire Chief; Jay Norton, DPW Director;

Chair Hurley Called the meeting to order at 7:02pm

I. *Announcements, Open Session and Public Comments*

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

Chair Curley asked the audience if there were any;

Bacon thanked town staff for all their hard work and dedication for the special town meeting.

II. *Consent Agenda*

- A.** Proclamation for September to be suicide awareness month ~ Wellfleet Selectboard
- B.** Dennis O'Connell; Coast Sweep, beach/landing cleanup, ~ October 10, 2022; 8:30am-12:00pm.
- C.** Authorize the town administrator to sign and execute Green Communities Grant Application
- D.** Accept donation of 5 IMAC computers from local residents to be distributed to library and Community Center for media service use
- E.** Application from The Community Preservation Act for the Lower Cape Cod Development Corporation; board to sign
- F.** Della Spring ~ Tuesday's and Thursdays from June 27, 2023 – August 31, 2023, from 8:30am – 9:45am~ Mayo Beach behind the Basketball Courts
- G.** Deirdre Oringer ~ Sandy Strip at Mayo Beach ~ for small market ~ June 29, 2023, - August 31, 2023, 7am – 4pm.
- H.** Emily Kelly-Joseph, Newcomb Hollow Beach, Wedding Ceremony ~ October 9, 2022; 2pm – 5:30pm.
- I.** T-Mobile Hometown Grant Support Letter ~ Chair Curley
- J.** Francis J. Conroy ~ to be appointed to the Wellfleet Cultural Council

**Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve all items on the consent agenda as Drafted
Roll Call Vote: 5-0**

III. Licenses

- A. One Day Beer and Wine ~ Wellfleet SPAT ~ October 15 & 16th, 2022 ~ 10:00am – 4:00pm

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the 2-day liquor license to be issued to Wellfleet SPAT for October 15, 2022; and October 16, 2022; for a fee of \$100
Roll Call Vote: 4-0-1 (DeVasto Abstained)**

- B. General Business License ~ Acadia Healthcare Comprehensive Treatment Center Mobile Clinic ~ 2700 State Highway, Wellfleet
Chair Curley spoke to the necessity of this mobile unit and expressed his support for the unit.

**Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve Acadia Healthcare's Comprehensive Treatment Center Mobile Clinic to be stationed at 2700 State Highway, Wellfleet for the hours listed in the application.
Roll Call Vote: 5-0**

IV. Business

- A. Authorize the town administrator to sign and execute Power's and Sullivan contract for auditing services

**Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to authorize the town administrator to sign and execute the one year contract with Power's and Sullivan.
Roll Call Vote: 5-0**

- B. Financial Policies – Chair Curley
The board discussed the draft policies that Chair Curley put together. Chair Curley spoke of where he obtained some information, stating town of Brewster, UMASS Boston. The board discussed these policies and the changes that needed to be made. Chair Curley stated that the board should go through each section.

**Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the balance budget of the financial policies.
Roll Call Vote: 5-0**

The board moved on to local receipts. There was discussion of reducing the percentage rate from 100% to 80%.

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the local receipts percentage rate be changed from 100% to 80%
Roll Call Vote: 5-0**

**Chair Curley Moved, Board Member Wolf Seconded; and it was voted to approve the submission of budget and budget policy as printed
Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the Revenue and expenditure forecast part of the financial policy as submitted at this meeting.
Roll Call Vote: 5-0**

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the Policy on New revenue sources as drafted

Roll Call Vote: 5-0

Chair Curley moved on to the next policy, which was the appropriation close out, Administrator Waldo spoke about having the language be five-years not two. Giving the department heads time to get things done and situated.

Board Member DeVasto moved; Chair Curley Seconded, and it was voted to change and insert the amended language stating the appropriation shall be closed out if not drawn down within two-years or fully spent within five years unless there is written justification provided by the parties responsible.

Roll Call Vote: 5-0

Chair Curley Moved, Board Member DeVasto seconded; and it was voted to approve the appropriation close out policy

Roll Call Vote: 5-0

Board Member DeVasto, Chair Curley Seconded; and it was voted to add the language "Unless other funding sources are identified" (1st paragraph)

Roll Call Vote: 5-0

The board discussed the human resources policy stating that they would like to pass this and may have to address some things in this policy if it isn't passed at the town election.

Chair Curley Moved, Board Member Wolf Seconded; and it was voted to approve the human resources policy as drafted

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the comprehensive five-year personnel planning policy as drafted.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the personnel policies and labor contracts as drafted

Roll Call Vote: 5-0

Chair Curley Moved, Board Member DeVasto Seconded, and it was voted to approve the position control and vacancies as drafted

Roll Call Vote: 5-0

The board moved on to the housing policy and discussed what this policy meant and if it needed to go to town meeting.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the housing policy as drafted.

Roll Call Vote 5-0

The board discussed the enterprise fund policy and some changes that needed to be made. Chair Curley explained that the marina is on a three-year fee increase and this year will be a 5% increase and next year will be a 7% increase.

It was discussed that Wellfleet Marina is the only marina on the cape that is funded by an enterprise fund. The water enterprise is working on changing their fee structure so there will be more revenue brought in.

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the enterprise fund policy as drafted.

Roll Call Vote: 5-0

The board moved on to the reserve funds and fund balance policy, there was discussion on the different reserve funds. Waldo spoke about the funds being certified and what the town would do with the funds, using them for capital projects that have been delayed. Bacon questioned over lay surplus; Chair Curley explained what that meant and explained that the town has had that in the past, it is controlled by the Board of Assessors with an annual update provided to the Selectboard.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the free cash policy.

Roll Call Vote: 5-0

The board continued with Stabilization Funds. Discussing

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the General Stabilization Fund Policy as drafted.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the Capital Stabilization Fund Policy as drafted.

Roll Call Vote: 5-0

The finance committee reserve fund was the next policy the board discussed.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the Finance Reserve Fund Policy as drafted.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded and it was voted to approve the overlay surplus policy

Roll Call Vote: 5-0

Chair Curley Stated that he received feedback from the Fire Chief and wanted to get his language into this policy before the board voted on it.

NO Action was taken on the ambulance fund

The board continued with the capital planning. Waldo spoke about some changes he would like to make in the future.

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the capital planning policy.

Roll Call Vote: 5-0

Capital Improvement plan has been extended to 10-year plan verses a 5-year plan, Chair Curley explained that it was voted to changed to 10 years in 2021.

Chair Curley Moved Board Member DeVasto Seconded and it was voted to amend the qualifying expense to \$25,000.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Seconded, and it was voted to approve the Capital Improvement Policy

Roll Call Vote: 5-0

The Board discussed the vehicle replacement policy, and the board agreed with it. Waldo spoke about the department heads should be in charge of their own vehicles and have consultation with the DPW. Police and Fire inspect their own vehicles stating that the DPW doesn't deal with their vehicles at all.

Chair Curley Moved, Board Member DeVasto Seconded, and it was voted to amend the wording policy to read second sentence where it says the "DPW", change to read the "DPW and or the Department heads shall make annual evaluations.

Roll Call Vote: 5-0

Chair Curley Moved, Board Member Seconded, and it was voted to approve the vehicle policy as amended.

Roll Call Vote: 5-0

Carboni questioned the capital improvement and debt management policy for educational purposes.

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the Capital Improvement Financing Policy.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Bacon Seconded, and it was voted to approve the Debt Management Policy.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Bacon Seconded, and it was voted to approve the Grant Administration policy

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the Grant Impact on Operating Budget Policy.

Roll Call Vote: 5-0

Chair Curley Moved, Board Member Wolf Seconded, and it was voted to approve the Grant Impacts on Capital Improvement Program Policy

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the Grant Matching Reserve Fund Policy.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the fees and charges policy.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the use of one-time revenue sources policy

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the pension and retirements policy

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the Other Post-Employment Benefits policy

Roll Call Vote: 5-0

Chair Curley Moved, Board Member Carboni Seconded, and it was voted to approve the risk management program policy

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wolf Seconded, and it was voted to approve the annual audit policy

Roll Call Vote: 5-0

Chair Curley stated the next policy is something that the finance committee is in full support of and would like it to be implemented.

Chair Curley Moved; Board Member Bacon Seconded, and it was voted to approve the Monthly Reporting Policy

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the cash collection policy

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the Cash Reconciling and receivables policy

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wolf Seconded, and it was voted to approve the Cash Flow Forecasting and Budgeting Policy

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded and it was voted to approve the comprehensive annual report policy

Roll Call Vote: 5-0

Bacon asked the chair to move the next four items in the financial policies as one vote.

Chair Curley Moved; Board Member Bacon Seconded and it was voted to approve the polices on reconciliation

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the Procurement and Purchasing Policy

Roll Call Vote: 5-0

Chair Curley Moved, Board Member Carboni Seconded, and it was voted to approve the Treasurer Investment Policies

Roll Call Vote: 5-0

Chair Curley Voted, Board Member Carboni Seconded, and it was voted to approve the Antifraud Policy

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wolf Seconded, and it was voted to adopt the Disbursement Policy

Roll Call Vote: 5-0

Chair Curley Moved, Board Member Carboni Seconded, and it was voted to approve the employee reimbursement policy

Roll Call Vote: 5-0

Chair Curley Moved Board Member Carboni Seconded, and it was voted to approve the Financial Management Team Policy

Roll Call Vote: 5-0

Chair Curley Moved, Board Member Bacon Seconded, and it was voted to approve the appendix 1 with definitions.

Roll Call Vote: 5-0

Chair Curley Moved, Board Member Bacon Seconded, and it was voted to approve Appendix 2

Roll Call Vote: 5-0

C. Maurice's Campground (80 State Highway)

Chair Curley stated that this was put on the agenda as a place holder, the town meeting voted to approve the purchase of the campground and it was urged that the public vote at the special town election on September 20th.

Waldo gave an update regarding ARPA funding and questioned if the board wanted to move forward with the application.

An RFP was discussed. Chair Curley stated he couldn't be involved with the RFP process.

V. *New Business*

There was no new business brought to the floor.

VI. *Selectboard Reports*

Bacon reported that she attended a Rights of the Public Access meeting, and they are in need of 3 members with the resignation of the Chair John Riel. She gave an update on their meeting and what they are currently working on.

Carboni spoke about her boards, and she stated she would like to be a liaison to the Historical Commission.

VII. *Town Administrator's Report*

Waldo gave a brief update to the board from his written report. He thanked the forum for their pre town meeting. He acknowledged the transfer station and the grant they are seeking for three roll off trucks through a recycling program.

Wolf questioned the dredging and if there were any updates, Waldo stated he had talked with Senator Keating, he explained that there wouldn't be a fall dredge but is hopeful to have a spring dredging take place. Chair Curley questioned the finances, the finance team and the Principal Clerk position.

VIII. *Topics for Future Discussion*

Bacon questioned the letter that was received from ARC and it was stated that it was sent to town counsel.

IX. *Vacancy Reports*

Please see the Selectboard packet for the full vacancy report.

X. *Minutes*

A. January 25, 2022 – Chair Curley Moved, Board Member Wolf Seconded, and it was voted to approve the minutes as drafted.

Roll Call Vote: 3-0-1 (Bacon and Carboni Abstained due to not being on the board)

DRAFT *** A full recording of tonight's meeting can be found on the town's website ***

B. August 16, 2022 – Chair Curley Moved, Board Carboni Member Seconded and it was voted to approve the minutes as drafted.

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

XI. *Adjournment*

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to adjourn

Roll Call Vote: 5-0

Meeting adjourned 9:31pm

Public Documents:

Proclamation for the month of September be Suicide awareness month

Application for use of town property for beach cleanup, Dennis O'Connell

Green Communities Grant application

Thank you letter from Selectboard for donation of IMAC computers

Community Preservation Contract

Application for Use of town property ~ Della Spring

Application for Use of Town Property ~ Deidra Oringer



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 27, 2022

XIV

ADJOURNMENT

REQUESTED BY:	Selectboard Chair Ryan Curley
DESIRED ACTION:	To Adjourn
PROPOSED MOTION:	I move to Adjourn
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____