



## Board of Selectmen

The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, January 14, 2014 at 7 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667.

### I. Announcements, Open Session and Public Comment [7:00]

### II. Public Hearing(s) [7:15]

#### A. Restaurant Closing

- a) Request received December 4, 2013 from Philippe Rispoli to close PB Boulangerie Bistro from January 4, 2014 through January 29, 2014.

### III. Licenses/Appointments/Reappointments/Use of Town Property

#### A. Licenses

- a) Business license renewals: Boathouse Fish Market, Bob's Sub & Cones, Box Lunch Inc., Chequessett Yacht & Country Club, Emack & Bolio's, Express Mart, Finely J.P.'s, Flying Fish Café, Harbor Stage Company, JB's Pizza Bar & Grill, Lighthouse Restaurant, Mac's Seafood Takeout, Mac's Shack, Maurice's Campground, Moby Dick's, PB Boulangerie Bistro, Pearl Restaurant, Rino's, South Wellfleet General Store, Sunbird, Sweet Seasons, Wellfleet Beachcomber, Wellfleet Cinemas, Wellfleet Donuts, Wellfleet Drive In-Flea Market, Wellfleet Harbor Actor's Theater, Wellfleet Marketplace, Wellfleet Miniature Golf, Wellfleet Town Pizza, Wellfleet Village Mobil (Used Car Dealer's License – Class II), The Wicked Oyster, Winslow's Tavern
- b) License for weekday entertainment: Finely J.P.'s Inc., Flying Fish Café, Harbor Stage Company, Lighthouse Restaurant, PB Boulangerie, Pearl Restaurant, Sweet Seasons, Wellfleet Beachcomber, Wellfleet Cinemas, Wellfleet Drive In-Flea Market, Wellfleet Harbor Actor's Theater, Wellfleet Miniature Golf, The Wicket Oyster, Winslow's Tavern
- c) License for automatic amusement: Bob's Sub & Cones, Southfleet Motor Inn
- d) License for public entertainment on Sunday: Harbor Stage Company, PB Boulangerie Bistro, Sweet Seasons, Wellfleet Beachcomber, Wellfleet Drive-In & Flea Market, Wellfleet Harbor Actor's Theater, The Wicked Oyster.
- e) License for flea market: Wellfleet Drive In-Flea Market

#### B. Appointments

- a) Christopher Easley - Wellfleet Representative to the Nauset Regional School Committee [interim appointment until ATE 2014 to fill the vacancy left by Jonathan Porteus' resignation]

#### C. Use of Town Property

- a) Application received from Dennis O'Connell from the Friends of Wellfleet Library to use the east Town Hall driveway (next to Abiyoyo) from 7:00 a.m. to 3:00 p.m. on Sunday July 6, 2014 (rain date July 13, 2014) and Sunday, August 3, 2014 (rain date August 10, 2014) for the Friends of the Library Annual Book sale. 50 volunteers and proceeds benefit the Wellfleet Public Library [no processing fee or Use of Town Property Fee applies].

### IV. Business

- A. Rename the Wellfleet Skate Park to the Kevin J. Fitzgerald Memorial Skate Park [Rosenberg]
- B. Status report on the Herring River Restoration Project [Palladino]
- C. NStar right of way spraying response [TA]
- D. PAYT – Board of Health Letter – Next Steps [TA, Bruinooge, Pilcher]
- E. Recommended Parking Policies and Fines [Study Committee]
- F. Discuss status of High Toss Road [Murphy]
- G. Community Development Partnership organization update [Coburn]

- H. Review and approve charge - Use of Town Property Committee [TA]
- I. Approval of streetlight operation & maintenance contract [TA]
- J. Approval of Veteran's Services Budget [TA]
- K. Review of Inter Municipal Cooperation Committee participation and goals [TA, Pilcher]
- L. Review draft 2014 Annual Town Meeting Article Index [TA]
- M. Selectmen's Message for 2013 Annual Report
- N. Approval of 2014 IRS Standard Mileage Rate – \$0.56 cents per mile as of January 1, 2014 [TA]

**V. Town Administrator's Report**

**VI. Future Concerns**

- A. Upcoming FY2015 Budget schedule

**VII. Correspondence and Vacancy Report**

**VIII. Minutes [December 10, 2013]**

**IX. Adjournment**

**X. Executive Session**

The purpose for Convening Executive Session (MGL c. 30A, Sec. 21(a)):

- 2. To discuss strategy with respect to collective bargaining with the Wellfleet Permanent Firefighters if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

TOWN OF WELLFLEET  
PUBLIC HEARING

In accordance with M.G.L. Chapter 138, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, January 14, 2014 at 7:15 p.m. in the Wellfleet Council on Aging to consider the following:

- Request received December 4, 2013 from Philippe Rispoli to close PB Boulangerie Bistro from January 4, 2014 through January 29, 2014.

WELLFLEET BOARD OF SELECTMEN



Wednesday, December 4, 2013

To Wellfleet Board of Selectmen,

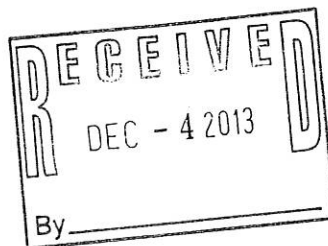
PB Boulangerie Bistro would like to request closing the bakery and restaurant for the time period January 2, 2014 - January 29, 2014.

Please let me know if you need additional information.

Sincerely,

Philippe Rispoli

A handwritten signature in black ink, appearing to read "Philippe Rispoli", written over a horizontal line.



15 Lecount Hollow Road, South Wellfleet, MA 02663  
Tel: 508.349.1600 Fax: 508.349.1660



# TOWN OF WELLFLEET

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

To: Board of Selectmen  
From: Harry Terkanian, Town Administrator  
Subject: Business & Entertainment License Renewal Issues  
Date: January 2, 2014

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During 2013 I received one complaint that Dunkin' Donuts was operating beyond the hours in its business license. This past August I wrote the manager of record advising her of the hours of operation authorized by the license (file copy attached) and received no response. I have not personally verified whether they have operated outside the terms of their license.

Among the list of licenses due for renewal there are three where the Board should be aware of existing conditions that may indicate a change in licensing is in order. Three establishments have been identified to me as providing Sunday entertainment although they are not licensed for that activity. They are: Lighthouse Restaurant, Pearl Restaurant and Winslow's Tavern. Additionally, the Pearl Restaurant has been the subject of noise complaints to the police department and me relating to amplified music on the deck on the North (Mayo Creek) side of the building. The complaints assert that the music is plainly audible at a distance of 150 feet (see bylaw text below.)

**General By-Laws, Article VII, Section 26.** It shall be unlawful for any person or persons occupying, having the charge of, or being present in or about any building, structure, premises, shelter, mobile or stationary vehicle, boat, or any conveyance, or any part thereof, in the Town, from 10:00 p.m. until 8:00 a.m., at any time to cause, suffer, allow, or countenance any unnecessarily loud, excessive or unusual noise, including any such noise in the operation of any radio, phonograph or other mechanical or electronic sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid; or the making of loud outcries, exclamations or other loud boisterous noise, or loud or boisterous singing by any person or persons or the use of any device to amplify the aforesaid noise, where such noise is plainly audible at a distance of one hundred and fifty (150) feet from the building, structure premises, shelter, mobile or stationary vehicle, boat, or any conveyance, or any part thereof in which and/or from which it is produced. The fact that the noise is plainly audible at said distance of one hundred and fifty (150) feet shall constitute prima facie evidence of a violation of this bylaw (emphasis added.) Except as authorized by the Board of Selectmen, any person or persons shall be deemed in violation of this bylaw who shall make, aid and abet, or cause, suffer, allow, or countenance the making of such noise, and shall be subject to punishment by fine.

August 19, 2013

Danielle Robertson, Manager  
Wellfleet Donuts, LLC  
436B Station Ave.  
South Yarmouth, MA 02664

RE: Wellfleet Store Hours of Operation

Dear Ms. Robertson:

This office has received a number of complaints that the Wellfleet Dunkin Donuts store is operating outside the 5:00 AM to 10:00 PM hours authorized by the current business license. Specifically, the complaints assert that the store remains open to midnight, in violation of the terms of the license.

Changes to the licensed hours of operation can only be made by application to the Wellfleet Board of Selectmen.

In the absence of any amendment to the terms of the business license you are hereby requested to immediately refrain from operating outside the hours for which the business has been licensed.

Respectfully Yours,

Harry Sarkis Terkanian,  
Town Administrator

Encl: Copy of current business license



TOWN OF WELLFLEET  
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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

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

Name Chris Easley Date 12/6/13

Mailing Address 36 Kerowach Rd  
Wellfleet, MA 02667

Phone (Home) 508-214-0014 (cell) 508-237-2422

E-mail CMEasley@yahoo.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Parent of two WES students, Spaghetti

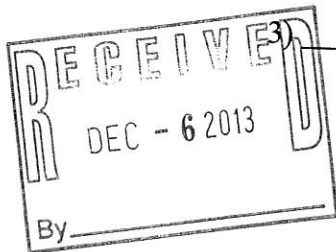
Supper WES Fest, Soccer Coach, Training Developer  
& Supervisor National Restaurant Chain, Business Owner 20+  
Years

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

MA Construction Supervisor License, Pesticide  
Applicator Training, Series 7 & 6.3 Training,  
Train the Trainer Instructor

Committees/Boards of Interest: 1) Regional School Committee

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



TOWN OF WELLFLEET  
APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

Applicant Dennis O'Connell

Affiliation or Group Friends of <sup>the</sup> Wellfleet Library

Telephone Number 508-349-2162

Mailing Address c/o P.O. Box 2121

Wellfleet MA 02667

Town Property to be used (include specific area) Town Hall - East side driveway from Main Street to beginning of parking area.

Date(s) and hours of use: July 6, 2014 (rain date 7/13) ; August 3, 2014 (rain date 8/10) Sale runs 9AM-1PM

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

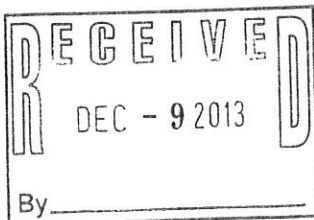
Annual book sales in July & August for Friends of the library. Activities include set up starting 7AM, Sale hours 9AM-1PM, then tear-down & clean-up. Involves approximately 50 volunteers. All proceeds to the benefit of the Wellfleet Public Library

Action by the Board of Selectmen:

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

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

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




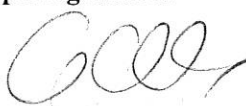
Processing Fee: \_\_\_\_\_

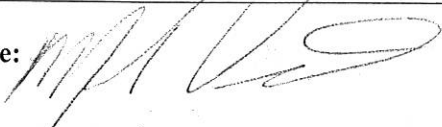
Fee: \_\_\_\_\_



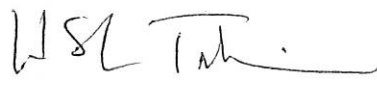
APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

<b>Health/Cons. Agent Signature:</b>  Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings Signature:</b>  Comments/Conditions:  Permits/Inspections needed:
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<b>Police Dept. Signature:</b>  Comments/Conditions: OK	<b>Fire Dept. Signature:</b>  Comments/Conditions:
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<b>DPW Signature:</b>  Comments/Conditions: OK 12/13/13	<b>Beach Dept. Signature:</b>  Comments/Conditions:
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<b>Shellfish Constable Signature:</b>  Comments/Conditions:	<b>Harbormaster Signature:</b>  Comments/Conditions:
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<b>Recreation Dept. Signature:</b>  Comments/Conditions:	<b>Town Administrator:</b>  Comments: OK recommended waiving fees
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## Friends of Herring River

January 9, 2014

### Herring River Restoration Project Briefing Summary - Wellfleet Board of Selectmen

The past year has shown significant progress in planning for the restoration of tidal flow in the Herring River Estuary by the Herring River Restoration Committee and Friends of Herring River.

1. Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR):
  - a. The Herring River Restoration Committee (HRRC) is addressing comments to the draft document and preparing the adaptive management plan.
  - b. The final EIS/EIR including the recommended option from among the alternatives presented in the draft is scheduled for completion in the fall.
  - c. Once the Final is submitted and deemed adequate, the Town, as proponent for the project, will then receive a MEPA certificate from MA Secretary of Energy and Environmental Affairs.
2. Chequesset Neck Road Dike:
  - a. A bridge with tide control gates is proposed to replace the existing dike.
  - b. Field investigation to obtain foundation design parameters was completed in December. 25% design plans will be completed by June 30 for State DOT review.
  - c. The design is funded by grants from NOAA and Massachusetts Environmental Trust.
3. Property Owners:
  - a. Last year, a letter was sent to owners of property adjacent to the project boundary advising them of the status of the project, noting potential impacts and inviting them to contact HRRC with questions.
  - b. Discussions with owners of affected properties have been ongoing.
  - c. Owners of properties where we expect some impact and who have not responded to the initial outreach will be contacted again in the next few weeks.
  - d. We are receiving (January 9<sup>th</sup>) proposals from engineering firms to work with property owners and prepare conceptual design plans for low-lying property impact prevention where it is needed. We expect to award the contract in February.
4. HRRC and FHR are preparing a proposal to the National Fish & Wildlife Foundation under the Hurricane Sandy Coastal Resiliency Grants Program for additional design funds. We would like a letter of support from the Town. The proposal is due January 31<sup>st</sup>.
5. Friends of Herring River submitted a proposal to MA Bays Program to develop design concepts to replace the Old King's Highway and Patience Brook culverts.
6. Friends of Herring River has contracted for a full-time project management associate to increase our capacity to fulfill our mission.
7. 2013 grants awarded to Friends of Herring River include \$300,000 from NOAA (Year 1 of a three year \$3 million grant), \$50,000 from Massachusetts Environmental Trust, \$50,000 from DER and \$20,000 from MA Bays. We expect to hear in the spring about the level of NOAA funding for the coming year (Year 2).

Friends of Herring River has a new website with current project information and is now on Facebook in a further attempt to reach out to the community.

## RESOLUTION

**The Wellfleet Board of Selectmen once again requests that NSTAR abandon its current plan to use herbicides along rights-of-way on Cape Cod and commit to a NO-SPRAY, PESTICIDE-FREE Policy of vegetation management on Cape Cod and the Islands.**

*It is our understanding* that between 2004 and 2007, NSTAR began spraying pesticides on Cape Cod along rights-of-way. Residents on Cape Cod learned of these pesticide plans when NSTAR filed a new Vegetation Management Plan in 2008. Following months of public outcry and delay, NSTAR agreed to a moratorium on herbicide spraying through the end of 2010. It did so again, through 2012.

*It is our understanding* that in 2013 NSTAR began spraying again and intends to spray in Wellfleet in 2014. These herbicides threaten public health, the environment and precious drinking water resources on Cape Cod. We, the undersigned Board of Selectmen, on behalf of the Town of Wellfleet, oppose pesticide use along rights-of-way on Cape Cod, and ask that NSTAR commit to a no-spray, herbicide-free policy on Cape Cod rights-of-way (ROW) for the following reasons:

- The filed 2014 Yearly Operating Plan (“YOP”) list Wellfleet as an affected community, (<http://www.kenersongroup.com/yop/capecod2014/nstar/2014%20Maps%20Cape%20Cod%20PDF%20Files/>) however, the maps filed with the YOP fail to include a map for Wellfleet (except for a small portion of Wellfleet shown on the Truro map), (<http://www.kenersongroup.com/yop/capecod2014/nstar/2014%20NSTAR%20YOP%20CAPE.pdf>) making it impossible to determine whether NSTAR’s identification of environmentally sensitive areas and domestic water supplies in Wellfleet is correct;
- In general, herbicides are harmful to living organisms;
- The herbicides NSTAR proposes for use on Cape Cod can migrate off rights-of-way, seeping into groundwater and surface water, killing vegetation outside of the intended control areas and exposing humans and aquatic organisms to toxic chemicals;
- Much of Wellfleet, including almost all properties abutting NSTAR’s right of way, obtain drinking water from on premises wells which draw water from a sole source aquifer. The potential for groundwater contamination along the right of way and migration onto abutting residential properties directly threatens the water quality of many Wellfleet residents and visitors. Remediation of any contamination resulting from NSTAR’s spraying will likely be prohibitively expensive and will ultimately be borne, at least in part, by ratepayers.
- In addition to the direct and proximate threat to the domestic water supply of many Wellfleet residents, property owners and visitors, the Town itself owns approximately twenty parcels that, in whole or in part, lie beneath NSTAR’s transmission lines. One of these parcels is a municipal well field (Map 8, Parcel 131). Two are Housing Authority parcels (Map 16, Parcels 143 & 145). Several additional Town parcels either directly abut or are within 100 feet of the transmission right of way. The Town of Wellfleet has long standing concerns about the use of pesticides and herbicides. At a meeting on March 13, 2012 the Wellfleet Board of Selectmen approved an “Organic Land Management Policy” which prohibits the application of pesticides (including herbicides) except in extremely limited circumstances

with prior approval. A copy of that policy is attached. The proposed use by NSTAR of herbicides on Town owned property is contrary to existing Town policy and should not be permitted.

- State policy lags far behind current science in the regulation of herbicides.

*We recognize* that herbicide treatment can be less expensive in the short-term; however, the use of herbicides to control vegetation growth along rights-of-way on Cape Cod is an unnecessary risk for public health and the environment. The short-term financial benefits are far outweighed by the long-term liability for risks posed to precious drinking water, the health of Cape Cod communities, and the safety of workers.

*We urge* state policy makers to review current herbicide regulations in light of latest scientific information.

*We request*, by virtue of this RESOLUTION, that NSTAR abandon its current plan to use herbicides along rights-of-way on Cape Cod in general and The Town of Wellfleet in particular and commit to a no-spray, pesticide-free policy of vegetation management on Cape Cod and the Islands.

*We further request*, by virtue of this RESOLUTION and also by virtue of the failure of NSTAR to provide maps of Wellfleet as part of its 2014 YOP filing, that the Massachusetts Department of Agriculture determine that the 2014 YOP is fatally deficient with respect to proposed operations within the Town of Wellfleet and, by reason of this failure, eliminate Wellfleet from the 2014 YOP.

*We further request*, by virtue of this RESOLUTION, that NSTAR honor Wellfleet's existing Organic Land Management Policy by agreeing to forbear in the application of herbicides on Town of Wellfleet owned property.

Thank you for your consideration of this Resolution and for your interest in the concerns of the citizens of Wellfleet and Cape Cod.

Adopted at Wellfleet this 14th day of January, 2014

### WELLFLEET BOARD OF SELECTMEN

\_\_\_\_\_  
Berta Bruinooge, Chair

\_\_\_\_\_  
Paul Pilcher, Vice-Chair

\_\_\_\_\_  
John Morrissey, Clerk

\_\_\_\_\_  
Dennis Murphy

\_\_\_\_\_  
Jerry Houk

December 21, 2013

Mr. Michael McClean  
Rights of Way Program  
Massachusetts Department of Agricultural Resources  
251 Causeway Street, Suite 500  
Boston, MA 02114-2151

**Subject: An Open Letter to NSTAR and the Massachusetts Department of Agricultural Resources**

Dear Mr. McClean:

After avoiding using herbicides on its rights-of-way for the past four years, NSTAR has recently begun to spray these chemicals through several towns on Cape Cod. NSTAR is now asking MDAR to approve its plan to extend this spraying through much of the rest of the Cape next year.

We ask NSTAR and MDAR to voluntarily abandon their efforts to use herbicides to control vegetation on Cape Cod. While technically these chemicals are permitted under current EPA regulations there is increasing evidence these chemicals may present serious long term harm to our health and our environment, particularly with respect to their role as potential endocrine (hormone) disruptors.

The EPA first approved these herbicides decades ago, often with inadequate testing, long before any of us knew how much damage could be done by even very low dosages of some chemicals. Today, in response to growing awareness of the potential for endocrine disruptors to harm wildlife and the environment, the EPA has launched an effort to evaluate all pesticides as possible endocrine disruptors. The EPA's initial list of chemicals to evaluate includes glyphosate<sup>1</sup>, the active ingredient in Roundup. In addition, other laboratory and epidemiological studies suggest that pesticides may also be linked to other health hazards, including DNA damage, cancer, birth defects, and neurological disorders.

Other countries have taken the lead in this area. In 2009, Ontario, Canada banned the use and general sale of Roundup. In 2003, Denmark banned the spraying of Roundup after finding that the herbicide contaminated the country's drinking water resources. As recently as this September, the government of El Salvador banned the use of glyphosate and 52 other dangerous chemicals, linking them to a rare type of chronic kidney disease responsible for killing thousands of agricultural workers.

Instead, we suggest the Precautionary Principle, which states:

*" . . . if an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking an action."*

Finally, if NSTAR and MDAR insist on continued spraying, we encourage both organizations to develop more effective procedures to manage the program. Towns and residents need to know where NSTAR plans to spray in the coming week, and post which sections were sprayed and when they were sprayed.

MDAR should require NSTAR to abide by specific wind limits, considering the recent incidents where NSTAR sprayed with winds up to 25 mph, far in excess of the 10 mph limit on the label. By law, MDAR must enforce NSTAR's approved quantity limits, considering that NSTAR's own video raises concerns NSTAR is spraying more than the one gallon per acre prescribed in the approved yearly operational plan.

We all share a common love for Cape Cod, with its fragile environment and its sole source aquifer. Help us protect it for our children and our children's children.

Sincerely,

The individuals and organizations listed below endorse this request for NSTAR and MDAR to abandon plans to spray herbicides on NSTAR's rights-of-way on Cape Cod.

Cc: Boards of Selectmen throughout Cape Cod

Thomas May, President and Chief Executive Officer, Northeast Utilities

Governor Deval Patrick, Senator Elizabeth Warren, Senator Edward Markey, Representative

Sarah Peake, Senator Dan Wolf, MDAR Commissioner Gregory Watson

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<sup>1</sup>For additional information about glyphosate, see <http://www.beyondpesticides.org/pesticides/factsheets/Glyphosate.pdf>

# TOWN OF WELLFLEET

## ORGANIC LAND MANAGEMENT POLICY

### RATIONALE FOR REDUCING FERTILIZER AND PESTICIDE USE

Fertilizer causes excessive algal growth in waterways, reducing oxygen available to aquatic plants and wildlife. Pesticides and herbicides accumulate in the food chain, contaminating shellfish and marine mammals. An average acre of well-maintained urban lawn is estimated to receive an input of five to seven pounds of pesticides. These chemicals can pose a danger if they run off of the lawn during a rain event and are then carried into nearby storm drains and flow to our rivers, beaches, bays, and estuaries.

In addition to eliminating concerns raised by pesticide exposure on Town properties frequently used by residents and tourists, the adoption of Organic Land Management Policy additionally benefits the Town of Wellfleet, MA, by reducing nutrient loading that can pollute the Town's inland and coastal waters. In addition to surface water impairment, nutrient enrichment of groundwater is a concern for environmental and human health. While this policy restricts the use of synthetic fertilizers, it is important to note that even organic fertilizers when used improperly can have a negative effect. The overall goal with the fertilizer portion of the policy is to promote strategies that will result in low dose natural fertility practices designed to minimize any negative effects from excessive use. Although not part of this policy, phosphorus should be acknowledged as a matter of concern. Practices should be adopted that allow phosphorus inputs based on soil test data. If sufficient phosphorus is available in the soil for the plant in question, the choice should be for an organic phosphorus-free fertilizer.

Losses of nitrogen from lawn fertilizers contribute to nitrate-nitrogen in drinking water supplies. There are potential human health issues with elevated nitrate such as methemoglobinemia in infants and possible cancer risks for the general populace when nitrate is converted to nitrite forming nitrosamines.

The Mass. Estuaries Project acknowledges that as much as 20% of nitrogen loading in watersheds can be sourced to fertilizer. While nitrogen loading is anticipated to have an ever increasing impact on the economic, ecological, and aesthetic values as the Cape region approaches build out and will presumably impact tourism and property values regionally, concerns regarding pesticide exposure and nutrient/nitrogen loading related to lawn/turf practices can be quickly remediated by transitioning to a natural management approach.

Current conventional lawn care practices do not adequately reflect these water quality concerns and chemical fertilizer recommendations have not adjusted to reflect our unique circumstances and reliance on a sole-source aquifer. The difference between natural organic fertilizers and conventional or synthetic fertilizers is distinctive. Synthetic fertilizer is inorganic and is manufactured during a chemical process that produces a highly water-soluble fertilizer which breaks down on contact with soil moisture and is taken up

by the grass plant very rapidly, works quickly, and then leaves the root zone. This process is directly feeding the grass plant. There are ways to slow down this release, but they are synthetic in nature. Most synthetic fertilizer programs call for numerous applications annually. Of concern is the fact that it is estimated that only thirty-five percent of the nitrogen makes a positive impact on the plant. Sixty-five percent is lost to leaching to groundwater or volatilization back to the atmosphere. The nitrogen in natural, organic fertilizers is in the organic form. Natural organic fertilizers feed and nourish the microbes, so that they in turn, through the natural processes of mineralization and nitrification, make the nitrogen and other nutrients available to the plant. In essence they feed the soil that feeds the plant. The nutrients in organic fertilizers are either plant, animal or mineral based, with the nitrogen derived from plant or animal sources. It is important to note that fertilizer is not plant food, but rather a catalyst that influences photosynthesis and other plant functions. It is the process of photosynthesis that produces carbohydrates and sugars. These are the “foods” that sustain the plant.

Unlike the synthetic fertilizer, where the soluble nitrate is generally rapidly released, the natural forms release more slowly and thus avoid nitrogen runoff. Organic fertilizers are less concentrated, but have longer lasting benefits because they gradually release nutrients. Synthetic fertilizers are more concentrated which makes over-fertilizing, burning the plant or turf, and damage to the soil food web, and run-off into waterways more likely. Organic fertilizers offer an additional benefit of minimizing water use and recycling waste that would otherwise contribute to pollution.

Attractive, stress-tolerant natural turf requires an adequate supply and balance of essential plant nutrients and a slightly acid soil pH, which can be addressed following an initial soil test and recommended application of various soil amendments and organic, non-synthetic fertilizers including, but not limited to, liquid fish hydrolysate, kelp/seaweed, an OMRI or NOFA-approved granular fertilizer, horticultural molasses, humic acid, compost, compost tea, mycorrhizal and microbial inoculants.

## SECTION I – FINDINGS AND PURPOSE

The Board of Selectmen of the Town of Wellfleet does hereby find that:

All pesticides are toxic to some degree and the commonplace, widespread use of pesticides is both a major environmental problem and a public health issue; and

All citizens, and in particular children, as well as other inhabitants of our natural environment, have a right to protection from exposure to hazardous chemicals and pesticides in particular; and

A balanced and healthy ecosystem is vital to the health of the town and its citizens, and as such is also in need of protection from exposure to hazardous chemicals and pesticides; and

When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established.

It is in the best interest of public health and the environment to eliminate the use of toxic pesticides on Town - owned lands, ponds and waterways; to encourage the reduction and elimination of the use of toxic pesticide on private property; and to introduce and promote natural, organic cultural and management practices to prevent and, when necessary, control pest problems on Town-owned land.

Accordingly, the Board of Selectmen declares that the purposes of this Organic Land Management Policy are (1) to protect the public health by restricting the use of hazardous chemicals and pesticides on Town-owned land (2) to protect ground water, bays and estuaries, and drinking water supplies from damage



caused by synthetic water-soluble fertilizers (3) to offer to the residents of the Town of Wellfleet the safe use of public land, (4) to encourage the reduction and elimination of the use of toxic pesticides and synthetic chemical fertilizers on private property.

## SECTION II - Authority

This Organic Land Management Policy is promulgated under the authority granted to the Town of Wellfleet Board of Selectmen under Massachusetts General Law providing that Boards may make reasonable policy and under the authority granted to the Town of Wellfleet Board of Selectmen to make policy for the protection of public health, safety and the environment.

## SECTION III - DEFINITIONS

The following words and phrases, whenever used in this Organic Land Management Policy, shall be construed as defined in this section:

OLM shall mean Organic Land Management

Organic Land Management is a problem-solving strategy that prioritizes a natural, organic approach to turf grass and land management without the use of toxic pesticides and synthetic chemical fertilizers. It mandates the use of natural, organic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems. This approach will eliminate or significantly reduce the use of, and exposure to, pesticides in the management of lawn areas, playing fields and landscapes. Furthermore, it will mitigate the potentially negative impacts of landscape management on local waterways, air quality and ecosystems.

This protocol will rely on a systems-based approach that integrates soil health and plant vigor into proper cultural practices. The goal is to put a series of preventative steps in place that can naturally attenuate pest issues before they become a significant concern. Careful monitoring for pests and the development of threshold levels within this system will allow for easier control of pest problems if and when they do arise.

Essential OLM practices include, but are not limited to:

- regular soil testing;
- addition of approved soil amendments and approved organic fertilizers as necessitated by soil test results, following, but not limited to the guidelines set forth by the Organic Land Care Program of the Connecticut Northeast Organic Farmers' Association (CT NOFA) and/or the Organic Material Review Institute of Eugene, OR (OMRI), and/or the National Organic Program (NOP) or the equivalent;
- under the above guidelines, material inputs exist and are allowed for the management of plant nutrition and the management of pests should that be necessary;
- selection of plantings using criteria of hardiness; suitability to native conditions; drought, disease and pest-resistance; and ease of maintenance;
- modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching;
- the use of physical controls, including hand-weeding and over-seeding;
- the use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest's natural enemies;
- through observation, determining the most effective treatment time, based on pest biology and

- other variables, such as weather and local conditions; and
- eliminating pest habitats and conditions supportive of pest population increases.

Pesticides are defined by the Massachusetts Department of Food and Agriculture Pesticide Bureau as: "substances or mixtures of substances that prevent, destroy, repel, or mitigate pests, or defoliate, desiccate, or regulate plants." Pesticides are poisonous substances that can have an adverse effect on the environment or impair human health. Pesticide is the umbrella term that encompasses many different products that includes, but is not limited to, herbicides, fungicides, and insecticides. It is acknowledged that while some information is known about these materials, there is a substantial unknown, including many inert ingredients. All pesticides except those that appear on the EPA 25(b) exempted list are subject to this policy. Pesticides considered minimum risk products that appear on the EPA Toxicity Category III & IV lists may be considered for an exempted use. Those products that meet the criteria for inclusion on the EPA Toxicity Category I & II lists are permanently prohibited.

Pests are and may be known as undesirable plants, insects, fungi, bacteria, and rodents, birds and other animals. Common examples in turf grass and the landscape can be, but are not limited to, crabgrass, knotweed, poison ivy, chinch bugs, grubs, and a variety of plant pathogens.

Fertilizer is any organic or inorganic material of natural or synthetic origin that is added to a soil to supply one or more plant nutrients essential to the growth of plants. Fertilizers are broadly divided into organic fertilizers (composed of enriched organic matter—plant or animal), or inorganic fertilizers (composed of synthetic chemicals and/or minerals).

Organic fertilizer includes naturally occurring organic materials, or naturally occurring mineral deposits. They are typically composed of material produced through the decomposition process, animal by-products, or grains. Organic fertilizers improve biodiversity and long-term productivity of soils. Organic nutrients increase the abundance of soil organisms and can drastically reduce external inputs of pesticides, energy, water, and fertilizer.

Synthetic fertilizer is most often produced using the Haber-Bosch process, which produces ammonia as the end product. This ammonia is used as a feedstock for other nitrogen fertilizers, such as anhydrous ammonium nitrate and urea. Artificial nitrogen fertilizers are typically synthesized using fossil fuels such as natural gas and coal, which are limited resources. Synthetic fertilizers are produced in ways that theoretically cannot be continued indefinitely. The resources used in their production are non-renewable.

Biosolids are the organic materials resulting from the treatment of sewage sludge (the name for the solid, semisolid or liquid untreated residue generated during the treatment of domestic sewage in a treatment facility). When treated and processed, sewage sludge becomes biosolids. Biosolids may contain undesirable substances such as heavy metals and pharmaceuticals.

#### SECTION IV - PROHIBITION

The use and application of toxic chemical pesticides (as defined in this Policy) by the Town of Wellfleet employees and/or by private contractors, for managing lawns, turf, ornamental beds, and trees is prohibited on all Town-owned lands unless an exemption has been granted. This includes all pesticides of known and unknown hazard.

The use and application of synthetic chemical fertilizers (as defined in this Policy) by the Town of Wellfleet employees and/or by private contractors, for managing nutrition in lawns, turf, ornamental beds, and trees is prohibited on all Town-owned lands. This includes the synthetic highly water-soluble forms of nitrogen, the synthetic products that are coated to slow the release of nitrogen, and the synthetic products

that are secondarily reacted with formaldehyde to become insoluble. Aside from the negative aspects of contamination, these products are simply counter-productive to managing a system organically.

The use and application of biosolids (as defined) by the Town of Wellfleet employees and/or by private contractors, for managing nutrition in lawns, turf, ornamental beds, and trees is prohibited on all Town-owned lands.

#### SECTION V - CONTROL OF POTENTIAL PEST PROBLEMS

Organic Land Management practices, i.e. natural, organic turf and landscape cultural practices and maintenance, shall be the method of choice to understand, prevent and control potential pest problems;

Control products and nutrition management products used under the terms of this Policy shall be those products on the approved list of Organic Land Care Program of the Connecticut Northeast Organic Farmers' Association (CT NOFA) and/or the Organic Material Review Institute of Eugene, OR (OMRI), and/or; the National Organic Program (NOP), and/or the equivalent as determined by the Board of Health.

#### SECTION VI - INVENTORY OF PESTICIDES, SYNTHETIC FERTILIZERS, and BIOSOLIDS

A registry of all pesticides, synthetic fertilizers and biosolids currently stored in or on Town-owned premises shall be compiled by the Director of the Department of Public Works who shall have authority to order the disposal of any such products deemed unnecessary to be stored within the Town, such disposal to be through the County's Hazardous Wastes Collection program or otherwise.

#### SECTION VII - EXEMPTIONS

All outdoor pest management activities taking place on Town of Wellfleet-owned land shall be subject to this Policy, except as follows:

1. Pesticides otherwise lawfully used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants and related collection, distribution, and treatment facilities.
2. Pesticides in contained baits or traps for the purpose of rodent control.
3. Pesticides classified by the United States Environmental Protection Agency as exempt materials under 40CRF 152.25, or those pesticides of a character not requiring FIFRA regulation.
4. The use of chemical controls as approved in advance and in writing by the Town Administrator in the event of a public emergency only as determined by the Board of Health; provided, however, that such authority to grant a temporary waiver shall be limited to a period of thirty days. Any waiver in excess of thirty days as to any one emergency may be extended for an additional period not to exceed six months but only by a vote of the Board of Health. All waivers granted shall be reported to all members of the Board of Health no later than one business day following the issuance of the waiver. Notice of all such waivers shall be posted, in the manner provided for notice of public meetings, within two business days following the issuance of the waiver. Any waiver granting the use of pesticides on Town land shall require the use of Integrated Pest Management protocol as defined in Addendum I and shall specify the use of a specific pesticide(s) determined to be the least toxic material for the specific application. The Board of Health shall determine if such a waiver is warranted based on the following criteria: a) the pest situation poses a threat to human or animal health and/or environmental quality; b) reasonable OLM efforts, if any, have been attempted; and c) viable alternatives consistent with this Policy do not exist.

Any Town department or contractor granted a waiver hereunder shall comply with all applicable laws, rules and regulations of the Commonwealth of Massachusetts including, but not limited to those requiring notification to site users, abutters, and the proper method for storage, application, and posting.

#### SECTION VIII: TRAINING AND EDUCATION

All Town of Wellfleet personnel involved in the evaluation, approval, or implementation of organic turf and landscape maintenance and/or outdoor pest control should receive training and education in natural, organic cultural and technical methods.

In addition to immediately reducing the impacts of chemical pesticides and fertilizers within the Town of Wellfleet, the adoption of the Organic Land Management Policy by the Town serves as an appropriate model for residents and businesses to encourage the voluntarily adoption of the same organic practices on their own properties for the betterment of all town residents and visitors.

#### SECTION IX: COMPLAINTS

A. The Town of Wellfleet shall investigate complaints received about any practices or acts that may violate any provision of this Policy.

B. If the Town of Wellfleet finds that an investigation is not required because the alleged act or practice is not in violation of this Policy, the Town shall notify the complainant of such finding and the reasons upon which it is based. The Town shall provide a report of all such complaints and findings to the public upon request.

C. If the Town of Wellfleet finds that an investigation is warranted, the Town shall investigate and if the Town finds that there has been a violation of this Policy, then the Town of Wellfleet shall be authorized to take such action and institute such proceedings as are provided by law.

#### SECTION X - OTHER APPLICABLE LAWS

This Organic Land Management Policy shall not be interpreted or construed to permit the application or use of pesticides or other hazardous materials where such use or application is restricted by other applicable health, environmental, safety or fire codes, regulations or statutes.

#### SECTION XIII - SEVERABILITY

If any provision, clause, sentence or paragraph of this Organic Land Management Policy or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions of the Organic Land Management Policy that can be given effect without the invalid provision, clause, sentence, or paragraph, and to this end the provisions are declared to be severable.

#### SECTION XI: EFFECTIVE DATE

This Policy shall be effective upon publication.

## ADDENDUM I:

### INTEGRATED PEST MANAGEMENT DEFINED FOR USE IN EMERGENCY

Organic Land Management (OLM) strives first and foremost to prevent pest and disease problems by using natural organic maintenance practices.

When an issue arises that could be a threat to human health or the environment, an IPM approach may be considered. Integrated Pest Management (IPM) promotes the use of non-chemical methods for pest prevention and management, such as physical, mechanical and cultural controls. Least-toxic pesticides may be selected for pest control only after all other reasonable non-chemical methods have been exhausted.

This protocol will rely on a Systems Based Approach that integrates soil health and plant vigor into proper cultural practices. The goal is to put a series of preventative steps in place that can naturally attenuate pest issues before they become a significant concern. Careful monitoring for pests and the development of threshold levels within this system will allow for easier control of pest problems if and when they do arise. As such, this protocol is knowledge-based, relying on pest/disease morphology to establish the proper procedures for maximizing a healthy system. This protocol should mitigate most serious pest pressures.

When a pest has not been satisfactorily controlled by the above strategies, then a least-toxic pesticide may be used. Preference is strongly given to the use of Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) section 25(b) minimum risk pesticides listed by the U.S. Environmental Protection Agency (EPA), whenever feasible. If satisfactory control cannot be achieved with 25(b) products, then natural products or synthetic products registered by the EPA as Toxicity Category III or IV, denoted by the signal word "Caution" on the registration label, should be chosen. This choice would be by appeal to, and at the discretion of, the Board of Health.

The following steps outline the basic approach used in an IPM program with respect to public health issues.

- Monitoring and scouting for the pest in question;
- Accurate record-keeping documenting any potential pest problems;
- Evaluation of the site with regard to any injury caused by a pest in question and a determination made on which course of treatment to follow;
- Chosen treatment to be the least damaging to the general environment and one that best preserves the natural ecosystem;
- Chosen treatment to be the most likely to produce long-term reductions in pest control requirements. The effective implementation must be operationally feasible, and must be cost effective in the short and long term;
- Chosen treatment must minimize negative impact to non-target organisms;
- Chosen treatment must be the least disruptive of natural controls available.
- Chosen treatment must be the least hazardous to human health.

## **TOWN of WELFLEET ORGANIC LAND MANAGEMENT POLICY SUMMARY**

*It is our understanding* that all pesticides are toxic to some degree and the widespread use of pesticides is both a major environmental problem and a public health issue. Federal regulation of pesticides is no guarantee of safety.

*We recognize* that the use of pesticides may have profound effects upon humans, wildlife, and the environment in the vicinity of treated areas. We recognize that all citizens, particularly children, have a right to protection from exposure to hazardous chemicals and pesticides.

*We recognize* that synthetic water-soluble fertilizers contaminate ground water, bays and estuaries, and drinking water supplies. We value these resources and recognize that alternative soil-enhancement methods exist and can provide solutions to environmental as well as economic challenges facing the Town.

*We recognize* that it is in the best interest of public health to eliminate the use of pesticides and synthetic fertilizers on town-owned lands; to encourage reduction and elimination of pesticide and synthetic fertilizer use on private property; and to introduce cultural management practices to enhance plant growth and prevent and, when necessary, address pest problems on town-owned land.

*It is our understanding* that Organic Land Management (OLM) is a problem-solving strategy that utilizes a natural, organic approach to turf grass and land management without the use of toxic pesticides and synthetic/chemical fertilizers resulting in sustainable and attractive landscapes.

By virtue of adopting the policy referred to as the Town of Wellfleet Organic Land Management Policy, the Town of Wellfleet commits to refrain from the use of pesticides and synthetic fertilizers upon property it owns, uses, or controls, except in situations that pose an imminent threat to public health. The adoption of this Policy serves as a model for residents and businesses, encouraging voluntary adoption of organic practices and compliance with guidelines and materials approved by the Organic Material Review Institute (OMRI) of Eugene, OR. We commit to provide education on OLM techniques to Town of Wellfleet personnel involved in the evaluation, approval, or implementation of organic turf and landscape maintenance and/or outdoor pest control as we pursue the implementation of a policy supported by the guidance document: The Town of Wellfleet Organic Land Management Policy.

## PROPOSAL FOR PUBLIC HEARING RE PAY AS YOU THROW

We have been asked by the Board of Health to set up an **ad hoc** committee to evaluate PAYT. Wellfleet has enough committees already. If there is a group that should be evaluating PAYT it is the Board of Selectmen as the elected town leaders.

I support the BOH request in the sense that there is a great deal of confusion and misinformation about the program. A review of how the program has been working over the first two months would be helpful to us and to many others in town.

We should welcome any and all comments with specific emphasis on how people have experienced PAYT for themselves and their own households/businesses. We should attempt to winnow out all the plusses and the minuses to determine what, if any, action should be taken.

I will propose that we schedule an open hearing during the week of February 10 or 17 specifically on this topic. We would request data from the DPW and Town Offices as to all facets of PAYT.

Anyone who wishes may come to the table and "testify" for a maximum of 3 minutes. People may only speak once. Members of the Board may ask questions to clarify the testimony.

There will be no generalized debate or discussion at this hearing. For people who cannot attend, there will be an opportunity to submit written testimony. People may also pose questions that they wish the BOS to address in writing prior to the hearing. Strict rules of civility and decorum shall be enforced.

We would then take up the issue at our Board meeting of February 25 and make recommendations to the Board of Health based on what we have learned.

Paul Pilcher

**Wellfleet Board of Health  
220 West Main Street  
Wellfleet, MA 02667**

November 29, 2013

TO: Wellfleet Board of Selectmen

RE: Pay As You Throw

The Board of Health, assessing the comments and community feedback presented in various public hearings with the PAYT regulations, observe that matter has brought up concerns and questions from community. At the conclusion of our 11/13/13 meeting the Board agreed by consensus to forward our recommendation, respectfully requesting the Board of Selectman consider, advertise and appoint an ad-hoc oversight committee, to review the implementation and impacts of PAYT for the 2 years we have contracted by taking state grant funding to participate, and report back to the BoH at 3 month intervals on any problems as they arise. It is our hope that the BOS constructs a fair cross representation of stakeholders and interests that can guide the town in either adjusting PAYT as needed or exiting the program if it does not turn out to be a good fit for this community. We want to provide a forum for transfer station users, staff and commercial interests to bring forward their problems, in recognition that our highest priority is the safe and sanitary disposal of refuse, above and beyond the politics or policies of this trial program.

Yours truly,

Richard Willecke  
Chair

Lezli Rowell  
Vice Chair

cc: Hillary Greenberg-Lemos, Health Agent



**PAYT Extract of Approved  
Wellfleet Board of Health  
Minutes of Meeting of November 13, 2013  
Senior Center, Long Pond room, 7:00 pm**

**Attendees:** Richard Willecke, Lexli Rowell, Janet Drohan, Gary Locke and Ken Granlund

**I. Title V Variances Requests**  
(Deleted)

**II. Business**

Discuss and vote on changes to Local Regulations Section 1000: Solid Waste. (PAYT). Lezli Rowell stated there needs to be assistance to people in need. She motioned the following: In the Board of Health's interest to assure that financial barriers of the new PAYT system are not responsible for improper trash disposal, I move that the Town shall provide adequate supplies of the required bags to the DPW office, transfer station staff and Health Department, to be freely dispensed to any identified member of an income-eligible group, such as but not limited to: Resident in low-income housing or affordable accessory dwellings, enrolled in Medicare, MA Health, DVA benefits recipient or any other subsidized health care network, family members accepted in free or reduced lunch fee programs, WIC, food stamps, Meals on Wheels or any other nutritional supplement program. This purpose of this motion is to grant the Health Agent discretion to assist residents struggling to comply with the PAYT model without the need to collect, review or maintain financial records or other PII, and to make every reasonable effort to accept refuse delivered to the transfer station without enforcement or creating the cost-burden incentives to divert trash streams methods not intended by the PAYT program;

Lydia Vivante stated money will be raised and bags will be donated to the town for those who require them and she doesn't know how many people it would entail. Chair Willecke stated this motion would enable only the Health Agent to disburse the bags. Richard Oliver stated people have pride and feels the motion was good but people may be reluctant to come and get bags. Mike Ford (ck name) stated he feels this is a burden on the tax payers and doesn't feel the people of the town should pay for free bags. Chair Willecke suggested an amendment to the wording of the motion – medicare to Medicaid; seconded by Gary Locke; passed; 5-0. Harry Terkanian stated the town has ordered 12,000 bags to furnish the bags

Transfer Station1000 : Lezli Rowell recommended some change in the language. She stated PAYT is driven by the Board of Selectmen and gave examples of how the PAYT program will be detrimental to some families. She stated the BoH needs to assure the safe disposal of trash. She suggested PAYT run as a trial and gather data, showing comparisons in sticker fees, sizes of families, etc. She

endorsed this being treated as a trial service, reviewing data every 3 months, set up a working team, to see if this is a good fit for the town, and requires an exit strategy should it not work in Wellfleet. Willecke stated there should be an evaluation in September, and then make necessary changes. If at the end of two years, if this is not successful, the town needs to look at other alternatives. Lezli Rowell recommended forming a committee of community members. Willecke suggested the Health Agent handle this. Rowell would like to ask the Board Selectmen if an oversight committee could be set up to review the data. Janet Drohan stated we need to identify what the criteria would be to review.

Lezli Rowell moved to delete “cottage colonies, condominiums” under Section 10; seconded by Gary Locke, passed 5-0.

Matthew Frazier asked the commercial haulers be exempt from the PAYT program. There are 3 haulers in Wellfleet. He stated he cannot afford to double his fleet or his staff during the summer months. He services about 1,000 homes in the summer and how can he educate 8,000 family members. He can “go out of business” because there is marketing from outside sources not have to use PAYT. He feels there should be a moral obligation of the Board of Health not to have companies go out of business. He suggested an increase in the pricing for commercial haulers as well as setting up a committee they could be participate in. He asked the Board to reconsider and feels many people will use the alternate hauler, then there will be no trash in at the transfer station. Chair Willecke read a letter from John Morrissey regarding commercial/private haulers which identified the new fees from \$80.00 per ton to \$30.00 for commercial haulers if PAYT were used. Harry Terkanian stated this is an offset with the use of the bags. Tom Reinhart did not see the difference in the costs because you have to buy bags anyway and there will be a reduction in the sticker fee. Chair Willecke stated Brewster has been successful. Another person in the audience stated young families will have a hard with the program and doesn’t feel the town has thought this through.

Lezli Rowell moved to identify the medium bags as 15 gallons, not 13 gallons; seconded by Janet Drohan; passed 5-0.

Under Commercial Refuse Hauler, #2, the “Commercial Refuse Hauler RESIDENTIAL Refuse Fee ... \$30.00/ton”. Discussion took place regarding mixed loads and what would the price be. Frazier requested members of the Board be at the transfer station when he unloads and they will see that the garbage is crushed. Morrissey stated the town has to trust the people and to do the right thing and not have mixed loads. A member of the audience stated there are several people who clean out places in the weekend and take the trash out which will affect them. Jeremy Young stated he recommends police be at the DPW for the safety of DPW staff. There was discussion regarding the sticker fees and when implemented.

Lezli Rowell moved (section 11) “ All residential waste material brought into the Transfer Station by a commercial refuse hauler, licensed by the Wellfleet Board of Health, must be in a vehicle with a commercial Wellfleet Transfer Station stick and must be Wellfleet designated “Pay as You Throw” bags; Ken Granlund seconded the motion; 3-2 passed.

Laura Wanco stated the barrels in town will be overflowing with garbage and Harry Terkanian stated this has been a problem all over the Cape. It was questioned if the National Seashore will participate. Jeremy Young stated this needs to be addressed and questions answered for haulers.

Fertilizer Regulation Discussion. (Deleted)

**III. Licenses**

**IV. Minutes**  
(Deleted)

**V. Correspondence**

Lezli Rowell requested a letter be sent to the Board of Selectmen for an ad hoc committee to review the PAYT program every three months for the next 2 years. This would be on Board of Health letterhead and signed by Richard Willecke and herself.

Gary Locke moved to adjourn at 8:55; seconded by Janet Drohan; passed 5-0.

Respectfully submitted,

Christine A. Bates, Committee Secretary

To: Harry, S. Terkanian, Town Administrator  
From: Tim King, Asst. Town Administrator  
Subject: Parking Policies and Fines  
Date: December 3, 2013

A meeting was held to discuss parking policies and fines. Present were: Suzanne Thomas, Beach Administrator, Ron Fisette, Police Chief; Jeanne MacLauchlan, Parking Clerk, and Tim King, Assistant Town Administrator.

#### Parking Enforcement Policy

The group reviewed the present parking policies and discussed suggestions for changes. All agreed that it was necessary to reinstate the timed parking on Main Street and in the two municipal parking lots; at Town Hall and across from Preservation Hall. This would be effective June 1, 2014.

It will be necessary to address long-term parking by employees of local businesses in the municipal lots. Presently local businesses allow or encourage their staff to park in the municipal parking lots. The group suggests that employers in the Main Street area be allowed to purchase municipal lot parking passes at a price of \$250/pass.

#### Parking Fines

The group also reviewed the present parking fines. It is recommended that several fines for parking violations be increased. The proposed changes are shown on the attached spreadsheet.

The proposed increases in parking fines will first require Town Meeting approval and then special legislation approved by the legislature. Representative Peakes would be able to shepherd the legislation through.

#### Long Range Parking Plan

It is the opinion of the group that the Town should implement parking fees for Main Street, the two municipal parking lots in the Main Street area, and at the pier. The fees would be paid using automated parking kiosks at designated locations.

There are numerous issues that would need to be addressed if the Board of Selectmen decides to implement such an approach. The group recommends that the Board vote on the concept soon to allow for sufficient time for policy planning, ordering of equipment, and implementation by Summer, 2015.

MD Maryland  
 MA Massachusetts  
 MI Michigan  
 MN Minnesota  
 MS Mississippi  
 MO Missouri

VA Virginia  
 WA Washington  
 WV West Virginia  
 WI Wisconsin  
 WY Wyoming

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<b>VIOLATION</b>				<b>WELLFLEET</b>					
				051854					
STATE									
<input type="checkbox"/> MA									
<input type="checkbox"/> OTHER		VEHICLE MAKE			VEHICLE COLOR				
PLATE TYPE	PASG.	COMM.	OTHER	PLATE COLOR	G	R	A	M	S
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MONTH			DATE	YEAR	T I M E		A.M.		A.M.
							TO		P.M.
							P.M.		
LOCATION									
OFFICER						BADGE NO.			

**SCHEDULE OF FINES**

- |   |  |
|---|--|
| <input type="checkbox"/> 01 No Beach Permit \$50                            | <input type="checkbox"/> 13 Snow Removal \$30                                    |
| <input type="checkbox"/> 02 Unauthorized Beach Permit \$50                  | <input type="checkbox"/> 14 Obstructing Fire/Police Station \$50                 |
| <input type="checkbox"/> 03 Within 20' of Intersection \$30                 | <input type="checkbox"/> 15 Street Cleaning \$30                                 |
| <input type="checkbox"/> 04 Over 1 Foot from Curb \$30                      | <input type="checkbox"/> 16 Rescue/Fire Lane \$50                                |
| <input type="checkbox"/> 05 Within an Intersection \$30                     | <input type="checkbox"/> 17 Handicapped Parking \$300                            |
| <input type="checkbox"/> 06 Upon a Sidewalk or Crosswalk \$30               | <input type="checkbox"/> 18 No Stopping or Standing on Roadway \$30              |
| <input type="checkbox"/> 07A Upon Roadway in Rural District \$30            | <input type="checkbox"/> 19 Double Parking \$30                                  |
| <input type="checkbox"/> 07B Off Road in Woods \$50                         | <input type="checkbox"/> 20 Restricted Area \$50                                 |
| <input type="checkbox"/> 08A Upon a Private Road \$30                       | <input type="checkbox"/> 21 Improper Parking \$30                                |
| <input type="checkbox"/> 08B Across a Driveway \$50                         | <input type="checkbox"/> 22 Beach Parking Regulations \$50                       |
| <input type="checkbox"/> 09 Upon a Street or Highway Posted No Parking \$30 | <input type="checkbox"/> 23 Tow Zone \$50  |
| <input type="checkbox"/> 10 Bus Stop \$30                                   | <input type="checkbox"/> 24 Town Hall Parking Lot \$30                           |
| <input type="checkbox"/> 11 Load Zone \$30                                  | <input type="checkbox"/> 25 Town Hall Employee Parking Area \$50                 |
| <input type="checkbox"/> 12 All Night Parking When Restricted \$30          | <input type="checkbox"/> 26 Our Lady of Lourdes Parking Lot (Municipal Lot) \$30 |
|   | <input type="checkbox"/> 27 Other _____ \$30                                     |

**PAY THIS AMOUNT: \$**

**PAYMENT INSTRUCTIONS**  
 DO NOT MAIL CASH. PAY ONLY BY MONEY ORDER, OR BY CHECK MADE PAYABLE TO: PARKING CLERK, TOWN OF WELLFLEET. IF THE PAYMENT IS NOT MADE WITHIN 21 DAYS, THE VIOLATOR WILL BE SUBJECT TO AN ADDITIONAL PENALTY OF \$5.00

Sec. 20-D of M.G.L. Chapter 90 Provides penalty for unlawfully removing, tampering with, mutilating or destroying this notice.  
**PLEASE PEEL OFF TAPE AND FOLD FLAP TO SEAL ENVELOPE.**

TO EXPOSE ADHESIVE, REMOVE LINER  
 TO EXPOSE ADHESIVE, REMOVE LINER  
 TO EXPOSE ADHESIVE, REMOVE LINER  
 TO EXPOSE ADHESIVE, REMOVE LINER

**Town of Wellfleet  
Parking Violation**

		<b>Fine Now</b>	<b>Fine Recomm.</b>
1	No Beach permit	\$ 50	\$ 75
2	Unauth. Beach	\$ 50	\$ 75
3	Within 20' of Int.	\$ 30	\$ 50
4	Over 1' from Curve	\$ 30	\$ 50
5	Within an Intersect	\$ 30	\$ 50
6	Sidewalk	\$ 30	\$ 50
7A	Upon Road Rural	\$ 30	\$ 75
7B	Off Road Woods	\$ 50	\$ 75
8A	Upon Private Road	\$ 30	\$ 50
8B	Across Driveway	\$ 50	\$ 50
9	Upon Street Highway No Parking	\$ 30	\$ 50
10	Bus Stop	\$ 30	\$ 50
11	Load Zone	\$ 30	\$ 50
12	All Night Parking	\$ 30	\$ 50
13	Snow Removal	\$ 30	\$ 50
14	Obstructing Fire/Police	\$ 50	\$ 50
15	Street Cleaning	\$ 30	\$ 50
16	Rescue Fire	\$ 50	\$ 75
17	Handicapp	\$ 300	\$ 300
18	No Stopping	\$ 30	\$ 50
19	Double Parking	\$ 30	\$ 50
20	Restricted Area	\$ 50	\$ 75
21	Improper Parking	\$ 30	\$ 50
22	Beach Parking	\$ 50	\$ 75
23	Tow Zone	\$ 50	\$ 75
24	Town Hall Parking Lot	\$ 30	\$ 50
25	Town Hall Employee	\$ 50	\$ 50
26	Municipal Lot	\$ 30	\$ 50
27	Other	\$ 30	\$ 50





## community development partnership

The Community Development Partnership (CDP) nurtures a vibrant Lower Cape region by:

- promoting environmental and economic sustainability
- expanding opportunities for low- and moderate-income residents
- preserving our unique cultural and historic character

## Objective I: Strengthen local business sectors:

- Fishing, aquaculture & agriculture
- Arts, fine arts, creative economy
- Hospitality/tourism



CAPE COD  
FISHERIES  
TRUST

## Cape Cod Fisheries Trust

### THE PROGRAM

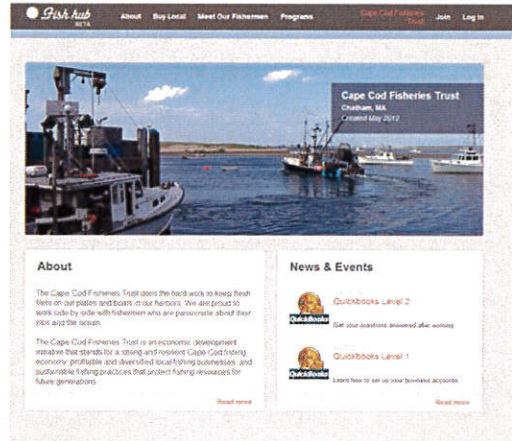
- Collaboration with CCCFA
- Designed to preserve Cape Cod's small scale fishing industry
- Annual below market rate leases on fishing quota
- \$250K Loan Program to purchase scallop quota
- \$250K Loan fund to support ground fishermen
- Business training & support

### THE IMPACT

- 200,000 lbs of scallop quota leased in 2012
- 250 hours of training and education provided annually
- \$250,000 in loan capital acquired
- 58 jobs preserved
- \$10,000,000 in revenue circulating in Lower Cape economy
- Traditional industry in the region preserved



# The Fish Hub



- Business Management tool for Fishermen
- Knowledge Center
- Building Community

## Micro Lending

### THE PROGRAM

- Micro Loans up to \$40K
- Supporting below Median Income businesses
- Finances Capital and Operations

### THE IMPACT

- 150+ Micro Loans totaling \$2.3 Million
- Industries – Food, Service, Retail, Arts and Fishing

## CDP Loan Clients in Wellfleet

- \$165,340 in micro loans since 1996
- 13 businesses
- Mac's – Wellfleet Harbor Seafood Co.
- Resort Maps
- Rick Fleury Studio and Gallery
- Sunbird Food Truck
- Sol Spa
- Field Point Oyster Farm
- Blue Willow Fine Foods

## Business Education and Counseling

### EDUCATION

- QuickBooks
- How to Become a Non-Starving Artist
- Conservation & Trends in Green Business
- Enhancing Local Food Opportunities

### COUNSELING

- One-on-One
- Business Planning
  - Financial Statements
  - Marketing Strategy
  - Cash Flow Projections
  - Collateral
  - Credit Scoring
- SCORE Mentors

**Objective II: Increase the affordability & availability of safe, stable year round housing for local residents**



## **Affordable Housing**

- 67 Units
- 135 Individuals (67 Families)
- Targeted to Low/Mod. Income

## Thankful Chases Pathway West Harwich

- Built in 2010
- 12 units
- 2 handicapped accessible units
- LEED Platinum Certified
- 156 Solar Panels



## Affordable Housing in Wellfleet

- CDP Manages Fred Bell
- 12 Units, 1 to 3 Bedrooms
- Residents pay no more than 30% of their income in rent

## Housing Rehabilitation Loan Program

### THE PROGRAM

- Home Repairs and Upgrades
- Targeted to low/mod. Income
- Up to \$35,000 per household
- Collaboration with HECH\*

\*Harwich Ecumenical Council for Housing

### THE IMPACT

- 200+ Homes over 5 years
- Contracts to Local Builders worth \$7.6 Million
- Preserved Affordable Housing Stock
- Cost Savings to Residents

## First Time Home Buyer Workshop

- 4-Week Workshop, topics include:
  - Budgeting and Credit
  - Working with a Realtor
  - Obtaining a Mortgage
  - Energy Savings
- Eligibility for Affordable Mortgage Products
- 150 Participants since 2009

## Objective III: Increase energy efficiency and local renewable energy generation.



## Real Return Initiative

### THE PROGRAM

- Expand the use of renewable energy through solar power & finance energy efficiency upgrades
- 250 Solar panels on 5 affordable units
- High efficiency boilers
- Low-flow water fixtures
- Energy Star appliance
- Over \$800,000 Investment

### THE IMPACT

- Energy Conservation
- Cost Savings
  - Residents : up to \$600/year
  - CDP: \$12K in Electrical
- Revenue to Local Contractors: \$200,000
- Increased awareness of financial & environmental benefits of energy efficiency through resident education

## Cape and Islands Green

- Helps Local Business reduce costs & grow business
  - Adopting energy efficiency measures
  - Reducing use of natural resources (water, fuel, paper)
  - Recycling and minimizing waste
  - Enhanced Marketing Opportunities
- 53 Verified Businesses on Lower Cape

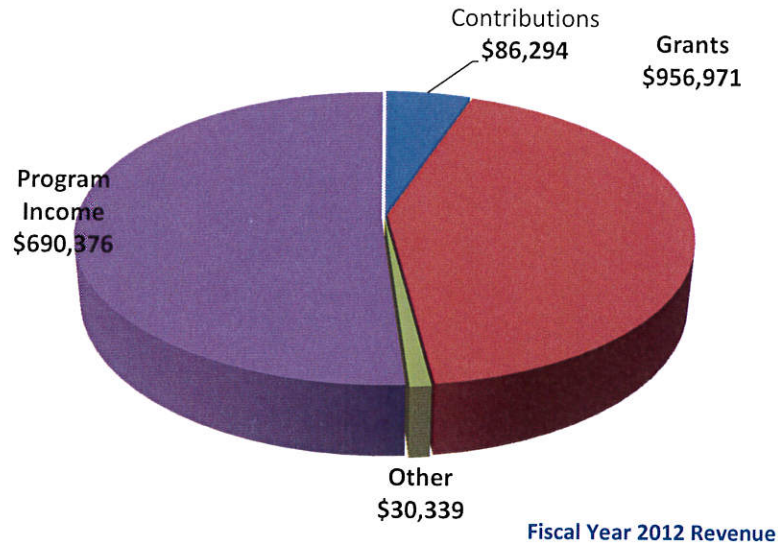


## Cape and Islands Green 53 Verified Businesses in Wellfleet

Cape Cod Five Branch	Sunbird
Chez Sven B&B	The Furies
Discovery Maps of the Lower Cape	Van Rensselaer's Restaurant
Gull Cottage B&B	Wellfleet Chamber
Kinlin Grover	Wellfleet Motel & Lodge
Moby Dick's Restaurant	Winslow's Tavern
Prudential Cape Shores RE	



## How is the CDP funded?



## How can residents support the CDP?

- Join the CDP and make a contribution
- Become a sustaining contributor
  - Sign up to make a monthly contribution at [www.capecdp.org](http://www.capecdp.org)
- Make a major commitment (\$1,000 or more) and receive a 50% tax credit--Community Investment Tax Credit



## How can you support the CDP?

- Get a Cape & Islands License Plate



### Keeping our communities strong.

We opened Mac's Seafood as a small retail fish market in Wellfleet 18 years ago with start-up funds from The Community Development Partnership, through a small business program supported by Cape and Islands License Plate funds. We now operate three retail seafood markets, two restaurants, a wholesale seafood market, a catering division and an online seafood shipping division!

#### Mac Hay

Owner, Mac's Seafood, Lower Cape

When you purchase or renew your Cape and Islands License Plate, the revenue directly benefits the local community.  
[CapeAndIslandsPlate.com](http://CapeAndIslandsPlate.com) Find us on 

AW17/21/12/268



community development partnership

[www.capecdp.org](http://www.capecdp.org)





# TOWN OF WELFLEET

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## Ad Hoc Use of Town Property Committee

### Committee Charge

The Ad Hoc Use of Town Property Committee will review the existing policies and practices for the public and private use of all town properties. The Committee will consider the issues related to the great variation in the types and scope of town property uses and develop regulations, requirements, and fees and deposits appropriate for each category. The Committee will develop an application and approval process. Finally the Committee will recommend who the appropriate approval authority should be.

### Committee Membership

The Ad Hoc Use of Town Property Committee will consist of the Police Chief, Town Administrator, Executive Assistant, and 3 public members (including at least two that often obtain use of town property permits).

### Deadline

The Ad Hoc Use of Town Property Committee will submit their written report to the Board of Selectmen by June 30, 2014.

### Background

The Town of Wellfleet owns numerous properties. It is the policy of the Town to allow for the short-term, intermittent use of many of these properties to the general public for a public event, some commercial activities, some non-profit events, and some private events (such as weddings). Some of the town properties are open spaces without buildings such as the several town beaches, beach parking lots, public roads, Baker's Field, Town Hall Parking Lot, Town Hall front lawn, etc. The town also permits use of portions of town-owned buildings for meetings and modest events.

Use of some properties such as the Wellfleet Library and Senior Center are regulated by the Library Trustees and Council on Aging respectively. The Board of Selectmen is usually not involved in the decisions related to intermittent use of these properties.

The town has required that persons and organizations utilizing town property (other than those described above) receive the prior approval of the Board of Selectmen. Applications for such use are completed by the person/organization, reviewed and signed off by the appropriate town officials, and placed on a Board of Selectmen Agenda for action.

There is great variation in terms of the length of time (hours and days) as well as the type and physical presence of an activity. When does the use of town property rise to the level of needing a permit?

There is also variation in the types of persons and/or organizations hosting the event. Individuals have weddings, individuals run commercial events, businesses/corporations run events, non-profits have events (for which a fee is charged or not charged), ad hoc groups run events (Wellfleet Blossoms).

The rules and regulations governing the use of town properties for which the Board of Selectmen has jurisdiction have not been sufficiently proscribed. Issues such as; damage deposits, custodial services, liability insurance, supplemental licensure (peddler's license, food service permits, liquor licenses, etc.), public safety presence (police, fire, and/or ambulance), traffic control, sanitary facilities, solid waste disposal, etc.), signage including banners are all matters that have become topics of extensive discussion. Town employees administering the use of town property should have a clear understanding of the permitting regulations so that they can be communicated in advance to applicants and be applied consistently.

Determining the appropriate fees for events has also been a recurring issue. The great variation in groups and events making setting a fee difficult. What should the fee be for a large event (Oysterfest)? For a brief wedding? For a wedding followed by a reception in a beach parking lot? For a book sale by the Friends of the Library in the Town Hall Parking Lot? For a non-profit fund raiser such as a road race or triathalon? For private surfing lessons at the beach? For a non-profit tennis tournament at Baker Field? For private tennis lessons at Baker Field? For filming a commercial at the pier or on a beach?

Should the Board of Selectmen continue to be the permitting authority? Should it be some other appointed body? Should the permitting authority be a single official (Town Administrator) or a body of full time town officials (Town Administrator, Police Chief, Fire Chief, Health Agent, etc.)?

## 2014 Annual Town Meeting Article Index – DRAFT

### Ballot Questions

- Question 1 Bond issued in order to pay costs of replacing the roof on the Wellfleet Elementary School
- Question 2 Bond issued in order to pay costs of replacing the roof on the Nauset Regional Middle School
- Question 3 Bond issued in order to pay costs of Town of Wellfleet repaving/restriping projects: South Wellfleet General Store and former WHAT building parking lots
- Question 4 Bond issued in order to pay costs of to enlarge the concrete pad at the Transfer Station

### Budget Articles

- Article A Approve FY2015 Operating Budget
- Article B Transfer of funds to supplement FY 2013-2014 operating and capital budgets
- Article C Approve FY2015 Capital Budget
- Article D Approve FY2015 Marina Enterprise Fund Budget
- Article E Approve FY2015 Water Enterprise Fund

### Charter Amendment Articles

- Article F Authorize selectmen to waive automatic forfeiture of committee appointment due to consecutive absences for appropriate reasons. (Charter 8-10-5.) Not required. See BOS Policy 1990-2, Committee/Board Appointment Policy.
- Article G Amend Section 8-3 of the Charter to allow appointment of an alternate member to the Board of Assessors.
- Article H Amend Marina Advisory Committee charge

### Financial Articles

- Article I Adopt new local acceptance statute, G.L. c. 59, § 5N, to allow cities and towns to create work-off abatement programs for veterans. The statute is almost identical to G.L. c. 59, § 5K under which communities may establish those programs for seniors (60 or older). Acceptance is by vote of the legislative body subject to charter. G.L. c. 4, § 4.
- Article J Community Preservation Act Percentage Allocation Article:  
Administrative Expenses: \$  
Open Space Debt Service: \$  
Community Housing: \$  
Historic Resources: \$  
Budget Reserve: \$
- Article K Community Preservation Act Appropriations: (projects/\$ pending)
- Article L Fund the Collective Bargaining Agreement Communicators Union - FY 2013, possibly FY 2014-15
- Article M Fund the Collective Bargaining Agreement – Others pending FY 2014-15
- Article N Debt exclusion for borrowing for Wellfleet Elementary School Roof: \$300,000
- Article O Debt exclusion for borrowing for Nauset Regional Middle School Roof: \$
- Article P Debt exclusion for borrowing to repave/restripe the following Town parking lots: Wellfleet General Store, former WHAT building: \$
- Article Q Debt exclusion for borrowing to enlarge the concrete pad at the Transfer Station: \$

- Article R Fund Beach Parking and Access Study (appropriate and transfer from Beach Fund?):  
\$
- Article S Fund Rt. 6 – Main Street intersection conceptual study: \$
- Article T Fund the Retirees Health Benefits Unfunded Liability: \$150,000
- Article U Fund Stabilization Fund: \$50,000
- Article V Appropriation for Chapter 90 Matching Funds
- Article W Establish and fund Marina Enterprise Improvement stabilization fund (initially  
fund with transfer. Approx \$14,000 in OysterFest parking receipts)
- Article X Establish and fund Cape Cod Technical Regional School stabilization fund  
(requested by Superintendent of Cape Cod Tech)
- Article Y Rescind unused borrowing authorization. Identified to date: \$4.8 M, Article 27,  
2010 ATM, (water system – not used.)
- Article Z Authorize trade or sale of current FD tanker (Art 22, 2013 ATM vote to purchase  
omitted authority to dispose of current tanker)
- Article AA Disposal of surplus/outdated supplies and equipment

#### Bylaw Amendments

#### Standard Annual Articles

- Article BB Accept Gifts Article
- Article CC Collection of Taxes Article
- Article DD Town to assume liability for MassDEP waterways work within Town
- Article EE Regional School Budget Assessment Allocation Article

#### Zoning Articles

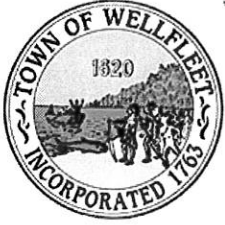
- Article FF Zoning Bylaw amendment to allow accessory structures
- Article GG Zoning Bylaw amendment to allow medical marijuana overlay district
- Article HH Zoning Bylaw amendment to create local business incubator sites

#### Land Use Articles

#### Town Property

#### Other Articles

- Article II Hear Reports from Selectmen, Town Officers, and all other Committees
- Article JJ Act on Other Business Article



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667  
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www.wellfleetma.org

To: Board of Selectmen  
From: Harry Sarkis Terkanian, Town Administrator  
Subject: Town Administrator's Report  
Date: January 10, 2014

This report is for the period December 6, 2013 through January 9, 2014.

- 1 Proposed Town Administrator actions:
  - a. Fill Library Assistant vacancy occasioned by the resignation of Susan Quigley.
  - b. Transfer Dale Smith from DPW mechanic to DPW equipment operator and advertise for mechanic.
- 2 FY 2014 budget. As of December 31<sup>st</sup> we had spent 53.07% of the operating budget. The excess over 50% is the result of seasonal wages such as recreation and beaches, paid during July and August which will not appear again until late June. Fire Dept. overtime is high due to a firefighter resignation in December and an injury on duty resulting in a significant number of shifts filled by overtime. The January 2-3 Nor'easter consumed \$63,000 of our \$93,000 snow removal budget.
- 3 NStar Integrated Vegetation Management Plan. The Mass. Dept. of Agriculture comment period has been extended to the close of business on February 18<sup>th</sup>. With Hillary Greenberg-Lemos' assistance I have prepared a statement for the Board's consideration.
- 4 Municipal broadband service. The County issued a revised RFP on December 23<sup>rd</sup> with responses due on January 13<sup>th</sup>.
- 5 208 Water Quality. Stakeholder's summit scheduled for February 6<sup>th</sup> in Hyannis. All Wellfleet participants are continuing to advocate the sustainable, low cost solution proposed by the Wastewater committee as the preferred alternative for Wellfleet.
- 6 Herring River Restoration. Next meeting January 22, 2014.
- 7 Public Works Projects:
  - a. LED streetlight project. Operation and Maintenance agreement ready for approval. Installation is expected to take about one week, probably in March. Expected annual savings should approach \$7,000 out of our streetlight budget of \$21,600. Our only cost for the conversion is the cost of any required police details.
  - b. Water System Expansions. Construction has begun and is on schedule.
  - c. Tennis Courts Reconstruction. CPA grant application presented to the CPC by the recreation director and myself on December 18<sup>th</sup> and is pending before the CPC.
  - d. Baker Field restrooms. Working on a contract with the architect.

TOWN ADMINISTRATOR'S REPORT TO THE SELECTMEN

- e. Police Station. Seven responses received. Proposals have been transmitted to the Designer selection committee for this project for evaluation and ranking. Meeting scheduled for January 13<sup>th</sup>.
  - f. Waterfront Needs Study & Shellfish Building. RFP for a study of waterfront space needs to include the harbormaster building, beach sticker building and shellfish building is in final stage of internal review before publication and posting. A December 13<sup>th</sup> mold study has revealed unacceptable levels of mold. On December 19<sup>th</sup> the shellfish department has been authorized to relocate to the beach sticker office pending a solution.
- 8 Other Procurement Projects:
- a. Wellfleet Cable TV Channel. Assigned to ATA King, proposals due January 16<sup>th</sup>.
  - b. Ambulance Replacement. Final vehicle specifications prepared by the Fire Department. Assigned to ATA King for procurement.
- 9 Personnel Matters:
- a. Administrative actions: None.
  - b. Current employment vacancies (Charter 5-3-2 (i)):
    - i. DPW. Two vacancies: equipment operator positions. Both have been advertised. Two other employees are on restricted duty due to injury.
    - ii. Building – Building Inspector is part time.
    - iii. Health – Assistant health agent position is vacant. Health agent proposes to fill it on a part time basis using the funding previously appropriated which is currently being used to contract with the County one day a week.
    - iv. Fire and EMS. One vacancy due to a Firefighter/EMT resignation effective December 13<sup>th</sup>. Position has been advertised by fire dept.
- 10 Complaint logs for Building, Shellfish and Health/Conservation will be done by separate memo to the Board instead of inclusion in this report.



# Town of Wellfleet Committee Vacancies

To: Harry Terkanian  
From: Amy Voll  
Re: Appointments to Town Boards

Date: January 14, 2014

The report format provides the appointing authority with a comprehensive view of vacant positions on each Town Board. Each table identifies the amount and type of positions that are vacant, the authority for making the appointment and the length of the term. Following the table contains names of individuals requesting consideration to fill a vacancy.

## **Barnstable Human Rights Commission (1 Wellfleet Representative)**

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

**Requesting Appointment:** No applications on file.

## **Building Needs & Assessment Committee (5 Members)**

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

**Requesting Appointment:** No applications on file.

## **Bylaw Committee (3 Members)**

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

**Requesting Appointment:** No applications on file.

## **Commission on Disabilities (up to 7 Members)**

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

**Requesting Appointment:** No applications on file.

## **Energy 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.

## **Herring Warden (1 Warden, 1 Assistant Warden)**

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

**Requesting Appointment:** No applications on file.

## **Historical Commission (7 Members)**

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

**Requesting Appointment:** No applications on file.



**Local Comprehensive Planning Implementation Committee (5 Members)**

<b>Vacant Positions</b>	<b>Appointing Authority</b>	<b>Length of Term</b>
1 Position	Board of Selectmen	3 years

**Requesting Appointment:** No applications on file.

**Recycling Committee (9 Members)**

<b>Vacant Positions</b>	<b>Appointing Authority</b>	<b>Length of Term</b>
1 Position	Board of Selectmen	3 years

**Requesting Appointment:** No applications on file.

**Personnel Board (4 Community Members)**

<b>Vacant Positions</b>	<b>Appointing Authority</b>	<b>Length of Term</b>
1 Position	Board of Selectmen	6/30/2015

**Requesting Appointment:** No applications on file.

**Shellfish Advisory Committee (7 Members, 2 Alternates)**

<b>Vacant Positions</b>	<b>Appointing Authority</b>	<b>Length of Term</b>
1 Alternate Position	Board of Selectmen	3 years

**Requesting Appointment:** No applications on file.

**Wellfleet Board of Selectmen  
Minutes of the Meeting of December 10, 2013  
Council On Aging Building, 7:00 p.m.**

**Present:** Berta Bruinooge, John Morrissey, Dennis Murphy, Paul Pilcher; Town Administrator Harry Sarkis Terkanian.

**Regrets:** Jerry Houk

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

***Announcements, Open Session and Public Comment***

- Paul Pilcher announced that the Wellfleet holiday stroll would be held the weekend of December 14-15, 2013.
- From the audience Lilli Green reviewed information<sup>1</sup> regarding the filing of Cape Light Compact's (CLC) Aggregation Plan as requested by the Department of Public Utilities and urged Wellfleet's representatives to the CLC Governing Board to delay a vote to adopt the proposed revision to the plan at their December 11, 2013 meeting pending additional public input and scrutiny.
- From the audience, Sylvia Smith asked if people needed a transfer station sticker if recycling was their only purpose of visiting the transfer station. Terkanian answered that no transfer station sticker is needed for recycling and information would be updated on the Town web site.
- Police Chief Ron Fisette said Wellfleet and Eastham Police and Fire Departments would be sponsoring the annual movie and visit from Santa on Saturday, December 14, 2013. They would also be collecting toys for tots.

***Licenses***

**Motion 14-0104:** Murphy moved to approve the following Annual Business License renewals: Blackfish Variety, Bookstore & Restaurant, Catch of the Day, Cumberland Farms, Even'Tide Motel & Cottages, Hatch's Fish Market, Van Rensselaer's, Wellfleet Motel & Lodge. Morrissey seconded the motion and it passed 4-0.

**Motion 14-0105:** Pilcher moved to approve the Weekday Entertainment License for Wellfleet Preservation Hall. Morrissey seconded the motion and it passed 3-0-1 (Bruinooge recused herself from the vote).

***Appointments***

**Motion 14-0106:** Pilcher moved to approve the interim appointment of Bertram (Chip) C. Bruce, Jr. to the Library Board of Trustees until the 2014 Annual Town Election. Murphy seconded the motion and it passed 4-0.

***Public Hearing(s) [7:15]***

**Community Preservation Act**

Wellfleet Community Preservation Coordinator Mary Rogers reviewed the 2013 Community Preservation Act Needs Assessment List<sup>2</sup> focusing on community needs for Housing, Historic Preservation, Open Space and Recreation. Rogers urged all those interested in Historic Preservation to visit the MA Historical Commission website (<http://mhc-macris.net/>). Rogers invited Murphy to come before the Community Preservation Committee Board to speak about the harbor dredging issue after he asked if the board would consider reviewing the need as a recreation issue. Pilcher would like to see an enhanced summer childcare program developed through the recreation program. The Board also applauded efforts to gain housing on National Seashore property for use as Senior Affordable Housing. Rogers concluded the hearing by announcing that the state had awarded Wellfleet a \$319,521 Community Preservation allocation.

### **One Day Liquor License**

**Motion 14-0107:** Morrissey moved to approve the request received from Addison Art Gallery for a one day Beer and Wine license on July 19, 2014 from 5:00 p.m. to 7:00 p.m. at the Wellfleet Public Library. Murphy seconded the motion and it passed 4-0.

### **Restaurant Extension of Hours**

**Motion 14-0108:** Murphy moved to approve the request received from Caroline Parlante requesting permission for the Bombshelter Pub to remain open until 2:00 a.m. on New Year's Eve, December 31, 2013 into New Year's Day, January 1, 2014. Pilcher seconded the motion and it passed 4-0.

### **Change of Manager**

**Motion 14-0109:** Morrissey moved to approve the request received from Wellfleet Marketplace for a change of Manager from Paul J. Sousa to Robert W. Medeiros. Pilcher seconded the motion and it passed 4-0.

### **Shellfish**

**Motion 14-0110:** Murphy moved to approve the application received from Bradford Morse and William Barrio to transfer shellfish grant licenses #852, 852A and 852B from Bradford Morse and William Barrio to Bradford Morse, William Barrio and Diane Brunt. Morrissey seconded the motion and it passed 4-0.

### ***Appointments, cont.***

**Motion 14-0111:** Murphy moved to appoint Robert E. Burns as a full time Police Officer from with an appointment term from December 16, 2013 through June 30, 2015. Morrissey seconded the motion and it passed 4-0.

### ***Reappointments***

Pilcher agreed to renew the appointments of the Shellfish Department staff and would like to see job descriptions and measurable objectives for review.

**Motion 14-0112:** Morrissey moved to appoint Andrew Koch as Shellfish Constable for a three year term ending December 31, 2016. Pilcher seconded the motion and it passed 4-0.

**Motion 14-0113:** Murphy moved to appoint Christopher Manulla as Deputy Shellfish Constable for a three year term ending December 31, 2016. Morrissey seconded the motion and it passed 4-0.

**Motion 14-0114:** Pilcher moved to appoint John Mankevetch as Assistant Shellfish Constable for a three year term ending December 31, 2016. Murphy seconded the motion and it passed 4-0.

### ***Use of Town Property***

**Motion 14-0115:** Pilcher moved to approve the application received from Tracy Plaut of Wellfleet Preservation Hall to request the use of the parking lot opposite Preservation Hall for a vendor fair supported by the Chamber of Commerce during the Holiday Stroll on Saturday and Sunday, December 14-15, 2013 from 8:00 a.m. to 5:00 p.m. Morrissey seconded the motion and it passed 3-0-1 (Bruinooge recused herself from the vote). [Processing fee: \$20.00. Use of Town Property fee: \$100]

### ***Business***

#### **Authorization to fill Firefighter/EMT vacancy**

**Motion 14-0116:** Morrissey moved to authorize Fire Chief Richard Pauley to fill the vacant full-time Firefighter/EMT vacancy created by the departure of Steven Coombs<sup>3</sup>. Murphy seconded the motion and it passed 4-0.

#### **Review and discuss policy for use of town property**

Pilcher asked to revisit Use of Town Property policy and procedures<sup>4</sup> now that third party groups are hosting events on Town property and charging admission, using OysterFest as an example. Pilcher believes that the present \$500 per parcel limit is too low. Terkanian does not think our Use of Town Property policy covers

issues like liability, licensing, clean up, etc. sufficiently and wants to create a better guidance document. From the audience, Arlene Hirsh suggested that the Finance Committee can help work to revise the current policy. The Selectmen agreed that Terkanian should present a charge for a committee that will review Use of Town Property issues and make recommendations. Bruinooge wants the Selectmen to continue reviewing all Use of Town Property requests because she thinks that it is a good idea for the Selectmen to know what is going on in the Town.

### **Further expansion of municipal water system**

Ron Koontz from the USDA alerted the Town that the agency had another \$3.5 million to disburse by the end of the year for further expansion of the Wellfleet Water System<sup>5</sup>. Justina Carlson and Jim Hood from the Board of Water Commissioners said the terms of the USDA allocated would consist of 1/3 grant dollars and 2/3 loan with an interest rate of 2.5% to 3.5% if the Town can prove that the expansion is detrimental to addressing water quality issues. Responding to a question from Selectman Murphy, Carlson and Hood said that the proposed expansion would not include South Wellfleet and that they reviewed a map of proposed expansion areas prepared by Environmental Partners<sup>6</sup>. Although Terkanian did not think that the Town had exhausted the first appropriation approved at Town meeting to cover the loan portion of the USDA allocation for expansion, several of the Selectmen were concerned that the grant portion of distribution was less than the loan amount and the Town already had several capital improvement projects in need of immediate consideration. Terkanian reviewed his concerns; there is a water expansion project already in the works that the Town must assimilate, there is no assurance that the water system will pay for itself over an extended period of time, and that the Town must balance the need to expand the water system with addressing other infrastructure needs of the Town. Carlson said that there may be additional funding available in March from the USDA and wanted to assure Koontz that an additional expansion of the water system was still a priority for the Town. Pilcher agreed that there was still a pressing need to address water quality issues through an expansion of the water system but he is inclined to wait if there will be a better deal down the road. Morrissey would feel more comfortable moving forward if the master plan for the water system was updated (current plan 10 years old) and recertified at Town Meeting. Pilcher would also like to see a clear document that outlines a master plan for all borrowing. Terkanian assured Pilcher that Administration is working on a comprehensive plan that will address future borrowing issues. Carlson suggested asking Koontz for a small amount of money to update the master plan and create a request for proposal for future water system expansion. Terkanian and the Selectmen agreed that this was a good first step. Morrissey concluded the discussion by offering appreciation for all of the work done by the volunteer Board of Water Commissioners.

### **Beach Parking Task Force Report**

Terkanian reviewed the findings of the Beach Parking Task Force<sup>7</sup> and noted that recommendations will fold into budget discussions. Pilcher concluded from the report that nothing will prevent the ultimate loss of parking areas along Wellfleet Beaches. Bruinooge recommended asking for funding at Town Meeting to undertake a feasibility study to expand beach parking. Morrissey suggested developing a parking area on Town owned property at Whitecrest Beach and working with the National Seashore to expand parking opportunities on their property, as a reduction in Wellfleet parking may put a strain on their resources. Murphy noted that in the short term, the DPW has a large reserve of sand and a depleted supply of clay hardening used to build the ramps at the Wellfleet beaches. Murphy suggested using the sand the form the grade of the dune and less hardening material, as the waves tend to break off clay in huge chunks while sand naturally replenishes the slope. The Selectmen discussed a future move of Ocean View Drive at critical erosion points. Terkanian will prepare a budget summary of recommendations to discuss during the budget review process. Bruinooge asked that the Beach Parking Task Force report be posted to the Town website.

### **Contract award for Bakers Field Restroom Project design**

Terkanian noted that the Building and Needs Assessment Committee approved the qualifications of the bid-winning architect but Administration was not prepared to seek final award approval from the Selectmen at this time. Terkanian is still in the process of negotiating terms of the award.

### **Discuss alternatives to closure of Orleans septic waste facility**

Murphy wanted to make the public aware that the Tri-Town Septic facility in Orleans is scheduled to close on September 1, 2014. When the facility closes, maintenance pumping of septic systems in Wellfleet will cost \$600 more because of transport costs to the nearest facility in New Bedford. Murphy suggested working with neighboring towns to request that Orleans extend the closure date.

### **Support for Massachusetts Coastal Coalition letter regarding FEMA Maps<sup>8</sup>**

The Selectmen agreed to take no action on this issue.

### **FY 2015 Budget**

Terkanian distributed copies of the draft FY2015 budget<sup>9</sup>. The Selectmen and Finance Committee will review the document at their joint meeting on December 12, 2013.

### **Early closure of non-essential town offices on December 24, 2013**

**Motion 14-0117:** Morrissey moved to approve the early closure of municipal offices except for essential personnel on Tuesday, December 24, 2013. Pilcher seconded the motion and it passed 4-0.

### **Approval of Board of Selectmen 2014 Meeting Schedule**

**Motion 14-0118:** Murphy moved to approve the 2014 Board of Selectmen meeting schedule<sup>10</sup> as printed to be changed by the Selectmen as needed. Pilcher seconded the motion and it passed 4-0.

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

Town Administrator Harry Terkanian reviewed the Town Administrator's report<sup>11</sup>.

### **Future Concerns**

- Pilcher asked for a review of the discussion on Town-owned land. Terkanian will provide Pilcher an updated list of properties for review.
- Morrissey would like to get a report from ConsCom and Conservation Agent about the Mayo Creek change from freshwater marshland to salt water marshland at one of the February BOS meetings. Terkanian also suggested discussing the widening of Duck Creek.

### **Correspondence and Vacancy Report**

John Morrissey had prepared the Correspondence Report<sup>12</sup>. A copy was made available for review.

### **Minutes**

**Motion 14-0119:** Murphy moved to approve the minutes of the November 26, 2013 BOS meeting<sup>13</sup> as printed. Morrissey seconded the motion and it passed 4-0.

### **Adjournment**

**Motion 14-0120:** Murphy moved to adjourn the meeting. Morrissey seconded the motion and it passed 4-0. The meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

<sup>1</sup> 2013-12-08 "Report to Assembly" and other materials provided by Lilli Green

<sup>2</sup> 2013 CPA Needs Assessment List

<sup>3</sup> 2013-12-05 resignation memo by Fire Chief Richard Pauley

<sup>4</sup> Use of Town Property policy, procedures and motion history

<sup>5</sup> 2013-12-04 Terkanian memo "Possible Funding for Additional Water System Expansion"

<sup>6</sup> Proposed Water System Expansion map prepared by EPG

<sup>7</sup> 2013-12-10 Report of the Beach Parking Task Force

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- <sup>8</sup> Sample letter of support for the MA Coastal Coalition
  - <sup>9</sup> 2013-12-10 Draft FY2015 Budget
  - <sup>10</sup> Proposed 2014 Board of Selectmen meeting schedule
  - <sup>11</sup> 2013-12-10 Harry Terkanian Town Administrator's Report
  - <sup>12</sup> 2013-12-10 Correspondence Report
  - <sup>13</sup> 2013-11-26 BOS minutes