

**Wellfleet Selectboard**  
**Tuesday September 5, 2023; 7pm**  
**Hybrid Meeting**  
**715 Old King's Highway, Wellfleet**  
**Zoom**  
**Meeting Minutes**

**Members Present:** Barbara Carboni, Chair; John Wolf, Vice Chair; Kathleen Bacon, Michael DeVasto, Ryan Curley

**Others Present:** Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Civetta, Shellfish Constable; Tim Sayre, Resident; Lisa Brown, SPAT; Deidre Oringer, SPAT; Chris Merl, Resident; Kevin LaRocco, Acting Police Chief; Tonya Felix, SPAT; Elaine McLroy, Wellfleet Housing Authority; Dennis O'Connell, Wellfleet Conservation Commission; Chris Allgeier, Dredging Task Force; Helen Miranda Wilson, Resident; Karen Johnson, Shellfish Advisory Board Chair; Barbara Austin, Resident; Daniel Silverman, Town Moderator; Nathan Johnson, Resident; Sam Pickard, Resident; Stephen Pickard, Resident; Nick Sirucek, resident; Paul Wittensen, General Manager for ARC; Lynne Welsh, Bond Counsel

Chair Carboni Called the meeting to order at 7:03pm

**I. *Announcements and Public Comments***

**Note** Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or cote on any matter raised solely during Announcements & Public Comments.

Chair Carboni asked the board if there were any comments from them before the public spoke.

Board Member Curley spoke to the public reminding them of Town Meeting being held on September 18, 2023

Wilson spoke to the board discussing pesticides at the school during the town meeting.

O'Connell, he announced that the trust is having a guided walk-through Wellfleet and invited the public to attend.

Brown spoke to the board and public; asking to be moved up further in the agenda so as to not be stuck behind a longer agenda item.

The board discussed moving some of the agenda items to a separate meeting, to be added for next week.

Bacon discussed her feelings about the changes to the shellfish regulations. Stating that she has always stated that she would like to keep shellfish items in a separate meeting.

Merl spoke to the board about the dredging being delayed. He stated that over the last eight months these people have been attending many committee and board members. He read a letter from Diane Brunt, discussing dredging and how the town could still do the dredging.

Austin spoke to the board as a previous shellfish advisory board member stating that she is concerned about the regulations having this many changes.

## II. **Consent Agenda**

- A. Approval of the Wellfleet Affordable housing Fall Tax bill Insert ~ Elaine Mellroy. (Approved by Town Collector)
- B. Approval of the Taxation Aid Committee Fall Tax Insert ~ Dawn Rickman (Approved by Town Collector)  
**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to approve the consent agenda as presented.**  
**Roll Call Vote: 5-0**  
**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to move the SPAT public hearing, and the SPAT Use of town property out of order in the agenda.**  
**Roll Call Vote: 4-0-1 (DeVasto Recused)**
- C. Wellfleet SPAT ~ dba: WOA ~ Tonya Felis, September 23, 2023 & November 4, 2023; 3pm – 7pm ~ Art & Oyster Crawl. (Participating Galleries): See Application for full details.  
**Board Member Bacon Moved; Board Member Curley Seconded; and it was voted to approve the use of areas in Wellfleet to Wellfleet Spat; for the Art & Oyster Crawl on September 23, 2023; & November 4, 2023; both dates from 3pm - 7pm. Roll Call Vote: 4-0-1 (DeVasto Recused)**
- D. Wellfleet SPAT; Application received August 19, 2023, Use of town properties throughout Main Street, and other areas in Wellfleet; for Wellfleet Oysterfest 2023; October 12, 2023 – October 15, 2023  
Brown spoke to the board and the public about the OysterFest being back on Main Street this year and stated that Sunday was resident day, and all residents were being admitted for free but still needed to get a ticket. She gave details about the fest and where parking and screens would be.  
**Board member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the use of town property to SPAT for various locations throughout Wellfleet as specified in the application for the dates of October 10, 2023, through October 17, 2023. Spat is to continue discussions with all department heads leading up to the event; for a fee of \$800. Roll Call Vote: 4-0-1 (DeVasto recused)**  
**Chair Carboni opened the public hearing for the special one-day liquor license**
- E. Application received August 21, 2023; two one-day alcohol license for Wellfleet Spat. September 23, 2023, 3pm-7pm Art and Oyster Crawl. Gallery Tours of Wellfleet November 4, 2023, 3pm – 7pm  
Board Member Bacon questioned the sites for the raw bars during the art & oyster crawl.  
**Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve Wellfleet Spat's two one day alcohol licenses for September 23, 2023; 3pm-7pm and November 4, 2023; 3pm- 7pm for the Art and Oyster Crawl and Gallery Tours.**

**Roll Call Vote: 4-0-1 (DeVasto Recused)**

**Chair Carboni opened the public hearing for Oysterfest.**

- F. Application received August 29, 2023; Special Alcohol License for Wellfleet Oysterfest; Saturday and Sunday October 13<sup>th</sup> & 14<sup>th</sup>, 2023.

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to approve the special liquor license for Wellfleet SPAT for October 13<sup>th</sup> – 15<sup>th</sup> for Wellfleet Oysterfest.**

**Roll Call Vote: 4-0-1 (DeVasto Recused)**

### III. ***Special Town Meeting***

- A. Review and to act on reducing the quorum requirement for the Special Town Meeting scheduled for September 18<sup>th</sup>, 2023, in consultation with the Town Moderator.

Silverman spoke to the board explaining that the covid restrictions for town meeting quorum are still in effect and he recommended that the board reduce the quorum. He continued reducing the quorum to 150 people. He gave the reasons why he feels this is a good number. Bacon stated that she is not comfortable with reducing the quorum to 150. She stated it sends the wrong message to the residents; she explained more people to attend town meeting. The board discussed the quorum.

Silverman explained the consequences of not having a quorum and putting it off. He stated he doesn't want town meeting to be held hostage to the people that want to be there and participate to those that do not.

**Board Member Wolf Moved; Board Member DeVasto Seconded; and it was voted to adopt the moderator's proposal to reduce the special town meeting quorum to 150 people.**

**Roll Call Vote: 4-1-0 (Bacon voted NO)**

- B. Motion Booklet Discussion, procedures for making and seconding motions  
Silverman explained that there will be a motion booklet for the meeting, and if anyone wanted a handout in the booklet, it needed to be given to the administration no later than Thursday September 7, 2023. He explained that it would be going to be printed the following day.

The reading of the motions was discussed as a round robin.

- C. The provisions for childcare

Silverman spoke to the board and public that there would be childcare at the town meeting and that Suzanne Thomas was the person to get this together. He wanted to be sure she received the credit. HE explained there is a fillable form on the town's website. He explained that drop off would be from 5-6pm at the elementary school.

### IV. ***Public Hearings***

Chair Carboni spoke to the board before she opened the hearing, she apologized for posting the regulations before going through them and then she explained she had asked town counsel to review and just make comments and changes on the corporations. It was agreed by the board that they would only take comments from the public pertaining to corporations.

The board discussed just discussing corporations tonight and not discussing any other changes or amendments.

**A. Shellfish Proposed Regulation Amendments**

**Board Member DeVasto Recused himself from all shellfish discussions.**

Corbo went over the beginning part of the changes, explaining where he made changes in the definitions. Once he finished Curley made comments on the definitions, he explained the issues he had with the definitions. The board discussed the changes under definitions. Curley stated that he had worded his definition of institutions easier to read than what was in front of the board. The definition of taxpayer was discussed. Curley stated he would prefer to use his definition. Chair Carboni discussed the taxpayer definition and her feeling on it, stating that the definition could impact other areas of the regulations. Waldo read Curley's definition of taxpayer and his amendment to the definition. Civetta spoke to the board, speaking to the definition of taxpayer. She suggested that they follow what the beach department goes with so that they respect each other. Discussion on taxpayers continued for a while. Wilson spoke to the board regarding definitions. Speaking about renting and owners and taxpayers. DeVasto spoke to the board as an individual not as a selectboard member. He read previous regulations that began in 1992. Merl spoke to the board stating that there should be no corporations in the definitions.

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to amend the definition of taxpayer to read an individual or officers of a corporation or beneficiaries of trust that owns land in Wellfleet for which they are taxed by the town.**

**Roll Call Vote: 4-0-1**

There was an agreement to make it consistent with the beach department's requirements

Corbo discussed the definition of taxpayer further with the board explaining the definition Curley read an individual or officer of a corporation or beneficiary would be qualified but explained that definition would leave out shareholders of a corporation, trustees of a trust, and members of LLC's. He suggested that the board discuss this with other departments to make sure it is fair and equal across the board. Civetta spoke to the board stating she would discuss this with the beach director. SAB Chair Johnson asked the board to send these back to the Shellfish Advisory Board, that the SAB had deliberated on the subject of corporations holding a license and the board should limit their discussion to that issue so they can discuss and review them and make their own recommendations.

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to adopt the proposed definition of applicant as drafted.**

**Roll Call Vote: 4-0-1**

Wilson spoke to the board, stating there is another type of applicant that she proposed to the board previously. Stating they should include her phrase as well.

**Board Member Curley Moved; Chair Carboni Seconded; and it was voted to amend the definition of applicant to read, applicant, a person applying for a license or permit for the renewal of a license or permit or for the**

**transfer of a license or permit or to appeal a determination made by the constable to the selectboard.**

**Roll Call Vote: 4-0-1**

Chair Carboni questioned if Corbo was okay with that revised version, he had no issues. Civetta stated that permits are nontransferable, so she would state transfer of a license and strike the word permit.

**Board Member Curley Moved; Chair Carboni Seconded; and it was voted to amend the definition of applicant to read, applicant, a person applying for a license or permit for the renewal of a license or permit or for the transfer of a license or to appeal a determination made by the constable to the selectboard.**

**Roll Call Vote: 4-0-1**

Board Member Curley asked for the board to wait on the definition of institution. Chair Carboni agreed.

The board moved on to license holder which was the next amendment.

Chair Carboni read the definition as it was drafted by town counsel. Curley offered an amendment.

The board discussed Curley changes and Civetta agreed with Curley.

**Board Member Curley Moved, Board Member Wolf Seconded; and it was voted to amend the license holder definition to read a natural person or natural persons holding a license issued by the selectboard under the provisions of chapter 130.**

**Roll Call Vote: 4-0-1**

Town Counsel had no issues with this amendment.

The next amendment to be addressed was a new definition to the regulations; being, Natural Person or individual. The new definition was read by Chair Carboni. S then asked the board, the constable, and the public if there were any issues with this definition. Civetta stated that she spoke with the Division of Marine Fisheries, and they stated that when you are defining natural person you shouldn't use natural person as the definition, they suggested changing "Shall mean a natural person only to shall mean a human being only". The board discussed this definition. Wilson stated that in her research she came to a definition which read private person could be included in the definition. Corbo didn't disagree with using the words private person, he stated that it isn't used anywhere else in the regulations.

**Board Member Wolf Moved; Board Member Bacon Seconded; and it was voted to approve the language to the amendment of person, natural person definition as drafted by town counsel.**

**Roll Call Vote 4-0-1**

The board moved on to the definition of Resident, Chair Carboni read the definition as amended by town counsel. The board discussed how domicile will be established. Wolf explained his issues with types of proof that a person is domiciled. Car registration was used as an example, as proof that shouldn't be used because a car can be registered in the town and the person can be domiciled in another town or state. Civetta explained to the board how she and

her staff came to the decision of a permit holder is a domiciled resident. Corbo explained how he came to this definition. Wilson spoke to this definition. There were no other comments on this definition.

**Board Member Curley moved; Board member Bacon Seconded; and it was voted to adopt the definition of resident as drafted by town counsel.**

**Roll Call Vote: 4-0-1**

The board moved on to the definition of transferee. Chair Carboni read the definition with the language that was removed. She then asked about questions of comments from the board or the public. There were none.

**Board member Wolf Moved; Board member Bacon Seconded, and it was voted to accept the language of a transferee included in the shellfish policies and regulations as drafted by town counsel.**

**Roll Call Vote: 4-0-1**

The next group of amendments that were discussed included these definitions in the regulations. 5.2.1 which was adding the language to specify natural person.

**Board member Curley Moved, Board Member Bacon Seconded, and it was voted to adopt the amendment to section 5.2.1 as drafted by town counsel.**

**Roll Call Vote: 4-0-1**

Attorney Corbo moved to section 6.1 adding the word natural to the regulation. There were no issues of comments with this change. 1:59 Mark

**Board Member Curley Moved; Board member Bacon Seconded, and it was voted to adopt the amendments to section 6.1.1 as drafted by town counsel.**

**Roll Call Vote: 4-0-1**

Curley asked about amending 6.1.4. the commercial permit fees, to remove the parentheses because it had been moved to the eligibility criteria 7.8.1

Civetta stated that the issue with 7.8.1 that the shellfish department has is the eligibility now says, "to get named to a shellfish grant license you must hold a commercial shellfish permit, she stated this means if someone didn't get their permit during the allotted time the person would need to obtain a hardship exemption, which she stated it doesn't fit the definition of hardship.

DeVasto stated that the board has never discussed the merits of this argument. He stated it was brought to the Shellfish Advisory Board in the middle of the summer which is the busiest season for shellfishermen. He continued to discuss with the board the language being discussed and having the public engage in this discussion. He spoke about the unlimited liability regarding the license. He gave his opinion on being able to have his business property. DeVasto also claimed that the majority of the area where aquaculture happens is on state land or private property.

Wolf spoke to the board stating that town counsel had addressed the liability issues he has photos of the company ARC working on a grant and this company is not a "mom & pop" business.

Merl spoke to the board refuting what DeVasto said about just discussing this issue during the summer months, he stated they have been discussing this since the middle of January.

Samuel Pickard spoke about how, with a lobster license, they are not allowed to be held in the name of a corporation because it takes away from the owner-operator and why would the town allow grants to be held under the name of a corporation and impact the owner-operators and the small mom and pop operations.

Bacon stated that the board isn't moving fast on this decision stating they have made a great effort to engage town counsel to add language and define this and that it is astounding that Mr. DeVasto comes back with the same argument every single time.

Mr. DeVasto said it's the same argument because personal liability exists and he has had advise from two attorneys.

Denice Lapierre said that is ridiculous they have grants in Wellfleet and they have trusts in their children's names and other means of protecting their assets. They do not rely on the town for that and it's not the town's job.

Curley spoke about how fishermen can reduce their personal liability.

Stephen Pickard made comments about the conflicts of interest of Mr. DeVasto Mr Corbo provided an opinion that DeVasto has every right able to speak on behalf of himself as an individual under the conflict of interest law..

The board took no action on 6.1.4.

Section 7.2 was the next definition to be discussed. Attorney Corbo explained the change that he made. The manager of ARC came to speak to the board and explained ARC is not that type of company. He stated they have no "skin in the game".

**Board Member Bacon Moved; Board Member Wolf Seconded, and it was voted to accept the amended language of 7.2.**

**Roll Call Vote: 4-0-1**

Wilson spoke to the board and public stating that none of the proposed amendments address the concern that has been heard repeatedly from the community. She stated that outside entities can be identified, she stated the selectboard shouldn't be telling the people how to run their businesses. She spoke to a concern that shellfishers could be pressured by other actors or backers in how they operate.

Merl spoke again, stating that holding a shellfish grant is a privilege and the town is not responsible for providing liability protection.

**Board Member Curley Moved; Chair Carboni seconded, and it was voted to refer 7.8.5 and 7.9 to the shellfish advisory board and the shellfish department for recommendations in terms of language and more.**

**Roll Call Vote: 4-0-1**

This was the end of the amendments made to corporations. Attorney Corbo was thanked for his effort in this matter.

**AMENDED** APPROVED NOVEMBER 5, 2023 \*\*\*A full recording of this meeting can be found on the town's website\*\*\*

Civetta questioned 11.3 authority to revoke aquaculture license, she asked remove verses revoke. She asked the board for clarification and direction. Chair Carboni stated that maybe they should send 11.3 over to SAB to discuss remove verses revoke so they are able to clarify for them.

The board moved on to the next section 7.5 adding the language natural person instead of individual.

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to adopt the amendment as drafted by town counsel to Section 7.5; conditions for the use of areas licensed for aquaculture.**

**Roll Call Vote: 4-0-1**

7.8.1 – Eligibility requirements were discussed next, and Attorney Corbo explained his changes to this section which was adding some additional language. Board Member Curley asked to advance a separate motion to ask the shellfish department and the Shellfish advisory Board to evaluate different types of permits, (farm permits were used as an example).

**Board Member Curley Moved Board Member Bacon Seconded, and it was voted to request the Shellfish Department and the Shellfish Advisory Board to evaluate different types of permits that might be used in place of a commercial shellfishing permit as an eligibility requirement for a commercial license.**

**Roll Call Vote: 4-0-1**

The above motion will be sent to the Shellfish Advisory board as a draft for comment.

Civetta spoke about the current process of the selectboard having to issue hardship expectations for transfers where the person does not currently hold a commercial permit and that they would discuss this at SAB.

Ms. Wilson spoke about how it doesn't make sense to require all license holders to hold a commercial permit.

**Board Member Curley Moved; board Member Wolf Seconded; and it was voted to adopt the proposed amendments to section 7.8.1 as drafted by town counsel.**

**Roll Call Vote: 4-0-1**

Attorney Corbo moved to Section 7.8.8; Aquaculture Research and Development he explained his changes and amendments.

Wilson had some more comments on this amended language and that the town welcomes anyone who would like to do research. Curley spoke about how 7.8.8 requires all excess products to be turned over to the town, so it is not a commercial type of license. Board Member Carboni spoke about defining who would qualify for this type of license. Board Member Wolf to his concern of companies putting product on other grants under 7.8.8. Board Member Curley said that what happened was separate from 7.8.8. and that this is a special license type and would be for a specific area.

Board member Bacon stated she felt this language should be reviewed and commented on by the SAB and that it's a type of license that is seldom used but it is good to have it.

Wilson spoke about the requirements from the state and our regs mirror the states.

Karen Johnson read a comment for Nathen Johnson to the board about the projects be education related not corporation related. The board agreed. Civetta stated these permits are issued by DMF, and this is specific to research and development.

Sayre spoke to the board about the SAB not wanting this in there. Mr. Sayre offered a grammatical correction that 7.8.8.5 ended in "specified in Section" should read "specified in Section 7.8.8.3"

Attorney Corbo stated that he knew this was a different license than other licenses but had no objection to 7.8.8 being referred to the SAB. (2:40 mark **Board Member Wolf Moved; Board Member Bacon Seconded and it was voted to refer section 7.8.8 to the Shellfish Advisory Board for discussion, subject of aquaculture research and development and requirements and definitions.**

**Roll Call Vote: 4-0-1**

Attorney Corbo moved on the definition 7.9 – Rights of Use Subletting and Transfer- explaining natural persons. He explained the amendments that were made and the items that were stricken.

Board Member Curley stated that in the second paragraph it stated licenses may transfer the rights and responsibilities assigned to their license to any other natural person and it should read natural person or persons natural persons, because they can transfer it to more than a single person. There were no issues with Curley's change.

DeVasto spoke to the board about liability insurance, he stated he is asking the town not to be able to prevent people from protecting themselves and selling shares. He continued explaining his concerns and protecting the shellfishing community.

Mr. Merl said it is a privilege to have a grant, and the town is not responsible for providing liability protection.

Denice Lapiere restated how they protect their assets

The board discussed doing one large motion for all of 7.9.

Attorney Corbo moved on to the other amendments made to Section 7.9 about subletting and what would constitute subletting.

Curley stated he felt this section should also be referred to the SAB because it is impractical and a risk to public health to require employees to turn over all product to the licensee and would have a significant impact on how the industry operates.

Bacon said this is section is one she heard a lot about from the shellfishing community, and it would really restrict and hurt how they do business, and she agreed with Curley, about referring it to SAB.

Chair Carboni explained this was drafted to address concerns raised about subletting but was fine with referring it to the SAB.

Karen Johnson spoke about the need to work on this language and it would affect a lot of people. She also said Nathen Jonhson was trying to say the same thing.

Alfred Pickard spoke to the board about having this language that has been drafted stay in the regulations in some form due to out of towners working a license. (2:58

DeVasto questioned do they now need to hire people who live in Wellfleet? Can they have subcontractors? Can there be partnerships with other grant holders? Whether they work for another organization or not, and that the proposed language is way too intrusive.

Mr Wolf explained his concern with a corporation from another town hiring people to work grants in Wellfleet.

Wilson, spoke to the language restricting activities that are not in keeping with the policy.

Benjamin Pickard expressed his concern that there may be a license where the licensee holder is currently retired from the industry being used by an outside corporation.

Chair Carboni said that is a specific matter and not the subject of this hearing. Nemanja Krsmanovic spoke about how people add others to their license and that people usually grow on a license for years before they are added to it, and this would no longer be allowed.

Wolf and Attorney Corbo agreed that this language should go before the SAB. Corbo said the emphasis should be on not allowing a subletter to retain product for their own benefit and recommended looking at 7.8.5 at the same time.

Alfred Pickard commented that a grant is a resource of the town and should benefit townspeople and not be subletted.

Stephan Pickard spoke to issues upholding regulations.

Civetta read in a statement from the shellfish department about the subletting and this section in the regulations, stating there are many situations in the town of Wellfleet that are operating modestly in this way and work to the benefits of the shellfishing community, both as friends helping friends relatives helping relatives and more importantly as mentorship and apprenticeship opportunities, this proposed regulation would end this practice throughout the harbor, in addition this practice are a tremendous help to ensure gear is removed from licensed sights in preparation from winter harbor ice; We are aware of and document these relationships around the harbor and are confident that removing this proposed regulation would be beneficial to the shellfishery but understand and want to discuss it openly with the Shellfish Advisory Board.

Chair Carboni asked attorney Corbo to move on to 7.8.5.

3:15 Attorney Corbo moved on to 7.8.5 and he explained the amendments he made within this section limiting employment on grants.

Curley spoke to how unreasonable the proposed restriction is that prohibits an employee to work for any other shellfish operation.

Wolf to the intent

DeVasto spoke to need of grant holders who need employees

The board discussed the changes in this section at great length, The board decided that they would be referring this section to the SAB as well so they can get a better community sense. Sirucek spoke to the board about the changes and the difficulty getting a name on a grant, and the change that requires makes all licenses responsible for any employee on the grant and that's a huge change, and that the restrictions on who can be employed are insanely broad.

Karen Johnson spoke to the board with Nathan Johnson and the dispute Nathan has with the other licensee and does not want to be responsible for those employees. Karen said its way to restrictive.

Wilson spoke again to the board about some of the changes in the fourth paragraph and that it should remain what it was. Wilson also spoke to the overly broad restriction on who can be employed.

Paul Whitensen spoke to the board as a general manager for ARC. He gave the backstory of ARC and stated ARC didn't want to hurt Wellfleet.

Nemanja Krsmanovic spoke about how the industry is group effort with many people helping each other out and he has six different employee sellers cards for the people he helps.

Sirucek commented how difficult it would be for the shellfish department to monitor who works for other businesses Wolf asked those in attendance to little chatter while seated.

Curley spoke about how naming someone to a license is a big step because they cannot remove someone once they are named, so they usually take people on who works the grant with them to see if they are good fit, and if we become overly strict its going to limit the opportunities for people to get into the industry  
**Board Member Curley moved; Chair Carboni Seconded; and it was voted to refer sections 7.8.5 and 7.9 to the shellfish advisory board and the shellfish department for recommendations in terms of language and etc...  
Roll Call Vote: 4-0-1 3:34 mark**

Civetta spoke about section 11.3 "Remove verses Revoke" As it was brought up by board member Wolf. He stated that he did bring it up because the issue of domiciled resident was brought up previously, if the license was revoked. Chair Carboni spoke to it not being related to corporations and is a different issue to discuss at a future date. Wolf spoke to the proposed change. It was agreed that this section would also be referred to the Shellfish Advisory Board.

Chair Carboni asked about continuing the hearing.

Curley spoke to the issues of doing so with a election and that the hearing should close

Chair Carboni made sue that the board and the public understood that that would mean that the shellfish rules and regulations will have been amended tonight.

Wolf asked to hear from Mr. Merle

Mr. Merle asked about timeframes And these issues have been out there for a while

Curley explained that with the motions made tonight except the portions referred to SAB those changes will go into effect when the hearing is closed. Bacon explained the same and we are not leaving stuff out there.

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to defer the definition of institution to the Shellfish Advisory Board for discussion.**

**Roll Call Vote: 4-0-1**

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to close the public hearing.**

**Roll Call Vote: 4-0-1**

**Public Hearing closed at 11:06pm**

V. ***Use of Town Property***

A. Brain Friedman ~ Homerun Baseball Camp ~ Wellfleet Elementary School Baseball Field ~ Tuesday-Thursday Summer of 2024, 8:30am-11:30am.

**This was moved to the September 19, 2023**

B. Second Summer Cycle, LLC (Patrick Lentell) ~ Cape Cod Chamber of Commerce; Parking Lot of White Crest Beach for water stop; September 17, 2023; 10:30am-3:00pm.

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to approve the use of White Crest Beach on September 17, 2023; from 10:30am-3:00pm for water stop to Second Summer Cycle, LLC (Patrick Lenten, applicant).**

**Roll Call Vote: 5-0**

C. Wellfleet Conservation trust ~ Dennis O'Connell ~ Mayo Beach Parking Area for 2023 Coast Sweep ~ October 9, 2023; 9:30am – 12:00pm

**Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the use of Mayo Beach Parking Area to Wellfleet Conservation Trust on Monday October 9, 2023, from 9:30am to noon for the 2023 Coast Sweep.**

**Roll Call Vote: 5-0**

VI. ***Business***

A. Vote to approve issuance of bonds ~ Rich Waldo & Lynne Welsh, Bon Counsel Waldo gave a brief description of the documents that were in front of the board. He explained the need to issue bonds. He explained there are two series of bonds a tax exemption and a non-tax exempt. Welsh explained the issuance of the bonds and the importance of the selectboard's vote. She explained that there was a great deal of interest on these bonds, stating that this is a good financial move for the town.

**Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted that the sale of the 9,955,00 General Obligation Municipal Purpose Loan of 2023 Bonds, Series A of the town dated September 12, 2023, (the "Series A Bonds"), to Piper Sandler & Co. at the price of \$10,573,139.94 and accrued interest is hereby approved and confirmed. The**

bonds shall be payable September 1 of the year's and in the principal amounts and bear interest at the respective rates (Full text in the attached documents).

**Roll Call Vote: 5-0**

**Board Member Wolf Moved; Board Member DeVasto Seconded; and it was voted that the sale of the \$1,030,000 General Obligation Land Acquisition Bonds, Series B (Subject to Federal and Massachusetts Income Taxation) (Unlimited Tax) of the town dated September 12, 2023, (the "Series B Bonds" and together with the Series A Bonds, the "Bonds"), to Fidelity Capital Markets, a division of National Financial Services LLC at the price of \$1,065,468.85 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on September 1 of the year's and in the principal amounts and bear interest at the respective rates. (Full text and interest breakdown attached).**

**Roll Call Vote: 5-0**

**B. Art Shacks on Mayo Beach ~ Kai Potter ~ Discussion with the board ~ **This was moved before Issuance of Bonds.****

Potter gave a presentation about having art shacks at Mayo Beach. He gave reasons why this would be good for the Wellfleet Art Community and residents. He gave the benefits of having these art shacks at Mayo Beach, siting revenue for the town and revenue for residents of the town. He gave details on cost to the town and possible revenue for the town. He stated it aligns with the values of the art community, stating they are a collection of people who have the desire to create and share things.

The board discussed the shacks. DeVasto stated he loves the idea, the only concern he has is with parking.

**Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to support the art shacks.**

**Roll Call Vote: 5-0**

**C. Habitat for Humanity Housing ~ Old King's Highway deed transfer ~ **Moved to after the art shacks.****

Mellroy spoke to the board asking them to act on the town meeting vote to transfer the deed to the housing authority. She explained the quick claim deed and explained that t

**Board Member Curley Moved; Board Member Wolf Seconded; And it was voted to approve the deed transfer of Old King's Highway to the housing authority.**

**Roll Call Vote: 5-0**

**D. Town Planner Job Description - Special Town Meeting Handout ~ Rich Waldo Chair Carboni spoke to the board, about the planner position, Bacon stated it needed to be simplified. The board discussed the need to a town planner and not making it a job description, rather than crafting a message as to why the town needs a planner not the job description. Board Member Curley had amendments.**

**AMENDED** APPROVED NOVEMBER 5, 2023 \*\*\*A full recording of this meeting can be found on the town's website\*\*\*

The board continued to discuss some amendments to the document but the consensus was to simplify it so the town knows why we need a town planner. Chair Carboni stated she does this for Truro and stated she would put together a narrative to be able to explain to the town why we need a town planner and the bandwidth a planner would give the town.

**The board agreed that the rest of the agenda items would be moved to the meeting of September 19, 2023.**

- E. Reorganization of the Health and Conservation Department ~ Rich Waldo
- F. Intermunicipal Agreement ~ Conflict of Interest Disclosure ~ KP Law Eastham/Wellfleet for budgetary Support
- G. Memorandum of Agreement w/ Town of Eastham for Budgetary Support.
- VII. **Selectboard Reports**
  - A. Prior Affiliations ~ Chair Barbara Carboni
  - B. Selectboard Goals FY2024 – Review and prioritize Town-wide goals.
- VIII. **Topics for Future Discussion**
- IX. **Town Administrator's Report**
  - A. Proposed Appointment of Assistant Town Administrator
- X. **Vacancy Reports**
- XI. **Minutes**
  - A. August 8, 2023
  - B. August 15, 2023
  - C. August 22, 2023
- XII. **Adjournment**

**Board Member Bacon Moved; Board Member DeVasto Seconded; and it was voted to adjourn the meeting.**

**Roll Call Vote: 5-0**

**Meeting adjourned: 12:00am**

\*\*\* *Public Documents* \*\*\*

*Affordable Housing Tax fall insert*

*Taxation Aid Tax Fall Insert*

*Wellfleet WOA art and Oyster Crawl applications (2)*

*Two one day alcohol licenses for WOA for the art & oyster crawl*

*Alcohol license for Wellfleet Oyster Fest*

*Letter from Dan Silverman questioning the reduction of quorum.*

*Shellfish proposed regulations.*

*Use of Town Property application, Brian Friedman, Wellfleet Elementary School Baseball field.*

*Use of Town Property application, Patrick Lentell, Cape Cod Chamber of Commerce Second Summer Cycle.*

*Use of town property application Wellfleet Conservation Trust, Dennis O'Connell, Mayo Beach for Coast Sweep.*

*Documents of bonds to be issued.*

*Documents for Art Shacks at Mayo Beach, Kai Potter*

*Deed Transfer Documents for Habitat for Humanity*

*Description of Town Planner*

**AMENDED** APPROVED NOVEMBER 5, 2023 \*\*\*A full recording of this meeting can be found on the town's website\*\*\*

*Documents on job descriptions of a Health Agenda and a Conservation Agent  
Documents for the proposed incoming Assistant Town Administrator  
Meeting Minutes of August 8, 2023; August 15, 2023; and August 22, 2023.*