

**Wellfleet Selectboard
Tuesday October 17, 2023; 7pm
Hybrid Meeting: 715 Old King's Highway & Zoom
Meeting Minutes**

Members Present: Barbara Carboni, Chair; John Wolf, Vice Chair; Michael DeVasto, Ryan Curley, Tim Sayre

Others Present: Rich Waldo, Town Administrator; Rebekah Eldridge; Executive Assistant; Nancy Civetta, Shellfish Constable; Kevin LaRocco, Acting Police Chief; Christa Drew, Herring River Restoration Project; Carole Ridley, Herring River Restoration Project; Katy Cushman, Applicant for Board of Health; Scott Horsley, Consultant for Water Shed Permit; Dan Silverman, Moderator; Chris Merl, Brad Morse; Diane Brunt, Melissa Yow, Helen Miranda Wilson, Stephen Pickard

Chair Carboni Called the meeting to order at 7:02pm

I. *Announcements, and Public Comments*

Note: Public comments are limited to no more than two minutes per speaker.

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Sayre thanked the people who voted for him. He stated he is open and available for comments and discussion with residents.

Curley thanked the police department, fire department and town staff that contributed to the Oysterfest.

Wolf also thanked the vendors of the fest.

Chair Carboni announced there was a trunk or treat being held at the drive in on Halloween.

Morse spoke to the board and public announcing that he attended the Orleans town meeting the previous night. It stated that there were a lot of towns spent on the article regarding pesticides.

Kevin McMahon announced submissions for the beach sticker photos are being accepted. Applications are on the town's website. The theme of this year's sticker is "Wellfleet Doors".

Myrle's letter was in the selectboard's packet for the record, and he spoke to the board regarding his letter about the Deputy Shellfish Constable, he questioned how concerns are addressed.

Hughes spoke to the board about the five complaints that he has filed.

Chair Carboni stated that this is something that will be investigated, and a process will need to be established.

Brunt stated that she would like to speak after Merl read his letter. Merl read his letter into the record, which stated that he had concerns about the full-time deputy shellfish constable full time hire.

Brunt came before the board stating she felt that there was lack of transparency, and sneaky.

II. ***Town Meeting Update***

- A. Town Moderator will give an update on town meeting ~ Daniel Silverman
- Silverman came to the table; giving a full recap of the fall town meeting that was held on September 18, 2023. He spoke about the support of the meeting being at night rather than a Saturday morning. He spoke about the success of childcare. He thanked Suzanne Thomas who put together the childcare for the town meeting, and the recreation department for allowing their room to be used. He stated that he continues to recommend the town meetings be split into two, one in the spring and one in the fall. Allowing the zoning bylaws that aren't crucial at the fall town meeting. He spoke about changing the charter and having both meetings be a part of the annual town meeting. He also suggested that if there is a regular fall town meeting, he suggested in late October, allowing both meetings to be six months apart. He spoke about the quorum. 6% is the current quorum which equals 188 people. He spoke to the board about changing the quorum requirements. He finished speaking about the warrant and stated that the charter requires the town to send out copies of the warrant to all registered voters. Which equals 3100 people and stated that there are not that many people show up to town meeting, He suggested to have the warrants available at town public buildings. He also suggested more proof reading of the warrant. Sayre talked about secret ballots so that people could vote privately, he also brought up to much conversation about a warrant item being discussed at great length. He questioned if someone could stand up and vote to move the question. Silverman explained that yes that motion could be made. Curley spoke about the process for the board. He stated the board meets numerous times going into town meeting, he asked the board if they wanted to make an amendment to discuss it with the board beforehand. Waldo spoke to the board thanking the moderator for outlining the concerns and suggestions. He explained that the time frame of the warrant and motion booklets is so close together that it makes it very difficult to fix or amend items on the warrant and the motion booklet. He suggested that the town should consider going back to the projector instead of using the motion booklets. Silverman explained the reason they stopped the projectors was when the meetings went outside, and they didn't have a projection screen that was bright enough for outside. Silverman explained that he was against secret ballots on principal, he stated it is called open town meeting for a reason.

NO ACTION WAS TAKEN ON THIS ITEM

III. ***Herring River Restoration Project ~ Chair Carboni recused herself from this agenda item.***

- A. Approve of Sub-Award agreement with Friends of Herring River to support Herring River restoration project implementation ~ Christa Drew & Carole Ridley ~ Vice Chair Wolf took over as chair for this agenda item.
- Ridley was in the meeting virtually and Drew was in person. Drew explained the agenda item to the board. She explained the award for this project, stating that she was asking the board to approve and accept this award. Sayre had questions for Drew about the award, he wanted to know if friends of the Herring River

would be receiving any of the money from the grant. Drew explained that the salaries are part of the grant award.

Board Member Curley Moved; Board Member Seconded and it was voted to approve the agreement with Friends of the Herring River for access to a subaward of up to \$350,000 from the National Oceanic and Atmospheric Administration grant to ensure permit compliance and associated monitoring, data collection, and communications necessary for permit compliance, as well as other non-construction implementation support including external communications and documentation.

Roll Call Vote: 4-0-1

IV. *Board/Committee Appointments and Updates*

- A.** Appointment of Katy Cushman to the Wellfleet Board of Health for a term of 3 years

Cushman came before the board and there were no questions for her.

Board Member Wolf moved; Board Member Seconded and it was voted to approve the appointment of Katy Cushman to the Wellfleet board of Health for a term of three years and to be sworn in by the town clerk before voting at a meeting.

Roll Call Vote: 5-0

V. *Public Hearings* ~ **Board Member DeVasto recused himself from all shellfish hearings.**

- A.** In accordance with MGL Chapter 130 Sections 52, 57, 58, 59, 60, and 62, Section 7.2. Previously Established Grants that Become Available in the Town of Wellfleet's Shellfishing Policy and Regulations and all other applicable town shellfish regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing October 17, 2023, at 7:00 p.m. to conduct lotteries for the above-listed shellfish grants. The lottery will be conducted one-by-one in the order listed above.

Grant 851 was the first part of the lottery. Wolf read each name out loud to the board and public and dropped each name into the wooden container to be spun and names to be picked by Wolf once it was spun. There were 12 names dropped for this grant. Wolf spun the wooden tube and the name he pulled was **Devon Nunez**

The next grants that were pulled were Grant #01-06-B1, 01-06-B2, 792-B1, and 792-B2. There were 9 names for these grants. Wolf followed the same procedure for this name pulling as he did for the previous.

Grant #01-06-B1 = Daniel Ho

Grant #01-06-B2 = Raymond Rowell

Grant #792-B1 = Zack Doucette

Grant #792-B2 = Francis Travers

Chair Carboni closed the public hearing for the shellfish lottery.

Chair Carboni opened the public hearing for the shellfish transfers.

Wolf asked Civetta to explain the transfers. She explained the regulations of the shellfish department so Wolf better understood why the transfers were taking place.

- B. Chair Carboni Opened the hearing:** Application received 9/21/2023, for the transfer of shellfish grant license 01-03B consisting of three acres off Indian Neck from David Seitler and Melissa Yow to David Seitler.
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the transfer of Shellfish Grant License #01-03B consisting of three acres off Indian Neck from David Seitler and Melissa Yow to David Seitler.
Roll Call Vote: 4-0-1
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to close this public hearing.
Roll Call Vote: 4-0-1
- C. Chair Carboni Opened the hearing:** Application received 9/21/2023, for the transfer of shellfish grant license #85-D and #85-D-A consisting of a total of three acres on Indian Neck from Todd Mindrebo and Carol A. Mindrebo to Todd Mindrebo, Carol A. Mindrebo, and Melissa Yow.
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the transfer of Shellfish Grant License #85-D and #85-D-A consisting of a total of three acres on Indian Neck from Todd Mindrebo and Carol A. Mindrebo to Todd Mindrebo, Carol A. Mindrebo and Melissa Yow.
Roll Call Vote: 4-0-1
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to close the public hearing.
Roll Call Vote: 4-0-1
- D. Chair Carboni Opened the public hearing:** Application received 9/21/2023, for the transfer of shellfish grant license #85D-AB consisting of two acres on Indian Neck from Todd Mindrebo and Carol A. Mindrebo to Melissa Yow.
Board Member Wolf Moved; Board Member Curley Seconded; and it was voted to approve the transfer of Shellfish Grant License #84D-AB consisting of two acres on Indian Neck from Todd Mindrebo and Carol A. Mindrebo to Melissa Yow.
Roll Call Vote: 4-0-1
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to close the public hearing.
Roll Call Vote: 4-0-1

VI. Business

- A. Deputy Shellfish Constable Position ~ Board Member Wolf**
- Clarification
- Chair Carboni asked Waldo to present the job description to the board and public. Waldo explained that this is a ¾ time position, there was no change in benefits or pay. He explained that there were no applicants for this position when it was first advertised because it wasn't a full-time position. He explained his discussion with the shellfish constable and that this job went in front of the selectboard as this was a position reorganization at the July 13, 2023, meeting the selectboard voted to approve this reorganization. The minutes for this meeting were approved on August 22, 2023. He stated that there needs to be

functionality in the town's departments, and he believes this position is necessary and knows there are other opinions on this. He stated there is a huge importance for the shellfish department.

There were no comments from the board.

Brunt came to the microphone, asking about the job being seasonal $\frac{3}{4}$ position. She was reminded by the chair that all questions needed to be made through the chair.

Curley asked Eldridge to read the minutes from July 13, 2023; she did so and then state the board didn't vote on this and the town administrator did this without the board's permission, Waldo differed from Curley's opinion.

Curley began to become accusatory of Waldo which required Chair Carboni to hold a recess of the meeting.

The meeting resumed at 8:38pm.

Board Member Curley advanced a point of privilege and made a motion of a vote of no confidence to the chair of the selectboard Chair Carboni. No second was made.

Brunt asked for more clarification. Civetta gave all the dates of approval from the finance committee to the selectboard approval.

The conversation continued about how there was no need for this position.

Brunt explained that there was no discussion about the position. Waldo had to continuously explain how this position was approved.

Brunt asked if anyone remembered the March 27th meeting. Sayre had some remarks. Brunt continued with her complaints. Wilson commented on the position and then explained how the board weighs in on hired personnel. Merl spoke again about the position and asked about when at the town meeting was discussed. Merl asked what was approved. Pickard stated the position was never brought to the Shellfish Advisory Committee. Morse spoke to the board asking if this was a done deal with the staffing, Chair Carboni stated that this was on the agenda because Board Member Wolf asked for it to be as he was hearing a lot of concerns from the shellfish community. Johnson spoke to the board about the confusion on this position. Asking if there could have been a position for an administrative position to the constable not another deputy shellfish constable. Merl spoke to the board demanding that they stop the meeting as the people online were unable to speak. Chair Carboni spoke to the board stating she didn't have to stop the meeting.

Curley suggested that we move this item to Thursday's meeting before the executive session.

The discussion lasted over an hour, not wanting to end the meeting without a resolution.

Chair Carboni moved; Board Member Wolf Seconded; and it was voted to support the town administrator decision pending the opinion of town counsel that Waldo had the authority to increase the position.

Roll Call Vote: 3-1-1 (Curley abstained)

Sayre wants to add to an agenda how job postings are handled and want the Human Resource director to come into a meeting and explain how this all works.

- B. Update on the Town's Watershed Management Permit ~ Scott Horsley
This item had to be postponed due to a zoom issue.
- C. Intermunicipal Agreement Eastham Water Main Extension ~ Rich Waldo ~ Town Administrator.
Waldo stated that he wasn't looking for a motion for this item, he wanted to give the board a brief rundown of the agreement and the information that goes with it. The board discussed this at great length, asking questions and trying to figure out the water for the town. The board gave some amendments they would like to have made within the agreement that was before them.
Felix asked to make a comment, and Chair Carboni stated because they weren't able to take comments earlier then she felt that they shouldn't take public comments now. Felix disagreed. Curley asked Waldo if he would be willing to go to a Board of Water Commissioners meeting, Waldo had no issues with that request. He stated he would welcome there input.
Wolf and Sayre went back and forth allowing or not allowing public comment. DeVasto stated that because this is not a public hearing, not every agenda item is town meeting, the board doesn't need to take public comment on every item. He suggested they move on.
This item will be on another agenda at a future meeting.

VII. *Selectboard Reports*

- Curley attended the MMA and Cape and Islands Selectboard municipal leaders meeting. He explained who was there and what was discussed at this meeting. He continued to inform the board of a housing bond bill that will be in front of the house which will include some form of a transfer fee. Comments can be made about the housing bill to Julian Cyr.
- Sayre stated he has begun attending the lower cape workshop, he explained what the meeting entails.

VIII. *Topics for Future Discussion*

- Curley would like to get sprinklers into historic buildings that are adjacent to the water system. He gave examples of buildings that have burned down. The board discussed this topic and how they would move forward putting it on an agenda.
- DeVasto stated that the selectboard should begin to work with the board of health on sewer structuring.
- Ask Scott Horsely to talk about bylaws that he is dealing with concerning sewer districts and ideas.
- Chair Carboni stated the board needs to discuss a process on how to handle complaints, they need to figure out how to address and handle them.
- Waldo would like to make sure the sewer was on an upcoming agenda.
- Time changes for selectboard meetings from 7pm to 6pm
- Charging for all parking for the oyster festival

IX. *Vacancy Reports*

- Please see the selectboard packet for the vacancy report.

X. ***Minutes ~ These were continued to November 7, 2023***

A. September 5, 2023, amended.

B. October 3, 2023.

XI. ***Adjournment***

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

Roll Call Vote: 5-0

Meeting adjourned at 11:02pm

Public Documents

Town Meeting Update ~ Dan Silverman

Award Documents from the Herring River Restoration Project

Application from Katy Cushman to be appointed to the Board of Health

Shellfish Lottery paperwork

Shellfish Grant Transfer Paperwork

Documents regarding the full time Deputy Shellfish Constable Position

Vacancy Report

Meeting Minutes: September 5, 2023; October 3, 2023

DRAFT ***APPPROVED 11/05/2023 *** A full recording of this meeting can be found on the town's website ******