

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

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

Others Present: Rich Waldo, Town Administrator; Silvio Genoa, Assistant Town Administrator; Chris Merl, Diane Brunt, Tim Hughes, Lisa Dexter, Mike Shannon, Brad Morse, Jude Ahern, Rich Pauley, Fire Chief; Scott Horsely, Consultant for the watershed permit; Anastasia Rudenko, GHD; Ken Kozak, owner of The Wicked Oyster; Dennis O'Connell, Wellfleet Conservation Trust; Chris Merl.

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

I. Announcements, and Public Comments

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

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

Chair Carboni asked Waldo to introduce the new assistant Town Administrator, Waldo introduced Genao to the board and the public. Genao spoke to the board thanking them for their support and he looks forward to working for the town and with the town's people.

Chair Carboni made an announcement on behalf of the board stating that the meetings of the board have lasted for four hours or more, and that isn't beneficial for the board or the public. She explained that the board had a working meeting and came to a resolution as a board that each member of the public will be allowed to speak for three minutes, an individual isn't allowed to gift their time to another member of the audience. She explained that a person may speak twice on an agenda item, but other members of the audience have to have their chance to speak first. She asked for any other comments or announcement from the board.

Merl stood up and spoke to the board regarding his letter in August and asked how the process was how was the board going to handle his issue. He spoke about the shellfish department hiring position.

Hughes spoke to the board about the many letters of complaints that have been sent in by him and other town members. Chair Carboni spoke to Hughes saying that the board is working on a policy on how to handle complaints and accusations from the public and when they do, they will bring it to the public, she will follow up with the town administrator.

Dexter spoke to the board stating that she heard the shellfish constable was going to be at the meeting about the lack of Oysters in the wild. She would like to address this issue. Chair Carboni stated she will follow this up with the town administrator.

Shannon spoke to the board about the June 27th executive session meeting minutes being released and stated there are so many redactions that it leaves the public wondering what happened.

Morse spoke to the board regarding the working meeting about public comment, he stated he felt the board might be in violation. He stated he doesn't feel like the public is being listened to. He read a letter from an anonymous person specifying how the shellfish department should work and what the Principal Clerks job is with regard to the Shellfish Department.

Ahern spoke to the board stating that she was angry about the meeting minutes and kept stating that Carboni was a fake chair.

Brunt came to the microphone, stating the working meeting was an open meeting law violation because the town hall door was locked. Until someone let Helen Miranda Wilson in the building. She continued reading a statement to the board discussing their lack of competence.

Pauley spoke to the board stating that the tone of the meetings over the past few meetings and stated that the administration and most of the board have the best interest of the town in mind all the time, he stated that he is very disappointed in the handful of people that continue to make accusations of the staff and administration.

II. *Consent Agenda*

- A. Wellfleet Chamber of Commerce, Brianna Sullivan ~ Lawn area in front of Town Hall for the annual tree lighting and sing along ~ Saturday December 9, 2023, 3:30pm – 5:30pm.
- B. Appoint Nancy Gralla as an alternate to the Energy and Climate Action Committee for a term of three years.
- C. Appointment of John Portnoy to the Conservation Commission for a term of three years.

There were no objections to the consent agenda.

Board Member Curley Moved, Board Member Wolf Seconded; and it was voted to adopt and approve the consent agenda as presented.

Roll Call Vote: 5-0

III. *Watershed Permit Update*

- A. Scott Horsley & Anastasia Rudenko to present and update the board on Town's Watershed Management Permit ~ Scott Horsley

Horsley and Rudenko were both in the meeting virtually. Horsely began sharing his screen to give the board and the public an update on the watershed permit.

He stated there have been some minor amendments but is very much the same as it was when they first presented it to the board. He spoke about wastewater treatment plants. He addressed the downtown sewage systems. He also spoke about the 95 Lawrence Housing project and their sewer project.

Rudenko spoke to the board discussing the regulatory changes regarding title 5 and watershed permits. She spoke about the next steps to move this project forward. Discussing the notice of intent. They finished their presentation and Chair Carboni asked if the board had any questions, Wolf spoke to the board stating the innovative septic systems are better for the town rather than having the entire town on sewer system. He asked about the monitoring process for these IA systems and the expense that goes with it. Wolf had a few follow up

questions for the monitoring and testing. Horsley stated he didn't believe that the testing would go away all together, but the requirements would go down to an annual type of system.

Curley asked Horsely to speak about comments and questions that he has received from the DEP regarding this project. Horsley responded stating he is working on a written statement which is close to finished but he stated there were questions about Maurice's Campground and the alternative systems that would need a quality assurance plan which would require significant monitoring. He stated the next draft would go through MEPA. Curley asked if these remarks were verbal or written, Horsely stated there were no written comments or assessments.

Curley questioned the status of the town administrator entering into negotiations with Truro and Eastham for a memorandum of agreement for a targeted watershed permit.

There were a few more questions that were asked of Horsley discussing the process of the permit and the surrounding towns. Sayre spoke to the Horsley about the inspections and after three years the homeowners would be responsible for these inspections after the three-year grace period was up. Horsley stated he has been told around \$500 per year per home. Sayre also asked about the different treatment plants around town. The board continued to discuss the watershed plan with Horsley and Rudenko, discussing details of the project and the timeline for the watershed permit.

Chair Carboni questioned what the board would like next from Horsley and Rudenko. Curley stated that it sounded by the presentation they were a few weeks out. Chair Carboni stated that when they are ready to continue to come back to the board to be placed on the agenda. Brunt questioned the board about the people that can't afford to upgrade their septic systems and are working on how to proceed that way.

IV. *Public Hearings* ~ Chair Carboni opened the public hearing.

- A. Tek Restaurant Group Inc.; dba: The Wicked Oyster, Application received Monday October 23, 2023; change liquor license from year-round to seasonal and to seek approval for closing November 2023 for the winter season. Kozak explained that over the past many years the restaurant has tried to stay a viable year-round business by offering special, themed nights and so on. He stated the bottom line is that the restaurant isn't able to stay open. The board discussed the seasonal and annual licenses available to the town and if there is a cap on them.

The board discussed the sadness of losing another year-round restaurant but understands the issues. Sayre also expressed his sadness about the closing, he stated that his concern is that if they ask for an extension, it is unfair to the restaurants that are open year-round. He stated that he would be opposed if they asked in the future to stay open through January he would be opposed.

Board Member DeVasto Moved; Board Member Wolf Seconded and it was voted to approve the amendment of TEK Restaurant Group, Inc. DBA The Wicked Oyster to change from an annual liquor license to a seasonal liquor

license, and close the restaurant November 2023, for the winter season contingent on a seasonal license being available.

Roll Call Vote: 5-0

Chair Carboni closed the public hearing.

V. *Business*

A. Mill Creek Access Easement & License off Old Chequessett Neck Road

Chair Carboni recused herself from this item. Board Member Wolf stepped into the role as chair while Chair Carboni left the table.

Waldo gave the board an update on this easement and explained the background of how this came to be. He stated the Wellfleet Conservation Trust and the National Park Service got together with both counsel representatives at the meeting to come to an agreement. He stated this was approved at the town meeting, he stated he is looking for two motions explaining what they were. Curley stated that the easement isn't an issue but where the National Park Service licensing agreement is a concern of his. He explained why. Waldo stated he didn't have an answer to Curley, he gave his thought process on this and the permanent easement. Curley stated his concern is the national park entering into an easement that requires a land exchange. The board discussed this access easement. There was a lot of discussion on land exchange and the concern surrounding it. Curley stated that the area that is being licensed by the park he asked if it was just the easement. He stated that he didn't feel the town could move forward with this as the town would need either a permanent or temporary easement and with those the park wants a land transfer. He continued stating that he didn't believe the town could enter into this agreement. Waldo read the article that was approved at the town meeting in April. O'Connell stated that he believed that both were covered under the town meeting vote. Sayre echoed Curley's concerns about the National Seashore. He questioned why the Conservation couldn't go directly to the National Seashore? O'Connell spoke to that stating that the town is the leading entity. Curley brought up the government shut down and being able to move forward. He stated he didn't believe they town could do this as it was longer than a year. Waldo stated that it would be renewed each year for 30 years. Curley stated he didn't believe it was legal. O'Connell stated he believed this was not an exclusive use for the park, people can walk into the and through the park. The board discussed the motions and agreed to have two separate motions.

Board Member DeVasto moved; Board Member Sayre Seconded; and it was voted to enter into an easement agreement with the Wellfleet Conservation Trust for access off Old Chequessett Neck Road to National Park Service Land.

Roll Call Vote: 4-0-1

Board Member DeVasto Moved; Board Member Sayre Seconded; to enter into a license agreement to the U.S. National Park Service for access over Wellfleet Conservation Trust land to adjacent National Park Service Land.

The board had discussion before the final vote; Curley read Chapter 70 of the town's bylaws stating that the easement is interest in real estate and the town cannot enter into a license agreement for more than 5-years. Waldo stated that

this was a vote at town meeting. He pulled up the warrant article and read it to the board and public. Waldo stated he believed that the article covered both the easement and the license agreement. They discussed the article and what they believed it covered. Curley felt strongly that the town doesn't have the authority to enter into a license agreement. O'Connell stated that if both didn't go through then there is no reason for the conservation to grant an easement. DeVasto agreed to redo the motion as one motion. Sayre stated that the town should have the right to terminate the lease like the national seashore. They discussed this. Curley continued to state his concern, Waldo will go back to town counsel to get Curley's questioned answered. DeVasto redid the second motion:

Board Member DeVasto Moved; Board Member Sayre Seconded; to enter into a license agreement to the U.S. National Park Service for access over Wellfleet Conservation Trust land to adjacent National Park Service Land, subject to the approval of town counsel regarding the bylaw that was read by Board Member Curley.

O'Connell stated that the intent for this was to have both motions done as one.

Board Member DeVasto moved; Board Member Wolf Seconded; to rescind the previous motion to enter into an easement agreement with the conservation trust.

Roll Call Vote: 3-1-1 (Curley voted no).

Wolf brought up that a lot of legal minds put this article together and questioned why there was opposition.

They discussed making another motion, Sayre stated they could just vote on the second motion.

Board Member DeVasto Moved; Board Member Sayre Seconded; and it was voted to enter into an easement agreement with the Wellfleet Conservation Trust for access off Old Chequessett Neck Road to National Park Service Land and to enter into a license agreement to the U.S. National Park Service for access over Wellfleet Conservation Trust land to adjacent National Park Service Land, subject to the approval of town counsel regarding the bylaw that was read by Board Member Curley.

Roll Call Vote: 3-1-1 (Curley voted no).

- B. Presentation from the Wellfleet Cultural District, to install 6 small informational signs around the harbor walk focusing on fishing and shellfishing in Wellfleet. McMahon spoke to the board about signs to be placed around the marina walk to allow people to read the history of Wellfleet and the indigenous people and how they landed here. He showed a prop of what a sign might look like. The board discussed where other signs could be around the town. Sayre questioned who would be reading and making sure the facts are correct, McMahon stated that David Right at the Historical Society will be verifying the facts.

Board Member Wolf moved; Board Member Curley Seconded; and it was voted to approve the Wellfleet Cultural Council to install 6 small informational signs explaining and focusing on Wellfleet's fishing and shellfishing culture.

Roll Call Vote: 5-0

- C. Staff update ~ Rich Waldo

Waldo spoke to the board explaining that there have been three new employees starting for the town, Assistant Town Administrator, Health Agent, and Conservation Agent. He stated the town is looking to fill two more vacant positions, he stated those positions are the town treasurer and a building inspector. He stated the issue right now is a hybrid structure, who lives in Norther Massachusetts and there is a commitment to serve the town 5 days a week with an in-office day 1 to 2 times a week. He is prepared to invest in the town of Wellfleet and have made a conditional offer. Curley questioned monitoring of a remote employee. He asked about the flexibility of the treasurer in case there is a heavy demand on certain issues. Waldo stated that yes, in the contract it is stated that he will be available when needed. The board discussed the position and their job expectations, Curley brought up teamwork, and being integrated into the town. Genao spoke to the board about teamwork and stated that in his first couple weeks with the town he has experienced such acceptance and a team feeling. He said in the future the dynamic of this position could be revisited.

Brunt spoke to the board asking questions about the new hire. Asking about a contract. Brunt continued to speak over the board members, Chair Carboni spoke to Brunt stating that she allowed her to ask her questions and speak but she wasn't going to allow more questions.

Curley asked about the Building Commissioner and the Town Planner.

Waldo discussed the interim contract with the board, he stated this was just a testing period for the building inspector and his ability to understand town codes. He stated Angelo has shown his abilities to him and they would like to make a full time offer to him with the conditions of obtaining all the licenses needed for the positions.

He spoke to the board stating that once the important everyday roles are filled, he would like to focus on the Town Planner. Genao spoke to the board about moving quickly for open positions as Wellfleet has very limited housing so to be able to send a preliminary offer is something the town needs to do. The board discussed open positions more.

Morse came to the microphone, stating the town needs to have a finance director. Stating there are deep issues. Brunt spoke again about treasurer position yelling at the chair about transparency. Chair Carboni stated that not every agenda item is up for comments.

D. Selectboard 2024 Agenda ~ Issue with dates ~ Ryan Curley

Curley stated there are a couple of dates that need to be moved. He stated some of them are when staff takes vacation. He began on January 2, 2024, which is the day after New Year's Day. They discussed moving that meeting to January 9, 2024. The board discussed certain dates that needed to be changed, Waldo noted them and will bring them to Eldridge to make those corrections.

E. Meeting Time Change ~ Selectboard will discuss changing meeting time.

The board moved on to changing the meeting times, from 7pm to 6pm during daylight savings time. Waldo stated that surrounding towns start their meetings earlier and asked if the board would like to change their meetings. DeVasto

stated he preferred moving the meetings to 6pm especially during daylight savings time. Curley agreed.

Board Member DeVasto moved; Board Member Seconded; and it was voted to move the selectboard meetings to 6pm during daylight savings time.

VI. *Selectboard Reports*

Wolf gave an update on the Dredging Task Force meeting, giving them information on what's next for the dredging. He also gave a Marina Advisory Committee update, which was mainly about the revenue taken into the Marina Enterprise budget for parking at Oysterfest. He spoke about an ice machine at the marina. Curley reported that on November 15th at 11am there is a walk through for Maurice's Campground for interested parties of the RFP of the property.

VII. *Town Administrator's Report*

Waldo spoke to the board and stated the reports on the Oysterfest from the fire and police departments were supposed to be an appendage to the administrator's report. He gave a rundown of his written report and informed the board about awards that were granted to the town. He spoke about the FY2025 budgets and how they were being worked with the capital plan. He spoke about the new entrances at town hall that were recently installed by the DPW. He spoke about the passing of Lenny who was a town employee and stated there was so much love and support for him. Curley spoke about the voter registration process, in light of the issues in Turo right now he wanted to make sure Wellfleet doesn't have the same issues.

VIII. *Oysterfest Reports*

A. Fire Department Report

Chief Pauley spoke to the board stating his disappointment with certain town residents.

B. Police Department Report

IX. *Topics for Future Discussion*

Brunt came to microphone again speaking loudly to the board and chair Carboni; stating that they are being silenced. She continued debating with the board. The board decided they were no longer taking public comments at this time. Merl spoke to the board again stating that he felt it was unfair to not allow public comment. DeVasto stated that it is at the board's discretion to allow public comment, and this is not a public forum it is a board meeting.

Sayre wants to discuss fencing at the park at Mayo Beach, he spoke about paid parking at the beaches during Oysterfest. He stated that he would like to talk about budget line items. He spoke about new police officers and finding a way to bring an incentive to their positions to allow them to stay with the town. He would like to also discuss the shellfish department's role for the town. Chari Carboni spoke to him asking him to consider if some of these items need to be on an agenda or could a meeting take place.

DeVasto would like to discuss the sewer project on a future agenda item.

Curley would like to address goals and budgets at the meeting on the 14th.

He also stated that per the charter there needs to be a financial policy, Chair Carboni asked Curtley to explain the budget policy.

X. Minutes

A. September 5, 2023

B. October 3, 2023

Board Member Wolf Moved; Board Member DeVasto Seconded; and it was voted to approve the minutes of September 5, 2023, and October 3, 2023, as amended and in draft.

Roll Call Vote: 4-0-1 (Sayre abstained as he was not a member of the board for the first two meetings.)

C. October 17, 2023,

D. October 25, 2023, working meeting.

Board Member Sayre Moved; Board Member Wolf Seconded; and it was voted to approve the minutes of October 17, 2023, and October 25, 2023, as written in draft.

Roll Call Vote: 5-0

XI. Adjournment

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

Roll call Vote: 5-0

Meeting adjourned at 10:35pm

Public Documents:

- *Application for Use of Town Property; Chamber of Commerce*
- *Application to be an alternate on Energy and Climate Action Committee ~ Nancy Gralla*
- *Application to be on the Conservation Commission ~ John Portnoy*
- *Watershed Management slideshow*
- *Application for approval of closure for The Wicked Oyster*
- *Easement and license agreement for Mill Creek Access*
- *2024 Selectboard Meeting Schedule*
- *Town Administrators report.*
- *Police and Fire Department Oysterfest updates.*
- *Meeting minutes; September 5, 2023; October 3, 2023; October 17, 2023; and October 25, 2023.*