

***Wellfleet Selectboard  
Tuesday December 19, 2023; 6pm  
Hybrid Meeting:  
Zoom/715 Old King's Highway  
Meeting Minutes***

**Members Present:** Barbara Carboni, Chair; John Wolf, Vice Chair;(Virtually); Timothy Sayre, Michael DeVasto, Ryan Curley

**Others Present:** Rich Waldo, Town Administrator; Silvio Genoa, Assistant Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Civetta, Shellfish Constable; Kevin LaRocco, Acting Police Chief; Rick Holand, KP Law; Michael Shannon, Wendy Rennert, applicant to be on Council on Aging Advisory Board; Chris Merl, applicant to be on Dredging Task Force and Shellfish Advisory Board; Helen Miranda Wilson, applicant to be a voting member on the Shellfish Advisory Board; Brad Morse, applicant to be a voting member on the shellfish Advisory Board; Denny O'Connell, Wellfleet Housing Trust; Nils Wilberg, Fuss and O'Neil; Wes Stinson, Environmental Partners; Laura Kelley, POCCA; Maurice, resident; Jude Ahern, resident; Lili-Ann Green, Wellfleet representative for National Seashore advisory meeting, Diane Brunt, resident, Paul Millett, Environmental Partners; Jay Norton, CPW Director, Carole Ridley, Herring River Restoration Project; Shelia Lyons, Josh Yeston, Chair of the Cable Advisory Committee, Heather Doyle, Member of the Cable Advisory Committee.

Chair Called the meeting to order at 6:07pm

**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 read at speech vs. conduct at a public meeting, the document will be submitted with the meeting minutes for the record.

Wilson Spoke to the board, regarding the pesticide agenda item.

Maurice spoke to the board continuing his complaint about the library and the noise level. He complained that he was yelled at by one of the library employees.

Ahern spoke to the board and public regarding the letter that the chair read asking for clarification. Stating that there will be consequences for their actions regarding the letter from staff.

Morse spoke to the board regarding public comment and accountability.

Green spoke to the board regarding the first meeting at the National Seashore Advisory group.

Brunt spoke to the board about responding to public comment.

**II. *Consent Agenda***

**A.** Massachusetts Broadband Institute Verizon support letter ~ for selectboard to reaffirm.

- B. Use of The Town Pier Bandstand as part of the annual outdoor Art Project  
“PROJECT” ~ Susie Nielson/Farm Projects Gallery ~ August 10, 2024, ~ 4-10pm  
**Board Member Wolf Moved; Board Member DeVasto Seconded; and it was  
voted to approve the consent agenda as printed in the packet.  
Roll Call Vote: 5-0**

III. ***Appointment of the new Wellfleet Chief of Police ~ Kevin LaRocco***

Chair Carboni spoke to the board and public about appreciating all the support shown at the meeting from surrounding officers and the outgoing chief Hurley. Waldo Spoke to the public and said some nice words and appreciation to the incoming chief. He spoke about the chiefs’ qualities to run the department.

**Board Member Sayre moved; Board Member DeVasto Seconded; and it was  
voted to appoint Kevin M. LaRocco as Chief of Police for the Town of Wellfleet  
and to authorize the Town Administrator to execute the employment contract.  
Roll Call Vote: 5-0**

Assistant Clerk Ellis swore the new chief in by reading the oath of office. Eldridge presented LaRocco with a name plaque, flowers and a small gift. LaRocco’s wife and family pinned the new chief, LaRocco read a statement thanking his friends, family and colleagues for their love and support.

Each board member spoke to LaRocco and thanked him for his long work and dedication to the town, and their appreciation for him and his staff.

Chair Carboni took a moment to thank Chief Hurley for his time and dedication to the town of Wellfleet.

Chief Pauley spoke to the board and stated that he has worked with 3 police chiefs, and he spoke with the utmost respect for all three and stated he is looking forward to working with Chief LaRocco. Deputy Chief Cappello spoke stating he worked with both hurley and LaRocco and is proud to have been a part of both their working careers.

The board recessed for 5 minutes.

IV. ***Wellfleet Solar Panels***

- A. Coles Neck Solar: Amendment to solar power purchase and lease agreement ~  
Rick Holland, KP Law & Rich Waldo

Holland spoke to the board regarding solar power and the amendment made to the agreement. He explained why it was being amended. He spoke about the estoppel certificate.

The board members asked some questions regarding this amendment.

Curley had some questions relating to the solar panels and legal costs.

**Board Member Wolf Moved; Board Member Curley Seconded; and it was  
voted that the Selectboard approve the amendment to solar power purchase  
and lease agreement signed by Acting Assistant Town Administrator David  
Colton and negotiated with assistance from town counsel and authorize the  
Town Administrator to sign the Estoppel Certificate requested by the  
contract counterparty pursuant to section 18.17 of the lease agreement and  
as negotiated with the assistance of town counsel.**

**Roll Call Vote: 5-0**

V. ***Public Hearings***

**Board Member DeVasto Recused himself from this agenda item.**

**Chair Carboni opened the hearing: 6:58pm**

- A. Approve the transfer of shellfish grant license #755 from Joseph Gray and Rachael Finn to Rachael Finn.

Civetta presented the transfer stating it was a routine transfer.

**Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to approve the transfer of shellfish, grant license #755**

**I move to approve the transfer of shellfish grant license #755 consisting of approximately 0.915 acres on Mayo Beach from Joseph Gray and Rachael Finn to Rachel Finn.**

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

**Chair Carboni Closed the public hearing: 7:02pm**

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

**VI. *Open Meeting Law Complaint***

- A. The board will address the open meeting law complaint filed on November 21, 2023, ~ Michael Shannon

Waldo introduced Jannelle Austin who reviewed the allegations sent by Shannon and gave the response that town council has prepared for the board. She explained the complaint and then the response that will be sent to the complainant.

Curley spoke about his email responding to his resigning of his position. More discussion followed.

**Board Member Moved; Board Member DeVasto Seconded; and it was voted to have the Board authorize Town Counsel to finalize the response to the OML complaint consistent with the Board's discussion.**

**Roll Call Vote: 5-0.**

**VII. *Licenses***

- A. Renewal of 2024 Annual Alcohol Licenses.

- BAPPS TAPS, LLC
- Bapps Taps, LLC dba: The Block and Tackle
- Black Fish Creek Inc dba: Seaside Liquors
- Bookstore and Restaurant Inc
- Fitzgerald hill LLC dba: the Copper Swan
- KB Kitchens, Inc. dba: C Shore
- MJT Enterprises, Inc. dba: Blackfish Variety
- Saveur De Pain Inc dba: PB Boulangerie Bistro
- Slaibi Enterprises, Inc. dba: Wellfleet Mobil
- Tek Restaurant Group, Inc. dba: The Wicked Oyster
- Wellfleet Harbor Actors Theater
- Wellfleet Marketplace, Inc.
- Wellfleet Preservation Hall, Inc.
- Wellfleet Spirits Shoppe, Inc

**Board Member DeVasto Moved; Board Member Sayre Seconded and it was voted to approve the annual alcohol licenses as listed:**

- **BAPPS TAPS, LLC**
- **Bapps Tapps, LLC dba: The Block and Tackle**

- **Black Fish Creek Creek Inc dba: Seaside Liquors**
- **Book Store and Restaurant**
- **Fizgerald Hill, LLC dba: The Copper Swan**
- **KB Kitchens, Inc. dba: C Shore**
- **MJT Enterprises, Inc. dba: Blackfish Variety**
- **Saveur De Pain Inc dba: PB Boulangerie Bistro**
- **Slaibi Enterprises, Inc. dba: Wellfleet Mobil**
- **Tek Restaurant Group, Inc. dba: The Wicked Oyster**
- **Wellfleet Harbor Actors Theater**
- **Wellfleet Marketplace, Inc.**
- **Wellfleet Preservation Hall, Inc.**
- **Wellfleet Spirits Shoppe, Inc.**

**VIII. *Board/Committee Appointments and Updates***

- A.** Interview and possible vote taken to appoint Wendy Rennert to be on the Wellfleet Council on Aging Advisory Board

The board asked Rennert to come to the table and asked her a few questions regarding her application to be on the board.

**Board Member Moved; Board Member Seconded; and it was voted to appoint Wendy Rennert as a voting member to Wellfleet Council on Aging Advisory Board, for a term to expire June 30, 2026, and to be sworn in by the town clerk before voting at a meeting.**

**Roll Call Vote: 5-0**

- B.** Interview of and possible votes for the Applicants for the Dredging Task Force

- Chris Merl
- Alfred Pickard

The board spoke to Merl first asking him some questions about wanting to be on the board.

**Board Member Sayre moved; Board Member Wolf Seconded; and it was voted to approve the appointment of Chris Merl to the Wellfleet Dredging Task force for a term of three years to expire June 30, 2026; and to be sworn in by the Town Clerk before voting at a meeting.**

**Roll Call Vote: 5-0**

Pickard came to the table and the board had a few questions for Pickard.

**Board Member Wolf Moved; Board Member Curley Seconded; and it was voted to approve the appointment of Alfred Pickard to the Wellfleet Dredging Task Force for a term of three years to expire June 30, 2026; and to be sworn in by the town clerk before voting at a meeting.**

**Roll Call Vote: 5-0**

- C.** Interviews and possible votes taken for a voting member of the Shellfish Advisory Board

**Board Members DeVasto and Sayre recused themselves from this agenda item.**

- Chris Merl
- Brad Morse
- Helen Miranda Wilson

The board asked some questions of each candidate. Merl was the first to be interviewed. There were none as he was recently interviewed for the same position.

Morse was the second candidate to be interviewed. He gave some statements as to why he wanted to be a voting member on the board. There were no questions for Morse. Wolf spoke about the contentious nature of some of their meetings and how if he were on the advisory board how he would be able to bring the tone down of the meetings.

Wilson came to the table and spoke about her experience, stating she has no conflict of interest and deep knowledge.

**Board Member Wolf Moved; Board Member Curley Seconded; and it was voted to appoint Chris Merl as a voting member to the Wellfleet Shellfish Advisory Board to fill the vacant position which expires June 30, 2025; and to be sworn in by the town clerk before voting at a meeting.**

**Roll Call Vote: 1-1-1(abstain)-2 Recused.**

**Motion Failed**

**Chair Carboni Moved; Board Member Curley Seconded; and it was voted Board Member Wolf Moved; Board Member Curley Seconded; and it was voted to appoint Brad Morse as a voting member to the Wellfleet Shellfish Advisory Board to fill the vacant position which expires June 30, 2025; and to be sworn in by the town clerk before voting at a meeting.**

**Roll Call Vote: 3-0-2**

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to appoint Chris Merl as an alternate member to the Shellfish Advisory Board, for a term of three years; to expire June 30, 2026; and to be sworn in by the town clerk.**

**Roll Call Vote: 3-0**

**IX. *Business ~ The following items may require a motion and vote:***

- A. Approval of final draft of Conservation Restriction ~ Fouse/Chequessett Neck Road~ Final Draft ~ Denny O'Connell**

There was some discussion on the amendment.

**Board Member Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the final draft of the conservation restriction placed on the Fouse property off Chequessett Neck Road held by the Wellfleet Conservation Trust.**

**Roll Call Vote: 5-0**

- B. Herring River Restoration: Project Update and change order request – Wes Stinson, Environmental Partners – Project OPM Nils Wiberg, Fuss and O'Neil – Project Design Consultants**

**Chair Carboni recused herself from this agenda item.**

**Board Member Curley Moved; Board Member Sayre seconded; and it was voted to appoint Michael DeVasto as acting chair for this item as the chair must be present and in person.**

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

Stinson shared his screen for a presentation to update the public on the progress of the restoration project. He gave a full breakdown of both change orders and why they were being requested.

Once he was finished with his presentation, Ridley took over to continue the update on this project.

The board had some questions for the group. Discussion continued with regard to the change orders. Lyons spoke to the board in support of this project.

Bacon spoke to the board in support of the project as well and she gave them high regards for their work throughout this project.

**Board Member Curley Moved; Board Member DeVasto Seconded and it was voted to approve the change order request #2 for the Herring River Project in the amount of \$647,417.20.**

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

**Board Member Curley Moved; Board Member Wolf Seconded, and it was voted to approve the change order request #3 for the Herring River Project in the amount of \$243,006.53.**

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

- C. Pesticide Reduction Home Rule Petition warrant article ~ Laura Kelley ~ POCCA

Kelley came to the table to present her home rule petition to the board regarding pesticides. She would like an article added to the annual town meeting warrant. She spoke about the town of Orleans passed this article at their town meeting. She gave information to the board about pesticides and their harmfulness to the environment.

The board had some questions and discussion on what Kelley was looking to do with this item. DeVasto suggested the board take some time to read over at great length and then vote to support. There was much discussion about this topic and the issue of it being on the warrant for the town meeting. Genoa spoke to the board about circulating this to staff and boards for comments.

**Board Member Wolf Moved; Board Member DeVasto Seconded; and it was voted to instruct town administration to circulate the home rule petition regarding pesticides to the town staff, and appropriate boards for comment.**

Curley had an issue with this whole process.

**Roll Call Vote: 3-1-1 (Curley abstained, Sayre voted no)**

- D. Support Letter for Comcast Cable to the MBI Broadband Infrastructure Gap Networks grant program.

Waldo presented to the board a support letter from Comcast which is much like the letter they supported with Verizon. Yeston spoke to the board giving the differences between the Verizon support letter and the Comcast support letter. He pointed out some specific examples of the differences.

The board had some questions and comments about this item. They wanted to be sure that if they support this letter will it impede the support letter for Verizon?

The discussion continued at great length.

**Board Member Wolf Moved; Board Member Curley Seconded; and it was voted to not authorize Barbara Carboni, Chair of the Selectboard to sign and submit the letter of support for Comcast's grant application for Gap Networks Grant Program established by Massachusetts Broadband Institute.**

There was some discussion of this motion. DeVasto gave an alternate motion to send a letter without accolades to Comcast.

**Roll Call Vote: 1-3-1**

**Motion Failed**

**Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to send an amended letter to Comcast reading the support of the grant application with no wording that was in the original letter.**

**Roll Call Vote: 4-1 (Wolf voted no)**

- E. State Efficiency Regionalization Grant ~ Town Administrator ~ Rich Waldo  
Waldo explained this item to the board. He explained his communication with the surrounding town administrators. He gave a detailed report on what this would mean for the towns. Waldo stated he is looking for information and feedback.

There was some discussion on regionalization and the need for it especially on the lower cape.

Waldo will go back to the group and state the board's general support and will come back to the board in January or February to have the grant approved.

**NO Action Was Taken.**

**X. *Town Administrator's Report***

Waldo gave a brief verbal update to the board, he did give a budget update to the board stating that the templates for budgets have been submitted to all department heads, he gave a timeline for the budgets. He stated he would like to close town offices at noon on the Friday before Christmas and Friday before New Years' Eve.

**XI. *Selectboard Reports***

Wolf reported on the dredging summit held by senator Markey's office. He gave an update about the meeting.

DeVasto spoke to the board about being caught off guard at the last meeting regarding dredging.

**XII. *Topics for Future Discussion***

Curley would like to have town meeting discussions on housing, what the plans are in terms of what will be brought forward. He would like to put a doddle poll to see who can attend and when would be the best time to hold the meeting.

Genoa spoke to Curley and stated that it was a good idea and stated that staff is there for the poll if they'd like that.

Town complaints need to be addressed; a working meeting will be scheduled.

Charter Changes that the town moderator as addressed.

**XIII. *Vacancy Reports***

There was a vacancy report in the selectboard packet. For most recent vacancies please visit the town's website on the home page labeled "WE WANT YOU"

**XIV. Minutes**

**A. December 5, 2023**

**Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to approve the meeting minutes as amended by the board of December 5, 2023.**

**XV. Adjournment**

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

**Roll Call Vote: 5-0**

**Meeting Adjourned: 10:40pm**

***Public Documents:***

- *Support letter for Verizon*
- *Application for Use of Town Property, Town Bandstand*
- *Coles Neck Solar/Greenbacker amendment*
- *Shellfish Hearing for transfer of grant license #755*
- *Open Meeting Law complaint and attachments – Michael Shannon*
- *Year-Round Alcohol License paperwork renewals*
- *Applications for Town Committee's or Boards*
- *Final Conservation Restriction for FOUSE/Chequessett Neck Road*
- *Herring River Change Order*
- *Presentation from Laura Kelley – home rule petition pesticides.*
- *Comcast Support letter*
- *State Efficiency Regionalization information*
- *Meeting Minutes December 5, 2023.*