

**Wellfleet Selectboard  
Virtual Meeting ~ Zoom  
Tuesday July 27, 2021; 7PM  
Meeting Minutes**

**Members Present:** Ryan Curley, Chair; Michael DeVasto, Vice-Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

**Others Present:** Charles Sumner, Town Administrator; Rebekah Eldridge; Executive Assistant; Michael Hurley, Chief of Police; Greg Corbo, Town Counsel, KP Law; Brian Carlstrom, National Seashore; Carole Ridley, Project Coordinator, Herring River Restoration Project; Will Sullivan, Harbormaster; Kevin Coakley, Resident; Jude Ahern, Eric Winslow, Jay Norton; Acting DPW director; Jim Hood, Chair of the Board of Water Commissioners; Brian Carlstrom, National Seashore Director; Carole Ridley, Herring River Project Manager; Lauren McKean, National Seashore; Laura Runkle, Resident; Nancy Civetta, Shellfish Constable; Martha Craig, Herring River Project.

Chair Curley called the meeting to order at 7:01PM

**I. *Announcements, Open Session and Public Comments***

**Note:** Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Sullivan wanted to thank the Chequessett Neck Yacht Club thanking the club for pulling together such a great event for the grant acceptance from the state.

Coakley spoke to the Board about Mac's on the Pier, he stated to the board that there have been an additional 4 picnic tables added to the property which is town owned.

He stated that there are now 14 tables on the property allowing 112 people to sit in the small area. He asked that the board address this issue.

**I. *Open Meeting Law Complaint ~ Jude Ahern ~ Received July 8 and 15, 2021 –***  
acknowledge receipt of complaints; discussion and possible vote to authorize responses thereto with Attorney Gregg Corbo, KP Law

Chair Curley asked Corbo to give a summary of what was filed. Corbo thanked the Board and gave a summary of the open meeting law violations that were filed against the Board. He stated that open meeting law requires that you supply meeting notice to the town clerk within 48 hours of the meeting which anyone from the public is able to read and understand what the meeting will entail. He stated that after reading these complaints, in his opinion, they meet the he feels the Board did not violate Open Meeting Law. He stated the next steps for the Board are to acknowledge they have received the complaints and they need to have Corbo respond to the State regarding the complaints against them.

He continued to address the second complaint stating that the July 15, 2021 meeting was posted in the sufficient time frame. He stated that a person who makes a complaint is usually someone who has standing because they have suffered harm or have had their rights prejudiced because of the posting violation. Ahern addressed the Board and questioned Corbo, about the violations. She stated it was published in the Cape Cod Times on a Saturday of a holiday weekend and because

the town hall was closed there was no way for the public to see the notice. She questioned that now she needs to prove to the Board that she has been harmed? Corbo addressed her concerns and again stated that there is no violation of open meeting law.

Wilson asked Civetta if shellfish hearings needed 14 days before a hearing. Civetta stated it is 10 days before a hearing. She asked which papers were currently used for posting meetings. Civetta stated that in the regulations it does not state which paper needs to be used, it simply states that it needs to be put into a local newspaper.

There was clarification as to which papers were used, and why. Ahern asked to speak and Chair Curley stated that he would like other Board members to speak before recognizing her again.

Wolf spoke to the Board stating that he feels this seems to be part in parcel of how things have been run and feels there have been corners cut and he feels there is an opportunity to correct this and change how they do business in Wellfleet.

DeVasto stated to the Board that items that go on the agenda go through administration, the Shellfish Constable and other department heads. He stated the Chair is able to remove an item but the chair doesn't place public hearings on the agenda.

Ahern spoke to DeVasto asking who put the public hearings on the agenda. She began yelling at the board and stated they were violating Massachusetts law and they are aware of it. Ahern asked where the three public places that the hearing was listed.

Civetta explained to the board the process of how a shellfish-related hearing is placed on an agenda.

Chair Curley asked Corbo how they should proceed with these complaints. Corbo offered a motion for the board to make.

**Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to acknowledge the receipt of the Open Meeting Law Complaints filed on July 8, 2021, and July 15, 2021, and to authorize town counsel to respond on the board's behalf.**

**Roll Call Vote: 5-0**

Chair Curley asked permission of the Board to take the Covid issues out of order and have this discussion before the appointments. The Board agreed.

## **II. *COVID-19 Updates and Recommendations***

- A.** The Board discussed how the National Seashore has closed all their indoor buildings, Provincetown is now mandating masks for all indoor spaces. Wilson asked if they were allowed during this meeting have a vote to require masking in public buildings. They discussed action to be taking requiring masking in public buildings. Wolf suggested that the town require indoor masking and look at the numbers in the next five days to see how the numbers are. He stated at this point the Board doesn't know how many visitors that Wellfleet has on a daily basis. DeVasto stated that the Board usually gets the Health Agent's recommendation or the Board of Health. There are currently 12 active cases in Wellfleet which is up substantially from last week. Wilson stated that she feels the Board should vote to mandate masks and follow what the Board of Health originally gave the Board. She continued stating her thoughts. She would like to follow the requirements that were given to the Board by the Board of Health. DeVasto stated he doesn't think they need to go back to the very beginning of the pandemic, but he does feel they

need to mandate mask wearing indoor. The Board continued to discuss mask mandating. Wilson stated that the children have not all been vaccinated. Sumner stated that he hadn't had the chance to speak with Lemos and explained that at this point, town hall is open to the public Wednesday's and Thursday's from 8am-3pm he suggested that maybe they don't fully open until after Labor Day. Sumner stated to keep the current plan in place and monitor the town moving forward. The town has been able to accommodate everyone's needs with the town being closed and by appointment only. He stated there are employees that aren't vaccinated and to be safe they should wear masks indoors. Hood spoke to the board and stated that the CDC recommendations today were that everyone vaccinated or not vaccinated need to wear masks because the virus can spread and could be asymptomatic.

**Board Member Curley moved, Board Member Reinhart Seconded; and it was voted to require masking in all public buildings where social distancing cannot be maintained.**

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

**Board Member DeVasto Moved; Board Member Reinhart Seconded; and it was voted to require all visitors entering public buildings must wear a mask. Roll Call Vote: 5-0**

The Board discussed mandating masks be worn in businesses in Wellfleet, Chief Hurley spoke to the Board about guidance with this and the ability to enforce masking to the public.

**Board Member Wilson Moved; Board Member DeVasto Seconded and it was voted to recommend businesses require masks when people are in the buildings.**

**Roll Call Vote: 5-0**

### **III. *Board Committee Appointments/Updates***

- A. Cape Cod Water Protection Fund Management Board ~ Helen Miranda Wilson  
Chair Curley stated that this is a requirement for a town official to be on the Board. A previous board member was on the committee and there needs to be a current member. Wilson asked Chair Curley if he would be willing to be on the Board

**Board Member Wilson Moved; Board Member Reinhart seconded; and it was voted to appoint Ryan Curley as the town's representative to the Cape Cod Water Protection Fund Management Board for a term ending June 30, 2023.**

**Roll Call Vote: 5-0**

- B. Cape Cod Water Protection Collaborative ~ Helen Miranda Wilson  
Chair Curley explained this is also a two-year term that was held previously by Justina Carlson. Wilson asked Chair Curley if he would be willing to do this

also as they are together, he agreed with Wilson and stated it made sense for him to do both.

**Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to appoint Ryan Curley to the Water Protection Collaborative for a term ending June 30, 2023.**

**Roll Call Vote: 5-0**

- C. Delegate a liaison in regard to the rail trail extension project ~ Helen Miranda Wilson

Chair Curley stated this was something that Wilson brought forward. Wilson stated she wanted to be a liaison for the bike extension and be able to contact the people she had been in contact with for the round table meeting. She continued stating that she would like to be able to report back to the board with the process. Reinhart stated that this should be something that is up to staff or the TA. She questioned if they should be talking to town officials? Wilson explained she wouldn't discuss her point of view or the board's she just wanted to be able to communicate.

**Board Member DeVasto moved; Board Member Wilson seconded; and it was voted to appoint Helen Miranda Wilson as a liaison regarding the rail trail extension.**

**After discussion Board Member DeVasto Rescinded his motion.**

**Board Member DeVasto Moved; Board Member Wilson Seconded; and it was voted to appoint Helen Miranda Wilson to be able communicate with the members that were previously communicated with regard to the rail trail extension project and the upcoming Bike & Walkways presentation.**

**Roll Call Vote: 4-1 (Reinhart voted No)**

#### IV. ***Business***

- A. Historical Society Stairs accepted as a gift ~ Michael DeVasto  
Board Member DeVasto explained that this gift was brought to the Board before Chair Curley was on the Board. He continued stating that there were concerns of liability to the town. He stated town counsel was contacted and he has spoken with Sumner who recommended that the Board except this gift and the requirements are that it meets all safety protocols, meet the building codes of Massachusetts and the Building Department. Board Member Reinhart questioned Norton about the upkeep of these stairs. He stated that he and Mark Vincent had previously stated the DPW did not want to be responsible for the maintenance of these stairs. Winslow stated that the Historical Society has agreed to maintain the stairway. Sumner spoke to the Board stating that he felt the Board should accept the gift and then work out the details. Wilson thanked the Historical Society for the stairs. Norton agreed with Sumner and stated that he believed this would be minimal maintenance for the town.

**Board Member Moved; Board Member Reinhart Seconded; and it was voted to accept the donation of the set of stairs from the Historical Society as described in the Selectboard packet conditioned on an approved building permit.**

**Roll Call Vote: 5-0**

- B. Wellfleet Drive-In** – discussion of request by Wellfleet Drive-in for connection to Town of Eastham water supply; discussion and possible vote to authorize Town Counsel to represent both Wellfleet and Eastham in the matter. ~ Attorney Gregg Corbo, KP Law

Corbo explained to the board that the Wellfleet Drive-in is looking to have solar panels installed and are looking to connect to a public water supply and because Wellfleet's public water doesn't go that far down route 6 they are looking to connect to Eastham's public water supply. He explained that he does work for both towns and would be willing to work for both towns with this matter. He continued that he needs to consent of both towns to be able to represent both towns. He gave more details about extending the water line for the drive-in. He stated he has provided a form for the Board to sign if they agree to this and he will begin the process of an agreement.

Hood spoke to the board explaining that the Water Commissioners discussed this at a previous meeting and had no issues with the drive-in connecting to Eastham's public water supply only asking that if Wellfleet does eventually run water that far down that the drive-in be required to connect to Wellfleet's public water supply. They discussed the conditions and logistics of the drive-in connecting to town water.

**Chair Curley Moved; Board Member DeVasto Seconded; and it was determined by the Selectboard that KP Law does not have co current conflict of interest in representing the towns of Eastham and Wellfleet in relation to water line extension from the town of Eastham to the Wellfleet drive-in and to authorize the chair to sign on behalf of the board.**

**Roll Call Vote: 4-1 (Wilson voted No)**

- C. Pan Mass Challenge update** ~ Chief Hurley

Chief Hurley gave a quick update on the race that will be taking place on August 8, 2021. He stated that there is a letter from Pan Mass Challenge in their packets and explained that there was a slight change in the route of the race due to construction taking place by the rail trail. He gave a detailed explanation of the route. He explained there will be additional officers for this race. Chair Curley asked if the chief was looking for a vote? Chief Hurley stated there was no vote needed just an update as this was a large event.

- D. Herring River** ~ Herring River Project ~ Discussion of Land Exchange by the Town of Wellfleet and Cape Cod National Seashore for the Herring River Restoration Project ~ Carol Ridley/ Brian Carlstrom

Chair Curley stated that before the Board began discussing this item he stated the motion that was put into the packet should be disregarded as there is no motion at this point that needs to be made, this would be just a presentation as this project is in the early stages. He asked the Board to limit discussions on why an exchange of land is needed.

Carlstrom asked for Eldridge to share the slides that he wanted to show the Board. She began screensharing and he explained what this project will do for the Seashore, the town, for the state. It will improve shellfishing, habitats, and land.

He continued this will help to restore ecological damage. He explained each slide to the board. Carlstrom continued to explain and go over in detail each slide that was prepared by the National Seashore. There were a few questions regarding the exchange and the details of how it would happen. Runkle spoke to the Board about what the town is discussing with the Seashore. She is looking for a response that the residents are wanting the towns best interest to be followed. She also questioned if there was a grant that would go towards this. Ridley spoke to the land exchange and questions that Runkle questioned. She stated that the grant from the state was completely different from the land exchange with the seashore. Civetta, spoke to the Board asking does NPS (National Park Service) have the authority to grant easements for permits for access in perpetuity over parcels that may be taken into consideration that may be used in this land exchange. McKean stated that she didn't believe they had the ability to grant easements, but she stated she would investigate that further for them. Civetta, stated she wasn't discussing construction rather two parcels that would be used for shellfishing or fishing. Should the town and park agree that this parcel be used in the land exchange and if so, would the seashore be willing to grant an easement for access to the parcel. Carlstrom stated he would investigate this further and get back to the town with the correct answer. The Board continued to discuss this exchange of land and details regarding it. DeVasto questioned the chair why they weren't allowed to discuss specific parcels. Chair Curley stated he would like to have an executive session before they discuss specific parcels. Wilson stated she wanted to do this all in public and Chair Curley explained that there were certain issues that needed to be discussed only in executive session. Craig spoke to the Board and thanked them for discussing this with the Seashore and having it be discussed in a public forum. Chair Curley stated he will bring this back to the public once the Board has had a chance to work through some of the issues.

- E. Contract Renewal for Charles Sumner ~ Selectboard to approve extension  
Chair Curley explained that Sumner's contract expires on August 7, 2021, and the next Selectboard meeting is August 10, 2021. The Board needs to decide tonight to extend his contract or not.  
Board Member DeVasto stated that he was hoping Sumner would see the Board and town through to the next town Administrator and through the hiring process  
**Board Member DeVasto Moved; Board Member Wilson Seconded and it was voted to approve the contract extension for Charles Sumner as printed for 90 days.**  
**Roll Call Vote: 5-0**  
**The Board will sign the contract or designate Eldridge to use the board members stamps.**

- F. Civil Discourse Standards ~ Helen Miranda Wilson & Ryan Curley



Chair Curley stated they were over two-hours into the meeting and asked the Board if they would be willing continue this to a later meeting. Board Member DeVasto stated he would like more time to read over the policy. Wilson stated that she would like to pass on this item as well. Wolf stated he would discuss it if the Board wanted. Wilson stated that it is very important that the Board look this over and understand what they were reading. Ahern interrupted the board numerous times and Chair Curley asked Eldridge to mute her and then remove her from the meeting. Ahern was removed from the meeting at 9:23pm.

- G. CDBG Application for Cape & Islands to write a support letter ~ Jean Stanley**  
Chair Curley stated this is a letter of support from the Board and needed to be signed so that it could be sent by Friday.

**Board Member Reinhart Moved, Board Member Wolf Seconded; and it was voted to approve the letter that was written and to be signed by the Board in support of The Cape & Islands Housing Rehab and Childcare.**  
**Roll Call Vote: 5-0**

**V. *Selectboard Reports.***

Chair Curley asked if there were any Selectboard reports.

Reinhart mentioned the dredging event that happened on the 22<sup>nd</sup> of July and thanked everyone who helped to make it a fabulous event. She thanked all the state representatives that were in attendance and the Harbormasters that attended.

DeVasto stated that Provincetown is still offering a free Covid testing site from 10am to 3pm daily. He stated if anyone is having symptoms or been in contact with a positive case, they are able to go get tested for free.

**VI. *Town Administrator's Report***

Sumner gave his report to the Board (for full report please see the Selectboard Packet dated July 27, 2021) beginning with Mia who has left the town and they are beginning to reach out to media options and will be meeting with some people that work with Eastham and Truro. He stated that he is hopeful they will be able to help the town. He continued stating the Julian Cyr informed him that there are grants available to the town and he and Lisa Souve have applied for a few and will keep the Board informed.

He informed the Board that he, Chair Curley, and Board Member Wolf were able to go out to other town buildings and meet with department heads. He informed them that there are two openings for town employees, and they will conduct interviews for the building commissioner in the following weeks. He gave updates on meeting with members of "The Rights of the Public Access Committee"

He ended discussing with the board the Department of Revenue will be in town the following day and will be meeting with all the necessary finance team members to go over financial issues. He told the Board that he will begin giving regular updates to the Board regarding the financial plan. He stated to the Board that Lisa Souve has set up a whole new chart of accounts for the town and has sent them out to department heads and staff who pay bills for the town.

Board Member DeVasto questioned Sumner about the purple bag situation. Having the shortage.

**VII. *Topics for Future Discussion***

Wilson stated the video policy is due back to the Board at the next meeting.

Wilson also stated she would like to figure out the issue with the property next to Mac's at the pier. She stated she would like to have this relationship formalized.

Wolf asked about charging for parking at the marina and questioned the role of the parking task force. Reinhart stated that the Parking Task Force was dissolved and before they were dissolved, they wrote up a long report addressing the issues and the possibilities if charging for Parking.

DeVasto stated that the Natural Resource Advisory Board is currently updating their Harbor Management plan and the Shellfish Advisory Board is working on updating their comprehensive Shellfish Management plan, The Marina Advisory Committee is charged with advising on the marina operations. He would like to request the Marina Operating plan for assessment, scoping and management plan.

**VIII. *Correspondence and Vacancy Reports***

A full correspondence report can be found in the Selectboard Packet Dated July 27, 2021

**IX. *Minutes***

A. June 22, 2021, ~ Curley questioned the board if they were able to read the amendments.

B. July 13, 2021

The Board decided to postpone all minutes until the first August meeting.

**X. *Adjournment***

**Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to adjourn.**

**Roll Call Vote: 5-0**

Meeting Adjourned 9:45pm