

***Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday January 4, 2022; 6pm
Meeting Minutes***

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

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Chief Michael Hurley, Police Chief; Chief Rich Pauley, Fire Chief; Jay Norton, DPW director; Lara Henry, Wellfleet Chamber of Commerce; Lilli Ann Green, Wellfleet Delegate; Dick Elkin, Jerimiah Valli, New Police Sergeant, Suzanne Ryan, Energy and Climate Action Committee; Carol Maganau, Energy and Climate action committee; Peyton Flanagan, resident of Wellfleet; Kathleen Bacon, Wellfleet Resident; Carole Ridley, Coordinator for the Herring River Restoration Project; Susan Fleming, Ducks Unlimited

Chair Curley Called the meeting to order at 6:03pm

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.

- Elkin spoke to the board and public about the new water main that is being installed, he told them that the board of water commissioners along with Wellfleet Forum will hold an online forum to explain the project and answer any questions. He stated this is a good way for abutters of the project to understand what this project entails.
- Wilson spoke to the board and public updating them that there is a newer screen to raise hands. She gave details on how to do this.

II. *Covid Updates or Announcements*

- Chair Curley gave a brief update that was submitted by Lemos, he gave details that there are many people in town with covid-19. He explained there are stop the spread sights throughout the cape. The town of Wellfleet is working with the town of Truro with covid-19 test kits. The health department is now checking for masking inside buildings. He gave details on how to register for these vaccines and testing.
- Chair Curley asked the board if they wished to review the letter that the board received by John Wallace. Wolf stated that he did, and he read a letter to the public stating that his family is made mostly of doctors. He feels the letter from Wallace was inaccurate and spoke about the importance of wearing masks and that it is incorrect that masks are not effective in preventing the spread. He continued discussing and explaining what the doctors are saying for people that are vaccinated and those who are not.
- Wilson spoke to the board, regarding masks. She talked about the transmission of viruses not just the Covid virus. Reinhart was also in agreement with the mask. They discussed the letter and stated the statements

in the letters the board is receiving are dangerous and giving misinformation. Chair Curley expressed his concern with mis information and will not tolerate it.

- Chair Curley spoke to the board and stated he spoke with Sumner about having town hall opened on a limited basis. He expressed having town hall closed Monday, Wednesday & Friday's and opened on Tuesday's & Thursdays for those who need to get shellfish permits. Appointments can be made with any department. Wilson supported the decision to close town hall for three days a week. Sumner spoke to the board about the staff being concerned with safety and felt the need to have it open a couple days would be helpful and reduce risk and exposure.

- **Chair Curley Moved; Board Member Wilson Seconded; and it was voted to close town offices except for Tuesdays and Thursdays and by appointment until February 28, 2022**

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded and it was voted to allow all department heads consult with the town Administrator in closing their departments as well.

Roll Call Vote: 5-0

III. ***Financial Management Plan***

- Sumner gave an update on a few items that he, Lisa Souve, and Mary McIsaac are working on. Stating there has been a lot of progress made, he stated that they had originally hoped by the end of December they would be finished with the forensic aspect of the investigation. He continued stating they found a lot of errors and were able to correct them. Due to lack of staff, it is taking them longer than they anticipated to get everything settled. He gave more information and details on the work the three are doing and he believes they will improve the town finances and will continue to work at this until it is all corrected and close out FY2020 and FY2021.
- He continued giving a timeline for the budget and financial forecast. There were a few questions from the board regarding the timeline and issues. DeVasto spoke to the board and set the record straight explaining to the board and the public that there isn't \$750,000 missing, it wasn't stolen it was just put into the register incorrectly. Sumner stated that as of now the finance team has not come across anything that would suggest criminal activity.

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

A. Sergeant's Promotion ~ Chief Hurley

Chief Hurley introduced Officer Jeremiah Valli who interviewed with a panel and was highly recommended by his peers to be appointed Sergeant. Chief Hurley thanked the interview team for their participation during the interview process. Chief Hurley gave a little background on Officer Valli.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the appointment of Officer Jeremiah Valli to the position of Police Sergeant.

Roll Call Vote: 5-0

B. Disclosure of Appearance of Conflict of Interest ~ John Cumbler

Chair Curley informed the board what this was. Wolf questioned the fact that Cumbler does own property and asked how he wouldn't have a conflict. Wilson explained that this is only Phase one of the Project and this disclosure explains this.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted that, considering the facts that John Cumbler has provided in his MGL §23(b)(3) disclosure form. That he has no actual conflict of interest in the performance of his official duties when acting on matters pertaining to the Herring River Project, as a member of the Conservation Commission.

Roll Call Vote: 4-0-1 (Wolf abstained)

C. Special Municipal Employees ~ Updated List ~ Chair Curley

Chair Curley added to the list that was provided updating seasonal shellfish constables. They discussed the reason for this list and what a special employee is. Council on Aging was changed to Council on Aging Advisory Board. Sumner stated that anytime a new committee or board is appointed the list should be updated.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the list of special employees for the Town of Wellfleet as amended

Roll Call Vote: 5-0

V. *Business*

A. Police Cruiser Replacement

Chief Hurley spoke to the board regarding replacing police cruisers with hybrid cruisers. He gave the board an update on the requested information on the hybrid police cruisers. The board discussed the savings with hybrid cruisers. Chief Hurley explained that there could be difficulty in getting any repairs to the vehicle that may need to be done. Chief Hurley stated that he has been looking at the hybrid options but recommended waiting and instead of adding two hybrid vehicles add one hybrid and one gas vehicle to see how the hybrids run in the fleet and if they come across any issues with maintenance. They discussed the price and agreed with Chief Hurley and although they would like to replace both with hybrid cruisers, they understand that it would be smarter to go with one right now. They discussed a green works grant to help defer the costs. Ryan spoke to the board and stated the Wellfleet is eligible to apply for another green works grant in January and gave details on other grants that could match the grants. The board continued discussing the vehicles and moving forward with the reduction in carbon commissions which was discussed and voted on at the last Annual town Meeting.

Chair Curley Moved; Board Member DeVasto Seconded; it was not voted to have both replacement vehicles be hybrid.

Roll Call Vote: 2-3 motion fails

Board Member Reinhard Moved; Board Member Wilson Seconded; and it was voted to replace one police cruiser with a hybrid car and one police cruiser with a conventional cruiser.

Roll Call Vote: 5-0

- B.** MOTT Letter ~ Lara Henry ~ Henry spoke to the board about what the Mott is and explained it is a grant to publish each town's guidebook, each member of this group is asking their towns for financial support. Chair Curley explained there is a letter, and it needs to be submitted the following day so the board could vote to have the chair sign it in favor of support.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the letter as drafted and to authorize the chair to sign it on behalf of the board.

Roll Call Vote: 5-0

- C.** Long Pond Stairs Replacement ~ Suzanne Grout Thomas

Thomas spoke to the board explaining the need for the stairs at Long Pond to be replaced, she stated she had a sight visit with a member of the DPW and came up with a design for the stairs in the memo that she submitted to the board. Once she receives the approval of the selectboard she explained she would be going in front of the Conservation Commission. They discussed the stairs and issues that some members had.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the stair replacement as presented except the timbers shall be 6x6 timbers.

Roll Call Vote: 4-1 (Wilson Abstained)

- D.** Beach Cleanups ~ Suzanne Grout Thomas

Thomas spoke to the board about beach cleanups and explained that these are beach clean up stations which was brought to her by a resident Flanagan who saw these baskets at a beach in Truro and thought it would be helpful to keep the beaches clean. Thomas stated she spoke with the DPW to see if they would be willing to build the holders for the baskets. Explaining that with little staff in the summer this would help with beach cleanup. Flanagan spoke to the board stating that she saw this at the beach in Truro and did it there and she stated she felt beachgoers would like to help. The board continued to discuss the baskets with Flanagan. Bacon stated that Flanagan should start a pilot program by picking one beach and go from there, Flanagan stated that she was hoping to begin at Mayo Beach.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the sponsored beach trash disposal stations at Wellfleet Beaches where they will be under the supervision of the beach and DPW directors.

Roll Call Vote: 4-1 (Wilson Abstained)

E. Herring River ~ Duck Unlimited, Town of Wellfleet's Matching Contribution ~ Chair Curley

Chair Curley gave an update stating they needed to amend the funding source for the contribution. Ridley explained the details to the board about the grant and explained how it would work and how the town would be involved with this grant. She stated there is a \$200,000 match value from the town in the proposal that was submitted. There hasn't been a grant approved yet, she stated they are expecting that decision in the spring. Fleming spoke to the board stating that they are confident they will receive the funding but have been asked not to say they have the grant until the letter is sent. The board discussed this grant at great length with Fleming and Ridley to have a better understanding of how this process will work.

Board Member DeVasto Moved, Board Member Reinhart Seconded. The board discussed and Chair Curley stated he had an amended motion. Board Member DeVasto retracted the motion.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted that before MVP funds are committed by the town of Wellfleet as the match for the protentional Duck's Unlimited grant it would have to come back before the Selectboard.

Roll Call Vote: 5-0

F. Code of Conduct ~ Chair Curley

The board discussed that if this document was passed at this meeting it would need to be submitted to all boards and committees and returned to the Selectboard by February 28, 2022. Wilson had an issue with the document starting with "policy". Social media was discussed with this item. DeVasto spoke to the social media policy stating that it is for the town in general not for board members and staff which he feels they should address in the future.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to refer the code of conduct in civil discourse policy to the town administrator to distribute to department heads, all public bodies, and all Boards and Committees of the Town of Wellfleet and to be returned to the Selectboard by February 28, 2022

Roll Call Vote: 5-0

G. Bylaw on the Feeding of Wild Animals ~ Member Wilson

Wilson informed the board that the National Seashore took longer to get back to her and Officer Keough regarding this bylaw. She asked to move it to the next meeting.

H. Commercial Single-Use Plastic Non-Alcoholic Beverage Bottle Ban ~ Chair Curley

Chair Curley spoke to this item and stated it is following up on the current ban which he feels should have included carbonated beverages. Alcoholic beverages

in plastic bottles were discussed and Chair Curley stated they weren't able to include nip bottles in this ban.

Chair Curley Moved, Board Member Wilson Seconded, and it was voted to place an article for Annual Town Meeting for a proposed bylaw for a single use plastic non-alcoholic beverage bottle

Roll Call Vote: 5-0

I. Formula Business Bylaw Replacement

Chair Curley spoke to the board about having this bylaw rewritten so that it is more enforceable to help keep the integrity of the town of Wellfleet. The board discussed this at great length including sending this to town counsel and the Planning Board. Reinhart stated she would go to the Planning Board and ask their thoughts on this bylaw. She continued stating that this was a very difficult bylaw to enforce. Reinhart stated that going to town counsel isn't cost effective, Chair Curley disagreed and stated that town counsel would be a good resource to give the town examples of how this could be enforced.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to request town counsel provide the town examples of bylaws with the intent shown in the Wellfleet preexisting formula business bylaw to protect the character of the town that are enforceable.

Roll Call Vote: 5-0

VI. *Selectboard Reports*

There were no reports given

VII. *Town Administrator's Report*

Sumner gave a summary of his written report. He stated the finance committee had granted him a transfer to pay off a loan and the town administrator search consultant. He updated the board on the opioid settlement with the state. He gave information on the contract the town for the streetlights. He stated he continues to work on the financial forecast. He stated the assistant DPW director job has been posted. There is a new assistant health and conservation director that began working today. There were questions for Sumner regarding the Town Administrator Search Committee meeting.

VIII. *Topics for Future Discussion*

Wilson would like a progress report on the fuel tanks being installed at the Marina.

Reinhart stated the board should look at their social media policy with all staff and boards, not breaking open meeting laws. She agreed to begin a draft for this.

Wolf talked about the replacement of stairs at the pond, stating reading the charter the board shouldn't be discussing the dimensions, he stated he feels the plans should have been submitted to the DPW and the beach department.

Reinhart talked about micromanaging the staff and department heads and would like to have a future discussion of what the Selectboard's role is.

IX. *Correspondence and Vacancy Reports*

There was no correspondence at this meeting.

X. *Minutes*

A. December 14, 2021

Board Member Wilson had a few amendments with the minutes. Chair Curley asked if Wilson would abstain. They discussed this.

No Action was taken

XI. *Adjournment*

Chair Curley Moved, Board Member Wilson Seconded; it was voted to adjourn the meeting.

Roll Call Vote: 5-0

Meeting adjourned 9:15pm

Public Records:

- *Letter from Chief Hurley promoting Officer Jerimiah Valli*
- *Document of conflict submitted by John Cumbler*
- *Update list of Special Municipal Employees*
- *Paperwork with information for hybrid police cruisers*
- *Chamber of Commerce Mott letter*
- *Paperwork and pictures regarding Long Pond Stair replacement*
- *Documents supporting the baskets for beach cleanups*
- *Code of Conduct submitted by Chair Ryan Curley*
- *Herring River documents for the Ducks Unlimited grant*
- *Feeding Wild Animal Bylaws Draft*
- *Bylaw written by Chair Curley about single use non plastic nonalcoholic bottles*
- *Formula Business Bylaw*
- *Town and Assistant Town Administrators Reports*
- *Minutes for December 14, 2021*

Respectfully submitted:

Rebekah Eldridge Executive Assistant