

***Wellfleet Selectboard
Tuesday June 7, 2022; 7PM
715 Old King's Highway /Zoom
Meeting Minutes***

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Helen Miranda Wilson, Barbara Carboni, John Wolf

Others Present: Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; William Young, Shellfisherman; Nancy Civetta, Shellfish Constable; Luene Grady, Resident of Wellfleet appealing a grant forfeiture; Daniel Silverman, Town Moderator; Carole Ridley, Herring River Restoration project coordinator; Jude Ahern, Resident; Kirk Bosma, Woods Hole group for Herring River; Jay Norton, DPW Director; Tim Sayer, Resident

Chair Curley Called the meeting to order at 7:05pm

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.

Chair Curley spoke to the public reminding them that town meeting is June 11, 2022, at 10am.

II. *Consent Agenda*

A. Nick Sirucek ~ Appointment to the Shellfish Advisory Board ~ 3-year term
Board Member Wilson moved; Chair Curley Seconded; and it was voted to appoint Nick Sirucek as an alternate member of the shellfish advisory board to be sworn in by the Tow Clerk, to serve in compliance with the town charter and all applicable state and local laws, regulations and policies.

Roll Call Vote: 4-0

B. Lydia Vivante ~ Use of Town Hall Driveway ~ Annual Art Sale ~ August 6, 2022 (Rain Date August 7, 2022) 8:30am – 10:30pm

Chair Curley Moved; Board Member Wilson seconded; and it was voted to approve the remainder of the consent agenda.

Roll Call Vote: 5-0

III. *Public Hearings*

Board Member DeVasto officially recused himself from the shellfish hearings.

Chair Curley opened the public hearing. Board Member DeVasto recused himself from this portion of the meeting.

A. Individual votes to consider if each of the following license holders' grant licenses will be forfeited for failure to meet minimum productivity per Town of Wellfleet Shellfishing Policy and Regulations Sections 7.12 Evidence of Productivity: Use

It or Lose It, 7.12.2. Failure to Meet Production Levels and 7.13.3 Notification of Failure to Meet Minimal Requirements.

Schooner Grady & Luene Grady for license #95-15 consisting of 0.92 acres on Egg Island

Civetta read a letter to the board which stated that her job wasn't easy, and she was doing what she was charged with and following the rules and regulations of the shellfish department. Young spoke to the board defending Grady and stating that Grady was misinformed and didn't understand the letters. Eldridge was asked to speak to the letters for a public hearing. There were many questions asked of Civetta and Grady. Young explained to the board that he would be willing to help Grady meet minimum productivity by the end of the year.

Wolf spoke to the board about not wanting to "pull the rug out from underneath the shellfish constable" but wanted to follow rules and regulations.

Bacon spoke to the board about Grady coming before the board in 2017, and the board then supported Grady, but she stated that they need to follow their regulations and they have continued to be kind. The conversation continued at great length. Chair Curley questioned the board as to where they stood with voting on this grant. Each member spoke to the board. Wilson spoke to the board reading notes that were written for her and by her regarding hearings

Board Member Wilson Moved; Board Member Seconded; and was voted to take no action

Roll Call Vote 2-2 (Wilson/Wolf Yay) (Carboni/Curley no)

Motion Fails

Chair Curley Moved; Board Member Carboni Seconded and it was voted to have Grady provide proof of purchase of 40,000 seed

Roll Call Vote: 2-2 (Wilson/Wolf voted no) (Curley/Carboni Yay)

Motion Fails

The Grant will remain forfeited

Chair Curley Opened this hearing:

- B.** Application received 1/30/2022 for the renewal of shellfish grant license # 7312 consisting of .5 acres off Old Wharf Point for ten years from James and Allison Gray (Wellfleet, MA).

Grady came to the table and discussed his grant and the order of conditions that were issued to him at a previous meeting with expiration dates. Chair Curley asked if Gray was amendable to the conditions that the board will put in front of them. Wilson asked if he had paid his fees for the grant. He stated he paid with cash. The board discussed this grant.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to renew grant license #7312 to James and Allison Gray with the following order of conditions:

- **By October 21, 2022, the license holders must provide proof of 20,000 seed being planted to the satisfaction of the Shellfish Constable, if the license holder disagrees with the constable's determination of the fact the license holder may appeal to the Selectboard, said appeal must be filed within 21 days of the**

Shellfish Constables determination and the Selectboard shall hear the appeal within 21 days of that filing.

- These minimum levels of propagation must be adhered to in each of the following years thereafter
- Said seed may be oyster or quahog or a combination of both and may be caught seed or purchased
- The license holder must pay their license fee with a check within the next 30 days.

Roll Call Vote: 4-0-1

The Public hearing was closed for grant license #7312

C. Limitations on the number of Recreational Marijuana Dispensaries in Town

DeVasto spoke to this agenda item speaking that

Chair Curley opened the public hearing for recreation marijuana dispensaries.

Member Wilson spoke to the board about how many liquor stores were in the town of Wellfleet. DeVasto spoke to her questions and stated there was a limit of 3 package stores in the town.

DeVasto presented this to the board and stated that it came before the board as host agreements. He stated he wanted to set a limit of dispensaries in the town. He stated there were a lot of host agreements he continued stating there are currently four host agreements and three dispensaries. He stated that right now he would like to set the limit to three moving forward.

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to set the limit of marijuana to 3. Any existing dispensaries or valid host agreements as of June 7, 2022, shall be considered preexisting and allowed to continue to operate so long as they remain in compliance and in good standing with state and local regulations, agreements, and licenses.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to amend the motion to 4 instead of 3.

Discussion ensued on the dispensaries and how many they feel are appropriate for the town.

Roll Call Vote: 4-1 (Carboni voted no)

IV. *Town Meeting*

A. Modified Quorum ~ Moderator Silverman

Silverman requested the board vote to reduce the quorum from 182 people to 100 people. Silverman joined the meeting via zoom and spoke to the board about the quorum and his request. Ahern spoke to the board regarding town meeting quorum, stating she feels reducing quorum isn't necessary. The board disagreed and tried to explain that it doesn't reduce the amount of people that can attend the meeting but allows the meeting to continue and not lose quorum as the meeting gets into later hours.

Board Member Wolf Moved; Board Member Wilson Seconded; and it was voted to reduce the quorum of Annual Town Meeting from 182 residents to 100 residents.

Roll Call Vote: 5-0

B. Town Meeting Warrant

Chair Curley announced there were no more issues to be addressed with the warrant.

He questioned Silverman about the motions booklet and asked if there needed to be a motion.

C. Town Meeting Briefing

Silverman explained to the board that check in for town meeting begins at 9am and masks are not required. He gave other details for the meeting regarding chairs and the tent. He explained there is a document on the town's website explaining what to expect.

Civic Plus will be used for an alert to inform the public of the change of meeting date.

V. *Herring River Restoration Project*

A. Final design and bidding Chequessett Neck Rd Bridge. Fuss and O'Neill ~ Herring River Restoration Project

Eldridge screen shared the slide show presentation that was presented by Ridley and Nils. The board discussed with both Ridley and Nils the dynamics of the bridge and its dynamics and timeline of when the project would be started and the many stages of it. Bosma spoke to how the bridge would operate and the water levels. The board continued to discuss the bridge for this project at great length.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to affirm the final design at Chequessett Neck Road bridge subject for the review of the aesthetic treatments applied thereto and the DPW's intention to advertise bid documents for construction of the Chequessett Neck Road bridge as provided in the final design plans and bid specifications and to advertise a grant funded position of owner's project representative to provide construction oversight for the town and to report to the DPW director and the Town Administrator.

Roll Call Vote: 4-0-1 (Carboni Abstained)

VI. *Business*

A. *On-Site Engineering 95 Lawrence Rd*

Norton presented to the board the onsite engineering part of the agenda. He explained that he was asked to look over the RFP for this

Chair Curley moved; Board Member Wolf Seconded; and it was voted to approve the proposed contract amendment for 95 Lawrence Road wastewater treatment facility permitting and groundwater discharge design and permitting.

Roll Call Vote: 5-0

B. Disbandment of 95 Lawrence Rd Task Force

Brought to the board's attention by Olga Kahn and this was looked into by Rebecca Roughley the ATA, and she agreed that this groups charge was completed

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to Approve the disbandment of the 95 Lawrence Road Task Force as their charge is complete.

Roll Call Vote: 5-0

C. Vote on Lecount Hollow beach for summer 2022 ~ DeVasto

Sayer spoke to the board speaking to the fact that this was voted down at the last meeting and quoted "Roberts Rules of Order" Chair Curley spoke to this and explained where the board stands. Chair Curley stated that he checked into this issue.

Board Member Moved; Board Member Seconded; and it was voted to approve that LeCount/Maguire landing be used for resident and taxpayer parking for the 2022 season.

Chair Curley polled the board to see if they wanted to speak to the bylaw agenda items tonight. Wilson and Carboni felt that they needed more investigation and defer discussion. Wilson asked for the bylaws that Town Counsel marked up and stated that she feels they need to have more work and need to be looked at.

The board moved the zoning agenda items to another meeting

D. Cottage Colonies Zoning Bylaw ~

E. Zoning Bylaw Amendment Provisions to Encourage the Development of Affordable Dwellings in Wellfleet

F. Affordable Lots Zoning Bylaw

G. CBAs ~ *There were no collective bargaining agreements to discuss.*

H. Building Use Policy ~ Wolf ~ *To be moved to another meeting*

VII. *Selectboard Reports*

There were no reports

VIII. *Town Administrator & Assistant Town Administrator's Report*

Waldo gave a brief update on his first week as town administrator and spoke to his first week in the job. Chair Curley asked Waldo about Sumner's contract moving forward,

IX. *Topics for Future Discussion*

Wilson spoke to the board about the detailed crafted policy on code of conduct and would like it to be voted on and put into place.

Formalized liaison system for the selectboard

Selectboard goals are due

X. *Correspondence and Vacancy Reports*

Please see the packet for a detailed report

XI. Minutes

- A. April 26, 2022, ~ Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as printed.
Roll Call Vote: 4-0-1 (Wilson abstained)**
- B. May 6, 2022, ~ Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as printed
Roll Call Vote: 4-0-1 (Wilson abstained)**
- C. May 10, 2022, ~ Board Member Moved; Board Member Seconded; and it was voted to approve the meeting minutes as printed
Roll Call Vote: 4-0-1 (Wilson Abstained)**
- D. May 24, 2022, the board was not ready to move on the 24th**

XII. Adjournment

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adjourn
Roll Call Vote: 5-0**

Meeting adjourned 10:38pm

***** Public Documents: *****

Application for Shellfish Advisory Board ~ Nick Sirecuk

Application for Use of Town Property ~ Lydia Vivante

Public Hearing documents:

Luene & Schooner Grady

Shellfish Grant License #7312 James & Allison Gray

Paperwork for cannabis dispensaries for the town

Town Meeting Annual Warrant

Power point presentation for Herring River Restoration Project (slides 7 – 23)

95 Lawrence Road Engineering paperwork

Cottage Colonies Zoning Bylaw

Zoning Bylaw amendment documentation for development of affordable dwellings in Wellfleet

Affordable Zoning Bylaw

Meeting Minutes of May 10, 2022 & May 24, 2022