

**Wellfleet Selectboard
Tuesday October 4, 2022; 7pm
Hybrid Meeting
Meeting Minutes**

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Barbara Carboni, Kathleen Bacon

Others Present: Richard Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; James Badera, Building Inspector; Brian Riley, Town Counsel from KP Law; Tim Sayer, local resident; David Moulton, resident; Ruth Bishop, Resident; Roland Blair, Resident; Paul Greenspan, Resident; John Cumbler, resident; Kevin McMahon, Wellfleet Cultural Council; Tim Callis, resident; Sharon Rule-Agger, resident; Helen Miranda Wilson, resident; Michael Shannon, resident, Judith Cumbler, resident; Denice Lapierre, resident; Jane Franke, resident; Jay Norton, DPW director; Suzanne Thomas, Community Service Director

Chair Called the meeting to order 7:03pm

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.

Lt. LaRocco announced that October 5, 2022, was national coffee with a cop day and they will be at the Flying Fish in Wellfleet and invited anyone who wants to come meet members of the police department.

Bacon thanked the first responders for their hard work and dedicated support to the town.

Chief Hurley spoke to the board stating that the town will be very busy in the upcoming Oysterfest

Sayer spoke to the board asking for the purple bags be on a future agenda.

Rule-Agger spoke to the board and public about Eldridge leaving Wellfleet and thanked her for her diligent work.

II. *Consent Agenda*

A. Full time Police Officer Appointment, Brandon Todd ~ Chief Hurley/Lt. LaRocco

B. Town Seal to be allowed by the Selectboard for the Energy and Climate Action Committee for their Electric Car Show.

C. Acceptance of the Coastal Resilience Grant Program ~ Hillary Greenberg-Lemos was removed from consent agenda

D. Ambulance Purchase ~ Chief Pauley

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the consent agenda except item C

Roll Call Vote: 5-0

Chair Curley Moved; Board member DeVasto seconded; and it was voted to approve the coastal resilience Grant Program

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

III. *Licenses* ~ Bacon recused from this based on her previous employment at the property.

A. Fox & Crow ~ Trudy Vermehren ~ Weekday Entertainment

B. Fox Crow ~ Trudy Vermehren ~ Sunday Entertainment.

Vermehren spoke to the board and stated she was under the impression that her current licenses were valid and found out at a later date that her licenses were not valid at her new location. She in front of the board now applying for new entertainment licenses for her new and current location.

Administrator Waldo spoke to the board stating that there was a miscommunication when Vermehren applied for an address change, there were mistakes made by the administration office when this came through.

Riley spoke to the board stating that there was no reason why the board wouldn't allow an entertainment license. He stated the board could put some stipulations on the license giving an example of the time of night, but he alluded to the town bylaws and the noise bylaw being 10pm.

Chair Curley stated that the board didn't have much latitude.

Moulton spoke to the board stating that the seating capacity has doubled moving seating outside and has disrupted the neighbors due to the entertainment outside causing the noise to carry. He stated it is disruptive to his life.

Wolf questioned the open windows and asked if there was a compromise that could be come to. Vermehren stated that Covid was a main issue as to why the windows were open and her business doesn't have air conditioners.

Bishop spoke to the board stating that there has always been a noise issue and stated the windows should be closed because the noise travels a lot. Blair spoke to the board stating that he loved the music, and the community needs her to continue.

Greenspan spoke to the board stating his support for the restaurant and its good music. Cumbler spoke in favor of the music at the Fox & Crow. Callis spoke to the board and stated he is in favor of the music just not amplified.

Chair Curley asked Administrator Waldo to speak to the licensing, Waldo explained that at the time this license came before the administration office, there was a change in staffing and there was a mistake made where there was an assumption that the licenses transferred. It is now known that the licenses don't transfer.

The board discussed this with the public in great detail about the licenses.

Shannon spoke to the board in objection of the restaurant and any entertainment licenses.

Board Member DeVasto moved; Chair Curley seconded; and it was voted to approve the weekday entertainment license to Trudy Vermehren owner of the Fox & Crow; to follow all the noise rules and bylaws of the town.

Roll Call Vote: 4-0-1 (Bacon Recused)

Board Member DeVasto moved; and it was voted to approve the Sunday entertainment license to Trudy Vermehren owner of the Fox & Crow; to follow all the noise rules and bylaws of the town.

Roll Call Vote: 4-0-1 (Bacon recused)

IV. Business

A. Gull Pond Stairs ~ Jane Franke

Franke spoke to the board regarding the stairs at Gull Pond. She would like the board to consider replacing the stairs. She gave many reasons why the stairs should remain there, safety and other concerns. DeVasto spoke in favor of the stairs. Carboni asked to refer to Thomas and Norton. Thomas spoke about the safety to the environment and the area. Bacon spoke about the stairs and stated that all the ponds are taking a hit with more people accessing them. She gave her thoughts on stairs at the pond.

Board Member DeVasto moved, Chair Curley seconded; and it was voted to revisit the process of rebuilding the stairs at Gull Pond.

Roll Call Vote: 3-2 (Carboni voted no, Bacon voted no)

Bacon reversed her vote to yes

4-1-0

B. Cannabis Community Host Agreements ~ Chair Curley ~ Administrator Waldo asked the board to move this item to the October 18, 2022, meeting as town counsel was not available tonight.

Chair Curley Moved, Board Member DeVasto seconded; and it was voted to move this agenda item to October 18, 2022, selectboard meeting

Roll Call Vote: 5-0

C. Zoning Bylaw Amendment, Food Establishments and Developments of Significant Planning Interest ~ Chair Curley

Chair Curley spoke to this zoning bylaw. Asking the board to go through each of these getting input and send it to the planning board when ready.

Chair Curley Moved; Board Member Carboni Seconded and it was voted to refer the food establishment and significant planning impact to town counsel for review and comment.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Bacon seconded, and it was voted to send Said article as a draft to the Wellfleet Planning Board for comment with the understanding that it has been submitted to town counsel for review.

Roll Call Vote: 5-0

- D. Zoning Bylaw Enforcement Penalty Amendment ~ Chair Curley**
Chair Curley spoke to the board and explained the changes to this bylaw. The board discussed the changes and fines.
Chair Curley Moved, Board Member Carboni Seconded, and it was voted to refer the zoning enforcement bylaw to town counsel for review.
Roll Call Vote: 4-1 (DeVasto voted no)
Chair Curley Moved; Board Member Carboni Seconded; and it was voted to send enforcement penalty bylaw to the Wellfleet Planning Board as a draft for comments.
Roll Call Vote: 4-1 (DeVasto voted no)
- E. Zoning Bylaw Amendment, Cutting of Timber within the NSP ~ Chair Curley**
Chair Curley explained this bylaw amendment to the board. It was questioned if there is anything on the books regarding this bylaw. Chair Curley explained the changes made. The definition of Timber was discussed and explained that it was a problem. DeVasto stated the word timber should be changed to tree so there are no issues.
NO ACTION WAS TAKEN
- F. Zoning Bylaw Amendment, Landscape and Tree Preservation ~ Chair Curley**
Chair Curley explained the changes to this bylaw and the board discussed it. Chair Curley explained this was something that passed at town meeting and the board has been directed to draft a bylaw. The board discussed the issues with this bylaw and writing it.
NO ACTION WAS TAKEN
- G. Zoning Bylaw Amendment, Locally Notable Trees ~ Chair Curley**
Chair Curley explained this bylaw and the board discussed it. Sayer spoke to this bylaw.
It was discussed to have the town administrator contact town counsel to see the latitude the board has and then reach out to the petitioner to see where they can work on this.
NO ACTION WAS TAKEN
- H. Environmental Betterment Fund**
Chair Curley explained this can't be discussed until the bylaws were addressed.
- I. Capital Planning Committee ~ Member Carboni**
Board Member Carboni asked to have this moved to another meeting.
- J. Lower Cape TV Bylaws**
Administrator Waldo explained that he received a packet and wanted to inform the town that they will be making changes to the bylaws at their December meeting and if the board wished to make any comments they can do so before the meeting.
Board Member DeVasto moved; Board Member DeVasto seconded, and it was voted to accept the Lower Cape TV bylaws as drafted.
Roll Call Vote: 5-0

V. ***New Business***

Chair Curley Moved; Board Member Carboni seconded, and it was voted to change SPAT's one day alcohol license from October 1, 2022m to October 8, 2022.

Roll Call Vote: 5-0

VI. ***Selectboard Reports***

Board Member Wolf reported on the Dredging Task Force meeting and updated on the dredging. He gave a brief update on the meeting that was had with the state and the Town Administrator. He spoke about the Herring River Restoration Project.

He gave a report on the Marina Advisory Committee.

Chair Curley Spoke to the board about his meeting that he attended. They didn't have a quorum and have rescheduled to October 11, 2022.

VII. ***Town Administrator's Report***

Administrator Waldo spoke to the board explaining that there wasn't much of a report as he submitted a written report in the previous week. He gave some updates on the ARPA grant with regard to Maurice's Campground.

Community Compact Grant was submitted for online permitting software to help get departments connected and allow for building permits and other such items be done so online.

VIII. ***Topics for Future Discussion***

IX. ***Vacancy Reports***

Chair Curley spoke about the Commission on Disabilities needing more members

X. ***Minutes***

A. September 27, 2022

Board Member Bacon Moved; Board Member Carboni Seconded; and it was voted to approve the minutes of September 27, 2022, as drafted.

Roll Call Vote: 5-0

XI. ***Adjournment***

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to adjourn

Roll Call Vote: 5-0

Meeting adjourned 10:10pm

Public Records:

Consent Agenda items

Full Time police officer paperwork

Ambulance purchase paperwork

Coastal grant application

Sunday Entertainment and Weekday Entertainment License applications ~ Fox & Crow

Letter regarding Gull Pond Stairs ~ Jane Franke

Zoning Bylaw Amendments

Food Establishments and Developments of Significant Planning Interest

Zoning Enforcement Penalty

Cutting of Timber within the NSP

Landscape and Tree Preservation

Locally Notable Trees

Environmental Betterment Fund

Approved 10-18-2022 * A full recording of this meeting can be found on the town's media page*****

Lower Cape TV Bylaws

Meeting Minutes for September 27, 2022.