

Wellfleet Selectboard
Hybrid Meeting ~ Zoom/715 Old King's Highway
Tuesday April 4, 2023; 7pm
Meeting Minutes

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

Others Present: Richard Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Police Chief; Rich Pauley, Fire Chief; Dan Silverman, Town Moderator; Jay Norton, DPW Director; Michael Parlante, Curt Felix, Stephen Pickard, Raphael Richter, Funk Bus Owner; Jessica Noby; Jeff Vecchio, Nancy Civetta, Shellfish Constable; Bob Wallace, Shellfisherman; Will Sullivan, Harbormaster; Sharon Kennedy, owner of property Egg Island; Deb Mattingly, Owner of property, Chris Murrell, Shellfisherman; Nathaniel Tesson, Shellfisherman, Alfred Pickard, Grant owner; Stephen Pickard; Jonathan Phillips, Katie Savoy, use of town property applicants; Chris Allgeier, Dredging Task Force Co-Chair; Alyssa Richard, GEI Engineering; Dan Robbin, GEI Engineering; Tim Sayre, Damion Parkington, Diane Brunt, Josh Yeston, cable advisory chair, Heather Doyle, Cable Advisory Member; Brad Morris, Steve Kopits, Cable Advisory Committee.

Chair Curley called the meeting to order 7:04pm

I. *Announcements, Open Session and Public Comments*

Note: *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.*

- Richter spoke to the board concerning the no alcohol at Cahoon Hollow Beach policy that was just enforced. He spoke against this ban and stated why.
- Silverman spoke to the board and public, informing them that the town meeting will be on Saturday April 29th at 10am and the meeting will be inside the elementary school in the gymnasium. He stated there will be no power points for the meeting and if there is anything they would like to be inserted into the motions booklet to submit it to the administration office no later Thursday April 13, 2023.
- Bacon spoke to the board, and thanked town staff that attended the start of the Herring River Restoration project.
- Noby spoke to the board asking to revisit the decision to ban alcohol at Cahoon Hollow Beach, she then stated her reasons as to why banning alcohol is not a good decision.

II. ***Consent Agenda***

- A. Amnesty Day Approval ~ May 13, 2023, ~ DPW Director Jay Norton
- B. Cahoon Hollow Beach Parking Lot Lease
- C. Wellfleet Spat ~ use of 9 utility poles with brackets for banners on Main Street for Wellfleet Oysterfest
- D. Common Victualler License ~
 - Maurice's Campground
 - Endless Coast

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to adopt the consent agenda removing item C as DeVasto has abstained from shellfish items.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Bacon Seconded and it was voted to approve the SPAT application for the use of the utility poles down Main Street for the Wellfleet Oysterfest in October.

Roll Call Vote: 4-0-1

III. ***Community Updates***

- A. Authorize the Town Moderator to draw 5 winners at the 2023 Annual Town Meeting for five beach/dump stickers ~ Dan Silverman

Silverman spoke to the board about allowing the drawing of 5 stickers.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the drawing of five beach/transfer station stickers at the end of town meeting.

Roll Call Vote: 5-0

- B. Discuss improvements to the lower end of Old Wharf Road. ~ Jeff Vecchio
Vecchio spoke to the board that Old Wharf Road is failing and informed the board and public that the road is also a public access road. He explained the issues with the road, eroding and many potholes. He explained the rising tides and large high tides and the road floods. He stated the dirt section of the road is deteriorating causing the road to be difficult to access. He stated that he has done the beach nourishment as he has been instructed, explaining that the DPW has been very helpful. Norton spoke to the board stating that this area and the road is a constant nuisance. He stated his support to Mr. Vecchio, trying to find options to help this road. He stated he found at the registry of deeds in land court that the road is privately and publicly shared. O'Connell spoke to the board stating that the other owner is the Conservation Trustees and stated he would like to talk to try and figure out a plan. Wallace spoke to the board stating that this could be fixed as it has been in previous years with dirt and lasted over 3 years.

NO ACTION TAKEN

IV. ***Public Hearings*** ~ Chair Curley Opened the first public hearing.

Board Member DeVasto recused himself from all shellfish hearings.

- A. Change section 7.4 Location of Areas for Aquaculture (Grants) in the Town of Wellfleet Shellfishing policy and Regulations to redefine the Egg Island area where grants may be located. Also, to add a map outlining the Egg Island area as Appendix E to the regulations. ~ Shellfish Constable, Nancy Civetta & Shellfish Advisory Board.

Civetta spoke to the board explaining they had got to this hearing due to grant transfers that were unable to understand and no maps being available. She stated that the DOR wanted her to use the Mean Low Water line as directed by town counsel.

Sullivan spoke to the board stating that the Marina Advisory committee should be asked to weigh in on the changing of these regulations. Bacon spoke in agreement with Sullivan. Aberdale spoke to the board stating he would like to be a part of the discussion. Mattingly spoke to the board, against the changes to these regulations. She didn't think the opinion of the Town Counsel was relevant. Murrell stated that this wasn't something that needed to be blown out of proportion, this was just something to extend two grants. Pickard stated that he wasn't in favor of Sirucek getting a grant transfer. He stated there was a conflict when Sirucek made a motion. Sirucek disagreed with this statement. There was much discussion on these regulations changes and many who agreed and many who disagreed, with a lot of back and forth. S. Pickard spoke to the board about his grant.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted that area 5 known as Egg Island shall comprise of license #'s 2000-6, 95-1 through 95-32, 752, 2002-1, 2002-1ext., 781A, 781, 781AC, and license's 04-03, 2000-1, 2000-2, 2000-3, 2000-4, 2000-5, 2000-3ext., 2000-1ext., shall be comprised as the shellfish aquaculture area known as Egg Island Area 5. Roll Call Vote: 4-0-1

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to strike 7.4 area 1 starting from where it reads at Powers Landing to strike the following, and at least 300-feet Northward of a line from the seaward end of the breakwater to the Eastern most tip of Great Island, except in the area above mean low water on Egg Island.

Roll Call Vote: 4-0-1

Chair Curley Moved Board Member Carboni Seconded and it was voted to continue the hearing to further amend Section 7.4, location of various licenses for aquaculture grants in the Wellfleet Shellfish Policy and Regulations to redefine the Egg Island area where grants may be located to May 23, 2023, at 7pm.

Roll Call Vote: 4-0-1.

- B. **CONTINUED** ~ Application received 1/3/2023 for a grant extension (to be numbered #2000-2 ext.) to shellfish grant license #2000-2 consisting of approximately 1.08 acres on Egg Island from Stephen Pickard (Wellfleet, MA),

Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA). (Continued from February 7, 2023)

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to continue this public hearing from Stephen Pickard, Iris Pickard, and Benjamin Pickard for the extension of grant #2000-2ext., consisting of approximately 1.08 acers on Egg Island until the revised regulations 7.4 regulations are revised and incorporated into the regulations, to May 23, 2023, at 7:30pm.

Roll Call Vote 4-0-1

V. *Licenses*

- A. Approval of 2023 Seasonal Alcohol License ~ See packet for details.**

Board Member Bacon Moved, Board Member DeVasto Seconded; and it was voted to approve the seasonal Alcohol Licenses listed in the packet.

Roll Call Vote: 5-0

- B. Wellfleet Beachcomber to be approved for auxiliary Tent for food and alcohol service for the season of 2023.**

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the auxiliary tent for the Wellfleet Beach Comber.

Roll Call Vote: 5-0

VI. *Use of Town Property*

- A. Baker's Field Pavilion ~ June 24, 2023; 10am – 10pm ~ Jonathan Phillips & Katie Savoy ~ See packet for full details.**

Phillips spoke to the board about using the pavilion for their wedding celebration. He gave a rundown of what he wanted to do for the wedding.

LaRocco spoke to the board, supporting the event as long as the applicant works with the police department. Bacon spoke against this application, stating they are using town property that is a recreation area for approximately three days. She stated there are liabilities to the town and would like to see that rectified. The board discussed this at great length. Phillips and Savoy spoke to the board explaining their intentions.

Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to approve the use of Baker's Field Pavilion on June 24, 2023 from 10am to 10pm, for a fee of \$900. The applicant is responsible for trash clean up and rental of portable toilets. The area is to be left in the same condition as it was found.

Roll Call Vote: 4-0-1

- B. Second Summer Cycle, LLC ~ Road Race ~ September 17, 2023, ~ NEW ROUTE INCLUDED IN PACKET.**

LaRocco spoke to the board stating he has worked with the applicant to secure details police officers.

Chair Curley moved; Board Member Bacon Seconded; and it was voted to approve Second Summer Cycle, LLC Road Race on September 12, 2023,

from 10:30am - 2:30pm; following the amended route and having the 6 detail officers as discussed with the police department.
Roll Call Vote: 5-0

VII. *Board/Committee Appointments and Updates*

A. Dredge Area II Mitigation Update – Dredging Task Force Chair

DeVasto Recused himself from this agenda item.

Allgeier spoke to the board updating them and the public on the dredging project and what will take place as far as dredging is concerned. The board discussed the permitting needed and the engineer needed. There was question if there was anything concerning conservation, Wolf asked Felix to explain what Chapter 91 permit meant. Felix gave a brief description of what it was. Stating that it is a comprehensive permit. Robins and Richard spoke to the board giving more details on the dredging and the process. O'Connell spoke to Allgeier and Felix questioning Blackfish Creek and how they came up with this site. Felix explained that this site was chosen with much collaboration with the shellfish community. Civetta spoke to O'Connell regarding the area and explained that she would forward the information to him. Sayre questioned monitoring the area. Parkington spoke stating concerns about this area being used. Brunt spoke against the dredging and submitted a letter for the record. She read questions that she had for the Army Corp of Engineers. Brunt gave a loud description of her opinion stating the town doesn't know what's going on. Water quality and fish protection were discussed. Morris came before the board asking questions about the Army Core and stating his concerns.

B. Cable, Internet, Cellular Advisory Committee ~ Presentation of broadband path plan.

Yeston spoke to the board regarding the grant application they are looking to file to update the broadband for the town. Chair Curley stated how pleased he was with the committee's initiative. Yeston explained that this will help the beaches become less of a "dark" spot.

Board Member Carboni Moved; Board Member DeVasto Seconded; and it was voted to approve and proceed with the municipal fiber grant program application as presented in the Selectboard Packet.

Roll Call Vote: 5-0

VIII. *Business*

A. Commercial shellfishing permit hardship exemption ~ Shannon Bertrand ~ Shellfish Constable

**** Chair Curley Took this item out of order ****

DeVasto Recused himself of this agenda item.

Civetta gave an update on this exemption. Bacon supported this letter.

Board Member Bacon Moved; Board Member Wolf seconded; and it was a vote to approve the hardship exemption be granted to Shannon Bertrand.

Roll Call Vote: 4-0-1

B. Determination and consent to multiple representation with KP Law in regard to an IMA relative to water line extension to Maurice's Campground/80 State Hwy
Chair Curley explained this letter was to help connect the water at Maurice's to the Eastham water system. The board discussed it and had no objections.

Board Member Carboni Moved; Board Member Seconded; and it was voted to approve the letter from KP Law getting determination and consent with respect of representation of Wellfleet & Eastham with respect to Maurice's Campground 80 State Highway and for the board to sign and send back.

Roll Call Vote: 5-0

IX. ***Selectboard Reports***

- Chair Curley asked the board about the Seasonal Residents meeting for State of the town he stated those members asked for August 3rd or August 10th. Eldridge spoke to the board asking to give her both dates, so she is able to work with the community center.

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

Waldo gave a brief update on his 9-page report. He highlighted that he has 4 out of the 5 collective bargaining units ready and just one more to work out.

He reported that the building commissioner has handed in his 2-week resignation, and his last day will be April 17, 2023.

XI. ***Topics for Future Discussion***

XII. ***Vacancy Reports***

XIII. ***Minutes***

A. March 16, 2023, ~ **Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as amended.**

Roll Call Vote: 5-0

B. March 21, 2023, ~ **Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as amended.**

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

C. March 23, 2023, ~ **Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as amended.**

Roll Call Vote: 5-0

D. March 29, 2023, ~ **Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as amended.**

Roll Call Vote: 5-0

XIV. ***Adjournment***

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

Roll Call Vote: 5-0

Meeting Adjourned 11:07pm

****Public Documents****

Amnesty Day Flyer

Cahoon Hollow Beach Parking Lot lease

SPAT application for use of poles down Main Street for banners.

Shellfish Hearing documents.

***** A full recording of this meeting can be found o the town's website *****

Seasonal Alcohol License applications

Letter from Wellfleet Beachcomber for auxiliary tent to be allowed on the property.

Use of town property applications, Baker's Field Pavilion

Use of Town Property, Town Roads for Summer Cycle Event.

Dredging update paperwork

Commercial Hardship Letter and recommendation letter from the Constable.

Cable, Internet, Cellular Advisory Committee draft grant documents

Determination Letter from KP Law

Town Administrator's Report

Meeting Minutes

- ***March 16, 2023***
- ***March 21, 2023***
- ***March 23, 2023***
- ***March 29, 2023***