

***Wellfleet Selectboard
Tuesday April 18, 2023; 7pm
Hybrid Meeting ~ Zoom & 715 Old King's Highway, Wellfleet
Meeting Minutes***

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

Others Present: Richard Waldo, Town Administrator; Nancy Civetta, Shellfish Constable; Stephen Pickard, resident; Helen Miranda Wilson, resident; Gregg Corbo, KP Law representative, Evan Bruinooge, Wellfleet Shellfish Grant owner; Bruce Bierhans, Lawyer for Michael DeVasto; Michael DeVasto, Shellfisherman; Chad Williams, Shellfisherman; Jude Ahern, resident; Chris Murrell, resident

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

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.*

Chair Curley announced the town meeting is Saturday April 29, 2023, at 10am. He announced the town election will be held at the Wellfleet Community Center on Monday May 1, 2023, from 12pm – 7pm.

Bacon announced that the Wellfleet Community Forum will be holding a pre-town meeting event to answer any questions anyone might have regarding town meeting.

II. *Consent Agenda*

- A.** 36th Annual Swim for Life ~ Provincetown Community Comp, ~ Great Pond, September 9, 2023; 8am-11am. ~ **Chair Curley Moved this out of consent agenda.**

Chair Curley explained he took this out of the consent agenda because there was no fee attached with the motion, there is a \$300 fee for swim events.

Chair Curley Moved; Board Member Wolf Seconded and it was voted to approve the use of great pond for the 36th annual swim for life event to be held on September 9, 2023, from 8am – 11m for a fee of \$300.

Roll Call Vote: 5-0

- B.** Appointment to the Recycling Committee as an alternate ~ Carol Magenau
Chair Curley Moved; Board Member Wolf Seconded; and it was voted to appoint Carol Magenau as an alternate to the Recycling Committee for a term of three years to end on June 30, 2026.

Roll Call Vote: 5-0

III. *Public Hearings ~ Board Member DeVasto Recused himself from all shellfish hearings.*

- A.** **Deleting Section 7.22 Hydraulic Harvesting of Shellfish from Grant Areas**
from the Town of Wellfleet Shellfishing Policy and Regulations
Chair Curley moved to open hearing A:

Civetta spoke to the board, stating that there were a few fishermen that didn't like the idea of hydraulic harvesting in the grant areas, and she explained the Shellfish Advisory Board spoke about this a number of meetings and eventually voted to delete this section from the regulations. Chair Curley asked if there were any public comments. S. Pickard came to the microphone he read from the shellfish minutes and stated it says to prohibit it, not to remove it. He asked for an amendment. There was discussion, they asked Corbo who was present to see if they could amend the motion to prohibit, Corbo explained that yes, the board could change the language.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to amend Section 7.22 Hydraulic Harvesting of Shellfish from Grant Areas to read Section 7.22 Hydraulic Harvesting of Shellfish from Grant Areas is Prohibited and further the use of hydraulic harvesting gear for the purpose of harvesting shellfish from within the boundaries of a licensed areas is prohibited and to strike the remainder of Section 7.22.

Roll Call Vote: 4-0-1

Curley moved to close public hearing A.

- B.** Assignment of shellfish grant license # 95-16 consisting of approximately 0.92 acres on Egg Island to the Dec. 20, 2022, lottery winner Ross Scherma (Wellfleet, MA).

Chair Curley Opened Public Hearing B

Civetta gave an update on this grant and stated the Scherma won the lottery for this grant at the lottery in December of 2022. Bacon thanked Scherma for his patience during this process.

Chair Curley Moved; Board Member Bacon Seconded, and it was voted to approve the application from Ross Scherma for shellfish grant license #95-16 consisting of approximately 0.92 acres on Egg Island for a term ending April 30, 2025.

Roll Call Vote 4-0-1

Chair Curley Closed Public Hearing B

- C.** Application received on 2/21/2023 from Russ Apgar (Wellfleet, MA) for the renewal of shellfish grant license #s 95-27/28 consisting of approximately two acres on Egg Island for ten years and 28 days beginning April 2, 2023, and expiring April 30, 2033.

Chair Curley opened Public Hearing C

Civetta spoke to this application, stating that most of the hearing items moving forward would be easy as they are all in compliance.

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the application received on February 21, 2023, from Russ Apgar for the renewal of shellfish grant license #'s 95-27/28 consisting approximately of two acres on Egg Island for a term expiring April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing C.

- D.** Application received on 3/31/2023 from Edwin C., Jr. (Wellfleet, MA) and Lisbeth Berrio (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-11/12 consisting of approximately two

acres on Egg Island for nine years, seven months, and three days, beginning September 27, 2023, and expiring April 30, 2033.

Chair Curley opening Public Hearing D

Civetta spoke to this renewal stating there were no issues,

Chair Curley Moved; Board member Carboni Seconded; and it was voted to approve the application received March 31, 2023, from Edwin C. Jr., Elisabeth Berrio, and Jeffrey Pickard for the renewal of shellfish grant license #2 95-11/12 consisting of approximately two acres on Egg Island for a term ending April 30, 2023.

Roll Call Vote: 4-0-1

Chair Curley closed public hearing D.

Chair Curley moved Board Member Carboni seconded, and it was voted to reconsider the previous vote.

Roll Call Vote: 4-0-1

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the application received March 31, 2023, from Edwin C. Jr., Elisabeth Berrio, and Jeffrey Pickard for the renewal of shellfish grant license #2 95-11/12 consisting of approximately two acres on Egg Island for a term ending April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley moved to close public hearing D.

- E. Application received on 3/28/2023 from Jacob Dalby (Wellfleet, MA) and Justin Dalby (Wellfleet, MA) for the renewal of shellfish grant license #s 95-31/32 consisting of approximately two acres on Egg Island for 10 years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Chair Curley Opened Public Hearing E.

Civetta spoke to this renewal again stating there were no issues and that the applicants were in full compliance.

Chair Curley Moved; Board member Bacon Seconded; and it was voted to approve the application dated March 28, 2023, from Jacob Dalby and Justin Dalby for the renewal of shellfish grant license #'s 95-31/32 consisting of approximately two acres on Egg Island for a term ending April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing E.

- F. Application received on 4/3/2023 from Andy Jacob (Wellfleet, MA) for the renewal of shellfish grant license # 16-01 consisting of 0.78 acres on Old Wharf Point for ten years, one month, and six days beginning March 24, 2023, and expiring April 30, 2033.

Chair Curley Opened Public Hearing F.

Civetta again stated there were no issues with this renewal.

Chair Curley Moved, Board member Bacon Seconded; and it was voted to approve the application dated on April 3, 2023, from Andy Jacob for the renewal of shellfish grant license #16-01 consisting of 0.78 acres on Old Wharf Point for a term to end April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Moved to Close Public Hearing F.

- G. Application received on 4/3/2023 for the transfer of grant license # 16-01 consisting of 0.78 acres on Old Wharf Point from Andy Jacob (Wellfleet, MA) to Andy Jacob and James Kearing (Wellfleet, MA).

Chair Curley Opened Public Hearing G

Civetta explained the transfer of this license. She stated James meets all the requirements to be added to this grant.

Chair Curley Moved; Board Member Bacon Seconded, and it was voted to approve the application dated April 3, 2023, from Andy Jacob to transfer grant license #16-01 consisting of 0.78 acres on Old Wharf Point from Andy Jacob to Andy Jacob and James Kearing.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing G.

- H. Application received on 3/29/2023 from Nate Johnson (Wellfleet, MA) and Rodney Avery (Wellfleet, MA) for the renewal of shellfish grant license #05-01 consisting of 0.99 acres in Loagy Bay for nine years, seven months, and three days, beginning September 27, 2023, and expiring April 30, 2033.

Chair Curley Moved to open Public Hearing H.

Civetta stated that this came before the board last year and it was discussed to sub-divide the grant. Town Counsel was contacted for their opinion. Civetta explained that town counsel explained there needed to be an updated regulation. She stated it was discussed at both the Shellfish Advisory Board and the Selectboard and it was not acted upon. She continued that she wanted to renew the license, so they didn't lose it. Chair Curley stated he was approached about waiving the public hearing fee and the board agreed that the fee would stand. Chair Curley stated he knew there was some conflict.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the application dated March 29, 2023, from Nate Johnson and Rodney Avery for the renewal of shellfish grant license #05-01 consisting of 0.99 acres in Loagy Bay for a term ending April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing H.

- I. Application received on 3/28/2023 from Robert Olson (Wellfleet, MA) and Barbara Olson (Wellfleet, MA) for the renewal of shellfish grant license #s 95-1/2/3/4 consisting of approximately four acres on Egg Island for ten years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Chair Curley Opened Public Hearing I.

There were no issues with this renewal.

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the application dated March 28, 2023, for the renewal of Shellfish grant license #'s 95-1/2/3/4 consisting of approximately four acres on Egg Island for a term to end April 30, 2033.

Chair Curley Closed Public Hearing I.

- J. Application received on 4/4/2023 from Michael Seiser (Wellfleet, MA) and Will Barrio (Wellfleet, MA) for the renewal of shellfish grant license #s 95-17/18 consisting of approximately two acres on Egg Island for ten years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Chair Curley Opened Public Hearing J.

Civetta spoke to this application stating this was again a good standing grant with no issues.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the Application dated April 4, 2023, from Michael Seiser and Will Barrio for the renewal of shellfish grant license #95-17/18 consisting of approximately two acres on Egg Island for a term ending on April 30, 2033.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing J.

- K.** Application received on 4/4/2023 for the transfer of shellfish grant license #s 95-17/18 consisting of approximately two acres on Egg Island from Michael Seiser (Wellfleet, MA) and Will Barrio (Wellfleet, MA) to Michael Seiser, Will Barrio and Krista Lee (Wellfleet, MA).

Chair Curley opened Public Hearing K.

Civetta stated that Krista Lee was in good standing and able to on this grant.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the application dated April 4, 2023, for the transfer of grant license #'s 95-17/18 consisting of approximately two acres on Egg Island from Michael Seiser and Will Barrio to Michael Seiser, Will Barrio, and Krista Lee.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing K.

- L.** Application received on 3/23/2023 for the transfer of shellfish grant license #s 771 and 771 Ext, consisting of 1.99 and 0.51 acres respectively, on Old Wharf Point from Berta Bruinooge (Wellfleet, MA) and Evan Bruinooge (Wellfleet, MA) to Evan Bruinooge and Casey Semple (Wellfleet, MA).

Chair Curley Opened Public Hearing L.

Civetta explained that Berta wanted to come off the grant and add Casey, Evan read a letter to the board in support of adding Casey to the grant. He explained what great experience she had and has been involved with his grant since she was 12 years old.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the application dated March 23, 2023, for the transfer of shellfish grant license #'s 771 and 771 ext. consisting of 1.99 and 0.51 acres respectively, on Old Wharf Point from Berta Bruinooge and Evan Bruinooge to Evan Bruinooge and Casey Semple.

Roll Call Vote: 4-0-1

- M.** Application received on 4/4/2023 for the transfer of shellfish grant license # 2008-02 consisting of 1.5 acres on Field Point from Clinton Austin (Wellfleet, MA) to Clinton Austin and Kaitlyn Sarazin (Wellfleet, MA).

Chair Curley Opened Public Hearing M

Civetta spoke to this transfer, stating that like the other applicants Kaitlyn has all the experience to be added to this grant.

Chair Curley Moved, Board Member Wolf Seconded; and it was voted to approve the application dated April 4, 2023, for the transfer of Shellfish

grant license #2008-02 consisting of 1.5 acres on Field point from Clinton Austin to Clinton Austin and Kaitlyn Sarazin.

Roll Call Vote: 4-0-1

Chair Curley Closed Public Hearing M.

- N. CONTINUED FROM 3/21/2023** ~ Application received 1/18/2023 for the transfer of shellfish grant license #s 855, 855-B and 855-C totaling approximately 3.6 acres on Field Point from Michael DeVasto (Wellfleet, MA) and Michael Ramsdell (Wellfleet, MA) to Northern Collective, Inc. (Wellfleet, MA).

Chair Curley Re-Opened Public Hearing N.

Civetta spoke to the board, stating that the board continued this hearing to get advice from town counsel. She stated there was some correspondence and they had met, Corbo was online and spoke to the board giving his legal opinion. He stated he looked at the application, looking at the new regulation that the board put into place back in December of 2022. He spoke about the regulations and explained he would answer any questions that the board and public may have. They discussed this transfer and the liability related to it.

Bierhans spoke on behalf of DeVasto stating he has the right to become a corporation as a small business to protect his liabilities. He stated he was just hearing Corbo's advice at this meeting and didn't have a lot of time to process and respond but would like to have more conversations and explanations. DeVasto spoke to the board regarding his business and making his case as to why he wanted a corporation. There was a lot of debate on this topic.

Ahern questioned the address of DeVasto, stating it wasn't a legal address.

DeVasto answered her questions. There was some back and forth which ended with Chair Curley. The corporation was discussed.

A hardship exemption was discussed, Carboni spoke to Corbo requesting his legal opinion. Chair Curley read the hardship exemption from the regulations.

There was a heated discussion with Chair Curley and DeVasto about hardship and unusual circumstances.

DeVasto withdrew without prejudice.

Chair Curley Moved, Board Member Bacon Seconded, and it was voted to accept the withdrawal without prejudice of the application of the transfer of Shellfish grant license dated January 18, 2023, for the transfer of shellfish grant license #s 855, 855-B and 855-C totaling approximately 3.6 acres on Field Point from Michael DeVasto and Michael Ramsdell to Northern Collective, Inc.

Roll Call Vote: 4-0-1

Civetta questioned her discretion on issuing permits late for newcomers who didn't realize the regulations had changed. She asked about hardship. Chair Curley stated there can be hardship permits issued if a person meets the requirement. The hardship was discussed and there was a lot of disagreement and argument.

Chair Curley Closed Public Hearing N.

- O. CONTINUED FROM 3/21/2023** ~ Application received 1/10/2023 for a grant extension (to be numbered #99-1 Ext) to shellfish grant license #99-1 consisting of approximately .43 acres on Mayo Beach from Angela Osowski (Wellfleet, MA), Robert Mallory (Wellfleet, MA) and Mary Mallory (Wellfleet, MA).

Chair Curley RE-Opened Public Hearing O.

Civetta spoke to this extension, she explained she was contacted by Angela Osowski to continue this hearing to May 23, 2023, as she and Rebecca Taylor are working on a compromise. She stated this is a positive experience.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to continue this hearing to May 23, 2023, at 7:30pm.

Roll Call Vote: 4-0-1

- P. Moratorium on Aquaculture Licenses ~ Section 7.7**

Chair Curley Opened Public Hearing P

Chair Curley explained his intentions with this agenda item. Discussing aquaculture licenses and addressing issues that have been raised regarding LLC's. Bacon Agreed with this moratorium and stated it could be 90 days so that they can focus. They discussed the moratorium and who it would affect. DeVasto stated he was against this moratorium and gave his reasons why. Chair Curley stated he wanted longer than 90 days as the summer is approaching. Corbo stated the board does have the ability to put a moratorium on licenses, he stated the board has some discretion with this moratorium.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to establish a moratorium on the transfer of shellfish licenses as stated in Section 7.7 relative to one of the transferees is a non-natural person until September 30, 2023, including a finding that this action is appropriate in the best interest for the fishery and the environment.

Chair Curley closed Public Hearing P.

IV. Business

- A. Town Administrator Performance Review ~ Selectboard.**

Chair Curley began the discussion of the performance review. Asking the board how they found the process. Carboni stated she felt it was a great process, being able to meet Christine, the new HR director, was nice and felt that was an important aspect of the review. The rest of the board agreed with Carboni's statement, stating that the discussions with Ezersky was easy and important. Waldo was asked if he had any issues with the process, where he stated that he wasn't involved with the process and was pleased that all the members were able to meet with HR. He suggested that in the future if the TA could be involved with those discussions so that he could give some input.

They discussed the review and the process at great length. DeVasto questioned having the staff have some input on this process.

The board went through each section discussing questions that they had, and that Waldo had. The Board was pleased with Waldo's performance.

Bacon proposed to the board that they score Waldo between 7-8 and increase his salary by 5%. There were no objections. Waldo was congratulated by the board on his Master's Degree status in Public Administration.

Board Member Wolf Moved; Board Member Bacon Seconded; and it was voted to increase the score to a 7-8 for Rich Waldo and increase the percent increase of his compensation from 4% to 5%.

Roll Call Vote: 5-0

V. *Selectboard Reports*

A. There were no reports given.

VI. *Town Administrator's Report*

- Waldo explained that he received a letter of resignation from the Health Agent Hillary Lemos. Commending her on all of her work in the town, he explained that she is moving to the town of Eastham. He explained again that the Building Commissioner Jim Badera was no longer in the town, but Victor Staley was working on an interim level and would help with any transition. He stated that the building department would be closed for two afternoons a week so that the building permits are able to be processed. He proceeded to give the hours of the department for the public's knowledge. He stated to the board that the Assistant Town Administrator Rebecca Roughley would be spending one day a week at the building department to help with any issues that are there.
- Waldo announced that Christine Young, the current assistant collector and treasurer, has been hired as the new Principal Clerk and would be supporting the first-floor financial department.
- HE stated that S&P has downgraded the town of Wellfleet bond rating from an AAA to an A with a negative outlook. He gave their reasoning as to why this grade was given.
- The board spoke highly of Lemos and stated they will miss her bright light.

VII. *Topics for Future Discussion*

VIII. *Vacancy Reports*

IX. *Minutes*

A. April 4, 2023

Board Member Bacon Moved; Chair Curley Seconded; and it was voted to approve the meeting minutes as amended for April 4, 2023.

Roll Call Vote: 5-0

X. *Adjournment*

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

Roll Call Vote: 5-0

Meeting Adjourned: 10;15pm