

***Wellfleet Selectboard  
Tuesday June 20, 2023; 7PM  
Hybrid Meeting:  
715 Old Kings Highway/Zoom  
Meeting Minutes***

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

**Others Present:** Richard Waldo, Town Administrator; Kevin LaRocco, Deputy Chief; Nichole Martinelli, full time police officer; Jude Ahern, resident; Diane Brunt, resident; Brad Morris, resident; Tim Sayre, resident; Dan Silverman, Town Moderator; Suzanne Grout-Thomas, Maggie Downey, Cape Light Compact; Josh Yeston, Chair of the Cable Advisory Committee; Jay Norton, DPW Director; James de Iturrondo, Representative for NSTAR/Verizon; Curt Felix, resident, Mike Cicale, Transfer Station Foreman; Carole Ridley, Herring River Restoration Project Coordinator; Chris Allgeier, Dredging Committee; Helen Miranda Wilson, resident; Nancy Civetta, Shellfish Constable

Chair Curley Called the meeting to order 7:27pm

**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.*

Silverman, announced that he was vice president of the Fleet Fund and stated that Moby Dick's restaurant will be holding a fund raiser for the Fleet Fund this coming weekend, inviting all to attend.

Hughes announced he has handed a cease-and-desist order to the members of the Selectboard and the dredging task force members, along with over 200 signatures to stop the mitigation.

Chair Curley announced that the fourth of July parade is still taking applications for floats to be in the parade.

Brunt spoke to the board about the misleading of the agenda stating that the agenda was misleading and should have been posted differently.

**II. *Consent Agenda***

**A.** Appointment of Ryan Curley to Cape Cod and Islands Water Protection Fund

**B.** Contract agreement for M.A. Frazier for Portable Toilets for the 2023 Season

**C.** Bill Iacuesssa & Jenette Kerr, Mass Audubon ~ 2023 State of Wellfleet Harbor Conference ~ November 3, 2023 (for set up); November 4, 2023, 7a:30am-1pm.

**D.** Ratify Collective Bargaining Agreements

Police

Communications

Teamsters

Fire

WEA ~ **Waldo pulled the WEA contracts from the consent agenda.**

**Chair Curley Moved; Board Member Seconded; and it was voted to approve the consent agenda as drafted with the exception of the WEA contract.**

**Roll Call Vote: 5-0**

Waldo spoke to the WEA contract and stated that there were some discrepancies with the Memorandum and asked to bring this back to the board at the first meeting in July. The board agreed and no action was taken.

**III. *Open Meeting Law Complaint ~ (moved up per the chair)***

- A.** Discuss and deliberate response to Open Meeting Law complaint from Jude Ahern dated June 2, 2023.

Waldo spoke to the board about the complaint that was filed, from Ms. Ahern and stated it was referenced wrong. He explained that the content in the packet for the dredging was sufficient to allow the public to know what the board was discussing at the meeting. He referenced the letter of response that was drafted by town council and asked the board to approve it and submit it on behalf of the board to the attorney general. DeVasto stated that there was a public hearing for alcohol at the specific meeting that was listed in the agenda. Ahern questioned if there was a public hearing needed.

**Carboni Moved; Chair Curley Seconded; and it was voted to authorize town council to send the response to the attorney general on behalf of the town.**

**Roll Call Vote: 5-0**

Chair Curley issued a warning to Ahern, which she continued to speak to the and then was removed from the room.

**IV. *Police Appointment***

- A.** Nichole Martinelli ~ Full time Police Officer ~ Deputy Chief Kevin LaRocco  
LaRocco spoke to the board asking them to approve the appointment of Martinelli with the condition that she passes all requirements. Chair Curley questioned what she was looking forward to most? Martinelli stated building relationships with the community.

**Board Member Bacon Moved; Board Member DeVasto Seconded; and it was voted to approve the appointment of Officer Nichole Martinelli to the Wellfleet Police Department.**

**Roll Call Vote: 5-0**

**V. *Structure Discussions and Public Comments***

- A.** Board to discuss and deliberate on discussions on agenda topics and time limits on comments.

Chair Curley stated that this was a short discussion on structures of meetings would be run moving forward. Bacon stated that people who are presenting to the board should be no longer than 30 minutes and let the presenters know ahead of time. Only have one presentation per agenda for the meetings. When an attorney for either the town or for a person on the agenda be moved up to the beginning of the agenda and let the chair know in advance. Chair Curley stated that these would be the rules of the meetings moving forward. DeVasto stated he would like the meetings to end at 10:30pm and then have the board vote if it needs to move forward.

Wilson spoke to the board, stating the public which she is now a member of, wants to hear what each individual wants to say.

**VI. *Special Town Meeting***

**A. Discussion and Confirmation of Fall Special Town Meeting Date ~ Dan Silverman**

Chair Curley asked Waldo to explain why the town was discussing and planning a special town meeting. He explained that some of the projects that the town is working on have been rewarded grants from the state which needs to have borrowing authorization for the extra funding needed. He gave the details on why the special town meeting needs to take place. Explaining there was a deadline of October 15, 2023, stating that's why there needed to be a September special town meeting. Silverman offered a few suggested dates for the town meeting. He suggested Monday September 11<sup>th</sup> or Monday September 18<sup>th</sup>. Chair Curley stated that he is not comfortable having anything on September 11<sup>th</sup>.

**Chair Curley moved; Board Member Seconded; and it was voted to the Town of Wellfleet shall hold their special town meeting on Monday September 18, 2023, at 6pm at the Wellfleet Elementary School Gymnasium.**

**Roll Call Vote: 5-0**

A town election was then discussed, Silverman stating that the board should be in touch with the town clerk.

**VII. *Community Updates***

**A. Affirmative Vote to continue to make Maguire's/LeCount's Landing a resident/taxpayer only beach. ~ Suzanne Grout-Thomas**

Thomas spoke to the board about making Maguire's/LeCount's Landing a resident and taxpayer beach again for the summer, the board discussed that they would need to have a hearing to change this permanently and incorporate it into the regulations.

**Chair Curley Moved; Board Member Seconded and it was voted to approve Maguire's Landing/ LeCount's to be a resident and taxpayer beach only for the summer of 2023.**

**Roll Call Vote: 5-0**

**B. Maggie Downey ~ Update on our energy efficiency programs and planning for the next three-year plan, ~ Cape Light Compact**

Downey spoke to the board stating she had a presentation to update the board on Cape Light Compact. She shared her screen with the board and public giving power rate supplies. She gave highlights for 2023. She spoke about financial help that is available to the public and explained how to get it.

No Action was needed for this agenda item.

**VIII. *Public Hearings – Chair Curley opened the public hearings.***

**A. Verizon and NSTAR dba Eversource Energy to place temporarily six new jointly owned poles and to remove three jointly owned poles near #1000 Chequesset Neck Rd. Wellfleet.**

**Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve Verizon and NSTAR dba Eversource Energy to place six new conduit jointly owned poles temporarily and to remove three jointly owned poles near #1000 Chequesset Neck Rd. amended to state that the parties**

**notify any abutters or homeowners be notified of any service disruption prior to the work being done.**

**Roll Call Vote: 5-0**

- B. Verizon New England to place approximately eight-hundred feet (800') of new conduit provided by Mass DOT, at 1065 Chequessett Neck Rd. Wellfleet MA. Norton requested that this item be continued this hearing to a future date so that they are able to better understand the project and what needed to be done with this project.

**Chair Curley Moved, Board Member Bacon Seconded, and it was voted to continue the public hearing to place approximately eight-hundred feet of new conduit provided by Mass DOT at 1065 Chequessett Neck Rd. until July 25, 2023, at 7pm.**

**Roll Call Vote: 5-0**

- C. Application Received May 26, 2023, for Change of Manager, MJT Enterprises, Inc. dba Blackfish Variety

Chair Curley stated that this was a standard procedure for the town and asked if there were any changes. There we no public comments or comments from the board.

**Chair Curley moved; Board member Bacon Seconded; and it was voted to approve the application submitted May 22, 2023, for the change of manager to MJT Enterprises, Inc. doing business as Blackfish variety located at 1600 State Highway Wellfleet, MA.**

**Roll Call Vote: 5-0**

- D. Application for Special Event Liquor License ~ Craig Whilby ~ July 29, 2023; Newcomb Hollow Beach, 3:00pm – 10:00pm. ~ See Selectboard Packet for full application.

Chair Curley questioned this event. Thomas spoke to the board stating that this event is for profit with alcohol at a beach that is a non-alcoholic beach. LaRocco spoke to the board stating he had some severe concerns about this event stating that there wasn't enough staff for this event and doesn't feel it is a place to hold event. Pauley spoke to the board stating he feels the same as the other department heads. Bacon stated that she would like to cancel this event for this and suggested he postpone it to after Labor Day.

**Chair Curley Moved; Board Member Wolf Seconded, and it was voted to deny the application of special liquor license for July 29, 2023, from Craig Whilby for Newcomb Hollow Beach.**

**Roll Call Vote: 5-0**

IX. ***Use of Town Property***

- A. Neal Nichols Jr. ~ Baker's Field Pavilion and other shaded places around the area for children's art classes.

Chair Curley stated that this has been done for a number of years, Thomas spoke to the board stating she had no issues as Neal has done this many years.

**Chair Curley Moved; Board member Bacon Seconded, and it was voted to approve the use of Baker's Field Pavilion and other shaded areas in the Mayo Beach/Baker's Field vicinity for the various dates and times listed on**

**the application, for a fee of \$200 and to waive the requirement for the presence of town recreation staff as has been done in previous years.**

**Roll Call Vote: 5-0**

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

- A.** Renewal of Board/Committee Members ~ Please see list in Selectboard Packet. Chair Curley explained that there are some changes that needed to be made. He explained the changes. Ken Granlund for the Board of Health, Jim Hood for the Board of Water Commissioners, Jan Plaue, The Community Preservation Committee, were all up for reappointments. He also spoke about the Clean Water Advisory Committee needing to be disbanded as there is overlapping with the water commissioners and a staff person was approved at the most recent town meeting. Felix spoke to the board stating that he needs more clarification on how this committee needs to run further.

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the list of board and committee members highlighted in the June 20, 2023, Selectboard packet for the appropriate terms listed on the town's application for board and committee members. To be sworn in by the Town Clerk before voting the next scheduled board/committee meeting, and to review the code of conduct with the addition of Ken Granlund, For the Board of Health, Jim hood for the Board of Water Commissioners, Jan Plaue, for the Community Preservation Committee, and the removal of Curt Felix and John Cumbler from the Clean Water Advisory Committee.**

**Roll Call Vote: 5-0**

Sayre spoke to the board to the board stating that there are people being asked to join boards and committees and stated there is a prejudice to certain people.

**XI. *Business***

- A.** Transfer Station Fees Amendments ~ Michael Cicale will present the changes to the fees for the selectboard to support. Norton spoke to the board about the fees being changed and amended. Norton filled them in on the changes that have been fully supported by the Board of Health. Bacon questioned the amnesty day and observed that it was a lot less participation than the town has seen in the past. Chair Curley stated he didn't like how the transfer station stickers were being sold currently. The board discussed the fees and the reason for the upcharge. Cicale spoke to the board explaining that fees have not been changed, amended, or increased in over 15 years.

**Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the transfer station fees as provided in the Selectboard packet for tonight's meeting to go to the board of health to hold a public hearing.**

**Roll Call Vote: 5-0**

- B.** Authorization to accept a \$14,690,000 grant from the National Oceanic and Atmospheric Administration for the Herring River Restoration Project ~ Carole Ridley

**Carboni recused herself from this agenda item.**

Ridley spoke to the board and happily announced that grant that has been awarded to the project. She explained the work that would take place moving forward. Hughes spoke to the board asking if acreage would be reduced.

**Chair Curley moved; Board member DeVasto Seconded; and it was voted to accept the grant of \$14,690,000 from the NOAA Transformation Habitat Restoration Program to help fund construction of Phase 1 of the Herring River Restoration Project, and to authorize the Town Administrator to take all steps necessary to accept the award.**

**Roll call Vote: 4-0-1**

**C. Dredging Mitigation**

**Board Member DeVasto Recused himself from this agenda item.**

Allgeier and Felix spoke to the board stating that they are still working with the Army Corps of Engineers on a weekly basis to discuss the mitigation site. He stated that the Herring River site could be completely eliminated. There were some questions from the board, discussing the shellfish department's role. Felix spoke to the board discussing water quality. The board continued to discuss the mitigation and the concerns with the plan. Bacon stated that she is optimistic with this plan, knowing that the Army Engineer of Corps is working with Allgeier and felix to move this project forward. Board member Wolf had some questions for Felix with regard to the water quality. Waldo was questioned about the deadline for the Mass Works Grant being June 30<sup>th</sup>. He stated that the grant agency has reached out and repackage this award to the next fiscal year. Brunt spoke to the board stating that the mitigation team has been asked to go back to the army corps and asked to change certain things with the mitigation plan and states that they are not. Waldo spoke to the comment about not being informed and stated that was an incorrect statement. Explaining the point of the meetings is to go through the changes and then report back to the board. Water quality was a large portion of the conversation. Civetta spoke to the board about regulation changes and how the board is involved with such changes and the management. Hughes spoke again to his rights as a resident. Morris spoke to the petition that was brought to the board with over 200 signatures to stop the mitigation plan. Brunt spoke again to the board reading an email.

**No vote was taken at this meeting.**

July 11<sup>th</sup> was discussed as the next meeting to have this discussion.

**D. Awarding of the dredging contract ~ Burnham (no public comments to be accepted for this agenda item)**

Robins spoke to the board explaining how the award would work and when it would be awarded to the town.

**Board Member Carboni Moved, Chair Curley Seconded, and it was voted to approve the award of the dredging project to the vendor Burnham subject to that all criteria are met and subject to a request to extend the time to enter into a contract the maximum amount of time allowed by law.**

**Roll Call Vote: 4-0-1**

**E. Joe Pellegrino ~ 100<sup>th</sup> Birthday Recognition**

**Chair Curley moved; Board Member seconded, and it was voted to issue the recognition to Joe Pellegrino of Wellfleet recognizing his centennial birthday on the 4<sup>th</sup> of July.**

**F. Staffing Update**

Chair Curley asked Waldo to give a brief update on staffing. Waldo explained he has two people who are being interviewed to fill the Assistant Town Administrator and Treasurer. He explained the interim to come and work as the ATA to help keep the town running. He explained that this person has a lot of experience in town government and the interim treasurer has some availability to come and work weeknights and evenings over the weekend to also help keep the town running. He explained he is in the process of offering the job of Building commissioner to a top-rated applicant.

**XII. *Selectboard Reports***

- A.** Bacon reported that she is working with the recycling committee to get an article on the special town meeting warrant banning the use of plastic nip bottles in the town of Wellfleet much like the town of Brewster recently passed at their town meeting.

**XIII. *Town Administrator's Report***

- A.** Chair Curley spoke to the Shellfish Department's report. He spoke to Civetta reading the charter about all licensing and applications be kept in the Administrations office. He read the bylaw to the public. Civetta explained that she understood the process and explained how it currently works.

**XIV. *Topics for Future Discussion***

- A.** Town meeting information will be on the next few meetings.  
**B.** Wolf would like a professional surveyor to come and survey the grants.

**XV. *Minutes***

- A.** June 6, 2023, Carboni made an amendment on page 3 to have better clarification on the sticker agenda item.

**Board Member Bacon Moved; Board Member Carboni, seconded; and it was voted to approve the meeting minutes of June 6, 2023, as amended.**

**Roll Call Vote: 5-0**

**XVI. *Adjournment***

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

**Roll Call Vote: 5-0**

**Meeting adjourned 10:30pm**