

***Wellfleet Selectboard
Tuesday August 8, 2023; 7pm
Hybrid Meeting: Zoom/715 Old King's Highway
Meeting Minutes***

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

Others Present: Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Tim Sayre, resident; Carole Ridley; Herring River Restoration Project Coordinator; Christa Drew, Herring River, Chris Merl, resident; Diane Brunt, resident; Jude Ahern, resident; Lisa Dexter, resident; Jilliam Minahan, applicant for use of town property; James Wright, Minivan Productions; David Formato, Onsite Engineering

Chair Carboni Called the meeting to order at 7:01pm

I. *Announcements 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 Carboni opened comments to the board first there were none. Merl spoke to the board about 2 public hearings on the corporation's potential for shellfish grant holders. He questioned why the board would have 2 public hearings. He also stated he had questions about the meeting with town counsel and wondered why there was a meeting without the members of the community who he stated were the clients and didn't feel it should be confidential.

Brunt spoke to the board, reading documents regarding the mitigation plan and dredging. She spoke about the Shellfish Advisory Board meeting held on August 7, 2023.

Curley stated that no member of the board can bind the board on how many public hearings are held.

Carboni spoke to the public stating that there will be a public hearing held on September 5th to address the shellfish regulations and the policies and wanted to make sure there was ample opportunity for people to discuss their thoughts and feelings.

Sayre spoke to the board stating that at the shellfish advisory meeting, money has already been spent on mitigation efforts he felt this was a misuse of funds.

Ahern spoke to the board about 23B regarding Chair Carboni being a land use lawyer. Merl spoke again, about dredging and using matching funds.

Dexter spoke to the board about the wild shellfishing and stated that she has been wild fishing for over 20 minutes, she stated it took her over 2 hours to dig 100 oysters. She had a complaint about a resident shellfishing and taking illegal sized oysters, she feels they shouldn't be allowed to shellfish there.

II. *Consent Agenda*

A. Amendment to Community Preservation Committee Grant Agreement ~ Jennifer Elsensohn

Board Member DeVasto, Board Member Wolf Seconded; and it was voted to approve the consent agenda as amended.

Roll Call Vote: 5-0

III. *Public Hearings*

- A. CONTINUED** from 06/20/2023 - Verizon New England to place approximately eight-hundred feet (800') of new conduit adjacent to 1065 Chequessett Neck Rd. Wellfleet MA

Wes Stinson spoke to the board about the purpose of installing the cable conduit. It will be provided by the contractor itself. He explained the original application had some misinformation in it and explained the edits and what they were planning to do.

Chair Carboni questioned if there were any questions from the board or the public. Yeston questioned if it would interrupt any services, Stinson explained that no he had no expectations of disruption.

Board Member DeVasto Moved; Board Member Curley Seconded; and it was voted to approve the placement of approximately 800 feet of new conduit adjacent to 1065 Chequessett Neck Road, Wellfleet MA.

Roll Call Vote: 5-0

IV. *Use of Town Property*

- A.** Wellfleet Skate Park ~ Jillian Minahan ~ Skate Jam; August 24, 2023; 6-9pm. Minahan spoke to the board explaining what they would like to do and how many people will attend. She wasn't sure exact numbers she stated it would be around 30 people. Bacon questioned if they needed the recreation staff to work the event, she stated no they didn't need recreation staff.

Board Member Curley Moved, Board Member Wolf Seconded; and it was voted to approve the use of the skate park at Baker's Field on Thursday August 24, 2024, for a community skate jam as specified in the application and to waive the fees.

Roll Call Vote: 5-0

- B.** Uncle Tim's Bridge & Cannon Hill Park~ James Wright, Minivan Productions~ August 15, 2023, 6am-10am & 3pm-8pm.

Wright spoke to the board about his film, explaining it is a documentary talking about mental health and debunking the stigmatism. Wolf questioned the timing of the start time being 6am and explaining that it is a residential area. It was explained to them the film will have no audible sound. Bacon questioned if the residents and guests could still use the bridge while they are filming. He explained that they would have to stop people for no more than 3-4 minutes. She also questioned if there were any props needed in the filming.

Board Member Wolf Moved; Board Member Seconded; and it was voted to approve James Wright of Minivan Productions the use of Uncle Tim's Bridge and Cannon Hill Park for the filming of a documentary on Tuesday August 15, 2023, from 6am-10am and 3pm-8pm and the fees to be waived.

V. Business

A. Approval of Agreements with Friends of Herring River to Support Herring Chair Carboni recused herself from this agenda item.

River Restoration Project Implementation~ Carole Ridley & Christa Drew
Drew spoke to the board explaining what this agreement is and how it will benefit the town. Curley expressed his concerns about the length of time it has taken the town administrator to respond to the grant agreement request that was submitted in January and the inadequacy of the initial grant agreement that was put before the board in May, the amount of time between then and now shows. Waldo stated that all documents have been before town counsel. Blakely spoke to the board asking who oversees the day-to-day operations. Waldo stated that Wes Stinson is the project manger who sees the day-to-day operations. Ridley spoke to the accusations made from Curley she explained why this process was such a long one and stated there were many approvals and pieces that needed to be put together. She gave more information on this project and modifications that were made. Sayre continued to question the board, agreeing with Curley. DeVasto stated he was he person who was afraid it would delay the project and then was told it wouldn't Wolf asked to hear more from Sayre and his objections, explained his objections.

Board Member Curley Moved; Board Member DeVasto Seconded; and it was voted to authorize the town of Wellfleet to approve and execute an agreement with Friends of Herring River to allow the use of up to \$375,000. In technical Assistance funds granted to the Town by US Department of Agricultural Natural Resource Conservation Service for the purpose of completing construction plans and bid documents for the Chequesset Neck Bridge, low-lying road elevation and culvert replacements, and work to protect structures on three private properties.

Roll Call Vote: 4-0-1

B. Approval of concept/layout of the proposed wastewater treatment facility system and leaching fields, 95 Lawrence Hill Project ~ David Formato, Onsite Engineering

Formato, spoke to the board explaining the project and showing them a larger map of what they have in their packets. He spoke to the different aspects of the project. He spoke of Phase 1 and Phase 2. He gave details of each phase. The board had some questions concerning the IA septic tanks, Formato stated that in the original plan, but they have since learned there were better recommendations for the project. Wolf also questioned the air pumps and the sound that they make he asked will the sound be addressed as it won't affect the abutters. Formato explained that the tanks are in a soundproof room and the noise would be a very dull background sound. They discussed the "nuts and bolts" of the project. Sayre spoke to the board again; he questioned what was the closest private well to the leaching fields. Formato explained where the closest wells were. Curley asked if a backup power supply would be included at a higher percentage of design completion? Formato confirmed that this was the case and discussed furl options. Waldo asked about potential noise from the backup power supply. Formato stated it would have similar noise mitigation features. Blakely spoke to

the board questioning if the town will be taking care of it or will there be someone designated to take care of the project. Waldo stated he wasn't sure who would be taking care of the project, but it would be addressed in the future. Formato explained how this system would be run. Blakely questioned if the someone at the DPW would be trained and licensed for this. Waldo stated it takes time for a class 4 license. Explaining there are more details that need to be worked out. Ahern questioned that there was someone who was approved at town meeting. She continued to speak to the board. She interrupted the board and there was a point of order called.

Board member Curley Moved; Board Member Seconded; and it was voted to approve the schematic 95 Lawrence Hill Development Treatment Facility Site Plan and Effluent Disposal System Site Plan as shown in drawings C-1 and C-2 prepared by Onsite Engineering, Inc. dated May 31, 2023, and to authorize Onsite Engineering to proceed into the design and permitting of those layouts for the purpose of securing a Groundwater Discharge Permit from Mass DEP.

Roll Call Vote: 5-0

- C. Town Meeting Warrant ~ Review and voting on remaining articles.

Chair Carboni asked Waldo to discuss the warrant and remaining articles.

Waldo shared his screen; he began by announcing that there will be childcare at town meeting on September 18th. He moved on the Articles 1 and 2 which the board will reserve recommendation until August 15th when the warrant will be closed and sent to the printer. He moved on to the 95 Lawrence Road Wastewater Treatment Facility, he explained the changes that town counsel and bond counsel made and why these changes were made.

Board Member DeVasto Moved; Board Member Reconsider the vote to insert and recommend the article on 95 Lawrence Hill Wastewater Treatment Facility Phase 1

Board member DeVasto moved; Board Member Wolf Seconded; and it was voted to insert and recommend the Lawrence Hill Wastewater Treatment Facility Phase 1.

Roll Call Vote: 5-0

Waldo moved to the Enhanced Innovative & Alternative Septic Program article; he explained the changes of that article.

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to recommend the article for enhanced innovative & Alternative Septic Program

Roll Call Vote: 5-0

The moved on to the Maurice's Campground, housing planning funds, Waldo explained this is on the warrant as a failsafe in case the ARPA grant wasn't approved, he stated they have the application in for the ARPA grant. The board discussed and agreed to take no action on this item and wait to see if the funds are granted and if not, the article should be removed.

No Action was taken.

Waldo moved on to the Inclusionary Zoning Bylaw Amendment

Board Member Curley Moved; Chair Carboni Seconded; and it was voted to insert the Zoning Bylaw Amendment, Inclusionary Zoning into the fall special town meeting warrant.

Roll Call Vote: 5-0

Board Member Curley Moved, Board Member DeVasto Seconded; and it was voted to insert and recommend the Zoning Bylaw Amendment, Cottage Colonies into the special fall town meeting warrant.

Roll Call Vote: 5-0

The board discussed the intensity of use of multi-family dwellings.

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to insert the Zoning bylaw amendment – intensity of use of Multi-Family Dwellings.

Roll Call Vote: 5-0

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to recommend the Zoning Bylaw amendment – intensity of use of Multi-Family Dwellings.

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

Zoning Bylaw Amendment- Definition of Trees was the next article to be voted on.

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to insert and recommend the Zoning Bylaw Amendment – Definition of Trees into the special fall town meeting warrant.

Roll Call Vote: 5-0

Zoning Bylaw Amendment – Cutting of Timber was discussed; Sayre spoke to the board about this article. He stated some seashore policies and his concern.

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to insert Zoning Bylaw Amendment-Cutting of Timber into the special fall town meeting warrant.

Roll Call Vote: 5-0

There was discrepancy on the Local Notable Trees, Curley stated that it was referred to the Planning Board for a public hearing, Board Member Bacon agreed that is what she remembered. Eldridge stated she listened to the meeting but would go back and listen again. No action was taken.

Animal Control Bylaw was discussed next, Waldo explained that he sat down with the animal control officer and had spoken with town counsel. Curley wanted to split the articles moving article 4 to its own.

Chair Carboni asked Waldo to separate them and bring it back to the board at the next meeting. There was more discussion on dogs on the beach. Chair asked about the revision of the article.

No Action was taken on this article.

Curley asked him to clarify the special election warrant. Waldo explained there are 2 questions, he stated what they were. He explained why one of the articles were removed. Waldo stated he will do his best to get documents in for the packet, but he will have the final product by Tuesday's meeting.

- D. Draft Response from town counsel regarding Open Meeting Law Complaint filed, June 28, 2023, Judith Ahern.**

Waldo explained the process on the draft response. Curley spoke to the complaint, he stated he disagreed with town counsel, stating he believed there was a breach of confidentiality. Curley wanted to strike the entire paragraph. Chair Carboni disagreed with the entire paragraph. Chief Pauley spoke to the accusation stating he resents his character being called out. An amendment was created by the board.

Ahern wanted to address the board, so she yelled at the board stating that the board was lying. She was asked by the police to be removed. The board recessed the meeting for 15 minutes. While Ahern left the meeting.

The meeting reopened at 9:28pm strike the first sentence.

Board Member Bacon Moved; Chair Carboni Seconded; and it was voted to approve as amended the letter written by KP Law in response to the open meeting law filed on July 25, 2023, filed by Jude Ahern, and send to the Office of the Attorney General.

Roll Call Vote: 3-0-1 (Curley Abstained)

VI. *Selectboard Reports*

There were no reports given at this time.

VII. *Town Administrator's Report*

Waldo stated his full report is in the packet and gave a few brief updates. He discussed the fire suppression system at the elementary school, and it should be online or close by the time school reopens in the fall. Bacon questioned the DPW director issuing parking at Mao Beach. Discussion with Harbor or Beach about portable toilets at the pier closer to the harbormaster's office.

Curley spoke about dredging and questioned Waldo if he had submitted the plan, Waldo stated that he had submitted the plan. Curley stated that Waldo did this without the approval of the board and there are financial matters regarding the plan that had not been resolved.

Chair Carboni spoke to the board about attending the Cultural Council meeting.

Curley questioned the injury report with the shellfish constable, he questioned what equipment the town must avoid these accidents in the future.

VIII. *Topics for Future Discussion*

Dredging plan/contract funding question, and alternatives to the mitigation program.

IX. *Vacancy Reports*

X. *Minutes*

A. July 11, 2023, No Action was taken, there were many amendments that needed to be sent to Eldridge.

B. July 13, 2023 – No Action was taken, there were many amendments that needed to be sent to Eldridge.

C. July 18, 2023 – No Action was taken, there were many amendments that needed to be sent to Eldridge.

D. July 25, 2023 – No Action was taken, there were many amendments that needed to be sent to Eldridge.

XI. *Adjournment*

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

Roll Call Vote: 5-0
Meeting Adjourned: 10:15pm

Public Documents:

Community Preservation Grant with amendments
Updated Documents from Verizon for the placement of conduit
Use of Town Property applications from Jillian Minahan & Minivan Productions
Agreement for the Herring River Restoration Project
Maps for the layout of the wastewater treatment facility system at Lawrence Hill
Draft Warrant for Special Fall Town Meeting
Open Meeting Law Documents with KP Law's response
Town Administrator Report
Meeting Minutes of July 11, 13, 18, & 25th