

**Wellfleet Selectboard Meeting  
Tuesday, March 10, 2020 at 7pm  
Wellfleet Senior Center**

**Selectboard Members Present:** Chair Janet Reinhart; Kathleen Bacon; Helen Miranda Wilson; Michael DeVasto; Justina Carlson

**Also Present:** Town Administrator Dan Hoort; Assistant Town Administrator Mike Trovato; Executive Assistant Courtney Butler; Police Chief Michael Hurley; Police Lieutenant Kevin LaRocco; Director of the Department of Public Works Mike Vincent; Shellfish Constable Nancy Civetta

**MA Department of Conservation and Recreation (DCR) staff present:** Commissioner Jim Montgomery; Deputy Commissioner of Operations Nick Gove; Chief of Design and Engineering Patrice Kish

**MA Department of Transportation (DOT) staff present:** Supervising Project Manager Tom Currier; State Highway Design Engineer Andrew Paul

**Stantec staff present:** Project Manager Jill McLaughlin

Chair Reinhart called the meeting to Open Session at 7:00 p.m.

**ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS**

- Wilson asked the audience to pick up after their dogs, citing there has been a lot of messes in Town.
- Reinhart said that if one needs financial help paying their tax bills or would like to donate to the Taxation Aid Committee, one may do so even though there is no Tax Bill Insert indicating such. Information is available from Manny Smith of the Taxation Aid Committee.
- Bacon shared that the Town Clerk is seeking Registrars for the Board of Registrars and to work at the Annual Town Meeting, there are two vacancies. Information can be obtained from Congel on the first floor of Town Hall.

**MEETING WITH MASSACHUSETTS DOT AND DCR TO DISCUSS THE REDESIGN OF THE MAIN ST AND ROUTE 6 INTERSECTION AND THE CAPE COD RAIL TRAIL EXTENSION**

State Representative Sarah Peake and State Senator Julian Cyr were present for the meeting. Rep. Peake gave an update as to where the State is with regard to COVID-19 and said that the Governor declared a State of Emergency today. She noted that Governor Baker asked his staff to work remotely as much as possible and not attend large gatherings, she said it was unclear as to what will happen with regard to Town Meetings. More information will be coming from the State and Rep. Peake was asked to head a MA House Task Force related to these matters.

Senator Cyr said the Senate would be caucusing on the COVID-19 issue and notes the importance of transparency of communications related to the matter. Sen. Cyr said there are 3 projects coming up in the future for Wellfleet: resurfacing of Route 6; Complete Streets project from the Fire Station to Cove Road; and the continuation of the Rail Trail project. He said he has worked with his colleagues to align these projects as best as possible to maximize resources used and safety.

The group, MA DOT, DCR, and Stantec, gave their presentation, "Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination by Stantec, MA DOT, and MA DCR" which will be available as a public record for this meeting and on the Town website.

**Public Comments:**

- Michael Fisher asked about the closure to pedestrians on the trail while construction is going on; Gove said they can configure this in a way to allow pedestrian access
- Steve Oliver asked about the widening of Main Street; Gove said no, there is a proposal to formalize the two lanes exiting Main Street and to add a sidewalk on one side of Main Street. Oliver was not in favor of the terminus at Route 6.
- Wilson, speaking as a citizen, asked if either agency has spoken with the National Park Service about providing a trail through the Seashore. Senator Cyr responded by saying that he spoke with the Park Service and that they very much support the Outer Cape Bike and Pedestrian Master Plan (the Plan) from 2017, which includes a number of alternate plans. He noted that the document consists of largely a Route 6-based spine. Sen. Cyr also noted the Plan was an effort led by the Towns, State, and Cape Cod Commission.
  - Wilson asked if the Plan had a Route 6 terminus; Sen. Cyr noted that the proposal before the group tonight is not consistent with the Plan as it had many split paths, which the community was against previously.
  - Wilson was not in favor of the grass buffers.
- Ryan Curley was not in favor of the terminus at Route 6.
- DeVasto was not in favor of the terminus at Route 6.
- Sheila Lyons was in favor of the project and the terminus at Route 6.
- Barbara Boone was in favor of the phasing of the project and collaboration with the DCR and DOT. Boone was not in favor of the pedestrian work along Route 6.
- Ken Kozak was concerned with the sidewalks being installed on Main Street in front of his business, the Wicked Oyster.
- Peter Cook expressed concerns with the project and asked for a revised traffic-flow study and to readdress safety measures.
- Carlson said she was concerned that the audience was assuming that parents were going to be comfortable taking their children out on the highway and other assumptions around the project.
- Dana Franchitto was not in favor of the project.
- Sharon Rule Agger suggested other options for the project.
- Gerry Parent, speaking as a Planning Board member, said this has not come before the Planning Board. He discussed the construction of the new Cumberland Farms and asked if the curb cuts will change; Paul (DOT) said they will not change. Parent was not in favor of the terminus at Route 6 and suggested alternatives for the project. Paul said there will be a light and crosswalk across Route 6.
- Barb Taylor asked about the sidewalks and the crossings. Taylor asked about the time limit for comments; Paul said the DOT will have a future public hearing around the design and that period is typically is for 30 minutes after the hearing.
- David Agger was not in favor of the terminus at Route 6. He asked if there was any chance this terminus location would change and asked if the group present tonight have been in Town during the summer months; Paul said he has stayed in Wellfleet each summer and has

two siblings who live here year-round, he said he was personally invested in the project and its outcomes.

- Sen. Cyr affirmed his confidence in the project and said it has increased dramatically. He thanked the staff from both departments for being here and for hearing the public. Sen. Cyr noted the difficulty of processing all the information presented tonight and gave the audience his commitment to see this project through while hearing all of the public concerns.

## **BUSINESS**

### ***Opening of Herring River to Shellfishing***

- Wilson moved to open the Herring River area as of sunrise on Tuesday, March 16, 2020, and to close it at sunset on Monday, August 31, 2020, as directed by the Mass. Division of Marine Fisheries.

Bacon asked where this location was; Civetta said it was from the flagpole at the Yacht Club across to the candy stripe pole and includes the Gut, before the Dike. Bacon asked if this was for wild fishing; Civetta said yes for commercial only and the water quality tests came back perfect.

- Bacon seconded, and the motion carried 5-0.

### ***Discuss, deliberate, and take appropriate action against the Open Meeting Law Complaint filed by Jude Ahern on February 19, 2020 regarding Selectboard Executive Session Minutes from April 2019 to current.***

DeVasto abstained from the discussion and left the room. Reinhart noted that the Board will be directing Town Counsel to respond on the Board's behalf. Wilson said that, for the time in question, she was recused for most of it; Wilson abstained and left the room.

Jude Ahern, the complainant, thanked Reinhart for recognizing her. Ahern said that the minutes of Executive Session must reflect public documents referenced or used at a meeting. Hoort noted that the minutes have been amended to reflect such documents. Ahern asked questions regarding the already completed HDYLTA Appraisal.

- Carlson moved to approve the Selectboard's response to the open meeting law complaint filed by Jude Ahern and direct Town Counsel to respond on the Board's behalf.
- Bacon seconded, and the motion carried 3-0, with Wilson and DeVasto abstained.

## **ADJOURNMENT**

- Reinhart moved to adjourn
- Carlson seconded, and the meeting adjourned at 9:36pm.

Respectfully submitted,

Courtney Butler  
Secretary

**Public Records Material as of 3/10/2020**

*Approved March 24, 2020 - A full recording of this video is available through the Town's video archive.*

1. Presentation materials: Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination by Stantec, MA DOT, and MA DCR;
2. Outer Cape Bike and Pedestrian Master Plan;
3. Open Meeting Law Complaint filed by Jude Ahern on February 19, 2020 regarding Selectboard Executive Session Minutes from April 2019 to current;
4. Correspondence Report;