

Approved May 26, 2020 - A full audio recording of this virtual meeting can be found on the Town's website under Wellfleet Town Media.

**Wellfleet Selectboard Meeting
Tuesday, May 12, 2020 at 7pm
Zoom Virtual Meeting**

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

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler

Chair Reinhart called the meeting to order at 7:00 p.m. This meeting was held via Zoom and the recording is available on the Town website.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT

- Audience member Harry Terkanian shared that the Town Administrator Screening Committee has completed 2 rounds of interviews and are moving into the background-check phase. He said this process will take approximately a week.
- Bacon said the Wellfleet Farmer's Market opens tomorrow, Wednesday, May 13 from 8-12 and have safety protocols in place

PUBLIC HEARING

Proposed amendments to the Beach Rules and Regulations:

1. That the required date for Beach stickers be moved up from the third Saturday in June to May 20, 2020, for this year

Beach Administrator Suzanne Thomas recommended to move the requirement for beach stickers be moved to May 20th. This means that any 2019 season stickers and anyone with a 2020 sticker (residents/taxpayers) would be admitted to the beaches. Wilson clarified that this was for residents and taxpayers who may not be full-time residents; Thomas said this was correct. Bacon asked if there would be gatekeepers and lifeguards at the start of May 20th; Thomas said there would be gatekeepers but no lifeguards yet. DeVasto asked if the National Seashore will be requiring stickers to Marconi Beach; Thomas said Marconi Beach usually begins requiring stickers the week before the Town does, so Wellfleet will be 2-3 weeks ahead of the Seashore. DeVasto asked about selling visitor beach stickers; Thomas said she recommended not selling them until mid-June and not allowing them until June 20th, which would provide the Board time for input and feedback. Carlson thanked Thomas and said this was a practical proposal.

Audience member Donna McCaffery was concerned the proposed amendment did not say the exact date when visitor stickers would be allowed; Thomas said this was because that decision, when visitor stickers would be allowed, has not been made yet. Reinhart said the Board is following Governor Baker's orders and waiting for his guidance. DeVasto said that this motion was basically to get stickers to be required sooner, for Memorial Day weekend and further decisions will be made.

Audience member Luke Chapman said that while he believes people should be waiting for guidance from scientists before making decisions about beaches; Wilson said there has been a good amount of science studied and published about this. Bacon said this recommendation was about rolling out the beach sticker sales in a phased fashion, not about restricting beach use.

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Audience member Justin Pechonis asked about eligibility for beach stickers, specifically if a non-resident Town employee could still get a beach sticker; Thomas said employees have been able to purchase stickers at the resident rate. Audience member Matthew Rosenberg expressed concern with those who are renting prior to June 20th not being allowed to go to the beach until that point and asked why this decision was being made without Governor Baker's guidance.

There was further discussion. Fire Chief, Richard Pauley, said he supported this amendment and that the Town is looking at it from a public safety standpoint. Audience member McCaffery asked if other Towns on the Outer Cape will have their beaches open to residents on May 20th and if parking lots will be reduced;

- Bacon moved that the required date for Beach Stickers be moved up from the third Saturday in June to May 20, 2020 for this year.
- Wilson seconded, and the motion carried 5-0.

2. *That only Resident Beach Stickers and Combination stickers be allowed to enter the parking areas starting May 20th*

- Bacon moved that only resident beach stickers and combination stickers be allowed to enter the parking areas starting May 20th.
- Wilson seconded, and the motion carried 5-0.

PROMOTION OF DETECTIVE GERALDINE LAPENSE TO THE POSITION OF SERGEANT

The Board, collectively and individually, congratulated LaPense on her promotion and thanked her for her service. Police Chief Michael Hurley noted that LaPense will be the first female Sergeant officer for the Town. He also said she will be keeping her community policing and mental health services role with the Town.

- Bacon moved to promote Detective Geraldine LaPense to the position of Sergeant effective May 13, 2020.
- Wilson seconded, and the motion carried 5-0.

**COVID-19 UPDATES AND DISCUSSIONS
RENTALS, SHORT-TERM, AND OTHER**

Send a letter to Governor Baker requesting extension of short-term rental restrictions to June 15th

Hoort read a letter into the record from the Chamber of Commerce expressing their feelings, from the business community, regarding short-term rentals. That letter can be found as a public record through the Administration Office. DeVasto said this letter was a request for more time to make a decision and to ask the Governor to consider the unique situation of the Outer Cape and the high rate of turnovers. Carlson was in favor of sending the letter. Bacon said she was not in favor of sending the letter until she knew that other Towns on the Outer Cape were sending one too.

Audience member Wes Chapman was concerned that this decision would destroy the tourism/rental vacation business and suggested that the Town was being fearful and had no reason to worry. Wilson asked the letter to have a sentence asking the Governor to consider the Outer Cape as a whole region. DeVasto said this is not a unilateral approach and the letter urges the Governor to

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allow the Outer Cape to do what the Outer Cape needs to do. He said that just because other Towns are not sending letters, if they are not sending letters, that the letter should not be send.

Audience member Timothy Sayre said that decisions the Board makes impacts a lot of community members in many ways. He asked the Board to wait for the Governor's guidance.

- Bacon moved that the Selectboard send a letter to Governor Baker requesting that he extend the short-term rental restrictions (COVID-19 Order No. 21) until June 15th.
- Carlson seconded, and the motion carried 3-2, with Wilson and Bacon opposed.

Other Recommendations and Updates

Bacon asked to discuss Town Meeting; Hoort said the provision to have Town Meeting after June 30th is in place so long as the Governor's State of Emergency continues through that date. Hoort said that should it have to happen by June 30th, the Warrant would be ready to go but he was not sure if the residents would be ready to go. Bacon asked how the meeting would be conducted before June 30th; Hoort said he is considering many possibilities, including separate meeting areas that are all video streaming together into 1 video conference to allow for social distancing and the greatest number of attendees. Moderator Dan Silverman noted that the logistics of Town Meeting will be hard to figure out and the Town's best course of action right now would be to ask the Governor to extend his current State of Emergency Declaration to ensure Town Meeting can be held in the fall. Silverman said the drive-in was a last resort option; Wilson and Bacon disagreed. There was further discussion.

BUSINESS

Selectboard review and response to Open Meeting Law determination (complaint filed on 10/8/19 by Jude Ahern)

Hoort said the Division of Open Government ruled that the Board unintentionally violated the Open Meeting Law by deliberating in a publicly posted meeting and asked the Board to correct this by include comments from the meeting in question in response to the complaint. The meeting in question is the July 16th presentation on the 208 Plan. Wilson said she recalled referring to the meeting in question at both a prior and following Selectboard meeting. She also noted that the Town has been exemplary in posting meetings in which it is expected that a quorum of the Board will be in attendance. DeVasto asked Hoort if asking a question at a public meeting is the same as deliberating; Hoort said that simply asking a question is not in violation but anytime 3 Selectboard members are together in a meeting, the meeting should be posted to be safe.

- Bacon moved to include the Selectboard comments from the July 16th presentation of the 208 Plan meeting in the Selectboard minutes of this meeting.
- DeVasto seconded, and the motion carried 5-0.

Release of executive session minutes related to 3 Kendrick Avenue

Reinhart said these minutes were already approved and now just needed to be released. Wilson sent amendments to the Board and said these needed to be approved as well.

- Wilson moved to approve the Executive Session minutes of February 26, 2019 as amended.
- Carlson seconded, and the motion carried 5-0.

Hoort said these minutes are now approved for the 2nd time and they are now included.

- Bacon moved to release the Executive Session minutes related to 3 Kendrick Ave.

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

Discussion of Selectboard's use of community social media pages

Wilson asked for this agenda item and said she was concerned that if one Selectboard member expresses any sort of opinion on these pages, she could not go on herself and comment because it would violate the Open Meeting Law. She asked the Board to think about and evaluate how the each participates on the social media pages. Reinhart thought there was a policy that Selectboard members could provide information but not opinions; Butler read from the Selectboard Social Media Policy (found on the Town website) which says "The Town permits the use of social media sites as a means to disseminate information from the Town to the members of the public. Consequently, the Town has both an expectation and a responsibility regarding the integrity and presentation of information posted on its social media sites and the content that is attributed to the Town, its Departments and its officials." She noted that the Town-run Facebook group is *Wellfleet, MA* and that *Wellfleet Community Space* is a resident-run group, although information is often cross-posted to both.

DeVasto said he wishes to amend the Social Media Policy to make it clearer for how Selectboard members comment and respond on Social Media. There was further discussion.

SELECTBOARD REPORTS

- Reinhart: Dredging is moving along
- Reinhart: update on call with Town Managers and Selectboard Chairs
- DeVasto: respond to survey from Eastham Selectperson Aimee Eckman

TOWN ADMINISTRATOR'S REPORT

This report is for the period April 24, 2020 through May 08, 2020.

1. General
 - Town buildings have been closed as precaution to the COVID-19 virus. Police station remains open.
 - Staff has been directed to work from home whenever possible.
 - Staff members sharing an office alternate their time in the office
2. Fiscal Matters
 - FY 21 Budget and CIP requests are under review.
3. Meetings – All meetings are via conference call
 - April 28 – Selectboard/Emergency Management Team (EMT) public forum
 - April 28 – Selectboard meeting
 - April 29 – Emergency Management Team meeting
 - April 30 – Cape Cod Commission public hearing on Herring River DRI application
 - May 4 – Town Hall Administration meeting
 - May 5 - Selectboard/Emergency Management Team (EMT) public forum
 - May 7 – Dredging Task Force meeting
 - May 7 – Outer Cape TA/TMs and Seashore Superintendent
 - May 7 - Outer Cape TA/TMs and Health Agents
 - May 8 – Wellfleet Needs task force
 - May 8 - Outer Cape TA/TMs and Selectboard Chairs

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4. Complaints.

- None, other than usual

5. Personnel Matters:

- Community Paradigm Associates and Town Administrator Screening Committee are now working on search for new Administrator

TOPICS FOR FUTURE DISCUSSION

- Wilson: option to have Town Meeting in June
- Reinhart: Dredging Task Force membership
- DeVasto: short-term rental registration with the Town

CORRESPONDENCE REPORT

Bacon asked how many letters were received regarding short-term rentals; Butler responded that it was upwards of 30.

MINUTES

April 28, 2020

- Wilson moved to approve the minutes of April 28, 2020 as amended.
- Bacon seconded, and the motion carried 5-0.

May 5, 2020

- Wilson moved to approve the minutes of the May 5, 2020 work meeting as amended.
- Bacon seconded, and the motion carried 5-0.

ADJOURNMENT

- Bacon moved to adjourn.
- Wilson seconded, and the motion carried 5-0.

The meeting adjourned at 9:30 pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Documents available as of 5/12/2020:

1. Memo from Suzanne Thomas, dated 4/22/2020, re: Beach Recommendations
2. Memo from Police Chief Michael Hurley re: Promotion of Detective Geraldine LaPense to the Position of Sergeant Town Administrator's report
3. Draft letter from Selectboard to Governor Baker re: short term rental extensions, drafted by Michael DeVasto
4. Letter from the Wellfleet Chamber of Commerce re: Short-term rentals
5. Governor's Order COVID-19 No. 21 – Guidance Implementing the Order by the Governor Extending the Closing of Certain Workplaces and the Prohibition on Gatherings of More Than 10 People, dated March 31, 2020

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6. Open Meeting Law Complaint, response from the Attorney General's office, dated April 29, 2020, re: Response to Complaint Filed by Jude Ahern on October 8, 2019
7. Executive Session Minutes of October 18, 2019; February 26, 2019; and July 23, 2019
8. Discussion of 2018 Plan transcription dated July 16, 2019
9. Selectboard Social Media Policy
10. Town Administrator's Report
11. Correspondence report
12. Draft minutes of the April 28, 2020 regular and May 5, 2020 work meetings