

Approved in draft on July 28, 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, July 14, 2020 at 7pm
Zoom Virtual Meeting**

Selectboard Members Present: Chair Michael DeVasto; Janet Reinhart; Helen Miranda Wilson; Justina Carlson; Ryan Curley

Also Present: Town Administrator Dan Hoort; Assistant Town Administrator Mike Trovato; Executive Assistant Courtney Butler; Police Chief Michael Hurley; Fire Chief Rich Pauley; Moderator Dan Silverman; Town Accountant Gene Ferrari; Health Agent Hillary Greenberg Lemos; Shellfish Constable Nancy Civetta; Community Services Director Suzanne Thomas; Shellfish Constable Nancy Civetta

Chair DeVasto 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

- Wilson thanked Alice Iacuesa for her years of service on the Marina Advisory Committee and her work on a book with John Portnoy and others.
- Wilson announced that tomorrow at 2PM, the MMA is hosting a webinar about Open Meeting Law and Public Records. Those interested can email Butler for the information
- Chief Hurley said the Police Department, in collaboration with other organizations, have been searching for a Beverly, MA man who went missing and whose car was found abandoned over the weekend in the Black Pond Road area. He thanked the community for their support

COVID-19 UPDATES AND RECOMMENDATIONS

July 4 Weekend Recap

Chief Hurley gave a recap of the weekend, which was quiet but there were a lot of drop offs, busses, and Ubers taking people to the beaches. He said there were 16 busses on Saturday at the Town Beaches. DeVasto asked if this was a typical July 4th weekend; Chief Hurley said yes but the drop-offs are a concern, busses are usual. Carlson asked

Chief Pauley said Cahoon Hollow was very busy July 4th, really packed. He said he went down there after hearing the call for additional officers on the beach and went to assist. There, he said there were 60 individuals and some people not getting along. Chief Pauley commended the officers for their efforts in diffusing the situation and keeping everyone safe. Wilson asked if people were social distancing and wearing masks, contrary to what she had heard. Chief Hurley said yes, Friday was more compliant than Saturday, but overall, they have been seeing quite a bit of compliance.

Reinhart said there has been many issues with Cahoon Hollow over the years and that she would love to see the Town limit these drop-off busses and asked how this could be done. Thomas said that it is an annual issue, with the popularity of Cahoon Hollow, and that the density of people on the beach is alarming. She said she is working on a formula to develop a number that will indicate how many people can safely go to the beach during this time. Reinhart said that alcohol adds to the unruliness. Curley asked how often incidents like this occur at Cahoon Hollow; Chief Hurley said last year there were 36-38 busses over the 3-day period, with one arrest due to custody and alcohol; he said this is not an everyday or every weekend problem. He said they can bring in further outside

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help to assist, because he will not put one officer down there alone. Curley said this needs further discussion to decide how to best handle the limiting these types of issues occurring at this location. There was further discussion.

Carlson agreed with Curley, that a thoughtful plan was needed, and she hoped that the Beachcomber would like to be part of the solution. She also cited concern that people who are dropped off for one day at the beach, do not contribute to the economy of the Town. Carlson the Town needed to ask itself if this situation was beneficial, and what the Town, and taxpayers, are getting out of it. Thomas said she would like to have that discussion too, with all parties. DeVasto asked how long this amount of action – of busses getting dropped off – has been going on at Cahoon. Chief Hurley said it has been an 8-to-10-day problem for the last few years. Wilson said that a version of this happened at Newcomb Hollow and that, at the time, it was clear that these larger groups are often organized on social media. She said what is different now, is COVID, and the Town has said you can't use Town property, which includes the beach. Wilson said this gathering of people at the beach is in violation of the Boards vote to not approve uses of Town property.

Annual Town Meeting

Silverman thanked the Board for hearing him this evening and briefed the Board on the items in his memo to them, included in this packet. He noted the members of his Town Meeting Task Force: Butler, Trovato, Lemos, Chief Hurley, Chief Pauley, Media Manager Mia Baumgarten, Town Clerk Jennifer Congel, Fire Cpt. Joe Capello, Building Inspector Justin Post, and DPW Director Mark Vincent.

Silverman said the group has agreed that Saturday, September 12, at 10AM, at the Elementary School Ball Field be the date and location for the Annual Town Meeting. The rain date would be Sunday, September 13. With this date, the Warrant would need to be closed by July 28th. Silverman said another recommendation is that the Board take advantage of special legislation passed and reduce the quorum to 100. He noted that the Town should still be prepared for more than 100 people to attend. Silverman discussed the costs associated with Town Meeting and there was further discussion.

Wilson thanked those who worked on this event and the document. Wilson said her greatest concern is that votes be accurate. She also asked that the use of pesticides or bug repellant be prohibited at the Meeting; she also expressed concerns about masks. Silverman said it will be a visual, or counted, vote (with use of a large, colored piece of paper) – not a voice vote; he said that he agreed with Wilson's concern about pesticides; he said that all attendees will wear masks and that there will be a separate seating area for those who cannot or do not want to. Silverman said that temperatures will also be checked as attendees check in.

Reinhart asked about an early check-in by email; she noted that Orleans had a very successful outdoor Town Meeting. Silverman said he would look into early check-in. Carlson said she would not attend the meeting, and expressed great concern, since she is concerned with COVID. Curley said he was strongly in favor of this plan. He asked what the maximum capacity of the ball field is; Silverman said we did not calculate the maximum capacity, but is comfortable that it can handle upwards of 300 people with at least 6 feet between pairs of chairs. Curley commented that, with

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concern to quorum, could Town Meeting be restricted to Voters and Taxpayers only; Silverman said those who are not voters will be allowed to sit outside the ball field.

DeVasto said that he was glad that the Town waited to do this, so we could see other towns pull off successful outdoor meetings; he is comfortable with this plan. Chief Pauley said he respected Carlson's concerns and thoughts and that this has been very difficult for the task force to put together. He said this is a very well thought out plan and was done in conjunction with other towns, and that the business needs to be done. Chief Pauley asked for the Board's support. Wilson said that she is in the minority with Carlson, but that the legislature did not provide for virtual town meeting. She said it will be more dangerous than not, but the business needs to get done.

- In accordance with Section 2-6-1 of the Wellfleet Charter, and in light of the Selectboard's March 17th emergency declaration regarding the COVID-19 virus, **Wilson** moved to rescind the vote of April 28, 2020 which set October 5, 2020 as the date of the Wellfleet Annual Town Meeting and schedule the Wellfleet Annual Town Meeting for Saturday, September 12, 2020, at 10AM with a rain date of Sunday, September 13, 2020 and a subsequent rain date of Monday, September 14, 2020.
- Curley seconded, and the motion carried 5-1, with Carlson opposed.

Curley asked what happens if all 3 days are rain; Silverman said there is a provision for Moderator's to postpone the meeting should there be weather.

SPAT UPDATE

Michele Insley, from SPAT, gave the update. Carlson said that SPAT wanted to speak about their plans for a virtual OysterFest. Insley described SPAT's efforts to support the community with relief efforts during COVID-19. She said that Wellfleet OysterFest 2020 Virtual Shuck Off: The Shuck Must Go On. The shuck-off will be held and taped at W.H.A.T. theater. The event will be streamed live on YouTube and take place the weekend of October 16 and 17. Check SPAT's website, www.wellfleetspat.org, for more information. The Board thanked Insley for her update and was excited to hear of the event's plan. Chris Ostrom, from W.H.A.T, said that his organization was thrilled to partner with SPAT and to reaffirm their commitment to offer programs and be a platform for the community. Ostrom discussed health and safety guidelines during the event.

BUSINESS

FY20 Year-end Budget Transfers

Ferrari provided the Board with a sheet that says what is available at the end of the year, and any negative amount reflects a department that is in deficit. Ferrari also provided the Board with a journal entry that shows where money is coming from to cover deficits. He noted that departments are still turning bills in and he has until July 15th to send everything to the State; he said this spreadsheet may change slightly, if at all.

- Curley moved to approve the FY 2020 year-end transfers as recommended by the Town Accountant and Town Administrator.
- Wilson seconded, and the motion carried 5-0.

Seasonal Taxpayer Meeting Date

Susan Reverby, of the Seasonal Taxpayer Association, said the date is August 20, 2020 at 7PM. She will be in touch with Butler to post appropriately.

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Assignment of Signing Warrants Task

Wilson, who is currently signing the Warrants, is asking another member to take on this duty. She also said that when the Warrants are signed, the signer is supposed to announce at the next meeting which Warrants were signed. Wilson asked staff to provide a list of all Warrants signed on top of the Warrants for the Board member to provide their update.

- Carlson moved to designate Curley to be the member of the Selectboard to be the sole signer of warrants.
- Wilson seconded, and the motion carried 5-0.

Thank You Letter to Bruce Katcher

Reinhart asked that the Board write the letter thanking Katcher for donating his time and money to the Parking Task Force in their research of

- Wilson moved to send Bruce Katcher a thank you letter for his service to the Parking Task Force, which include the amount he contributed.
- Reinhart seconded, and the motion carried 5-0.

Wellfleet Transfer Station Agreement

Wilson said the Town needs its watershed permit and that she assumes the bidding process was conducted correctly. She was concerned with the contract's lack of method of treatment or options of method of treatment. Lemos said the contract was put out to bid properly with Hoort and Trovato's assistance, and that GHD was the most responsible and qualified bidder. She said this contract is to evaluate a section of the Transfer Station to see if it is possible site for wastewater flow.

Curley said his concern was that this item was not posted appropriately under the agenda, that it was not descriptive enough. Butler asked him to come to her sooner to remedy the agenda in proper time, rather than wait and risk someone filing an Open Meeting Law complaint. Curley asked about the amount of time between putting the contract to bid and getting it; Lemos said this was a normal amount of time. There was further discussion.

- Reinhart moved to approve the contract and authorize the Town Administrator to sign the contract between GHD and the Town of Wellfleet, agreement for professional services for evaluation of the Transfer Station site for wastewater flow.
- Wilson seconded, and the motion carried 5-0.

Maintaining Archive of Virtual Meetings During This Time

Wilson asked to hear how the Town is archiving both audio and video recordings of the meetings that have taken place via Zoom during the COVID-19 Pandemic. Butler shared that the recordings are saved in three separate places and are also on YouTube. She emphasized the fact that these will remain in archive forever, and will not be deleted.

Review of 2020 Annual Town Meeting Warrant

Hoort said the Board should look at Articles 2 (Capital Improvement Plan) and 31 (turning the Local Housing Authority into a Municipal Housing Trust), which were not in the last Warrant that the Board voted Articles into.

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Reinhart asked if some of these articles necessary, and if they vote on 2, will sub-articles 2A-2V, be included in that. Hoort said he felt it would be best to let Town Meeting Voters decide on each article. There was further discussion on each of the articles.

- Wilson moved to **insert Article 2A**, FY2021 Debt Service, and to **recommend** the article.
- Curley seconded, and the motion carried 5-0.

- Wilson moved to **insert Article 2B**, Shellfish Department Pick-up Truck, on the Town Meeting Warrant.
- Curley seconded, and the motion carried 5-0.
- Wilson moved to **not recommend Article 2B**, Shellfish Department Pick-up Truck.
- Reinhart seconded, and the motion carried 5-0.

- Wilson moved to **not insert Article 2C**, Replace two Police Cruisers, on the Warrant.
- Curley seconded, and the motion carried 4-1, with Wilson opposed.
- Wilson moved to **rescind her previous motion**.
- Curley seconded, and the motion carried 5-0.
- Wilson moved to **place Article 2C, Replace one Police Cruiser**, on the Warrant.
- Curley seconded, and the motion carried 5-0.
- Wilson moved to **recommend Article 2C**, Replace one Police Cruiser.
- Curley seconded, and the motion carried 4-1, with Wilson opposed.
 - **Article 2C was inserted and recommended.**

- Wilson moved to **insert Article 2D**, Replace Fire & Rescue Command Car 81, on the Warrant.
- Reinhart seconded, and the motion carried 4-1, with Wilson opposed.
- Wilson moved to **recommend Article 2D**, Replace Fire & Rescue Command Car 81, on the Warrant.
- Curley seconded, and the motion carried 4-1, with Wilson opposed.

- Wilson moved to **place Article 2E**, Replace Fire & Rescue Equipment on Forestry 90, on the Warrant.
- Curley seconded, and the motion carried 5-0.
- Reinhart moved to **recommend Article 2E**, Replace Fire & Rescue Equipment on Forestry 90.
- Curley seconded, and the motion carried 5-0.

- Wilson moved to **insert Article 2F**, Replace Fire & Rescue EMS Equipment, and to recommend the article.
- Reinhart seconded, and the motion carried 5-0.

- Wilson moved to **insert Article 2G**, Replace 2004 Public Works Pick-up Truck, on to the Warrant.
- Reinhart seconded, and the motion failed 2-3, with DeVasto, Wilson, and Curley opposed.
 - **Article will be withdrawn from the Warrant.**

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- Wilson moved to **insert Article 2H**, Replace 2004 Public Works Backhoe, on the Warrant.
- DeVasto seconded, and the motion carried 3-2, with Carlson and Curley opposed.
- Wilson moved to **recommend Article 2H**, Replace 2004 Public Works Backhoe.
- Reinhart seconded, and the motion failed 2-2-1, with Carlson and Curley opposed, and DeVasto abstained.
 - **No recommendation.**
- ***Article 2I Build Equipment Storage Shed at Transfer Station***
- Reinhart moved to insert Article 2I, Build Equipment Storage Shed at Transfer Station, on the Warrant.
- There was no second.
- **No action taken.**
- ***Article 2J Public Works-Replace Guard Shack and Build Canopy Extension at Transfer Station***
- Wilson moved to insert Article 2J, Public Works-Replace Guard Shack and Build Canopy Extension at Transfer Station, on the Warrant.
- There was no second.
- **No action taken.**
- ***Article 2K Replace Baker Field Recreation Area Backstops***
- Wilson moved to insert Article 2K, Replace Baker Field Recreation Area Backstops, on the Warrant.
- Carlson seconded, and the motion
- **No action taken.**
- ***Article 2L Repair and Improve the Beach Bathrooms***
- **No action taken.**
- ***Article 2M Replace Bandstand Awning at the Pier***
- Wilson said this is the kind of thing that can wait.
- Curley moved to recommend and insert Article 2M, Replace Bandstand Awning at the Pier.
- Carlson seconded, and the motion failed 0-5.
- **Article will be withdrawn**
- ***Article 2N, Replace Swap Shop Building at the Transfer Station***
- Wilson moved **not to insert Article 2N**, Replace Swap Shop Building at the Transfer Station, on the Warrant.
- Reinhart seconded, and the motion carried 5-0.
- **Article will be withdrawn.**
- ***Article 2O, Nauset Regional School District Capital Improvements***
- Wilson moved to **insert Article 2O**, Nauset Regional School District Capital Improvements, and to **recommend** the article.
- Reinhart seconded, and the motion carried 5-0.

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- ***Article 2P, Wellfleet Elementary School Playground Replacement***
- **No action taken.**

- ***Article 2Q, Wellfleet Elementary School Fire Suppression Study***
- Curley moved to **insert Article 2Q**, Wellfleet Elementary School Fire Suppression Study, and to **recommend** the article.
- There was no second.
- **DeVasto moved to rescind the previous motion.**
- Curley seconded, and the motion carried 5-0.
- **No action taken.**

- ***Article 2R, Wellfleet Elementary School Computer Replacements***
- Wilson moved to **insert Article 2R**, Wellfleet Elementary School Computer Replacements, and to recommend the article.
- There was no second.
- **DeVasto moved to rescind the previous motion,**
- Curley seconded, and the motion carried 5-0.
- **No action taken.**

- ***Article 2S, Public Works-Substation Roof Replacement***
- **No action taken.**

- ***Article 2T, Public Works-Lt. Island Road Improvements***
- **No action taken.**

- ***Article 2U, Public Works-Duck Creek Revetment Engineering***
- **No action taken.**

- Reinhart moved to **insert Article 2V**, Beach Department-Portable Repeaters, and to **recommend** the article.
- Wilson seconded, and the motion carried 5-0.

Curley asked to move the request for police cameras from FY22 to FY21, given the current circumstances. Chief Hurley said the hope was for the State to fund body cameras 5 years ago, and this was under a 10-year Capital Improvement Plan under Chief Fisette, with the hope to offset funding from the State. He said he would have to come back with an actual number for the cost of the cameras, as the current number is a placeholder. Wilson agreed that this was a valuable tool but asked, saying that there was a very good presence in the department now, if this would have helped during an incident such as July 4th. Chief Hurley said it is a matter of simply recording the incident and that its benefit is to the department, in providing an account of the incident in lieu of witnesses. No action was taken.

The Board will revisit and close the Warrant on July 28th. Curley asked about Article 19, Other Post-Employment Benefits (“OPEB”) Appropriation; Hoort said he would have more information

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on the 28th. Wilson said there was a typo in Article 30, an Unclassified Article regarding High Toss Road; she said that it should read as “...to see if the Town will vote to accept as a town way the road known as High Toss Road, between Pole Dike Road and ~~Rainbow Lane~~ Duck Harbor Road...” Hoort said that this has already been corrected.

Approval of Lease for Cahoon Hollow Parking Lot

Curley asked that the Beachcomber be responsible for trash removal and providing restrooms. Hoort said the Beachcomber does put out restrooms, as does the Town, and that he would have to look at trash. He said these could be revisited when it went out to bid next year.

- Curley moved to approve the lease for the Cahoon Hollow Parking Lot and authorize the Town Administrator to sign it, with the Wellfleet Beachcomber.
- Carlson seconded, and the motion carried 5-0.

SELECTBOARD REPORTS

- Wilson: attended NPS/Town-owned land transfer meeting; sent notes to Board

TOWN ADMINISTRATOR’S REPORT

This report is for the period June 20, 2020 through July 10, 2020.

1. General

- Portable Toilets Contract signed.
- Town buildings remain closed as precaution to the COVID-19 virus. Town staff is available by appointment.
- Following Governor Baker’s directive staff has been directed to continue to work from home whenever possible.
- Staff members sharing an office alternate their time in the office

2. Fiscal Matters

- Monitoring events as they relate to finances.

3. Meetings – All meetings are via conference call

- June 23 – Selectboard meeting
- June 23 - Selectboard/Emergency Management Team (EMT)
- July 1 – Comcast negotiation for contract renewal
- July 1 – Herring River meeting regarding High Toss Road
- July 7 – Selectboard meeting to execute portable restrooms contract
- July 7 – Meeting with new Selectboard member to review budget

4. Complaints.

- None, other than usual

5. Personnel Matters:

- Open position – Assistant Town Collector/Treasurer.

Curley asked Hoort if he would be here for the July 28th meeting; Hoort said yes.

TOPICS FOR FUTURE DISCUSSION

- Wilson: Town Meeting quorum
- DeVasto: Warrant and anything else that is absolutely necessary
- Civetta: Two public hearings for Shellfish – overwintering and a grant transfer

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- Wilson: Discussion of transfer of beach/transfer station stickers between non-resident family members

CORRESPONDENCE AND VACANCY REPORTS

- Wilson: Letter from Anne and Evelyn Yudowitz, dated June 26, re: Transfer/Beach Stickers
- Wilson: letter from Martha Field, dated July 4, re: Funk Bus

MINUTES

June 23, 2020

July 7, 2020

- Reinhart moved to approve the minutes of June 23, 2020 as printed.
- Curley seconded, and the motion carried 4-0-1, with Wilson abstained.
- Reinhart moved to approve the minutes of July 7, 2020 as printed.
- Curley seconded, and the motion carried 4-0-1, with Wilson abstained.

ADJOURNMENT

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

The meeting adjourned at 10:13pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Documents available as of 7/14/2020:

1. Memo from Police Lt. LaRocco to Police Chief Hurley, re: July 4th Weekend Update on Cahoon Hollow Beach
2. Memo from Moderator Dan Silverman to the Board, re: Wellfleet 2020 Annual Town Meeting
3. Memo from Town Administrator Dan Hoort, re: Annual Year-End Budget Transfers
4. Email from Town Accountant Gene Ferrari, re: Fiscal Y/E Schedule
5. Email from Town Accountant Gene Ferrari, re: 2020 Expenses
6. Spreadsheet from Town Accountant Gene Ferrari, re: 2020 Expenses
7. Journal Entry from Town Accountant Gene Ferrari, re: Year-End Transfers
8. Agreement for Professional Services with GHD Contracting
9. Draft 2020 Annual Town Meeting Warrant as of July 1, 2020
10. Town Administrator's Report
11. Correspondence and Vacancy Reports
12. Letter from Martha Field, dated July 4, re: Funk Bus
13. Letter from Anne and Evelyn Yudowitz, dated June 26, re: Transfer/Beach Stickers
14. Draft minutes of the June 23 and July 7, 2020 meetings