

Approved in draft on September 30, 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, September 9, 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 Maria Broadbent; Assistant Town Administrator Mike Trovato; Executive Assistant Courtney Butler; Police Chief Michael Hurley; Fire Chief Rich Pauley; Moderator Dan Silverman; Community Services Director Suzanne Thomas; Shellfish Constable Nancy Civetta; Tax Assessor Nancy Vail;

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: tomorrow, September 9, at 3:00 the Wastewater Committee and the Board of Health will meet.

PUBLIC HEARINGS

Annual Tax Classification Hearing

Vail presented the annual tax classification hearing, asking the Board to declare the tax rate for FY2021. She first asked the Board to decide if they would maintain a unified tax rate for both commercial and residential properties and all other classes. Currently, the split between the two classes is 96% residential and 4%. A shift would place an undue burden of 4% on Wellfleet taxpayers.

DeVasto said this would be an unfair burden to place onto the small commercial properties in Town.

- DeVasto moved to make the Residential Factor the numeral 1 for FY2021.
- Reinhart seconded, and the motion carried 5-0.

Vail said during FY19 only 600 people turned in their paperwork, but this year there have been 732 people so far. She said the Board can vote to exempt up to 35% of the average value of the entire residential class. Vail noted that last year she did ask the Board to keep it at 20%, and that she is asking the Board for that same percentage this year. She said she would like one more year to have a handle on the program and that there is also an influx of new homeowners or those who were Non-Resident Taxpayers now moving into their second home.

Reinhart asked Vail to say the cutoff dates to file for the exemption; Vail said that it is September 1, 2020 with the Town, even though the due date under the law is April 1, 2021, to qualify for the FY2021 exemption. She said that even if the Town's due date is Sept. 1, people can still file until April 1. Vail also noted that if you have already filed once, you need not do it again. Carlson agreed that holding the exemption at 20% was a good idea.

Curley said he would like to extend the exemption for year-round rentals. Vail said that is called the extended-residential exemption, which is still on the legislative level; she suggested that the Board contact local representatives to get that bill filed. Curley said this is a small incentive but a good

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way to save the rental stock in Town. Wilson said that there is no way of knowing the finances of the people in either category, a point she has made in years past, and that some second homeowners spend more time here than people who are registered voters. She said she did not like describing people who live here year-round as “uniformly in greater financial need.” Wilson asked that people who choose to domicile here, who do not need an exemption, to not apply for it, noting that the tax rate increases for all. Vail said that the exemption is not need based at all; it is only based on domicile.

Vail also noted that there are many types of people who apply, even some who take the exemption but then use those funds to donate to a cause on the Lower and Outer Cape. DeVasto said the benefit of this program far outweighs the few who don't need it and take it. There was further discussion.

Susan Reverby, President of the Wellfleet Seasonal Resident Association, said she was struck that Eastham voted not to do this because their ration of domiciled to not domiciled was 50-50. She asked the Board to keep an eye on Wellfleet's ratio. Reverby said that in her neighborhood, all the houses owned by non-resident taxpayers were bought from year-round residents; stating that by selling a home for the most amount of money, one also contributes to the high cost living.

Wilson said that the tax rate last year went up from \$7.48 to \$7.75; she will be asking Curley to draft a letter to the legislators about the extended residential exemption he mentioned earlier, later in the meeting. Wilson and Vail also noted the Taxation Aid Fund, which is funded by donations and has certain parameters for qualifying, as well as the Tax Work Off program. Vail, saying that both focus on the elderly population, but nothing exists for those younger than 55.

- Reinhart moved to approve the adoption of a residential tax exemption for FY2021.
- DeVasto seconded, and the motion carried 5-0.

- DeVasto moved that the residential tax exemption for FY2021 be 20% .
- Reinhart seconded, and the motion carried 5-0.

Vail presented the Open Space exemption. She noted that, again, there is no private open space that would benefit from this, as all open space land is owned by a public group such as the Conservation Trust or Audubon Society. No action taken.

Vail presented the Small Business exemption. She noted that a small business is defined as “one having less than 10 employees and an assessed value of less than \$1 million.” She noted that all Wellfleet businesses are considered small under these parameters, so they would almost all be exempt, placing an undue burden of the commercial tax burden to the handful of employers who are not considered small. Curley asked if there was any way to reduce those amounts; Vail said that is State law, no. No action taken.

COVID-19 UPDATES AND RECOMMENDATIONS

- Butler announced that next Tuesday, September 15, at 10 AM, the Emergency Management Team will host their next COVID-19 Community Update Call.
- Wilson reflecting on beach parking and the closure of White Crest, saying that it should have been handled differently.

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- Chief Hurley said that in August, Massachusetts Emergency Management A made a shipment of 6,000 pieces of equipment for the pandemic.

BOARD/COMMITTEE APPOINTMENTS AND UPDATES

Onsite Engineering – Final Report of Evaluation of Septic Options for 95 Lawrence Road Housing Project [Assistant Town Administrator]

Trovato introduced this item along with David Formato and Ray Willis, of Onsite Engineering. Trovato said that the Task Force and the Board of Water Commissioners received a District Local Technical Assistance grant to conduct a study for sewage treatment and disposal systems at the proposed affordable housing site.

Formato described the work done to compile the report provided to the Board; the Executive Summary was provided in the packet for this meeting on the Town website and both the Summary and full Report are also available from the Administration office.

Curley said he felt the Board was missing half of the information, saying he did not see enough information about the actual nitrogen removal that would take place. He also said he forwarded the Board a message from Scott Horsley, consultant, describing the nitrogen information he was seeking. Formato said that the very detailed Request for Proposals that he responded to did not ask proposers to go into that much research and detail regarding nitrogen. Wilson asked Formato if he was ever informed of the activities of the Wastewater Committee, who were also looking into nitrogen; Formato said no. Trovato said he asked the Health Agent to work on the RFP and that while this may not give the Board the information they want, it does provide the developer options for the system that they need to build.

Curt Felix, Chair of the Wastewater Committee, said that Horsley was involved in the process and the systems that were selected and reviewed have similar high-nitrogen removal. He said that these are all great system and in the ballpark of what the Town is looking for, he cited no concerns. DeVasto asked Felix, if the Town went with the larger system, if the means to get people tied into those systems was a bigger burden, asking if people have a choice in whether they want to connect to this system. Felix said everyone receives a benefit due to the credits received by the nitrogen reduction; citing that the more people that hook up, the higher the credit. There was further discussion.

Curley asked what the next steps were; Trovato said that this scope of work has been completed and that Onsite will finalize their report. He said that they would need to work with the Cape Cod Commission to use their grant funds for an addendum to this scope. DeVasto said it would be good to get all the information Curley seeks into the Onsite report; Trovato said he would work on that.

Fall Tax Bill Inserts

Lydia Vivante, Recycling Committee, presented their request. Reinhart said it would be a good idea to have handouts, like the one presented, provided to those who rent their homes.

- DeVasto moved to approve the Fall Tax Bill Insert for the Recycling Committee.
- Reinhart seconded, and the motion carried 4-0-1, with Carlson abstained.
- DeVasto moved to approve the Fall Tax Bill Insert for the Taxation Aid Committee.
- Reinhart seconded, and the motion carried 5-0.

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Rights of Public Access Committee – Choose 3

Mike Kubiak, Barbara Brennessel, Stephen SetteDucati, Melissa Yow, Sonya Woodman, Thomas Siggia, and Nicholas Baron each submitting an application to join this committee.

Kubiak said he knows a lot of woodland trails, where he spends a lot of time, and can serve the committee in that aspect, as not to focus solely on shellfishing and beaches.

Brennessel, who also serves on the Conservation Commission, presented her reasons for wanting to join this committee, saying the two intersect.

SetteDucati said he was encouraged to apply by Kubiak and expressed his reasons for wanting to serve on the committee.

Yow presented her reasons for wanting to join, saying she spoke with Civetta and Jim Falcone and is interested in the access to public rights.

Woodman was unable to be on the call, but she does want to serve on the committee; Civetta provided a letter for Yow and Woodman.

Siggia described the boards he serves on currently and said that he has dealt with having a Town Landing on private property, which he has enjoyed working with the Town on and providing.

Baron described his reasons for wanting to serve on this committee, which mostly revolves around his love of the outdoors and wanting to give back to his town.

There was further discussion of the candidates. Curley said he would like to see Baron, Yow, and Woodman on the committee. Wilson preferred Brennessel, Woodman, and Yow, and was torn between Baron and Siggia. Carlson also preferred Baron, Yow, and Woodman. DeVasto said he was leaning toward Curley and Carlson's recommendations.

- Curley moved to appoint Sonya Woodman to the Rights of Public Access Committee, for a term ending June 30, 2021.
- Reinhart seconded, and the motion carried 4-1, with Wilson opposed.
- Curley moved to appoint Melissa Yow to the Rights of Public Access Committee, for a term ending June 30, 2021.
- Reinhart seconded, and the motion carried 5-0.
- Curley moved to appoint Nicholas Baron to the Rights of Public Access Committee, for a term ending June 30, 2021.
- Reinhart seconded, and the motion carried 5-0.

Planning Board – Olga Kahn from alternate to regular member

Kahn currently serves as an alternate on the Planning Board and would like to become a full member. She encouraged others to step up and serve as an alternate as well.

- DeVasto moved to appoint Olga Kahn, currently an alternate, as a regular member of the Planning Board with a term ending June 30, 2023.
- Carlson seconded, and the motion carried 5-0.

Planning Board Meeting Schedule Discussion [Curley]

Curley was concerned that the Planning Board has not met since the beginning of the pandemic; he was also concerned that their December 2019 meeting minutes are not posted online. Gerald Parent, Chair of the Planning Board, said that the Board has not had anything submitted to the Board since COVID-19 that would require a meeting. Butler said she would work with the Planning Board Secretary to get minutes posted online. DeVasto asked the Planning Board's thoughts on the

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proposed DCR and DOT projects; Parent said that the Planning Board has not taken a position, but individual members have. There was further discussion.

Planning Board Comments and Involvement in the Proposed Route 6/Main Street and Cape Cod Rail Trail Projects

This item was discussed in conjunction with the above item.

USE OF TOWN PROPERTY

Location TBD – Sam Giamatti and Sarah Blandford

Blandford and another member of her group were present, Giamatti was not. The group is interested in providing another opportunity for the community to create another march and to engage the energy that is alive in their community for a more equitable and just community and Cape Cod. They plan to hold the event on September 20 at 10 AM, following the same route as their last march on July 4. The group has made a request to the Congregational Church to use their space for this event.

Chief Hurley said that Giamatti contacted him a few weeks ago, hoping to hold the event on Labor Day and the date changed. Chief Hurley recommended that the request go on this agenda last week, even though no application was on file, so that it can be approved prior to the event. He stated the support that his department will provide and said that because of the use of the Congregational Church, the only use of Town property is at the pier and on the roads. Wilson asked for the specific route and locations, since traffic will be stopped. Hurley described the route for the event.

Carlson asked if there was a backup plan to the Church; Blandford said that they do not have a plan yet and the Church is working to approve their use. DeVasto, feeling that the right to assemble is a constitutional right, chose to abstain from this matter; Carlson agreed and chose to abstain. There was further discussion.

- Wilson moved to approve the use of town property to peacefully assemble and march from the Marina along Commercial Street, East Commercial Street, Whit's Lane, and East Main Street, by Sam Giamatti and Sarah Blandford, on September 20, 2020, at 10 AM, contingent upon the completion of an application and subject to the conditions, if any, as listed on that application form, for a fee of \$110.
- Curley seconded, and the motion failed 2-1-2, with Reinhart and DeVasto abstained.

BUSINESS

Additions to Recreational Shellfishing Permit Categories [Shellfish Constable]

- DeVasto moved to amend Section 5.2.1, Eligibility for Noncommercial Permits and Section 5.2.2, Noncommercial Permit Fee Schedule, of the Wellfleet Shellfishing Policy and Regulations, as written and proposed by the Shellfish Constable, in accordance with the August 14, 2020 memo from the Massachusetts Division of Marine Fisheries Director Daniel J. McKiernan, in order to bring the regulations in to compliance with the November 2018 change to M.G.L. c. 130, s. 52. approve the Fall Tax Bill Insert for the Recycling Committee.
- Reinhart seconded, and the motion carried 5-0.

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Shellfish Permits for Town Staff [Shellfish Constable]

Curley asked how many non-resident employees there were; Butler said no more than a dozen.

- DeVasto moved to amend Section 5.2.2, Noncommercial Permit Fee Schedule, of the Wellfleet Shellfishing Policy and Regulations to reflect the permitted sale of recreational shellfishing permits to non-resident Town of Wellfleet employees at the resident rate, as recommended by the Shellfish Constable and Shellfish Department staff.
- Reinhart seconded, and the motion carried 5-0.

Request to Change Article 22: Shellfish Revolving Fund to Include Increased Spending Limit [Shellfish Constable]

Civetta discussed the purpose of the Revolving Fund.

- DeVasto moved to support the recommended increase of \$10,000 for the request in Article 22: Shellfish Revolving Fund Spending Limit, as proposed by the Shellfish Constable.
- Curley seconded, and the motion carried 5-0.

Correction of a Mistaken Designated Shellfish Growing Area in Regulations [Shellfish Constable]

- DeVasto moved to correct the area of Lt. Island South in Section 4.2.2, Boundaries, of the Wellfleet Shellfishing Policy and Regulations, to reflect the appropriate Cape Cod Bay 11 (CCB11) designation, as recommended by the Shellfish Constable.
- Carlson seconded, and the motion carried 5-0.

Selectboard FY2021 Goals – Begin Process by Reviewing FY2020 Goals

Butler asked the Board to begin thinking of their FY2021 goals, by reviewing their FY2020 goals. Wilson asked for the members individual goals, not just consolidated.

Response to Seashore Superintendent Brian Carlstrom’s letter dated August 28, 2020, re: Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination [Wilson]

Wilson explained the context of the letter. Curley and Reinhart supported the letter but did not want to go into amendments this evening due to the time. Carlson asked that the letter be more of an invitation to meet. The letter will be revisited at a future meeting.

Final Recommendations for Warrant Articles 23 and 25 [Moderator]

The Board will wait until Friday, September 11, 2020 to make recommendations.

SELECTBOARD REPORTS

- Wilson: attended the Gull Pond Association meeting
- Wilson: spoke with Cemetery Commissioner David Agger
- Curley: discussion with Scott Horsley, re: Nitrogen levels
- Curley: met with Anne Fausto Sterling about issues on Field Point
- Curley: site visit planned for Sunday, September 13, 2020

TOWN ADMINISTRATOR’S REPORT

This report is for the period August 22 through September 3, 2020

1. General

- Town buildings remain closed as precaution to the COVID-19 virus. Town staff is available by appointment.

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- Following Governor Baker's directive staff has been directed to continue to work from home whenever possible.
 - Town Administrator plans to work in person on Tuesday afternoons and on Wednesdays until mid-afternoon
 - Plans continue for holding Annual Town Meeting on September 12 at the elementary school ballfield
2. Fiscal Matters
- Monitoring events as they relate to finances.
3. Meetings – Most meetings are via conference call/Zoom
- Continue general introduction meetings with staff
 - August 24-Town Bike & Walkway Committee, Rail Trail Bikeway Project
 - August 25- Jim Hood, Water System Upgrade
 - August 26-Herring River Restoration Project
 - August 26-Brian Carlstrom, National Seashore collaboration issued
 - August 26-Carolyn Murray, Town legal update
 - August 27- Wellness Team
 - August 28-Fred Magee, Finance Committee
 - September 1-Community Preservation Committee
 - September 2-Harry Terkanian, meet & greet
4. Complaints.
- None
5. Personnel Matters:
- Justin Post, Building Inspector, has resigned to take a position with the Town of Eastham. The position has been posted.

Broadbent said she will be bringing forth recommendations about parking issues on private property as well as other staff issues.

TOPICS FOR FUTURE DISCUSSION

- Wilson: Letter to Legislature
- Wilson: abide by Open Meeting and Conflict of Interest laws
- DeVasto: Selectboard member on the 95 Lawrence Road Task Force
- Curley: MEPA review for Map 30, Parcel 14
- Curley: gas tank replacement at Marina
- DeVasto: Selectboard member on the Wastewater Committee

CORRESPONDENCE AND VACANCY REPORTS

There was no discussion.

MINUTES

August 25, 2020

- DeVasto moved to approve the minutes of August 25, 2020 as printed.
- Reinhart seconded, and the motion carried 4-0-1, with Wilson abstained.

ADJOURNMENT

- Reinhart moved to adjourn.

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

The meeting adjourned at 10:50pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Documents available as of 9/8/2020:

1. Public Hearing Papers for Annual Tax Classification;
2. Memo from the Tax Assessor, re: Classification Hearing – Fiscal 2021;
3. 95 Lawrence Road Wastewater System Evaluation Report from Onsite Engineering;
4. 95 Lawrence Road Wastewater System Executive Summary from Onsite Engineering;
5. Email from Scott Horsley, re: 95 Lawrence Road;
6. Fall Tax Inserts for the Recycling and Taxation Aid Committees;
7. Appointment papers for Mike Kubiak, Barbara Brennessel, Stephen Ducati, Melissa Yow, Sonja Woodman, Thomas Siggia, Nicholas Baron, Olga Kahn;
8. Letter of recommendation from the Shellfish Constable for Melissa Yow and Sonya Woodman;
9. Memo from the Planning Board Secretary, re: Planning Board Meeting Schedule;
10. Draft minutes of the Planning Board meetings for January 22, February 12, and March 4, 2020;
11. Emails from Police Chief Michael Hurley, Town Administrator Maria Broadbent, Sam Giamatti, and Executive Assistant Courtney Butler, re: Use of Town Property by Sam Giamatti;
12. Memo from the Shellfish Constable, re: Additions to Recreational Shellfishing Permit Categories;
13. Memo from the MA Division of Marine Fisheries, re: Fees charged to Commonwealth veterans for recreational shellfishing;
14. Memo from the Shellfish Constable, re: Request to change Article 22;
15. Memo from the Shellfish Constable, re: Correction of a Mistaken Designated Shellfish Growing Area in Regulations;
16. Memo from Executive Assistant, re: FY 2021 Goals;
17. FY2020 Selectboard Goals;
18. DRAFT letter to Superintendent Carlstrom, re: DCR/DOT Bike Projects;
19. Letters from Seashore Superintendent Carlstrom, re: Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination, dated April 9, 2020 and August 28, 2020;
20. 2020 Annual Town Meeting Warrant;
21. Town Administrator's Report;
22. Correspondence and Vacancy Reports;
23. Draft minutes of the August 11, 2020 meeting.