

Approved December 8, 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, November 24, 2020 at 6pm
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; Shellfish Constable Nancy Civetta; Treasurer Miriam Spencer; Media Operations Manager Mia Baumgarten; Acting Harbormaster William Sullivan

Chair DeVasto called the meeting to order at 6:00 p.m. This meeting was held via Zoom and the recording is available on the Town website.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT

- Elaine McIlroy: if you have lost income due to COVID-19 or other reasons and need help paying rent, the Wellfleet Housing Rental Assistance and Emergency Housing Assistance Programs are available. Please contact the Homeless Prevention Council at 508-255-9667 or the Wellfleet Housing Authority at wellfleetaffordablehousing@gmail.com

MASSDEVELOPMENT PRESENTATION AND VOTE AUTHORIZING THE TOWN OF WELLFLEET TO PARTICIPATE IN THE MASSACHUSETTS COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM (PACE)

Trovato presented the PACE program, administered by MassDevelopment, along with Wendy O'Malley of MassDevelopment. The presentation materials are available as a public record in the packet for this meeting. Curley asked about the betterment assessment; O'Malley said that municipalities do not pay property tax and are therefore not responsible for this.

Curley asked how many properties would be eligible, saying he could only think of a dozen. O'Malley said she does not think it would apply to many properties, but for those that it would, it would make a difference. She said that a request came in from a business in Town. Wilson asked about fees; O'Malley said there is a financing fee, dependent on the amount of the project financing. Carlson asked if the Town had any financial obligation; O'Malley said no, the Town would bill the businesses, but acts only as a pass-through.

There was further discussion about the PACE program.

- Reinhart moved to authorize the Town of Wellfleet to Participate in the Massachusetts Commercial Property Assessed Clean Energy Program (PACE).
- Wilson seconded, and the motion carried 5-0.

COVID-19 UPDATES AND RECOMMENDATIONS

Town Finances and Accounting Update [Town Administrator and Chair]

Spencer said that, since the weekend posting of the tax bills, over \$160,000 has been received in payments. DeVasto asked if the potential cash shortfall was a possibility; Spencer said that they are getting up to speed on paying bills and will be able to make a better determination when an Accountant is hired. Spencer said that Lisa Souve has been a great assistance in working through the financial issues.

Curley asked if the Rooms Tax Payment was from September; Spencer said that it was a quarterly payment from June-August, the same payment she informed the Board of last time. Broadbent said the Department of Revenue's (DOR) Division of Local Services (DLS) provides a free service to municipalities to investigate the finances. She said they would be able to come in during the Spring of 2021 and in the meantime, staff would continue to work on matters to prepare for their arrival. DeVasto agreed that having an Accountant in place first would be ideal. There was further discussion of enlisting the services of the DOR/DLS.

DeVasto asked about conducting a forensic audit; Broadbent said that would cost tens of thousands of dollars to learn what we already know. Broadbent recommended keeping the current assistance on hand, Rich Bienvenue and Souve, to aid in resolving problems. The Board agreed that getting an Accountant in place is critical and keeping the assistance of Bienvenue and Souve will aid in the process.

- Carlson moved to approve enlisting the services of the Massachusetts Department of Revenue Financial Review Services.
- Wilson seconded, and the motion carried 5-0.

DeVasto proposed a plan for the Financial Investigation, which the Board approved at the November 10, 2020 meeting. He suggested appointing two board members to begin the investigation, who would determine the need for further investigation or not. Wilson disagreed. Curley said the Board needed to do its due diligence and investigate and recommended hiring an outside agent. Carlson agreed with Curley and stated that it was important for Board members to be able to meet with staff members, confidentially. There was further discussion on how to conduct the investigation.

- DeVasto moved to appoint two Board members to speak with Department Heads and relevant staff to determine the need for further inquiry.
- Carlson seconded, and the motion 4-1, with Wilson opposed.

Appointments will made at the following Selectboard meeting.

Other COVID-19 Updates and Recommendations

Wilson asked the Board if they felt the language was clear that masks must always be worn in public places . Reinhart said that Governor Baker has made it clear that masks are mandatory, regardless of social distancing capabilities. Wilson asked Broadbent if staff were complying, citing several reports of non-compliance. Carlson said she also received concerns.

BOARD/COMMITTEE APPOINTMENTS AND UPDATES

Comcast License Agreement - Bill Hewig and Cable Advisory Committee

Bill Hewig presented the License Agreement renewal. Reinhart asked about getting Town-wide Wi-Fi; Hewig said that is not something that Comcast offers. There was further discussion of Comcast services.

- Reinhart moved to approve and sign the Comcast Cable Television License Agreement for a ten-year period, beginning on December 1, 2020 and ending on November 30, 2030, and authorize the Selectboard to sign it.
- Wilson seconded, and the motion carried 5-0.

Mark Washburn – Cable Advisory Committee

Washburn presented his reasons for wanting to join the Cable Advisory Committee, citing his professional experience in telecommunications.

- Reinhart moved to appoint Mark Washburn to the Cable Advisory Committee for a one-year term.
- Wilson seconded, and the motion carried 5-0.

Peter Cook – Bike and Walkways Committee

Cook presented his reasons for wanting to join the Bike and Walkways Committee, citing his professional experience in engineering and desire for a safe bike route in Town. Carlson asked Cook his opinion on the Bike Trail; Cook said he was part of the group who tried to voice opposition to the State's proposal and said it was important to evaluate alternative routes. DeVasto said he met with this group, Wellfleet Concerned Citizens for a Sensible Bikeway, and said he felt someone with Cook's background could serve the Committee well.

Kathleen Bacon, audience member, spoke against Cook's appointment, stating that Cook has been a vocal opposition to the Rail Trail. Bacon also noted that Cook's property abuts the Rail Trail and questioned his ability to be impartial, and felt the Committee was stacked with opposition. Cook said his sister owns property at one end of the proposed parking lot, on Oriole Lane, but this has not motivated his interest. There was further discussion of Cook's appointment.

- Curley moved to appoint Peter Cook to the Bike and Walkways Committee to fill a term ending June 30, 2022
- Wilson seconded, and the motion carried 5-0.

Planning Board Member – 95 Lawrence Road Task Force

Olga Kahn, Planning Board member, presented her reasons for wishing to be appointed as the representative to the Task Force. This Task Force is typically appointed by the Town Administrator, but Broadbent, who is new in her position, did not feel comfortable making the appointment and asked the Board to do so.

- Reinhart moved to appoint Olga Kahn as the Planning Board member to the 95 Lawrence Road Housing Task Force.
- Wilson seconded, and the motion carried 5-0.

Conservation Restriction (CR) on 3.2 acres that is part of two contiguous lots off Old King's Highway – Conservation Trust

Reinhart recused herself. Wilson thanked Reinhart for transferring this land to the Conservation Trust and protecting it. Dennis O'Connell, of the Wellfleet Conservation Trust, presented the Conservation Restriction, which he said is basically a contract. He noted that Reinhart will still be the landowner but will work with the Trust to conserve the land. DeVasto confirmed that this is a deed restriction; O'Connell said yes, and it will remain in place even if the property is sold. There was further discussion.

- Carlson moved to approve the conservation restriction on the land of 66 Old Kings Highway as recommended by the Wellfleet Conservation Trust.
- Wilson seconded, and the motion carried 4-0, with Reinhart recused.

LICENSES

Renewal of Annual Liquor Licenses [Principal Clerk]

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- Reinhart moved to approve the renewal of the Annual Liquor Licenses as presented in the packet and recommended by the Principal Clerk.
- Curley seconded, and the motion carried 5-0.

BUSINESS

Update on Fuel Tanks at Marina [Town Administrator]

Broadbent and Sullivan presented the update. Broadbent said that GEI, the engineering firm has completed 30% of its design. Sullivan said he has asked for renderings of what the above ground tanks would look like at the Marina. He said the contract is also to remove the current tanks and install the new tanks. There was further discussion.

Review, Discuss, and Approve Letter in Support of an Expanded Residential Tax Exemption Proposal [Curley]

Curley presented his petition to the General Court for an Expanded Residential Tax Exemption Program, this is not a letter. He said that if the Board approves this then the next step is for Town Meeting approval, followed by legislation from Senator Cyr and Representative Peake's office.

- Curley moved to insert and support expanding residential property exemption: home rule petition in the 2021 Annual Town meeting Warrant and direct to the Town Administrator to draft the article.
- Wilson seconded, discussion:

Wilson agreed this was a good idea but was concerned that the Town needs to collect tax dollars, stating that exempting one group would put a burden on another group of taxpayers. She asked who would oversee continuity and monitoring the exemption. Curley said there was no registration for tracking AADUs and noted that Provincetown is the example to follow, as they have already instituted this program. There was further discussion.

- The motion carried 5-0.

Discussion of the Status of H746: An Act Relative to Shellfish (Cutler Bill) [Wilson]

Wilson said that this Bill has officially died in session, according to Representative Peake.

SELECTBOARD REPORTS

- Reinhart: thank you to committees for emailing the Board your minutes
- Wilson: attended State of the Harbor Conference

TOWN ADMINISTRATOR'S REPORT

Broadbent cited the \$3.8 Million grant the Town received to assist in the Water project, from MassWorks. DeVasto noted that the Executive Assistant position will be vacant later this month; Broadbent said she is working with Butler on the transition and will get the job posted soon.

This report is for the period November 7, 2020 through November 20, 2020.

1. General

- Town Hall remains closed to the public, except by appointment only, as precaution to the COVID-19 virus. Town staff is available by appointment.
- The Health/Conservation Agent has updated the COVID-19 Mandatory Safety Standards and Workplace Training Manual based on guidance from the Commonwealth, and the Board of Health and feedback from the Selectboard.

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2. Fiscal Matters

- The Town Treasurer worked with worked closely with the Eastham Finance Director to finish up the tax rate filing. Tax bills will be mailed on November 24 and will be due on December 24. The residential tax rate is \$7.86 which is up 1.1% from last year's rate of \$7.75.
- Rich Bienvenue prepared a report of his findings while helping Town staff with the tax rate filing, including his recommendations going forward. That report is on the Selectboard's November 24 agenda.
- Lisa Souve', the retired accountant from Brewster, continues to provide accounting services on an hourly basis while the Town conducts a search for a permanent accountant.
- Staff recommends enlisting the services of the Department of Revenue's Technical Assistance Team to conduct a free Finance Management Review. This should be conducted after the Town has permanently filled the accountant position.
- The Town has been awarded a \$2.5 million Mass Works grant to help pay for the water system expansion project approved at Town Meeting

3. Meetings – Most meetings are via conference call/Zoom

- November 9-Selectboard & Brian Carlstrom, re Bike Trail options
- November 10-Open Gov permitting software options
- November 16-Congressional staff re Herring River Restoration project funding
- November 16-Chris Allgeier & Joe Aberdale-Dredging Task Force
- November 17-Piggyback dredging pre-bid conference
- November 17-Ben Zehnder, introduction
- November 18-Bill Traverse, Barnstable County IT support agreement
- November 19-DOR Technical Assistance Bureau
- November 19-Gerry Canter, Ameresco solar panel project
- November 20-GEI update on fuel tank project

4. Personnel Matters:

- The Town Accountant position has been advertised on the Town website and with relative professional organizations, with a closing date of November 20. A panel will be assembled to conduct interviews.

TOPICS FOR FUTURE DISCUSSION

- Reinhart: Executive Session for open litigation
- Wilson: meeting about Bike Trail with CCNS, Bike and Walkways Committee, and the Cape Cod Delegation
- DeVasto: regulating abandoned/foreclosed properties

CORRESPONDENCE AND VACANCY REPORTS

There was no discussion.

MINUTES

November 9, 2020

Curley provided an amendment.

- Reinhart moved to approve the minutes of November 9, 2020 as amended.
- Carlson seconded, and the motion carried 4-0-1, with Wilson abstained.

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November 10, 2020

- DeVasto moved to approve the minutes of November 10, 2020 as printed in draft.
- Carlson seconded, and the motion carried 4-0-1, with Wilson abstained.

ADJOURNMENT

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

The meeting adjourned at 9:27pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Documents available as of 11/24/2020:

1. Presentation materials for the Property Assessed Clean Energy (PACE) program;
2. Vote authorizing the Town of Wellfleet to Participate in the MA Commercial PACE Program;
3. Memo from Town Treasurer Miriam Spencer, dated November 19, 2020, re: Cashflow, FY21 Tax Bill & Staffing Update;
4. Memo from Town Administrator Maria Broadbent, dated November 20, 2020, re: Financial Management Review;
5. Memo from Rich Bienvenue, dated November 19, 2020, re: Comments and observations related to condition of the Town's financial records;
6. Yarmouth Finance Department Interview Board Questions;
7. Comcast License Renewal Agreement, drafted by KP Law;
8. Memo from Town Administrator Maria Broadbent, dated November 2, 2020, re: DRAFT Comcast License Renewal;
9. Appointment papers for Mark Washburn, Peter Cook, and Olga Kahn;
10. Conservation Restriction papers from the Wellfleet Conservation Trust;
11. Email from Hillary Lemos, dated November 24, 2020, re: Conservation Restrictions;
12. Town policy on organic land management;
13. Annual Liquor License renewal paperwork;
14. Information about the Expanded Residential Tax Exemption program;
15. Email from Helen Miranda Wilson, dated November 19, 2020, re: H746 An Act Relative to Shellfishing;
16. Letter from the Selectboard to Joint Committee on Environment, Natural Resources and Agriculture, dated September 4, 2019, re: H746 An Act Relative to Shellfish Aquaculture Licenses;
17. Town Administrator's Report;
18. Topics for Future Agendas;
19. Correspondence Report;
20. Vacancy Report;
21. Draft minutes of the November 9 and November 10, 2020 meetings.