

**Wellfleet Selectboard Meeting Minutes
April 13, 2021**

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

Others Present: Maria Broadbent, Town Administrator; Rebekah Eldridge, Executive Assistant; Heather Michaud, Town Accountant; Rich Pauley, Fire Chief; Michael Hurley, Police Chief; Nancy Civetta, Shellfish Constable; Will Sullivan, Harbormaster; Joe Aberdale, Dredging Committee; Sharon Rule-Agger, Housing Authority; Elaine McIlroy, Housing Authority; Mark Vincent, DPW Director; Charlie Frazier, Wellfleet citizen; Barry McLaughlin, New Manager of the Chequessett Yacht and Country Club; Alison Hester, manager of the Pearl restaurant; Harry Terkanian, Community Member

Chair DeVasto Called the meeting to order at 6:03pm

I. Announcements, Open Session and Public Comments

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

- Selectboard Member Wilson stated that she would have liked the meeting to stop later. Chair DeVasto stated right now the Board has a lot to discuss and eventually will move the meetings to 7pm.
- Charlie Frazier spoke to the Board regarding the bike trail and the parking at the South Wellfleet General Store. He expressed his concerns. Vincent spoke to that and explained he had reached out to the state and is waiting to hear back from them.

II. COVID-19 Updates and Recommendations

- Lemos was still out on medical leave. It was questioned by Selectboard Member Wilson if town buildings have changed the mandated mask wearing. Chief Pauley stated that the governor has not issued anything regarding not wearing masks in public places.

III. Public Hearings

A. Flying Fish Café; Amend liquor license.

- The Board didn't have any issues with this change.
- **Selectboard Member Reinhart moved; Selectboard Member Carlson seconded; and it was voted to approve the change of description of premises for the Flying Fish Café application dated March 8, 2021. 5-0**

B. Lobster and Chowder House; New seasonal all alcohol license

- The Board had no issues with this license as the previous occupant had a liquor license.
- **Selectboard Member Curley, Selectboard Member Carlson seconded; and it was voted to approve the new seasonal all liquor license for the Lobster and Chowder House application dated March 15, 2021. 5-0**

C. Chequessett Yacht & Country Club (2); Change of Manager.

- McLaughlin introduced himself to the Board and he's grateful to be working with the club and the Board in the future.
- **Selectboard Member Reinhart moved, Selectboard Member Carlson seconded; and it was voted to approve the change of manager from Barbara Boone to Barry**

McLaughlin at the Chequessett Yacht & Country Club application dated March 22, 2021. 5-0

** All have approval from Police, Fire, Building and Health Departments.*

IV. Licenses

A. Common Victualler:

- *Lobster & Chowder House*
- *Wellfleet Cinemas*
- *Wellfleet Drive In & Flea Market*
- *Wellfleet Miniature Golf, Dairy Bar & Grill*
- **Selectboard Member Reinhart moved; Selectboard Member Curley seconded; and it was voted to approve the Common Victualler Licenses for the restaurants listed above. 5-0.**

B. Weekday Entertainment:

- *Wellfleet Cinemas*
- *Wellfleet Drive-In and Flea Market*
- *Wellfleet Miniature Golf, Dairy Bar & Grill*
- **Selectboard Member Reinhart moved; Selectboard Member Curley seconded; and it was voted to approve the Weekday Entertainment licenses for the restaurants listed above. 5-0.**

V. Use of Town Property

A. Pearl Restaurant; Use of Town Property for outdoor dining.

- The Board discussed a fee for the use of the town Property. The didn't pay a fee last year due to the Pandemic, Selectboard Member Reinhart stated that many of the precautions have been lifted and she feels it is appropriate to charge a fee or that they don't use the property.
- Selectboard Board Curley stated that he would like the restaurant to be able to use the town's property for a nominal fee. Chair DeVasto stated he would like to treat all restaurants the same. The Board discussed the use and a fee to be charged. Hester spoke to the Board and explained that she lost 22 tables inside the restaurant and she is able to put 10 tables in the outdoor lot. The Board discussed allowing this with the stipulation that it would only be a one-year agreement.
- **Selectboard Member Wilson moved; Selectboard Member Curley seconded; and it was voted to approve the Pearl Restaurants application for the use of town property for outdoor dining from May 6, 2021 to October 17, 2021 from 10:30am to 10:00pm with no increase in seating as allowed by the Board of Health and with a nominal fee of \$1.00 per day. 5-0.**

VI. Board/Committee Appointments and Updates

- No Appointments or updates

VII. Business

A. Wellfleet Motel & Lodge – Request for same outdoor dining as last year

- **Selectboard Member Wilson moved; and Selectboard Member seconded; and it was voted to approve Wellfleet Motel & Lodge Request for the same outdoor seating plan as it was the year 2020 for the 2021 season with no increase in seating as allowed by the Board of Health. 5-0.**

B. *Pearl Restaurant; Approve seasonal all alcohol license renewal.*

- **Selectboard Chair DeVasto moved; Selectboard Member Reinhart seconded; and it was voted to approve The Pearl Restaurant seasonal all alcohol license renewal. 5-0**

** All have approval from Police, Fire, Building and Health Departments.*

C. *New ADU Bylaw – Local Housing Partnership – Sharon Rule-Agger*

- Agger began her presentation to the Board, explaining that housing in Wellfleet is nonexistent. She explained the proposed the newly written ADU bylaw and explained the guidelines of the ADU. The Board went over the ADU bylaw that was screen shared with the members. The Board discussed the wording of this document at great length. Chair DeVasto stated his only issue with the language is he didn't want it conflicting with other bylaws or waives another bylaw he had concerns. They discussed it.
- The Board continued to discuss the bylaw and amendments to it. The Board made discussed some wording that needed to be changed. Board Member Curley made the changes that were discussed.
- **Selectboard Member Curley moved, Selectboard Member Reinhart seconded; and it was voted to approve and send to the Planning Board the proposed ADU bylaw as amended by the Selectboard and presented by Sharon Rule-Agger. 4-0-1 (Selectboard Member Carlson recused)**
- **Selectboard Member Reinhart moved; Selectboard Member Curley seconded; and it was voted to recommend and place the proposed ADU Bylaw as amended by the selectboard and presented by Sharon Rule-Agger on the 2021 Warrant. 4-0-1 (Carlson recused)**

D. *Paid Parking at Beaches – Suzanne Grout Thomas*

- Thomas explained that she is recommending that the town have paid parking at White Crest Beach Parking lot for the summer of 2021 explaining the town would bring in about \$200,000 revenue from the paid parking. The Board saw no issues with this.
- **Selectboard Member Reinhart moved; Selectboard Member Carlson seconded; and it was voted to approve charging for White Crest Beach parking for the 2021 season. 5-0**

E. *Warrant Article to be approve – Natural Resources Advisory Board – John Riehl*

- The Board had no issues with this article.
- **Board Member Reinhart moved, Board Member Carlson seconded; and it was voted to approve the warrant article as written be placed on the warrant for the June 5, 2021 town meeting.**
- **Board Member Curley moved; Board Member Wilson seconded; and it was voted to recommend the article in the warrant. 5-0.**

F. *Update on Harbor Dredging Project, Contract approval for lobbyist– Joe Aberdale*

- Aberdale gave an update to the Board regarding the dredging and the lobbyist contract. He gave details on working with the state to and submitting a grant for new pilings. He updated the Board that the National Marine Fisheries are refusing to

permit the town to dredge in area 2. He explained that the group is unable to meet with them in hopes of negotiation at this time. He continued by giving updates on the lobbyist and the status with moving forward. He recommended to the Board that they move quickly in signing this contract. Administrator Broadbent asked if the Board would administer Selectboard Member Curley to sign the contract on the Board's behalf.

- **Selectboard Member Reinhart moved; Selectboard Member Carlson seconded; and it was voted to approve the contract as written for the harbor dredging Lobbyist FBB Federal Regulations dated January 21, 2021. 5-0**

G. *Warrant Article to be approved – Shellfish Constable Nancy Civetta*

- Civetta spoke to her article and stated there is some new language stating that it will take out the part in the article that says transfer. She explained her article and how it will work more clearly to the Board. She read the sentence to the Board.
- **Board Member Reinhart moved; Board Member Curley seconded; and it was voted to approve the warrant article as amended to be placed on the warrant for the June 5, 2021 town meeting. 5-0.**

H. *Water Enterprise 2022 budget – Jim Hood Chair of Board of Water Commissioners (withdrawn and continued)*

I. *Home Rule Petition for the Blakely Property ~ Selectboard Member Curley*

- Curley presented to the board his petition that he worked on with Julian Cyr's office and explained that he is asking for an easement for a curb cut for this property. There wasn't much discussion on this petition and no objections from the board members. This needs to be sent to town counsel for their amendments if any.
- **Selectboard Member Curley moved; Selectboard Member Carlson seconded; and it was voted to place on the Warrant and recommend a home rule petition authorizing the commissioner of capital assets management and maintenance to grant an easement for the Town of Wellfleet. 5-0.**

J. *Capital Budget – Selectboard and Department Heads.*

- The Board discussed the Vehicles in the Capital Budget. There were missing documents. Chair DeVasto asked if there were any issues with any of the capital budgets. He explained that he had no issues and asked if the Board if they wanted to take a vote.
- They discussed the Police Department's two vehicles Chief Hurley explained that this would be a year where only one car would need to be replaced but due to COVID he was unable to get the car last year.
- The Board deferred to Terkanian for his opinion on some of these items. Chief Pauley explained that there were a lot of items missing in the capital budget in front of them. DPW director Vincent explained he had some missing things from his department.
- **Selectboard Member Curley moved; Selectboard Member Wilson seconded; and it was voted to approve the fiscal year 2022 Department Capital items included in the April 13, 2021 selectboard packet as debt exclusions for the 2021 Annual Town Meeting Warrant. 5-0.**

- **Selectboard Chair DeVasto moved; Selectboard member Reinhart seconded; and it was voted to recommend the capital budgets that were included in the Selectboard packet. 5-0.**

K. *Place Warrant Articles*

- Administrator Broadbent explained that the articles that are in front of them are place holders right now. Chair DeVasto explained that he would like to place the articles that were deferred from last year's town meeting. They Board agreed to go over each warrant article that they hadn't already approved previously.
- **Selectboard Member Curley moved; Selectboard Chair DeVasto seconded; and it was voted to recommend and place the Public Works Replace Guard Shack and Canopy Station at the Transfer Station into the 2021 Warrant for the Annual Town Meeting as a debt exclusion. 4-1 (Carlson voted no)**
- The Board moved on to the Duck Creek Revetment article, Vincent explained that he would like to keep it on the warrant.
- **Selectboard Chair DeVasto moved; Selectboard Member Reinhart seconded; and it was voted to place the Duck Creek Revetment Engineering warrant article in 2021 Annual Town Meeting Warrant. 5-0**
- **Selectboard Chair DeVasto moved; Selectboard Member Curley seconded; and it was voted to recommend the Duck Creek Revetment Engineering Warrant article. 5-0**
- The Board moved onto the substation which Vincent explained is the old Fire Station in South Wellfleet.
- **Selectboard Chair DeVasto moved; Selectboard Member Reinhart seconded; and it was voted to place and recommend the South Wellfleet Substation Warrant Article in the 2021 Town meeting Warrant. 5-0.**
- The Board didn't want to discuss the Water Enterprise Budget as it hasn't been reviewed.
- **Selectboard Chair DeVasto moved; Selectboard Member Reinhart seconded; and it was voted to place the Non-Union and other personnel salaries and compensation to the Annual 2021 Town Meeting Warrant. 5-0**
- Chief Pauley explained his reasoning for asking for additional staff for the fire department.
- **Selectboard Member Reinhart moved; Selectboard Member Curley seconded; and it was vote to place and recommend the requests for additional fire department positions on the Annual 2021 Town Meeting Warrant. 5-0**
- Chief Pauley gave an update on his paramedic training and explained how important it is for his staff.
- **Selectboard Member Reinhart moved; Selectboard Member Curley seconded; and it was voted to place and recommend the funding for the Paramedic Training Program on the Annual 2021 Town Meeting Warrant. 5-0**
- The Board moved onto the additional police officer. Chief Hurley explained that the reserve officer program is being phased out and he needs to plan for a full-time police officer.
- **Selectboard Member Reinhart moved; Selectboard Member Carlson seconded; and it was voted to place and recommend the request for an additional Police Officer on the Annual 2021 Town Meeting Warrant 5-0.**
- The Board continued with the Community Preservation Articles.

Approved May 12, 2021 *this meeting can be seen in its entirety found on the town website.*

- **Selectboard Member Wilson moved; Selectboard Member Reinhart seconded; and it was voted to place and recommend all the Community Preservation Articles to the Annual 2021 Town Meeting Warrant 5-0.**
- **Selectboard Member Reinhart moved; Selectboard Member Carlson seconded; and it was voted to recommend the shellfish revolving fund for the Annual 2021 Town Meeting Warrant. 5-0**
- The Board continued with the discuss the transfer tax warrant article and decided to postpone a vote on this until they understand it and get a little more information.
- **Selectboard Member Reinhart moved; Selectboard Member seconded; and it was voted to place the disposition of Town Owned Property Map #30 Parcel #14 as amended on the Annual 2021 Town Meeting Warrant. 4-1 (Carlson voted no) This was not recommended only to place.**
- The Board discussed High Toss Road, Wilson asked if it was worked out with Broadbent and Carole Ridley. Broadbent explained that there is a checklist that they have been working on and there will be a letter to go out for the Board to sign.
- There was discussion on this article. This article needs to go before the Planning Board.
- **Selectboard Member Reinhart moved; Selectboard Member Carlson seconded; and it was voted to place and recommend Duck Harbor and Pole Dike acceptance of a town way in the Annual 2021 Town Meeting Warrant. 5-0**
- Selectboard Member Curley explained that the next article the Board voted to not place or recommend Map #20, Parcels # 80,82, & 239
- He continued stating that the Board did approve to insert and recommend Map #30 Parcel #186 and Map #42, Parcel #137 Curley continued to explain they are all marshlands. They Board will need to have the exact acreage.
- **Voted to recommend the Natural Resources Advisory Board Black Custard Article request as printed in the Selectboard Packet.** This article has been previously placed.
- The Right to Farm Article was next up for discussion. The only discussion was the structure of the article. Civetta explained that she some overlap in the article and asked Chair DeVasto to come to a Shellfish Advisory Meeting to talk and discuss with them his article.
- The Dog Bylaw will be discussed and presented at a future meeting.

VIII. Selectboard Reports

- Helen spoke about the Dog Bylaw and that she had worked with Thomas and the Dog Officer for the Town of Wellfleet. She explained she will have a better presentable copy of the bylaw for the next meeting.

IX. Town Administrator's Report

- Administrator Broadbent discussed the auditor's management letter so the auditors will be presenting their findings to the Board in May. She explained there are a number of deficiencies in the current and past budgets. She stated they are working to get a number for free cash certified with DOR. She stated that Karen Plantier has started as the new water clerk. She also stated the new Assistant Town Administrator Rebecca Slick started April 1, 2021 and will be in to meet the board at a later date.
- Selectboard Member Curley asked when the auditors will finish and when will the budgets be corrected and fixed? Michaud explained that it could be anywhere between two to three years before it is fully corrected. Selectboard Member Curley stated he would like to offer an opinion that the town should look into an outside firm.
- The Board continued to discuss the auditor's management letter.

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- X. Topics for Future Discussion**
- XI. Correspondence and Vacancy Reports**
- XII. Minutes**
 - A. Tuesday March 9, 2021 ~ Selectboard Member Reinhart moved; Selectboard Member Curley seconded; and it was voted to approve the meeting minutes of March 9, 2021 as printed in draft. 5-1 (Wilson Abstained)**
 - B. Tuesday March 23, 2021 ~ Selectboard Member Curley moved; Selectboard Member Reinhart seconded; and it was voted to approve the meeting minutes of March 23, 2021 as printed in draft. 5-1 (Wilson Abstained)**
 - C. Monday April 5, 2021 ~ Selectboard Member Reinhart moved; Selectboard Member Curley seconded; and it was voted to approve the meeting minutes of April 5, 2021 as printed in draft. 5-1 (Wilson Abstained)**
- XIII. Adjournment**
 - Selectboard Member Curley moved; Selectboard Member Reinhart seconded; and it was voted to adjourn 4-0**
 - Meeting adjourned 10:07pm**

****Public Documents:***

- *Liquor license applications for:***
 - Flying Fish Café***
 - Lobster & Chowder House***
- *Change in Management form for Chequesstt Yacht & Country Club***
- *Common Victualler License Applications***
 - Lobster & Chowder House***
 - Wellfleet Cinemas***
 - Wellfleet Drive-In & Flea Market***
 - Wellfleet Miniature Golf, Dairy Bar & Grill***
- *Weekday Entertainment License Applications***
 - Wellfleet Cinemas***
 - Wellfleet Drive-In & Flea Market***
 - Wellfleet Miniature Gold, Dairy Bar & Grill***
- *Draft ADU Bylaw***
- *Natural Resources Advisory Board Warrant Article***
- *Shellfish Warrant Article***
- *Blakely Home Rule Petition***
- *Department Head Capital Budgets***
- *Draft Warrant***
- *Meeting Minutes***
 - March 9, 2021***
 - March 23, 2021***
 - April 5, 2021***