

Meeting Minutes were approved February 23, 2021

A full recording of this meeting is available on the towns website under Covid 19 meeting recordings during the pandemic

**Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday February 9, 2021
Meeting Minutes**

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

Others Present: Town Administrator Maria Broadbent; Rebekah Eldridge, Committee Secretary; Michael Hurley, Police Chief; Rich Pauley, Fire Chief; Hillary Lemos, Health Agent; Tonya Felix, Food Truck Applicant; Will Sullivan, Assistant Harbormaster; Joe Aberdale; Wellfleet Marine Advisory Committee; Denny O’Connell, Community member; Suzanne Thomas, Beach Director; Thomas Siggia, Member of the Historical Committee & the Thrift Shop; Jennifer Congel, Town Clerk; Dan Silverman, Town Moderator; Gary Sorkin, Member of the Wellfleet Housing Authority, Bruce Hurter, Chair of the Open Space Committee; Gregor McGregor, Attorney for the town; Carole Ridley, Attorney for the town of Wellfleet; Jessica Wall, Attorney at Anderson and Wall, Boston; Nancy Civetta; Shellfish Constable; Dan Robbins, Engineer for the upgrade of the towns gas tanks.

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.

- Chief Pauley passed on his condolences to the Murphy family at the loss of Bruce Murphy who once served on the police department in the 70’s.
- Board Member Wilson announced that February 15, 2021 the Bike and Walkways Committee will hold a community forum to give updates as to where they are in working with DCR regarding the building of the new bike path.
- There was an announcement that the selectboard did have a quorum at the Shellfish Advisory Board meeting and it they didn’t realize all members would be there. It was in public and document.

II. COVID-19 Updates and Recommendations

A. Health Agent Hillary Lemos Greenberg will give updated information that has been given to her by the state health officials

- Health Agent Lemos began by telling that she sent 3 messages out to the community. She explained that she is trying to get all the information that she has as it comes into her from the state and let residents know how this is working. She went on to explain that there were slots at Outer Cape Health Services; but they filled up very quickly. She stated there are very little vaccine shots for residents but is hopeful to get more information from the state. She expects to see more vaccine in the coming months and will keep the community updated.
- She explained that there are appointments off cape giving Fenway Park and Gillette Stadium in Foxboro Ma. She gave Barnstable’s website for

people to go into the site and register. She is available for questions of concerns.

- Board Member Curley asked about the residents that have a hard time using computers and how those residents can get help. Lemos stated she just needs to be told that people need the help. She stated that the COA is a great outreach for residents that have difficulty using the computer. Lemos gave the current active cases in Wellfleet which was 5.

III. Licenses

A. Chair DeVasto, discussed the license and stated this seems like a great place to have a food truck. He is in full support.

- Board member Wilson asked the applicant if she was far enough away from Mac's Seafood in feet. She stated she was.
- Board Member Reinhart asked the applicant what her season would be, she stated that she would like to begin in April as she feels there is a need for food town at the pier for the fishermen. Reinhart stated she was concerned about Parking at the pier and could cause congestion. She stated that she will be doing online ordering so that there is less congestion and explained that she conducted a traffic study and after the Harbormaster's office the traffic tends to phase out.
- Board Member Carlson stated she is in full support and isn't concerned with the parking as the surrounding restaurants use the pier for parking.
- The Board discussed the use of town property fees. They explained that the truck can't be parked in the lot overnight. They went on to discuss the rules and regulations that can be found on the town's website. Board Member Wilson asked Eldridge to send out the bylaws to the board members and the applicant.
- Audience member Aberdale stated his concern with this food truck. He gave examples with parking and boaters. They discussed this with him at great length.
- The Board asked Assistant Harbormaster Sullivan, about this going out to bid and has it in the past? He explained that yes originally this was put out to bid and there were no bids submitted so they didn't do it again. Thomas questioned if something like this should always go out to bid? Chair DeVasto stated that it was out to bid and then went to application. Thomas made a comment stating she would like consistency with use of town property.
- **Board Member Reinhart moved; Board Member Curley seconded; and it was voted the food truck application be approved, beginning April 15, 2021 through November 14, 2021, 5-0.**

IV. Use of Town Property

- A. Food Truck to use the pier. The Board discussed the issue of the food truck being parked at the pier overnight per the town's bylaws. The Board discussed the truck being on town property and had no objections.
 - **Board Member Wilson moved, Board Member Reinhart seconded; and it was voted to approve the use of the Wellfleet Pier for the food truck operated by Tonya Felix between the hours 10am and 6pm from April 15th to November 14th as submitted in her application. 5-0.**

V. **Board/Committee Appointments and Update**

- A. Thomas Siggia Appearance of Conflict of Interest – Historical Committee
 - Siggia explained to the board that he works with the thrift shop and is a member of the historical committee and the thrift shop needed new windows and wanted them to know that as a member of the historical he would be the last vote for the updated windows. He stated he has no financial gain in replacing of the windows.
 - **Board Member Wilson moved, Board Member Reinhart seconded; and it was voted to allow Thomas Siggia's participation as a member of the Historical Commission on an application to the Historical Commission from the Aim Thrift Shop and to accept his disclosure of an appearance of conflict of interest, his conflict is no so substantial to get in the way of his acting for the town. 5-0.**

VI. **Business**

- A. Discussion on Selectboard meeting procedures – Chair DeVasto
 - Chair DeVasto explained to the Board Members that he put this on the agenda and wanted to discuss meeting times and introducing more structure regarding their meetings. He suggested that each Board member have an opportunity to speak with a time limit of two minutes giving each member a voice but not so much negotiation that the meeting goes longer than needed. He referenced Robert's Rules of Order. He stated his goal is to have the meetings not run over four hours.
 - The Board discussed this further, giving their opinions and ideas how to help the meetings move along quicker.
 - **The Board voted to approve Chair DeVasto's idea to move the meetings along faster. 4-1 (Wilson voted no)**
- B. Wellfleet to have a special town election to put the borrowing question out to voters on the same date (March 30, 2021) as the district wide vote or vote on borrowing at the annual town election
 - Clerk Congel, spoke and explained to the Board that the March 30th vote was voted and passed and will go forward but tonight she is asking the board to make a decision if Wellfleet will have a special election on the same date or move it to Town Meeting. She explained the district wide vote can take place at the town meeting or on the district wide vote.

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- The question before the board is whether they want the debt exclusion vote to happen on the March 30th vote or the floor of Town meeting in June. Chair DeVasto stated that knowing it doesn't have to go to the floor of town meeting he would be in favor of having that vote on the same day. Congel explained that there would be two separate ballots one for the school project itself and the other ballot is the debt exclusion ballot.
 - Board Member Wilson asked about the voting taking place in two separate places, Congel explained that it isn't possible to do the votes in two spaces, but the voting will be two separate ballots and separated when the voting takes place.
 - Dan Silverman the town moderator, stated he feels having the elections on the same day would be much less confusing for town residents. Silverman explained to the Board that they will need to do a special Warrant, Congel stated she had the warrant ready and would have it in the selectboard office for their signatures.
 - **Board Member Reinhart moved, Board Member Carlson seconded; and it was voted for Wellfleet to have a special town election to put the borrowing question out to the voters on the same date as the district wide vote on March 30, 2021. 5-0**
- C. Insert from DPW for Spring Tax Bill Notice of Re-Inspections of Private Paved Roads for Winter of 2021 – 2022
- Chair DeVasto asked if there were any members from the DPW to explain the insert. There were no employees from the DPW to explain the insert. The board discussed the inserts.
 - **Board Member Reinhart moved, Board Member Curley seconded; and it was voted to approve the insert from the DPW regarding re-inspections of private roads for winter of 2021-2022. 5-0.**
- D. Insert from Housing Authority for Spring Tax Bill Notice Re-Wellfleet Housing Angels
- **Board Member Reinhart moved, Board Member Wilson seconded; and it was voted to approve the Wellfleet Housing Authority's spring tax insert regarding the Wellfleet Housing Angels. 5-0.**
- E. Discussion of the Open Space Committee's charge and purview – Board Member Curley
- Board Member Curley went into an explanation that he has compared Wellfleet's practices regarding Open Space Committee, with surrounding towns including Brewster, Eastham, Orleans, Truro, & Provincetown. He stated that Wellfleet is the only town that regularly transfers town owned land into the care and custody of Conservation Commission. He stated that Truro asked their Conservation Trust to maintain the stewardship over six parcels in 2013 but the parcels are still owned and controlled by the town and their selectboard. Brewster has only transferred land to the state which were adjacent to Nickerson State Park.

- He continued that the way the Open Space Committee's charge is to recommend property for purchase and act as a break if the selectboard tries to sell many properties without review, and to maintain properties for recreation. He stated he hasn't seen any properties be recommended for purchase and his question to the Board if they should continue to allow properties to be recommended to be transferred to the care and custody of the Open Space Committee.
 - Bruce Hurter stated that he would like for the board to look at the town's policies. He read the policy word for word to the Board Members. He stated in the town's policies a committee can ask the selectboard if they can move these properties, and there are several of them that they would love to see them given. Chair DeVasto questioned the need for the properties to be given to the Conservation Commission?
 - The Board continued to discuss this with Hurter and other residents at great length. Going over rules and regulations from the town's charter and bylaws for the Conservation Commission. Chair DeVasto stated that the charge doesn't eliminate their ability to request this.
 - **No Action Was Taken**
- F. Herring River Restoration Project; the signing of the contract with Chequessett Yacht and Country Club – Town Administrator Broadbent
- McGregor began stating that he was pleased that there has been a clean form from the Yacht Club officials signed and agreed upon. He went on to explain that this has been a ten year project to enlist the assistance and coordination and cooperation of the club to enhance the restoration project including economic value, tourism value, real estate value and useful and enjoyment of private and public property especially the free flowing river. This will enhance the eco system.
 - The Board expressed their gratitude that this has finally come to an agreement and it is a mutually beneficial Agreement.
 - There were some financial questions brought to the Board by McGregor; Chair DeVasto asked McGregor if he would like to discuss now or how they would go about voting. Wilson was concerned that the financials issues were not brought to the Board before the meeting. Ridley stated she wasn't aware of the conditions.
 - The Board continued discussion with the attorneys that were in attendance. Regarding the financial issues that were stated and grant funding.
 - **Board Member Reinhart moved, Board Member Carlson seconded; and it was voted to approve the signing of the Contract between the Town of Wellfleet and the Chequessett Yacht and Country Club. 5-0**
- G. Change the number of members of the Commission of Disabilities to five – Board Member Curley
- Board Member Reinhart stated that there is always a hard time to get people to be on this committee and moving to five members would need at least three members to be in attendance at all times.

- Board Member Curley explained that is the number is reduced to five the commission will be able to meet, although not the ten times required but they will be able to meet.
- **Board Member Reinhart moved, Curley seconded; and it was voted to approve the number of members on the Commission of Disabilities to five. 5-0**

H. Article for Annual Town Meeting – Open Space Committee

- Hurter presented to the Board the article that they are looking to put in front of town meeting. Board Member Curley shared the screen of the maps showing the properties that they are looking to have the town give to the Conservation Commission. Hurter went on with his presentation on sea level rise with the parcels they are looking to have. He discussed marsh migration, sea dunes and conservation land.
- The board discussed this at great length, discussing the land and the protection that it gives. Also discussing the need to approve the transfer. Issues were brought up about some of the land may be able to be built on and if it is transferred to the custody of the Conservation Commission the Commission can put regulations on the property that will effect many residents. Civetta commented that there is a lot of fishing there and at this time there is no vehicle access for shell fishing. She stated she would like to hear from the Conservation Commission. The discussion continued with the Board, Civetta, and residents. Chair DeVasto stated he wasn't in favor because the land is protected by the Wetland Protection Act.
- **Board Member Reinhart moved, Board Member Wilson seconded; and it was voted to have this article put on the town meeting Warrant. 4-1. (Board Member Carlson was against)**

I. Wellfleet Fuel System Slide Show Presentation – Daniel Robbins (project manager)

- Robbins began his presentation on the new tanks for the town of Wellfleet. He discussed the above and underground storage tanks. He gave advantages and disadvantages of having both the underground and above ground tanks. He explained having the tanks underground protects the tanks regarding weather and flooding. Above ground tanks he explained the weather would be an issue and loss of fuel the town would know that the fuel was lost. He explained also lightning strikes could happen the above ground tanks.
- He explained that the fuel is currently located underground and is routed down onto the floating dock where it is then dispensed. With the new tanks he explained the fuel will be up on the pier and the pumps at the docks.
- He presented to the board a slide show of pictures showing possible places for the tanks to go at the pier. Along with a slide show of pictures Robbins showed the Board maps and how the pier would look once the

tanks are installed. His presentation was very detailed and informative to the public on how these tanks will work.

- The board had some questions for Robbins, and they discussed the cost difference from above ground to below ground. There was no cost difference as the majority of the cost is the removal of the existing tanks. Safety issues were addressed and discussed. Having the tanks underground Robbins explained that it would be safer to pedestrians and tampering with.
- There were questions on the tanks being an eyesore above the ground. Robbins explained that yes, the tanks are an eyesore. He also stated that the tanks would have to be secured based on the flood zone that they are in whether the tanks are above or below ground.
- Board Member Wilson asked what the appropriation was at town meeting, the amount was \$500,000. Board Member Wilson went on to express why she felt above ground tanks were better for the town. Giving examples of leaks would be easier to find out about and then clean up. She stated she feels there is plenty of buildings surrounding the tank and it is somewhat sheltered.
- It was discussed about when the project would begin? Robbins stated that as soon as the state fire marshal gave the go ahead it would happen rather quickly. Board Member Curley asked if there would be interruption in services? Robbins stated it would be about a month or less with service not being available.
- Chair DeVasto recognized Joe Aberdale who had some questions for the Board and concerns stating maybe the size tank they are looking at might not be adequate for the needs of the town. They discussed this at great length and then asked Chief Pauley his thoughts or concerns regarding this. Chief Pauley stated that none of the fire department vehicles use the tanks to fill up at the pier. He went on to give his opinion on having an underground tank. He believes with respect to underground tank technology has come very far in the last 40 years. His main concern was dispensing the gas. He gave examples of explosions that mainly happen at the dispensing and the fact that the tank will be between three wooden buildings. He also discussed the traffic pattern with Mac's at the pier and the beach sticker office. He is not in favor of the location and would just ask the board to consider all the options.
- Board Member Reinhart asked if Will Sullivan had any concerns or a preference as to where the tanks should be located. He stated to the Board that his main concern is getting the old tanks out and the new tanks in.
- The board went on discussing the options of having the tank above ground and below ground. If there is a spill which would be easier to clean up.

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- **Chair DeVasto moved, Board Member Reinhart seconded; and it was voted to approve the fuel tank system to be below ground at its current location. 5-0**

VII. Selectboard Reports

- Board Member Reinhart stated that the coming Friday the Cape Cod Selectmen's Council Association will have their regular meeting, there will be speakers that come on and the cape's representatives will be at the meeting. Reinhart will bring up the transfer tax and get information to bring it back to the Board.
- Chair DeVasto explained that he attended the Shellfish Advisory Meeting as a resident and not a board member.

VIII. Town Administrator's Report

- Town Administrator Broadbent gave an update on the town finances and the activities at town hall.
- Board Member Wilson discussed the ability to have a round table meeting with the bike and walkways committee and the state. Broadbent explained that when she contacted the state, they weren't willing to do a forum. She continued to express how she will still continue to work with the bike and walkways committee.

IX. Topics for Future Discussion

- Discussion on having Transfer Tax when transferring town property - Reinhart
- Discussion on allowing the use town property moving forward - DeVasto
- Discussion on increasing fees for the town maybe increasing them as the town is well used. – Reinhart
- Discussion on Omaha Road issues – Curley
- Maria's six-month performance review – Curley
- Discussion on a follow up meeting about transfer of land to the Conservation Commission – Wilson
- Discussion of the short-term rental tax allocation to housing issues – Chair DeVasto

X. Correspondence and Vacancy Reports

A. Email from Jude Ahern regarding Carolyn Murry from KP Law

XI. Minutes

January 26, 2021

- Board Member Curley had some concerns with the minutes and would like to approve them as draft.
- **Wilson moved, Reinhart seconded; and the motion failed to approve these minutes of January 26, 2021 as draft minutes. 3-2-1 (Carlson abstained, Curley no, DeVasto no)**

XII. Adjournment

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- **Board Member Reinhart moved, Board Member Wilson seconded; and it was voted to adjourn. 5-0**
- **The meeting adjourned 10:25pm**