

**Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday April 27, 2021; 6PM
Meeting Minutes**

Members Present: Michael DeVasto, Justina Carlson, Ryan Curley, Helen Miranda-Wilson

Member Absent: Janet Reinhart

Others Present: Rebekah Eldridge, Executive Assistant; Rebecca Slick, Assistant Town Administrator; Harry Terkanian, Chief Rich Pauley, Fire Chief; Mary Ellen Manning, Wellfleet Resident; Dan Silverman, Town Moderator; Kathleen Bacon, Wellfleet Resident; Richard Elkin, Wellfleet Resident

Chair DeVasto called the meeting to order at 6:01PM

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.

- Board Member Wilson announced that Nancy Civetta the Shellfish Constable received the shellfish constable of the year award.
- Board Member Curley announced the John Portnoy resigned from the Conservation Commission and thanked him for his long service to the town.
- Manning stated to the board she was upset to hear the town needed to hire a new administrator and accountant and urged the Board to not rush into hiring a new one.
- Chair DeVasto read the statement regarding the parting of ways with Maria Broadbent the current Town Administrator. Her last day will be April 30, 2021. He also announced the Town Accountant Heather Michaud resignation and wished both women well in their future endeavors.
- **Board Member Curley moved; Board Member Wilson seconded; and it was voted to reschedule Wellfleet's Annual Town Meeting from June 5, 2021 to June 26, 2021 at 10AM; with rain dates of June 27, 2021, June 28, 2021, June 29, 2021 with the Annual town Election being held on June 30, 2021. 5-0.**

II. COVID-19 Updates and Recommendations

A. Any new information given to the town will be communicated at this time.

- Eldridge explained that there is a link on the town's website to sign up for a vaccine clinic.
- Board Member Curley stated that Cape Cod Community College has open appointments and walk-ins for vaccines.

III. Discussion on Postponing Town Meeting

- The Board will discuss and take possible votes on postponing town meeting. Chief Pauley spoke to this and stated that moving town meeting back a few weeks would give the Board more time to get the Warrant in better shape and

the Budgets worked out so that they aren't in such a time sensitive crunch. The Board discussed this at length. Also discussing the change of the Annual Town Election before the end of the Fiscal year.

IV. Public Hearings

- a. Amend sections of the Town of Wellfleet Shellfishing Policy and Regulations.
- *To add Section 7.6.1 Application Procedure*
 - *To amend Section 2. Shellfishing Policy for the Town of Wellfleet / Purpose of Regulations, Section 6.1 Commercial Permits and Section 7.8. Issuance of Licenses for Aquaculture*
 - *To change Board of Selectmen to Selectboard and to change Department of Marine Fisheries to Division of Marine Fisheries throughout the Town of Wellfleet Shellfishing Policy and Regulations.*
 - *Delete Section 6.6 Transfer of Oysters to Wholesale Dealers' Trucks During Vibrio Control Season*
 - *Delete dates from Section 7.15.3. Use of Spat Collecting Devices*
 - Chair DeVasto explained that he wanted to recuse himself from this portion of the meeting and Board Member Wilson stepped in as acting Chair.
 - Board Member Curley asked to begin with Section 2 which is asking to be amended. Board Member Wilson and Board Member Curley discussed how they are unable to make changes unless there is another hearing. Civetta explained that these are categorized and there was language added and another addition in a different section of the regulations. They agreed to do the application amendment after the amendment of Section 2. They discussed domicile status at great length. Civetta stated that she would like some time to look over this document before the Board approves any changes. They continued to discuss residency. It will be sent back to the Shellfish Committee to get their comments and suggestions.
 - **Board Member Curley moved; Board Member Wilson seconded; and it was voted to refer both the domicile exception regulation changes back to the Shellfish Advisory Board. 3-0**
 - The Board moved onto the Application Procedure. Board Member Curley had his changes in red. They discussed these changes with Civetta who expressed that she works diligently with the Town Clerk, and the Assessors office to have all updated information on people's residencies.
 - The Board continued to discuss other changes. Civetta explained where she was coming from when writing these changes. She explained to Board Member Curley that she was directed by the Board that these changes needed to be made and didn't feel comfortable making the business plans of shellfishermen public. There was so discussion between Civetta and Board Member Curley. They continued to discuss these regulations.
 - It was discussed and decided to share Civetta's screen who was asking the Board at this time to pass what she has done and then amendments can be made at a later meeting. The Board discussed a few changes to Civetta's draft.

- **Board Member Curley moved; Board Member Wilson seconded; and it was voted to change the wording in the Wellfleet Shellfish Regulations throughout the entirety of the regulations from Board of Selectman to Selectboard. 4-0**
- **Board Member Curley moved; Board Member Carlson seconded; and it was voted to approve the corrections made concerning the housekeeping items as presented in the Selectboard Packet.**

Roll Call Vote: 4-0

V. Licenses

a. Common Victualler

- 349 Café
- Leaside Café
- **Board Member Wilson moved; Board Member Curley seconded; and it was voted to approve the Common Victualler licenses for the above properties.**

Roll Call Vote: 4-0

b. Food Truck

- 349 Café
- Leaside Café
- **Board Member Curley moved; Board Member Carlson seconded; and it was voted to approve the Food Trucks listed above, conditional on the inspection being passed by the Health Agent.**

Roll Call Vote: 4-0

VI. Use of Town Property

a. Shellfish Department

- Extend Farmer's Market 2 Saturdays
- Civetta presented to the Board and began by thanking Board Member Curley for all his hard work. She explained the Harbormaster and the Health Agent were okay with the extension for two weeks. She stated they are trying to figure out the summer location or they may revive it once the season is done.
- **Board Member Wilson moved; Board Member seconded; and it was voted to approve the extension of the Shellfish Farmer's Market two extra Saturdays. May 8th and May 15, 2021.**

Roll Call Vote: 4-0

VII. Business

a. Appointment of Acting Town Administrator ~ Chair DeVasto

Chair DeVasto announced that he would like appoint Chief Rich Pauley as acting town Administrator as he has taken a leadership role working on the budgets and warrant.

- **Chair DeVasto moved; Board Member Curley seconded; and it was voted to appoint Fire Chief Rich Pauley as the acting Town Administrator as allowed in the town charter section 5-10-1 until an**

interim Town Administrator is appointed for a term no longer than 90 days.

Roll Call Vote: 4-0

- The Board discussed the confidence they have in the Chief. There will be discussion of compensation for the chief in the future.
- Chief Pauley expressed his gratitude to the Board and the town for their support.

b. *Discussion and possible votes taken on the warrant article regarding transfer of taxes* – Selectboard.

- The Board asked Member Curley to share his screen so they are able to see the changes and recommendations that he made.
- Chair DeVasto expressed his concern for using the home median price and gave many details on how this could negatively impact the seller, by adding to their tax burden. He stated that as the median house prices increase so does the cost of living. Also discussing the home could be the homeowners only asset. He feels this is like a tax on retirement. He continued to express his concerns and offered a few suggestions to reword this.
- The Board continued to discuss the taxes and percentages. Carlson expressed that it is a good opportunity to bring revenue into the town. There was much discussion and debate on the options for this warrant article. Luxury tax was discussed with homes that are second or vacation homes and not the primary home of residents. The percentage rates were discussed. The Board answered questions and listened to members of the community who were in favor of this warrant article. They continued to discuss the median price of a home and the issues that go along with this article. Bacon spoke in favor of this article. There was much discussion on the percentage that should be charged. The lower the percentage the less revenue the town will bring in. The Board discussed having a certain percentage be imposed on the seller and a percentage be imposed on the buyer. Elkin commented on the 2% tax.
- The Board discussed the different options that they will discuss when Board Member Reinhart is able to be at the meeting. Value exemption will be discussed at a future meeting. Chair DeVasto talked about getting different numbers so they can see what 1% or 2% would end up on the revenue to the town.

c. *Discussion and possible votes taken for Town Meeting warrant articles not already approved.*

- Chief Pauley explained to the Board that he, Mr. Terkanian, Eldridge and Silverman worked on the warrant cleaning it up. He stated to the Board that he would like a little more time and he feels they will be able to clean this up and present it at the first May meeting.
- Terkanian spoke to the Board and asked them to allow Eldridge, himself and Chief Pauley be the only ones responsible for the warrant. He didn't think it would be productive having many people editing the same document as it will not be productive.

- **Board Member Curley moved; Board Member Wilson seconded; and it was voted to appoint Harry Terkanian the editor of the 2021 Annual Town Meeting Warrant.**
- **Roll Call Vote: 4-0**
- It was questioned who would be contacting Town Counsel with these warrant articles that need to be seen. Chair DeVasto explained that both Chief Pauley as acting Town Administrator and Harry Terkanian were allowed to check in with town counsel.
- Felix requested that the Wastewater Committee needed to look over the articles that Board Member Curley had submitted before it went to the warrant.
- **Board Member Curley moved; Board Member Wilson seconded; and it was voted to place and recommend the Portable Radio Replacement Articles in the Annual 2021 Wellfleet Town Meeting Warrant.**

Roll Call Vote: 4-0

- **Board Member Curley moved; Board Member Wilson seconded; and it was voted to place and recommend the Department of Public Works replacement of the ¾ ton truck and plow for the Annual 2021 Wellfleet Town Meeting Warrant.**

Roll Call Vote: 4-0

- **Board Member Curley moved; Board Member Wilson seconded; and it was voted to place and recommend the Transfer Station Roll on and Roll off Truck into the Annual 2021 Town Meeting Warrant.**

Roll Call Voted 4-0

- **Board Member Wilson moved; Board Member seconded; and it was voted to place the Keller's Corner Revetment article into the Annual 2021 Wellfleet Town Meeting Warrant.**

Roll Call vote: 4-0

- **Board Member Wilson moved; Board Member Carlson seconded; and it was voted to recommend The Keller's Corner Revetment article into the Annual 2021 Wellfleet Town Meeting Warrant.**

Roll Call vote: 3-0-1 (Board Member Curley abstained)

- **Chair DeVasto moved; Board Member Wilson seconded; and it was voted to recommend resurfacing Mayo Beach basketball Court.**

Roll Call Vote: 3-0-1 (Board Member Curley abstained)

- **Board Member moved; Board Member seconded; and it was voted to place and recommend the Baker's Field Baseball Field Backstops.**

Roll Call Vote: 4-0-1 (Board Member Curley abstained)

- **Board Member Wilson moved; Board Member Curley seconded; and it was voted to place Prior Year Invoices into the 2021 Wellfleet Annual Town Meeting Warrant.**

Roll Call Vote: 4-0

- **Board Member Curley moved; Board Member Wilson seconded; and it was voted to amend the wording in the non-union and other**

personnel contract language on the warrant to read “to see if the town will vote to raise and appropriate and or transfer from available funds such sums of money sufficient to fund wage and salary adjustment for non-union and other personnel beginning July 1, 2021.

Roll Call Vote: 4-0

- Terkanian brought up the ambulance is specifically stating it will take money out of the ambulance fund and asked the Chief if that was true. Chief Pauley stated he knows the ambulance fund is there to help the fire department purchase safety equipment.
- Board discussed the wastewater articles, and it was recollected that they did vote to place the articles but had not yet voted to recommend.
- **Board Member Curley moved; Board Member Wilson seconded; and it was voted to place and recommend the Community Preservation Historical Artifacts article into the 2021 Wellfleet Annual Town Meeting Warrant.**

Roll Call Vote: 4-0

- **Chair DeVasto moved; Board Member Wilson seconded; and it was voted to place and recommend the Community Preservation Stage for the Pavilion article into the 2021 Annual Wellfleet Town Meeting Warrant.**

Roll Call Vote: 4-0

- **Chair DeVasto moved; Board Member Wilson seconded; and it was voted to place and recommend Chapter 90 Funds into the Annual Wellfleet Town Meeting Warrant.**

Roll Call Vote: 4-0

- **Chair DeVasto moved; Board Member seconded; and it was voted to place the Other Employees Benefits (OPEB) Article into the 2021 Annual Wellfleet Town Meeting Warrant.**

Roll Call Vote: 4-0

- The Cable Article no action was taken because the Board felt it needed more information.
- Disposition of Town owned land was voted to place and not yet recommend the articles. Board Member Wilson asked if the names of the abutters be taken out of the articles. The Board discussed this, and Board Member Carlson didn't feel this article was ready to go to Town Meeting. Chair DeVasto discussed whether it needed to be sent out for bid. The Board discussed this article further, regarding the explanation and summary. Slick explained that there is a standard language the KP Law would have,
- and she would get that for the board.
- High Toss Road was brought up next and they discussed making sure it is up to date with the process. Eldridge explained that High Toss Road is on the Thursday meeting April 29, 2021.
- Right to Farm is a place holder and will be worked out with Town Counsel.

- d. Discussion and possible votes taken on 2022 budgets.*
 - The Board will continue the budgets talks to the next night's meeting.
- VIII. Selectboard Reports**
 - No reports
- IX. Town Administrator's Report**
 - Chief Pauley had nothing to report at this meeting.
- X. Topics for Future Discussion**
 - Board Member Wilson would like a discussion on a future agenda regarding upcoming large events in the future.
- XI. Correspondence and Vacancy Reports**
 - Board Member Wilson stated the Conservation Commission needs 2 members.
- XII. Minutes**
 - a.** April 13, 2021 ~ moved to the following night's meeting.
- XIII. Adjournment**
 - **Board Member Wilson moved; Board Member Carlson seconded; and it was voted to adjourn the meeting.**
Roll Call Vote: 4-0
 - Meeting adjourned 9:50PM

***Public Documents:**

Shellfish Policy and Regulation Changes

Common Victualler Licenses

349 Café

Leeside Café

Food Truck Licenses

349 Café

Leeside Café

Use of Town Property Licenses

Town Pier for Shellfish Market

Transfer Tax Warrant Article

Draft 2022 Annual Town Meeting Warrant

Vacancy Report

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