

**Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday March 9, 2021; 6PM
Meeting Minutes**

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

Others Present: Maria Broadbent, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Chief of Police; Lynne Welsh, Financial Advisor for the town of Wellfleet; Jay Norton, Wellfleet DPW; Susan Spear, Member of the Wellfleet Well Line; Hillary Greenberg-Lemos, Wellfleet Health Agent; Paul Fowler, Building Commissioner; Will Sullivan, Harbormaster; Carole Ridley, Ridley & Associates; Mia Baumgarten, Cable Advisory Board Chair; Mark Vincent, Wellfleet DPW; Ellaine McIlroy, 95 Lawrence Rd. Project; Gary Sorkin, 95 Lawrence Rd. Project; Kathleen Bacon,

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 Hurley informed the board and public that he wanted to thank a few of his two lead investigators Sgt. Paul Clark and Detective Nick Daley for their hard work and dedication on the drug investigation and arrest of two individuals, getting a lot of drugs off the streets.
- Chief Hurley also informed the board that his Lt. applied for a grant from the department of Public Safety, this will be a sign to inform people to slow speeding cars.
- Spear read a letter to the board and public expressing their gratitude for the employees of the Wellfleet Marketplace and the Well Line would like to see the employees get free beach and transfer stickers for the 2021 season.

II. COVID-19 Updates and Recommendations

- Lemos stated that she did not have many updates for the board. She stated she is still trying to get the vaccine down to this part of the cape. She explained she is moving ahead along with the COA and the fire and police to get the homebound residents to get them vaccinated.

She reported that Wellfleet currently has 3 active Covid cases.

Chair DeVasto spoke out about how disappointed he is in the state knowing that Wellfleet is the number one tourist destination for people he stated the state needs to move quickly on getting vaccine down here so the residents and people who come here to work can be safe. Chair DeVasto stated the town should withhold their tax revenue from the state until all the residents are vaccinated.

Board Member Carlson agreed with Chair DeVasto. Board Member Wilson expressed her concern and dismay that many of the Wellfleet marketplace employees have not been vaccinated. Lemos explained that she has been in constant contact with the state and has been very demanding about getting the vaccine to this end of the cape. She explained she is trying hard but unfortunately it is falling on deaf ears.

Chair DeVasto stated he feels that the selectboard should write a letter to the state explaining how important it is to get the vaccine to the cape as the tourist season will soon begin to ramp up. They continued discussion on staff being vaccinated and when they will be vaccinated.

III. Public Hearings

A. *Discuss and Vote on a new fee schedule at the Wellfleet Marina – William Sullivan, Harbormaster*

Sullivan began explaining that he went to the Marine Advisory Board asking for a slight increase as there has not been any increase in fees in many years. He explained to the board how the increases will go over the next few years. He explained that he did not raise the commercial fees this year due to the pandemic but next year they will increase with the rest of the fees. He also explained that the marina fees are comparable to surrounding towns. The board expressed their gratitude for this well thought out plan.

Selectboard Member Reinhart moved, Selectboard Member Wilson seconded; and it was voted to approve the Wellfleet Marina updated Fee schedule as listed in the selectboard packet dated March 4, 2021 5-0.

IV. Board/Committee Appointments and Updates

A. *Disclosure of Appearance of Conflict of Interest – Olga Kahn, Planning Board*

Kahn explained to the board that she is on the Planning Board and is helping to draft a bylaw on Accessory Dwelling Unit. She stated she has a Accessory Dwelling unit and told them what she makes regarding income. She stated she would like to continue as a citizen/Planning Board Member. Chair DeVasto stated that if something arises in a discussion where she is uncertain about being a conflict of interest, she should contact the Lawyer of the Day at the courthouse and follow what he or she recommends.

Selectboard Member Reinhart moved, Selectboard Member Carlson seconded; and it was voted that the Selectboard has determined that the financial interest of Olga Kahn is not so substantial as to be deemed likely to affect the integrity of the services which the town may expect from her as a member of the Wellfleet Planning Board. This disclosure is dated February 19, 2021. 4-1-0 (Wilson Recused)

B. *Appointment of Al Mueller as an alternate member to the Zoning Board of Appeals – Principal Clerk*

Al Mueller was present for the meeting. Chair DeVasto explained that the board likes to hear from the applicant as to why he would like to be part of the of the Zoning Board of Appeals. He explained he has been living full time in Wellfleet since 2006 and he has worked with maps in the past and he would like to serve the community. The board discussed with Mueller his duties as a member and gave him a summary of the rules.

Reinhard moved, Wilson seconded; and it was voted to approve the appointment of Al Mueller as an alternate to the Zoning Board of Appeals. 5-0

C. Appointment of Elisabeth Salén to the Local Housing Partnership – Principal Clerk

Salén has asked that this be moved to a future Selectboard meeting.

No Action Taken

V. Business

A. 2021 ATM Article Bond Issuance – Town Administrator Broadbent/Miriam Spencer/Heather Michaud

Administrator Broadbent introduced Spencer and the financial advisor who represented the town through the bond sale. Welsh gave a summary to the board of how the process went in obtaining the bond for the town. She informed the Board that there is a 20-year bond for Wellfleet with a low interest rate. The town was offered a premium and they were able to resize the bond. Wellfleet was given a AAA rating. She continued to explain this process and how it worked. Miriam stated that the documents needed to be personally signed by the board in the following day so they could be mailed out.

Selectboard Member Reinhart moved, Selectboard Member Curley seconded; and it was voted to approve the 2021 the bond issued votes as provided in the Selectboard packet and listed below, dated March 9, 2021.

5-0

FULL VOTE BELOW:

Further Voted: that the sale of the \$8,500,000 General Obligation Municipal Purpose Loan of 2021 Bonds (Unlimited Tax) of the Town dated March 15, 2021 (the "Bonds"), to Piper Sandler & Co. at the price of \$9,314,054.53 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on March 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2022	\$475,000	5.00%	2032	\$405,000	2.00%
2023	\$475,000	5.00%	2033	\$405,000	2.00%
2024	\$475,000	5.00%	2034	\$405,000	2.00%
2025	\$465,000	5.00%	2035	\$405,000	2.00%
2026	\$465,000	5.00%	2036	\$405,000	2.00%
2027	\$425,000	5.00%	2037	\$405,000	2.00%
2028	\$425,000	5.00%	2038	\$405,000	2.00%
2029	\$415,000	5.00%	2039	\$405,000	2.00%
2030	\$415,000	2.00%	2040	\$405,000	2.00%
2031	\$415,000	2.00%	2041	\$405,000	2.00%

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated February 23, 2021, and a final Official Statement dated March 2, 2021 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Selectboard be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the

Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Selectboard, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

B. *Selectboard to decide to recommend or not recommend school renovation project – Chair DeVasto.*

Chair DeVasto stated he put this on the agenda knowing they had already discussed this subject in the past but wanted to have the selectboard weigh in the school project. He asked each board member their thoughts and opinions. Each member gave their thoughts and opinions for the school renovation, all members were in favor of this project stating the school is top rated in the state and it needs to be updated. Chair DeVasto also discussed the fact that there are millions of dollars that are being granted to this project and he stated its money that they will not be able to get back if this project doesn't go forward.

Selectboard Chair DeVasto moved, Selectboard Member Reinhart seconded; and it was voted to recommend the Nauset School Renovation project as written. 5-0

C. *Herring River Restoration/High Toss Road Approved Article – Town Administrator Broadbent/Carole Ridley*

Ridley gave an update on the project and some background information to the Board. She explained that the Town's Counsel was asked to look into who was the owner of High Toss Road, counsel recommended that the original article be deferred to this year. Selectboard Member Curley asked if the administration was in contact with the abutters. Administrator Broadbent explained that they would be looking to KP Law for their guidance. They further discussed some details. Wilson will send the maps to Board Members regarding this area.

Selectboard Chair DeVasto moved, Selectboard Member Wilson seconded; and it was voted to place the article to accept High Toss Road as printed in the Selectboard packet dated March 9, 2021. 5-0

Selectboard Member Reinhart moved, Selectboard Member Carlson seconded; and it was voted to recommend the acceptance of High Toss Road to Duck Harbor Road to the town. 5-0

D. Spring Tax Insert – Wellfleet Cable Advisory Committee

Baumgarten explained to the Board that the cable advisory board would like to have this insert informing residents that they may be eligible to receive cable if they are not receiving it now. They discussed this further. They came to the agreement that if there is room in the tax bill, they felt this is important.

Selectboard Chair DeVasto moved, Selectboard Member Reinhart seconded; and it was voted to approve the tax insert informing Wellfleet residents of their eligibility for Comcast coverage as long there is room for the insert. 5-0

E. Opening and Closing of Herring River – Shellfish Constable Civetta

Civetta explained to the Board that she had received the water quality test back from the state and passed with flying colors. She asked that in the board's motion they open and close the Herring River all in one motion, so it does not have to come before the board again. This is a requirement of the Division of Marine Fisheries

Selectboard Chair DeVasto moved, Selectboard Member Wilson seconded; it was voted to open the Herring River one half hour before sunrise Monday March 15, 2021 and close the river one half hour after sunset Tuesday August 31, 2021 as directed by the Division of Marine Fisheries. 5-0

F. Lt. Island Bridge Repairs – Mark Vincent/Jay Norton

Vincent informed the board that they have chosen the winning bid for the bridge project received by Aetna Bridge Company and have spoken with all the references provided. He stated he is hoping to begin the work this spring. There were a few questions regarding the details of the bridge. Vincent explained that the bridge will have to meet different codes but will look the same.

Selectboard Chair DeVasto moved; Selectboard Member Reinhart seconded; and it was voted to approve the bid from Aetna Bridge Company for the Lt. Island Road Bridge repair project and authorize the clerk for the Selectboard Ryan Curley to sign on behalf of the Selectboard. 5-0

G. Approval of final RFP for the 95 Lawrence Project – 95 Lawrence Road Task Force

Mcllroy informed the board that after a lot of time they have acquired the final RFP for this project and would like to get it approved and then sent to town counsel. The Board discussed the RFP and the timeline that goes along with this process. They discussed with Sorkin and Mcllroy at great length when this would go into effect. There was some concern about the contract and when the RFP would go out. Chair DeVasto explained that the timeline for this does not start until the contract is signed. Mcllroy explained the deadline for submissions

for developers is August 2021. Bacon spoke in favor of this draft and urged the Board to accept the draft as written. The Board continued to discuss the requirements at great length.

Selectboard Member Reinhart moved, Selectboard Member Wilson seconded; and it was voted to approve the final RFP 95 Lawrence Road project dated February 19, 2021. 5-0

Selectboard Chair DeVasto moved, Selectboard Member Reinhart seconded; and it was voted to approve to appoint the Town Administrator work with the task force for any future amendments that need to be made to the RFP for the 95 Lawrence Rd project dated February 19, 2021 with a preference that it be brought before the Board if feasible. 5-0

H. *Establishing a real property transfer fee for the Town of Wellfleet – Selectboard Member Wilson*

Chair DeVasto stated this was on the warrant for 2017. Selectboard Member Wilson explained she spoke with representative Sarah Peake and this needs to be changed and updated. This needs to be brought before Town Meeting on the warrant. She continued to explain that many towns in the state of Massachusetts are looking to change this too. Selectboard Member Curley gave more details stating that Wellfleet is asking for .5% and that the city of Boston was asking for 2%. He gave more information to the board and stated that he felt it should be 2%, which would bring more revenue to the town. Chair DeVasto stated his issues with the price of the home being set at five-hundred thousand dollars. The Board discussed this at great length. The concern with this was that it might have a negative effect on families or individuals with modest means. There was discussion with of having the rate set with the median home price. The Board discussed having this placed on the town warrant; they felt that this was too big of a discussion for them to place or vote on this subject tonight. They discussed that they would need to talk and learn more about second home versus first home, not knowing all the details.

No Action was Taken.

I. *Approval of a Warrant Article for Town Meeting to exempt the Town of Wellfleet from Prevailing Wages on small projects – Selectboard Member Curley*

Selectboard Member Curley explained to the Board the Article he would like to be brought to town meeting. He stated that Sarah Peake filed this for another town on the cape; this is for projects up to \$50,000. Chair DeVasto stated he did not have any issues having this on the warrant and feels it should be put to the residents of Wellfleet.

Selectboard Member Wilson moved, Selectboard Member Carlson seconded; and it was voted to recommend and place the article petitioning the General Court Exempting the Town of Wellfleet from prevailing wages on small projects as written. 5-0.

VI. Selectboard Reports

Selectboard Member Curley informed the Board he attended the Wastewater committee meeting earlier that day.

Selectboard Chair informed the board that he is a member of the MSI taskforce and is on the working group, he attended their meeting where they went through public comments which they take seriously to put into their draft issued. He gave the website where the meeting can be listened to.

Selectboard Member Wilson informed the board that she and Broadbent met with an attorney and a retired judge regarding use of private ways and subdivisions. She continued stating that the questions were addressed and asked for a written response so she could give it to the rest of the Board. She stated she learned that almost never can you use a private way to get to a public property. Chair DeVasto stated that was not how he read it and understood it.

Selectboard Member Reinhart stated she attended a meeting via zoom mass municipal association meeting with discussions on ADU's and what the state is doing with housing. She stated that she emailed the link to watch the meeting and she felt it was very informative.

Selectboard Member Wilson questioned the meeting time for upcoming meetings.

VII. Town Administrator's Report

Administrator Broadbent went over her report with the board. Giving credit to the town accountant Michaud for getting two grants from the state. She informed them that the audit is close to ending and they will have the report in front of them. She is looking to bring to the Board a fee schedule of all the town fees in one place, so they are easy to access. She continued that they are looking to expand the system away from the town's financial system Vadar and moving to better system that is easier to use. Broadbent was questioned about town hall and the opening of town hall and the coverage. Eldridge explained that the principal clerk is in the office Monday, Tuesday's; Eldridge is in the office Wednesday's and Thursday's and they alternate every other Friday.

VIII. Topics for Future Discussion

A. All restaurants and businesses that plan to change seating for the upcoming season do need to get permission from Fire, Police, and Health. Make sure the policy that was written last year has not expired.

B. Public Safety Concerns at Cahoon Hollow Beach

C. Schedule a time for the Wastewater committee to come before the selectboard.

D. Advertise in paper for Beach Rules and Regulations for Public Hearing at the March 23rd Selectboard Meeting.

E. Discussion on the Management of Beach Parking Lots during the summer, White Crest in particular

F. United States Department of Commerce looking for Selectboard comments.

G. Town Administrator Broadbent 6-month review – Selectboard

H. NEWLY ADDED - Selectboard Member Reinhart discussed the letter that the Planning Board asking to discuss climate change, she stated it needs to be on a future agenda.

A full recording of this meeting can be found on the town's website

I. NEWLY ADDED – Broadbent's six-month review the board came to the decision that they would like a working meeting to discuss the process of the how to go about conducting the review.

J. NEWLY ADDED – Selectboard Member Carlson stated that she had been asked by the wastewater committee to have a joint meeting. To be scheduled at a later date

K. NEWLY ADDED – Selectboard Member Curley would like to look at the small vessel regulations.

L. NEWLY ADDED – Selectboard Member Wilson would like to find out when the final warrant needs to go to the printer.

IX. Correspondence and Vacancy Reports

- Selectboard Chair DeVasto stated that the town received a letter from the historical society informing them that they will be putting stairs behind town hall. This was discussed at a previous meeting where the Selectboard approved the stairs to be built. Selectboard Member Wilson stated that it needs to be more official. This letter and the notes need to be sent to town counsel for review.
- There was discussion about a complaint from a resident of Wellfleet regarding ATV's.

X. Minutes

A. February 23, 2021 – Selectboard Member Reinhart moved, Selectboard Member Carlson seconded; and it was voted to approve the minutes as written in draft. 4-0-1 (Wilson abstained)

XI. Adjournment

- **Selectboard Member Reinhart moved, Selectboard Member Carlson seconded; and it was voted to adjourn the meeting. 5-0**
- **Meeting adjourned at 9:10PM**

Respectfully submitted by Rebekah Eldridge