

**Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday May 25, 2021; 6PM
Meeting Minutes**

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

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Rebecca Slick, Assistant Town Administrator; Chief Rich Pauley; Fire Chief; Chief Mike Hurley, Police Chief; Dawn Walsh, Lily House Representative; Trudy Vermehren, Fox and Crow Restaurant; Deborah Freeman, Jay Norton, Assistant Director DPW Director; Ben Zehnder, Lawyer for Nature's, Patrick Casey, Katherine Myers, Reporter for Provincetown Independent; Jeff Baker, Manager for new restaurant; Matthew Porter, Attorney for the new restaurant; Frank Alexander, Minister from Grace Chapel; Nicole Costanzo, KP Law attorney; Matthew Wilkes, Nature's Alternative; Nancy O'Connell, Blake Olsen, Beth Treffeisen & Aaron Bacon, Carole Ridley; Ridley Associates for the Herring River Project, Terri Smith

Chair DeVasto called the meeting to order at 6:01

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 Carlson announced she will be running as a write in candidate for Selectboard. She stated she has the experience and feels she has more to offer to the town.
- Board Member Curley read a letter written to the Board from the Bike & Walkways Committee regarding the gratitude to their member Lance that is retiring from the committee.
- Board Member Curley stated the water table in the Town of Wellfleet is extremely low and explained that residents please be cautious when using water to water lawns.
- Walsh presented to the Board giving a background of the Lily House which she explained is an end-of-life home that allows people to come and have end of life hospice level of care. She gave details of the program. She continued that a resident of Wellfleet has passed away and left her home to the Lily House. She asked if the Board would be willing to write a letter of support because they are applying for a grant to help renovate the house, so the residents are able to live there safely. The Board agreed to write a letter of support.
- Myers questioned the auditor's participation, Chair DeVasto explained that the auditors had to cancel at the last minute but have been rescheduled to the June 8, 2021 meeting.

II. *COVID-19 Updates and Recommendations*

A. Any updates, new information, or recommendations will be given from the Health Agent or Chair of the Selectboard.

- Chair DeVasto stated that it looked like restrictions were winding down and Saturday May 29, 2021, many restrictions would be lifted.

- Board Member Carlson stated that there has been an extension for zoom meetings, and they would need to discuss it

III. *Public Hearings*

- A. Transfer and Pledge of Inventory of the seasonal all alcohol license at 842 State Highway, Route 6 from Bocce Italian Grill, Minina Benevento, manager, to New Fleet Corporation, Jefferey Baker, Manager
- Attorney Porter updated the Board that this is a small business and there will be no major changes to the business and will continue to be run as an Italian Eatery.
 - **Board Member Reinhart moved; Board Member Carlson seconded; and it was voted to approve the transfer and pledge of inventory of the seasonal all alcohol license at 842 State Highway Route 6 Wellfleet from Bocca Italian Grill, Minina Benevento, Manager, to New Fleet Corporation, Jefferey Baker, Manager.**
Roll Call Vote: 4-0 (Wilson was away from the meeting)

IV. *Use of Town Property*

- A. Mayo Beach Parking Lot ~ June 17, 2021, 3pm-5pm ~ Nancy O'Connell
- Board Member Reinhart state that she would like to see fees applied to these. The Board asked O'Connell for more details regarding this. The Board discussed charging a fee with this because it was a memorial service. The normal fee for the use of town property is \$110.
 - **Board Member Reinhart moved; Board Member Carlson seconded; and it was voted to approve the use of Mayo Beach Parking lot to Nancy O'Connell on June 17, 2021, from 3pm to 5pm.**
Roll Call Vote: 4-0 (Wilson away from the meeting)
- B. DPW Parking Lot ~ October 2, 2021, 1pm – 3pm ~ Blake Olson
- Olsen explained to the Board that he is getting married in October and would like to use the DPW parking lot for his guests to park their cars, explaining it was a weekend so it wouldn't interfere with town staff.
 - **Board Member Reinhart moved; Board Member Carlson seconded; and it was voted to approve the use of the DPW Parking lot located at 220 Main Street Wellfleet, on October 2, 2021, from 1pm to 3pm with the additional fee of \$110.**
Roll Call Vote: 4-0 (Wilson away from the meeting)
- C. Memorial Garden ~ August 8, 2021, 3pm – 5pm ~ Beth Treffeisen/Aaron Bacon
- Board Member Reinhart expressed her concern with having 100 people at the memorial garden stating it was to high a number. Bacon spoke to the Board stating that they have booked Preservation Hall. Board Member Curley stated he read the Health and Conservation comments about the lawn being damaged and asked that the party be responsible for any damage done to the grounds.
 - **Board Member Wilson moved; Board Member Reinhart seconded; and it was voted to approve the use of the Wellfleet Memorial Garden located beside Preservation Hall on Main Street in Wellfleet to Beth Treffeisen and Aaron Bacon on August 8, 2021, from 3pm to 5pm with the conditions that a.) no alcohol will be served or consumed in the garden, b.) that any damage to lawn**

will be repaired to the satisfaction of the DPW and Health Agent a fee of \$110 will be included.

Roll Call Vote: 5-0

D. Town Pier ~ June 13, 2021, 3pm – 7pm ~ Rev. Frank J Alexander

- Board Member Reinhart questioned how many people will attend and cars to be parked at the pier. She stated knowing parking is an issue what was the plan for parking. Reinhart questioned Sullivan if he thought this would be a problem regarding parking. Sullivan stated he didn't see any issues because it was a Sunday afternoon.
- Alexander stated that they will suggest to members planning to attend to carpool or park at Mayo Beach so that there aren't as many cars at the pier.
- **Board Member Reinhart moved; Board Member Wilson seconded; and it was voted to approve the use of the Town Pier located at 255 Commercial Street Wellfleet and the Mayo Beach Parking lot on June 13, 2021 from 3pm to 7pm with the fee of \$100.**

Roll Call Vote: 5-0

V. *Board/Committee Appointments and Updates*

A. Herring River Executive Council ~ Deborah Freeman/ Terminating Maria Broadbent's appointment from Herring River Executive Council

- Board Member Wilson introduced Freeman to the Board and stated how well she would be in this position. It was decided to terminate Broadbent first and then move on to appoint Freeman.
 - **Board Member Reinhart moved; Board Member Wilson seconded; and it was voted to terminate Maria Broadbent's appointment from the Herring River Executive Council.**
- Roll Call Vote: 5-0**
- The Board discussed the new appointment and Board Member Curley stated that he was uncomfortable with this appointment as it is usually a town staff member. He stated it was going to be a resident he felt it should be elected position. The Board discussed the appointment of Freeman. It was suggested that instead of appointing her with an indefinite term give her a term.
 - **Board Member Reinhart Moved; Board Member Wilson Seconded; and it was voted to approve the appointment of Deborah Freeman to the Herring River Executive Counsel for a term of three years ending June 30, 2024.**

Roll Call Vote: 4-1 (Curley voted no)

B. Terri Smith ~ Bike and Walkways Committee term ending 6/30/2022.

- Smith introduced herself to the Board and explained why she wanted to be a part of the Bike & Walkways Committee and how she came to know the members and committee. She stated she is very familiar with their methods of assessment and has been helping in a technical sense to the committee. The Board agreed unanimously that Smith was a great candidate for this committee.
- **Board Member Curley moved; Board Member Wilson Seconded; and it was voted to approve Terri Smith as a member to the Bike and Walkways Committee for a term of one-year ending June 30, 2022.**

Roll Call Vote: 5-0

VI. **Business**

A. Nature's Alternative, extension of Community Host Agreement ~ Ben Zehnder

- Chair DeVasto moved this item up on the agenda with the Board's approval. Sumner gave an update on the progress of the host agreement and explained that there were some changes made to the agreement with provisions that benefited the town of Wellfleet. He gave details of some of the changes and explained this was worked out with both the Town's attorney and Attorney Zehnder.
- Attorney Zehnder gave a brief update on what they discussed and worked on. He thanked the town. Costanzo explained to the Board that there is an odor control provision, there was a required volunteer program added to the contract. She continued giving updates to the Board about language that was added.
- Board Member Curley discussed some missing items in the Board's packet. He wanted copies of the site plan for the proposed site. Attorney Zehnder explained what was submitted. Curley wasn't satisfied with the answer he was given, stating that 2 out of the 3 items that are required were missing.
- There was discussion about how to proceed with his host agreement. It was discussed if this business would be medical marijuana or just adult use only. Wilkes explained that it was an adult use only business. Board Member Curley asked for a list of contractors. Wilkes stated he would get that list to the Board as he didn't have the names on hand. They continued to discuss the host agreement.
- **Board Member Reinhart moved; Board Member seconded; and it was voted to approve the Community Host Agreement between the Town of Wellfleet and Nature's Alternative and appoint Charlie Sumner able to sign the agreement on behalf of the town.**

Roll Call Vote: 3-1 (Curley voted no)

B. Special Officers Reappointment/Full Time Officers Reappointment ~ Chief Mike Hurley

- Chief Hurley stated that as the fiscal year is closing July 1, 2021, special officers from the national seashore and the Town of Wellfleet are in this group. He explained that the Seashore has explained that this program is on a three-year phase out.
- **Board Member Reinhart moved; Board Member Wilson seconded; and it was voted to approve the reappointment of the Town of Wellfleet's Special Officers as listed in the packet from the period of July 1, 2021, to June 30, 2022.**

Roll Call Vote: 5-0

- Chief Hurley stated the next document was full time officers that have less than five years tenor.
- **Chair DeVasto moved; Board Member Wilson Seconded; and it was voted to reappoint the full-time officers as listed in the selectboard packet for a period beginning July 1, 2021, through June 20, 2022.**

Roll Call Vote: 5-0

C. High Toss Road ~ Carole Ridley/Brian Carlstrom National Seashore

- Chair DeVasto stated that the motion that was presented to the Board on the screen was incorrect, and the Board had received a new Motion. Carole Ridley presented to Board.
- **Chair DeVasto moved; Board Member Wilson Seconded; and it was voted that the order of layout High Toss Road whereas the Selectboard of the Town of Wellfleet acting pursuant to general law Chapter 82, 21- 24, having deemed that common convenience and necessity require the layout as a public way of High Toss Road between Pole Dike Road and Duck Harbor Road hereby lays out High Toss Road as here in described as a town way as shown on the plan in the Selectboard packet and whereas the boundaries of said way as laid out are shown on a plan entitled Plan of Land High Toss Road, Wellfleet MA. Being a 40-foot public way as laid out by the Town of Wellfleet dated April 6, 2020, prepared by Outermost Land Survey Inc. which plan was referred to the Planning Board in which plan is hereby adopted as a part of this order and all land lying within the above-described boundaries of High Toss Road as herein described is hereby laid out as a town way. The afore mentioned plan is hereby forwarded to the Town Clerk for filing and the foregoing layout is hereby reported to the town for acceptance signed by the Selectboard and adopted on a chosen date.**
- Ridley explained to the board that the abutters were notified of this meeting and if there was anyone on the meeting they could speak. There weren't any abutters on the meeting to speak to this project.
- Chief Pauley spoke to the Board about the amount of pressure that administration staff was under within the last five weeks dealing with budgets and warrants, he asked the Board to please not put anything on the administration.

Roll Call Vote: 5-0

D. Discussion with Historical Commission ~ Merrill Mead-Fox

- Mead-Fox was not on the meeting.
- **No Action was taken.**

E. Discussion regarding Mass DOT projects ~ Main Street/Rt 6 & Route 6 Repaving ~ TA Charlie Sumner

- TA Sumner explained to the board that there was a meeting with a series of people from MASS DOT and explained they are ready to hold a public hearing and stated they would like to hold that hearing on June 30, 2021. He stated he thinks the hearing will be from 6:30Pm to 9:30PM. He continued to give more information about the meeting. He stated Norton could provide some additional information if they needed it. Norton stated it was a procedural hearing, and in order to maintain their statues on the TIP (Transportation Improvement Plan) they need to hold the hearing to maintain their funding for the project.
- Silverman questioned if the plans would be posted on the website before the hearing, Norton explained that yes, he would coordinate that to be on the website.
- Board Member Wilson stated that she would like to let the Board know that she has coordinated a round table meeting and that is coincides with this topic.
- **No action was taken.**

F. Discussion on management letter and 2020 Audit ~ Powers & Sullivan

- **No Action taken ~ Discussion to be moved to the June 8, 2021, meeting.**

VII. *Selectboard Reports*

A. Board Member Wilson to discuss doodle poll for round table meeting.

- Board Member Wilson gave an update on the doodle poll for the round table to be held before Town Meeting. The meeting will be open to the public but because there will be many people at the table, they won't recognize the public to speak.
- The Board continued to discuss who would be chairing the meeting because there would be many people with many things to speak about. Chair DeVasto agreed to chair the meeting if a decision couldn't be made.
- Norton stated he would like to have Stantec attend the round table to answer questions and address any concerns. Chief Pauley spoke in agreement having Stantec at the meeting.

VIII. *Town Administrator's Report*

A. Sumner stated to the Board, moving forward he will give a written report. He stated that he and Lisa Souve met with various department heads to go over and understand the FY2022 budget, and they may have to make changes on Town Meeting Floor. He also expressed that he is in contact with the state regarding his retirement and being able to work, he continued that the Governor's Emergency Orders allow certain things to be lax but regarding how many hours and retired person can work.

He continued stating to the Board that he has hired Mary McIsaac as another accountant to come in and help with the town's finances. He expressed his confidence in both Mary and Lisa getting the finances back in order, they will be working on a work plan that they can present to the Board and the public so everyone knows what they are doing and where progress is being made and what their priorities are.

B. Letter from Beth Albert, Barnstable County Administrator ~ American Rescue Plan – Fiscal Recovery Fund

IX. *Topics for Future Discussion*

A. Board Member Curley spoke to wastewater and needing it to happen soon.

B. Board Member Curley stated the Board needed to start discussions on a new Town Administrator Search Committee. He also stated that if the Governor lifts restrictions the Board need to investigate the town's policy for taping meetings.

Chair DeVasto asked Sumner when they should start that progress, Sumner stated that the Board wants to entice incoming candidates and feels that some of the financial issues need to be reconciled before they begin a search. Chief Pauley stated that he feels it could take up to six-months to reconcile all the issues with the town. He also recommended having a discussion using residents and department heads as a search committee rather than a headhunter.

X. *Minutes*

- May 12, 2021

Board Member Curley moved; Board Member Carlson seconded; and It was voted to approve the minutes as printed.

Roll Call Vote: 4-1 (Wilson Abstained)

XI. *Adjournment*

- **Board Member Wilson moved; Board Member Reinhart seconded; and it was voted to adjourn.**

Roll Call Vote: 5-0

Meeting adjourned 8:15PM

Public Records:

Public Hearing Documents –

- *copy of hearing notice.*
- *application processing form for liquor license,*
- *application for transfer of license*

Applications for use of town property

- *Mayo Beach and Harbor*
- *Department of Public Works Parking Lot*
- *Memorial Garden beside Preservation Hall*
- *Town Pier*

Application Town Membership/Committee

- *Deborah Freeman ~ Herring River Executive Counsel*
- *Terri Smith ~ Bike & Walkways Committee*

Town of Wellfleet's Special Police Officer's Reappointment

Town of Wellfleet's Full Time Police Officer's Reappointment

Herring River Restoration packet

- *Letter for Grant Approval ~ Rebecca Slick/ Assistant Town Administrator*
- *Letter to Wellfleet Planning Board*
- *Maps of High Toss Road Wellfleet Layout*
- *Layout of Acceptance and acquisition of town ways, checklist of public ways procedures*

Nature's Alternative

- *Updated Community Host Agreement between the Town of Wellfleet and Nature's Alternative*
- *Letter from Attorney Zehnder on behalf of Nature's Alternative*
- *Zoning Board of Appeals Decision and letter signed by Wellfleet Town Clerk Jennifer Congel*
- *Special Permit Grant from Zoning Board of Appeals*
- *Map of Store Layout*
- *Corporate and Operational Structure*
- *Letter from Former Town Administrator Daniel Hoort notifying of the Selectboard's approval.*
- *Original Community Host Agreement*

Powers & Sullivan

- *Management Letter 2020*
- *FY 2020 Audit*

Letter from Beth Albert, Barnstable County Administrator

Approved June 8, 2021 *A full recording can be found on the town's website.

May 12, 2021, Meeting Minutes ~ DRAFT