

**Wellfleet Selectboard  
Tuesday June 22, 2021; 6pm  
Virtual Meeting ~ Zoom  
Meeting Minutes**

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

**Others Present:** Charles Sumner, Town Administrator; Nancy Civetta, Shellfish Constable; Lara Henry, Wellfleet Chamber of Commerce; Shea Murphy, Shellfisherman; Will Sullivan, Harbormaster; Pat Winslow, Shellfisherman; Chief Michael Hurley, Police Chief; Ginny Parker, Shellfish Advisory Board; Tim McNulty, Lobster and Chowder House; Zach Pawa, Sacred Surf School; Merrill Mead-Fox, Wellfleet Historical Commission; Dan Silverman, Town Moderator; Jeanne Maclauchlan, Principal Clerk.

**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.

- Civetta announced that the Shellfish Department is participating with the Mass Oyster project, she explained there are eight different restaurants will be participating and will be collecting oyster and clam shells to be brought to the transfer system and then used for cultch in the spring.

**II. *COVID-19 Updates and Recommendations***

- Chair DeVasto updated the public that the governor had extended the emergency orders to allow virtual meetings and the Board will continue discussions on allowing the public to participate remotely.

**III. *Public Hearings***

**A. Aquaculture Grant Extension for Shea Murphy– Shellfish Constable, Nancy Civetta**

Chair DeVasto recused himself from the shellfishing extensions and handed over the chair position to the vice chair Reinhart. She asked Civetta to please inform the Board of the extension plan.

Civetta stated that this will allow Murphy to expand his business and livelihood. She also stated that this is a long process, but it is beginning.

Wilson asked the Board if they were able to watch the Shellfish Advisory Board Meeting in June and she stated there were many issues brought up and stated there were many issues that needed to be addressed before the land is further developed. Wilson continued stating the issues and what she felt regarding this. Reinhart stated she read both letters from the Shellfish Constable and the Harbormaster and trusts the both of them and asked Civetta to weigh in with her thoughts. Civetta explained she understands both sides. She explained her point of view. Reinhart questioned Sullivan on his opinion. He stated they are here now, and the town needs to move in the right direction. He stated to goal is to

make everything work together. He gave some thoughts on ideas that had been presented to him. Marks on buoys to indicate which grant was which. He stated anything the town does will affect their future and he doesn't want working shellfisherman to lose their livelihood. He also stated he didn't believe these grant extensions were making a huge impact in the land but moving forward they will work things out and try their best to make it happen for everyone. Curley stated that he would like in the future he would like to see a copy of the posting in the packet. He also stated that he does feel there needs to be more planning.

Carlson stated she wanted regulations and procedures are done she would want to vote what was in front of her.

**Board Member Curley moved; Board Member Wilson seconded; and it was not voted to approve grant extension 01-2 extension B, and extensions 2007 B & C with an area of approximately 1.8 acres for Shea Murphy.**

Wilson stated again her preference for a plan before any further development of the HDYLTA parcel.

Civetta explained there is already a 01-2 extension, so it needed to be renamed.

**Roll Call Vote: 2-1-1 (Wilson voted no); (Carlson abstained)**

**Board Member Wilson moved; Board Member Curley seconded; and it was voted to extend the hearing to a future date.**

**Roll Call Vote: 4-0**

**B. Aquaculture Grant Extension for Pat and Chelsea Winslow ~ Shellfish**

Constable, Nancy Civetta

Civetta stated she feels the same way as she did with the previous grant extension, she stated he needs a little bit more room to make his business grow and work.

Reinhart stated she didn't feel comfortable not approving these grant extensions, she feels they are young hard-working individuals and feels the first come first serve is fair. Curley stated that the vote to continue the previous extension was already voted on, so they were unable to go back. They discussed this extension a little further.

Curley spoke about the concern for navigation.

Sullivan spoke about making sure it is clearly marked and it may aid navigation.

Winslow explained how he arrived at the dimensions for the extension and that the SAB had a robust discussion about planning and there was not overwhelming support one way or the other for a plan.

Reinhart said that was really important to know that the SAB voted not to have a moratorium.

Curley stated he wanted a different marker.

Sumner raised a concern that the previous motion may have passed.

Wilson said that the SAB had discussed planning options for the use of the HDYLTA parcel four times but that the Selectboard, as the Shellfish Regulatory Board, had not.

Carlson said that she was not aware that the SAB voted not to have a moratorium.

**Board Member Curley moved; Board Member Carlson seconded; and it was voted to reconsider the extensions applied for by Shea Murphy.**

**Roll Call Vote: 4-0**

- A.** Murphy spoke to his extension, and he plans to use it. The Board continued to discuss this further.

**Board Member Curley moved; Board Member Reinhart seconded; and it was voted to approve the grant extension 01-2B and 2007 B & C with an area of approximately 1.8 acres.**

**Roll Call Vote: 3-1 (Wilson voted no)**

**Board Member Curley moved; Board Member Wilson seconded; and it was voted to reconsider the extension of the public hearing for Shea Murphy.**

**Roll Call Vote: 4-0**

- B.** Board Member Carlson moved; Board Member Reinhart seconded; and it was not voted to approve an approximate .45-acre grant extension to grant numbers 9—01 for Pat and Chelsea Winslow.

**Roll Call Vote: 2-2 (Wilson and Curley voted no)**

**Board Member Curley moved; Board Member Wilson seconded, and to extend the hearing to a future date.**

The Board continued to discuss this extension and the layout of it. Civetta explained that she isn't comfortable making decisions on the fly.

Civetta stated that she wants to just have fairness. Curley stated he has sailed in and out of that area for many years and he feels it is to far out.

**Roll Call Vote to extend the hearing : 4-0**

Winslow told the Board stating that he has been waiting a very long time for this and received his first farm in 2008 and could have asked for more but wanted to wait until he was a more seasoned shellfisherman. He continued to explain his extension. The Board agreed to meet on this at their next meeting.

Sullivan stated that he feels at this point they are trying to stop a building from being built after the foundation has been laid down. He continued stating that there are rules and regulations for these people, and they have followed all the steps and now they are being told no. He didn't feel it was right.

- C.** Approve the addition of a domicile exception to the Shellfishing Regulations ~ Shellfish Advisory Board & Shellfish Constable Nancy Civetta

Civetta explained this item and explained there is a strong feeling within the community to have some amendments. She stated she feels they have added some checks and balances and asked them to seriously consider this exception given the housing problem within the town. She also informed the Board that she did take this to the Shellfish Advisory Board, and they agreed, she stated if she encounters problems, she will bring it back to the Board. The Board discussed this change at great length.

**Board Member Wilson moved; Board Member Curley seconded; and it was voted to amend section 2 shellfishing policy for the town of Wellfleet and**

**approve the addition of 6.1.2 domicile requirement and exception and 7.8.2 domicile requirement and exception in the town of Wellfleet's shellfishing policy and regulations as presented by the shellfish constable on behalf of the Shellfish Advisory Board.**

**Roll Call Vote: 4-0**

**IV. *Licenses***

- A. Weekday & Sunday Entertainment ~ Lobster & Chowder House ~ Hours will be 1:00pm – 10:00pm**

The Board asked McNulty some questions about when the entertainment would be playing. He stated he is applying for the license and will go from there. He stated he had been approached from some local artists asking to play acoustic music. Very soft and low key.

**Board Member moved; Board Member Carlson seconded; and it was voted to approve the weekday and Sunday Entertainment License for the Lobster and Chowder House from the hours of 1:00pm to 10:00pm located at route 6 Wellfleet, MA with a copy of the noise bylaw be accompanied with the application.**

**Roll Call Vote: 5-0**

**V. *Use of Town Property***

- A. Sacred Surf School ~ White Crest Beach ~ Zach Pawa, June -Labor Day**  
Board Member Curley questioned the fee.

**Board Member Curley moved; Board Member Carlson seconded; and it was voted to approve the use of White Crest Beach to Zach Pawa for the Sacred Surf School from June 22, 2021 to Labor Day 2021 for a fee of \$385.**

- B. Chamber of Commerce ~ 4<sup>th</sup> of July Parade Route ~ September 6, 2021**  
Henry spoke to the Board about moving the fourth of July parade to Labor Day weekend just to be safer. She also stated she wanted to amend the date to the Saturday of Labor Day Weekend instead of the Monday so there is more participation. Chair DeVasto explained that there has been a large amount of communication with the town's health officials, and they are in agreement with the date move.

**Board Member Wilson moved; Board Member Reinhart seconded; and it was voted to approve the use of The fourth of July Wellfleet parade route and the town marina parking lot on September 24, 2021, from 8am to 11am to the Wellfleet Chamber of Commerce.**

**Roll Call Vote: 5-0**

**VI. *Board/Committee Appointments and Updates***

- A. Reappointment of the Shellfish Constable, Nancy Civetta; for another three-year term ~ Wellfleet Selectboard**

Chair DeVasto recused himself in this matter and Board Member Reinhart took over as chair. Board Member Reinhart stated she has heard nothing but good things about Civetta and believes the shellfish industry has blossomed with her as the constable.

Board Member Carlson stated it is very clear how much Civetta loves the job and how hard working she is in the position.

**Board Member Carlson moved; Board Member Wilson seconded; and it was voted to reappoint Constable Nancy Civetta for another three-year term ending August 9, 2024.**

**Roll Call Vote: 4-0**

**B. Reappointments of various committee members ~ Principal Clerk**

**\*\*Please see packet for a full list of reappointments\*\***

Chair DeVasto came back to the meeting and stated there was a name that was incorrect on the list of reappointments. It was Roberta Ward as an election worker not Robin.

**Board Member Reinhart moved to reappoint the town of Wellfleet Boards and Committee Members as listed in the Selectboard Packet dated June 22, 2021, once reappointed the Board and Committee Members must make and appointment with the Town Clerk Jennifer Congel to be sworn in.**

**Roll Call Vote: 5-0**

**C. Reappointments of Election Workers ~ Town Clerk**

Peter Cook ~ Warden

Roberta Ward ~ Deputy Warden

Martha Dilts ~ Clerk

**Chair DeVasto moved; Board Member Wilson seconded; and it was voted to reappoint Peter Cook as Warden, Roberta Ward as Deputy Warden and Martha Dilts as clerk for the elections.**

**Roll Call Vote: 5-0**

**VII. Business**

**A. Fidelity Gift Documents ~ Miriam Spencer, Town Treasurer**

**Board Member Carlson moved; Board Member Curley seconded; and it was voted to approve Michael DeVasto to execute any and all documents related to the gifted Fidelity Account.**

**Roll Call Vote: 5-0**

**B. Presentation by Historical Committee ~ Merrill Mead-Fox**

Mead-Fox spoke to the Board thanking the Selectboard for their hard work over the past year during the pandemic. She also stated that three members will be leaving the commission when their term is up at the end of June 2021.

She stated they are trying to recruit three new members and gave some background information on the commission.

She continued to explain and give updates on what the commission is currently doing throughout the town. Chair DeVasto thanked her for the update and attending the meeting.

**C. Discussion on changing the meeting time from 6pm to 7pm ~ Chair DeVasto.**

Chair DeVasto asked to have this discussion with the board stating he needs the daylight hours in the summertime given his occupation.

The Board discussed making a motion.

**Chair DeVasto moved; Board Member Curley seconded; and it was voted to move the regular meeting time from 6pm to 7pm.**

**Roll Call Vote: 5-0**

**D. Discussion on Town Meeting ~ Dan Silverman, moderator.**

Silverman spoke to the Board giving them an update regarding town meeting and some details he felt needed to be brought up and shared. He stated the task force for the meeting has been meeting to make sure the meeting runs smoothly. He thanked the forum for the pre-town meeting and the meet the candidates meeting. He stated he hoped the participants listening were able to get their questions answered.

He continued to address the motion booklet, he explained the reason for the booklet and gave a little more information.

He continued explaining the sheets that various committee or boards will be in the motions booklet as long as they were submitted within the deadline time.

He requested the chair make all the motions and the vice-chair second the motions. He explained that the Board will need to share 3 microphones at the table this year. The issue is that sound vendor is also doing another town meeting in Truro, so they are restricted with equipment.

Board Member Curley asked about the quorum being reduced since the legislature passed a more relaxed. It was stated that there wasn't enough time to post for the amended quorum, which he believed was 48 hours.

The Board discussed amending the quorum. Silverman explained that a quorum is assumed unless it is questioned, if it is questioned then the meeting must stop, and a head count needs to be taken.

Board Member Wilson stated that the Board could meet on Friday morning to amend and reduce the quorum. She also questioned more microphones. IT was explained that there are no extra microphones.

Silverman asked Sumner if he could look into lowering the quorum. Sumner stated he will look into it first thing the next morning. The Board will hold a 10am meeting Friday June 25, 2021 to reduce quorum for town meeting.

**E. Amend Food Truck Permit ~ Tanya Felix.**

Chair DeVasto gave an update on this permit. Stating that the Harbormaster had some issues with the truck coming in and out of the parking lot and issued Felix an overnight permit. The Board discussed this, and their regulations were brought up. Board Member Wilson stated in the regulations the Board and the Selectboard have the right to change them on an individual basis. They discussed this permit change.

**Board Member Wilson moved; Chair DeVasto seconded; and it was voted to amend the food truck permit for Tanya Felix with the following conditions: the food truck must remain in the dedicated overnight parking**

**space purchased from the marina; To only be moved at the discretion of the harbor master or in the event that there is a risk to public health, safety, and or equipment. Further, we suspend the requirement in the food truck regulations section titled "Operating Requirements for Mobile Food Vendors, Section 1" which requires food trucks to be removed from the licenses area each day and not be allowed to remain overnight.**

**Roll Call Vote: 5-0**

- F. Add Provincetown Independent as a Newspaper of Record ~ Board Member Ryan Curley**

Chair DeVasto explained that he spoke to Jeanne, who didn't have any issues adding the paper but stated to him that there are deadlines for each paper, and she needs the papers that will allow her to post in a timely manner.

Curley stated this is a paper that a lot of residents use and would like to remove the other papers. MacLauchlan explained to the Board that the Independent has a much harder schedule to advertise in and it becomes difficult posting with them. The Board continued to discuss this and decided they could add the Independent and not take any of the other papers.

**Chair DeVasto moved; Board Member Curley seconded; and it was voted to add the Provincetown Independent as a newspaper of record.**

**Roll Call Vote: 4-0-1 (Reinhart abstained)**

- G. 925 Chequessett Neck Road Easement ~ Administrator Sumner/ KP Law**

Sumner explained to the Board that this has been an issue he has been working with Town Counsel on. He gave some details about the easements. Stating that there is a requirement that this party get an insurance policy and they are asking the town to waive the insurance coverage.

Board Member Reinhart stated she feels it would be crazy to eliminate insurance coverage. Board member Wilson agreed, stating the town would be liable if there was an incident. Sumner explained that the party was stating it was difficult for them to get insurance. Chair DeVasto stated he wasn't willing to waive the insurance requirement unless something was signed by the owners stating the town isn't liable for any issues pertaining to this. The Board agreed insurance is a must for this and are not willing to waive the requirements.

**Chair DeVasto moved; Board Member Wilson seconded; and it was voted to sign the 925 Chequessett Neck Road Easement as presented by the Town Administrator.**

**Roll Call Vote: 5-0**

- H. Refer Wellfleet Town AV Channel Policy ~ Board Member Curley**

Board Member Curley explained what he was asking for. He explained it is a modification that was presented by Mia Baumgarten in late 2019. He stated he has updated it and the main issue changed is that all meetings throughout the town will be recorded. The Board discussed changing how the meetings are recorded and moving forward how they will be posted.



Board Member Carlson stated that just because we have the technology doesn't mean we need to use it. She continued stating the Board should soften the language a little bit but not change it completely. Baumgarten weighed in stating the town has the ability to spend the money to record all meetings. Baumgarten also stated that the town needs to verify the amount of money that the town gets from Comcast.

The Board debated the amendment made by Board Member Curley. Curley stated it is very beneficial to have all meetings recorded to the residents who want to go back and reference it. Baumgarten explained she will be leaving Wellfleet July 6, 2021, to go to a full-time job. Baumgarten continued to explain the PEG funds and it needs to be used only for programming to be used on Channel 18.

**Board Member Curley moved; Board Member Carlson seconded; and it was voted to refer the Wellfleet's Town Media AV Policy as drafted to the Town Administrator to distribute to Department Heads, Public Bodies of the town, and Town Counsel for comment and review as required under the Policy on Policies to be returned to the selectboard no later than August 30, 2021.**

**Roll Call Vote: 5-0**

**I. Vote to reconsider, amend, and vote on some Town Meeting Warrant Articles. ~ Administrator Sumner**

Sumner discussed with the Board that things needed to be changed and amended due to the struggle with upcoming town meeting and the numbers being incorrect. He continued to discuss the spending plan/budget. He went over Articles 1-3 stating that some of those numbers needed to be changed and amended. He explained to the Board that he has been reviewing revenues and the spending plan. Sumner went over the accounting issues and the numbers he has gone over with Mary McIsaac and Lisa Souve, stating there isn't as much money in the funds (Beach, Ambulance, Sea Mass) that was originally thought. He explained to the Board that they will need to make amendments on town meeting floor. He stated he was only going to give the major issues. Sumner went through each motion in the motion booklet that needed changes to be made.

The Board had some questions about the budget and transfers. Curley asked when the amount of money that was taken from the stabilization fund be able to be paid back in full. Sumner stated he didn't know but would continue to report back to the Board with any and all updates.

DeVasto questioned free cash that was never allocated into a budget. Sumner explained that because it is a new year the cash can't be used unless it is recertified.

They continued to discuss the use of free cash and the ability to use it now. Chair DeVasto stated that all the changes made by Sumner need to be allowed so the town can start to rebuild. Sumner stated he will have more information for town meeting floor, so he is able to figure out the formulas.



**Chair DeVasto moved; Board Member Wilson seconded; and it was voted to recommend the town administrator's proposal on article 1 on the FY 2022 Operating Budget.**

**Roll Call Vote: 5-0**

Sumner went into the Budget Transfers that are labeled Article 2 in the motion's booklet. He explained what they were and entertained questions from the Board. He stated he over utilized the snow and ice budget he thought he had more money, he explained he will amend that on town meeting floor.

They discussed these changes, and it was stated that the Board never voted on this article before as the numbers weren't known. It will be amended on town meeting floor.

**Chair DeVasto moved; Board Member Wilson seconded; and it was voted to recommend Article 2 Budget Transfers in the amount of \$292,642,000.**

**Roll Call Vote: 5-0**

Sumner continued with Article 3. Fiscal 2022 Capital and Debt Budgets. He explained they are removing the town clerk's asking for shelving and microfilming because there has already been money allocated to those. He went into detail about the amendments he will need to be making on town meeting floor.

**Chair DeVasto moved; Board Member Curley seconded; and it was voted to approve the Town Administrator's Capital and Debt Fiscal Year 2022 Budgets with proposed amendments.**

**Roll Call Vote: 5-0.**

Sumner continued to go over different articles that need to be amended, explaining the CPC articles are off by about twelve-thousand dollars. He continued explaining different articles that need to be pulled and brought to the special fall town meeting. Articles 25 & 26 will be brought to the fall town meeting.

The Board discussed having a meeting before town meeting to discuss some changes that will be made on town meeting floor.

Chief Hurley offered the police station to meet.

**J. Vote to amend the meeting agenda and minutes of the January 26, 2016.**

Selectboard Meeting to include Michael DeVasto Shellfish grantor 855 & 855B Chair DeVasto excused himself from this portion of the meeting and Vice Chair Reinhart took over. Reinhart explained why this is before them explaining that DeVasto was unintentionally left out of the advertisement, but his name is on the lease and was issued to both him and Ramsdell. Civetta explained how this works. Carlson stated that the paperwork was in order and DeVasto's name is on the proper license paperwork. She was confused as to why Curley wanted to postpone until he heard from Town Counsel. Civetta explained it was a clerical error and it needs to be discussed on the town level.

Curley stated we aren't sure if there needs to be another hearing, which is why he needed to hear from town counsel for a better understanding.

**No Action was taken.**

**VIII. *Selectboard Reports***

There were no reports given other than town meeting notice. The electronic sign on route 6 will be advertising the time, date and place of town meeting.

**IX. *Town Administrator's Report***

Sumner reported to the Board that he will be meeting with the Finance Committee this Thursday to give them an update on the state of the Town's finances. He stated the Chair Fred Magee has been very helpful. He also reported he attended a webinar from DOR to go over and learn about financial issues.

He has people coming in to interview the finance staff and help them work through issues.

He reported that Mia has given her notice and will be leaving.

He stated he will be working on Covid issues and reopening once town meeting is done. He will work with Hillary and The Board of Health.

He reported that the Building Inspector Paul Fowler is leaving the town.

Curley questioned the grants that were applied for and why it wasn't brought in front of the Selectboard for approval.

**X. *Topics for Future Discussion***

Reinhart expressed the need for a meeting with Department Heads and the Selectboard to discuss how the board can function better and how they can be a better support system to the staff. Figuring out why they are losing good staff members.

Curley would like to discuss the Main Street and Route 6 Project with the public, so the residents have a better understanding of what the actual scope is.

**XI. *Correspondence and Vacancy Reports***

**XII. *Minutes***

**A. June 8, 2021**

Chair DeVasto asked to postpone the minutes as he would like to make sure what's in the minutes is correct.

**No Action was taken.**

**XIII. *Adjournment***

**Wilson moved; Curley Seconded; and it was voted to adjourn**

**Meeting adjourned 10:15pm**

***Public Records:***

*Grant extension applications from Shea Murphy and Pat and Chelsea Winslow*

*Addition of a domicile exception for Shellfish Regulations*

*Application for weekday and Sunday Licenses from the Lobster and Chowder House*

*Application for Use of Town Property:*

*Sacred Surf School*

Approved August 10, 2021    \*\* A full recording of this meeting can be found on the town's website.  
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*Wellfleet Chamber of Commerce*  
*List of reappointments for various town boards and committees*  
*List of election officials to be reappointed.*  
*Fidelity Documents regarding gift left by a Wellfleet resident.*  
*Amended paperwork for Tanya Felix's permit (use of town property)*  
*Easement for 925 Chequessett Neck Road*  
*Agenda and meeting minutes from Wellfleet Selectboard dated January 26, 2016.*  
*Town Administrators Report dated June 21, 2021*  
*Meeting Minutes dated June 8, 2021*