

**Wellfleet Selectboard
Tuesday September 28, 2021; 7pm
Meeting Minutes**

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

Others Present: Charlie Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Chief Michael Hurley, Police Chief; Chief Rich Pauley, Fire Chief; Nancy Civetta, Shellfish Constable; Kory Banning, Missing Voices, LLC; John Riel, Natural Resources Advisory Board; Jay Norton, DPW Director; Bradley Reichard, Resident of Wellfleet; Suzanne Grout-Thomas; Director of Community Services; Lili Ann Green, Representative for Wellfleet; Will Sullivan, Harbormaster; John Riel, Natural Resources Advisory Board; Ruth Bishop, Wellfleet Resident; Chris Allgier, Chair of the Dredging Task Force; Rebecca Slick, Assistant Town Administrator

Chair Curley Called the meeting to order at 7:01pm

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.

Chief Hurley announced to the public that this coming weekend was the Oysterfest week beginning this Saturday October 2, 2021; and informed them that Sunday October 3, 2021, was the 5k road race and in the evening, there will be a bonfire at mayo beach and there would be some road closures.

Eldridge announced to the Board that the Mylars for the High Toss Road taking were now in the Selectboard office at town hall ready to be signed by the board.

Wilson reminded everyone that if anyone wanted to contact DOT with comments about the hearing, they had 10 days to get their comments to DOT.

II. *Explanation of Consent Agenda Procedures*

Chair Curley gave the board and public an explanation of what a consent agenda is and how it works. Explaining this would help the meeting to move more fluidly.

III. *Consent Agenda* Approval without objection is required for the following items:

A. To accept the appointment of Building Commissioner ~ Interim Town Administrator Charles Sumner

B. To accept the appointment of DPW Superintendent ~ Interim Town Administrator Charles Sumner

Without objection the Chair declared the above items approved.

IV. *COVID-19 Updates and Recommendations*

There were no updates to be given.

V. *Public Hearings*

Chair Curley opened the Public Hearing:

DeVasto recused himself from this portion of the meeting.

A. Discussion and vote on potential of opening up specific areas of Chipman's Cove on September 29 for commercial harvest only in order to mitigate potential silting over and mortality of shellfish resources due to dredging-related impacts. ~ Nancy Civetta, Shellfish Constable

Civetta spoke to the Board regarding Chipman's Cove stating there was an abundance of wild oysters at this location. She gave reasons to the Board why she wants to open the Cove to commercial shell fishermen stating with the dredging beginning October 1, 2021, the fear of silt covering and potentially killing the wild oysters. Allowing them to harvest oysters will help the oysters. She showed maps and pictures of the oysters to better explain her position. Wilson asked if there was a separate boat needed to harvest the oysters. Civetta asked the Selectboard to give the shellfish department some discretion and stated if the area is being harvested faster and at a greater capacity, they would shut the Cove down sooner than the listed date.

They discussed opening the Cove in greater detail. Chair Curley questioned if this was to be just commercial. Civetta explained her reasoning for opening only to commercial fishing as having recreational harvesting could become unruly and they are only allowed to take one basket which wouldn't be the number of oysters they need to be removed from that area.

Board Member Wilson Moved; Board Member Wolf Seconded; and it was voted to approve the opening of the outer bars of Chipman's Cove adjacent to dredging area 1 as clarified by the shellfish department on September 30, 2021, as allowed under 6.4.1, commercial harvesting only in order to mitigate potential silting over and mortality of shellfish resources due to dredging related impacts.

Roll Call Vote: 5-0

B. Use of Town Property Fee Schedule ~ Selectboard Chair Ryan Curley

Chair Curley began discussing the fee schedule. DeVasto stated he felt the nonprofit fees were a little higher than he felt comfortable with. The board discussed the list of fees provided and what they felt was a good amount to charge and some concerns they had. There was discussion about certain classes that were held on the beach that made a decent profit and other classes that weren't so fortunate. This discussion continued so that all members were able to voice their opinions and concerns.

The Board asked both the fire and police chief if they had comments or concerns. Chief Pauley explained that each event is charged an hourly rate for the staff from both fire and police departments. He stated that the coverage is paid separately by the event coordinator. Chief Hurley stated a lot of the services required by these events are covered per the union and event staff. He continued to explain that these events take a lot of planning at the cost of the town as they can be very time consuming. He stated this should be taken into consideration when deciding the fees.

Norton explained that in terms of the DPW his department wasn't really involved with these events. Stating they have never invoiced for the events. The only event that the DPW has charged for the was the Oysterfest.

Chair Curley stated the board needed to look at the impact these fees have on the residential taxpayers. The discussion continued, discussing the size of events and the number of staff needed for these events. Thomas asked about the enforcing of an event held without the Board's permission. Administration would be in charge of enforcing the fine related to this infraction.

Chief Pauley again, that once the staff is committed to an event they are unable to be released, giving an example that if there were a fire during an event they would be unable to respond and need backup from other towns. Chief Hurley agreed.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to amend the proposed fee schedule to state after each proposed fee that all fees may be adjusted by the Selectboard as appropriate on a case-by-case basis.

Roll Call Vote: 5-0

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to approve the Use of Town Property Fee Schedule as printed in the Selectboard Packet and then amended.

Roll Call Vote: 5-0

VI. *Use of Town Property*

A. Macs on the Pier ~ Interim Town Administrator Charles Sumner

Sumner updated that board that he was in discussion with Mac Hay (owner of Macs on the Pier). He discussed having a license between Mac and the Town for the use of the tables on the beach at Mac's. He continued stating that there was a license drafted with dates and maybe having an automatic renewal, so it won't have to come before the board every year. He continued to explain the details and what needs to be done moving forward, giving some issues that Mac has raised to Sumner. He spoke to the Board about a letter he received expressing some concerns about the parking and the increase of picnic tables in the last few years. The Board had questions for Sumner regarding the concerns. It was pointed out that there are other restaurants that utilize the parking at the marina not just Macs. The number of tables was discussed and stated that the Board of Health may want to weigh in on the number of tables allowed on the property. The Board continued to discuss the legality of a lease or agreement with Macs. It was asked of Sumner what he would like from the Board at this meeting? He explained that he was needing the conversation to take place so he had a better idea moving forward and he will continue to work on a plan.

B. Missing Voices, LLC. ~ Kory Banning ~ Town Pier ~ Time to be Determined ~ 10/18-11/20

Chair Curley asked a few questions regarding this production. Banning explained that this is a movie that would be released on a streaming service. Chair Curley asked Sullivan if he saw any issues with this production being done at the marina. Sullivan informed the board. Banning explained that he didn't have a specific date, but he received a date before the meeting. October

19, 2021. The Board discussed an appropriate fee for this production because it was very light with not much usage of the town.

Board Member Wolf Moved; Chair Curley Seconded; and it was voted to approve the use of the town pier on October 19, 2021; for a fee of \$300.

Roll Call Vote: 4-0

VII. *Board/Committee Appointments and Updates*

A. Natural Resources Advisory Board ~ John Riel

1) Harbor Management Plan ~ NRAB

Riel gave a brief summary and explanation of the Harbor Plan that the NRAB put together, he explained there are four chapters in the plan. He explained all the departments they worked with to put together this plan.

The Board had questions concerning the black custard, the smell and the dredging. They discussed this plan in detail and at great length.

Board Member Reinhart Moved; Chair Curley Seconded; and it was voted to approve the Natural Resources Advisory Board dated August 21, 2021, and as presented by the Chair of the Board John Riel.

Roll Call Vote 4-0.

2) Wellfleet Harbor Flora and Fauna Survey Article for Special Town Meeting ~ NRAB

Riel presented to the Board this article that the Board was hoping to have inserted into the Special Town Meeting Warrant on December 4, 2021. He continued with why this survey is needed and important to the town. The Board discussed the need for this survey and some members had issues with spending this amount of money on a survey. Riel gave an explanation on the importance and stated that the other studies and surveys that have already been completed will be put together with the new survey. Sumner explained the wording to this article can be changed it can just be put in as a place holder for now.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert and recommend the Article for the Wellfleet Harbor Flora and Fauna Survey as recommended by the Natural Resources Advisory Board into the 2021 Special Town Meeting Warrant.

Roll Call Vote: 4-0

3) Natural Resources Advisory Board Charge Article for Special Town Meeting ~ NRAB

Riel Asked the Board if they could wait on a vote for this tonight and stated he would like to bring to the Board the issues that they are facing now. He continued stating that the NRAB and Shellfish Advisory Board work very well together and stated that the charter for the boards have some issues that need to be fixed. He stated he would like a clearer statement for each group. He continued that there is more work to be done with the boards charge and they will continue that work and bring it back before the board.

This will come back before the Board when it is completed.

- B.** COA Advisory Committee Amended Charge ~ Selectboard Chair Ryan Curley
Chair Curley explained to the rest of the Board that he did go in front of the COA, and they were in favor of amending the current charge.

There were no questions regarding this change.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to amend the Council on Aging Advisory Board's Charge as printed in the packet.

Roll Call Vote: 4-0

- C.** Seashore Advisory Council Letter ~ Lili Ann Green

Green gave a brief overview of the letter to the Advisory Council and the importance of sending this letter to the correct state representatives.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the letter and send it to Senators and State representatives as listed in the packet and signed by the entire Selectboard.

Roll Call Vote: 4-0

VIII. Business

- A.** Special Town Meeting, Date Time & Location ~ Chair Curley spoke to the Board that there is confirmation of the Nauset High School Gymnasium for 10am on December 4, 2021.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted that the Town of Wellfleet hold a special town meeting on December 4, 2021, at 10am to be held at the Nauset Regional High School Gymnasium in Eastham Massachusetts.

Roll Call Vote: 4-0

- B.** Town Administrator Search Consultant, RFP or Alternatives ~ Selectboard Chair Ryan Curley

Chair Curley spoke to the Board regarding hiring a consultant when conducting a Town Administrator search. Curley asked Sumner to weigh in with this. The Board discussed whether hiring a consultant is important and the pros and cons of doing so. Sumner gave different reasons why a consultant would be a good idea stating that a firm might have a better list of applicants. The Board continued to discuss the application policy for people who were applying to be on the hiring committee, going into details on the process.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted for the town to issue an RFP as printed in the packet.

Roll Call Vote: 4-0

- C.** SLFRP /CARES Reimbursement Disbursement ~ Selectboard Chair Ryan Curley

Chair Curley spoke to the Board explaining these are funds that the town receives as part of the Cares Act. He explained that there are certain uses that

this money can be used for and explained what those uses were. He expressed his desire to use this money for affordable housing. The Board discussed this with Sumner and each other.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to dedicate all SLFRP/CARES monies as allowed not used by administration to be given to affordable housing and affordable housing assistance.

Roll Call Vote: 4-0

D. East Commercial Street and Main Street Speed Limit Petition ~ Bradley Reichard

Reichard thanked the Board for allowing him to participate in their meeting. He passed the meeting over to Ruth Bishop where she could explain what they are proposing. Bishop began explaining that the state of Massachusetts in 2016 passed a law allowing each town government to vote each town government vote this law into their bylaw. She asked the Selectboard to have this in the special town meeting warrant so if its passed the Selectboard can lower the speed limit on Main Street from 30MPH down to 25MPH. They explained they had more than 50 signatures. Chair Hurley explained the Board would have to draft an article for the Special Town Meeting in December under the advice of town counsel and then the residents would vote to adopt it into Wellfleet's Bylaws.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to have the selectboard prepare on the advice of town counsel a warrant article for special town meeting to see if the town will vote to accept the provisions of General Laws Chapter 90 Section 17c relative to the establishment of a 25mph speed limit municipal ways and thickly settled their business districts within the town.

Chief Pauley questioned if the police chief was consulted about this change because this will need additional staff to enforce. Chief Hurley spoke to the board stating that his Lieutenant spoke with the DPW director and there weren't issues with this but he agreed with the fire Chief staff will be needed.

Roll Call Vote: 4-0

E. Dredging Clerk of the Works ~ Interim Town Administrator Charles Sumner Allgier spoke to the Board stating he was happy to do this job for the town and he gave some background of his work. The Board thanked him for his hard work.

Chair Ryan Curley Moved; Board Member Reinhart Seconded; and it was voted to appoint Chris Allgier as Dredging Clerk of the Works.

Roll Call Vote: 4-0

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

- F.** Accept the Provisions of at 940 CMR 29.10 ~ Selectboard Chair Ryan Curley
Chair Curley stated this is a simple majority vote of the board and he explained he meant to have this on the previous agenda.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to accept the provisions of 940CMR CMR 29.10

Roll Call Vote: 4-0

The Board discussed the prior vote on the letter that was sent to DOR and then it was voted to amend that letter.

Board Member DeVasto moved; Board Member Reinhart Seconded; and it was voted to amend the letter to state that the Wellfleet Selectboard is seeking a waiver within the project area that the shoulder be the minimum allowed and that a share the road for bicycle accommodations be put into place for the 5-foot design.

Roll Call Vote: 4-0

- G.** 2022 Selectboard Goals ~ Selectboard Chair Ryan Curley
Chair Curley stated that this was to go over the prior year goals stating he was aware the year didn't go as planned. The Board discussed their goals and how to fulfill them. The Board stated they will go over their goals at the next meeting.

IX. Selectboard Reports

Chair Curley stated he has been in touch with Jay Norton and Jill MacLughlin to go over the route 6 and Main Street project. HE also stated he went to the joint meeting between the Board of Health, Conservation Committee meeting explaining there is still some disagreement between the boards.

X. Town Administrator and Assistant Town Administrator Report's

- A.** Sumner gave a summary of his written report that was in the packet. He discussed the meeting with DOR and staff, he stated it was in decent shape for now. He stated he is moving the town audit up so that he, Mary McIsaac, and Lisa Souve can meet with the auditor and understand the issues and moving the town finances forward this meeting will take place December 13, 2021. He discussed the tax bills. He explained some challenges that he and the accounting team have run into. He also discussed cash reconciliation for the town and that is a main issue they are working on. He continued that the finance team meets every other week to discuss the plans moving forward.
- B.** Slick spoke to the Board giving a brief summary of her report. She stated to the Board that 95 Lawrence Road task force has been working very hard to find the developer for the project. They are hoping to have a decision by October 26, 2021. She also explained to the Board that she is working on a water system bid and a bid package was put together and will be going out. She gave more details on her RFP's.

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

XI. Topics for Future Discussion

- A. Discussion of Budgets
- B. Discussion on Town Meeting
- C. Discussion of a Town Administrator Search Committee he would like to schedule these for October 12th and the appointments on the 26th.

XII. Correspondence and Vacancy Reports

- A. Please see the packet for full report of correspondence

XIII. Minutes

- A. August 27, 2021; ~ Chair Curley wanted to go through the minutes of the 27th. so they waited on those minutes
- B. September 14, 2021, ~ **Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to accept the minutes as printed.**
Roll Call Vote: 4-0

XIV. Adjournment

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to adjourn the meeting.
Roll Call Vote: 4-0

Meeting Adjourned: 10:03pm

****** Public Documents:***

Explanation on consent agendas document
Public Hearing documents regarding Chipman's Cove
Public Hearing documents regarding use of town property fees.
Applications for Use of Town Property
Applications for Board Committees and Boards
Natural Resources Advisory Board article for special town meeting
Dredging Harbor Plan put together by the Natural Resources Advisory Board
Seashore Advisory Letter
Signed Petition for the speed limit change on Main Street
Town Administrator and Assistant Town Administrator's Report
Correspondence sent to the Selectboard
Minutes of August 27, 2021, and Minutes of September 14, 2021