

**Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday February 15, 2022, 6PM
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 Rich Pauley, Fire; Jay Norton, DPW Director; Peter Morris, Assistant DPW Director; Suzanne Grout Thomas, Director Community Services

Chair Curley 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.

Chair Curley announced the Sumner would be leaving the meeting briefly to join the finance committee to go over some budgets there and then rejoin the meeting

II. *Consent Agenda*

A. Acceptance of Town Treasurer

B. Memorandum of Agreement between the Town of Wellfleet and The Police Chief, Michael Hurley

C. Disclosure of Appearance of conflict of interest ~ Nancy Civetta

D. Disclosure of Appearance of conflict of interest ~ Johnny Mankevetch

Chair Curley moved Board Member Reinhart Seconded; and it was voted to approve and accept Cameron Scott as the town treasure, to approve the memorandum of agreement between the town of Wellfleet and the Police Chief Michael Hurley, to acknowledge the receipts of conflict of interest received by both Nancy Civetta and John Mankevetch both relative to ARC.

Roll Call Vote: 5-0

III. *Licenses*

Reinhart stated she would like the applications for the licenses in the packet moving forward and wouldn't be voting on the approval of these tonight.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to table the licenses until February 22, 2022.

Roll Call Vote: 5-0

A. *Common Victualer*

Endless Coast

Wellfleet Drive In-Flea Market

B. *Weekday Entertainment*

Wellfleet Drive-In Flea Market

C. **Class II**
L & R Auto

IV. **Business**

A. Vacancy of the Housing Authority ~ Ellaine McIlroy

McIlroy wasn't on the meeting to go over her leaving the Housing Authority. Wilson explained she wasn't in the country right now. She continued stating that someone needs to come up with a person to replace McIlroy's vacancy.

B. Wild Animal Bylaw ~ Board Member Wilson

Chair Curley asked the board if they were able to read the updated and amended bylaw that she sent to the board that afternoon. Most of the board members didn't have the time to look at the changes Wilson submitted. Chair Curley wanted to table this agenda item. Wilson asked to speak to the amendment to the board and see where they were at. She gave a brief description of the change which she explained was a redundant statement. The board gave a lot of details about this bylaw that concerned them with regard to deer, birds, rabbit's and such. Wilson stated it is bad to feed any wild animals anything outside their natural habitat stating it was unsafe for the animals. They talked about the bylaw at great length pointing out some issues they had it.

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was NOT voted to place as written in the draft on the screen at tonight's meeting Wildlife Protection Bylaw on the Annual Town Meeting Warrant. Roll Call Vote: 1-4 MOTION FAILS

C. Short Term Rentals First Local Option Community Impact Fee (G.L. c. 64G, § 3D(a)) ~ Chair Curley ~ **Board Member Wolf Recused himself from this discussion**

Chair Curley spoke to the board and public about the first local option for the community impact fee which would apply to single family homes that are rented on a short-term basis. The board discussed this option stating their concerns raising taxes and what the neighboring towns will do. This was discussed in detail.

Chair Curley Moved, Board Member Reinhart Seconded, and it was voted to insert the article in the 2022 Annual Town Meeting Warrant for the first local option for the community impact fee which would apply to single family homes and are rented on a short-term basis.

Roll Call Vote: 3-1 (Wilson voted No)

D. Short Term Rentals Second Local Option Community Impact Fee (G.L. c. 64G, § 3D(b)) ~ Chair Curley ~ **Board Member Wolf Recused himself with this item.**

Chair Curley spoke to the second local option. He stated it is like the first local option. This is for two and three- family dwelling. If one of them are rented on a short-term basis. Reinhart asked for an example of this option. Ryan explained how this would work and what it means if they put it in the 2022 warrant.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to insert an article in the 2022 Annual Town Meeting Warrant community impact fee G.L. c. section 64G, 3D (b)

Wilson asked to discuss this a little further to discuss the percentage rates. The board discussed this and most felt 1% was adequate at this time. They continued to discuss this article.

Board Member DeVasto Moved; Board Member Reinhart Seconded; and it was voted to insert the article on short term community impact fee on the second local option amending the fee to 1%

Roll Call Vote: 4-0

Board Member DeVasto Moved; Board Member Wilson Seconded, and it was voted to rescind the previous vote for the motion to insert the first local option into the warrant to amend it to reflect the 1%.

Roll Call Vote: 4-0

Board Member DeVasto moved; Board Member Reinhart Seconded; and it was voted to insert the local option one for the community impact fee amending the fee to 1%

Roll Call Vote: 4-0

- E. Town Meeting Article for the Use Short Term Rental First Local Option Community Impact Fee (G.L. c. 64G, § 3D(a)), and Short-Term Rental Second Local Option Community Impact Fee (G.L. c. 64G, § 3D(b)) Receipts.

Chair Curley spoke to this item explain how it would work. He stated this isn't for the standard room tax. He read how this article would look in the town warrant. He stated it didn't have to just to with affordable housing. They spoke to where these fees should go. Chair Curley explained he wanted 20% to go to the Housing Stabilization fund. They discussed these funds and the article.

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to take item E "Housing Stabilization out of order"

Roll Call Vote: 4-0

The board came back this agenda item and spoke strongly about dedicating the money to housing. Going into detail about the dire need for housing in Wellfleet. Wolf stated that there is no guarantee that the override will pass at town meeting, but the focus needs to stay on housing.

35% affordable housing trust (State required)

65% to other funds related to housing.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert and recommend an article governing the use of short-term rental community impact fees as drafted with the following amendments, 35% shall be allocated to the Wellfleet Affordable Housing Trust to be used exclusively for the purpose of affordable housing and 65% shall be allocated to the Wellfleet Affordable Housing trust and everything to be stricken out after the comma at 20%.

Roll Call Vote: 3-2 (Reinhart and Wilson wanted to insert but not yet recommend) It was suggested to amend the motion and just insert and recommend at a later meeting.

F. Housing Stabilization Fund ~ Chair Curley

The board discussed the housing stability fund and making decisions that are in the best interest of the town. Chair Curley explained what this fund is and how it would work for the town. Wilson stated the creation of the fund at this time shouldn't be considered. Reinhart explained she would like feedback from the public. This item was discussed at great length by the board.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to table the Housing Stabilization fund.

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

G. Community Impact Fee (G.L. c. 64G, § 3D(b)) Receipts.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert the article governing the use of short-term rental community impact fees as drafted and amended.

Roll Call Vote: 5-0

H. Radioactive Water Release Resolution ~ Chair Curley

Chair Curley spoke to this and stated he would like to rescind it because there was a citizen's petition.

NO ACTION WAS TAKEN

I. Radioactive Water Release Legal Contingency Fund ~ Chair Curley

The board discussed this and discussed the legal fees. He stated he could allow the use of the money without going to town counsel, if legal counsel wasn't used for this the money would go to the town's free cash.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert an article for water release legal contingency fund.

Roll Call Vote: 3-2 (Reinhart and DeVasto voted no)

J. Annual Town Meeting Warrant Review

The board began discussion on the town warrant. The first article they began with was article 2, budgetary transfers. Sumner gave a brief explanation on this article.

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to insert and recommend Article 2 FY2022 Budgetary transfers

Roll Call Vote: 5-0

Sumner went on to Article 3, explaining this article consists of bills that came in after the fiscal year ended.

Chair Curley Moved, Board Member Wilson Seconded, and it was voted to insert and recommend Article 3 prior year invoices

Roll Call Vote: 5-0

Sumner explained the capital budget was next but because it was so big, he moved on to smaller articles. He explained that Articles 7 through 9 were important and needed to be inserted into the warrant.

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to insert and recommend Articles 7,8,9, and 10 into the Warrant Roll Call Vote: 5-0

Sumner explained Article 11 was nonunion employees and other and needed to also be in the warrant.

Chair Curley Moved, Board Member Seconded, and it was voted to insert and recommend Article 11, non-union salaries into the Warrant

Roll Call Vote: 5-0

Article 12 was the OPEB (Other Post Employee Benefits) Sumner stated they should insert and recommend if they felt the need.

Board Member Wilson Moved; Board Member Reinhart Seconded, and it was voted to insert Article 12, Other Post Employee Benefits into the Town Warrant.

Roll Call Vote: 5-0

Chair Curley Moved, Board Member Reinhart Seconded; and it was voted to recommend Article 12 Other Post Employee Benefits as placed in town Warrant.

Roll Call Vote: 3-0 (Wilson and DeVasto Abstained)

Sumner continued with Article 13 which is the stabilization Fund and explained that it would only be funded if they received free cash. Chair Curley asked if they should move on this article, Sumner stated he would recommend they insert and maybe wait to recommend.

Chair Curley Moved, Board Member Wilson Seconded, and it was voted to insert Article 13 into the Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Sumner moved onto the next Article 13-16 which he stated were police and fire articles.

Chief Hurley spoke to the board about the summer reserve program being winded down by the state. He stated this leaves him with one officer this summer from the program, but this would be the last year so on the warrant he is asking for an additional position to cover the loss of the summer officers. He continued explaining the need for additional officers to complete his department.

The board had some questions for the chief asking if there would be any more staffing needs in the future? Chief explained this last position would fill his department.

Board Member DeVasto Moved, Board Member Wilson Seconded, and it was voted to insert Article 14 Police Department New Staff into the Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to recommend Article 14 Police Department New Staff as inserted in the Annual Town Meeting Warrant.

Roll Call Vote: 4-1 (Chair Curley abstained)

Chief Pauley spoke to the board about his article in the warrant, explaining that his department needed four more positions to have five staff members on each shift. He gave details on how he would like to proceed with this request. He explained the need for staff acknowledging that this has been a tough year, but he did a recent report of calls and explained that the calls are up 20% in the last year, his recommendation is to ask for 2 firefighters this year and 2 in the next fiscal year. The board discussed the Chief's staff with him and how his department works.

Chair Curley Moved, Board Member Reinhart Seconded; and it was voted to insert Article 15 Fire Department New Staff into the Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to recommend Article 15 Fire Department New Staff as inserted into the warrant.

Roll Call Vote: 5-0

They moved on to the Article 16 where chief Pauley explained the paramedic training that he is asking for. He stated to the board that this program has been very successful, and it can be pulled out of the ambulance reserve fund which is exactly what this fund is made for. The ramifications of this program were discussed. Where the employees have to pay back the tuition for the program if they leave the town.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to insert and recommend Article 16 Paramedic Training Program Funding with the amendment that the sum shall read \$20,000 or any other sum

Sumner explained that that article 19 needed to be removed.

Article 18 was discussed, and Board Member Wolf expressed his concern for holding this article until the town's financial issues are in a better place. Chair Curley explained that this was pulled at the last minute on town meeting floor.

Chair Curley Moved, Board Member Reinhart Seconded, and it was voted to insert Article 18, Wellfleet Flora and Fauna Survey into the Town Meeting Warrant.

Roll Call Vote: 5-0

Chair Curley Moved, Board Member Seconded, and it was voted to recommend Article 18 as inserted in the warrant.

Roll Call Vote: 3-0-2 (DeVasto and Wolf abstained)

Sumner moved on to Article 20, Authorization of Chapter 90 Funds

Chair Curley Moved, Board Member DeVasto Seconded; and it was voted to insert and recommend Article 20 the authorization of Chapter 90 Funds,

Roll Call Vote: 5-0

Sumner continued with Article 21, explaining this is a government article, Public Educational and Government Access and cable related fund. He explained this money doesn't need to be raised or borrowed its money that is collected from people's cable bills.

Chair Curley Moved, Board Member Wilson Seconded, and it was voted to insert and recommend Article 21, Public Educational and Government Access and Cable Related Funds into the Annual Town Meeting Warrant Roll Call Vote: 5-0

Sumner explained that Article 22 was ready to be voted on. He explained that this is just setting the spending limit for the revolving fund. Chair Curley asked if they wanted to recommend or just place until they speak to the shellfish Constable.

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to insert Article 22 Shellfish Revolving Fund Spending Limit to the Annual Town Meeting Warrant.

Roll Call Vote: 4-0-1 (DeVasto Abstained)

Chair Curley Moved, Board Member Wolf Seconded, and it was voted to recommend Article 22 Shellfish Revolving Fund Spending Limit as inserted into the town meeting warrant.

Roll Call Vote: 4-0-1 (DeVasto abstained)

Article 23 is the Fire Suppression System for the Wellfleet Elementary School. Chief Pauley explained to the board that the system has to be put in by code, and because the building is owned by the town of Wellfleet there is liability to the town and the fire marshal could come to Wellfleet and have a conversation with the town.

Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to insert and recommend Article 23, Elementary Fire Suppression System into the Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Board Member Wilson asked to speak to a previous statement she made about the police department and expressed her regret for misspeaking in favor of the fire department.

Chair Curley spoke to Article 24 stating that the board had asked the Marina Advisory Committee to investigate this article. The board discussed this article and maybe removing it because it wasn't fulfilled by the boards. This article was discussed. Reinhart spoke to the article stating she is a member of the Dredging Committee, and this item has been discussed for the previous ten years and has changed. She argued that it should be placed on the warrant and maybe wait to recommend. DeVasto stated the Harbormaster should look into this and be able to explain to the board what the marina needs.

No Action Was Taken.

Chair Curley spoke to Article 25 and stated he wanted to take no action on this item so the board could have discussion with the Michael Cicale from the transfer station and Jay Norton from the DPW.

Chair Curley also stated that he would like to wait on Article 26 the adult community center so that he will be able to speak with Suzanne Thomas or Terri Frazier to get more information.

He questioned Sumer about which article they could move onto. Sumner stated

Article 28 could be voted on.

Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to insert Article 28, Lieutenant Island Road/Heron Point Road Survey Expense into the Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wilson Seconded and it was voted to recommend Article 28 as inserted in the warrant

Roll Call Vote: 5-0

V. *Selectboard Annual Reports ~ To Be Continued*

A. Annual Town Report

B. Report on Investigation for the Annual Town Report

VI. *Selectboard Reports*

Chair Curley informed the board and the public that the Planning Board will be having a discussion, the following evening and he stressed it was not a public hearing to discuss the Zoning Bylaws.

DeVasto stated that the Planning Board was also having a Public Hearing to discuss Contractor Yards.

VII. *Town Administrator's Report*

Sumner spoke to the board and explained that the report was the same as last week because the board couldn't discuss it. He continued explaining that they are continuing interviews for the town accountant and will hopefully be able to recommend one in the very near future.

VIII. *Topics for Future Discussion*

Reinhart stated the Shellfish and The ARC public hearing need to be discussed

IX. *Correspondence and Vacancy Reports*

Please see the packet for the reports

X. *Adjournment*

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adjourn.

Roll Call Vote: 5-0

Meeting adjourned 8:47pm

****** Public Documents******

Consent Agenda

New Town Treasurer Resume

Memorandum of Agreement between the Town of Wellfleet and Michael Hurley (vacation buy back)

Disclosure of Appearance of Conflict Nancy Civetta

Disclosure of Appearance of Conflict Johnny Mankevetch

Vacancy Paperwork for the Housing Authority

Wild Animal Bylaw

Short Term Rental Fees First Local Option Documents

Short Term Rental Fees Second Local Option Documents

Radioactive Water Release Documentation

Radioactive Water Release Legal Contingency Documentation

Housing Stabilization Fund Documentation

2022 Annual Town Meeting Draft Warrant

Town & Assistant Town Administrator's Report

Correspondence Report

Vacancy Report

Respectfully Submitted:

Rebekah Eldridge, Executive Assistant