

***Wellfleet Selectboard  
Virtual Meeting ~ Zoom  
Tuesday April 12, 2022; 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; Jay Coburn, Community Development Program; Judith Ahern, Wellfleet resident; Rich Pauley, Fire Chief; Brad Kaplan, Shellfish grant holder; Murrow Van Meter, owner Leeside Café; Suzanne Grout-Thomas, Director of Community Services; Brian Carlstrom, Nation Seashore; Jay Norton, DPW director; Lisa Brown, a Founder of the Wellfleet Oysterfest; Kate Moreau, Director of SPAT; Maia Ward, Wellfleet SPAT member; Mac Hay, owner of Mac's restaurants Daniel Silverman, Town moderator; Jennifer Congel, Town Clerk

Chair Curley Called the meeting to order at 7:03pm

**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.

- Jay Coburn spoke on behalf of the CDP on homeless prevention, a slide show was presented to the board. He discussed the plan to come together and offer help to prevent homelessness on the cape. He gave some information on the project and where people can go to get more information.

**II. *Consent Agenda***

- A.** Use of Town Property, Wellfleet Memorial Garden ~ Luise Geuekci ~ May 7, 2022, 2pm – 3pm ~ **Wilson asked to move this item out for discussion**  
Board Member Wilson spoke to this application stating that she had spoke to Hillary Lemos the health agent.  
**Board Member Wilson Moved; Chair Curley Seconded and it was voted to grant the use of the Wellfleet Memorial Garden for a fee of \$110 and the area must be left in the condition it was found and left to the satisfaction of the DPW director.**  
**Roll Call Vote: 5-0**
- B.** Use of Town Property, Gull Pond, Wellfleet ~ Friends of Herring River ~ May 21, 2022; 11am-1pm (rain date May 22)
- C.** Use of Town Property, Mayo Beach ~ Walter Baron/dba Old Wharf Dory Co. ~ September 17, 2022; 1pm-5pm
- D.** Cahoon Hollow Parking Lot Contract Extension ~ Rebecca Roughley ~ Assistant Town Administrator
- E.** Appointment of Ethan Estey ~ Wellfleet Shellfish Advisory Board
- F.** Licenses

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

- Annual General License ~ Heart Core Health & Wellness
  - Seasonal General License ~ Golden Cod Gallery ~ Jack Coughlin
  - Seasonal General License ~ The Garage Gallery ~ Janis Ekman
  - Seasonal Food Service License ~ 349 Café ~ Tonya Felix
  - Seasonal Bed & Breakfast ~ Joan Lucarelli
  - Seasonal Charter Boat ~ Captain Curley's Sailing Charters
- Chair Curley Moved; Board Member Wilson Seconded and it was voted to approve the consent agenda with the exception of item A.**  
**Roll Call Vote: 5-0**

III. ***Open Meeting Law Complaint filed April 4, 2022, ~ Judith Ahern***

- Chair Curley spoke to the complaint and gave a warning to all involved in the meeting that if there were comments made about someone's person. He then allowed Ahern to speak to the board, she requested the board speak to her complaint. Chair Curley asked Eldridge to play the video of the meeting where the alleged violation occurred.

The video played for 4 minutes and in that meeting, Wilson was heard speaking about health issues, stating she will not continue her role as a Selectboard member. The end of the video was the board members and Sumner speaking to her departure and thanking her. Sumner in that video gave instructions on how-to take-out papers to run for the position. The Video stopped.

Wilson spoke to this complaint and stated that she had spoken to the Secretary of State with the Town Clerk. Ahern stated that she believes this is an open meeting law violation. She went into detail about why she feels this is a violation. She accused Wilson of "back-room politics".

Chair Curley stated He doesn't believe this meets the standard for Open Meeting Law Violation and if she feels the need she can go to the Attorney General's Office and get their opinion.

**No Vote Was Taken**

IV. ***Public Safety Update***

A. EMS Study ~ Fire Chief Pauley

Chief Pauley spoke to the board regarding the upcoming emergency medical services study and stated that Wellfleet's response time for the residents is extremely low which is a great score for the fire department. Chair Curley spoke to the board stating that the response time was very impressing and the response time for Wellfleet is under 5 minutes. There were no comments on this update.

**No Action was Taken**

V. **Public Hearings ~ Board Member DeVasto Recused himself from these public hearings.**

- A. To Close the Hearing on Grant License #792, ARC ~ A New Hearing Will be Advertised for May 24th, 2022

Chair Curley opened the hearing and then stated that a memorandum has been supplied in the Selectboard packet and the hearing will be closed and re-advertised for May 24, 2022.

**Chair Curley Moved, Board Member Wilson Seconded, and it was voted to close the public hearing.**

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

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to readvertise the public hearing for ARC Grant #792 to May 24, 2022.**

**Roll Call Vote 4-0 (DeVasto Recused)**

- B. Application dated 3/3/2022 for the transfer of shellfish grant license #2000-4 consisting of 2.16 acres on Egg Island from Ian Ruml and Jeremy Storer to Ian Ruml, Jeremy Storer and Alfred Pickard, Jr

Chair Curley opened this public hearing and asked if there were any comments.

**Chair Curley Moved; Board Member Seconded and it was voted to approve the transfer of shellfish grant license #2000-4 consisting of 2.16 acres on Egg Island from Ian Ruml and Jeremy Storer to Ian Ruml, Jeremy Storer and Alfred Pickard Jr.**

**Roll Call Vote: 4-0 (DeVasto Recused)**

Chair Curley closed this public hearing.

Chair Curley opened the next public hearing.

- C. Application dated 3/25/2022 for the transfer of shellfish grant license # 2002-01 and 2002-1 Ext. consisting of 2.06 acres on Egg Island from Brad Kaplan to Brad Kaplan and Anthony Hill

Chair Curley asked if there were any questions regarding this license application.

**Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to grant the transfer of shellfish license #2002-01 and 2002-1 ext. consisting of 2.06 acres on Egg Island from Brad Kaplan to Brad Kaplan and Anthony Hill.**

**Roll Call Vote: 4-0 (DeVasto Recused)**

Chair Curley Closed this public hearing.

VI. **Licenses**

- A. **Seasonal - Contract**

Food truck, Newcomb Hollow ~ Leaside Café, LLC

Chair Curley spoke to this contract and asked if it was a new contract. Eldridge explained that this was not a new contract. Thomas spoke to the contract and explained how the contract works and how the fees are applied.

**Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to approve the 2022 food truck contract for the Leaside Café, LLC**

**Roll Call Vote: 5-0**

## VII. *NPS Updates*

### A. Sustained access for town residents on Bound Brook Island Road

Carlstrom spoke to the board regarding the residents have access to Bound Brook Road. Chair Curley stated that the town's counsel hasn't had a chance to comment on this. The screen was shared to show the maps of the land and issues that have come up. Ridley spoke to the issues and gave a detailed explanation of easements that would be given to the private homeowner so the land can be accessed by the homeowner. She explained the easement would be temporary while the construction is happening and once the construction is finished the easement goes away, she then explained that the homeowner can apply for a permanent easement. Wilson gave some facts about the land.

### B. Access to Mill Creek water control structure maintenance road from Chequessett Neck Road

Carlstrom moved onto Mill Creek and gave some details about this property. Stating he is talking with the Wellfleet Conservation trust to help get access to the Creek right now.

**Chair Curley Moved, Board Member Wilson Seconded and it was voted that the town of Wellfleet work with the Cape Cod National Seashore to allow sustained access to the Mill Creek Water control structure and maintenance road on Chequessett Neck Road as presented.**

**Roll Call Vote: 5-0**

Ridley spoke to the board that the town would actually allow construction of the road which she stated would be part of the motion and there is construction on the road. The segment of the road would be built entirely on town land.

Wellfleet conservation trust would need an agreement, and chair Curley stated this may need a town meeting vote. Ridley stated that there have been some preliminary conversations with the Conservation Trust. They discussed this issue. Norton spoke to the board stating that he believes if the town gets through the land transfer the town could treat this as a cur cut.

**Chair Curley Moved, Board Member Wolf Seconded; and it was voted to amend Chequessett Neck Road to Old Chequessett Neck Road.**

**Roll Call Vote: 5-0**

Before they moved on to the next item Ridley explained that this something that needs to be finished in a timely manner.

## VIII. *Community Relations*

### A. SPAT Introduction of New Staff

Chair Curley as Brown to introduce the new staff. Ward was the first to be introduced explaining that she is to bring more time and effort for year-round programs for the community and they are currently planning the 2022 Wellfleet Oysterfest. She introduced Moreu, who explained she is the new director of outreach for SPAT and act as a liaison for the shellfishing community with the community and residents of Wellfleet.

## IX. *Use of Town Property*

- A. Mayo Beach Parking Lot (Sandy Strip) ~ Deirdre Oringer; Thursdays from June 30, 2022 – September 1, 2022, 7am – 4pm.

Chair Curley asked Oringer to speak to the board regarding her use of town property. She asked if there were questions for her, Chair Curley explained that this is an opportunity for her to fill in the board and the public about what she is asking to do. She explained this will be a weekly artisan market. She gave the dates and times that she is looking to have the market.

**Chair Curley Moved, Board Member Wilson Seconded, and it was voted to approve the use of Mayo Beach on Thursday's beginning June 30, 2022, and ending September 1, 2022, from 7am - 4pm to Deidre Oringer for a fee of \$325.00 and for the area to be returned to the premarket conditions and to the satisfaction of the beach director and the terms and conditions specified by the beach director.**

**Roll Call Vote: 5-0**

- B. Various Locations near Mayo Beach ~ SPAT ~ Wellfleet Oyster Fest, October 12, 2022, - October 17, 2022. ~ **Board Member DeVasto recused himself from this agenda item.**

Moreau spoke to the board regarding the Oysterfest. Stating that in the initial application for the original Oysterfest, SPAT paid \$3000 and asked that this year be looked at as a nonprofit agency. She gave a brief summary of the festival giving details of the dates they are looking to use and the activities they are looking to hold during the festival. She continued discussing the festival with the board.

Rosenberg spoke to the board stating that she is a supporter of the Oysterfest but gave her concerns to the board regarding the use of Baker's Field explaining the concern for the field being ruined during this event. It was explained to the board from other department heads that SPAT does have insurance and they explained that if any damage is done it will be fixed back to the pre fest conditions.

They continued the discussion with the police and fire chief both stating that the meetings and planning for the oyster festival, needing staff and Covid issues they believed Baker's Field was the best option and moving the festival back to the center of town would cause major issues, Chief Hurley stated there are issues that haven't been worked out since the 2019 festival. He stated he will need less staff for this if it is held at Baker's Field to just get it back on the calendar. Chair Curley asked Thomas if she had any issues or saw any problems with Mayo Beach being to location, Thomas stated there were no issues on her end and believed the ability to monitor the amount of people entering Baker's field will be easier.

**Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to approve the Use of Baker's Field and the facilities there for the 2022 Wellfleet OysterFest beginning 7am October 12, 2022, to 8pm October 17, 2022. For all areas used to be returned to pre festival conditions to the satisfaction of the DPW director, the Recreation Director and the Beach**

**Director. For the terms and conditions in the addendum be applied, the 3<sup>rd</sup> bullet point in addition to the DPW director adding the recreation director.  
Roll Call Vote: 4-0**

**Chair Curley Moved; Board Member Wilson Seconded; and it was voted to reduce the fee for the use of town property for Wellfleet SPAT to \$2000.00.  
Roll Call Vote: 4-0**

**X. *Business***

- A.** Request for temporary tent structure at Mac's Shack, 91 Commercial Street  
Sumner gave an update on the application and spoke to the authorization from the state and ABCC which states that restaurants that have been previously approved have the permission to extend their outdoor seating and serving of alcohol. Hay continued stated that the tent and areas surrounding will be exactly as they were the last two years. He is just asking for the extension knowing that the governor has extended the emergency order. He stated he knows that all the necessary permits and permissions need to be granted.

**Chair Curley Moved, Board Member Wolf Seconded, and it was voted to approve the temporary tent struct at Macs Shack at 91 Commercial Street as presented.**

**Roll Call Vote: 5-0**

- B.** Town Meeting Venue ~ Town Moderator Daniel Silverman  
Silverman spoke to the board stating that he has spoken to the heath agent and both the fire and police chiefs with a preference of whether to have town meeting inside or outside. He explained to the board and public that all three would like to out an abundance of caution town meeting should be held outside. Given the fact that the cases are not going down but rather increasing.  
Chair Curley spoke to the board and Sumner and discussed the ability to enhance the visual presentation of the warrant motions for the articles like they are able to do with an indoor town meeting. The board continued to discuss having the meeting indoor and outdoor. The debate was about the weather and the ability to be able to see the screens.

**Chair Curley Moved, Board Member Wilson Seconded, and it was voted to have the Wellfleet Annual Town Meeting at the Wellfleet Elementary School ballfield beginning at 10am on June 11, 2022, with rain dates of June 18<sup>th</sup> and 19<sup>th</sup> 2022.**

**Roll Call Vote: 5-0**

- C.** Special Election for vacated Selectboard Seat ~ Chair Curley  
Congel spoke to the board stating that the special own election would be held on June 21, 2022, from 12pm-7pm. The board discussed the special election and

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

the rules and regulations of the town charter for a special election. They discussed this.

**Chair Curley Moved; Board Member Wilson Seconded, and it was voted to hold a special election on June 21, 2022, to fill the remainder of the two-year term vacated by Helen Miranda Wilson.**

**Roll Call Vote: 5-0**

**D. FY 2023 Budget ~ Interim Town Administrator Charles Sumner**

Sumner spoke to the board regarding the 2023 budget. He asked the board to look at the financial forecast and went over each line with the board and public. He went into detail about all the items added up which included special projects and equipment. He stated the town would need close to 2 million dollars to acquire everything that was needed. He stated that he has been working with the department heads. He recommended taking a number of the items off the draft and reduce the spending. He showed the board how he broke down what to take off the warrant and what was important enough to keep on the warrant. He continued explaining certain accounts and what money would come from where. He stated that if the board takes the recommendations made by Sumner it would take the budget from a little over two-million dollars down to just over \$500,000. The board continued to discuss this budget and the process of budgeting. Free Cash was also discussed. The board discussed the OPEB (other post-employment benefits.) Should this go on the June town meeting or the special fall town meeting.

**Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to adopt the spending plan as presented by the town administrator with the following exception:**

**To delete the marina feasibility study.**

**To delete the Route 6 Main Street project.**

**Roll Call Vote: 4-0-1 (Wolf voted no)**

**E. 2022 Annual Town Meeting Warrant ~ Interim Town Administrator Charles Sumner**

Sumner spoke with the board about warrant articles that he went over with some staff and decided what articles could be delayed until the fall town meeting. They discussed some articles that needed to remain on the warrant and others that could afford to be pushed to the fall town meeting.

**Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to reconsider the transfer station feasibility study**

**Roll Call Vote: 5-0**

**Chair Curley Moved, Board Member Wilson Seconded, and it was voted to remove the transfer station feasibility study from the June Annual Town Meeting Warrant.**

**Roll Call Vote: 5-0**

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

**Chair Curley Moved, Board Member Reinhart Seconded, and it was voted to place the Transfer Station feasibility study on the special fall town meeting warrant.**

**Roll Call Vote: 5-0**

**Chair Curley Moved, Board Member Seconded, and it was voted to reconsider the Adult Community Center addition feasibility study, The Climate Action Reserve Fund, the Town Code Adoption of renumbering of General Bylaws, the Town Coded Adoption of renumbering the Zoning Bylaws, Lease of Town Property, the Animal Control Bylaw Amendment, The Adoption of Enabling Legislation for disposition of unclaimed property, The Wildlife Protection Bylaw, Affordable Lots Zoning Bylaw Amendment, The Accessory Dwelling Unit Bylaw Amendment, amendment to the Zoning Bylaws Cottage Colonies, amendment to the General Bylaw for Natural Resources Advisory Committee; and move and insert these articles in the special fall town meeting.**

**Roll Call Vote: 5-0**

There were a few more discussions on some articles and the warrant needs to be closed and sent to print by May 11, 2022.

**F. Wellfleet Code of Conduct ~ Ryan Curley, Chair**

**Chair Curley poled the board asking if this agenda item could be moved to another meeting. It was agreed that due to the late hour this item would be taken up at another meeting.**

**XI. *Selectboard Reports***

Board Member DeVasto announced there will be a “meet the candidates forum”

**XII. *Town Administrator's Report***

Sumner stated that he didn't have anything new to report that he hadn't reported to them throughout this meeting.

Wilson questioned Sumner if he would be serving as the TA through town meeting, Sumner explained that the New Town Administrator will start after Memorial Day but Sumner will be working part time with the administrator to help make the transmission easier.

**XIII. *Topics for Future Discussion***

Wilson stated she would like to discuss the summer issues for Wellfleet.

**XIV. *New Business***

**A. Topics not reasonably anticipated by the Chair more than 48 hours before the meeting**

**B. There was no new business to discuss.**



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**XV. *Correspondence and Vacancy Reports***

Please see the packet for full reports.

**XVI. *Minutes***

March 17, 2022

March 21, 2022

March 22, 2022; 1pm

March 22, 2022; 6pm

**Chair Curley Moved; Board Member Seconded, and it was voted to approve the minutes of the above dates as printed in the packet.**

**Roll Call Vote: 4-0-1 (Wilson Abstained)**

**XVII. *Adjournment***

**Board Member Wilson Moved, Board Member Wolf Seconded; and it was voted to adjourn.**

**Roll Call Vote: 5-0**

**Meeting Adjourned**

**\*\*\*Public Records\*\*\***

- *Applications for use of town property (Cahoon Hollow, Memorial Garden, Gull Pond)*
- *Application for town committee or board*
- *Business Licenses*
- *Shellfish Grant License Hearing notices*
- *Open meeting Law complaint, KP Law answer regarding complaint*
- *Leeside Café Contract for Newcomb Hollow Beach*
- *Letter with maps from Mac Hay to have tent at Mac's Shack on Commercial Street*
- *Wellfleet Oysterfest Application*
- *2022 Draft Annual Town Meeting Warrant*
- *2023 Town budget*
- *Meeting Minutes*