

Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday March 22, 2022; 6pm
Meeting Minutes

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

Others Present: Rebecca Roughley, Assistant Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Civetta, Shellfish Constable; Suzanne Thomas, Community Service Director; Nauset Public School Administration ~ Brooke Clenchy, Interim Superintendent of Schools; Martha Gordon, Chris Easley, Mary Beth Rodman, Giovana Venditti, Director of Finances; Arlynn Consiglio, Administration Nauset Schools; Helen McNeil Ashton, works with the Native American tribes; Rick Sawyer, ARC representative; Gregg Corbo, KP Law (Town Counsel); Ginny Parker, Resident of Wellfleet; Alfred Pickard, Wellfleet Resident; Emily Rivera, MS Bike Ride applicant; Kathleen Walker, NE Endurance applicant; Jay Critchley, Swim for Life applicant

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.

Wilson spoke to the board and public and asked the chair to announce when the board would be going back to in person meetings. Chair Curley stated that once the equipment to allow the meetings to go hybrid they will go back to in person. Chair Curley announced that the board chose the next town administrator for Wellfleet, Richard Waldo. Negotiations will begin in the coming weeks. Chair Curley gave some background information on Waldo.

II. *Consent Agenda*

A. Use of Town Property United Methodist Church

B. Appointment of David Blackman to the Wellfleet Cultural Council

C. Appointment of Moira Meehan to the Wellfleet Cultural Council

D. Appointment of Judith Cumbler to the COA Advisory Board

E. Licenses

• **Common Victualer:**

Bagel Hound, Blue Willow Fine Foods, Endless Coast, Wellfleet Drive In-Flea Market

• **Weekday Entertainment:**

Wellfleet Drive In-Flea Market

• **Seasonal Liquor Licenses:**

Bob's Sub n Cone, Ceraldi, Chequessett Yacht & Country Club Boathouse,

Chequessett Yacht & Country Club, Flying Fish Café, Harbor Stage Company, Lobster & Chowder House, Mac's Shack, Maurice's Campground, Pearl Restaurant, Trailside Dining, VR's, Wellfleet Beachcomber, Wellfleet Flea Market, Wellfleet Marketplace, Wellfleet Motel & Lodge, Winslow's Tavern, Wellfleet Wine & Spirits

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to adopt the consent agenda as printed in the March 22, 2022; selectboard packet.

Roll Call Vote: 5-0

DeVasto spoke to the board about the Bagel Hound will be open in a few weeks, they are located in the old JB's building.

III. *Native Beach Rights Declaration*

Thomas and Ashton spoke to the board. Ashton explained what this declaration would do for the Native people in Wellfleet. This is an effort to restore the rights of the Native Americans to recreate on the Wellfleet Beaches. Th

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to amend the draft declaration, so the first sentence reads "The Wellfleet Selectboard on behalf of the citizens of Wellfleet return to the people of the Wampanoag Nation and other Native Nations, now and forever their custom practice to recreate on beaches owned or managed by the town of Wellfleet without cost or fee upon presentation of current tribal card."

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wilson Seconded, and it was voted on behalf of the citizens of Wellfleet to issue the declaration as amended

Roll Call Vote: 5-0

IV. *Public Hearings*

A. Native Beach Rights ~ Suzanne Thomas

Thomas presented to the board the amendment to the beach regulations and recommended that this regulation mirror the declaration with the added words "Other Native Nations"

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to amend Wellfleet's Beach Rules and Regulations as drafted with the following amendment, where it reads a member of the Mashpee Wampanoag Tribe to now read Members of the Mashpee Wampanoag Tribe and other Native Nations".

Roll Call Vote: 5-0

B. Continuation of Grant License #792 ARC

Chair Curley Opened the hearing for the ARC license.

Board Member DeVasto officially recused himself from this hearing as a member of the Selectboard.

Chair Curley questioned Roughley and Corbo how this hearing should be handled. Roughley stated that because it was a public hearing, he should allow

everyone involved including the public a chance to speak. Chair Curley allowed Sawyer to speak on behalf of ARC and why they should be allowed to retain their Wellfleet Grant License. Sawyer gave reasons and thoughts as to why the company should be allowed to keep the grant. He spoke about the benefits that Wellfleet would receive keeping ARC in Wellfleet. He spoke about training and the hatchery. Sawyer continued giving some background information of the company and why they would like to stay in Wellfleet. Chair Curley asked town counsel to give their opinion to the board and address what town counsel has said regarding this license.

Corbo spoke to the board and explained his role in this process. He explained his task was to look and see if legally ARC was domiciled in the town of Wellfleet. He gave a detailed explanation of what he found while reading the regulation. He explained that given all the information, ARC doesn't meet the requirements of being domiciled, and explained that this could be something the Selectboard could take into consideration and make alternative arrangements with ARC.

Civetta spoke to the board explaining some amendments that she has worked on and gave details about her work with all the constables. She spoke to the research and development regulations and review what they have now. Civetta spoke to coming up with an agreement with ARC.

Chair Curley spoke to the board and public about the letters that the board received in favor of ARC and the benefits they bring to the town. He read one resident's letter into the record from Irving Puffer speaking in favor of ARC and what they have done for him as a shellfisherman and the community as a whole. The board discussed ARC at great length. Chair Curley questioned if the site they were discussing was currently being used as a research facility. It was answered that no, it was not being used as a research area. It was discussed what seeds were planted on 792, and how will they know if it is developed and growing. Civetta spoke to many grant holders and stated that the Shellfish Department is currently looking at grants that are do not have productivity on their grants and will be receiving forfeiture licenses.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to continue the hearing for Grant License #792, ARC until April 12, 2022.

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

Chair Curley explained that the other grants cannot be discussed only ARC. She explained that the department is actively enforcing on ARC low productivity. It was discussed what would happen to the grant license if ARC was not allowed to keep the grant. It would go into a lottery. Sawyer explained that ARC is not in competition with local growers but sends shellfish to Europe. There were a few comments from the public, some in favor and some against ARC staying in Wellfleet.

Board Member Wilson Moved; Board Member Wolf Seconded, and it was voted to ask the Shellfish Department to consider and draft possible

amendments to section 7.8.7 and to ask the Shellfish Advisory Board to review them and come back to the Selectboard.

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

Civetta asked the board to please wait until a May meeting when she will be back from her time away. Chair Curley stated that if they wait until the first meeting in May there will be a new Selectboard Member and that is unfair to the new member coming in. Chair Curley didn't want to wait much longer to continue this hearing as they are currently not working under the regulations.

Chair Curley continued this hearing until April 12, 2022, 7pm.

V. *Budgets*

A. School Budgets –

Clenchy spoke to the board and began a slide show presentation. She went over who was at the helm of Administration. She continued to introduce the staff that was on the meeting and how they are all transitioning the schools through Covid-19 and dealing with Social and Emotional issues with the children. She continued discussing the new building at Cape Cod Technical High School. She explained how each schools budget will be presented to the board at this meeting.

Rodman presented the board with the Elementary Schools budget and gave a full description of what the budgets contains. There were no questions for Rodman with her budget.

Venditti was the next to present; she presented the board with the regional budget she began with the high school, moving on to the middle school. Chair Curley had some questions for the school administration.

Chair Curley Moved, Board Member Reinhart Seconded, and it was voted to approve the Nauset School System as presented.

Roll Call Vote: 5-0

VI. *Use of Town Property*

A. National MS Society

Rivera Spoke to the board giving details of the MS bike ride to raise money for MS national research. She explained this is the 30th year they have been doing this event. She explained the rules of the road will be followed and they have hired police for the event. Both Police and Fire stated there have never been any issues with this event.

Board Member Wilson Moved, Chair Curley Seconded, and it was voted to approve the use of public roadways throughout the Town of Wellfleet to National MS Society on June 26, 2022, from 9am to 1pm for a fee of \$500; conditional upon permission from the school to use their parking lot, and getting a police detail, the roadways used during the bike ride are to be returned to pre-ride conditions with the approval of the DPW Director.

DeVasto questioned the need to charge a fee. The board discussed it.

Roll Call Vote: 5-0 ~ Chair Curley respectfully requested the MS ride try to use the bike path in future bike rides.

B. NE Endurance Events

Walked spoke to the board about her event. Giving details of local lifeguards they are planning to give scholarships to pay for their licensing through the Red Cross. She continued giving details of the mapping of the race.

Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to approve the use of Mayo Beach, Gull Pond, Great Pond, Long Pond areas and the Wellfleet Elementary School Parking lot and field, on June 4, 2022, from 5am to 1pm for a fee of \$800; for all areas that are used during the event be returned to pre-race event with the approval of the DPW director and the beach director.

Roll Call Vote: 5-0

C. Swim For Life

Critchley spoke to the board and gave details about his event. Only using Gull Pond which provides an alternative to people who don't wish to swim in the ocean.

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to approve the use of Gull Pond to the Provincetown Swim for life and the Paddler Floatilla event on Saturday September 10, 2022, from 8am- 11am for a fee of \$300, the pond and surrounding areas that are used during this event to be returned to pre-event conditions as approved by the Beach Director.

Roll Call Vote: 5-0

VII. Licenses

A. Surrender of annual liquor license # 00057-RS-1348, JB's Pizza Bar and Grill.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the surrender of the annual liquor license from JB's Pizza Bar and Grill

Roll Call Vote: 5-0

VIII. Business

A. 2022 Annual Town Election Warrant

Chair Curley Moved, Board Member Wilson Seconded, and it was voted to approve the signing of the 2022 Annual Town Election Warrant.

Roll Call Vote: 5-0

B. Process for Aquaculture License Forfeiture

Before Discussion began Board Member DeVasto officially recused himself from this agenda item.

Chair Curley explained that this is not a discussion on any one grant, this is about the process of forfeiture. Civetta spoke to the board stating she looked back through the town's records and see what the town has done in the past regarding forfeiture. She stated the board can go back and look at the minutes of 2018 and see how the Select board at the time voted.

She explained there are times when the Shellfish department lets DMF (Department of Marine Fisheries) when a grant/license has been revoked. The board discussed the forfeiture of licenses not the revocation. The board discussed the difference between revoking and forfeiture. Civetta explained how the regulations were voted on and what has been previously done. Chair Curley asked Civetta to explain to the board what the Shellfish Department has been doing recently regarding productivity. Civetta explained there are two instances for forfeiture, if a person's grant fees are not paid by a certain date the grant is forfeited. The next way a license can be forfeited, there is a productivity oversight. She stated since she began the department has been conducting grant inspections. Noticing that there are a few grants that have no productivity. Civetta continued explaining how production is measured and how the process works.

Board Member Wilson Moved, Chair Curley Seconded and it was voted that when a grant is forfeited per regulation 7.12.2 or 7.13.3 the Shellfish Constable will notify the Grant Holder, the selectboard, the Principal Clerk, and the Department of Marine Fisheries that the license has been forfeited.

Roll Call Vote: 4-0

IX. *Selectboard Reports*

There were a few updates from Selectboard Members.

X. *Topics for Future Discussion*

Wolf would like to talk about having the town use a grant that is forfeited. Wilson spoke to the board about Affordable Dwelling Units, and the Zoning Bylaws

XI. *New Business*

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

XII. *Correspondence and Vacancy Reports*

There have been a lot of communication about the development on Route 6 and many complaints.

XIII. *Minutes*

A. March 8, 2022 -

B. March 15, 2022 –

**Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the meeting minutes of March 8th and March 15th as printed
Roll Call Vote: 5-0**

C. March 17, 2022 – **NO ACTION TAKEN**

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

XIV. *Adjournment*

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

Roll Call Vote: 5-0

Meeting adjourned 9:35pm

****Public Documents****

Applications for use of town property

Nauset Regional School District 2023 Budgets

Annual Town Election Warrant

Meeting Minutes of March 8, 15, 17, 2022.