

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

Wellfleet Selectboard
Tuesday April 26, 2022; 7pm
Virtual Meeting ~ Zoom
Meeting Agenda

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; Kathleen Bacon, Wellfleet Resident; Daniel Silverman, Town Moderator; Elaine McIlroy, housing authority; Gerald Parent, Chair of the Wellfleet Planning Board; Jim Hood, Chair Board of Water Commissioners, Curt Felix, Board of Water Commissioner Member; Will Sullivan, Harbormaster; Suzanne Grout-Thomas, Beach Director

Chair Curley Called the meeting to order at 7:04pm.

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 to the public that the town of Wellfleet Selectboard has reached a purchase and sales agreement to purchase Maurice's Campground. He gave some information on the special town meeting and stated that more information can be found on the press release for this purchase.

Bacon questioned the board about the status of the fuel tanks to be installed at the pier, Chair Curley referred to Sumner, who explained that this project has gone out to bid and they will need to begin that again.

Wilson announced that on May 2, 2022, from 12pm to 7pm the voting polls will be open to vote in selectboard, school committee and other town candidates.

II. *Consent Agenda*

A. Baker's Field ~ Wellfleet PTA ~ May 28, 2022, 9am to 5pm, (rain date May 29, 2022, 9am to 5pm)

Chair Curley Moved; Board Member Seconded and it was voted to adopt the consent agenda as presented, with no fee to be charged.

Roll Call Vote: 5-0

III. *Letter in response to Open Meeting Law Complaint filed April 4, 2022, by Judith Ahern*

The board continued and began to address the complaint. Wilson spoke to the letter and stated she read through it and made some minor changes to be sent to town counsel and get her amendments added to the letter. Wolf spoke to the board about the complaint and questioned the need for an open meeting law complaint, stating he didn't feel that this incident didn't rise to the level of an open meeting law complaint.

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Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted send the official report of the open meeting law complaint filed on April 4, 2022, by Judith Ahern with the amendments to the Attorney general's office. Roll Call Vote: 5-0

Ahern spoke to the board and asked that the letter be added to the public record so it can be read by the public. Ahern corrected the chair and stated that she wanted it listed as public documents in the meeting minutes.

IV. *Special Town Meeting*

Silverman spoke to the board and public about the special town meeting in the fall. He requested that the meeting be held on the 14th of September as the 10th of September is very close to Labor Day Weekend and felt it might be difficult for residents to focus being so close to Labor Day.

The board discussed this and the issues with weather and changing the original date. Chief Hurley informed the group that there is road race that day. The board discussed this and came to the decision that keeping the fall town meeting on the 10th of September.

Silverman asked them to keep in mind that the special provisions issued by the governor will be expired and the lower quorum will no longer be in effect. He also asked to keep the options available to have the meeting inside.

Before the board moved on Chair Curley asked Sumner to introduce to the board and public the "Plan B" article in the warrant. Sumner explained that the budget as it is right now, exceeds the funds that the town has. There needs to be a proposition 2 ½ override at town meeting. IF that doesn't happen on the ballot and the override fail, there is no budget. The Department of Revenue suggested that the town have 2 warrant articles that will explain each budget to the voters.

Silverman recommended voting on both budgets so the public can see what they've voted. Bacon spoke again and stated that he agrees with the moderator to have both budgets discussed and voted on at one meeting. Stating that she feels it would be difficult to have two town meetings so close together.

Ahern questioned the unaccounted money, Sumner responded stating that is an inaccurate statement as no money is missing, he explained that there were ledgers that were filled in incorrectly. He continued stating the finance team has met with the department of revenue and they will be closing fiscal years 2020, and 2021 within the coming weeks. He reiterated there is no missing money rather poor record keeping from past employees.

No Action was taken

V. *95 Lawrence Road PEL*

Mclroy spoke to this letter. Chair Curley had one amendment. They discussed the letter and fully supported the letter.

Chair Curley moved, Board Member Wilson Seconded, and it was voted to approve the letter as amended and o designate the chair to sign it on behalf of the Selectboard.

Roll Call Vote: 5-0

VI. ***Planning Board Contractor's Yard Zoning Amendment***

Parent spoke to the board to discuss what the planning Board has discussed and presented to the board how they came to this decision. He explained what was changed in the bylaw and why the planning board came to those decisions. There were some questions from the board to Parent and they discussed some scenarios concerning a contractor's yard. It was discussed that this zoning bylaw needs to remain on the June town meeting warrant due to the fact that the Planning Board had their public hearing for the bylaw change in February and there needs to be a town meeting 45 days after the public hearing. They discussed more about permitted uses.

Chair Curley Moved, Board Member Wilson Seconded, and it was voted to insert and recommend the article amending the Wellfleet Zoning Bylaw Contractor's Yard into the Wellfleet Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Before Parent left the meeting, he announced his gratitude for Reinhart's service.

VII. ***Enterprise Budgets***

A. Water Enterprise Budget ~ Karen Plantier/Jim Hood

Hood was on the meeting and spoke to his budget and asked the board some time to fix and adjust the schedule within their budget. The warrant is due to close on May 10, 2022, and all articles need to be reviewed and commented on. Sumner spoke to the board and stated he would be willing to allow Hood to meet with Souve and himself to.

No Action was taken on this agenda item.

Water Rate Service~ Felix spoke to the rate survey and had a small slide show presentation for the board and public. He explained the new rate structure the board has been working on with the water consultant to help the enterprise budget be able to be less dependent on subsidizing their account. Felix explained to the board the breakdown of the benefits of having this new rate structure. Felix stated that the Board of Water Commissioners have voted in favor of this new rate structure. Sumner agreed that this new rate schedule will help the enterprise fund be able to cover costs that they incur. Beginning to start a small reserve to help build up the fund.

They continued discussing the rates and the benefits to the town for having the rates be changed and looking into grants to help rid the debt of the water system. It was discussed to have the DPW help set up new customers to the water system to reduce the amount of money that it costs to connect to the water. The discussion continued for a while going into the need for water and health aspect of town water. There was some opposition, due to the cost of connecting to town water.

B. Marina Enterprise Budget ~ Will Sullivan ~ Harbormaster

Sullivan spoke to the board about his enterprise fund he questioned the board as to what they wanted to discuss regarding this budget. He stated there was nothing significant in changes and stated that they are running on the same budget. He explained to the board that there needs to be some increase in fees for the marina to be able to pay for the marina's needs. Board Member DeVasto

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spoke to the board and asked Sullivan if there would be an increase in fee schedule in the upcoming year? Sumner explained a huge priority of the town in the upcoming year will be to have an increase in fees. He gave some examples on what could happen if the fees weren't adjusted. Sullivan gave some details on how he has been working keep the budget the same but with the inflation and changes within the harbor he agrees that there needs to be an increase.

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to approve the 2023 Marina Enterprise Budget as presented.

Roll Call Vote: 5-0

VIII. *Community Concerns*

A. Lt. Island Bridge Railings

The board discussed the bridge and it's railings. Chair Curley spoke to the rust on the railings. Wolf asked if wood would hold up better and questioned the actual problem of this railing. It was discussed that railings could be dangerous as it has been known to have children jump off the bridge and the railings could cause more harm than good. The railings won't stop people from trying to jump so it should be taken down.

Chair Curley Moved; to remove the railing at the Lt. Island Road Bridge; Board Member Wolf Seconded.

Roll Call Vote: 2-3

MOTION FAILED

B. Ocean View Drive/Cahoon Hollow Issues

Chief Hurley spoke to the board about these issues. He stated they are going on year five with the discussion at this beach and the many issues that surround this situation. He stated that they continue to have the conversations about no alcohol on town property but is allowed on the National Seashore which is a growing problem for the many departments that run the beaches during the summer. Chief Hurley continued to give statistics over the past few years with busses coming to the beach and informed them with the summer officer program being removed the lack of help for his department is an issue. Chair Curley gave some ideas on how to regulate people coming from the seashore to Cahoon Hollow which is considered town property. He suggested a fence to let people know where the town property line is.

The board discussed the issues concerning Cahoon Hollow and Ocean View Drive, the parties and how will they be able to limit these parties and if they even can limit them. Reinhart asked if the board/town could put a maximum capacity on the beach. Thomas expressed that they couldn't because of the seashore and the large size of the beach, she added it would be difficult to know when to shut that number off.

It was discussed to charge for getting onto Cahoon Hollow beach.

This discussion continued at great length, discussing charging to get onto the beach, more for parking.

No Action was taken

IX. Annual Town Meeting Warrant

A. Police Department New Staff ~ Chief Curley

Chair Curley explained why he was waiting on taking a vote on this particular item but stated he was ready to do so now.

Board Member Wilson Moved; Board Member DeVasto Seconded, and it was voted to reconsider the recommendation for the Police Department New Staff warrant article.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert and recommend the Police Department article into the annual town meeting warrant.

Roll Call Vote: 5-0

B. Plastic Bottle Bylaw Amendment

Placing the plastic bottle bylaw on the special town meeting warrant

Chair Curley Moved, Board Member DeVasto Seconded; and it was voted to reconsider the plastic bottle bylaw for the town meeting warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wilson Seconded and it was moved to amend the plastic bottle bylaw as drafted and delete it from the annual town meeting warrant and place it in the special fall town meeting warrant.

Roll Call Vote: 5-0

C. Insertion of Housing Stabilization Fund A ~ Chair Curley

Chair Curley stated that town counsel explained that these funds need to go into a special purchase fund. The board discussed this at great length discussing the dire need for housing in Wellfleet and all over the cape. Chair Curley stated he spoke with town counsel to get clarification on the articles

The discussion continued about housing and the importance of this article.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to insert an article establishing an affordable housing stabilization fund as drafted into the Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to recommend said article into the Annual town Meeting Warrant.

Roll Call Vote: 4-1 (Wilson voted no)

D. Insertion of mixed income Housing Stabilization Find B

Chair Curley spoke about this as well and talked about the critical need to address the housing issues. Chair Curley stated this has been discussed at length and feels the board can vote.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to insert the article establishing a mixed housing stabilization fund into the annual town meeting warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to recommend the above article.

Roll Call Vote: 4-1 (Wilson voted no)

- E. Amending Governing the use of Short-Term Rental Community Impact Fees
Chair Curley stated that because they board changed and voted to insert the above articles

Board Member DeVasto Moved; Board Member Reinhart Seconded and it was voted to reconsider and remove the article governing the use of short-term rental community impact fees.

Roll Call Vote: 5-0

- F. Amending short-term rental community impact on professionally managed units (G.L. c 64G S 3D (a))

Chair Curley explained these next two items on the agenda, informing the board and public that the highest percent they can collect is 3%. He explained how this works. The board discussed raising this percent to 3% and the importance to have it raised to bring revenue to the town. This fee is only applicable to owners who own a second property.

Chair Curley Moved, Board Member DeVasto Seconded; and it was voted to raise the percentage rate of the short-term rental community impact to 3%, and insert said article in the annual town meeting warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to recommend the above article.

Roll Call Vote: 5-0

- G. Amending Short-term rental community impact fee professionally managed units (G.L. c. 64G 3D (b))

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to reconsider the article for short term rental community impact fee professionally managed units (G.L. c. 64G 3D (b)) and to amend it as drafted.

Roll Call Vote: 5-0

- H. Annual Town Meeting Warrant & Budget review

Chair Curley spoke to the board about the warrant. Wilson stated that the board needs to dedicate one meeting to just the warrant so they can get it done and ready to print. Chair Curley stated the board that they are almost done with the warrant and only had a few more articles that they needed to insert and recommend. The board discussed the warrant and Chair Curley stated that if the meeting goes to 10:30 they will stop. Sumner stated he would like to see the board cover all the outstanding articles.

Sumner began with the budget, he stated they have voted to insert it but haven't recommended.

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Chair Curley Moved; Board Member Reinhart Seconded and it was voted to recommend the operating budget article as drafted.

Roll Call Vote: 5-0

The next article was the OPEB (other post employee benefits) DeVasto spoke to this article. Stating that he believed they should fund it because it is the future. Chair Curley spoke to this as well. The board continued discussing this article.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to reconsider Article 12, Other post employee benefits.

Sumner complimented the board that the town has a good amount of money in that account, but it was contributed to last year, so it needs to be done this year.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to amend Article 12, Other post-Employment Benefits procreation to read “appropriate and or transfer from a available funds.”

Roll Call Vote: 5-0

Article 13 was the transfer to the stabilization fund.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to recommend Article 13 The stabilization fund.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to amend Article 17, to read “appropriate the sum of \$800,000.” To recommend Article 17. (This will be from ambulance receipts fund moving forward)

Roll Call Vote: 5-0

Article 22 was the next article that needed to be voted on. This is the fire suppression system for the elementary school. Which was stated this is an important article and must be done.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert and recommend the article for the Wellfleet Elementary School Fire suppression system.

Roll Call Vote: 5-0

The next item to discuss was the supplemental funding for the marina fuel tanks.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to insert and recommend the article for supplemental fuel storage.

Roll Call Vote: 5-0

The CPA articles were not voted on by the board because Lisa Souve isn't ready with them yet but should be ready on the 10th of May.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert the Community Preservation Articles; Articles # 26, 27, 28, 29, 30, 31, 32, and 33 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 34

Roll Call Vote: 4-0-1 (Chair Curley Abstained)

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Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert and recommend the article for affordable housing trust bylaw amendment.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert and recommend the article for special detail account for the fire department.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to recommend the article for the Herring River Restoration Easement.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to reconsider the article for the acquisition of access easement to Indian Neck Tidal Flats and delete from the Annual town Meeting Warrant.

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

The Animal Bylaw was discussed and the idea to move it to the town meeting in the fall. Wilson tried to explain to the board the amendments made or needed to be made. The board discussed this.

No Action was taken on the Animal Bylaw

The board discussed the petitioned article regarding the trees and stated they couldn't recommend this article.

Chair Curley Moved; Board Member DeVasto Seconded and it was voted to recommend the tree article inserted into the Annual Town Meeting Warrant.

Roll Call Vote 0-5 Motion failed

Chair Curley Moved; Board Member Reinhart Seconded and it was voted to insert and recommend the Nauset School Assessment Formula Article into the Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Sumner asked the board to look at the override questions at the back of the warrant because they would need to vote on them at their next meeting. (May 10, 2022)

E. Chair Curley moved on to the COA Advisory Board and they discussed the vote.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to rescind the vote on the COA Advisory Charge at the date that it was amended.

Roll Call Vote: 4-1 (Wilson abstained)

X. **Business ~ *These items were moved to a future meeting.***

A. Instructions to Public Bodies of Wellfleet on In-Person/Hybrid, and Remote Meetings

B. Code of Conduct ~ Chair Curley

C. Comprehensive Financial Policies ~ Chair Curley

XI. **Selectboard Reports**

Chair Curley spoke to the public about the Maurice's Campground working group which will be recorded and in person.

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XII. *Town Administrator's Report*

Sumner gave a verbal update to the board discussing the fiber optics for virtual meetings being installed.

He explained that he had met with the DOR this afternoon with the finance team in Wellfleet and feels it was a productive meeting. He stated they are close to closing FY2020 and FY2021. He expressed his sincere gratitude to the finance team for all their hard work and efforts in cleaning up these financial mistakes. He stated he would be reaching out to the auditors to have them on standby to come in and do the audit.

He explained that he will be meeting with department heads Thursday and explain that they all need to work on their budgets to cut them.

Wolf discussed the budget and spoke to the public about delays with the audio equipment.

XIII. *Topics for Future Discussion*

Wilson stated that the executive Session Minutes need to be released regarding the campground.

XIV. *Correspondence and Vacancy Reports*

Please check the packet for a full correspondence report.

XV. *Adjournment*

Board Member Wilson Moved; Board member Reinhart Seconded; and it was voted to adjourn.

Roll Call Vote 5-0

Meeting adjourned 10:40pm

**** Public Records ****

Application for use of town property from the Wellfleet Parent and Teachers Association
Letter from KP Law responding to the Open Meeting Law Complaint filed by Judith Ahern
Open Meeting Law Complaint Form filed by Judith Ahern
Letter regarding 95 Lawrence Road PEL
Water Enterprise Budget
Marina Enterprise Budget
2022 Annual Town Meeting Warrant (DRAFT)
Print out of the Selectboard Correspondence