

***Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday March 8, 2022, 6:00pm
Meeting Minutes***

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

Others Present: Charlie Sumner, Town Administrator; Rebecca Roughley, Assistant Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Police Chief; Rich Pauley, Fire Chief; Nancy Civetta, Shellfish Constable; Rebecca Taylor, Chair of the Shellfish Advisory Board; Kathleen Bacon, Resident of Wellfleet; John Riehl, Chair of the Natural Resources Advisory Board

Chair Curley called the meeting to order at 6:02pm

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 stated that SPAT have rescheduled their meeting with the board on March 22, 2022

Board Member Wilson spoke to the board stating that due to health issues and other obligations she will not be continuing after the May 2, 2022, election. She announced that March 11, 2022, is the last day to submit papers to run for Selectboard. She was thanked for her services to the town.

Chair Curley urged the public to run for office.

Sumner reiterated that papers must be filed with the town clerk by the end of business day Friday March 11, 2022; and be returned no later than end of business day Monday March 14, 2022.

DeVasto announced he will be pulling his papers before Friday.

II. *Consent Agenda*

A. Town Accountant ~ Charlie Sumner

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to accept the appointment of Nick Robertson as the new town accountant for the Town of Wellfleet.

Roll Call Vote: 5-0

B. Housing Authority Application ~ Janet Rustow

Chair Curley announced that this application had to be removed tonight because it is a Governors appointment, and the board doesn't have the authority to appoint anyone to this position.

III. *Meeting Rules*

A. Discussion of Meeting Rules ~ Chair Ryan Curley

Chair Curley spoke to the board about meetings that are getting bogged down and he would like to keep them on point. He announced he would be removing the

Covid-19 updates from the agenda unless the board felt the need to keep it on the agenda as a standard agenda item. The board agreed with the removal. Reinhart questioned if these rules could be put on the website, Chair Curley stated he didn't want to write a policy.

Wilson explained that these rules are somewhat inhibiting, she feels the need to be patient with people, who speak slowly and may have questioned that needs to be clarified which takes a while.

The board discussed the rules before them.

IV. ***Public Hearings***

Board Member DeVasto recused himself for the Shellfish Hearings.

- A. Addition to Section 7.15.3. Use of Spat Collecting Devices in the Town of Wellfleet's Shellfishing Policy and Regulations to add a tagging requirement. Shellfish Advisory Board voted to recommend this addition 4-0 at its November 18, 2021, meeting. ~ SAB

Chair Curley opened the hearing 7.15.3; Use of Spat Collecting Devices ~

Civetta explained the change in regulations and what this change would do for the shellfishermen and the Shellfish Department in Wellfleet. They agreed this change was straightforward and had no concerns or issues.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to amend section 7.15.3 Use of Spat Collecting Devices in the town of Wellfleet shellfishing policy and regulations as presented in the Selectboard March 8, 2022, meeting packet

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

Chair Curley closed this hearing.

- B. Additions to Section 7.23 Extension of Acreage Without Permission in the Town of Wellfleet's Shellfishing Policy and Regulations to include resolution of boundary disputes. Shellfish Advisory Board voted to recommend this addition 4-0 at its February 9, 2022, meeting. ~ SAB

Chair Curley opened the hearing for shellfish regulations 7.23 Extension of Acreage Without Permission ~

Taylor spoke to the board and stated that the Shellfish Advisory Board feels people should be working with the Shellfish Constable. She stated the Advisory board had no issues with this change and believed it was a necessary change. Chair Curley gave a few amendments that he felt needed to be made. The board discussed this, and Civetta stated that town counsel did have a look at these, but they could word smith what the board wanted to change. They continued to make some small changes to the draft.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to approve the amendments to Section 7.23 Extension Without Acreage Without Permission of the Town's Shellfishing Policy and Regulations as recommended by the Shellfish Advisory Board, included in the March 8, 2022, Selectboard packet, and amended at that meeting.

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

- C. License #792 ARC ~ Continued from February 23, 2022, ~ Will be continued to March 22, 2022.

Chair Curley opened the hearing for License #792; he explained to the board and public that this will be continued.

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to continue this hearing until March 22, 2022, at 6:00pm.

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

V. ***Human Resources***

- A. Discussion on the Human Resource Director ~ Chair Ryan Curley, ATA Rebecca Roughley

Chair Curley began stating that Wellfleet needs to formalize it's Human Resources Department and actions. He asked Roughley to speak to the board. She began stating that she has been with the town for a year and gave a small presentation, which outlined the benefits of having a specific Human Resource Person. She gave many details on why the town needs someone. She stated the most important is regulatory issued, training and accountability.

The board discussed the need for this position. Sumner spoke to this position and also stated that consistency in regulations, training, and enhancing capacity within the staff is very important and needs to be a priority as the town moves forward.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to request the Assistant Town Administrator Rebecca Roughley to scope and find a appropriate compensation for the position.

Roll Call Vote: 5-0

VI. ***Community Relations***

- A. Spat Introduction of New Staff ~ **Postponed until March 22, 2022**

VII. ***Committee/Board Updates & Appointments***

- A. Disclosure by non-elected municipal employee of financial Interest and determination by appointing authority ~ Benjamin Fairbank
, Member Wellfleet Conservation Commission

Chair Curley spoke to the board and stated the Fairbank was unable to be at the meeting and if there were any issues from the board members, he would postpone this until the meeting on the 22nd. There were no concerns with the board.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted that as the appointing authority, and as required by G.L. c.268A, § 19, we have reviewed the particular matter and the financial interest identified above. We have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from Benjamin Fairbank, and delegate the Chair to sign this determination on our behalf.

Roll Call Vote: 5-0

VIII. *Annual Town Meeting*

A. Town Meeting Date ~ Chair Ryan Curley, TA Charlie Sumner, Moderator Silverman

Chair Curley announced that the town moderator is currently on vacation but agrees with Chair Curley's decision and recommendation to move Wellfleet's Annual Town Meeting from April 25th to June 11, 2022. Sumner spoke to the movement of town meeting and stated he would have hoped to be further along in the closing of the fiscal years 2020 and 2021. He explained that he has spoken with DOR and has been working closely with them to be able to get Wellfleet's free cash certified. He stated he believes that to move town meeting is a good plan. He stated there would need to have a special election for the overrides after this date,

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to reschedule the Wellfleet Annual Town Meeting to June 11, 2022, with the backup dates to be June 12, 2022, June 18, 2022, and June 19, 2022.

Roll Call Vote: 5-0

It was questioned if the meeting would be outside. That is still an item to be determined.

Chair Curley also stated that it is with the recommendation of the town moderator to split the warrant and have a special town meeting in the fall. He continued stating that with the current warrant as it stands would be almost 9 hours long and feels that is too much to ask of the residents of Wellfleet.

Norton spoke to the board asking them to make a decision whether to have town meeting outside or not giving the explanation that the tent company needs a lot of lead time for tent rentals.

Bacon spoke to the board stating she would not be supportive of a special town meeting, explaining there is significant costs to the town. She spoke to Sumner about his thoughts. The board discussed pairing down the warrant and the sensibility of having two town meetings.

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to hold a special town meeting in the fall with the date to be determined.

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

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to ask the town administrator to work on dividing the annual town meeting warrant to have one half at the June town meeting and the Fall town meeting.

Roll Call Vote: 5-0

B. Special Town Election Date ~ Chair Curley

It was stated that an election usually follows the meeting.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to hold a special town election on June 21, 2022.

Roll Call Vote: 5-0

IX. *Administration's Budgets & Warrant Articles*

A. Budget Line Items 114 through 196

Sumner stated that these first line items that were level funded, and the only increase were wages and salaries. He stated that the advertising expense needed to be increased and the budget for office supplies.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to approve budget line items 114-196 as amended.

B. Budget Line Items 752-756

There wasn't much discussion with these budget line items.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve Budget line items 752-756 as printed in the March 8, 2022, packet.

Roll all Vote: 5-0

C. Budget Line Items 820-945

Chair Curley moved onto the next line items. Sumner stated that this is paying for the contributions to the Barnstable County Retirement district. He stated that he has captured the prepayment which will save the town \$35,000 in fees by paying all together.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve budget line items 820-945 as printed.

Roll Call Vote: 5-0

X. *Business*

A. Letter regarding H2Bs & J1S

Chair Curley spoke about the letter he drafted which explains the hardship that people will face this summer due to the conflict with Russia happening right now. Gave a list to the board of people he would like to send the letter to.

There were a few amendments.

Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to approve and send the letter regarding H2B's and J1's as written and reviewed in the March 8, 2022, meeting.

Roll Call Vote: 5-0

XI. *Financial Workplan*

A. Sumner to give an update on the town's finances

Sumner gave an update on the financial forecast which he stated has been updated since the last meeting. He explained the new town treasurer coming in will take some stress off Mary McIsaac and Lisa Souve. They will be able to focus on finalizing the FY 2020 and 2021 financial audit.

Board Member Wilson Moved; Chair Curley Seconded; and it was voted to send a letter of sincere gratitude to the financial team for their extreme work and dedication. Reinhart stated she would write something.

Roll Call Vote: 5-0

- B. The Residential Tax Exemption's ability to offset Override
Chair Curley explained that there was an increase in residential exemption from 20 to 25%. He explained what this meant and the budgets increasing due to this increase without increasing tax rates.

XII. 2022 Warrant Articles

- A. Discussion, Insertion, and recommendation of remaining warrant articles ~
Chair Ryan Curley

Chair Curley asked Sumner if there were any articles he felt needed to be addressed now. Chair Curley informed the board that the energy and climate action committee would be discussed at their March 15, 2022, meeting. Sumner went to Article 40 ~ Easement for the Herring River Restoration Project. Which can't be delayed until the fall meeting.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert Article 40, the Easement for the Herring River Restoration Project. Roll Call Vote: 5-0

Sumner stated article 41 was ready to be inserted and recommended if the board so wanted.

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to insert and recommend Article 41 into the Annual Town Meeting Warrant

Article 42 ~ Main Street Route 6 Project was the next article to be vote on, Sumner explained that this project was one that also couldn't wait until the fall.

Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to insert Article 42, Main Street Route 6 Project into the Annual Town Meeting Warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to recommend Article 42, Main Street Route 6 project into the Annual Town meeting warrant.

Roll Call Vote 4-1 (Wilson voted no)

Sumner spoke to Article 45, A beach at Newcomb Hollow there is a pole that is located in the parking lot, and someone went to the Board of Appeals to replace the pole and install an antenna by AT&T which will improve communications at the beach immensely. The town would receive revenue from the rent that AT&T is paying for the use of the pole. Chair Curley had some issues with the wording. Sumner stated he would research this article a little more.

No Action Was Taken on Article #45

The board moved on to Article #48, Sumner stated this article could be voted on. This Article discussed the eligibility for the town to
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to insert and recommend Article #48, an article adopting and enabling legislation to establish speed limits for provisions of Chapter 90 Section 17c. Roll Call Vote: 5-0

Article #49 was explained by Sumner to be an article that administration issues a check to someone, and the check is never cashed. They need to notify people and hold on to the check, once the process is finished the town needs to hand it over to the state. He explained that this article would allow the town to keep the checks and not hand them to the state.
Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to insert and recommend article #49, an article that would adopt and enable legislation to the disposition of unclaimed property for Section A of Chapter 200A Roll Call Vote: 5-0

The board skipped over the zoning articles as they had already voted to insert them but are waiting on the Planning Board to respond so they can either recommend or not.

The next article in the warrant that they addressed was, the article submitted by the Natural Resources Advisory Board. Riehl spoke to the board and explained why they were asking for this article to be considered. He spoke to the main changes in the article. The board discussed this.
Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to insert and recommend an article amending the Natural Resources Advisory Board's charge as presented at the March 15, 2022, meeting. Roll Call Vote: 5-0

Article #55 was explained it was a citizen's petition.
Chair Curley Moved, Board Member Wilson Seconded, and it was voted to recommend the non-binding public advising question on the pilgrim power plant. Roll Call Vote: 5-0

The board discussed the citizen's petition that talks about the tree preservation and resolution. Chair Curley spoke to the article and explained that the article confused him, they discussed the article. It was explained that because it is a petition article it has to be placed but the board doesn't have to recommend at this time.

Chair Curley moved on the next articles there was no discussion on these and he explained they could be voted on as a consent agenda.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to insert and recommend an article for the surplus property disposal, an article for the Mass DEP liability indemnification, an article for the Nauset School Assessment Formula, and an article for the collection of taxes.

Roll Call Vote: 5-0

Chair Curley stated he would like to have the other boards and committees of the town review these articles.

Chair Curley Moved, Board Member DeVasto Seconded, and it was voted to insert an article for a report from boards and committees and an article for any other business.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Wilson Seconded; and it was voted to recommend an article for reports from boards and committees and an article for any other business.

XIII. *Selectboard Annual Town Report*

The board discussed the report written by Chair Curley on behalf of the Selectboard. There were a few amendments made.

Board Member DeVasto Moved; Board Member Wilson Seconded and it was voted to accept the Selectboard Report for the annual town report as amended.

Roll Call Vote: 5-0

XIV. *Selectboard Reports*

Chair Curley spoke to the board about the Open Space Committee and stated that both he and the chair of the Open Space Committee have reached out and spoken to the chair of the Planning Board asking them to hold a public hearing and there has been no action taken on behalf of the Planning Board. They discussed this. It will be added as an agenda item later.

XV. *Town Administrator and Assistant Town Administrator's Report*

A. Sumner reported on the municipal water rate conversations they have been having with the water consultant and should have something to report regarding rate changes in the future. He spoke about the Town Administrator Search Committee meeting with candidates applying for the position and should have candidates to send to the Selectboard soon. He spoke about the Chapter 90 funds that were approved for the town.

He continued giving his update, speaking to amendments that were filed with Mass DEP, stating that there has been communication with property owners where the town is in need of easements for low lying roads and the communication has been good. He spoke to the board about the Wellfleet Solar Panels at the transfer station are now fully operational. He announced there will be an Amnesty Day at the transfer station in April.

XVI. *Topics for Future Discussion*

Wilson spoke about having attention being given to the Field point association. She also stated that She spoke to the board about a shellfish meeting she and DeVasto attended.

Wilson also spoke to the board about The Provincetown Independent being a newspaper of record. She stated she would like this to be on a future agenda, stating there were issues with this newspaper.

She stated that there needs to be a meeting as soon as the candidates for TA are chosen so the town doesn't lose them

Wolf would like to add charging for the Marina Parking Lot

XVII. *Correspondence and Vacancy Reports*

** please see the packet for a full report of correspondence***

XVIII. *Minutes*

A. February 15, 2022, ~ **Chair Curley Moved; Board Member Reinhart Seconded, and it was voted to approve the minutes of February 15, 2022, as written.**

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

B. February 23, 2022, ~ **Chair Curley Moved; Board Member Reinhart Seconded; and it was voted to approve the minutes of February 23, 2022, as printed.**

XIX. *Adjournment*

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

Roll Call Vote: 5-0

Meeting Adjourned, 8:40pm

Public Documents:

- *Town Accountant resume and Application*
- *Meeting Rules as presented by Ryan Curley*
- *Public Hearing notice*
- *Shellfish Documentation to go with public hearings*
- *Disclosure of non-elected town employee conflict of interest*
- *2022 Draft Annual Town Meeting Warrant*
- *Department Budgets for FY 2023*
- *Town Administrator & Assistant Town Administrator's Report*
- *Correspondence*
- *Meeting Minutes 2/15/2022 & 2/23/2022*

Respectfully Submitted:

Rebekah Eldridge, Executive Assistant