

**Wellfleet Selectboard
In Person Meeting
715 Old Kings Highway
Tuesday June 28, 2022; 7pm
Meeting Minutes**

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Barbara Carboni, Kathleen Bacon, John Wolf

Other Present: Richard Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Jason Robicheau, The Grateful Mind; Nancy Civetta, Shellfish Constable; Carole Ridley, Herring River project Coordinator; Jay Norton, DPW Director; Timothy Sayer, Resident; Josh Estine, Resident

Chair Curley called the meeting to order at 7:02pm

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 spoke to the board and the people in the audience explaining that there was a computer failure, and the meeting wouldn't be able to be hybrid for tonight's meeting. It will be recorded and able to be viewed once it is downloaded onto the website.

II. *Consent Agenda*

A. Commercial Permit hardship exemption Jaxon Kenny (Letter Attached in packet)

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the hardship exemption to Jaxon Kenny

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

B. Vote to return forfeited grant #CCB95-1 to the wild and take it out of aquaculture (Letter attached in packet) needs a Selectboard Vote.

Board Member DeVasto Recused himself from these agenda items and asked that they be taken out of the consent agenda.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the forfeiture of grant #CCB95-1 to be taken out of aquaculture and returned to the wild.

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

C. Chequessett Neck Road ~ Waterline Easement ~ Stephen F. Douglass, Trustee of the Stephen F. Douglass Trust and Laura G. Douglass, Trustee of the Laura G. Trust

D. ADA grant submission request ~ Rebekah Eldridge

E. Wellfleet SPAT ~ to amend original use of property application

Board Member Bacon asked this item to be continued to another meeting; stating she had concerns about the environment regarding the area where Oysterfest will be held.

This will be continued to June 30, 2022

- F. Wellfleet SPAT ~ Grant Tours throughout July & August
Board Member DeVasto recused himself from the above agenda items and asked that they be taken out of the consent agenda.
Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the grant tours provided by Wellfleet spat for a fee of \$120
Roll Call Vote: 4-0-1 (DeVasto recused)
- G. Wellfleet Cultural Council ~ Kevin McMahon~ Requesting permission to hang Cultural signs throughout the cultural district in Wellfleet.
- H. Stanley Puffer ~ Appointment to Rights of Public Access Committee
- I. Reappoint Alex Flaxman ~ Special Police Officer
- J. Ratify Union Collective Bargaining Agreement FY2023
- Wellfleet Police Officer's Union
 - Teamsters Union 59
 - Communication Union Mass COPS Local 326B
 - Permanent Firefighters Association Union Local 4342
- K. Sacred Surf School ~ Whitecrest Beach ~ June through Labor Day
Board Member Wolf had concerns with this application questioning the use of town property fee.
The board discussed this and agreed that it was late in the season, and they would approve this application but reconsider the fee at a future meeting.
Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the use of town property to Sacred Surf School on Whitecrest Beach June through Labor Day for a fee of \$385.
Roll Call Vote: 5-0
- L. Board/Committee Reappointments ~ See the full list in the Selectboard Packet
Chair Curley Moved; Board Member Carboni seconded; and it was voted to approve all the consent agenda items excluding the ones that were removed.
Roll Call Vote: 5-0

III. *Annual Board Reorganization*

- A. Election of Officers ~ Elect Chair, Vice Chair, Clerk
There was discussion and two members put up for the chair Board Member Bacon and Board Member Curley.
Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to appoint Ryan Curley as Chair of the Selectboard.
Roll Call Vote: 4-1
Board Member Wolf Moved; Board Member Seconded and it was voted to nominate Michael DeVasto to be Vice Chair to the Selectboard
Roll Call Vote: 5-0
Board Member Wolf Moved; Chair Curley Seconded; and it was voted to appoint John Wolf as the clerk for the Selectboard.
Roll Call Vote: 5-0

- B. Appoint Selectboard Liaison ~ Dredging Task Force ~ John Wolf
There was discussion about the liaison and members that have done it in the past.
Chair Curley Moved; Board Member Carboni Seconded; and it was voted to appoint John Wolf as a liaison to the Dredging Task Force
Roll Call Vote: 5-0

IV. ***Public Hearings***

- A. Proposed Amendment to Shellfishing Policy and Regulations Section 7.13.3 - Notification of Failure to meet minimal requirements
Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the amendments made to the Wellfleet Shellfishing Rules and Regulations 7.13.3 – notification of failure to meet minimal requirements; to appeal the Shellfish Constable's decision within 30 calendar days after notification of failure to meet minimum productivity requirements. The Selectboard will hold a public hearing within 30 calendar days of receipt of said appeal.

V. ***Use of Town Property***

- A. Harbor to the Bay ~ David Whitman ~ September 17, 2022; 12pm-5pm ~ 200-250 cyclists will be riding the new trail head in Wellfleet onto Route 6 making a small stop at LeCount Hollow.
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to continue this application until a future meeting.
Roll Call Vote: 5-0

VI. ***Business I***

- A. The Grateful Mind ~ discussion on renewing the cannabis contract ~ Town Administrator
Robicheau was in person at the meeting and spoke to board explaining why his contract had lapsed. The board was understanding and explained it has happened before.
Chair Curley Moved; Board Member Bacon Seconded; and it was voted to authorize the Town Administrator to renegotiate the contract with The Grateful Mind Cannabis HCA to mirror the agreement made with Terps Cannabis.
Roll Call Vote: 5-0
- B. Intermunicipal Agreement ~ Conflict of interest disclosure ~ KP Law
Chair Curley spoke to this item explaining that town counsel works for the surrounding town Truro and Eastham and in order for KP Law to work an intermunicipal agreement
Board Member Carboni recused herself from this agenda item
Chair Curley moved; Board Member DeVasto Seconded; and it was voted that The Town of Wellfleet consents to KP law represent the town of Wellfleet to negotiate with Truro and Eastham to reach

C. Shellfish Appeal Process ~ **Board Member DeVasto Recused himself from this agenda item.**

Civetta spoke to the board giving details about what the Shellfish Advisory Board had discussed at their most recent meeting and changes that they had made. There were some amendments to the application

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve that the selectboard office approves and begins using immediately the shellfish appeal application form for the first page as drafted.

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

The board continued discussing the other pages of the appeal application.

D. Route 6 Main Street Project 100% Design ~ Jay Norton

The board agreed to continue this agenda item until Norton was able to be in person which the chair stated should be later in the meeting.

E. Herring River Comprehensive Financial Plan & permitting status ~ Carole Ridley

Board Member Carboni stated she is recused from this agenda item and asked if she could be an audience member as she is very interested in this discussion. The board agreed.

Ridley explained to the board that there is a slide show to go with this presentation but due to the technological issues she would be unable to share the slide show part. She did explain she had pictures and it was requested that the slide show papers be incorporated with the minutes. Ridley continued discussion the on the permitting process for the project and the funding for the project. She explained this is a shuttle ready project in terms of having the environmental permitting to be done.

She explained more about the project and explained the table of funds that the board had in front of them.

There were some questions regarding certain aspects of the project. The project grants total almost seventy million dollars where there is no cost to the town for this project. The board discussed timelines with Ridley.

Chair Curley Moved, Board Member DeVasto Seconded; and it was voted to authorize the Town Administrator to sign the grant application to the National Oceanic and Atmospheric Administration for up to \$16 million dollars in the funding to offset Construction and implementation costs for the Herring River restoration project.

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

VII. Business II

- A. 95 Lawrence Road: Permitting members to speak on behalf of the board to the ZBA**

It was discussed that having a member of the selectboard be a liaison for the 95 Lawrence Road project so the board can be up to date with all that is happening throughout this project.

There was discussion on this and some questions. The board decided collectively to move this agenda item to their next meeting. Chair Curley asked Eldridge to post a quorum for future ZBA meetings to make sure there were no issues.

- B. 80 State Highway (Maurice's Campground) due diligence status update – grounds, buildings, and possibly other updates if available**

Norton presented to the board who was involved with this process and explained the findings of the group that did the due diligence. He explained in great detail the report and what it entails. The board spoke very highly of the reports done.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to accept the report as prepared and presented by the DPW director Jay Norton the town sees no reason to invoke the clause of paragraph 28 at this time and reserves all rights under the 21e of the Purchase and Sales Agreement; and all the remaining rights of Phase 1 environmental site evaluation.

Roll Call Vote: 5-0

Waldo spoke to the board stating that he is in touch with some engineers regarding the environmental site evaluation.

- C. Cottage Colonies Zoning Amendment**

Chair Curley stated they aren't approving these amendments tonight. He stated there is a timeline that needs to be met so they can be on the special fall town meeting warrant.

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to submit the Wellfleet Cottage Colonies Zoning Bylaws amendments as presented and to send to the Planning Board to have a hearing within 60 days.

Roll Call Vote: 5-0

- D. Provisions to Encourage the development of affordable housing**

Chair Curley spoke to this agenda item and explained why he placed it on the agenda. He explained this is the only bylaw that has a definition within itself. He explained what this bylaw meant and why it needed to be changed.

DeVasto asked if there were any changes in the language or did the chair just move items around in the bylaw. Chair Curley stated there was no change in the body of language.

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to submit the amendments of the provisions to encourage the development

of affordable housing and send it to the planning board to hold a public hearing within 60 days.

Roll Call Vote: 5-0

E. Affordable Lots Zoning Bylaw Draft

The affordable lots zoning bylaw was discussed next, the chair explained that this was changed significantly and detailed to the board what he changed and where he made the changes.

Chair Curley Moved; Board Member Seconded; and it was voted to submit the amendments of the Affordable Zoning Bylaw to the planning board and for them to hold a public hearing within 60 days.

Roll Call Vote: 5-0

F. Review of FY - 2022 Goals

Chair Curley began thanking everyone over the past two years who helped to bring the town back. Stating that it's been a difficult two years.

G. Department Goals

Waldo spoke to the board and stated he could combine items G & H together. He explained to the board and public about the changes that they have endured and spoke to them about putting together a set of goals for all department heads that are subjective to each department.

He continued explaining the key things that will be worked on and accomplished. He stated the goals that are to be set should be attainable.

H. FY 2023 Town Administrator Goals

Waldo spoke about his goals and what he plans to do moving forward. He wants his goals to be attainable. He stated because he has only been here for three-weeks these could be subject to change. He stated he's not comfortable at this point making a goal for a few years out. He would like to better understand the needs of the town.

I. FY 2023 Professional Development Plan

The board discussed with Waldo his development plan. He stated he will be completing his master's in public education. He spoke about obtaining his procurement license.

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the Town Administrator's FY 2023 Professional Development Plan as presented at tonight's meeting.

Roll Call Vote: 5-0

J. Town Administrator performance evaluation format

The Board spoke about this evaluation form Chair Curley explained that this form is from Provincetown as it is more robust than previous evaluations forms. The board discussed this form and what they would do from here.

Chair Curley Moved; Board Member Wolf Seconded and it was voted to approve the performance evaluation format as presented at tonight's meeting with the exception that anything specific to Provincetown be removed and the goals shall be incorporated after the July 12, 2022, meeting.

Roll Call Vote: 5-0

K. Policy on Public Buildings Use ~ John Wolf ~ *This agenda item was moved to a future meeting*

VIII. *Town Administrator's Report*

Waldo gave a brief statement to the board as to how he plans to give the report in the future where he will have bullet points for each department so the board will have some knowledge on what is happening throughout the town departments.

IX. *Selectboard Reports*

Chair Curley Announced that he had a few announcements regarding the campground. He stated there is a huge amount of work being done. He gave some information on what has been happening throughout the working groups and there will be an item on the warrant for the special town meeting.

X. *New Business ~ Items that are not reasonably anticipated by the chair 48 hours ahead of time*

There were no new business items added.

XI. *Topics for Future Discussion*

Bacon would like to readdress the shellfish shack at Mayo Beach she stated she feels that this shack could be worked on and would like to explore those options.

She would also like to discuss beach renourishment

Mayo Beach parking area to be a paid lot for nonresidents, stating this would bring revenue into the town.

XII. *Vacancy Reports*

**** please see the selectboard packet for the full report ****

XIII. *Minutes*

A. May 24, 2022, ~ No Action

**B. May 31, 2022, ~ Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as drafted
Roll Call Vote: 4-0-1 (Bacon Abstained)**

**C. June 7, 2022, ~ Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as drafted
Roll Call Vote: 4-0-1 (Bacon Abstained)**

XIV. *Adjournment*

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

Roll Call Vote: 5-0

Meeting Adjourned 10:30pm

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

Letter of hardship from Jaxon Kenny and shellfish constable Nancy Civetta
Letter to return grant #CCB95-1 to the wild
Waterline easement for Chequessett Neck Road
Document explaining the ADA grant
Wellfleet SPAT application and amendments for the Oysterfest in October
Letter to the board requesting permission to hang cultural signs throughout the Wellfleet Cultural District in Wellfleet.
Application from Stanley Puffer to be on the Rights of the Public Access Committee
Letter from Chief Hurley, Police Chief to reappoint Alex Flaxman as a special police officer
Union contracts for the Wellfleet Police Officers Union, The Teamsters Union 59, The Communication Union Mass COPS Local 326B
The Permanent Firefighters Union Local 4342
The Application from Sacred Surf School
All board and committee reappointments that were set to expire on June 30, 2022
Shellfish regulation 7.13.3 amendments
Application for Harbor of the Bay Road race
The Grateful Mind Host Agreement to be renegotiated
Letter of disclosure from KP Law
Shellfish appeal application to be amended and voted on
Route 6/Main Street slide show presentation
Herring River Slide show documents
Maurice's campground due diligence paperwork for Purchase and Sales.
Cottage Colonies Zoning bylaw paperwork and amendments
Provisions to encouraging the development of affordable housing
Zoning bylaw documents and amendments
FY 2022 Selectboard Goals
FY2023 Department Goals
FY2023 Town Administrator and Assistant Town Administrator Goals
FY2023 Professional Development Goals for the Town Administrator
Town Administrator performance evaluation form
Policy of Public Buildings use documentations
Town Administrators report dated June 28, 2022
Vacancy Report dated June 28, 2022
Meeting Minutes dated May 24th, May 31st, & June 7, 2022