

***Wellfleet Selectboard
Hybrid meeting
715 Old King's Highway/Zoom
Tuesday September 27, 2022; 7pm
Meeting Minutes***

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

Others Present: Richard Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Vail, Town Assessor; Nancy Civetta, Shellfish Constable; Michael Hurley, Police Chief; Rich Pauley, Fire Chief; Kate Lena, Barnstable County; Nathan Johnson, year-round resident, Karen Johnson, Wellfleet Resident, Rodney Avery, shellfisherman; Marc Spigel, special police officer; Timothy Sayer, Resident; KC Myers, Provincetown Independent reported

Chair Curley called the meeting to order at 7:01pm

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.

There were none

II. *Consent Agenda*

A. Certificate of Adoption, 2022 Hazard Mitigation Plan ~ ATA Rebecca Roughley

B. Extend seasonal liquor license to December 31, 2022, ~ Winslow's Tavern,
Bacon spoke to this license and complimented them for extending their license and wished them well

C. Wellfleet SPAT ~ Use of town property ~ Art & Oyster Crawl ~ specific areas listed in the application.

D. Contract signing of the refurbishment of 75 Quint (ladder truck)

E. Full time police officer appointment ~ Tyler M. Legare ~ Chief Hurley

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the consent agenda as written.

Roll Call Vote: 4-0-1 (DeVasto Abstained due to the SPAT item)

III. *Opioid Settlement ~ Kate Lena ~ Program Manager - Substance Use Prevention | Human Services, Barnstable County*

Lena presented to the board her slide show presentation and explained the money that has been allocated to the town of Wellfleet to help with the opioid issues in the outer cape. Chair Curley explained that the money allocated to the town was a little over one-hundred thousand dollars and there wasn't much the town could do with that amount of money.

Bacon questioned Lena about having a liaison from Outer Cape Health Services. Lena answered those questions. Chair Curley spoke about those who are actively

using. He spoke about the greatest need for the town is harm reduction, meaning having Narcan on hand, needle exchanges and other ways to help prevent the use of opioids

IV. *Public Hearings*

A. Allocating the local property tax levy among the five classes for Fiscal Year 2023. ~ Nancy Vail, Town Assessor

Vail spoke to the board about the annual tax classification hearing, she explained the board needs to decide how they want to allocate the tax burden among the various classes of taxes.

DeVasto stated the town should keep the tax levy the same as it has been in previous years. The board discussed this at great length. Vail gave details on how different percentage amounts would affect residents.

Vail continued with the residential tax exemption and explained it to the board and the public. She stated the board raised it to 25% last year and stated at this point she doesn't know what the tax rate will be yet but gave them some information on previous years. The board discussed the tax rate and how it would affect the town.

Chair Curley Moved, Board member DeVasto Seconded, and it was voted to set the residential tax exemption at 25%

Roll Call Vote: 5-0

Vail moved on to the property tax. She explained that there aren't any properties in the town that would qualify for this.

NO ACTION WAS TAKEN ON OPEN SPACE EXEMPTION

Chair Curley Moved; Board member Carboni Seconded, and it was voted to set the open space exemption at 0%.

Roll Call Vote: 5-0

Small Business exemption was discussed next. Vail gave a brief explanation of what this includes.

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to set the small business exemption at 0%.

Roll Call Vote: 5-0

B. Shellfish Public Hearings ~ Nancy Civetta ~ Shellfish Constable

Civetta began explaining that moving forward expiration dates will be the same date, to keep all on the same page. Chair Curley agreed with the uniform date. She explained that two grants were mistakenly overlooked and would be brought before the board in the near future. Civetta explained that once the shellfishermen grants were approved tonight the signatures would be received at the Town Clerks office and owes \$5 per person on the grant. There will be a copy of the lease provided to each shellfisherman.

Chair Curley opened the public hearing for the grant license #01-01

- Application dated 6/27/2022 for the transfer of shellfish grant license #01-01 ext. consisting of two acres located north of Lieutenant Island from Ralph Bassett (Wellfleet, MA) and Rodney Avery (Wellfleet, MA) to Rodney Avery (Wellfleet, MA).

Civetta explained that Bassett wanted to retire, and this is why this was brought before the board.

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the transfer of shellfish license grant number #01-01 ext. existing of two acres North of Lieutenant Island from Ralph Bassett and Rodney Avery to Rodney Avery.

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

Chair Curley Opened the hearing:

- Application received 6/27/2022 for the renewal of shellfish grant license #01-01 consisting of one acre located north of Lieutenant Island for nine years, 11 months and 28 days from Rodney Avery (Wellfleet, MA).

Chair Curley Moved; Board Member Seconded, and it was voted to approve Rodney Avery's grant renewal request for grant number #01-01 consisting of one acre located north of Lieutenant Island for a period of nine years, 11 months, and 28 days with an expiration date of April 30, 2032.

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

Chair Curley Moved, Board Member Carboni Seconded, and it was voted to close this hearing.

Roll Call Vote: 4-0-1

Chair Curley Opened public hearing:

- Application received 6/27/2022 for the renewal of shellfish grant license #01-01 ext. consisting of two acres located north of Lieutenant Island for nine years, 11 months and 28 days from Rodney Avery (Wellfleet, MA). Civetta approved this license

Chair Curley Moved Board Member Wolf Seconded, and it was voted to approve Rodney Avery's grant renewal request for grant number #01-01 ext. consisting of one acre located north of Lieutenant Island for a period of nine years, 11 months, and 28 days with an expiration date of April 30, 2032.

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

Chair Curley Moves; Board Member Carboni Seconded, and it was voted to close this hearing.

Roll call Vote: 4-0-1

Chair Curley opened public hearing

- Application received 6/24/2022 for the renewal of shellfish grant license #754 consisting of 2.37 acres on Mayo beach for nine years, five months and 27 days from R. Andrew Cummings (Wellfleet, MA). Civetta recommended

Chair Curley Moved; Board Member Wolf Seconded, and it was voted to approve R. Andrew Cummings grant renewal request for grant number #754 consisting of 2.37 acres located on Mayo Beach for a

period of nine years, five months, and 27 days with an expiration date of April 30, 2032.

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

Chair Curley Moved, Board Member Carboni Seconded; and it was voted to close public hearing

Roll Call Vote: 4-0-1

Chair Curley opened the public hearing

- Application received 6/27/2022 for the renewal of shellfish grant license #05-01 consisting of .99 acres in Loagy Bay for nine years, 10 months and 28 days from Nate Johnson (Wellfleet, MA) and Rodney Avery (Wellfleet, MA).

Spoke to the board about his brain explaining he doesn't remember numbers or months or dates. He explained he has disabilities. He didn't agree with the current situation. He explained that he would like Karen Johnson to have her name on his grant and explained that because of a conflict with Avery, Avery wouldn't sign off on this he wanted the board to make a decision for them. The board discussed and will take a look at this in the future, town counsel will be notified and questioned on this issue. For tonight they needed to approve the grant renewal.

Bacon stated she feels this is a special circumstance and that Johnson needs the help to work this grant. She feels that this is an exception. Avery spoke to the board and stated he could hire someone to work on the farm he doesn't need a partner on the farm he can hire someone.

Board Member Carboni Moved, Chair Curley Seconded, and it was voted to approve Nate Johnson and Rodney Avery's grant renewal request for grant number #05-01 consisting of 0.99 acres located in Loagy Bay for a period of nine years, 10 months, and 28 days with an expiration date of April 30, 2032.

Administrator Waldo stated to the board that maybe they could postpone this approval tonight to seek town counsel's opinion and have this on the next hearing when there will be two other hearings before them. Chair Curley stated that he would be willing to approve for a shorter time until this issue is resolved.

The board discussed some options to allow time for other options to be explored. Civetta stated a year would be a sufficient amount of time to get this situation settled.

Board member Carboni Moved, Chair Curley Seconded, and it was voted to amend the original motion and renew the grant renewal for one year. To expire one year from today.

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

Chair Curley Moved; Board Member Seconded, and it was voted to close public hearing

Roll Call Vote: 4-0-1

- Application received 6/17/2022 for the renewal of shellfish grant license #00-05 consisting of 2.16 acres on Egg Island for nine years, 10 months and 28 days from Chris Merl (Wellfleet, MA), Denice LaPierre (Wellfleet, MA), and Ronald Butilier (Wellfleet, MA).

Civetta recommended this

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve Chris Merl, Denice LaPierre, and Ronald Butilier's grant renewal request for grant number #00-05 consisting of 2. 16 acres located on Egg Island for a period of nine years. 10 months, and 28 days with an expiration date of April 30, 2032.

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

Chair Curley Moved, Board Member Bacon Seconded; and it was voted to close public hearing

Roll Call Vote: 4-0-1

Chair Curley Moved to open public hearing

- Application received 6/30/2022 for the renewal of shellfish grant licenses #739 and #739A consisting of three acres on Mayo Beach for six years, two months and seven days from Michael Parlante (Wellfleet, MA).

Civetta approved this renewal

Chair Curley moved; Board Member Wolf Seconded, and it was voted to approve Michael Parlante's grant renewal request for grant numbers #739 and #739A consisting of a total of three acres located on Mayo Beach for a period of six years, two months and seven days with an expiration date of January 10, 2029

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

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

Roll Call Vote: 4-0-1

Chair Curley Opened the pubic hearing

- Application received 6/16/2022 for the renewal of shellfish grant licenses #89-5 and #89-5 ext consisting of a total of two acres on Lieutenant Island for nine years and nine months from David Pike (Wellfleet, MA) and Caroline Lloyd (Wellfleet, MA).

Civetta spoke to this explaining he would like his grant to expire on the same dates.

Chair Curley moved, board member wolf seconded; and it was voted to approve David Pike and Caroline Lloyd's grant renewal request for grant numbers #8905 and #89-5ext. consisting of a total of two acres located off Lieutenant Island for a period of nine years and nine months with an expiration date of April 30, 2032.

Chair Curley Moved, Board Member Carboni Seconded, and it was voted to close public hearing

Roll Call Vote: 4-0-1

Chair Curley Opened Public hearing

- Application received 6/28/2022 for the renewal of shellfish grant license #01-03 consisting of three acres on Indian Neck for nine years, nine months and four days from David Seitler (Wellfleet, MA) and Melissa Yow (Wellfleet, MA).

Chair Curley Moved, Board Member Wolf Seconded; and it was voted to approve David Seitler and Melissa Yow's grant renewal request for grant number #01-03 consisting of three acres on Indian Neck for a period of nine years, nine months, and four days with an expiration date of April 30, 2032.

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

Chair Curley Moved; Board Member Carboni seconded, and it was voted to close public hearing

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

Chair Curley opened the public hearing

- Application received 6/27/2022 for the renewal of shellfish grant licenses #95-29 and #95-30 consisting of two acres on Egg Island for nine years and two months from David M. Ziemba (Wellfleet, MA), David E. Ziemba (Wellfleet, MA) and Mike T. Ziemba (Wellfleet, MA).

Chair Curley Moved; Board Member Carboni Seconded; and it was voted approve David M. Ziemba, David E. Ziemba, and Michael Ziemba's grant renewal request for grant numbers #95-29 and #95-30 consisting of a total of tow acres located on Egg Island for a period of nine years and two months with an expiration date of April 30, 2032.

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

Chair Curley Moved, Board Member Wolf Seconded; and it was voted to close the public hearing

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

V. *Police Department End of Season Beach Report ~ Chief Hurley/Lt. LaRocco*

Chief Hurley, Lt. LaRocco and Mark Spigel gave a presentation of the end of the year summer review for the town of Wellfleet. Chief Hurley gave an update on the busses that were in town this summer and spoke to the excellent work of the staff that worked diligently this summer to keep the beaches and the town safe.

Lt. LaRocco spoke to the board about the beaches and stated that the numbers this summer were very high. There was a 32% increase in people and transportation buses. He spoke to the board about increased traffic issues. He explained to the board a solution for these issues is much needed. The board discussed these issues and will continue to work on them. The alcohol issue at Cahoon Hollow Beach is very important. Myers asked if the Beachcomber helped to pay for police details. Chief Hurley explained that the beachcomber did help throughout the summer and

stated that the beachcomber isn't the big part of the problem, people bringing alcohol onto the beach.

NO ACTION WAS TAKEN

VI. *Licenses*

- A. Wellfleet Spat ~ One Day alcohol License (beer & Wine only) ~ October 1, 2022, ~ 4pm – 7pm**

Chair Curley Moved; Board Member Seconded, and it was voted to approve a one-day alcohol license for beer and wine only to Wellfleet Spat for October 1, 2022, from 4pm to 7pm for the Art and Oyster Crawl for a fee of \$50.00

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

VII. *Business*

- A. Financial Update ~ Administrator Waldo**

Administrator Waldo gave a brief update to the board regarding the work of the interim finance team. He explained that the finance team spoke to him about stating that there wasn't a revenue fund issue, but it was more of a staff issue. He is hoping to have the free cash certified by the years end.

Chair Curley questioned the status of Mary McIsaac and Lisa Souve, Waldo explained that they had a meeting this past Monday and it was their close out meeting.

NO ACTION WAS TAKEN

- B. Letter of intent submission Maurice's Campground**

Waldo explained to the board that it was voted to purchase the campground at 80 State Highway (Maurice's Campground). He explained grant programs that were being offered and stated he would like to town to submit a letter of intent to apply for the grant. The board discussed the letter of intent and spoke of the 95 Lawrence Road project.

Board Member Bacon Moved, Chair Curley Seconded, and it was voted to approve and authorize the town administrator to submit a letter of intent on behalf of the town to Barnstable County for the medium sized grant.

Roll Call Vote: 5-0

- C. Maurice's Planning Committee ~ Chair Curley**

Chair Curley stated that because of the hour he would leave off the zoning items. He spoke to the planning committee and stated he would like to model it after the 95 Lawrence Road task Force, except the board be the appointing authority. Bacon spoke to the board about the amount of people on this committee. She stated that she feels the template for the 95 Lawrence task force should be used. Chair Curley stated that a charge should be established at tonight's meeting. He would like to give people a fair chance to apply to be on the committee and give time for this to happen. The board discussed the number of members to be on the committee.

Chair Curley Moved; Board Member DeVasto seconded, and it was voted to approve the Maurice's campground planning committee charge as amended.

Roll Call Vote: 5-0

D. Maurice's Stakeholders Group ~ Chair Curley

Chair Curley spoke this this item stating it was modeled after the Herring River Restoration project which enables the stakeholders to communicate with the board and should be an appointment made by the town administrator due to the conflict of interest in the purchase of this property. Chair Curley gave some explanations of who should be a part of the stakeholders group.

Chair Curley Moved; Board member DeVasto seconded, and it was voted to approve Maurice's Campground (80 State Highway) charge as drafted.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Carboni seconded; and it was voted to have the appointing authority be the town administrator.

Roll Call Vote: 5-0

E. Dissolve Maurice's (80 State Highway) Working Group

Chair Curley stated this charge has been completed.

Board Member DeVasto moved; Chair Curley Seconded; and it was voted to dissolve 80 State Highway working group.

Roll Call Vote: 5-0

F. FY 2024 Calendars – Budget and Meeting Schedule ~ Chair Curley

Chair Curley Moved; Board Member DeVasto Seconded, and it was voted to approve the 2023 meeting schedule as printed.

Roll Call Vote: 5-0

Board Member DeVasto moved, Board Wolf seconded, and it was voted to accept the FY2024 budget and town meeting schedule as printed.

Roll Call Vote: 5-0

Chair Curley moved; Board Member Carboni seconded, and it was voted to amend the October 14, 2022, item 3; 5-year financial forecast be moved to November 1, 2022.

Chair Curley Moved, Board Member DeVasto Seconded; and it was voted to approve the FY2024 budget and town meeting schedule as amended.

Roll Call Vote: 5-0

G. Zoning Bylaw Amendment, Food Establishments and Developments of Significant Planning Interest ~ Chair Curley

Postponed to October 4, 2022, meeting

H. Zoning Bylaw Amendment, Zoning Enforcement Penalty ~ Chair Curley

Postponed to October 4, 2022, meeting

I. Memo to all Boards, Committees & Commissions Relative to ACC Meeting Room ~ Chair Curley

Chair Curley explained that many boards and committees are reserving the room at the community center and with the media service team and then not posting the meeting on the town calendar causing a conflict with more than one group being scheduled at one time.

Chair Curley Moved; Board member Carboni seconded, and it was voted to approve the memo to boards and committees as drafted.

J. Ambulance Fund Policy ~ Chair Curley

Chair Curley moved, Board Member DeVasto Seconded; and it was voted to approve the Wellfleet Ambulance policy as amended.

Roll Call Vote: 5-0

K. Cannabis Community Host Agreements ~ Chair Curley

Postponed to October 4, 2022, meeting

VIII. *New Business*

It was brought to the board's attention that a use of town property was brought in last minute for the use of the memorial garden, it was explained that the applicant didn't realize there needed to be a permit for this thinking it was part of preservation hall.

Chair Curley Moved; Board Member Seconded, and it was voted to approve the use of town property for the use of the memorial garden on October 1, 2022, to Ginny Mulpeter from 10am – 4pm with the condition that the grounds must be returned to pre-event conditions with the approval of the health agent and the DPW for a fee of \$110.

Roll Call Vote: 5-0

IX. *Selectboard Reports*

Wolf stated he had an update regarding the dredging task force but will update the board at the meeting on October 4, 2022.

X. *Town Administrator's Report*

Waldo gave an update on the bids that were received for the Chequessett Neck Road Bridge and stated he will be coming before the board with an award to be voted on. He gave some other updates from the town staff and administration.

XI. *Topics for Future Discussion*

Chair Curley stated he has a list. Sayer stated he wanted Wolf's report to be put into public session.

XII. *Vacancy Report*

XIII. Minutes

- A. January 11, 2022, ~ Chair Curley Moved, Board Member DeVasto Seconded, and it was voted to approve as drafted
Roll Call Vote: 3-0-2 (Carboni & Bacon Abstained)**
- B. January 18, 2022, ~ Chair Curley Moved, Board Member DeVasto seconded, and it was voted to approve as drafted
Roll Call Vote: 3-0-2 (Carboni & Bacon Abstained)**
- C. April 22, 2022, ~ Chair Curley Moved, Board Member DeVasto Seconnded, and it was voted to approve as drafted
Roll Call Vote: 3-0-2 (Carboni & Bacon Abstained)**
- D. September 13, 2022, ~ Chair Curley Moved, Board member DeVasto seconded, and it was voted to approve the minutes as drafted
Roll Call Vote: 5-0**

XIV. Adjournment

Public Documents:

Consent agenda documents:

*Adoption of hazard mitigation plan
Seasonal liquor license letter to extend from Winslow's tavern
Spat application for use of town property for Oyster crawl
Fire truck refurbishment contract
Appointment documentation of full-time police officer Tyler Legare
Slide show presentation from Barnstable County regarding opioid settlement
Documents supporting the allocation and approval of local taxes
All documents supporting the shellfish licenses seeking transfers and grant renewals
Letter from Wellfleet Police Department addressing the summer traffic at Cahoon Hollow Beach
License application from Wellfleet Spat for a one-day alcohol license for the Art & Oyster Crawl
The Maurice's Campground (80 State Highway) planning committee charge
The Maurice's Campground (80 State Highway) stakeholders charge
Ambulance fund Policy as amended
Town Administrators Report
Meeting Minutes*