

***Wellfleet Selectboard  
Hybrid Meeting  
Zoom/715 Old King's Highway, Wellfleet  
Tuesday December 20, 2022; 7PM  
Meeting Minutes***

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

**Others Present:** Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Carole Ridley, Herring River Restoration Project; Nancy Civetta, Shellfish Constable; Trudy Vermehren; Fox & Crow; Chris Easley, Nauset School Committee; Judith Schumacher, Nauset School Committee; Doreen, Fisherman's Alliance; John, Department of Marine Fisheries; Nick Sirucek, shellfish grant owner; Helen Miranda Wilson, resident; Rich Pauley, Fire Chief; Stephen Pickard, resident; Alfred Pickard, Resident shellfisherman; Victoria Dalmas, Lawyer abutters of the Fox & Crow; Roland Blair, Resident; Gary Sorkin, Community Preservation Committee Chair; Jay Coburn, Community and Housing Development president; Tim Sayer, resident; Will Sullivan, Harbormaster.

Chair Curley Called the meeting to order at 7:10pm

**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 explained that Board Member DeVasto will be joining a few minutes late as he was remote for the executive session.

Chief Pauley shared an email from Truro Fire Chief stating his great appreciation of Lt. Sean Clark for assisting in a car fire. Helping to prevent a fire spreading from the car to the residence. Chief Pauley stated he wanted to recognize Lt.

There were no other announcements.

**II. *Consent Agenda***

**A.** Approve the closing of town offices at noon on Friday December 23, 2022.

**B.** Shellfish Advisory Board ~ Nick Sirucek to be moved from Alternate to acting member

**C.** Acceptance of the Community Compact Cabinet's Information Technology Grant, \$190,708 ~ Town Administration

**D.** Acceptance of Mass works infrastructure Grant for 95 Lawrence Rd. Wastewater Treatment Facility, \$250,000 ~ Town Administration

**E.** Comprehensive Emergency Management Plan ~ Formal vote to approve the presentation given at the December 6, 2022, meeting.

**F.** Use of Town Property, January 14, 2023, Uncle Tim's Bridge ~ Wellfleet Historical Society

**G.** Approval of Change of Manager New Fleet Corp; DBA: Hog Island Surf Lodge & Beer Yard ~ Mike McNamara

**H. Common Victualler Licenses:**

Ceraldi  
CShore  
Fox & Crow  
Wellfleet Cinemas  
Wellfleet Drive In, Flea Market  
Wellfleet Miniature Golf, Dairy Bar & Grill  
Hog Island Surf Lodge & Beer Yard  
Dent Donuts  
The Swan  
Wellfleet Motel & Lodge

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to adopt the consent agenda as printed.  
Roll Call Vote: 5-0**

**III. *Presentation from Nauset Regional School Committee***

**A. Presentation on special election on January 10, 2023**

Easley and Schumacher spoke to the board and the public sharing a presentation regarding the new school looking to be built explaining why the budget is more than originally anticipated three years prior. Speaking to the public about the January 10<sup>th</sup> special election. The presentation discussed the current building and how it is outdated and needs to be rebuilt to address the current building code violations and building issues. He explained the feasibility study that has taken place. Schumacher continued the presentation discussing the design process. She gave details to the board and public regarding the design. She explained what the Nauset community wants and needs for their students. She continued discussing the structure of the school and how it will promote engagement with students and teachers.

She explained that the community was asked what they wanted in a new school? She explained that the most important thing that was stated for the new school was the layout of the campus. Students and parents love the layout of the current school and the ability to go outside in between classes.

It was explained that because of the COVID-19 pandemic the 2020 town meeting vote was canceled and the vote for the school was postponed.

Easley took the presentation back over and explained where the building process is now, and what the next steps are with the building. He continued explaining the building process and who won that bid for the school. Easley finished the presentation discussing the January 10, 2023 special town election, explaining what the vote would mean and the money that would go with that. He stated what the tax implications on the residents in the towns that the students attend Nauset Regional High School.

**NO ACTION WAS TAKEN**

**IV. *Port Profile ~ CCCFA/DMF ~ Doreen Legit Cape Cod Commercial Fisherman's Alliance and Dan McCarran, Director of Department of Marine Fisheries.***

They spoke to the board explaining who the fisherman's alliance is and how they work with local towns and fisheries. She explained that they have partnered with University of Boston and are working with different harbormasters and fisherman. She explained that they are visiting every town with commercial fisheries and explained that there is an enormous economic value to fisheries and explained the importance of commercial fishing. She went into detail. The director thanked the board and public for allowing them to present. He explained the data the Department of Marine fisheries has and is willing to share with the public and local fishermen, to help better protect the working waterfront.

**NO ACTION WAS TAKEN**

**V. *Public Hearings***

**Chair Curley and Board Member DeVasto Recused themselves from this hearing. Board Member Carboni was asked to chair this portion of the hearing.**

**BOARD MEMBER DEVASTO RECUSED HIMSELF FROM ALL SHELLFISH HEARINGS**

**A. Continuation of Public Hearing from December 6, 2022, to approve a grant extension to 2000-06 ~ Shellfish Constable Nancy Civetta**

Civetta spoke to the board and public and stated she supports this extension, she spoke about the discussion at the Shellfish Advisory board. Explaining there were more discussions about this extension. She expressed needing a community discussion on this topic regarding the shellfish regulations. She explained that they are hard to understand and she wants to do the correct thing when it comes to this regulation. She stated they could have a community discussion or go to town counsel and ask an opinion on the wording of this regulation. She stated she is finding herself with a lack of clarity when it comes to this extension, although she is in support of it. Carboni asked Civetta to read the regulation which she did. She explained that she and the other constable went back in the records to see where and the reasoning behind this regulation and she stated she was unsuccessful. Civetta spoke more to this extension. They discussed it with the board. Carboni asked if she thought it could be lawfully granted and Civetta stated she is feeling uncertain about this extension right now. She would like more clarification. Sirucek spoke to the board explaining his thought process on the extension of his grant on Egg Island. The board discussed this and had some questions for Sirucek. Upland Landowners representative spoke to the board with some questions about hazards to people swimming and paddle boarding. Issues with expansions of grants. Carboni asked if there was a specific question from the landowners that need to be clarified.

**Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to continue this hearing until January 17, 2023.**

**Roll Call Vote: 3-0-2 (Curley and DeVasto Recused)**

It was discussed to speak with town counsel to make sure this can be ready for the January 17<sup>th</sup> public hearing.

- B. Continuation of Public Hearing from December 6, 2022, to change Definitions, Annual Report with Town Counsel opinion ~ Shellfish Advisory Board and Shellfish Constable Nancy Civetta**

Chair Curley came back to the meeting and opened the next public hearing.

Civetta spoke to the board and the public regarding the opinions of town counsel. Waldo spoke to the public giving a little more information regarding the forms that are submitted to the town and the Department of Marine Fisheries. He explained how counsel came up with their opinion regarding confidentiality. Waldo stated that he and staff wanted to be sure they understood the opinion, if the town was to adopt the DMF form as their form, it would constitute everything on that form would be held confidential. They stated there is no case laws or determination to say that any forms that are submitted under section 65 should be redacted. The question would be if the town goes with the DMF form everything would be kept confidential. Chair Curley gave his opinion on town counsels opinion and stated some of his concerns using DMF and the town's reports. He stated he feels the reports should be public record. Civetta spoke about minimum productivity and what she had once believed.

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted not to amend the change of definitions annual report for the shellfish rules and regulations for the Town of Wellfleet.**

**Roll Call Vote: 4-0-1**

- C. Approve the transfer of grant license # 85-D, 85D-A, and 85D-AB ~ Shellfish Constable Nancy Civetta**

Civetta spoke to this transfer of grant licenses; she stated that it is going out of a corporation and into a personal.

**Board Member Bacon Moved; Chair Curley Seconded; and it was voted to transfer grant licenses #85-D, #85D-A, and #85D-AB totaling five acres on Indian Neck from Indian Neck Sea Farms, Inc from Carol Mindrebo, president, Todd Mindrebo, Treasurer/Secretary to Todd Mindrebo and Carol Mindrebo**

**Roll Call Vote: 4-0-1**

- D. Approval of transfer of grant license #2010-01 ~ Shellfish Constable Nancy Civetta**

There was no discussion as Civetta stated this was a simple transfer.

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to transfer grant license #2010-01 totaling 0.2 acres inside the Indian Neck breakwater from Edward Tesson to Edward Tesson and Ronald Butilier.**

**Roll Call Vote: 4-0-1**

- E. Approve an increase in recreational shellfishing permit fees ~ Shellfish.**

Advisory Board and Shellfish Constable Nancy Civetta

Civetta explained that she and the Shellfish advisory board spoke about raising the recreational fees up \$10.

**Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve a \$10.00 increase to recreational shellfishing permit fees as of January 1, 2023**

**Roll Call Vote: 4-0-1**

- F. Approve requirement for grant license holders to purchase a Wellfleet commercial shellfishing permit or other fee ~ Shellfish Advisory Board and Shellfish Constable Nancy Civetta  
Civetta spoke to this item stating that it was voted on the shellfish advisory board voted with a 6-0 vote to require that grant holders obtain a commercial shellfishing permit. Chair Curley questioned when this would take effect? Civetta stated that the shellfish advisory board wanted the board to make that decision. Civetta stated that February 28<sup>th</sup> is the date that grant reports and fees are due so that would be a reasonable date. Pickard spoke to the board asking for two months to be able to allow the shellfishermen to get their paperwork in. Wilson spoke to the board, questioning the extra time would only be allowed this year not in the years to come.  
DeVasto spoke to the board asking if someone new is added to the grant after the commercial licenses are sold. He stated that this could be a negative financial impact on certain shellfishermen with the holidays coming up that could be an issue. He stated not for everyone but for a certain few it could be a financial issue. Wilson stated that maybe it shouldn't be mandated, she feels it should remain the choice of the harvester.  
Bacon asked if the permits could be charged at a sliding scale. Civetta stated she didn't think it could be done that. Pickard spoke to the fee and stated that to hold a grant is \$25 an acre he feels that a commercial license isn't a lot of money to ask for people who are making money from their grant and feels it isn't a hardship.  
**Board Member Bacon Moved; Board Member Carboni Seconded and it was voted to require all grant holders to obtain a commercial shellfishing permit with such requirements to take effect, February 28, 2023**  
**Roll Call Vote: 4-0-1**
- G. Approval of fees to be charged for public hearings ~ Selectboard.  
Eldridge spoke to the board stating that she and the Assistant Town Administrator worked together to find costs for publishing public hearings in newspapers and came to a conclusion that most towns charge the applicants to pay for a public hearing posting.  
**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve public hearing fees be charged to the applicant at \$175 per hearing.**
- H. Shellfish Grant Lottery for Egg Island grant numbers 95-15 and 95-16 ~ Shellfish Constable Nancy Civetta  
Chair Curley Read the names of each applicant for the lottery and explained he would be blindfolded when he drew the names. He tossed the names in the bin.  
**Chair Curley read the names picked:**  
**Grant # 95-15: Karen Johnson**  
**Grant # 95-16: Rosh Shermer**  
**Board Member Bacon Moved; Board Member Carboni Seconded; and it was voted to close the public hearing for the lottery.**

**VI. Licenses**

- A. Year-Round Alcohol Licenses ~ Please see Selectboard Packet for full list**  
Eldridge explained to the board how these year-round licenses work and are passed.

**Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to renew the year-round alcohol Licenses listed in the packet.**

**Roll Call Vote: 5-0**

- B. Weekday Entertainment License ~ Please see Selectboard Packet for full list**  
**Chair Curley Moved; Board Member DeVasto Seconded and it was voted to approve the weekday entertainment licenses for the businesses listed in the packet except the Fox & Crow which would be read out of this group.**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member DeVasto Seconded; to approve the Weekday Entertainment for the Fox & Crow.**

**Discussion followed the motion:**

The lawyer spoke on behalf of the abutters stating that there is a concern with the noise levels at that property. She summarized her letter to the board speaking about the entertainment which is against the zoning regulations for the town of Wellfleet also stating that because the business has many zoning violations this business should not be granted an entertainment license. She spoke about a grandfathered use where the entertainment can happen in the building not outside. She continued speaking to the board about the entertainment there. Waldo spoke to this item and stated that the building commissioner has been in constant contact with the lawyer for the abutters. Vermehren spoke to the board regarding her entertainment at the building. She refuted the accusations of the abutters. There was more discussion on this license approval.

It was discussed to condition the license. Chair Curley read the new outdoor seating extension from the state of Massachusetts.

**Roll Call Vote: 4-1 (Bacon voted no)**

- C. Sunday Entertainment License ~ Please see Selectboard Packet for full list**  
**Chair Curley Moved; Board Member Seconded; and it was voted to approve the Sunday Entertainment Licenses for the businesses listed in the Selectboard packet except the Fox & Crow.**

**Roll Call Vote: 5-0**

**Chair Curley Moved, Board Member DeVasto seconded; and it was voted to approve the Fox & Crow for their Sunday Entertainment License.**

**Discussion followed:**

It was discussed to approve this license and have the Zoning Board of Appeals deal with zoning issues. Vermehren stated she felt she was being singled out because of the abutters obtaining a lawyer. Delmas spoke for the record, stated that in the application the applicant is to sign off that all laws and regulations are being followed. It was suggested to condition the license on the building commissioners' findings.

**Board Member Carboni Moved; Board Member DeVasto seconded; and it was voted to approve the Sunday entertainment license for the Fox & Crow**

with the condition that they are in compliance with all zoning regulations are followed.

**Roll Call Vote: 4-1-0 (Bacon voted no)**

## **VII. Business**

- A. Owners Project Representative Contract ~ Herring River ~ Carole Ridley**  
Ridley spoke to the board explaining this contract. She gave details on what this contract is for. This project will be exclusively funded by grants.  
**Chair Curley Moved; Board Member DeVasto Moved; to authorize the Town Administrator to execute a one-year contract with Environmental Partners, in the amount of \$319,794, for services as Owners Project Representative for the Herring River Restoration Project, as outlined in the proposal and contract documents provided in the Selectboard Packet.**  
**Roll Call Vote: 4-0-1 (Carboni Recused)**
- B. To approve a CPC warrant Article ~ 95 Lawrence Road**  
Sorkin and Coburn spoke to the board regarding this article. Bacon asked if this was all of the CPC funds, Sorkin stated that no, this wasn't all their funding. He stated they are working with Lisa Souve on the funds that are available for this project, as well as the other projects that were applied for. Bacon Asked when this project plans to be fully funding. Coburn stated that it depends on the community development decision. Which comes out in the springtime.  
**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to insert and recommend the 95 Lawrence Road warrant article.**  
**Roll Call Vote: 5-0**
- C. Draft RFP for Maurice's Campground Operations ~ to approve issuance ~ Town Administrator**  
**Chair Curley Recused himself from this agenda item.**  
Waldo spoke to the board and stated that the town is now owners of the campground but need someone or a group to run the campground for the town. He stated the timing for this RFP to go out is very important as the opening of the campground is in March. He stated that town counsel has reviewed this RFP, the Bond counsel has reviewed this. He stated this was an RFP that needed to be drafted from the ground up. He explained more of the process for this RFP to be drafted. He explained that there are campers that the town now owns and would like to maintain those campers as workforce summer housing. He stated the reality is that the town doesn't have the resources to run this campground. He gave more details of this lease and how it would work. The board discussed this in detail.  
**Board Member Bacon Moved; Board Member DeVasto Seconded; and it was voted to approve the issuance of the draft RFP for 80 State Highway Wellfleet (Maurice's Campground)**  
**Roll Call Vote: 4-0-1**

**D. Capital Improvement Budgets**

**Marina**

Sullivan went over his FY 2024 capital improvement plan. He focused on the 2024 plan and explained why he listed what he did. He went into detail about what was in his budget line items. The board had a few questions for Sullivan. Sullivan explained that he has a fleet replacement and after speaking to Ford this afternoon the cost of this vehicle would be \$10,000 more than what was originally put into his budget and asked the board to adjust the number from 60 to 70 thousand dollars. He spoke to moving the marina vehicles to electric and having the marina run on wind turbines.

**Chair Curley Moved; Board Member Seconded; and it was voted to approve the Marina Departments 2024 Capital Improvement Budget as presented at tonight's meeting.**

**Roll Call Vote: 5-0**

**Library**

Waldo spoke to this budget, stating the library director wasn't at the meeting and there was no 2024 fiscal year request.

**NO ACTION WAS TAKEN**

**Water**

Waldo spoke to the board stating there was no one from the board of water commissioners on the meeting due to the time of night. He gave a brief description of what the water department is asking, including new meters, readings. And bringing the billing in house to make it less expensive and more feasible for the town. The board discussed the meters and what the process would be. Chair Curley questioned the cost and who would be responsible for that cost. The board discussed the rate structure and how to generate revenue. Chair Curley stated that if the meters are over ten years old the property owners should be paying for the new meters, the town shouldn't be absorbing those costs. Waldo stated the goal is to make these enterprise funds be self sufficient

**Board Member Bacon moved; Board Member DeVasto Seconded; and it was voted to approve the Water Enterprise FY2024 capital budget as presented.**

**Roll Call Vote: 4-0-1 (Curley voted no)**

**Shellfish ~ BOARD MEMBER DEVASTO RECUSED HIMSELF FROM THIS AGENDA ITEM**

Civetta spoke to the board going over her FY 2024 capital budget. She stated that some of her budgets were out of order. She explained her budget and the needs of her department.

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the Shellfish Department's FY 2024 capital budget as presented.**

**Roll Call Vote: 4-0-1**

**IT ~ this agenda item was postponed**

**Maurice's ~ this agenda item was postponed**



E. Inclusionary Zoning Bylaw Amendment ~ Chair Curley ~ **This item was postponed.**

**VIII. *Selectboard Reports***

Wolf presented his revised report to the board. He gave a brief summary of both the dredging task force and the marina advisory board meetings.

**IX. *Town Administrator's Report***

Bacon spoke to the lights on the trees at town hall being lit. She spoke to the testing at 95 Lawrence Road.

Waldo spoke to the purchase of the campground. He spoke to the operating budgets and that he is working with departments and the finance committee to hammer the budgets out. He stated that solar speed signs were placed throughout the town.

**X. *Topics for Future Discussion***

**XI. *Vacancy Reports***

**XII. *Minutes***

A. December 6, 2022

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the meeting minutes of December 6, 2022, as amended.**

**Roll Call Vote: 5-0**

**XIII. *Adjournment***

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

**Roll Call Vote: 5-0**

**Meeting adjourned 11:35pm**

**\*\*\* Public Documents: \*\*\***

*Letter from executive assistant*

*Application from Nick Sirucek to become an acting member from alternate*

*Two grant award letters*

*Comprehensive Emergency Management Plan*

*Use of Town Property Application for Uncle Tim's Bridge*

*Application for change of manager for Hog Island Surf Lodge and Beer Yard.*

*Common Victualler License renewals*

*Nauset School Committee Presentation on new school building project*

*Presentation of Department of Marine Fisheries and the Fisherman's Alliance regarding commercial fishing in Wellfleet*

*Shellfish public hearing documents*

*Business License Entertainment application renewals*

*Owners Project Representative Contract for Herring River Restoration Project*

*CPC Warrant Article for 95 Lawrence Road Project*

*Draft RFP for Maurice's Campground*

*Capital Improvement Budgets for:*

*Marina*

*Shellfish*

*Library*

*Municipal Water System*

*Approved at the January 17, 2023 meeting \*\*\*a full recording of this meeting can be found on the town's website\*\*\**

*IT*

*Maurice's Campground*

*Town Administrator's Report*

*Vacancy Report*

*Meeting Minutes of December 6, 2022*