

***Wellfleet Selectboard
Tuesday January 31, 2023; 7pm
Hybrid Meeting: Zoom/715 Old King's Highway
Open Session Meeting Minutes***

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

Others Present: Rebecca Roughley, Assistant Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Civetta, Shellfish Constable; Rich Pauley, Fire Chief; Joseph Capello, Fire Captain; Deidre Oringer, Wellfleet SPAT; Nick Sirucek, Helen Miranda Wilson, Becca Taylor, Samuel Blakely, Pat Lindell, applicant for use of town property applicant, Kevin LaRocco, Police Department

Chair Curley called the meeting to order at 7:03pm

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.

Chief Hurley spoke to the reclassification of Joe Capello and spoke very highly of him and stated he was excited to have him reclassified. He congratulated Capello for his hard work and dedication to the town.

II. *Consent Agenda*

A. Hazard Mitigation Grant paperwork to be approved by the board and executed by the Town Administrator

B. Recommendation of Award ~ Engineering Drawings/Permit Application for Clean Sand Dredging/Beach Nourishment ~ Assistant Town Administrator ~ Rebecca Roughley

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to adopt the consent agenda as drafted.

Roll Call Vote: 5-0

III. *Employee Matters*

A. Reclassification of the existing Captain's position to Deputy Fire Chief
Chief Pauley stepped up and spoke to the board about the capabilities of Joe Capello and how beneficial Capello has been to the fire department and the fire department is overdue. Chief stated that he would like to promote Lt. Joe Capello from Lieutenant to Deputy Fire Chief, as he has done beyond the work asked of him.

Bacon spoke to the board and public, stating that the town is beyond fortunate to have this talent in their fire department. She discussed that Capello was third generation Wellfleet and she is more proud of his accomplishments.

Silverman spoke to the board giving background on deputy fire chief and stated the town needs a deputy to stand in when the chief is unavailable.

Chair Curley Moved; Board Member Wolf Seconded and it was voted to endorse the fire chief's reclassification of from lieutenant to Deputy Fire Chief.

Roll Call Vote: 5-0

IV. *Public Hearings* *Board Member DeVasto recused himself from all shellfish hearings.*

Chair Curley Opened the public hearing for shea and Sartura Murphy

- A.** Application received 12/22/2022 for the transfer of shellfish grant license #s 01-02, 2000-7 and 2000-7 Ext consisting of a total of three acres on Field Point from Shea Murphy (Wellfleet, MA), to Shea Murphy and Saruta Murphy (Wellfleet, MA).

Chair Curley Moved, Board Member Bacon Seconded; and it was voted to approve the transfer of grant license #'s 01-02, 2000-7, and 2000-7 ext.

Roll Call Vote: 4-0-1

Chair Curley opened the hearing for the next public hearing.

- B.** To correct an oversight in the non-issuance of a grant license for grant extension #2006-01B consisting of 0.9 acres on Field Point to Robert LaPointe and to approve his grant renewal from October 25, 2011, until April 30, 2028.

Civetta spoke to the board and explained that due to an error with the town LaPointe was never issued his grant license, she stated that she would like this to be rectified tonight.

Chair Curley Moved; Board Member Bacon Seconded and it was voted to rectify the oversight in the non-issuance of a grant license #2006-01B for Robert LaPointe by approving a renewal of this grant from October 25, 2011, through April 30, 2028.

Roll Call Vote: 4-0-1

Chair Curley opened the next public hearing.

Chair Curley recused himself from this public hearing item:

- C.** Continued from November 22, 2022, ~ Application received 10/13/2022 for a grant extension (to be numbered #2000-6 ext.) to shellfish grant license #2000-6 consisting of approximately 1.2 acres on Egg Island from Nick Sirucek (Wellfleet, MA). **HEARING CONTINUED TO JANUARY 31, 2023**

Civetta spoke to the board stating that she reported to town counsel and found out from town counsel that they couldn't grant this extension because it is located on mean low water. She continued stating what town counsel had said and gave reasons why town counsel gave this advice to the town. She used the maps in the selectboard packet for reference. Town Counsel suggested rewriting the regulations, she stated she spoke to the Shellfish Advisory Board and they agreed Egg Island should be renamed Area 5. Carboni asked the map to be shared on the board so that she can work on the new regulations she explained that on Egg Island there is wild fishing and grants. Civetta explained to the board that she would like to work with town counsel and the shellfish advisory board and continue this hearing to April 4, 2023.

Carboni stated that she feels the board needs to comply with the current regulations and have the applicant pull his application and reapply once the regulations have been changed. Sirucek spoke to the board and understands the boards decisions. Civetta stated that there isn't much room to for many extensions. And the two extensions that are in front of them are the only two that could be extended. Wilson spoke to the board about this grant extension with some questions. Wolf questioned him losing his place while these issues are negotiated,

Board Member Bacon Moved, Board Member Wolf seconded; and it was voted to accept the withdrawal of this application without prejudice.

Roll Call Vote: 3-0-2

Chair Curley opened this public hearing.

- D.** Application received 1/3/2023 for a grant extension (to be numbered #2000-2 ext.) to shellfish grant license #2000-2 consisting of approximately 1.08 acres on Egg Island from Stephen Pickard (Wellfleet, MA), Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA).

Civetta spoke to the board about this grant not being above mean low water as she stated previously this grant needs to be held until the regulations are changed. Pickard stated his maps were not in the public documents, Civetta stated that they were pulled because they were not in compliance with the regulations, which was advice given by town counsel. Pickard stated the boundaries go by boxes and stated he was in disagreement with town counsel and the shellfish constable. He continued to give his explanation as to why he disagreed with this continuance. Pickard asked for his hearing to be continued to February 7, 2023. Civetta explained that DMF stated the grant would no longer be valid, she continued to explain to the board and Pickard that she is trying to do the right thing with shellfish grants. Pickard presented the approval he was granted in February of 2002. Civetta stated that the Army Core of engineers and the Conservation Commission didn't do there reports.

Sirucek spoke to the board stating that he feels if his extension isn't being allowed to move forward he would ask that they not grant this extension.

Bacon questioned Civetta on what she wanted to do regarding this. She stated she would recommend what was voted on at the last hearing.

Pickard stated he would not be willing to withdraw his application, he asked to have this continued to February 7th so he could bring his own counsel. The discussion continued, Chair Curley stated he would be agreeable to continue this until town counsel has had an opportunity to give an opinion.

Chair Curley Moved; Board Member Carboni Seconded and it was voted to continue the shellfish grant extension (to be numbered #2000-2 ext.) to shellfish grant license #2000-2 consisting of approximately 1.08 acres on Egg Island from Stephen Pickard (Wellfleet, MA), Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA).

Roll Call Vote 4-0-1

- E. Application received 1/10/2023 for a grant extension (to be numbered #99-1 Ext) to shellfish grant license #99-1 consisting of approximately .43 acres on Mayo Beach from Angela Osowski (Wellfleet, MA), Robert Mallory (Wellfleet, MA) and Mary Mallory (Wellfleet, MA).

Civetta spoke to the board stating she had the same reservations about granting this extension as she had with the Pickard's. She stated that Pickard didn't trust her judgement and wanted the Selectboard to make a decision regarding this grant extension. They discussed the approvals that were missing. She stated right now the town doesn't have the maps and it would need to be surveyed professionally. There were comments made by Benjamin Pickard regarding following the rules and regulations. There was much discussion with this application and much disagreement. Bacon spoke on behalf of Civetta, stating since she was hired in 2017 Civetta has been working hard to find documents since she stepped in the door. Wolf spoke to the board in favor of the administration. Taylor spoke to the board stating that she has since 2002 been operating on this grant as if it were her extension. She asked for the opportunity to reapply. Blakely spoke to the board, stating that the applicant knew the grant was being used.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to continue the public hearing for grant extension #99-1 ext on mayo beach to March 21, 2023, at 7pm.

Roll Call Vote: 4-0-1.

Chair Curley opened this public hearing.

- F. Subdividing two three-acre grants (currently license #s 01-06 and 792) in the deep-water area of Indian Neck into four 1.5-acre parcels to then be put up for lottery.

Civetta spoke to the board about subdividing the grants. The board discussed this further.

Chair Curley moved; Board Member Bacon Seconded; and it was voted to approve the subdivision of two 3-acre deep Indian Neck grants that are moving to be within the HDYLTA boundary into four 1.5 acre grants and put them up for lottery.

V. *Use of Town Property*

- A. Second Summer Cycle, LLC ~ Cape Cod Chamber of Commerce ~ September 17, 2023, 10:30am – 2:30pm ~ See packet for full details.

Chair Curley stated that there are many issues with this application and the route they are asking for. Bacon stated that she would like the applicant to go back to the drawing board and come back to the board with a more thought-out route.

The applicant agreed to come back with a revised route.

NO ACTION WAS TAKEN

- B. Wellfleet SPAT ~ Use of Main Street, save the date for Oysterfest 2023
Eldridge explained that the department heads had met and will continue meeting to figure out details.

Board member Bacon moved; Board Member Wolf Seconded; and it was voted to approve the use of Main Street and surrounding areas from October 10, 2023 – October 17, 2023 for the 2023 Wellfleet Oysterfest. With meeting to continue with all department heads to finalize all details for a fee to be determined at a later date when locations are finalized, subject to the approval of all department heads.

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

VI. ***Business***

- A. Food Establishment Bylaw Amendment

Chair Curley spoke to this amendment and explained the changes that were made, and concerns of the planning board. He explained the concerns of the planning board. Meeting design criteria.

Chair Curley moved, Board Member Bacon Seconded, and it was voted to strike four from the full-service restaurant.

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

NO ACTION WAS TAKEN

VII. ***Selectboard Reports***

- A. Bacon explained that she has been meeting with the NRAB as their liaison and there is still much discussion on the Harbor Flora Fauna Survey. She gave details on this survey they are asking for and asked Roughley to attend their next meeting to help the group come to a decision on the need for a survey.

VIII. ***Topics for Future Discussion***

Chair Curley Stated they will have the Division of Local Services will attend a future meeting.

Bacon stated she would like to have a discussion regarding the naming of the development of the 95 Lawrence Road project, she stated maybe getting the public involved in that process.

She would like surveillance cameras on the front of town hall, she stated that all the Christmas lights were cut from the trees in front of town hall leaving the trees not lit for the season.

IX. ***Vacancy Reports***

X. ***Minutes***

- A. January 17, 2023

Board Member Bacon Moved; Board Member Carboni Seconded, and it was voted to approve the meeting minutes of January 17, 2023, as printed in draft.

Roll Call Vote: 5-0

- XI. ***Adjournment of open session to go back into executive session if necessary.***

*Approved February 7, 2023 *** A full recording of this meeting can be found on the town's website****

Chair Curley Moved; Board Member Carboni seconded; and it was voted to adjourn open session.

Meeting Adjourned 10:00pm

Public Records:

Hazard Mitigation Grant Documents

Award documents for clean sand nourishment

Reclassification of Lieutenant Joseph Capello to Deputy Fire Chief

Shellfish Public Hearing Documents and Maps

Use of Town Property application for second summer cycle, LLC

Use of town Property Wellfleet SPAT

Food Establishment Bylaw Amendment

Meeting Minutes January 17, 2023