

**Wellfleet Selectboard  
Hybrid Meeting  
715 Old Kings Highway/Zoom  
Tuesday August 15, 2023; 7pm  
Meeting Minutes**

**Members Present:** Barbara Carboni, Chair; John Wolf, Vice Chair; Michael DeVasto (joined the meeting virtually at 7:35pm); Kathleen Bacon; Ryan Curley

**Others Present:** Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Meredith Ballinger, Assistant Health Agent; Hillary Greenberg-Lemos, Health Agent Eastham; Alex Nelson, Outer Community Solutions; Jay Norton, DPW Director; Nancy Civetta, Shellfish Constable; Suzanne Thomas, Community Service Director; Rich Pauley, Fire Chief; George Harris, Commission on Disabilities; Kate Clemens, Commission on Disabilities; Robert Dupuis, Commission on Disabilities, Helen Miranda Wilson, resident; Chris Merl, resident; Lezli Rowell, health agent for the town of Provincetown; Diane Brunt, shellfish person; Sean Tanzi, resident, Brad Morse, resident; Karen Johnson, Chair of the Shellfish Advisory Board; Tim Sayre, resident; Chris Allgeier, Dredging Task Force; Kevin LaRocco, Acting Police Chief; Curt Felix, dredging task force; Dan Robbins, GEI; David Holstrom, resident; Ginny Parker, resident. Chair Carboni called the meeting to order at 7:00pm

**I. *Announcements and Public Comments***

**Note** Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Curley spoke to the board about the mosquitos at Duck Harbor and the area will be treated.

Bacon spoke to the board announcing that a party for Angel Robinson would be held on Friday August 18, 2023, to celebrate his 22 of service to the town.

Wilson spoke to the board stating that she would not be running as a write in candidate for the Selectboard.

Merl spoke to the board asking if the shellfish constable's letter about corporations, chair Carboni explained that they would address any questions.

**II. *Consent Agenda***

A. Final agreement for Mayo Creek grant acceptance ~ Jay Norton

**Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to authorize the town administrator to accept a NRCS grant of \$100,000.**

**Roll Call Vote: 4-0**

**III. *Board/Committee Appointments and Updates***

A. Commission on Disabilities, presentation to the board ~ Applications for ADA Planning and Project Grants Awarded by the MOD.

Harris, Clemens, and Dupuis spoke to the board discussing the need for grants, and the need for the town to become more accessible to residents and visitors

with disabilities. Dupuis spoke about his background and him being from Canada where they just passed a law about accessibility to people with disabilities and all government buildings in Canada will be handicapped accessible. He stated he feels that some of his general knowledge he felt he could contribute to the commission. Harris gave a background on the commission and what they have been doing for many years. He spoke to the renovations the town has gone through and then stated that the transition plan on ADA compliance hasn't been updated in many years and the state person he spoke with stated the town may not be ADA compliant. He spoke about the plan and what needed to happen in order for the town to be compliant. Thomas spoke to the board stating that if they are able to get the bandstand at the pier up to standards to be handicapped accessible, they should be able to receive the grant. Bacon questioned the ability to replace the ramp at the elementary school. Chair Carboni thanked the commission for their work in this presentation, stating the board looks forward to seeing their grant applications.

#### **IV. *Business***

- A.** Outer Cape Wellness Happenings ~ Regional Public Health Efforts from Eastham to Provincetown ~ Meredith Ballinger, Hillary Lemos, Alex Nelson Nelson spoke to the board sharing her screen presenting to the board and public what the Outer Cape Community Solutions Network is and what the outer towns are working together for. Her slide show presented how the towns are coming together. Explaining that they are a rural health network. Nelson spoke to the full spectrum of health, and the different resources available. She spoke about the partnerships with the surrounding towns, and why it is important for the partnership to happen. She spoke about why they just work with the outer cape. She continued to speak about all the group have accomplished since they joined forces. Curley questioned a pathway that can be achieved in a relatively quick way to regionalize all four towns. Lemos spoke to the board stating that they have been working on regionalization. Stating that policies and regulations are different in each town. Waldo spoke to the demand of mental health has put on the town's health departments.

- B.** Letter from Selfish Constable addressing licensing of grants to corporations or other business entities.
- Civetta came to the table to discuss her letter addressing corporations and other business entities. She stated she felt that the shellfish department wanted the public to know where the department was coming from, I regard to corporations. Merl stated he wished Civetta didn't take any stance on corporations. He felt she blew up the town by not voicing her opinion. Merl continued, that he was upset that his time as wasted, and the town's money was wasted. Brunt spoke to the board, agreeing with Merl, stating she didn't feel that speaking to shellfishermen while they are working is inappropriate. Civetta stated that she feels she tried to stay extremely neutral. Chair Carboni stated she felt this was going to be a long discussion and one that they could have at the public hearing on September 5, 2023.

**C. Shellfish Grant Lottery – Constable Civetta**

Civetta spoke to the board about the grants, giving the timeline for these grants. Bacon spoke to the board asking Johnson to come forward and speak about wanting the grants to go out to lottery. Johnson spoke about being a lottery winner and the other grants that have come up for lottery. She spoke about her letter. Bacon followed up with a comment stating she was proud that Johnson was the new chair of the SAB and stated she felt Johnson would do a lot of good work for the board.

**D. Special Town Meeting Warrant ~ vote to insert and recommend any outstanding articles and to close the Special Town Meeting Warrant.**

Waldo began with stating that there was an intent to finalize and close the warrant. He explained there were three petitioned articles submitted at the end of the day on August 14<sup>th</sup>. Waldo went over the warrant and the changes that have been made since the selectboard packet was printed on the previous Thursday. It was asked when the warrant needed to go to the printer, and he explained the warrant would go to the printer on Friday August 18<sup>th</sup>. Bacon also asked how much the town is asking the taxpayers.

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to recommend Article 1 Budgetary Transfers into the special town meeting warrant.**

**Roll Call Vote: 5-0**

Waldo stated that the original article 5 Maurice's Campground Funding was supposed to be free chase which he stated couldn't be certified by town meeting. so it was withdrawn, He did state that the ARPA funding has been approved.

**Board Member Curley Moved; Board Member Wolf Seconded, and it was voted to reconsider the previous vote to insert the article for Maurice's Campground Housing Planning Funds.**

**Roll Call Vote: 4-0 (DeVasto vote**

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to remove article for Maurice's Campground housing planning funds from the special town meeting warrant.**

**Roll Call Vote: 4-0 (DeVasto absent due to technical difficulties).**

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to recommend the Inclusionary Zoning Bylaw**

**Roll Call Vote: 4-0 (DeVasto Absent due to technical difficulties)**

**Board Member Curley Moved; Board Member Bacon Seconded, and it was voted to insert and recommend the Zoning Bylaw Amendment Article for Locally Notable Trees in the fall special town meeting.**

**Roll Call Vote: 4-0 (DeVasto absent due to technical difficulties)**

Waldo continued going over the warrant articles that needed to be voted on.

He spoke to the animal bylaw and the changes that were made with the Animal Control Officer.

**Board Member Curley Moved; Board Member Bacon Seconded, and it was voted to insert the General Bylaw Amendment Animals on the Beach.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to recommend the General Bylaw Amendment Animals on the beach. Roll Call Vote: 3-0-2 (DeVasto & Curley Abstained)**

Waldo brought up the three petitioned articles that were presented to clerk on August 14<sup>th</sup>. Curley questioned the status of discussions with the property owners. Morse spoke to the board about the concerns that residents and shellfisherman have with the dredging. Felix spoke to the board about the summaries in the petitioned articles not being legally factual. Petitioned articles go on the warrant without amending them. There was more discussion on this warrant article.

**Board Member Bacon Moved; Chair Carboni Seconded; and it was voted to defer Article 15 petitioned article dredging mitigation to prohibit the inclusion of privately owned land in the dredging mitigation without agreements with the property owners.**

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

Disposition of town owned land was the next petitioned article to be discussed. Morse spoke to this article as he was the petitioner. He stated that in speaking with town people they want this to go to town meeting. Morse read the bylaw. Article 3, Section 7. Wolf read the bylaw to the public. The bylaw was discussed and the meaning of it regarding the dredging.

**Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to defer article 16 petitioned dredging mitigation article, disposition of town owned land until Town Meeting.**

**Roll Call Vote: 4-0-1 (DeVasto abstained).**

Waldo explained the third petitioned article. Dredging mitigation funding amendment.

**Board Member Bacon moved; Board Member Wolf seconded; to recommend the dredging mitigation funding article.**

There was more discussion and after more understanding.

**Board Member Bacon withdrew her motion to recommend the article.**

**Board Member Bacon Moved; Board Member Curley Seconded; and it was voted to defer the dredging mitigation funding article until town meeting.**

**Roll Call Vote: 3-1-1 (DeVasto abstained; Wolf voted no).**

**Board Member Curley moved; Board Member Bacon Seconded; and it was voted to close the special town meeting warrant.**

**Roll Call Vote: 5-0**

**E. Dredge Mitigation Plan – Status update on submission**

Public comments on alternative plans instead of mitigation.

Allgeier spoke to the board regarding the mitigation plan stating that it was submitted to the Army Corps of Engineers. He read the amended language to the board and public. Bacon read a statement to the board and public, she stated the mitigation plan is a good plan and provides the town the means for the expense of the dredging. She spoke in favor of the dredging and gave many reasons in her two-minute comment. Wolf responded to Bacon's comments stating he agreed with her concern with obtaining a dredging contract in the future with future dredging companies. Robbins spoke to the board explaining a little more

about the culching and the Audubon property. He also stated that within the mitigation plan the constables have been involved in making sure the shellfish community was involved. The conversation on dredging continued for a length of time. The concerns of an unfunded liability. Curley spoke to the mitigation plan. He stated he would be more comfortable with the plan if there were a feasibility study. He spoke about alternatives and his uncomfortableness with the plan. Wolf questioned the task force about an alternative splitting the dredging into three parts. Robbins spoke to breaking the dredging into three separate permits. He stated that no three permits couldn't be done. HE stated you can't piecemeal the permits. Holmstrom spoke to the board thanking Bacon for her statement on the issue. He stated that he wished there would be more of a time limit on speakers. He stated his confusion on the liability of the town. Brunt spoke again about Robbins stating at another meeting that they can split the permits. Sayre spoke to the board making a few points about the warrant and money being spent and if it passes then he explained there are issues.

**F. Funding Operating Expenses associate with Dredging Mitigation Plan ~ Ryan Curley**

The board moved on to the expenses regarding operating expenses with the dredging mitigation plan. Curley explained this agenda item. HE spoke about third party monitoring for the dredging and the need to fund it through appropriation. He stated that at the July 18<sup>th</sup> meeting he asked for a warrant article before the special election warrant closed and stated it didn't happen. Waldo responded to Curley comments and accusations. Stating there is a lot of burden put on town staff when the board asks them to carry out. Explaining the funding and the amount of time to meet the objective. Curley and Waldo disagreed on the views of town counsel. Wolf stated that it had been his understanding from town counsel that they didn't need to go to town meeting because it had already been approved at a previous town meeting. Sayre spoke to the board about Curley's documents submitted. Curley stated the thing to consider is the fact that the town can cover year one of the dredging.

Felix made a final comment on Curley's earlier comments, about the probability of success. He spoke about due diligence.

**Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to direct the town administrator to contact bond counsel regarding the operating expenses associated with dredging mitigation.**

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

**G. Regional Dispatch Study – Request for support of grant submission, with Eastham, Provincetown, and Truro to fund a regional feasibility study.**

The board moved on to the letter requesting the surrounding towns requiring funding options for the towns to assist the outer cape to put together a feasibility study for a regional dispatch, Waldo explained the letter and the need for the grant for this study. Brunt spoke to the board asking to explain are they moving forward with the dredging, how can they do that with the petitioned articles.

**Board Member Bacon Moved; Board Member Curley Seconded; and it was voted to approve the draft letter for partnering municipalities and direct**

the appropriate staff to fill out and send the letter to the state 911 department.

Roll Call Vote: 5-0

Board Member Bacon Moved; to CHECK RECORDING

Waldo explained how these articles would work.

V. **Selectboard Reports ~ Chair Carboni stated the rest of the meeting would be skipped due to the time of the meeting, these would be added to the September 5, 2023, meeting.**

A. Prior Affiliations ~ Chair Barbara Carboni

B. Selectboard Goals FY2024 – Review and prioritize Town-wide goals.

VI. **Topics for Future Discussion**

VII. **Minutes**

A. July 11, 2023

B. July 13, 2023

C. July 18, 2023

D. July 25, 2023

E. August 8, 2023

VIII. **Adjournment of open Session to move into Executive Session: M.GL. c.30A, Sec. 21**



- **Purpose 1:** To discuss the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, to discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual.
- **Purpose 7:** To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.

**Executive Session Meeting Minutes ~ June 27, 2023**

Chair Carboni Moved; Board Member DeVasto Seconded; and it was voted to adjourn open session and enter executive session.

Roll Call Vote: 5-0

Open Session Adjourned at 10:35pm

**Public Documents:**

*Agreement for Mayo Creek Grant Acceptance*

*Letter to the board from the Commission on Disabilities members*

*Slide show presentation from the Outer Cape Wellness Happenings group*

*Letter from the shellfish constable addressing corporations.*

*Letter and maps from the shellfish department concerning Shellfish grant Lotteries.*

*Documents concerning Dredging operating costs.*

*Letter addressed to the 911 in support of a grant submission with Eastham, Provincetown, and Truro to fund a regional feasibility Study.*

*Documents regarding chair Carboni's Prior Affiliations*

*Selectboard Goals*

*Meeting Minutes July 11<sup>th</sup>, July 13<sup>th</sup>, July 18<sup>th</sup>, July 25<sup>th</sup> and August 8<sup>th</sup>.*