

***Wellfleet Selectboard
Virtual Meeting ~ Zoom
Tuesday February 8, 2022; 6PM
Meeting Minutes***

Members Present: Ryan Curley, Chair; Michael DeVasto, Vice Chair; Janet Reinhart, Helen Miranda Wilson, John Wolf

Others Present: Charles Sumner, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Police Chief; Rich Pauley, Fire Chief; Jay Norton, DPW Director; Suzanne Grout-Thomas; Director of Community Services; Jim Hood, Chair of the Water Commissioners; Karen Kaminski, Wellfleet Gardner's; Sheila Lyons, State Representative; Lili Anne Green, Vaira Harik, Mary McIsaac, Acting Town Treasurer; Lisa Souve, Acting Town Accountant; John O'Toole; purchasing Duck Creek; Gordan Kahn, Wellfleet Historical Commission; Merrill Mead-Fox, Wellfleet Historical Commission; Brian Carlstrom, National Seashore superintendent; Carole Ridley, Herring River Restoration Coordinator; Kathleen Bacon, Wellfleet Resident

Chair Curley Called the meeting to order at 6:02pm

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 asked the public and board if there were any comments or announcements.

He stated he had two announcements, Trudy from the Fox and Crow who was on the agenda for Commercial Street and Bank Street will be unable to attend so that item is not longer on the agenda.

He stated that Mac's Shack is also on the agenda for outdoor seating which is being taken off the agenda because the state will revisit all outdoor seating allowances in April and the board will consider the matter at that time.

Wilson stated that on February 11, 2022, the Cape Cod Commission is having a meeting on the shared use path on route 6 in Wellfleet to Truro and there will be information given to public on how this meeting will be conducted.

Chair Curley stated there is a Cape and Islands Selectmen meeting February 11, 2022, in the morning.

II. *Consent Agenda*

A. Designating Charles Sumner to negotiate the easement rights with the Town of Truro and a private party relative to the placement and maintenance of a culvert for the Herring River Restoration Project ~ Interim TA Charles Sumner

B. Seasonal Wages Public Safety ~ Chief Hurley, Lt. LaRocco ~ **Chief Curley asked this to be taken out of order and make a motion that this be effective immediately.**

C. Renew Charlie Sumner's Contract until May 15, 2022

- D. Amending and Waiving the Fee for The Wellfleet Gardeners for the use of the Town Lawn on May 28, 2022. ~ Reinhart asked for this to be taken out of consent agenda.**
- E. Disclosure of Appearance of a Conflict of Interest ~ Tom Siggia**
- F. Use of Baker's Field for a Soccer Camp to Scott Francis for a fee of \$650.**
- G. Appointment of Denya LeVine to the Wellfleet Council on Aging Advisory Board**
- H. Appointment of Stephen Pickard to the Shellfish Advisory Board ~ Wilson took this out of the consent agenda.**

Chair Curley moved; Board Member Wilson Seconded; and it was voted that all the items in the consent agenda with the acceptance of items B, D, & H be approved.

Roll Call Vote: 5-0

The board moved on to Seasonal Wages for Public Safety Chair Curley asked if there were any issues there were none.

Chair Curley Moved, Board Member Reinhart Seconded; and it was moved that the town adopts the seasonal wages for the Wellfleet Police Department as printed in the packet effective immediately.

Roll Cal Vote: 5-0

The board moved on to the Wellfleet Gardner's Club and waiving the fee per there request. Reinhart stated that when the board decided on the fees, they all agreed unanimously that they wouldn't readjust the fees for groups. Kaminski spoke to the board stating they are not using services from the town; police, fire, DPW etc. She stated they paid an application fee of \$50 in 2020 but never were able to use the property. She stated they paid another \$50 application fee in 2022. She stated there has never been a usage fee for the Wellfleet Gardner's for them sitting in the town hall driveway. The board discussed this request at great length. Deciding they would waive the fee because they paid in 2020 and were unable to use the property.

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to amend and waive the fee for The Wellfleet Gardner's for the use of the town hall lawn on May 28, 2022.

Roll Call Vote: 5-0

The board moved on to the appointment of Stephen Pickard. Wilson had a specific motion she wanted to read.

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to approve Stephen Pickard as a regular member to the Shellfish Advisory Committee, with a term ending June 30, 2024. Mr. Pickard shall be sworn in by the town clerk before acting as a member of the committee and shall comply with all state and local requirements.

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

III. *Wellfleet's Priorities for the use Barnstable County ARPA Funds ~ Vaira Harik Assistant Barnstable County Administrator*

Harik spoke to the board giving an update on the returned surveys from Wellfleet. Giving statistics where the residents of Wellfleet would like to see where these

funds should be applied. She explained how the board of commissioners will decide on which town will get funding. She discussed affordable housing, and wastewater needs for the town. She explained to the board that the survey is still open and doesn't close until the end of the month.

The board discussed the funds and the greatest needs for the town as to where they be applied. They discussed with Lyons and Harik how much money each town would get. Lyons stated she would like the money to go out evenly to the towns and not by a towns size. Green expressed her concern that the town get a fair share of the money. Chair Curley stated he would like a majority of money to go to affordable housing, which he stated is of the utmost importance right now to house the Wellfleet workforce. They continued to discuss these funds and their distribution at great length.

No action was taken

IV. *Financial Management Workplan*

A. Review of Efforts to Date and Timeline ~ Acting Town Accountant Lisa Souve, Acting Town Treasure Mary McIsaac & Interim TA Charles Sumner
Sumner provided a update to the board with McIsaac and Souve. Sumner explained that Souve and McIsaac are doing the work of two people so all items that they have been working on are taking longer than anticipated because of that. He updated the board that they had met with the Department of Revenue, he explained there was a lack of confidence in the audit that was done in 2020. McIsaac gave an update first, she explained that she and Souve have been working endlessly and it's going slower than they expected, but she explained they are moving forward and getting things done as far as the town's finances. She explained that she believes they have a good relationship with the DOR and feels they are willing to work with Wellfleet moving forward and is very supportive of the work she, Souve and Sumner are doing. She explained what they have been doing as far as inspecting documents and determining the funds that the town has. She stated they are working to close the books for 2021. Souve explained the two big projects are the Community Preservation Committee which she stated she will need to rebuild that account and the Affordable Housing trust is another area that she will rebuild. She explained that she plans to get the books to the auditors by the middle of March, so they are able to get the audit moving forward and close the books for the fiscal year. There were many journal entry corrections, but Sumner explained there has been nothing found by way of criminal activity, he stated he feels it's lack of training. It was asked of Souve is the warrant articles for the CPC will be impacted at town meeting. Sumner explained that the articles might have some impact, but Souve would continue to investigate and see what the committee has. Souve explained how these funds work and how the money is acquired to the account.

No action was taken with this item agenda

B. FY2023 Financial Forecast ~ Interim TA Charles Sumner
Sumner spoke to the financial forecast explaining his work on it. He stated he attached a memo to his second draft of the financial forecast. He stated he made

some changes from the original document he gave them a few weeks back. Sumner explained the amended document at great length answering questions that were asked. The impact on the town's bond rating was also discussed.

No action was taken

V. ***Covid 19 Updates & Recommendations***

Chair Curley read an update provided by Hillary Greenberg-Lemos. The cases in Wellfleet are decreasing. Chair Curley said the board should discuss the mask mandate in the near future, he stated he was going to send a questionnaire to the Chamber of Commerce to poll businesses around town to see where they stand on lifting the mandate.

VI. ***Public Hearings***

- A. Application received January 21, 2022, to transfer Annual Liquor license #00008-HY-1348 from Chap & Wags, INC. dba The Wagner at Duck Creek to The Jaunty Cygnet, dba The Swan

Chair Curley moved on to the hearing, he read the hearing as posted in the paper. He asked for comments on the transfer. There were no issues with this transfer.

Chair Curley Moved, Board Member Reinhart Seconded; and it was voted to transfer the annual liquor license #00008-HY-1348 from Chap & Wags, INC dba. The Wagner at Duck Creek to The Jaunty Cygnet, dba The Swan.

Roll Call Vote: 5-0

VII. ***Board/Committee Appointments, Updates and Members Of the Public***

- A. Coles Neck Engineer Contract ~ Rebecca Roughley/ Jim Hood Water Commissioner

Hood gave a brief summary of this contract explaining it is with Environmental Partners and the final work to be done with the Water Main. He gave the details of cost and stated the contract was reviewed and approved by town counsel KP Law. He stated he will be able to use the Mass Works grant and no town contribution will be needed.

Chair Curley Moved; Board Member Wolf Seconded, and it was voted to approve the Coles Neck water main contract with environmental Partners as printed in the Selectboard packet.

Roll Call Vote: 5-0

- B. Commercial St & Bank St Intersection Issues ~ Trudy Vehndier ~ **This item has been removed from the agenda until a further date.**

C. Historical Commission ~ Merrill Mead-Fox & Gordon Kahn

Chair Curley moved on to the Historical Commission to discuss their draft for advisory guidelines for the historical commission. Kahn gave an explanation of their guidelines and stated that these are references for homeowners. These are helping the homeowners better understand the regulations of the commission. Chair Curley brought up solar panels, and how important he feels they are.

Chair Curley Moved; Board Member Wilson Seconded, and it was voted to support the Historical Commissions proposed Guidelines.

Roll Call Vote: 5-0

VIII. ***Business***

A. Outdoor Seating & Tent ~ Mac's Shack, Mac Hay ~ **This item has been removed from the agenda until a further date**

B. Letters Regarding Town Meeting Articles to be Signed by the Selectboard ~ Town Council

Chair Curley spoke to the board that these are letters that were approved at town meeting.

Chair Curley Moved; Board Member Wolf Seconded, and it was voted to approve the letters written by town counsel and be signed by the board and sent to the state representatives.

Roll Call Vote: 5-0

C. Media Services Update Including Media Room Upgrades ~ JP Ludwig

Ludwig gave a summary of his services and how he will work for the town moving forward. He stated there are funds available to him that are only allowed to be used for television productions. He stated he will mainly use the Adult Community Center instead of the library. He went into great detail on how this new equipment will work for the town as far as hybrid meetings. He stated the hope is that the media will be up and running by the end of April.

Chair Curley Moved, Board Member Wolf Seconded, and it was voted to approve the proposed scope of work provided by J.P. Ludwig in relation to the town media options and media room upgrades.

Roll Call Vote: 5-0

D. Town Lawn ~ Jay Norton

Norton spoke to the board showing pictures of the lawn to them asking for their feedback on irrigation for the town hall front lawn. He stated an irrigation line item was added to their operating budget and stated it led to a different conversation about reding different aspects of the town hall front lawn. He stated the benches out front were discussed. The board discussed town finances and the ability to upgrade the lawn this year. The Board discussed the brick walkway not being up to APA standards right now and it will need to be if they replace it. They continued the discussion about the irrigation system, the benches, and the total look of the town hall front lawn.

Board Member Wilson Moved; Board Member Reinhart Seconded, and it was voted to install an irrigation system on the front lawn located at town hall.

Roll Call Vote: 3-2 (Curley, DeVasto voted no)

E. Herring River Restoration Project W27 Request for amendment to 401WQC ~ Interim TA Charles Sumner

Sumner spoke to the board about the amendment to this document. He stated there was one issue in the document that needed to be amended before they were able to move forward. He stated he would like to send in the amendment request with the authorization of the selectboard. Ridley spoke to the board explaining that when this permit was issued it was reviewed and the federal government cannot indemnify the state, and the only way to rectify this it needed to be amended by the National Seashore and the town of Wellfleet. It will be submitted to Mass DEP. With a 21-day appeal period. At that point the only thing that will be able to be appealed is that amendment.

**Chair Curley Moved, Board Member Reinhart Seconded; and it was voted to approve the amended Herring River Restoration Project W27 401WQC
Roll Call Vote: 5-0**

IX. 2022 Annual Town Meeting Warrant Articles.

A. Affordable Lots Zoning Bylaw ~ Chair Curley

Chair Curley spoke to this bylaw and stated this was the second revision of this document and only a few changes had been made. The board discussed this bylaw and sending it to town counsel which could only be done after the board votes to insert this into the warrant, there was some discussion on the ability to have town counsel to look at it. The board discussed this bylaw, working on the language and setbacks of abutting parcels. It was discussed to have this as an agenda item at a future meeting and invite the public to give feedback and input on this bylaw. Bringing this bylaw to the planning board was discussed and what would happen if they chose to discuss it or not.

Chair Curley Moved, Board Member Wilson Seconded, and it was voted to insert an article into the Annual Town Meeting Warrant for the affordable lots of bylaw and to refer the bylaw to the Planning Board to hold a public hearing.

Roll Call Vote: 4-1 (Reinhart voted no)

B. Amending Wellfleet Zoning Bylaws, Cottage Colonies ~ Chair Curley

Chair Curley moved on to Cottage Colonies and explained to the board and public what he wanted to change with this bylaw. HE stated that right now only a single unit of a cottage colony can be used on a year-round basis. The change would allow more than one bedroom unit to be a year-round unit except for on the National Seashore. He gave a definition of a cottage colony as it is now and what it would change to if this bylaw was passed. The board discussed the bylaw and how it would work for the town, including the building code, clarification on what the national seashore rules are for these. No more colonies can be created within the seashore. It was questioned if this will increase the value of these colonies for year-round. Chair Curley stated that at least 50% of Wellfleet's housing is seasonal. Bacon spoke to the board stating that seasonal

residents that work for the park are asked to move out of their seasonal housing when the winter comes. She gave an example of residents that live in a cottage, and they have to move out every late fall and find housing for 5 months which causes a hardship for those families that work in Wellfleet. She stated to the board if they were to ask those residents that have to move, they would favor these changes. They discussed building code requirements and details of how the change of use would be permitted.

Chair Curley gave some background as to how these regulations became to be so strict. Originally the town didn't want condominiums.

Board Member Wolf Moved; Chair Curley Seconded; and it was voted to approve the Wellfleet Lots Zoning Bylaws as drafted in the packet to allow Wellfleet Cottage Colonies to become year-round and to refer this to the Planning Board.

Roll Call Vote: 5-0

Chair Curley stated that at this point it was 10pm, he polled the board asking if they wanted to table the rest of the agenda except for closing items until the next meeting on February 15, 2022.

- C. Wild Animals Bylaw ~ Wilson
- D. Short Term Rentals First Local Option Community Impact Fee (G.L. c. 64G, § 3D(a)) ~ Chair Curley
- E. Short Term Rentals Second Local Option Community Impact Fee (G.L. c. 64G, § 3D(b)) ~ Chair Curley
- F. Town Meeting Article for the Use Short Term Rental First Local Option Community Impact Fee (G.L. c. 64G, § 3D(a)), and Short-Term Rental Second Local Option Community Impact Fee (G.L. c. 64G, § 3D(b)) Receipts.
- G. Housing Stabilization Fund ~ Chair Curley
- H. Radioactive Water Release Legal Contingency Fund ~ Chair Curley
- I. Annual Town Meeting Warrant Review
- X. **Selectboard Annual Town Reports**
 - A. Annual Town Report
 - B. Report on Investigation for the Annual Town Report
- XI. **Selectboard Reports**

Wilson reported that she announced a meeting with Cape Cod Commission and confirmed it was Steven Tupper, she explained to him that the town hadn't heard of this meeting in a manner she had hoped to.

Reinhart stated the dredging, herring river group, and the seashore met with Carole ridley and the meeting was very productive as to where to put the spoils from the harbor.

Chair Curley informed the board that he attended the Duxbury selectboard meeting via zoom to listen in on the radioactive spoils being poured into the waters of the cape. He gave an update on how that meeting went and explained they are very opposed of this process

XII. *Town Administrator's Report*

Sumner gave an update to the board stating he would discuss a critical issue and then the board could read his full written report. He stated he finished the town treasurer's interviews and they have chosen a candidate who they feel will be a good fit for the town. He asked the board for a special meeting and asked the board to not wait the two-weeks they usually do. He also stated that he wanted the Assistant DPW Director to be acknowledged as well at the same meeting. The board agreed to have an extra meeting on February 15, 2022, at 6pm. They will cover the items on tonight's agenda they weren't able to get to.

XIII. *Topics for Future Discussion*

Someone needs to be appointed by the governor for the housing authority

XIV. *Correspondence and Vacancy Reports*

XV. *Minutes*

A. January 18, 2022

B. January 25, 2022

Board Member Reinhart moved; Chair Curley Seconded; and it was voted to approve the minutes of January 18, 2022, and January 25, 2022

Roll call Vote: 4-1 (Wilson Abstained)

XVI. *Adjournment*

Board Member Wilson Moved; Board Member Reinhart Seconded; and it was voted to adjourn the meeting

Meeting adjourned at 10:20pm

Public records

Seasonal Wages for police department

Charles Sumner updated Contract (90 days)

Application for COA Advisory Board

FY 2023 Financial Forecast

Public Hearing documents to transfer a liquor license

Coles Neck Engineering Contract

Annual Town Meeting Letters to Senator Cyr and Representative Peake

Amended Herring River Restoration paperwork

Amended Affordable Lots Zoning Bylaws

Amended Cottage Colonies Bylaw

Correspondence to the selectboard

Town Administrator and Assistant Town Administrator report

Meeting Minutes of January 18th & 25th, 2022.