

***Wellfleet Selectboard
Tuesday August 2, 2022; 7pm
Zoom/In-person
715 Old King's Highway, Wellfleet
7pm
Meeting Minutes***

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

Others Present: Richard Waldo, Town Administrator; Rebecca Roughley, Assistant Town Administrator; Rebekah Eldridge, Executive Assistant; William Sullivan, Harbormaster; Dan Robbins, AIG engineering; Jennifer Congel, Town Clerk; Michael Hurley, Police Chief; Rich Pauley, Fire Chief; Nancy Civetta, Shellfish Constable; Benten Niggle, Paddle Cape Cod; Joe Aberdale, member of the dredging task force; Curt Felix, member of the Dredging Task Force; Tim Sayer, Wellfleet resident; John Duane, Member of the Natural Resources Advisory Board.

Chair Curley called the meeting to order at 7:00pm

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.

- No announcements were made

II. *Consent Agenda*

- A.** Designate Chief Hurley to assign a police officer for each election and furthermore ~ Town Clerk Jennifer Congel
- B.** Community Preservation Act Grant Agreements, Board signatures needed ~ Mary Rogers
- C.** Live for Lou ~ Katrina Kozak ~ Wellfleet Memorial Garden ~ Sunday September 25, 2022; 2pm – 6pm.
- D.** Pan Mass Challenge ~ Allan Eyden, Road Coordinator ~ Portions of LeCount Hollow Road, Ocean View Drive, Long Pond Rd, and Lawrence Road ~ Sunday August 7, 2022; 5am – 8am
- E.** Judy Taylor ~ Reappointment to Local Housing Partnership
- F.** Fire Department Purchase Order ~ Fire Truck, approved at Town Meeting ~ Chief Pauley
- G.** Department of Public Works Purchase Order ~ John Deere Loader, approved at town meeting 2022

Chair Ryan Curley Moved; Board Member Wolf seconded; and it was voted to approve the consent agenda with exception of item C and G which were removed and voted on separately.

Roll Call Vote: 5-0

Below are the items taken out of the consent agenda:

- H. **(C)** Hardship Commercial Shellfishing permit ~ Jeremy Storer & Todd Mindrebo ~ Shellfish Constable Nancy Civetta ~ **Bacon asked to be taken out of consent agenda.**

Civetta spoke to the board explaining they were unaware of the regulation; they are asking for a hardship license. Bacon questioned the criteria for a hardship license. Civetta read the regulations. Bacon stated her reluctance to grant this hardship. They discussed it. Chair Curley spoke to Civetta asking some questions about the two individuals looking for the hardship. The board discussed this.

Chair Curley Moved; Board Member Carboni Seconded; and it was voted to direct the shellfish constable to issue a commercial shellfishing permit to Jeremy Storer & Todd Mindrebo per section 6.1.5 hardship exemption. Roll Call Vote: 4-0 (DeVasto Recused).

- I. **(G)** Access Agreement for Herring River Restoration ~ Judith Ellis, Jonathan Hirsch, & Robert Meek **(Carboni took out due to recusal.)**

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the access agreements for the Herring River Restoration Roll Call Vote: 4-0 (Carboni recused)

III. ***Use of Town Property ~ 9:10pm***

- A. Paddle Cape Cod ~ Benten Niggel ~ May 2022 through September 2022, 8am to 8pm. ~ See packet for full application

Chair Curley spoke to Niggel about his application and the use of property.

Niggel spoke to the board stating that this is a seasonal business. Chair Curley stated that Niggel was late in the season last year. Niggel was asked why he is applying so late for a use of town property in Wellfleet. Chair Curley spoke to Niggel about the cost of fees for each landing. Niggel spoke to the board stating that he didn't realize there was a fee for each landing and stated he would reduce the use of landings due to that cost. He would be willing to compromise. He stated he would only use Mayo Beach and Long Pond as those are the ones that he would use regularly. There were many questions about the equipment being unattended. Niggel stated he works diligently to not have his equipment unattended, stating that he tries to have a 30 minute to 1 hour call ahead time.

Board Member Bacon Moved; and it was voted to approve the use of the town landings Long Pond and Mayo Beach to Benten Niggel Paddle Cape Cod for a fee of \$500.

Roll Call Vote: 5-0

IV. Board/Committee, & Department Updates

A. Dredging Update ~ Will Sullivan/Board Member Wolf

Robbins gave a presentation about the background of the dredging project he was stopped halfway through the slide show by board member John Wolf stopped the presentation and spoke to the board about the lobbyist not receiving any information from the Army Core of Engineers. He asked for an explanation from Robbins, he read the Dredging Task force charge to the board and public. Wolf continued stating his concerns regarding the permit from the Army Core. Sullivan answered Wolf's allegations and why the process was the way it was. They continued to debate the issue regarding dredging and discussing the lobbyist and the army core of engineers. Aberdale got up to the microphone and spoke about his 11 years of experience with the Dredging Task Force and his work with the lobbyist. Bacon spoke to the board regarding the packet and its size. She spoke to the dredging and how concerned she is. It was discussed if the harbor was a maintenance dredge or improvement dredging. Bacon questioned who the people were that the town was working with regarding the Army Core of Engineers. Robbins spoke to the board stating that he and the harbormaster have a very good working relationship with the Army Core and Aberdale's comments were a bit misleading. The dredging continued to be discussed and the clarification of the dredging and its status.

Bacon finished her comments by stating she is against this mitigation and the area they are looking to do.

Chair Curley had questions about dredging and mitigation. He spoke about problems he had with this list of mitigations. He also stated his concerns. The HDYLTA parcel was discussed. The board discussed the dredging and the state of the dredging process, who would be making decisions and when. This conversation lasted over an hour with the staff and the engineer. Felix spoke to the board regarding the speediness of dredging and the ability to do so. Waldo questioned some aspects of the areas for dredging. He spoke to his concerns with the dredging and questioned timing and cost.

Chair Curley Moved; Board Member DeVasto Seconded and it was voted to submit to the Army Core of Engineers for potential mitigation credits for the properties transferred to the care and custody of the Conservation Commission since 2010

Roll Call Vote: 5-0

The board discussed the black custard (aka mud) and the evaluation of the mud in the property. Robbins explained that they are working on the evaluation of the property and the organisms/animals living in that area. What the risks are, Chair Curley questioned the benefits of the area once the mud is removed.

Board Member Wolf wanted to discuss and extend the lobbyist's contract.

Carboni questioned the ability to finance the contract. DeVasto spoke to the agenda and not able to vote on at this meeting. Waldo spoke of his concerns removing money from the town administrators budget due to other financial matters that are being financed through the town administrators' budget.

DeVasto called point of order.

Sullivan spoke to the board thanking the people who worked on the dredging throughout Wellfleet and spoke to the 5.1 million dollars the town has received in dredging. He stated his appreciation to the town for this opportunity and the taxpayers who have helped to fund this. Wolf apologized to Sullivan for making him feel as if he were on trial. Sayer spoke to the board asking if the state would be able to step in to override the Army Core of Engineers.

V. Business

- A. Warrant for 2022 State Primary Election ~ Town Clerk, Jennifer Congel
Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the warrant and designate the chair to sign on behalf of the board.**

Roll Call Vote: 5-0

- B. Review Special Town Meeting Warrant ~ Vote to Insert and Recommend Articles.**

Waldo gave an update on the warrant and the changes that were made to the warrant. Updating the board on Maurice's Campground and the monies for the campground purchase. He stated the board needs to make a decision on whether the meeting will be held indoors or outdoors. He stated the DPW went ahead and secured a tent as there weren't many available for the date. He went through the warrant, He addressed the capital budget and some things that were moved off and some items that needed to be added, stating the Fire Department needed a new pickup truck as it was having many issues. The truck replacement would be funded by the ambulance fund. The DPW had bathroom repairs on there but they are going to try and fund those items through the CPC and see if they are able to fund that rather than town meeting. He discussed the Briar Lane project needing to be done sooner rather than later.

He continued with the warrant articles that were moved and ones that were being kept on the warrant. He spoke about the stairs at long pond that was originally pushed off but has been requested by the Community Service Director due to their unsafe conditions.

Article for a Human Resource Director: Waldo updated the board on that position and what that position would be responsible for.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to recommend the article for the Human Resource Director into the Special Town Meeting Warrant.

Roll Call Vote: 5-0

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to recommend the Wellfleet Fauna and Flora Survey.

Roll Call Vote: 4-1 (Bacon voted No)

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted reconsider the insertion and recommendation of the Fauna Survey.

Roll Call Vote: 5-0

Chair Curley Moved, Board Member DeVasto Seconded, and it was voted to insert and recommend the Natural Resources Advisory Committee Harbor Fauna and Flora Survey into the Special Town Meeting Warrant.

Roll Call Vote: 5-0

Duane spoke to this survey and stated that this was a survey that was done over 50 years ago and needed to be redone to help the shellfishing industry. Duane answered some questions regarding this survey and the benefit it would give to the harbor. He stated what the report would incorporate.

The board discussed the appraisal for the campground. Waldo stated they should have the appraisal by the August 9th meeting and if not, they could make a recommendation on town meeting floor. The board discussed the appraisal. Campground enterprise fund or revolving fund: Waldo stated he is still working with town counsel to decide which fund would be better for the town. There will be a question on the ballot box at the town's election to raise and appropriate which could be between \$100,000 to \$200,000 dollars.

They discussed the plastic water ban which was previously voted to insert. Waldo has an update on his wording on this.

Chair Curley moved; Board Member Wolf Seconded; and it was voted to recommend the general bylaw amendment for the plastic water bottle ban.

Roll Call Vote: 3-2

Board Member DeVasto Moved; Chair Curley Seconded; and it was voted to recommend the zoning bylaw amendment for the feeding of wildlife into the special town meeting warrant.

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

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to recommend the zoning bylaw amendment; cottage colonies into the special town meeting warrant.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to recommend zoning bylaw amendment for affordable dwelling development into the special town meeting warrant.

Roll call Vote: 5-0

Chair Curley stated he would like Suzanne Thomas to write the summary for Maguire's landing in the warrant as she is familiar with the history of it.

Spring request for the selectboard to be all one word.

C. Selectboard Goals ~ Review Postponed to the August 9th meeting

D. Committee Liaison Policy ~ Board Member Barbara Carboni

Board Member Carboni spoke to the board regarding the policy that she was bringing forward tonight. She explained the policy to the board. Bacon questioned open meeting law and how this would affect it. Carboni stated she didn't feel this would affect open meeting law. They discussed this. Bacon stated she would like to run this by town counsel. Carboni explained she works in Truro and there isn't an issue there. Deliberation is an issue and if there isn't deliberation on the board's behalf there shouldn't be an open meeting law issue. Some of the members stated that they don't have the bandwidth to be a liaison. Carboni stated she would be willing to withdraw her proposal.

*These minutes were approved 8/16/2022 *** A full recording of this meeting can be found on the town's website ****

Chair Curley Moved; Board DeVasto Seconded; and it was voted to have Eldridge draft a letter on behalf of the board to the committees and board chairs asking if they would like a selectboard liaison.

Roll call vote: 5-0

E. Designate Committee Liaisons ~ Selectboard Members

No Action was taken and will revisit this in a future meeting.

F. Letter to Congressional Delegations re: Discharge of Nuclear Waste into Plymouth Bay ~ **Taken out of order following the warrant**

Chair Curley stated that town counsel sent this letter to them to consider and send the letter on behalf of the town of Wellfleet. Eldridge will put it on letterhead

Chair Curley moved; Board Member DeVasto Seconded; and it was voted to approve the letter written to the Congressional Delegates and send it on the behalf of the Selectboard.

G. Financial Policies ~ Chair Ryan Curley ~ **Postponed to another meeting**

VI. *New Business*

VII. *Selectboard Reports*

VIII. *Town Administrator's Report*

Waldo gave his report and department head updates.

IX. *Topics for Future Discussion*

Board Member Wolf would like to discuss a mechanism to get more detailed reports on a regular basis.

X. *Vacancy Report*

Please see the packet for a full vacancy report

XI. *Minutes*

A. June 23, 2022, ~ Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the minutes as amended at the meeting by Chair Curley

Roll Call Vote: 5-0

B. July 12, 2022, ~ Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as drafted

Roll Call Vote: 5-0

C. July 19, 2022, ~ Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the minutes as amended by Carboni.

Roll Call Vote: 5-0

XII. *Adjournment*

Chair Curley Moved; Board Member Wolf Seconded, and it was voted to adjourn.

Roll Call Vote: 5-0

Meeting adjourned 10:30pm

These minutes were approved 8/16/2022 *** A full recording of this meeting can be found on the town's website ***

Public Documents

Letter from Jennifer Congel about new state election requirements, appointing the police chief to designate and officer for each election

Community Preservation Grant Agreements

Herring River Restoration Project Access Agreements

Application for use of town property

Live for Lou ~ Memorial Garden

Pan Mass Challenge ~ assorted roadways in Wellfleet

Letter for shellfishing hardship license ~ Jeremy Storer & Tim Mindrebo

Fire Department Purchase order

DPW Purchase order

Application Paddle Cape Cod ~ Benton Niggel

Dredging paperwork ~ emails, documents & awards

Warrant for 2022 state primary election

Special town meeting draft warrant

Letter to congressional delegations re nuclear waste

Financial policies

Town Administrator update

Vacancy Report

Meeting Minutes

6/23/22

7/12/22

7/19/22