

Approved April 28, 2020 – A full audio recording of this virtual meeting can be found on the Town's website under Wellfleet Town Media.

**Wellfleet Selectboard Meeting
Tuesday, April 14, 2020 at 6pm
Zoom Virtual Meeting**

Selectboard Members Present: Chair Janet Reinhart; Kathleen Bacon; Helen Miranda Wilson; Michael DeVasto; Justina Carlson

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler

Chair Reinhart called the meeting to order at 6:00 p.m. This meeting was held via Zoom and the recording is available on the Town website.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT

- Reinhart: She spoke in appreciation of Bruce Drucker, who passed away last week; She acknowledged his contributions to the community, including his outstanding work as a member of the ZBA. He was a mentor to many.
- Reinhart: She announced that the dredging application has been submitted and thanked everyone who put in the hard work to get that done
- Wilson: Announced that tick season is in full swing. Wellfleet has access to the free tick-testing program at the Laboratory of Medical Zoology in Amherst. Find the link to it on the Town website, currently posted on the Health/Conservation Department's page.
- Chief Hurley said that it was Telecommunicator Week. He and the Department commended and thanked the hardworking dispatchers and telecommunicators on staff.
- The COVID-19 Needs Response Task Force will give updates at Zoom meetings open to the public on the 1st and 3rd Fridays of the month at 10AM. More information is on the Town website.

PUBLIC HEARINGS

To renew shellfish grant license # 752, Aaron Francis, for a ten-year term

DeVasto recused himself and left the conference call. Bacon moved to renew grant #752 for Aaron Francis, as recommended by the Shellfish Constable, for a ten-year term.

- Wilson seconded, and the motion carried 4-0, with DeVasto recused.

To renew shellfish grant licenses # 781-A, 781-AB and 781-AC, Brent Valli and Sandra Mitchell, for a ten-year term

DeVasto recused himself and left the conference call. Bacon moved to renew grants 781-A, 781-B, and 781-C for Brent Valli and Sandra Mitchell, as recommended by the Shellfish Constable, for a ten-year term.

- Wilson seconded, and the motion carried 4-0, with DeVasto recused.

COVID-19 UPDATE

- The Emergency Management Team, calls which are open to the public take place on Tuesdays at 10AM; information is on the Town website; Pat Nagle of Outer Cape Health Services will join us next week
- Town Meeting is scheduled for June 1st; Board will vote on when to have the Town Election this evening
- Hoort has spoken with Rep. Peake and Sen. Cyr regarding mail-in voting and an online debate for Town Meeting Articles

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- Hoort and Reinhart thanked Town staff for all their hard work during this time
- Wilson: Can one vote in special elections with an absentee ballot? Hoort : Yes. Wilson asked how complicated and expensive this would be? (This discussion was continued later in the meeting during the appropriate agenda item)
- DeVasto expressed concerns about short-term rentals and asked the Board to consider this and consider extending the Governor's orders on short-term rentals, which end on May 4. He was also concerned with day-travelers coming to Wellfleet as the summer season begins.
- DeVasto asked about the logistics of beach stickers – having seasonal vs. short-term stickers and asked the Board to consider this as well
 - Bacon said this could be a civil liberties concern - telling people not to come here - and it may have to go to Town Counsel or the Attorney General to be determined.
 - Carlson said the first priority has to be "What can the Board do to keep the community safe." and she would be interested in being proactive in this matter and exploring all options for rentals, beach stickers, and parking lots
 - DeVasto said that people should not be encouraged to come here for a day trip or long weekend
- Chief Hurley said that he and Chief Pauley had some discussions about these topics. He noted that there are only 3 Selectboard meetings left before Memorial Day weekend and that we are all dealing with this on a day-by-day and week-by-week basis. Chief Hurley said the Emergency Management Team can look at this and provide guidance for the next meeting.
- Wilson said that recently she was in an essential business where four people, two of them residents, were without masks or gloves. The employees now have masks but the customers still, often, do not. Masks are still not easily available to the general population. She noted that the COVID-19 virus spreads quickly in the air and lives for some time, as an aerosol, depending on conditions. She asked everyone to wear a mask especially in such businesses. Wilson asked Chief Hurley if there was a way that the Town could mandate that masks are worn when entering an essential business.
- Hoort said he will talk to KP Law about these matters and have the Emergency Management Team look at the situation regarding beach stickers (to not encourage people to come here on day trips or short trips). He said he also has a call scheduled with the Seashore and the Outer Cape Towns to discuss what they each are doing during this time.

BOARD/COMMITTEE APPOINTMENTS AND UPDATES

Board of Registrars – Sheryl Jaffe

Bacon noted that this appointment leaves one vacancy on the Board and encouraged applications.

- Bacon moved to appoint Sheryl Jaffe to the Board of Registrars for a term ending June 30, 2023.
- Wilson seconded, and the motion carried 5-0.

TA Screening Committee – David Agger or Deborah Freeman

DeVasto said he felt that Agger would be a good addition to the screening committee and that his background is different than the other previously appointed members; he would like to have that perspective on the committee. Bacon asked if there couldn't be seven members; Reinhart said that the Board had previously voted that the committee would have 5 members, which was also the number suggested by the consultant. Wilson said that both applicants had excellent qualifications for the task but noted that Freeman had more extensive experience with the workings of the Town, having served on the Charter Review Committee, the Cons Comm, and the Personnel Board. She

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also noted that Freeman and Harry Terkanian, who is also on the Pre-Screening Committee have a good working relationship. There was further discussion.

Agger said he would be honored to serve on the Committee and that he has prior experience with recruiting, hiring, and working with Committees during his career as a Social Worker. He said he would like to serve to give back to the community.

Freeman noted that she has chaired the Personnel Board, the Charter Review Committee, and the Cons Com. She worked for many years as a lawyer and oversaw the firm's labor division. She said she loved this Town and the community and would love to serve on the Committee.

- Bacon moved to appoint David Agger to the Town Administrator Screening Committee.
- Carlson seconded, and the motion failed 2-3, with Reinhart, Wilson, and DeVasto opposed.
- Bacon moved to appoint Deborah Freeman to the Town Administrator Screening Committee.
- Wilson seconded, and the motion carried 3-2, with Carlson and Bacon opposed.

Freeman was appointed to the Screening Committee

Disclosure of financial interest – Lydia Vivante, Historical Commission

Reinhart asked what the conflict of interest concern was. Vivante said she wanted to cover her bases because she is the Chair of the Commission and lives in the neighborhood of a property that the Commission will be holding a hearing on, in the center of Town. Wilson commended Vivante for her thorough disclosure.

- Bacon moved that the Board has determined that the financial interest is not so substantial as to be deemed likely as to affect the integrity of the services which the town may expect from Lydia Vivante, Historical Commission Chair. The disclosure is dated March 9, 2020.
- Wilson seconded, and the motion carried 5-0.

Planning Board – Beth Singer

Butler noted that this is an appointment to the position that Singer held on the Board prior to having been absent. Wilson said she wanted to confirm directly with Singer that she understands the protocol for taking a leave of absence, in the future, if needed Butler confirmed via the Planning Board Secretary that yes, Singer has confirmed that she now understands the process and will comply with it.

- Bacon moved to appoint Beth Singer as a regular member to the Planning Board to fill a term ending June 30, 2021.
- Wilson seconded, and the motion carried 5-0.

Planning Board, alternate – Danielle MacGregor

Application was rescinded by MacGregor, no action taken.

Conservation Commission – Benjamin Fairbank

Fairbank was on the conference call and gave his credentials which include his time serving on the Conservation Department and Commission as an AmeriCorps Cape Cod member, seven years ago. Bacon spoke highly of Fairbank.

- Bacon moved to appoint Benjamin Fairbank to the Conservation Commission for a term ending on June 30, 2023.

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- Carlson seconded, and the motion carried 5-0.

Cultural Council – Merrill Mead-Fox

Mead-Fox shared her interests in joining the Council and said the arts are what make Wellfleet so special.

- Bacon moved to appoint Merrill Mead-Fox to the Cultural Council for a term ending June 30, 2023.
- Wilson seconded, and the motion carried 5-0.

Discussion of sign-off letter and possible disbanding of Parking Task Force

Dennis O'Connell, of the Parking Task Force, was present on the conference call. Reinhart said the group has done a fantastic job. O'Connell said the Task Force was requesting that it be disbanded, but that some members have said they can be available, individually, if needed. There was a final list of suggestions from the Task Force, submitted with their request, that is available as a public record, in the 4/14/20 Selectboard packet.

- Bacon moved to disband the Parking Task Force as their duties as a committee have been fulfilled.
- Wilson seconded, and the motion carried 5-0.

BUSINESS

SPAT Thank you letter

Wilson suggested that only the Chair sign the letter, so as to have less traffic in Town Hall which is still closed to protect staff. Bacon disagreed. She felt that having everyone sign it, was a better way to show the Board's gratitude.

- Bacon moved to approve the thank you letter to SPAT and to have the Board sign it.
- Wilson seconded, and the motion carried 5-0.

1:10:00 Approval of Shellfish Constable request to expend funds in revolving account

Constable Nancy Civetta was on the conference call and explained her request. She said that the revolving fund was created at the 2018 Town Meeting and that at last year's ATM, \$5,000 of the funds were approved to be spent on the State's Quahog Relay Program. She was now requesting to use this money to pay draggers \$30. a bushel to harvest shellfish from the channel and to place them in recreational and commercial areas so as not to lose them when the channel is dredged. It would provide a way to help the industry get through the loss of market revenue caused by the pandemic. ~~to spend up to to supplement the State-run Quahog Relay~~ how this Bacon said this was another brilliant way to support the shellfishermen during this crisis.

Carlson echoed Bacon's comments and thanked Civetta and her department. DeVasto asked if this was just for dragging for shellfish in the federal channel; Civetta said this was for both oysters and quahogs taken from the federal channel.

- Bacon moved to approve the Shellfish Constable's request to expend funds in the propagation revolving account.
- Carlson seconded, and the motion carried 5-0.

Vote to return overwintering monies collected from grant lease holders for the 2019-2020 overwintering season

DeVasto recused and left the conference call. Civetta noted that the overwintering agreement was instituted for those who wanted to leave gear out on their grant, with the goal of getting a lot of gear

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off the harbor bottom in case there was another ice event, by imposing a fee of \$5 for each rack over 100 racks left on a grant. She noted that the fees would have been used for spring cleanup of equipment. There had been some opposition on the Shellfish Advisory Board to this idea. Since there was no ice this winter and no need for a cleanup, she is asking that those fees be returned. ~~removed.~~ The money was just to be used for clean-up. Bacon asked how much money was taken in; Civetta said that a ~~total of \$2,520~~ between \$2,600-2,700. Four grant holders had opted for this but two of them had paid and two of them didn't. Bacon thanked Civetta for being willing to return the money to shellfishermen who may need it during this time.

- Bacon moved to approve the Shellfish Constable's request to return overwintering monies collected from grant lease holders for the 2019-2020 overwintering season.
- Wilson seconded, and the motion carried 4-0.

Discussion of the late Chuck Reeves' grant #861 [Carlson]

DeVasto recused and left the video chat. Carlson said she asked to have this as a discussion but spoke with Constable Civetta and she would agree that the Selectboard could hold a public hearing ~~must be held~~ for the matter, which requires a legal posting of 14 days. There was further discussion. Wilson said this was unambiguous in the regulations and going outside of the regulations was not a good idea; she did not want to have a hearing. Bacon was not in favor of a hearing and said the lottery would serve the grant. Clint Austin was on the call and said he wanted to have his name re-added to the grant and would like a public hearing on the matter. Carlson went over some of the issues having to do with the matter and was in support of having a hearing. ~~The Board decided a hearing was appropriate.~~ Reinhart also felt it would be important to have a hearing. Wilson said that the lottery regulation was both fair and clear. Going outside the regulations is not a good idea. She said that all over the harbor people have business arrangements, but that allowing someone to transfer onto a grant was very different level of commitment. The lottery gives an opportunity to some one who doesn't have a grant; Clinton already has a productive acre and a half lease.

- Wilson moved to have a future agenda item that discusses Clinton Austin's request to be put back on Chuck Reeve's former grant.
- Carlson seconded, and the motion failed to carry 2-2, with Carlson and Reinhart in favor and Bacon and Wilson opposed.

[There was an exchange about the status of chat comments being made during the discussion and how to participate in relation to that.]

Reinhart gave Austin, who was on the conference call, the option of speaking to this issue at the meeting or waiting for a future opportunity.

Austin said he would like to have a hearing.

Wilson noted the difference between a hearing and a discussion. In both cases, the public participates.

Civetta said a business agenda item was not fair, because both Austin and the Town need to know what will happen with the grant. She said that the regulations do not allow for this request and that it has to be done as a public hearing because the community needs to be involved. Hoort said that since the motion to have a public discussion about this did not pass, and that it should go into a lottery.

- Wilson moved to have a future agenda item to discuss the question of whether or not Clinton Austin should be reinstated on Chuck Reave's former grant.

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- Carlson seconded, and the motion failed to carry 2-2, with Carlson and Reinhart in favor and Bacon and Wilson opposed.

Austin said that he accepted that if it wasn't going to go to him, that it would go to a lottery, but that he would prefer to have his name on the grant.

The request will not be heard at a future meeting.

Vote to postpone the town meeting election.

Bacon asked to postpone this discussion until April 28th when the Board has more information.

Moderator Dan Silverman said he'd also like the Town Meeting date to be discussed at that date.

No action taken.

1:45:00 Discuss proposed Right to Farm Bylaw [DeVasto]

DeVasto said 5 Towns on Cape Cod have *Right to Farm* bylaws, or "declarations". He said this bylaw is a declaration of values more than anything else and the very last section is in relation to existing bylaws, rules, and regulations. He said this is a way for the Town to state that it supports small agriculture without superseding any existing bylaws. DeVasto said he hoped the Town would create an Agriculture Commission.

Wilson commented that before acting on this proposal, the Board should be given a chance to review current, relevant regulations and bylaws as well as the Local Comprehensive Plan, which could use some updating in relation to farming. updated. Wilson felt that adding this document would be redundant to what was already on the books. Reinhart noted that this was only beginning the discussion; DeVasto said there was no decision to be made tonight and that at some point it would have to go before the voters.

Reinhart read a note from Health Agent, Hillary Lemos, who said that currently, and bylaws are already in place which deal with agriculture and are well-written. There was further discussion.

2:23:00 Discuss proposed change to Charter Section 8-10-1 and Media Policy [Chair and DeVasto]

Reinhart said she did not like the idea of forcing committees to be videotaped and came up with this suggested change as a compromise. The suggestion is that committees vote whether to be videotaped or not annually, when electing a chair. John Wolf, participant, said he was curious as to why any Board would object to being videotaped; Reinhart said this was discussed previously but it relates to concern for privacy. Wilson said this issue is about accessibility and these are all open meetings, so everything should be fully accessible. There was further discussion.

DeVasto said he feels he has come up with a compromise for this matter and will bring those recommended changes up at a later time. Bacon said this has been discussed multiple times and suggested phasing in for reluctant committees would make sense. She noted that this is what the community wants – to hear the business being conducted by committees on the behalf of the Town. Carlson said this was discussed at length and voted on previously, and some people did not agree; she suggested letting boards decide if they'd be taped or not. There was further discussion. No action taken.

SELECTBOARD REPORTS

- Reinhart shared an update from the Cannabis Control Commission

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TOWN ADMINISTRATOR'S REPORT

This report is for the period March 21, 2020 through April 10, 2020.

1. General

- Town buildings have been closed as precaution to the COVID-19 virus. Police station remains open.
- Staff has been directed to work from home whenever possible.
- Staff members sharing an office alternate their time in the office
- Primary focus is on completing the ATM warrant.
- Working on daycare and hearing assisted devices for town meeting.

2. Fiscal Matters

- Undertaking overall review of revenue projections and FY 2021 budget.

3. Meetings

Meetings as all being held via conference call at this time and include the following:

- Selectboard meetings;
- Emergency Management Team meetings;
- Emergency Management Team calls with general public;
- Conference calls with Outer Cape Town Managers/Administrators;
- Conference calls with Outer Cape Town Managers/Administrators and Seashore;
- Conference calls with 'Needs' group on Fridays;
- Conference calls with Barnstable County Dept. of Public Health;
- Conference call with Cape Cod Healthcare CEO.

4. Complaints.

- Request for beach closures;
- Request for date extension of residential exemption deadline (set by State).

5. Personnel Matters:

- Town Administrator search – advertisements have been placed by Community Paradigm. The deadline for response is April 27th.

There were no comments from the Board.

TOPICS FOR FUTURE DISCUSSION

- Bacon noted that these Zoom platforms were not good for discussions. She suggested that as long the Board is operating in this manner, that the Board limits its discussion items on agendas.

CORRESPONDENCE REPORT

- Wilson asked about a letter from Robert "Buddy" Paine to the Board. Staff were not aware of this letter and will look into it.
- Wilson asked to discuss of how Town Meeting will be held.

MINUTES

March 24, 2020

- Bacon moved to approve the minutes of March 24, 2020 as amended.
- Wilson seconded, and the motion carried 5-0.

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April 1, 2020

- Bacon moved to approve the minutes of April 1, 2020 as amended.
- Wilson seconded, and the motion carried 5-0.

ADJOURNMENT

- Bacon moved to adjourn.
- Wilson seconded, and the motion carried 5-0.

The meeting adjourned at 9:01pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Documents available as of 4/4/2020:

1. Request for Grant Renewal: Aaron Francis, #752; Brent Valli and Sandra Mitchell 781-A, 781-B, and 781-C
2. Memos from Shellfish Constable to the Selectboard, re: Grant Renewals - Aaron Francis, #752; Brent Valli and Sandra Mitchell 781-A, 781-B, and 781-C
3. Appointment papers for Sheryl Jaffe, David Agger, Deborah Freeman, Beth Singer, Benjamin Fairbank, Danielle MacGregor, and Merrill Mead-Fox
4. Disclosure of Appearance of Conflict of Interest filed by Lydia Vivante and Dated March 9, 2020
5. Letter from Parking Task Force to the Selectboard, re: sign-off and disbanding of PTF
6. Draft thank you letter to SPAT
7. Memo from Shellfish Constable to the Selectboard, re: Use of WSD Revolving Fund for Propagation FY20 Monies
8. Email from Shellfish Constable to Dan Hoort and staff, re: Use of WSD Revolving Fund for Propagation FY20 Monies
9. Email from Shellfish Constable to Dan Hoort and staff, re: return of overwintering monies
10. Memo from Shellfish Constable to the Selectboard, re: Chuck Reaves grants #861 (one acre) and #861-A (.5 acre) and Clint Austin
11. Draft Right to Farm Bylaw as proposed by Michael DeVasto
12. Email from Janet Reinhart to Dan Hoort and staff, re: Committee vote on videotaping
13. Town Administrator's report
14. Correspondence report
15. Draft minutes of the March 24 and April 1, 2020 meetings
16. Letter from Robert Paine regarding Wesley Swamp drainage issues on his property at 131 Main Street.
17. Emails between Dan Hoort and the Moderator, Dan Silverman copied to the Selectboard, regarding when and how to have Town Meeting, and related issues.