

*Approved May 12, 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 28, 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**

- Bacon reminded the audience that the May 12 meeting will begin at 7PM
- Wilson thanked Manny Smith for his work on the Taxation Aid Committee
- Wilson shared information again about ticks and getting them tested, this information is on the Town website
- Hoort said that Amnesty Day will be postponed to the Fall
- Hoort said that the Transfer Station staff are working to accept recycling again and then again to accept yard waste after that
- Wilson noted that the Town Board and Recording meetings are available on the Town website; under the COVID-19 Page

**COVID-19 UPDATE**

***Recommendations from Emergency Management Team***

Hoort said this is a very fluid situation and Governor Baker extended the stay-at-home order until May 18<sup>th</sup> and has appointed a Task Force to work to reopen the economy. He said the Emergency Management Team is also looking at what will work for Wellfleet.

***Recommend the Selectboard vote to close the main White Crest Beach parking lot for the summer of 2020 in order to limit visitors to Town beaches during this Town emergency.***

Hoort said this recommendation was made to limit the number of day-trippers to Wellfleet. The main lot is the non-ocean side lot which is used for day parking and overflow resident parking.

Reinhart noted that AirBnB announced a mandatory 24-hour period between rentals. Suzanne Grout Thomas, Beach Director, said the recommendation about White Crest is the start of the conversation, not the end. Wilson expressed concern with closing beaches, saying she was not in favor of this. There was further discussion.

Audience Member Daniel Murray asked if every beach parking lot will be filled to capacity, with the exception of White Crest; he asked where the other people will park. He asked why all beaches were not closed to day-trippers, including Mayo. Audience Member Steven Gazzano said there needs to be a cohesive front with the Park Service and suggested a brochure for visitors who come to Town and are turned away. Audience member Bruce Bierhans suggested letting this decision be a moving target, as suggested by Chief Hurley. There was further discussion.

- **Bacon moved that the main, day-pass, parking lot at White Crest Beach be closed for the 2020 summer season in order to limit visitors to Town beaches as recommended by the Beach Administrator.**

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- DeVasto seconded and asked for further discussion. He suggested that the motion be not for the 2020 season, but on a month-by-month basis. This amendment did not pass.
- Wilson asked that the motion read “to not sell day passes”
- Wilson seconded (Bacon's original motion), and the motion carried 4-1, with Wilson opposed. (approved motion in bold)

***Recommend the Selectboard vote to cancel the 4<sup>th</sup> of July parade for 2020.***

- Bacon moved that the July 4<sup>th</sup> parade is canceled for 2020.
- Wilson seconded, and the motion carried 5-0.

***Other recommendations and updates***

Hoort asked the Board if they wanted to vote on keeping Town buildings closed through May 17. This does not include the Police Station. DeVasto suggested the date be May 18, since that was the date of the Governor's order.

- Bacon moved that all Town buildings be closed through May 18.
- Wilson seconded, and the motion carried 5-0.

**USE OF TOWN PROPERTY**

***Discussion on future events for 2020***

Bacon said nothing should be taking place until there is a vaccine. There was further discussion. Chief Hurley recommended that any previously approved events be rescinded, through the March 24<sup>th</sup> motion, and that events can come back with a revised event plan and be looked at then. Audience members shared concerns about having large, and small, events take place in Town. This cancellation will include OysterFest. These applications can be revisited.

- **Bacon moved, in accordance with the Board vote on March 24<sup>th</sup>, that no future applications for events requesting the use of Town property be accepted for the remainder of the 2020 calendar year and that all previously approved events cannot occur.**
  - Wilson seconded and DeVasto asked that this be “until further notice” not “for the remainder of 2020.” Wilson said that people need to plan and a decision needs to be made now. Reinhart seconded DeVasto's amendment, and the motion failed 2-3, with Carlson, Bacon, and Wilson opposed.
- Wilson seconded, and the motion carried 3-2, with Reinhart and DeVasto opposed. (approved motion in bold)

**BOARD/COMMITTEE APPOINTMENTS**

***Zoning Board of Appeals – Wilson Sullivan (regular) and Andrew Freeman (alternate)***

- Bacon moved to appoint Wilson Sullivan as a regular member of the Zoning Board of Appeals, to fill a term ending June 30, 2022.
- Carlson seconded, and the motion carried 5-0.
- Bacon moved to appoint Andrew Freeman as an alternate member of the Zoning Board of Appeals for a term ending June 30, 2021, and that he resigns immediately removed from his Planning Board membership upon this approval.
- Wilson seconded, and the motion carried 5-0.

## **BUSINESS**

### ***Transfer of Rights for Nature's Alternative (Selectboard approval required for new ownership per the Host Community Agreement)***

Ben Zehnder, attorney for Nature's Alternative, was on the call as well as 3 members of the organization – Patrick Casey, CEO; Nicholas Salvador, Treasurer; and Matthew Wilkes, Operator for Wellfleet. Zehnder noted that he was requesting that the Board approve the change in ownership of Nature's Alternative to Aspen Blue, LLC. Zehnder noted that this change in ownership is due to a change in underlying stock ownership. This approval is necessary for the group to submit their full application to the Cannabis Control Commission.

Audience member Timothy Sayre asked Zehnder a few questions regarding the Medeiros Trust, and if it was set up in California; Casey (Nature's Alternative) said this was a Trust for a family in Truro that was set up by a Boston firm. Sayre asked other questions regarding the location of members of Nature's Alternative; Reinhart said that the Cannabis Control Commission is the one who vets all members of the Host Community Agreement (HCA).

DeVasto asked if the Board had to, or had the right to, approve the transfer of the rights. The company name will remain Nature's Alternative. Zehnder said his group was not seeking to transfer the rights of the HCA, only approve the actual acknowledgement that

- Bacon moved to approve the transfer of rights for Nature's Alternative to Aspen Blue, LLC.
  - DeVasto seconded and made the amendment to say "approve the transfer of ownership to Aspen Blue, LLC." Zehnder agreed.
  - Bacon seconded, and the motion carried 4-0, with Carlson abstained.
    - **Passed motion: approve the transfer of ownership for Nature's Alternative Aspen Blue, LLC.**

### ***Annual Town Meeting and Town Election***

#### ***Request to postpone annual town meeting until a later date (currently scheduled for June 1<sup>st</sup>)***

Wilson said she has heard the Town Administrator and Town Moderator's concerns. She asked to address any time-sensitive articles, such as the Water System Upgrade, High Toss Road, and the Operating Budget; she suggested doing this sooner rather than later noting concern for large gatherings in the fall. Hoort proposed the following articles be addressed: 1 (Operating Budget), 4 (Marina Enterprise Fund), 5 (Water Enterprise Fund), 6 (Wellfleet Employee Association Contract), 16 (Water System Upgrade), 18 (Community Preservation Rental Assistance Program), and 37 (Clarification of High Toss Road). Hoort's recommendations are outlined in his memo to the Board which is public record and available in the packet for this meeting on the Town website.

Moderator Dan Silverman said that, currently, mail-in ballots are not legal for Town Meeting. He expressed concerns with disadvantaging those who are not technologically savvy should the meeting be held in some sort of a virtual setting. He noted that the quorum for Town Meeting is 175. He recommended setting a date in early fall, September 15. Audience member Harry Terkanian also noted the importance of building consensus and "taking ownership" of decisions made at Town Meeting when held in person. He opposed mail-in votes as well. There was further discussion.

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Bacon asked if the later date affected things with the water system for 95 Lawrence Road; Assistant Town Administrator Mike Trovato said it just moves the timeline back.

- In accordance with Section 2-6-1 of the Wellfleet Charter and in light of the Selectboard's March 17th emergency declaration regarding the COVID-19 virus, Bacon moved to rescind the vote of March 24, 2020 which set June 1st, 2020 as the date of the Wellfleet Annual Town Meeting and schedule the Wellfleet Annual Town Meeting for October 5, 2020 at 6PM.
- Wilson seconded, and the motion carried 5-0.

***Request to postpone the annual town election to a Monday in June.***

Wilson asked which articles would be voted on in June, since the Town Meeting is happening in October. Hoort said overrides and debt exclusions could wait until the Fall, but petitioned ballot questions must be voted on in June. Wilson suggested mail-in voting; Hoort noted that there is not a provision yet for mail-in only and said the Town will ask everyone to do absentee ballot when possible to eliminate crowding at the polls.

Hoort noted the State election is happening on September 1<sup>st</sup> and other ballot questions could be voted on then. Wilson asked then if the Town would be having three election – regular election in June; and 2 special elections, one in September and one in October – after Town Meeting) and suggested waiting to have only one special election until after Town Meeting. Wilson was concerned about people voting at the polls without hearing discussions on the Town Meeting floor; Silverman noted that, historically, people show up at the polls to vote without going to Town Meeting and that having the election after Town Meeting will likely not change the outcome.

- In accordance with Chapter 45 of the Acts 2020 for the State of Massachusetts, Bacon moved to postpone the Wellfleet town election to June 15, 2020.
- Wilson seconded, and the motion carried 5-0.

***Tax Exemptions and Due Date Extensions***

***Request the Selectboard approve extending the deadline for applications for the residential tax exemption to May 1<sup>st</sup>.***

Reinhart suggested moving this to a later date. There was no further comment.

- Bacon moved to approve extending the deadline for applications for residential tax exemption to May 1.
- Wilson seconded, and the motion carried 5-0.

***Request the Selectboard approve extending the deadline for property tax payments from May 1<sup>st</sup> to June 1<sup>st</sup>.***

There was no discussion.

- Bacon moved to approve extending the deadline for property tax payments from May 1 to June 1.
- DeVasto seconded, and the motion carried 5-0.

**SELECTBOARD REPORTS**

- Carlson: met with Michele Insley, of SPAT, to hear about the efforts they are making for the Shellfish Community

**TOWN ADMINISTRATOR'S REPORT**

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- Hoort: conference calls regarding the COVID situation

#### **TOPICS FOR FUTURE DISCUSSION**

- Bacon: Work Meeting with 95 Lawrence Road and the Board for review of final draft of RFP; Tuesday, May 5<sup>th</sup> at 2PM.
- Bacon: Work Meeting for Tuesday, May 12 at 1PM, to work on Town Warrant
- DeVasto: short-term rentals under COVID-19 Update

#### **CORRESPONDENCE REPORT**

No comments.

#### **MINUTES**

*April 14, 2020*

- Wilson moved to approve the minutes of April 14, 2020 as amended.
- Bacon seconded, and the motion carried 5-0.

#### **ADJOURNMENT**

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

The meeting adjourned at 9:04 pm.

Respectfully submitted,

Courtney Butler,  
Secretary

Public Records Documents available as of 4/28/2020:

1. Memo from Suzanne Thomas re: Beach Recommendations
2. Email from Wilson Sullivan re: Appointment to ZBA
3. Application from Andrew Freeman for appointment to ZBA
4. Nature's Alternative, Inc. – Corporate and Operational Structure Since Organization on 11/3/2017, prepared by Benjamin E. Zehnder
5. Email from Katherine Laughman, KP Law re: HCA Form – Nature's Alternative, Inc.
6. Email from Benjamin E. Zehnder re: HCA Form – Nature's Alternative, Inc.
7. Memo from the Town Administrator, Dan Hoort, re: Town Meeting and Election
8. Correspondence report
9. Draft minutes of the April 14, 2020 meeting