

*Approved in DRAFT on June 23, 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, May 26, 2020 at 7pm  
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 7:00 p.m. This meeting was held via Zoom and the recording is available on the Town website.

**ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT**

- Reinhart asked residents to complete their Census forms. Information is on the Town website.
- Butler announced that there is still an open position on the Board of Registrars and those interested can email the Town Clerk for more information.
- Butler announced that information for Early Voting/Voting by Mail is on the Town website, located on the homepage.
- Butler announced that the Recreation Department will be doing a celebratory caravan for Wellfleet’s graduating seniors on Friday, June 5th 11AM. The route will start at Wellfleet Elementary School and go through the center of Town. Please line up at the school by 1045AM that day to participate. Becky Rosenberg has more information.
- Butler announced that the Housing Authority and Housing Partnership have established a Housing Information Line, which is 508-419-4490, and more information is on the Town website and at [wellfleetaffordablehousing.org](http://wellfleetaffordablehousing.org).

**PUBLIC HEARINGS**

***Lottery to impartially determine who shall be granted the right to enter into a lease agreement with the Town to use grant #s 861 and 861A on Field Point***

Reinhart placed 8 numbers into a lottery box to correspond with 8 names that were deemed eligible for the lottery by the Shellfish Constable. Wilson said that one of the applicants, Zack Dixon, is already had rights to the lease of a grant, she then read from Section 7.2 of the Shellfish Regulations: “no shareholder, officer, director or other individual holding a similar position having a different title but exercising a similar role, of a corporation that currently holds an aquaculture license in Wellfleet may apply for such grants.”

Wilson noted that Zack Dixon was not eligible for the lottery due to having access to farmed acreage because he is part of the Corporation on the lease – Holbrook Oyster. Dixon said he read the regulation and that what Wilson has said is true – he is in business with the Dalby brothers and they all work on the grant - but that he nor the business have rights to the grant, saying that the business name is not on the grant. Reinhart asked Dixon if he was listed on the Corporation’s papers as an owner; Dixon said yes. Dixon said that the regulations, and that contrary to the last line “of a corporation that currently holds an aquaculture license in Wellfleet may apply for such grants” the corporation he works for he does not hold an aquaculture license. Dixon said he wants to be fair and that if there is a regulation in place, he wants to adhere to it. He also said he wants to be fair to himself and that he has no rights to any grants in Wellfleet. There was further discussion about whether Dixon has rights to the grant even though his corporation does not.

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Shellfish Constable Nancy Civetta said that Town Counsel said it was important for the Board to discuss the intent of the regulation, saying that the language reads in the way that makes Dixon eligible, but if the Board intends that the lottery give someone new a chance, then they need to decide if Dixon is eligible or not.

There was continued discussion of the corporation, Holbrook Oyster, and Dixon's role there. Bacon and Carlson were not in favor of allowing Dixon to be eligible. DeVasto said he was recusing himself from the Board but had a comment to add as an audience member. DeVasto said that, looking at the regulations, this corporation does not hold any aquaculture license in Wellfleet. He said there is nothing in the regulations that would preclude Dixon from being eligible. There was no action taken on Dixon's eligibility for the lottery.

The lottery was pulled by Reinhart and the winner was Robert Emmet.

- Bacon moved that the Town enter into a lease agreement with Robert Emmet for the use of grants 861 and 861A for a term of two years.
- Wilson seconded, and the motion carried 4-0, with DeVasto recused.

***Determine whether to issue a commercial shellfishing permit to Karen Johnson by waiving one-year domicile requirement***

Wilson said the regulations are very clear about this, the one-year domicile requirement. She noted that the rationale of the regulation is to be sure that people getting a commercial permit have experience in the field first. Wilson said that because Johnson has not lived in Wellfleet for one year, that she should not receive a permit this evening.

Johnson responded, saying that the spirit of the regulation was not to penalize people who are in the business to move to Wellfleet, and that she has worked in the business for years as well as in Wellfleet. Johnson asked for a hardship consideration.

Bacon said that she understands Johnson and what she is going through but also understood the reasoning behind Civetta's recommendation for this regulation to be instituted. Bacon agreed with the regulation and that Johnson cannot receive her permit until 7 months from now when she has been domiciled for one year.

- In accordance with the Town's Shellfishing Policy and Regulations, including the definition of "resident" in Section 1, the last sentence of Section 7.8.1, and the language of the last paragraph of Section 2, Wilson moved to **not** issue a commercial shellfishing permit to Karen Johnson at this time.
- Bacon seconded, and the motion carried 4-0, with DeVasto recused.

**COMMENTS FROM SENATOR CYR AND REPRESENTATIVE PEAKE**

Senator Julian Cyr and Representative Sarah Peake greeted the audience and thanked the Board for the invitation to speak. The pair gave an update on current State orders and the re-opening plans for the State. Cyr noted the importance of working together, as Towns, for a uniformed, regional approach. He said the legislation is asking everyone to do their part by washing their hands, covering mouths and noses, watching for symptoms, and maintaining social distance. Cyr said that if these are not maintained, it will show in the health data. Cyr said that he will not support any Town that goes

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their own way beyond the Governor’s guidance, noting the importance of consistency and working together. Cyr is part of the Cape Cod Reopening Task Force and there is information about their actions online at <https://www.reopeningcapecod.org/>.

Peake said public health considerations are what is driving the Baker Administration decisions with regard to reopening. She noted the importance of the summer income for many local businesses and the Cape economy, and that it is crucial to adhere to guidelines and ensure the safety of all for the reopening.

DeVasto asked about short-term rentals and concern about the amount of people coming in and out of the region this summer. He was also concerned about a “one size fits all” approach to reopening across the State. Cyr said there are a number of unique factors on the Outer Cape and noted that there will be a “more muted season” in the area this summer. He said that he has spoken to numerous organizations that provide for public safety and that they are ready for any sort of influx that may arise. In regard to short term rentals, Cyr said that he feels protocols for cleaning will be stricter when short term rentals are allowed to reopen. Peake said that most businesses she has spoken with are ready to reopen and have multiple plans in place. She said it is important to let the data drive decisions.

Bacon and Carlson expressed thoughts and ideas as well with regard to the economy and tourism. Wilson expressed concern for being able to host Town Meeting in a different format. There was further discussion.

## **TOWN ADMINISTRATOR SEARCH PRESENTATION**

Harry Terkanian, Chair of the TA Screening Committee, said there will be a final report of the Committee. He said the Committee conducted 7 interviews, narrowed down 3 finalists, and when one of the finalists withdrew, decided to proceed with presenting two candidates tonight. Bernard Lynch, Community Paradigm Associates, LLC, presented the final candidates for the position of Town Administrator. Lynch noted the process of meeting with the Screening Committee to conduct the search. Lynch noted that there were 39 applications, 8 semi-finalists chosen after review of all applicants, and 7 were interviewed over a period of two days. Lynch said the candidates were asked questions on many topics including COVID-19, personnel and management, goal setting, economic development, housing, natural resources, finance, project management, and relationship with the Selectboard. Lynch also provided reference feedback on both candidates.

The first finalist is Maria Broadbent, from Berwyn Heights, Maryland. The second finalist is Shawn MacInnes, from Dartmouth, MA. MacInnes lives in Sandwich currently. Information presented about both candidates can be acquired through the Town Administration office. The Board will interview candidates during the week of June 2 via Zoom.

## **BOARD/COMMITTEE APPOINTMENTS AND UPDATES**

### ***Nancy Bierhans – Taxation Aid Committee***

- Bacon moved appoint Nancy Bierhans to the Taxation Aid Committee for a term ending June 30, 2023.
- Wilson seconded, and the motion carried 5-0.

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***Carolyn Rogers – Cultural Council***

- Bacon moved to appoint Carolyn Rogers to the Cultural Council for a term ending June 30, 2023 for the 1st term.
- Carlson seconded, and the motion carried 5-0.

***James Falcone – Natural Resources Advisory Board***

- Bacon moved to appoint James Falcone to the Natural Resources for a term ending June 30, 2023.
- DeVasto seconded, and the motion carried 5-0.

***Increase Membership of Dredging Task Force from 5 to 7 members***

Wilson asked to have the charge changed on the website.

- Bacon moved to increase the membership of the Dredging Task Force from 5 to 7 members.
- DeVasto seconded, and the motion carried 5-0.

***Joe Aberdale – Dredging Task Force***

***Kevin Coakley – Dredging Task Force***

***John Wolf – Dredging Task Force***

Reinhart said that Joe Aberdale asked to re-join the Task Force.

- Bacon moved to appoint Joe Aberdale to the Dredging Task Force for a term ending June 30, 2023.
- Wilson seconded, and the motion carried 5-0.

There was discussion of whether to appoint Kevin Coakley or John Wolf for the remaining spot on the Task Force. The Assistant Harbormaster had submitted a letter in support of Coakley for the appointment. Reinhart suggested the appointment of Coakley. Wilson noted that both Coakley and Wolf have charter boats, but that Coakley has previously served on the Marina Advisory Committee. Wilson said that if one would benefit directly from the dredging, such as by a charter captain, then consideration must be had. She said she did not see any direct benefit for either Coakley or Wolf. There was further discussion.

Bacon was in support of Wolf and asked to have him make a statement. Both Wolf and Coakley stated their interests in joining the Task Force.

- Bacon moved to appoint Kevin Coakley to the Dredging Task Force for a term ending June 30, 2023.
- DeVasto seconded, and the motion carried 3-2, with Bacon and Wilson opposed.

**COVID-19 UPDATES**

***Department Updates***

***1) Decision on whether to sell seasonal shellfishing permits for 2020***

Wilson said she absolutely supports the Shellfish Constable in her recommendation to not sell recreational seasonal shellfishing permits for 2020. Bacon did not want to take the action of not selling recreational seasonal shellfishing permits. Carlson said the Constable laid out a clear case for her recommendation in her memo to the Board. DeVasto also did not feel that this action should be taken, if there is enough space and staff to allow for recreational shellfishing. Constable Civetta

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said that all seasonal recreational permits – resident and non-resident – would be eliminated. People could still purchase annual passes (\$60 for residents, \$210 for non-residents) if they wished. She also noted that because Indian Neck is the only recreational shellfishing site in the summer, that it does get crowded.

- Bacon moved to not sell seasonal recreational shellfishing permits for 2020.
- Wilson seconded, and the motion carried 5-0.

### ***Community Development Block Grant COVID Funds***

Hoort said this is a grant application, with Truro as the lead participant, who invited Wellfleet to participate. This will give Small Business Forgivable Loans & Microenterprise Forgivable Loans and Mortgage and/or Rental Assistance.

- Bacon moved to participate in the regional CDBG COVID-19 GRANT Application and authorize the Selectboard Chair and the Town Administrator to sign the application.
- Wilson seconded, and the motion carried 5-0.

### ***Neighboring Communities***

No action taken, postponed until June 2, 2020.

### ***Short-term Rentals***

No action taken, postponed until June 2, 2020.

### ***Governor’s Reopening Plan***

No action taken, postponed until June 2, 2020.

### ***Business Plans for Reopening***

No action taken, postponed until June 2, 2020.

### ***Other Updates and Discussions***

No action taken, postponed until June 2, 2020.

## **BUSINESS**

There was no business taken up.

## **SELECTBOARD REPORTS**

- Wilson: attended Community Needs Task Force meeting

## **TOWN ADMINISTRATOR’S REPORT**

This report is for the period May 9, 2020 through May 22, 2020.

### **1. General**

- Working on final town meeting warrant for approval by the Selectboard over the summer.
- Town buildings have been closed as precaution to the COVID-19 virus. Police station remains open. Working on plans for departments to re-open.
- Staff has been directed to work from home whenever possible.
- Staff members sharing an office alternate their time in the office

### **2. Fiscal Matters**

- FY 21 budget and CIP requests are under review. FY 20 budget will be used until FY 21 budget is approved.

### **3. Meetings – All meetings are via conference call**

- May 11 - Town Hall Administration meeting

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- May 11 – Wellfleet Chamber of Commerce
  - May 12 - Selectboard/Emergency Management Team (EMT) public forum
  - May 12 – Selectboard meeting
  - May 13 – Department Head conference call
  - May 13 – Conference call with Senator Warren
  - May 14 – Conference call regarding PSAs
  - May 15 – Wellfleet Chamber of Commerce
  - May 15 – Town Hall staff conference call
  - May 18 – Conference call with Town Moderator
  - May 19 – Selectboard/Emergency Management Team (EMT) meeting.
  - May 20 – Exec Office of Energy and Environmental Affairs Secretary re: beaches
  - May 20 – Wellfleet Chamber of Commerce
  - May 20 – Chief Pauley and Hurley conference call
  - May 21 - Dredging Task Force meeting
  - May 12 – Outer Cape TA/TM with Seashore Superintendent
  - May 22 – Outer Cape TA/TM with Selectboard Chairs
4. Complaints.
- None, other than usual
5. Personnel Matters:
- Community Paradigm Associates and Town Administrator Screening Committee ready to present finalists for new Town Administrator.

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

- Bacon: Fuel tanks at the Marina
- Wilson: liquor license regulations
- Wilson: Town Administrator search

#### **CORRESPONDENCE REPORT**

No comments.

#### **MINUTES**

##### ***May 12, 2020***

- Wilson moved to approve the minutes of May 12, 2020 as amended.
- Bacon seconded, and the motion carried 5-0.

##### ***May 19, 2020***

- Wilson moved to approve the minutes of May 19, 2020 as printed.
- 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 10:10 pm.

Respectfully submitted,

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Courtney Butler,  
Secretary

Public Records Documents available as of 5/26/2020:

1. Roster of Eligible Participants for Lottery Drawing for Shellfish Grant #861/861-A
2. Public Hearing Notice for Determination of Issuance of a Commercial Shellfishing Permit to Karen Johnson
3. Letter from Karen Johnson to the Selectboard dated May 12, 2020
4. Memo from Shellfish Constable Nancy Civetta to the Selectboard re: Request from Karen Johnson for a commercial shellfishing permit, dated May 21, 2020
5. Memo from Shellfish Constable Nancy Civetta to the Selectboard re: 2020 Seasonal Recreational Shellfishing Permits, dated May 21, 2020
6. Town of Brewster COVID-19 Employee Health Guidelines
7. Town of Orleans Beach Opening Schedule Recommendations
8. Town of West Springfield COVID-19 Standard Operating Procedures
9. Letter from the Chamber of Commerce Board of Directors to the Selectboard re: Short-term rental policy during COVID-19, dated May 21, 2020
10. Letter from Alice Boyd, Bailey Boyd Associates, to the Selectboard, re: Participation in CDBG COVID-19 Grant, dated May 3, 2020
11. CDBG Grant Application
12. Appointment papers for Nancy Bierhans, Carolyn Rogers, James Falcone, Joe Aberdale, Kevin Coakley, and John Wolf
13. Town Administrator's Report
14. Correspondence report
15. Draft minutes of the May 12, 2020 and May 19, 2020 meetings