

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, June 9, 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; Chief Pauley

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

- Wilson said that there will be a public hearing for the Herring River Project on Thursday, June 11 at 3PM.
- Pam Grandin read a statement about short-term rentals.
- Matt Rosenberg expressed concerns about short-term rentals.
- Tim Sayre thanked Bacon for her service on the Board.
- Tim Sayre said that it is not up to the Board to decide how a business functions, it is up to the business and read a personal statement.

PUBLIC HEARINGS

Application received May 12, 2020 from The Fox and Crow, Inc., Trudy Vermehren, manager, to amend the annual liquor license to add an outdoor bar and dining area.

Bacon stated that the service bar outside of The Fox and Crow is a service bar, not a place where liquor or food can be sold, citing that bar service cannot be done right now under the Governor's orders. Carlson thanked restaurant owners for thorough documentation in their applications. Wilson said she spoke with the Building Inspector and the Chair of the Zoning Board of Appeals with regard to parking. Citing a letter that Vermehren sent to the Board earlier in the week asking for a parking hour limit in Town to assist businesses and restaurants, Wilson said that the Board should let people try and find parking on their own and see how it goes.

Vermehren said that her application is not directly related to the Governor's orders, that she had planned to establish this outdoor dining area prior to the pandemic – she is requesting an amendment to her annual liquor license. Fire Chief Rich Pauley reminded the audience of the motion the prior week to streamline this process and listed documents required. He said that he has been doing site visits with these establishments the past week. Reinhart asked Chief Pauley if he signed off on all the applications before the Board tonight; Chief Pauley said yes.

DeVasto asked about seating capacity. There was discussion about the use of indoor seats in the outdoor area.

- Wilson moved to amend the annual liquor license, for The Fox and Crow, Inc., to add an outdoor service bar and dining area.
- Bacon seconded, and the motion carried 5-0.
- DeVasto moved to allow The Fox and Crow Inc., to move their indoor seating to the outdoor dining area as to not increase occupancy, as approved by the Fire Department until the Governor's orders expire or November 1, 2020 whichever is sooner.

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

Application received May 15, 2020 from Mac's Shack, May Hay, manager, to amend the seasonal liquor license to add an outdoor bar and dining area.

DeVasto asked about the roping off of separate areas, saying he wanted to make sure Hay understood what Chief Pauley said about having a solid barrier, such as cement, for the area that abuts into the parking lot. Hay said yes. DeVasto confirmed with Hay that the outdoor bar will be not be open until the Governor's order is lifted; Hay said that it will be a service bar only.

- Bacon moved to temporarily amend the seasonal liquor license, for Mac's Shack to add an outdoor bar service and dining area, until the Governor's order expires or November 1, 2020 whichever is sooner.
- Wilson seconded, and the motion carried 5-0.

Application received May 15, 2020 from The Beachcomber, Todd LeBart, manager, to amend the seasonal liquor license to add an outdoor bar and dining area.

Dan Murray, employee of the Beachcomber, said the restaurant is considering a tent and will confer with the Fire Chief and Building Inspector first. Murray asked the Board if they would consider opening the White Crest parking lot for his restaurant employees. Beach Administrator Suzanne Thomas said she would like more consideration before deciding. Wilson said this would have to be a separate agenda item.

- Bacon moved to temporarily amend the seasonal liquor license, for The Beachcomber to add an outdoor service bar and dining area, until the Governor's order expires or November 1, 2020 whichever is sooner.
- Wilson seconded, and the motion carried 5-0.

Application received May 15, 2020 from VR's, Peter VR Hall, manager, to amend the seasonal liquor license to add an outdoor bar and dining area.

There was no discussion.

- Bacon moved to temporarily amend the seasonal liquor license, for VR's to add an outdoor service bar and dining area, until the Governor's order expires or November 1, 2020 whichever is sooner.
- Wilson seconded, and the motion carried 5-0.

Application received May 15, 2020 from The Pearl Restaurant, Alison Hester, manager, to amend the seasonal liquor license to add an outdoor bar and dining area.

Reinhart said this restaurant has not been compliant with regulations and jumped the gun by using town property and a tent without permission. Reinhart said the Fire Chief and Building Inspector have spoken to the restaurant twice and the Pearl ignored their orders; she wanted to postpone the topic.

Ben Zehnder, attorney for the Pearl, and Alison Hester, manager, were on the call. Zehnder said the Pearl provided a site plan and that plan includes jersey barriers as Chief Pauley requested. He said the Board could consider the application tonight. Reinhart asked Zehnder why the Pearl was in blatant disregard to the regulations; Zehnder said they were told and then filed the appropriate paperwork so this would be punitive to not approve their application. There was further discussion.

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Hester said she has been manager of the Pearl for 5 years. Reinhart asked if she had ever been found disregarding regulations before; Reinhart said no. Reinhart said Hester’s reason that the “pandemic made her nervous and she wanted to take care of her staff and the restaurant, so she started to plan ahead”, was not adequate.

Bacon said she agreed with Zehnder, that this was a mistake on Hester’s part and that it was not intentional. Wilson said that use of Town property is something that people have to ask for and that it is restricted this year to avoid having places where people can gather. There was further discussion of the application.

The Board did not take any action on the application for an amended seasonal liquor license for The Pearl.

ACKNOWLEDGEMENT OF 2020 GRADUATES

Wellfleet Elementary School 2020 5th graders

Reinhart congratulated the 2020 Senior Class and 5th Grade Class and thanked them for being a part of the Town.

- Bacon moved that the Wellfleet Selectboard congratulate the Wellfleet Elementary School graduating fifth grade class and wish them luck in their future education. Congratulations to
 - Troy Costa
 - Jessica Francis
 - Romanee Hunt
 - Mia McIntosh
 - Oliver Medeiros
 - Lucy Newman
 - Jedidiah ‘Jed’ Noble
 - Jordan Nye
 - Helena Pabo
 - William ‘Eli’ Paine
 - Ethan Rosen
 - Boone Scalcione
 - Ani St. Onge
 - Serena Townsend
 - Finn Valli
 - Caidon Vasquez
 - Kolina Winslow
 - Violet Yingling
 - And thank you to their teacher Mrs. Kathy Ferri, Principal Mary Beth Rodman and the entire staff at the Wellfleet Elementary School
- Wilson seconded, and the motion carried 5-0.

Wellfleet 2020 Senior Class

- Bacon moved to congratulate Wellfleet's 2020 graduating seniors and wish them well in their future endeavors.
 - Alex Heath
 - Charles Anderson

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- James Lord
 - Patricia Lord
 - Will Moyer
 - Jenna Carreiro
 - Zeyi Lu
 - Nelliemay Dipinto
 - Julie Wilson
 - Robert Marriott
 - Nicolaos Annis
 - Ruby Warner
 - Molly Shafnacker
 - Cassidy Cook
 - Joshua Lucas
 - Daisy-ann Montaque
 - Evelyn Rose
 - AnnaBelle Beaudoin
 - Fantasia Hatch
 - Christopher Pickard
 - Sasha LaPointe
 - Isabel Merl
 - Ashleigh Rose
 - Maddie Kelly
 - Clay Kenny
- Wilson seconded, and the motion carried 5-0.

OTHER RESTAURANT AMENDMENTS

Ceraldi – moved to later in agenda

C Shore

There was no discussion.

- Bacon moved to temporarily amend the seasonal liquor license, for C Shore to add an outdoor service bar and dining area, until the Governor’s order expires or November 1, 2020 whichever is sooner.
- Carlson seconded, and the motion carried 5-0.

The Wicked Oyster

There was no discussion.

- Bacon moved to temporarily amend the seasonal liquor license, for The Wicked Oyster to add an outdoor service bar and dining area, until the Governor’s order expires or November 1, 2020 whichever is sooner.
- Wilson seconded, and the motion carried 5-0.

APPOINTMENTS

Reappointments of Full Time Police Officers

Chief Mike Hurley thanked all the officers for their service. The Board thanked all officers for their service.

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- Bacon moved to reappoint the following Full Time Police Officers for the period July 1, 2020 through June 30, 2021
 - Laecio D Oliveira
 - Mark Braun
 - Nicholas Daly
 - Edward Garneau
 - Jeremiah Valli
 - Robert Pimentel
 - Michael Allen
 - Matthew McGue
- DeVasto seconded, and the motion carried 5-0.

Reappointments of Special Police Officers

- Bacon moved to appoint/reappoint the following Special Police Officers for the period July 1, 2020 through June 30, 2021
 - Leslie Reynolds
 - W. Russell Hughes
 - Seth DiGiacomo
 - Christopher Hartsgrrove
 - Eric Trudeau
 - Kristy Pressey
 - Christopher Anderson
 - Meghan Farrell
 - Ryan Wright
 - Scott Higgins
 - John Szucs
 - Marc Spiegel
 - Desmond Keogh
- DeVasto seconded, and the motion carried 5-0.

Reappointment of Andrew Ryan as Seasonal Deputy Shellfish Constable

The Board welcomed Ryan back and wished him a good summer.

- Bacon moved reappoint Andrew Ryan as seasonal deputy shellfish constable for the periods July 1, through November 3, 2020 and May 13, through June 30, 2021.
- Wilson seconded, and the motion carried 5-0.

COVID-19 UPDATES AND RECOMMENDATIONS

Short-term rentals

Hoort said that he spoke with Counsel and that the Board of Health would really be the entity to decide a minimum stay on short term rentals. He asked the Board to make a decision and stick with it tonight. Reinhart asked lodging operators to abide by the Governor's guidelines. Bacon expressed that this ongoing conversation has caused anxiety for many people and that 136 emails were received by the Board. She said it did not make sense that since short term rentals have been going on for weeks, we could not now close the Town down. DeVasto, an advocate for restrictions on short term rentals, said the Board has always agreed that whatever is decided is consistent with other towns throughout the region. He said there has been misinformation and that there has never

been a motion put forward to restrict rentals. DeVasto said he would not support a motion to restrict rentals if it was not being passed in other towns.

Carlson reminded anyone who rents in the summer that the Governor recommends a 24-hour period between guests for cleaning. Wilson said the Board is here to look at different ways to approach a situation. Wilson said she thinks that the length of a rental stay should be determined by the property owner.

Audience member Mary Ellen Manning asked the Board to consider a minimum 2-week stay. Wilson said she did not believe that restricting property owners to any length would prevent people from being here. DeVasto said he has received overwhelming support to restrict short term rentals and the reason he believed it could have been a mitigating factor, because it would reduce the amount of turnover. There was further discussion. Audience member Matt Rosenberg thanked the Board and said he and other homeowners are taking this matter very seriously.

Visitor beach stickers

Suzanne Thomas said this discussion is moot because there is no restriction on short term rentals.

- Bacon moved that the sale of visitor beach stickers commence on June 13, 2020.
 - DeVasto suggested reopening all beaches, except one for residents/taxpayers only, to visitors. Bacon said she did not think this was legal. Thomas said she heard what Mr. DeVasto was saying but changes to the regulations was not published as a public hearing. She asked the Board not to vote on this yet without a public hearing. Wilson said anyone could go to a beach before or after hours so this would not restrict use of any one beach.
 - Audience member Jonathan Schwartz confirmed that visitor stickers were to be sold this summer and thanked the Board for its consideration.
 - Audience member Josh Yeston suggested that when the use of Town property is reconsidered, the Board look also at reopening the back lot at White Crest for use by resident/taxpayers.
- Wilson seconded, and the motion carried 5-0.

Food Trucks

Bacon said food trucks should be handled the way they have always been handled, and with the proper licensing and permitting with the Selectboard and Board of Health be allowed to operate on town property. Wilson said she spoke to a person who owns a food truck at one of the beaches and asked their plan for the summer, that person said they were waiting to see what the Board decided. DeVasto suggested mobile food trucks, not just allowing them to sit at one place. Thomas distinguished between food trucks requiring a use of town property, saying the ones at ocean beaches are acquired through a procurement contract, and the permission for use of town property is granted through that process.

Use of Town Property – Revisited

Wilson said the Board should still not allow the use of town property to avoid groups of larger than 10 people. She said there is a lot of private property and national seashore land in the area. Bacon said the Board should be looking at use of town property on a case by case basis with the consideration of the Board of Health. Citing the 2 uses of town property before the Board tonight for Ceraldi and The Pearl, that requests should be looked at individually. Reinhart said this was also

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in her mind for use of town property by yoga groups, instructional surfing lessons, etc. DeVasto agreed with Bacon and said the Board needs to be able to hear uses of town property. Carlson said she would keep the current order to not allow the use of town property, except for the two restaurants. There was further discussion.

Reinhart asked Thomas her opinion; Thomas said she feels bad for the groups that want to have small events, such as a 10-person wedding. She suggested having a size limit on the types of events they will hear requests for so as to limit what they will be willing to hear. Chief Pauley said he would not support any gathering of hundreds of people at this point in time and allow department heads to weigh in. Chief Hurley said staff could vet the applications that do come in to take some of that weight off the Board. Hoort said he would not have a problem with a small wedding but that the Governor still restricts gatherings to less than 10 people; he suggested looking at them on a case by case basis.

Audience member Molly Kasakoff said she felt that businesses should be allowed to apply for use of town property, not just restaurants. Wilson agreed with Chief Pauley and that if any department does not approve of the application, it not be heard by the Board.

- Bacon moved that the use of town property, after having been vetted by Board of Health, Police and Fire, be considered by the Selectboard on a case by case basis.
- DeVasto seconded, and the motion carried 4-1, with Carlson opposed.

Update on Governor's Reopening Plan

Wilson asked that when people who visit from away have to quarantine for 2 weeks and asked how that worked with shorter term rentals. Reinhart said the Governor is urging people to quarantine, when coming from out of state, but it is not a mandate. DeVasto said he was concerned that the Governor did not require any travelers – from in or out of state – to quarantine. Wilson agreed with DeVasto.

Discussion of Town Meeting

Hoort said legislation was just passed but it does not affect Wellfleet in anyway, that it allows remote participation for Representative forms of town government. Hoort said the Board will see a budget proposal soon that operates at 1/12 of the Fiscal Year 2020 Budget. Hoort said Town Meeting can still be held on October 5 and that he will work to finish the Warrant before he retires. Bacon said she attended the MMA webinar about Town Meeting last week and her notes were as follows:

- Reduce the warrant; nix all capital spending except the water question;
- Seek outdoor venues, have greeters and masks;
- Pre-town meeting forum via Zoom so everyone is familiar with the articles on the Warrant;
- All department heads should be involved with all aspects of Town Meeting and PSAs should be done as a resource for residents;
- Exits and entries should be clearly marked;
- Have emergency personnel on site; and
- Start the plan now

Wilson asked Hoort if the date for Town Meeting could be changed; Hoort said yes, up to approximately 5 weeks prior to Town Meeting to produce the Warrant. Wilson said she was surprised that the legislature did not allow Zoom to be a platform for Open Town Meeting. Wilson said it did not feel right to her to reduce the quorum. There was further discussion.

Moderator Dan Silverman said that it was unrealistic to think the legislature would give us what we need. He suggested that department heads and the Town Administrator begin planning now. He did not think holding a Zoom meeting would be practical or allow for confirming voter registration and votes. There was further discussion.

DeVasto said he heard the legislature was looking at allowing Town Meeting to be held outside of Town borders. Silverman said that he believed DeVasto to be correct. Reinhart asked to form a planning committee that included Silverman and other staff.

Other updates and recommendations

Bacon asked to have the highway sign changed to reflect social distancing and wearing masks. Chief Hurley said yes.

BUSINESS

Use of Town Property for Ceraldi and The Pearl

Zehnder said the Board did not hear an expressed apology from The Pearl and he provided one. Wilson again expressed concern for the risks of the coronavirus spreading. Michael Ceraldi, of Ceraldi, said the town property that is in question that he wishes to use for service is the top of the leaching field of 15 Kendrick Avenue's septic system. Reinhart said that part of the process for tonight is for the Fire Chief and Building Inspector do a site visit first. Bacon said there is an easement on the land. Bacon said she would not approve the removal of benches, as requested, since they have been donated in memory of loved ones who have passed on. There was further discussion.

DeVasto said the capacity of the Town will be reduced to serve the population here no matter what the Board does for the restaurants, and that the Board needs to support them opening in the limited capacities they can. Wilson said the restaurants need to have insurance.

- Bacon moved to temporarily amend the seasonal liquor license, for Ceraldi, Inc. to add an outdoor service bar and dining area, until the Governor's order expires or November 1, 2020 whichever is sooner.
- Wilson seconded, and the motion carried 5-0.

- Bacon moved to approve the Use of Town Property for Ceraldi, Inc. located around their premises on Kendrick Avenue for the 2020 season, subject to the conditions, if any as listed on the application form pending an inspection by the Building Department and Fire Department. The fee is to be determined by the Board.
- Wilson seconded, and the motion carried 5-0.

The Pearl

- Bacon moved to temporarily amend the seasonal liquor license, for The Pearl Restaurant to add an outdoor service bar and dining area, until the Governor's order expires or November 1, 2020 whichever is sooner.
 - Carlson was concerned with the way in which the restaurant behaved, putting up their tent prior to having Board approval. Reinhart asked Hester and Zehnder if the upstairs, open-air deck be used; Zehnder said they have considered it. He asked the Board to accept the apology and see how they behave this summer and not punish

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them by not approving their temporary, seasonal liquor license amendment. There was further discussion.

- Wilson seconded, and the motion carried 4-1, with Wilson opposed.
- Bacon moved to approve the Use of Town Property for The Pearl Restaurant. located around their premises on Kendrick Avenue for the 2020 season, subject to the conditions, if any as listed on the application form pending an inspection by the Building Department and Fire Department. The fee is to be determined by the Board.
- Wilson seconded, and the motion carried 4-1, with Wilson opposed.

Discussion of FY21 Budget and 1/12 Spending Mechanism

No action taken.

Update on Fuel Tanks at the Marina

Bacon said the Town Meeting approved replacing the Fuel Tanks and that she was concerned they had not been replaced yet. She asked when this would be considered a priority. Will Sullivan, Assistant Harbor Master Asked Bacon when she would like to see them go in, if not this fall; Bacon said any time before they leak. Sullivan said they are vaulted tanks, therefore could not leak out, and that the process would still require a contract and did not think the summer was the best time to dig them up and replace them. Bacon asked why this was taking so long; Sullivan said he thought initially it was set to be at a different location and asked for input. Wilson said the Board had hoped it was going to happen already and this past winter would have been a good time to do it. Wilson asked the complications of dredging the harbor and installing the tanks at the same time; Sullivan said there were none. There was further discussion. DeVasto thanked the Harbormaster's office for looking into the best option for placing the tanks.

Update of Town Administrator Interviews/Hiring Process

Reinhart said that a conditional offer of employment was offered to Maria Broadbent and that the Board will meet in executive session to negotiate her contract. Hoort said he spoke with Broadbent today and that Butler is working with Broadbent to set up her background check and physical.

SELECTBOARD REPORTS

There were no reports.

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.

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3. Meetings – All meetings are via conference call
 - May 11 - Town Hall Administration meeting
 - 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

- Reinhart: discussion of fees
- Wilson: reorganization of Board after election
- DeVasto: resident/taxpayer beach discussion
- DeVasto: beach fire permits discussion

CORRESPONDENCE REPORT

- Bacon: 136 letters about short-term rentals
- Wilson: asked that staff scan and send paper correspondence to the Board

MINUTES

Carlson asked to take up the amendments of minutes at a future meeting.

ADJOURNMENT

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

The meeting adjourned at 11:00pm.

Respectfully submitted,

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Courtney Butler,
Secretary

Public Records Documents available as of 6/9/2020:

1. Public Hearing papers for The Fox and Crow, Mac's Shack, The Beachcomber, VR's, and The Pearl
2. Tents and Other Membrane Structures code – 2015 International Fire Code
3. Use of Town Property Fees
4. Liquor License amendment and outdoor seating plans for The Fox and Crow, Mac's Shack, The Beachcomber, VR's, The Pearl, Ceraldi, C Shore, and The Wicked Oyster
5. Appointment papers for Full Time Police Officers, Special Police Officers, and Andrew Ryan
6. Letter from The Board to Dan McKiernan, MA DMF, re: Appointment of Andrew Ryan as Seasonal Deputy Shellfish Constable
7. DLS Bulletin dated May 2020, re: An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19
8. Memo about Fuel Tanks at Marina
9. Historical list of Marina Fuel Sales from 2010-2019
10. Town Administrator's Report
11. Correspondence report
12. Draft minutes of the May 26, 2020 and June 2, 2020 meetings