

Approved in draft on August 25, 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, August 11, 2020 at 7pm
Zoom Virtual Meeting**

Selectboard Members Present: Chair Michael DeVasto; Janet Reinhart; Helen Miranda Wilson; Justina Carlson; Ryan Curley

Also Present: Town Administrator Maria Broadbent; Assistant Town Administrator Mike Trovato; Executive Assistant Courtney Butler; Police Chief Michael Hurley; Fire Chief Rich Pauley; Moderator Dan Silverman; Health Agent Hillary Greenberg Lemos; Community Services Director Suzanne Thomas; Shellfish Constable Nancy Civetta

Chair DeVasto 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

- Curley shared that he attended the School Committee Meeting this morning and said that the playground has been deemed unsafe.
- Curley shared that school will begin September 16 and parents have the option of sending their children remotely or in-person. Please contact the school district for more information about the start of the year as well as assistance with technology.

COVID-19 UPDATES AND RECOMMENDATIONS

Lemos said that all the results are back from those who were tested and there was only one positive. Carlson asked how many were tested; Lemos said there were 200 total registrants, with at least 100 tested from Wellfleet. Wilson asked how many food/liquor establishments in Town have been out of compliance in the last 2-3 weeks; Lemos said she cannot give an exact number right now but said she receives complaints daily, from many establishments in Town – from something as “the host was not wearing a mask”. Lemos said complaints come in on all establishments regularly but that they all come into compliance quickly. She said she is not concerned with the restaurants and their staff. DeVasto asked how long it usually took for a restaurant to come into compliance if a violation is found; Lemos said the restaurants are happy to hear from her as well and most come back into compliance after the phone call. DeVasto said it was good to hear that restaurants are working to be in compliance and with the Board of Health and Lemos.

Extension of Beach Sticker Season Through September 27, 2020 [Curley]

Thomas said she was not sure what the goal of the extension, recommended by Curley, was, saying that if it was to make additional revenue, that will not happen. She said that the revenue made would be enough to cover costs. DeVasto said he was in favor of this, saying he thought there would be a protracted season, and that it would make sense if there were enough people going to the beaches. Curley said the intent is to help control potential crowds. Curley also suggested that remote school learning will entice people to take trips to Wellfleet, and also cited September being the busiest season for sharks.

Thomas said she agrees that there should be lifeguards at the beaches through the end of September. She also said that 2 real-time receivers, from Dr. Greg Skomal and the Division of Marine Fisheries, have been placed to track sharks more accurately. Carlson agreed with Curley. DeVasto asked if reduced rates could be offered for the extended season; Suzanne said that if the Board, who

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manages fees, wished to reduce the rate she could come up with a proposal. Wilson disagreed, saying that fees should remain the same to try to help with the deficit. Carlson agreed with Wilson. There was further discussion. Thomas suggested dropping the one-week visitor sticker from \$95 to \$75 and the 3-day visitor sticker from \$60 to \$50.

Reinhart was in favor of the recommended extension and asked when the reduced price would begin. Curley did not have a strong opinion on the fee. Thomas said the reduced fees would go into effect September 8, after Labor Day.

- Wilson moved to extend the beach sticker season through September 27, 2020, as recommended by the Beach Administrator.
- Curley seconded, and the motion carried 5-0.

Letter to the newspaper to address support for wearing of masks [Reinhart]

Reinhart said she did not feel a letter needed to be written as the Board has had a very unified voice in support of wearing masks and complying with social distancing. DeVasto said the Board has made it clear that they take compliance seriously and have also worked hard to make sure visitors feel welcome and safe, and that he expects visitors to take it seriously as well.

- No action taken.

Wellfleet Chamber of Commerce Update [Carlson]

Lara Henry, from the Chamber of Commerce, and provided the update. She said that since the pandemic, the Chamber has become a source of information for their more than 200 members. Henry thanked Health Agent Lemos for her assistance in helping businesses during this time and for providing much need support. Henry said that, across the board, businesses are having less traffic and have also had to reduce hours and/or days of operations. She said that they are also hearing that customers are happy to comply and wear their masks. Henry said the Chamber participates in a bi-weekly call with other Cape Cod Chambers and learned that there was an increase in cancellations due to the Governor’s August 1 travel order; weekly rentals are having a great year but, motels are not having as strong of a summer.

Chamber Board member Robert “Boo” Morrill said he spoke with two managers of medium-large size lodging facilities who say that there is an enormous amount of events, mainly weddings, that have been cancelled, and that one man establishment has sent back \$400,000 in deposits. Chamber Board member Martha Wilson has also had cancellations but had a waiting list in hand to fill those spots. Chamber Board member Molly Kasakoff added that the Chamber placed sandwich boards around Town to reiterate COVID guidelines, as well as had many meetings with administration staff.

BOARD/COMMITTEE APPOINTMENTS AND UPDATES

Lance Miller – Bike and Walkways Committee

DeVasto asked if residency was requirement, noting that Miller was not yet a resident of Wellfleet. Wilson said that it was not required. Curley said that Miller was not even a tax payer and did not know if people should be appointed if they are not committed to Wellfleet. He said he did not want to set a precedence. Carlson also did not want to appoint Miller until he was here.

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DeVasto said that, given recent circumstances, anyone can participate virtually from anywhere, and said that he was hesitant in not having criteria to require how long (during the year) someone has to be in the Town to serve on a committee.

- No action taken.

Increase membership of Local Housing Partnership from 9 to 10 members

Reinhart asked what the 10th member would be doing; Gary Sorkin, member of the Housing Partnership, said that there is a taxpaying member, Sharon Rule Agger, who wished to join. Wilson said this was good.

- Wilson moved to increase the membership of the Local Housing Partnership from 9 to 10 members; 6 Community, 1 Housing Authority, 1 Open Space, 1 Planning Board, 1 ZBA; staff assistance; Inspector of Buildings, Health and Conservation Agent, ATA/Town Planner.
- Reinhart seconded, and the motion carried 5-0.

Discussion of Oversight of Rights to Public Access and Possible Creation of Rights of Public Access Committee [Curley]

Curley said this issue goes back a long time, and that the connections in the Town to its waterways is extremely important. He said the goal of the Rights to Public Access Committee is to maintain and possible increase the access to public lands and to be a central body to investigate and handle these issues for the Town.

Jim Falcone, community member whose recommendation brought this discussion about, was present. Reinhart said she was in favor of this but asked how much could the Committee do with regard to all the protections and restrictions. Falcone discussed a few issues in Town that the Committee can work with immediately to resolve. Wilson said attention to these issues was important but that there are a lot of issues that also need to be attended to. Wilson recommended that boards and committees that will have to make actual, legal decision about these things be the people to whom these issues are brought to directly. She did not feel that another committee was needed in addition to the other committees that already work on these land-related issues. There was further discussion.

Audience member Kathleen Bacon thanked Curley for bringing this forward and said she agreed with Wilson that there are a number of designated committees for handling land issues. Civetta said that she and Falcone have been working for a while discussing the problems that she and her department see everyday and that she was in favor of a dedicated committee. Audience member John Riehl, who is a member of the Natural Resources Advisory Board, was in support of the committee being created.

- Wilson moved to establish the Rights of Public Access Committee, with a charge and membership as follows:

Charge:

In accordance with the Wellfleet Town Charter, the Selectboard hereby establishes the Rights of Public Access Committee with the following Charge:

Maintaining, re-establishing, or improving the publics' rights of access to town landings, rights of way, or other means of public access within the Town of Wellfleet.

Membership:

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The Rights of Public Access Committee shall be composed of five (5) members; all members will be appointed by the Selectboard. And this charge establishes an overlapping appointment period; the following appointments will be made initially:

- Two for two years
- Three for one year

After the expiration of the initial terms, all terms will be for two years.

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

Jim Falcone – Rights of Public Access Committee

There was no discussion.

- DeVasto moved to appoint Jim Falcone to the Rights of Public Access Committee for a term ending June 30, 2022.
- Reinhart seconded, and the motion carried 5-0.

Termination of Dan Hoort as a member and appointment of Maria Broadbent to the Herring River Executive Council [Wilson]

Wilson said that, since Hoort is no longer the Town Administrator, that Broadbent should be appointed to the Executive Council in his place, per MOU IV. Broadbent said she was happy to fill the role and excited for the opportunity.

- Per Section 6 of MOV IV, DeVasto moved to terminate Dan Hoort as a member of, and appointment Maria Broadbent to, the Herring River Executive Council.
- Reinhart seconded, and the motion carried 5-0.

BUSINESS

Approval of Conduit Installation at 115 Cahoon Hollow Road for Eversource

There was no discussion.

- Reinhart moved to approve the installation of approximately 75 feet conduit and cable electrical service is necessary for the customer at 115 Cahoon Hollow Road.
- Wilson seconded, and the motion carried 5-0.

Approval and Signature of Climate Change Adaptation Project with Horsley Witten

Lemos said this is a project of the Conservation Commission to revise their regulations for Climate Change Adaptation, and the first step is a rewrite of the Bylaws. She said the funding for that, as well as this project, came from the Cape Cod Commission’s DLTA grant program and the Conservation Commission Fund. Wilson said that, because this was over \$10,000 but less than \$50,00, that she that procurement procedures took place; Lemos said yes.

- Wilson moved to approve the contract with Horsley Witten Group, Inc. for the Climate Change Adaptation Project, in the amount of \$32,400, and authorize the Town Administrator to sign it.
- Reinhart seconded, and the motion carried 5-0.

Finalize and Close the 2020 Special Town Election Warrant [Town Clerk]

Wilson asked audience member Jim Hood about ballot question 1, Water System Upgrade, to share his work on that project. Hood said that time is closing in on the application for a MassWorks grant and asked if this should be deferred until the spring instead. Hood said that however, he can still work through the MassWorks grant. He was mainly concerned that there will not be enough support

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at the ballot for the upgrade. There was further discussion. Wilson said that it was worth waiting until the spring.

Butler reminded the Board and Hood that the election is taking place before Town Meeting and that it could very well be passed at the ballot before the Town Meeting happens. Wilson asked that the question include more detailed language about the scope of work.

Wilson made the following suggestion: *“Question 1: Shall the Town of Wellfleet be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the planning, designing and construction of a new water main, bidding and bid documents and related infrastructure on ~~Route 6 and Briar Lane~~ to improve the hydraulic flow of water from the Town’s secondary water source, including the payment of all costs incidental or related thereto?”*

Chief Pauley was not in favor of changing the language, noting fire protection on Briar Lane. Carlson felt the proposed changes by Wilson weaken the question; DeVasto agreed.

- Carlson moved to close the 2020 Special Town Election Warrant.
- DeVasto seconded, and the motion carried 4-1, with Wilson opposed.

Selectboard response to correspondence [Reinhart]

Reinhart, citing numerous letters received with regard to short-term rentals, said she was surprised to hear that individual members were responding to emails/letters. She felt that it was important that if a letter is written to the Board that the response is cohesive and that other members know what is being responded to and how. Reinhart cited the Selectboard Correspondence Policy, which says “All communications written by any Selectman sent in the name of the Board of Selectmen shall be reviewed by the Board prior to dispatching.” She said that if it is made clear that a response is not on behalf of the Board, but from an individual, that is fine.

Reinhart asked the Board to agree to a more concrete policy that includes language about response and how Town staff will assist in responding; DeVasto agreed. Reinhart asked the Board to CC all other members when responding. There was further discussion.

Wilson said that the Board could go through the process to edit the policy and volunteered to start the leg work. Carlson said it was tough because she wants to be responsive to the constituents but noted that the letters come in addressed to the Board, reiterating that it was not appropriate for one member to respond on behalf of the Board. DeVasto again noted that it was important to clarify that responses coming from individual members are clearly stated such. Curley was against restricting Board member ability to respond to constituents and asked how staff responds on their behalf. Butler said she always CCs the Board if she responds on their behalf, but it is rare for her to do so because a majority of the emails are simply people expressing their concerns.

Broadbent noted that the emails come to herself, Butler, and Trovato as well. She suggested adding an automatic reply to the email stating that Board members have received the correspondence and may respond individually.

Audience member Josh Yeston said he appreciated the individual responses of the Board members. He also asked that all letters be posted publicly for the public to see. DeVasto directed Yeston to submit a public records request.

- No action taken.

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Discussion of Town Administrator Performance Evaluation [Curley]

Curley said he felt it was important for Broadbent to know the Board’s priorities for her. Broadbent said that there are things that may have not been on the Board’s radar that maybe should be, and these may or may not be the Board’s priority but are hers. DeVasto felt the evaluation was comprehensive and straightforward. DeVasto suggested a future meeting to discuss priorities and goals. There was further discussion about evaluation standards. The Board will have a future meeting to work through this.

SELECTBOARD REPORTS

- Wilson: meeting with National Park Service staff to look at a possible land exchange to aid in the Herring River Restoration Project
- Curley: ADA access at Town beaches; spoke with Thomas to discuss expanding accessibility at all beaches

TOWN ADMINISTRATOR’S REPORT

Broadbent described her report which reflects her first week of work. She said that she is in the office on Tuesdays and Wednesdays until she is permanently settled.

This report is for the period July 28 through August 7, 2020.

1. General
 - Town buildings remain closed as precaution to the COVID-19 virus. Town staff is available by appointment.
 - Following Governor Baker’s directive staff has been directed to continue to work from home whenever possible.
 - Staff members sharing an office alternate their time in the office
 - Town Administrator plans to work in person on Tuesday afternoons and on Wednesdays until mid-afternoon
 - Plans continue for holding Annual Town Meeting on September 12 at the elementary school ballfield
2. Fiscal Matters
 - Monitoring events as they relate to finances.
3. Meetings – All meetings are via conference call/Zoom
 - July 28 – Introduction meeting with Finance staff
 - July 30 – Introduction meeting with Police Department
 - July 31 – Introduction meeting with COA/Recreation staff
 - August 3 – Introduction meeting with Health/Conservation staff
 - August 4 – Emergency Management Team
 - August 6 – Introduction meeting with Shellfish Department
4. Complaints.
 - Concern about an establishment’s possible violations of COVID-19 orders
 - Concern about the condition of the elementary school playground
5. Personnel Matters:
 - None

TOPICS FOR FUTURE DISCUSSION

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- Wilson: Selectboard correspondence
- Wilson: Selectboard goals
- Wilson: discuss process with Broadbent; TA Performance Evaluation
- Wilson: NPS land exchange information
- Curley: rail trail extension and Route 6/Main street improvements
- Curley: response to David Agger's email, which was received by the Board on August 7, 2020 and is about Support for CPC Cemetery Commission Funding
- DeVasto: Selectboard social media policy

CORRESPONDENCE REPORT

There were no comments.

MINUTES

July 28, 2020

- Reinhart moved to approve the minutes of July 28, 2020 as printed.
- Wilson seconded, and the motion carried 4-0-1, with Wilson abstained.

August 4, 2020

- Reinhart moved to approve the minutes of August 4, 2020 as printed.
- Wilson seconded, and the motion carried 4-0-1, with Wilson abstained.

ADJOURNMENT

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

The meeting adjourned at 10:00pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Documents available as of 8/11/2020:

1. Memo from the Beach Administrator, dated August 5, re: Beach Stickers Extended through September 25, 2020
2. 2019 Beach Costs; 2020 Projected Costs; 2019 Sales last week of August
3. Appointment papers for Lance Miller and Jim Falcone
4. Letter from Lance Miller, re: Appointment to Bike and Walkways Committee
5. Memo from the Principal Clerk, dated August 6, re: Membership of Local Housing Partnership
6. Section 6 of MOU IV – Herring River Executive Council
7. Request for Conduit Installation papers from Eversource for 115 Cahoon Hollow Road
8. Climate Adaptation Regulations contract with the Town of Wellfleet and Horsley Witten Group, Inc.
9. Draft letter to Voters from the Town Clerk
10. 2020 Special Town Election Warrant
11. 2020 Town Administrator Performance Evaluation

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12. Town Administrator's Report
13. Correspondence Report
14. Letter from David Agger, received August 7, 2020, re: Support for CPC Cemetery Commission Funding
15. Draft minutes of the July 28, and August 4, 2020 meetings.