

*Approved September 8, 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 25, 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; 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**

- Chief Hurley announced the resignation of Sabrina Fitzgerald, Dispatcher, we wish her all the best. He announced that Evangeline Calkounes has been hired as the new dispatcher.
- Chief Hurley reminded the audience, after 2 incidents of vandalism, that the department has no tolerance for vandalism of any kind on any personal or public property.
- Wilson said that it was time to mourn the passing of Peter Watts, who served on the Zoning Board for many years, as well as served as a property owner in the National Seashore. She thanked him for his service and wished him peace in rest.
- Butler announced that the September 1, 2020 Primary Election Polls will be open from 7am -8pm Wellfleet Council on Aging. The Special Town Election will take place on Tuesday, September 8, from Noon-7 PM at the COA. Mask and glove wearing are encouraged and appreciated!

**PUBLIC HEARINGS**

***Transfer of Shellfish Grant #2008-01 from Ralph W. Bassett to Ralph W. Bassett and Russell A. Junkins***

DeVasto recused himself from this topic and asked Reinhart to lead the discussion and vote. Reinhart asked how grants go back into the Town, through a lottery; Wilson said that this happens when there is no one left on the grant. Reinhart was concerned with younger people coming to work in the Town, hoping to bring them in. Wilson said that in most cases, younger people do get to be added to grants after a long period of commitment, it is a big deal to be added to a grant. Carlson agreed, saying it was great when someone completes an apprenticeship.

Carlson asked about the location of the grant and was concerned of giving a half acre to an 8-year-old. Civetta clarified that Junkins is a gentleman who has been requested to be added to Bassett's grant. Junkins hopes to use the .5 acre to teach his 8-year-old grandson, the grant would not go to the 8-year-old; Junkins also owns a 1-acre grant, contiguous to #2008-01. Wilson said there is nothing that this applicant lacks to have the transfer approved, saying there is nothing debatable about qualifications. Wilson said that the regulations are very clear.

- Wilson moved to approve the transfer of shellfish grant #2008-01 from Ralph W. Bassett to Ralph W. Bassett and Russell A. Junkins, as recommended by the Shellfish Constable.
- Curley seconded, and the motion carried 3-1, with Carlson opposed and DeVasto recused.

## **ROUTE 6 AND MAIN STREET INTERSECTION PROJECT UPDATES**

DeVasto clarified that this is about the Department of Transportation (DOT) project, not the Department of Conservation and Recreation (DCR). Jill McLaughlin, Stantec, said that they recently submitted a 25% design submission to MA DOT, and the Board and Town was alerted to this submission. She said the intent of the letter is just to get feedback from the community and hear any concerns they would like addressed; there will be a formal public hearing in the future. Following this, there will be more submissions following the same process.

DeVasto asked the Board to ask questions individually, keeping it just to this limit of work – the DOT project – and to provide comments:

- Wilson: does not feel that the concerns heard previously are reflected in the 25% designs proved; the traffic light has not been addressed as requested on October 22, 2014.
- Curley: will Duck Creek be impacted, if so, how?
  - McLaughlin: Stantec has been asked to replace the headwall and the only impact is the result of replacing that
- Curley: at Main St./Route 6 intersection, will there be a concrete divider between the two lanes of traffic?
  - McLaughlin: Yes, the divider will be removed, and a left pocket will replace it
- Curley: culvert under Main St to Haas Pond
  - McLaughlin: DOT is working with another consultant to evaluate the flood gate and potentially conduct a hydraulic analysis
- Curley: stormwater management
  - McLaughlin: proposing some leeching galleys in the project area but will need to check back with drainage engineers about the impacts of nitrogen removal; a stormwater basin was evaluated with the 25% and there was not enough separation to have it function properly.
- Curley: not in favor of project because of bicycle and pedestrian issues, but in support of road improvements overall
- Reinhart: how elevated are the sidewalks down Main St/Route 6 and will they be flush?
  - McLaughlin: 6 inches on Main Street and 4 inches on Route 6; business driveway access points will be accommodated
- Reinhart: will there be guard rails or any sort of barrier for the intersection?
  - McLaughlin: there are no boundaries or islands proposed currently but bollards could be an option
- DeVasto: concerned with number of revisions that have taken place to accommodate more increased recreational bike travel; highway needs to be made safer for cyclists and pedestrians
  - McLaughlin: DOT released requirements for bike/pedestrian access, which indicate that either buffered bike lanes or a separate facility (shared use path) is required on highspeed roadways. 10-foot wide sidewalk and a bike lane will be provided for cyclists to use when going beyond the terminus.
- DeVasto: concerned with having two-directional bike-traffic alongside a congested highway with several curb cuts
- DeVasto: not sure about sidewalks on Main Street, but does not want to impose on parking for business

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- Civetta: flow is needed into and out of Haas Pond, which is currently drying up because of the copper valve
- Reinhart: also concerned with a safe roadway for pedestrians and bicyclists
- Carlson: thank you to Stantec for coming to the March 10 meeting and for listening to the community and for assessing those concerns
- Curley: when will the public hearing be and when will the Town hear further?
  - McLaughlin: Initial responses can be provided to concerns heard tonight, as well as about the 25% design plan with DOT; this will happen within the next few weeks
- Wilson: what is the formal process for requesting a waiver from the DOT?
  - McLaughlin: a design justification workbook needs to be put together to describe the impacts to, and justifications for, providing the adjustments
- DeVasto: has Stantec heard anything from the DCR?
  - McLaughlin: currently no date for when the project is ready to be advertised, but believed the full design is complete

DeVasto asked Butler to compile and send these comments to McLaughlin at Stantec. Wilson asked for all future project information to also be sent to the Board, not just department heads or other groups.

### ***Letter from the Selectboard to the Department of Conservation and Recreation, re: Rail Trail Extension***

DeVasto said this letter would also go to the Governor and Lt. Governor Polito. He read his letter aloud, which is available as a public document for this meeting.

- DeVasto moved that the Board send a letter, as drafted by DeVasto with proposed amendments, to the Department of Conservation and Recreation, Governor Baker, and Lt. Governor Polito.
- Wilson seconded; discussion:
  - Wilson said there were a few typos and said the last sentence of the second paragraph of the letter should read as “smaller gatherings with ~~DCR staff~~ the staff of the DCR and the DOT.” She asked that the last sentence of the fourth paragraph read “We ask that in future planning, the DCR work with the Town *and DCR staff* to seek alternative routes....”
  - Curley expressed his great disapproval of the Rail Trail Extension project.
  - Reinhart asked DeVasto to use a word other than “merging” when describing how the trail ends and meets Route 6; she noted that there will be a physical terminus and parking lot for people to understand that they’ve reached the end of the trail. There was discussion about the verbiage.
  - Brian Carlstrom, Cape Cod National Seashore Superintendent, commented that the Seashore is in favor of the project and has spoken with the Bike and Walkways Committee
- Wilson moved to send the letter as drafted and amended at this meeting.
- Curley seconded, and the motion carried 3-1, with Reinhart opposed (Carlson’s connection dropped from the Zoom call and she was no longer present).

### **COVID-19 UPDATES AND RECOMMENDATIONS**

#### ***Approval of 1/12<sup>th</sup> Budget for September***

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- DeVasto moved that the Selectboard approve the Town Administrator’s FY21 1/12th Budget Plan for the month of September in the amount of \$1,929,922 to be submitted to the Department of Revenue per Section 5 of An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID19, Chapter 53 of the Acts of 2020.
- Reinhart seconded, and the motion carried 4-0.

Curley asked about room taxes taken in since July.

- DeVasto moved that the Selectboard approve the Town Manager’s FY21 1/12th Enterprise Fund Budget Plans for the month of September in the amount of
  - \$61,500 for the Marina Enterprise Fund and
  - \$28,600 for the Water Enterprise Fundto be submitted to the Department of Revenue per Section 5 of An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID19, Chapter 53 of the Acts of 2020.
- Reinhart seconded, and the motion carried 4-0.

#### ***Fees for Beach Stickers after Labor Day***

Thomas said that after due consideration, she does not recommend a discounted price for beach stickers after Labor Day. She noted that people who stay from the end of August through the Labor Day week will have two different price points, and other logistical matters related to pricing. DeVasto said he hoped that people still bought stickers.

- No action taken.

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

#### ***John Riehl of Rights of Public Access Committee***

There was no discussion.

- Reinhart moved to appoint John Riehl to the Rights of Public Access Committee for a term ending June 30, 2022.
- DeVasto seconded, and the motion carried 4-0.

#### ***Sharon Rule-Agger to the Local Housing Partnership***

There was no discussion.

- Reinhart moved to appoint Sharon Rule-Agger to the Local Housing Partnership for a one-year term.
- Wilson seconded, and the motion carried 4-0.

The Board thanked both applicants for their service to the community.

### **BUSINESS**

#### ***Town Meeting Expectations***

Silverman discussed his suggested expectations of the Board at Town Meeting. His suggestions are outlined in a memo to the Board, which is available as a public document for this meeting.

Silverman’s main suggestion was the one member, perhaps the Chair, make all the motions at Town Meeting. This would reduce the passing back and forth of microphones and movement among

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participants. The Board felt that this would be a good idea and that DeVasto would be best suited to make the motions.

There was further discussion about Town Meeting set up and process.

Wilson was concerned about notifying voters of a cancellation and rain date, should that occur. Silverman noted that the rain dates are online, and the Town could utilize the reverse-911 system, Town website, and signs to notify voters if the meeting date should change.

Carlson briefly rejoined the call and asked about concern of the length of the meeting; Silverman assured that he would take all necessary and appropriate steps to ensure that business is conducted but that people do not speak for too long if it is unnecessary.

Silverman announced the Pre-Election Forum on Monday, August 31, at 5 PM on Zoom, and the Pre-Town Meeting Forum on Wednesday, September 9, at 7 PM also on Zoom.

***National Park Service Land Exchange [Wilson]***

Carlstrom and Lauren McKean, Park Planner, were present from the Park and Carole Ridley was present from Ridley & Associates. Carlstrom said this land exchange is regarding the Herring River Restoration project, specifically to address low-lying roads. He then described the process of a land exchange which can take place under the Memorandum of Understanding between the Town and the Seashore. Carlstrom mentioned there were a few options.

Wilson said that this is where the Board identifies what is possible and she that the Board would need to discuss it carefully. Wilson was glad to hear that there were options, as mentioned by Carlstrom. Curley asked about the size of the land; Carlstrom said about 2.5 acres at just the High Toss Road exchange. Curley asked about Bound Brook; Carlstrom said there were a few options there. Wilson said there are sections along High Toss Road as well as along 3 other low-lying roads that need to be raised, but there was no exact number of square feet or acreage. Wilson also noted that the Park and the Miller-Frederickson's will be working on an exchange as well. Carlstrom said the exact acreage for the project is not known but is in the ballpark of 2-4 acres. There was further discussion.

Curley asked why the exchange was taking place with High Toss Road; Carlstrom explained that it needs to be raised to accommodate the Herring River Restoration project. Wilson described the purpose and project further. Curley asked to see other possible options; Carlstrom said the Landing Strip, a parcel at the COA, and a parcel at the Gut, are parcels the Park is willing to discuss. Ridley said the Herring River Executive Council has been discussing the High Toss Road area in recent meetings. She then discussed the project design.

McKean said there are 40 parcels between these four roads up for discussion: Pole Dike, Bound Brook Island, Old County, and High Toss. She said a final list should be available within the next month.

Carlson asked for more information about the Herring River Executive Council and their authority in discussing this, as well as those involved in the land exchange discussions. There was further discussion about the process.

***Discussion of Process for Mail-In Voting and the Importance of Completing the 2020 Census [Reinhart]***

Reinhart provided a brief update about mail-in voting and the Census:

- Census: August 5, Wellfleet is at a 30.1% response rate
  - Due date is now September 30
  - Complete online (2020census.gov), by mail, or by phone (844-330-2020)
- Mail-in Voting: deadline to apply is August 26
- Early voting in person this week: 8:00 am to Noon and then 1:00 pm to 4pm; please come to the front doors (facing Main Street), the back door is open for handicapped accessibility. Other Town departments are open by appointment only, please be respectful. Masks are required.
- Early Voting – Primary: There will be two weeks (and two weekends) of in person early voting for the Presidential Election, October 17<sup>th</sup> -30<sup>th</sup>. The weekend hours will be from 10am- Noon. Weekday hours will be regular office hours (8-12 Noon/1-4 PM).
- Further information about the Census and Voting can be acquired from Jennifer Congel, Town Clerk at 508-349-0301 and [TownClerk@wellfleet-ma.gov](mailto:TownClerk@wellfleet-ma.gov)

***Schedule for Installation of a Memorial Bench for Arthur Medici at Newcomb Hollow Beach – Cape Cod Ocean Community***

Heather Doyle, of the Cape Cod Ocean Community, was present. She described the bench for Arthur Medici, who lost his life in a shark attack in 2018, which her group raised funds to purchase. Wilson clarified that the DPW would decide where to place the bench.

- DeVasto moved to permit the scheduling for the installation of a memorial bench for Arthur Medici at Newcomb Hollow Beach, as authorized at the August 27, 2019 meeting of the Selectboard, by the Cape Cod Ocean Community with the approval of the Wellfleet Department of Public Works and Wellfleet Beach Department.
- Reinhart seconded, and the motion carried 5-0.

***Response to letter from the Cemetery Commission, dated August 10, 2020, re: Support for CPC Funding for Wellfleet Cemetery Commission (Warrant Article 16)***

DeVasto felt the letter came off as if the Board felt the work done by the Commissioners to restore the headstone in the past was disrespectful to the dead.

- DeVasto moved that the Selectboard send a letter to the Cemetery Commission, as drafted by Selectman Curley with proposed, in response to their letter dated August 10, 2020, about Support for CPC Funding for Wellfleet Cemetery Commission, Warrant Article 16.
- Curley seconded, and the motion carried 5-0.

**SELECTBOARD REPORTS**

- Wilson: APCC testing water in ponds
- Wilson: worked with Moderator Silverman to discuss language of the warrant article regarding the water system upgrade

**TOWN ADMINISTRATOR'S REPORT**

This report is for the period August 8 through August 21, 2020.

1. General

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- 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.
  - 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 – Most meetings are via conference call/Zoom
- Continue general introduction meetings with staff
  - August 13-Herring River Executive Council
  - August 17-Jill McLaughlin, Stantec, re Route 6 project
  - August 19-Emergency Management Team
  - August 19-Concerned Citizens for a Sensible Wellfleet Bikeway-re Rail trail extension project
  - August 19-Lower Cape Managers re Comcast agreements
  - August 19-Tim Smith, NPS ecologist re High Toss Road/Herring River Restoration options
  - August 20-Dredging Task Force-harbor dredging project
4. Complaints.
- None
5. Personnel Matters:
- None

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

- Wilson: policy reviews, revisions, and updates
- Wilson: correspondence policy
- Reinhart: Bike and Walkways Committee presentation of alternative bike path plan
- Curley: Planning Board meetings
- Carlson: Emergency Management Team meetings

#### **CORRESPONDENCE REPORT**

- Wilson: letter from the Bartletts

#### **MINUTES**

##### ***August 11, 2020***

- Reinhart moved to approve the minutes of August 11, 2020 as printed.
- DeVasto seconded, and the motion carried 4-0-1, with Wilson abstained.

#### **ADJOURNMENT**

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

The meeting adjourned at 10:30pm.

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Respectfully submitted,

Courtney Butler,  
Secretary

Public Records Documents available as of 8/25/2020:

1. Public Hearing Papers for Transfer of Shellfish Grant #2008-01 from Ralph W. Bassett to Ralph W. Bassett and Russell A. Junkins;
2. Presentation materials from Stantec: 25% Construction Plans and letter dated July 24, 2020, re: Route 6 at Main Street Intersection Improvements, Wellfleet, MA;
3. Minutes from October 22, 2014 minutes with DOT and Stantec;
4. Memo from the Town Administrator dated August 14, 2020, re: Approval of 1/12<sup>th</sup> Budget for September 2020;
5. Memo from the Beach Administrator, dated August 14, re: Fees for Beach Stickers after Labor Day;
6. Appointment papers for John Riehl and Sharon Inger
7. Information sheet from the Town Moderator, "What to Expect When Expecting to Attend the 2020 Annual Town Meeting";
8. Memo from the Moderator, re: Town Meeting Expectations
9. Supporting Documents for NPS Land Exchange: Assessor's Map 42, Exchange Checklist, Impact Maps;
10. Request from Heather Doyle, Cape Cod Ocean Community, to install memorial bench for Arthur Medici at Newcomb Hollow;
11. Minutes of the August 27, 2019 Selectboard meeting;
12. Draft letter from the Board to the MA Dept. of Conservation and Recreation, re: Rail Trail Extension
13. Town Administrator's Report
14. Correspondence Report
15. Letter from David Agger, received August 7, 2020, re: Support for CPC Cemetery Commission Funding
16. Draft minutes of the July 28, and August 4, 2020 meetings.