

*Approved November 10, 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, October 27, 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; Health Agent Hillary Greenberg-Lemos; Town Treasurer Miriam Spencer; Community Services Director Suzanne Grout Thomas; Shellfish Constable Nancy Civetta; Assistant Harbormaster Will Sullivan;

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: Thanked Jennifer Congel for her efforts on early voting.
- Audience member Lilli Green, Assembly Delegate: discussed the Barnstable County Assembly of Delegates work to support Direct Shellfish Sales with Governor Baker. Please watch, attend, or submit comments to the Janice O'Connell at Barnstable County.
- Butler: The Secretary of the Commonwealths office is recommending that Ballot Boxes be moved to a location in which they can be monitored, due to what happened in Boston on Sunday. The Wellfleet box will be moved from outside of Town Hall on Wednesday, October 27, to the main vestibule at the Police station. The vestibule is open 24 hours a day, is monitored and has handicapped accessibility.

**COVID-19 UPDATES AND RECOMMENDATIONS**

***Cashflow Update & Proposed Short-Term Borrowing***

Spencer said that pre-paid tax revenues (\$74,232) as well as Rooms & Meals Tax revenues (\$554,783) have arrived and the need to use a short-term borrowing loan is no longer present. Instead, borrowing would be done internally. DeVasto asked if the Stabilization Fund require a Town Meeting vote; Spencer said no, and Broadbent said this would not be funds borrowed from the Stabilization Fund.

Wilson asked where the funding, of \$1,021,395 for a payment to the Nauset School District, would come from. Spencer said that she would use whatever cash was on hand, with the Selectboard's permission. Wilson asked if this was best route to cover the payment, saying she wanted to ensure payroll would still be met, for example. Spencer said whichever fund the money comes from would be backfilled.

Curley noted that the Tax Rate had not yet been set, indicating at least a month of time that will pass before they are sent out. Broadbent explained that the State system was complicated and that the assistance from Rich Bienvenue, of Eastham, was assisting them in entering information correctly. Curley asked when the tax bills would go out; Spencer said she was meeting with Bienvenue tomorrow and hoped to make progress this week.

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Carlson asked, if the tax bills were going to be sent out later, what it did to the cashflow. Spencer discussed the many factors at play and then said that the Town was looking to hire a contractor to assist in the accounting department, someone who has helped before.

Fred Magee, Finance Committee Chair, noted that the internal funds are a zero-sum, indicating that they will not replenish themselves and will hit a \$0 balance at some point. He expressed concern of going into the holidays, in a pandemic, assuming people will pay their taxes right away. Spencer said that this was more of a dire tone than necessary, and noted the amount received in pre-paid taxes thus far as well as the housing market and turnover in homes.

Wilson said that more than \$1 million was needed; Spencer said that this money was the one piece that could not be covered under the current cash on hand. Curley noted the payroll and vendor amounts per cycle, which were ranged from \$819,00 to \$964,000. He said that the Town could make it through 4 pay cycles with cash on hand and expressed overall concerns for the accounting matters. There was further discussion.

Chief Hurley discussed the COVID expenditures, saying they were expecting at least \$150,000 from FEMA. Chief Pauley expressed concerns about cashflow. DeVasto asked that the motion stipulate that the Stabilization Fund be used.

- Wilson moved to approve the use of short-term borrowing, as recommended by the Treasurer, in the amount of \$1,021,395.00.
- Carlson seconded, and the motion carried 5-0.

### ***Return-to-Work Plan***

DeVasto and Wilson provided amendments to the drafted Plan prior to the meeting, which Butler shared with the audience. Wilson spoke to her amendments regarding face coverings, which she amended for clarity and requirement. Wilson noted that once this Board approved this plan, it became mandatory to follow. DeVasto noted similar amendments and one other that provide accommodations for staff who travel and need to isolate per the Governor’s Travel Order or need to isolate for other reasons. Broadbent asked about laborers, or staff who do not work in an office environment. DeVasto said that if it could be accommodated, by providing other work from home, that is should be made. He noted that it was the State guideline; Broadbent noted two current situations, one in which the staff member took sick time because the nature of their work could not be done from home. There was further discussion of accommodations for remote work.

There was discussion of different testing methods that could possibly be required by the State and it was determined that the “molecular PCR” test would be required, with a negative result, to return-to-work.

- Wilson moved that the Board approve the COVID-19 Mandator Safety Standards and Workplace Training Manual as printed and amended.

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

#### ***Council on Aging Advisory Board – Request to Change Name of Senior Building***

Thomas was present and described the desire of 1/3 of the Town’s resident’s, aged 65 and above, to not go to a building that was associated with the word “Senior”. The request is to change the name to Adult Community Center. Evelyn Savage spoke in favor of the change. Brian Quigley said this was more of a brand change and noted that Barnstable has also changed its Senior Center name as

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well. Wilson asked why it could not simply be called the Community Center, and the Board agreed that a Community Center was bigger and offered more than this building could and did not want to discount the opportunity for one in the future. There was further discussion of the name change.

DeVasto said the change was simply of the building and that, with no offense, it would still serve as a “Senior Center”

- Reinhart moved to support the Council on Aging Advisory Board’s recommendation to change the name of the Senior Center Building to the Adult Community Center.
- Carlson seconded, and the motion carried 4-1, with DeVasto opposed.

***Rights of Public Access Committee – Conflict of Interest Disclosures for Sonya Woodman and Melissa Yow***

- Wilson moved that the Board has determined that the financial interest of Sonya Woodman and Melissa Yow is not so substantial as to be deemed likely to affect the integrity of the services which the town may expect from them as members of the Rights of Public Access Committee member. The disclosure is dated, respectively, October 7, 2020 October 8, 2020.
- Curley seconded, and the motion carried 5-0.

***Request for a Temporary Seasonal Allowance of Direct Sales of Shellfish Letter. Seasonal Allowance of Direct Sales of Shellfish Letter, and the Draft Guidelines for Direct Shellfish Sales [Curley]***

DeVasto recused himself and asked Reinhart to Chair this discussion. Reinhart asked Curley who would be responsible for this; Curley said he was working on guidelines with Joshua Reitsma, from the Cape Cod Cooperative Extension.

Wilson asked Civetta her thoughts on the matter; Civetta said she has spent a lot of time with many people involved from the County to the State. Reinhart asked to focus on the letter for now; Curley said the Board could send the letter first and indicate that they are working on guidelines. Wilson asked that the letter be sent to the Cape Cod Delegation, Senator Cyr and Representative Peake. Carlson asked if this was also a successful program in Maine; Curley said yes, it was legal by State law and there is a whole set of guidelines.

Curley clarified that he was asking for a temporary allowance, due to COVID-19. Sullivan asked that he be asked to work on the guidelines too. Civetta said this was a good effort, to go through the Governor and asked for input from the Board of Health as well. She did express concern for the time it would take to get this moving and asked to work with the Town’s current regulations and to also meet with the MA Department of Health and the MA Division of Marine Fisheries.

- Wilson moved to direct the Shellfish Constable to work with the Department of Health and the Division of Marine Fisheries and the Shellfish Advisory Board and the Shellfishing Community including the Wellfleet Shellfishermen's Association In order to develop a regulatory path to selling shellfish directly to consumers.
- Carlson seconded and the motion carried 4-0, with DeVasto recused.
- Wilson moved to send the letter requesting the allowance of Direct Sales of Shellfish, to the Governor, the DMF, DPH SAB, WSA, and the Cape Delegation, as drafted by Curley.
- Carlson seconded and the motion carried 4-0, with DeVasto recused.

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- Wilson moved that the Vice-Chair sign the letter, on behalf of the Board.
- Reinhart seconded, and the motion carried 4-0, with DeVasto recused.

### ***Municipal Affordable Housing Trust Fund***

DeVasto noted that Counsel confirmed that the Board did not need a Town Meeting vote to appoint member to this Fund Board. DeVasto expressed his interest in serving and the Board did not oppose. Elaine McIlroy, member of the Housing Authority, congratulated DeVasto on his efforts.

- Wilson moved to appoint DeVasto as the Selectboard to the Municipal Affordable Housing Trust Fund.
- Carlson seconded, and the motion carried 5-0.

## **BUSINESS**

### ***Request to Place Stairwell between the Town Hall Parking Lot and the Historical Society and Museum [Chair]***

DeVasto said he did not know why this was taking so long, as the intention was for the Historical Society to donate the stairwell on the Town land. Eric Winslow, of the Society, said it would be great to be able to gift this and have the stairwell in place by next Spring. He said the plans were approved by the previous Building Inspector and that he would also clear it with the new one when he starts.

Reinhart cited concerns with liability, the last time this request came before the Board. DeVasto noted that the Town has liability insurance. Wilson asked whose property it went on to; Winslow said it goes directly to the Historical Society property. Wilson noted that the stairwell would be built on Town property and asked if the Society would provide permission for the public to use the stairwell on the Society property. Winslow said that was fine, and the Society could provide a letter of agreement.

Kathleen Bacon, former Selectboard member, ~~cautioned the Board in accepting this gift~~ expressed concern for the Town not being indemnified against liability should someone have an accident; and while we know that the Town carries strong liability insurance, it's going to be a financial burden if someone takes a tumble down those stairs and sues the town. DeVasto disagreed and there was further discussion.

- DeVasto moved to accept the stairwell between the Wellfleet Historical Society and Museum and the Town Hall parking lot, as a gift to the Town, pending a letter of agreement between the Town and the Historical Society whereas the Historical Society is responsible for maintain said stairwell and allowing public access through their property.
- Reinhart seconded, and the motion carried 5-0.

The letter of agreement will be brought forth for approval at a future meeting.

### ***Marina Fuel Tanks Update [Curley]***

Sullivan provided the update, saying that the plan is almost ready to present to the Board. He said the preferred location of the tanks would be wear they are now. Sullivan said he would not know the cost until both plans, above and below ground, were provided. DeVasto asked for the engineer to come to a meeting of the Selectboard when the designs came in. Wilson said she understood that the Board agreed to have the tanks above ground and asked why the underground option was even

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being considered. Curley said that Article 23, voted on at Town Meeting, dictated that the tanks be above ground. There was further discussion.

- No action taken.

***Recommended changes to Town Accountant Position to Finance Director/Accountant [Town Administrator]***

Broadbent provided an overview of her recommended changes to the Town Accountant position. She was recommending a Finance Director/Town Accountant position, which would have 4 direct reports and asked for the Board's approval of this reorganization. Broadbent noted that the Personnel Board wished to see the job description as well.

Carlson did not feel that the current environment was not the right one to reorganize the department in and said the focus should be on an Accountant who can focus on the Accountant function. Carlson also suggested using an outside accounting firm to help with the current situation. Reinhart agreed with Carlson. Wilson said the position is titled Finance Director/Town Accountant, so their main function would be as the Accountant. Carlson said that other towns set the Accountant apart, as a separate position. There was further discussion.

Curley agreed that the issue of the Town Accountant and Town finances was the main issue that should be focused on.

- Curley moved to direct the Town Administrator, Maria Broadbent, to write a memo on her rationale for the termination of the previous Town Accountant and the current state Town finances and place it in the Selectboard office as confidential.
  - There was no second, as this motion was deemed inappropriate as it was not related to the agenda item at hand. Curley said it was hard to understand what is needed in an Accountant, without knowing what went wrong last time.

DeVasto said that the request for the Town Administrator to write a memo could be asked of in the Town Administrator report or as a future agenda item. There was further discussion about posting the Town Accountant position and the possible use of an Acting Accountant/Consultant.

- Carlson moved to approve the reorganization of the Town Accountant position as described in the memorandum provided to the Board for this meeting by the Town Administrator.
- Wilson seconded, and the motion failed 2-3, with Curley, Carlson, and DeVasto opposed.

***Revision of Selectboard Policy on Obtaining Legal Opinions. [Curley]***

- Wilson moved that amending the Selectboard's Policy on Obtaining Legal Opinions as printed in our packet is a good idea and that the Town Administrator distribute the DRAFT for review and comment, as specified in the Selectboard's Policy on Policies.
- Curley seconded, and the motion carried 4-1, with Reinhart opposed.

***Fuel Efficient Vehicle Policy Revision [Curley]***

- Wilson moved that amending the Selectboard's Policy on Fuel Efficient Vehicles as printed in our packet is a good idea and that the Town Administrator distribute the DRAFT for review and comment, as specified in the Selectboard's Policy on Policies.
- Curley seconded, and the motion carried 4-1-1, with Reinhart opposed and Carlson abstained.

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## **SELECTBOARD REPORTS**

- There were no reports.

## **TOWN ADMINISTRATOR'S REPORT**

There was no discussion.

This report is for the period October 9, 2020 through October 23, 2020.

### **1. General**

- Town Hall remains closed to the public, except by appointment only, as precaution to the COVID-19 virus. Town staff is available by appointment.
- The Health/Conservation Agent and a retired medical professional member of the Board of Health toured Town Hall to determine what measures need to be taken to safely and comfortably return all staff to working in person in a way that follows Governor Baker's COVID-19 directives. With some relatively minor movement of staff and office equipment, staff will be brought back to work at Town Hall, but the building will continue to operate by appointment only for the public. The draft of the recommendations was reviewed by the Board of Health and their comments and the draft report are included on the October 27, 2020 Selectboard agenda.
- The space used by inspection staff in the Public Works Department building will be examined more closely once the new Building Official is on board.

### **2. Fiscal Matters**

- The Town Treasurer continues to work closely with the Eastham Finance Director to finish up the tax rate filing. The Eastham Director has been helping Wellfleet staff to review information needed by the Department of Revenue.
- The Town received a deposit of the June – September Rooms Tax in the amount of \$554,783, and \$74,232 in prepaid real estate taxes.
- An assessment payment to the Nauset Regional School District is due on December 1. It is recommended that the Town initiate internal short-term borrowing to cover the payment until tax receipts cover the cost. The approval for this internal borrowing is included on the Selectboard's October 27, 2020 agenda.

### **3. Meetings – Most meetings are via conference call/Zoom**

- October 13-Cable Advisory Committee
- October 14-Fred Magee-FinCom
- October 15-Cape Code Climate Action Plan
- October 15-MA Interlocal Insurance Association
- October 20-Emergency Management Team
- October 20-Jim Nowak-School fire suppression system bid process
- October 23-Carolyn Murray, KP Law,

### **4. Personnel Matters:**

- Recommended changes to the Town Accountant position and the reorganization of finance staff have been included on the Selectboard's October 27, 2020 agenda. It is hoped that the position can be advertised shortly.

## **TOPICS FOR FUTURE DISCUSSION**

- Wilson: understand more about the 2 documents received about Lot 3, the Solar Array

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- Curley: Town Accountant position
- Reinhart: meetings go back to 6 PM starting on November 10, 2020
- Reinhart: committees copy the Board on their minutes
- Curley: discussion of the state of Town finances and the Town Accountant position (if needed after discussion with the Town Administrator)
- Wilson: discussion of letter from Gayle Ferguson regarding a lot on West Main Street

## **CORRESPONDENCE AND VACANCY REPORTS**

Wilson asked to discuss the email from Gayle Ferguson, regarding a small lot on West Main Street, and an easement over it, or not. Reinhart said the Planning or Zoning Board should investigate it.

## **MINUTES**

***October 13, 2020***

- Wilson moved to approve the draft minutes of October 13, 2020 as printed in draft.
- Reinhart seconded, and the motion carried 4-0-1, with Wilson abstained

## **ADJOURNMENT**

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

The meeting adjourned at 10:43pm.

Respectfully submitted,

Courtney Butler,  
Secretary

Public Records Documents available as of 10/27/2020:

1. Memo from the Town Treasurer, dated October 20, 2020, re: Cashflow Update and Proposed Short-Term Borrowing;
2. COVID-19 Employee Training Manual;
3. Amendments to COVID-19 Employee Training Manual, provided by Michael DeVasto;
4. Amendments to COVID-19 Employee Training Manual, provided by Helen Miranda Wilson;
5. COVID-19 Work Site Visit Reports;
6. Memo from Robin Slack, re: Change of COA Building Name;
7. Disclosures of Financial Conflict of Interests for Melissa Yow and Sonya Woodman;
8. Memo from Elaine McIlroy, dated October 20, 2020, re: Municipal Affordable Housing Trust Fund;
9. MGLc44§55C – Municipal Affordable Housing Trust Fund;
10. Email from Elaine McIlroy and Ryan Curley, dated October 20, 2020, re: Municipal Affordable Housing Trust Fund;
11. Email from KP Law, dated October 27, 2020, re: Appointment to Municipal Affordable Housing Trust Fund;
12. Request from Historical Society to install a stairwell in the Town Hall Parking lot and supporting information;
13. Marina Fuel Tank Update from William Sullivan;

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14. Recommendations for Town Accountant position from the Town Administrator;
15. Current Town Accountant job description;
16. Recommended Updated Town Accountant job description;
17. Provincetown Town Accountant job description;
18. Request for a Temporary Seasonal Allowance of Direct Sales of Shellfish Letter. Seasonal Allowance of Direct Sales of Shellfish Letter, and the Draft Guidelines for Direct Shellfish Sales;
19. Draft guidance of Allowance of Direct Sales of Shellfish, as drafted by Ryan Curley;
20. Selectboard Policy on Obtaining Legal Opinions;
21. Fuel Efficient Vehicle Policy;
22. MA Green Communities Program;
23. Town Administrator's Report;
24. Correspondence Report;
25. Vacancy Report;
26. Draft minutes of the September 30, 2020 and October 5, 2020 meetings.