

Approved August 27, 2019.

**Wellfleet Selectboard Meeting
Tuesday, July 23, 2019 at 7pm
Wellfleet Senior Center**

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

Regrets: Kathleen Bacon (absent due to work)

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Shellfish Constable Nancy Civetta

Chair Reinhart called the meeting to order at 7:00 p.m.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

- Wilson announced vacancies on the Board of Health (1), the Conservation Commission (2), and the Cape Cod Commission (1). Those interested in the Cape Cod Commission, or any of these vacancies, may contact the Selectboard via the Town website or Wilson at 508-349-3746.
- Butler asked the public, that if they receive any emails from Town staff that ask them to download a shared document and seems suspicious, to please mark them as spam and delete. Additionally, if any Town staff think they may have been compromised, please change your Microsoft password immediately and contact IT.

PUBLIC HEARINGS

To Amend Section 1, Definitions, Resident and Section 6.4.7 South Lieutenant Island

Civetta presented these requests, saying that The Shellfish Advisory Board recently reviewed and recommended changes to two sections of our regulations:

1. Definition of “Resident” to include a one-year domicile requirement. The text would then read: *A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.*

Wilson gave some history of the SAB’s drafting of this regulation and mentioned a query from Town Counsel about evidence of domicile.

Civetta said this suggestion came to her from fishermen. Reinhart asked if the Town wanted more than 1 proof of residency. Civetta said yes, she asks the Town staff for confirmation via voter registration, excise tax, property assessments, etc.

Audience member Bob Costa asked why it was only a 1-year residency, not longer. Civetta said this was what most other coastal communities do. Costa said the investment of a year’s residency to get a shellfish permit is minimal and should be more. Wilson said she understood Costa’s thought, but

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this is what can happen when someone's residency is in question, in terms of verification. DeVasto said this was the standard for college admissions and other standard applications for services, and if one is committed to living here, they should be permitted to work here too. Carlson asked Costa if he was considering the need to support the younger people in Town, through supporting the industry and affordable housing; Costa nodded "yes" in reply. Carlson said these fall under the type of community we are trying to be.

1. Lieutenant Island South closure from June 1 to Sept. 30 to only apply to the harvest of oysters, so that clams may continue to be harvested. 6.4.7 South Lieutenant Island South Lieutenant Island will be closed for the taking of oysters shellfish from June 1st through September 30th.

Civetta said this suggestion also came to her from quahog fishermen. She said there are a lot of pools in the area where clams live and was asked if there was any issue with them patrolling it. Civetta said she may need to have separate, north and south patrols at all times to accommodate this change. Wilson said the previous constable had not felt it was possible during the summer, she had spoken with Civetta about this; Civetta said it will be a lot of work, but her staff can do it.

- Wilson moved to amend Section 1, Definitions of Resident and Section 6.4.7 South Lieutenant Island in the current Shellfish Regulations as proposed by the Shellfish Constable.
- Carlson seconded, and the motion carried 3-0, with DeVasto recused.

Application received from Indian Neck Sea Farms to renew shellfish grant licenses #85-D, 85D-A and 85-D-AB for a ten-year period

Todd Mindrebo, the grant holder, who also owns the property, pointed out that the grant is for Indian Neck Sea Farms, Inc. Mindrebo said he has farmed these acres for 30 years, land that he is now selling to the Town in the HDYLTA Trust purchase. He had no further comments.

Civetta said this was a very productive farm and recommended the renewal.

- Wilson moved to renew shellfish grant licenses #85-D, #85D-A, and #85-D-AB to Indian Neck Sea Farms, Inc. for a ten-year period, per recommendation of the Shellfish Constable.
- Carlson seconded, and the motion carried 3-0, with DeVasto recused.

APPOINTMENTS/REAPPOINTMENTS

Wellfleet Representative to the Cape Cod Water Protection Collaborative – Justina Carlson

Wilson noted she was incorrect, at an earlier meeting, when she said the Board could not appoint Carlson; this is not a committee under the Board's supervision, so they may appoint Carlson.

- Wilson moved to appoint Justina Carlson as the Wellfleet Representative to the Cape Cod Water Protection Collaborative.
- DeVasto seconded, and the motion carried 3-0, with Carlson recused.

Wellfleet Representative to Cape Cod Municipal Health Group – Treasurer Miriam Spencer

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Spencer was not present. Hoort said this group is run by Outer Cape Health and the Treasurer is usually the representative. With Rosemary's retirement in January, this will allow Spencer to serve in her place.

- Carlson moved to appoint Miriam Spencer as the Wellfleet Representative to the Cape Cod Municipal Health Group.
- Wilson seconded, and the motion carried 4-0.

USE OF TOWN PROPERTY

Newcomb Hollow Beach – Gary Evangelista

This application was withdrawn by the applicant. No action taken.

BUSINESS

Shellfish Industry Letter of Support

Reinhart said this was a letter from the Board to object to the legislation, proposed by House Bill H746. Wilson said the Wellfleet Shellfishermen's Association already wrote a letter about this and hoped the Shellfish Advisory Board would too, with similar language. Wilson said she received help from Senator Cyr's office in preparing the letter.

DeVasto said this bill was proposed by the Massachusetts Aquaculture Association (MAA) and would allow grant-holders the legal right to sell their licenses on the open market to the highest bidder, putting the licensing authority (the Board) in a prickly situation.

The draft Selectboard letter opposes the changing of "may" to "shall" in H746: An Act relative to shellfish aquaculture licenses, GL Chapter 130, §57 and 58. This change would allow anyone to sell their license at anytime to any party.

Carlson said a relatively small, nongovernmental group, the MAA, was lobbying to change the law, in a way which would reduce the authority of a town's Home Rule Charter and which would commodify public land.

Wilson said she also spoke with Chris Schillaci, from the MA Division of Marine Fisheries while drafting the letter. She said there if there are towns who want to allow the ownership of licenses, they can do so legally under the existing law. She said she does not see the need to change the legislation for the whole state.

- Wilson moved to approve a Letter of Support with regard to H746: An Act relative to shellfish aquaculture licenses, to send it to the legislation and House Committee and to other towns, and to authorize the Board to sign it.
- Carlson seconded, and the motion carried 4-0.

HDYLTA Trust Update

Wilson, DeVasto, and Carlson recused themselves and left the room. With Bacon absent, only the Chair was present in the room. There was no quorum. Hoort said a purchase-and-sale agreement was signed and everything is progressing as hoped. He said a surveyor was hired, along with an

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appraiser. Both are expected to be done by Labor Day. Civetta said she saw Coastal Engineering doing work on Monday.

Audience member Sheila Lyons asked if, since the purchase-and-sale agreement was signed, the transaction was complete. Hoort said the only remaining contingency is the survey, which is being completed.

Costa asked if the matter could ever be discussed publicly. Hoort said that Carlson is not legally required to recuse herself, but she chose to this evening; when Carlson, Bacon, and Reinhart are in the room, there is quorum.

Lyons continued to ask questions regarding the process.

Audience member Moe Barocas said he thought the audience should get a more detailed update about the sequence of events. He said he was not happy with the lack of transparency. He asked the Board to form a task force of people that the Board can meet with in private and give them to ask questions regarding the sequence of events. Barocas said the town is losing confidence in the Board. He asked for this to be on the next agenda.

Wilson, Carlson, and DeVasto returned to the table.

Social Media Policy for Committees and Staff

Carlson said she was inspired at the MMA conference, and how other towns use visual social media to help communicate what is going on and increase transparency. She is suggesting the Town embarks on a process for how the Town can use social media.

Reinhart said this sounds good. Carlson said she will continue to do work on it.

Butler said she has discussed this with Carlson and thinks it is a good idea. She said that this is a more digital, instant age and the website can only do so much. She provided that her background with the National Park Service, taught her how to appropriately manage such government-run accounts.

The Board agreed it was a good idea to move forward with this idea.

Request from the Wellfleet Arbor Committee to Accept and Plant a Tree on Town Hall Lawn

Wilson said the Arbor Committee had previously presented a whole plan to redesign Town Hall Lawn. She said this plan was pulled and residents asked to keep the spruce trees, which were kept. Wilson said the Maple tree, which had to come down, provided essential shade and the lawn is now lacking shade.

Shelley Robinson, a part-time resident, said she was sad to see the Maple tree gone from the front of Town Hall. Robinson had donated an American Elm to another community. Robinson provided the Board with information from the Elm Institute, from which she is looking to order the tree from.

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Tim Callis, from the Wellfleet Arbor Committee (WAC), presented the request. Callis said he put a stake in the ground, with permission from the DPW Director, to mark the suggested location of the Elm; it is 10 feet from the fire hydrant and 9 from the curb of the east side driveway.

Robinson said she has experience with the Elm Institute, which is in Keene, New Hampshire. She said she worked with them to plant an Elm in Sleepy Hollow, NY in 2009. Reinhart said there have been a number of trees lost in Wellfleet. She said trees are good, providing oxygen and shade, and that she is in favor of this.

Carlson asked about Dutch Elm Disease. Robinson said the purpose of the Institute is to grow the trees to be resistant to Dutch Elm Disease. Carlson asked how tall it can get and if it would conflict with the spruces. Callis said the elm will get to about 60 feet tall, with a spread of 35 feet. Carlson asked about the roots affecting the driveway or buckling the sidewalk. Callis said the driveway has always been buckled, and this can happen. He said that, with the tree being 10 feet from the sidewalk, it should not cause in an issue, but that perhaps in 100 years it could be a problem.

Wilson thanked Robinson for the offer of her donation, saying it is a legacy. Wilson asked who would water the tree. Callis said the Arbor Committee will water the tree, but that the DPW also waters plants. Wilson asked what the cost for planting the tree was; Callis said he had not done that assessment yet. Wilson asked if the shipping cost was included; Robinson said she is looking into potentially splitting the cost of shipping with a Truro resident who is also buying a tree.

Callis said that, now that he has the Board's support, he will work to get more information. Robinson said the Institute has only 12, 20-foot trees left, and she would like to order it for planting in September.

DeVasto said he was in favor of this and enjoys elm trees. He said the vision for the entire Town Hall lawn needs to be addressed at some point.

Carlson thanked Robinson and Callis for their efforts but felt the issue with the Spruces hit a nerve with townspeople. She said the design of the Town Hall lawn is something that should be left up to the voters, or another acceptable form of outreach.

Costa thanked Robinson for her offer. He suggested the Board do research on American elms and questioned whether they will grow so big that they will shade the spruces. He also said their roots can cause the buckling in the sidewalk.

Robinson, with a smile, said the best time to plant a tree, was 20 years ago.

- Wilson moved to approve the request of the Arbor Committee to accept and plant the donation of an American liberty elm tree from Shelley Robinson on the Town Hall Lawn in an appropriate spot.
- Reinhart seconded, and the motion carried 3-1, with Carlson opposed.

SELECTBOARD REPORTS

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- Wilson said there was a very productive meeting with officials from the DEP, the Cape Cod Commission, and the Association to Preserve Cape Cod about the 208 Plan. The video recording is on the Town website.

TOWN ADMINISTRATOR'S REPORT

This report is for the period July 6, 2019 through July 19, 2019.

1. General
 - Searching for Town Accountant
 - Continue educating residents on the FY 2020 Affordable Housing Tax exemption
2. Fiscal Matters
 - Started FY 2021 CIP Process
 - Hired outside CPA firm to assist us until we have a Town Accountant
3. Meetings
 - July 8 – Assistant Town Administrator interviews
 - July 9 – Selectboard meeting
 - July 10 – Discussion of direction of Mayo Creek Restoration
 - July 11 – Finance Committee meeting
 - July 15 – Housing Task Force meeting
 - July 16 – Meet with CPA firm to help us manage until we have new Town Accountant
 - July 16 – Wastewater meeting
4. Complaints.
 - None
5. Personnel Matters:
 - Open position: Assistant Town Administrator (interviews in progress)
 - Open position: Town Accountant (interviews scheduled)

TOPICS FOR FUTURE DISCUSSION

- DeVasto asked to discuss Town Hall Lawn maintenance.
- Reinhart asked to have another the HDYLTA Trust Purchase update.
- Butler asked to discuss the compilation of the packet – condensing it and conserving paper.

CORRESPONDENCE AND VACANCY REPORT

MINUTES

July 9, 2019

- Wilson moved to approve the minutes of the July 9, 2019 meeting as amended.
- DeVasto seconded, and the motion carried 4-0.

ADJOURNMENT

Bacon moved to adjourn.

Wilson seconded, and the meeting adjourned at 8:25 pm.

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Respectfully submitted,

Courtney Butler,
Secretary

Public Records Material as of 7/19/19

1. Public Hearing Papers - To amend section 1, Definitions, Resident and section 6.4.7 South Lieutenant Island; and Application received from Indian Neck Sea Farms to renew shellfish grant licenses #85-D, 85D-A and 85-D-AB for a ten-year period
2. Use of Town Property Applications from Gary Evangelista
3. Shellfish Letter Industry Letter of Support
4. Request from Arbor Committee to Accept and Plant a Tree on Town Hall Lawn
5. Town Administrator's Report
6. Correspondence and Vacancy Report
7. Letter from Carole Ridley re: Response to Comments made at June 25, 2019 Meeting, re: Herring River MOU
8. Draft minutes for July 9, 2019