

***Wellfleet Selectboard
Tuesday March 19, 2024; 6pm
Hybrid Meeting: Zoom/715 Old King's Highway
Meeting Minutes***

Members Present: Barbara Carboni, Chair; John Wolf, Vice Chair; Michael DeVasto (virtual); Ryan Curley, Tim Sayre

Others Present: Tom Guerino, Interim Town Administrator; Jared Collins, KP Law; Sam Myers; KP Law, Michael Parlante; Farrukh Najmi, Jude Ahern, Wes Stenson, Environmental Partners; Diane Brunt; Kevin LaRocco, Police Chief; Brad Morse, Judith Styles, business owner; Bruce Bierhans, Alex Hay, Sebastian, Jay Norton, DPW Director; Rich Bienvenue, Finance Director for the town of Eastham; Rich Pauley, Fire Chief; Joe Cappello, Deputy Chief; Suzanne Grout Thomas, Community Service Director.

Chair Carboni called the meeting to order at 6:03pm

Chair Carboni stated to use town counsel's time efficiently they would be doing the open meeting law complaints first and then move to public comments.

I. *Open Meeting Law Complaints*

A. Open Meeting Law Complaints

- Discuss and Vote to have town counsel send a response, open meeting law filed by Jude Ahern, March 4, 2024

Chair Carboni asked Collins to speak to this complaint. Collins spoke to the board and public and he explained the content of the complaint, and the response that town counsel was going to address with the response. Collins stated that although there were discussions about the appointment made by the administrator, he believed this was covered under topics for future concern, as the town administrator at the time wanted to get this hire before he left the position. Chair Carboni thanked Collins and stated she was in full support of this response. She polled the board and there were no issues from any of the members.

Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to direct town counsel to send the response letter as presented for the complaint filed to the attorney general's office on behalf of the Selectboard.

Roll Call Vote: 5-0

- Discuss and vote to have town counsel send a response. Open meeting law files by Michael Shannon – March 11, 2024

Chair Carboni asked Collins to speak to this complaint. Collins explained this complaint to the board and public and then gave the response that counsel had written to send. Collins explained the delay in the executive session meeting being released to the public.

Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to direct town counsel to send the response letter as presented for the complaint filed on March 11, 2024, by Michael Shannon to the attorney general's office on behalf of the Wellfleet Selectboard.

Roll Call Vote: 5-0

II. *Announcements and Public Comments*

Note: Public comments are limited to no more than three minutes per speaker.

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Chair Carboni asked the board if any members had a comment or announcement, Sayre stated that he attended a Shellfish Advisory Board meeting where it was stated that there is concern with Duck Creek flowing into the Herring River, the board would like to have a representative of the Herring River project to explain what's happening with the overflow and damage to the oyster beds.

Chair Carboni stated that Thursday's meeting of the board will be held at the town hall in the basement conference room.

Parlante came to the microphone explaining his concern with Duck Creek and Herring River expressing concern for the herring being able to get up the river.

Farrukh Najmi spoke to the board about his article in the town meeting warrant and explained why he felt it was important and personal to him and urged the selectboard to recommend this article at the town meeting.

Ahern spoke to the board regarding her open meeting law complaint. She spoke about the budget and warrant discussion. She stated concerns for the operating budget.

Stenson spoke to the board updating the board and public on the temporary bridge being opened tomorrow and cautioned the public to be safe. He also spoke about the pedestrian and bike access which is on the side of the temporary bridge.

Brunt spoke to the board about the discussion held at the meeting where the complaint was filed.

Chief LaRocco spoke to the board updating them about the work zones on route 6 and the unsafe working conditions as people are driving at high rates of speed. He stated that Mass DOT has significant concern about the speed limit, and he explained that Mass DOT will reduce the speed limit to 35MPH.

Morse spoke to the board about the issues around town and his main issue is the public being silenced.

Styles spoke to the board supporting Parlante's point about Herring.

III. *Consent Agenda*

A. Use of Town Property ~ WOA ~ Banners on Main Street for Oysterfest and then change over to holiday banners for the holiday Season, beginning May 17, 2024.

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the consent agenda as presented.

Roll Call Vote: 4-0-1 (DeVasto abstained)

Consent Agenda A ~ Chair Carboni is recused from this item.

B. Extension of allowable work hours ~ Jay Norton, DPW; Wes Stinson; Environmental Partners

Wolf took over as chair, he asked Stenson and Norton to come up to explain the item. Stenson shared his screen. He explained that they are hoping to extend the

works hours from sunup to sundown due to the herring running, He pointed to the map where they will be mainly working right away. There were some questions for Stenson from the board regarding the details of hours.

Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to approve the request for extended work hours from sunup to sundown excluding recognized holidays through June 30, 2024.

Roll Call Vote: 4-0-1 (Carboni recused).

IV. *Police Department Appointments & Business ~ Chief LaRocco*

A. Appointment of Full time Police Officer Rachel Bunce

Chief LaRocco came to the table to discuss with the board his new police officer appointments. He introduced Bunce to the board and gave her credentials. Chair Carboni asked the board if there were any questions. They all were very impressed with her credentials and thanked her for her willingness to serve.

Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to approve the appointment of Rachel Bunce as a full-time police officer for the town of Wellfleet with the condition she complete field officer training.

Roll call Vote: 5-0

B. Appointment of Full time Police Officer Brianna M. Johnson

The Chief introduced Brianna Johnson who he stated was in Arizona, he explained that she did a ride along in July with the police department. He explained that she is planning to move to Wellfleet and would like to become an officer. He gave the board her list of credentials. He stated she has passed many of her exams and is looking for the board to appoint her pending completion if the academy.

Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to approve the appointment of Brianna Johnson as a full-time police officer for the town of Wellfleet with a conditional offer pending the completion of the following:

- **Passes a full background check.**
- **Passes a physical agility test.**
- **Passes a Massachusetts license to carry a firearm.**
- **Passes the police academy.**

Roll Call Vote: 5-0

Chief LaRocco gave an update regarding staffing and the upcoming promotions for the department that will come before the board.

C. Cahoon Hollow Beach Discussion ~ Kevin LaRocco ~ Police Chief

Chief gave an update on Cahoon Hollow Beach explain the work that the department has been doing with the National Park Service. He gave details about the ban of open containers of alcohol, he stated he believed it was a successful summer. He stated the weather also had some effect on this because it wasn't as good as in previous summers.

Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to continue the control the town put into place for Cahoon Hollow Beach for the summer of 2024 with the recommendations as provided by the Police Chief.

Roll Call Vote: 5-0

V. Public Hearings

- A. Transfer of all Alcohol license from The Wicked Oyster License to Alexander Bradford Hay, Garrett William Smythe, and Sebastian C. Taffara. Chair Carboni opened the public hearing.**

Chair Carboni read the public hearing announcement and asked the three applicants to come forward. Bierhans explained the application to the board and public and welcomed any questions. The board discussed Curley stated the only thing that was advertised what the transfer of license not the change of class. He explained that would need to be another public hearing to make sure the change of class was advertised.

Board member Curley moved; Board Member Seconded, and it was voted to approve the application received on February 26, 2024; from Alexander Hay, Garret William Smyth, and Sebastian Taffara for the transfer for all alcohol license from TEK Restaurant Group, Inc. DBA: The Wicked Oyster; Kenneth W. Kozack, Treasurer/Manager & Eliza S. Fitts President/Manager., to Alexander Hay, Garrett Smythe, and Sebastian Taffara.

Roll Call Vote: 5-0

- B. Changing a Yield sign to a stop sign at Pole Dike Road and Coles Neck Road, ~ Chair Carboni opened the Public Hearing ~ Kevin LaRocco, Police Chief – This was moved before the alcohol license.**

Chief LaRocco spoke to this agenda item stating he received a letter from a resident with concerns that the cars are not yielding and causing safety concerns. The board discussed this change. There were no issues from the board.

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to amend Wellfleet's traffic rules and regulations Appendix A; to add a stop sign at the end of the section of road at Pole Dike Road and Coles Neck Road.

Roll Call Vote: 5-0

Board Member Wolf moved; Chair Carboni Seconded; and it was voted to close this public hearing.

Roll Call Vote: 5-0

- C. Beach Office Changes ~ Suzanne Grout-Thomas, Beach Director**

Chair Carboni asked Thomas to come to the table to present her changes to the board. Thoms reported to the board and public the changes needed to be made to the beach sticker disbursement, as far as the date goes. She explained the hearing was asked for because in the current regulations it states the beach stickers are issues the third Saturday in June and she would like the fourth meeting in June just for this year as there are five Saturdays this year in June. The board discussed this; Curley stated he didn't want to change the regulations Thomas explained that there isn't staff to man the department until the fourth Saturday. There were some questions about the transfer station stickers being able to be purchased. The board discussed this, going back and forth about keeping the regulations as is or changing for just this year.

Board Member Wolf Moved; Board Member DeVasto Seconded; and it was voted to approve that beach stickers be required for the season on the fourth Saturday in June rather than the third Saturday in June which is specified in the beach rules and regulations for the season of 2024.

Roll call Vote: 3-2 (Curley voted no, Sayre voted no).

It was voted to close the public hearing.

VI. *Business*

A. Discussion on meeting times moving forward.

Chair Carboni asked Guerino to talk about this item. Guerino spoke to the board stating that staff would like to keep the meetings at 6pm but understands the board wanting it to move to 7pm. DeVasto spoke to the time and asked if the board would be willing to move the time from 7pm beginning Memorial Day to Labor Day. Curley stated he would be willing to keep the time at 6pm until there is a better hosing situation for the town administrator. Wolf spoke to the board and stated he was fine with keeping the time 6pm until June 1.

Board Member Curley Moved; Board Member Sayre Seconded; and it was voted to that the Wellfleet selectboard will set its meeting times between June 2nd and September 30th to be 7pm.

Roll Call Vote: 5-0

VII. *Capital Budgets*

A. The board will review and vote on the department's capital budgets.

Bienvenue came to the table to present the departments capital budgets. He spoke about the free cash certification and gave an update on the numbers that are inserted in the report. He explained some changes that were made and why they were made. He spoke about financial goals moving forward.

The Fire Departments Capital Budget was discussed. The board discussed debt and what percentage it should be at. The board continued to discuss the capital budgets with Bienvenue and specific department heads.

The board went through the capital budgets as listed in the warrant. Chief LaRocco went first to go over his budget and explained it to the board. Chief Pauley was next to present his capital budget, he and Deputy Chief Cappello discussed their capital budgets. The board discussed this budget with some questions for the chief and deputy chief. Norton spoke on behalf of the chief regarding the new HVAC system that is being asked for. They discussed the HVAC system at great length. They moved on to the ambulance request.

Norton came to the microphone, to discuss his budget and what it entailed and how it was calculated.

Thomas came to the table next to present her budget and answer any questions from the board. She spoke about the council on again walking path which she stated is the most significant ask in her capital budget. The board had some questions regarding the walkway. The board thanked the department heads that came forward to discuss their budgets.

VIII. *Town Administrator's Report*

- Guerino reported that he has been made aware of the Bound Brook issues and he stated there is a meeting tomorrow morning to troubleshoot the issues and try to figure out a sensible solution.

- The Herring River Restoration Project he stated was discussed at great length earlier in the meeting.
- He spoke about a meeting with various Department heads and that there will be a meeting with administrative support staff and a department head meeting.
- He spoke about the ongoing work regarding the ice machine.
- He spoke to the board about the trees at the Piping Plover, stating he has had a meeting with the commonwealth of Massachusetts, and they have agreed to leave the trees where they are, not doing any damage.
- He is reviewing the current non-union department head contracts; he spoke about some flaws that he has come across and would like to come back to the board with amendments.

IX. *Selectboard Reports*

- The ice machine was asked to be n the agenda for reoccurring updates.
- Wolf spoke about looking into the purchase and installation of the ice machine. He explained who he had reached out to.

X. *Topics for Future Discussion*

- Curley stated that the agendas for the next month or so and doesn't feel the board should add more items until the warrant and budgets are all done.
- DeVasto stated the board needs to figure out the jurisdiction of backhoes to remove sediment from the Herring River.

XI. *Minutes*

A. March 12, 2024

Board Member Wolf Moved; Board Member DeVasto Seconded; and it was voted to approve the meeting minutes of March 12, 2024, as printed.

Roll Call Vote: 5-0

XII. *Adjournment*

Board Member moved; Board Member Seconded; and it was voted to adjourn.

Roll Call Vote: 5-0

Meeting adjourned 9:45pm

*****Public Documents*****

Open Meeting Law Complaint forms ~ Judith Ahern

Open Meeting Law Complaint forms ~ Michael Shannon

Documents for the appointment of Rachel Bunce to the Police Department

Documents for the appointment of Brianna Johnson to the Police Department

Documents regarding Cahoon Hollow Beach

Capital Budgets of the town of Wellfleet

Meeting Minutes of March 12, 2024