

Wellfleet Select Board Meeting
Tuesday, May 22, 2018, at 6:00 p.m.
Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet MA 02667

Select Board Members Present: Chair Janet Reinhart; Kathleen Bacon, Justina Carlson, Jerry Houk, Helen Miranda Wilson

Also Present: Town Administrator Dan Hoort

Chair Janet Reinhart called the meeting to order at 6:00 p.m. and said there was a need to recess into Executive Session.

Reinhart moved to enter into Executive Session, pursuant to G.L. c. 30A, §21(a)(3), to discuss strategy with respect to litigation that may have a detrimental effect if in an open meeting on the matter of Cumberland Farms, Inc. v. Dennis Murphy, et al. as the Board of Selectmen, Land Court C.A. No. 17 MISC 000247 (KCL). Houk, Wilson, Reinhart, Bacon and Carlson each said yes, and the Select Board suspended the regular meeting.

The Select Board returned to open session and resumed the meeting at 7:04 p.m.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT

Members of the Select Board and the public made the following announcements:

- Jerry Houk said the Wellfleet Alzheimer's Association's Art Auction would take place on June 3rd at the Well.
- Dan Hoort invited everyone to an Open House in honor of Marianne Nickerson on June 1st.
- Police Chief Ronald Fisette said the Memorial Day Service is scheduled for Monday at 9 a.m.
- Chief Fisette announced that there would be a DOT meeting dealing with the Main St.-Rte. 6 intersection on June 14 at the COA
- Energy Committee Chair Dick Elkin gave information about the solar panels at the Landfill
- Dick Elkin said the Cape Compact picks up and recycles refrigerators and freezers free of charge.
- Elkin said there is a recycling drop-off planned for old dehumidifiers on June 16. He commented on the savings made by the Cape Compact, and announced a repeat presentation on solar panels on private residences, on June 29.
- Harriet Korim Arnoldi sought volunteers for the annual "Yard Sale at the Dump"
- Nancy Civetta announced a presentation at the Historical Museum on the shellfishing industry.

PUBLIC HEARINGS

Application for Underground Fuel Storage License

Town Counsel Gregg Corbo reviewed application history of Cumberland Farms at 2586 State Highway. Approval for a license was denied last year at a public hearing, and the case was brought into litigation, which has now been settled. Mr. Corbo said Cumberland Farms will purchase the Wave property across Rte. 6, remove the fuel tanks, gas dispensers, and canopy, and will “restore the soils” on the property. They will put into place a deed restriction that the property will never again be used for dispensing gas or underground fuel storage. In exchange, Cumberland Farms will be allowed to proceed with their plans for installing fuel tanks at 2586 State Highway. Kathleen Bacon thanked the owners of the Wave for their cooperation.

Attorney Jamie Veara represented Cumberland Farms who own the property at 2586 State Highway, in their request for an underground fuel storage license at that location. Attorney Veara reviewed again the fuel capacity, the type of fuel, the number of pumps, and safety features, including monitoring features that include new technology. Wilson asked whether the proposed infrastructure surpasses what is required by current regulations. Attorney Veara turned the discussion over to William Baird, President of WEB Engineering Associates, who answered the question on tank requirements and provided additional information. He displayed and explained a draft plan for the tanks and dispensers at 2586 State Highway. Mr. Baird said a third party monitors the alarm system 24/7, through the internet. The alarm would also go off in the store. He said some elements of the doubled-walled tanks, sumps, pipes, and fill caps exceed present requirements. He went into great detail as to how the fuel system is set up and how it functions. Harriet Korim Arnoldi asked if there were any records of failure. And whether the fuel transport trucks have also increased their safety technology. Mr. Baird said the proposed brine system design is too new for there to be any data. He provided details about the fuel trucks, including the double poppet safety feature in their hoses.

Houk asked Attorney Veara about timelines for Cumberland’s construction and for dismantling the Wave. Mr. Veara projected a time after Labor Day. Attorney Corbo clarified that the Wave tanks and other fuel-related infrastructure must be removed before Cumberland’s tanks could be installed. Wilson asked whether the mature linden trees on the south side of the property could be saved, given their ability to provide shade and remove carbon dioxide from the air. Mr. Veara said they could not be saved. Peter Stewart asked about notification to the Fire Department if an alarm goes off. Harriet Korim Arnoldi asked about the vegetation plan and about charging stations. Attorney Veara said there was an area in the rear portion of the property that will be landscaped with trees. Cumberland Farms is considering charging stations at all sites, Mr. Veara said.

I move to ratify and confirm approve an underground fuel storage license for Cumberland Farms, Inc., at 2586 State Highway/Route 6, Wellfleet, MA 02667, subject to the terms of the settlement agreement which is hereby approved.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

One Day Beer and Wine License

Holly LeBart requested a one-day beer and wine license for the “Live for Lou” event to be held June 3, 2018 from 1 to 6 p.m. and a use of Town property for the event.

I move to approve the one-day beer and wine license for “Live for Lou” on June 3, 2018.

Motion: Houk

Second: Wilson

5-0-0. Motion carries.

I move to approve the use of the Memorial Garden on Main Street on June 3, 2018 from 3 to 6 p.m. with the event fee waived.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

Shellfish Policies and Regulations

Shellfish Warden Nancy Civetta presented three proposed amendments to the *Shellfish Policies and Regulations*: 1) to delete shellfish regulation Section 4.3.2, 2) to correct the Table of Contents accordingly, and 3) to amend Sections 6.6 and 7.17 to read: Transfer of Oysters to Wholesale Dealers' Trucks during Vibrio Control Season.

I move to approve the three amendments to the *Shellfish Policies and Regulations*: 1) to delete shellfish regulation Section 4.3.2, 2) to correct the Table of Contents accordingly, and 3) to amend Sections 6.6 and 7.17 to read: Transfer of Oysters to Wholesale Dealers' Trucks During Vibrio Control Season. All such transfers shall be done according to CMR (<https://www.mass.gov/reuglations/105-CMR-50000-good-manufacturing-practices-for-food>) and the variance granted to the Town by the MDPH/BEH for the years 2018-2020, as authorized on May 1, 2018. A copy of this variance is available to the public on the Town's Shellfish Department website (<http://www.wellfleet-ma-gov/sites.wellfleetma/file/filedph-wellfleet-pier-variance-2018-2020.pdf>).

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

Shellfish Grant

Allison Gray requested an extension to the existing, approved grant for James and Allison Gray.

I move to amend the previously approved shellfish grant extension #7312-EXT of James Gray and Allison Gray to include an additional area to the west and south of their existing grant #7312, as per maps provided, and approve this unified grant extension as #7312-EXT.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

LICENSES**Common Victualler**

The Board requested that the applicant for Bol Organic Acai Bowls appear at another meeting to discuss obtaining a common victualler's licenses at the new location.

APPOINTMENTS/REAPPOINTMENTS

Police Officers Reappointments

Chief of Police Ronald Fiset requested the appointments of Special Police Officers, reappointments of Full-time Officers and the reappointment of Special Police Officer, Department Chaplain Paul Cullity.

I move to approve the reappointments of the Full-time Officers: Laecio De Oliveira, Mark Braun, Nicholas Daley, Edward Garneau, and Jeremiah Valli for a term beginning July 1, 2018 and ending June 30, 2019; the reappointments of the Special Police Officers: Scott Higgins, Desmond Keogh, Marc Spigel, John Szucs, and Kyle Kochanowicz for a term beginning July 1, 2018 and ending June 30, 2019; and the reappointment of Special Police Officer, Department Chaplain Paul Cullity for a term beginning July 1, 2018 and ending June 30, 2019.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

BOARDS AND COMMITTEES REAPPOINTMENTS**Board of Water Commissioners**

Wilson said the Board of Water Commissioners had asked for more time to reorganize before making an appointment. There also had been an additional application. The Select Board postponed the decision.

Reappointments

The Select Board examined the list of names, provided by the Principal Clerk, for reappointment approvals.

I move to approve the reappointment of the Board and Committee members as listed in the Principal Clerk's records presented to the Select Board as printed.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

Suddenly taken ill, Justina Carlson left the meeting.

Appointments to Shellfish Advisory Board

There were four applicants for the Shellfish Advisory Board present to discuss their interest in becoming an alternate member of the Shellfish Advisory Board. Chip Benton, Mike Kubiak, David Seitler and Todd Spencer each came forward to discuss their applications. Shellfish Advisory Board Chair Barbara Austin said there are vacancies expected, so those not chosen will have another chance. There are also other committees that have vacancies that might interest them.

I move to approve Dave Seitler as an alternate member to the Shellfish Advisory Board for a three year-term to expire on June 30, 2021.

Motion: Wilson

Second: There was no second

I move to approve Michael Kubiak as an alternate member to the Shellfish Advisory Board for a three year-term to expire on June 30, 2021.

Motion: Bacon

Second: There was no second.

I move to approve Chip Benton as an alternate member to the Shellfish Advisory Board for a three year-term to expire on June 30, 2021.

Motion: Houk

Second: There was no second

Wilson asked the applicants about their computer and writing skills. Brett Morse urged the Select Board to reconsider Dave Seitler.

I move to approve Dave Seitler as an alternate member to the Shellfish Advisory Board for a three year-term to expire on June 30, 2021.

Motion: Wilson

Second: Houk

4-0-0. Motion carries.

USE OF TOWN PROPERTY

Sacred Surf School

I move to postpone Zach Pawa's request for use of Town property until he was present to explain it.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries.

Harbor Stage Company

Brenda Withers requested use by the Harbor Stage Company of the Town Landing at Mayo Beach on July 30, 2018 from 3-8 p.m. Wilson had concerns about shellfishing truck access.

I move to approve the request by the Harbor Stage Company for use the Town Landing at Mayo Beach on July 30, 2018 from 3-8 p.m.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries.

VB T Bicycling Vacations

This request was postponed since no one was present from VB T Bicycling Vacations to explain the plan.

Elaine Harman

Elaine Hartman had withdrawn her request for use of Town property.

New England Endurance Events

Kathleen Walker from New England Endurance Events request use of Mayo Beach, Gull Pond, Great Pond, and Long Pond on June 22, 2019 from 8:30 a.m. till noon. She said they have met with the Conservation Commission, Fire and, Police Departments and the National Seashore.

I move to approve the New England Events request use of Mayo Beach, Gull Pond, Great Pond, and Long Pond on June 22, 2019 from 7:30 a.m. till noon subject to conditions, if any, for a fee of \$500. Wilson seconded, and the motion carried 4-0.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries.

"Yard Sale at the Dump"

Harriet Korim Arnoldi requested use of the Transfer Station for the annual yard sale at the dump which benefits environmental scholarships for students, on May 26, 2018 from 8 a.m. to 3 p.m.

I move to approve use of the Transfer Station for the “Yard Sale at the Dump” on May 26, 2018 from 8 a.m. to 3 p.m. subject to the conditions on the back of the application, with the fee being waived.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries.

BUSINESS

Approval of Habitat for Humanity LIP Application and Letter of Support

Cape Cod Habitat for Humanity Director Vicki Goldsmith, Elaine McIlroy and Gary Sorkin came forward to explain Habitat for Humanity’s Local Initiative Program (LIP) Application for Old King’s Highway Community Housing. Ms. Goldsmith requested a letter of support to the Department of Housing and Community Development from the Select Board.

I move to approve Habitat’s LIP Application and Letter of Support for the Old King’s Highway Community Housing, to support the waiver of the Department of Housing and Community Development land appraisal process, and authorize the chair to sign the letter of support.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries.

Atlantic Medicinal Partners Update

Attorney Valerio Romano, attorney for the Atlantic Medicinal Partners (AMP), founders Greg Ciera and Stephen Perkins, applicants for a medical marijuana dispensary license, reported that they had received their provisional certificate of registration from the DPH for a medical marijuana dispensary located in Wellfleet. Attorney Romano said they had presented more information about their project at a public hearing on June 18, 2018 here at the Senior Center and were pleased with the meeting, where they presented a rendering of the building they have planned at the Rte. 6 location.

Reinhart reviewed the legalities of the new business and reminded the public of the by-right legality of the dispensary’s siting in the Town’s Medical Marijuana Overlay District which was established after the Planning Board hearings and approval by Town Meeting a few years ago. And that AMP will still have to go through the local regulatory permitting precesses. She mentioned that VR’s, an abutter, is working with AMP on access, and is geverally in favor of it. Wilson commented on the recent public hearing and discussed the benefits of having competing marijuana establishments in other towns. Houk said he is not as concerned about the traffic as he had been. Berta Bruinooge asked for a clarification of the provisional license that AMP has received. Valerio clarified their current status. Tom Cole, speaking as a South Wellfleet resident, expressed his concerns about traffic at the Old Wharf Rd. intersection with Route 6 and asked about the new construction in relation to what is already there – the foundation, etc. Valerio said that their building would have the

same size footprint but that the site would be otherwise reconfigured. Houk and AMP brought up the fact that the State requires the product be tested before it goes on the market, no matter who grows it.

“Town Collector Marianne Nickerson Day in the Town of Wellfleet”

The Town Administrator requested that the Select Board approve proclamation of June 1, 2018 as “Town Collector Marianne Nickerson Day in the Town of Wellfleet” in honor of her retirement after 42 years of service to the Town. There will be an all-day open house at Town Hall, and everyone in Wellfleet is invited.

I move to proclaim June 1, 2018 “Town Collector Marianne Nickerson Day in the Town of Wellfleet” in honor of her retirement after forty-two years of service to the Town of Wellfleet.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries.

Closing Kellers Corner

Shellfish Constable Nancy Civetta explained her request to close Keller’s Corner to commercial quahog harvesting until August 15, 2018 and the usefulness of having this area managed as spawning habitat as well as a harvesting area.

Wilson moved to close Keller’s Corner to quahog harvesting effective immediately through August 15, 2018.

Motion: Wilson

Second: Bacon

4-0-0. Motion carries.

TOWN ADMINISTRATOR’S REPORT

Town Administrator Dan Hoort said there would be a staff parking task force. More people will join this after a preliminary report. Wilson requested information on a Recovery 349 meeting regarding the Navigator program. Hoort said he will be posting information on the Navigator on the Wellfleet Facebook page. Bacon asked about a meeting with Swap Shop representatives. Houk requested an update on the DPW director if an Executive Session was not needed. Houk also asked about retaining Brian Carlson for certain projects. Our new ATA does not yet have procurment certification. Hoort said that Brian Carlson does. Also, Carlson is up to speed on the Local Comprehensive Plan because he was in charge of it. He is being phased out although he is still researching grants for the Town. The cost effectiveness of this was discussed. Alice Boyd gets paid a percentage only when a grant is received. Hoort said that Carlson would be paid, whatever the outcome.

CORRESPONDENCE AND VACANCY REPORT

The Principal Clerk had submitted the Correspondence and Vacancy Report of May 18, 2018.

Wilson called attention to a letter from Ira Wood in support of having local marijuana dispensaries. Berta Bruinooge asked about a letter from Janet Lesniak, Executive Director of Preservation Hall. Ms. Bruinooge expressed displeasure about remarks made by Houk at a previous meeting.

TOPICS FOR FUTURE DISCUSSION

Topics for future consideration included: Having a salt water ice machine at the marina; discussing a use-of-Town-land plan with department heads and committees; discussing the Marconi traffic light intersection with the DOT (Reinhart); having sellfishing issues placed together on agendas; hsvg reports from the various task forces for housing, dredging and parking (Wilson); and the parking area at Bank St. and Commercial St. (Bacon). Harriet Korim Arnoldi urged the Board to look at groupcarpool.com and consider carpooling options for Wellfleet.

MINUTES

I move to approve the amended Select Board minutes of May 8, 2018.

Motion: Wilson Second: Bacon 4-0-0. Motion carries.

ADJOURNMENT

I move to adjourn.

Motion: Bacon Second: Wilson 4-0-0. Motion carries.

The meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Mary Rogers,
Secretary

Public Records Material of 5/22/18

1. Application for Underground Fuel Storage License for Cumberland Farms
2. One Day Beer and Wine License for "Live for Lou"
3. Amendments for Shellfish Regulations
4. Shellfish Grant Request for James and Allison Gray
5. Common Victualler application for Bol Organic Acai Bowls
6. Police Department Appointment papers
7. Appointment papers for Shellfish Advisory Board
8. Appoint papers for Board of Water Commissioners
9. Requests for Use of Town Property by Zach Pawa of the Sacred Surf School, the Memorial Garden for a "Live for Lou," the Harbor Stage Company, VBT Bicycling Vacations, Elaine Harman, New England Endurance Events, and "Yard Sale at the Dump."
10. Habitat for Humanity LIP Application and Letter of Support
11. Shellfish Warden's letter re: Keller's Corner dated 5/16/18
12. Town Administrator's report of 5/22/18
13. Correspondence & Vacancy Report of 5/18/18