

**Wellfleet Select Board Meeting
Tuesday, June 12, 2018, at 6:00 p.m.
Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet MA 02667**

Select Board Members Present: Chair Janet Reinhart - Chair; Helen Miranda Wilson – Vice Chair, Justina Carlson – Clerk, Kathleen Bacon, Jerry Houk.

Also Present: Dan Hoort - Town Administrator, Radu Luca – Executive Assistant to the Town Administrator, Ronald Fisette – Police Chief.

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

I move to enter into Executive Session, pursuant to G.L. c. 30A, §21(a)(3), to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares:

- 1. Sexton et al v. Wellfleet Housing Authority, et al No. 17 Misc 000728 (RBF)**
- 2. Approval of executive session minutes.**

Motion: Reinhart Second: Wilson

Reinhart yea

Wilson yea

Carlson yea

Bacon yea

Houk yea

Roll Call Vote: 5-0

Houk, Wilson, Reinhart, Bacon and Carlson each said *yea*, and the Select Board suspended the regular meeting.

The Select Board returned to open session and resumed the meeting at 7:03 p.m.

I. Announcements, Open Session and Public Comment

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

Bacon asked the people who removed the podium from Town Hall on Friday June 1 to please return it. The TA said the podium had been found and that the issue was resolved. Bacon thanked Marianne Nickerson for her 42 years of service to the Town. She also commended the Wellfleet Elementary School kids for the Piece of Peace Day on Friday, June 8.

Reinhart said that with regard for the increased parking fee for parking at White Crest Beach, the BOS doesn't make rash decisions, and that the rates for 3 days and all day stickers all other locations remain the same. She also said she gets more complaints about the Cahoon Hollow intersection in the summer than any other place in town, especially regarding bus traffic. She got complaints from people about the buses waiting to shuttle people to the beaches intersection at Cove Rd. She also said that if the increased rates are detrimental, we can always change them back to their original fee. Bacon said she was the Selectman who requested the rates be increased at White Crest beach and that, in the future, our beaches and parking will be our most precious commodity and that it's our duty to maintain them for our residents and summer visitors. Visitors could also choose to park at Marconi (a CCNS beach) for \$20 a day. if the lot at White Crest is full or if they can't afford the fee.

Wayne Clough said it's his understanding that expanding the parking lot at White Crest beach has been put on hold and encouraged the TA to invite residents to weigh in with ideas during the beach / parking task force meetings, once that committee gets underway.

Nancy Civetta said that one of the biggest goals the TA had put forth was interdepartmental communication and collaboration and that the WSD and the DPW joined efforts to maximize shellfish propagation efforts by adding 202 new quahog clams from Taunton to add to the diversity of shell stock to help sustain our shellfishery. She expressed appreciation for the DPW's help. She also said that there will be a talk about the talk at the Wellfleet Historic Society on Wednesday night, the next day, at the Wellfleet Library at 7 pm.

Chief Fisette announced that Selina Austin was named the new dispatcher to fill a vacancy due to retirement of Cheryl Mulligan. He also received notification from FEMA announcing that the Town would receive almost \$95k in reimbursements for the blizzard of 2013. The Chief reminded the audience that the Mass DOT presentation on the intersection at Route 6 and Main Street is Thursday night, June 14 at 7 pm at the COA. Bacon asked how the ribbon cutting event was coming along and Chief Fisette said they're looking at something in September. Wilson asked when the WPD will move in there. Chief Fisette said they're looking at the end of June, early July.

Ennie McDonald said she'd been looking for a Community Host Agreement for marijuana cultivation from the BOS. McDonald has had exchanges with various Town staff about this. Wellfleet commercial farms are required to be a minimum of five acres per the Wellfleet Zoning bylaws and that her property is not eligible for that purpose.

Bacon said this is a zoning issue and that in its current Zoning Bylaws, the Town requires five acres of land for the purpose for cultivating. Hoort asked that she work on this matter with the Town Planner.

Wilson said this portion of the meeting is for announcements only and that although this was a worthy discussion, that the Board shouldn't debate any matters that come up.

Thomas announced that the Beach Sticker office would open this coming Saturday, June 16, and it'll be open 9 to 4, 7 days a week through Labor Day.

II. Licenses

A. Common Victualler

1) Bol Organic Acai Bowls 317 Main Street

The venue moved to 317 Main Street underneath the Lighthouse. Bacon wished them best of luck and a great season.

I move to approve the common victualler business license for Bol Organic Acai Bowls.

Motion: Bacon

Second: Carlson

5-0-0. Motion carries.

2) Joey's Food Truck Baker's Field

Joey Rugo was present before the BOS.

Wilson asked when and if the BOS needed to approve the use of town property associated with this business and asked the TA whether the Selectboard would need to approve the use of Town property. TA said the Town has not asked food trucks businesses to come before the BOS with an application for the use of town property. Suzanne Grout Thomas explained the history for food truck businesses to use the town owned property, which is a contractual relationship between the Town and the business and that Rugo was the successful bidder. Wilson asked whether the contract specifying location, etc, before approving this. Bacon asked whether Rugo met the fire suppression requirements noted in a memo from Chief Pauley. Rugo said not yet, but they would be met by opening day.

I move to approve the common victualler business license for Joey's Food Truck.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

Move to rescind previous motion.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

I move to approve the common victualler business license for Joey's Food Truck aka Food Truck Gypsy.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

B. Food Truck

1) Joey's Food Truck Bakers Field

Houk asked if the Fire Department's requirements were met. Rugo responded and said he would bring the truck over to Chief Pauley for inspection and approval before opening day.

Wilson asked whether we were needing to sign the contract tonight and was told yes. She asked if the BOH had given Rugo a variance yet and was told no. Rugo said they wouldn't give him

one until he was in operation.

Houk said he would not vote on this matter until he has the go ahead from the Fire Chief. Wilson said that the truck absolutely can't be at the location until the Fire Chief approves the fire suppression system.

I move to approve the food truck business license for Joey's Food Truck (Food Truck Gypsy) contingent on meeting fire suppression system requirements and approval by Chief Pauley's approval.

Motion: Bacon Second: Wilson 3-2-0. Motion carries.

III. Appointments/Reappointments

A. Cable Advisory Committee Mia Baumgarten 2 vacancies 1 year

Mia Baumgarten addressed the BOS and presented a synopsis of her education and experience.

I move to appoint Mia Baumgarten to the Cable Advisory Committee for a one-year term ending June 30th, 2019.

Motion: Wilson Second: Bacon 5-0-0. Motion carries.

B. Open Space Committee Fred Streams 1 vacancy 1 year

Fred Streams addressed the BOS and presented a short synopsis of his background and experience.

Houk said the BOS and the Town are lucky to have Fred Streams join the OSC.

I move to appoint Fred Streams to the Open Space Committee for a one-year term ending June 30th, 2019.

Motion: Bacon Second: Wilson 5-0-0. Motion carries.

C. Cultural Council Susan Blake 5 vacancies 3 years

Susan Blake could not be present at the meeting.

I move to appoint Susan Blake to the Cultural Council for a three-year term ending June 30th, 2021.

Motion: Bacon Second: Wilson 5-0-0. Motion carries.

D. Reappointment to Comprehensive Wastewater Management Planning Committee George Vanderschmidt 3 years

George Vanderschmidt could not be present at the meeting.

I move to reappoint George Vanderschmidt to the Comprehensive Wastewater Management Planning Committee for a three-year term ending June 30th, 2021.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

IV. Use of Town Property

A. Sacred Surf School SUP - Mayo Beach, June 1st – August 31st, 9am – 5 pm

Zach Pawa addressed the BOS and spoke in support of his application. Per the Board's recommendation, Pawa changed the location of the paddle board tours from Mayo Beach to Indian Neck. Bacon is glad Pawa changed the location to Indian Neck instead of Mayo Beach to stay clear of shellfish grants and channels.

I move to approve Zach Pawa's request for use of Town property at Indian Neck Beach for stand-up paddle boarding from June 1 to August 31, subject to the conditions, if any, as listed on the application for a fee of \$385.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

B. Fun Seekers SUP – Various locations, June 13th- Nov 1st

Eric Gustafson addressed the BOS and spoke in support of his application. The Board asked Gustafson if he'd agrees changing some of the location for his programs and he said he's willing to work collaboratively with the Town on this matter.

I move to approve the use of White Crest Beach for Fun Seekers SUP at Chipman's Cove, Paine Hollow, Duck Harbor, Long Pond, Great Pond, Indian Neck, Gray Pond and White Crest from June 13th through November 1st, subject to the conditions, if any, as listed on the application.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

V. Business

A. Police Station Change Order [Terkanian]

Harry Terkanian addressed the BOS and presented an update to the project. None of the change orders to date had changed the initial completion date. More money had been requested by the contractor. There have been some complications with regard to the lift, the second floor which was not level, what the west and south walls were originally constructed out of, and that they were in places, not sitting on the foundation. These were conditions that were unforeseen. The anticipated completion date is June 28 and this change order ~~over~~ is a resolution that the Building Committee recommended by a 5-0 vote. Richard Pomeroy, the Town's project said that the contingency fund was there for this kind of situation.

Houk asked whether the contractor had the floor fixed when they discovered that the floor was uneven. Terkanian responded and said the original proposal was to do the

entire floor all over again for \$40,000, but the original concrete floor had not been poured square and this issue was not discoverable during the initial inspection. The chief architect, Tod Costa went into some detail as to how this was corrected. Terkanian clarified that this was not included in the contract because it was unforeseen.

I move to approve the Police Station Change Order per the Building and Needs Assessment Committee's recommendation.

Motion: Bacon

Second: Carlson

5-0-0. Motion carries.

B. Approval of award of Shellfish Grant [Shellfish Constable]

Civetta said that this was the first time in the history of the grant program, a grant was returned to the Town and is about to be awarded to Justin Lynch tonight. Lynch also asked the BOS about the process of adding another licensee to the lease. The board collectively agreed that was not an issue.

I move to approve the award of Shellfish Grant #01-05 to Justin Lynch for one year per the Shellfish Constable's recommendation.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

C. Decision on permit suspension duration for Jackie Bassett for violation of Wellfleet Shellfish Policy and Regulations Section 4.9 Poaching [Shellfish Constable]

Civetta said Jackie Bassett had been present, but he had to leave because of a time constraint.

Wilson clarified that the BOS is the regulatory body Regulations and is the one that decides the length of a suspension, but the Shellfish Constable is the one responsible for enforcing them. She read 11.8. Civetta said that she said that she was doing it under 11.6. and that she had already levied a fine because it was poaching, a serious violation but it was his first offense.

Bacon is sorry that this happened, but she made a commitment to support the Shellfish Constable when she joined the BOS; she said that the law is the law and this is poaching. Civetta said the WSD doesn't take this decision lightly because someone's livelihood is at stake here.

Houk asked whether this suspension was for 7 consecutive days. The answer was yes, 7 straight days.

Mike Kubiak asked what the value of the suspension would be on average. At \$.50/piece / 250 pieces / day totals up to \$1,500. Civetta said it depended on

I move to suspend Jackie Bassett's commercial shellfish permit, for seven days from June 13th through June 19, inclusive, for being in violation of the Wellfleet Shellfish

Policy and Regulations Section 4.9 Poaching, per the Shellfish Constable's recommendation.

Motion: Wilson
abstained.

Second: Bacon

4-0-1. Motion carries. Carlson

Carlson said she was abstaining because her partner was a shellfisherman, and that she was uncertain as to whether she should act on this or not at that time.

D. Appointment of Seasonal Shellfish Dept. employee [Shellfish Constable]

Civetta introduced Andrew Ryan to the BOS and recommended he be appointed as a season, part-time employee to the WSD.

Bacon welcomed Ryan aboard. Wilson and Houk emphasized Ryan's education and resume, respectively.

Civetta clarified that he had started work on June 6th. Hoort said that because he has some enforcement duties, he had to be appointed by the Board. Janet clarified that recusals should happen at the beginning of an agenda item.

I move to appoint Andrew B. Ryan as a seasonal, part-time employee from June 1st through October 20th, 2018 and from May 20th through June 30th, 2019 per the Shellfish Constable's recommendation.

Motion: Bacon
abstained.

Second: Wilson

4-0-1. Motion carries. Carlson

E. Review and signing of easement for 15 Harding Lane [TA]

The TA explained the history behind the Easement agreement, which had been voted at Town Meeting.

I move to approve the easement for 15 Harding Lane.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

**F. Global Covenant of Mayors for Climate & Energy Commitment Letter
[Robert Shapiro]**

The BOS took Business F. out of order and discussed it before Business E.

Robert Shapiro addressed the BOS and spoke in support of the Board's approving the letter. Shapiro told the BOS he would be the one to be responsible for the reporting back and managing the work associated with this commitment. He explained that this was a way to having access to "tools" to collect and process data for free for honoring this covenant. That the process was similar to the Green Communities Act – that there was no consequence to not to report what's asked for in the covenant.

Wilson asked about the initials ICLEI and what they stand for. Shapiro said they stand for “International Council for Local Environmental Initiatives.” Wilson asked whether Shapiro was backed by the rest of the Energy Committee, with Shapiro taking the lead. The answer is yes, the Energy Committee supports this effort and Shapiro expects at least one other person from the EC to help.

I move to approve the Global Covenant of Mayors for Climate & Energy Commitment Letter per the Energy Committee’s recommendation.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

G. Approval of Herring River Restoration Project MOU between Wellfleet & Truro [TA]

The TA presented the MOU and mentioned that Truro would not be involved in Phase 1 of the project since it does not pertain to them.

Wilson spoke as a member of the Selectboard, who’s well aware of the project, not as an appointee to the Executive Council. She highlighted some issues with the current language included in the MOU. For one thing, Truro does have property that is included in Phase One. She said that she would bring it up at the Herring River Restoration committee meeting.

Reinhart suggested Wilson address her concerns at the Herring River Restoration Committee meeting and then meet with the TA. Hoort said the signing of the MOU is not time sensitive and that he would meet with Wilson and address her concerns. Wilson also thinks this is an MOU that should probably be decided by the Executive Council and that.

Paul Faxon, a resident who is also on the HRRP Stakeholders group, addressed the BOS from the audience and spoke in support of postponing this MOU and how it’s currently drafted and raised a series of questions that were raised by this proposal, and highlighted the fact that K and P was jointly representing both towns.

Bacon said that the Cape Cod Advisory Commission would meet on Monday, June 20th and that the Herring River Restoration Project is on the agenda.

Houk would like to thank Paxon for his suggestions and comments and that considering Don Palladino’s passing, would like to bring Gary Joseph, the current chair of the HRRC, before the BOS for an update.

No action was taken on this item.

H. Approval of Cahoon Hollow parking lot lease [TA]

Wilson asked when the renter's fees mentioned in the contract would be run by the BOS. Hoort said if the fees would be different from what the Town charges, that would be brought before the BOS for approval. Wilson also said that the number of potties should be seasonally appropriate and as specified by the Beach Administrator. Houk said that the potty contractor (Matthew Frazier) was aware of how many potties might be needed at any given time. Carlson asked about the expense and that not having that defined could be a problem. Hoort said that the service was subject to prevailing wages. Wilson clarified that the BOH had some jurisdiction over this matter.

I move to approve the lease for Cahoon Hollow Parking Lot as presented by the Town Administrator.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

**I. Approval of portable restrooms contract for Baker Field recreation area.
[TA]**

TA said the people would be using the regular portable restrooms, as in previous years, that would come from MA Frazier.

No action was taken on this item.

VI. Town Administrator's Report

Wilson asked about the Staff Parking Task Force. The TA said he invited all Department Heads for an initial meeting on what should be addressed, moving forward. The Marina Advisory Committee could host these meetings.

Bacon inquired about the executed contract for waste and single stream recycling. The TA said this was a pilot program that we're trying for one year at the beaches. The TA said we're also looking at educational programs for better recycling practices. Bacon said that China is no longer accepting recycling from the US and that Dennis is no longer recycling at all. Wilson said there might be other markets for accepting our recycling, that we could improve the quality of our material by rinsing out cans, etc., and that people on municipal water systems could rinse out recyclable items with gray water. Reinhart said that part of this issue could be addressed through education. Bacon said that if we will not be doing recycling anymore and if we started incinerating our waste from now on there might not be a need for our purple bags. Houk thinks the same rules should apply to everyone with regard to the purple bag policy and asked the TA whether we're currently doing recycling at our beaches. The TA responded and said yes, the town would have recycling bins at the beaches this summer.

VII. Topics for Future Discussion

Reinhart said that on June 20th there would be a meeting of the BOS with the Town's department heads and committee chairs and she would like the public to join and listen. The meeting will use the Comprehensive Plan to discuss our needs pertaining to water,

waste water, the marina, housing, recycling, etc. Wilson would like to have a memo and invitation drafted and sent to all boards and committees. Wilson would like to start a discussion about the process of how to form a new Waste Water Authority an entity required by Section 208. Reinhart said that the meeting would help to move the Comprehensive Plan (which has not yet been completed) forward. Bacon felt that the Plan should be completed first and that it might be the forum for this. Wilson supported different municipal groups alerting each other when they were acting on matters that overlapped.

VIII. Correspondence and Vacancy Report

Bacon addressed a complaint regarding a driveway in town and the TA clarified this was a dispute among neighbors and that the Town doesn't have jurisdiction over that piece of land.

IX. Minutes

I move to approve the minutes from 5.22.2018 as amended.

Motion: Wilson Second: Bacon 4-0-0. Motion carries. Houk was absent for this.

X. Adjournment

I move to adjourn.

Motion: Bacon Second: Wilson 4-0-0. Motion carries. Houk was absent for this vote.

The meeting was adjourned at 9:35 pm.

Respectfully submitted,

Radu D. Luca,
Executive Assistant to the Town Administrator

Public Records Material of 6/12/18

1. Application for Food Truck business license - Joey's Food Truck (May 2, 2018)
2. Application for Town Boards – Mia Baumgarten to Cable Advisory Board
3. Application for Town Boards – Fred Streams to Open Space Committee (May 18, 2018)
4. Application for Town Boards – Susan Blake to Cultural Council (May 21, 2018)
5. Application for Town Boards – George Vanderschmidt to Comprehensive Wastewater Management Planning Committee (reappointment)
6. Application for Use of Town Property – Sacred Surf School
7. Application for Use of Town Property – Fun Seekers (May 11, 2018)

8. Police Station Change Order (June 5, 2018)
9. Memo – Shellfish Constable to BOS – Approval of award of shellfish grant license #01-05 (June 6, 2018)
10. Memo – Shellfish Constable to BOS – Decision on permit suspension for poaching (June 6, 2018)
11. Memo – Shellfish Constable to BOS – WSD FY2019 Part-time, seasonal hire (June 5, 2018)
12. Easement Agreement – 15 Harding Lane, Wellfleet
13. Letter of Commitment – Global Covenant of Mayors for Climate & Energy
14. MOU – Herring River Restoration Project
15. Lease Agreement – Cahoon Hollow Parking Lot
16. Contract Agreement – Bakers Field Restrooms
17. Correspondence & Vacancy Report – Principal Clerk (June 8, 2018)
18. Draft BOS Minutes from 5.22.18 – Secretary