



**Wellfleet Board of Selectmen
Minutes of July 11, 2017
Wellfleet Senior Center**

Present: Selectmen Dennis Murphy, Chair, Janet Reinhart, Kathleen Bacon and Helen Miranda Wilson;
Town Administrator Dan Hoort, Assistant Town Administrator Brian Carlson;

Regrets: Jerry Houk

Chairman Murphy called the meeting to order at 7:00 PM.

Announcements, Open Session and Public Comment

- Murphy read a letter by the Chairman of the Marina Advisory Committee about the outstanding performance and services of the retired Assistant Harbormaster Lenny Croteau.
- Murphy announced his resignation from the Herring River Executive Council (HREC) due to potential appearance of conflict of interest. He is an owner of property abutting the Mill Creek basin area and would like to avoid any potential claim that his property will benefit from the Herring River Restoration Project (HRRP). He said that he is still in support of the HRRP, and he has always acted in the best interest of the Town, with no personal gain in mind. He said that even if he were to file a Conflict of Interest disclosure form with the Board of Selectmen, that would not protect him from legal liability, and would only satisfy the State requirement. He asked to have a replacement HREC appointment on the next meeting agenda.

Murphy opened the public hearings.

Public Hearing: Myron, Judy P & Rebecca Taylor to transfer shellfish grant licenses #734 and 734A from Myron, Judy P & Rebecca Taylor to Myron Taylor & Rebecca Taylor & to renew them for a 10-year period.

The applicants were present to answer Selectmen's about their request. The acting shellfish constable John Mankevetch recommended the transfer and the grant renewal requests.

MOTION 218-006: Reinhart moved and Wilson seconded to approve the request of Myron, Judy P and Rebecca Taylor to transfer shellfish grant licenses #734 and 734A from Myron, Judy P and Rebecca Taylor to Myron Taylor and Rebecca Taylor and to renew shellfish grant licenses #734 and 734A for a 10-year period. The motion passed 4-0.

Public Hearing: Joseph Gray and Louis Doucette to transfer shellfish grant license #755 from Joseph Gray and Louis Doucette to Joseph Gray and Rachael Aurelie Finn. (continued from 6/27/17)

Rachel Finn and Joseph Gray were available to answer questions. John Mankevetch recommended the request for a grant transfer.

MOTION 218-007: Wilson moved and Reinhart seconded to approve the request of Joseph Gray and Louis Doucette to transfer shellfish grant license #755 from Joseph Gray and Louis Doucette to Joseph Gray and Rachael Aurelie Finn. The motion passed 4-0.

Appointment: Tom Flynn to the Natural Resources Advisory Board with a term to June 30, 2020.

Tom Flynn presented his interest to serve on the NRAB. Reinhart and Wilson spoke highly of Flynn. John Riehl, Chair of the NRAB supported the appointment.

MOTION 218-008: Reinhart moved and Wilson seconded to appoint Tom Flynn to the Natural Resources Advisory Board with a term to June 30, 2020. The motion passed 4-0.

Appointment: John Cumbler to the Conservation Commission with a term to June 30, 2019.

John Cumbler stated his interest in serving on the Conservation Commission. He said he would leave the Board of Health if he gets appointed to the Conservation Commission.

MOTION 218-009: Reinhart moved and Bacon seconded to appoint John Cumbler to the Conservation Commission with a term to June 30, 2019. The motion passed 4-0.

Appointment: Jayne Oliva Faxon to the Conservation Commission with a term to June 30, 2018

The applicant Jayne Oliva Faxon withdrew her application, and there was no action taken on this request.

Use of Town Property: Aine Cole/Thomson Family Adventures for a clambake on September 5, 2017 from 5 pm to 8 pm at Duck Harbor.

The applicant was not present, but the Board had questions before deciding on this use of Town property request.

MOTION 218-010: Bacon moved and Wilson seconded to postpone the request of Aine Cole/Thomson Family Adventures for a clambake on September 5, 2017 from 5 pm to 8 pm at Duck Harbor because applicants were not present to answer questions. The motion passed 4-0.

Business: Request for FY 2017 year-end budget transfers

Town Accountant Connie Boulos had prepared a detailed explanation of the request for end of FY 2017 transfers¹. TA Dan Hoort explained recent changes of the Municipal Modernization Act and the removal of the \$5,000 restriction and answered Wilson's questions about the snow removal overage. Boulos explained to Bacon the reasons for the overages of the Beach Program were caused by an early start of the program. Reinhart wanted to know more about the overage in the fringe benefits line item in the Accounting Budget. Hoort explained that this was caused by accrued vacation time by the retired Town Accountant. In the future in order to avoid this situation from happening again, he is requiring all employee use their excess vacation and as of June 30, 2020 employees will be able to carry over no more than two weeks of vacation time. The selectmen were very impressed with Boulo's and Hoort's presentation.

MOTION 218-011: Reinhart moved and Bacon seconded to approve the FY 2017 year-end budget transfers as presented, subject to changes as a result to unprocessed FY 2017 payroll and vendor bill adjustments. The motion passed 4-0.

Business: Briefing on a follow-up program to the Solarize Wellfleet Program

Dick Elkin had a PowerPoint presentation² to brief the Board on a follow-up initiative to the Solarize Wellfleet program. He explained the contractual relationships with Mass CEC and how it evolved between 2014 and 2016. He presented a proposal for creating a corporation - Outer Cape Energy Committee (OCEC) for the five participating towns – Orleans, Eastham, Wellfleet, Truro and Provincetown, and asked the Selectmen on how to proceed with the list of action items requested from the Board. Discussion ensued, during which Wilson expressed concerns about weighted votes and preferred to have each town represented by an equal number of participants having an equal vote. Reinhart wanted to know about funding opportunities and the structure of the proposed corporation. Murphy was in favor of joining the Outer Cape Energy Committee, Inc (OCEC, Inc.). The rest of the Board agreed with Murphy with the caveat that each town should be represented equally. Hoort talked about the liabilities of the corporations and cautioned the Board. He said that he would like to review this before approval to make sure that the Town is protected. Elkin will come back to the Board with candidates for nomination and the OCEC, Inc. corporation agreement document for the five towns.

Business: Conflict of Interest Law Review

Hoort went over the conflict of interest disclosure form³, submitted by Select Board member Helen Miranda Wilson and received by the Board on July 5, 2017. The Board reviewed the form. Wilson talked about the process she took with the State Ethics Commission about this matter. She disclosed that her property would not be impacted by the HRRP. There was a mutual consensus among the members of the Board that there is no substantial conflict of interest that would affect Wilson's integrity of service to the Town. Reinhart said that the Board should accept the determination of Helen Miranda Wilson that there is no financial conflict of interest with her appointment to the Herring River Executive Council, and that the Board accepted this disclosure. Discussion ensued about the benefits of using the Attorney of the day service at the State Ethics Commission. Bacon wanted to know how future conflicts of interest would be handled. In conclusion, Murphy pointed out that this disclosure and its acceptance by the Board does not indemnify Wilson from legal claims.

Town Administrator's Report⁴

In addition to the TA Report submitted with the meeting packets, Hoort went over the material he had prepared for the Harbor Dredging Project. He answered a question by Wilson about the meeting with Andrew Gottlieb, and a question by Reinhart about the two road complaints mentioned in his report.

Topics for Future Discussion

- Wilson – letter from Carol Dumas and the request for a sign by The Firebirds promoting Wellfleet Night on July 21. There was a consensus to allow a placement of a sandwich board where the community forum sign goes, as long as it is in compliance with the Town's sign bylaws.
- Reinhart asked for department heads reports. Hoort will follow up on this request.
- Reinhart suggested having informational updates from all boards, committees and departments. Murphy suggested looking at the agendas when planning for these committees and boards reports.

Correspondence⁵ and Vacancy⁶ Report

Minutes⁷ [June 20, June 27 and July 5, 2017]

Wilson offered comments on the minutes of June 27, July 5 and June 20, 2017.

MOTION 218-012: Wilson moved and Reinhart seconded to approve the minutes of June 27, 2017 as amended by Wilson. The motion passed 4-0.

MOTION 218-013: Wilson moved and Reinhart seconded to approve the minutes of July 5, 2017 as amended by Wilson. The motion passed 4-0.

MOTION 218-014: Wilson moved and Reinhart seconded to approve the minutes of June 20, 2017 as amended by Wilson. The motion passed 4-0.

Adjournment

MOTION 218-015: Reinhart moved and Murphy seconded to adjourn the public meeting at 8:47 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials

¹ Request for FY 2017 end of fiscal year transfers

² PowerPoint on Briefing on a follow-up program to the Solarize Wellfleet Program

³ Conflict of Interest Disclosure Form submitted by Helen Miranda Wilson

⁴ TA Report of July 7, 2017

⁵ Correspondence Report of July 11, 2017

⁶ Vacancy Report of July 7, 2017

⁷ Draft Minutes of June 20, June 27 and July 5, 2017