



**Wellfleet Board of Selectmen  
Minutes of September 12, 2017  
Wellfleet Senior Center**

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

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

**Announcements, Open Session and Public Comment**

- Murphy announced that he will not be present for the September 26<sup>th</sup> Selectmen's meeting.
- Jeff Lay shared issue with the South Wellfleet General Store charging for parking and operating as a commercial parking lot. Hoort advised him to call Town Hall and talk to the Principal Clerk to get his questions about this matter answered.

**Public Hearing: Tax Classification Hearing for FY 2018**

Town Assessor Nancy Vail had provided a memo<sup>1</sup> with the meeting materials for the Board of Selectmen explaining all possible options for setting the tax rate. The memo also had the recommendation of the Board of Assessors to retain the single tax rate and to make the Residential Factor the numeral 1 for Fiscal Year 2018.

**MOTION 218-048:** Reinhart moved and Wilson seconded to make the Residential Factor the numeral 1 for Fiscal Year 2018. The motion passed 5-0.

Vail explained the available Option One which is an exemption of 35% for resident tax payers. The Board of Assessors does not recommend this option. David Shackman asked Vail to explain the residential exemption option in detail. Hoort clarified how the residential exemption works as a tax reduction for domiciled residents. Shackman was against the proposal for residential exemption due to its unfairness. Hoort explained that the residential exemption would not differentiate in terms of income or property value, but it would target residents and nonresidents and would encourage owners to have a residential status in Town. Heated discussion ensued. May Ruth Seidel also disagreed with approving a residential tax exemption. Jay Ketchum wanted a better understanding of the issue. Hoort explained that this is a requirement by the Department of Revenue to consider all options in setting the tax rate each fiscal year, and the Board is considering each option as is required by the DOR. Ketchum also opposed the residential exemption. Charlie Kessler also disagreed with the residential tax exemption and made three arguments to the Selectmen against considering this option. He presented an alternative to raise revenue without an impact to the tax rate such as assessing short term rental tax, increasing fees and looking into new revenue sources. John Cumbler favored the residential tax exemption, and said that most towns in Massachusetts have a residential tax exemption. According to him many of the nonresident homeowners already are reaping its benefits elsewhere, but are opposing it in Wellfleet. Betty Olney opposed the option for a residential tax exemption, because it would aggravate the nonresident homeowners, dividing the community. Brent Harrold wanted to better understand the resistance of the second homeowners, many of who are already benefitting from this exemption in their home towns, and was in favor of considering this option so as to help Wellfleet's local people in need. David Holstrom did not favor the proposed option, but felt that it is a step in the right direction. He said that this should be revisited when more information and numbers are available. John Morrissey explained the benefits of the residential tax exemption to the below average assessed properties. Morrissey opined that something should be done. Laura Fisher opposed this proposal and was bothered by the separation of the community. Kathleen Bacon favored the residential tax

exemption in order to make Wellfleet a sustainable community. Bacon said that this exemption would be a control mechanism in a resort community to allow elderly to stay and young families to settle in. Reinhart asked the nonresidents present to raise hands if they already had a residential tax exemption at their primary residence. Only one individual raised their hand. Reinhart said that she would not vote for this. She encouraged everyone who wishes to donate to the Wellfleet Taxation Aid fund to help the disabled and elderly residents pay their taxes. Houk reminded everyone that the Board of Assessors does not recommend this, and disclosed that he also would not support this now, and was never in favor of it before. Wilson also did not favor this option of residential tax exemption. She said that if people lived in Wellfleet for 184 days a year they should be considered domiciled residents. She felt that more information was needed about the income of the nonresidents before discussing this option. Murphy did not find this tax rate option fair, and said that this review was needed for the Board's information. He felt that raising fees and other revenue options should be a first option before considering the residential tax exemption. He suggested having this topic as an agenda item after the budget season is over to discuss this matter in details.

**MOTION 218-049:** Houk moved and Reinhart seconded to not recommend the residential tax exemption as recommended by the Board of Assessors. Brent Harold urged the Board to reconsider. The motion passed 4-1 (Bacon).

Vail informed the Selectmen about Options Two - "Open Space Exemption" and Option Three "Small Business Exemption", and said that those options were not recommended by the Board of Assessors, and no action was needed.

The public hearing was closed at 8:00 pm.

**Use of Town Property: Request to use Mayo Beach for yoga classes during summer 2018**

The applicant Della Spring was not present due to out of Town obligations. Bacon suggested postponing this request until the applicant is able to attend a meeting. She felt that the proposed fees for use of Town Properties should be reviewed and a policy should be made for businesses using the beaches. Reinhart and Wilson agreed with Bacon on postponing this and no action was taken on this matter.

**Use of Town Property: Request to use Newcomb Hollow or Duck Harbor beach and parking on September 30, 2017 for a wedding ceremony.**

Denise Reggaes was present to answer questions about her fiancé's request for a wedding ceremony on September 30, 2017.

**MOTION 218-050:** Wilson moved and Reinhart seconded to approve the request of James Gilbert to use Newcomb Hollow or Duck Harbor beach and parking on September 30, 2017 from 2 pm to 3:30 pm for a wedding ceremony at those two beaches with \$100 event fee and conditions as listed on the use form. The motion passed 5-0.

**Use of Town Property: Request to use White Crest parking lot on September 30, 2017 for a 50-mile relay race.**

No representative was present, but the Selectmen were in favor of acting on this request anyway.

**MOTION 218-051:** Reinhart moved and Wilson seconded to approve the request of Matthew Auger on behalf of Fall 50 Cape Cod to use White Crest parking lot on September 30, 2017 from 5 am to 9 am for a 50-mile relay race with no event fee and conditions as listed on the use form. The motion passed 5-0.

**Business: Report of the Historical Society on historic sign markings**

Seth Rolbein gave an update on the Historical Society proposal to place historic sign markings reproducing the image of the old scenes. This matter was originally discussed during the BOS meeting on February 9, 2016. He said that the Town of Chatham has started doing this. Rolbein had a sample display of how the historic markings would look. Murphy favored this idea, but was concerned with who would be responsible for the maintenance of the signs. Rolbein said that there is no final version and a cost estimate yet, but confirmed that he would come back with specific locations and cost figures when these are available. Bacon and Reinhart favored this proposal also, but Reinhart was concerned with the cost to the Town. Bacon and Reinhart did not want to see any signage at the sluiceway. Wilson said that she would support the Town contributing to the maintenance of the Historical Society archives, but did not like the way the sample sign looked and felt such signs to be an unnecessary element. She said that people may still see the historic places on the web site of the Historical Society. Houk supported this idea. No action was taken by the Board.

**Business: Request of the Recycling Committee for a fall tax bill inset**

Kristine Shreves was present to answer questions about the Wellfleet Recycling Committee request for a fall tax bill insert.

**MOTION 218-052:** Reinhart moved and Wilson seconded to approve the request of the Wellfleet Recycling Committee for a fall tax bill insert as printed, as long as the insert does not increase the cost for mailing of the fall tax bill. The motion passed 5-0.

**Business: Discussion of consistent power outages**

Ira Wood explained that between July 4 and August 30 there were four outages in Town between West Main Street and Old Chequesset Neck Rd. He said that Eversource should do something to correct this from happening again, and requested assistance from the Board by contacting Eversource. Wilson felt that the request should be in writing. Bacon said that based on information she heard, it might be a matter of transformer malfunction. There was a mutual consensus among the Selectmen to send the requested letter to Eversource. Hoort will get the dates of the outages and the parameters of the area from the Police Department and will work on writing the requested letter to be signed by the Board. The discussion concluded with no other action taken.

**Business: Report on Affordable Housing by Assistant Town Administrator**

Brian Carlson, Assistant Town Administrator gave a report on affordable housing initiatives taking place in Town. He had explained all affordable housing initiative in details in his memo<sup>2</sup> to the Board dated September 8, 2017. Reinhart wanted to know the ratio of residents and nonresidents living in the two mobile homes parks. Houk wanted to know the cost of a 3-bedroom affordable rental unit. Carlson did not have the exact numbers, but will find out and report back. Bacon shared her bad experience with renting an affordable accessory dwelling unit that did not have any heat source other than a fireplace. Wilson said that there are Habitat for Humanity units in Town that have not been listed on this memo and requested them on the next report. Carlson confirmed that the Housing Authority will be coming to the Board in November and he will provide the requested information then.

**Business: Review of FY 2019 Budget Policy – draft, first reading**

Town Administrator Hoort went over the first draft of the proposed FY 2018 Budget Policy. The Board was very impressed with the proposed budget policy for FY2019. No additional comments were offered and no action was taken on the first reading.

**Business: Discussion of and possible vote on 2017-2018 Board of Selectmen Goals**

Hoort explained that the proposed list of goals was based on the goals submitted by Select Board members Bacon and Wilson and on the future concerns discussed by the Board at previous meetings. Murphy said that he would not be submitting a separate list of goals, because he is still sticking to his goals of last year that are not yet achieved. Wilson preferred the previous format of the BOS goals, and wanted to see them in the same format again. Reinhart was happy with the list of goals as presented. Bacon explained that she did not have a goal for a town-wide parking plan, just a specific parking area at the Old Fire Station to be addressed. Hoort said that he had worked with the Building Commissioner and the Police Chief on this request, and that this area is not recognized by the Town as a parking lot. Wilson said that action should be taken, because this is a Town-owned lot regardless of the fact whether it is a parking lot or not. The Board agreed to revisit this during their next meeting. Wilson said that one of her goal was not put properly, and should be listed as “Continue to improve our knowledge of our role as the Shellfish Regulatory Board. Meet the Shellfish Department halfway by knowing State and local laws and regulations”. No action was taken on this matter.

### **Town Administrator’s Report<sup>3</sup>**

Wilson wanted to know if a land swap would be discussed so as to expand the Newcomb Hollow parking lot during the TA’s meeting with the Cape Cod National Seashore.

### **Topics for Listing on Future Agendas**

- Wilson requested to have the letter from Gull Pond Area Conservation Association (GUPACA) should become an agenda item for Selectmen.
- Wilson requested that Board and Committees should become informed about the Mullin rule for alternate members.
- Wilson noted that Committee and Board minutes are still not up to date.
- Murphy said that the Selectmen should hold a public hearing on the Pete Landon’s noise complaints regarding the Pearl Restaurant.
- Wilson requested more information about the Recreational Marijuana law update article in the Beacon.
- Houk reminded that the Selectmen need to come to a resolution on the old Shellfish Shack. (JH)

### **Correspondence<sup>4</sup> and Vacancy Report<sup>5</sup>**

Wilson wanted to know more about Mark Borrelli’s and John Portnoy’s study of black mayonnaise; Wilson mentioned a letter by Eastham’s TA Jacqui Beebe requesting support from the Board regarding a development issue on Route 6.

### **Minutes of August 22 and 25, 2017**

Wilson offered amendments to the minutes of August 22 and August 25, 2017.

**MOTION 218-053:** Wilson moved and Reinhart seconded to approve the minutes<sup>6</sup> of August 22, 2017 as amended by Wilson. The motion passed 5-0.

**MOTION 218-054:** Wilson moved and Reinhart seconded to approve the minutes<sup>7</sup> of August 25, 2017 as amended by Wilson. The motion passed 5-0.

### **Executive Session and Adjournment**

**MOTION 218-055:** Murphy moved to adjourn the public meeting at 9:17 pm and enter in executive session for the following reasons:

1. Pursuant to G.L. c. 30A, §21(a)(3) to discuss strategy with respect to collective bargaining and litigation, because an open meeting may have a detrimental effect on the Town’s bargaining and litigating position, the Board will review and discuss a strategy regarding the grievance of the Wellfleet Communications Union for a health insurance stipend denial to Eileen McCarthy.

2. Cumberland Farms, Inc. v. Dennis Murphy, et al. as the Board of Selectmen, Land Court C.A. No. 17 MISC 000247 (KCL);

The board will not reconvene in public session after the executive session. The motion passed by a roll call vote where each Murphy, Reinhart, Bacon, Wilson and Houk said “Aye”.

Respectfully submitted,

Michaela Miteva, Executive Assistant

### **Public Records Materials**

<sup>1</sup> Tax Assessor Memo on FY 2019 Tax Classification Hearing Options

<sup>2</sup> ATA Memo on Affordable Housing Update

<sup>3</sup> TA Report of 8/8/17

<sup>4</sup> Correspondence of 9/8/17

<sup>5</sup> Vacancy Report of 9/8/17

<sup>6</sup> Draft minutes of 8/22/17

<sup>7</sup> Draft minutes of 8/25/17