

**Wellfleet Board of Selectmen  
Minutes of the Meeting of March 6, 2018  
Wellfleet Senior Center, 7:00 p.m.**

**BOS Members Present:** Dennis Murphy – Chair, Janet Reinhart – Vice Chair, Jerry Houk, Helen Miranda Wilson, Kathleen Bacon – Clerk.

**BOS Members Absent:** none.

Staff: Dan Hoort - Town Administrator, Radu Luca – Executive Assistant to the Town Administrator, Dan Silverman – Town Moderator, Joseph Powers – Town Clerk

The meeting was called to order at 7:00 p.m. by Dennis Murphy.

**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.

Wilson announced that the Planning Board would discuss the Zoning Bylaws included in the Warrant, at their Hearing on March 21<sup>st</sup>, at 7 pm at the COA.

**I. 2018 Annual Town Meeting Warrant**

Murphy stated that the purpose of the meeting was to place and recommend articles to be included in the Town Meeting Warrant, not to have a debate on them.

**The BOS discussed the proposed Article E first.**

**Article E.**

This article proposes an increase in an increase in the room occupancy tax.

The TA explained the rationale behind Article E, which is to look for sources of revenue for the Town of Wellfleet, which could potentially be allocated towards capital improvement projects, economic development or tourism.

Janet Loewenstein said that the State allowed municipalities to take advantage of this option years ago, both for the meals tax and for the room tax. Wellfleet voted a few years ago to increase the meals tax, but not the existing room tax.

Erica Wagner, owner of the Wagner at Duck Creek inn, said this increase in room tax burdens large scale inn and motel owners in town, because smaller owners can circumvent this. The market is very lean as it is and this tax increase would result in fewer bookings.

Donna MacAfree said there are no big corporate hotels here, we're all trying to make a living and every year it becomes more difficult for local hotels to book rooms.

John Gauthier of Maurice's Campground said that it's unfair for licensed accommodations to get another tax increase when short-term rentals which aren't licensed are not required to impose this tax on their customers.

Kenneth Granlund of the Main Stay Motor Inn said AirBnB could easily be regulated and they should be.

Bacon said it is only a matter of time before the State will start taxing AirBnB. If this additional 2% came back to Wellfleet we could invest it back into tourism or affordable housing.

Houk said surrounding towns are staying at 4% and we should stay the course this year and revisit this issue next year.

Wilson agreed with Houk that we should remain competitive with these neighboring towns but commended the TA for proposing new sources of revenue. Wilson is aware of the need to pay for services that must be provided to accommodate our seasonal visitors, but thinks a 4% tax is enough.

Reinhart hopes the AirBnB article will pass and thinks neighboring towns will raise their tax rates as well.

Murphy again reminded the audience that the votes tonight are only on whether or not to place the articles on the 2018 Town Meeting Warrant. The BOS may also choose to recommend the articles they voted to place on the Warrant.

**I move not to place and recommend ATM 2018 proposed Article E.**

**Motion: Wilson**

**Second: Houk**

**5-0-0. Motion carries.**

### **Article A.**

This article proposes that the provisions of MGL C. 40U, to create the new position of Municipal Hearing Officer be accepted by the Town.

Joseph Powers explained the rationale behind Article A, the position that it would create and how it would allow the Town more management control.

Wilson said the person doing it would have to have their job description updated and asked who's doing the job now. Powers said a lot of the tasks are done through the Town Clerk's office. Wilson said Article A would make the current system we have in place much more efficient.

**I move ~~not~~ to place and recommend ATM 2018 article A, as amended.**

**Motion: Wilson**

**Second: Bacon**

**5-0-0. Motion carries.**

## **Article B**

This article proposes to increase the stipend for the members of the Board of Selectmen.

TA gave background information for the proposed Article B in comparison with other Towns on the Cape.

Leo Wagner thinks this proposed Article B. is overdue.

Wilson doesn't agree with the fact that the Chair should receive an extra \$500 and that any member of the Board may put in a lot of time, has many duties and may choose to take on extra responsibilities, so they should all receive the same compensation. Wilson also said people on regulatory boards, who work just as much, if not more, receive no compensation.

Reinhart thinks that, having been acting Chair for the month of February, the Chair does do more in their job and deserves to be compensated more than regular board members.

Houk said the last time this issue was discussed was 1986.

Bacon said she suggested this increase in stipend to encourage more people to join the BOS.

**I move to increase the BOS compensation from \$2,000 to \$2,500 for all BOS board members.**

**Motion: Bacon**

**Second: Houk**

**3-2-0. Motion carries.**

Wilson said this would come to \$12,500, an additional \$7,500 on top of what we're paying the BOS members annually.

Murphy thinks that being paid \$2,500 could generate more scrutiny from the public.

**I move to place and recommend ATM 2018 proposed Article B as amended to raise the BOS member compensation to 2,500 each.**

**Motion: Bacon**

**Second: Houk**

**3-2-0. Motion carries.**

## **Article C.**

This article proposes to create a Stabilization Fund for Capital Improvements.

Wilson asked why such funds should't just go into the General Fund as opposed to a Capital Improvement Stabilization Fund. The TA said the rationale behind the article was to provide a guaranteed source of funds for capital improvements and make the Town a bit more disciplined on how we spend our funds.

Wilson asked whether the tax revenue from marijuana ~~tax~~ sales could be put into the fund and TA said that any expenditure on public safety from the marijuana tax revenue would qualify as an appropriate expense.

Wilson said the language “all short terms rentals” be added to the summary of Article C.

**I move to place and recommend ATM 2018 proposed Article C as printed.**

**Motion: Reinhart**

**Second: Bacon**

**5-0-0. Motion carries.**

## **Article D.**

The article proposes a Special Purpose Fund for Maintenance Dredging.

When discussing harbor dredging and the permitting process with the State, Murphy said that the latter would look more favorably at requests for funding from different communities if these projects didn’t occur every 8-10 years and there was a funding plan in place.

Harry Terkanian asked how this compares to the previous Marina Stabilization Fund. The TA said this article pertains to the dredging of the harbor, as opposed to pier maintenance.

Janet Loewenstein asked whether this fund should be a permanent one. TA said yes and that this would be seen as a real commitment from the Town and would be seen more favorably by the State.

Bacon asked where the money would come from. The TA said the money could come from parking receipts, short-term room rental tax, or free cash.

Wilson said the harbor dredging needs are cyclical and unavoidable and might well have been addressed earlier in this fashion.

**I move to place and recommend proposed ATM 2018 Article D as printed.**

**Motion: Reinhart**

**Second: Wilson**

**5-0-0. Motion carries.**

## **Section I. Budget Articles.**

### **Article 1.**

Wilson asked whether the BOS are the only paid elected officers. The Town Moderator gets an annual stipend, so do the Constables.

**I move to place and recommend ATM 2018 Article 1 as printed.**

**Motion: Reinhart**

**Second: Bacon**

**5-0-0. Motion carries.**

### **Article 2.**

Wilson underlined the proposed funding for portapotty rental and maintenance. It comes to \$73,000. The TA said the cost for this is subject to prevailing wages. Murphy said we should do a cost analysis for purchasing our own equipment. Bacon advocated for paid restrooms. Houk said that as far as he can tell, the portapotty contractors we’ve been using do a good job. The TA said we could consider buying units in the future, but this year is a trial period.

**I move to place and recommend ATM 2018 Article 2 as amended, to specify the date of the vote and alert the Town voters some quotes might change by the day of the vote on Town Meeting floor, as per the Town Moderator's comment.**

**Motion: Reinhart                      Second: Wilson                      5-0-0. Motion carries.**

**Article 3.**

**I move to place and recommend ATM 2018 Article 3 as printed.**

**Motion: Wilson                      Second: Reinhart                      5-0-0. Motion carries.**

**Article 4.**

**I move to place and recommend ATM 2018 Article 4 as printed.**

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

**Article 5.**

**I move to place and recommend ATM 2018 Article 5 as printed.**

**Motion: Wilson                      Second: Reinhart                      5-0-0. Motion carries.**

**Section II. Additional Financial Article**

**Article 6.**

**I move to place and recommend ATM 2018 Article 6 as printed.**

**Motion: Reinhart                      Second: Wilson                      5-0-0. Motion carries.**

**Article 7.**

**I move to place and recommend ATM 2018 Article 7 as printed.**

**Motion: Reinhart                      Second: Wilson                      5-0-0. Motion carries.**

**Article 8.**

**I move to place and recommend ATM 2018 Article 8 as printed.**

**Motion: Wilson                      Second: Reinhart                      5-0-0. Motion carries.**

**Article 9.**

**I move to place and recommend ATM 2018 Article 9 as printed.**

**Motion: Reinhart                      Second: Wilson                      5-0-0. Motion carries.**

**Article 10.**

**I move to place and recommend ATM 2018 Article 10 as printed.**

**Motion: Wilson                      Second: Reinhart                      5-0-0. Motion carries.**

**Article 11.**

Bacon asked if the \$10,000 from the Marina parking could be used towards the dredging of the harbor. Hoort said yes.

**I move to place and recommend ATM 2018 Article 11 as printed.**

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

**Article 12.**

**I move to place and recommend ATM 2018 Article 12 as printed.**

**Motion: Reinhart                      Second: Bacon                      5-0-0. Motion carries.**

**Article 13.**

Wilson asked whether we pay more for two channels. The TA said Comcast provides a government channel and a public access channel in one bundle. Janet Loewenstein asked whether we had a dollar amount for this article. Hoort said we could provide the dollar amount.

**I move to place and recommend ATM 2018 Article 13 as printed.**

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

**Article 14.**

**I move to place and recommend ATM 2018 Article 14 as printed.**

**Motion: Bacon                      Second: Reinhart                      5-0-0. Motion carries.**

**Article 15.**

**I move to place and recommend ATM 2018 Article 15 as printed.**

**Motion: Wilson                      Second: Reinhart                      5-0-0. Motion carries.**

**Article 16.**

Bacon said we have 5 articles proposing funds for affordable housing from the Community Preservation Fund, which is unprecedented.

**I move to place and recommend ATM 2018 Article 16 as printed.**

**Motion: Reinhart                      Second: Bacon                      5-0-0. Motion carries.**

**Article 17.**

**I move to place and recommend ATM 2018 Article 17 as printed.**

**Motion: Wilson                      Second: Reinhart                      5-0-0. Motion carries.**

**Article 18.**

**I move to place and recommend ATM 2018 Article 18 as printed.**

**Motion: Bacon                      Second: Reinhart                      5-0-0. Motion carries.**

**Article 19.**

Wilson asked whether there's any certainty that someone from Wellfleet would get into this housing. Hoort said there is no absolute certainty and this does not count towards the 10% affordable housing requirement. Reinhart said affordable housing is a Cape-wide issue, not just Wellfleet's and is in support of this article. Gary Sorkin from the audience said 114 people who work in Wellfleet live in Eastham and even if one family from Wellfleet got into that affordable housing complex it would be money well spent since the cost of building a single affordable housing unit is over \$250,000. Bacon said Eastham is at 1% regarding housing, Wellfleet is at 2.3% and this project would put Eastham above us, but Eastham has available buildable land. Bacon also said affordable, low-income, workforce, etc. housing doesn't stop at town lines. Wayne Clough asked what the existing balance in the CPC fund was. Hoort said the Fund brings in around \$500,000. The full balance can be spent every year.

**I move to place and recommend ATM 2018 Article 19 as printed.**

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

**Article 20.**

Bacon said she took this course together with the TA and fellow Board members and she benefited tremendously from it.

**I move to place and recommend ATM 2018 Article 20 as printed.**

**Motion: Reinhart                      Second: Wilson                      5-0-0. Motion carries.**

**Article 21.**

Wilson said Preservation Hall oversees maintaining the area (which the Town owns). She wondered what could possibly cost \$39,000. for the proposed work. Reinhart said at this point we're only voting whether to insert this article into the Warrant. Wilson said she would like to vote on two separate motions to place and recommend this article.

**I move to place ATM 2018 Article 21 as printed.**

**Motion: Reinhart                      Second: Wilson                      5-0-0. Motion carries.**

**I move to recommend ATM 2018 Article 21 as printed.**

**Motion: Reinhart                      Second: Bacon                      3-2-0. Motion carries.**

**Article 22.**

**I move to place and recommend ATM 2018 Article 22 as printed.**

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

**Article 23.**

Bacon would like to place this article to use unexpended funds from the Police Station renovation to pay for the conversion of the old COA building to Town storage and office space, but make a separate recommendation. Sharon Inger, Zoning Board of Appeals, spoke against inserting and recommending this article. Gary Sorkin agreed with Sharon Inger and would like to make the same recommendation and believes this site would be great for affordable housing. Wayne Clough asked how large the lot is. The answer is 9.2 acres. Dennis O'Connell pointed out that the article refers to the building only, not the whole lot. Janet Loewenstein said this article needs to go on the Warrant and be discussed on Town Meeting floor.

**I move to place ATM 2018 Article 23 as printed.**

**Motion: Wilson                      Second: Reinhart                      4-1-0. Motion carries.**

**I move to recommend ATM 2018 Article 23 as printed.**

**Motion: Wilson                      Second: Reinhart                      4-1-0. Motion carries.**

**Article 24.**

The audience asked whether there is a plan for this project. The TA does not have a plan in his position, but he believes the Community Services Director has a plan. Joe Powers said the language for the summary of the article needs to be adjusted.

There was no motion made on this article.

**Article 25.**

Janet Loewenstein asked whether this project would happen in phases. Murphy said yes. Hoort said the designs allow for the parking lot to be expanded to up to 1,000 spaces. Roger



Putnam said this is Town-owned land and the ZBA would have to approve the commercial aspect of this project. Murphy said that the purpose of this article is not to expand on parking, but to maintain the available parking, thinking 25 years down the road. Wayne Clough suggested the Town do a traffic and parking study this summer. Murphy agreed with Clough, but also said these studies need to be funded. Wilson said that the problems with traffic on Ocean View in summer are very evident without that, and need to be addressed as soon as possible. She said that the plan printed in the Banner the previous week was incorrect and did not show that the plan shows a road which siphons vehicles off Ocean View Drive after they access the lots.

**I move to place and recommend ATM 2018 Article 25 as printed.**

**Motion: Bacon**

**Second: Reinhart**

**5-0-0. Motion carries.**

#### **Article 26.**

Harry Terkanian thinks this article should be a ballot question for the voters, not an article.

No motions were made on this article.

#### **Article 27.**

Wilson asked why this tax only mentions recreational marijuana. The TA said we can only impose a tax on recreational marijuana and not the medical one. Reinhart would like the wording of the article be revised.

**I move to place and recommend ATM 2018 Article 27 as printed.**

**Motion: Bacon**

**Second: Reinhart**

**5-0-0. Motion carries.**

#### **Article 28.**

Reinhart spoke in support of this article. Jude Ahern asked who would do the hiring for this position, whether it would be the BOS or the TA. Murphy and Reinhart said this issue hasn't been determined yet. The TA said that unless it's specified in the Charter, the hiring of Staff would fall under his purview. Wilson went over the proposed job description and most of the tasks are already being done by other Town committees and/or employees. She asked that the Board request that committees and boards give their recommendation on this article.

**I move to place ATM 2018 Article 28 as printed.**

**Motion: Bacon**

**Second: Wilson**

**5-0-0. Motion carries.**

**I move to recommend ATM Article 28 as printed.**

**Motion: Reinhart**

**Second: Wilson**

**4-1-0. Motion carries.**

**Section III. Charter Amendments, General Bylaws, and Acceptance of Statutes Articles.****Article 29.**

Wilson said this issue has been addressed at Charter Review Committee meetings and believes the TA should be allowed to assume. Houk thinks that members of the BOS continue to sign warrants and that it is important for them to oversee the process. Danny O'Connell said the BOS having to sign the warrant might be redundant because these are expenditures that have already been appropriated by Town Meeting.

**I move to place ATM 2018 Article 29 as amended as per the Town Counsel's recommendation.**

**Motion: Wilson                      Second: Reinhart                      3-2-0. Motion carries.**

**I move to recommend ATM 2018 Article 29 as amended as per the Town Counsel's recommendation.**

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

**Article 30.**

**I move to place and recommend ATM 2018 Article 30 as printed.**

**Motion: Bacon                      Second: Reinhart                      5-0-0. Motion carries.**

**Article 31.**

**I move to place and recommend ATM 2018 Article 31 as printed.**

**Motion: Reinhart                      Second: Wilson                      5-0-0. Motion carries.**

**Section IV. Zoning By-Law Amendment Articles.****Article 34.**

Wilson said this article came from the Planning Board. Reinhart doesn't think the Planning Board would make major changes to this article at their following meeting.

No motion was made on this article.

**Section V. Disposition of Town property articles.****Article 40.**

Proposal to use some portion of the Town-owned Cole's Neck Rd. lot for affordable housing.

Wilson asked for some direction from Gary Sorkin. Sorkin said there might be a small portion of the property that may be outside of the exclusionary zone., but that we need to know more. Bacon said she was present at a Housing Authority meeting together with the DPW and said it would be difficult to get permitting for that property and she would like to wait on this article. Reinhart thinks we might want to place it on the Warrant and start the process. Wilson wanted to wait.

**I move not to place ATM 2018 Article 40 as printed.**

**Motion: Wilson**

**Second: Bacon**

**5-0-0. Motion carries.**

#### **Article 41.**

**I move to place and recommend ATM 2018 Article 41 as printed.**

**Motion: Reinhart**

**Second: Bacon**

**4-0-0. Houk was absent for this**

**vote. Motion carries.**

#### **Article 42.**

**I move to place and recommend ATM 2018 Article 42 as printed.**

**Motion: Reinhart**

**Second: Wilson**

**4-0-0. Houk was absent for this**

**vote. Motion carries.**

#### **Article 43.**

Janet Loewenstein asked whether the language “eminent domain” could be taken out, but the TA advised against it.

**I move to place and recommend ATM 2018 Article 43 as printed.**

**Motion: Bacon**

**Second: Reinhart**

**4-0-0. Houk was absent for this**

**vote. Motion carries.**

#### **Article 44.**

Wilson asked the TA to ask for a recommendation from the Board of Health.

**I move to place and recommend ATM 2018 Article 44 as printed.**

**Motion: Reinhart**

**Second: Bacon**

**4-1-0. Motion carries.**

#### **Section VI. Unclassified articles.**

#### **Article 45.**

Terkanian said the Charter Review Committee is not an elected Committee so that it allows for a two-way process for the town residents to vote on the issue brought forth by the CRC: Town Meeting and Town Elections. Janet Lowenstein doesn't think it makes sense to look at all the entire Town Charter in one article. Jude Ahern expressed her concerns about some of the proposed changes to the Charter.

## **II. Adjournment**

**I move to adjourn.**

**Motion: Houk**

**Second: Bacon**

**5-0-0. Motion carries.**

The meeting was adjourned at 10:15 pm.

Respectfully submitted,

Radu D. Luca

Executive Assistant to the Town Administrator