

Wellfleet Board of Selectmen
Minutes of the Meeting of March 20, 2018
Wellfleet Senior Center, 6:00 p.m.

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

BOS Members Absent: Murphy arrived at 6:10.

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 6:00 p.m. by Vice Chair Reinhart.

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.

Helen Miranda Wilson thanked Maureen Schrouf for her service on the Council on Aging Advisory Board. She has submitted her resignation to the Board.

Sheila Lyons announced that the Water Resource Director Position and the White Crest Beach parking lot expansion projection would be addressed at the Wellfleet Community Forum on March 22. Lyons also said that Candidate's Night would be held on April 12 and that the Town Moderator would attend the pre-Town Meeting Forum (March 17) to introduce and discuss the articles in the Warrant.

Wayne Clough asked whether Town Meeting articles discussed during Board of Selectmen's meetings could be projected on a screen, since it's difficult to read off the packet on a handheld device. Reinhart thanked Clough for the suggestion and said it's a good idea. Houk said that the Town Moderator would project the Warrant articles at the Forum meeting on a screen so that they're visible.

I. Licenses

A. Food Truck

- Solace Food Truck contract renewal

Michael Banghart was present to support and present his application to the BOS and the public. Bacon said the Solace Food Truck application was complete. John Arsenault, co-owner of Solace Food Truck, said that they had included copies of the Hawkers'/Pedlars' license, as well as what the Town required.

I move to approve the renewal of the contract for Solace Food Truck.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

B. Concessions

- Solace Food Truck

Bacon said the application was in order and signed.

I move to approve the concessions license for Solace Food Truck.

Motion: Bacon

Second: Reinhart

5-0-0. Motion carries.

C. Common Victualler

- The Fox and the Crow Café

This item was moved to the March 27th agenda.

II. Appointments / Reappointments

**A. Elaine McIlroy – Nomination to Barnstable County HOME Consortium
Advisory Council**

Wilson said Elaine McIlroy was out of the country and she apologizes for not being able to attend.

**I move to nominate Elaine McIlroy to the Barnstable County HOME Consortium
Advisory Council.**

Motion: Wilson

Second: Reinhart

5-0-0. Motion carries.

III. Business

A. Update from Cape Cod Commission [Kristy Senatori]

Kristy Senatori made a brief presentation to the BOS and mentioned some of the CC Commission's goals. The Commission has been working on implementing wastewater management solutions across the Cape and hosted the One Cape Conference. There is a three-year grant program from NOAA which they are in the second year of, to study resilience and coastal assets, and develop strategies to implement them at the local level. The Commission has also been updating a Regional Policy Plan, which is a comprehensive local plan that focuses on the impact of regional development. They want to "keep decisions local" given that not all towns are the same, to plan with whole systems in relation to each other, and not just a parcel-specific regulatory process.

Reinhart inquired about coastal resiliency plans. Senatori said they created a matrix of strategies. Municipalities on Cape Cod will be able to utilize an online, projective and analytical tool.

Wilson asked how does the Commission work with regulatory boards in the communities when it comes to conservation and resiliency. Senatori said the Commission provides technical assistance to Cape communities and Towns.

Bacon said she took the Coastal Resiliency Course and she asked what the Commission's role with regard to the Herring River Restoration Project was. Senatori said the Commission has a regulatory role on the project and has been involved with the project from the beginning.

B. Finalize and close annual town meeting warrant

Reinhart asked the BOS to reconsider the vote on Article 34.

Bacon read out loud the language of the article.

I move to reconsider the recommendation on ATM 2018 article 34, as printed in tonight's DRAFT Warrant.

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

Article 34. Amend general by-laws-signing of the warrant by Selectmen

I move to recommend ATM 2018 Town Meeting Article 34 as amended.

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

Article 26. Old COA Building (Petitioned Article)

I move to place Article 26 as printed.

Motion: Bacon Second: No second

Hoort pointed out that it was a petitioned article and didn't need to be placed by the board.

I move to recommend ATM 2018 Town Meeting Article 26 as printed.

Motion: Bacon Second: Murphy 2-3-0. Motion does not carry.

Wilson said she's for using part of that lot for housing and she hopes that will happen.

Article 27. Walking Trail at COA Building

Wilson asked the COA Director, Suzanne Grout Thomas for more information on this project and article. It was part of the original garden project at the COA but there wasn't enough money. Because of other things that are going on, she thinks that this should be put off for now.

I move to not place Article 27 on the Warrant, as printed.

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

Article 32. Acceptance of Revised Wellfleet Town Charter

Houk does not agree with the section of the revised Charter that designates the TA as the appointing authority for the Shellfish Constable and Herring Warden, as presented in the final draft of the Warrant we received for tonight's meeting. Wilson, who is also a member

of the CRC, said the rationale behind this was to allow the TA to choose who he or she would be supervising.

Denny O'Connell, Vice Chair of the CRC, speaking on behalf of the Charter Review Committee, said the CRC has an amendment to this section of the revised Charter ready to be presented if need be. O'Connell, said this is a decision for Town Meeting to make. The CRC listened to the kick-back on this one change. The committee recommended this controversial change by a 6-1 vote, but is also ready to amend the article on Town Meeting floor to keep the power of appointment with the BOS. Language for the amendment has been prepared and voted on by the CRC at its last meeting.

Bacon asked why the CRC wasn't just changing the DRAFT now.

O'Connell said the CRC wanted to bring the article to Town Meeting, intact, as it was drafted by the CRC, to let them decide.

I move to place Article 32, as printed.

Motion: Bacon

Second: Bacon

5-0-0. Motion carries.

Houk did not agree with the language of the article and wanted the BOS to understand exactly what they were voting on.

I move to reserve recommendation on Article 32, as printed.

Motion: Wilson

Second: Reinhart

5-0-0. Motion carries.

O'Connell said that if the BOS should choose not to recommend the article they should mention a reason for not doing so.

Article 33. Extend Charge of Charter Review Committee

I move to place and recommend Article 33, as printed.

Motion: Wilson

Second: Reinhart

5-0-0. Motion carries.

Article 37. Amend General By-Laws – Animal Control Bylaw

I move to place and reserve recommendation on Article 37, as printed.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

Article 38. Amend General By-Laws – Animal Control

Bacon said the petitioned article was proposed by Curt Felix who is not here this evening.

Wilson said that a few years ago Joe Powers worked on revising the animal control by-laws but they were never approved by Town Meeting.

I move to reserve recommendation on Article 38, as printed.

Motion: Bacon

Second: Reinhart

5-0-0. Motion carries.

Articles 39 – 47. Amend Zoning By-Laws

I move to place and reserve recommendation on on articles 39 through 46, except for Articles 43 and 47.

Motion: Bacon

Second: Reinhart

5-0-0. Motion carries.

O'Connell said all zoning bylaws would be discussed at the Planning Board meeting on Wednesday, March 21.

Wilson stated that she agreed with the Planning Board's opinion that this petitioned article was redundant because land-based activities related to aquaculture are already mentioned and allowed by right in the Zoning Bylaws. She explained the reasoning behind proposing amendments to the Purposes section of the Home Occupation Zoning Bylaw, offered by the petitioner and also, herself, in order to highlight this.

Article 53. Approval of Housing Needs Assessment & Action Plan

I move to place and recommend 2018 Annual Town Meeting article 53 as printed.

Motion: Reinhart

Second: Wilson

5-0-0. Motion carries.

Article 54. Room Occupancy Tax

I move to place and recommend 2018 Annual Town Meeting article 54 as printed.

Motion: Reinhart

Second: Bacon

5-0-0. Motion carries.

Articles 55. Disposition of Town-owned personal property

I move to place and recommend article 55, as amended.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

Articles 56-58. Standard Annual Town Meeting Articles

I move to place and recommend articles 56 through 58 as printed.

Motion: Bacon

Second: Reinhart

5-0-0. Motion carries.

Petitioned articles.

Articles 59. Non-binding resolution; Town Hall lawn (petitioned article)

Wilson said the petitioner of Article 59 is only asking the BOS to reconsider their vote. .

I move to not recommend article 59, as printed.

Motion: Wilson

Second: Reinhart

5-0-0. Motion carries.

**Article 60. Non-binding resolution – Leasing of Town-owned beach parking lots.
(Petitioned article.)**

I move to not recommend article 60, as printed.

Motion: Bacon

Second: Reinhart

5-0-0. Motion carries.

Dan Silverman, Town Moderator, asked the BOS to instruct the petitioners of articles to go speak with him and the Town Clerk when submitting petitioned articles.

Articles 61-62. Standard closing articles.

I move to place and recommend articles 61 and 62 as printed.

Motion: Wilson

Second: Reinhart

5-0-0. Motion carries.

C. Discussion of use of Town-owned property

This item was placed on the March 27th BOS agenda.

IV. Town Administrator's Report

Wilson asked about the Personnel Matters/ATA's application deadline item in the report and asked how many applications had been received. Hoort said that 21 applications were received.

V. Topics for Future Discussion

Bacon said she would like to address the following topics: increase of fees for the use of town-owned property, specifically beach fees; the Chamber's mural that was to be installed at the pier. Hoort said that that was on hold; talks between the Town and Cumberland Farms; and inviting Atlantic Medicinal Partners back to the BOS to reconsider another location within the marijuana overlay district.

Wilson agreed with Bacon regarding Atlantic Medicinal Partners, but suggested that we start by writing them a letter about this, rather than inviting them to show up before the BOS. We have already voted on this. We don't know if they've already signed something.

Bacon responded and said that the Board received numerous letter from residents expressing their concerns with the proposed location. If the State DOT needs to do a traffic study at that location, it could take a long time. She wondered if AMP was willing to wait for the outcome of that traffic study.

Houk said Cumberland Farms were opening another store in Brewster. He thought that once that process is completed, they will redirect their attention to Wellfleet. Houk also asked about the grievance that came from the Harbormaster. Houk said the BOS have 28 days to respond to the Harbormaster's grievance and that the latter has grounds for coming before the BOS. Wilson said this matter should be addressed in Executive Session and that the Teamsters' contract should be look at as well. Hoort explained that the matter was between the Harbormaster and the collective bargaining unit he belonged to, not between an employee and management, which would allow for a grievance to be acted on by the Board. The Harbormaster feels that he is not being represented properly by his union.

Hoort said that he will work with Town counsel and the Harbormaster to try to help him through.

Tom Flynn, from the audience, addressed the liability issue at the old COA building.

VI. Correspondence and Vacancy Report

The Board discussed the memo from the Massachusetts Division of Marine Fisheries regarding the opening and closing of the Herring River Shellfishing Area and voted to approve the opening of the area as per the DMF's recommendation and the memo from the Wellfleet Shellfish Department. This was not on the agenda. However, it was determined that the go-ahead memos had been received so late Friday afternoon that they couldn't be included in the Board's packet, because they came in after the meeting was posted. Therefore, the Board was able to act on it.

The Shellfish Constable said there was no need for a Public Hearing on this issue.

I move to approve the opening of the Herring River are CCB:12.1 at sunrise of Wednesday, March 21, and that the area be closed one half hour after sunset on Friday, August 31, as directed by MADMF.

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

Bacon acknowledged Amy Wolf's letter to the BOS. Bacon also acknowledged Mike Flanagan's letter to the BOS.

VII. Minutes (2.27.18 and 3.6.18 – Town Warrant Review)

I move to approve the minutes from 2.27.18 and 3.6.18 as amended.

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

I move to approve the minutes from 3.6.18 as amended.

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

VIII. Adjournment

I move to adjourn.

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

The meeting was adjourned at 8:00 pm.

Respectfully submitted,

Radu D. Luca

Executive Assistant to the Town Administrator

Public Records Material for the Meeting of 3/20/18

1. Concession Contract Renewal and License Application – Solace Food Truck
2. DRAFT 2018 Annual Town Meeting Warrant
3. MEMO – Division of Marine Fisheries RE: Opening of Herring River Shellfishing Area 3.15.18
4. MEMO- Wellfleet Shellfish Department RE: Opening and Closing of Herring River Shellfishing Area 3.16.18
5. DRAFT BOS Minutes 2.27.18 and 3.6.18