

**Wellfleet Board of Selectmen
Minutes of the Meeting of April 10, 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, Joe Powers – Town Clerk, Radu Luca – Executive Assistant to the Town Administrator.

The meeting was called to order at 7:0 p.m. by Dennis Murphy.

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 reminded everyone about the Candidates Night here at the COA on Thursday, April 12. Five people are running for election / re-election.

Reinhart said the pre-Town Meeting Forum would be on April 17th.

Houk said that Bruce McGibbon died a couple of weeks and he remembered MacGibbon as a true town character, especially at Town Meeting. Murphy said he might have been the reason why Harry broke a gavel.

Hoort said this is Chairman's Murphy last meeting on the BOS in his capacity as Chair. Reinhart said Murphy was a great board member and Chair.

Harry Terkanian said the Building Needs and Assessment Committee currently has only three members which can make it difficult to make up a quorum. He'd urged people to apply and serve on the BNAC.

II. Public Hearing(s) – 7 pm.

A. Shellfish License Transfer

- From Irving, Holly, Jake and Marshall Puffer to Irving Puffer and Jake Puffer

The Shellfish Constable said the Irving's want to downsize.

I move to approve the transfer of aquaculture lease license #2 and license #731 from Irving, Holly, Jake and Marshall Puffer to Irving Puffer and Jake Puffer.

Motion: Wilson

Second: Houk

5-0-0. Motion carries.

III. Use of Town Property

(The BOS took items E. and F. out of order and discussed them before B., C. and D. These minutes reflect the order on the agenda as found in the BOS packet.)

A. Walter Baron – 6th Annual Wellfleet Rowing Rendezvous at Mayo Beach (Sep. 29)

Walter Baron was here to speak about the 6th Annual Rowing Rendezvous event and how to apply to participate. Wilson asked whether there was a fee associated with the event. Baron said the event is free to the public.

I move to approve the use of Town-owned property for the 6th Annual Wellfleet Rowing Rendezvous at Mayo Beach on Sep 29.

Motion: Bacon

Second: Reinhart

5-0-0. Motion carries.

B. Zach Pawa – Sacred Surf School at White Crest Beach (June 1 – Aug 3) (postponed).

This item was postponed because Zach Pawa was unable to attend the meeting. The request was placed on the May 8 agenda.

C. Henry Marcucella – Two live music concerts in memory of Trey Helliwell at White Crest Beach (June 30 and July 28, with rain dates July 14 and Aug 4, respectively)

Bacon asked whether Marcucella was present. The answer was no. Bacon asked Thomas whether the people would be shuttled to the beach. Thomas said the event takes place after the Town stops charging for parking and that they recommend the use of White Crest Beach.

Wilson said that proof of insurance should be asked for and included with the application.

I move to approve the use of Town-owned property for two live music concerts in memory of Trey Helliwell at White Crest Beach on Saturday, June 30 and Saturday, July 28, 2018, respectively (with rain dates July 14 and August 4, 2018, respectively) contingent upon appropriate proof of insurance.

Motion: Wilson

Second: Reinhart

5-0-0. Motion carries.

I move to approve the charge of \$100 per each day of the event for the Trey Helliwell memorial concert.

Motion: Reinhart

Second: Bacon

5-0-0. Motion carries.

D. Kristen Stetson – Memorial service at bandstand (May 5)

Kristen Stetson was present to speak to the application to use Town-owned property. There will not be any live music and no need for the DPW to clean the area.

I move to approve the use of Town-owned property for a memorial service at the bandstand on May 5, 2018.

Motion: Bacon

Second: Reinhart

5-0-0. Motion carries.

E. Charity Robinson – 9th Annual WES PTA fundraiser at Bakers Field (May 26)

Charity Robinson said the rain date would be the day after, on May 27.

Roger Putnam said Charity ran the spaghetti super the previous Friday night and did an amazing job.

I move to approve the use of Town-owned property for the 9th Annual WES PTA fundraiser at Bakers Field on May 26, 2018, with a rain date on May 27th with the stipulations included in the Recreation Director's recommendation.

Motion: Reinhart

Second: Bacon

5-0-0. Motion carries.

IV. Business**A. Appointment of Assistant Town Administrator [TA]**

Hoort presented a brief background for this agenda item and Joseph Powers' appointment as Assistant Town Administrator. He believes Joe will be a great asset to the Town in his new capacity.

Reinhart said she'd always been impressed with Joe's ability to answer any question.

Wilson asked to know more about Joe's experience with planning and zoning, given that the position is that of an Assistant Town Administrator/Planner.

Powers thanked Hoort for his recommendation and the BOS for his consideration. Powers said he's had 30 years of municipal experience and over 13 years as a Town Clerk. He attended several zoning and planning seminars and he's had experience in dealing with planning issues and legal issues pertaining to zoning and planning matters as Town Clerk.

Reinhart advocated for having a full-time Town planner at some point in the future.

Hoort said we're considering hiring an Assistant Town Clerk and is hoping that would be a hire from within.

Murphy said he doesn't believe there was a position created for an Assistant Town Clerk and would not want to see this bargained salary amount be considered on a permanent basis. Hoort said if Powers were to leave the Town he expects we would go back to hiring a Town Clerk and an Assistant Town Administrator as separate positions.

I move to appoint Joseph Powers to the position of Assistant Town Administrator for a three-year term to expire March 31, 2021.

Motion: Reinhart

Second: Wilson

5-0-0. Motion carries.

Hoort congratulated Powers on his appointment as Assistant Town Administrator and wished him "Happy Birthday!"

B. Re-approval of Historical Society Preservation Restriction Agreement with MHC [Barbara Cary]

Barbara Cary was present to address this agenda item and the agreement.

Bacon said this is a re-approval of the agreement.

I move to re-approve the Wellfleet Historical Society Preservation Restriction Agreement with the Massachusetts Historical Commission.

Motion: Reinhart

Second: Bacon

5-0-0. Motion carries.

C. Acceptance of Recycling Committee grant [Lydia Vivante]

The grant will be used for an outdoor drinking water fountain.

Lydia Vivante was present on behalf of the Recycling Committee.

Bacon commended Lydia and the Recycling Committee for pursuing and getting this grant.

Murphy asked about the possible winterization of the fountain. Vivante said these units are drained and closed for the winter. Similar seasonal outdoor units are in use in Provincetown, Eastham, CCNS Park, Falmouth, etc.

I move to accept the Care for the Cape & The Islands \$2,000 grant to the Wellfleet Recycling Committee for one outdoor water station.

Motion: Reinhart

Second: Bacon

5-0-0. Motion carries.

D. Reduce the number of Recycling Committee members from eleven (11) to seven (7) with two (2) Alternates [Lydia Vivante]

Wilson is strongly in favor of this change due to the difficulty boards and committees have in finding people to join them.

I move to reduce the number of Recycling Committee members from eleven (11) to seven (7) with two (2) alternates.

Motion: Bacon

Second: Reinhart

5-0-0. Motion carries.

E. Approval of opening Commercial Diving for Shellfish North of the No-drag Line [Shellfish Constable]

Nancy Civetta presented this agenda item. She talked about opening of the area near Keller's Corner to harvesting by diving, as per Section 9.1.2. It has come to light that no one knew the status of this area which must be approved by the Board of Selectmen. The Shellfish Advisory Board voted to recommend it being confirmed as open. Bacon asked when this area was open last and what the process was, for diving this way. Civetta said fishermen dive for oysters in a wet suit. Murphy asked whether a diver had to show proof of certification for diving. Civetta said this is not specified in the regulation but they would have to use a diver flag and stay within 100 feet of that flag. Civetta said she would contact the DMF to ask about this.

I move to approve the opening of Commercial Diving for Shellfish North of the No-drag Line as specified in Shellfish Reg 9.1.2. contingent on a response from DMF.

Motion: Bacon

Second: Reinhart

5-0-0. Motion carries.

F. Review of Shellfish Shack demolition vote [DM]

Murphy gave this demolition vote a lot of thought because once the shack is gone, it's gone. Murphy met on several occasions with the Shellfish Constable and the Assistant. Murphy was said this building symbolizes Wellfleet's ability to preserve and maintain its buildings and that building has some of its original trimming on it and would like us to think of the reason why it got to be in the condition it's in currently.

Houk said he's talked about maintaining our buildings for many years and the old COA building was in a similar condition. Houk also asked why we don't have a preventive maintenance program for our buildings and gave the example of the Harbormaster who took it upon himself to make repairs to some of the buildings at the marina.

Bacon agreed with Murphy and Houk. She said the shack is an iconic Cape Cod building and the condition it's currently in is a shame, it shouldn't have happened. It's representative of how we maintain our buildings for both our residents and visitors.

Wilson said that sometimes we shift our attention from buildings that are under used or have gone out of use, or if they've been repurposed to serve a different use.

Hoort said the conversation was digressing away from the topic and whether the DPW was or was not responsible for the condition the shack in currently in, we should give them the benefit of the doubt and at least have them present in the room, to speak to this topic.

Terkanian said he doesn't remember the Town, or DPW, having a person responsible for preserving and maintaining our buildings. The COA building was owned by Head Start who leased the Town land they built it on. They only sold it to the Town in 1914. He reminded the Board that the BNAC architect hired by the Shellfish Shack appraised it as not a good renovation risk.

Thomas said when the BOS talked about creating a task force to assess our buildings and needs we should include the department heads who are directly involved in these projects.

Wertkin said the DPW person assigned to the Library building is doing an amazing job.

Civetta said she reached out to the Chatham Shellfish Department to come and look at the shack and give their opinion as to it's possible use for an upweller facility; the Shellfish Department also considered a feasibility study on the building. and again, once it's gone it's gone, and wanted to give this a lot of thought. There is also the deed restriction which limits the use for recreation purposes.

Tom Flynn said the Shellfish Advisory Board looked at the expenses related to that building and the biggest expense with the upweller is the pump and other equipment and not the building shell. Bacon said it's not realistic to deal with the logistics of creating a water flow from the bay into the building. Civetta also said sanitation is a concern to the Shellfish Department.

Wilson said the cost of restoration, and ongoing maintenance and running of the upweller should be factored into the cost-benefit analysis when looking at that building. She said we have an awesome natural set in the harbor, we have ARC, and is not in favor of inventing a use for this building.

Bacon said she was wary about siting an upweller before we get dredged. She'd like the BOS to decide on this tonight and take a vote and address the issue instead of postponing it again.

Murphy thinks the 600' of pvc pipe that we might need to provide flow isn't all that daunting. And that filtering the water is feasible. He thought the building is in pretty good shape and that the black mold issue, as serious as it may be, it can be addressed with bleach. The DPW is willing to do this type of work and is willing to further research renovation and maintenance options for the building. Hoort said that he'd discussed what it might cost to fix it with the Building Inspector; \$40,000. Over three years.

I move to reconsider the vote of October 24, 2017 which directed staff to demolish the old shellfish shack.

Motion: Houk

Second: Reinhart

3-2-0. Motion carries.

I move to demolish the shellfish shack.

Motion: Wilson

Second: Bacon

2-3-0. Motion does not carry.

Reinhart believes we don't need to further discuss this tonight and we should place it on a future agenda item.

G. Review of Town Fees

Bacon said this agenda item goes back to her concerns expressed back in September, pertaining to the fees the Town charges for the use of its beaches. Bacon would only like to address fees pertaining to beaches.

Wilson agrees with Bacon and said it's useful to get the catalog of all fees the Town charges and would like to focus just on the beaches too. Wilson would like to revisit the fees for yoga classes at the beaches.

Reinhart would like to make different motions for one-time uses of the Town-owned property as opposed to multiple, recurring events at the beach. Bacon said that a \$350 fee for a business to use the beach all summer long is not in the best interest of the Town. Bacon would like to have all Town fees for the use of the beach be increased by 10%.

Thomas would like the BOS to consider the consumers cost associated with taking part in different events.

I move that the Town fees for the use of Town-owned properties for seasonal classes and daily events functions be raised by 10%.

Motion: Reinhart

Second: Bacon

5-0-0. Motion carries.

Bacon would also bring up for the discussion the increase in parking fees at White Crest Beach parking lot, which is currently \$20. She would like the fee to be raised to \$40.

Thomas is in favor of raising the fee to park for the day at White Crest Beach and thinks \$50 is a bit too much. \$40 is a reasonable amount to charge and this can be a seasonal trial program for now.

I move to increase the daily parking rate at White Crest Beach for the summer season of 2018 from \$20 to \$40.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

Thomas said the BOS could discuss the beach sticker fees, but the new rates wouldn't go in effect for this season since the fees for 2018 have already been posted. Bacon would like to address this issue in September.

V. Town Administrator's Report

Reinhart inquired about the Navigator Program. Hoort said the program's grown and that he had a meeting with representatives from Eastham and Truro. We can't help everybody, but the more we get the word out there the better. Wilson said the Navigator Program is a way to get help for people with substance abuse addictions. Hoort said the program

addresses a wide variety of issue, from addiction to assistance with financial issue. The Program is included in the FY2019 budget.

Wilson inquired about the TA Compensation Task Force and Hoort responded by saying this was an informal group comprised of department heads and himself to discuss ideas and best practices regarding employee compensation.

Hoort said the Room Occupancy Tax is going to happen at State level and down the road, if we consider hiring a Water Resource Director, revenue coming from room occupancy tax could go towards that as well as capital improvements.

VI. Topics for Future Discussion

Wilson said we should encourage people to apply and serve on Town boards and committees.

Bacon inquired about the Open Government Forum and Hoort said we could bring it back for discussion after Town Meeting.

Houk said we should discuss the possibility of utilizing the “landing strip” area at Marconi Beach as a parking option and an additional source of revenue. Murphy spoke to the current difficulties of getting access to that parcel of land. Hoort said that Town Counsel was looking for a title for that property and whether or not there is access to it .

Houk said we should revisit the marijuana dispensaries issues. Bacon said she reached out to AMP regarding possibly considering another location for their dispensary in that overlay district.

VII. Correspondence and Vacancy Report

Wilson asked whether AMP had been contacted about their possibly changing their location within the overlay district. Hoort said he spoke with AMP personally and via email and there is a placeholder on the May 8 agenda.

Wilson addressed the letter sent to the BOS by the family who lives near the sluice area at Herring River. Thomas advised the BOS to address this issue with the Conservation Agent first.

VIII. Minutes (March 27, 2018)

I move to approve the minutes of March 27, 2018 as amended.

Motion: Wilson

Second: Reinhart

5-0-0. Motion carries.

IX. Executive session and Adjournment

I move to adjourn the public session portion of the meeting and enter in Executive Session.

Motion: Bacon

Second: Reinhart

5-0-0. Motion carries.

- A. Pursuant to G.L. c. 30A, §21(a)(6) to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body: Cahoon Hollow parking lot.
- B. Approval of Executive Session minutes. October 24, 2017, November 28, 2017 and February 13, 2018.

The BOS did not reconvene in Public Session after the Executive Session.

The public meeting was adjourned at 9:15 pm.

Respectfully submitted,

Radu D. Luca, Executive Assistant to the Town Administrator

Public Records Material for the Meeting of 2/13/18

1. Public Hearing Notice – Shellfish License Transfer (March 5)
2. Memo – Shellfish Constable RE: 2018 License Renewals Recommendations (March 22)
3. Application for Use of Town-owned property – Walter Baron (March 19)
4. Application for Use of Town-owned property – Zach Pawa (Feb 1)
5. Application for Use of Town-owned property – Henry Marcucella (Feb 1)
6. Application for Use of Town-owned property – Kristen Stentson (April 4)
7. Application for Use of Town-owned property – Charity Robinson (March 19)
8. Agreement – Wellfleet Historical Society Preservation Restriction (April 4)
9. Letter – Recycling Committee ReFill Wellfleet water stations (February 20)
10. Memo – Building and Needs Assessment Committee to TA (January 27, 2017)
11. Memo – TA to BOS re: Review of Town Fees (April 6)
12. Memo – Principal Clerk re: Correspondence and Vacancy Report (April 10)
13. Minutes – Draft BOS March 27, 2018