



**Wellfleet Board of Selectmen
Minutes of October 25, 2016
Wellfleet Town Hall Hearing Room**

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

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

Announcements, Open Session and Public Comment [7:00]

- Wilson announced the State of the Harbor Conference scheduled for Saturday, November 5, 8:30 am to 1:30 pm at Wellfleet Elementary School.
- Wilson thanked Liz Sorrell for her service on the Finance Committee and two retiring employees – the Assistant to the Town Clerk and Treasurer Beth Berrio and Part-Time Building Inspector Richard Stevens for their service.
- Reinhart announced “**Save the Date**”, Saturday, November 12 at the COA for the Community - wide workshop – the Future of Wellfleet.
- Lilli Green alerted the Board of Selectmen about an upcoming letter for the Pilgrim Nuclear Power that will be on the November 2, meeting agenda of the Assembly of Delegates.

Murphy opened the Public Hearing(s) at 7:05 pm.

Request of Russell Swart to close Marconi Beach Restaurant, November 14, 2016 - late January, 2017. Russell Swart was not present to discuss his request.

MOTION 217-095: Wilson moved to approve the request of Russell Swart to close Marconi Beach Restaurant from November 14, 2016 through late January, 2017. Reinhart seconded and the motion passed 5-0.

Appointments/Reappointments - John Cumbler to Open Space Committee with term ending 06/30/17
John Cumbler presented his request to serve on the Open Space Committee.

MOTION 217-096: Reinhart moved to appoint John Cumbler to Open Space Committee with term ending 06/30/17. Bruinooge seconded and the motion passed 5-0.

Appointments/Reappointments -John Szucs as Special Police Officer from 11/1/2016 to 10/31/2017.

MOTION 217-097: Bruinooge moved and Reinhart seconded to appoint John Szucs as Special Police Officer from November 1, 2016 to October 31, 2017. The motion passed 5-0.

Use of Town Property - British Challenger Soccer Camp – Request for Three-year Camp Agreement
Becky Rosenberg presented the British Challenger Soccer Camp request for three-year camp agreement and recommended approving a three-year contract. Rosenberg said that this will freeze the prices for three years. Discussion ensued.

MOTION 217-098: Reinhart moved and Bruinooge seconded to approve the British Challenger Soccer Camp request for three-year camp agreement; conditions and use fee to be determined when the formal request for Town Property use is received. Houk asked for details of the Recreation Program schedule and the soccer camp schedule. Hoort clarified that the full contract details will be given at a later time when the actual Use of Town Property form is received. The motion passed 4-1 (Houk).

Business: Dredging and funding opportunities for Wellfleet Harbor

Mark Forest gave an update about lack of availability of state and federal resources for the Wellfleet Harbor Dredging project. He said that funding has not been secured and recommended becoming more involved with documenting the economic impact and commercial benefits for the need of the Harbor dredging. Murphy asked for direction to the most direct route to seek Federal funding. Forest recommended having aggressive congressional influence and putting the pressure on the federal government. Wilson referred to the Division of Marine Fisheries (DMF) 2015 report for shellfish landings and revenues: Close to 25% of sales are from Wellfleet. Wellfleet has more aquaculture acreage than anywhere in the Commonwealth. Forrest said that this information should be compiled and presented, and he offered to assist (pro bono) to disseminate information to Washington, DC. Reinhart thought that the Board should reach out to the Marina Advisory Committee for support. Forest suggested getting help from Barnstable County for permitting and regulatory support for this project. The discussion concluded with no action.

Business: Update on the Water Tower Paint Repairs Project

Justina Carlson, Chair of the Board of Water Commissioners reported¹ about the successful completion of the Wellfleet Municipal Water System Tank spot repair project. Murphy thanked the Board and the Manager for a job well done.

Business: Police Station Building Renovation Update

Richard Pomroy, Project Manager and Todd Costa of Kaestle Boos, Project Architect presented the bid results for the Police Station Renovation Project and went over the two bids item by item. They confirmed that the lowest bid is \$273,520 over the spring projections. Costa talked about complications with the elevator waiver from the State and said that the initial approval was revoked. There is an option for a variance for some sort of accessibility – wheel chair lift or similar, which could be considered because of the initial ruling, but this will not be known before the hearing in front of the Mass Architectural Board which is scheduled for January 9. Pomroy explained the need for contingency of 10% reserved for unknowns and unforeseen conditions. Wilson wanted to know what would be considered the norm for change orders. Costa said that typically the change orders on a new project are around 5% and around 7-8% on a renovation. Pomroy addressed Bruinooge's question about the new project timeline of 14 months instead of the initially projected 10 months by explaining how liquidated damages work and the penalty the successful contractor has to pay for each day beyond the projected time line. Murphy expressed disappointment with the higher bids. Wilson said that she would have preferred to receive the information in advance. Hugh Guilderson, explained the reasons why the information was not available in advance due to the bid opening on October 18. Pomroy said that a public forum is scheduled for Wednesday, November 2, 2016 at 7 PM at the COA to answer questions about the project prior to Town Meeting.

Business: Discussion of direction for Baker Field re-development project

Brian Carlson asked the Board for direction and moving forward with the Baker Field re-development project. He referred to his memo² on the subject and opened it for discussion. Murphy said that he is supporting the idea of looking into modular structures. He refreshed the memory of the audience by saying that \$275,000 have been appropriated at Town Meeting several years ago for new restrooms at Baker Field, but recent projections came at over \$2M. He suggested considering a three-season modular structure and portable toilets for the time being. Discussion ensued. Houk preferred a four-season building, but found the pre-fabricated modular option suitable for a four-season building and toilets for the sake of saving money in the long run. Reinhart liked Murphy's suggestion for the near future and then re-consider the entire marina area in 10-15 years. Wilson disagreed. She said that the lot where the shellfish office is located is deed restricted for recreation and wanted to know if the shellfish department and the recreation department could be swapped? According to her, the septic system in this area and the impact on the Harbor need to be addressed sooner rather than later especially after the recent Harbor closure. Bruinooge disagreed with Wilson due to the fact that there are several big projects that are coming in the near future.

Hugh Guilderson explained the water table situation of 5 ft and the resulting challenges. According to him in 20 years the area will be in the flood plain. Carlson said he got guidance on how to move forward, and the discussion concluded.

Business: Environmental impact of the Herring River Restoration Project (HRRP)

Judith Stiles introduced the discussion and said that the attending community members are not against the Herring River Restoration Project in general and respect the work done so far. Based on their research Stiles said that the presenters will be talking about the fine print. She gave details about herbicide use for getting rid of the *Phragmites australis* aka common reed. She talked about use of glyphosates and their impact on nature and humans. She said that glyphosate was declared a class II carcinogen by the World Health Organization and as a result it has been banned in Europe. She read the label of Rodeo and its warning. She asked that the Board of Selectmen support not using herbicides on this project. She talked about a recent case where residents of Martha's Vineyard obtained an exemption from the State government. Michael Parlante talked about an overall impact on shellfish and the landfill plume. He gave examples of similar restoration projects and their negative impact on the environment. Laura Runkel talked about the impact on the vegetation and current species that will lose their habitat. Jody Birchell went over the impact on landowners and residents whose properties will be directly affected by the project, and was concerned by the lack of mitigation, insurance, and property protection for this project. John O'Hara presented the hidden costs of the HRRP/impact on the town. Susan Baumgarten talked about the goals and summary and impact on Wellfleet's youth population as seen by her daughter Mia Baumgarten. She presented a risk-benefit analysis by metaphorically comparing it to a clinical case study. At the end she summarized the requests of all of the presenters to scale back the project and to not use herbicides. Bruce Macgibbon expressed his opinion on how the HRRP will affect him and his property and surrounding vegetation. Murphy re-capped his involvement with this project from its beginning. Bill Carnduff said that the selectmen are repressing the community from making a decision on this project. Murphy gave an opportunity to Gary Joseph, Herring River Restoration Committee Chair, John Portnoy and Martha Craig, Friends of the Herring River, to explain the reasons for the restoration project and address concerns and answer questions. Murphy closed the discussion by stating that the Board of Selectmen takes residents' concerns seriously; they will let everyone be heard and will continue to share information about HRRP.

Business: Discussion with Mr. Alfred Pickard regarding tree cutting

Alfred Pickard expressed his displeasure with the tree cutting that took place on Holbrook Avenue. According to him it occurred on his private property. He presented a picture exhibit. Robert Kennedy of Holbrook Avenue also had similar concerns and also presented a photos of the tree cutting on his side of the street. Kennedy wanted to know who the responsible party is and what is going to be done to remedy the situation. Wilson wanted to confirm the street layout according to the Assessor's map and find out how tree cutting is handled according to the Mass DEP and if the road is classified a scenic road. Murphy reminded that the Town is technically supposed to have a tree warden and in the absence of tree warden this is the responsibility of the DPW Director. He concluded that this matter should be handled by the Town Administrator and the DPW Director, and if no satisfactory solutions are identified then the issue has to be brought back to the Board of Selectmen.

Business: Contract authorization for Transfer Station Canopy

Brian Carlson went over the second bidding process and requested contract authorization for the Transfer Station Canopy. Hoort said that this was approved in 2015 and funds are available. Wilson suggested designating a staff member to monitor the project. Bruinooge suggested designating the Building and Needs Assessment committee to monitor the project. Murphy suggested asking a structural engineer to quote for several visits.

MOTION 217-099: Bruinooge moved to authorize the Town Administrator to enter into contract with Cape Building Systems, Inc. for \$124,499 for the reconstruction of the canopy at the transfer station. Wilson seconded and the motion passed 5-0.

Business: Request for Snowplowing of Arey Ln

Robert Mangiaratti and Frank Morgan of Arey Ln presented a request for snow plowing of their paved private road. They said that they have made all efforts to comply with the paved private road snow plowing policy, and stated that the street has been plowed for the past 30 years, but now the road has been found to not be in compliance with the policy on Maintenance of Paved Private Roads due to lack of space to turn a truck around. Murphy said that the Board will need more information before making a decision. Murphy said that he will go with his own truck on a site visit. Wilson wanted to know if all other conditions were satisfied to comply with the Policy. Paul Lindberg, Assistant DPW Director said that all decisions are made not only by the DPW, but with the Fire Chief and Police Chief. The discussion concluded with no action taken by the Board.

Business: Dog Licensing Issue

Maurice Grunberg brought to the Selectmen's attention a problem with an unlicensed dog who had bitten his dog. He asked the Selectmen to enforce licensing of all dogs and make sure all obey the law. Wilson suggested reviewing the Dog Leash Bylaw, the Animal Control Officer report and hear the other side. Police Chief Ronald Fisette said that licensing issues go through Town Clerk's office, who is aware of the situation.

Business: Contract authorization for Technical Assistance Grant from Cape Cod Commission

MOTION 217-100: Wilson moved and Reinhart seconded to authorize the Town Administrator to sign the Technical Assistance Grant from the Cape Cod Commission. The motion passed 5-0.

Business: Contract authorization for Tennis Court Reconstruction

MOTION 217-101: Reinhart moved and Bruinooge seconded to authorize the Town Administrator to enter into contract with Lawrence Lynch Corporation for \$340,000 for the reconstruction of the tennis courts and drainage at Baker Field. The motion passed 5-0.

Business: Authorization for participation in Mass Docs program for 250 Gull Pond Road

MOTION 217-102: Bruinooge moved to authorize the participation in MassDocs program for 250 Gull Pond Rd. Wilson seconded and the motion passed 5-0.

Business: Discussion of Building Inspector position and contract for temporary assistance

MOTION 217-103: Reinhart moved and Houk seconded to authorize the Town Administrator to hire Brian Harrison as an interim part time building inspector. Bruinooge seconded. Hoort explained that Brian Harrison is available to act as an interim building inspector while the hiring process of a permanent building inspector is under way. Roger Putnam talked about the importance of full time building inspector. The motion passed 5-0.

MOTION 217-104: Wilson moved and Houk seconded to direct the Town Administrator to hire a full time building inspector. The selectmen discussed how the full time building inspector is going to be paid for. Bruinooge said that the FinCom could be asked to authorize funds from the reserve fund to cover the portion needed to pay for the difference between part time and full time building inspector. The motion passed 5-0.

Business: Discussion of changing the meeting times

Reinhart introduced a discussion about changing the Board of Selectmen meetings to an earlier time. She said that she has checked with the neighboring towns Boards of Selectmen, and all are meeting at an earlier time, and the meeting attendance does not seem to be affected. Houk and Bruinooge did not favor the idea of earlier meetings. No action was taken.

Town Administrator's³ Report – no additions.

Topics for Future Discussions

- Legal Opinion on Food Trucks – ATA has it.
- Legal opinion on the Chamber request for sign at the Marina – Hoort will forward it to the BOS.
- Update of the status of Route 6/Main Street intersection
- Status of re-design of the Town Hall lawn
- Update on the status of various law suits
- Legal Training on Conflict of Interest and Open Meeting Law.
- Planning Board meeting about the landing strip
- Energy Committee – appoint Board of Selectmen representative

Correspondence⁴ and Vacancy⁵ Report

Wilson brought up Hillary Lemos correspondence about the culching project and asked the TA to check if the conditions have been met.

Minutes

MOTION 217-105: Wilson moved and Reinhart seconded to approve the minutes⁶ of September 27, 2016 with amendments by Wilson. The motion passed 5-0.

MOTION 217-106: Wilson moved and Bruinooge seconded to approve the minutes⁷ of October 4, 2016. The motion passed 5-0.

Adjournment

MOTION 217-107: Wilson moved to adjourn the meeting at 10:53 pm. Reinhart seconded and the motion passed 5-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

¹ BWC Report on Water Tower Paint Spot Repairs Project completion

² ATA Memo on Baker Field Re-Development Project

³ TA Report of October 18, 2016.

⁴ Correspondence Report of October 25, 2016

⁵ Vacancy Report of October 19, 2016

⁶ Draft minutes of September 27, 2016

⁷ Draft minutes of October 4, 2016