



**Wellfleet Board of Selectmen
Minutes of February 14, 2017
Wellfleet Senior Center**

Present: Selectmen Helen Miranda Wilson (at 7:05 pm), Janet Reinhart; Berta Bruinooge, Jerry Houk; Town Administrator Dan Hoort, Assistant Town Administrator Brian Carlson;

Regrets: Dennis Murphy, Chair

In the absence of Dennis Murphy, acting chair Bruinooge called the meeting to order at 7:00 PM.

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

- ☐ Bruinooge encouraged the public to speak into the microphones, so they can be heard on TV.
- ☐ Hoort said that Open Cape have online form at www.opencape.org for residents and businesses to fill in for expressing interest for fiberoptic service.
- ☐ Chief Ronald Fisette said that the 2016 Police Report will be posted on the Police Station web site.
- ☐ Hoort invited the public to attend the seminar "How do we support shellfishing?" on February 21, 2017 at Wellfleet Preservation Hall.

Public Hearing(s) [7:05]

Bruinooge opened the public hearing at 7:05 pm.

Public Hearing: Application from Patrick Winslow for a 3-acre shellfish grant at Indian Neck.

MOTION 217-195: Wilson moved to approve Patrick Winslow's application for the license to use parcels #2000-10 comprising 3 acres on a plan prepared for H.Y.L.T.A. Trust and recorded with the Barnstable County Book of Deeds as Plan Book 650, page 17, for the purposes of aquaculture, for an initial period of two years. Access to the area shall be specified on the lease, as required by the Town's Shellfish Regulations, Section 7.5.1. Permission from the owner has been confirmed, pursuant to the Town's Shellfish Regulations Section 7.5. Reinhart seconded and the motion passed 4-0.

Public Hearing: To revoke the commercial shellfish license of Karl Barrio

Bruinooge explained that Karl Barrio is unable to attend due to illness.

MOTION 217-196: Reinhart moved and Houk seconded to postpone the public hearing to revoke the commercial shellfish license of Karl Barrio to February 28, 2017. The motion passed 4-0.

Appointments/Reappointments: Janice Plaue to Local Comprehensive Plan Working Group

Jan Plaue expressed her interest to serve as School Representative to the Local Comprehensive Plan Working Group.

MOTION 217-197: Reinhart moved Wilson and seconded to appoint Janice Plaue to Local Comprehensive Plan Working Group. The motion passed 4-0.

Fire Chief Rich Pauley introduced the two new full time hires of the Fire Department.

Appointment of Firefighter/Paramedic Mathew Burns

MOTION 217-198: Reinhart moved and Wilson seconded to appoint Mathew Burns to Full Time Firefighter/Paramedic. The motion passed 4-0.

Appointment of Firefighter/Paramedic Holly Kuhn

MOTION 217-199: Wilson moved and Reinhart seconded to appoint Holly Kuhn as Full Time Firefighter/Paramedic. The motion passed 4-0.

Business: Approve Change Order for the Wellfleet Police Station Renovation project for temporary and new water hook-ups.

Harry Terkanian, Chair of the Police Station Building Committee, explained the need for the change order to cover the cost for temporary and permanent water connections during construction and for the renovated building. Chief Fisetse answered Wilson's question why a new water connection will be needed to meet the new building codes.

MOTION 217-200: Reinhart moved and Bruinooge seconded to approve Change Order #3 for \$10,434.88 for the Wellfleet Police Station Renovation project for temporary and new water hook-ups and authorize the Town Administrator to sign the change order. The motion passed 4-0.

Business: Review of Cape Cod Technical High School FY2018 budget request

Sup. Bob Sanborn gave a PowerPoint presentation¹ for the proposed capital improvement of the Cape Cod Regional Technical High School and the proposed FY2018 Operating Budget. The Selectmen and the Town Administrator were very impressed with the 1.89% operating budget increase for FY 2018.

MOTION 217-201: Reinhart moved and Houk seconded to approve the FY2018 Cape Cod Regional Technical High School Budget request. The motion passed 4-0.

Business: Final review of the Nauset Regional School District FY2018 budget request

Hoort gave an update on the preliminary estimate and said that Wellfleet's assessment for Wellfleet will go up by 12% and the overall draft budget request is up to 5.54%. No action was taken. Superintendent of NRSD Tom Conrad will be coming to the Board with final budget request on February 28, 2017.

Business: Vote to open the 2017 Annual Town Meeting warrant and articles review

Hoort briefly introduced the first draft of the 2017 ATM and explained that this is in effort to get the selectmen familiar with the coming warrant articles. Wilson said that the Charter Review Committee has asked to designate one Board member to sign routine bill warrants, but was not sure if this needs to be a warrant article in order for the change to take effect. Terkanian said that he believes that a vote by the Board of Selectmen is all that is needed, but will double check and report to the Board. Wilson suggested involving the Bylaw Committee and give its members opportunity to review the warrant.

MOTION 217-202: Wilson moved and Reinhart seconded to vote to open the 2017 Annual Town Meeting warrant. The motion passed 4-0.

Business: Vote to approve the 2016 Board of Selectmen Annual Report²

Wilson and Houk offered constructive suggestions to the Board of Selectmen Annual Town Report.

MOTION 217-203: Wilson moved and Reinhart seconded to vote to approve the 2016 Board of Selectmen Annual Report as revised by Wilson and Houk. The motion passed 4-0.

Business: Consider placing a Non-Binding Public Advisory Question for the 2017 Spring Ballot to protect public health & safety by moving spent fuel at Pilgrim Nuclear Power Plant to secure dry casks

Moe Barocas presented a Non-Binding Public Advisory Question³ for the 2017 Spring Ballot to protect public health and safety by moving spent fuel at Pilgrim Nuclear Power Station to secure dry casks. He talked about the age of the plant and the technology. He said that seven towns have voted to place this on

their 2017 ballots. He read the proposed ballot question. The audience expressed support by applauding Barocas.

MOTION 217-204: Reinhart moved to place a Non-Binding Public Advisory Question for the 2017 Spring Ballot to protect public health and safety by moving spent fuel at Pilgrim Nuclear Power Station to secure dry casks. Wilson seconded and the motion passed 4-0.

Business: Discussion of placing an Immigration and Civil Rights Protection article in the 2017 Annual Town Meeting Warrant

Judy Taylor & Martha Gordon presented a proposed article⁴ request by reading it. Taylor provided a background information that this was already done in 2003 as a result of the Patriot Act. It was article 47, that passed at 2003 Annual Town Meeting. She said that almost an identical to the proposed article was already placed on the Brewster Town Warrant, and other towns are considering it. Wilson supported placing this article, but suggested making sure this it is legally sound. Gordon explained that this article falls under 10th Amendment.

MOTION 217-205: Reinhart moved and Wilson seconded to place an Immigration and Civil Rights Protection article in the 2017 Annual Town Meeting Warrant. The motion passed 4-0.

Business: Shellfish Department - staffing during the period in transition

Hoort explained how he intends to handle the transition and recommended appointing John Mankevetch as Interim Shellfish Constable effective March 1, 2017. He said that he will form an advisory group to help with the hiring process and bring four finalists to the Board.

MOTION 217-206: Houk moved to appoint John Mankevetch as an Interim Shellfish Constable effective March 1, 2017. Discussion ensued, where Wilson raised concerns that during the meeting on January 24, 2017 Mankevetch said that he will not be able to enforce regulations unless there is support from the Board of Selectmen. She said that regulations should be enforced regardless of whether the Board will support it or not. Houk said that sometimes the Board of Selectmen has acted out of compassion and not always what is in black and white on paper. Bruinooge and Houk expressed confidence in the interim appointment. Reinhart seconded and the motion passed 4-0.

Business: Status of Open Cape in Wellfleet

Hoort gave a brief update on the Status of Open Cape Fiberoptic Network in Wellfleet. He confirmed that several town buildings have been connected and currently OpenCape.org is gauging interest in residential fiberoptic services. He explained that if businesses and residents like fiberoptic service, they should express interest by going to OpenCape.org and submitting a non-binding interest form. Former Fire Chief Dan Silverman shared his previous experience with the fiberoptic service and the challenges to the Cape. He encouraged people to express interest in order to get the fiberoptic infrastructure to Wellfleet.

Business: Vote to set an estimated temporary increased resident population of Wellfleet as of July 10, 2017 to be 30,000 as required by M.G.L. Ch. 138, §17.

MOTION 217-207: Wilson moved and Reinhart seconded to vote to set an estimated temporary increased resident population of Wellfleet as of July 10, 2017 to be 30,000 as required by M.G.L. Ch. 138, §17. The motion passed 3-1 (Houk).

Wilson requested to find out what the numbers were in previous years and who estimates the numbers.

Town Administrator's Report⁵

Hoort presented his report and said that he has met with Rep Peake and Senator Sear for the HRRP, and has a scheduled a meeting on Harbor dredging for next week.

Topics for Future Discussion

- Wilson requested to officially designate the Planning Board to update the Zoning Maps.
- Reinhart requested that the TA remind boards and committees to get minutes approved and posted in a timely fashion.
- Wilson requested town counsel's opinion on licensing regarding Cumberland Farms.

Correspondence⁶ and Vacancy⁷ Report

- Wilson talked about Steve Oliver's letter which contained allegations for Curt Felix's business that was not in compliance, and asked the TA to check with the Building Inspector and Health Agent to see if these were true. Hoort will research this and report back to the Board.
- Reinhart suggested writing to all concerned citizens for the HRRP that the Selectmen are also concerned and care about the project. Bruinooge reminded that Dennis Murphy had already responded that all HRRP concerns should be brought to the Friends of the Herring River's attention and not to the Board of Selectmen. Wilson said that there will be a presentation by the Shellfish Advisory Board about the HRRP on March 28 and encouraged everyone to attend.

Minutes [January 24 and February 3, 2017]

MOTION 217-207: Wilson moved and Reinhart seconded to approve the minutes⁸ of January 24, 2017 as amended by Wilson. The motion passed 4-0.

MOTION 217-208: Wilson moved and Bruinooge seconded to approve the minutes⁹ of February 3, 2017 as amended by Wilson. The motion passed 4-0.

Adjournment and Executive Session

MOTION 217-194: Wilson moved and Reinhart seconded to adjourn the public meeting at 8:45 pm and enter in executive session and not go back in open session for the following reasons: Pursuant to G.L. c. 30A, §21(a)(3), to discuss strategy with respect to collective bargaining and litigation if the Chair declares that an open meeting may have a detrimental effect on the Town's bargaining position for WEA Units A, B and C. The motion passed by a roll call vote where each Bruinooge, Wilson, Reinhart and Houk said "Aye".

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials:

¹ Cape Tech Capital and Operating Budget Request for FY2018

² 2017 Board of Selectmen Annual Town Report - draft

³ Non-Binding Public Advisory Question for the 2017 Spring Ballot to protect public health and safety by moving spent fuel at Pilgrim Nuclear Power Station to secure dry casks

⁴ Proposed article to protect Civil Rights and Immigration

⁵ Town Administrator's Report of January 5, 2017

⁶ Correspondence Report of February 14, 2017

⁷ Vacancy Report of January 20, 2017

⁸ Draft minutes of 1/24/17

⁹ Draft minutes of 2/3/17