



**Wellfleet Board of Selectmen
Minutes of March 15, 2017
Wellfleet Senior Center**

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

Regrets: Jerry Houk

Chairman Murphy called the meeting to order at 7 PM.

Announcements, Open Session and Public Comments

- ☐ Murphy in response to a question from the audience said that a decision on the Old COA and Shellfish Shack has not been made, and will be discussed and decided on at a future meeting.

Murphy opened the Public Hearings at 7:05 pm.

Public Hearing: To amend the Shellfish Policy and Regulations Section 7.16.

Wilson explained that this amendment to the Shellfish Policy and Regulations 7.16. Undersized Oysters, Quahogs and Surf Clams is needed, to bring the Town's regulations in line with the rest of the State, now that the DMF will allow Town to do so. Acting Shellfish Constable John Mankevetch expressed some concerns, but he was willing to try it. Mike Ziembra also expressed reservations about this change; he said that initially he did not support it, but when he learnt more about it, he was supportive. Mike Kubiak disagreed with this proposed change due to vague language and urged the Selectmen to not approve it. Wilson responded to the concerns raised by Kubiak and encouraged everyone to check the web site, for more information. She said that if the Shellfish Department cannot keep up with this, it could be revisited in the future. Bruinooge expressed her initial hesitations, but after Mankevetch addressed them, she was willing to give it a try.

MOTION 217-211: Wilson moved and Bruinooge seconded to amend Section 7.16. Undersized Oysters, Quahogs and Surf Clams of the Shellfish Policy and Regulations as printed with corresponded changes in the content and the table of content. The motion passed 4-0.

Business: Request for change order for Baker Field Tennis Court reconstruction project

Recreation Director Becky Rosenberg explained the reasons for the change order request and referred to her memo¹ on the subject together with the pictures provided with the meeting packet. Reinhart asked for more specific numbers in terms of expected additional revenue as a result of the change order. Rosenberg gave examples how pickle ball has affected the revenue of the Recreation Department. Bruinooge made a comment that this will basically pay for itself within a five-year period. Murphy expressed support.

MOTION 217-212: Reinhart moved and Bruinooge seconded to approve the request for change order for Tennis Court reconstruction project at Baker Field. The motion carried 4-0.

Lili Green was late for public comments, but respectfully requested to update the Board on the last Assembly of Delegates meeting. Murphy allowed a brief update and she proceeded.

Business: Discussion of the Shellfish Constable job description

Murphy said that Houk has requested deferring this discussion to March 28, 2017 meeting. Reinhart, Bruinooge and Wilson wanted to discuss this matter at the current meeting. Wilson had spent a lot of time reviewing and re-writing the job description, and researching the State requirements for this position.

MOTION 217-213: Wilson moved to approve the draft job description for the Shellfish Constable vacancy as printed. Reinhart seconded with the amendment referring to the job description as March 15, 2017. The motion passed 4-0.

Business: Nauset Regional High School (NRHS) request for \$1. 3M Feasibility Study article & ballot question.

Christopher Easley, Wellfleet's NRHS Committee representative went over the need for feasibility study to determine the state of the 46-year old NRHS building and the request for warrant article and ballot question, based on Massachusetts School Building Authority (MSBA) deadlines requiring this to be approved by the participating towns either at the upcoming annual town meeting in April, or during fall special town meeting. He went over the financial impact of this feasibility study based on current information from MSBA, subject to change. Easley explained that at the end of the feasibility study process there will be foot prints and design plans. Discussion ensued. Hoort said that this request would have to be a debt exclusion on the ballot. Wilson expressed concerns about other upcoming large capital improvement projects such as the Harbor dredging. Murphy shared Wilson's concerns and said that probably Proposition 2 ½ is outdated. Tom Flynn wanted to find out the timeline of this project. Easley addressed Flynn's concerns. Daniel Silverman wanted to better understand the article. Hoort said that the language of the article was provided by MSBA and if the Board decided to place it in the warrant, it will be reviewed by Town Counsel.

MOTION 217-214: Wilson moved and Reinhart seconded to place and recommend Article 29 as requested by Nauset Regional School Committee. The motion passed 4-0.

Business: 2017 Annual Town Meeting Warrant² –article placement, recommendations and close

Dan Silverman wanted to know if the Town will give any consideration to align the voting hours for Town election as regular State and Federal elections in order to increase participation of voters. Discussion ensued. Bruinooge wanted to know more about the financial impact of this change. Hoort and Silverman will provide more information for the meeting on March 28, 2017. Murphy read each article of the draft warrant and the Selectmen offered comments. As a result, the following votes took place:

MOTION 217-215: Operating Budget: Bruinooge moved and Reinhart seconded to place and recommend Article 1 as printed. The motion passed 4-0.

MOTION 217-216: Year-end Transfers: Reinhart moved and Bruinooge seconded to place and recommend Article 2 as printed. The motion passed 4-0.

MOTION 217-217: Capital Fund Budget: Reinhart moved and Wilson seconded to place and recommend Article 3 as printed. The motion passed 4-0.

MOTION 217-218: Marina Enterprise Fund Budget: Reinhart moved and Bruinooge seconded to place and recommend Article 4 as printed. The motion passed 4-0.

MOTION 217-219: Water Enterprise Fund Budget – Reinhart moved and Reinhart seconded to place Article 5 as printed. The motion passed 4-0.

MOTION 217-220: Collective Bargaining Agreements: WEA Unit A – Bruinooge moved and Wilson seconded to place and reserve recommendations for Article 6, 7, 8, 9 to 2017 ATM. The motion passed 4-0.

MOTION 217-221: Nonunion Personnel Wage and Salaries: Wilson moved and Bruinooge seconded to place Article 10 and reserve recommendation to 2017 ATM. The motion passed 4-0.

MOTION 217-222: Additional Fire Department Staff: Reinhart moved and Bruinooge seconded to place and recommend Article 11 as printed. The motion passed 4-0.

MOTION 217-223: Fund Chapter 90 Road Repairs: Wilson moved and Reinhart seconded to place and recommend Article 12 as printed. The motion passed 4-0.

MOTION 217-224: Fund OPEB Transfer - Reinhart moved and Wilson seconded to place and recommend Article 13 as printed. The motion passed 4-0.

MOTION 217-225: Transfer to Marina Enterprise Stabilization Fund: Bruinooge moved and Reinhart seconded to place and recommend Article 14 as printed. The motion passed 4-0.

MOTION 217-226: Transfer to Stabilization Fund: Reinhart moved and Wilson seconded to place and recommend Article 15 as printed. The motion passed 4-0.

MOTION 217-227: Transfer to Water Enterprise Fund: Wilson moved and Bruinooge seconded to place and recommend Article 16 as printed. The motion passed 4-0.

MOTION 217-228: Transfer funds to LCCATV: Wilson moved and Reinhart seconded to place and reserve recommendation of Article 17 to 2017 ATM. The motion passed 4-0.

MOTION 217-229: CPA Reserves and Admin Budgets: Bruinooge moved and Reinhart seconded to place and recommend Article 18 as printed. The motion passed 4-0.

MOTION 217-230: CPA Cemetery Restoration: Reinhart moved and Bruinooge seconded to place and recommend Article 19 as printed. The motion passed 4-0.

MOTION 217-231: CPA Form B Inventory: Reinhart moved and Bruinooge seconded to place and recommend Article 20 as printed. The motion passed 4-0.

MOTION 217-232: CPA Affordable Housing Assistance: Reinhart moved and Wilson seconded to place and recommend Article 21 as printed. The motion passed 4-0.

MOTION 217-233: CPA Rental Housing Assistance: Reinhart moved and Bruinooge seconded to place and recommend Article 22 as printed. The motion passed 4-0.

Gary Sorkin and Mary Rogers raised concerns about the local preference share about the Gov. Prence Affordable Housing Project, since the Eastham ZBA voted to reserve 75% of the local preference to Eastham residents only. Hoort provided means how to deal with this at Town Meeting and advised placing the article contingent upon acceptable to local preference criteria to Wellfleet. Discussion ensued.

MOTION 217-234: CPA Governor Prence Residences Funding: Bruinooge moved and Reinhart seconded to place and recommend Article 23 as amended, and contingent upon completion of the project and acceptable local preference terms to the Town of Wellfleet. The motion passed 4-0.

MOTION 217-235: CIP Authorize Baker Field Upgrades and Renovations: Reinhart moved and Bruinooge seconded to place and recommend Article 24 as printed. The motion passed 4-0.

MOTION 217-236: Fire Department Vehicle - Reinhart moved and Bruinooge seconded to place Article 25 as printed. The motion passed 4-0.

The Board requested to have the background information about Article 26 for 2017 ATM.

MOTION 217-237: CIP Purchase new COA vehicle Reinhart moved and Wilson seconded to place Article 26 as printed. The motion passed 4-0.

MOTION 217-238: Beach Recycling Program Pilot - Reinhart moved and Bruinooge seconded to place and recommend Article 27 as printed. The motion passed 4-0.

Murphy read a letter from Patricia Nadel of OCHS and possible water needs in the future. Curt Felix said that this article could be indefinitely postponed leaving the borrowing authorization on the books. Leaving it on the books would not cost anything to the Town, and the article reflects the voters' decision. Wilson urged rescinding the funds, since this petitioned article came from the Finance Committee. Bruinooge agreed with Wilson, but for different reasons - in the future, if needed, this amount would most likely change, and would require further funding authorization. Kathleen Bacon supported this petitioned article.

MOTION 217-239: Rescind \$95K Borrowing Authorization for WMWS Design Plans to Briar Lane: Bruinooge moved & Wilson seconded to place and recommend Article 28 as printed. The motion passed 4-0.

Lydia Vivante of the Historical Commission explained the need for the requested change to the Demolition Bylaw due to lengthy process by the Massachusetts Historical Commission. Murphy said that this delay would have the potential to cost some homeowners a lot of money.

MOTION 217-240: Bylaw Amendment Demolition Bylaw: Wilson moved and Bruinooge seconded to place and recommend Article 30 as printed. The motion passed 4-0.

MOTION 217-241: Bylaw Amendment Plastic Ban Bylaw: Reinhart moved and Wilson seconded to recommend Article 31 as printed. The motion passed 4-0.

MOTION 217-242: Bylaw Amendment - Zoning Bylaw: Wilson moved and Reinhart seconded to place and recommend Article 32 as printed. The motion passed 4-0.

MOTION 217-243: Bylaw Amendment - Zoning Bylaw: Bruinooge moved and Reinhart seconded to place and recommend Article 33 as printed. The motion passed 4-0.

MOTION 217-244: Bylaw Amendment - Zoning Bylaw: Reinhart moved and Wilson seconded to place and recommend Article 34 as printed. The motion passed 4-0.

MOTION 217-245: Bylaw Amendment- Zoning Bylaw: Reinhart moved and Wilson seconded to place and recommend Article 35 as printed. The motion passed 4-0.

Parent explained what the reasoning behind Article 36 was. Felix expressed his concerns with this article. Parent said that Town Counsel has addressed the comments raised by Felix. ATA Brian Carlson said that the correction is already in place in the current version of the warrant. Kathleen Bacon wanted to know if previous signs can be grandfathered. Felix urged the Board to consider who would be harmed by this change. Wilson disagreed with Felix's comments and supported the article.

MOTION 217-246: Bylaw Amendment- Zoning Bylaw: Reinhart moved and Wilson seconded to place and recommend Article 36 as printed. The motion passed 4-0.

Parent explained why this Formula Business bylaw is needed, despite the emotional vote that took place last year to keep this bylaw on the books and the legal discrepancies resulting from this.

MOTION 217-247: Bylaw Amendment Zoning Bylaw Formula Business - Reinhart moved and Wilson seconded to place and recommend Article 37 as requested. The motion passed 4-0.

A lengthy discussion ensued about the proposed Bylaw Amendment - Zoning Bylaw Food Trucks.

MOTION 217-248: Bylaw Amendment - Zoning Bylaw Food Trucks: Reinhart moved and Bruinooge seconded to place Article 38. The motion passed 4-0.

MOTION 217-249: Bylaw Amendment - Zoning Bylaw Food Trucks: Wilson moved to recommend Article 38 to Town Meeting. The motion did not advance due to lack of second.

MOTION 217-250: Bylaw Amendment - Zoning Bylaw Food Trucks: Wilson moved to reserve recommendation of Article 38 to Town Meeting. The motion did not advance due to lack of second.

MOTION 217-251: Bylaw Amendment - Zoning Bylaw Food Trucks: Bruinooge moved and Reinhart seconded to make no recommendation for Article 38. The motion passed 3-1 (Wilson).

MOTION 217-252: Pleasant Point Bulkhead: Bruinooge moved and Reinhart seconded to place and recommend Article 39 as printed. Discussion ensued. The motion passed 3-1.

MOTION 217-253: Disposition of Town Property, Easement to 15 Kendrick Ave: Bruinooge moved and Reinhart seconded to place and recommend Article 40 as printed. The motion passed 4-0.

MOTION 217-254: Disposition of Town Property to Conservation Commission: Bruinooge moved and Reinhart seconded to place and recommend Article 41 as printed. The motion passed 4-0.

MOTION 217-255: Disposition of Town Property to Conservation Commission: Wilson moved and Bruinooge seconded to place and recommend Article 42 as printed. The motion passed 4-0.

MOTION 217-256: Extension of deadline of Charter Review Committee: Reinhart moved and Wilson seconded to place and recommend Article 43 as printed. The motion passed 4-0.

MOTION 217-257: Room Occupancy Tax: Reinhart moved and Bruinooge seconded to place Article 44 as printed. The motion passed 4-0.

MOTION 217-258: Real Estate Transfer Tax: Reinhart moved and Wilson seconded to recommend Article 45 as printed. The motion passed 4-0.

MOTION 217-259: Safe Communities Act: Bruinooge moved and Wilson seconded to place Article 46 as printed. The motion passed 4-0.

2 min brake from 11 pm to 11:02 pm. for change of camera discs.

MOTION 217-260: Petitioned Article – Herring River: Bruinooge moved and Reinhart seconded to NOT recommend Article 47. The motion passed 4-0.

MOTION 217-261: Petitioned Article – Herring River: Bruinooge moved and Reinhart seconded to NOT recommend Article 48. The motion passed 4-0.

MOTION 217-262: Standard Articles: Bruinooge moved and Reinhart seconded to place and recommend Article 49, 50, 51 and 52. as requested. The motion passed 4-0.

MOTION 217-263: Closing Articles: Reinhart moved and Wilson seconded to place and recommend Article 53 and 54 as printed. The motion passed 4-0.

Town Administrator's Report³ – no additions.

Topics for Future Discussion

- Wilson – Police Station Elevator clarification.
- Wilson – Ice machine for the Marina
- Wilson – get Bocce and Sunbird in front of the Board.
- Murphy – the old Shellfish Shack update on meetings with the TA, Building and Needs Committee, and several abutting business owners. This will be a future agenda topic.

Correspondence⁴ and Vacancy⁵ Report

Request of Laura Kelley to support POCCA in its efforts to prevent Eversource from spraying herbicides. The Board directed the TA to find and send the same letter as previous years.

Executive Session: 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 and litigating position, the Board will review the current collective bargaining status and strategy recommendations for WEA Units A, B and C. – **Did not take place.**

Adjournment

MOTION 217-264: Wilson moved & Reinhart to adjourn the meeting at 11:17 pm. The motion passed 4-0.

Murphy said that a motion to close the 2017 Annual Town Meeting warrant did not take place.

MOTION 217-265: Wilson moved and Reinhart to go back to public meeting at 11:17 pm. The motion passed 4-0.

MOTION 217-266: Bruinooge moved and Wilson seconded to close the 2017 Annual Town Meeting Warrant. The motion passed 4-0.

MOTION 217-267: Wilson moved & Reinhart seconded to adjourn the meeting at 11:18 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials:

¹ Recreation Director memo on Baker Field Tennis Courts change order request

² 2017 ATM Warrant draft

³ TA Report of March 10, 2017

⁴ Correspondence of March 13, 2017

⁵ Vacancy report of March 10, 2017