



**Wellfleet Board of Selectmen
Minutes of March 28, 2017
Wellfleet Senior Center**

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

Chairman Murphy called the meeting to order at 7 PM.

Announcements, Open Session and Public Comments

- ☐ Murphy encouraged everyone to use the microphones when speaking.
- ☐ Harry Terkanian announced that the elevator issue with the Police Station renovation project has been resolved and there will be a lift, and not a full elevator.

Appointments: Thomas Slack to Local Comprehensive Plan Working Group

Murphy raised a concern about the number of members already on the committee and the complication an additional appointment could cause. The appointment was tabled until more information is available.

Murphy opened the Public Hearings at 7:05 pm.

Public Hearing: Conditionally Open for Shellfishing Herring River

Wilson clarified the need for the Selectmen to vote to conditionally reopen the Herring River area for shellfishing once the DMF has tested the water. Acting Shellfish Constable John Mankevetch recommended opening the site.

MOTION 217-267: In accordance with the Town's Shellfish Regulations Wilson moved and Reinhart seconded to open the area known as Herring River as identified in S.4.2.2 on a conditional basis. The motion passed 5-0.

Public Hearing: One Day Wine & Malt License for Cape Cod Bay Challenge on August 12, 2017.

John Craven presented the application of Cape Cod Bay Challenge for a one day wine and malt license and said that it would be contingent on the approval of use of Town Property request. Recreation Director Rebecca Rosenberg said that in the past the event has been taking place after the Recreation Program has ended and expressed concerns about this event taking place with during summer camp. She asked for additional paperwork to be filed and urged the Board to postpone decision on it until the additional information is reviewed. Bruinooge, Reinhart and Houk agreed with Rosenberg. The decision was tabled to April 11 by consensus of the Board.

Public Hearing: Remove William Barrio from shellfish grants #852, 852A and 852B.

Acting Shellfish Constable John Mankevetch recommended approving William Barrio's request. Bruinooge confirmed that the grant will not be abandoned, since there are two more grant holders listed.

MOTION 217-268: Wilson moved and Bruinooge seconded to remove William Barrio as a licensee from shellfish aquaculture leases #852, 852A and 852B. The motion passed 5-0.

Public Hearing: Renew Shellfish Grant licenses #2000-01, 2000-01ext & 2000-06 for 10-year period

MOTION 217-269: Wilson moved and Bruinooge seconded to renew Shellfish Grant licenses #2000-01, 2000-01 extension for James & Nancy O'Connell) for a 10-year period. The motion passed 5-0.

MOTION 217-270: Wilson moved and Bruinooge seconded to renew shellfish grant license 2000-06 for James O'Connel and Nick Sirucek for 10-year period. The motion passed 5-0.

Public Hearing: Transfer Annual Wine and Malt Beverages License

Bruinooge explained that this was for the Mobile Station transfer of ownership.

MOTION 217-271: Bruinooge moved and Reinhart seconded to vote to approve to transfer the Annual Wine and Malt Beverages License from Wellfleet Village Center, Inc. to Slaibi Enterprises, Inc. The motion passed 4-1 (Houk).

Discussion ensued where Houk shared concerns about not knowing who the requester is and the fact that the ABCC has not approved their application yet.

MOTION 217-272: Bruinooge moved to rescind the motion to approve the transfer of the Annual Wine and Malt Beverages License from Wellfleet Village Center, Inc. to Slaibi Enterprises, Inc. Reinhart seconded and the motion passed 4-0. (Houk did not vote)

MOTION 217-273: Houk moved to table the request to transfer the Annual Wine and Malt Beverages License from Wellfleet Village Center, Inc. to Slaibi Enterprises, Inc. Wilson seconded and the motion passed 5-0.

Licenses: Liquor License Renewals:

MOTION 217-274: Wilson moved and Bruinooge seconded to approve the following liquor license renewals: **Package Store Wine and Malt** (*Seasonal*): Maurice's; **Package Store All Alcohol** (*Seasonal*): Wellfleet Marketplace; Wellfleet Wine Cellar & Spirits; **Restaurant Wine and Malt** (*Seasonal*): Ceraldi; Harbor Stage Company; Wellfleet Flea Market; **Restaurant All Alcohol** (*Seasonal*): Bob's Sub N' Cone, Bocce; Chequessett Yacht & Country Club; Chequessett Yacht & Country Club Boathouse; Catch of the Day; Flying Fish Café; The Juice; The Lighthouse; Slackman, Inc.; V.R.'s; Wellfleet Beachcomber; Wellfleet Dairy Bar & Grill; Wellfleet Motel & Lodge; Winslow's Tavern. The motion passed 5-0.

Licenses: Business License Renewals

Wilson explained that the Weekday Entertainment license for Bocce Italian Grill was postponed from November 22, 2017 based on neighbors' complaints she had received and recommended not approving it until the neighbors can come to the meeting. She clarified that the issue is not with the business license, but the entertainment. License. Attorney Ben Zehnder and the Candy Boone of Bocce Italian Bar and Grill were not aware of this mix-up. Boone confirmed that in the future the noise bylaw is going to be obeyed. Attorney Zehnder requested approval of the business license and not holding the other licenses. Reinhart asked to see the complaints in writing.

MOTION 217-275: Reinhart moved and Bruinooge seconded to vote to approve the business license renewals for Wellfleet Harbor Actor's Theater and Bocce Italian Bar and Grill. The motion passed 5-0.

Use of Town Property: Indian Neck Beach for a wedding ceremony on 9/8/17

Nancy Porteus presented her daughter's request for a wedding ceremony on September 8, 2017 on Indian Neck Beach.

MOTION 217-276: Bruinooge moved and Wilson seconded to vote to approve the request of Nancy Porteus to use Indian Neck Beach on September 8, 2017, noon to 4 pm for a wedding ceremony with an event fee of \$100 and conditions as listed on the use request form. The motion passed 5-0.

Use of Town Property: Mayo Beach and Baker Field Tent and tennis courts use: August 11-13, 2017 – postponed.

Use of Town Property: Town Beach by the Gut on Great Island for wedding ceremony on 7/8/17

Lindsay Mahoney was not present to speak for her request. Reinhart expressed concerns about this application. Suzanne Thomas, the Community Services Director said that she has been in communication with the requester and said that she had resolved the transportation issue, but is concerned with the number of people on a fragile beach. Wilson also shared Thomas's fears and added concerns about the nesting birds on this site.

MOTION 217-277: Reinhart moved and Bruinooge seconded to vote to not approve the request of Lindsay Mahoney to use Town Beach by the Gut on Great Island for a wedding ceremony on July 8, 2017, 3 pm to 3:40 pm. The motion passed 5-0.

Use of Town Property: Newcomb Hollow Beach use on May 9, 2017, 7 am to 9 am for small temporary habitat (Ryan Environmental Group)

Community Services Director Suzanne Grout Thomas recommended approving the request of Ryan Environmental Group.

MOTION 217-278: Bruinooge moved and Reinhart seconded to vote to approve the request of Amy Ryan to use Newcomb Hollow Beach on May 9, 2017, 7 am to 9 am for small temporary habitat for Ryan Environmental Group with event fee of \$100 and conditions as listed on the use request form. Wilson amended the motion to not be anywhere near any virtual fencing. The motion passed 5-0.

Use of Town Property: Town Hall lawn for Memorial Day Service on 5/29 by (American Legion Post 287)

MOTION 217-279: Reinhart moved and Bruinooge seconded to vote to approve the request of the American Legion Post 287 to use the front of Town Hall lawn for Memorial Day Service on May 29, 2017, 8 am to 11 am with no event fee and conditions as listed on the use request form. The motion passed 5-0.

Use of Town Property: Whitecrest Beach parking lot on 6/24 & 7/15 for memorial concert (Face Book Group Trey Helliwell Remembered)

Reinhart said that requesters should be present or send a representative. Suzanne Grout Thomas recommended approving the request based on experience. Wilson wanted to know if all of the conditions will be relayed to the requester.

MOTION 217-280: Wilson moved and Bruinooge seconded to vote to approve the request of Henry Marcucella to use Whitecrest Beach parking lot on June 24 and July 15, 2017, 5 pm to 9 pm for memorial concert for the Trey Helliwell Remembered Face Book Group with event fee of \$100 per day and conditions as listed on the use request form. The motion passed 5-0.

Use of Town Property: Town Hall East Driveway for annual plant sale on May 27 (Wellfleet Gardeners)

MOTION 217-281: Bruinooge moved and Reinhart seconded to approve the request of Christine Ebert & Wellfleet Gardeners to use the driveway on the East side of Town Hall for the annual plant sale on May 27, 2017, 6 am to 1 pm with no event fee and conditions as listed on the use request form. The motion passed 5-0.

Business: Wellfleet Town Hall Common Project proposal

Trudy Vermehren gave a Power Point presentation about the Wellfleet Town Hall Common Project. Bruinooge expressed how happy and grateful she was with this proposal. Houk wanted to know who will be

doing the work and who will maintain it. Vermehren said that the construction will be done through a bid process, and the maintenance will be done through the DPW. She explained labor-saving measures accounted in the plan to save on labor for future maintenance. Reinhart and Wilson also expressed support for the proposal. Murphy recommended to get DPW's advise on the flag pole location, so it does not interfere with snowplowing. He wanted to know if the bicycle racks and the rock will be relocated. Terkanian said that the DPW has been included on this project from the beginning and supported the proposal. Wilson suggested asking the Historical Society to accept the cannon and having a plan/lottery to dispose of the maple tree wood. Vermehren responded to Wilson by saying that there has been consideration of reusing the maple tree by making it into a bench. She said that based on conversations, most of the polled people want to keep the cannon in front of Town Hall. Tom Flynn also expressed support for this proposal.

MOTION 217-282: Wilson moved and Bruinooge seconded to vote to approve the proposal by Wellfleet Arbor Committee "The Wellfleet Town Hall Common" as presented. The motion passed 5-0.

Business: Discussion of Animal Control Officer Proposal – tabled to a future meeting.

Business: Board's position on the Joint Powers Agreement for Cape Light Compact.

John Giorgio of KP Law clarified that he is not representing Cape Light Compact. He gave background information about how the Cape Light Compact was established as an inter-municipal agreement and the current need for forming a new Joint Powers Entity (JPE). He went into details about the responsibilities of the new JPE and the transition period. He explained that no town will be required to join the JPE. Each town may elect to become its own energy aggregator upon the dissolution of Cape Light Compact, when more than 50% of participating towns have joined the JPE. Giorgio confirmed that the purposes of the JPE and the Cape Light Compact are identical with the one difference of relieving liability from each participating town and shifting it to the JPE. He explained that upon joining the JPE, towns can decide to remove themselves at any point in the future. He said that the decision to join the JPE is made by the selectmen, not by a vote at Town Meeting. Based on these facts, Giorgio said that there are benefits to the Town. Discussion about what lead to the separation between the County and Cape Light Compact ensued. Per Giorgio, OPEB and unknown liabilities were the driving forces. In response to Wilson's question who would administer the JPE, Giorgio said that each town's representative will have a weighted vote. Houk was concerned with the weighted votes, and wanted to see each town having an equal vote. Dick Elkin said that the rules of the JPE will be the same as CLC. Reinhart wanted to know how the JPE will be responsible to the ratepayers. Giorgio clarified that the CLC will continue to exist until June 30, 2017, but the CLC will not be under the umbrella of Barnstable County. Lilli Green addressed issues and concerns with accountability, oversight, transparency and responsibilities with the JPE and asked the Board to delay decision to June 30, 2017. Roger Putnam wanted to know why would the Town like to join an entity with only 1% control. Based on this discussion the selectmen had a consensus to postpone decision on this matter to a future meeting. Murphy suggested having a specific meeting in the form of a public forum and get the answers that will help the Board to make an informed decision.

Business: Murro Van Meter 2017 Food Truck Contract beach concession renewal

Reinhart raised concerns about picnic tables and the resulting complications. Murro Van Meter said that he is removing the request for picnic tables based on Reinhart's concerns. Wilson added the amendment to the contract language.

MOTION 217-283: Wilson moved to vote to approve the Food Truck License for Murro Van Meter, which shall expire on December 31, 2017. Reinhart seconded and the motion passed 5-0.

MOTION 217-284: Wilson moved to approve the contract for Murro Van Meter's use of Town Property at Newcomb Hollow beach for 2017 as amended. Reinhart seconded and the motion passed 5-0.

Business: 2017 Annual Town Meeting Warrant & Annual Town Election Ballot Questions Placement¹

MOTION 217-285: Bruinooge moved and Reinhart seconded to vote to place ballot questions 1, 2, 3, 4, 5 and 6 and approve and sign the 2017 Annual Town Meeting and 2017 Annual Town Election Warrant as printed. The motion passed 5-0.

Business: Discussion of considering expanded polling hours [Joseph Powers]

The Selectmen reviewed the memo² from Town Clerk Joseph Powers for possible expansion of the polling hours for Town elections. Town Moderator Dan Silverman highly recommended expanding the polling hours to 8 pm to be in line with State and Federal closing of the polling hours.

MOTION 217-286: Wilson moved and Bruinooge seconded to expand the polling hours for Town elections to be in line with the State polling hours from 12 pm until 8 pm starting with 2018 Annual Town Election. The motion passed 5-0.

Business: Contract with Appraisal Company of Cape Cod, Inc for Pleasant Point Bulkhead seawall.

Brian Carlson explained the logistics of the contract and confirmed that the appraiser will be paid by the article proponents.

MOTION 217-287: Reinhart moved and Bruinooge seconded to move to vote to approve the contract with Appraisal Company of Cape Cod, Inc for Pleasant Point Bulkhead seawall for \$2,500. The motion passed 5-0.

Business: Approval of Wellfleet Cultural District Application and Resolution

Carlson presented the request for approval of Wellfleet Cultural District application and resolution provided by the State. Reinhart wanted to know where the cultural district will be. Carlson directed her to the posted map online, including the downtown area and the harbor. Wilson wanted to know about the benefits of Cultural District. Carlson explained that the application needs to be renewed every five years and the designation will allow more access of State grant funds to artists in Town. Gigi Ledkovski of the Cultural Council talked about the benefits of this designation.

MOTION 217-288: Bruinooge moved and Reinhart seconded to vote to submit an application and resolution to create the Wellfleet Cultural District. The motion passed 5-0.

Business: Possible call for Special Town Meeting on April 24, 2017 at 7 PM at Wellfleet Elementary School to consider Paine Hollow Affordable Housing Project & grant opportunity or for any other reason.

Gary Sorkin, member of the Wellfleet Housing Authority and Leedara Zola, Housing Authority Consultant explained the nature of the request based on available State funding for affordable housing. When the Housing Authority went to pursue this funding it became clear that the Town has ownership over the land. Sorkin said that there is no guarantee about securing the funding. Murphy said that this piece of property has been stalled for 16 years and wanted to see if the duration of time under the umbrella of a private entity can be capped. Sorokin clarified that the delay has been because of litigation holding it up. Zola answered that the duration of the time is incorporated in the language of the proposed article. Dan Silverman went over the logistics of Town Meeting and Special Town Meeting. Discussion ensued.

MOTION 217-289: Reinhart moved that the Board of Selectmen call a Special Town Meeting on April 24, 2017 at 7 PM at Wellfleet Elementary School to consider Paine Hollow Affordable Housing Project & grant opportunity. Bruinooge seconded and the motion passed 5-0.

MOTION 217-290: Reinhart moved to place and recommend article 1 of 2017 Special Town Meeting. Bruinooge seconded and the motion passed 5-0.

MOTION 217-290: Reinhart moved to place and recommend article 2 of 2017 Special Town Meeting. Bruinooge seconded and the motion passed 5-0.

MOTION 217-291: Reinhart moved to vote to approve and sign the 2017 Special Town Meeting Warrant³. Bruinooge seconded and the motion passed 5-0.

MOTION 217-292: Reinhart moved to close the 2017 Special Town Meeting Warrant. Bruinooge seconded and the motion passed 5-0.

Town Administrator's Report⁴ – no additions.

Topics for Future Discussion

- Wilson asked for a calendar of all events of all use of Town property requests.
- Wilson request to have the BOS meeting before Town Meeting in the teacher's lounge.
- Wilson requested an agenda item for the sanctuary city 2017 ATM article #46 for next meeting.
- Reinhart brought up an anonymous letter about cleaning boats, so as not to introduce invasive, non-native species to our water ways.
- Reinhart asked to have the Formula Business Bylaw revisited.
- Reinhart suggested having a local preference policy in hiring town employees

Correspondence⁵ and Vacancy⁶ Report

Wilson – DRI for Cumberland Farms.

Adjournment

MOTION 217-292: Reinhart moved and Wilson seconded to adjourn the meeting at 10:18 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials:

¹ Final 2017 ATM & ATE Warrant

² Town Clerk's memo on expanded polling hours

³ 2017 Spring STM Warrant

⁴ TA Report of March 24, 2017

⁵ Correspondence Report of March 28, 2017

⁶ Vacancy Report of March 24, 2017