

Wellfleet Select Board Meeting
Tuesday, October 9th, 2018, at 6 p.m.
Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet MA 02667

Select Board Members Present: Janet Reinhart – Chair, Helen Miranda Wilson – Vice Chair, Justina Carlson – Clerk, Kathleen Bacon, Jerry Houk.

Also Present: Dan Hoort - Town Administrator, Radu Luca – Executive Assistant to the Town Administrator, Joseph Powers – Assistant Town Administrator / Town Clerk

- I. Executive session** - pursuant to M.G.L.c.30A, Sec. 21 to consider the purchase, exchange, lease or value of real estate, if the chair so declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
- 3 Kendrick Avenue
 - “Landing Strip’ property
 - 301 Main Street (News Dealer)

I move to go into executive session pursuant to M.G.L.c.30A, Sec. 21 to consider the purchase, exchange, lease or value of real estate, if the chair so declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

- 3 Kendrick Avenue
- “Landing Strip’ property
- 301 Main Street (News Dealer)

Motion: Reinhart

Second: Bacon

5-0-0. Motion carries.

Roll Call Vote

Reinhart yea

Wilson yea

Bacon yea

Carlson yea

Houk yea

II. Announcements, Open Session and Public Comments

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.

Wilson said that the deadline for registering to vote in Massachusetts is Wednesday, Oct 17th at 8 pm and that people can register at Town Hall.

Wilson also announced that there would be a meeting about the extension of the bike trail on Oct 22nd at 6:30 pm at the COA and encouraged people to show up and express their concerns.

Bacon said that Habitat for Humanity's ribbon cutting event in Truro on Oct 10th at 4 pm. Two of the four houses built in Truro would have been awarded to two Wellfleet families.

Hoort announced that the DPW started the bidding process to dispose of various pieces of surplus equipment. The equipment can be viewed on Municibid's website (www.municibid.com) from Oct 2-12, 2018. The winning bidder must pick up the item by Friday, Oct 26, 2018.

Chief Fisette said that the annual WPD "Pink Patch" was authorized again for the month of October for Cancer Awareness. Fisette also said that there would be OysterFest parking restrictions in effect and reminded people to be mindful of them, especially on Main Street and the nearby parking lots. Also, there will not be any parking at the fire and police stations. Fisette also said that the Fire Department would organize a "Stop the Bleed" Class, which a basic course to control bleeding. The course will take place at the Fire Station on Friday, Oct 19th from 5-7 pm and it will be open to the public. The Fire Department will also hold a "Community Stress & Trauma Session" on Friday, Oct 12th at the COA at 5 pm.

Joseph Powers said that absentee ballots for the Nov 6th general elections were available at the Town Clerks office during regular business hours (8 am to noon, 1 pm – 4 pm, Monday through Friday). Powers said that early voting would begin on Monday, Oct 22nd, and that process would run from Oct 22nd through Nov 2nd.

III. Public Hearings – 7 pm

A. One-Day Beer and Wine License – Stephen Curley (October 20, 2018 at Mayo Beach)

Stephen Curley was present.

I move to approve a one-day beer and wine license for Stephen Curley on October 20, 2018 at Mayo Beach.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries

B. Wellfleet Spirits Shoppe, Inc. – change of Manager from Kevin M. Scalley to Julie Seabury

Julie Seabury was present to speak in favor of her application.

It was confirmed that the application (with all required) information had been received by the Town but had not been included in the Selectboard's packet.

Wilson asked how many people were included in a corporation. The answer was three. Scalley's legal counsel said that the corporation's vote to remove Scalley as manager was illegitimate because, at the time, those present were not authorized, as per the corporation's bylaws, to make that vote. Seabury said that all paperwork pertaining to this

matter had been recorded properly and that they had an attorney handle that for the corporation. Bacon said that the store needs a manager and that the Selectboard should at least vote on that issue tonight and let the two parties decide on the legal matters between themselves. Houk said that this legal matter is not within the Board's purview and that he agrees with Bacon that they need a manager on the premises. Carlson said she was not comfortable getting involved in this legal situation. Wilson agreed with Bacon and Houk that we need to have a manager on site, at least until all legal matters are worked out and that normally the Board doesn't ask to see a corporation's bylaws.

I move to approve the change of manager at the Wellfleet Spirits Shoppe, Inc. from Kevin M. Scalley to Julie Seabury.

Motion: Bacon

Second: Wilson

3-2-0. Motion carries. Reinhart

and Carlson opposed.

C. Shellfish grant transfer - #741 from Linda Taylor, Barbara Woodbury and Patrick Woodbury to James Clark and Paul Lalumiere

Wilson said that usually a grant transfer implies that someone is on the grant and then someone else's name is added to the grant, instead of transferring the grant altogether to someone else. Civetta said that this is unusual, but it is in accordance with our shellfish regulations. Wilson asked whether all parties involved had signed off on this transfer. Civetta, and all the parties involved, said yes.

I move to approve the shellfish grant transfer for grant #741 from Linda Taylor, Barbara Woodbury and Patrick Woodbury to James Clark and Paul Lalumiere.

Motion: Bacon

Second: Houk

5-0-0. Motion carries

IV. Licenses

A. All alcoholic package store – Wellfleet Spirits Shoppe, Inc. [Julie Seabury]

This item was not discussed because the Wellfleet Spirits Shoppe, Inc. does not need a license renewal.

V. Business

A. Addition of Goss Lane to the Town's Paved Private Roads Plow List [Patrick Winslow]

Hoort presented additional background information on this agenda item. Reinhart would like the DPW to sign off on this matter as well. Wilson asked whether Goss Lane was inspected before July 1st. Hoort answered and said no. Bacon said Goss Lane is a small, paved way in a development that is wide enough and has been maintained so as to meet our policy's requirements.

I move to add Goss Lane to the list of potential private paved roads eligible for snow removal; the road must meet all requirements of the Selectboard's Policy for Maintenance of Paved Private Roads Eligible for Plowing by the Town to be eligible for plowing.

Motion: Bacon

Second: Wilson

3-2-0. Motion carries. Reinhart

and Carlson opposed.

I move to rescind the previous motion.

Motion: Reinhart

Second: Wilson

4-0-0. Motion carries. Houk was

absent for this vote.

I move to add Goss Lane to the list of potential private paved roads eligible for snow removal; the road must meet all requirements of the Selectboard's Policy for Maintenance of Paved Private Roads Eligible for Plowing by the Town to be eligible for plowing.

Motion: Bacon

Second: Wilson

4-1-0. Motion carries. Carlson

opposed.

B. Discussion on Cape Light Compact Three-Year Plan [Margaret Song]

Margaret Downey and Margaret Song presented the Cape Light Compact's Three-Year Plan, which was included in the Selectboard's packet for the meeting.

At the end of the presentation, Margaret Song commended the Wellfleet Town Hall Staff Dan Hoort and Radu Luca for their work on the Green Communities projects.

Wilson asked if, with the advances in modern technology, someone's thermostat could be accessed remotely by the company and whether the owner's permission would be required and whether access was technologically available to the company, with or without permission from the owner. Song responded and said that if the owner had a Nest (wi-fi enabled) thermostat they could enroll in an energy-savings program, which would reduce the usage in energy and generate a reduction in the electric bill or gas bill if the property was off-Cape. This option would allow the company to adjust a thermostat from a remote location. Cape Light Compact would then make a payment to the customer.

Wayne Clough asked what the cost would be for the owner of a 2- or 3-BR house to have their house done without assistance from Cape Light Compact. Song responded with an itemized approximate tally: \$16K for heat pumps (three heads, two compressors), \$25K for PV, \$10K for the batteries.

C. Discussion of Water, Wastewater, WMA and 208 Plan [TA]

This agenda item was postponed.

D. Approval of FY 2020 Budget Policy – [TA]

I move to approve the fiscal year 2020 budget policy as presented by the Town Administrator.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries

E. Approval of FY 2020 Annual Budget & 2019 Annual Town Meeting schedule [TA]

Hoort said that the only change to the 2019 annual town meeting schedule was to add in a timeline for the Planning Board to schedule their public hearings. Roger Putnam asked whether the By-Law Review Committee would be given the opportunity to weigh in on the warrant before it was printed. Wilson agreed with Putnam and added that all appropriate boards and committees should be asked to weigh in on the warrant articles in a timely fashion.

I move to approve the fiscal year 2020 annual budget and 2019 annual town meeting schedule as presented by the Town Administrator.

Motion: Carlson

Second: Bacon

5-0-0. Motion carries

F. 3 Kendrick Avenue discussion [TA]

Reinhart said that there has been another offer for the property and so, for the time being, we are looking at our legal options.

G. Approval of letters to State officials supporting grants for a small business incubator and the Cape Cod Rail Trail [TA]

I move to authorize the Chair to sign letters of support for the Wellfleet Economic Vitality grant and the Cape Cod Rail Trail expansion grant.

Motion: Carlson

Second: Bacon

5-0-0. Motion carries

H. Selection of an attorney for Herring River Project representation [TA]

Houk asked what this attorney would charge us. Hoort responded and said that currently KP Law charges the Town \$175 / hour and this new fee would be similar. Wilson said that she got the names of two other law firms and that she is unsure whether, if we chose to work with McGregor, we would be getting the Principal of the law firm himself working on the project. Bacon said that McGregor is more than qualified to handle this account and project. Hoort said that he spoke with McGregor on the phone the day of the meeting and that he would be happy to work on this project personally.

I move to appoint Gregor I. McGregor, Esq. and Associated as legal counsel in matters pertaining to the Herring River Restoration Project.

**Motion: Houk
opposed.**

Second: Bacon

4-1-0. Motion carries. Wilson

I. Approval of signature on deeds for Pleasant Point closing [TA]

I move that the Selectboard execute four deeds to the purchasers of the parcels containing the Pleasant Point bulkhead, as approved by vote at the 2017 Annual Town Meeting in Article 39.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries

J. Approval of Verizon & Eversource joint owned pole on Old Kings Way
[Principal Clerk]

I move to approve the jointly-owned Verizon New England and Eversource Energy pole on Old Kings Hwy.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries

VI. Town Administrator's Report

Houk wanted to have some clarification pertaining to PorchFest and parking. Hoort responded and said that he had a follow up meeting with representatives from PorchFest, which went well. Hoort will meet with Chief Fisette to try and avoid some of the parking issues we had this year. Houk inquired about Hoort's meeting with Sickday pertaining to sharks. Hoort responded and said that the meeting went very well. Bacon would like to suggest to the PorchFest organizers they have their event over Columbus Day weekend and not in August, during the height of the season. Wilson inquired about the meeting with the Lower Cape Access Committee. Hoort responded and said the meeting was mostly focused on the upcoming Comcast agreement renewal.

VII. Topics for Future Discussion

Reinhart would like to discuss the Shellfish shack and building safety.

Bacon would like for the DPW and the Building Department to come up with a detailed plan to rehabilitate the shellfish shack building. Bacon would also like to discuss a dredging update with the Harbormaster and the Harbor Dredging Committee. Bacon would also like to discuss increasing communication at the beaches with the two Chiefs and the Beach Administrator.

Houk would like to discuss a contract and payment plan for an EMT to attend training classes. Houk would like to discuss the contracts with the County and Chapter 90 Funds for Local Roads.

Wilson would like to have the Selectboard meeting dates be on the first and third Tuesday of the month rather than the second and third Tuesday, so that the Selectboard could attend some Truro Selectboard meetings, especially when the Herring River Project is on

the agenda for discussion. Wilson would also like to meet with the Board of Cemetery Commissioners to expedite a green burial option in the Town's cemeteries.

VIII. Correspondence and Vacancy Report

IX. Minutes (draft minutes from 9.25.18)

I move to approve the draft minutes of September 25, 2018 as amended.

Motion: Wilson Second: Bacon 5-0-0. Motion carries.

X. Adjournment

I move to adjourn.

Motion: Bacon **Second: Wilson** **5-0-0. Motion carries.**

The meeting was adjourned at 9:10 pm.

Respectfully submitted,

Radu D. Luca,
Executive Assistant to the Town Administrator

Link to video here:

<http://viewer.earthchannel.com/PlayerController.aspx?&PGD=wellfleetma&eID=97>

Public Records Materials of 10/9/18

1. Public Hearing Notice – Stephen Curley two-day beer and wine license
2. Public Hearing Notice – Wellfleet Spirits Shoppe, Inc. change in manager (Sep17)
3. Public Hearing Notice – shellfish grant transfer #741 (Sep 26)
4. Memo – Shellfish Constable to Selectboard re: shellfish grant transfer #741 (Sep 19)
5. Selectboard Maintenance of Paved Private Roads Eligible for Plowing by the Town
6. Presentation – Cape Light Compact Three-Year Energy Efficiency Plan
7. Draft Budget Policy FY2020
8. Draft FY2020 Annual Budget and 2019 Annual Town Meeting Schedule
9. Letter – Selectboard to Jay Ash, Secretary for Housing and Economic Development
10. Letter – Selectboard to Michael J. Heffernan, Secretary for Executive Office for Administration and Finance
11. Resume – Gregor I. McGregor, Esq.
12. Draft – Deeds for bulkhead at Pleasant Point
13. Pole Hearing Notice – Verizon and Eversource at Old Kings Hwy (Sep 28)
14. Memo – TA Report (Oct 4)
15. Memo – Principal Clerk Vacancy report (Oct 4)
16. Memo – Executive Assistant Correspondence (Sep 25-Oct 9)
17. Draft Meeting Minutes – Selectboard, Sep 25, 2018