

Approved May 14, 2019.

**Wellfleet Selectboard Meeting
Tuesday, April 9, 2019 at 6pm
Wellfleet Senior Center**

Selectboard Members Present: Chair Janet Reinhart; Kathleen Bacon, Justina Carlson, Jerry Houk, Helen Miranda Wilson

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Shellfish Constable Nancy Civetta; Human Services Director Suzanne Grout Thomas; Police Chief Ronald Fisette; Fire Chief Richard Pauley; Recreation Director Becky Rosenberg; State Representative Sarah Peake

Chair Reinhart called the meeting to order at 6:00 p.m.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT

- The Board and audience honored Selectman Jerry Houk for his many years of service to the Town of Wellfleet. A cake was presented.
- State Representative Sarah Peake presented Houk with a proclamation from the Massachusetts House of Representatives thanking him for his service.
- Houk thanked his daughter for the cake and his family members who were present and the Board for the pleasure of working with them.
- Houk reminded viewers of the April 15th benefit for the Alzheimer's Association.
- Town Administrator Hoort informed viewers that April 27th is Amnesty Day at the Wellfleet Transfer Station.
- Hoort also said that absentee ballots are now available for the 2019 Annual Town Election.
- Audience member Dick Elkin reminded viewers of two community forums coming up; April 10th at the Library to discuss the possible purchase of the HDYLTA Trust property and April 16th at the Senior Center with the Moderator to discuss the Annual Town Meeting Warrant.
- Audience member John Kartsounis spoke to his petitioned article, Article 43 which requests a ballot question for the 2020 Annual Town Election regarding seal and shark population.
- Hoort shared that corrected copies of Warrants are available at Town Hall.
- Hoort announced that absentee ballots for the Town Election are available until 5pm on April 26. Information can be found in Town Hall in the Clerk's Office or on the Town website.
- Chief Fisette announced that the contract with FEMA has been signed for the March 2018 storm.
- Chief Fisette announced a traffic alert near Cumberland Farms to install fire hydrants along Route 6. Route 6 will remain open, unless otherwise noted. The work will begin on Monday, April 15 and last for about 3 weeks.
- Chief Fisette announced that Telecommunicators Week begins on Sunday, April 14 and he thanked the dispatch staff for their excellent work.

APPOINTMENTS/REAPPOINTMENTS

Cultural Council

Al Mueller presented his reasons for wanting to be on the Cultural Council.

Approved May 14, 2019.

Wilson moved to appoint Al Mueller to the Cultural Council for a three-year term to expire June 30, 2022.

Carlson seconded, and the motion carried 5-0.

Bike and Walkways Committee

Bacon recused herself for this, due to a small business relationship. Tracey Barry Hunt presented her reasons for wanting to be on the Bike and Walkway Committee.

Carlson asked Hunt if she had a particular opinion on the bike trail issues. Hunt said she only started to get into the information within the last few weeks. Carlson asked Hunt if she could be impartial and Hunt said yes, she can evaluate things from many different angles.

Carlson moved to appoint Tracey Barry Hunt to the Bike and Walkway Committee for a three-year term to expire June 30, 2022.

Wilson seconded, and the motion carried 4-0-0, with Bacon recused.

Zoning Board of Appeals

Janet Morrissey presented her reasons for wanting to be on the Zoning Board of Appeals.

Wilson thanked Morrissey for being willing to serve. Houk said that if Putnam wanted Morrissey on the ZBA, he wanted her on the ZBA. Roger Putnam, Chairman of the ZBA, said Morrissey brings unique experience to the Board with her Planning Board experience and the ZBA will make use of her talents. Bacon noted the many contributions that Morrissey, and her husband, have made to Wellfleet.

Bacon also noted that boards and committees do the hard work to provide the Board with the information they need to make decisions and invited the audience to join one.

Wilson moved to appoint Janet Morrissey to the Zoning Board of Appeals for a two-year term to expire June 30, 2021.

Bacon seconded, and the motion carried 5-0.

USE OF TOWN PROPERTY

Baker's Field – May 25, 2019

There was no one from the PTA present, but this event is held annually by the PTA and is a fun event in the community.

Wilson moved to approve the use of Baker's Field by the Wellfleet PTA on May 25, 2019 with a rain date of May 26th from 7 am to 4 pm subject to the conditions, if any, as listed on the application form for a fee of \$0.

Bacon seconded, and the motion carried 4-0, with Houk absent for the vote.

Town Pier – July 31, 2019

Cheryl Crowell from Independence House presented a request for the use of town property. Independence House is a non-profit organization that helps victims of domestic abuse.

Approved May 14, 2019.

Bacon moved to approve the use of the Town pier by Independence House on July 31, 2019 with a rain date of August 7 from 7 to 9 pm, subject to the conditions, if any, as listed on the application form, for a fee of \$0.

Wilson seconded, and the motion carried 4-0, with Houk absent for the vote.

BUSINESS

Marijuana Host Community Agreement, Change of Address – Nature’s Alternative

Attorney Ben Zehnder and Nicholas Salvador, Nature’s Alternative, presented their request for a change of address. The original Host Community Agreement (HCA) was for 1446 State Highway, the old South Wellfleet General Store. The new location will be 2392 State Highway. Where Dunkin Donuts is located.

Carlson and Zehnder discussed whether this had previously been brought before the Board or not. Zehnder noted that he has been before the Board to request the HCA and that he sent a letter requesting the change of address.

Bacon requested to meet the members of the company who presented the original request for the HCA. Wilson asked if the corporation had changed hands, Salvador said they received new funding which has brought in additional individuals, but the original group that the Board met remains. Wilson asked if the CEO changed. Salvador said that the CEO the Board met previously is no longer in the role, but still works for the company, and that the company is restructuring. Wilson clarified that the restructuring is simply a personnel change, and that the company has not been sold. Salvador said that was correct. Wilson said that given the information that the business was not sold, she is okay with the change of address.

Zehnder reminded the Board that the HCA has already been signed and that tonight they are only seeking the Board’s approval of a change of address. Carlson shared her concern about the change of address and asked about the Board’s rights to take another look at the agreement. Zehnder described the process of the HCA and that the change of address came about due to the landlord seeking a higher rent from Nature’s Alternative. He noted that a change of address ~~did~~ should not constitute any concern for the operations of the business. Carlson said no, but that it showed that the business was in flux.

There was further discussion about the HCA process and the change of address.

Audience member Tim Sayer asked about the new funding mentioned by Salvador and if it was debt service and if the funding was from Boca Raton, FL. Salvador said it was a loan from a family trust located in Truro and they have no operational control.

Audience member Amy Wolf asked if this was to be a recreation facility, Zehnder said yes. Wolf asked if this would make 5 HCA’s in the Town. Hoort said there are 3 currently approved, 1 up for approval this evening, and 1 that is coming to the Board in the future.

Wolf asked about putting a limit on the number of HCAs on an upcoming agenda. Reinhart said this will come up in the future.

Approved May 14, 2019.

Wilson moved to approve the change of address on the Host Community Agreement with Nature's Alternative from 1446 State Highway to 2393 State Highway.

Houk seconded, and the motion carried 4-1-1, with Carlson opposed and Bacon abstained.

Wilson clarified the number of HCAs approved in town and asked for further consideration before approving more agreements. Bacon agreed with Wilson.

Reinhart clarified the Limitation on Number of Marijuana Dispensaries bylaw that was voted on at the 2018 Town Meeting, which says "the number of licenses for registered, retail "Marijuana Establishments", as defined by G.L Chapter 94G, Section 1 , may be limited or granted at the discretion of the Selectboard, serving as the Licensing Board, provided that minimum number of establishments licensed shall not be less than 20% of the number of [such establishments]sic liquor licenses presently issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold (pursuant to G.L. Chapter 138, Section 15)." This vote does not limit the number of establishments to an exact number but leaves discretion with the Board.

Reinhart noted that an HCA does not guarantee a license from the state. There was further discussion about the number of establishments the Board would like to see in Town.

Marijuana Host Community Agreement – The Grateful Mind

Jason Robicheau presented his request for a Host Community Agreement. Robicheau and Hoort noted that the Board ~~agreed~~ voted to approve an HCA for Robicheau, but it was never signed, hence his presence here tonight. This marks the 4th agreement that the Board has committed to.

Audience member Zachary Ment, The Old Bank, LLC, whose proposed location for a marijuana facility is at the intersection of Route 6 and E. Main Street, noted his presentation at the March 26th meeting and asked for the same consideration as other HCA applicants.

Bacon said Robicheau did come before the Board previously, they heard his presentation, and agreed to enter into an HCA with him. She noted the Board agreed to an HCA with Robicheau because of the opportunity to give an individual local preference, which they have not had with larger investors and groups coming through town. Bacon said this brings up the issue of their commitment to the Town.

There was discussion about local preference and the number of businesses desired in Town.

Houk asked about the parking plan. Robicheau said that by the time he opens, there will be more ~~stores~~ marijuana facilities open and traffic may not be that heavy. He also said he could make arrangements with Funk Bus or could expand the lower parking lot. Robicheau also noted the concept of a mobile app to schedule appointments. He said he would be lucky to open by Christmas next year (2020).

Wilson moved to approve the Host Community Agreement with Jason Robicheau, as printed in the packet, doing business as The Grateful Mind at 15 Bank Street.

Carlson seconded, and the motion carried 5-0.

Wilson noted a needed correction on page 6, Section E, changing "engage" to "allow".

Approved May 14, 2019.

Possible Acceptance of a Van Donated to the Recreation Department

Rosenberg presented the request for the acceptance of the van. Rosenberg said if the Recreation Department can utilize the gifted van, even if for only one year, ~~at the recommendation of the DPW Director~~, it will assist in collecting data to determine usage. This data will inform decisions going forward about purchasing a new van or allocating funds to lease one as needed.

Reinhart asked how often the van might be used in the summer and winter. Rosenberg said it could be used every day in the summer but does not have the information for winter. Reinhart asked if they travel off-Cape. Rosenberg said they used to but no longer do. Rosenberg said the vision is for the van to pick students up from WES and take them to places in town such as the Library and Baker's Field.

Wilson asked who owned the van currently. Rosenberg said Nauset Regional High School owns the van and has leased it to the Department in the summertime for the past five years. Wilson noted DPW Director Mark Vincent's comments about the mileage and repair estimates – \$130,000 and \$2,500 respectively. Wilson asked if it was cost effective to take on this van and asked what the cost of a lease was. Rosenberg said \$100/week for the 7 weeks in summer.

Grout Thomas encouraged the acceptance of the van. She said it was unknown if Nauset's new vans would be leased, the cost to lease a newer van with similar specifications is higher than the repair work, and the ability to use the van year-round was desirable. Grout Thomas also noted the use of the elementary school as a community center and the need to transport students to those programs year-round.

Bacon supported the acceptance. Carlson agreed with Bacon and commended the efforts to use the elementary school as a community center.

Reinhart asked about purchasing a new van. Rosenberg said she would first like to use this van as a pilot to assess the needs and use of the van by the department.

Houk moved to approve the acceptance of a van donated to the Recreation Department
Wilson seconded, and the motion carried 5-0.

Approval of Zero Waste Policy

Lydia Vivante and Christine Shreves presented the Recycling Committee's proposal for a Zero Waste Policy. Vivante said the policy is "in recognition of the need to make more efficient use of our natural resources, reduce solid waste volume and disposal costs, create markets for the materials collected in recycling programs, and serve as a model for private and public institutions, the Town of Wellfleet is committed to a zero-waste policy that will phase out single-use plastic products. Wellfleet will instead purchase products which are *environmentally preferable* and/or made of recycled materials whenever such products meet quality requirements and are available at reasonable prices and terms."

Vivante shared current practices, such as the Committee's Community Cutlery program and water bottle filling stations located in Town buildings.

Approved May 14, 2019.

Wilson noted the “In the Office” section of the policy proposal, saying that double-sided printing does not work for everyone. There was discussion on current efforts in the communities on the Cape. Shreves noted that the Truro Selectboard has gone to electronic only communication and are issued tablets. Vivante said this was optional.

Bacon moved to approve the Zero Waste Policy recommended by the Wellfleet Recycling Committee as printed.

Wilson seconded, and the motion carried 5-0.

Revised Charge for Energy Committee

Dick Elkin presented the Energy Committee’s request for a revised charge. He said this change includes changing the Committee’s name to the Energy and Climate Action Committee. They are also seeking an addition of two members to make the membership 7 and a revised charge to include the Climate Action.

Wilson moved to change the name of the Wellfleet Energy Committee to the Wellfleet Energy and Climate Action Committee, increase the committee membership to seven (7) members and two (2) alternates, and modify its charge as shown below.

Bacon seconded, and the motion carried 5-0.

Hoort noted that this item is in the Warrant as well, and when it comes up at Town Meeting he will inform attendees the matter has already been taken care of.

Create Gift Fund for Town Purchase of HDYLTA Trust Land

Wilson noted that approving the creation tonight would open the Fund. If the article passes at Town Meeting, it will be available to accept donations.

Pursuant to Massachusetts General Laws Chapter 44, Section 53A, Wilson moved to establish a special gift fund to receive donations and other revenue for the purchase of the land from the HDYLTA Trust, the proceeds of which shall be used without further appropriation under the supervision of the Town Administrator and the Board of Selectmen.

Bacon seconded, and the motion carried 4-0, with Carlson recused.

Eversource Petition for Conduit on Old Kings Highway

There was no discussion.

Bacon moved to allow Eversource Energy to install conduit on Old Kings Highway.

Wilson seconded, and the motion carried 5-0.

Approval of Contract for Restroom Cleaning

There was no discussion.

Houk moved to approve the contract with Purrfect Cleaning for restroom cleaning and to authorize the Town Administrator to sign the contract.

Carlson seconded, and the motion carried 5-0.

Approval of Contract for VADAR Accounting Software

Approved May 14, 2019.

Hoort said this is being paid for by the Community Compact grant from the State. Wilson asked if this software would be better and how many staff would have to be retrained. Hoort said the Assessor's Department already work with it and the accounting department is familiar with the software as well. The contract will put the Accounting Department fully on VADAR software.

Bacon moved to approve the contract with VADAR for the new accounting software and to authorize the Town Administrator to sign the contract.

Carlson seconded, and the motion carried 5-0.

Approval of Contract for Portable Restrooms

Wilson asked if this went out to bid. Hoort said that it went through procurement.

Bacon moved to approve the contract with MA Frazier for portable restrooms and to authorize the Town Administrator to sign the contract.

Carlson seconded, and the motion carried 5-0.

SELECTBOARD REPORTS

None.

TOWN ADMINISTRATOR'S REPORT

This report is for the period March 23, 2019 through April 6, 2019.

1. General
 - ATM warrant being mailed on April 5th.
2. Fiscal Matters
 - None
3. Meetings
 - March 26 – Cape Cod Commission, Steve Tupper
 - March 26 – Selectboard meeting
 - March 27 – Insurance Renewal – Kaplansky Insurance
 - March 27 – Finance Committee meeting
 - March 28 – COMCAST license renewal meeting
 - April 1 – Meeting with Wellfleet TV Channel Operations Manager
 - April 3 – Lunch with Shellfish Constable regarding HDYLTA Trust
 - April 2 – Conference call with Town Counsel regarding HDYLTA Trust
 - April 4 – Staff beach communications meetings
 - April 4 – Meeting with Cumberland Farms regarding water main installation
 - April 6 – Coffee with Town Administrator regarding room occupancy tax
4. Complaints.
 - none.
5. Miscellaneous.
 - Procurement completed: 2019-2020 portable restrooms
6. Personnel Matters:
 - Open position: DPW Facilities Manager
 - Open position: Town Accountant (interviewed three candidates)

Approved May 14, 2019.

Bacon asked about the Coffee with the TA on April 6. Hoort said there were about 30 people there and it was a good discussion, he was very happy with the outcome.

TOPICS FOR FUTURE DISCUSSION

- Houk said the Town needs to look at hiring a Town Planner.
- Houk said that if we purchase 3 Kendrick Avenue in the future the Town should look at installing information boards with Town activities.
- Houk said the County dredge doesn't have Wellfleet on its schedule. The Town may need to look at purchasing its own dredging equipment.
- Houk said that those who are approved for the use of Town owned property should be paying rent to the Town.
- Wilson requested follow up with the Conservation Commission about an Eversource letter sent from the Board concerning the spraying of herbicides.

CORRESPONDENCE AND VACANCY REPORT

No discussion.

MINUTES

February 12, 2019 – Executive Session

February 19, 2019

February 25, 2019

February 26, 2019 – Executive Session

March 4, 2019

March 12, 2019

No action, all minutes postponed.

ADJOURNMENT

Houk thanked the Board and Town staff once more.

Bacon moved to adjourn.

Wilson seconded, and the meeting adjourned at 8:05pm

Reinhart moved to move into Executive Session pursuant to M.G.L.c. 30A, s21(a) for the following reasons:

- (2) To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.
 - a. Police Chief
 - b. Police Lt.
 - c. Fire Chief
 - d. DPW Director

Approved May 14, 2019.

- (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.
 - a. Wellfleet Firefighters Union
 - b. Wellfleet Communications Union
 - c. Wellfleet Teamsters Union
- (6) To consider the purchase, exchange, lease or value of real estate, the chair declares than an open meeting may have a detrimental effect on the negotiating position of the public body.
 - a. Assessor's Map 17, parcel 34. Property owned by HDYLTA Trust

Wilson seconded.

Reinhart yea

Houk yea

Wilson yea

Bacon yea

Carlson yea

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Material of 4/9/19

1. Appointment Papers for Al Mueller, Tracey Barry Hunt, and Janet Morrissey
2. Use of Town Property Applications for Baker's Field and Town Pier
3. Marijuana Host Community Agreement change of address papers – Nature's Alternative
4. Marijuana Host Community Agreement – The Grateful Mind
5. Email about possible acceptance of van donated to the Recreation Department
6. Energy Committee revised charge
7. Information about Gift Fund creation for purchase of HDYLTA Trust land
8. Eversource Petition for Conduit on Old Kings Highway papers
9. Purrfect Cleaning restroom cleaning contract
10. VADAR accounting software contract
11. MA Frazier portable restroom contract
12. Wellfleet Shellfish Association letter of support to state officials
13. Town Administrator's Report
14. Correspondence and Vacancy Report