

**Wellfleet Selectboard Meeting  
Tuesday, October 22, 2019 at 7pm  
Wellfleet Senior Center**

**Selectboard Members Present:** Chair Janet Reinhart; Kathleen Bacon; Helen Miranda Wilson; Justina Carlson; Michael DeVasto

**Also Present:** Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Police Chief Fisette; Town Clerk Jennifer Congel

Chair Reinhart called the meeting to order at 7:00 p.m.

**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 Comments.

- Wilson thanked Brita Tate for her service to the Cultural Council.
- Audience member Will Sullivan addressed the issue of the Town purchase of the HDYLTA Trust. Wilson and DeVasto recused themselves and left the room. Sullivan said he was concerned about the lack of public discussion on the matter. He said he learned of a discrepancy in the amount of acreage and felt the matter was being rushed. Sullivan asked the Board to make the appraisal and survey available to the subject, and to hold a new Town vote. Reinhart noted that the Board cannot comment on the matter, because the Town is in ongoing negotiations until October 28; at that time the Town will be informed.
- Audience member Don Thimes asked about a public meeting between the Selectboard, the DCR, and the DOT regarding the Bike Trail project. Reinhart said she is in the process of contacting the DCR to hold that meeting. Thimes asked if the Board would record the meeting. Reinhart said the public would be aware of the meeting when it is scheduled. Wilson noted that there will be a public hearing in the future with the DOT.
- Audience member Curt Felix said the Wellfleet Community Forum is planning a forum on the Bike Trail project.

**LICENSES**

***Extension of Liquor License – Flying Fish***

Sarah Robin, owner of the Flying Fish, presented the request. She said she is requesting an extension to be open for the Holly Folly Event on December 7, 2019. Bacon asked if she wanted the extension to only go through the 7<sup>th</sup> then? Robin said the 8<sup>th</sup> would be sufficient.

- Bacon moved to approve the extension of the Liquor License for the Flying Fish Café through to December 8, 2019.
- Carlson seconded, and the motion carried 5-0.

**BOARD/COMMITTEE APPOINTMENTS AND UPDATES**

***Council on Aging Advisory Board – Blanca Ferisin***

Ferisin was not present. Wilson said she did not know Ferisin and would like to have Ferisin present to meet the Board. Reinhart said that, in general, she would also like to see a comment from the Board or Committee in which the applicant is requesting to be appointed to.

*Approved November 12, 2019*

- No action taken.

***Planning Board – David Rowell***

Wilson thanked Rowell for applying to re-join the Board and that she had served on the ZBA with him. Bacon asked when the last time the Planning Board met; Hoort said they met recently. Bacon asked if Rowell would be the 5<sup>th</sup> or 6<sup>th</sup> member; Hoort said the 5<sup>th</sup>.

Wilson said she would like to hear what a Board or Committee thinks in regard to an applicant but would not base her decision to appoint on that Board or Committee's comment.

Carlson asked Rowell if he would show up ready to work; Rowell said yes.

- Wilson moved to appoint David Rowell to the Planning Board for a term to expire on June 30, 2024.
- Bacon seconded, and the motion carried 5-0.

**BUSINESS**

***Approval of Acting Police Chief contract***

Wilson provided Butler with amendments prior to the meeting, which Wilson read aloud. Wilson noted a change from "Board of Selectmen" to "Selectboard". She also suggested a change from the word "preclude" to "avoid" in the 3<sup>rd</sup> paragraph under Section 1.

Wilson said the word "preclude", in the 4<sup>th</sup> paragraph, which means to "prevent from happening, make impossible", should be substituted with "avoid". She also requested that the word "unusual", in the same sentence, be removed. Wilson said "unusual" is very subjective and the Board should just say "best efforts and do what is obvious" during any given circumstance.

DeVasto agreed with Wilson's changes. Bacon and Carlson disagreed, saying the contract was vetted by the lawyers and has been used previously.

DeVasto said that just because it was drafted by a lawyer, does not mean that it is absolute.

- Carlson moved to approve the Acting Police Chief contract and Authorize the Town Administrator and Selectboard to sign it.
- Bacon seconded, and the motion carried 3-2, with Wilson and DeVasto opposed.

***Discussion of and vote to change Wellfleet's method of counting votes from wooden box to tabulator***

Congel and Joel Bergeron, co-manager for ALS Associates, presented the request. Bacon asked how much the equipment cost; Bergeron said \$5,200. Bacon asked if there was required service; Bergeron said there is an annual service and a 2-year warrantee.... Bacon asked if the majority of Towns were using this; Bergeron said his company has a little over 250 communities using their equipment. Congel noted that 82% of the Towns in Massachusetts are using some form of electronic equipment.

Reinhart asked what would happen to the wooden hand-cranked boxes. Congel said she would like to use it for children to see, to put it on display, so the old way of doing it is not forgotten.

Audience member Irene Daitch asked if the Town would lose the use of paper ballots. Congel said no, the ballots would still be paper, and the machine would count the votes rather than having the human volunteers count the votes.

Wilson asked about write-in votes; Bergeron said the machine would detect if there is a write-in bubble filled in and would place those ballots in a separate compartment to be tallied later. Wilson asked about training; Bergeron said there is a 4-hour training included for anyone who would like to take part.

Daitch asked if this was a matter that the Town should vote on. Hoort said it was approved in the Capital Improvement Plan at the 2015 Town Meeting, so there is money set aside for the purchase.

DeVasto noted the wooden boxes were not an obsolete, and that he also valued nostalgia. He asked if this tabulator would need to be upgraded in future years. Reinhart noted that the wooden boxes crank sometimes don't work. Reinhart also noted that the staff who count the votes were doing so until 3AM for the last presidential election, even though they get paid minimum wage and are provided food. She said there is also probably room for more human error than computer error.

Congel said at the 2016 election, there was 2300 ballots which was a lot to process. She said the machine is nearly 100% accurate, which could not be said for the staff that is there all evening counting votes.

Carlson said she understands nostalgia, but that the Board owes it to the hardworking volunteers and staff to catch up with the times. She also said that the machine would not necessarily have to be replaced every time an upgrade arises.

Daitch said the issue of nostalgia was condescending. She said that people would like to have paper ballots still, she noted the staff who counts the ballots do so with a sense of community and pride. Reinhart explained that the paper ballots would still be in use and this was already voted on in 2015. She also said that nostalgia was a good thing.

Wilson said she completely supports using keeping paper ballots. She asked about Towns that have had 100% accuracy during recount audits. Bergeron said he based the number off of the number of machines he has, which is roughly 4,000 to 5,000. Wilson said she is not nostalgic at all about the equipment that is being used currently. She said she was not sure if the Town wanted to switch yet, or not until the parts for the wooden box cannot be purchased any longer.

Bacon said this issue goes back to the former Town Clerk and asked to retire the issue and give the electronic tabulator a try.

- Bacon moved that the Board votes in favor of purchasing one (1) Dominion ImageCast Precinct Optical Scan Tabulator through LHS Associates, thereafter discontinuing the current voting system of hand crank ballot boxes, beginning in March 2020 and until future notice.
- Carlson seconded, and the motion carried 3-2, with Wilson and DeVasto opposed.

### ***Update on Electric Vehicle Charging Stations***

Hoort said the stations were received as a donation, originally to the Park Service, but the Seashore did not have a good way to track the financial resources. He said the stations are now up and running behind Town Hall in the parking lot. Hoort said the cost is \$0.25 per 15 minutes, or \$1 per hour of connection.

Hoort shared an idea to take any extra revenues that may come from the stations and put it into a revolving fund for action against climate change. He said that this could occur, for example, if it only costs \$0.75/hour to pay for the electricity that the Town was charging \$1/hour to use.

Wilson asked to have a list of all the charging stations in Wellfleet posted by the stations. Butler noted that people use their phones or an app to locate charging stations in their area. She also noted that at some point, the Town would continually be updating the sign every time a new station was added.

Bacon asked Hoort if the revolving fund would include the possibility of accepting donations. She noted several grants that the Town may be eligible for in the future, which require a matching grant from the Town.

Carlson asked if a \$1 donation to the revolving fund could be added to the tax insert. Hoort said yes and that the website could also have an option to donate to the fund via credit card. He said it is time for the Town to do something about it.

Wilson said she would like to have more than a \$1 donation, she would like to see action. Hoort said this was just in the idea stage now and he would bring it back to the Board for further discussion.

***Discussion of fee for long-term use of Town-owned property***

Hoort said this discussion arose from a request to have this as a “topic for future discussion”. He said the Board was discussing 2 businesses that currently use Town-owned property but do not pay anything for that use. Hoort said ideally the Town would like to treat everyone equally. He said the conversation could be discussed at a future work meeting and could include discussion of the use of property by nonprofits.

Wilson said the most recent policy on the Use of Town-Owned Property and Fees was good. She said she felt that even if someone is using Town property in an ongoing way, they should be vetted the same as everyone else. Wilson said the current language does not need to change. Reinhart asked Wilson if she had any fees in mind; Wilson said the current ones were enough. Wilson said everything in the policy would be considered and added to an agreement that the Town and a user would sign.

Carlson said there are inconsistencies in the policy and there are grounds for the Board to review the 2 situations Hoort mentioned. She noted that when the Town is charging a small business, such as a yoga instructor, \$100 to \$250 and assesses the conditions of their usage that it does not hold other users to the same conditions.

DeVasto said the current policy allows the Board to charge whatever amount they want, but people are not applying for the long-term use of Town-owned property. He noted that the current policy allows the charging of \$0 to \$1000 per day, per parcel. DeVasto said it was an issue of people applying for that use.

Wilson said there should not be a fixed fee. She said the Board should review the policy

Bacon suggested to table the discussion to a future work meeting. She agreed with DeVasto, saying there are currently some people not coming to the Board for use of Town property.

Audience member Felix asked how many people are currently using Town-owned property on a long-term basis without a contract. Hoort said he only knew of 2.

Carlson said the policy should address OysterFest as well. DeVasto noted that SPAT applies for the Use of Town-owned Property and is charged a fee for that use. He noted that the application arises every year and that is the opportunity for the Board to review the fee being charged.

Reinhart asked Butler to set a work meeting to discuss the matter. DeVasto and Wilson did not see the need for a work meeting. Wilson said she had asked in the past to have an agreement negotiated with one of the 2 and have a contract drafted for the Board to review.

There was further discussion.

Reinhart said she would like to see a contract, an application, and a map depicting the area to be used. Wilson said she felt a lease would be better suited for long-term use, as with Preservation Hall, rather than a contract.

Carlson said the policy is not enough. She said that she would be interested to hear OysterFest's thoughts on the matter. Reinhart said she would like to discuss the option for lease or contract for 2 or 5 years; a map, a maintenance plan, an application, and insurance at a work meeting. Wilson asked to include a current copy of the Preservation Hall lease and the current Selectboard Policy on the Use of Town-owned Property in the packet for that work meeting.

DeVasto noted that Preservation Hall is a nonprofit. He said he didn't think that this was a matter to be addressed in the form of a lease for a business.

## **SELECTBOARD REPORTS**

- Wilson reported that she attended the Shark Mitigation Study meeting and the Cape Cod Commission Climate Mitigation meeting.
- Wilson said she attended a Comprehensive Wastewater Planning Committee meeting and it was good. She said they discussed trying to have a meeting on November 14 with the DEP during business hours.
- Bacon reported that the 95 Lawrence Road Task Force is still working on the Request for Proposals (RFP) for developers.
- Reinhart reported that she and Carlson attended the Cape Cod and Islands Selectmen's meeting about transportation.

## **TOWN ADMINISTRATOR'S REPORT**

This report is for the period October 5, 2019 through October 18, 2019.

1. General
  - Bids for the Pavilion at Baker Field received October 16<sup>th</sup>
2. Fiscal Matters
  - FY 2021 CIP delivered to BOS and FinCom
  - FY 2021 Budget in progress
  - FY 2020 tax rate has been set
3. Meetings
  - October 7 – Took Police Chief out to lunch for retirement
  - October 7 – Selectboard meeting
  - October 8 – Meeting between DOT and Rte 6 abutters

- October 11 – Vacation day
  - October 14 – Holiday
  - October 15 – Selectboard meeting
  - October 16 – Regional meeting with Nauset School Superintendent
  - October 16 – Release of Shark Mitigation study
  - October 16 – Press conference regarding Shark Mitigation study
  - October 17 – Public forum on Shark Mitigation study
4. Complaints.
- Jude Ahern - multiple
5. Personnel Matters:
- none

Hoort said the Shark Mitigation Study is released and the information is available to the public. Reinhart asked Hoort if he would be meeting with other stakeholders; Hoort said the 6 town managers and the Seashore meet regularly.

#### **TOPICS FOR FUTURE DISCUSSION**

- Bacon asked to get a date with the DCR for a public meeting.
- Bacon requested to invite SPAT to provide a report of OysterFest at the next meeting.
- Bacon asked to have the 95 Lawrence Road Task Force provide an update on their RFP findings.
- Bacon asked to hear updates from all Boards and Committees over the next few months.
- Wilson asked to discuss the marijuana policy.
- Wilson asked to have the Recycling Committee suggest ways to improve our recycling practices so as possibly make it cost effective.
- Wilson asked to discuss 3 Kendrick Avenue at an Executive Session meeting.
- Reinhart asked to discuss changing Columbus Day to Indigenous People's Day.
- Reinhart asked to discuss the ban of Round-up.
- Reinhart asked to have a climate-mitigation-themed meeting.

#### **CORRESPONDENCE REPORT**

No comments.

#### **MINUTES**

***October 7, 2019***

Wilson provided amendments to Butler and the Board.

- Wilson moved to approve the minutes of the October 7, 2019 as amended.
- Bacon seconded, and the motion carried 5-0.

#### **ADJOURNMENT**

- Bacon moved to adjourn.
- Wilson seconded, and the meeting adjourned at 8:29 pm.

Respectfully submitted,

*Approved November 12, 2019*

Courtney Butler,  
Secretary

**Public Records Material as of 10/18/19**

1. Extension of Liquor License request from the Flying Fish Café
2. Appointment papers for Blanca Ferisin and David Rowell
3. Police Chief Contract
4. Agenda placement request from Town Clerk and corresponding memo re: Electronic Vote Tabulator
5. Electronic Tabulator Information provided by LHS Associates
6. Town Administrator's Report
7. Correspondence Report
8. Draft minutes for October 7, 2019