

**Wellfleet Selectboard Meeting  
Tuesday, December 10, 2019 at 6pm  
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; Acting Police Chief Hurley; Fire Chief Pauley; Assistant Town Administrator Mike Trovato; Town Treasurer Miriam Spencer; Town Clerk Jennifer Congel; Library Director Jennifer Wertkin; Media Operations Manager Mia Baumgarten; Shellfish Constable Nancy Civetta

Chair Reinhart called the meeting to order at 6:00 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 said several people have commented that the flashing lights framing town hall bother them. Lights are nice, she said just not flashing lights with close color frequencies that hurt the eyes and that might distract drivers.
- Reinhart said the weekend tree lighting and children singing was bigger and better than ever. She thanked all involved.
- Energy Committee Chair Elkin: The solar array at the landfill is very close to being complete.
- Audience member Sheryl Jaffe: Representing the Martin Luther King, Jr. holiday group announced there will again be a program on January 20, 2020.
- Acting Chief Hurley: Toys for Tots was again a success, thanks to all involved.
- Acting Chief Hurley: This Saturday (12/14) Santa will be visiting at the Wellfleet Cinema at 9:30am
- Acting Chief Hurley: Announced that 16-year Wellfleet Police Officer George Spiritos has resigned to relocate. We wish him well.

**CAPE COD MUNICIPAL HEALTH GROUP – TOWN TREASURER**

***Determination of Conflict of Interest – Miriam Spencer***

Spencer noted that the Board had previously appointed her to this group, because of her role as Treasurer. Spencer said a legal opinion established that being on the Health Group Board and also receiving health insurance through the Group, creates an appearance of conflict because she will be participating on setting her own insurance rates. Carlson said she appreciated the thoroughness of the disclosure and was fine moving forward with the determination.

- Bacon moved that the Board has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the town may expect from Miriam Spencer, Town Treasurer. The disclosure is dated November 4, 2019.
- DeVasto seconded, and the motion carried 5-0.

***CCMHG Joint Purchase Agreement***

Spencer said the Group is looking for feedback on the language, not a motion, tonight. She said a final version will be brought forward in January. Bacon asked Spencer if she was comfortable with

the language; Spencer said yes. Bacon said she was confident in Spencer's judgement. Hoort agreed that he approved of the language.

**DETERMINATION OF CONFLICT OF INTEREST DISCLOSURE EXEMPTION –  
MEDIA OPERATIONS MANAGER**

Reinhart said the Board received a letter saying the Board "harassed and sidelined" Baumgarten and she apologized for this if there was any offense taken. She said that special municipal employees, serving on committees must follow state guidelines and regulations and the Selectboard needs to pay attention to that.

Bacon said she supports the Board's request to disclose a conflict of interest, but this matter was brought to the Board's attention by Baumgarten when she took the position. She said the Board and Town needs to support individuals, in any possible way, when they try to do good for the community. Bacon said the handling of requesting a disclosure could have been done another way, then how it was presented at the last meeting. Bacon noted the talents that Baumgarten brings to the Town, as well as other individuals. She apologized to Baumgarten.

Wilson said she had no idea how Baumgarten felt about how the request was presented at the November 26<sup>th</sup> meeting. She noted that Baumgarten did bring the conflict to the Board early on and said that Baumgarten is an exemplary municipal employee. Wilson said that the request for disclosure is a routine thing, that conflicts are disclosed in public. She thanked Baumgarten for following through on the matter and thanked the Board for bringing prompt attention to it.

DeVasto asked Bacon how she would have preferred the request for disclosure be made. Bacon said that KP Law should watch the Town's back as well as the Town Administrator who was aware of the possible conflict when the situation came to light.

Carlson agreed with DeVasto, that the Board handled the request in the proper way. She said there are bumps in the road, when serving as a committee member.

Wilson shared an updated version of the proposed motion: "move to approve that the Selectboard's determination that Mia Baumgarten's conflict of interest, under MGL C.268A §19 and 20 will not affect the integrity of the services which the Town may expect from her."

Carlson said the best resolution for the is to allow Baumgarten to continue in her role as Chair of the Cable Advisory Committee but requested that Baumgarten recuse herself from committee matters that involve the improvement of her own financial situation, i.e., the Media Recording Policy. Wilson agreed with Carlson's point. There was further discussion. Reinhart noted that any committee member who was voting on their finances must recuse.

- Wilson moved to approve that the Selectboard's determination that Mia Baumgarten's conflict of interest, under MGL C.268A §19 and 20 will not affect the integrity of the services which the Town may expect from her, with the exception of acting on matters effecting her finances as a member of the Cable Advisory Committee.
- Bacon seconded, and the motion carried 5-0.

## **DETERMINATION OF CONFLICT OF INTEREST DISCLOSURES – SHELLFISH ADVISORY BOARD**

Wilson noted that the Board routinely asks the Shellfish Advisory Board (SAB) to weigh in on matters regarding fees, so she asked that the members file disclosures. She noted that the fees directly affect the members of the SAB.

- Wilson moved that, in particular matters related to discussions and recommendations related to fees, now and in the future, the Selectboard has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the town may expect from SAB members David Seitler, Rebecca Taylor, Zack Dixon, Thomas Siggia, John Duane, Chip Benton, and Jake Puffer. The disclosure is dated December 6, 2019.
- Bacon seconded, and the motion carried 5-0.

Wilson noted that this did not apply to future SAB members, not named in the motion.

## **COMMITTEE UPDATES**

### ***95 Lawrence Road Task Force***

Elaine McIlroy, Jan Plaue, and Andrew Freeman from the Task Force presented the update. McIlroy noted that Bacon also serves on the Task Force, as well as Jim Hood, Gary Sorkin, Jay Horowitz, and Carl Susman. Assistant Town Administrator Mike Trovato provides support to the group.

McIlroy highlighted the following Task Force-related events:

- They have received a grant from the MA Housing Partnership (MHP) for preliminary site evaluation and capacity study.
- They receive ongoing consulting services being provided by MHP at no cost to the Town.
- They are working on due diligence and predevelopment activities related to preparing a Request for Proposal (RFP).
  - They have completed a title search, which resulted in a clean title.
  - They have completed a needs assessment.
  - They are continuing to review financial feasibility issues.
  - They have submitted grant applications to the State for further study of a water supply.
- They are planning community outreach to share information with relevant groups and general public.
- Community Info session sponsored by the Wellfleet Forum on Monday, January 6, at 7pm in the COA.
- Selectboard approval of RFP will be sought in March/April of 2020.
- They hope the RFP will be issued at the end of April or early May.

McIlroy said that based on the documented needs, economics of funding and site capacity, the Task Force is considering the following elements of an RFP:

- Up to 46 units of 1-3 bedrooms;
- Mix of smaller and larger buildings;
- Serve a wide range of income levels, from 30% to 120% AMI to meet the needs of the community and the economics of maximizing funding sources;

- Architecture and design compatible with the area and Wellfleet's historic and modern vernacular architecture;
- Communal outdoor gathering spaces;
- Energy efficient construction; passive solar and orientation for solar panels;
- On site property management;
- Maintenance of densely wooded slope on north side of the property;
- Siting a septic system under the ball field, with renovation of the ball field;
- Safety of walkways to school and traffic patterns in the area;
- 70% local preference for people who live or work in Wellfleet or have children in school in Wellfleet, which is the maximum required by law.

McIlroy noted that since 1990, the Town's population of 25-44 has decreased by 62%, seasonal housing has increased by 80%, and rentals have declined by 13.5%. She also noted that, from data gathered for recent rental opportunities in Provincetown and Eastham, at least 157 of renters make under \$50,000 and are looking for safe, secure, affordable rentals. She also noted that data from the American Community Survey documents that close to half of Wellfleet renters are severely cost burdened, paying more than 50% of their income for rent.

Bacon said the Task Force has been working diligently on a draft RFP for development. She noted that this is an ideal location and a once in a lifetime opportunity for the Town, allowing it to bring up its housing stock which currently sits at 1.9%. Bacon noted the complexity of creating affordable housing and that everyone has to be in favor of it. She said she has been honored to serve on the Task Force and with its members.

Wilson echoed Bacon's comments. She also said she and McIlroy, with help from the Health Agent, did research on available water for the site and that protecting the resource that provides water for the municipal wells should be considered; she suggested looking at double-plumbing as a way to reduce the impact on those wells. She noted that the gallons per day commitment for those lots in the original Coles Neck system had to be factored in. Reinhart encouraged the audience to send recommendations or suggestions to the Task Force.

DeVasto asked how many acres the housing development will be going on. McIlroy said the Town Meeting vote was for the use of 4 to 6 acres at the site.

Carlson said that the Town coming together for this effort was an example of the community at its best. She commended Bacon's efforts to dedicate 95 Lawrence Road to housing and for not giving up on that.

The Task Force's update will be available as public record.

### ***Housing Authority and Local Housing Partnership***

McIlroy and Maddy Entel presented the update. McIlroy provided the following list of work done by the group:

- They carried out their 6<sup>th</sup> buy-down this year, all of which can be added to the State's housing stock list;
- They have awarded 3 down payment local assistance loans;

- They have finished working with the Housing Assistance Corporation (HAC) to resell an affordable home in town;
- They are contracting with the Community Development Partnership (CDP) for part-time housing specialist services;
- They participated in the wall raising at the Durkee lane habitat homes project, where solar will also be installed;
- They have started conversations with the planning board about accessory units and cottage colony units;
- They worked to put an insert in the tax bill to raise money for the affordable housing trust fund – of which \$15,000 has been raised;
- They are exploring moving a cottage on Route 6 that houses an affordable residency;
- They had members, including the Assistant Town Administrator, attend the housing institute.

Wilson asked if the properties in the buydown program are restricted to affordability forever; McIlroy said they are deed restricted. Wilson asked where the money comes from; McIlroy said Community Preservation funds and the Affordable Housing Trust Fund. McIlroy said the approval is made by a lottery if there is more than 1 application.

DeVasto asked how many affordable accessory dwelling units have been made in the Town; McIlroy said 15 but they come and go because they are not deed restricted. He asked if the housing stock could increase if the affordability requirement was taken away; McIlroy said they do not want to take away the affordability aspect, but they are also aiming to create year-round rentals.

Bacon said the concern was how to monitor the housing stock; ensuring that year-round rentals are kept year-round. She said the Town has to find the enforcement mechanism that allows the Town to ensure this.

## **LICENSES**

### ***Extension of Liquor License – Fox and Crow Café***

Trudy Vermehren presented her request. She noted that her license expired on November 30, 2019. She said she had to pay for a heater to do this and would like to re-open for a few nights a week. Vermehren said she would be open 2-3 nights for pizza and serve coffee and baked goods during the day. She said she is not looking to turn the establishment into a big bar. She is simultaneously applying for a year-round liquor license.

Wilson was pleased with Vermehren's announcement to stay open. Bacon said she was excited as well and it is appropriate, that it should be open year-round. She wished Vermehren well. Carlson was in support as well.

- DeVasto moved to approve the extension of the liquor license for the Fox and Crow Café to December 31, 2019.
- Wilson seconded, and the motion carried 5-0.

## **BUSINESS**

### ***Appointment of Mike Trovato to the Barnstable County HOME Consortium Advisory Council***

Trovato introduced himself and presented his request. He said the Town has a vacancy on the Council and the group is typically made up of Town Planners and Housing Committee members. He said the Advisory Council has a standard meeting schedule of once a month on the second Thursday at 8:30 a.m. in Barnstable. Trovato stated that the primary task of the Council is to determine the allocation of federal HOME funds received by the County (currently about \$400,000 per year) and approve specific housing development funding requests within that allocation; establish local HOME program policies as allowed by regulations; remain current on local, state, and federal housing issues and to advocate for policies that will promote the creation and preservation of affordable housing in the region; act as a liaison with their local housing partnership/committee to report relevant regional, state, or federal housing policy information and to share local successes and/or concerns with the Advisory Council.

He said that Advisory Council members are nominated by the governing bodies in all fifteen towns and are appointed by the County Commissioners. At-large members are recommended by HOME Consortium staff and are appointed by the County Commissioners.

Bacon asked how many meetings he would attend; Trovato said at least one a month.

- Bacon moved to appoint Mike Trovato as the Wellfleet representative to the Barnstable County HOME Consortium for a term to expire January 31, 2021.
- Wilson seconded, and the motion carried 5-0.

#### ***Reappoint shellfish constables***

DeVasto recused himself and left the room.

Johnny Mankevetch and Chris Manulla were present for their reappointment. Mankevetch thanked the Town for allowing them to do what they do. Carlson said the Board always hears wonderful things about the work they are both doing.

- Wilson moved reappoint John Mankevetch as Assistant Shellfish Constable and Chris Manulla as Deputy Shellfish Constable for a period of three years, ending December 31, 2022.
- Bacon seconded, and the motion carried 4-0, with DeVasto recused.

#### ***Report on use of SPAT Recreational Shellfishing Grant to date – Constable***

Civetta presented the report. Civetta noted that SPAT awarded \$12,000 in 2018 to purchase seeds. In 2019, the Department and SPAT created a program to support recreational fishery; Civetta said SPAT wanted their contribution to help as many people in the Town as possible; the program included:

- buying 400 bushels of quahogs from the State relay program and placing them in Chipman's Cove and off Burton Baker Beach;
- buying 30,000 lbs. of sea clam cultch, which will have to be overwintered for use next season;
- reporting on activities at Indian Neck, which Civetta noted is a wonderful area for capturing wild oyster spat;
- collecting spat at Chipman's Cove, as well as ordering Chinese hats for 2020;

- working with SPAT to develop signage to be placed at each location, which will include SPAT's logo.

Civetta noted that almost \$12,000 of the \$17,500 has been spent, leaving a remainder of about \$5,000.

Wilson had Civetta clarify the geography of the upcoming recreational closure.

### ***2019 OysterFest report from SPAT***

Michele Insley, Lisa Brown, and Nancy O'Connell from SPAT and Alfred Pickard presented the report. Insley said the Fest was a success this year. She noted there were some challenges regarding safety. They are taking responsibility for that and are working to improve public safety precaution and the visitor experience in the future. Insley said a Public Safety Committee has been created to address these concerns. The Committee includes the Police and Fire Chiefs as well as SPAT Board Members and Matthew Frazier.

Reinhart asked the group to consider not only the visitors experience, but also that of the vendors, Town people, and workers. Insley said they would like to focus on improving the experience for all. Reinhart noted that a Boston news channel announced the Fest; Insley concurred that while SPAT does not advertise itself, other people advertise for them.

Bacon noted the previous reports by Acting Chief Hurley and Chief Pauley about safety concerns during this year's Fest. She noted this was not SPAT's fault but asked them to address the issues and look at possibly dialing back the event in the future. Bacon noted how lucky the Town was that no major safety events occurred.

Brown concurred with Bacon's comments. She said this year's Fest was unprecedented in terms of the history of the Fest. She said the SPAT board is now looking at reinstating an evacuation and safety plan. Brown said this includes meeting with the Fire and Police Chiefs, which they have done 3 times since the Fest. Brown said she would like a member of the Selectboard to serve on the committee as well. Brown also noted a marketing plan that will assist the local economy and industry.

Carlson said this was a great idea, but they have become a victim of their own success lately. She said that since the event takes place on Town property, she would like, in the future, to have a financial update.

Insley estimated that this year, 23,000 people attended; the revenue was around \$370K; and the event costs \$150K to operate. Over the years, they have given out nearly \$570,000 in grants; \$30,000 to the Shellfish Department; \$30,00 to Wellfleet Audubon; \$120,000 in scholarships to Nauset Students; and \$10,000 to dredging. In addition to these awards, they have committed \$100K to the marketing campaign.

Carlson asked if the group had a reserve; Insley said they always plan to have a reserve for 2 years. Reinhart asked this information to be posted publicly. Insley said they are interested in exploring the Economic Impact of the event for the community.

*Approved January 7, 2020*

DeVasto asked about the insurance policy, saying he had heard the amount was inadequate for the size of the festival and asked if they would consider increasing the liability in the future. Insley said it was \$1,000,000/\$3,000,000 but would double check.

Wilson asked SPAT to consider of applying their funds to projects that increase the tax burden, such as helping the Town's debt service. Brown noted their annual meeting was coming up in January and they would consider this suggestion then.

Insley noted that SPAT was not considering moving forward in the future with the security firm they had contracted with this year because their personnel did not show up as planned and because SPAT was only notified of this on the first day of the Fest. She said that they have already interviewed 2 other firms – one of which came to the Fest this year to see it – and that the Chiefs are involved in those interviews.

Civetta said she was unaware that SPAT was going to invest \$100,000 in a marketing campaign. She noted the positive impact that this will have on the Wellfleet Shellfish brand and name. She thanked SPAT for their efforts and support.

***Vote of authorization for signing of permit applications for the Herring River Restoration Project***

Carole Ridley, Coordinator for the Herring River Restoration Project, presented the request. She said but that since then, a revised MOU IV was signed and so an authorization was signed previously. She was asking the Board to re-authorize this authority for signing permits and provided a list of permits that will come up.

Wilson said she loved the detailed list. She said she would like to have the signatures of entire Selectboard on this type of document in the future, not just the Chair's for reference in the future.

- Bacon moved to authorize the Town Administrator to sign on behalf of the Town of Wellfleet as an Applicant, or as a Co-Applicant with the Cape Cod National Seashore as the case may be, and for environmental permit applications to be submitted to the Cape Cod Commission, Massachusetts Department of Environmental Protection, US Army Corp of Engineers, Massachusetts Coastal Zone Management, US Coast Guard, National Oceanic and Atmospheric Administration, US Fish and Wildlife Service, Massachusetts Department of Transportation, Truro Conservation Commission and Wellfleet Conservation Commission, for review and approval of Phase 1 of the Herring River Restoration Project as set forth in the Herring River Restoration Project Final Environmental Impact Statement/Environmental Impact Report, dated May 2016 (MA EOEEA Number 14272), and further to authorize Friends of Herring River, Inc., and their respective consultants, to represent the Town of Wellfleet in connection with public hearing processes and other aspects of permit administration with the above named agencies.
- Wilson seconded, and the motion carried 5-0.

**SELECTBOARD REPORTS**

- Wilson: attended the Shellfish Advisory Board meeting on 12/9 and the Herring River Technical Team meeting.
- Carlson: will attend the Cape Cod Water Protection Collaborative meeting



## **TOWN ADMINISTRATOR'S REPORT**

This report is for the period November 23, 2019 through December 6, 2019.

1. General
  - No outstanding public records requests at this time
2. Fiscal Matters
  - FY 2021 Budget delivered to Selectboard and Finance Committee
3. Meetings
  - November 25 – Budget meeting with staff
  - November 25 – Budget meeting with staff
  - November 26 - Selectboard meeting
  - November 28 & 29 – Thanksgiving Holiday
  - December 5 – Barnstable County IT review
  - December 6 – COMCAST negotiations review
4. Complaints.
  - none
5. Personnel Matters:
  - none

Hoort said the biggest event is that the budget has been finalized and delivered to the Selectboard and the Finance Committee, it is also on the Town website under the Selectboard's page.

Wilson said she got an enormous benefit from attending a number of FinCom meetings last year and requested to have the FinCom's meeting schedule and agendas sent to the Board.

Reinhart asked Hoort if there was any progress with Comcast in regard to Wi-Fi; Hoort said he is planning a meeting with residents on Lt. Island and that the Dept. of Revenue issued a new regulation that the Town can contribute to the expansion of the network when it is a public safety issue, as in this case.

## **TOPICS FOR FUTURE AGENDAS**

- Wilson: The Town-owned Clock on the Congregational Church.
- Reinhart: Joint wastewater meeting – separate for January 9<sup>th</sup> meeting that Hilary Lemos is planning.
- Reinhart: Shellfish matters.
- Reinhart: Harbor and Marina.
- Reinhart: nomination of appointment to SPAT board.

## **CORRESPONDENCE AND VACANCY REPORTS**

Wilson said 2 shellfish related communications had come in. Wilson asked the Board who knew that the Town owned the clock at the Congregational Church; Reinhart said she knew.

## **MINUTES**

### ***November 26, 2019 – Regular Meeting***

Wilson provided amendments to Butler and the Board.

- Wilson moved to approve the minutes of November 26, 2019 as amended.

*Approved January 7, 2020*

- DeVasto seconded, and the motion carried 5-0.

#### **ADJOURNMENT**

- Wilson moved to adjourn
- Bacon seconded, and the meeting adjourned at 8:02 pm.

Respectfully submitted,  
Courtney Butler,  
Secretary

#### **Public Records Material as of 12/6/2019**

1. Cape Cod Municipal Health Group conflict of interest disclosure from Miriam Spencer and joint purchase agreement papers;
2. Conflict of Interest disclosures for Mia Baumgarten, Dave Seitler, Rebecca Taylor, Zack Dixon, Thomas Siggia, John Duane, Chip Benton, and Jake Puffer;
3. Committee Updates from the 95 Lawrence Road Task Force, Housing Authority, and Local Housing Partnership;
4. Request for extension of liquor license;
5. Memo from Nancy Civetta re: Reappointment of Shellfish Constables;
6. Memo from Nancy Civetta re: Spending of SPAT monies;
7. Appointment paper for Mike Trovato to the Barnstable County HOME Consortium Advisory Council;
8. OysterFest report from SPAT;
9. Herring River Restoration authorization for signing of permit applications;
10. Town Administrator's Report;
11. Correspondence and Vacancy Report;
12. Draft minutes for November 26<sup>th</sup> meeting.