

Approved June 11, 2019.

**Wellfleet Selectboard Meeting
Tuesday, May 28, 2019 at 7pm
Wellfleet Senior Center**

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

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Shellfish Constable Nancy Civetta; Police Chief Ronald Fisette; Assistant Constable Johnny Mankevetch; Deputy Constable Chris Manulla

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

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT

- Wilson thanked Sharon Rule-Agger and Jim O'Connell for their years of service to the Housing Partnership and Shellfish Advisory Board, respectively.
- Hoort said the Town should say thanks to the members of the Charter Review Committee who have finished their work on revising the Charter. Members included Dennis O'Connell, Roger Putnam, Barbara Cary, Helen Miranda Wilson, Deborah Freeman, Harry S. Terkanian and Paul Cullity.
- Wilson mentioned that the DCR bike path project has a comment period until June 10th.
- Bacon informed viewers that Outer Cape Health Services in Wellfleet is have a ribbon cutting ceremony on June 14th at 8:30am.
- Carlson said that on Wednesday, May 29th there is a fundraiser for Paul Sousa at the Flying Fish.
- Police Chief Fisette introduced special officer Kyle Robbins.
- Fisette reminded viewers that the Special Olympics Torch Run was on Wednesday, May 29th.
- Fisette stated Memorial Day was busy in Town with no major incidents.
- Shellfish Constable Civetta informed viewers that Burton Baker Beach is closed to shellfishing and is tentatively expected to re-open in September.
- Recycling Committee Chair Vivante informed viewers of a community forum at the Senior Center on June 3rd. The subject is "What's going on in Recycling?"

Reinhart announced that some items may be taken out of order this evening, to accommodate guests' schedules.

PUBLIC HEARINGS

Approval of new GPS point #5 to correct inaccuracy in current Shellfishing Policy and Regulations, Appendices B and C.

Civetta explained that it was brought to her attention that there were coordinates that were outdated or incorrect. She noted also that the use of degrees is obsolete, and it is important to conform with the standard of using decimals.

- Wilson moved to approve new GPS point #5 to correct an inaccuracy in current Shellfishing Policy and Regulations, Appendices B and C.
- Bacon seconded, and the motion carried 5-0.

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Approval of updating Appendix B Latitude and Longitude Coordinates from degrees (obsolete) to today's standard of decimals.

- Wilson moved to approve updating Appendix B Latitude and Longitude Coordinates from degrees (obsolete) to today's standard of decimals.
- Bacon seconded, and the motion carried 5-0.

APPOINTMENTS/REAPPOINTMENTS

Special Police Officers

Chief Fiset presented the requests for appointment.

- Bacon moved to approve the reappointments of full-time police officers, the appointment/reappointments of special police officers, and the reappointment of special police officers Scott Higgins, Marc Spigel, Desmond Keogh, John Szucs
- Wilson seconded, and the motion carried 5-0.

Energy and Climate Action Committee

- Wilson moved to appoint Suzanne Ryan-Ishkanian to the Energy and Climate Action Committee for a 3-year term and
- Bacon seconded, and the motion carried 5-0.

Recycling Committee

Wilson asked why the term was only until June 30, 2020. Vivante said that Charles Thibodeau had left and Wisniewski would fill out his term as an alternate.

- Wilson moved to appoint Christine Wisniewski to the Recycling Committee for a term to expire on June 30, 2020.
- Bacon seconded, and the motion carried 5-0.

USE OF TOWN PROPERTY

Indian Neck Beach, September 7

Daniel Burns was not present. He sent a letter to the Board explaining his request.

- Bacon moved to approve the use of Indian Neck Beach by Daniel Burns on September 7, 2019 from 5 pm to 6 pm subject to the conditions, if any, as listed on the application form for a fee of \$110.
- Wilson seconded, and the motion carried 5-0.

Baker Field, August 5-9, 12-16, and August 19-23

Neal Nichols was not present. This item was postponed.

Various locations and times – Wellfleet SPAT

Michele Insley presented the request, noting the 2 primary locations for the Wellfleet Farm Tour.

Carlson asked if there was a fee for attending. Insley said that they will charge \$10 per person, with children under 12 free. Insley said they keep the number to 25 to provide more interaction with the attendees. Carlson asked if SPAT paid staff and if it was a profitable program. Insley said that they

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pay staff including a naturalist, and pay for rack cards, and that it is profitable even though all sessions do not completely get filled.

Bacon asked how many cars were expected to park at Mayo Beach. Insley said there is usually only 7 cars, because people come in groups or walk in. Bacon asked Insley to track parking this summer. Denny O'Connell, Parking Task Force, noted that these are low-tide events when much parking is not happening at Mayo Beach anyway.

Wilson moved to approve the use of Mayo Beach Aquaculture lease area, with Indian Neck Aquaculture lease area as a secondary location, and the Mayo Beach, Town Pier, and Indian Neck public parking areas, on the following dates and times:

- Saturday, June 8 – 9:30 am
- Sunday, June 9 – 10:30 am
- Thursday, June 20 – 7:45 am
- Friday, July 5 – 7:30 am
- Saturday, July 6 – 8:30 am
- Monday, July 8 – 10:15 am
- Tuesday, July 9 – 11:00 am
- Wednesday, July 31 – 5:15 pm
- Saturday, August 3 – 7:15 am
- Monday, August 5 – 9:00 am
- Thursday, August 29 – 4:30 pm
- Friday, August 30 – 5:15 pm

subject to the conditions, if any, as listed on the application form for a fee of \$20 per event. Bacon seconded, and the motion carried 5-0.

Mayo Beach, June 29

Marucci presented her request to hold her wedding on Mayo Beach on June 29, 2019 from 2:30 to 3:30 pm. Wilson asked about parking and Marucci noted that most guests will be staying at the Holden Inn and parking there. Civetta reminded Marucci to be on the look out for shellfishermen that day who may be accessing their grants.

- Carlson moved to approve the use of Mayo Beach by Kathleen Marucci on June 29, 2019 from 2:30 pm to 3:30 pm subject to the conditions, if any, as listed on the application form for a fee of \$110.
- Bacon seconded, and the motion carried 5-0.

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Various locations, May 1-November 1 – Eric Gustafson, Fun Seekers

Bacon noted that Suzanne Grout-Thomas, Beach Administrator, said she would permit the use of Gull Pond prior to June 15th and that it may be used prior to 9am during the season. Bacon said she would like to remove this, per the request of the Gull Pond Association.

Wilson said the GUPACA's problem is with paddleboarders using private property and disrupting the sluiceway. Bacon said she believed that for-profit businesses were banned on Gull Pond, which would include lessons. Bacon said approving this would be of concern to the residents. Reinhart said that Grout-Thomas is very aware of what is going on and that she has signed off on this use. Gustafson said the reason the ban came about was because people were dropping off people with twenty boards at a time and leaving them. Reinhart noted this as well. Bacon said the Selectmen's Policy includes "all for-profit businesses". Wilson said that the issue was that the damage resulting from increased intensity of use of the sluice and even of private beaches. Bacon said she thought that for-profit use had been banned in-season. Reinhart said Suzanne had signed off on it. that the ban was on rental of boards, not a class. Bacon clarified that the policy states all "for-profit" uses.

There was further discussion.

- Wilson moved to approve the use of Chipman's Cove, Indian Neck, Long Pond, Great Pond, White Crest Beach, and Gull Pond from May 1 to November 1, 2019 subject to the conditions, if any, as listed on the application form for a fee of \$500, with proof of adequate insurance to be determined by the Town Administrator.
- DeVasto seconded, and the motion carried 4-1, with Bacon opposed.

White Crest, June 1-Labor Day

Zach Pawa from Sacred Surf noted this is their 10th season. DeVasto asked about the request for Wellfleet Beach Stickers for instructors. Pawa said it was for 2 to 3 people and it has been done in the past with the Beach Department. Bacon asked about the switch to White Crest. Pawa said White Crest was the only beach that allowed non-resident parking.

- Bacon moved to approve the use of White Crest by Sacred Surf School from June 1 to September 2, 2019 subject to the conditions, if any, as listed on the application form for a fee of \$500 with proof of adequate insurance to be determined by the Town Administrator.
- DeVasto seconded, and the motion carried 5-0.

Baker Field, July 13

Pamela Berrio presented the request for a celebration of life.

- Wilson moved to approve the use of Baker Field by Pamela Berrio on July 13, 2019 from 12 pm to 3 pm subject to the conditions, if any, as listed on the application.
- Bacon seconded, and the motion carried 5-0.

Mayo Beach, September 21

Walter Baron presented his request for the Wellfleet Rowing Rendezvous. He said there were 15 boats last year and 89 attendees. There is no fee for attendance, but lunch is provided.

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- Carlson moved to approve the use of Mayo Beach by Walter Baron on September 21, 2019. from 1 pm to 5 pm subject to the conditions, if any, as listed on the application.
- Bacon seconded, and the motion carried 5-0.

BUSINESS

Mass. Shellfish Officers Assn. presentation of Deputy Constables of the Year award to Asst. Constable for propagation Johnny Mankevetch and Deputy Constable Chris Manulla.

Paul Bagnall, Edgartown Constable, presented the awards to Mankevetch and Manulla. He gave a background of the MSOA and shared his appreciation for the Department Staff. Chrissy Petitpas , area biologist from DMF thanked Mankevetch, Manulla, and Civetta for all of their efforts and work. Mankevetch and Manulla shared their thanks and appreciation for the Town's support in their careers and hard work.

Reinhart presented Mankevetch and Manulla with copies of the letters of support sent to the DMF by residents and Town staff.

Review and discussion about shellfish nursery upweller analysis report

Civetta said the report was completed to analyze the feasibility of locating an upweller, including the use of the old shellfish shack and 3 Kendrick Ave. Civetta noted that an upweller provides a nursery where seed, purchased at a lower price, can be grown and then planted in the wild. This can be done in a variety of ways and Civetta noted a variety of ways of doing the work on the ground with nursery bags.

Civetta said it would be a good use of Town resources to do something on the Pier. She noted this because the old shellfish shack and 3 Kendrick Avenue are off the table and that on-the-ground methods are not the best.

Reinhart said she supports this but heard that propagating our own seed would decrease genetic diversity of the shellfish. Civetta said the Town would be buying seed from hatcheries. They have received funding to do so. She noted that this would not decrease the genetic diversity. Carlson said that seed from elsewhere does not produce the same kind of oyster, compared to the spat collected here.

DeVasto said he was not sure an upweller was needed, what with the amount of spat already in the harbor. He also asked that the use of nursery bags not be discounted so soon. He discussed this further. Wilson agreed with DeVasto's opinion about the abundance of spat.

Civetta noted a problem with the nursery bags is staffing but would be willing to look into this. Carlson suggested asking the community to contribute to this by donating spat.

Reinhart said this is an ongoing process and that the Board would continue to hear feedback. Wilson asked how much the analysis cost. Civetta said around \$5,000. Wilson said it was worth every penny and thanked Civetta for having this done.

Acceptance of SPAT Grant award to Wellfleet Shellfish Department in the amount of \$17,700

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Insley presented the \$17,700 community grant to support the recreational shellfishing program. It will be used to put out spat collecting devices and also support the quahog relay project. Civetta said that this grant gave the Department the ability to double their quahog order and to effectively ~~cultch~~ use the cultch barge.

Bacon thanked Insley and SPAT. Wilson asked the Board to write a letter thanking SPAT for the grant and Civetta noted it was written and awaiting their signatures.

- Reinhart moved to approve the acceptance of the SPAT Grant award to the Wellfleet Shellfish Department in the amount of \$17,700.
- Wilson seconded, and the motion carried 5-0.

Discussion of Selectmen's Policy on Marijuana Dispensaries

Wilson asked Bacon if she received all the documents from their May 23rd meeting. Bacon said yes. Hoort said the Board could make a motion to limit the number of HCA's and then direct the Town Administrator to come back with a policy on Host Community Agreements. He noted that after listening to their comments, he knows the Board would like to include local preference and to require that the business be year-round.

Carlson said she would like to approve the Old Bank and have a policy that limits the number of agreements to 3. Hoort said the HCA has been rewritten since the first one with different parameters, terminating the agreement after 2 years if the business does not open by that time.

DeVasto said he would like to put parameters on what is expected of the businesses. He asked if a policy that sets parameters such as the use of an underutilized building. DeVasto noted Chief Fisette's report of the incidents over the holiday weekend being alcohol related.

Wilson said DeVasto's point about use of underutilized buildings would be under ZBA jurisdiction. She said she thought that local preference was a matter of the Selectboard to decide. Wilson said she feels comfortable with the information received in answer to their questions and would like to hear Ment's request. Carlson said she is concerned for people in Town who are not comfortable with having marijuana establishments and the Board has a responsibility to respect the community.

Bacon said she has wanted to go slow with this issue from the beginning, to see what the impact would be on the Town. She noted that she has always wanted local preference.

There was further discussion.

Reinhart asked the Board if it would be okay to keep the 4 current agreements, see the 5th applicant, and say unofficially that the Board will not be seeing anymore applicants until a policy is in place. Hoort said this was okay. Wilson would like discretion about having year-round businesses, as with liquor stores. DeVasto said he wanted to be wary of ~~granting~~ guaranteeing the success of these businesses by limiting the number to too little, but also does not want the number of agreements to be unlimited. He also noted that 80% of voters approved the sale of recreational marijuana.

Discussion of HDYLTA Trust

Carlson and DeVasto recused themselves.

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Wilson asked Bacon if she received all the documents from their May 23rd meeting. Bacon said yes. Wilson said the motion at Town Meeting allowed the Board to appropriate money for the purchase of the HDYLTA Trust land, except for the two grants which had been sold.

Wilson noted the three suggested contingencies brought to the Board by the HDYLTA lawyer, Ed Englander, asking the beach to be named Robert Rowell Beach, to not allow cultching, and to not allow any new grants. She felt naming the beach was fine, but the Town couldn't cede its obligations and authority under State law, as to cultching and licensing new farms. Bacon said she was taken aback by Englander and the Trustees' request. She noted that the Town Meeting Voters approved the purchase of all the land, not only some of it. Bacon also disagreed with the contingencies preventing cultching and permitting of new grants.

Reinhart asked if this would be taken by a friendly taking. Hoort said that had not been discussed yet but he would imagine it is an option. Reinhart said that renaming the beach should be voted on by the Town. Reinhart asked what the Board's options were. Wilson said that she thought such naming could happen without a Town Meeting Vote as when the Housing Authority chose the name for Fred Bell Way.

Hoort said he did not think the Trustees will back out if the lots they requested are not excluded. He also said he could ask the Trustees to provide more information about Robert Rowell. Hoort said that he thought that if the Board is not comfortable and say no to the contingencies, the purchase-and-sale will still go through.

Bacon agreed with Reinhart that the Town should have a say in naming the beach. Wilson disagreed, saying it would be an act of gratitude from the Town to the Trustees. Reinhart asked when the contingencies came into effect, Hoort said after the purchase-and-sale agreement was signed. Hoort said these new contingencies act more as suggestions. There was further discussion.

Reinhart reread the contingencies and asked Bacon and Wilson for their input. Both were against the first, which excludes a number of acres from the sale. Bacon said she is opposed to all 3 suggestions. Reinhart asked about cultching. Civetta said cultching currently goes on adjacent to this area and it is a good place for cultching but that doing so in the intertidal area between where the farms are located and the high tide mark made no difference.

Bacon said she would not be opposed to honoring Robert Rowell with a bench or a plaque.

Hoort said he would take these comments back to the Trustees.

Marijuana Host Community Agreement for The Old Bank

Wilson asked if language was changed in the HCA under Limitations of Other Uses to read "the company agrees that it will not "allow" onsite adult consumption of marijuana." Ment said that he had provided a copy of the HCA with that change included. He read it out. DeVasto asked if Ment was planning to be open year-round. Ment said yes.

- Carlson moved to approve the Host Community Agreement with Zachary Ment, doing business as The Old Bank, LLC at 10 Main Street.
- Wilson seconded, and the motion carried 5-0.

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Change charge, committee size of Dredging Task Force

Reinhart said the request is to eliminate the 2 alternate members. DeVasto asked why the need to get rid of the alternates. Reinhart said the members felt that the support from staff was enough.

- Bacon moved to eliminate the alternates from the Dredging Task Force.
- Wilson seconded, and the motion carried 5-0.

Change committee size of Parking Task Force

Dennis O'Connell was present from the Task Force. He said the increase will not change the quorum.

- Bacon moved to increase the authorized membership from 8 to 9 members for the Parking Task Force.
- Wilson seconded, and the motion carried 5-0.

Appointment of Jay Norton as alternate to the Joint Transportation Commission

- Wilson moved to appoint Jay Norton as the alternate for Mark Vincent to the Joint Transportation Commission.
- Carlson seconded, and the motion carried 5-0.

Joint representation for Town and Housing Authority

Hoort said a lawsuit was filed against the Town, claiming the Town did not own a piece of land. The Housing Authority was also named as a defendant in the case. This request is to provide the same counsel, KP Law, to both the Town and Authority. Hoort said he will keep an eye on it at all times, ensuring that the Town and Authority have the same interests.

- Carlson moved that the Board agrees to have KP Law represent both the Housing Authority and the Town of Wellfleet in the Sexton lawsuit.
- Wilson seconded, and the motion carried 5-0.

Personnel Contracts and MOU Approvals

Hoort said he is only asking the Board to approve the Communications Union and the rest will be approved at the next meeting.

- Bacon moved to approve the attached MOU with the Communications Union for fiscal years 2020, 2021, and 2022 and to authorize the signatures on the contract with this MOU incorporated.
- Reinhart seconded, and the motion carried 5-0.

SELECTBOARD REPORTS

There were no reports.

TOWN ADMINISTRATOR'S REPORT

This report is for the period May 11, 2019 through May 24, 2019.

1. General
 - Sexual Harassment Training for Staff on Volunteers is scheduled for June 6th.
 - Town Administrator's office has had 14 contacts by media in last three weeks on preparation for summer season and sharks.
2. Fiscal Matters
 - None
3. Meetings

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- May 11 – NBC Rhode Island interview re: Sharks
 - May 11 – DCR & DOT meeting in Wellfleet re: Rail Trail
 - May 13 – NBC Boston interview re: Sharks
 - May 16, 17 & 20 – Vacation Days
 - May 21 – Meeting with Planning Bd Chair re: Town Planner
 - May 21 – Meeting with Mayo Creek Restoration Cte Chair
 - May 21 – Dredging Task Force
 - May 22 – Meeting with resident regarding Senior Center
 - May 23 – Local Comprehensive Plan Committee meeting
 - May 23 – Selectboard meeting
 - May 23 – Conference call re: Open Meeting Law complaint
 - May 24 – Conference call re: Herring River MOU IV
4. Complaints.
- Use of Senior Center for Seababies program.
5. Miscellaneous.
- Town web site update in progress
6. Personnel Matters:
- Open position: DPW Facilities Manager
 - Open position: DPW Custodial
 - Open position: Assistant Town Administrator
 - Open position: Asst Town Collector/Town Treasurer

Reinhart asked about the complaint about the use of the Senior Center for Seababies program. Hoort said that the person who came to speak to him felt that Senior Centers should be used for Seniors, not for childcare. Reinhart said that many senior centers include younger children and that Seababies is separate but recognized the concern.

Wilson noted a meeting on May 9th with Hoort, Reinhart, and two people from the DCR, as well as a meeting with seven people from the DCR and the DOT for abutters on May 13th, also attended by Hoort.

TOPICS FOR FUTURE DISCUSSION

- Bacon requested that the DPW provide large signage at beaches for the Carry In-Carry Out of trash.
- Bacon asked about the actions or lack thereof of the Personnel Board
- Wilson said that the Conservation Agent recommended the Board re-send the letter in support of the Conservation Commission's decision about the Blasch property. This time to the MEPA. How to do this between meetings was discussed.
- Wilson requested a discussion of the Board's appearance in the July 4th parade be on the next agenda
- Reinhart requested a discussion of those who use Town-owned property without approval be on the next agenda
- Carlson said that working meetings seemed to be very effective and suggested the Board schedule one each month.

CORRESPONDENCE AND VACANCY REPORT

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Hoort said that the composition of the Comprehensive Wastewater Planning Committee was set in 2010 and has now drifted away from that.

MINUTES

March 26, 2019 – Regular Meeting

May 14, 2019 – Regular Meeting

The minutes of March 26 and May 14 were amended by Wilson and provided to Butler and the Board.

- Wilson moved to approve the minutes of March 26, 2019 as amended.
- Bacon seconded, and the motion carried 5-0.
- Wilson moved to approve the minutes of May 14, 2019 as amended.
- Bacon seconded, and the motion carried 5-0.

ADJOURNMENT

Bacon moved to adjourn.

Wilson seconded, and the meeting adjourned at 9:51pm

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Material of 5/23/19

1. Appointment Papers for Special Police Officers, Suzanne Ryan-Ishkanian, and Christine Wisniewski
2. Use of Town Property Applications for Indian Neck Beach, Baker Field, Various locations, Mayo Beach, and White Crest
3. Email from Dan Burns to Selectboard re: request for use of town property on September 7, 2019
4. Shellfish Nursery Upweller Analysis Report
5. Shellfishing Policy and Regulations, Appendices B and C, Appendix B Latitude and Longitude Coordinates
6. Marijuana Host Community Agreement – The Old Bank, LLC
7. Town Administrator Email re: Joint Representation for Town and Housing Authority
8. MOU Contract
9. Town Administrator's Report
10. Correspondence and Vacancy Report