

*Approved April 22, 2019.*

**Wellfleet Selectboard Meeting  
Tuesday, March 12, 2019 at 7pm  
Wellfleet Senior Center**

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

**Also Present:** Town Administrator Dan Hoort; Assistant Town Administrator/Town Clerk Joseph Powers, Executive Assistant Courtney Butler; Fire Chief Richard Pauley; Police Chief Ronald Fisette; Shellfish Constable Nancy Civetta

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

**ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT**

- Reinhart asked for a moment of reflection and silence in memory of the two people who lost their lives in the fire on Lt. Island. Reinhart commended the Fire Department for their efforts and the audience applauded.
- Reinhart thanked the Fire Department and Harbormaster and Assistant Harbor Master for their efforts in assisting a ship that sunk in the harbor earlier this morning. Chief Pauley thanked Reinhart for her words. Pauley tipped his hat to the Assistant Harbor Master for their haste and work ethic in the rescue this morning.
- Bacon reminded viewers of the Elderly Check-in program and encouraged residents to sign up. The Police Department will contact residents to make sure everything is OK.
- Chief Fisette informed viewers that the Citizen's Police Academy was starting on Monday, March 18.
- Fisette also informed the Selectboard that two special officer appointments would be on their March 26 agenda. He may not be able to be present due to a scheduling conflict.
- Audience member Dick Elkin told viewers that the Wellfleet Community Forum would be holding a housing forum on Monday, March 18<sup>th</sup> at the Senior Center at 7pm. Discussion of 95 Lawrence Road would headline the evening.
- Wilson thanked Charles Thibodeau, Lou Schwartz and Jack Neuwirth who had submitted their resignations for their service on the Recycling, Cultural Council and Bike and Walkways Committees respectively.
- Constable Civetta thanked all of those involved in the rescue of the two shellfishermen earlier in the week that brought the two men to safety and back to their families.
- Civetta also announced that both she and Assistant Shellfish Constable John Mankevetch had attended the Constable training for two weeks and that they both passed the exam.

**PUBLIC HEARINGS**

***Request to Close the well from April 22<sup>nd</sup> to May 5<sup>th</sup>***

The request was withdrawn.

***Shellfish Grant Renewal – Bradley Kaplan***

*Application received January 22, 2019 from Bradley Kaplan to renew shellfish grant licenses #2002-01 and #2002-01 ext. for a ten-year period.*

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Civetta and Kaplan presented Kaplan's application for renewal. Civetta said she met with Kaplan and he has a great plan including the purchase of seed. Bacon asked Kaplan how long he had the grant. Kaplan said since 2002.

Wilson moved to approve the renewal of shellfish grant licenses #2002-01 and #2002-01 extension. for a ten-year period.

Bacon seconded, and the motion carried 5-0.

### ***One Day Beer and Wine License***

*Application received January 22, 2019 from Mass Audubon for a one-day beer and wine license at the Wellfleet Bay Wildlife Sanctuary on July 18, 2019 from 6:00 to 10:00pm.*

Sheila Hooeboom, Mass Audubon, presented the application. She said this is the 10<sup>th</sup> Anniversary of Wild, Wild, Wellfleet fundraiser. It will celebrate Wellfleet Bay turning 60 years old and proceeds help fund education programs for 2100 students on the Lower and Outer cape.

Reinhart and Wilson reminded Hooeboom to obtain a tent permit, as recommended by the Building Inspector.

Carlson moved to approve a one-day beer and wine license for Mass Audubon at the Wellfleet Bay Wildlife Sanctuary on July 18, 2019 from 6:00 to 10:00pm.

Bacon seconded, and the motion carried 5-0.

## **LEGAL DISCUSSION**

### ***Opioid Lawsuit***

Carolyn Murray from KP Law presented the lawsuit against the opioid industry that many other towns have joined. Murray said KP Law was approached by the conglomerate of firms backing the lawsuit a year and a half ago. The civil suit is against those legally responsible for the wrongful distribution of prescription opiates and damages caused thereby.

Murray said that if the Town joined, a suit would be filed also on behalf of the Town of Wellfleet. She said this would be one of 600 cases nationwide. Murray said the opioid industry has attempted to file a motion to dismiss, which was denied. She mentioned the Attorney General's lawsuit and said that any damages collected go to the State and the funds may or may not go to towns. If Wellfleet filed a lawsuit, any damages would come to the Town.

Murray said there is no cost and it is done on a contingency basis. She said if there is a settlement proposal, the Board would then decide where to go with it. Murray said if the Town were to get involved and there was a settlement, only then would KP Law take a portion of those funds.

Murray said there has been a recent development where manufacturers such as Walgreens and CVS are named directly. She said this comes after evidence has shown that the truth about opioid addiction was covered up and FDA policies were not always adhered to. She also noted there are about 10 other Towns on the Cape, plus Nantucket, that are involved in the lawsuit.

Reinhart said she fully supports this and that it sends a good message. Carlson agreed and said that we all understand that the epidemic is serious. Carlson asked Murray if this would affect someone who needed to obtain a prescription for pain that they need. Murray said she didn't know at this point if there would be any impact on prescribing individuals medicine for pain. She said the purpose of the litigation was not to take all prescription pain medicine off the market but to regulate them better.

Wilson said she was grateful for KP Law taking this on. She asked if the Town would be billed if they lost the suit, Murray said no. Wilson read a line from the first paragraph of the contract that states that Town agrees to join the lawsuit "to pursue all civil remedies against those in the chain of distribution of prescription opiates responsible for the opioid epidemic which is plaguing the Town" Wilson said this was true, that the epidemic is plaguing the Town and region, but that was too general a statement.. Wilson asked if the suit was going after distributors, rather than manufactures. Murray said yes. Wilson asked Murray's thoughts on the contract and Murray said she felt it was broad enough to cover the issues the complaints are pointed at and that adding the language about manufacturers could be possible.

Bacon thanked Murray for her direction and said she hoped the Town and the Board would join this lawsuit for the citizens and to stand in solidarity with other Cape towns. Wilson asked if damage would need to be proved through data. Murray said 60-90 days after filing, the Town will receive a Plaintiff's Fact Sheet to input budget, ambulance service, personnel training, and other data.

Murray said because this is a multidistrict litigation, that the vast majority of cases will not go to trial; that probably only 2 cases would. Murray said possible damages that could be received could be monetary or materialistic. She said some Towns have mentioned asking for inpatient facilities or a 20-year supply of Narcan rather than money. She said it was unlikely that Wellfleet would go to trial, but it could.

Bacon moved that the Town of Wellfleet retain the law firm LEVIN, PAPANTONIO, THOMAS, MITCHEL, RAFFERTY & PROCTOR, PA on a contingent fee basis, to pursue all civil remedies against those in the chain of distribution of prescription opiates responsible for the opioid epidemic which is plaguing the Town including, but not limited to, filing a claim for public nuisance to abate, enjoin, recover and prevent the damages caused thereby.

Carlson seconded, and the motion carried 5-0.

## **APPOINTMENTS/REAPPOINTMENTS**

### ***Planning Board, Personnel Board, or Conservation Commission***

William Warren presented his reasons for wanting to be on a town committee.

Warren was not present, and the appointment was postponed.

### ***Dredging Task Force***

Alfred Pickard was not present, but Reinhart said she would take the motion. That he was known to all.

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Wilson moved to appoint Alfred Pickard to the Dredging Task Force, as a regular member, for a term to expire June 30, 2021.

Houk seconded, and the motion carried 5-0.

### ***Planning Board***

Bonnie Shepard presented her reasons for wanting to join the Planning Board.

Wilson asked Shepard if she had familiarized herself with any materials or attended a meeting.

Shepard said that she had reviewed past minutes and other materials on the Committee's webpage.

Carlson moved to appoint Bonnie Shepard to the Planning Board for a term to expire June 30, 2022.

Bacon seconded, and the motion carried 5-0.

### ***Energy Committee***

John Cumbler presented his reasons for wanting to be on the Energy Committee.

Wilson said this would be an appointment for an alternate member. Cumbler said he understood that he would not be able to vote.

Audience member Dick Elkin said that as the Chair of the Energy Committee he thought Cumbler would be an excellent addition.

Wilson moved to appoint John Cumbler as an alternate member of the Energy Committee for a term to expire June 30, 2022.

Carlson seconded, and the motion carried 5-0.

### ***Cape Cod and Islands Water Protection Fund Board***

Reinhart said she would like to nominate Carlson. She read about the Fund, which was signed into law in 2018 and is funded through a percentage of funds from the short-term rental bill.

Wilson thanked Carlson and clarified that she'd be getting funds to bring back to Town. Carlson agreed.

Audience member Jude Ahearn asked what the role of the Water Protection Fund Board is. Reinhart said each Town represented by the Cape Cod Commission will have representation on the Board. It will ensure that money from the Fund is spent only for the purposes defined in the Act. Hoort said the Act was passed through legislation and the Board that Carlson is being nominated for decides how the Fund will allocate that money. He read from the Memo "Chapter 337 which stipulates that the Board's duties include 1) determining the method for subsidy allocation, including but not limited to, an equitable distribution among participating municipalities; and 2) ensuring that money from the Water Protection Fund is spent only for purposes identified in the Act." Hoort said the Board, once formed, will have to decide how to achieve that.

Reinhart said each Town will be represented individually and will each get their own due. Ahearn said they make decisions about spending the rental tax income money as well as grants. Reinhart said no, they just manage the rental tax income. Ahearn asked if we knew how much income that was and

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noted that Curt Felix said it would be between \$500,000-\$1 million. Reinhart said she heard between \$6 and \$8 million. Ahern said we shouldn't generalize.

There was discussion about the Fund's Board and processes. Audience member Curt Felix said he obtained his estimate that the Airbnb tax would generate \$500,000 to \$1 million for the Town annually was from the Cape Cod Commission.

Wilson ~~noted~~ asked if this would be 1-town, 1-vote, rather than a weighted vote. Hoort said nothing in the legislation noted a weighted vote system, so yes, this is 1 vote-1 town. Bacon said she did read the information provided and that she believes Carlson will represent the Town well. She also said Carlson will have some administrative duties on the Fund Board. Houk agreed.

There was further discussion about the board.

Bacon moved to appoint Justina Carlson to the Cape Cod and Islands Water Protection Fund Board. Wilson seconded, and the motion carried 4-0-1, with Carlson abstaining.

## **USE OF TOWN PROPERTY**

### ***Uncle Tim's Bridge on April 28, 2019***

Sheryl Jaffee from the Wellfleet Historical Society presented the Society's request for use of Uncle Tim's Bridge on April 28, 2019 from 6 to 8pm. Jaffee is the Museum Coordinator for the Society.

The Society will have a participatory event on the 28<sup>th</sup>, starting at 6pm, to fold paper lanterns and learn about the history of Uncle Tim's Bridge. It will be the 175<sup>th</sup> anniversary of the bridge. The lanterns will have battery-operated lights in them and they will be carried from the Society to the bridge and line the bridge. Participants will be able to take the lanterns home with them after.

Bacon asked if it could be video recorded. Jaffee said she would look into it. Bacon asked about parking and suggested the lot by the Masonic Lodge. Jaffee said participants could park at Town Hall and walk to the Society and then everyone will walk to the bridge together. Bacon suggested reaching out to the Churches in Town for parking.

Wilson asked about the fee that should be charged by the Town. Hoort noted it is usually \$100. Bacon said she would like to waive the \$100 fee since they already paid \$50 to file their application.

Wilson moved to approve the use of Uncle Tim's Bridge by the Wellfleet Historical Society on April 28, 2019 from 6 to 8 pm subject to the conditions, if any, as listed on the application form. No fee will be charged.

Bacon seconded, and the motion carried 5-0.

## **BUSINESS**

### ***Opening and Closing of Herring River to Shellfishing***

Civetta said water quality testing is still needs to be done ~~around this time~~ by the Division of Marine Fisheries before the area can be declared open. She suggested opening the Herring River next

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Tuesday, March 19 at sunrise and close it at sunset on August 31, conditional upon an acceptable quality result. She said she and the Board would receive this as soon as it is ready.

Wilson moved to declare the Herring River Area open to the harvest of shellfish by commercial permit holders, as per section 6.4.3 of the Wellfleet Shellfish Regulations, from sunrise on March 19<sup>th</sup> to sunset on August 31<sup>st</sup> conditional upon receiving a good water test from the DMF. Bacon seconded, and the motion carried 5-0.

#### ***Cape Cod Commission Extension Agreement***

Hoort said this is the 4<sup>th</sup> Extension of the public hearing period, and the Town has done this before. Bacon asked Wilson where the permitting process was. Wilson said she, Reinhart, and Hoort were at the Commission's preliminary scoping process. She said this was essentially a checklist of what the Town needs to do to obtain a permit. She commended Hoort's presentation at this meeting.

Hoort said he would like to take credit, but Friends of Herring River wrote and provided the highlight points. He thanked them. Wilson said there would be a hearing soon.

Bacon moved to approve the 4<sup>th</sup> Extension Agreement of the DRI Public Hearing Period and authorize the Chair to sign the extension agreement. Carlson seconded, and the motion carried 5-0.

#### ***Celebration of May as Herring River Month***

David Koonce from Friends of Herring River presented the organization's proposal to celebrate the month of May as "Herring River Month". He said the river is an environmental treasure with great historic importance to the town. As part of their outreach and education mission, and to celebrate the Herring River, they have planned two lectures at the Wellfleet Public Library at 6:30 PM, plus a kayaking trip.

Other events include:

- "From River to Table in the 1800s: Food and Recipes from the Herring River" co-sponsored with the Wellfleet Historical Society on May 8.
- "From the Upper Reaches of Herring Pond to Rt. 6: An armchair video and photographic tour of the Herring River" presented by Dr. Ethan Estey, Wellfleet Herring Warden on May 22.
- "Mouth of the Herring River Kayak Trip" co-sponsored with Audubon's Wellfleet Bay Wildlife Sanctuary. On Saturday, June 1, Kayakers will look at the existing dike from the harbor side, learn about turtle habitat in the dunes there, and venture out toward Egg Island for further discussion of the river's mouth.

Carlson said this sounds wonderful.

Carlson moved to proclaim May as "Celebrate Herring River" month. Bacon seconded, and the motion carried 5-0.

#### ***Discussion of Meeting Start Time***

Reinhart said some members thought the Board should wait to switch back to starting at 7. She suggested to the Board starting meetings at 6 PM until May 1.

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Wilson said the public needs to understand and be used to the schedule as well which is why the Board chose to change the meeting time in accordance with Daylight Savings Time (DST). Bacon agreed that the Board decided to follow DST for a reason. Both Bacon and Wilson noted personal reasons for wanting the meeting to start later during DST.

Reinhart noted it might be easier for Town staff and guests to get to the meetings earlier. Bacon disagreed. Houk suggested waiting for the new member to join and see what they would like to do. Carlson noted that meetings can run late as it is, without starting an hour later. She said she could attend either way.

There was discussion of starting at 6pm versus 7pm. Wilson noted the schedule cannot be switched all the time.

Reinhart asked who wanted to keep the meeting at 6, and she and Carlson raised their hands. Bacon and Wilson raised their hands for 7 and Houk didn't respond. Reinhart said the meetings would stay as is.

Carlson moved to start the meetings at 6pm until May 1<sup>st</sup>.  
Houk seconded, and the motion carried 5-0.

### ***2019 April Annual Town Meeting Warrant articles***

Hoort said these are the articles not acted upon yet, as well as petitioned articles.

#### ***Article 3: FY20 Capital Budget***

Hoort said this was inserted into the Warrant but was not recommended. Wilson asked if the Shellfish Revolving Fund came from the Shellfish Department. Hoort said any receipts received by the Department would go into the fund.

Bacon asked why this wasn't recommended at their March 4 meeting. Hoort said he did not have all the information at that time that he wanted the Board to see before making their recommendation.

Wilson asked about the Septic Fund. She said she thought it was to help people with their septic systems. Hoort said that in the past, this provided loans and that those loans are currently being repaid so the fund is being kept open for that. He said the funds can only be used if appropriated by Town Meeting.

Bacon moved to recommend article 3, FY 20 Capital Budget, as printed in the draft Warrant. Carlson seconded, and the motion carried 5-0.

#### ***Current Article 11: Additional Fire Department Staff funded by Ambulance Fund***

Reinhart noted that Chief Pauley spoke of this at the March 4<sup>th</sup> meeting. Hoort said it was originally one article and is now being broken down into two.

Carlson moved to recommend current article 11, Additional Fire Department Staff to be funded through the Ambulance Fund in the amount of \$79,000 and to insert the article into the Warrant. Bacon seconded, and the motion carried 5-0.

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***Current Article 12: Additional Fire Department Staff funded by Proposition 2 ½ Override.***

Bacon moved to recommend current article 12, Additional Fire Department Staff to be funded through a Proposition 2 ½ override in the amount of \$79,000 and to insert the article into the Warrant.

***Current Article 13: Chapter 90 Funds***

Hoort said this is a standard article and now they have the actual amount.

Bacon moved to recommend current article 13, FY 20 Chapter 90 Funds, in the amount of \$243,219, as printed in the draft Warrant.

Wilson seconded, and the motion carried 5-0.

***Current Article 19: Bandstand Awning***

Hoort said the awning was donated in honor of someone by their family. He said the FinCom asked if the family would mind waiting a year for the installation. He said no motion is necessary and that in the interim, the Town will speak to the family and Community Preservation.

The Recreation Director has determined that this article may be delayed a year. During the course of the upcoming year the Department will attempt to seek alternate funding for the replacement.

No vote is required. The Board has not previously inserted the article into the warrant.

***Current Article 26: LCCATV Funds***

Lower Cape Community Access Television. Hoort said this was recommended originally with a different amount.

Reinhart moved to reconsider the Selectboard's vote to recommend current article 26 into the Warrant.

Carlson seconded, and the motion carried 5-0.

Bacon moved to recommend the current article 26, the transfer of funds from the Cable Access Receipts Fund, in the amount of \$180,269.

Carlson seconded, and the motion carried 5-0.

***Current Article 34***

Bacon moved to recommend current article 34, the creation of a Shellfish Revolving Fund, and insert the article into the Warrant.

Carlson seconded, and the motion carried 5-0.

Wilson discussed Article 35, Water Resources Director. She said she was attending a meeting with Alex Hay and Hilary Greenburg-Lemos to draft some amendments to the Article. Carlson asked when the meeting was and if she could attend. Wilson said it would be on Thursday, March 14 and that yes, Carlson could attend.

Bacon asked when the Warrant would be going to print. Hoort said the Warrant will be finalized on March 26 and will go to print on March 27.

***Articles 39 and 40***



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Hoort said this was not voted on previously because they were waiting for a Planning Board recommendation.

Bacon moved to recommend articles 39 and 40, the Disposition of Town Owned Land to the Wellfleet Conservation Commission and insert the articles into the Warrant. Carlson seconded, and the motion carried 5-0.

***Current Article 41***

Local Housing Authority and Local Housing Partnership have recommended removing Parcel 119 from this Article. Bacon said this came at her suggestion since the Board has not received a recommendation from the Conservation Commission. She said it could be added next year if they receive that recommendation.

Bacon moved to reconsider the Board of Selectmen's vote to insert current article 41 into the Warrant.

Houk seconded, and the motion carried 5-0.

Bacon moved to recommend article 41, the Disposition of Town Owned Land, Map 14, Parcel 112, to the Wellfleet Housing Authority and insert the article into the Warrant. Wilson seconded, and the motion carried 5-0.

***Request from Recycling Committee***

Hoort said the Recycling Committee requested this be added to the Warrant. Wilson noted that there was a loophole that allowed balloons on private land and said that it was fixed by the Bylaw Review Committee.

Bacon moved to accept the request of the Recycling Committee and recommend the Wellfleet Balloon Reduction Bylaw, as amended by the Bylaw Committee, and insert the article into the Warrant.

Wilson seconded, and the motion carried 5-0.

Reinhart said that at some point there will need to be a Town-wide discussion about plastic.

***Petitioned Article A***

No one was present to advocate for the Article.

Petitioned Article A is "To see if the Town will vote to direct the Board of Selectmen to place the following question on the next election ballot: "Shall the Town of Wellfleet, Massachusetts petition the General Court of the Commonwealth of Massachusetts, and the Congress of the United States, for greater local control to mitigate the growing Cape Cod seal overpopulation problem, as well as the expanding and menacing Great White Shark problem?"

Wilson asked about "mitigation". Bacon said it meant to cull. Wilson said this was illegal. Reinhart said yes, and she thought this was to petition Congress to change laws with regard to culling. Powers said this is open for interpretation, but, as Town Clerk he cannot interpret it. He said that if the intent was to put a question on a local election ballot, the question would not appear until the Annual Election in 2020 and would be considered a nonbinding advisory question.

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Bacon asked why it would have to wait until 2020. Powers said that the deadline for questions on this year's ballot has passed. Bacon said that as she understood, from scientists, that if the seal population was culled that another 50,000 seals would travel here from the Sable Islands.

There was discussion about seals and the seal population.

Powers said that because these are petitioned articles, they will be inserted. Hoort said the Board just needs to vote to recommend them or not.

Wilson moved to not recommend the petitioned article A regarding local control of seal and shark populations.

Bacon seconded, and the motion carried 5-0.

### ***Petitioned Article B***

Petitioned Article B is "To see if the Town will vote to request that the Board of Selectmen, the Conservation Commission, and the Planning Board consider alternate routes for the Bike Trail Extension and to ask the appropriate agencies of the Commonwealth to halt any planning or construction beyond Old County Road until those deliberations have occurred."

Reinhart said she would move not to recommend. Wilson said the State should be looking at alternate routes and that was already in the works. Carlson agreed.

Bacon moved to not recommend the petitioned article B regarding the Bike Trail Extension. Carlson seconded, and the motion carried 5-0.

Reinhart suggested to viewers, who petition articles, to be present at Selectboard meetings to explain and defend their articles.

### ***Petitioned Article C***

Petitioned Article C is "To see if the Wellfleet Selectboard will change the name of the Wellfleet Energy Committee to the Wellfleet Energy and Climate Change Committee, increase the committee membership to seven (7) members and two (2) alternates, and modify its charge."

Bacon asked Elkin why the Committee submitted an article, rather than just come to the Selectboard. Elkin said timing was the problem, that the Committee wanted to meet in time to meet the petitioned article deadline.

Bacon said she thought this would tax the residents who attend Town Meeting by having this article. Wilson reminded Elkin that the Selectboard, not Town Meeting, is the appointing authority and they are supportive of the change. She noted that the Board had asked him to present a charge and had said they would approve it. Elkin asked to withdraw the article. Powers said it cannot be withdrawn but can be indefinitely postponed.

Bacon moved to recommend the indefinite postponement of article C from the Energy Committee. Wilson seconded, and the motion carried 5-0.

### ***Petitioned Article D***

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Petitioned Article D is “To see if the Town will vote to recommend the adoption of a Municipal Plastic Bottle Ban Policy.”

Bacon said this article is from the Recycling Committee is meant to ban plastic beverage containers. She said it may take time to implement this, but it will be very well supported at Town Meeting.

Carlson asked the Committee if they had talked to the Marketplace and other stores that might be impacted. Audience member Lydia Vivante, a Committee member, said that it is for municipal procurement and not business.

Bacon moved to recommend the petitioned article D regarding a Municipal Plastic Bottle Reduction policy.

Wilson seconded, and the motion carried 5-0.

Powers discussed the Citizens Petition process with the Board. He recommended citizens reach out to the Board or any board to seek support prior to submission. Wilson asked where policies, that are not Selectboard policies, go after they are approved, in reference to article D. She said the Selectboard could adopt it as its own policy. Audience member Christine Shreves, Recycling Committee, said they approached Powers about approving this as a Selectboard policy.

Bacon asked if this was binding, should it pass at Town Meeting. Powers said that the process to make this a policy could begin now. Wilson said this is a great suggestion and asked the Committee to come to the Board first. Vivante said they felt support from Town Meeting was going to make a difference. Carlson said it was good for the community to rally and make up their own minds. Wilson said she would like to initiate the first step in the policy process at their next meeting. Bacon said this is a feel-good article and that residents will be thrilled the Selectboard is supporting it.

### ***Order of Articles***

Hoort noted that nothing had changed, except for moving Chapter 90 Funds being moved to before the Fire Department articles.

Houk asked that article 37, Paramedic Training, be moved to follow the other Fire Department articles.

Bacon asked about Article 36, 3 Kendrick Avenue. Hoort said that he would hold an Executive Session prior to their next meeting to discuss it. Ahern asked Hoort if they could discuss it tonight. She said she heard at the Shellfish Advisory Board that employees had been directed to pursue the idea. Hoort said that in the past 10 days he met with the owners of the property. Ahern said the public has not heard anything about this. Hoort said he asked employees to come up with ideas for use of the property. Ahern said she didn't understand why time was being wasted. Reinhart said there has been no action so no time has been wasted.

Wilson said she appreciated Ahern's love for transparency and that the Board is diligent about releasing minutes as soon as an issue is resolved. Reinhart said this was on last year's Special Town Meeting Warrant and nothing new has come up since then and there have been no negotiations. Ahern further questioned the Board and the process. Hoort said that this conversation would be appropriate for Town Meeting.

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Houk moved to insert the Current Article 37, Paramedic Training Program, and to be placed after the CIP-Fire Ladder Truck as the new article 15.

Bacon seconded, and the motion carried 5-0.

### ***Discussion of Disposition of Room Occupancy Tax Receipts***

In reference to a letter received from the APCC and some real estate groups, Hoort said it contained recommendations as to how the Town should use the funds from the tax. He said he asked why outside entities would tell the Town how to use the funds, but the Town does not know how to use the funds and the input is valuable. He said he asked why outside entities would tell the Town how to use the funds, but the Town does not know how to use the funds and the input is valuable. He said this money would become Free Cash and, in a year, we will have a better sense of how much money will be received, at which point, the Town will be able to make a better, well-informed decision.

Bacon said the bylaw proposed by the entities was a good bylaw. She noted that Hoort responded that Wellfleet may spend the money differently than other Towns, and she agreed. Hoort noted his and the Board's passion for Housing and said that it and dredging as the Town's two biggest issues.

Wilson discussed wastewater and using funds for that. Hoort noted that the Cape Cod and Islands Water Protection Fund is dedicated to that.

Felix said the money coming from the Airbnb tax is annual, unencumbered revenue for the Town and suggested using this for wastewater. He said the Fund, 2.75% tax revenue, must be applied for as a grant, or can be borrowed, to be used for capital investments and non-operating expenses.

### ***Habitat for Humanity Fee Waiver***

There was no discussion.

Wilson moved to waive the fees related to the Health and Fire Departments for Habitat for Humanity on their 2082 State Highway project.

Carlson seconded, and the motion carried 5-0.

## **TOWN ADMINISTRATOR'S REPORT**

This report is for the period February 23, 2019 through March 8, 2019.

### **1. General**

- Draft ATM warrant has been posted on Town's web site.

### **2. Fiscal Matters**

- Nauset School Budget will be presented during March 26<sup>th</sup> meeting

### **3. Meetings**

- February 26 – Meeting with resident regarding AADU program
- February 26 – Read at WES program
- February 26 – Select board meeting
- February 27 – Meeting in Boston with Outer Cape Town Managers/Administrators and legislative delegation to discuss shark issues.
- February 28 – Housing Chair Gary Sorkin
- March 4 – Select board meeting
- March 6 - Finance Committee meeting

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- March 7 – Herring River presentation to Cape Cod Commission regarding DRI Scope in Hyannis
- 4. Complaints.
  - none.
- 5. Miscellaneous.
  - none
- 6. Personnel Matters:
  - Open position: DPW Facilities Manager
  - Soon to be open position: Town Accountant

Hoort noted the Nauset Regional School District presentation will be at the March 26<sup>th</sup> meeting. Hoort also noted the February 27<sup>th</sup> meeting in Boston of the Outer Cape Town Managers/Administrators with a delegation from the legislature to discuss shark issues. He said everyone was there to hear the issues towns are facing and to provide help. Hoort noted the lack of reliable phone service at the beaches and the possibility of fiber optic. The fiber optic would also help residents in the area. He said the meeting was productive and Lt. Governor Polito said she would like to come out in May to meet again.

Bacon asked if this could be added to the website to inform community members of the Town's efforts on this issue. Hoort said he is compiling all of the efforts to place on the website and as an information flyer. He agreed the word needs to get out to the community. Bacon said fiber optics was mentioned in the Vulnerability Preparedness meeting she attended earlier.

Carlson mentioned the use of social media by the Town as a means of communication.

#### **TOPICS FOR FUTURE CONCERN**

- Wilson stated that Wellfleet needs a representative on the Barnstable County H.O.M.E. organization.
- Wilson stated the Town needs to send a letter to Eversource regarding pesticide spraying.
- Houk would like the Board to discuss the need for a Town Planner.
- Reinhart would like the Board to re-visit remote participation.
- Reinhart would like the Board and staff to look into ways to reduce paper use.
- Reinhart requested that the Correspondence Report be included in the Select board's packet.
- Reinhart requested that an ongoing agenda item "Selectboard Reports" be included in all agendas going forward.

#### **MINUTES**

##### ***February 12, 2019***

Wilson moved to approve the minutes of February 12<sup>th</sup>, 2019 as amended. Reinhart seconded, and the motion carried 4-0. Houk was absent for the vote.

##### ***February 26, 2019***

Wilson moved to approve the minutes of February 26<sup>th</sup>, 2019 as amended. Bacon seconded, and the motion carried 4-0. Houk was absent for the vote.

*Approved April 22, 2019.*

## **ADJOURNMENT**

Bacon moved to adjourn.

Wilson seconded, and the meeting adjourned at 10:01 pm

Respectfully submitted,

Courtney Butler,  
Secretary

### **Public Records Material of 3/12/19**

1. Shellfish Grant Renewal Application for grants #2002-01 and #2002-01 ext.
2. One Day Beer and Wine License for MA Audubon on July 18, 2019
3. Engagement to Represent – Town of Wellfleet, MA Civil Suit Against Those Legally Responsible for the Wrongful Distribution of Prescription Opiates and Damages Caused Thereby
4. Appointment Papers for William Warren, Bonnie Shepard, Alfred Pickard, and John Cumbler
5. Cape Cod Commission information about the Cape Cod and Islands water Protection Fund Board
6. Use of Town Owned Property Application – Wellfleet Historical Society
7. 2019 Draft Annual Town Meeting Warrant articles as of March 6, 2019
8. Letter from Future Cape Cod Coalition regarding rental tax revenue
9. Town Administrator's Report
10. Correspondence and Vacancy Report