

Wellfleet Select Board Meeting
Tuesday, June 26, 2018, at 7:00 p.m.
Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet MA 02667

Select Board Members Present: Chair Janet Reinhart - Chair; Helen Miranda Wilson – Vice Chair, Justina Carlson – Clerk, Kathleen Bacon, Jerry Houk.

Also Present: Dan Hoort - Town Administrator, Radu Luca – Executive Assistant to the Town Administrator, Ronald Fisette – Police Chief.

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

I. Announcements, Open Session and Public Comment

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.

Bacon said that Cape Cool gave out two \$1,000 scholarships to two Wellfleet graduates this June and that they are having a silent raffle on Wednesday at the Farmers' Market for those who wish to donate to the Scholarship Fund.

Chief Fisette said FEMA sent us a check of over \$9,000 in reimbursement for the blizzard from 2013 had been received and that the March 2018 storm is eligible for reimbursement as well. Fisette also mentioned that two department employees would be graduating from the Police Academy and announced that the July 4th parade would take place as usual, Wednesday morning. The Chief then introduced Jane Buckley from Grandmothers against Gun Violence, who addressed the board

Buckley said the group was formed in 2013 after the shooting at Sandy Hook Elementary School in Connecticut. She spoke about what they do at local and regional levels and their outreach. GAGV donated thirty gun safety locks to the Town of Wellfleet to be distributed to residents free of charge.

Lilli-Ann Green spoke about the two pieces of legislation (one enacting nuclear power plant protections and the other establishing a commission to assess the health impact of wind turbines to protect the health of the citizens of the Commonwealth) before Mass legislators that had been submitted by our State Rep. Sarah Peake and encouraged voters to write to their legislators to support them. Green also gave an update from the county Assembly of Delegates and the Seashore Advisory Commission.

Dick Elkin said that the Outer Cape Energize program is winding down, with only three meetings left (Truro, Provincetown and Wellfleet). The program, which is meant to help people put solar on their roofs, and help with other solar-related needs, will be ending on August 8 (OuterCapeEnergize.org)

II. Licenses**A. Common Victualler****1) Kung Fu Dumplings**

Stephen Rome was present to represent Kung Fu Dumplings. Rome said he possessed all paperwork necessary for him to obtain his licenses but had not submitted his tax registration certificate with his application to the Licensing (Select-) Board.

I move to approve the common victualler business license for Kung Fu Dumplings, contingent on the receipt of tax registration certificates.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

B. Food Truck**1) Kung Fu Dumplings**

Rome said he hired one local person to work the cash register. Reinhart asked whether Rome would move the truck daily [to access a commissary kitchen]. Bacon said Rome had received a variance from the BOH and so is not required to move his truck. Wilson asked whether the AG has given its approval of our new Zoning Food Truck Bylaws and the TA said the AG hadn't yet done so.

I move to approve the food truck business license for Kung Fu Dumplings.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

C. Beer and Wine – Mass Audubon (One-Day Beer and Wine License)

I move to approve a one-day beer and wine license for Mass Audubon Wellfleet Bay on July 19th, 2018 for a fee of \$100.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

III. Appointments/Reappointments**A. Board of Water Commissioners - Tom Flynn - 3 years**

Jim Wood, chair of the Water Commissioners, was present to support Tom Flynn's application to the BWC. Wilson said she had served with Flynn in the past on the Water Issues Advisory Committee, that he's great to work with, and that he's not on the Town Water System so he won't have any conflict of interest. He is filling out Justina Carlson's three-year term.

I move to appoint Tom Flynn to the Board of Water Commissioners to serve for a one-year term ending June 30th, 2019.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

B. Conservation Commission – Michael Fisher – 3 years

Michael Fisher was present to support his application to the Conservation Commission. Wilson asked whether Fisher would resign the Conservation Trust and / or recuse himself from matters that would generate a conflict of interest. Fisher said yes.

I move to appoint Michael Fisher to the Conservation Commission to serve for a three-year term starting July 1st, 2018 ending June 30th, 2021.

Motion: Bacon Second: Carlson 5-0-0. Motion carries.

C. Wellfleet Police Department - Special Police Officers at NPS (July 1, 2018 – June 30, 2019) – Leslie Reynolds, Christopher Hartsgrove, Christopher Anderson, W. Russell Hughes, Eric Trudeau, Meghan Farrell, Seth DiGiacomo, Kristy Pressey

Chief Fisette said these are standard appointments, done every year for the NPS. Houk asked how many traffic officers on bikes there were this summer and if they're allowed to direct traffic. Fisette there are two such community officers and they are allowed to direct traffic.

I move to appoint special police officers Leslie Reynolds, Christopher Hartsgrove, Christopher Anderson, W. Russell Hughes, Eric Trudeau, Meghan Farrell, Seth DiGiacomo, Kristy Pressey at the National Park Service from July 1st, 2018 through June 30th, 2019.

Motion: Bacon Second: Wilson 5-0-0. Motion carries.

IV. Use of Town Property

A. AIM Thrift Shop Art Sale (9th annual) - Saturday, July 28th

Lydia Vivante was present, to speak on their behalf.

I move to approve the use of Town Property to AIM Thrift Shop's 9th Annual Art Sale on July 28th, 2018 (with a rain date of August 18th, 2018) subject to the conditions, if any, as listed on the application.

Motion: Bacon Second: Wilson 5-0-0. Motion carries.

B. Wellfleet Chamber of Commerce – Annual Fourth of July Parade (July 4th, 8 am – 11 am)

Houk asked if the other BOS members would be in the parade. Bacon said she would ride in the parade. Wilson said that last year the Board didn't ride together in a group, in the parade. That the Board had discussed it and decided that each member could participate as they wished. Bacon and Houk then chose to be in it. Reinhart said she was never invited to be in the parade.

I move to approve the use of town property for the Annual 4th of July Parade on Wednesday, July 4th from 8 am to 11 am, subject to the conditions, if any, as listed on the application.

Motion: Bacon**Second: Wilson****5-0-0. Motion carries.****V. Business****A. Approval of Community Preservation Agreements [Mary Rogers]**

Mary Rogers, the Community Preservation coordinator, explained the CPA process and discussed each of the three agreements, one with Preservation Hall and two with Habitat for Humanity. Rogers prepares the agreements in coordination with Town Counsel and the attorneys from the third parties involved. Wilson said that this explanation was a good example of different groups in town communicating with each other.

I move to approve the agreement with Wellfleet Preservation Hall, Inc. pertaining to the Wellfleet Preservation Hall Town Park as presented.

Motion: Bacon**Second: Wilson****5-0-0. Motion carries.**

I move to approve the agreement with Habitat for Humanity of Cape Cod, Inc. pertaining to building three affordable homes at 2254, 2260 and 2270 Old King's Highway, respectively, as presented.

Motion: Wilson**Second: Bacon****5-0-0. Motion carries.**

I move to approve the agreement with Habitat for Humanity of Cape Cod, Inc. pertaining to building three affordable homes at 2080 State Highway (Route 6), as presented.

Motion: Wilson**Second: Bacon****5-0-0. Motion carries.**

B. Energy Committee update, request for a fall special town meeting and contract for solar array at capped landfill [Energy Committee]

Dick Elkin and Lilli-Ann Green from the Energy Committee and Joel Lindsay from Ameresco (the contracted firm) were present to the speak on this agenda item and request a fall special town meeting to approve funding for a solar array at the capped landfill. The reason to do this as soon as possible is that the longer we wait to apply to this program, the less money we will Ameresco did all the necessary environmental assessments and a 30% -complete design which was forwarded to the Selectboard. The EC held a public meeting on the matter, met with all Town departments associated with the project and presented the project at the Wellfleet Community Forum. The next step is to connect with Eversource. There are three legal documents needed in this process: the power purchase agreement in which the BOS can authorize for up to ~~30~~ 20 years; an agreement to lease the land for 20 years, which needs Town Meeting approval by a two thirds vote; and a payment in lieu of tax agreement (PILOT – Ameresco proposes a fixed payment per year for 20 years, rather than a payment that would vary based on the declining value of the array). Elkin explained all the steps and financial data associated with this project. Among other thing, Nancy Vail will research this and the Planning Bard

will have to approve a Site Plan Agreement. There is a financial incentive for applying for and being accepted into a "Block" (a Solar Tariff Generation Unit) by the Massachusetts Renewable Target (SMART) program as early as possible. The financial benefit for being included in each subsequent block is 4% less than the one before. Wilson asked whether DEP has signed off on the "post closure" agreement. The answer was yes. Bacon asked about the cost of a special town meeting. Hoort said the cost is approximately \$5,500. We ~~will~~ could have it as soon as possible, in September. Houk asked whether having a meeting in September was paramount. Was it essential for being in for being awarded to block#1. Elkin said we'd know more in August and that it's a matter of how soon we can schedule a town meeting. Lilli Ann Greene spoke of Ameresco's good references from other towns and that they don't sell their leases to other entities. Wilson believes that if we added an unrelated, controversial article about limiting the number of marijuana dispensaries to a STM warrant, we could probably get a quorum in September. Hoort said we could try to have it be as early in September as possible. Houk brought up how busy September is. Was it absolutely necessary to get the into first block? The answer was that it would increase the likelihood of making the first block, and at least, would insure getting into the queue for inclusion in the second block and that again, it would be more cost effective. There was a suggestion from the audience for an early October Town Meeting.

I move to approve the Energy Committee's request for a Fall Special Town Meeting.

Motion: Bacon Second: Wilson 4-0-1. Motion carries. Houk abstained.

I move to approve the Solar Site Control Agreement as presented.

Motion: Wilson Second: Bacon 5-0-0. Motion carries.

C. Discussion of parking lot at Bank and Commercial Streets [TA]

The TA prepared a memo for this agenda item, which was included in the packet. John Riehl of the Natural Resources Advisory Board was also present to speak on this agenda item. The memo from the NRAB was included in the packet for tonight's meeting. Bacon said this lot could accommodate fourteen vehicles and serve three new businesses on Commercial Street. Bacon also said that the Town and the Masonic Lodge should work together to address future flooding- and erosion-related issues. Carlson mentioned there was also correspondence from the Chamber of Commerce addressing the issue of parking, especially in the height of the season. Bacon suggested to the TA that we engaged the DPW to put some gravel down and make it more functional, which might have to go before the ConsCom. Wilson and the BOS suggested to the TA that we communicated our plans with the Lodge.

D. Request Letter of Support or Non-opposition for Medical Marijuana Dispensary and Community Host Agreement for a Registered Marijuana Dispensary for Nature's Alternative, Inc. [TA]

Ben Zehnder and David Miller were present to speak in support of Nature Alternative's request for a letter of non-opposition (support) for a registered marijuana dispensary. Wilson said at this point the Town couldn't say no, but the ZBA could. Also, Wilson said that it should be noted that the property may be flooded in the future, given climate change and sea level rise. Bacon asked whether currently, the South Wellfleet General Store, is under lease. The answer is NA is paying for the option to lease. Bacon also asked whether the owner of the building would receive any percentage of the sales. The answer was no. NA explained that this was necessary, so that the owners would hold the property off the market while their application to the Town was pending. Bacon said she would like to consult the Town Meeting voters to see how many dispensaries they would like to see in town and where to have them. Wilson said that if we were to enter into a second host agreement we should lock in the 3%. She confirmed with the TA that this had not been done with AMP. She said she would be in support of a letter of non-opposition and that competition is good for business. Carlson asked whether Nature's Alternative had a business plan for that location and how many employees would be hired. NA intends to hire between ten and twelve employees and the intention is to be a year-round business. Zehnder said this was a new business and a new business model and that it's difficult to project what would happen, but there is an incentive to stay open and sell. Houk said the town voted overwhelmingly to allow both medical and recreational marijuana, but questions the location and the logistical parking and traffic issues associated with the location. Bacon would like to postpone this until the Special Town Meeting in the fall, to let the voters have some say. Reinhart said South Wellfleet is dead in the winter and that this kind of business might bring in other businesses and revive that section of the town. Reinhart also said that the town voted to allow both medical and recreational medical marijuana dispensaries everywhere in town. The license procedures are lengthy and complicated but we can at least allow NA to initiate the process with the State. Houk said we should respect the Town Meeting vote and move forward with this. Lilli-Ann Green, from the audience, spoke about the traffic dangers in regard with that intersection and corner. Carol Weiner, from the audience, asked about the status of the two host agreements that came before the Selectboard.

I move to issue a letter of non-opposition (support) for a Registered Marijuana Dispensary at 1446 State Highway State Route 6, the South Wellfleet General Store property and to authorize the Selectboard Chair to sign said agreement.

Motion: Houk Second: Wilson 3-0-2. Motion carries. Bacon and Carlson abstained.

I move to approve a Host Community Agreement for a Registered Marijuana Dispensary and an adult use Retail Marijuana Establishment at 1446 State Highway State Route 6, the South Wellfleet General Store property subject to final approval by the town's general counsel and to authorize the Selectboard Chair to sign said agreement.

Motion: Wilson Second: Houk 3-0-2. Motion carries. Bacon and Carlson abstained.

E. Discussion of Herring River Restoration Liability and Approval of Herring River Restoration Project MOU between Wellfleet & Truro [TA]

Martha Craig, representing the Friends of the Herring River came to the table. Wilson believes that there are still some errors in the MOU and that we should not enter in this agreement with Truro as written. The town of Truro owns land that may be affected in Phase One of the project. Truro is a property owner, not an abutter, as they are identified in the MOU. Reinhart believes this MOU should come from the Herring River Restoration Executive Council. Martha Craig, project manager of the Friends of the Herring River, addressed the BOS with her thoughts on this project. Craig said the BOS should look again at some of the language in the MOU, together with town counsel, and make sure they're comfortable with it, especially since this is an MOU between the two towns and the Park is not involved. Bacon believes the Park should be a party in the MOU, but Craig said that, because of the special role the Park plays, it would be better for the Park not to be included as an entity in this MOU. Wilson said that if Truro wanted to change its status in the MOU, this is probably a matter that should go before the Executive Council. She said we should be sure that the Selectboards of both towns were on the same page, had been given the same relevant information. Bacon would like to postpone this agenda item. Wilson would like to see an acknowledgment in the proposed MOU that the Truro understood that if it wished to change its status (to no longer be an applicant/proponent) in the implementation of Phase 1, that it would still be asked to provide letters of consent as a property owner to be submitted with certain permit applications, because of work that might be done on about 300' of low-lying road and two culverts owned by the Town. Some discussion of the possible liability to both towns and Town counsel's communication regarding this was discussed. Moe Barocus, a member of the Stakeholders Group brought up

I move to postpone the approval of the Herring River Restoration Project Memorandum of Understanding between the Towns of Wellfleet and Truro as presented for the Herring River Restoration Project, until further consultation with KP Law.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

Wilson confirmed with Craig that this would all be communicated to the Park.

F. Consultant Review [TA]

The TA presented an update on the Consultant (Brian Carlson, the previous Assistant Town Administrator) used by the Town for various procurement, writing some contracts, grant-writing and other projects. Houk said he requested this agenda item and wanted to know what we're getting for the money we're spending, \$500 a month. Hoort responded and said Carlson was hired for his knowledge of the town, knowledge of projects he used to work on for the Town and his certification as a procurement officer. Hoort said that, although he was now the only procurement officer on staff, that the new ATA would also

be trained in procurement which involves taking three different classes in Boston. Houk felt that it was best that people in Wellfleet be able to do such work – nothing against Brian. Reinhart said it made sense for Carlson Hoort clarified for Bacon that the ongoing staff re-organization that ½ of a position would be added. That a part-time Water Clerk would be hired. In response to a query about Joe Powers doing as much as he does, reassurance about Powers' appetite and qualifications for such work was provided.

VI. Town Administrator's Report

Hoort said that he would be having breakfast tomorrow morning with the TA's from Provincetown, Truro and Eastham to see how we can all work together better and possibly have an intermunicipal agreement between all four towns. Truro and Provincetown already have such an arrangement.

Bacon addressed the noise complaint at the Well restaurant and said that the owners of the Well were now aware that although they were given an entertainment license that ran until 1 AM, that they still had to abide by the Town's General Bylaw about noise. The owners offered the person who made the noise complaint a gift certificate and their apologies.

VII. Topics for Future Discussion

Wilson would like to discuss better communication with KP Law, with regard for their joint representation of Truro and Wellfleet during the Herring River Restoration Project process.

Wilson would like to revisit the parking fee increase. Other Board members have also been hearing about this issue.

Reinhart mentioned the letter from the Chamber of Commerce encouraging the Town to put together a Parking Task Force and to revisit the parking fees increase.

Bacon stressed the importance of a Parking Task Force.

Houk suggested we look at the location where the news dealer for a possible Town Hall annex.

Hoort asked if the Selectboard members who hadn't sent him their goals could please do so as soon as possible.

Wilson would like to address the appointment of a new Wastewater Management Authority (WMA) to move the Section 208 Plan forward. The Selectboard is currently the WMA.

Reinhart would like to see the shellfish shack on a future agenda.

VIII. Correspondence and Vacancy Report

IX. Minutes

I move to approve the minutes of 6.12.2018 as amended.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

X. Adjournment

I move to adjourn.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

The meeting was adjourned at 10:10 pm.

Respectfully submitted,

Radu D. Luca,

Executive Assistant to the Town Administrator

Public Records Materials of 6/26/18

1. Application for Food Truck business license – Kung Fu Dumplings (June 1, 2018)
2. One Day Beer and Wine License Application – Mass Audubon Wellfleet Bay (June 18, 2018)
3. Application to join a Town board – Tom Flynn to Water Commission (May 21, 2018)
4. Application to join a Town board – Michael Fisher to Conservation Commission (June 11, 2018)
5. Memo – Police Chief – Special Police Officers appointment / reappointment at NPS (June 1, 2018)
6. Application for the use of Town property – AIM Thrift Shop (June 19, 2018)
7. Application for the use of Town property – Chamber of Commerce (June 4, 2018)
8. Agreements – Community Preservation (multiple)
9. Agreement – Solar Site Control Agreement
10. Memo – Town Administrator – Parking lot at Banks and Commercial Streets (June 21, 2018)
11. Agreement – Community Host for Nature's Alternative, Inc. (June 11, 2018)
12. Memo – Herring River Restoration Project (May 22, 2018)
13. MOU – Herring River Restoration Project
14. Report – Town Administrator (June 23, 2018)
15. Memo – Principal Clerk – Correspondence and Vacancy (June 22, 2018)
16. Minutes -Draft (June 12, 2018)