



**Wellfleet Board of Selectmen
Minutes of May 9, 2017
Wellfleet Senior Center**

Present: Selectmen Dennis Murphy, Chair, Helen Miranda Wilson, Janet Reinhart, Berta Bruinooge, Jerry Houk; Town Administrator Dan Hoort, Assistant Town Administrator Brian Carlson;

Chairman Murphy called the meeting to order at 7 PM.

Announcements, Open Session and Public Comments

- ☐ Chairman Dennis Murphy welcomed the newest member of the Board of Selectmen Kathleen Bacon.
- ☐ Jerry Houk clarified that his vote was incorrectly printed in the recent article in the Banner stating that he voted in favor for the Cumberland Farms fuel tanks. He explained that he voted against the motion to deny the permit because he had not reviewed the plans, not because he was in favor of the fuel storage tank permit.
- ☐ Dick Elkin announced a public informational session on June 19, 2017 at the COA about a second round of Solarize Wellfleet and other energy efficiency measures by Cape Light Compact.
- ☐ Reatha Ciotti, Chair of the Wellfleet Library Trustees invited the public to attend a Community Forum at the Library on May 21 from 1 pm to 4 pm.

Murphy opened the public hearings at 7:07 pm.

Public Hearing: Request of Sheila Hoozeboom for Chapel of St. James Fisherman for a One Day Beer and Wine license at the Wellfleet COA on July 20, 2017 from 6pm – 10pm.

Sheila Hoozeboom requested the One Day Beer and Wine license at the Wellfleet COA on July 20, 2017 from 6pm – 10pm.

MOTION 217-315: Reinhart moved and Bacon seconded to approve the request of Sheila Hoozeboom for Chapel of St. James Fisherman for a One Day Beer and Wine license at the Wellfleet COA on July 20, 2017 from 6pm – 10pm. The motion passed 5-0.

Public Hearing: Request of Minina Benevento, Manager of Bocce Italian Grill LLC for alteration of licensed premises by adding additional service areas on the south side and north side of the bocce court. & Request of Sarah R. Robin, Manager of Flying Fish Café for an alteration of licensed premises to include proposed additions to the building.

Attorney Ben Zehnder representing Bocce Italian Bar and Grill and Flying Fish Café had requested that the two hearings to be continued until his late arrival due to a scheduling conflict.

MOTION 217-316: Wilson moved and Houk seconded to continue the hearing until Attorney Ben Zehnder arrives at 8:30 pm. Minina Benevento, Manager of Bocce Italian Bar and Grill was present to answer questions. Wilson wanted to know if the ZBA has granted the permit. Houk wanted to know if the seating would be increased and if the venue was licensed to serve food outside. Benevento said that food has never been served outdoors. Discussion ensued about serving alcohol outside. Wilson moved and Houk seconded to withdraw the motion. The motion passed 5-0.

MOTION 217-317: Reinhart moved and Bacon seconded to approve the request of Minina Benevento, Manager of Bocce Italian Grill LLC for alteration of licensed premises by adding additional service areas on the south side and north side bocce court. The motion passed 5-0.

Public Hearing: Request of Sarah R. Robin, Manager of Flying Fish Café for an alteration of licensed premises to include proposed additions to the building – continued until the arrival of Attorney Zehnder.

Licenses Renewals: Common Victualler's– Bol Organic Acai Bowls; Leaside Café; Solace Food Truck; Mainstay Motor Inn; **Food Truck** - Leaside Café; Solace Food Truck; **Used Car Dealer's License** – Slaibi Enterprises

Murphy read the applicants for license renewals. Wilson commented that Leaside Café and Solace Food Truck have not provided their Hawkers and Peddlers licenses with their applications, therefore approval cannot be granted.

MOTION 217-318: Wilson moved and Reinhart seconded to indefinitely postpone the licenses renewals for Leaside Café and Solace Food Truck. The motion passed 5-0.

Houk clarified that the Mobile Station was only licensed for three used cars, but did not see this for the current applicant Slaibi Enterprises, Inc.

MOTION 217-319: Reinhart moved and Wilson seconded to postpone the application of Slaibi Enterprises for a Used Cars Dealership License until more information is available. The motion passed 5-0.

Discussion ensued about requiring the presence of applicants for license renewals. Wilson requested a check list for all applications to ensure compliance and accuracy. Principal Clerk Jeanne Maclauchlan clarified that Slaibi Enterprise is requesting a renewal of the Used Cars Dealership license under the same terms that were recently approved for the Mobil Gas Station before the ownership transfer.

MOTION 217-320: Houk moved and Reinhart seconded to approve the application of Silabi Enterprises for a Used Car Dealership license and limit the number of used cars to three. The motion passed 5-0.

MOTION 217-321: Reinhart moved and Bacon seconded to approve the Common Victualler's license renewal for Bol Organic Acai Bowls. The motion passed 5-0.

MOTION 217-322: Reinhart moved and Houk seconded to approve the Common Victualler's license renewal for Mainstay Motor Inn. The motion passed 5-0.

Appointments: Mark Strauss to Cultural Council

Marcus Strauss expressed his interest to serve on the Cultural Council.

MOTION 217-323: Reinhart moved and Bacon seconded to appoint Marc Strauss to the Wellfleet Cultural Council with a term ending June 30, 2020. The motion passed 5-0.

Appointments: Ruth Marriott to the Recreation Committee

Ruth Marriott expressed her interest to serve on the Recreation Committee.

MOTION 217-324: Reinhart moved and Houk seconded to appoint Ruth Marriott to the Recreation Committee with a term ending June 30, 2020. The motion passed 5-0.

Use of Town Property: Requests: Murphy read all requests to use Town property as listed on the agenda and asked if the Board would like to vote on all of them or take them one at a time. The Board discussed all applications individually.

Use of Town Property: Request of Linda Newman Goetzel to use the Penny Patch on May 28, 2017, 2-8 pm for a wedding ceremony.

MOTION 217-325: Reinhart moved and Houk seconded to postpone the application of Linda Newman Goetzel due to lack of information for the number of the wedding guests. The motion passed 5-0.

Use of Town Property: Mike Lydon & Jen Harrison to use Indian Neck Beach on May 27, 2017, 2-4 pm for a wedding ceremony.

MOTION 217-326: Reinhart moved and Wilson seconded to approve the request of Mike Lydon & Jen Harrison to use Indian Neck Beach on May 27, 2017, 2-4 pm for a wedding ceremony with conditions as listed on the use form and use fee of \$100. The motion passed 5-0.

Use of Town Property:

1. Request of Lindsay Mahoney to use Indian Neck on July 8, 2017, 3-4 pm for a wedding ceremony;
2. Request of Capt. William D. Sprague, Barnstable County Technical Rescue Team to use White Crest Beach on May 11, 2017, 9 am – 4 pm to conduct a training on evacuating patient from the beach;
3. Request of Grant Reed dba Emanate Surf Project to use White Crest Beach for surf lessons May 20 – November 1 & beach clean-ups May 15 to December 31, 2017; sunrise to sunset;
4. Request of Ryan Garcia – Cape Side Surf School to use White Crest Beach for surf and SUP lessons and/or tours during daylight hours from May 15 to November 1, 2017.

MOTION 217-327: Reinhart moved and Wilson seconded to approve the use of town property with dates, times and fees as listed in the Selectmen's packet and conditions as listed on the use form for:

- Lindsay Mahoney, Indian Neck Beach on July 8, 2017
 - Captain William D. Sprague & the Barnstable County Technical Rescue Team, White Crest Beach on May 11, 2017
 - Grant Reed, dba Emanate Surf Project, White Crest Beach, May 20 to November 1 with beach clean-ups from May 15 to December 31, 2017
 - Ryan Garcia, Cape Side Surf School, White Crest Beach, May 15 to November 1, 2017.
- The motion passed 5-0.

Principal Clerk Jeanne Maclauchlan who had just talked on the phone with the mother of Linda Newman Goetzel clarified that the number of guests at the wedding will be 120 and the request to use the Penny Patch is for the ceremony only, weather permitting. Reinhart wanted to know the time frame and wondered if the parking spaces taken by the guests of this wedding on Memorial Day weekend would impact the downtown accessibility for residents and visitors, and suggested asking the guests of this wedding to park at the Marina or charge extra \$100 for parking. Wilson said it would be better if the guests were shuttled. Houk was concerned with enforcing the requirement to shuttle the guests. Police Chief Ronald Fisette did not see any issue with the parking situation.

MOTION 217-328: Bacon moved and Reinhart seconded to approve the request of Linda Newman Goetzel to use the Penny Patch on May 28, 2017 from 2 pm to 8 pm for a wedding ceremony with conditions as listed on the use form and use fee of \$100. Houk added the shuttle bus requirement for the wedding guests. The motion passed 5-0.

Business: Reorganization of the Board of Selectmen

MOTION 217-329: Reinhart moved and Wilson seconded to nominate Dennis Murphy to be the Chair of the Board of Selectmen. Murphy accepted the nomination. The vote passed 4-0-1 (Murphy abstained).

MOTION 217-330: Murphy moved and Wilson seconded to nominate Janet Reinhart to be the Vice Chair of the Board of Selectmen. The motion passed 5-0.

MOTION 217-331: Murphy moved and Wilson seconded to nominate Kathleen Bacon to be the Clerk of the Board of Selectmen. The motion passed 5-0.

Business: Dredging Task Force update

Paul Pilcher and Joe Aberdale briefed the Selectmen on the status of the efforts to secure funding for dredging the Harbor. Pilcher said that the Harbor Dredging task force has been working on this since 2015, but all attempts so far have been unsuccessful. He summarized the steps taken to advance the project: meetings with Duxbury, State Officials, the Army Corps of Engineers, studies, applications and permits. He went over a one-page¹ bullet point summary on why it is so important to dredge the Harbor. He said that there is a possibility that the Town may be unable to dredge the Federal Channel in the near future due to lack of federal funding. If no funding were to be identified, the total cost to the Town is estimated to be about \$10M for the federal channel. This would result in increase of the cost of the average tax bill between \$175 and \$250 depending on the borrowing conditions if no state or federal funding is available. He said that the task force will continue to make efforts to secure funding, but there are no guarantees. Murphy mentioned an issue with the habitat of box turtles, which may possibly require a \$10K to \$15K contribution to the Turtle Mitigation Fund. Pilcher explained that this matter has not yet been resolved and will be presented to the Board at a future meeting. Aberdale explained that the dredging of the federal channel has typically been the responsibility of the Army Corps of Engineers. Tom Flynn wanted to know if the Town would be allowed to dredge the federal channel. Terkanian said that it would be preferred that the Army Corps of Engineers deal with the federal channel dredging. Murphy said that the task force has done a tremendous job, but the funding is very competitive and there are no guarantees. Jean Brooks wanted to know who needs to be contacted to show support of this project. Wilson suggested having all affected Town boards and committees submit comments in support of this project. Reinhart encouraged everyone with connections with state and federal officials to contact them in support of the project. The discussion concluded with no action taken by the Selectmen.

Business: Update on the Police Station Renovation Project

Harry Terkanian, Chair of the Building and Needs Assessment Committee thanked the Department of Public Works for their very high level of cooperation with the Police Station Renovation Project. Police Chief Ron Fisette said that on April 6 the Police Department moved out of the Police Station and is in full operation from the temporary location. The Police Station is now being worked on by the general contractor and to-date the interior demolition is done and exterior work is in progress. So far there have been no major obstacles and the contractor is on schedule to complete the project in February of 2018. Terkanian said that the big-ticket item is the required lift, but its cost will be under the reserved \$410 K for elevator. There has been a change order for \$23,600 for relocation of the water line. Police Chief Ron Fisette said that updates of the project are posted on the web site. No action was taken by the Board.

Business: Wellfleet Arbor Group – Town Hall Commons project update

Trudy Vermehren, Tim Callis, Sara Mato, Kai Potter and Su Nicholson presented an update on the Town Hall Common project. They said that a public meeting was held on April 27, and changes to the project were made based on the public comments received. An updated plan was on display for the Selectmen and audience. Wilson and Bacon expressed their support for this new re-design. Bacon also expressed support and appreciation that the re-design was because of the public comments and input. Murphy said that the granite stones from the old Railroad bridge might be available for the granite for the proposed granite wall. Vermehren asked for the full support of the Board and liked the idea of granite from the old railroad bridge.

MOTION 217-332: Wilson moved and Reinhart seconded to approve the proposal as was received on May 9, 2017 by Wellfleet Arbor Group “The Wellfleet Town Hall Common Project” and to authorize them to proceed with the implementation of the project as presented this evening. Houk wanted to know if the flower boxes at the Marina will be utilized at some future point. Vermehren said that there are future proposals that the group would like to take on in the future for planting trees and flowers at various locations. The motion passed 5-0.

Business: Wellfleet Memorial Garden Proposal

Todd Le Bart and Jean Brooks presented a request for a memorial garden on the Penny Patch lot as discussed with the Board in July 2015.² The plan was included with the meeting packets. Bacon provided comments and requested revisions of the plan. Bacon had questions about the fencing and did not support the split rail fencing and asked for alternatives. She wanted to know what would happen to the memorial benches – they will stay; she wanted to know what determines the growth of beach trees. She wanted to know the size of the proposed shed. Bacon found this ambitious and wanted to know about the maintenance and the locations of trash receptacles. Le Bart talked about fundraising efforts and community support for the maintenance. Brooks addressed Bacon's concerns. Wilson expressed support for the project and asked that the area not be overcrowded with plantings in order to have it mature to its full capacity. Terkanian expressed support for this project and the Wellfleet Arbor group.

MOTION 217-333: Wilson moved and Reinhart seconded to approve the proposal for the Wellfleet Memorial Garden as presented on May, 9, 2017. The motion passed 5-0.

Business: Change order for Route 6 redesign

Jill McLaughlin from Stantec Consulting Services Inc went over the request for change order #2, She explained that the road safety audit was completed on March 16, 2017 and the report has been reviewed by MassDOT. The two new requirements by MassDOT are monthly design schedules and concept design submission – therefore the request for the change order to cover the additional time. Wilson asked for a clarification on the meetings held with Town officials and the evaluation of traffic circle. She said a majority of Town residents are opposed to a roundabout. Moe Barocas suggested placing a “No Left Turn” sign on the east side of Route 6 by the Outer Cape Health Pharmacy. Police Chief Ron Fisette explained that this option has been considered, but since Route 6 is a State property, the Town does not have the authority to put a sign.

MOTION 217-334: Bacon moved and Wilson seconded to approve change order #2 for Route 6 redesign for \$27,753.44 as requested by Stantec Consulting Services Inc. on January 25, 2017. The motion passed 5-0.

Business: Letters of support for CDBG and Community Scape Housing Initiative funding application to DHCD for Paine Hollow project

Ted Malone presented three requests for letters of support - to the CDBG, the ZBA and the Community Scape Housing Initiative funding application to DHCD for the Paine Hollow project. Wilson said that the Board has already demonstrated support for these projects and did not feel it was appropriate to direct the ZBA, and they knew the Board was in support of the Project. Malone explained that the need for the letter to the ZBA is no longer needed, because technical assistance from the State has already been secured by the ZBA. Roger Putnam, Chair of the ZBA said that the ZBA has been working closely with Malone on this process and thanked the Murphy for signing the application for technical support.

MOTION 217-335: Reinhart moved and Wilson seconded to submit a letter to the Undersecretary of MA Department of Housing and Community Development in support of the rental housing funding application by the Community Housing Resource, Inc. for the 120 Paine Hollow Road development in a form substantially the same as the attached to be signed by the Chair of the Wellfleet Board of Selectmen. The motion passed 5-0.

MOTION 217-336: Reinhart moved and Bacon seconded to submit a letter of support for CDBG Reserves - Paine Hollow Road Rental Housing Site Improvements/ Infrastructure in a form substantially the same as the attached to be signed by the Chair of the Wellfleet Board of Selectmen. The motion passed 5-0.

Public Hearing: Request of Sarah R. Robin, Manager of Flying Fish Café for an alteration of licensed premises to include proposed additions to the building

Attorney Ben Zehnder and Sarah Robin presented the request for an alteration of licensed premises to include proposed additions to the building and asked for the Board's support. Wilson asked if the Conservation Commission had given their approval and Robin confirmed they had voted their approval. Reinhart wanted to know if this will increase the seating capacity. The answer was no.

MOTION 217-337: Bacon moved and Reinhart seconded to approve the request of Sarah R. Robin, Manager of Flying Fish Café for an alteration of licensed premises to include proposed additions to the building. The motion passed 5-0.

Business: Renewal of Concessions Contract at Maguire Landing

Wilson said that Solace Food Truck does not have a license to operate yet, and the address on the application listed as 53 Avery Drive does not exist per the Town Assessor and Tax Collector. Hoort suggested to indefinitely postpone this request.

MOTION 217-338: Reinhart moved and Bacon seconded to table the request for renewal of the concessions contract at Maguire Landing with Solace Food Truck for \$2,001. The motion passed 5-0.

Business: Approval of contract with Site Specifics, Inc. for new playground equipment

Becky Rosenberg, Recreation Director asked for the Board's approval for the approval of the contract for the new playground. The Board discussed the playground equipment.

MOTION 217-339: Bacon moved and Wilson seconded to approve the contract with Miracle Recreation dba Site Specifics for supply and installation of playground at Baker Field in the amount of \$115,471. The motion passed 5-0.

Business: Discussion of vegetative windscreen for the Tennis Courts project

Becky Rosenberg, Recreation Director presented a proposal for vegetative windscreen for at the Baker Field tennis courts for \$22,800. She confirmed that funds are available in the form of \$8,000 grant from the American Tennis Court Association and funds already appropriated for this project. Murphy wanted to know if salt spray has been considered. Rosenberg confirmed that the landscaping company Bayberry Gardens will guarantee the plants for three years. Wilson expressed concerns about planting privet hedges in this area. Bacon wanted to know who will take over the maintenance of the vegetation. Rosenberg said that the maintenance has not been discussed with the DPW yet, but once the three-year maintenance contract with Bayberry Gardens expires, she would reconsider renewing it, or asking the DPW to take over the maintenance. Houk was concerned that the DPW has been understaffed and did not know how this new projects will be maintained by the DPW. Paul Pilcher and Dan Giosa talked about the need for a protective screen at the tennis courts and encouraged the Board to approve this request. Discussion ensued about future maintenance costs. Suzanne Grout Thomas supported the continuation of the maintenance contract with Bayberry Gardens.

MOTION 217-340: Reinhart moved and Bacon seconded to approve the privet windscreen installation for the tennis courts. The motion passed 3-2 (Houk and Wilson).

Business: Contract with Purrfect Cleaning Services, Inc for cleaning of specific Town Building restrooms.

MOTION 217-341: Bacon moved and Wilson seconded to approve the contract with Purrfect Cleaning Services, Inc. for cleaning of specific Town Building Restrooms for \$29,320. The motion passed 5-0.

Business: Approval of Contract with M.A. Frazier for porta toilets, maintenance and cleaning

MOTION 217-342: Houk moved and Wilson seconded to approve the contract with M.A. Frazier for porta toilets, maintenance and cleaning from the date of execution through November 1, 2017 in the amount of \$74,290. The motion passed 5-0.

Business: Approval of Contract with WhiteWater, Inc. for Wellfleet Municipal Water System operations

MOTION 217-343: Wilson moved and Reinhart seconded to approve the four hours per day, five days a week contract for Water Operator services for the Wellfleet Municipal Water System to be awarded to White Water, Inc. for \$74,929 as a base contract price with \$25,000 as a contingency fund and 2.5% escalation factor for the period from August 1, 2017 to July 31, 2018 and an option for three annual renewals at the discretion of the Board of Water Commissioners and Board of Selectmen, contingent upon a vote of approval of the Board Water Commissioners. Miteva said that the procurement and the contract have been reviewed by the Board of Water Commissioners, and will be on their agenda for approval on May 16. Houk reminded that the hire of the Assistant DPW Director was conditioned on obtaining a license to run and operate the Water System. Murphy suggested addressing Houk's comments in a future meeting. Hoort said that the BWC will be coming to a future BOS meeting to discuss the Wellfleet Municipal Water System Master Plan and water quality issues. The motion passed 5-0.

Business: Approval of petition of Eversource to place approximately 70 feet of cable/conduit under the public way on Highland Ave and Hiller Ave to provide electric service to the customer at 70 Hiller Ave.

MOTION 217-344: Reinhart moved and Wilson seconded to approve the petition of Eversource to place approximately 70 feet of cable/conduit under the public way on Highland Ave and Hiller Ave to provide electric service to the customer at 70 Hiller Ave. The motion passed 5-0.

Town Administrator's Report³ – no additions.

Topics for Future Discussion

- Wilson expressed concerns and a question from a bicyclist about the dangerous intersection at Cahoon Hollow and Ocean View Drive and asked what has been considered for the coming season.
- Wilson wanted to know if the meetings could begin earlier.
- Hoort asked if the Board would like to have a separate meeting for Cape Light Compact JPE on May 16 and the Selectmen unanimously agreed that the additional meeting is necessary.
- Murphy proposed to have a six-month evaluation of the Town Administrator.
- Wilson suggested that the TA gets to evaluate the Board.
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Correspondence⁴ and Vacancy⁵ Report

- Reinhart mentioned the complaint about the petite oysters harvesting.

Minutes

MOTION 217-345: Wilson moved and Reinhart seconded to approve the minutes of March 28, 2017⁶ as amended by Wilson. The motion passed 5-0.

MOTION 217-346: Wilson moved and Reinhart seconded to approve the minutes of April 11, 2017⁷ as amended by Wilson. The motion passed 5-0.

Adjournment

MOTION 217-347: Reinhart moved and Murphy seconded to adjourn the meeting at 10:41 pm. The motion passed 5-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials:

¹ Why Dredge the Wellfleet Harbor handout dated 5/8/17 by Paul Pilcher

² Penny Patch memorial garden proposal by Todd Le Bart, July 2015

³ TA Report of May 5, 2017

⁴ Correspondence report of May 9, 2017

⁵ Vacancy report of May 5, 2017

⁶ Draft minutes of March 28, 2017

⁷ Draft minutes of April 11, 2017