



**Wellfleet Board of Selectmen
Minutes of May 23, 2017
Wellfleet Senior Center**

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

Chairman Murphy called the meeting to order at 6:15 PM.

EXECUTIVE SESSION (CONFERENCE ROOM at 6:15 PM)

MOTION 217-350: Murphy moved and Wilson seconded pursuant to G.L. c. 30A, §21(a)(3) to go into executive session to discuss strategy with respect to collective bargaining and litigation if the Chair declares that an open meeting may have a detrimental effect on the Town's bargaining and litigating position, the Board will review the status and strategy regarding Cumberland Farms, Inc. v. Dennis Murphy, et al. as the Board of Selectmen, Land Court C.A. No. 17 MISC 000247 (KCL). After the executive session is adjourned, the Board will reconvene in open session at 7 PM. The motion passed by a roll call vote where each Murphy, Reinhart, Wilson, Houk and Bacon said "Aye".

PUBLIC SESSION (LONG POND ROOM at 7:00 PM)

Announcements, Open Session and Public Comment [7:00]

- Wilson announced the 25th Annual fundraising event to benefit S.E.A Scholarship Fund on May 27 at the Transfer Station.
- Reinhart thanked Kathleen Bacon for maintaining the plantings in the boats at the intersection of Commercial and East Commercial Street.
- Police Chief Ron Fisette mentioned that the Memorial Day service will close Main Street for a brief time and that Law enforcement torch run for Special Olympics will be held on Thursday June 1, starting at 5:00 am in Provincetown, arriving in Wellfleet about 7:00 am, and finishes in Bourne in the evening.
- Stephanie Hutton representing the Cape Cod Commission announced the One Cape Summit will be held on June 22-23, 2017; more details to follow.

Public Hearing(s) [7:05]

Application of Finley JP's, John Pontius, Manager, 554 State Highway, Wellfleet, MA to transfer the Annual All Alcoholic Restaurant License from Finely JP's to C Shore, Kelly Oakes, Manager

Kelly Oaks presented the request to transfer the Annual All Alcoholic Restaurant License from Finely JP's to C Shore. She said that the new establishment will serve eclectic farm-to-table food and will open as soon as the Board approves the request. Houk wanted to know if a new license is required and if it will be allowed to sell alcohol before the ABCC approves the request. Oakes said that the premises are leased, and the current owner will remain on the books. Houk said that this must be further investigated. Murphy said that it may be a liability and did not feel that this will work under the current arrangements. Oakes said that they have purchased liquor liability insurance. Bacon reminded the Board there was a similar situation with the Mobil station.

MOTION 217-350: Reinhart moved and Bacon seconded to approve the Application of Finley JP's, John Pontius, Manager, 554 State Highway, Wellfleet, MA to transfer the Annual All Alcoholic Restaurant License from Finely JP's to C Shore, Kelly Oakes, Manager. The motion passed 5-0.

Application of Hardas Corp to amend the underground fuel storage license at 2619 State Highway, Route 6. Said amended license will provide for the storage of 20,000 gallons.

Attorney Ben Zender explained that this is a State mandated tank replacement. He said that the current owner would like to increase the tank capacity from 16,000 to 20,000 gallons. This will result in fewer trips to deliver fuel. The owner Patel said that the current tank was placed in 1934, and answered Wilson's question by saying that the work is anticipated to take place in the fall or early winter.

MOTION 217-351: Houk moved and Bacon seconded to table the Application of Hardas Corp. to amend the underground fuel storage license at 2619 State Highway, Route 6 until the next Board's meeting. Zehnder said that in two weeks no new information will be presented and urged the Board to approve the request. Wilson said that there is no need for Zehnder and Patel to attend the next meeting and explained that the delay is in order to get more information. Zehnder presented a MOU about fuel storage tanks. Chief Pauley spoke about the differences between license and permit, and said that the Board can condition the approval and revisit it if needed. Houk moved to continue the public hearing to June 13. Bacon seconded the amended motion passed 5-0.

Appointments/Reappointments

Police Chief Fisette recommended the reappointments and appointments of the proposed officers. Murphy read their names as listed on the agenda.

MOTION 217-352: Wilson moved and Reinhart seconded to approve the following:

- A. Reappointment of full-time police officers with term from July 1, 2017 to June 30, 2018:
 - Ryan Murphy
 - Laecio De Oliveira
 - Mark Braun
 - Ryan Golden
- B. Reappointment of Special Police Officers with term from July 1, 2017 to June 30, 2018:
 - Scott Higgins
 - Jonathan Hale
 - Jerre Austin
 - Bryan Dufresne
 - Marc Spigel
 - Nicholas Daley
 - Kyle Kochanowicz
 - Desmond Keogh
 - John Szucs
- C. Reappointment of Special Police Officer with term from July 1, 2017 to June 30, 2018:
Chaplain: Paul Cullity. The motion passed 5-0.

Use of Town Property Request: Emily Wettleson/Roaming Hunger to use two parking spaces at Mayo Beach on May 31, 2017 from noon to 6 pm to distribute promotional candies.

Wilson explained that Roaming Hunger is an umbrella organization for food truck operations. In her opinion this request should be for a food truck license.

MOTION 217-353: Bacon moved and Wilson seconded to not approve the request of Emily Wettleson/Roaming Hunger to use two parking spaces at Mayo Beach on May 31, 2017 from noon to 6 pm to distribute free samples of promotional packaged candy. Houk said that he did not like the idea of having

candies given away. Wilson said that it is the choice of the business to give away free samples, but there is no food truck application. Murphy said that ten department heads have approved the request. Reinhart agreed with Wilson on the food truck application, but said that she will vote to approve the request. Hoort explained that no food will be prepared in the truck and the venue is a promotional van. Harriet Korim said that the food will be packaged and recycling should be considered. Tom Flynn said that this is not a food truck, but a promotional vehicle. The motion passed 3-2 (Reinhart and Murphy).

Use of Town Property Request: Zach Pawa/Sacred Surf School to use White Crest Beach 6/1-8/31

Zack Pawa presented his request to use White Crest Beach from June 1 to August 31, 2017, 9 am-5 pm for surf lessons and answered Selectmen's questions about beach stickers and parking.

MOTION 217-354: Wilson moved and Reinhart seconded to approve the request of Zach Pawa/Sacred Surf School to use White Crest Beach from June 1 to August 31, 2017, 9 am-5 pm for surf lessons with a use fee of \$350, provide proof of liability insurance to be provided and with conditions as listed on the use form. The motion passed 5-0.

Use of Town Property Request: Eric Gustafson to use Chipman Cove/Indian Neck, Paine Hollow, Duck Harbor, Long Pond & Herring River, May 1-November 1, 2017 for SUP, surf & kitesurf lessons.

Houk expressed concerns about having these lessons on Long Pond, because that beach is already overcrowded. Suzanne Grout Thomas, Community Services Director explained that SUP were moved from Gull Pond to Long Pond per her request and they will be held very early in the morning to avoid congestion.

MOTION 217-355: Wilson moved and Reinhart seconded to approve the request of Eric Gustafson/Fun Seekers to use Chipman Cove/Indian Neck, Paine Hollow, Duck Harbor, Long Pond, Gull Pond, Herring River from May 1 to November 1, 2017 with hours of use approved by the Beach Administrator, for stand-up paddle, surf, windsurf and kitesurf lessons with a use fee of \$350, proof of liability insurance to be provided and with conditions as listed on the use form. The motion passed 5-0.

Use of Town Property Request: Cape Cool to use the Transfer Station Swap Shop on 5/27

Harriet Korim presented the request of CapeCool to use the Transfer Station for 25th Annual fundraising event to benefit S.E.A Scholarship Fund on May 27 and explained the nature of the fundraising event. Hoort said that the applicant had refused to pay the \$50 processing fee and asked the Board to address waivers in the future. Discussion ensued. Wilson said that the fee should be paid based on the current policy. Principal Clerk Jeanne Maclauchlan said that everyone is required to pay the \$50 processing fee. Houk suggested that the processing fee can be waived by the Board.

MOTION 217-356: Bacon moved and Wilson seconded to approve the request of Harriet Korim/Cape Cool to use the Transfer Station Swap Shop and surrounding parking area for the 25th Annual Fundraiser for Swap Shop Ecology Action (S.E.A) prize and scholarship fund on May 27, 2017 from 8 am to 3 pm with a \$50 processing fee and no use fee and with conditions as listed on the use form. The motion passed 4-1 (Houk).

Licenses: Common Victualler's License for 1. Leaside Café; 2. Solace Food Truck; 3. C Shore

Licenses: Food Truck License Renewal for Solace Food Truck

Michael Banghart presented his request for Food Truck and Common Victualler's license renewals for Solace Food Truck. Wilson wanted to know why the information was not provided in the packets. Hoort explained that for license renewals full application documents are not required to be provided, but he confirmed that he had checked and verified that the application was complete. Banghart answered Wilson's questions about the exact location of the applicant's address.

MOTION 217-357: Reinhart moved and Bacon seconded to approve the Food Truck License renewal for Solace Food Truck. The motion passed 5-0.

Muro Van Meter presented his request for a Common Victualler's license for the Leaside Café.

MOTION 217-358: Reinhart moved and Bacon seconded to approve the Common Victualler's License renewal for the Leaside Café. The motion passed 5-0.

MOTION 217-359: Reinhart moved and Wilson seconded to approve the Common Victualler's License for Solace Food Truck. The motion passed 5-0.

MOTION 217-360: Reinhart moved and Bacon seconded to approve the Common Victualler's License for C Shore. The motion passed 5-0.

Reinhart wanted to know if Finely JP's had an entertainment license. Discussion ensued about the hours of entertainment. Hoort said that the time frame for entertainment will be from 1 pm to 1 am. Concerns about the noise levels were raised. Bacon wanted to postpone this. Jeanne said that this request has been approved by the Board for Finely JP's previously.

MOTION 217-361: Bacon moved to postpone the Weekday Entertainment License for C Shore (formerly Finely JP's) until the new owner can present an entertainment plan. Houk seconded with the amendment to postpone it to June 13, 2017. The motion passed 4-1 (Reinhart).

Business: Review of request to consider incorporating the abandoned portion of road on Map 47 to the greenbelt of Great Woods Field development

Michael Ford presented his request to consider incorporating the abandoned portion of road on Map 47 to the greenbelt of Great Woods Field development. He began with an introduction of his original request to the Board by reading supporting documents as provided with the meeting materials. Murphy explained that the Board of Selectmen cannot approve abandonment of a Town road, because it is the decision of Town Meeting, and must pass by two-thirds vote before going to an RFP for sale. Murphy wanted to better understand the road and its nature at the present time. Ford referred to the road plans. Discussion ensued. Wilson wanted to know if the previous owner, Mr. Dill, had been granted the portion of the road in 1933. Ford said that per Land Court ruling, this is a road owned by Dill. Reinhart encouraged the Board to move this forward and to have this matter resolved. Murphy said that consideration has been given to connect this road to the Old Kings Highway as a bypass road. Murphy felt that this should be surveyed before any decision is made. Houk referred to the 1985 Planning Board letter provided in the packets. Gerry Parent, Planning Board Chair clarified the status of neighboring properties per Land Court and gave a background history of the neighboring cluster development and findings. According to him, stating that the road has been abandoned is not an accurate statement, and it was not worth the effort and money to survey this road. Murphy said that if the road is approved for disposition, more tax money will be generated. Wilson wanted to find out more about this road, but felt that it should be considered.

MOTION 217-362: Wilson moved and Reinhart seconded to direct all Town Boards and Committees to review the request for discontinuing the portion of road on Map 47 and report to the Board of Selectmen. Discussion ensued. Parent said that there is a benefit to the Town to retain ownership. The motion passed 5-0.

Business: Renewal of concessions contract at Maguire Landing - Solace Food Truck, Michael Banghart

MOTION 217-363: Reinhart moved and Bacon seconded to vote to approve a renewal of the concessions contract at Maguire Landing with Solace Food Truck for \$2,001. The motion passed 5-0.

Business: Authorize the TA to sign a contract for Wellfleet Police Station - Material Testing & Inspection services for up to \$7,500

Hoort answered Murphy's question as to whether this soil testing was needed by saying that the OPM has asked for this because it is a Code requirement.

MOTION 217-364: Bacon moved and Reinhart seconded to authorize the TA to sign a contract for Wellfleet Police Station - Material Testing & Inspection services for up to \$7,500. The motion passed 5-0.

Business: Discussion of Animal Control Officer

Police Chief Ronald Fisette explained the Animal Control Officer (ACO) position as it existed in the past and the need for it to be under the supervision of the Police Department. He asked for the Board's support to reclassify the position. He confirmed that this position already exists, and re-classification of shifting it to the Police Department would not require a full-time officer. Murphy wanted to know the cost involved with this. Wilson wanted to know what kind of licenses are involved, and agreed that there is a need for ACO in Town at all times. Bacon said that Wellfleet always had an ACO and wanted to understand what is different now. Reinhart spoke in favor of this, but wanted to understand the current budgeting for this position.

MOTION 217-365: Bacon moved and Reinhart seconded to transfer the Animal Control Officer from the supervision of the Town Administrator to the Wellfleet Police Department. The motion passed 5-0.

Business: Discuss and authorize a net metering contract with CVEC

Liz Argo, Manager of CVEC and Leo Cakounes, President of CVEC requested an approval of the letter of intent (LOI) to reserve capacity and municipal space for net metering credits. Wilson said that additional information has been received with questions that she felt should be answered. Dick Elkin said that the Energy Committee has discussed the topic, but has not reviewed the proposal. Argo addressed concerns and questions about the RFQ and contracts with different towns and school districts. She said that this is an opportunity for Wellfleet and encouraged the Board to approve the LOI. Murphy wanted to know more about the financial viability of this entity in three to five-years. Wilson asked how many towns have joined. Argo answered by saying that no other towns have joined, because this request is just a letter of intent. Argo said that the X-Rex phased out, but there are X-Rex extensions coming up and this is to see what Towns are interested to participate when the new X-Rex become available. The Selectmen discussed whether to wait for the Energy Committee's recommendation. Elkin said that there is no harm in approving a LOI. Argo said that the motion can be made contingent on Energy Committee recommendation and legal review.

MOTION 217-366: Wilson moved and Bacon seconded to approve the net metering power purchase Letter of Intent with CVEC contingent upon an Energy Committee recommendation for this approval. The motion passed 5-0.

Business: Creation of Recycling Gift Fund

Hoort explained the need for gift funds to provide an opportunity to people who love Wellfleet to donate to the Town. Hoort answered Reinhart's question about the need for specific accounts rather than a general gift fund by saying that it will be easier to track separate funds. Bacon liked the idea. Wilson wanted to know who the gatekeeper of these funds will be. Hoort said that the Recycling Committee will govern the Recycling Gift Fund and the Board of Selectmen will govern the Beautification Gift Fund. Bacon suggested sending a "Thank You" note to Nicole, who will be planting the flower boxes at the Marina.

MOTION 217-367: Bacon moved and Reinhart seconded to establish a special gift fund account to receive donations and other revenue for the Recycling Committee, pursuant to Massachusetts General Laws Chapter 44, Section 53A, the proceeds of which shall be used without further appropriation under the supervision of the Town Administrator and the Board of Selectmen. The motion passed 5-0.

Business: Creation of Beautification Gift Fund

MOTION 217-368: Bacon moved and Houk seconded to establish a special gift fund account to receive donations and other revenue for Wellfleet Beautification, pursuant to Massachusetts General Laws Chapter 44, Section 53A, the proceeds of which shall be used without further appropriation under the supervision of the Town Administrator and the Board of Selectmen. The motion passed 5-0.

Business: Sign MOA¹ with Cape Cod Commission for DLTA Fund Grant

MOTION 217-369: Bacon moved and Reinhart seconded to approve and sign MOA with Cape Cod Commission for a DLTA Fund Grant for \$20,000. The motion passed 5-0.

Town Administrator's² Report – no additions.

Topics for Future Discussion

- Reinhart – continue with the efforts for the Harbor dredging.
- Wilson – consider with the Board of Health and DPW adding more hours for the people who are running the Swap Shop

Correspondence³ and Vacancy⁴ Report

Wilson said that a member of the Board should be appointed as a liaison to the Energy Committee or change the committee's charge so that it wouldn't be necessary.

Minutes

MOTION 217-370: Wilson moved and Reinhart seconded to approve the minutes⁵ of April 24 as amended by Wilson. The motion passed 5-0.

MOTION 217-371: Wilson moved and Reinhart seconded to approve the minutes of May 9⁶, 2017 as amended by Wilson. The motion passed 5-0.

Adjournment

MOTION 217-372: Reinhart moved and Bacon seconded to adjourn the meeting at 9:58 pm. The motion passed 5-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials

¹ MOA with Cape Cod Commission for DLTA Fund Grant

² TA Report of May 19, 2017

³ Correspondence Report of May 23, 2017

⁴ Vacancy Report of May 19, 2017

⁵ Draft Minutes of April 24, 2017

⁶ Draft Minutes of May 9, 2017