



**Wellfleet Board of Selectmen
Minutes of June 13, 2017
Wellfleet Senior Center**

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

Regrets: Janet Reinhart

Chairman Murphy called the meeting to order at 7:00 PM.

Announcements, Open Session and Public Comment

- Bacon thanked everyone who participated at the Memorial Day ceremony at the Congregational Church.
- Wilson announced that on June 19 there will be a training session on Open Meeting Law and Conflict of Interest Law from 5:30 pm to 7:30 pm at the Library.
- Hoort announced that applications for the Herring River Restoration Project Stakeholders Group will be available on the web site, and interested parties should apply.

Murphy opened the public hearings at 7:05 pm.

Public Hearing: 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 (*continued from May 23*)

MOTION 217-373: Bacon moved and Wilson seconded to approve the 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. Houk wanted to make sure that the new tanks will have all the necessary protections. Bacon asked if chargers for electric vehicles will be considered. Hardas will check if this will be possible. The motion passed 4-0.

Public Hearing: Application of Wellfleet Harbor Actors Theater for a One-day All Alcohol License for a special event on July 24, 2017

MOTION 217-374: Wilson moved and Bacon seconded to approve the application of Wellfleet Harbor Actors Theater for a One-day All Alcohol License for a special event on July 24, 2017. The motion passed 4-0.

The public hearings were closed at 7:08 pm.

Appointment of Jed Foley to the Recycling Committee with a term ending June 30, 2020.

Jed Foley expressed his interest to serve on the Recycling Committee.

MOTION 217-375: Bacon moved and Wilson seconded to appoint Jed Foley to the Recycling Committee with a term ending June 30, 2020. The motion passed 4-0.

Appointment of Christine Shreves to the Recycling Committee with a term ending June 30, 2020.

Lydia Vivante recommended the appointment of Christine Shreves to the Recycling Committee.

MOTION 217-376: Bacon moved and Wilson seconded to appoint Christine Shreves to the Recycling Committee with a term ending June 30, 2020.

Appointment of Deborah Freeman to the Conservation Commission with a term ending June 30, 2020.

Deborah Freeman expressed her interest to serve on the Conservation Commission.

MOTION 217-377: Bacon moved and Wilson seconded to appoint Deborah Freeman to the Conservation Commission with a term ending June 30, 2020. The motion passed 4-0.

Reappointment of Joseph Powers to the position of Wellfleet Town Clerk for a term of three years from July 1, 2017 to June 30, 2020.

MOTION 217-378: Wilson moved and Bacon seconded to reappoint Joseph Powers as the Town Clerk for a 3-year term ending June 30, 2020. The motion passed 4-0.

Reappointment as Special Police Officers

MOTION 217-379: Bacon moved and Wilson seconded to reappoint Leslie Reynolds, Craig Thatcher, Christopher Hartsgrrove, Christopher Anderson, W. Russell Hughes, Ryan Peterson, Timothy Morrison, Eric Trudeau, Seth DiGiacomo and Megan Farrell from July 1, 2017 through June 30, 2018. The motion passed 4-0.

Board/Committee/Commission Reappointments as listed in the meeting packet.

MOTION 217-380: Wilson moved and Bacon seconded to reappoint the incumbents to serve on Town Boards/Committees/Commissions with terms and names as listed in the meeting packets. The motion passed 4-0.

Use of Town Property: AIM Thrift Shop to use Town Hall driveway on July 29, 2017 (rain date August 5) from 8:30 am to 10 am for the 9th Annual AIM Art Sale.

MOTION 217-381: Wilson moved and Bacon seconded to approve the request of AIM Thrift Shop to use Town Hall driveway on July 29 (rain date August 5) from 8:30 am to 10 am for the 9th Annual AIM Art Sale with no use fee and with conditions as listed on the use form. The motion passed 4-0.

Use of Town Property: Old Wharf Dory Co to use Mayo Beach on September 23, 2017 from 11 am to 3 pm for the 5th Annual Wellfleet Rowing Rendezvous

Walter Baron presented his request for the 5th Annual Rowing Rendezvous on September 23 at Mayo Beach. Bacon spoke very highly of the event and encouraged the public to participate.

MOTION 217-382: Bacon moved and Houk seconded to vote to approve the request of Old Wharf Dory Co to use Mayo Beach on September 23 from 11 am to 3 pm for the 5th Annual Wellfleet Rowing Rendezvous with no use fee and with conditions as listed on the use form. The motion passed 4-0.

Use of Town Property: SICKDAY, Inc/Olaf Valli to use Whitecrest Beach 6/1/17-12/31/ for surfboard, skimboard, bodyboard, SUP lessons, beach clean-ups and basic waterman instruction.

MOTION 217-383: Wilson moved and Bacon seconded to approve the request of SICKDAY, Inc/Olaf Valli to use Whitecrest Beach from June 1 to December 31, 2017 for surfboard, skimboard, bodyboard, SUP lessons, beach clean-ups and basic waterman instruction with a use fee of \$350 and with conditions as listed on the use form. The motion passed 4-0.

Use of Town Property: Charlene Moske Weber to use Maguire Landing Beach from June 30 to August 25, 2017 from 7:30 am to 8:45 am for morning boot-camp work-out sessions.

MOTION 217-384: Wilson moved and Bacon seconded to approve the request of Charlene Moske Weber to use Maguire Landing Beach from June 30 to August 25, 2017, 7:30 am to 8:45 am for morning boot-camp work-out sessions with no use fee and with conditions as listed on the use form. The motion passed 4-0.

Licenses: Weekday Entertainment License for KB Kitchens, Inc. DBA C Shore

Wilson appreciated the fact that the entertainment request is until 10 pm.

MOTION 217-385: Bacon moved and Wilson seconded to approve the request for entertainment license for KB Kitchens, Inc. DBA C Shore. The motion passed 4-0.

Business: Police Building. Committee Update and Change Order #4¹

Harry Terkanian and Richard Pomroy explained the request for Change Order #4 for improvements to the temporary Police Station facility. Terkanian said that most of the costs are part of the current budget, and the rest will come out of the contingencies fund (\$6,800).

MOTION 217-386: Wilson moved and Bacon seconded to approve Change Order #004 for the Police Station Renovation Project dated June 6, 2017 for \$33,322.32 as presented. The motion passed 4-0.

Terkanian talked about the temporary parking facility and recommended paving it with available funds from the DPW and Police Station budget. This way the parking will remain available for public use when the temporary facility is no longer in use. Murphy opened a discussion about drainage at the parking lot. Lydia Vivante suggested using gray stone instead of asphalt pavement. Terkanian confirmed that the budget is on track, and there are even some savings in certain areas. The estimated cost for the lift will be around \$175,000, and the final cost will be available by the end of the week. Pomroy proposed splitting the cost for the lift into materials, labor and the budgeted allowance to avoid delays of the project.

Business: Approval of Joint Representation by KP Law²

Hoort explained why an approval for joint representation by KP Law with the Town of Truro for matters relating to the Herring River Restoration Project might be a good idea, and answered Wilson's question about the joint representation. Murphy suggested checking if there are more qualified firms with experience in this field and wanted to see an end date to this joint representation. He wanted to know the hourly rates for proper budgeting. Terkanian explained that this is not a contract to hire KP Law, but just a disclosure consent for joint representation. Terkanian stated this will not in any way obligate the Town to hire KP Law for a representation with this project. Houk said that KP Law has multiple attorneys who specialize in different areas and supported the joint representation.

MOTION 217-387: Bacon moved and Wilson seconded that the Board of Selectmen consent to joint representation in consultation on behalf of the Towns of Wellfleet and Truro with the other parties to the Memorandum of Understanding ("MOU") between Wellfleet, Truro and the National Park Service, the Friends of Herring River, and their counsel, regarding the permitting and implementation of the Herring River Restoration Project, and advice to the Towns relative thereto. The motion passed 4-0.

Business: Recycling Committee Update

Lydia Vivante, Marla Rice and Keri Purcell gave an update on the activities of the Recycling Committee. Wilson did not support the proposed dumpsters and suggested considering what Sandwich has done. Bacon supported Rice's proposal³. Rice gave background information about her work with the Recycling Committee on this proposal and the public space recycling. She asked the Board of Selectmen to authorize the TA to investigate a single stream recycling and to have the TA and DPW work with other Town officials on this. She proposed implementing a pilot program on Main Street by installing six containers to test it. Purcell answered Murphy's question about recycling trends. Vivante said that single serve container vendors should be required to install recycling receptacles at the site, and felt that there is a need to educate the public on recycling. Purcell reminded that recycling is required by the State and the EPA. Bacon wanted to know if funding can be found for July and August for the Main Street pilot. Hoort informed the Board that the Assistant DPW Director Paul Lindberg is working on putting together a plan that might work for Wellfleet. He said that there will be a need to try out few things to determine what works and what does not. Wilson felt that the beaches are in the biggest need for recycling receptacles. Purcell said that there may be RDP funds for recycling receptacles. The discussion concluded with no action taken by the Board.

Business: Petition General Court on room occupancy tax and on real estate transfer tax⁴

Hoort explained that these two requests are because of Articles 44 and 45 that were approved at 2017 Annual Town Meeting.

MOTION 217-388: Wilson moved and Bacon seconded to file legislation for 2017 Annual Town meeting article number 44 as presented by the Town Clerk. The motion passed 4-0.

MOTION 217-389: Wilson moved and Bacon seconded to file legislation for 2017 Annual Town meeting article number 45 as presented by the Town Clerk. The motion passed 4-0.

Business: Code enforcement of property at 2207 Route 6

Curt Felix expressed his frustration about his situation. He has been dealing with code enforcement issues at his business location at 2207 Route 6. He described a recent occurrence with the promotional truck at his location and the resulting interference by his neighbor and the Planning Board chair. He said that the Planning Board chair is not impartial to him and therefore he asked the Board of Selectmen for help with this re-occurring pattern of harassment. Bacon said that the same truck was denied the use of Town property by the Board of Selectmen, and Felix went against the will of the Board. Felix responded to Wilson's question about the Building Inspector's visit by saying that when the Building Inspector came, he did not find any violation. Murphy asked Felix if he would like to file a formal complaint against the Chair of the Planning Board. Felix confirmed that this was the reason he was there. Houk spoke highly of the improvements Felix has done at the location and said that he would support licensing him again. He said that there have been no complaints about the Sunbird in the past. Murphy suggested working with the Town Administrator to find a way to address this matter, following the proper procedures. The discussion concluded with no action taken by the Board.

Business: Extension of the Herring River Restoration Project DRI public hearing period with the Cape Cod Commission⁵.

MOTION 217-390: Bacon moved and Wilson seconded to approve the request for extension of the Herring River Restoration Project DRI public hearing period with the Cape Cod Commission to April 7, 2018 and to authorize the Chair of the Board of Selectmen to sign the extension. The motion passed 4-0.

Business: Protocol for renewal of business licenses

Murphy said that he had requested this to come up with a protocol for business license renewals to streamline the meetings. Wilson said that there are different types of businesses and she agrees that renewals for some businesses can be streamlined if there was a check list. Bacon suggested to request all applicants to be present when they are asking to use Town property. Wilson said that the renewals should be on the agenda for the community to voice concerns if there are any. Hoort wanted to better understand if the check list would be for every license or only for food trucks. Wilson said that the check list should be for all business license renewals. The discussion concluded with the mutual understanding that in the future each renewal request will be accompanied with a check list prepared by the Principal Clerk.

Business: Vote to approve and adopt the 2016 Wellfleet Hazard Mitigation Plan Resolution⁶

ATA Brian Carlson said that this request to approve the 2016 Wellfleet Hazard Mitigation Plan Resolution is the final step of a year-long process, and if approved would allow the Town to receive FEMA grants.

MOTION 217-391: Bacon moved and Wilson seconded to approve & adopt the 2016 Wellfleet Hazard Mitigation Plan Resolution as presented. The motion passed 4-0.

Business: 4th of July parade discussion

Wilson suggested that the Board of Selectmen not be in the 4th of July Parade this year as a group, but could participate individually. The rest of the Selectmen did not oppose this idea.

Business: Extension of the charge of the Mayo Creek Restoration Committee

John Riehl presented his request for extension of the charge of the Mayo Creek Restoration Committee for one additional year.

MOTION 217-392: Bacon moved and Wilson seconded to extend the term of the Mayo Creek Restoration Committee for one additional year to June 30, 2018 as requested. The motion passed 4-0.

Business: Authorize the TA to sign contracts for up to \$25,000

Hoort said that he is suggesting this as an option to make the meeting more efficient by eliminating the need to present small contracts for approval by the Board. Wilson agreed with this request, but asked for ongoing updates for contracts signed by the TA and asked Hoort to prepare a MOU about this discussion.

MOTION 217-393: Bacon moved and Wilson seconded to authorize the Town Administrator to sign contracts for up to \$25,000 under the discussed conditions. The motion passed 4-0.

Town Administrator's Report⁷

Wilson asked Hoort for a final report on the pre-screening process for the applicants for the Shellfish Constable's position.

Topics for Future Discussion

- Wilson: Outreach to chairs of boards and committees about the upcoming training session at the Library;
- Wilson and Bacon: a decision about the old shellfish shack needs to be made soon.
- Wilson –requested a briefing about the comments by the DPU on the CLC.

Correspondence⁸ and Vacancy⁹ Report

Murphy complimented the new format of the correspondence report.

Minutes

Bacon and Wilson offered corrections to the minutes.

MOTION 217-373: Wilson moved and Bacon seconded to approve the minutes of May 16, 2017¹⁰ as amended by Wilson. The motion passed 4-0.

MOTION 217-374: Wilson moved and Bacon seconded to approve the minutes of May 23, 2017¹¹ as amended by Wilson. The motion passed 4-0.

Adjournment & Executive Session: Murphy moved and Wilson seconded pursuant to G.L. c. 30A, §21(a)(3), to discuss a 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:

A. Cumberland Farms, Inc. v. Dennis Murphy, et al. as the Board of Selectmen, Land Court C.A. No. 17 MISC 000247 (KCL);

B. Curran v. Town of Wellfleet, et al, 0 West Main Street (Barnstable Superior Court.

MOTION 217-375: Murphy moved to adjourn the public meeting at 9:15 pm and go in executive session for the above stated reasons, and not reconvene in public session. The motion passed by a roll call vote where each Murphy, Wilson, Bacon and Houk said “Aye”.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials

¹ Change Order #004 request for Police Station Renovation Project

² Consent form for Joint Representation by KP Law for Wellfleet and Truro for the HRRP

³ Proposal by Marla Rice for recycling containers at various locations

⁴ Town clerk memos on petition for Article 44 and 45, 2017 ATM

⁵ Herring River Restoration Project DRI public hearing period with the Cape Cod Commission.

⁶ Hazard Mitigation Plan Resolution

⁷ TA Report of 6/9, 2017

⁸ Correspondence Report of June 13, 2017

⁹ Vacancy report of June 9, 2017

¹⁰ Draft minutes of May 16, 2017

¹¹ Draft minutes of May 23, 2017