

**Wellfleet Board of Selectmen
Minutes of the Meeting of February 27, 2018
Wellfleet Senior Center, 6:30 p.m.**

BOS Members Present: Janet Reinhart – Vice Chair, Jerry Houk, Helen Miranda Wilson, Kathleen Bacon – Clerk.

BOS Members Absent: Dennis Murphy - Chair - excused.

Staff: Dan Hoort - Town Administrator, Brian Carlson – Assistant Town Administrator, Radu Luca – Executive Assistant to the Town Administrator.

The meeting was called to order at 6:47 p.m. by Janet Reinhart.

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.

Houk reminded everyone that the Alzheimer Association of Cape Cod is having its annual wine reception and fundraiser on March 7, from 4 to 7 pm at PB Boulangerie.

Bacon commended Assistant Shellfish Constable John Mankevetch and Deputy Shellfish Constable Chris Manulla for their cleanup work on February 20th on the flats and for coordinating efforts with the shellfishermen and the transfer station.

Janet Reinhart said this was Brian Carlson's last BOS meeting and thanked him for his service with the Town of Wellfleet

Roger Putnam thanked officers Keough and Ryan for finding his dog that went missing last week.

Chief Fisette recognized Officer Ryan Golden who resigned from the Wellfleet Fire Department to accept another job and said WPD is in the process of accepting applications to fill his position.

II. Community Updates:

- A. Eversource:** Conversation with Jerry McDermott regarding Wellfleet electrical issues.

Jerry McDermott and the engineers from Eversource made a presentation to the BOS that was included in the meeting packet.

The engineers discussed the proposal of bringing a second transformer in the center of town and placing it behind the Town Hall to improve the area's reliability. The transformer would provide remote indications of malfunctions and other maintenance alarms. The transformer and adjacent equipment would cover an area of up to 20ft x 20ft.

Wilson was concerned about the noise levels of the transformer in the center of town. Eversource assured the BOS this unit is newer and much quieter than the older substations.

Bacon asked whether there was a cost for the Town associated with this project. Eversource said they might need Police detail during the installation process, but they would defray the costs.

Houk asked how long the installation process would be and whether Main Street would be blocked. Eversource said the installation would take about a month to complete and they would use police detail to direct traffic and make things run as smoothly as possible. Houk also asked whether this transformer would take care of the outages on Mill Hill Road and the answer was yes.

Reinhart asked when the project would start. Eversource said they would like to start by the end of the year, hopefully after Labor Day.

Lydia Vivante, from the audience, asked whether there's another town on the Cape where we could go and see a similar transformer. Eversource said that probably the COA building was fed from a similar unit, and if the sound / noise is the issue, they could install a wooden fence to have a muffling effect.

Alex Hay, from the audience, is in favor of improving the town's infrastructure, but expressed his concern about the proposed location of the unit behind the Town Hall because the area in question is the main stage for the OysterFest.

Chief Ron Fisette said parking is at a premium in this town and asked if the transformer could be placed behind the guard rail. Eversource said they would be willing to work with the town on this issue.

Curt Felix, from the audience, asked about the old transformer on Gull Pond Road and whether there is an upgrade plan in place to replace it. Eversource engineers said that if they could install the transformer in the center of town, the plan is, within a year, to replace the old units as well.

The Eversource engineers also made a presentation to the BOS regarding the installation of Electric Vehicle Charging Stations. The company would absorb some of the cost, mainly related to the conduit, but this is a new program and the details can be ironed out. Hoort said BMW was interested in donating one or two units to the Town as added value to their customers and the Wellfleet visitors.

From the audience there was a question as to why we don't consider placing these EV charging stations at the gas stations in town. Hoort responded saying that if vehicles were

recharging in the center of town, within a short walking distance from our restaurants and shops and galleries, our visitors would find it more convenient to patronize these businesses.

Elspeth Hay, from the audience, asked whether the BMW chargers are for all cars or not. Hoort responded and said yes, they are.

Wilson asked how many cars could be hooked up to each station at the same time and how long would it take for a full charge. Hoort responded and said each station can accommodate one car at a time and that there are different charging cycles the drivers can opt for.

B. Outer Cape Health Services Update: An update from Outer Cape Health Services CEO, Patricia Nadle on the construction plans for the Wellfleet Outer Cape Health Center.

Patricia Nadle made a presentation on the construction plans for the Wellfleet Outer Cape Health Services, which was included in the BOS meeting packet.

Nadle said they would be applying for permitting from the Town in June or July of this year and would be putting out requests for proposals in July / August and hopefully hire a contractor by the end of July. There is an approximately 9-month construction timeline, judging by how long other projects along the Cape took and they're hoping to have a new facility by the end of the summer of 2019.

III. Public Hearing(s) 7:00pm

None

IV. Licenses

A. Common Victualler

- The Fox and Crow Café

Wilson said she has complete confidence in Trudy, the Chair of our Conservation Commission, but we do require other business owner or representatives to be present at the meeting during the approval process. Hoort said we do require new businesses to be present, but not necessarily business license renewals.

No motion was made on this item.

V. Appointments/Reappointments

A. Berta Bruinooge to Personnel Board

Berta Bruinooge presented her background and reasoning for choosing the Personnel Board.

Reinhart said Berta would be a great addition to the Personnel Board. Bacon said Berta chose the perfect board to sit on, and both Bacon and Wilson said Berta has a stellar resume and we're lucky to have her onboard.

I move to appoint Berta Bruinooge to the Personnel Board for a term ending June 30, 2021.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries.

B. Police Department – Special Officers [Police Chief]

- Kayla Ryan
- Robert Pimentel
- Samuel Hammond

Chief Fisette asked the BOS to support and vote for the 3 appointments to the WPD.

I move to appoint Special Officers Kayla Ryan, Robert Pimentel, and Samuel Hammond to the Wellfleet Police Department from May 14th, 2018 through June 30th, 2019.

Motion: Bacon

Second: Houk

4-0-0. Motion carries.

C. Fire Department – Full Time Firefighters / Paramedics / EMT's [Fire Chief]

- Shawn Deane
- Justin Kinshaw

Chief Pauley introduced Shawn Deane and asked the BOS to support and vote for the two appointments to the WFD. Justin Kinshaw sent his regrets for not being able to attend due to a family emergency.

I move to appoint Full Time Firefighters / Paramedics / EMT Shawn Deane and Justin Kinshaw to the Wellfleet Fire Department.

Motion: Wilson

Second: Bacon

4-0-0. Motion carries.

I move to appoint Full Time Firefighters / Paramedics / EMT Justin Kinshaw and Justin Kinshaw to the Wellfleet Fire Department.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries.

VI. Use of Town Property

A. Elaine Hartman – Wedding ceremony at Cahoon Hollow Beach - August 18, 2018

Houk said Cahoon Hollow Beach would not be open this year. Hoort clarified and said that the beach itself would be open, but the parking lot would not be.

Bacon would like to table this agenda item until Elaine or a representative come before the Board. Reinhart also stated there would be fee associated with the use of Town own property.

No motions were made on this item.

B. Della Spring – Yoga classes at Mayo Beach June 26, 2018 – September 6, 2018

Della Spring presented her application to the BOS.

Bacon asked Carlson whether we'd made any decisions regarding increasing the use of town property fees. Carlson said no formal decision had been made, but this is Della Spring's third year applying for the use of Town property at Mayo Beach for her yoga classes.

I move to approve the use of Town property at Mayo Beach for Della Spring's yoga classes from June 26th, 2018 to September 6th, 2018, subject to receipt of an insurance rider as specified during this meeting, prior to the commencement of classes, as well as the use of Town property fee, which is to be determined.

Motion: Wilson

Second: Bacon

4-0-0. Motion carries.

VII. Business

A. Letter of Support or Non-opposition for Nature's Alternative, Inc. [TA]

David Miller introduced his team to the BOS and the audience: David Miller (CEO), Jeff Bilodeau (COO), John Brady (Management Consultant), Ashley Esper (Management Consultant). Jeff Bilodeau sent his regrets for not being to attend the meeting.

Reinhart asked whether this would be just a dispensary or if they're planning on growing product as well. Miller said this location would be just a dispensary and that they're exploring cultivation sites elsewhere on the Cape and beyond. Natures Alternative, Inc. has an agreement with the owners of the space at 1446 US-6.

Bacon said no one on the BOS doubts the benefits of medical marijuana, but the question is how many dispensaries do we need in Wellfleet, especially since Provincetown is dealing with four different requests that are in the process of, or have already been approved. Miller said there are many criteria at local and State level that need to be met before the actual dispensary would open its doors. The proposed site is the former South Wellfleet store. The space is large, (four thousand square feet). The Board discussed what might also be included in that space. NA said that there will be the need for a vault and other storage space. The power lies with the BOS when deciding how many host agreements they would like sign.

Wilson asked whether NA's interest is in medical marijuana only. Miller responded saying NA's is interested in selling recreational marijuana as well, but not at this location for the time being. Wilson also said she thought that if we wanted to limit the number of dispensaries in Town, we would have to go before Town Meeting and change the Zoning

Bylaws. She would like to know more on where we are currently in relation to the State's laws and regulations, which seemed to be a moving target, before voting for a second host agreement.

Houk is pro medical marijuana and its benefits and he also agrees with the proposed location at the general store. If another business would be sharing the space, he would like to see a separate entrance for the dispensary and would like to see the inside walled off between the two. Miller said it was not their intention to present a dual use for the space – dispensary and general store. It's purely the medical piece they're presenting at this meeting.

Bacon said it's a loss for the community to lose the grocery store and we already have a dispensary in the pipeline and she would like to proceed with caution.

Wilson would need more information before voting on this item.

Elsbeth Hay, from the audience, asked whether NA's would be a year-round business or seasonal. Miller said they're planning on staying open year-round and clarified that a vote tonight would only be an affirmation of the Board's support, so as to begin zoning moving the process forward. He stated that if NA was interested in also having a recreational dispensary down the road, there would be no consumption on site and no delivery.

Janel Lowenstein asked how many jobs would be created. The answer was between 10 and 20.

Justina Carlson, from the audience, said our community should be allowed to get used to the idea of having a dispensary in town and currently we have one in the pipeline.

Houk said NA is asking for a letter of non-opposition tonight, which is not legally binding for the Town.

Glen Glasser, from the audience, asked why NA is not considering an existing medical facility for dispensing their product. Miller said the dispensary must be compliant with zoning regulations and has to be in the Town's Medical Marijuana Overlay District and that many communities choose to place them in industrial zones.

Jim Hood said that the Outer Cape Pharmacy must be federally qualified and equipped as a pharmacy but that this doesn't qualify it to be a Medical Marijuana facility.

I move that the Board of Selectmen take no action on Nature's Alternative, Inc. request of a letter of support / non-opposition for a medical marijuana dispensary.

Motion: Wilson

Second: Bacon

3-1-0. Motion carries.

B. Request to create the position of Water Resources Director [BWC and CWMPC]

Justina Carlson, the Chair of the Water Commissioners, and Curt Felix and Alex Hay from the Comprehensive Wastewater Management Planning Committee made a presentation to the BOS, which had been included in their packet.

Reinhart said that water is very important to Wellfleet and having someone to oversee and coordinate efforts with shellfishing concerns, the Herring River Restoration Committee, the Conservation Committee, etc. is of paramount importance.

Wilson said she looked forward to reading the management plan the Committee put together but was opposed to adding another full-time position to the Town's budget. She mentioned that the Water Commissioners already have a secretary and a contractor from Whitewater, Inc. working with them and that they could bring in consultants to learn more about what they need to know. She said that the areas of concern that this employee would be responsible for overseeing are very important but she did not think that one person would be able to coordinate with and communicate with all the different boards and committees who already obliged to deal with them and that this proposal won't be any hoped-for solutions.

Bacon read out loud the job description for the proposed position. She doesn't believe a volunteer board would have the expertise and capability to handle all criteria and attributions included in the job description. She also said this position should have been created years ago and the BWC is tapped out on resources.

Janet Loewenstein, from the audience, said the BWC is a board of volunteers and we need to have a professional person in the job dealing with everything that pertains to the Water and Sewer Systems.

I move that the Board of Selectmen place and recommend the 2018 Town Meeting article for creating a new department head level position as Water Resources Director for the Board of Water Commissioners.

Motion: Bacon Second: Reinhart 4-0-0. Motion carries.

Wilson said she voted "yes" to bring this article before the people and have them vote on this position.

C. Request for Town Meeting article correction of Polystyrene Reduction Bylaw and update from Committee. [Lydia Vivante]

Lydia Vivante from the Recycling Committee is here to present the proposed article, which was included in the BOS packet for tonight's meeting.

Reinhart commended Vivante for all her hard work on the Recycling Committee.

I move that the Board of Selectmen insert and recommend the 2018 Annual Town Meeting proposed article regarding the Polystyrene Reduction Bylaw as amended.

Motion: Wilson Second: Houk 4-0-0. Motion carries.

D. Discussion and request from Eversource for easement

I move that the Board of Selectmen place and recommend the 2018 Annual Town Meeting article on an Easement for Eversource as presented.

Motion: Wilson Second: Bacon 4-0-0. Motion carries.

E. Request for vote to approve move of utility pole and supports at 210 Kendrick Ave

Bacon said she looked at the location and it's obvious why there's a need to change the location.

I move to approve the move of the utility pole and supports at 210 Kendrick Ave as requested by Verizon New England, Inc. and Eversource Energy.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries.

E. Discussion of electric vehicle charging stations

Hoort went through the presentation that was included in the BOS packet for tonight's meeting. The two suggested locations for the charging stations are behind the Town Hall and at the Marina.

Bacon is more in favor of site #E2B at the Marina since it's a bit further away from the gas tanks.

Wilson asked whether the Town would be responsible for maintaining the charging stations and is afraid of damage coming to the machinery at such an exposed site so near to salt water

The BOS would like to revisit this item when there is more information from the manufacturer on costs, maintenance and the Town's responsibilities.

B. Vote to send proposed Zoning Bylaw changes to the Planning Board per Chapter 40A. [ATA]

Brian Carlson presented the proposed changes to the Zoning Bylaws to the BOS. The BOS vote is needed to send this article to the Planning Board for their review as per Chapter 40A. The Planning Board would then have to hold a Public Hearing before placing the proposed article and changes on the 2018 Annual Town Meeting Warrant.

I move to send the proposed Zoning Bylaw changes to the Planning Board per Chapter 40A.

Motion: Bacon

Second: Wilson

3-0-0. Motion carries. (Houk

was absent for this vote).

VIII. Town Administrator's Report

Hoort said we created a 2018 Town Meeting tab on the left-hand side of the Town's website homepage. A new three-year contract with the Police Union has been approved. Also, Hoort attended the basketball ball game between grades 3 and 4.

IX. Topics for Future Discussion

Bacon asked whether the BOS would like to schedule a six-month review for the Shellfish Constable, but Hoort is not sure whether, as per the Town's Charter, the BOS can do performance reviews of hired Staff. Instead, the BOS might choose to invite the Shellfish Department in its entirety to come before them and present updates and plans. Wilson said that this seemed reasonable, that the Board's relationship to the Department was a bit different than to that of other departments, because we are also the Regulatory Board for Shellfishing.

Bacon also asked about the status of the Housing Task Force. Hoort has a list of names all related to the Housing Authority as of right now.

Reinhart would like to discuss the increase of fees for the use of Town property. She would also like to discuss updates on the White Crest Beach Parking Lot project, possibly when the Beach Administrator returns to work.

X. Correspondence and Vacancy Report

Wilson said that the Board needs to nominate Elaine McIlroy to the Barnstable County HOME Advisory Committee. Hoort said this item had been added to the March 13th agenda. Wilson also addressed the Eversource herbicides spraying issue and said that there would be two public hearings on the Cape: Sandwich Town Hall on March 1st and Chatham Town Hall Annex on March 6th and encouraged the audience and town residents to attend and / or send in their questions and concerns. Written comments to the Department of Agricultural Resources must be received by March 16th.

XI. Minutes (Meeting minutes of 2.13.18)

Bacon said that the large parcel of land that she was referring to when talking about a possible affordable housing location is at 95 Lawrence Road.

I move to approve the minutes of February 13th, 2018 as amended.

Motion: Wilson

Second: Bacon

4-0-0. Motion carries.

XII. Adjournment

I move to adjourn.

Motion: Wilson

Second: Bacon

4-0-0. Motion carries.

The BOS meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Radu D. Luca, Executive Assistant to the Town Administrator

Public Records Material for the Meeting of 2/13/18

1. Eversource presentation on electrical issues and a new source transformer
2. Outer Cape Health Services presentation on plans for a new facility
3. The Fox and Crow Café application for a common victualler business license
4. Berta Bruinooge application to join the Personnel Board
5. Police Chief Ron Fisette request for appointing special police officers
6. Fire Chief Rich Pauley request to appoint full-time firefighters / paramedics / EMT's
7. Elaine Hartman application for the use of Town property at Cahoon Hollow Beach
8. Della Spring application for the use of Town property at Mayo Beach
9. Nature's Alternative, Inc. presentation on a proposed medical marijuana dispensary at 1446 US-6
10. Board of Water Commissioners presentation on a proposed Annual Town Meeting article recommending the creation of a new department level position for the BWC
11. Recycling Committee memo with proposed edits to the recommended article regarding the Polystyrene Reduction Bylaw
12. Verizon New England and Eversource request to move the utility pole and supports at 210 Kendrick Ave
13. Eversource and Town Administrator presentation on electric vehicles charging stations