



**Wellfleet Board of Selectmen  
Minutes of November 1, 2016  
Wellfleet Town Hall Hearing Room**

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

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

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

- Town Administrator Dan Hoort announced that the Special Town Meeting will be on Tuesday, November 15 at 7 PM at the Wellfleet Elementary School and the Special Town Election will be on Wednesday, November 16, 2016 from noon to 7 PM at the Council on Aging.

**Appointments/Reappointments – Kerry Cox to Recreation Committee**

Kerry Cox presented her interest to serve on the Recreation Committee.

**MOTION 217-107:** Reinhart moved and Bruinooge seconded to appoint Kerry Cox to Recreation Committee with term ending June 30, 2019. The motion passed 5-0.

**Business: Capital Improvement Plans for Cape Cod Regional Technical High School**

Bob Sanborn, Superintendent of Cape Cod Technical High School (aka Cape Tech) gave a Power Point presentation<sup>1</sup> and cost estimates for an upcoming capital improvement project to re-build or renovate the Cape Tech building. Harry Terkanian and Anthony Tullio, Wellfleet representatives to the Cape Tech School Committee were also present. Sanborn explained that eight out of the 12 participating towns will have to approve the capital project in order for it to go forward. The project cost is estimated to be between \$25M and \$125M depending on the project scope ranging from basic renovations to a complete rebuild. The preferred option will be voted and selected by the Cape Tech School Building Committee before January 7, 2017. The MSBA will reimburse for up to 42% of the project cost. Individual town's share will be based on student enrollment. Wellfleet's share based on current enrollment, is estimated to be 1% of the project cost. Sanborn said that once more details are available he will come back in front of the Board and give additional details. The select board took no action, but asked Sanborn to provide detailed cost estimates for Wellfleet's share, based on various project options.

**Business: Request for disposition of Town-owned land–Map 35-1, Pleasant Point Bulkhead**

ATA Brian Carlson presented an abutters' request for disposition of Town-owned land on Map 35-1, aka Pleasant Point Bulkhead and referred to his memo<sup>2</sup> on this subject. He asked for the Board's direction for this request. Murphy wanted to find out who will be liable in case the seawall collapses. Carlson confirmed that there is a potential for liability. Wilson suggested finding out who constructed the wall. Mr. Perry said that in 1987 the petitioners filed an application with the ConsCom and received an order of conditions and built the wall. He said that this request is in an effort to re-build the wall, which is currently at the end of its life. Reinhart wanted to know the position of the Planning Board. Planning Board member Alfred Pickard speaking as individual clarified that the original request of the abutters was for an easement. He said that re-building the wall will result in beach loss, but will provide a wall for 4 units. The Planning Board had discussed the possible value of the property. Murphy wanted to know who will be liable for the protection of these houses and suggested finding the answer for this liability question before taking any position. Hoort will get a legal opinion on the Town's legal exposure before any action is considered by the Board. Wilson said that she prefers to initiate the process, but would like to hear back from all interested stakeholders – Planning Board, Open Space Committee, Shellfish Advisory Board.

**MOTION 217-108:** Wilson moved to charge the TA to notify all interested parties about the possibility of disposing town-owned land Map 35-1 aka Pleasant Point Bulkhead, including the Shellfish Advisory Board, Planning Board, ConsCom, Open Space, Natural Resources Advisory Board. Murphy said that all this should happen after a legal opinion is received. Houk suggested that legal counsel look at the entire property. Pickard said that when Town land is disposed the use should be identified. The motion did not advance.

**MOTION 217-109:** Wilson moved to request the TA to notify all interested parties and get back to the Board of Selectmen about the disposition of the land and include the 4 lot numbers. There was no second. And the motion did not advance.

Decision on this Town-owned land disposition request was deferred until a legal opinion is received.

**Business: Herring River Restoration Project - Extension Agreement<sup>3</sup> - DRI Public Hearing Period**

Murphy clarified that DRI is Development of Regional Impact and there is a need of additional time for review.

**MOTION 217-110:** Houk moved to approve and authorize the Chair of the Board of Selectmen to sign Herring River Restoration Project - Extension Agreement - DRI Public Hearing Period. Wilson seconded and the motion passed 5-0.

**Business: Local Comprehensive Plan Update – BOS Goals Discussion**

ATA Carlson gave a brief background information about the Local Comprehensive Plan Update. The Selectmen discussed a process to update the Board's goals. Carlson said that the provided goals matrix is just for previously approved goals, and if new goals are identified they will be for the future plan. Reinhart said that the goals will most likely be clarified during the Community Workshop on November 12. The Selectmen agreed that all other boards and committees should provide their input before they can identify the priorities. Selectmen will individually prioritize the goals matrix and submit them to Carlson.

Houk stepped out at 8:10 pm.

**Business: Request received October 26, 2016 from Ken Kozak to close The Wicked Oyster from November 28, 2016 through January 12, 2017.**

**MOTION 217-111:** Bruinooge moved and Wilson seconded to approve the request of Ken Kozak to close The Wicked Oyster from November 28, 2016 through January 12, 2017. The motion passed 4-0 (Houk absent).

Houk returned at 8:13 pm.

**Business: Application received October 27, 2016 from John Pontius to close Finely JP's restaurant from December 4, 2016 through January 12, 2017.**

**MOTION 217-112:** Bruinooge moved and Wilson seconded to approve the request of John Pontius to close Finely JP's restaurant from December 4, 2016 through January 12, 2017. The motion passed 5-0.

**Business: Request for letter<sup>4</sup> of support to Governor Baker to close Pilgrim Nuclear Power Plant**

Lili Green presented her request for letter of support to be sent to Governor Baker to close Pilgrim Nuclear Power Plant. She said that she will be asking the Assembly of Delegates for the same support during the meeting on November 2, 2016. Reinhart felt that the wording is too strong and suggested re-writing it. Wilson supported Reinhart's suggestion and thanked Green for her effort. Wilson expressed an opinion that if a nuclear disaster happens, it would change the entire Cape Cod. She felt that developing an evacuation plan will not be necessary, because it will be of no use. She supported the idea of revising and

personalizing the letter to stress the urgency of this matter. Houk said that the plant is already scheduled to close in 2019 and any efforts to close it before that time will not escalate the process. Bruinooge found the letter as presented appropriate. Hoort confirmed that he got the Board's direction and input to revise the letter to be more relevant to Wellfleet. Green clarified that if the plant fuel is replenished in the spring of 2017 then the plant will not close before 2019, but there is a possibility for a closure before the fuel replenishment. Hoort will revise the letter and bring it to the Board during one of the upcoming meetings.

**Business: Mass Cultural Council grant authorization<sup>5</sup> for local cultural council funds**

Carlson explained the need for the grant authorization to the Mass Cultural Council.

**MOTION 217-113:** Reinhart moved and Bruinooge seconded to authorize the Mass Cultural Council grant application and designate the Town Administrator to sign it. The motion passed 5-0.

**Topics for Future Discussions**

- Bruinooge - Channel 18 running the BOS meeting over and over again and suggested that there is a need for additional content. Wilson suggested looking for grants to expand the Local Government Channel programming.
- Wilson referred to the letter from Mark Borelli re Harbor Mapping to be on the next agenda
- Wilson - Mark Forest data for the Harbor dredging to be followed-up.
- Wilson – an executive session about the update on the ongoing litigations.

**Executive Session & Adjournment:** To consider approval and whether to release minutes of prior executive sessions (January 24, 2012; June 12, 2012; September 11, 2012; November 13, 2012; November 27, 2012; December 10, 2012; December 11, 2012; November 24, 2015)

**MOTION 217-114:** Murphy read the purpose of the executive session in open session: *To consider approval and whether to release minutes of prior executive sessions (January 24, 2012; June 12, 2012; September 11, 2012; November 13, 2012; November 27, 2012; December 10, 2012; December 11, 2012; November 24, 2015)* and stated that discussing these in open session may have detrimental effect on the Board will enter in executive session and not go back in open session. The motion passed by a roll call vote where each Murphy, Bruinooge, Wilson, Houk and Reinhart said "Aye" moved to adjourn the meeting at 8:40 pm.

Respectfully submitted,

Michaela Miteva, Executive Assistant

<sup>1</sup> Cape Tech Capital Improvement Plans presentation

<sup>2</sup> ATA memo on Town-owned land request, Map 35-1, aka Pleasant Point bulckhead

<sup>3</sup> HRRP DRI Extension Agreement

<sup>4</sup> Letter of support to Gov. Charlie Baker to close Pilgrim Nuclear Power Plant

<sup>5</sup> Mass Cultural Council Grant Authorization