



**Wellfleet Board of Selectmen  
Minutes of January 24, 2017  
Wellfleet Senior Center**

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

Murphy called the meeting to order at 7:05 PM.

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

- ☐ Murphy encouraged the public to speak in the microphones, so they can be heard on TV.
- ☐ Houk said that the Women's' March on Saturday, January 21 was a great success.
- ☐ Reinhart thanked Town Administrator Dan Hoort for his great service to the Town and its residents, based on residents' comments brought to her attention
- ☐ Moe Barocas introduced a non-binding resolution for Plymouth's Nuclear Power Plant and asked for the Selectmen's support. This matter will be discussed on February 14.
- ☐ Moe Barocas asked the Selectmen to consider an exhibit wall at Town Hall to promote and recognize various types of activism that takes place in Town
- ☐ Lili Green thanked the Selectmen for the great letter sent to the Governor in support of the Nuclear Power Plant early closure and encouraged everyone to attend the meeting on Tuesday, January 31 at 6:30 pm at Hotel 1630. She gave a brief update on the Assembly of Delegates in terms of meeting schedule, recent appointments and current activities.
- ☐ Police Chief Ronald Fisette said that a groundbreaking ceremony for the Police Station Renovation Project will be announced soon.

**Public Hearing(s) [7:05] - NONE**

**Appointments/ Reappointments: Bike and Walkways Committee**

Elspeth Hay expressed her interest to serve on the Bike and Walkways Committee.

**MOTION 217-194:** Wilson moved to vote to appoint Elspeth Hay to Bike and Walkways Committee with a term ending June 30, 2019. Houk seconded and the motion passed 5-0.

**Use of Town Property: Discussion of considering "Septic System Easement Area" for 15 Kendrick Ave (2017 ATM)**

Sarah Turano-Flores, representing the property owner of 15 Kendrick Avenue - Robert Ferris explained why the septic system access easement is needed for the purposes of repairs and routine maintenance. She respectfully asked for the Selectmen's support in placing this on the 2017 Annual Town Meeting warrant in order to formalize what has been going on for the last 60 years. Murphy confirmed that the Town has already set a septic system easement precedent. Discussion ensued, where Wilson raised a concern that there was no map presented for the requested easement. Flores explained that the area will be sketched and brought to the Board and the Town if the selectmen decide to go forward with this request. Murphy clarified that the septic system is already in place and the matter discussed is for easement for access for the purposes of maintenance and repair of the existing system.

**MOTION 217-195:** Bruinooge moved to vote to place an article in the 2017 Annual Town Meeting Warrant for "Septic System Easement Area" for 15 Kendrick Avenue. Reinhart seconded and the motion passed 5-0.

**Business: Wellfleet Elementary School FY 2018 Budget Request - Joint Meeting with FinCom**

Finance Committee members present: Ira Wood, Arlene Kirsch, Bob Wallace, Janet Lowenstein, Fred Magee and Kathleen Granlund

Janet Loewenstein, Vice Chair and acting as Chair called the Finance Committee to order at 7:29 pm.

Wellfleet Elementary School (WES) School Committee Chair Janis Plaue spoke highly of the operations, management and administration of the WES, and said that WES is once again Level 1 school. She explained why the FY2018 Budget request exceed the limitations of Proposition 2 ½. Principal Mary Beth Rodman went into details of the proposed budget request. She said that in the past five years the budget has always been under 2.5% increase, but for the next school year, due to increases in the special needs student population, and increased enrollment the budget cannot be kept within 2.5%. She explained the new Special Needs program and its benefits to Wellfleet's students and families. FinCom member Magee said that there is very little room to work with the school budget and commended Rodman for the job well done. Granlund wanted to better understand which funding sources were lost. Rodman explained the nature of the State funding sources for various programs and special needs students. Rodman said that she will provide a copy of her presentation and list of formulas and funding sources. Wilson was not happy to hear that the State is not funding a full-day Kindergarten program.

**MOTION 217-196:** Bruinooge moved to vote to approve the FY 2018 budget request of Wellfleet Elementary School. Reinhart seconded and the motion passed 5-0.

**Business: NRSD FY 2018 Budget Presentation**

Nauset Regional School District (NRSD) Superintendent Tom Conrad, NRSD Business Manager Giovanna Venditi and NRSD School Committee Wellfleet Representative Christopher Easley presented the Nauset Middle School and Nauset Regional High School FY2018 budget requests. Superintendent Conrad said that NRHS is Level 1 school and NRMS is Level 2 school. He explained that the budget challenges at the moment are due to unfunded retirement obligations in the past. The currently proposed budget for NRMS is at 3.01% increase and the NRHS is at 2.15% increase. Superintendent Conrad also explained that the raising health care costs are beyond his District's control. He shared that the District is facing the same challenges as WES in terms of special needs student increases. Since the proposed budget was in draft form, awaiting the NRMD and NRHS committees votes, he said that he would be happy to come back when the final numbers are available after February 9, 2017. Conrad shared that NRSD has expressed a letter of interest to upgrade the NRHS to the Massachusetts School Building Authority for a second year in a row. Wilson explained that the Charter Review Committee is looking into changing the date for Annual Town Meeting, to make the Budget process easier in the future. Hoort emphasized that the percentage of the Wellfleet share is based on student enrollment and fluctuations in that percentage affect the town's budget. The discussion concluded with no action taken by the Board of Selectmen and FinCom.

**MOTION 217-197:** Kirsch moved and Wallace seconded to close the Finance Committee meeting at 7:58pm. The motion passed 6-0.

**Business: Discussion of Camp Wellfleet and military munitions response program**

Scott Greene, Army Corps of Engineers gave a Power Point presentation<sup>1</sup> on the former Camp Wellfleet and the need for right-of-entry to evaluate the status of the environment conditions. The presentation included key contacts involved in this proposed project, schedule, scope, and summary of previous investigations and redial investigation goals. Green explained that the Landing Strip is the area of discussion for right-of-entry request. Murphy informed Green that the Landing Strip area may extend by 800 ft to the West based on recent surveying data. Discussion ensued about how contaminants will be detected. Wilson wanted to know

if the Town will be able to access the final findings report. Green confirmed that the remedial investigations report will be available for review.

**MOTION 217-198:** Reinhart moved and Wilson seconded to vote to approve a right-of-entry to the US Government for Environmental Assessment & Response of former Camp Wellfleet. The motion passed 5-0.

**Business: Pursuant to Massachusetts General Law Ch. 40A § 5, submit proposed Zoning Bylaw Amendments<sup>2</sup> to the Planning Board for review and public hearing on March 1, 2017 at 7 PM at COA**  
Jan Morrissey and Denny O'Connell asked for the Selectmen's support in referring the proposed zoning articles to the Planning Board. Morrissey explained why the proposed zoning bylaws articles are needed. She confirmed that all articles will be reviewed by Town Counsel. Wilson reported that a communication from Curt Felix was received about the Food Truck regulations just prior to the meeting and suggested postponing voting on this. Morrissey said that the Planning Board's request is simply for referral, not approval or support of the amendments, and said that if postponed, the advertising deadlines for public hearing will not be met. Wilson offered comments on the proposed Sign Bylaw changes.

**MOTION 217-199:** Wilson moved and Reinhart seconded to vote Pursuant to Massachusetts General Law Chapter 40A Section 5, to submit proposed Zoning Bylaw Amendments to the Planning Board for review and public hearing on Wednesday, March 1, 2017 at 7:00PM at the Council on Aging. The motion passed 5-0.

**Business: Discussion on the new development proposals for Cape Light Compact**

Dick Elkin & Lilli Green presented two very different points of view on the new development proposals for Cape Light Compact. Green updated the Board what has transpired at the Assembly of Delegates in terms of issues with transparency, accountability and fiscal responsibility of Cape Light Compact (CLC). Dick Elkin said that the County and CLC have signed a separation agreement to terminate the Barnstable County's oversight as fiscal agent over CLC. He explained the functions and role of the fiscal agent. He went in details of the Joint Powers Act and what joint power entities do, and how that relieves the legal liability of all participating Towns and governmental entities. Murphy wanted to get copies of the CLC minutes to better understand the proposed change. Reinhart wanted to get clarification why CLC cannot legally be part of the County. Discussion ensued and concerns were raised about the new joint powers agreement. Wilson expressed preference to have the County serve as fiscal agent for the best interest of all participants. Action on this matter was deferred to a later meeting.

**Business: Accept IRS 2017 Standard Mileage Reimbursement Rates**

**MOTION 217-200:** Wilson moved and Bruinooge seconded to accept the IRS 2017 Standard Mileage Reimbursement Rates of 0.535 per mile for business travel. The motion passed 5-0.

**Business: Shellfish Department Staffing and related issues.**

Hoort asked for the Selectmen's direction and guidance for searching for new shellfish constable. Murphy said that before any direction is provided, the job description needs to be reviewed. Bruinooge and Reinhart agreed with Murphy. Wilson provided background information of what happened previously when this situation has occurred, and suggested that the Board should think about appointing an interim shellfish constable. Murphy said that it might be expected that the Assistant Shellfish Constable takes the responsibility of the Shellfish Constable, while the department is in transition. John Mankevech, the Assistant Shellfish Constable said that he is willing and able to assume the duties of the Constable, but he cannot enforce regulations without the selectmen's support. The selectmen discussed whether to delegate the search to the Town Administrator or form a search committee. There was a mutual consensus to have the TA handle the hire and bring four finalists for the position to the Selectmen for their appointment. The job description will be on the next meeting agenda. Hoort will bring a report on how he intends to handle the transition.

### **Town Administrator's Report<sup>3</sup>**

Hoort presented his report and said that a new floor has been installed on the 2<sup>nd</sup> floor of Town Hall. A new visitor tab has been added to the Web site. The Full Time Building Inspector started work on Monday, January 23; Assistant Town Clerk/Treasurer has been appointed subject of the 14-days disapproval period.

### **Topics for Future Discussion**

- Murphy and Houk would like to go to the Shellfish Shack and see what can be done to save it.
- Bruinooge – rental rooms tax of private residences.
- Reinhart suggested having a meeting with CCNS Superintendent George Price where the Town and CCNS stand with ongoing matters and bridge the gap; Discuss procedures on handling complains and answering calls; Get a status update on Wi-Fi and Open Cape.
- Wilson supported sending a letter to the Governor in support of a full-day Kindergarten program in Wellfleet;

### **Correspondence and Vacancy<sup>4</sup> Report**

Correspondence report was not available. Kathleen Bacon expressed concerns that a Town dirt road Old High Toss Bridge Road will not be plowed unless there are 6 inches of snow. The selectmen will look into this.

### **Minutes [January 10, 2017]**

**MOTION 217-201:** Reinhart moved and Wilson seconded to approve the minutes<sup>5</sup> of January 10, 2017 as amended by Wilson. The motion passed 5-0.

Houk wanted to know what is happening with the hire of the Town Accountant. Hoort explained that an offer has been offered and accepted and the 14-day BOS disapproval period expires on January 31, 2017.

### **Adjournment and Executive Session**

**MOTION 217-202:** Bruinooge moved and Murphy seconded to adjourn the public meeting at 10:30 pm, enter in executive session and not go back in open session for the following reasons: 1. Pursuant to G.L. c. 30A, §21(a)(3), 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: Brent Valli vs. Town of Wellfleet; 2. Pursuant to G.L. c. 30A, §21(a)(6), to discuss strategy with respect to the possible sale of the Pleasant Point Seawall and review of Town Counsel's opinion. 3. Approval of executive session minutes from January 10, 2017. The motion passed by a roll call vote where each Murphy, Bruinooge, Wilson, Reinhart and Houk said "Aye".

Respectfully submitted,

Michaela Miteva, Executive Assistant

### **Public Records Materials:**

<sup>1</sup> Power Point Presentation by Army Corps of Engineers

<sup>2</sup> Proposed Zoning Bylaw Changes for 2017 ATM

<sup>3</sup> Town Administrator's Report of January 5, 2017

<sup>4</sup> Vacancy Report of January 20, 2017

<sup>5</sup> Draft minutes of 1/10/17