

Wellfleet Select Board Meeting
Tuesday, September 11th, 2018, at 7 p.m.
Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet MA 02667

Select Board Members Present: Chair Janet Reinhart – Chair, Helen Miranda Wilson – Vice Chair, Justina Carlson – Clerk, Kathleen Bacon, Jerry Houk.

Also Present: Dan Hoort - Town Administrator, Joseph Powers – Assistant Town Administrator / Town Clerk, Radu Luca – Executive Assistant to the Town Administrator.

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.

Janet Reinhart asked the audience to hold a moment of silence in remembrance of 9/11.

Wilson said there was a discussion of the STM warrant articles at the previous meeting. There is a substantial amount of information that was provided at that meeting and she encouraged the audience to watch the video if they would like to have more information.

Bacon said that on Thursday evening, Sep 20th there would be a fundraiser at the Chequessett Yacht Club to benefit the Montessori School.

Hoort said there will be an open house at the Police Station on Saturday, Sep 22 at 10 am. He attended the moving commemoration for 9/11 at the Fire Station and the opening day ceremony at the Wellfleet Elementary School, where they introduced the kindergarten class of 2031.

Sheila Lyons, President of the Wellfleet Community Forum, said that the WCF would be hosting a pre- Town Meeting forum to introduce the warrant articles on Tuesday, Sep 18th at 7 pm.

Curt Felix said that he attended a meeting where the Cape Cod Commission discussed water and wastewater projects. Reinhart asked whether this was regarding the 208 Plan. Felix said this was pertaining to water in general. Wilson said that all parties and Town departments involved in water issues should communicate as much as possible. She also said there should be a meeting between CWMC and the Conservation Commission and the Board of Health to do outreach.

Anne Freyss from the Wellfleet Historical Commission said that a Historic Preservation Workshop would take place on Thursday, Sep 13 at Preservation Hall from 9-11:30 am.

Tom Cole said, on behalf of the Wellfleet Cable Advisory Committee, that they're renegotiating the license with Comcast and that he had been approached with concerns about the services Comcast offers. He encouraged the audience to email him with concerns at TomCole@comcast.net.

II. Public Hearing 7:00pm

A. Tax Classification Hearing for FY 2019

Nancy Vail was present to speak on the memo she had sent to the Selectboard on this agenda item that was included in their packet for tonight's meeting.

The Board of Assessors recommends retaining the unified tax rate for all classes of property. The current split between the residential and commercial classes is 96% residential and 4% commercial. The shift would place an undue burden on 4% of the Wellfleet commercial taxpayers. In order to retain the single tax rate, the Selectboard needs to vote to make the Residential Factor the numeral 1 for Fiscal Year 2019.

I move to make the Residential Factor the numeral 1 for FY2019.

Motion: Wilson

Second: Carlson

5-0-0. Motion carries.

Vail discussed the three options included in the memo to the Selectboard.

Option One:

There is a Residential Exemption available to those domiciled in Wellfleet. An exemption of up to 35% of the average residential assessment of the entire residential class could be deducted from the total assessed value of each domiciled taxpayer. The net effect is an increase in the tax rate for all residential taxpayers with domiciled Wellfleet residents who apply for the exemption receiving a lower property tax bill and those not domiciled in Wellfleet receiving an increase in their property taxes.

The Board of Assessors does not recommend this at this time and feels a community-wide discussion is warranted. Non-resident taxpayers also pay a personal property tax which domiciled taxpayers do not.

Option Two:

The "Open Space Exemption" allows up to 25% of the assessed value of land so designated to be exempt from taxation. The burden would be shifted to all other classes of property.

The Board of Assessors recommends no action. There is no need for an open space exemption at this time as several tax-friendly options are available for those interested in preserving all or part of their property as open space. Parcels that could qualify are currently involved in other tax relief programs that provide a financial benefit.

Option Three:

Small Business Exemption - An amount up to 10% of the assessed value of a small business (less than 10 employees and an assessed value of less than \$1,000,000) may be deducted. The total deductions are then shifted to those businesses not classified as "small."

The Board of Assessors recommends no action. The majority of the town's businesses are "small." The additional burden would be shifted to a handful of taxpayers.

Reinhardt asked the Selectboard whether they feel comfortable postponing a decision on this matter until the Board of Assessors held a public workshop.

Bacon said this conversation started eight years before at the Library with Paul Pilcher, who is no longer with us, and this was his wish, to make the tax rate fairer here in our community.

Houk said that splitting the tax rate between non-residents and residents would be damaging to our community. Non-residents are the people shopping locally, patronizing local venues and supporting our Town departments, the Police and Fire departments and our schools. Houk said that, as a property owner, he is torn on deciding about this at this time even if it would save him a lot of money on property tax.

Wilson said there are several ways to prove that you're domiciled here in town. She asked who determined the criteria of residency for this purpose. Vail said that would be the Board of Assessors. Wilson also said we could do a 15% or 20% exemption and it would affect the non-residents less.

Houk said we should probably set up a tax exemption for people 45 or older. Hoort said that this matter is heavily regulated by the State and they're strict about including only elderly people and the disabled. Veterans are included under a separate exemption. How to enforce this, from his experience in Provincetown, was a lot of work for the Assessor's Office which looked at people's tax returns to determine where they are domiciled. Vail said there is a senior exemption of \$1,000 available through the Assessor's Office for people 65 and over.

Carlson advocated for a good tax policy and this shouldn't be a matter of us versus them and that the burden of \$200+ wouldn't be that substantial (88 cents / day) and that this is the right thing to do for Wellfleet.

Manny Smith, Chair of the Taxation Aid Committee, said that they made 18 awards this year. They are not allowed to award to taxpayers 55 and under. Most of the people that apply are quite needy and quite elderly. The age to qualify is 55, but Smith would lower it 25 if he could to make it work for every needy person in this town. Smith said he also started thinking about this matter in conversation with Paul Pilcher and he did an analysis

back in 2012 based on data from Vail and presented it to the Selectboard and Finance Committee at that time. The proposal never passed. Smith agreed with Carlson and said this is a good tax policy. It's unfair for a \$1mil home to be taxed at the same rate as a \$350K home, but that is how property taxes work. If we were to do a residential exemption of 20%, the tax rate could go up, but the total bill amount might go down for domiciled residents because of the exemption. He also said that keeping the same tax rate for everyone generates a regressive rate. Smith said this split tax is long overdue and urged the Selectboard to vote in favor of this proposal. Vail clarified and said that only three towns on the Cape passed this legislation and that people would qualify for this exemption based on virtual domicile.

Sheila Lyons said this piece of legislation is a tool to bring some justice and equity to a taxation system and that taxes are what help us allocate money towards getting things done and operating as a community. She urged the Selectboard to vote in favor of this exemption.

Susan Reverby, President of the Wellfleet Non-Resident Taxpayers' Association, said that, after being in meetings with Provincetown and Truro where this legislation had been adopted, this change had caused an enormous amount of division. She also said that there is a movement in Truro for couples to split where they declare they're domiciled for tax purposes. However, Reverby doesn't think this will be Wellfleet's case. She also shared with the board that what feels unfair is the fact that, the owners of two separate properties, assessed at the same value, one of them a resident and the other one a non-resident, would be taxed differently even if the resident might leave for a long period of time in the winter.

Judy Wood, a non-resident taxpayer but not part of the association, said she is in support of this tax split, and that, for the highest valuation of \$1,5 mil an increase of \$35/month would not be that burdensome.

John Cumbler said that we have benefits as property owners here in town and that the community function because of its residents who made things happen and work in town. He also said that having to pay a bit more in taxes as a non-resident is a privilege. He said it's only for that non-residents of Wellfleet who benefit from a tax exemption in the town where they are domiciled should allow the same for those who are domiciled where the non-residents own a second home. He also said he would welcome any second home-owner who would like to move to this town. He said that currently it's difficult to introduce a progressive tax, but this would help us achieve that, especially since it's not an income tax, but a property tax associated with the value of their property.

Reinhart said that when she goes to meetings (in and out of town) everyone would ask what we could do for low-income people and the answer is always to implement the residential tax exemption, which is a great tool. Reinhart also added that other Cape towns are looking at implementing this tax exemption and that next year there would probably be over 100 towns in the Commonwealth that have implemented this.

Wilson said that it's difficult to make a correlation (unless the property has been recently purchased) between someone's income and the value of their property, because many people inherit the property or have been living at that property for years.

I move to approve the adoption of a residential tax exemption of 20% for FY2019.
Motion: Bacon Second: Carlson 3-2-0. Motion carries. Wilson and Houk opposed.

Discussion: Wilson said that would like to see the percentage go down at 18% and asked the Selectboard to meet everyone halfway. Bacon said that Provincetown just went up on the percentage and thinks that the 20% is a fair tax rate. Vail said that up until recently, the maximum percentage had been 20%, but it went up to 35%.

The Selectboard took at 5-minute break before discussing this agenda item.

III. Appointments/Reappointments

A. Board of Water Commissioners – Neil Gadwa (3-year reappointment)

I move to reappoint Neil Gadwa to the Board of Water Commissioners for a three-year term expiring June 30, 2021.

Motion: Wilson Second: Bacon 4-0-0. Motion carries. Houk was absent for this vote.

B. Parking Task Force – Roger Nelson (3-year appointment)

Reinhart said that at the previous Parking Task Force meeting, the committee agreed that they're comfortable with the amount of people currently on it.

The board took no action on this agenda item.

C. Wellfleet Historical Commission – Lucas Manning (filling in through June 30, 2019)

Luke Manning was present and spoke on why he would like to join the WHC. Wilson reminded Manning of the conflict of interest law. Bacon thanked Manning for his application and for serving on the Wellfleet Historical Commission and that it's always good to see younger people getting involved.

I move to appoint Lucas Manning to the Wellfleet Historical Commission for a three-year term expiring June 30, 2021.

Motion: Bacon Second: Wilson 5-0-0. Motion carries.

IV. Use of Town Property

A. Coastal Bank at Pleasant Point – Barbara Wright (date TBD)

Barbara and Andrew Wright were present to represent the four properties on Pleasant Point. Barbara Wright also showed the Selectboard pictures of the area. The Wrights are requesting a one-time use of town property at Pleasant Point, in front of the four cottages, to conduct beach nourishment at the coastal bank in front of their bulkhead, as a requirement for closing on the property. A prior such beach nourishment was done in 1998.

Wilson said that the Wrights have an order of conditions approved by ConsCom.

Civetta said there seems to be a lot confusion on this matter. She addressed the beach nourishment at King Philip Rd that ended up on people's grants a few weeks later. Civetta is concerned that the sand put down at Pleasant Point would end up on people's grants at Pleasant Point and Blackfish Creek and she is concerned about the wellbeing of shellfish and wildlife in that area. Bacon asked the TA when the closing on that property would be. Hoort said that the Wrights were just granted an extension and that most likely the closing would happen before the end of the year. Bacon then said she would like to have this agenda item postponed until there are no more concerns pertaining to shellfishing and wildlife.

Wilson thanked Civetta for being present at the meeting and asked her whether the ConsCom was aware of what Civetta had mentioned. Civetta answered and said that she didn't know, that decision must've been taken before her time.

Hoort said he would speak with the Conservation Agent and the Shellfish Constable to find a solution on this matter.

No motion was made on this agenda item.

B. Public Parking at Marina and Town Hall Parking Lot - SPAT – The First Oyster Crawl (Friday, Oct 5, 2018, 3-10 pm)

Alfred Pickard and Katie Cushman were present to speak on behalf of SPAT and in favor of their two applications of the use of town property.

Bacon said that our restaurants usually depend on Columbus Day weekend business to do robust business and this might cut into restaurant revenue. Also, Bacon asked whether the parking at the Masonic Lodge would be utilized as well. Cushman said yes. Bacon also

suggested that SPAT considered a police detail as well. Cushman said that, in talking with the Police Chief, this is something to be considered.

Wilson said that Porchfest did not apply for the use of town property at the parking lots. Wilson also inquired as to why the individual venues aren't applying for liquor licenses. Pickard responded and said that SPAT already has a liquor license and that the coverage will be provided by SPAT.

Carlson said that the Oysterfest has become very successful and would like to ask SPAT to think of ways to give back to the town. Cushman said that SPAT had been making donations over the last years: scholarships, donations to the Library, Shellfishing department, harbor dredging, etc.

Wilson said that SPAT is a cash cow for the shellfishing community. Civetta said that SPAT made a \$15K donation to the Shellfish Department to go towards seed, Chinese hats and other projects at Chipman's Cove. Also said SPAT does a lot to promote our shellfishing industry and educate people out there about our industry, outside of the Oysterfest weekend.

The Selectboard expressed concerns pertaining to the use of town property and liability coverage.

I move to approve the use of town property at the public parking at the marina and town hall parking lot by SPAT for the first "Oyster Crawl" on Friday, October 5, 2018 from 3 to 10 pm, subject to the condition of having a police detail present at Bank and Commercial Street, and other conditions, if any, as listed on the application, for a fee of \$100.

Motion: Wilson Second: Houk 2-3-0. Motion does not carry.
Reinhart, Wilson and Houk opposed because they opposed the presence of a police detail requirement.

I move to approve the use of town property at the public parking at the marina and town hall parking lot by SPAT for the first "Oyster Crawl" on Friday, October 5, 2018 from 3 to 10 pm, subject to the conditions, if any, as listed on the application, for a fee of \$100.

Motion: Wilson Second: Bacon 5-0-0. Motion carries.

C. Council on Aging Building and Parking Lot – SPAT – Wellfleet Shellfish at the Council on Aging (Saturday, Oct 6, 4-8 pm)

I move to approve the use of town property at the Council on Aging building and parking lot by SPAT for the "Wellfleet Shellfish at the Council on Aging" event on

Saturday, October 6, 2018 from 4 to 8 pm, subject to the conditions, if any, as listed on the application, for a fee of \$100.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

D. Discussion of the use of Memorial Park

Wilson asked the Selectboard to postpone this agenda item until the ConsCom met and made their recommendation.

V. Business

A. Discussion of two alternate memberships to be added to the Wellfleet Historical Commission [Maria Burks]

Ann Freyss was present to speak in favor of this request.

I move to approve the addition of two alternate memberships to the Wellfleet Historical Commission.

Motion: Carlson

Second: Wilson

5-0-0. Motion carries.

B. Letter to MADMF requesting an extension to the date required for removal of spat collecting devices from Chipman's Cove [Shellfish Constable]

Bacon asked how this letter was different from last year. Civetta said that MADMF had requested more anecdotal data that has been included in the letter.

I move to approve the letter to MADMF requesting an extension on the date required for removal of spat collecting devices from Chipman's Cove as presented by the Shellfish Constable.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

C. Review of FY 2020 Budget Policy – draft, first reading [TA]

Hoort said that items C., D., and E. are on the agenda tonight just to have them introduced to the Selectboard.

Reinhart said that she's impressed with the rate of passage of articles on town meeting floor, but is a bit concerned as to how that affects the tax rate.

D. Review of FY 2020 Annual Budget & 2019 Annual Town Meeting schedule [TA]

E. Review of Long Term Financial Forecast [TA]

Wilson said that this document is the best she's seen in seven years.

F. Review of Herring River Joint Representation [Wilson]

Wilson spoke about the memo received from the TA that was included in tonight's packet. She also said that when Wellfleet and Truro signed the MOU it was suggested that the two towns shared legal representation from KP | Law. Wilson asked the Selectboard if they thought it's a good idea for the two towns to have different legal representation and that this issue would come up before the Herring River Executive Council. The Truro Selectboard were discussing this issue at their meeting on the same night. Bacon said if Truro decided to go with different legal representation, we could retain KP | Law, if not, we could go with different legal representation, other than KP | Law.

Wilson asked the TA for his input. The TA said that this matter was brought before the Truro Selectboard by the Chair and that we should wait for Truro's decision on this.

VI. Town Administrator's Report

Houk said he was disappointed with our representative at KP | Law who handled the situation at the Marconi site (Note: The Town owns a large strip of land near Marconi Beach).

VII. Topics for Future Discussion

Houk asked whether we could address underground wiring throughout town, maybe propose a by-law similar to Nantucket's.

The board would like to address the noise complaints at the Well.

Bacon asked why DPW employees do not have Labor Day off like the rest of Town staff. Bacon asked about the parking lot and the pedestrian crosswalk at Bank and Commercial streets. She also inquired about the open meeting law seminar. Bacon would also like to invite the Recycling Committee and the DPW to come before the Selectboard and present an update on Pay As You Throw recycling.

Wilson would like to have a joint meeting with the BOH, CWMC, ConsCom, Shellfish and Cape Cod Commission and Horsley Whitten.

Wilson read the recent update from the Housing Authority, but it did not contain an update on the status of 95 Lawrence Road as a possible site for affordable housing. Bacon said that a feasibility study was being conducted.

Houk would like to discuss the MA Frazier portapotty issue in executive session.

Carlson said we need to have a Wastewater 208 Plan meeting.

Reinahart said that the Parking Task Force requested that someone from the Planning Board be appointed as an additional member.

VIII. Correspondence and Vacancy Report

IX. Minutes (draft minutes from 8.28.2018)

I move to approve the minutes for August 28, 2018 as amended.

Motion: Wilson Second: Bacon 5-0-0. Motion carries.

X. Adjournment

I move to adjourn.

Motion: Houk Second: Bacon 5-0-0. Motion carries.

The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Radu D. Luca,
Executive Assistant to the Town Administrator

Link to video here:

Public Records Materials of 9/11/18

1. Public Hearing Notice – FY 2019 Tax Classification (Sep 6)
2. Memo – Assessor to Selectboard re: Tax Classification Hearing (Sep 7)
3. Fact Sheet – Residential Exemption
4. Residential Exemption FY2019 – Town of Truro
5. Application – Roger Nelson to Parking Task Force (Sep 4)
6. Application – Lucas Manning to Wellfleet Historical Commission (Sep 7)
7. Use of Town Property – Barbara Wright at Pleasant Point (Sep 7)
8. Use of Town Property – SPAT at public parking at marina, town hall parking lot, COA parking lot, COA building
9. Email – WHC to Selectboard re: alternate membership (Sep 6)
10. Letter – Selectboard to MADMF re: deadline extension for removal of spat collecting devices from CCB 13 (Chipman's Cove)
11. Email – Diane Murphy (Barnstable County) to Shellfish Constable re: Wellfleet Harbor Water Temperatures (Sep 7)
12. Draft – FY2020 Budget Policy and Annual Town Meeting Schedule
13. Memo – TA to Selectboard re: Five-Year Financial Forecast (Sep 7)

14. Email – TA to Selectboard re: Towns of Truro and Wellfleet joint representation on HRRP (Sep 5)
15. Memo – TA Report (Sep 7)
16. Memo – Principal Clerk to Selectboard re: Vacancy Report (Sep 6)
17. Memo – Executive Assistant to Selectboard re: Correspondence Aug 28 – Sep 11
18. Draft – Selectboard minutes Aug 28, 2018