

**Wellfleet Select Board Meeting
Tuesday, September 25th, 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.

Excused: Jerry Houk.

Also Present: Dan Hoort - Town Administrator, 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.

Reinhart said there would be a Wellfleet Community Forum on Thursday evening, September 27th, 2018 at 6 pm at the Wellfleet Elementary School to talk about sharks and shark safety. Also, Reinhart said that there was some discussion about possibly having a bench at Newcomb Hollow Beach in Arthur Medici's memory. Also, the woman who had a medical emergency last night at Special Town Meeting is alright now.

Denny O'Connell, Wellfleet Conservation Trust, said that there would be a gathering on Saturday at Mayo Beach for the Annual Coast Sweep.

Nancy Civetta said that she had attended the New England Fishery Management Council meeting where they voted to implement buffer zones on the backside of Cape Cod to protect herring as food for larger species such as cod and striped bass that are key to the livelihoods of many commercial and charter fishermen here. This action means that industrial midwater trawling may not take place within 12, and in places up to 25 miles, from shore, which is where the local fishing industry works. Mass. Division of Marine Fisheries Director David Pierce and N.H. Fish & Game Chief for Marine Division Douglas Grout both mentioned in their comments how many selectboards, state senators and representatives, and other elected officials had weighed in on this issue and how their letters really did make an impact.

II. Public Hearings

A. SPAT – Mac Hay two-day beer and wine license on Oct 5 & 6, 2018

Katie Cushman spoke in favor of the application for the two-day beer and wine license. The event on October 5th would start at 5 pm and the art galleries have been selected so they'd be within walking distance from each other. The event on October 6th is half sold out and

each person will get two tickets good for two alcoholic drinks. Wilson asked whether SPAT's insurance umbrella would cover all the locations. The answer was yes. Wilson wanted to have the names of the four galleries included in the motion.

I move to approve a two-day beer and wine license for S.P.A.T. on October 5, 2018 at The Cove, Left Bank, Works and Harmon Galleries, respectively, and, on October 6, 2018, at the Council on Aging.

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

B. Shellfish grant transfer - #2000-05 from Chris Merl and Denice LaPierre to Chris Merl, Denice LaPierre and Ronald Butilier

I move to approve the transfer of grant #2005-05 from Chris Merl and Denice LaPierre to Chris Merl, Denice LaPierre and Ronald Butilier.

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

III. Appointments/Reappointments

A. Zoning Board of Appeals – Jessica Dalby (3-year alternate appointment)

Reinhart said that the Selectboard received a letter from Bruce Drucker, the Vice Chair of the ZBA, in support of Jessica Dalby's application. Roger Putnam was also present to speak in favor of Dalby's application and he said that she would be a great addition to the ZBA, whose members are aging. Wilson said that Dalby was out of town and hadn't been told she should be present. She added that she'd spoken with Dalby and that another ZBA member had recommended her.

I move to appoint Jessica Dalby as Alternate to the Zoning Board of Appeals for a three-year term expiring June 30, 2021.

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

B. Cable Advisory Committee – Jennifer Wertkin (1-year appointment)

Reinhart and Bacon said that Wertkin would be a great addition to the Cable Advisory Committee. Carlson asked whether someone would have to be Wellfleet resident to serve on a Town board. The answer was no. Wertkin encouraged other boards and committees to meet at the Library where their meetings can be taped and televised. Wertkin said that the Library has the capacity to welcome a good size audience if the committees called and scheduled in advance.

I move to appoint Jennifer Wertkin to the Cable Advisory Committee for a one-year term expiring June 30, 2019.

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

IV. Use of Town Property

- A. Bakers Field** - Stephen Curley celebration of life for Sarah Curley (Oct 20, 3-8 pm)

Stephen Curley was present to speak on his application and he assured the Board that there would be portapotties available at the event. Wilson said that the death of Sarah Curley is a great loss to the community.

I move to approve the use of town property by Stephen Curley at Bakers Field on October 20, from 3:00 pm to 8:00 pm, subject to the conditions, if any, as listed on the Application, for a fee of \$110.

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

- B. Transfer Station – Wellfleet Fire Department (WFD) fundraiser for the Muscular Dystrophy Association (October 7th, 9 am – 1 pm)**

Reinhart described the event (Fill the Boot), which will take place on Sunday, October 7, and she said that it's for a good cause.

I move to approve the use of town property by the Wellfleet Fire Department at the Transfer Station on October 7, from 9:00 am to 1:00 pm, subject to the conditions, if any, as listed on the Application.

Motion: Bacon **Second: Carlson** **4-0-0. Motion carries.**

V. Business

- A. Review and approval of the conservation restriction on the land of 180 Bayberry Lane [Wellfleet Conservation Trust]

Dennis O'Connell was present to the speak on this agenda item. All material pertaining to this item were included in the Selectboard's packet for the meeting. O'Connell said this is a standard conservation restriction and he said that he tried to contact the owner, but he couldn't get ahold of her and that he hopes she would be OK with it. Wilson inquired about prohibiting the use of pesticides at the site. O'Connell said that could be included in the restriction as well as prohibiting chemicals and fertilizers and the like.

I move to approve the conservation restriction on the land of 180 Bayberry Lane as recommended by the Wellfleet Conservation Trust.

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

- B. Rescission of 7/24/18 vote forming of the Wastewater Management Authority (WMA)

Carlson and Wilson said they would like to postpone this agenda item.
The Selectboard took no action on this agenda item.

C. Review of Herring River Restoration Project legal representation [TA]

Wilson presented some background information and update on this agenda item. Bacon said she wouldn't want to lose any ground on this issue. Wilson asked Hoort whether Truro had chosen a firm yet. Hoort said that he hadn't heard back from Truro and that most likely the issue would be addressed at their meeting tonight. The Board agreed, by consensus, to seek legal representation, other than KP | Law, for matters pertaining to HRRP, and to require both Town's new attorneys to be thoroughly briefed on the project.

D. Update on shark concerns [Chair]

Reinhart said that this had been a very traumatic week for everyone in town and she had questions about having trauma counseling made available. Reinhart suggested people contact the Navigator program and herself if people needed help. The TA said that he had reached out to the Fire and Police Chiefs saying that help and counseling would be available if any of the staff needed it.

Hoort said that on Friday afternoon he had a meeting with representatives from the Seashore and Provincetown, Truro, Wellfleet and Eastham. There has been a shark working task force since 2013 and that group would be talking about what's been done at the Town Forum on Thursday evening. The Forum will address communication capabilities at the Seashore and the beaches among other topics. Hoort also said that the Selectboard has information about smart buoys included in their packets and that we're looking at a variety of options to make our waters safe for swimming. Bacon said she was at the Seashore Advisory Commission meeting this past Thursday. She said that Supt. Carlstrom made it very clear that the Seashore would not get into using any kind of detection apparatus and that all their decisions would be based on science. Shark deterrents give a false sense of security, there is no easy and fast solution. This is nature, it's the wild and there is no guarantee safety. Bacon would like to propose a flag pole at Newcomb Hollow Beach. The flag could be purple and have a shark on it and would be raised when there are shark sightings. Reinhart said she was considering proposing a memorial bench for Arthur Medici. Wilson said that in Australia they use a 40-inch pole with a camera at the top of it that has the capability of filming closely what is happening further out and underneath the water's surface. Bacon said that a method of controlling the seal population would be administering birth control medication to female seals. Hoort said that as a community we should look at improved communication, educating the public and that if someone gets bitten we are more completely prepared to save their life. Reinhart urged the audience not to go in the ocean if they see seals swimming in the water as they attract sharks and that people should stay close to the shore. Bacon mentioned that people were frustrated at the time of the incident because they couldn't get cell phone reception at the beach. Hoort said that this afternoon he had received a phone from Sen. Cyr and Rep. Peake saying that the

Commonwealth is here to help with any communication and financial support pertaining to improving communication in our towns and at our beaches.

E. Approval of Inter-municipal agreement

Hoort provided some background information and a short update on this intermunicipal agreement. Hoort said this is an initial agreement and we can always change and improve it down the road. It could include improved communication at our beaches or other mutual matters. Bacon and Wilson thanked Hoort for his initiative on this issue. Wilson also commended Hoort on his idea of having the four committees share a procurement officer.

I move to approve the Intermunicipal Agreement as presented.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries.

VI. Town Administrator's Report

Hoort said he had a phone conversation with Ed O'Donnell from the Army Corps of Engineers who said that there were more funds available than initially anticipated and that some of the funds could be used towards dredging the harbor.

VII. Topics for Future Discussion

Wilson said that we have two issues that merit an executive session: the landing strip and the property at 3 Kendrick Ave (which can be discussed, preferably, in an open, public meeting). Wilson said that we need to have a meeting with all parties involved with the 208 Plan.

VIII. Correspondence and Vacancy Report

Reinhart said we need more people on committees and that she likes serving on committees.

IX. Minutes (Draft from 9/11/18)

Wilson and Bacon presented their amendments to board, which were accepted.

I move to approve the minutes of September 11, 2018 as amended.

Motion: Wilson

Second: Bacon

4-0-0. Motion carries.

X. Adjournment

I move to adjourn.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries.

The meeting was adjourned at 8:30 pm.

Respectfully submitted,

Radu D. Luca,

Executive Assistant to the Town Administrator

Link to video here:

<http://viewer.earthchannel.com/PlayerController.aspx?&PGD=wellfleetma&eID=95>

Public Records Materials of 9/25/18

1. Public Hearing Notice – SPAT two-day beer and wine license (Sep 6)
2. Public Hearing Notice – Shellfish grant transfer (Sep 14)
3. Momo – Shellfish Constable to Selectboard re: shellfish grant transfer (Sep 14)
4. Application – Jessica Dalby to ZBA (Sep 13)
5. Application – Jennifer Wertkin to CAC (Sep 17)
6. Use of Town property – Stephen Curley at Bakers Field (Sep 17)
7. Use of Town property – WPD at Transfer Station (Sep 21)
8. Memo – Wellfleet Conservation Trust to Selectboard re: conservation restriction at 180 Bayberry Lane (Sep 20)
9. Agreement – Teresa R. Corcoran and John R. Grieb | The Compact of Cape Cod Conservation Trust, Inc.
10. Correspondence – Town of Truro to Town of Wellfleet re: Herring River Restoration Project joint legal representation (Sep 12)
11. Correspondence – KP | Law to Selectboard re: Truro | Wellfleet MOU re: Herring River Restoration (Oct 14, 2015)
12. Correspondence – TA to Selectboard re: update on shark safety and attack prevention systems & devices (Sep 20)
13. Agreement – MOU Truro | Wellfleet
14. Memo – TA Report to Selectboard (Sep 21)
15. Memo – Principal Clerk to Selectboard re: Vacancy report (Sep 6)
16. Memo – Executive Assistant to Selectboard re: Correspondence (Sep 21)
17. Minutes – Draft Selectboard 9.11.18