

Executive Session
Wellfleet Select Board Meeting
Tuesday, October 9th, 2018, at 6 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. Executive session** - pursuant to M.G.L.c.30A, Sec. 21 to consider the purchase, exchange, lease or value of real estate, if the chair so declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
- 3 Kendrick Avenue
 - “Landing Strip’ property
 - 301 Main Street (News Dealer)

I move to go into executive session pursuant to M.G.L.c.30A, Sec. 21 to consider the purchase, exchange, lease or value of real estate, if the chair so declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

- 3 Kendrick Avenue
- “Landing Strip’ property
- 301 Main Street (News Dealer)

Motion: Reinhart

Second: Wilson

5-0-0. Motion carries.

Roll Call Vote

Reinhart yea

Wilson yea

Bacon yea

Carlson yea

Houk yea

Hoort said that 3 Kendrick Ave is under contract to be purchased by Macs Seafood. He said that the owners of the property still encouraged the Town to make an offer on the property. Bacon doesn’t want to let go of this property. She said Mac intends to turn it into a restaurant with a deck that would extend out close to the federal channel. Carlson said that after Town Meeting the owners of the property sent the Selectboard a letter asking for more information. Wilson asked whether the purchase and sale agreements were public information. Hoort said that the information becomes public once the sale is complete. She also said we don’t need another restaurant at the marina. Houk said that before we went any

further with this matter we need to find whether there is a signed purchase and sale agreement. Bacon said that using that property as a venue to support the shellfishing industry resonated with a lot of people at Town Meeting. The Selectboard agree that we still want this land, that we need to contact the owners and see if there is a purchase and sale agreement. A signed purchase and sale agreement is a legally binding document. Bacon said that we have been undercut by the owners of the property after we got their blessing to bring this article before Town Meeting. After tonight's discussion, the Selectboard will announce that the property has been sold and that special elections will not held. Hoort said that the Town could still acquire the property by eminent domain if the Selectboard so decided to, at fair market value. Powers said that utilizing the eminent domain is a legitimate tool and that if the Selectboard decided to acquire it, the Selectboard should also look at other properties that are contiguous to that. Houk disagreed with Powers. Bacon said it wouldn't be fair for the Town to acquire the property in this manner. Carlson said that this decision would affect the Town for generations. Wilson asked whether the owners of the property contacted the Selectboard after Town Meeting. Reinhart responded and said yes, the owners contacted the Town (via 2 separate emails) and they said that another buyer was interested in the property as well.

I move to that we solicit KP Law to pursue an eminent domain taking of the property at 3 Kendrick Avenue.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

Roll Call Vote

Reinhart yea

Wilson yea

Bacon yea

Carlson yea

Houk yea

The board discussed 301 Main Street next.

Hoort said that he had contacted the owners about the property but there was no response and that he believes that the only way for the Town to acquire this property is by eminent domain. Powers said there might be some liability for the Town if we pursued the avenue of eminent domain for this piece of property. Bacon disagreed with the eminent domain idea and she said that if we need more information on it we should ask Artie Parker. Reinhart said that utilizing the power of eminent domain was a valid thing to do and that we need to do something about this property. Bacon said that several prestigious people approached Parker with regard to buying the property and they have been unsuccessful. Hoort will follow through with KP | Law. Reinhart said that CPC funds would help restore the façade of the building.

I move to ask the Town Administrator to find out more about eminent domain in general.

Motion: Wilson

Second: Carlson

5-0-0. Motion carries.

Roll Call Vote

Reinhart yea

Wilson yea

Bacon yea

Carlson yea

Houk yea

The Board discussed the landing strip property next.

Reinhart said that years ago the Planning Board was looking into trying to access this property at the Seashore through easements, access, etc. A member of the Planning Board said that one of the service roads touched on our property so that could potentially give us access to it. Bacon said that the Planning Board also pursued the idea of finding an egress to the property, but they were unsuccessful. She also said that we should look into offering the Seashore something else in return for an egress to the property. Reinhart doesn't believe that the Seashore would give us an egress. Wilson said that we could take an easement by eminent domain if it is to bring a water connection to the property.

I move to instruct the TA to inquire with the Seashore about the Town's legal options to pursue an egress to the property.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

Roll Call Vote

Reinhart yea

Wilson yea

Bacon yea

Carlson yea

Houk yea

I move to come out of executive session.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

Roll Call Vote

Reinhart yea

Wilson yea

Bacon yea

Carlson yea

Houk yea

The executive session was adjourned at 7:00 pm.

Respectfully submitted,

Radu D. Luca,

Executive Assistant to the Town Administrator

Town of Wellfleet

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BOS Agenda

Meeting materials are available on the Town of Wellfleet web site: <http://www.wellfleet-ma.gov>. Motions may be offered, and votes may be taken by the Board on any agenda item except for Announcements & Public Comment