

**Wellfleet Selectboard Meeting  
Tuesday, November 26, 2019 at 6pm  
Wellfleet Senior Center**

**Selectboard Members Present:** Chair Janet Reinhart; Kathleen Bacon; Helen Miranda Wilson; Justina Carlson; Michael DeVasto

**Also Present:** Town Administrator Dan Hoort; Executive Assistant Courtney Butler;

Chair Reinhart called the meeting to order at 6:00 p.m.

**ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS**

**Note:** Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

- There were no announcements.

**COMMUNITY PROJECT UPDATE – EVERSOURCE**

Eversource representatives present: Ronit Goldstein, Community Relations and Economic Development Specialist; Paul Sellars, Manager, Vegetation Management; Brian Sullivan, Manager, Electric Operations.

Goldstein noted that there are Eversource Community Impact grants available for non-profits in the area.

Goldstein provided the following overview of the project: *Circuits in the town of Wellfleet were identified for improvement in the company's capital plan. Currently large parts of these circuits do not have good tie options. The Conversion Project needed would improve reliability to the town center, for residences in the area as well as for the area around Wellfleet Harbor. The project consists of the conversion of select areas from 8 KV to 23 KV, and includes the installation of new poles, new wire and additional infrastructure that will enable remote switch capability. Weather events typically effect trees and cause extensive damage to infrastructure, which typically leads to prolonged restoration time for residents. By upgrading some poles and wire and improving tree clearances on Main St. and School Street, we will establish electrical ties between three of the four circuits that serve the town, and therefore improve reliability to residents and businesses.*

Sullivan said the current circuit, which runs from Main Street to Chequessett Neck, is a radio-circuit with no backup, as well as on School Street that is being connected to, and that both connections will aim to keep as many customers on feed as possible. He noted there is a substation on Gross Hill Road which will be tied to a new transformer behind Town Hall, providing 2 substations.

Sellars noted the necessary removal of trees in some areas to provide an increase of power. He said they have identified areas on Main and School Streets as well as Holland Lane, totaling 43 trees for removal. Of these 43, 2 lie on Town property, and the remaining 41 lie on private property. Sellars said an Eversource arborist will approach homeowners and abutters of the trees about the pruning and removal. He said they have also noted 8 locations for relocating trees.

Reinhart noted that Eversource has been pruning or removing trees all through Town in recent years due to major storms. She noted that no one likes losing trees, but no one likes losing electricity either.

Bacon asked when the project would be finished; Sullivan said the goal is by January 1<sup>st</sup> but said there would be continued work done through the beginning of the year because Verizon will have to install poles as well. Bacon asked if a police detail would be used through the entirety of the project; Sullivan said yes. Bacon said she is inconvenienced by this project, due to where she lives off of Main Street, and she is upset with losing 43 trees. She also noted that having a police detail takes the officers away from other issues they need to attend to.

Sellers responded by saying that trees would be replanted along the areas that Bacon referenced. He noted that Eversource does consult the Town's Tree Warden when discussing removal and replanting of trees.

Carlson said Bacon raised important points but that trees that get too tall can cause various problems as well. She said she is happy Eversource will listen to all concerns, including Bacon's, but is happy they are doing necessary work.

Wilson clarified that if a property owner did not want pruning or removal done, they could say "no". Sellers said they could say no to removal, but if someone is adamant that they do not want any pruning either, then it can be cut right to the property line edge, but this does more damage than good.

Wilson noted that wherever light hits asphalt, there is a lot more warming, noting the Town needs all the trees it can get. She said of course one does not want to lose power and asked about the replanting Eversource would do – which species would be planted and where and asked how many of the 43 trees will be removed. Sellers said that only 16 trees have been approved for removal and is still waiting to receive some permissions back. Wilson asked what happens to the wood, once cut down, noting her passion for Black Locusts. Sellers said their Arborist asks the property owners if they want to keep the wood, or what they would like to do with it – he said about half of the property owners would like to have the wood hauled away, and this includes Pitch Pine as well as Locust. Sellers noted the wood could be donated to the wood bank. There was further discussion.

Wilson asked if there was enough power on the Outer Cape to supply all the residents. Sullivan said that there is almost too much power, because there is a lot of solar and wind energy being pumped into the system too. Wilson asked if the high voltage readings they are receiving would damage the setup; Sullivan said no. Wilson asked if there was a way that Eversource tests the system, before the storms test it for us; Sullivan said yes. He said the tentative dates are December 15 and December 30 and Goldstein noted that customers would be altered before any testing or scheduled outages would be conducted. She also said these would occur during the night.

DeVasto asked the representatives to consider replacing 1 tree for every tree they remove as a gesture of good will. He also asked them to ask property owners if they would like to donate their wood to the wood bank, as a third option to removal and keeping it. Sellers said these could be considered and that the Tree Warden has a very influential role in what they do and how they do it. Sellers also said trees could be replanted, but not on a 1 for 1 basis because most trees removed are hazard trees.

#### **COMMITTEE UPDATE – NATURAL RESOURCES ADVISORY BOARD**

John Riehl, John Duane, and Laura Hewitt from the Natural Resources Advisory Board (NRAB) presented the update. Riehl said the group is working on putting together the 3<sup>rd</sup> Harbor Management Plan. He noted that some recommendations from the 2006 plan are still in flux including the Herring River and Mayo Creek restorations, wastewater, and the harbor dredging.

Riehl noted that in 2006, the possible effects of climate change were not included in the Plan, and they are focusing on that now.

Duane noted the Curley report, which was done by the MA Division of Marine Fisheries in 1972 with a study period of 12 months between 1968 and 1969 and is a study of marine resources in Wellfleet Harbor. He noted that Owen Nichols, from the Center for Coastal Studies, recently completed a report for Pleasant Bay. Duane said this study should be done more frequently, at least every 5 years. Riehl said this is one project where NRAB would take the lead. Reinhart asked the Board to discuss what money and how much they would need to complete future work; Riehl said he would come back to them with that.

Riehl discussed shellfishing, talking about plastics and biodiversity. He also discussed the NRAB's responsibility for coastal and pond access, saying a previously completed report will be an appendix to the Harbor Management Plan. Riehl said he would also like another shellfishing report, authored by Seth Tuller, to be an appendix.

Bacon asked the members if they could volunteer time to the Ocean Acidification Board, through Julian Cyr's office. Riehl said the NRAB asked the Shellfish Advisory Board (SAB) if they had noticed problems with acidification and they said no, but the solution would be to deal with biodiversity in the harvestable species. Bacon asked if the repaving that was done this fall was not in compliance with the Stormwater Management Plan; Riehl said that was useful information.

DeVasto thanked the members for picking up the Curley report and noted the 2006 report focused on oyster disease. He noted that there is currently a clam disease that is affecting the industry greatly and there is no research currently being done on the matter. DeVasto noted this disease affects the size of clams and the harvesting of them. Riehl said speaking with Shellfish Constable Nancy Civetta would be a good start. There was further discussion.

Duane said he spoke with Owen Nichols today to discuss the Wellfleet Harbor Management Plan and study. Wilson thanked the NRAB for reaching out to the SAB. Wilson asked if all shellfish shells are affected by acidification and if all species were affected by biodiversity. Riehl said it is difficult to deal with acidification, for all shellfish, but that some would not be susceptible if biodiversity was present, in theory. Wilson said the Curley report will provide what needs to be addressed in the Plan and asked if the report should come before the Plan. Riehl said the report could be designed so that the answers given could be immediately applied to certain questions, or the report could provide a broad background and identify questions.

Carlson thanked the members for their update and work. She noted the 2.75% tax of the room and occupancy tax that goes towards water protection and said she would inform the group if money is available from that to their study.

DeVasto suggested having a forum to determine what should be put in the report and asked if the NRAB will have any sort of open dialogue to determine the criteria of the report from the contractor. Riehl said this was good advice and they have a lot of good partners who will assist in the process.

## **USE OF TOWN PROPERTY**

***White Crest Beach – Kendra Luongo On June 27, 2020***

Reinhart noted that Luongo provided answers to their questions asked at the November 12 meeting. Carlson noted Luongo's answers were thorough and she was comfortable moving on this. Wilson clarified that Luongo's response to the question of where the location of the ceremony would be, was that it would be "dune side". Reinhart said that it would be on the beach, closer to the dunes rather than the shore.

- Bacon moved to approve the use of the White Crest Beach by Kendra Luongo on June 27, 2020 from 3PM to 7PM, subject to the conditions, if any, listed on the application form, for a fee of \$110.
- Carlson seconded, and the motion carried 5-0.

***Town Hall Lawn – Chamber of Commerce on December 7, 2019***

Bacon gave praise to Andrew Staker, who has worked on this event each year.

- Bacon moved to approve the use of the Town Hall Lawn by the Chamber of Commerce on December 7, 2019 from 4-5:30 PM by the Wellfleet Chamber of Commerce subject to the conditions, if any, listed on the application form.
- DeVasto seconded, and the motion carried 5-0.

**BUSINESS**

***Review and Discuss Appropriate Action in Regard to Letter from Marconi Beach Restaurant Re: Temporary Closure***

DeVasto noted that no date for reopening was stated in the letter, but he did not feel that Swartt was in violation of any policy. Bacon said it was her mistake, that the ABCC does not have a policy for when businesses need to have a policy for when they are open or closed, that it is up to the Board to decide. DeVasto said he was okay with the approval for renewal but would like to have a better idea of when he plans to reopen. Reinhart said that Swart has been in business for a long time and is trying to sell his business. She noted that Swart would also like to have a better idea of dates.

Wilson noted that her issue is not that the business wants to close, it is that they did not request permission to do so. Carlson noted that the letter informs the Board that he is closing, even though it does not implicitly ask for permission. DeVasto said the business is already closed. Hoort said the letter provided last year was very similar.

Wilson clarified that the Board was OK with the language in Swart's letter and asked that Town Staff clarify with Swart that he needs to be more specific in his request in the future.

Reinhart asked if the Board had to also vote to renew the liquor license and Hoort noted the Board moved to approve the renewal of the license at its November 12 meeting, contingent upon receiving a letter from Swart.

- DeVasto moved to approve the temporary closure of Marconi Beach restaurant from November 11, 2019 through late winter.
- Bacon seconded, and the motion carried 5-0.

***New Selectboard Policy – Local Access Television***

Mia Baumgarten, Media Manager, and Jennifer Wertkin of the Cable Advisory Committee, were present. Baumgarten noted the only changes she made since her last presentation of the policy are that she added the Board's recommended changes, including not recording Executive Session meetings and the capturing of Closed Captioning via YouTube.

Baumgarten noted that the Town Media program is paid for through Comcast receipts funds, which subscribers cannot opt out of, and cannot be used for anything else. She said residents have already paid for this service and the Town is choosing not to provide it to the best of their ability. Baumgarten said it was suggested that she was not the appropriate person to bring this up because it involves increasing the work she would be doing. She noted that she would not be the only one doing said work, that it would be shared with Tom Cole and Andrew Staker. Baumgarten said she is advocating for this because she is the point person and she feels she really has her pulse on what people would like to see. She also noted that this policy was drafted via the Cable Advisory Committee, as most Towns who have a similar policy has done.

Reinhart said this is not just a matter of Baumgarten having her pulses on the policy, there is a conflict of interest. She noted that since Baumgarten is advocating for more work and hours for herself, which would occur with the passage of the policy, there is a conflict of interest. Carlson said it was not a question of being appropriate, she said it was a part of transparency to observe the State Ethic laws.

Wertkin noted that Baumgarten brought the conflict of interest issue to the attention of the Board when this program was developed. Carlson said that is not how the law reads. Wertkin said that Baumgarten would not have to be the one recording the meetings. Reinhart said since Baumgarten is the advocate and author of the policy, and it is benefiting her financially, there is a conflict of interest. Wertkin said the entire Committee drafted the policy.

Wilson provided Baumgarten advice on how to go about determining if there is a conflict of interest with the State. Baumgarten said she would do.

DeVasto said the Board should not discuss the policy further this evening to protect Baumgarten. Baumgarten said she felt this information was helpful.

- Bacon moved to postpone the approval of the policy.
- Wilson seconded, and the motion carried 5-0.

***Army Corps of Engineers Access Privileges Renewal***

Hoort said this renewal has come up annually and deals with the property known as the "Former Camp Wellfleet". DeVasto asked what the Army Corps was doing in the area; Bacon said environmental testing.

- Bacon moved to approve the renewal of the Right of Entry No. 2734 access privileges for the Army Corps of Engineers for the parcel located on Assessor's Map 42, Lot 601, for a one-year term not to exceed January 23, 2021.
- Carlson seconded, and the motion carried 5-0.

***Request Approval to Close Town Offices From 3 To 5pm on Thursday, December 12<sup>th</sup> For Staff Holiday Appreciation Party***

Hoort said everyone enjoyed the event last year at the Well and that is where the party will be held again.

- Bacon moved to approve the request to close Town offices from 3 to 5 PM on Thursday, December 12<sup>th</sup> for Staff Holiday Appreciation Party
- Carlson seconded, and the motion carried 5-0.

**SELECTBOARD REPORTS**

- Carlson: The Cape Cod Water Protection Fund has moved to take a couple of months off, as the Bylaw Committee is doing work
- Reinhart: the DCR requested a meeting be withheld until after the holidays

**TOWN ADMINISTRATOR'S REPORT**

This report is for the period November 9, 2019 through November 22, 2019.

1. General
  - Worked on response to two public records requests
2. Fiscal Matters
  - FY 2021 CIP delivered to BOS and FinCom
  - FY 2021 Budget being finalized
3. Meetings
  - November 9 – Budget meeting with staff
  - November 9 - Selectboard meeting
  - November 10 – Budget meeting with staff
  - November 14 – Budget meeting with staff
  - November 19 – Housing Choice Summit in Provincetown
  - November 19 – Selectboard meeting
  - November 20 – Budget meeting with staff
  - November 21 – Meeting regarding Comprehensive Wastewater
  - November 21 – Budget meeting with staff
  - November 21 – Meeting with Water Commissioner Chair
  - November 21 – Meeting with FinCom Chair
4. Complaints.
  - Jude Ahern – multiple
  - Complaint regarding delayed water hook-up
5. Personnel Matters:
  - None

**TOPICS FOR FUTURE AGENDAS**

- Bacon: asked to have the Board of Water Commissioners come before the Board as soon as possible
- Wilson: Baumgarten's conflict of interest disclosure
- Wilson: meeting recording policy

*Approved December 10, 2019*

- DeVasto: Board's discretion over derelict buildings in the historic, commercial district

## **CORRESPONDENCE AND VACANCY REPORTS**

Reinhart noted that the Selectboard is responsible for filling vacant positions on Committees.

Wilson was concerned with an unusually offensive spam email that came in to the Board. Butler reminded the Board that spam emails do occur and to ignore them, mark them as spam, and delete them immediately.

## **MINUTES**

### ***November 12, 2019 – Regular Meeting***

Wilson noted amendments to the discussion of OysterFest with Acting Chief Hurley and Chief Pauley.

- Wilson moved to approve the minutes of November 12, 2019 as amended.
- DeVasto seconded, and the motion carried 5-0.

### ***November 6, 2019 – Special Meeting***

Wilson provided amendments to Butler and the Board.

- Wilson moved to approve the minutes of the November 6, 2019 special meeting as amended.

Carlson seconded, and the motion carried 5-0.

### ***November 19, 2019 – Work Meeting***

- Bacon moved to approve the minutes of November 19, 2019 as presented.
- Carlson seconded, and the motion carried 4-0-1, with Wilson abstained because she hadn't been there.

## **ADJOURNMENT**

Reinhart moved to close the open meeting and adjourn into Executive Session, – *pursuant to M.G.L.c. 30A, §22(g)(2)*, approval of Executive Session minutes.

- Carlson seconded: roll call vote:
  - Bacon yea
  - Carlson yea
  - Reinhart yea
  - Wilson yea
  - DeVasto yea
- The meeting adjourned at 7:38 pm.

Respectfully submitted,  
Courtney Butler,  
Secretary

## **Public Records Material as of 11/22/19**

1. Emails from Ronit Goldstein re: Eversource project update
2. Report from Natural Resource Advisory Board
3. Application for Use of Town-Owned Property from the Wellfleet Chamber and Kendra Luongo

*Approved December 10, 2019*

4. Email from Kendra Luongo re: response to questions about application for Use of Town-owned property
5. Letter from Russel Swart re: temporary closure of Marconi Beach Restaurant
6. Social Media Policy and Committee comments on Policy
7. Army Corps of Engineer request for renewal of right of entry
8. Town Administrator's Report
9. Correspondence and Vacancy Report
10. Draft minutes for November 6<sup>th</sup> special meeting; November 12<sup>th</sup> regular meeting; and November 19<sup>th</sup> work meeting.