

Approved February 28, 2020

**Wellfleet Selectboard Meeting
Tuesday, February 11, 2020 at 6pm
Wellfleet Senior Center**

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

Also Present: Town Administrator Dan Hoort; Acting Police Chief Michael Hurley; Town Clerk Jennifer Congel; Assistant Town Administrator Mike Trovato

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

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS

- Wilson acknowledged the passing of Joel Fox on February 6th and expressed gratitude for his service to the Town. The Board and audience had a moment of silence in his memory.
- Policy Chief Hurley reminded everyone that the ‘Hands Free Law’ is effective February 23rd with a grace period to March 31st.
- Hurley also reminded viewers that with the upcoming census no census takers should be asking for date of birth, social security numbers, etc.
- Audience member Pam Grandin said a private group is working on a plan for the old shellfish shack and should have it ready for presentation in six to eight weeks.
- DeVasto said the Shellfish Advisory Board discussed overwintering agreements. It was noted that 3 Selectboard members had found themselves at that meeting, without knowing that they would all be there. The video of the meeting is available on the Town website.

PUBLIC HEARING

Transfer of Annual All Alcohol License from Marconi Beach Restaurant to Bapps Taps, LLC

Attorney Patrick Daubert and proposed transferees Beth Andreoli and Patrick Pokras were present for the hearing. Daubert said the purchase and sale agreement is being executed for the property of the Marconi Beach Restaurant. Daubert introduced Andreoli and Pokras to the Board. They will be renaming the restaurant The Block and Tackle. Both live on Cape Cod. Reinhart clarified that this will be a transfer and a totally new business.

Bacon asked when they planned to reopen; Andreoli said the closing is March 25th and they hope to open by June 1st. Andreoli said if they can be open before then they will be. Bacon asked if they would be open 7 days per week and year-round; Andreoli said yes to both. Bacon asked if they would be living in the area; Andreoli said yes. Bacon asked if they would be updating the premises; Andreoli said they will make some minor updates. Bacon congratulated the transferees and wished them the best. Andreoli said they were very excited to be part of the community.

Wilson said thank you to Russ and Marie Swart for years and years of excellent business and service.

- Wilson moved to approve the transfer of the Annual All Alcohol license at 545 Route 6 from Marconi Beach Restaurant, Russell Swart, Manager to Bapps Taps, LLC, Beth Andreoli, Manager.

- Bacon seconded, and the motion carried 5-0.

COMMITTEE UPDATE – BOARD OF WATER COMMISSIONERS

Jim Hood, Chair of the Board of Water Commissioners, and Paul Millett of Environmental Partners were present for the update. Hood said they do not expect any major changes in the Municipal Water System's budget for the upcoming year. He provided further updates, which were included in the Selectboard's meeting packet. They are available on the Selectboard page, on the Town website. Information included in these updates:

- Replacement of the original pump at the Coles Neck well site for a cost of \$9,500.
- Installation of a new hydrant at the corner of Route 6 and Pine Point Road that was made possible by having the water main extended to bring water to the new Cumberland Farms building on the east side of Rte. 6.
- This extension may also allow abutters the possibility of hooking up to the System.
- The hydrant cost the Town \$4,500. The cost of the water mains was covered by Cumberland Farms.
- Installation of a curb stop on Coles Neck Road, adjacent to the transfer station, for an estimated cost of \$4,000.

Hood described additional work that needs to be done, including the need to replace and upgrade the System at the Gristmill Way wells' site so that it can serve as backup for the rest of the System and provide appropriate pressure for additional gallons per day, in conjunction with the other municipal wells and the water tank. as The SCADA (Supervisory Control and Data Acquisition) which needs to be able to integrate the various sites also needs fixing. The base computer for this component is located in the DPW building. The outside of the water tower also needs to be cleaned to remove mold. Hood discussed revenues and said the Board of Water Commissioners have approved 14 new applications for water, although not all are connected yet. Two of these connections, Cumberland Farms and Bay Sales Marine, paid to have water mains brought to their properties. The new connection fees will incur a revenue of approximately \$70,000.

Hood described the Water Commissioners' involvement with the 95 Lawrence Road Housing project. The addition of 46 units at the site will increase the demand on the Water System by approximately 10,000 gals/day which will take the Town over the permitted capacity of the System's infrastructure to provide adequate hydrological flow. Sections of the water main that were installed to serve the original Coles Neck System are only 2" and respectively, 4", in diameter. It runs from the Grist Mill Way wells to Pheasant Run, a bit beyond the intersection of Pole Dyke Road and Coles Neck Road.

Hood said two options to improve the system and expand its use would be to either:

- 1) replace the 2" and 4" sections of the water main at a cost of approximately \$3.7 million;
- or 2) bring a new water main along Rte. 6 to Briar Lane from the Gristmill Way site at a cost of approximately \$3.8 million. Hood said the Water Commissioners are recommending the 2nd option, which will also allow the addition of 88 separate connections.

Millet said he has spoken with Town officials and employees regarding applying for a Mass Works Grant to conduct the work.

Reinhart asked if replacing the 4-inch pipe would affect existing users; Millett said no.

Hood noted that Truro was awarded \$1.2 million from the Mass Works Grant in conjunction with their housing project and Brewster received \$1.7 million. He added that if a project for water system updates is associated with a housing project, it has a better chance to be approved.

Carlson asked Hood if the Briar Lane option would allow Outer Cape Health to hook up to the system; Hood said yes. Wilson said she understood that the real issue with the North Wellfleet pipes was that they were too narrow. She had encouraged the Water Commissioners to bring an article to Annual Town Meeting, to have it replaced. In response to Wilson's query about having only the 2" main replaced with a larger one, as a 3rd, less expensive option, Millett said that the 4" pipes (which connect to the 2" pipes along Coles Neck Rd.) were also a problem in terms of increasing the system's ability to provide adequate hydrological flow and had been for 14 years. There was further discussion. Millett noted that expanding the length of the mains would not solve the issue of water pressure.

Bacon mentioned that Hood has been serving on the 95 Lawrence Task Force. Bacon asked if the hydrant across Cumberland Farms was the only one on the highway; Hood said there is one next to PJs and one in front of Cumberland Farms. Bacon asked if it was conceivable that residents on Pine Point Road might get to hook up to the system. Hood said there is not currently a water main along Pine Point Road, but one could be installed. Bacon asked Hood if he had an estimate on the cleaning and repainting of the water tower; Hood said he did not as of yet. Bacon commented that by tagging this water expansion project onto housing, the Town could get in the cue for a Mass Works Grant and will be likely to get the grant. She said that the State has made the development of affordable housing a top priority.

Carlson said this was a fabulous opportunity to continue to bring Wellfleet into the 21st Century and to provide clean water. She commended the hard work of the Water Commissioners and Millett. DeVasto said, that going forward, the most important thing for the Town is to have foresight and asked that the Town does not try to save a nickel now and then have to spend fifty cents later. Wilson agreed with DeVasto but also noted that the Town should remember that the System's resource should be used sustainably. That we should consider our needs for water many years into the future, because what is available in terms of groundwater on this end of the Cape is finite. She recommended that the Town be conservative in providing municipal water, reserving it for lots that must hook up, according to DEP standards and not just using new hook ups to make money for the System's Enterprise Fund. Reinhart asked Hood for his thoughts about people who are hooked up to the System using it for irrigation as well as potable water, which was brought up by a resident at the last meeting. Hood said he was looking into this matter and had been provided information from Wilson who had done research on it.

APPOINTMENT OF SPECIAL POLICE OFFICER – RON FISETTE

Acting Chief Hurley noted that Chief Fisetete does officially retire on February 21, so this action is to make him a Special Police Officer. Bacon asked, with some humor, if the Town really needed him; Acting Chief Hurley said they have only received 2 applications for the summer season, so yes.

- Wilson moved to appoint Ronald L. Fisetete as a Special Police Officer for the period of February 21, 2020 through June 30, 2021.
- DeVasto seconded, and the motion carried 5-0.

USE OF TOWN PROPERTY

Mayo Beach on July 12, 2020 from 3-4PM – Alice Wells

Wells was not present. There were no questions or comments from the Board.

- Bacon moved to approve the use of Mayo Beach on July 12, 2020 from 3-4PM by Alice Wells, subject to the conditions, if any, as listed on the application form for a fee of \$110.
- DeVasto seconded, and the motion carried 5-0.

BOARD/COMMITTEE APPOINTMENTS

Comprehensive Wastewater Management Committee – John Cumbler

Cumbler was present for his appointment. Wilson noted that Cumbler has served on the Board of Health. She noted that this Committee was supposed to have 7 members, including one representative from the Board of Health and the Board of Water Commissioners. Wilson said that the Selectboard is only allowed to default to another member who is not on either of those two boards if nobody on one of them wants to be on the Wastewater Committee. She said the Board of Health had not fully discussed having somebody on it and that there are two people who might be interested in filling that role. Because of this, Wilson said she would not like to vote on this matter tonight.

Carlson said the charge will have to be reviewed in the future, as it tasks them with completing a Wastewater Plan and that Scott Hoarsely is working on that. Bacon said she disagreed with Wilson and would like to appoint Cumbler. She said she spoke with the Conservation Agent who noted there were indeed two people who were slightly interested in having this appointment, but she felt that Cumbler would be the best fit. There was further discussion. DeVasto asked if there were 2 available seats right now; Bacon said there was only 1. Wilson asked to hear from the other potentially interested parties. Hoort noted there were indeed 2 vacancies on this Committee. Wilson said that, in that case, she was ready to vote for Cumbler.

Cumbler discussed his previous work with Town committees. Bacon moved to appoint John Cumbler to the Comprehensive Wastewater Management Committee to fill a term ending June 30, 2021.

- Carlson seconded, and the motion carried 5-0.

BUSINESS

Request for May as Celebrate Herring River Month

Beth Chapman, Chair of the Friends of Herring River, was present for the request. She noted this is the 2nd time the Friends have made this request and described past and current events being held by the group for the public's benefit. Carlson thanked Chapman for the set of programs. Chapman said the first public hearing before the Cape Cod Commission will be sometime in March and will provide more information in the future.

- Bacon moved to proclaim May as "Celebrate Herring River" month.
- Carlson seconded, and the motion carried 5-0.

Sign Warrant for Presidential Primaries

Town Clerk Congel presented the request for the Selectboard to sign the warrant for the Presidential Primaries which will occur at the COA. Polls will open at 7AM and close at 8PM. Reinhart said she was surprised by the number of names on the warrants.

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- Carlson moved that the Selectboard sign the warrant for the presidential primaries for March 3, 2020.
- Wilson seconded, and the motion carried 5-0.

Congel noted that local elections are May 4th and there are many openings available. Congel can provide more information to interested parties at her office at Town Hall.

Request to put stairwell from Town Hall parking lot to Historical Society

Eric Winslow, of the Historical Society, was present for the request. Reinhart asked why this project was called a “stairwell” as opposed to “stairway”; Winslow said that was an error. Winslow noted that their request is to put a stairway from the Town Hall parking lot to the rear of the Historical Society and Museum property with a small pergola. Reinhart asked if lighting would disturb neighbors at night and suggested solar lights; Winslow said solar lighting is very dim and tend to get knocked over. He said they would like to put lighting on a timer. Winslow noted that there was already a path in this location but that it was not being maintained.

Bacon asked if the abutters were notified and what their thoughts were; Winslow said they have not had contact yet. Winslow noted that the property is a rental property and the owners are not there often. Bacon asked them to contact the owners first. Bacon asked where the liability for the stairway lies. Winslow noted that it was Town property so the liability would probably lie with the Town. Bacon asked the Historical Society to indemnify the Town with regard to liability. Hoort said he would like to talk with Town Counsel first because the Town would most likely to provide an easement. Carlson asked if the Town had some sort of umbrella policy with regard to Town property; Hoort said yes.

Wilson clarified that the Historical Society would be maintaining the staircase. There was discussion about the matter of an easement. Hoort said he would check with Town Counsel on the matter.

- Bacon moved to postpone the request until the Board was provided with a legal opinion from Town Counsel.
- Carlson seconded, and the motion carried 5-0.

Approval of New Town-wide Telephone System

Trovato and Harry Terkanian, former Town Administrator and member of the Building Needs and Assessment Committee, presented the request. Trovato noted that this has been in process for some time. Terkanian said this project was driven by the update of the Police Station. The vendor chosen is Partners Technology. Terkanian described the project, which includes information that was provided in the Selectboard packet and could be found on the Town website.

Reinhart noted that the new phones will go into every Town building with the exception of the Transfer Station. Terkanian noted features of the system included 4-digit extensions and call forwarding. Wilson said she understood that there would be some sort of land line backup; Terkanian said this was called POTS (Plain Old Telephone System) and involves copper wiring. Wilson asked about the current equipment at the Police and Fire stations. Terkanian said the systems are outdated and can no longer be updated by the provider.

Bacon asked about the price of the equipment and infrastructure upgrade. Terkanian said the infrastructure upgrade is to re-cable the Town Hall and will cost approximately \$11,150 and the

purchase price for the equipment is \$75,330. He noted the pricing includes installation, training, parts and labor warranties, and software.

Audience member Wayne Clough asked if the desk sets can be plugged into a cable anywhere, in case of emergencies; Terkanian noted that the call forwarding feature would provide for this service. Clough asked if phones could be added to the beach lots if and when telephone service is provided along Ocean View Drive; Terkanian said he did not want to make a promise he could not keep.

Terkanian noted that money for this was previously appropriated. Wilson asked for a copy of the proposal. Trovato noted that he had previously sent it electronically to the Board.

- DeVasto moved to postpone the purchase and installation of a new Town-wide telephone system as presented by the Assistant Town Administrator.
- Carlson seconded, and the motion carried 5-0.

Expedition Blue Presentation

Reinhart said there is a lot going on in the Harbor and there is a plan that the Harbormaster has tentatively developed with an engineer. She noted that she would like to postpone this discussion and the one of the old shellfish shack until that comprehensive plan is reviewed. Reinhart asked Hoort to set up a work meeting with all parties. DeVasto asked if the Harbormaster's plan would incorporate the whole parking lot area and what it included; Reinhart said it included the harbor, parking lot, and more. DeVasto asked if the Board did not want to hear the presentation; Reinhart said she informed Trovato to tell his presenters not to come.

Wilson said this Expedition Blue unit was an outlier to the Harbor plan and wanted to discuss it at the meeting. Reinhart said she is postponing this item because she heard from people that they did not like the design or want it in Town. She provided an explanation of Expedition Blue, which is to emphasize the Cape's year-round economy. There was further discussion.

Trovato clarified the intention of his presentation tonight which was to provide the Board and public an update on their work on the project. He said there was no proposal or vote expected tonight. Carlson said she did not feel she could evaluate the components of the presentation without looking at the Harbor plan first.

Wilson said she did not feel that it was correct for one member of the Board to decide to postpone an item that was on the agenda, that it was the group's decision. She also noted that her use of the term "blue economy" is generally, in reference to economies based upon the water, not the names of any organizations.

- DeVasto moved to postpone.
- Wilson seconded, and the motion carried 4-0-1, with Bacon abstained.

Discussion of Decision on Old Shellfish Shack

Reinhart asked the Board if they wanted to discuss the old shellfish shack or postpone it. DeVasto said there was an appraisal done that showed the building's structural value at \$0, but that does not matter because the assessed value is what really matters. He noted that the 50% threshold of repair (more than which would trigger a FEMA-requirement renovation) would be about \$37,00 to bring it up to code. DeVasto suggested turning the structure into a seasonal changing room. He noted it

would cost just as much to tear the building down as it would to update it. Reinhart noted that currently the Shellfish Department does use it to store things.

Bacon asked if the Board was postponing or discussing this matter; Wilson and DeVasto wanted to discuss it. Wilson said she felt that the shack should be demolished, that given global warming, no more money should be spent on buildings in the flood zone, and that the beach should be returned to its pristine state. Bacon asked DeVasto if he received information from the Building Inspector; he said yes. Bacon said she appreciated DeVasto's sentiment, but the building was in a floodplain.

Audience member David Wright was in favor of DeVasto's suggestion but also agreed to postpone the discussion until the Harbor Plan is set. He suggested having the Blue Economy group use the shack instead of their proposed structure and pay for the project.

Audience member Pam Grandon said she has reached out to 2 Selectboard members three times with no response and would like to speak with DeVasto. She noted the citizen group working on this project is interested in what the Blue Economy group is doing. Grandon noted that in 2002 at Annual Town Meeting, \$25,000 was appropriated to fix the building. She asked where the money went since that project was not done. Grandon also noted that the deed restrictions have not expired. She asked for an informed decision, noting that there was a lot of misinformation going around.

Reinhart asked who Grandon represented and who she had sent emails to; Grandon said she sent 3 emails to Reinhart and Bacon.

It was clarified that the best way to contact the Board is to use their group email address that's available on the Town website. Grandon said she represents the Friends of the Mayo Beach House. Bacon noted the real expert on this matter was Terkanian and the packet for this evening contains information from the Building Needs and Assessment Committee. Bacon also addressed the issue of the deed restriction having expired. Grandon cited an earlier opinion from Town Counsel that this was not the case. Recalling that opinion, Wilson agreed and added that if a piece of land is transferred to the Town, that any deed restrictions should be respected, to encourage future donations. There was further discussion.

Carlson thanked Grandon for her group's efforts and asked to postpone the decision. There was further discussion and the Board asked Grandon to email the Board at bos@wellfleet-ma.gov with her information.

Audience member Wright said he was not in favor of demolishing the shack.

Reinhart asked Bacon what she would like to do with the building; Bacon said burn it. She said this has been on her goals for years and is ashamed that it still exists and is what visitors see when they visit the Town beach.

No action taken.

SELECTBOARD REPORTS

- Bacon informed the Board that the final draft of the RFP for 95 Lawrence Road should be presented to the Selectboard in late March

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- Wilson attended the Shellfish Advisory Group where they discussed the shellfish regulations about overwintering.

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TOWN ADMINISTRATOR'S REPORT

To: Board of Selectmen

From: Dan Hoort, Town Administrator

Subject: Town Administrator's Report

Date: February 7, 2020

This report is for the period January 25, 2020 through February 7, 2020.

1. General
 - First draft of ATM warrant has been distributed.
 - Working on daycare and hearing assisted devices for town meeting.
2. Fiscal Matters
 - FY 2021 FinCom budget reviews in progress
3. Meetings
 - January 28 – Finance Dept. Meeting
 - January 28 – Selectboard meeting
 - January 29 – ‘Meet with the Editor’ to answer questions on Herring River Restoration.
 - January 31 – Vacation day
 - February 3 & 4 – Vacation day
 - February 5 – Staff meeting to discuss annual town meeting warrant
 - February 5 – Meeting with Board of Water Commissioners chair
 - February 6 – ‘Meet with the Editor’ to answer questions on Herring River Restoration.
 - February 6 – Meeting with Police Chief and new Lieutenant
 - February 6 – WEA negotiations
4. Complaints.
 - none
5. Personnel Matters:
 - Sent request for proposals for Town Administrator consultant search.

TOPICS FOR FUTURE DISCUSSION

- Wilson: discussion of High Toss Road status;
- Wilson: approval of executive session minutes;
- Wilson: a discussion of the general process related to the Rte. 6/Bike Path project and the particulars of the January meeting in Boston with the DOT, the DCR and two members of the Selectboard;
- Bacon: policy regarding taking videos of all committee meetings;
- Bacon: finalize Town marijuana policy;
- DeVasto: discussion of abandon derelict buildings in downtown commercial district and other areas of Town;
- Reinhart: discussion and possible vote on revised liquor regulations based on Chatham's regulations.

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CORRESPONDENCE AND VACANCY REPORTS

MINUTES

Wilson provided amendments to the minutes for the record.

- Wilson moved to approve the minutes of January 28, 2020 as amended.
- Bacon seconded, and the motion carried 5-0.

ADJOURNMENT

- Bacon moved to adjourn
- Wilson seconded, and the meeting adjourned at 8:27pm.

Respectfully submitted,

Courtney Butler
Secretary

Public Records Material as of 2/7/2020

1. Public Hearing Papers for the request from Bapps Taps, LLC;
2. Presentation from the Board of Water Commissioners;
3. Appointment papers for Ronald L. Fisetto;
4. Use of Town Property Application from Alice Wells;
5. Appointment papers for John Cumbler;
6. Email from Beth Chapman regarding Herring River Month;
7. Warrant papers from the Town Clerk;
8. Request and documentation from the Historical Society regarding a stairway at the Town Hall parking lot;
9. Memorandum and proposal papers for Town-wide telephone system;
10. Presentation on Expedition Blue;
11. Memo from Town Administrator regarding Old Shellfish Shack;
12. Town Administrator's Report;
13. Correspondence and Vacancy Reports;
14. Draft and amended minutes of January 28, 2020 meeting.