

**Wellfleet Selectboard Meeting
Tuesday, August 27, 2019 at 7pm
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; Shellfish Constable Nancy Civetta; Community Services Director Suzanne Grout Thomas; Harbormaster Mike Flanagan; Assessor Nancy Vail

Chair Reinhart called the meeting to order at 7:00 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.

- Bacon made a correction from the July 23, 2019 meeting. She noted that she did not recuse herself from the meeting, as the Chair stated, but that she was absent due to a work obligation.

PUBLIC HEARINGS

Request from Winslow's Tavern to Extend Seasonal Liquor License to January 1, 2020

Bacon recused herself and left the room.

Tracey Barry Hunt, Owner of Winslow's Tavern, was present for the request.

Carlson thanked Hunt for staying open that late in the season.

- Carlson moved to approve the extension of a Seasonal Liquor Licenses for Winslow's Tavern to January 1, 2020.
- Wilson seconded, and the motion carried 4-0, with Bacon recused.

Application received from Richard Goldberg to Transfer Shellfish Grant License #2001-08

DeVasto recused himself and left the room.

Civetta said this was a great collaboration.

- Wilson moved to transfer Shellfish Grant License #2001-08 from Richard Goldberg to Richard Goldberg and Dave Seitler, as recommended by the Shellfish Constable.
- Bacon seconded, and the motion carried 4-0, with DeVasto recused.

Changes to Shellfish Regulation 7.19.5. Overwintering of Equipment on Grants

DeVasto recused himself and left the room.

Wilson said she conferred with the Civetta and Shellfish Advisory Board (SAB) about these proposed amendments. She said she attended the last meeting where the SAB vetted this change in regulations. She clarified that there were two versions of the amended regulation in the Selectboard

Approved September 10, 2019

packet: one was the result of that SAB meeting and the other was a subsequent draft, done by the Constable which includes changes to Appendix D.

Reinhart asked that, due to the number of shellfishermen in the room who had shown up for this, that the Selectboard hear from them now.

Wilson recommended that the Selectboard wait until September 24, after the SAB has had time to review the Constable's language. Civetta asked to hear what the public had to say. Bacon said she had read about the changes and is ready to vote on it but is willing to allow the time for comments.

Reinhart told the audience that the Board would hear their comments but not deliberate on them. Civetta said she appreciated hearing the opinions of the community who came out tonight.

Civetta said the Center for Coastal Studies will work with the Town to locate the harbor of any gear that has been lost in the harbor's waters via a sonar study. She said this would be done before December and that this year grant money will pay for it.

Audience member Alfred Pickard asked if the Board had a recommendation from the Marina Advisory Committee or the Harbormaster.

Flanagan recommended that all shellfishing gear be removed for two months in the winter, January and February.

Civetta said the Marina Advisory Committee sent the Board a recommendation but it did not get included in the packet for this meeting.

Audience member Joe Aberdale said the Marina Advisory Committee supported the Harbormaster's suggestion to remove all shellfish gear for the months of January and February at their July 24th meeting.

Wilson noted that the recommended changes are in the packet for this meeting, located on the Town website. Civetta noted that every shellfishermen was emailed the information.

Civetta said that the SAB did not come up with any further recommendations. She said she is willing to wait to vote on the changes but wants to be respectful of the time frame and allowing people to adapt to the changes. There was discussion about when a good time to vote on this in the future would be.

Bacon said that, since she will not be at the September 24 meeting, she would like to weigh in on this issue now: she said this is a big regulation change and she is 100% in agreement with the Harbormaster and the Marina Advisory Committee on this. Bacon said she considers herself an environmentalist who has lived here all her life and is watching what this crap (equipment) is doing in our harbor and our waterways or what it is doing to the marine life. Bacon said she was very interested in seeing what the sonar study puts upon the bulkhead up at the pier and she thinks that everyone would be shocked at how much abandoned equipment is out on the water. She said she will not support leaving any kind of equipment out in the harbor or our waterways over the winter months where the Town gets ice. She said she will not support a regulation that does not state that –

anybody that is a shellfishermen in Wellfleet – that every piece of equipment, every bag, every piece of rebar, every zip tie, has to have a name tag on it, she wants to know who it belongs to. She said this stuff is killing us – it is killing the marine life, it's killing our water quality. She said the shellfish industry has gone from picking in the wild, when she was growing up here, to an industry that is \$6.5 million dollars a year – let's get responsible. She asked the shellfish community to be responsible and respectful to the environment and the industry.

- Wilson moved to continue the hearing to amend section 7.19.5 of the Wellfleet Shellfish Regulations and Appendix D on September 24.
- Bacon seconded, and the motion carried 4-0, with DeVasto recused.

APPOINTMENTS/REAPPOINTMENTS

Building Needs and Assessment Committee – Reappointment, Harry Terkanian

Terkanian was present and said he requested a one-year appointment to finish the Police Station project. He said there is a small punch-list of items that need to be completed, along with filing their evaluation.

Bacon thanked Terkanian for his service on many Town committees.

Terkanian asked for Peter Williams to be appointed as the DPW alternate for the committee.

- Wilson moved to reappoint Harry Terkanian to the Building Needs and Assessment Committee for a one-year term.
- DeVasto seconded, and the motion carried 5-0.

Cape Cod Commission – Richard Elkin

Reinhart said that Gerry Parent has asked to be considered for the appointment as well. She asked the Board if they would like to consider both applicants before appointing a representative.

Carlson agreed and said that due to the prominence of the position, it would be good to consider more than one candidate.

Wilson said Elkin already serves on four committees and his knowledge are comparable to Parent. She said that Elkin had already attended a Commission meeting and has considered any potential conflicts of interest that may come up, such as the Herring River Restoration Project. She suggested appointing Elkin and noted the amount of time it has been vacant, over a month.

Reinhart agreed that both candidates would be good. She asked Elkin how long the term was. Elkin was unsure but thought that it was to fill Roger Putnam's term, which runs through 2021. Carlson agreed that waiting to hear both candidates would be best. DeVasto agreed with Carlson and said it would be due diligence for the Board to consider both candidates.

Reinhart asked Elkin his take on the Herring River Restoration Project. Elkin said he has made donations to the Friends of Herring River and has followed the project. Reinhart asked his opinion of the Commission's role. Elkin said the Commission is the planning agency for Cape Cod and became interested when the Commission said that coastal resiliency was a topic of focus.

Reinhart also noted Elkin's work with the Town Solar project. Reinhart said she felt comfortable moving on this matter, even without Parent present. Wilson said she would prefer not to have a member of the Planning Board as the Commission representative, to ensure checks and balances.

Wilson said she is well aware of Parent's qualifications and did not feel the need to meet with him in person.

- Carlson moved to postpone the appointment of the Wellfleet Representative to the Cape Cod Commission.
- Bacon seconded, and the motion carried 4-1, with Wilson opposed.

Local Comprehensive Planning Committee – Bonnie Shepard, Planning Board Rep.

Shepard was not present. Wilson said she spoke with Shepard today and that Shepard was planning on being here but had a family medical matter to attend to. Wilson said Shepard is able to attend every meeting and asked her if she had been chosen by the Planning Board to be on the Planning Committee. Shepard said the Planning Board did not vote on the appointment, but the consensus was that Shepard would be the representative.

Grout Thomas said her concern is not with who is appointed from the Planning Board but that a representative actually attends meetings from the Board.

Reinhart noted that Shepard does not live in Town and this is the second meeting she could not attend. Bacon noted that she is reluctant to appoint Shepard to a committee. Wilson noted that she has been attending Planning Board meetings.

- Bacon moved to postpone the appointment of Bonnie Shepard as the Planning Board representative to the Local Comprehensive Planning Committee until Shepard can be present.
- Carlson seconded, and the motion carried 4-1, with Wilson opposed.

USE OF TOWN PROPERTY

Mayo Beach from June 29 to September 10, 2020 – Della Spring

Spring was present for the request.

Reinhart asked Spring if she taught seven days a week, weather permitting. Spring said she only taught Tuesday and Thursday. Reinhart asked Hoort when the Board addressed fees. Hoort said in the fall.

Bacon said she felt the Board could move to approve the application on the condition that the fee could increase. Spring said she understood that there could be an increase.

Carlson asked what time of day she taught. Spring said 8:30 to 9:35 AM. Wilson thanked Spring for her early application.

Approved September 10, 2019

- Bacon moved to approve the use of Mayo Beach from June 29 to September 10, 2020 by Della Spring, per the conditions, if any, as listed on the application form for a fee that will be determined at a later date.
- DeVasto seconded, and the motion carried 5-0.

Memorial Garden on September 1 from 4-6PM – Trudy Vermehren

Vermehren was not present for the request.

- Reinhart moved to approve the use of the Memorial Garden by Trudy Vermehren, per the conditions, if any, as listed on the application form.
- Bacon seconded, and the motion carried 5-0.

Great Pond on September 7 from 6-10 AM – Jay Critchley/Provincetown Swim for Life

Critchley was present for the request. Wilson noted the use of the COA for parking and transportation.

Reinhart had concern for the delicacy of the ponds at this point in time.

Critchley thanked the Town for its support of the Swim for Life event. He said he is sensitive to the ponds and plans to limit the event to 50 swimmers. Reinhart asked about the kayakers listed on the application. Critchley said he did not see the need for twelve, that perhaps six would be enough. He noted that the swim is around the perimeter of the pond, close to shore.

Reinhart asked how Swim for Life supported Wellfleet. Critchley said the proceeds go towards Outer Cape Health Services, PorchFest, the Aids Support Group of Cape Cod, and many other community organizations.

DeVasto said 50 people in the pond at one time is pretty common.

Audience member Tim Sayre said he lives on Great Pond and has no problem with the event. He echoed DeVasto's comment. He asked the Board to waive the fee, because Swim for Life is a nonprofit. Grout Thomas agreed with DeVasto and Sayre's comments.

Reinhart asked about the monitoring of the beach that day, with concern for erosion and the outer shore habitat. Critchley said no one will be on shore and swimmers will be monitored on the water.

Bacon said she was not originally supportive of the application, due to concern for the ecosystem of the ponds. She said she was willing to support the event so long as it does not become a spectator event that could lead to erosion and destruction to vegetation around the pond. Critchley agreed.

The Board agreed to waive the \$110 fee for this event.

- Carlson moved to approve the use of Great Pond on September 7, 2019 from 6-10 AM by Jay Critchley, per the conditions, if any, as listed on the application form.
- Wilson seconded, and the motion carried 5-0.

BUSINESS

Local Comprehensive Planning Committee Designation

Grout Thomas, Chair of the Committee, presented the request. She said she would like to make the group an official committee. She noted that it was designated as a working group when formed under Assistant Town Administrator Brian Carlson. Grout Thomas said that the group is subject to Open Meeting Law and therefore should be a designated committee.

Wilson noted there was no charge for the committee. She asked if the members of the groups named in the packet material attend the meetings. Grout Thomas said yes, when available, noting the busy schedules of members in the summer. Wilson noted that the quorum would then be five for the committee, if membership was 9.

- Bacon moved to designate the Local Comprehensive Plan Working Group as the Local Comprehensive Planning Committee with a membership of 9 members, including 1 representative from the DPW, Community Services, Library, Housing Authority, Planning Board, School Committee, and the Building Needs and Assessment Committee.

Further discussion: DeVasto asked what the charge would be now, since one was never set originally. Carlson asked why there were no representatives with extensive knowledge of shellfishing, wastewater, or the 208 Plan and or dedicated to such concerns. Grout Thomas said there were four community meetings in the early stages of the committee where those groups were represented. There was one on shellfishing, housing, what was generally needed to be included in the plan and wastewater. She also noted that the plan is going to be developed with regard for different areas in Town and what is happening in those places, rather than defining the needs of specific groups, in keeping with the Cape Cod Commission's plan. Grout Thomas said she would like to thank those members who have been on the Committee for over two years and to help them finish the project. She said the group was working on its mission statement. The charge would be to get the plan completed and ready for the April 2020 Town Meeting.

Wilson noted there were seven representatives listed for groups. Grout Thomas said there were 2 at-large members, including Mac Hay and Janet Lesniak, she suggested amending the request to include 2 at-large members. She also noted that Butler takes minutes and provides structure and resources but does not vote. Wilson suggested having 9 regular members and no at-large members.

Carlson asked Hay's purpose for being in the group. Grout Thomas said he has been on the working group since its conception and was asked to be on the Committee by former Assistant Town Administrator Brian Carlson. Reinhart discussed the membership and asked Grout Thomas if there were too many members. Grout Thomas said she asked for 9 members because the quorum is only 5.

Carlson asked if Hay had filed an Appearance of Conflict of Interest form, citing that he is a prominent business owner. Butler noted that Hay asked to clarify his role as well and the group decided that he represents a large group of business owners, industry, commerce and shellfishermen, all of which are individual areas that must be covered in the LCP per Commission guidelines; he also provides good input to the group. Carlson said when one is a business owner in town, there is always a conflict of interest if a business owner is on the Committee. Butler retorted saying that any business owner would then present a conflict of interest under this premise and noted that no other business owner has stepped up to be on the Committee, leaving these areas of

the Plan – industry, commerce, and shellfish – unrepresented on the group. There was further discussion.

DeVasto said he was concerned that this was not originally formed as a Committee and felt members should be appointed after a charge is designated. He noted it is important to follow a process. Wilson said anyone who wants to be on the Committee must apply to be on it now that it will be an official committee. She also said the charge comes from the Cape Cod Commission's requirements and this group already has a sense of what their charge is. Wilson asked that a charge be provided to the Board.

Reinhart agreed that shellfish and wastewater/water should be represented. Grout Thomas said if the Board felt more comfortable, then they could appoint 9 regular members instead of 2 at-large and ask representatives of shellfish and water to be appointed. She noted that it would be a lot, however, for any new members to come on and have to be caught up on all the work that has been done already.

Bacon said she felt the Board was overthinking this. In response to DeVasto's concern for a charge, she noted there is a mission statement that is comparable and dovetails nicely into a charge. She noted the amount of time that has elapsed between the forming of the group and that it is important to complete the plan. Bacon noted that no one from shellfish or water has stepped up and reminded the Board of the meetings held for the public in previous years.

Carlson said this was an important and meaningful plan. She said that Carlson never reached out to the Water Commissioners when she was a member and asked to postpone this until a clearer definition and representation is made. Reinhart said this was already pushed down the line enough and asked that the motion be made to establish the group and a charge come later.

Bacon reread her motion:

- Bacon moved to designate the Local Comprehensive Plan Working Group as the Local Comprehensive Planning Committee with a membership of 9 members, including 1 representative from the DPW, Community Services, Library, Housing Authority, Planning Board, School Committee, and the Building Needs and Assessment Committee.

Wilson noted that this motion was for 9 regular members, no at-large members. Wilson noted there was no one with a strong environmental background. Butler noted that Jay Norton from DPW has the environmental and water background, Martha Hevenor has great insight as well, and that all issues – housing, water, and shellfish – are being covered. Butler respectfully invited the Board and all members of the public to attend meetings, read the minutes, and watch previously recorded meetings to understand fully the work the Committee is doing and the representation of all areas of concern discussed this evening.

DeVasto asked the members of the committee to be officially appointed. Carlson said she did not feel the motion was clear in terms of DeVasto's point and would like a point of process included in the motion. Reinhart said the motion on the table is just to change the group from a working group to a Committee.

- Wilson seconded, and the motion carried 3-2, with Carlson and DeVasto opposed.

Wilson noted that members who wanted to be on the Committee would need to apply and be appointed at the following meeting.

Arthur Medici Memorial

Grout Thomas presented the request. Medici lost his life in a shark attack last year at Newcomb Hollow beach. Grout Thomas said she communicated with Medici's aunt who contacted his parents in Brazil to get their thoughts on the memorial. She said the parents requested a Bible verse, which led her to speak with Town Counsel. Counsel said the recommended language passed necessary 1st amendment tests regarding a government body using religious language. Grout Thomas noted that she would like a boulder but there was concern about erosion and that the memorial would roll into the ocean. She also recommended a bench and asked the Board's opinion.

Bacon said this was a sad day for the Town one year ago but was also a reminder of the hazards of the ocean. She expressed concerns about the maintenance of the memorial and also asked if there would be a memorial for every future fatality that could occur in the future. Bacon suggested the DPW would have to remove the memorial, whether it was a boulder or a bench, each winter.

Grout Thomas said she did not want to anticipate that there would be more fatalities and considered this comparable to the ghost bikes along Route 6. She said the bench would make more sense as far as removal in the winter goes.

Reinhart said she liked the boulder idea but also recognized that benches are used frequently and are a nice place to sit and reflect. Bacon said she worried there could be a lot of benches in the future and suggested one rock with a large plaque that could include any future names.

Wilson said recognition of the events is good and also preferred a small boulder, if anything. She said she has respect of others' religions but did not any religious affiliation in a public place. Wilson suggested doing nothing instead, given that there was already significant knowledge and awareness of the tragic event.

DeVasto said he agreed with Wilson that less was more, but that he would rather an individual or outside group would pay for the memorial. He felt that it was not the Town's place to expend the resources for the memorial and would prefer it came from the community who wishes it to be there.

Carlson said she felt Medici's favorite Bible verse was appropriate and asked how much the benches cost. Butler noted that they cost \$1,200. Carlson noted the impact Medici's death had on the community and that this was a bench for the whole community. She felt the Town could afford to pay for it.

Audience member Heather Doyle noted that the Medici family comes to visit the Cape each summer. She suggested looking forward and that the community would be happy to have a memorial for Medici. She said the public has created their own temporary memorials at the site and would like to see a permanent one. Doyle said her group, Cape Cod Ocean Community, would be willing to commit funds for the memorial. She asked if any benches in Town currently contain a

Bible verse, noting she would respect any provisions for that inclusion. Doyle also noted how much it would mean to the family.

Audience member Maggie Flanagan said the idea of a memorial touches her deeply as it was a place where she could watch her son, a surfer, when he is in the water. Flanagan said that if this was a child from Wellfleet there would be a different discussion taking place.

Audience member Gail Ferguson said it did not matter that the verse come from the Bible, but it is important that the verse is important to Medici and his family.

Audience member Larry Horowitz suggested having a memorial that would save lives from sharks. He suggested a flagpole with the shark flag flying constantly. Grout Thomas said she looked at flagpoles and that the removable ones are problematic and that a permanent one set up high enough on the beach to avoid erosion would be out of view of those on the beach. She said she is looking into bigger flagpoles for the lifeguard stands for next year.

Audience member Drew Taylor, who is close with the Medici family, said the discussion tonight was good and noted that the Medici family is deeply religious, and their religion has gotten them through their loss. He asked that the Bible verse be included.

Bacon said it may not be lawful for a municipality to install a memorial with a Bible verse on it, per Town Counsel's recommendation. She noted that a privately donated memorial could include such a verse. Bacon noted that the Board seemed to be leaning towards installing a memorial and would prefer a bench over a boulder.

Reinhart noted the Lemon Law Test, regarding a municipality installing a memorial with a Bible verse on it. Bacon noted that Counsel said they did not see a problem with the verse but had not seen the actual verse yet.

Wilson said there needs to be a sentence stating why there is a memorial, stating the cause of the death. Bacon noted Wilson's earlier comment that the event was highly publicized.

DeVasto said he is in favor of the memorial but would prefer that it come from the loving community. He said he feared that it would set a precedence that the Town should be memorializing people, noting he was not insensitive to the issue.

Reinhart asked the Board if they preferred a bench or a rock. The consensus was a bench, Wilson preferred a rock.

An audience member, a surfer from Truro, said it would be nice way for the surfing community to recognize one of their own. He suggested both a rock and a bench if the Board could not decide.

Hoort suggested the community would raise the funds for the purchase of the memorial.

- Bacon moved to authorize installation of a memorial bench for Arthur Medici at Newcomb Hollow Beach.
- Wilson seconded, and the motion carried 5-0.

Suicide Awareness Prevention Week Proclamation

Reinhart noted that this was done every year.

Bacon read the Proclamation as follows:

WHEREAS, in the United States, one person dies by suicide every 12 minutes and 121 people die by suicide each day; and

WHEREAS, 20 veterans die by suicide each day; and

WHEREAS, suicide is the second leading cause of death for Massachusetts residents ages 15-44 and the suicide rate on the Cape and Islands is 1.4 times higher than the State average; and

WHEREAS, suicide is a tragic and disruptive event for families and communities ~ it is estimated that annually, there are 6.3 million suicide loss survivors who have lost a loved one to suicide; and

WHEREAS, suicide is a public health issue and a community concern, and through increased education and awareness of the issue a great number of suicides can be prevented;

THEREFORE, we do hereby officially designate the week of September 08 - 14, 2019 as “**SUICIDE PREVENTION WEEK**” in the Town of Orleans MA, Barnstable County.

- Bacon moved to sign the Proclamation declaring the week of September 8th to 15th, 2019 as Suicide Prevention Awareness Week.
- Wilson seconded, and the motion carried 5-0.

Approval of Tax Inserts – Housing, Tax Assistance, & Cemetery Commission

Reinhart noted that the first insert is for the Wellfleet Buydown Program which is funded through CPC fund; the second insert is for the Wellfleet Taxation Aid Fund; and the third insert is to restore and maintain Wellfleet cemeteries.

- Wilson moved to approve the Housing Authority 2019 tax bill insert, the Taxation Aid Committee 2019 tax bill insert, and the Cemetery Commission 2019 tax bill insert.
- Carlson seconded, and the motion carried 5-0.

It was confirmed that with the approval of these three inserts, the inclusion limit has been reached.

Approval of Pilot Agreement – Coles Neck Solar

Hoort noted that this was already approved as part of the lease agreement, this simply allows a standalone pilot agreement. Reinhart noted this was for the solar array at the landfill.

Bacon asked Hoort if this officially completed this process. Hoort said an easement from Eversource will have to be approved but otherwise, yes.

Wilson asked Richard Elkin, Chair of the Energy and Climate Action Committee, for his thoughts on the agreement. Elkin said he had seen the agreement and noted that the fee is based on a formula used statewide. He said this was a good deal for Wellfleet.

Approved September 10, 2019

The TA confirmed that this was approved by Counsel.

- Bacon moved to approve the agreement and authorize the Town Administrator to sign it.
- Carlson seconded, and the motion carried 5-0.

HDYLTA Discussion

Wilson apologized for any concerns and difficulties that have come up around this matter due to her actions. She said she will be able to address this at a later date, if needed.

DeVasto reminded the audience that the HDYLTA purchase was made before he became a Selectman.

Wilson and DeVasto recused themselves and left the room.

Reinhart read a prepared statement:

“As Chair of the Selectboard, I respectfully acknowledge concerns of the public. It took time talking with people and Town Counsel.

In hindsight, this could have been handled differently. The process was rushed and may have seemed chaotic, but to me, it wasn't. There was a lot of work, time and consideration on everyone's part, that went into presenting this to Town Meeting.

It is very important for the Town to own this property. Protection of the shellfish industry, protection of a beach and the environment and access rights. New pressures from outside money became a consideration.

There is an appraisal and a survey being worked on presently.

The Town Administrator and myself have consulted with Town Counsel at length regarding The Conflict of Interest Law. I was surprised to learn that Helen Miranda Wilson was the beneficent donor. I don't believe there was any mal intention. She should have known to recuse herself. She should have filed a disclosure. Ms. Wilson did consult a lawyer twice, and they did not tell her it was necessary to recuse. There was no financial benefit. Tax deductions, etc. do not equal the donation. According to Town Counsel, there was a technical violation, not a finding of violation. In no way is there a financial gain. An Ethics Commission would most likely find that the benefit to the Town outweighs the issue that arose.

Town voters approved the purchase at Town Meeting and at the voter's box by a strong majority.

At Selectboard's July meeting I asked the public to send in questions. We did not receive any additional concerns.

As to Justina Carlson's recusing herself-she simply did not want to give the slightest appearance of conflict. She did not have to, as MA does not recognize Common Law Marriage. When she voted on the P&S, it was as a "Rule of Necessity," meaning that the Board needed her vote.

Approved September 10, 2019

I thank you for your patience and now let's move on and appreciate the gift of nature to our town."

Audience member Horowitz, who just learned of the purchase as a part-time resident, asked if the deal was done. Reinhart said the Purchase and Sale Agreement was signed and that the Town was awaiting the results of the appraisal and the survey. Hoort said that the survey will be completed September 21 and then the deal will be final. Horowitz said he did not agree with the purchase and felt it only benefited a small group of people. Reinhart said that this benefited the majority and reminded Horowitz that all the meetings about the purchase were available online.

Carlson told Horowitz that it was too late to ask for reconsideration of the issue.

Audience member Jan Morrissey noted that the State has a process regarding enacting the Rule of Necessity. Carlson said she never had a legal conflict of interest but has her own sense of morality and she recused herself so there would be no muddying of the waters and acting toward her own ethics. She said she did not need a Rule of Necessity to sign the Purchase and Sale Agreement and as an elected official it was her duty to serve.

Audience member Ed Miller asked Reinhart what the "outside pressures of new money" were. Reinhart noted the possible buying of shellfish licenses by outside entities.

Audience member Bob Arosa asked if the Purchase and Sale Agreement was amended to include an appraisal. Hoort said no. Reinhart said the Board was getting an appraisal to appease some members of the public.

Selectboard FY 2020 Goals Update

Wilson asked for the Board to wait until each member has submitted their goals. Bacon noted that there was a due date of when the Board was to submit their goals to Butler by. She also noted that she will not be at the next meeting and would like to be present when discussing them.

Open Meeting Law Complaints (2) filed by Jude Ahern

Discuss, deliberate, and take appropriate action to respond.

Hoort noted the complaints, dated August 14 and August 16. He provided the Board with responses written by Town Counsel and asked the Board if they were okay with these responses.

Wilson asked that a note of the website posting that is available for the 208 Plan meeting held on July 16, 2019 be added to the letter with a correct link. Hoort said he would amend the response as such.

Wilson noted there was a lot of conjecture in the complaints and accusations based on opinions and not facts. She noted the complainant wanted to know who should have been responsible for posting the 208 meeting. Wilson said this was answered publicly in the past but readdressed the matter, saying that once the mix-up as to who should have posted the meeting was recognized, the Administration office posted the meeting, even though it was not 48 hours prior. She added that as soon as it became clear that the meeting hadn't been posted, word was sent out to various list serves and by word of mouth. And there was good attendance at that meeting.

Bacon said she takes the complaints seriously, as does the Board. She said that, while Jude Ahern publicly made this complaint, four other individuals also approached her with the same complaint. She noted that Ahern is often argumentative and does herself a disservice by being so, because she is so intelligent. Bacon noted that this was handled sloppily and should have been posted in a timely manner, and those who felt left out have the right to complain about it.

Carlson agreed with Bacon that it is the Board's job to make the public aware of meetings. DeVasto said he was under the impression that the Health Department organized the meeting and noted that it was not intentional that the meeting was not posted.

Reinhart noted that it was coordinated to be an informational meeting, not a Selectboard meeting. She noted that the Board did not discuss who was going, which would have established that a quorum would be present. She said the Board did not discuss anything or confer, they simply asked questions of the representatives from the State.

Wilson reiterated that it was not intentional for the meeting to not be posted. She said the 208 meeting was similar to a seminar, rather than being a discussion.

DeVasto noted that the Board was informed that they could not deliberate, since the meeting was not posted accordingly.

- Wilson moved to approve the letters to the Division of Open Government with regard to the Open Meeting Law Complaint from Ms. Ahern dated August 14 as amended and the August 16 complaint from Ms. Ahern and authorize the Town Administrator to sign them as amended.
- DeVasto seconded, and the motion carried 5-0.

Support for ZBA decision on Old Kings Hwy special permit for Habitat for Humanity

Bacon noted the Board received three letters with regard to this – one from Sharon Inger, Chair of the ZBA, one from Board member Bruce Drucker, and one from Elaine McIlroy from the Housing Authority. Bacon noted that this is the third go-around with these abutters and that if the Board does not support the ZBA's decision, the abutters will drag this project out even further. Bacon noted the Town has the right to complete this project and that Habitat has addressed prior concerns. She said she hoped the Board would not only support the ZBA's decision on this but will also tell legal counsel that they need to push this as well.

Reinhart noted the motion is to support the issue and urge the Town to authorize the expenditure required to have Town Counsel actively participate in the defense of the Comprehensive Permit.

Audience member Sharon Inger, Chair of the Zoning Board of Appeals, noted this is the third time around for the issue, citing an easily appealed decision in the second turn. She said the Town is being charged with a procedural account and authorizing Counsel to go to discovery will help their case.

Audience member Horowitz noted the narrowness of the road and the difficulty of getting rescue vehicles to the residents. He suggested that abutters would be amendable to the entrance being from Old Long Pond Road. Reinhart noted that Long Pond Road runs through National Seashore land

and also that the Fire and Police Departments have approved on the access. Bacon noted that Habitat has mitigated the egress. Horowitz asked why the currently suggested spot was so important, where it would meet an abutter's driveway. Inger noted there were two possible entrances to the property – Old Long Pond Road has a 90-degree angle which is not possible for the fire engines to navigate.

DeVasto noted that this would not be an issue if there was a private home development. He said it was a matter of precedent that the Board does not back down on these types of issues.

- Bacon moved to support the ZBA's decision to grant a Comprehensive Permit under Chapter 40B to Habitat for Humanity to build four affordable housing units at the property on Old Kings Highway.
- Wilson seconded, and the motion carried 5-0.

Selectboard Input on Comcast License Agreement Negotiations

Wilson said the Board received a lot of letters, over 18, from residents on Lt. Island who do not have cable service.

Bacon noted the issue was due to an easement and that a resident, Sandy Rose, is refusing to give the easement. Bacon asked Hoort what overture needed to be made to Rose to gain the easement. Hoort said he would be writing the resident a letter in an attempt to appeal to his better nature, noting that this would benefit the majority of residents on Lt. Island.

Reinhart said the Board has discussed that getting fiber optics and high-speed internet to not only Lt. Island, but other parts of Wellfleet and the Outer Cape was a priority. She noted a possible regional proposal for the State. Reinhart said after putting pressure on Comcast it would be good to get quotes from providers and giving those to the State to determine funding. She also noted a cell tower at the Transfer Station.

Wilson noted that in subdivisions, everyone who owns property in it has access to the subdivision ways. She agreed that contacting Rose would be good. Bacon said she did not believe Lt. Island was a subdivision, after the bridge. Wilson disagreed.

DeVasto said there were probably power lines and other utility easements already in place and asked if Comcast could use any existing utility easements.

Reinhart noted this would benefit residents who do not live on Lt. Island as well, citing that an Outer Cape agreement could be reached to benefit many people who live in remote areas without these services. Wilson said her desire to have this on the agenda was to bring more awareness to the concerns of many residents.

Audience member Sayre said he could not get Comcast where he lives, off of Long Pond Road, either. He noted that WiFi is considered to be infrastructure and necessity in most states.

SELECTBOARD REPORTS

Reinhart discussed establishing a Maintenance Dredging Plan, saying she met with the Harbormaster. Hoort said due to the federal funding process, the money may not be released until the fall of FY 2021 to the Army Corps. Reinhart said the Town is working with the County to get the proper equipment. Carlson asked if this was appropriate to be placed as a future agenda item. Reinhart said yes.

Bacon said the Wellfleet Nonresident Taxpayer Association (WNRTA) annual meeting was held and that she, along with Wilson and Carlson, attended. She said they showed strength and solidarity when it came to the community and the issues the Town is facing.

Bacon said the 95 Lawrence Road Task Force developed an RFP for developers at the site. She noted that the Task Force has been doing very thoughtful and critical thinking and that she was grateful to be a part of the process.

Wilson said she attended the Gull Pond Area Conservation Association (GUPACA) meeting and noted that Andrew Gottlieb, of the Association to Preserve Cape Cod, gave a lot of good information about the necessity of the 208 Plan and the need to protect water quality around the ponds.

DeVasto noted that the Citizens for a Sensible Wellfleet Bikeway have collected over 1,100 signatures in opposition to the bikeway along Route 6, past the curb cuts and toward the center of Town (between Bay Sails Marina and the Main St./Route 6 intersection). He said 550 signatures were from Wellfleet residents and 730 were from neighboring Towns. DeVasto noted there was not a plan yet, but there was already opposition to the plan proposed by DCR and the DOT.

Carlson echoed Bacon's comments on the WNRTA meeting. She said she has ideas for next year and she learned a lot. Reinhart asked what the concerns of attendees were. Bacon said the topics ranged from recycling and the municipal bottle ban, to marijuana dispensaries, and a shark detection and awareness program. She noted the support of the bottle ban and due diligence of the Town in regard to sharks. Bacon said the group was full of savvy individuals who care deeply about the Town.

Hoort asked if this meeting was posted as a meeting of the Board of Selectmen, since there was a quorum of members in attendance. Bacon said it was not posted. Carlson asked what the process was. Butler said if she was aware that 3 or more members would be in attendance, for any meeting the Board is invited to attend, she would post the meeting as required. She asked the Board members to inform her when they plan to attend a meeting in quorum so it can be posted appropriately. There was further discussion.

TOWN ADMINISTRATOR'S REPORT

This report is for the period July 20, 2019 through August 23, 2019.

1. General
 - Continue educating residents on FY 2020 Affordable Housing Tax exemption
2. Fiscal Matters
 - Started FY 2021 CIP process
 - Started FY 2021 Budget process
 - Hired outside CPA firm to assist until we have a Town Accountant
3. Meetings
 - July 23 – Conference call re: new accounting software
 - July 23 - Selectboard meeting
 - July 26 – Town Accountant interview
 - July 29 – One Cape

- July 30 – One Cape
 - August 2 – Town Accountant interview
 - August 5 – COMCAST license renewal meeting
 - August 5 – 7 – Auditors in town hall
 - August 6 – Meeting regarding Energy Committee grants
 - August 6 – Meeting with Friends of Herring River
 - August 12 – Meeting regarding COMCAST on Lt. Island
 - August 13 – Meeting with FinCom Chair
 - August 13 – Cable Advisory Committee meeting
 - August 19 – Herring River update meeting with Seashore Superintendent
 - August 19 – Meeting with DOT and Stantec
 - August 20 - Public Hearing regarding COMCAST renewal
4. Complaints.
- Complaint from visitor because they were told they can't park on the side of the road.
 - Complaint regarding shellfish activity at Chipman's Cove Town Landing and its effect on the beach. Referred to Conservation Commission.
 - Open Meeting Law complaint from Jude Ahern
5. Personnel Matters:
- Open position: Town Accountant

Wilson asked for an update on a meeting with the DOT and Stantec on August 19. Hoort said Stantec developed a plan to have one bike lane on each side of the road, rather than 1 two-way bike lane on one side of the road. He noted that a sidewalk will need to be on both sides of the road, to comply with federal laws. He said the DOT will meet with property owners to discuss the matter and will have a public meeting in late October. Wilson asked that DCR representatives be present too.

Hoort said the DOT indicated they are getting ready to do a repaving project from the Wellfleet town line in Eastham to the Wellfleet town line in Truro sometime in 2021. He said this is unrelated to the other projects, but they will not be doing any work that would need to be taken up again during the bike path and Main St./Route 6 intersection projects.

Wilson asked who was at the meeting on August 19. Hoort said Pam, Andy, and two additional staff from DOT, Jill from Stantec, and Town DPW and Public Safety staff.

Reinhart said she had lunch at the One Cape meeting with Seashore Superintendent Brian Carlstrom and Park Planner Lauren McKean, who would be open to discussing a joint power line cooperation between the Seashore and the Town.

TOPICS FOR FUTURE DISCUSSION

- Reinhart asked for an update on dredging.
- Reinhart asked for the Board to submit their suggestions for a marijuana policy to Hoort.
- Reinhart asked for the Board to submit their suggestions for a long-term use of Town property to Hoort. DeVasto suggested a working meeting.
- Reinhart asked for a meeting to discuss the tax rate.
- Wilson asked to discuss the planning of meetings, or cancelling meetings, on a future agenda.

Approved September 10, 2019

- Wilson asked to discuss meeting postings.
- Wilson asked to discuss digitizing all Selectboard materials, starting from many years ago.
- Bacon asked to keep the September 24th meeting on the light side due to her absence.

CORRESPONDENCE AND VACANCY REPORT

Bacon noted that the Board received a letter from Frank and Catharie Naas in regard to an issue happening on their road, dated August 19. The letter is in regard to a storage container on King Phillip Road, but the property is located on Indian Neck Road – meaning the property owner created a new egress on King Phillip Road. Bacon noted that the Building Inspector is aware of the issue. Carlson noted that there is landscaping around the shed and noted that the property looked nice. Bacon noted that having a temporary structure is against the Zoning Bylaws. Hoort said he met with Nass today and asked her to setup a meeting with the Building Inspector.

Wilson noted that the Town had been asked to submit a report to Comcast by July 16. She asked if that had been done. No one knew.

MINUTES

July 17, 2019 – Work Meeting

July 23, 2019 – Regular Meeting

- Wilson moved to approve the minutes of the July 17, 2019 work meeting and the July 23, 2019 regular meeting as amended.
- Bacon seconded, and the motion carried 5-0.

ADJOURNMENT

- Bacon moved to adjourn.
- Wilson seconded, and the meeting adjourned at 10:30 pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Material as of 8/22/19

1. Public Hearing Papers – Request from Winslow's Tavern; Shellfish Grant Transfer request for license #2001-08; Change to Shellfish Regulations 7.19.5
2. Use of Town Property Applications from Della Spring, Trudy Vermehren, and Jay Critchley
3. Local Comprehensive Planning Committee Designation documents
4. Arthur Medici Memorial documents
5. Suicide Awareness Prevention Week Proclamation
6. Tax Inserts – Housing, Tax Assistance, Cemetery Commission
7. Pilot Agreement – Coles Neck Solar
8. Selectboard Goals – Reinhart, Bacon, Wilson
9. Open Meeting Law Complaints – 2 from Jude Ahern
10. Support for ZBA decision documents
11. Town Administrator's Report
12. Correspondence and Vacancy Report
13. Draft minutes for July 17, 2019 and July 23, 2019