

Approved August 27, 2019

**Work Meeting
Wellfleet Selectboard Meeting
Wednesday, July 17, 2019, at 1 pm
Wellfleet Town Hall, 300 Main Street, Wellfleet MA 02667**

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

Also Present: Dan Hoort, Town Administrator; Courtney Butler, Executive Assistant to the Town Administrator; and Police Lt., Michael Hurley

Reinhart moved to open the meeting at 1:00 pm. As this is a work meeting, the Board will not hear from the public until the end, at the Chair's discretion.

Discussion of Selectboard's Policy on Marijuana Establishments

Reinhart said the purpose of this discussion is to establish criteria for obtaining a Host Community Agreement (HCA). Hoort and Wilson provided the Board with their own drafts.

Wilson clarified the Selectboard's Policy on Policies, saying the Board is in between steps one and two. Wilson said she thought the Board would be signing off on a draft document today. Hoort said he would like to hear what the Board would like the policy to look like and then he will work with Town Counsel to formulate it.

Reinhart read Hoort's suggestions aloud. These included local preference, year-round business, for at least 10 months of the year, preference, location, impact on character of Wellfleet, economic vitality, and hours of operation.

The Board agreed they would like to have a section that allows local preference for owners/operators of establishments. The Board discussed preferring businesses that will be open year-round. DeVasto expressed concerns for businesses that operate seasonally, saying he would like it to be a requirement. The remaining Board members agreed with DeVasto.

Reinhart said she felt all the applications that have come before them are on properties that are underutilized and would like to see more of that. She said she would not like to see establishments in places that are problematic or causes traffic. Bacon said she would like to include language that defers to the Zoning Board of Appeals (ZBA) to handle site plans and permitting. Wilson said that this was already under the ZBA's jurisdiction. There was further discussion.

Janet Morrissey, ZBA member, noted that there is only a by-law for medical marijuana, not recreational, establishments. DeVasto said he would like to leave language in the policy that allows the Board discretion when deciding who to grant an HCA to. Bacon said she would like to confer with KP Law before putting language in the policy that could open the door for a lawsuit in the future. Wilson said she was not in favor of telling businesses which location they can and

cannot use. Reinhart said the Board would not direct a business where they can operate but could make recommendations. Carlson suggested letting the ZBA and Department Heads provide feedback on the policy once it has gone to them for review. Bacon and Wilson were against including this type of criteria.

Reinhart said the impact on the character of Wellfleet would be up to the ZBA. Reinhart said the Board has discussed economic vitality with every applicant that has appeared before them thus far – asking about jobs, construction, etc. Bacon said that, as far as economic vitality goes, the Board has established they would be collecting a 3% tax as well. Reinhart said the hours of operation would be set by the ZBA also.

Wilson began reading her suggestions for the policy's criteria:

The Selectboard shall consider the following criteria prior to entering into a Community Host Agreement:

- *Whether all necessary material, including the Host agreement document, has been submitted with the request to enter into a Host Community Agreement by noon on the Thursday before the Selectboard will act on it at a scheduled meeting;*
- *Whether the business will operate seasonally or year around, with preference being given to those that are committed to being open year around;*
- *Whether the business will offer medical marijuana and/or adult use “recreational marijuana”;*
- *The location of the establishment;*
- *The number of Host Community Agreements the Selectboard has already signed, as allowed by the Town Meeting vote;*
- *The number of other such establishments already in existence in the Town or/and in the surrounding area;*
- *Whether the business will be owned and managed by residents of the area, with preference for local owners and managers.*

Wilson asked Hoort to include reference to the Town Meeting vote on this in the policy. Reinhart asked the Board how many HCAs they would like to see – Bacon said 3, Carlson said 3, DeVasto said more than 3, and Wilson said she would not like to put a limit. Carlson said she felt having a limit would give the policy more teeth. Reinhart asked the Board who would like to have a number in the policy and who wouldn't. Everyone except Wilson wanted a number. There was further discussion.

Hoort said the Board could set a limit and also say that each year they will review that policy. Reinhart suggested choosing to limit to 5 establishments right now, with an annual renewal of their application.

There was further discussion.

The Board asked Hoort to go forward in discussions with KP Law.

DeVasto reiterated that getting a HCA does not guarantee that an establishment will open, as not all businesses with HCAs will be permitted through the state.

Audience member John Morrissey asked if the public could comment later down the road at a regular meeting. Reinhart said yes.

Audience member Bob Costa said it's the Board's discretion to direct the other committees and boards who may decide in this matter. Wilson disagreed and said the Board could express opinions to other committees but cannot direct them.

Reinhart asked the audience to send comments via email to the Board, so the Board can review them before their next meeting.

Discussion of Use of Town Property Policy Revision

Reinhart said the Board discussed at a previous meeting having a standard form for people who use Town property seasonally or daily, that includes a map of the parcel, and provides language for an agreement between the two parties. This agreement would be annual and include management, clean-up commitments and other terms of use.

Wilson said there is a Use of Town Property policy already, but not all members of the Board had it in front of them.

Reinhart moved to postpone this discussion.
Wilson seconded, and the motion carried 5-0.

Discussion of Transparency and Trust

Wilson said almost never has she experienced anybody trying to obscure the public process or manipulate it for negative, corrupt, or controlling reasons. She said it is important to consider thinking about who needs to know about things and communicating with them in an ongoing way.

Carlson mentioned the community's concern with the Board's transparency and interest of public trust. DeVasto said he thought the Board has been transparent and have not done anything intentional to hide things.

Audience member Moe Barocas said the concern of trust is not around the Open Meeting Law, it is about the HDYLTA purchase and how it was handled. Wilson recused herself at the mention of the HDYLTA purchase and left the room. He said there are still questioned about what is being purchased and answers have not been provided. There was further discussion.

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Audience member Roland Blair asked why complaints and concerns were not addressed with each individual. Reinhart said that she has told the public to contact her if there is an issue on numerous occasions. Reinhart reiterated that she is always open to discuss matters with, and so is Mr. Hoort. Wilson returned to the meeting.

DeVasto said that his experience on the Board so far has been one of trust and transparency. He said the Board wants to be transparent and trusted by the community, and he hopes the Board gives that impression to the community.

Adjournment

Wilson moved to adjourn.

DeVasto seconded, and the meeting adjourned at **3:02 pm.**

Respectfully submitted,

Courtney Butler,
Executive Assistant to the Town Administrator