

**Wellfleet Board of Selectmen  
Minutes of the Meeting of November 14, 2017  
Wellfleet Senior Center 7:00 p.m.**

**Present:** Chair Dennis Murphy, Kathleen Bacon, Jerry Houk, Janet Reinhart, Helen Miranda Wilson; Town Administrator Dan Hoort, Assistant Town Administrator, Brian Carlson.

Chair Dennis Murphy called the meeting to order at 7:00 p.m.

**Announcements, Open Session and Public Comment**

Police Chief Ron Fisetto announced the start of the Toys for Tots Drive and the Annual Kids' Movie.

**Public Hearings**

***Shellfish Licenses #95-31 and 95-32<sup>1</sup>***

**MOTION 218-080:** Helen Miranda Wilson moved to transfer Shellfish Licenses #95-31 and #95-32 from Clifford Dalby, Jacob Dalby and Justin Dalby to Jacob Dalby and Justin Dalby. Janet Reinhart seconded, and the motion carried 5-0.

***PB Boulangerie Request for Closing Period<sup>2</sup>***

Lisa Cox and Chloe Rispoli made the request to close PB Boulangerie Bistro from January 2, 2018 through February 6, 2018.

**MOTION 218-081:** Reinhart moved to approve the request by Phillipe Rispoli to close PB Boulangerie Bistro from January 2, 2018 through February 6, 2018. Jerry Houk seconded, and the motion carried 5-0.

***Close Marconi Beach Restaurant<sup>3</sup>***

**MOTION 218-082:** Kathleen Bacon moved to approve the request by Russell Swart to close Marconi Beach Restaurant after Veteran's Day with an anticipated opening date in mid to late winter 2018. Reinhart seconded, and the motion carried 5-0.

*The Public Hearing was closed at 7:09*

**LICENSES**

Chair Dennis Murphy read the list of Annual Liquor Licenses<sup>4</sup> that were up for renewal.

**MOTION 218-083:** Wilson moved to approve the annual liquor licenses for:

***All Alcohol – Restaurant***

- Bookstore
- Chap & Wags
- C Shore
- JB's Pizza Bar & Grill
- Marconi Beach Restaurant
- PB Boulangerie Bistro
- Wicked Oyster

***All Alcohol – Package Store***

- Seaside Liquors
- Wellfleet Spirit Shoppe

**All Alcohol – General Premises**

- Wellfleet Harbor Actor's Theater
- Wellfleet Preservation Hall

**Wine & Malt – Package Store**

- Blackfish Variety
- Wellfleet Marketplace
- Wellfleet Mobil

Janet Reinhart seconded, and the motion carried 5-0.

**BUSINESS*****Joint Meeting with Wellfleet Housing Authority and Planning Board***

Housing Authority Chair Elaine McIlroy, Local Housing Partnership Chair Gary Sorkin, Housing Consultant Karen Sunnarborg and Planning Board Chair Gerald Parent joined the Selectmen at the table, and members of their boards were in attendance for the joint meeting of the four groups.

Consultant Karen Sunnarborg explained the *Housing Needs Assessment and Action Plan*<sup>5</sup> with a PowerPoint presentation. She reviewed the annual goals for Wellfleet, thresholds for affordable housing, deed restrictions, local preference, percentages of affordable stock in relation to MGL Chapter 40B, upward trends in housing costs, available stock, rental units, and handicap accessibility. The report included strategies, priorities and goals for the next five or ten years. Three categories for the strategies covered capacity building, zoning, and development assistance.

Ms. Sunnarborg said that approval of the plan by the Board of Selectmen and the Planning Board was needed. The Planning Board members in attendance agreed to place this request as an agenda item for their next available meeting. Chair Gerald Parent said the Planning Board has been working on a zoning bylaw for cluster developments with affordable housing components.

Members of the Board of Selectmen expressed concerns over job opportunities for home owners, had questions about protective covenants for developments and wondered about direct Town involvement in developing affordable housing. Planning Board Chair Gerald Parent provided information on the protective covenants that exist in many of the subdivisions created during the latter 1900s which require houses built in them to have a minimum number of square feet. For people with less means, this condition could be prohibitive and was, as a result, discriminatory. Ms. Sunnarborg indicated that options for addressing covenant control issues would necessitate an opinion from Town Counsel. She said having a Town as the developer of affordable housing is not cost-effective; partnering with experienced entities is a more practical approach.

The boards also considered remaining available land in Wellfleet that could be subdivided, use of CPC funding, "by right" accessory units, inclusionary measures in a cluster development zoning bylaw, creating larger housing projects, the needs of the younger population, conversion of cottage colony/condominiums to year-round use, and the town-wide effort needed for success.

Audience member Elaine Baskin offered the suggestion that the use of small houses and composting toilets could help with the development of affordable housing. All the Selectmen applauded the work of the impressive 137 page document presented in the *Housing Needs Assessment and Action Plan*.

**MOTION 218-084:** Bacon moved to approve the *Housing Needs Assessment and Action Plan* as presented by the Wellfleet Housing Authority. Wilson seconded. The motion carried 5-0.

***Letter to New England Fishery Management Council***<sup>6</sup>

Seth Rolbein, Director of the Fisheries Trust and representative from the Cape Cod Commercial Fishermen's Alliance, and Herring Warden Dr. Ethan Estey came forward to discuss the importance of protecting river herring from becoming the bycatch of trawlers fishing for ocean herring. They asked for support in the form of a letter to the Director of the New England Fishery Management Council.

**MOTION 218-085:** Wilson moved to authorize Selectboard Chair Murphy to sign the letter to Thomas Nies, Executive Director of the New England Fishery Management Council Bacon seconded, and the motion carried 5-0.

**Disclosure by Shellfish Constable**

Shellfish Constable Nancy Civetta submitted a request for a determination on a particular matter, as required by MGL Chapter 268A, Section 19. She disclosed that her brother-in-law has a financial interest in the shellfish industry. She herself has no financial interest in his grant, or the retail business that sells fish and shellfish, which he owns and manages with his wife, Civetta's sister. There was consensus that the Assistant Shellfish Constable should be the person to inspect her brother-in-law's grant.

**MOTION 218-086:** Reinhart moved that the Selectmen determine that the financial interest of Nancy Civetta as disclosed in the *Disclosure by Non-Elected Municipal Employee of Financial Interest*, dated October 20, 2017<sup>7</sup> is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from her as an employee, and further to authorize the Chair to sign the disclosure form. Wilson seconded. The motion carried 5-0.

Herring Warden Dr. Ethan Estey commended the integrity of the Shellfish Constable.

***Policy on Use of Town Property & Fees Review***<sup>8</sup>

Town Administrator Dan Hoort explained that the annual review of Town fees is underway. He asked that Selectmen send by email their suggestions for changes in fees. Board members discussed application fees and the waiver of fees. Bacon suggested an across-the-board 10 % increase in Town fees. The Board discussed the unregulated, commercial drop-off of surf boards and other watercraft for which no fee gets paid, at Town landings and other losses of fees at Town beaches. Dan Hoort said there is an effort underway to protect our natural resources at beaches.

**TOWN ADMINISTRATOR'S EVALUATION REVIEW**

Murphy said that the evaluation forms were mostly in. The review will proceed when all five forms have been submitted. The next steps will be averaging the points which will be done by the Assistant TA and Murphy, a statement by the Chair of the Board of Selectmen, and reviews of the evaluations by the Board.

**TOWN ADMINISTRATOR'S REPORT**<sup>9</sup>

Dan Hoort highlighted the item in his report that he has been attending the Cape Housing Institute. He said he has promised his help to the Wellfleet Housing Authority and the

Selectmen to promote affordable housing. He also explained the request for parking space lines at the Town-owned parking lot that surrounds the building that houses the Harbor Stage Company and Ceraldi, and discussed other public parking areas and signage.

### **TOPICS FOR FUTURE DISCUSSION**

Board members discussed starting meetings at an earlier time with reordered agenda items, and attendance at MMA meetings in Boston. Bacon requested as future agenda items use of the land surrounding the COA building as a parking area for beach shuttles, and a review of Town offices and storage spaces.

### **CORRESPONDENCE AND VACANCY REPORT**

Selectmen received the Correspondence Report of November 14, 2017.<sup>10</sup> There was a late submission from the Sierra Club that will be added to the next correspondence file. Dan Hoort said he had posted vacancies on the Town Facebook page. He said he was considering an open community forum to encourage more participation on boards and committees.

### **MINUTES**

**MOTION 218-08:** Wilson moved to approve the amended minutes of October 24, 2017. Reinhart seconded, and the motion carried 5-0.

### **ADJOURNMENT**

**MOTION 218-079:** Reinhart moved to adjourn. Wilson seconded, and the motion carried 5-0.

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Mary Rogers, Secretary

### **Public Records material of 10/24/17**

1. Shellfish license #95-31 and #95-32 application materials
2. Request to close from PB Boulangerie
3. Request to close from Marconi Beach
4. List of Annual Liquor Licenses
5. Housing Needs Assessment and Action Plan
6. Letter to New England fishery Management Council
7. Nancy Civetta's *Disclosure by Non-Elected Municipal Employee of Financial Interest*, dated October 20, 2017
8. Board of Selectmens' Policies: Revenue section from Budget and Financial Management Policy and Use of Town Property & Fees
9. Town Administrator's Report of 10/24/17
10. Correspondence File October 11-24, 2017