

DRAFT

Wellfleet Board of Selectmen Minutes of the Meeting of January 9, 2018 Wellfleet Senior Center 7:00 p.m.

BOS Members Present: Dennis Murphy - Chair, Janet Reinhart – Vice Chair, Kathleen Bacon - Clerk, Jerry Houk.

BOS Members Absent: Helen Miranda Wilson – excused.

Staff: Dan Hoort - Town Administrator, Brian Carlson – Assistant Town Administrator, Radu Luca – Executive Assistant to the Town Administrator.

The meeting was called to order at 7:05 p.m. by Dennis Murphy.

I. Announcements, Open Session and Public Comment

Murphy announced Helen Miranda Wilson had sent her regrets about not being able to attend tonight's meeting due to a death in her family.

Hoort mentioned the retirement of Fire Captain Thomas Ferreira after more than 40 years of service to the Wellfleet Fire Department. The Fire Department will have a retirement party for Captain Ferreira at the Four Points Sheraton in Eastham on January 20th. Call the Department for additional details.

Reinhart said the Board of Selectmen is an open and transparent board with no hidden agendas. If anyone would like to have their opinions heard, she urges them to please call and / or send a letter to the BOS.

II. Legislative Update: Meeting with Senator Julian Cyr. Discussion includes an update on key topics being discussed on Beacon Hill.

Senator Cyr presented an update on key topics being discussed on Beacon Hill. Cyr represents over 20 towns around Cape Cod and the Islands and met with officials from all of them and Wellfleet is the last stop on the map.

Cyr acknowledged Leslie Sandberg - Staff.

Home Rule Petitions - Room Occupancy Room tax is currently on hold on Beacon Hill. Short-term occupancy room tax might be addressed State-wide and the Senator is hopeful that will pass soon. Wellfleet currently collects 4% on guesthouse and BnB tax.

Wellfleet Harbor – Sen. Cyr's office is coordinating county and federal resources to address the harbor dredging that's needed. Rep. Sarah Peake is spearheading this project. Cyr

supports the Herring River Restoration Project and the efforts to restore our resources. He acknowledged the tremendous impact of the storm we had last week.

Cyr also mentioned that across the Cape we have a non-partisan, collaborative working environment and addressed some overall concerns.

Waste Water – Sen Cyr said the Section 208 Areawide Water Quality Management Plan is a \$4B plan across the Cape, and the State is responsible for about 25%. The rest of 75% can be done through appropriation, earmark funds and increase in room occupancy tax across Cape Cod and the Islands by 2.5%, which he called a promising piece of legislation. Without State or Federal support, the Waste Water issue would have to be carried by the residents and tax payers.

Housing – This has been a critical issue on the Cape and Boston areas because of archaic zoning bylaws that cannot keep up with the increase in demand. Cyr said that if we don't address housing issues we might not have a future here and that he is currently working with Rep. Peake to address this issue. He continued to say that a lot must be done at local level, but also at State level, where the Governor has a housing production bill in the making.

Criminal Justice Reform – efforts are being made at State level to bring MA in line with other states.

Healthcare – a containment bill was passed in November at State level that will make a positive impact on Healthcare in MA. The legislation includes a telemedicine proposal and allows for better access to providers (i.e. psychiatrists), but also defines what EMT's can treat and address themselves. The goal of this piece of legislation is to push down the costs as much as possible.

Rinehart asked about an update on recreational marijuana. Cyr responded that the voters have spoken very clearly about this issue and we've moved quickly here in MA. Cyr, who's a supporter of medical and recreational marijuana legislation, would like to see local folks be involved in the production of a craft product that would allow them to develop and build a business. The Cannabis Control Commission released draft regulations in 2017 and is establishing a regulatory scheme structure for the State. The heaviest lift is to build this organization and the Senator is hopeful and knows they're working hard to get there by July 1st, 2018. There is a new Attorney General who has a more hardline approach compared to the Obama-era, but at State level, the Governor issued a statement urging resources be utilized to address the opioid crisis instead of marijuana.

Bacon addressed the dredging of Wellfleet Harbor and she said that our \$5.5mil shellfishing industry depends on the health of our harbor. She also addressed the Herring River Restoration Project, which she is a supporter of, but we have a group of residents who are vocal against this project, and would like to ask Sen. Cyr and Rep. Peake to draft a proclamation / letter of support for this project. Cyr responded and said both himself and Rep. Peake signed several letters of support for this project and gave the example of the

unpopularity of the Cape Cod National Seashore Park when it was first created back in the 60s. He continued by saying this is an issue the folks in the Environment Secretariat are very much in favor of.

Houk said he is for affordable housing, but a family of 4 or 5 can hardly afford to live in these units if rent is \$1,400 / month. They also need jobs and since most jobs around here are seasonal, he doesn't know where the jobs would come from. Sometimes the families don't qualify because they don't have enough income and thinks maybe the State or the County could subsidize housing projects. Cyr said this was a challenging issue and that there have been some small successes, but our market is driven by folks who want to have a second home here; also, we live on a peninsula, the space is limited and there is a lot of conservation land. Cyr also said that we have been experiencing a lengthening in our season, which benefits the local labor market from April through December. We should do anything we can to advance the tourism season, but also promote the aquaculture here in Wellfleet (which used to be the lead driver in MA, but now it's been overtaken by Duxbury and Barnstable). Healthcare and private sectors have great potential to generate jobs locally. Cape Cod Commission has provided a housing report town by town, which is a roadmap of what towns need to do to maintain their sustainability. Wellfleet needs 99 more units by year 2020. An answer to this problem might be families and existing property owners downsizing and moving into smaller units that have access to waste water and potable water. Anecdotally, friends of Cyr's from Wellfleet searched for housing for 5 years and eventually found housing in Truro. He also stressed the importance of schools and the school system in providing education and attracting and keeping young families with children here. At State level, we need to do a better job at helping provide workforce housing and accessible housing. The Senator also gave the example of Nantucket and Provincetown, who created Year-Round Housing Trusts that would fund housing initiatives, which might be more a more efficient solution than Proposition 2 ½.

Houk responded by saying downsizing is a good idea, but even the smaller units are quite expensive.

Murphy spoke on the cost of healthcare and especially ambulance-related costs and asked whether the four towns from Brewster to Wellfleet could build an emergency medical response unit, especially in the summer, with a regionalized approach, that would generate local jobs. Cyr said that we could do a better job at improving access to urgent care, especially in the summer, and that he is working on initiatives to give EMT's some flexibility, reduce ambulance trips and costs overall. Martha's Vineyards and Nantucket struggle to keep the hospitals open year - round, but providing access to urgent care is important. The Senator said that utilizing the bike path is a possibility to avoid the Route 6 traffic, but the Seashore would have to be consulted on that as well. Eastham is conducting a study on Route 6 and its potential / challenges. Wellfleet has the narrowest point on the peninsula and geography is a challenge. Houk said he would like to see the paramedic program being kept in place at the Cape Cod Community College. Cyr said the Barnstable Fire Training Academy receives very little financial support and more should be done in that respect, but his office managed to earmark about \$100K in funding.

III. Public Hearing Follow-up

- A. Request by Eversource to install cable / conduit on Samoset Avenue.

Hoort said the Department of Public Works has no objections to the projects.

Bacon asked who bears the expense for the project. Hoort responded and said Eversource would.

Move to authorize Eversource to install approximately 90 feet of cable / conduit in the public way on Samoset Avenue to provide electric service to customers at 86, 88 and 96 Samoset Avenue in Wellfleet.

Motion: Reinhart

Second: Bacon

4-0-0. Motion passes.

IV. Licenses

Move to approve the following common victualler license renewals:

- Blue Willow
- Bookstore & Restaurant
- Ceraldi
- Cumberland Farms
- Eventide
- Flying Fish
- Harbor Stage
- Mac's Seafood Market
- Mac's Seafood Takeout
- Mac's Shack
- Marconi Beach Restaurant
- Maurice's Campground
- PB Boulangerie Bistro
- The Wagner at Duck Creek
- Wellfleet Cinemas
- Wellfleet Drive In-Flea Market
- Wellfleet Miniature Golf
- Dairy Bar & Grill
- Wellfleet Motel & Lodge
- Wellfleet Preservation Hall
- The Wicked Oyster
- WHAT

Motion: Houk

Second: Reinhart

4-0-0. Motion carries.

Move to approve the following weekly entertainment license renewals:

- Ceraldi
- Flying Fish

- Harbor Stage
- PB Boulangerie Bistro
- The Wagner at Duck Creek
- Wellfleet Cinemas
- Wellfleet Drive In-Flea Market
- Wellfleet Miniature Golf
- Dairy Bar & Grill
- Wellfleet Preservation Hall
- WHAT
- The Wicked Oyster

Motion: Reinhart Second: Bacon 4-0-0. Motion carries.

Move to approve the following Class II license renewal:

- Slaibi Enterprises (Mobil)

Motion: Bacon Second: Reinhart 4-0-0. Motion carries.

I. Appointments/Reappointments

- A.** Appointment of David Mead-Fox as a regular member of the Energy Committee.

David Mead-Fox is moving from an alternate member to a regular member filling the vacancy created by the departure of Jeff Tash. David has been an alternate for almost a year and a half. The Energy Committee is every egalitarian and has treated all members, even the alternates, as full-time members.

Move to appoint David Mead-Fox as a regular member of the Energy Committee with a term ending June 2018.

Motion: Bacon Second: Reinhart 4-0-0. Motion carries.

- B.** Appointment of Gorham Brigham as an alternate member of the Energy Committee.

The proposed appointment of Gorham Brigham as an alternate member is filling the vacancy created by the vote to move David Mead-Fox to a regular member of the Committee. David Mead-Fox said GB is apologetic for not being able to attend this meeting and spoke on his behalf saying GB would be a tremendous asset and could call in for some of the meetings he wouldn't be able to attend in person.

Bacon said she knows GB personally and knows his primary residence is in Newtonville MA, but he spends a lot of time here in Wellfleet.

Move to appointment of Gorham "GB" Brigham as an alternate member of the Energy Committee with a term ending June 2019.

Motion: Reinhart Second: Bacon 4-0-0. Motion carries.

II. Use of Town Property - None

III. Business

A. Placement of nautical mural display. [Chamber]

TA asked the BOS not to take any action on this item for the time being. The Board did not take any action on this agenda item.

B. Possible disposition of town owned property (land by temporary police station)

Murphy asked to move this item to a future agenda, since the proponent of this agenda item is not present tonight. Reinhart said that before we look at this item we need to have a more comprehensive plan in place.

C. Extension of contract with Lawrence Lynch for Tennis Court install project

Brian Carlson presented this item. The current contract ended at the end of December and there are some repairs that need to be done.

Murphy said that if the product already shows signs of wear and tear and it settled, we should inquire as to why this is happening.

Reinhart asked whether there was any damage from the water at Mayo Beach. Bacon said there was some water damage.

Murphy asked about the expense related to the fence. Brian said the work was done in house so we were credited.

Hoort said we're currently operating under the old contract.

Move to authorize the Town Administrator to sign the contract extension with Lawrence Lynch, Corporation for the reconstruction of the tennis courts at Baker Field, contingent on an analysis and warranty of the areas to be fixed.

Motion: Reinhart carries.

Second: Bacon

4-0-0. Motion

D. Send proposed Zoning Bylaws to the Planning Board for Public Hearing per Chapter 40A

This is a requirement of M.G.L. Chapter 40A Section 5 and ATA is bringing this forth tonight for a vote in preparation for Town Meeting.

Bacon asked whether these articles had been written. Carlson said they were drafted for the BOS to send to the Planning Board.

Speaking from the audience, Michael DeVasto and Kurt Felix asked questions regarding logistical issues of whether the public would have other opportunities to weigh in on these articles before the Town Meeting in April, especially since the former is planning on drafting a citizens' petition to amend number 3. "Proposed amendment to the Home Occupation 6.22.2 (5)." Carlson responded saying that, pending the BOS vote tonight, the Planning Board would discuss these items at their future meetings and hold public hearings on each of the proposed articles.

Move as per M.G.L. Chapter 40A Section 5 to submit the following proposed zoning bylaw adoptions and amendments to the planning board for drafting, review and editing, as the case may be, in preparation for public hearing and placement on the Annual Town Meeting warrant:

- 1. Proposed adoption of a Food Truck Zoning Bylaw Definition**
- 2. Proposed adoption of a Food Truck Zoning Bylaw Use Table**
- 3. Proposed amendment to the Home Occupation 6.22.2 (5) Zoning Bylaw**
- 4. Proposed adoption of an Affordable Flexible Residential Design Zoning Bylaw**
- 5. Proposed adoption of a Special Permit/Site Plan Review for Impactful Commercial Uses Zoning Bylaw**
- 6. Proposed amendment to Large Scale Ground Mounted Solar Photovoltaic Installations Bylaw 10.8.6**
- 7. Proposed amendment to Medical Marijuana Overlay District (MMOD) Bylaw Section 9.3.3. Definitions**
- 8. Proposed adoption of a citizen petitioned Food Truck Zoning Bylaw**

Motion: Bacon

Second: Reinhart

4-0-0. Motion carries.

E. Create a Gift Fund for the Wellfleet Arts and Culture District

Carlson filled out an application for a \$5,000 matching grant with the Massachusetts Cultural District for marketing the Cultural District and the funds would be deposited in the established gift fund.

Bacon asked how one would donate to the gift fund. Carlson responded by saying the Accounting Office would accept and collect the donations payable to the Wellfleet Arts and Culture District.

Houk asked whether the BOS would make decisions over how the money is spent. Hoort responded that we don't need to go back to Town Meeting for appropriation, but the TA and BOS would oversee the expenditure of those funds.

Move to establish a special gift fund account to receive donations and other revenue for the Wellfleet Arts and Culture District, pursuant to Massachusetts General Laws Chapter 44, Section 53A, the proceeds of which shall be used without further appropriation under the direction of the Town Administrator and the Board of Selectmen.

Motion: Bacon

Second: Reinhart

4-0-0. Motion carries.

F. Report on Town Administrator Review

Murphy said several months ago the BOS initiated the TA review. The format used was of the former TA and the score system went from 0 – 30, but Murphy said he would like to see the system be simplified. The score sheet and sections covered everything listed in the TA's job description and beyond and Hoort achieved a score of 22.6 out of 30. Hoort said the results of the performance evaluation would be made available to the public at the Town Hall and online on the Town's website once the BOS voted to accept the Review. Murphy said the TA has done very well and both Bacon and Reinhart agreed Hoort has done a great job so far and would continue to support him.

From the audience, David Mead-Fox and Jude Ahern commended the transparency of having the results of the report posted on the Town website.

Move to accept the Report of the Town Administrator's Review.

Motion: Bacon

Second: Reinhart

4-0-0. Motion carries.

G. Estimate of Increased Seasonal Population of 30,000 as required by MGL Ch. 138 sec. 17

Hoort clarified that the seasonal population is a combination of residents, second home owners, workers, visitors.

Move to set an estimated seasonal population increase for Wellfleet as of July 10, 2018 of 30,000 as required by M.G.L. Chapter 138 Section 17.

Motion: Bacon**Second: Reinhart****4-0-0. Motion carries.****IV. Town Administrator's Report**

Hoort said he had breakfast with Rae Ann Palmer in Truro and they decided to reach out to David Panagore (Provincetown) and Jackie Beebe (Eastham) and see how the four towns can cooperate and share resources. Truro and Provincetown already have an intermunicipal agreement that allows them to share staff and other resources.

Bacon said this is a great idea, especially when talking about gaining ground in housing, emergency care, and other shared programs and resources.

V. Topics for Future Discussion

Houk would like to have a Human Services update added to the next agenda. He also addressed the issue of Christmas tree removal from in front of the town hall, which was part of a more comprehensive restoration project put forth by the Arbor Committee and approved by the BOS.

Bacon would like to have drafted a firm and concise letter in support of the Herring River Restoration Project. Reinhart would like to hear the opinions in opposition of the project.

Bacon would like to have a report from the Building Needs and Assessment Committee of what's available, what works and what needs work and improvement.

Bacon addressed the issue of a potential cell phone tower placed at the sandpit on Parcel 28, which would generate revenue for the Town.

VI. Correspondence and Vacancy Report

Reinhart asked whether the BOS would be taking any action in drafting a letter recognizing Jan 21-27 as Town of Wellfleet School Choice Week as per Andrew Campanella's request (President of National School Choice Week) dated 1/5/2018. The Board was in support of this initiative and she asked Hoort to draft the Proclamation.

VII. Minutes: 12/12/2017 and 12/19/2017 (joint meeting with Finance Committee)**Move to approve the minutes of 12/12/2017 as amended.****Motion: Reinhart****Second: Bacon****4-0-0. Motion carries.****Move to approve the minutes of 12/19/2017 (joint meeting with the Finance Committee) as amended.****Motion: Reinhart****Second:**

There was no second to this motion.

VIII. Adjournment

Move to adjourn.

Motion: Reinhart

Second: Bacon

4-0-0. Motion carries.

The BOS meeting was adjourned at 9:03 p.m.

Respectfully submitted,

Radu D. Luca, Executive Assistant to the Town Administrator

Public Records Material for the Meeting of 1/9/18

1. Town of Wellfleet Public Hearing Notice
2. Application for Town Boards – David Mead-Fox, 12/7/2017
3. Application for Town Boards – Gorham Brigham, 12/10/2017
4. Letter of Request for Placement on Board of Selectmen’s Agenda and Support of Installation of Proposed Mural at Harbormaster’s Office, 1/5/2017
5. Owner – Contractor Agreement Extension, 1/9/2017
6. Alcoholic Beverages Control Commission, Seasonal Population Increase Estimation Form, 1/9/2018
7. Memo on Vacancies on Town Boards, 1/5/2018