

Wellfleet Select Board Meeting
Tuesday, November 13th, 2018, at 7 p.m.
Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet MA 02667

Select Board Members Present: Janet Reinhart – Chair, Helen Miranda Wilson – Vice Chair, Justina Carlson – Clerk, Kathleen Bacon, Jerry Houk.

Also Present: Dan Hoort - Town Administrator, Radu Luca – Executive Assistant to the Town Administrator.

I. Announcements, Open Session and Public Comment

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.

Wilson, Houk and Bacon thanked Gary Joseph for his service to the Town and his work on the Herring River Restoration Project Committee. Houk would like to send Joseph a “Thank You” letter.

Carlson said that EforAll Cape Cod would hold a “Shark Tank” type of event at Preservation Hall in Wellfleet on December 6, 2018. The event is meant to help Cape Codders start a business.

Houk thanked Radu Luca for his work for the Town and said that Luca would be joining the Chamber of Commerce in Provincetown as its Executive Director.

Chief Fisetta said that Wellfleet PD once again, will be allowing Officers to have winter beards charity through February 2019 as a fundraiser for a local charity. Also, the Wellfleet PD will be joining other public safety agencies and collecting toys for tots. He said that drop off boxes would be placed throughout town and at the police station. Fisetta added that Wellfleet PD would be a drop off spot for a Pet Food Drive through January 15, 2019. They will be collecting dry and canned foods. The Chief informed the Selectboard of his intent to retire sometime between November 2019 and February 2020.

Tarkanian said that the Building and Needs Assessment Committee needs more members.

II. Appointments/Reappointments

A. Wellfleet Cultural Council

- 1) Patrick M. Finn (3-year appointment)
- 2) Autumn H. Edwards (3-year appointment)

Patrick Finn was present, and he introduced himself to the board and to the audience. Wilson encouraged Finn to apply for other boards and committees as well and Finn said he would take that into consideration.

No action was taken on the Edwards appointment as she was not present.

I move to appoint Patrick Finn to the Wellfleet Cultural Council for three-year terms expiring June 30, 2021.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

Reinhart said that Diane Roehm from the Cultural Council had said that the Cultural Council is fully staffed for the time being.

B. Marina Advisory Committee – Appoint David Stamatis to as a regular member (through 06/30/20)

Joe Aberdale, Chair of the MAC, was present to speak on Stamatis' application. He said that Stamatis was applying to change from an alternate member to a regular member.

I move to appoint David Stamatis as a full member of the Marina Advisory Committee for a term expiring June 30, 2020.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

C. Wellfleet Police Department – Robert Pimentel (Full Time Police Officer from Feb 1, 2019 through Jan 31, 2020)

Chief Fisetette introduced Robert Pimentel to the Board. Wilson asked whether his employment would be conditioned on Pimentel completing all the courses and qualifications. Wilson said she would put the condition in the motion. Bacon and Carlson said they had observed Pimentel in town and commended his interactions with the public.

I move to appoint Robert Pimentel as a full-time Wellfleet Police Officer from February 1, 2019 through January 31, 2020 on the condition that he achieves all the required accreditations and tests, as listed in Chief Fisetette's letter of November 1st, 2018.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

D. Local Housing Partnership - Autumn H. Edwards (3-year appointment)

Bacon said that Edwards was not present due to child care, but she supports her application and she said that Edwards would make a good addition to the LHP.

Wilson suggested that the board take no action on this agenda item until Edwards was able to come before the board so that that the board would get the chance to meet her.

E. Recreation Committee - Autumn H. Edwards (3-year appointment)

There is no vacancy on this committee at this time.

III. Business

A. Town Hall benches [Ginny Parker]

This agenda item was postponed.

B. Approval of signatures on landfill lease and power purchase agreement [TA]

This agenda item was postponed because the attorneys on both sides have not yet finalized the agreement.

C. Discussion of 3 Kendrick Avenue [TA]

Hoort presented an update on this agenda item. He said that the purchaser of the property has approached the Town about selling the property to the Town under the conditions they would be granted access to the picnic tables and the siting of their dumpsters, possibly through an easement. The owner is also looking at a possible easement for a future septic system on the property. Hoort said that septic would need to be approved by the Conservation Commission. Hoort suggested to the board that they meet in executive session and discuss this issue. Hoort said that Hay, the purchaser, would like to work with the Town on this issue and make it a win-win situation. When asked, he confirmed that the restaurant's septic system had been installed only the year before. Hay said that, for Mac's on the Pier to do repairs and maintenance to the septic, the entire deck needs to be removed every time. He instead suggested moving the septic under the current brick area to the north of his property. Hay also recommended that the Town postpone the Special Town Election. Hoort said any Town election must be called within 90 days of the town meeting vote and that it was entirely up to the board to vote to call a special town election now or wait until Spring 2019. Bacon commended Hay on his initiative and she said that if we called for a special town election now would not give us a good turnout so she is in favor of waiting until the 2019 annual town meeting and working on a plan. Wilson said that this issue should be resolved sooner rather than later and that we don't know how the ZBA and ConsCom would vote on the septic and easement issues. Wilson asked Hoort when the 90 day-deadline was up. Hoort responded and said around December 24, 2018. Hoort also said that there must be 35 days to call for a Special Town Election within the 90-day deadline. Hay said that rushing this issue would jeopardize its passing. Wilson said that this issue has

been thought about for months and that we should act while it's still fresh in everyone's minds. From the audience, Jude Ahern asked what the property 3 Kendrick Ave was zoned for. The answer came from Sam Bradford, one of the parties in Belvernon LLC, the buyer of the property at 3 Kendrick Ave, who said that the property is zoned for a single-family, resident, with a Title V septic system. The abutting property, Mac's on the Pier, also has a Title V septic. Wilson said that even if the Town voted to acquire the property and approved the appropriation, the Town was not required to purchase the property. Harry Terkanian, from the audience, reminded the Board that voting to approve the borrowing of funds to purchase the property only provided the Town with the ability to buy it. Michal Ceraldi asked the Selectboard about plans for the property at 3 Kendrick Ave and the open space. Reinhart responded and said that her choice would be wait until the spring town meeting and present a plan then. Houk also said he would like to postpone this issue until spring 2019 town meeting. Carlson said that she thought the voters would like to see a plan for the proposed property use and wouldn't vote for the authorization of funds if there is no concrete plan. Bacon said that the property is in a flood plain and that FEMA rules and regulations would have to be followed.

E. Call for 12/18/18 Special Town Election [TA]

This item was taken out of order and voted on before agenda item D.

I move to call for a Special Town Election on December 18, 2018.

Motion: Wilson Second: Houk 1-4-0. Motion does not carry.
Wilson voted in favor.

Wilson said that, even if the Town voted to approve the authorization to borrow funds, the Town would not need to spend the funds and purchase the property. Houk said that December is an inopportune time for a special election.

D. Herring River Restoration Project counsel agreement and briefing [HMW]

Hoort said that he didn't have an update from counsel on this agreement and that it would be brought before the board on November 27th. Wilson asked whether both counsels would be briefed at the same time when they were both present in the room. Hoort responded and said yes.

Wilson presented a short synopsis of the HRRP background.

The board went into recess at 7:55 pm.

The board reconvened at 8:05 pm.

F. Town Administrator's Review [Reinhart]

Reinhart said that Hoort scored very well and that the overall average score was 3.66. Wilson commented on the language in the evaluation form, which can be confusing. Carlson thanked Hoort for his service to the Town and for some of his initiative, such as his work on the split tax rate. Hoort said that he appreciates it when board members sit down and speak with him to ask for information or offer suggestions and comments. Wilson commended Hoort on his neutrality on Town-related matters. Houk thinks that Hoort is doing a good job overall, but he also thinks he needs to get out of his office more and go talk more with his department heads. Houk also thinks Hoort should have staff meetings, preferably at least every six months. Reinhart thinks that board and committee chairs and department heads should stop in and talk to Hoort more often.

I move to accept the results of the Town Administrator’s review as presented by Selectboard Chair Reinhart.

Motion: Wilson Second: Bacon 5-0-0. Motion carries.

A. Dates of Selectboard meetings for 2019 [TA]

Bacon said that the Community is used to the Selectboard meeting on the second and fourth Tuesday of every month. Wilson said that the community is used to the day itself, Tuesday. Houk believes that if one board members objects to the first and third Tuesday, we should keep the same schedule. Houk also said that he could make 6 pm meetings moving forward. Hoort suggested that an option for the board would be to meet at 6 pm except during daylight savings time when we could meet at 7.

I move to approve the Selectboard meetings calendar for 2019 as presented, to meet on the first and third Tuesday of the month to start on January 8, 2019.

**Motion: Wilson Second: Reinhart 2-2-1. Motion does not carry.
(Carlson, Houk opposed, Bacon abstained)**

Meetings will continue to be on second and fourth Tuesday of each month.

I move that the Selectboard start meetings at 6 pm until daylight savings time begins next spring.

Motion: Wilson Second: Carlson 5-0-0. Motion carries.

B. Authorization to close Town Office on December 13th from 3-5 pm for the Holiday Party [TA]

Hoort thanked Dareen Davis for organizing this party in the years past. Bacon said that the party would be at the Well at their events venue and that a cash bar would be available.

I move to authorize the closing of Town Offices from 3-5 pm on Thursday, December 13th, 2018 for the Holiday Party.

Motion: Wilson Second: Bacon 5-0-0. Motion carries.

II. Town Administrator's Report

Wilson asked for a short briefing on the WEA contract negotiations at one of the board's future executive sessions. Hoort said there is no need for executive session, the discussions centered on a final resolution to the town hall finance department reorganization. Wilson would like the Town to once again address the possibility of having members attend board and committee meetings "by remote".

Bacon asked about the date for an open meeting law training. Hoort said he would follow up with Town Counsel and Joe Powers.

III. Topics for Future Discussion

Some of the future topics were addressed during the TA Report agenda item.

Wilson said that marina fuel tanks need to be replaced. She also asked if restaurant owners still had to ask permission of the Licensing Board or at least give notice, when they want to close for awhile. Hoort said he thought they did.

Bacon asked about the survey to be conducted by the Masonic Lodge as it relates to the Town owned lot at Bank and Commercial Streets. Hoort responded and said he would follow up with the Masonic Lodge. She also asked about the yield sign at the Bank and Commercial Street. Hoort said this item had been advertised and it would be on the agenda for Nov 27. Bacon would like to bring in Justin Post and Mark Vincent to give an update on the shellfish shack and see what it would cost to revamp the building. Bacon would like to invite the Housing Authority and have them come in and give an update on 95 Lawrence Rd. Hoort responded and said he would follow up with the Housing Authority.

Wilson said that, since this is a transition year for the residential tax exemption program, the Assessor's Office should look at and accept other forms of proof of residency because there are some bonafide, full-time residents who may happen to hold a post office box in another town who are being taxed this year as if they were non-residents.

Houk would like to address the blocking of the Bank Street parking lot for bicycles only during the two days of Oysterfest. Also, that we need to get an Assistant DPW Director onboard before Paul Lindberg retires. Houk would like to address contracts and particularly the MA Frazier contract. Houk also suggested drafting an article to go before Town Meeting to propose subsidizing people to go to paramedic school with the caveat that they would have to put in at least three years and reimburse the Town within the 3-year time.

Reinhart said the we should look into having a bench in honor of Arthur Medici at Newcomb Hollow Beach. Reinhart would also like to schedule another meeting with the board and committee chairs and the department heads. We should also schedule a meeting to address the property at 3 Kendrick Ave and the shellfish shack. Another future agenda item should be to address Hoort's contract renewal. Reinhart would also like to address allowing remote participation at meeting, but also to get more meetings to be televised, including the FinCom.

Carlson brought up the concerns as expressed in recent letters to the Board with regard to the bike trail extension. Hoort said that he had responded to each of the e-mails and informed the sender that this is a State issue on state owned property and their concerns should be addressed to the State.

IV. Correspondence and Vacancy Report

Carlson brought up some of the correspondence pertaining to the increase in property taxes related to the residential exemption.

V. Minutes (Draft minutes from 10.23.18)

Wilson presented her edits and amendments to the minutes.

Houk excused himself and left the meeting before the vote because he was not present at the previous meeting.

I move to approve the minutes of October 23, 2018 as amended.

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

Houk was absent for this vote.

VI. Adjournment

I move to adjourn.

Motion: Bacon Second: Wilson 4-0-0. Motion carries. Houk was absent for this vote.

The meeting was adjourned at 9:15 pm.

Respectfully submitted,

Radu D. Luca,
Executive Assistant to the Town Administrator

Link to video here: TBD

Public Records Materials of 11/13/18

1. Application – Patrick Finn to the Cultural Council (Sep 26)

2. Application – Autumn Edwards to the Cultural Council and the Local Housing Partnership (Nov 5)
3. Resignation Letter – Stephen Cooney from the Marina Advisory Committee (Nov 5)
4. Employment Application – Robert Pimentel to the WPD
5. Memo – TA Report (Nov 9)
6. Memo – Principal Clerk Vacancy Report (Nov 8)
7. Memo – Executive Assistant Correspondence report (Nov 13)
8. Minutes – Selectboard meeting October 23, 2018