

**Wellfleet Selectboard Meeting  
Tuesday, December 11, 2018  
Wellfleet Senior Center**

**Selectboard Members Present:** Chair Janet Reinhart; Kathleen Bacon, Justina Carlson, Jerry Houk, Helen Miranda Wilson

**Also Present:** Town Administrator Dan Hoort; Assistant Town Administrator/Town Clerk Joseph Powers

Chair Janet Reinhart called the meeting to order at 6:00 p.m.

**ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT**

- Janet Reinhart said the deadline for comments on the Rail Trail extension is the end of December. She suggested collating the letters and sending them to the Department of Conservation and Recreation (DCR). Helen Miranda Wilson asked how the Selectboard could approve a letter about this issue. It was determined that this could happen at the meeting on December 18.
- Kathleen Bacon said that today's Cape Cod *Times* had an article on Rail Trail and input from the public.
- Bacon announced that the Recycling Committee had instituted a compost container at the Transfer Station.
- Wilson thanked Sylvia Smith for her service to the Town on the Finance Committee, the Personnel Board and Natural Resources Advisory Board.
- Janet Reinhart offered appreciation for the Holiday Stroll and tree lighting ceremony at Town Hall last week.
- Police Chief Ronald Fisette said the Toys for Tots Drive had been a success. He said that Santa will be at the Wellfleet Cinema on Saturday for an event that will feature his visit, a free movie and food treats.
- Fire Chief Richard Pauley reported an improvement in Wellfleet's property insurance classification, as it relates to coverage for damage caused by fire. He said home owners should notify their insurance carriers about the new status.
- Rebecca Noble asked about the letters regarding the Rail Trail being on the agenda for the next Selectboard meeting.

**PUBLIC HEARINGS**

**Marconi Beach Restaurant**

The Board had received a request from Russell Swart to close Marconi Beach Restaurant from mid November 2018 through late winter 2019.

Helen Miranda Wilson moved to approve the closing of the Marconi Beach Restaurant from mid-November 2018 through late Winter 2019. Justina Carlson seconded, and the motion carried 5-0.

**Bombshelter Pub**

Caroline Parlante had requested permission for the Bombshelter Pub to remain open until 2:00 a.m. on New Year's Eve.

Wilson moved to approve the 2 a.m. closing on New Year's Eve night for the Bombshelter Pub. Jerry Houk seconded, and the motion carried 5-0.

### **PB Boulangerie Bistro**

Eliza Cox was present to request permission to close PB Boulangerie Bistro on January 2, 2019 and reopen February 20, 2019.

Carlson moved to approve the closing of the PB Boulangerie Bistro from January 2, 2019 through February 19, 2019. Houk seconded, and the motion carried 5-0.

### **APPOINTMENTS/REAPPOINTMENTS**

#### **Firefighter Appointment**

Fire Chief Richard Pauley introduced Benjamin Bartolini, candidate for full-time Firefighter/EMT. Jerry Houk recommended the choice.

Kathleen Bacon moved to appoint Benjamin Bartolini as a full-time Firefighter/EMT contingent upon completion of the requirements as outlined by Fire Chief Pauley in his December 5, 2018 memo to the Selectboard. Houk seconded, and the motion carried 5-0.

#### **Wellfleet Cultural Council Applicant**

Autumn H. Edwards had applied for a position on the Wellfleet Cultural Council and the Local Housing Partnership, but the positions were no longer available. Autumn Edwards introduced herself and gave her interest in serving on a Wellfleet board or committee. Kathleen Bacon thanked Ms. Edwards for her willingness to serve.

#### **Appointment Terms for Local Housing Partnership**

Town Administrator Dan Hoort said that he had checked with the Local Housing Partnership, who agreed with increasing the time of members' terms. Selectboard discussed 3-year or 5-year terms.

Wilson moved to allow appointment terms to the Local Housing Partnership to increase from one-year to three-year terms. Bacon seconded, and the motion carried 5-0.

#### **Local Housing Partnership**

Madeleine Entel explained her interest in a 1-year appointment to the Local Housing Partnership. She has long been involved in the Lower Cape Outreach Program. She will complete the one-year term until 2019, when the group will begin to stagger the terms of its members.

Bacon moved to appoint Madeline Entel to the Local Housing Partnership for a term to expire June 30, 2019. Wilson seconded, and the motion carried 5-0.

### **Planning Board**

David Mead-Fox came forward to explain his interest in becoming a member of the Planning Board for a three year-term. Wilson suggested that he be a member for a 5-year term, and Mr. Mead-Fox agreed to this.

Helen Miranda Wilson moved to appoint David Mead-Fox to the Planning Board for a 5-year term to expire June 30, 2023. Justina Carlson seconded, and the motion carried 5-0.

### **COA Board**

COA Director Suzanne Thomas recommended May Ruth Seidel as a highly qualified candidate for the Council on Aging Board. Jerry Houk endorsed her as well.

Kathleen Bacon moved to appoint May Ruth Seidel to the council on Aging Board for a term to expire June 30, 2021. Carlson seconded, and the motion carried 5-0.

### **LICENSE RENEWAL**

Bacon moved to approve the renewal of the Class II license for L&R Auto. Carlson seconded, and the motion carried 5-0.

### **BUSINESS**

#### **Approval of Community Host Agreement with Nature's Alternative**

Town Administrator Dan Hoort explained a change in the wording of the agreement regarding signatory authorization for any amendment to the agreement with Nature's Alternative. Attorney Ben Zehnder came forward, representing Nature's Alternative. Mr. Zehnder said that Nature's Alternative is awaiting a ZBA decision for a Special Permit. The location, the former South Wellfleet General Store, may not be used as a marijuana café, he said. There is a possibility that the business will request both a medical marijuana license and a retail license. Carlson commented on the absence of the owners at the Selectboard meeting, but Attorney Zehnder said that he had told them it was not necessary for them to attend. Ben Zehnder said they have conducted one of the required community outreach meetings. He reviewed the requirements for medical marijuana establishments. There was discussion of having the representatives of Nature's Alternative present at another meeting.

Bacon moved to approve the Host Community Agreement with Nature's Alternative, Inc., and to authorize the Selectboard Chair to sign the agreement as amended. Wilson seconded, and the motion carried 5-0.

#### **Update on Herring River Restoration Project from Town Administrator**

Dan Hoort said that Gary Joseph has resigned from the Herring River Restoration Committee, so the Town needs a new representative. He said the new counsel for Wellfleet had been briefed and made a site visit during the November 28, 2018 meeting of Wellfleet, Truro, the National Seashore and Herring River Restoration (HRR) representatives. Participating in the meeting were: Town Administrator Dan Hoort; Wellfleet Counsel Gregor McGregor; Truro Town Manager Rae Ann Palmer; Truro Counsel Barry Fogel; National Seashore Superintendent Brian Carlstrom; Seashore HRR representative Tim Smith; HRR Project Manager Carole Ridley and Friends of Herring River member Martha Craig. Truro intends to seek a MOU III amendment. They will still support the project, but as property owners instead of participants in the project.

**Dredging Update**

Town Administrator Dan Hoort reported recent developments of the dredging project for Wellfleet Harbor. He said that the project has support from the state, but Wellfleet had not secured funding for Fiscal Year 2019. The dredging committee considered purchasing equipment to do the dredging if the Federal government does not offer help. An official Wellfleet Dredging Committee would signal a strong intention of moving forward. Janet Reinhart said the Town will begin taking applications for a Dredging Committee.

Curt Felix, from the audience, said he did not think the message was getting through to the governor. Representative Sarah Peake and Senator Julian Cyr could request more support from Governor Baker, he said. David Mead-Fox asked about planning for maintenance dredging if Wellfleet does not get funding from state or federal levels.

Kathleen Bacon asked about liability issues if the Town dredges in the federal channel. She suggested that the consultant from Bourne, who had addressed the Selectboard about the dredging project, might be hired to do a feasibility study on dredging done by the Town. Helen Miranda Wilson recalled the initial study that had been presented by the Bourne Engineering consultant. She commented on the immediate need for more than maintenance dredging and questioned the amount of use that Town-owned equipment would receive. Jerry Houk said that rental equipment was a possibility. He said we should look for Congressional members who might help get acceptance by the Army Corps of Engineers. Dan Hoort said that the Army Corps of Engineers would allow the Town to do dredging in the federal channel. Once the harbor is dredged thoroughly, we need a maintenance dredging plan. Hoort said he intends to start getting letters of support right away. He is planning to work with Senator Cyr and Representative Peake to seek Governor Baker's support. Chair Janet Reinhart said Wellfleet would also seek support from the Cape Cod Commission.

Curt Felix had a few more comments about planning proactively and doing maintenance dredging to keep the shellfish healthy. He said that black mayonnaise is a problem in many Cape harbors, so shared dredging equipment could be an option.

Wilson asked that the Bourne Engineering document be reintroduced at a future Selectboard meeting.

**GIFT ACCEPTANCE**

SPAT members Janet Drohan and Michele Insley said they were happy to offer a donation for the Maintenance Dredging Fund from SPAT. Selectboard members expressed their appreciation for the support from SPAT.

Bacon moved to accept a \$10,000 donation from SPAT to the Maintenance Dredging Fund. Wilson seconded, and the motion carried 5-0.

The SPAT representatives, Selectboard members and Town Administrator paused for a photo commemorating receiving the \$10,000 check.

**Discussion of Economic Vitality/Tourism**

Dan Hoort discussed the need for effort in Economic Vitality and Tourism for Wellfleet. He would like Selectboard members to start thinking about ways to encourage new businesses and strengthen the existing ones. The Economic Development Committee is open to ideas, Chair Reinhart said, but Hoort was interested in new efforts. Wilson said she was in favor of working with the Economic Development Committee and the Chamber of Commerce on ideas. Bacon noted Small Business Saturday's success and the good attendance at the tree lighting and Holiday Stroll. Lara Henry will be invited to a future Selectboard meeting to share ideas. The Community Development Partnership has also helped small businesses. Justina Carlson said that economic vitality is one of her top goals. She offered to work with the Economic Development Committee on new promotional directions.

**Town Administrator's Contract renewal**

Chair Janet Reinhart reviewed procedure for renewing the Town Administrator's contract. The process needs to start now for inclusion in the Fiscal Year 2020 Budget.

Helen Miranda Wilson moved that the Wellfleet Selectboard vote to renew the Town Administrator's contract. Janet Reinhart seconded, and discussion ensued.

Justina Carlson said she had not understood the process. Jerry Houk asked that the vote be placed on an agenda for another meeting because he wanted to review the contract. Wilson said that an Executive Session was needed first, before The Chair met to negotiate with The Town Administrator. Chair Reinhart disagreed and explained the procedure again. Assistant Town Administrator/Town Clerk Joseph Powers reviewed stipulations on renewal of the contract for the Town Administrator. The Charter addresses severance and removal, not contract renewal. Jerry Houk recommended that the Selectboard meet before any negotiation begins. Chair Reinhart said her procedure could be called initial negotiation.

The motion to renew the contract carried 5-0.

Bacon said she wanted clear parameters. Carlson suggested postponing the next step. Chair Reinhart said the procedure would be explained clearly and continued at the next meeting.

**Approval of pavement cut for Eversource**

This was in regard to the new transformer in back of Town Hall. Dan Hoort and Janet Reinhart explained that the time for paving has closed for the season. Michele Insley said that SPAT would like to be a part of the Eversource plan when it does come back to the Selectboard for approval. SPAT rents a generator every year, so they are willing to contribute towards the infrastructure that would become available. Wilson said the Town needs a baseline reading of the level of radiation before a transformer is installed.

**TOWN ADMINISTRATOR'S REPORT**

Hoort gave additional information on the meeting with the Housing Authority. He replied to Jerry Houk that Wellfleet had participated in the survey on Chapter 90 funds. Houk also asked about a joint meeting of Truro and Provincetown, contact with the owner of the News Dealer, a paramedic position, and the status on hiring a DPW assistant director. Assistant Administrator

Powers reported that there is one applicant for the position so far. Houk and Carlson recommended that Dennis Murphy be part of the selection committee that interviews the candidates. Carlson noted work on the Fiscal Year 2020 Budget books, which have been delivered to the Selectboard and the Finance Committee. There are 10 applicants for the Assistant Town Clerk position, according to the Assistant Town Administrator. Powers explained that the position was created through the reorganization of the departments. The new executive assistant will join the Administrative staff on January 14, 2018, Hoort said.

### **TOPICS FOR FUTURE DISCUSSION**

Kathleen Bacon said some of her topics were not for future agenda items, but she was reminded at the recent Climate Change meeting that we have not yet completed the 2018 Local Comprehensive Plan. She asked that the Masons be invited to a future meeting to discuss the parking lot at the bottom of Bank St. She suggested that the principal clerk be offered a stipend for training the new executive assistant.

Helen Miranda Wilson asked that the Policy on pesticides be a future agenda item. She said that the Health Department, DPW and Conservation Commission had developed a policy on the use of pesticides on Town property that she would like to discuss on a future agenda. She would like to have Health and Conservation work on eliminating the discrepancies that exist in the environmental regulations of the Conservation Commission and in the General Bylaws. Wilson said that Planning Board should have held a hearing for the solar array by now.

Janet Reinhart announced that the CDP and the Cape Cod Commission are meeting about rural community planning tomorrow.

### **CORRESPONDENCE AND VACANCY REPORT**

The Parking Task Force had included an excellent set of minutes in the Correspondence file.

### **MINUTES**

Wilson offered amendments to the minutes of November 27, 2018.

Wilson moved to approve the minutes of November 27, 2018, as amended. Bacon seconded, and the motion carried 5-0.

### **ADJOURNMENT**

Houk moved to adjourn. Carlson seconded, and the motion carried 5-0. The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Mary Rogers,  
Secretary

### **Public Records Material of 12/11/18**

1. Application for winter closing of Marconi Beach Restaurant

2. Application for closing time on New Year's Eve for Bombshelter Pub
3. Application for closing period from PB Boulangerie Bistro
4. Appointment papers for Benjamin Bartolini as full-time Firefighter/EMT
5. List of terms for Boards and Committees
6. Appointment papers of Autumn Edwards for Wellfleet Cultural Council
7. Appointment papers of Autumn Edwards for Local Housing Partnership
8. Application papers of Madeline Entel for Local Housing Partnership
9. Application papers of David Mead-Fox for Planning Board
10. Application papers of Roger Nelson for Planning Board
11. Application papers of May Ruth Seidel for Council on Aging Board
12. Host Community Agreement for Nature's Alternative
13. E-mail from Ray Bucheger re: dredging funds
14. B& E Excavating Application for Road Cut, Excavation, Tunneling or Boring
15. Town Administrator's Report of 12/7/18
16. Correspondence and Vacancy Report of 12/12/18