



**Wellfleet Board of Selectmen
Minutes of August 9, 2016
Wellfleet Senior Center**

Present: Selectmen Dennis Murphy, Helen Miranda Wilson, Berta Bruinooge, Janet Reinhart; Acting Town Administrator Brian Carlson;

Regrets: Jerry Houk

Chairman Dennis Murphy called the BOS meeting to order at 7:00 pm.

Announcements, Open Session and Public Comment [7:00]

- Wilson announced the free tick testing program thanks to the joint efforts of Health and Conservation Agent Hillary Lemos and Barnstable County.
- Fire Chief Rich Pauley announced that on August 8 there was a beach rescue at White Crest and recognized the excellent work of the life guards.

Cultural Council appointment - Rhonda Fowler with a term to June 30, 2019 – postponed to the first meeting in September per the applicant's request.

Use of Town Property

Friends of Wellfleet COA to sell raffle tickets on Town Hall Lawn, Library outside area and Harbor area parking lot on various dates up to September 15, 2016.

MOTION 217-031: Bruinooge moved and Reinhart seconded to approve the request of the Friends of Wellfleet COA to sell raffle tickets on Town Hall Lawn, Library outside area and Harbor area parking lot on various dates up to September 15, 2016 with no conditions. The motion passed 4-0.

Murphy opened the Public Hearing for change of manager for MJT Enterprises, Inc. dba Blackfish Variety at 7:05 pm.

Attorney Kelley Jason representing MJT Enterprises dba Blackfish Café requested the change of manager from Jose Pedro Peres to Laura Parker.

MOTION 217-032: Wilson moved and Reinhart seconded to approve the request from MJT Enterprises, Inc. dba Blackfish Variety for a change of manager from Jose Pedro Peres to Laura Parker. The motion passed 4-0.

Amendment to food truck license for 349 Events dba Solace to add a location at the parking lot for Soul Food at 15 Bank Street.

Michael Banghart presented paperwork for review in support of his request to amend his food truck license. Wilson said that the paperwork was not submitted for inclusion in the meeting packets and she would not act on the request without having the opportunity to review the materials. Murphy referred to a legal opinion by Town Counsel addressing several items relevant to food trucks. Carlson briefly went over the opinion of Attorney Gregg Corbo and who have examined mobile versus stationary food trucks and the need for more clarifications. Murphy said that based on Town Counsel's discoveries, the Board can continue to operate under the existing regulations for this season, but did not support amending any licenses and permits. He said that when Town Counsel provides more information, the Selectmen will re-visit the food trucks regulations for the next season. Reinhart agreed with both Murphy and Wilson. Joseph Arsenault explained that he was not

aware of the packet materials submission deadline. Banghart said that the original permit application included the location in discussion.

MOTION 217-033: Bruinooge moved and Wilson seconded to take no action on Michael Banghart's request for amendment to food truck license for 349 Events d.b.a. Solace to add a location at the parking lot for Soul Food at 15 Bank Street. The motion passed 4-0.

Amendment to food truck license for Provincetown Pilgrim Properties, LLC dba Kung Fu Dumplings

Stephen Rome presented his request for amendment of the food truck license for Provincetown Pilgrim Properties, LLC dba Kung Fu Dumplings. Wilson explained that there are deficiencies in the required documents explaining what the requested amendment would be. Murphy said that he stands to his previously stated position to not amend any food truck licenses until further clarification is received by Town Counsel. Rome disagreed and heated discussion ensued.

MOTION 217-034: Bruinooge moved and Wilson seconded to take no action on Stephen Rome's request for amendment of the food truck license for Provincetown Pilgrim Properties, LLC dba Kung Fu Dumplings. The motion passed 4-0.

Update on Paved Private Roads Plowing

Assistant DPW Director Paul Lindberg briefed the Selectmen on the Policy of the Maintenance of Paved Private Roads for snow plowing and announced that the deadline for complying to the policy is October 28, 2016. Wilson expressed concerns about eight paved private roads lacking emergency vehicle access. Discussion ensued about options to inform the residents of these eight streets through an aggressive outreach. Carlson will work with Lindberg on a communication plan. Wilson said that she will continue to attend the GUAPACA meetings.

Discussion and update to the beach sticker re-sale procedure and policy

Community Services Director Suzanne Grout Thomas asked the selectmen to support the proposed language addition to the beach sticker re-sale procedure due to recent discovery that Motel owners have been charging more than the actual cost of the beach sticker. The proposed amendment would be to add paragraph 8: *Stickers purchased for resale must be sold for the same dollar amount charged by the Town of Wellfleet. No surcharges may be added by the seller.*

MOTION 217-035: Wilson moved and Bruinooge seconded to approve the additional language to the beach sticker re-sale procedure as proposed by Thomas. The motion passed 4-0.

Contract amendments for police facility renovation project

The selectmen discussed if there were any legal requirements for the police station renovation contract amendments and wanted to know if these were legally required why were not part of the original contract.

MOTION 217-036: Wilson moved to approve the amendment #2 only if it is legally required, and provided that there will be a written explanation. Bruinooge seconded and the motion passed 4-0.

MOTION 217-037: Reinhart moved and Bruinooge seconded to approve amendment #3 with the contingency that identification of any hazardous materials is a legal requirement with written explanation by the Owner's Project Manager. The motion passed 4-0.

Discussion of committee vacancies

The selectmen discussed decreasing the membership of committees with large number such as the Cultural Council in order to aid them to achieve quorum and keep it at an odd number. Carlson will reach out to Board and Committee chairs before the selectmen consider any further action.

FY 2017 Board of Selectmen Goals

Wilson re-capped previously discussed BOS goals and suggested compiling all goals on one sheet. Bruinooge suggested to have the Executive Assistant to compile the list. Murphy, Bruinooge and Reinhart found Wilson's suggestion for forensic audit of the Shellfish Department appropriate. Wilson recommended checking with the Shellfish Constable prior to proceeding with the audit and proposed scheduling the audit in December or January.

Town Administrator's Report

Carlson presented the TA Report¹ of August 5, 2016. Bruinooge offered positive comments about the upcoming RFP for expansion for White Crest beach parking and spoke about beach parking lot challenges due to erosion. Murphy said that sand needs must be considered for the next 25 years and beyond. Carlson mentioned that the Baker Field tennis court reconstruction will be on a future meeting agenda.

Future Concerns

- Wilson – Discussion for advancing the Cultural Council agenda item to a future meeting.
- Wilson – HRRP MOU III status and monitoring drought conditions; Direct the Water Commissioners to review the current data for the CCC and CCNS ground water monitoring wells to make sure the water system is functioning well.

Correspondence² and Vacancy³ Report

- Wilson wanted to double check which legislators should receive the Rosenberg letter.

Minutes

MOTION 217-039: Reinhart moved and Wilson seconded to approve the minutes⁴ of July 26, 2016 as amended by Wilson. The motion passed 4-0.

Adjournment

MOTION 217-040: Bruinooge moved to adjourn the meeting at 8:38 pm. Wilson seconded and the motion passed 5-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Record Documents:

¹ TA Report of August 5, 2016

² Correspondence Report of August 9, 2016

³ Vacancy Report of August 5, 2016

⁴ Draft minutes of July 26, 2016