

**Wellfleet Board of Selectmen
Minutes of the Meeting of January 14, 2014
Council On Aging Building, 7:00 p.m.**

Present: Berta Bruinooge, John Morrissey, Dennis Murphy, Paul Pilcher; Town Administrator Harry Sarkis Terkanian.

Regrets: Jerry Houk

Chair Berta Bruinooge called the meeting to order at 7:00 p.m.

Announcements, Open Session and Public Comment

Bruinooge thanked all of the people who gave her words of encouragement during the recall effort.

- Town Administrator Harry Terkanian announcements:
 - Terkanian read a statement from the Shellfish Promotion and Tasting (SPAT) Board¹ announcing a donation of up to \$100,000 to hire a Shellfish and Aquaculture Specialist to educate the public, growers and retailers about standards and practices and support Wellfleet's shellfishing and aquaculture industries.
 - Representative Keating will have office hours in the Town Hall second floor conference room from 1:00 p.m. to 3:00 p.m. on February 10, 2014.
 - The County Commissioners have announced the formation of a Barnstable County Regional Substance Abuse Council. The first council meeting is on January 30, 2014. The County has asked Wellfleet to select a representative to participate.
- From the audience, Lilli Green urged the public to go online to read and comment on Cape Light Compact's new Aggregation Plan that will be filed with the MA Dept. of Public Utilities.
- Roger Putnam read a statement regarding PAYT that, in summary, said that the PAYT issue should have gone to Town Meeting for discussion and a vote.
- Laura Kelly, founder of Protect Our Cape Cod Aquifer (POCCA), asked the Health and Conservation Department to place no spraying signs near Wellfleet's power lines and put information about the NSTAR pesticide spraying on the website. Kelly also urged the public to submit fact-based comments to the Massachusetts Department of Agricultural Resources regarding the NSTAR Spraying Program. The comment period has been extended until February 18, 2014.
- Dennis Murphy made a statement regarding the recall attempt on Selectmen Bruinooge and Morrissey. Murphy believes that the BOS did their due diligence on the PAYT issue before voting to act, noting that over fifteen public hearings and meetings were held on the issue and they were poorly attended by the public. Murphy would like to figure out a way to get the public more involved in issues at the early stages in order to hear alternate solutions for consideration.

Public Hearing(s) [7:18]

Restaurant Closing

Motion 14-0122: Murphy moved to approve the request received December 4, 2013 from Philippe Rispoli to close PB Boulangerie Bistro from January 4, 2014 through January 29, 2014. Morrissey seconded the motion and it passed 4-0.

Licenses

Terkanian reviewed a letter sent to Dunkin Donuts regarding an unauthorized extension of their closing time. The letter remains unanswered. Winslow's Tavern, the Lighthouse and Pearl restaurants have been reported to host public entertainment on Sundays without a proper license. The BOS directed Terkanian to write letters to these businesses asking them to apply for correct businesses licenses.

Motion 14-0123: Pilcher moved to approve the following annual business licenses: Boathouse Fish Market, Bob's Sub & Cones, Box Lunch Inc., Chequessett Yacht & Country Club, Emack & Bolio's, Express Mart, Finely J.P.'s, Flying Fish Café, Harbor Stage Company, JB's Pizza Bar & Grill, Lighthouse Restaurant, Mac's

Seafood Takeout, Mac's Shack, Maurice's Campground, Moby Dick's, PB Boulangerie Bistro, Pearl Restaurant, Rino's, South Wellfleet General Store, Sunbird, Sweet Seasons, Wellfleet Beachcomber, Wellfleet Cinemas, Wellfleet Donuts, Wellfleet Drive In-Flea Market, Wellfleet Harbor Actor's Theater, Wellfleet Marketplace, Wellfleet Miniature Golf, Wellfleet Town Pizza, Wellfleet Village Mobil (Used Car Dealer's License – Class II), The Wicked Oyster, Winslow's Tavern. Murphy seconded the motion and it passed 4-0.

Motion 14-0124: Murphy moved to approve the following licenses for weekday entertainment: Finely J.P.'s Inc., Flying Fish Café, Harbor Stage Company, Lighthouse Restaurant, PB Boulangerie, Pearl Restaurant, Sweet Seasons, Wellfleet Beachcomber, Wellfleet Cinemas, Wellfleet Drive In-Flea Market, Wellfleet Harbor Actor's Theater, Wellfleet Miniature Golf, The Wicket Oyster, Winslow's Tavern. Morrissey seconded the motion and it passed 4-0.

Motion 14-0125: Morrissey moved to approve the following licenses for automatic amusement: Bob's Sub & Cones, Southfleet Motor Inn. Pilcher seconded the motion and it passed 4-0.

Motion 14-0126: Murphy moved to approve the following licenses for public entertainment on Sunday: Harbor Stage Company, PB Boulangerie Bistro, Sweet Seasons, Wellfleet Beachcomber, Wellfleet Drive-In & Flea Market, Wellfleet Harbor Actor's Theater, The Wicked Oyster. Morrissey seconded the motion and it passed 4-0.

Motion 14-0127: Pilcher moved to approve the following license for flea market: Wellfleet Drive In-Flea Market. Morrissey seconded the motion and it passed 4-0.

Appointments

Motion 14-0128: Murphy moved to appoint Christopher Easley as the Wellfleet Representative to the Nauset Regional School Committee [interim appointment until ATE 2014 to fill the vacancy left by Jonathan Porteus' resignation]. Morrissey seconded the motion and it passed 4-0.

Use of Town Property

Motion 14-0129: Murphy moved to approve the application received from Dennis O'Connell from the Friends of Wellfleet Library to use the east Town Hall driveway (next to Abiyoyo) from 7:00 a.m. to 3:00 p.m. on Sunday July 6, 2014 (rain date July 13, 2014) and Sunday, August 3, 2014 (rain date August 10, 2014) for the Friends of the Library Annual Book sale. Morrissey seconded the motion and it passed 4-0. [No processing fee or Use of Town Property Fee applies].

Business

Rename the Wellfleet Skate Park to the Kevin J. Fitzgerald Wellfleet Skate Park

Wellfleet Recreation Director Becky Rosenberg asked the Selectmen to approve renaming the Wellfleet Skate Park to the Kevin J. Fitzgerald Wellfleet Skate Park to honor local Wellfleet teen and passionate skateboarder Kevin Fitzgerald, who recently passed away after a long illness.

Motion 14-0130: Murphy moved to rename the Wellfleet Skate Park to the Kevin J. Fitzgerald Memorial Skate Park. Morrissey seconded the motion and it passed 4-0.

Status report on the Herring River Restoration Project

Don Palladino and Gary Joseph gave a status update on the Herring River Restoration Project². Significant progress has been made in several areas: The Herring River Restoration Committee (HRRC) is crafting responses to the environmental impact statement/report. If the responses are deemed adequate, the project will receive a certificate of compliance from the state. A similar process will take place at the federal level. The foundation of the Chequessett Neck Road Dike is good and HRRC is investigating a bridge with tidal control gates to replace the current dike. HRCC has received proposals from engineering firms to address the impacts of the project on affected homeowners. They expect to award the contract in February. The HRCC is personally reaching out to the 20 affected homeowners. There are only 3-5 households with structural impacts. The HRCC is also applying for two grants; one to the National Fish and Wildlife Foundation

(NFWF) for additional design funds and the second to the MA Bays to develop designs to replace the Old Kings Highways and Patience Brooks culverts. The HRCC asked for a letter of support for the NFWF grant from the BOS. A copy of the letter will be on the Jan 28 BOS agenda for approval. A full time project management associate has been hired. HRCC will hear from NOAA in the spring about year 2 funding for the project. Palladino said there will be three years of design and permitting ahead for the project and funds permitting, construction will begin in 2017.

NStar right of way spraying response

Terkanian noted that the Massachusetts Department of Agricultural Resources (MDAR) has extended the comment period regarding the NSTAR Spraying Program to February 18, 2014. He asked for approval of a resolution from the BOS³ that will be entered into the record at MDAR along with the Town's Organic Land Management Policy.

Motion 14-0131: Morrissey moved to adopt a resolution requesting that NSTAR abandon plans to spray herbicides along rights-of-way on Cape Cod and commit to a no-spray, pesticide-free policy of vegetation management on Cape Cod and the Islands, as well as a copy of Wellfleet's Organic Land Management Policy. Murphy seconded the motion and it passed 4-0.

Laura Kelly, founder of Protect Our Cape Cod Aquifer (POCCA) said that the MDAR was only accepting fact-based documents as part of the official public record. In response, POCCA crafted a new open letter to NSTAR and the MDAR for signature⁴. Kelly asked the Town and/or Conservation Commission to be vigilant of NSTAR violations (i.e. no spraying can occur if the wind blows between 3-10 MPH) and appoint a monitor to write fines if a violation occurs. Murphy noted that he owns the right of way to a section of power lines and asked about installing monitoring wells.

Motion 14-0132: Pilcher moved to approve BOS support for POCCA's open letter to NSTAR and the MDAR. Murphy seconded the motion and it passed 4-0.

PAYT – Board of Health Letter – Next Steps

Pilcher supports what Murphy said during the opening announcements of the meeting. He lauded the efforts of Bruinooge and Morrissey and said that it was unfair that they were singled out for the recall effort as all of the Board of Selectmen had voted to approve PAYT (which he suggested be renamed SMART – save money and reduce trash). Pilcher would like the BOS to hold a special meeting to discuss PAYT⁵ so citizens can offer testimony and let the Selectmen know “what is on their mind” about the PAYT issue. Pilcher urged the public to contact the Selectmen with feedback if they cannot attend. Pilcher also offered to personally meet with any group at any time as long as the PAYT discussion is respectful. The Board of Health is asking for an ad hoc committee to study PAYT issues. Pilcher and Bruinooge do not think appointing a committee is the best way to proceed with examining the PAYT issue. The Selectmen agree that there needs to be feedback on the progress of PAYT every three months from the Board of Health and Transfer Station. Morrissey in particular wanted to hear from the Health Department about any issues with illegal dumping.

Motion 14-0133: Pilcher moved to hold a special BOS meeting to discuss PAYT on Monday, March 10, 2014 at 7:00 p.m. at the Senior Center. Murphy seconded the motion and it passed 4-0.

Recommended Parking Policies and Fines

Ron Fisette reviewed a summary document⁶ from the study committee convened to discuss Wellfleet parking policies and fines. The committee recommended the reinstatement of timed parking on Main Street and in the two municipal parking lots; at Town Hall and across from Preservation Hall, effective June 1, 2014. The committee also suggested that Main Street area businesses be allowed to purchase municipal lot parking passes at a price of \$250/pass for their employee parking. The committee also recommended that several fines for parking violations be increased. The proposed increases will need Town Meeting approval and then special legislation approved by the state legislature. It is the opinion of the group that the Town should implement parking fees for Main Street, the two municipal parking lots in the Main Street area, and at the pier. The fees would be paid using automated parking kiosks at designated locations. The BOS agreed that two hour parking should be reinstated on Main Street but that the business community needs to be more involved with the

decision making process on public parking issues. Fissette said that a public hearing needs to be scheduled to discuss fine increases, employee parking, metering and any other relevant issues.

Discuss status of High Toss Road

The Herring River MOU III Working Group would like a final decision on the status of High Toss Road as the fate of the road is an integral part of the final design. Murphy asked the Selectmen for a consensus on keeping or abandoning the road, with his suggestion that the Town abandon claims unless the Police, Fire or DPW thinks we should make a case to keep it. If the Selectmen agree to abandon the road, it must be passed by a majority vote at Town Meeting in April 2014. Murphy spoke with Slade and Associates and the office had a survey map from 1963 that indicated High Toss Road was indeed owned by the Town. There were questions raised during the discussion with Slade, however, regarding the specific sections of the road for proposed abandonment. Murphy thinks the Town has a responsibility to maintain sections of the road where there are residential houses and that there must be a very specific start and stop point. The abandoned sections will be ripped up. Murphy thinks it would be best if we could put an article regarding High Toss Road on the Town Meeting Warrant.

Use of Town Property Committee

Motion 14-0134: Murphy moved to approve the charge⁷ for the formation of the Ad Hoc Use of Town Property Committee. Bruinooge seconded the motion and it passed 4-0.

Approval of Streetlight Operation & Maintenance Contract

Motion 14-0135: Pilcher moved to approve the streetlight operation and maintenance contract. Murphy seconded the motion and it passed 4-0.

Approval of Veteran's Services Budget

Motion 14-0136: Pilcher moved to approve the FY 2015 Veteran's Services Budget. Murphy seconded the motion and it passed 4-0.

Review of Inter Municipal Cooperation Committee participation and goals

Pilcher thinks the Inter Municipal Cooperation Committee (IMCC) is a worthwhile group but since there have been several new Town Administrators hired since IMCC's founding that it is time to reassess the group's pertinence and goals. Terkanian does see opportunities for the group to discuss and implement smaller projects like sharing health agents, etc.

Review draft 2014 Annual Town Meeting Article Index

Terkanian reviewed the first draft of the index⁸. Article F (forfeiture of committee appointment) may come off immediately. The Selectmen also spoke about adding an article to appropriate funds for design and engineering of the Route 6 and Main Street intersection. The BOS would like funds appropriated now so when the project is approved to move forward by the state, the Town can spend funds on engineering and design when needed. The Planning Board is looking into adding a zoning article regarding the National Seashore bylaw.

Selectmen's Message for 2013 Annual Report

Bruinooge asked the Selectmen for highlights for the Selectmen's 2013 Annual Report.

Approval of 2014 IRS Standard Mileage Rate

Motion 14-0137: Pilcher moved to approve the 2014 IRS Standard Mileage Rate of \$0.56 cents per mile as of January 1, 2014. Murphy seconded the motion and it passed 4-0.

Town Administrator's Report

Town Administrator Harry Terkanian reviewed the Town Administrator's report⁹.

Future Concerns

The Selectmen would like to review the FY2015 Budget at the January 28, 2014 BOS meeting, particularly Fire, Police, DPW and the Town Clerk/Town Collector.

Correspondence and Vacancy Report

John Morrissey had prepared the Correspondence Report¹⁰. A copy was made available for review. Pilcher would like to send a letter thanking Bob Hubby for his years of service to Town committees. The NRAB asked to be on the agenda for the January 28 BOS meeting to speak about the Herring Warden position.

Minutes

Motion 14-0138: Pilcher moved to approve the minutes of the December 10, 2013 BOS meeting¹¹ as printed. Murphy seconded the motion and it passed 4-0.

Adjournment

Executive Session

Motion 14-0039: Murphy moved to go into Executive Session and not come back into public session.

Bruinooge read aloud the purpose for Executive Session:

2. To discuss strategy with respect to collective bargaining with the Wellfleet Permanent Firefighters if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares.

Pilcher seconded the motion. Bruinooge, Morrissey, Murphy and Pilcher each said yes, each said yes, and the regular meeting was adjourned at 9:03 p.m.

¹ SPAT Board \$100,000 pledge for Vibrio position

² 2014-01-09 Herring River Restoration Project Briefing Summary

³ 2013-01-14 BOS resolution to NSTAR regarding pesticide spraying of vegetation on power lines

⁴ 2014-01-14 Open Letter to NSTAR and the MDAR

⁵ 2014-01-14 Pilcher document 'Proposal for Public Hearing re Pay As You Throw'

⁶ 2013-12-03 Parking Policies and Fines

⁷ 2014-01-14 Ad Hoc Use of Town Property Committee charge

⁸ 2014-01-14 draft Town Meeting article index

⁹ 2013-01-14 Harry Terkanian Town Administrator's Report

¹⁰ 2014-01-14 Correspondence Report

¹¹ 2013-12-10 BOS minutes