

**Wellfleet Board of Selectmen
Minutes of the Meeting of January 28, 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

- Paul Pilcher announced that the survey for Town funded pre-school was sent to eligible Wellfleet families. He encouraged any family with a stake in the discussion to participate in the survey.
- Town Administrator Harry Terkanian announcements:
 - The Compact of Cape Cod Conservation Trusts will present its newest publication, *To Live Lightly on the Land: A Guide to Private Land Protection in (and around) the Cape Cod National Seashore* at the Cape Cod National Seashore Salt Pond Visitor Center in Eastham on Monday, February 3, 2014 at 10:00 a.m.
 - Solarize Wellfleet will host two events: “Solar 101 Workshop” to review the program on Monday February 3, 2014 from 7:00 – 9:00 p.m. at the COA and “Meet the Installer” to hear from the companies selected to perform the installation work on Saturday, February 22, 2014 from 10:00 a.m. to 12:00 p.m. at the COA. This workshop will also include a demonstration of Mapdwell, which estimates solar potential and payback costs.
 - Police Chief Ron Fisette announced that the Police Department had received two grants: \$1,000 from Shellfish Promotion and Tasting (SPAT) for supplies and a large message board awarded through a Homeland Security grant for use throughout Outer Cape towns.

Licenses

Motion 14-0040: Murphy moved to approve the following annual business licenses: Blue Willow Fine Foods, Mainstay Motor Inn, PJ’s Family Restaurant, Vintage Auto (Used Car Dealer’s License – Class II). Morrissey seconded the motion and it passed 4-0.

Appointments

Motion 14-0041: Pilcher moved to approve the appointment of Miriam Spencer to the Historical Commission to fill the remainder of Jean Nelson’s term expiring on 6/30/15. Morrissey seconded the motion and it passed 4-0.

Request by NRAB to discuss Herring Warden position

Ned Hitchcock reviewed a recommendation and supporting materials from the Natural Resources Advisory Board (NRAB)¹ to raise the budgeted line item for the Herring Warden position to \$2,500. The FY2014 budget for the position is \$300. The position has been vacant since spring 2013 and the increased salary might attract a qualified candidate. Bruinooge requested a job description. Helen Miranda Wilson from the Shellfish Advisory Board asked to add eel monitoring to the job description. Hitchcock supported the idea. The Selectmen would like to see this incorporated into the FY2015 budget that will be voted on at a future BOS meeting.

Public Hearing(s) [7:15]

Restaurant Closing

Motion 14-0042: Morrissey moved to approve the request received January 7, 2014 from Joseph Wanco to close the Lighthouse Restaurant from Sunday, February 23, 2014 through Thursday, April 17, 2014. Pilcher seconded the motion and it passed 4-0.

Shellfish

The Shellfish Advisory Board (SAB) and Shellfish Constable made the following recommendations for changes to the Wellfleet Shellfishing Policy and Regulations²:

(S.5.1) Close Indian Neck on Wednesdays to recreational shellfishing to allow mature development of stock. The Selectmen agreed that closing the area for one day would not resolve the issue. The BOS will consider a full closure at a Selectmen meeting in September for a one or two year period commencing October 1, 2014. Helen Miranda Wilson from the SAB recommended an outreach campaign to non-resident taxpayers and signage at the Beach Sticker and other Town offices if the Selectmen vote for closure.

(S. 6.1.2) Change the deadline date to purchase a commercial shellfish license from April 30 to January 31; effective May 1, 2014. The recommendation would allow for a two month window (versus five months) for the purchase of a commercial shellfish license in Wellfleet. The SAB recommends the change to help negate closure of the harbor for health violations; SAB and the Constable want to support those fishermen who understand and follow strict health guidelines for harvesting shellfish, which is especially important with the pending implementation of the vibrio control plan. Pilcher voiced his concern that the shortened purchasing window would limit economic opportunities for some residents.

Motion 14-0043: Murphy moved to approve the amendment to section 6.1.2 of the Town of Wellfleet Shellfishing Policy and Regulations which would change the deadline to purchase a Wellfleet commercial shellfish license from April 30 to January 31, effective May 1, 2014. Bruinooge seconded the motion and it passed 3-1 (Pilcher).

With the approval of the amendment to section 6.1.2, Helen Miranda Wilson noted that the dates will also have to change in section 6.1.4, the Hardship Exemption Regulation. The Selectmen will revisit the issue at a future shellfish related hearing before May 1, 2014.

(S.6.4.7) Add South Lieutenant Island to section 6.4 “Seasonal and Other Restrictions: Open and Closed Areas” and recommend closure to shellfishing from June 1 through September 30.

Motion 14-0044: Bruinooge moved to add section 6.4.7 to the Town of Wellfleet Shellfishing Policy and Regulations, and approve closure of South Lieutenant Island for the taking of shellfish from June 1 through September 30. Morrissey seconded the motion and it passed 4-0.

(S.7.16) Add the phrase "or otherwise affiliated persons" to the petite oyster regulation. This addition is a housekeeping measure to coordinate with language in section 7.8.4 “Working of Grants by Non-Licensees.”

Motion 14-0045: Morrissey moved to add the phrase "or otherwise affiliated persons" to the section 7.1.6 (petite oyster) to the Town of Wellfleet Shellfishing Policy and Regulations.

Motion 14-0046: Murphy moved to approve the application to transfer shellfish grant licenses 2006-01 and 2006-01 ext from Robert LaPointe to Robert and Lorraine LaPointe. Morrissey seconded the motion and it passed 4-0.

Motion 14-0047: Morrissey moved to approve the application to renew shellfish grant licenses 2006-01 and 2006-01 ext for a ten year period. Murphy seconded the motion and it passed 4-0.

The Shellfish Constable requested a public hearing to reinstate Sebastian Frawley’s commercial shellfish license at a future Selectmen meeting. The Selectmen voted to suspend Frawley’s commercial shellfish license for an eight month period (Sept 30, 2013 to May 31, 2014) at their September 30, 2013 meeting. Pilcher asked Frawley to submit a letter in writing to the Selectmen requesting the reinstatement.

Business

Cape Light Compact update presentation and discussion of revised Aggregation Plan

Representatives from the Cape Light Compact (CLC) reviewed proposed revisions to their aggregation plan³ as requested by the Department of Public Utilities (DPU). Regulators requested changes that will eliminate

obsolete terms and references, include modified language that reflects current electric power supply procurement procedures, require annual independent financial statement by an auditor of CLC's expenditures, provide an annual power supply report to the DPU and show compliance with the Green Communities Act, among other changes. Dick Elkin, Wellfleet's representative to the CLC Governing Board, stated that the whole Governing Board reviewed the plan line by line and voted to approve the updated version for submission to the DPU after the commencement of a series of public hearings and an open comment period (public comments will be included in the submission). The Selectmen agreed to support the vote of Governing Board member Dick Elkin on final aggregation plan.

Approval of Wellfleet Permanent Firefighters Agreement

Motion 14-0148: Pilcher moved to approve the Wellfleet Permanent Firefighters Agreement⁴. Murphy seconded the motion passed 4-0.

Water System Expansion Proposed Change Orders #2 and #3

There are two potential change orders under consideration for the water system expansion⁵:

Proposed change order #2 would replace a failed culvert under Chequessett Neck Road. Funds for the culvert replacement were not included in the original contract with Environmental Partners Group (EPG). Terkanian requested EPG obtain contractor quotes for the additional work. Two contractors responded and both quotes were significantly higher than EPG's price. Because the additional work cost is less than \$25,000, the Town can award the work based on competitive quotes.

Proposed change order #3 would extend water down Hiller Avenue beyond Summit Street and would potentially service eight additional residences. Estimated cost is \$44,700. While this addition has merit, the uncommitted project budget would be reduced to just \$259.00. The Town Administrator and Selectmen do not recommend reducing the contingency fund to a few hundred dollars at this time. Accountant Marilyn Crary said that she will look to see if there is approximately \$40,000 in remaining funds from the first water system project that can be transferred into the current project budget. If the funds are available, the Selectmen would like to revisit change order #3 while the current expansion is still under construction.

Motion 14-0149: Pilcher moved to approve Wellfleet Water System Expansion Change Order #2 and take no action on Change Order #3 at this time. Morrissey seconded the motion and it passed 3-0-1 (Murphy recused himself from the vote).

Bruinooge called a recess from 8:32 p.m. to 8:40 p.m.

Five year budget projection documents

Town Accountant Marilyn Crary reviewed the Town's five year budget revenue and expenditure projections⁶. The excess capacity (or profit margin for the Town that exceed the levy limit) figure for FY2015 currently shows a large deficit but Crary assured the Selectmen that it will become a positive figure after the tax rate is set in September and the Capital Improvement budget is finalized. Based on her projections, Crary said that the Town should be fiscally sound for the next five years. Crary added \$50,000 for trash hauling in FY2017 to coincide with the end of the Covanta contract and \$100,000 for each subsequent year. Current revenue projections are conservative and do not include reimbursements or unknown profits (i.e. PAYT bags). Pilcher was concerned that receipts reserved looked to be declining and does not want to "nickel and dime" the department budgets based on a revenue projection that may be too conservative. He would like to base his budget recommendations on more realistic revenue numbers.

FY 2015 Budget Review

Terkanian noted that the biggest budgetary increases have been in school and public safety⁷. The remaining budget expenditures for other areas of Town Government have remained relatively flat. Revenue projections remain constant and current projections for FY2015 do not include significant growth. Pilcher asked why the cherry sheet was budgeted \$100,000 less than FY2014. Crary said that the cherry sheet estimates were just

received from the state and Wellfleet's allocation was listed at \$261,107, reflecting only a slight increase to Terkanian's original projection.

The current FY2015 budget as presented to the Selectmen⁸ does not reflect any additional budget requests from the departments (i.e. new positions requested for Police and DPW) or non-negotiated salary increases. Murphy noted that \$14,000 in revenue from Jack's Boat rental must be removed from Local Receipts/Rentals/Leases.

The Selectmen noted that the Police budget is down 1% from FY2014 but does not reflect new hires or additional budget requests. A discussion ensued regarding County Dispatch. Fissette and Pauley explained that there is a lack of detailed information and many remaining questions about who will control budgets, fees and oversight. Morrissey would like to investigate whether the BOS made the correct decision to move the fire dispatch to the County considering the number of outstanding questions regarding its budget and management. Pilcher had many questions about the Clerk and Treasurer positions, including how to finance a multi-year overlap in positions. Morrissey suggested financing the Clerk and Treasurer overlap from free cash as the expense is finite. All DPW budgets are level funded or under FY2014 figures. Morrissey and Murphy are most interested in hiring the DPW facilities position and all the Selectmen agree that adding a new position to the Police Department this year is unlikely.

Terkanian noted that the Wellfleet Elementary School Budget is up 1.95%. The Nauset Regional School District assessment has gone down 3% (approx. \$70,000) due to declining enrollment. Because of a new assessment model, Wellfleet's contribution to the Cape Cod Regional Technical High School is going up \$40,000 – a 64% increase. Overall, the Town will gain about \$18,000 more than the FY2014 school budget.

Morrissey asked Terkanian to explore borrowing for certain items in the Capital Budget to free up cash for the operating budget.

NOTE: FY2014 free cash is certified at \$1,674,927 as of Jan 29, 2014. This compares favorably with the preceding three fiscal years (\$494,538, \$1,348,259 & \$ 1,413,560 respectively). The figure is well above Wellfleet's fiscal policy minimum free cash reserve of 5% of the operating budget (about \$750,000).

Request for BOS letters of support for NFWF coastal resiliency grant⁹

Motion 14-0150: Pilcher moved to approve sending Board of Selectmen letters of support for National Fish and Wildlife Foundation (NFWF) coastal resiliency grant applications from the Friends of Herring River, Wellfleet Comprehensive Wastewater Planning Committee and Center for Coastal Studies. Murphy seconded the motion and it passed 4-0.

Participation in Truro Community Development Block Grant¹⁰

Motion 14-0151: Pilcher moved to approve Wellfleet's participation in Truro Community Development Block Grant. Murphy seconded the motion and it passed 4-0.

Request to extend noise ordinance at Holden Inn on July 12, 2014

The Selectmen did not act to approve a request¹¹ to extend the noise ordinance at the Holden Inn on July 12, 2014.

Town Administrator's Report

Town Administrator Harry Terkanian reviewed the Town Administrator's report¹².

Future Concerns

- Terkanian will meet with Selectmen individually for his initial performance review before a formal public review at a future BOS meeting.
- Pilcher spoke with Shellfish Constable about partitioning the Beach Sticker Office. The Selectmen agreed to place the issue on the February 11, 2014 agenda.

Correspondence and Vacancy Report

John Morrissey had prepared the Correspondence Report¹³. A copy was made available for review.

Minutes

Motion 14-0152: Morrissey moved to approve the minutes of the January 14, 2014 BOS meeting¹⁴ as printed. Murphy seconded the motion and it passed 4-0.

Adjournment

Motion 14-0153: Murphy moved to adjourn the meeting. Pilcher seconded the motion and it passed 4-0. The meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

¹ 2014-01-14 NRAB recommendation and supporting documents for Herring Warden position

² 2014-01-28 Memo with recommended changes to Wellfleet's Shellfishing Policy and Regulations

³ Cape Light Compact proposed aggregation plan and supporting documents

⁴ 2014-01-28 Final contract with the Wellfleet Permanent Firefighters Association

⁵ 2014-01-23 Terkanian Memo 'Water System Expansion Change Order'

⁶ 2014-01-28 Crary Five Year Budget Overview FY 2015-2019

⁷ 2014-01-28 Graphs depicting 5-year budget revenues and expenditures

⁸ 2014-01-28 FY2015 Operating budgets for Police, Fire, DPW, Clerk/Treasurer/Collector

⁹ BOS letters of support for NFWF coastal resiliency grant applications from the Friends of Herring River, Wellfleet Comprehensive Wastewater Planning Committee and Center for Coastal Studies

¹⁰ 2014-01-15 Bailey Boyd & Assoc letter requesting BOS approval to participate in FY2014 Truro CDBG Grant

¹¹ 2014-01-11 Email to J. Maclauchlan requesting extension of noise ordinance at Holden Inn

¹² 2014-01-28 Harry Terkanian Town Administrator's Report

¹³ 2014-01-28 Correspondence Report

¹⁴ 2014-01-14 BOS minutes