



**Wellfleet Board of Selectmen
Minutes of May 26, 2015
Wellfleet Senior Center**

Present: Paul Pilcher, Chairman, Dennis Murphy, Berta Bruinooge, Helen Miranda Wilson, Jerry Houk and Town Administrator Harry Sarkis Terkanian

Chairman Paul Pilcher opened the meeting to order at 7:00 pm.

Announcements, Open Session and Public Comment

- Pilcher announced an Energy Fair sponsored by the Wellfleet Energy Committee (WEC) on June 20, 2015 from 11 am – 4 pm at the COA. Pilcher said that WEC member Marcus Springer is not seeking reappointment and expressed his appreciation for Springer's service.
- Helen Miranda Wilson announced the retirement of Shellfish Advisory Board members Barbara Brennessel and Joel Fox and thanked them for their service.
- Town Administrator Harry Terkanian announced a Herring River Restoration Committee informational session on June 2, 2015 at 7:00 pm at the COA.
- Terkanian recognized and extended thanks to Jeremy Young for the replanting of Wilbur Ryder H. Square at his own expense.

Licenses

MOTION 215-225: Murphy moved and Bruinooge seconded to approve a Common Victualler's License for Lewis Brothers Ice Cream and Joey's Food Truck. The motion passed 5-0.

Use of Town Property

The selectmen reviewed the request of Charlene Webbers to use LeCount Hollow beach during the summer for "Well Fit" classes. Terkanian said that LeCount Hollow is the only beach not requiring a beach permit and that the presented request is for extensive use. Wilson pointed out the Beach Administrator's comments and asked for clarification. Suzanne Grout Thomas explained the background behind her concerns. Bruinooge expressed her opinion on future RFP and supported charging an appropriate fee for the extensive use of the beach. Murphy wanted to know if there is an alternative location. Pilcher suggested deferring action on this to the next meeting, so Miss Weber can attend the meeting and speak about her request.

MOTION 215-226: Wilson moved and Murphy seconded to table the request of Charlene Weber to use LeCount Hollow Beach from June 22 – until August 23 from 7:30 am to 8:30 am on Sundays, Mondays, Wednesdays and Fridays for "Well Fit" Class. The motion passed 5-0.

Discussion ensued on the request from Jody Craven and Christa von der Luft to use White Crest Beach on June 13, 2015 for stand up paddle boating event.

MOTION 215-227: Murphy moved and Wilson seconded to approve the request of Jody Craven and Christa von der Luft to use White Crest Beach on June 13, 2015 from 9:00 to 3:00 pm for stand up paddle boarding event for the Cape Cod Bay Challenge. Application fee and liability insurance are required; Nonprofit organization, no event fee charged. The motion passed 5-0.

The Selectmen reviewed the request of Jody Craven and Christa von der Luft to use Mayo Beach and Baker Field on August 22, 2015 for stand up paddle boarding event. Wilson expressed her concerns about serving liquor at the event; Terkanian said that a liquor license application has not been received yet. As result of the discussion a tent permit concerns came up. Houk asked to postpone decision on this request until the next meeting.

MOTION 215-228: Houk moved and Bruinooge seconded to table the request of Jody Craven and Christa von der Luft to use Mayo Beach and Baker Field on August 22, 2015 from noon to 9:00 pm for stand up paddle boarding event for the Cape Cod Bay Challenge. The Selectmen requested to see an application for liquor license, tent permit and payment of the application fee, security deposit TBD. The motion passed 5-0.

Selectman Dennis Murphy recused himself from the discussion and vote of Michael Manchuk's request to use the Town Landing at the end of Old Wharf Rd for a dump truck and front loader. The applicant Michael Manchuk presented his request. Pilcher said that this will require liability insurance and pictures before and after the project. Bruinooge wanted to know the exact location for the sand dumping. Wilson expressed her concerns about the Conservation Commission Order of Condition and the designated area. Don Munroe from Coastal Engineering joined the discussion and explained the ConsCom Order of Conditions. Roger Putnam wanted to know if the public use of the landing will be disturbed. Terkanian disclosed prior relationship with property owners Eric and Denise Kandel of Bay View Rd, but said that the relationship does not exist at the present.

MOTION 215-229: Wilson moved and Pilcher seconded to approve the request of Michael Manchuk to use Town Landing at the end of Old Wharf Rd for a dump truck and front loader from 8 am to 4 pm, May 27 - May 31, 2015. The motion passed 4-0.

Murphy returned to the meeting.

MOTION 215-230: Bruinooge moved and Wilson seconded to approve the request of Zena Bibler & Katie Schetlick to use White Crest, Uncle Tim's Bridge, Town Hall Lawn, Wellfleet Harbor, Long Pond, Mayo Beach for Fleet Moves Dance Festival July 6 – 10, 2015. The motion passed 5-0.

Eric Gustafson presented the request of Fun Seekers to use Long Pond, Gull Pond, Chipman's Cove and Paine Hollow for stand up paddling lessons; Chipman's Cove and Gull Pond for Windsurf lessons; The Gut and Duck Harbor for Kitesurfing lessons and talked about the concerns of the Beach Administrator. Suzanne Thomas confirmed that her concerns have been addressed. Gustafson had a question about the live vest requirement for children 12 and under. Thomas explained the Massachusetts Law aka Christian's Law about the requirement for life jackets for children 12 and under. Murphy reminded about the insurance policy rider requirement of \$1M liability coverage.

MOTION 215-231: Wilson moved and Murphy seconded to approve the request of Eric Gustafson and Fun Seekers to use Long Pond, Gull Pond, Chipman's Cove and Paine Hollow for stand up paddling lessons; Chipman's Cove and Gull Pond for Windsurf lessons; The Gut and Duck Harbor for Kitesurfing lessons from May 1 until October 15, 2015. Conditions for the use: Fee \$350 use fee; \$1M liability insurance coverage required; providing life jackets for children 12 and under; No stand up paddle boards on Long Pond and no activities at Gull Pond until after swimming lessons and Extended Day Recreation program are over. The motion passed 5-0.

Review of Town policy on plowing of private roads.

Pilcher opened a discussion on the Policy on Plowing Private Roads. He clarified that no decision will be made at this meeting. Terkanian had couple of adjustments in terms of public and private roads length to his memo¹ and presented two email communications² – one from Bruce Drucker and one from unidentified resident. Fred Young talked about his email communication to the Selectmen on Thoreau Way and its previous plowing history³. David Penfield of Lt. Island talked about public safety as a reason for plowing private roads. John Wolf also talked about his concerns of living on a private road not being plowed by the Town and the fact that fire trucks cannot get to people in case of emergency. Mr. Jenks also supported the request to have private roads plowed. Roger Putnam, owner of property on Beach Street, said that property owners on private roads pay the same taxes as everyone else and should be plowed. Bruinooge agreed with Putnam's position. Pilcher summarized the issues discussed: 1. Treatment of private versus public roads in terms of maintenance by the Town; 2. Condition of private roads. Putnam added that some private roads hold road maintenance agreements. Dick French of 30 Day Rd presented his appeal included in the Selectmen's packets⁴ about Town's agreement for plowing and maintaining Day Rd and suggested that the Town should honor previously existing agreements. Pilcher asked DPW director Mark Vincent how many agreement roads are in Wellfleet. Vincent explained that there are eight agreements covering 15 roads. Vincent gave a brief overview of why private roads have been plowed in the past and how the new policy emerged in 2005. Wilson talked about the TA memorandum on the subject and recommended that everyone reads it. She talked about emergency access and efficiency. Houk, who was a Selectman at the time those agreements were signed, talked about the roads with agreements and the Selectmen's and owners' expectation to have the roads maintained and said that those agreements should be honored. Jan Morrissey wanted to know if the Town Clerk has a record of the list of private and public roads. Terkanian said that there is such list. Young suggested including all private roads for plowing and making them part of the budget. Virginia Barnhouse of Day Rd agreed with Houk's position. Wilson requested to see these road maintenance agreements. Pilcher said that a public hearings for plowing all private roads and plowing and maintaining private roads with maintenance agreements will be scheduled for the second meeting in June or the first meeting in July. The discussion concluded with Pilcher requesting the Police and Fire Chiefs' input and their position on this matter.

Update on Community Policing

Pilcher referred to the Town Administrator's memo⁵ on Community Policing. Terkanian briefed the selectmen on his most recent discussion with Police Chief Fisette and said that the training cost of \$7,500 is manageable, but timing might be an issue to have the training before the summer season. Wilson said that she attended the Community Policing event on May 22, 2015 and according to her the community policing is already being implemented. Wilson suggested that perhaps this should become practice for every new set of people in each department. Martha Gordon, part of the committee that planned the Community Policing event expressed how happy she was with the participation of Town officials during of WES Fest activities. Christine Chants recognized Lt. Michael Hurley for being the point of contact for the Community Policing event on May 22. Pillar Clements expressed her disagreement with the Town Administrator's memo asking the community to define what community policing is and said that it should not be the burden on the people to define community policing. Pilcher said that based on what he just heard; the concerns of the TA and Police Chief are valid. Ms. Chants suggested that a joint meeting may be helpful. Terkanian agreed that a meeting and a discussion is necessary, and added that his memo had the intent to narrow the issues, not to burden the public. Wilson suggested that this subject should be tailored to Wellfleet, but budget and costs should be kept in mind. Pilcher added two comments: 1) continue with the ongoing opportunities for interaction such as the coffee hour with Policy Officers; and 2) the existence and keeping up with anonymous hot lines. The future meetings on this subject should be between the

group, the Town Administrator, the Police Chief and a Selectman. Selectperson Wilson volunteered to be the liaison for the Board.

Dredging planning

Joseph Aberdale, Chair of the Marina Advisory Committee went over his communication regarding the possible State and Federal funding for the dredging project. Pilcher said that it is very encouraging that there are some leads identified and proposed forming a group of people to carry on this task. Terkanian said that Don Paladino, retired from the Army Corps of Engineers will be willing to assist with this process. Terkanian went over the issues that shell fishermen and the Harbormaster are facing on daily bases due to the current state of the Harbor. He supported the idea of forming a small group to represent the interests of all affected parties. Pilcher volunteered to be the representative of the Selectmen and suggested other possible members – the Town Administrator, SPAT representative, Don Palladino and several shell fishermen. Harbormaster Michael Flanagan said that he is trying to partner with Michelle Insley, SPAT Executive Director, to include her in the process. Pilcher tasked Terkanian to recommend a group of people to serve, but Terkanian said that a committee may not be needed, since this will not be a public body taking action. Murphy wanted to know if the Cape Cod Commission would be supportive of the project.

Town Administrator's Report

Terkanian presented his report⁶ of May 19, 2015 and added:

1. Two open meeting law sessions are scheduled on June 2, 2015 at 2:00 pm and 6:00 pm at the Library for employees and board & committee members.
2. According to the Harbormaster the Army Corps of Engineers had agreed to let dredging spoil be disposed at the Cape Cod Bay disposal area, which will represent a significant saving to the dredging project.
3. New cash control policy has been introduced by Town Treasurer Diane Midura.
4. Rockland Trust has been selected by the Town Treasurer to be the vendor for OPEB investments.
5. Litigation appealing the grant of a special permit by the ZBA has been dismissed by agreement of the parties, allowing the decision has allowed the ZBA decision to stand.

Future Concerns

1. Wilson said that there is a need for further amendment of the Shellfish Advisory Board Rules and Regulations in terms of equipment height restrictions and equipment left on grants.
2. Wilson said that a request from the Provincetown Coast Guard has been received asking the Town to provide resident beach stickers to their seasonal employees and should be reviewed.
3. Pilcher said that Judith Stiles would like to come and present a report by the Citizens Economic Development Committee.
4. Terkanian recommended looking into combining Mooring and Marina Rules and Regulations into one document for easier access and user friendliness.
5. Terkanian said that the Mayo Creek Restoration Committee would like to attend the June 23, 2015 meeting regarding the removal of the duck bill.
6. Terkanian presented request by John Arsenault that had arrived after the agenda has been approved to be on the agenda regarding food truck permitting process.

John Arsenault presented his request for a food truck and talked about his experience with the Health Agent and the Building Inspector and suggested that the Selectmen should define it more clearly. Pilcher suggested that this is Planning Board matter.

Correspondence⁷ and Vacancy⁸ Report

Wilson presented the correspondence report and talked about a letter for Article 46.

Minutes

Picher had few corrections to the minutes of May 12, 2015⁹: 1. On page 4 lobbying should be replaced with lobbying and exiting with existing. Wilson had addition to her comment on page 1 regarding the eligibility of Rafe Emond for hardship exemption for commercial shellfish license.

MOTION 215-232: Murphy moved and Pilcher seconded to approve the minutes of May 12, 2015 as amended. The motion passed 5-0.

Executive session

Pilcher read the purpose of the executive session in public meeting: *Approval of executive session minutes from 2013 and 2014 and review for public release.*

MOTION 215-233: Wilson moved and Pilcher seconded to enter into executive session and not go back into public session. The motion passed by each Pilcher, Murphy, Bruinooge, Wilson and Houk saying "Aye". The public meeting adjourned at 9:05 pm

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Record Documents

¹ TA Memo on Snow Plowing of Private Roads

² Memo from Bruce Drucker to the BOS dated May 26, 2015

³ Fred Young email of May 5, 2015 regarding snow plowing on Thoreau Way

⁴ Richard A French Appeal for Plowing Day Road

⁵ TA memo on Community Policing dated May 21, 2105

⁶ TA report of May 19, 2015

⁷ Correspondence report of May 26, 2015

⁸ Vacancy report of May 21, 2015

⁹ Minutes of May 12, 2015