



**Wellfleet Board of Selectmen
Minutes of July 28, 2015
Wellfleet Senior Center**

Present: Dennis Murphy, Berta Bruinooge, Helen Miranda Wilson, Jerry Houk, Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

Regrets: Paul Pilcher

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

Announcements, Open Session and Public Comment

Terkanian announced a fundraising dinner to benefit the Wellfleet Montessori Preschool on August 19, 6-10 at Chequessett Yacht and Country Club.

Public Hearing(s) [7:05]

Murphy explained the purpose of the informational hearing on the Harbor Dredging Status, and said that there will be no decision after the hearing. Murphy opened the public hearing at 7:05 pm. He acknowledged the attendance of Representative Sarah Peake, Andrew Nelson and Anthony Morse of Representative William Keating's Office, Stephanie Houghton of Senator Elizabeth Warren's Office, and Seth Rolbein of Senator Dan Wolf's office. Terkanian gave a Power Point presentation¹ representing the need for Harbor dredging. The presentation included information on the Harbor layout, history of previous dredging, existing conditions, and pictures of the Harbor and cost estimates dating back to 2012. Terkanian explained that this presentation together with additional information, studies and cost estimates are available on the Town's web site. Terkanian said that there will be series of meetings in order to identify what needs to be done. He explained that there are number of constraints and challenges that need to be overcome before this project can go forward. Harbormaster Michael Flanagan thanked the community for their attendance and talked about the importance of public safety and the currently delayed response time sometimes of four hours depending on the tide due to the current Harbor conditions. Fire Chief Richard Pauley also talked about the safety importance in water emergencies and rescue calls. Provincetown Coast Guard Chief John Harker spoke from the Coast Guard's perspective and mission of responsibility and stated that the Provincetown Coast Guard is fully supporting the Wellfleet harbor dredging efforts. Terkanian encouraged the people from the audience to voice their concerns. Barbara Austin, Chair of the Shellfish Advisory Board talked about the threat of "*black mayonnaise*" to the shellfish industry. Zack Dixon attested to the already made statements. Terkanian said that there have been comments and communications from businesses and charter boat owners who have been negatively affected by the current state of the Harbor. Steve Cooney of Kendrick Avenue wanted to know how much money the Town had set aside knowing that the dredging is forthcoming. Terkanian answered the question. Bill Carnduff asked a question about the type of dredging process. Bob Hawk asked how this issue compares to other communities with the same issue and wanted to know the realistic time frame to complete the process. Terkanian said that the Town can make a compelling case because of the significance of Wellfleet's shellfish industry to the State. He said that permitting is most likely expected by next spring, but then there are more studies needed, so the project is far from being "*shovel ready*". Anamarija Frankić spoke about the "*black mayo*" and its negative impact on shellfish population. She had questions about natural restoration efforts. Fred Richard also gave his experience

with the “*black mayonnaise*”. Representative Sarah Peake expressed her support for dredging, but said that securing funding will be a challenge and has to be a collaborative effort. She explained the State bonding process and the need for making a compelling case to the Governor in order to get funding approval. Peake addressed concerns about who else is competing for the same funding. Seth Rolbein was concerned that if Federal territories are not dredged, that may backfire on Wellfleet’s dredging shortly after dredging is done on Town territories. Terkanian answered the question by sharing his knowledge about how dredging generally works. Wilson expressed her support for the dredging and said that shellfishing is the single biggest livelihood of the Town. Bruinooge also expressed her support for dredging and said that the entire community depends on shellfishing in one way or another. Murphy closed the public hearing at 7:55 pm.

The Board took a recess from 7:55 pm to 8:02 pm.

Appointments

Murphy introduced the appointment of Dawn E Rickman. Terkanian said that due to personnel matters there is a need for temporary appointment pursuant to the provisions of General Laws, chapter 41, section 40.

MOTION 215-286: Houk moved and Bruinooge seconded to appoint Dawn E. Rickman as acting Treasurer indefinitely until a qualified Treasurer is hired. The motion passed 4-0.

MOTION 215-287: Wilson moved and Houk seconded to appoint Dawn E Rickman as Wellfleet Representative to the Cape Cod Municipal Health Group. The motion passed 4-0.

Use of Town Property

Request of John Arsenault to reduce the \$2,000 Use of Town Property Fee for food truck at the band stand end of the Marina

Murphy opened a discussion on the request of John Arsenault² to reduce the approved by the Selectmen on July 14, 2015 Use of Town Property Fee in the amount of \$2,000 for food truck vending at the band stand end of the Marina. Wilson wanted to know if there was a deadline for this kind of applications. Bruinooge said that food truck rules and regulations need to be established and added that she was under the impression that the applicant was satisfied with the fee terms at the time of approval. Houk had questions about the fees charged to other food truck vendors. Terkanian gave detailed background information about concession fees. Houk supported the request for fee reduction based on the fact that the business will be conducted only in the month of August. Wilson disagreed about the period of conducting a business and said that the request of Arsenault might have been reasonable if it was presented earlier in the season, but did not approve the fact that the request came in this late.

MOTION 215-288: Houk moved to reduce the fee assessed to John Arsenault for use of the band stand end of the Marina for food truck vending from \$2,000 to \$1,200. There was no second and the motion did not advance.

Update on Joey Rugo’s compliance with concession contract for Joey’s Food Truck at Baker Field

Terkanian presented the Assistant Town Administrator’s memo³ on Joey Rugo’s concession contract and went over the history of Joey’s Food Truck from 2014 to present. He talked about the addition provisions and terms of the current RFP and resulting concessions contract – one of which was to remove the vehicle at the end of the business day. Joey Rugo shared his understanding of the

contract requirement for removal of the food truck. He also talked about the resulting communications with the Health and Conservation Agent and Assistant Town Administrator. He shared his concerns about removing the truck. Murphy said that the removal is required and agreed to in the contract. The other Selectmen unanimously agreed with Murphy. Terkanian said that moving the truck across the street does not solve the problem, because overnight parking is not allowed on Town beaches parking lots and that the location the truck is moved to has to be on a private property. Rugo said that he had the understanding that the Mayo beach parking is free. Murphy advised that Rugo complies with the contract terms. The discussion concluded without any action by the Board.

Approval of revised BOS Policies: Approval of revised Baker Field Tent Use Policy, Senior Citizens Tax Work-Off Policy and Veterans Tax Work-Off Policy

Wilson had no changes on the language of Senior Citizens Tax Work-Off Policy⁴ and Veterans Tax Work-Off Policy⁵, but gave her opinion on the Baker Field Tent Use Policy⁶ regarding provision 9 and suggested removing it. Bruinooge agreed with the revision. Terkanian said that the change will be made.

MOTION 215-289: Wilson moved and Bruinooge seconded to accept the language of the Senior Citizens Tax Work-Off Policy and Veterans Tax Work-Off Policy. The motion passed 4-0.

MOTION 215-290: Wilson moved and Bruinooge seconded to accept the language of the revised Baker Field Tent Use Policy with the deletion of p. 9. Further discussion ensued. Houk had comments on storage of equipment. Terkanian explained why this provision was there. Community Services Director Suzanne Grout Thomas gave examples when this provision would be applicable. The motion passed 4-0.

Review of revised BOS Policy on Policies⁷

The Board reviewed the proposed changes to BOS Policy on Policies and had no additional changes. The revised policy will be adopted at the next meeting.

Review of possible deletion of the Quorum Policy

Wilson supported the idea of deleting the Quorum Policy. No action was taken since this was the first review.

Review of revised Policy on Use of Town Property

Wilson had additions to the language on p. 2. Terkanian said that these changes will be made for the second review.

Town Administrator's Report

Terkanian presented his report⁸ and had no additions. Wilson wanted to know if the BOS needs to take any actions the acceptance of MGL chapter on 32B sections 21 – 23 and the new changes to the Massachusetts Sick Leave Law. Terkanian answered the question about the need for acceptance of MGL Chapter 32B Sections 21 – 23. ATA Carlson said that he had attended a webinar on the subject, but the State did not answer the question and said that the changes to the Sick Leave Law may not be applicable for municipalities. Terkanian explained that the law would only apply to temporary and seasonal help, not to regular full time and part employees, who are already covered.

Future Concerns

- Bruinooge wanted to know the details for the August 4, 2015 Harbor Dredging meeting.
- Wilson requested setting a deadline, rules and structured process for food truck applications.
- Wilson was concerned with the role of BOS Clerk in terms of mail responsibility and suggested abolishing it, because all of the Selectmen should be reading the mail. Terkanian discouraged this action due to other responsibilities of the Board of Selectmen Clerk position. Wilson agreed with the suggestion and no action was taken.

Correspondence⁹ and Vacancy¹⁰ Report

Minutes of July 14, 2015

Wilson had corrections on the names of several people and gave the changes to the EA.

MOTION 215-291: Wilson moved to approve the minutes as amended. Bruinooge seconded. The motion passed 4-0.

Adjournment

MOTION 215-292: Bruinooge moved and Houk seconded to adjourn the meeting at 8:59 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ Power Point Presentation for the need of Harbor Dredging dated July 28, 2015

² Request of John Arsenault for Use of Town Property Fee reduction

³ ATA Memo on Joey Rugo's concession contract for use of Baker Field for food truck

⁴ Senior Citizens Tax Work-Off Policy

⁵ Veterans Tax Work-Off Policy

⁶ Baker Field Tent Use Policy

⁷ Revised BOS Policy on Policies

⁸ TA report of July 24, 2015

⁹ Correspondence report of July 28, 2015

¹⁰ Vacancy report of July 24, 2015