



**Wellfleet Board of Selectmen
Minutes of August 11, 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, Chairman

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

Announcements, Open Session and Public Comment

Houk announced the 14th Annual Alzheimer's Association Auction and Dinner on August 27, 2015 at Sweet Seasons and encouraged the public to attend the fundraising event.

Steven Gazzano was present in case the Selectmen had questions about his application to serve on the Personnel Board.

MOTION 215-293: Houk moved and Wilson seconded to appoint Steven Gazzano to Personnel Board with term ending June 30, 2018. The motion passed 4-0.

Murphy opened the Public Hearings at 7:05 pm.

Amending Shellfish Rules and Regulations by adding sections 7.5.1.1 and 7.5.1.2 and amending section 7.18.2 to read Height and Arrangement of Equipment

Shellfish Constable Andrew Koch and Shellfish Advisory Board (SAB) Chair Barbara Austin were present to answer questions about the proposed changes. Austin went over the proposed amendments of sections 7.5.1.1 and 7.5.1.2. and read them out loud. Wilson agreed with Austin and explained that this language was already in the Selectmen's policies and these proposed amendments simply put the language where it belongs. Bruinooge had questions on the location of vehicular access. William Young Jr. had comments on issues and difficulties associated with accessing some shellfishing grants. Koch went over the proposed change for equipment and gear height as presented in section 7.18.2 from 18 inches to 24 inches and did not recommend¹ this change based on safety concerns. Austin presented visually the difference between 18 and 24 inches using a tape measure. She said that currently some of the equipment is already above the 18 inches limit and is not in compliance and this is the reason for the proposed change. Wilson spoke about the cover letter from SAB² to the Selectmen and agreed with Austin. Harbormaster Michael Flanagan said that he is opposed to the gear height increase due to safety concerns. Joel Fox supported the increase and spoke about the current heights and insurance complications if the height limit is not increased. Young Jr. also supported the gear height increase. Allison Paine shared her experience with her shellfish grant and also supported the increase. Bill Iacuesa spoke against the proposed change in terms of further restricting boating and safety of the Harbor. Young Jr. said that the boaters will not have boating concerns if they go around and not over the shellfish grants. Ned Hitchcock also did not support the gear height increase and the resulting implications in terms of enforcement. Clint Austin expressed his support for the proposed change. Bruinooge said that she is concerned that the Harbormaster and the Shellfish Constable are not in favor of the change. Ed Tesson said that there should be stricter enforcement and supported the increase. Houk expressed his support to the shellfishermen. Wilson said that she understands the boaters³

concerns and the financial gains to the Marina Enterprise Fund, but could not justify them for obstructing shellfishermen's livelihood. Joe Aberdale expressed the opposing position of the Marina Advisory Committee. Murphy expressed his concerns about liability and said that he is not prepared to vote until he gathers more information. He suggested accepting the first two changes and postponing a decision on the equipment and gear height increase to a future meeting.

MOTION 215-294: Bruinooge moved and Wilson seconded to amend Shellfish Rules and Regulations by adding sections 7.5.1.1 and 7.5.1.2. The motion passed 4-0.

Houk said that the requested equipment and gear height restriction amendment should be decided, not postponed. Murphy asked the other members on their position. Bruinooge supported the idea of postponing it. Wilson said that the proposed change has been delayed for a long time and was willing to discuss it more. Further discussion ensued.

MOTION 215-295: Houk moved to table the proposed equipment and gear change increase and postpone decision to the September 8, 2015 meeting. Wilson seconded and the motion passed 4-0.

Request of Robert Wallace and John Wallace to renew shellfish grant licenses #737, #821 and #821-A for a ten year period

Koch recommended the renewal of Robert Wallace and John Wallace shellfish grant licenses #737, #821 and #821-A for a ten year period.

MOTION 215-296: Houk moved and Wilson seconded to approve the request of Robert Wallace and John Wallace to renew shellfish grant licenses #737, #821 and #821-A for a ten year period. The motion passed 4-0.

Proposed amendment to combine Marina Regulations and Mooring Regulations

Joe Aberdale, Chairman of the Marina Advisory Committee (MAC) presented the reasons behind combining the Marina and Mooring Rules and Regulations³. Wilson supported the proposal. She had questions about the section on Service Vessels on p. 13. and suggested adding "written permission" from the Harbormaster. She asked Terkanian if these revision are according to the policies. Terkanian said that these changes are simply combining two documents rather than changing anything. Ned Hitchcock also spoke about the consolidation of the two documents. Bruinooge pointed out that on p. 16 section B there is a part that does not make sense. Hitchcock read the correct sentence. Donna Pickard wanted to know when p. 12 section D was accepted and needed more information about people living aboard. Aberdale recognized the fact that the copies in front of the Selectmen differ from the final draft of the Marina Advisory Board.

MOTION 215-297: Houk moved and Wilson seconded to continue the public hearing on combining Marina and Mooring Rules and Regulations for the meeting on August 25, 2015 when a clean copy is provided by the Marina Advisory Committee. The motion passed 4-0.

Appointments

Jeff Tash was not able to attend due to scheduling conflict and had informed the Selectmen about it.

MOTION 215-298: Bruinooge moved and Wilson seconded to appoint Jeff Tash to the Historical Commission with term ending June 30, 2018. The motion passed 4-0.

Robin Slack expressed her willingness to serve on the Recycling Committee.

MOTION 215-299: Wilson moved and Bruinooge seconded to appoint Robin Slack to the Recycling Committee with term ending June 30, 2018. The motion passed 4-0.

The selectmen reviewed Walter Baron's request to use Mayo Beach on September 19, 2015 from 1 PM to 5 PM for the Third Annual Wellfleet Rowing Rendezvous. Murphy said that last year there were no fees charged and no insurance requirements. Bruinooge had questions about food being served and proposed charging an event fee. Baron explained the not for profit nature of the event and said that no money is made as a result of it. Aberdale spoke in favor of the event as a way to attract people to the Marina.

MOTION 215-300: Wilson moved and Houk seconded to approve the request of Walter Baron to use Mayo Beach on September 19, 2015 from 1 PM to 5 PM for the Third Annual Wellfleet Rowing Rendezvous, no use fee and no other conditions. The motion passed 3-1-0 (Bruinooge abstained).

The Board reviewed the request of Dakota McLaskey and Alexander Laughlin to use Newcomb Hollow Beach for a wedding ceremony on October 24, 2015, 2:30 pm – 3:30 pm. The applicants presented their request. Wilson said she would consider a reduced fee of \$50 instead of \$100.

MOTION 215-301: Wilson moved and Houk seconded to approve the request of Dakota McLaskey and Alexander Laughlin to use Newcomb Hollow Beach for a wedding ceremony on October 24, 2015 from 2:30 pm to 3:30 pm with use fee \$50. Bruinooge advised complying with the approved fee schedule in order to be fair to previous applicants. Houk withdrew his second. Murphy also supported the original fee schedule and this motion did not advance.

MOTION 215-302: Wilson moved and Bruinooge seconded to approve the request of Dakota McLaskey & Alexander Laughlin to use Newcomb Hollow Beach for a wedding ceremony on October 24, 2015 from 2:30 pm to 3:30 pm with use fee of \$100. The motion passed 4-0.

Business

Expanding the number of community members of Local Housing Partnership

Wilson stated that according to the Town web site the Local Housing Partnership is supposed to have "at least seven members". She had spoken to their Chair and they wish to include Judy Taylor , so it would be a good idea to to expand the number of members to at least nine.

MOTION 215-303: Wilson moved and Murphy seconded to expand the number of Local Housing Partnership to at least nine members. The motion passed 4-0.

Deferral of effective date of Policy for Maintaining Private Paved Roads for Snow Plowing

DPW Director Mark Vincent was not present. Terkanian spoke about the request and reasons for deferral of the effective date of the Policy for Maintenance of Private Paved Roads for Snow Plowing. Wilson pointed out the provision for re-inspection for compliance and said that there should not be a reason for deferring the policy for everyone. Terkanian presented the implications to roads that have not been inspected and accepted if this policy is goes into effect. Bruinooge expressed her position and supported the idea of better dissemination of information in order to have more people aware to have their roads inspected to determine compliance. Wilson suggested creating media and public awareness in order to inform the affected parties. Curt Felix wanted to better understand the presented request and how this would impact the coming winter. Houk wanted to know the number of affected properties. Terkanian said that the Policy has the potential to impact 140 roads, and has to check the exact number

of properties. Houk said that the Town should have the obligation to inform the people. Murphy supported the idea of informing the property owners. Wilson suggested including “spread the word” as part of the informational campaign. Terkanian reiterated the complications of enforcing the policy for the coming winter.

MOTION 215-304: Bruinooge moved to defer the effective date of Policy for Maintaining Private Paved Roads for Snow Plowing for one year. Further discussion ensued. Wilson wanted to know if this deferral will maintain the status quo. Houk seconded and the motion passed 3-1 (Wilson).

Municipal tick-testing program

Wilson presented her recommendation for implementing a municipal tick-testing program. She said that the Health Agent was enthusiastic about it. She asked the Board for support, so she can bring more information on this subject. Terkanian said that funding of this initiative should be better understood. Wilson explained that she had researched it and there are discounts offered to municipalities. Based on rough calculations the cost might be several thousand dollars, and if the program is regionalized or the testing fee is shared between the municipality and the party testing the tick the cost might be lower. The Selectmen did not object to the idea of her gathering more information on this topic as representative of the Board.

Award of contract for installation of video and playback equipment at the Library & COA

Assistant Town Administrator Brian Carlson presented the award of installation of video and playback equipment at the Library and COA. Terkanian explained that this contract will be paid by franchise fees from Comcast for the government channel.

MOTION 215-305: Bruinooge moved and Wilson seconded to award the contract for installation of video and playback equipment at the Library & COA to Access A/V and to authorize the TA to execute the contract on Town’s behalf. The motion passed 4-0.

Vote to accept MGL Chapter 32B Sections 21 – 23

Terkanian explained that the vote to accept MGL Chapter 32B Sections 21 – 23 is a recommended action by the Cape Cod Municipal Health Group.

MOTION 215-306: Wilson moved and Houk seconded to vote to accept MGL Chapter 32B Sections 21 – 23. The motion passed 4-0.

Approval of revised BOS Policy on Policies, Use of Town Property Policy and revoking of the Quorum Policy

Terkanian said that the presented changes for the approval of revised BOS Policy on Policies and Use of Town Property Policy were already reviewed during the July 28, 2015 meeting and this is the second review. He also explained that the Quorum Policy is redundant and does not serve any purpose.

MOTION 215-307: Bruinooge moved to accept and adopt the revised BOS Policy on Policies and Policy on Use of Town Property and revoke the Quorum Policy. The motion passed 4-0.

Town Administrator’s Report

Terkanian presented his report⁴ of July 31, 2015 and added:

- The pre-application review meeting for Harbor dredging was held on July 28, 2015 and on August 4, 2015 Representative Sarah Peake and EEOA Secretary Braton met with Town Officials to further discuss the project.

- The initial Wage and Classification Study meeting between the study consultant Don Jacobs, Terkanian and Carlson took place on July 30 and the first orientation meeting between the consultant and Town employees took place in the morning of August 11.
- There has been information that two businesses are serving alcohol outside permitted premises and these violations need to be enforced.

Wilson wanted to know if Joey Rugo’s contract needed the Selectmen’s vote to be reinstated. Terkanian answered the question. Murphy talked about the ATA’s idea for “Thank You” letter to the officials who attended the Harbor dredging meetings.

Future Concerns

- Bruinooge suggested considering enlarging White Crest Beach Parking Lot due to reaching capacity and creating congestion. Terkanian said that he will look into it.
- Wilson wanted to find out who owns the land on the West side of Cahoon Hollow. Wilson suggested considering a pricing structure for bus parking on Town beaches
- Wilson suggested appointing a screening committee for the Town Treasurer. Terkanian said this will be part of the August 25, 2015 meeting.
- Wilson suggested considering Young’s idea about floating racks and said that she will further research this matter.

Correspondence⁵ and Vacancy⁶ Reports

Wilson spoke about the upcoming NStar Annual Operational Vegetation Management Plan and suggested registering the sensitive areas in Town such as the public water wells.

Minutes⁷ of July 28, 2015

MOTION 215-308: Bruinooge moved and Wilson seconded to approve the minutes of July 28, 2015 meeting with the correction of two typos. The motion passed 4-0.

John Arsenault wanted to know if the Selectmen have received his second communication regarding his request to reduce the Use of Town Property Fee.

Executive session and Adjournment

In an open session Murphy read the purpose of the executive session: *To approve 2015 to date Executive Session minutes* and said that discussing this matter in open session may have a detrimental effect.

MOTION 215-309: The Selectmen took a roll call vote to enter into executive session and not go back in public session. The motion passed by each Murphy, Wilson, Bruinooge and Houk each said “Aye”. The public meeting adjourned at 9:18 pm.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ Shellfish Constable’s recommendations

² SAB letter to BOS dated 1/11/15

³ Proposed combining of Marina Rules and Regulations and Mooring Rules and Regulations

⁴ TA Report of July 31, 2015

⁵ Correspondence report of August 11, 2015

⁶ Vacancy report of August 6, 2015

⁷ Minutes of July 28, 2015