



**Wellfleet Board of Selectmen  
Minutes of August 25, 2015  
Wellfleet Senior Center**

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

**Regrets:** Paul Pilcher, Chairman and Jerry Houk

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

**Announcements, Open Session and Public Comment**

Helen Miranda Wilson announced Cape Cod Commission public hearing at the Library on September 8, 2015 at 5:00 pm about Wellfleet Wireless Monopole.

Ned Hitchcock and John Riehl presented an AmeriCorps Award “Together We Can” for Wellfleet specifically naming Hillary Lemos and Suzanne Grout Thomas for their contribution. Community Services Director Thomas accepted the award.

Police Chief Ronald Fisetto announced a Mini Golf event hosted by the Wellfleet Police Department on August 31, 2015 at the Wellfleet Cinema and invited the public to attend.

**Appointments**

Fisetto recommended the appointment of Laecio T. De Oliveira to Full Time Police Officer and said that he has passed the Police Academy.

**MOTION 215-310:** Bruinooge moved and Wilson seconded to appoint Laecio T. De Oliveira to Full Time Police Officer with term ending August 25, 2016. The motion passed 3-0.

**Public Hearing(s) - Proposed amendment to combine Marina Regulations and Mooring Regulations** *(hearing continued from 8/11/15)*

Murphy opened the public hearing at 7:05 pm. Marina Advisory Committee (MAC) Chairman Joe Aberdale and member Ned Hitchcock were present to answer questions of the Selectmen about the proposed combining of Marina and Mooring Rules and Regulations in one document. Wilson suggested including a few more definitions to make the document more complete and specifically named “living aboard” as one of the additional terms. She wanted to know why in Section 3E only great ponds were mentioned as regulated ponds. Hitchcock answered the question by saying that this part was taken out of the previous version. Thomas also commented on this question. Terkanian explained that the Great Ponds are under the purview of the Commonwealth.

**MOTION 215-311:** Wilson moved to accept the combined Marina and Mooring Rules and Regulations as presented. Bruinooge seconded. Murphy opened the motion for further discussion to the audience. Donna Pickard wanted to better understand the motion. Wilson explained. Terkanian said that this is an attempt to combine the Marina and Mooring Rules and Regulations and combine them in one document. He said that there will be additional opportunities to further revise the document in the future. Aberdale also assured the Board and the public that this document will be

further amended if there is a need for it. Pickard had additional comments and concerns with the Mooring Section about “live aboard”. Hitchcock agreed that there is a need for formal definition for “live aboard”, but said that there is a good reason for not allowing “live aboard” for safety purposes. John Martens had questions about the versions of the document during the August 11, 2015 meeting. Terkanian answered Marten’s question about the different copies of the document at the previous meeting and referred to his memo<sup>1</sup> outlining the changes. Murphy wanted to hear the opinion of the Harbormaster. Michael Flanagan confirmed that he was comfortable with the document as presented. Aberdale said that the MAC is willing to further discuss the definition of “live aboard”. Murphy called for a vote. Terkanian advised including the following corrections: (1) in Section IV Fees, subsection C, insert the words “or lease” after the words “rental agreement”; (2) in Section V Safety, Subsection B first sentence to read “Owners should prepare for storms and high winds when expected.”. Wilson amended her motion to include the above corrections. Bruinooge seconded and the motion passed 3-0.

The public hearing closed at 7:30 pm.

### **Appointments** *(continued)*

**MOTION 215-312:** Wilson moved to appoint John Wolf from alternate member to regular member of the Marina Advisory Committee with term ending June 30, 2018. Bruinooge seconded and the motion passed 3-0.

Captain David Stamatis was present to speak about his willingness to serve as an alternate member of the Marina Advisory Committee. Aberdale recommended the appointment of Captain Stamatis. John Martens, who had also applied to serve as an alternate member to the Marina Advisory Committee was also present but did not want to say anything.

**MOTION 215-313:** Bruinooge moved and Wilson seconded to appoint Captain David Stamatis to the Marina Advisory Committee as an alternate member with term ending June 30, 2018. The motion passed 3-0.

### **Request of Paul Curley of American Lung Association to use White Crest Beach parking lot on September 27, 2015 from 8 am to 11 am for the 31<sup>st</sup> Annual Escape Bike Trek**

Bruinooge pointed out that the American Lung Association has not paid the processing fee. According to her, based on this fact, the application should not be reviewed. Wilson agreed. The Selectmen advised Terkanian to not allow review of Use of Town Property applications without paid processing fees. No action was taken on this request.

### **Mayo Creek Restoration Committee status update**

John Riehl, Chair of the Mayo Creek Restoration Committee updated the Selectmen on the duck bill status of the Mayo Creek Restoration Project. He talked about permitting issues and delays. He said that they are hoping for project advancement in the spring or summer of 2016. Murphy had a question how these delays will impact the project funding. Riehl said that there might be a need for legal review assistance and confirmed that funding might be tight as result of the delays. Wilson and Murphy thanked the Committee for their efforts.

### **Appointment of a screening committee for the Treasurer Position applicants**

Terkanian explained the need for pre-screening committee for the Treasurer’s vacancy and referred to his memo<sup>2</sup> on the subject. He said that the acting Treasurer, he, ATA Carlson and Town Accountant

are willing to serve on the committee. Wilson said that no more than one Selectman should be on the screening committee and suggested to act quickly in order to avoid losing qualified applicants. Terkanian agreed and proposed a quick meeting on Friday to deal with this. The Selectmen agreed to meet at 3 PM on Friday, August 28, 2015.

**Consent for Town Counsel's representation of Towns of Provincetown, Eastham, Wellfleet and Truro in connection with Police Mutual Aid Agreement**

Terkanian explained the need for the Town Counsel's consent for representation of Towns of Provincetown, Eastham, Wellfleet and Truro in connection with Police Mutual Aid Agreement and said this disclosure is an ethical obligation and recommended it.

**MOTION 215-314:** Bruinooge moved and Wilson seconded to approve and sign the Consent for Town Counsel's representation of the Towns of Provincetown, Eastham, Wellfleet and Truro in connection with Police Mutual Aid Agreement. The motion passed 3-0.

**Acceptance of Aid to Firefighters Grant for self contained breathing apparatus**

Fire Chief Richard Pauley presented his memo<sup>3</sup> to the Selectmen on Aid to Firefighters Grant for self contained breathing apparatus and asked for the Selectmen's support and acceptance of the 2/3 grant funding and approve funds to be allocated to make up for the 1/3 of the Town's share.

**MOTION 215-315:** Bruinooge moved and Wilson seconded to accept the Aid to Firefighters Grant for self contained breathing apparatus in the amount of \$111,600. The motion passed 3-0.

**Discussion of possible liability insurance requirement for aquaculture grants**

Murphy opened a discussion about possible liability insurance requirement for aquaculture grants and referred to Town Counsel's opinion<sup>4</sup> on this subject. Wilson gave a historic background behind the request for legal opinion and shared the SAB findings on the subject. Bruinooge said that a liability insurance is good to have, but was not sure if it should be required, based on its cost. Murphy said that he is concerned for the Town's liability and would like to preserve the public interest. Wilson disagreed and said that requiring liability insurance from shellfish grant holders would not solve the issue. Murphy stressed that the exposure to liability should be minimized by the Selectmen's power to require liability insurance for shellfish grant holders. Wilson said that the Shellfish Advisory Board already worked on a regulation for this. Bruinooge agreed to involve the SAB in the process.

**MOTION 215-316:** Wilson moved and Bruinooge seconded to send the possible liability insurance requirement for shellfish grant holders to the Shellfish Advisory Board for recommendation. Terkanian confirmed the importance of liability insurance. Barbara Austin said that she had discussed liability insurance and associated costs with insurance agents, but wanted to know how this requirements can be requested from private grants and what the impact on the existing leases will be. Terkanian said that the requirement will be a matter of licensing, not of grant type or location. Shellfish Constable Andrew Koch said that there are different shapes and sizes of grants and talked about the difficulty of marking them. Wilson said that the marking should be clear. The motion passed 3-0.

**Town Administrator's Report**

Terkanian presented his report<sup>5</sup> and added:

1. The Wellfleet Conservation Trust will be planning a beach clean-up on September 26, 2015.
2. Draft of FY17 Budget Policy Statement will be available for review on September 8 and possible adoption on September 22, 2015.

3. All revised BOS policies have been updated on the Town's web site.

Wilson had a question on the Community Policing date change and suggested informing the public about the change.

### **Correspondence<sup>6</sup> and Vacancy<sup>7</sup> Report**

#### **Minutes of August 11, 2015<sup>8</sup>**

Wilson presented her amendments to the minutes of August 11, 2015 and gave them to the EA.

**MOTION 215-317:** Wilson moved and Murphy seconded to approve the minutes of August 11, 2015 as amended. The motion passed 3-0.

#### **Future Concerns**

Wilson suggested two topics for review during the upcoming meetings: 1) snow plowing on private dirt roads and 2) municipal tick project on the September 8, 2015 agenda.

#### **Executive session and Adjournment**

In an open session Murphy read the purpose of the executive session: *To conduct a hearing on Wellfleet Employees Association Unit B - Appeal of grievance denial to the Board* and stated that discussing this matter in open session may have a detrimental effect. He said that the Board will enter in executive session and not go back to open session.

**MOTION 215-318:** 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 and Bruinooge each said "Aye". The public meeting adjourned at 8:33 pm.

Respectfully submitted,

Michaela Miteva  
Executive Assistant

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<sup>1</sup> TA Memo on combined Marina and Mooring Rules and Regulations

<sup>2</sup> TA Memo on appointing a Pre-Screening Committee for the Treasurer position

<sup>3</sup> Fire Chief's memo on Aid to Firefighters Grant for self contained breathing apparatus

<sup>4</sup> Town Counsel's opinion on SAB questions on liability insurance and gear height limits dated October 27, 2014

<sup>5</sup> TA Report to the BOS dated August 21, 2015

<sup>6</sup> Correspondence report of August 25, 2015

<sup>7</sup> Vacancy report of August 21, 2015

<sup>8</sup> Minutes of August 11, 2015