



**Wellfleet Board of Selectmen  
Minutes of September 8, 2015  
Wellfleet Senior Center**

**Present:** Selectmen Dennis Murphy, Berta Bruinooge, Helen Miranda Wilson and 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**

- Town Administrator Harry Sarkis Terkanian announced a memorial service to celebrate the lives of David and Rachel Ernst on Saturday, September 12, 2015 at the First Congregational Church at 1 PM.
- Houk announced that the last benefit event for the Wellfleet Alzheimer's Association was a success and over \$14,000 were raised.
- Police Chief Ron Fisette announced an event organized by the Wounded Warrior Project to take place on September 25, 2015.

**Appointments**

Fisette briefly introduced Brandon Murphy, Suzanne Trasavage and John Szucs and recommended their appointments as Special Police Officers.

**MOTION 215-321:** Wilson moved and Bruinooge seconded to appoint Brandon Murphy, Suzanne Trasavage and John Szucs to Special Police Officer with term from September 9, 2015 to September 8, 2016. The motion passed 4-0.

**Annual Tax Classification Hearing**

Murphy opened the public hearing on Annual Tax Classification at 7:05 pm. Assessor Nancy Vail presented the information on the annual tax classification and said that the Board of Assessors recommends the same tax rate for all taxed properties.

**MOTION 215-322:** Wilson moved to make the residential factor the numeral 1 for fiscal 2016. Bruinooge seconded and the motion passed 4-0.

Vail informed the Selectmen of the other three options available referring to the memo<sup>1</sup> of the Board of Assessors. No action was taken on these three options.

**Amending Shellfish Rules and Regulations Section 7.18.2 to read Height and Arrangement of Equipment – public hearing *continued from August 11, 2015***

Murphy said that the Selectmen have extensively discussed and heard about the proposed shellfish gear height increase from 18" to 24" during the original hearing on August 11. He gave another opportunity to the Selectmen and to the audience to speak about it, but asked that the comments are brief and do not repeat. Bruinooge referred to the Shellfish Constable's letter<sup>2</sup> dated August 15, 2015

and expressed her approval of the compromised solution to the gear height increase. Houk and Wilson also expressed their support. Koch spoke about his recommendation and explained his standing on how the gear heights can be increased. Harbormaster Michael Flanagan and Barbara Austin, Chair of SAB also supported Koch's recommendation. Murphy expressed his appreciation for this creative solution, but still had liability concerns. According to his research, the current Town liability insurance coverage is sufficient, but recommended that shellfish grant holders also protect their business from liability. He also said that the benefit of the "common property" has to also be considered and protected, because according to the current Town Charter the entire harbor is open to the benefit of all for recreational purposes.

**MOTION 215-323:** Wilson moved to amend the Shellfish Rules and Regulations by amending Section 7.18.2 Height and Arrangement of Equipment to read: With the exception of spat collection devices there shall be no equipment or gear made of metal that rises more than eighteen (18") inches above grade, and equipment or gear made of plastic (or another equally flexible material) higher than twenty-four (24") inches above grade, within the boundaries of a licensed area. Bruinooge seconded. Herb Elliott of Wellesley Street said that the shellfish grants take a lot of the area and according to him many fishermen have complained that their shellfish has been damaged by boaters and said that he did not favor the gear height increase. Houk said that he likes to give this amendment a chance and revisit it again if needed. Wilson said that she takes the recreational boaters pleasure seriously, but the shellfishermen's livelihood depends on this change. The motion passed 3-1 (Murphy).

### **Reappointments**

Terkanian explained the need for the reappointment to correct the Marina Advisory Committee appointment terms from June 30, 2018 to June 30, 2017.

**MOTION 215-324:** Wilson moved and Bruinooge seconded to appoint Frederick Felix, Alice Iacuesa, Martha Wilson and John A. Wolf to the Marina Advisory Committee with terms ending June 30, 2017. The motion passed 4-0.

**MOTION 215-325:** Wilson moved and Bruinooge seconded to appoint William Iacuesa and Captain David Stamatis to the Marina Advisory Committee as alternate members with terms ending June 30, 2017. The motion passed 4-0.

### **Use of Town Property**

#### **American Lung Association request to use White Crest Beach parking lot on September 27**

Bruinooge commented on the American Lung Association request for open restrooms and said that this will involve additional labor cost and recommended charging \$100 fee. Terkanian explained that there is a provision for direct costs reimbursement in the Use of Town Property Policy and that based on his conversation with the DPW director the estimated cost to open and close the restrooms will be \$100, but he will confirm this. Further discussion ensued.

**MOTION 215-326:** Houk moved to approve the request of Paul Curley of the 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; Nonprofit organization - no event fee, but if the restrooms are open the TA will verify the cost associated and give the applicant the option to elect to use the restrooms; If the restrooms are used the fee and will have to be paid in advance. Bruinooge seconded and the motion passed 4-0.

### **Request of the Recycling Committee to use the Swap Shop on September 13, 2015 for Annual Meeting and Swap Shop Celebration**

Lydia Vivante and the Swap Shop volunteer coordinator Roland Blair presented the request for an annual meeting and celebration with catered lunch at the Swap Shop. Vivante acknowledged the concerns of the Health Agent, but said that employees and volunteers eat lunch there. Terkanian said that the Building Inspector had cleared the requirement for tent permit, but referred to a MassDEP email communication<sup>3</sup> between Vivante and the Health Agent, where Douglas Coppi of MassDEP did not recommend serving food at the Transfer Station, because of permitted use issues. Wilson expressed her regrets, but said that the MassDEP position cannot be overridden. Vivante withdrew the Recycling Committee request and said that the meeting will take place at the Swap Shop and lunch will be elsewhere. No action was taken by the Selectmen on this request.

### **Town sponsored tick testing program**

Wilson reported that she has done a lot of research on this topic and will have a detailed information and documentation for the meeting on September 22, 2015.

### **Review of draft Budget Policy Message<sup>4</sup>, FY17 Budget/2016 Town Meeting & Election Calendar<sup>5</sup>**

Terkanian explained the need for the Budget Policy according to the Charter requiring adoption by October 30. He went over the slight changes on the proposed draft FY2017 Budget Policy and said that the proposed FY 2017 budget and 2016 ATM calendar follows the terms of previous fiscal years. He recognized several potential issues: Petitioned Articles, Town Share of Employee benefits and NRSB budget are known in March – just several days before the print deadline; Bruinooge and Wilson requested to see the changes in the policy in different colors, in order to recognize them. Wilson said that she likes to discuss and better understand the unfunded benefits at some point in the future. Terkanian gave a brief explanation about the unfunded pension benefits and OPEB liability according to the Barnstable County Retirement Association. Based on his rough estimates the Town's portion of the unfunded pension obligation is about 2% or \$10.4 M. County Retirement assessments include additional assessments to retire the unfunded liability by 2038. Per the FY 2014 audit, the unfunded obligation for Other Post Employment Benefits is about \$3,345,000. Based on an annual \$400,000 appropriation the unfunded obligation would be retired in about 30 years. He added that this is how Selectman Morrissey came up with \$400,000 a year target for OPEB appropriations. Terkanian also explained that accrued vacation and sick time are more unpredictable and difficult to estimate. The proposed budget policy will be back on September 22, 2015 agenda for final review and possible approval.

### **Review of draft revisions to the Information Technology Policy & draft proposed Social Media Policy**

Terkanian explained that the draft IT Policy revisions were based on the Commonwealth of Massachusetts and Barnstable County IT Policies. The proposed Social Media policy resulted from an instance where an employee commented job-related matters on social media. Wilson expressed her approval of both policies, but suggested to use the term Town more specifically. Terkanian explained that assigning social media monitoring duties will be hard to be done by one person, because it will take a full time job. Wilson agreed. No action was taken by the Selectmen. Terkanian said these two policies will be back for second review and possible approval on September 22, 2015.

### **Approval of Department of Public Works tax bill inserts**

Terkanian explained the need for approval of tax inserts by statute and referred to his memo<sup>6</sup> on the subject. Wilson expressed her approval of the proposed tax insert and spoke about a group aka GUPACA about their lack of knowledge that the Town does not plow private dirt roads.

**MOTION 215-327:** Wilson moved and Houk seconded to approve and include the Department of Public Works tax bill inserts as presented. The motion passed 4-0.

### **Designation of September 6 - 14 as "Suicide Prevention Week"**

Terkanian presented the proposed Suicide Prevention Week proclamation<sup>7</sup> and recommended to the Selectmen to consider it.

**MOTION 215-328:** Bruinooge moved and Wilson seconded to designate September 6 – 14, 2015 as "Suicide Prevention Week". The motion passed 4-0.

### **Authorization of new signatory for Green Communities Grant Contract<sup>8</sup>**

ATA Brian Carlson explained the need for new signatory for the Green Communities Green Contract in the absence of Paul Pilcher.

**MOTION 215-329:** Houk moved and Bruinooge seconded to approve Dennis Murphy as a signatory for the Green Communities Contract. The motion passed 4-0.

### **Approval of Police mutual aid agreement and authorize the TA to execute it on the Town's behalf**

Fisette gave a background history about the Mutual Aid Agreement and why it is needed. Discussion ensued between Fisette and the Selectmen about pay and obligation to inform the mutual aid town.

**MOTION 215-330:** Houk moved and Wilson seconded to adopt the Police mutual aid agreement and authorize the Town Administrator to execute it on the Town's behalf. The motion passed 4-0.

### **Town Administrator's Report**

Terkanian presented his report<sup>9</sup> and added that:

- 1) Three interviews have been scheduled for Friday September 11, 2015 for the Treasurer's vacancy and that two more interviews are in works of being scheduled during the week of September 22, 2015. Terkanian asked the Selectmen for guidance on how they like to proceed with the appointment after the interviews. Wilson said that time is of essence and suggested having a special meeting if possible.
- 2) Terkanian informed the Selectmen that he is aware of several licensed pouring establishments in Town serving outside of their licensed premises. His proposed solution about conforming with this before enforcement action is taken is to mail every licensed establishment with a request to review their licensed premises. Selectmen had questions about zoning and liability. Houk requested a list from BOH or ZBA about the number of allowed seating available with the liquor license application in the future.

### **Future Concerns**

- Terkanian suggested taking another look at Traffic Rules and Orders at some future meeting in order to clear questions about overnight parking at Town parking lots and possibly combine all parking rules in one document.

- Houk suggested placing a speed limit signage on Long Pond and Gull Pond parking lots. Terkanian said that these two complaints have been discussed with the Police Chief, but said that the speed limits cannot be easily changed, but caution signs can be placed. Murphy wanted to know about temporary speed bumps. Terkanian and Fisetite did not recommend speed bumps as a solution. Wilson wanted to know about parking signs on Route 6.
- Wilson requested to see the Treasurer's resumes available at the BOS office
- Wilson had questions about grant availability for the 2015 ATM Mapping Study. ATA Carlson gave an update on the topic based on his conversations with Mark Borelli and Joanne Marimotto.

### **Correspondence<sup>10</sup> and Vacancy<sup>11</sup> Report**

- Houk had questions about the noise complaint at Paine Camp Ground in the correspondence folder and wanted to know why it has not been enforced. Fisetite explained that there are ongoing criminal charges in progress in relations to this issue.

### **Minutes**

**MOTION 215-331**: Bruinooge moved and Wilson seconded to approve the minutes<sup>12</sup> of August 25, 2015. The motion passed 3-1-0 (Houk abstained).

**MOTION 215-332**: Wilson moved and Bruinooge seconded to approve the minutes<sup>13</sup> of August 28, 2015. The motion passed 3-1-0 (Houk abstained).

### **Adjournment**

**MOTION 215-333**: Wilson moved and Bruinooge seconded to adjourn the meeting at 8:36 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva  
Executive Assistant

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<sup>1</sup> Board of Assessors memo dated September 8, 2015

<sup>2</sup> Letter by Andrew Koch, Shellfish Constable dated August 15, 2015

<sup>3</sup> Douglas Coppi of MassDEP email to Lydia Vivante dated September 8, 2015

<sup>4</sup> Budget Policy Message, FY17 Budget

<sup>5</sup> 2016 Town Meeting & Election Calendar

<sup>6</sup> TA Memo on Tax Inserts dated August 26, 2015

<sup>7</sup> Suicide Prevention Week Proclamation

<sup>8</sup> Authorization form of new signatory for Green Communities Grant Contract

<sup>9</sup> TA Report of September 2, 2015

<sup>10</sup> Correspondence Report of September 8, 2015

<sup>11</sup> Vacancy Report of September 3, 2015

<sup>12</sup> Minutes of August 25, 2015

<sup>13</sup> Minutes of August 28, 2015