

**Wellfleet Board of Selectmen  
Minutes of the Meeting of March 25, 2014  
Council On Aging Building, 7:00 p.m.**

**Present:** Berta Bruinooge, Chair, Paul Pilcher, John Morrissey, Jerry Houk Dennis Murphy; Town Administrator Harry Sarkis Terkanian.

Chair Berta Bruinooge called the meeting to order at 7:00 p.m.

***Announcements, Open Session and Public Comment***

- Bruinooge announced that the Transfer Station will hold an Amnesty Day on Saturday, April 19, 2014 from 8:00 a.m. to 2:00 p.m. PAYT bags will not be required.
- Town Administrator Harry Terkanian announcements:
  - The 250 Gull Pond Road Affordable Housing Lottery applications are due June 11, 2014.
- Conservation Commission member Dennis O'Connell spoke to the Selectmen about a conservation area in Wellfleet that had been vandalized. Trees were cut down and a split rail fence was destroyed. O'Connell asked the public to call the police if they have any information or witness future incidents.
- From the audience, Toni Gisone and Mary Ellen Manning said that the DPW director in Chatham said he was getting good results with increased dialogue regarding recycling and asked the Board of Selectmen to keep the benefits of the educational component in mind when discussing PAYT in the future.

***Business***

**Cape Cod Regional Technical High School Stabilization Fund discussion**

Robert Sanborn, Superintendent of the Cape Cod Regional Technical High School (CCRTHS), requested that the Selectmen reconsider his request to place a stabilization fund on the Annual Town Meeting Warrant<sup>1</sup>. The article would enable CCRTHS to fund planning and design work for school building repairs without having to wait for a district-wide vote of all twelve member towns on the same night (Sanborn needs 7 or 12 towns for approval.) If CCRTHS does not set up the stabilization fund, they will have to borrow the money to create plans in preparation for Massachusetts School Board Association construction grants. Terkanian thinks this is another instance of the disappearance of flexibility on the budget decisions, although he and the Selectmen are supportive of educational initiatives. Terkanian suggested that Sanborn look into revising the regional agreement to have a rolling approval at Town meeting like the Nauset Regional School District. Pilcher thinks the voters at Town Meeting should decide the fate of the proposed article.

***Licenses***

**Motion 14-0163:** Murphy moved to approve the following Seasonal liquor license renewals: Catch of the Day, Chequessett Yacht & Country Club, Flying Fish Café, Harbor Stage Company, The Juice, Mac's Shack, Marconi Beach Restaurant, Maurice's, Pearl Restaurant, Rino's, Sweet Seasons, V.R.'s, Wellfleet Beachcomber, Wellfleet Dairy Bar & Grill, Wellfleet Flea Market, Wellfleet Motel & Lodge, Wellfleet Marketplace, Wellfleet Wine & Spirits, Winslow's Tavern. Morrissey seconded the motion and it passed 5-0.

***Appointments***

**Motion 14-0164:** Pilcher moved to appoint Thomas Cole to the Lower Cape Community Access Television Board of Directors for a term beginning May 1, 2014 and ending April 30, 2016. Houk seconded the motion and it passed 5-0.

***Use of Town Property***

**Motion 14-0165:** Morrissey moved to approve the request received from Stefane Barbeau and Duane Smith to hold a wedding ceremony at MIA Park (near Drummer Cove) on Saturday, October 11, 2014 from 2:00-6:00 p.m. Houk seconded the motion and it passed 5-0. [Processing fee \$20. Use of Town Property fee \$100].

***Business, cont.***

**Town Administrator annual review<sup>2</sup>**

Bruinooge thinks Terkanian is doing an excellent job and said the comments he provided regarding his first year on the job were the most thorough she had ever seen. Pilcher said that he had doubts about hiring Terkanian because of his lack of municipal experience but he is tremendously impressed with his achievements and the fact that he has educated himself in areas where he was not up to speed. Pilcher also noted that Terkanian had clearly identified governance areas that need attention and is looking forward to his extended tenure. Morrissey agreed with Pilcher's comments and will give high marks in all of the review categories. Terkanian said that he is looking forward to receiving constructive criticism from the Selectmen.

**Three month review of PAYT operations and March 10th hearing recap<sup>3</sup>**

Pilcher reviewed the three main areas of concern raised by citizens at the March 10 PAYT public meeting: 1.) There were process issues concerning how PAYT was implemented; 2.) General concerns about making the PAYT program more convenient (i.e. purple bags are not strong enough, there should be a community compost at the Transfer Station, requests to recycle Styrofoam); 3.) Residents with young children feel singled out and punished due to extra work sorting disposal and the additional cost.

Pilcher said that the job of the Board of Selectmen is to make recommendations to the Board of Health. Recommendations should include: 1.) Create a community compost at the Transfer Station; 2.) Investigate a regional arrangement to recycle Styrofoam; 3.) Investigate the strength of the PAYT bags; 4.) Ask the Board of Health to reach out to the commercial haulers to initiate discussions about ways to make the program more palatable to them; 5.) Ask the Board of Health to look into giving out a diaper bag for young families/seniors even if there is limited enforcement to help offset financial concerns 6.) Investigate an alternate or tiered system, including a higher cost Transfer Station sticker or offering a reduced rate sticker to families of three or more.

Houk asked for an accounting of all Transfer Station operational, recycling and transportation costs. Morrissey said that the program needs to operate for one year to ascertain true costs. Morrissey also noted that PAYT is a work in progress and addressed the question brought by many citizens that implementing PAYT in Wellfleet should have been brought to Town Meeting for a vote. Murphy clarified that any vote at Town Meeting on PAYT would have been a non-binding vote because the actions of the Board of Health are mandated by the state. Bruinooge addressed the issue that PAYT was implemented in advance of the expiration of the SEMASS contract, saying that the Town wanted time to "work out some of the kinks" before the start of the summer season. From the audience, Mary Ellen Manning suggested that PAYT was "unnecessary" and Ron Martin suggested comparing Wellfleet trash disposal methods with other towns over the next two years to see what works.

**Motion 14-0166:** Pilcher moved to refer to the Board of Health Mr. Terkanian's memo with the recommendations that they investigate the request for special diaper bags, a community compost, a regional arrangement to recycle Styrofoam, reach out to commercial haulers, and make differential arrangements for people with large families. Murphy seconded the motion and it passed 4-1 (Morrissey.)

**Review and possible approval of proposed Board of Health transfer station fees<sup>4</sup>**

Morrissey explained that there has been no increase in the transfer station permit fees since 2006. The proposal for a Transfer Station permit fee of \$25 was based on revenue neutral projections before the cost of transporting recycling rose to \$40 a ton. Pilcher made a motion to accept the new transfer station permit fees as proposed by the Board of Health. Morrissey seconded the motion. Houk did not think that the proposed charge of \$35 for the first vehicle was fair considering that a \$25 permit fee was originally proposed. Pilcher withdrew the motion.

**Motion 14-0167:** Houk moved to recommend all fees set forth by the Board of Health for the Transfer Station permits, with the exception of the 1<sup>st</sup> vehicle fee of \$35, and recommended instead a permit fee of \$25 for the 1<sup>st</sup> vehicle. Pilcher seconded the motion and it passed 5-0.

**Renewal of Barnstable County IT Contract**

**Motion 14-0168:** Houk moved to renew the Barnstable County IT contract with the Town of Wellfleet. Notice to the County is due by April 1, 2014. Murphy seconded the motion and it passed 5-0.

**Final adjustments to the FY2015 Operating & Capital Budgets**

Terkanian reviewed a memo outlining final adjustments to the FY 2015 Operating and Capital Budgets, as well as long term debt refinance and limitations on borrowing<sup>5</sup>. The Selectmen voted on the following changes:

**Motion 14-0169:** Pilcher moved to approve 301 Nauset Regional School budget in the amount of \$2,245,384. Murphy seconded the motion and it passed 5-0.

**Motion 14-0170:** Morrissey moved to approve the FY 2015 Operating Budget in the amount of \$15,230,157. Murphy seconded the motion and it passed 5-0

**Motion 14-0171:** Pilcher moved to insert \$15,000 for the DPW concrete pad into the Capital Budget. Murphy seconded the motion and it passed 5-0.

**Town Meeting Warrant – Article and Question Placement & Recommendations**

Terkanian presented the proposed Articles<sup>6</sup> for the Annual Town Meeting to be held at 7:00 p.m. on April 28, 2014 at the Wellfleet Elementary School and reviewed a memo with proposed actions to the FY2015 Operating Budget and 2104 Annual Town Meeting Warrant<sup>7</sup>.

The Selectmen reviewed the draft Articles and took action on the following:

**Motion 14-0172:** Murphy moved to place Question A with the exclusion of the phrase “and the former WHAT Building.” Morrissey seconded the motion and it passed 5-0.

**Motion 14-0173:** Pilcher moved to strike Question B. Murphy seconded the motion and it passed 5-0.

**Motion 14-0174:** Pilcher moved to place Question C. Murphy seconded the motion and it passed 5-0.

**Motion 14-0175:** Murphy moved to place Question D. Bruinooge seconded the motion and it passed 5-0.

**Motion 14-0176:** Pilcher moved to strike Question E. Murphy seconded the motion and it passed 5-0.

**Motion 14-0177:** Murphy moved to place Question F. Bruinooge seconded the motion and it passed 5-0.

**Motion 14-0178:** Murphy moved to place Question F-1. Morrissey seconded the motion and it passed 5-0.

**Motion 14-0179:** Morrissey moved to placed Question F-2. Murphy seconded the motion and it passed 5-0.

**Motion 14-0180:** Murphy moved to place Question F-3. Morrissey seconded the motion and it passed 5-0.

**Motion 14-0181:** Pilcher moved to place Question G. Murphy seconded the motion and it passed 5-0.

**Motion 14-0182:** Murphy moved to place Question H. Bruinooge seconded the motion and it passed 5-0.

**Motion 14-0183:** Pilcher moved to recommend Article A FY2014 Operating Budget. Morrissey seconded the motion and it passed 5-0.

**Motion 14-0184:** Murphy moved to recommend Article B Transfer of funds to supplement FY 2013 operating & capital budgets. Morrissey seconded the motion and it passed 5-0.

**Motion 14-0185:** Pilcher moved to recommend Article C FY2014 Capital Budget. Murphy seconded the motion and it passed 5-0.

**Motion 14-0186:** Pilcher moved to place Article BE ½ Fund the Collective Bargaining Agreement Wellfleet Police Officers Union July 1, 2014. Murphy seconded the motion and it passed 5-0.

**Motion 14-0187:** Morrissey moved to place and recommend Article BAC Fund the Collective Bargaining Agreement Wellfleet Teamsters Union July 1, 2013. Pilcher seconded the motion and it passed 5-0.

**Motion 14-0188:** Pilcher moved to strike Article BV Debt exclusion for borrowing to pay for the cost to enlarge the concrete pad at the Transfer Station. Murphy seconded the motion and it passed 5-0.

**Motion 14-0189:** Murphy moved to recommend Article BW Debt exclusion for borrowing to pay for the cost of replacing a portion of the roof on the Wellfleet Elementary School. Morrissey seconded the motion and it passed 5-0.

**Motion 14-0190:** Murphy moved to recommend Article BX Debt exclusion for borrowing to pay for the cost of Wellfleet's allocation to replace the Nauset Regional Middle School roof. Pilcher seconded the motion and it passed 5-0.

**Motion 14-0191:** Murphy moved to recommend Article BZ to authorize funding for the bid, design, permitting and other planning and study documents necessary to move forward with future improvements to the Route 6 and Main Street intersection. Pilcher seconded the motion and it passed 5-0.

**Motion 14-0192:** Morrissey moved to place and recommend Article BZ-1 Borrowing for Town Hall HVAC System. Pilcher seconded the motion and it passed 5-0.

**Motion 14-0193:** Pilcher moved to place and recommend Article BZ-2 Borrowing for DPW Equipment. Murphy seconded the motion and it passed 5-0.

**Motion 14-0194:** Murphy moved to place and recommend Article BZ-3 Borrowing for Tennis Court Reconstruction. Morrissey seconded the motion and it passed 5-0.

**Motion 14-0195:** Houk moved to recommend Article EA Zoning Bylaw amendment to allow and regulate Medical Marijuana Dispensaries in Wellfleet. Murphy seconded the motion and it passed 5-0.

**Motion 14-0196:** Pilcher moved to recommend Article EC Zoning Bylaw amendment to allow for an update of the floodplain district bylaw. Murphy seconded the motion and it passed 5-0.

**Motion 14-0197:** Pilcher moved to place and recommend Article EC ½ to repeal the General Bylaws provision captioned "Special Flood Hazard District Regulations." Morrissey seconded the motion and it passed 5-0.

**Motion 14-0198:** Pilcher did not recommend Petitioned Article JA. Morrissey seconded the motion and it passed 5-0.

**Motion 14-0199:** Murphy moved to not recommend Petitioned Article JB. Bruinooge seconded the motion and it passed 3-0-2 (Pilcher and Houk abstained from the vote).

**Motion 14-0200:** Pilcher moved to place Article HB. Morrissey seconded the motion and it passed 5-0.

**Capital Budget**

**Motion 14-0201:** Murphy moved to adopt the FY2015 Capital Budget for \$2,528,933. Morrissey seconded the motion and it passed 5-0.

**Police Needs Study<sup>8</sup>**

**Motion 14-0202:** Houk moved to award the Police Station Designer Needs Contract to Kaestle Boos Associates, Inc. Pilcher seconded the motion and it passed 5-0.

**Town Administrator’s Report**

Town Administrator Harry Terkanian reviewed the Town Administrator’s report<sup>9</sup>.

**Future Concerns**

Pilcher asked to review the Board of Selectmen goals at the next BOS meeting.

**Correspondence and Vacancy Report**

John Morrissey had prepared the Correspondence Report<sup>10</sup>.

**Minutes**

**Motion 14-0203:** Murphy moved to approve the meeting minutes of March 10, 2014. Morrissey seconded the motion and it passed 4-0-1 (Bruinooge.)

**Motion 14-0204:** Murphy moved to approve the meeting minutes of March 11, 2014. Pilcher seconded the motion and it passed 4-0-1 (Bruinooge.)

**Adjournment**

**Executive Session**

**Motion 14-0205:** Murphy moved to go into Executive Session and not come back into public session after the conclusion of the Executive Session. Bruinooge read aloud the purpose for Executive Session:

To discuss strategy with respect to collective bargaining with the Police Officers Union and Teamsters Union if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

Pilcher seconded the motion. Bruinooge, Houk, Morrissey, Murphy and Pilcher each said yes, and the regular meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

<sup>1</sup> 2013-12-10 Email from Bob Sanborn requesting placement of CCRTHS Stabilization Fund Article on Warrant

<sup>2</sup> 2014-01-16 Terkanian memo and documents re: Town Administrator 2013 Performance Review

<sup>3</sup> 2014-03-13 and 2014-03-21 Terkanian memos on the March 10, 2014 PAYT meeting recap

<sup>4</sup> Proposed Board of Health Transfer Station Schedule of fees effective 7/1/2014

<sup>5</sup> 2014-03-20 Terkanian memo on long term debt refinance and limitations on borrowing

<sup>6</sup> Proposed Articles for the Annual Town Meeting on 04/22/13

<sup>7</sup> 2014-03-07 Terkanian memo re: FY2015 Operating Budget Change & 2014 Annual Town Meeting Warrant

<sup>8</sup> Police Station Needs Study - Contract for Designer Services

<sup>9</sup> 2014-03-25 Harry Terkanian Town Administrator’s Report

<sup>10</sup> 2014-03-25 Correspondence Report