



**Wellfleet Board of Selectmen
Minutes of October 13, 2015
Wellfleet Senior Center**

Present: Selectmen Paul Pilcher, Dennis Murphy, Berta Bruinooge, Helen Miranda Wilson;
Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

Regrets: Jerry Houk

Chairman Paul Pilcher called the meeting to order at 7:00 pm.

Announcements, Open Session and Public Comment

- Pilcher thanked all for their support and encouragement for the recovery of his partner and expressed how happy he was to be back.
- Wilson announced that the Pilgrim Nuclear Power Plant is scheduled to close by June, 2019 and thanked Sarah Hutchings for serving on the Bike and Walkways Committee and Paula Erickson for serving on the Cultural Council.
- Police Chief Ronald Fisetite announced that October is proclaimed as a domestic violence prevention month and in honor of it there will be an event called the Silent Witness on October 29, from 2pm to 6 pm at the Library.

Use of Town Property

1. Request of Della Spring Cushing to use Mayo beach on Tuesdays & Thursdays, 8:30am - 9:45 am in July and August 2016 for meditation & yoga classes. \$20 application fee paid; event fee TBD.
2. Request of Olaf Valli to use Whitecrest beach for surf and paddle board lessons from April 1 to December 31, 2016; \$20 application fee paid, event fee TBD.

Terkanian presented his recommendation and the proposed Use of Town Property agreement¹ for season long use of Town property requests. Pilcher recommended advertising and RFP for such season-long uses in order to give equal opportunity to other businesses and suggested postponing decision on these two requests. Wilson suggested having an advertised deadline for applications of this nature, but did not support the RFP idea. Bruinooge agreed with Wilson. Pilcher directed the TA to come up with a proposal and priority deadline for applications of similar nature.

Public Hearing(s)

Pilcher opened the public hearing at 7:10 pm.

Shellfish Constable Andrew Koch presented maps² of the shellfish grants and recommended to transfer shellfish grant license #852 and #852A from Bradford Morse, William Barrio and Diane Brunt to Bradford Morse, William Barrio, Diane Brunt and Curtis Graham.

MOTION 215-342: Wilson moved and Bruinooge seconded to approve the transfer of shellfish grant license #852 and #852A from Bradford Morse, William Barrio and Diane Brunt to Bradford Morse, William Barrio, Diane Brunt and Curtis Graham. The motion passed 4-0.

Hearing to consider the possible suspension of Daniel Morton's commercial shellfish permit

Constable Koch gave detailed background information about the unpermitted taking of shellfish at Chipman's Cove by Daniel Morton and recommended two weeks suspension of Morton's commercial shellfish license. He also stated that Morton did not hold a State propagation "seed" permit and that this was his first documented offense, although he has previously received a verbal warning. Deputy Shellfish Constable Christopher Manula said that they also witnessed Morton's current violation. Morton agreed with the Constable's statements and admitted that he was wrong, but his intentions were to move the oysters and apologized. Terkanian said that the Selectmen have the relevant portions of the shellfish regulations in front of them. Pilcher closed the hearing at 7:22 pm. Bruinooge said that this is very concerning because all commercial shellfishermen are aware that Chipman's Cove is closed for the summer months and agreed with the suspension.

MOTION 215-343: Wilson moved and Bruinooge seconded to suspend Morton's shellfish license for 14 days per the regulations. The motion passed 4-0.

Business

Eversource litigation on right of way spraying

Laura Kelley, Director of Protect Our Cape Cod Aquifer (POCCA), presented the case filed against EverSource for their intent to spray vegetation management chemicals and requested the support of the Selectmen on behalf of the Town. She said that several abutters with the help of a pro bono attorney had filed a law suit against EverSource. She talked about the dangers of Roundup and Glyphosate based on World Health Organization research. Pilcher wanted to know if other towns have agreed to join the litigation. Kelley thanked the selectmen for their consideration. Wilson wanted to know if there will be any cost associated with this case. Kelley explained that help with court filing fees would be appreciated, but the retained attorney and her services are pro bono. Murphy wanted to know the status of the injunction. Kelley gave details about the judge's decision. People in the audience voiced concerns about the fact that there is only one aquifer and wanted to know who will be responsible if the water got polluted, and because of these concerns they urged the Selectmen to join this case. Kelley thanked the public for speaking up and said that action should be taken before it is too late. Pilcher requested to see the supporting documents for the case including the injunction and the letter from the lawyer. The rest of the selectmen unanimously agreed that more information should be provided before deciding on a position.

Review of the Board's vote to delay by one year enforcement of the Policy on Paved Private Road Maintenance

DPW director Mark Vincent briefly talked about the provision of the policy on Paved Private Road Maintenance and addressed concerns raised by Wilson. No action was taken by the Board.

Report by the Shellfish Constable on grant inspections

Constable Koch was available to answer question on shellfish grant inspections. Wilson suggested a trip to see how shellfish grants are inspected. Koch said that inspections are conducted every day and added that he had prepared a contract³ about the gear left on flats over the winter and gave it to the Selectmen. The Selectmen and the Shellfish Constable will have an additional meeting on this subject.

Determination of the maximum useful life of fire department equipment

Terkanian presented Bond Counsel's request for determination of the maximum useful life of the replacement equipment of the engine and the pumper. He presented the Fire Chief's memos for Engine 94 replacement and Pumper. Murphy suggested that this information be included in the vehicles' maintenance record.

MOTION 215-344: Murphy moved to determine that the maximum useful life for Engine 94 replacement and Pumper is 20 years. Bruinooge seconded and the motion passed 4-0.

Review of October 3, 2015 Community Policing meeting

Wilson summarized the Community Policing meeting that took place on October 3. Terkanian gave his observations of the meeting low attendance. Terkanian said that the meeting failed to define what community policing is and according to him the process was not complete. Ray Squire said that as a representative to the group Citizens Committed to Community Policing (CCCP) he would like to continue the process in order to increase communications and solve issues with the Police. According to him those were not addressed and another training session will be needed in order to complete the process. He spoke highly about the new Police recruits. Ray agreed with the fact that there was not a large community attendance. Police Chief Fisetta also went over his impressions of the meeting and said that he and Terkanian are in communication with CCCP for the next session. Martha Gordon invited everyone to attend the next CCCP meeting on October 26 at the Library. No action was taken by the Selectmen.

Review and comment on Treasurer's proposed cash control policy

Terkanian presented the proposed and revised by the Acting Treasurer Dawn Rickman Cash Control Policy and explained how the policy was generated. He said that no adoption was required by the Board, but the policy is open for discussion. Pilcher suggested having the money turned on weekly, rather than bi-weekly bases. No action was taken by the Selectmen, because the policy requires the Treasurer's approval.

Discussion of possible appointment of a Charter Review Committee

Terkanian presented his recommendation about the need for appointing a Charter Review Committee to address changes that have taken place since the last Charter Revision in 2003. He went over specific concerns as presented in his memo⁴ on the subject. The Town Moderator Daniel Silverman gave his position about appointing Charter Review Committee and recommended having the Charter reviewed once every ten years. The Board had a consensus on having this placed on the 2016 ATM warrant.

Acceptance by the board of selectmen of General Laws chapter 166, section 32A

Terkanian presented MGL Chapter 166, section 32A.

MOTION 215-345: Bruinooge moved and Wilson seconded to accept MGL Chapter 166, Section 32A. The motion passed 4-0.

Purchase of Town property inquiry from Susan Peters, Map 29, Parcel 498

Wilson gave a background about the request of Susan Peters for Map 29, Parcel 498.

MOTION 215-346: Wilson moved and Bruinooge seconded to initiate the process for disposition of the Town-owned land Map 29, Parcel 498. Terkanian recommended deferring action until final determination of possible need by the Housing Authority. Bruinooge rescinded her second, and Wilson withdrew the motion. Murphy wanted to know if this needs to go to a bid. Terkanian said that there have been instances where Town property has been sold to a specific abutter when dealing with specific problem. No action was taken.

Review Local Initiative Program application by Habitat for Humanity for proposed affordable housing project at Old Kings Highway

Assistant Town Administrator Brian Carlson briefed the Selectmen on the Local Initiative Program (LIP) application by Habitat for Humanity.

MOTION 215-347: Murphy moved and Wilson seconded to approve the LIP application. Discussion ensued. Terkanian said that there is no need for a motion, because the Habitat for Humanity is looking for comments and suggestions, not approval. The Selectmen directed Carlson to prepare supporting comments for their meeting on October 27, 2015. No vote was taken.

Contract award for re roofing of Town Hall

Terkanian presented the DPW Director's recommendation⁵ for re-roofing of Town Hall project to be awarded to Plan B Construction Company.

MOTION 215-348: Murphy moved and Bruinooge seconded to award the contract for re roofing of Town Hall to Plan B Construction Company. The motion passed 4-0.

Approval of Change Order #1 for Route 6/Main Street Intersection Improvement

Terkanian presented Change Order #1⁶ for additional services and said that additional funding will be needed. Wilson expressed her concerns for the amount of money for this small change. Bruinooge said that based on her attendance of the meetings the direction has been clear that sidewalks should be only one side of the road. Terkanian explained that this is as a result of MassDOT requirements for sidewalks on both sides of a road, but due to the nature of the intersection this was not possible, resulting in the change order.

MOTION 215-349: Murphy moved and Bruinooge seconded to approve Change Order #1 for Route 6/Main Street MassDOT Project 607397 Intersection Improvement. The motion passed 3-1 (Wilson).

MassDOT Capital Plan

Terkanian said that an additional meeting has been scheduled for November 5, 2015 at Tilden Arts Center at Cape Cod Community College. Pilcher proposed that all Selectmen bring a list of suggestions for the next meeting and expressed willingness to attend the MassDOT meeting.

Town Administrator's Report

Terkanian presented his report and added:

1. There will be an additional BOS meeting on October 15, 2015 to interview the finalist for the Treasurer's vacancy.
2. Additional MassDOT meeting has been scheduled on November 5, 2015 at 6:30 pm at Tilden Arts Center at Cape Cod Community College
3. ATA Carlson attended FEMA training certification. Town of Wellfleet participation in FEMA's community Rating System will entitle residents to 10-15% reduction in flood insurance premiums when the process is completed in about 18 months.
4. The estimated cost for the October 2, 2015 Community Policing session is about \$6,100.

Wilson had a question on item 8 of Terkanian's report - DPW paving project and said that if sections of the road are going to be closed there is a need for a vote by the Selectmen to authorize the closures. Murphy wanted to know if there was a priority list for re-paving. Pilcher suggested having a motion to avoid delays in already scheduled paving.

MOTION 215-350: Wilson moved to approve road closings for Chequessett Neck Road and Ocean View Drive for re paving as set forth in TA report item 8. Bruinooge seconded the motion. Murphy clarified that closure of the road will be partial. The motion passed 4-0.

Bruinooge expressed how pleased she was with the two grants received from the Commonwealth's Sustainable Materials Recovery Program and Barnstable County Cooperative Extension Service.

Future Concerns

1. Terkanian said that the Wellfleet Partnership By-Down application is available at BOS office review and will be on the October 27, 2015 agenda.
2. Terkanian asked for Selectmen's direction on a notice received for the 32 Annual Cape-Wide bike run in terms of who will be processing the request - the Police or the Board with a Use of Town Property application. The Selectmen agreed to direct the Police Chief to deal with this. Pilcher suggested revisiting the BOS Policy on Bicycle Races in the future.
3. Bruinooge said that she would not be able to attend the October 27 meeting.

Correspondence⁷ and Vacancy⁸ Report

Minutes

MOTION 215-351: Wilson moved and Murphy seconded to approve the minutes of September 22⁹, 2015. The motion passed 3-0-1 (Pilcher abstained).

MOTION 215-352: Wilson moved and Murphy seconded to approve the minutes¹⁰ of and October 6, 2015. The motion passed 3-0-1 (Pilcher abstained).

Adjournment

MOTION 215-353: Wilson moved and Murphy seconded to adjourn the meeting at 9:14 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ Proposed Use of Town Property Agreement for season-long uses

² Maps of shellfish grant license #852 Draft and #852A

³ Draft contract for gear left on shellfish flats over the winter by Andrew Koch

⁴ TA memo on Charter Review Committee

⁵ Mark Vincent's recommendation for awarding the Town Hall re roofing project

⁶ Change Order #1 for Route 6/Main Street MassDOT Project 607397 Intersection Improvement

⁷ Correspondence report of October 9, 2015

⁸ Vacancy report of October 8, 2015

⁹ Draft minutes of September 22, 2016

¹⁰ Draft minutes of October 6, 2015