



**Wellfleet Board of Selectmen  
Minutes of October 27, 2015  
Wellfleet Senior Center**

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

**Regrets:** Selectmen Jerry Houk and Berta Bruinooge

Chairman Paul Pilcher called the meeting to order at 7:00 pm and wished a quick recovery to Selectman Houk.

**Announcements, Open Session and Public Comment**

- Wilson announced that the Barnstable County Office is subsidizing tick testing program for Barnstable County residents and the reports will be provided by LMZ - the Laboratory of Medical Research in Amherst. The test results will produce specific disease information that will be shared with the medical community.
- Pilcher announced the upcoming Community Planning and Brainstorming Session: Creating and Defining a Cultural District in the Town of Wellfleet on Tuesday, November 3, 2015 at 4:30 pm at the COA.
- Town Administrator Harry Sarkis Terkanian announced the upcoming art contest for the annual town report cover. Submissions will be accepted from November 2, 2015 through December 8, 2015 and the details are posted on the Town's web page under News and Announcements.

**Public Hearing(s) [7:05]**

The Selectmen heard from the applicants Leon and Erica Wagner, their attorney and the former owners of Sweet Seasons, Inc. regarding the request to transfer the Seasonal All Alcoholic Inn license from Sweet Seasons, Inc to Chap and Wags, Inc. dba The Wagner at Duck Creek.

**MOTION 215-356:** Wilson moved and Murphy seconded to approve the application received on September 28, 2015 from Chap & Wags, Inc. dba The Wagner at Duck Creek, 70 East Main Street, Wellfleet, MA, Leon Wagner and Erica Chapman, Managers, to transfer the Seasonal All Alcoholic Inn license from Sweet Seasons, Inc. The motion passed 3-0.

**Appointments/Reappointments**

**MOTION 215-357:** Wilson moved and Murphy seconded to appoint G. Fred Vanderschmidt to Waste Water Committee with term ending June 30, 2018. The motion passed 3-0.

**Business**

**Eversource litigation on right-of-way spraying** (*Continued discussion from 10/13/15*)

Laura Kelley of POCCA asked the Board for the opportunity to have a meeting with Town Counsel and the pro bono attorney representing POCCA and the three abutters against the Eversource to discuss the options of the Town joining the law suit. Pilcher suggested deferring action on this until more than three Board members are present. Terkanian said that he would like to discuss this with Town Counsel first in order to avoid establishing client- attorney relationship with POCCA. He wanted to know if

anyone had tried to challenge the administrative decision of MDAR. Pilcher suggested Terkanian to talk to K&P and then revisit the subject if K&P feels it should be advanced. Wilson suggested involving the Board of Water Commissioners and the Conservation Commission and hearing their position on this matter.

**MOTION 215-358:** Wilson moved to get the Conservation Commission and Board of Water Commissioners opinion on Eversource right-of-way spraying. Murphy seconded and the motion passed 3-0.

**Approval of Housing Partnership request to submit a buy down program application to Department of Housing and Community Development** – action on this was deferred due to a lack of quorum after Pilcher’s recusal due to possible conflict of interest.

**Discussion of possible Selectmen’s comments on Local Initiative Program application by Habitat for Humanity** (*Continued from 10/13/15*). There were no additional suggestions and no action was taken on this matter.

**Discussion of procurement policy for season long uses of Town property**

No action was taken; The Board directed Terkanian to revise the Procurement Policy for Season Long Uses of Town Property<sup>1</sup> addressing the discussed concerns and adding the language “*or other activities that the Board defines at a certain time.*” And bring it to the Board for review.

**Possible revocation of Board of Selectmen’s policy on Award of Shellfish Grants (Policy 1988-04)**

Terkanian explained the redundancy of Policy 1988-04 – Selectmen’s Policy on Award of Shellfish Grants<sup>2</sup>, because shellfish grants are already awarded and regulated by the Shellfishing Policy and Regulations. The Selectmen took no action on this matter pending a verification of a recommendation from the Shellfish Advisory Board.

**Discussion of possible amendment(s) to Board of Selectmen policy on Bicycle Races (Policy 1998-01)**

Terkanian explained that the possible amendment(s) to the Bicycle Races Policy<sup>3</sup> came up as a result of the last BOS meeting. Wilson had a question if this policy would apply to State roads and said that she thought that the Town cannot grant use of those roads. Pilcher wanted to hear more from the Police Chief and postponed action on this item to the meeting on November 10, 2015.

**Discussion of possible Board comments on MassDOT’s Capital Plan** (*continued from 10/13/15*)

Pilcher said that there are several requests to the MassDOT Capital Plan and the Board is waiting on to see which ones will be included in the capital plan. The other selectmen had no additional comments and no action was taken on this matter.

**Request to approve dual representation by Town Counsel with the Town of Truro in connection with Herring River restoration project draft memorandum of understanding III**

Terkanian presented Town Counsel’s letter<sup>4</sup> and explained the need for Town Counsel’s dual representation for Wellfleet and Truro to deal with Herring River Restoration MOU III matters Pilcher said that this might become a big issue if at some point in the future any potential conflict of interest is identified and did not favor the dual representation.

**MOTION 215-359:** Wilson moved to approve dual representation of Town Counsel with the Town of Wellfleet and Town of Truro on Herring River Restoration Committee MOU III. Murphy seconded.

Further discussion ensued. Murphy said that a lot of effort and money have been spent to get to this point and wanted to know if Pilcher's concerns could be mentioned and addressed by re-writing the language of dual representation. Pilcher stressed the importance of not having dual representation and keep things clean and separate to preserve the best interest of the Town. Wilson withdrew her motion. Murphy withdrew his second and the motion did not progress.

**MOTION 215-360**: Murphy moved to not enter in dual representation agreement with K&P for Herring River Restoration Committee MOU III. Wilson seconded and the motion passed 3-0.

### **BOS vote authorizing the TA to sign contracts on the Town's behalf**

Terkanian said that based on his conversation with Town Clerk for contracts and signatory powers currently he has no authority to sign and contracts or purchase orders and referred to his memo<sup>5</sup> detailing this matter. Pilcher requested to have copies of purchase orders available for review. Terkanian confirmed that all purchase orders are available in hard copy and electronic format.

**MOTION 215-361**: Wilson moved to authorize Town Administrator Harry Sarkis Terkanian to sign contracts up to \$15,000 on behalf of the Town. Murphy seconded and the motion passed 3-0.

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

Terkanian went over his report<sup>6</sup> and added:

- The employee pot luck holiday party will be at 1 pm on December 22, 2015 at the COA.
- The Town Hall roof was replaced over the weekend.
- A little before the meeting an agreement with the Town Treasurer agreement has been reached and Rosemary Moriarty will be starting on December 7, 2015.
- ATA Carlson attended boot camp for new managers on October 23, 2015.

### **Future Concerns**

- Wilson wanted to review the personnel manual and the environmental policy draft.
- Pilcher asked to have the 2015-2016 BOS goals reviewed at one of the upcoming meetings.
- Terkanian said that the DPW director will give an updated cost estimate on the snow and ice removal on private roads during the November 10, 2015 meeting.
- Terkanian said that draft Food Truck Regulations, revised Investment Policy for OPEB and revised Equal Opportunity and Discrimination and Sexual Harassment policies will be on November 10, 2015 meeting agenda.
- Terkanian asked for guidance on the November 24, 2015 meeting. The Selectmen present confirmed availability and no action was taken to reschedule or cancel the meetings.

### **Correspondence<sup>7</sup> and Vacancy<sup>8</sup> Report**

### **Minutes**

**MOTION 215-362**: Wilson moved and Murphy seconded to accept the minutes<sup>9</sup> with of October 13, 2015 with additions given by Wilson to the EA. The motion passed 3-0.

**MOTION 215-363**: Pilcher moved and Wilson seconded to approve the minutes<sup>10</sup> of October 15, 2015 as printed. The motion passed 3-0.

## **Adjournment**

**MOTION 215-364**: Wilson moved and Murphy seconded to adjourn the meeting at 8:51 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva  
Executive Assistant

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<sup>1</sup> Draft policy for Season Long Uses of Town Property

<sup>2</sup> Policy on Awarding Shellfish Grants

<sup>3</sup> Bicycle Races Policy

<sup>4</sup> K&P letter for dual representation authorization for the Town of Wellfleet and the Town of Truro for HRRC MOU III.

<sup>5</sup> TA memo on Authorization for the Town Administrator to Execute Contracts

<sup>6</sup> TA report of October 23, 2015

<sup>7</sup> Correspondence report of October 27, 2015

<sup>8</sup> Vacancy report of October 23, 2015

<sup>9</sup> Draft minutes of October 13, 2015

<sup>10</sup> Draft minutes of October 15, 2015