



**Wellfleet Board of Selectmen
Minutes of November 24, 2015
Wellfleet Senior Center**

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

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

Announcements, Open Session and Public Comment

- Wilson announced that the comment period for the proposed Cape Cod National Seashore (CCNS) Shorebird Management Plan has been extended to January 11, 2016 and said that public comments are accepted online.
- Terkanian announced that the joint Board of Selectmen meeting with FinCom to review the the FY 2017 budget requests of the Police, Fire, DPW, School and Water Enterprise Fund budgets will be on December 15, 2015.
- Suzanne Grout Thomas announced “Wellfleet Tales” – an author reading and book signing at the COA on December 3 at the COA.

Licenses

MOTION 215-376: Bruinooge moved and Houk seconded to approve the renewal of annual liquor licenses for Bookstore & Restaurant, Finely J.P.’s, JB’s Pizza Bar & Grill, Marconi Beach Restaurant, PB Boulangerie Bistro, Wellfleet Harbor Actor’s Theater – Route 6, Wellfleet Preservation Hall, Inc., The Wicked Oyster, Seaside Liquors, Wellfleet Spirits Shoppe, Wellfleet Marketplace, Wellfleet Mobil and Blackfish Variety. The motion passed 5-0.

Public Hearing(s)

Chairman Pilcher opened the public hearings 7:05 pm.

Community Preservation Committee (CPC) annual needs hearing in accordance with the Community Preservation Act, G.L. c.44B.

Peter Hall, CPC Chair and Mary Rogers, CPC Coordinator introduced the annual Community Preservation Act applications and went over the list¹ individually and explained how these applications fit within the requirements of the Community Preservation Act needs for housing, historical preservation, open space, recreation. No action was taken by the Selectmen.

Transfer of shellfish grant licenses #95-23 and 95-24 from Peter Rennert to Peter Rennert and Zachary Rennert

Shellfish Constable recommended the transfer of shellfish grant licenses #95-23 and 95-24 from Peter Rennert to Peter Rennert and Zachary Rennert.

MOTION 215-377: Wilson moved and Bruinooge seconded to approve the transfer of shellfish grant licenses #95-23 and 95-24 from Peter Rennert to Peter Rennert and Zachary Rennert. The motion passed 5-0.

Amendment of the Town of Wellfleet Shellfish Rules and Regulations by adding section 7.18.7: Conditions for Overwintering Gear on Licensed Areas.

Terkanian recommended taking no action on this item and postponing it to December 8, 2015 giving the opportunity of the revised proposed language to be re-advertised.

Request for closure of the Wicked Oyster from November 30, 2015 to January 13, 2016

MOTION 215-378: Bruinooge moved and Wilson seconded to approve the request received October 29, 2015 from Ken Kozak on behalf of TEK Restaurant Group, Inc. d/b/a the Wicked Oyster to close from November 30, 2015 through January 13, 2016 to do renovations and general clean up. The motion passed 5-0.

Request for closure of Marconi Beach Restaurant from November 16, 2015 to January 15, 2016

MOTION 215-379: Houk moved and Wilson seconded to approve the request received November 9, 2015 from Russell Swart to close Marconi Beach Restaurant from November 16, 2015 through January 15, 2016. The motion passed 5-0.

Request for closure of the Finely JP's Restaurant from December 6, 2015 to January 15, 2016

MOTION 215-380: Murphy moved and Wilson seconded to approve the request of Request received November 9, 2015 from John Pontius to close Finely JP's Restaurant from December 6, 2015 through January 15, 2016. The motion passed 5-0.

Use of Town Property

MOTION 215-381: Houk moved and Bruinooge seconded to approve the request of the Chamber of Commerce to hold 2015 Holiday Tree Lighting and sing along on December 12, 2015, from 4 pm to 5:30 pm; event fee waived and no conditions attached. The motion passed 5-0.

Appointments

MOTION 215-382: Houk moved and Bruinooge seconded to appoint Dawn Rickman to Taxation Aid Committee member at large from December 8, 2015 to June 30, 2017. The motion passed 5-0.

Business

Review and possible approval of proposed amendment to Board of Selectmen policy on investments – additional policy provisions for Other Post Employment Benefits funds²

Terkanian went briefly over his memos³ and explained the reasons for the OPEB investment policy under the Prudent Person Rule and said that this is the second reading. Pilcher asked clarification if this policy is under the purview of the Town Treasurer. Bruinooge suggested that the Treasurer should be consulting with experienced financial advisors.

MOTION 215-383: Bruinooge moved and Murphy seconded to approve the amendment to Board of Selectmen Policy on Investments by including an additional policy provisions for Other Post Employment Benefits funds. Wilson asked about the consequences of the policy amendments. Terkanian explained the authorization to invest is based on the Prudent Person Rule. The motion passed 5-0.

Harbor Dredging Project Update and proposed letter in support of project

Pilcher explained that this proposed letter⁴ is a product of the Dredging Advisor Group (DAG) and their efforts to identify funding and support for the project. He thanked to all involved with this dredging funding efforts for their hard work and asked the Selectmen to authorize sending the letter to

the Army Corps of Engineers before the window of funding opportunity closes in mid January. He stressed the importance of getting Wellfleet Harbor on the list of fundable projects.

MOTION 215-384: Wilson moved to authorize and sign the letter as printed excluding small tweaks if needed. Murphy seconded and the motion passed 5-0.

Cape Cod National Seashore Comprehensive Shorebird Management Plan

Lilli-Ann Green presented the Cape Cod National Seashore (CCNS) Comprehensive Shorebird Management Plan and went briefly over the four alternatives as presented on the summary sheet⁵ for the plan. Green said that the comment period is open until January 11, 2016 and if the Selectmen are interested to provide input they should get in touch with the Cape Cod National Seashore. She presented a hand out on how to submit comments or contact the CCNS Superintendent George Price. Wilson said that she attended the open house. She explained that the predator birds have been poisoned with DRC-1339 and encouraged the people to do their own research on the chemical to understand its possible consequences and potential to get in the food chain. Bruinooge wanted to know what the role of the Selectmen in this process is. Green said that this is an opportunity for public comments and according to Superintendent Price the decision could be swayed based on received comments. Pilcher summarized the issues and asked Wilson if she is primarily objecting to the poison option because of the possibility of getting in the food chain. Wilson answered Bruinooge question by saying that this comment period is legally required and the public should be involved for input. Wilson suggested that the Conservation Commission and Water Commissioners should also comment on this matter. Murphy spoke about the dangers of chemical applications and their half life and suggested getting more information. Pilcher directed Terkanian to invite the CCNS Superintendent to one of the December meetings to specifically address chemical application.

Cape Cod Mosquito Control FY 2017 Budget request

Terkanian presented the Mosquito Control Budget request⁶ with 2.5% increase and said that this budget is part of and goes on the Cherry Sheet. According to the proposed document the FY17 share for Wellfleet is \$56,706.50. He explained that the Selectmen have the opportunity to support the request or not. Pilcher wanted to know if the 2.5% increase is a reasonable. Wilson said that this budget also used to cover greenheads control, but was not sure if this is still the case. The Board decided to table this until more information is available.

Christmas Eve Work Schedule; possible early dismissal for non essential employees

MOTION 215-385: Wilson moved to allow nonessential employees to be dismissed at noon on December 24, 2015. Murphy seconded and the motion passed 5-0.

Status of the classification and compensation study

Terkanian briefed the Selectmen on the goals of the classification and compensation study and how the WEA Union A and B positions and certain non-union employees were ranked⁷ based on educational requirements, experience needed to perform the job, supervisory responsibilities and occupational risks involved. He talked about the process of how the job descriptions were generated and the employees' involvement in the process. The draft classification ranking presented was based on a formula used in order to group the jobs into grades. Terkanian also explained that that towns similar to Wellfleet were selected to survey for the comparable employee compensation. This study will be used as a benchmark for evaluating compensation of Wellfleet employees in terms of market equity. No action was required by the Selectmen.

Waiver request from stormwater discharge permit regulation

Assistant Town Administrator Brian Carlson presented a draft letter⁸ for waiver request from stormwater discharge permit regulation and explained why this was needed.

MOTION 215-386: Murphy moved and Wilson seconded to approve the waiver request from stormwater discharge permit regulations letter. The motion passed 5-0.

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

MOTION 215-387: Pilcher moved to revoke the Board of Selectmen's policy on Award of Shellfish Grants (Policy 1988-04). Wilson seconded and the motion passed 5-0.

Proposed amendment to Board of Selectmen Equal Opportunity, Discrimination and Sexual Harassment Policy⁹

MOTION 215-388: Wilson moved and Bruinooge seconded to approve the proposed amendment to Board of Selectmen Equal Opportunity, Discrimination and Sexual Harassment Policy. The motion passed 5-0.

Town Administrator's Report

Terkanian presented his report¹⁰ and added that he met with one of the highest ranked Owner's Project Managers finalists for the Police Station Design. He said that an official recommendation should be available for the December 8, 2015 meeting.

Future Concerns

Terkanian: Request for Private Roads plowing criteria have been sent to the DPW director and a recommendation is expected for December 8, 2015. Pilcher suggested having all written requests collected by the EA.

Terkanian: There are vacancies on the Library Trustees and Planning Board. In order to fill these vacancies there is a statutory requirement for joint meetings. The Library Trustees will have a brief meeting with the Selectmen on December 8, 2015 to fill in their vacancy.

Pilcher: Invite the Cape Cod National Seashore to December 8, 2015 to address Shorebirds Management Plan concerns.

Pilcher: Invite Alice Boyd of Bailey Boyd for information on additional funds disbursement and possible uses for housing needs in Wellfleet.

Pilcher: Put the Inter-municipal Cooperation Committee on the December 8 agenda for Board's input.

Terkanian: Outer Cape Health Services needs for public water supply on December 15, 2015 agenda.

Correspondence and Vacancy¹¹ Report

Minutes

MOTION 215-389: Bruinooge moved and Murphy seconded to approve the minutes¹² of November 10, 2015 with revisions by Wilson. The motion passed 5-0.

Executive Session and Adjournment

Pilcher said that the Board will convene into executive session, because discussing these matters in public meeting may have detrimental effect on the Town's negotiating position. Pilcher stated that the Board will not go back to public session and read the purpose of the executive session:

1. Strategy with respect to litigation – Cumberland Farms vs ZBA
2. To consider the possible purchase of real estate

3. Approval of and determination whether to release minutes of prior executive sessions (January 13, 2015, January 29, 2015, February 10, 2015, March 17, 2015, April 28, 2015, April 27, 2015, May 26, 2015, June 9, 2015, June 23, 2015 and October 15, 2015.) [TA]
4. Strategy with respect to collective bargaining and negotiations with non union personnel. Personnel involved: Wellfleet Employees Association all three units, Teamsters (DPW), Permanent Firefighters, Communications, Police Chief, Police Lieutenant, Fire Chief and DPW Director.

MOTION 215-390: Pilcher moved and Wilson seconded to adjourn the public meeting at 8:22 pm. The motion passed by a roll call vote where each Murphy, Bruinooge, Pilcher, Wilson and Houk said “Aye”.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ CPC 2016 Annual Needs List of applications

² Proposed amendment to Board of Selectmen policy on investments – additional policy provisions

³ TA memo on OPEB provision addition to the Investment Policy

⁴ Harbor Dredging Project proposed letter in support of project

⁵ CCHS Shorebirds Management Plan Summary Sheet

⁶ FY2017 Cape Cod Mosquito Control Budget Request

⁷ Draft ranking of WEA and certain exempt positions

⁸ Draft letter waiver request for stormwater discharge permit regulation

⁹ Proposed amendment to the Board of Selectmen Equal Opportunity, Discrimination and Sexual Harassment Policy

¹⁰ TA report of November 20, 2015

¹¹ Vacancy report of November 2, 2015

¹² Draft minutes of November 10, 2015