



Wellfleet Board of Selectmen
Minutes of December 8, 2015
Wellfleet Senior Center

Present: Selectmen Paul Pilcher, Dennis Murphy, Helen Miranda Wilson; Berta Bruinooge, 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 announced that the Wellfleet Harbor dredging letter to the Army Corps of Engineers was mailed earlier today. He acknowledged and thanked everyone who worked on it. The letter will be available on the Town's web site.
- Town Administrator Harry Terkanian announced that he will not seek a renewal of his contract after it expires on June 30, 2016. He spoke about how challenging and satisfying this position is and thanked all for their support, and for the opportunity to serve as Town Administrator.
- Pilcher thanked Terkanian on behalf of the Board of Selectmen for his outstanding performance and dedication. The audience and Selectmen applauded.

Licenses - Vote to approve estimated temporary increased population of Wellfleet: 30,000

MOTION 215-391: Murphy moved and Bruinooge seconded to approve the estimated 30,000 temporary increased population of Wellfleet. The motion passed 4-0.

Public Hearing(s)

At 7:05 pm Pilcher opened the public hearing on amending the Town of Wellfleet Shellfishing Rules and Regulations by adding section 7.18.7: Conditions for Overwintering Gear on Licensed Areas. Shellfish Constable Andrew Koch explained the process that took place in coming up with the proposed regulation change and recommended it. Pilcher wanted to find out more about the penalty provisions and asked if there was any consideration for imposing a fine. Koch answered the question by saying that based on his experience fines do not work. Wilson clarified that because the terms of the agreement form will be included in the Shellfishing Rules and Regulations it will be enforceable as allowed in section 11.

MOTION 215-392: Bruinooge moved and Wilson seconded to amend the Town of Wellfleet Shellfish Rules and Regulations by revising sections 7.18.4 and 7.18.5, to amend the table of contents to reflect changed section headings and to add a form of agreement as Exhibit D. The motion passed 4-0.

Pilcher closed the public hearing at 7:10 pm.

Appointments

Joint meeting with the Library Trustees to appoint Susan Quigley as a Library Trustee with term ending Annual Town Election 2016. Library Trustees present: Reatha Ciotti, Chair, Jane Baron, Martha Gordon and Dian K. Reynolds.

MOTION 215-393: Wilson moved to appoint Susan Quigley to Library Trustees with term ending at the Annual Town Election 2016. Bruinooge seconded and the motion passed by a roll call vote where Murphy, Bruinooge, Pilcher, Wilson, Ciotti, Baron, Gordon and Reynolds said "Aye".

The Library Trustees left after this vote and the joint meeting was deemed to be adjourned.

Nomination of Wellfleet Representative to the Cape Cod National Seashore Advisory Committee
Pilcher read the names of all applicants that have expressed desire to serve as Wellfleet representative to the Cape Cod National Seashore Advisory Committee: Lilli-Ann Green, Jeff Tash, Kathleen Bacon, Steven Larsen, Edward Simpson and Barbara Taylor. All were present for interviews except for Barbara Taylor who has just applied. The Selectmen decided to give an opportunity to all attending applicants – Green, Tash, Bacon, Larsen and Simpson to present their interest to serve on the Commission, but deferred decision to the meeting on December 15 in order to give an opportunity to Barbara Taylor to attend and express her interest. Wilson wanted to know if the applicants will be interested to serve as alternates, if the alternate position becomes available. They all indicated interest to serve as an alternate in the event that Green was appointed as representative. Terkanian explained that the Selectmen nominate the Wellfleet representative, but the Department of the Interior makes the appointment.

Appointment of the Town Treasurer Rosemary Moriarty as Wellfleet representative to the Cape Cod Municipal Health Insurance Group

MOTION 215-394: Bruinooge moved and Murphy seconded to appoint Rosemary Moriarty as Wellfleet representative to the Cape Cod Municipal Health Insurance Group to June 30, 2017. The motion passed 4-0.

Mayo Creek Restoration Committee update and grant proposals

John Riehl, Chair of the Natural Resources Advisory Board (NRAB) and Mayo Creek Restoration Committee talked about work and studies that have taken place about dredging the Harbor. He said that NRAB is willing to help into procuring funding for dredging, but they would need allies such as ad hoc committee and the help of the Harbormaster. Pilcher said that Riehl and Hitchcock are welcome to join the Harbor Dredging Committee's meeting on December 9. Murphy thanked Riehl and Hitchcock and offered support in any way. Riehl next gave an update on the status of the Mayo Creek Restoration Project. He talked about integrated notice of intent and the proposed duck bill removal trial. The alternate procedure for controlling the ground water is to lower the mean tide level of the estuary by having a larger culvert at lower elevation and a tidal control gate in order to eliminate negative consequences. Riehl concluded the discussion by saying that the Committee is currently making efforts to fund the project.

Terkanian said that there was an advertised public hearing about a request for a business license amendment for Winslow Tavern which did not appear on the agenda and asked the Selectmen to continue the public hearing to December 15, 2015.

MOTION 215-395: Murphy moved and Wilson seconded to continue the public hearing for the requested business license amendment for Winslow Tavern to be continued to the meeting on December 15, 2015. The motion passed 4-0.

Cape Cod National Seashore (CCNS) Comprehensive Shorebird Management Plan

George Price, Superintendent of the CCNS, Assistant Superintendent Kathy Tevyaw and Mary Hake were present to speak about the proposed CCNS Shorebird Management Plan. Price expressed his sorrow for the passing of Tom Reinhart, acknowledged his service and spoke very highly of him. Hake gave a presentation on the CCNS Shorebird Management Plan and said that the public commentary period has been extended to January 11, 2016. The presentation outlined the timeline of the plan, the need for the project and the available four alternatives for the proposed plan to manage shorebird predators. Details are available at <http://parkplanning.nps.gov/CACO>. Wilson wanted to clarify the process of submitting comments online and by mail and requested that the CCNS provide a link for online commentary easily accessible on their home page. Price explained the current public comments process for the proposed Comprehensive Shorebird Management Plan and answered questions raised by Wilson and Hugh Guilderson about how crows are being subsidized by humans. Pilcher wanted to

know if removing the garbage off the beaches would solve the issue rather than poisoning the crows. Wilson urged the CCNS to consider managing the species by focusing on people, including those who leave garbage on beaches, rather than using chemicals to control predators. The discussion concluded without any action taken by the Selectmen. The Selectmen will consider offering comments during their December 15, 2105 meeting.

Snow & ice removal from private ways – Proposed standards and review of requests to date

Pilcher said that this discussion is as a result of a MOTION 215-370 that was voted by the Board on November 10, 2015 and referred to the TA's memo¹ outlining the four factors that should be considered for plowing private roads. Bruinooge supported approving the recommended four factors. Discussion ensued. Wilson said that the existing policy is a good policy because it allows the DPW to make a judgment call and did not want to lose it based on her discussion with the former Fire Chief Daniel Silverman. Terkanian clarified that the decision to plow private roads is within the purview of the Selectmen. Wilson wanted to know if there was any time limit for submitting requests. Pilcher explained that this will be an ongoing process. Wilson suggested taking into consideration previous requests received by the Selectmen and volunteered to go through the folder to see if there are previous requests of similar nature. Terkanian did not support the idea of going back many years back because the requests may no longer be valid. Pilcher said that a decision on these requests will be made on December 15, 2015 pending a recommendation by the DPW director

Eversource right-of-way-vegetation management: POCCA's request for lobbying & litigation support

Laura Kelley, Director of POCCA presented three requests to the Selectmen:

1. To support bill 478 introduced by Dan Wolf.
2. Asked the Board to write a letter similar to the one the Selectmen signed last year regarding the Eversource vegetation management yearly operation plan.
3. Asked the Selectmen for litigation support in the case of POCCA and several abutters against Eversource. Kelley spoke about neighboring towns participating in the case. She said that the first step for this process will be to have the pro bono lawyer representing POCCA talk to Wellfleet's counsel. More information on the POCCA's efforts are available online at www.pocca.org.

MOTION 215-396: Bruinooge moved to write a letter in support of the Bill 478. Wilson suggested including the letter of the Conservation Commission and seconded. The motion passed 4-0.

No action was taken by the Selectmen on the other two requests, but the Selectmen agreed to revisit them in January after both attorneys have had a chance to talk.

Discussion of possible reuse of funds from repaid Community Development Block Grant loans

Pilcher presented a memo² from Bailey Boyd Associates in regards to CDBG program income money received and said that the current balance is \$170,012. According to the memo it is up to the Selectmen's to propose a plan for allocating the program income and present it for approval by the DHCD. The memo outlined several options for money allocations. Alice Boyd will be able to attend a meeting in January to provide further information on options for using these funds. Wilson suggested involving the Housing Authority. The discussion concluded with no action taken by the Selectmen.

Possible requests from the Cultural Council and Wellfleet Chamber of Commerce for economic development funds

Pilcher introduced the idea of reviving the Economic Development Fund allocation. Michelle Olem, Co-Chair of the Cultural Council talked about funds and grants available for cultural district development. She gave examples of people who have benefitted from Cultural Council grants. Pilcher expressed concerns about losing young population due to lack of housing and business opportunities. The discussion concluded with no action taken by the Selectmen.

Discussion of inspection fee policy for non profits

Terkanian presented his memo³ Inspection Fees for Nonprofits and explained that businesses and non profits are charged for inspection fees in order to license them and to allow them to operate. He said that currently there is no mechanism for waiving fees for non profits in the Policy. The concerned party – Dorothy Dolan was present on behalf of Our Lady of Lourdes. She had concerns about the licensing fee charged for operating the church kitchen. She went over contributions of local churches made to the community. Dolan asked on behalf of the four churches in Town for waiver of the \$70 business licensing fees for food service permits. Bruinooge said that the churches do all these community services as part of their mission, but waiving fees for non profits will set a precedent that may reflect negatively on the Town's budget. Pilcher wanted to know how many non profits are in Wellfleet, what kind of fees they pay and what kind of impact waiving fees for non profits would have on the Town's budget in order to make a decision. Terkanian advised that waiving fees to churches only may impose government support of religion. Wilson said that this small fee grants an official inspection and approval. Murphy raised a question about the property tax exemptions for churches. Dolan gave examples how neighboring towns handle church kitchen permitting.

MOTION 215-397: Wilson moved to continue with the current practice of charging churches the existing fee schedule for inspections for food service permits. Further discussion ensued. Murphy seconded. The motion passed 3-0-1 (Pilcher abstained).

Updated Recreation Department Fees for 2016 – deferred to a future meeting pending advertisement for public hearing.

Initial presentation and discussion of Town Administrator's FY 2017 budgets

Terkanian gave a general overview of the FY 2017 budget challenges as a result of the raising cost and the limitations imposed by Proposition 2 ½. He referred to his memo⁴ detailing recommended Other Post Employment Benefits contribution, stabilization fund allocation, estimated free cash and the areas of the budget where the Town has no control such as the Nauset Regional School District, the Town share of employee medical benefits, retirement contributions, property liability insurance and worker's comp premiums. Terkanian explained that the budget can be made to fit the Proposition 2 ½ but this would mean some combination of significant program cuts, depleting reserves or failing to make progress addressing unfunded liability issues. He went over the second memo⁵ – Analysis of the Town Administrator's Fiscal 2017 Operating Capital and Enterprise Budgets. He said that the current budget request is \$159,759 above Proposition 2 ½. He explained that the full time Building Inspector and 13th Police Officer are not included in the FY 2017 budget calculations. On December 15, 2015 there will be a joint meeting with the FinCom where the Police, Fire, DPW, Water and Marina departments will present their requests. The Superintendent of the NRSD and the school committees will present theirs on January 12, 2016. Bruinooge said that she had identified items that could be eliminated and that the 13th officer could go on the ballot again as an override question and other budget lines that could be discussed in a future budget meeting. Pilcher raised concerns that services should not be compromised when other potential sources of revenue could be identified. Bruinooge said that maybe it is time to request an override. Wilson agreed that there are services and items that cannot be avoided, but there may be areas where needs can be met by charities and other private entities and suggested going line by line to identify possible cuts. Murphy said that this has been long coming and if the approach to the budget is changed the problems may be solved. He agreed with Wilson on the idea of going line by line over the budget requests, in order for the Selectmen to do their due diligence. Terkanian agreed with the Selectmen and said that the budget issues could be summarized as a choice between reducing the scope of services to those which current revenues can support or seeking additional revenues to support desired services. The discussion concluded with no action item.

Approval of 2016 Board of Selectmen meeting calendar

Pilcher requested changing the January 26, 2016 meeting to January 19, 2016. Wilson requested checking the calendar to make sure that no meetings fall on a major Jewish holiday. The proposed calendar will be back on the agenda for December 15, 2015.

Discussion of possible areas of inter-municipal cooperation

Pilcher introduced potential areas for inter-municipal cooperation such as CDBG sharing and affordable housing assistance. Terkanian talked about the limitations and benefits of shared employees and equipment. No action was taken by the Selectmen on this matter.

Town Administrator's request⁶ to carryover unused vacation leave

MOTION 215-398: Bruinooge moved to allow Terkanian to carry over his vacation leave exceeding the allowed five days. Murphy seconded and the motion passed 4-0.

Contract award for Police Station renovation for Owner's Project Manager

Terkanian recommended Pomroy Associates for the Police Station renovation Owner's Project Manager based on a competitive RFP process, finalists interviewed by the Police Station Design Selection Committee and checked references.

MOTION 215-399: Murphy moved and Bruinooge seconded to award the contract for Police Station renovation for Owner's Project Manager to Pomroy Associates.

Town Administrator's Report⁷

Future Concerns

Pilcher requested having an executive session for the TA position vacancy. Terkanian said that this may not be permissible under the allowed purposes for executive session. Pilcher asked to have this matter on the agenda for January 12, 2016. CCNS Advisory Committee appointment, Shorebird Management Plan comments and snow plowing of private roads requests will be on the next agenda.

Correspondence⁸ and Vacancy Report⁹

Minutes

MOTION 215-400: Wilson moved and Murphy seconded to approve the minutes¹⁰ of November 24, 2015 with corrections. The motion passed 4-0.

Adjournment

MOTION 215-401: Wilson moved and Murphy seconded to adjourn the meeting at 9:36 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ TA's memo on snow plowing criteria for private roads

² Bailey Boyd Memo on CDBG program income reuse dated December 3, 2015

³ TA memo on Inspection Fees for non profits dated December 1, 2015

⁴ TA memo on FY 2017 Budget proposal dated December 3, 2015

⁵ Analysis of the Town Administrator's Fiscal 2017 Operating Capital and Enterprise Budgets

⁶ Town Administrator's request to carryover unused vacation leave

⁷ TA Report of December 3, 2015

⁸ Correspondence Report of December 8, 2015

⁹ Vacancy Report of December 3, 2015

¹⁰ Draft minutes of November 24, 2015