



**Wellfleet Board of Selectmen
Minutes of April 12, 2016
Wellfleet Senior Center**

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

Regrets: Paul Pilcher

Chairman Dennis Murphy called the meeting to order at 7:00 pm.

Announcements, Open Session and Public Comment

- Terkanian announced: 1) The Assembly of Delegates vacancy as a result of the resignation of Ned Hitchcock will be effective April 22 and needs to be filled no later than May 10.; 2) Absentee Ballots for the Annual Town Elections are available at Town Hall; 3) Candidates Night sponsored by the Wellfleet Forum will be on April 13 at 7 PM at the Council On Aging.; 4) Friends of Herring River will hold an informative session on April 14 at 7 PM at the Council On Aging; 5) The Moderator's guidelines for 2016 Annual Town Meeting slides are posted online.
- Chief Fisette announced: 1) An event by the Independence House for victims of Sexual Abuse will be held on April 15 from noon to 5 PM at the Library. 2) The new and improved Police Department web site is up and running and encouraged everyone to visit it at www.wellfleetpd.org
- Curt Felix announced that he had attended a meeting with MEMA and FEMA about harbor dredging and oyster propagation. After the meeting MEMA had suggested for the Town to put a grant application which may potentially provide \$5-\$6M in grants for Harbor dredging.
- Moderator Dan Silverman explained the guidelines for Town Meeting presentation slides.

Public Hearing(s)

Murphy opened the public hearing(s) at 7:05 pm.

Proposed Fee increases of the Shellfish Department (*continued from March 22, 2016*)

The Shellfish Constable was attending another meeting and was not present for the hearing. Wilson felt that the increases to the fees are modest. Bruinooge recused herself.

MOTION 215-527: Houk moved and Wilson seconded to approve the Shellfish Department fees as presented. The motion passed 3-0-1 (Bruinooge).

Request for change of Manager of Slackman, Inc., dba Pearl Restaurant

Alison Hester presented the request for change of Management of Slackman, Inc. dba The Perla Restaurant.

MOTION 215-528: Houk moved and Bruinooge seconded to approve the request for change of Manager of Slackman, Inc., dba Pearl Restaurant from Kristi Wageman to Alison Hester. The motion passed 4-0.

Appointments/Reappointments

Marianne L. Nickerson to Town Collector

MOTION 215-529: Wilson moved and Bruinooge seconded to appoint Marianne L. Nickerson to Town Collector with term ending June 30, 2018. The motion passed 4-0.

Miriam Spencer to Board of Water Commissioners

Miriam Spencer presented her interest to serve as Water Commissioner. Wilson said that there is a conflict of interest that will be ongoing – Miriam Spencer is a customer of the Wellfleet Municipal Water System and less than 10% of the Town's residents are connected to the System, which creates a conflict that according to the State Ethics Commission gives rise to an ongoing conflict of interests.

MOTION 215-530: Houk moved to appoint Miriam Spencer to Board of Water Commissioners (BWC) with term ending June 30, 2018 and continue as secretary to the Board of Waters until a new secretary is hired. Murphy seconded the motion and discussion ensued. Bruinooge said that there is also a conflict of interest as a hired employee under the same Board. Terkanian said that the Town Counsel's opinion did not cover Spencer's connection status to the water system, because it has not been part of the opinion. Wilson responded to this comment and referred to the Conflict of Interest Law. Jeanne Machlauchlan asked if any other commissioners are connected to the System. Wilson said that Ms. Spencer can speak freely as a secretary and clerk to the BWC. Felix spoke about the conflict of interest as a salaried employee. Justina Carlson, Chair of the BWC recognized the service of Spencer as an excellent clerk and secretary and said that there is a lot of work remaining to be done, where Spencer can be of assistance. According to Carlson the appearance of the conflict of interest is a strong obstacle and for this reason she did not support the appointment. Spencer said that speaking as a secretary is contrary to the Parliamentary Procedures and she has been cleared by Town Counsel's opinion. Murphy said that it appears that the vote may be split and suggested that Spencer may want to come back when the Board of Selectmen has five members to avoid failing motion with a split vote. Houk withdrew his motion and Murphy withdrew his second.

SPAT OysterFest request for October 15, 2016 and October 16, 2016

Michelle Insley presented the SPAT request for 2016 Oystefest. Murphy said that the application has not been cleared by the Community Services Director Suzanne Grout Thomas and suggested postponing it until she returns from vacation and has a chance to review it. Insley expressed interest to have parts of the application reviewed, so SPAT can make a progress toward the event logistics. Discussion ensued about cost of transportation for buses, dates and times of the requested use of Town property and parking arrangements for Town employees. Insley said that there are no significant changes, but expressed preference to have all parking prohibited in the Town Hall parking lot on the Thursday and Friday before Oysterfest. Murphy wanted to know if alternative parking arrangements for Town staff have been made. Terkanian said that typically staff has parked on Main Street. He also explained that usually a Memorandum Oof Understanding is done to document the the exact venues and services provided and expected by the Town and the Town's cost. Insley discussed the change of proposed fees to be charged and explained that there will be a waiver of admission fee for Wellfleet residents. The Board discussed the requested extension of the area for activities down West Main Street to Howland Avenue. Houk wanted to know if there is a plan for dealing with private property owners. Chief Fisette spoke about the commercial nature of Main Street, but said that extending the event activities beyond West Main Street will cause interference with private residences. Insley said that the idea of the extended area is in attempt to distribute the crowds more evenly. Murphy said that he likes to see consent letters signed by the individual owners and presented to the Board by SPAT at the next meeting at which the application is reviewed. Houk said that the property owners should be made aware of the traffic implications. Janet Reinhart wanted to know if Briar Lane will also be closed. Wilson said that she prefers the more concentrated event on one place rather than extending the area. The transportation, the extended area of use and the requested consent letter signed by affected owners will be discussed at the next Board's meeting.

Tara Conklin to use Mayo Beach on August 13 from 3:30 pm – 5:00 pm for a wedding ceremony
MOTION 215-531: Bruinooge moved and Wilson seconded to approve the request of Tara Conklin to use Mayo Beach on August 13, 2016 from 3:30 pm – 5:00 pm for a wedding ceremony; Application fee paid; event fee due \$100. The motion passed 4-0.

Approval of proposed letter on electric supply grid modernization

Energy Committee Chair Dick Elkin and Maggie Downey of Cape Light Compact presented the request for approval of proposed electric supply grid modernization letter. Downey said that this will be paid by all rate payers.

MOTION 215-532: Wilson moved and Bruinooge seconded to authorize the vice chairman to sign the requested letter on electric supply grid modernization. The motion passed 4-0.

Reconsideration of filing deadline in Food Truck Licensing Regulations

Terkanian explained the need for the deadline reconsideration for the Food Truck Licensing Regulations. Curt Felix urged the Selectmen to reconsider inserting “on case by case” language. Wilson went over the reasons why the deadline was set based on last summer’s experience. Bruinooge agreed with Wilson and said since this is the first year it is considered a “test year” and will have the possibility for revision next year. Murphy said by not doing the proposed change the Selectmen are giving up revenue for use of town property. Houk agreed with Murphy and said that some flexibility should be considered. Janet Reinhart said that the situation is similar to restaurant changing ownership in the middle of the summer and supported the idea of inserting “on case-by-case” language. Bruinooge said that she has been convinced to change her mind about inserting “on case-by-case” bases and see how it goes.

MOTION 215-533: Wilson moved and Houk seconded to strike the sentence that imposes the April 15 deadline. The motion passed 4-0.

Moderator’s request for awarding five resident beach stickers by random drawing at the end of town meeting

MOTION 215-534: Houk moved and Bruinooge seconded to approve the Moderator’s request for awarding of five resident beach stickers after the end of Town Meeting. The motion passed 4-0.

Town Administrator’s Report¹

Future Concerns

- Houk shared complains about political signs at Town Hall lawn. Terkanian will research it and get back to the Selectmen.
- Wilson wanted to know if all updated BOS policies are posted online.
- Wilson suggested a possible Selectmen meeting on May 3, 2016 to interview TA finalists and asked of the Board’s opinion on partially covering finalists travel expenses in excess of \$50 for the second interview. Bruinooge and Murphy disagreed with having travel expenses covered.
- Wilson made the Board aware of correspondence from Jean Maclauchlan about the fact that a good number of aquaculture licensees had not submitted their Annual Reports by February 28 deadline.

Correspondence² and Vacancy³ Report

Wilson – Conservation Commission correspondence about culch permitting for areas inside the Park.

MOTION 215-535: Bruinooge moved and Murphy seconded to approve the Minutes of March 15, 2016⁴. The motion passed 4-0.

MOTION 215-536: Wilson moved and Houk seconded to approve the Minutes of March 22, 2016⁵ with revisions by Wilson. The motion passed 3-1 (Bruinooge).

Executive session

Murphy read the purpose of the executive session and stated that discussing these items on open session may have a detrimental effect:

- A. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct contract negotiations with nonunion personnel (Department of Public Works Director.) [TA]
- B. To discuss strategy with respect to collective bargaining with Wellfleet Employees Association Units A, B & C, Permanent Fire Fighters, Teamsters Union and Communicators Union. [TA]
- C. Approval and consideration of public release of minutes from previous executive sessions.

Murphy also stated that the Board may reconvene in open session for possible vote to approve contract of employment for the Director of Public Works.

MOTION 215-537: The Selectmen took a roll call vote all saying “Aye” to enter in executive session at 9:10 pm for the above stated reasons and to possibly go back to open session.

The Board reconvened in open session at 9:57 pm, but did not have any other actionable item.

Adjournment

MOTION 215-538: Wilson moved and Bruinooge seconded to adjourn the public meeting at 9:57 pm. The motion passed 4-0.

Respectfully submitted,
Michaela Miteva, Executive Assistant

¹ Town Administrator’s Report of April 8, 2016

² Correspondence Report of April 12, 2016

³ Vacancy Report of April 8, 2016

⁴ Draft minutes of March 15, 2016

⁵ Draft minutes of March 22, 2016