

**Wellfleet Board of Selectmen  
Minutes of the Meeting of October 22, 2013  
Council On Aging Building, 7:00 p.m.**

**Present:** Berta Bruinooge, Jerry Houk, John Morrissey, Dennis Murphy, Paul Pilcher; Town Administrator Harry Sarkis Terkanian.

Chair Berta Bruinooge called the meeting to order at 7:00 p.m.

***Announcements, Open Session and Public Comment***

- Pilcher announced that the Wellfleet Housing Authority will hold one more workshop on applying for Rental Assistance at the Wellfleet Public Library on Tuesday, October 29, 2013 at 7:00 p.m.
- Houk suggested that the BOS send retired DPW employee Scott Ellis a letter of appreciation for 39 years of service to the Town.
- Suzanne Grout Thomas announced that the Community Bonfire concluding the 250<sup>th</sup> Anniversary celebration would be held at 6:00 p.m. at Mayo Beach.
- From the audience, Wellfleet resident Harry Rubenstein supports the pending construction of affordable housing units in Wellfleet but would appreciate greater detail upfront in the bid process, including the number of units and engineering specifications.
- Terkanian announced that the Designer Services responses for the Baker Field restroom project were due on October 15, 2013. One response was received. The application will be reviewed by the designer selection committee on October 23, 2013.
- DPW Director Mark Vincent thanked Scott Ellis for his service to the Town. He also thanked residents for their patience with various paving projects throughout Wellfleet this fall.

***Appointments***

**Motion 14-0073:** Pilcher moved to appoint Susan E. Nielsen to the Citizens Economic Development Committee for a one year term ending 6/30/14. Murphy seconded the motion and it passed 5-0.

***Business***

**Presentation from Richard Sullivan from Powers and Sullivan Town Exit Audit**

Richard Sullivan from Powers and Sullivan gave a presentation on the Town Audit<sup>1</sup>. Sullivan noted that the Town Accounting Office and Treasurer were well prepared and responsive to the audit. The general ledger is being posted correctly and overall it was a consistent, appropriate “good clean audit” with no internal issues to report. Revenues were up, mostly from the car excise tax, and the Town was 1.3% under budget. The Town realized a profit of approximately \$183,000. Sullivan was pleased to report that it was the 4<sup>th</sup> consistent profitable year for the Town, that there is a stable reserve fund and the Water Enterprise Fund is supporting its debt service. The Marina Enterprise Fund reserve took a loss and Sullivan suggested that perhaps the Town should increase rates on the slips to make up for the depleted reserve fund. The Town’s debt service is about 8.25%. Sullivan advised maintaining a level of around 8% as it signals to rating agencies that the Town is closely monitoring its debt service.

Sullivan reviewed eight prior comments from last year’s audit that are either resolved or partially resolved. Of the new action items, Sullivan thinks addressing the Disaster Recover Plan is the most important. He also thinks that all associated costs, including pensions, should be absorbed into the Enterprise Funds. Sullivan also recommends that the Town should think about hiring a fraud risk assessment consultant.

***Public Hearing(s) [7:30]***

**Tax Rate Classification Hearing**

Chair Bruinooge opened the public hearing to discuss the local public tax levy for Fiscal Year 2014. Assessor Nancy Vail came forward to explain that the Board of Assessors recommends a single tax rate.

Vail explained three other options<sup>2</sup>. The Residential Exemption, a provision in state law that allows exemptions up to 20% for domiciled tax payers. The Board of Assessors does not recommend this option. The next option is the Open Space Exemption. The Board of Assessors recommends no action. Option three is an exemption for small businesses. Pilcher would like to encourage small business in Wellfleet and asked to see the data regarding option three. The Selectmen asked Vail how much advance time she would need to implement another tax rate option and Vail responded about six months. Morrissey wants to consider other options for discussion in the spring. Bruinooge would like to revisit the tax exemption options at a BOS meeting after Town Meeting in April.

Vail said that as a part of setting the tax rate, the actual property tax levy will be \$347,954.62 less than the levy limit.

**Motion 14-0074:** Pilcher moved to approve the Residential Factor with a numeric value of 1. Morrissey seconded the motion and it passed 5-0.

### **Special Event Liquor License**

**Motion 14-0075:** Houk moved to approve the application from the Wellfleet Chamber of Commerce for a one day Beer and Wine License on Saturday, October 26, 2013 from 5:00-11:00 p.m. at the Wellfleet Council On Aging. Murphy seconded the motion and it passed 5-0.

### **Shellfish Propagation Zones**

Bruinooge opened the discussion by thanking Curt Felix, Vice Chair of the Comprehensive Wastewater Management Planning Committee and Wellfleet representative to the Cape Cod Water Protection Collaborative and Technical Committee, for all of the work he does on behalf of the Town. Felix is seeking approval from the Board of Selectmen to apply, on behalf of the Town, for Division of Marine Fisheries (DMF) approval to establish and manage 7 oyster propagation zones in Wellfleet Harbor. The areas have been approved by the Conservation Commission and will have no adverse impact on navigation. Establishing older stock will help to improve biodiversity, water quality, and storm surge and erosion protection. It will also help increase commercial shellfishing stock and create a breeding habitat to recover fishing stocks. Morrissey asked if there was feedback from the commercial shellfish community. From the audience, Helen Miranda Wilson said this is positive steps but thinks enforcement will be an issue and suggested “beefing up” the Shellfish Department. Felix said there should be signage in place to identify the propagation zones and a camera system installed that will monitor the sites and capture infractions.

**Motion 14-0076:** Murphy moved to approve the Town of Wellfleet’s application to the Division of Marine Fisheries to establish and manage 7 oyster propagation zones in Wellfleet Harbor. Houk seconded the motion and it passed 5-0.

### **Review of PAYT implementation plan**

Terkanian reviewed a memo he prepared for the Selectmen about the PAYT implementation plan for the December 1, 2013 launch date<sup>2</sup>, including PAYT FAQs<sup>3</sup> which are posted on the Town website. Lydia Vivante from the Recycling Committee also asked the Selectmen to approve a PAYT tax insert<sup>4</sup> that lists bag sizes and pricing, as well as a list of local retailers that will carry Wellfleet’s PAYT bags. Bruinooge requested that all PAYT documents be available at Town Hall and the Council On Aging as well as online. Morrissey asked about the grant that will provide funds for educating the public about PAYT. Vivante said that the Recycling Committee hopes to hear about a grant award by Thanksgiving. Terkanian told the Selectmen that the DPW will pay for additional employees from the seasonal staffing budget for the Transfer Station but the budget line may need to be “refreshed” in the spring depending on the success of the PAYT roll-out. Pilcher said he was glad that initially there would be PAYT bags would be available at the Transfer Station and staffing at the Transfer Station increased from 3 to 5. Morrissey suggested keeping extra boxes PAYT bags at Town Hall as well.

From the audience, Suzanne Grout Thomas said that if citizens experience any financial hardship purchasing the bags, people should contact Health Agent Hillary Greenberg-Lemos. Helen Miranda Wilson said that she was concerned about retailers, specifically the cost of the bags and where they would be sold. Terkanian said

that a list of retailers would be on the tax insert and available on the Town website. WasteZero, the company providing the bags, are not permitted to mark up the bags nor are the retailers selling the bags. Terkanian clarified that the profits gained from the sale of the bags go straight to Town funds. Commercial haulers are not exempt from using the PAYT bags and all commercial haulers must provide trash and recycling bins for one price. The effectiveness of this policy will be reviewed after a few months. Murphy ended the discussion by saying that everyone in the community should spend their energy fixing any problems that arise to make PAYT a success in Wellfleet.

**Motion 14-0077:** Pilcher moved to approve the Town of Wellfleet's PAYT tax insert in the fall tax bill. Morrissey seconded the motion and it passed 5-0.

### **Filling DPW vacancies**

Terkanian reviewed the open positions left by the Scott Ellis retirement and Joe Dockray departure from the Department of Public Works. Both positions are funded. The Selectmen agreed that DPW vacancies should be filled.

### **OysterFest post-event discussion**

Police Chief Ron Fisette opened the discussion by saying that OysterFest 2013 went very well. There were no issues with the ticketing queue and minimal parking issues. From Fire Chief Pauley's perspective, OysterFest "went off without a hitch." Pauley noted the excellent working relationship among the Police, Fire, SPAT and outside security. Terkanian reviewed a memo listing several observations resulting from OysterFest<sup>5</sup>. Murphy asked DPW Director Mark Vincent for his perspective on the event. Vincent said the DPW hooked up the generator, water service and was just as involved with the clean up for the event as the set up, which was a "fair amount of work." Vincent is keeping track of staff hours, materials and equipment utilized for OysterFest. From the audience, Don Thimas thanked the DPW for moving in all of the picnic tables and saw horses. Curt Felix commented that oyster shells were recycled at the event for use in the propagation project, removing 40% of the waste stream generated from the event.

### **New Bedford Waste Services contract amendment**

**Motion 14-0073:** Pilcher moved to approve the amended contract with New Bedford Waste Service with the Town of Wellfleet. Murphy seconded the motion and it passed 5-0.

### **Review of BOS goals**

Pilcher reviewed the current list of approved BOS goals<sup>6</sup>. Priorities on the list include the Harbor dredge, which will be discussed at a future BOS meeting; the Harbormaster/Shellfish buildings are being reviewed as a whole waterfront operation by Assistant Town Administrator Tim King and the Building and Needs Assessment Committee; Pilcher and Houk, working in cooperation with the School Committee, are sending a letter out to Wellfleet parents of 2-3 year olds to see if they are interested in free pre-school. Murphy asked to put #10 on the agenda for a future BOS meeting regarding water system connections. Pilcher gave the BOS a B for efforts toward achieving goals.

### **Revisit signage on Town Hall lawn**

Terkanian reviewed his recommendations for allowable signage on the front lawn of Town Hall<sup>7</sup>. The Selectmen agreed that no signs shall be allowed on Town Hall lawn unless it is a Town-sponsored event. The issue of allowing additional signs by not-for-profit organizations as outlined in Terkanian's memo (no more than six Administration approved sandwich board signs at a time for Town and not-for-profit organization events with no admission fees. There will be a sticker affixed to each sign with an approved start and end date) will be addressed by the Planning Board and a recommendation for a Zoning Bylaw amendment will be presented at Town Meeting in April.

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

Town Administrator Harry Terkanian reviewed the Town Administrator's report<sup>8</sup>, which contained supplementary information on the following issues:

- Terkanian asked the BOS to decide upon a date for the joint BOS/FinCom budget review meeting. The BOS asked for December 11 or 12, 2013. Terkanian will check with FinCom and report back to the Selectmen on a final date.

### ***Future Concerns***

- Pilcher would like to see the following issues addressed at a future BOS meeting: Dredging and using Town Property for economic development incubator sites. He also asked Terkanian to keep the Board apprised of new information on the Cape-wide fertilizer issue and Flood Management Zones.
- Houk would like the BOS to compose a letter to our Congressional delegation regarding the FEMA Flood Maps, specifically asking them to consider extending the deadline to file amendments in order to give communities the opportunity to revisit the issue. Terkanian will also contact the state delegation to see what action is taking place in the Attorney General’s Office. Bruinooge supports the idea of writing to our Federal Delegation to ask for an extension and suggested asking the other Cape towns to join our efforts.
- Morrissey would like to update the Town’s parking fines and discuss a revenue sharing agreement with SPAT.

### ***Correspondence and Vacancy Report***

John Morrissey had prepared the Correspondence Report<sup>9</sup>. A copy was made available for review.

### ***Minutes***

**Motion 14-0071:** Murphy moved to approve the minutes of the July 13, 2013 BOS meeting<sup>10</sup> as printed. Morrissey seconded the motion and it passed 5-0.

**Motion 14-0071:** Pilcher moved to approve the minutes of the October 8, 2013 BOS meeting<sup>11</sup> as printed. Murphy seconded the motion and it passed 5-0.

### ***Adjournment***

#### ***Executive Session***

**Motion 14-0072:** Pilcher moved to go into Executive Session and not come back into public session after the conclusion of the Executive Session. Bruinooge read aloud the purpose for Executive Session:

To discuss strategy with respect to collective bargaining for Wellfleet Police Officers, Permanent Firefighters, Teamsters, Dispatchers and WEA Units A & B or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares.

Murphy seconded the motion. Bruinooge, Houk, Morrissey, Murphy and Pilcher each said yes, and the regular meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

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<sup>1</sup> Powers and Sullivan auditors management sheet for Wellfleet

<sup>2</sup> 2013-10-22 Terkanian memo “PAYT Implementation”

<sup>3</sup> PAYT FAQs posted on [www.wellfleetma.org](http://www.wellfleetma.org)

<sup>4</sup> PAYT tax insert

<sup>5</sup> 2013-10-21 Terkanian memo “Post Event Operations”

<sup>6</sup> 2013-2014 BOS Goals

<sup>7</sup> 2013-10-16 Terkanian memo on Temporary Signs

<sup>8</sup> 2013-10-22 Harry Terkanian Town Administrator’s Report

<sup>9</sup> 2013-10-22 Correspondence Report

<sup>10</sup> 2013-08-13 BOS minutes

<sup>11</sup> 2013-10-08 BOS minutes