



## Board of Selectmen

The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, April 12, 2016 at 7:00 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.

- I. **Announcements, Open Session and Public Comment [7:00]** *Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.*
- II. **Public Hearing(s) [7:05]**
  - A. Proposed Fee increases of the Shellfish Department (*continued from March 22, 2016*)
  - B. Request for change of Manager of Slackman, Inc., dba Pearl Restaurant from Kristi Wageman to Alison Hester
- III. **Licenses/Appointments/Reappointments/Use of Town Property**
  - A. Appointments/Reappointments
    - 1) Marianne L. Nickerson to Tax Collector with term ending June 30, 2018
    - 2) Miriam Spencer or to Board of Water Commissioners with term ending June 30, 2018
  - B. Use of Town Property
    - 1) SPAT OysterFest request for October 15, 2016 and October 16, 2016
    - 2) 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.
- IV. **Business**
  - A. Approval of proposed letter on electric supply grid modernization. [Energy Committee]
  - B. Reconsideration of filing deadline in Food Truck Licensing Regulations.
  - C. Approve moderator request for five resident beach stickers to be awarded by random drawing at the end of town meeting. [TA]
- V. **Town Administrator's Report**
- VI. **Future Concerns**
- VII. **Correspondence and Vacancy Report**
- VIII. **Minutes [March 15 and March 22]**
- IX. **Executive session**
  - 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.
- X. **Reconvene in open session**
  - A. Possible vote to approve contract of employment for the Director of Public Works.
- XI. **Adjournment**



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

[www.wellfleetma.org](http://www.wellfleetma.org)

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## PUBLIC NOTICE

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**April 12, 2016**

### Proposed Fee Increases for FY17

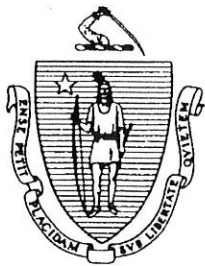
#### SHELLFISH DEPARTMENT

	Current	Proposed FY2017
Recreational - Residential	\$50.00	\$60.00
- Senior Residential	\$10.00	\$20.00
- Non-Residential	\$200.00	\$210.00
- Seasonal Residential	\$30.00	\$40.00
- Seasonal Non-Residential	\$75.00	\$85.00
Commercial - Adult	\$300.00	\$310.00
- Junior	\$100.00	\$110.00
- Senior	\$50.00	\$60.00
Permit Replacement Fee (Non-photo)	\$10.00	\$20.00
Eel Permit	\$3.00	\$3.00
Filing fees per grant/transfer	\$5.00	\$5.00
Shellfish grant - per acre or portion	\$25.00	\$25.00

TOWN OF WELLFLEET  
PUBLIC NOTICE

In accordance with M.G.L. Chapter 138, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday April 12, 2016 at 7:05 p.m. in the Wellfleet Council on Aging to consider the request from Slackman, Inc. dba Pearl Restaurant for a change of Manager from Kristi Wageman to Alison Hester.

WELLFLEET BOARD OF SELECTMEN



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

☐ For Reconsideration

FORM 43  
MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

134800052

ABCC License Number

Wellfleet

City/Town

04/12/2016

Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> New License                  | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License          | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit     | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License       | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |   |

Name of Licensee Slackman, Inc.

EIN of Licensee 261078976

D/B/A Pearl Restaurant

Manager Alison Hester

ADDRESS: 250 Commercial Street

CITY/TOWN: Wellfleet

STATE MA

ZIP CODE 02667

Seasonal

All Alcohol

Restaurant

Granted under Special Legislation? Yes ☐ No ☒

Annual or Seasonal

Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt)

Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

If Yes,

Chapter

Year

**Complete Description of Licensed Premises:**

Consists of a 2 story layout comprising of a first floor dining room, outside deck & bar area with public entrance/egress at the SE corner & the NE corner. First floor deck area is accessed from dining room & provides handicapped access to public space as 2nd NE egress. Second floor outdoor deck area handicapped access to public space as 2nd NE egress. Second floor outdoor deck area with dining tables accessed by a stairway with its access being from the first floor dining area and the kitchen for employees.

Application Filed: Mar 28, 2016

Date & Time

Advertised: Apr 1, 2016

Date & Attach Publication

Abutters Notified: Yes ☐ No ☒

Licensee Contact Person for Transaction Gail Sluis

Phone: 508-776-3291

ADDRESS: PO Box 803

CITY/TOWN: East Dennis

STATE MA

ZIP CODE 02641

Remarks: Change of Manager from Kristi Wageman to Alison Hester

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

ABCC Remarks:





*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

Print Form

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL  
LICENSING AUTHORITY.

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

2958

IF USED EPAY, CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

134800052

LICENSEE NAME

Slackman Inc., dba Pearl Restaurant

ADDRESS

250 Commercial Street

CITY/TOWN

Wellfleet

STATE

MA

ZIP CODE

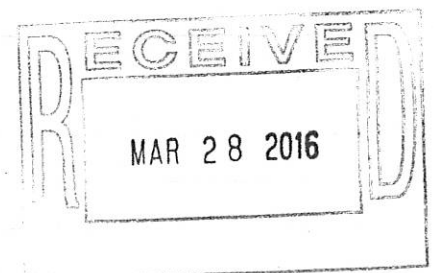
02667

**TRANSACTION TYPE (Please check all relevant transactions):**

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Cordials/Liqueurs Permit       | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Transfer of License        |
| <input type="checkbox"/> Change Corporate Name           | <input type="checkbox"/> Issuance of Stock              | <input type="checkbox"/> New Stockholder      | <input type="checkbox"/> Transfer of Stock          |
| <input type="checkbox"/> Change of License Type          | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Pledge of Stock      | <input type="checkbox"/> Wine & Malt to All Alcohol |
| <input type="checkbox"/> Change of Location              | <input type="checkbox"/> More than (3) \$15             | <input type="checkbox"/> Pledge of License    | <input type="checkbox"/> 6-Day to 7-Day License     |
| <input checked="" type="checkbox"/> Change of Manager    | <input type="checkbox"/> New License                    | <input type="checkbox"/> Seasonal to Annual   |   |
| <input type="checkbox"/> Other                           | <input type="text"/>                                    |   |   |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE  
CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**  
**P. O. BOX 3396**  
**BOSTON, MA 02241-3396**







*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

MAR 28 2016

**MANAGER APPLICATION**

All proposed managers are required to complete a Personal Information Form,  
and attach a copy of the corporate vote authorizing this action and appointing a manager.

**1. LICENSEE INFORMATION:**

Legal Name of Licensee:	Slackman Inc	Business Name (dba):	Pearl Restaurant
Address:	250 Commercial St		
City/Town:	Wentfleet	State:	MA
		Zip Code:	02667
ABCC License Number: (If existing licensee)	134800052	Phone Number of Premise:	508-349-2999

**2. MANAGER INFORMATION:**

A. Name:	Alison Hester	B. Cell Phone Number:	252-573-8254
C. List the number of hours per week you will spend on the licensed premises:	55-60		

**3. CITIZENSHIP INFORMATION:**

A. Are you a U.S. Citizen:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	B. Date of Naturalization:		C. Court of Naturalization:	
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(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

**4. BACKGROUND INFORMATION:**

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, please describe:	working partner of Salubre Restaurant in Hanover, NH
B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please describe:	
C. Have you ever been the Manager of Record of a license that was issued by this Commission?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please describe:	
D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):	
03/01/2015-11/01/2015, Server Beach Shop and Grill, 401 S. Anderson BLVD, Topsail Beach, NC 28445, 910-328-6501	

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

*Alison Hester*

Date

3-10-16

Additional Space

Please note which question you are using this space for.

Question D.

05/15/2014-11/01/2014, Bartender, Paper Canoe, 1564 Duck Road Duck, NC, 27949, 252-715-2220

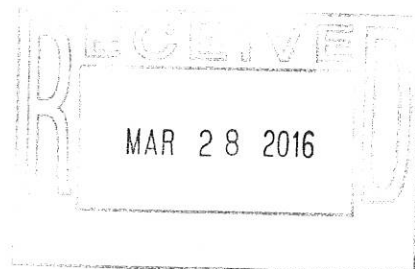
01/01/2011- 03/01/2015, Sales Coordinator, Village Realty, 510 Old Stoney Road, Corolla, NC, 27927, 252-453-9650

04/01/2010-11/01/2013, FOH Manager, Bambinos, 106 Corolla BLVD, Corolla, NC 27927, phone unavailable business sold

06/01/2008-02/01/2010, General Manager/Working Partner, Salubre Trattoria, 3 Lebanon St. Hanover, NH, 03755, phone unavailable business sold

03/01/2006-02/01/2008, FOH Manger, Carpaccio Ristorante, 3 Lebanon St, Hanover, NH, 03755 phone unavailable Salubre bought business

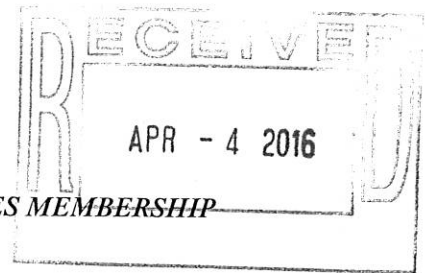
05/01/2005-02/01/2010, Office Manager, Vermont Adult Learning, 225 Maple Street, Suite 6, WRJ, VT 05001, 802-299-2469







**TOWN OF WELLFLEET**  
**APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**



Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail or bring it to:  
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

☐ Name Miriam Spencer Date 4/4/16

Mailing Address 55 E. Commercial St. Wellfleet

Phone (Home) \_\_\_\_\_ (cell) 802-591-2986

E-mail mtspencerma@gmail.com

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: For more than one year now I have worked both as the secretary for the Board of Water Commissioners and as the clerk for the Wellfleet Water System.

☐ Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

- math & teaching - MEd in Curriculum & Instruction
- MEd in Mathematics Education
- training & use in MS Office
- workshop in small water system financing

☐ Committees/Boards of Interest: 1) Board of Water Commissioners  
2) \_\_\_\_\_  
3) \_\_\_\_\_

*Attached is confirmation from Town Counsel that my participation on this board poses no conflict of interest as long as correct procedures are followed as outlined.*

**From:** Brian Riley [mailto:BRiley@k-plaw.com]  
**To:** harry.terkanian@wellfleet-ma.gov [mailto:harry.terkanian@wellfleet-ma.gov]  
**Cc:** Darren Klein [mailto:DKlein@k-plaw.com], Carolyn M. Murray [mailto:CMurray@k-plaw.com]  
**Sent:** Fri, 25 Mar 2016 14:15:40 -0500  
**Subject:** RE: Wellfleet - Conflict of Interest Question

Harry: Darren asked me to follow up with you on the question below. In my opinion, the employee may be appointed to the Board of Water Commissioners and would only need to file the attached written disclosure with the Town Clerk. I would first note that in order to receive confirmation from the State Ethics Commission, I would need to send this as a formal opinion and address it to the employee (who would need to request the opinion) and copy the Ethics Commission. However, this particular question is straightforward, in my opinion. I assume, pursuant to the Town Charter, that the employee's administrative position is filled by appointment of the Town Administrator.

In my opinion, the employee may be appointed to the Board of Water Commissioners ("Board") whether or not the Board is designated as "special municipal employees." As you note, a paid appointed position is only eligible for special employee designation if it involves less than 800 hours per year, or an average of 15 hours per week, so anything above that and the position is ineligible. Prior to the State Ethics Commission adopting some regulations a few years ago, this appointment would have required the Board to be special municipal employees, or otherwise the multiple office holding would have posed a violation of Chapter 268A, §20 which limits one's ability to hold one office and have a financial interest in a "contract" [paid position]. The Ethics Commission enacted the following regulation, however, to make it easier for Town employees to volunteer for an unpaid board:

**930 CMR 6.02(3)(a)**

(a) A public employee, or a person with an existing direct or indirect financial interest in a public contract, does not violate M.G.L. c. 268A, § 7, 14, or 20 by being elected or appointed to an uncompensated position with a public agency at the same level of government, including such a position with the same agency in which the public employee is serving, provided that the employee makes a disclosure as set forth in 930 CMR 6.01(6). Persons acting within this exemption remain subject to the other prohibitions of M.G.L. c. 268A, including, but not limited to, M.G.L. c. 268A, §§ 8A, 15A, and 21A concerning election and appointment by public boards; M.G.L. c. 268A, §§ 6, 13, and 19 concerning self-dealing; and M.G.L. c. 268A, § 23, the standards of conduct.

So if the employee is appointed to the Board, she should immediately fill out the attached disclosure form and file it with the Town Clerk. If needed, here are the Ethics Commission's instructions for §6.02:

<http://www.mass.gov/ethics/disclosure-forms/inst-6-02-uncomp-position-new.pdf>

As an unpaid board, the Board of Water Commissioners may be designated as "special municipal employees" by the Board of Selectmen, but that would not be necessary in this particular case, in my opinion. If there are further questions, please let me know.

Very truly yours,  
Brian Riley

Brian W. Riley, Esq.  
KOPELMAN AND PAIGE, P.C.  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654 1722  
F: (617) 654 1735  
C: (617) 909 9084  
[briley@k-plaw.com](mailto:briley@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)



Wellfleet Select Board  
300 Main Street  
Wellfleet, MA 02660

March 14, 2016

Dear Select Board Members,

Wellfleet SPAT respectfully submits the attached permit applications for the Use of Town property and a two-day Beer and Wine License for the organization's primary fundraising event, the Wellfleet OysterFest, to be held on October 15 & 16, 2016.

The event now attracts over 25,000 attendees to experience Wellfleet's vibrant, coastal community and attractive vacation destination. The 'Fest has become the premiere fall festival on the Cape and provides a venue for shellfishermen, local businesses, the Town of Wellfleet, as well as charitable and environmental organizations to generate awareness and critical end of season revenue. Conservative estimates project that over \$2 million tourism dollars are spent locally during the event.

Proceeds from the 'Fest are directly reinvested back into the community. In 2015 alone, SPAT awarded over \$213,000. Specifically:

- **\$3800** to Mass Audubon Wellfleet Bay Wildlife Sanctuary in support of their 5<sup>th</sup> Grade Coastal Ecology Program
- **\$10,000** to the Nauset Regional High School for an annual college scholarship program
- **\$15,000** toward the Benthic Mapping Study of Wellfleet Harbor
- **\$60,000** to create a Shellfish Loan Program in Collaboration with the Community Development Partnership
- **\$125,000** investment in the Aquaculture Research Corporation the source for 80% of the region's shellfish seed

Wellfleet SPAT is committed to ensuring the sustainability of the 'Fest to maintain this level of giving and community support. To that end, each year slight modifications are necessary in order to maintain a safe, enjoyable visitor experience and cost-efficiency. This year SPAT is proposing the following changes to the permit application:

- Admission will be \$5 pp. per day online in advance and \$10 pp. per day at the gate. No more two-day tickets will be offered.
- Wellfleet residents and non-resident taxpayers will be admitted free of charge with proof of residency.

- Vendors will extend on one side of the street from Main and Bank Streets to Main and Howland Streets, just down from the Wellfleet Public Library, as a way to increase the number of community booths and control traffic flow at the Holbrook/Briar/Main intersection.
- SPAT will relinquish any involvement in town parking or shuttle buses.
- No cars will be allowed to park in the Town Hall lot on Thursday and Friday as it severely hinders set-up. Special cases can be discussed.
- Only a limited number of cars will be allowed in the Town parking lot across from Wellfleet Preservation Hall on Friday for the same reason.

In an effort to remain relevant and support the community, SPAT will hold a few aquaculture grant tours this year. This type of eco-tourism program is very successful in communities such as Duxbury. Grant tours provide an opportunity for visitors to learn more about Wellfleet's unique environment and the often-romanticized shellfishing and aquaculture industries. Beach and Recreation Director, Suzanne Thomas, is very supportive of this program. It is something that the Beach and Shellfishing departments would like to offer but lack the staffing. Educational programs like this are aligned with the SPAT mission and are another way for SPAT to partner with the Town of Wellfleet. Dates and specific details are forthcoming.

On behalf of the Board of Directors for Wellfleet SPAT, I would like to thank the town of Wellfleet for its commitment to this organization and our primary fundraising event, the Wellfleet OysterFest.

Respectfully submitted,

Michele Insley  
SPAT Executive Director



**TOWN OF WELFLEET**  
**APPLICATION FOR PERMIT TO USE TOWN-OWNED PROPERTY**

**Applicant:** Wellfleet SPAT, 501(c)(3) Corporation  
Wellfleet Shellfish Promotion and Tasting, Inc.

**Affiliation or Group:** Wellfleet OysterFest

**Telephone Number:** 508-349-3499  
info@wellfleetoysterfest.org

**Mailing Address:** Wellfleet SPAT  
P.O. Box 2156  
Wellfleet, MA, 02667

**Purpose:**

SPAT is requesting the use of town property to host its annual Wellfleet OysterFest on October 15 & 16, 2016. This two day public street festival is geared to benefit the local community and promote Wellfleet Shellfishing and Aquaculture, the town's primary industry.

**Town Property to be used (include specific area):**

- Town Hall and WPH Parking Lots
- Main Street from Bank St. to Howland St. at the Wellfleet Public Library, inclusive (*please note that vendors booth will be located one side of the street only*)
- Bank Street to Commercial St.
- Approximately 10 spaces in the Mayo Beach Parking Lot will be reserved for cars with a handicap plaque
- Town Hall Conference room for limited use by Event Organizers and Emergency Response Team
- Conference Room on the lower level Town Hall for administrative duties

**Town property dates & hours of use:**

- 12:00AM TUESDAY 10/11/2016 THROUGH 12:00AM TUESDAY 10/18/2016: Town Hall Lot (from North side of Town Hall Building towards Squire's Pond) WILL BE CLOSED TO PUBLIC AND NO PARKING ALLOWED DURING INFRASTRUCTURE SET UP. HANDICAPPED AND ADMINISTRATIVE STAFF PARKING WILL BE AVAILABLE ON TUESDAY AND WEDNESDAY, OCTOBER 11 & 12, 2016.
- 12:00AM THURSDAY 10/13/2016 THROUGH 12:00AM TUESDAY 10/18/2016: All of Town Hall Lot (from Main Street toward Squire's Pond) WILL BE CLOSED AND ABSOLUTELY NO PARKING WILL BE ALLOWED AS CARS SEVERLY IMPEDE SET-UP. *Please note that the handicapped ramp in the rear of Town Hall will be kept free and clear from event equipment during business hours (weekdays, 8am – 4pm) and we will accommodate special parking needs.*
- 12:00AM THURSDAY 10/13/2016 THROUGH 12:00AM MONDAY 10/17/2016: Main St. Parking Lot across from Wellfleet Preservation Hall WILL BE CLOSED AND NO PARKING ALLOWED - TOWING SIGNS POSTED. *Please note that in consideration to Preservation Hall and their programs we will permit limited parking in the lot on Friday afternoon and evening.*
- 3:00AM SATURDAY 10/15/2016 THROUGH 6:00PM SUNDAY 10/16/2016 Main St. inclusive from Holbrook Ave. to Bank St. – NO STREET PARKING. *We request that the Wellfleet Police Department monitor this and tow any cars lot by 5am each morning that have parked overnight in either parking lot or on the street.*
- 9:00AM WEDNESDAY 10/12/2016 THROUGH 5:00PM MONDAY 10/17/2016 – Lower level Conference Room of Town Hall. USED FOR STORAGE AND ADMINISTRATIVE DUTIES
- 7:00AM SATURDAY 10/15/2016 THROUGH 6:00PM SUNDAY 10/16/2016- Town Hall Conference Room USED FOR POLICE, FIRE, SAFETY AND EVENT ORGANIZER HEAD QUARTERS

- SUNDAY 10/16/2016 7:00AM – 11:00AM – 5K ROAD RACE AND KIDS RACE sponsored by the Wellfleet Recreation Department, exact route still to be determined.

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also please indicate if fees will be charged by applicant.

- Wellfleet OysterFest, a two day public street festival, will include food vendors, craft vendors, raw bars, kid's area entertainment, beer and wine, main stage activities and music including the shucking contest, cooking demos at Wellfleet Preservation Hall, educational talks at the public library, walking tours on Cannon Hill, grant tours at the Town Pier and Oyster Restoration site, etc.
- All hand sinks, portable restrooms, fire safety equipment and water located at the event site outlined within the permit application will be provided by SPAT and inspected by town agencies.
- SPAT requests the support of the DPW to prepare event site (by mowing lawns and delivering equipment to be determined at a logistical planning meeting with Town Department Heads and SPAT staff) and cleaning up from event (by picking up specified equipment and sweeping the street and parking lots).

**Fees:**

Admission fee for Adults is \$5 per person per day in advance, \$10 per person per day at the gate and children 12 and under will be admitted free. Wellfleet resident and non-resident taxpayers will be admitted free with proof of residency to be determined among Wellfleet Administration and SPAT staff.

**Permits to be obtained:**

- Building (Tents and stage)
- BOH (Temp Food and Sanitation)
- Electric (Power)

**Additional:**

Planning with all Town Department Heads

Planning with Fire Department and Public Safety - IAP will be in effect.

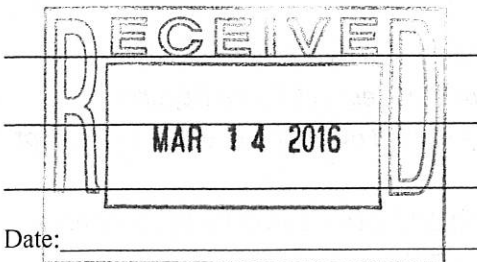
**Action by the Board of Selectmen:**

\_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

**Signatures of the Board:**



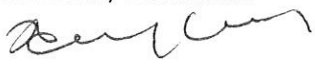
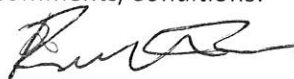
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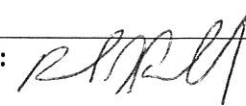
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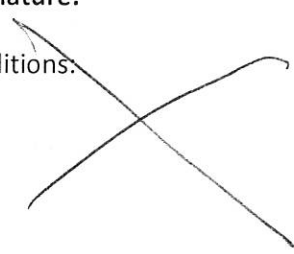
Processing Fee: \_\_\_\_\_

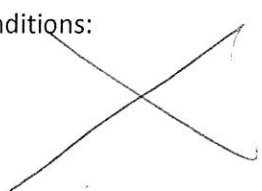
Fee: \_\_\_\_\_

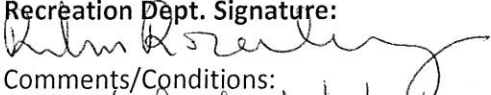
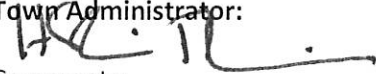
**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Cons. Agent Signature:</b>  <b>Comments/Conditions:</b>  <b>Permits/Inspections needed:</b> TEMPORARY FOOD SERVICE	<b>Inspector of Buildings Signature:</b>  <b>Comments/Conditions:</b>  4-1-16
<b>Permits/Inspections needed:</b> TEMPORARY FOOD SERVICE	<b>Permits/Inspections needed:</b> CHECK WITH ELECTRICAL S&S AND PLUMB & GAS INSPECTOR FOR ANY REQ'D PERMITS

<b>Police Dept. Signature:</b>  3/17/16	<b>Fire Dept. Signature:</b>  3-15-2016
<b>Comments/Conditions:</b> See attached letter	<b>Comments/Conditions:</b> FIRE DEPARTMENT/EMS DETAIL WILL BE REQUIRED AS PAST YEARS

<b>DPW Signature:</b> 	<b>Beach Dept. Signature:</b>
<b>Comments/Conditions:</b> 3/24/16 DPW support pre and post event need to be defined.	<b>Comments/Conditions:</b> 

<b>Shellfish Constable Signature:</b>	<b>Harbormaster Signature:</b>
<b>Comments/Conditions:</b> 	<b>Comments/Conditions:</b>

<b>Recreation Dept. Signature:</b> 	<b>Town Administrator:</b> 
<b>Comments/Conditions:</b> Baker's field lot to be controlled by Rec. Dept as in past years.	<b>Comments:</b> NEED COMMENTS FROM DIA. COMMUNITY SERVICES NOTE SPAT NOT PROVIDING SHUTTLE BUSES SEE POLICE DEPT. MEMO

Town of Wellfleet  
Police Department

March 17, 2016

To: Board of Selectmen  
From: Ronald L. Fisette, Chief of Police

Subject: Oyster Festival - 2016

This year the Oyster fest group is looking to make a couple of changes to the event. We will continue to work with the festival group as we have done in the past.

Possible changes for this year are as follows:

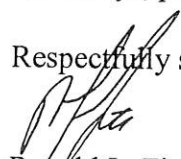
The event area would include West Main Street; from Briar Lane to Howland Lane (Library). This would mean that this section of the road will be shut down to motor vehicle traffic, allowing tents and pedestrian traffic on the road. We would be able to handle the motor vehicle traffic by placing a detail officer at the Howland Lane end and detouring traffic around the closed area. The concern is that homes and businesses within the proposed closed off area would be shut down. I have advised the festival group to do outreach to those affected and attempt to get their support.

The current proposal doesn't include the use of town beaches for satellite parking. In essence this responsibility would be turned over to the town to coordinate, pay for and manage the parking, buses, portable toilets, etc. Satellite parking and the management of festival attendees is an essential part of the event and this includes the referenced shuttle buses, portable toilets, people management, etc. Who is responsible for this part of the event, needs to be defined and understood.

My sign off on the use of property form is conditional on the continued meeting and cooperation with all parties as previous years; assigning police officers, security officers, staff, volunteers, etc and satisfactorily resolving the above referenced changes.

As always, please feel free to contact me if you have any questions or comments.

Respectfully submitted for your information and consideration.



Ronald L. Fisette,  
Police Chief

cc: Michael Hurley, Lieutenant  
Harry Terkanian, Town Administrator  
Michelle Insley, Oyster Fest



**TOWN OF WELLFLEET  
APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY**

Applicant Tara Conklin

Affiliation or Group N/A

Telephone Number 508-349-1195

Mailing Address: PO box 954 S. Wellfleet MA 02663

Email address taraconklin49@gmail.com

Town Property to be used (include specific area) Mayo Beach

Date(s) and hours of use: Saturday August 13, 2016 3:30-5:00 pm

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also please indicate if fees will be charged by applicant.

Daughter's Wedding ceremony, estimated 80 people, set up to include 4-8 benches and an arch.

Describe any Town services requested (police details, DPW assistance, etc.)  
None

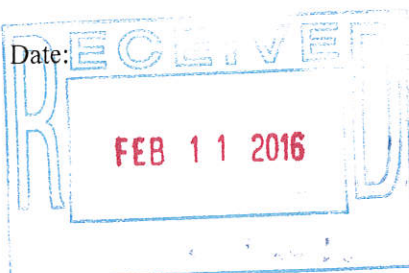
NOTE TO APPLICANTS: All applications must be accompanied by a non refundable \$20.00 processing fee. Applications must be received at least 30 days prior to the first event date to insure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

Approved as submitted

Approved with the following condition(s):

Disapproved for following reason(s):



Processing Fee:

*20.00 paid*

Fee:

(over)

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

Health/Cons. Agent Signature:

*[Signature]*

Comments/Conditions:

OK 2/24/16

Permits/Inspections needed:

Inspector of Buildings Signature:

Comments/Conditions:

Permits/Inspections needed:

*[X]*

Police Dept. Signature:

*[Signature]*

2/11/16

Comments/Conditions:

OK

Fire Dept. Signature:

*[Signature]*

2/16/2016

Comments/Conditions:

OK

DPW Signature:

*[Signature]*  
2/19/17

Comments/Conditions

OK

APPLICANT ADVISED  
HVI →

Beach Dept. Signature:

3/2/16

*[Signature]* Thomas Beaches?

Comments/Conditions:

This time is only on hour after low tide. Beach will be used by Grant Holders. No guaranteed parking.

Shellfish Constable Signature:

Phone okay 3/29

Comments/Conditions:

Harbormaster Signature:

Comments/Conditions:

*[X]*

Recreation Dept. Signature:

Comments/Conditions:

Town Administrator:

*[Signature]*  
\$100

Comments/Conditions:

NOTE BEACH DEPT COMMENTS

REC'D FEB 19 2016

(LOW TIDE 2:22 PM)



Cape Light Compact  
P.O. Box 427, Barnstable, MA 02630  
1.800.797.6699 | Fax: 508.362.4136 | [capelightcompact.org](http://capelightcompact.org)

March 29, 2016

Wellfleet Board of Selectmen  
300 Main Street  
Wellfleet, MA 02667

RE: EVERSOURCE GRID MODERNIZATION PLAN, DPU 15-122

Dear Board of Selectmen:

As you may recall, during my annual briefing on the Compact last fall, I included a few slides to alert you to the major transformation ahead with "Grid Modernization" or the "Smart Grid." The plans for that transformation are being reviewed by the Massachusetts Department of Public Utilities, and public comments on the plans are due on April 14, 2016.

The Wellfleet Board of Selectmen will soon receive a letter from Eversource announcing its "Grid Modernization Plan." The five-year, \$496 million plan outlines major changes in electric infrastructure that will have long-term impacts on our region's economy, environment, energy use, and reliability. It is vital that all of our towns, businesses, and residents be made aware of, and have an opportunity to review and comment on, this plan.

The "big picture" perspective is that the electric system will shift away from a century-old design of centralized plants producing power and transmitting it in one direction to consumers. The new "smart" system will have interactive digital intelligence that allows consumers to produce power, store it, and choose when to use it. The transition will take time, but the infrastructure developed as part of these plans will determine the course of events, the costs we pay, and what benefits we ultimately receive.

In the past, the Cape Light Compact has successfully intervened in cases at the Department of Public Utilities and saved consumers millions of dollars. Given the significant costs and benefits at stake in the Eversource Plan, the Compact plans to intervene in this case (DPU 15-122) with several goals, including:

- Ensuring Cost Efficiency. Under the plan, spending is pre-authorized and will appear on our bills for a long period of time. This means making sure that the amounts being charged are fair, costs are properly allocated, and Cape and Vineyard consumers do not end up subsidizing improvements in Boston or other areas that provide us with little or no benefit.

*Working Together Toward A Smarter Energy Future*

Aquinnah | Barnstable | Barnstable County | Bourne | Brewster | Chatham | Chilmark | Dennis | Dukes County | Eastham | Edgartown | Falmouth  
Harwich | Mashpee | Oak Bluffs | Orleans | Provincetown | Sandwich | Tisbury | Truro | Wellfleet | West Tisbury | Yarmouth



- Ensuring Reliability At Desired Levels And At Problem Locations. Inappropriate costs for standard maintenance (such as tree-trimming), as currently proposed by Eversource, should not be part of this plan. And possible overbuilding for minimal gains in reliability should be evaluated.
- Ensuring Continued Opportunities for Distributed Generation Development. Technological capacity needed to accommodate more distributed generation such as solar needs to be evaluated, as well as the cost of proposed enhancements.
- Ensuring Consumer Access to Smart Grid Technology at the Level Desired. Eversource has proposed that anyone wishing to have a "smart meter" enroll in Eversource's power supply, rather than the Cape Light Compact or other independent suppliers. This issue severely limits customer choice, and needs to be fully examined.

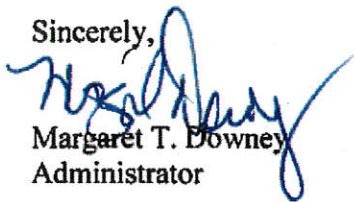
The Eversource Plan marks the most significant transformation in the way we receive and use electricity in the past century. The process for reviewing and commenting on the Eversource Plan should not be rushed.

Within these roles, we would ask that you consider submitting a comment letter to the Department of Public Utilities expressing your concern that all issues related to the Eversource "Grid Modernization Plan" be thoroughly examined, and that extensions of deadlines be granted in order to allow for a process of stakeholder engagement and education.

Eversource stated that it developed a plan "that puts the customer at the center of its grid modernization efforts." It's vital that we make sure this remains the case.

I have attached a model comment letter that you are free to utilize. If you have any questions, I would be happy to meet with the Board of Selectmen to discuss specific questions. Thank you for your consideration of this very important matter.

Sincerely,



Margaret T. Downey  
Administrator

Cc: Harry Terkanian, Town Administrator  
Richard Elkin, Cape Light Compact Board Member

Enclosure



# TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

[www.wellfleetma.org](http://www.wellfleetma.org)

April 14, 2016

**VIA ELECTRONIC MAIL**  
**ORIGINAL BY U.S. MAIL**

Mark D. Marini, Secretary  
Department of Public Utilities  
One South Station, 5th Floor  
Boston, MA 02110

*Re: D.P.U. 15-122, Eversource Grid Modernization Plan*

Dear Secretary Marini:

We are writing to let you know that the Board of Selectmen of the Town of Wellfleet support the efforts of the Massachusetts Department of Public Utilities to examine the modernization of the electric grid. This subject is of critical importance to residents and businesses on Cape Cod and Martha's Vineyard because we represent the outermost portions of the Eversource Electric grid. The Cape Light Compact brought the Eversource Grid Modernization Plan to our attention several months ago and identified several issues that we believe warrant further dialogue with electric ratepayers of Cape Cod and Martha's Vineyard before the Department of Public Utilities takes action on Eversource's Grid Modernization Plan. Below is an overview of the key issues that will have long-term economic and environmental impacts for Cape Cod and Martha's Vineyard.

- Time Varying Rates (TVR) – eligibility for customers within municipal aggregation service territories, associated fees and who pays those fees, requirements on how long a customer must commit to participate;
- Ensuring geographical equity in capital improvements that are designed to improve reliability, and ensuring equity in how those costs are allocated;
- How customers will pursue renewable energy and other smart technologies (meters, energy storage, and appliances);
- Whether normal maintenance of power line rights of way should be eligible for accelerated cost recovery. How are these costs appropriate in a Grid Modernization Plan cost recovery?

It is our understanding that the Cape Light Compact intends to intervene in this proceeding and raise the issues above, and other issues that impact Cape Cod and Martha's Vineyard electric ratepayers. We respectfully request that the schedule for this proceeding allow for sufficient time to engage the electric rate payers on Cape Cod and Martha's Vineyard in robust discussions on how they wish to see their electric grid be modernized, including what technologies do they want to see pursued; where will infrastructure improvements be located; and how much are they willing to pay for these items. To date, Eversource has not engaged residents on Cape Cod or the Vineyard on its Grid Modernization Plan, and as a result there has not been enough local discussion on these subjects. We ask the Department to allow time for these discussions to occur.

Sincerely,

Paul Pilcher, Chair  
Wellfleet Board of Selectmen

Cc: Danielle Winter, Eversource Counsel ([dwinter@keeganwelin.com](mailto:dwinter@keeganwelin.com))  
Tina Chin, DPU Hearing Officer ([tina.chin@state.ma.us](mailto:tina.chin@state.ma.us))  
Cape Light Compact





## TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

www.wellfleetma.org

To: Board of Selectmen  
From: Harry Sarkis Terkanian, Town Administrator  
Subject: Town Administrator's Report  
Date: April 8, 2016

This report is for the period March 18, 2016 through April 7, 2016. Much of my time during this the first week of this period was devoted to budgets, the annual town meeting warrant and town administrator search. Since the warrant went to the printer on March 24<sup>th</sup> I have been able to turn my attention to other matters, principal among them are town meeting preparation, town administrator search, collective bargaining and contract negotiations.

- 1 Procurement:
  - a. Police Station Renovation. Work has begun on design. A schedule of meetings have been established for the Building Committee and a project subcommittee to meet more frequently. The most recent meeting was on April 4<sup>th</sup> the next meeting will be on April 25<sup>th</sup>.
  - b. Beach and Baker Field concessions. Requests for proposals for Town beaches and Baker Field have been released. Responses are due on April 29<sup>th</sup>.
  - c. Water system expansion. This project is awaiting a determination by Outer Cape Health whether they will be able to develop an adequate water supply on site. Pending that decision we will be obtaining estimates of design costs for an authorizing vote at town meeting.
  - d. Elementary School Roof. Final submissions to close out the project have been made to the Mass. School Building Authority including a final request for reimbursement.
- 2 Annual Town Meeting and Fiscal Matters
  - a. Budget and warrant for the annual town meeting and annual town election have been finalized and are back from the printer. The warrant went through at least 47 drafts prior to being finalized. Work is now underway on preparation of motions and other town meeting planning.
- 3 Town Administrator Search. I am continuing to participate in the interview process, offering my impressions of candidates. Michaela Miteva and I are continuing to provide staff support to the Committee. The Committee has met on March 18<sup>th</sup> and 25<sup>th</sup> and on April 1<sup>st</sup> and 4<sup>th</sup>. Because these meetings involve candidate interviews the meetings have been long. I estimate that during this reporting period I have spent approximately 20 hours of my time on this project.
- 4 Meetings
  - a. March 23, 2016. Finance Committee to review final warrant and get final recommendations.

TOWN ADMINISTRATOR'S REPORT TO THE SELECTMEN

- b. March 29, 2016. Meeting with chairman of NRAB on the proposal to study the tidal flow of the inner marina.
- c. March 30, 2016. Meeting in Boston with Speaker DeLeo, Representatives Peake and Vieira and a delegations from Wellfleet and four other Cape towns to discuss the room occupancy tax.
- d. March 31, 2016. Cape Cod Tech building committee designer selection subcommittee.
- e. April 4, 2016. Meeting with Chuck Cole to review status of Pond Hill School project.
- f. April 6, 2016. Cape Tech Building Committee.
- g. April 7, 2016. Meeting with Ned Hitchcock.
- 5 Complaints.
- 6 Miscellaneous.
  - a. Use of town property policy was updated to reflect fee change effective July 1, 2016.
- 7 Vacancies.
  - a. Assembly of Delegates. Ned Hitchcock has resigned, effective April 22, 2016. The Selectmen should prepare to fill the vacancy at the May 10<sup>th</sup> selectmen's meeting.
- 8 Personnel Matters:
  - a. Administrative actions (appointments are subject to disapproval by majority vote of the Board of Selectmen within 14 days; Charter section 5-4-1):
  - b. Current employment vacancies (Charter 5-3-2 (i)):
    - i. Transfer station gate attendant position is vacant. The vacancy has been posted internally and if no acceptable candidates respond will be advertised.
  - c. Collective Bargaining is in progress with all six bargaining units with expiring contracts and with one of three employees with expiring employment agreements. Several meetings have been held during this reporting period with individual employees and bargaining units. Discussions with the collective unions have been progressing with a goal to finalizing agreements in time for the annual town meeting. The only union contract not expiring this year is the police officers contract which expires next year. Three of four expiring contracts with non-union employees have been negotiated and signed. I expect to have the remaining non-union contract negotiation completed prior to town meeting.

## ***Town of Wellfleet Committee Vacancies***

Date: April 8, 2016  
To: Harry Terkanian  
From: Jeanne Maclauchlan  
Re: Appointments to Town Boards

The following provides the appointing authority with a comprehensive view of vacant positions on each Town Board. Each identifies the amount and type of positions that are vacant, the authority for making the appointment, the length of the term and the number of applications requesting consideration to fill a vacancy.

### **Bike & Walkways Committee (5 Members)**

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

### **Board of Health (5 members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
Requesting Appointment: <b>One application on file</b>		

### **Board of Water Commissioners (5 members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	2018 - length of term
Requesting Appointment: <b>One application of file</b>		

### **Building and Needs Assessment Committee (5 Members)**

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

### **Cable Advisory Committee (5 Members)**

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1 year
Requesting Appointment: No applications on file		

### **Cape Light Compact Governing Board (1 member, 1 alternate)**

Vacant Positions	Appointing Authority	Length of Term
1 alternate position	Board of Selectmen	2 years
Requesting Appointment: No applications on file		

**Commission on Disabilities (up to 7 Members)**

Vacant Positions                      Appointing Authority  
4 Positions                              Board of Selectmen  
Requesting Appointment: No applications on file

Length of Term  
3 years

**Cultural Council (no more than 22 members)**

Vacant Positions                      Appointing Authority  
11 positions                              Board of Selectmen  
Requesting Appointment: No applications on file

Length of Term  
3 years

**Energy Committee (11 members total)**

Vacant Positions                      Appointing Authority  
2 Alternate Positions                      Board of Selectmen  
Requesting Appointment: No applications on file

Length of Term  
3 years

**Finance Committee (9 members, 2 alternate)**

Vacant Positions                      Appointing Authority  
1 Alternate Position                      Town Moderator  
Requesting Appointment: No applications on file

Length of Term  
3 years

**Herring Warden (1 Warden, 1 Assistant Warden)**

Vacant Positions                      Appointing Authority  
1 Assistant Position                      Board of Selectmen  
Requesting Appointment: No applications on file

Length of Term  
3 years

**Historical Commission (7 Members)**

Vacant Positions                      Appointing Authority  
1 Position                              Board of Selectmen  
Requesting Appointment: **One application on file**

Length of Term  
3 years

**Planning Board (7 members)**

Vacant Positions                      Appointing Authority  
1 Position                              Board of Selectmen  
Requesting Appointment: No applications on file

Length of Term  
5 years

**Recreation Committee (5 members)**

Vacant Positions                      Appointing Authority  
2 Position                              Board of Selectmen  
Requesting Appointment: No applications on file

Length of Term  
3 years

**Shellfish Advisory Board (7 Members, 2 Alternates)**

Vacant Positions                      Appointing Authority  
1 Position                              Board of Selectmen  
1 Alternate Position  
Requesting Appointment: No applications on file

Length of Term  
3 years



DRAFT

**Wellfleet Board of Selectmen  
Minutes of March 15, 2016  
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

**Regrets:** Paul Pilcher

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

**Announcements, Open Session and Public Comment**

- ☐ Curt Felix presented the Town with \$57,000 Proud Pour award for the Oyster Project.

**Future Concerns**

- ☐ Wilson announced that the Board should consider a presentation on the status of the fishery and diseases in the Harbor sometime after Town Meeting.

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

Murphy opened the public hearings at 7:05 pm

**Public Hearing on the Adoption of Food Truck Regulations**

Assistant Town Administrator Brian Carlson presented the revised draft of the proposed food truck regulations and went over the changes. Discussion ensued about the hours of operation and the April 15 deadline for applying for a food truck permit. Community Services Director Suzanne Grout Thomas suggested adding additional language for applications received after the deadline. Planning Board members Janet Reinhart and Janet Morrissey explained that the Planning Board thought that there may be instances where a food truck may want to come for event or other occasion that was not known before the April 15 deadline, and this was the reason for the additional language proposed by the Planning Board. Wilson clarified that the April 15 deadline is appropriate.

**MOTION 215-487:** Wilson moved to strike the application deadline sentence. Bruinooge seconded but agreed to address the location change separately. Terkanian suggested trying it out and see how it works. Wilson disagreed. The motion passed 3-0.

Wilson had concerns about licensing board delegating authority to a third party, in this case the Town Administrator. She felt that this may open up a big problem and suggested taking this section out. Terkanian said it is up to the Board how to handle it, but did not see an issue with delegating it. Bruinooge said that it would be good to have an "escape clause" for occasions where an immediate action is needed and the Selectmen's meeting is in couple of weeks, and supported the idea of leaving it in. Murphy agreed with Bruinooge. After all changes were addressed separately the Board discussed a fee for the food truck licensing. Wilson said that the State already charges a fee and proposed the Town to charge less than \$100. Terkanian explained that the charge for business license is \$50. Sam Bradford wanted to know if this fee



DRAFT

would apply to each SPAT vendor for OyserFest. The Board members discussed the options. Terkanian suggested adding an event blanket language. Wilson agreed that a section should be added to deal with short term events. Terkanian offered adding language to say *"Excluded from the operations of these regulations are events licensed by the Town at which the event organizers propose food trucks."*

**MOTION 215-488** Wilson moved and Bruinooge seconded to set the food truck license fee to be \$50. The motion passed 3-0.

The Selectmen unanimously voted to continue the hearing to March 22

**Request from Wellfleet Harbor Seafood Co., Inc. dba Mac's Shack, Mac Hay, Manager for an alteration of licensed premises to include outside dining, bar and waiting area.**

Sam Bradford presented the request of Wellfleet Harbor Seafood Co., Inc. dba Mac's Shack with Mac Hay, Manager for an alteration of licensed premises to include outside dining, bar and waiting area. Terkanian explained the need for the change to the description of the licensed premises is in order to conform the description to the areas where alcohol is served.

**MOTION 215-489:** Wilson moved to approve the request of Wellfleet Harbor Seafood Co., Inc. dba Mac's Shack, Mac Hay, Manager for an alteration of licensed premises to include outside dining, bar and waiting area. Bruinooge seconded and the motion passed 3-0.

**Business**

**Amendment of Transfer Station Fee Schedule**

Terkanian explained the need for amendments of Transfer Station fee according to the memo<sup>1</sup> presented by the Health Agent.

**MOTION 215-490:** Bruinooge moved to approve the proposed Transfer Station fee schedule. Wilson seconded and the motion passed 3-0.

**Discussion and approval of memorandums of understanding<sup>2</sup> with employee unions revising provisions governing the employee Sick Leave Bank Program**

Assistant Town Administrator Brian Carlson explained the revised language for the Sick Leave Bank program. Wilson found two paragraphs redundant. Terkanian explained the difference. Wilson wanted to better understand the function of the Sick Bank Committee. Carlson went over the logistics and functions of the committee.

**MOTION 215-491:** Bruinooge moved to approve the Sick Leave Bank program memorandum of understanding. Wilson seconded and the motion passed 3-0.

**2016 Annual Meeting and Annual Town Election warrant article placement and recommendations**

Terkanian went over his memo<sup>3</sup> with the latest changes to the 2016 Annual Town Meeting Warrant as reviewed by Town Counsel.



DRAFT

**MOTION 215-492:** Wilson moved and Bruinooge seconded to approve the snow plowing article as amended. The motion passed 3-0.

**MOTION 215-493:** Wilson moved to recommend Article II-17. Bruinooge seconded and the motion passed 3-0.

**MOTION 215-494:** Bruinooge moved and Murphy seconded to unplace completely and add additional language to Article 2. The motion passed 3-0.

**MOTION 215-495:** Wilson moved to unplace Article II-24. Bruinooge seconded and it passed 3-0.

**MOTION 215-496:** Wilson moved to place and recommend Article III-2. Bruinooge seconded and the motion passed 3-0.

**MOTION 215-497:** Wilson moved to place Article III-6 on the warrant as revised. Bruinooge seconded and it passed 3-0.

**MOTION 215-498:** Wilson moved and Bruinooge seconded to remove the age restriction language to servo on the COA Board out of Article III-8. The motion passed 3-0.

**MOTION 215-499:** Wilson moved and Bruinooge seconded to place and recommend Article III-10. The motion passed 3-0.

**MOTION 215-500:** Wilson moved and Bruinooge seconded to recommend article VI-1. The motion passed 3-0.

**MOTION 215-501:** Bruinooge moved and Wilson seconded to recommend VI-2. The motion passed 3-0.

Wilson suggested placing the petitioned articles earlier in the warrant to avoid what has happened at last year's Annual Town Meeting. Bruinooge disagreed for misplacing the articles, but said that Wilson can stand and re-organize the order of articles at Town Meeting. Terkanian explained the reasons behind the placement positions of the petitioned articles based on the contents of the articles.

**MOTION 215-502:** Bruinooge moved and Wilson seconded to not recommend Article V-4. The motion passed 3-0.

**MOTION 215-503:** Bruinooge moved and Wilson seconded to place and recommend VII-3. The motion passed 3-0.

**Approval and execution of Police Station Designer Contract**

\$305,000 as reviewed by Town Counsel and agreed by Kaestle Boos.

## Minutes

**MOTION 215-504:** Bruinooge moved to approve the minutes<sup>4</sup> of February 23, 2016 with amendments by Wilson. Wilson seconded and the motion passed 3-0.

**MOTION 215-505:** Bruinooge moved and Wilson seconded to approve the minutes<sup>5</sup> of March 8, 2016. as corrected by Wilson. The motion passed 3-0.

**Recess: 9:15 pm – 9:22 pm.**

## Executive session

In open session Murphy stated that the Board will convene in executive session, because discussing the below matters in open meeting may have detrimental effect and read the purpose of the executive session:

- A. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct contract negotiations with nonunion personnel (Police Chief and Police Lieutenant.)
- B. To conduct strategy sessions in preparation for negotiations with nonunion personnel (Permanent Fire Fighters and WEA Units A, B & C.)

**MOTION 215-506:** At 9:23 pm the Board convened in executive session with the option to go back in open session by a roll call vote where Bruinooge, Wilson and Murphy each said “Aye” for the above stated purposes and reasons.

**The Board reconvened in Open Session at 9:41 pm.**

**Possible vote on approval of employment contracts with the police chief and police lieutenant.**

**MOTION 215-507:** Bruinooge moved and Wilson seconded and to approve the employment contracts with the Police Chief and Police Lieutenant. The motion passed 3-0.

## Adjournment

**MOTION 215-508:** Wilson moved and Bruinooge seconded to adjourn the public meeting at 9:43 pm. The motion passed 3-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

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<sup>1</sup> Health Agent memo on proposed changes to the Transfer Station fee schedule

<sup>2</sup> MOU for the Sick Leave Bank Program

<sup>3</sup> TA Memo on changes of the draft 2016 ATM & Election Warrant

<sup>4</sup> Draft minutes of February 23, 2016

<sup>5</sup> Draft minutes of March 8, 2016



**DRAFT**  
**Wellfleet Board of Selectmen**  
**Minutes of March 22, 2016**  
**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**

- ☐ Terkanian announced the Transfer Station Amnesty Day on April 23, 2016.

**Seasonal Liquor License Renewals**

**MOTION 215-509:** Murphy moved and Wilson seconded to approve the following Seasonal Liquor License renewals: Wellfleet Beachcomber, Winslow's Tavern, Lighthouse Restaurant, The Wagner at Duck Creek, Bocce Italian Grill, Wellfleet Motel & Lodge, V.R.'s, Maurice's Campground, Wellfleet Marketplace, Wellfleet Wine & Spirits, Chequessett Yacht & Country Club, Flying Fish Café, Wellfleet Dairy Bar & Grill, Wellfleet Flea Market, The Juice, Catch of the Day, Mac's Shack, Pearl Restaurant, Harbor Stage Company, Bob's Sub n' Cone, Ceraldi. The motion passed 5-0.

**Common Victualers License Renewals**

**MOTION 215-510:** Bruinooge moved and Murphy seconded to approve the Common Victualers License renewal for Wellfleet Donuts and WHAT. The motion passed 5-0.

**Weekday Entertainment License**

**MOTION 215-511:** Murphy moved and Wilson seconded to approve Weekday Entertainment License for WHAT. The motion passed 5-0.

**Liquor License Alteration**

**MOTION 215-512:** Bruinooge moved and Wilson seconded to approve the request from Barbara Boone, Manager of Chequessett Yacht and Country Club for alterations of licensed premises to include all of 680 Chequessett Neck Road. The motion passed 5-0.

**Pilcher opened the public hearing(s) at 7:07 pm.**

**Food Truck Regulations<sup>1</sup> (Continued from 3/15/16)**

Murphy briefed Pilcher and Houk on what has happened at the last Board's meeting and said that he would like to re-consider the language to extend the deadline on "case-by-case" bases on p.7 and explained why based on conversations with Planning Board members. Wilson agreed, but asked the Board members to re-consider the section where the Town Administrator is authorized to make amendments on the bottom of p. 6. Bruinooge discussed why this provision is good to remain part of the regulations. Terkanian explained the legal part of the language. He suggested amending it with inserting "if".

**MOTION 215-513:** Wilson moved to amend the section on bottom of page 6 as suggested by Terkanian. Murphy seconded it and the motion passed 4-1 (Bruinooge).

Terkanian advised the Board that there are two instances where deadlines are set and proposed ways to deal with these deadlines. Bruinooge strongly disagreed.

**MOTION 215-514:** Murphy moved to amend the regulations by inserting "on-case-by-case" bases on p. 4. The motion failed for lack of a second.

Carlson shared more comments he had received from Denny O'Connell<sup>2</sup>.

**MOTION 215-515:** Wilson moved to include all of these amendments to the Food Truck Regulations. Murphy seconded. Discussion ensued where Bruinooge had comments on the proposed changes. Terkanian explained that these regulations will apply to licensing Food Trucks on both private and public property. The motion passed 5-0.

**MOTION 215-516:** Murphy moved and Wilson seconded to approve the Food Truck Regulations as amended. The motion passed 5-0.

**Public Hearing on Proposed Fee increases**

Carlson presented the proposed fee increase schedule and said that the Town Clerks fee increases require a Town Meeting vote and those should be excluded. He explained how the increases were calculated. Pilcher wanted to know how these fees compare to neighboring towns. Wilson had comments on the Shellfish Department fees and suggested sending these proposed changes to the Shellfish Advisory Board. She said that she will provide the citation for the fees language as regulated by the State. According to her the fees in the Shellfishing Regulations and the language needs to be synchronized. After a continued discussion the Selectmen agreed to continue the hearing on the Shellfishing fees to the next meeting.

**MOTION 215-517:** Wilson moved to have a set rate of \$50 for solar panels and wind generation fees. The motion failed for lack of second.

Terkanian suggested a proposed effective date of July 1, 2016.

**MOTION 215-518:** Bruinooge moved and Murphy seconded to adopt the proposed fee schedule to be effective on July 1, 2016 with the exception of the Shellfish Department fees and Town Clerk fees. The motion passed 5-0.

The hearing was continued to the meeting on April 12, 2016 for the Shellfishing fees.

**MOTION 215-519:** Murphy moved and Bruinooge seconded to appoint to Special Police Officer: Nicholas Daley, Kyle Kochanowicz and Desmond Keogh from May 1, 2016 to June 30, 2017. The motion passed 5-0.

**MOTION 215-520:** Murphy moved and Bruinooge seconded to approve the request to use Newcomb Hollow Beach on May 1 and 2, 2016, from 8 am to 9 am by Ryan Environmental Group to build a small temporary habitat for educational purposes with event fee of \$100 and no other conditions. The motion passed 5-0.

**MOTION 215-521:** Wilson moved and Bruinooge seconded to approve the use of Whitecrest Beach parking lot (Ocean View Dr. side): on June 25 (rain date July 16) and July 9 (rain date July 23), 5 pm-9 pm by Facebook group Trey Helliwell Remembered for two memorial live music concerts with fee of \$100 per event. The motion passed 5-0.

**Final approval of 2016 annual town meeting and annual town election warrant**

Terkanian presented the final version of the 2016 Annual Town Meeting and Election Warrant<sup>3</sup>. Pilcher and Houk gave their recommendations of the articles voted during the March 15, 2016 meeting.

**MOTION 215-521:** Bruinooge moved and Murphy seconded to approve and sign the 2016 Annual Town Meeting and Election Warrant with votes as amended by Pilcher and Houk. The motion passed 5-0.

**Housing Authority request for transfer of Community Block Development Grant repayment funds.**

Pilcher explained how the CDBG Program Income Funds can be re-used by the Housing Authority for affordable housing purposes. Based on his conversation with Alice Boyd of Bailey Boyd Associates the rental assistance



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program may not be a candidate because it is not considered a housing service by the Department of Housing, but rather a social service. Town Accountant Marilyn Crary said that there are \$169,355 in the program income balance. Pilcher said that according to Alice Boyd the most the Board can award will be \$25,404.30 per year.

**MOTION 215-522:** Bruinooge moved to award \$25,000 to the Housing Authority. Pilcher seconded and the motion passed 5-0.

**Letter of Support – Herring River Restoration Project – 2017 NOAA Grant Application**

**MOTION 215-523:** Bruinooge moved and Wilson seconded to approve sending a letter of support for the Herring River Restoration Project – 2017 NOAA Grant Application. The motion passed 5-0.

**Letter supporting Chatham's position on ownership of Monomoy submerged lands**

**MOTION 215-524:** Houk moved and Bruinooge seconded to approve the request from the Town of Chatham for a letter supporting Chatham's position on ownership of Monomoy submerged lands. The motion passed 4-0-1 (Wilson abstained).

**Conservation restriction on property at Drummer Cove (Map 29, Parcel 382)<sup>4</sup>**

R. Dennis O'Connel of the Wellfleet Conservation Trust presented the request for conservation restriction.

**MOTION 215-525:** Bruinooge moved and Wilson seconded to approve the request for approval of a conservation restriction on property at Drummer Cove (Map 29, Parcel 382.)

**Recess:** 8:03 pm-8:13 pm.

**Public comment on Herring River Restoration Project plans for High Toss Road**

Pilcher briefly went over how the Selectmen's have directed the Herring River Restoration Committee (HRRC) to further research option A+. Pilcher said that the public has been given the opportunity to comment either via email, letter or at the meeting. Wilson acknowledged that letters and verbal comments have been received. Bill Karnduff said that he likes to revisit his previous recommendation to have pedestrian access to High Toss Road. Maryellen Manning said that the best options will be unimpeded tidal flow and supported Karnduff. Jody Birchall said that she would like to not lose access to High Toss Road. Fred Vanderschmidt agreed with Birchall and asked for alternatives to access Griffin Island. Pilcher asked members of the HRRC to respond to questions and concerns raised. Don Palladino of Friends of the Herring River said that the comments of the public are taken seriously and they are trying to address them. He spoke about roads/sections of roads that will have to be possibly raised. Bill Biewenga asked for a middle ground solution where some access is retained. Palladino addressed the question. Trudy Vermerhen spoke about the possibility of maintaining/making Snake Road passable as an alternative access. Barbara Boone wanted to know if the Town has a plan for potential law suits and liability as a result of the Project. Pilcher said that the opening will be very gradual from what he had been told and the impact will be assessed as the project progresses. Steve Spear of the HRRC said that they have been trying to retain access and part of the road will be flooded during high tide, but will remain passable for the most of the time. Pilcher said that there is a petitioned article on the 2016 Annual Town Meeting and Election warrant for the voters to direct the Selectmen of their choice. Birchall wanted to know if the entire Project will go to Town Vote eventually. Wilson answered the question by saying that Wellfleet, Truro and the Cape Cod National Seashore (CCNS) are involved and will be represented on the Herring River Executive Counsel. Terkanian said that the need for Town Meeting vote will be a political rather than legal decision. Gary Joseph addressed Birchall's questions. Barbara Austin wanted to know how the abandonment will impact the Town and the access to the road. David Wright supported the idea of having some access to the road. Pilcher closed the public comment period and opened it for discussion to the Board. Murphy talked about his childhood memories of Griffin Island and High Toss Road and addressed Birchall's concerns of a conflict of interest and the benefits of the project. Wilson said that her property abuts Salt Marsh Rd and spoke about the conflict of interest law and the public and health impact of the mosquitoes. The discussion concluded with the Selectmen taking no action on this matter.

**Future Concerns**

- ☐ Terkanian advised the Selectmen that he has added a request for non profit status on the Use of Town Property Form. There will be no need for an agenda action for this change.
- ☐ Wilson wanted to know when the Selectmen may expect to hear about finalists for the TA vacancy.
- ☐ Wilson wanted to know if the Opioid Addiction meeting will be attended by more than two selectmen on April 13 at 5 pm at the Fire Station. Terkanian will make sure to have the meeting posted just in case.
- ☐ Wilson asked for permission to have a brief contact with Town Counsel about the Pesticide Bylaw comments.

**Correspondence<sup>5</sup> and Vacancy<sup>6</sup> Report**

**Adjournment**

**MOTION 215-526:** Murphy moved and Wilson seconded to adjourn the public meeting at 9:10 pm. The motion passed 5-0.

Respectfully submitted,  
Michaela Miteva, Executive Assistant

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<sup>1</sup> Draft Food Truck Regulations

<sup>2</sup> Food Truck Regulation – changes by Denny O’Connel

<sup>3</sup> Final version of the 2016 ATM & Election Warrant

<sup>4</sup> Conservation Restriction request on property at Drummer Cove (Map 29, Parcel 382

<sup>5</sup> Correspondence Report of March 22, 2016

<sup>6</sup> Vacancy Report of March 18, 2016