

**Wellfleet Board of Selectmen
Minutes of the Meeting of March 12, 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

- Bruinooge announced that the Town Moderator is seeking new member for the Wellfleet Bylaw Committee.
- Town Administrator Harry Terkanian reviewed the damage and DPW maintenance response to the Town beach parking lots in the aftermath of the three major 2013 winter storms. He also reviewed other damage assessments to the Town and housing rendered unsafe near the seashore.

Appointments

Motion 13-0076: Pilcher moved to appoint Jeffrey Tash to the Cable Advisory Board with a term ending June 30, 2014. Houk seconded the motion and it passed 5-0.

Motion 13-0077: Murphy moved to appoint Donald Arthur, Aaron Fitzpatrick, Patrick Harper, Christopher Murphy and Michael Walls as Wellfleet Special Police Officers¹ with a term from May 1, 2013 through June 30, 2014. Pilcher seconded the motion and it passed 5-0.

Use of Town Property

Motion 13-0078: Morrissey moved to approve the application received from Amy Ryan from the Ryan Environmental Group to use Newcomb Hollow Beach on Wednesday and Thursday, May 2-3, 2013 for one hour per day; 5:00 to 6:00 p.m. to build a small temporary habitat to reenact an indigenous lifestyle for educational purposes. Processing fee: \$20. Use of Town Property fee: \$100. Morrissey seconded the motion and it passed 5-0.

Motion 13-0079: Murphy moved to approve the application received from Jennifer Flanagan from the Wellfleet Elementary School PTA to use Baker's Field, parking area, tennis courts and snow fence on Friday, May 24, 2013 from 5:00 p.m. onward for festival set up, and Saturday, May 25, 2013 from 10:00 a.m. to 5:00 p.m. (festival rain date TBA) for WES Fest. Processing fee: \$20. Use of Town Property fee: Exempt. Houk seconded the motion and it passed 5-0.

Motion 13-0080: Pilcher moved to approve the application received from Myya Beck to use Long Pond Road, Ocean Drive, Gross Hill Road, Wellfleet Elementary School parking lot, Cahoon Hollow Beach and Long Pond for the Lower Cape Sprint Triathlon on June 22, 2013 from 8:30 a.m. to 11:00 a.m. with the caveat that only part of the Long Pond Parking Lot be closed for the event. The race will benefit WOMR and Wellfleet Montessori Pre-School. Processing Fee: \$20. Use of Town Property fee: Exempt. Houk seconded the motion and it passed 5-0.

Motion 13-0081: Murphy moved to approve the application received from Ricky Baker of Ragnar Events to use various roads in Wellfleet and the parking lots at Whitecrest and Newcomb Hollow Beach (to set up 8-10 portable toilets) for a road race with 400 participants on Saturday, May 4, 2013 from 4:00 a.m. to 5:00 p.m. Processing fee: \$20. Use of Town Property fee: \$100. Morrissey seconded the motion and it passed 5-0.

Public Hearing(s) [7:15]

Request to consider changes to the Recreation Department Fee Schedule

Motion 13-0082: Pilcher moved to approve the request received from Recreation Director Becky Rosenberg to consider changes to the Recreation Department fee schedule². Murphy seconded the motion and it passed 5-0.

Business

Representative Sarah Peake legislative review

Representative Sarah Peake reviewed the upcoming MA State legislative agenda and spoke on several issues pertinent to Wellfleet:

- A Home Rule Bill HB2695 was filed at beginning of the 188th legislative session Jan 2, 2013. The first hearing will be heard on Tuesday, March 19 at 10:30 a.m. in Room B1 at the State House in Boston. A tax exemption for people who rent their primary residences will also be discussed. The Selectmen and Town Administrator agreed to send representatives from Wellfleet to attend the hearing and testify.
- Legislation has been introduced, advocated by the Shellfish Advisory Board, which will delay the due date of annual Shellfish Reports by two months from December 31 to February 28; as well as an act relative to lobster processing designed to open up a broader market to sell lobsters either whole or in parts.
- Rep. Peake believes there will be targeted tax increases to fund transportation projects and Chapter 90 funding. Peake is also engaged in resolving Route 6 traffic issues.
- Coastal erosion issues will be of great importance in the near and distant future. Peake is a member of Coastal Caucus and will review the pending legislation surrounding the issue and update the Selectmen.
- Peake thanked the citizens of Wellfleet for their advocacy and avid participation in local government affairs.

Pilcher spoke about the possibility of tweaking the property tax hardship exemption rule by dropping the age requirement so all residents who qualify under set guidelines may be eligible to receive the exemption.

Ballot Question

Olga Kahn asked the Selectmen to approve the placement of a nonbinding public opinion advisory question on the ballot³ requesting that Gov. Deval Patrick call upon the Nuclear Regulatory Commission to uphold their mandate to shut Entergy's Pilgrim Nuclear Power Station in Plymouth because the public safety cannot be assured.

Motion 13-0083: Pilcher moved to approve the placement of a nonbinding public opinion advisory question on the ballot regarding the closing of Entergy's Pilgrim Nuclear Power Station. Morrissey seconded the motion and it passed 5-0.

Pay As You Throw options

The Board of Health (BOH) voted to institute a Pay As You Throw (PAYT) program at the Wellfleet Transfer Station at their February 13, 2013 meeting. BOH Chair Richard Willecke came before the Board of Selectmen to request that they adopt PAYT and implement the proposed fee schedule⁴. The BOH recognizes that there are some concerns about unit pricing programs. Investigation has shown that while there may be some increase in illegal dumping during transition, most PAYT towns have not found it to be a lasting problem and many have had no problem at all. Both the BOH and Selectmen understand that large families of limited means may find the change to be a burden. The Selectmen are prepared to give consideration where need is established. The increase in recyclables will be a management issue for the Transfer Station. In anticipation of this possibility, the Town has already budgeted for two new compactors. Implementation of PAYT will start in December 2013 during the off-season to ease the transition and promote savings before the expiration of the SEMASS contract. The Town can reassess the PAYT program after two years to measure success and switch

back to single stream disposal if the program proves ineffective. Brewster and Chatham have both recommended the adoption of PAYT and the Town of Sandwich is still enthusiastic with the program and has reported a 60% increase in recycling. Colorful PAYT bags will be available at Stop and Shop and Wellfleet Marketplace.

David Quinn Cape Cod Cooperative Extension works with other towns on the Cape that have implemented the PAYT program. Sandwich passed a BOH regulation that sets one price for trash and recycling for private haulers; bundle pricing for one service. Illegal dumping has not been a big issue; with a two-year commitment, the MA Department of Environmental Protection offers start up funding up to \$13,000 for things like public education, transfer station composters and refitting public garbage covers and public education.

Pilcher noted that in Sandwich, no extra staff to monitor PAYT was required after one month or during peak periods, trash was not being dumped in woods and there was a significant recycling increase.

Dennis Murphy raised the issue that DPW Director Mark Vincent had some concerns regarding the oversight and implementation of PAYT.

Houk is concerned about the cost increase being passed on to residents. He would like to offer a hardship abatement. Houk also suggested that there may be other options if Wellfleet does not renew the contract with SEMASS, including other single stream systems with a lower tipping fee.

Bruinooge wanted to know how PAYT will be handled by second homeowners or renters and suggested implementing an extensive outreach and education program. She has received mostly positive feedback on PAYT.

From the audience:

Janet Reinhart said that her family has been recycling for a long time. 'You get used to recycling more of your garbage and get better at it with practice. PAYT is a program we need to do.'

Moe Barocas likened adopting PAYT to using seatbelts; awkward at first and now second nature. 'PAYT gives us the ability to take direct action to put us on a positive road. We will have to do it eventually and we will settle into it and do it well.'

Mary Ellen Manning thinks implementing PAYT now is premature and more study is needed.

Bob Hubby suggested that it would be a convenience for people to buy PAYT bags where beach/transfer station stickers are sold.

Motion 13-0084: Morrissey moved that the Board of Health institute a "Pay as You Throw" (PAYT) program at the Wellfleet Transfer Station starting in FY2014. The program will include the regulations and fees listed in Document A⁵. Pilcher seconded the motion and it passed 5-0.

Recess: 8:30-8:38 p.m.

Act on the right of first refusal for Chequessett Yacht & Country Club Lot - Map 19, Parcel 101

Attorney Michael Ford sent a revised copy of a proposed easement for the Town, should the abutters purchase the property, which allows foot-traffic only and no access to the parking area. There would be an access restriction to shellfishing only and the area would be closed to the general public. The Town would also be responsible for maintaining the stairs. The Selectmen are in favor of a revised easement and agreed that Town Administrator Harry Terkanian should negotiate a degree of public access to the site. Houk suggested installing a bike rack on the landing in lieu of parking. From the audience, Jan Morrissey raised the question of the Town's liability for the stairs on the property.

Motion 13-0085: Pilcher moved to exercise the Town's right of first refusal to Lot 101 with the option to withdraw the motion if presented with a satisfactory easement to the Town. Morrissey seconded the motion and it passed 5-0.

Authorization to file a Statement of Interest with the School Building Assistance Board regarding the elementary school roof

Motion 13-0086: Murphy moved to authorize the Town Administrator to file a Statement of Interest with the School Building Assistance Board regarding the elementary school roof. Pilcher seconded the motion and it passed 5-0.

Town Meeting Warrant – Article and Question Placement & Recommendations

Terkanian presented the proposed Articles⁶ for the Annual Town Meeting to be held at 7:00 p.m. on April 22, 2013 at the Wellfleet Elementary School. The Selectmen reviewed the draft Articles and took action on the following:

Ballot Questions

Motion 13-0087: Pilcher moved to place Question 2: Bond issued in order to pay costs of purchasing a new Fire Department Tanker Truck. Murphy seconded the motion and it passed 5-0.

Motion 13-0088: Houk moved to place Question 4: Bond issued in order to pay costs of constructing public restrooms at Baker's Field. Pilcher seconded the motion and it passed 5-0.

Motion 13-0089: Houk moved to place Question 5: Bond issued in order to pay costs of replacing the roof on the Wellfleet Elementary School. Murphy seconded the motion and it passed 5-0.

Motion 13-0090: Pilcher moved to place Question 7: Bond issued in order to pay costs of purchasing CYCC Lot 101. Murphy seconded the motion and it passed 5-0.

Motion 13-0091: Pilcher moved to place Question 6: Approval of Charter Amendments proposed by the 2010 Annual Town Meeting. Murphy seconded the motion and it passed 5-0.

Budget Articles

Article A Approve FY2014 Operating Budget

Article B Transfer of funds to supplement FY 2012-2013 operating and capital budgets

Article C Approve FY2014 Capital Budget

Article D Approve Marina Enterprise Fund Budget

Article E Approve Water Enterprise Fund

Article F Approve 3% wage increase for elected official salaries: \$4,000 for Town Clerk and Town Collector

Motion 13-0092: Murphy moved to place and recommend Articles A-F. Pilcher seconded the motion and it passed 5-0.

Charter Amendment Articles

Motion 13-0093: Murphy moved to place Article JJ Appoint Town Clerk, Treasurer, and Town Collector. Morrissey seconded the motion and it passed 5-0.

Motion 13-0094: Murphy moved to recommend Article JJ Appoint Town Clerk, Treasurer, and Town Collector. Morrissey seconded the motion and it passed 4-1 (Houk).

Motion 13-0095: Pilcher moved to place and recommend Article KK Authorize BOS to vote on Finance Committee appointments to committees. Murphy seconded the motion and it passed 5-0.

Financial Articles

Motion 13-0096: Pilcher moved to place and recommend Article PP Accept MGL ch.60, sec.3D and to establish an “Aid to the Elderly or Disabled Taxation Fund.” Murphy seconded the motion and it passed 5-0.

Motion 13-0097: Pilcher moved to place and recommend Article QQ Accept MGL, ch.59, sec. 5 (41a) to set the annual tax deferral interest rate at zero percent. Houk seconded the motion and it passed 5-0.

Article G Fund the Collective Bargaining Agreement WEA A

Article H Fund the Collective Bargaining Agreement WEA B

Article I Fund the Collective Bargaining Agreement WEA C

Article J Fund the Collective Bargaining Agreement Communicators Union

Motion 13-0098: Murphy moved to place and recommend Articles G-J. Morrissey seconded the motion and it passed 5-0.

Article K Appropriation for Chapter 90 Matching Funds

Article L Fund the Retirees Health Benefits Unfunded Liability: \$150,000

Article M Stabilization Fund: \$50,000

Motion 13-0099: Houk moved to place and recommend Articles K-M. Murphy seconded the motion and it passed 5-0.

Motion 13-0100: Pilcher moved to place and recommend Article N Community Preservation Act Percentage Allocation Article: \$25,000 - Administrative Expenses \$69,322 - Open Space Debt Service \$50,000 - Community Housing \$50,000 - Historic Resources \$215,678 - Budget Reserve. Murphy seconded the motion and it passed 5-0.

Motion 13-0101: Murphy moved to place and recommend Article O Community Preservation Act Appropriation: \$15,000 – Affordable Housing Trust for Estate Planning. Morrissey seconded the motion and it passed 5-0.

Motion 13-0102: Murphy moved to place and recommend Article P Community Preservation Act Appropriation: \$75,000 - Pond Hill School restoration and renovation. Houk seconded the motion and it passed 5-0.

Motion 13-0103: Pilcher moved to place and recommend Article Q Community Preservation Act Appropriation: \$20,000 – Restoration and rehabilitation of Preservation Hall Park. Morrissey seconded the motion and it passed 5-0.

Motion 13-0104: Pilcher moved to place Article S Debt exclusion for borrowing for Fire Truck: \$250,000. Murphy seconded the motion and it passed 5-0.

Motion 13-0105: Pilcher moved to recommend Article S Debt exclusion for borrowing for Fire Truck: \$250,000. Bruinooge seconded the motion and it passed 4-1 (Murphy).

Motion 13-0106: Pilcher moved to place Article RR Debt exclusion for borrowing to purchase CYCC Lot 101. Morrissey seconded the motion and it passed 5-0.

Motion 13-0107: Pilcher moved to reserve recommendation to Town Meeting Article RR Debt exclusion for borrowing to purchase CYCC Lot 101. Morrissey seconded the motion and it passed 5-0.

Motion 13-0108: Houk moved to place and recommend Article U Debt exclusion for borrowing for Baker’s Field Restrooms: \$324,000. Morrissey seconded the motion and it passed 5-0.

Motion 13-0109: Houk moved to place Article Ua Funding for Baker’s Field Restrooms planning: \$60,000. Murphy seconded the motion and it passed 5-0.

Motion 13-0110: Houk moved to reserve recommendation to Town Meeting Article Ua Funding for Baker's Field Restrooms planning: \$60,000. Murphy seconded the motion and it passed 5-0.

Motion 13-0111: Houk moved to place Article V Debt exclusion for borrowing for the replacement of the Wellfleet Elementary School roof: \$375,000. Murphy seconded the motion and it passed 5-0.

Motion 13-0112: Houk moved to place and recommend Article OO Funding for Wellfleet 250th Anniversary activities: \$25,000. Bruinooge seconded the motion and it passed 3-2 (Pilcher/Morrissey).

Motion 13-0113: Murphy moved to place and recommend Article W Disposal of surplus/outdated supplies and equipment. Morrissey seconded the motion and it passed 5-0.

Motion 13-0114: Houk moved to place and recommend Article X Increase the maximum amount to sell surplus personal property from \$500 to \$1,500 without prior Town Meeting approval. Pilcher seconded the motion and it passed 5-0.

Bylaw Amendments

Motion 13-0115: Murphy moved to place and recommend Article HH Amend Personnel Bylaw. Morrissey seconded the motion and it passed 5-0.

Motion 13-0116: Morrissey moved to place and recommend Article II Amend Demolition Delay Bylaw. Murphy seconded the motion and it passed 5-0.

Standard Annual Articles

Article Y Accept Gifts Article

Article Z Collection of Taxes Article

Article AA Town to assume liability for MassDEP waterways work within Town

Article BB Regional School Budget Assessment Allocation Article

Motion 13-0117: Morrissey moved to place and recommend Article Y, Z, AA and BB. Morrissey seconded the motion and it passed 5-0.

Zoning Articles

Motion 13-0118: Pilcher moved to place and recommend Article CC Zoning Bylaw amendment to allow Solar PV installation in C2 districts. Murphy seconded the motion and it passed 5-0.

Motion 13-0119: Murphy moved to place and recommend Article DD Zoning Bylaw amendment to allow a moratorium on medical marijuana dispensaries. Pilcher seconded the motion and it passed 5-0.

Land Use Articles

Motion 13-0120: Murphy moved to place and recommend Article EE Authorize easements for Bank St., Commercial St. and Holbrook Ave. Pilcher seconded the motion and it passed 5-0.

Motion 13-0121: Murphy moved to place and recommend Article SS Authorize the Board of Selectmen to amend the restrictions on the use and development property at 250 Gull Pond Road for affordable housing purposes. Houk seconded the motion and it passed 5-0.

Town Property

Motion 13-0122: Murphy moved to place and recommend Article FF Designation of three new Scenic Roads. Pilcher seconded the motion and it passed 5-0.

Motion 13-0123: Murphy moved to place and recommend Article GG OpenCape Lease for Microwave on Water Tank. Pilcher seconded the motion and it passed 5-0.

Other Articles

Motion 13-0124: Morrissey moved to place and recommend Article LL Authorize BOS to enter into a Municipal Solid Waste contract. Houk seconded the motion and it passed 5-0.

Article MM Hear Reports from Selectmen, Town Officers, and all other Committees

Article NN Act on Other Business Article

Motion 13-0125: Morrissey moved to place and recommend Articles MM and NN. Pilcher seconded the motion and it passed 5-0.

Final adjustments to operating budget

Harry Terkanian reviewed final adjustments to the FY2014 budget, including costs associated with copier leases, an alarm system, warrant printing and debt service, plus a reduction of Nauset Region capital assessment in the Capital Improvement Plan (CIP)⁷.

Motion 13-0126: Murphy moved to approve the FY2014 budget adjustment for the copier leases and alarm system. Pilcher seconded the motion and it passed 5-0.

Motion 13-0127: Murphy moved to approve the FY2014 budget adjustment for printing of the Warrant. Pilcher seconded the motion and it passed 5-0.

Motion 13-0128: Murphy to approve the FY2014 budget adjustment for debt service. Bruinooge seconded the motion and it passed 5-0.

Motion 13-0129: Murphy to approve the FY2014 budget adjustment for a reduction of Nauset Region capital assessment in the CIP. Houk seconded the motion and it passed 5-0.

Town Administrator's Report

Town Administrator Harry Terkanian reviewed the Town Administrator's report⁸. Terkanian requested that the Selectmen approve a \$2,000 expense and excused Friday class instruction time for a graduate certificate program in public management offered by the Massachusetts Municipal Association (MMA) at Suffolk University in Boston.

Motion 13-0130: Pilcher moved to approve Terkanian's request to earn a graduate certificate program in public management offered by the MMA at Suffolk University and pay for the cost of the course. Murphy seconded the motion and it passed 5-0.

Future Concerns

- Bruinooge spoke of a memo from the Open Space Committee concerning conflicting dog laws in Wellfleet. Bruinooge wants to see one set of dog laws ready before the end of June. Terkanian convened a meeting with the Bylaw Committee, Beach Department, Animal Control Officer and Police Chief on February 27, 2013; they concluded that it was not the dog laws that are inconsistent but the public signage. Terkanian hopes to have the issue resolved before June.
- The Selectmen agreed to write a letter for the 250th Anniversary time capsule by June 1, 2013.
- Pilcher would like the issue of the water system installation on private roads on the March 26, 2013 agenda.

Correspondence and Vacancy Report

Dennis Murphy had prepared the Correspondence Report⁹. A copy was made available for review.

Minutes

Motion 13-0131: Pilcher moved to approve the minutes of February 26, 2013¹⁰ with correction to Article OO. Murphy seconded the motion and it passed 5-0.

Adjournment

Motion 13-0132: Murphy moved to adjourn the meeting. Pilcher seconded the motion and it passed 5-0. The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

¹ March 4, 2013 Fisette memo: Special Police Officers Appointment

² Recreation Department proposed fees for FY2014

³ Nonbinding Public Opinion Advisory Question for the Wellfleet Spring 2013 Ballot

⁴ BOH PAYT fee schedule and supporting documentation

⁵ PAYT 'Document A' listing proposed fee schedule

⁶ Proposed Articles for the Annual Town Meeting on 04/22/13

⁷ March 4, 2013 Harry Terkanian memo: Final FY2014 Budget Adjustments

⁸ March 12, 2013 Harry Terkanian Town Administrator's Report

⁹ Correspondence Report for February 26, 2013

¹⁰ Minutes of February 26, 2013