

**Wellfleet Board of Selectmen
Minutes of the Meeting of March 26, 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

- Chair Berta Bruinooge read a Town of Wellfleet Proclamation declaring March 30, 2013 as ‘Daniel Silverman Day¹.’
- Paul Pilcher announced the ‘All About Wellfleet – Meet the Artists’ reception on Sunday, April 14, 2013 from 2:00 – 4:00 p.m. at the Wellfleet Public Library.
- Kevin Galligan of the Cape Light Compact gave the Selectmen a brief status update on the Municipal LED Streetlight Demonstration Project² on Main Street in Wellfleet. Residents can also report a streetlight outage to 1-800-LIGHTS ON.

Town Administrator Harry Terkanian announced the following:

- The Warrant for the 2013 Annual Town Meeting has been posted by the Constable and sent to the printer. It is also available on the Town website homepage.
- Terkanian attended the March 20, 2013 awards meeting of the American Council of Engineering Companies. Environmental Partners Group, Inc. received a Silver Award for Wellfleet’s Wastewater Committee Storm Water Drainage & Oyster Nitrogen Removal Project.
- Terkanian received notice from Barnstable County that Wellfleet’s representative to the Barnstable Human Rights Commission has relocated to Eastham, so the Town needs to appoint a new delegate.

Licenses

Renewal of Seasonal Liquor Licenses

Motion 13-0133: Murphy moved to renewal the seasonal liquor licenses for Catch of the Day, Chequessett Yacht & Country Club, Flying Fish Café, Harbor Stage Company, The Juice, Mac’s Shack, Marconi Beach Restaurant, Maurice’s Campground, Pearl Restaurant, Rookie’s, Sweet Seasons, V.R.’s, Wellfleet Beachcomber, Wellfleet Dairy Bar and Grill, Wellfleet Flea Market, Wellfleet Motel and Lodge, Wellfleet Marketplace, Wellfleet Wine and Spirits and Winslow’s Tavern. Houk seconded the motion and it passed 5-0.

Appointments

Motion 13-0134: Houk moved to appoint Curt Felix as the Wellfleet Representative to the Cape Cod Water Protection Collaborative, Wellfleet Representative, serving the remainder of Hillary Greenberg-Lemos’ term, ending 6/30/14. Murphy seconded the motion and it passed 5-0.

Motion 13-0135: Pilcher moved to appoint Jennifer I. Pierce to the Citizens Economic Development Committee for a one year term ending 6/30/14. Murphy seconded the motion and it passed 5-0.

Motion 13-0136: Murphy moved to appoint Suzanne Lawlor to the Board of Voter Registrars for a one year term ending 3/31/14. Houk seconded the motion and it passed 5-0.

Public Hearing(s) [7:15]

Fees

Small Boat Identification Program

Terry Gips from the Conservation Commission gave an overview of the Small Boat Identification Program³. Gips explained that the racks placed at Town landing locations would house kayaks and canoes. Any boat using the racks at Town landing locations must purchase a \$25 identification sticker. Boats left at Town landings without stickers will be ticketed and/or removed. Shellfishermen will get a free year-round sticker issued by the Harbormaster to use on their boats.

Motion 13-0137: Murphy moved to approve the request by the Conservation Commission to adopt fees and non-criminal violations into 'Wellfleet Environmental Protection Regulations' for the Small Boat Identification Program. Morrissey seconded the motion and it passed 5-0.

Shellfish⁴

Shellfish Constable Andrew Koch came forward to give his recommendations for the public hearings for Shellfish Grant Licenses.

Motion 13-0138: Pilcher moved to approve the application received February 19, 2013 from Russell Apgar to renew shellfish grant licenses # 95-27 & 95-28 for a ten year period. Morrissey seconded the motion and it passed 5-0.

Motion 13-0139: Pilcher moved to approve the application received February 19, 2013 from Sandra Mitchell and Brent Valli to renew shellfish grant licenses # 95-21 & 95-22 for a ten year period. Murphy seconded the motion and it passed 5-0.

Motion 13-0140: Houk moved to approve the application received February 25, 2013 from Clifford Dalby to renew shellfish grant licenses # 95-31 and 95-32 for a ten year period. Morrissey seconded the motion and it passed 5-0.

Motion 13-0141: Houk moved to approve the application received February 25, 2013 from Robert and Barbara Olson to renew shellfish grant licenses # 95-3 and 95-4 for a ten year period. Pilcher seconded the motion and it passed 5-0.

Motion 13-0142: Houk moved to approve the application received February 28, 2013 from Paul Conor and Alfred Pickard to renew shellfish grant licenses # 95-5 and 95-6 for a ten year period. Pilcher seconded the motion and it passed 5-0.

Motion 13-0143: Houk moved to approve the application received February 28, 2013 from Margaret Conor and Jeffrey Pickard to renew shellfish grant licenses # 95-9 and 95-10 for a ten year period. Murphy seconded the motion and it passed 5-0.

Reappointments

Motion 13-0144: Murphy moved to appoint Lorial Russell as Animal Control Officer for a one year term ending 4/30/14. Morrissey seconded the motion and it passed 5-0.

Use of Town Property

Motion 13-0145: Pilcher moved to approve the application received from Rebecca Brooks and Peter Benjamin to use Duck Harbor Beach and parking lot on Saturday, July 27, 2013 from 5:00 to 6:00 p.m. for a wedding ceremony. Processing fee: \$20. Use of Town Property fee: \$100. Morrissey seconded the motion and it passed 5-0.

Motion 13-0146: Murphy moved to approve both applications received from Jody Craven and Christa von der Luft of Cape Cod Bay Challenge, Inc. to use White Crest Beach on Saturday, June 8, 2013 from 10:00 a.m. to 2:00 p.m. to host an annual stand-up paddle boarding and surfing event; and to use Mayo Beach and Baker's Field on Saturday, August 17, 2013; (1) Mayo Beach: 2:00-4:00 p.m. for a 35-mile stand-up paddleboard crossing of Cape Cod Bay to end at Mayo Beach, and (2) Baker's Field Tent Area: 12:00-9:00 p.m. for a post-event celebration and fundraiser at Baker's Field. All proceeds to benefit Christopher's Haven. Processing Fee: \$20. Use of Town Property fee: Exempt. Morrissey seconded the motion and it passed 5-0.

Business

Water Commissioners Phase II Expansion Update

Water Commissioners Justina Carlson and Jim Hood gave the Selectmen an update of the Phase II Expansion of the Wellfleet Water System⁵. Murphy and Houk expressed concerns that Phase II of the project was not sent out to bid, with Morrissey adding that he thought any project over \$100,000 should go through the Town bid process. Murphy told Carlson and Hood that EPG significantly lowered their original estimate for the construction project on Commercial Street after the Selectmen elected to bid out the project. Carlson said the story was 'troubling' and that she would discuss the issue with EPG. The Water Commissioners would also investigate if the project could meet USDA grant construction deadline expectations if the project was re-bid. Bruinooge suggested postponing the entire Water System Phase II expansion discussion, including issues regarding construction on private roads⁶, until the April 9, 2013 BOS meeting to give the Commissioners and Administration time to re-evaluate the EPG contract and USDA grant deadline issues.

Motion 13-0047: Pilcher moved to postpone the discussion on the Water System Phase II and private road expansion issues to the April 9, 2013 meeting. Murphy seconded the motion and it passed 5-0.

Conservation Restriction – 140 Pond Avenue (Sparrow Property)

Motion 13-0048: Murphy moved to approve the acceptance of the grant of the Conservation Trust to the Wellfleet Conservation Commission, pursuant to G. L. Chapter 40, Section 8C, and also approval, pursuant to G. L. Chapter 184, Section 32, of the conservation restriction from The Compact of Cape Cod Conservation Trusts, Inc.. This conservation restriction for 140 Pond Avenue (Sparrow Property) is to be held by the Conservation Commission and assigned by the Wellfleet Conservation Trust upon acquisition⁷. Pilcher seconded the motion and it passed 5-0.

Conservation Restriction - Assent to assignment for Coles Neck Road (Walker Property)

Motion 13-0049: Pilcher moved to approve the acceptance of the assignment of the conservation restriction to the Wellfleet Conservation Commission, pursuant to G. L. Chapter 40, Section 8C. This is an assent to assignment of a conservation restriction for Coles Neck Road (the Walker Property) from the Wellfleet Conservation Trust to the Conservation Commission⁸. Houk seconded the motion and it passed 5-0.

Action on the proposed easement or purchase of the Chequessett Yacht & Country Club Lot - Map 19, Parcel 101

Attorney Michael Ford sent a revised copy of a proposed easement⁹ for the Town that outlined an offer from the abutters should they elect to purchase the property. The easement would allow foot-traffic only and no access to the parking area. The area would be open to the general public from one half of an hour before sunrise and one half of an hour after sunset. There would be a bike rack installed on the property. The Town would be responsible for maintaining the stairs to the beach. The abutters would have to maintain the bulkhead. Terkanian said that Town officials will still have to sign and record the purchase and sale agreement because of the right of first refusal deadline, and he would alert all parties that this agreement would stand until a final accepted easement is executed. The Selectmen were in favor of accepting the terms in the revised easement. Houk did not like the language of the bike rack and wants to be sure it holds more than 1-2 bikes. NRAB, the Open Space Committee and the Shellfish Advisory Board also accept the terms of the proposed easement.

Motion 13-0050: Pilcher moved to accept the easement terms with further negotiations for the bike rack specifications with Michael Ford on behalf of the abutters for Lot 101. Murphy seconded the motion and it passed 5-0.

Waive OpenCape Building Permit Fee

Motion 13-0051: Pilcher moved to approve the request by OpenCape to waive the building permit fee for microwave antennas on the Town water tower (permit fee is \$290 per BL.)¹⁰. Morrissey seconded the motion and it passed 5-0.

Action on Municipal Solid Waste Contract

Terkanian put 'action on the Municipal Solid Waste Contract' on the BOS agenda in the event that a revised contract from Covanta or ABC Disposal, Inc. would be ready for review at the meeting. Houk, Murphy and DPW Director Mark Vincent met with ABC Disposal at the Transfer Station on March 22, 2013 and Houk briefed the group on meeting highlights, which included a proposal to run the Transfer Station in its entirety (minus the Transfer Station monitoring by EPG). The contract from ABC Disposal will be ready for review in approximately one month.

Renewal of Barnstable County IT Contract

According to the terms of the current contract with Barnstable County Information Technology (BCIT), the Town must give notice of non-renewal to BCIT by April 1, 2013. Terkanian asked the BOS for consensus to seek renewal prior to the deadline date and begin the negotiation process. The Selectmen agreed to allow Terkanian to enter into negotiations and return with an update or new contract for review at a future Board of Selectmen meeting.

Town Administrator's Report

Town Administrator Harry Terkanian reviewed the Town Administrator's report¹¹, which contained supplementary written information on the following issues:

- Terkanian reviewed a PAYT process update memo from the Town Administrator's report. Houk expressed concern at the speed of PAYT adoption and thinks it is a Town Meeting issue. Morrissey explained the lengthy and detailed planning process that led to the adoption. Pilcher suggested adding PAYT to a future meeting agenda if the BOS wished to discuss the issue further.
- Terkanian asked Suzanne Grout Thomas to summarize the summer parking issues at Cahoon Hollow; she said that because of cut backs to the parking lot from storm damage, there would be no stickered parking at Cahoon Hollow. She suggested exploring remote parking and shuttles to Town beaches in the near future.
- Temporary repairs to the tennis court fencing have been contracted for by the DPW at a cost of \$4,900. The DPW will remove the backstop at the Elementary School and contract for a replacement. The cost of replacement is likely to be around \$15,000 and FY2013 funding for both projects will likely be transfer requests at Town Meeting.
- Joint police dispatch with Harwich, Chatham and Eastham is a closed issue. Chatham has withdrawn, Eastham does not see any cost savings and the financials are less favorable with just Wellfleet and Harwich participating.
- Terkanian requested that the BOS conduct an informal employment evaluation/critique of his job to date and assist him in setting goals, preferably at the April 9, 2013 BOS meeting.
- The Open Space Committee submitted a request to transfer a tax title possession property to the Conservation Commission. Terkanian will circulate the request to Town boards in accordance with the BOS policy.

Correspondence and Vacancy Report

Dennis Murphy had prepared the Correspondence Report¹². A copy was made available for review.

Minutes

Motion 13-0152: Pilcher moved to approve the minutes of March 12, 2013¹³ as revised with the correction to page 2, property tax 'hardship' exemption. Murphy seconded the motion and it passed 5-0.

Adjournment

Motion 13-0153: Murphy moved to adjourn and not return to the regular meeting in order to go into Executive Session. Bruinooge read aloud the purpose for Executive Session:

2. To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; and
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares]

Pilcher seconded the motion. Bruinooge, Houk, Morrissey, Murphy and Pilcher each said yes, and the regular meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

¹ 'Daniel Silverman Day' Proclamation

² Cape Light Compact Municipal LED Streetlight Demonstration Project one-sheet

³ Wellfleet Small Vessel Identification Program overview and regulations 2013

⁴ Shellfish Constable recommendations for the public hearings for Shellfish Grant Licenses March 22, 2013

⁵ March 2013 Agreement for services in connection with the water system expansion

⁶ March 19, 2013 memo: Private Roads and Public Water Mains

⁷ March 19, 2013 memo and Conservation Restriction documents 140 Pond Avenue

⁸ March 19, 2013 memo and Conservation Restriction documents Coles Neck Road

⁹ March 22, 2013 draft easement for CYCC Lot 101

¹⁰ March 26, 2013 request by OpenCape to waive the building permit fee for microwave antennas on the Town water tower

¹¹ March 26, 2013 Harry Terkanian Town Administrator's Report

¹² Correspondence Report for March 26, 2013

¹³ Minutes of March 12, 2013