

**Wellfleet Board of Selectmen
Minutes of the Meeting of August 13, 2013
Council On Aging Building, 7:00 p.m.**

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

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

Announcements, Open Session and Public Comment

- Pilcher thanked Suzanne for planning a wonderful 250th Anniversary and said he added the Historical Society to the Selectmen letter going into the new time capsule.
- Houk reminded the audience that the annual Alzheimer's Auction would be held on Sunday, August 18, 2013 from 3:00-7:00 p.m. at Sweet Seasons. Houk also thanked the Police Department for their traffic management after the 250th Anniversary fireworks. He would also like to see reflective gear given to kids riding their bikes to work and asked about the status of the WHAT theater parking lot. Terkanian said that the Health Dept. is dealing with failing septic under the lot and that the parking issues would be addressed when the septic is done.
- Bruinooge would like the bell made by Hugh Guilderson for the Town's 250th Anniversary to be displayed at Town Hall have the moderator ring the bell at the beginning of Town Meeting.
- Town Administrator Harry Terkanian announcements:
 - An informational meeting for the six Outer Cape communities on FEMA map changes has been rescheduled for August 15th at 3:00 p.m. at Nauset Regional High School, 100 Cable Road, Eastham. Note that the time was previously announced as 4:00 p.m.
 - Rise Engineering has completed sealing and insulating the Library attic at a total cost of \$9,600 which was paid for by Cape Light Compact.
 - The Town has received \$3,389 back on its workers compensation insurance by participating in voluntary risk management and loss prevention programs.
 - MassDOT has advised the Town that their Project Review Committee has evaluated the Route 6 & Main Street intersection project and determined that it is eligible for Federal highway aid. There are still a number of steps before construction can begin, but this is an important first step.
- Manny Smith from the Taxation Aid Committee said that they were developing an application and press release dealing with tax relief for the disabled and elderly that would be mailed in the tax bills this fall. If everyone in town gave \$50, committee would raise over \$100,000 for tax relief. The Harbor Stage Company is holding a fundraiser on Sunday, August 25, 2013 at 4:30 p.m. Tickets are \$55. Call (508) 349-9800 for more information¹.
- Jody Craven of the Cape Cod Bay Challenge donated two paddleboards to the Town Recreation Department as a thank you gift.
- Police Chief Ron Fisette said that the Planning Board is working with the business community to promote bike safety issues.

Appointments

Motion 14-0022: Houk moved to appoint Walter Baron as a regular member of the Marina Advisory Committee for a two year term ending 6/30/15. Murphy seconded the motion and it passed 5-0.

Motion 14-0023: Pilcher moved to appoint Jake Puffer as an alternate to the Shellfish Advisory Committee for a three year term ending 6/30/16. Houk seconded the motion and it passed 5-0.

Motion 14-0024: Pilcher moved to appoint Laura Hewitt to the Natural Resources Advisory Board for a three year term ending 6/30/16. Murphy seconded the motion and it passed 5-0.

Motion 14-0025: Houk moved to appoint Jay Horowitz to the Building and Needs Assessment Committee for a three year term, ending 6/30/16. Murphy seconded the motion and it passed 5-0.

Motion 14-0026: Houk moved to appoint Todd LeBart to the Beach Parking Task Force with a term ending 12/31/13. Murphy seconded the motion and it passed 5-0.

Use of Town Property

Motion 14-0027: Morrissey moved to approve the application received from Beth Brehmer from the Recycling Committee requesting the continued use of 325 Main Street (the Penny Patch - temporary approval was granted at June 4, 2013 BOS meeting for a trial run) on Wednesdays from 8:00 a.m. to 1:00 p.m. from August 14 to September 25, 2013 (same day and hours as Farmer's Market) to set up a booth to sell artwork, reusable bags, composters, etc. and promote the work of the Recycling Committee. 25% of proceeds donated to the Town. Pilcher seconded the motion and it passed 5-0].

Motion 14-0028: Pilcher moved to approve the application received from Jonathan Schwartz and Johanna Homan to use Duck Harbor and parking lot on Saturday, September 21, 2013 from 2:00 to 3:30 p.m. for a wedding ceremony. 80-100 guests carpooling to the ceremony. Chairs will be brought in for the ceremony and any litter will be removed post-ceremony. Murphy seconded the motion and it passed 5-0. [Processing fee: \$20. Use of Town Property fee: \$100].

Motion 14-0029: Houk moved to allow Katherine Weeks to teach the remaining 2013 surf lessons at Whitecrest Beach to fulfill her contract with YMCA. The Selectmen also authorize the Beach Administrator to revoke approval under appropriate circumstances. The BOS also require proof of liability insurance. Pilcher seconded the motion and it passed 5-0. [Processing fee: \$20. Use of Town Property fee for surf lessons: \$350].

Motion 14-0030: Murphy moved to approve the application received from Becky Rosenberg and Christine Bezio from the Wellfleet Recreation Department and Committee to use the Bakers Field Tent and surrounding area on Sunday, August 25, 2013 from 2:00 p.m. to 10:00 p.m. to host 'Wellfleet Boogie.'. 'Boogie' will include live bands, craft vendors and children's activities. Food vendor approval is pending permission from the Health Agent. Admission is free. Donations accepted to support Wellfleet Recreation Department programs. Houk seconded the motion and it passed 5-0. [No processing fee or Use of Town Property fee applies].

Business

County Commissioner Sheila Lyons for a discussion on County activities including charter review and the proposed transfer of the mosquito control project to the county

County Commissioner Sheila Lyons gave an overview of the Special Commission on County Governance which has proposed a consolidation of government functions and the dissolution of the Assembly of Delegates in favor of an advisory task made up of 11 districts. "With the loss of population trending in Wellfleet, [the Town] will lose an even greater percentage of a vote and loss of a voice," argued Lyons. Lyons said that by "gathering together as a more concentrated force, we can apply greater pressure on the state for funds." Proposed district maps are available on the Barnstable County website and all proposals are up for discussion. Lyons said there will be public hearings on the special commission's draft recommendations and then the recommendations will go to legislature and a referendum vote on Cape Cod. Wellfleet Assembly of Delegates representative Ned Hitchcock gave a rebuttal of Lyon's statements, saying that the dissolution of the Assembly of Delegates would be "destructive of Town identity" and "eliminates checks and balances in government." As for the transfer of the mosquito control

project to the County, Lyons said the County is asking for funds from the Cape towns to study the best way to proceed with the issue – whether to stand alone or working with the state.

Approval of Department of Housing and Community Development Regulatory Agreement for Gull Pond Road Homes

Motion 14-0031: Houk moved to approve the Department of Housing and Community Development Regulatory Agreement for Gull Pond Road Homes². Murphy seconded the motion and it passed 5-0.

Discussion of potential property lease to the Wellfleet Sea Salt Co.

Paul Pilcher announced that the owners of the Wellfleet Sea Salts Co. are looking for approximately 5,000 sq. ft. of space to build environmentally friendly sealed evaporation beds to help expand their year round business and hire more people in Wellfleet. There is no special permit needed for the evaporation beds, which look like greenhouses. Pilcher asked Administration to investigate leasing Town own land to Wellfleet Sea Salts or asked the public if they new of any private land that would be viable for the operation. The Citizen's Economic Development Committee submitted a letter of support for the project³.

Jack's Boat Rental review of environmental violations at Gull Pond

Jack Ferriera came before the Selectmen to address conservation violations by Jack's Boat Rental for denuding protected vegetation at Gull Pond. Ferriera said he would not renew his current boat rental lease with the Town when it expires September 30, 2013, calling the decision an "emotional experience" because he loves Gull Pond. Debbie Ebersold, Ferriera's business partner, thanked the Town for the opportunity to operate Jack's Boat Rental for the past 40 years but in a written statement⁴ said, "The Conservation Commission obviously feels that Jack's is a detriment to Gull Pond and has systematically found what they consider to be environmental violations of one kind or another" and "due to the continued difficulties that seem to be more the norm lately, Jacks Boat Rental will opt not to renew the remaining two years on the lease at Gull Pond." Murphy said that Jacks Boat Rental was one of many causes of environmental degradation at Gull Pond and suggested waiving the fines of \$200 per day and allowing Ferriera to finish out the season before proceeding with the Gull Pond restoration. Houk agreed with Murphy. Bruinooge said that the issue of the fines should be referred back to the Conservation Commission. Pilcher would like to vote to recommend waiving the fines and pass the Selectmen recommendation to the Conservation Commission.

Motion 14-0032: Pilcher moved to recommend that conservation fines imposed on Jacks Boat Rental be waived and the issue be referred back to the Conservation Commission for final consideration. Houk seconded the motion and it passed 4-1 (Morrissey).

Recess called from 8:47 – 8:55 p.m.

Approval of Barnstable County Health Services agreement

Motion 14-0033: Morrissey moved to approve and execute the Barnstable County Health Services agreement⁵. Houk seconded the motion and it passed 5-0

Principal Clerk use of BOS name stamps on Social and Human Services Committee contracts

Motion 14-0034: Pilcher moved to allow Principal Clerk to use Board of Selectmen name stamps on contracts to be issued by Social and Human Services Committee. Morrissey seconded the motion and it passed 5-0.

Review of the draft Herring River MOU III

Terkanian reviewed a preliminary draft of the Herring River MOU III⁶. The Working Group is recommending the adoption of 'Alternative D' which is the most expansive option. The Board agrees that EIS/ENF alternative D is the preferred alternative, which includes provisions on the following:

A legislatively chartered “Restoration Authority” that will assume liability and financial responsibility. Indemnification of the Towns and National Park Service (NPS) by the Restoration Authority should be considered. Regarding the issue of financial responsibility, Terkanian would like clear wording for section 8.c. and suggested, “not . . . binding the Towns to expend in any one fiscal year any sums in excess of those appropriated by town meeting and made administratively available for the purpose of this Agreement for the fiscal year...” There was also agreement that Wellfleet have a greater stake in the project than Truro and representation on the Restoration Authority's governing board should reflect this. High Toss Road continues to be a point of discussion. The Board's understanding that it is a Town road is at odds with the Seashore's understanding. The Board is interested in settling the issue of ownership, but, while important, is secondary to insuring that the road remains available as an alternate means of access even if flooded by high tides. The Board envisions a result comparable to the present condition Lieutenant's Island Road which is flooded a high water.

Approval of Budget and Financial Management Policy

Motion 14-0035: Bruinooge moved to adopt the Budget and Financial Management Policy⁷. Murphy seconded the motion and it passed 5-0

Signs on Town Hall Lawn

Terkanian has received a “steady stream of complaints” regarding the congestion of signs on the Town Hall front lawn. Although a useful communications tool, some vendors do not seek permission to place signs and abuse the opportunity for free advertising. It is also extra work for the DPW when they mow the lawn. Terkanian suggested installing a locked bulletin board under the control of Town Hall and permanently removing the signs after Labor Day. Bruinooge thinks that the signs detract from the beauty of Town Hall and supports permanent removal. She does not support the installation of a public bulletin board. Pilcher agreed that the sign congestion has “gotten out of hand” but thinks there is value in signage that supports Town functions, community meetings and non-profit events. No final decision was reached on the issue by the Selectmen, although they agreed that all of the signs on Town Hall front lawn should be removed after Labor Day and the issue should be revisited at a future BOS meeting.

Discuss possible amendment of Charter section 8-10-5

Terkanian asked the Selectmen to review possible amendment of Charter section 8-10-5 which deals with dismissal from committees/boards if a member misses four consecutive meetings. The Town Charter would require a charter amendment to add a waiver provision. The Selectmen agreed that the Charter provision should be added and Bruinooge asked Terkanian to add to the Town Meeting agenda in April.

Discuss status of Comcast side letter build out agreement

Terkanian discussed a side letter to the Comcast agreement with the Town that gave a construction timetable to extend service to unserved areas. Comcast is currently behind schedule but there is no violation except for their ‘leisurely pace.’ Terkanian contacted Wellfleet’s Comcast representative for a more thorough update but has struggled to get information⁸. Several unserved residents were present at the meeting and spoke out about their frustration with Comcast’s lack of progress, adding that the absence of access to high speed internet service is affecting their ability to attract renters. Terkanian said that the Town has recourse if there is a breach in the agreement but is concerned that the license is not up for renewal for 7 years and Comcast might draw out the construction timeline outlined in the side letter. Houk said we should “light a fire under [Comcast’s] feet” to begin the build out. Bruinooge agreed that the issue was serious and said the Selectmen would do everything in their power to secure action on the unserved residents’ behalf. Assistant Town Administrator Tim King suggested writing letters to the Comcast chair, governor and newspapers, as well as schedule a public hearing and invite Comcast to attend. Bruinooge asked Terkanian to draft a letter to Comcast and bring it to the next BOS meeting for approval. Houk suggested combining efforts with Truro as they are experiencing similar issues with Comcast.

208 Wastewater Planning Cooperation Agreement with Truro

Motion 14-0036: Pilcher moved to authorize the 208 Wastewater Planning Cooperation Agreement⁹ with Truro. Morrissey seconded the motion and it passed 5-0.

Police Chief and Police Lieutenant personal service contracts

Motion 14-0037: Houk moved to approve the personal service contract extensions for Police Chief Ron Fisette and Police Lieutenant Michael Hurley. Murphy seconded the motion and it passed 5-0.

Town Administrator's Report

Town Administrator Harry Terkanian reviewed the Town Administrator's report¹⁰, which contained supplementary information on the following issues:

- There has been a complaint registered that Dunkin Donuts' hours of operation extend beyond the hours specified in its business license.
- Private roads. The DPW with the assistance of the Police Department and Fire Department have done site inspections of all paved private roads in Town, there are about 120 of them. 90 fail some aspect of the private road standards, most commonly signage or pruning. 50 roads have either height or shoulder pruning deficiencies, in most cases both. Another 10 have road surface problems and 9 have inadequate emergency access. Signage is also a significant public safety issue because the Fire Department cannot always locate a road. We will be posting the list with specific deficiencies on the Town web site and will publish notice. We are also considering a tax bill stuffer. These conditions create immediate public safety problems. These conditions will not affect this winter's plowing list but, if not remedied, roads will be removed from the 2014 -2015 eligibility list.

Future Concerns

- Bruinooge requested a special BOS meeting to address Town parking issues.
- Pilcher would like a presentation on the OysterFest safety report at the Aug 27, 2013 meeting.
- Murphy asked why the DPW provided Town sand to the Chequessett Yacht and Country Club.
- Houk confirmed that the donated paddleboards would be used by the Recreation Department.

Correspondence and Vacancy Report

John Morrissey had prepared the Correspondence Report¹¹. A copy was made available for review.

Minutes

Motion 14-0038: Pilcher moved to approve the minutes of July 17, 2013¹² as printed. Morrissey seconded the motion and it passed 5-0.

Adjournment

Executive Session

Motion 14-0039: Bruinooge moved to go into Executive Session and not come back into public session. Bruinooge read aloud the purpose for Executive Session:

2. To discuss strategy with respect to collective bargaining for Wellfleet Police Officers, Permanent Firefighters and Teamsters 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.

Also vote to disclose to the public 2012 and select 2013 executive session minutes.

Pilcher seconded the motion. Bruinooge, Houk, Morrissey, Murphy and Pilcher each said yes, each said yes, and the regular meeting was adjourned at 10:11 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

¹ Press release for Harbor Stage Company fundraiser

² 2013-08-13 Department of Housing and Community Development Regulatory Agreement for Gull Pond Road Homes

³ 2013-08-13 Citizens Economic Development Committee letter of support for Wellfleet Seas Salts

⁴ 2013-08-13 Jacks Boat Rental written statement

⁵ 2013-08-13 Barnstable County Health Services agreement with Wellfleet

⁶ 2013-07-22 Herring River MOU III working Group preliminary draft memo

⁷ 2013-08-13 Budget and Financial Management Policy

⁸ Various email and written correspondence between the Town of Wellfleet and Comcast

⁹ MOU Clean Water Compliance between the Towns of Wellfleet and Truro

¹⁰ 2013-08-13 Harry Terkanian Town Administrator's Report

¹¹ 2013-08-13 Correspondence Report

¹² 2013-07-13 Minutes