

**Wellfleet Board of Selectmen
Minutes of the Meeting of September 10, 2013
Council On Aging Building, 7:00 p.m.**

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

Regrets: Berta Bruinooge

Acting Chair Paul Pilcher called the meeting to order at 7:00 p.m.

Announcements, Open Session and Public Comment

- Town Administrator Harry Terkanian announcements:
 - The Massachusetts School Building Authority has assigned an Owner's Project Manager and Designer for the Wellfleet Elementary School Roof project. They must be under contract in four weeks.
 - Nauset Regional School District Superintendent Richard Hoffman informed Terkanian that there will be a new special needs student in Wellfleet. The estimated affect on Chapter 70 funding is approximately \$60,000. It is unclear at this point what amounts will be covered by the district and Wellfleet.
- Police Chief Ron Fisette announced that the Wellfleet Fire and Police Departments will hold a 9-11 ceremony of remembrance on Wednesday, September 11, 2013 at 10:00 a.m. Also, several bike helmets were donated to Wellfleet Elementary School to promote bike safety. Anyone in need of a bicycle helmet for their child should contact the school or Police Department.

Appointments

Motion 14-0046: Houk moved to appoint Judith Rogers to the Beach Parking Task Force with a term ending 12/31/13. Murphy seconded the motion and it passed 4-0.

Motion 14-0047: Houk moved to appoint John A. Wolf to the Marina Advisory Committee as an alternate with a term ending 6/30/15. Murphy seconded the motion and it passed 4-0.

Use of Town Property

Motion 14-0048: Houk moved to approve the application received from Chief Ron Fisette on behalf of the Wounded Warrior Project, a non-profit organization, to use the Lecount Hollow Beach parking lot and restrooms on Thursday, September 19, 2013 from approximately 10:00 a.m. to 1:00 p.m. Murphy seconded the motion and it passed 4-0. [No processing or Use of Town Property fee applies].

Motion 14-0049: Houk moved to approve the application received from Karie Sullivan and Seth Tripp to use Newcomb Hollow Beach on Saturday, September 21, 2013 from 4:00 to 5:00 p.m. for a wedding ceremony. Morrissey seconded the motion and it passed 4-0. [Processing fee: \$20.00. Use of Town Property fee: \$100.00]

Motion 14-0050: Houk moved to approve the application received from Walter Baron to use Mayo Beach on Saturday, October 5, 2013 from 10:00 a.m. to 2:00 p.m. for a 'Rowing Rendezvous' demonstration and use of various rowing boats. Morrissey seconded the motion and it passed 4-0. [No processing or Use of Town Property fee applies].

Public Hearing 7:15 p.m.

Shellfish

Pilcher reviewed the rules of the public hearing and asked that a copy of Frawley's commercial shellfish permit¹ be entered into the record. Shellfish Constable Andrew Koch reviewed his incident report² which stated that Frawley had illegally harvested approximately 127 bags of oysters, worth about \$5,000-\$6,000 by

Morrissey's calculations, over the winter months and stored them in deep water on Randy and Chad Williams' grant so he would not be discovered. Koch recommended a one year suspension per sec. 11.7 of the Shellfish Regulations as he considers the nature of this offense 'egregious.' Frawley had experienced some medical issues and fell behind on propagation efforts, and he "panicked" when he realized he would not make a sufficient income to support his family. Frawley admitted wrongdoing and absolved Randy and Chad Williams from responsibility saying that they had no knowledge of his illegal activities on their grant. William "Chopper" Young spoke on behalf of Frawley's character, saying that "I think he's an honorable kid" after relaying a story about Frawley helping to recover and return a cage of fully-grown oysters that had drifted off of Young's grant. The Selectmen commended Frawley for his honesty but concurred with Koch that the nature of the infraction was egregious and recommended upholding his recommendation. Houk thought that a year might be too long for a first-time offender and suggested a reduced suspension. Murphy recommended an eight month suspension and the Selectmen concurred.

Motion 14-0051: Murphy moved to enforce an eight month suspension of the commercial shellfish permit held by Sebastian Frawley. Pilcher seconded the motion and it passed 4-0.

Business

FY 2015 draft budget policy statement and schedule

The Selectmen reviewed the proposed Budget Schedule and Policy for Fiscal Year 2015³. A discussion ensued about presenting a 5-year versus 10-year Capital Improvement Plan (CIP) and both Pilcher and Morrissey thought a 10-year plan would be more comprehensive and give the Selectmen and Finance Committee a better snapshot of future expenditures for planning purposes. Terkanian mentioned that Administration has received a CIP from Wellfleet Elementary School and a building assessment report for the Nauset Regional School District. Morrissey requested a change in a sentence from the 'Non-Property Tax Revenue Sources' paragraph to read, 'The Town of Wellfleet shall continue supporting the concept that user fees, reasonable sponsorships and other non-property tax revenues be utilized to help offset the property tax and, to the fullest extent *possible*...' to 'the fullest extent *practical*...' The Selectmen unanimously concurred with the edit to the policy.

Discussion of pedestrian and bicycle safety

Terkanian thought it would be helpful if the Bike and Walkways Committee investigate the issue of pedestrian and bicycle safety in Wellfleet and present a report on solutions to the BOS at a future Selectmen meeting.

Discuss possible disposition of surplus Town owned real property

Terkanian asked the Selectmen if they would like him to investigate the potential sale of available Town-owned tax-title properties. Pilcher suggested that the Town should look to dispose of those properties or find alternate uses for the available properties, and suggested that Terkanian bring a list for review to a future BOS meeting.

Possible license of Town Property to Wellfleet Sea Salts

Pilcher read a proposed motion⁴ and a support letter⁵ to lease approximately 6,000 square feet of land at DPW's sandpit or other Town-owned property to Wellfleet Sea Salts based on aquaculture lease rates. Pilcher does not see this as a permanent arrangement but rather as an 'incubator' project to help Wellfleet Sea Salts gain a foothold in Wellfleet so they can eventually expand their business in Town. Although Morrissey agreed with the concept of nurturing appropriate new business in Wellfleet, he said he would not vote to approve a lease with Wellfleet Sea Salts until he has time to get opinions from Wellfleet citizens on the issue and review their business plan and financials. Morrissey also suggested looking into various lease payments to the Town, including profit-sharing. Murphy suggested that all parties consider looking into a more environmentally-friendly location that the sandpit, siting the close proximity of air-borne dust, exhaust, metals and asbestos from DPW truck brakes at the site. Zachary Fagiano and Hope Schwartz-Leeper, owners of Wellfleet Sea Salts, said they would not enter the sealed evaporation beds when trucks were being operated. Houk asked Terkanian if he could research other properly zoned Town properties or private land that might be more suited to the business. No action was taken by the Selectmen but they requested that the issue be added to the September 24, 2013 agenda for further consideration.

CDP Loan Monitoring Contract

Motion 14-0052: Murphy moved to approve the agreement between the Town of Wellfleet and the Community Development Partnership (CDP) to monitor Wellfleet's housing rehabilitation loans to assist the Town in the timely achievement of the MA CDBG Program income objectives. Morrissey seconded the motion and it passed 4-0.

Approval of Waste Zero PAYT Bag contract

Motion 14-0053: Morrissey moved to approve the WasteZero supplies and Services Agreement⁶ to supply garbage bags for Wellfleet's Pay As You Throw initiative. Pilcher seconded the motion and it passed 4-0.

Town Administrator's Report

Town Administrator Harry Terkanian reviewed the Town Administrator's report⁷.

Future Concerns

- Houk said that the FlexBus had discontinued its 7:00 a.m. pickup at Wellfleet Town Center. If his efforts to restore service fail after initial attempts, Houk would like to ask the Selectmen to write a letter to the RTA in support of restoring service.
- Morrissey asked the BOS to draft a response to Harriett Korim's request for guidance on global warming and sea rise issues and present it at a future BOS meeting. Also, Richard Handman wrote a letter to request a waiver for a \$50 kayak fine. The Selectmen elected to refer the request to the Conservation Commission.

Correspondence and Vacancy Report

John Morrissey had prepared the Correspondence Report⁸. A copy was made available for review.

Minutes

Motion 14-0054: Murphy moved to approve the minutes of August 27, 2013⁹ as printed. Morrissey seconded the motion and it passed 4-0.

Adjournment

Motion 14-0055: Murphy moved to adjourn the meeting. Houk seconded the motion and it passed 4-0. The meeting was adjourned at 9:05 p.m.

¹ Sebastian Frawley commercial shellfish permit purchased Jan 9, 2013

² Andrew Koch incident report for Sebastian Frawley

³ FY2015 Budget Policy Statement and Schedule

⁴ 2013-09-10 Proposed Pilcher motion on Wellfleet Sea Salts

⁵ 2013-09-10 Pilcher letter of support for Wellfleet Sea Salts

⁶ WasteZero Supplies and Services Agreement

⁷ 2013-09-10 Harry Terkanian Town Administrator's Report

⁸ 2013-09-10 Correspondence Report

⁹ 2013-08-27 Minutes