

**Wellfleet Board of Selectmen  
Minutes of the Meeting of November 26, 2013  
Council On Aging Building, 7:00 p.m.**

**Present:** Berta Bruinooge, John Morrissey, Dennis Murphy; Town Administrator Harry Sarkis Terkanian.

**Regrets:** Jerry Houk, Paul Pilcher

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

***Announcements, Open Session and Public Comment***

- Town Administrator Harry Terkanian announcements:
  - PAYT begins for residential customers this coming Sunday, December 1, 2013. Bags are available at multiple locations in Wellfleet and Orleans and the Recycling Committee will be selling them at the transfer station for a limited time beginning on Saturday, November 30, 2013.
  - The Water System expansion groundbreaking is on Wednesday, December 4, 2013.
  - The Personnel Board is looking for the appointment of a new member to fill a vacancy.
- Joel Fox said that the boat ramp is blocked at Gull Pond. Terkanian said that there was remediation at the site. Terkanian will assess status with Suzanne Thomas and get back to Mr. Fox.
- Gary Joseph asked for the status of the Rt. 6/Main Street intersection. Bruinooge suggested appropriating \$50,000 at Town Meeting for engineering so that the funds are available when the project is approved.

***Licenses***

**Motion 14-0089:** Murphy moved to approve the Annual Liquor License renewals: Blackfish Variety, Bookstore & Restaurant, Finely J.P.'s, JB's Pizza Bar & Grill, Lighthouse Restaurant, PB Boulangerie Bistro, Seaside Liquors, Wicked Oyster, Wellfleet Harbor Actor's Theater – Route 6, Wellfleet Marketplace, Wellfleet Mobil, Wellfleet Preservation Hall, Wellfleet Spirits Shoppe, Wellfleet Town Pizza, Wicked Oyster. Morrissey seconded the motion and it passed 3-0.

***Appointments***

**Motion 14-0090:** Morrissey moved to approve the appointment of Mark Vincent and Ronald Fisetto to the Designer Selection Committee for the police station needs study [indefinite term]. Murphy seconded the motion and it passed 3-0.

**Motion 14-0091:** Murphy moved to approve the appointment of Jonathan Taylor as a Special Police Officer [appointment period from November 26, 2013 to June 30, 2015]. Morrissey seconded the motion and it passed 3-0.

**Motion 14-0092:** Morrissey moved to approve the appointment of Richard Elkin to the Cape Light Compact Governing Board, Wellfleet representative [indefinite term]. Murphy seconded the motion and it passed 3-0.

**Motion 14-0093:** Morrissey moved to approve the appointment of Marcus Springer to the Cape Light Compact Governing Board, Wellfleet alternate [2 year term ending June 30, 2015]. Morrissey seconded the motion and it passed 3-0.

**Motion 14-0094:** Murphy moved to approve the appointment of Vasilios Katsavrias to the Energy Committee, regular member [3 year term ending June 30, 2016]. Morrissey seconded the motion and it passed 3-0.

***Public Hearing(s) [7:15]***

**Motion 14-0095:** Morrissey moved to approve the application received November 7, 2013 from John W. Pontius requesting the closing of Finely J.P.'s Restaurant from Sunday, December 8, 2013 through Thursday, January 16, 2014 and reopening Friday, January 17, 2014. This closing time will be used for general cleaning and maintenance. Murphy seconded the motion and it passed 3-0.

**Motion 14-0096:** Murphy moved to approve the application received November 1, 2013 from Ken Kozak to close The Wicked Oyster from Monday, December 2, 2013 through Wednesday, January 15, 2014. Morrissey seconded the motion and it passed 3-0.

### ***Use of Town Property***

**Motion 14-0097:** Morrissey moved to approve the application received from Linda Pickard of the Independence House to request the opportunity to pass cowboys hats for donations at the Square Dance on Wednesday, July 30, 2014 from 6:30 p.m. to 10:00 p.m. to support victims of domestic violence, sexual assault, stalking and bullying. [No application fee or Use of Town Property fee applies]. Murphy seconded the motion and it passed 3-0.

**Motion 14-0098:** Murphy moved to approve the application received from Ameena Khan of Ragnar Events to use Lecount Hollow Road, Oceanview Drive, Gross Hill Road, Rt. 6, Collins Road 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 10, 2014 from 4:00 a.m. to 5:00 p.m. Proceeds donated to the Special Olympics of MA. [No application fee or Use of Town Property fee applies]. Morrissey seconded the motion and it passed 3-0.

### ***Business***

#### **Nauset Regional Middle School Roof Project**

Dr. Hoffman and John Pontius reviewed the Massachusetts School Building Authority (MSBA) accelerated repair program plan to replace major sections of the Nauset Regional Middle School roof<sup>1</sup>. The energy efficient roofing material used in construction will be the same as the white roof installed on the High School, yielding 15% in energy savings. Hoffman noted that the roof replacement cost increased 30% from the first estimate and he would investigate the pricing discrepancy. Hoffman suspects that the replacement of 12 out of 26 roof vents was not included in the original estimate. Terkianian explained that the project mirrors the schematic of the Wellfleet Elementary School project, with the MSBA assigning a project manager and architect, leaving little room for negotiation except for design fees. From the audience, Finance Committee member Tom Reinhart asked Hoffman to include an option to use alternate materials in the plan to lower costs. Hoffman next reviewed the Town's assessment for the project, noting that Wellfleet's contribution at 0.119756% would equal \$180,151, and asked the Selectmen to place the project on the 2014 Annual Town Meeting, possibly as a debt exclusion. Selectmen Murphy and Morrissey asked Hoffman to scrutinize the original plan by Habib and Associates and the higher cost proposal from the MSBA and brief the Selectmen on discrepancies. The BOS would also like a review of Nauset Regional School's Capital Improvement Plan at a future meeting.

#### **Approval and execution of Mass. School Building Authority rate certification**

**Motion 14-0099:** Murphy moved to approve the execution of Massachusetts School Building Authority rate certification<sup>2</sup>. Morrissey seconded the motion and it passed 3-0.

#### **OysterFest: 2013 review and 2014 planning**

Mac Hay and Michele Insley from SPAT reviewed OysterFest 2013, noting that although the "great weather" attracted 20,000 people to the event, attendance did drop slightly due to the entrance fee. SPAT was pleased with the operation of the ticketing queue and the plan to eliminate some vendors to promote better flow. Hay recognized OysterFest's partnerships with the Library, Audubon and Preservation Hall, noted the addition of a recognition ceremony for SPAT scholarship recipients and acknowledged the great work of Deirdre Oringer, who stepped down this year as OysterFest's vendor coordinator. Five tons of oyster shells were collected that will go back into the water for propagation purposes. The Department of Public Health was satisfied with event and the reported illnesses could not be traced back to vibrio. The only major issue was the marking

paint for vendor booths, and Hay assured the Selectmen that temporary paint was used at this year's event. Terkanian brought up the issue of festival venue and said that he was comfortable keeping the event in downtown Wellfleet after assurances from Police Chief Ron Fisette and Fire Chief Richard Pauley concerning safety issues. The proposed site at the Marina was eliminated because of significant staging costs and exposure to harsh weather. It was also concluded that the other alternate venue under consideration, Baker's Field, would incur extensive damage to the playing fields. SPAT did ask for additional handicap parking closer to the event for 2014. Morrissey asked Hay about revenue estimates from the 2013 event. Hay said SPAT currently has \$350,000; the cost to put on the event is \$250,000 (up \$35,000 from last year) and \$100,000 was collected at the gate (versus \$50,000 from 2012). From the audience, Bob Wallace said that he did not think the Town should be asking for additional money from SPAT and that the charge for parking at the Marina was 'a good nut' for the Town.

### **Approval of Open Space Committee five year action plan<sup>3</sup>**

Bruinooge had an issue with Goal 1, Action 6 regarding tax title: "Protect open space by placing open space tax title lands under the aegis of the Conservation Commission except where such community priorities such as affordable housing or municipal services may arise." As written, the passage implies that the Town would be unable to keep available tax title lands on the tax rolls to offer as sale to abutters, etc. Open Space Committee chair Bob Hubby said there was a procedure for sign offs by various committees, including the Board of Selectmen, before a land designation or sale could occur. Conservation Commission member Denny O'Connell reiterated that all tax title land is reviewed and voted on by the Selectmen and then has to be disposed through the Town Meeting. Morrissey pointed to the listed Action: Open Space Committee in conjunction with Town and Selectmen recommends suitable tax title lands to be placed under the aegis of the Conservation Commission for conservation purposes," stating the word "suitable" gives the Selectmen leeway in the decision making process.

**Motion 14-0100:** Murphy moved to approve the Wellfleet Open Space and Recreation Five Year Action Plan. Morrissey seconded the motion and it passed 3-0.

### **DPW staffing**

Terkanian reviewed DPW staffing needs<sup>4</sup>, stating the necessity for a facilities person to maintain Town buildings. By not providing enough staff, buildings are falling into disrepair and repair work must be contracted out (\$90,000 to date). Vincent pointed out that there are many more buildings to maintain than 10 years ago and that the new facilities person can perform supplemental tasks such as snowplowing and drainage clearing. The present Selectmen think that filling the position is a good idea but asked Terkanian to bring the issue to Houk and Pilcher before a final decision is made. There was also a side discussion about privatizing trash pick up during the summer months and allocating DPW staff to more pertinent tasks.

### **Discuss status of High Toss Road**

The Herring River MOU III Working Group would like a final decision on the status of High Toss Road as the fate of the road is an integral part of the final design. Murphy asked the Selectmen for a consensus on keeping or abandoning the road, with his suggestion that the Town abandon claims unless the Police, Fire or DPW thinks we should make a case to keep it. If the Selectmen agree to abandon the road, it must be passed by a 2/3rds vote at Town Meeting in April 2014. Bruinooge asked that the topic be placed on the December 10, 2013 BOS agenda for final consideration by the Selectmen so that the issue can be settled in time for the next MOU III Working Group meeting on December 19.

### **Discussion of possible sale of Town-owned land**

Terkanian reviewed the list of available Town-owned properties<sup>5</sup> and found very few viable lots that were zoned for economic development (all available properties are in residential districts). 7-8 parcels on the list are approved for sale but are very small. There are 3 acres next to the DPW garage but the title is contested. Land available next to the Whitecrest parking lot could be used for future parking expansion by the Town. All other "by the sea" parcels are small and abut federally owned property. Lot #68 (Clover Property) has been approved as conservation land. Terkanian will revise the list of available properties with the assessor and circulate to the NRAB, Conservation Commission and Open Space Committee for review. Murphy asked

about the status of NSTAR spraying. Terkanian noted that Wellfleet is on NSTAR's 2014 improvement plan. The Town will have a chance to weigh in on the issue during the 45 day comment period after NSTAR files their plan with the Department of Agriculture. Murphy suggested monitoring our wells as the spraying will be done so close to our water source.

### **Tree replacement – East Commercial and Main Street**

DPW Director Mark Vincent mentioned a small Norway maple in distress on Commercial Street and asked the Selectmen to consent to removing the tree and allowing the DPW to use NSTAR's free tree replacement program. The BOS agreed to allow Vincent to move forward with the tree replacement using NSTAR's program.

### **Town holiday party**

**Motion 14-0101:** Murphy moved to approve closing Town offices from 1:00-4:00 p.m. for the employee holiday party on December 17, 2013. Morrissey seconded the motion and it passed 3-0.

### **Town Administrator's Report**

Town Administrator Harry Terkanian reviewed the Town Administrator's report<sup>6</sup>, which contained supplementary information on the following issues:

- Terkanian approved an emergency request for use of Town property by Bennett Environmental to install two monitoring wells on Map 14 Parcel 154.1 as part of an oil spill cleanup. Wells are to monitor ground water quality and flow direction. One day to drill, sampled quarterly for one year.
- The Fire Department has applied for a Community Innovation Grant in cooperation with the towns of Brewster, Harwich, Chatham, Orleans and Eastham. Brewster is the lead applicant. The grant application is for purchase of a regional all hazards fire and life safety training simulator. There is no acquisition cost. Wellfleet's share of the estimated annual maintenance is \$350.00

### **Future Concerns**

- The Board of Selectmen wished Tom Cole a speedy recovery from his knee surgery.

### **Correspondence and Vacancy Report**

John Morrissey had prepared the Correspondence Report<sup>7</sup>. A copy was made available for review.

- Air quality issues from DPW are an ongoing issue. Not idling trucks a step in the right direction. Assistant Town Administrator Tim King will write a summary on the issue for the BOS.
- Terkanian suggested tapping a volunteer from the Audubon Society or AmeriCorps to fulfill the duties of Herring Warden.

### **Minutes**

**Motion 14-0102:** Murphy moved to approve the minutes of the November 12, 2013 BOS meeting<sup>8</sup> as printed. Morrissey seconded the motion and it passed 3-0.

### **Adjournment**

**Motion 14-0103:** Morrissey moved to adjourn the meeting. Murphy seconded the motion and it passed 3-0. The meeting was adjourned at 9:14 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

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<sup>1</sup> MSBA Project – Middle School Roof timeline and funding

<sup>2</sup> MSBA Project – Wellfleet Elementary School Rate Certificate and project timeline

<sup>3</sup> 2013-11-26 Wellfleet Open Space and Recreation Five Year Action Plan

<sup>4</sup> 2013-11-20 Terkanian memo "DPW Staffing"

<sup>5</sup> 2013-11-19 Terkanian memo "Sale of Town Owned Land & Possible Business Incubator Sites"

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- <sup>6</sup> 2013-11-12 Harry Terkanian Town Administrator's Report
  - <sup>7</sup> 2013-11-12 Correspondence Report
  - <sup>8</sup> 2013-10-22 BOS minutes