

**Wellfleet Board of Selectmen  
Minutes of the Meeting of March 11, 2014  
Council On Aging Building, 7:00 p.m.**

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

**Regrets:** Berta Bruinooge

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

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

- Town Administrator Harry Terkanian announcements:
  - Standard & Poor has informed the Treasurer that Wellfleet's credit rating has been raised from "AA" to "AAA." This is a reflection of the responsible way in which Wellfleet manages its finances.
  - Environmental Partners Group has submitted the oyster reef and storm water runoff project to the American Public Works Association (APWA) for their 2014 National Awards Competition. This project has already received a state wide award in 2013.

***Appointments***

**Motion 14-0215:** Murphy moved to approve the appointment of Lonni Briggs to the Recycling Committee for a three year term ending on June 30, 2017. Morrissey seconded the motion and it passed 4-0.

**Motion 14-0216:** Morrissey moved to approve the appointment of Lawrence Franke to the Energy Committee as an alternate for a two year term ending on June 30, 2016. Houk seconded the motion and it passed 4-0.

***Use of Town Property***

**Motion 14-0217:** Houk moved to approve the application received from Tony Conte from the Wellfleet Soccer Club to use Baker's Field (soccer field) on Wednesday, May 28, 2014 from 5:00 p.m. to 8:00 p.m. and Sunday, June 1, 2014 from 12:00 p.m. to 5:00 p.m. for the 3<sup>rd</sup> Annual Cape Cod Cup Soccer Tournament sponsored by Wellfleet Recreation, pending the Town's receipt of proof of insurance. Murphy seconded the motion and it passed 4-0. [Processing and Use of Town Property fees waived].

**Motion 14-0218:** Houk moved to approve the application received from Frank Szedlak, Jr. from the American Legion to use the front and side lawn of Town Hall on Monday, May 26, 2014 (Memorial Day) from 8:00 a.m. to 11:00 a.m. for a Memorial Day Service. Murphy seconded the motion and it passed 4-0. [Processing and Use of Town Property fees waived].

**Motion 14-0219:** Houk moved to approve the application received from Barbara Anderson of Wellfleet Gardeners Club to hold a plant sale on Saturday, May 24, 2014 from 6:00 a.m. to 1:00 p.m. on the Town Hall driveway next to Abiyoyo. Morrissey seconded the motion and it passed 4-0. [No processing or Use of Town Property fees apply].

**Motion 14-0220:** Murphy moved to approve the application received from Jocelyn Campbell and Patrick Bianchi to use Indian Neck Beach for a wedding ceremony attended by 100-125 guests on Saturday, June 21, 2014 from 3:30 to 5:30 p.m. Morrissey seconded the motion and it passed 4-0. [Processing fee \$20. Use of Town Property fee \$100].

***Appointments, cont.***

**Motion 14-0221:** Morrissey moved to approve the appointment of Sara Hutchings to the Bike and Walkways Committee to fill the remainder of Alan Platt's term ending on June 30, 2014. Houk seconded the motion and it passed 4-0.

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

***Liquor License***

**Motion 14-0222:** Morrissey moved to approve the application received from S.P.A.T. for a two day Beer and Wine License at the contained beer and wine tent behind Town Hall on Saturday, October 18, 2014 from 10:00 a.m. to 5:00 p.m., and Sunday, October 19, 2014 from 10:00 a.m. to 5:00 p.m. Mac Hay said that the only potential change would be the location of the beer tent, subject to drainage issues. Terkanian said event details would be addressed in a MOU with S.P.A.T. Houk seconded the motion and it passed 4-0.

***Use of Town Property, cont.***

***OysterFest***

Shellfish Promotion and Tasting (SPAT) requested the use of the several Town property locations from Tuesday, October 14, 2014 at 12:00 a.m. to Tuesday, October 21, 2014 at 12:00 a.m. for Wellfleet OysterFest activities. Morrissey discussed Use of Town property fees and wanted to ask for 10% of profits from the gate fee. He also asked for 2013 financials and cost analysis of the 2013 OysterFest from S.P.A.T. Mac Hay noted that S.P.A.T. will reimburse the Town for additional services utilized during OysterFest (i.e. Police, DPW, Fire, etc.) but requesting additional fees from S.P.A.T. is not just about sharing revenue but changing the nature of the non-profit mission. He further noted that the Town is going against its own Use of Town Property policy which states that fees are waived for use by non-profit organizations. Murphy said that the Town and S.P.A.T. need to trust each other to take reasonable steps to work together with agreed conditions formulated in a MOU with the Town Administrator. All of the Selectmen did compliment S.P.A.T. on the success of the event and the benefits to the Town. The Selectmen agreed to take a vote on the Use of Town Property request with the agreement that S.P.A.T. would return to the Board on April 8, 2014 for further discussion on the Use of Town Property fee issue.

**Motion 14-0223:** Murphy moved to approve Shellfish Promotion and Tasting's (S.P.A.T.) request to use several Town property locations (see attached Use of Town Property request for full venue and activity list) from Tuesday, October 14, 2014 at 12:00 a.m. to Tuesday, October 21, 2014 at 12:00 a.m. for Wellfleet OysterFest activities, with the understanding that S.P.A.T would return before the Board of Selectmen to discuss outstanding use of Town Property fee and parking issues. Houk seconded the motion and it passed 3-1 (Pilcher).

***Business***

***Community Development Partnership organization update***

Jay Coburn, Community Development Partnership (CDP) Executive Director, gave an annual update of CDP programs to benefit residents and businesses on the Lower and Outer Cape<sup>1</sup>. Programs include affordable housing opportunities and assistance, first time homebuyer's assistance, Cape and Islands Green, housing rehabilitation loan program, small business micro loans and business education workshops, and collaboration with the Cape Cod Fisheries Trust to aid local fishermen.

***Proposal to adopt the Stretch Energy Code***

Marcus Springer, chair of the Energy Committee, reviewed the benefits of implementing the Stretch Energy Building Code, which anticipates the new building code by three years and would affect new construction, additions, renovations and affordable housing<sup>2</sup>. Historic buildings are exempt from the Stretch Code. Additional construction costs to meet the Stretch Code would scale to the size of the construction project. If passed at Town meeting, the Stretch Energy Code would enable the Wellfleet to qualify for the Green Communities Act. Springer estimates that the Town would be eligible for approximately \$140,000 in grant funds to be used for energy efficient upgrades to municipal buildings. Once a Green Community, the Town would also be eligible to apply for additional energy efficiency grants. Murphy encouraged the Energy Committee to have a public hearing regarding Stretch Code. The bylaw itself is fixed by the DOER and

cannot be changed. Truro and Provincetown adopted this bylaw three years ago. The Town will be obliged to adopt any new Stretch Code enacted by the state but the Town also has the option to rescind the bylaw once adopted. The idea is to bring down the energy costs of your home. From the audience, Tom Reinhart thinks that we will quickly reach the point where the Stretch Code cannot sustain continual updates. Local builder Steve Curley does not think the Stretch Code should be adopted in Wellfleet because it puts an added financial burden on residents trying to make upgrades to their homes. Energy Committee member Lilli Green questioned the process of putting the bylaw on the Annual Town Meeting Warrant.

#### **Proposed fencing at Indian Neck Parking Area**

Trudy Vermerhen, co-chair of the Conservation Commission, reviewed a map of Indian Neck/Chipman's Cove that pointed to new vehicular paths in the conservation area. The Conservation Commission is proposing the installation of split rail fencing to help negate the destruction of vegetation, wildlife habitat and increased erosion<sup>3</sup>. Members of the Conservation Commission have spoken with the Shellfish Advisory Board for guidance. The Board of Selectmen suggested that the Conservation Commission hold a public hearing to discuss the issue to come up with possible solutions.

#### **Resolution in support of the Rt. 6/Main St. Improvement project**

The transportation subcommittee of the Cape Cod Commission will hold a hearing on March 14, 2014 to discuss local area projects to include in the Transportation Improvement Plan (TIP). Wellfleet will send Assistant Town Administrator Tim King to request inclusion of the Rt.6/Main Street intersection project in the TIP. Selectmen Dennis Murphy and Planning Board Chair Jerry Parent will also attend the hearing. Terkanian asked the Selectmen to approve a resolution in support of the Route 6/Main Street improvement project for submission at the March 14 hearing.

**Motion 14-0224:** Morrissey moved to approve the Board of Selectmen Resolution to support the Rt. 6/Main Street improvement project inclusion in the Transportation Improvement Plan. Murphy seconded the motion and it passed 4-0.

#### **Acting Chair Paul Pilcher called recess from 8:25-8:32**

#### **Continued review of 2014 ATM Warrant**

Terkanian presented the proposed Articles<sup>4</sup> for the Annual Town Meeting to be held at 7:00 p.m. on April 28, 2014 at the Wellfleet Elementary School and reviewed a memo with proposed actions to the FY2015 Operating Budget and 2104 Annual Town Meeting Warrant<sup>5</sup>.

The Selectmen reviewed the draft Articles and took action on the following:

##### Budget Articles

The BOS deferred action on Article **A** FY2014 Operating Budget until their March 25 meeting.

The BOS deferred action on Article **B** Transfer of funds to supplement FY 2013 operating and capital budgets until the Annual Town Meeting on April 28.

The BOS deferred action on Article **C** FY2014 Capital Budget until their March 25 meeting.

**Motion 14-0225:** Murphy moved to recommend Article **D** Marina Enterprise Fund Budget. Houk seconded the motion and it passed 4-0.

**Motion 14-0226:** Murphy moved to recommend Article **E** Water Enterprise Fund. Morrissey seconded the motion and it passed 4-0.

##### Charter Amendment Articles

**Motion 14-0227:** Murphy moved to recommend Article **AA** Appoint Alternate Member to the Board of Assessors. Morrissey seconded the motion and it passed 4-0.

#### Financial Articles

**Motion 14-0228:** Houk moved to recommend Article **BA** to accept the provisions of G. L. c. 59, §5N added by c.108, §8A of the Acts of 2012, Veteran Work-off Abatement Program. Murphy seconded the motion and it passed 4-0.

**Motion 14-0229:** Murphy moved to recommend Article **BD** Fund the Collective Bargaining Agreement Wellfleet Permanent Firefighters. Morrissey seconded the motion and it passed 4-0.

The BOS deferred action on Article **BE** Fund the Collective Bargaining Agreement Wellfleet Police Officers Union until the Annual Town Meeting on April 28.

**Motion 14-0230:** Morrissey moved to recommend Article **BF** Fund the Collective Bargaining Agreement Wellfleet Communications Union. Houk seconded the motion and it passed 4-0.

**Motion 14-0231:** Murphy moved to recommend Article **BG** Fund the Collective Bargaining Agreement Wellfleet Communications Union. Morrissey seconded the motion and it passed 4-0.

Terkanian told the BOS that he would add another Article by the March 25 meeting to fund the DPW Teamsters agreement, in the event that the contract is approved prior to Town Meeting.

**Motion 14-0232:** Murphy moved to recommend Article **BH** Appropriation for Chapter 90 Matching Funds. Morrissey seconded the motion and it passed 4-0.

**Motion 14-0233:** Murphy moved to recommend Article **BK** Community Preservation Fund Percentage Allocation Article. Morrissey seconded the motion and it passed 4-0.

**Motion 14-0234:** Morrissey moved recommend Article **BL** Community Preservation Fund Appropriation: Housing Rental Assistance Program. Murphy seconded the motion and it passed 3-0-1 (Pilcher recused himself from the vote).

**Motion 14-0235:** Houk moved to recommend Article **BM** Community Preservation Fund Appropriation: Affordable Accessory Dwelling Units. Morrissey seconded the motion and it passed 4-0.

**Motion 14-0236:** Houk moved to place and recommend Article **BN** Community Preservation Fund Appropriation: The preservation of town records through a storage management system. Morrissey seconded the motion and it passed 4-0.

**Motion 14-0237:** Murphy moved recommend Article **BO** Community Preservation Fund Appropriation: Creation of an archival system for the Wellfleet Historical Society and Museum. Morrissey seconded the motion and it passed 4-0.

**Motion 14-0238:** Morrissey moved to place and recommend Article **BP** Community Preservation Fund Appropriation: Historic restoration of Duck Creek Cemetery. Murphy seconded the motion and it passed 4-0.

**Motion 14-0239:** Morrissey moved to recommend Article **BQ** Community Preservation Fund Appropriation: Historic restoration of the Weidlinger House. Pilcher seconded the motion and it passed 3-0-1 (Houk).

**Motion 14-0240:** Murphy moved to recommend Article **BR** Community Preservation Fund Appropriation: Restoration of Gull Pond Landing. Morrissey seconded the motion and it passed 4-0.

**Motion 14-0241:** Murphy moved to recommend Article **BS** Community Preservation Fund Appropriation: Rehabilitation of the Town Tennis Courts. Morrissey seconded the motion and it passed 4-0.

**Motion 14-0242:** Morrissey moved to recommend Article **BT** Community Preservation Fund Appropriation: Relocation and the construction of a new SEABABIES playground. Murphy seconded the motion and it passed 4-0.

**Motion 14-0243:** Houk moved to recommend Article **BU** Debt exclusion for borrowing for repaving and restriping Town parking lots. Morrissey seconded the motion and it passed 4-0.

The BOS deferred action on Article **BV** Debt exclusion for borrowing to pay for the cost to enlarge the concrete pad at the Transfer Station until their March 25 meeting. Terkanian may request removal of the Article from the Warrant.

The BOS deferred action on Article **BW** Debt exclusion for borrowing to pay for the cost of replacing a portion of the roof on the Wellfleet Elementary School until their March 25 meeting.

The BOS deferred action on Article **BX** Debt exclusion for borrowing to pay for the cost of Wellfleet's allocation to replace the Nauset Regional Middle School roof of the roof until their March 25 meeting.

**Motion 14-0244:** Murphy moved to recommend Article **BY** to authorize funding to study ways to improve Wellfleet beach parking and beach access issues. Morrissey seconded the motion and it passed 4-0.

The BOS deferred action on Article **BZ** to authorize funding for the bid, design, permitting and other planning and study documents necessary to move forward with future improvements to the Route 6 and Main Street intersection in Wellfleet until their March 25 meeting. Terkanian may reduce the funding amount.

**Motion 14-0245:** Morrissey moved to recommend Article **BAA** rescind \$4,800,000 of the borrowing authorized under Article 27 of the April 26, 2010 Annual Town Meeting, said funding originally appropriated for the purpose of planning, designing and constructing water mains throughout the Town. Murphy seconded the motion and it passed 4-0.

**Motion 14-0246:** Morrissey moved to recommend Article **BAB** which authorizes the Town Administrator or his designee to dispose of surplus/outdated supplies and equipment during the fiscal year. Murphy seconded the motion and it passed 4-0.

#### Bylaw Amendments

The BOS deferred action on Article **CA** to see if the Town will vote to enact the Stretch Energy Code Bylaw until the Annual Town Meeting on April 28.

#### Standard Annual Articles

**Motion 14-0247:** Morrissey moved to recommend Article **DA** Accept Gifts Article. Murphy seconded the motion and it passed 4-0.

**Motion 14-0248:** Houk moved to recommend Article **DB** Collection of Taxes Article. Murphy seconded the motion and it passed 4-0.

**Motion 14-0249:** Murphy moved to recommend Article **DC** Town to assume liability for MassDEP waterways work within Town. Morrissey seconded the motion and it passed 4-0.

**Motion 14-0250:** Morrissey moved to recommend Article **DD** Regional School Budget Assessment Allocation Article. Murphy seconded the motion and it passed 4-0.

### Zoning Articles

The BOS deferred action on Article **EA** Zoning Bylaw amendment to allow and regulate Medical Marijuana Dispensaries in Wellfleet until their March 25 meeting.

**Motion 13-0251:** Morrissey moved to place and recommend Article **EB** Zoning Bylaw amendment to clarify the provisions for size in the National Seashore Park District. Murphy seconded the motion and it passed 4-0.

The BOS deferred action on Article **EC** Zoning Bylaw amendment to allow for an update of the floodplain district bylaw which has been written by the State of Massachusetts to match the new FEMA Flood Insurance Rate Map until their March 25 meeting.

The BOS deferred action on Article **EC** ½ to repeal the General Bylaws provision captioned “Special Flood Hazard District Regulations” until their March 25 meeting.

**Motion 14-0252:** Morrissey moved to recommend Article **ED** Zoning Bylaw amendment which fixes numbering errors in the existing Section 9.2 of the Zoning Bylaws. Murphy seconded the motion and it passed 4-0.

### Town Property Articles

**Motion 14-0253:** Murphy moved to place and recommend Article **GA** Transfer of three Town-owned properties to the care, custody and control of the Conservation Commission. Houk seconded the motion and it passed 4-0.

### Petitioned Articles

The BOS deferred action on Petitioned Articles **JA** and **JB** until their March 25 meeting.

### Other Articles

**Motion 14-0254:** Murphy moved to recommend Article **HA** to revise the Marina Advisory Committee Charge. Morrissey seconded the motion and it passed 4-0.

### Standard Closing Articles

**Motion 14-0255:** Murphy moved to recommend Articles **IA** Hear Reports from Selectmen, Town Officers, and all other Committees and **IB** Act on Other Business. Morrissey seconded the motion and it passed 4-0.

### **Capital Budget<sup>6</sup>**

**Motion 14-0256:** Murphy moved to approve the FY2015 Capital Budget<sup>7</sup>. Morrissey seconded the motion and it passed 4-0.

### **Adjustments to FY2015 Operating Budget**

Terkanian reviewed final adjustments to the FY2015 Operating Budget<sup>8</sup>, including costs associated with the Clerk/Treasurer positions.

**Motion 14-0257:** Morrissey moved to approve the adjustments as presented to the FY2015 Operating Budget. Murphy seconded the motion and it passed 4-0.

### **Support letter Excise Tax**

**Motion 14-0258:** Pilcher moved to approve a letter of support for House Bill 2695, the Town of Wellfleet’s petition seeking special legislation to authorize the Town to impose a room occupancy excise tax on vacation rentals. Murphy seconded the motion and it passed 4-0.

### **Communications Union Contract**

**Motion 14-0259:** Murphy moved to approve the Communications Union Local 326B contract for the term starting July 1, 2013 through June 30, 2016. Morrissey seconded the motion and it passed 4-0.

## **TA Annual Review**

Pilcher would like to add the Town Administrator review to the March 25 BOS agenda and place the business item early on the agenda.

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

Town Administrator Harry Terkanian reviewed the Town Administrator's report<sup>9</sup>.

- Bob Sandborn of the Cape Cod Regional Technical High School (CCRTHS) would like an opportunity to discuss the request for the CCRTHS stabilization fund Annual Town Meeting Article at the March 25 BOS meeting. Terkanian asked Town Counsel to advise whether taking no action on the proposed Article is tantamount to approval of the request.
- Terkanian gave a brief update on the progress of the Marina dredge project.
- The Cape Cod Commission transportation subcommittee will meet on Friday, March 14, 2014 at 8:30 a.m. to discuss projects to add to the Transportation Improvement Plan. Wellfleet will request the addition of the Rt. 6/Main Street improvement project.
- Morrissey informed the Selectmen that he has been attending local 208 water quality management plan meetings and will keep the BOS updated.

## ***Future Concerns***

- Pilcher would like to offer recommendations to the Board of Health based on testimony offered at the March 10, 2014 BOS meeting on Pay As You Throw.
- Morrissey would like Ned Hitchcock to report on the Mayo Beach study at the April 8, 2014 BOS meeting.

## ***Correspondence and Vacancy Report***

John Morrissey had prepared the Correspondence Report<sup>10</sup>. A copy was made available for review.

## ***Minutes***

**Motion 14-0260:** Pilcher moved to approve the minutes of the February 11 and February 25, 2014 BOS meetings<sup>11</sup> as printed. Murphy seconded the motion and it passed 4-0.

## ***Adjournment***

**Motion 14-0161:** Murphy moved to adjourn the meeting. Morrissey seconded the motion and it passed 4-0. The meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

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<sup>1</sup> Community Development Partnership Power Point presentation

<sup>2</sup> Stretch Energy Code Analysis and proposed bylaw

<sup>3</sup> 2014-02-27 Indian Neck conservation proposal and area map

<sup>4</sup> Proposed Articles for the Annual Town Meeting on 04/22/13

<sup>5</sup> 2014-03-07 Terkanian memo re: FY2015 Operating Budget Change & 2014 Annual Town Meeting Warrant

<sup>6</sup> 2014-03-07 Terkanian memo re: FY2015 Capital Budget

<sup>7</sup> 2014-03-11 Draft FY2015 Capital Budget

<sup>8</sup> 2014-03-07 Terkanian memo re: FY2015 Operating Budget Change & 2014 Annual Town Meeting Warrant

<sup>9</sup> 2014-01-28 Harry Terkanian Town Administrator's Report

<sup>10</sup> 2014-02-11 Correspondence Report

<sup>11</sup> 2014-02-11 and 2014-02-25 BOS minutes