



**Wellfleet Board of Selectmen  
Minutes of January 13, 2015  
Wellfleet Senior Center**

**Present:** Paul Pilcher, Chairman , Berta Bruinooge, John Morrissey, Jerry Houk, Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

**Regrets:** Dennis Murphy

Chairman Paul Pilcher called the meeting to order at 7:00 pm.

**Announcements, Open Session and Public Comment [7:00]**

- Selectman John Morrissey announced that he will not run for re-election in April.
- Town Administrator Harry Terkanian announced that Community Services Director Suzanne Grout Thomas has successfully completed the Inspector General's Public Contracting overview course.
- Recreation Director Becky Rosenberg announced a donation of \$10,000 from the Stossell Family to the Friends of the Recreation Department to support activities of the Recreation Department.
- Reatha Ciotti, Library Trustees Chairperson announced that the search for new Library Director has successfully completed and as a result Jennifer Nertkin was hired to take over from retiring Library Director Elaine McIlroy effective February 23, 2015. In March a big welcoming/farewell event will be held for both at the Library; details TBA.
- Police Chief Ronald Fisetto announced: 1) There will be a Cape Cod Aids Support group training on January 14, 2015 at 5:30 pm at the COA; 2) The Wellfleet Police Department had opened an anonymous Tip Line (508) 349-0365 effective January 1, 2015.
- Community Services Director Suzanne Grout Thomas announced that the Wellfleet Senior Housing survey is available at the Senior Center and encouraged residents to participate.

**Public Hearing(s) [7:05]**

Pilcher opened the public hearing at 7:05 pm.

Shellfish Constable Andrew Koch recommended approval of the request to transfer shellfish grant license #85A and 85A-A from Kristine Barrio to Kristine Barrio and William Barrio

**MOTION 15-129:** Morrissey moved and Bruinooge seconded to approve the request to transfer shellfish grant license #85A and 85A-A from Kristine Barrio to Kristine Barrio and William Barrio. The motion passed 4-0.

Bruinooge recused herself from the next matter. Shellfish Constable recommended approval of the application from Jason Lance Weisman for a 1.75 acre shellfish grant in Old Wharf Point, South Wellfleet

**MOTION 15-130:** Morrissey moved and Pilcher seconded to approve the application from Jason Lance Weisman for a 1.75 acre shellfish grant in Old Wharf Point, South Wellfleet. The motion passed 3-0.

Bruinooge returned to the meeting after the vote.

The owner from JB's Pizza Bar and Grill Robert Lombertos presented his request for a change of Manager from Michael P. Cuddy to Jaqueline M. Pelotte, petition for transfer of stock, new shareholders, new officers/directors.

**MOTION 15-131:** Morrissey moved and Bruinooge seconded to approve the request from RLJC, Inc., dba JB's Pizza Bar & Grill for a change of Manager from Michael P. Cuddy to Jaqueline M. Pelotte, petition for transfer of stock, new shareholders, new officers/directors. The vote passed 4-0.

Russell A. Swart, owner of IT IL DO BBQ, Inc. dba Marconi Beach Restaurant presented his request for year round liquor license.

**MOTION 15-132:** Houk moved and Bruinooge seconded to approve the Request from IT IL DO BBQ Inc., dba Marconi Beach Restaurant to change from Seasonal to an Annual Liquor License. The motion passed 4-0.

### **Licenses**

**MOTION 15-133:** Bruinooge moved and Morrissey seconded to approve Common Victualler license for Blackfish Variety, Boathouse Fish Market, Bookstore & Restaurant, Ceraldi, Cumberland Farms, Finely JP's, Harbor Stage Company, Hatch's Fish Market, JB's Pizza Bar & Grill, Lighthouse Restaurant, Mac's Seafood Takeout, Mac's Shack, Marconi Beach Restaurant, Maurice's Campground, PB Boulangerie Bistro, Pearl Restaurant, PJ's Family Restaurant, South Wellfleet General Store, Sunbird, Wellfleet Beachcomber, Wellfleet Donuts, Wellfleet Marketplace, Wellfleet Motel & Lodge, Wellfleet Town Pizza, The Wicked Oyster. The motion passed 4-0.

**MOTION 15-134:** Bruinooge moved and Houk seconded to approve Weekday Entertainment License for Bookstore & Restaurant, Finely JP's, Harbor Stage Company, Lighthouse Restaurant, PB Boulangerie Bistro, Wellfleet Beachcomber, The Wicked Oyster. The motion passed 4-0.

Discussion ensued for the noise issue at the Pearl Restaurant. People from the audience expressed their opinions and concerns on the subject. Nancy Rae had a question about the Noise Bylaw. Kristi Wageman, General Manager of the Pearl wanted to know why the Pearl was questioned when there was no violation of the Noise Bylaw. Jody Berchall, entertainer playing at the Pearl spoke in favor of the live entertainment and its benefits to the Town. Kathleen Bacon spoke about the history of the Pearl and how the venue adds to the Town. Tim O'Hara supported the Pearl's entertainment license without any restrictions. Per the request of the audience Pilcher read the part of the letter<sup>1</sup> received from the noise issue petitioners. Eva Scott from South Wellfleet said that amplified music from different venues is sometimes heard in South Wellfleet carried by the wind and limitation only to the Pearl's entertainment license would be unreasonable. Janet Reinhart spoke about how loud the music at the Pearl is. Rachel Brown said that under the current bylaw there is no restriction about the level of noise outside of the restricted hours and in her opinion the level of noise is very intrusive. Heather Clifford from the Holden Inn supported approval of the Pearl's entertainment license. Steve Durkee said that he is not against the entertainment at the Pearl, just turn down the volume. Pilcher closed the public discussion. Discussion among the selectmen ensued. Morrissey suggested that people from the Pearl and residents from neighboring properties get together to agree on the level of noise. Bruinooge said that entertainment brings people to Town and banning one particular business for amplified

music would not be ethical or legal. Houk spoke in favor of the live music at the Pearl and said he will oppose any restrictions to the license.

**MOTION 15-135:** Bruinooge moved and Houk seconded to approve the entertainment license of the Pearl. The motion passed 3-0-1 [Morrissey abstained]

**MOTION 15-136:** Houk moved and Bruinooge seconded to approve Sunday Entertainment for the Bookstore & Restaurant, PB Boulangerie Bistro, Wellfleet Beachcomber, The Wicked Oyster. The motion passed 4-0.

**MOTION 15-137:** Morrissey moved and Bruinooge seconded to approve AA license for Southfleet Motor Inn. The motion passed 4-0.

**MOTION 15-138:** Morrissey moved and Bruinooge seconded to approve Class II License for the Vintage Auto, Wellfleet Village Mobil. The motion passed 4-0.

### **Appointments**

**MOTION 15-139:** Pilcher moved and Houk seconded to appoint Sarah Pechukas Slivka to the Housing Authority filling the unexpired term ending ATM 2015. The motion passed 4-0.

**MOTION 15-140:** Bruinooge moved and Morrissey seconded to appoint Jeff Tash from Energy Committee Alternate to Energy Committee regular member with term ending 6/30/15. The motion passed 4-0.

**MOTION 15-141:** Houk moved and Bruinooge seconded to appoint Moe Barocas to the Board of Health with term ending 6/30/16. The motion passed 4-0.

No action was taken to appoint Richard Wulsin to the Board of Health. Mr. Wilsin was not present for an interview and had emailed that he will be out of Town until April.

### **Use of Town Property**

**MOTION 15-142:** Bruinooge moved and Houk seconded to approve the request from Steven Hughes to use Bakers Filed August 17-21, 2015 for a soccer camp with \$500 fee for the event and proof of insurance coverage. The motion passed 4-0.

**MOTION 15-143:** Bruinooge moved and Houk seconded to approve the request from Chris Ebert and Barbara Anderson to use the driveway between Town Hall and Abiyoyo on Saturday, May 23, 2015, 6:00 am–2:00 PM for Wellfleet Gardeners annual plant sale. Nonprofit organization - no application and event fee will be charged. The motion passed 4-0.

### **Review of BOS goals**

Pilcher went over the list<sup>2</sup> of the BOS goals for 2014-2015 and talked about the status of each goal. Pilcher said that this list will be revisited periodically.

### **Continued review and discussion of FY 2016 budgets & 2015 ATM article list**

Terkanian talked about the Nauset Regional School District (NRSD) estimated budget based on his attendance of the NRSD school committee meeting on Monday, January 12. NRSD goal is to be within 2.5%, but their budget wish list represents 4.97% increase. Terkanian also spoke about other fixed budget uncertainties and explained that by the end of January there will be a better idea what

the overall budget requests are like and what could and could not be done. Terkanian presented possible scenarios to reduce the operating budget. The selectmen agreed that FinCom should meet with department heads with budget requests over Proposition 2.5%. Terkanian went over the list of 2016 ATM articles<sup>3</sup>. Morrissey proposed inclusion of a nonbinding advisory article for raising fees to similar rate that the RE taxes have been raising. Pilcher wanted to see a proposed draft text of the article text before considering it.

### **Green Community funding application**

Terkanian presented the Green Communities funding application<sup>4</sup> and talked about possible town buildings and facilities candidates for energy efficient/green improvements.

**MOTION 15-144:** Bruinooge moved and Houk seconded to authorize Pilcher to sign the Green Communities application. The motion passed 4-0.

### **Electricity purchases for FY 2016 and beyond**

Terkanian presented his memo<sup>5</sup> on the electricity purchase for FY16, went over possible alternatives and recommended participating in the Cape Light Compact municipal agreement for the term agreed by the Group. The selectmen agreed with this strategy. There was no need for a vote.

### **Authorization for biannual OPEB study**

Terkanian requested authorization for biannual OPEB study and explained why this was needed.

**MOTION 15-145:** Bruinooge moved and Morrissey scnded to authorize Terkanian to sign the biannual OPEB study authorization. The motion passed 4-0.

### **Parasailing complaint**

Pilcher presented the correspondence<sup>6</sup> regarding the parasailing complaint. Beach Administrator Suzanne Grout Thomas said that this activity is permitted off season according to the Beach Rules and Regulation. Thomas did not recommend any action since this was already regulated. Pilcher requested Terkanian to communicate this to the parties.

### **Proposed letter in support of proposed changes to NSTAR spraying regulations**

Terkanian gave a background of the proposed letter<sup>7</sup> coming from the Town of Harwich.

**MOTION 15-146:** Bruinooge moved and Morrissey seconded to approve the letter<sup>8</sup> in support of Town of Harwich for proposed changes to NSTAR spraying regulations. The motion passed 4-0.

### **Request of WHAT for letter in support of request for relief from USDA loan**

Pilcher said that he already had sent a letter of support on his personal behalf. Jeffry George, Executive and Artistic Director of WHAT explained the reason for the request<sup>9</sup>.

**MOTION 15-147:** Houk moved and Pilcher seconded to send the letter of support of the WHAT request for relief from USDA loan. The motion passed 3-0-1.[Bruinooge abstained]

### **Distribution of forms for evaluating the Town Administrator**

Pilcher explained that performance evaluations from each selectmen are due no later than February 16, 2015 and each selectman should meet with Terkanian individually to discuss the evaluation.

Pilcher will then summarize the results and the formal evaluation summary will be provided to the public with the February 26, 2015 BOS packet.

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

Terkanian presented his report of January 9, 2015<sup>10</sup> and added that he has approached members of the Chamber and Harborfest to see if there is any desire to relocated the sign to a mutually acceptable location and solve the sign problem.

### **Future Concerns**

- 2014 BOS Annual Town Report [Pilcher]
- Revision and update of fees for Use of Town Property [Morrissey]

### **Correspondence<sup>11</sup> and Vacancy<sup>12</sup> Report**

Morrissey presented the correspondence report.

### **Minutes**

**MOTION 15-148:** Pilcher moved and Morrissey seconded to accept the minutes of December 9<sup>13</sup> and December 16<sup>14</sup>, 2014. The motion passed 4-0.

### **Executive session**

Pilcher read the purpose of the executive session: 1) To conduct a collective bargaining session and 2) To discuss strategy with respect to collective bargaining and stated that discussing these matters in open session will have a detrimental effect on the bargaining strategy. The selectmen Pilcher, Bruinooge, Morrissey and Houk took a roll call vote by each saying "Aye" to adjourn the public meeting, enter into executive session and not go back in open session. The public meeting adjourned at 8:34 pm.

Respectfully submitted,

Michaela Miteva  
Executive Assistant

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<sup>1</sup> Letter from the Noise Complaint Petitioners

<sup>2</sup> FY15 List of BOS Goals

<sup>3</sup> Draft of 2016 ATM articles list

<sup>4</sup> Green Communities funding application

<sup>5</sup> TA Memo on electricity purchase for FY16

<sup>6</sup> Parasailing complaint correspondence to BOS

<sup>7</sup> Letter to NSTAR in support of the Town of Harwich re herbicide spraying

<sup>8</sup> Letter in support of Town of Harwich for proposed changes to NSTAR spraying regulations.

<sup>9</sup> WHAT Request for relief from USDA loan

<sup>10</sup> TA Report of January 9, 2015

<sup>11</sup> Correspondence Report of January 9, 2015

<sup>12</sup> Vacancy Report of January 9, 2015

<sup>13</sup> BOS Minutes of December 9, 2014

<sup>14</sup> BOS Minutes of December 16, 2014