



**Wellfleet Board of Selectmen
Minutes of July 14, 2015
Wellfleet Senior Center**

Present: Paul Pilcher, Chairman, Dennis Murphy, Berta Bruinooge, Helen Miranda Wilson, Jerry Houk, Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

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

Announcements, Open Session and Public Comment

Pilcher announced a public hearing meeting on Harbor Dredging on July 28, 2015 at 7:00 pm. He invited the public to attend and said that it is important to have political and community support in order to advance the project.

Public Hearing(s) [7:05]

Pilcher went over the rules of the public hearings and recommended that the comments are brief and do not repeat. Pilcher opened the public hearings at 7:05 PM.

Route 6 and Main Street Intersection Improvement Project

Terkanian explained that the project engineer is expecting a selection of a design alternative in order to move to the next stage of the Route 6 and Main Street intersection improvement project. He said that this is the third time this topic has been discussed during Board of Selectmen's meeting and used a Power Point presentation addressing each one of the proposed four alternatives. Murphy had a question on the proposed stop line on the East end of the intersection and suggested an agreement with the MassDOT for shared maintenance of the intersection. Wilson voiced her concerns about bicyclists' safety. Elaine McIlroy wanted to know the point of end of the intersection and suggested lowering the speed limit for this portion of Route 6. Rodolfo Machado of 35 Main Street raised concerns about the wet land on the south side of the intersection and said that a simple drawing representing the area would have addressed these concerns. Anthony Buttignol of 45 Main Street had comments on the proposed side walk on Design Alternative 1. Gary Kersteen of 25 Harrison Street wanted to know if there were any studies on the wet land impact. Engineer Douglas Prentice from Fay, Spofford & Fay addressed the question. Jorge Silvetti of 35 Main Street wanted to know what the potential impact of the temporary taking on the wetland and the vegetation during construction could be. Terkanian explained the need for temporary taking and said that the vegetation is a matter that should be studied and addressed. Wilson gave an example for a similar intersection in Orleans. Murphy suggested that there should be a signage for bicyclists to warn them. The Public Hearing on this topic closed at 7:27 pm without any action taken by the Selectmen.

Snow and Ice Removal and Maintenance of Private Roads

Pilcher opened the public hearing on snow and ice removal and private roads maintenance. David Rush of 160 Way 657 said that there has been a meeting about 6-7 years ago when the Town promised to maintain the road and later revoked the promise. He said that Way 657 is a dirt road, but it is a through way. Katherine Wild had questions on what is considered a public and private road and how the designation can be changed. Terkanian explained that the road designation is determined by a road taking process by a Town meeting vote and it is governed by the General Laws. Pilcher talked about residents that were under the impression that their roads were public because they have been

maintained by the Town in the past. Suzanna Eiss of 129 Way 657 aka Thoreau Way and Backshore Road spoke in favor of the Town plowing private roads. Roger Putnam said that the issue is not whether the road is private or public, but “Is it fair that private roads are not plowed when their residents pay the same taxes?” Peter Cherrnayeff of Truro thanked the DPW, Police and Fire Departments for responding to winter emergencies and said that the Town should continue to provide minimal maintenance to allow road passage in case of emergency and said that the roads in the area although private are abutting the National Seashore and serve the public. Pilcher left the room. Murphy assumed the Chairman position. Anthony Tullio thanked the DPW for the great snow removal job over the past winter and also supported the idea of providing the same services of road maintenance to private as to public road residents. Doug French of 30 Day Road spoke about a previously existing maintenance agreement between the Town and Day Road. Pilcher returned. John Wolf of 88 Valley Road talked about the issues Valley Road is facing in the winter. Bruinooge said that as a resident of Western Avenue she has encountered the same private road issue with maintenance agreement with DPW about keeping the road in passable condition. She acknowledged that when she reviewed the agreement it did not mention snow plowing, which was done until 2012. Bruinooge stressed the importance of accessibility of private roads in urgent medical situations. Kathleen McCormick wanted to know what the percentage of private versus public roads is and also talked about the importance of plowing for elderly citizens in need of emergency medical services. Marusya Chavchavadze of 220 Aaron Rich Road also talked about previously provided road maintenance services on Aaron Rich Road that were discontinued in 2006 and made the same comments about taxes and emergency medical help. Houk spoke about his recollection of the snow plowing and maintenance agreements of private roads, but said that currently the DPW does not have the resources and staff to do it. He urged the people to support this if it goes to Town Meeting. Wilson expressed her concerns about emergency response and the cost associated with expanding the list of plowed private roads. Murphy suggested that the Board should come up with more regulations and cost estimates before a solution can be found. Pilcher summarized the two issues discussed: 1) The unfairness to those people with maintenance agreements; and 2) snowplowing for those who live on private roads with no through traffic. He said that the Town should solve the issue not just based on associated costs. Penelope Jencks of Boundbrook Island Road wanted to know if the older private roads have been equated to more recently developed private roads. Wilson answered the question and suggested that everyone should read the Town Administrator’s memo of May 26, 2015 on the subject. Terkanian said that the memo is available online together with a copy of one of the maintenance agreements and mentioned several letters received on this topic from residents unable to attend the meeting. Pilcher closed the public hearing at 8:12 pm. The Board postponed decision on this subject to a future meeting.

Licenses/Appointments/Reappointments/Use of Town Property

Fire Chief Richard Pauley announced the appointments by him of Allison Gray, full time firefighter/paramedic and Justin Kinshaw, Joshua Wagner & David R. Marriott as probationary call firefighters and introduced the incumbents to the Selectmen.

MOTION 215-264: Wilson moved and Houk seconded to approve the appointment of Allison Gray by the Fire Chief as a full time firefighter/paramedic. The motion passed 5-0.

MOTION 215-265: Bruinooge moved and Murphy seconded to approve the appointment of Justin Kinshaw, Joshua Wagner & David R. Marriott by the Fire Chief as probationary call firefighters. The motion passed 5-0.

Diane Roehm expressed her interest to serve on the Cultural Council.

MOTION 215-266: Bruinooge moved and Murphy seconded to appoint Diane Roehm to the Cultural Council with term ending June 30, 2018. The motion passed 5-0.

Mary Wright expressed her interest to serve on the Cultural Council.

MOTION 215-267: Wilson moved and Bruinooge seconded to appoint Mary Wright to the Cultural Council with term ending June 30, 2018. The motion passed 5-0.

Geraldine Ramer expressed her willingness to serve on the CPC as a member at large.

MOTION 215-268: Wilson moved and Murphy seconded to appoint Geraldine Ramer to the CPC as a member at large with term ending June 30, 2018. The motion passed 5-0.

Wilson recommended the appointment of Zack Dixon to the Shellfish Advisory Board.

MOTION 215-269: Wilson moved and Bruinooge seconded to appoint Zack Dixon to the Shellfish Advisory Board with term ending June 30, 2018. The motion passed 5-0.

Town Assessor Nancy Vail presented the Board of Assessor's recommendations for appointments of Gail Stewart as a regular and John Duane as an alternate member.

MOTION 215-270: Bruinooge moved and Houk seconded to appoint Gail Stewart to the Board of Assessors with term ending June 30, 2018. The motion passed 5-0.

MOTION 215-271: Murphy moved and Wilson seconded to appoint John Duane to the Board of Assessors as an alternate member with term ending June 30, 2018. The motion passed 5-0.

Terkanian spoke about the willingness of Dennis Cunningham, who was not able to attend the meeting, to serve on the Barnstable County Regional Substance Abuse Council.

MOTION 215-272: Houk moved and Murphy seconded to appoint Dennis Cunningham as Wellfleet's representative to Barnstable County Regional Substance Abuse Council. The motion passed 5-0.

Request of Olaf Valli of Sickday, Inc. and Katherine Weeks of Sugar Surf of Cape Cod to use White Crest Beach for surf lessons

Wilson had comments about the two requests for use of White Crest Beach during the summer. Community Services Director and Beach Administrator Suzanne Grout Thomas suggested limiting the use of the beach to three applicants. Bruinooge suggested taking the capping issue at the next meeting. Houk had a question on beach sticker requirements for the applicants and their customers.

MOTION 215-273: Bruinooge moved and Murphy seconded to approve the request of Olaf Valli of Sickday, Inc. to use White Crest Beach for surf lessons from April 1 to December 31, 2015; Conditions: event fee \$350; beach stickers or daily parking fee are required, provide a proof of liability insurance listing the Town as insured and comply with all conditions on the request form. The motion passed 5-0.

MOTION 215-274: Bruinooge moved and Murphy seconded to approve the request of Katherine Weeks of Sugar Surf of Cape Cod to use White Crest Beach from June through October for surf lessons; Conditions: event fee \$350; beach stickers or daily parking fee are required, provide a proof of liability insurance listing the Town as insured and comply with all conditions on the request form. The motion passed 5-0.

The Selectmen took 5 minutes break from 8:29 pm to 8:34 pm.

Request of John Arsenault to use the band stand end of the Marina for food truck

Discussion ensued about John Arsenault's request for a food truck at the Marina. Pilcher referred to the Town Administrator's memo¹ on the subject. Arsenault said that he would like to see more opportunities for food trucks in Town. Murphy had a question about electricity use. Terkanian explained the reason for his notes about electricity on his memo. Arsenault said that the truck has a generator. Discussion about the use fee and future competitive bidding process ensued.

MOTION 215-275: Wilson moved and Bruinooge seconded to approve the request of John Arsenault to use the band stand end of the Marina on Fridays, Saturdays & Sundays, 6 PM to 9 PM for a mobile food truck vending; Conditions: event fee \$2,000 to be paid to the Marina Enterprise Fund; obtaining a food service permit and inspection, provide proof of liability insurance and trash receptacle. The motion passed 5-0.

Review of Town Fees

Assistant Town Administrator Brian Carlson answered Selectmen's questions about his review on Town Fees. The Board decided to continue discussing and reviewing this topic again in one of the future meetings.

Review and possible modification of beach parking use during OysterFest

Community Services Director and Beach Administrator Suzanne Grout Thomas presented her memo² on possible modifications of beach parking use during OysterFest and asked the Board to revisit their previous vote. Pilcher said that he is still willing to go with this process despite the new assumptions. Wilson said that this new recommendation should be given a consideration. Murphy wanted to know why the Town restrooms cannot be open for OysterFest. Houk suggested that SPAT should perhaps take care of the portable toilets cost.

MOTION 215-276: Pilcher moved to go ahead with the original plan to have a paid parking for OysterFest given the revised budget estimate. Murphy seconded. The motion passed 4-1 (Wilson).

Plans for re-landscaping the Preservation Hall green belt aka the Penny Patch

Gary Locke and Todd Lebart presented preliminary re-landscaping plans³ to convert the old Penny Patch area to a Memorial Garden and asked the Selectmen for a direction pending the ConsCom approval. Bruinooge found the idea great. Murphy wanted to know if this would require handicapped access and had a question about maintenance of the area in the future. Wilson also spoke in favor of the idea, but said she would not support any use of Roundup on the area. Terkanian said that the preliminary re-landscaping plans for Town Hall are similar to these and also supported the idea. The Selectmen unanimously agreed to allow the proposal to advance for ConsCom review and approval.

FY 2016 prioritized list of BOS Goals

Pilcher presented the prioritized list of BOS 2015-2016 Goals⁴ and went over each of the ten goals. He said that this list will be revisited periodically during the year. Wilson said that her goal of updating the BOS policies is near complete and this is why it is off the list.

Request of Laura and Chris Denninger of 105 Pine Point Road to redeem tax title

Laura and Chris Denninger presented their request to redeem tax title of 105 Pine Point Road and proposed to pay their back taxes by paying \$1,000 a month until the balance is paid off. The Selectmen wanted to find out more why the taxes have not been paid on time. The Denningers spoke about their financial hardship over the last five years. Terkanian clarified the total amount due will be including taxes, legal and recording fees and did not recommend accepting a payment plan. Wilson and Pilcher agreed that this is unfortunate situation but given the fact that this has been going for the past five years did not find the proposal acceptable. Bruinooge expressed willingness to work with the Denningers for a short period of time to give them the opportunity to come up with the total amount and pay in full. Pilcher left and Murphy assumed the Chair. Discussion ensued among the Selectmen. Houk also supported the idea of giving the Denningers 90 days to come up with the total amount.

MOTION 215-277: Houk moved to grant the Denningers 90 days grace period to come up with the full amount for taxes and fees owed to redeem tax title of the property at 105 Pine Point Road. Bruinooge seconded. Further discussion ensued. The motion passed 3-1-1 (Pilcher absent, Wilson opposed).

Award of Salary and Classification Study contract

Terkanian presented his recommendation⁵ for award of the Wage and Classification Study contract to D.I. Jacobs Consulting. Pilcher returned.

MOTION 215-278: Murphy moved and Bruinooge seconded to approve the recommendation for award the Salary and Classification Study contract to D. I. Jacobs Consulting. Further discussion ensued where Wilson voiced her concerns about the evaluation process. Terkanian said that the Town Administrator's Office is aware of the issues and will monitor the process closely. The motion passed 5-0.

Authorization to sign a Local Initiative Program (LIP) application for properties at 2254, 2200 and 2270 Old King's Highway Affordable Housing Project

Leedara Zola of Habitat for Humanity and Elaine McIlroy of Wellfleet Housing Authority presented the request for authorization to sign the Local Initiative Program application⁶ and to authorize a letter expressing support of the Selectmen for the affordable housing project. Zola gave a background information of the project and explained the application process to the State for approval before going to the ZBA. Based on this information Zola requested the support of the Selectmen in order for the project to advance to the next stage. Harry Rubenstein of 2261 Old King's Highway expressed his concerns about the project plans. Zola explained that is request is for the preliminary stage of the project. McIlroy expressed the support of the Housing Authority. Wilson said that a map of the project would have been helpful. Bruinooge expressed her support for creating affordable housing in Town. Murphy agreed with Wilson on the map. Houk had a question on a previously filed appeal for this project.

MOTION 215-279: Bruinooge moved and Pilcher seconded to authorize signing the Local Initiative Program application and letter of support for properties at 2254, 2200 and 2270 Old King's Highway Affordable Housing Project as presented. The motion passed 5-0.

Mooring issue

John Martens explained his issue with the Harbormaster about his missing mooring and answered Selectmen's questions about what have happened. Martens presented his demands in a packet⁷ he had prepared for the Selectmen. Terkanian said that all these demands are under the jurisdiction of the Harbormaster. Assitant Harbormaster Leonard Croteau gave background information of the process according to the Harbormaster. Pilcher left the meeting. Murphy assumed chairmanship. Discussion ensued. Pilcher returned. An unpaid invoice for services provided by Martens to the Marina was discussed. Terkanian explained the need for Town vote for a bill due in a previous fiscal year. The Board unanimously agreed that the bill should be paid pending Town Meeting vote and that this matter is under the jurisdiction of the Harbor Master.

Pilcher left the meeting. Murphy assumed the role of the Chairman for the remainder of the meeting.

Requests for FY15 Transfers

Town Accountant Marilyn Crary presented additional requests for FY 2015 inter account transfers.

MOTION 215-280: Bruinooge moved and Wilson seconded to approve the FY15 account transfers as presented and requested by the Town Accountant. The motion passed 4-0.

The below listed agenda items were deferred to the meeting:

- Approval of the revised Senior Citizens Tax Work-Off Policy
- Approval of the revised Veterans Tax Work-Off Policy
- Approval of revised Baker Field Tent Use Policy
- Review of revised BOS Policy on Policies
- Possible deletion of the Quorum Policy
- Review of revised Policy on Use of Town Property
- Expanding the number of community members of Local Housing Partnership

Approval of CPA Grant Agreement for Wellfleet Historical Society and Museum, Inc.

MOTION 215-281: Bruinooge moved and Houk seconded to approve the CPA grant Agreement for Wellfleet Historical Society and Museum, Inc⁸. The motion passed 4-0.

Recommendation for 111F Designation

Police Chief Ronald Fisette gave a background of the request for a two day 111F designation⁹ for Sgt. Clark.

MOTION 215-282: Houk moved and Wilson seconded to approve the 111F designation as requested by the Police Chief. The motion passed 4-0.

MassDOT Federal Highway Administration Title VI Nondiscrimination Assurance

MOTION 215-283: Bruinooge moved and Wilson seconded to authorize the vice chair to sign the Federal Highway Administration Title VI Nondiscrimination Assurance. The motion passed 4-0.

Town Administrator's Report

Terkanian presented his report¹⁰ and said that the grievance with the Police Union has been settled and the approval of executive session minutes can be done at a future executive session.

Future Concerns – NONE

Correspondence¹¹ and Vacancy¹² Report

Minutes

Wilson had changes to her comments on Sexual Harassment and Workplace Violence Policy and gave the changes to the EA.

MOTION 215-284: Wilson moved and Houk seconded to approve the minutes of June 23, 2015 as amended by Wilson. The motion passed 4-0.

Executive Session – cancelled

Adjournment

MOTION 215-150: Houk moved and Bruinooge seconded to adjourn the meeting at 10:25 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ TA memo on John Arsenault's request for use of Town Property
² Suzanne Grout Thomas Memo to BOS re Charging for parking during 2015 OysterFest
³ Plans for re-landscaping the Penny Patch
⁴ Prioritized list of 2015-2016 BOS goals
⁵ TA recommendation for Wage and Classification Study contract
⁶ LIP application for Old King's Highway Affordable Housing Project
⁷ John Martens demand to the BOS for missing mooring
⁸ CPA Grant Agreement for Wellfleet Historical Society and Museum, Inc.
⁹ Police Chief request for 111F designation for Sgt. Clark
¹⁰ TA Report of July 9, 2015
¹¹ Correspondence of July 14, 215
¹² Vacancy report of July 10, 2015