



**Wellfleet Board of Selectmen  
Minutes of November 10, 2015  
Wellfleet Senior Center**

**Present:** Selectmen Paul Pilcher, Dennis Murphy, Helen Miranda Wilson; Berta Bruinooge; Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

**Regrets:** Selectmen Jerry Houk

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

**Announcements, Open Session and Public Comment**

- Wilson announced a public open house on November 17, 2015 about the proposed comprehensive shorebird management plan at the National Seashore Headquarters and a public hearing from 4-7 pm on the same day. Wilson advised that the proposed plan is available online and there is 30 day comment period ending on December 9.
- Pilcher announced an informational meeting about the Wellfleet's rental assistance program on November 18 at 7:00 pm at the Library.
- Pilcher expressed his sorrow for the passing of two Town activists - Tom Reinhart and Gooz Draz.
- Police Chief Fisetta announced that the Wellfleet Police and Fire Departments are once again participating in the Toys for Tots program and encouraged the public to donate to families in need.
- Chief Fisetta said that FEMA has advised that the paperwork for the two 2015 snow storms is completed and about \$41,000 of the eligible \$55,000 will be reimbursed.

**Appointments/Reappointments**

Richard Wulsin expressed his interest to serve on the Wastewater Committee.

**MOTION 215-365:** Wilson moved to appoint Richard Wulsin to the Wastewater Committee with term ending June 30, 2018. Bruinooge seconded and the motion passed 4-0.

**Use of Town Property**

**MOTION 215-366:** Murphy moved and Bruinooge seconded to approve the request of the Friends of the Wellfleet Library to use Town Hall East side driveway on July 10 & August 7, 2016 (rain dates July 17 & August 14, 2016) from 9 am to 1 pm for annual book sale; the event fee was waived and no conditions were attached. The motion passed 4-0.

**Disposition of town property request from the Open Space Committee**

Nancy Rea, Chair of the Open Space Committee (OSC) spoke about fragile and vulnerable properties in Town and recommended considering three of them for protection. All three properties are Town-owned and should be protected under the Conservation Commission, because they are marshland and highland properties. Terkanian explained the process of Town property disposition. The Selectmen directed Terkanian to initiate the process. Wilson identified a typo to be corrected— instead of residences should be residents in the last paragraph of the Open Space Committee's memo<sup>1</sup>.

**MOTION 215-366:** Bruinooge moved and Murphy seconded to direct the Town Administrator to begin the process of disposition of Town properties Map 29, lot 489; Map 29, lot 493 and Map 15, lot 164 as requested by the Open Space Committee. The motion passed 4-0.

### **Presentation of Open Space Plan and Survey results**

Nancy Rea, Chair of the Open Space Committee (OSC) presented the survey results for the Open Space and Recreation Plan and thanked the Assistant Town Administrator Brian Carlson for his help with updating the plan. She explained the importance of Open Space plan for grants and funding opportunities and read the goals and objectives as presented in the OSC memo<sup>2</sup>. Rae briefly described the survey process and summarized the results. Pilcher expressed how pleased he was with the updated plan. Wilson suggested making people who donate land to the Wellfleet Conservation Trust fully aware of the ramifications upfront. No action was taken by the Selectmen.

### **Approval of Housing Partnership request to submit a buy down program application to Department of Housing and Community Development**

Pilcher recused himself from this discussion and Murphy assumed the chairmanship. Elaine McIlroy presented the Housing Authority and Local Housing Partnership request to submit an application to the Department of Housing and Urban Development for a buy down program and explained the benefits of it. Terkanian suggested two changes: 1. Changing the signature to the Vice Chairman; 2. Adding ATA Carlson as the Town Planner contact.

**MOTION 215-367:** Wilson moved to support the Housing Partnership buy down application and adding the name of Brian Carlson as the ATA/Planner to the application as a Town contact. Bruinooge seconded and the motion passed 3-0.

**MOTION 215-368:** Wilson moved to authorize the Vice Chairman Dennis Murphy to sign the letter of support for the Housing Partnership buy down application. Bruinooge seconded and it passed 3-0.

Pilcher returned.

### **Discussion of possible request to MassDOT for bicycle lanes on Route 6**

Community Services Director Suzanne Grout Thomas presented the MassDOT letter<sup>3</sup> for bicycle lanes on Route 6 in Truro and briefly went over previous communications with MassDOT. She also presented the Bicycle Committee request and asked the Selectmen to endorse it. Discussion ensued. Thomas explained that the State will be providing support and managing the process.

**MOTION 215-369:** Bruinooge moved and Murphy seconded to endorse the request of the Bike and Walkways Committee for extending the bicycle lanes on Route 6 in Truro to Wellfleet and to authorize sending the proposed letter. The motion passed 4-0.

Thomas announced a meeting on this subject in Provincetown on November 12, 2015.

### **Review of estimated costs of snow and ice removal from private roads**

Terkanian explained that this is a continuation of the ongoing discussion for snow plowing on private roads and referred to his memo<sup>4</sup> and the provided by the DPW director cost estimates. He went over the three presented options and talked about possible additional costs and planning needed before considering snow plowing on private roads. Discussion ensued among the Selectmen. Bruinooge wanted to know what the criteria for plowing is in terms of snow accumulation and how the number of 15 events was generated. Vincent answered the questions by explaining that the number of 15 events

was averaged based on snow storm events over the last five years. He said that there are 192 private dirt roads in Wellfleet and this is why the estimated cost is so high. Wilson talked about a special snow blowing plow attachment used by private contractors and in Provincetown and wanted to know if this new equipment would be considered. Roger Putnam suggested looking at the occupancy status of both private and public roads in order to determine plowing needs instead of road ownership status, length and mileage. Pilcher summarized the issues: 1. Lack of consistent policy for snow plowing of private roads; 2. Year round residents on fixed income or government assistance who cannot afford private snow plowing. He suggested finding a way to solve the snow plowing on private roads based on the above issues even if this means voters bringing the plowing of private roads request for funding at Town Meeting for vote and override. Wilson said that it is important to meet the needs of people who live in Town year round by revisiting and reviewing the Snow Plowing on Private Roads Policy. According to Murphy it was very unlikely to solve this matter at this meeting, so he suggested that people living on private roads with existing medical conditions should be on a special list for snow plowing accommodations. Pilcher supported the idea of accommodating the need even if this meant subcontracting the additional streets. Vincent said that these cost estimates are just assumptions and more time is needed to determine all aspects. Terkanian went over the issues: 1. the need for developing a set of criteria making sure that the private roads are safe to be plowed; and 2. determining the need of the road for plowing based on occupancy. He suggested that if this was the desired course of action then it should go to the voters with an estimated cost and criteria to Town Meeting and give the taxpayers an opportunity to approve or disapprove it. Wilson said that over the past few years a lot of people who expected to get plowed based on previous plowing history did not get plowed. According to her people should be informed in advance. Vincent confirmed that when residents have a medical emergency the DPW has responded as directed by the Fire or Police Departments. Murphy wanted to know if a release from private road owners is needed in order to protect the Town from snow plowing damages liability. Terkanian will check this matter. Murphy suggested generating a list of residents with known reasons and medical conditions. Pilcher said that these requests should be in writing and that they should be sent to the Board of Selectmen.

**MOTION 215-370:** Pilcher moved and Murphy seconded to have a compassionate emergency response snow plowing plan where everyone with medical condition should write a letter to the Selectmen. Discussion ensued. Bruinooge clarified that this will be just temporary one year solution until better solutions is found. The motion passed 3-1 (Wilson).

**Review of proposed amendment to Board of Selectmen Policy on Investments – additional policy provisions for Other Post Employment Benefits (OPEB) funds**

Terkanian explained why the amendment of the Board of Selectmen Policy on investments with the additional OPEB provision is needed and referred to his memo<sup>5</sup> based on MGL Chapter 203C (3). Bruinooge liked the idea, but wanted to know how much an investment manager would cost and how this expense can be justified. Terkanian explained the benefits an investment manager can provide in terms of return on investment Wilson wanted to find out how the investment manager/financial advisor would invest differently and what type of investments would be allowed. Terkanian talked about different investment portfolio options. Wilson wanted to know who would have the responsibility to choose the investment manager. Terkanian explained that the prerogative for investments and related decisions is the responsibility of the Treasurer. Wilson wanted to know how other towns do this. Terkanian explained that no action is required at this time, because this is the first reading of proposed policy change. The revision of the Policy on Investments will be back on the Selectmen's agenda for final review and possible adoption on November 24, 2015.

### **Discussion of possible amendment to Board of Selectmen policy on Bicycle Races (Policy 1998-01)**

Wilson presented her suggestion for amendment of the Board of Selectmen policy on Bicycle Races and went over the proposal<sup>6</sup>.

**MOTION 215-371**: Wilson moved to amend the Selectmen's Policy on Bicycle Races as presented with her email communication<sup>7</sup> to the Board. Pilcher seconded. Bruinooge had questions about parades and felt this is not the appropriate language. Police Chief Fissette recommended that the Selectmen approve the second option as recommended by the TA<sup>8</sup>. Wilson clarified that this is for all Town roads, not just single events. Murphy had concerns that this will sanction bicycle races and similar events resulting in possible liability consequences to the Town. Terkanian pointed out the issues with the motion in terms of violating the constitutional right of free speech and expressed his concerns. Pilcher said that he will vote against it and would suggest the TA recommendation. The motion failed 4-0.

**MOTION 215-372**: Pilcher moved to revoke the Bicycle Policy as recommended by the Town Administrator. Wilson seconded and the motion passed 4-0.

### **Review of revised Equal Opportunity, Discrimination and Sexual Harassment Policy**

No comments were made and no action was taken for this first reading. The policy will be back on the November 24, 2015 meeting for final review and approval.

### **Herring River Restoration Project MOU III meetings report**

Wilson summarized the Herring River Restoration Project MOU III meetings and shared how delighted she is with the amount of details offered during these meetings. Donald Palladino was present and confirmed the great amount of research and effort and confirmed the need of continuation of keeping the public informed. Murphy expressed regrets that he will not be able to attend the Herring River Restoration Project meeting on November 17, 2015.

### **Review of draft food truck regulations**

ATA Carlson presented the draft food truck regulations and his and the Planning Board's memos on the subject. Wilson wanted to know if a hand pushed or a bike ridden cart would be considered a food truck. Terkanian clarified that these regulations are strictly for licensing a food truck to operate in Wellfleet and does not address procurement. Wilson suggested having a time element in order for people to understand the process better and had question on the fingerprinting provision. Fissette explained that if a fingerprinting is required as part of the licensing process then the Town should adopt a special bylaw and said that he can look into it. Carlson said that he will address the discussed Selectmen's concerns and bring the Food Truck regulations for a second review.

### **Discussion of Board of Selectmen's goals for 2016**

Pilcher went over the status of the 2015-2016 Selectmen's Goals<sup>9</sup> as approved on July 14, 2015. He said that the Marina dredging efforts will be on the next meeting agenda. Murphy opened a discussion of possible department candidates for forensic audit and review. Based on mutual consensus DPW will be the first for review in December or January. Murphy also shared suggestions about post dredging efforts that could be done in order to avoid a situation like this in the future.

### **Authorize TA to execute Community Compact grant agreement with the Commonwealth of Massachusetts.**

**MOTION 215-373**: Bruinooge moved and Murphy seconded to authorize the Town Administrator to execute Community Compact grant agreement with the Commonwealth of Massachusetts. The motion passed 4-0.

### **Review of the Inter-municipal Cooperation Committee**

Pilcher talked about the Inter-municipal Cooperation Committee background history and expressed desire to revive the committee in terms of sharing inter-municipal services. The Selectmen will bring suggestions to the next meeting.

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

Terkanian presented his report<sup>10</sup> and had no additions.

### **Future Concerns**

- Marina Dredging will be on the November 24, 2015 agenda
- Invite the auditor to one of the future meetings
- Invite Alice Boyd to one of the future meeting
- Possible revocation of the Policy on Shellfishing Grants will be back on November 24, 2015.
- Review of the CCNS Shorebird Management Plan will be on the November 24, 2015 agenda
- Publicize the Cape Cod National Seashore Advisory Commission vacancy

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

Wilson thanked Robert Shreefter for his service on the Library Trustees and made some comments about the expense for Mosquito Control.

### **Minutes**

**MOTION 215-374:** Wilson moved and Murphy seconded to approve the minutes<sup>13</sup> of October 27, 2015 with additions by Wilson. The motion passed 4-0.

### **Adjournment**

**MOTION 215-375:** Bruinooge moved and Murphy seconded to adjourn the meeting at 9:35 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva  
Executive Assistant

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<sup>1</sup> Open Space Committee Request for disposition of Town Property

<sup>2</sup> ATA & Open Space Committee memo re Open Space and Recreational Plan and Survey Results, dated 11/5/15

<sup>3</sup> MassDOT letter for bicycle lanes on Route 6 in Truro

<sup>4</sup> TA memo on snow plowing cost estimates to include private roads

<sup>5</sup> TA Memo on BOS Policy on Investments

<sup>6</sup> Helen Miranda Wilson memo on the BOS Policy on Bicycle Races/ Use of Town Roads

<sup>7</sup> Wilson's email to BOS re Town Roads Use dated November 10, 2015

<sup>8</sup> TA memo on the BOS Policy for Bicycle Races

<sup>9</sup> 2015-2016 BOS Goals

<sup>10</sup> TA Report of October 30, 2015

<sup>11</sup> Correspondence Report of November 10, 2015

<sup>12</sup> Vacancy Report of November 10, 2015

<sup>13</sup> Draft minutes of October 27, 2015