



**Wellfleet Board of Selectmen
Minutes of December 15, 2015
Wellfleet Senior Center**

Present: Selectmen Paul Pilcher, Dennis Murphy, Helen Miranda Wilson; Berta Bruinooge, 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

- ❑ Terkanian announced that he had received a publication from the Concerned Citizens for Community Policing on opioid addiction problem and there are copies available for pick up.
- ❑ Wilson thanked Margaret E. Stolnacke for her many years of Services as Library Trustee.

Licenses

Amendment to liquor license – request received from Eliza Cox, Manager of Saveur De Pain, Inc. d/b/a PB Boulangerie Bistro to begin serving alcohol at 10 am on Sundays.

MOTION 215-402: Houk moved and Bruinooge seconded to approve the request received from Eliza Cox, Manager of Saveur De Pain, Inc. d/b/a PB Boulangerie Bistro to begin serving alcohol at 10 am on Sundays. The motion passed 5-0.

Appointments

Nomination of Wellfleet representative to Cape Cod National Seashore Advisory Commission.

Applications on file from Lilli Ann Green, Jeffrey Tash, Kathleen Bacon, Steven Larsen and Barbara B. Taylor. Barbara B. Taylor expressed her interest to serve as Wellfleet representative to the Cape Cod National Seashore (CCNS) Advisory Commission. All other applicants were interviewed on December 8, 2015. Pilcher thank all who expressed interest to represent Wellfleet and serve on the CCNS Advisory Commission.

MOTION 215-403: Houk moved to nominate Lilli Ann Green as a regular member to the Cape Cod National Seashore Advisory Commission. Wilson seconded and spoke highly about how detail-oriented Green is. The motion passed 5-0.

The Selectmen discussed options for alternate members as a result of the vacancy created due to Green's nomination for a regular member.

MOTION 215-404: Murphy moved and Bruinooge seconded to nominate Kathleen Bacon as an alternate member representing Wellfleet on the Cape Cod National Seashore Advisory Commission. Further discussion ensued where Wilson said that her first preference would have been Jeff Tash. Houk supported the original nomination. The motion passed 5-0 with the understanding that the Department of the Interior is the appointing authority.

Public Hearing(s)

At 7:13 pm Pilcher opened the public hearing on Winslow's Tavern license amendment to include front and back patios as licensed premises (*continued from December 8, 2015*)

Tracey Berry Hunt, Winslow's Tavern manager presented the request to include the front and back patios as licensed premises for serving alcohol without increasing the seating capacity. Houk wanted to know if this needs to go to the ZBA. Terkanian explained how this matter came up as a result of a letter

mailed to all licensed establishments with reference to make sure their outdoor servings are licensed. He said that the description of licensed premises should be very specific with listing of the number of guest seats. Lydia Vivante expressed support to Winslow's Tavern as a good neighbor, but wanted to make sure that this amendment would not increase the noise and the back patio will be not used on daily bases.

MOTION 215-405: Bruinooge moved and Houk seconded to amend Winslow's Tavern license to include front and back patios as licensed premises for total venue seating capacity of 155 guests. The motion passed 5-0.

Bombshelter Pub request to remain open until 2 AM on New Year's Eve.

Restaurant owner Caroline Parlante presented a request for the Bombshelter to remain open until 2 am on New Year's Eve.

MOTION 215-406: Houk moved and Wilson seconded to approve Parlante's request for the Bombshelter Pub to remain open until 2 AM on New Year's Eve. The motion passed 5-0.

Requests for designation of additional private ways for snow and ice removal

The Selectmen had requests on file for Aaron Rich Road, Baker Avenue, Beach Street, Clark Avenue, Day Road, Fox Island Road and Howard Court Ext. Pilcher gave a background history and presented the memo¹ received by the DPW Director. Vincent answered questions why the roads in discussion are no longer safe for plowing by saying that these roads do not meet the established minimum standards of the Paved Private Roads policy and gave examples of the reasons. According to Vincent if those concerns are addressed then the roads can be in compliance and will be accepted for plowing. He explained that for medical emergencies those concerns may not apply. Pilcher stated that all of the requests received are valid and now there is an issue that these roads are non compliant. Murphy made delineation between plowing a road and becoming compliant to be considered a plowable road and expressed concerns about liability in the event of damaging private property while plowing. Pilcher said that at the moment real human beings with medical disabilities are discussed and the road compliance should be out of the equation for this one-year exception. Wilson discussed a letter by Town Counsel for another Town in reference to private property damages as a result of snow plowing and the judgment was not in favor of the Town. Wilson talked about section 28 of the General Bylaw referencing to private roads being made usable for emergency vehicles. Bruinooge expressed her years-long experience with the private road she lives on and shared concerns how uncomfortable she feels getting information about people's health conditions. She said that all roads should be plowed if they meet the criteria regardless of the road ownership status. Vincent said that in order to accommodate these requests additional equipment may be needed.

MOTION 215-407: Pilcher moved to authorize snow and ice removal from Aaron Rich Road, Baker Avenue, Beach Street, Clark Avenue, Day Road and Fox Island Road provided requesting parties make necessary improvements. Murphy seconded, and talked about possible implications as a result of this change. Wilson expressed concerns about additional expenses and said that the letter for Day Road should be available for review and said that she was not ready to vote. Pilcher said that this has been discussed for a while and these people need a response. The motion passed 4-1 [Wilson].

Planning for Town Administrator search

Pilcher suggested not employing a consultant due to past experience. According to him a screening committee will suffice to review applications and recommend three to five finalists. Wilson talked about her experience with the last Town Administrator search process. The Selectmen agreed that

appointing a committee is the way to go. The discussion concluded with no action taken by the Board.

FY 2017 Budget² Reviews – Joint meeting with Finance Committee (began at 7:50 pm)

Finance Committee Members present: Stephen Polowczyk, Bob Wallace and Janet Lowenstein, which did not constitute a quorum. The Board of Selectmen meeting carried on with the three FinCom members in attendance.

Pilcher opened the FY 2017 Budget reviews by saying that the budget is more than just numbers; it is a statement of a community and its vision. Terkanian informed that on January 12, 2016 the Superintendent of Nauset Regional School District and the Auditor Richard Sullivan will be present; and on January 19, 2016 the Department of Public Works will be extensively reviewed for zero based budgeting approach. He also briefly introduced the challenge of Outer Cape Health Services (OCHS) in terms of public water source needs.

Water Enterprise Fund

Justina Carlson, Chair of the Board of Water Commissioners presented the FY 2017 Water Enterprise Fund Budget request by saying that the budget is mostly level funded. Terkanian talked about the connection fees and operating revenues, challenges and potential shortfalls. He explained that the proposed \$45,000 water enterprise subsidy in the General Fund is a short term solution and more sustainable financial model needs to be identified. Pilcher wanted to know if the Board of Water Commissioners has thought of how to cover future deficits. Carlson answered by saying that once the Water Commissioners realized that the financial model is not sustainable the growth was on halt. She talked about updating the Master Plan, financial models and the future of the Municipal Water System. Stephen Polowczyk shared his recommendation for raise of the base service fee in order to make up the operating deficit and said that the rest of the FinCom members did not support it. He suggested eliminating the general fund subsidy for FY17. Terkanian explained why this would not be a good idea for number of reasons and running the fund balance to zero. Wilson suggested other rate adjustments. Carlson said that collaboration between the BWC and FinCom is needed to solve the Water Enterprise Fund challenges. Polowczyk said that according to him Wellfleet has done well by having affordable water system. Terkanian presented the OCHS public water needs as a result of their well water issue and challenges and stressed the urgency due to timing constrains imposed by Mass DEP. Gary Walker, OCHS Owner's Project Manager went over the details of the OCHS facility and the need for a sustainable public water solution. Houk wanted to know if the cost could be reduced if the main goes only to OCHS instead of Moby Dick. Wilson wanted to know if there will be a loop connecting the system to the Coles Neck Water main. Terkanian talked about possible funding discussion with USDA. Polowczyk supported the idea of considering pursuing the project because of the community importance of OCHS. Concerns arouse about the loop, water usage per day and possible rate increases. Lowenstein wanted to see a detailed construction timeline. Wilson wanted to know more about what is causing the current OCHS nitrate readings and if there are other ways to address the issue. The discussion concluded with no action taken by the Selectmen.

Marina Enterprise Fund

Harbormaster Michael Flanagan presented the Marina Enterprise Fund FY 2017 budget request and said that FY 2017 budget represents some cuts. Pilcher had questions on the gasoline line item. Flanagan said that this line item has been discussed to be reduced to \$160,000. The discussion concluded with no action taken by the Selectmen.

Police Department

Police Chief Ronald Fisetta presented the FY 2017 Police Department request. Pilcher wanted to know if the 13th police officer will reduce the overtime budget. Wilson expressed her concern with all of the cost associated with it and said that this should be decided by the voters. Bruinooge said if the Town and Selectmen feel that the 13th Police Officer is needed it should become part of the budget, not an override. The discussion concluded without any action item.

Fire Department

Terkanian went over the requested capital items and fire department overtime. Fire Chief Rich Pauley said that the requested FY 2017 budget is level funded. He talked about two upcoming retirements – the first one of Lt. George White in FY 2017 and the second one of Captain Thomas Ferreira in FY 2018. Pauley said that these two retirements will complicate the overtime and emergency call coverage. This may require creating additional one or two full time positions to deal with this. Terkanian added that the County Dispatch number has been cut in half, and the two upcoming retirements could require the engagement for the promotional process and other assistance by a consultant. Wilson wanted to know if consultants have been used before. Pilcher asked if there have been any inter-municipal efforts to share human resources and equipment. Pauley explained about the challenges in the area of inter-municipal sharing of the same resources. Lowenstein said that the FinCom is not uncomfortable with these proposals for staffing. Houk expressed his concerns about the delayed response of the County dispatch system. Pauley explained the requirements by the State Protocol and how the response time operates. The discussion concluded with no actionable items.

Department of Public Works

Pilcher said that the DPW Budget will not be discussed in details at this time, because of the upcoming “Zero Based Budgeting” audit during the January 19, 2016 meeting. Terkanian explained the differences between zero based and performance based budgeting. Murphy explained the need for this budget approach for all major departments. DPW Director Mark Vincent presented his concerns about this budget process. Pilcher said that this process is intended to raise questions and identify areas of improvement rather than to put him on the hot spot. Vincent presented the highlights of the DPW FY 2017 budget request. Terkanian said that he took away \$50,000 from last year’s Chapter 90 budget and this is why line item 422 is higher now. Vincent talked about the ABC Disposal changes. Terkanian had questions about the snow removal budget. Over the last 10 years the average is \$130,000 and the actual request is \$93,300. Wilson wanted to know if there was any money received from the State. Houk asked if there was any consideration for solar panels on the DPW and Transfer Station. Terkanian explained the current process under way and how purchase lease and design work.

National Seashore Shorebird Management Plan – possible comment by the Board (*Continued from December 8, 2015*)

The Selectmen discussed the Cape Cod National Seashore Comprehensive Shorebird Management Plan alternatives and referred to Barbara Brennessel³ letter to the Board.

MOTION 215-408: Pilcher moved to recommend to the CCNS to carry on with their Comprehensive Shorebird Management Plan excluding use of poison. He motion passed 4-1 (Murphy).

Letter of support for the Cape Cod Economic Development Council, Inc. grant application to the Regional Economic Development Organization (REDO)

No action was taken on this matter. The Selectmen did not have enough information and understanding of the “Blue Economy” and therefore could not take a position.

Approval of 2016 Board of Selectmen meeting calendar

MOTION 215-409: Bruinooge moved and Wilson seconded to approve the 2016 BOS Meeting Calendar. The motion passed 5-0.

Approval of 2016 mileage reimbursement rate – deferred to a future meeting pending the IRS setting the 2016 rate.

Future Concerns

- Wilson suggested coming up with a policy for herbicide and pesticide application and ask the Conservation Commission to propose a by-law for future situations similar to POCCA and CCNS Comprehensive Shorebird Management Plan. Terkanian talked about a similar policy in the past that was not adopted.
- Pilcher requested a report on the status of the Preschool Vouchers Program from the Community Services Director.
- Pilcher asked for an updated report on PAYT.
- Houk expressed concerns about restaurant closures and wanted to know if there are any legal details related to closings of year round establishments.

Minutes

MOTION 215-410: Murphy moved and Wilson seconded to approve the minutes⁴ of December 8, 2015 with corrections. The motion passed 4-0. (Houk did not vote).

Adjournment

MOTION 215-411: Murphy moved and Wilson seconded to adjourn the meeting at 9:33 pm. The motion passed 5-0.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ DPW Director memo on additional private roads for inclusion for snow and ice removal

² FY 2017 Budget Requests

³ Letter by Barbara Brennessel re CCNS Comprehensive Shorebird Management Plan

⁴ Draft minutes of December 8, 2015