

**Wellfleet Board of Selectmen
Minutes of the Meeting of April 08, 2014
Council On Aging Building, 7:00 p.m.**

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

Chair Berta Bruinooge called the meeting to order at 7:00 p.m.

Announcements, Open Session and Public Comment

- Pilcher reminded the audience that the third annual Wellfleet Blossoms Festival would be held on April 18-21, 2014 with exhibits from emerging and established artists as well as various workshops.
- Pilcher also noted the recent passing of Barbara Gray and spoke about her many contributions to the Town of Wellfleet.

Appointments

Motion 14-0206: Houk moved to approve the appointment of Elizabeth McDonald to the Open Space Committee for a one year term ending June 30, 2015. Murphy seconded the motion and it passed 5-0.

Use of Town Property

Motion 14-0207: Pilcher moved to approve the request received from the Recycling Committee to use the Town Hall parking lot on Saturday, May 3, 2014 from 10:00 a.m. to 2:00 p.m. to sort recyclable material following a beach and bay clean up. This is an educational event in conjunction with “Hands on Wellfleet” week and the Recycling Committee will also use this opportunity to spread awareness of PAYT. Houk seconded the motion and it passed 5-0 [No processing fee or Use of Town Property Fee applies.]

Business

Wellfleet Motor Lodge Sunday sales of alcohol request

Motion 14-0208: Houk moved to approve the request from the Wellfleet Motor Lodge to open at 10:00 a.m. for sales of alcohol on Sundays as approved by the ABCC. Murphy seconded the motion and it passed 5-0.

Recommendation of Preschool Committee

The Wellfleet Pre-school Committee, consisting of Selectmen Pilcher and Houk, along with Dr. Maggie Mack, a teacher at Wellfleet Elementary School and Terri Frazier of the School Committee, recommended that the BOS consider implementing a voucher program to offset preschool costs¹. The value of the voucher would be tied to the cost of attending the Montessori School or Children’s Place for ten months, five days a week for six hours a day. The cost would be approximately \$6,000 per child with another \$600 per month for a full twelve months. The committee estimates that the voucher program would cost approximately \$90,000-\$100,000 for 15 eligible children, possibly less with state funding. Initial funding could come out of the Human Services budget. The proposed start date for the program is September 2015 and Pilcher suggested funding the initiative in the next year’s budget. Houk thanked Pilcher for all of his work on the initiative and Pilcher suggested calling the program the “Jerry Houk Voucher.”

Public Hearing(s) [7:15]

Shellfish

Motion 14-0209: Houk moved to approve the application received February 18, 2014 from Lisa Dexter to renew shellfish grant license #95-25 and 95-26 for a ten year period. Pilcher seconded the motion and it passed 5-0.

Motion 14-0210: Murphy moved to approve the application received March 11, 2014 from Peter Rennert to renew shellfish grant licenses #95-23 and 95-24 for a ten year period. Houk seconded the motion and it passed 5-0.

Motion 14-0211: Murphy moved to not recommend the application received March 14, 2014 from Jacob Dalby from an extension to shellfish grant license #95-32, extending 25 feet from the No Drag Line. Pilcher seconded the motion and it passed 5-0. Koch said to make a note that all of the names on the grant must be on any future application.

Business, cont.

Karl Barrio request to reapply for shellfish license and grant

Chair Berta Bruinooge recused herself from the proceedings as she is a shellfish grant holder in the Town of Wellfleet. Vice Chair Paul Pilcher took over as chair to lead the discussion. Both Paul Pilcher and Dennis Murphy disclosed a business association with Karl Barrio. Barrio uses Murphy's facility to dispose of brush and he snow plows Pilcher's driveway. The Town Administrator did not see an ethical conflict in the matter. Shellfish Constable Andrew Koch did not recommend reinstating Barrio's commercial shellfish license with the Town of Wellfleet because he has "broken the [Wellfleet shellfish] rules [and regulations] too many times." Further, Koch noted that Barrio would not be allowed to shellfish until the Massachusetts Division of Marine Fisheries reinstated Barrio's state shellfish license. Barrio could not work on his previously held shellfish grant and must get the signatures of the other grant holders in order to be considered for reinstatement on the grant. If those conditions are met, Barrio could come before the Selectmen and ask to be reinstated on his previously held shellfish grant. Barrio read a prepared statement² requesting that the Selectmen consider reinstating his Wellfleet commercial shellfish permit. Houk said that he felt that Barrio "has done his time" and the current situation is not good for Barrio or his family. Houk wants to think that the Selectmen are the kind of Board to offer Barrio one more chance to stay in the Town and support his family, and hopes in these past two years [without a commercial shellfish permit] have helped Barrio realize the result of his transgressions.

Pilcher opened the session to public comment and several members of the audience spoke:

Bob Wallace: Wallace urged the Selectmen to consider the mental affect of overturning the recommendation of the Shellfish Dept. and said that to go against Koch's recommendation undermines his authority as Shellfish Constable. Wallace suggested permanently revoking Barrio's license if there is one more offense.

Keith Rose: Rose agreed with Wallace. If the enforcement of the Shellfish Rules and Regulation are to mean anything to the permit holders, this decision would undermine Koch's authority. Rose said that he has heard Barrio brag about "ripping people off."

Ralph Bassett: Bassett agreed that enforcement is an ongoing problem. No one will listen to Koch if the shellfish community thinks they can break the rules and come before the Board of Selectmen for another chance.

William 'Chopper' Young: Young said that Barrio offered an apology a year and a half after the offense. He did not think it was fair that the Selectmen took away Barrio's livelihood.

Janet Drohan: Drohan said "with all due respect to Chopper," that proper enforcement of the shellfish rules and regulations affect everyone, especially with the increased responsibilities on Koch to enforce the new regulations from the state regarding vibrio. Drohan thinks that Koch has a lot on his plate and must be in a position to effectively enforce all rules.

Andrew Koch: Koch said that his decision to recommend revoking Barrio's permit and grant was based on a pattern of abuse. Koch reiterated that a decision to reinstate Barrio's license would undermine his authority as Shellfish Constable and he did not recommend the action.

Jerry Houk: Houk made his decision based on Young's comment that he did not want Barrio to lose his livelihood.

Dennis Murphy: Murphy made the decision to reinstate Barrio's commercial shellfish permit because the revocation of the license has affected Barrio's family. Murphy believes that Barrio should have another chance and that the decision will not affect Koch's enforcement. Murphy has enough faith in the Constable and the shellfishing community to watch Barrio.

Harry Terkanian: Terkanian noted that if a future Barrio violation should occur, it will be dealt with if and when the offense happens.

Motion 14-0212: Houk moved to give permission to Karl Barrio to reapply for a commercial shellfish permit in the Town of Wellfleet. The validity of Barrio's commercial permit is contingent upon approval of the state

shellfish license issued by the MA Division of Marine Fisheries. Morrissey seconded the motion and it passed 4-0-1 (Bruinooge recused herself from the vote.)

Authorization to sign notice of intent for Barbara Wright et al – Pleasant Point

Motion 14-0213: Murphy moved to authorize the Town Administrator to sign the notice of intent³ for Barbara Wright et al regarding the Pleasant Point revetment. Morrissey seconded the motion and it passed 5-0.

Review of Board of Selectmen Goals

Pilcher reviewed the list of Board of Selectmen Goals for 2013-2014⁴ and noted several that have been accomplished.

Town Administrator's Report

Town Administrator Harry Terkanian reviewed the Town Administrator's report⁵.

Future Concerns

- Bruinooge would like to continue the discussion on parking issues. Terkanian has laid out a plan with Police Chief and will speak with DPW about signage. Terkanian noted that there will be a public hearing on parking fees April 22. Murphy spoke with Methodist Church regarding use of their parking lot. He asked that Administration approach the church with terms. Morrissey asked that we put all parking issues on the agenda for April 22.
- Morrissey asked that the Mayo Creek Plan be placed on a future Board of Selectmen meeting for an update after their committee meets.

Correspondence and Vacancy Report

John Morrissey had prepared the Correspondence Report⁶.

Minutes

Motion 14-0214: Pilcher moved to approve the minutes of the March 25, 2014 Board of Selectmen meeting⁷. Murphy seconded the motion and it passed 5-0.

Adjournment

Motion 14-0215: Houk moved to adjourn the meeting. Murphy seconded them motion and it passed 5-0. The meeting adjourned at 8:36 p.m.

¹ Pilcher email with committee recommendation sent to Amy Voll 2014-04-01

² Karl Barrio statement requesting the reinstatement of his Wellfleet Commercial Shellfish permit 2014-04-08.

³ 2014-03-27 Memo from Cape Cod Engineering re: 0 Blackfish Creek, Map 35 Parcel 210 – Notice of Intent Signature Sheet

⁴ Board of Selectmen Goals for 2013-2014

⁵ 2014-04-08 Harry Terkanian Town Administrator's Report

⁶ 2014-04-08 Correspondence Report

⁷ 2014-03-25 Board of Selectmen Meeting Minutes