



**Wellfleet Board of Selectmen
Minutes of March 22, 2016
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 the Transfer Station Amnesty Day on April 23, 2016.

Seasonal Liquor License Renewals

MOTION 215-509: Murphy moved and Wilson seconded to approve the following Seasonal Liquor License renewals: Wellfleet Beachcomber, Winslow's Tavern, Lighthouse Restaurant, The Wagner at Duck Creek, Bocce Italian Grill, Wellfleet Motel & Lodge, V.R's, Maurice's Campground, Wellfleet Marketplace, Wellfleet Wine & Spirits, Chequessett Yacht & Country Club, Flying Fish Café, Wellfleet Dairy Bar & Grill, Wellfleet Flea Market, The Juice, Catch of the Day, Mac's Shack, Pearl Restaurant, Harbor Stage Company, Bob's Sub n' Cone, Ceraldi. The motion passed 5-0.

Common Victualers License Renewals

MOTION 215-510: Bruinooge moved and Murphy seconded to approve the Common Victualers License renewal for Wellfleet Donuts and WHAT. The motion passed 5-0.

Weekday Entertainment License

MOTION 215-511: Murphy moved and Wilson seconded to approve Weekday Entertainment License for WHAT. The motion passed 5-0.

Liquor License Alteration

MOTION 215-512: Bruinooge moved and Wilson seconded to approve the request from Barbara Boone, Manager of Chequessett Yacht and Country Club for alterations of licensed premises to include all of 680 Chequessett Neck Road. The motion passed 5-0.

Pilcher opened the public hearing(s) at 7:07 pm.

Food Truck Regulations¹ (Continued from 3/15/16)

Murphy briefed Pilcher and Houk on what has happened at the last Board's meeting and said that he would like to re-consider the language to extend the deadline on "case-by-case" bases on p.7 and explained why based on conversations with Planning Board members. Wilson agreed, but asked the Board members to re-consider the section where the Town Administrator is authorized to make amendments on the bottom of p. 6. Bruinooge discussed why this provision is good to remain part of the regulations. Terkanian explained the legal part of the language. He suggested amending it with inserting "if".

MOTION 215-513: Wilson moved to amend the section on bottom of page 6 as suggested by Terkanian. Murphy seconded it and the motion passed 4-1 (Bruinooge).

Terkanian advised the Board that there are two instances in the draft where deadlines are set and proposed ways to deal with these deadlines. Bruinooge strongly disagreed.

MOTION 215-514: Murphy moved to amend the regulations by inserting "on-case-by-case" bases on p. 4. The motion failed for lack of a second.

Carlson shared more comments he had received from Denny O'Connell².

MOTION 215-515: Wilson moved to include all of these amendments to the Food Truck Regulations. Murphy seconded. Discussion ensued where Bruinooge had comments on the proposed changes. Terkalian explained that these regulations will apply to licensing Food Trucks on both private and public property. The motion passed 5-0.

MOTION 215-516: Murphy moved and Wilson seconded to approve the Food Truck Regulations as amended. The motion passed 5-0.

Public Hearing on Proposed Fee increases

Carlson presented the proposed fee increase schedule and said that the Town Clerks fee increases require a Town Meeting vote and those should be excluded. He explained how the increases were calculated. Pilcher wanted to know how these fees compare to neighboring towns. Wilson had comments on the Shellfish Department fees and suggested sending these proposed changes to the Shellfish Advisory Board. She said that she will provide the citation for the fees language as regulated by the State. According to her the fees in the Shellfishing Regulations and the language needs to be synchronized. After a continued discussion the Selectmen agreed to continue the hearing on the Shellfishing fees to the next meeting.

MOTION 215-517: Wilson moved to have a set rate of \$50 for solar panels and wind generation fees. The motion failed for lack of second.

Terkalian suggested a proposed effective date of July 1, 2016.

MOTION 215-518: Bruinooge moved and Murphy seconded to adopt the proposed fee schedule to be effective on July 1, 2016 with the exception of the Shellfish Department fees and Town Clerk fees. The motion passed 5-0.

The hearing was continued to the meeting on April 12, 2016 for the Shellfishing fees.

MOTION 215-519: Murphy moved and Bruinooge seconded to appoint to Special Police Officer: Nicholas Daley, Kyle Kochanowicz and Desmond Keogh from May 1, 2016 to June 30, 2017. The motion passed 5-0.

MOTION 215-520: Murphy moved and Bruinooge seconded to approve the request to use Newcomb Hollow Beach on May 1 and 2, 2016, from 8 am to 9 am by Ryan Environmental Group to build a small temporary habitat for educational purposes with event fee of \$100 and no other conditions. The motion passed 5-0.

MOTION 215-521: Wilson moved and Bruinooge seconded to approve the use of Whitecrest Beach parking lot (Ocean View Dr. side): on June 25 (rain date July 16) and July 9 (rain date July 23), 5 pm-9 pm by Facebook group Trey Helliwell Remembered for two memorial live music concerts with fee of \$100 per event. The motion passed 5-0.

Final approval of 2016 annual town meeting and annual town election warrant

Terkalian presented the final version of the 2016 Annual Town Meeting and Election Warrant³. Pilcher and Houk gave their recommendations of the articles voted during the March 15, 2016 meeting.

MOTION 215-521: Bruinooge moved and Murphy seconded to approve and sign the 2016 Annual Town Meeting and Election Warrant with votes as amended by Pilcher and Houk. The motion passed 5-0.

Housing Authority request for transfer of Community Block Development Grant repayment funds.

Pilcher explained how the CDBG Program Income Funds can be re-used by the Housing Authority for affordable housing purposes. Based on his conversation with Alice Boyd of Bailey Boyd Associates the rental assistance

program may not be a candidate because it is not considered a housing service by the Department of Housing, but rather a social service. Town Accountant Marilyn Crary said that there are \$169,355 in the program income balance. Pilcher said that according to Alice Boyd the most the Board can award will be \$25,404.30 per year.

MOTION 215-522: Bruinooge moved to award \$25,000 to the Housing Authority. Pilcher seconded and the motion passed 5-0.

Letter of Support – Herring River Restoration Project – 2017 NOAA Grant Application

MOTION 215-523: Bruinooge moved and Wilson seconded to approve sending a letter of support for the Herring River Restoration Project – 2017 NOAA Grant Application. The motion passed 5-0.

Letter supporting Chatham’s position on ownership of Monomoy submerged lands

MOTION 215-524: Houk moved and Bruinooge seconded to approve the request from the Town of Chatham for a letter supporting Chatham’s position on ownership of Monomoy submerged lands. The motion passed 4-0-1 (Wilson abstained).

Conservation restriction on property at Drummer Cove (Map 29, Parcel 382)⁴

R. Dennis O’Connel of the Wellfleet Conservation Trust presented the request for conservation restriction.

MOTION 215-525: Bruinooge moved and Wilson seconded to approve the request for approval of a conservation restriction on property at Drummer Cove (Map 29, Parcel 382.)

Recess: 8:03 pm-8:13 pm.

Public comment on Herring River Restoration Project plans for High Toss Road

Pilcher briefly went over how the Selectmen’s have directed the Herring River Restoration Committee (HRRC) to further research option A+. Pilcher said that the public has been given the opportunity to comment either via email, letter or at the meeting. Wilson acknowledged that letters and verbal comments have been received. Bill Carnduff said that he likes to restate his previous recommendation to have pedestrian access to High Toss Road and after further research he now supports abandonment. Maryellen Manning said that the best options will be unimpeded tidal flow and supported Carnduff. Jody Birchall said that she would like to not lose access to High Toss Road/Bridge. Fred Vanderschmidt agreed with Birchall and asked for alternatives to access Griffin Island. Pilcher asked members of the HRRC to respond to questions and concerns raised. Don Palladino of Friends of the Herring River said that the comments of the public are taken seriously and they are trying to address them. He spoke about roads/sections of roads that will have to be possibly raised. Bill Biewenga asked for a middle ground solution where some access is retained. Palladino addressed the question. Trudy Vermerhen spoke about the possibility of maintaining/making Snake Road passable as an alternative access. Barbara Boone wanted to know if the Town has a plan for potential law suits and liability as a result of the Project. Pilcher said that the opening will be very gradual from what he had been told and the impact will be assessed as the project progresses. Steve Spear of the HRRC said that they have been trying to retain access and part of the road will be flooded during high tide, but will remain passable for the most of the time. Pilcher said that there is a petitioned article on the 2016 Annual Town Meeting and Election warrant for the voters to direct the Selectmen of their choice. Birchall wanted to know if the entire Project will go to Town Vote eventually. Wilson answered the question by saying that Wellfleet, Truro and the Cape Cod National Seashore (CCNS) are involved and will be represented on the Herring River Executive Counsel. Terkanian said that the need for Town Meeting vote will be a political rather than legal decision. Gary Joseph addressed Birchall’s questions. Barbara Austin wanted to know how the abandonment will impact the Town and the access to the road. David Wright supported the idea of having the area less publicized so as to protect its remote beauty. Pilcher closed the public comment period and opened it for discussion to the Board. Murphy talked about his childhood memories of Griffin Island and High Toss Road and addressed Birchall’s concerns of a conflict of interest and the benefits of the project. Wilson said that her property abuts the upper Pole Dike Creek marsh, but that her property will probably not be impacted. Salt Marsh Rd and spoke about the conflict of interest law and the public and health impact of the mosquitoes. The discussion concluded with the Selectmen taking no action on this matter.

Future Concerns

- Terkanian advised the Selectmen that he has added a request for non profit status on the Use of Town Property Form. There will be no need for an agenda action for this change.
- Wilson wanted to know when the Selectmen may expect to hear about finalists for the TA vacancy.
- Wilson wanted to know if the Opioid Addiction meeting will be attended by more than two selectmen on April 13 at 5 pm at the Fire Station. Terkanian will make sure to have the meeting posted just in case.
- Wilson asked for permission to have a brief contact with Town Counsel about the Pesticide Bylaw comments. The Board said “OK”.

Correspondence⁵ and Vacancy⁶ Report

Adjournment

MOTION 215-526: Murphy moved and Wilson seconded to adjourn the public meeting at 9:10 pm. The motion passed 5-0.

Respectfully submitted,
Michaela Miteva, Executive Assistant

¹ Draft Food Truck Regulations

² Food Truck Regulation – changes by Denny O’Connel

³ Final version of the 2016 ATM & Election Warrant

⁴ Conservation Restriction request on property at Drummer Cove (Map 29, Parcel 382

⁵ Correspondence Report of March 22, 2016

⁶ Vacancy Report of March 18, 2016