



**Wellfleet Board of Selectmen  
Minutes of May 10, 2016  
Wellfleet Senior Center**

**Present:** Selectmen Dennis Murphy, Helen Miranda Wilson; Berta Bruinooge, Janet Reinhart, Jerry Houk; Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

Chairman Dennis Murphy called the meeting to order at 7:00 pm.

**Announcements, Open Session and Public Comment [7:00]**

- Houk announced an event benefiting the Lower Cape Alzheimer's Association on May 21 and 22 at Wellfleet Preservation Hall. Details will be announced as they become available.
- Reinhart announced a dredging site visit at 11 am on May 11 at the Harbormaster's Office and a Dredging Committee meeting on Friday, May 13 at 2:30 pm.
- Terkanian announced: 1. The annual Wellfleet Oakdale and Pleasant Hill Cemeteries clean-ups will take place on Saturday, May 14 from 9 am to noon; 2. The DPW is planning to resurface portions of West Main St and Main St parking lot later in May pending MassDOT approval.
- Suzanne Grout Thomas announced a touch screen exhibit of historic pictures at the COA lobby that Larry Franke put together.

Murphy opened the Public Hearing(s) at 7:05 pm.

**Amend Beach Department fees by adding a new beach fee for bus drop off at beaches.**

Community Services Director Suzanne Grout Thomas presented the request for adding a new beach fee for bus drop offs at beaches. She said that the proposed fee is \$200 for bus drop off and \$100 fee for half-sized buses. Wilson asked how much the buses charge to transport people to the beaches and wanted to know if the proposed fees are enough. Bruinooge supported the idea and found the proposed fees reasonable. Houk wanted to know if the buses will be entitled to a seasonal sticker. Thomas said that she will bring a recommendation for approving a seasonal sticker for buses at a future meeting. Murphy wanted to know where the holding pattern of the buses is. Fred Vanderschmidt asked if the bus companies have been asked in order to be made part of the decision-making process.

**MOTION 216-551:** Reinhart moved to approve the request of the Community Services Director to charge \$200 per full bus load and \$100 per half bus load per diem. Wilson seconded and the motion passed 5-0.

**Amend Beach Rules and Regulations by adding new section 8(b) prohibiting the operation of unmanned aircraft at Town beaches**

Community Services Director Thomas presented the request to amend the Beach Rules and Regulations by adding new section 8(b) prohibiting the operation of unmanned aircraft at Town beaches based on the dangerous conditions created by inexperienced drone owners. Wilson said that this is in line with the National Park Service Seashore's regulations protecting nesting shorebirds. Olaf Valli asked if a permitting system is being considered for professional drone videotaping. Thomas said that there is a provision for exception by written request and written approval by the Town Administrator. Thomas added that drones are banned at the CCNS and the Town is exercising its right to extend the area to include all Wellfleet beaches. Murphy stressed the importance about the liability insurance provision and suggested having a Use of Town Property form filled for such request.

**MOTION 216-552:** Bruinooge moved and Wilson seconded to approve the request as printed and effective ASAP. The motion passed 5-0.

## **Licenses**

The selectmen decided to interview and review each mobile food truck vendor individually. Wilson raised questions about the preliminary and final approvals on the forms by Town Departments. Terkanian clarified the administrative process.

### **Food Truck & Common Victualler licenses for Ben Trusiak d/b/a Shuck Truck**

**MOTION 216-553**: Bruinooge moved and Reinhart seconded to approve the Food Truck & Common Victualler licenses for Ben Trusiak d/b/a Shuck Truck pending the conditions and final approval. The motion passed 5-0.

### **Food Truck & Common Victualler licenses for Michael Banghart d/b/a 349 Events**

Wilson raised concerns that the State license is missing. Banghart assured her that the license is in place now, but was not available at the time of application. Wilson wanted to know why so many locations are listed and asked for written permission from the locations owners and said that she is not ready to vote on this application due to incompleteness. Bruinooge asked about the Maguire's Landing request and how all locations will be combined. Houk expressed concerns about Maguire Landing and the other locations and resulting traffic. Banghart said that he will bring the missing documents before the end of the meeting and the Selectmen moved on to the next request.

### **Food Truck & Common Victualler licenses for Murro Van Meter d/b/a The Leaside Café LLC**

Murro Van Meter presented his request and answered selectmen's questions.

**MOTION 216-5554**: Bruinooge moved and Wilson seconded to approve the Food Truck & Common Victualler licenses for Murro Van Meter d/b/a The Leaside Café LLC for the Newcomb Hollow Beach location. The motion passed 5-0.

### **Food Truck & Common Victualler licenses for Joseph Rugo d/b/a Joeys Food Truck**

Joey Rugo presented his request and answered questions about the renewal of license past June 21 and written permission from the owner of premises on Route 6. Curt Felix, the owner was present and gave a verbal confirmation that there is a signed lease by the applicant. Wilson wanted to know the exact period of operations. Rugo clarified that he is intending to operate from Memorial Day through OysterFest.

**MOTION 216-555**: Reinhart moved and Houk seconded to approve the Food Truck & Common Victualler licenses for Joseph Rugo d/b/a Joey's Food Truck conditioned on providing a proof of a renewed State Hawkes and Peddlers license after June 21, 2016 and written approval from the owner of premises. The motion passed 5-0.

### **Food Truck & Common Victualler licenses for Pilgrim Properties LLC d/b/a Kung Fu Dumplings**

The owner of Pilgrim Properties LLC d/b/a Kung Fu Dumplings said that his application is incomplete because he has been given no direction from the Town. The Selectmen postponed decision on his request for Food Truck & Common Victualler licenses until the application is complete.

### **SPAT Special Event Beer and Wine License for October 15 and 16, 2016**

Michelle Insley, SPAT Executive Director presented the request for beer and wine license for OysterFest.

**MOTION 216-556:** Reinhart moved and Wilson seconded to approve SPAT's request for Special Event Liquor Licenses for beer and wine during OysterFest on October 15 & 16, 2016. The motion passed 5-0.

**MOTION 216-557:** Bruinooge moved and Reinhart seconded to approve the Wellfleet Harbor Actors Theater for all alcohol license on July 10 & 26, 2016 conditioned on tent permits and temporary food service permits. The motion passed 5-0.

#### **Nomination for the Assembly of Delegates**

Murphy said that a late application by Lilli Green has been received on Monday, May 9, 2016 for the Assembly of Delegates nomination. Olga Khan and Lilli Green were interviewed for the nomination. The selectmen expressed concerns about regionalizing the representation and losing the voice of the small Towns.

**MOTION 216-558:** Wilson moved and Reinhart seconded to nominate Olga Khan to the Assembly of Delegates. Discussion ensued. Wilson said that it is a good idea to have Lilli Green on the CCNS and Olga Khan on the Assembly of Delegates. The motion failed 1-4.

**MOTION 216-559:** Houk moved and Bruinooge seconded to nominate Lilli Green to the Assembly of Delegates. Reinhart pointed out that Lilli Green has received many recommendations. The motion passed 4-1 (Wilson).

#### **Police Officers Appointments and Reappointments**

Police Chief Ronald Fisetto recommended the requested appointments of Police Officers.

**MOTION 216-560:** Bruinooge moved and Wilson seconded to appoint to Full Time Police Officer: Kevin LaRocco, George Spirito, Ryan Murphy, Laecio De Oliveira and Mark Braun from July 1, 2016 through June 30, 2017. The motion passed 5-0.

**MOTION 216-561:** Bruinooge moved and Reinhart seconded to appoint to Special Police Officer: Scott Higgins, Jonathan Hale, Jerre Austin, Bryan Dufresne, Mac Spigel from July 1, 2016 through June 30, 2017. The motion passed 5-0.

**MOTION 216-562:** Reinhart moved and Wilson seconded to appoint to Special Police Officer – Department Chaplain: Paul Cullity from July 1, 2016 through June 30, 2017. The motion passed 5-0.

**MOTION 216-563:** Bruinooge moved and Reinhart seconded to appoint to Community Service Officer: Leathan Doig from May 23, 2016 through June 30, 2017. The motion passed 5-0.

**MOTION 216-564:** Houk moved and Bruinooge seconded to designate Harry Terkanian as Chief Procurement Officer to June 30, 2016. The motion passed 5-0.

#### **Charter Review Committee nominations**

Terkanian clarified that a selectman needs to be nominated in addition to the four at large members and the required Planning Board, Zoning Board, FinCom and Bylaw Committee representatives. Wilson expressed interest to be on the Charter Review Board.

**MOTION 216-565:** Reinhart moved and Houk seconded to nominate Helen Miranda Wilson as a Board of Selectmen representative to the Charter Review Committee. The motion passed 5-0.

Moderator Dan Silverman talked about other possible members who have expressed interest to serve and encouraged at large members to apply.

### **Building & Needs Assessment Committee**

**MOTION 216-566:** Wilson moved and Bruinooge seconded to appoint Harry Sarkis Terkanian to the Building & Needs Assessment Committee effective July 1, 2016 with term ending June 30, 2018. The motion passed 5-0.

### **Board of Water Commissioners Appointment**

The selectmen interviewed Curt Felix and John Cumbler (late application) for the Board of Water Commissioners vacancy. John Cumbler added the Board of Water Commissioners to the wish list of on his application. Miriam Spencer withdrew her application.

**MOTION 216-567:** Bruinooge moved and Houk seconded to appoint Curt Felix to the Board of Water Commissioners with term ending June 30, 2018. The motion passed 4-1.

### **Zoning Board of Appeals appointment**

Reatha Ciotti and John Cumbler were interested for the Associate vacancy on the ZBA.

**MOTION 216-568:** Reinhart moved and Wilson seconded to appoint Reatha Ciotti to the Zoning Board of Appeals alternate member with term ending June 30, 2017. The motion passed 5-0.

### **Board of Health appointment**

The selectmen interviewed John Cumbler and Hannelore Vanderschmidt for the Board of Health vacancy.

**MOTION 216-569:** Houk moved and Wilson seconded to appoint John Cumbler to the Board of Health with term ending June 30, 2019. The motion passed 3-2.

### **Use of Town Property**

**MOTION 216-570:** Reinhart moved and Wilson seconded to approved the request of James Gallant and Natalie Hill to use Mayo Beach on September 10, 3 pm – 4 pm for a wedding ceremony; application and \$100 event fee paid conditioned on the DPW trash removal notes. The motion passed 5-0.

### **SPAT Oysterfest Request**

Michelle Insley presented the SPAT Oysterfest request for use of Town Property on October 15 and 16. Bruinooge had a question about shuttle buses and asked for the Director of Community Services opinion. Thomas advised that last year the cost for shuttle buses was \$8,000 and the Town netted \$3,000. Wilson raised concerns about the Town paying for staff time, public resources and almost breaking even. Murphy suggested that perhaps the Town should reconsider the charging for parking during OysterFest. Insley said that even if the Town was not charging, SPAT would still be charging for parking. The selectmen did not find the idea of taking over the buses as a Town expense prudent. Terkanian said that the buses will have to become a procurement process, resulting in prevailing wages, and other complications may also be involved. Further discussion about parking fees ensued. Terkanian suggested having an addendum outlining all parties' obligations for the use. The decision was tabled to the next meeting.

**MOTION 216-571:** Houk moved and Wilson seconded to table the request of SPAT for OysterFest on October 15 & 16, 2016 for the meeting on May 24, 2016. The motion passed 5-0.

### **MassDOT presentation<sup>1</sup> on Route 6 bicycle access improvements**

MasDOT representatives gave a PowerPoint presentation on the proposed Route 6 improvements and bicycle routes in Wellfleet and asked for the selectmen's support without any obligation. Murphy requested to have another opportunity for this presentation, so members of the public can be involved for input. Terkanian offered posting the presentation on the web site for the public to review.

### **MOU regarding High Water Mark Signs Project**

AmeriCorps volunteers and Assistant Town Administrator Brian Carlson presented the MOU regarding High Water Mark Signs based on storms of record/. Reinhart raised concerns about big signs and the public opinion about signs. It was clarified that the size of the signage is about the size of “No Parking” sign. Carlson said that the project is still in progress. Wilson supported the FEMA estimates of high water marks, but suggested continuing the discussion to a future meeting.

### **Use of Town Property (Continued)**

Brenda Withers of Harbor Stage Company to use Town Landing on July 25 for fundraising event; Application fee paid; event fee TBD – postponed pending proof of 503(C) status.

### **Food Truck & Common Victualler licenses for Michael Banghart d/b/a 349 Events (continued)**

Michael Banghart came back and presented his state hawk or pedlar license.

**MOTION 216-572:** Reinhart moved and Wilson seconded to approve the Food Truck & Common Victualler licenses for Michael Banghart d/b/a 349 Events for the State Highway location and pending written approval of the owners of the other locations. The motion passed 5-0.

**MOTION 216-573:** Bruinooge moved to award the concessions contract to Michael Banghart d/b/a 349 Events/Solace for Maguire Landing Town Beach for \$2,005. Wilson seconded and the motion passed 5-0.

### **Michael Banghart to use the band stand end of the pier for Food Truck**

Michael Banghart to use the band stand end of the pier from May 1 to October 31, 2016 for food concession truck: The Selectmen took no action based on Terkanian’s comments that no concession bid was conducted as required by the Town Charter.

### **Olaf Valli’s request to use Whitecrest Beach for surf lessons**

**MOTION 216-574:** Wilson moved and Bruinooge seconded to approve Olaf Valli’s request to use Whitecrest Beach for surf lessons April 1 - December 31; application fee paid; event fee \$350 and provide proof of liability insurance and comply with all other conditions as outlined by DPW Director. The motion passed 5-0.

### **Newcomb Hallow Beach Concessions**

**MOTION 216-575:** Bruinooge moved and Reinhart seconded to award the concessions contract to Murro Van Meter d/b/a The Leaside Café LLC for Newcomb Hallow Town Beach for \$5,300. The motion passed 5-0.

### **Lisa Buchs to use the Western side of Indian Neck Beach for a wedding ceremony**

**MOTION 216-576:** Bruinooge moved and Wilson seconded to approve the request of Lisa Buchs to use the Western side of Indian Neck Beach for a wedding ceremony on June 18, 5 pm – 6 pm; application fee paid; \$100 event fee due. The motion passed 5-0.

### **Gary Kersteen to use Baker Field Tent for a retirement party**

**MOTION 216-577:** Wilson moved and Bruinooge seconded to approve Gary Kersteen to use Baker Field Tent for a retirement party on Sunday, June 26, 2 pm – 5:30 pm; application fee paid; event fee \$100. The motion passed 5-0.

## **Della Spring Cushing to use Mayo Beach for yoga and meditation classes**

**MOTION 216-578**: Wilson moved and Bruinooge seconded to approve the application of Della Spring Cushing to use Mayo Beach on Tuesdays and Thursdays in July & August, 8:30 am-9:45 am for yoga and meditation lessons; application fee paid; event fee same as last year and provide proof of liability insurance and written agreement. The motion passed 5-0.

## **Business**

Possible Recreation Department Events Signage at Town Hall [*Postponed to May 24th*]

## **Affordable Housing Restriction**

**MOTION 216-579**: Reinhart moved and Wilson seconded to authorize the chairman of the Board of the Selectmen to sign the Affordable Housing Restriction. The motion passed 5-0.

## **Town Administrator's<sup>2</sup> Report**

### **Future Concerns**

- Terkanian suggested having the appointments made by the TA and classifying employees as special municipal employees for review during the May 24, 2016 meeting.
- Wilson referred to a letter in the correspondence for the status of the snow plowing policy and suggested sending it via email to the nonresident taxpayers.
- Terkanian asked of the Board would like to revisit the High Toss Road discussion? Yes.

## **Correspondence<sup>3</sup> and Vacancy<sup>4</sup> Report**

### **Minutes**

**MOTION 216-580**: Wilson moved and Bruinooge seconded to approve the minutes<sup>5</sup> of April 12 with revisions by Wilson), April 20, April 25 and May 3, 2016. The motion passed 5-0.

### **Adjournment**

**MOTION 216-581**: Wilson moved and Houk seconded to adjourn the meeting at 10:55 pm. The motion passed 5-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

### **Public Record Documents:**

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<sup>1</sup> MassDOT Power Point Presentation

<sup>2</sup> TA Report of May 6, 2016

<sup>3</sup> Correspondence Report of May 10, 2016

<sup>4</sup> Vacancy Report of May 5, 2016

<sup>5</sup> Draft minutes of April 12, April 20, April 25 and May 3, 2016