



**Wellfleet Board of Selectmen
Minutes of February 28, 2017
Wellfleet Senior Center**

Present: Selectmen Dennis Murphy, Chair, Helen Miranda Wilson, Janet Reinhart, Berta Bruinooge, Jerry Houk; Town Administrator Dan Hoort, Assistant Town Administrator Brian Carlson;

Chairman Murphy called the meeting to order at 7 PM.

Announcements, Open Session and Public Comments

- ☐ Houk reminded residents that the Wellfleet Alzheimer's Association annual fundraiser benefit is on March 6 from 5 pm to 7 pm at the PB Boulangerie and encouraged the public to attend.
- ☐ Harry Terkanian announced that the Mass Architectural Access Board did not grant the variance for elevator. A lift of some sort will be required to comply with the requirements.
- ☐ Police Chief said that the Police Station Renovation Project groundbreaking ceremony will be on March 22, 2017 at 2 PM.
- ☐ Maurice Grunberg complained about a dog that has not been licensed. Murphy encouraged Grunberg to submit any relevant information to the TA Office.

Murphy opened the Public Hearings at 7:05 pm.

Public Hearing: To revoke the commercial shellfish license of Karl Barrio. (Continued from 2/14/17)

Karl Barrio was not present at the beginning of the hearing. Bruinooge recused herself from this public hearing due to the fact she is a shellfish grant holder. Wilson said that Barrio was not present last time this matter was on the agenda, and again this time, despite the fact that he has been informed. Karl Barrio arrived at 7:10 pm. John Mankevetch, Assistant Shellfish Constable spoke about the violation that occurred on November 23, 2016. Wilson said that she had reviewed previous violations over the years and based on Michael Hickey of the State Division of Marine Fisheries, a decision needs to be made within a year of violation. Barrio presented his reasons for the violation, apologized and asked the Board for forgiveness. Murphy explained that when Barrio's license was given back, it was conditional on no future violations. William Young, Jr. asked the selectmen to consider not revoking Barrio's license.

MOTION 217-195: Wilson moved that we revoke the Commercial Shellfishing Permit of Karl Barrio due to a documented pattern of abuse of the Town's Shellfishing Policy and Regulations, in compliance with the Town's Section 11.7. The most recent violation occurred on November 23, 2006 when Mr. Barrio was found to be in violation of the Town's Section 4.14, having harvested and being in possession of more than 5 % of seed. Reinhart seconded that amended motion and it passed 4-0.

Bruinooge returned after the vote.

Public Hearing: To amend the Town of Wellfleet Taxicab Rules and Regulations by deleting Taxicab and inserting Passenger Vehicles for Hire

Community Services Director Suzanne Grout Thomas explained the need for changing the language of the current Wellfleet Taxicab Rules and Regulations to eliminate confusion due to terminology misinterpretation. Reinhart clarified that there will be no fee charged for people who are walking to the

beach. Rafael Richter encouraged the Board to host a workshop to get a feedback from people in the businesses since a lot has changed since the regulations came in effect in 2006. He asked the Board to postpone a decision on this. The selectmen did not find the change significant to postpone a decision.. Stephen Polowczyk, Chair of the FinCom said that he would support this change as long as it brings additional revenue.

MOTION 217-196: Bruinooge moved and Reinhart seconded to vote to amend the Town of Wellfleet Taxicab Rules and Regulations by deleting “Taxicab” and inserting “Passenger Vehicles for Hire”. The motion passed 5-0.

Public Hearing: To amend the Town of Wellfleet Beach Drop off fees.

Thomas explained the need for changing drop-off fees at the beaches and the cost incurred by the Town as a result of increased visitor’s numbers due to drop offs by busses. She explained that this is in effort to recover the additional expenses. Wilson wanted to know if walkers and bikers who live in Town can have onetime fee, and not get charged every time. Thomas explained that this will only apply to the two beaches that allow daily parking permits, and the rest of the beaches will be free to walk or bike to. Bruinooge spoke of the amount of trash accumulated daily at the beaches and supported the fee in order to recuperate costs incurred. Polowczyk also supported the fee increase. Ron Martin suggested that if an additional parking areas were identified, the back-up and waiting at the beaches would be reduced or eliminated.

MOTION 217-197: Bruinooge moved and Wilson seconded to vote to amend the Town of Wellfleet Beach Drop-Off Fees as printed. The motion passed 4-1 (Houk).

Use of Town Property – WES PTA to use Baker Field on 5/27/17 for WESFest

MOTION 217-198: Reinhart moved and Wilson seconded to approve the request of Wellfleet Elementary School PTA for WESFest at Baker Field on May 27, 2017 from 8 am to 5 pm. The event fee is waived; a signed property use agreement is required, with conditions as printed on the use form. The motion passed 5-0.

Business: White Ribbon Day Proclamation for March 2, 2017

Police Chief Fisette presented the Annual White Ribbon Day Proclamation and read the names of Town Officials who have signed it.

MOTION 217-200: Bruinooge moved and Reinhart seconded to vote to designate March 2, 2017 as White Ribbon Day and to sign the proclamation as printed. The motion passed 5-0.

Business: Nauset Regional School District (NRSD) – Final FY 18 Budget Request

NRSD Superintendent Tom Conrad, NRSD Business Manager Giovanna Venditti and Christopher Easley, Wellfleet Representative of NRSD School Committee presented the final FY 2018 Budget request for NRSD. Sup. Conrad confirmed that the budget has been certified by the NRSD Committee on February 27, 2017 at 2.40% or \$22,040,800 total assessment. This budget request is significantly lower than the original request presented to the school committee in December. Sup. Conrad talked about rising health care and OPEB costs, and the rise of the cost for special education students. The Selectmen wanted to know the Wellfleet share of this proposed budget. Superintendent Conrad passed a presentation handout¹ with information about the NRSD, its programs, initiatives, benefits to students and parents and each Town’s share of the FY2018 Budget. Wellfleet’s total cost (Operating Budget and Capital Improvement Plan) is \$2,969,904 or 13.4746%, which is 8.70% more than FY 2017 due to three additional students attending the NRSD. Bruinooge shared how happy she is that more Wellfleet children are attending NRSD. Houk wanted

to find out the reasons for overall decline in student population in the Region, but was happy to see increased enrollment for Wellfleet. The selectmen were very impressed with the presentation and the requested budget at 2.4%.

MOTION 217-201: Reinhart moved and Wilson seconded to approve the budget request for Nauset Regional School District as presented at 2.4% increase and \$2,969,904 assessment for Wellfleet. The motion passed 5-0.

Terkanian commended the hard work of Superintendent Conrad and his team for bringing the budget ten days early.

Superintendent Conrad introduced an approved statement of interest by MSBA project for renovation of the the Nauset Regional High School. He explained the need for renovating the 45-year-old campus and the immediate need for a feasibility study. More information will be coming after the NRSD Committee meeting on March 9.

Business: FY 2018 Budget Update

Hoort gave an updated on the current budget status as a result by the revised NRSD budget. This brings the total Town budget increase is at 4.96%. He explained the reasons why the budget is higher. The Schools and health insurance increases are driving the budget increase and without those two big items the overall budget increase is at 2.47% increase, including the Full Time Building Inspector position. He stressed the fact that last year the tax rate went down. Arlene Kirsch of the Finance Committee had questions about upcoming overrides. Hoort answered Kirsches' question by saying that the OPEB and two vehicle requests are currently presented as overrides, but he is still looking if this could be done without an override. Kirsch said that OPEB should not be on a ballot, since it is an obligation and not a choice. She encouraged dipping in free cash to fund the OPEB. She said that once this budget is produced, a task force should be charged to look into cost savings. Hoort answered question by Bruinooge about the balance of free cash (currently at \$1.4M and if \$600K were to be used to fund FY2018 Budget, it would leave \$800K available). Wilson was concerned that 4.96% increase will be carried over to the next year. Terkanian cautioned the Board from covering budget gaps from free cash, based on bond ratings consequences. Polowczyk also was concerned with covering budget gaps with free cash. Bruinooge agreed that the two fire fighters and vehicles should be on the ballot for overrides and left for the voters to decide. Hoort explained that he is still looking for old appropriations that were not used and repurpose them. He said that he is looking into OPEB liability and funding obligations. Fred Magee of the FinCom said that at the school level the two largest increases are for special needs students and OPEB. He said that it is the FinCom's opinion that Proposition 2 ½ needs to be complied with. Murphy said that this situation has been forthcoming and this issue has been identified many times over the years. He said that if the people would like to receive the services they are getting, there is a cost associated, and the limitations of Proposition 2 ½ can no longer provide the level of services expected. He agreed with Kirsch that looking down the road a task force needs to be charged. Murphy thanked the FinCom for their dedication, and the discussion concluded without any action taken by the Board.

Business: 2017 Annual Town Meeting articles placement and recommendations. *Review Fire Department staffing needs and Plastic Ban Bylaw Change request by the Recycling Committee separately* Hoort explained that the article placement could be combined, or each article could be placed individually. Discussion ensued. Wilson wanted to wait for the recommendation of the Bylaw Committee before reviewing any bylaw-related articles. Murphy re-evaluated the duration of the meeting, and suggested scheduling a separate meeting just for the warrant. Hoort advised taking time to hear the Fire Chief and Recycling Committee. Fire Chief Pauley presented the staffing needs requests for the Fire Department, currently Article 11 in the 2017 ATM Warrant draft. Houk wanted to know if filling the positions could be staggered between this and next fiscal year. Pauley explained that there is no way to go around this.

Discussion ensued. Murphy was interested to find out how the two new positions could save overtime costs. Pauley said that he was anticipating savings of about \$20K a year as a result of these two new hires. Murphy stressed the fact that the service of the Town need to be maintained at 30,000 summer population. Lydia Vivante wanted to know what kind of efforts have been made to recruit people on call. Chief Pauley explained his efforts and struggles to retain on call staff. Houk asked if there is a time commitment when hiring new staff members. Chief Pauley explained how this works, and that there is a 2-year time commitment for new hires.

MOTION 217-202: Houk moved to place Article #11 for the 2017 ATM Warrant. Wilson seconded and the motion passed 5-0.

MOTION 217-203: Wilson moved to recommend Article # 11 for the 2017 ATM Warrant. Bruinooge seconded and the motion passed 5-0.

Loni Briggs and Bethia Brehmer of the Recycling Committee presented a proposed bylaw change article for the plastic ban, currently Article 27 in the 2017 ATM Warrant. Reinhart and Wilson expressed their support for this bylaw change.

MOTION 217-204: Reinhart moved to vote to place Article #27 for the 2017 ATM Warrant. Wilson seconded and the motion passed 5-0.

Business: Request of Ronald Martin for the Town to consider abandoning the old Town Way abutting the Cluster Residential Development of Cape End Realty Trust on Route 6 in South Wellfleet. – postponed until further information is provided by the requesters and a recommendation from the Planning Board is available.

Business: Discussion of bylaw change designating signers for bi-weekly warrants

Wilson explained that this is a general bylaw change and the Bylaw Committee should be given the opportunity to weigh on this. This was postponed to March 14, 2017.

Business: Discuss site visits to old COA building & old Shellfish Shack; & possible disposition

Hugh Guilderson, former chair of the Building and Needs Assessment Committee refreshed the Board's memory that the BNAC had made a recommendation for this two buildings in 2010 and again in 2016. Murphy said that he is aware of the condition of the old Shellfish Shack and suggested gutting it out and restoring it. Harry Terkanian said that there is a report by an architect on the Town web site and advised everyone to study it before making decisions. Wilson and Bruinooge were of the opinion to not spend taxpayer's money on the Old Shellfish Shack. Reinhart preferred to find an option to salvage the building as a tourism/historical destination. Murphy stressed the fact that it is worth re-evaluating the building before considering completely losing it. Houk agreed with Murphy. Kathleen Bacon said that this building is an insurance hazard and preferred to not have it as Town obligation. Gary Sorokin said that the old COA has been considered as an affordable housing ten years ago and based on previous evaluation it was evaluated as a valuable idea. Guilderson agreed with Murphy to try to save the history of Wellfleet, and suggested moving it off the beach. Polowczyk reminded that the building is restricted to recreational use only and suggested moving it to Baker Field where the recreation building is. The discussion concluded with no action taken, but the Selectmen committed to make a decision on these two buildings by the end of the year.

Business: Request for Real Estate Transfer Tax proposal² insert into Town Warrant

Bob Dubeau proposed a Real Estate Transfer Tax to be placed into the 2017 ATM Warrant in order to take the first step into making this possible with the State legislation. Murphy wanted to better understand the State procedure for this article. The selectmen had a mutual consent for supporting this article.

MOTION 217-205: Bruinooge moved and Wilson seconded to vote to insert a Real Estate Transfer Tax into the 2017 ATM Warrant. The motion passed 5-0.

Business: Green Communities Grant Application

Brian Carlson presented the request for support for a grant application and letter of recommendation for Green Communities Grant Program for total grant \$144,620.

MOTION 217-206: Wilson moved to vote to approve a grant application for the Police Station Renovation Project, and authorize the Chair of the Board to sign the application and a letter of interest for the Green Communities Grant. Bruinooge seconded and the motion passed 5-0.

Business: Extension of deadline for purchasing 2017 Commercial Shellfishing Permits under Section 6.1.4 (the Hardship Exemption) of the Wellfleet Shellfishing Policy and Regulations to March 15, 2017.

MOTION 217-207: Reinhart moved and Bruinooge seconded to vote that all grant holders, endorsed by the State for the harvest and sale of undersized shellfish in 2017 be allowed to apply for a 2017 Town Commercial Permit under Section 6.1.4 (the Hardship Exemption) of the Wellfleet Shellfishing Policy and Regulations and that all such applications must be submitted by March 15th. The motion passed 5-0.

Wilson asked the TA to direct the Shellfish Department to inform everyone in the Shellfishing industry to know of this extension.

Business: Request for approval of tax bill insert for the Recycling Committee and joint tax bill insert for CRS/Taxation Aide Program.

MOTION 217-208: Reinhart moved and Bruinooge seconded to approve tax bill inserts for the Recycling Committee and joint tax bill insert for CRS/Taxation Aide Program. The motion passed 5-0.

Town Administrator's Report³

Topics for Future Discussion

- Reinhart – develop Town's social media page to keep everyone informed.
- Wilson – simplify the Food Truck application form to be more user friendly.
- Wilson – deadline for annual shelling grant reports is today and the Shellfish Department should inform grant holders who have not submitted their reports.

Correspondence⁴ and Vacancy Report⁵

Reinhart presented the Correspondence report. Wilson highlighted Hoort's letter about snowplowing and MassDOT report about Herring River bridge repairs. The report should be given to the Friends of the Herring River.

Minutes

MOTION 217-209: Bruinooge moved and Wilson seconded to approve the minutes⁶ of February 14, 2017 as amended by Wilson. The motion passed 5-0.

Executive Session & Adjournment: To consider release of exec. session minutes of 12/13/16 & 1/10/17
MOTION 217-210: Murphy moved and Bruinooge seconded to adjourn the public meeting at 10:25 pm and enter in executive session and not go back in open session for the following reasons: To consider release of executive session minutes of December 13, 2016 and January 10, 2017. The motion passed by a roll call vote where each Murphy, Bruinooge, Wilson, Reinhart and Houk said “Aye”.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials:

¹ NRSD FY2018 Budget Request Handout

² Real Estate Transfer Tax proposal by Bob Dubeau

³ TA Report of February 20, 2017

⁴ Correspondence Report of February 28, 2017

⁵ Vacancy Report on February 20, 2017

⁶ Draft minutes of February 14, 2017