



**Wellfleet Board of Selectmen
Minutes of March 10, 2015
Wellfleet Senior Center**

Present: Paul Pilcher, Chairman , Dennis Murphy, Berta Bruinooge, John Morrissey, Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

Regrets: Jerry Houk

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

Terkanian Announced:

- Proposed maps with locations of rumble strips on Route 6 have been posted online.
- The preliminary design alternatives of Route 6/Main Street project have been posted online.
- Rabies clinic for Wellfleet and Truro residents will be held on March 21, 2015 9:00 am to 11:00 am at Ark Angel Animal Hospital (1532 Route 6, Wellfleet, MA 02667).
- Beach concessions RFP has been advertised and posted online with deadline for proposal submissions March 27, 2015.

Suzanne Thomas announced an informational session “Burglars Not Welcomed” to be held at the COA on Thursday March, 12, 2015 from 9:30 am to 11:00 am.

Appointments

Police Chief Ronald Fisetite recommended the proposed appointments¹ for Special Police Officers.

MOTION 215-098: Morrissey moved and Murphy seconded to appoint Marc Spigel, Mark Braun, Bryan Dufresne and Andi Williams as Special Police Officers with terms from May 1, 2015 to June 30, 2016. The motion passed 4-0.

Public Hearing(s) [7:05]

Pilcher opened the public hearing on the Chamber of Commerce sign at the Marina at 7:05 pm. He explained that this matter has been previously discussed and the subject of this discussion is relocation of the sign. Mac Hay from the audience wanted to know the exact re-location site because of possible complications with land swap ownership. There were no further comments and Pilcher closed the public hearing at 7:08 pm. The selectmen did not further discuss this matter and a motion to relocate the sign was not offered.

Use of Town Property

Terkanian presented the request of Fitzgerald to use part of Kendrick Avenue during a septic system installation. Bruinooge wanted to know if previously a fee has been assessed for such instances. She strongly supported the Health and Conservation’s agent requirement for pictures before and after the project. Murphy suggested a refundable fee bond if the conditions are met.

MOTION 215-099: Murphy moved and Morrissey seconded to approve the request of Fitzgerald to use part of Kendrick Ave during a septic system installation contingent on providing proof of insurance and

\$1,000 bond fee refundable upon restoration of all disturbed area based on pictures taken before and after the project and to the satisfaction of the Conservation Commission. The motion passed 4-0.

No action was taken on the request of Abigail E. Hackner for parking approximately 20 cars in the Town Hall parking lot on Saturday, May 30 from 2 PM to 8 PM for wedding because the parking spaces cannot be guaranteed, but the Selectmen did not object the use of the parking lot if the people could find spaces.

MOTION 215-100: Bruinooge moved and Morrissey seconded to approve the request of American Legion Post 287 to use the front and side of Town Hall lawn on Monday, May 25, 2015 from 8 am to 11 am for Memorial Day Service; nonprofit – fee exempt. The motion passed 4-0.

Business

Discussion and possible amendments to fee schedule for use of Town property

Pilcher said that this topic has been discussed at a public hearing on February 24, 2015 and this will not be a hearing and the public will have limited opportunity to comment. He talked about three options to approach this matter: 1) Tax on vendors; 2) Percentage of the admission fees to be paid to the Town; and 3) Differential of Use of Town Property fees per day per site.

Fred Richards from the public talked in favor of SPAT and against changes in the fee schedule. Sylvia Smith wanted to know when the fee would be enacted. Pilcher responded that the fee change will take effect immediately after voted. Sylvia Smith then wanted to also know if the new fees would specifically be set for Oysterfest. Picher explained the background behind the proposed fees schedule change for events that charge admission fees, not just for OysterFest. Stephen Polowczyk had a suggestion to possibly have the collected fees going to the Marina Enterprise Fund to offset dredging costs. Jody Birchal, affiliated with SPAT, spoke against the proposed fees change based on the facts that using one nonprofit event as a conduit sets a precedent. She suggested a simplified fee schedule that is user friendly. Alfred Pickard wanted to know if there was any consideration for charging for parking. Mac Hay said that charging a fee to a nonprofit organization is considered a tax and added that this matter has been brought to the attention of the Attorney General. He said that the SPAT's proposal of \$500 per day will account for \$3,000 for the duration of the event. Pilcher responded to Hay by saying that Town Counsel has advised the Board that charging fees for Use of Town Property is within the legal purview of the Selectmen. Pilcher closed the public commentary and opened the discussion to the Selectmen. Murphy said he was inclined to support SPAT's offer for the maximum fee charge of \$500 a day. Morrissey wanted to know where the fees charged for the use of Town property go. Terkian explained that the fees go to Local Receipts and Town Meeting decided how the funds are appropriated. Morrissey then said that he felt uncomfortable for the Selectmen to decide how the fees for use of Town property are spent. He expressed his position that the tax payers should get compensated for the use of Town property in such a large scale requiring closure of streets and the entire downtown area and Town Hall parking lot. According to him \$500 a day was not sufficient and the fee should be in the \$25,000 range. Pilcher summarized the Selectmen's discussion and proposed accepting the \$500 charge a day per parcel. Morrissey wanted to know what a parcel meant. Terkian clarified that based on Assessor's Atlas Town Hall is a separate parcel, Preservation Hall is a separate parcel and Main Street could also be considered a separate parcel, but further investigation is needed to confirm this.

MOTION 215-101: Pilcher moved to adopt Use of Town Property fees schedule from \$0 to \$1,000 for nonprofits based on Board's discretion. No one seconded the motion.

Further discussion ensued. Bruinooge suggested tabling the motion pending a clarification of what a parcel means. Morrissey said that the fee should only apply to nonprofits charging fees. Bruinooge wanted

to see a written motion before voting. Morrissey said that he had drafted a motion and read it. Pilcher agreed that the Selectmen are not ready to take a vote yet. Murphy said that he had no issue with the word parcel and according to him Morrissey's motion could be customized if the Selectmen agreed to the fees amounts. Pilcher had an issue with the specific naming of the locations and their fees. Bruinooge said that the fees should be different based on the size of the property, but disagreed with the amounts of Morrissey's proposed fees and reaffirmed her desire to table the motion. Murphy supported the scale of \$0-\$1,000 a day per parcel based on the discretion of the Selectmen for nonprofit events charging admission. Decision on this matter was deferred to the March 24, 2015 meeting and the Selectmen agreed to hold another public hearing on the subject.

Discussion on submission of possible power projects to CVEC

Terkanian said that the CVEC deadline for submission of possible solar power projects is March 12, 2015. Currently there is no recommendation from the Energy Committee. Terkanian did not recommend participating with CVEC at this time. Lilli Green, Energy Committee Secretary was present to answer questions. No action was taken on this subject.

Discussion on funding for possible mapping of Wellfleet Harbor

Mark Borelli presented an opportunity for mapping of Wellfleet Harbor as part of a larger project and partial grant funding. He distributed a proposal² from the Center for Coastal Studies Provincetown (CCSP). The total proposed project cost was \$125,000 of which 1/3 would be taken off by the CCSP making the adjusted project cost \$82,571.94. Murphy wanted to know if this project would have impact on water quality. Borelli did not have a definite answer, but said that it might help. Discussion ensued on possible funding options. Terkanian said that the project could be funded by a tax levy override above Proposition 2 ½ or by borrowing the money. He said that the Selectmen have received a draft warrant article for the borrowing. He clarified that the article is still under review by Town Counsel. Morrissey wanted to know what the impact would be if the Town Meeting voted for the borrowing but other participating organizations do not get their funding. Terkanian explained how this would be addressed by the proposed Article³ language and read it.

MOTION 215-102: Morrissey moved and Murphy seconded to place and recommends the proposed article on the warrant for the amount of \$82,000. The motion passed 4-0.

MOTION 215-103: Bruinooge moved and Murphy seconded to place the question on the ballot. The motion passed 4-0.

Authorize the Town Moderator to hold a drawing for five beach stickers at town meeting

MOTION 215-104: Bruinooge moved and Morrissey seconded to authorize the Moderator to hold a drawing for five beach stickers at town meeting. The motion passed 4-0.

Discussion on possible comment on EverSource's 2015 YOP

Laura Kelley presented the Eversource 2015 YOP⁴ and said that the deadline to comment is March 27, 2015. Pilcher wanted to know if it would be sufficient if the Board voted to support the proposed text. Terkanian requested to see letters from neighboring towns. Murphy wanted to know if a public hearing would be needed for the private owners along the power lines. Terkanian said that this process would be much more elaborate. Kelley clarified that is this was the case; it would be a matter of setting a regulation.

MOTION 215-105: Murphy moved and Bruinooge seconded to authorize the TA to write a letter expressing the Board's support against EverSource/NStar spraying. The motion passed 4-0.

Discussion of rumble strip proposal for Route 6

Police Chief Ronald Fiset and Fire Chief Richard Pauley presented a map of the proposed locations of rumble strips on Route 6 in Wellfleet. Bruinooge wanted to know the locations. Fiset said that the proposed locations on the map are not definite. Terkanian explained that Bill Traverse from MassDOT will be present on March 24, 2015 for the hearing on this topic and will be able to answer questions about it. Terkanian expressed his concerns about the gap of 125 ft in front of the Fire Station on Route 6 and said that he will recommend closing this gap, since this place is not heavily used.

Approval of inserts in spring tax mailing

Terkanian explained the Statue governing the tax inserts and said that according to it the Selectmen's approval is required. He also said that the content of the inserts should not be political and should not increase the regular mailing cost of the tax bill. Tax Collector Marianne Nickerson has checked and confirmed that the proposed inserts⁵ meet these requirements. The tax inserts⁶ are from the Recycling Committee, Taxation Aid Committee and DPW.

MOTION 215-106: Murphy moved and Bruinooge seconded to approve the three tax inserts. The motion passed 4-0.

Proposed letter in support of Herring River Restoration Committee grant application

MOTION 215-107: Murphy moved and Morrissey seconded to approve the letter⁷ in support of Herring River Restoration Committee application for grant. The motion passed 4-0.

Discussion on non binding town meeting resolution on fees

Morrissey explained his position on the subject and said that this is a good way to bring this issue to all concerned parties. Bruinooge said that she does not feel this is necessary based on the current Proposition 2 ½ and the current revenue situation. According to her this article would not accomplish anything even though it was non binding. Morrissey explained his thought process behind the proposed ATM discussion and his position on the subject. Murphy said that he would support this, but it would require an advertised public hearing. Bruinooge said that she is against Proposition 2 ½ overrides, but she is in favor of increase in Town fees. Pilcher expressed his position by saying that the Selectmen were elected to review budgets and set fees, therefore the Selectmen should not give away their right and obligation to do their job. No action was taken on this subject.

Authorize the Town Administrator to act for the Board in appointing physicians to conduct injured on duty and fitness for duty examinations

MOTION 215-108: Murphy moved and Bruinooge seconded to authorize the Town Administrator to act for the Board in appointing physicians to conduct injured on duty and fitness for duty examinations. The motion passed 4-0.

Annual Town Meeting warrant⁸ continued review and approval of articles & budgets

Terkanian talked about the proposed Governor's budget and its impact on the Town's budget. He also explained the impact of the increased cost of snow removal budget, Fire Department over time budget and necessary adjustments for the salary item of the new Library Director. He said that this would account to approximately \$200,000 expenses against \$100,000 allocated in free cash, and when taking all this into account the current deficit would be \$79,000 to \$100,000. Terkanian said that there could be a small cushion due to Legal Budget reduction, and several capital items could be borrowed and accounted as excluded debt. According to him the last resort for closing the gap would be to take the Statue that allows FY15 snow removal budget deficit to be paid half in FY16 and half in FY17. Based on this information

the Selectmen did not comfortable to place and recommend Article 1 at this meeting. Morrissey said that he was inclined to have an additional meeting on March 17, 2015 and suggested a proposition 2 ½ override to fund the School Budget shortfall. Pilcher and Bruinooge did not support this idea and strongly supported the position to balance the budget this year and tell the voters that this may not be the case in the future. Terkanian went over possible scenarios to avoid asking for an override. Bruinooge wanted to know if the free cash tapping would have any impact on the bond rating. Based on this discussion the selectmen unanimously agreed to have an additional meeting on March 17, 2015.

Terkanian talked about Article 10 in terms of salary and potential benefits costs. He said that the benefit part is variable, but based on Barnstable County data the average cost for health insurance benefits per employee is about \$8,000.

MOTION 215-109: Morrissey moved to place and recommend Article 10. Bruinooge seconded and the motion passed 4-0.

Bruinooge suggested decreasing the transfer for OPEB from \$250,000 to \$200,000 as a way to close the FY16 Budget gap. There was no motion in support of this suggestion.

Morrissey left the meeting at 9:25 pm.

MOTION 215-110: Pilcher moved to recommend Article 14. Bruinooge seconded and the motion passed 3-0.

Article 15 was placed and recommended on February 24, 2015.

MOTION 215-111: Pilcher moved and Bruinooge seconded to place and recommend Article 16. The motion passed 3-0.

MOTION 215-112: Pilcher moved and Murphy seconded to recommend Article 17. The motion passed 3-0.

MOTION 215-113: Murphy moved and Bruinooge seconded to place and recommend Article 18. The motion passed 3-0.

MOTION 215-114: Bruinooge moved and Murphy seconded to recommend Article 19. The motion passed 3-0.

MOTION 215-115: Pilcher moved and Murphy seconded to recommend Article 20. The motion passed 3-0.

MOTION 215-116: Bruinooge moved and Murphy seconded to recommend Article 21. The motion passed 3-0.

MOTION 215-117: Bruinooge moved and Murphy seconded to recommend Article 22. The motion passed 3-0.

Terkanian said that Town Counsel will provide a draft for a single article to cover Articles 23 and 24, so these two articles were deferred. Terkanian explained the reasons for changes of Article 25. Bruinooge suggested deferring it to the next meeting.

Murphy had comments about Article 26. He talked about the benefit of adding a third front-end loader, but could not justify the expense. Pilcher wanted to know if there has been any discussion to partner with a neighboring town and share the cost. Bruinooge was concerned if there was a need for such a big expense. Murphy suggested hiring a contractor to do the job when needed.

MOTION 215-118: Bruinooge moved and Murphy seconded to NOT place Article 26. The motion passed 2-1 (Pilcher).

MOTION 215-119: Bruinooge moved and Murphy seconded to place and recommend Article 27. The motion passed 3-0.

MOTION 215-120: Murphy moved and Bruinooge seconded to place and recommend Article 28A. The motion passed 3-0.

Fire Chief Pauley presented his request for a new fire truck engine for \$580,000 cost as requested with Article 29.

MOTION 215-121: Murphy moved and Bruinooge seconded to place and recommend Article 29. The motion passed 3-0.

Voting on placing Article 32 was postponed until a member from the Recycling Committee explains it.

Town Clerk Joseph Powers talked about Article 33 and the reasons behind the request for the proposed General Bylaws changes.

MOTION 215-122: Murphy moved and Bruinooge seconded to place and recommend Article 33. The motion passed 3-0.

Voting on placing Article 34 was deferred. Articles 36, 37 and 38 were placed and recommended on February 24, 2015.

MOTION 215-123: Pilcher moved and Murphy seconded to place Article 39. The motion passed 3-0.

MOTION 215-124: Pilcher moved and Murphy seconded to place Article 40. The motion passed 3-0.

MOTION 215-125: Pilcher moved and Bruinooge seconded to place Article 41. The motion passed 3-0.

MOTION 215-126: Murphy moved and Bruinooge seconded to recommend Article 41. The motion passed 3-0.

MOTION 215-127: Pilcher moved and Murphy seconded to place and recommend Article 42. The motion passed 3-0.

MOTION 215-128: Pilcher moved and Bruinooge seconded to place and recommend Article 43. The motion passed 3-0.

MOTION 215-129: Murphy moved and Bruinooge seconded to place and recommend Article 44. The motion passed 3-0.

MOTION 215-130: Murphy moved and Bruinooge seconded to place and recommend Article 45. The motion passed 3-0.

MOTION 215-131: Murphy moved and Bruinooge seconded to NOT recommend Article 48. The motion passed 3-0.

MOTION 215-132: Murphy moved and Bruinooge seconded to place Question 6 that goes with Article 27. The motion passed 3-0.

MOTION 215-133: Bruinooge moved and Murphy seconded to place Question 8A. The motion passed 3-0.

Terkanian informed the Selectmen about their right to change the order of the articles during Town Meeting based on the Moderator's suggestion. Discussion ensued. The Selectmen did not take any action on changing the order of the articles but unanimously agreed to recommend to the Moderator that if the meeting on April 27, 2015 goes past 10 pm it should continue on the next day.

Town Administrator's Report

Terkanian presented his report⁹. The Selectmen did not have any questions or comments.

Future Concerns

- Schedule an additional meeting on March 17, 2015 at 7:00 pm.
- Invite Recycling Committee and Planning Board to explain 2015 ATM Articles.
- Invite DPW Director Mark Vincent to talk about the front-end loader request.
- Invite Community Director Suzanne Thomas on March 24, 2015 to discuss Beach Parking Fees during OysterFest.

Correspondence and Vacancy Report

There were no comments on the correspondence¹⁰ and vacancy¹¹ reports.

Minutes

Pilcher had a correction of the name of Judith Stiles not Styles to the minutes¹² of February 24, 2014.

MOTION 215-134: Pilcher moved and Murphy seconded to approve the minutes of February 24, 2015 as amended. The motion passed 3-0.

Adjournment

MOTION 215-135: Murphy moved and Bruinooge seconded to adjourn the meeting at 10:09 pm. The motion passed 3-0.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ Police Chief Fisetite's recommendation of Special Police Officers

² Center for Coastal Studies Provincetown

³ Proposed Article for Wellfleet Harbor mapping costs of \$82,000

⁴ EverSource 2015 YOP

⁵ Proposed tax inserts

⁶ Proposed spring 2015 tax inserts from the Recycling Committee, Taxation Aid Committee and DPW

⁷ BOS letter in support of HRRC grant application

⁸ 2015 ATM Warrant Draft of March 6, 2015

⁹ TA Report of March 6, 2015

¹⁰ Correspondence Report of March 10, 2015

¹¹ Vacancy Report of March 6, 2015

¹² Minutes of February 24, 2015