



**Wellfleet Board of Selectmen
Minutes of March 24, 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

Chairman Paul Pilcher called the meeting to order at 7:00 pm.

Announcements, Open Session and Public Comment

- Terkanian announced that the recent change of the format of the Board of Selectmen meeting agenda, in terms of recoding and public comments, was done in order to be in compliance with the Open Meeting Law.
- Police Chief Ronald Fisette announced a Public Forum on Monday April 13, 2015 about the Police building project and the proposed 13th police officer.
- Dennis Cunningham presented a petition regarding community policing training and encouraged the Selectmen to review it.

Pilcher opened the Public Hearing at 7:05 pm.

Public hearing on proposal to install centerline rumble strips on approximately 14,000 ft of Rt 6
Representatives from MassDOT Bill Traverse, Kerri Morris and Pam Hazner gave a Power Point presentation on the proposed safety enhancement rumble strips along portions of Route 6 in Wellfleet as result of several meeting over the past year due to the increased accidents on Route 6 in Wellfleet. Traverse discussed noise concerns, crossing traffic issues and maintenance concerns. He went over the maps of the proposed rumble strips locations. According to his presentation the rumble strips will be done within the State's rights of way and with minimal impact to traffic. It is anticipated that the installation will take two to three weeks to complete and the plan is to be done before Memorial Day. Helen Miranda Wilson had concerns about traffic blockages. Sylvia Smith wanted to know why high traffic areas are not addressed. Pilcher clarified that this is a pilot project and the locations may be extended in the future. Curt Felix wanted to know about studies done and the results of how rumble strips prevent accidents. Donna McCaffrey had question about noise. Jody Birchall had concerns about grooving creating snow and ice problems. Laura Wanco wanted to know if there are any plans to repave Route 6 and when the Route 6/Main Street intersection will be completed. Traverse said that the Route 6/Main St Intersection is currently under design and is scheduled to be completed in 2018. Pilcher thanked Traverse about the presentation and said that additional questions and Selectmen's decision on this topic will take place later in the meeting agenda.

Public Hearing on Shellfish Licenses Renewals

Selectman Berta Bruinooge disclosed that she is a shellfish grant holder. Shellfish Constable Andrew Koch recommended the renewal of James Rose shellfish grant licenses #732, 732A, 743 and 743A for a ten year period.

MOTION 215-151: Bruinooge moved and Murphy seconded to approve the request of James Rose to renew shellfish grant licenses #732, 732A, 743 and 743A for a ten year period. The motion passed 4-0.

Koch recommended the renewal of Barbara and Jerre Austin shellfish grant licenses # 85-G and 85-GA for a 10 year period

MOTION 215-152: Morrissey moved and Bruinooge seconded to approve the request of Barbara and Jerre Austin to renew shellfish grant licenses # 85-G and 85-GA for a 10 year period. The motion passed 4-0.

Koch recommended the renewal of Robert Hautanen shellfish grant licenses #738 & 738A for a 10 year period

MOTION 215-153: Murphy moved and Bruinooge seconded to approve the request of Robert Hautanen to renew shellfish grant licenses #738 & 738A for a 10 year period. The motion passed 4-0.

Koch recommended the renewal of James O'Connell shellfish grant licenses # 85-J and 85-JA for a 10 year period.

MOTION 215-154: Murphy moved and Bruinooge seconded to approve the request of James O'Connell to renew shellfish grant licenses # 85-J and 85-JA for a 10 year period. The motion passed 4-0.

Koch recommended the renewal of Kristine Barrio and William Barrio to renew shellfish grant licenses # 85-A and 85-AA for a 10 year period.

MOTION 215-155: Morrissey moved and Murphy seconded to approve the request of Kristine Barrio and William Barrio to renew shellfish grant licenses # 85-A and 85-AA for a 10 year period. The motion passed 4-0.

Change of the Shellfish Rules and Regulations amendments in sections 1, 5.3.3, 6.2.4 and 6.3

Constable Koch explained the reason for the requested changes of the Shellfish Rules and Regulations amendments in sections 1, 5.3.3, 6.2.4 and 6.3¹ to include regulations regarding blood ark and ponderous ark clams. Helen Miranda Wilson, member of the Shellfish Advisory Board (SAB) was present to answer questions. Murphy wanted to know how the blood arcs are harvested. Barbara Brennessel, Ph. D., and member of SAB, representing the minority vote for the proposed regulations talked about the daily catch and minimum size limits and advised the Selectmen that the catch limits should be reduced from 10 bushels to five bushels in order to prevent overharvesting. Wilson explained how the current catch limits were researched, determined and voted by the SAB. Discussion ensued. The Selectmen did not want to change the catch limits without a formal recommendation based on a majority vote by the SAB.

MOTION 215-156: Bruinooge moved to adopt the Shellfish Rules and Regulations amendments in sections 1, 5.3.3, 6.2.4 and 6.3 to include regulations regarding blood ark and ponderous ark clams as presented. Murphy seconded the motion and it passed 4-0.

Public Hearing on proposed fee schedule for use of town property

Pilcher summarized the proposed fee schedule² for Use of Town Property as drafted by the Town Administrator. Pilcher suggested adding a fourth criteria if admission fees are charged by not for profit organizations looking to use Town Property and opened the proposed fee schedule for discussion and public comments. Jennifer Flanagan wanted to know what kind of fees could be possibly charged for example WES Fest. Terkanian clarified that organizations directly supporting the operations of the Town would qualify for a reduced fee or no fee according to the proposed schedule. Bob Wallace wanted to know the current fee schedule and the meaning of parcel. Roberta Ward wanted to know where the fees for Use of Town Property go. Morrissey clarified that the fees go to the General Fund and Town Meeting vote decides how the funds will be spent. Representative from the WOMR on behalf of the Lower Cape Triathlon wanted to know how this would impact other smaller non profits that charge admission fees. Janet Drohan and Fred Richard had questions on the proposed fee schedule and how the different non profits are being distinguished. Helen Miranda Wilson spoke in favor of OysterFest and the fact that the Town gets benefits without spending any additional funds for entertainment. Jody Birchall said that the proposed fee schedule is very subjective and talked about definitions of parcel. Michelle Insley, SPAT Executive Director, talked about possible challenges the Selectmen may face, in terms of unclear language, if the proposed fee schedule was adopted. Bruinooge explained that the proposed document was written by the Town Administrator, who is an attorney. Curt Felix commended the proposed fee schedule but stressed the fact that non profits deliver public benefits and should be supported, not penalized. Terkanian explained how the parcel reference was defined based on the Assessor's Atlas. He talked about the different requests for use of Town Property that the Selectmen have to deal with and how the different sets of criteria were determined. Nancy Chivetta wanted to know if the fees were based on market research of what other towns charge. Pilcher closed the public comments. He explained the process of deriving the proposed fee schedule for Use of Town Property. Pilcher also said that the intent of the Selectmen is to be fair to all tax payers, because the Town Property belongs to all of them. Murphy addressed public concerns by saying that the use fees will be known and referenced on the schedule. Morrissey talked about sliding scale criteria based on event and organization size. Pilcher asked to add the fourth criteria for "admission fee".

MOTION 215-157: Pilcher moved to add a fourth criteria "admission fee". Morrissey seconded the motion and it passed 4-0.

MOTION 215-158: Morrissey moved and Murphy seconded to add a fifth criteria "weather the event includes as participants businesses paying a fee to participate in the event. The motion passed 3-1 [Pilcher].

MOTION 215-159: Bruinooge moved and Murphy seconded to adopt the Use of Town Property Fee Schedule as amended. The motion passed 4-0.

Licenses/Appointments/Reappointments/Use of Town Property

MOTION 215-160: Bruinooge moved and Murphy seconded to approve the 2015 Seasonal Liquor License renewals for: Wellfleet Beachcomber; Winslow's Tavern; The Lighthouse Restaurant; Sweet Seasons; Bocce's 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 4-0.

Trevor Pontbriand was present to answer Selectmen questions and expressed his interested to serve on the ZBA.

MOTION 215-161: Murphy moved and Bruinooge seconded to appoint Trevor Pontbriand to June 30, 2015 to fill an unexpired term on the Zoning Board of Appeals. The motion passed 4-0.

MOTION 215-162: Bruinooge moved and Morrissey seconded to recommend Elaine McIlroy as Wellfleet representative on the Barnstable County HOME Consortium Advisory Council with term ending January 31, 2017. The motion passed 4-0.

Use of Town Property

Recreation Director Rebecca Rosenberg talked about the International Women's Flag Football Association and the fact that the Recreation Department had sponsored the event in the past before it was moved to Provincetown. The selectmen deferred voting on this request pending additional information – proof of insurance, payment of the application fee and finding out how the Wellfleet children will benefit by the event and if any admission fees will be charged.

Terkanian advised the Selectmen that last year the Ryan Environmental Group was charged \$100.

MOTION 215-163: Bruinooge moved and Murphy seconded to approve the request of Ryan Environmental Group to use Newcomb Hollow Beach on May 1 and 2, 2015, 5 pm - 6 pm to build a small temporary habitat for educational purposes with use fee of \$100. The motion passed 4-0.

Rosenberg spoke in favor of the Challenger Sports and the benefit to the Town and the recreation activities. Terkanian advised that last year the fee charged for the same request was \$500 and said that the Town should be listed on the insurance certificate. He had questions about the time of the program. Representative from Challenger Sports answered the questions assuring that the Town will be listed on the insurance certificate and clarified that the program will be 8 am -12 pm.

MOTION 215-164: Bruinooge moved and Murphy seconded to approve the request of Challenger Sports to use Baker Field August 17 through the 21, 2015 for soccer camp with use fee of \$500. The motion passed 4-0.

Pilcher summarized the proposal of SPAT to use Town Properties for 2015 OysterFest³. Pilcher had comments on free parking at ocean beach lots and Mayo Beach and said that the Town will charge parking fees at several beaches and that this section should be changed.

MOTION 215-165: Pilcher moved and Murphy seconded to approve the request of SPAT for use of town property for 2015 OysterFest with the deletion of beach lot parking being free of charge. Morrissey wanted to know if Wellfleet Residents will be admitted free of charge on the Sunday of OysterFest. Morrissey wanted to know about the range of the proposed contribution and suggested opening a Marina Fund. Birchall answered the question by explaining why the range for contribution was introduced. Terkanian suggested a Memorandum of Understanding spelling out all terms. The motion passed 4-0.

Business

Communication of the sense of the Board to MassDOT on Route 6 rumble strips

Terkanian said that the MassDOT is looking for a letter authorizing them to proceed with the rumble strips.

MOTION 215-166: Murphy moved and Bruinooge seconded to send a letter to MassDOT to proceed with rumble strips on parts of Route 6 in Wellfleet. The motion passed 4-0.

Conservation Restriction of the Holton Property on Fletcher-Holton Way

Dennis O'Connell from the Wellfleet Conservation Trust presented the Wellfleet Conservation Trust request for Conservation Restriction of the Holton property⁴.

MOTION 215-167: Murphy moved and Bruinooge seconded to approve the conservation restriction of the Holton Property on Fletcher-Holton Way. The motion passed 4-0.

Town operation of beach lots during OysterFest

Pilcher went over the recommendation and potential revenues estimated by the Community Director Suzanne Grout Thomas. Murphy had a question on the charges for Wellfleet residents during OysterFest. Terkanian suggested free admission for resident sticker holders. Helen Miranda Wilson wanted to know which beaches will charge for parking. Thomas said that Cahoon Hollow beach will not be charging parking fees during OysterFest. Police Chief Fisetta reassured the Board that the Police Department will make sure the parking rules are obeyed. Thomas added that her parking officers will be available during OysterFest weekend.

MOTION 215-168: Bruinooge moved and Murphy seconded to approve the proposal for charging parking fees during OysterFest as presented. The motion passed 4-0.

Acceptance of the new IRS Standard Mileage Rate

MOTION 215-169: Bruinooge moved and Morrissey seconded to approve the IRS standard mileage rate. The motion passed 4-0.

Discussion ensued when the standard mileage rate will take effect.

MOTION 215-170: Bruinooge moved and Murphy seconded to have the standard IRS mileage rate effective January 1, 2015. The motion passed 4-0.

Final approval of 2015 ATM warrant⁵ and FY16 budgets; execution of 2015 annual town election and 2015 annual town meeting warrant

Terkanian talked about the most recent changes of the 2015 ATM Warrant specifically mentioning changes to Article 22 - Zelinsky P&S and changes to Article 2. He also talked about additional charges for snow removal, Fire Department overtime and overlap of two salaries for the Library Director position. Terkanian explained how the additional deficits may be covered. Murphy wanted to know what the current free cash balance is. The discussion concluded by the unanimous agreement of the Selectmen to sign the 2015 ATM and Election warrant.

Town Administrator's Report

Terkanian went over his report⁶. The Selectmen did not have any questions.

Future Concerns

- Bruinooge had comments on the Water budget memo sent by FinCom Chairman Stephen Polowczyk.
- Pilcher recommended that the Vacancy Report⁷ should include vacancies on the Citizens Economic Development Committee.

Correspondence and Vacancy Report

Morrissey presented the Correspondence⁸ report.

Minutes

Pilcher had two corrections to the minutes. 1. The minutes of March 10⁹ in the section on page 3 referencing to Authorize the Moderator should say “*to hold a drawing*”, not “*raffle off*” five beach stickers at Town Meeting; 2. The minutes on March 17¹⁰ – replace Cultural Council with Citizens Economic Development Committee in the section on page 1 referencing Pilcher’s comment about possible upcoming expenditures.

MOTION 215-171: Pilcher moved and Murphy seconded to approve the Minutes of March 10, 2015 and March 17, 2015 as amended. The motion passed 4-0.

Adjournment

MOTION 215-172: Murphy moved and Bruinooge seconded to adjourn the meeting at 9:18 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ Proposed changes of the Shellfish Rules and Regulations amendments in sections 1, 5.3.3, 6.2.4 and 6.3

² Proposed Use of Town Fess Schedule dated March 20, 2015

³ Proposal of SPAT to use Town Properties for 2015 OysterFest

⁴ Proposed Conservation Restriction of the Holton property

⁵ 2015 ATM Warrant Draft dated March 24, 2015

⁶ TA Report of March 20, 2015

⁷ Vacancy Report of March 20, 2015

⁸ Correspondence report of March 24, 2015

⁹ BOS Minutes of March 10, 2015

¹⁰ BOS Minutes of March 17, 2015