



**Wellfleet Board of Selectmen
Minutes of January 26, 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

- Houk announced that the DPW did a great job plowing the streets during the last snow storm.
- Police Chief Ronald Fisetta said that the FEMA Pre-disaster Mitigation Plan is in progress and will be available for review by the Selectmen on agenda for February 23, 2016.
- Community Services Director Suzanne Grout Thomas announced that the floors at the Senior Center will be replaced on February 10 and the goal is to be finished before February 23, so it won't impact the Selectmen meeting location.

Public Hearing(s) – Pilcher opened the public hearings at 7:05 pm.

Transfers and Renewals of Shellfish Grant Licenses

Shellfish Constable Andrew Koch recommended the requested transfers on file¹.

MOTION 215-428: Murphy moved and Wilson seconded to approve the application from Charles Reaves to transfer shellfish grant license #861 and 861-A from Charles Reaves to Charles Reaves and Clinton Austin and to renew shellfish grant licenses # 861 and 861A for a ten year period. The motion passed 5-0.

MOTION 215-429: Bruinooge moved and Wilson seconded to approve the application of Patrick Winslow to transfer shellfish grant license # 09-01 from Patrick Winslow to Patrick Winslow and Chelsea Winslow and to renew shellfish grant license #09-01 for a ten year period. The motion passed 5-0.

Constable Koch recommended the renewal of all shellfish grant licenses as requested² by the grant holders.

MOTION 215-430: Wilson moved and Bruinooge seconded to approve the applications on file to renew for ten year period from: 1. John Connors for shellfish grant licenses # 853, 853A, 853B and 853C; 2. Ethan Estey for shellfish grant license # 09-03; 3. Russell Junkins, Sheila Avery and Rodney Avery for shellfish grant license # 89-4; 4. Tobin Storer and Jeremy Storer for shellfish grant licenses # 811 and 811A; 5. William Young Jr. for shellfish grant licenses # 7311A, 7311B and 751; 6. Bradford Morse for shellfish grant licenses # 852 and 852A and 852B; 7. Michael Ramsdell for shellfish grant licenses # 855 and 855B. Discussion ensued. Grant holders of for shellfish grant licenses # 853, 853A, 853B and 853C were present and said that their names are not listed in the renewal application. The Selectmen deferred action on the application of John Connors for renewal of shellfish grant licenses # 853, 853A, 853B and 853C to the next meeting when the list of all grant holders is available. The motion approving the renewal of the grants listed (other than grants 853, 853A and 853B) passed 5-0.

Amendments to the Town of Wellfleet Shellfishing Policy and Regulations 7.18.5³.

Koch confirmed that the new rule for overwintering Shellfishing equipment and gear on grants has been working well, but this proposed change is in effort to address concerns of several grant holders in for the vitality of their shellfish aquaculture in the inner harbor, if the gear is removed. He explained that this new rule will be considered upon special requests on case by case bases. Barbara Austin, Chair of the Shellfish Advisory Board supported the request and thanked the Selectmen for their patience in dealing with Shellfishing Policy and Regulations.

MOTION 215-431: Bruinooge moved and Wilson seconded to approve the amendments to the Town of Wellfleet Shellfishing Policy and Regulations 7.18.5 Overwintering of Equipment on Grants to be: Racks, rebar or u hooks used to secure nets on a licensed area must either be securely fastened to within eight inches (8") of the bottom or removed by January 15, or before ice prevents removal, whichever comes first. Any licensee who wishes to overwinter racks on their grant must obtain and sign an agreement form available from the Shellfish Department. (See Appendix D.) In parts of the harbor where there may be a risk of silt covering overwintered racks on a licensed area, the Constable may waive the height requirement in 7.18.5, after a visit to the specific site and documenting the adjustment on the Agreement Form. Koch answered a question raised by Murphy about the duration of the amendment by saying that the new rule will be in effect until further notice. The motion passed 5-0.

MOTION 215-432: Wilson moved and Bruinooge seconded to approve the amendment of the Form of Agreement⁴ related to Town of Wellfleet Shellfishing Policy and Regulations 7.18.5. as printed. The motion passed 5-0.

Amendment of fees of the Recreation Department

Recreation Director Becky Rosenberg went over the proposed changes of the fee schedule for the Recreation Department and said that the fees have not been raised over the last three years, and those modest changes will become more in line with surrounding towns. Rosenberg talked about the different activities of the Summer Recreation Program. Wilson had questions about the swimming fee lessons for second child of residents versus non residents and asked if the fee for second child of residents can be lowered. Rosenberg explained the fee schedule. Pilcher had concerns about the higher resident versus nonresident percentage rate increases and said he would like to see the percentage increases at least equal or even higher for non residents. Community Services Director Thomas said that the requested changes will be available for another review at the next meeting.

MOTION 215-433: Bruinooge moved and Murphy seconded to continue the hearing on amendment of Recreation Department fees to February 9, 2016. The motion passed 5-0.

Appointments and Reappointments

MOTION 215-434: Murphy moved and Bruinooge seconded to appoint DPW Director Mark Vincent and Police Chief Ronald Fisette to serve with the Building Needs and Assessment Committee as the Designer Selection Committee for the selection of a designer for the renovation of the police station. The motion passed 5-0.

Use of Town Property

Request file from Challenger Sports to hold Children's Soccer Camp at Baker Field in August
Representative of Challenger sports requested the use of Baker Field for Children's Soccer Camp from August 22 to August 26, 2016. Recreation Director Rosenberg supported the request.

MOTION 215-435: Bruinooge moved and Murphy seconded to approve the application on file from Challenger Sports to hold Children’s Soccer Camp at Baker Field, August 22-26, 2016 with use fee of \$500, provide proof of liability insurance and obtain a camp permit. The motion passed 5-0.

Request from Mike Dionne/Ragnar Events to hold a Running Relay on May 14, 2016, 4am–5pm
The Selectmen discussed possible fee schedule for the event, its nature and logistics. Fisette said that the event holder usually pays for police detail.

MOTION 215-436: Bruinooge moved to approve the application from Mike Dionne/Ragnar Events to hold a Running Relay on May 14, 2016, 4am–5pm with use fee of \$500, event organizer to furnish proof of liability insurance, responsible for trash removal, portable toilets and cost of police details. Wilson seconded the motion. Further discussion ensued for the \$500 fee and the Selectmen agreed that more information will be helpful on the for profit or nonprofit status of the requesters, if a use fee revision is requested. The motion passed 5-0.

Business

Possible repeal of policy 2007-01 Commercial Slip Transfers

Terkanian explained that this is now part of the Marina Regulations Sec. IV. G.

MOTION 215-437: Murphy moved and Wilson seconded to repeal policy 2007-01 Commercial Slip Transfers (now in Marina Regulations Sec. IV. G.). The motion passed 5-0.

Possible repeal of policy 2008-02 Marina Off Season Marina Storage and Parking.

Terkanian explained that this policy applied to the 2008 – 09 off season only. The subject is now regulated in Marina Regulations Sections VII. D (off season storage) and X (parking)).

MOTION 215-438: Murphy moved and Wilson seconded to repeal policy 2008-02 Marina Off Season Marina Storage and Parking. The motion passed 5-0.

MOTION 215-439: Wilson moved and Bruinooge seconded to Amend Senior Citizen Tax Work-Off Policy by replacing “Council on Aging Director” with “Community Services Director”. The motion passed 5-0.

Meeting with town counsel Kopelman and Paige to discuss continuity of representation

Betsy Lane of Kopelman and Paige (K&P) shared her intention with the Selectmen to retire and assured the Board that Darren Klein and Carolyn Murray as counsel providing services to the Town. She also introduced Deborah Ecker and her qualifications and credentials. Lane talked about the history and track record between K&P and the Town of Wellfleet and the many benefits provided by K&P as part of their representation. Lane referred to a binder specifically prepared for this purpose. Carolyn Murray and Deborah Ecker personally introduced themselves to the Selectmen by giving a brief history of their background. The Selectmen thanked Lane for her dedicated service and the discussion concluded without any action taken by the Board.

Initial Review of Draft 2016 ATM Warrant⁵

Terkanian lead the discussion for initial review of the draft 2016 ATM warrant. He went over the financial articles and wage adjustments. Pilcher asked a question about potential overrides. Terkanian explained scenarios of how to handle override articles. He said that article 8 for the 13th Police Officer is possible candidate for an override. Bruinooge suggested placing the total amount of Town’s liability in article 10. Wilson had a question on the OPEB and wanted to know if the amount appropriated could be increased in order to not put a big burden on the Town in the future. Bruinooge said that she would like to see more appropriated to OPEB, but this may not be possible due to current operating budget

deficits. Terkanian continued the warrant review by addressing each article individually. Special attention was given on proposed articles for snow and ice removal of private roads; Proposed betterment assessments for future expansions of the Wellfleet Municipal Water System, and Herring River Restoration Project authorization for Selectmen to serve on it; and proposed fee increase for the Innholders and Common Victualers licenses. Pilcher referred to the snow removal article and wanted to know the deadline for the articles. Terkanian explained that the Selectmen are not under the same restrictions and deadlines as other Boards and the deadline for petitioned articles is February 28. Carlson said that the Planning Board articles will be available for the meeting in February. Wilson shared several concerns: 1. About the Charter where the Water System is no longer part of DPW and this should be addressed. Terkanian explained how the process of the charter review works. 2. Requested Including financial definitions such as debt service, reserved receipts and possibly others as part of the introduction of warrant; 3. No Poison By-Law article possibly proposed by Board of Health, BWC or ConsCom. Terkanian said that it might not be legal for the Town to do this. Town Counsel Lane said that this may be conflicting with the State Bylaws, but there may be some options where locations for protection can be specified. The discussion concluded without any action.

Town Administrator's Report

Terkanian presented his report⁶ and added:

- One complaint for damaged mailbox has been received after the snow plowing over the weekend, but the main damages of the snow storm are to the phone lines of WES. Verizon has advised that the lines will be fixed by Wednesday evening.
- TA Search Committee first meeting is scheduled for January 28, 2016 at 2 pm.
- Request for Designer Services for Police Station is posted on the Town's web site and is expected to be available for award for the meeting on March 1, 2016.

Future Concerns

- Bruinooge shared concerns about single shifts police coverage as a result of the Police Chief's report dated January 19, 2016, and suggested adding \$18,000 in the Police budget to deal with this potentially dangerous situation.
- Wilson suggested regular approval of executive session minutes.
- Terkanian talked about a discussion he had with Seth Rolbein about the Historical Society placing photographs (see letter in correspondence folder) for historic signs and historic high water markings. These two can be future agenda items.

Correspondence⁷ and Vacancy⁸ Report

Minutes

MOTION 215-440: Murphy moved and Wilson seconded to approve the minutes⁹ of January 12, 2016 as amended by Wilson. The motion passed 5-0.

MOTION 215-441: Bruinooge mover and Wilson seconded to approve the minutes¹⁰ of January 19, 2016 with amendments by Pilcher and Wilson.

Executive session & Adjournment

Pilcher read the purpose of the executive session: "To discuss strategy with respect to collective bargaining with Wellfleet Employees Association Units A & B" and said that discussing this in open session may have detrimental effect.

MOTION 215-442: Pilcher moved and Wilson seconded to adjourn the public meeting at 8:38 pm and enter in executive session for the above stated purpose and not reconvene in open session. The

motion passed by a roll call vote where Murphy, Bruinooge, Pilcher, Wilson and Houk each said “Aye”.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ Shellfish Grant Holders applications on file for grant transfers and license renewals

² Shellfish grant holders applications for renewal

³ Proposed changes to the Town of Wellfleet Shellfishing Policy and Regulations 7.18.5

⁴ Shellfishing Rules and Regulations Form of Agreement for Overwintering of Equipment on Grants

⁵ First Draft of 2016 ATM Warrant

⁶ TA Report of January 21, 2016

⁷ Correspondence Report of January 25, 2016

⁸ Vacancy Report of January 22, 2016

⁹ Draft minutes of January 12, 2016

¹⁰ Draft minutes of January 19, 2016