



**Wellfleet Board of Selectmen
Minutes of February 23, 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 reminded everyone that there are more tickets available for the March 7, 2016 Alzheimer's Association fundraising event at PB Boulangrie.
- Wilson announced a public meeting on March 2 4 pm dealing with proposed amendment to the restrict use of pesticides.

Licenses/Appointments/Reappointments/Use of Town Property

MOTION 215-448: Murphy moved and Wilson seconded to approve Common Victualler License for Blue Willow Fine Foods, Bocce Italian Grill, Bob Sub & Cone, Box Lunch, Flying Fish Café, Harbor Stage Company, Sunbird, and Wellfleet Town Pizza. Wilson asked if Sunbird is a food truck. Planning Board member Janet Reinhart explained that since it is a pre-existing it would not be affected by the coming regulations. The motion passed 5-0.

MOTION 215-449: Bruinooge moved and Murphy seconded to approve Weekday Entertainment License for Bocce Italian Grill and Flying Fish Café. The motion passed 5-0.

MOTION 215-450: Murphy moved and Bruinooge seconded to approve the Automatic Amusement License for Bob Sub & Cone. The motion passed 5-0.

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

Amendment of fees of the Recreation Department (*continued from February 9, 2016*)

Community Services Director Suzanne Grout Thomas explained the background and justified the proposed fees for the Summer Recreation Program and said that the winter recreation activities would not be affected. She explained how the proposed fee changes will be implemented and how the application will be reformatted.

MOTION 215-451: Wilson moved and Bruinooge seconded to approve the proposed schedule of changes for the Recreation Department. The motion passed 5-0.

Appointment of a Full Time Police Officer

Police Chief requested the appointment of Officer Mark A. Broun as a Full Time Police Officer.

MOTION 215-452: Murphy moved and Wilson seconded to appoint Mark A. Braun from Special Police Officer to Full Time Police Officer from April 4, 2016 through April 3, 2017 with the condition as outlined in Police Chief's memo. The motion passed 5-0.

MOTION 215-453: Bruinooge moved and Wilson seconded to approve the request of Benjamin Libby to use the East portion of Mayo Beach for a wedding on October 1, 2016, 2 pm to 5:30 pm. Application fee paid; event fee due: \$100; the location should be specified with Suzanne. The motion passed 5-0.

Wellfleet Sprint Triathlon request for date change from June 11 to June 4, 2016

John Braden and Kathleen Walker explained the request for change of date based on a large competing event on the original date.

MOTION 215-454: Murphy moved and Bruinooge seconded to approve the request of WOMR/John Braden and Kathleen Walker to change the date for the Wellfleet Sprint Triathlon from June 11 to June 4, 2016; all other terms remain unchanged as approved with the original application on January 12, 2016. The motion passed 5-0.

Business

Cape Cod Mosquito Control Project – Review of Project operations and FY2017 Budget Request. Gabrielle Sakolsky, Assistant Superintendent of CCMCP gave background information about the CCMCP and answered questions about the FY17 budget request. Wilson wanted to know if the Green Head Flies are still under the activities of the organization. Sakolsky said that the Green Heads are a covered, but they have a separate budget. Wilson wanted to know what physical activity takes place to control the mosquitoes. Sakolsky explained the technical aspect and the logistics of the mosquito control activities. Wilson had questions on mosquito –born diseases. Sakolsky talked about West Nile Virus and referred to the Mass DPH for additional information. Murphy wanted to know what kind of impact the HRRC would have on the CCMCP activities. Sakolsky spoke favorably. Murphy thanked Sakolsky for the activities and efforts.

MOTION 215-455: Wilson moved and Bruinooge seconded to authorize the TA to sign and return the form approving the proposed CCMCP budget to the CCMCP. The motion passed 5-0.

Review and possible adoption of “White Ribbon” Proclamation.

Police Chief Fisette read the White Ribbon Day Proclamation¹ and respectfully requested that the Selectmen to adopt it.

MOTION 215-456: Bruinooge moved and Wilson seconded to adopt White Ribbon Day during the week of March 3, 2016. The motion passed 5-0.

Review of February 10th Lower Cape Detectives Meeting

Wilson explained that the Lower Cape Detective Meeting is a joint group between Wellfleet, Truro and Provincetown. The members of the group meet to discuss current issues including opioid addiction and abuse. Wilson announced that the next meeting will be on April 13, 2016 at 5PM at the Wellfleet Fire Station and the meeting is open to the public.

Proposed correspondence to Representative Sarah Peake

The Proposed correspondence to Representative Sarah Peake for support of H. Bill 3947, Section 17A & Section 17G was deferred per Wilson’s request.

Review of Herring River Restoration Project plans for High Toss Road

Don Palladino, Chair of the Herring River Restoration Committee (HRRC) explained that High Toss Road in question is State Creek to Griffin Island. He wanted to make sure the public understands the scope of work and the use of the road and gave a brief presentation on the subject by going over four concepts/options A. Removal; B. Timber Walk; C & D various raised embankments/ bridges. He said that the public has been presented about the concept during public meeting on February 11. He showed about a minute time lapse video demonstrating the tidal cycle at the Road. He asked the Selectmen for direction and answered questions. Pilcher went over the four options and explained how the Board made a decision for Option A+ in June 2015. Wilson wanted to know at what point Griffin Island became land accessible. Jodi Birchall said that High Toss Road is one of the very few places to ride a

horse on beautiful trails. She did not oppose the HRRC project, but did not support the idea of limiting access of the road and said that the current Option A+ is not in compliance with the ADA. She said that the HRRC should look into a viable, safe and cost friendly option to provide access to the Island. Gail Ferguson agreed with Birchall. Bill Karnduff wanted to know why series of culverts cannot be installed to achieve the benefits of full water flow and still leave land access to High Toss Rd. Palladino answered that the current elevation of three feet would require berms going beyond the current rights-of-way and would require significant materials resulting in raising the scope and cost of the project. He also said that series of culverts will be more expensive than several bridges. Police Chief answered a question raised by Pilcher about emergency access to the area during high tide by saying that the situation will be similar to Lt. Island. Wilson read a message² received that day from John Portnoy to the Board advocating removing all High Toss Road improvements. Dave Koontz agreed with the comments by Portnoy and supported the idea of not over-maintaining the area. Steve Curley said that the flow could be accommodated by equal mounts of openings under the road. Wilson said that there are other ways to access the beach over Bound Brook Island Rd, different trails and over Route 6. Birchall wanted to know if this decision should be made by Town vote. Barbara Austin wanted to know how long it would take to see the scenario presented on the time laps video. Palladino answered that full restoration could be 6 to 8 years in the future and the decision will be made by the combined executive body of Wellfleet, Truro and CCNS. Stephen Spear, member of the HRRC said that High Toss Rd comes fairly early in the process and the impact will be seen very soon after the dike is opened. Gary Joseph said that this question has been reviewed for many years and the ultimate goal is restoration of the salt marsh while trying to accommodate the public and said any kind of roadway will obstruct the water flow. Terkianian explained that discontinuing a way will require Town Meeting approval, but a decision for abandonment of a way means that the Selectmen decide to not maintain a way, which requires a specific process, but it is under the purview of the Board of Selectmen. The Board was not ready make a decision and deferred action to a future meeting.

Vote to add election to fill unexpired term on Board of Selectmen (1 year) to 2016 ATE

Bruinooge recused herself from this discussion and left the room. Wilson read the motion³.

MOTION 215-457: Wilson moved and Murphy seconded that the 2016 Annual Town Election Warrant include the following office and term: One Selectman for one year.. The motion passed 4-0.

Bruinooge returned after the vote.

Local Housing Partnership request for warrant article proposing initiative petition for deeds excise tax on certain real property transfers – deferred per LHP request.

Proposed correspondence to Representative Sarah Peake on rooms tax initiative petition

MOTION 215-458: Wilson moved and Murphy seconded to approve the proposed correspondence⁴ on local rooms tax initiative to be sent to Rep. Peake. The motion passed 5-0.

Discussion of extension of the water system to Briar Lane and Outer Cape Health Services

Barbara Prazak, Medical Director of Outer Cape Health Services and Gary Walker, Owners Project Manager presented the needs of OCHS for a public water supply as introduced in their memo⁵ to the Board. Wilson wanted to know the reason for nitrates in the existing well and said that she and Water Commissioner Neil Gadwa did some research and found that the two wells are directly downstream gradient from septic systems on abutting properties to the East. According to their research there is a possibility of having adequate radius to comply with MassDEP. She suggested considering this option. Walker explained the intentions of OCHS to build a new building and the resulting complications. He assured that they have looked at many different possibilities with environmental engineers and architects before coming to the Board asking for a municipal water connection. Bruinooge wanted to

know why the main cannot be brought from the Fire Station. Pilcher said that based on the cost of the project all options need to be explored before the Selectmen are asked to vote on it. Stephen Polowczyk, Chairman of the Finance Committee said that this needs to be revisited. Barbara Prazak said that last year 17,000 unique patients have been served and talked about the benefits of OCHS. She asked for the Town's support in continuing to operate and improve services. Houk said that this issue is important, but the Board needs to explore all options. Murphy wanted to know if the Water Commissioners would like to survey the abutters on Briar Lane for level of interest. Justina Carlson, BWC Chair talked about the fact that the water system is a major public infrastructure. She said that the proposed financial model of betterments needs to be fair in order to be affordable. Terkanian explained how betterments would work. According to Wilson it may encourage people to connect even if they do not need municipal water. Polowczyk asked if the OCHS will be willing to subsidize the project. Carlson said that the proposed financial model represents modest increase in taxes. Terkanian summarized that there are three possible routes to bring the main to OCHS: 1. Coles Neck Rd – which has a 4-inch PVC pipe and lack of capacity; 2. School Street to Route 6 – no flow issues but very limited number of connections; 3. Briar Lane – would provide the best return on investment of the construction cost. Pilcher said that the most effective way to pay for the water system to go to OCHS should be identified. Wilson stressed the importance of finding if there is a good water source on site. Pilcher summarized the discussion. All four possibilities will be explored at the next meeting.

Discussion and possible approval of Food Truck Regulations

Assistant Town Administrator Brian Carlson said that the regulations are advertised for Public Hearing on March 15, 2016 and went over the updates since last time the Selectmen have seen the document. Wilson said that the submission deadline should be repeated in Paragraph 7 and wanted to make sure that the CORI requirement is cleared by Town Counsel. Murphy wanted to make sure the number of allowed food trucks is capped. The final review and possible approval will be after the Public Hearing.

Discussion and possible approval of the Personnel Manual

Terkanian went over the latest changes in the Personnel Manual⁶ as requested by the Selectmen and alerted them on the proposed Buy Back Sick Leave change.

MOTION 215-459: Wilson moved and Bruinooge seconded to approve the Personnel Manual with the elimination of the Buy Back Sick Leave provision. The motion passed 5-0.

Reduce the Alternative Energy Committee from the current 7 members to 5 at-large members

Carlson explained why the reduction in membership of the number of Energy Committee members is needed.

MOTION 215-460: Bruinooge moved and Murphy seconded to approve the request to reduce the Alternative Energy Committee aka Energy Committee membership from the current 7 members to 5 at-large members. The motion passed 5-0.

Continued discussion of FY 2017 operating, capital and enterprise budgets

Terkanian presented his revision of the FY17 Operating Budget and proposed alternatives on how to close the deficit gap. He went over his memo⁷ on the subject and presented the proposed solution to close the gap resulting to \$6,013 in surplus. He asked the Selectmen for guidance on how to proceed. Bruinooge found the proposed changes acceptable in order to balance the budget. Pilcher disagreed and said that the expenses are going up more that 2.5% and if the Town likes to continue to provide the same level of service the Town should face the reality. He talked about the importance of economic development. Houk agreed with Bruinooge and suggested staggering the restaurants closings. Wilson also agreed with Bruinooge and said that the presented cuts are appropriate. Bruinooge asked why two new cruisers are requested for next fiscal year and wanted to know if this could be reduced. Police

Chief Fiset explained that every few years two cruisers are due for replacement. Murphy said that Terkanian has done an amazing job placing a band aid on the budget and recognized the fact that this is a may not be the case in the future and it is a short term solution to an ongoing problem.

MOTION 215-461: Bruinooge moved to accept the presented reductions and approve the FY 2017 Operating Budget with the reductions. Wilson seconded and the motion passed 4-1 [Pilcher].

Review of draft 2016 annual town meeting and annual town election warrant⁸

Terkanian went over the Ballot Questions individually. He said that no action is required at this time, but for March 8 the warrant will be in more final form and ballot questions and warrant articles should be placed and possibly recommended. He went over the proposed articles individually and answered Selectmen's question. No action was taken by the Board.

Discussion and first read of proposed Organic Land Management Policy

Wilson said that she is working with Terkanian on the proposed Pesticide Restriction General Bylaw. No action was taken by the Selectmen.

Town Administrator's Report⁹

Future Concerns

- Houk said that he had received several complaints about the property on the corner of Holbrook and Commercial Street. He suggested asking the Health Agent to write a letter to the Bank requesting to clean up and vacate the property.
- Terkanian talked about possible short meeting on March 1 to deal with the Police Station Designer Selection contract.
- Pilcher said that he will not be able to attend the March 15 meeting.

Correspondence¹⁰ and Vacancy¹¹ Report and Minutes

MOTION 215-462: Murphy moved and Wilson seconded to approve the minutes¹² of February 9, 2016 as amended by Wilson. The motion passed 5-0.

Executive session & Adjournment

Pilcher read the purpose of the executive session: To conduct strategy sessions in preparation for negotiations with nonunion personnel (Fire Chief).

MOTION 215-463: Pilcher moved and Murphy seconded to adjourn the public meeting at 10:15 pm. The motion passed 5-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

¹ White Ribbon Day Proclamation

² Email from John Portnoy re High Toss Rd

³ Vote to add a 1-year Board of Selectmen term to the 2016 ATE

⁴ Proposed correspondence to Representative Sarah Peake on rooms tax initiative petition

⁵ OCHS memo to the BOS for municipal water source

⁶ Proposed final draft of the Personnel Manual

⁷ TA memo on proposed changes to the FY17 Operating, Capital and Enterprise Funds budgets

⁸ Draft 2016 2/18/16 ATM Warrant dated

⁹ TA Report dated February 19, 2016

¹⁰ Correspondence Report of February 19, 2016

¹¹ Vacancy Report of February 23, 2016

¹² Draft minutes of February 9, 2016