



**Wellfleet Board of Selectmen
Minutes of May 24, 2016
Wellfleet Senior Center**

Present: Selectmen Dennis Murphy, Helen Miranda Wilson; Berta Bruinooge, Janet Reinhart, Jerry Houk; Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

Chairman Dennis Murphy called the meeting to order at 7:00 pm.

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

- Wilson announced that this year there will be no sale to benefit environmental scholarships at the Transfer Station on Memorial Day.
- Terkanian announced that on May 31, 2016 at 7 PM at the Senior Center the Police Station Building Committee will host a schematic design presentation and discussion of the alternatives to the Board of Selectmen and FinCom.
- Houk announced an open house at the Wellfleet Historical Museum on Sunday, May 29, 2016 at from 4-6.
- Police Chief Ron Fisetto announced that WesFest is on Saturday, May 28 at Baker Field.
- Lilli Green announced a Green Energy Fair on June 18, 11 am-3 pm at the COA to promote sustainable and energy conservation technologies.
- Nancy Rae thanked and recognized the service of Maggie Gardner, AmeriCorps volunteer for her contribution to the Open Space Committee and the Conservation Commission.

Chairman Murphy opened the Public Hearings at 7:05 p.m.

Shellfish Grant License Renewals and Transfers

Terkanian informed that the public hearing advertisement for two of the grand renewals for David Paine and Kristi Johns for grants #851A & 851B are incorrect and need to be re-advertised before consideration for renewal. Shellfish Constable Andy Koch recommended all other shellfish grant renewals and transfers applications on file.

MOTION 216-582: Houk moved and Wilson seconded to approve shellfish grant license applications from: David Ernst and Ethan Estey to renew shellfish grant license # 891 for 10-year period; 2) David Paine and Kristi Johns to renew shellfish grant licenses #863 and 851 for 10-year period; 3) Charles Reaves and Clinton Austin to transfer shellfish grant licenses #861 & 861A to Charles Reaves; 4) Robert and Mary Mallory to transfer shellfish grant license #99-1 to Robert and Mary Mallory and Angela Osowski and to renew it for 10-year period; 5) Kelly Ruml and Ian Ruml to transfer shellfish grant license #95-13, 95-14 & 2000-4 to Ian Ruml and Jeremy Storer. The motion passed 5-0.

New Shellfish Grant

Shellfish Constable Andy Koch recommended the application of Andrew Jacob for a half acre shellfish grant off Old Wharf Point.

MOTION 216-583: Houk moved and Reinhart seconded to approve the application from Andrew Jacob for a half acre grant off Old Wharf Point. The motion passed 5-0.

Licenses

Stephen Rome of Provincetown Pilgrim Properties, LLC d/b/ Kung Fu Dumpling presented a signed lease for the 2207 State Highway commercial kitchen facility use.

MOTION 216-584: Reinhart moved and Bruinooge seconded to approve the Common Vicualler's License and Food Truck for Kung Fu Dumpling at 2207 State Highway commercial kitchen use. The motion passed 5-0.

Appointments/Reappointments

MOTION 216-585: Wilson moved and Bruinooge seconded to appoint Tom Slack to the Natural Resources Advisory Board with term ending June 30, 2019. John Riehl and Nancy Rae expressed their support for the application. The motion passed 5-0.

Request to use Town Landing on July 25

Johnathan Fielding, representative of Harbor Stage Company answered Selectmen's questions about the Harbor Stage Company request to use Town Landing on July 25, 2016 for a fundraising event.

MOTION 216-586: Wilson moved and Bruinooge seconded to approve the request of Brenda Withers of Harbor Stage Company to use Town Landing on July 25 for fundraising event; Conditions of use: the event organizer is responsible for all trash cleanup from the event(s); no event fee (local nonprofit); no tents on raised leaching field; and no alcohol serving without obtaining a separate one day liquor license. The motion passed 5-0.

Request for Fleet Moves Dance Festival from June 20 through June 25

Becky Burrol presented the request for Fleet Moves Dance Festival in June and answered Selectmen's questions. Suzanne Thomas recommended the event based on past years' experience without any issues.

MOTION 216-587: Bruinooge moved and Wilson seconded to approve the request of Zena Bibler & Katie Schetlick to use White Crest Beach and parking lot, Uncle Tim's Bridge and Mayo Beach for Fleet Moves Dance Festival from June 20 through June 25 with no event fee and no conditions. The motion passed 5-0.

Request for Cape Cod Bay Challenge on August 27

Jody Craven presented the request for Cape Cod Bay Challenge on August 27.

MOTION 216-588: Reinhart moved and Bruinooge seconded to approve the request of Jody Craven and Christa von der Luft to use Mayo Beach and Baker Field for Cape Cod Bay Challenge on August 27. Conditions of use: Nonprofit - no event fee; proof of liability insurance naming the Town of Wellfleet as insured including liquor liability coverage; the event organizer is responsible for all trash cleanup from the event(s); set-up and break-down must not conflict with scheduled Recreation Department Events; and organizers to sign facility use agreement. The motion passed 5-0.

Request for surf lessons at White Crest Beach and various beach clean-ups

Grant Reed presented his request to use White Crest Beach for surf lessons and various beaches for group clean-ups.

MOTION 216-589: Wilson moved and Bruinooge seconded to approve the request of Grant Reed to use White Crest Beach for surf lessons and beach clean-ups, May 15-December 31, with the following conditions: proof of liability insurance naming the Town of Wellfleet as insured; annual fee of \$350; event organizer responsible for all trash cleanup from the event(s); customers must comply with all beach parking rules; event organizer to sign facility use agreement; and event organizer to provide portable toilets for events with more than 50 attendees. The motion passed 5-0.

Request for surf and paddle board lessons at various locations

Eric Gustafson presented his request and answered Selectmen's questions.

MOTION 216-590: Wilson moved and Bruinooge seconded to approve the request of Eric Gustafson to use Chipman Cove, Paine Hollow, Duck Harbor, Gull Pond & Long Pond for surf and paddle board lessons, application fee and \$350 event fee paid with conditions as requested by the Rec Director to not interfere with the swimming areas, proof of liability insurance naming the Town of Wellfleet as insured; annual fee of \$350; event sponsor responsible for all trash cleanup from the event(s); use of Long Pond is in AM only; use of Gull pond to occur outside the area marked for swimming during lessons; surfing customers to comply with all beach parking rules; and applicant to sign facility use agreement. Gustafson asked about the jurisdiction of the NPS over Town ponds. Discussion ensued. The motion passed 5-0.

Request to use Indian Neck for wedding ceremony on September 24

Dan Smith presented the request of his daughter and her fiancée to use Indian Neck for their wedding ceremony on September 24, 2016.

MOTION 216-591: Bruinooge moved and Reinhart seconded to approve the request of Dylan Irwin and Lauren Smith to use Indian Neck on September 24 for wedding ceremony, noon-4 pm with \$100 use fee and remove all trash. The motion passed 5-0.

Herring River Restoration Project – Review of preferred alternative for High Toss Road.

Terkanian recapped the abstract of the Board of Selectmen minutes on High Toss Road discussions of June 9, 2015 and February 23, 2016 as presented in his memo¹. Don Palladino explained the position of the Friends of Herring River and asked for guidance and direction. Murphy summarized the previous meetings.

MOTION 216-592: Reinhart moved to recommend going with Option A as presented by the HRRC. Wilson seconded. Discussion ensued where Bruinooge, Murphy and Wilson supported Option A. Terkanian suggested that the Board go through the process of abandoning the way in the future to eliminate the Town's obligation to maintain it. Brent Harrold talked about the differences between the natural marsh state and the way things were before the dike. The motion passed 5-0.

Route 6 bike path proposal – Discussion and possible vote of support.

Police Chief Fisetta and John Cumbler of Bike & Walkways Committee presented the proposal² of MassDOT about the Route 6 bike path. They explained that this project will not cost anything to the Town. Wilson wanted to know if there will be any redundancy with the Main Street - Route 6 intersection. Fisetta said that the proposed project will only go to the intersection with Route 6 and School Street. Terkanian briefed the Selectmen on his meeting between MassDOT and the Cape Cod Commission and referred to an email communication received today about urging the Selectmen to delay decision on this matter. Wilson wanted to have more information from the Bike and Walkways Committee and their minutes.

MOTION 216-593: Reinhart moved to support the Route 6 Wellfleet and Truro MassDOT Bike Route suggestions. Murphy seconded and the motion passed 5-0.

Review of proposed revisions to Traffic Rules and Orders

Terkanian briefed the Selectmen on the proposal to consolidate the parking restrictions all in one place instead of being in the Marina and Mooring Regulations, Beach Regulations and Library Regulations. He went over the proposal as presented in his memo³. Bruinooge supported no overnight parking. Chief Fisetta spoke about previous instances with situations of this nature. Wilson and Houk spoke in favor of fishing at night. Thomas and Fisetta said that the number of fishermen has reduced over the years. No action was taken

by the Board, but they directed Terkanian to provide a comprehensive document combining all of the traffic and parking rules in one document and present it for further review and approval.

Possible Recreation Department Events Signage at Town Hall

Community Services Director Suzanne Grout Thomas presented the Recreation Department request for sign behind Town Hall to promote recreation events and referred to the proposed sign design⁴ as shown in the meeting materials. Thomas assured the Board that if the request is approved she will obtain a sign permit.

MOTION 216-594: Reinhart moved to approve the request for placing a promotional sign behind Town Hall for the Recreation Department as presented in the meeting materials. Bruinooge seconded and the motion passed 5-0.

Houk expressed displeasure with Chuck Cole's political signage on Saturday mornings. Reinhart advised that this is under the purview of the Planning Board and the Building Inspector. Moe Barocas said that the signage is not a problem, because Chuck Cole goes there for an hour and then removes the signs. Terkanian said that this is a gray area and if any action is taken it may be seen as limiting freedom of speech, thus violate constitutional rights. No action was taken by the Board.

Classification of employees as special municipal employees

Terkanian went over his memo⁵ on special municipal employees and the State limitations and obligations under the Conflict of Interest Law. Wilson said that there are provisions for conflict of interest disclosures process available online on www.mass.gov.

MOTION 216-595: Wilson moved to classify the positions as presented in Appendix C (made part of these minutes) of the TA memo as Special Municipal Employees. Reinhart seconded and the motion passed 5-0.

Review of and response to Open Meeting Law complaint by Olga Kahn

Terkanian referred to the copy of the complaint⁶ dated May 11 and the amended complaint as received on May 12; a copy of the Attorney General's opinion⁷ dated April 19, 2016 for a similar complaint against the West Boylston Board of Selectmen. A copy of the May 10 agenda and the comments of Counsel that there is no violation of the open meeting law and the proposed draft letter as response to Miss Khan's complaint. Wilson agreed that there is no violation and said that if there was no time constraint the things could have been done differently and supported the proposed letter of response. Olga Khan presented her position on the draft letter. Murphy spoke about his position on this matter.

MOTION 216-596: Wilson moved that the Board determine that there has been no violation to the Open Meeting Law and to approve the letter to be signed by the Board Chairman and sent to Olga Khan in response to her complaints received on May 11 and revised on May 12, 2016. Reinhart seconded and the motion passed 5-0.

Meeting protocol and Board members training

Wilson said that based on the last meeting's duration there is a need to revisit the meeting protocol. She talked about delegating some items like weddings and other routine approvals. Bruinooge expressed her concerns about last meeting and suggested paying better attention to the agenda length. Terkanian revisited how things were done in the 70's and how Town government evolved since then. He suggested delegating routine tasks that can be delegated. Reinhart shared her impression with the Food Trucks licensing requests. Murphy suggested taking the time to think about this and come up with a list of proposed items for delegation. Wilson also talked about the need for the Board and Committee training.

Town Administrator's Report⁸

Terkanian presented his report and added: 1. Wellfleet Historical Society had presented him with a walkway proposal to connect Town Hall and said that he found it permissible. The Board did not oppose the proposal; 2. Cape Light Compact had approached Brian Carlson with proposal to replace air conditioning equipment at Town Buildings at no cost with new technology in attempt to use off-peak electricity. He clarified that their intention is to have this done before July 1. This will be on the Agenda of May 31.

Future Concerns

- Houk asked for an update on: 1. the foreclosed Holbrook Ave property situation; 2. Todd Lebart parking lot maintenance; 3. Use of multiple locations versus one location for use of Town Property.
- Reinhart proposed a discussion of Town Property Fees in the future.
- Wilson requested a copy of the Cape Cod Commission Study on Bike and Walkways; and updates on the status of the Marina Mapping Study; Salt water ice machine at the pier; the hiring of the new Town Administrator; Building Inspector part time status;

Correspondence and Vacancy Report

Wilson talked about revisiting the Snow Plowing Policy in order to communicate it to all interested parties.

Minutes [May 6 and May 10]

MOTION 216-597: Wilson moved to approve the minutes of May 6, 2016. Brunooge seconded and the motion passed 5-0.

MOTION 216-598: Wilson moved to approve the minutes of May 10, 2016 as amended by Wilson. Reinhart seconded and the motion passed 4-0-1 (Bruinooge abstained).

Executive session and Adjournment

In open meeting Murphy read the purpose of the executive session: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct contract negotiations with nonunion personnel (Department of Public Works Director and Town Administrator Designee) and stated that discussing these matters in a public session may have a detrimental effect on the Board's bargaining power. He also said that the Board will not reconvene in open session for possible vote to approve the contract of employment for the Director of Public Works.

MOTION 216-599: Murphy moved to enter in executive session at 9:41 pm for the above stated reasons and adjourn the public meeting. The motion passed by a roll call vote where each Murphy, Wilson, Houk, Reinhart and Bruinooge said "Aye".

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Record Documents:

¹ TA Memo on Board Meetings discussing High Toss Rd

² MassDOT proposal for Bike Path on Route 6 in Truro and Wellfleet

³ TA Memo on Traffic Rules and Regulations dated May 16, 2016

⁴ Recreation Department sign request and proposed Design

⁵ TA memo on Special Municipal Employees and suggestions for revision

⁶ Open Meeting Law Complaint by Olga Khan dated May 11 and May 12, 2016

⁷ AG opinion dated April 19, 2016 for open meeting law violation complaint against West Boylston Board of Selectmen

⁸ TA Report of May 20, 2016