



**Wellfleet Board of Selectmen
Minutes of June 28, 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 on Thursday, June 30 at 5:30 at the COA the Cape Cod Commission will hold a hearing on the Herring River Restoration Plan final Environmental Impact Statement (EIS).
- Wilson announced that information about tick testing through UMass Amherst Laboratory for Medical Zoology has been posted on the Town web site.
- Wilson thanked Eileen Goldman for her service on the Human Rights Commission.
- Lydia Vivante announced the AIM Thrift Shop annual sales event on Saturday, July 30 from 8:30 am to 10:30 am in front of Town Hall and invited people to attend.
- Brad Williams announced the annual Historical Society house tours on Sunday, July 24 and distributed flyers. He also said that the Strawberry Festival is on Sunday, July 3 behind Preservation Hall at 2 pm.

Appointments

Library Addition Design Selection Committee Appointments

Library Director Jennifer Wertkin presented her interest to serve on the Library Addition Design Selection Committee. Terkanian explained why this committee appointment are needed to comply with the BOS Policy and MGL requirements for public building projects.

MOTION 216-627: Reinhart moved and Wilson seconded to appoint Jennifer Wertkin and Reatha Ciotti to the Library Addition Design Selection Committee per the BOS policy with a term to end upon selection of a designer for the project. The motion passed 5-0.

Murphy opened the Public Hearings at 7:05 pm.

Shellfish Grant License Renewals

The Shellfish Constable recommended to approve the request of David Paine and Kristi Johns to renew shellfish grant licenses #861B for a 10-year period. Houk asked about past license violations – had one of the applicants sold undersized oysters? Koch said that Paine had been caught selling directly to a restaurant without a wholesale dealers license, but that that terms of the State’s penalty had already been served.

MOTION 216-628: Reinhart moved to approve the request of Kristi Johns for renewal of shellfish grant license #8611B for 10-year period. Wilson seconded and the motion passed 5-0.

Amendments to the Traffic Rules and Orders (*Continued from June 14, 2016*)

Terkanian presented the proposed amended Traffic Rules and Orders¹ and went over the changes to the document individually.

MOTION 216-629: Bruinooge moved to accept the amendments to the Traffic Rules and Orders as printed. Wilson seconded and the motion passed 5-0.

Shellfish Department Reappointments - postponed

Andrew Koch to Shellfish Constable; John Mankevetch to Assistants Shellfish Constable and Christopher Manulla to Deputy Shellfish Constable with terms ending June 30, 2019. – The Board took no action on this matter, because the terms will expire on December 31, 2016.

Energy Committee Appointment

Robert Sapiro expressed his interest to serve on the Energy Committee. Wilson and Lilli Green spoke highly of Sapiro and supported his appointment.

MOTION 216-630: Reinhart moved and Wilson seconded to appoint Robert Shapiro to the Energy Committee with a term ending June 30, 2019.

Appointment of Human Rights Commission Representative

Judith Blau recommended the appointment of Maura Staker as a Human Rights Representative.

MOTION 216-631: Wilson moved and Reinhart seconded to appoint Maura Staker as Human Rights Commission Representative with a term ending June 30, 2018. The motion passed 5-0.

Natural Resources Advisory Board Appointment

Murphy spoke highly of Sylvia Smith and supported her appointment to the Natural Resources Advisory Board. He also said that the Chair if NRAB John Riehl had sent a letter

MOTION 216-632: Bruinooge moved and Wilson seconded to appoint Sylvia Smith to the Natural Resources Advisory Board with a term ending June 30, 2019. The motion passed 5-0.

Use of Town Property

Air Brush Tattoos with fundraising purpose at Mayo Beach, Town Hall or Baker Field

Cynthia Long presented her request to have her son Sam Long to do air brush tattoos with fundraising purposes at Mayo Beach, Baker Field or Town Hall lawn. Bruinooge and Wilson supported the activity. Terkanian recommended Baker Field as the best location.

MOTION 216-633: Reinhart moved and Bruinooge seconded to approve the request of Cynthia Long for use of Baker Field daily during the summer to offer air brush tattoos with no fee. The motion passed 5-0.

SPAT OysterFest Request for October 15 & 16

Michelle Insley, SPAT Executive Director presented the request for 2016 OysterFest. Murphy recapped that a lot of the items have been discussed and approved and only asked for updates on the parking status on West Main Street and the bus transportation. Insley said that SPAT is proposing to take over the transportation by engaging a nonprofit group run the transportation through Nauset Regional High School. Wilson raised concerns about shuttle buses and liability insurance.

MOTION 216-634: Bruinooge moved to approve 2016 OysterFest request for October 15 and 16 per June 23, 2016 SPAT proposal, event fee \$3,000, event will be charged for police and fire details and DPW costs and any required permits. A Memorandum of Agreement will be prepared and signed. Reinhart seconded and the motion passed 5-0.

Bay-side SUP tours at White Crest Beach

Zach Pawa of Sacred Surf School presented his request to use White Crest from June 15 through August 31, 2016 for Bay Side SUP tours.

MOTION 216-635: Wilson moved and Reinhart seconded to approve the request of Zach Pawa and Ben Fowler of Sacred Surf School to use White Crest from June 15 through August 31, 2016 for Bay Side surf lessons only with event fee of \$350 and conditions – beach to be cleaned and trash to be removed, proof of liability insurance, compliance with beach parking rules and signing a facility use agreement. The motion passed 5-0.

Surf Lessons at White Crest Beach

In the absence of the applicant Thomas and Reinhart recommended Katherine Weeks of Sugar Surf Cape Cod for the use White Crest Beach from June through September, 2016.

MOTION 216-636: Reinhart moved and Bruinooge seconded to approve the request of Katherine Weeks of Sugar Surf Cape Cod to use White Crest from June through September, 2016 with event fee of \$350 and conditions: beach to be cleaned and trash to be removed, proof of liability insurance, compliance with beach parking rules and signing a facility use agreement. The motion passed 5-0.

4th Annual Rowing Rendezvous at Mayo Beach on September 24, 2016

MOTION 216-637: Houk moved and Bruinooge seconded to approve the request of Walter Baron to use Mayo Beach on September 24, 2016 from 2pm to 5pm; event fee waived. The motion passed 5-0.

8th Annual AIM Thrift Shop Sale at Town Hall Driveway on July 30, 2016

Lydia Vivante presented the request of AIM Thrift Shop 8th Annual Sale at Town Hall Driveway on July 30, 2016 from 8:30 am until 10:30 am.

MOTION 216-638: Wilson moved to approve the request of AIM Thrift Shop to use Town Hall driveway on July 30 with no fee and trash pickup. The motion passed 5-0.

Briefing on Town Administrator's June 8, 2016 meeting with Seashore Superintendent Price (including "Landing Strip" property briefing by Chester Lay).

Terkanian went over his memo² on the subject of outstanding issues between the Town and the CCNS and the need to be addressed and dealt with. He talked about the need for clean-up, ground water testing not covered by the Mass DEP requirements and the need to access Town property for the testing. He went over the Power Point presentation on the subject and thanked Lilli Green for forwarding it. Chet Lay, licensed surveyor of Slade Associates had prepared a proposed land swap and the possible benefits of a land swap. Chet Lay went over a copy of the Assessor's Map lot 10 dated August 17, 1974 and Camp Wellfleet and recommended changing the Assessor's Atlas to more accurately reflect the deed. Terkanian said that this is an issue in progress and it will continue to be discussed. Steve Oliver resented a background information as a former Planning Board member. Jerry Parent, Chair of the Planning Board also gave a background information and the Planning Board's point of view and said that the first priority is to determine if the property has any road access before considering any land swaps. In the case of no access, the PB position is to negotiate in a friendly manner an access. Wilson had a question about the status of the Park's road and what uses are allowed of roads in national parks. Terkanian agreed with Parent and said that the CCNS is part of the discussion for any potential land exchanges. Dennis O'Connell agreed with Lay and Terkanian and answered Wilson's question about the status of the road and potential issues with crossing town-owned property. Houk said that water studies have been done 30-40 years ago and the possibility to provide water to South Wellfleet. Murphy suggested directing the Town Administrator to determine the status and to utilize the \$50K appropriated for this purpose some ten years ago. Wilson wanted to know if the Park was interested in swapping. Reinhart suggested outlining in the minutes the exact steps that need to be taken. Chet Lay offered to provide a written recommendation.

MOTION 216-639: Reinhart moved to direct Chet Lay to write a letter of recommendation to document the steps that need to be taken. Murphy seconded and the motion passed 5-0.

Houk raised concerns about Wellfleet By The Sea and the 40 acres property use. Terkanian answered the question. Jerry Parent presented his approach in terms of negotiations with the Park on how to handle the situation. Murphy said that this all has to be taken to Town Meeting. Reinhart proposed having a liaison with the CCNS. Wilson CCNS Advisory Commission making decisions of this scope and magnitude.

MOU regarding High Water Mark Project - *continued from May 10, 2016*

Shannon Jarbeau and Nicole presented the MOU for the High Water Mark project and the two proposed sites and the examples of the signs. She said that actual data was not possible, but anecdotal data was available and the signs reflect it. Wilson expressed concerns about the list of tasks the Town commits to if the project proceeds. Jarbo said that the AmeriCorps could overtake this project as part of the hazard mitigation plan. Wilson wanted to see if there was any written assurance about this. Terkanian gave a context of this matter and recommended going forward with the MOU. Bruinooge expressed concerns with the signs and its language as a scare tactic. The Board discussed the potential implications of these flood signs and impact on flood maps. Bruinooge, Houk, Wilson and Murphy did not support the signage. Wilson wanted to know if there were other ways to get the credit to reduce the flood insurance. Wilson asked for a letter of intent outlining what it will be done by the organization before considering a MOU. Reinhart proposed working with Carlson and then getting back to AmeriCorps. No action was taken.

Housing Authority request to reaffirm vote for FY17 Extended Rental Assistance Program

Gary Sorkin explained the need for the reaffirmation vote for the FY17 Extended Rental Assistance Program.

MOTION 216-640: Wilson moved to reaffirm the vote for FY17. Reinhart seconded and the motion passed 5-0.

Request that Town divest ownership of stocks and bonds in non-renewable energy

Judith Blau presented the petition to divest funds in non-renewable energy based on a recommendation by the Center for Coastal Studies. Terkanian expressed his position via a memo to the Board available with the meeting materials. Town Treasurer Rosemary Moriarty confirmed the responsibility of the Town on how to handle investments and said that this will be taken under advisement. Town Accountant Marilyn Crary said that equity bonds are not investable by the Town. The discussion concluded without any action taken by the Board.

Traffic Concerns on Route 6 near Big Chief Hill and Oliver's Red Clay Tennis Courts

Stephen and Derek Oliver expressed concerns with parking at the Route 6 location and asked for the Board's assistance. Terkanian said that the Police Chief met with them on June 23. Fire Chief Rich Paule said that him and Fissette met with the vendors and owner Curt Felix to recommend improvements to the traffic situation. Derek Oliver said that the seriousness of this issue is when something goes wrong, not the inconvenience. Murphy referred this back to the ZBA – the body that authorized the venue. Wilson said that parking on State highway is not legal and suggested alerting the State about the situation. She wanted to know if the seating has been approved by the Health Department. Steve Oliver said that he already has talked to MassDot and to the Police Chief and State Police and requested addressing this matter immediately. Bruinooge was not sure what the role of the Selectmen is in this situation. Reinhart suggested that the owner of the location should get a handle on the parking situation and the seating area. Murphy agreed that this should go in front of the ZBA and Building Inspector. Wilson wanted to know the number of seating and parking spaces approved by the Board of Health and ZBA. Derek Oliver said that there is disconnect between the property owner, the food truck vendors. Felix spoke about the ZBA approval based on the State regulations. He also said that originally the property was a 98-seat restaurant and the current establishments has reduced the seat capacity, not increased it. He said that there is a history of tension with the above neighbors. He talked about steps taken to be a good neighbor. He said he is exploring options for solving the parking situation by signage, rearranging the food trucks to make sure the environment is safe.

Reinhart said that the safety should be addressed promptly to not have parking on Route 6. Murphy and Terkanian said that this matter should be brought to the Building Inspector. Wilson agreed with Reinhart to have a police detail over the weekend to be onsite to keep the traffic safe. Felix said that steps have been taken to address the parking concerns. Reinhart continued to stress the importance of safety. Houk wanted to know why the State was not enforcing the situation. Murphy closed the discussion by saying that there are no designated parking spaces designated and approved on the road shoulder.

Appointment of Brian Carlson as Acting Town Administrator

Terkanian explained the need to appoint Brian Carlson as Acting Town Administrator.

MOTION 216-641: Wilson moved to appoint as the acting Town Administrator until such time a Time a permanent Town Administrator or 90 days whichever is sooner is ready to commence employment and be paid a weekly stipend of \$580 stipend in addition to his current salary. Reinhart seconded and the motion passed 5-0.

Modification of scope of dredging project engineering tasks.

Terkanian explained the modification of the scope of the dredging project based on the ArmiCorps of engineers decision that a bio acid requirement is not needed.

MOTION 216-642: Houk moved and Reinhart seconded to approve the morification of the scope of dredging service. The motion passed 5-0.

Approval of WasteZero Contract Renewal

MOTION 216-643: Bruinooge moved to approve the WasteZero contract renewal as presented and to authorize Terkanian to sign it. Reinhart seconded and the motion passed 5-0.

Extension of IT Services Contract with Barnstable County for fiscal 2017

MOTION 216-644: Wilson moved and Bruinooge seconded to approve the IT Services contract extension. The motion passed 5-0.

MOTION 216-645: Wilson moved and Murphy seconded to authorize Terkanian to sign the Barnstable County IT Services contract renewal. The motion passed 5-0.

Award of landfill monitoring contract

MOTION 216-646: Bruinooge moved and seconded to award the Environmental landfill monitoring contract to EPG. Wilson seconded and the motion passed 5-0.

Town Administrator's Report³ and additional:

- Bus Drop Off locations enforcement should be revisited on July 12.
- Seasonal employments
- Aqua culture reports for 2015 are all filed.
- Application for Green Communities Grant has been filed.
- Brant Vally trial scheduled for July

Extension of DPW Director Contract.

MOTION 216-647: Bruinooge moved and Reinhart seconded to approve the contract for the DPW Director. The motion passed 5-0.

Future Concerns

- Discussion about the Fourth of July Parade logistics.
- Cape Cod Commission presentation about the regional bike plan on July 12
- Police Station Building Committee progress report on July 26
- Public Hearing on Discontinuance of High Toss Road on July 26
- Wilson – question about special Town Meeting on November 15.
- Reinhart – policy of people fainting – the ambulance rescue needs to be called.
- Reinhart – assault rifle ban Town for new not pre-existing weapons.

Correspondence⁴ and Vacancy⁵ Report

- Wilson talked about a memo from Terkanian dated February 28, 2016 about the status on plowing private roads.

Minutes [June 14, 2016 & June 21, 2016]

MOTION 216-648: Wilson moved to approve the minutes⁶ of June 14, 2016 as amended. Reinhart seconded and the motion passed 5-0.

MOTION 216-649: Bruinooge moved to approve the minutes⁷ of June 21, 2016. Reinhart seconded and the motion passed 5-0.

Executive session and Adjournment

In open meeting Murphy read the purpose of the executive session: 1. Approval of minutes from prior executive sessions. 2. Determination of which executive session minutes to release and said that the Board will adjourn and not go back in open session.

MOTION 216-650: Murphy moved to enter in executive session at 10:03 pm for the above stated reasons and adjourn the public meeting. The motion passed by a roll call vote where each Murphy, Wilson, Reinhart and Bruinooge said “Aye”.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Record Documents:

¹ Amended Traffic Rules and Orders

² TA memo on meeting with CCNS dated June 19, 2016

³ TA Report of June 24, 2016

⁴ Correspondence report of June 27, 2016

⁵ Vacancy report of June 24, 2016

⁶ Draft minutes of June 14, 2016

⁷ Draft minutes of June 21, 2016