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Minutes
Chatham Board of Selectmen
December 4, 2012
Town Hall Annex Meeting Room
261 George Ryder Road

Attending: Florence Seldin, Chairman; Sean Summers, Vice Chairman; Tim Roper, Clerk; Len Sussman; David Whitcomb. Also attending: Jill Goldsmith, Town Manager; Ted Keon, Director of Coastal Resources; Deanna Ruffer, Director of Community Development; Justin Post, Building Commissioner/Zoning Enforcement Officer; Craig Rowe, Director of Information Technology; Gerry Panuczak, Director of Human Resources; Alix Heilala, Finance Director; Jeff Colby, Director of DPW;

Orleans Board of Selectmen present: Jon Fuller, Chairman; David Dunford, Vice Chairman; John Hodgson; Sims McGrath; John Kelly, Orleans Town Administrator.

Chatham Chairman Seldin called the meeting to order at 4:02 p.m.

Orleans Chairman Fuller called the Orleans Board of Selectmen to order at 4:02 p.m.

I. Minutes

November 27, 2012

Motion: by Tim Roper to approve.

Second: by Len Sussman.

Vote: 5-0

II. Public Forum

Jeff Colby, Director of DPW announced that the historic house move was completed on Monday, Dec. 3, 2012. He said there have been impacts to fences, signs, mailboxes along the route of the move. He asked any property owners that had damage from the move to please contact the DPW so that the house moving company could correct.

Mr. Roper asked how information about the move was disseminated over the weekend. Mr. Colby said the road message boards were active over the weekend, the Town's website was update with dates and predicted times on Friday, the information was posted on Ch. 18, the Chatham Police Department updated their Twitter feed and the Reverse 911 system was employed three times. Ms. Goldsmith said Chatham Police Dept. non-emergency number could be called for updates as well.

Mr. Whitcomb said the Martinson's appreciated all the work by staff on the move and were anxious to correct any impacts. He encouraged anyone with damage to call and report it.

III. New Business

A. Introduction of New Employees

Gerry Panuczak, Director of Human Resources said he was pleased to announce two staff additions. He first introduced Justin Post, the new Building Commissioner and Zoning Enforcement Officer and reviewed Mr. Post's relevant employment background. Mr. Post started work with the Town on December 3, 2012. Mr. Panuczak took a moment to thank Kevin McDonald for working on a contracted basis after retirement in the Commissioner's role.

Mr. Post said he was happy for the opportunity and looked forward to his work with the Town. Ms. Seldin welcomed him.

Mr. Panuczak introduced Craig Rowe, new Director of Information Technology. He reviewed Mr. Rowe's municipal employment experience and said he began work for the Town on December 3, 2012. Mr. Panuczak thanked Jim Cuddy for working double duty since the August retirement of Ray Medeiros.

Mr. Rowe said he looked forward to enhancing the technology needs of the Town and increasing transparency of Town government. He said he will work with staff and residents to better serve the Town.

Ms. Seldin welcomed him.

B. Joint Meeting with Orleans BOS in Chatham

Ms. Seldin welcomed the members of the Orleans Board of Selectmen and John Kelly, Orleans Town Administrator. She said the four items they would discuss would be taken up individually beginning with the Nauset Beach Agreement.

Ms. Goldsmith said Chatham's new Town Counsel had reviewed the existing Agreement and suggested a few additions. She said the North Beach Advisory Committee had reviewed the Agreement and suggested a change from a one-year to a three-year term.

John Kelly, Orleans Town Administrator, said the Orleans Board of Selectmen had used the existing Agreement as a starting point. He noted the changes to the beach since the breach in 2007. He said the Orleans Board was restricted by Charter to a one-year term to the Agreement this year, with the option of requesting a three-year Agreement at 2013 Town Meeting.

Mr. Roper said he saw no issues with moving forward.

David Dunford, Vice Chairman of the Orleans Board of Selectmen, questioned the nature of the changes to Section 5 of the Agreement. The Boards reviewed the changes and agreed that they appeared to be primarily wording changes that did not effect content.

Mr. Kelly said the Orleans Town Counsel had reviewed the changes suggested on indemnification and hold harmless inclusions and felt other changes were stylistic in nature. Mr. Kelly clarified Orleans' position that, after Chatham ceased active beach patrols on the Chatham portion of the beach, Orleans not be held responsible to respond to emergencies on the Chatham portion of the beach.

Ms. Seldin summarized that the Boards were considering authorizing a one-year Agreement pending approval of final language by Town Counsels and would look for a three-year agreement in the future.

Motion: by Len Sussman to authorize a one-year Nauset Beach Agreement with the Town of Orleans pending approval of final language by Town Counsels.

Second: by David Whitcomb.

Vote: 5-0

Motion: by Tim Roper to pursue a three-year Agreement with the Town of Orleans in this matter subject with the hope that they would advise their Town Meeting to do the same.

Second: by Len Sussman.

Vote: 5-0

Motion: by Jon Fuller to authorize a one-year Nauset Beach Agreement with the Town of Chatham pending approval of final language by Town Counsels.

Second: by David Dunford.

Vote: 4-0-0

Motion: by David Dunford to bring the three-year Agreement to our May Town meeting in 2013.

Second: by Sims McGrath.

Vote: 4-0-0

Ms. Seldin said the next item was the Endangered Species Act. She said Chatham's North Beach Advisory Committee had raised the issue and Orleans had written a letter inviting other communities to join with them in 2010 but that the effort did not go further.

Ms. Summers said both Chatham and Orleans sought regional support for this initiative. He said he thought it was better for the Towns to speak with a unified voice. He said Chatham's issues with the closing of beaches due to plovers had decreased but that

there were prospects of problems on mainland beaches. He said he was in favor of a regional committee to seek compromise from the state.

Jon Fuller, Chairman of the Orleans Board of Selectmen, said the main problem was that the rules did not seem to apply to all. He said off-Cape towns seemed to be given more leeway. He said it may be time again to put ideas together and see if there is any new thinking. He said the additional level of protection in Massachusetts of the Species of Special Concern makes things very difficult.

Ms. Seldin cited a Globe article on Revere Beach regarding the plover population's increase despite the amount of people and vehicle traffic. The reported said the predators of the plovers were kept away by the foot and vehicle traffic.

Sims McGrath, Orleans Selectman, said the response to the call for regional support in 2010 was limited to 5 towns out of 45 invitations. He said for Orleans the Parks & Beaches Department is in transition due to the retirement of Paul Fulcher. He said while he agrees with keeping lines of communication open on the issue he thought another issue would be rising to the surface this season and public safety was more important.

Mr. Summers said if the representatives of those towns that did respond got together he thought it could be powerful.

Mr. Kelly said the origin of the effort was with beach managers of towns with off road beaches. He said off-Cape towns seemed to have an agreement with the state that allowed compromise. There was not the common interest or support for the regional effort. He said the common ground among towns may be have changed to large parking lots. He said dealing with both state and federal rules was difficult. He said looking at the transition in Orleans, a regional effort would require other participants to step up with their expertise.

Ms. Seldin asked if a regional committee limited to Cape town would be a good starting point.

Mr. Roper said the federal government makes nationwide laws without considering the local impacts and they won't until a stand is made.

Mr. Whitcomb said he was not hopeful for prospects of a regional effort if Orleans is unable to lead at this time.

Mr. McGrath said a grassroots information exchange could be the foundation for a future joint appeal to the appropriate state agencies but he was not in favor of the effort consuming a large amount of staff time as he felt sharks would be the bigger issue.

Mr. Fuller said the effort should be focused on dealing with the state agencies as the federal agencies seemed easier to compromise with.

Mr. Hodgson said if the beaches are closed due to plovers then there would not be a problem with sharks. He was in favor of an advisory committee to begin working on the issue.

Ms. Seldin agreed with the idea of a grassroots exchange of information. Mr. Sussman said the towns should adopt and embrace the effort and allow it to gain momentum.

Ms. Seldin said she would add the proposal to a future agenda and bring the Town's North Beach Advisory Committee into the conversation.

Mr. Whitcomb asked if Mr. Melvin was still the bird guy. (Scott Melvin is the senior zoologist for Natural Heritage and Endangered Species Division of Mass Wildlife.)

Mr. Fuller said the federal agent was amenable to suggestions that the state would not allow. Mr. Melvin seemed to say it was his way or the highway.

Scott Morris, President of the Massachusetts Beach Buggy Association, said his organization had been active in working for conservation and beach access since 1950. He said the issues being discussed had been ongoing for a long time and not unique to Cape Cod. He said he could not stress enough his desire for the formation of a regional committee. He said there is a great deal of information in existence out there that was supportive of efforts but it needed to be shared to be useful. He said different rules existed in different towns because there were only guidelines for town to work with. He said the Plover Recovery Act was due to be updated.

Mr. Morris said the Cape Cod National Seashore only fledged 3 piping plover chicks this year because they chose not to enclose the nests.

He said his organization has tried to come up with management schemes that will allow fair and continuous beach access. He said they will be meeting again with Representative Sarah Peake after the holidays as she has expressed interest in aiding the effort. He said Chatham and Orleans are not in this alone, there are other organizations looking for mutual support. He stressed that predators are the problem not people.

Mr. Morris said Nina Coleman at Sandy Neck has been working on the issue for some time. He said this is not a battle with the state and a regional effort could help in the pursuit of fair and reasonable continued beach access..

Ms. Seldin asked Mr. Morris to return when the item was back on the agenda. Mr. Morris said he would be happy to do so.

Bob Long, Chatham, asked the Orleans Board of Selectmen if they had any kind of citizens advisory committee on Nauset Beach. Orleans does not. He suggested they look into it as Chatham's North Beach Advisory Committee had a wealth of experience and knowledge from across the spectrum.

Ms. Seldin said the next issue to be discussed was the Bathing Beach Impact of Shark and Seal Populations. She said a meeting was hosted by the Cape and Islands Harbormasters Association. A result of that meeting was the need for unified signage and open communication between effected towns.

Ms. Goldsmith said Chatham's policy was in draft form.

Mr. Kelly said Orleans had put an initial policy in place in 2010. He said it was adapted from the Cape Cod National Seashore policy. In addition to the written policy, this year the town purchased and installed signage at unguarded beach areas and added the signs at traditionally guarded areas after Labor Day. Orleans also focused on public education materials differentiating between white and basking sharks.

Mr. Kelly said communication amongst town from Truro to Chatham was important. If Chatham saw a shark headed north, Orleans should be contacted and if Orleans saw a shark heading south, Orleans should contact Chatham. He said as seals are a protected species the sharks feeding on their increasing population would continue to be an issue.

Mr. Kelly said Orleans needed to get its arms around the issue for safety and economic reasons as Nauset Beach has a 900 car parking lot.

Ms. Seldin said the beach closure policy was important but even more important was when to allow people back in the water. She added that uniform signage was important but questioned why Orleans' signs did not ban swimming.

Mr. Kelly said the signs were used on unguarded beaches so people were using them at their own risk. The signs were used on the guarded beaches only after Labor Day.

Ms. Seldin said as far as the Town's legal obligation an attack would be treated as an act of God but telling people when to go back in the water is the concern.

Mr. McGrath said he had spoken with Dr. Greg Skomal and he felt that continuity of message through consistent policy and unified signage was very important. He said people should not have to change their understanding if they go to a different beach.

Ms. Seldin agreed that consistent message and open communication were key.

Mr. Summers said continuity of message was important. He said the sharks are a byproduct of the seals and no one wants to discuss controlling the seal population.

Mr. McGrath said his first concern is keeping visitors whole. He said this was the first step in a long walk. He added that he was concerned about guarded beaches in season before and after the lifeguard's shifts. He felt the signs needed to be up even on guarded beaches at all times of the year.

Ms. Seldin agreed that signs were needed at all times. Mr. Sussman suggested signs not encouraging swimming at all.

Mr. Hodgson suggested another piece that had not been addressed to date was the policy on response. He asked what a lifeguard or other first responder does if a swimmer is attacked – do they go in the water? He said a whole training piece is needed.

Ms. Seldin said that Representative Peake is hearing from many segments about the issues the seals are creating. She suggested a representative group could be formed to address issues stemming from the seal population.

Mr. Summers asked what the lifeguard coverage at Nauset Beach consisted of.

Mr. Kelly said the guarded portion of Nauset Beach has three lifeguard stands which are manned from 8 a.m. to 5 p.m. from Memorial Day to Labor Day. He said the length of the beach is approximately 2000 feet. He said the guards there due to EMT capabilities are assigned to the Fire Department. He said they had stopped using ATV's due to the tendency to tip over. He said they were only using 4-wheel vehicles and were looking at a JetSki towing a sled similar to Chatham's.

Mr. Fuller said the regional Harbormasters Association was working on the unified policy and signage issues and his Board would look for a recommendation from that group.

Mr. Kelly added that the Cape and Islands Harbormasters Association had been asked to submit their recommendations within 60 days so that the budgetary impacts could be evaluated for this budget cycle.

Ms. Goldsmith said she and Mr. Kelly had talked and the Boards did not need to take action on the signboard question.

Ms. Seldin thanked the members of the Orleans Board for their participation.

Motion: by Sims McGrath for the Orleans Board of Selectmen to adjourn.

Second: by John Hodgson.

Vote: 4-0-0.

Orleans Board of Selectmen adjourned at 5:20 p.m.

C. Media Relations Policy

Ms. Goldsmith presented the Board with a draft Media Relations Policy. She said this was a proactive step to outline efforts to respond to media inquiries and document current practices. She said the Town had been lucky to have not had incidents requiring a spokesperson but had included the Chairman of the Board of Selectmen as part of the process. The fire and police departments have their own media policies in place. During storms the Emergency Management protocol is followed and a Chief Information Officer is designated. Ms. Goldsmith added that the policy is under review by the Chatham Municipal Employees Association as it does contain discipline for non-compliance.

Mr. Roper asked how he should respond to media inquiries as he is not named as an authorized spokesperson. Ms. Goldsmith said she would like to be copied on emails or be given a quick phone call so that the message going out reflects the Board's policy as established by majority vote or that of a personal opinion, which is fine for the Board of Selectmen. She added that the Policy was primarily applicable to staff.

Mr. Summers cited the shark issue as a good example where a local event turned into national media event requiring sensitive handling. He agreed that clear direction or policy was needed, especially considering the possible economic impact. He said a clear, thoughtful response was needed.

Mr. Roper agreed with Mr. Summers and added that general talking points would be helpful to have.

Ms. Seldin asked how the policy affected an employee's right to free speech.

Ms. Goldsmith said staff members were Town employees first and needed to communicate the policies and directives of the Board and the Town Manager.

Ms. Seldin asked what would happen if a staff member wrote a letter to the editor contrary to Board action.

Ms. Goldsmith said that was where Town Counsel would come in. She said the policy is specific to sensitive areas such as legal matters, medical matters. This policy establishes the parameters and ramifications and has been reviewed by Counsel.

Ms. Seldin asked if the policy would come back to the Board for a vote after union review. Ms. Goldsmith said she would present the Board with any concerns from the union but that the policy would be enacted by administrative procedure.

D. Community Innovation Challenge Grant Authorization

Ms. Goldsmith said this agenda item was the Community Innovation Grant submission for shark research/tracking equipment that came to the board too late for approval at the last meeting. She said she signed it pending the Boards approval at today's meeting.

Motion: by Tim Roper to approve.

Second: by Len Sussman.

Vote: 5-0

Ms. Seldin confirmed that the Board would be able to add a meeting on January 2, 2013 due to Christmas and New Year's Days falling on Tuesdays.

Motion: by Sean Summers to adjourn.

Second: by David Whitcomb.

Vote: 5-0

The meeting adjourned at 5:35 p.m.

Respectfully submitted by Shanna Nealy.

Orleans Board of Selectmen approved these minutes on January 16, 2013.

