

**Wellfleet Board of Selectmen
Minutes of the Meeting of October 23, 2012
Council On Aging Building, 7:00 p.m.**

Present: Berta Bruinooge, John Morrissey, Dennis Murphy, Paul Pilcher; Interim Town Administrator Tim King.

Chair Berta Bruinooge called the meeting to order at 7:00 p.m.

Announcements, Open Session and Public Comment:

- Pilcher announced that there would be one additional seminar on the Wellfleet rental/subsidy program available to year-round residents who rent on Monday, November 19, 2012 at 7:00 p.m. at the Public Library.
- Bruinooge informed the audience that Wellfleet resident and active committee member Steve Durkee suffered a stroke on the West Coast but is doing better.
- Evelyn Savage from the Wellfleet Community Forum announced that their next seminar entitled, ‘I’ve retired - what happens now, what happens later?’ will be held on Wednesday, November 14, 2012 at 7:00 p.m. at the Public Library.
- Fire Chief Dan Silverman announced that the Wellfleet Firemen’s Relief Association will sponsor the annual Trunk and Treat at the Wellfleet Cinemas on Wednesday, October 31, 2012 from 4:00 to 7:00 p.m. The International Association of Fire Chiefs and Eveready Batteries are sponsoring the annual “Change Your Clock, Change Your Battery” initiative the weekend of November 4, 2012. Free batteries will be available at the Senior Center and Fire Station. The Fire Department will also be available to change batteries in fire and CO2 detectors if needed.
- Police Chief Ron Fisette told the Selectmen that OysterFest 2012 went well, and that he will give a full report on the event to the Selectmen at the November 13, 2012 BOS meeting.

Appointments

Motion 12-0350: Houk moved to appoint Arthur Parker to the Personnel Board with a term ending June 30, 2015. Pilcher seconded the motion and it passed 5-0.

Motion 12-0351: Pilcher moved to appoint Daniel Williams to the Board of Water Commissioners with a term ending June 30, 2015. Murphy seconded the motion and it passed 5-0.

Citizens Economic Development Committee planning: Chair David Rheault and Luke Chapman of the Citizens Economic Development Committee gave an overview of the shifting direction of the CEDC and outlined a process of five ‘pathways’¹ that the committee plans to employ to help jumpstart new areas of economic development in Wellfleet. The plan will involve tapping local artists, retired professionals, the shellfish community and other core economic constituencies in Town. The CEDC will hold a series of planning meetings in November and December that will be advertised throughout the Town to discuss the mission statement and further develop the pathways. All citizens are invited to attend and join a core development team that may be suited to their talents.

Public Hearing(s) [7:17]

Restaurant Closing

Motion 12-0352: Houk moved to approve the request from Saveur de Pain, Inc. to close PB Boulangerie Bistro from January 2, 2013 through February 28, 2013. Murphy seconded the motion and it passed 5-0.

Barrio Hearing (continued from October 9, 2012)

Selectmen Bruinooge and Morrissey recused themselves from the Barrio hearing.

The Selectmen continued the public hearing from October 9, 2012 to consider further evidence for the commercial shellfish license and grant permit for Karl Barrio². The continuation of the hearing occurred because the Selectmen were awaiting further evidence from the Division of Marine Fisheries for consideration on the matter.

Murphy reiterated that he had received a call from Jerry Moles from the Division of Marine Fisheries (DMF) before the public hearing on October 9, 2012 and that Moles had asked to introduce additional evidence. At that time, Murphy asked for that evidence in writing and requested that the Board entertain this information from Moles before they make a decision and vote. Moles explained that the information on Barrio was in regards to the past history and current status of Barrio's shellfish seller's card issued by the state. Moles told Murphy that the DMF documented past violations by Barrio, that Barrio has since corrected any issues and currently his seller's card is in good standing pending the decision on the matter at the October 23, 2012 public hearing³. If the Commercial Shellfish license remained revoked, the DMF would not renew Barrio's seller's card. In Murphy's opinion, the information Moles provided was not relevant to the hearing and the Selectmen's decision.

Pilcher reiterated that at the conclusion of this hearing, the Selectmen could exercise three options: 1. Take no action and let the March 27, 2012 decision remain intact until December 31, 2012, when Barrio would have the option to apply for a 2013 commercial shellfish license; 2. Schedule further hearings; 3. Consider restoring Barrio's commercial shellfish grant and license. Town Counsel suggested that reinstatement of the commercial shellfish permit and grant should be considered together. The Selectmen would only hear further testimony at this time that would help the Selectmen make an informed decision on the matter.

Deputy Shellfish Constable Chris Manulla attempted to explain patterns of abuse by Barrio after his license was revoked on March 27, 2012, having received three additional tickets from the Shellfish Department. Pilcher did not allow the testimony as he stated that Shellfish Constable Andrew Koch was firm in his decision to uphold the revocations from the March 27, 2012 meeting when he testified on October 9.

Jerry Houk offered a compromise for consideration based on the fact that William 'Chopper' Young Jr. expressed that he did not wish to strip Barrio of his livelihood so he could support his wife and children. Houk proposed that Barrio should receive back his grant in January 2013 with the caveat that if Barrio incurred any infraction from the Wellfleet Shellfish Department that he should have his grant taken away and be barred from shellfishing in Wellfleet for life.

Murphy said that he had entertained offering the same proposal as Houk and spoke with the Wellfleet Shellfish Department members and many members of the shellfishing community during his decision making process. Murphy asked Barrio directly why the Selectmen and shellfish community should trust that he would change direction; history points to the fact that Barrio is a hard learner and Murphy wanted to know why it would be different this time. Barrio responded that he would be happy just to be able to work on his grant and support his kids and was 'motivated' to stay on his grant.

Motion 12-0353: Houk moved to restore Karl Barrio's shellfish grant on January 1, 2013 but prohibit the receipt of a commercial shellfish license from the Town of Wellfleet for 2013. Further, the sitting Board of Selectmen on January 1, 2014 can recommend a review of Mr. Barrio's status if he adheres to all shellfish regulations for the Town of Wellfleet. Any infraction incurred, including if Barrio is on someone else's grant without permission, is seen picking shellfish on someone else's grant or is seen picking in the wild without a Wellfleet issued commercial shellfish license, Mr. Barrio's grant would be revoked and he would be barred permanently from shellfishing within the Town of Wellfleet.

Pilcher ruled that second half of the motion involving the infractions should not be part of formal motion. There was no second to the motion and the motion failed.

Motion 12-0354: Murphy moved to take no action and Barrio can reapply for a commercial shellfish license and grant when it expires on December 31, 2012. Pilcher second the motion and it passed 2-1 (Houk).

Paved Private Road Report: Chair Bruinooge opened the discussion by thanking the committee for putting together such a wonderful report. Police Chief Ron Fiset gave a general overview of the committee's recommendations to ensure that paved private roads are in proper condition for Town vehicles access for emergencies and snow removal⁴. The committee identified a list of minimum clearance standards to be implemented over a three year period from 2013-2015 and asked for the Selectmen to adopt the recommendations as a policy in order to ensure citizen compliance.

From the audience, Wellfleet resident Mary Ellen Manning spoke on behalf of several neighbors who live on her private road. They felt the committee recommendation for a 14 foot height clearance was akin to clear-cutting and would change the entire atmosphere and feel of the neighborhood. She also questioned the 3 foot shoulder clearing recommendation. Fire Chief Dan Silverman responded that 14 feet was a standard clearance adopted throughout the state of MA and assured Manning that the Police, Fire and DPW would work with neighbors on a case by case basis to strike a balance between safety and aesthetics. DPW Director Mark Vincent said that a 3 to 4 foot shoulder is a standard width and serves as a place to put snow plowed off of the road. From the audience, Curt Felix said that he thought the policy was a great idea and that it incentivized people to work together and create a neighborhood solution to the issue.

Motion 12-0355: Morrissey moved to forward the Private Paved Road Committee report to the Town Administrator to formulate a policy to return to the Selectmen for a vote. Murphy seconded the motion and it passed 5-0.

Building and Needs Assessment Committee Report: Chair Hugh Guilderson reviewed potential policies and procedure recommended by the Building and Needs Assessment Committee that will project reliable costs for Town building maintenance and larger scale projects involving Town buildings for the Capital Improvement Plan⁵. The Selectmen agreed that starting this process and adopting a policy was a unanimous BOS goal but discussed several areas that needed clarification before adoption by the BOS. Interim Town Administrator Tim King offered to draft the recommendations in the form of a policy and bring it to a future Board of Selectmen meeting.

Presentation from the results on the survey from the Council On Aging Committee: Suzanne Grout Thomas and Carol Magenau presented results from a survey conducted by their committee regarding services provided by the Wellfleet Council On Aging⁶. Overall response to COA services was positive. Results include the finding that 39% of the population of Wellfleet is considered 'seniors.' Those who use the COA would like them to sponsor more trips and better publicize their programs. Also discussed was an expansion of services for house-bound elders. Thomas is also looking into the establishment of a regional senior day-care center and the expansion of the Visiting Nurse Association program.

Town Administrator Search Committee Report: Chair Richard Willecke told the Selectmen that the Town Administrator Search Committee reviewed 78 resumes, interviewed eight finalists and forwarded four candidates to the Selectmen for final review⁷. The committee had a high level of consensus on the candidates chosen to move forward for consideration. Bruinooge asked how helpful MMA Consulting Group, Inc. was to the process. Willecke replied that MMA's input was valuable and Mark Morse did an excellent job and kept the process moving forward quickly. Bruinooge read a letter from MMA outlining next steps in the process⁸. The Selectmen agreed to meet the weekend of November 9-10, 2012. The first set of interviews would involve the Selectmen meeting individually or in pairs to interview the candidates along with the Department Heads to be followed by a public meeting to interview each finalist. Pilcher volunteered to act as the Selectman liaison with MMA to finalize the process.

Bruinooge called a five minute recess from 8:55 to 9:00 p.m.

Fire Chief Search Committee Report: Chair Ron Fisetto told the Selectmen that the committee had met six times and reviewed 70 applicants from 25 states⁹. From that pool, the committee narrowed the candidates to three finalists: Richard J. Pauley, Brian Rhodes and David Arnold¹⁰. Fisetto suggested the final interview process be modeled on the pending Town Administrator finalist interview process and include Mark Vincent from the DPW because the DPW maintains Fire Department vehicles. The Selectmen agreed to interview the Fire Chief candidates individually or in pairs on Friday, November 2, 2012 and then follow the morning interviews with a public meeting to individually interview the candidates at 2:00 p.m. The meeting to choose the new Fire Chief would be held on Monday, November 5, 2012 at 6:00 p.m. Fisetto recommended to the Selectmen that they can make an offer of employment at the November 5, 2012 meeting contingent on the results of the background investigation.

Report on Rt. 6 Advisory Committee: Ron Fisetto, Dan Silverman, Mark Vincent and Cape Cod Commission (CCC) Director of Technical Services Glenn Cannon reviewed recommendations¹¹ to modernize or bring up to standard four traffic intersections along Route 6 in Wellfleet, including Cove Road, LeCount Hollow, Main Street and the section of road that narrows at the Eastham and Wellfleet boarder. Fisetto advised the Selectmen to prioritize the projects and authorize the Cape Cod Commission to move forward on the Town's behalf with recommendations. Cannon said that if the projects were approved by the Selectmen, the Cape Cod Commission would prepare the paperwork acknowledging the work to be done at the various intersections, return the paperwork to the Town Administrator for signature and then the Town Administrator would submit that paperwork to the state and send a copy back to the Cape Cod Commission. Cannon said that the state wants to see the Town's involvement with the process.

Motion 12-0356: Murphy moved to authorize the Cape Cod Commission to move forward on the Town of Wellfleet's behalf with the Route 6 and Main Street Project, Route 6 and Cove Road project, and the Route 6 and LeCount Hollow Road Project; with the Selectmen recommending the Route 6 and Main Street project as the top priority for the Town of Wellfleet. Pilcher seconded the motion and it passed 5-0.

Town Administrator's Report

Interim Town Administrator Tim King reviewed his bi-weekly report¹². The Selectmen asked if the health insurance and retirement costs in the school budget can be broken out from the Town's budget and added to the school budget. From the audience, Town Accountant Marilyn Cray said she would break out those items if possible. Bruinooge thanked King for giving the Selectmen a report in writing.

Future Concerns

Murphy said that he cannot vote on any of the upcoming issues related to the dike as the project may flood four acres of his property.

Correspondence and Vacancy Report

The Correspondence Report of October 23, 2012 was reviewed by Dennis Murphy and submitted to the BOS¹³.

Minutes

Motion 12-0357: Pilcher moved to approve the Minutes of October 9, 2012 as printed. Murphy seconded the motion and it passed 5-0.

Adjournment

Motion 12-0358: Murphy moved to adjourn the meeting. Pilcher seconded the motion and it passed 5-0. The meeting was adjourned at 10:0 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

¹ October 16, 2012 Citizen's Economic Development Committee: Wellfleet Economic Strategic Planning: Leadership Team

² Various written materials referencing Karl Barrio and the related Commercial Shellfish Permit and Grant License

³ October 23, 2012 memo from Dennis Murphy to the Board of Selectmen relaying evidentiary information from Jerry Moles from the MA Division of Marine Fisheries re: Karl Barrio commercial shellfish permit.

⁴ October 15, 2012 memo re: Private Road Maintenance

⁵ October 17, 2012 recommendations from the Building and Needs Assessment Committee to the BOS on ways the committee can best serve the Town on an annual basis

⁶ Wellfleet Council On Aging Committee Report on the Survey of Senior Citizens, May-June 2012

⁷ October 17, 2012 memo from Town Administrator Screening Committee re: recommendations

⁸ October 17, 2012 memo from Mark Morse, MMA re: Town Administrator selection process

⁹ October 15, 2012 memo from the Fire Chief Screening Committee re: recommendations

¹⁰ Redacted resumes of three Fire Chief finalists

¹¹ September 12, 2012 Cape Cod Commission Report: Route 6 Safety in Wellfleet Analysis of Select Intersections

¹² October 19, 2012 Tim King Town Administrator's Report

¹³ October 23, 2012 Correspondence Report