

Wellfleet Board of Selectmen
Minutes of the Meeting of November 27, 2012
Council On Aging Building, 7:00 p.m.

Present: Berta Bruinooge, John Morrissey, Dennis Murphy, Jerry Houk, 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:

- Bruinooge requested a moment of silence in remembrance of Captain Jean Frottier who died at sea November 18, 2012.
- The Wellfleet Public Library was awarded another five-star rating by the Library Journal. Bruinooge thanked Elaine McIlroy and the Library staff for doing such a great job.
- Gary Joseph, Chair of the Herring River Restoration Project, reminded the Selectmen that the committee will hold a public meeting on December 12, 2012 at the National Seashore Headquarters in Wellfleet at 2:00 p.m. to review critical next steps in the project and invited the Selectmen to attend.

Business

Confirmatory Deed and Certificate of Waiver

Ted Malone, President of Community Housing Resource, Inc. (CHR) requested that the Selectmen approve a new Confirmatory Deed and Certificate of Waiver for the Wellfleet Housing Authority/Gull Pond Road in Wellfleet, Map 8 Lot 39. CHR is developing affordable housing units on Gull Pond Road and the new approved deed would clear up a project start-date requirement.

Motion 12-0374: Pilcher moved to approve the Confirmatory Deed and Certificate of Waiver for the Wellfleet Housing Authority/Gull Pond Road in Wellfleet, Map 8 Lot 39. Murphy seconded the motion and it passed 5-0.

Licenses

Motion 12-0375: Morrissey moved to approve the renewal of Annual Liquor Licenses (unless otherwise noted, license renewal category All Alcohol) for the following establishments: Bookstore & Restaurant; Finely J.P.'s; Laughing Lobstah, LLC; The Lighthouse Restaurant; MJT Enterprises, Inc. (Wine and Malt Regular); PB Boulangerie Bistro; Seaside Liquors; Wellfleet Harbor Actor's Theater – Route 6; Wellfleet Marketplace (Wine and Malt Regular); Wellfleet Spirits Shoppe; Wellfleet Town Pizza (Wine and Malt Regular); Wellfleet Village Center (Wine and Malt Regular); The Wicked Oyster. Houk seconded the motion and it passed 5-0.

Berta Bruinooge recused herself from the Preservation Hall Liquor License vote.

Motion 12-0376: Morrissey moved to approve the renewal of the Annual Liquor License for Preservation Hall. Murphy seconded the motion and it passed 4-0.

Community Innovation Challenge Grants

Motion 12-0377: Murphy moved to authorize Cape Cod Commission to file two Community Innovation Challenge Grant Applications for Digital Regionalization: Permit, License and Inspection Automation and Regional Unified Communication System. Pilcher seconded the motion and it passed 5-0.

Motion 12-0378: Murphy moved to give authorization to the Town Administrator to sign a grant application brought by Police Chief Ron Fisette seeking funds to build a new animal facility in Provincetown that can be accessed by the Town of Wellfleet. Pilcher seconded the motion and it passed 5-0.

Public Hearing(s) [7:15]

Restaurant Closing

Motion 12-0379: Houk moved to approve the request from John W. Pontius requesting the closing of Finely J.P.'s Restaurant from Sunday December 9, 2012 through Thursday January 17, 2013 and reopening Friday January 18, 2013. Morrissey seconded the motion and it passed 5-0.

Restaurant Extension of Hours

Motion 12-0380: Houk moved to approve the request received from Caroline Parlante asking permission for the Bombshelter Pub to remain open until 2:00 a.m. on New Year's Eve, December 31, 2012 into New Year's Day, January 1, 2013. Pilcher seconded the motion and it passed 5-0.

Business (con't)

Discussion with school officials regarding student population trends

The Board of Selectmen sent a request to Nauset Regional School District officials requesting information regarding student population trends. Wellfleet Elementary School (WES) Principal Mary Beth Rodman reviewed a memo¹ submitted to the Selectmen detailing enrollment in WES K-5 for the years 2002, 2007 and 2012. No non-resident students attend WES because it does not offer school choice. Next, Nauset Regional School District Superintendent Richard Hoffman and Jon Porteus, the Wellfleet Representative to the Nauset Regional School District, reviewed several spreadsheets that outlined enrollment trends². Morrissey noted a decline in middle school resident enrollment from 2002-2012 and a major upsurge in school choice enrollment, and wanted to be sure that the middle school was not providing a 'great education' to children outside of the district at the expense of resident taxpayers. Pilcher questioned the data that reflected lower high school student enrollment versus the building capacity and asked how that would affect Wellfleet's assessed contribution to the regional school district. Hoffman suggested that if the resident enrollment numbers continue to decline, the district can backfill enrollment through student choice. Hoffman would also like to lobby the state for a reasonable student choice rate change which could potentially result in a profit to the school district.

Nauset Regional Public Schools Capital Asset Assessment Presentation

Dr. Hoffman introduced Giovanna Venditti, the new Nauset Regional School District Director of Finance and Operations. Hoffman gave an update on the Green School Repair Project³ at Nauset High School and reported that the architect came in \$1,600,000 under budget. Next, Hoffman gave an overview of the Building Needs Capital Assessment Study⁴. Morrissey asked for a plan to handle the \$30 million in unfunded liability for school post-employee benefits. Venditti explained that auditors recommended setting up a trust fund with a five-step implementation plan that will be available in the spring. From the audience, Finance Committee member Tom Reinhart requested a future analysis on setting up a trust fund to finance unfunded liability versus pay as you go.

Robert Sanborn, Superintendent/Director of the Cape Cod Regional Technical High, reviewed the number of Wellfleet students currently attending CCRT⁵. Sanborn was commended by several of the Selectmen for both the technical and academic achievements attained by the students who attend CCRT, especially in the field of engineering. Houk requested that the Administration Office investigate the CCRT program to aid municipalities with building, engineering and repair projects. Sanborn said he would welcome the opportunity to present CCRT's Capital Plan to the BOS.

Appointments

Murphy recused himself from the Planning Board appointment

Motion 12-0381: Pilcher moved to approve the appointment of Andrew Freeman to the Planning Board to finish the unexpired term of Theodore Franklin with a term ending on June 30, 2015. Morrissey seconded the motion and it passed 4-0.

Business (con't)

Approval of USDA Grant award to fund proposed Water System expansion: Chair Justina Carlson reviewed the USDA funding summary for the Phase II expansion of the Wellfleet Water System⁶. Bill Carlson gave an overview of the history of the Wellfleet Water System from its inception to Phase I of the expansion and creation of the Water Enterprise Fund. Jim Hood gave a financial analysis and said that the Water Enterprise Fund was in deficit due to a dearth in new connections⁷. Based on past surveys, Hood believes there will be a 50% connection rate on the new proposed expansion. Paul Millet from EPG went over a map that illustrated the new loop that would encompass the water system expansion for Phase II⁸ and reviewed the timeline with scheduled completion by September 2013.

Selectman Dennis Murphy requested updated resident survey information so the Selectmen can make an informed decision based on accurate demand for resident sign-on to the water system along the additional loop. Murphy would also like to see water quality test results from resident wells. Hood said he will get that information to Murphy but advised that the record would not be complete because well testing is voluntary. The Town does not have a system for uniform well sampling. Paul Millet from EPG said that map exists in Town Hall that addresses places in Town that have or will have water issues or nitrates in the water, and he will present it to the Selectmen at a future meeting. Morrissey thanked the volunteer members for being on commission. Morrissey asked for a commitment from the commissioners to contact the 73 affected people in Phase II of the expansion and said he would feel more comfortable supporting the expansion if he knew people would actually sign on to the water system. Dick Kilhart from the Mass. Rural Water Association spoke to the Selectmen. Kilhart provides technical assistance to every water system in the state under 10,000 and he will help Wellfleet with rate structures and creating a viable and financially sound model for the water system. Pilcher said that although he will most likely approve the expansion, he would like the commissioners to come back and present more concrete data. From the audience, Steve Gazzano and Fire Chief Dan Silverman pointed out that the installation of fire hydrants hooked up to the water system in the main part of Town lowered insurance rates for the Town and some residents. Bruinooge asked for a deadline date for approval because she did not want to miss the USDA grant submission deadline. The Selectmen requested that the Water Commissioners return to the December 11, 2012 meeting to present additional information about the water extension and USDA grant.

Schedule joint BOS/FinCom meeting to review Big 5 Department Head Budgets

The Selectmen discussed holding a joint meeting with the Finance Committee on December 10, 2012.

Contract Approval

Motion 12-0382: Houk moved to approve the contract⁹ with Curt Felix to seek and manage grant opportunities for natural remediation options for wastewater compliance for the Town of Wellfleet. Murphy seconded the motion and it passed 5-0.

Draft Harbor Dredging Feasibility Study

Russell Titmuss from Bourne Consulting Engineers reviewed their study¹⁰ on the necessity, cost and environmental impact to dredge Wellfleet Harbor and gave an overview of several design options. The cost of recommended dredging project is \$11.5 million. The Town contribution will be 25%. Harbormaster Mike Flanagan is planning funding mechanisms for the project, which is scheduled to begin, at a minimum, in 2-3 years. The Selectmen agreed to review the study and continue discussion on next steps for the dredging project at future Board of Selectmen meetings.

Town Administrator's Report

Interim Town Administrator Tim King reviewed his bi-weekly report¹¹. Morrissey asked about the status of the Semass contract. King said he was pursuing options for the Town and report back to the Selectmen at a future meeting.

Future Concerns

- John Morrissey requested that the Town Assessor present a tax exemption plan at the January 22, 2013 Selectmen meeting and to add Pay As You Throw as an agenda item to a meeting in January or February 2013.
- Murphy requested that the BOS discuss the Building and Needs Assessment Policy at the December 11, 2012 meeting.
- Pilcher would like to review the Board of Selectmen Goals at a meeting in early 2013.

Correspondence and Vacancy Report

The Correspondence Report of October 23, 2012 was reviewed by Dennis Murphy and submitted to the BOS¹².

Minutes

Motion 12-0383: Murphy moved to approve the Minutes of October 23, 2012, November 2, 2012 and November 5, 2012 as printed. Pilcher seconded the motion and it passed 5-0.

Adjournment

Motion 12-0384: Morrissey moved to go into executive session Read the exact motion with respect to contract negotiations and not return to the regular meeting. Bruinooge read aloud the purpose for Executive Session:

2. To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; and
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares]

Pilcher seconded the motion. Bruinooge, Pilcher, Houk Morrissey and Murphy each said yes, and the motion passed 5-0. The meeting adjourned at 10:05 p.m.

¹ November 21, 2012 memo from WES Principal Mary Beth Rodman re: student population information

² November 27, 2012 Nauset Regional student population trend and district enrollment data

³ November 2012 Nauset High School Green Repair Project

⁴ November 2012 Nauset Regional Schools Building Need/Capital Assessment Study

⁵ November 15, 2012 memo from Bob Sanborn on CCRT population numbers

⁶ December 2012 Executive summary: USDA Funding Opportunity for Wellfleet Municipal Water System Expansion Phase II

⁷ December 2012 Wellfleet Water System Financial Overview

⁸ November 2012 EPG Water System Expansion Location Plan

⁹ December 20, 2012 contract disclosure document for Curt Felix

¹⁰ December 2012 Wellfleet Harbor Dredging Study Bourne Engineering

¹¹ October 19, 2012 Tim King Town Administrator's Report

¹² October 23, 2012 Correspondence Report