

**Wellfleet Board of Selectmen  
Minutes of the Meeting of February 26, 2013  
Council On Aging Building, 7:00 p.m.**

**Present:** Berta Bruinooge, Jerry Houk, John Morrissey, Dennis Murphy, Paul Pilcher; Town Administrator Harry Sarkis Terkanian.

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

***Announcements, Open Session and Public Comment***

- Bruinooge thanked Dan Silverman for his many years of service to Wellfleet as Fire Chief. The Selectmen and the audience gave him a standing ovation.
- Houk said that there were a few tickets left for Alzheimer's event on Monday, March 4, 2013 from 5:00 to 7:00 p.m. at PB Boulangerie and tickets can purchased at the door the evening of the event.
- Terkanian announced that the Town is looking for cover art for 2012 Annual Report.
- The Duck Creek Animal Clinic will be offering a one year rabies shot or a three-year booster shot for \$15 on Saturday, March 2, 2013 from 9:30 a.m. to 12 noon.
- Terkanian asked if any of the Selectmen would be available on March 20, 2013 to volunteer for 'Meals On Wheels' to deliver food to constituents in need.
- Dan Silverman reviewed an exit memo<sup>1</sup> that he prepared for the Selectmen summarizing the current state of the Fire Department and suggestions for future improvements.

***Licenses***

**Motion 13-0056:** Houk moved to approve business license renewals: Harbor Stage Company, Hatch's Fish Market, PB Boulangerie and Bistro, Marconi Beach Restaurant. Murphy seconded the motion and it passed 5-0.

**Motion 13-0057:** Houk moved to approve the license for weekday entertainment: Harbor Stage Company (6:00p.m. to 11:00 p.m.); PB Boulangerie Bistro (1:00 p.m. to 12:00 a.m.). Pilcher seconded the motion and it passed 5-0.

***Appointments***

**Motion 13-0058:** Pilcher moved to appoint Fire Chief Richard J. Pauley, Jr. with a term ending February 17, 2016. Houk seconded the motion and it passed 5-0.

***Business***

**Operating Budget health insurance and revenue estimate update**

Terkanian reviewed the final health insurance and revenue estimate update that will be added to the FY 2014 Budget. The final approved budget total is \$1,051,832, which is approximately \$52,287 less than the current budget placeholder.

**Public Hearing(s) [7:15]**

**Alcohol License Transfer**

**Motion 13-0059:** Pilcher moved to approve the application received January 25, 2013 from Laughing Lobstah, LLC to transfer the Annual All Alcohol license to RLJC, Inc., JB's Pizza Bar and Grill. Morrissey seconded the motion and it passed 5-0.

**Motion 13-0060:** Pilcher moved to approve business license renewals: JB's Pizza Bar & Grill. Houk seconded the motion and it passed 5-0.

## **Shellfish**

**Motion 13-0061:** Houk moved to approve the application received January 25, 2013 from Jared Ziembra to remove his name from shellfish grant licenses # 95-29 & 95-30. Murphy seconded the motion and it passed 5-0.

**Motion 13-0062:** Houk moved to approve the application received February 11, 2013 from David M. Ziembra to renew shellfish grant licenses # 95-29 & 95-30 after removing Jared Ziembra's name from the grants. Murphy seconded the motion and it passed 5-0.

*Berta Bruinooge resuced herself from the vote as she is related to the shellfish grant owner.*

**Motion 13-0063:** Houk moved to approve the application received January 25, 2013 from James N. Bruinooge and Robert Olson to transfer shellfish grant license # 95-1 and 95-2 from James N. Bruinooge and Robert Olson to Robert and Barbara Olson. Murphy seconded the motion and it passed 4-0-1.

## **Rules and Regulation Amendment (public hearing cont. from Feb. 12, 2013)**

**Motion 13-0064:** Murphy moved to approve the request received from Suzanne Grout Thomas to amend the Town of Wellfleet Rules and Regulations for Beach Sticker Eligibility for Taxpayers, Residents and Visitors. Houk seconded the motion and it passed 5-0.

## ***Business, cont.***

### **Act on the right of first refusal for Chequessett Yacht & Country Club Lot - Map 19, Parcel 101**

Town Administrator Harry Terkanian reviewed votes by various Town Committees<sup>2</sup>, including Finance, Open Space, Planning Board, NRAB and the Shellfish Advisory Board, to waive, not exercise or take no action on the first right of refusal regarding the Chequessett Yacht and Country Club Map 19, Parcel 101.

Murphy surveyed the property with Terkanian and spoke about the steep incline to beach access. He also had questions about the cost of maintaining structures on the property; including a retaining wall, wooden stairs to the beach and small parking area.

Attorney Michael Ford spoke on behalf of the property abutters, who built and maintain the current structures on the property and would like to purchase the land. Ford reviewed an initial proposal from his clients to the Town<sup>3</sup>, which offered limited public access to the property. Pilcher requested that the Ford letter be circulated among the voting committees for input and the issue be revisited at the March 12 BOS meeting, in hopes that a compromise with the abutters for access can be reached. Several of the Selectmen, including Houk and Morrissey, would like the voters to decide on the property purchase at Town Meeting.

### **Discussion on Department of Public Works job description**

Mark Vincent spoke before the Board of Selectmen to justify filling the vacant position of DPW Regular Full-Time Equipment Operator, Grade 7, Teamsters Local Union 59. Murphy and Morrissey supported the idea of exploring an expanded job description to include experience with the installation of water systems and curbing, etc. Murphy said that if negotiations with the union were not too arduous or lengthy, he would like to explore altering the position. Morrissey agreed and urged Terkanian to contact the union to ascertain procedure and report back to the Selectmen at the March 12 BOS meeting.

### **Vote to authorize additional spending on snow removal**

Per MGL ch. 44 sec. 31D, the Board of Selectmen must approve expenditures for snow removal that exceeds the approved budgeted appropriation. Terkanian requested that the Selectmen authorize this additional expenditure for snow removal for 2013 winter storms in Wellfleet.

**Motion 13-0065:** Pilcher moved to approve expenditures for snow removal that exceeds the approved FY 2013 appropriation in the DPW budget. Murphy seconded the motion and it passed 5-0.

## **Town Meeting Warrant – Article and Question Placement & Recommendations**

Terkanian presented the proposed Articles<sup>4</sup> for the Annual Town Meeting to be held at 7:00 p.m. on April 22, 2013 at the Wellfleet Elementary School. The Selectmen reviewed the draft Articles and discussed or took action on the following:

**Question 1 and Article R:** Proposed ballot question and Article to authorize borrowing to fund the construction of sidewalks on Holbrook Avenue. Murphy gave a history of the genesis of the Article, saying it was mostly a public safety and economic development issue. Pilcher thinks this is a Town planning issue and proposed the development of a comprehensive plan. Suzanne Grout Thomas suggested the Bike and Walkways Committee assume the task of developing a comprehensive plan. From the audience, Hugh Guilderson suggested that the BOS create policies to govern Town engineering projects that can be implemented by future Selectmen and Town Administrators.

**Motion 13-0066:** Pilcher moved to not place Question 1 and Article R. Murphy seconded the motion and it passed 5-0.

**Question 3 and Article T:** Proposed ballot question and Article to authorize borrowing for Tennis Court construction. The Selectmen suggested the removal of Question 3 and Article T regarding tennis court construction for future Town Meeting Warrant consideration.

**Article OO:** Proposed Article to fund Wellfleet 250<sup>th</sup> Anniversary activities

**Motion 13-0067:** Pilcher moved to place Article OO. Bruinooge seconded the motion and it passed 5-0.

**Question 2:** Exemption of Proposition 2 ½ to pay bonds and notes issued by the Town to pay costs of purchasing a new Fire Department Tanker Truck. Chief Pauley said he would aggressively go after a grant to offset the costs.

**Article HH:** Proposed Article to amend the Personnel Bylaw

**Motion 13-0068:** Bruinooge moved to place Article HH. Pilcher seconded the motion and it passed 5-0.

Bruinooge suggested that members of the Personnel Board should be contacted to attend the March 12, 2013 BOS meeting to help further explain the proposed Personnel Bylaw changes.

**Article II:** Proposed Article to amend the Demolition Delay Bylaw

The Selectmen questioned the requirements outlined in the proposed Article. From the audience, Planning Board Chair Janet Reinhart said that this Article needed revision, should be presented at public hearings for feedback from Wellfleet citizens, and may be ready for a future Town Meeting Warrant after that process concludes. Terkanian said he would bring a revised draft of the Demolition Delay Article back in two weeks.

**Motion 13-0069:** Bruinooge moved to omit Article II from the Warrant. Morrissey seconded the motion and it passed 4-1 (Houk).

**Article JJ:** Proposed Article to appoint the Town Clerk, Treasurer and Town Collector. Houk thinks this is an important Article and should be placed earlier on the Town Meeting Warrant. Pilcher would like the Administration to create a personnel plan for all of the positions located on the first floor of Town Hall.

**Article KK:** Proposed Article to allow the BOS to appoint Finance Committee members to committees. Houk would like to see the Article presented earlier on the Town Meeting Warrant.

## **Approve FY2014 Capital Budget**

**Motion 13-0070:** Bruinooge moved to accept the FY2014 Capital Budget<sup>5</sup> as presented. Murphy seconded the motion 5-0.

## **Approve FY2014 Enterprise Fund Budgets**

**Motion 13-0071:** Bruinooge moved to accept the FY2014 Marina Enterprise Budget<sup>6</sup> as presented. Houk seconded the motion 5-0.

## **Approve FY2014 Enterprise Fund Budgets**

**Motion 13-0072:** Bruinooge moved to accept the FY2014 Water Enterprise Budget<sup>7</sup> as presented. Pilcher seconded the motion and it passed 5-0.

## **Town Administrator's Report**

Town Administrator Harry Terkanian reviewed the Town Administrator's report<sup>8</sup>

- COA Building: Administration is reviewing any Federal obligation before the ownership issue can be resolved.
- Pilcher requested that an Article be added to the Town Meeting Warrant to adopt an "Aid to the Elderly or Disabled Taxation Fund" and to set the annual tax deferral interest rate at zero percent.
- The Selectmen engaged in a discussion regarding Pay As You Throw and requested that the issue be placed on the March 12, 2013 BOS meeting for discussion.

## **Future Concerns**

- Houk said that he was approached by local septic haulers wondering where citizens of Wellfleet will have to go for service once the septic station in Orleans shuts down.
- Morrissey was contacted by a citizen about installing a generator at the COA. Terkanian will investigate the issue and noted that the COA could be used as a warming center and a transportation hub to other shelters.
- Pilcher would like to see more thorough planning for Town for Emergency Services.

## **Correspondence and Vacancy Report**

Dennis Murphy had prepared the Correspondence Report<sup>9</sup>. A copy was made available for review.

## **Minutes**

**Motion 13-0073:** Murphy moved to approve the minutes of February 12, 2013<sup>10</sup>. Houk seconded the motion and it passed 5-0.

## **Adjournment**

**Motion 13-0074:** Houk moved to adjourn the meeting. Murphy seconded the motion and it passed 5-0. The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

<sup>1</sup> February 21, 2013 Fire Chief Dan Silverman Exit Memo

<sup>2</sup> Tally of committee votes from NRAB, Finance, Open Space, Shellfish Advisory Board and Planning Board for the CYCC Map 19, Parcel 101 Right of First Refusal recommendation, plus supporting documentation.

<sup>3</sup> February 25, 2013 letter from Michael Ford, Esq. 101 Chequesset Neck Road MGL c. 61B – option period

<sup>4</sup> Proposed Articles for the Annual Town Meeting on 04/22/13

<sup>5</sup> FY2014 Capital Budget

<sup>6</sup> FY2014 Marina Enterprise Budget

<sup>7</sup> FY2014 Water Enterprise Budget

<sup>8</sup> February 26, 2013 Harry Terkanian Town Administrator's Report

<sup>9</sup> Correspondence Report for February 26, 2013

<sup>10</sup> Minutes of February 12, 2013