

**Wellfleet Board of Selectmen  
Minutes of the Meeting of June 18, 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***

- Town Administrator Harry Terkanian announcements:
  - The Wellfleet Elementary School roof project has been accepted by the MA School Building Authority (MSBA) as an expedited project.
  - The Department of the Interior has made a payment of \$10,430.00 to Wellfleet in lieu of taxes.
  - Helen Wilson reports that the Division of Marine Fisheries has accepted the draft shellfish regulations and the icing requirement the Board recently approved. Revisions will be posted on the Town website. Additional proposed changes from the SAB will require a further public hearing on July 16, 2013.
  - Completion of the new FEMA flood maps are in process. The next step will be a 90 day appeal process beginning soon, which will provide an opportunity for property owners to raise questions or request corrections. The TA and ATA are working on a community outreach program to get the word out as widely as possible.
  - The 208 Area Wide Water Quality Update meeting will be held on June 25, 2013 from 3:00-4:00 p.m. at the Cape Cod Commission offices. The TA will attend.
- Paul Pilcher announced that the applications for Economic Development Fund will be available online and in the Administration Office.
- Berta Bruinooge asked the Board of Selectmen to participate in the annual 4<sup>th</sup> of July parade.
- Police Chief Ron Fisetta reminded the audience that the Lower Cape Sprint Triathlon will take place on Saturday, June 22, 2013 and that traffic patterns in Town may be affected.

***Licenses***

**Motion 13-13-0221:** Houk moved to approve the new annual busine licenses for the South Wellfleet General Store on the conditional approval of the Board of Health. Murphy seconded the motion and it passed 5-0.

**Motion 13-13-0222:** Houk moved to approve the new annual business license for Rino's on the conditional approval of the Board of Health. Morrissey seconded the motion and it passed 5-0.

**Motion 13-13-0223:** Houk moved to approve the new annual business license for Harborside Cafe on the conditional approval of the Board of Health. Morrissey seconded the motion and it passed 5-0.

***Public Hearing 7:15 p.m.***

**Traffic Rules and Orders**

**Motion 13-0224:** Murphy moved to approve amendments with discussed changes to the Wellfleet Traffic Rules and Orders. Police Chief Ron Fisetta will work with DPW Director Mark Vincent to update Town signage. Murphy seconded the motion and it passed 5-0.

### *Appointments*

**Motion 13-0225:** Murphy moved to approve the appointment of Donald Thimas to the Community Preservation Committee as an at-large member for a 3 year term ending 6/30/16. Houk seconded the motion and it passed 5-0.

**Motion 13-0226:** Pilcher moved to approve the appointment of Galen Malicoat to the Board of Library Trustees (candidate to fill Trustee vacancy left by Janet ‘Shelly’ Thomas). Term: August 1, 2013 until the next Town Election. Houk seconded the motion and it passed 5-0.

### *Use of Town Property*

**Motion 13-0227:** Morrissey moved to approve the request received from Henry Marcucella from ‘Trey Helliwell Remembered’ to use the Whitecrest Beach parking lot (preferably on the Ocean side) on Saturday, June 29, 2013 from 5:00-9:00 p.m. with a rain date on Sunday, June 30, 2013 from 8:00 a.m.-12 noon to hold a memorial concert for slain Cape Cod music promoter Trey Helliwell. Thirty people involved. Equipment: Small P.A. system, gas generator, 2 guitar amplifiers and drum kit. Bands will set up and play – no stage or lighting. No food or beverages served. Event open to the public and no fee will be charged. Murphy seconded the motion and it passed 5-0. [Processing fee: \$20. Use of Town Property fee: Waived. Signed noise bylaw acknowledgment required].

**Motion 13-0228:** Morrissey moved to approve the request received from Ryan Garcia of the Cape Cod Surf School to use Whitecrest Beach for surf instruction, pending the receipt of a liability insurance waiver. Seven (7) days a week. Times are dependent on low tide. Group will be no larger than 6-7 participants. There will be a stand-up paddle option for flat water paddles and tours. Murphy seconded the motion and it passed 5-0. [Processing fee: \$20. Use of Town Property fee: \$350. Proof of insurance required].

### *Business*

#### **Fire Department overview**

Fire Chief Rich Pauley reviewed a ninety-day status update memo submitted to the BOS<sup>1</sup>. The Selectmen were impressed with the report and applauded Pauley for his leadership. Houk was pleased that the Chief is interacting with Eastham and Truro, and with Pauley’s leadership and tenure to this point. Pilcher commended Pauley for reaching out to schools and developing a list of goals. Murphy is glad that the Chief is looking for grant money to replace the tanker. The Chief said that the call and full time members of the department work well together and that bodes well for the future success of the department. Pauley also supports the expansion of the water system to South Wellfleet as an important safety issue and will look for federal grants to support the project. Pauley is also conducting a survey of ambulance rates charged by the surrounding towns and will reassess Wellfleet’s rates based on his findings.

#### **Assistant Health Agent position**

Hillary Greenberg-Lemos spoke to the Selectmen about filling the Assistant Health Agent position, which has been vacant since November 2012, with a full-time staff member. Terkanian recommended that the issue be deferred until he has an opportunity to review options and make a formal recommendation. Lemos asked to renew the contract with Barnstable County to provide temporary health and conservation staff assistance. The contract is due to expire at the end of June 2013.

#### **Support to close horseshoe crab fishery in Wellfleet**

The Shellfish Advisory Board asked the BOS to sign a letter requesting a response from the Massachusetts Marine Fisheries Advisory Commission regarding the Shellfish Advisory Board’s original request to close the horseshoe crab fishery in Wellfleet. The BOS supports sending the letter of request.

**Motion 13-0229:** Pilcher moved to approve the BOS signing a letter requesting a response from the Massachusetts Marine Fisheries Advisory Commission regarding the Shellfish Advisory Board's request to close the horseshoe crab fishery in Wellfleet. Morrissey seconded the motion and it passed 5-0.

### **Use of Town property guidelines**

Terkanian prepared a Use of Town Property Guidelines memo<sup>2</sup> that reviewed the historical background of the policy and suggested future policy-based procedures to streamline and improve the process.

Terkanian informed the Selectmen that caterers holding a liquor license can now serve alcohol at events without requesting a one day liquor license, although the BOS still had control over rules regarding any event being held on Town property. Terkanian will explore requiring a deposit for larger events that require cleanup and will move to implement electronic approvals by the department heads. No action on the issue is required by the BOS at this time.

### **Oysterfest Use of Town Property discussion**

After several meetings between SPAT and Town Departments, two issues emerged for BOS Guidance: Charging an admission fee in hopes of controlling the size of the event and moving the event from the center of town to the Marina or Baker's Field. Terkanian wants to investigate the legality of holding a large event on town property; state law requires bid proposals from prospective planners to host events on municipal grounds valued in excess of \$25,000. The Selectmen agreed that the event is growing 'too big to handle' in Wellfleet center and posed a safety threat to participants and residents alike. The Selectmen collectively recommended relocating Oysterfest to the Marina or Baker's Field in 2014. Mac Hay from SPAT said that the 2013 event will proceed on Main Street but would like to ticket the event and move it to a contained area next year. This would be one way to control attendance. Tickets would be sold through the SPAT website and stores and some funds could be set aside for the harbor dredge. Morrissey suggested partnering with surrounding towns to disperse activities and crowds and would like to hold a special BOS meeting dedicated to addressing Oysterfest issues.

### **Bruinooge called for a recess from 8:40-8:45 p.m.**

### **Proposed Creation of a Department of Community Services**

Terkanian presented the Selectmen with proposed reorganization of the Recreation, Beach and Council On Aging Departments into one Community Services Department under the direction of Suzanne Grout Thomas<sup>3</sup>. Thomas would also be responsible for the overall coordination of Town services for events. The Selectmen collectively agreed that the proposal was a good idea and asked Terkanian to move forward with the transition. Pilcher would like to prioritize the expansion of childcare for working parents through the Recreation Program. Bruinooge asked about the financial impact to the Town. Terkanian responded that two positions would have to be reclassified: the COA and Recreation directors. Impact bargaining with the union may be required. Terkanian will present a firm proposal later in the summer. If the consolidation does not prove to be revenue neutral, implementation would have to wait until the next budget cycle.

### **Sluiceway Parking Closure**

Beach Administrator Suzanne Thomas requested the closure of the Town controlled sluiceway parking area in July and August 2013. Two parking spaces controlled by the National Seashore would be open. Houk would like a public hearing on the issue.

**Motion 13-0230:** Murphy moved to block off Town parking for the sluiceway, beyond the home of the Bartletts west of their driveway on Steel Road during July August 2013. Bruinooge second the motion and it passes 4-1 (Houk).

### **Beach Parking Task Force Charge**

Terkanian asked the Selectmen to approve the proposed charge for a Beach Parking Task Force<sup>4</sup>. Morrissey would like the TA to add a member of the Planning Board to the task force.

**Motion 13-0231:** Murphy moved to approve the charge for the Beach Parking Task Force. Morrissey seconded the motion and it passed 5-0.

### **Herring River MOU III Update**

Terkanian and Murphy, who are both members of the Herring River MOU III Working Group, gave a status update on the progress of the group<sup>5</sup>. All participants involved have decided that a third party organization should be engaged to oversee the construction and operation of the restoration plan. The BOS approved of direction of the MOU group. Terkanian noted that a more formal proposal from the MOU III group may be ready for approval in September.

### **USDA Loan Resolution for the Phase II Wellfleet Water System Expansion**

**Motion 13-0232:** Murphy moved to adopt the USDA Loan Resolution for the Phase II Wellfleet Water System Expansion<sup>6</sup> and authorize the chair of the Board of Selectmen to sign the document on behalf of the Board. Pilcher seconded the motion and it passed 5-0.

### **Approval of Municipal Solid Waste term sheet**

Terkanian reviewed a summary of term sheets for the Municipal Solid Waste contracts provided by Covanta (SEMASS) and ABC Disposal, Inc<sup>7</sup>. Terkanian said that overall, the Town and members of the DPW staff have had a positive experience working with SEMASS. Pilcher, Murphy and Houk all questioned the tonnage requirement in the SEMASS contract that seems to penalize towns trying to cut back on the amount of waste through recycling programs like Pay As You Throw, whereas ABC Disposal offered a lower fee per ton (\$60 vs. \$68) and no penalties for reduced tonnage. Houk asked Terkanian to give his recommendation to the BOS. Terkanian said that at first he was skeptical of the ABC proposal but after reviewing the financial information provided by ABC and performing due diligence on company performance, he thinks that ABC is capable of performing on par with SEMASS. As the proposed financial terms offered from ABC are more favorable for Wellfleet (with estimated savings to the Town of approximately \$100,000 over a then year period), Terkanian is recommending the Selectmen accept ABC Disposal's terms. Houk asked Dan Balboni from ABC what would happen in the event that their new recycling facility in Rochester, NY was not approved and does not open. Balboni responded that ABC Disposal Inc. will absorb any costs incurred if the Rochester facility is not ready to accept Wellfleet's waste.

**Motion 13-0233:** Houk moved that the Town Administrator be authorized to execute on behalf of the Wellfleet Board of Selectmen a term sheet for disposal of municipal solid waste with New Bedford Waste Services, LLC (ABC Disposal, Inc.) for a term of ten (10) years with one mutual five (5) year extension option the term of which is to commence upon the expiration date of the current contract with SEMASS Partnership. Murphy seconded the motion and it passed 5-0.

### **Approval of year end transfers**

**Motion 13-0234:** Pilcher moved approve the year-end FY 2013 transfers as identified by the Town Accountant. Houk 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>, which contained supplementary information on the following issues:

- Terkanian completed the Inspector General's Overview of Public Purchasing course on June 13, 2013.
- Whitecrest Beach needs additional fill to restore the walkway from the parking lot down to the beach. DPW Director Mark Vincent has checked with the Conservation Department and is lining

up the manpower and equipment needed. He expects to begin later this week. Some projects (road grading of Town dirt roads, streets weeping, hot mix repairs, crosswalk striping and road brushing) have already been delayed by the beach restoration work and may be delayed further. We have had to divert funds from within the DPW budgets to cover the costs of overtime and equipment rentals. This will also impact our limited reserves of hardening.

#### ***Future Concerns***

- County Reorganization. Ned Hitchcock will have a letter for the Board's endorsement at the July 16, 2013 meeting.
- Pilcher will identify the Top 10 BOS Goals to present at the July 16, 2013 meeting.

#### ***Correspondence and Vacancy Report***

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

#### ***Minutes***

**Motion 13-0235:** Pilcher moved to approve the minutes of June 4, 2013<sup>10</sup> as printed. Morrissey seconded the motion and it passed 5-0.

#### ***Executive Session***

**Motion 13-0236:** Murphy moved to go into Executive Session and then 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, Houk, Morrissey, Murphy and Pilcher each said yes, and the Selectmen went into Executive Session at 9:25 p.m.

#### **The Selectmen came back into public session at 9:38 p.m.**

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

#### **Approval of Communications Union, Local 326B contract**

**Motion 13-0237:** Murphy moved to approve the Communications Union, Local 326B contract<sup>11</sup>. Morrissey seconded the motion and it passed 5-0.

#### ***Adjournment***

**Motion 13-0238:** Murphy moved to adjourn the meeting. Pilcher seconded the motion and it passed 5-0. The meeting was adjourned at 9:39 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

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<sup>1</sup> 2013-06-13 Memo 'Ninety Day Status Update' from Fire Chief Richard Pauley

<sup>2</sup> 2013-06-10 Memo 'Use of Town Property Guidelines' from Harry Terkanian

<sup>3</sup> 2013-06-18 Memo 'Community Services Department' from Harry Terkanian

<sup>4</sup> 2013-06-04 Memo 'Proposed Charge for a Beach Parking Task Force' from Harry Terkanian

<sup>5</sup> 2013-06-18 Memo 'Herring River MOU Working Group Status' from Harry Terkanian

<sup>6</sup> 2013-06-18 Loan Resolution for the Phase II Wellfleet Water System Expansion

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- <sup>7</sup> 2013-06-10 Memo 'MSW Term Sheets' from Harry Terkanian
  - <sup>8</sup> 2013-06-018 Harry Terkanian Town Administrator's Report
  - <sup>9</sup> 2013-06-18 Correspondence Report
  - <sup>10</sup> 2013-05-21 Minutes
  - <sup>11</sup> 2013-06-05 Communications Union, Local 326B contract