

**Wellfleet Board of Selectmen  
Minutes of the Meeting of November 12, 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:
  - Mass DEP has awarded Wellfleet two PAYT grants: a \$7,500 grant toward the purchase of a roll off compacter for recycling paper; and a PAYT implementation grant of up to \$8,580. DPW Assistant Jean Leidenfrost did a lot of work on the grant application.
  - The tax rate for Wellfleet has been set at \$6.70 per thousand. The Collector expects tax bills to be in the mail within the next four or five days.
- From the audience, Maria Ecke asked the Board several budget and personnel related questions.

***Business***

**Marina dredge financial planning**

Harbormaster Mike Flanagan and Marina Advisory Committee chair Joe Aberdale said that they have been moving forward with the permitting process but cannot proceed with executing the dredge until state funding becomes available. The state is obligated to pay 75% of the costs, although Flanagan thinks that funding will not be available for five years. If the Town proceeds with the proposed 'mega' dredge, then the Town contribution would be approximately \$3 million. Flanagan said that the Marina has raised slip fees eight times over the past several years – a 35% increase – and he has noted a drop in the purchase rate. Flanagan would not recommend an additional fee increase at this time and does not have any additional ideas for funding the \$3 million Town contribution besides the charge for OysterFest parking. Pilcher thinks there has been a lack of planning for the dredge. Murphy suggested the Town raise and appropriate funds at Town Meeting, perhaps asking for \$50,000 per year to set aside in a dredge fund. Morrissey noted that if the project went to bond, it would have to be paid back in a ten year time period. He would like Flanagan and the MAC to review current Marina bond payments, see when loans expire and report on future funds that can be set aside for the dredge. Bruinooge agreed that funds should be put aside for the dredge until the state can provide the 75% of funds.

**Discussion of revised MAC Charge**

There are two proposed changes to the Marina Advisory Committee charge<sup>1</sup>: 1.) The committee chair could designate associates as acting members in the case of absence, vacancy or conflict of interest; 2.) The committee would also study and make recommendations on future planning. The revised charge will be added to the 2014 Annual Town Meeting Warrant for final consideration.

**Motion 14-0082:** Pilcher moved to approve the revised Marina Advisory Committee charge. Murphy seconded the motion and it passed 5-0.

**Charter Review Committee Charter change recommendation and proposed delegate response vote**

Ned Hitchcock, Wellfleet's representative to the Barnstable Assembly of Delegates, informed the Selectmen that the Charter Review Committee will be recommending<sup>2</sup> 1.) The adoption of a strong executive, elected Cape-wide (replaces Board of Commissioners), assisted by an appointed Administrator and 2.) A legislative body representing 11 Regional Districts of equal size (elected non-partisan). If adopted, the recommendation would be preliminary to a final petition which would be sent to the Legislature for its approval. There would also very likely be proposals relating to adjunct issues regarding simplification of charter language, tightening enforcement of charter rules and procedures, a process for recall of elected officials, a possible name change of the legislative body, and other not yet identified items. Per the BOS objection to the recommendations several

months ago, Hitchcock intends to vote against the regional district concept since he believes that it reduces representation and moves decision-making ever farther away from the electorate. Bruinooge agrees that Wellfleet will not have a voice and 'dislikes the whole thing.' Houk does not think there will be equal representation and does not like the idea of a strong elected executive. The Selectmen stand by the letters they signed and support Ned's vote. Pilcher thinks the alternate position will prove to be a much more expensive option than current system.

### **Replacement of railing on handicapped access to Town Hall**

Terkanian explained the post-OysterFest accident that resulted in the damage to the handicap railing behind Town Hall. Terkanian reviewed options for new fencing<sup>3</sup>, explaining that it would cost approximately \$4,800 to replace the railing in order to be compliant with the American with Disabilities Act. The Selectmen agreed with the more simple fencing option as it would be easier to maintain.

### **Status of Transfer Station improvements**

Terkanian reviewed a plan to replace the Transfer Station gate house with a prefabricated building<sup>4</sup> in a new location with a bathroom. The cost is under \$25,000 plus wiring, foundation work and a connection to septic. There is \$32,000 left on the Transfer Station budget. The scale house can be rebuilt with greater visibility in FY2015. Houk asked to investigate whether heat would be electric or propane.

### **Authorization to TA to execute MOA with Barnstable County for aerial photography**

Terkanian asked the Selectmen for permission to execute a memorandum of agreement with Barnstable County for the Massachusetts Orthoimagery Consortium (MassOrtho) acquisition project<sup>5</sup>. MassOrtho is a group of local government volunteers collaborating to create a single procurement to acquire imagery suitable for use in GIS mapping applications. Up-to-date municipal GIS data is critical for public safety, planning, tax assessing, and for asset management. The cost to Wellfleet would be \$4,539 and will come out of the Administration consultancy budget. Terkanian priced a similar project for Truro two years ago and the cost was \$70,000. The cost assessment for Wellfleet is more reasonable because the state also has a use for the data. This data could also form the basis of new assessor's maps.

**Motion 14-0083:** Morrissey moved to grant permission for Terkanian to execute the MassOrtho acquisition project memo with Barnstable County. Murphy seconded the motion and it passed 5-0.

### **Authorization to extend contract with Lower Cape Cable Access Television (LCCAT)**

The Cable Advisory Committee recommended that the Board of Selectmen extend the contract with LCCT for another three years to broadcast local public and educational content.

**Motion 14-0084:** Morrissey moved to extend the current contract with Lower Cape Cable Access Television (LCCAT). Pilcher seconded the motion and it passed 5-0.

### **BOS letter of support to restore National Seashore funding**

**Motion 14-0085:** Murphy moved to support the letter from Environmental Massachusetts to restore National Seashore funding and a more personalized letter to send in addition to the Environmental MA letter<sup>6</sup>. Pilcher seconded the motion and it passed 5-0.

### **Permission to Repair and Maintain Bulkhead on Town Property**

Robert Perry of Coastal Engineering came before the Selectmen on behalf of Pleasant Point property owners to explore their options for obtaining either an easement or a license with the Town of Wellfleet for purposes of authorizing the owners, as a group, to maintain the existing bulkhead that supports the coastal bank immediately south of the residences<sup>7</sup>. An effort to repair or replace the wall is needed if it is to continue to provide erosion protection for the coastal bank and adjacent dwellings. An article pertaining to this issue was included in the 2012 Annual Town Meeting Warrant but was not acted upon at Town Meeting. The Selectmen raised issues about public access to the platforms (Perry does not think there is an objection for access), liability and maintenance in the event of a property ownership transfer. From the audience, Conservation Commission member Campbell Rea spoke to the issue, stating that in the past, the Commission did not support a revetment because of potential damage to the beach and that a bulkhead was preferable. Platforms were

alright as long as there was public access. Morrissey suggested that Perry go before the Natural Resources Advisory Board and Conservation Commission for further approvals and return before the Board in three months or so to present additional information.

### **Approve DPW Director contract**

**Motion 14-0086:** Murphy moved to approve the new contract for Department of Public Works Director Mark Vincent. Morrissey 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:

- Cape Light Compact will be issuing a RFP on behalf of the Barnstable County municipalities for a fixed price power purchase for one, two or three year terms. Assuming the Board is interested in participating, Assistant Town Administrator Tim King will attend the November 19th meeting.
- A road cut application was received from Friends of Herring River to do test borings on the Herring River dike.
- FEMA maps. There is substantial activity on the state and federal level in this issue, including proposed legislation to limit the amount of coverage and the size of deductibles lenders can require on the state level and involvement by several members of Congress including representative Maxine Waters (D. CA), one of the sponsors of the Biggert-Waters legislation which mandated the rate increase. Rep. Waters predicts that Congress will delay the rate increases by four years.
- NSTAR rep contacted Terkanian and is waiting on permission from his boss to speak to the full Board at a public hearing.
- The Rt. 6 intersection needs to get on the Transportation Improvement Plan. The next year for available funds is 2019 – 2020 and Wellfleet is responsible for engineering. Terkanian does not think it makes sense to do engineering now. Tim is drafting correspondence to get on the Plan, which requires a 10% contribution. Terkanian said the Town can utilize Ch 90 funds for that purpose and suggested earmarking for this purpose. There is a possibility that the project can get bumped up.
- Houk wants a letter sent to our Federal representatives to support a 4 year extension for FEMA maps. Terkanian will draft a letter.
- Murphy is unhappy that Wellfleet is relying on EPG, Inc. to review work on the upcoming water extension and would have preferred an owner's representative. Terkanian said that a retired engineer is willing to look the project work over but not to the extent Murphy would like. Murphy would like Vincent and Lindberg to do surprise inspections.

### ***Future Concerns***

- Houk commended the owners of Marconi Beach Restaurant for offering free meals to veterans.
- Houk may not be able to make a few meetings through December because of his work schedule. The Selectmen discussed adjusting the start times of certain meetings.
- Morrissey mentioned that FEMA maps must be approved by spring.

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

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

### ***Minutes***

**Motion 14-0087:** Pilcher moved to approve the minutes of the October 22, 2013 BOS meeting<sup>10</sup> as printed. Murphy seconded the motion and it passed 5-0.

### ***Adjournment***

**Motion 14-0088:** Murphy moved to adjourn the meeting. Pilcher seconded the motion and it passed 5-0. The meeting was adjourned at 8:57 p.m.

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- <sup>1</sup> Proposed revision to Marina Advisory Committee Charge
  - <sup>2</sup> 2013-11-07 Ned Hitchcock email outlining proposed County Charter change and response
  - <sup>3</sup> Handicap rail fencing options
  - <sup>4</sup> Photo of proposed prefabricated gate house building at Transfer Station
  - <sup>5</sup> MassOrtho MOA and FAQs
  - <sup>6</sup> 2013-11-22 Selectmen letters of support to restore National Seashore funding
  - <sup>7</sup> 2013-11-03 memo, map and photos regarding proposed Pleasant Point Revetment
  - <sup>8</sup> 2013-11-12 Harry Terkanian Town Administrator's Report
  - <sup>9</sup> 2013-11-12 Correspondence Report
  - <sup>10</sup> 2013-10-22 BOS minutes