

TOWN OF TRURO
BOARD OF SELECTMEN
MEETING OF WEDNESDAY, FEBRUARY 9, 2005

The Truro Board of Selectmen met for their weekly session on Wednesday, February 9, 2005 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Christopher R. Lucy, Clerk Gary Palmer, Lloyd F. Rose, Paul J. Asher-Best, Town Administrator Pamela Nolan, Assistant Town Administrator John J. Sanguinet, Administrative Secretary Julie DuPree, Tim Silva, Steve Roderick, Janice Parkey, Ken Brock, Claire Perry, Brenda Boleyn, Mark Peters, Pat Snell, Bob Phillips, Kaimi Lum of the Banner, and David Joy of the Cape Codder.

Mr. Gaechter convened the meeting at 6:00 p.m.

Minutes: Mr. Palmer moved to approve the minutes of February 2, 2005 as presented. Mr. Asher-Best seconded it. Vote: 5-0, unanimous.

Public Comment: Ms. Snell informed the BOS that she had received a conference call from DEP today regarding their complaint about the bells and chimes. She questioned the Board about the conference call the town had that day with the DEP. Mr. Gaechter said that the call would be discussed in Executive Session this evening as it concerned a formal complaint made against the Town. Ms. Snell had further questions for the BOS regarding the latest decibel test taken. Mr. Gaechter told her that a copy of the report was being mailed to her. He said that the DEP intends to come out and take their own test. Ms. Snell went on to say that they had gotten much more communication from the State department than from the town. She wanted it on the record that those who have made complaints have felt dismissed by the BOS, not listened to and treated with contempt. Mr. Gaechter responded that he wanted it on the record that that was her opinion, and he must disagree with that.

Mr. Phillips told the Board that he had given a DNA sample when asked to do so at the Filling Station, and he was concerned that he never was given anything in writing stating that his sample would be destroyed. He was assured verbally, but he requested that the BOS approach Chief Thomas about getting something in writing. The Board agreed that they could ask about this. Mr. Phillips then informed the BOS that he had filed a complaint with the police upon being awakened by the bells. He suggested that the bells only ring during the business hours of Town Hall, from 8:00 a.m. - 4:00 p.m., Monday through Friday. He added that on special occasions, it would be alright with him if they were turned on. Mr. Gaechter told him that they would be discussing all alternatives with the DEP.

Mr. Joy requested that the media be provided with information packets. The Board discussed the pros and cons of this. Mr. Palmer suggested that the Board set a policy on this. Mr. Gaechter said they would have a decision for Mr. Joy next week.

Mr. Peters explained that he is an abutter to the South Hollow. He is selling his property to the Town of Provincetown, and asked that the BOS waive in this instance the part of the IMA that says Provincetown cannot take more property in Truro under eminent domain. This will allow Provincetown to take immediate title upon the sale of the property and will give Mr. Peters certain tax advantages. Mr. Palmer said that both Provincetown and Mr. Peters are amenable to

this process and he advocates that the BOS follow it.

Pamet Harbor Regulations: The Board of Selectmen continued the public hearing on the proposed amendments to the Pamet Harbor Regulations. Mr. Gaechter suggested adding a rule to prohibit launching of kayaks and rafts from town properties other than the Harbor so that the town did not lose revenue. Both Mr. Silva and Mr. Roderick thought that this was not feasible. Ms. Boleyn said that would be contrary to open space philosophy. Mr. Asher-Best said the Town needs to follow up on the Acts of 2004, Ch. 291, Section 33 which says that all mooring fees must be put in a special account and not used for any other purpose than running the harbor. Mr. Roderick pointed out that this law pertains more to towns that run a harbor and have surplus revenue. In our case, the dredge alone costs more than is collected in mooring fees. Ms. Nolan was directed to look into this law and how it pertains to Truro. **Mr. Asher-Best moved to approve the Pamet Harbor regulations as proposed by the Pamet Harbor Commission. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

Fire/Rescue enrollment in Town insurance plans: The Board reviewed the enrollment requirements. **Mr. Palmer moved to approve the policy with a correction in grammar. Mr. Gaechter seconded it.** Under discussion, Mr. Lucy asked what was meant by “in good standing”. Ms. Nolan thought it would be that they must keep up with their training and respond to calls. It was noted that upon approval, this would take effect immediately, and Fire/Rescue personnel could sign up for insurance tomorrow. **Vote: 5-0, unanimous.**

Town Administrator’s Report:

- Reported that she will be attending a FY06 Budget Forum in Hyannis next Friday and if any BOS would like to attend as well, they should let her know.
- Received a request from the Dennis Yarmouth Ecumenical Council for the Homeless that the Town donate four rounds of golf at Highland Links as a prize or auction item at their charity golf tournament. Mr. Gaechter pointed out that this organization does not serve the Outer Cape, so he is opposed to doing this. It is the job of the Human Services Committee to make decisions on what charities receive funding. Mr. Gaechter directed Ms. Nolan to send a letter declining. Mr. Sanguinet suggested that a policy on these in kind donations should be established by the BOS. The Golf Manager has asked that the Board do so. Ms. Nolan was directed to ask Mr. Knowles for input on such a policy.
- Received the results of Comcast’s complaint form 500.
- Provided the Board with a copy of the draft lease of Cobb Library for their review. Mr. Gaechter had a question on section 7. It was noted that this has been reviewed by Town Counsel. An article for Town meeting is needed to transfer control from the Library Trustees to the Town.
- Received an invitation from Rep. Gomes, Senator O’Leary and County Commissioner LeClair to a meeting on the Ten Year Plan to end homelessness this Friday in Hyannis.
- Received a request for comment on the proposed regulations for the Smart Growth Zoning Overlay District Program. Mr. Gaechter asked that the Planning Board be given a copy of this notice.

Selectmen/Liaison Reports:

Lucy: -Noted that the weather vane on Town Hall was bent.

Gaechter: -Directed Ms. Nolan to call Senator O'Leary and Rep. Gomes regarding the new Affordable Housing Trust Fund bill and get a copy of the bill for the BOS.

-Noted the receipt of a letter of complaint regarding the COA and the Community Center project, and asked that it be passed to the COA and have them respond to it.

-Reported that 80% plans for the new NT post office have been given to Mr. Sateriale and Mr. Roderick. A group of citizens is talking with the property owners regarding further development of other properties in NT center and has contacted a consultant to go after State funding; a \$50k grant is available to help with the design of NT center. Mr. Gaechter would like to invite these citizens to come to a BOS meeting on this, possibly in a week or two.

- Reported on the meeting with the CCNS today regarding the mutual aid agreement. The money for this didn't come in last year at all, and the CCNS agreed to look into this. They discussed the potential for increasing the amount of money. Since \$7k is 3% of the Fire/Rescue budget and there has been no increase since 1990. The Board discussed the merit in sending letters to our elected officials in Washington. It was decided that it was worth doing, and Ms. Nolan was directed to draft a letter for Mr. Gaechter to review. Mr. Gaechter said that they discussed the fact that with the added use the Highlands Center for the Arts may generate, it was inappropriate to sign a five-year agreement. The CCNS agreed in principle to put a clause in the agreement that it would be subject to a review of expenses on an annual basis, especially with regard to the growth at the Highland Center for the Arts. Mr. Gaechter felt there should be something to sign next week.

Palmer: -The COA was given a presentation by the LCPC. The COA is happy with the budget process.

-The Recycling Committee is having a problem getting a quorum. A citizen would like to apply to serve, but cannot attend the weekly meetings of the BOS to be interviewed. They have requested that Mr. Palmer, as their liaison be authorized to interview her on a weekend, and report back to the BOS. The Board authorized Mr. Palmer to do so.

Asher-Best: -Reported on the meeting of the BOA. Mr. Delius made a presentation on the GIS project with Provincetown. The BOA is in favor of it, and supports the technology. He was concerned that although the funds to purchase a terminal for public use was in the FY2005 budget, and Truro is the only town on the Cape that does not provide this to the public, that it has not been purchased. He feels that Ms. Maloney is resistant to this idea. He added that the BOS made it a priority, and so did ATM, in passing the budget, so he wants to see it purchased. Ms. Nolan said that she has spoken to the Assessing Department about this, and both Ms. Maloney and Ms. Coco feel strongly that with only two people in the department, they will not have the time to devote to assisting the public with its use. They would like to wait until there is an additional person in their department; a budget request has been made for another person. Mr. Gaechter would like to have a joint session with the BOA and the Assessors to discuss this. Mr. Asher-Best noted that the Assessors have received only 88 abatement applications, which is laudable.

-Reported that he didn't get a chance to read the BOS letter re: the Cape Wind Farm at the CCC hearing because all people who had submitted something in writing were asked not to make the same statement.

-He will be attending the CCS&CA meeting in Yarmouth this Friday.

Ms. Turano-Flores noted that one of the suggestions in her opinion letter regarding the call firefighter's insurance requirements was not incorporated in what the BOS voted on this evening. She suggested that they might want to revisit it next week. Until then, it was decided that no one would be allowed to apply. Ms. Nolan and Mr. Sanguinet will review the document with Ms. Turano-Flores and it will be taken up again next week.

Next week's agenda: C&RC presentation, Town Moderator with pre-town meeting dates, LCAA accountant to make a presentation. Mr. Gaechter noted that the BOFE and Chief Prada should be requested to attend. Mr. Asher-Best asked that the Board consider changing the way the budget is presented to TM because as it is done now, it requires FinCom transfers of line items. He suggested that the solution would be changing the way the article is written. Mr. Gaechter noted that the Town Accountant should be present for this discussion. The budget review will take place in early March.

Harbor Dredge report: Mr. Roderick reported that the pre-dredge survey was done on Saturday. 17k cubic yards needs to be removed. There is only enough money for 13k cubic yards. Mr. Roderick would like to see 15k cubic yards removed to get us through to the next cycle. He requested that to make up for what is not budgeted, that County surplus funds be used. If we use \$6,600.00 of these funds, that will leave a balance of \$6,600.00. Mr. Gaechter moved to authorize the expenditure of \$6,600.00 in surplus County funds for the dredging. Mr. Asher-Best seconded it. Vote: 5-0, unanimous. Mr. Roderick reported that the dredge machinery has not arrived yet. It was supposed to come yesterday or today. Mr. Roderick and Mr. Sanguinet have been trying to get in touch with County Dredge. Mr. Jaedtke is on vacation, and calls made to another of the Dredge personnel have resulted in reaching a message machine. The pipes in Orleans are now unfrozen. Mr. Sanguinet and Ms. Nolan will assist Mr. Roderick in getting in touch with the County. It is imperative that the dredging begin as soon as possible so that we can apply for an extension.

At 7:30 p.m. Mr. Gaechter moved to enter into Executive Session under the provisions of MGL Ch. 39, Section 23B to discuss negotiations with various entities and to not reconvene in Open Session. Roll call vote: Asher-Best, aye; Palmer, aye; Gaechter, aye; Lucy, aye; Rose, aye. 5-0, unanimous.

Alfred Gaechter, Chairman

Christopher R. Lucy, Vice-Chairman

Gary Palmer, Clerk

Lloyd F. Rose

Paul Asher-Best

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Town of Truro