

Truro Board of Selectmen
Meeting Minutes – March 18, 2014
Truro Town Hall, 5:00pm

Members Present: Jay Coburn-Chair, Breon Dunigan-Vice Chair, Jan Worthington-Clerk, Robert Weinstein, Paul Wisotzky

Others Present: Acting Town Administrator Charleen Greenhalgh

Chair Jay Coburn called the meeting to order at 5:00 p.m.

Review and approval of Minutes- February 25th , 2014

Wisotzky and Coburn requested amendments to the February 25th Minutes¹. **Wisotzky moved to approve as amended the Meeting Minutes of February 25 th, 2014. Dunigan seconded the motion. So voted unanimously 5-0.**

Review and approval of Minutes- February 25th, 2014-Executive Session

Dunigan moved to accept and hold the February 25th Executive Session Minutes². Weinstein seconded the motion. So voted unanimously 5-0.

Public Comment Period

Coburn stated that there are a number of elected positions with nomination papers available in the Town Clerk's Office for the May 13th, 2014 Annual Town Election. He listed the seats available and encouraged people to serve the Town of Truro.

Review and Approve Amended Declaration of Covenants for Stones Throw Condominium and Crow's Nest Condominiums

Sandy Vatalaro, a Trustee of Stone's Throw Condominium³ came before the Board of Selectmen for a request to amend the Declaration of Covenant to allow for the opening of March 1st. **Dunigan moved to approve the change of the Covenant for March 1st. Worthington seconded the motion. So voted unanimously 5-0.**

Worthington moved to approve the Crow's Nest Condominium Trust Declaration of Covenant for opening date March 1st. Wisotzky seconded the motion. So voted unanimously 5-0.

Review and Approve & Authorize the Chair to sign Application for Construction/Staging Permits for Use of Cold Storage Beach⁴

Chris Corea, an employee of Ethan Poulin Landscaping came forward for questioning. The work facilitating Cold Storage Beach will be accomplished in one days time. **Dunigan move to approve the application for Construction Staging Permit for Cold Storage Beach (for property located at 41 Bayview Rd) and authorize the Chair to sign. Weinstein seconded the motion. So voted unanimously 5-0.**

Application to Serve & Resignation⁵

Larry Lown came before the Board of Selectmen to request an appointment on the Ad-Hoc Charter Review Committee. **Weinstein moved to approve Larry Lown's Application to Serve on the Ad-Hoc Charter Review Committee. Dunigan seconded the motion. So voted unanimously 5-0.**

There was a request before the Board of Selectmen for Nicole Tudor to be re-appointed to the Registrar of Voters. **Worthington moved to approve Nicole Tudor for the Registrar of Voters position. Wisotzky seconded the motion. So voted unanimously 5-0.**

Coburn spoke of the resignations of Jane Kinzer of the Truro Cultural Council and Gerry Kinahan of the Beach Commission. Worthington spoke of how appreciative she was of Mr. Kinahan's work on the Beach Commission. **Coburn asked for a motion to accept the resignations (Jane Kinzer and Gerry Kinahan) and send the appropriate letter of thanks. Dunigan so moved. Worthington seconded the motion. So voted unanimously 5-0.**

Review of Draft Annual Town Meeting Warrant and Draft Budget

Ms. Greenhalgh stated that the Warrant will go to the printer on March 27th. She explained that the Warrant will continue to be printed in the Cape Codder due to the cost of printing in the Banner.

Ms. Greenhalgh spoke of the Capital Improvement Budget for the next 5 years, with Capital Exclusion Items highlighted totaling \$220K and \$319K that appear as Capital Exclusion Articles.

Article 1: Authorization to hear the reports of the Multi-member Bodies

Wisotzky moved to recommend. Dunigan seconded. So voted unanimously 5-0.

Article 2: Authorization to set the salary of the Board of Selectmen

Dunigan moved to recommend. Wisotzky seconded. So voted unanimously 5-0.

Article 3: Authorization to set the salary of the Moderator

Wisotzky moved to recommend. Dunigan seconded. So voted unanimously 5-0.

Article 4: Amendments to the FY2014 Operating Budget

Ms. Greenhalgh went through the items that would be removed from existing Free Cash.

POSTPONE VOTE

Article 5: FY2015 Omnibus Budget Appropriation

POSTPONE VOTE

Article 6: Transfer of Funds from Free Cash

Dunigan moved to recommend. Weinstein seconded. So voted unanimously 5-0.

Article A: To fund two new Police Officers

Ms. Greenhalgh stated that this Article would be subject to Proposition 2 ½.

POSTPONE VOTE

Article A1-: To fund four new Fire/Rescue Staff members

There was a discussion as to whether staff was being increased by 2 or 4.

POSTPONE VOTE

Article B: Community Preservation Act Sections 1-4

Ms. Greenhalgh explained that Section 3 is being removed.

POSTPONE VOTE

Article B Section 5: Administrative Expenses

Wisotzky moved to recommend. Dunigan seconded. So voted unanimously 5-0.

Article C: Authorization to expend funds in anticipating of reimbursement for State Highway Assistance Aid

Weinstein moved to recommend. Dunigan seconded. So voted unanimously 5-0.

Article D: Capital Exclusion to purchase Transfer Station trailer

It was suggested to make comments neutral instead of listing a specific Transfer Facility.

POSTPONE VOTE

Articles: D-1, E, F & F1: Remaining Capital Exclusion Articles

Weinstein was directed to research the need for the Library generator as the Liaison to the Library Board of Trustees.

POSTPONE VOTE

Article G: Transfer of funds from Stabilization fund to employee retirement account

Worthington moved to recommend. Dunigan seconded. So voted unanimously 5-0.

Article H: Non-Union Personnel Classification and Compensation Schedule, Cost of Living Allowance for Fiscal Year 2015

Worthington moved to recommend. Dunigan seconded. So voted unanimously 5-0.

Article I: Transfer funds for Granite post and pipe fence work Old North Cemetery

POSTPONE VOTE

Article J: Land Acquisition

Ms. Greenhalgh explained the land purchase of Edgewood farms. The Truro Conservation Trust will purchase the land with a grant that will help purchase the land.

POSTPONE VOTE

Article K: Establish Stabilization Fund at Cape Cod Regional Technical Highschool

Weinstein moved to recommend. Worthington seconded. So voted unanimously 5-0.

Article L: Room Occupancy Tax

Dunigan moved to recommend. Wisotzky seconded. So voted unanimously 5-0.

Article M: Amendments to the Personnel by-law

Ms. Greenhalgh explained Article XI 11.2.5 & 11.2.7.

POSTPONE VOTE

Article M1: To amend the Personnel by-law to combine Harbormaster and Shellfish Warden positions

Ms. Greenhalgh stated that the position needs a job description which is pending. Weinstein spoke to his recent conversations with Labor Counsel regarding the merging of these positions.

POSTPONE VOTE

Article M2: To amend the personnel by-law to make changes with the Library Staffing Plan

Ms. Greenhalgh explained the changes in the staffing plan as created by the Library Director with no net increase.

Dunigan moved to recommend. Wisotzky seconded. So voted unanimously 5-0.

Articles N through S (Zoning By-Law amendments)

Ms. Greenhalgh noted that the Planning Board pulled the definitions of Heavy and Light Industry.

POSTPONE VOTE

Article T-Y & Z: Amend various Charter Sections to include postings on the town website; Delete Charter Section 4-2-8-Commissioners of Public Safety; Amend Chapter 7 of Charter to include a Budget Task Force; Amend Chapter 7 of the Charter to include a Budget Task Force; Amend Chapter 7-5-1of the Charter to include to require an annual audit

Dunigan moved to recommend. Wisotzky seconded. So voted unanimously 5-0.

Article X: Amend Section 6-4-2 of the Charter to include a standing Charter Review Committee and delete obsolete multi-member bodies

POSTPONE VOTE

Ms. Greenhalgh reported that the Budget total for Fiscal 2015 was \$17,442,940.93 ; She explained the deficiency of the amount of \$566, 773.52. Coburn explained that he recommended a General Override. Ms. Greenhalgh listed the items that made up the amount requiring an Override.

Review and Approve BMI Agreement

Ms. Greenhalgh explained that BMI⁶ (Broadcast Music Inc.) is one of the Licensing Agencies that

covers licensing for their music clients. She explained where music is played within the Town of Truro a license is required. This license will cover the Town when recorded music is played. The Town would be lawful to play any music that BMI has license over. There was a brief discussion regarding the BMI music license and how money is distributed to individual artists. **Dunigan moved to approve the BMI contract and authorize the Chair to sign. Wisotzky seconded the motion. So voted unanimously 5-0.**

Review and Approve Cape Abilities Request for participation in “Light it up Blue”

Ms. Greenhalgh explained the request from Cape Abilities⁷. It is a request to spread Autism awareness through lighting the outside of Town buildings with blue lights. There was a brief discussion regarding allowing the request and what buildings to light up. **Dunigan move to accept the “Light it Up Blue” for the Public Safety Facility and Town Hall buildings. Wisotzky seconded the motion. So voted unanimously 5-0.**

Review and Approve Rental Registration Fee and Letter⁸

It was explained to the Board of Selectmen that there have been revisions made to the application that would eliminate the need for the one page letter. The mass mailing equates to an expense through an outside company to over \$2K but through the website and the use of email addresses this cost can be reduced for distributing the Rental Registration application. There was a discussion as to how many properties normally receive the mailing versus email addresses on hand for distribution. Wisotzky asked about the process for the Rental Registration and renters being able to purchase a beach sticker while renting that property. Dunigan spoke of the many people receiving the application in the mail that use the program versus those that don't and finding a way to cut back on the mailing. Coburn suggested mailing it to properties that have done the program in the last three years and to new property owners. There was a discussion as to the fee changes over the years. **Wisotzky moved to approve the Rental Registration Fee at \$150.00 and the accompanying letter. Worthington seconded the motion. So voted unanimously 5-0.**

Review and Approve Seasonal Liquor Licenses

The seasonal alcohol liquor license⁹ review was before the Board of Selectmen for their review and approval. The seven seasonal liquor licensed establishments were listed (Blackfish Restaurant, Truro Central Liquors, Jams, Terra Luna Restaurant, Whitman House Restaurant, Top Mast Cafe, Highland Links Golf Course). **Wisotzky moved to approve the renewal for 2014 Seasonal Liquor License renewal applicants (Blackfish Restaurant, Truro Central Liquors, Jams, Terra Luna Restaurant, Whitman House Restaurant, Top Mast Cafe, Highland Links Golf Course). Dunigan seconded the motion. So voted unanimously 5-0.**

Review and Approval of street address change for Jams, Inc. From Route 6A to 14 Truro Center Rd for the ABCC

It was explained that the owner was requesting a change of the street address for their property as indicated on the State (ABCC) application¹⁰. The process for making the change was explained to the Board of Selectmen. **Coburn asked for a motion to approve the street address change for Jams (from Route 6A to 14 Truro Center Rd). Wisotzky so moved. Worthington seconded the motion. So voted unanimously 5-0.**

Review and Approval of Seasonal Renewal Certification for 2014

Coburn asked for an approval of the Seasonal Renewal Certification for 2014¹¹. Wisotzky so moved. Worthington seconded the motion. So voted unanimously 5-0.

Review and Approve Licenses for Common Victualer and Transient Vendors

Seasonal licenses that fall under the purview of the Board of Selectmen for Common Victualer (food) and Transient Vendor licenses¹² were presented with no changes to listed managers. Coburn listed the seasonal Common Victualer Licenses and the Transient Vendor licenses. Wisotzky asked about the Common Victualer license for Babe's Restaurant. It was explained that the license will be brought forth for the Board of Selectmen to review and approve when there is application in hand with the Licensing Department with a current manager's names listed. **Wisotzky moved to approve the license renewal for Common Victualer and Transient Vendor licenses as listed (Blackfish Restaurant, The Box Lunch, Highland Links Golf Course, Jams Inc., Terra Luna Restaurant, Top Mast Cafe, Whitman House Restaurant, Days Market, Hillside Farmstand, North of Highlands Campgrounds, and Perry's Furniture). Weinstein seconded the motion. So voted unanimously 5-0.**

Discussion of Fee Waivers and Establishing a Fee Waiver Policy¹³

Wisotzky spoke of the two approaches for fee waivers 1) a total fee waiver of license fees and 2) reduced rate of the fee for nonprofits. He explained Option 1 versus Option 2 of the fee waiver policy. Dunigan questioned why the Board of Selectmen would preference an event being a one time event versus a recurring event. Weinstein felt that Option 1 had the greatest clarity and felt it was the most straightforward. Dunigan and Weinstein agreed that the Board of Selectmen should not be involved in looking at a Nonprofits annual budget. Wisotzky spoke of the fees that relate to the Police department in which the policy will give the Chief of Police guidance as he had requested previously from the Board of Selectmen. There was a discussion as to which fees and organizations generally request fee waivers from the Board of Selectmen. Coburn spoke of support for Option 1 due to its clarity. Weinstein stated that the Town expended \$7-8,000 to cover staffing from the Police Department and having the organization pick up the Police Department cost is a good thing. Wisotzky mentioned another option of waiving all license fees but requiring direct cost for services from the Police and Department of Public Works. Coburn suggested that the insertion of "under 501c3 of the IRS Code" be incorporated into the language and also "official place of business within Barnstable County". Dunigan spoke of most fees being reduced to \$25.00 in which organizations should still be able to make that fee payment to the Town. **Coburn stated the two revisions with the insertion of the organization is a Non-profit "under 501c3 of the IRS Code" and also inserting that the organization has an "official place of business within Barnstable County". Dunigan so moved. Weinstein seconded the motion. So voted unanimously 5-0.**

Review and Approve Town Administrator Search Committee Charge

Weinstein explained that he incorporated the corrections from the minutes of the last meeting (March 18, 2014). Attorney Dolan assisted with the underlined corrections. He read the charge into the record. Worthington suggested that if only one applicant is brought forth to the Board of Selectmen the position should be re-advertised. It was noted that the tasks of the Committee is to present to the Board of Selectmen with a minimum of three applicants and not to exceed 5 for the Town Administrator position. **Wisotzky moved to approve the Town Administrator Search Committee Charge¹⁴ as presented. Dunigan second the motion. So voted unanimously 5-0.** It was agreed to have Applications to Serve for the vacancies for the Committee due for the April 8th meeting.

Review of proposals and selection of consultants for Town Administrator Search¹⁵

Coburn explained that two proposals were received for the Town Administrator search Consultant. Labor Counsel reviewed the RFP's (Novak and MMA). Attorney Dolan recommended rejecting Novak

Consulting Group because their proposal was incomplete and choose MMA Consulting Group. References are currently being reviewed by Attorney Dolan. **Coburn stated that once the references are completed that the Board of Selectmen could accept the proposal from MMA and grant Ms. Greenhalgh in her authority to request a contract pending completion of reference checks to the Chairman's satisfaction. Wisotzky so moved. Dunigan seconded the motion.** Weinstein was please that MMA has worked locally with bordering towns and has a depth of experience. **So voted unanimously 5-0.**

Selectmen Reports and Liaison Reports

Worthington- She stated that the Beach and Economic Development Committee are looking for membership.

Dunigan- No report was given.

Wisotzky-He recently attended the Planning Board and commented on the excellent job of the Chairman Karen Snow and Charleen Greenhalgh. The Council on Aging Board nominated Bonnie Sollog as their Chair and it is the 40th Anniversary of Truro's COA. There will be a volunteer appreciation on April 30th with the Council on Aging.

Weinstein-The last Cable Advisory and Internet Committee meeting there was a discussion relative to a pending contract with Lower Cape TV; regarding the unserved town residents for Comcast Cable there has been no response from Ms. O'Keefe at Comcast regarding the deadlines in the Comcast contract, the CIAC is looking for direction from the Board of Selectmen as to how to move forward; Weinstein suggested a future joint meeting with CIAC and the Board of Selectmen.

Coburn- Reported the resignation of Jason Robicheau from the Police Department in which Chief Takakjian will request to fill that vacancy at Thursday's meeting.

Worthington-She asked about the metal pole that had been installed on Route 6 (southbound) near Truro Conservation land. Coburn responded that it was from a directive from the Department of Transportation for traffic monitoring through blue tooth signals in vehicles for traffic delays at the canal bridges.

Next Meeting Agenda: March 25, 2014

Ms. Greenhalgh reminded the Board of Selectmen that there is a meeting this Thursday at 4:30pm; Two Applications to Serve for the Recreation Commission; Public Hearing for Salty Market; Public Hearing for a new farm distillery license; Trudi Brazil is seeking a one year extension to her contract; Discussion on the Warrant and the FY15 Budget.

Acting Town Administrator's Report¹⁶

Ms. Greenhalgh reported that Barbara Peter's in the Treasurer/Tax Collector/Clerk's Office submitted her letter of resignation effective May 1st. Damion Clements, of the Recreation and Beach Department is the recipient of the 2014 Massachusetts Parks and Recreation Association New Professional Award. On April 8th there will be a placement on the Agenda to support a modification within the current state tax classification for small business tax exemptions as proposed by the city of Dartmouth, MA.

At 7:29 pm, Coburn moved that the Board of Selectmen enter into Executive Session in accordance with the provisions of Massachusetts General Law, Chapter 30A, section 21(a)3 to discuss strategy with respect to litigation regarding 25-27 Stephens Way where discussion and an open meeting may have a detrimental effect on the bargaining or litigation position of the Town; section 21 (a) 6 to consider the purchase, exchange, lease or value of real property, where an open meeting would have detrimental effect on the negotiating position of the Town; and, section 21(a) 3 to discuss strategies relative to collective bargaining whereas discussion of these matters

in open session would have a detrimental effect on the negotiating position of the Town, and not to reconvene in open session. Roll Call Vote: Robert Weinstein, aye; Paul Wisotzky, aye; Jay Coburn, aye; Breon Dunigan, aye; Jan Worthington, aye. So voted unanimously 5-0.

Respectfully submitted, Nicole Tudor, Board of Selectmen Secretary

Jay Coburn, Chairman

Breon N. Dunigan, Vice-Chairman

Janet W. Worthington, Clerk

Robert Weinstein

Paul Wisotzky
Board of Selectmen
Town of Truro

¹ Board of Selectmen meeting Minutes-February 25th, 2014

² Board of Selectmen meeting Executive Session Minutes-February 25th, 2014

³ Amended Condominium Declaration of Covenant for Stone's Throw and Crow's Next Condominiums

⁴ Construction Staging Application Cold Storage Beach Ethan Poplin Contractor

⁵ Application to serve-Larry Lown (Ad-Hoc Charter Review Comm.); Nicole Tudor (Registrar of Voters); Jane Kinzer (Truro Cultural Committee) & Gerry Kinahan (Beach Commission) resignation and thank you letters.

⁶ BMI Music Agreement

⁷ Cape Abilities email to Charleen Greenhalgh regarding request for Light it up Blue for the month of April for Autism awareness.

⁸ 2014 revised Rental Registration application and Memo, bylaw, 2013 letter and application

⁹ 2014 Seasonal renewal of alcohol liquor licenses, ABCC applications and licenses

¹⁰ Memo regarding request for Street Change, Assessor's property card, Email from Owner

¹¹ ABCC Seasonal Renewal Certification for 2014

¹² Memo regarding Seasonal renewals of Common Victualer & Transient Vendor Licences

¹³ Option 1 & 2 as presented by Selectmen Wisotzky for the Fee Waiver Policy

¹⁴ Town Administrator Search Committee Charge

¹⁵ Proposals (3/10/2014) for the RFP for Town Administrator Search consultant from Novak and MMA

¹⁶ Acting Town Administrator's report -March 18, 2014