

Truro Board of Selectmen
Meeting Minutes – September 9, 2014
Truro Town Hall, 5:00 p.m.

Members Present: Jay Coburn-Chair, Paul Wisotzky-Vice Chair, Jan Worthington-Clerk, Robert Weinstein, and Maureen Burgess

Others Present: Co-Acting Town Administrator Robert Lawton

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

At 5:00pm Coburn moved that the Board of Selectmen enter into Executive Session in accordance with the provisions of Massachusetts General Law, Chapter 30A, Sec. 21(a) number 2 to conduct strategy sessions in preparation for negotiations with non-union personnel, Town Administrator & in accordance with the provisions of Massachusetts General Law Chapter 30A, Sec. 21(a) number 3 to discuss strategy with respect to pending litigation, whereas discussion of these matters in open session would have a detrimental effect on the bargaining/litigating position of the Town and to reconvene in regular session. So declared by Chair. Roll Call Vote: Robert Weinstein, aye; Maureen Burgess, aye; Jay Coburn, aye; Paul Wisotzky, aye; Jan Worthington, aye. Motion was approved 5-0.

Public Comment Period

Chris Lucy commented on the current status of the Kline property and the issue of the substandard roads; adding that the Kline property also built on a substandard road is the only one “under a microscope”. He asked the Board of Selectmen to take action towards a solution.

Public Hearings:

Tax Classification Hearing pursuant to MGL Ch. 40 § 56

Coburn read the Tax Classification hearing notice into the record¹. Ray Squire, Acting Deputy Assessor introduced Board of Assessor members Michael Forgione and Bruce Boleyn. He explained that the values were done and sent to the Department of Revenue which was approved within 24 hours. The Assessing Department is done and the next steps are completed by the Town Treasurer and Town Accountant.

Mr. Squire explained the classifying the tax rate and explained the consequence of shifting the tax burden to commercial, industrial and personal property classes adding that the residential factor of “1” remain in place. The Board of Assessors recommends that the residential factor of “1” remain in place.

Worthington moved to approve the residential factor of “1” for the residential tax rate. Weinstein seconded the motion. So voted unanimously 5-0.

Mr. Squire explained the Open Space exemption and noted that the Board of Assessors voted not to have the Open Space exemption.

Weinstein made a motion not to grant an open space discount which would shift the tax burden from Open Space property to the residential property class. Wisotzky seconded the motion. So voted unanimously 5-0.

Mr. Squire explained the Residential Exemption and with the tax burden shifting to the non-resident tax payers. He explained further that the tax rate would increase to make up the loss of value. He explained that the Town would still be burdened with the same taxes.

Coburn added that the Residential Exemption is a conversation that we need to have after Town meeting.

Burgess moved not to grant a residential exemption which would shift the tax burden within the residential class from residents to non-residents. Weinstein seconded the motion. So voted unanimously 5-0.

Mr. Squire explained the small commercial exemption and that it was not recommended by the Board of Assessors.

Wisotzky moved not to grant the small business exemption which would shift the tax burden within the commercial, industrial and personal property classes from certain small commercial properties to other commercial and industrial properties. Worthington seconded the motion. So voted unanimously 5-0.

Mr. Squire stated that the new tax rate is preliminary and is not set but will be \$6.63 (FY15) with an increase of 20 cents (per \$1,000). He asked that he and Belinda Eyestone be authorized to electronically sign the LA-5.

Coburn asked for a motion to authorize Belinda Eyestone, Deputy Assessor and Ray Squire, Acting Deputy Assessor to sign the LA-5 (Department of Revenue Gateway form) on behalf of the Board of Selectmen. Wisotzky so moved. Burgess seconded the motion. So voted unanimously 5-0.

Public Hearings:

NSTAR for installation of Cable, Conduit and 5 Manholes (Standish Way & South Hollow Rd) and Authorize the BoS Clerk to sign

Coburn read the NSTAR public hearing notice into record². Jessica Elder, representing NSTAR explained the proposed new electrical distribution underground work that will be utilizing two manholes with the work running along Standish Way and South Hollow Rd. Coburn asked why there was electrical lines being placed under ground versus on a utility pole.

Coburn stated that NSTAR continues to spray herbicide along right-aways. Ms. Elder explained that she would get the answer to Coburn's question. Burgess also asked about an NSTAR truck working at Route 6 and South Highland Rd and Route 6 and Aldrich Rd.

Worthington moved to table the NSTAR public hearing until more information was gathered. Burgess seconded the motion. So voted unanimously 5-0.

Town Administrator Search Committee , Chair presentation of the 4th Town Administrator Finalist Name & Review and Approve Interview Question Assignments for TA Finalists & Discussion of Reimbursement for Travel Expenses

Coburn explained that the 4th finalist withdrew leaving 3 remaining finalists. The interview questions were before the Board of Selectmen with their names alongside questions each member wished to ask of the finalists. It was noted that the third finalists was requesting travel expense reimbursement. It was noted that the questions would be asked in the order of the names currently listed on the questionnaire.

Wisotzky suggested that interview time be increased to 45 minutes. Coburn reminded the Board of Selectmen that they will be interviewing them in the course of the day. He reminded everyone of the guideline for interviewing as presented by Attorney Dolan. Mark Morse of MMA Consulting Group suggested that there be no scenarios given to the finalists. The candidates were designated as follows Candidate 1: Jillian Douglas; Candidate 2: Michelle Jarusiewicz; and Candidate 3: Rae Ann Palmer. It was discussed to allow for a ½ hour lunch break. It was agreed to post a meeting on Wednesday at 6:30PM in case a decision could not be rendered on Tuesday. There was a brief discussion to allow for travel reimbursement such as overnight accommodations and mileage.

Review and Approve Fire department Per Diem Staff Appointments- Donald West, Jesse Capello, Michael Lopriore, & Rastislav Mariak

Chief Davis came before the Board of Selectmen with 4 applicant names for the Fire Department for Per diem shifts³. Chief Davis stated that he had four candidates for their approval to work Per diem shifts. He gave information on each candidate. Chief Davis explained that all four candidates are Fire Fighter I&II and EMT basic trained. Wisotzky thanked Chief Davis.

Wisotzky moved to appoint Donald West, Jesse Capello, Michael Lopriore, & Rastislav Mariak as Per diem staff members of the Truro Fire department. Weinstein seconded the motion. So voted unanimously 5-0.

Coburn told the Board and Fire Chief that he recently saw a banner affixed to a Fire department seeking volunteers and suggested that might be an option for Truro to try and use to recruit people.

Discussion of RFQ for General Legal Services

Coburn explained that there was a legal services survey that was provided to Truro's current Town Counsel. He explained that currently there is no standing contract with Town Counsel Zisson and Veara and there needs to be a periodic review and assessment of the services provided. In the packet material was a memo provided by Mr. Lawton for the July 22nd meeting⁴. There was a brief discussion that the Board of Selectmen would be looking for a firm that is familiar with the community. The pros and cons were discussed of a law firm being located on the Cape versus off the Cape. Mr. Lawton explained that he will have a Request for Quotes (RFQ) available for the Board of Selectmen to review. Weinstein discussed his meeting with Attorney Veara and discussed the survey that was provided to 10 respondents in total. He felt that the search should extend beyond Cape Cod Law firms. It was explained what legal services Attorney Dolan and Veara provide the Town. It was reiterated that there is no standing contract with Zisson and Veara for legal services. Mr. Lawton briefly explained the process of the RFQ for legal services.

Weinstein moved that the Board of Selectmen authorize Bob Lawton as Acting Town Administrator to prepare the RFQ for legal services, to include no more than 4 providers in addition to Zisson and Veara and that all of the parties have experience with municipalities on Cape Cod, in Barnstable County. Burgess seconded the motion. So voted 4-1-0. Worthington opposed.

Review & Approve TCT request for Edgewood Farm public trail & 4 space parking area

Fred Gaechter spoke of the proposal of the walking trail at the Edgewood farm property⁵. He explained that the TCT will be acquiring the land in conjunction with Castle Hill Center for the Arts. He explained how the trails would run on the property between the adjoining parcels. Mr. Gaechter explained that Paul Morris has been involved in the discussions and has arranged for the approval from the State Highway for the curb cut. He added that the Open Space Committee voted to unanimously support this project. Burgess expressed enthusiasm for the project.

Weinstein asked if there was an issue should Castle Hill Art Center be unable to raise funds for the

purchase of their portion of the property. Mr. Gaechter confided confidence that Castle Hill would be able to acquire the funds needed to purchase the land.

Weinstein moved to authorize the TCT to construct and maintain a public trail across the Town-owned land at Book-Page 569-44 Lot 5 (Parcel 91) with a connection to another trail on the adjacent property to be owned by the TCT at Book-Page 569-44 Lots 3 and 4 (Parcels 89 and 90). Also, the Town will construct a 4-space parking area for public access to the trails. The trail and parking will be constructed in accordance with plans submitted to and approved by this Board on this date. Construction of the upper trail on the future TCT property will commence after the TCT has acquired title to the property. Worthington seconded the motion. So voted unanimously 5-0.

Mr. Gaechter asked if the curb-cut could also be approved.

Worthington moved to approve the curb-cut on Town owned land at Book-Page 569-44 Lot 5 (Parcel 91). Wisotzky seconded the motion. So voted unanimously 5-0.

FY14 Department of Housing and Community Development Block Grant Program Fund I & Authorize the Vice-Chair & Charleen Greenhalgh to sign the proper documents

Coburn recused himself due to a conflict of interest with his employer Community Development Partnership. Wisotzky Chaired the discussion deferring to Mr. Lawton for back ground information on the DHCD grant⁶. Mr. Lawton explained the town's history with the grant for affordable housing and childcare subsidies with Truro being the lead town. He explained that usually the Town Administrator is listed as the contract manager asking that the motion also approve the next Town Manager to sign the grant documents.

Wisotzky asked for a motion to approve the FY14 Department of Housing and Community Development Block Grant Program Fund I contract and authorize Vice-Chair to sign, Charleen Greenhalgh and the next Town Administrator to sign the appropriate documents. Burgess so moved. Seconded by Weinstein. So voted: 4-0. Coburn recused self from discussion & vote.

Consent Agenda

- 1) Review and Approve Meeting Minutes- August 26, 2014 Regular ⁷
- 2) Review , Approve and Authorize Charleen Greenhalgh to sign Dept. of Public Utilities Application for a Municipality or Other Governmental Entity for Net Metering and other NSTAR applications and forms for PVs on the landfill ⁸
- 3) Review & Approve and authorize Chair to sign:
 - a. Roof Replacement Bid –Public Safety Facility Building – KelKor, Inc.⁹
- 4) Review & Approve Application to Serve - Dan Smith- Shellfish Advisory Committee; Co-Acting Town Administrator, Robert C. Lawton, Jr. -Temporary Appointment to Cape Cod Regional Transit Authority & Authorize the Chair to sign letter¹⁰
- 5) Review & Approve Bike and Road Race Application- Wounded Warrior Project-Training (9/26)¹¹
- 6) Review & Approve Use of Town Property-Pamet Harbor Parking lot-Truro Treasures (9/21)¹²
- 7) Review & Approve One Day License Applications for Highland Links Golf Course (9/21, 9/22, 9/28)¹³
- 8) Review & Approve Entertainment Application-Truro Vineyards-Grape Stomp-(9/21)¹⁴

Weinstein questioned (#3) KelKor Inc. contract. He noted a typo regarding the year on the award notice provided by Barnstable County. He stated concern that there was no specific time period associated with the contract. He asked that the contract be held until a date certain is specified for the completion of the

work.

Burgess moved to approve the Consent Agenda for September 9, 2014. Wisotzky seconded the motion. So voted unanimously 5-0.

Selectmen Reports Liaison Reports

Worthington – She made a suggestion to dedicate the pathway at Edgewood farm to Paul Morris.

Wisotzky- He spoke of the Fire Department setting up a training program within the department and a policies and procedures which will be before the Board of Selectmen for approval on the 23rd. Mr. Loomer will be applying for a grant for upgrading the department’s breathing apparatus.

Coburn-Stated that he and Weinstein met with the Board of Health Chair, Dianne Eib, to go over starting the Pay as You Throw program which she was enthusiastic about.

Burgess- No report was given.

Weinstein- Stated that the Town of Wellfleet has implemented the Pay As You Throw program and he will speak with their Town Administrator to discuss how Wellfleet implemented the program. He explained that Dianne Eib, will serve out her term as Board of Health Chair and then resign.

Next meeting Agenda: September 23, 2014

Fire department appointments; Town Administrator Contract; begin discussions on Pay as You Throw; Solid Waste Transfer Trailer contract; Approval of September 9th Minutes; Mr. Lawton spoke of his memo regarding the cost for placing legal ad notices in the Provincetown Banner versus the Cape Codder. There was a brief discussion regarding the current status of the Wage and Classification study with HRC, Inc. He added that the revised job descriptions should be in hand by this week and he will get them back out to Department heads for a one week turn around.

Town Administrator’s Report

Mr. Lawton spoke of Town Employee Jarrod Cabral’s recent training and accolades. He added that the Police Chief applied and received a MEMA grant along with Provincetown Police department for a grant towards equipment and operations for the Emergency shelter. Interviews for the shared Animal Control Officer with the Town of Wellfleet will be held next week.

At 6:45pm Wisotzky moved to adjourn the meeting. Weinstein seconded the motion. So voted unanimously 5-0.

Respectfully submitted, Nicole Tudor, Board of Selectmen Secretary

Jay Coburn, Chairman

Paul Wisotzky, Vice-Chairman

Janet W. Worthington, Clerk

Robert Weinstein

Maureen Burgess
Board of Selectmen
Town of Truro

¹ Tax Classification hearing notice;FY15 Classification hearing Motions;FY15 classification hearing LA-5 Motion request; MASSDOR Assessment Classification report FY15; Residential Exemption Estimator; Residential Exemption Memo from Ray Squire; Classification Tax allocationFY15

² NSTAR Public hearing notice; Letter to BoS from Jessica elder, Right of Way Agent; Petition for underground Cable and conduit locations South Hollow Rd and Standish Way; Abutters notification; Site plans for South Hollow Rd and Standish Way;

³ Fire Chief Memo to the Board of Selectmen –Appointments for Per diem shifts dated Sept. 3, 2014

⁴ July 22nd meeting memo from Mr. Lawton to the Board of Selectmen regarding legal services

⁵ Memo to BoS dated Sept. 2, 2014 Edgewood Trail Plan and Request from the Truro Conservation Trust

⁶ FY14 CDBG Grant packet from the Department of Housing and Community Development

⁷ Meeting Minutes- August 26, 2014 Regular

⁸ Dept. of Public Utilities Application for a Municipality or Other Governmental Entity for Net Metering and other NSTAR applications and forms for PVs on the landfill; Memo from Charleen Greenhalgh and signature page authorizing Ms. Greenhalgh to sign.

⁹ Contract with KelKor, Inc., and Award Notice to KelKor, Inc.

¹⁰ Application to Serve - Dan Smith- Shellfish Advisory Committee; Chair of Shellfish Committee email; Co-Acting Town Administrator, Robert C. Lawton, Jr. -Temporary Appointment to Cape Cod Regional Transit Authority letter and Memo

¹¹ Bike and Road Race Application- Wounded Warrior Project (9/26) & letter from Practice Manager Jerrell Williams

¹² Use of Town Property-Pamet Harbor Parking lot-Truro Treasures (9/21)-5K Road Race

¹³ One Day License Applications for Highland Links Golf Course (9/21, 9/22, 9/28), TIPS certification and Liq. Liability

¹⁴ Entertainment Application-Truro Vineyards-Grape Stomp-(9/21)