

Truro Board of Selectmen
Meeting Minutes – May 6, 2015
Truro Town Hall, 5:00pm

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

Others Present: Town Administrator Rae Ann Palmer, Town Accountant Trudi Brazil, Chief Kyle Takakjian, Officer Steve Raneo

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

Public Comment

Elena Rice and her husband own Reed Deel Fishing in Truro. She explained that she was before them due to a recent request for a discussion with the Pamet Harbor Commission regarding parking at the Pamet Harbor with the Board of Selectmen. She referred to material she submitted to be placed on an agenda for discussion. She contested that the Board of Selectmen should discuss this openly in order to clarify the parking situation for the public. She cited concern for the charter businesses as she felt the new regulations would impact these local operations. She pointed to exceptions being made for certain user groups. Selectmen Chair Coburn requested this item be placed on the May 26th Agenda for discussion.

Eric Morea, of the Pamet Harbor Commission, spoke of the Land Management Agreement signed in 1987 and in 2013, noting parking rules were now changed. Jack Sheppard explained last summer that the use of the parking lot is at the discretion of the town. He added that citizen complaints have been sent. Chair Coburn suggested that his comments be saved for the May 26th meeting. Mr. Morea stated lastly that the PHC had requested a meeting with the Board of Selectmen; a question of their being a quorum arose and whether it was supported by a Board of Selectmen member. Chair Coburn reiterated that this item will be on the agenda for the 26th.

BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Review & Approve & Interview - Beverley Rose – Police Matron for the Truro Police Department
Chief Takakjian introduced Beverley “Jennifer” Rose as a Police Matron. He explained the need to fill the position with 3 day training scheduled in May. **Selectmen Wisotzky moved to appoint Beverley A. Rose as a Police Matron. Selectmen Weinstein seconded the motion. So voted unanimously 5-0.**

TABLED ITEMS NONE

BOARD OF SELECTMEN ACTION

K9 Presentation

Chief Takakjian and Officer Steve Raneo of the Truro Police Department announced that they were before the Board of Selectmen to offer a K9 unit at the department. Chief Takakjian explained when drug detection is needed or if there is a missing person K9's come from the Barnstable County Sheriff's department, Dennis or Yarmouth Police departments. The wait time to Truro is an hour at least for the K9 and their handler. He noted that Officer Raneo did a great deal of research on having a

K9. There were a couple factors that would make this work for Truro: community support, and financial support. They established a non-profit K9 Association. Chief Takakjian emphasized the growing Heroin issue on the Cape as well as in Truro. He added that K9's are the best at detecting such drugs. Chief Takakjian then explained the department's recent history on searching for people. He cited recent statistics for both drug and missing persons. He spoke to a handler's commitment to a K9. Over \$44K has been raised to support this program. Officer Raneo explained the research and the need for the program on the department. He explained the time line for her training to date with the assistance of a former military dog trainer in Wellfleet and the 10 week K9 academy. The dog is also required to train 16 hours a month. He then explained the demonstration and left to bring Ella to demonstrate her abilities thus far.

Selectmen Worthington question Officer Raneo needing to go to another town while he is on shift in Truro. Chief Takakjian replied that Officer Raneo would go to the adjoining towns under the Mutual Aid Agreement. Chair Coburn received confirmation that one of the existing vehicles will be made into a K9 vehicle. Chief Takakjian explained through donated funds they will be refurbishing an older police department vehicle.

Selectmen Weinstein stated skepticism for the necessity of a K9 unit and cited incidents from the 2014 Annual Town Report. He stated concern to the potential future cost to the community. He asked that neighboring towns support this program financially including Provincetown, Wellfleet, and Eastham. He questioned the tactics used to fill a need for equipment but until there was a shared role by other towns he would not be supporting this program. There was a brief demonstration by Ella for the hidden synthetic drugs.

Chief Takakjian responded to Selectmen Weinstein's comment in the different incidents that they run across that can also be attributed to drugs. Officer Raneo explained to Selectmen Wisotzky where the dog is until the program commences. Chief Takakjian explained the K9 unit that fits in the back of the police vehicle. Selectmen Worthington asked if the dog will go on every call. Officer Raneo stated that she would. Chief Takakjian expanded on the duties of Officer Raneo's shift as not changing. Officer Raneo explained transporting a prisoner would be done by another police officer. Chief Takakjian explained that the situation is not different from having a single office shift with an arrest.

Chief Takakjian answered Selectmen Weinstein question with regards to the longer term expense of the K9 vehicle. The cost for the insurance and gasoline would be applied to the town. He added that the K9 Association would pay for the maintenance of the vehicle. Selectmen Worthington commented that she would like to see outreach to drug users as similarly done through the Gloucester Police department.

Chief Takakjian explained that the dog will also be used for search and rescue purposes. Selectmen Wisotzky stated that he supported the program but added that he wanted to make sure that it remains self sustaining. It was explained that Ella's services could be used by any municipality that is in the Municipal Aid Agreement; which is all the towns on Cape Cod and the Islands. Chief Takakjian noted that over time costs will incur. He cited fund raising efforts that are currently underway to combat this potential cost with reference made to the budget slide which indicated the \$8K in overtime for training.

Selectmen Burgess asked about the Academy Training and whether he would then be replaced by another officer for that same shift. Chief Takakjian responded that it would depend on the shift.

Selectmen Weinstein stated concern over the funding in the longer term and asked if there were grants available. He asked that the neighboring towns sign on to a portion of the costs as they would benefit as well. There was a brief explanation with regards to missing persons. Chief Takakjian spoke of grants that they could facilitate. Selectmen Chair Coburn commended Officer Raneo on his efforts. He cautioned against the program being funded through private citizens and not through the government. He also cited concern that the dog would be used in many other towns that have greater resources. Chief Takakjian responded that they will be evaluating this program over time for purposes of the other towns facilitating the program and the impact to the budget. He added that the department will have to make careful decisions as to when the dog can be used. He explained to Selectmen Worthington that the overtime will be revaluated each year. Selectmen Chair Coburn stated that \$5-10K would be a reasonable contribution from each town. **Selectmen Wisotzky moved to endorse the implementation of K9 program and to request financial support from the participating towns: Eastham, Wellfleet and Provincetown. Chair Coburn amended the motion to include supporting further development of this program using private funds. Selectmen Burgess seconded the motion. So voted unanimously 5-0.**

Selection of Town Counsel

Selectmen Chair Coburn stated that interviews were completed from several law firms that submitted Request for Quotations for Town Counsel. Proposals have been reviewed and interviews conducted. Selectmen Worthington proposed a postponement of the vote as present Counsel is involved in complicated cases. She stated concern over Kopelman and Paige representing Provincetown as well as Truro and whether this would be an issue with respect to regional agreements. She stated concern over an issue with Provincetown's Police Chief and their representation by that law firm. She also noted that the firm's main Attorney was not present at the Provincetown Annual Town Meeting. She stated that they do have a depth of knowledge that may be positive in some ways for Truro but she was not comfortable to make a decision tonight. Selectmen Burgess spoke of the complexities of the decision and was grateful for the time it has taken to make a decision. She spoke of her view point regarding each law firm. She agreed with Selectmen Worthington's concern over Kopelman and Paige representing three Lower Cape towns and the concern of current litigation issues.

Selectmen Wisotzky noted the difficulty in making this decision. He spoke of future goals with regionalization and efficiencies. He felt that Kopelman and Paige have the breadth of knowledge that would serve Truro well but had concern regarding conflict and loyalty. He added concern that Truro may get lost compared to the larger town of Provincetown, adding that these items could be addressed in a contract with exact points made of what Truro wants and requires. He also questioned if the current Counsel should be retained to continue cases that he is working on. Selectmen Worthington responded to Selectmen Wisotzky that stating their requirements was a red flag to her.

Selectmen Weinstein stated that current Counsel has had 40 years without examination. He added, with the complexities of future issues now is the time to initiate a change. He appreciated his colleague's concern that Kopelman and Paige was a large firm but he was satisfied with the answers they gave. He cited that they represent many towns in Barnstable County and there has never been an issue with respect to loyalty. He added that there has been time given to consider the applicants before them and would not support the decision being delayed further. He stated that his vote would be for Kopelman and Paige. Selectmen Chair Coburn reflected on the long standing relationship with Attorney Veara but looking into the future felt that the town was going to require a wider breadth of knowledge from Counsel. He spoke of his conversations with neighboring towns regarding their relationship with Kopelman and Paige.

Selectmen Chair Coburn stated that he would only like to make a 2 year commitment with a 30 day exit strategy and he added that Attorney Dolan should assist with completing the Union negotiations and have Attorney Veara continue with the case Connors vs. ZBA. **Selectmen Weinstein agreed and made a motion to accept Kopelman and Paige with a 2 year contract and 30 day exit within the agreement with Kopelman and Paige. Selectmen Wisotzky amended the motion to include advisement from the Town Administrator regarding current litigation that would remain with current Counsel.** Selectmen Weinstein stated that this should be clearly expressed to both law firms. Selectmen Burgess cited comfort with continuing with current Counsel on items they are involved in. Selectmen Worthington asked that perhaps a policy on review of Counsel be incorporated and spoke to the relationship with Attorney Veara and his father over the years. **Selectmen Chair Coburn for clarity spoke of the motion including a transition of legal services to Kopelman and Paige, and to work on an agreement which includes a proposal for a transition with identified cases through the Town Administrator, including a 2 year term with 30 day exit strategy (within the parameters of the agreement).** Selectmen Weinstein so moved the motion. **Selectmen Wisotzky seconded the motion. So voted 4-1. Selectmen Worthington opposed.** Selectmen Weinstein suggest a review be done annually of the law firm. Selectmen Chair Coburn agreed adding it should be made a goal for FY16.

Update on FY15 Board of Selectmen Goals and Objectives

Town Administrator Rae Ann Palmer cited the attachments in the packet material. She stated that there is training scheduled for Ethics and Open Meeting Law which is in line with their goals as well as FMLA training. She added that she will also implement a customer service curriculum training in the future. It was decided to not discuss any goals at this time but wait until the work session. Selectmen Weinstein thanked his colleagues for the completed goals and objectives and the work that has been done on them.

Review and Approve New Remote Participation Policy

Selectmen Wisotzky mentioned the recent discussions on the Remote Participation Policy; in which their current policy is not in compliance with the State's Attorney General Open Meeting Law requirements. The former policy stated that a member could only do video conferencing with a minimum of audio conferencing. A Town cannot be more restrictive. The updated version contains language from the Attorney General's Open Meeting Law section on remote participation. He added that this has to be applicable to all Boards and Committees and not selective. The language of a Board or Committee opting out of this policy can be added. He listed the reasons that this would be applicable to a member. Selectmen Burgess spoke to the issue of cost as noted by Attorney Dolan. Selectmen Wisotzky gave an example of the cost being on the responsibility of the member unless related to accessibility. Ms. Palmer suggested if the revised policy were adopted the Town would look into a conference telephone. There was a brief discussion as to how many Committees facilitate the remote participation. Selectmen Worthington reiterated the importance of attendance. Selectmen Chair Coburn expressed discomfort with allowing regulatory Boards to participate remotely. Selectmen Wisotzky agreed adding that there has to be a quorum in the room in order to have a member participate remotely per the AG's OML. Selectmen Weinstein noted, under *Exceptions*, it is only allowed twice a year. He further noted under *Permissible Reasons for Remote Participation* that the reasons may be of an unknown duration. Selectmen Wisotzky commented that the audio has to be audible to everyone in the room. He added that it needs to be specifically noted in the minutes as well, which should be instructed to the committee Chairs. Selectmen Chair Coburn spoke of rescinding the policy. The Town Administrator Rae Ann Palmer contributed that there would need to be more

preparation done in order to adopt this revised policy. **Selectmen Worthington made a motion to rescind Board of Selectmen Policy #50 Remote Participation and advise all Committee Chairs. Selectmen Weinstein seconded the motion. So voted unanimously 5-0.**

CONSENT AGENDA

- A. Review and Approve Extension of Appointments to SMART/PAYT Committee membership and Charge
- B. Review and Approve Reappointment of Paul Kiernan-Truro Building Committee-3 year term
- C. Review and Approve the following licenses: Hawker Peddler's License-David Lewis-Lewis Brother's Ice Cream Truck; Transient Vendor License-North of Highland Campground and Hillside Farm Stand
- D. Review and Approve Minutes of April 7, 2015 Regular, March 25, 2015 Executive Session

Chairman Coburn asked to hold letter B and asked for a motion to approve the Consent Agenda. Selectmen Weinstein so moved. Selectmen Wisotzky seconded the motion. So voted unanimously 5-0.

Chairman Coburn asked to postpone the appointment of the Building Committee members until such time as there is a building project; no action on B was taken.

Selectmen Reports and Liaison Reports

Selectmen Worthington spoke of a new card shop in the former Whitman House Quilt shop in Truro he'll be open for the summer.

Selectmen Vice-Chair Wisotzky thanked everyone for their work on the Annual Town Meeting and for the whole process to get things ready.

Selectmen Burgess also thanked everyone for their work on the Annual Town Meeting. She congratulated Diane Rose for her appointment of Senior of the Year by the Council on Aging. The Cape Cod National Seashore finalized their fee structure for their beaches. She spoke of the rumble strips on Route 6 in Wellfleet. She spoke of coming up on her first year as Selectmen and thanked her colleagues and the Chairman.

Selectmen Weinstein stated that he attended the recent metropolitan planning organization meeting; he is the only candidate for Region D for Eastham, Wellfleet, Truro and Provincetown. The next meeting is Monday May 18th which includes the election. He spoke of the membership which includes people from the 14 communities in the County. He spoke of upcoming topics that the committee is discussing including the bicycle master plan, and culvert construction review discussions, meeting once a month in which he will give updates to this Board.

Selectmen Chairman Coburn discussed how the Annual Town Meeting went and reminded people about the upcoming Annual Town Election. He stated that there was an award given to Representative Sarah Peake on behalf of Massachusetts Association of Community Development Corporations for her work supporting local businesses. He also thanked his colleagues for their efforts and has decided to no longer serve as Chair and would like to nominate as Chair, Paul Wisotzky and Jan Worthington as Vice-Chair at the meeting on May 26th.

Next Meeting Agenda:**WORK SESSION to plan for FY16 – week of May 18th**

Town Administrator Rae Ann Palmer suggested the best date be May 19th for a work session of the Board of Selectmen at the Public Safety Facility. The work session will be for discussing FY16 Goals and Objectives. Chairman Coburn suggested that there be a discussion on the process of the Goals and Objectives with Town staff. He also added a discussion on Board Policies and Procedures and Communicating with staff and as liaisons to Committees.

TUESDAY, May 26th, 2015

Selectmen Wisotzky requested that Jack Sheppard, Director at the Office of Fishing and Boating Access, attend the meeting on May 26th.

Town Administrator's Report

Town Administrator Rae Ann Palmer stated that she is in receipt of 39 complaints regarding the parking at Pamet Harbor. A response to the complainants is being worked on. Ms. Palmer read from her statement regarding this topic which was posted in the May Truro ENewsletter. Ms. Palmer explained that the request put forth by the Pamet Harbor Commission came in and since it had been determined at the last meeting of the Board of Selectmen that the Board would not consider postponing the implementation of the new parking regulations, this item requesting a delay in implementing the regulations would not be put on the Agenda again. She explained the issue relating to the question of whether there was a quorum of members at the April Pamet Harbor Commission meeting.

A letter has been prepared to the Army Corp of Engineers requesting their assistance in the study of restoring the tidal flow to Little Pamet. She met today with the Regional Transit Authority, to which she is a member through her position as Town Administrator. She spoke at length with their Administrator about possibilities for a shuttle service.

Selectmen Weinstein thanked Ms. Palmer for her report. He requested that her response letter to the Pamet Harbor Parking Lot complainants also go to the Mooring holders. Selectmen Weinstein added that he is the liaison to the Pamet Harbor Commission and did question the quorum of their recent meeting.

At 7:37pm Selectmen Chair Coburn asked for a motion to adjourn. Selectmen Wisotzky so moved. Selectmen Burgess 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

Documents used:

K9 Power Point Presentation

Beverley Rose Appointment for Police Matron

Selection of Town Counsel Agenda Request

FY Goals and Objectives updated May 6th and March 17th, 2015

Remote Participation Policy #50 revised May 6th

SMART/PAYT Appointment slips and Charge

Paul Kiernan's Application to serve

Business Application packets for North of Highland Camping Area, Hillside Farmstand and Lewis Brother's Ice cream

Board of Selectmen April 7, 2015 Minutes