

Truro Board of Selectmen
Meeting Minutes – Tuesday, April 7, 2015
Truro Town Hall, 5:00 p.m.

Members Present: Chair-Jay Coburn, Vice Chair-Paul Wisotzky, Clerk-Jan Worthington, Bob Weinstein, Maureen Burgess
Present: Town Administrator-Rae Ann Palmer, Kevin Rice, Fred Todd, Jillian Cunningham, Kevin Grunwald, Kelly Clark, Eliza Harned, Jay Norton

Chair Coburn called the meeting to order at 5:00 p.m. He announced the meeting was being recorded for broadcast on Truro TV channel 18, and asked if any audience members were recording. Hearing no response in the affirmative, he opened the meeting up for public comments. No one came up to speak during the public comment period, and Chair Coburn opened the Public Hearing.

Public Hearing

- A. The Truro Board of Selectmen will hold a Public Hearing on Tuesday, April 7, 2015 at 5:00 p.m. to hear the application of Payomet Performing Arts Charitable Trust dba Payomet Performing Arts Center, Kevin Rice, Manager of Record in request of a New Seasonal Wine & Malt Pouring License (under MGL Chapter 138 § 12 General On-Premise) with the Town of Truro. The premises location is 29 Old Dewline Road, Truro, MA 02666. The hearing will take place at the Truro Town Hall, 24 Town Hall Road, Truro, MA, 02666.**

Both Mr. Todd and Mr. Rice came before the Board. Mr. Rice states that Payomet Performing Arts Center has evolved, and the thirty day special permit does not cover all of the music concerts which they would like to serve beer and wine at. They have received the thirty day license since before he joined Payomet. They would like to be able to serve from 5:00pm – 10:30pm every day. Mr. Todd added that when they had the thirty day special permit, you had to designate those days well in advance. There are events that come up quickly, and a Seasonal Wine & Malt Pouring License will give them more flexibility. Selectmen Weinstein noticed, in reviewing the application that the Town's Building inspector is also Payomet's Treasurer. Any inspections that are done, or sign code enforcement (which has been remiss) cannot be handled by the Building Inspector because no disclosure has been done. There is a conflict of interest and it would behoove the organization, and the Town, to make sure they get an inspector (or inspectors) from a neighboring town to do the inspections. Selectmen Wisotzky is concerned with the temporary signs and A-frame signs. With some research, the Board of Selectmen found that there have been no temporary sign permits for Payomet since 2007. For any organization that's doing business in Truro, and is putting up temporary signs, they need to follow the Zoning Bylaw.

Mr. Todd stated that last year the Building Commissioner did bring in an inspector from another town, because of the conflict. Selectman Worthington asked that if Payomet does what Selectman Wisotzky is asking for (applying for the temporary sign permit) would that effect their application for the pouring license. Mr. Todd explained that after the Board approves the license, it then has to go to the ABCC, and their turnaround time could be six or eight weeks. He does not believe that the signage issue has anything to do with the application for the pouring license, and he urged the Board to move forward with the process for that license. Selectman Wisotzky explained that before the Board approves anything, they always ask if the applicant has to go before any other Boards as part of the process. The Board of Selectmen will not approve something which first has to go through other Boards. He believes that the two items are linked. Selectman Worthington does not agree with her colleagues. She understands that there are steps to be taken, however she believes the two issues are unrelated. She believes it is unfair to hold up the liquor application because of the unpermitted signs.

Selectman Wisotzky made a motion to table this public hearing for the request of a new Seasonal Wine & Malt Pouring License for Payomet Performing Arts Center, until the Board's next meeting (April 22nd).

Selectman Weinstein seconded this motion.

So voted, 4-1, (Selectman Worthington opposed).

Mr. Rice wanted to add that the last time he placed signs on the highway a DOT worker questioned him about them. The DOT worker indicated that the State holds some sway over the placement of signs on the road. Chair Coburn pointed out that the sign bylaw is very clear. While the State might have concerns of where signs are placed, an application must be filled out and brought before the Planning Board, and that is what the Board is asking Payomet to do. Mr. Rice also mentioned how Truro Treasures and the Ag Fair keep banners up for quite some time. Selectman Weinstein stated that at one time he was on the Planning Board, and both event organizers have applied for sign permits and met with the Planning Board to discuss, at length, the locations and time frames for those signs.

Board/Committee/Commission Appointments

A. Review, Approve & Interview – Jillian Cunningham – Recycling Committee

Jillian Cunningham approached the Board. She was on the Recycling Committee back in the 1990's. She is a gardener, and believes that recycling goes along with gardening. She also thinks that recycling should start at an early age.

Selectman Weinstein made a motion to appoint Jillian Cunningham to the Recycling Committee as a full member, for a three year term ending June 30, 2018.

Selectman Burgess seconded this motion.

So voted unanimously, 5-0.

Board of Selectmen Action

A. Update on the Cape Cod Commission

Kevin Grunwald approached the Board. He was appointed to the Commission just over a year ago. He submitted a report to the Board which he went over. One of the major pieces of work the Commission has done over the past year was the update of the Section 208 Plan. Mr. Grunwald just became aware of the formation of Waste Treatment Agencies (WMA's). His understanding is that the Board should be working with the Commission, in terms of the watershed in this area and setting up. Towards the end of the year, the Commission spent a lot of time on a Fertilizer Management Plan. Towns were given the option of submitting their own plan, and about eight towns did do that. Truro chose not to, so they will be going along with the State Regulations. Chair Coburn confirmed with Mr. Grunwald that the window of opportunity to submit Truro's own Fertilizer Management Plan had closed. Mr. Grunwald agreed. The plan needed to be submitted and approved by the Commission by the end of December 2014. Selectman Burgess asked if manufacturers of fertilizer stopped making 5-10-5, which is high in nitrogen. Mr. Grunwald is not sure, specifically, that they've stopped making that type of fertilizer but he does know that the guidelines are very specific in terms of the composition of fertilizers. Selectman Burgess asked how towns that adopted the fertilizer management plan are enforcing the guidelines. Mr. Grunwald explained that it is one of the challenges of these regulations. It is the expectation that people applying fertilizer will be aware of the regulations, and be compliant.

In May of 2014, the Commission sponsored a Smarter Economy conference. Part of the growing focus of the Commission is on economic development. In terms of regulatory programs, the Lowes decision was one of the largest for last year. That was not approved. There was a plan, on the developer's part,

to appeal that but then it was withdrawn. The Commission also dealt with the Bridges at Mashpee, an assisted living facility, which was approved. They approved a wastewater management plan in Falmouth, which they are in the process of implementing. There was also a presentation to Truro regarding the Pamet overwash, and Mr. Grunwald believes the Commission could be a tremendous resource. The Outer Cape Bicycle and Pedestrian Master Plan is of great interest to Mr. Grunwald. The Commission has partnered with the National Seashore, and is working closely with the Bike and Walkways Committees in Provincetown, Truro, and Wellfleet. He feels that this is an exciting opportunity to make this part of the Cape more “walk-able and bike-able”.

Mr. Grunwald recently chaired the Eastham Water Plan sub-committee which approved the water plan for Eastham. He states that the Commission also in the process of revising a Regional Policy Plan, and he is on that sub-committee as well. He knows that Truro’s local comprehensive plan needs to be updated and he stated that it’s important that the Local Comprehensive Plan mirror the Regional Policy Plan. Selectman Weinstein noted something on Mr. Grunwald’s report which he questioned. Under the Regional Solid Waste negotiations, he was not aware of the fact that the Commission facilitated waste disposal contracts with eleven of the Communities in Barnstable County, resulting in a \$17 per ton reduction in the tipping fee. He is assuming Truro was not one of the communities, and if so, asked why not and why did staff did not avail themselves to this. Mr. Grunwald admitted he was not aware of this until he read the report. He does not believe Truro was involved, and doesn’t recall any discussion within the Commission. He is not sure when this took place. Chair Coburn believes that Truro did have some involvement. He knows they were attending meetings at the County level, and asked Mr. Palmer to double check that Truro did benefit from this. Selectman Wisotzky added that part of the reason why Truro was able to get a lower tipping fee was because the other communities that worked with the Commission had already received a lower tipping fee. He is curious to know if the communities which worked with the Commission actually have a lower tipping fee than Truro. Selectman Burgess asked if there are areas which Mr. Grunwald thinks are being neglected, where Truro could call on the Commission for help. She asked if there was help for the Water Resources Committee from the Commission. Mr. Grunwald stated that there is help. Selectman Wisotzky asked, besides the Regional Comprehensive Plan, are there other issues which he sees on the horizon, at the Commission, that Truro should be paying attention to. Mr. Grunwald said that certainly water, and wastewater management is critical to the Cape, and it is something which the Commission will continue to address. He also added that traffic is a huge issue. The safety of people biking is in question. There were some terrible auto and bike accidents last year, and managing traffic safely is a critical issue. Selectman Wisotzky asked if the Commission offered assistance directly to the Town, particularly to Police Departments dealing with traffic. Mr. Grunwald told the Board that there is expertise within the staff of the Commission. There are several people, who can help with traffic counting and recommendations for managing traffic more effectively. Selectman Worthington believes that Truro, Wellfleet, and Eastham are involved in a regional discussion to deal with the influx of traffic. Chair Coburn has some concern about the scheduling, and location of, meetings. If the Commission staff wants input from the three outer Cape towns, the meetings should not be scheduled in Chatham. He feels that holding a meeting in Wellfleet, Truro, or Eastham will get the input of the residents. Mr. Grunwald stated that his concern is noted, and he will bring that back to the Commission.

B. Request to Review & Approve Non-Resident Beach Sticker fee increases.

Kelly Clark and Eliza Harned approached the Board. The Beach Commission met on March 18 and discussed the fees for 2015. The last time there was a fee increase was in 2011. The Commission decided that they would like to raise fees, with the fee structure provided to the Board of Selectmen, for non-residents and for daily passes. The resident rate will not be raised. Rates would be raised as follows;

(Current rates are in parentheses and recommended rates are in bold)

Daily (\$10): **\$15**

Non-resident 1-week (\$40): **\$50**

Non-resident 2-week (\$80): **\$100**

Non-resident 3-week (\$120): **\$150**

Non-resident 4-week (\$160): **\$200**

Non-resident season (\$175): **\$225**

The Commission conservatively expects more than \$67,500 more in revenue with these increases. Chair Coburn wonders, if the National Seashore, Wellfleet and Orleans all charge \$20 for a daily pass, should Truro raise their daily fee to the same amount. Ms. Clark agrees that it would be great to be in line with the other communities, but she suggests doing it in a staged process. Ms. Harned agrees with staged increases, as this is already a five dollar jump. Both Selectmen Wisotzky and Worthington agree with the staged increase approach.

Selectman Wistotzky made a motion to approve the increase in the parking fees as recommended by the Truro Beach Commission effective immediately.

Selectman Weinstein seconded this motion.

So voted unanimously, 5-0.

C. Update on Ballston Beach.

Ms. Palmer and Jay Norton (DPW Director) met with Mark Borelli at Ballston Beach to discuss the overwash, and how they could get the sand off of the parking lot. Mr. Borelli recommended not pushing the sand into the marsh. They have moved the sand and freed up about ten spaces (two are too close to the access to the beach). A permit was obtained from the Conservation Commission to do the work. To help facilitate parking at the beach, the Chief of Police, Ms. Palmer, and Mr. Norton walked South Pamet Road to take a look at where they could safely put parking. They came up with nine spaces. They are missing six or eight spaces at the beach. The intention is to fence around the sand which has been piled up, and erect signage to keep people off of it. They cannot fence off the marsh area because of the plovers. The recommendation would be to mark the street parking "parking by beach permit only" to restrict its usage to people who have purchased a beach pass. She has checked with Town Counsel and they can do that. Selectman Wisotzky asked, in terms of enforcing those new parking spaces, would the beach attendants do that, or would it be a police function? Ms. Clark explained that the beach attendants stay where they are, because it's the safest spot for them to be, but that once the lot fills, they can take a walk up to make sure all vehicles have parking passes. The supervisor also does rounds twice a day to ticket cars that are not stickered. Selectman Coburn asked if notification to abutters had been done yet. Ms. Palmer stated that notification had not begun, but that once approved, the appropriate process will be followed. Selectman Wisotzky asked about signage, and a possible flier, informing visitors of what occurred. Ms. Palmer stated that it was in the works.

7. Consent Agenda

A. Review & Approve and Authorize the Chair to sign:

- 1. MASSDOT Standard Contract for Winter Recovery Assistance Program (WRAP)**
- 2. Staging Permit/& or Beach Access-Bayberry Gardens-Corn Hill Beach**
- 3. Staging Permit/& or Beach Access-Greg Morris-Ballston Beach Parking lot**

B. Review & Approve Common Victualer (food) License: Blackfish Restaurant, Village Café

C. Review and Approve Minutes of March 17, 2015 Regular

Selectman Wisotzky asked if the recovery assistance money being received by MASSDOT would affect the Town Budget. Ms. Palmer explained that the money needs to be spent by the end of June 2015, so

it does not affect the Town Budget. He also asked if the beach access at 53 Fishermans Road was approved at the Conservation Commission meeting. Ms. Palmer stated that it was approved by the Conservation Commission on Monday, April 6th.

Selectman Burgess made a motion to approve the consent agenda as presented.

Selectman Wisotzky seconded this motion.

So voted unanimously, 5-0.

8. Selectmen Reports and Liaison Reports

Selectman Weinstein-Did not have a report for this meeting.

Selectman Burgess-Attended the 298th meeting of the Cape Cod National Seashore Advisory Commission. The fee schedule is still in the works. The concern people had regarding increasing fees for people walking in, or riding in on bikes, was taken into consideration. She does not anticipate the fee rising that much, if at all. The Seashore Seabird Management Plan is not finished yet, and it will be presented in July. There has been another bird identified (the Red Knot), which is on the endangered species list, but it should not impact us as the plovers do. Selectman Burgess chaired two sub-committees for the Advisory Commission.

Selectman Wisotzky-He is on the Truro Educational Enrichment Committee, and they have five applicants for the scholarship which is offered. That is for Truro residents who are seniors in high school, continuing their education at college.

Selectman Worthington-Given that we may have some warm weather coming, they may want to expand their Selectman Hours to different spots for the summer. She suggested locations such as; Snow's Park, possibly a beach, and Puma Park. She mentioned that there is going to be a new trolley in Provincetown. Since they were discussing traffic issues earlier, she'd like the Board to consider something like that for transportation.

Selectman Weinstein brought up the Metropolitan Planning Organization, which has representatives from each region of the Cape. He thinks he would like to put his name in for the lower Cape seat, and asked for the Board's support.

Chair Coburn-There will be a Cape and Islands Selectmen's Association meeting Friday morning in Wellfleet.

9. Next Meeting Agenda: Wednesday, April 22nd, 2015

Chair Coburn asked if the Board could get an update on Goals & Objectives implementation at the April 22nd meeting or the May 6th meeting. He would also like to bring to the Board, for approval, a proclamation to honor retired DPW Director Paul Morris to be read at the Annual Town Meeting. We could also proclaim April 28th "Paul Morris Day". Selectman Wisotzky and Selectman Burgess have been working with Ms. Palmer, other staff members, and Atty. Jack Dolan on reviewing Policy Memorandums. There are a number which need to be rescinded, as they are no longer necessary. Selectman Weinstein asked Ms. Palmer if there is currently a policy about redacting certain information, such as; social security numbers, etc. This came to his attention in reviewing the liquor license application for Payomet. Front and center on those applications are social security numbers, and he finds this troubling. He believes there is no reason to not have a policy. If people/businesses are applying for something which requires multi-entity reviews (Board of Selectmen, Board of Health, etc), they should do so with confidence, and be protected by a policy, which keeps the original in the appropriate office and a redacted application (copy) can be circulated to the appropriate people. If this is not a policy, he would like to have a discussion about it at their next meeting about formulating one. Ms. Palmer asked for guidance as to whether a written policy is needed or whether she can just instruct Nicole and Noelle

to leave that information off of everything. Chair Coburn suggested placing this onto the next meeting agenda (April 22nd) or the May 6th meeting.

10. Town Administrator's Report

Ms. Palmer went over her report;

- A meeting is being held tomorrow, April 8th, with the original stakeholders that did the initial tidal flow study. It will be the initial meeting to develop the partnership, and to get the stakeholders re-involved. Pat Pajaron did yeoman's work in setting this up, and getting everyone to the table. The Cape Cod Commission will be there, as well as the Army Corps of Engineers, and some other partners.
- A lot of time has been spent talking about parking at Pamet Harbor. Those conversations are ongoing, as is the work at Ballston Beach.
- They have been working on union negotiations, and the Board of Selectmen will hold their executive session for that.
- Jay Norton is working on setting up a panel to hire an Assistant Custodian for the vacancy which we have. There are five solid applicants.
- Ms. Palmer is meeting with residents about concerns about abutters, and notifications, from the Planning actions, and taking a look at those policies.

Selectman Burgess stated that last year, as a citizen, she was involved with something which was to notify abutters and a lot of the addresses were incorrect, and people never got the information. Ms. Palmer said that the addresses were taken right from the Assessor's Database, and she will take a look at that. Selectman Worthington asked what the ongoing discussion about parking at Pamet Harbor is about. Ms. Palmer stated that it was about extra parking, and she has fielded a request to do a survey of the use of parking throughout the summer season, which she thinks is a good idea to document use and get a handle on that.

Selectman Wisotzky made a motion to adjourn the meeting at 6:20PM.

Selectman Burgess seconded this motion.

So voted unanimously, 5-0.

Respectfully submitted,
Noelle Scoullar

Jay Coburn, Chairman

Paul Wisotzky, Vice-Chairman

Janet W. Worthington, Clerk

Robert Weinstein

**Maureen Burgess
Board of Selectmen
Town of Truro**

Documents Used

Payomet Public Hearing for new Seasonal Wine & Malt Pouring License
Form 43 for Payomet
Application to Serve-Jillian Cunningham-Recycling Committee
Cape Cod Commission Report
Beach Fee Survey
Photograph of Ballston Beach /Parking area
Letter from MASSDOT re: One Time Contract for reimbursement
MASSDOT Winter Recovery Assistance Program Rules and Regulations
MASSDOT Contract
MASSDOT Contractor Authorized Signatory Listing
Application to use Town-Owned Property-Bayberry Gardens and Gray van Staden
Application to use Town-Owned Property-Greg Morris
Business License Application for Blackfish Restaurant
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