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Select Board Meeting Minutes  
August 9, 2022  
Via GoToMeeting Platform

**Select Board Present:** Kristen Reed-Chair, Robert Weinstein-Vice Chair, John Dundas-Clerk, Susan Areson-Member, Stephanie Rein-Member

**Others Present:** Darrin Tangeman-Town Manager, Kelly Clark-Assistant Town Manager, Jamie Calise-Police Chief, Sarfaraz Mushtaque-Police Officer, Barbara Carboni-Town Planner/Land Use Counsel, Carol Harris-Chair, Climate Action Committee, Jarrod Cabral-DPW Director, Brian Boyle-Chair, Energy Committee, Emily Beebe-Health/Conservation Agent, Fred Gaechter-Chair, Conservation Trust, Bob Higgins-Steele, Energy Committee Member, Chris Lucy, David Grayson

Chair Reed called the meeting to order at 5:00pm.

### Public Comment

-Chair Reed wished to start public comment today regarding a determination made by the Attorney General on August 1, 2022. The determination found that the Select Board is not in compliance with the Open Meeting Law (OML) by posting an insufficiently specific meeting notice for an executive session held March 8, 2022, the agenda identifying only G.L. c. 30A, section 21(a)(3), "Purpose 3," which allows a body to enter into executive session to discuss strategy with respect to collective bargaining or litigation. As noted by the Attorney General, the Board acknowledged in its response to the OML complaint that the meeting notice should have identified the bargaining units that were the subject of the executive session. The Attorney General further noted that in response to the OML complaint, the Board amended its notice for the meeting to specify the four unions that were the subject of the Purpose 3 discussion. The Board recognizes the importance of identifying the purpose of any executive session and ensures through review by legal counsel that meeting agendas specify the purpose and subject of all executive sessions.

The Attorney General also found that the Select Board was not in compliance with the OML by failing to review executive session meeting minutes at reasonable intervals to determine if continued nondisclosure was warranted. As noted by the Attorney General, in response to the OML complaint, the Board reviewed and released minutes for executive sessions held in September 2021, October 2021, and February 2022; and reviewed minutes of its March 8, 2022, executive session, determining that disclosure would defeat the purpose of the executive session. The Board recognizes the importance of reviewing executive session meeting minutes at reasonable intervals and will ensure going forward that this is regularly completed. As required by the Attorney General, the Board will review any remaining executive session minutes for release or continued nondisclosure within less than 60 days.

The Board recognizes the core value of transparency underlying the Open Meeting Law and is committed to improving its practices to ensure compliance.

Chair Reed added that this complaint should serve as a reminder to all boards, committees, or commissions in Truro that agendas should be sufficiently specific, and committees should be addressing outstanding minutes that still require approval.

### **Public Hearings-None**

#### **Introduction to New Employees-Sarfaraz Mushtaque-Truro Police Officer**

Chief Calise introduced Officer Mushtaque, who joined the Police Department after graduating from the Cape Cod Police Academy in July. He is assigned to their field training program.

Officer Mushtaque introduced himself. He is proud to be in Truro and proud to be wearing the uniform. Select Board members welcomed Officer Mushtaque.

#### **Board/Committee/Commission Appointments-Lili Flanders-Climate Action Committee**

Chair of the Climate Action Committee, Carol Harris, stated that Ms. Flanders was ill and could not attend the meeting.

### **Tabled Items-None**

### **Select Board Action**

#### **Conservation Restriction for 15 Laura's Way**

Town Planner Carboni stated that this item is a request by the Truro Conservation Trust for the Select Board approval of a Conservation Restriction on the property of 15 Laura's Way. She, and Health/Conservation Agent Beebe, provided guidance on the process and Mr. Gaechter spoke about the parcel and its value. Member Weinstein asked if the lot was developable. Town Manager Tangeman stated that it was. Member Weinstein is troubled by efforts by the Conservation Trust to purchase developable property. He stated that we can't have a housing crisis and also have groups in Town actively converting developable land into land that is removed both from the tax rolls and from the potential of housing. He believes the Select Board should review a policy where the Town would be given an option to have first right of refusal to purchase a piece of property. Member Areson pointed out that the property has already been purchased by the Conservation Trust and that they should look at the Conservation Restriction Policy. Both Members Dundas and Rein are in favor of approving. Chair Gaechter agrees with the Board and thinks there's a need to look at how conservation and housing can work co-operatively and address both the issues of saving the environment and climate change. He's happy to participate in a discussion.

**Member Weinstein made a motion to approve and endorse the Conservation Restriction related to 15 Laura's Way pursuant to MA. General Law Chapter 184, Section 32.**

**Member Dundas seconded.**

**Roll Call Vote:**

**Member Weinstein-Aye**

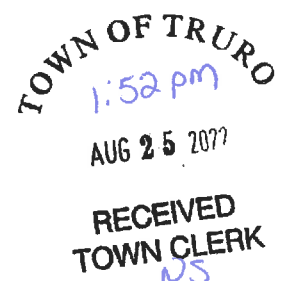
**Member Dundas-Aye**

**Member Areson-Aye**

**Member Rein-Aye**

**Chair Reed-Aye**

**So voted; 5-0-0, motion carries.**



**Member Areson made a motion that the Select Board work with the Truro Conservation Trust and Town staff to review and update Policy #6 concerning conservation restrictions.**

**Member Dundas seconded.**

**Roll Call Vote:**

**Member Weinstein-Aye**

**Member Dundas-Aye**

**Member Areson-Aye**

**Member Rein-Aye**

**Chair Reed-Aye**

**So voted; 5-0-0, motion carries.**

#### **Review and Approve Charge Change to Increase Membership of Recreation Advisory Committee**

Member Rein is the Select Board liaison to the Recreation Advisory Committee. During their first meeting, members brought up the concept of bringing the Committee back to a complement of seven. Liaison Rein and Recreation/Beach Director Clements are both in favor of this. Member Areson noted that there are already six members. She's in favor of adding a second Alternate position to bring the member count up to seven. The rest of the Board concurs with Member Areson's suggestion.

**Chair Reed made a motion to adopt the revised charge for the Recreation Advisory Committee, increasing the membership to five full members plus two alternates.**

**Member Rein seconded.**

Member Areson went over some language changes in the new charge.

**Roll Call Vote:**

**Member Weinstein-Aye**

**Member Dundas-Aye**

**Member Areson-Aye**

**Member Rein-Aye**

**Chair Reed-Aye**

**So voted; 5-0-0, motion carries.**

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#### **Review and Authorize Signature on Town of Truro Comments on the Draft Stretch Energy Code and Specialized Stretch Energy Code Proposal**

Chair Boyle from the Energy Committee gave a summary on grants received from the Green Communities Program. He then discussed how the Department of Energy Resources has been at work with the next version of the Stretch Code which they have a draft of and are looking for comments. Members of the Energy Committee have been studying the draft. He presented questions and suggestions to the Department of Energy Resources which both the Energy Committee and the Climate Action Committee adopted unanimously. His feeling is that if the Select Board signs on to those comments and questions that it would carry more weight. Chair Harris from the Climate Action Committee stated that by having the town send this letter it sends a message to the Town of Truro that they are serious about this topic.

Member Weinstein has reviewed the letter and has objections to certain items. He then went on to discuss the issues. Member Areson was thrown by the use of boldface type. She noted some inconsistency and editing comments that she would make. She also narrowed in on one item for clarification. Almost every concern Member Dundas had was articulated by Member Weinstein and he spoke about those concerns. Member Rein wished to know if the Building Department had weighed in at all and she also asked if there had been any work done to quantify any costs.

Energy Committee Chair Boyle agrees with the comments from the Select Board. He addressed some of the comments made by the Board.

Energy Committee Member Higgins-Steele added his comments to the discussion.

Mr. Lucy would like someone to explain to the general public what this is all about. He doesn't know what the cost comparative is. What does it cost to go Net Zero?

Member Areson would like an Energy Committee/Climate Action Committee/Select Board work session when the next draft comes out so that they can be more educated.

The Select Board and Energy Committee agreed that the letter was not ready for Select Board sign off and that it would be sent by the Energy Committee and Climate Action Committee.

#### **Staff/Committee Updates**

##### **Staff Report: Briefing on Monkeypox**

Heath/Conservation Agent Beebe wished to update the Board on the status of Monkeypox.

- Monkeypox is now referred to as MPX and it is our new Public Health emergency.
- There are a couple active cases in Town.
- The goal is to make sure the public is educated about how to keep safe.
- Staff from lodging establishments need to be educated on how to keep themselves protected so that spread can be contained.
- There is no vaccination strategy at this time because of limited supply of vaccines.
- No active testing strategy.
- Heavy education is needed in order to stop it from spreading, and that is achievable.
- She encouraged people to check the Health Department's website under Epidemiology.
- The CDC website and the Mass Department of Public Health also are good sites to visit.
- If you are a known contact, you need to be mindful of your contact with others. Watch for a rash. Reach out to Outer Cape Health but avoid prolonged physical contact with anybody until you are well or know that you are in the clear.
- If you are sick, stay in and isolate in accordance with guidance from your healthcare provider.
- Isolation guidance is on the Health Department website.
- If someone from DPH or Barnstable County Health calls, please answer your phone to help with contact tracing.

##### **Staff Report: Update on Eagle Neck Creek Culvert Replacement/Old County Road and Other Environmental Projects**

DPW Director Cabral gave a detailed timeline of how the Eagle Neck Creek Culvert Replacement/Old County Road project came together;

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- Original bid opening June 30, 2021, was rejected because the bid for East Harbor (which was combined with Eagle Neck Creek) exceeded the price that was authorized. Both projects were rebid with a cap on East Harbor.
- New bid opening was October 6, 2021, with the contract being executed October 26, 2021. Notice to proceed was signed November 1, 2021.
- Eversource was contacted July 9, 2021, with a set of plans. Eversource commented that the project looked straightforward.
- Town consultants filled out a work order request with Eversource and followed up with a mandatory jobsite pre-bid site visit on July 14, 2021.
- Eversource did not show up to the pre-bid site visit and requested an additional meeting with the consultants at the job site. That visit happened July 21, 2021.
- The Town and consultants received comments back from Eversource which comprised of construction alternatives on July 23, 2021. The preferred construction alternative was incorporated into construction plans.
- Before Comcast, Verizon or Eversource moved further they expected payment up front before mobilizing and doing any work. The Town made those payments.
- As part of the scope of work, Verizon and Comcast were contacted to raise their lines along with Eversource after the poles were replaced. Reps for Verizon and Comcast were contacted to endorse the petition along with Eversource for the pole hearing.
- Petition for the pole hearing was signed January 13, 2022, and was placed on a Select Board agenda for approval on January 25, 2022.
- Eversource indicated the work would begin 3-weeks after the hearing (approximately February 7, 2022)
- Updates from Eversource were requested by DPW Director Cabral after the hearing and after the team meeting February 3, 2022, to solidify a schedule.
- Eversource was at the team meeting along with Comcast. At the meeting, Eversource noted it would take 3 to 4 days to complete the job.
- Eversource indicated that the weather slowed the progress of the installation of the new poles. Once the poles were installed there were additional delays including an internal Eversource permit review which Eversource did not mention previously. Eversource was also to institute the rights hearing with the Select Board, which they did not do. DPW Director Cabral was the one to institute that hearing.
- Eversource then announced there would be another 20-day delay. DPW Director Cabral reached out to Fire Chief Collins to see if he could help move the project up, which he did. Everything was rescheduled for late March 2022.
- Slopes around the culvert will be completed this week and steel sheeting will begin to be removed. Leaving the sheeting in would have resulted in a \$196,000 change order.
- Tidal flow will be restored Wednesday or Thursday of this week.
- Roadway prep work for paving will begin on the 17<sup>th</sup> of August.
- DPW Director Cabral gave a summary of lessons learned with working with utility companies.

Mr. Grayson stated he wrote to Town Manager Tangeman and DPW Director Cabral. He thanked them for their quick reply back. He stated that he's frustrated with the timing. He

feels that when the Town found out about the delays, the project should have been delayed further by the Town and start the work around Thanksgiving.

DPW Director Cabral is aiming to have paving done around the holiday (Labor Day).

Demobilization should begin next week. He also spoke about time of year restrictions. There is a timeline of when work can be conducted in and out of the water. Installing steel sheeting has to be done at a particular time of the year.

-DPW Director Cabral then spoke about the East Harbor project. The culvert replacement is complete. The only thing left is plantings which will be done in early October.

-Truro Center Road has 10 data loggers in Pamet River stretching from Harbor to Ballston Beach. The study will take 10-12 months and is being funded by the Cape Cod Conservation District and will be followed by a larger grant award to move the project through final design.

-Three different engineering evaluations have been completed for Little Pamet and the next phase will be a final design.

-A grant for Mill Pond has been received in the amount of \$150,000 to advance the project to final design.

-The Cloverleaf project will continue.

-Pond Road stormwater management infrastructure estimate for the water line install and reviewing locations for the water storage tank is behind due to Horsley Witten. He expects something from them any day.

#### **Tabled Items-None**

#### **Consent Agenda**

Member Areson commented on the minutes of May 17, 2022. She thinks that the section which refers to the election of officers lacks comments made by herself and Member Dundas. Chair Reed recommended pulling those minutes and having substantive comments from Members Areson and Dundas sent to the Executive Assistants to place into the minutes. Those amended minutes can then be brought before the Board for approval.

**Chair Reed made a motion to approve the consent agenda without the minutes of May 17, 2022, which Members Areson and Dundas will submit amendments to.**

**Member Dundas seconded.**

**Roll Call Vote:**

**Member Weinstein-Aye**

**Member Dundas-Aye**

**Member Areson-Aye**

**Member Rein-Aye**

**Chair Reed-Aye**

**So voted, 5-0-0, motion carries.**

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#### **Select Board Reports/Comments**

Member Weinstein attended the One Cape Summit. The Town is in receipt of a letter complaining about a bus stop. He brought it to the attention of Steve Tupper who is in charge of transportation issues at the Cape Cod Commission. Yesterday he was contacted by Kathy



Jensen (one of the heads at the Regional Transit Authority). A meeting will be held at the site. He also attended the Energy Committee meeting. There was discussion around Truro's status as a Green Community. There is an opportunity to update that status. There was also discussion about retrofitting the Public Safety Facility.

Member Dundas gave his appreciation for the cooling station provided by the Town at the Public Library. The Concert Committee is urging people to attend the last couple of concerts in August. Member Dundas attended the Planning Board meeting of July 27 at which Planning Board member Riemer suggested that the Select Board consider submitting their letter of priorities (to both the Planning Board and the Economic Development Committee) earlier than December 31, 2022. He'd like this placed on an agenda for discussion. The Planning Board also discussed the cell tower at the Transfer Station and the lack of service in the Town. He also thanked the Public Safety employees who helped during the Pan Mass Challenge over the weekend.

Member Areson agreed that the cooling center was needed and appreciated. She also echoed Member Dundas' comments regarding people working during the Pan Mass Challenge. She attended the One Cape Summit which prompted a discussion among herself, the Town Manager, Town Planner, and Kevin Grunwald from the Housing Authority. Ellery Althaus from the Planning Board will join the Ad Hoc group to get together to discuss any possible housing issues that could be brought to the Planning Board or Housing Authority to come up with innovative ideas to work on how to increase housing in the community. Today was an LCPC workshop where they are working on a visioning process. They're building on the community survey that was done. She also encouraged citizens to fill out the postcards that LCPC has set out at various locations. She is meeting with the Economic Development Committee to discuss the last goal on the list; the creation of a cultural district in Truro.

Member Rein attended a culvert meeting at Town Hall when a gentleman came in and shared how helpful and kind employees are at the Transfer Station.

Chair Reed also attended the One Cape Summit. She shared some resources that she learned about. She was impressed by the Association to Preserve Cape Cod and the Housing Assistance Corporation. They both came together and worked on a Grow Smart Cape Cod tool where they mapped out all 15 communities and looked at them through the lens of preserving Cape Cod and our housing challenges. You can visit [www.growsmartcapecod.org](http://www.growsmartcapecod.org) to see guidance to consider high priority and low priority land and where development can happen. She had a chance to speak with Brian Carlstrom and he pointed out that he has not given the Select Board a presentation in a while. He would like to come before the Board to present work that's being done.

Member Areson noted that there are two vacancies on the Local Comprehensive Plan Committee. She wanted to get the word out and encourage people to apply.

### **Town Manager Report**

Town Manager Tangeman stated that Mr. Uricch spoke to him about the Transfer Station employees as well. Town Manager Tangeman also spoke about the Library staff, as they have been the primary people running the cooling station. He said they are doing a great job. He attended the One Cape Summit. One item he took from there was the very innovative approaches to housing.

**Next Meeting Agenda: Work Session (Date TBD); Regular Meeting (August 23)**

A doodle poll has been sent to the Select Board to determine a date for a work session. He mentioned an executive session for contract negotiations and two action items. He then talked about the agenda items for the August 23 meeting.

**Member Dundas made a motion to adjourn at 7:41pm.**

**Member Areson seconded.**

**So voted; 5-0-0, motion carries.**

Respectfully submitted,



Noelle L. Scoullar



Darrin K. Tangeman

Under the Authority of the Truro Select Board

**Public Records material of 08.09.2022**

1. Application to Serve-Lili Flanders; Chair's Comments
2. Memorandum from Conservation Agent regarding CR for 15 Laura's Way; Memorandum from Town Planner/Land Use Counsel; Conservation Restriction
3. Recreation Advisory Committee Charge-Current and Draft
4. Tow of Truro Comments on the Draft Stretch Energy Code and Specialized Stretch Energy Code Proposal
5. Select Board Meeting Minutes of May 17, 2022
6. Select Board Work Session Minutes of June 22, 2022
7. Select Board Meeting Minutes of July 26, 2022

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