

**Truro Select Board Meeting  
Tuesday, February 25, 2020  
Truro Town Hall**

**Select Board Members Present:** Janet Worthington, Chair; Susan Areson, Stephanie Rein, Robert Weinstein

**Regrets:** Kristen Reed

**Present:** Town Manager Rae Ann Palmer; Assistant Town Manager Kelly Clark; Attorney Katharine Klein of KP Law

Chair Janet Worthington called the meeting to order at 5:00 p.m. and welcomed new Select Board member Stephanie Rein.

**PUBLIC COMMENT**

Deborah Best-Parker, addressing the townspeople, made a plea for civility in local political practices.

Janet Worthington said several people have expressed their desire to keep the old, crank voting machine. She suggested bringing the issue to Town Meeting for a vote.

**COMMISSION APPOINTMENT**

Carol Girard-Irvin explained her interest in serving on the Conservation Commission. Her background in the New Jersey Division of Fish and Wildlife and her concern for the environment qualify her for the position, she said.

Robert Weinstein moved to appoint Carol Girard-Irvin to the Conservation Commission for a three-year term expiring June 30, 2022. Susan Areson seconded, and the motion carried 4-0.

**SELECT BOARD ACTION**

***Walsh Property Order of Taking***

Town Manager Rae Ann Palmer reviewed the history of the Walsh Property. The financial source for the purchase of the property is a Bond Anticipation Note (BAN) received on June 24, 2019 as approved at the May 14, 2019 Annual Town Election. If the Town does not acquire the Walsh Property at this time, the Town will pay a penalty on the BAN proceeds because the closing needs to take place within a year from the date of the borrowing. The Conservation Trust will contribute \$500,000 to the purchase.

Town Counsel Katharine Klein said all the money from the Town and the Conservation Trust is being held in escrow by KP Law. The Town intends to move forward with the purchase although one of the brother's share of the property is in probate. She is confident that title will show his sons as heirs to his one-third interest in the property. That share of approximately \$500,000 will be held in escrow until the estate is probated in Puerto Rico and in Barnstable County. She said KP Law has protected Truro with the order of taking and the escrow

agreement, which sets forth the terms. Personal property in some of the structures still needs to be removed. If it remains after an inspection, the Town can determine the cost of removal and hold that money back until the buildings are cleared. KP Law will be sure that the Town is not left with any costs for the removal of the personal property. The closing date is scheduled for February 27, 2020.

Susan Areson moved that the Select Board vote to execute the Order of Taking for the Walsh property. Robert Weinstein seconded, and the motion carried 4-0.

Ms. Klein presented the Order of Taking, and the Select Board members signed it.

### ***Use of Dennis Gift Funds***

Janet Worthington read the explanation of the Dennis Gift Fund Account, established in 2016 as a part of a court ordered mediation with the Dennis family. The gift from the Dennis family in the amount of \$2,532,000 is to be donated over the course of 10 years. The current balance of the Dennis Gift Fund Account is \$1,032,000. The proposed amount to be used to offset debt service on the Walsh Property is \$124,550 in the Fiscal Year 2021 Budget. Chair Worthington had requested the opportunity to discuss the use of the Dennis Gift Fund at a Select Board meeting.

Ms. Worthington said that she had recommend a discussion because of the provisions set for use of the money when the Dennis Gift Fund was established. She said discussion would provide transparency about the proposed use of the funds. Ms. Worthington considers it an appropriate use of the fund but asked her colleagues for their opinions. Susan Areson clarified that the part of the fund being considered is not the fine associated with the house and agreed that it is an appropriate use of the Dennis Gift Fund. Ms. Palmer stated that the fine, determined by the number of days that the building was in violation, was received in 2019. Robert Weinstein said that he and Janet Worthington had taken part in the nine-hour mediation that resolved the case with the gift fund and the fee for the violation period. Ms. Palmer said she has met with the Dennises annually, and they have conveyed to her their sentiment that they would be proud to have the money used for the Walsh Property.

Robert Weinstein moved to utilize funds from the Dennis Gift Fund to pay the debt service on the Walsh Property acquisition in the amount of \$124,550. Susan Areson seconded, and the motion carried 4-0.

### ***Hands-Free Use of Mobile Telephones***

Police Chief Jamie Calise discussed the new driving law, House Bill, No.4203, for hands-free use of mobile phones that went into effect on February 23, 2020. He presented statistics on fatalities that involves distracted drivers in the United States. He reviewed the prohibited use when the vehicle is in a traffic lane, a bicycle lane or at a stop signal. Drivers under the age of 18 are not allowed to use mobile devices even in a hands-free mode. The exceptions to the law allow for 911 calls or other emergency calls. Chief Calise listed the cost per offense: \$100, \$250

with a mandatory distracted driver class and \$500 with an insurance surcharge. He reviewed the one touch or swipe allowed for a dashboard mounted device. There is a CB radio exemption, he said. The Chief explained that reporting for insurance purposes is like reporting speeding violations. Ms. Palmer asked about use of navigation maps, audio books and music apps. Chief Calise said that the hands-free rule did apply. Mr. Weinstein asked for more clarification of emergency situations and exemptions for emergency personnel, and Chief Calise expanded on those instances.

### ***Zoning Bylaw Amendments***

Ms. Palmer explained that this agenda item was procedural. The Select Board must refer the zoning bylaw amendments back to the Planning Board for a public hearing to be held by the Planning Board. The Select Board will have another opportunity to comment on the proposed amendments at a later date.

John Reimer, speaking as a member of the public, raised a point of order. He asked what circumstances require Select Board members to submit written recusals when they have previously addressed issues as private citizens at a public meeting. This was in reference to the Select Board meeting of January 28, 2020. Ms. Palmer discussed procedure for filing a disclosure statement if there was a perceived ethics violation. She and Janet Worthington said that members who recuse themselves from discussion abstain from voting on an issue.

Chair of the Planning Board Ann Greenbaum and Town Planner Jeffrey Ribeiro said that the Planning Board had voted to refer the zoning bylaw amendments, in accordance to Mass General Law. Ms. Greenbaum said that the Planning Board has focused on streamlining processes, making the bylaws more efficient and easier to understand, trying to eliminate confusion, and making applications easier for the Planning Board, applicants and people who might want to apply. There is more work to be done, but the amendments that are being proposed are a start, she said.

Susan Areson asked for a summary of the changes in the Auxiliary Dwelling Units (ADU) bylaw. Ms. Greenbaum said the subcommittee had prepared the amendments on criteria for parking requirements, the number of copies for applications, removing the requirement of prior approvals by other committees by having a meeting with the Town Planner first, providing sufficient information on renovations for Planning Board to make a decision, removing language on appeals, and changing references to tax exemptions. Susan Areson asked about the tax exemption for Affordable Auxiliary Dwelling Units (AADUs). Jeffery Ribeiro said that AADUs were eliminated from the zoning bylaws and now appear in the Town's general bylaws.

A public hearing on the amendments is scheduled for March 4, 2020. There will be one more meeting for further discussion after the public hearing, Ms. Greenbaum said.

Susan Areson moved to refer the proposed bylaw amendments to the Planning Board to begin the necessary public hearing process, pursuant to MGL c.40, § 5. Janet Worthington seconded, and the motion carried 4-0.

Robert Weinstein explained that he has had numerous discussions with Town Counsel and the Ethics Commission about his ability to vote on bylaws. He is permitted to participate on town-wide bylaws but excluded from those that apply to the Seashore District, where he resides. He also has filed a disclosure form with the Town Clerk.

### ***Fiscal Year 21 Budget***

Town Manager Rae Ann Palmer said that the final Town Manager Budget has been lowered by reductions in the Recreation and Beach. The total budget is \$21,006,508. She said that does not include the proposal for four firefighter/paramedics; however, there is a proposed Proposition 2 ½ override that would allow the Town to hire them by the beginning of July. The Select Board received a two-page summary and the full FY21 Budget.

Town Accountant Trudi Brazil reviewed the two-page recap of the Budget, broken down into expenditures and off-setting revenues. She said that there are additional purchases planned, one by debt and one by capital exclusion. An ambulance would be paid by debt service over a period of about five years, and a tractor trailer for the Transfer Station would be a one-time capital exclusion item. These raise the total to \$21,526,508. Other expenditures that are not presented at Town Meeting include the overlay, cherry sheet offsets, and state and county assessments. Expenditures from Free Cash transfers are budget neutral, she said, but they raise the total to \$23,194,989. Ms. Brazil explained debt payment on the Mass Water Pollution Abatement Trust grant. She discussed transactions for the OPEB trust, transfers, the Affordable Housing Trust Fund, employee benefit buyouts, local revenues such as dog licenses, shellfish permits and parking tickets, excise taxes, room tax, and short-term rentals. The special revenues include receipts received from various sources. The levy limit is \$17,877,073. Deducting spending from revenues, she noted the shortage of \$89,269 from the budget. She said that anything under a \$100,000 variance is reasonable since much of the budget is estimated. A slide depicting the breakdown of the figures was displayed and will be posted on the Town website.

Ms. Palmer explained the concern for hiring additional firefighter/paramedics. Since Provincetown, Lower Cape Ambulance and Truro are in discussion about changing the modelling of ambulance services, Truro needs to be ready for change by hiring the firefighter/paramedics. Ms. Palmer said there also are some grant options for Truro if Lower Cape Ambulance is no longer available. Robert Weinstein spoke about the importance of staffing firefighter/paramedics to serve Truro's aging population.

In response to a question from Chair Worthington about money in the Other Post-Employment Benefits (OPEB) fund, Trudi Brazil supplied the figure of available OPEB money at this time. Ms. Palmer said Select Board members and the public are welcome to come discuss in further detail the FY21 Budget with her and the Town Accountant. Susan Howe came forward to ask if

there would be a forum before Town Meeting to discuss the firefighter/paramedics. The Budget hearing scheduled for April 14, 2020 at the Pre-Town Meeting/Candidates' Night will provide an opportunity for more discussion, Ms. Palmer said.

### ***Preliminary Warrant Article List for Annual Town Meeting***

Town Manager Rae Ann Palmer reviewed the Warrant Articles for April 28, 2020 Annual Town Meeting. The deadline for submission of monetary petitioned Articles has passed, but the deadline for other petitioned Warrant Articles is February 28, 2020 at 4:00 p.m. To date, there is one petitioned Article about the nuclear power plant in Plymouth. Articles in the Warrant included: the Planning Board's zoning bylaw amendments, the Climate Action Committee's a zero carbon objective by 2050 and Standard Articles. Ms. Palmer said that the Standard Articles include the renewal of leases for the cell towers at the Transfer Station and the Public Safety Facility. The Truro Conservation Trust is requesting a piece of land on Pond Rd. There is the one-year debt exclusion for a tractor trailer truck. There is a short-term borrowing Article for the ambulance service. The Community Preservation Act Articles are expected but have not yet been submitted. Other Articles include: acceptance of Mass General Law provisions for electrical and plumbing inspectors, expansion of rental registration to condominiums, a Mylar balloon ban, a municipal single-use plastic bottle ban, new zoning bylaws for food trucks and an advisory vote on the tabulator. Ms. Palmer explained the advisory nature of the electronic tabulator vote. If Town Meeting voters decide to continue with the hand cranked voting machine, the Select Board will need to revote the method for counting ballots.

Ms. Palmer said she will be proposing an Article to change the municipal calendar dates from half days before Christmas and New Year's Eves to whole days, but she hadn't yet discussed this with the Select Board. She said it is hard to schedule the half days for union staff in Public Safety. This would increase the number of paid holidays to 14 per year. The proposal will be included in the Warrant.

Susan Howe came forward to ask about the schedule at the Transfer Station, especially around the holidays. It's very difficult when it is closed three days in a row, she said. Ms. Palmer said the Town will work out a schedule and budget for staff overtime to avoid the longer closures at the Transfer Station.

### ***Annual Town Report Cover and Theme***

Janet Worthington said the 2019 Annual Report needs a theme and a cover. The Annual Report will be dedicated to Bill Worthington and Maureen Burgess. Stephanie Rein suggested featuring Puma Park. Ms. Palmer said that young people could be the theme, but she also suggested a multi-generational approach. Disabilities Commission Chair Susan Howe spoke in favor of choosing the multi-generational theme and featuring Puma Park. She said that Puma Park is not just for children anymore. The Commission on Disabilities has a request, through repurposed Community Preservation money to be approved at Town Meeting, to purchase adult fitness stations for Puma Park. She sees the theme and park as a way for everyone to come together. Stephane Rein discussed the original intent for use of Puma Park by all generations. Susan

Howe commended Kelly Clark for securing a grant in addition to the Community Preservation's grant that helped staff, volunteers and everyone in the community come together. Stephanie Rein will help gather photographs for the Annual Report. Susan Areson said photos of other recreational offerings for all age groups should be included along with Puma Park as the centerpiece of the 2019 Town Report. Ms. Palmer mentioned a ribbon cutting ceremony still pending at Head of the Meadow trail.

Susan Areson moved to approve a multi-generational theme and use the refreshed Puma Park cover photo for the 2019 Annual Town Report. Robert Weinstein seconded, and the motion carried 4-0.

### **CONSENT AGENDA**

- A. Review/Approve and Authorize Signature: *None*
- B. Review and Approval of the 2020 Seasonal Licenses: Highland Links Café, Terra Luna Restaurant, Whitman House Restaurant (Common Victualer) and Jobi Pottery (Transient Vendor)
- C. Review and Approve Select Board Minutes – February 3, 2020 Budget Task Force

Susan Areson called attention to a date which she believed to be in error for the Terra Luna Seasonal License. Ms. Palmer said there was an error in the application, but the actual license will have the corrected date.

Susan Areson moved to approve the Consent Agenda with the once correction on the Terra Luna application. Robert Weinstein seconded, and the motion carried 4-0.

### **SELECT BOARD REPORTS/COMMENTS**

Robert Weinstein said he had attended the most recent School Committee meeting and thanked the Chair for changing the day to accommodate his schedule. He explained the distribution of the six-million-dollar figure appropriated for the School Budget, saying that the expenses fell in line with other towns. He discussed pre-school, school choice and a possible limitation for those from outside of Truro.

Mr. Weinstein's second report was from the most recent Metropolitan Planning Organization (MPO) meeting. He represents Region D from Eastham to Provincetown. Discussions concerned the Transportation Improvement Program (TIP) funds, which come in in five-year blocks, and climate change resiliency programs. MPO members discussed visible high water near the highway, but he was concerned with the unseen water that in the culverts under Rte. 6 at the Herring River, the Pamet and East Harbor. He stressed importance of keeping the culverts repaired.

Mr. Weinstein called attention to Wellfleet's plans for Rte. 6 and the need for coordination of the Department of Conservation and Recreation, the Department of Transportation (DOT) and the Town of Wellfleet for work Rte. 6 bike trail terminus and the intersection of Rte. 6 and Main

Street, a high accident area. Work there is now scheduled for 2023. The current federal administration has reduced funding for highways, which affects Truro's transit authority and plans for smaller busses to provide service to the beaches although parking areas have not been identified.

MPO had discussed the new Cape Cod Canal bridges being planned by the Army Corps of Engineers. They are moving forward with plans for two new bridges three times the width of the original bridges from the 1930s. Susan Areson noted that money for the bridges is not included in federal spending.

One last MPO item that Mr. Weinstein mentioned was the renumbering of exits on the State Highway because Massachusetts is not in compliance with federal highway regulations. He foresees problems and disruptions associated with the renumbering.

Susan Areson said the ballot box was the big topic of concern during her office hours. She recommended the Tuesday lunches at the COA. Janet Worthington said there will be a St. Patrick's Day Special. Stephanie Rein said that people don't realize it's open to all, not just older citizens. Susan Areson said that movies are going to be added at the Council on Aging. She had attended a Housing Authority meeting and learned that the Housing Authority and Planning Board are getting together to talk about ADUs and other housing initiatives.

Stephanie Rein will receive some liaison assignments so that she can make future reports. She said she was amazed and gratified by the large voter turnout at the Special Election, saying it was nice to see that people cared.

Janet Worthington reported that her Select Board hours were all about "the crank," the old ballot box. She asked about finding an outdoor area for pickle ball and suggested putting that on a future agenda. Ms. Palmer said she needs to check with Jarrod Cabral and will add it to an agenda. Ms. Worthington requested updates on the DPW facility, the Cloverleaf, peer review and the zoning bylaw amendments.

Robert Weinstein said he too had heard much discussion about the hand cranked voting machine. He recommended the COA lunches and encouraged young people to attend them. Joan Martin, part-time pastor at the Christian Union Church, said she takes someone to lunch every Tuesday. She suggested a similar practice for business owners and others in the community.

### **TOWN MANAGER'S REPORT**

Town Manager Rae Ann Palmer offered information on early voting at Town Hall. She reported that the Police Department is applying for a COPS grant for a school resource officer. She has been a part of Comcast negotiation with the five towns and Lower Cape TV to determine percentages from the fees. Truro is requesting a significant reduction in the number of homes per mile for cable installation, she said. The Town and the National Seashore Superintendent will be meeting to discuss sharks.

Ms. Palmer briefed the Select Board on meetings with the Cape & Islands Water Protection Fund. They had passed regulations for how the board operates and are now discussing distribution of the money. In order to be eligible for a share, the board specifies that towns apply through DEP, the Clean Water Trust and the State Revolving Fund. Ms. Palmer and Town Counsel do not agree with this interpretation and believe it will be difficult to get money through this route. She wanted the Select Board to be aware that Truro might want to withdraw from the Clean Water Trust after she has gone. If that happened, Ms. Palmer suggested increasing the short-term rental amount and designating that revenue for an environmental stabilization fund, thereby keeping the money in control by the Town. Short term rentals can be raised from 4% to 6 % through a Town Meeting vote. This could be done at a fall Special Town Meeting. She believes Truro is under-represented by the board of the Cape & Islands Water Protection Fund. Susan Areson said the Town should be sure that all short-term rental units are listed correctly as belonging to Truro. Janet Worthington asked if it would be easy to withdraw from the Clean Water Trust. Ms. Palmer said she would check on it. Brewster is planning to withdraw, she said. Ms. Palmer said that Town Counsel John Giorgio plans to go with her to the next Clean Water meeting.

Ms. Palmer's gave updates on the DPW facility. She said she has conference call scheduled with architect Jeff Alberti to discuss a Phase 1 Environmental study for the current location of the facility. The study would provide more information on options for the current site. Possibly a private developer would pay for the environmental clean-up of the site through EPAs Brownfields Program. There is money left in the Town's environmental fund for a study of the site. The Town needs to get all the information to make a decision about the DPW facility and is not ready to present a Warrant Article for it at the upcoming Town Meeting. Of concern are the possibility of OSHA fines or a shut down of the DPW at the present site. Snow's Field is not a viable site for a well because of pollution there, but the Town could run a line from the Provincetown water main to the site.

The salt shed is another matter of concern. Susan Areson asked about moving the salt shed now, but Ms. Palmer said there is no other place for it. The salt shed can't fit at the Transfer Station on a spot that is too close to the abutting National Seashore. The post closure agreement for the Transfer Station carries heavy restrictions on the amount of weight on the cap and vehicles that can be driven on the road to the back of the lot. The Town does not want responsibility for locating or sharing a salt shed at the already contaminated Massachusetts Highway Garage site.

The Cloverleaf Property does not yet have the peer review, Ms. Palmer said. A Fire Department test for apparatus access resulted in the elimination of one unit, a redesigned driveway and building reconfigurations. Test wells have been drilled and those results have just been received. The funding application has been submitted for tax credits. The next public hearing on the Cloverleaf is scheduled for March 12, 2020.



Finally, Ms. Palmer thanked Assistant Town Manager Kelly Clark for filling in while she spent time away with her family for the birth of her grandson and to care for her 2-year old granddaughter.

#### **NEXT MEETING**


Agenda for the next meeting includes: an interview for an Open Space Committee applicant; appointments for the Town Manager Screening Committee; the draft Warrant for Annual Town Meeting; liaison assignments for Stephanie Rein; permission for bicycle events; seasonal licenses; and an aquacultural development license.

#### **ADJOURNMENT**

Robert Weinstein moved to adjourn. Susan Areson seconded, and the motion carried 4-0.

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

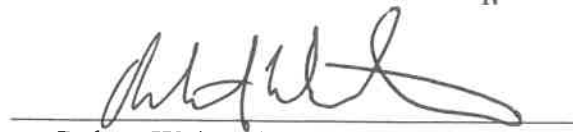
  
Mary Rogers,  
Secretary

  
Janet Worthington, Chair

  
Susan Areson

  
Kristen Reed, Clerk

  
Stephanie Rein

  
Robert Weinstein, Vice-chair

**Public Records Material of 2/25/2020**

1. Application papers for Carol Girard-Irvin for Conservation Commission appointment
2. Walsh Property BAN documents
3. Dennis Gift Fund
4. House Bill, No.4203
5. Zoning Bylaw amendments
6. Fiscal Year 2021 Budget
7. Preliminary list of Warrant Articles for Annual Town Meeting 2020
8. 2020 Seasonal Licenses: Highland Links Café, Terra Luna Restaurant, Whitman House Restaurant (Common Victualer) and Jobi Pottery (Transient Vendor)

