Truro Board of Selectmen Meeting Minutes – February 25, 2014 Truro Town Hall, 5:00pm

Members Present: Jay Coburn-Chair, Breon Dunigan-Vice Chair, Jan Worthington-Clerk, Robert

Weinstein, Paul Wisotzky

Others Present: Assistant Town Administrator Charleen Greenhalgh

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

Coburn asked for a moment of silence for Rex Peterson, Truro's Town Administrator who passed away on February 19, 2014.

Review and approval of Minutes-January 27, 2014

Weinstein moved to accept the January 27th, 2014¹ Budget Task Force minutes as presented. Dunigan seconded the motion. So voted unanimously 3-0. Wisotzky and Worthington abstained.

Review and approval of Minutes-February 3rd, 2014

Weinstein moved to accept the Budget Task Force minutes of February 3rd, 2014² as printed. Dunigan seconded the motion. So voted unanimously 3-0. Wisotzky and Worthington abstained.

Review and approval of Minutes-February 11, 2014 –Regular meeting minutes Wisotzky moved to approve as printed the February 11th, 2014³ meeting minutes. Worthingon seconded the motion. So voted unanimously 4-0. Coburn abstained.

Review and approval of Minutes-January 14, 2014-Executive Session Minutes Weinstein move to accept the Executive Session Meeting minutes of January 14th, 2014⁴ as printed and hold. Dunigan seconded the motion. So voted unanimously 5-0.

Review and approval of Minutes-February 11, 2014⁵ –Executive Session Minutes Wisotzky moved to approve the Executive Session Meeting Minutes of February 11th, 2014 and hold. Worthington seconded the motion. So voted unanimously 4-0. Coburn abstained.

Public Comment Period

Coburn spoke of the loss of Rex Peterson and how he met Mr. Peterson. He spoke of Rex's contributions and professionalism and how he brought many talented Department heads together. He thanked Ms. Greenhalgh for rising to the occassion and thanked his colleagues for their support. Weinstein agreed with his sentiments for their loss and spoke of Mr. Peterson's professionalism and thanked Ms. Greenhalgh. Worthington agreed to the statements that were given and thanked the staff for their professionalism and kindness. Dunigan echoed the sentiments. Wisotzky shared the sentiments and spoke of Mr. Petereson and the sudden loss.

Bruce Boleyn thanked Ms. Greenhalgh, adding that the town was fortunate to have her.

Appointment of Acting Town Administrator pursuant to Section 5-6-2 of the Truro CharterCoburn read into record Section 5-6-2⁶ pursuant to appointing an Acting Town Administrator of the Truro Charter. There is a Memorandum of Agreement that calls for a period of 90 days from February

19th until May 20th. The agreement calls for additional \$500.00 dollars a week and vacation time that can be spent until June of 2015. **Weinstein made a motion to appoint as per the Memo of Agreement and Section 5-6-2 (Truro Charter) Charleen Greenhalgh as Acting Town Administrator and authorize the Chair to sign. Wistozky seconded the motion.** Worthington received verification that this was agred upon by Ms. Greenhalgh. **So voted unanimously 5-0.**

Fire Department Update

Chief Brian Davis reported ⁷that in January 2014 he staffed the Fire Station with two new Fire Fighter/EMT's scheduled from 7am to 5pm. Open burning season started January 15th for brush burning. One member of the department is attending the Barnstable Fire Academy. Call response numbers are up. The Chief, Mr. Panesitti and Ms. Brazil, will be working on the Budget next week. Worthington asked about the number of transports coming from Truro versus Lower Cape. Weinstein stated that he received a tour of the new Fire Truck and asked if it was fully equipped. He responded that they are still waiting for SCBA's (Self-Contained Breathing Apparatus) for the truck. There was a meeting with the consultants and the Advisory Committee.

Police Staffing presentation & Conditional offer of employment, Officer Bragdon

Chief Takakjian spoke of the two vacancies that were open in 2013. Officer Bragdon completed the full time police academy. He will start March 3rd with the Truro Police Department and followed by 8 weeks of training at the Police department he will be able to work alone. **Wisotzky moved to approve the conditional appointment**⁸ of Officer James Bragdon with one year commencing on March 3rd, 2014 through March 3rd, 2015. Dunigan seconded the motion. So voted unanimously 5-0. Chief Takakjian stated that the formal request for two additional police officers is for FY15. Frequently there are vacancies in the department and he listed the reasons why. In 2013 over the course of the year there were 397 single officer shifts. Chief Takakjian explained a recent incident involving a single officer; which is a concern for the Police officers and also for the citizens. He cited from January 14 through February 12th, that there were only 4 days with complete staff. He next explained the three shifts during each day. He cited training as well as other factors, such as court as being a reason for single Officer Shifts.

Chief Takajian explained the procedure for officers responding to domestic calls today versus the procedure that used to be done. He added that the profession of Police officers is getting more and more complicated. He also stated the professional standards that require two officers. He commented that the Police department cannot arbitrarily change the policy because there are not two Police Officers on duty. The health and wellness of the staff is important as well for the officers. Chief Takakjian stated that a deliberate indifference standard is when a municipality fails to act when there is an issue and if something happens as a result of this then there is liability. He added that with the two new officers hired the single officer shifts will drop down to 128 shifts total. Chief Takakjian stated that the request for two additional officers equates to .8% of the overall town operating budget for FY15.

Officer Valli spoke of the long hours working the shifts and the role of a Police officer's readiness. He added that they need the tools to be able to handle situations, decompress and then come back to work. He commented that in the 5 years that he has been employed, the Department has been fully staffed for only 6 months. Chief Takakajian spoke of an officer having to work a double shift. Officer Valley spoke of the sacrifices of family members. Don Arthur, is a member of the Strategic Planning Group at the Police department. He spoke of his studies in fatigue as it relates to working with reasonability and action time. He cited an example from last summer involving a Truro Police officer and a life

threatening situation. He added that fatigue is dangerous for those that have jobs where action is required. The additional Police officers will dramatically reduce these kinds of shifts. Chief Takakjian elaborated on his research from Orleans to Provincetown and their part-time police officers. He preferred to have staff on a year round basis.

Coburn commented that they support the police officers and they need to ask tough questions. Dunigan noted that training is mainly in the winter months. Chief Takakjian responded that work loads increase in the summer months so there is no training during that period of time. He added that only one person per day is allowed to take a day off due to replacing that staff. Weinstein thanked the Chief for being involved in the Strategic Planning group. He added that his role, as Selectmen is to examine the cost of the department and survey other towns to see how other small communities address these issues. Chief Takakjian stated that the numbers can fluctuate depending on the day. Weinstein asked how many officers were in Wellfleet and whether there are single Officer Shifts. Mr. Arthur, a Wellfleet Reserve Officer, responded that there are reserves used to cover single officer shifts. Wisotzky stated that there have been conversations about this prior to tonight's discussion and he wants to engage citizens regarding this. Chief Takakjian stated that there are plans to hold an Open House on this topic. Coburn added that the Police department may discuss this at Candidate's night. Wisotzky added that the Police department is very accessible to the public. He then asked about the red section of the spread sheet. Chief Takakjian responded that it is indicative of that Officer not being on duty for the reasons listed and further explained the red line.

Dunigan spoke of fatigue with regards to dangerous situations. She added that citizens need the protection and the Police department is a great resource for the older population. Chief Takakjian commented on the service orientation of the Police department.

Acceptance of Resignation from a Multi-Member Board: Elena Rice – Pamet Harbor Comm. Wisotzky moved to accept the resignation from Elena Rice of the Pamet Harbor Commission and to send a thank you letter from the Board of Selectmen. Weinstein seconded the motion. So voted unanimously 5-0.

Discussion on holding a Public Hearing for a new business Common Victualer license (food) prior to a completed application and finalized building permit (Cert. of Occupancy) for Salty Market, LLC., 2 Highland Rd

Ellery Althaus, owner of Salty Market LLC, came before the Board of Selectmen 10. Mr. Althaus explained that he was before the Board of Selectmen to request a conditional approval of the Common Victualer public hearing for Salty Market, LLC. The conditional approval would allow for posting and abutters notification for two weeks prior to submission of licensing material. This would enable the owners to open without the delay of advertising a public hearing. Weinstein spoke to this not necessarily being a guarantee in a savings of time due to potential issues with inspections. The Licensing Agent concurred and responded that scheduling inspections, inspections passing and remaining documentation would be potential factors. Coburn stated that there is a challenge balancing regulations and process without hampering a business from opening in a timely manner. He added while also being cognisant of not changing the established rules. He suggested that for a future Board of Selectmen's goal there should be a discussion on the licensing processes and making the process business friendly. Wisotzky asked for clarification if the the public hearing would be held prior to having all required items. The Licensing Agent responded that the Common Victualer Public Hearing notice would be posted prior to submission of all material. Dunigan asked if all documentation would

be submitted prior to the date of the Public Hearing on March 25th so that they can open on the 26th of March.

Mr. Althaus explained that he intends to have all the documents submitted by the date of the hearing. Ms. Greenhlagh stated that in the event that documents remained outstanding by the date of the Public Hearing the Board of Selectmen could open the meeting and continue it until the next Board of Selectmen's meeting without readvertising. Worthington asked for clarification from the owners that everything would be ready on time. Mr. Althaus responded their goal is to have everything ready that date (3/25). Ms. Greenhalgh stated that she didn't feel that this request would need an approval through a motion as long as there was a concensus of the Board of Selectmen to move forward with advertising for March 25th at which time the license would be approved at the Public Hearing.

Continue discussion of proposed Charter revisions

Robert Panessiti, read into record a letter from Phil Smith, Chair of the Ad-Hoc Charter Review Committee to the Board of Selectmen¹¹. Mr. Panessiti reflected on the letter with respect to a standing Charter Review Committee commenting that changes are necessary for the Truro Town Charter. He added that there need to be changes for clearer governance so that there are no problematic issues in the future and clarify with town's people what they want for services. Coburn voiced support of a standing Charter Review Committee. Mr. Panessiti said that many things need to be addressed and prioritized. He added that a standing Committee will make sure that house keeping needs will be attended to and prioritized. He stated that it is important to have this group behind the Board of Selectmen to make sure that these changes can be accomplished.

Weinstein commented that in order to establish a standing committee in reference to Town Charter this language must be changed{Section 6-4-4}. The appointment of ad-hoc committees by the Board of Selectmen shall be made only for specific and immediate purposes, and any such committee shall be appointed for a definite period of time, not to exceed two years. Should the particular purpose for which and ad-hoc committee was created not be resolved at the expiration of the two year appointment, such committee may be reappointed for an additional one year period. Weinstein questioned this language versus a standing committee. He cited Section 9-9-3 with reference to the one year appointment of the Charter and Bylaw Review Committee . Ms. Greenhalgh stated that the Charter Review Committee recommends that Chapter 9 be eliminated. Ms. Greenhalgh reminded the Board which recommendations need a vote. Coburn asked for a vote of reccomendations #6 and #7. Wisotzky asked for clarification that the Committee will be called the Charter Review Committee and not the Charter and Bylaw Review Committee. Mr. Panessiti replied that it would be specifically Charter. Wisotzky moved to approve the recommendations of number 6 and number 7 by the Ad-Hoc Charter Review Committee. Dunigan seconded the motion. So voted unanimously 5-0.

Coburn stated that recommendation number 3 has to do with the Collective Bargaining agent which would add a member of the Finance Committee and remove the Board of Selectmen. Coburn suggested through discussion with Labor Counsel that this item perhaps didn't need to be in the Charter at all. He added that effective bargaining may occur if Board of Selectmen members are not in the negotiations. Worthington added that she was not in favor of removing the Board of Selectmen from the language. Weinstein explained the history of this provision being inserted in the Charter. Having a Board of Selectmen present in the negotians would be a first hand account of the meetings and there are benefits having the executive body respresented. He felt that it was important to have a Finance Committee member present. Coburn asked that this be continued for further discussion. Wisotzky encouraged the Committee to bring Labor Counsel to the discussion. Mr. Panessiti spoke of the roles of the Town

Administrator and the role of the Board of Selectmen. He spoke of the dynamics of reporting and communication. He spoke of the importance of the infrastructure being designed in a way to effectively govern the town. He stated that the skill set of the Selectmen can vary and some may not have experience negotiating.

Worthington felt that it was a major philosophical difference. She added that members of the Board of Selectmen are elected by the citizenry. She felt that varying skill sets were good. She added that a discussion on communication should take place as information isn't always shared. Mr. Panessiti felt that this is a first step for discovery on what the Board of Selectmen expect from a Town Administrator and the leadership role of the Board of Selectmen. Dunigan added that it has been an important role for her and very helpful to be on the negotiating teams. Coburn added that they will continue the discussion on recommendation number 3.

Room Tax Discussion

Coburn explained that the proposed Warrant Article¹² before them was a Home Rule Petition that has been approved by Provincetown. Currently, a Room Occupancy Tax is collected from those staying in motels, hotels and guest houses. Those renting homes during the season are not being asked to pay a room occupancy tax. This proposal would allow for the capture of those taxes. The Legislature would take some time to put this forward. Representative Sarah Peake will be discussing this in greater detail at the upcoming Chamber of Commerce dinner. Coburn stated that implenting Room Tax is something that needs to be done and has his full support and will provide Truro with an opportunity to raise more revenue. He added that the article probably needs more revisions. Wisotzky agreed that it is important to look at their revenue streams and there is a question of equity. Some visitors pay this tax while others don't. Weinstein asked if there have been projections done on what revenue will be generated from the Room Tax. Ms. Greenhlagh responded that they can try to generate some figures through the Rental Registration program. Coburn commented that it would be the renter paying the tax and Harwich after a study found that it would gain several hundred thousand additional dollars in tax revenue. Wisotzky moved to include an Article in the Warrant on the Room Occupancy Tax to seasonal rental properties in the town of Truro. Weinstein seconded the motion. So voted unanimously 5-0.

Review and Approval of Temporary Population Estimates for ABCC

The Licensing Agent spoke of the annual temporary population estimate ¹³ that must be reported to the State Alcoholic Beverages Control Commission. It was noted which towns also have seasonal package stores and also submit a temporary population estimate as it relates to the quota for seasonal package stores. There is research being done as a way to generate the most accurate figure. The current formula is to take the previous year's figure and and add 2 persons per single family residents to last years figure. The figure is attested to by the Selectmen but a question is into the state to see if the number can be adjusted, should there be an increase in seasonal package stores. The figure this year is 16, 334.

Weinstein noted the numbers generated do not equate to the total figure of 16,334 but a lower figure of 11,037. The discrepancy was explained as the figure of 16,334 was based on the traditional formula used in Truro. Weinstein stated that he understood the need to approve the number but felt that the Board of Selectmen should address issues that relate to the number of seasonal population such as Police staffing. Weinstein spoke of getting more accurate number. Ms. Greenhalgh stated that there is no clear way to get a number. She felt that the current number is quite low and could possibly exceed that number. She added that some towns under estimate this number due to not wanting more seasonal package stores. Weinstein felt uncomfortable to agree to a number due to the implications of the

number. **Wisotzky move to approve the Temporary Population Estimate for the Alcoholic Beverages Control Commission of 16, 334.** Dunigan seconded the motion. She added that this figure only be used for the Alcoholic Beverages Commission and not the Police department. **So voted unanimously 5-0.**

Discussion of fee waiver and establishing a fee waiver policy

Ms. Greenhalgh stated that the fee waivers listed ¹⁴ before them goes beyond the use of the Community Center. Wisotzky stated that this is also a question of license fees and direct expenses of custodial fees and Police services. He offered several criteria that should be considered when deciding on fee waivers for nonprofits such as whether the event is one time or recurring; whether there is a fee charged for the event; and/or, whether there are commercial activities occurring at the event. He noted that there should also be something in the Policy where the Board of Selectmen may require the organization to reimburse the Town for custodial assistance and Police detail. Wisotzky added that he will draft something for the Board of Selectmen to review.

Ms. Greenhalgh stated that in some cases organizations pay for police officer details for the events. Chief Takakjian stated that the Police department chose not to charge any event this year because they couldn't distinguish between non-profits. He felt that a Policy in place would provide guidance for the Police department. Coburn stated that it is a challenging position to be in to decide which organization makes a good case for a waiver of fees. Coburn added that there could be a rate for nonprofits and a rate Forprofits. Worthington asked about the distinction of a nonprofit that has commercial enterprises. Coburn suggested that the commercial aspect of the event not be a part of their discussion. Weinstein stated that the AgFair, and the Farmer's Market fees should be discussed.

Weinstein felt that the Police department figures for details indicated a situation where the citizenry is subsidizing these events. He added that a Policy should be established for a clearer picture of what event should have fees waived. He felt that the Highway and Police department services should be paid for by the origanizations. Wisotzky suggested that nonprofits could pay 50% of the fee and direct expenses be paid whether the organizer is a nonprofit or not but not evaluate them based on other criteria. Ms. Greenhalgh added that Concerts on the Green required services should be added to the budgets. Wisotzky stated that he would come back with two draft proposals for a fee waiver policy.

Discussion of Town Administrator search process, Search Committee Charge Review and Approval

Coburn stated that there was a draft Town Administrator Search Committee Charge¹⁵ before them. Ms. Greenhalgh stated that a Consultant would flush out the first candidates and then bring the remaining applicants to the Committee to review. Wisotzky proposed language for the first paragragh, The Committee "working with a search consultant will develop and implement a process to review...". Then in the second paragragh proposed, "Committee and Consultant may, if deemed appropriate,..." and in the third paragraph, "the Committee will consider, ...the following documents: RFP Town Administrator Search Committee Consultant,...". Wisotzky proposed setting a number of members for the Committee.

Weinstein questioned the language in the second paragragh "to determine their expectations of a success candidate and Town Administrator." Coburn responded that the survey should be what people want in a Town Administrator. It was mentioned that there were 7 members on the last Committee. Coburn suggested that 7 members should be the maximum. Coburn added that the Charge should be revised and brought back for the March 18th meeting.

Review and Approve Barnstable County Dredge Contract and Authorize Chair to Sign

Ms. Greenhalgh requested an approval of the County Dredge Contract¹⁶ in order to complete the dredging at the Pamet Harbor and to authorize the Chair to sign. Weinstein asked about attachement number one that was referenced. He added that he was also interested in the Scope of the Work (Attachment 1) that was referenced in the contract. He questioned Article 4, in the contract as it relates to weather conditions. He added that weather has interrupted the dredging but the contract doesn't speak to when it will resume dredging due to weather interruptions. Ms. Greenhalgh stated that there is time of year restrictions and that the dredge itself is in need of repairs. Weinstein added that there is nothing specific in the contract that speaks to where the dredging is taking place within the Pamet Harbor. Ms. Greenhalgh responded that some of what Weinstein was requesting is with the plans (by Coastal Engineering) that are with the Director of the Department of Public Works. Weinstein moved to approve the Barnstable County Dredge Contract to continue the dredge operation at the Pamet Harbor and authorize the Chair to sign. Dunigan seconded the motion. So voted unanimously 5-0.

Referral of Zoning Article to the Planning Board

Ms. Greenhalgh stated that the Planning Board held their Public Hearing for the Flood Plain maps. The Zoning Article ¹⁷ before them is for the overlay maps in the Zoning bylaw. This Public Hearing will be held on the 19th of March. Wisotzky moved to refer back to the Planning Board for a Public Hearing the Article on the Flood Plain District. Weinstein seconded the motion. So voted unanimously 5-0.

Continue discussion of Legal Services

Coburn stated that the questionnaire is still being circulated. He request that this topic be postponed until after the budget and Warrant are finished. Ms. Greenhalgh responded to Dunigan that there is no ongoing contract only an hourly rate.

Discussion on duties of Acting Town Administrator and related

Ms. Greenhalgh stated that her priorities are to get the Budget and the Warrant completed. Labor Counsel, Attorney Jack Dolan, will be looking at personnel matters such as combining the Shellfish and Harbor Master positions. The Building Commissioner position is still being worked on for an agreement with LIUNA. Paul Morris will be retiring in December and the position of a Department of Public Works needs to be filled. There will be a meeting March 19th with Sandy Stapczynski and Attorney Dolan to go over all of the job descriptions, in particular the Department of Public Works Director.

Coburn reported that there was a helpful meeting with Ms. Greenhalgh and Attorney Dolan. Attorney Dolan will be a resource for Ms. Greenhalgh. Ms. Greenhalgh stated that she has to decide if she will still be taking classes on Fridays.

Selectmen Reports and Liaison Reports

Worthington- She stated that the Commission on Disabilities will be working on Accessibility at the Sally's Way apartments and are working on a concert celebration in conjunction with the Dexter Keezer fund.

Dunigan- The Truro Fire and Rescue Committee met with the consultants refarding their draft report.

Wisotzky- Added that it is a very constructive report that the consultants for the Fire department presented. The Housing Authority continues to work on proposed Habitat House on Route 6 and the Housing Summitt. He also thanked John Pendleton for his service on the Planning Board. Weinstein-Stated that he is on the Strategic Planning group with the Police department and Chief Takakjian had outlined three areas of concern: Staffing, the ongoing Capital Improvement Plan, and formulating a strategic plan for seven most senior members who will be retiring from the department including Chief Takakjian. A member of the Recycling Committee asked the Board of Selectmen to put on a future agenda Pay as You Throw. He asked that copies of the Wellfleet Pay as You Throw flyer be copied to the appropriate people for the discussion.

Coburn- Nothing to report.

Next Meeting Agenda: March 18, 2014

There was a brief discussion as to when to schedule a TFRAC meeting with the Board of Selectmen. Warrant CIP and Budget review and approval to make recommendations on some of the Articles; BMI agreement for music in town; Application to serve-Registrar of Voters; Review and approval of Rental Registration fee and letter; Seasonal Liquor Licences; Seasonal Licenses for Common Victualer and Transient Vendor; Review and Approval of Stones Throw Condominium Declaration of Covenant; Discussion of fee waivers; TA Search Committee Charge.

Assistant Town Administrator's Report¹⁸

Ms. Greenhalgh reported that staff has been very supportive. She added that the item in Executive Session relative to the Collective Bargaining strategies will not be discussed tonight. Ms. Greenhalgh stated that she has been in touch with ABC Disposal and Town Counsel is speaking with them directly.

At 7:56 pm, Coburn moved that the Board of Selectmen enter into Executive Session in accordance with the provisions of Massachusetts General Law, Chapter 30A, section 21(a) number 6, to discuss the lease or real estate, whereas discussion of these matters in open session would have a detrimental effect on the negotiating position of the Town, and not to reconvene in open session. Roll Call Vote: Robert Weinstein, aye; Paul Wisotzky, aye; Jay Coburn, aye; Breon Dunigan, aye; Jan Worthington, aye. So voted unanimously 5-0.

Respectfully submitted,	
Nicole Tudor, Board of Selectmen Secretary	
Jay Coburn, Chairman	Breon N. Dunigan, Vice-Chairman
Janet W. Worthington, Clerk	Robert Weinstein
Boa	Paul Wisotzky ard of Selectmen Town of Truro

¹ Board of Selectmen meeting minutes of January 27th, 2014

² Board of Selectmen meeting minutes of February 3rd, 2014

³ Board of Selectmen meeting minutes of February 11, 2014

⁴ Board of Selectmen meeting minutes of January 14, 2014 –Executive Session

⁵ Board of Selectmen meeting minutes February 11, 2014 Executive Session

⁶ Truro Charter Section 5-6-2

⁷ Truro Fire and Rescue Chief Brian Davis's quarterly report

⁸ TPD Conditional letter of employment Officer Bragdon & spreadsheets on staffing at the Police department

⁹ Letter of Resignation from Elena Rice-Pamet Harbor Commission

¹⁰ Letter addressed to Board of Selectmen from Ellery Althaus (Owner of Salty Market, LLC) and memo from Licensing Agent for the request of the owner

11 Phil Smith, Chair of the Ad-Hoc Charter Review Committee letter to the Board of Selectemen; Reccomendations from the Charter Review Committee

¹² Room Tax proposed Warrant Article

¹³ ABCC-Temporary Population estimate annual review packet

¹⁴ Spread sheet on Fee waiver totals for calendar year 2013 and Police department fees for FY14 ¹⁵ Draft Town Administrator Search Committee Charge

¹⁶ Barnstable County Dredge Contract with the Town of Truro

¹⁷ Proposed Zoning Article regarding the Flood Plain District

¹⁸ Assistant Town Administrator's report for February 25, 2014