

Truro Board of Selectmen  
Meeting Minutes – September 23, 2014  
Truro Town Hall, 5:00 p.m.

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

Others Present: Co-Acting Town Administrator Robert Lawton

Chair Jay Coburn called the meeting to order at 5:04 p.m.

**At 5:04pm Coburn moved that the Board of Selectmen enter into Executive Session in accordance with the provisions of Massachusetts General Law, Chapter 30A, Sec. 21(a) number 2 to conduct strategy sessions in preparation for negotiations with non-union personnel, Town Administrator, whereas discussion of these matters in open session would have a detrimental effect on the bargaining/litigating position of the Town and to reconvene in regular session. So declared by the Chair. Wisotzky seconded the motion. Roll Call Vote: Robert Weinstein, aye; Maureen Burgess, aye; Jay Coburn, aye; Paul Wisotzky, aye. So voted unanimously 4-0.**

*At 5:47PM the Board of Selectmen reconvened in Open session.*

**Public Comment Period**

No comments were given.

**Public Hearings:**

**Continued NSTAR for installation of Cable, Conduit and 5 Manholes (Standish Way & South Hollow Rd) and Authorize the BoS Clerk to sign**

Coburn read into record the NSTAR Public Hearing Notice<sup>1</sup>. There was a brief discussion as to why NSTAR was burying the lines. A few Board members agreed that they were disappointed no one from NSTAR attended the continued hearing in order to provide more detailed answers to their questions.

**Wisotzky moved to continue the NSTAR public hearing. Weinstein seconded the motion.** An abutter, Tom Peters, spoke to the Board of Selectmen. He, too, questioned why the cable line was being buried on South Hollow Rd. He had no objection to the plan to do the work but was concerned about the difficulty obtaining access to South Hollow Rd. Coburn stated that he felt that the Board of Selectmen were due answers directly from NSTAR and stated that there was a motion on the floor to continue the hearing until the 14th. **So voted unanimously 4-0.**

**Joint meeting with Board of Health and Recycling Committee members to begin Discussion on the creation of a working group to study cost analysis on savings with Pay As You Throw**

Tracey Rose, Vice-Chair of the Board of Health introduced the Board of Health members and the Health Agent, Pat Pajaron. Normand Sherer of the Recycling Committee was also in attendance. Coburn spoke of it being a goal of the Board of Selectmen to look into ways to reduce the cost of solid waste.

Weinstein stated that he has begun researching other towns that have implemented Pay-As-You-Throw with significant savings. He added that it would potentially benefit the town. He spoke of Duxbury implementing the SMART (Save Money & Reduce Trash) program and how it has also been beneficial to Wellfleet. Normand Scherer, spoke of the cost of getting rid of glass recyclables. Coburn spoke of the process of structuring a Committee to start the discussion on a Pay-As-You-Throw program. Ms. Rose, Vice-Chair of the Board of Health, stated that she would be happy to begin formation of a Committee and gather information to start a Committee. She added that statistics are good for reducing trash. Coburn stated that ultimately the decision to implement the program is the Board of Health's decision.

Ansel Chaplin, of the Board of Health, felt that it would be helpful to have the information from other towns to make the program work. Ms. Rose stated that she would speak to the Chair of the Board of Health, Dianne Eib to see what preliminary work she may have done. Wisotzky felt that an Ad-Hoc Committee should be formed and questioned who would initiate it, the Board of Selectmen or the Board of Health. Weinstein added that the Charge would be created with appointments made by the Board of Selectmen. It was suggested that members for the Committee consist from the Board of Selectmen, Recycling Committee, Board of Health, two members at large, with assistance from the DPW Director and Health Agent. Wisotzky suggested that the Finance Committee look critically at the cost savings as the Town should know the total cost to adopt this program. Coburn stated that in FY16 the full effect of the tipping fee will take effect. Coburn and Ms. Rose spoke of the cost implications. Weinstein stated that there is information regarding financial implications. Coburn suggested that the Vice-Chair of the Board of Health and a member from the Board of Selectmen develop a Charge.

**Wisotzky moved that the Board of Selectmen create a charge for an Ad-Hoc Committee to study S.M.A.R.T., with Weinstein working with the Vice-Chair Tracey Rose of the Board of Health and come back to the next meeting with a draft Charge. Burgess seconded the motion. It was discussed to open the Committee to a couple members at large. So voted unanimously 4-0.**

#### **Review and Approve Contract for Town Administrator Finalist**

**Coburn stated that this item will have to be tabled since there is still work to be done on the contract as was discussed in Executive Session. Wisotzky so moved. Burgess seconded the motion. So voted unanimously 4-0.**

#### **Update on FY15 Goals and Objectives**

Mr. Lawton commented on the updated Goals and Objectives<sup>2</sup> through September 23<sup>rd</sup>.

Mr. Lawton stated that he has contacted Kristie Senatori, Deputy Director of the Cape Cod Commission (#1C) and set up a meeting for October 15<sup>th</sup> to discuss what the Cape Cod Commission can do to assist with grants. Mr. Lawton spoke next about his continued correspondence with the Wage and Classification Consultants (#24). He stated that in the latest communication, he was promised the job descriptions by September 30<sup>th</sup>. He added that the Consultant understands if an invoice is submitted, a presentation to the Board of Selectmen will be in order.

Wisotzky had a question regarding item number 21(b). He wanted confirmation that there has been no response to their July 30<sup>th</sup> letter to Comcast. Mr. Lawton stated that was correct. He left a follow up message last week. He and the Chair have discussed other avenues to get a response. If there is no response by the next update, Mr. Lawton will recommend to the Board of Selectmen that a formal request be sent to have someone from Comcast appear at a future meeting.

Weinstein had a comment on item number 23. As an update, Weinstein reported that Mr. Lawton had generated a letter regarding a request for qualifications. Weinstein had gone through the first draft of the letter, and given a copy of his revisions to Mr. Lawton. Weinstein believes this could be a brief agenda item for their next meeting.

Coburn wanted to discuss the issue with the Wage and Compensation study. Their biggest concern is that last year they negotiated one year Labor Agreements with all Unions in anticipation of having the Wage and Compensation information.

Mr. Lawton stated that negotiations could start, with some progress, however, by November they would really need some figures to work with. He has worked with the Accounting Department to get

an estimate of what a general increase would look like. The lack of information will not stop negotiations, but it will impede the goal of having this completed by the end of the year.

Wisotzky added that the issue with the consultant continues to bother him. He acknowledged that the Board of Selectmen has refrained from requesting the Consultant to appear before them. They have contracted with this Consultant in a public way, which not only makes the company accountable to the Board, but also to the public. Wisotzky suggested that a representative come to the Board at their next meeting, and explain what happened. This delay is affecting the whole Town and the ability to get things done. They have failed to uphold their contractual obligation.

Weinstein felt that an explanation was long overdue and the results now come with a cloud of skepticism. Mr. Lawton stated that a motion was not necessary, and that he would request a meeting for October 14<sup>th</sup>, at the earliest.

### **Discussion of Implementation of Publishing Legal Ads in the Provincetown Banner per Board of Selectmen Goal #19C**

Mr. Lawton stated the cost for posting a legal notice in the Provincetown Banner<sup>3</sup>. He noted a \$5 increase from the cost in the Cape Codder. He suggested that the applicants post and be charged directly by the newspaper which is not an unusual procedure. Mr. Lawton suggested that this would be the responsibility of the applicant to make sure that the notice is published or there is no proceeding with the hearing. He suggested that there would be an increase to the budget for publishing the Warrant for Annual Town Meeting. He spoke of other items that may also be published in the Banner, such as items from the Tax Collector's office. Mr. Lawton requested that the Board of Selectmen vote to publish legal ads in the Provincetown Banner or continue with publishing in the Cape Codder. **Burgess made a motion to publish Truro's Legal Ads in the Provincetown Banner. Wisotzky seconded the motion.** There was a question regarding the circulation numbers for the Provincetown Banner. Mr. Lawton stated to the Board that publishing in the Banner was a Goal of the Selectmen and he believed that the circulation amount had been previously provided. Coburn stated that there was greater readership for the Provincetown Banner versus the Cape Codder. **So voted unanimously 4-0.**

### **Consent Agenda**

- 1) Review and Approve Meeting Minutes-September 9, 2014 Regular & Executive & September 16, 2014<sup>4</sup>
- 2) Review and Approve FY2016 Municipal Calendar & 2015 BoS meeting Schedule<sup>5</sup>
- 3) Review and Approve and Authorize Chair to sign:
  - a) Solid Waste Transfer Trailer Bid-DPW Department-Spector Manufacturing Inc.<sup>6</sup>
- 4) Reappointment of Board and Committee members-Robin Robertson-Hist. Comm.; Steve Royka-TAC; John Hopkins-AgComm; Peter Graham-COD; Jennifer Shannon-TAC; Peter Fontecchio-EnCom; and Larry Lown-ConsCom; Maureen Cronin-CPC<sup>7</sup>
- 5) Review and Approve filling a vacancy at the Truro Public Library –Library Assistant<sup>8</sup>
- 6) Review and Approve –Entertainment Application –Vinegrass Music Festival at Truro Vineyards (10/4)<sup>9</sup>
- 7) Review and Approve Use of Town Property –Head of the Meadow Parking lot- Vinegrass Music Festival (10/4)<sup>10</sup>
- 8) Request for BoS Approval of a transfer from the Reserve Account for the Fire Department<sup>11</sup>

**Wisotzky moved to approve the Consent Agenda but hold the Executive Session Meeting Minutes of September 9<sup>th</sup>, 2014. Weinstein seconded the motion. So voted unanimously 4-0.**

## **Request for public comment regarding the Monomoy National Wildlife Refuge (MNWR) Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) from the Board of Selectmen**

Burgess explained the history and size of the Monomoy National Wildlife Refuge, which was established in 1944 which falls under the National Fish and Wildlife Service. Currently, the National Fish and Wildlife service is asking for commentary from the public on its new Draft proposal of a Comprehensive Conservation Plan for Monomoy. The packet contains a draft letter<sup>12</sup> which was sent by Ms. Goldsmith (Town Manager of Chatham), and Ms. Seldin (Board of Selectman Chair, of Chatham), asking for support of the Board in responding with them to the National Fish and Wildlife Service with regard to this comprehensive plan. The question before them is do they, the Board of Selectmen, support Chatham's claim to ownership of South Beach which Burgess explained.

She added that what has happened now is that there's been a change in what National Fish and Wildlife feel is the boundary of Monomoy. In the comprehensive plan there are three proposals, A, B, and C. National Fish and Wildlife is in favor of proposal B. They are asserting that they have claim to an additional 717 acres, of which Chatham considers their own land. The problem that Chatham is having with that is that they feel the property has been managed well by the Town and State and now there will be some change in what activities are permitted there. The second concern Chatham has is that in addition to that acreage that's migrated, the National Fish and Wildlife wants to assert jurisdiction over 4,000 acres of water that are submerged around that area.

That acreage was taken back in 1944 by what the Department of the Interior calls a Declaration of Taking. The concern is that with that jurisdiction being increased there will be (according to proposal B) restrictions on some of the activities in the waters around the area. Chatham is happy with the way it's been regulated, and contest that National Fish and Wildlife wants to change the Comprehensive Conservation Plan. The draft letter states that the Board of Selectmen respectfully supports Chatham's contention that both Local and State authorities maintain management over shell fishing and fishing activities within the Declaration of Taking, and that they do not support National Fish and Wildlife's claim of jurisdiction.

Burgess explained that certain activities will be restricted in the waters which disturb the sea bottom and vegetation which the sea birds are dependent on. There will be some changes, both on the land and the waters, if proposal B is adopted. Before them is the request to support Chatham's contention that they do not feel any new restrictions should be imposed. Burgess suggested striking "unfounded" because some of the reading she has done has a pretty clear legal opinion based upon the laws that apply. Weinstein stated discomfort with signing the letter. Coburn told the Board of Selectmen that unless they convened a special meeting to consider another draft, tonight is the only opportunity to sign the letter. Weinstein felt that he didn't see the benefit for the Town of Truro to weigh in on an issue where the Town doesn't share any contiguous land or water area.

Coburn stated that the letter was extremely relevant to the Town of Truro. He would hope that if they got into a similar situation with the Park Service that their colleagues in Chatham, and throughout the Cape, would join them in support. Coburn stated comfort with the changes proposed by Burgess.

Weinstein suggested that he doesn't have a problem with signing on to the letter with her suggested changes.

The only other change Burgess suggested was in the sentence where they talk about dramatically altering the historical boundary. If you look at the description of the eastern border, that boundary is known to be "ambulatory". Wisotzky suggested the sentence, "We support Chatham's position and urge you to work cooperatively with Chatham prior to the issuance of a final CCP/EIS."

**Wisotzky made a motion to sign the letter with the two changes which were proposed tonight. Weinstein seconded the motion. So voted unanimously 4-0.**

Mr. Lawton advised the Board of Selectmen that the corrections would be made. Coburn suggested using the Board of Selectmen signature stamps.

**Selectmen Reports Liaison Reports**

**Weinstein**-He stated that he was not able to attend the Board of Health meeting.

**Burgess**-She spoke of her recent Office Hour at the Farmers' Market and the traffic during Truro Treasures weekend along Truro Center Rd.

**Coburn**-Nothing to report.

**Wisotzky**- He stated that the CPC had their first meeting. He explained the deadline for potential applicants for CPC funds. The Friends of the Truro Recreation received one RFP for a consultant to begin work on the study of the tennis courts and walking trails.

**Next meeting Agenda: October 14, 2014**

Discussion with Municipal Resources Inc.; Review & Adopt Civil Code of Conduct; Joint meeting with the Finance Committee to begin discussions on FY16; Create charge for SMART Committee; Human Resources Consultant for the Wage and Classification study; Review and Approval RFQ for Legal services; Review of Minutes; Agreement with Bailey Boyd Associates; Declaration of Surplus goods-COA conference table.

**Town Administrator's Report**

Mr. Lawton spoke of Tim King, of theDPW, receiving the Roads Scholar that Jarrod Cabral had just received.

**At 7:04pm Wisotzky moved to adjourn the meeting. Weinstein seconded the motion. So voted unanimously 4-0.**

Respectfully submitted, Nicole Tudor, Board of Selectmen Secretary

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Jay Coburn, Chairman

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Paul Wisotzky, Vice-Chairman

ABSENT

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Janet W. Worthington, Clerk

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Robert Weinstein

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Maureen Burgess  
Board of Selectmen  
Town of Truro

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- <sup>1</sup> NSTAR Public Hearing Notice and Information for South Hollow Rd and Standish Way, Abutters list
  - <sup>2</sup> Updated BoS Goals and Objectives September 23, 2014
  - <sup>3</sup> Bob Lawton Memo to BoS regarding cost for posting a legal notice in the Provincetown Banner
  - <sup>4</sup> Meeting Minutes-September 9, 2014 Regular & Executive & September 16, 2014 Regular
  - <sup>5</sup> FY2016 Municipal Calendar & 2015 BoS meeting Schedule
  - <sup>6</sup> Solid Waste Transfer Trailer Bid-DPW Department-Spector Manufacturing Inc. Contract
  - <sup>7</sup> Applications to serve- Robin Robertson-Hist. Comm.; Steve Royka-TAC; John Hopkins-AgComm; Peter Graham-COD; Jennifer Shannon-TAC; Peter Fontecchio-EnCom; and Larry Lown-ConsCom; Maureen Cronin-CPC
  - <sup>8</sup> Email from Trish Ford, Library Director regarding vacancy at the Truro Public Library –Library Assistant
  - <sup>9</sup> Entertainment Application –Vinegrass Music Festival at Truro Vineyards (10/4)
  - <sup>10</sup> Use of Town Property Application –Head of the Meadow Parking lot- Vinegrass Music Festival
  - <sup>11</sup> Memo from Trudi Brazil regarding Request for BoS Approval of a transfer from the Reserve Account for the Fire Department
  - <sup>12</sup> Public comment letter regarding the Monomoy National Wildlife Refuge (MNWR) Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) from the Board of Selectmen information