

Truro Board of Selectmen
Meeting Minutes – Monday, November 24, 2014
Truro Town Hall, 5:00 p.m.

Members Present: Chair-Jay Coburn, Vice Chair- Paul Wisotzky, Clerk-Jan Worthington, Bob Weinstein, Maureen Burgess

Present: Town Administrator-Rae Ann Palmer, John Gomber, Karen Snow, Bill Worthington, Mark Peters, DPW Director-Jason Norton, Jerry McDermott, Normand Scherer, Alice Boyd, Christopher Czekaj, Tim Silva

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

Coburn announced the meeting was being recorded for broadcast on Truro TV channel 18. He asked if any audience members were recording. Hearing no response in the affirmative, he opened the Public Comment period. No audience members came up to comment.

Public Hearing:

- **¹NSTAR Electric for installation of Cable, Conduit and 5 Manholes (Standish Way & South Hollow Rd) and Authorize the BoS Clerk to sign (Continued)**
- **NSTAR Electric to install 3082 feet of conduit and cable with 9 new manholes including the necessary sustaining and protecting fixtures in, under, along and across the following public way on Shore Road and Authorize the BoS Clerk to sign**

John Gomber, Lead Engineer at NSTAR, approached the Board. The Board of Selectmen would like a better understanding of the full project, its overall goals, and reasons for putting conduit underground. John gave a presentation which included these points:

- The present electrical distribution system is a single line which comes out of the Wellfleet station, and is several miles away from the Truro/Wellfleet line.
- There were a lot of line problems over the years.
- About 25 years ago, Provincetown had a generator which would back-feed the line so that parts of that line could be restored.
- The generator was taken away approximately 20 years ago, and the line is the sole source to Truro and Provincetown.
- NSTAR has been trying to bring a second line in, to be able to isolate and restore as many customers as possible.
- The second line could not be installed on existing poles, because if the poles came down, the second line would be out as well as the first. To ask the State or the National Seashore to buy into a new set of poles for the second line is not realistic.
- They were able to convince NSTAR to install a line from the town line, all the way to Snail Road.

Why are they trying to go down Standish, Shore, and South Hollow?

- Running 11 miles of electrical lines incurs a lot of voltage drop.
- They have some land in Truro which has station regulators on it (station regulators maintain the voltage. This is a spot where they can boost, or regulate the voltage.
- NSTAR will install 9 new manholes, tie it in to the piece of land that they have, and install new station regulators.

Going forward:

- Start putting the manholes in after the 1st of the year.
- No work during the summertime. Generally they will stop around Memorial Day

Coburn asked if where the line that's being buried on Shore Road is where the lines will stop running under Route 6. John explained that the duct line runs west bound (Provincetown, Truro, to Wellfleet). From the town line to South Hollow, and then runs west on South Hollow down Shore Road, up to Standish Way, and stays on that same side until it gets to Snail Road. From there, they will tunnel across Route 6. In order for this to work, they have to go to the end of the line in Provincetown.

Coburn-Will the burying of the lines require NSTAR to excavate the highway and trench the whole distance?

John-No, they will do horizontal directional drilling (HDD). The manholes are spaced 500 feet apart, in a sandy area (if there is a guardrail, that will prevent them from being in the sandy spot and they will be installed in the asphalt area-but not right on the highway), and then they will do the HDD from manhole to manhole.

Coburn then opened the discussion to the general public.

Karen Snow-Bike and Walkways Committee-She has looked over the plans, some pavement will be dug up. Mass DOT has prohibited them from digging in the travel lanes. This could potentially affect the use of Route Six with bicyclists, as manholes will be installed in the breakdown lanes. The Bike and Walkways Committee requested that any manholes on route six be moved completely into the sandy areas. Out of the eighteen requested to be moved, five have been moved (on the plan). Eleven cannot be moved as it would require additional Conservation Commission action. The Bike and Walkways Committee is asking the Board of Selectmen to request, of NSTAR, to pursue going back to the Conservation Commission.

John-They would have had the Conservation Commission's approval, but they are waiting for the petitions to be approved by the Selectmen. Once that is done, the Conservation Commission will allow them to move those manhole covers off of the asphalt. All manhole covers that can be moved will be moved.

Coburn-The Conservation Commission needs to give NSTAR a finding that they are not violating any boundaries. The Board of Selectmen won't give NSTAR a green light until various Boards have signed off on the project.

Weinstein-It's his understanding, from Ms. Snow, that the manhole covers that the Bike and Walkways Committee are requesting to be moved are not what are before the Board of Selectmen (the Shore Road and Standish Way sections of the project). He feels the Board of Selectmen can go forward with discussing what is before them, the manhole covers is another subject entirely.

John-There is no ruling from the Town of Truro on these manhole covers. What the Board of Selectmen has is the petition for the conduits on those three streets.

Weinstein- What is before them is a request for work to be done on Shore Road, Standish Way, and South Hollow Road.

Coburn-Bike and Walkways Committee has no regulatory jurisdiction. If the Town wants to exert any control over this project, this is the Board of Selectmen's opportunity.

Bill Worthington-NSTAR's property, where the substation is located, is only kept away from the obvious line running down route six by one piece of property. That is where the town library, COA center, and an affordable housing area are located. Mr. Worthington proposed a different route.

John-Can meet with Mr. Worthington to go over the plans and he can show John what his proposal is.

Worthington-She would like to find an alternate route to get off of Shore Road.

Mark Peters-Member on the Board of Trustees for the Christian Union Church. The Board asks why not go up Route Six? They are concerned with the potential for damage to the foundation of the church.

Jason Norton-He concurs with everyone's concerns. He is asking to be involved in the commencement of construction to go over the location of conduits, to try to keep the manholes off of the pavement as much as possible.

Coburn then opened the question session to the Board of Selectmen.

Burgess-She asked if Mr. Worthington's proposal was feasible.

John-Has not looked at the plans or the site. He does not think it's a good idea to go in between two buildings. In regard to Mr. Peter's concern with the burial ground and church, John states that they have identified those two locations, and have moved the ducts away from the church. They've identified where grave sites may be.

Weinstein-He would like to know what efforts the company has made to consider alternatives, prior to coming up with the plan the Board of Selectmen were presented with.

John-They try to stay on a public way. He understands the concern with Route Six, however they are not going to bucket-trench the road, they will HDD it.

Jerry McDermott-Wanted to point out that he has worked with the Bike and Walkway committee and wants to publicly pledge that they will continue to work with them. NSTAR is trying to accommodate everybody. He also pledged to maintain around the manhole covers.

Worthington-She proposed to postpone any vote until Mr. Worthington's proposal and Conservation's approval to move the manhole covers are both addressed.

Burgess-She wants to make sure there is something in place for communication between NSTAR, Mr. Worthington, and Karen Snow.

Normand Scherer-He is also a trustee of the Christian Union Church. He asked how long Shore Road is going to be disrupted.

John-They don't intend to close the road down. The 3,000 feet of conduit install will take about a month, and will be done off-season. When they get into a schedule, they will meet with the DPW Director and convey that schedule to people.

Weinstein made a motion to continue this public hearing to their December 2nd meeting.

Burgess seconded the motion.

So voted unanimously, 5-0.

²Public Hearing: FY15 Community Development Strategy Review and Approve and Authorize the Vice-Chair to sign.

Coburn recused himself.

Wisotzky opened the public hearing.

Alice Boyd is here to talk about the Town's Community Development Strategy, which is the first phase of applying for an FY15 grant.

- There is a public hearing requirement.
- The Town prepares the strategy (done by Charleen Greenhalgh).
- The strategy is then submitted to DHCD, reviewed in January, and then the town will be allowed to take the next step and submit the full grant.

No members of the public came forward to discuss this hearing.

Worthington made a motion to accept the FY15 Community Development Strategy.

Burgess seconded the motion.

So voted, 4-0 (Coburn recused)

³Review & Approve Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract as Required by L.L. c.268A, § 20(d)

Weinstein made a motion to approve the disclosure by special municipal employee (Jay Coburn) of financial interest in a municipal contract as required by L.L. c.268A, § 20(d).

Burgess seconded the motion.

So voted, 4-0, (Coburn recused)

Coburn rejoined the meeting.

**⁴Review and Approve & Interview Applicants to Serve on Boards/Committees/Commissions
Recycling Committee-Christopher Czekaj**

Christopher has been a Truro resident since 2005. He is interested in recycling, and doing something for the Transfer Station.

Burgess asked if Christopher had connected with Mr. Scherer, and told him that she was the liaison to the Recycling Committee, and she is happy to help him with any questions.

Wisotzky made a motion to appoint Christopher Czekaj to the Recycling Committee.

Weinstein seconded the motion.

So voted unanimously, 5-0.

Joint meeting with the Chair of the Pamet Harbor Commission regarding Open Meeting requirements for posting meeting agendas

Mr. Silva summarized what led up to his October meeting not being posted. He informed the Board of Selectmen that when he opened the Pamet Harbor Commission meeting that evening, he told the members that it was an illegal meeting, they could not vote on anything, or discuss anything. The members discussed mundane items, and adjourned after 20 minutes. Coburn wanted to make a couple of points:

- It's important that the citizens of Truro trust in their town government. Everything that is done in town government should be in the open, and posted, in order for any citizen to come and be a part of the process. Coburn's biggest concern was that Mr. Silva was advised by Ms. Tudor to not meet, and he wishes that Mr. Silva (and other members of the commission) had heeded her advice.
- One thing which Coburn found frustrating, on the Board of Selectmen, is that he genuinely likes the members on the Board. They cannot hang out together in groups larger than two, to avoid having a quorum.

Weinstein mentioned that as the liaison to the Pamet Harbor Commission, he wanted to thank Mr. Silva for coming before the Board of Selectmen and clarifying the situation.

Wisotzky asked if there were things, for Mr. Silva's commission members that the Board of Selectmen could do to help them be aware of the Open Meeting Law. Would training or materials help Mr. Silva educate the other members of his group? Tim felt that this was a learning experience, and he will make sure it's handled better in the future.

Consent Agenda

A) Review and Approve Meeting Minutes: ⁵November 12th 2014 Regular

B) Review & Approve and Authorize the Chair to sign:

1. ⁶Weston and Sampson General Terms and Conditions Contract-Recreation Commission-CPC funds for Upgrades to Snow's Field and explore public tennis courts sites
2. ⁷Letter of Support for Massachusetts Solar Energy being Organized by Environmental

Massachusetts

3. ⁸Barnstable County Cooperative Agreement for Dredging Pamet Harbor

4. ⁹Letter of Support for Proposal for Remediation of Route 6 Median

- C) ¹⁰Review and Approve FY15 Snow & Ice Deficit Spending Approval
- D) ¹¹Review and Approve 2015 License Renewals: Farm Maid Foods-Common Victualer (food)
- E) ¹² Review & Approve Annual 2015 Alcohol Licenses: Montano's Restaurant, Truro Vineyards of Cape Cod, LLC. -Farm Winery & Distillery, Pamet Valley Package Store, & Salty Market
- F) Review and Approve ABCC Annual Alcohol License Renewal Certification for 2015

Burgess wanted to discuss section A and B(1):

- In regard to section A, Burgess confirmed that everyone received the corrections which she had given to Nicole. *(Those corrections were made on the minutes)*
- In regard to section B(1), Burgess had a reminder that she had looked at the corrections that Atty. Veara had made, however they need to designate the owner. Ms. Palmer stated that the motion in the consent packet designates the Recreation/Beach Director as the owner's representative.

Coburn requested to pull item D from the consent agenda, and revisit, as he has a conflict of interest on it.

Wisotzky made a motion to approve the consent agenda as printed except for item D, which will be held.

Burgess seconded the motion.

So voted unanimously, 5-0.

Coburn stated that item D is to review and approve a license for Farm Maid Foods. Farm Maid Foods is a loan client of Community Development Partnership, and Coburn will abstain from voting.

Wisotzky made a motion to approve the 2015 license renewal (Common Victualer-food) for Farm Maid Foods.

Burgess seconded the motion.

So voted, 4-0 (Coburn abstained).

Worthington asked if there was anything further that the Board of Selectmen could do regarding the clear cutting and re-vegetation of Route 6. Ms. Palmer offered to contact the DPW Director and have him look into it.

Selectmen Reports and Liaison Reports

Weinstein-He attended the most recent Board of Health meeting. Part of their meeting was a public hearing regarding the license renewal process. There have been problems in the past with some owners/managers adhering to the deadline for annual license renewals. The language, and process, in the regulations has been made more straightforward.

Burgess-She attended the 296th meeting of the Cape Cod National Seashore Advisory Commission. The Superintendent, George Price, is taking commentary about proposals to raise fees within the seashore. The 300 percent jump for pedestrians (fee jumps from \$3.00 to \$10.00) is one of the most discussed. The fee hikes have not been approved yet.

There have been some structural concerns identified with the lighthouse. When it was moved back in 1996, the Coast Guard sealed up different areas, which has inadvertently sealed in moisture. It may be temporarily inaccessible while issues are rectified.

Burgess also attended the School Committee meeting and they did not get to their line item budget discussion, but are working on it. Their next meeting is in December, at which time they will discuss the budget.

Coburn-He attended a meeting of the Cape and Islands Selectmen's and Counselor's Association where Representative Peake, and others, gave an update on the status of legislation to allow towns to apply a rooms tax to visitors using private homes, and condos, for short term vacation rentals. Brewster has renewed their vote on the issue. Representative Peake has requested that the Town of Truro renew their vote at town meeting in April.

Wisotzky-He attended the most recent Planning Board meeting. They are revisiting the definition of "street". The Agricultural Commission is working with the Planning Board on definitions relating to agriculture. An opening of conversation about the seasonal use of condominiums was postponed.

Worthington-No report.

Next Meeting Agenda: December 2nd, 2014

Ms. Palmer reported the next agenda:

- Public hearing on an alcohol license going from annual to seasonal, Beach Point Health & Swim Club.
- A Comcast representative will be coming to talk to the Board of Selectmen.
- Chamber of Commerce will be attending the meeting.
- WROC will be doing a presentation.
- Discussion regarding banning smoking on Town beaches.
- Leo Childs, Planning Board Chair, would like to discuss a development agreement bylaw which they would like to propose for the annual town meeting.
- Mr. Coburn will have a discussion on the Open Meeting Law and Public Records.
- Appointment of Jay Norton to the Cape Cod Solid Waste Committee, and as the Tree Warden.
- Multiple items on the consent agenda.
- Executive session to discuss contract negotiations regarding Town Counsel.

Coburn asked that the Chamber be moved ahead of Comcast.

Worthington asked Ms. Palmer about the status of the wage and compensation report. Ms. Palmer stated that the final bill has been received, however she is holding onto payment until they receive the final documents, upon which a discussion will be held. She will reach out to Sandy Stapczynski.

Town Administrator's Report

Ms. Palmer reported that departments are completing their budgets. Bob Loomer from MRI is assisting with the firefighter's grant for the air packs. It will be applied for in Ms. Palmer's name, not the Fire Department. She has staff researching critical admin systems which she feels they need to think about for the Town. One is an automated time accrual system, and the other is adding a purchase requisition component to their financial management system. She pointed out the agenda format, which is a work in progress. If the Board of Selectmen has any comments or issues, they should alert Ms. Palmer. The weekly administrator's report will include some information from each department, as well as anything important which comes from the outside. All departments are looking at their web pages, and rethinking what people come to those pages for. Also, the web site notification option is now working so that people who would like to receive agendas, minutes, etc. can opt to get those via email.

Coburn made a motion that the Board of Selectmen enter into Executive Session in accordance with the provisions of Massachusetts General Law, Chapter 30A, Section 21 (a)3 to discuss strategy with respect to litigation regarding 25-27 Stephens Way where discussion in an open meeting may have a detrimental effect on the bargaining or litigation position of the Town and to not reconvene in open session.

Burgess seconded the motion.

At 6:25pm Roll Call Vote: Weinstein, aye; Burgess, aye; Coburn, aye; Wisotzky, aye; Worthington, aye. Motion was unanimously approved, 5-0.

Respectfully submitted, Noelle Scoullar, Executive Assistant

¹ NSTAR supporting documentation for South Hollow Road, Standish Way and Shore Road.

² Memo and Community Development Strategy

³ Disclosure by special municipal employee-Jay H. Coburn

⁴ Application to serve-Christopher Czekaj

⁵ November 12, 2014 meeting minutes

⁶ Weston and Sampson memo, proposal and contract

⁷ Letter of Support for Massachusetts Solar Energy

⁸ Memo and contract with Barnstable County for dredging of Pamet Harbor

⁹ Letter of support for Proposal for Remediation of Route 6 Median

¹⁰ Snow and Ice Deficit Spending memo

¹¹ Application for Common Victualer license, Farm Maid Foods

¹² Applications for annual alcohol licenses (Montanto's Restaurant, Pamet Valley Package, Salty Market, Truro Vineyards)

Jay Coburn, Chairman

Paul Wisotzky, Vice-Chairman

Janet W. Worthington, Clerk

Robert Weinstein

Maureen Burgess

**Board of Selectmen
Town of Truro**