

Truro Board of Selectmen
Meeting Minutes – December 3rd, 2013
Truro Town Hall, 6:00pm

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

Others Present: Town Administrator Rex Peterson, Assistance Town Administrator Charleen Greenhalgh

Chair Jay Coburn called the meeting to order at 6:00p.m.

Review and approval of Minutes- November 5th, 2013

Weinstein moved to accept as printed the November 5th, 2013 minutes¹. Worthington seconded the motion. So voted unanimously 5-0.

Review and approval of Minutes- November 19th, 2013

Dunigan moved to approve the November 19th, 2013 (5pm) minutes². Wisotzky seconded the motion. So voted unanimously 4-0-1. Worthington abstained.

Review and approval of Minutes- November 19th, 2013³

Coburn stated that the review of the November 19th meeting minutes will be postponed until December 17th.

Review and approval of Minutes- Executive Session November 5th, 2013

Coburn asked for a motion to approve and hold the Executive Session November 5th⁴, 2013 minutes. Wisotzky so moved. Weinstein seconded the motion. So voted unanimously 5-0.

Review and approval of Minutes- Executive Session November 18th, 2013

Coburn asked for a motion to approve and hold the Executive Session November 18th⁵, 2013 minutes. Wisotzky so moved. Weinstein seconded the motion. So voted unanimously 5-0.

Public Comment Period-

Wisotzky announced that on December 5th from 5-7pm, the annual *Shop for the Holidays* at the Truro Central School will be held with crafts from local artists.

Application to Serve-Kevin Grunwald, Truro Representative to the Cape Cod Commission

Mr. Grunwald explained why he would like to serve as Truro's representative to the Cape Cod Commission⁶, citing his experience in municipal government, and his interest in the Cape Cod Commission. Weinstein thanked Mr. Grunwald for wanting to serve. **Dunigan moved to approve the application of Kevin Grunwald to serve as Truro's representative to the Cape Cod Commission. Weinstein seconded the motion. So voted unanimously 5-0.**

Reduction in hours of the Building Commissioner Position

Dunigan questioned how changes are made to positions procedurally based on the Town Charter in consultation with the Board of Selectmen. She voiced her concerns as to whether it was a good idea to reduce the hours of the Building Commissioner. She felt that the Charter allows for consultation with the Board of Selectmen and questioned the Town Administrator if he had a different interpretation. Mr.

Peterson stated that he had informed the Board and was unaware that there was any concern until the last Board of Selectmen's meeting. Dunigan felt that it was an agenda item for the whole Board to discuss. Coburn noted that if there were concerns they could reach out to the Town Administrator. Dunigan stated that she did write a letter. Worthington agreed that it should be aired publicly with an open discussion with the public. Dunigan read into record from the Charter the following sections: Chapter 5 Section 4, Powers of Appointment and Chapter 5 Section 5, Personnel Administration. Wisotzky voiced concern about micro-managing and when the Board of Selectmen should voice their opinion on positions. Dunigan advised the other members that it was a good exercise bringing the Beach department and the Recreation department together. An effort in which the members of the Board of Selectmen were included in the conversation. There was a brief conversation as to what the definition of "consultation" was.

Weinstein stated that he was unaware that the position was advertised and added that in the future if positions are to be changed that it be placed on an agenda for a discussion. Mr. Lucy after reading the Charter, Chapter 5 Section 5, commented that it was not "micro-managing" since the Charter reads "after approval of the Board". Worthington felt that reducing the hours will not benefit the builders in town. Dunigan reminded the Board that there is a lot of work that is expected of the Building Commissioner including enforcement tasks. Mr. Peterson mentioned the decline in the number of permits that have been issued since 2003. He would ask the Board to allow him to reduce the hours and return the position to fulltime if there is a need. He has 2 applicants that are highly qualified.

Weinstein said that he felt that this was a long overdue decision. He conveyed to the Board the history from 1984 to 1999 of the Building department which was run under a single Building Inspector with an average of 41 SFR permits per year. He agreed that Codes have changed but the number of permits has steadily declined. He also cited 3 major municipal projects that were built under Mr. Williams tenure. Weinstein suggested that the part-time inspector for Wellfleet was working well at 19 hours a week.

Michael Meads employed by Cape Associates, took issue with the amount of time that it takes for permitting and the new Codes. He conveyed that a part-time person would be less dedicated to the position. John Hopkins, of Augustus Construction, spoke to the new permits that are being pulled which are more complex due to the new Codes. He mentioned the need that realtors have for a Building Commissioner. He proposed that building currently is remodels and teardowns not Single Family Resident permits. He felt that the town needs a good qualified individual committed to the community. Weinstein remarked that there were 446 permits on average during Mr. Williams 16 years as Building Commissioner and Health Agent. Weinstein also added that he felt that people could adjust their schedules to meet with the Building Commissioner on a part-time basis. Dan Silva, felt that things have changed over the years including the by-laws and was concerned that it was going to hurt the private sector. Mr. Lucy cited an article in the newspaper in 2000 in which Stephen Williams retired due to burn out from all the new construction. He added that you have to take the totality of the position including all permits and inspections and a part-time person will not know the history of the town.

Art Hultin, mentioned the many people that are directly involved with the Building department. He stated that they need someone that understands the building code and zoning. Worthington stated that they need to be supportive of the builders and contractors and their need for a fulltime Building Commissioner. Dunigan communicated as a homeowner that the Building department is important. Wisotzky agreed that there were more regulations and Codes, and it would be important to make sure that it is staffed in a way that it can assist people. Coburn stated that he had concerns about the process and felt that the Board had agreed upon Goals directing town employees to look at the growth of the

budget and felt that the part-time position should be tried. Dunigan spoke to her history of not always agreeing on positions being expanded, combined or shortened but appreciated being consulted as Selectmen. Worthington stated that the builders input was invaluable and felt that getting input from the citizens was important. Mr. Hultin, questioned what criteria would there be for the position to go back to full-time. Weinstein argued that the building community isn't confronting what the Town Administrator faces. The Administrator has been hired to oversee the staff and the Board of Selectmen should defer to his judgment in this matter.

Dunigan moved to not be in support of the change in the Building Inspector's hours.

Worthington seconded the motion. Mr. Peterson stated that *if* there is an interruption in serve then he will know to change the position back to full time but he felt that is still worth trying. **Dunigan re-stated her motion that she does not approve of the Town Administrator's proposal to change the hours of the Building Inspector to a part-time position. Worthington seconded the motion. So voted 3-2-0. Coburn and Weinstein opposed.**

Continuation of Special Town Meeting discussion

Coburn spoke about the lack of a quorum for the Special Town Meeting that was held on November 12, 2013. He added that there are concerns about trying to hold another Special Town Meeting as well as what flexibility the Finance Committee might afford the items in question that were on the Warrant. Chief Takakjian commented that he met with his Command Staff to look at alternative measures for the vehicles. They arrived at a modification of the plan with ideas for the Finance Committee. He explained the three vehicles current condition and needs. The new proposal is to purchase an additional 4x4 vehicle that will remain unmarked. This will reduce the fleet by 1 down to 7 with a purchase of 3 vehicles; one through insurance proceeds.

Chief Takakjian introduced an idea for a formal policy to replace 2 vehicles per year. He cited reasons for the introduction of a proposed policy that would be approved and endorsed by the Finance Committee and the Board of Selectmen. He also asked that the Reserve Fund be increased for unforeseen repairs. Dunigan commented on other needs that were before the Special Town Meeting. It was agreed that they should hold a Special Town Meeting again. Mr. Panesetti commented on the increases that have impacted the budget over the years regarding managing the towns Capital Improvement Plan. He cited the use of the Police vehicles that are run 24 hours 7 days a week. He felt that an increase in the Reserve Fund was not out of the question since there should be a strategy for these unforeseen contingencies. Currently, there is no room financially to replace any of the vehicles in the Police department with the only recourse being for a Special Town Meeting.

Mr. Panesetti added that the Finance Committee would be happy to discuss a policy but wanted to look at a cost benefit analysis. Ms. Greenhalgh stated that the Warrant has to be opened for 7 days and it has to be opened and closed at a public meeting. Weinstein stated that he was happy to see the department be reduced to 7 vehicles. He noted the importance of a Reserve Fund having enough funds. He stated that he was in disagreement of a Saturday Special Town Meeting. He cautioned against another Town Meeting due to the implications that might occur for the voting public and the political risk. There was a discussion as to when to hold another Special Town Meeting. Mr. Peterson stated that the Warrant must be posted two weeks prior to the meeting. It was agreed to open the Warrant at the next Board of Selectmen meeting. Coburn asked that the second week of January be looked at for possibilities for meeting dates.

Recommendation for Solid Waste Disposal contract

Mr. Peterson explained that the contract before them was for Covanta SEMASS⁷. The prices are identical to ABC Disposal for \$60 a ton. SEMASS has a facility and they have been with Truro for almost 20 years with no issues with their service in handling the town's solid waste. The contract is for a 10 year contract with a 5 year extension. Mr. Peterson felt that a 10 year contract would include the best prices versus a 5 year contract. He spoke to the questions surrounding bottom ash. The contract expires December 2014, so there is no rush at this time to sign a contract; however, they are recommending that the Board of Selectmen sign with SEMASS.

Weinstein asked about the language of the contract on page 5, section 2.01: Acceptable Facility Waste. He asked if Mr. Morris has ever had to provide a written estimate of the aggregate amount of tons of acceptable waste for the succeeding calendar year. Mr. Morris responded that they deliver 2200 tons. They have never been penalized for being over that amount. He stated that last year they were down to 1500 tons due to recycling. Weinstein asked with regards to page 6 Section 2.03: Inadvertent Delivery of Unacceptable Facility Waste, if there has ever been a history of that happening. Mr. Morris responded that the town has been cited for items in the past but there have been no charges. Weinstein mentioned Page 7 section 3.02 Surcharge for Change in Law Cost; and questioned whether they have ever charged for changes in the law. He called attention to SEMASS ability to apply surcharges to the tonnage. Mr. Weinstein questioned the duration of a 10 year contract and mentioned the 40% remaining ash as troubling.

Dunigan asked if the Recycling Committee had an opinion on the two contracts. Linda Hasset, Chair of the Recycling Committee, stated that she too was very concerned about the ash. But as a whole the Committee has not voted on either company but they are doing so at their upcoming meeting. Dunigan asked that the Board of Selectmen to wait until they have the Recycling Committee vote. Wisotzky also questioned the amount that Truro is allowed for waste without a cap or minimum amount. Mr. Peterson suggested that unless *Pay as You Throw* is implemented than there would not be much variation in tonnage from year to year. Wisotzky also questioned the Change in Law cost. Mr. Morris explained that it doesn't happen but it would be applicable to all towns contracted with SEMASS. He also questioned if the facility is not available the solid waste would have to go to Haverhill but Truro would have to pay to haul to Haverhill. Mr. Morris responded that this happened once since they have been with SEMASS.

Mr. Morris said that he has been working with Covanta for 20 years and was cautious towards ABC Disposal as there was no history. Bob Holt, member of the Recycling Committee, stated that he was glad that both companies were willing to enter into a 5 year contract. He felt that it was imperative to make plans for the future due to the climate change crisis and to reduce Truro's carbon footprint as much as possible. Mr. Holt stated that ABC Disposal, in his opinion, was very forward looking for dealing with solid waste and asked that they not sign with SEMASS for 10 years. Coburn stated that he was interested in both parties offering a 5 year contract.

Mike Camera with ABC Disposal reminded the Board that most of their technology is based on recycling technology with 75% recycling capabilities. He explained the process of making the bricks and spoke of the success of their company and asked that the Board of Selectmen consider their company. Coburn asked that the solid waste disposal contract be placed on a future agenda.

Review Policy #44- Anti-Fraud Policy

Mr. Peterson stated that employees never signed an acknowledgment of receipt of Policy #44⁸ when it was presented under the former Town Administrator. He added that they would like to distribute it to employees for signature once the Board of Selectmen reviews and approves it. Attorney Dolan as made a few minor changes to the document. **Dunigan moved to approve the Anti-Fraud Policy #44.**

Wisotzky seconded the motion. Wisotzky asked how the policy would be administered should there be fraud reported and whether the chain of command needs to be incorporated in the document.

Weinstein agreed and asked that Attorney Dolan review it again to include all department heads and to include the chain of command for reporting fraud. **Dunigan withdrew her motion.**

Update of Selectmen's Goals and Objectives

Mr. Peterson requested the Selectmen Goals and Objectives⁹ be continued until a meeting in January. Coburn asked that Goal #27 move forward with the review of Town Counsel. Weinstein asked to have this discussion be placed on a future agenda for an RFP for legal services. Mr. Peterson reported that the Board of Selectmen are authorized under procurement laws to hire whomever they wish for Town Counsel without competitive bidding. Mr. Peterson commented that he doesn't believe that there is a contract for Town Counsel Zisson and Veara. Coburn added his concern was that the Board of Selectmen hadn't stepped back and reviewed their current Town Counsel. Dunigan and Worthington remarked that they have looked at their current Counsel. Weinstein stated that he would like a review of the firm and he was surprised that there was no formal agreement. Coburn asked that this placed on the agenda for the 17th.

Review contract for Lightning Protection contract and authorize the Chair to sign

Mr. Peterson stated that the contract was for Annese Electrical Services¹⁰ to do the Lightning Protection project at the Public Safety facility. Annese Electrical Services is using a standard State contract. Weinstein asked for plans and specifications in order to review the contract. Mr. Peterson explained to Weinstein that Turning Mill Consultants will be overseeing the project. Weinstein commented (page 1 under Time for Completion) that 6 months be advanced due to the need of the project's completion. **Wisotzky made a motion to approve the contract for Lightning protection (Annese Electrical Services) and authorize the Chair to sign. Weinstein seconded the motion. So voted unanimously 5-0.**

Review contract for Labor Counsel, and authorize the Chair to sign

Wisotzky moved to approve the contract with Lighthouse Legal Counsel¹¹ and authorize the Chair to sign. Dunigan seconded the motion. So voted unanimously 5-0.

Review draft letter to Comcast regarding performance under the License

Weinstein stated that he is the Board of Selectmen liaison to the Cable and Internet Advisory Committee. He has read the Comcast contract many times. He noted that there has been correspondence going back to 2010 with Comcast about specific performance deadlines that are fast approaching. Dunigan thanked Weinstein for drafting the letter¹². Coburn asked that the letter also be forwarded to John Sutich, Director of Government Affairs at Comcast, and to Elysse Magnotto, Chief of Staff for Senator Dan Wolf.

Coburn asked for a motion to approve the letter, sending it to Mary O'Keeffe, John Sutich and Elysse Magnotto. Wisotzky so moved. Dunigan seconded the motion. So voted unanimously 5-0.

Selectmen Reports and Liaison Reports

Worthington- Nothing to report.

Dunigan- Nothing to report.

Coburn- Nothing to report.

Wisotzky- Nothing to report.

Weinstein- The Board of Health new dump fees and waivers are in effect and are working.

Next Meeting Agenda: December 17th, 2013

Legal services review; preliminary budget review; public hearing for CDBG grant; Cape Light Compact presentation; Charter Review Committee report, request for Cape Cod Getaway bike ride; review and sign grant application for Green Communities technical services; open the Special Town Meeting Warrant; and set a date for Special Town Meeting and an Executive Session regarding Collective bargaining.

Town Administrator’s Report¹³

There is a list of the budget task force meetings including dates and times. Town Hall will be closed December 18th at 1pm for a staff holiday party.

At 8:22 pm Coburn moved that the Board of Selectmen enter into Executive Session in accordance with the provisions the Massachusetts General Law, Chapter 30A, section 21(a) number 2, to conduct contract negotiations with the Police Chief, and to not reconvene in open session. Weinstein seconded the motion. Roll Call Vote: Robert Weinstein, aye; Paul Wisotzky; aye, Jay Coburn, aye; Breon Dunigan, aye. So voted unanimously 4-0. Worthington recused herself.

Respectfully submitted,

Nicole Tudor, Board of Selectmen Secretary

Jay Coburn, Chairman

Breon Dunigan, Vice-Chairman

Janet W. Worthington, Clerk

Robert Weinstein

Paul Wisotzky
Board of Selectmen
Town of Truro

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- ¹ Board of Selectmen meeting minutes of November 5th, 2013
 - ² Board of Selectmen meeting minutes of November 19th, 2013 (5pm-Presentation)
 - ³ Board of Selectmen meeting minutes of November 19th (6pm)
 - ⁴ Board of Selectmen meeting minutes of November 5th Executive Session
 - ⁵ Board of Selectmen meeting minutes of November 18th Executive Session
 - ⁶ Application to serve- Kevin Grunwald –Truro Representative to the Cape Cod Commission
 - ⁷ Covanta/SEMASS Solid waste disposal contract & SEMASS Resource Recovery Facility: Processed Bottom Ash-Uses and benefits
 - ⁸ Amended Anti-Fraud Policy & Response Program #44
 - ⁹ FY2014 Goals and Objectives
 - ¹⁰ Town of Truro & Annese Electrical Services Agreement Inc.
 - ¹¹ Human Resources and Labor Counsel Services and Fees Agreement
 - ¹² Draft letter (12/3/2013) to Mary O’Keeffe, Senior Manager of Government and Regulatory Affairs
 - ¹³ Town Administrator’s report for December 3rd, 2013