

Truro Board of Selectmen Meeting
Tuesday, March 27, 2018
Selectmen's Chambers, Town Hall

Members Present: Chair Paul Wisotzky; Maureen Burgess, Jay Coburn, Robert Weinstein, Janet Worthington

Present: Town Manager Rae Ann Palmer; Assistant Town Manager Kelly Sullivan-Clark; Town Accountant Trudi Brazil

Chair Paul Wisotzky called the meeting to order and at 6:00 p.m.

PUBLIC COMMENT

High Dune Craft Cultivation Cooperative members Tim McCarthy and Drake Cook each spoke against placing a moratorium on cannabis businesses in Truro. Jack Riemer discussed the Planning Board's efforts with Town Counsel to develop bylaws that serve the entire town. He said he did not favor an amendment to the moratorium article. Rachael Sokolowski asked that the Selectmen consider the craft farmers in their decision on a moratorium.

STORM IMPACTS AND RESTORATION

Town Manager Rae Ann Palmer invited staff to discuss response after the winter storms to electrical outages, clearing the roads, beach erosion and the impact along the Pamet River. Health & Conservation Agent Emily Beebe said that the Army Corps of Engineers and the Park Service had provided data that assisted the Town's study of the flood plain on the upper Pamet River and at Ballston Beach. DPW Director Jarrod Cabral explained preparations and follow-up brush cutting, sand removal, and drain cleaning. He said that Barnstable County geologists believe the Longnook Beach dune will settle into a stable slope by itself. There was a drone inspection over the Pamet River done, he said. DPW has replenished sand at Coast Guard Beach and will be replanting beach grass. More parking lot will be removed at Ballston Beach, but homeowners will still be able to access their property, and the beach path will remain. Approximately thirty-one or thirty-two spaces are left in the Ballston Beach parking lot. Emergency Management Leader and Fire Chief Timothy Collins explained efforts to protect the citizens, communicate with Eversource for power restoration, and the team work involved during the storms.

Selectmen added their thoughts on emergency preparedness. Jay Coburn discussed private electrical poles in the National Seashore. Paul Wisotzky addressed the problem of Internet and cell phone outages. Janet Worthington said the community as a whole needs to be prepared for a bigger event. Robert Weinstein commented on our vulnerability with dependence on computer networks. He mentioned how Eversource crews couldn't work until the wind had subsided. He discussed the need for better town mapping to help Eversource. He recommended working on local remedies. Maureen Burgess asked about intra-Town communications. Ms. Palmer said their Verizon cell phones worked, 9-1-1 always works, but the Town Hall Comcast system reverts to the fax machine.

NEW MEMBERS TO POLICE FORCE

Interim Police Chief Craig Danziger introduced the three new members of the Truro Police Force: John Medeiros, Andrew Starbard and Sarah Lake. He detailed the backgrounds and talents for each officer and commended the energy and willingness to work they bring to the department. Jay Coburn expressed special thanks to the Police Department.

SELECTMEN ACTION

Warrant Article Recommendations

Jay Coburn pointed out that the Board recommends placement of the Town Meeting Warrant Articles, but it is the voters who make the decisions on the Articles at Town Meeting. Ms. Palmer asked that the Article 21 be taken first in order to hold a telephone conference with Town Counsel, who had advised against an amended version which removed craft cultivators from the moratorium. During the phone conference, Town Counsel explained that she recommended the total moratorium since new cannabis control regulations had just been issued; craft cultivators can hold up to three manufacturing/processing licenses; the Attorney General had considered craft cultivator cooperatives a new use; a moratorium would give time to study and regulate the use; and the state licensing process had been slowed down so the cultivators would not be delayed that many more months by a moratorium until December 31. The moratorium would allow the Town to get zoning bylaws into place. Exempting craft cultivators would be giving them preferential treatment and grandfathering them if they were allowed before the zoning bylaws were approved.

Town Counsel responded to questions from the Board on grandfathering, by which the applicants would be governed by existing bylaws; the 100,000 square feet allowed for an LLC cooperative business; fees determined by space; operating across municipal lines; and the risk factor of a zoning bylaw being overturned by the Attorney General. Jay Coburn suggested moving the moratorium date to November 15 with a Fall Town Meeting vote on cannabis business zoning bylaws.

Article 21 - Amend Zoning Bylaws §40.8 Establishing Moratorium on Recreational & Medical Marijuana Establishments

Keeping in mind Town Counsel's advice that it would be to the advantage of the Town to get the zoning in place, members of the Board of Selectmen considered Article 21 to establish a moratorium on recreational and medical marijuana establishments. Most of the Board said they now did not favor exempting the craft cultivators from the moratorium although they are sympathetic to the agricultural community. Chair Paul Wisotzky said he was impressed and inspired by their organization and participation in the process. Selectmen said a moratorium shortened to November 15 was possible.

Jay Coburn moved to recommend Article 21 with the amendment that the moratorium be in place till November 15, 2018 and that the language exempting craft cultivators be removed.

He withdrew the motion in order to make the amendment separately.

Jay Coburn moved to amend Article 21 by removing the language exempting craft cultivators from the moratorium and by shortening the moratorium until November 15, 2018. Maureen Burgess seconded, and the motion carried 5-0-0.

Jay Coburn moved to recommend Article 21 as amended and place the Article on the Town Meeting Warrant. Robert Weinstein seconded, and the motion carried 5-0-0.

Rae Ann Palmer promised that she would work with the craft cultivators and get the bylaws in place.

Article 4 - Operating Budget

There were amendments for transfers from Free Cash totaling \$215,000, including \$45,000 for snow removal; an additional \$100,000 for the Pamet River Study account; \$55,000 for the failed Beach Office septic system; and \$15,000 for an IT program for the DPW.

At Robert Weinstein's request, Town Accountant Trudi Brazil provided an expansive definition of "Free Cash." Free cash is made up of appropriated funds in a prior year that are not expended or encumbered after that year closes. They are also made up of excesses in estimated receipts like building permits, motor vehicle excise, hotel/motel room tax. "Free cash" is neither *free* nor *cash*. It is an equation of things not built into our tax rate, which is estimated, in order to balance what we want to spend with the money we have available from taxation. If it balances well, there is a surplus that is certified by the state to be used to offset spending for the next year.

Jay Coburn moved to recommend Article 4. Robert Weinstein seconded, and the motion carried 5-0-0.

Article 5 – Omnibus Budget of \$19,418,732

Jay Coburn moved to recommend Article 5. Janet Worthington seconded, and the motion carried 5-0-0.

Article 6, Section 6 – Transfer from Free Cash to General Stabilization Fund

Robert Weinstein moved to recommend Article 6, Section 6. Maureen Burgess seconded, and the motion carried 5-0-0.

Article 10 – Borrowing for Fire Tender

Rae Ann Palmer explained that Bond Counsel had prepared the Article and the need.

Jay Coburn moved to recommend Article 10. Robert Weinstein seconded, and the motion carried 5-0-0.

Article 11 is comprised of six sections for Community Preservation Act funding requests.

Article 11, Section 1 - Phase 3 Great Hollow Beach Extension

The Article 11, Section 1 was amended to ensure public use, Rae Ann Palmer said. Money would not be released until the covenants and deed restriction issues in the neighborhood were resolved. Jay Coburn spoke against the proposal because it was not money going to Community Housing. Janet Worthington said that attention to beaches and open space is not in conflict with

housing needs. Maureen Burgess expressed interest in obtaining the additional beach and did not want to lose the opportunity. Paul Wisotzky asked about provisions for handicap access.

Community Preservation Committee Co-Chair Mary Rose and CPC member Rex McKinsey explained choices that CPC had made regarding a Community Housing application for a project in Eastham. Robert Weinstein invited Assistant Town Manager Kelly Clark, the former Beach Director, to address historic use of Great Hollow Beach. Ms. Clark said there is no beach attendant there because the lot is rarely filled. Maureen Burgess mentioned Great Hollow as a sunset viewing spot. Janet Worthington speculated how a big house and more restrictions could become the future for the location. Jay Coburn reiterated his opposition to using CPA funds for the effort.

Janet Worthington moved to recommend Article 11, Section 1. Robert Weinstein seconded, and the motion carried 3-1-1.

Article 11, Section 2 - Edgewood Farm Historic Preservation Project Phase 3

Paul Wisotzky recused himself from deliberations on Castle Hill's Edgewood Farm Article.

Rae Ann Palmer explained the historic preservation deed restriction required for the project. Robert Weinstein objected to the historic preservation restriction, preferring that use could be controlled. Mary Rose and Rex McKinsey explained Castle Hill Center for the Arts' year-round offerings at the Edgewood Farm location.

Maureen Burgess moved to recommend Article 11, Section 2. Janet Worthington seconded, and the motion carried 2-2-1.

Article 11, Section 3- Highland House Museum Phase 3

Robert Weinstein asked about the lease with the Seashore, a twenty-year agreement that has been executed. Rae Ann Palmer reminded everyone that artifacts housed in the museum belong to the Town of Truro. So far \$417,000 of CPA funds have been granted to the Highland House historic restoration project.

Robert Weinstein moved to recommend Article 11, Section 3. Janet Worthington seconded, and the motion carried 5-0-0.

Article 11, Section 4 - Aerial Circus Rigging

Robert Weinstein moved to recommend Article 11, Section 4 for \$7,000 to Payomet Theater for aerial circus rigging. Jay Coburn seconded, and the motion carried 5-0-0.

Article 11, Section 5 - Replenishing the Affordable Housing Trust Fund

Robert Weinstein moved to recommend Article 11, Section 5 - Replenishing the Truro Housing Trust Fund for \$50,000. Maureen Burgess seconded, and the motion carried 5-0-0.

Article 11, Section 6 - Truro Housing Authority Technical Assistance

Maureen Burgess moved to recommend Article 11, Section 6 for technical assistance for the Truro Housing Authority for \$30,000. Robert Weinstein seconded, and the motion carried 5-0-0.

Article 11, Section 7 -Administrative Support

Maureen Burgess moved to recommend Article 11, Section 7. Robert Weinstein seconded, and the motion carried 5-0-0.

Other Warrant Articles

Rae Ann Palmer said there will be an amendment to the Petitioned Article which will be done at Annual Town Meeting. Paul Wisotzky recommended including the explanations for the Customary Articles in the Annual Town Meeting Warrant.

Message from the Board of Selectmen

Robert Weinstein noted with thanks an edit to the "Message from the Board of Selectmen" in the Warrant. The Board was satisfied with the entire message.

Town Meeting Preparation

Jay Coburn requested posting a meeting immediately prior to Town Meeting.

HEALTH INSURANCE

Town Manager Rae Ann Palmer explained the claims analysis that had been done with a recommendation to shop for the best insurance deal.

Robert Weinstein moved to authorize the Massachusetts Interlocal Insurance Association (MIIA) to provide a quote for group health insurance coverage to the Town of Truro. Maureen Burgess seconded, and the motion carried 5-0.

CONSENT AGENDA

- A. Review/Approve and Authorize Signature: Extension Agreement for Herring River DRI Hearing Period
- B. Review and Approve 2018 Seasonal Licenses: Jams Too Inc. (Transient Vendor) and Whitman House restaurant and James Too Inc. (Common victualer)
- C. Review and Approve Seasonal Alcohol Licenses: Whitman House Restaurant, Blackfish Restaurant, Top Mast Café, Jams Too Inc., Fuller's Package Store, Terra Luna Restaurant, Beach Point Health & Swim Club, Captain's Choice, Payomet Performing Arts Center, and Highland Links Golf Course
- D. Review and Approve the 2018 Seasonal Renewal Certification for the Alcohol Beverages Control Commission
- E. Review and Approve Change of Manager on Alcohol License Whitman House Restaurant
- F. Review and Approve Change of Hours on Alcohol License Top Mast Café
- G. Review and Approve Appointment of Craig Danziger to the Police Chief Search Committee
- H. Review and Approve Board of Selectmen Minutes: March 20, 2018 Regular and Joint Meeting

Jay Coburn moved to approve the Consent Agenda. Robert Weinstein seconded, and the motion carried 5-0.

SELECTMEN'S REPORTS AND TOWN MANAGER'S REPORT

Robert Weinstein said he had attended a CPR-AED (automated external defibrillator) course at Library, sponsored by the Cape Cod Medical Reserve Corps and American Heart Association. He and a large number of people received certificates of training. Paul Wisotzky reported that the Search Committee for the Police Chief has been meeting and is on schedule.

SELECTMEN'S COMMENTS

Maureen Burgess explained her absence from last meeting. Robert Weinstein thanked his colleagues and those in attendance who spoke on the Warrant Articles at this meeting.

NEXT MEETINGS

Rae Ann Palmer reviewed the upcoming meeting schedule:

Tuesday, April 10, 2018 – Pre-Town Meeting and Candidate's Night at the Community Center

Tuesday April 17, 2018 – Work Session which may become a regular meeting


April 24, 2018 – Annual Town Meeting

ADJOURNMENT

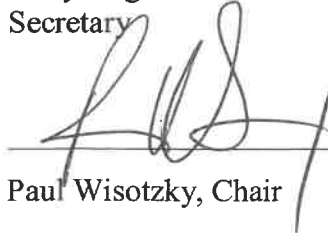
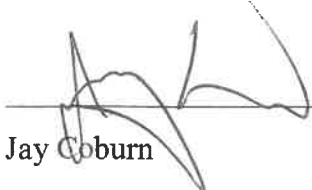
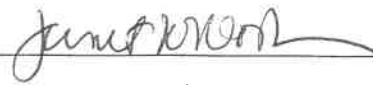

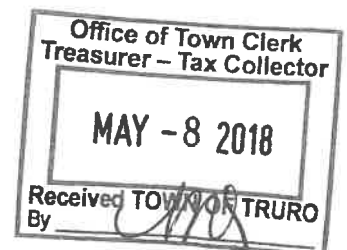
Robert Weinstein moved to adjourn. Maureen Burgess seconded, and the motion carried 5-0.

The meeting was adjourned at 7:32 p.m.

Respectfully submitted,



Mary Rogers
Secretary


Paul Wisotzky, Chair
Maureen Burgess Vice-chair
Jay Coburn
Janet Worthington,
Robert Weinstein, Clerk

Robert Weinstein, Clerk

Public Records Material of 3/27/18

1. Draft Warrant for Annual Town Meeting 2018
2. Extension Agreement for Herring River DRI Hearing Period
3. Seasonal Licenses: Jams Too Inc. (Transient Vendor) and Whitman House restaurant and James Too Inc. (Common victualer)
4. Seasonal Alcohol Licenses: Whitman House Restaurant, Blackfish Restaurant, Top Mast Café, Jams Too Inc., Fuller's Package Store, Terra Luna Restaurant, Beach Point Health & Swim Club, Captain's Choice, Payomet Performing Arts Center, and Highland Links Golf Course
5. 2018 Seasonal Renewal Certification for the Alcohol Beverages Control Commission
6. Change of Manager on Alcohol License Whitman House Restaurant
7. Change of Hours on Alcohol License Top Mast Café
8. Appointment papers of Craig Danziger to the Police Chief Search Committee

