



Town of Wellfleet - Board of Selectmen

Wellfleet Public Library
December 9, 2008
Regular Meeting - Minutes

The meeting was called to order at 7:05 p.m. by Vice Chair Michael May. Selectmen present included Dale Donovan, Jerry Houk, Chair Jacqui Beebe and Ira Wood. Town Administrator Paul Sieloff also attended.

Public Hearing

A. Proposed Use of Town Property Fees

Type of Event	Proposed Fee
Bake Sales*	\$25.00 per day
Use of only Town Hall Lawn &/or Town Hall Driveway* (excluding Bake Sales occurring at these locations)	\$25.00 per day
Weddings/Family Functions/Private Events closed to the Public	\$100.00 per day
Festivals/Functions/Events open to the Public [†]	\$100.00 per parcel
Professional Filming	\$100.00 per day
Surf Lessons at White Crest Beach Only (per Wellfleet Beach Rules & Regulations)	\$350.00 per season

*Exemption or reduction of fee(s) may only be granted by a vote from the Board of Selectmen at a Public Meeting at least 30 calendar days prior to event.

[†] Copy of Assessors map must be included in application with all areas of proposed use highlighted.

The Board discussed fees for non-profit events, particularly bake sales. Paul Sieloff explained the rationale for the fees. The Selectmen took questions from Peter Hall and Paul Pilcher on the fees and decided to take the fee raises under advisement. The hearing will be continued at a future meeting. Donovan suggested establishing a simplified procedure for events. Wood moved to continue to December 30, 2008. Houk seconded, and the motion to continue the hearing two weeks. The Board took a few more comments from the floor from Arlene Kirsch and Jack's Ferreria before the motion to continue carried 5-0.

B. Police Rules and Regulations – Addition of #66: Tire Deflation Devices

Regulation #66 TIRE DEFLATION DEVICES

PURPOSE: Vehicular pursuits are necessary to effectuate the enforcement of criminal and motor vehicle laws. Many of these pursuits are inherently dangerous and therefore create some risk of injury to the pursuing officer(s), the occupant(s) of the pursued vehicle, and the public at large.

Tire deflation devices are capable of reducing the speed of a suspect's vehicle and the duration of a pursuit quickly and safely.

POLICY: It is the Policy of the Wellfleet Police Department to use Tire Deflation Devices, when practicable, in an effort to quickly and safely end a pursuit. The officer deploying the tire deflation device shall only do so when that officer has been trained in its use and believes that the device can be deployed safely.

DEFINITIONS: Tire Deflating Device (TDD): A device that, when driven over, causes one or more tires of a vehicle to slowly and safely deflate.

Primary Unit: An authorized police vehicle that is the first vehicle behind the pursued vehicle.

Secondary Unit: An authorized police vehicle that is actively involved in the pursuit behind the primary unit as backup.

Supervisor: The officer-in-charge or other person-in-charge.

Vehicular Pursuit: An active attempt by an officer in an authorized police vehicle, with emergency warning equipment activated, to apprehend one or more occupants of another moving vehicle, when the officer reasonably believes that the driver of the other moving vehicle is resisting apprehension by increasing the vehicle's speed, intentionally ignoring the officer, or otherwise attempting to elude the officer.

PROCEDURE:

1. Only officers trained in the use of the Tire Deflation Device may deploy the TDD.
2. Authorization to deploy the device must be obtained by the Shift Supervisor prior to deployment.
3. The Tire Deflation device will only be used on vehicles with four or more tires. The TDD is not to be used on motorcycles or an all terrain vehicle (ATV).
4. The TDD should be used on a hard surface such as concrete or asphalt.
5. The deploying officer must notify pursuing officers of the location of the TDD and wait for acknowledgement.
6. Position the marked cruiser in a safe location for deployment purposes.
7. Deploy them across the roadway, leaving the TDD out of the path of the general public until the suspect vehicle approaches.
8. Upon approach of suspect vehicle, pull the TDD into the path of the suspect motor vehicle. Be prepared to quickly remove the device once the suspect motor vehicle has passed to avoid accidental deployment to the pursuing cruisers. Attempt to time the deployment so as to leave little time for evasive actions.
9. Inspect the device for damage and functionality.
10. If the device was successfully deployed, remove the serial number sticker from all activated sections of the device and attach the stickers to the Pursuit Reporting Form. Fax the form to StopTech, Ltd.
11. Replace any activated sections.

12. Return the device to its storage location.

- SUPERVISOR:
1. Prior to granting authorization for the deployment of any Tire Deflating Device the Supervisor will consider the following conditions:
 - a. Population density (including volume of pedestrian traffic as well as volume of vehicular traffic).
 - b. Nature of the area (residential, commercial, school zone, and the volume type, speed and direction of vehicular traffic, presence of sharp curves or steep embankments).
 - c. Road and weather conditions.
 - d. Time of day
 - e. Quality of radio communications.

- PURSUING OFFICERS:
1. Proceed cautiously and adjust speed as necessary when approaching the TDD location.
 2. Allow the TDD to be removed from the roadway before passing the TDD location.
 3. Be aware the pursued vehicle may decrease speed rapidly.
 4. Be prepared to respond to sudden, evasive or unpredictable maneuvers by the pursued

Chief Richard Rosenthal explained the use of tire deflating devices and answered questions.

Donovan moved to adopt the addition of #66 Tire Deflating Devices to Police Rules and Regulations. Houk seconded, and the motion carried 4-0.

C. FY09 CDF I CDBG Housing Rehab Grant & Wellfleet Community Development Strategy

Grant writer Alice Boyd requested a Board of Selectmen determination of interest in submitting an FY09 CDF I CDBG housing rehab grant and discussed the Community Development Strategy with the BOS and got signatures acknowledging her presentation. Wood moved to proceed. May seconded

D. CPC Annual Needs Assessment

CPC Chair Peter Hall and CPC Coordinator Mary Rogers reviewed the 2008 Community Preservation Needs List for Community Housing, Historic Preservation, Open Space and Recreation.

E. Annual All Alcohol Restaurants Requests

- ◆ Kevin Millet and Lenny D'Italia representing **D'Italia's Restaurant** requesting closure from Monday December 22nd, 2008 through Tuesday January 20th, 2009

Jerry Houk moved to grant the request for closure of D'Italia's Restaurant from Monday, December 22, 2008 through Tuesday January 20, 2009. Ira Wood seconded, and the motion carried 4-0

- ◆ Caroline Parlante representing **Bookstore & Restaurant**, requesting closure from December 3rd through December 25th, 2008 and from January 4th through February 12th, 2009.

*Caroline Parlante representing **Bombshelter Pub**, requesting to extend their hours on New Years Eve to remain open until 2:00a.m.*

Jerry Houk moved to approve the requests from Caroline Parlante. Ira Wood seconded and the motion carried 4-0.

Houk moved to grant all three. Wood seconded. 5-0.

Wood recused himself from W.H.A.T. deliberations.

- ◆ **Wellfleet Harbor Actors Theater** requesting to extend their hours on New Years Eve to remain open until 1:00 a.m., and to open early on January 20th, 2009 to have a free live broadcast of the Presidential Inauguration.

Houk moved to approve the Wellfleet Harbor Actors Theater request to extend their hours on New Years Eve to remain open until 1:00 a.m., and to open early on January 20th, 2009 to have a free live broadcast of the Presidential Inauguration. Donovan seconded, and the motion carried 4-0.

Announcements

- ◆ Ira Wood announced Elaine McIlroy's library award from the Carnegie Award. Wood said there is a party in her honor here at the Library
- ◆ Wood also announced the next joint town meeting with Eastham and Truro to be held December 17 at the Wellfleet Senior Center.
- ◆ Houk reported the death of former Selectman Florence Schmidt. There will be a service in spring.
- ◆ Arlene Kirsch of "We Can" came forward to request volunteers for the mentor program.
- ◆ John Hinckley, former Town Administrator, had passed away this week.

Powers & Sullivan Auditor Report

Assistant Town Accountant Jane Tesson introduced Richard Sullivan of Powers & Sullivan Auditing. He gave an overview of the auditing process and discussed the 2008 Management Letter. He said that the opinion page unqualified which is the highest level given, and he praised the financial team.

Appointments

Wood moved to approve the appointment of Ned Hitchcock II, Simone Reagor & Rhoda Flaxman to the Wellfleet Economic Development Committee and Simone Reagor to the Local Historic District Study Group. Donovan seconded, and the motion carried 5-0.

The Selectmen said they would like new appointees to be invited to future meetings to share their.

2009 Renewal of Annual Liquor License – Wellfleet Town Pizza

Wood moved to approve the renewal of the Annual Liquor License for Wellfleet Town Pizza. May seconded, and the motion carried 5-0.

Discussion on Special Town Meeting Letter from Harry Terkanian

Town Moderator Harry Terkanian came forward to discuss issues regarding Special Town Meeting which he had outlined in his letter. The Selectmen and Terkanian discussed rules for substitute moderators. They also considered the possibility of televising or taping Town Meeting. Stephen Oliver, from the floor, commented on not turning the camera on speakers at TM. Recommendations in the Warrant, time limits for speakers were another topic of concern in Terkanian's letter. Kirsch requested a copy of Terkanian's letter for the Finance Committee. Kirsch had procedural questions on substitute Town Moderators.

Cape & Vineyard Electric Cooperative, Inc.

Maggie Downey was present to explain the formation, benefits, scope, objectives and membership eligibility of the Cape & Vineyard Electric Cooperative, Inc. She explained that under the Green Communities Act Wellfleet has the option of joining the cooperative as well as pursuing wind turbines on its own. Ms. Downey will attend an Alternative Energy Committee meeting in January. She explained the relationship of the Cooperative and the Cape Light Compact. Joining is contingent on a vote at Town Meeting, Downey said. She fielded comments from the floor from Jack Ferreria. Jan 7 Downey will be at the Lower Cape Roundtable meeting at 2 p.m. at the Senior Center.

Boat Rentals at Gull Pond

Jack Ferreria was present to discuss his rental of space at Gull Pond. He said the Selectmen need to make a decision regarding his lease for the next two years. He will come back to January 9 meeting.

Revision of "Policy on Tapes of Selectmen's Meetings"

The revision will be that regulatory boards and Finance Committee will have their meetings taped. This will be brought back in two weeks.

LPCIC Progress Report

Paul Pilcher gave a progress report on the Local Planning Committee Implementation Committee.

Old Business

Proposed Oyster Lane Maintenance Agreement [Housing Authority]

Paul Pilcher said the Housing Authority hoped that the Town would take over the road as a Town road. Paul Sieloff and Paul Pilcher discussed options for taking over the road as an unpaved or paved road. Sieloff said he would set up a meeting with the DPW.

FY2010 Budget Hearing – Joint Meeting with Finance Committee

Health & Conservation #510

Health Agent Hillary Greenberg said there was nothing new; everything is level funded. Greenberg explained the Contract Service line. May mentioned the petition for a clean wood waste pile at the Transfer Station. She is working with DEP and the DPW on this. Bruinooge asked about income for the department. Paul Sieloff said he has a spreadsheet that he has worked on with the Town Accountant. Greenberg said \$22,000 had been the revenue.

Conservation Commission #171

Greenberg also presented the Conservation Commission Budget, which she explained.

Animal Control #292

Greenberg discussed budgeting a uniform for the Animal Control Officer.

Building Department #241

Building Inspector Paul Murphy answered questions about revenue in the Building Department, wages, the number of permits in the past year for building, plumbing and electrical,

Wood handed out a questionnaire on regionalization ideas for the inter regional cooperation meeting.

Police Department #210

Chief Richard Rosenthal came forward to present the Police Budget and the Communications Budget. Chief Rosenthal discussed money that came in through grants, the gasoline line, Officer in Charge salary, equipment reductions and cruiser lines in the Town Administrator's request, income from fines, school crossing guards instead of a traffic control officer, make and number of cruisers,

Communications #215

Chief Rosenthal also presented the Communications Budget. He discussed Town Meeting votes that affect his Budget. There were questions on the contract service line and copier costs. Sieloff expressed his intention to be fully involved in Town Meeting explanations of Budget items. Bob Kelly commended Chief Rosenthal for maintaining his Budget every year. Jacqui Beebe discussed Free Cash that becomes available at the end of the fiscal year.

Paul Sieloff explained his process of cutting \$30,000 to \$50,000 out of Department Budgets. Oliver agreed that it was essential to cut out whatever is possible.

Beebe planned agenda for the next Budget session. Paul Sieloff briefly discussed State funding for highways and paving. There was discussion of the Capital Budget, state health insurance.

Correspondence

Minutes - November 25th 2008

Wood moved to approve the minutes of November 25, 2008. X seconded, and the motion carried X-0.

Adjourn Wood May 4-0 10:15 p.m.

Future Meetings & Agendas

Executive Session [Not planned]

Respectfully submitted,

Mary Rogers, Committee Secretary

Jacqueline Beebe, Chair

Michael May

Ira Wood

Dale Donovan

Jerry Houk