



**Town of Wellfleet - Board of Selectmen  
Wellfleet Council of Aging  
July 22, 2008  
Regular Meeting - Minutes**

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

**I. Public Hearing**

A. Richard Merrill requested the renewal of Shellfish Grant #01-05 for a ten year period.

**MOTION 08-0230: *To move that the Board of Selectmen approve the renewal of Richard Merrill's Shellfish Grant #01-05 for a ten year period.***

**Motion by: Wood      Seconded by: May      Yea 5      Nay 0**

*Wood disclosed that he is a Board member of W.H.A.T.*

B. Wellfleet Harbor Actors Theater, Route 6 had asked to extend the hours of operation from 10pm to 12 midnight on the following dates: June 4th, 19th, 29th, July 2nd, 12th, 17th, 30th, August 14th, 27th September 11th and 27th. The BOS had given a conditional approval for the dates as long as there were no further abutter complaints. Chair Beebe read a letter of complaint dated June 21, 2008 into record. Abutters in the audience expressed their concerns about the noise levels at W.H.A.T. after theater hours. Robert Hankey asked why there had not been a public hearing on the matter. Chief Rosenthal said the police had responded to only one complaint. Jerry Houk discussed the art gallery at W.H.A.T. that he said is not licensed. Donovan reminded the Board that the issue was about the liquor license extension. Jim Dalglish, managing director of W.H.A.T., explained the intent of the dates of the requested extension. He also explained that the art on display was not a gallery that handled sale of the work. Jeff Stewart, former ZBA chair, explained what the Board of Appeals had approved. Stewart questioned Ira Wood's remaining as a participant on the Board for the case.

*Wood recused himself but said he would call the State Ethics Committee for a ruling on his recusal.*

Chair Beebe discussed having a police detail paid for by WHAT. Jim Dalglish said W.H.A.T. would eliminate the after hours liquor instead of having a police detail. He offered his apologies to the abutters and stated his intent that W.H.A.T. prove to be a good neighbor. Chief Rosenthal discussed police procedure on noise complaints. An extension decision did not have to be made since Dalglish withdrew his request.

*Ira Wood returned to the meeting.*

## II. Open Session & Announcements

Jerry Houk announced the death of Captain Rueben Baker, grandson of “Banana King” Lorenzo Dow Baker.

Houk announced that Charles Amsler had offered to work with Celeste Makely on locating a Community Garden.

Houk remarked on the speed of traffic on Commercial St. at various times of day.

Denny O’Connell requested that the Board take action on the Disclosure of Financial Interest for members of the Planning Board.

## III. New Business

### A. Appointments

♦ Cable Advisory Committee Appointments– Olga Kahn, Barbara E. Gray, Richard M. Guernsey

***MOTION 08-0231: To move that the Board of Selectmen approve the appointments of Olga Kahn, Barbara E. Gray and Richard M. Guernsey to the Cable Advisory Committee.***

**Motion by: Wood                      Seconded by: Donovan                      Yea 5                      Nay 0**

♦ Relief Dispatcher for Wellfleet Police Department - Joseph McGrath

***MOTION 08-0232: To move that the Board of Selectmen approve the appointment of Joseph McGrath as Relief Dispatcher for the Wellfleet Police Department.***

**Motion by: Donovan                      Seconded by: May                      Yea 5                      Nay 0**

B. John Riehl came forward to report on the 6<sup>th</sup> Annual State of the Wellfleet Harbor Conference to be held November 15, 2008 at WES. He announced the speakers who would be featured at the event. He requested that a maintenance person be provided at a cost of \$250 the day of the conference.

***MOTION 08-0233: To move that the Board of Selectmen approve providing at a cost of \$250 a maintenance person to WES on November 15, 2008 for the State of the Harbor Conference.***

**Motion by: Wood                      Seconded by: May                      Yea 5                      Nay 0**

C. Beach Administrator Suzanne Grout Thomas was present to explain a problem at LeCount Hollow/Maguire Landing Beach. Because the best surfing is at the swimming area at the beach this season, she said there have been complaints in writing from both surfers and swimmers. Thomas requested a temporary variation on the current rules for this season only. Beebe discussed the letters and explained her safety concerns for children swimming at the public area. She expressed concern about lifeguards’ ability to keep people safe. Thomas promised self-policing by the responsible surfers.

***MOTION 08-0234: To move that the Board of Selectmen give the Beach Administrator and lifeguards discretionary decision making regarding swimmer and surfer boundaries for the rest of the 2008 season.***

**Motion by: Donovan                      Seconded by: Beebe                      Yea 5                      Nay 0**

In the Correspondence file, Donovan mentioned, was a letter of appreciation from Kevin F. Toomey regarding lifeguard services to a burn victim on the beach. Donovan expressed his concerns about the beach fires. Jody Craven, former head lifeguard, addressed the problem of broken bottles and fire remains that lifeguards find on the beaches. Wood asked about the possibility of police checks on beach fire permits and fires. Chief Rosenthal said the police do not cover beach situations, but they could. Houk said he thought the Fire Department should be issuing permits, not the Beach Dept.

Houk asked the surfers about use of leashes for their boards. Local surfers explained how they self patrol surfing to the best of their ability. May had a suggestion for limited numbers of beach fires. Thomas discussed liability issues involved. Chief Rosenthal discussed having a uniformed enforcement officer patrolling beach fires. Suzanne Thomas will come back in fall with proposals for future beach use.

#### D. Use of Town Property

Marija Kovacevik had requested use of the lawn in front of 335 Main Street to play her violin from July 14, 2008 to September 30, 2008 between the hours of 11:00 a.m. and 8:00 p.m. on various days at various times.

***MOTION 08-0235: To move that the Board of Selectmen approve the request of Marija Kovacevik for the use of Town Property at 335 Main Street to play her violin from July 14, 2008 to September 30, 2008 on various days at various times between the hours of 11 a.m. and 8 pm.***

**Motion by: Donovan**

**Seconded by: Wood**

**Yea 5**

**Nay 0**

### **IV. Old Business**

Planning Board Chairman Dennis O'Connell and Town Counsel Elizabeth Lane were present to discuss zoning bylaw changes and disclosure forms. Wood had suggestions for the Planning Board joint meeting with the Selectmen scheduled for Wednesday, July 23, 2008. Town Counsel Elizabeth Lane came forward and discussed the disclosure issue first. Ms. Lane said the conflict arises out of the heightened interest of homeowners within the Seashore District. O'Connell said the disclosure question arose when the zoning bylaws were directed to changes for the Seashore District only. Beebe discussed property ownership in the Seashore as not being a significant conflict and suggested having the Planning Board members continue. Barbara Gray said she felt uncomfortable about discussing Planning Board members who were not present. Donovan said the disclosure could be discussed at the joint meeting. Lane suggested that the decision be made in advance so Planning Board members would know whether or not they would be attending as participants at that meeting.

Ms. Lane reviewed the zoning options for changes in the Seashore District and answered questions from the Selectmen and the audience. The discussion will be continued at the July 23 Planning Board meeting. Wood suggested that Planning Board might form a subcommittee to do more extensive bylaw revision. Chair Beebe said there might be several bylaw revision Articles on the Special Town Meeting Warrant this fall. Beebe requested that the Building Inspector should also be consulted on the proposed bylaw revision.

### **V. Correspondence**

- ◆ The correspondence report photo afforded Donovan an opportunity to commend the Marina workers for keeping the Marina open during construction and to showcase the new walkway around the perimeter of the Marina.
- ◆ The Animal Control Officer ad requested a public hearing on pit bulls housed at 25 Pine Point Rd. .
- ◆ The Board of Water Commissioners had strongly recommended additional portapotties at Mayo Beach.

- ◆ The Local Comprehensive Implementation Board requested inclusion on Town Meeting Articles recommendation.
- ◆ Beebe had an additional letter from SEMASS about additional service.

**VI. Minutes**

**MOTION 08-0236: *To move that the Board of Selectmen approve the minutes of July 8, 2008.***

**Motion by: Donovan      Seconded by: Wood      Yea 5      Nay 0**

**VII. Future Meetings & Agendas**

- ◆ The next meeting will be held August 12, 2008. The agenda so far includes the parking enforcement issue and energy audits. A hearing on pit bulls on Pine Point Rd. was added to the agenda.
- ◆ The meeting set for August 26, 2008 Meeting will include further deliberation of Use of Town property, Marina, Board of Health and Transfer Station fees.

**VII. Adjournment**

**MOTION 08-0237: *To move that the Board of Selectmen adjourn.***

**Motion by: Donovan      Seconded by: Wood      Yea 5      Nay 0**

The regular meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Mary Rogers, Committee Secretary

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Jacqueline Beebe, Chair

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Michael May

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Ira Wood

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Dale Donovan

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Jerry Houk