



Town of Wellfleet - Board of Selectmen

Wellfleet Public Library
October 28, 2008
Regular Meeting - Minutes

The meeting was called to order at 7:00 p.m. by Chairwoman Jacqui Beebe. Selectmen present included Jerry Houk, Michael May, Ira Wood and Dale Donovan. Town Administrator Paul Sieloff also attended.

I. Public Hearing

A. Shellfish Grant Licenses

1. Margaret Shields to renew shellfish grant licenses #783 and 783A for a ten year period.
2. Rachel & David H. Ernst to transfer shellfish grant licenses #891 and 891A from David H., Rachel and David Ernst to David Ernst.

Represented by Shellfish Andy Koch.

MOTION 08-0302: *To move that the Board of Selectmen vote to approve the Shellfish Grant Licenses.*

Motion by: Dale Donovan

Seconded by: Ira Wood.

Yea 5 Nay 0

B. Banishment of Dogs

Discussion why two unrestrained dogs owned by Jane and Sam Scherer, 25 Pine Point Rd, Wellfleet, MA, should not be banished from the Town of Wellfleet.

Represented by Animal Control Officer Lorial Russell and Jane and Sam Scherer. Jacqui Beebe swore in the ... Lorial testified that 8 separate incidents occurred since the public hearing where the dogs were ordered to be confined to the property. Sam Scherer spoke about the fencing that was installed to confine the dogs on the property. Ms. Lorial informed the board that she has not yet inspected the fence. Mr. Scherer stated that a Police Officer went over to the property to inspect the fencing. Ms. Beebe questioned why it has taken this long for the owners to fix the issues of the dogs escaping through the fencing. Ms. Jane Scherer spoke about their efforts to confine the dogs. John Makely spoke in favor of an electric fencing device. Chief Rosenthal confirmed that officers did go over to the property to validate the fencing. Ms. Beebe read a letter by abutters Marianne McCaffery, Deirde Marsh, Judy Hogan and Eastham resident Mary Beth Travis. Dale Donovan recited the By-laws pertaining to dogs and the Charter of the Selectmen's responsibility to enforce the laws of the Town. Lorial Russell stated that the male dog is aggressive, and the female is not.

MOTION 08-0303: *To move that the Board of Selectmen vote to banish the dogs from the Town of Wellfleet.*

Motion by: Dale Donovan

Seconded by: Ira Wood.

Motion Withdrawn

MOTION 08-0304: *To move that the Board of Selectmen vote that under M.G.L. 150, the Male Dog "Aeries" is a nuisance.*

Motion by: Jacqui Beebe

Seconded by: Ira Wood.

Yea 5 Nay 0

MOTION 08-0305: *To move that the Board of Selectmen vote to banish the male dog "Aeries" residing at 25 Pine Point Lane, from the Town of Wellfleet by November 12th, 2008 and the Animal Control Officer be notified of his new location.*

Motion by: Ira Wood

Seconded by: Dale Donovan.

Yea 4 Nay 0 Abstain 1

C. Amend Shellfish Rules and Regulations

To hear a petition to add the following to the Shellfish Rules and Regulations:

Section 2.1 Definitions

Petite Oysters – Oysters whose length is between 2.5 and 3 inches.

Section 8 General and Commercial Regulations

8.1.5 A Grant license holder may harvest and sell petite oysters (between 2.5 and 3 inches in length) only if:

- a) They do not have a **Town of Wellfleet** commercial shellfish permit;
- b) They have documented proof of purchase of seed;
- c) They have the required amendment to their propagation permit, granted by the State, allowing them to sell petite oysters to a previously designated dealer, approved by the State;
- d) They, or their employees (as defined in 11.1.2 and 11.1.3) or their families do not store any oysters harvested ~~in~~ from the wild on their licensed area(s);
- e) They are limited to selling petite oysters for a term of not less than a year, beginning with the routine issuance of an annual propagation permit from the State;
- f) They forfeit any claim to a hardship waiver under Section 4.1.4 of Wellfleet Shellfish Regulations.

Sections 8.1.6 through 8.1.20 to then be re-numbered.

Represented by Shellfish Andy Koch. He notified the Board the reasoning behind the proposed amendments. Mr. Donovan would like to continue this to the next meeting.

MOTION 08-0306: *To move that the Board of Selectmen vote to approve the Amended Shellfish Rules and Regulations with the addition of “Town of Wellfleet” in 8.1.5.a and change the word “in” to “from” in 8.1.5.d.*

Motion by: Ira Wood

Seconded by: Dale Donovan.

Yea 5 Nay 0

D. Proposed Council on Aging Fee Increases

Council on Aging	Current Fee:	Suggested Fee:
By the Day		
Great Pond	\$125	\$150
Small Rooms	\$75	\$75
By the Hour		
Great Pond	\$12.50	\$20
Small Rooms	\$7.50	\$10

Represented by COA Director Suzanne Thomas.

MOTION 08-0307: *To move that the Board of Selectmen vote to approve the proposed COA Fee Increases to be effective January 1st, 2009.*

Motion by: Dale Donovan

Seconded by: Jerry Houk.

Yea 5 Nay 0

II. Open Session & Announcements

- ◆ Dawn Rickman announced that Questions 1 & 2 passed at the Election and a Bond Sale occurred today.
- ◆ Town Administrator Paul Sieloff announced the Official Uncle Tim's Bridge re-opening occurring on Wednesday November 12th at 10AM.

III. New Business

- A. Update on Historic Oyster Shack, and Local Historic District Study Committee [Ashley Fawkes-Sylver]

Ashley Fawkes-Sylver updated the board about the location of the Oyster Shack. She went to the Marina Advisory Board and they felt that there was too much going on at the Marina and suggested the shack possibly being located at the old anchor memorial. She is requesting that the Selectmen approve the new location. Mr. Houk does not like the suggested location. The board discussed locations.

MOTION 08-0308: *To move that the Board of Selectmen vote to relocate the Oyster Shack at the anchor memorial at the Mayo Beach Parking Lot.*

Motion by: Dale Donovan **Seconded by:** Ira Wood. Yea 4 Nay 1

Ashley also gave an update on the Local Historic District Study Committee Members.

- B. Proposed Setting of \$6,500 Deputy Collector's Bond

Paul Sieloff requested and recommends formally to determine the amount of the bond for the Deputy Collector.

MOTION 08-0309: *To move that the Board of Selectmen vote to approve the \$6500 bond.*

Motion by: Ira Wood **Seconded by:** Dale Donovan. Yea 5 Nay 0

- C. Proposed Proclamation to Recognize October as Domestic Violence Awareness Month.

MOTION 08-0310: *To move that the Board of Selectmen vote to proclaim and recognize October as Domestic Violence Awareness Month.*

Motion by: Ira Wood **Seconded by:** Michael May. Yea 5 Nay 0

- D. Proposed Annual Employee Holiday Party [1-4pm on Tuesday December 16th at COA]

MOTION 08-0311: *To move that the Board of Selectmen vote to approve the Annual Employee Holiday Party to be on Tuesday December 16th.*

Motion by: Ira Wood **Seconded by:** Dale Donovan. Yea 4 Nay 0 Abstain 1

- E. Proposal for Annual Town Meeting to remove Personnel Board from the Charter.

Paul Sieloff updated the board on the status of the Personnel Board. He suggested that due to the lack of membership of the board there be an article in the Annual Town Meeting to eliminate it. Mr. Donovan suggested amending the language of the charge through the Charter Review Board. Mr. Houk feels a simple article will suffice.

IV. Old Business

- A. Proposed FY2010 Joint Budget Meeting Schedule with the Finance Committee

The Finance Committee has agreed on the joint meeting dates in December.

- B. LCPIC Goals Update

Mr. Donovan informed the board that the LCPIC will be presenting to the Selectmen in December.

- C. Proposed Approval of Vehicle Rollover Policy.

MOTION 08-0312: *To move that the Board of Selectmen vote to approve the Vehicle Rollover Policy for all Departments.*

Motion by: Ira Wood **Seconded by:** Dale Donovan. Yea 5 Nay 0

- D. Discussion of Use of Town Property Fees

The Administration office will be supplying information for suggested fees to be addressed at a future Selectmen's Meeting.

V. Correspondence

VI. Minutes

A. October 14, 2008

MOTION 08-0313: *To move that the Board of Selectmen vote to approve the October 14th minutes.*

Motion by: Ira Wood **Seconded by:** Dale Donovan. Yea 5 Nay 0

VII. Future Meetings & Agendas

See attached Memo

VIII. Executive Session

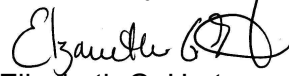
MOTION 08-0314: *To move that the Board of Selectmen enter executive session and not to reconvene in open session for non-union negotiation matters.*

Motion by: Dale Donovan. **Seconded by:** Ira Wood. Yea 5 Nay 0

Roll call (Houk, May, Beebe, Donovan and Wood – yea)

The regular meeting adjourned at 8:59 p.m.

Respectfully submitted,



Elizabeth G. Hartsgrove
Executive Assistant

Jacqueline Beebe, Chair

Michael May

Ira Wood

Dale Donovan

Jerry Houk