



Town of Wellfleet - Board of Selectmen  
Wellfleet Public Library  
February 24, 2009  
Regular Scheduled Meeting

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

*Michael May stepped down.*

## **I. Show Cause Hearing – Commercial Shellfish License**

To consider the suspension or revocation of Commercial Shellfish license held by Karl Barrio.

*Dale Donovan spoke about the proper procedures for a Show Cause Hearing. Shellfish Constable Andy Koch read his incident report dated January 7, 2009 He displayed a map of the boundaries, and showed a video of the alleged violation occurring. Deputy Shellfish Constable Chris Manulla and Assistant Habormaster Michael May verified Andy Koch's testimony. Karl Barrio was represented by himself and Atty. Bruce Bierhans. Atty. Bierhans read a statement as did Mr. Barrio. Mr. Houk asked why Mr. Barrio was not up-to-date with the current regulations. Mr. Barrio commented that he had conversed with former Shellfish Constable Jim McGrath about past practices. Matt Parent spoke about Mr. Barrio's 3 acre farm which is a source of income. He also mentioned that it was the Shellfish Constable's job to find violations occurring. Helen Miranda Wilson asked about the Temporary Shellfish Regulations last revision. Andy Koch confirmed that the current regulations were last amended in 2005. Dale Donovan read the submitted letters from James McGrath, Paul Murzyn, Michael Flanagan and Christopher Miner.*

*The board took a five minute recess.*

*Karl Barrio apologized to the board and the Town for any wrong doing.*

*Comments from the public: Matt Parent and Sandy Mitchell agreed with the recommendation of Andy Koch. Jerry Houk spoke about having a Shellfish License as a privilege and all regulations must be adhered to.*

**MOTION 09-029:** *To move that the Board of Selectmen vote to suspend Karl Barrio's Commercial Shellfish license for one year.*

**Motion by:** Dale Donovan                      **Seconded by:** Ira Wood.                      Yea 3    Nay 0

**MOTION 09-030:** *To move that the Board of Selectmen vote to have the suspension take place in 10 days from the meeting.*

**Motion by:** Jerry Houk                      **Seconded by:** Ira Wood.                      Yea 3    Nay 0

*Michael May rejoined.*

## **II. Public Hearing**

### **A. Shellfish Grant Transfer**

- ◆ Edwin and Lisbeth Berrio requesting transfer of grants #95-11 and 95-12 from Raymond Crowell, Ethel Crowell, Edwin C. Berrio Jr. and Lisbeth Berrio to Edwin C. Berrio Jr. and Lisbeth Berrio.
- ◆ Robert W. Rowell requesting transfer of grants #852, 852A and 852B from Robert W. Rowell, Angela M Rowell, Philip Allain and Nora Clark Jennings to Philip Allain, Nora Clark Jennings and Bradford Morse.

**MOTION 09-031:** *To move that the Board of Selectmen vote to approve the above transfers.*

**Motion by:** Ira Wood                      **Seconded by:** Jerry Houk.                      Yea 3    Nay 0

## **B. Shellfish Grant Renewal**

- ◆ Robert LaPointe requesting renewal of grant #2006-01 for a five year period.
- ◆ Philip Allain requesting renewal of grant #733 for a ten year period.
- ◆ Patrick and Barbara Woodbury requesting renewal of grant #741 for a ten year period.
- ◆ James O'Connell requesting renewal of grant #2000-1ext for a ten year period.

**MOTION 09-032:** *To move that the Board of Selectmen vote to approve the above shellfish grant renewals.*

**Motion by:** Jerry Houk                      **Seconded by:** Ira Wood.                      Yea 3    Nay

## **III. Open Session & Announcements**

- ◆ Ira Wood notified the board that the regional meeting on March 4<sup>th</sup> at the COA will be giving their report.
- ◆ Jerry Houk would like to commend Ira Wood for conducting the regional meeting the previous night.
- ◆ Dale Donovan announced that the Wellfleet won a five star rating from the Library Journal.
- ◆ Dan Silverman introduced Curtis Gelatt as the new Firefighter/Paramedic and requests the board approve the appointment.

**MOTION 09-033:** *To move that the Board of Selectmen vote approve the appointment.*

**Motion by:** Ira Wood                      **Seconded by:** Jerry Houk.                      Yea 4    Nay

## **IV. New Business**

- A. 2009 Business License Renewal – Blue Willow Fine Foods, Boathouse Fish Market, Chequessett Yacht & Country Club, Farrell's Market, Hatch's Fish Market, Hyannis Ice Cream, A Nice Cream Stop, Southfleet Motor Inn, South Wellfleet General Store, Sweet Season's

**MOTION 09-034:** *To move that the Board of Selectmen vote to have the suspension take place in 10 days from the meeting.*

**Motion by:** Ira Wood                      **Seconded by:** Jerry Houk.                      Yea 4    Nay

### **B. Appointments**

- ◆ Energy Committee- Stephen Burke and Geoffrey Karlson
- ◆ Historic Commission - Aylette Jenness (Regular) and David Wright (Associate)

**MOTION 09-035:** *To move that the Board of Selectmen vote to approve the above appointments*

**Motion by:** Jerry Houk                      **Seconded by:** Ira Wood.                      Yea 4    Nay

- C. Use of Town Property – Christine Schmidt requesting use of Mayo Beach Parking Lot on May 9<sup>th</sup> from 12pm-2pm for a Celebration of Life for Florence Schmidt

**MOTION 09-036:** *To move that the Board of Selectmen vote to approve the use of Town Property.*

**Motion by:** Dale Donovan                      **Seconded by:** Jerry Houk.                      Yea 4    Nay

- D. Review of Cape Cod Bay Water Quality Monitoring Program [Provincetown Center for Coastal Studies Marine Policy Coordinator Pat Hughes]

*Pat Hughes requested financial support of \$10,700 for the program. Ira Wood asked what is different between their program than the Estuaries Program. Pat mentioned that the Estuaries program is regulated, and the Coastal Studies program is more focused on the region. There are grant applications being applied for additional sources. Dale Donovan would like to refer this request to the Health Agent.*

## **IV. Old Business**

- A. Cable Contract Review [Tom Cole]

*Tom Cole briefed about the submitted summary and the next steps in the negotiation. The five Towns will be discussing in the near future.*

B. Proposed Fire Station Change Order [Rex Peterson]  
*Rex Peterson briefed the board on the proposed change order. The project is near completion.*  
**MOTION 09-037:** *To move that the Board of Selectmen vote to approve the change order.*  
**Motion by:** Ira Wood                    **Seconded by:** Michael May.        Yea 4    Nay

C. Approval of FY2010 Operating Budget and Capital Improvement Plan  
*Paul Sieloff handed the board an updated Operating Budget and Capital Improvement Plan. Marilyn Cray updated the board on the possible Stimulus monies from the Federal Government.*  
**MOTION 09-038:** *To move that the Board of Selectmen vote to approve the FY2010 Operating Budget and the Capital Improvement Plan to be forwarded to the Finance Committee.*  
**Motion by:** Ira Wood                    **Seconded by:** Michael May.        Yea 4    Nay

D. Discussion on Snow Plowing Deficit  
*Paul Sieloff updated the board on the estimate \$50,000 deficit.*  
**MOTION 09-039:** *To move that the Board of Selectmen vote to deficit spend for the Snow Plow budget.*  
**Motion by:** Ira Wood                    **Seconded by:** Jerry Houk.        Yea 4    Nay

E. Board of Selectmen Policy – Proposed Inclement Weather  
***Moved to March 10<sup>th</sup> meeting.***

F. Proposed Annual Town Meeting Warrant Articles - Proposed Zoning By-law Revisions [Rex Peterson]  
*Rex Peterson requesting the board to vote to refer the Temporary Sign By-law*  
**MOTION 09-040:** *To move that the Board of Selectmen vote to refer the Temporary Sign By-law back to the Planning Board for a public hearing..*  
**Motion by:** Jerry Houk                    **Seconded by:** Michael May.        Yea 4    Nay

## V. Correspondence

*Dale Donovan*

## VI. Minutes – February 10, 2009


**MOTION 09-041:** *To move that the Board of Selectmen vote to approve the minutes.*  
**Motion by:** Ira Wood                    **Seconded by:** Jerry Houk.        Yea 4    Nay

## VII. Future Meetings & Agendas [See attached Memo]

**MOTION 09-042:** *To move that the Board of Selectmen adjourn.*  
**Motion by:** Jerry Houk.                    **Seconded by:** Ira Wood.                    Yea 4    Nay 0

The regular meeting adjourned at 8:52 p.m.

Respectfully submitted,

  
Elizabeth G. Hartsgrove  
Executive Assistant

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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