



Town of Wellfleet - Board of Selectmen  
Wellfleet Public Library  
May 12, 2009  
Regular Scheduled Meeting

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

## I. Public Hearing

♦ **Show Cause Hearing** (continued from April 28<sup>th</sup> meeting)

To show cause when Shellfish grant licenses #85H and 85HA held by Shawn Rose should be forfeited for failure to file annual reports per MGL c.130.

*Represented by Shellfish Constable Andy Koch. He briefed the Board on the requirements for filing a shellfish grant report. He mentioned that there was a miscommunication between the Town and Shawn & Matt. He has now received a grant report for the past six years which were missing. Ira asked if all delinquent grant reports come before the Board. Shawn Rose explained why the reports had not been turned in for the past six years. Jerry Houk would like to get everyone who is delinquent up to speed before bringing them in for a public hearing. Jacqui Beebe mentioned that the ultimate goal of the Board is compliance for grant reports be turned in on time. Dale Donovan requests the Shellfish Advisory look into corporations taking over the maintenance of grants and multiple names on grants.*

**MOTION 09-128:** *To move that the Board of Selectmen vote to ask the Shellfish Constable verify that all shellfish grant reports have been filed on the grant #85H and 85HA.*

**Motion by:** Dale Donovan

**Seconded by:** Jerry Houk.

Yea 5 Nay 0

*Helen Miranda Wilson suggested setting the delinquent reports a deadline to assist the Town Employees in enforcing compliance.*

**MOTION 09-129:** *To move that the Board of Selectmen vote to ask the Shellfish Constable verify that all shellfish grant reports have been filed on all delinquent grant reports and that the Board of Selectmen be notified of all delinquent reports.*

**Motion by:** Dale Donovan

**Seconded by:** Jerry Houk.

Yea 5 Nay 0

♦ **New Shellfish Grant License** (continued from April 28<sup>th</sup> meeting)

Ethan Estey requesting a new 1.5 acre shellfish grant license at the tip of Indian Neck into Blackfish Creek.

*A letter from H.D.Y.L.T.A. Realty Trust, the owner of the parcel of land, was given to the Board regarding the new license request. Shellfish Constable Andy Koch recommends the issuance of the grant as long as permission from the owner.*

**MOTION 09-130:** *To move that the Board of Selectmen vote to grant the issuance of the new shellfish grant license.*

**Motion by:** Ira Wood

**Seconded by:** Michael May.

Yea 5 Nay 0

♦ **Shellfish Grant Renewal** (continued from April 28<sup>th</sup> meeting)

Michael Parlante requesting renewal of grant licenses #735, 735A and 736 for a ten year period.

*A letter from Carol Mindrebo was discussed by the Board. There are two others listed on the grant.*

**MOTION 09-131:** *To move that the Board of Selectmen vote to renew the grant with the Michael Parlante, Carol Mindrebo and Dan Rice's names on the grant licenses #735, 735A and 736 and to have a show cause hearing to remove names.*

**Motion by:** Dale Donovan

**Seconded by:** Ira Wood.

Yea 5 Nay 0

- ◆ **Proposed Increase of Non-Resident weekly Swimming Fee** (continued from April 28<sup>th</sup> meeting)

Recreation	Existing	Proposed
Non-Resident Weekly Swimming	\$45.00	\$50.00

**MOTION 09-132:** *To move that the Board of Selectmen vote to approve the fee increase of Non-Resident Weekly Swimming Fee.*

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

- ◆ **New Annual Wine and Malt Restaurant License**

Requested by Kaybee Restaurant Enterprises, LLC, Laurence W. Bengston mgr d.b.a. ***The Angry Tomato***, 2207 Route 6.

*Represented by Larry Bengston.*

**MOTION 09-133:** *To move that the Board of Selectmen vote to approve the new Annual Wine and Malt Restaurant License.*

**Motion by:** Dale Donovan                      **Seconded by:** Jerry Houk.                      Yea 5    Nay 0

*Derek Oliver has concerns about the proposed hours of operations.*

**MOTION 09-134:** *To move that the Board of Selectmen vote to approve the Common Victualler license pending signoff from the appropriate Boards and Departments.*

**Motion by:** Dale Donovan                      **Seconded by:** Jerry Houk.                      Yea 5    Nay 0

**MOTION 09-135:** *To move that the Board of Selectmen vote to limit the hours of service and consumption of alcohol till 11pm.*

**Motion by:** Jerry Houk                      **Seconded by:** Ira Wood.                      Yea 5    Nay 0

- ◆ **One Day Special All Alcohol License**

Requested by Marla Rice, representing ***Wellfleet Preservation Hall***, for a one day Special All Alcohol License on August 13<sup>th</sup> 2009 from 7pm – 11pm at 335 Main Street Park.

*See Use of Town Property vote below.*

## II. Announcements & Open Session

- ◆ Lisa Dexter asked what the status is for her approved addition of her name to Keith Rose's grant. Paul Sieloff updated the Board on two outstanding issues; residency and approval from Molly Benjamin Jr. Dale and Jerry voiced concerns why the paperwork had not been filed since the Board vote to approve.
- ◆ Dr. Berrien, Outer Cape Health Services CEO. (continued from April 28<sup>th</sup> meeting)

*She gave an update on the upcoming goals of the Outer Cape Health. Hours will be increased this summer. A year round pharmacy is in the works. They have been looking into expanding to Dental Care as well. Ira Wood suggested a more lengthy discussion at a Non-resident Tax Payers meeting.*

## III. New Business

### A. Appointments

- ◆ Planning Board (one opening as of now, one more on July 1<sup>st</sup>) – Olga Kahn & Janet Reinhart
- ◆ Marina Advisory (one opening) – Peter Stewart

**MOTION 09-137:** *To move that the Board of Selectmen vote to approve Peter Stewart to the Marina Advisory.*

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

**MOTION 09-138:** *To move that the Board of Selectmen vote to approve Olga Kahn to the Planning Board.*

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

## B. Use of Town Property

- ◆ Jeffrey Channing requesting use of Indian Neck Beach on Sept 12, 2009 from 6-7pm for a wedding ceremony. (continued from April 28<sup>th</sup> meeting)
- ◆ Rebecca Kay requesting use of LeCount Hollow Beach on Sept. 12, 2009 from 4-6pm for a wedding ceremony.(continued from April 28<sup>th</sup> meeting)
- ◆ Lawrence Peters representing **Wellfleet Historical Society** requesting use of 335 Main Street Park on June 21, 2009 for the Annual Strawberry Festival.(continued from April 28<sup>th</sup> meeting)
- ◆ Nicholas Gulde representing **Wellfleet Preservation Hall** requesting use of 335 Main Street Park on July 14<sup>th</sup> & 28<sup>th</sup>, August 4<sup>th</sup> and 25<sup>th</sup> from 5-11pm for a series of free outdoor movies.(continued from April 28<sup>th</sup> meeting)
- ◆ Requested by Marla Rice, representing **Wellfleet Preservation Hall**, for use of 335 Main Street Park on August 13<sup>th</sup> 2009 from 7pm – 11pm for “Gaming Under the Stars” fundraiser event.
- ◆ Vincent Lopez representing **Cape Filmworks LLC**, requesting use of Maguire Landing Parking Lot on May 18<sup>th</sup> and 19<sup>th</sup> from 5am – 11pm for parking essential work vehicles for a film shoot at 420 Lecount Hollow Rd.
- ◆ Harriet Korim requesting use of the Transfer Station on May 23<sup>rd</sup> from 8am – 3:30pm for the “16<sup>th</sup> Annual Yard Sale at the Dump”.

**MOTION 09-136:** *To move that the Board of Selectmen vote to approve the Special Liquor License requested by Wellfleet Preservation Hall and all use of Town Property requests above, except Cape Filmworks*

**Motion by:** Dale Donovan

**Seconded by:** Michael May.

**Yea 5    Nay 0**

## C. 2009 Business License Renewals

- ◆ Common Victualler with Weekday and Sunday Entertainment – Bookstore & Restaurant(continued from April 28<sup>th</sup> meeting)
- ◆ Common Vicutaller with Weekday Entertainment – Flying Fish Café (continued from April 28<sup>th</sup> meeting)
- ◆ Common Victualler – Hyannis Ice Cream Newcomb Hollow Beach Concession (continued from April 28<sup>th</sup> meeting)

**MOTION 09-139:** *To move that the Board of Selectmen vote to approve the business license renewals*

**Motion by:** Ira Wood

**Seconded by:** Dale Donovan.

**Yea 5    Nay 0**

D. Discussion on Proposed Name Change Planning Board Public Hearing [Rex Peterson]  
*Rex Peterson wanted the Board aware of a Planning Board road name change public hearing from Steele Road to Palmer Lane.*

E. Pinto Property – Purchase & Sale Agreement and Land Grant Contract [Rex Peterson]  
*Rex Peterson asked the Board to approve the P&S.*

**MOTION 09-140:** *To move that the Board of Selectmen vote to approve the Purchase & Sale Agreement and land Grant Contract*

**Motion by:** Ira Wood

**Seconded by:** Dale Donovan.

**Yea 5    Nay 0**

F. Discussion on Upcoming Dog Hearing  
*There will be a Dog Hearing on June 9<sup>th</sup>.*

## IV. Old Business

## V. Correspondence

Dale Donovan spoke about a letter to Congress Delahunt and Mark Forest for the Board to sign in favor of restoration of the Herring River Dike Bridge.

**MOTION 09-141:** *To move that the Board of Selectmen vote to approve the letter.*

**Motion by:** Ira Wood

**Seconded by:** Michael May.

**Yea 5    Nay 0**

Jerry Houk asked the Chief to look at safety issues at the Holbrook and Main Street intersection.

**VI. Minutes – April 14, 2009 (continued from April 28<sup>th</sup> meeting)**

**MOTION 09-142:** *To move that the Board of Selectmen vote to approve the April 14<sup>th</sup> minutes.*

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

**VII. Future Meetings & Agendas**

- ◆ Meeting with new Finance Committee
- ◆ Follow up Town Meeting with Town Moderator Harry Terkanian.

**VIII. Board Reorganization**

**MOTION 09-143:** *To move that the Board of Selectmen vote to approve Dale Donovan as Chairman.*

**Motion by:** Jerry Houk                      **Seconded by:** Ira Wood.                      Yea 5    Nay 0

**MOTION 09-144:** *To move that the Board of Selectmen vote to approve Jerry Houk as Vice Chair.*

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

Jacqui Beebe will write a correspondence guideline for the admin office to follow when drafting the Selectmen correspondence report.

**IX. Executive Session**

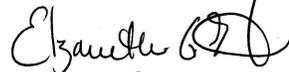
**MOTION 09-0145:** *To move that the Board of Selectmen enter executive session and not to reconvene in open session for personnel purposes.*

**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 8:29 p.m.

Respectfully submitted,



Elizabeth G. Hartsgrove  
Executive Assistant