



**Wellfleet Board of Selectmen
Minutes of the Meeting of September 8, 2009
Wellfleet Public Library, 7:00 p.m.**

Present: Chairman Dale Donovan, Michael May, Jerry Houk, Jacqueline Wildes-Beebe and Ira Wood; Town Administrator Paul Sieloff.

Chairman Dale Donovan called the meeting to order at 7:00 p.m.

Open Session and Public Comment

Sieloff updated the Board on the NSTAR herbicide spraying issue. Wellfleet received a letter from NSTAR stating that there will be a moratorium on spraying in Wellfleet until June 2010.

Sieloff also announced a meeting of the Board of Selectmen, Board of Water Commissioners, Board of Health, and Conservation Commission on September 29, 2009 at 7:00pm at the Library to discuss the issue of a town-wide anti-herbicide bylaw.

Wood announced a benefit event for the Local Housing Partnership on September 14th at the W.H.A.T. theater on Route 6.

Public Hearing(s) [7:30]

Animal Control Bylaws

Sieloff updated the Board and audience that staff is recommending not going forward at this time with Part I of the Animal Control Bylaw. It was reviewed with Town Counsel, the Animal Control Officer, and the Board of Health, and it was decided to further amend Part I. Tonight's discussion will only be about Part II concerning vicious dogs.

Donovan asked whether there will be language specifically repealing the current bylaw directed at pit bulls. Sieloff said that there would be.

Donovan invited public comment on this issue. There was none.

Donovan said that there would be no vote on this bylaw at this time.

Appointments

MOTION 09-0206: Donovan moved to adopt the proposal to correctly designate all members of the Energy Committee:

1. The Energy Committee shall be made up of the following *Regular* members:
 1. Griswold Draz
 2. Paul Banner
 3. Andrew Brown
 4. James Sexton
 5. Geoffrey Karlson
 6. Peter Stewart
 7. Kathryn Hubby

2. The Energy Committee shall also include the following *Associate* members:

1. Paul Weber
2. William Sullivan

Wood seconded, and the motion carried 5-0.

Proposal to adopt Town of Wellfleet's Investment Policy as a Board of Selectmen's Policy

MOTION 09-0207: Wood moved to adopt the Town of Wellfleet's Investment Policy as a Board of Selectman's Policy.

Houk seconded, and the motion carried 5-0.

Wood acknowledged the great work of Dawn Rickman as Town Clerk/Treasurer on this issue.

Presentation by Patricia Crow, Landscape Architect, re: proposed landscape design of Wellfleet Preservation Hall, a.k.a. 335 Main Street property

Patricia Crow presented a plan of the proposed landscaping of the 335 Main Street property for Wellfleet Preservation Hall. The Town owns all of the land involved. Preservation Hall has a 99-year lease of the building. Donovan said that he expects that there will be an ongoing management agreement going forward.

Donovan raised issue of Preservation Hall not spend money on plantings and landscaping that the Town may later undo. The Town may have some other uses of the property in the future and wants to know that the project has this taken into consideration. Crow said that this was considered in the design.

Wood asked about the size of the footprint – i.e., that it looks larger than the building used to be. Attorney Bruce Bierhans reports that it is really only 8 or 9 inches larger than the original building.

Review and proposed acceptance of August 31, 2009 sealed bid openings for Town owned parcels

Sieloff report that the recent auction of Town-owned parcels was a success, raising approximately \$40,000 for the Town.

MOTION 09-0208: Wildes-Beebe moved to accept the August 31, 2009 sealed bid openings for Town- owned parcels.

Wood seconded, and the motion carried 5-0.

David Ziemba and Brent Valli re: oversize vessels and enforcement of Marina Regulations

May recused himself from the discussion. Wildes-Beebe also recused herself from the discussion.

Donovan explained that this issue was referred back to the Board of Selectmen by the court because Ziemba and Valli had not exhausted their administrative remedies.

A discussion took place regarding the alleged oversized vessels at the Town Marina, as well as the lack of enforcement of many Marina Regulations, such as strict limitations on commercial transient slips from Memorial Day to Labor Day. A claim was made that there have been three surf-clam transient boats tied up to the pier all summer.

MOTION 09-0209: Donovan moved to ask the Town Administrator to instruct the Harbormaster to enforce the rules and regulations as written, immediately.

Bob Gross asked Donovan to recuse himself from the vote due to a previous issue.

Wood seconded, and the motion carried 3-0.

Special Town Meeting Possible Additional Articles

Donovan suggests that we submit a formal request to the Moderator that this STM be video recorded so that it can be replayed at a later date, as well as for an official record. Wildes-Beebe also suggested a transcriptionist might be useful.

MOTION 09-0210: May moved that the Board recommend to the Moderator that this STM be video recorded so that it can be replayed at a later date, as well as for an official record.

Wildes-Beebe seconded, and the motion carried 5-0.

A. Appropriate \$30,000 from Community Preservation Fund to Housing Now

Sieloff explained that this represents a balance of \$30,000 from initial request from last April's ATM. CPC is now asking for a planned transfer to Housing Now to fulfill its obligation.

Donovan says that Board of Selectmen has no choice here because the CPC can place articles on the warrant.

B. Ground mounted photovoltaic array bylaw

Rex Peterson reported that the Planning Board was not prepared to move forward with this item at this time.

C. Demolition delay bylaw

Olga Kahn of the Historic Review Board explained that this involves the addition of language regarding the encapsulating or enclosing of a building in the definition of "demolition," as well as extending the demolition delay from 6 months to 12 months.

D. Appointment of Human Services Committee

This article is from the Town Moderator and concerns the relationship of the COA Director to the Human Services Committee. We are waiting for language from Moderator.

E. Additional small parcel land auction

Sieloff explained that we are looking to do another land auction of small parcels of Town-owned land. Sieloff is working with Assessor to identify suitable parcels.

F. Herbicide bylaw

Sieloff explained that there appears to be strict limits on what towns can do, but that the Town is looking into options. Board asked that report from Horsley Witten be sent to the various boards prior to the September 29th meeting on the issue.

G. Proposal to raise the limit of sale or transfer of town-owned personal property from \$500.00 to \$5,000.00 before going to Town Meeting

Sieloff explained that there was a request to raise the limit from \$500.00 to make it easier for departments to sell or transfer Town-owned personal property that is no longer needed, and which might be usable by another department or could be sold elsewhere.

Sieloff will get specific details and language from departments.

Peter Stewart from Energy Committee came forward to recommend to the Board of Selectmen that the proposed article on the membership of the Town in the Cape & Vineyard Electric Cooperative, Inc. be dropped from this STM Warrant and that the Board support the placing of the wind turbine articles on the warrant.

Correspondence

Donovan noted the letter of resignation of Gary Sorkin from the Housing Authority and asked that a letter be sent to him thanking him for his service.

Minutes of 8/25/09

There was no quorum to vote on the Minutes, but Donovan noted that there is no requirement that the Minutes be voted on. They should simply be filed.

Announcements

None

Adjournment

MOTION 09-0211: Houk moved to adjourn the meeting.

Wildes-Beebe seconded, and the meeting adjourned at 8:05pm.

Respectfully submitted,
Susan Cox
Executive Assistant