



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

Present: Chairman Dale Donovan, Jacqueline Wildes-Beebe, Michael May, Jerry Houk and Ira Wood; Finance Committee Members Dennis Murphy, Robert Kelly, Sam Bradford, Janet Loewenstein, John Morrissey, Donna Robertson, Sylvia Smith, and Robert Wallace; Town Administrator Paul Sieloff.

Not Present: Finance Committee Member Elizabeth Sorrell

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

Budget Discussion with Wellfleet Finance Committee [7:00]

FinCom Chair Dennis Murphy introduced the current members of the FinCom.

Donovan asked Sieloff to briefly explain the budget documents that the board and the FinCom were provided at the end of last week. Sieloff explained that the budget documents consisted of the Operating Budget minus the schools, and the Marina and Water Enterprise Funds. Sieloff has not received any budget information yet from the schools, which is not unusual. He expects to receive it in the next month or two. Sieloff feels that the budget that was distributed is a good first step and he is happy to answer any questions the board or FinCom may have.

Donovan asked the FinCom if they would like to comment on the budget. Vice-Chair Bob Kelly asked if there were potential increases in salaries due to contractual increases coming our way. Sieloff noted that it would not be wise to say too much about specific increases or percentages prior to and during negotiations, but some increases are possible.

Sylvia Smith asked about schedule for Department Heads coming before the FinCom to discuss their budgets. Donovan explained that unless there are some questions, the board does not feel that it is a good use of time to go over each department line-by-line if there are no significant increases.

Kelly noted the change in the way that health insurance stipend is handled in the budget from prior years. Sieloff explained the health insurance stipend was moved out of individual departments to indicate the true cost of benefits for all Town employees.

Lowenstein asked about the "contract services" line in the departments' budgets, which are significant in some cases. She asked if there is a list of contracts that are encompassed within this category for each department. Sieloff explained that there are records for most of these, but some smaller amounts do not have written contracts. Sieloff agreed to make a list of contracts available to FinCom members.

Kelly asked about the change to \$5K/1 year from \$5K/5 years for capital items. Sieloff explained that this is a work-in-progress and that we may revisit this and go back to multiple years. Sieloff said he is open to suggestions about how to handle this.

John Morrissey asked about the \$48,500 line item for "small equipment" under the Computerization budget. Wouldn't this be a capital item? Sieloff explained that this line item actually contains many lower-cost items such as keyboards and monitors, rather than any larger capital items, which is why it is not in the Capital budget.

Kelly asked about the Vehicle Replacement Form and whether there would be a form filled out for every vehicle request. Sieloff explained that he was unsure and asked Fire Chief Dan Silverman to comment about this. Silverman explained that this was a DPW pilot program and that, to his knowledge, it was not expanded for use Town wide.

Morrissey asked about the \$20K Reserve Fund in the FinCom budget. Sieloff explained that this was for the use of the FinCom at their discretion.

Kelly said many towns around us have considerably more in their stabilization funds and free cash. Do we have some number that we are looking to obtain in these two funds?

Donovan explained there was a lot of discussion about this several years ago when the stabilization fund was almost depleted. A decision was made to build up the stabilization fund in small increments. Donovan also noted that the Town can get a lot more free cash if it budgeted more money and then did not use it. But, that also effects levy limits, etc.

Donovan asked Sieloff to provide copies of Auditor's reports for the new FinCom members, as he believes these provide a valuable overview of Town's finances.

Kelly noted that FY2011 budget doesn't have any actual expenditures for FY2010. He also noted that in FY2009 there was \$685K less spent than what was budgeted. Sieloff explained that these are not the comprehensive budget numbers.

Town Accountant Marilyn Crary explained that she would be able to provide FY2010 actual expenditures for the first six months in early January and distribute it to the FinCom.

Morrissey asked if we have access to the sources of our revenue by department and line item. Donovan explained that the Annual Town Report has the whole breakdown of revenues on an annual basis. He agreed that this was a good point, as the Town should pay more attention to where the money comes from and emphasize it. Smith reiterated that it would be useful to see revenue by department.

Murphy asked about the dates that some of the Town's loans mature and when they are no longer a liability. Sieloff explained that the Capital Improvement Plan (which will be distributed later this week) contains information about borrowing and debt service for next five years, but does not go out 30 years.

Donovan asked the FinCom if it wanted to schedule a meeting in December or wait until January when more preliminary information is available. Donovan noted that the schools were going to be at the December 22nd meeting to go over programs and overall goals, not the budget.

Sieloff suggested that the FinCom decide which Department Heads it would like to meet with specifically. He noted that the bigger departments will probably want to be looked

at by both boards, perhaps in a joint meeting on Tuesday, December 29th. After this initial meeting, the board and FinCom could have additional meetings in beginning of January as needed.

Wood asked if there were any specific questions by FinCom. Smith said she had questions about the Fire Department and the Town's legal services.

Donovan asked about next FinCom meeting. Murphy said one was scheduled on Wednesday, December 16th. Donovan said that some members of the board would possibly be able to attend that meeting.

Kelly asked why budgets in which we spent nothing in FY2009 were kept in the budget in FY2010 and FY2011. Beebe explained that it is better to have some amount in budget so that when unexpected costs were incurred, it was somewhat predictable.

Public Hearing(s) [8:00]

Shellfish Grant Applications

Continuation of hearing from November 24, 2009 concerning application received October 13, 2009 from Rebecca Nazarian for a .5 acre shellfish grant to the south of shellfish grant #771 and application received October 15, 2009 from Evan Bruinooge for a .5 acre extension to shellfish grant license #771 at Old Wharf Point.

Shellfish Constable Andy Koch explained that Slade Associates had prepared a very concise and detailed map of the boundaries of the parcels at issue and that he would support both the extension request of Evan Bruinooge and new grant request of Rebecca Nazarian off Old Wharf Point. Koch suggested the board approve the requests and let them move forward and apply to the Division of Marine Fisheries, the entity that determines whether a grant is productive or not. Koch explained that it can take one or two months for the Division of Marine Fisheries to get down here and perform a biological survey.

MOTION 09-0288: Wood moved to approve both the new grant application of Rebecca Nazarian and the grant extension application of Evan Bruinooge.

Houk seconded, and the motion carried 5-0.

Beach Rules and Regulations

Continuation of hearing from November 24, 2009 on the proposed changes to the Town of Wellfleet Beach Rules and Regulations.

Beach Administrator Suzanne Thomas explained that she had spoken with Barbara Austin, Chair of Shellfish Advisory Committee, Health Agent Hillary Greenberg, and had also received information from Shellfish Advisory Committee member Helen Miranda Wilson about the issue of animals on the beaches. Thomas explained that she had also met with Sieloff to discuss the Beach Rules and he agreed to move forward with her recommendations. Alternatively, Thomas, Greenberg, and the Shellfish Advisory Committee agreed that if it was decided not to go forward now with the revisions to the Beach Rules, then it would be advisable to wait until after ATM to see if the

comprehensive Animal Control bylaw is adopted or not. Thomas explained that if such a bylaw was adopted, the Beach Rules would likely have to be amended again.

Wood asked for a presentation from the Shellfish Advisory Committee to clarify the material provided in the packets, as it was very confusing. Wilson apologized and explained that the packet contained incorrect information and she handed out a corrected version of the documents.

Thomas also noted that the version of the Beach Rules that the Shellfish Advisory Committee was working from was not the latest approved version of the document, which may have added to the confusion.

Wilson explained that the issue for the Shellfish Advisory Committee is not dogs, but feces. The committee wants there to be a higher fine which is also backed up in the Beach Rules, that you lose your beach sticker if you don't pay the higher fine in a timely manner. Wilson stressed that the fine would apply not only to dogs, but to horses and other domesticated animals.

Wood asked about the issue of enforcement. Wilson admitted that enforcement issues are still there, but the committee just wants the fine to be higher and clearly indicated on signs so people know that they are going to get hit with a significant fine if they don't pick up after their animals.

Beebe asked how the Animal Control bylaw is going to affect the Beach Rules. Thomas explained that the Animal Control bylaw language could be changed at the ATM and then the Beach Rules would need to be changed again to mirror that language. Thomas also agreed that she has concerns about enforcement, and would like this to be addressed, particularly on the bayside beaches. At the oceanside beaches, lifeguards are there between 9am and 5pm to inform the public about the rules. This is currently not the case on the bayside beaches, as there are no lifeguards at these beaches.

Thomas said she is looking for approval of #1, at least, to move the placement of the stickers to the driver's side rear window so people will know where the stickers should go for the upcoming season.

Sieloff said he doesn't have the same enthusiasm or optimism about what might happen with the Animal Control bylaw at the ATM. He suggested that if the board doesn't want to adopt everything at this time, they can go through and adopt specific numbers. Maybe "adopt everything in here except the following..." Sieloff also suggested changing language to apply to all domesticated animals, not just dogs, and to raise the fines to \$100, as the Shellfish Advisory Committee recommended. Otherwise, he is afraid that we'll get bogged down trying to go line-by-line.

Beebe agreed.

Thomas agreed, and said that she was amenable to making the bayside beach rules like the oceanside beach rules – that is, animals are allowed on the beaches before 9am and after 5pm.

Beebe made a motion to accept the beach regulations as printed by Thomas, except replacing Items 13 and 14 with the sentence: "No domesticated animals shall be allowed on saltwater beaches and landings between 9am and 5pm during the summer season."

Donovan seconded.

Wilson reiterated that she would really like to see the higher fine of \$100.

May asked about having dogs at the Marina, as the Beach Rules are silent on the issue of dogs at the Marina. May explained that he brings his dog to work at the Marina everyday and that many people bring their dogs to the Marina to walk around the new walkway, and they would be extremely disappointed if this was no longer allowed. Dogs must be leashed and owners are required to pick up after them, of course.

Wilson clarified that dogs on leashes are allowed at Marina.

Donovan asked if there is no enforcement, what difference is there if dogs allowed or not?

Beebe withdrew motion and Donovan withdrew second.

Sieloff suggested approval of proposed changes to Items 1 through 9, as they are non-controversial. He said the board could wait to discuss the other proposed changes at a later date.

MOTION 09-0289: Beebe moved to approve proposed changes for Items 1 through 9 of the Beach Rules.

Wood seconded, and motion carried 4-0-1. Houk abstained, saying that he feels the board has not really gone through Items 1 through 9.

MOTION 09-0290: Wood moved that we continue this hearing until January 26, 2010 at 7:30pm.

Beebe seconded, and the motion carried 5-0.

Allocation of Local Property Tax Levy

Discussion on the issue of allocating the local property tax levy among the five classes for the fiscal year 2010.

Assessor Nancy Vail provided information to the board and explained that the Town got preliminary certification of our values yesterday, so the process is moving along.

Vail explained that the purpose of tonight's hearing is to see if the Town will split the tax rate between residential and commercial properties, therefore, having two tax rates. Vail explained that the Board of Assessors recommends that Town retain a single, unified tax rate for all classes of property.

Vail also informed the board of the three other options involving the shifting of the tax burden available – a "Residential Exemption," an "Open Space Exemption," and a "Small

Business Exemption.” The Board of Assessors recommends no action on all of these options.

MOTION 09-0291: Houk moved to accept the recommendation of the Board of Assessors to retain the one tax rate and make the Residential Factor the numeric number 1 for Fiscal 2010.

Wood seconded, and the motion carried 5-0.

Houk asked Vail if property values would be going down. Vail said some values are going down, but the tax rate will be increasing slightly. Vail estimated an approximate 20% increase in tax rate, but clarified that this is not a 20% increase in taxes.

Licenses

MOTION 09-0292: May moved to approve the application by Zack Dixon of Quiet Mind Studio at 95 Commercial Street for a Special Event Liquor License to host a Wine Education Series on 12/18/09, 1/15/10 and 2/19/10 from 7:00 to 9:00pm each night.

Beebe seconded.

Houk asked if Mr. Dixon was here to answer any questions. He was not. Houk wanted to know if wine would be sold at the event, or if food of any kind would be provided. FinCom member Sam Bradford said that he has attended these events in the past and explained that no food is served and no wine is sold at the events. If someone wishes to purchase wine, they are referred to a local liquor store that sells the wine.

Motion carried 5-0.

Use of Town Property

MOTION 09-0293: Houk moved to conditionally approve the application from Gary A. Lucas of Wellfleet/Eastham Cub Scout Pack 83 to place a small (10 yard) roll-off dumpster at the Transfer Station to collect returnable cans and bottles to raise money for the Cub Scout Pack. Group is seeking conditional approval of the board pending approval of Board of Health at their meeting on December 9, 2009.

Wood seconded, and the motion carried 5-0.

MOTION 09-0294: May moved to approve application from Richard Peterson to have a wedding ceremony (with 20 people or less) on Uncle Tim’s Bridge from 1:00 to 2:00pm on October 5, 2010.

Wood seconded, and the motion carried 5-0.

New Business

Report from Alice Boyd of Bailey Boyd Associates

Alice Boyd of Bailey Boyd Associates reported on the Community Development Block Grant for housing rehabilitation in Wellfleet for low- and middle-income applicants.

MOTION 09-0295: Wood moved to continue this program and pursue the FY2010 CDBG grant application.

Houk seconded, and the motion carried 5-0.

Boyd noted that the Housing Rehab grant program is administered by Lower Cape CDC, and the newly-added Childcare Subsidies are administered by Bailey Boyd Associates.

Short Presentation by AmeriCorps Cape Cod

AmeriCorp volunteer Dan Fister and another AmeriCorps volunteer made a brief presentation to the board about their current work in Wellfleet. So far this year, volunteers have worked with Wellfleet Town Administrator and the Recycling Committee on the recycling program, as well as with the Conservation Department. Volunteers have also done rabies baiting and fire training with the CCNS. Another possible project would be the maintenance of the power lines to avoid spraying herbicides.

Sieloff briefly explained the history of the use of AmeriCorps volunteers in Wellfleet.

Date for Parade [4th of July is on a Sunday in 2010]

Donovan explained that the Wellfleet Chamber of Commerce approached him to decide when to hold the annual 4th of July parade. The Chamber is working on its annual promotional book right now and realized that the 4th of July falls on a Sunday in 2010. Donovan explained that, in the past, holding the parade on a Sunday morning interfered with church traffic along Main Street and elsewhere. He also noted that the official Town holiday in 2010 for Town employees is Monday, July 5th.

MOTION 09-0296: Beebe moved to celebrate the 4th of July on Monday, July 5, 2010 and to hold the parade at the normal time on that day as well.

Houk seconded, and the motion carried 5-0.

Old Business

Discussion of Fire Dept. SAFER Grant Application [7:50]

Fire Chief Dan Silverman explained to the board and FinCom that he is seeking approval to apply for a grant program to hire two more firefighter/paramedics. Silverman explained that it is not a given that we will get the grant and the Town is not obligated to accept the grant if it is awarded. The grant would cover 100% of salary and benefits, but not overtime, for the first two years for both positions. The Town would then agree to keep and fund both positions for at least one year after grant expires.

Silverman explained that this would provide one extra person on the daytime shift coverage, and that the Town would offset some of the cost by savings in overtime costs. He clarified that the Town would not be saving money, but could offset the costs by reducing the department's overtime. Silverman agreed that his goal is to increase the daytime staff permanently and that he is not hiding that fact.

Morrissey handed out list of questions he prepared for Silverman to address, either at this meeting or later.

Donovan suggested that that perhaps board could approve application for grant, but then could address the questions presented by the board and the FinCom at an upcoming meeting.

Lowenstein commented that, since grant deadline is looming and the Town is not obligated to take the grant if it is awarded, it seems that there is no problem to approve the grant application now and work out the specifics later. If turns out to be a bad idea or lacks public support, the Town can simply refuse the award.

Wallace asked if Fire Department routinely hires seasonal employees during the summer months. Silverman said yes they do, but usually only one person due to overtime issues and the availability of qualified people. Silverman explained that EMTs and paramedics are not interchangeable; they each have different skills and training.

Lowenstein clarified that difference between EMT and paramedic is approximately 900 hours of training.

Silverman also pointed out that this is not only a summertime problem. If a call comes in during the day yearround, the department is frequently stripped of staff to cover the calls.

Houk said the board is frequently told by the Fire Department "just give me one more person and we'll cut down on overtime," but it never happens.

Silverman said that the department's overtime budget is approximately 21% of the overall department budget. On Cape Cod, the range is from a low of 12% to a high of 27%. The average overtime budget for all Cape towns is 17% of the overall budget.

Houk asked if we always need a paramedic to respond to calls. Silverman said we always need a paramedic because we provide an ALS ambulance service.

Beebe explained that this is really an incentive, even though it is being called a grant. She noted that it is hard to turn down money once it is awarded, and equally as difficult to make the decision to create a new position. She read this year's budget policy concerning the goal of not creating any new positions and level funding budgets. She said that she is hesitant to vote to go forward with this grant if the Town wouldn't be doing this without the grant enticing us to do it.

Wood said this is not the way to plan and it should not be done simply because there are only ten days left to apply. He said that if the Town finds that it is truly necessary that we need two more positions, it should look at cutting elsewhere to fund them.

Donovan noted that what the Town might be looking at two years down the road might be \$1M deficit. Donovan said the board has to make decision whether to give approval to go ahead with grant application.

Silverman asked to address point Beebe made earlier concerning the budget and budget policy. He said the Town should start to look at overrides, as he believes there is no way we can maintain the level of services without them. Silverman explained that he

means small overrides on a regular basis, rather than enormous overrides when things get really bad. He noted that the Town went through a lot of pain last year to avoid \$100K in expenditures, but that a \$100K override would have added only \$18 to the taxes on a \$500K property.

MOTION 09-0297: Donovan moved that the Town not approve the SAFER grant application.

May asked Silverman if a non-vote would be better than a no vote. Silverman said that he is not going to move forward without the support of the board, as there is no point to apply if there is no commitment from the Town.

Beebe seconded.

Houk said Silverman makes a good case, but that the Town is simply not in a position to add two new positions at this time.

Motion carried 5-0.

Modification of Motion 09-0283 - Grant of Exemption from Conflict of Interest Law for 2009 and 2010

Sieloff explained that the Motion made at the last meeting needed to be modified to include Adam Levinson and to remove Sean Donoghue.

MOTION 09-0298: May moved to grant exemption to Adam Levinson, William Grozier, and Stephen Pechonis from conflict of interest law for 2009 and 2010.

Wood seconded, and the motion carried 5-0.

Announcements

Houk said lighting of Christmas tree went well, but that there were some complaints because the event was held outside in the cold and that no gifts were given out to children as had been in the past.

Sieloff explained that he heard about situation over the weekend by Chief Rosenthal. He explained that the Town Clerk used to run this event, but there has been dwindling attendance in recent years. It was decided that a donation would be made to a local charity to purchase toys for needy children instead. The Recreation Department took over the tree lighting event this year, but Director Becky Rosenberg did not feel comfortable with opening Town Hall without staff to monitor the children in the building.

Correspondence

The board noted a sizeable amount of correspondence recently about the wind turbine issue from Eric Bibler and a group calling itself Save Our Seashore.

May pointed out that Energy Committee is voluntary group putting in their own time, and considerable amounts of it. It is a process, and it should be allowed to progress. May

noted that some of the correspondence from this group is downright vicious, which is completely unnecessary.

Minutes of 11/24/09

MOTION 09-0299: Wood moved to approve the minutes of November 24, 2009.

May seconded, and the motion carried 4-0. (Beebe did not vote because she was not at the last meeting.)

Adjournment

MOTION 09-0300: Wood moved to adjourn the meeting.

May seconded, and the meeting was adjourned at 9:45p.m.

Respectfully submitted,
Susan Cox, Executive Assistant