



**Wellfleet Board of Selectmen
Minutes of the Meeting of December 22, 2009
Wellfleet Public Library, 7:00 p.m.**

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

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

Announcements, Open Session and Public Comment [7:00]

None.

Presentation by Schools with Wellfleet Finance Committee [7:30]

School Committee Chair Jan Plaue introduced Nauset Regional Superintendent Richard Hoffman and Wellfleet Elementary School Principal Marybeth Rodman, who presented their overall objectives, some significant successes, and a preliminary look at the FY2011 budget.

Public Hearing(s) [8:00]

Request for Permission to Stay Open Late

MOTION 09-0301: Wood moved to approve the request received December 1, 2009 from Caroline Parlante for permission for the Bombshelter Pub to remain open until 2:00am on New Year's Eve.

Houk seconded, and the motion carried 5-0.

Request for Restaurant Closing

MOTION 09-0302: Wood moved to approve the request received December 7, 2009 from Kevin Millet to close D'Italia's Restaurant from December 19, 2009 through January 20, 2010.

Houk seconded, and the motion carried 5-0.

Proposed Fee Modifications

Planning Board

	<u>Current Fee</u>	<u>Proposed Fee</u>
Definitive Subdivision Plans	\$300.00	\$350.00
Special Permit	\$200.00	\$250.00

Sieloff explained that the Planning Board met last week to discuss the proposed fee increases and decided in their meeting that both fees should be raised to \$500.00 each.

Planning Board Chair Barbara Gray explained that the Planning Board felt that the fee increases originally proposed were very modest, and therefore suggested an increase to \$500.00 each.

MOTION 09-0303: Donovan moved to approve the increases to the Planning Board Fees to \$500.00 each.

Wood seconded, and the motion carried 5-0.

<u>Recreation Department</u>

<u>Bakers Field Morning Recreation</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Resident Pre Registration - First Child	\$50.00	\$55.00
- Each Additional Sibling	\$25.00	\$30.00
Resident Registration - First Child	\$70.00	\$75.00
- Each Additional Sibling	\$40.00	\$45.00
<u>Gull Pond Swimming Program</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Resident Pre Registration - First Child	\$50.00	\$55.00
- Each Additional Sibling	\$25.00	\$30.00
Resident Registration - First Child	\$70.00	\$75.00
- Each Additional Sibling	\$40.00	\$45.00
<u>Off-Season Sports Programs</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
(Soccer, Basketball, Baseball/Softball)		
Per Child, Per Sport	\$0	\$15.00

An audience member suggested that the Town of Wellfleet get verification to see who is a Resident and who is a Non-Resident. She suggested getting information from the schools to see which children are domiciled in Wellfleet.

Another audience member suggested census information might be better, since the schools would not have information on children that are homeschooled or attend a school outside of the Wellfleet school district.

Beebe said she would not agree with creating the new Off-Season Sports fee without knowing there was a mechanism in place for the Recreation Director to make a determination that a child could still play a sport if their parents were unable to pay the fee.

Wood agreed that it is necessary to find out who is a Resident and who is a Non-Resident. Wood recommended tabling this fee discussion until we could find out more information about residency verification.

Sieloff explained that he met with Recreation Director Becky Rosenberg to discuss the proposed fees and she assured him that she already has a mechanism in place to allow children to participate in the various sports programs even if their parents cannot afford the fee. Sieloff recommends looking at the residency verification process also, but proposes approval of these fees tonight.

MOTION 09-0304: Donovan moved to table this discussion until January 26, 2010.

Beebe seconded, and asked that the board be provided with the Resident and Non-Resident fees side-by-side for the next discussion.

Houk agreed and asked to see a comparison of the fees and services of the Recreation departments of the surrounding towns.

Motion carried 5-0.

Building Department

Building Fees	Current Fee	Proposed Fee
Conditioned Space, per sq. ft. - Residential	\$0.50	\$0.55
Alterations, per sq. ft.	\$0.40	\$0.45
Un-Conditioned Space, per sq. ft.	\$0.30	\$0.35

Building Inspector Paul Murphy explained that this fee increase would put Wellfleet in line with the surrounding towns – Wellfleet would be the third highest for such fees, after Provincetown and Truro.

MOTION 09-0305: Wood moved to approve the increases to the Building Fees as proposed.

Beebe seconded, and the motion carried 5-0.

Council on Aging

	Current Fee	Proposed Fee
Use Fee for the Sound System	N/A	\$25.00

MOTION 09-0306: Wood moved to approve the creation of a new Use Fee for the Sound System at the COA of \$25.00.

Beebe seconded, and the motion carried 5-0.

Zoning Board of Appeals

Current Fee Schedule

Special Permit / Variance / Exemption, Flood Hazard District Regulations, National Seashore District	
Park Special Permit	\$150.00 + \$15.00 (abutter list)
Affordable Accessory Dwelling Unit.....	\$ 50.00 + \$15.00 (abutter list)
Amendment to Active (2 years from date of issuance) Special Permit	\$ 50.00 + \$15.00 (abutter list)
Appeal as Person Aggrieved.....	\$ 35.00 + \$15.00 (abutter list)

Proposed Fee Schedule

<u>Use only (no construction)</u>		
Amendment to Active Special Permit.....		\$ 50.00 + \$35.00
Affordable Accessory Dwelling Unit.....		\$ 50.00 + \$35.00
Residential Change in Use.....		\$ 25.00 + \$35.00
Request for Extension to Special Permit.....		\$ 25.00 + \$35.00
Commercial/Business Change in Use.....		\$150.00 + \$35.00
Appeal as Person Aggrieved *		\$ 50.00 + \$35.00

* Appeal will be value of construction and the minimum will be \$50.00 plus costs.

Construction of any sort:

\$ 0	to	\$ 1,000	\$ 25.00 + \$35.00
\$ 1,001	to	\$ 10,000	\$ 100.00 + \$35.00
\$ 10,001	to	\$ 50,000	\$ 150.00 + \$35.00
\$ 50,001	to	\$100,000	\$ 250.00 + \$35.00
\$100,001	to	\$250,000	\$ 350.00 + \$35.00

\$250,001 to \$500,000	\$ 500.00 + \$35.00
\$500,001 and above	\$1,000.00 + \$35.00

Construction cost estimates based on Means Manual for Cape Cod Region.

ZBA Member Roger Putnam explained the reasoning that the ZBA used for the restructuring of the fees.

MOTION 09-0307: Wood moved to approve the increases to the Zoning Board of Appeals Fees as proposed.

Beebe seconded, and the motion carried 5-0.

DPW – Transfer Station

	<u>Current Fee</u>	<u>Proposed Fee</u>
Non-Resident, Annual Swap Shop Sticker	N/A	\$500.00

Sieloff explained that this fee was proposed for Non-Resident access to the swap shop only. Currently, only Wellfleet residents are allowed to use the swap shop, and an individual who resides outside of Wellfleet has come to the Town with a request to be allowed access to the swap shop to look for rare or valuable books to resell. Sieloff explained that he met with the members of the Recycling Committee, and they recommended the creation of the new sticker to allow Non-Resident access to the swap shop only.

Wood said that he is not in favor of this fee. He said that the swap shop was not created for this purpose, and he feels that it is not in the spirit.

Sieloff also mentioned that DPW fees are under the purview of the Board of Health, not the Board of Selectmen, so this proposed fee would actually have to be approved by the Board of Health.

MOTION 09-0308: Beebe moved that the board not approve of or recommend this proposed new fee.

Wood seconded, and the motion carried 5-0.

Licenses

Renewal of 2010 Annual Business Licenses

Common Victualler’s License – The Wicked Oyster, Wellfleet Drive-In/Flea Market, Bookstore & Restaurant, Inc., Wellfleet Beachcomber, Wellfleet Harbor Actor’s Theater, Wellfleet Harbor Actor’s Theater – Route 6, The Lighthouse Restaurant, Van Rensselaer’s, Wellfleet Cinemas, Flying Fish Café, SOL, Winslow’s Tavern, Bob’s Sub & Cone, Catch of the Day, D’Italia’s, Even’Tide Motel & Cottages, Mac’s Seafood Takeout, Mac’s Shack, Moby Dick’s, Rookie’s Family Restaurant, Wellfleet Miniature Golf, Dairy Bar & Grill, Wellfleet Motel & Lodge, Wellfleet Town Pizza, Cumberland Farms, Farrell’s Market, Finely J.P.’s, Maurice’s Campground, Inc., Slackman, Inc. d/b/a Pearl Restaurant, PJ’s Family Restaurant, and Wellfleet Marketplace.

MOTION 09-0309: Wood moved to approve the 2010 Common Victualler’s License Renewals for The Wicked Oyster, Wellfleet Drive-In/Flea Market, Bookstore &

Restaurant, Inc., Wellfleet Beachcomber, The Lighthouse Restaurant, Van Rensselaer's, Wellfleet Cinemas, Flying Fish Café, SOL, Winslow's Tavern, Bob's Sub & Cone, Catch of the Day, D'Italia's, Even'Tide Motel & Cottages, Moby Dick's, Rookie's Family Restaurant, Wellfleet Miniature Golf, Dairy Bar & Grill, Wellfleet Motel & Lodge, Wellfleet Town Pizza, Cumberland Farms, Farrell's Market, Finely J.P.'s, Maurice's Campground, Inc., Slackman, Inc. d/b/a Pearl Restaurant, and PJ's Family Restaurant.

Houk seconded, and the motion carried 5-0.

Wood recused himself from the vote on the Wellfleet Harbor Actor's Theater, both Mac's establishments, and the Wellfleet Marketplace.

MOTION 09-0310: Houk moved to approve the 2010 Common Victualler's License Renewals for Wellfleet Harbor Actor's Theater, Wellfleet Harbor Actor's Theater – Route 6, Mac's Seafood Takeout, Mac's Shack, and Wellfleet Marketplace.

May seconded, and the motion carried 4-0.

License for Weekday Entertainment – The Wicked Oyster, Wellfleet Drive-In/Flea Market, Bookstore & Restaurant, Inc., Wellfleet Beachcomber, Wellfleet Harbor Actor's Theater, Wellfleet Harbor Actor's Theater – Route 6, The Lighthouse Restaurant, Van Rensselaer's, Wellfleet Cinemas, Flying Fish Café, SOL, and Winslow's Tavern.

MOTION 09-0311: Wood moved to approve the 2010 License for Weekday Entertainment Renewals for The Wicked Oyster, Wellfleet Drive-In/Flea Market, Bookstore & Restaurant, Inc., Wellfleet Beachcomber, The Lighthouse Restaurant, Van Rensselaer's, Wellfleet Cinemas, Flying Fish Café, SOL, and Winslow's Tavern.

May seconded, and the motion carried 5-0.

Wood recused himself from the vote on both of the Wellfleet Harbor Actor's Theaters.

MOTION 09-0312: May moved to approve the 2010 License for Weekday Entertainment Renewals for Wellfleet Harbor Actor's Theater and Wellfleet Harbor Actor's Theater – Route 6.

Beebe seconded, and the motion carried 4-0.

License for Sunday Entertainment – The Wicked Oyster, Wellfleet Drive-In/Flea Market, Bookstore & Restaurant, Inc., Wellfleet Beachcomber, Wellfleet Harbor Actor's Theater, and Wellfleet Harbor Actor's Theater – Route 6.

MOTION 09-0313: Wood moved to approve the 2010 License for Sunday Entertainment Renewals for The Wicked Oyster, Wellfleet Drive-In/Flea Market, Bookstore & Restaurant, Inc., and Wellfleet Beachcomber.

May seconded, and the motion carried 5-0.

Wood recused himself from the vote on both of the Wellfleet Harbor Actor's Theaters.

MOTION 09-0314: May moved to approve the 2010 License for Sunday Entertainment Renewals for Wellfleet Harbor Actor's Theater, and Wellfleet Harbor Actor's Theater – Route 6.

Houk seconded, and the motion carried 4-0.

License for Automatic Amusement – Bob's Sub & Cone.

MOTION 09-0315: Wood moved to approve the 2010 License for Automatic Entertainment Renewal for Bob's Sub & Cone.

May seconded, and the motion carried 5-0.

Appointments

MOTION 09-0316: May moved to approve the application from Janet Lesniak to be a member of the Cultural Council.

Houk seconded, and the motion carried 5-0.

New Business

Approval of 10-year Cable License Agreement

Tom Cole and Barbara Gray of the Cable Advisory Committee explained that the contract is currently in Comcast's hands and that they are not expecting that Comcast will take action on this before next week. Cole hopes to have a final version for the board to approve and sign at its December 29, 2009 meeting.

Wood asked Cole for clarification that the changes to this agreement will not cost the Town anything additional, and in fact would be a net gain for the Town. Cole affirmed.

Approval of 2010 Board of Selectmen Meeting Calendar

MOTION 09-0317: Wood moved to approve the 2010 Board of Selectmen Meeting Calendar as presented, however, noting that the schedule is subject to change.

May seconded, and the motion carried 5-0.

Proposed Repeal of Board of Selectmen Policy # 4 on the Purchasing of Recycled Goods and Adoption of New Policy # 4

Sieloff explained that this is a recommendation from our Recycling Committee and the state consultant working with the group. The purpose for the change is to update the current policy to include more detail, and doing so may help us qualify for certain grants and other programs.

MOTION 09-0318: Wood moved to approve the repeal of Board of Selectmen Policy #4 on the Purchasing of Recycled Goods and adoption of a new Policy #4 called the Recycled Product Procurement Policy.

May seconded, and the motion carried 5-0.

Discussion on Shellfish House and Beach Sticker House

Sieloff explained that he has proposed to move the Shellfish Department employees into the small area of the Beach Sticker House, install some electric heaters for the winter, and then condemn the Shellfish House and knock it down. He also explained that he would like to propose an article at ATM to put up a moderately-sized comfort station on the location of the current Shellfish House.

Wood said he is not sure that the part of the Beach Sticker House Sieloff has proposed using is big enough for the Shellfish Department. He was under the impression that the idea was to use the upstairs part of the Beach Sticker House, but doing so would require a small addition to the Beach Sticker House.

Sieloff explained that the Shellfish Constable is amenable to this idea and has also discussed working cooperatively with the Harbormaster for use of the workshop as needed.

Donovan asked about the proposal for ATM – specifically, would it be for construction or for planning and design?

Sieloff explained that he would like to get actual bids for this and would like to present an actual cost for the project to ATM. He said that a prefabricated modular building would be inexpensive, but the major cost would be for design and installation of the septic system.

Donovan said that he is not comfortable going ahead with something like this without adequate planning.

Beebe agreed, although very supportive of the idea of comfort station at the Mayo Beach area. However, she cautioned that something that seems like a small project often ends up being a large, costly project. Also, she is not sure that a prefabricated modular building would be aesthetically appropriate for Wellfleet.

Houk suggested looking at the CCNS comfort stations, particularly in Provincetown, for examples of very attractive buildings used for this purpose.

Donovan said he is also not in favor of installing showers at Mayo Beach, as there is nothing to stop anyone from anywhere going there and taking showers without paying a dime to the Town.

May suggested that it would be helpful to have the Shellfish Constable and the Harbormaster at the meeting to offer their thoughts on the proposed relocation of the Shellfish Department.

May also said he is not positive or hopeful about the Shellfish Department using a small cubicle area in the very seasonal Beach Sticker House building. It is not reasonable or really feasible. May added that installing electric heaters will be costly and just not adequate, as the building is really not up to yearround use. There are sizeable drafts and probably no insulation. As an alternative, May suggested the old COA building on Lawrence Road for the Shellfish Department – it has bathrooms, a kitchen, and a large basement area for a workshop. The Shellfish Department is a “roving crew,” so it is not absolutely necessary to be at the Mayo Beach or Marina area.

Donovan suggested that the board reconsider this at a meeting in the future. Sieloff said that he would come back to the board at its January 26, 2010 meeting.

Approval of 2010 IRS Standard Mileage Rate – \$0.50/mile

MOTION 09-0319: Wood moved to approve the 2010 IRS Standard Mileage Rate of \$0.50/mile.

May seconded, and the motion carried 5-0.

Old Business

Revisit the Issue of Additional Daytime Fire Department Personnel

Fire Chief Dan Silverman came forward to explain that the deadline for the SAFER grant had been extended and that he had prepared a document with answers to the questions from the FinCom. He asked that the board reconsider its vote from the last meeting and allow an Article at ATM to go before the voters for a full airing of the issue.

May asked whether it would be less expensive to hire two EMTs or firefighters rather than paramedics. Silverman explained that, under the current contracts, the cost of an EMT is not much less than a paramedic. Also, the state requirements that are being implemented have the effect that EMTs are able to do less and less. Most calls require paramedics now.

Sieloff expressed concerns and cautioned the board about adding two new positions at the Fire Department given the current fiscal situation of the Town.

Silverman asked why the board is not willing to let this go before voters at ATM. Donovan said for same reasons that it doesn't load up ATM with all sorts of requests. The board needs to make decisions that are not always easy.

Silverman noted that the Town doesn't ask any other department to provide the same level of service with part-time employees – not the Police Department, not the DPW, or any other Town department. Silverman said it is very difficult and unreasonable to expect such a high level of service from a call fire department.

Donovan said he understands Silverman's plight and why he has offered this as a possible solution, but the board is saying the Town is not able to afford hiring additional staff at this time. Now is the time to make some difficult decisions.

John Morrissey asked whether there is a public safety risk right now, or if one is two weeks away, or two years away.

Silverman said he feels that there is a real risk right now. He added that he is not worried about the first call; he is worried about second call, or multiple calls occurring at the same time, which frequently happens.

Modification of Motion #09-0298 from 12/8/09 meeting

Sieloff explained that the board does not need to do this.

Correspondence & Minutes [December 8, 2009]

MOTION 09-0320: Wood moved to approve the minutes of December 8, 2009.

Houk seconded, and the motion carried 5-0.

Adjournment

MOTION 09-0321: Wood moved to adjourn the meeting.

May seconded, and the meeting was adjourned at 9:33pm.

Respectfully submitted,
Susan Cox, Executive Assistant