



**Wellfleet Board of Selectmen, Board of Health, Board of Water
Commissioners, and Conservation Commission
Minutes of the Meeting of September 29, 2009
Wellfleet Public Library, 7:00 p.m.**

Present: BOS: Chairman Dale Donovan, Michael May, and Ira Wood; Town Administrator Paul Sieloff
BOH: Lezli Rowell and Alex Hay; Health Agent Hillary Greenberg
BWC: Emily Beebe and Lore Vanderschmidt
CC: John DiBlasio, Edward Simpson, and Terry Gips

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

New Business

Ira Wood explained that the Town had thought, with the best intentions, that we could enact an anti-herbicide bylaw in response to NSTAR's spraying along their right of way. But, in the course of doing research for this meeting, he discovered that the Town is very limited in its response options to the issue of herbicide spraying by NSTAR because the state and federal government regulations supersede anything the Town can enact.

Also, according to NSTAR, they will not make deals with private homeowners; rather they will set criteria for trimming vegetation that private homeowners can follow. No new "self-maintenance agreements" with private homeowners will be created.

Although the findings are not what we had hoped, Wood explained that he was happy to discover that there are quite a few resources available. To move forward in any way, we're going to need community participation.

Donovan asked Health Agent Hillary Greenberg for her thoughts on the issue. Greenberg explained that she finds it difficult to comment because she can see the importance of both sides; namely that the use of pesticides can be beneficial, but that public safety issues are important as well.

Emily Beebe asked Greenberg about the validity of the current bylaw concerning wellhead protection and the use of pesticides. Greenberg said that she was unsure of the validity of the bylaw, given the state regulations concerning pesticide use. Donovan suggested looking into this issue further, in particular through zoning regulations.

Alex Hay asked whether the use of fertilizers was regulated in the same manner as pesticides. Wood referred him to the Horsley Witten report on the subject.

Lezli Rowell explained that the BOH is ready and available to review anything that the Town would like them to review.

An audience member asked whether NSTAR ever explained what alternative control methods were considered and why those alternatives were rejected? Donovan explained that NSTAR did meet the requirements of the body that controls them. NSTAR does not have to explain themselves to the Town of Wellfleet or the private homeowners. He suggested that we really ought to think about getting our legislators involved to respond to the concerns that the public has about notice requirements and

pesticide safety. He also suggested that if we were able to convince a group of people in town not to use herbicides that might be more effective than simply getting NSTAR to stop spraying.

Sieloff explained that NSTAR requires access to property and clearing of vegetation to a certain height, but we have yet to see a document with those requirements specified. We may be able to get more information, in detail, on what NSTAR requires for access and vegetation height. Sieloff was told by Jeff Luce at NSTAR that he will be contacted by someone at NSTAR tomorrow with some level of detail regarding the need for access and vegetation trimming.

Sieloff explained that there are about 100 properties along the whole length of the NSTAR right of way, the largest of which is the CCNS that makes up approximately 40% of the properties.

Donovan suggested that the Cape Cod Commission is perhaps a better first step in addressing zoning regulations in the state of Massachusetts and the region. Wood agreed.

John DiBlasio asked whether it would be possible to outlaw lawns in Wellfleet as a means to avoid the use of fertilizers and pesticides, along the lines of places out west that require gravel yards to preserve water resources. Wood suggested that this may be an avenue to explore.

An audience member suggested that the Town organize with other towns on the Cape, rather than each town acting separately on this issue.

Wood asked that as soon as Sieloff speaks with NSTAR, press them for written guidelines and put it on the website a.s.a.p., along with the report from Horsley Witten.

Wood also suggested a meeting with the Cape Cod Commission and invite relevant boards from neighboring towns. Donovan suggested also engaging the CCNS in the discussion.

Wood asked Greenberg whether she could make inquiries with the DEP. Greenberg agreed.

An audience member suggested having goats along the right of way to clear vegetation, as they have in California.

Rowell reminded the group of the problems in the past with NSTAR's predecessor and power outages during various storms, and suggested that we really strive to work *with* NSTAR, rather than against them.

Old Business

Review of budget message

Sieloff explained that this is something we do each year. It is a general letter to all Department Heads who prepare budgets for the Town. Sieloff stated that this is a reasonable document to send out with the budget packages and that it would be good to adopt it to be on schedule according to the Charter rules for the budget process.

Wood suggested challenging the departments with a 2% decrease, rather than level funding. Donovan suggested that the solution might be to simply eliminate certain items. Sieloff agreed to mention this to Department Heads when he meets with them.

Wood suggested adding phrase "cuts in duplicate and impractical services." Also, "The goal for each department is no increase" and "Department Heads must be prepared to defend crucial services."

Greenberg explained that there are situations where an increase in budget is necessary and are to the Town's benefit, e.g., recent survey of water quality for \$11K.

Review of budget policy

Sieloff explained that this is a new document which provides a framework for looking at process and puts it into writing; from BOS and presented to FinCom in the budget process.

Donovan suggests that it be made clear to Department Heads that if they feel the need to come talk to the BOS and FinCom, they are welcome to do so, but they are not required to do so.

Generally endorsed, but subject to review. Draft versions to be distributed to FinCom and Department Heads with budget packets next week.

Approval of wastewater project evaluation form application

MOTION 09-0225: Wood moved to approve wastewater project evaluation form application.

May seconded, and the motion carried 3-0.

Adjournment

MOTION 09-0226: Wood moved to adjourn.

May seconded, and the motion carried 3-0.

Respectfully submitted,

Susan Cox, Executive Assistant