



**Wellfleet Board of Selectmen
Minutes of the Meeting of February 23, 2010
Wellfleet Public Library, 7:00 p.m.**

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

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

Not Present: Michael May

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

Donovan announced that Michael May is out of town.

Sieloff announced that Wellfleet had been awarded an Energy Efficiency and Conservation Block Grant sub-grant of \$145K for solar panels to be installed on the Fire Station roof.

Houk commented that he has run into nothing but negative comments and complaints about the new water tower due to its unexpectedly high visibility throughout the town. He suggested that when it comes time to paint it, the Town put it out for bid/proposal for artists to paint it.

Board of Water Commissioners Co-Chair Steve Gazzano said that the board looked at having artists paint the tower, but it was determined to be cost prohibitive, adding an estimated \$50K to the cost. Gazzano said there were sure to be extra maintenance costs associated with an artist mural as well.

Wood agreed with Houk that there should be a contest nonetheless, even if it was not possible for the mural to be realized.

Donovan spoke about the Cape Cod Commission Summary Report on Municipal Solid Waste Disposal Alternatives Analysis provided to the board by Roger Putnam. Donovan said a copy of the report is in the Selectmen's office for review. The report was prepared for the Barnstable County Solid Waste Advisory Committee. Sieloff said that he has been attending these meetings, and that they are looking at concept of regional recycling and a variety of other alternatives.

**Public Hearing(s) [7:30]
Shellfish Grant Renewal**

Application received January 5, 2010 from Brent Valli and Sandra Mitchell to renew shellfish grant licenses #781-A, #781-AB, and #781-AC for a ten year period.

Donovan said that the board received a written recommendation from the Shellfish Constable Andy Koch, who could not be here tonight due to a family obligation. Koch recommended that the renewal application from Brent Valli and Sandra Mitchell be approved.

MOTION 10-0040: Wood moved to approve the application received January 5, 2010 from Brent Valli and Sandra Mitchell to renew shellfish grant licenses #781-A, #781-AB, and #781-AC for a ten year period.

Beebe seconded, and the motion carried 4-0.

One Day Beer and Wine License

Application received February 9, 2010 from David Myers of Friends of Wellfleet Recreation for a One Day Beer and Wine License at Baker's Field on Kendrick Ave. from 11:00am – 11:00pm on Saturday, September 11, 2010 (Rain date: Saturday, September 18, 2010).

David Myers provided an explanation of the procedures and safety measures that will be followed to ensure that the event is safe and causes minimal disruption for the Town and visitors.

Donovan asked about the involvement of WOMR and the Friends of the Wellfleet Recreation in this year's event. Myers said that this year, the Friends of the Wellfleet Recreation group is taking the lead on the event, but there are certainly ways that WOMR can continue to be involved. Myers noted that the resources and people that make the event so successful are right here in Wellfleet (e.g., Recreation, local business, volunteers, Chamber, Town Departments, etc.) and their continued involvement is expected.

MOTION 10-0041: Wood moved to approve the application received February 9, 2010 from David Myers of Friends of Wellfleet Recreation for a One Day Beer and Wine License at Baker's Field on Kendrick Ave. from 11:00am – 11:00pm on Saturday, September 11, 2010 (Rain date: Saturday, September 18, 2010).

Houk seconded, and the motion carried 4-0.

Wood recused himself from the meeting.

Appointments

- ◆ Application received February 17, 2010 from Lezli Rowell, Board of Health Vice-Chair, to be a member of the Wastewater Planning Committee.
- ◆ Application received February 18, 2010 from Alexander Hay, Board of Health member, to be a member of the Wastewater Planning Committee.

Donovan announced that an additional application was received on February 22, 2010 from John O'Hara, Board of Health member, to also be a member of the Wastewater Planning Committee. All three are reappointments that were overlooked last June when their previous terms expired.

MOTION 10-0042: Beebe moved to approve the application received February 17, 2010 from Lezli Rowell, Board of Health Vice-Chair, the application received February 18, 2010 from Alexander Hay, Board of Health member, and the application received

February 22, 2010 from John O'Hara, Board of Health member, to be members of the Wastewater Planning Committee.

Houk seconded, and the motion carried 3-0.

Wood rejoined the meeting.

Use of Town Property

Application received February 1, 2010 from Brogg Sterrett of 13 Relay for use of Ocean View Drive at White Crest Beach for a baton exchange point from 6:30am – 4:30pm on Sunday, May 2, 2010 for a 200-mile running relay race from Quincy to Provincetown.

MOTION 10-0043: Wood moved to approve the application received February 1, 2010 from Brogg Sterrett of 13 Relay for use of Ocean View Drive at White Crest Beach for a baton exchange point from 6:30am – 4:30pm on Sunday, May 2, 2010 for a 200-mile running relay race from Quincy to Provincetown.

Houk seconded, and the motion carried 4-0.

Application received January 25, 2010 from Judy Schmitt of Wellfleet Gardeners for use of the blacktop area to the right of Town Hall (near Abiyoyo store) from 6:00am – 1:00pm on Saturday, May 29, 2010 for annual plant sale.

MOTION 10-0044: Wood moved to approve the application received January 25, 2010 from Judy Schmitt of Wellfleet Gardeners for use of the blacktop area to the right of Town Hall (near Abiyoyo store) from 6:00am – 1:00pm on Saturday, May 29, 2010 for annual plant sale.

Houk seconded, and the motion carried 4-0.

Application received January 25, 2010 from Amy Ganshirt to use Mayo Beach from 1:30 – 2:45pm on Saturday, July 10, 2010 for a wedding ceremony with approximately 100 guests.

MOTION 10-0045: Wood moved to approve the application received January 25, 2010 from Amy Ganshirt to use Mayo Beach from 1:30 – 2:45pm on Saturday, July 10, 2010 for a wedding ceremony with approximately 100 guests.

Houk seconded, and the motion carried 4-0.

Application received February 9, 2010 from David Myers of Friends of Wellfleet Recreation to use Baker's Field/playground area around Recreation tent from 11:00am – 11:00pm on Saturday, September 11, 2010 for the 4th Annual Wellfleet Boogie Benefit Concert/Festival (Rain date: Saturday, September 18, 2010).

MOTION 10-0046: Houk moved to approve the application received February 9, 2010 from David Myers of Friends of Wellfleet Recreation to use Baker's Field/playground area around Recreation tent from 11:00am – 11:00pm on Saturday, September 11, 2010 for the 4th Annual Wellfleet Boogie Benefit Concert/Festival (Rain date: Saturday, September 18, 2010).

Wood seconded, and the motion carried 4-0.

Application received January 22, 2010 from Brianna Harding to use Indian Neck Beach from 3:30 – 5:30pm on Saturday, September 18, 2010 for a wedding ceremony with approximately 75 guests.

MOTION 10-0047: Houk moved to approve the application received January 22, 2010 from Brianna Harding to use Indian Neck Beach from 3:30 – 5:30pm on Saturday, September 18, 2010 for a wedding ceremony with approximately 75 guests.

Wood seconded, and the motion carried 4-0.

New Business

Independent Auditors' Report on FY2009 [Richard Sullivan]

Town Accountant Marilyn Crary introduced Richard Sullivan from Powers & Sullivan, the Town's independent auditing firm. Crary explained that Sullivan was here to report on the FY2009 audit and to close the books on FY2009.

Sullivan explained that there are three reports this year instead of two; an additional report was required this year due to a pass-through CDBG grant the Town received for \$1M.

Sullivan provided an explanation of the work of the independent auditors for Wellfleet. He said that last year was the first year since 2005 that the Town has shown a loss. However, he said there was some encouraging news, also.

Sullivan said that his firm provided an "unqualified opinion," which he explained is the best type. No audit adjustments were required. Sullivan also noted that Town personnel were very cooperative and had sense of urgency about helping the auditor team. He felt that they were all very professional and took great pride in their work.

Finally, Sullivan spoke about the annual Management Letter, noting that there is nothing good in there. The point of this letter is to pick areas for improvement. Many of the items from past years have been resolved, but there are a few new items and some regular items like operations manuals, collection of beach fees, and turnover procedures.

Inclusionary Zoning Bylaw Update [Judy Taylor]

Judy Taylor, Chair of Local Housing Partnership, came forward to speak about the inclusionary zoning bylaw.

Taylor explained that this is a tool to be used for planning for the Town, a means to provide community housing at no cost to the Town. It was initially suggested by Local Comprehensive Plan. The Local Housing Partnership and the Housing Authority decided to work on this for the Fall Special Town Meeting rather than the April Annual Town Meeting.

Taylor explained that there is a threshold in the bylaw for developments to set aside affordable units, with an alternative for the developer to make payments to the Town in lieu of selling affordable units.

Assistant Town Administrator and Town Planner Rex Peterson explained that the Town used the model bylaw in State's Smart Growth Tool Kit, and tailored the model bylaw to suit Wellfleet. Peterson said he would work through the summer with the Local Housing Partnership, the Housing Authority, and the Planning Board to come up with bylaw for Fall Special Town Meeting.

Inter-Municipal Cooperation Committee Chairman – David Schropfer

Donovan explained that David Schropfer has announced that he is not going to be seeking reelection for selectman in Eastham in May, but wishes to continue on the Inter-Municipal Cooperation Committee. Since the committee is supposed to be made up of one selectman and the town administrator from each of the four towns (Eastham, Wellfleet, Truro, and Provincetown), a vote must be taken by each of the towns to allow Schropfer to continue on the committee after he is no longer a selectman. Sieloff noted that Schropfer would not have a vote on the committee in his new capacity as Chairman.

MOTION 10-0048: Wood moved to approve David Schropfer to continue on the Inter-Municipal Cooperation Committee as Chairman after his term as an Eastham selectman is up in May.

Beebe seconded, and the motion carried 4-0.

Discussion and Approval of Proposed Changes to Policy on Use of Town Property re: Temporary Signs

Donovan explained that the last meeting's discussion on the issue of a temporary sign bylaw led to the possible solution of adding a sentence to the Article VII, Section 9 of the General Bylaws at the Annual Town Meeting and a paragraph to the Board of Selectmen's Policy on the Use of Town Property. The proposed addition to the Policy on the Use of Town Property will be discussed at an upcoming meeting after it has been distributed to Department Heads for comment.

Old Business

Facilities Management Software Update

Donovan asked Sieloff for a status update on the acquisition of facilities management software for the DPW to organize and manage their building maintenance program.

Sieloff announced that ManagerPlus software has been purchased and installed, and software training with DPW staff began this week.

Review of Draft ATM Warrant Articles

Donovan explained that the board will vote to place articles on the Warrant and make recommendations for which boards and committees should review each article.

Question 1 and Article AA: Municipal Water System

Sieloff explained that this proposal is supported by Board of Water Commissioners, who estimate a total cost of \$3.2M for improvements. This would be subject to the capture of funding from the grant program with the USDA. Sieloff said that the consensus is that

these funds will disappear soon because of stimulus program, so they want to take advantage of this opportunity while it exists. Of the estimated \$3.2M, approximately \$700 – 800K would be a low-interest loan, and the remaining amount would be paid for with grant money.

Beebe asked about including contingency language that explains that Town won't borrow money for project unless the grant is awarded. Donovan agreed that this would be useful and if legally possible, should be included. Gazzano agreed. Sieloff said he would check with counsel to see how to address this issue.

MOTION 10-0049: Beebe moved to place Question 1 and Article AA at \$3.2M with contingency language to be inserted on the Annual Town Meeting Warrant.

Wood seconded, and the motion carried 4-0.

Question 2 and Article BB: Wind Turbine

Sieloff said that Question 2 and Article BB would be postponed.

Question 3 and Article O: Comprehensive Wastewater Plan

Board of Health member and Wastewater Planning Committee Chair Alex Hay explained that this is a proposal to appropriate up to \$500K to begin a comprehensive process for wastewater planning. Hay said that now is the time to do this because there is access to funding sources. The Town could qualify for State Revolving Fund (SRF) money for this \$500K. He noted that the results from Massachusetts Estuaries Project (MEP) are expected this July.

Donovan commented that we have long heard that we can't move ahead until the MEP results are in, but this proposed work will dovetail with the MEP results. Hay agreed that much pre-planning can be done ahead of the MEP results. Hay also explained that the Wastewater Planning Committee has reached its limits with time and expertise, and it is time to get some outside professional help to move forward.

Audience member Geof Karlson asked whether it is wise to spend this money before the results of the MEP are known. What if the MEP shows that there isn't even a wastewater problem?

Donovan said that there already is an indication that wastewater planning is necessary and that this is not spending money to design a new sewer system. It is an investigation to take a much different look at the situation.

Hay noted that the Town has the unique advantage of being right behind Chatham and Orleans, who are going through this process right now. Hay likened the proposal to going to doctor for checkup, and said there is evidence that there are some problems on the horizon. The Town has wastewater and needs to do something to deal with it in the future.

MOTION 10-0050: Houk moved to place Question 3 and Article O as written on the Annual Town Meeting Warrant.

Beebe seconded and motion carried 4-0.

Question 4 and Article I(a): Storm Water Remediation

Sieloff explained that this is 75% grant – 25% low-interest loan funding situation again, and that the Town has a very good chance of qualifying for this grant/loan program.

Wood asked how this dovetails with the work on the water mains. Sieloff said that these were separate, but related issues. Sieloff also clarified that the amount in Article I(a) should be \$500K, up from \$475K, to include small amount of preparatory work that is necessary.

MOTION 10-0051: Wood moved to place Question 4 and Article I(a) at \$500K on the Annual Town Meeting Warrant.

Beebe seconded and the motion carried 4-0.

Article A: Transfers

Sieloff briefly reviewed each of the transfer requests noted in Article A.

MOTION 10-0052: Beebe made a motion to place Article A as written on the Annual Town Meeting Warrant.

Wood seconded, and the motion carried 4-0.

Article B: FY2011 Operating Budget and Elected Officers

MOTION 10-0053: Wood moved to place Article B as written on the Annual Town Meeting Warrant.

Houk seconded, and the motion carried 4-0.

Article C: FY2011 Capital Budget

MOTION 10-0054: Wood moved to place Article C as written on the Annual Town Meeting Warrant.

Beebe seconded, and the motion carried 4-0.

Article D: Marina Enterprise Fund Transfers

MOTION 10-0055: Beebe moved to place Article D as written on the Annual Town Meeting Warrant.

Wood seconded, and the motion carried 4-0.

Article E: Water Enterprise Fund

MOTION 10-0056: Beebe moved to place Article E as written on the Annual Town Meeting Warrant.

Wood seconded, and the motion carried 4-0.

Article F: Town Clerk/Treasurer and Town Collector Wage Increase

MOTION 10-0057: Beebe moved to place Article F as written on the Annual Town Meeting Warrant.

Houk seconded, and the motion carried 4-0.

Article G: \$50K to Stabilization Fund

MOTION 10-0058: Wood moved to place Article G as written on the Annual Town Meeting Warrant.

Beebe seconded, and the motion carried 4-0.

Article H: Chapter 90 Funds

MOTION 10-0059: Wood moved to place Article H (with a dollar amount to be determined) on the Annual Town Meeting Warrant.

Houk seconded, and the motion carried 4-0.

Article I: \$50K to OPEB Fund

MOTION 10-0060: Wood moved to place Article I as written on the Annual Town Meeting Warrant.

Beebe seconded, and the motion carried 4-0.

Article J: CPA Housekeeping

MOTION 10-0061: Wood moved to place Article J as written on the Annual Town Meeting Warrant.

Beebe seconded, and the motion carried 4-0.

Article K: \$250K from CPA Fund to Pond Hill School

MOTION 10-0062: Houk moved to place Article K as written on the Annual Town Meeting Warrant.

Beebe seconded, and the motion carried 4-0.

Article L: \$25K from CPA Fund to Habitat for Humanity Project

MOTION 10-0063: Wood moved to place Article L as written on the Annual Town Meeting Warrant.

Houk seconded, and the motion carried 4-0.

Article M: \$100K from CPA Fund to Hatch Cottage

MOTION 10-0064: Wood moved to place Article M as written on the Annual Town Meeting Warrant.

Donovan seconded, and the motion carried 4-0.

Article O: Comprehensive Wastewater Plan

Wastewater Planning Committee Chair Alex Hay requested, and the board agreed, that the Wastewater Planning Committee be added to the list for recommendations.

Article P: Disposal, Sale, Trade-In of Town-owned Property

MOTION 10-0065: Wood moved to place Article P as written on the Annual Town Meeting Warrant.

Beebe seconded, and the motion carried 4-0.

Article Q: Workers' Compensation

Sieloff explained that he is still researching the issue, but thinks it is not necessary. It may be taken off later. He noted that selectmen are specifically excluded by the statute.

MOTION 10-0066: Wood moved to place Article Q as written on the Annual Town Meeting Warrant.

Beebe seconded, and the motion carried 4-0.

Articles R, S, T, U: Gifts, Collector, Indemnity, NRSD

MOTION 10-0067: Wood moved to place Articles R, S, T and U as written on the Annual Town Meeting Warrant.

Houk seconded, and the motion carried 4-0.

Articles V – Z: Various Zoning Bylaws
(Previously removed.)

Article Z(a): Wind Turbine Height Increase

Energy Committee Chair Geof Karlson explained that it is appropriate to discuss this issue now even though the Town is not going forward with the other Wind Energy Articles at this time. He explained that the proposed turbine discussed in the feasibility studies is being phased out, and the newer turbine has same hub height (80 meters), but a longer rotor which is about 410 feet in height. This exceeds the height limit of 400 feet in the current Zoning Bylaw. The Energy Committee is proposing to use this new turbine and would like to modify the Zoning Bylaw in anticipation of going forward with the project in the fall and to keep the project on schedule.

Donovan asked several questions about timing of Zoning Bylaw change and strategy for the Annual Town Meeting, specifically, does the Energy Committee want to tackle this issue twice. Karlson said the Energy Committee thinks that it is important to make the change now to keep the project on schedule and to put the correct information to the voters throughout the process.

Wood agreed, saying he thinks it is a more honest process to discuss the turbine that the Town actually intends to build so that there are no questions or surprises later. The board agreed.

MOTION 10-0068: Wood moved to place Article Z(a) as written on the Annual Town Meeting Warrant.

Houk seconded, and motion carried 4-0.

Article CC: CVEC Membership

Karlson explained that this would be postponed.

Article DD: Land Parcels

Sieloff briefly reviewed the properties that were selected for sale by the Town.

Jan Plaue, Open Space Committee member, explained that the Open Space Committee disagrees with the assessment of these lots as nonessential or of no value to the Town. She explained the established process for the policy on disposition of Town-owned land, a policy instituted so that nothing gets done hastily.

Plaue explained that about a year and a half ago, the Town Administrator sent out a request for all the Town boards and committees to comment on all Town-owned land all at once. It was a very overwhelming and cumbersome request, and the boards and committees were given from 7/17 – 9/3 to complete the review. Adding to the difficulty, it was summer, and not many boards and committees meet in summer. Plaue said that the Open Space Committee made the effort to meet. They reviewed and surveyed all the parcels, and commented on each one. However, the committee's comments apparently were not taken into consideration, and the process not respected.

Beebe acknowledged the concerns of the Open Space Committee, but said that the parcels that were chosen lacked access and she felt there was no danger of development.

Donovan said that the rather large sizes and contiguous nature of three of the eight parcels on the current list takes them out of the category of the previous auction parcels.

Audience member Alex Hay agreed with Donovan and reiterated the importance of following the established procedures for the disposal of Town-owned property so that the process is transparent.

Sieloff disputed the suggestion that the process was not open, and explained the rationale for selecting the parcels.

MOTION 10-0069: Donovan moved to place Article DD on the Annual Town Meeting Warrant, but only last three (3) lots listed (35/35, 35/36, and 35/121).

Wood seconded, and motion carried 4-0.

Beebe agreed, but asked whether the other proposed lots could be sent around to the committees for review and comment.

Plaue clarified that Open Space Committee has prepared a list of Town-owned properties that it is in favor of selling to abutters. She explained that the Open Space Committee does not want to be misunderstood as always being against sale of Town-owned land, as some have suggested.

Audience member Gary Joseph spoke in support of the motion on the parcels, and of the work of the Open Space Committee. He said that it is important to follow the established procedures so that there are no misunderstandings on these issues.

Beebe recused herself from the meeting.

Article EE: Easement Request (Requested by Attorney Ben Zehnder)

MOTION 10-0070: Wood moved to place Article EE as written on the Annual Town Meeting Warrant.

Donovan seconded, and the motion carried 3-0.

Beebe rejoined the meeting.

Article FF: Charter Amendments - Budget Schedule

MOTION 10-0071: Wood moved to place Article FF as written on the Annual Town Meeting Warrant.

Houk seconded, and the motion carried 4-0.

Article GG: General Bylaws - Fee Increase (Intention of Marriage)

MOTION 10-0072: Wood moved to place Article GG as written on the Annual Town Meeting Warrant.

Beebe seconded, and the motion carried 4-0.

Article GG(a): General Bylaws – Temporary Signs

Donovan explained that the proposed additional sentence is intended to address the issue of temporary signs on Town-owned property.

MOTION 10-0073: Wood moved to place Article GG(a) as written on the Annual Town Meeting Warrant.

Beebe seconded, and the motion carried 4-0.

Article II: Animal Control Bylaw - Kennels

Sieloff explained the process of drafting the Article. It was reviewed by Town Counsel, the Health Agent, and the Animal Control Officer, and it was approved by all.

Town Clerk/Treasurer Dawn Rickman questioned the language and explained her prior work on the Animal Control Bylaw with the Animal Control Officer, the Town Administrator, Town Counsel, and the Health Agent. Rickman said she found the language of the current proposed bylaw confusing and she is not sure all of the previous concerns/suggestions were taken into consideration.

Beebe and Sieloff asked Rickman which specific sections of the bylaw she found confusing. Rickman said that she would review the language in detail with the Town Administrator and others outside this meeting. Her point is that she wanted to make sure that all of the previous concerns/suggestions were addressed.

MOTION 10-0074: Wood moved to place Article II on the Annual Town Meeting Warrant, with the understanding that some parts may be revised.

Beebe seconded, and the motion carried 4-0.

Article JJ: General Bylaws - Environmental Protection

MOTION 10-0075: Wood moved to place Article JJ as written on the Annual Town Meeting Warrant.

Beebe seconded, and the motion carried 4-0.

Articles KK and LL: Standard Closing Articles

MOTION 10-0076: Houk moved to place Articles KK and LL as written on the Annual Town Meeting Warrant.

Wood seconded, and the motion carried 4-0.

Correspondence & Minutes [February 9, 2010]

MOTION 10-0077: Wood moved to approve the minutes of February 9, 2010.

Houk seconded, and the motion carried 4-0.

Adjournment

Donovan announced that there was a need to go into Executive Session to discuss union contract negotiations and litigation strategy.

MOTION 10-0078: Wood moved to adjourn the meeting and go in to Executive Session to discuss union contract negotiations and litigation strategy and not return to open meeting.

Houk seconded. Houk, Donovan, Wood and Beebe each said yes, and the meeting was adjourned at 9:14pm.

Respectfully submitted,
Susan Cox
Executive Assistant