



**Wellfleet Board of Selectmen
Minutes of the Meeting of October 26, 2010
Wellfleet Library, 7:00 p.m.**

Present: Chair Jacqui Beebe, Ira Wood, Dale Donovan, Jerry Houk, and Berta Bruinooge; Town Administrator Paul Sieloff.

Chair Jacqui Beebe called the meeting to order at 7 p.m.

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

Selectman Dale Donovan announced that Wellfleet resident Steven Anthony passed away on Sunday. Anthony is remembered as an active and positive community member that operated in a quiet and generous manner. Memorial service announcements are forthcoming.

Town Administrator Paul Sieloff announced that Wellfleet is ready to “flip the switch” on the new water system. Steve Gazzano from the Board of Water Commissioners reported that the system will be flushed beginning next Wednesday and Thursday and that the flushing should last approximately two weeks. An incident command center has been set up at the Wellfleet DPW building to ensure that everything goes smoothly during the initial stages of the new water system’s operations.

Housing Authority Co-chair Elaine LaChapelle discussed Question 2 which is on the ballot for November 2, 2010. She mentioned that the Wellfleet Housing Authority has used Chapter 40B to make development possible for some affordable housing units in Wellfleet. Selectman Dale Donovan said that there has only been one effort to misuse Chapter 40B in Wellfleet, but that private developers often take advantage of the law for their own profit and use Chapter 40B to develop areas that would not be developed otherwise. Donovan urged Wellfleet residents to vote to repeal Chapter 40B.

Selectman Jerry Houk received a call from Attorney Ben Zehnder regarding a lot in Wellfleet that is up for bid. Houk had heard that with a little work the lot could be rendered buildable. If the lot is buildable, it would be worth far more money than if it was sold as unbuildable. Sieloff said that initial research indicated that the lot was unbuildable, but that recent developments indicate that it might be buildable. Sieloff plans to follow up with Town Counsel regarding the lot, and he expects that it is possible that the property will be pulled out of the bidding process.

Houk recalled that the Marina Advisory Committee wanted to set up a committee to look at the direct and indirect costs of the Marina Enterprise Fund, and he asked how the Town could move forward with the request. Sieloff agreed to address the issue of calculating the direct and indirect costs of the Marina Enterprise Fund.

Houk mentioned that an advertisement was printed for a meeting discussing the idea of having a “Harborfest” in Wellfleet; however, the advertisement did not say where the meeting would be held. Ira Wood said that he went to the meeting about a Harborfest in Wellfleet. A group brainstormed about holding a festival in the 3rd week in June to celebrate the Harbor, but none of the planners had dreams of turning Harborfest into a festival of the size of Oysterfest. Rather, Harborfest would be more of a “down-home festival.” Sieloff added that a festival like Harborfest could be a benefit to local businesses as it would draw tourists to Wellfleet before the peak summer season.

Licenses/Appointments/Reappointments/Use of Town Property

Request received September 29, 2010 from Michael Lynch to become a member of the Zoning Board of Appeals.

Request received October 12, 2010 from Gary Sorkin to become a member of the Local Housing Partnership.

MOTION 10-0286: Wood nominated Michael Lynch to the opening on the Zoning Board of Appeals and Gary Sorkin to the Local Housing Partnership. Donovan seconded. Motion passed 5-0.

New Business

Presentation by AmeriCorps Cape Cod

Current AmeriCorps members living in Wellfleet, Caroline Walden and Eric Boyer, spoke to the Board about services AmeriCorps Cape Cod offers to the Town. Each AmeriCorps member in the program will complete 1700 hours of service on the Cape during his/her AmeriCorps year. Last Monday, members of the AmeriCorps' Wellfleet House aided Mass Audubon with an oyster-counting project. In the past, members have worked with the Wellfleet DPW, the National Seashore, and the Wellfleet Conservation Trust. Walden gave the Selectmen information that included group service proposals¹, if Selectmen have any ideas for projects that fall under the AmeriCorps Cape Cod's service areas.

Discussion on New Residential Zoning Proposal [Gooz Draz]

Planning Board Chair Gooz Draz reported on work that has been done to revise zoning in Wellfleet since the 2008 Special Town Meeting. Throughout the process, he has been meeting with Wellfleet residents to understand and consider the concerns of residents regarding zoning. In order to address the residents' concerns, the Planning Board is changing the lot coverage definition to one that includes "gross floor area" instead of just a home's footprint. Whereas the old definition considered only a house's footprint, the new definition considers the bulk and mass of a home. Some details of the revised definition are that any porch in excess of 400 square feet will begin to count as gross floor area. Additionally, decks that are five feet or more above ground and in excess of 400 square feet will start to count as gross floor area. The second feature of the proposal is the "new use table." Currently, houses in Wellfleet are allowed 30% lot coverage. Draz brought a scatter chart² exhibiting the gross floor area to lot size of all current homes in Wellfleet and demonstrated how most homes could be torn down and built to be much larger under the current laws.

Selectmen Beebe asked Draz what the next step will be. Draz replied that at some point in the spring before the Annual Town Meeting, he will set up all required hearings, and then he will bring the proposal for the new definition to Town Meeting and hope that residents vote for the proposal. Houk asked if the entire Planning Board was on board with his proposal. Draz said that five members of the Planning Board were for the proposal and two were against the proposal. Jerry Houk mentioned that many Wellfleet residents are concerned about having fast food restaurants move into town, and he wondered if the Planning Board was working on anything to block fast food restaurants' attempts to enter Wellfleet. Draz said that the Planning Board will be holding meetings in the future regarding the issue. Donovan said that he hoped that the Planning Board would begin work on fast food restaurants.

Discussion on renaming "Free Cash" to be "Budgetary Fund Balance" on ATM Warrant

Sieloff said that after some research, the Finance Committee (FinCom) found "free cash" and "budgetary fund balance" to be interchangeable terms, and the FinCom would like to change the term "free cash" to "budgetary fund balance" in the Annual Town Meeting (ATM) Warrant.

Donovan moved that in subsequent budget materials and on the ATM warrant to rename "free cash" as "budgetary fund balance." Town Accountant Marilyn Cray said that she believed that "budgetary fund balance" has a very different meaning than "free cash" and would not recommend changing the term. Donovan withdrew his motion. Paul Sieloff will take the issue back to the Finance Committee.

Discussion on proposed NSTAR Anti-Herbicide Proclamation

The Town of Eastham is requesting support from all of the Towns on the Cape, as it asks NSTAR to commit to a no-spray, herbicide free management on Cape Cod and the Islands.

MOTION 10-0287: Wood moved to adopt the resolution put forward by Eastham asking NSTAR to commit to no-spray, herbicide free management of Cape Cod and the Islands. Houk seconded. Motion passed 5-0.

Brief update on Town Energy and Environmental issues

Sieloff was given an award by the Sierra Club of Upstate New York for his leadership in implementing green initiatives in the Town of Wellfleet. Sieloff recounted some recent green initiatives that have been completed in Wellfleet including solar arrays, radiant heating systems, increased insulation, and high efficiency windows. Sieloff reported that many of the projects were funded either partially or

completely by grants or federal stimulus monies. Also, recycling bins were placed at the Marina this year, and a sign was installed at Mayo Beach asking people to take their recyclables home rather than throw them away. The Town has a goal to put recycling containers at the beaches in the near future, and Paul Sieloff has approached DPW Director Mark Vincent about the issue. Additionally, the Wellfleet recycling web page went live. An AmeriCorps volunteer from last year, Dan Fister, is responsible for creating the majority of the website.

Sieloff encouraged residents to bring clean scrap lumber to the wood recycling program at the Wellfleet Transfer Station. The recycling program allows residents with unneeded, clean scrap lumber to drop off wood at the Transfer Station so that other members of the community may burn it for fuel. Future green initiatives could include solar arrays on the Council on Aging and Department of Public Works buildings. There are leftover funds from the fire station project that may be used towards future projects. Sieloff is also looking into options of single stream recycling for the Town, and Wellfleet will host a forum in March on solid waste and recycling. Jacqui Beebe asked if the Town has plans to purchase solar trash compactors. Sieloff reported that solar trash compactors cost about \$3,000 each, so the Recycling Commission is looking for sponsors to fund multiple 'Big Belly' solar-powered trash compactors for Wellfleet's Main Street.

Old Business

Discussion on Proposed Model Personnel Bylaw/Guidelines [Rex Peterson]

Assistant Town Administrator Rex Peterson was asked by Town Administrator Paul Sieloff to research a personnel bylaw model for the Town. As a guide, Peterson used the personnel bylaws of Dennis. The "Employee Benefit Book Draft"³ and "Employee Personnel Guidelines Draft"⁴ that Peterson created for the meeting will serve as a draft.

Houk asked if Peterson was working with the Personnel and Government Reorganization Task Force. He would like the Selectmen to look at Peterson's draft and present it to the Personnel and Government Reorganization Task Force so that the draft will serve as a starting point. Beebe and Donovan went to the a Personnel and Government Reorganization Task Force meeting on October 18, and Beebe found it to be a good meeting and a good exchange. She thinks that Peterson's document will make the Task Force's job easier since they can react to a document rather than create a document from scratch.

Arlene Kirsch of the Personnel and Government Reorganization Task Force thanked Peterson for his work in creating the documents. Kirsch said that as part of the Task Force, she would have no problem reviewing Personnel Bylaws, but she believes that making recommendations to the Selectmen regarding those bylaws is the job of the Personnel Board and not the Personnel and Government Reorganization Task Force. Ben Zehnder of the Personnel and Government Reorganization Task Force thought that having Town Administration drafting personnel bylaws will help, but he hopes that it is not seen as a substitute for the Personnel and Government Reorganization Task Force. Beebe said that she will wait for the Personnel Task Force's report. Donovan noted that any personnel bylaws will have to go to Town Meeting before they can be approved.

Discussion of Town Administrator Evaluation

Ira Wood said that the Selectmen have been advised that Town Administrator evaluations must be in public, and it is in Sieloff's contract that there must be an evaluation of the Town Administrator. Beebe noted that his contract requires a mutually acceptable means in which to do the evaluation, but she thinks that the new Open Meeting law prevents an evaluation that can be mutually agreed upon considering that it must be done in public. Currently, the options for the review are a sanitized public option or to do no evaluation at all. Houk mentioned that other towns have done Town Administrator evaluations in public for years, and he felt that it a public evaluation would not have to be adversarial. Bruinooge wanted to know how other towns did Town Administrator evaluations in public, and she noted that she would not want to have an evaluation in public. Donovan noted that the Town Administrator serves at the pleasure of the Board of Selectmen, and he feels that the Town Administrator's continued presence indicates an evaluation on some level. The Selectmen discussed different possibilities for reviewing the Town Administrator. Sieloff offered that he could provide some type of an annual report and list of accomplishments to the Selectmen by the Selectmen's meeting on

November 23, 2010. Beebe asked the Board to think about the strengths and weaknesses of the Town Administrator in general.

Wood asked that a 3 month calendar be put at the bottom of future Selectmen's meeting agendas.

Discussion on Improvements to Wellfleet Harbor Area

Selectman Berta Bruinooge said that the Town needs to do something about the condition of the Wellfleet Shellfish Department building. She thinks that the current shellfish building could be both bathrooms and a shellfish building. Sieloff noted that the Shellfish Department could use the Beach Sticker Office for its home base and he believes that the current Shellfish building should be demolished. Sieloff said that another possibility would be to add an addition on the Harbormaster's office as the Shellfish office simply needs a room to serve as an office and a working space for gear. Sieloff said that in light of recent construction and improvements to Town buildings, future costs should be controlled. Selectman Beebe said that the whole area needs to be looked at and that the Harbor, Beach Sticker Office, and Shellfish Office should be considered as an issue that needs to be resolved. Houk asked if stimulus money could be used to renovate buildings in that area, and Sieloff said that less stimulus money is available now. Beebe believed that a group should be formed and a plan drafted. Beebe moved to put together a working group consisting of the Harbormaster, Beach Director, Shellfish Constable, Recreation Director, Building Needs Committee, Conservation Agent, and Assistant Town Administrator or Town Administrator to come up with recommendations about a plan for the Harbor Area. Beebe withdrew her motion for legal reasons because the item was not on the agenda. However, Sieloff is to have a plan in two weeks.

Correspondence and Minutes [October 12, 2010]

Beebe and Houk recused themselves as they were absent at the last meeting.

MOTION 10-0288: Wood moved to approve the minutes of October 12⁵. Bruinooge seconded. Motion passed 3-0.

Beebe and Houk rejoined the meeting.

Adjournment

MOTION 10-0289: Wood moved to adjourn at 9:06 pm. Bruinooge seconded. Motion passed 5-0.

Respectfully submitted,
Christin Marshall, Executive Assistant

Public Records Materials from the meeting of 10/28/10

1. AmeriCorps Cape Cod Project Proposal
 2. Planning Board Scatter Chart [Large Chart available in Town Planner's Office]
 3. Town of Wellfleet Employee Personnel Guidelines Draft
 4. Town of Wellfleet Employee Benefit Book Draft
 5. Wellfleet Board of Selectmen Minutes of 10/12/10
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