



**Wellfleet Board of Selectmen
Minutes of the Meeting of December 14, 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]

Acting Wellfleet Police Chief Ron Fisetto announced that the Wellfleet Police Station has been collecting gifts for Toys for Tots and that Wellfleet took 2nd place out of all the Cape towns for amount of gifts donated. Additionally, the Wellfleet and Eastham Police and Fire Departments are sponsoring a free showing of *Despicable Me* at the Wellfleet Cinema this Saturday, December 18th. Santa Claus will arrive at 10 a.m., and free popcorn will be available.

Discussion on Bernard Greenhouse Week

Outer Cape Health Services President Bruce Bierhans praised acclaimed cellist Bernard Greenhouse and listed reasons for declaring January 3, 2011 as Bernard Greenhouse Week in Wellfleet.

MOTION 10-0311: Donovan moved the following declaration: "In Recognition of Bernard Greenhouse's 95th birthday on January 2, 2011; his international acclaim as a master violoncello performer and teacher; and the dedicated commitment and work of Bernard and his late wife, Aurora, in support of chamber music, health care, Outer Cape Health Services and his beloved community of Wellfleet; The week of January 3, 2011 is hereby recognized as "Bernard Greenhouse Week" in Wellfleet. Wood seconded. Motion passed 5-0.

Request received from Benjamin Zehnder, Nov. 1, 2010 to consider review of Town property (Map 16, Parcel 648) under Article III, Section 7 of the General Bylaws, for a proposed 2011 land auction list.

Attorney Zehnder asked that the piece of property in question be referred through Article III, Section 7 to circulate through the appropriate Town boards so that the Board of Selectmen might review and comment on the parcel.

Donovan wished to reconsider the policy by which the Town reviews how it auctions pieces of land. Donovan noted that it can be very time consuming for each of the Boards to consider the parcels that are on an auction list.

MOTION 10-0312: Wood moved to circulate the request among the appropriate Town Committees. Bruinooge seconded. Motion passed 5-0.

Licenses/Appointments/Reappointments/Use of Town Property

A. Request received November 23, 2010 from Edward Rohmer to be designated as a Special Municipal Employee.

MOTION 10-0313: Wood moved to designate Edward Rohmer as a Special Municipal Employee. Bruinooge seconded. Motion passed 5-0.

B. Request received November 5, 2010 from Chief Ron Fisetto to appoint Judith Gould and Paul Cullity as Special Police Officers – Department Chaplains through June 30, 2011.

C. Request received November 30, 2010 from Chief Dan Silverman to approve his recommendation of the appointment of Jesse Cappello as a new call member of the Wellfleet Fire Department.

D. Request received on November 15, 2010 from Paul Cullity to be a member of the Local Housing Partnership

E. Request received on November 18, 2010 from Kathleen Nagle to be a member of the Local Housing Partnership.

F. Request received on November 23, 2010 from Sandy Wonders to be a member of the Local Housing Partnership.

G. Request received on October 27, 2010 from Evelyn Savage to be a member of the Council on Aging Advisory Board [1 opening].

H. Request received on November 2, 2010 from Robin Slack to be a member of the Council on Aging Advisory Board [1 opening].

MOTION 10-0314: Donovan moved to amend the charge of the Council on Aging Board to “at least 11” members. Wood seconded. Motion passed 5-0.

MOTION 10-0315: Wood moved to approve appointments B-H. Beebe seconded. Motion passed 5-0.

Old Business

Discussion on dogs on the beaches [Suzanne Thomas, John Ryerson]

Last summer marked the first time that dogs were allowed on Wellfleet bayside beaches. Beach Department Director Suzanne Thomas received three written and numerous telephoned complaints concerning dogs on town beaches after the rules were amended. Thomas asked Selectmen whether they prefer to allow dogs on the beach for another summer or if they would revert to the previous ban of dogs on town beaches. Selectman Jerry Houk asked to hear from John Ryerson since he spent time patrolling the beaches last summer. Ryerson explained that he went from beach to beach with no set schedule, and he never saw a single dog. However, he did receive complaints from town residents of dog owners that failed to pick up after their pets. Selectman Ira Wood reported complaints from shellfishermen who worry about the adverse affect of dogs on the shellfish that they grow. Wood proposed that the Town hold a public hearing and invite the Shellfish Advisory Board. Beebe would like to schedule a public hearing proposing that dogs be banned on all Town beaches. Donovan hopes to distinguish those beaches that grow shellfish as “dog-free beaches.”

Discussion on Extension of Bulkhead at 5 Samoset Avenue [Hillary Greenberg & Mark Vincent]

Owner representative Dave Bennett updated the Board of Selectmen about the steps taken to maintain the integrity of the property and bulkhead at 5 Samoset Avenue since the last Board of Selectmen meeting. Bennett Environmental Associates met with the Wellfleet DPW, the Town Administrator, and the Wellfleet Conservation Commission and discussed the concerns of public access to the beach in the area of the bulkhead. Public access will now be afforded by a stone stairway at the end of the bulkhead. The private property owner also plans to contribute \$5,000 to be used to protect the town-owned beach adjacent to the project. Wellfleet Department of Public Works Director Mark Vincent does have some concerns that the new bulkhead might cause wave energy to be displaced down the beach. Vincent outlined the benefits of the project by saying that the bulkhead will protect the rubble that now serves to stabilize the town road and that the new proposed wall will help protect town property. Wellfleet resident Guy Daniels voiced

concerns about the bulkhead project increasing erosion further down the beach away from the bulkhead project, and Selectman Wood noted that the new plan addresses how public access will be maintained for Wellfleet Residents. Beebe asked for Wellfleet Conservation Agent Hillary Greenberg's assurance on monitoring the project to ensure the maintenance of public access and the integrity of the town land in area. Greenberg suggested that the town put up signs to direct tourists to the proposed staircase. A future agenda item will be to hear the results from the Conservation Commission after they determine a long-term plan for the area above and beyond the emergency project that is currently in process.

MOTION 10-0316: Wood moved to approve the plan that Mr. Bennett presented to the Board of Selectmen contingent on an agreement between Town Counsel, and the approval of the Conservation Commission. Bruinooge seconded. Motion passed 5-0.

Discussion on Executive Assistant Position

The Town Administrator reported that the Executive Assistant position continues to be filled by part-time staff and that the part-time staffing system has proved to be successful and cost-effective.

Discussion on proposed Warrant for Annual Town Meeting¹ on April 25, 2011

Town Administrator Sieloff reviewed draft Articles A-W for the Warrant for the Annual Town Meeting. Sieloff also suggested that two articles be added as the additions are necessary if Wellfleet is to qualify for the DOER's Green Communities program. One of the two articles would amend Wellfleet's zoning code to allow for the possibility of a large solar array on the Wellfleet landfill. Wood thinks that the zoning issue should be referred to the Planning Board right away. Additionally, an amendment would need to be added to adopt a Stretch Code. Selectman Berta Bruinooge would like more information on the Stretch Code.

Discussion on proposed Downtown Curbs & Sidewalks project [Steve Gazzano, Mark Vincent, Paul Millett]

Engineer Paul Millet explained the proposal for new curbs and sidewalks on Main Street. The current proposal would replace curbing between School Street and Bank Street on both sides of the street as well as replace curbing on the south side between Bank Street and Holbrook Street. The USDA has given approval for the project as long as it is approved by the town. Steve Gazzano discussed on behalf of The Board of Water Commissioners the trees that might be removed and planted as a part of the project, and Sieloff read a letter by residents Deborah Posin and Neil Jacobs requesting the removal of the tree directly in front of their home at 249 Main Street as part of the project². Gazzano asked for approval so that the Board of Water Commissioners could bring back a change order with options. Millett will bring back estimates for the costs of the project.

MOTION 10-0317: Beebe moved to progress with curbs and sidewalks and to have a proposal that removes the tree on Masonic Lane as well as one other tree on the other side of the street and to pursue paving with the understanding that as many trees as possible will be planted to replace the removed trees. Donovan seconded. Motion passed 5-0.

Wind Turbine Discussion [Paul Pilcher, Sheila Lyons, Roger Putnam]

Currently the County has no specific means by which to judge the appropriate nature of wind turbine placement other than a pros and cons list. The Assembly of Delegates and representatives from each of the Towns have been working to create regulations with more specificity for (1) setback of a wind turbine from a structure or a residence (2) noise – a noise study would have to be paid for by the person requesting the turbine and (3) shadow flicker.

Falmouth adopted a DCPC that established a moratorium on industrial-sized turbines while the Assembly drafts the rules and standards are put in place.

Wellfleet resident Lilly Green asked the Board of Selectmen to consider the adoption of a DCPC in Wellfleet. She handed to each of the Selectmen several Cape Cod Times articles related to wind turbines, a compact disc of the Barnstable County Assembly of Delegates meeting on November 17, 2010, a letter from the Falmouth Planning Board, and an additional compact disc with information on wind turbines³.

Discussion on Personnel Bylaws

The Board of Selectmen would like to wait on the Personnel Task Force before making a decision.

Discussion on Upcoming Joint FinCom/BOS Meeting on December 29, 2011 - Departments to be reviewed: Police, Fire, DPW

The FinCom is meeting on the Dec. 29th at the Wellfleet Council on Aging building at 7pm. They are requesting that the police, fire, and DPW Department Heads make presentations and answer questions.

Discussion on Town Administrator's Report

The discussion of the Town Administrator's Report will be put on the agenda for the next meeting for feedback.

New Business

Proposed Board of Selectmen 2011 Meeting Schedule

The Board of Selectmen approved the proposed 2011 draft meeting schedule⁴.

Policy Change for Fee Collection for Use of Town Property [Dale Donovan]

The Selectmen discussed the issue of collected fees prior to the Use of Town Property in light of a recent event in which a film crew agreed to pay to use town property but never paid the fee.

MOTION 10-0318: Donovan moved that we change our policy on 'use of town property' to add additional language that will be recommended by the Town Treasurer. Donovan suggested the following language: "Any fee so established will be paid to the Town Treasurer one week in advance of the use of the property or by bank or certified check at least one day prior to the use of that property." Wood seconded. Motion passed 5-0.

Houk voiced his desire to know more about the projects of the Board of Water Commissioners and he has asked that the Water Commissioners brief the Board of Selectmen and the public at an upcoming Board of Selectmen meeting. Sieloff will add them to the agenda for the first meeting in January.

Additionally, Houk has noticed the practice in Wellfleet for one business to rent a space, obtain one business license, and then rent out the space to multiple vendors who never obtain a license from the Town. Sieloff will follow up on business license issue.

Beebe would like for Nancy Vail to explain at a future Board of Selectmen meeting the formula used for assessing property in Town. Sieloff will add Vail to a future agenda.

Minutes

MOTION 10-0318: Wood moved to approve the Minutes of November 9, 2010 and November 23, 2010. Donovan seconded. Motion passed 5-0.

The meeting adjourned at 9:25 pm.

Respectfully submitted,
Christin Marshall, Executive Assistant

Public Records Materials from the meeting of 12/14/10

1. Annual Town Meeting Warrant Draft
2. Posin and Jacobs letter
3. Cape Cod Times Articles: "A Better Vision: Assembly Seeks Stricter Regulations for Wind Turbines"; Barnstable County deals Turbine Blow, letter from the Falmouth Planning Board requesting a DCPC, an informational compact disc related to wind turbines, a compact disc of the Barnstable County Assembly of Delegates Meeting on 11/17/10
4. Proposed Board of Selectmen 2011 Meeting Schedule