



**Wellfleet Board of Selectmen
Minutes of the Meeting of February 9, 2010
Wellfleet Public Library, 7:00 p.m.**

Present: Chairman Dale Donovan, Jacqueline Wildes-Beebe, Jerry Houk, Michael May, 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]

Kristen Barrio spoke about the upcoming 2010 Census and the need for applicants in this area. The Census is looking to hire enumerators to go door-to-door and to assist with filling out forms. She explained the application and hiring process, and the terms of employment. Bilingual applicants are urgently needed.

Donovan acknowledged the generous bequests to the Library, Council on Aging, and Nauset Regional High School by former Wellfleet resident Martin Nerber.

Assistant Town Administrator Rex Peterson spoke about the work of Eric Dray's class in historic preservation at Boston University on the Central District Project and their presentation to the Historic District Study Committee this past week.

MOTION 10-0027: Wood moved to send a letter to the Boston University instructor and students thanking them for their work.

May seconded, the motion carried 5-0.

Peterson also spoke about the posters created by local yearround business owners informing residents and visitors about the events and open businesses in Wellfleet throughout the winter months.

Donovan asked Sieloff for an update on the facilities management software. Sieloff explained the he has just signed a purchase order for a good software program and it is moving forward. He is also looking to tie it in to equipment maintenance, in addition to facilities.

Public Hearing(s) [7:30]

Request for Restaurant Closing

Request received January 25, 2010 from Joseph Wanco to close the Lighthouse Restaurant from February 22, 2010 and reopen April 15, 2010.

MOTION 10-0028: Wood moved to approve the request received January 25, 2010 from Joseph Wanco to close the Lighthouse Restaurant from February 22, 2010 and reopen April 15, 2010.

May seconded, and the motion carried 5-0.

Licenses

2010 Annual Business License Renewals:

Common Victualler – Happy Trails Ice Cream, LLC, The Juice, PB Boulangerie Bistro, Mainstay Motor Inn, South Wellfleet General Store, and Sweet Seasons, Inc.

Automatic Amusement – Southfleet Motor Inn

MOTION 10-0029: Wood moved to approve the renewal of the Common Victualler licenses for Happy Trails Ice Cream, LLC, The Juice, PB Boulangerie Bistro, Mainstay Motor Inn, South Wellfleet General Store, and Sweet Seasons, Inc. and the renewal of the Automatic Amusement license for Southfleet Motor Inn.

Beebe seconded, and the motion carried 5-0.

Appointments

- A. Application received January 27, 2010 from Sarah K. Multer to be a member of the Council on Aging Board.
- B. Application received January 27, 2010 from Lt. Ron Fisette to appoint Truro Police Officer Jeremiah Valli as a Special Police Officer from February 9, 2010 through June 30, 2011.
- C. Application received February 1, 2010 from Richard Elkin to be a member of the Energy Committee [letter of support enclosed].

MOTION 10-0030: Wood moved to approve the application received January 27, 2010 from Sarah K. Multer to be a member of the Council on Aging Board, the application received January 27, 2010 from Lt. Ron Fisette to appoint Truro Police Officer Jeremiah Valli as a Special Police Officer from February 9, 2010 through June 30, 2011, and the application received February 1, 2010 from Richard Elkin to be a member of the Energy Committee.

May seconded, and the motion carried 5-0.

New Business

Approval of 10-year Cable License Agreement [Tom Cole]

Donovan announced that the negotiations between the Town and Comcast have finally come to a close and it is time to approve and sign the new 10-year cable license agreement.

Tom Cole and Barbara Gray of the Cable Advisory Committee and attorney William Solomon came forward to discuss the new cable license agreement.

Solomon explained Cable Advisory Committee is seeking the board's approval with three caveats contained in three side letters concerning (1) the extension of the cable system, (2) expanded basic service, and (3) a senior discount. With respect to these three issues, Comcast provided sample side letters that Solomon believes should be acceptable to the board.

MOTION 10-0031: Wood moved to approve the new 10-year cable license agreement between the Town of Wellfleet and Comcast subject to the three caveats discussed.

May seconded, and the motion carried 5-0.

Citizens Economic Committee Grant Proposal to EDC [Paul Pilcher]

Paul Pilcher, Chair of the Citizens Economic Committee, explained the grant proposal entitled "Beyond the Rotary" in partnership with Eastham. This is a grant from the Cape Cod Economic Development Council (EDC). The proposal seeks to establish the Outer Cape as a yearround tourist destination, "A town for all seasons." Pilcher explained that this is a collaborative effort between the Town, the Chamber of Commerce, and the Citizens Economic Committee, and that a new interactive website was also being developed. Pilcher explained that the Town is partnering with Eastham because EDC is very interested in efforts that include more than one town as the benefit of increased tourism likely will cross town lines. Pilcher would like to see starting the project this summer and he said the target audience is people who already have some affiliation with Wellfleet. Pilcher explained that the Citizens Economic Committee would like to have the grant proposal come from Town of Wellfleet, rather than the committee, as they think this would make a better impression. The application is due Friday. Applicants will know by March 1st if they made the cut, and by the middle of April if selected.

Houk asked if the Citizens Economic Committee was looking at having something like the Christmas Stroll that was held in the past. Pilcher said many ideas are being discussed, including something like the Christmas Stroll.

Houk also asked about whether local firms were considered to be the design firm selected to develop the new interactive website. Pilcher explained that an RFP for design services went out and responses were received from all over the world, including those from local firms. The committee selected a firm based on the quality of its submission, however, not on the basis of locale.

MOTION 10-0032: Wood moved to have the Town apply for the grant from the Cape Cod Economic Development Council.

May seconded, and the motion carried 5-0.

Wind Energy Update Presentation [Geof Karlson]

Geof Karlson, Chair of the Energy Committee, provided an update on the Wind Turbine project in which he reviewed highlights from a document provided to the board. Karlson explained that the project is still about what was estimated last fall – that is, a \$5M capital project with approximately a 5% rate of return over 20 years. He added that almost no Town monies were spent prior to last fall's Special Town Meeting at which \$290K was approved for a series of studies. Up until then, the project was almost exclusively funded by grants.

Karlson explained that it is the Energy Committee's expectation that they will probably have all information necessary to make decision by the fall to go forward, or not to go forward with the Wind Turbine project.

Donovan asked about the draft Annual Town Meeting Warrant Article placeholders for Wind Turbine borrowing and for CVEC membership. Karlson said that the Energy Committee would probably not be ready to have these items on the April Town Meeting.

He and the committee think that they will be ready for the fall Special Town Meeting, but a final decision has yet to be made.

Karlson announced that there will be a presentation on the Wind Turbine project on March 1st which will be hosted by the Wellfleet Community Forum. Details about the event would be available soon.

Discussion and Motion on Eight Parcels Approved at October Special Town Meeting

Map/Lot	Acres	Address	Map/Lot	Acres	Address
24/70	0.11	0 Priscilla Road	29/409	0.15	13 Pine Avenue
24/2-109	0.18	0 Near Wellfleet by the Sea	29/498	0.17	100 Paine Hollow Road
29/58	0.18	0 Avery Avenue	30/154	0.25	11 Cannon Hill Road
29/80	0.16	0 Avery Avenue	36/46	0.17	60 Barker Street

MOTION 10-0033: Beebe moved that in accordance with Massachusetts General Laws, Chapter 30B, Section 16(a), the above referenced parcels, being no longer needed for municipal purposes, be declared as surplus, and available for disposition or disposal.

Wood seconded, and the motion carried 5-0.

Discussion and Approval of Proposed Recycling Commission Insert in Tax Bills

Sieloff explained that the Recycling Commission is looking for support from the board to include an informational insert in the April tax bills.

MOTION 10-0034: Houk moved to approve the proposed Recycling Commission insert for the April tax bills.

Wood seconded, and the motion carried 5-0.

Discussion and Motion on Loan Resolution for Water Project

Beebe recused herself from the meeting.

Sieloff explained the process and paperwork necessary for the Town to receive the grant money from the USDA Rural Development program for the Town's municipal water project.

MOTION 10-0035: Wood moved to adopt the loan resolution to receive the grant money from the USDA Rural Development program for the Town's municipal water project.

May seconded, and the motion carried 4-0.

Beebe rejoined the meeting.

Old Business

Cape Cod Commission Explanation for Wellfleet Harbor's Inclusion in DCPC

Donovan reviewed letter a letter from Paul Niedzwiecki, Executive Director of the Cape Cod Commission, explaining the reasons for Wellfleet Harbor's inclusion within the boundary of the DCPC. Donovan announced that there will be a hearing on the issue in Eastham next week.

Roger Putnam, Wellfleet's Representative to the Cape Cod Commission, explained the concern about the number of agencies and organizations involved in the management of Wellfleet Harbor. Putnam conceded that not much may be able to be done at this point, but he will attend the hearings and take whatever message the board wishes him to convey to those hearings. Donovan explained that the board can decide to write a letter at later time without taking a vote, if they feel it is necessary.

Assembly Delegate Paul Pilcher clarified the difference between the DCPC and Ocean Management Plan and explained reasons why he would vote in favor of the DCPC. Pilcher said that the Ocean Management Plan is problematic, not the DCPC. Putnam agreed.

Beebe thanked Putnam and Pilcher for their explanations.

NSTAR Herbicide Issue Status Report [Ira Wood]

Wood read aloud his report updating the board on the NSTAR Herbicide issue.

Wood explained that the next step is to meet with other towns, representatives from the Cape Cod National Seashore, and the Cape Cod Commission to begin to address this as a region.

Sieloff explained that the Cape Cod Commission is working on mapping the entire NSTAR right of way areas in all towns, and that they will give a full report on their activities. He expects them to set a meeting date within the next week.

Sieloff thinks possible to have more of an impact locally working with volunteers and property owners to remove saplings along the right of way. According to NSTAR, the biggest problem is saplings, not full-grown trees or overhanging branches. NSTAR's primary concern is the long-term growth along the power lines. Sieloff said that the Town would be adding more information to the website to keep people informed.

Audience member Ben Zehnder remarked on the extensive tree trimming recently performed by NSTAR. He advocated establishing Town regulations for the use of pesticides. He said that the trimming is not sensitive to the surrounding environment and worried that NSTAR's herbicide application will be equally insensitive.

Wood explained history of the recent discussions about the regulation of pesticide use in town and referred Zehnder to the Horsley Witten report detailing the issue. The report is available on the Town's website.

Audience member Hugh Guilderson asked whether other options have been considered for clearing and trimming vegetation along the right of way. Wood explained that NSTAR believes that spraying of herbicides, along with cutting, is one of their tools. The herbicides that NSTAR uses are all approved by the various state and federal agencies that approve such things and that NSTAR, therefore, considers these herbicides to be safe.

Audience member Thomas Reinhart questioned the general safety of the herbicides NSTAR uses. Donovan explained that questions about the general safety of herbicides are beyond the scope of this discussion and what the Town can accomplish. Houk

agreed, but suggested that those concerned consider lobbying their senators and representatives at both the state and federal level to address the questions about safety.

Review of Draft ATM Warrant Articles

Sieloff reviewed each of the Articles on the 2/9/10 version of the draft ATM Warrant provided to the board.

Re: Zoning Bylaw

Planning Board Chair Barbara Gray explained that the Planning Board voted on 2/3/10 to postpone these bylaw changes until a later time. She acknowledged, however, that the Planning Board is legally obligated to hold public hearings on these proposed changes if the board requests it.

Planning Board member Griswold Draz explained the reasons for the Planning Board's decision to postpone; specifically, that there were still too many unresolved questions to bring the changes before Town Meeting in April. Draz asked the board not to impose upon Planning Board a requirement to hold public hearings at this time.

Wood asked about the Planning Board's 2/3/10 vote to postpone. Gray said that the vote was 5-1.

Planning Board member Janet Reinhart explained that she was the one vote in favor of going forward. She would like to move forward with public hearings to try to get something on the April Warrant to keep the process going. A lot of work has been done so far and she does not want to see the issue lose momentum after so many months.

Beebe explained that worst outcome would be to have piecemeal approach and have it voted down due to a number of unresolved questions about the issue. Beebe said that she doesn't want to see the board rush the Planning Board.

MOTION 10-0036: Donovan moved that board not refer the Zoning Bylaw changes to the Planning Board at this time.

Wood seconded, and the motion carried 5-0.

Sieloff asked for clarification that the effect of this motion is to remove the Zoning Bylaw Articles from the Warrant, but the Temporary Signs Bylaw would not be removed. The board agreed.

Re: Temporary Sign Bylaw

Sieloff explained that the Temporary Signs Bylaw will be cut almost in half, as there have been many revisions since the last draft version.

Audience member Peter Hall asked about getting permission for the Friends of the Wellfleet Libraries to put temporary signs on Town property on multiple occasions. He explained that the group puts signs out at the library as frequently as once a week.

Sieloff explained that such a situation probably could be addressed with a Use of Town Property Request and the board can certainly grant permission for multiple uses.

Gray noted that if signs are dealt with through a Zoning Bylaw from the Planning Board, all nonconforming signs in existence at the time of the Zoning Bylaw change will be grandfathered. She suggested that a better way to gain control over signage within the town was through a Town General Bylaw which comes from the board.

Sieloff noted that the bylaw at issue only concerns temporary signs, not all signs.

Donovan said that it is not necessary to make this a Zoning Bylaw issue and suggested dealing with this in the Town General Bylaws and the use of Town property policy.

Sieloff asked the board for clarification. Donovan said he would work with Sieloff on the language to slot this into the Town General Bylaws.

Next, Sieloff explained that Attorney Ben Zehnder has requested that the board place an Article on the Warrant concerning land on Old Wharf Road and that Zehnder was here to provide an explanation.

Beebe recused herself from the meeting.

Zehnder explained that he not asking the board for endorsement or approval of the Article; rather, he is asking them to place it on the Warrant. He briefly explained the situation involving Town-owned land under the care and control of the Conservation Commission. Zehnder said that placement on the Warrant tonight would be pending approval of the Conservation Commission. He will provide more detailed information to the board at a later date.

MOTION 10-0037: Donovan moved to place the Article on the Warrant, pending the decision of the Conservation Commission.

Wood seconded, and the motion carried 4-0.

Beebe rejoined the meeting.

Houk announced his plans to have Article, either petitioned or placed by board, to support the pre-kindergarten program. He noted that Truro includes this program as part of their regular school budget.

FY2011 Budget – Water Enterprise Fund

Sieloff explained the proposed Water Enterprise Fund Operating Budget and Capital Improvement Plan. He said that the current numbers include debt that will be repaid by the recent \$6M USDA grant and loan monies awarded for the municipal water project.

Donovan asked whether the Board of Water Commissioners is proposing new lines to pick up new customers and, therefore, additional revenue. Board of Water Commissioners Co-Chair Steve Gazzano said that was a factor for proposing the new lines. Sieloff added that three factors were considered when proposing the new lines: engineering, convenience, and the potential for new customers. He also noted that federal money is currently available for this type of work, which makes this a good time to do it.

Sieloff announced that he has tentatively planned for the schools to come to the board's March 9th meeting to present NRSD and Elementary School budgets.

Announcement

Sieloff announced that Eastham voted a couple of days ago to look into sharing Transfer Station services with Wellfleet, which would enable Wellfleet to close the Transfer Station two days per week during the summer and three days per week in the winter, while still providing access to a Transfer Station seven days per week. Wellfleet residents would use Eastham's Transfer Station on the days Wellfleet's is closed.

Beebe asked whether the two towns would have joint stickers. Sieloff said Eastham would allow Wellfleet sticker holders to enter their Transfer Station when Wellfleet was closed.

Wood said that he would not like to see this plan implemented during the busy summer season. If it goes forward, it should be done in the off season when there are fewer people here. Houk agreed that closing the Transfer Station two days per week in the summer to start was not a good idea, and he wondered about the fee increases being discussed for Transfer Station stickers. Sieloff said that fee increases were being considered, though nothing has been decided yet.

Correspondence & Minutes [January 26, 2010]

MOTION 10-0038: Wood moved to approve the minutes of January 26, 2010.

Beebe seconded, and the motion carried 5-0.

Adjournment

There was a need to go into Executive Session to discuss union contract negotiations and personnel issues.

MOTION 10-0039: Wood moved to adjourn the meeting and go in to Executive Session to discuss union contract negotiations and personnel issues and not return to open meeting.

May seconded. Houk, May, Donovan, Wood and Beebe each said yes, and the meeting was adjourned at 9:29pm.

Respectfully submitted,
Susan Cox, Executive Assistant