



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

Present: Chairman Dale Donovan, Jerry Houk, Michael May and Ira Wood; Town Administrator Paul Sieloff.

Jacqueline Wildes-Beebe joined the meeting at approximately 8:00pm. She was not present for and did not vote on any motions pertaining to the municipal water system.

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

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

Audience member John Ryerson asked to read into the public record a section from a document concerning the broom crowberry plant from the Natural Heritage & Endangered Species Program at the Massachusetts Division of Fisheries & Wildlife as follows:

“Broom Crowberry is listed under the Massachusetts Endangered Species Act as a species of Special Concern. All listed species are legally protected from killing, collection, possession, or sale, and from activities that would destroy habitat and this directly or indirectly cause mortality or disrupt critical behaviors.”

Suzanne Grout Thomas announced a Spaghetti Dinner at the Wellfleet Elementary School from 5-7:30pm on Friday, March 26th.

Lilli Greene, a yearround resident of Wellfleet, thanked Selectmen Ira Wood, Jacqui Beebe and Michael May for taking a walk of the proposed site of the industrial wind turbine project with the group Citizens for a Responsible Green Wellfleet. Greene asked for confirmation that the April 10th wind energy symposium is not a promotional meeting, and that attendees will be provided with impartial information to help make an informed decision. Greene formally requested that the proposals and presentation materials for the speakers be posted on the Town’s website two weeks prior to the April 10th event. Otherwise, Greene said citizens cannot formulate informed questions in advance as requested without knowing the content of the presentations.

Energy Committee Chair Geof Karlson said every effort will be made to have the presentations available ahead of time, but many of the items to be discussed are already available on the Town’s website under the “Wind Turbine Project” button on the homepage. Donovan said that, at a minimum, the Energy Committee should have an agenda of the items to be discussed at the April 10th event available in advance on the website. Greene asked if citizens would be allowed to ask questions at the event, without having to submit them ahead of time. Karlson said yes, this would be allowed.

Public Hearing(s) [7:30]

Transfer of Annual All Alcohol License [7:30]

Request from D'Italia's Restaurant LLC, Kevin Millet, Manager, to transfer the Annual All Alcohol License to Falcone's Restaurant and Pizzeria, Mary Falcone, proposed Manager.

Lenny D'Italia of D'Italia's Restaurant explained that, for health reasons, he and Kevin Millet have decided to sell the business to Mary and Jim Falcone who intend to continue the restaurant as a family restaurant much like D'Italia's.

MOTION 10-0089: Houk moved to approve the request from D'Italia's Restaurant LLC, Kevin Millet, Manager, to transfer the Annual All Alcohol License to Falcone's Restaurant and Pizzeria, Mary Falcone, proposed Manager.

May seconded, and the motion carried 4-0.

Transfer of Seasonal All Alcohol Package Store License [7:40]

Request from Collamini, Inc., d/b/a Wellfleet Wine Cellar & Spirits, Robert Collum, Manager, to transfer the Seasonal All Alcohol Package Store License to Wellfleet Wine & Spirits, Inc., Michael J. Patterson, proposed Manager.

Paul Covell, representing the buyers, came forward to explain the plans and agreement as it stands. Covell said the agreement is contingent upon the approval of the license transfer here tonight.

MOTION 10-0090: May moved to approve the request from Collamini, Inc., d/b/a Wellfleet Wine Cellar & Spirits, Robert Collum, Manager, to transfer the Seasonal All Alcohol Package Store License to Wellfleet Wine & Spirits, Inc., Michael J. Patterson, proposed Manager.

Wood seconded, and the motion carried 4-0.

Shellfish Grant Renewal [7:50]

Application received March 3, 2010 from Tobin Storer to renew shellfish grant license # CCB-95-1 for a 6 year, 5 month period to end 8/1/2016.

Shellfish Constable Andy Koch explained that the unusual renewal period is due to the fact that the applicant has multiple grants that renew at different times. This will get them to be on a single renewal schedule. Koch recommended the renewal of this grant license.

MOTION 10-0091: Wood moved to approve the application received March 3, 2010 from Tobin Storer to renew shellfish grant license # CCB-95-1 for a 6 year, 5 month period to end 8/1/2016.

May seconded, and the motion carried 4-0.

Licenses – 2010 Business License Renewals

Common Victualler – Marconi Beach Restaurant, Falcone's Restaurant and Pizzeria, Blue Willow Fine Foods

MOTION 10-0092: Wood moved to approve the 2010 Common Victualler renewals of the Marconi Beach Restaurant, Falcone's Restaurant and Pizzeria, and Blue Willow Fine Foods.

May seconded, and the motion carried 4-0.

Seasonal Alcohol – Wellfleet Beachcomber, Winslow's Tavern, Sweet Seasons, Inc., Marconi Beach Restaurant, Rookies, Inc., Wellfleet Motel & Lodge, Inc., Van Rensselaers, Maurice's Campground, Inc., Wellfleet Marketplace, Inc., Wellfleet Wine Cellar & Spirits, Chequessett Yacht & Country Club, Inc., Flying Fish Café, Wellfleet Dairy Bar and Grill, Wellfleet Flea Market, The Juice, Catch of the Day, Wellfleet Harbor Actor's Theater, Inc., Mac's Shack, Pearl Restaurant, Sol

MOTION 10-0093: Wood moved to approve the 2010 Seasonal Alcohol renewals for Wellfleet Beachcomber, Winslow's Tavern, Sweet Seasons, Inc., Marconi Beach Restaurant, Rookies, Inc., Wellfleet Motel & Lodge, Inc., Van Rensselaers, Maurice's Campground, Inc., Wellfleet Wine Cellar & Spirits, Chequessett Yacht & Country Club, Inc., Flying Fish Café, Wellfleet Dairy Bar and Grill, Wellfleet Flea Market, The Juice, Catch of the Day, Pearl Restaurant, and Sol.

May seconded, and the motion carried 4-0.

Wood recused himself.

MOTION 10-0094: May moved to approve the 2010 Seasonal Alcohol renewals for Mac's Shack, Wellfleet Marketplace, Inc. and Wellfleet Harbor Actor's Theater.

Donovan seconded, and the motion carried 3-0.

Wood rejoined the meeting.

Appointments

Request received March 15, 2010 from Lt. Ronald L. Fissette to appoint Matthew R. Caola, Steven B. Raneo, and Christopher R. Ross to be Special Police Officers beginning May 17, 2010 through June 30, 2011.

MOTION 10-0095: May moved to approve the request received March 15, 2010 from Lt. Ronald L. Fissette to appoint Matthew R. Caola, Steven B. Raneo, and Christopher R. Ross to be Special Police Officers beginning May 17, 2010 through June 30, 2011.

Wood seconded, and the motion carried 4-0.

New Business

Common Cause of MA 2010 e-Government Award with Distinction for Website

Sieloff announced that the Town's website was recently awarded the Common Cause of MA 2010 e-Government with Distinction and reviewed the criteria for the award.

Discussion and Approval of Two Change Orders for Water System [postponed from 3/9]

Paul Millet from Environmental Partners Group (EPG) and Emily Beebe, Co-Chair of the Board of Water Commissioners, came forward to explain the reasons for and details of Change Order #2 for Robert B. Our Co., Inc.

The change order involves addition of up to 104 services for the abutters to the existing system on West Main Street, Main Street, Bank Street, Commercial Street, and Kendrick Avenue. Work also includes grinding (Main Street from Howland Lane to Bank Street only) and paving. Curbing and sidewalk work is not included. The cost for the above changes is \$429,793.00. Additionally, the change order involves a deletion of a portion of the full-width paving on Old Kings Highway and Cahoon Hollow Road. The cost for this deletion is a credit of \$45,000.00. The total cost for Change Order #2 is \$384,793.00.

MOTION 10-0096: Wood moved to approve Change Order #2 for Robert B. Our Co., Inc. in the amount of \$384,793.00.

May seconded, and the motion carried 3-1.

Millet explained that there is also a related Amendment No. 2 to the Town's Agreement with EPG for construction administration services for the work included in Change Order #2 for Robert B. Our Co., Inc. The estimated budget is \$39,434.00 and includes costs associated with labor and reimbursable direct expenses.

MOTION 10-0097: Wood moved to approve Amendment No. 2 to the Agreement between the Town of Wellfleet and Environmental Partners Group in the amount of \$39,434.00.

May seconded, and the motion carried 3-1.

Discussion on Potential Taking of Chris and Mayflower Drives for Water System [postponed from 3/9]

Paul Millet of Environmental Partners Group (EPG) and Emily Beebe, Co-Chair of the Board of Water Commissioners, explained the Town's interest in taking these roads for the purpose of installing water lines. Beebe noted that Goldenrod Lane and Grist Mill Way are also included in the proposed article.

Donovan explained that in 1998, the residents of Chris and Mayflower Drives petitioned the Town to take their roads and make them public roads, but the petitioned articles did not pass at the 1998 Annual Town Meeting. However, Donovan noted that these roads are already being plowed by the Town of Wellfleet.

Sieloff explained that the Town would not be taking all of Chris and Mayflower Drives; rather, the Town would only take those portions where the water lines would be installed.

MOTION 10-0098: Wood moved to place this article on the warrant and recommend the article.

May seconded, and the motion carried 4-0.

Suzanne Grout Thomas asked why the Town is taking the roads rather than taking an easement in the roads. Sieloff explained that the Town is not taking the roads. He said that, by accepting the layout of the roads, the Town is essentially taking an easement in

the roads so that the Town would be able to install water lines, but not be solely responsible for the maintenance and repair of the roads. Sieloff said that Town Counsel has advised that this process is preferable because it can be achieved relatively quickly and does not require relationships with each of the individual abutters on the roads.

Old Business

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

Donovan explained that the proposed modification will address the issue of temporary signs being placed on Town property. The proposed changes indicate that permission of the Board of Selectmen is required to place temporary signs of any kind on Town-owned property.

Suzanne Grout Thomas asked about the delegation aspect of the language in the proposed changes. Donovan explained that the language would allow, but not require, the Board of Selectmen to delegate its permission granting authority to a Department Head in certain instances.

MOTION 10-0099: Wood moved to adopt the proposed changes as written to the Board of Selectmen's Policy on the Use of Town Property.

May seconded, and the motion carried 5-0.

Approval of Water Enterprise Fund Budget

Sieloff explained that this is the first ever Water Enterprise Fund budget. Sieloff said that he, the Board of Water Commissioners, and Town Accountant Marilyn Crary took a look at estimated revenues and likely expenditures for the first year of operating the Water Enterprise Fund and came up with a budget of \$628,220. Sieloff noted that the USDA – Rural Development, through the ARRA stimulus program, will be paying much of the first year's expenditures. This is the last major part of the budget requiring the Selectmen's approval.

MOTION 10-0100: Wood moved to approve the Water Enterprise Fund budget of \$628,220 and recommend Article E.

May seconded, and the motion carried 4-0.

Discussion and Adoption of Budget Modifications

Sieloff recommended the following modifications to the FY2011 Operating Budget:

Veterans' Services [Line 543] – Sieloff recommends \$14,107 for Other Assessments.
Wellfleet Elementary School [Line 300] – Sieloff recommends \$2,250,356 for the budget.
Nauset Regional School District – Sieloff recommends \$1,916,758 for the budget.
Cape Cod Regional Technical High School District – Sieloff recommends \$80,821 for the budget.

School Committee Chair Jan Plaue explained that an additional \$39,112 is needed for the Wellfleet Elementary School, which is 1.77% of last year's budget for the Regular Day program.

Beebe said she would like to support the \$39,112, rather than see valuable Regular Day programs cut, like art and music.

Donovan acknowledged that administrators have come forward to make concessions, but the teachers have not yet done the same. Until that happens, he said that he is not inclined to support the increase unless the teachers union will come forward to assist with this process.

Beebe said Donovan's point was well taken and that she will not vote for a Proposition 2 ½ override if we see 7% salary increases for teachers, when the rest of employees of the Town and Cape wide do not see these kinds of increases.

Jan Plaue explained that the negotiations with teachers unions took place in the same vein as other contract negotiations, and suggested that harder negotiations will take place in the future. She added that, if retirement occurs or if teachers make any concessions, things will look better.

Wood asked for clarification on the COLA and Step and Increment increases. Plaue explained the process and acknowledged that, under this system, it was possible for a teacher to receive a greater than 3 or 3.5% increase in salary.

May asked if, during negotiations, teachers are asked to come in and offer their own ideas for ways to save the school money. Plaue said that they have not been asked to do that in the past, but she thought it was an interesting idea.

MOTION 10-0101: May moved to approve the additional \$39,112 for the Wellfleet Elementary School budget.

Donovan seconded, and the motion carried 4-1.

Donovan asked Sieloff where this money would come from. Sieloff said he would possibly look at taking it from Free Cash. However, he said he does not recommend it, because the Town is looking at tougher times down the road. Sieloff urged the board to reconsider.

MOTION 10-0102: Beebe moved to approve the modifications to the Veterans' Services, Nauset Regional School District, and Cape Cod Regional Technical School District budgets as recommended.

Houk seconded, and the motion carried 5-0.

Adoption of Annual Town Meeting Warrant and Board Recommendations

Article A: Transfers

Beach Director Suzanne Grout Thomas explained the \$6,000 transfer request for various repairs and equipment, in addition to the request for \$2,000 to replace a lifeguard paddle board. Thomas noted that she had withdrawn her earlier request for a \$16,000 portable sign.

MOTION 10-0103: Wood moved to recommend Article A.

May seconded, and the motion carried 5-0.

Article B: Operating Budget

Sieloff explained that Town Counsel informed him that the Warrant must start with the Operating Budget, so the order of Articles A and B will be reversed in the final version of the Warrant.

MOTION 10-0104: Wood moved to recommend Article B.

May seconded, and the motion carried 5-0.

Article C: Capital Budget

MOTION 10-0105: Wood moved to recommend Article C.

May seconded, and the motion carried 5-0.

Article D: Marina Enterprise

MOTION 10-0106: Wood moved to recommend Article D.

May seconded, and the motion carried 5-0.

Article E: Water Enterprise

See discussion above under "Approval of Water Enterprise Fund Budget."

Article F: Elected Officials Salaries

MOTION 10-0107: Wood moved to recommend Article F.

May seconded, and the motion carried 5-0.

Article G: Stabilization Fund

MOTION 10-0108: Wood moved to recommend Article G.

May seconded, and the motion carried 5-0.

Article H: Town Roads/Chapter 90

MOTION 10-0109: Wood moved to recommend Article H.

May seconded, and the motion carried 5-0.

Article I: OPEB

MOTION 10-0110: Houk moved to recommend Article I.

May seconded, and the motion carried 5-0.

Article Ia: Stormwater Remediation

MOTION 10-0111: Houk moved to recommend Article Ia.

May seconded, and the motion carried 5-0.

Article J: CPC

MOTION 10-0112: Wood moved to recommend Article J.

May seconded, and the motion carried 5-0.

Article K: CPC – Pond Hill School
Beebe recused herself.

MOTION 10-0113: Wood moved to recommend Article K.

May seconded, and the motion carried 4-0.

Beebe rejoined the meeting.

Article L: CPC – Habitat for Humanity

MOTION 10-0114: Wood moved to recommend Article L.

May seconded, and the motion carried 5-0.

Article M: CPC – Hatch Cottage

MOTION 10-0115: Wood moved to recommend Article M.

May seconded, and the motion carried 5-0.

Article O: Comprehensive Wastewater Plan

MOTION 10-0116: Wood moved to recommend Article O.

Houk seconded, and the motion carried 5-0.

Article P: Disposal/Trade-in of Town Property

MOTION 10-0117: May moved to recommend Article P.

Beebe seconded, and the motion carried 5-0.

Article Pa: Formation of a Pre-School Committee

Donovan explained that the addition of Article Pa was in response to the in-depth pre-school discussion that took place at the last meeting and is an attempt to address the need for further exploration of the issue without committing a large sum of money before the Town understands what is really required.

Houk asked that this article not be placed on the warrant at this time, and explained that he has learned that a group of professionals from the Children's Place has already formed such a committee and he would like to allow them to proceed. Houk said he would also withdraw his petitioned article for pre-school funding.

Donovan said that, rather than requiring Houk to withdraw the petitioned article, the board could simply vote to recommend indefinite postponement of the petitioned article. Houk agreed.

MOTION 10-0118: May moved to not place Article Pa on the warrant and to recommend indefinite postponement of Article Qa.

Beebe seconded, and the motion carried 5-0.

Article Qa: Pre-School Funding (by petition)

See discussion above under Article Pa.

Article R: Gifts, Article S: Town Collector, Article T: Indemnify DEP, and Article U: NRSD Agreement

MOTION 10-0119: Wood moved to recommend Articles R, S, T, and U.

May seconded, and the motion carried 5-0.

Article Ua: Library Renovations

Donovan said that this new article was recommended by Town Counsel to ensure that the library expansion project can go forward without any problems. He explained that the library would be applying for a USDA grant to help fund the project, in addition to money from the recent bequest of Martin Nerber and help from the Friends of the Wellfleet Libraries. Donovan noted that Library Director Elaine McIlroy explained at the last meeting that the library would not pursue the project unless the grant was awarded.

MOTION 10-0120: May moved to place Article Ua on the warrant as written and to recommend Article Ua.

Wood seconded, and the motion carried 5-0.

Article Za: Increase Wind Turbine Height to 415'

Energy Committee Chair Geof Karlson explained that the model of wind turbine that the Energy Committee had initially proposed has been replaced by a turbine with a slightly longer blade length, resulting in the need for this article to amend the zoning bylaw. He said that advances in wind technology such as the redesign of the blade will produce significant increase in revenues.

MOTION 10-0121: Wood moved to recommend Article Za.

Houk seconded, and the motion carried 5-0.

Donovan suggested the possibility of submitting the wind turbine project's financials to independent investing groups to have them evaluate the proposed project from an investment point of view. Specifically, Would they recommend going forward with such a project? Jim Sexton of Energy Committee, Karlson, and the board all agreed that this would be an excellent idea.

Article Zaa: Wind Turbine Balloon Test

Energy Committee Chair Geof Karlson explained that this is the Energy Committee's article for a balloon test at the site of the proposed wind turbine. Karlson noted that there two changes to petitioned article concerning the conditions of the test.

MOTION 10-0122: Wood moved to recommend Article Zaa.

May seconded, and the motion carried 5-0.

Article Zb: Wind Turbine Balloon Test (by petition)

Audience member Dennis O'Connell, author of the petitioned article, explained that his objective was to get a balloon test done. He is happy that the Energy Committee has

put forth an article to conduct a balloon test at the site of the proposed wind turbine, with sufficient notice to the public in advance of the test and of sufficient duration that the public will have an opportunity to view it.

MOTION 10-0123: Wood moved to not recommend Article Zb.

May seconded, and the motion carried 5-0.

Article Zc: Sign Bylaws (by petition)

Peterson explained that the only change is in Section 7-3-4, but the Town must print the petitioned article exactly as it was written.

MOTION 10-0124: Wood moved to recommend Article Zc.

May seconded, and the motion carried 5-0.

Article AA: Expansion of Municipal Water System

Paul Millet and Emily Beebe explained the plans for a two new loops to complete the municipal water system. The expansion would be contingent on getting at least 50% grant funding. If Town gets at least 50% grant funding, the project would go forward and the Town would be responsible for the remaining funding.

Donovan asked for clarification that a separate authorization is required for this part of the project to go forward and there is likely not to be any additional borrowing necessary. Millet and Beebe agreed.

Audience member Tom Reinhart asked if there is a need for this expansion at this time. Beebe explained that the expansion is due to need as well as the desire to increase the customer base. Millet explained that there are also sound engineering reasons for the expansion, to "close the loop" on certain portions of the water system.

Houk asked if USDA grant funds have arrived yet. Sieloff said the process is underway and the Town expects payment on or sometime after May 1st.

MOTION 10-0125: Wood moved to recommend Article AA.

May seconded, and the motion carried 4-0.

Audience member Hugh Guilderson asked if this article passed at the Annual Town Meeting, would the work be treated as a change order or would it go out to bid. Millet and Beebe said it would be treated as a new contract and would go out to bid.

Article AAa: Road Takings for Water Project

See discussion above under "Discussion on Potential Taking of Chris and Mayflower Drives for Water System."

Article DD: Sale or Disposition of Land Parcels

MOTION 10-0126: Wood moved to recommend Article DD.

May seconded, and the motion carried 5-0.

Article EE: Easement on 50 Beach Street (requested by Ben Zehnder)
Beebe recused herself.

MOTION 10-0127: Wood moved to recommend Article EE.

May seconded, and the motion carried 4-0

Beebe rejoined the meeting.

Article FF: Charter Amendments – Budget

MOTION 10-0128: Wood moved to recommend Article FF.

May seconded, and the motion carried 5-0.

Article GG: Intention of Marriage Fee Increase

MOTION 10-0129: Wood moved to recommend Article GG.

May seconded, and the motion carried 5-0.

Article GGa: General Bylaws – Posting on Town Property

MOTION 10-0130: Wood moved to recommend Article GGa.

May seconded, and the motion carried 5-0.

Article II: General Bylaws – ACO Kennels

MOTION 10-0131: Wood moved to recommend Article II.

May seconded, and the motion carried 5-0.

Article JJ: General Bylaws – Environmental Protection

MOTION 10-0132: Wood moved to recommend Article JJ.

May seconded, and the motion carried 5-0.

Article KK and Article LL: Standard Closing Articles

MOTION 10-0133: Wood moved to recommend Articles KK and LL.

May seconded, and the motion carried 5-0.

Discussion on Transfer Station Sharing with Eastham [postponed from 3/9]

Sieloff explained the proposal on transfer station sharing with Eastham. He noted that Orleans is also included in the proposal now. Sieloff acknowledged that the Board of Health will ultimately decide on the issue, but he is asking the board to support the proposal.

Donovan said that he would like to wait to hear what the Board of Health thinks of the proposal, and he thinks it will be necessary to hold a public hearing on the issue.

Correspondence & Minutes [March 9, 2010]

MOTION 10-0134: Wood moved to approve the Minutes of March 9, 2010.

May seconded, and the motion carried 5-0.

Adjournment

MOTION 10-0135: Wood moved to adjourn the meeting.

Beebe seconded, and the meeting was adjourned at 9:20pm.

Respectfully submitted,
Susan Cox
Executive Assistant