



**Wellfleet Board of Selectmen
Minutes of the Meeting of April 13, 2010
Wellfleet Public Library, 7:00 p.m.**

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

Not Present: Ira Wood and Jacqueline Wildes-Beebe

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

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

Donovan announced that this is last evening of taping these meetings by videographer Larry Greeley. Donovan, the board and audience all thanked Greeley for his work over the years.

May announced information he received from the Cape Light Compact on the MassSave.com Great Appliance Exchange rebate program beginning on April 22nd.

Sieloff announced that Public Hearing on Thursday, April 15th may not be necessary, but he not ready to cancel it yet. Town Counsel has given list of reasons for why hearing may not be necessary, but he is waiting for a definitive answer from Town Counsel before cancelling.

Suzanne Grout Thomas announced that a Cape Cod Regional Transit Authority Flex Bus meeting took place at the COA today. Thomas said that many changes were discussed at the meeting; most notably a simplification of B-bus route and that, by Labor Day, there should be a Charlie Card that encompasses all public transportation from Boston to Provincetown.

Elaine McIlroy announced that work on the Habitat for Humanity house in Wellfleet will be starting soon and that there are many opportunities to volunteer and get involved. A kick-off event is planned for Wednesday, April 28th at Wellfleet Congregational Church and building is expected to start on May 8th.

Update on Municipal Water System Project [7:15]

Emily Beebe, Co-Chair of the Board of Water Commissioners (BWC), came forward to give an update on the municipal water system Articles 27 and 28 on ATM Warrant. Beebe explained that the public hearing that the BWC had with Planning Board last week turned into a work session at which an alternative route for the water system was proposed, specifically with regard to private roads (Grist Mill, Goldenrod, Mayflower and Chris). The BWC voted in favor of a new route on roads that are already public roads. Beebe acknowledged that the new route is slightly more expensive, but ultimately better because it will allow the Town to replace existing (smaller) Coles Neck pipe. She said the BWC would also like to take advantage of the USDA funding opportunity and request funding a \$4.8M project instead of \$3.6M. The contingency language would still be in place, requiring an award of at least 50% grant funding in order to go forward. Beebe said Article 28 would likely be indefinitely postponed.

Donovan asked for clarification that the BWC is now asking the board to approve the new route on public roads. Beebe said yes.

Donovan asked about the projected life of the existing plastic pipe in the original Coles Neck system. Beebe said that is good question. She said that the smaller pipe is not in good shape, but she cannot give exact time frame. She thinks it is very likely that the Town will have to replace the existing 4 inch pipe sometime in the near future.

Houk asked about the decision to include Railroad Avenue and Whit's Lane in the expansion, given that there are few yearround homes on these roads. Beebe said yearround vs. seasonal is less important than need and interest in connecting the water system. Yearround and seasonal homeowners alike are entitled to connect to the water system.

MOTION 10-0142: May moved to accept the proposed changes to the route as approved by the Planning Board and the BWC.

Houk seconded, and the motion carried 3-0.

Public Hearing(s) [7:30]

Change of Manager

Application received March 18, 2010 from Wellfleet Harbor Actor's Theater, 15 Kendrick Ave., for a change of manager from Kristin Stewart to Jeff Zinn.

MOTION 10-0143: May moved to approve the application received March 18, 2010 from Wellfleet Harbor Actor's Theater, 15 Kendrick Ave., for a change of manager from Kristin Stewart to Jeff Zinn.

Houk seconded, and the motion carried 3-0.

Appointments

Request received March 23, 2010 from Sean R. Donoghue to be a member of the Building Needs and Assessment Committee.

Donovan explained that this committee is in need of members so that it will have a quorum for meetings and that Sean Donoghue is currently the Inspector of Wires for the Town of Wellfleet and a licensed electrician.

MOTION 10-0144: May moved approve the request received March 23, 2010 from Sean R. Donoghue to be a member of the Building Needs and Assessment Committee.

Houk seconded, and the motion carried 3-0.

Donovan explained that the board received a letter from Planning Board Chair, Barbara Gray, regarding Planning Board member Ron Harper. Due to circumstances out of his control, Harper was unable to attend several meetings in a row this winter and, under the rules for serving on Town boards and committees, was therefore effectively removed from the Planning Board. Gray has asked that Harper be reappointed to the Planning Board.

MOTION 10-0145: May moved to reappoint Ron Harper to the Planning Board.

Houk seconded, and the motion carried 3-0.

Use of Town Property/Other

- a) Application received February 22, 2010 from Sarah Matto and Kristopher Smith to use Newcomb Hollow Beach from 3:00 – 4:00pm on Saturday, June 19, 2010 for a wedding ceremony, and Gull Pond Parking Lot from 4:00 – 11:00pm for wedding reception parking.
- b) Application received February 22, 2010 from Sarah Matto and Kristopher Smith for a noise ordinance extension until 11:00pm for a wedding reception at 635 Gull Pond Road on Saturday, June 19, 2010.

Donovan explained that Sarah Matto was in attendance to request a change to her application to include Newcomb Hollow Beach Parking Lot from 4:00 – 11:00pm. Donovan asked Beach Administrator Suzanne Thomas when the Town was going to start requiring beach stickers this year. Thomas said that beach stickers would be required as of June 26, 2010 this year, so Matto's request would not be a problem.

May asked Matto if she was planning to speak to her neighbors in advance about the noise ordinance extension. Matto said yes.

MOTION 10-0146: Houk moved to approve the request to use Newcomb Hollow Beach and Parking Lot from 3:00 – 11:00pm and Gull Pond Parking Lot from 4:00 – 11:00pm on Saturday, June 19, 2010 for a wedding and reception parking, and to grant the noise ordinance extension until 11:00pm for a wedding reception at 635 Gull Pond Road on Saturday, June 19, 2010.

May seconded, and the motion carried 3-0.

- c) Application received March 8, 2010 from Olaf Valli of Sick Day Surf Shop to use White Crest Beach and the areas outside of the lifeguarded zones of Newcomb Hollow, Cahoon Hollow and Maguire's Landing from April 1, 2010 through December 31, 2010 during daylight hours for surfing instruction, competition, and other events (see application).
- d) Application received March 4, 2010 from Sarah Hutto and Scott Bruns to use Duck Harbor (to the left of the entrance) on Saturday, May 1, 2010 from 7:00 – 11:00pm for a wedding ceremony and reception (see application).
- e) Application received February 18, 2010 from Lydia Vivante of the Recycling Commission to use the Transfer Station/Recycling Center area on Saturday, May 15, 2010 from 10:00am to 2:00pm (Rain Date: Sunday, May 16, 2010 from 10:00am to 2:00pm) for an "ECO-EXPO" with 10 volunteers and approximately 10-20 exhibitors (see application).
- f) Application received March 17, 2010 from Ben Fowler of Sacred Surf School to use White Crest Beach outside of the lifeguarded areas from Memorial Day to Labor Day for surfing instruction (see application).

- g) Application received March 15, 2010 from Frank Szedlak of American Legion John R. McKay Post 287 to use the front lawn and side of Town Hall (Rain Location: Wellfleet Elementary School) on Monday, May 31, 2010 from 8:30 – 10:30am for a Memorial Day Service (see application).
- h) Application received February 18, 2010 from Amy Hill to use Mayo Beach on Saturday, June 12, 2010 from 4:30 – 5:30pm for a wedding ceremony (see application).
- i) Application received March 12, 2010 from Christina Donowitz to use Newcomb Hollow Beach from 4:30 – 8:30pm on Saturday, June 19, 2010 for a 40th birthday party (see application).
- j) Application received March 24, 2010 from Samantha Ward to use Indian Neck Beach on Saturday, June 26, 2010 from 3:30 – 4:30pm for a wedding ceremony (see application).
- k) Application received March 4, 2010 from Lauren Hill to use Mayo Beach on Friday, July 30, 2010 from 5:00 – 6:00pm for a wedding ceremony (see application).
- l) Application received March 8, 2010 from William B. Thompson to use LeCount Hollow Beach Parking Lot from 4:00 – 10:00pm on Saturday, August 21, 2010 for parking for a wedding at Cook's Cottages private beach (see application).

Donovan asked if there were any questions or issues to be discussed concerning any of these requests for the Use of Town Property.

Beach Administrator Suzanne Thomas noted that all surfing instruction businesses operating on Town property must provide proof of insurance naming the Town of Wellfleet as an additional insured for a minimum of \$1M prior to starting business for the summer.

MOTION 10-0147: May moved to approve the requests in Items c) through l) above as written, noting the insurance requirement as explained for the surfing instruction businesses.

Houk seconded, and the motion carried 3-0.

New Business

Discussion about a Management Agreement for Wellfleet Preservation Hall [Marla Rice & Bruce Bierhans]

Donovan asked if Rice and Bierhans have copies of the agreement and if it is being considered a “first look” at such an agreement. Bierhans provided the board with copies of the agreement and said it certainly can be considered a “first look.”

Bierhans explained that there is currently no debt on the property, but he expects \$300-500K of debt will be necessary to complete Phase II. He explained that the purpose of the management agreement with the Town was to avoid any conflict or misunderstanding between the Town and Wellfleet Preservation Hall regarding the use of the property, which still belongs to the Town. Wellfleet Preservation Hall is intending

to rent out the hall and the gardens as a source of revenue and there is a fee structure in place for using the hall, but not the outside garden space. Bierhans said that they are not looking to prevent use of the property in any way, and will encourage the use of the outside garden space and include traditional uses such as Strawberry Festival and OysterFest weekend events. He said the agreement contemplates making Wellfleet Preservation Hall an agent of the board for scheduling of events in the gardens, bypassing the board for approvals involving property at 335 Main Street.

May asked if Town Counsel has reviewed the proposed agreement. Sieloff said no, and this was the first time he had seen the document. Donovan, May and Houk all said that Town Counsel should review the proposal.

Request for Authorization of Chair of Board of Selectmen to Sign Letter for CDBG Housing Grant [Rex Peterson & Elaine Mcllroy]

Rex Peterson and Elaine Mcllroy came forward to explain the request to apply for a CDBG Housing Grant. It is a grant that only the Town can apply for, as it is not available to developer. The Town submits a letter of interest and, if invited to submit formal application, then it is almost a done deal that funding can be set aside for the project. Peterson and Mcllroy said there was a good chance of getting the grant and they expect that it would be awarded in next several months. Peterson said that the money would be used for whole list of infrastructure improvements that need to be done to the property and that it is the last piece of funding needed for Gull Pond property. If this money comes in, it would allow the project to go forward and would not have to use trust fund money.

Audience member Tom Reinhart asked for confirmation that if this money comes in, then whole project would actually be built. Peterson and Mcllroy said yes, the project would be built.

MOTION 10-0148: May moved that the Town go forward with this grant opportunity and to authorize the Chair of the Board of Selectmen to sign the letter.

Houk seconded, and the motion carried 3-0.

Status of Personnel Board

Donovan explained that there were two applications for the Personnel Board submitted recently, so this would be a good time to review the history of the Personnel Board and its role. Donovan read aloud the Charter section relating to the Personnel Board.

Donovan explained that it was his understanding that all Town employees were covered under union or other employment contracts, which voided any need for the Personnel Board. Given that circumstance, Donovan asked the applicants what they envision the Personnel Board doing and what its role would be.

Applicant Patricia Foley explained that the Town's Personnel Bylaws have not been updated in at least five years and are quite confusing. She also said that there are, in fact, some Town employees that are not covered by union or other employment contracts and, therefore, would be covered by the Personnel Bylaws. Foley also noted that the townspeople voted at last April's Annual Town Meeting to keep the Personnel Board. She explained that there is already one member on the Personnel Board, that

the FinCom would be appointing a representative soon, and she knows of another potential applicant.

Houk said sees no problem with having Personnel Board, particularly if people are interested in serving.

Sieloff said he would ask Town Counsel to review the matter and provide their input. Donovan said there really is no need for Sieloff to consult Town Counsel. Houk agreed.

Sieloff explained that Town Counsel had previously expressed concerns about liability to the Town for actions of the Personnel Board.

Audience member Tom Reinhart asked how many Town employees are covered by union or other employment contracts and how many are not. Sieloff explained that approximately six employees are not covered by a union or other employment contract. Foley said that seasonal and part-time employees, particularly in the Recreation, Beach, Marina and DPW departments, are also not covered by any other contracts and would be covered by the Personnel Bylaws. It was estimated that there could be as many as 100 employees town-wide covered by the Personnel Bylaws.

May disclosed that he is a seasonal employee at the Marina.

Donovan said that the board would address the appointments to the Personnel Board at their next meeting on April 27, 2010.

Letter to Cape Cod Commission Concerning the Chequessett Neck Road Dike

Sieloff explained that he would like to ask that a letter be sent to the Cape Cod Commission requesting that the Chequessett Neck Road Dike be placed on the list for the Transportation Improvement Program so that the project may qualify for federal funding should it become available. He said that Senator Delahunt's office suggested sending such a letter.

MOTION 10-0149: May moved to approve sending a letter to the Cape Cod Commission requesting that the Chequessett Neck Road Dike be placed on the list for the Transportation Improvement Program.

Houk seconded, and the motion carried 3-0.

Old Business

Discussion on FY2011 Budget Changes

Sieloff explained that he is going to be recommending certain budget changes at the Annual Town Meeting, as follows:

- o Decrease \$200,742 (\$121,440 and \$79,302) from the Water Enterprise Fund Budget
- o Increase General Fund Capital Budget by \$34,200
- o Increase USDA Water System Construction Loan in Water Enterprise Fund Budget by Approximately \$900 to \$59,415
- o Increase Barnstable County Retirement System FY2011 Appropriation by \$85,266 to \$822,416

Sieloff said that these budget adjustments will be made at the Annual Town Meeting.

Donovan asked where the money would be coming from. Sieloff said there is some excess capacity in the budget that can be used to cover these changes.

Roger Putnam asked if by increasing the Barnstable County Retirement System FY2011 Appropriation by \$85,266 to \$822,416 the pension plan would now be fully funded. Sieloff said that he was not sure, but would look into it and get the information to Putnam.

MOTION 10-0150: Houk moved to approve the proposed budget changes as described.

May seconded, and the motion carried 3-0.

Future Concerns

Houk explained that he has a concern about filling the position of Police Chief when Chief Rosenthal retires in September. Houk said that any regionalization efforts that may happens are three to five years out and he feels that the Town should have a discussion on whether to appoint an interim/acting chief or launch a full search to replace the chief. Houk also said he would like to see if there is any interest in having an artist design and paint a mural or design on the new water tower.

Sieloff explained that the idea of having water tower painted by an artist was discussed by the BWC at several meetings and it was determined that it would cost approximately \$15,000 more to paint a mural on water tower versus painting it a solid neutral color.

Donovan explained that the painting of the water tower is entirely under the control of the BWC. He also said that this sort of thing is often a complete nightmare to execute. He has his own ideas about what should be up there, but not everyone would be in agreement, which would inevitably lead to conflict and delays.

Donovan referred back to the Police Chief issue. He said a lot of time has been spent looking outward on regionalizing services, but he suggests looking inward in the same way to see if there are opportunities to combine the efforts of certain Town departments. He suggested organizing a task force to look at the functions of Town government to explore regionalizing internally to see if there are opportunities for savings, such as a Public Safety Chief, or a combined Beach, Shellfish, Marina building and department.

Houk said that he is supportive of Donovan's suggestion, but thinks the Town needs to look at the Police Chief situation sooner rather than later.

Correspondence & Minutes [March 23, 2010, March 30, 2010 & April 5, 2010]

Donovan noted an invitation was received for the Town to participate in the Pilgrim Monument's 100th Anniversary in various ways. He encouraged the board members to look at the invitation and consider ways the Town might be involved.

Donovan also mentioned that he recently had an opportunity to ride along with the Meals on Wheels program and found the experience to be very positive and rewarding.

MOTION 10-0151: May moved to approve the minutes of March 23, 2010.

Houk seconded, and the motion carried 3-0.

MOTION 10-0152: May moved to approve the minutes of March 30, 2010.

Houk seconded, and the motion carried 3-0.

Donovan explained that the board could not approve minutes of April 5, 2010 because the necessary members are not in attendance.

Adjournment

MOTION 10-0153: Houk moved to adjourn the meeting.

May seconded, and the meeting was adjourned at 8:11 pm.

Respectfully submitted,
Susan Cox
Executive Assistant