



**Wellfleet Board of Selectmen
Minutes of the Meeting of May 11, 2010
Wellfleet Public Library, 7:00 p.m.**

Present: Chairman Dale Donovan, Jacqueline Wildes-Beebe, Jerry Houk, Berta Bruinooge, 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]

Donovan welcomed new Selectmen Berta Bruinooge, congratulated Jerry Houk on his win, and thanked former Selectman Mike May for his nine years of service to the Town of Wellfleet.

Donovan addressed the issue of working for the Town and also serving as Selectman, which concerned May in his position as Seasonal Harbormaster and now Bruinooge in her position as Seasonal Beach Office Manager. Donovan referred to language in the Charter Section 4-1-2 and explained that this does not bar either one from serving as Selectman since those positions are not appointed by the Selectmen. They are appointed by the Town Administrator.

Houk thanked the 802 people who came out to vote and the 402 people that voted for him. He also thanked May for his nine years of service on the board.

Houk announced a charity walk for Alzheimer's of Cape Cod around Wellfleet on Sunday, May 23, 2010.

Donovan announced that Principal Clerk Jeanne Maclauchlan is participating in a charity "Buzz Off" on June 12, 2010 to raise money for One Mission, Inc. a childhood cancer foundation dedicated to enhancing the lives of for pediatric cancer patients and their families. To donate, go to www.firstgiving.com and search for her name.

Denny O'Connell announced that Lilli Greene asked him to talk about a bill making its way through the legislature. The bill is SB2260, the Wind Energy Siting Control Act. Many people are concerned about it because it is the state's brazen attempt to undermine Home Rule. O'Connell said there are aggressive tactics in the bill to remove all local control for siting wind energy projects. Please contact Sarah Peake and encourage her to oppose the bill. Tom Reinhart seconded the concern about the bill and the state's attempt to ignore local zoning laws. Donovan noted that, according to the WickedLocal.com website, Sarah Peake would be at the COA tomorrow night and he encouraged people to attend to ask her about this bill.

Joyce Harding discussed the issue of the removal of a safety zone in the Marina parking lot and the addition of three new parking spaces in its place. She said that this has created an unsafe condition for children being dropped off in the parking lot and asked that the problem will be eliminated as soon as possible.

Donovan commented that this appears to be another area where Town has been very fortunate that an accident has not happened yet. Sieloff said would meet with Chief Rosenthal and Harbormaster Mike Flanagan about the issue.

Beebe reported on the work of the Joint Public Safety Working Group. The group has delved into the pros and cons of trying to move forward with this in the long- and short-term. She explained that Truro has made it clear that they are not interested in being involved with this group.

Licenses

Houk recused himself.

Application received April 30, 2010 from Mary Houk of Sandpiper Gallery for a One Day Beer and Wine License from 5:00 – 8:00pm on Friday, June 11, 2010.

MOTION 10-0165: Wood moved to approve the application received April 30, 2010 from Mary Houk of Sandpiper Gallery for a One Day Beer and Wine License from 5:00 – 8:00pm on Friday, June 11, 2010.

Bruinooge seconded, and the motion carried 4-0.

Houk rejoined the meeting.

Appointments

Donovan announced a recent resignation of a member of Board of Health from Wastewater Planning Committee. He explained that, originally, the makeup of the committee was to be the five BOH members and two community members, which made sense at the time, but now they may want to reconsider this makeup.

Donovan suggested that the board amend the makeup of Wastewater Planning Committee by adding "In the event that Board of Health members do not wish to serve, at-large citizen appointments shall be made by the Board of Selectmen."

MOTION 10-0166: Wood moved to amend the makeup of Wastewater Planning Committee by adding "In the event that Board of Health members do not wish to serve, at-large citizen appointments shall be made by the Board of Selectmen."

Beebe seconded, and the motion carried 5-0.

Application received April 20, 2010 from Curt Felix to be a member of the Wastewater Planning Committee.

Felix talked briefly about his qualifications and areas of interest and thanked the board for possibility to serve on the committee, if they choose to go forward.

MOTION 10-0167: Wood moved to approve the appointment of Curt Felix to be a member of the Wastewater Planning Committee.

Houk seconded, and the motion carried 5-0.

Application received April 30, 2010 from Ronald Zeffiro to be a member of the Building and Needs Assessment Committee.

Hugh Guilderson, Chair of the Building and Needs Assessment Committee, said that Mr. Zeffiro apologized for not being able to be here tonight. Guilderson said he hoped the board would appoint Mr. Zeffiro, as his knowledge and experience will be very useful to the Town.

MOTION 10-0168: Bruinooge moved to approve the appointment of Ronald Zeffiro to be a member of the Building and Needs Assessment Committee.

Houk seconded, and the motion carried 5-0.

Use of Town Property

- a) Application received March 25, 2010 from Jeff Kerr to use Cahoon Hollow Beach from 6:00 – 10:00pm on Saturday, July 3, 2010 for a small engagement party.

MOTION 10-0169: Wood moved to approve the application received March 25, 2010 from Jeff Kerr to use Cahoon Hollow Beach from 6:00 – 10:00pm on Saturday, July 3, 2010 for a small engagement party.

Beebe seconded, and the motion carried 5-0.

- b) Application received April 16, 2010 from Patrick M. Finn/Jose Sanchez to use Duck Harbor Beach from 3:00 – 4:00pm on Saturday, September 18, 2010 for a marriage ceremony.

MOTION 10-0170: Wood moved to approve the application received April 16, 2010 from Patrick M. Finn/Jose Sanchez to use Duck Harbor Beach from 3:00 – 4:00pm on Saturday, September 18, 2010 for a marriage ceremony.

Bruinooge seconded, and the motion carried 5-0.

- c) Application received April 16, 2010 from Harriet Korim to use the area surrounding the Swap Shop at the Transfer Station from 8:00am – 3:30pm on Saturday, May 29, 2010 for the 17th Annual Yard Sale at the Dump.

MOTION 10-0171: Bruinooge moved to approve the application received April 16, 2010 from Harriet Korim to use the area surrounding the Swap Shop at the Transfer Station from 8:00am – 3:30pm on Saturday, May 29, 2010 for the 17th Annual Yard Sale at the Dump.

Houk seconded, and the motion carried 5-0.

- d) Application received April 21, 2010 from Tali Magal to use Mayo Beach from 9:00am – 12:30pm on Sunday, August 1, 2010 for a wedding ceremony.

MOTION 10-0172: Houk moved to approve the application received April 21, 2010 from Tali Magal to use Mayo Beach from 9:00am – 12:30pm on Sunday, August 1, 2010 for a wedding ceremony.

Wood seconded, and the motion carried 5-0.

- e) Application received April 22, 2010 from Deirdre Oringer to use Mayo Beach from 7:30 – 8:30am on Mondays and Wednesdays in July and August 2010 to teach yoga classes.

Donovan asked whether this was organized through the Recreation Dept. Sieloff did not know if the Recreation Dept. was involved, but said he would speak with Recreation Director Becky Rosenberg about it. Beebe also pointed out that Beach Administrator Suzanne Thomas has indicated the requirement for insurance.

The board asked to hold the application to find out if the Recreation Dept. was involved and to inquire about insurance coverage.

- f) Application received April 27, 2010 from Quinn Buggs of MD70 to use various areas of town on June 14 & 15, 2010 for an advertising print and video shoot for a clothing company.

Wood presented information about the going rates for scouting locations for video/photo shoots. He recommended giving the Town Administrator approval to negotiate fees/terms for this request.

MOTION 10-0173: Wood moved to give conditional approval pending acceptable negotiations between the Town Administrator and Quinn Buggs.

Beebe seconded, and the motion carried 5-0.

- g) Application received April 27, 2010 from Frank Hastings of Skim Invasion to use White Crest Beach from 8:00am – 7:00pm on Saturday, July 17, 2010 for a skim boarding event/competition.

MOTION 10-0174: Bruinooge moved to approve the application received April 27, 2010 from Frank Hastings of Skim Invasion to use White Crest Beach from 8:00am – 7:00pm on Saturday, July 17, 2010 for a skim boarding event/competition.

Beebe seconded, and the motion carried 5-0.

- h) Application received April 27, 2010 from Marla Rice of Wellfleet Preservation Hall to use the gardens behind the hall from 10:00am – 2:00pm on Sunday, May 30, 2010 for the 2nd Annual Bird House Auction.

Bruinooge recused herself, as she is an officer of Wellfleet Preservation Hall.

Donovan asked whether the back gardens would be accessible on May 30th. Marla Rice confirmed that the gardens would be accessible.

MOTION 10-0175: Beebe moved to approve the application received April 27, 2010 from Marla Rice of Wellfleet Preservation Hall to use the gardens behind the hall from 10:00am – 2:00pm on Sunday, May 30, 2010 for the 2nd Annual Bird House Auction.

Houk seconded, and the motion carried 5-0.

Bruinooge rejoined the meeting.

New Business

Outer Cape Health Services Update [Sally Deane, Barbara Prazak & Bruce Bierhans]

Bruce Bierhans explained the plans for facility expansion and the long-term planning for OCHS and providing services that the community needs. They have hired an architect to provide site review and building review, and plan to build a 10,000 sq.ft. building at a cost of approximately \$10M. They are considering four possible sites in Wellfleet, two of which are right on Rt. 6. Bierhans expects process will take 3-4 years. He discussed the recent "March to Progress" program created to bring "newness" to the Wellfleet site while the new facility is planned and built. He also discussed the \$700K improvement program taking place at the Provincetown facility. The OCHS service area includes Harwich, Brewster and Chatham, and a new health center for Chatham is being discussed. Bierhans explained that OCHS would see an increase by approximately 4,000 patients if they were to open a new community health center in Chatham.

Barbara Prazak explained the new physician recruitment program. She said that 11 new doctors and/or PAs would be coming to OCHS soon. She has reviewed the recent new hires and is happy to report that there will be several new family practice practitioners. OCHS is also working with Cape Cod Hospital to develop a prenatal program in Wellfleet and Provincetown.

Sally Deane discussed the plans for a complete rebuilding of the Wellfleet facility, which would provide a significant improvement in urgent care capacity in Wellfleet, among other improvements. She explained that Provincetown will have evening/after hours urgent care service for the summer season again and will have more technical capacity and emergency medicine physicians from Beth Israel Deaconess from 5/27 – 9/7. The medical residency program would be yearround, and they are exploring adding more medical specialties. A suboxone program will be starting in fall, a diabetic educator has been added, and they are in the process of negotiating lease with Bonnie Callas for full-retail pharmacy with drive-through in Wellfleet. This will allow OCHS to buy drugs at government pricing and subsidize low-income patients. They are setting up the process to bill insurances and actively looking for a pharmacist.

Tom Reinhart asked if OCHS needs anything from the Town or citizens to move forward with its endeavors. Bierhans encouraged people to attend Greenhouse Concert on Memorial Day weekend, which is the annual OCHS fundraiser.

Donovan thanked group for the report and their work.

Discussion on Appointing Richard Rosenthal Town Photographer and on Photography Equipment

Rosenthal explained that he would like to continue taking photos for the Town after his retirement in September and is asking the Town to appoint him to be Town Photographer.

Wood expressed concern about creating a new position without any guidelines and asked Rosenthal to draft a job description detailing terms and conditions and bring to the next meeting for discussion.

Proposed Town of Wellfleet Mission Statement

Sieloff explained that Town governments typically have a short statement to use on the Town's website, on various grant applications, and other documents.

Bruinooge said she like the brevity of the statement and read it for the audience:

"The government of the Town of Wellfleet will provide its residents and visitors with a superior level of public service, using fiscal resources efficiently and maintaining a commitment to preserving the environment for future generations."

Hugh Guilderson expressed concern that this statement says nothing about the history or form of government in the Town of Wellfleet.

MOTION 10-0176: Wood moved to adopt the mission statement as written.

Bruinooge seconded, and the motion carried 5-0.

Old Business

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

Bruinooge recused herself.

Bierhans explained that various drafts have been exchanged between Town Counsel and his office, and compromise modifications have been made. Sieloff said that Town Counsel has four or five questions. Wood said he would not vote on this tonight because he wants time to carefully read the document. Sieloff reviewed the questions from Town Counsel. Donovan noted that this situation is similar to the Recreation Dept. – Baker's Field arrangements.

Wood asked about the "exclusive use" provision of the ground lease. Bierhans explained that an amendment is possible, and noted that the Town still owns the property and it can be used by the Town when it is not being used by WPH.

Wood asked whether a fence is anticipated to keep people out of the property. Rice and Bierhans explained that WPH does not own the property so it is not possible to erect a fence. Houk said that he thought the garden/yard area was intended to be used by all residents and visitors at any time. He is not happy about a private enterprise having exclusive use of Town property and he is concerned about the Town is giving up the right to manage Town-owned property to a private entity.

Donovan said he thinks that the board is looking for complete assurance for all time that public will be able to use the public space and will not be excluded. Bierhans said whole purpose for WPH is inclusion, not exclusion.

Moe Barocas said that the starting point is that WPH is doing something that the Town is not capable of doing. The Town would not be able to afford doing a project like this, certainly not at a cost of over \$2M.

Donovan said that the board will revisit this topic at the next meeting on May 25, 2010.

Discussion on Police Chief Position

Donovan said that, due to the imminent retirement of the current Police Chief and the ongoing discussions about regionalization, the board needs to plan how to ensure continuity through any transition. He noted that any discussion of regionalization or personnel changes always brings uncertainty, which is something that should be avoided, particularly at the Police Dept.

Wood said that he thinks that a temporary appointment with no long-term commitment will accomplish the goals of reducing staff and maintaining continuity. He said he favors an Acting Chief with an open-ended contract that is subject to board's terms.

Houk asked Beebe about the projections for regionalization. Beebe said that various short- and long-term efforts are being explored, and that she would like more time to allow that exploration to continue. Houk asked whether this subject could or should be discussed in Executive Session in the near future. Donovan said it is not appropriate for Executive Session, but the board can continue to have discussions with other towns.

Wood asked why the need to rush into making a decision now. Why, from the department's perspective, is it important to select someone now?

Rosenthal said that the Town is not rushing into anything. The Acting Chief position is a placeholder, not a permanent decision.

Beebe agreed, but asked if the Town could wait to appoint a Acting until late June, early July instead.

Jeff Stewart said there are many administrative and day-to-day needs at the Police Dept. that will need to be done now and once the Chief retires, and he favors making formal appointment of an Acting Chief now, before busy summer season arrives.

Rosenthal said that he would like to have at least three months to allow for an effective transition prior to his retirement.

Donovan said that it seems that Town might be putting this off for no apparent reason.

Donovan moved to appoint Lieutenant Ronald Fiset as the Acting Police Chief, effective October 1st, with the term and duration of said acting appointment to be at the will and pleasure of the Board of Selectmen.

Wood said that he needs to understand what appointing an Acting Chief now would mean if we later decide to do something with another Town.

Rosenthal said that the language that is put in the contract would determine the relationship with the Acting Chief.

Houk said sees no reason to rush into this.

Beebe suggested amending motion to say that board should begin negotiations with Lt. Fisette to discuss the Acting Chief position.

Bruinooge suggested that board allow the regionalization efforts to continue for a few weeks or a month.

Donovan withdrew his motion.

On a related topic, Sieloff said that he has been approached by Harwich to look at an agreement for dispatching services, to include police, fire, or both. Houk suggested looking at the County dispatch center, too, which he has heard positive things about. Sieloff said the Sherriff's Dept. is also a possibility, and asked the board for their support to approach various towns and agencies to discuss these opportunities. The board said that Sieloff should go forward.

Future Concerns

Houk asked about status of Marina Advisory Committee and updates to Marina Rules and Regulations. Sieloff said that they were close to being finished and that he would ask the Marina Advisory Committee when they would be coming forward with the finished product. Donovan requested that the board get a copy at least one week prior to review.

Board Reorganization

Wood moved to appoint Houk to be Chair. Houk said that he appreciated the motion, but that he simply does not have the time to be Chair since he works full time.

MOTION 10-0177: Houk moved to appoint Beebe as Chair.

Beebe said that she also works full time, and if Chair, she would need to meet with Sieloff in the evenings and asked if that would be alright. Sieloff said it would.

Wood seconded, and the motion carried 5-0.

MOTION 10-0178: Houk moved to appoint Wood to be Vice Chair.

Bruinooge seconded, and the motion carried 5-0.

MOTION 10-0179: Houk moved to appoint Bruinooge to be Clerk.

Wood seconded, and the motion carried 5-0.

Correspondence & Minutes [April 26, 2010 & April 27, 2010]

MOTION 10-0180: Wood moved to approve the minutes of April 26, 2010.

Donovan seconded, and the motion carried 4-0.

MOTION 10-0181: Wood moved to approve the minutes of April 27, 2010.

Donovan seconded, and the motion carried 4-0.

Adjournment

MOTION 10-0182: Beebe moved to go into Executive Session to discuss union negotiations and non-union contracts, and to not reconvene in Open Session.

Wood seconded, all said yes, and the meeting was adjourned at 9:14 p.m.

Respectfully submitted,
Susan Cox, Executive Assistant