



**Wellfleet Board of Selectmen
Minutes of the Meeting of May 25, 2010
Wellfleet Public Library, 7:00 p.m.**

Present: Chair Jacqueline Wildes-Beebe, Dale Donovan, Jerry Houk, Berta Bruinooge, and Ira Wood; Town Administrator Paul Sieloff.

Chair Jacqueline Wildes-Beebe called the meeting to order at 7:00 p.m.

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

Donovan announced that Wellfleet Cultural Council will have an event celebrating those who have received grants on Saturday, June 5th from 10:00am -12:00noon at the Wellfleet Public Library, with music and refreshments.

Sieloff explained that the cuts in the road and the paving are related to the Water System expansion and that they will be finished with the work within the next week.

Denny O'Connell announced that the Friends of the Wellfleet Libraries Annual Meeting will be held on Sunday, June 6th at the Wellfleet Library. All are welcome to attend.

Wood discussed the Wind Turbine Siting bill and read a draft letter to Rep. Peake and Sen. O'Leary in opposition to the bill. Donovan made a small suggestion about wording.

MOTION 10-0185: Houk moved to send letter as amended.

Wood seconded, and the motion carried 5-0.

Houk announced that the Alzheimer's Walk on Sunday, May 23rd was a great success.

Ned Hitchcock from the Marina Advisory Committee announced that the revised Marina Rules and Regulations were ready to review and distributed copies to the board.

Lilli Greene thanked the board for their initiative in opposing the wind siting legislation, and asked the board to consider also sending a letter to the Speaker of the House, the Cape Cod Commission, and the Massachusetts Municipal Association.

Licenses

Application received May 17, 2010 from Saveur de Pain, Inc. for the Pledge of All-Alcoholic Restaurant License to New England Certified Development Corporation.

Attorney Ben Zehnder for Saveur de Pain, Inc. explained that this is a formality and a condition of SBA financing.

Wood asked if this pledge meant that the liquor license could be assigned. Zehnder said no, and this pledge does not allow the current owner or financier to sell the license.

Beebe asked for clarification that there is no risk to the Town going forward with this pledge. Zehnder said there is no risk to the Town and the Selectmen retain the same control over who is granted an alcohol license in the Wellfleet.

MOTION 10-0186: Donovan moved to approve the application received May 17, 2010 from Saveur de Pain, Inc. for the Pledge of All-Alcoholic Restaurant License to New England Certified Development Corporation.

Wood seconded, and the motion carried 5-0.

Reappointments

Request received May 17, 2010 from Lt. Ronald L. Fisette to reappoint George Spirito, Kevin LaRocco, Mark Sklut, Michael Kubiak, Jared Meegan, and Edward Mitchell as Special Police Officers from July 1, 2010 through June 30, 2011.

MOTION 10-0187: Wood moved to approve the request received May 17, 2010 from Lt. Ronald L. Fisette to reappoint George Spirito, Kevin LaRocco, Mark Sklut, Michael Kubiak, Jared Meegan, and Edward Mitchell as Special Police Officers from July 1, 2010 through June 30, 2011.

Donovan seconded, and the motion carried 5-0.

Use of Town Property

- a) 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.

Discussion continued from meeting of May 11, 2010 concerning two issues: the requirement for insurance and whether the applicant was working with the Recreation Department or COA. The applicant is not affiliated with either department.

Donovan said that he had a problem with having an individual using Town property for profit. Houk agreed and brought up the issue of the donation of land for Mayo Beach by the Baker family to the Town for recreational purposes and access by the public. Beebe said this would be easily solved if the applicant would go through the COA or Recreation Department and pay some portion of the income to the Town.

Audience member Tom Reinhart said he thinks that this would be a good activity for the Town to support, to get people to do yoga and connect with nature.

Bruinooge suggested creating a fee schedule for for-profit businesses to use Town property.

Wood suggested asking the Town Administrator to come up with a fee schedule for this proposal as well as other businesses using Town property, such as for surfing instruction at White Crest.

Audience member Ben Zehnder brought up the issue of OysterFest, which closes down several streets in town for three days. He cautioned that the Town should take all situations into consideration when creating such a fee structure and deciding to whom it will apply.

Donovan suggested simply rejecting this application and not allowing commercial use of Mayo Beach. If the Town starts charging, he fears that the result will be people evading the application process.

Beach Administrator/COA Director Suzanne Thomas suggested the alternative of charging an application fee of \$25 for a Use of Town Property request.

MOTION 10-0188: Bruinooge moved to turn the matter over to the Town Administrator to work out some sort of fee for the use of town property for for-profit purposes.

Wood seconded, and the motion carried 5-0.

- b) Application received May 18, 2010 from Joseph Wanco of the Down Town Merchants Association to use the parking lot opposite Wellfleet Preservation Hall on Saturday, June 19, 2010 for a Classic Car Meet.

Joseph Wanco came forward to explain the details of the proposed event.

MOTION 10-0189: Wood moved to approve the application received May 18, 2010 from Joseph Wanco of the Down Town Merchants Association to use the parking lot opposite Wellfleet Preservation Hall on Saturday, June 19, 2010 for a Classic Car Meet.

Houk seconded, and the motion carried 5-0.

- c) Application received May 3, 2010 from Joanna White to use White Crest Beach from 12:00 – 1:00pm on Saturday, September 18, 2010 for a small wedding ceremony.

MOTION 10-0190: Donovan moved to approve the application received May 3, 2010 from Joanna White to use White Crest Beach from 12:00 – 1:00pm on Saturday, September 18, 2010 for a small wedding ceremony.

Wood seconded, and the motion carried 5-0.

New Business

Review of Personnel Bylaws

Beebe explained that there are multiple undated versions of and a lot of confusion about the Personnel Bylaws.

Donovan mentioned the letter that the board received from the WEA requesting appointments be made to the Personnel Board. He then read the Charter language concerning the Personnel Board and pointed out language in the Personnel Bylaws allowing the Personnel Board “to make determinations necessary in the interpretation and application of this Bylaw.” Donovan said this is an extraordinary grant of authority to the Personnel Board. He noted that both the Town’s insurer and Town Counsel advise to steer clear of a Personnel Board.

Donovan suggested taking an interim step by creating something he called a Personnel and Government Reorganization Task Force. He recommended inviting the recent applicants for the Personnel Board to be on the Task Force, and making their first order

of business to review and revamp the Personnel Bylaws, taking into consideration the appropriate federal and state labor laws, Wellfleet policies, and the various union and employment contracts in effect. Donovan then read a list of suggested duties for the Task Force, including (1) Review the Groux Report and study additional areas for possible consolidation/coordination of Town Departments; (2) Recommend role (if any) for Personnel Board; (3) Consider "Regional" Human Resources Department; and (4) Present recommendations to Board of Selectmen in time for Fall Town Meeting/Annual Town Meeting.

Bruinooge and Beebe supported Donovan's suggestion and agreed that this would be a good first step. Houk commented on the obvious need to consult Town Counsel on occasion and suggested going through Town Administrator to manage the legal costs to the Town.

Town Counsel Darren Klein said the Personnel Bylaws need to be updated and there appear to be many inconsistencies in the various versions. He said that, from his legal perspective, the Bylaws are problematic and unworkable right now. He recommended that they be cleaned up before the Personnel Board attempted to do any work with them.

Beebe said that board would take task force concept under advisement and move forward with further discussion at next meeting.

Discussion on Barnstable County Dispatcher Study Grant

Sieloff explained that he is asking for support from the board to send a letter requesting that Wellfleet be included in a study looking at consolidating 911 services.

Police Lt. Ron Fisette explained that the funding for this study is coming from the State's telecommunications budget.

MOTION 10-0191: Wood moved to support sending a letter requesting that Wellfleet be included in the study concerning consolidation of 911 services.

Donovan seconded, and the motion carried 5-0.

Old Business

Continued Discussion on Appointing Richard Rosenthal Town Photographer and on Photography Equipment

Wood read a draft job description that he prepared with the addition of the words "and is voluntary" at the end of the second sentence. Donovan said he thinks that there was a bit of confusion about this issue from the start, in part due to Rosenthal's modesty in making his initial request. To eliminate the confusion, Donovan suggested specifically naming Richard Rosenthal Town Photographer so that he may continue to document the events of the Town photographically.

Bruinooge agreed with Donovan, but also agreed with Wood that when creating a new "Town" position of any kind, it is good to have some guidelines. Houk disagreed with the creation of the position, saying that 9 out of 10 people he talked to said not to do it.

MOTION 10-0192: Donovan moved to approve the draft as amended and with the insertion of Richard Rosenthal's name.

Bruinooge seconded, and the motion carried 4-0-1.

Wood agreed to send the letter of appointment to Rosenthal along with the board's appreciation.

Parking Safety Concerns at Marina

Beebe reviewed a report from Chief Rosenthal and the Harbormaster stating that current traffic situation at the Marina seems to be fine and that there have been no incidents, even in the summer season.

Tom Reinhart asked about frequency of school buses at the Marina during the busy season. Bruinooge said that in her experience at the Beach Office over the years there are often quite a few school busses with children at the Marina. Houk said that whenever children are involved, the Town should always err on the side of caution.

Beebe said that the board is taking no action at this time and thanked Chief Rosenthal and the Harbormaster for the report.

Management Agreement with WPH

Sieloff explained that he recently gave a draft of the updated management agreement from Town Counsel to Wood to review and edit. Sieloff expects to be ready for the continued discussion with Wellfleet Preservation Hall at the meeting on June 8, 2010. Houk said that he had not seen any draft and that he and the other board members would like to be informed for the discussion as well. Sieloff said he would get a copy to Houk and the others immediately.

Future Concerns

Beebe reviewed a list of future issues that she prepared, including:

- Marina Rules & Regs
- FY12 Budget Discussion and Policy Statement
- Personnel Bylaws/Personnel Board/Human Resources
- Police Chief and Police Regionalization
- Municipal Water System
- Changes to the Open Meeting Law

Correspondence & Minutes [May 11, 2010]

MOTION 10-0193: Wood moved to approve the minutes of May 11, 2010.

Donovan seconded, and the motion carried 5-0.

Adjournment

MOTION 10-0194: Donovan moved to go into Executive Session to discuss strategy regarding collective bargaining and other disciplinary issues, and to not reconvene in Open Session.

Wood seconded, all said yes, and the meeting was adjourned at 8:20p.m.

Respectfully submitted,
Susan Cox, Executive Assistant