



## Wellfleet Board of Selectmen Minutes of the Meeting of July 13, 2010 Wellfleet Council on Aging, 7:00 p.m.

**Present:** Chair Jacqueline Wildes-Beebe, Dale Donovan, Jerry Houk, Berta Bruinooge, and Ira Wood; Assistant Town Administrator Rex Peterson.

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

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

Houk reminded the town of a benefit for Alzheimer's Services of Cape Cod and the Islands on Sunday, August 8 from 3 p.m. – 7 p.m. at the Inn at Duck Creeke. Volunteers are needed to help with parking.

Houk announced that Phillipe Rispoli of PB Boulangerie Bistro will be hosting the Mayor of Lyon, France in Wellfleet. Houk proposed that the Selectmen greet the Mayor and perhaps adopt Lyon, France as a sister city.

Donovan announced that the Friends of the Wellfleet Libraries had their book sale this past Sunday and that they broke all previous July sales records by \$1,000. They have another sale coming up in August. Jeffrey Stewart commended the Friends of the Wellfleet Libraries on their hard work and "pure volunteerism."

Kathleen Bacon stated that she is disappointed in the decision to reappoint Gerald Parent to the Planning Board.

### **Use of Town Property**

Request by Diane Blount for use of town property to sell Dances with Oysters t-shirts at Wellfleet Recreation square dances.

**MOTION 10-0225:** Donovan moved to approve the request from Diane Blount for use of town property to sell Dances with Oysters t-shirts at Recreation square dances as a partial fundraiser for the Wellfleet Recreation Department.

Wood seconded. Motion passed 5-0.

Request received from the AIM thrift shop for use of the Town Hall driveway for an art sale on Saturday, July 31 from 10 a.m.-1 p.m.

**MOTION 10-0226:** Donovan moved to approve the request from the AIM thrift shop for their art sale on the July 31.

Wood seconded. Motion passed 5-0.

### **Licenses**

Application received June 15, 2010 from Marla Rice of Wellfleet Preservation Hall for a One Day Beer and Wine License from 5:30-7:30 p.m. on July 17, 2010.

*Bruinooge recused herself.*

**MOTION 10-0227:** Wood moved to approve the request from Wellfleet Preservation Hall for a One Day Beer and Wine License from 5:30-7:30 p.m. on July 17, 2010.

Houk seconded. Motion passed 5-0.

*Bruinooge rejoined the meeting.*

### **Appointments**

Request received June 24, 2010 from Jack Gould to be a member of the Personnel Task Force.

Gould briefly explained his qualifications as an attorney and his interest in the Personnel and Organizational Task Force. Gould does not live here full-time but assured the board that he could attend all of the meetings.

**MOTION 10-0228:** Wood moved to appoint Mr. Gould to the Personnel and Organizational Task Force.

Wood seconded. Motion passed 5-0.

Request received July 1, 2010 from William Sullivan to be a representative to the Cape Light Compact.

**MOTION 10-0229:** Wood moved to appoint William Sullivan as the representative to the Cape Light Compact.

Donovan seconded. Motion passed 5-0.

Request received July 7, 2010 from Kathryn Hubby to be an alternate representative to the Cape Light Compact.

**MOTION 10-0230:** Wood moved to appoint Kathryn Hubby as the alternate representative to the Cape Light Compact.

Donovan seconded. Motion passed 5-0.

Request received July 6, 2010 from Robert Walter to be a member of the Council on Aging Board.

**MOTION 10-0231:** Donovan moved to appoint Robert Walter as a member of the Council on Aging Board.

Wood seconded. Motion passed 5-0.

### **Use of Town Property, Cont.**

a) Application received June 15th, 2010 from Marla Rice of Wellfleet Preservation Hall to use the gardens behind Wellfleet Preservation Hall on Saturday, July 17, 2010 from 5:30p.m.-7:30 p.m. for a fundraiser for Preservation Hall.

*Bruinooge recused herself.*

**MOTION 10-0232:** Donovan moved to allow Wellfleet Preservation Hall to use the gardens behind Preservation Hall on Saturday, July 17, 2010 from 5:30 p.m.-7:30 p.m. for a fundraiser for Preservation Hall.

Wood seconded. The motion passed 5-0.

*Bruinooge rejoined the meeting.*

b) Application received June 28, 2010 from Richard Thaler to use the Wellfleet Elementary School baseball diamond for a softball game of 15-20 people.

Jeanne Maclauchlan will notify Richard Thaler that he must contact the school committee to obtain approval.

c) Application received June 29, 2010 from Katherine Weeks and Rachael Finn to use Wellfleet Oceanside beaches including White Crest, Newcomb Hollow, and Cahoon Hollow for surf lessons.

**MOTION 10-0233:** Donovan moved to approve the use of White Crest Beach only for surf lessons. Wood seconded. Motion passed 5-0.

### **Licenses, Cont.**

Attorney Ben Zehnder requested that PB Boulangerie be allowed to bring in an accordion player for the opening night of the restaurant's dining room on July 14, 2010.

The board announced that it would formally vote on the entertainment license at a future meeting when the request is on the agenda.

### **Public Hearing**

#### **Marina and Harbor Rules and Regulations**

A public hearing on the newly rewritten Marina and Harbor rules and regulations:

The Marina Advisory Committee began reworking the rules in 2008, and the new set of rules that are being discussed are a product of two and a half years of the Committee's work. Some of the major changes in the rules include requirement of insurance, vessel berthing area, and Harbormaster responsibilities.

Donovan asked the Committee for a clear explanation of the changes to the rules and asked for their expected impact on various groups. For example, insurance requirements, regulations limiting boats from coming in to use the harbor, and the addition of slips as property rather than leases.

Ned Hitchcock said that the new regulations seek to put into writing what has been customary at the Wellfleet Marina. One of the most significant changes is that all motorized vessels and any vessel that is 14' or longer would have to obtain liability insurance under the new rules. The requirement would apply to both recreational and commercial boats and would protect the town from being held liable for accidents.

Hitchcock explained that, traditionally, if the owner of a mooring dies, the owner's spouse or child is given the option to acquire the slip. Hitchcock noted that the pier, as it was reconstructed in 1998, is now capable of accommodating vessels of up to 150' in length. However, the new set of rules caps boat length at 75', up from the 65' that was previously allowed.

Beebe said that there should be means to revoke a lease if someone does not pay their slip fee.

The Selectmen debated the pros and cons of allowing spouses and children to acquire slips upon the death of a slip owner. They noted the low slip turnover and the long waiting list. Flanagan said that six slips turned over this year, but that during many years, there is no slip turnover.

Beebe opened the discussion to public comment.

David Ziemba, commercial fisherman, said that he opposed the new regulation for increasing boat length to 75'. He noted that the new requirement for liability insurance on his boat negatively affects his ability to fish profitably in Wellfleet. He argued that a smaller limit for boat length would allow the Wellfleet Marina to accommodate more people and that it would benefit local fishermen.

Peter Kelly-Joseph, a former seasonal assistant harbormaster, submitted a letter to be read. In his letter he stated his strong opposition to boat slip transfer to deceased slip owners' spouses and children.

Several people voiced dissatisfaction concerning the new provision that allows boats of 75' in length at the Marina.

Selectmen discussed the possibility of discontinuing the public hearing either for the long-term or until another public forum might be scheduled.

Bob Gross mentioned that the Marina Advisory Committee will be meeting again on July 21, that they could consider feedback and make changes at that time, and that they could bring back a revised draft to a future Selectmen's meeting.

The Selectmen decided to continue the discussion in the future. Marina and Harbor Rules and Regulations will be put on the agenda under old business for the Selectmen's meeting on August 10.

### **New Business**

#### **Herring River Restoration Project Presentation by Members of the Herring River Restoration Committee, [Gary Joseph, Tim Smith, Margo Finn].**

The group is developing a federal and state environmental impact statement. It is also identifying methods for restoring tidal flow while addressing a myriad of environmental and social issues related to the project. The Friends of Herring River will be giving a presentation at the Wellfleet Council on Aging on August 17, 2010.

More information on the project can be found at the following website: [www.friendsofherringriver.org](http://www.friendsofherringriver.org).

#### **Discussion on proposed Lower Cape Community Access Television contract [Tom Cole, Barbara Gray]**

Cole spoke about the contract between the Town and the new Community Access Corporation.

Woods asked for an explanation of the fee structure; Cole explained the fee structure.

Wellfleet is one of five towns involved with this community access television project. Cole would have the Selectmen approve it tonight but hold off on signatures until a date when all other 4 towns have gotten approval to fund their share, or he would have the Selectmen approve the contract at a later date.

Cole thought that all 5 towns should know if they have approval by the end of August 2010.

**MOTION 10-0234:** Donovan moved to approve the contract but hold off on signing until being assured of approval from other towns.  
Wood seconded. Motion passed 5-0.

Rex Peterson added that Comcast has already left the Orleans studio and that Lower Cape Community Access Television group has asked for a contribution of \$5,000 from each town to allow continued operation until the non-profit is in place.

The money has already been paid by Comcast to the town, and the Town Accountant requires a vote by the Board for authorization.

**MOTION 10-0235:** Wood moved to pay the \$5,000 for continued operation of Lower Cape Community Access Television.  
Houk seconded. Motion passed 5-0.

#### **Disclosure of Conflict of Interest [Tom Cole]**

**MOTION 10-0236:** Donovan moved that Tom Cole's and Olga Kahn's previous involvement with Comcast does not represent a conflict of interest.  
Wood seconded. Motion passed 5-0.

### **New Business**

Jacqueline Beebe announced to the Board of Selectmen that the Town received a complaint concerning the sandblasting of the water tower from an abutter to the water tower on June 26, 2010. Hillary Greenberg and consultants from Environmental Partners Group viewed the site, determined

that there was a problem, and Greenberg issued a cease and desist order until compliance could be reached. All parties have met, and the subcontractor created a proposal for coming into compliance per Greenberg's order. Greenberg determined that the proposal was not sufficient, and negotiations with the subcontractor continue. Currently, there is no sandblasting or painting.

### **Old Business**

#### **Discussion on Wellfleet Police Chief Appointment**

The Board of Selectmen discussed the appointment of Lieutenant Ron Fisetto as acting police chief as of October 1, 2010 to serve at the pleasure and under the terms of the Board of Selectmen.

**MOTION 10-0237:** Donovan moved to appoint Ron Fisetto as acting chief of police based on the language put to the Board of Selectmen by Town Counsel.  
Houk seconded. Motion passed 5-0.

[The text written by Darren Klein and referenced above is the following: "I move to appoint Lieutenant Ronald Fisetto as the Acting Police Chief, effective October 1<sup>st</sup>, with the term and duration of said acting appointment to be at the will and pleasure of the Board of Selectmen."]

#### **Participation in Provincetown Monument Parade**

Wellfleet will be sending a police car to the parade which is on Thursday, August 5<sup>th</sup>, 2010. Beebe asks anyone who wants to participate with the town police to let her know.

#### **Proposal for Contract for Fire Chief**

Discussion will be held in executive session on the meeting of July 27, 2010.

Beebe received a report on the Barnstable County Water Protection Collaborative, and she would like to schedule a joint meeting in September or October between the Board of Water Commissioners, the Wastewater Planning Committee, and the Board of Selectmen in order to update the Selectmen. Beebe will see when all of the parties can get together.

The Cape Cod Commission asks for a Representative from the Wellfleet Board of Selectmen for the Cape-Wide Ocean Management Planning's District of Critical Planning Concern. Ira Wood volunteered for the position. If unable to attend any of the four meetings, he will first approach the other selectmen about filling in for him, but he asks that Paul Sieloff have a staff member go if no selectman is available.

**MOTION 10-0238:** Donovan moved to appoint Ira Wood as the representative to the Ocean Management Planning's District of Critical Planning Concern, and that a staff-person be designated by the Town Administrator as an alternate.  
Motion passed 5-0.

### **Adjournment**

**MOTION 10-0239:** Wood moved to adjourn at 9:40 p.m.  
Donovan seconded. Motion passed 5-0.

Respectfully submitted,  
Christin Marshall, Executive Assistant