



**Wellfleet Board of Selectmen
Minutes of the Meeting of August 31, 2010
Wellfleet Council on Aging Building, 7:00 p.m.**

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

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

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

Houk thanked Wellfleet residents and other attendees for a successful auction that raised \$22,000 for Alzheimer's Services of Cape Cod.

Wood called attention to Town Administrator Paul Sieloff's proactive work with NSTAR. Sieloff organized a group of volunteers to cut down and remove brush from under power lines that otherwise would have been sprayed with an herbicide as part of NSTAR's land management practices.

Fisette announced that the Police Department will be teaming up with the DEA to host a medication collection event on Saturday, September 25, from 10 am-2 pm, at the Wellfleet Police Station. People may drop off expired medication or medication that is no longer needed, and the DEA will properly and responsibly dispose of the material.

Friends of the Wellfleet COA will be having a fundraiser in which ten local restaurants will contribute a percentage from their profits to the group. The fundraiser will be taking place at various local restaurants during the month of September, and postcards with participating businesses are available at the COA. The money that is raised will go towards paying for transportation for Wellfleet residents.

Suzanne Grout Thomas announced that all remaining lifeguards have been sent to cover the most populated beaches, Newcomb Hollow and White Crest. "No Lifeguards on Duty" signs are posted at all 4 oceanside beaches. When lifeguards are on duty, covers are placed over the "No Lifeguards on Duty" signs.

Fire Chief Silverman announced that the Town placed an advertisement to sell the Fire Department's decommissioned ambulance. The advertisement asked for \$5,000, and at that level, there were no bidders. The Town did receive one bid for \$3,600. The Fire Chief asked the Board of Selectmen to donate the decommissioned ambulance to the Cape and Islands Chapter of the American Red Cross citing Motion 10-0217 that was passed at the June 22, 2010 meeting wherein the Board of Selectmen moved to donate the vehicle to the Red Cross if a bid did not exceed \$5,000.

MOTION 10-0251: Wood moved to donate the Fire Department's surplus ambulance to the Cape and Islands branch of the American Red Cross for use as an emergency response vehicle. Houk seconded. Motion passed 5-0.

Clerk Dawn Rickman explained that, in the past, the oldest resident of Wellfleet has received an honorary gold-capped cane. For the past few years, the Town has not bestowed the actual cane to the oldest resident of Wellfleet, but rather, has given the oldest resident a certificate representing that they are the honorary owner of the cane. The oldest resident of Wellfleet, Rita M. Rose, has earned the gold-capped cane. Rickman asked that the Board acknowledge the honor and that the Chairman sign the certificate.

Motion 10-0252: Donovan moved to acknowledge the honor and sign the certificate for Rita M. Rose. Wood seconded. The motion passed 5-0.

Public Hearing [7:30]

Hearing on the request from Alex Hay and Lisa Brown of S.P.A.T. for a two day beer and wine license for Oysterfest.

Application received on July 22, 2010 from Alex Hay and Lisa Brown of S.P.A.T. for a two day beer and wine license at the contained beer and wine tent behind Town Hall on Saturday, October 16, 2010 from 10:00 am to 4:00 pm, and Sunday, October 17, 2010 from 12:00 pm to 4:00 pm for the Wellfleet Oysterfest.

MOTION 10-0253: Houk moved to approve an application received on July 22, 2010 from Alex Hay and Lisa Brown of S.P.A.T. for a two day beer and wine license at the contained beer and wine tent behind Town Hall on Saturday, October 16, 2010 from 10:00 am to 4:00 pm, and Sunday, October 17, 2010 from 12:00 pm to 4:00 pm for the Wellfleet Oysterfest. Wood seconded. The motion passed 5-0.

Use of Town Property

Application received July 22, 2010 from Alex Hay and Lisa Brown of S.P.A.T. for use of Town Property for Oysterfest weekend. S.P.A.T. requests the following: Town Hall parking lot closed from Thursday, October 14, 2010 through Sunday, October 17, 2010. Back half of Town Hall parking lot closed from Wednesday, October 13, 2010 at 6:00 am to Thursday, October 14, 2010 and from Sunday, October 17, 2010 through Tuesday, October 19, 2010 at 8:00 am. Main Street Church parking lot closed from Saturday, October 16, 2010 at 1:00 am until Sunday, October 17, 2010 at 7:30 pm with towing signs posted. Town Hall back hall for storage, Town Hall conference room for limited use by CERT Communications & Emergency Response Team, all ocean beach parking lots except Cahoon Hollow, the Town Pier parking lot, Main Street from Bank Street to Holbrook on October 16 and 17, 2010.

MOTION 10-0254: Donovan moved to approve the use of Town Property for Oysterfest weekend. Wood seconded. The motion passed 5-0.

Licenses

Application received August 3, 2010 from Moveable Feast for a Common Victualler's License for 2010.

MOTION 10-0255: Wood moved to approve the application received August 3, 2010 from Moveable Feast for a Common Victualler's License for 2010. Bruinooge seconded. The motion passed 5-0.

Appointments

Request received August 11, 2010 from Thomas Reinhart to be a member of the Energy Committee.

MOTION 10-0256: Wood moved to appoint Thomas Reinhart as a member of the Energy Committee. Donovan seconded. The motion passed 5-0.

Use of Town Property, Cont.

Application received August 13, 2010 from Katie McDonald and Russell Murphy, Jr. for use of Baker's Field tent for a wedding ceremony of less than 50 people on September 4, 2010 from 1:00 p.m. – 2:00 p.m.

Due to the threat of Hurricane Earl, the Baker's Field tent will be taken down and will be unavailable for the wedding.

MOTION 10-0257: Wood moved to grant the request for the use of Baker's Field minus the use of the tent. Donovan seconded. The motion passed 5-0.

New Business

Discussion of appointment of a Director to Lower Cape Community Access Television, Inc. and approval of LCCAT contract [Tom Cole]

Sieloff noted that the contract for LCCAT, Inc. is still being completed, and that it is not ready to be discussed. However, he recommended that the appointment of a Director be voted upon. The contract for LCCAT will be discussed at the next Selectmen's meeting on September 14, 2010.

MOTION 10-0258: Donovan moved the appointment of Barbara Gray as the director of the Lower Cape Community Access Television, Inc. Bruinooge seconded. The motion passed 5-0.

Discussion on possible Board of Selectmen/FinCom special joint meeting on Wednesday Sept. 22, 2010.

The Board agreed to a Board of Selectmen and FinCom joint meeting on Wednesday, September 22, 2010.

Discussion and possible motion to send legislative request to Senator O'Leary and State Representative Peake endorsing request from Ben Zehnder

Beebe recused herself.

Zehnder asked that the Board of Selectmen endorse a motion to send to Senator O'Leary and Representative Peake a letter supporting the granting of an easement on 50 Beach Street, Wellfleet. Zehnder agreed to draft a cover letter to be sent to Senator O'Leary and Representative Peake. The draft cover letter will then be sent to Town Hall to be put on Town letterhead and sent to the elected officials.

MOTION 10-0259: Donovan moved to send a letter to Senator O'Leary and Representative Peake supporting an easement on 50 Beach Street, Wellfleet. Houk seconded. Motion passed 4-0.

Beebe rejoined the meeting.

Presentation on DiscoverWellfleet.com [Paul Pilcher]

The creators of the website hope to attract visitors to Wellfleet, especially during the off-season.

Pilcher announced that there will be a meeting at W.H.A.T.'s Julie Harris Theater on Wednesday, September 15 at 10am. The meeting is open to all businesses, nonprofits, and residents to learn how to add information to the website to promote their business or organization. To get involved, organizations can register on the website.

Monetary funding for the project was provided by the Town of Wellfleet, the Cape Cod Commission, the Wellfleet Chamber of Commerce, and W.H.A.T. Ongoing funding is expected to come from advertisements on the website.

Discussion on Finely JP's noise complaint

Alice Kelly explains the subwoofer noise coming from Finely JP's that is the basis of her noise complaint. Wellfleet Police Lieutenant Ron Fisette notes that officers have gone to Finely JP's and have recognized the subwoofer problem on 10 occasions. Fisette notes that the police can issue citations each time if the Board so pleases. Wood would like to hear from Mr. Pontius the owner of JP's to see what he can do to mitigate the noise problem. Houk encourages the police to write a noise violation. Beebe felt that it has been blatant disrespect and thinks that JP's entertainment license should be suspended until the next meeting. Beebe asked Fisette for a police report concerning noise complaints about JP's for the upcoming weekend.

MOTION 10-0260: Donovan moved to approve whatever legal measures are necessary by the police to see that this noise and disruption ceases immediately. Houk seconded. Motion passed 5-0.

Discussion on authorization to use rubber stamps on Social and Human Services contracts

Beebe noted that at a previous meeting, a motion was passed that authorized the use of rubber stamps if all five Selectmen voted in the affirmative.

Grout Thomas asked the Board to anticipate a large increase in what is asked for the Social and Human Services budget in the fall.

MOTION 10-0261: Donovan moved to approve the use of signature stamps on Social and Human Services contracts. Wood seconded. Motion passed 5-0.

Discussion on Marina Rules and Regulations

Many audience members commented on the various insurance options for boats.

Wood has an issue with a passive voice phrase on page 3c, and he would like for the sentence to read that the "Harbormaster may cancel a rental agreement."

Donovan asked that the Marina Advisory Committee take one last look at the rules and regulations, combine information and revisions and send that information to Town Counsel for review with some other outstanding questions that the Board of Selectmen might have.

Hitchcock was not satisfied with what Donovan proposed, and said that he would like an "up or down vote," because he would like to identify issues before the rules are sent to Town Counsel so that the Marina Advisory Committee can respond if there are issues.

It was agreed that Ned Hitchcock would create a unified document that he would send to the Town Administrator who would then forward it to Town Counsel.

MOTION 10-0262: Wood moved to accept the draft as submitted and amended and to forward the rules and regulations to Town Counsel for review. Bruinooge seconded. Motion passed 5-0.

Discussion on possible Marina fiscal and operations review

Mark Abrahams, CPA, has proposed to create a formalized indirect cost plan for the Marina Enterprise fund versus what is charged to the General fund. Sieloff believes that the study by Abrahams would allow for good, long-term financial planning in relation to future revenues and costs for the Marina. Abrahams has worked with the Water Enterprise Fund and Sieloff believes that the Board of Water Commissioners would give Abrahams a very good review. The Marina Management Services proposal would look at the marina from a broader, full business standpoint.

Bruinooge opposes spending the money for either of the studies. She believes that what is proposed can be done "in-house" with the help and input of the Marina and the Marina Advisory Committee. Houk thinks that the Massachusetts Department of Revenue Report 2009 is a good review of the Marina.

Donovan thinks that the second proposal would be a good move that would help to maximize the potential of where the Marina might want to go in the future.

Beebe looks at these studies not as a witch-hunt but as a way to make the Marina better. She thinks that specialists can help to do things better and to determine what is realistic and what is not.

Houk believes that Flanagan can obtain much of the information that a consultant can provide simply by going to other Marinas and talking to other Harbormasters.

Wood would like to see a progress report by the State Department of Revenue. If progress is being made on their recommendations, then the consultant is a moot point. If progress has not been made, then he believes that the issue of consultant should be revisited.

Sieloff noted that he obtained the DOR report six months ago, and when he looked at the Marina's progress, he saw that some items were being implemented, but some were not. He thinks that the studies would be very helpful especially for finding out about indirect costs and revenue calculations.

Beebe wants to see a definitive statement from the DOR on what the formula must be for indirect costs.

MOTION 10-0263: Wood moved to charge the Harbormaster to provide a progress report on the DOR study by November 15, 2010. Donovan seconded. The motion passed 5-0.

Discussion on proposed Fall Town Meeting on October 25, 2010

The Selectmen and the Town Administrator decided that current circumstances do not warrant a Special Town Meeting this fall, so none will be held unless an urgent need occurs by the end of the year.

Discussion on enforcement of Beach Rules and possible proposal

Fisette said that the police had inspected several beaches, found some violations, and mitigated and resolved the issues that they came across

Future Concerns

Donovan notes that the Board will soon need to do the Town Administrator evaluation. The evaluation process will be put on the agenda for the next Board of Selectmen meeting.

Adjournment

MOTION 10-0264: Beebe moved that the Selectmen go into Executive Session. Houk, Bruinooge, Wood, and Donovan each said yes and the meeting was adjourned at 9:25 p.m.

Respectfully submitted,
Christin Marshall, Executive Assistant