



**Wellfleet Board of Selectmen
Minutes of the Meeting of September 28, 2010
Wellfleet Library, 7:00 p.m.**

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

Jacqui Beebe called the meeting to order at 7 p.m.

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

Paul Pilcher announced that an informative, introductory seminar for the Discover Wellfleet website will be held for businesses and nonprofits on Tuesday, October 5, at 7pm at the Wellfleet Library.

Ben Zehnder announced that on Monday, October 18, at 5 pm, there will be an opportunity for interested parties to make suggestions to the Personnel Task Force in the Town Hall Hearing Room.

Donovan announced a Wellfleet Chamber of Commerce Garden Party Fundraiser for Katie Sugg, a local "volunteer extraordinaire" with a serious medical condition. The Sandpiper Gallery will be hosting the party and fundraiser at 55 Commercial Street behind Wellfleet Town Pizza and the Sandpiper Gallery on Wednesday, October 6, from 3-7 pm. The fundraiser will include refreshments, a silent auction, and music; food donations are welcome.

Town Administrator, Paul Sieloff announced to the Board that the interim contract between the Town of Wellfleet and the acting Wellfleet Police Chief Ron Fissette is ready for approval and signatures¹.

Sieloff announced that a group of volunteers cut and removed brush from beneath the NSTAR power lines for a second time. If action had not been taken, the vegetation could have been sprayed with an herbicide as part of NSTAR's land management practices. Sieloff explained that the work of removing vegetation has been done only on Town property and that it has been completed by volunteers with only a few hours of assistance from Town employees.

Public Hearings [7:05]

CPC Needs Hearing [Mary Rogers and Peter Hall]

Peter Hall of the Community Preservation Committee (CPC) handed out and read the Wellfleet Needs Assessment List 2010². He noted that the document was divided into community housing needs, open space, and recreation.

After Hall listed a bathhouse at Mayo Beach in the needs assessment, Sieloff mentioned that he hoped that the CPC will be a leader in initiating the construction of a bathhouse at that location. Hall responded that a community member must suggest the bathhouse to the CPC, so Sieloff agreed to communicate with Alex Hay of S.P.A.T. who has been enthusiastic about having a bathhouse at Mayo Beach. Hall indicated that if Hay or another community member brings the idea to the CPC, the CPC could bring it up at the Town Meeting.

Licenses/Appointments/Reappointments/Use of Town Property

Request received September 20, 2010 from Martha Wilson to be a member of the Citizens Economic Development Committee.

Request received August 24, 2010 from James Lotti to be a member of the Citizens Economic Committee and the Cable Advisory Committee.

Request received September 21, 2010 from Elisabeth Smith to be a member of the Cultural Council.

MOTION 10-0272: Donovan moved to approve the appointment requests of Martha Wilson, James Lotti, and Elisabeth Smith. Wood Seconded. Motion passed 5-0.

New Business

Abutter's Construction Issue with Wellfleet Habitat for Humanity House [Barbara Epstein]

Epstein announced that at the Annual Town meeting in 2007, the plans for a Wellfleet Habitat for Humanity house abutting her property showed the construction of the Habitat home at an acceptable distance away from the location of her house. Habitat brought new plans to the Board last year; those plans put the house much closer to Epstein's home. Epstein expressed disappointment with the Town for failing to notify abutters of changes in plans.

Public Hearings, Cont. [7:30]

Tax Rate Classification Hearing [Nancy Vail]

The Wellfleet Board of Selectmen conducted a public hearing on the issue of allocating the local property tax levy among the five classes for the fiscal year 2012. The Board of Assessors recommended allocating the tax rate uniformly between residential and commercial entities. The Board of Selectmen has traditionally voted based on the recommendation of the Board of Assessors.

MOTION 10-0273: Donovan moved to allocate the tax rate uniformly between residential and commercial entities. Wood seconded. Motion passed 5-0.

Cancellation of Annual Wine and Malt Beverage License

A public hearing to consider the cancellation of the Annual Wine and Malt Beverages License of Kaybee Restaurant Enterprises, LLC, d/b/a Angry Tomato.

MOTION 10-0274: Donovan moved to cancel the Annual Wine and Malt Beverages License of Kaybee Restaurant Enterprises, LLC, d/b/a Angry Tomato. Bruinooge seconded. Motion passed 5-0.

Extension of Seasonal Package Store License

A public hearing to consider the request from Wellfleet Wine & Spirits, Inc. to extend the Seasonal Package Store License through January 15, 2011.

Houk and Bruinooge thought that it was unfair to liquor stores that stay open all year to have competition from stores that extend a seasonal liquor license through the lucrative holiday season. Donovan said that an extension could be a detriment to downtown business.

MOTION 10-0275: Donovan moved to deny the extension. Bruinooge seconded. Motion passed 4-1. Beebe opposed.

The owners of Wellfleet Wine and Spirits, Inc. asked if the Board would be amenable to an application for a year-round license. The Board said that they would be.

Canoe Rack Fees [Suzanne Grout Thomas, John Ryerson]

A public hearing to consider raising canoe rack fees at Gull Pond to \$100.00 per season.

Beach Administrator Suzanne Grout Thomas announced that this summer's revenues tripled over the last year at the canoe racks because of the addition of more racks and the installation of tie-offs for Sunfish boats. She and Ryerson believe that they will still fill all of the available racks at the price of \$100.00.

Barbara Epstein mentioned that her family would not purchase a rack if the price increased to \$100.00 because her family is only here for two weeks out of the summer.

MOTION 10-0276: Donovan moved to raise the canoe rack fees to \$100.00 per season. Wood seconded. Motion passed 5-0.

Nuisance Complaint - Troutbrook Kennels

A public hearing to consider a nuisance complaint filed regarding noise and the safety of animals at Troutbrook Kennels.

Attorney Ben Zehnder represented the owner of Troutbrook Kennels, Mr. Robert Wiles. Zehnder handed the Board and the Town Administrator several letters of support written by Wiles' customers³.

The nuisance complaint that was filed alleges excessive barking and two incidences in which dogs escaped from the kennel. In one recent instance, the escaped dog was struck and killed on Route 6. The complaint noted that Mr. Wiles did not notify the Wellfleet Police or Animal Control when he discovered that the dogs were missing.

Zehnder explained that, in the aforementioned situation, the dog's owner did not properly lock the kennel gate, allowing for the dog to escape. Zehnder noted that Wiles' kennel is the only public boarding kennel in Wellfleet and that the Animal Control Officer, Lorial Russell, did an inspection of the kennel, and found that the kennel met all requirements for sanitation, run size, maintenance, and care. Wood asked Mr. Wiles how he is prepared to make sure that an animal does not escape again. Mr. Wiles announced that he reinforced the gates and that he will implement a system in which dogs must be checked out by owners. Bruinooge asked the Animal Control Officer for her opinion on the Troutbrook Kennels. The Animal Control Officer reported that three dogs have escaped in three years. She noted Mr. Wiles never contacted her in any of the instances in which dogs have escaped. She reported one incident of escape in 2007 and two incidences of escape in 2010.

Diana Sklar, a resident living in the neighborhood near the kennel, expressed concern that Mr. Wiles is unable to take proper care of the animals. She noted that he made no attempt to find the missing dogs. She asserted that the kennel is not just a nuisance but a safety hazard.

Wood would like for Mr. Wiles to have an opportunity to repair the situation before the Board takes a drastic step like revoking Wiles' business license.

A neighbor to Troutbrook Kennels, Michael Bagley, reported that he has exhausted all avenues of complaint. Reports to the police do no good because there is no 'barking dog by-law.' He purported that constant barking is debilitating; he asserted that his complaint about the kennel is not a personal vendetta but a last attempt to find sanity in his home. He asked the Board to create some type of stipulation that might remediate the situation of barking dogs.

Beebe noted that Mr. Wiles must work towards accomplishing the following three things: supervising animals when they are outside, making changes that enhance dog safety since dog owners pick up dogs after hours, and being open to another inspection by the Town Health Agent. Beebe asked Mr. Wiles to establish a new protocol to address all of the issues.

Old Business

Bruinooge asked the Board to make a decision on the issue of changing the location of the Wellfleet Board of the Selectmen meetings to the Council on Aging (COA) building year-round. Bruinooge noted that the COA is a superior location because it is a larger indoor space with better parking. Beebe said that one downfall to having the meetings at the COA is that the sound system should be changed, and residents often complain that they can not hear the Selectmen on the Cable Access Channel when meetings are held at the COA. Director of the Council on Aging, Suzanne Grout Thomas, said that she has received a quote from Hyannis Sound to improve the COA sound system for \$8,000.

Donovan said that he found moving the meetings to be helpful, and he wondered during which month finding a place to park at the Wellfleet Library becomes less of a concern. Donovan also mentioned that nonprofits which use the COA might be willing to donate money towards a new sound system.

Sieloff suggested that the BOS meetings be held for 6 months at the COA and 6 at the Library.

MOTION 10-0277: Donovan moved, assuming that the schedule of the Wellfleet Council on Aging allows, to hold the Board of Selectmen meetings at the Council on Aging building from April through September. Bruinooge seconded. Motion passed 5-0.

Bruinooge will keep track of the seasonal parking differences at the library. Meetings will begin as of next April.

Charging Fees for Nonprofits

Houk announced that Oysterfest is charging an afterschool group \$75 for their use of town property. Houk said that nonprofits that benefit the community should not be charged fees for use of town property. Sieloff will check on the issue.

Update on the Regional Public Safety Meetings

Beebe noted that the regional public safety group is working on three initiatives. The first project involves a grant through Barnstable County and the State that would fund a study looking at the potential for a Cape-wide police and fire dispatch service. The second project is a cost-benefit analysis of a partnership between Wellfleet and Harwich to move Wellfleet dispatch operations to Harwich. The third project is an initiative to analyze how a tri-town police department might work together. Beebe said that the meetings provided all involved with "huge laundry lists" of what might be needed to move forward. Eastham seemed willing to work with Wellfleet, and Orleans seemed more reticent. Beebe thought that in order to move forward, a third party might need to facilitate, and the group entered into a facilitation agreement with John Goodrich of the Massachusetts Office of Public Collaboration. Barnstable County is paying for the majority of the facilitation with the Town adding around \$700. After a few months, they will know which towns will be working together. Beebe was elected chair of the group.

Future Concerns

Wellfleet Marina Document

Wood mentioned that he got a letter from the Marina Advisory Committee on the Marina Enterprise Fund. Also, he urged that the Board read and study a document on Enterprise Funds created by the Department of Revenue and note the indirect cost sections.

Town Administrator Evaluation

Beebe noted that under the new Open Meeting Law, the Board can no longer have individual meetings. Beebe wants to craft a process which will allow for public comment. Beebe would like to talk about how the process of the Town Administrator evaluation will be done, and she asked that it will be on the agenda for the next meeting.

Donovan believes that, in the next contract, the Board of Selectmen should scrap the Town Administrator performance evaluation because the Town Administrator serves at the pleasure of the Board of Selectmen.

Correspondence and Minutes [September 14, 2010; September 22, 2010]

The correspondence report was not available at the meeting. Bruinooge noted that no extremely important items were in the report.

MOTION 10-0278: Wood moved to approve the Minutes of September 14, 2010, and September 22, 2010. Bruinooge seconded. The motion passed 5-0.

Adjournment

MOTION 10-0279: Donovan moved to adjourn at 9:07 pm. The motion passed 5-0.

Respectfully submitted,
Christin Marshall, Executive Assistant

Public Records Materials from the meeting of 9/28/10

- 1) Contract between the Town of Wellfleet and Acting Police Chief Ronald L. Fiset
 - 2) Wellfleet Needs Assessment List 2010
 - 3) Letters of support from Mary-Jo Avellar, Luke and Patty (no last name listed), Lisa Douglis, Marjorie Klonek, Denise and Paul Hendrickson, and Brian Blakeslee
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