



**Wellfleet Board of Selectmen
Minutes of the Meeting of November 23, 2010
Wellfleet Library, 7:00 p.m.**

Present: Chair Jacqui Beebe, Ira Wood, Dale Donovan, and Berta Bruinooge; Town Administrator Paul Sieloff. Jerry Houk arrive late.
Chair Jacqui Beebe called the meeting to order at 7 p.m.

New Business

Review of land auction bids

Sieloff reported on the second land auction for the Town. The Town listed seven parcels for auction and each parcel received at least a minimum bid. Two of the listed parcels were sold with restrictions that they must remain open space. The winning bids totaled \$151,270.

Donovan asked that any motion to approve the bids include a clause insuring that any public access characterizing the lots in the past would be protected after the parcels were auctioned.

MOTION 10-0297: Wood moved to accept the bids with the stipulation that any prior public access on auctioned parcels must continue. Bruinooge seconded. Motion passed 4-0.

Change Order for the Water System [Steve Gazzano]

Steve Gazzano of the Board of Water Commissioners briefed the Selectmen on a directional drilling proposal that will provide access to the water system to the new proposed pharmacy off Route 6. Also, he reported that the water system is 95% complete and up and running. Gazzano will be put on the Selectmen's agenda for December 14, 2010 to discuss the issue of installing curbs and sidewalks downtown.

MOTION 10-0298: Donovan moved to accept the change order request for a total \$34,550. Wood seconded. Motion passed 4-0.

**Licenses/Appointments/Reappointments/Use of Town Property
Reappointments**

Application received from Judy Taylor to be reappointed to the Local Housing Partnership.

MOTION 10-0299: Wood moved to reappoint Judy Taylor to the Local Housing Partnership. Bruinooge seconded. Motion passed 4-0.

Request received from the Shellfish Advisory committee to grant Rebecca Taylor a leave of absence and to hold her seat as a regular member of the board until she returns. The Shellfish Advisory committee has voted on the issue, and decided 5-0 that the seat should be held for Taylor.

MOTION 10-0300: Donovan moved to hold the seat of Rebecca Taylor during her leave of absence as per leave policy. Wood seconded. Motion passed 4-0.

Use of Town Property

Application received October 25, 2010 from the Friends of Wellfleet Library to use the Town Hall north driveway and Town Hall lawn on Main Street on July 10, 2011 (rain date July 17, 2011) and August 7, 2011 (rain date August 14, 2011) from 7am – 2:30 pm for its annual summer book sale benefitting the Wellfleet Library.

MOTION 10-0301: Wood moved to approve the application received October 25, 2010 from the Friends of Wellfleet Library to use the Town Hall north driveway and Town Hall lawn on Main Street on July 10, 2011 (rain date July 17, 2011) and August 7, 2011 (rain date August 14, 2011) from 7am – 2:30 pm for its annual summer book sale benefitting the Wellfleet Library. Donovan seconded. Motion passed 4-0.

Bruinooge recused herself.

Application received November 3, 2010 from Wellfleet Preservation Hall to use the parking lot across the street from the Wellfleet Preservation Hall on Sunday, December 12, 2010 from 9am-5pm for its 4th Holiday Craft Fair and Bazaar.

MOTION 10-0302: Wood moved to approve the application received November 3, 2010 from Wellfleet Preservation Hall to use the parking lot across the street from the Wellfleet Preservation Hall on Sunday, December 12, 2010 from 9am-5pm for its 4th Holiday Craft Fair and Bazaar. Donovan seconded. Motion passed 3-0.

Bruinooge rejoined the meeting.

Licenses

Discussion on Population Estimate for 2011 Seasonal Liquor Licenses

MOTION 10-0303: Donovan moved to approve and accept the 17,500 person population estimate as printed in the information from the Alcohol Beverage Board of Control. Wood seconded. Motion passed 4-0.

Selectman Jerry Houk arrived.

Renewal of Annual Liquor Licenses: Bookstore & Restaurant, Inc.; The Lighthouse Restaurant; Seaside Liquors; Wellfleet Spirits Shoppe; Finely J.P.'s; The Wicked Oyster; W.H.A.T. – Route 6; Falcone's Restaurant and Pizzeria; PB Boulangerie Bistro (All Alcohol); Farrell's Market; Wellfleet Marketplace; Wellfleet Town Pizza; Wellfleet Village Center (Wine and Malt Regular).

Wood recused for himself for the Wellfleet Marketplace. Donovan recused himself for the PB Boulangerie.

MOTION 10-0304: Wood moved to approve all annual liquor licenses except for the Wellfleet Marketplace. Donovan seconded. Motion passed 5-0.

MOTION 10-0305: Beebe moved to approve the annual liquor license for the Wellfleet Marketplace. Donovan seconded. Motion passed 5-0.

Old Business

Discussion on possible joint meeting schedule with Finance Committee in December and January

The joint budget meeting would feature attendance from the department heads of the larger departments in Wellfleet. The Selectmen chose the dates of Wednesday, December 29th and Tuesday, January 5th for the meetings, and Town Administrator Paul Sieloff will contact relevant Department Heads about attending the meetings.

Because the issue of wind turbines is being discussed by the County and the Assembly of Delegates, Selectman Ira Wood would like to add a discussion about wind turbines to the Selectmen's agenda for December 14, 2010. Paul Pilcher will brief the Selectmen about wind turbines.

Correspondence

Selectman Berta Bruinooge briefed the Selectmen on the correspondence report.

Paul Sieloff received a request from Habitat for Humanity for a Selectman to attend and/or speak at the dedication to the newly constructed Habitat for Humanity home in Wellfleet. The dedication will be on December 12, 2010 at 3pm.

Public Hearing [7:30]

Closing of The Wicked Oyster

A public hearing to consider the request from Ken Kozak to close The Wicked Oyster from November 30, 2010 through January 19, 2011 for renovations and general cleaning.

MOTION 10-0306: Wood moved to approve the request to close The Wicked Oyster from November 30, 2010 through January 19, 2011 for renovations and general cleaning. Donovan seconded. Motion passed 5-0.

Closing of Finely J.P.'s

A public hearing to consider the request from John W. Pontius to close Finely J.P.'s from December 5, 2010 through January 13, 2011 for maintenance and general cleaning.

MOTION 10-0307: Wood moved to approve the request from John W. Pontius to close Finely J.P.'s from December 5, 2010 through January 13, 2011 for maintenance and general cleaning. Donovan seconded. Motion passed 5-0.

Renewal of Shellfish Grant License

A public hearing to consider the request from Joel Fox to renew shellfish grant license #754 for a ten year period.

Shellfish Constable Andy Koch reported that Fox has met all requirements and is recommended for renewal.

MOTION 10-0308: Wood moved to approve the request from Joel Fox to renew shellfish grant license #754 for a ten year period. Houk seconded. Motion passed 5-0.

Koch reported that he has been working with Kurt Felix on a grant application for funds to improve and expand Wellfleet's Shellfish Department's cultch program. Koch asked for the support of the Selectmen in filling out a grant application to the Massachusetts Bays Program for \$40,000 for the Shellfish Department's efforts. If approved, the Town of Wellfleet would be required to match 25% of what is rewarded. The application is due December 2nd, 2010, and Koch reports that it could triple the amount of cultch in Wellfleet.

MOTION 10-0309: Wood moved to support the application of the Wellfleet Shellfish Department to the Massachusetts Bays Program Research and Planning Grants program. Donovan seconded. Motion passed 5-0.

Koch distributed a letter¹ from the Wellfleet Shellfish Advisory Board summarizing goals that could be realized upon receiving the grant monies as well as the RFP².

An erosion issue at 5 Samoset Ave [Dave Bennett, representing Tom Stossel and Kerry Maguire]

The Selectmen discussed the erosion at 5 Samoset Avenue that prompted the Wellfleet Conservation Commission to authorize the placement of 70 cubic yards of sand and the construction of a 30' extension to the wooden bulkhead bordering the property. The bulkhead would extend into Hiawatha Road, a Town owned road, so bulkhead construction requires approval by the Board of Selectmen. Much of the Town lot that constituted the area is now

missing due to erosion. John Morrissey attended the meeting and expressed concern that if a bulkhead was built without the addition of a staircase, that public access would be jeopardized. After much debate, and with the understanding that the erosion is an urgent issue, the Selectmen decided not to authorize the request because of concerns about loss of public access and protecting Town land. Beebe asked that the issue be put on the December 14, 2010 Selectmen's agenda, and she asked that Conservation Agent Hillary Greenberg be present. Ira Wood was interested in asking a member of the Conservation Commission to speak at the next meeting before a decision is made.

Progress Report on DOR Marina study recommendations [Mike Flanagan]

Harbormaster Mike Flanagan briefly outlined how the Marina has progressed with the recommendations prescribed by the Marina Enterprise Fund Review report by the Massachusetts Department of Revenue³. The progress report was followed by a suggestion by Selectman Jerry Houk that the Town should hire a knowledgeable Assistant Harbormaster, a position that has been vacant for two years. Houk pointed out that the Assistant Harbormaster position is in the report and needs to be addressed.

Currently, Town Administrator Paul Sieloff and Harbormaster Mike Flanagan are in negotiations about the job description for the Assistant Harbormaster position. Currently, Sieloff has proposed that the Assistant Harbormaster works 9 months at the Marina and 3 months at the DPW, but the Harbormaster argues that the Assistant Harbormaster is needed in the off-season for a variety of tasks like repairing docks. Donovan wondered if the duties of an Assistant Harbormaster could be filled by a contractor so that tasks are completed without the expense of filling a full-time position. The parties debated whether Mass General Law requires Towns to have both a Harbormaster and an Assistant Harbormaster. Selectman Wood asked to see a job description for an Assistant Harbormaster so that he can better understand the situation. Town Administrator Sieloff and Harbormaster Flanagan will meet tomorrow and the issue will be put on the agenda for the next meeting.

Discussion on formula for calculating direct and indirect costs of Marina Enterprise Fund

Sieloff suggested that the Marina Enterprise Fund should share the cost of post-employment benefits and personnel expenses. The Town Administrator suggested that the Marina Enterprise Fund be charged 5% against the salaries of five Town employees that benefit the Enterprise Fund. The five employees are the Town Administrator, Assistant Town Administrator, Town Accountant, Assistant Town Accountant, and the Town Clerk/Treasurer. The State rules for Enterprise Funds state that retirement benefits are within the expenses that Enterprise Funds may pay to towns and Selectman Wood believed that 5% was a modest percentage. In seeing consensus with the Board of Selectmen, Sieloff plans to construct the budget in the manner outlined above.

Adjournment

MOTION 10-0310: Wood moved to adjourn to executive session to discuss confidential union negotiations. Donovan seconded. All said yes, and the meeting adjourned at 8:34 pm.

Respectfully submitted,
Christin Marshall, Executive Assistant

Public Records Materials from the meeting of 11/23/10

1. Letter from the Shellfish Advisory Board to the Board of Selectmen regarding the Mass Bays Program Grant Opportunity
2. Massachusetts Bays Program Research and Planning Grants RFP
3. Marina Enterprise Fund Review – Massachusetts Department of Revenue

