



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

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

Vice Chair Ira Wood acting as Chair called the meeting to order at 7pm.

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

Selectman Dale Donovan announced that the Mass Cultural Council chose Wellfleet resident Susan Weegar to receive the 2011 Local Cultural Council Leadership Circle award for outstanding volunteers. The program for award presentation will be at a later date.

Town Administrator Paul Sieloff announced that this is the last week for Paul Murphy the Building Inspector and he is leaving for the Town of Dartmouth. Elbert Ulshoeffter, Interim Building Inspector, will begin the first week of January for approximately 3 months. Houk commented that a businessman spoke very highly of Paul Murphy stating "He was the best Building Inspector Wellfleet has ever had". A citizen asked whether the Town of Wellfleet should declare an emergency when the Governor has declared an emergency – in the event we have significant shore damage, erosion and related expenditures. Sieloff will speak to Richard Rosenthal about the issue.

Licenses/Appointments/Reappointments/Use of Town Property

A. Licenses – Renewal of Business Licenses:

Wellfleet Beachcomber, Bookstore & Restaurant, Catch of the Day, Wellfleet Cinemas, Wellfleet Drive In – Flea Market, Even Tide Motel & Cottages, Falcone's Restaurant & Pizzeria, Farrell's Market, Finely J.P.'s, Flying Fish Café, Lighthouse Restaurant, Mac's Seafood Takeout, Mac's Shack, Mainstay Motor Inn, Wellfleet Marketplace, Maurice's Campground, Wellfleet Miniature Golf, Dairy Bar & Grill, Moby Dick's, Wellfleet Motel & Lodge, PJ's Family Restaurant, Rookie's Family Restaurant, Wellfleet Town Pizza, Van Rensselaer's, The Wicked Oyster, Winslow's Tavern.

MOTION 10-0320: Bruinooge moved to approve the renewal of business licenses. Wood recused himself from Mac's Seafood Takeout, Mac's Shack and Wellfleet Marketplace. Houk seconded. Motion passed 3-0.

B. Appointments

- a. Request received on December 15, 2010 from Barbara E. Knapp to be a member of the Local Housing Partnership.

MOTION 10-0321: Bruinooge moved to appoint Barbara E. Knapp to be a member of the Local Housing Partnership. Donovan seconded. Motion passed 4-0.

C. Reappointments

D. Use of Town Property

- a. Application received November 15, 2010 from Kim Payne and Amy Grossman to use Duck Harbor Beach on May 21, 2011 from 10am – 12pm for a wedding ceremony.

MOTION 10-322: Donovan moved to approve Kim Payne and Amy Grossman to use Duck Harbor Beach on May 21, 2011 from 10am – 12pm for a wedding ceremony. Houk seconded. Motion passed 4-0.

Old Business

Discussion on Town Administrator's Report [Paul Sieloff]

The discussion of the Town Administrator's Report will be put on the agenda for the next meeting.

Approval of 2011 IRS Standard Mileage Rate - \$0.51/mile

MOTION 10-0323: Houk moved to approve the 2011 IRS Standard Mileage Rate - \$0.51/mile. Donovan seconded. Motion passed 4-0.

Discussion on Assistant Harbormaster Position [Paul Sieloff]

Parts of the job description were changed from working exclusively in the Marina to working three months in DPW, but the Harbormaster determined this to be unfeasible. Compromise was reached by allowing the person to be available for winter duties and also by requiring strong office and technical skills. Donovan felt this would be a good compromise. Sieloff plans to advertise the position in January. Houk stated that we should pursue moving the Harbormaster position from union into the management category and speak to Town Counsel, and look back to the minutes of 1984 or 1985 as there may be language in the decision on the Harbormaster position.

New Business

Discussion on Pleasant Point Lot Auction Bid [Paul Sieloff]

There are concerns about the lot at Pleasant Point being a buildable lot or whether it should be for open space. The Board decided that the town should offer this as a non-buildable lot and made available as open space. Donovan asked if the proper paperwork was filed. Ben Zehnder, asked the Board to consider whether restriction of the lot and purchase by an abutter would suddenly allow them to build a larger house.

Future Concerns

Sieloff reminded the board that the Finance Committee is having a budget meeting at 7pm at the COA on 12/29/10. Police, Fire, DPW and a public hearing on the Capital Improvement Plan is on the agenda.

A citizen questioned whether the dogs walking on the beach issue will be on the Board of Health's January 12th meeting. Depending on input and agenda items, the hearing may be sometime in February. It was suggested to keep present regulations in place for another year and print pamphlet for public education. Bruinooge stated the Town did have a pamphlet that was handed out at the beach sticker office. Donovan stated it was the Selectmen's responsibility to enforce and moving to a "no dogs at all ruling" may be an easier way to enforce. On the SEMASS issue, the Board told Sieloff to meet with SEMASS. Donovan would like to have a public meeting with the Cape Cod Commission regarding SEMASS.

Correspondence & Minutes December 14, 2010

Minutes

MOTION 10-0324: Bruinooge moved to approve the Minutes of December 14, 2010. Donovan seconded. Motion passed 4-0.

Correspondence Report - Available in the Selectmen's office.

Public Hearing [7:30]

Request received December 8, 2010 from Caroline Parlante for permission for the Bombshelter Pub to remain open until 2:00 a.m. on New Year's Eve.

MOTION 10-0325: Houk moved to permit the Bombshelter Pub to remain open until 2:00am on New Year's Eve. Donovan seconded. Motion passed 4-0.

Request received December 8, 2010 from Benjamin Zehnder for permission for PB Boulangerie Bistro to provide live music in the form of light jazz on the enclosed patio on New Year's Eve.

MOTION 10-0326: Houk moved to permit PB Boulangerie Bistro to provide live music in the form of light jazz on the enclosed patio on New Year's Eve. Wood seconded. Donovan recused himself. Motion passed 3-0.

Request received December 10, 2010 from Briton Luhman to close Wellfleet Town Pizza from January 31, 2011 through March 3, 2011.

MOTION 10-0327: Houk moved to allow Wellfleet Town Pizza to close from January 31, 2011 through March 3, 2011. Donovan seconded. Motion passed 4-0.

Marina and Harbor Rules and Regulations

A public hearing ensued to suggest improvements to the Wellfleet Marina's operations¹. Sieloff was able to reach Town Counsel's office and confirmed that there was proper public notice. The only distinction noted is custom and there is no requirement beyond having two or three days notice. Selectman Bruinooge did not feel the changes were terribly significant. Donovan expressed concern about having a vote without having the customary notice. He suggested that notice should be published in a newspaper for a two week period. This public hearing only had a half weeks notice. A citizen pointed out that the Board previously approved the rules and regulations. Donovan referenced previous Minutes and stated that the Board approved the changes made and not the rules and regulations. Donovan has about five proposed changes that he would like the board vote on and if passed make a part of the final document for a subsequent hearing. Wood suggested at this time discussing the marina fees issue.

Proposed Fee Modifications

A discussion ensued on permit fees issued by the Harbormaster's Office. Selectman Donovan asked the public if they were confident that these were reasonable fees. Sieloff noted that the fees were increased essentially 3% per year. Zehnder pointed out that he pays a seasonal lot ramp fee and has two boats. He pointed out the possibility of a second trailer fee.

Launch Ramp fee for 2012 is listed as \$160 and should be listed as \$159².

MOTION 10-0328: Bruinooge moved to approve the proposed fee modifications issued by the Harbormaster's office. Houk seconded. Motion passed 4-0.

Suzanne Thomas the Beach Director, discussed permit fees issued by the Beach Department and pointed out that resident fees have not changed since the end of last century³. Other fees haven't changed since 2003 and that this is a very modest increase. If fees were raised by additional amounts the Town would realize additional income in the amount of \$77,837. Even if the town lost 10% in sticker resistance, there still would be a net of \$70,000 in additional revenue. A citizen pointed out that fees should be consistent between different organizations and the distinction between resident and taxpayer is unclear. Bruinooge and Houk stated the resident sticker should be labeled with the distinction of resident/taxpayer.

MOTION 10-0329: Bruinooge moved to approve the proposed fee modifications issued by the Beach office. Houk seconded. Motion passed 4-0.

At this time Wood suggested returning to discussion on Marina Rules and Regulations. Donovan stated that there is one element missing, a reference made to slips, moorings, etc. There is a waiting list procedure and policy for getting a mooring or slip and how you move off the list. Donovan suggested adding this into the Marina rules and regulations in the future.

Under Section 2F – General Rules and Regulations regarding liability insurance there was a question of whether the certificate of insurance would be maintained on file and would it be public information. The Harbormaster assured that these would be maintained on file and protected. Donovan suggested additional language such as if a boat is unable to procure such coverage the waiver must be signed to indemnify the Town. After some discussion, it was decided to not add the additional language.

Under Section 3 – Fees and Leases, Donovan stated the text should not read “Marina Advisory Committee” as it is not the Marina Advisory Committee’s rules and regulations, but the Town’s rules. It should also reference the Harbormaster. Wood referred to the Marina Advisory Committee’s November 19th memo where the charge is listed. The Board discussed the charge of the Marina Advisory Committee in relation to the review process in the new rules. It was clarified that any recommendation of the Marina Advisory Committee must still come to the Board of Selectmen for a final decision.

Under Section 4A - Commercial Vessels, second sentence, Donovan suggested that wording should be added stating “at no time shall there be more than two vessels over 65 feet in length” as a way of limiting potential problems. Donovan stated his intent is to discourage congestion and to make sure it is reflected in the rules and regulations as a safe harbor measure. After much discussion the Board decided to not modify the original text.

Item 4B – Donovan suggested that all vessels should carry oil spill insurance. Currently commercial vessels are the only vessels that do not carry oil spill insurance. Ned Hitchcock replied that most non-commercial boats have insurance. The Board decided to not take any action.

Item 4D – Donovan suggested that the Harbormaster should create a published standard for signage at the Marina. Wood agreed and asked the Marina Advisory Committee to work with the Harbormaster to create such a standard.

Item 4F – Donovan proposed that transients should be limited to between Labor Day through Memorial Day, if space is available, at the discretion of the Harbormaster. Ned Hitchcock commented that transients bring in additional revenue. The Board decided to keep the original text.

Houk left meeting at 8:37pm

MOTION 10-0330: Donovan moved that the Board accept the proposed rules as presented and to discuss them again at the next meeting of January 11, 2011. Bruinooge seconded. Motion passed 3-0.

MOTION 10-0331: Motion to adjourn the meeting was made by Donovan, Houk seconded. Motion passed 3-0.

The meeting adjourned at 8:48pm.

Respectfully submitted,
Nefrediezha Barbel, Executive Assistant

Public Records Materials from the meeting of 12/28/10

1. Marina Rules & Regulations
2. Proposed Harbormaster fee modifications

3. Proposed Beach fee modifications