



**Wellfleet Board of Selectmen  
Minutes of the Meeting of April 19, 2011  
Wellfleet Senior Center, 7:00 p.m.**

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

Chair Jacqui Beebe called the meeting to order at 7:05 p.m.

**Announcements, Open Session and Public Comment [7:05]**

The Board of Selectmen Chair Jacqui Beebe announced that the application for use of Town Property on May 1, 2011 by Charles Cole has been withdrawn. The event will still be taking place, but at the Wellfleet South Library Hall, 1:00-3:00 pm on the same day.

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

**Use of Town Property**

a) Application received March 3, 2011 from Charles Cole to use Baker's Field and Mayo Beach parking area for a May Pole Celebration on May 1, 2011. – Application withdrawn.

b) Application received from Suzanne Grout Thomas to use Newcomb Hollow Beach and the parking lot for an Easter Sunrise service for the First Congressional Church of Wellfleet on April 24, 2011.

**MOTION 11-00116:** Donovan moved to approve. Houk seconded. Motion passed 4-0.

Jerry Houk announced an update about a free Pre-kindergarten in Wellfleet. He still believes that free pre-kindergarten should be aimed for, because the presently available Montessori School is not affordable for everyone. He promised to continue to work on it.

Lilli-Ann Green talked about an article about the Brewster Wind Turbine and had a request for the BOS to write a short letter about a DCPC for Wellfleet, Truro and Eastham if minimum performance standards do not pass at the Assembly of Delegates meeting on April 20. Wood expressed his concern that this item is not on the agenda and said if everyone else agrees to take a vote that he will oppose. Dale said that he believes that the Board has the right to take an action and does not believe that the Open Meeting Law will be violated. The wind turbine discussion is not new to the Town and the financial information has been already provided. He said that he will support the DCPC for industrial wind turbine construction and he suggested a letter to be approved. Jacqui said that the letter will only be sent if the minimum standards are not met. The Town Administrator clarified that a total of three letters would be sent.

**MOTION 11-00117:** Donovan moved to approve the motion to have a DCPC letter sent if the minimum standards are not met, and also to send related letters to MMA and state representatives. Houk seconded. Wood abstained. Motion passed 3-1.

**Old Business & New Business**

A. **Discussion on revising policy on grants [Old Business]** –Beebe said that the Policy on Grants has been revised and several items were added by the Town Clerk. Beebe made a motion to approve the revised policy. Houk seconded. The motion passed 4-0.

B. **Discussion on charge to be given to Building and Needs Assessment Committee in relation to Mayo Beach area project [Old Business – Hugh Guilderson]** –Beebe discussed with Guilderson the committee's charge. Jerry Houk said that he believes that this should be decided after Town Meeting when there will be two new Board of Selectmen members. Beebe said that there should be a decision to wait until the new Board comes in.

Wood agreed that there will be a new board in two weeks and suggested a direction to be taken from the septic system study. Houk agreed with Wood. Beebe said that the discussion will be delayed until the new Board comes in.

## **Public Hearing(s) [7:15]**

### **Rental Properties**

A public hearing to discuss adding rental properties not currently licensed to those businesses required to have business licenses.

Jacqui Beebe opened the public hearing discussion and said that there is a public perception that the proposed fee is a tax, and people say that they have moved to Wellfleet to avoid taxes. Dale Donovan explained that this is already in the Town's General By-Laws, and the Board of Selectmen has a right to vote on it. Jerry Houk agreed to what Beebe and Donovan said, but said that he believes that this matter should be taken to Town Meeting and this is the way it should be voted. Beebe said she understands Houk's objection, but sees it differently.

Donovan made a motion to move under the authority of Wellfleet General By-Laws to require rental properties to obtain business licenses for \$50 fee effective January 1, 2012. His reasons behind this motion are:

1. To find where the businesses are
2. To ensure that the levels of safety are met.

According to Donovan, Provincetown, Truro and Eastham already do this and it is not a new concept to Wellfleet also, since it is already in the General By-Laws but has not been enforced. Houk said that he is not sure how many people are renting their homes and believes that this will require more expenses than revenues. Houk again said that Donovan made a very good argument, but according to him this should wait for Town Meeting. Donovan responded that usually Town Meeting has about 10% attendance and if this matter should go to Town Meeting, then the licenses for galleries should also be voted at Town Meeting. After the Board had voiced their opinions Beebe opened the public discussion.

A person from the public said that the \$50 fee is reasonable and that will help Town, and the Town should get compensated. Another person from the public who owns a business and couple of rentals wonders 1) how the rentals will be tracked and 2) if there will be a rental list, how many people will rent out and who will be responsible for the repairs.

Beebe clarified that there are no inspections for general business licenses, and that this would be a simple process requiring only vital information to ensure the rental properties are in compliance with state health and building codes. If violations were to be found, they would be handled by the appropriate authority.

Houk said that the Town Health and Building department will not be able to handle it. Wood said he does not want to vote, because there are too many unknowns. After reviewing the letters from the residents Wood agreed that rentals are passive business, but until the matter is clear it should not be voted on.

Jean Schaefer spoke about IRS definitions of business and rentals and the respective schedules C and E and suggested that this matter be taken to Town Counsel. She suggested that the Town of Wellfleet should check what other towns are doing instead of reinventing the wheel. According to her there are a lot of details that need to be worked out before requiring business licenses to rental properties gets enacted.

Beebe said that the Town's General By-Laws are just one set of regulations and then there are the State and Building Codes and Board of Health regulations. The BOS only has the authority to enforce the registration of business licenses, and by doing this bring revenue to the Town. There would be nine months – a sufficient time to clarify and work everything out, before the requirement goes into effect in January 2012.

Donovan added that IRS codes are not Town's business. The purpose of the motion is to enforce Town's By-Laws effective January 1, 2012.

Houk would like to know how much it will cost to do. Donovan responded that this will bring about \$50,000 in revenue and asked Paul Sieloff how it will be handled. Sieloff said that if the Board approves it, the Administration will be able to handle it and it will make it happen.

Another person from the public said that it is not about the \$50 fee. He had a question: After the first year when everyone will be required to register, then what happens after the first year?

Beebe explained that some towns have an affidavit saying that the owner confirms that the requirements are met. Fire Chief Silverman said that it depends on the nature of business on when inspections are done, and as an example he pointed out that the State has requirements for smoke detectors only when property changes ownership.

Another person from the public said that he is also not fighting the \$50 fee, but this should come to Town Meeting and be sold as an income producing action, especially when it comes to \$50,000 revenue. He was also concerned how these inspections would be done, when the majority of the people who rent are nonresidents and it would be very inconvenient to have their properties inspected when the owners are not here.

After there were no other comments from the public, Beebe said that there is a motion and a second and moved to vote.

**MOTION 11-00118:** Dale Donovan moved to approve the motion to add rental properties not currently licensed to have a business license. Beebe seconded. Houk and Wood opposed and the motion did not pass.

Paul Sieloff confirmed that there will be no meeting on April 26, 2011 and announced that there is a Special meeting on May 19, 2011 at 6:00 PM in Truro to discuss Intermunicipal activities. He also announced that he has in his hand the Fire Chief contract and, and asked the Board to sign it, which they did.

### **Correspondence & Minutes**

Correspondence, Minutes [March 8, March 15, and March 22]  
There is no correspondence.

**MOTION 11-00119:** Wood moved to approve the Minutes for March 8 and March 15. Donovan seconded and the motion passed 4-0.

**MOTION 11-00120:** Donovan moved to approve the Minutes for March 22 with a small amendment relating to Article 93 [Houk dissented, not Donovan.] Houk seconded and the motion passed 4-0.

### **Adjournment**

**MOTION 11-0121:** Beebe moved to adjourn the meeting. Houk seconded. Motion passed 4-0.

The meeting adjourned at 8:41 pm.

Respectfully submitted,  
Michaela Miteva, Executive Assistant