

**Wellfleet Board of Selectmen
Minutes of the Meeting of November 22, 2011
Wellfleet Public Library, 7:00 p.m.**

Present: Chair Ira Wood, Mark Borrelli, Berta Bruinooge, Jerry Houk, Paul Pilcher; Town Administrator Paul Sieloff.

Chair Ira Wood called the meeting to order at 7:00 p.m.

Announcements, Open Session and Public Comment

Jerry Houk reported on a meeting he had been to with SPAT concerning the Annual Oyster Festival. SPAT is interested in holding another meeting with Town officials to review concerns for the event in the future.

Licenses: Houk moved to approve the renewal of Annual Liquor Licenses (unless otherwise noted, license renewal category All Alcohol): Bookstore & Restaurant; Finely J.P.'s; The Lighthouse Restaurant; PB Boulangerie Bistro; Seaside Liquors; Wellfleet Harbor Actor's Theater – Route 6; Wellfleet Marketplace (Wine and Malt Regular); Wellfleet Preservation Hall; Wellfleet Spirits Shoppe; Wellfleet Town Pizza (Wine and Malt Regular); Wellfleet Village Center (Wine and Malt Regular); The Wicked Oyster.

MOTION 11-00336: Moved: Houk. Second: Bruinooge. Motion passed: 5-0.

Appointments: Dale Donovan came forward to explain his interest and a little history for the Bike Trail. He said he is just as interested in the Walkways part of the Committee. Paul Pilcher moved to appoint Dale Donovan to the Bike and Walkways Committee for a term ending June 30, 2014.

MOTION 11-00337: Moved: Pilcher. Second: Borrelli. Motion passed: 5-0.

The Board considered two applicants, Robert DuBeau and Janet Morrissey, for appointment to the Planning Board for a term ending June 30, 2013. Houk moved to approve the appointment of Janet Morrissey to the Planning Board for a term ending June 30, 2012.

MOTION 11-00338: Moved: Houk. Second: Pilcher. Motion passed: 4-1 (Wood).

Correspondence: Paul Picher called attention to two items in the Correspondence report.

Minutes: Bruinooge moved to approve the minutes of October 24, 2011.

MOTION 11-00339: Moved: Bruinooge. Second: Pilcher. Motion passed: 5-0.

Public Hearings

Wood opened the public hearings at 7:15 p.m.

Temporary Restaurant Closing PB Boulangerie: Houk moved to approve the temporary closing of PB Boulangerie from January 2, 2012 through February 14, 2012.

MOTION 11-00340: Moved: Houk. Second: Borrelli. Motion passed: 5-0.

Temporary Restaurant Closing Wicked Oyster: Houk moved to approve the temporary closing of the Wicked Oyster from November 28, 2011 through January 18, 2012.

MOTION 11-00341: Moved: Houk. Second: Borrelli. Motion passed: 5-0.

Temporary Restaurant Closing Finely J.P.'s Restaurant: Pilcher moved to approve the temporary closing of Finely J.P.'s Restaurant from December 4, 2011 through January 12, 2012.

MOTION 11-00342: Moved: Pilcher. Second: Houk. Motion passed: 5-0.

Senior Center Fees: COA Director Susanne Grout Thomas presented a proposed fee schedule for increases for the use of the Senior Center and answered questions from the BOS. Bruinooge moved to approve the new fee schedule.

MOTION 11-00343: Moved: Bruinooge. Second: Borrelli. Motion passed: 5-0.

Shellfish Grant Transfers & Appeal: Shellfish Warden Andrew Koch recommended the addition of Lawrence Franke to the grant licenses of John Connors and Fred Richard. Houk moved to approve the application received October 13, 2011 from John Connors and Fred Richard to transfer shellfish grant licenses #853, 853A, 853B and 853C from John Connors and Fred Richard to John Connors and Fred Richard and Lawrence Franke.

MOTION 11-00344: Moved: Houk. Second: Pilcher. Motion passed: 5-0.

Koch recommended the addition of Jeremy Storer to the grant licenses. Borrelli moved to approve the application received October 20, 2011 from Tobin Storer to transfer shellfish grant licenses #811 and 811A from Tobin Storer to Tobin Storer and Jeremy Storer.

MOTION 11-00345: Moved: Borrelli. Second: Houk. Motion passed: 5-0.

Koch recommended the addition of Ethan Estey to the shellfish grant licenses. Houk moved to approve the application received November 2, 2011 from David Ernst to transfer shellfish grant licenses #891 and 891A from David Ernst to David Ernst and Ethan Estey.

MOTION 11-00346: Moved: Houk. Second: Bruinooge. Motion passed: 5-0.

Koch did not recommend the addition of Shelia Avery to grant license #89-4 because she is not currently a Wellfleet resident. Pilcher moved to deny the application received November 4, 2011 from Russell A. Junkins to transfer shellfish grant license #89-4 from Russell A. Junkins to Russell A. Junkins and Sheila Avery.

MOTION 11-00347: To deny the application. Moved: Pilcher. Second: Borrelli. Motion to deny passed: 5-0.

Matthew Parent presented his reasons for his appeal of the BOS decision to revoke his shellfish grant license #01-03 which he had outlined in a letter dated August 18, 2011. Ira Wood summarized a letter from Town Counsel¹ advising Mr. Parent to take legal action for his appeal. Andrew Koch said the license had been revoked because Mr. Parent had failed to keep up with the required paper work for the grant for two years. Koch also had an issue with harvesters on the grant, but the paper work was the cause of the revocation of Mr. Parent's license. Selectmen asked about a process for Mr. Parent to reapply for the grant and the length of time that he had been in noncompliance. From the floor, Gerald Parent spoke about the difficulties of shellfishing and requested a solution to get the grant back in operation. He asked that the license be reinstated. The land in question is owned by a private land owner, not the Town. The only infraction is neglect of the paper

work. Ira Wood suggested that Shellfish Warden Koch work out a plan with Mr. Parent before the license is permanently revoked. The Selectmen agreed to postpone making the decision for another month.

Town Administrator's Report: Paul Sieloff confirmed April 14, 2012 as Amnesty Day at the Transfer Station. He requested time for a December 13, 2011 Holiday Party for the staff, and the Board agreed to this. Sieloff also reported on a regional water system plan with Eastham. He will bring the Selectmen's support for this plan to John Porteus' attention. Information on the Herring River Restoration Project was included in Sieloff's report. He said there will be three restaurants of substance open all winter except for one month when it will be only two restaurants open.

Paul Pilcher announced a Shoulder Season Summit that will be sponsored by the Economic Development Committee next Tuesday, November 29, 2011 at 4 p.m. at the Library.

Old Business and New Business

Room Occupancy Tax: Paul Pilcher initiated the discussion on a rental registration tax program. *He explained that he did not have a conflict of interest in participating in this proposal.* A room occupancy tax proposal requires a home rule petition that must be voted on at Town Meeting. It also would need to go to Town Meeting a second time for an exact amount of the tax. Pilcher summarized the opinions of proponents and opponents of the tax. Board members gave favorable opinions of the proposal. Paul Sieloff said that he would have further discussion with Paul Pilcher. Wood recommended that the Board discuss the tax again when the 5-Year Budget Plan presented and when the Selectmen's meeting is being televised.

Property Tax Exemption: The residential property tax exemption proposal was a second part of Paul Pilcher's report. He said this is something that the Selectmen could do if they wish to for principal residences. Economist Manny Smith had calculated some of the savings to year round residents. The plan is designed to protect and promote year round residency, Pilcher said. He recommended a study group to see the effect of making a homestead real estate exemption of \$50,000 up to \$100,000 for homes under \$500,000 assessed value. This represents twenty percent of average home value in Wellfleet.

Manny Smith came forward and explained the relationship of tax rates and tax bills. He distributed his Wellfleet Property Tax Analysis.² The chart was based on all residences in Wellfleet, but he said he would be willing to break out the statistics for year-round residents.

Suzanne Thomas pointed out that there is no definition of *resident*. She suggested getting a Wellfleet definition.

Discussion on Proposed Application and Use of Town Property Fees: Paul Sieloff reviewed a preliminary list of fees for use of Town property.³ He will provide further information on events that have been held on Town parcels. A public hearing will be necessary of finalization of the list, but the additional information will be provided another meeting before the hearing. Provisions for exemptions for Town groups and non-profits need to be included in the plan.

Land Auctions: Paul Sieloff made recommendations on land auctions relating to disposition of property. He explained the Memo of November 16, 2011⁴ and said the parcel at 65 Designers Way (Map 23, Parcel 67) was excepted for a reason that would be explained. Bruinooge moved to recommend the conditions placed on the land parcels approved at Town Meeting with the exception of 65 Designers Way.

MOTION 11-00348: Moved: Bruinooge. Second: Borrelli. Motion passed: 5-0.

George Chevalier of 85 Designers Way came forward to present his intention to buy 65 Designers Way with the Open Space restriction. Mr. Chevalier said he and his brother did not agree upon the Open Space restriction on the property. Wood moved to dispose of the property with the Open Space restriction and with a minimum of a \$50,000 bid.

MOTION 11-00349: Moved: Wood. Second: Bruinooge. Motion passed: 3-2 (Houk, Pilcher).

Other Business: Mark Borrelli asked if there was enough public awareness of the Oyster Wastewater cleaning project through Oyster Reef.

Adjournment: The meeting adjourned at 9:25 p.m.

Ira Wood said there was a need to go into Executive Session to consider contract strategy for non-union personnel. Wood moved go into executive session and not return to the regular meeting, Borrelli seconded. Wood, Houk, Borrelli, Bruinooge and Pilcher each said *yes*, and the motion carried 5-0.

MOTION 11-00350: Moved: Wood. Second: Borrelli. Motion passed: 5-0.

Respectfully submitted,

Mary Rogers, Committee Secretary

Public Records Documents:

- 1.) Letter from Town Counsel dated 11/16/11
- 2.) Wellfleet Property Tax Analysis by Manny Davis
- 3.) Proposed Application and Use of Town Property Fees
- 4.) Memo of November 16, 2011 on the Proposed Conditions for the Disposition of Town-owned Land