



Wellfleet Board of Selectmen Minutes of the Meeting of March 22, 2010 Wellfleet Public Library, 7:00 p.m.

Present: Chair Jacqueline Wildes Beebe, Berta Bruinooge, Dale Donovan, Jerry Houk;
Town Administrator Paul Sieloff.

Regrets: Ira Wood

Chair Jacqueline Wildes Beebe called the meeting to order at 7:00 p.m.

Announcements, Open Session and Public Comment

- Acting Police Chief Ronald Fisetta announced changes in the Police Department staff, giving recognition to the outgoing officers.
- Town Clerk Dawn Rickman asked the Selectmen to sign the certificate awarding the Wellfleet Boston Post Cane to Francis A. McClellan.
- Town Administrator Paul Sieloff reported on the "Dogs on the Beach" meeting.

Licenses

Houk moved to approve the renewal of Alcoholic Beverages Licenses for Winslow's Tavern, Wellfleet Beachcomber, Sweet Seasons, Marconi Beach Restaurant, Rookie's, Wellfleet Motel & Lodge, Van Rensselaer's, Maurice's Campground, Wellfleet Marketplace, Chequessett Yacht & Country Club, Flying Fish Café, Wellfleet Dairy Bar and Grill, Wellfleet Flea Market, Catch of the Day, Wellfleet Harbor Actor's Theater, Mac's Shack, Pearl Restaurant, Sol, and Wellfleet Wine & Spirits. Donovan seconded, and the motion carried 4-0.

Houk moved the renewal of Business Licenses for Blue Willow Fine Foods, Chequessett Yacht & Country Club, Marconi Beach Restaurant, Sweet Seasons, and Wellfleet Village Mobile. Bruinooge seconded, and the motion carried 4-0.

Donovan recused himself.

Attorney Ben Zehnder came forward to explain the request for PB Boulangerie Bistro.

MOTION 11-0059: Houk moved to approve the application for a Sunday and Weekday Entertainment License received March 14, 2011 from Valeria Rispoli of PB Boulangerie Bistro for live and recorded music. Bruinooge seconded, and the motion carried 3-0.

MOTION 11-0060: Donovan moved to approve the application for a Sunday and Weekday Entertainment License received February 18, 2011 from Brian Sluis and Mac Gallant of Pearl Restaurant for live and recorded music. Houk seconded, and the motion carried 4-0.

MOTION 11-0061: Houk moved to approve the application for a Weekday Entertainment License from Robert Morrill of Sweet Seasons for live music. Donovan seconded, and the motion carried 4-0.

Use of Town Property

MOTION 11-0062: Donovan moved to approve the application received February 15, 2011 from Frank Szedlak Jr. and John McKay to use the Town Hall lawn, with Wellfleet Elementary School as a secondary site, to conduct a Memorial Day Service on May 30, 2011 from 8:30a.m-10:30a.m. with the additional request to use Town PA system and chairs. Houk seconded, and the motion carried 4-0.

MOTION 11-0063: Houk moved to approve the application received February 16, 2011 from Judy Schmitt to use the Town Hall lawn for Wellfleet Garden Club members to sell potted plants on May 28, 2011 from 6 a.m-1 p.m. Donovan seconded, and the motion carried 4-0.

MOTION 11-0064: Houk moved to approve the application received February 17, 2011 from Ben Fowler to use White Crest Beach from June 13th-September 17th, 2011 to hold surfing lessons. Bruinooge seconded, and the motion carried 4-0.

MOTION 11-0065: Donovan moved to deny without prejudice the application received from Matthew Coser to hold a concert on July 2, 2011 at the Town Pier Bandstand benefiting the organization Books for Bonse. The request as presented does not deal with the timing of a Saturday, two days before July 4th. Houk seconded, and the motion carried 4-0.

Renewal of Shellfish Grant - Public Hearing

MOTION 11-0066: Donovan moved to grant the renewal of Clinton Austin's shellfish grant license # 2008-02 for a 5 year period. Houk seconded, and the motion carried 4-0.

Traffic Rules and Orders - Public Hearing

MOTION 11-0067: Bruinooge moved to amend Section 2 of the Traffic Rules and Orders by placing a *No Parking* sign at the end of Pine Point Way. Donovan seconded, and the motion carried 4-0.

Use of Town Property for Triathlon

Town Administrator Paul Sieloff reminded the Selectmen of Myya Beck's request for the use of Town property on June 18, 2011 for a triathlon. Selectmen discussed the request, and Myya Beck explained her proposal.

MOTION 11-0068: Bruinooge moved to approve the application for use of Town property for the "Triathlon Experience" to be held June 18, 2011 from 8:30 a.m. to 11 a.m. Houk seconded, and the motion carried 3-1.

Wastewater Management Agreement with EPG

Alex Hay and Kurt Felix from the Wastewater Committee came forward to discuss the contract and scope of work to be performed by Environmental Partners Group (EPG) in connection with the Comprehensive Wastewater Management Plan of March 2011. Paul Gabriel of EPG explained the focus and the process for the plan which includes: a needs assessment, suggested solutions, grant applications, public participation and a feasibility study for the Harbor and Mayo Beach area. The Selectmen signed the agreement with EPG.

Pond Management Plan

John Riehl, Chairman of Natural Resources Advisory Board (NRAB), presented "A Pond Management Plan" and explained the scope of the study. He requested that the BOS accept the plan for use by the NRAB. The Board heard from a Gull Pond Area Conservation Association representative a request to ban chemical fertilizers near the ponds and phosphate detergents town-wide and require upgrades of septic systems in the pond area.

MOTION 11-0069: Donovan moved to send a letter to BOH to act on phosphate issues, fertilizers around the pond and Title V upgrades. Bruinooge seconded, and the motion carried 4-0.

MOTION 11-0070: Houk moved to accept the NRAB's Pond Management Plan. Bruinooge seconded, and the motion carried 4-0.

Annual Town Meeting Warrant

Rex Peterson reviewed the changes in the 3/22/11 draft of the Warrant. Two Articles were changed by the BOS.

Article U - Sale of Vacant Town properties

MOTION 11-0071: Bruinooge moved to remove Lot 29/289 from Article U. Houk seconded, and the motion carried 4-0.

Article Uaa - Transfer of Land to Conservation Commission

The Selectmen discussed whether Lot 15/164 should be offered to Conservation or the Wastewater Management Committee. Selectmen decided that only Lot 29/489 will appear on Article Uaa for transfer to the Conservation Commission.

Recommendations for Warrant

The BOS proceeded to make recommendations for each Article.

Article A - Operating Budget, Article B - Transfers, Article C - FY12 Capital Budget, Article D - Marina Services Enterprise Fund & Article E - Water Enterprise Fund

MOTION 11-0072: Donovan moved to recommend Articles A through E. Bruinooge seconded, and the motion carried 4-0.

Article Ea - Wellfleet Elementary School

MOTION 11-0073: Houk moved to recommend Article Ea. Donovan seconded, and the motion carried 4-0.

Article Eb - Nauset Regional Schools

MOTION 11-0074: Houk moved to recommend Article Eb. Bruinooge seconded, and the motion carried 4-0.

Article F - Elected Officials

Bruinooge moved to recommend Article F. Donovan seconded, and the motion carried 4-0.

Article Fa - Wellfleet Police Union.

MOTION 11-0075: Donovan moved to recommend Article Fa. Houk seconded, and the motion carried 4-0.

Article Fb - (Petitioned) Dispatchers

MOTION 11-0076: Houk moved to NOT recommend Article Fb. Bruinooge seconded, and the motion carried 4-0.

Article Fc - Firefighters' Wages

MOTION 11-0077: Donovan moved to recommend Article Fc. Bruinooge seconded, and the motion carried 4-0.

MOTION 11-0078: Article G - Contribution to the Stabilization Fund

Houk moved to recommend Article G. Donovan seconded, and the motion carried 4-0.

Article H - Road Resurfacing and Repair

MOTION 11-0079: Houk moved to recommend Article H. Donovan seconded, and the motion carried 4-0.

Article I - Post Employment Benefits

MOTION 11-0080: Bruinooge moved to recommend Article I. Houk seconded, and the motion carried 4-0.

Article J - Two Bills from Previous Fiscal Years

MOTION 11-0081: Houk moved to recommend Article J. Donovan seconded, and the motion carried 4-0.

Article Ja - Borrowing \$215,200 for Repair Project.

MOTION 11-0082: Bruinooge moved to recommend Article Ja. Donovan seconded, and the motion carried 4-0.

Article Jb - Installation of Fiber Optic Computer Cables

MOTION 11-0083: Donovan moved to recommend Article Jb. Bruinooge seconded, and the motion carried 4-0.

Article Jc - Rescinding Unissued Portions of Borrowing Totals

MOTION 11-0084: Donovan moved to recommend Article Jc. Bruinooge seconded, and the motion carried 4-0.

Articles K, Kab, Ka, Kaa, Kb - Community Preservation

MOTION 11-0085: Houk moved to recommend all the Community Preservation Act Articles – K, Kab, Ka, Kaa and Kb. Donovan seconded, and the motion carried 4-0.

Article La – Transfer from Uncle Tim's Bridge Funds & Article Lb - Transfer of a Sum from the Landfill Capping

MOTION 11-0086: Donovan moved to recommend Article La and LB. B seconded, and the motion carried 4-0.

Article Lc - Concessions at Town-owned and Operated Beaches.

MOTION 11-0087: Donovan moved to recommend Article Lc. Houk seconded, and the motion carried 4-0.

Article Ld - Small Road Assistant Program (STRAP)

MOTION 11-0088: Donovan moved to recommend Article Ld. Houk seconded, and the motion carried 4-0.

Article M - Disposal of Town Property

MOTION 11-0089: Donovan moved to recommend Article M. Bruinooge seconded, and the motion carried 4-0.

Article N - Gifts, Article O - Collector's Methods, Article P - Herring River Dike & Article Q - Education Reform Formula

MOTION 11-0090: Donovan moved to recommend Articles N, O, P and Q. Bruinooge seconded, and the motion carried 4-0.

Article R - Gross Floor Area, Article Ra -Gross Floor Area for Seashore Zone & Article Rb - Standards and Criteria

MOTION 11-0091: Bruinooge moved to recommend Articles R, Ra and Rb. Donovan seconded, and the motion carried 4-0.

Articles S - Fast Food & Formula Restaurants & Sa - Formula Business

MOTION 11-0092: Donovan moved to recommend Articles S and Sa. Houk seconded, and the motion carried 4-0.

Article T - Affordable Housing

MOTION 11-0093: Bruinooge moved to recommend Article T. Beebe seconded, and the motion carried 3-1. Houk dissented [**Note:** Minutes corrected at 4/19/11 Board of Selectmen Meeting]

Article Tc - Accessory Dwelling Units (Petitioned Article)

From the floor, Attorney Ben Zehnder spoke on behalf of the petitioned Article.

MOTION 11-0094: Donovan moved to NOT recommend Article Tc. Bruinooge seconded, and the motion carried 3-1. Houk dissented.

Article U - Sale of 2 Parcels of Town-owned Lots

MOTION 11-0095: Bruinooge moved to approve Article U. Houk seconded, and the motion carried 4-0.

Uaa - Transfer of Lot to Conservation

MOTION 11-0096: Donovan moved to approve Article Uaa. Bruinooge seconded, and the motion carried 4-0.

Articles Ua and Ub - Easements

MOTION 11-0097: Donovan moved to approve Articles Ua & Ub. Bruinooge seconded, and the motion carried 4-0.

Article Ud - Easement for 5 Samoset Ave., Ue - Easement for 1050 Bound Brook Island Rd. & Uf - Easement for 0 Commercial St.

MOTION 11-0098: Donovan moved to recommend Articles Ud, Ue and Uf. Bruinooge seconded, and the motion carried 4-0.

Article V - Sale of Alcohol on Sundays

MOTION 11-0099: Donovan moved to recommend Article V. Houk seconded, and the motion carried 4-0.

Article Vb - Biodegradable Packaging for General Bylaws

Recycling Committee Chair Lydia Vivante explained changes that had been made to the proposal. Selectmen discussed whether or not to take an ecological lead with this Article. Donovan moved to indefinitely postpone Article Vb. There was no second.

MOTION 11-0100: Bruinooge moved to reserve recommendation for Town Meeting. Houk seconded, and the motion carried 4-0.

Article Vc - Amendment for COA Board

MOTION 11-0101: Donovan moved to recommend Article Vc. Bruinooge seconded, and the motion carried 4-0.

Article Vd - Social/Human Services Committee Board

MOTION 11-0102: Donovan moved to recommend Article Vd. Bruinooge seconded, and the motion carried 4-0.

Article Ve – Personnel Guidelines

The Board wished to change Article Ve. From the floor, Ben Zehnder suggested that the Article should be taken off the Warrant. Town Counsel will be reviewing all Warrant Articles, including this Article.

MOTION 11-0103: Donovan moved that all existing personnel bylaws be abolished and that BOS shall appoint a Personnel Board to consult with the Town Administrator and

the BOS to develop new personnel guidelines/bylaws. Bruinooge seconded, and the motion carried 4-0. This motion is to become Article Ve, which the Board also recommends 4-0.

Articles Vf & Vg - Petitioned Articles

MOTION 11-0104: Donovan moved to recommend that the Selectmen make no recommendations for Petitioned Articles Vf and Vg. Bruinooge seconded, and the motion carried 4-0.

Donovan moved to add disclaimers that the petitioned Articles' explanations were provided by the petitioners. Bruinooge seconded, and the motion carried 3-0-1.

Discussion on Gasoline Purchases

Paul Sieloff said the Town was looking at an inter-municipal option by using Eastham gas pumps. The Town will put in a bid to have Eastham as the provider of gas for Wellfleet vehicles. Acting Police Chief Ronald Fisette discussed and supported the idea in his comments to the Selectmen. Also, Donovan discussed a letter with a report from the Finance Committee regarding gas prices at the Marina. The gas report will be on an agenda for another meeting.

Future Concerns

Dale Donovan discussed business licenses and said that a hearing for licensing rental units should be scheduled for next month. Berta Bruinooge said that the Non-Resident Taxpayers Association should be contacted.

Correspondence

Jerry Houk called attention to the Cape Cod Economic Development Council's letter about a grant that for arts and cultural endeavors. He suggested a letter of thanks be sent in response to another letter on McMansions¹.

Minutes of 2/8/11, 2/22/11, 2/25/11

MOTION 11-0105: Donovan moved to approve the minutes of February 8, 2011, February 22, 2011 and February 25, 2011. Bruinooge seconded, and the motion carried 4-0.

Adjournment

MOTION 11-0106: Donovan moved to go into Executive Session for the purpose of contract negotiations with non-union personnel and not return to open session. Bruinooge seconded. Houk, Bruinooge, Beebe and Donovan said yes, and the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Mary Rogers, Committee Secretary

¹ Letter from Sandi Shaefer Ung

Public Records Materials from BOS meeting of 3/22/11.

March

S	M	T	W	T	F	S
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April

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May

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