



**Wellfleet Board of Selectmen
Minutes of the Meeting of September 27, 2011
Wellfleet Senior Center, 7:00 p.m.**

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

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

Announcements, Open Session and Public Comment

Chair Ira Wood received an update on the Herring River Restoration Project from the Cape Cod National Seashore Superintendent George Price, who stated that the project was advancing quickly. Wood confirmed that the Board of Selectmen was in charge of opening/closing the dike, asked for a list of working questions for BOS review and requested that Mark Borrelli spearhead that effort on behalf of the Selectmen. Borrelli concurred.

Police Chief Ron Fisetto announced participation in the Third Annual U.S. Drug Enforcement Administration Drug Take-Back Initiative. Residents can safely dispose of expired, unused and unwanted prescription drugs at the Wellfleet Police Station on Saturday, October 29, 2011 from 10:00 a.m. to 2:00 p.m.

Windwise Cape Cod Board Member Preston Ribnick discussed his concern about the Wind Energy Siting Reform Act and requested the Selectmen review the issue as an agenda item at a future Selectmen Meeting.

Wellfleet resident Marie Morrison presented a signed petition¹ to add an Article to the Special Town Meeting Warrant relating to the proposal to change the Dispatcher service in Wellfleet.

Windwise Cape Cod Board Member Lilli Green asked that the citizens of Wellfleet contact the MA Department of Environmental Protection and other State agencies to request that public comment made at a meeting concerning the health impacts of wind turbines be posted.

Proclamation for Domestic Abuse Awareness Month: A request was made by Shirley Smith, Outer Cape Committee Against Domestic Abuse Chair, for the Selectmen to sign a proclamation² declaring the month of October 2011 'Domestic Violence Awareness Month' in Wellfleet.

MOTION 11-00264: To sign amended proclamation. Moved: Pilcher. Second: Borrelli. Motion passed: 5-0.

Public Hearing: 7:19 pm

Building Department Fee Schedule: The Wellfleet Board of Selectmen conducted a public hearing on the issue of proposed changes to the Building Department Fee Schedule. Paul Sieloff requested modest raises that put Wellfleet on par with other Outer Cape Towns and recommended that the Selectmen support the proposed increases. Borrelli asked when fees were last changed, to which Sieloff responded 2009. Fees are scheduled to go into effect January 1, 2012.

MOTION 11-00265: To adopt the proposed Building Department Fee Schedule. Moved: Bruinooge. Second: Borrelli. Motion passed: 5-0.

Appointments

Michael P. Turner, Promotion to Police Sergeant

Police Chief Ron Fisette requested the Selectmen approve the promotion of Michael P. Turner to Police Sergeant.

MOTION 11-00266: Moved: Houk. Second: Pilcher. Motion passed: 5-0.

Recycling Committee Charge: Sieloff presented a Charge to form the new Recycling Committee. Town Clerk/Treasurer Dawn Rickman presented a memo³ outlining a smooth procedure to transfer the appointments of the existing members of the Recycling Commission to the Recycling Committee.

MOTION 11-00267: To form a Recycling Committee and accept the Committee Charge. Moved: Borrelli. Second: Bruinooge. Motion passed: 5-0.

Recycling Committee Appointments: Sieloff presented a request to appoint 9 new members to the Recycling Committee.

Lydia Vivante for the period ending June 30, 2014

Catherine Myers for the period ending June 30, 2014

Elsbeth Hay for the period ending June 30, 2014

Jaya Karlson for the period ending June 30, 2013

Jefferson Thomas for the period ending June 30, 2013

Andrea Pluhar for the period ending June 30, 2013

Bethia Brehmer for the period ending June 30, 2012

Daniel Goldberg for the period ending June 30, 2012

Erin Mitchell for the period ending June 30, 2012

MOTION 11-00268: Wood moved to appoint 9 applicants to the Recycling Committee pending filing of proper paper work with the Town. Moved: Wood. Second: Pilcher. Motion passed: 5-0.

250th Anniversary Committee: The Board interviewed Kim Shkapich who explained her experience with the Cultural Committee and expressed her interest in party-planning. Richard and Esther Elkin and Daniel Lawson had prior commitments and could not attend the Selectmen meeting but requested that the Selectmen move forward with their appointments.

MOTION 11-00269: Bruinooge moved to appoint Richard and Esther Elkin, Daniel Lawson and Kim Shkapich to the 250th Anniversary Committee for the period ending December 31, 2013. Moved: Bruinooge. Second: Pilcher. Motion passed: 5-0.

Use of Town Property

Gull Pond Parking Lot: To allow Michael Boisvert of The Golden Scallop, LLC to use the Gull Pond parking lot and surrounding area on Monday, September 17 from 7:00 a.m. to 5:00 p.m. to film multiple scenes of a feature film. Approximately 30 cast and crew are waived so there will be no insurance liability to the Town and any cooking scenes will be stunt only.

MOTION 11-00270: Moved: Houk. Second: Pilcher. Motion passed: 5-0.

Old Business and New Business

Wellfleet Bike Committee: Suzanne Grout Thomas presented information to the Selectmen about the potential formation of a Wellfleet Bike Committee to consider ways to extend the Cape Cod Rail Trail and/or add additional walking paths from Wellfleet to Provincetown. Grant money may be available if this becomes a three-town project (Wellfleet, Truro, and Provincetown). Thomas stated that the Open Space

Committee may have funds available to finance project launch. Selectmen Houk and Borrelli think the project is a great idea. Wood requested a Bike and Walkways Committee Charge be brought to the October 11, 2011 Board of Selectmen Meeting to move a motion to form the committee.

Jack's Boat Rentals Contract on Gull Pond: Sieloff explained that Jack Ferreira, owner of Jack's Boat Rentals, was given 48 hours notice prior to the Selectmen's meeting and that termination of his contract would be discussed at the Selectmen Meeting. The termination clause date on the contract is September 30, 2011.

Statements were submitted pertaining to the status of Jack's Boat Rentals contract with recommendations vis-à-vis Gull Pond conservation and remediation issues: Suzanne Grout Thomas, Wellfleet Beach Administrator dated September 20, 2011⁴; The Gull Pond Area Conservation Association (GUPACA) dated September 20, 2011⁵; and J. Andrew Walsh of the Cape Cod Commission (CCC) dated April 19, 2011⁶.

Thomas spoke of the documented degradation of the north end of the landing at Gull Pond and recommended that Jack's Boat Rentals' lease not be renewed to preserve the integrity of the bank and surrounding vegetation and to allow public access without damage to the environment. Thomas stressed that this decision had nothing to do with Jack's business but that removing the boat rental business was one recommendation she could make to aid remediation efforts.

Herb Gstalder, President of GUPACA, stated that the Association is concerned that Jack's Boat Rentals contributes to the degradation of the Gull Pond Shoreline and that the boat rental activity distributes bathers to areas of the pond far from toilet facilities, which leads to public urination in the pond and surrounding land. The phosphates in the urine contribute to water quality issues. Gstalder urged the Selectmen to act on a conservation plan now while remediation was still possible.

John Riehl, Chairman of the Wellfleet Natural Resources Advisory Board (NRAB), submitted a statement agreed upon by NRAB on September 26, 2011⁷ that Gull Pond is overused due to its popularity. A Gull Pond management plan is recommended to stem shore erosion. Riehl and NRAB support the remediation plan set forth by Thomas and agreed that the contract for Jack's Boat Rentals should not be renewed. Riehl is in favor of a new boat rental contract with conservation in mind that limits the use of Gull Pond.

Terry Gips, Co-Chair of the Conservation Commission, stated that the Conservation Commission worked collaboratively with Jack over the spring to make modifications. Gips does not think the degradation is caused only by Jack's Boat Rentals users. The Town must take remediation action and pull back from the heavy public use of Gull Pond. Gips suggested cutting back on usage for at least one year to restore and mitigate the erosion problems.

Robert Waldo, the lawyer representing the interests of Jack Ferreira, stated that Jack's Boat Rentals has not been the major reason for the degradation of Gull Pond and that Jack was not given the privilege of coming to the various meeting where the fate of Jack's Boat Rentals contract was being discussed. Waldo also stated that GUPACA has been trying to oust Jack for years.

A discussion by the Selectmen included suggestions for the formation of a Gull Pond Remediation Committee to review all of the contributing factors to the environmental degradation, including overuse from boats, vehicles, swimmers, foot traffic and all other public access, and then form a more comprehensive plan to advance remediation while limiting overall public and commercial use. It was agreed that use of Gull Pond by Jack's Boat Rentals was a contributing factor to the environmental degradation but not the only factor, and perhaps a more limited use contract could be negotiated.

Houk did not want to establish a committee at this Selectmen meeting and wanted to deal with the issue of terminating the Jack's Boat Rentals contract. Jack Ferreira wanted to keep the current five-year contract with no alteration. Sieloff offered a suggestion to extend the contract termination deadline one month from September 30, 2011 to October 30, 2011 and add the issue to the Selectmen's agenda at the meeting on October 25, 2011.

Waldo agreed to the 30 day contract extension to October 30, 2011.

MOTION 11-00271: To extend Jack's Boat Rentals contract termination to October 30, 2011. Moved: Pilcher. Second: Borrelli. Motion passed: 5-0.

Recess: 8:45 p.m. to 8:55 p.m. Call to Order: 8:55 p.m.

Proposed Tax Bill Insert: Lydia Vivante of the Recycling Commission presented a proposed tax bill insert explaining current mixed paper recycling options for Wellfleet residents⁸.

MOTION 11-00272: Moved: Borrelli. Second: Bruinooge. Motion passed: 5-0.

Report on Town of Wellfleet Insurance Liability for Oyster Festival: Sieloff reviewed the memo⁹ submitted by Karen Faria of Kaplansky Insurance stating that the current insurance certificates for both the General Liability and Liquor Liability policies offer sufficient coverage for the Town for the Oyster Festival 2011.

Use of Board of Selectmen name stamps on contracts to be issued by Social and Human Services Committee: Suzanne Grout Thomas requested permission to allow the Principal Clerk to use Board of Selectmen name stamps on upcoming contracts issued by the Social and Human Services Committee.

MOTION 11-00273: Moved: Bruinooge. Second: Borrelli. Motion passed: 5-0.

Proposed acceptance of FY 2013 Budget Schedule and Policy: Sieloff reviewed the proposed FY 2013 Comprehensive Budget and Capital Improvement Plan Schedule¹⁰ and FY 2013 Town of Wellfleet Budget Policy¹¹ for Selectmen approval. Wood asked if it was substantially the same as FY 2012 and Sieloff concurred with only a minor sentence added to #5. Pilcher encouraged the Department Heads to provide justification for their expenses by exploring the possibility of adopting a zero-based budget process.

MOTION 11-00274: Moved: Borrelli. Second: Bruinooge. Motion passed: 5-0.

Special Town Meeting Warrant Articles: Sieloff presented a list and brief description of ten proposed Articles¹² for the Fall Town Meeting to be held at 7:00 p.m. on October 24, 2011 at the Wellfleet Elementary School and asked that the Selectmen move to place and recommend each Article to the Warrant with a vote.

Article 1: Proposed roof and window replacement project for the Nauset Regional School District.

MOTION 11-00275: To place Article 1. Moved: Bruinooge. Second: Borrelli. Motion passed: 5-0.

MOTION 11-00276: To recommend Article 1: Moved: Bruinooge. Second: Pilcher. Motion passed: 5-0.

Article 2: Proposed budget transfer of \$39,000 to reassign E911 call-taking and Fire Dispatch to the Barnstable County Sheriff's Office to improve dispatch operations. Fire Chief Dan Silverman also submitted a list of seven frequently asked questions on the dispatch transfer¹³.

Fire Chief William Quinn from Orleans and Fire Chief Robert Moran from Brewster both gave statements on the success of their Town's transfer of the Emergency 911 Fire Dispatch to the Barnstable County Sheriff's Office.

MOTION 11-00277: To place Article 2. Moved: Houk. Second: Bruinooge. Motion passed: 5-0.

MOTION 11-00278: To recommend Article 2: Moved: Bruinooge. Second: Borrelli. Motion passed: 4-0-1 [Abstain: Houk].

Article 3: Proposed Community Preservation Act Proposal for Affordable Housing. Elaine McIlroy from the Wellfleet Housing Authority explained the need and qualifications inherent to the passage of Article 3.
MOTION 11-00279: To place Article 3. Moved: Borrelli. Second: Houk. Motion passed: 4-0-1 [Abstain: Pilcher].

MOTION 11-00280: To recommend Article 3: Moved: Houk. Second: Borrelli. Motion passed: 4-0-1 [Abstain: Pilcher].

Article 4: Proposed sale of eight Town-owned properties.

MOTION 11-00281: To place Article 4. Moved: Pilcher. Second: Bruinooge. Motion passed: 5-0.

MOTION 11-00282: To recommend Article 4: Moved: Borrelli. Second: Bruinooge. Motion passed: 5-0.

Article 5: Proposed sale of one Town-owned property on Freeman Avenue.

MOTION 11-00283: To place Article 5. Moved: Houk. Second: Bruinooge. Motion passed: 5-0.

MOTION 11-00284: To recommend Article 5: Moved: Bruinooge. Second: Borrelli. Motion to recommend Article did not pass: 2-3 [Negative: Houk, Pilcher, Wood].

Article 6: Proposed perpetual conservation restriction on Clover Property located on Map 30, Lot 67. Dennis O'Connell with the Wellfleet Conservation Trust gave an overview of the proposed purchase agreement and conservation restriction in Article 6.

MOTION 11-00285: To place Article 6. Moved: Bruinooge. Second: Pilcher. Motion passed: 5-0.

MOTION 11-00286: To recommend Article 6: Moved: Bruinooge. Second: Borrelli. Motion passed: 5-0.

Article 7: Proposed placement of Map 30, Lot 68 under Conservation Commission control.

MOTION 11-00287: To place Article 7. Moved: Pilcher. Second: Borrelli. Motion passed: 5-0.

MOTION 11-00288: To recommend Article 7: Moved: Houk. Second: Bruinooge. Motion passed: 5-0.

Article 8: Possible easement request from the Board of Water Commissioners. Bruinooge requested additional information regarding the location of the easement.

MOTION 11-00289: To place Article 8. Moved: Bruinooge. Second: Borrelli. Motion passed: 5-0.

MOTION 11-00290: To recommend Article 8: The Selectmen will withhold their recommendation until the Special Town Meeting.

Article 9: Proposed Article to repeal the Recycling Commission.

MOTION 11-00291: To place Article 9. Moved: Pilcher. Second: Borrelli. Motion passed: 5-0.

MOTION 11-00292: To recommend Article 9: Moved: Bruinooge. Second: Pilcher. Motion passed: 5-0.

Article 10: Proposed Article to repeal the Beach Study Committee.

MOTION 11-00293: To place Article 10. Moved: Houk. Second: Borrelli. Motion passed: 5-0.

MOTION 11-00294: To recommend Article 10: Moved: Houk. Second: Borrelli. Motion passed: 5-0.

Litigation: Town Counsel Elizabeth Lane reviewed the All Town Memoranda 2009-2011¹⁴ and presented legal status report¹⁵ to the Selectmen on pending Town property, zoning, conservation, easement and other litigation issues.

Correspondence/Vacancy Report/Minutes and Adjournment

Correspondence

Pilcher gave a brief report of the correspondence file¹⁶.

Future Concerns

Wood asked that the Gull Pond issue be addressed and a proposed remediation plan be presented at the October 11, 2011 Selectmen meeting.

Pilcher asked for an overview of the new State health law plan with an explanation of insurance changes to be presented at the October 11, 2011 Selectmen Meeting.

Pilcher asked to present a proclamation to make October 24, 2011 'United Nations Day' at the October 11, 2011 Selectmen Meeting.

Minutes for August 23, 2011

MOTION 11-00295: Pilcher moved to approve the Minutes for August 23, 2011. Borrelli: Second. Motion passed 5-0.

Minutes for September 13, 2011

MOTION 11-00296: Borrelli moved to approve the Minutes for September 13, 2011. Wood: Second. Motion passed 5-0.

Adjournment

The Meeting adjourned at 10:50 pm.

MOTION 11-00297: To adjourn. Moved: Houk. Second: Pilcher. Motion passed: 5-0.

Respectfully submitted,

Amy Voll, Executive Assistant

Public Records Documents:

¹ Dispatcher Petition

² Domestic Abuse Awareness Month Proclamation

³ Recycling Commission/Committee Memo from Town Clerk/Treasurer Dawn Rickman

⁴ Suzanne Grout Thomas, Wellfleet Beach Administrator re: Jack's Boat Rentals/Gull Pond

⁵ The Gull Pond Area Conservation Association (GUPACA) re: Jack's Boat Rentals/ Gull Pond

⁶ J. Andrew Walsh of the Cape Cod Commission (CCC) re: Jack's Boat Rentals/ Gull Pond

⁷ Memo from John Riehl representing the Wellfleet Natural Resources Advisory Board re: Jack's Boat Rentals/Gull Pond

⁸ Mixed-Paper Recycling Insert

⁹ Memo from Karen Faria of Kaplansky Insurance approving certificates for the Oyster Festival

¹⁰ FY 2013 Comprehensive Budget and Capital Improvement Plan Schedule

¹¹ FY 2013 Town of Wellfleet Budget Policy

¹² Memo from Paul Sieloff, Wellfleet Town Administrator re: Proposed Articles for Fall Town Meeting on 10/24/11

¹³ Fire Chief Daniel Silverman Frequently Asked Questions concerning the E911 Dispatch Transfer

¹⁴ Elizabeth Lane: All Town Memoranda 2009-2011

¹⁵ Elizabeth Lane: Town legal status report

¹⁶ Paul Pilcher: Correspondence File