

**Wellfleet Board of Selectmen  
Minutes of the Meeting of February 28, 2012  
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:** Selectman Mark Borrelli announced that he would not seek re-election.

Jerry Houk announced that the benefit held for the Wellfleet Alzheimer's Association at PB Boulangerie on February 27, 2012 was a great success and that they raised a lot of money for that good cause.

Paul Pilcher announced that March 5, 2012 was the deadline for young emerging artists to enter their submissions for the Wellfleet Blossoms exhibition. There are currently 12 local galleries signed up for a tour. Pilcher is looking forward to proving that people will come to Wellfleet in April. Go to [wellfleetblossoms.com](http://wellfleetblossoms.com) for more information.

Richard Elkin, representing Energy Committee, presented a potential Article for the Annual Town Meeting Warrant<sup>1</sup> requesting the adoption of the Stretch Code at in order to better position Wellfleet to qualify as a Green Community.

Barnstable County Commissioner Sheila Lyons addressed the potential formation of a regional Wastewater Authority that would include input from local water commissioners and help oversee wastewater issues on Cape Cod. Wood suggested Lyons return at a future date to address this issue when there are more concrete details. Lyons also announced that Wellfleet would receive a portion of a \$60,000 grant awarded to Barnstable County from the MA Department of Health that would form a regional network to help end homelessness.

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

**MOTION 12-0067:** Houk moved to approve the request received January 31, 2012 from Joseph Wanco to close The Lighthouse from February 26, 2012 to April 6, 2012 for cleaning and repairs. Borrelli seconded the motion and it passed 5-0.

**MOTION 12-0068:** Pilcher moved to approve the request received February 22, 2012 from Police Chief Ron Fisette to appoint Joseph E. Conroy IV, Katharine H. Gary, Jared S. Fallon and Scott E. Higgins as Special Police Officers from May 1, 2012 through June 30, 2013. Bruinooge seconded the motion and it passed 5-0.

**MOTION 12-0069:** Beach Administrator Suzanne Grout Thomas addressed proposed changes to Wellfleet's Beach Rules and Regulations<sup>2</sup>. With the exception of the rule regarding beach fires, all other alterations are "housekeeping changes" intended to streamline language used to explain the measures. Pilcher moved to approve all proposed changes to Wellfleet's Beach Rules and Regulations with the exception of the measure regarding beach fires. Borrelli seconded the motion and it passed 5-0.

A discussion continued from the public hearing held on February 14, 2012 regarding changes to the beach fire rules. Suzanne Thomas said that the proposed change to ban beach fires during the high summer season is the result of violations by people who do not obtain permits and follow proper clean-up and safety procedures. Thomas noted that there is also inadequate oversight by the Police Departments to enforce beach fire rules. Bruinooge was in favor of the beach fire ban while Pilcher, Wood and Houk did not agree with the proposed new policy. Pilcher suggested creating a department or agency, much like the Hearing Officer, to enforce the

rules. Borrelli asked Thomas for enforcement suggestions, and she stated that someone in uniform, preferably under the auspices of the Police Department, should be in charge of enforcement. Police Chief Ron Fisette responded that he could look into additional staffing by special officers but beach fire enforcement cannot be their sole job. Currently, the police only respond when a problem is called in.

Several members of the public spoke in favor of keeping beach fires legal during the summer months and offered suggestions, such as putting up signs that warn non-permit holders that they would receive a fine for illegal beach fires. Wood stated that if the issue to ban beach fires was voted upon tonight, the consensus is that the Selectmen would vote it down. Wood suggested Thomas form an advisory group to come up with an enforcement plan and invited concerned citizens to join the group to offer suggestions. Thomas said that any person who wanted to join the advisory group can send their information to [beaches@wellfleet-ma.gov](mailto:beaches@wellfleet-ma.gov). Wood asked for a report from the advisory group on March 27, 2012.

**MOTION 12-0069:** Pilcher moved to approve the request from Attorney Kelly Jason<sup>3</sup> to consider the request received January 31, 2012 from M.J.T. Enterprises, Inc., d/b/a Blackfish Variety for an Annual Beer and Wine Package Store License at 1600 State Highway. Borrelli seconded the motion and it passed 5-0.

**MOTION 12-0070:** Bruinooge moved to cancel the Seasonal All Alcohol General on Premises License of Wellfleet Harbor Actor's Theater, Inc. 15 Kendrick Avenue. Borrelli seconded the motion and it passed 5-0.

**MOTION 12-0071:** Assistant Town Administrator Tim King reviewed the Wellfleet Multi-Hazard Disaster Mitigation Plan with the Selectmen. Borrelli moved to adopt the Plan. Bruinooge seconded the motion and it passed 5-0.

### **OLD AND NEW BUSINESS**

**Discussion on Tennis Courts:** Becky Rosenberg from Wellfleet's Recreation Department reviewed a memo and photos documenting the condition of Wellfleet's Public Tennis Courts, while also presenting estimates for repair<sup>4</sup>. Rosenberg asked that an Article be placed on the Annual Town Meeting Warrant requesting funds for the courts' repair and stated that grants were available to help offset the cost.

Bruinooge thought the cost of repair was high and Houk thought the funding request was too high to put on this year's ATM Warrant because of other debt exclusions on the budget. Dennis Murphy, Chair of the Finance Committee, offered a solution. Murphy stated that no major repair plan should be implemented until the standing water is removed from the courts. The first repair plan must involve grading the courts and installing vessels to retain water. Brush needs to be cleaned from the fence so that water can drain out and then fill in the cracks with silicone. By developing a maintenance plan, Murphy thinks the Town can hold off on major repairs for five years. Wood asked Rosenberg to formulate a maintenance and long-term plan for the public tennis courts and report to the Selectmen at a future meeting.

**Creation of Council On Aging as a Board of Selectmen Committee:** Suzanne Grout Thomas stated that the Council On Aging requested revisions to the exiting bylaw concerning their board. The Town Clerk, Dawn Rickman, suggested removing the General Bylaw at the Annual Town Meeting and forming a Council On Aging Committee that can bring changes to their charge before the Selectmen for approval. Sieloff said he would present language for the bylaw repeal and new Council On Aging Committee at the Selectmen meeting on March 13, 2012.

**Approval of a Conservation Restriction:** Denny O'Connell from the Conservation Commission asked the Selectmen to approve a Conservation Restriction on the Walker property on Coles Neck Road<sup>5</sup>. The parcel was a gift from Walker family to the Conservation Trust. O'Connell explained that there must be a Conservation Restriction on land held by the Conservation Trust and that the Restriction requires Selectmen approval. Bruinooge moved to approve the Conservation Restriction contingent on Conservation Commission approval. Borrelli seconded the motion and it passed 5-0.

**MOTION 12-0072:** Lydia Vivante, Chair of the Recycling Committee, requested approval for the placement of information about Rigid Plastics Recycling in the spring 2012 tax bill. Pilcher moved to approve the recycling inserts into the spring tax bill. Houk seconded the motion and it passed 5-0.

**MOTION 12-0073:** Houk moved to decline the adoption of Remote Participation<sup>6</sup> in accordance with regulation 940 CMR 29.10. Wood said the issue can be revisited at a future date if deemed necessary. Bruinooge seconded the motion and it passed 5-0.

Police Chief Ron Fisette distributed new Police Department Rules and Regulations<sup>7</sup> for review by the Selectmen. Fisette stated that these standards have been adopted by other Cape towns. The Selectmen have 30 days to adopt the new regulations. If no action is taken by the Board within 30 days, the new regulations will be automatically adopted.

**Recess: 8:48 p.m. to 8:58 p.m. Call to Order: 8:58 p.m.**

**BOS Goals Update - Disposition of Town-Owned Properties:** Sieloff reviewed a spreadsheet of Town-owned properties with the Selectmen. Pilcher asked Sieloff to work with Nancy Vail, the Town Assessor, to group the Town properties by property situation and offer suggestions for disposal of the properties. Wellfleet lawyer Ben Zehnder offered to review the Town-owned property list pro bono to determine if lots over 5,000 square feet that were determined to be unbuildable may in fact be buildable. Fire Chief Dan Silverman also asked the Selectmen to revisit the bylaw for disposition of Town-owned personal property, with a \$500 threshold for selling by sealed bid. Silverman says this process is outdated and should be a BOS goal for future revision.

Sieloff also tentatively proposed the possibility that the South Wellfleet Fire Station may be available to the Friends of the Wellfleet Library as a potential lease exchange for the Old COA building, as the Town may need to relocate to the Old COA location and replace the existing building with a new structure.

**MOTION 12-0074:** Wood moved to support a letter from the Board of Selectmen requesting that Taunton State Hospital remain open. Borrelli seconded the motion and it passed 5-0.

**MOTION 12-0075:** Borrelli moved to approve the designation of 111-F for Detective Jonathan Taylor who was injured on duty. Bruinooge seconded the motion and it passed 5-0.

**Public Employee Committee Health Insurance Reform Mitigation Agreement:** Assistant Town Administrator Tim King reviewed the proposed Public Employee Committee health insurance reform mitigation agreement and told the Selectmen he would present the final agreement to the Selectmen at a future meeting.

**Annual Town Meeting Warrant Articles:** Sieloff presented a list and brief description of the proposed Articles<sup>8</sup> for the Annual Town Meeting to be held at 7:00 p.m. on April 23, 2012 at the Wellfleet Elementary School and asked that the Selectmen move to place and recommend Articles to the Warrant with a vote.

Article D: Proposed Article to fund the FY 2013 Marina Services Enterprise Fund Budget.

**MOTION 12-0076:** Houk moved to recommend Article D with the addition of the Marina Advisory Committee recommending the Article. Borrelli seconded the motion and it passed 5-0.

Article E: Proposed Article to fund the FY 2013 Water Enterprise Fund Budget.

**MOTION 12-0077:** Pilcher moved to recommend Article E. Bruinooge seconded the motion and it passed 5-0.

Article F: Proposed Article to fund a 3% raise increase for the Town Clerk/Treasurer and Town Collector.

**MOTION 12-0078:** Bruinooge moved to recommend Article F. Borrelli seconded the motion and it passed 5-0.

Article H: Proposed Article to contribute to the Stabilization Fund.

**MOTION 12-0079:** Bruinooge moved to recommend Article H. Houk seconded the motion and it passed 5-0.

Article I: Proposed Article to fund road paving services in anticipation of state reimbursement.

**MOTION 12-0080:** Borrelli moved to recommend Article I. Bruinooge seconded the motion and it passed 5-0.

Article L: Proposed Article on FY 2013 Community Preservation Committee estimated annual revenues.

**MOTION 12-0081:** Bruinooge moved to recommend Article L. Borrelli seconded the motion and it passed 5-0.

Article M: Proposed Article to fund the FY 2013 Housing Program “Buy Down” grant.

**MOTION 12-0082:** Borrelli moved to recommend Article M. Bruinooge seconded the motion and it passed 5-0.

Article N: Proposed Article to fund the preservation of Town archives by the Historic Commission.

**MOTION 12-0083:** Pilcher moved to recommend Article N. Borrelli seconded the motion and it passed 5-0.

Article O: Proposed Article to fund the restoration of Cannon Hill/Hamblen Park.

**MOTION 12-0084:** Bruinooge moved to recommend Article N. Borrelli seconded the motion and it passed 5-0.

Article P: Proposed Article to transfer a tax title parcel owned by the Town to the Conservation Commission for conservation and trail use.

**MOTION 12-0085:** Houk moved to recommend Article P. Borrelli seconded the motion and it passed 5-0.

Article Q: Proposed Article to purchase a conservation restriction on Old County Rd. with Community Preservation Funds.

**MOTION 12-0086:** Borrelli moved to recommend Article Q. Bruinooge seconded the motion and it passed 5-0.

Article T: Proposed Article to authorize borrowing to fund the construction of new restroom facilities at Mayo Beach and Baker’s Field.

**MOTION 12-0087:** Pilcher moved to recommend Article T. Wood seconded the motion and it passed 5-0.

Article U: Proposed Article to accept gifts offered to the Town.

**MOTION 12-0088:** Pilcher moved to recommend Article U. Borrelli seconded the motion and it passed 5-0.

Article V: Proposed Article authorizes the tax collector to use all means to collect taxes due.

**MOTION 12-0089:** Bruinooge moved to recommend Article V. Borrelli seconded the motion and it passed 5-0.

Article W: Proposed Article authorizes Wellfleet’s contribution to the budget of Nauset Regional Schools.

**MOTION 12-0090:** Borrelli moved to recommend Article W. Bruinooge seconded the motion and it passed 5-0.

Article X: Proposed Article to help Wellfleet meet one of the criteria to become a Green Community.

**MOTION 12-0091:** Pilcher moved to recommend Article X. Borrelli seconded the motion and it passed 5-0.

Article Y: Proposed Article to grant an easement for the installation of a revetment on Pleasant Point Road.  
**MOTION 12-0092:** Bruinooge moved to recommend Article Y. Pilcher seconded the motion and it passed 5-0.

Article AA: Proposed Article to transfer the responsibility of Hamblen Park from the Board of Selectmen to the Conservation Commission.

**MOTION 12-0093:** Pilcher moved to recommend Article AA. Borrelli seconded the motion and it passed 5-0.

Article BB: Proposed Article authorizes the Conservation Commission to grant an easement on 50 Beach Street.

**MOTION 12-0094:** Bruinooge moved to recommend Article BB. Pilcher seconded the motion and it passed 5-0.

Article EE: Proposed closing Article to hear the reports of the Selectmen.

**MOTION 12-0095:** Bruinooge moved to recommend Article EE. Borrelli seconded the motion and it passed 5-0.

Article FF: Proposed closing Article to act on any other business.

**MOTION 12-0096:** Bruinooge moved to recommend Article FF. Borrelli seconded the motion and it passed 5-0.

**MOTION 12-0097:** Sieloff reviewed recommended changes to the FY 2013 Board of Selectmen Budget. There are about fifteen changes to the approximate \$15 million proposed budget<sup>9</sup>. Bruinooge asked for a bottom line figure from Town Accountant Marilyn Crary, to which she responded \$14,610,185. Borrelli made a motion to approve the Town Administrator's budget with the changes on the spreadsheet. This revised and approved budget is now the Board of Selectmen's FY 2013 Budget. Bruinooge seconded the motion and it passed 5-0.

**Town Administrator's Report:** Sieloff stated that a discussion on the Selectmen adopting the use of iPads for meetings will be postponed until after the next Selectmen election.

**Correspondence Report:** Pilcher reviewed the Board of Selectmen Correspondence report<sup>10</sup>, including a letter from Patty Daley from the Cape Cod Commission regarding funding for technical assistance and asked Sieloff to review the letter. Pilcher also spoke about a letter from Sandy Nickerson regarding the Regional Wastewater Authority, the subject of which was address by Commissioner Sheila Lyons during public announcements. Naomi Czekaj-Robbins submitted a letter requesting reconsideration of holding Selectmen meetings at the Wellfleet Public Library and a citizen requested a private meeting with Chair Ira Wood regarding the Wellfleet Housing Authority.

**MOTION 12-0098:** Pilcher moved to approve the meeting Minutes from January 10, 2012 and January 24, 2012. Borrelli seconded the motion and it passed 5-0.

**MOTION 12-0099:** Wood said there was a need to go into executive session to discuss threatened litigation and union negotiations. Wood further stated that to discuss threatened litigation in open session may have a detrimental effect on the litigating position of the Board of Selectmen. Pilcher moved to adjourn the meeting and go into executive session to discuss threatened litigation. Borelli seconded the motion. Bruinooge, Pilcher, Wood, Borelli and Houk all said yes, and the regular meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

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- <sup>1</sup> “Wellfleet as a Green Community” potential ATM Article on adopting the Stretch Code
  - <sup>2</sup> Proposed changes to Wellfleet Beach Rules and Regulations and other supporting documents for and against the proposed ban on beach fires
  - <sup>3</sup> Memo from Attorney Kelly Jason on behalf of M.J.T. Enterprises Inc. d/b/a/”Blackfish Variety” for an Annual Beer and Wine Package Store License
  - <sup>4</sup> Memo and photos documenting Wellfleet Public Tennis Court’s degradation and estimates for repair
  - <sup>5</sup> Map of Walker Property for a conservation restriction presented by Denny O’Connell
  - <sup>6</sup> Remote Participation regulation and committee recommendations
  - <sup>7</sup> Police Department Rules and Regulations to the
  - <sup>8</sup> Proposed Articles for the Annual Town Meeting on 04/23/12
  - <sup>9</sup> Town Administrator’s spreadsheet with proposed budget changes
  - <sup>10</sup> Correspondence to the Board of Selectmen February 12, 2012 to February 26, 2012