

**Wellfleet Board of Selectmen
Minutes of the Meeting of January 24, 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: Paul Pilcher announced Wellfleet Blossoms will be held April 13-15, 2012. Works from young and emerging artists will be exhibited at Preservation Hall during Wellfleet Blossoms Weekend and the planning committee is currently accepting submissions. For more information on submitting art work for the exhibition, go to www.wellfleetblossoms.com.

Jerry Houk announced a benefit for the Wellfleet Alzheimer's Association to be held at PB Boulangerie on February 27 from 5-7 p.m. Tickets are \$28 apiece and there are only 100 available for the wine tasting event. Hors d'oeuvres will also be served. For more information contact Mary Houk at (508) 737-3328 or Jeanne Woodes at (508) 349-9841.

After 12 years on the Board of Selectmen, Ira Wood announced that he would not seek re-election for another term. Jerry Houk commended Wood for his service and wished him the best of luck. Wood said that he may run for re-election at a future date.

Licenses

MOTION 12-0014: Bruinooge moved to renew the business licenses for the Bookstore & Restaurant, Chequessett Yacht & Country Club, Eric's Seafood Restaurant, Hatch's Fish Market, The Juice Restaurant, The Laughing Lobstah and A Nice Cream Shop. Borrelli seconded the motion and it passed 5-0.

MOTION 12-0015: Borrelli moved to approve a license for weekday entertainment for the Lighthouse Restaurant and Sol. Pilcher seconded the motion and it passed 5-0.

Appointments

MOTION 12-0016: Pilcher moved to appoint Alan Hight to the position of retiree representative on the Insurance Advisory Committee. Borrelli seconded the motion and it passed 5-0.

MOTION 12-0017: Houk moved to appoint Assistant Town Administrator Tim King as alternate representative to the Cape Cod Municipal Health Group. King explained the duties of the group vis-à-vis the pending process to change health insurance benefits for the Town. Bruinooge seconded the motion and it passed 5-0.

MOTION 12-0018: Houk moved to appoint Tracey Barry Hunt to the Recycling Committee with a term ending 6/30/14. Borrelli seconded the motion and it passed 5-0.

MOTION 12-0019: Bruinooge moved to appoint Jack Neuwirth to the Bike and Walkways Committee with a term ending 6/30/13. Neuwirth explained that he attended committee planning meetings and has experience working on a similar 12 mile bike extension. Borrelli seconded the motion and it passed 5-0.

Elaine McIlroy spoke on behalf of the Wellfleet Housing Authority to recognize and thank Elaine LaChapelle who is stepping down after serving for ten years as the Governor's Appointee to the Wellfleet Housing Authority and the Town's representative to the Barnstable County Home Consortium¹. On behalf of State Representative Sarah Peake, McIlroy presented LaChapelle with a citation from the Massachusetts House of Representatives honoring her work on the Wellfleet Housing Authority.

PUBLIC HEARINGS

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

Shellfish Grant Appeal, Renewal and Transfer

MOTION 12-0020: Houk moved to approve the application received November 18, 2011 from Rebecca Nazarian to renew shellfish grant license #09-01 for a five year period. Andy Koch recommended the grant renewal. Borrelli seconded the motion and it passed 5-0.

MOTION 12-0021: Pilcher moved to approve the application received December 19, 2011 from Ron Buck to transfer shellfish grant license #2000-7 and 2000-7 ext from Ron Buck to Ron Buck and Shea Murphy. Koch said that Shea meets all requirements and recommended the transfer. Borrelli seconded the motion and it passed 5-0.

MOTION 12-0022: Houk moved to approve the application received January 6, 2012 from Gary Burgess to transfer shellfish grant license #01-03 from Gary Burgess to Gary Burgess and Christopher Miner. Koch recommended the transfer. Bruinooge seconded the motion and it passed 5-0.

USE OF TOWN PROPERTY

MOTION 12-0023: Margaret Newman, President of the Friends of Wellfleet Library requested a rolling 3-year lease for the exclusive use of the main floor at 95 Lawrence Road to store donated books on a year-round basis until their annual fundraising sale. Newman explained this is the largest fundraiser for library, generating \$20,000 per year. Friends of Wellfleet Library will repair and wire the building for electricity and provide liability insurance. Fire Chief Silverman noted that the building needs smoke alarms and Dennis O'Connell responded that Friends will coordinate with the Town to make recommended repairs. Houk thought the lease was a good idea because Friends are willing to put up funds to bring the building up to standard, plus it is a chance to help out library. Borrelli and Wood concurred with Houk.

Houk moved to authorize the Town Administrator to negotiate a lease with The Friends of Wellfleet Library not to exceed 3 years. Once the lease is negotiated, The Friends of the Library will come back to the Selectmen for final approval. Borrelli seconded the motion and it was passed 5-0.

MOTION 12-0024: Houk moved to approve the application received from Dennis O'Connell from the Friends of Wellfleet Library to use the Town Hall north driveway and lawn on Sunday July 8, 2012 (rain date Sunday July 15, 2012) and Sunday August 5, 2012 (rain date Sunday August 12) from 7:00 a.m. to 2:30 p.m. for the annual summer book sales to benefit the Wellfleet Public Library. Pilcher seconded the motion and it passed 5-0.

NEW AND OLD BUSINESS

BOS Goals Update

MOTION 12-0025: Marcus Springer, Chair of the Energy Committee, gave an overview of the five criteria required of the Town to become a Green Community² and mentioned that Truro, a new Green Community, received approximately \$140,000 in funding to make energy efficient improvements to their

Town buildings and vehicles. Springer also requested that the Selectmen approve the request to join the International Council for Local Environmental Initiatives' (ICLEI) Cities for Climate Protection (CCP) Campaign for a \$600 annual fee to take advantage of technical consulting, training, and information services provided by the Association to help guide Wellfleet to become a Green Community. Pilcher mentioned that joining the CCP was a goal set forth in the Local Comprehensive Plan. Borrelli and Houk agreed. Bruinooge and Ben Zehnder asked what budget line the fee would be taken from. Sieloff replied that it pleasure of board when to start and which budget to deduct the fee. Pilcher moved to allow the Town to become a member of ICLEI/CCP. Borrelli seconded the motion and it passed 5-0.

OpenCape License Agreement

MOTION 12-0026: Dan Gallager and Gary Delius from the non-profit OpenCape Corporation made a request to the Selectmen to allow the Town of Wellfleet to enter into a one-year license agreement³ with OpenCape to install a radio antenna and generator on the Town's water tower. The network will serve as a backup emergency communications system that guarantees the continuance of 911 call operation and other public safety mechanisms Cape-wide during severe weather conditions and the generator as a back up to water equipment to ensure uninterrupted service during storms. Both the Fire and Police Departments are in favor of this project. This telecommunications network may also generate additional commercial revenue opportunities for the Town once the installation is complete. OpenCape agreed to pay for a generator, all legal contract and engineering fees, and installation costs. OpenCape will maintain the system at no cost to the Town. There would be no additional lighting needed or height added to the water tower. Pilcher asked if OpenCape had a similar deal with other Cape towns and Gallager responded that they are talking to other local town governments but Wellfleet would be the first to approve the license. Pilcher moved to approve the Town Administrator to negotiate the license agreement. Bruinooge seconded the motion and it passed 5-0.

Change to Health Insurance Benefits

MOTION 12-0027: Assistant Town Administrator Tim King explained the process to change health insurance benefits under M.G.L. c. 32B, §§ 21-23. The first step is for the Board of Selectmen to adopt chapter 32B Sections 21-23. If the Selectmen adopt the changes, an insurance advisory committee then meets to discuss proposed plan modifications, cost sharing methods and allocation between the Town and employees. Pilcher commented that the previous savings estimate given last fall was approximately 12% and asked when the Town would project a more definitive amount. Clerk/Treasurer Dawn Rickman responded that based on current enrollees, the estimated gross savings is \$195,372 and we can use up to 25% of that amount in mitigation. Projected premiums are lower and there would be no change in medical benefits. Pilcher asked who would be in charge of the negotiations. King said Town Administration and the Insurance Advisory Board. Bruinooge moved to adopt M.G.L. c. 32B, §§ 21-23. Borrelli seconded the motion and it passed 5-0.

Recess: 8:15 p.m. to 8:20 p.m. Call to Order: 8:20 p.m.

Hatch's Fish Market Easement

MOTION 12-0028: Robert McClellan from Hatch's Fish Market and his lawyer Ben Zehnder spoke to the Selectmen about the request from the Town to pay \$5,000 for an easement that would enable McClellan to connect his business to the Town water line. Zehnder stated that he and his client were in agreement that the Town should be owed compensation but that the \$5,000 fee seemed high and requested a reduced payment.

McClellan stated that he installed the water line before a final negotiation with the Selectmen was reached based on verbal confirmation from Rex Peterson and the Water Commissioners that the easement was forthcoming. Wood told McClellan that he should have waited for the final negotiation on the easement before proceeding with construction and asked Town Administrator Paul Sieloff how the fee was determined. Sieloff said that he went to the Town Assessor to determine a formula based on property value and McClellan can either accept the fee or the Town would have to hire an outside appraiser for

approximately \$2,500 to determine an amount that may exceed the \$5,000 fee. Houk said that McClellan installed the water pipe in good faith based on a verbal agreement with the Town and suggested \$2,500 a fair amount. Bruinooge said the \$5,000 fee is a reasonable business expense to take advantage of clean Town water to operate the business. Pilcher asked to table the issue and discuss at a future meeting but Borrelli said that it would set a precedent not set a fee now. Tim King agreed with Borrelli and added that if a decision was delayed, costs would escalate. Borrelli moved to keep the \$5,000 easement agreement with McClellan. Bruinooge seconded the motion and it passed 4-1 with Houk dissenting.

Pleasant Point Revetment: Mark Burgess from Shorefront Consulting is working with five property owners on Shore Point Road to replace a deteriorating bulkhead with a stone revetment to protect the bank that now rests on Town-owned property⁴. Burgess requested permission from the Selectmen to move forward with permitting and requesting an easement for \$5,000 to be paid by the five property owners. Wood said that granting an easement would be pending a Town Meeting vote and Sieloff said that he asked Burgess to come and present the project so that the Selectmen would be familiar with the Article in the Town Meeting Warrant. Borrelli asked who would be responsible for maintaining the new revetment if it was built on Town property. Burgess said that construction would be regulated by the Conservation Commission and the new design would alleviate most maintenance but that the property owners would be responsible for any repairs.

Wastewater Committee proposal for Wastewater Management in the Mayo Beach Area: Paul Millett and Paul Gabriel Environmental Partners Group, Inc. along with Alex Hay and Curt Felix from the Wastewater Committee presented a plan to construct two bathhouses with foam-flush composting toilets to address wastewater management issues in the Mayo Beach area. This double bathhouse option is the least expensive and provides the lowest nitrogen impact to the area. The units will serve Bakers Field and Mayo Beach. The system is currently used with success by the Wellfleet Audubon Preserve.

Several of the Selectmen asked questions about usage and cost. Pilcher wanted to know if two bathhouses would be enough to satisfy summer capacity. Hay said to think of this as a step-by-step approach and that units can be added down the road if needed as the leaching pit could accommodate expansion of the system. Wood wanted to know if there would be industrial fixtures and how the units would be cleaned. Industrial fixtures would be used and Millett explained that the Audubon Preserve has an annual \$2,000 contract to pump and clean the units. Hay said that the units were the cutting edge of green technology and would project a good environmentally friendly image for Wellfleet. Bruinooge wanted to know if the existing recreation building could be converted to a bathhouse. Gabriel said EPG had looked into that option but that retrofitting an existing building was cost prohibitive. From the audience, Hugh Guilderson asked if there going to be issues putting the bathhouses that close to the water and if the structures could withstand major storms. Gabriel replied there are hurdles to overcome but that there is a precedent for the units being placed in environmentally sensitive areas within the National Seashore. EPG is talking to other towns to see how they were able to get the permitting done. Wood wanted to know how the project would be funded. Sieloff offered to add an Article for a debt exclusion at Town Meeting. Gabriel will talk to the USDA for loan and grant money and will have an answer on funding in three to four weeks. Felix mentioned that because of nitrogen removal, funds might also be available from the DEP. Hay mentioned that the Town will accrue savings by being able to shut buildings down seasonally. Wood tentatively placed the Article for the bathhouses on the Warrant.

E-Waste Resolution

MOTION 12-0029: Bruinooge made a motion to adopt a resolution⁵ supporting producer take back of cathode ray tubes, electronics and household hazardous products. Borrelli seconded the motion and it passed 5-0.

2012 BOS Meeting Schedule

MOTION 12-0030: Bruinooge made a motion to hold all future Wellfleet Board of Selectmen meetings at the Council On Aging beginning with the April 10, 2012 meeting⁶. Wood seconded the motion and it passed 5-0.

Bid for Town-owned Land

MOTION 12-0031: Elizabeth Sorrell asked if the Town would suspend the regular bidding process and accept a bid of \$1,000 from the Pleasant Point Water Company for the purchase of Town-owned land. Bruinooge moved to accept the \$1,000 bid for land from the Pleasant Point Water Company. Borrelli seconded the motion and it passed 5-0.

Draft Annual Town Meeting Warrant: Sieloff presented a draft copy of the Annual Town Meeting Warrant⁷ to the BOS and asked for any suggested changes. Bruinooge felt strongly that the monetary requests in Article 4 should be broken into separate Articles. The other Selectmen agreed. Houk and the other Selectmen had additional questions about Article S concerning Holbrook Avenue paving, including costs for police detail and inclusion of Kendrick Avenue.

Town Administrator's Report: Sieloff reported that the Nauset Regional and Wellfleet Elementary School Budgets will be presented to the Finance Committee and the Board of Selectmen at the February 14, 2012 BOS meeting. Sieloff will present final changes to the budget, including the funding for the 250th Anniversary celebration, at the February 28, 2012 BOS meeting.

Future Concerns: The Selectmen would like to revisit easement pricing in a few meetings to decide on a final fee formula.

Correspondence and Vacancy Report: Pilcher referenced two letters: one from Gary Marrese about access to Wellfleet ponds and beaches, and the second from Rev. Alison Palmer concerning Shellfish Trucks on Conservation Land. Wood said that the Alison Palmer Blackfish creek issue should be referred to the NRAB and that Suzanne Grout Thomas' response to the Marrese access issue was acceptable.

Adjournment

MOTION 12-0033: Wood said there was a need to go into executive session to consider strategy for collective bargaining and to discuss the 2011 Executive Session Minutes and not return to the regular meeting. Houk moved to go into executive session. Second: Wood. Bruinooge, Pilcher, Wood, Borelli and Houk all said yes, and the regular meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Amy Voll, Executive Assistant

¹ Letter to the Selectmen honoring Elaine LaChapelle's service to the Wellfleet Housing Authority

² Marcus Springer presentation on the five criteria to become a Green Community

³ OpenCape temporary license agreement template with the Wellfleet to install equipment on the Town's water tower

⁴ Memo on Bulkhead Replacement Project from Shorefront Consulting

⁵ E-Waste Resolution

⁶ Memo from Terri Frazier, manager of the Council On Aging, confirming future BOS meeting schedule

⁷ Draft copy of 2012 Annual Town Meeting Warrant