

**Wellfleet Board of Selectmen
Minutes of the Meeting of September 11, 2012
Council On Aging Building, 7:00 p.m.**

Present: Chair Berta Bruinooge, Jerry Houk, John Morrissey, Dennis Murphy, Paul Pilcher; Town Administrator Paul Sieloff.

Chair Berta Bruinooge called the meeting to order at 7:00 p.m.

Announcements, Open Session and Public Comment:

- Bruinooge announced that the Town Charter prohibits members of the Finance Committee from serving on any other Town Committee except the Personnel Board, therefore Members appointed to the Town Administrator, Fire Chief or any other committee must resign. Bruinooge confirmed that Finance Committee members can serve as liaisons and suggested a future Charter change to allow Finance Committee members to be on limited ad hoc committees moving forward. Sieloff suggested adding Richard Willecke to the Town Administrator Screening Committee.

Motion 13-0316: Houk moved to appoint Richard Willecke to the Town Administrator Screening Committee. Murphy seconded the motion and it passed 5-0.

- Dale Donovan announced that the Wellfleet Community Forum will hold an open forum entitled 'What's On Your Mind Wellfleet' on Monday, September 24, 2012 at 7:00 p.m. The public is invited to attend and speak their mind on any issue.

APPOINTMENTS

Motion 13-0317: Houk moved to change the appointment of Teresa Parker from an alternate member to a regular member of the Energy Committee with a term ending June 30, 2015; to appoint Robert Kelly to the Building and Needs Assessment Committee with a term ending June 30, 2015; to appoint Gary Locke to the Board of Health with a term ending June 30, 2015. Morrissey seconded the motion and it passed 5-0.

USE OF TOWN PROPERTY

Motion 13-0318: Morrissey moved to approve the application received from Shellfish Promotion and Tasting (SPAT) requesting the use of use of the several Town property locations (see attached Use of Town Property request for full venue and activity list¹) from Wednesday, October 10, 2012 at 12:00 a.m. to Tuesday, October 16, 2012 at 12:00 a.m. for Wellfleet OysterFest activities. No Use of Town Property fee applies. Murphy seconded the motion and it passed 5-0.

PUBLIC HEARING (7:15 p.m.)

Building Department Fees

Motion 13-0319: Murphy moved to approve proposed fee changes to four projects on the Town of Wellfleet Building Permit Fee Schedule². Morrissey seconded the motion and it passed 5-0.

Proposed Marina Fees

In an effort to raise money for Marina Enterprise Fund, Harbormaster Michael Flanagan proposed charging \$10 a daily fee per vehicle to park at the Marina. Houk and Bruinooge did not think that charging a parking fee at the Marina was fair to the businesses located there. Pilcher requested a more thoughtful proposal from Flanagan before any decision on parking fees. The Selectmen suggested exemptions for beach and Marina sticker holders and creating regulations for overnight parking as a first step. The Selectmen agreed that charging a \$10 fee for parking at the Marina for OysterFest 2012 was acceptable and directed Flanagan to work out the details and logistics, including keeping a free parking area open for boat slip owners.

Motion 13-0320: Houk moved to allow Harbormaster Michael Flanagan to charge a \$10 fee for parking at the Marina during OysterFest 2012. Pilcher seconded then motion and it passed 5-0.

Tax Rate Classification Hearing

Assessor Nancy Vail informed the Selectmen that the tax rate had not been set so Bruinooge said the hearing would be continued at the September 25, 2012 Selectmen meeting. As many members of the Non-Resident Taxpayers Association were in the audience to voice their opinion about the proposed residential tax exemption, Bruinooge allotted 20 minutes for discussion.

Robert Kelly, now a Wellfleet resident, said that non-resident taxpayers are not necessarily wealthy and if they are not allowed a vote on the tax exemption proposal, it would be taxation without representation. Kelly offered to pay the cost to conduct a survey of all Wellfleet taxpayers on the exemption issue if the Selectmen were willing to respond to all land owners. Moe Barocas is opposed to the idea, however said the goal is admirable and thinks the exemption is insulting to non-resident taxpayers who make up 70% of the residential tax base. Barocas suggested that an exemption plan must be presented in an orderly fashion during the summer season when most non-resident tax payers are living in Wellfleet. Non-resident taxpayer Lila Croen said she read the tax abatement rules and suggested the Town grant abatements to those in need of financial assistance. Walter Croen added that the exemption was acceptable if it was equitable. He suggested that the Town must expand the business base if they want to encourage young people to live and work in the community. Karen Goldberg told the Selectmen that she thinks the non-resident taxpayers are angry at the proposal because the majority of Association members did not know about the plan in advance and it was presented at a Selectmen meeting that coincided with the Non-Resident Taxpayers Annual Meeting. Walter Croen added that it should have been mentioned by the Selectmen in July 2012.

Pilcher said that he would like to work together with non-resident taxpayers to find a better plan and is requesting that the Town Assessor return at a future date to speak about the financial hardship exemption and other discretionary exemptions. Morrissey said he wanted to see the tax exemption issue placed as an agenda item for the September 25, 2012 Board of Selectmen meeting to continue the discussion and get as much feedback as possible from the non-resident taxpayers.

USE OF TOWN PROPERTY

Motion 13-0321: Houk moved to approve the application received from Lydia Vivante of the Wellfleet Recycling Committee requests the use of the Town Hall parking lot on Saturday, October 6, 2012 from 9:00 a.m. to 12:00 p.m. for a Community Shredding Day sponsored by the towns of Wellfleet, Truro and Eastham. Free paper shredding (1-2 box limit) for residents run by volunteers in conjunction with the Doc Shredding Corp. No Use of Town Property fee applies. Pilcher seconded the motion and it passed 5-0.

BUSINESS

DCR request for Board acquiescence to eminent domain for the acquisition of the Town property along the old railroad right of way for the Cape Cod Bike Trail: Sean Provencher and Donna Boogdanian from the DCR requested that the Board of Selectmen allow the DCR to acquire approximately 13.93 acres of land located at LeCount Hollow Road in Wellfleet using eminent domain to become part of the state park system and used for conservation and recreation purposes³. Further, if the land is released to the DCR, the Town would put the matter on the warrant for approval at Town Meeting in April 2013.

Motion 13-0322: Pilcher moved to support eminent domain for the acquisition of the Town property along the old railroad right of way for the Cape Cod Bike Trail. Murphy seconded the motion and it passed 5-0.

Update on Gull Pond Road Project, the FY12 CDBG program and use of Program Income: Alice Boyd of Bailey Boyd Associates spoke to the Selectmen about the completion of phase one of the project recovery grant on Gull Pond Road and that five new houses would soon begin construction. Thirty-six families in

Wellfleet are eligible to benefit from the Community Development Block grant that was awarded to Wellfleet and Truro. Boyd requested ideas for utilizing a third grant in the amount of \$100,000 for affordable housing.

Regional Wastewater Management Plan and special commission recommendations: Andrew Gottlieb, Executive Director from the Cape Cod Water Protection Collaborative, spoke to the Selectmen about Commission recommendations on the Regional Wastewater Management Plan. The conclusion: The Commission has noted a decline in water quality on Cape Cod and as a region, we have an obligation to restore water quality. No final decisions on how the region will work together to restore water quality has decided upon or implemented. The Collaborative is looking at the merits of inter-municipal cooperation and building relationships with towns, facilitated by the County, and evaluating opportunities for joint planning and pooling resources to lower remediation costs. If no cooperative solution is found, the issue will be dropped. The Collaborative will report to Commissioners later in year and discuss its findings after Jan 1, 2013. Gottlieb noted that the County had no interest in pursuing a regional water treatment facility for the whole Cape.

Beach Sticker Raffle Item for OysterFest: Gary Sorkin, on behalf of the Wellfleet Local Housing Partnership and the Wellfleet Housing Authority requested approval from the Selectmen for the Beach Department to donate a 2013 Summer Non-Resident Beach Sticker to raffle at OysterFest 2012⁴. The beach sticker has a \$250 face value. Beach Administrator Suzanne Grout Thomas approved the request.

Motion 13-0323: Murphy moved to approve the donation of a 2013 Summer Non-Resident Beach Sticker to raffle at OysterFest 2012 to benefit the Wellfleet Local Housing Partnership and the Wellfleet Housing Authority. Morrissey seconded the motion and it passed 5-0.

Matthew Parent shellfish grant ownership issue: Pilcher reviewed the two returned certified letters sent to Philip Allain⁵. Shellfish Constable Andrew Koch said that he spoke to Allain earlier in the week and Allain requested that his name not be removed from the grant in case his move to South Carolina does not work out. Pilcher said that a final hearing on the issue has been scheduled for the Board of Selectmen meeting on September 25, 2012.

Berta Bruinooge recused herself from voting on Shellfish licensing issues and turned the meeting over to Paul Pilcher. John Morrissey also recused himself from the Barrio proceedings.

Karl Barrio shellfish license/permit hearing request: Karl Barrio and his lawyer Craig Nickerson requested that the Selectmen grant him a hearing to reconsider lifting the ban on his shellfish grant license and commercial shellfish permit. Barrio says he has evidence to present that was not available at the March 27, 2012 Board of Selectmen meeting. Pilcher reviewed a memo from Town Counsel Mary Giorgio⁶ that stated that the revocation of Barrio's commercial shellfish permit extended to the end of its life, December 31, 2012 and the revocation of grant license extends to the end of its life on November 15, 2015. Barrio's counsel's claim that the Town's shellfish regulations provide for only a 60 day suspension is based on a faulty interpretation of the regulation and that Barrio lost his right to appeal because Nickerson failed to file an appeal with the Superior Court within the 60 day timeframe allowable. Koch has not changed his opinion.

Motion 13-0324: Houk moved to grant Karl Barrio a hearing to present new evidence and expedite hearing. Murphy seconded the motion and it passed 2-1 (Pilcher).

Pilcher directed the Administration office to schedule a public hearing on the issue after receiving the new evidence from Mr. Barrio and his Counsel.

Recess: 9:10 p.m. to 9:15 p.m.

Request from Alfred Pickard to discuss the installation of sidewalks: Planning Board member Alfred Pickard requested an extension of the sidewalk installation for Holbrook Avenue. Assistant Town Administrator Tim King said that there was no funding provision for this extension for the project voted on at

Town Meeting in April 2012. The Selectmen, King and Pickard did agree that a small extension of the sidewalk past the Pearl Restaurant and around the corner to the crosswalk may be feasible provided that the Town has sufficient funds remaining in the approved construction project.

Motion 13-0325: Pilcher moved to include the sidewalk project to extend to the crosswalk near the Pearl Restaurant near the Town Pier. Murphy seconded the motion and it passed 5-0.

Wastewater Planning Ad Hoc Committee Proposed Charge

Motion 13-0326: Pilcher moved to approve the Charge for the Comprehensive Wastewater Planning Ad Hoc Committee⁷ as amended. Houk seconded the motion and it passed 5-0.

Proposed changes to Marina Advisory Committee charge: Ned Hitchcock reviewed a proposed revision of the Marine Advisory Committee charge⁸ and asked that the Selectmen approve the proposed language to be presented and voted on at the April 2013 Town Meeting. Sieloff recommended making the Marina Advisory Committee a Board of Selectmen appointed committee after placing an article to recommended removing the Marina Advisory Committee from the Town Charter at Town Meeting.

Motion 13-0327: Houk moved to approve the proposed revision to the Marina Advisory Committee Charge to be presented and voted on at the April 2013 Town Meeting. Murphy seconded the motion and it passed 5-0.

Marina Fuel Pricing Policy: Harbormaster Michael Flanagan reviewed the current Wellfleet Marina Fuel Pricing Policy⁹ with the Selectmen.

Motion 13-0328: Pilcher moved to bring the Marina Advisory Committee and Harbormaster back before the Selectmen with a revised proposal. Murphy seconded the motion and it passed 5-0.

Bid Award: Sieloff requested authorization for the Town Administrator to award the bid for the Commercial St. and Bank St. sidewalk and paving Project on September 26, 2012.

Motion 13-0329: Murphy moved to authorize the Town Administrator to award the bid for the Commercial and Bank Streets sidewalk and paving project in September 26, 2012. Houk seconded the motion and it passed 5-0.

TOWN ADMINISTRATORS REPORT

Sieloff asked about moving the October dates of the Board of Selectmen meetings to accommodate Bruinooge's planned vacation. The Selectmen agreed to keep the meetings on the second and fourth Tuesdays in October. Sieloff reported that there was a new monitor in the library that showed the energy savings from the solar arrays at the library and fire station. Bruinooge requested that those savings numbers be put up on the Town website if possible. Sieloff updated the Selectmen on the solid waste disposal issue, stating that the Town is reviewing information from five vendors and will schedule a meeting with SEMASS. Sieloff will also give an update on the Fire Chief and Town Administrator searches at the September 25, 2012 Selectmen meeting.

FUTURE CONCERNS

Bruinooge said she would be 'happy' to work on an article to change the Town Charter to allow Finance Committee to be members of Ad Hoc and temporary committees. Morrissey would like to address the status of the Pay As You Throw Committee at the September 25, 2012 BOS meeting.

CORRESPONDENCE REPORT

Dennis Murphy had prepared the Correspondence Report. A copy was made available for review.

MINUTES

Motion 13-0330: Pilcher moved to approve the amended minutes of July 31, 2012, August 7, 2012 and August 14, 2012, as amended. Murphy seconded the motion and it passed 5-0.

ADJOURNMENT

Motion 13-0331: Murphy moved to adjourn the meeting at 10:21 p.m. and not to reconvene the public Board of Selectmen meeting after the Executive Session. Houk seconded the motion and it passed 5-0.

MOTION 12-0332: Pilcher moved to take a ten minute break and then go into executive session with respect to collective bargaining negotiations and not return to the regular meeting. Murphy seconded the motion. Bruinooge, Pilcher, Houk Morrissey and Murphy each said yes, and the motion passed 5-0.

Respectfully submitted,
Amy Voll, Executive Assistant

¹ SPAT Use of Town Property Application for OysterFest 2012

² Town of Wellfleet proposed Building Permit revisions

³ August 20, 2012 letter from DCR to Chairman Bruinooge re: Cape Cod Rail Trail

⁴ August 24, 2012 email from Gary Sorkin requesting beach sticker as raffle item

⁵ Copies of Certified Mail sent from Wellfleet Town Hall to Philip Allain

⁶ 8/28/12 memo from Town Counsel Mary Giorgio "Barrio's request for a hearing on the BOS's shellfish permit and grant license revocation decision"

⁷ Proposed Comprehensive Wastewater Planning Ad Hoc Committee Charge

⁸ Proposed revision of the Marina Advisory Charge for Town Meeting 2013

⁹ Wellfleet Marina Fuel Pricing Policy 2012