

**Wellfleet Board of Selectmen  
Minutes of the Meeting of May 8, 2012  
Council On Aging Building, 7:00 p.m.**

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

Acting Chair Berta Bruinooge called the meeting to order at 7:00 p.m. and welcomed the two new Board of Selectmen, Dennis Murphy and John Morrissey.

**Board of Selectmen reorganization:**

**MOTION 12-0181:** Houk moved to appoint Bruinooge as the new Board of Selectmen Chair. Pilcher seconded the motion and it passed 5-0.

**MOTION 12-0182:** Houk moved to appoint Pilcher as the new Board of Selectmen Vice-Chair. Morrissey seconded the motion and it passed 5-0.

**MOTION 12-0183:** Morrissey moved to appoint Murphy as the new Board of Selectmen Clerk. Pilcher seconded the motion and it passed 5-0.

**Announcements, Open Session and Public Comment:** Janet Morrissey announced that the Wellfleet Community Forum will hold a discussion on the Open Cape Regional Broadband Project at 7:00 p.m. on Monday, May 21, 2012 at the Public Library.

**LICENSES**

**MOTION 12-0184:** Pilcher moved to approve the Business License for the Harbor Stage Company at 15 Kendrick Avenue to expire December 31, 2012. Murphy seconded the motion and it passed 5-0.

**APPOINTMENTS**

**MOTION 12-0185:** Houk moved to appoint Rebecca Taylor as a new Wellfleet Fire Department Call Member<sup>1</sup>. Morrissey seconded the motion and it passed 5-0.

**MOTION 12-0186:** Houk moved to appoint Timothy King to the Local Comprehensive Planning Implementation Committee for an indefinite term. Murphy seconded the motion and it passed 5-0.

**MOTION 12-0187:** Houk moved to appoint Paula Erickson to the Cultural Council with a term ending June 30, 2014. Morrissey seconded the motion and it passed 5-0.

**Energy Committee Appointment:** The Selectmen interviewed Lilli Green for a vacancy on the Energy Committee with a term ending June 30, 2014. Pilcher asked if Green would be willing to focus on a wealth of Energy Committee issues and not just solely on wind turbines. Green responded that she can look at all sides of the issues facing the Committee. Houk stated that that Green would be a wonderful advocate on the Energy Committee. Houk moved to appoint Green to the Energy Committee but there was no second to the motion. Bruinooge stated that hearing no second to the motion from the Board, there would be no action taken to appoint Green and that the issue would be reconsidered at the May 22, 2012 Board of Selectmen meeting, where additional candidates for the open position would also be interviewed.

**MOTION 12-0188:** Pilcher moved to approve an interim appointment for Elaine McIlroy to the Housing Authority until the term ends at next Town election. The elected position was inadvertently left off the election ballot and the Town Clerk, Dawn Rickman, requested that the Selectmen appoint McIlroy to the

position until the next Town election. Houk and Morrissey raised questions about the legality of this interim appointment. Bruinooge recalled a past precedent for the Selectmen making interim appointments when officials step down from an elected position. Murphy seconded the motion and it passed 3-2 (Houk/Morrissey).

**PUBLIC HEARING:** Bruinooge opened the public hearings at 7:15 p.m.

**Daily Beach Parking Fees:** Suzanne Grout Thomas recommended raising the daily parking fees at Cahoon Hollow and White Crest Beaches from \$15 to \$20 per vehicle to be on par with other Cape Town's summer parking fees. Thomas stated that it had been 20 years since there was a fee change and the \$5 increase is projected to net approximately \$51,275 in additional revenue for the Town.

**MOTION 12-0189:** Morrissey moved to raise the daily parking fee at Cahoon Hollow and White Crest Beaches from \$15 to \$20 per vehicle. Murphy seconded the motion and it passed 5-0.

**2012 Beach Fire Rules and Regulations:** Suzanne Grout Thomas recommended that current Wellfleet Beach Rules in Regulations remain in place for the summer of 2012 until the ad hoc advisory committee and Beach Administration can finalize a list of recommendations to present at a future Board of Selectmen public hearing. If requested by the Selectmen, a public hearing to discuss interim rules for adoption, such as increased fines for permit violations, can be scheduled prior to when the Beach Office begins to issue beach fire permits in June.

## **REAPPOINTMENTS**

**MOTION 12-0190:** Houk moved to approve the following committee reappointments. Murphy seconded the motion and it passed 5-0.

- John Duane – Board of Assessors [term ends 6/30/15]
- Lezli Rowell – Board of Health [term ends 6/30/15]
- Hannelore Vanderschmidt – Board of Water Commissioners [term ends 6/30/15]
- Barbara Gray – Cable Advisory Board [term ends 6/30/13]
- Hillary Greenberg-Lemos – Cape Cod Water Protection Collaborative [term ends 6/30/14]
- Samuel Bradford – Citizens Economic Development Committee [term ends 6/30/13]
- Rhoda Flaxman – Citizens Economic Development Committee [term ends 6/30/13]
- Manuel Smith – Citizens Economic Development Committee [term ends 6/30/13]
- Judith Stiles – Citizens Economic Development Committee [term ends 6/30/13]
- Peter R. Hall – Community Preservation Committee [term ends 6/30/15]
- Louise Ledkovsky – Cultural Council [term ends 6/30/15]
- Lydia Vivante – Historical Commission [term ends 6/30/15]
- Barbara Knapp – Local Housing Partnership [term ends 6/30/13]
- Judy Taylor – Local Housing Partnership [term ends 6/30/13]
- Joseph Aberdale – Marina Advisory Committee [term ends 6/30/14]
- Ned Hitchcock – Marina Advisory Committee [term ends 6/30/14]
- Robert Hubby – Open Space Committee [term ends 6/30/13]
- Bruce Hurter – Open Space Committee [term ends 6/30/13]
- Robert Jackson – Open Space Committee [term ends 6/30/13]
- Janis Plaue – Open Space Committee [term ends 6/30/13]
- Lynn Southey – Open Space Committee [term ends 6/30/13]
- Bethia Brehmer – Recycling Committee [term ends 6/30/15]
- Erin Mitchell – Recycling Committee [term ends 6/30/15]
- Alexander Hay – Wastewater Planning Committee [term ends 6/30/15]
- Robert Hankey – Zoning Board of Appeals [term ends 6/30/15]
- Roger Putnam – Zoning Board of Appeals [term ends 6/30/15]

**MOTION 12-0191:** Pilcher moved to approve Janet Morrissey to the Planning Board with a term ending June 30, 2017. John Morrissey recused himself from the vote as Janet Morrissey is his wife. Houk seconded the motion and it passed 4-0-1 (Morrissey).

### **USE OF TOWN PROPERTY**

**MOTION 12-0192:** Pilcher moved to approve the application received from Olaf Valli from Sickday, Inc. to use White Crest Beach from April 1, 2012 to December 31, 2012 from sunup to sundown to offer lessons on various water sports and competitions. Valli spoke about a problem with parking tickets issued to people taking early morning surf lessons. Beach Administrator Suzanne Grout Thomas said that she would meet with Valli and any other businesses with this issue before the start of the season to find a compromise solution. The approval is pending the payment of a \$350 Use of Town Property Fee to be paid to the Town of Wellfleet. Murphy seconded the motion and it passed 5-0.

**MOTION 12-0193:** Houk moved to approve the application received from Benjamin Fowler of the Sacred Surf School to use White Crest Beach from May 26, 2012 to September 30, 2012 from 5:00 a.m. to 8:00 p.m. Fowler will charge a fee for equipment use and surf lessons. The approval is pending the payment of a \$350 Use of Town Property Fee to be paid to the Town of Wellfleet. Morrissey seconded the motion and it passed 5-0.

**MOTION 12-0194:** Pilcher moved to approve the application received from Kenneth Horton and Jodi Ventura to use Newcomb Hollow Beach and parking area on June 3, 2012 from 11:20 a.m. to 2:00 p.m. for a wedding ceremony. No Use of Town Property Fee applies. Murphy seconded the motion and it passed 5-0.

**MOTION 12-0195:** Morrissey moved to approve the application received from Victoria Thames to use Indian Neck Road near the beach on September 29, 2012 from 4:30 p.m. to 5:45 p.m. for a wedding ceremony. The approval is pending the payment of a \$100 Use of Town Property Fee to be paid to the Town of Wellfleet. Houk seconded the motion and it passed 5-0.

### **BUSINESS**

**Board of Selectmen Service on Town Committees:** Pilcher requested a discussion to determine if Selectmen can be appointed to serve in an advisory role to Town committees that have no regulatory authority. Last year, Town Counsel presented an opinion which stated that a Selectman may be appointed to a committee as an Ex Officio member but could have no voting authority or be available to constitute a quorum, and that their committee appointment would end when their term as a Selectman was over. Pilcher would like to adopt this as a Selectmen policy. The Selectmen agreed that they would like to review all pertinent material from the Town Charter and Town Counsel before rendering a policy decision at a future Board of Selectmen meeting.

**250th Anniversary Committee Update:** Suzanne Grout Thomas gave an update on behalf of the 250<sup>th</sup> Anniversary Committee. The Committee kicked off with a brainstorming meeting on February 4, 2012 to gather ideas to celebrate Wellfleet's past, present and future, and identify activities that can be handled through committee members, Wellfleet organizations and existing Wellfleet events like the Oyster, Harbor and Blossom Festivals. The main celebration will be held during Founder's Week in August 2013, including a re-enactment of the first Town Meeting and a fireworks display, but there will be many additional activities planned during the shoulder season. Pilcher is excited that there are events planned through the year. Dick Elkin is overseeing the website and the official logo, designed by a local High School tech student contest winner, will be on t-shirts available at OysterFest.

**Horseshoe crab population in Wellfleet waters:** Barbara Austin, Shellfish Advisory Board Chair, reviewed a Horseshoe Crab Fact Sheet<sup>2</sup>. The shellfishing community in Wellfleet is concerned that the horseshoe crab population is being over-harvested for bait by two fishermen to the detriment of the aquaculture health of Wellfleet waters. The Shellfish Advisory Board is requesting a meeting with the Division of Marine Fisheries (DMF), the regulatory body for this issue, to request a moratorium or closure on harvesting horseshoe crabs to

study the effects of the depleted population on the aquaculture. Austin requested that the Board of Selectmen go on the record to give their official support to the closure or moratorium on the horseshoe crab harvest in Wellfleet prior to their meeting with the DMF. Austin is hoping to get an official policy in place by next month.

**MOTION 12-0196:** Pilcher made a motion to go on record as supporting the Shellfish Advisory Board for a closure or moratorium on harvesting horseshoe crabs in Wellfleet. Morrissey seconded the motion and it passed 5-0.

**State legislation for the room occupancy tax:** Assistant Town Administrator Tim King asked the Selectmen to approve a request to State Representative Sarah Peake asking her to introduce state legislation for the room occupancy tax as adopted by Article 20 at the Annual Town Meeting.

**MOTION 12-0197:** Pilcher moved to petition State Representative Sarah Peake to introduce state legislation for the room occupancy tax in Wellfleet as adopted by Article 20 at the Annual Town Meeting. Murphy seconded the motion and it passed 5-0.

### **TOWN ADMINISTRATOR'S REPORT**

Town Administrator Paul Sieloff announced that Wellfleet's Information Technology Manager, Cristian Patapie, will soon be leaving his post in Wellfleet to go to graduate school in Boston. Sieloff commended Patapie for his innovation, reliability and highly skilled service to the staff and Town. Sieloff explained that the Town is working on a proposal<sup>3</sup> to engage the Barnstable County Information Technology Department to administer IT services for the Town of Wellfleet, which will help negate any future problems that could arise from having only one person dedicated to the IT position. He saw this as a significant regional initiative that may enhance Wellfleet's access to IT services, technologies and multiple personnel available at the County level. The budget for hiring Barnstable County to administer IT service is comparable with Patapie's current contractor salary; there would be two and six month service reviews and an opt-out clause in the contract. From the audience, Fire Chief Dan Silverman suggested making the draft proposal available to Department Heads for review. Sieloff replied that he would meet with the Department Heads and release a printed draft of the proposal prior to the Selectmen meeting on May 22, 2012. Bruinooge suggested that the Selectmen be given the opportunity to review the proposal, and that Sieloff invite Barnstable County IT Manager John Morse and Cristian Patapie to make a presentation to the Selectmen at the May 22, 2012 meeting.

Paul Pilcher asked for a status update on findings related to health issues at the DPW building. Pilcher concluded from a recent engineer's report that the issue was caused by truck and other equipment exhaust but Sieloff stated that complaints from fumes were an extremely sporadic occurrence. Sieloff said a solution to the problem has not yet been identified and that the investigation was ongoing. Dennis Murphy stated that the DPW building was tested over two week period for elevated CO2 and the findings indicated that levels were safe.

### **FUTURE CONCERNS**

John Morrissey suggested several future Board of Selectmen agenda items, including a discussion concerning the recruitment of a new fire chief, inviting the Marina Advisory Committee to discuss the harbor dredging issue and a three-month report on dispatcher activity from the Police Chief at the July 24, 2012 Board of Selectmen meeting. Morrissey also announced that the Smarter Cape Summit<sup>4</sup> would take place on Monday and Tuesday, May 14 and 15, 2012. Sieloff said that he would attend at least one day of the summit. Dennis Murphy will work with Sieloff, the Finance Committee, the Building Inspector and Hugh Guilderson of the Building and Needs Assessment Committee to continue work on a comprehensive preventive maintenance schedule for identifying problems with all Town buildings. Once the program is benchmarked and improved, Murphy would like to make this program into a Town policy. Bruinooge mentioned that there are two vacancies on the Building and Needs Assessment Committee that need to be filled. She would like the issue raised at a future Board of Selectmen meeting. Bruinooge would like the Town to figure out a way to work with Cape Cod Child Development, Inc. to secure the Old COA building on 95 Lawrence Road. King said

that he had already started the process and had a meeting with CCCD, Inc. later in the week. Pilcher requested that Murphy and Morrissey give a report on presentation from Paul Niedzwiecki of the Cape Cod Commission "Losing Cape Cod: Our Wastewater Challenge" that took place on May 5, 2012 at the May 22, 2012 Selectmen meeting. Pilcher also requested that the Selectmen come with a list of Board of Selectmen Goals to present and discuss at the June 12, 2012 Selectmen meeting in order to handle Town issues more proactively. From the audience, Fire Chief Dan Silverman, who will be retiring in February 2013, requested a formal Board of Selectmen agenda item on the May 22, 2012 meeting to discuss succession planning for his position.

### **CORRESPONDENCE REPORT**

Pilcher reviewed letters to the Selectmen in the Correspondence Report<sup>5</sup>. Pilcher highlighted three letters in the Correspondence Report and suggested that each issue be addressed at a future Board of Selectmen meeting: 1.) The Shellfish Advisory Board made a number of suggestions regarding the Herring River Restoration Project; 2.) Stephen Curley raised concerns regarding oversight by the Historical Review Board; and 3.) Ed Miller's response to comments made by the Fire Chief at Town Meeting.

### **MINUTES**

**MOTION 12-0198:** Pilcher moved to approve the meeting Minutes from April 10, 2012 and April 23, 2012. Houk seconded the motion and it passed 3-0-2 (Morrissey/Murphy).

### **ADJOURNMENT**

**MOTION 12-0199:** Houk moved to adjourn the meeting. Murphy seconded the motion and it passed 5-0. The meeting was adjourned at 9:04 p.m.

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<sup>1</sup> Memo from Chief Silverman re: Appointment of call department member

<sup>2</sup> Horseshoe Crab Fact Sheet

<sup>3</sup> Draft Barnstable County Information Technology Service Agreement, May 1, 2012

<sup>4</sup> Smarter Cape Summit Information Sheet

<sup>5</sup> Board of Selectmen Correspondence Report 5/8/12