

**Wellfleet Board of Selectmen
Minutes of the Meeting of August 14, 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:

- Houk thanked the public for making the Wellfleet Alzheimer's Association event on August 12, 2012 the most successful fundraiser to date.
- Karl Barrio read a statement and gave the Selectmen a petition¹ signed by local residents asking the Board for a hearing to reinstate his shellfish grant and license.

APPOINTMENTS

Motion 13-0296: Murphy moved to approve the appointment of Peter Williams to the Building and Needs Assessment Committee with a term ending June 30, 2015. Houk seconded the motion and it passed 5-0.

USE OF TOWN PROPERTY

Motion 13-0297: Houk moved to approve the application received from George White of the Wellfleet Fire Department requesting the use of the front lawn and side driveway at Town Hall on Saturday, August 18, 2012 from 9:00 a.m. to 1:00 p.m. for an annual bake and T-shirt sale to benefit the Wellfleet Fire Relief Association. No fee for use of Town property applies. Murphy seconded the motion and it passed 5-0.

Motion 13-0298: Pilcher moved to approve the application received from Terry Gips from the Wellfleet Democratic Town Committee requesting the use of the front lawn of Town Hall from 10:00 a.m. to 12:00 p.m. on three consecutive Saturdays: August 18, 25 and September 1, 2012 to set up a small table and have two people hand out campaign literature for local, state and national candidates running in 2012 races. No fundraising will be conducted. No fee for use of Town property applies. Houk seconded the motion and it passed 5-0.

BUSINESS

Preservation Hall lease issue – follow up discussion: *Berta Bruinooge recused herself and turned the meeting over to Paul Pilcher.* Town Moderator Bruce Bierhans explained concerns expressed by Ronald Koontz of the USDA regarding the transition of tenants on the Preservation Hall lease in the event of a default on the grant. Bierhans believes that Koontz wants some assurance from Town that there would be flexibility on the tenant issue. Bierhans wrote a proposed letter for review by the BOS that answered Mr. Koontz concerns². Pilcher noted that if the new tenant was not a community arts center, than the issue must go to Town Meeting for a vote. Pilcher does not want to waive that provision in the lease.

Motion 13-0299: Houk moved to ask the Town Administrator to write the letter to Ronald Koontz of the USDA. Murphy seconded the motion and it passed 4-0-1 (Bruinooge).

PUBLIC HEARING (7:15 p.m.)

Motion 13-0300: Pilcher moved to approve an amendment to the Beach Rules and Regulations by changing section 22 (b) to read: 'Any violation relating to Rule #10 above shall be fifty (\$50) for the first offense and one hundred (\$100) for the second offense.' Morrissey seconded the motion and it passed 5-0.

Motion 13-0301: Houk moved to approve the application received July 25, 2012 from the Cape Cod Bay Challenge, Suzanne Babcock, for a one day Beer and Wine license at Baker's Field on Saturday, August 25, 2012 from 3:00 p.m. to 9:00 p.m. Morrissey seconded the motion and it passed 5-0.

Motion 13-0302: Houk moved to approve the application received July 11, 2012 from S.P.A.T., Mac Hay, for a two day Beer and Wine License at the contained beer and wine tent behind Town Hall on Saturday, October 13, 2012 from 10:00 a.m. to 5:00 p.m., and Sunday, October 14, 2011 from 10:00 a.m. to 5:00 p.m. From the audience, Tom Reinhart wanted assurances that businesses serving alcohol would be controlled. Bruinooge thanked the OysterFest for their diligence in meeting with local businesses on a plan to negate excessive alcohol consumption at the event. Chief Fisetta said that there would be an increased police presence at this year's event. OysterFest and some local restaurants have agreed to hire their own security and police details. Murphy seconded the motion and it passed 5-0.

Berta Bruinooge recused herself from voting on Shellfish licensing issues and turned the meeting over to Paul Pilcher.

Motion 13-0303: Murphy moved to decline the application received August 3, 2012 from Sean Evan Arsenault for a Commercial Shellfish License, per Section 4 of the Shellfish Policies and Regulations – Policy – Commercial Permits, based on the Shellfish Constable's recommendation. Morrissey seconded the motion and it passed 4-0.

Motion 13-0304: Houk moved to approve the application received June 13, 2012 from Michael Parlante to renew shellfish grant licenses # 739 and 739A for a ten year period. Pilcher seconded the motion and it passed 4-0.

Motion 13-0305: Houk moved to approve the application received June 18, 2012 from Russell A. Junkins to transfer shellfish grant license # 89-4 from Russell A. Junkins to Russell A. Junkins, Sheila Avery and Rodney Avery. Murphy seconded the motion and it passed 4-0.

Motion 13-0305: Houk moved to approve the application received July 2, 2012 from James R. Gray for a .99 acre shellfish grant on Old Wharf Point. Murphy asked to see the proof that the access road in question on the grant actually belongs to the Town. James Gray came forward to show Murphy and the other Selectmen a map acquired from Town Hall that proves the road is indeed owned by the Town of Wellfleet. Morrissey seconded the motion and it passed 4-0.

Motion 13-0306: Morrissey moved to approve the application received July 5, 2012 from Evan K. Bruinooge for a .5 acre shellfish grant on the south side of grant # 771. Houk seconded the motion and it passed 4-0.

Motion 13-0307: Houk moved to approve the application received July 6, 2012 from Matthew Parent to renew shellfish grant license # 04-03 for a one year period. Murphy seconded the motion and it passed 4-0.

Parent came forward to inquire about his request to remove Philip Allain from his grant paperwork. Pilcher informed Parent that this issue was not listed on the current agenda but he would list it as an issue for inquiry during future concerns.

Motion 13-0308: Murphy moved to approve the application received July 9, 2012 from Robert, Margaret and Ross McClellan to subdivide shellfish grant license # 85 B-A into two 1 acre grants, and to transfer 1 acre from Robert, Margaret and Ross McClellan to Robert and Margaret McClellan, Peter Crosen and Adrien Kmiec. Houk seconded the motion and it passed 4-0.

BUSINESS (con't)

OysterFest planning update: Michele Insley spoke on behalf of SPAT to give an update on planning and logistics for OysterFest 2012. Insley reiterated that SPAT planned to charge each patron a \$1 entry fee so they can diversify their funding sources. Houk suggested that the collected fee should go to the Town. Insley suggested a potential fee-sharing partnership with the Town. Insley also gave an update on meeting with local restaurants, liquor stores and the Police Department about safeguards that will be in place to help control alcohol consumption at this year's festival. SPAT is still working out specific logistics for security and crowd control but new proposals for 2012 include: Patrons over 21 who wish to purchase alcohol at the SPAT tent must now wear an ID bracelet and SPAT may raise the price of beer. Morrissey asked about charging a parking fee at the Marina. Insley said that Harbormaster Mike Flanagan proposed charging \$5 per car at the Town Pier as a stream of revenue for the Marina Enterprise Fund. Insley suggested the Town charge parking at Town Beaches. Houk said BOS must approve any

fees charged by the Town for parking. He also hopes that security and alcohol control measures implemented at this year's OysterFest will redirect the festival back to a more family-centered event.

Proposed Residential Tax Exemption: The Selectmen considered a proposed plan to exempt up to 20% of the average value of the residential class for domiciled residents in an effort to make housing more affordable for domiciled residents. John Morrissey read a statement in support of the 20% residential tax exemption in Wellfleet³. Town Assessor Nancy Vail reviewed specific information about the proposal⁴ and reviewed the estimated tax decrease for residential properties that are a principal residence⁵ and tax increase for properties that are not a principal residence⁶. She said that there are approximately 1,887 property owners currently eligible for the exemption. Properties valued at \$1.1 million and over, of which there are 50 in Wellfleet, are eligible for the exemption although the tax savings on those properties would be negligible. If the Selectmen vote to enact the tax exemption, the tax rate for all properties would rise from \$6.12 to \$6.70 per \$1,000 of assessed property value, although property owners eligible for the exemption would see a decrease in the amount owed to the Town on their tax bill. A discussion ensued among the Selectmen and Vail about defining eligibility for a domiciled resident and it was determined that the state had specific rules on this issue. Vail said that in order to process data and paperwork if the tax exemption is enacted, the Assessor and Tax Collector's office will need a year's lead time for software updates and that, in her opinion, it is too late to enact the exemption for FY2013. Asked about the status of the exemption on other Cape towns, Vail said that other assessors pointed to the high tax burden on non-residents who do not have children in the schools. The only exception is the villages of Barnstable, which has enacted the exemption. Vail pointed out that Barnstable has a much higher commercial tax base that helps to offset lost tax revenue from the exemption. Vail thinks non-resident tax payers should be invited to discuss the issue. Pilcher said that he had been speaking to them for over a year about the issue and they have not responded. From the audience, Tom Reinhart said the Finance Committee voted on this issue and would be happy to share that information. Town Accountant Marilyn Cray asked that information from similar sized towns be provided in order to make a better assessment of cost to the Town.

Concerns about Cape Light Compact: Kathy Hubby, Wellfleet representative to the Cape Light Compact (CLC) Governing Board, addressed concerns raised by several Wellfleet residents who claimed that CLC was unresponsive to their public records requests. Pilcher said he spoke with Hubby and CLC Administrator Maggie Downey about several issues of concern outlined in the Assembly of Delegates Report dated May 2, 2012⁷, as well as the records request from Wellfleet residents. Downey told Pilcher that the concerns mentioned in the report would be addressed⁸. Murphy was also present at the meeting with Downey and concurred with Pilcher's statement. In summary, Downey stated that there would be an audit of CLC going back many years that would address the funding process; Barnstable County would follow the recommendation that CLC and the Cape and Vineyard Electric Cooperative (CVEC) be separately controlled; Downey would have no affiliation with CVEC; Downey would address past budget questions by posting them publicly on the CLC website (no contracts would be posted). Pilcher thinks there should be separate legal counsel for CLC and CVEC. Hubby said she spoke with Downey on the legal representation issue and Downey said that CLC has acted consistent with Massachusetts laws at all times and has done nothing illegal or improper. Pilcher asked Hubby to ensure that promises made by CLC were followed through by Downey.

Cape Light Compact Audit issue: Richard Elkin, the alternative representative from Wellfleet to the Cape Light Compact Governing Board, stated that the CLC Governing Board did not vote to move forward with a forensic audit recommended in the Assembly of Delegates Report at a cost of \$30,000 per year, plus \$100,000 to go back and audit past bookkeeping records. Rather, the CLC Governing Board recommended that the CLC Town Representatives ask individual Town Boards if they are willing to vote to allocate ratepayer money to pay for an expanded audit of CLC's financial records conducted by Barnstable County. From the audience, Preston Ribnick said he spent 18 months going to meetings regarding CLC and CVEC issues and was surprised that Downey spent time with Pilcher and Morrissey to discuss the subject matter in question. He requested that CLC provide annual reports to the Town and urged the Selectmen not to support a forensic audit at that cost to the ratepayer. Houk stated that the state had responded that it was not interested in pursuing a full forensic audit on the CLC.

Motion 13-0309: Pilcher moved to approve the request that Cape Light Compact move forward with an audit of Cape Light Compact's financial records by Barnstable County as recommended by Cape Light Compact Administrator Maggie Downey. Murphy seconded the motion and it passed 5-0.

Three-month 911 Dispatcher Activity Report: Police Chief Ron Fisette said that all data relating to the 911 Dispatcher Activity has been included on the monthly reports provided to the Selectmen. Morrissey requested the inclusion of workload and activity data in the dispatch center since the program was implemented.

Discussion on potential ad hoc committee to research the Mayo Beach/Baker Field Bathhouse: Alex Hay, Chair of the Comprehensive Wastewater Planning Committee, asked the Selectmen to allow the formation of a Comprehensive Wastewater Planning Ad Hoc Committee to research and determine what action, if any, should be taken on the Mayo Beach/Baker's Field Bathhouse⁹. The Comprehensive Wastewater Planning Committee is requesting a volunteer member from the following committees: Board of Health, Building and Needs Assessment, Conservation Commission, Finance, Planning, Recreation, Comprehensive Wastewater Planning and a community-at-large member. The Selectmen recommended that the committee have a term from September 2012 through March 2013 and report its findings at a Board of Selectmen meeting in March, prior to Town Meeting, as Pilcher was concerned that the measure failed to pass last year because adequate information was not available to the public. Morrissey recommended that the committee have a specific charge and budgetary scope. Houk said that since it is a recreation issue, the Comprehensive Wastewater Planning Committee can apply for Community Preservation funds to help offset the cost of the project. Murphy suggested this ad hoc committee work in tandem with the Comprehensive Wastewater Planning Committee to combine both phases of the wastewater plan and look for joint opportunities regarding Town facilities.

Motion 13-0310: Pilcher moved to form a Comprehensive Wastewater Planning Ad Hoc Committee to recommend action on the Mayo Beach/Baker's Field Bathhouse with a term from September 2012 through March 2013 and report its findings at a Board of Selectmen meeting in March. And that Amy Voll would send a memo to the Board of Health, Building and Needs Assessment, Conservation Commission, Finance, Planning, Recreation and Comprehensive Wastewater Planning asking for a member to serve on this committee with one community-at-large member. Murphy seconded the motion and it passed 5-0.

Amendment to the Wastewater Planning Committee Contract: Alex Hay, Chair of the Comprehensive Wastewater Planning Committee and Paul Gabriel from Environmental Partners Group (EPG) requested that the Board of Selectmen approve an amendment to the Wastewater Planning Committee contract with EPG that would authorize funds to complete additional work required during Phase 2 of the project to address water quality issues in the inner harbor through a natural oyster demonstration project. Gabriel reviewed a document which detailed the Comprehensive Wastewater Management Plan Interim Needs Assessment and Alternatives Analysis Plan¹⁰, and then addressed Amendment 2 of the Agreement, specifically Task 5, will allow the committee to proceed with a more detailed evaluation of alternative solutions in accordance with the plan guidelines. The project is still slated to come in under the budget approved at the 2010 Town Meeting¹¹. Murphy asked if the project was sent out to bid after the budget was approved at Town Meeting. Hay responded that there was a large response to the request for proposal and that EPG was the lowest bidder and provided the best scope of work. Hay also mentioned that there would be a public meeting held on August 20, 2012 at the Council On Aging at 7:00 p.m. to present an overview of all the work on the project that has been done to date and explain future plans¹².

Motion 13-0311: Pilcher moved to approve Amendment 2 of the agreement with EPG as explained in the memo from Paul Millet from EPG¹³. Murphy seconded the motion and it passed 5-0.

Interim Town Administrator contract: Town Administrator Paul Sieloff reviewed a proposed memo that would approve the appointment of Assistant Town Administrator Timothy King as acting Town Administrator beginning on September 27, 2012¹⁴.

Motion 13-0312: Murphy moved to appoint Timothy King as acting Town Administrator on September 27, 2012 with \$400 per week stipend. Houk seconded the motion and it passed 5-0.

Review proposed Town Administrator position charge and advertisement: Town Administrator Paul Sieloff reviewed the proposed advertisement created by recruiter Mark Morse from MMA¹⁵ and asked the Selectmen for feedback on the content and approval to place the advertisement in the Beacon, ICMA and any local newspapers required by the Town Charter. Sieloff requested that the population numbers be changed to reflect current figures.

Motion 13-0313: Murphy moved to approve and place the advertisement with new population information. Pilcher seconded the motion and it passed 5-0.

TOWN ADMINISTRATORS REPORT

Paul Sieloff suggested no fall Town meeting needed to be held in 2012 and that the August 28, 2012 Board of Selectmen meeting be cancelled. Sieloff also alerted the Board that there would be divers conducting a safety review of the Herring River Dike.

FUTURE CONCERNS

Pilcher would like to address the ownership issue of Matt Parent's shellfish grant and review whether the Selectmen need to address Karl Barrio's request for a hearing regarding the revocation of his shellfish license and grant at the September 11, 2012 Board of Selectmen meeting.

CORRESPONDENCE REPORT

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

ADJOURNMENT

Motion 13-0314: Murphy moved to adjourn the meeting at 9:50 p.m. Houk seconded the motion and it passed 5-0.

Motion 12-0315: Bruinooge 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. Pilcher 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 Signed petition from Karl Barrio requesting reinstatement of shellfish license and grant

² Proposed memo worded by Bierhans to address tenant issues at Preservation Hall

³ John Morrissey statement: The Case for a 20% Residential Tax Exemption in Wellfleet

⁴ Property Tax Exemption Proposal

⁵ Estimated tax reduction for principal residence properties

⁶ Estimated tax increase for non-residence properties

⁷ May 31, 2012 response document from CLC to the Assembly of Delegates

⁸ May 31, 2012 PowerPoint Presentation outlining CLC response to the Assembly of Delegates

⁹ May 18, 2012 email to Amy Voll with vote from the Comprehensive Wastewater Planning Committee requesting the formation of an Ad Hoc Committee

¹⁰ June 2012 Comprehensive Wastewater Management Plan Interim Needs Assessment and Alternatives Analysis Plan

¹¹ August 8, 2012 email from Health + Conservation Agent Hillary Greenberg-Lemos to Paul Sieloff describing the proposed Amendment 2 to the wastewater contract with EPG

¹² August 11, 2012 Backgrounder: Wellfleet Wastewater Management Planning

¹³ June 26, 2012 memo from Paul Millet, EPG re: Wellfleet CWMP Amendment No. 2

¹⁴ August 14, 2012 memo offering Timothy King the interim Town Administrator position in Wellfleet

¹⁵ August 9, 2012 draft Town Administrator Advertisement