

Board of Selectmen  
Minutes  
February 14, 1994

The meeting was called to order at 7:00 p.m. in the Library Meeting Room by Chairwoman Carolina Kiggins. Selectmen present included John Ryerson, Barbara Fegan and David Ernst. Selectman Robert S. Costa was absent. Town Administrator, Julia Enroth, also attended.

Open Session:

. Ann Brondson asked the Board what obligation the Finance Committee has to the citizenry of Wellfleet. Ken Granlund of the Finance Committee responded that the Committee reviews the Town budget from a taxpayer's point of view. Ms. Brondson stated that she had asked the Finance Committee for the percentage of increase of the Elementary School budget for FY '94 over FY '93 and that they had not been able to give her the information. The Town Administrator offered to provide Ms. Brondson with the requested information.

. Clarence Smith thanked the DPW Director for the excellent job of snow removal during the previous week.

On a motion duly made and seconded, the Board voted unanimously to approve the minutes of February 7, 1994 as submitted.

The Town Administrator discussed with the Board several FY '95 budget adjustments. On a motion duly made and seconded, the Board voted unanimously to change the Selectmen's budget to reflect the new County assessment of \$237,164. On a motion duly made and seconded the Board voted unanimously to delete the Shellfish Department outboard motor from the FY '95 Capital Budget and to place an article on the Special Town Meeting warrant to fund the purchase of the motor from the Shellfish Fund. On a motion duly made and seconded, the Board voted unanimously to move up the White Crest Parking Lot Expansion Project to the FY '95 Capital Budget with funding from the Beach Fund.

On a motion duly made and seconded, the Board voted unanimously to set the surety bond for the Tax Collector at \$100,000, for the Town Clerk at \$6,500, and for the Town Treasurer at \$100,000.

The Board discussed the memo from the Police Chief regarding plowing out of public safety personnel. There was a consensus of the Board that the Town Administrator will ask the Police Chief, Fire Chief and DPW Director to establish a reasonable temporary solution and that she will draft a permanent policy after discussion with the DPW Director.

The Board discussed the memo from the Police Chief announcing the \$17,754.50 D.A.R.E. Grant awarded to the Town. The funds will be used to send a second officer to the D.A.R.E. program for training who will then interact with children to empower them to resist drugs, alcohol, tobacco and abuse. The Police Chief explained that there was a possibility of sharing D.A.R.E. educational program

resources with Eastham and Truro.

After discussion, the Board voted unanimously, in accordance with M.G.L. Chapter 44, Section 31D, to approve incurring liability and making expenditures in excess of the available appropriation for snow and ice removal for Fiscal Year 1994.

Selectman Ernst left the Board. The Board met with Karl Rask of the Oyster Management Task Force to discuss the Task Force's report entitled "Expanded Cultch Program and Management Recommendations". They discussed Phase I which outlines the direction of the oyster program and Phase II which addresses the logistics of how the program will work. The report has been distributed to the NRAB, LCPC, Planning Board and Marina Advisory Committee for comment. There was a consensus of the Board to allow one month for review and to schedule discussion of the report in five weeks. Selectman Ernst rejoined the Board.

The Board met with members of the Chamber of Commerce to discuss parking in the central district. They discussed:

- a) various taxes and license fees paid by local merchants
- b) the number of jobs provided by local businesses
- c) the pros and cons of the various available parking facilities - Catholic Church, Mooney's and the lot in back of the Congregational Church parking lot
- d) the Catholic Church Parking Lot - they discussed 1) purchasing the parking lot 2) purchasing the entire property, 3) the Town entering into a three year lease/purchase agreement with the Church for \$7,500 per year. The Chamber requested that an article be included in the Annual Town Meeting Warrant requesting funding of \$8,500 per year for three years - \$7,500 per year for rental of the parking lot and \$1,000 per year to be set aside for the eventual purchase of the lot.
- e) the Chamber requested an Annual Town Meeting Warrant Article for funding of 10% of the room tax or \$6,900 for their booklet.

The Town Administrator discussed with the Board a list of potential Annual Town Meeting Articles. There was a consensus of the Board as follows:

- a) Operating Budget - include
- b) Capital Budget - include
- c) Marina Enterprise Fund Budget - include
- d) Nauset High School Architect Fees - include as debt exclusion
- e) Transfer from Ambulance Fund to Paramedic Training Reimbursement of approximately \$5,000 - Town Administrator to consult Town Counsel
- f) Outer Cape Water Management Study Funds and possible Intermunicipal Agreement - Town Administrator to consult Town Counsel
- g) the lease for the Catholic Church parking lot - include
- h) funds for the Chamber of Commerce booklet (10% of room tax) - include

- i) fund wage adjustments/contract settlements - include
- j) Teacher salary increases - override if beyond the required increase due to the Education Reform Act
- k) separate article for funds for Town Hall Renovation - include
- l) reports from committees and continuance of ad hoc committees - include
- m) accept gifts - include
- n) DEP indemnification - include
- o) formalize Social/Human Services Committee - include
- p) accept M.G.L. Chapter 59, Section 5 - include
- q) accept M.G.L. Chapter 110, Section 110 - include
- r) accept early retirement incentive for Wellfleet elementary teachers - hold for more information
- s) amend Nauset Region agreement to expand new membership to comply with one person-one vote - include
- t) set aside town-owned property at corner of Cahoon Hollow and Old King's Highway roads for senior center - include
- u) obtain property owned by Lawrence & Edwina Wright located behind Congregational Church for municipal parking purposes - include
- v) Zoning Bylaw Amendment for Definition of Roadside Stand, Temporary - referred back to Planning Board for hearing and report at Town Meeting
- w) Zoning Bylaw Amendment for Nonconforming Uses, Replacement - referred back to Planning Board for hearing and report at Town Meeting
- x) General Bylaw Amendment for Historic Demolition Delay - include
- y) General Bylaw Amendment for house numbering - not include at this point
- z) sale of town-owned land - Map 30, Lot 61 (possibly others) - include
- z') Charter Amendment to schedule Annual Town Meetings at a later date - hold

Chairwoman Kiggins suggested including articles for funding a Fire Department assessment and a Police Department regionalization study. There was a consensus of the Board to include an article for funds for a Fire Department assessment subject to an override and for Chairwoman Kiggins and Selectwoman Fegan to report back to the Board regarding funds for a Police Department regionalization study after their February 24th meeting with Truro Selectmen regarding this issue.

On a motion duly made and seconded, the Board voted unanimously to approve the business license of The Works.

The Board met with Town Counsel, Michael Ford. Discussion included:

- a) Demolition Delay Bylaw - draft has been submitted for discussion
- b) Link Easement - Town Counsel will make one more attempt to get the easement signed
- c) opinion given to Board of Health regarding placement of a septic system on a lot which includes half of a public way - Town Counsel advised that the septic system must be within four corners of the

- lot and on the property that it serves therefore a variance would be necessary to locate the system elsewhere on the lot
- d) liability for boat storage at Marina - they discussed potential liabilities and Town Counsel suggested further discussion with the Town's insurance agent
  - e) sand roads - continuing to research
  - f) Wesley Swamp Pump - they discussed potential consequences and liabilities if the Town did not continue to keep the pump operating - the Town Administrator asked Town Counsel to forward an opinion in writing
  - g) Confirmatory Deed for DeSouse property on Pilgrim Road - there was a consensus of the Board to sign the deed since there was no expiration date on the 1946 Annual Town Meeting vote authorizing the Board of Selectmen to convey the property and property taxes have been paid by Mr. DeSouse for the past twenty years
  - h) Long Pond property - no record of title - Town has rights by adverse possession since it has been used by the Town for twenty-one years
  - i) shellfish regulation regarding death of a licensee - Town Counsel to draft
  - j) procedures for the Fire Department assessment to be performed by the Board of Selectmen in relation to the Open Meeting Law and Public Documents Law - there was a consensus of the Board to add this item to the agenda for further discussion

On a motion duly made and seconded, the Board voted unanimously at 10:10 p.m. on a roll call vote (Kiggins, Ryerson, Fegan, Ernst - yea) to enter into executive session to discuss litigation and collective bargaining and not to reconvene in open session.

Respectfully submitted,

*Linda Smulligan*

Linda Smulligan  
Administrative Assistant

*Carolina Kiggins*

Carolina Kiggins, Chr.

*Barbara Fegan*

Barbara Fegan

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John Ryerson

*David Ernst*  
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David Ernst