

Board of Selectmen
March 28, 1994
Minutes

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 Bronsdon addressed the Board concerning a) a question she brought to the Board for discussion with the Elementary School Committee and b) cement posts installed by the DPW to prevent through traffic into the cemetery.

. Ruth Rickmers addressed the Board concerning a) accountability for compensatory time accrued by department heads, b) the status of the Susan Sanderson litigation and c) the status of the Nolan Williams litigation.

. Bill Cochran informed the Board that a letter had been received by the Board of Fire Engineers from the Attorney General's Office stating that the Open Meeting Law had not been violated by the Engineers at their 1/18/94 meeting.

. Selectman Ernst left the Board. Joel Fox addressed the Board concerning House Bill 2079 "An Act Relative to Private Shellfish Grants" pending before the Natural Resources and Agriculture Committee which would cause shellfish grants to be awarded by a bid system. On a motion duly made and seconded the Board voted unanimously to oppose the Act and to so notify the Committee of Natural Resources and Agriculture via a letter drafted by the Shellfish Constable, reviewed by the Town Administrator and signed by Chairwoman Kiggins on behalf of the Board. Selectman Ernst rejoined the Board.

. Nils Miner, Chairman of the Board of Health, informed the Board that the Board of Health had voted to maintain the current solid waste fee schedule and asked if the Board felt a cooperative meeting for further consultation would be necessary. On a motion duly made and seconded, the Board voted unanimously to thank the Board of Health for consultation at this meeting and to support maintaining the current solid waste fees. The Board of Health will place a public notice.

. Lorraine Rosenbaum addressed the Board regarding an experience she had with the Zoning Board of Appeals.

The Town Administrator discussed Town Meeting Matters with the Board. They discussed:

a) the excess amount for Regional Schools - there was a consensus of the Board to maintain the \$52,263 figure per the Town Administrator's recommendation

b) the amount for the portion of required minimum contribution for the Nauset Regional Schools as determined by the Department of Education - on a motion duly made and seconded, the Board voted 3-1, with Ryerson voting against, to accept the Town Administrator's recommendation to add an override question on the Annual Town Election ballot for \$77,648 in funding for the Nauset Regional

School operating assessment for a portion of the required minimum contribution as required by the Department of Education under the Education Reform Act.

c) the article for the Assessors revaluation program (\$4,875) - there was a consensus of the Board to maintain the article and not include it as an override item

d) the Finance Committee recommendation regarding the Fire Department vehicle - they discussed how the new vehicle will be used, safety of the current vehicle, rehabilitating vehicles, rotating vehicles between departments, using private vehicles and scheduling future vehicle purchases - there was a consensus of the Board to accept the Town Administrator's recommendation not to add an override question at this time but to assemble more information comparing purchasing a new vehicle and rehabilitating an older one and to have this information available by Town Meeting.

e) the Board discussed the article regarding vehicle operation within a cemetery submitted by Dr. Durand Echeverria and reviewed by Town Counsel. Discussion included the lack of existing rules, regulations or bylaws which include penalties. On a motion duly made and seconded the Board voted 2-2 to include the article on the Annual Town Meeting Warrant and to reserve their recommendation to Town Meeting. The motion failed. On a motion duly made and seconded, the Board voted 3-1, with Fegan voting against, to include the article on the Annual Town Meeting Warrant and to recommend it.

f) the Board discussed the article relating to elected official's (Town Clerk/Treasurer and Tax Collector) wages. On a motion duly made and seconded, the Board voted unanimously to recommend the article.

On a motion duly made and seconded, the Board voted unanimously to recommend to the County Commissioners appointment of Roger L. Putnam as an alternate to the Coastal Resources Committee.

On a motion duly made and seconded, the Board voted unanimously to accept the bid of Michael McGuire for \$1,300 to provide beach concessions at White Crest Beach, to consider the bid of Tom Denison/Mark E. Day to provide concessions at Newcomb Hollow Beach as non-compliant and to rebid concessions services at Newcomb Hollow and Maguire's Landing.

On a motion duly made and seconded, the Board voted unanimously to revoke the seasonal common victualler beer and wine license of Mitchel Rosenbaum, manager of Cielo's restaurant, per his request in that he no longer wished to hold the license, and to so inform the Alcoholic Beverages Control Commission.

On a motion duly made and seconded, the Board voted, with Ryerson abstaining (he had not attended the meeting) to accept the minutes of March 21, 1994 as distributed.

Selectwoman Fegan gave a brief Bays Legal Fund update.

On a motion duly made and seconded, the Board voted unanimously to approve the business licenses for: Spring Brook Center; Sea Shirts; PJ's Dari-Burger; PJ's Raw Bar; Atlantic Sam's Taxi; The Moorings; A.I.M. Thrift Shop; Shanem, Inc.; Jac's Mate; Erin-H; The Fox's Den; Ocean Reef Gift Shop & Shell Market.


The Board discussed renewals of business and liquor licenses in relation to existing conditions placed on the licenses. On a motion duly made and seconded, the Board voted unanimously to approve the seasonal liquor license renewals for: Joseph Lema & Sons, Inc.; Aesop's Tables; Captain Higgin's Seafood Restaurant, Inc.; Eric's Seafood Restaurant, Inc.; Fobro, Inc.; Rookie's Inc.; Serena's Restaurant; Sweet Seasons, Inc.; V.R.'s, Inc.; Wellfleet Beachcomber; Wellfleet Motel and Lodge, Inc.; Wellfleet Oyster House, Inc.; Chequessett Yacht and Country Club, Inc. and to approve the seasonal liquor license renewal of Brady's Liquor Locker with removal of the existing conditions if the Building Inspector and Health Agent agree that the restrictions should be removed.

On a motion duly made and seconded, the Board voted on a roll call vote at 9:37 p.m. (Kiggins, Ryerson, Fegan, Ernst - yea) to enter into executive session to discuss collective bargaining and not to reconvene in open session.

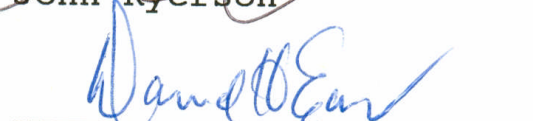
Respectfully submitted,



Linda Smulligan
Administrative Assistant


Carolina Kiggins, Chair
John Ryerson

Barbara Fegan


David Ernst