

Board of Selectmen
April 11, 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 Barbara Fegan, Robert S. Costa and David Ernst. Selectman John Ryerson was absent. Town Administrator, Julia Enroth, also attended.

On a motion duly made and seconded, the Board voted unanimously to accept the minutes of April 4, 1994 with one correction.

On a motion duly made and seconded, the Board voted, with Selectman Costa abstaining (he had not attended the meeting), to approve the minutes of April 7, 1994 as submitted.

The Board discussed the list of candidates for Registrar of Voters submitted by the Democratic and Republican Town Committees. On a motion duly made and seconded, the Board voted unanimously to appoint Bonnie Robicheau whose name was submitted by the Democratic Committee to serve as Registrar of Voters through March 31, 1997 and Judith Rhodes whose name was submitted by the Republican Committee to serve as Registrar of Voters through March 31, 1995 to fill the unexpired term of Lois Carlson.

The Board discussed the Fiscal 1995 Confidential Information Request for income and expense information mailed to commercial property owners by the Board of Assessors under Mass. General Law Chapter 59, S. 38D as part of the mandated Fiscal 1995 Revaluation Project. Discussion included the personal financial nature of the questions in the survey and the confidentiality of the submitted information. There was a consensus of the Board to meet with the Board of Assessors to further discuss this matter and to request a written explanation of the commercial revaluation process.

The Board interviewed Felix Buba for appointment to the Recycling Commission. On a motion duly made and seconded, the Board voted unanimously to appoint Mr. Buba to the Recycling Commission. Per the request of Mr. Buba, the term of the appointment will be for one year rather than three and will expire on June 30, 1995.

The Board reviewed the draft revision of the Policy on Committee/Board Appointments as submitted by the Town Administrator. On a motion duly made and seconded, the Board voted unanimously to adopt this revised policy.

The Board reviewed the draft revision of the Policy on Use of Town Property. Several changes were suggested to the draft policy and there was a consensus of the Board that the Town Administrator submit a revised draft to the Board next week. There was also a consensus of the Board that a public hearing be scheduled to discuss establishing charges for some commercial uses of town property.

Selectman Ernst left the Board. The Board discussed two draft revisions of the Policy for Award of Shellfish Grants submitted by the Town Administrator. There was a consensus of the Board to refer both drafts to the Shellfish Advisory Committee for review and to request that they submit a draft combining both drafts for the Board's review. Selectman Ernst rejoined the Board.

The Board held a public hearing to consider laying out Brown's Neck Road and Village Lane. The Town Administrator explained the necessity of this hearing in that these roads had not been properly accepted by the Town in 1977 (Brown's Neck) and 1984 (Village Lane) since the Boards of Selectmen never adopted the orders of taking for a public easement within the required time frames after Town Meeting approval. Town Counsel also attended the hearing, explained the procedure for the Town to accept a road and recommended to the Board that all abutters sign a release accepting \$1.00 as full compensation for their property included in the road being laid out as protection for the Town in relation to possible eminent domain cases. On a motion duly made and seconded, the Board voted unanimously to adopt the layout of Village Lane as described in the Subdivision Plan of Land in (So.) Wellfleet (Plan Book 294, page 47) entitled "The Village" made for Anthony J. Luisi by W.G. Slade, Surveyor and dated April, 1975 and Brown's Neck Road as described in the "Trotting Park Village" subdivision plan of Land in Wellfleet (Plan Book 232, page 87) as surveyed for Trotting Park Village, Inc., by Arthur L. Sparrow Co., Reg. Land Surveyors and dated April, 1969 with the exception of the area which lies between lots 5 and 6.

The Board held a public hearing on the request of Aquacultural Research Corporation under M.G.L. Chapter 130 Sections 57 and 59 for a six acre extension of Shellfish Grant #792 located at Wellfleet Harbor and consisting of a total of three acres. Selectman Ernst left the Board. It was disclosed that the Shellfish Constable had previously worked for Aquacultural Research Corp. and that this information had been forwarded to the State Ethics Commission who saw no impropriety in Mr. Somerville submitting a recommendation on this extension request. Richard Kraus represented A.R.C. The Shellfish Constable presented his recommendation that A.R.C. give up their current grant #792 and he proposed an alternate six acre site for their grant. Discussion included: a) Mr. Kraus' request to view the proposed site at low tide since he was not familiar with the area, b) contributions of A.R.C. to the shellfish industry and c) limits to existing grants that would occur if the 6 acres proposed by the Shellfish Constable were awarded to A.R.C. On a motion duly made and seconded, the Board voted unanimously to continue the hearing to May 2 at the Wellfleet Elementary School Cafeteria for a time to be determined and that notice of the continuance would be published. Selectman Ernst rejoined the Board.

The Board met with Town Counsel. They discussed:

a) sand roads research has been completed within the authorized hours allotted - Town Counsel will meet with the Sand Roads Committee who will form a recommendation for presentation to the Board

b) National Park Service Deed - there was a consensus of the Board that a survey of the land be performed to ensure that the Town will be receiving the proper section of land

c) death of a licensee in regard to shellfish grants - Town Counsel will prepare a draft regulation for review by the Shellfish Advisory Committee and subsequently submission to the Board

The Board discussed hawking. Town Counsel reviewed M.G.L. Chapter 101, Section 17 as it applies to newspapers. They discussed public safety and safety for the hawker; creating a nuisance; creating congestion; competition with local businesses and the Town bylaw limiting hawking or peddling to 500 feet from a business selling similar items. There was a consensus of the Board that Town Counsel will review the situation before the Board considers promulgating regulations for hawkers.

The Board reviewed the draft of the Business Registration/License Policy submitted by the Town Administrator. The draft included language from existing policies 1988-7, 1992-4 and from the Registration and General Business License Regulations promulgated by the Board on November 29, 1993. On a motion duly made and seconded, the Board voted unanimously to adopt and date as of tonight the draft Business Registration/License Policy as submitted by the Town Administrator.

The Board reviewed the draft Street Numbering Policy submitted by the Town Administrator. There was a consensus of the Board to schedule a public hearing for further discussion of the policy.

On a motion duly made and seconded, the Board voted unanimously to approve the application for the use of town property of the Friends of the Wellfleet Libraries for a book fair with food and beverages for sale in the driveway on the east side of Town Hall on July 23 and August 13.

On a motion duly made and seconded, the Board voted unanimously to approve the application for the use of town property of the Wellfleet Elementary School P.T.A. for a baked goods sale on the lawn in front of Town Hall on July 4.

On a motion duly made and seconded, the Board voted unanimously to approve business license renewals for: Even'tide Motel & Cottages; Wellfleet Harbor Actors Theater; Cielo Cafe; Rich's Fruit Stand; Hatch's Fish Market; Puritan Clothing; Snooper Sport Fishing; H.B. Watson, Jr. & Son Antiques; Bookstore & Restaurant (Sunday Entertainment License); Cherry Stone Gallery; Small Boat Service and Cove Gallery.

On a motion duly made and seconded, the Board voted unanimously to give preliminary approval to Advantage Cab to operate a taxi service in the Town of Wellfleet.

On a motion duly made and seconded, the Board voted unanimously at 9:54 p.m. on a roll call vote (Kiggins, Fegan, Costa, Ernst - yea) to enter into executive session to discussion litigation and collective bargaining and not to reconvene in open session.

Respectfully submitted,



Linda Smulligan
Administrative Assistant

Carolina Kiggins, Chair



Robert S. Costa

Barbara Fegan



David Ernst

