

Board of Selectmen
May 2, 1994
Minutes

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

Open Session:

. Ruth Rickmers addressed the Board regarding a) funds approved at Town Meeting to reimburse three firefighters for costs incurred by them in obtaining their certification as paramedics (percentage of reimbursement; authorization to take the course; firefighters' post training obligation to the Town), b) the planned use of the Fire Department vehicle authorized for purchase by Town Meeting and c) mileage documentation.

. Joel Fox addressed the Board regarding agreements with upland land owners of the Town's propagation areas.

. Ken Granlund addressed the Board regarding the need for an improved sound system at the Elementary School.

. Jim MacLaughlin addressed the Board regarding Town Meeting attendance statistics since the quorum change.

. William Magenau submitted his resignation from the Regional Transit Authority but noted that he will serve until a replacement is appointed.

The Board held a continuance of the public hearing on the application of Aquacultural Research Corporation of Dennis, MA for a 6 acre extension of Shellfish Grant #792. Chairwoman Kiggins and Selectman Ernst recused themselves. Vice-Chairman Ryerson read the public notice. The Shellfish Constable read his recommendation which included a modification to ARC's original request. On a motion duly made and seconded, the Board voted unanimously (3-0) to accept the Shellfish Constable's recommendation that Aquacultural Research Corporation keep grant #792 and be granted a three acre portion of grant #803 directly inshore of grant #792 for a total of 6 acres pending a review by the Division of Marine Fisheries, provided, however, that the license shall not be issued until such time as the Town has received a written statement, satisfactory to the Board of Selectmen, from the tidal flat owner(s) that they have no objection to the proposed license being issued. The period for the license will be until September 22, 1997, the expiration date of #792. Mr. Kraus had no objection to the extension being granted for less than the standard five year period to make the renewal dates for both the grant and extension the same. Chairwoman Kiggins, and Selectman Ernst rejoined the Board.

The Board met with Owen McNutt of the Box Lunch Restaurant, Inc. regarding his business license renewal application. Selectman Costa recused himself. Discussion included:

a) the addition of the word "deli" to the name of the business - in previous years the name of the business has been Box Lunch, Inc. and the word "deli" has been included in the description of the

business

b) decisions from the Board of Appeals - Mr. McNutt noted that he was not aware of any decisions from the Board of Appeals regarding his business since the business was begun prior to the establishment of Zoning Bylaws

c) signs - Mr. McNutt noted that the signs have remained the same

d) early morning noise caused by refilling the newspaper vending machine located in front of the business

e) Gordon Dutra addressed the Board re: a) parking and traffic at the restaurant, b) deliveries being made on municipal property and c) noise related to the newspaper vending machine

There was a consensus of the Board to ask Mr. McNutt and Mr. Dutra to practice a good neighbor policy, that Mr. McNutt's license be resubmitted to the Board for approval as Box Lunch, Inc. and that the newspaper vending machine be removed with its removal being added as a condition to the license. Selectman Costa rejoined the Board.

The Board held a public hearing on the application of the Bookstore and Restaurant, Inc. to amend the description of the premises of their all alcoholic, common victualler liquor license to include the outside decks. On a motion duly made and seconded, the Board voted unanimously to grant the application of the Bookstore and Restaurant to alter the description of the premises by adding the decks.

On a motion duly made and seconded, the Board voted unanimously to accept the minute of April 25, 1994 as submitted.

On a motion duly made and seconded, the Board voted unanimously to accept the minutes of April 26, 1994 as amended.

The Town Administrator discussed with the Board:

a) the request of the Superintendent and School Committee for a June Special Town Meeting to vote on a revised Nauset Regional School District Agreement establishing a K-12 region - there was a consensus of the Board that the Town Administrator will contact the Elementary School Committee to see if they wish to meet with the Board of Selectmen, the Town Clerk regarding scheduling a Special Town Meeting and the other Town Administrators regarding discussion with the School Task Force Group. The Town Administrator noted that regionalization would be contingent upon legislation being passed extending the state reimbursement deadline to July 1, 1994.

b) Senior Center Article - there was a consensus of the Board that, per the Town Administrator's suggestion, the Town Planner be asked to coordinate the various groups involved in this project and that he do this with the full support of the Board.

c) Registrar, Republican Town Committee - on a motion duly made and seconded, the Board voted unanimously to appoint Judith Stetson, whose name was submitted by the Republican Town Committee, to serve as Registrar of Voters through March 31, 1995 to fill the unexpired

term of Lois Carlson.

d) Solid Waste Recycling Equipment Grant Award - on a motion duly made and seconded, the Board voted unanimously to authorize the Chair to sign the agreement with the Commonwealth for a roll-off container valued at \$3,800.

e) Land Swap with National Park Service - on a motion duly made and seconded, the Board voted unanimously to authorize the Chair to sign the agreement with the Park as soon as a survey of the South Wellfleet Fire Station area is completed.

The Board held a public hearing to discuss the recommendation of the Shellfish Constable and the Oyster Management Task Force with regard to the designation of certain areas to be used by grant holders for the purpose of placing cultch to obtain oyster spat. Chairwoman Kiggins and Selectman Ernst recused themselves. Discussion included installing a bulletin board at the shellfish shack and using the Pebbly Bar area as part of the municipal cultch program rather than designating it as an area for grant holders. On a motion duly made and seconded, the Board voted unanimously (3-0) to accept the Shellfish Constable's recommendation regarding designated cultch areas, provided, however, that the cultch shall not be placed until such time as the Town has received a written statement, satisfactory to the Board of Selectmen, from the tidal flat owner(s) that they have no objection to the proposed placement of cultch. Chairwoman Kiggins and Selectman Ernst rejoined the Board.

On a motion duly made and seconded, the Board voted unanimously to approve the septage disposal agreement with the Tri-Town Septage Treatment Facility.

On a motion duly made and seconded, the Board voted unanimously to approve the Teamsters contract based on the Agreement with Side Letter of Agreement already signed.

On a motion duly made and seconded, the Board voted unanimously to approve the Police Federation Contract based on the Agreement already signed.

Correspondence - there was a consensus of the Board to approve the draft letter to Mrs. Richard Connelly regarding beach stickers.

Chairwoman Kiggins updated the Board on the April 29 meeting with Jane Wells of the Massachusetts Office of Dispute Resolution regarding the Fire Department assessment.

On a motion duly made and seconded, the Board voted (3-0) to suspend accepting applications for the shellfish grant waiting list until November 1, 1994.

The Board discussed newspaper hawking. Discussion included specifying areas for hawking in relation to businesses selling the

same items and public safety. There was a consensus of the Board to refer the matter to Town Counsel and to continue discussion at the May 16 meeting.

On a motion duly made and seconded, the Board voted unanimously to approve the request of the American Legion, John R. McKay Post #287, to use town property on Monday, May 30, 1994 from 8:30 a.m. to 10:00 a.m. for the Annual Memorial Service.

Jim MacLachlan thanked the Board on behalf of the taxpayers and voters in the Town for their breadth of thinking, genuine caring for the Town and its people, fairness, patience, tolerance and time.

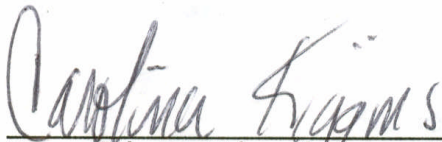
On a motion duly made and seconded, the Board voted unanimously to approve the business licenses of: Hinckley's Corner Crafts; Eccentricity (new premises); Living Arts; S.W. Art Works; The Secret Garden; Mortar and Pestle Antiques and Raggtime.

The meeting adjourned at 9:28 p.m.

Respectfully submitted,



Linda Smulligan
Administrative Assistant




Carolina Kiggins, Chr. John Ryerson

Barbara Fegan



Robert S. Costa



David Ernst