

Board of Selectmen

June 13, 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 Robert S. Costa, David Ernst, Cynthia Paine and Ira Wood.

Open Session:

. Tom Roberts addressed the Board concerning newspaper hawking. Chairwoman Kiggins explained that a public hearing had been held on May 31st and that the Hawker's & Peddler's License/Registration Rules and Regulations had been amended per a proposed amendment drafted by Town Counsel. Several other citizens voiced their support that newspaper hawking not be regulated and asked the Board to reconsider their decision. Discussion included other possible areas to hawk newspapers.

. Jim MacLachlan addressed the Board regarding regional school issues and asked that his comments be considered at the Special Town Meeting. His comments included: a) lack of confidence in school committees and administration, b) no identification of negatives of regionalization and c) too many unanswered questions regarding the High School building project.

. Mona Souza addressed the Board regarding the issuance of a special permit to WKPE and the necessity of a license by the Town.

. Ann Bronsdon addressed the Board regarding the new street sweeper being left on Gull Pond Road and seemingly not working properly.

The Board met with members of the Local Comprehensive Planning Committee. Discussion included:

- a) suggested actions to implement the plan
- b) schedule of public hearings (July & August to review plan with townspeople)
- c) bulk mailing to community members soliciting citizen input
- d) drafts of action parts of plan will be posted in the Library and Town Hall - the Committee noted that they will seek financial assistance from the Board to publish the completed plan
- e) goal of committee - to produce a plan that the Town can support

On a motion duly made and seconded, the Board voted unanimously to approve the minutes of May 16, 1994 as submitted.

There was a consensus of the Board to postpone consideration of the minutes of June 6, 1994 until next week since several members had not had time to thoroughly consider the draft minutes.

The Board met with the Harbormaster to discuss parking of tractor trailers at the Town Pier. The Harbormaster expressed his concern that the area of the lot where the trucks are parking is failing and the related liability to the Town. Discussion was continued to next Monday at 9:00 p.m.

The Board met with members of the Conservation Committee.

Discussion included:

- a) Chairman Sheffres reported that they have a full Committee and recommended reappointment of Joe Fontans and Nancy Durkee whose terms are expiring.
- b) litigation regarding the project on Cliff Road which was denied by the Commission
- c) enforcement actions - Wesley Swamp pump and Depot Cafe
- d) flood plain insurance in relation to Senate Bill 1405

Selectman Ernst left the Board. The Board held a public hearing on the request of Robert W. Rowell for renewal of Shellfish Grant #852-A located at Field Point and consisting of approximately 0.5 acre. Discussion included the recent change of the upland owner through sale of the property to the Mass. Division of Fisheries and Wildlife. On a motion duly made and seconded, the Board voted unanimously (4-0) to accept the recommendation of the Shellfish Constable and to renew Mr. Rowell's grant license 85-2A through January 28, 1999 to bring the expiration date in line with the expiration date for grant extension (85-2B) previously approved contingent upon submission by Mr. Rowell of written documentation of agreement with the inshore property owner. It was noted that in future renewal hearings documentation from the upland owner should be submitted prior to the hearing. Selectman Ernst rejoined the Board.

The Board met with Doreen Murphy and Joan Sutherland of the Hyannis YMCA to discuss their request for the use of town property at the elementary school and Mayo Beach for a YMCA summer camp program and swimming lessons. Discussion included:

- a) overnight camping - on hold for now
- b) Beach Administrator - YMCA program should complement the Town's Recreation and Beach programs since each provides services to different age groups. She suggested that swimming lessons could be given at Newcomb Hollow Beach if Mayo Beach was unavailable due to tides.
- c) transportation and bus parking
- d) Shellfish Constable - concerned about grants in the Mayo Beach area. He offered his assistance in scheduling times for swimming lessons around the tides.
- e) hold harmless agreement suggested by town's insurance agent - the Board will consult Town Counsel later in the meeting

On a motion duly made and seconded, the Board voted unanimously to approve the applications of the YMCA for the use of town property for a summer camp at Wellfleet Elementary School 5 days a week 7:30 a.m. to 5:30 p.m. from 7/5/94 through 9/2/94 and to conduct swimming lessons at Mayo Beach and Newcomb Hollow contingent upon approval from the Shellfish Constable in relation to the tides at Mayo Beach and the inclusion of a "hold harmless agreement".

The Board discussed the resignation of Barbara Fegan from the Bays Legal Fund. Selectman Wood will contact Ms. Fegan to discuss the responsibilities of the appointment.

The Board discussed Selectman Wood's memo regarding parking in the Congregational Church parking lot. There was a consensus of the Board to amend the lease with the Church to allow one sign to be placed in the parking lot behind Town Hall when the Town Hall lot is full which will state that there are limited spaces available in the Church lot except for reserved spaces. The Administrative Assistant will be the contact person with the Church and the Special Police Officer patrolling the Town Hall lot will be responsible for utilizing the sign and advising the Administrative Assistant of its use.

Correspondence:

. Chairwoman Kiggins will draft a letter of thanks to Barbara Fegan for her service on the Bays Legal Fund.

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

- a) June 8th letter to Board of Selectmen regarding hearings for existing grants - Town Counsel advised that a copy of this letter and a copy of the Pazolt decision be distributed to each grant holder. He noted that the Board should consider verification of any necessary agreements with upland owners at renewal hearings.
- b) the necessity for a land owner to purchase a shellfish license to take shellfish from his own property - shellfish are a public resource and the Town regulates it
- c) letters (2) of June 9th to Board of Selectmen regarding driving over inter-tidal lands - Town Counsel noted that his opinion is in relation to the Pazolt case and not to the Wetland Protection Act.

On a motion duly made and seconded, the Board voted at 9:21 p.m. on a roll call vote (Kiggins, Costa, Ernst, Paine, Wood - yea) to enter into executive session to discuss litigation and to reconvene in open session. On a motion duly made and seconded, the Board voted at 9:27 p.m. on a roll call vote (Kiggins, Costa, Ernst, Paine, Wood - yea) to reconvene in open session.

The Board continued discussion with Town Counsel including:

d) request to use town property by the YMCA (discussed earlier in the meeting) - Town Counsel suggested that the Town be added as an additional insured on the YMCA's insurance binder and that language be included on the binder specifying the town-owned areas that the YMCA may use. There was a consensus of the Board to make their earlier vote to approve the use of Town property by the YMCA contingent upon the addition of language per Town Counsel's suggestion.

e) Town Counsel recommended that the criteria for granting permission to use Town property should be consistent between the School Committee and the Board.

f) There was a consensus of the Board to reconsider their decision and not to allow swimming lessons by the YMCA at Newcomb Hollow Beach, as previously discussed, due to safety concerns.

On a motion duly made and seconded, the Board voted unanimously to approve the business licenses for: Lema's Antiques & Collectibles; Allegretti Studio Gallery; Painter's Lunch; Ignatius' Dogs; Bill's Hot Dog Stand and Dogs by the Sea.

The Board reviewed their goals as outlined in their Fiscal Year 1994 Priorities and noted what had been accomplished.

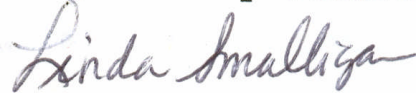
The Board reviewed the list of pending items as compiled by the Administrative Assistant and asked that a public hearing be scheduled after Labor Day to consider service trade parking and that a discussion be scheduled later in the summer to discuss enforcement of the Zoning Bylaws.

The Board discussed the need to appoint a representative to the Advisory Board on County Expenditures since Barbara Fegan is no longer a Board member.

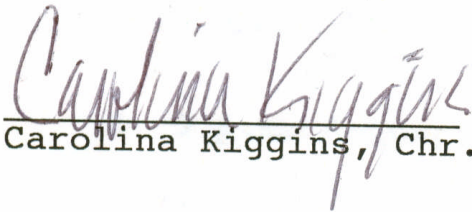
The Board discussed preparation of their meeting minutes. Discussion included the purpose of minutes and suggestions of what should and should not be included.

The meeting adjourned at 10:29 p.m.

Respectfully submitted,

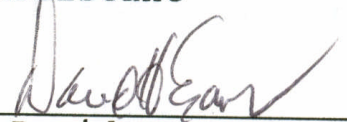


Linda Smulligan
Administrative Assistant



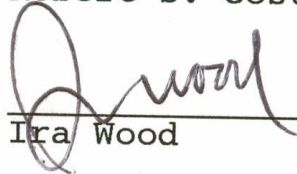
Carolina Kiggins, Chr.

Robert S. Costa



David Ernst

Cynthia Paine



Ira Wood