

Board of Selectmen
July 18, 1994
Minutes

The meeting was called to order at 7:00 p.m. by Chairwoman Carolina Kiggins in the Elementary School Cafeteria. Selectmen present included Robert S. Costa, David Ernst and Cynthia Paine. Selectman Ira Wood was absent. Town Administrator, Julia Enroth, also attended.

Open Session:

. Durand Echeverria addressed the Board regarding Draft #3 of the "Management Plan for Sand Roads and Related Matters" developed by the Sand Roads Task Force and requested that suggestions contained in the draft regarding Black Pond Road be implemented. Copies of the draft will be distributed to department heads.

. Jim MacLachlan addressed the Board regarding the status of a memo to Committee Chairs requesting compilation of volunteer hours. The memo has been prepared and will be forwarded this week.

. Joel Fox addressed the Board regarding determining the geological center of the Harbor. The Town Administrator noted that the project will go forward when fund sources are determined.

. Dr. Baker read a letter to the Board regarding aquaculture on his property. The Town Administrator referred Dr. Baker to Town Counsel's recent legal opinion.

. Joel Fox addressed the Board regarding "New Legislation Regarding Aquaculture" Chapter 130, Sections 57 and 65.

. John Schmid of Holbrook Ave. addressed the Board regarding excessive mosquitoes in his yard. The Administrative Assistant will contact Cape Cod Mosquito Control.

. Fred Newcomb addressed the Board regarding an Brent Valli's oyster spat catching device located at Pleasant Point.

On a motion duly made and seconded, the Board voted unanimously to accept the minutes of July 11 as submitted.

The Board requested that the Town Administrator draft a procedure for appointments to boards/committees/commissions per the Board's discussion of July 11.

The Board met with members of the Board of Appeals. Discussion included:

- a) yard sales - establishing guidelines under the Zoning Bylaws and addressing yard sales as a licensing issue
- b) zoning violations - 1) possibility of ZBA members following up their decisions, 2) consistency, 3) enforcement only after a complaint
- c) sandwich boards
- d) sign code
- e) hiring a part-time zoning officer - the Town Administrator noted that this suggestion should be discussed further in terms of the building department and its future and that she would recommend that funding for this position be subject to an override
- f) state right of way

g) outdoor displays

The Town Administrator discussed with the Board:

a) Special Police Officer Appointment - on a motion duly made and seconded, the Board voted unanimously to appoint Michael Kelly as a Special Police Officer

The Board discussed the request of the F.O.O.R. Group to install a soda/juice machine at the Elementary School baseball field. On a motion duly made and seconded the Board voted unanimously to approve the request on the condition that the machine be chained to the fence to secure it against tipping.

The Town Administrator discussed with the Board:

b) land auction - there was a consensus of the Board to schedule a land auction with Selectman Ernst serving as auctioneer

Selectman Ernst left the Board and sat in the audience. Town Counsel also attended. The Board continued the public hearing on the recommendation of the Shellfish Constable to revise Section 6.1.13 of the Wellfleet Shellfish Regulations regarding death of a licensee and reviewed language submitted by Town Counsel and the Shellfish Constable. Discussion included requiring a designee on a grant in case of death of a licensee and adding additional family members to a grant at renewal time which would continue the grant within a family upon the death of the licensee. It was noted that the proposed amendment would apply only to grants with one name. A motion was made and seconded to amend Shellfish Regulation 6.1.13 using the amendment language submitted by the Shellfish Constable which will be reworded by Town Counsel if necessary. After further discussion, Town Counsel suggested that the Board amend Section 6.1.3 of the Shellfish Regulations (grant waiting list), instead of Section 6.1.13, with language similar to that suggested by the Shellfish Constable regarding death of a licensee. On a motion duly made and seconded, the Board voted unanimously (3-0) to accept the recommendation of Town Counsel and to amend section 6.1.3 of the Shellfish Regulations using language which will be refined by Town Counsel. Selectman Ernst rejoined the Board.

The Board met with Town Counsel, Michael Ford. They discussed:

- a) potential shellfish grants on Lt. Island
- 1) town owns two pieces of property on southwest corner
 - 2) potential areas must be identified by survey
 - 3) a diligent search of the Registry of Deeds must be performed to assess property of owners unknown
 - Town Counsel estimates this work would require a maximum of 10 to 12 hours of work (less if he shares work already performed by Harry Terkanian)

There was a consensus of the Board that Town Counsel go forward with the research.

b) Link easement - Town Counsel will try again to contact the parties involved

c) zoning/licensing issues and enforcement - Town Counsel noted that a police officer cannot enforce zoning bylaws but can enforce other bylaws

d) Browns Neck and Village Lane Road Takings - Town Counsel is preparing to file the order of taking

The Board discussed the response to Anthony Massari, drafted by Town Counsel, in response to Mr. Massari's letter of June 30, 1994 regarding aquaculture licenses. Town Counsel noted that the letter informs Mr. Massari that aquaculture licenses do not grant private property rights. On a motion duly made and seconded the Board voted, with Selectman Ernst recusing himself, to reply to Mr. Massari per Town Counsel's draft. There was a consensus of the Board to send a similar letter to Dr. Baker in response to his forthcoming letter as read earlier in the meeting.

On a motion duly made and seconded, the Board voted unanimously to approve the request of Adrien Kmiec to use Bakers Field on August 19, 1994 for an Eagle Scout award ceremony.

On a motion duly made and seconded, the Board voted unanimously to approve the request of the Wellfleet Recreation Department to put a sandwich board on the front lawn of Town Hall to advertise the play "The Forest of John the Fox".

On a motion duly made and seconded, the Board voted at 9:51 p.m. on a roll call vote (Kiggins, Costa, Ernst, Paine - yea) to enter into executive session to discuss litigation and not to reconvene in open session.

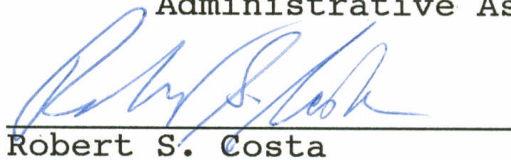
Respectfully submitted,



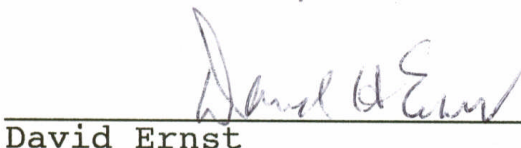
Linda Smulligan
Administrative Assistant



Carolina Kiggins, Chair



Robert S. Costa



David Ernst



Cynthia Paine