

Board of Selectmen

August 1, 1994

Minutes

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

Open Session:

Selectman Ernst left the Board. Dr. Baker addressed the Board regarding the 6/8, 7/9 and 7/11 decisions of Town Counsel and the Board's position regarding licensing shellfish grants and access to them. Selectman Ernst rejoined the Board.

On a motion duly made and seconded, the Board voted unanimously to approve the minutes of July 25, 1994 as submitted.

The Town Administrator discussed with the Board:

- a) land auction - discussion included offering a reduced minimum bid with a deed restriction to make the lot unbuildable. Discussion included using a lot in conjunction with an abutting lot to subdivide and then build; and using a lot to expand an existing structure. There was a consensus of the Board to continue discussion later in the meeting when Town Counsel is present.
- b) Selectman Costa recused himself. The Board discussed the business license application of the Computer Store in relation to the pending special permit. On a motion duly made and seconded, the Board voted unanimously (4-0) to approve the license application subject to the Board of Appeals' approval of the Special Permit application and that the business be allowed to remain open in the interim.

The Board met with the Board of Assessors. Ray Squire and Sam Hall attended. Discussion included:

- a) revaluation - the revaluation is on schedule and the Department of Revenue will begin the certification process on Wednesday
- b) assessing at full and fair market value
- c) assessing tidal flats - problem areas noted were identifying areas to be assessed and the methodology to value the property
- d) capping assessed values
- e) value of unbuildable lots suggested for land auction

Selectman Ernst left the Board. The Board held a public hearing on the recommendation of the Shellfish Constable to amend Section 5.1.3 of the Wellfleet Shellfish Regulations by deleting the time period requirements for the issuance of Junior Commercial Shellfish Permits. Discussion included:

- a) the Shellfish Constable's recommendation to allow all Junior Commercial Permits to be issued year round
- b) Michael Parlante presented the Shellfish Advisory Committee's suggestion that Junior Commercial Permits be issued 12 months of the year only for the year that an applicant turns fourteen



On a motion duly made and seconded, the Board voted 3-0-1, with Paine abstaining, to accept the recommendation of the Shellfish Constable to amend Shellfish Regulation 5.1.3 by adding the phrase "except that Junior Commercial Permits will be issued year round." Selectman Ernst rejoined the Board.

The Board interviewed Elizabeth Schultze for membership on the Cultural Council. Discussion included Ms. Schultze's music background and interest in the Council. There was a consensus of the Board to take the decision under advisement and to notify Ms. Schultze when a decision is made.

The Board interview Bimbi Jacob for membership on the Cultural Council. Discussion included Ms. Jacob's art background and interest in the Council. There was a consensus of the Board to take the decision under advisement and to notify Ms. Jacob when a decision is made.

Selectman Ernst recused himself. The Board discussed the request of Dale M. Smith for a hardship exemption per Shellfish Regulation 5.1.3. The Shellfish Constable recommended to the Board that they grant the request since, in his opinion, Mr. Smith met the three criteria necessary for the exemption. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable to grant a hardship exemption for Dale M. Smith under section 5.1.3 of the Shellfish Regulations.

The Board began review of the following policies:

a) Sexual Harassment Policy - discussion included changes in the language of the policy, requiring employees to attend sexual harassment training and requiring employees to sign a sign the policy upon receiving it. The Town Administrator will contact other Towns and request copies of their policies.

b) Drug Free Workplace Policy - discussion included several changes in the language of the policy

c) Tapes of Selectmen's Meetings Policy - discussion included adding language indicating that tapes of meetings are public records

d) Policy on Use of Town Vehicles - on a motion duly made and seconded, the Board voted unanimously 5-0 to reaffirm the Policy on Use of Town Vehicles.

e) Communication Policy - discussion included several changes in language in the policy

The Town Administrator will rework the nonreaffirmed policies and will submit drafts for the Board's consideration.

On a motion duly made and seconded, the Board voted unanimously 5-0 to approve the application for the use of Town property for a silent vigil on August 6, Hiroshima Day, by the Religious Society of Friends (Quakers).

On a motion duly made and seconded, the Board voted unanimously 5-0



to approve the application for the use of Town property of the Wellfleet Historical Society for an ice cream social at Baker's Field on August 28.

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

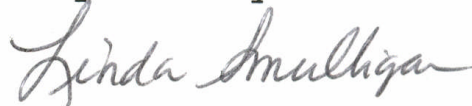
a) application of Paul Robinson for Cultural Council - Town Counsel advised the Board that members of the Cultural Council must be citizens of the United States and domiciled residents of Massachusetts. A letter will be drafted to Mr. Robinson thanking him for his interest and asking that he serve informally.

b) review of Board of Fire Engineers executive session - Town Counsel advised the Board that the Engineers had acted properly by entering executive session to discuss litigation but had asked that in the future he and the Town Administrator be informed of their intentions. Town Counsel advised the Board that the Engineers had acted improperly by discussing the Fire Department mediation in executive session since they were not actually having a mediation session and that he had advised the Engineers that the executive session minutes for that portion of the meeting be released immediately and that the subject not be discussed in executive session again.

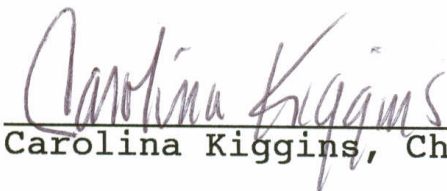
c) land auction - discussion was continued from earlier in the meeting and Town Counsel advised the Board that generic language could be included in a deed to restrict future building on a lot. There was a consensus that the Town Administrator will not offer an option of a deed restriction for a reduced price at this year's auction and that a letter will be drafted to the Open Space Committee regarding the intensity of use of the parcels offered at future auctions.

On a motion duly made and seconded, the Board voted unanimously on a roll call vote (Kiggins, Costa, Ernst, Paine, Wood - yea) at 9:12 p.m. to enter into executive session to discuss collective bargaining and litigation and not to reconvene in open session.

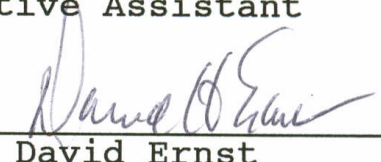
Respectfully submitted,



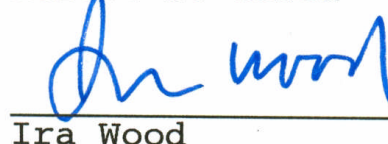
Linda Smulligan  
Administrative Assistant

  
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Carolina Kiggins, Chr.

Robert S. Costa

  
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David Ernst

Cynthia Paine

  
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Ira Wood