

Board of Selectmen
August 15, 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.

Open Session:

- . William Magenau displayed a plaque from the Cape Cod Regional Transit Authority commending him for outstanding service.
- . Suzanne Thomas, Beach Administrator, announced that the Wellfleet lifeguard team had placed first in the 17th annual Newport competition.
- . Paul Suggs addressed the Board regarding his business license application for "The Works Gallery - Studio". There was a consensus of the Board to continue the discussion until later in the meeting.

There was a consensus of the Board to forward the draft minutes of August 8, 1994 to Town Counsel for review as to their accuracy regarding his meeting with the Board.

The Board reviewed the draft letter to Louise Wallace thanking her for her ten years of service on the Conservation Commission. There was a consensus of the Board to sign and send the letter.

The Board discussed limiting the length of time persons may address the Board during open session. Discussion included requesting the Town Administrator to draft a policy and monitoring the length of discussions.

The Board interviewed Sidney Brooks for appointment as an alternate to the Zoning Board of Appeals. They discussed Mr. Brooks background and explained the workings of the Zoning Board. There was a consensus of the Board to take the appointment under advisement until next week.

The Board discussed enforcement of business license conditions. Discussion included a) establishing a procedure for dealing with problems and complaints regarding businesses and conditions placed on them by the licensing authority and b) drafting instructions and a flow chart for persons to refer to when applying for a new business license. Selectman Costa left the Board. The Board discussed complaints received from citizens at last week's meeting regarding possible violations of the conditions placed on the Box Lunch, Inc.'s business license. On a motion duly made and seconded, the Board voted unanimously 4-0 that Owen McNutt, owner of the Box Lunch, Inc., be asked to come to a meeting of the Board to discuss the conditions on his business license and their effect on the neighborhood. The Board asked that the discussion be scheduled for August 22 or 29. Selectman Costa rejoined the Board.

Selectman Ernst left the Board. The Board held a public hearing on the recommendation of the Shellfish Constable to amend Section III of the Wellfleet Temporary Shellfish Regulations in regard to the use of hydraulic shellfish harvesting within the bounds of licensed shellfish grant areas. Discussion included how hydraulic equipment functions, noise and hours of operation. Shellfish Advisory Committee chair, Michael Parlante, noted that the Committee endorsed the use of hydraulics on grants. On a motion duly made and seconded, the Board voted unanimously 4-0 to accept the recommendation of the Shellfish Constable as submitted predicated on the addition of language in Section F drafted by Town Counsel to say that the cease and desist order will be temporary and a timely hearing will be held by the Board of Selectmen if the cease and desist order is challenged and that Section III, E) be amended to read "Hours of operation shall be between 7:00 a.m. and 1/2 hour before sunset. Selectman Ernst rejoined the Board.

The Board discussed the status of private roads in the Indian Neck and Pleasant Point areas:

Indian Neck - Attorney Harry Terkanian (representing Frank Ferri), and Sylvia Smith-Dalton also attended. Attorney Terkanian supplied a map of Indian Neck Heights dated May, 1922 by George Clements, Civil Engineer. Discussion included ownership of the roads, access to lots, and the June 30, 1960 deed from Dorothy Snow conveying right, title and interest in the roads to the inhabitants of the Town. There was a consensus of the Board that pursuant to last week's discussion with Town Counsel, these roads are not Town roads and the private parties concerned with this area should attempt to come to a compromise and that the Board is not currently leaning towards a public taking of these roads since there does not appear to be any public purpose to do so.

Pleasant Point - Attorney Terkanian noted that there had been an appeals court decision on this area which recognized some Town rights. There was a consensus of the Board to continue discussion of the roads in this area to a future agenda.

On a motion duly made and seconded, the Board voted unanimously to approve the request of the Recreation Department for a teen dance to support extra funding for the Teen Center on August 31 from 8 to 11 p.m. on the town pier.

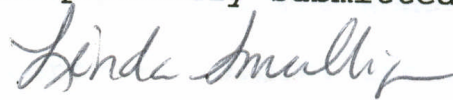
The Board continued discussion of Paul Suggs' business license application for "The Works Gallery - Studio". Mr. Suggs requested that the Board issue a business license pending approval of his application for a Special Permit. Discussion included his informal meeting with the Zoning Board of Appeals, parking and signage. On a motion duly made and seconded, the Board voted unanimously to approve the business license application of "The Works Gallery - Studio" subject to Board of Appeals approval of their special permit application, the business will be allowed to remain open in the interim, the hours of operation will be 9 a.m. to 9 p.m. and that the Class IV business license issued to Robert Fitzgerald of

"The Works" will be surrendered when the new license is issued. There was a consensus of the Board that a policy be drafted to address these situations.

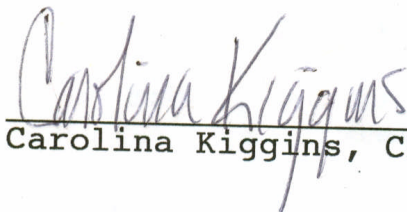
The Board discussed the Orders of Taking for Browns Neck Road and Village Lane as drafted by Town Counsel. Chairwoman Kiggins read the Orders. On a motion duly made and seconded, the Board voted, 4-0 (Selectman Wood recused himself) to adopt and sign the Orders of Taking.

The meeting adjourned at 9:46 p.m.

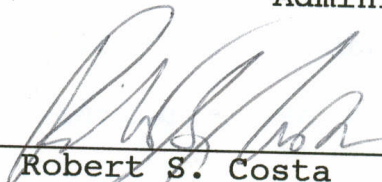
Respectfully submitted,



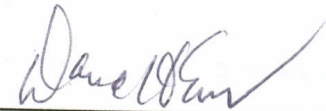
Linda Smulligan
Administrative Assistant



Carolina Kiggins, Chr.

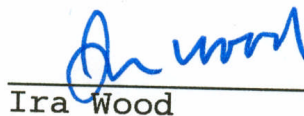


Robert S. Costa



David Ernst

Cynthia Paine



Ira Wood