

Board of Selectmen
August 22, 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.

Chairwoman Kiggins requested that remarks made in open session be restricted to five minutes.

Open Session:

. Ann Bronsdon addressed the Board regarding office procedure for opening Board member's mail and response time to requests for public records.

. Joel Fox inquired as to the status of the geological survey being performed by Slade Associates.

. Gordon Dutra addressed the Board regarding their meeting with Owen McNutt scheduled later in the evening. He commented on compliance to rules and regulations and suggested that signs be installed at the Box Lunch asking truck drivers to turn off their motors during deliveries.

. Wayne Francis Lis addressed the Board regarding their meeting with Owen McNutt and commented on patron parking and deliveries to the restaurant. He also suggested that signs be installed at the Box Lunch asking truck drivers to turn off their motors during deliveries.

. Mrs. Dutra addressed the Board regarding their meeting with Owen McNutt and noted overflowing garbage at the Box Lunch and negative changes in their neighborhood caused by the restaurant.

. Suzanne Thomas, Beach Administrator, displayed the first place trophy recently won by the Wellfleet lifeguards at the Newport lifeguard competition.

There was a consensus of the Board to take the minutes of August 15, 1994 under advisement so that members could have more time to review them.

The Town Administrator addressed the Board regarding:

a) memo from Police Chief recommending activation of civil defense radio station - discussion included how the system will work and what will be broadcast. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Police Chief to activate the Civil Defense Travelers radio station.

b) SEMASS Run for the Environment - there was a consensus of the Board to accept the suggestion of the Beach Administrator to ask lifeguard Joe Carroll to be the designated runner for the Town.

Selectman Costa left the Board. The Board met with Owen McNutt of the Box Lunch, Inc. Discussion included:

a) Mr. McNutt explained that he has been trying to meet the demands of a growing business while complying with the conditions imposed by the Board on his business license

b) deliveries - Mr. McNutt explained that truck drivers are asked to shut off motors during deliveries, except for refrigerated units, and that occasionally a driver does not comply with his request or a new driver is unaware of this requirement. Chairwoman Kiggins suggested that signs be posted asking drivers to turn off their motors during deliveries.

c) outgrowing area - Mr. McNutt explained that his business is seasonal, peaking in the month of August, and that he has considered different areas in Town to move his business to but none have been acceptable on a year round basis

d) garbage overflow - Mr. McNutt explained that he has adjusted the pickup schedule and has purchased a truck to take extra garbage to the transfer station in an effort to address the problem.

There was agreement that Mr. McNutt will continue to be cooperative and to comply with the conditions on his business license with the right spirit and attitude. Selectman Costa rejoined the Board.

The Board discussed the request to use town property submitted by the David LeBon Studios for a photo shoot for Mercedes Benz, N.A. on Lieutenant Island Bridge. Raymond Forbes, representing the photography studios, was in attendance. Discussion included the tides, impediments to vehicle traffic over the bridge and the number of vehicles needed for the project. On a motion duly made and seconded, the Board voted unanimously to approve the request for one day, either August 24, 25 or 26, that the project be limited to three vehicles including a vehicle for grip equipment, a van and a water truck to spray the bridge for aesthetical purposes (the truck to be parked on the east side of the bridge), and that a police officer be stationed there.

Selectman Ernst left the Board. The Board discussed the request of Kristine Barrio for a commercial shellfish permit. The Shellfish Constable read his recommendation to deny the request. Discussion included:

a) Ms. Barrio's reasons for filing her application at this time and her plans should the permit request be approved

a) the Constable's reasons for his negative recommendation

b) resources available in relation to the effect of the granting of a late permit on the opportunity of timely applicants to harvest a reasonable quantity of shellfish

There was a consensus of the Board to take the request under advisement until later in the meeting when the Board could consult Town Counsel regarding any potential liabilities associated with granting a commercial shellfish permit to someone with known back problems. Selectman Ernst rejoined the Board.

The Board discussed the request of William Roche to extend the term of his lease for concessions at Maguire's Landing to September 25, 1994. The Town Administrator noted that Town Counsel had advised that this type of contract could be amended by 10% over the contracted period of time for 10% of the contracted payment. There was a consensus of the Board not to pursue contract extensions for

concessions at the beaches.

The Board met with Town Counsel. Selectman Ernst left the Board. The Board continued their discussion of Kristine Barrio's request for a commercial shellfish permit and posed the question to Town Counsel regarding potential liabilities associated with granting a commercial shellfish permit to someone with known back problems. Town Counsel advised the Board that he did not see any liability problems in granting such a license. Selectman Wood made a motion, seconded by Selectwoman Paine, to grant Kristine Barrio's request. The Board voted 2-2, with Kiggins and Costa voting against. The motion failed. Selectman Ernst rejoined the Board.

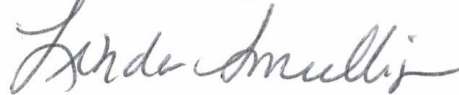
The Board discussed the draft letter to Trudy Coxe, Secretary of the Executive Office of Environmental Affairs, regarding the Route 6 Transportation Improvement Project between Dennis and Orleans. There was a consensus of the Board to sign and send the letter.

Selectmen Paine and Wood reported on the meeting of the Cape Cod National Seashore Government Management Plan Subcommittee which they had attended. Discussion included the four alternative concepts discussed at the meeting and the final decision on the plan. There was a consensus of the Board to ask that John Ryerson, Ed Simon and Mark Tabor meet with the Board after Labor Day to discuss the Plan and the process for making the final decision.

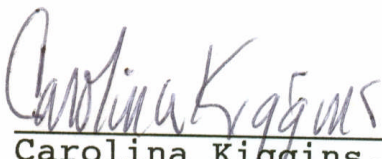
On a motion duly made and seconded, the Board voted unanimously to appoint Sidney Brooks as an alternate member of the Zoning Board of Appeals through June 30, 1996 to fill the unexpired term of John Ferro.

On a motion duly made and seconded, the Board voted unanimously 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 not to reconvene in open session.

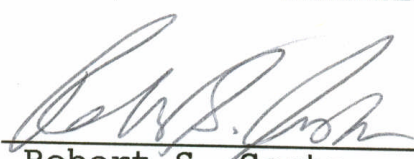
Respectfully submitted,



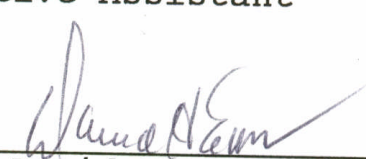
Linda Smulligan
Administrative Assistant



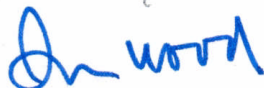
Carolina Kiggins, Chr.



Robert S. Costa



David Ernst



Cynthia Paine

Ira Wood