

Board of Selectmen
October 3, 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:

- Arthur Dennison addressed the Board regarding assessment of antique homes. Further discussion was referred to Assessor Ray Squire.
- Durand Echeverria addressed the Board regarding pending legal opinions for the Sand Roads Task Force relating to the Town's title to certain roads and limited closures. The Town Administrator noted that Town Counsel's research had been limited to the amount of hours authorized by the Board and that she would forward a copy of his opinion regarding roads on Indian Neck and Pleasant Point to Mr. Echeverria.
- William Magenau asked if any houses had been physically inspected during the recent revaluation by the Assessing Department. Assessor Ray Squire replied in the affirmative.

On a motion duly made and seconded, the Board voted unanimously to approve the minutes of September 26, 1994 as submitted.

The Board met with Planning Board member, Alan Platt, and Town Planner, Walter Stratton.

- a) September 29, 1994 memo from the Planning Board regarding outdoor display of goods along Route 6 - discussion included the need to identify, in a uniform manner, specific places with displays within the state layout. There was a consensus of the Board that a letter be drafted to Bernard McCourt of the State Highway Department to notify the state of specific violations.
- b) update on Senior Center - discussion included 1) possible sites in relation to necessary acreage to accommodate the zone of contribution, parking and Title V requirements, 2) the possibility of a regional center with the Town of Truro - Chairwoman Kiggins will contact John Snow to initiate discussion with the Town of Truro.

The Town Administrator discussed with the Board:

- a) Intermunicipal Agreement with Tri-Town - the Town Administrator will note changes in the Agreement and forward to Board
- b) Long Pond project - the Board examined plans for the parking lot and restrooms

The Board held a public hearing to consider the application of Tobin Storer for a license to conduct aquaculture on a 10 acre parcel of subtidal land located approximately two miles west of Duck Harbor in the waters of the Town of Wellfleet in Cape Cod Bay. Selectman Ernst left the Board. Discussion included:

- a) an explanation of the project - timeframes and funding

- b) access - strictly by boat
- c) Division of Marine Fisheries - assessment of natural populations and determination of interference with finfishermen and draggers
- d) Shellfish Constable issues - 1) Town's inability to enforce violations - will be left to the state, 2) potential conflicts arising out of granting exclusive use to an area, 3) Mr. Storer's current grant of 9 acres already exceeds the 7 acre maximum
- e) potential future ramifications
- f) public benefits - 1) due to federal funding for the project, information and data will be made public, 2) employment of other fishermen

On a motion duly made and seconded, the Board voted unanimously to continue the hearing to their meeting of October 17th. Selectman Ernst rejoined the Board.

The Board interviewed Peter Hall for the Open Space Committee. Discussion included Mr. Hall's interests and background. The appointment was taken under advisement until next week.

The Board discussed the draft Budget Policy Statement for Fiscal Year 1996. On a motion duly made and seconded, the Board voted unanimously to adopt the draft as their preliminary budget policy statement for fiscal year 1996.

The Town Administrator continued discussion with the Board:

- c) Special Town Meeting - suggestions for a substitute moderator for Article 7 concerning Waterline Easements included Louise Wallace, Candace Perry and Donna Robertson

Selectwoman Paine updated the Board on the Local Comprehensive Planning Committee's meeting with Andy Ringgold and the Committee's request that the Board review and comment on:

- a) expansion of existing property within the seashore - to be addressed in management plan
- b) use of town land within the seashore - to be addressed within Local Comprehensive Plan

There was a consensus of the Board to initially schedule a discussion and to request that Ed Simon, Mark Tabor and John Ryerson attend.

Selectman Wood updated the Board on the meeting of the parking subcommittee with David Clark of the Cape Cod Commission. Discussion included adjusting parking time limits and the availability of a one year trolley grant. There was a consensus of the Board that further discussion be scheduled in November.

The Board met with Fire Chief Henson to discuss his involvement in an incident with a town vehicle which resulted in damage to a gasoline pump. Chief Henson explained that on approximately September 1, 1994, after pumping gasoline into the Chief's vehicle, he had inadvertently driven away from D & D Market with the gasoline hose still in the tank. He further explained that he had

been involved in a similar incident at D & D Market this past winter and, at that time, Peterborough Oil Company did not charge for repairs to the pump. Discussion included:

- a) safety concerns - no gasoline had been spilled
- b) amount of damage - \$339.50
- c) responsibility for the bill - Chief Henson noted that past practice indicated that the Town has been responsible for accidental damages caused by employees and therefore the Town should be responsible for this bill for damages to the pump. Several members of the Board disagreed with this assessment.
- d) Bill Corcoran addressed the Board regarding the incident not being forwarded to the Board of Fire Engineers for consideration.
- e) policies of state and county government regarding negligent acts by employees

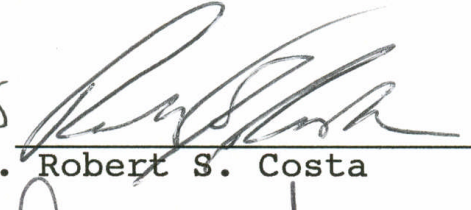

There was a consensus of the Board that the Town Administrator will compile a report on the incident including: time; date; damage from first incident; damage from second incident; damage to vehicle; did the accident occur during town business?; status of claim with insurance company; did gas station absorb costs due to first incident?; policy on negligence for state and county employees; when was the Town Administrator advised of the incident and what was she told.

The meeting adjourned at 10:11 p.m.

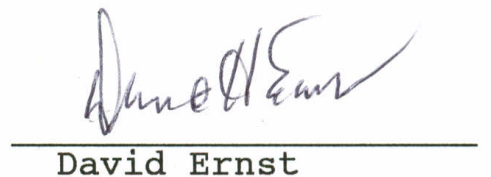
Respectfully submitted,



Linda Smulligan
Administrative Assistant



Carolina Kiggins, Chr. Robert S. Costa



David Ernst

Cynthia Paine



Ira Wood