

Board of Selectmen
January 9, 1995
Library Meeting Room
Minutes

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

Open Session:

• Ann Bronsdon requested information on the DPW job opening for a Driver/Laborer.

On a motion duly made and seconded, the Board voted unanimously to approve the minutes of December 27, 1994 as amended.

On a motion duly made and seconded, the Board voted unanimously to approve the minutes of January 3, 1995 as amended.

The Town Administrator discussed with the Board:

- a) Resignation of Joe Lema from the Finance Committee - there was a consensus of the Board that a letter of thanks be drafted
- b) Appointment to National Seashore Advisory Committee - there was a consensus of the Board to schedule Ed Simon to meet with the Board to discuss his application for nomination
- c) On a motion duly made and seconded the Board voted unanimously to appoint Elizabeth Santry to the Council on Aging through 6/30/96 to fill the unexpired term of Anne Fox. On a motion duly made and seconded, the Board voted unanimously to appoint Roger Putnam to the Open Space Committee through 6/30/95.
- d) Policy on Quality of Sand to be Used for Beach Renourishment - on a motion duly made and seconded, the Board voted unanimously to reaffirm the policy. It was requested that the Town Administrator notify the Conservation Commission, Board of Health and Health/Conservation Agent that the Board has reaffirmed this policy.
- e) 2nd Fuel Tank in Town Hall Renovations - on a motion duly made and seconded, the Board voted 3-2, with Kiggins and Paine voting against, to install an additional 275 gallon oil tank in Town Hall.
- f) Transportation Enhancement Funding - it was suggested that some of the funds be used to build sidewalks on Long Pond Road near the Elementary School

The Board continued discussion on parking. Discussion included:

- a) Plymouth & Brockton Street Railway Co. suggestions for changes to the present bus stop locations in Wellfleet and South Wellfleet - improvements to the bus stop area in front of Town Hall are being considered for inclusion in the Transportation Enhancement Fund grant proposal
- b) Downtown Parking - recommendations of the Cape Cod Commission report

There was a consensus of the Board to continue discussion to next week at 7:45 p.m. and to request that David Clark of the Cape Cod Commission also attend to discuss his recommendations.

The Board continued their December 19, 1994 public hearing to consider the addition of certain language (see attached) to all shellfish grant holder licenses. Selectman Ernst left the Board. Town Counsel Michael Ford also attended. Discussion included:

- a) revised recommended language as submitted by Town Counsel

b) letter from Anthony Massari requesting a more specific definition of term "digging and taking of shellfish" - Town Counsel recommended maintaining the phrase as originally submitted since the Court in the Pazolt case used it as defined by the Colonial Ordinance

On a motion duly made and seconded, the Board voted 4-0 to remove language from the grant licenses of Robert Rowell and Alton Atwood requiring written documentation of agreement with the inshore property owner and to insert the language submitted by Town Counsel to all existing licenses granted by the Board of Selectmen effective immediately. Selectman Ernst rejoined the Board.

The Town Administrator continued discussion with the Board:

g) DPW Secretary - there was a consensus of the Board to go forward with hiring Joan Baker

h) on a motion duly made and seconded, the Board voted unanimously to authorize the Chair to sign letters of thanks to Ruth Rickmers and Ilse Johnson for applying to The Task Force; letter to Joseph Wanco regarding closure of the Lighthouse Restaurant and letter to Ross Dindio of the Mass. Highway Dept. regarding the Draft Environmental Impact Statement on the Route 6 Transportation Improvement Project

The Board interviewed Chuck Cole for appointment to the Barnstable County Energy Committee. Discussion included Mr. Cole's experience and interests in the energy field specifically alternative energy sources. The appointment was taken under advisement.

On a motion duly made and seconded, the Board voted unanimously to appoint Frauke Rosenthal of the Council on Aging; David Wright of the Planning Board and Peter Hall of the Open Space Committee to the (Multi-Use Community/Senior Center) Task Force through 6/30/95.

The Board held a public hearing to consider the request of Brent Valli for a 2.54 acre extension of Shellfish Grant #781-A located in Wellfleet Harbor and consisting of a total of 3.46 acres in accordance with Chapter 130 M.G.L. Sections 57 and 59. Selectman Ernst left the Board. Discussion included:

- a) map of area requested
- b) Mr. Valli's reasons for requesting an extension
- c) productivity of area requested

The Shellfish Constable noted that the area being requested by Mr. Valli at this hearing did not coincide with the area indicated on Mr. Valli's application which was duly advertised by public notice. On a motion duly made and seconded the Board voted 4-0 to deny the application without prejudice.

The Board held a public hearing to consider the request of Durand Echeverria for a one acre shellfish grant located off Burton Baker Beach in accordance with Chapter 130 M.G.L. Sections 57 and 59. Chairwoman Kiggins read two letters from Mr. Echeverria; his letter of application and his letter informing the Board that he would not be attending this hearing by order of his physician. On a motion duly made and seconded, the Board voted unanimously to deny the application without prejudice. Discussion continued regarding Mr. Echeverria's statement included in his November 21, 1994 letter of application that his "application be acted upon only after all pending applications of earlier date have been acted upon."

Chairwoman Kiggins read Town Counsel's written legal opinion dated January 9, 1995 that Chapter 130, Section 57 should not be applied retroactively; that all persons with an application currently on file be contacted and asked if they wish their application to be acted upon; and that if an application is considered incomplete, i.e. no specific plan submitted, the applicant should be given the opportunity to complete the application. There was a consensus of the Board that the Shellfish Constable and Administrative Office staff establish a timeframe for following Town Counsel's recommendation. Discussion also included criteria for determination of the productivity of an area.

Town Counsel met with the Board and discussed:

- a) effective date of 1/3/95 vote of the Board requiring six months residency immediately prior to application for a commercial shellfish permit - Town Counsel advised that the requirement should be in effect as of the date of the vote
Selectman Ernst rejoined the Board.
- b) Town Counsel noted that he has been contacted regarding the draft Memorandum of Understanding between the Cape Cod Commission and Town of Wellfleet

On a motion duly made and seconded, the Board voted unanimously at 10:07 p.m. on a roll call vote (Kiggins, Costa, Ernst, Paine, Wood - yea) to enter executive session to discuss strategy with respect to contract negotiations and to reconvene in open session.

On a motion duly made and seconded, the Board voted unanimously at 10:57 p.m. on a roll call vote (Kiggins, Costa, Ernst, Paine, Wood - yea) to reconvene in open session.

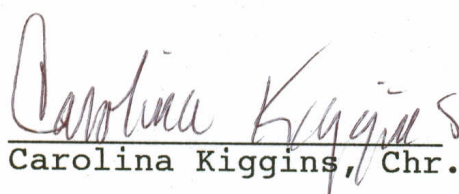
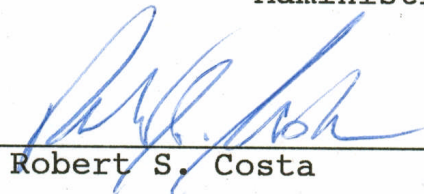
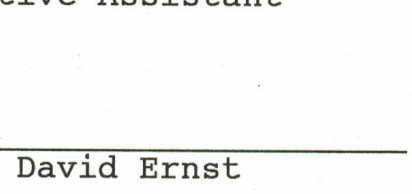
The Board discussed the draft memo to Fire Chief Henson requesting information on how ambulance fees are determined by the Fire Department. There was a consensus of the Board to finalize and send the memo.

The meeting adjourned at 11:05 p.m.

Respectfully submitted,



Linda Smulligan
Administrative Assistant


Carolina Kiggins, Chr.
Robert S. Costa
David Ernst
Cynthia Paine
Ira Wood