

Board of Selectmen
January 30, 1995
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, Cynthia Paine and Ira Wood. Selectman David Ernst was absent. Town Administrator Julia Enroth also attended.

Open Session:

- Michael Seitler, representing the Wellfleet Elementary School PTA, addressed the Board regarding their request to use town property for a carnival. There was a consensus of the Board to schedule further discussion to their February 13th meeting.
- Several members of the audience participated in a discussion of revamping the downtown Plymouth & Brockton bus stop area - Chairwoman Kiggins read letters from Virginia Crossman, Helen T. Davidson, Martha Underhill, Elizabeth Robbins and Helen Olsen against modification of the area and a letter from Police Chief Rosenthal supporting the project. Discussion included: the location of the tree and damage to the sidewalk by its roots, potential maintenance problems, the lack of time for public comment and potential parking problems if the modifications were enacted. DPW Director Fressilli informed the Board that the grant for funding the improvements to the area had been ranked second out of seventeen. Selectwoman Paine suggested that the grant application be withdrawn to give more time for public input; Chairwoman Kiggins indicated agreement. On a motion duly made and seconded, the Board voted unanimously to put an article on the Annual Town Meeting Warrant to get a sense of the Town with regard to the grant application. DPW Director Fressilli will contact the Cape Cod Joint Transportation Committee to determine if the status of the grant will change due to the delay.

The Board met with Selectwoman Christine Durgin of the Brewster Board of Selectmen to discuss two proposed amendments to the Nauset Regional School Agreement regarding eliminating the geographic restriction for schools in the region and requiring a Capital Expenditure Plan. Discussion included the Wellfleet Board's October 31, 1994 vote to support an amendment which would require a Capital Improvement Plan for the Nauset Region but without a specific dollar amount. Ms. Durgin requested that the Board forward their vote of support to the Nauset Regional School Committee and Wellfleet's representative to the Regional School Committee.

The Board held a public hearing to consider the Shellfish Constable's recommendation to close Chipman's Cove. On a motion duly made and seconded, the Board voted unanimously to accept the Shellfish Constable's recommendation to close Chipman's Cove to the taking of all shellfish as of one half hour after sunset on Tuesday, February 28, 1995 with the exception that certain seed permit/aquaculture license holders may at some point this spring take some cultch with spat on it which was placed in the Cove last

spring as part of a financial grant money program.

On a motion duly made and seconded, the Board voted unanimously to accept the minutes of January 23, 1995 as printed.

The Board held a public hearing to consider the application of David Francis to renew Shellfish Grant License #752, said license to be issued to David Francis. The Shellfish Constable read his recommendation to renew grant license #752 and to place the license in David Francis' name. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable including the additional modifications of 1. that the bed be accessed only by boat or by foot and 2. that the recently adopted amendment language be included in the license - said license will be for a period of five years.

The Board held a public hearing to consider the recommendation of the Shellfish Constable to suspend Karl Barrio's commercial shellfish permit for seven "working" days (days above 28 degrees F). It was noted that Mr. Barrio was not in attendance although he had been notified both verbally and in writing of this hearing. Discussion included Mr. Barrio's violation of M.G.L. 130 by possessing seed shellfish clams in excess of the 5% allowance on two occasions. On a motion duly made and seconded the Board voted unanimously to accept the recommendation of the Shellfish Constable to suspend Karl Barrio's shellfishing privileges for a period of seven "working" days as of the day he is ordered to turn in his permit by the Shellfish Constable.

The Board held a public hearing to consider the application of Brent Valli to extend the boundaries of Shellfish Grant License #781A to the west, south and east. Discussion included Mr. Valli's desire to increase his shellfish operation for better organization and criteria for determination of productivity of an area. The Shellfish Constable read his recommendation to deny extending #781A to the west because it would eliminate the buffer zone between Mr. Valli's bed and David Francis' bed, to deny the extension to the south due to the Constable's opinion that this area is productive enough that it should remain accessible to the public fishery and to grant the extension to the east. On a motion duly made and seconded, the Board voted 3-0-1, with Paine abstaining, to accept the recommendation of the Shellfish Constable and to approve an extension to the east of Shellfish Grant License #781A for a distance of 100 feet from north to south.

The Board held a public hearing to consider the application of Robert W. Olson for a one acre shellfish grant license located on the western end of Mayo Beach. The Shellfish Constable read his recommendation to grant the application for a one acre grant now with the possibility of extensions at a later date provided:

- 1) access to be by foot or by boat only
- 2) the wording of the recently adopted language amendment be

incorporated into the body of the license

3) a restriction be placed on the license that would prohibit the taking of wild oyster seed to start this bed: all oyster seed raised on this bed shall be hatchery-produced, obtained from spat collection devices, or on privately funded cultch. Discussion included:

- a) recent inspection by the Constable which determined that the requested area is non-productive
- b) Mr. Olson's position as first on the Grant Waiting List
- c) Oyster Task Force recommendation that the wild fishery has been effected by the taking of seed oysters and the Constable's recommendation that #4 above be included in grant licenses from this date forward
- d) Mr. Olson, an employee of ARC an employee owned company, is not listed on ARC's grant license

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 grant Robert W. Olson's request for a one acre grant (a number to be assigned), as indicated on the map submitted to the Board with the grant application and to accept the three conditions set forth by the Shellfish Constable. It was noted that Mr. Olson will be removed from the Grant Waiting List.

The Town Administrator discussed with the Board:

a) Town Meeting Warrant Articles - a Town beautification program article was suggested by Selectman Costa: there was a consensus of the Board that the Town Administrator will seek specific ideas from the DPW and report back to the Board

b) Budget Matters:

a) Fire Department overtime amount - \$3,225

b) Part-time Zoning Officer - discussion included:

- 1) subjecting funding to an override
- 2) number of work hours
- 3) duties

On a motion duly made and seconded, the Board voted 2-2, with Kiggins and Paine voting against, not to fund the Building Department for 10 hours for a part-time Zoning Officer for more aggressive zoning enforcement. This subject will be revisited when a full Board is present.

c) Ambulance Run Costs - there was a consensus of the Board that they be provided with data showing ambulance run costs per billing category for 1) a run including a paramedic and 2) a run including an EMT. The Board also requested that the Fire Chief refine the ambulance cost data provided to the Board to better reflect the actual ambulance run costs as opposed to overall rescue response costs.

On a motion duly made and seconded, the Board voted unanimously at 9:43 p.m. on a roll call vote (Kiggins, Costa, Paine, Wood - yea) to enter executive session to discuss litigation, collective bargaining and strategy with relation to contract negotiations and to reconvene on open session.

On a motion duly made and seconded, the Board voted unanimously at 10:31 p.m. on a roll call vote (Kiggins, Costa, Paine, Wood - yea) to reconvene in open session.

The Town Administrator continued discussion with the Board:

d) Budget Matters continued - on a motion duly made and seconded the Board voted unanimously to subject the Recycling Commission's \$800 request for funds for public education to an override

e) On a motion duly made and seconded, the Board voted unanimously to appoint Morton Inger to the Natural Resources Advisory Board through 6/30/97.

f) Early Local Aid Resolution - on a motion duly made and seconded the Board voted unanimously to support the resolution.

g) draft letter of congratulations to Janet Rose for her commendation from the Board of Assessors - there was a consensus of the Board that Chairwoman Kiggins sign on behalf of the Board

The meeting adjourned at 11:13 p.m.

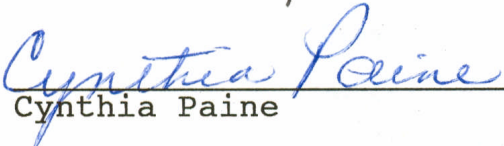
Respectfully submitted,



Linda Smulligan
Administrative Assistant

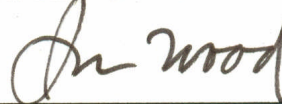


Carolina Kiggins, Chairwoman



Cynthia Paine

Robert S. Costa



Ira Wood