

Board of Selectmen
February 21, 1995
Library Meeting Room
Minutes

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

On a motion duly made and seconded, the Board voted unanimously to approve the minutes of February 13, 1995 as printed.

The Town Administrator discussed with the Board:

a) proposed Zoning Bylaw changes submitted by the Planning Board - the Board voted unanimously in accordance with M.G.L., Chapter 40A, Section 5 to resubmit the two proposed zoning amendments concerning the definition of Vehicle, Commercial and Garage, Private to the Planning Board for hearings and to ask that they report with recommendations. The Town Administrator will ask the Town Planner to provide the Board with explanations of the amendments and request that in the future, explanations be provided to the Board along with proposed amendments.

b) proposed change to the General Bylaws re: Yard Sales - discussion included enforcement and the definition of "personal property". There was a consensus of the Board that Selectman Ernst draft language regarding the sale of used articles by others for consideration.

The Board held a public hearing to consider the application to transfer a seasonal, all alcoholic, common victualler liquor license from Wellfleet Oyster House, Inc. to KSP, Inc. Katherine S. Painter, Attorney Ben Zehnder and Anthony Castelo (current license holder) were also in attendance. Attorney Zehnder requested that #11 of the liquor license application be amended to show that the applicant will not own the premises to be licensed. Discussion included:

a) Katherine Painter will be purchasing the property and leasing it to KSP, Inc. - the Town will be provided with a copy of the lease

b) no changes in structure or number of seats

c) hours of service - request to maintain same hours as current licensee

d) handicap accessibility - complying with the Board of Selectmen Policy 1990-4 "Policy on Handicapped Accessibility, Alcoholic, Common Victualler License Applications" - Ms. Painter indicated that she intends to comply with the policy. The Board noted that Ms. Painter's business license will be conditioned if handicapped accessibility is not accomplished.

On a motion duly made and seconded, the Board voted unanimously to approve the application to transfer the seasonal, all alcoholic, common victualler liquor license from the Wellfleet Oyster House to KSP, Inc. subject to definition of the Board of Selectmen's "Policy on Handicapped Accessibility, Alcoholic, Common Victualler License Applications", on the same terms and conditions as the current

license.

The Town Administrator continued discussion with the Board:

- c) Cape Cod Regional Technical High School budget - the Town Administrator will look into the new figures
- d) Regional School override
- e) renewal of cable TV license - discussion included establishment of a Cable Advisory Committee; the Town Administrator will draft a statement of purpose and function for the committee

The Board met with Ed Simon, representative to the Cape Cod Regional Seashore Advisory Commission. Discussion included:

- a) background information on Commission including its purpose and make-up
- b) the Commission's powers and duties - functions strictly in an advisory capacity dealing with policy rather than implementation
- c) contact with townspeople - a one page summary of Commission meetings will be posted in Town Hall

Correspondence:

- letter from Mary Ruth and Henry M. Seidel re: bus stops - there was a consensus of the Board that the Administrative office staff will draft a reply informing the Seidel's of the Board's recent decision on bus stops

The Board discussed the draft Shellfish Regulations distributed by Roger Putnam. Selectman Ernst left the Board. Discussion included:

- a) timetable for public input and adoption of regulations - the regulations will be reviewed by the Shellfish Advisory Committee at their March 1st meeting. There was a consensus of the Board to hold a public hearing on March 15th and to take up the regulations again at their March 27th regular meeting.
- b) Comment was made on several sections of the draft regulations by Ira Wood, Joel Fox and David Ernst. Selectman Ernst rejoined the Board.

The Board discussed insurance concerns in relation to granting permission to use town property. There was a consensus of the Board that the Policy on Use of Town Property/Procedure for Setting Fees for Use of Town Property be amended to reflect the recommendations for insurance requirements suggested during their meeting with Betsi Corea of Bryden & Sullivan Insurance Agency.

The Board discussed the Long Pond project and the location of the restrooms and handicap access. There was a consensus that any changes regarding handicap access be forwarded to the Commission on Disabilities. It was noted that the proper term would be "physically accessible".

The Board discussed the Planning Board Chair's request for a meeting with the Chairs of the regulatory boards (Planning Board,

Board of Health, Conservation Commission, Board of Appeals) and related department heads to discuss the Mooney's properties in relation to possible acquisition of the property by the Town. Discussion included:

- a) possible pollution concerns
- b) inclusion of other Boards/Committees in the discussion
- c) determination of needs

There was a consensus of the Board to forward a memo to the Planning Board requesting a memo in writing including the specific purpose for the meeting and indicating who should be included in the discussion. There was a consensus of the Board to schedule a meeting after receipt of this information.

The Board discussed tree preservation in the Central District. Discussion included the importance of the issue, public safety and visual beauty. There was a consensus of the Board that Selectman Ernst will prepare an initial draft policy regarding tree preservation. Discussion also included the need to determine public opinion regarding tree preservation when considering projects such as sidewalks.

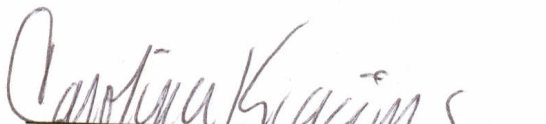
On a motion duly made and seconded, the Board voted unanimously to approve the business licenses of W.H.A.T. Theatre; Wellfleet Drive-In; and Hatch's Fish Market. There was a consensus of the Board that a letter be drafted to Tang Dynasty, Inc. informing them that the Board found their recent changes to their sign unsatisfactory and that the Board will not consider their business license until the sign is modified so as not to indicate that they are open when they are closed.

The meeting adjourned at 10:10 p.m.

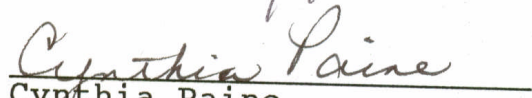
Respectfully submitted,



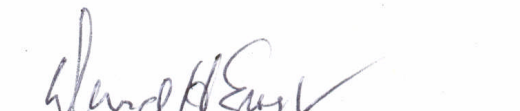
Linda Smulligan
Administrative Assistant



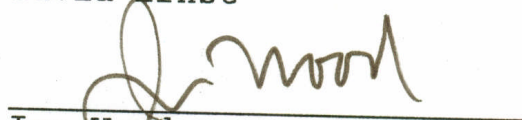
Carolina Kiggins, Chair



Cynthia Paine



David Ernst



Ira Wood