

Board of Selectmen
Library Meeting Room
June 26, 1995
Minutes

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

Open Session:

- Dale Rice addressed the Board regarding various issues concerning the Recreation Department including the unavailability of the Elementary School gym for basketball during the summer, lack of Town funds for participation in Babe Ruth League baseball and the upcoming leave of absence by the Recreation Director. After discussion there was a consensus of the Board that funds to participate in Babe Ruth League baseball should be raised privately and that the Town Administrator will contact the league to establish their understanding of the Town's participation. It was noted that future problems with the Recreation Department should be addressed to the Recreation Committee and Town Administrator.
- Saul Richman addressed the Board regarding issuance of zoning variances and special permits. The Building Inspector will submit a report to the Town Administrator on the specific problems indicated in Mr. Richman's letter.
- Fire Chief Henson announced that Chris Ellis was voted Firefighter of the year and Lori Harding was voted EMT of the year.

On a motion duly made and seconded, the Board voted unanimously to approve the minutes of June 19, 1995 as printed.

On a motion duly made and seconded, the Board voted unanimously to reappoint the following:

- Beach Study Committee (1 year term) - Richard Rosenthal, Evelyn Van Hoeven, Judith Rogers, Barbara Atwood
- Cultural Council (1 year term) - Bailey Ruckert, Susan Quigley, Lawrence Peters
- Computer Study Committee (1 year term) - Richard Rosenthal, Harry Terkanian, Calvin J. Anderson

Selectman Ernst left the Board. The Board held a public hearing to consider the application of David Louis Salvador for a license to conduct aquaculture on a 10 acre parcel of subtidal land. The Shellfish Constable read his recommendation that this application be denied without prejudice since it is his opinion that this type of license (deep water) should not be under the Town's jurisdiction. Mr. Salvador indicated that his intention was to use this grant area to raise kelp for use in medical research. The Shellfish Constable noted that the Town does not have jurisdiction over raising kelp. On a motion duly made and seconded, the Board voted unanimously to deny this application without prejudice with the caveat that the Shellfish Constable will work with Mr. Salvador and the State on this project.

The Board held a public hearing to consider the request of Joseph V. Menengas to transfer his interest in Shellfish Grant License #755 to Joseph Gray. The Shellfish Constable read his recommendation that since Angelo Serra is a co-licensee, the Board grant this transfer provided that written documentation of Mr. Serra's agreement and acceptance of the transfer be submitted. On a motion duly made and seconded the Board voted unanimously to continue this hearing to the fourth Monday in July (July 24th) at 8:10 p.m. by which time documentation should have been received from Mr. Serra.

The Board held a public hearing to consider the shellfish grant license applications of Francis & Maribeth Johnson, Nolan J. Williams, Richard Goldberg, Christopher Merl, Paul M. Conor and Meg M. Conor. The Board first discussed the application of Francis and Maribeth Johnson for license to area of tidal flats owned by the applicant. The Shellfish Constable read his recommendation to deny the application based on his opinion that the area is naturally productive. Selectwoman Paine recused herself as a lowland owner. Discussion included the general nature of the application, private property rights, productiveness of the area and other grants issued in this area. There was a consensus of the Board to continue discussion until 9:00 p.m. when Town Counsel would be in attendance. Selectwoman Paine rejoined the Board. The Board discussed the remaining applications. The Shellfish Constable read his recommendation that the applications be denied without prejudice until the Egg Island area is mapped out and the proposed eligibility requirements and restrictions have been acted upon. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable and to deny without prejudice the applications of Nolan J. Williams, Richard Goldberg, Christopher Merl, Paul M. Conor and Meg M. Conor. Selectman Ernst rejoined the Board.

The Town Administrator discussed with the Board:

a) Department "Tours" - the Board will "tour" the Fire Department on July 13th at 12:30 p.m. and the Beach Department on August 3rd at 12:30 p.m.

Selectman Ernst left the Board. The Board held a public hearing to consider the recommendation of the Shellfish Constable and Shellfish Advisory Committee with regard to eligibility requirements for shellfish grant area licenses. Town Counsel arrived at 8:50 p.m. Discussion included:

- a) recommendation from Shellfish Advisory Committee of qualifications to be used in assigning licenses on the south side of Egg Island
- b) goals of program
- c) definition of "household" - concern was expressed with defining "household" as one economic unit
- d) applying new criteria to those on the waiting list - Town Counsel indicated that new criteria can be applied retroactively

per the discretion of the Board of Selectmen

e) Town Counsel recommendation that the Board adopt a procedure or regulation for the Shellfish Constable to follow regarding issuance of shellfish grants for a new grant area

A motion was duly made and seconded to continue this hearing to the fourth Monday in July at 8:30 p.m. Town Counsel was asked to summarize the Board's options in writing. After further discussion regarding scheduling, the motion was withdrawn with permission of the seconder. On a motion duly made and seconded, the Board voted unanimously to continue this hearing to July 31st at 8:30 p.m.

The Board continued their previous discussion regarding the application of Francis and Maribeth Johnson. Discussion included: a) private property rights - Town Counsel indicated that the public had the right to fish, fowl and navigate on private tidelands

A motion was made and seconded to accept the Shellfish Constable's recommendation and to deny the application of Francis and Maribeth Johnson for a license to an area of tidal flats owned by the applicant on the grounds that the area is naturally productive for oysters. After further discussion the motion was withdrawn with permission of the seconder. On a motion duly made and seconded, the Board voted unanimously to deny the application of Francis and Maribeth Johnson without prejudice since it did not have significant and sufficient enough information for the Board to make a decision.

The Town Administrator continued discussion with the Board:

b) July 3rd Meeting - there was a consensus of the Board not to meet

c) Workers' Compensation Insurance Bid - discussion included the bids received from Great American (a self insurance program) and from MIIA, the references checked on the Great American program and the pros and cons of a self insurance program. On a motion duly made and seconded, the Board voted 4-1-0, with Paine voting against, to accept the bid of Great American for their self insurance workers' compensation program contingent upon an acceptable cost of returning to the MIIA program and contingent upon legal confirmation from Town Counsel.

On a motion duly made and seconded, the Board voted unanimously to approve the "Special Resolution of Appreciation" to the members of the Local Comprehensive Planning Committee with the addition of Joe Fontans.

On a motion duly made and seconded, the Board voted unanimously that Selectman Ernst will represent the Board of Selectmen on the Fire Department Reorganization Committee.

On a motion duly made and seconded, the Board voted unanimously to deny the request of the American Legion to sell helium balloons along the 4th of July parade route since helium balloons pose a

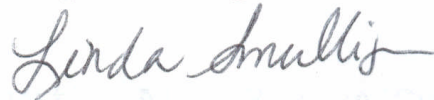
danger to marine life when they burst and fall into the water.

On a motion duly made and seconded, the Board voted unanimously to approve the request of the Chamber of Commerce to sell t-shirts, buttons and stickers along the 4th of July parade route.

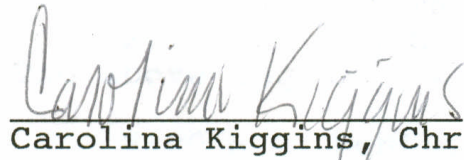
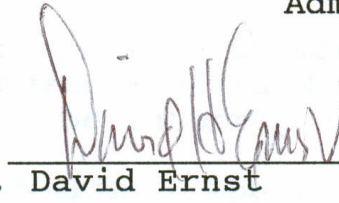
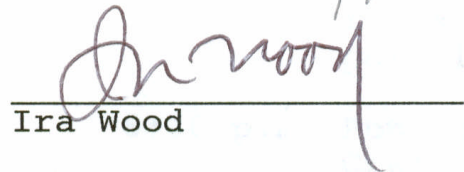
On a motion duly made and seconded, the Board voted unanimously to approve the business license of Pizza My Heart.

The meeting adjourned at 10:42 p.m.

Respectfully submitted,



Linda Smulligan
Administrative Assistant


Carolina Kiggins, Chr.
David Ernst
Cynthia Paine
Ira Wood
John Ryerson