

Board of Selectmen
Library Meeting Room
September 25, 1995
Minutes

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

Open Session:

- Chief Rosenthal addressed the Board regarding appointment of an alternate to the Off Road Vehicle Advisory Group. The Board will discuss the matter at their Wednesday meeting.

There was a consensus of the Board to schedule a Pre-Town Meeting and a public hearing on the Charter amendments to be addressed at Special Town Meeting for October 16th.

On a motion duly made and seconded, the Board voted unanimously to table approval of the minutes of September 18th pending a review by the Administrative Assistant of the meeting tape regarding the Beach Administrator's transfer request for funds for computer equipment.

On a motion duly made and seconded, the Board voted unanimously to accept the minutes of September 20th as printed.

The Board discussed:

- a) safety concerns related to discontinuance of the Long Pond paving project - on a motion duly made and seconded the Board voted unanimously to close that portion of Long Pond Road that is under construction until it is paved and place "Road Closed Proceed at Own Risk" signs at the site. Assistant DPW Director Fox agreed to put up the signs.
- b) letter drafted by Selectwoman Paine regarding endorsement of the Caron/Jajuga Bill - on a motion duly made and seconded, the Board voted unanimously to sign and send the letter in support of the bill.
- c) support for a Together We Can Plan Proclamation - on a motion duly made and seconded, the Board voted unanimously to support the proclamation.
- d) Chamber of Commerce concern regarding facilities for the bike path - there was a consensus of the Board that Selectwoman Paine will draft a letter to the State indicating the need for restroom and trash disposal facilities at the Chamber of Commerce site.

Selectman David Ernst recused himself and sat in the audience throughout the remainder of the meeting for each Shellfish Department public hearing and rejoined the Board for the other discussions.

The Board held a public hearing to consider the recommendation of the Shellfish Constable and Shellfish Advisory Committee to amend the Wellfleet Shellfish Regulations with regard to the taking of

shellfish from Chipman's Cove. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable dated 9/14/95 regarding the opening of Chipman's Cove as of one half hour before sunrise on Sunday, October 22, 1995.

The Board discussed:

- a) Special Town Meeting article recommendations as follows (from 9/25/95 draft warrant):
- Article 1 (transfers) - voted to reserve recommendation to Town Meeting 5-0
 - Article 2 (wage adjustments) - voted to recommend 5-0
 - Article 3 (dredging) - voted to recommend 5-0
 - Article 4 (Chapter 90 funds) - voted to recommend 5-0
 - Article 5 (lease of potential dredge material disposal site) - voted to recommend 5-0
 - Article 6 (Open Space) - voted to recommend 5-0
 - Article 7 (Local Bylaw Amendment) - voted to recommend 4-0-1 (Paine abstaining)
 - Article 8 (Charter Amendment re: 1/12th provision) - voted to recommend 5-0
 - Article 9 (Fire Department Charter amendments) - voted to recommend 5-0

The Board held a public hearing to consider the recommendation of the Shellfish Constable and Shellfish Advisory Committee to amend the Wellfleet Shellfish Regulations with regard to the taking of shellfish from Duck Creek. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable dated 9/14/95 to open certain portions of Duck Creek.

The Board continued discussion:

- b) Special Town Meeting article recommendations continued (from 9/25/95 draft warrant):
- Article 10 (Charter amendment regarding Fire Dept. vehicle maintenance) - on a motion duly made and seconded, the Board voted unanimously to place the article on the Special Town Meeting warrant. There was a consensus of the Board to forward the article to the Finance Committee and Board of Fire Engineers for recommendation. The Board voted to reserve recommendation to Town Meeting 5-0.
 - Article 11 (Charter amendment to change date of Annual Town Meeting) - on a motion duly made and seconded, the Board voted unanimously to amend the article by changing the annual town meeting date to the second Monday in May. On a motion duly made and seconded to include this article on the Special Town Meeting warrant, the Board voted 1-4, with Kiggins, Ryerson, Paine and Wood voting against. The motion failed.

- Article 12 (charter amendment to change appointment responsibility for the DPW Director position to the Board of Selectmen) - on a motion duly made and seconded, the Board voted to delete the article from the warrant.
- Article 12 from 9/22/95 draft warrant (charter amendment clarifying responsibilities for administrative duties) - on a motion duly made and seconded to include this article in the warrant, the Board voted 2-3, with Kiggins, Ryerson and Wood voting against. The motion failed.
- Article 13 from 9/22/95 draft warrant (Charter amendment to Chapter 3, Section 6 "Powers of Appointment", paragraph 3-6-3) - on a motion duly made and seconded, the Board voted unanimously to delete the article.
- on a motion duly made and seconded, the Board voted unanimously to strike articles 13 (Charter amendment to 3-6-3), 14 (Charter amendments to paragraphs 5-3-2, 5-3-2(e) and 8-5-2) and 15 (Charter amendment to 8-6-3) from the 9/22/95 draft warrant.
- Article 13 (Charter amendments to paragraphs 5-3-2 and 5-3-2(e) - on a motion duly made and seconded, the Board voted unanimously to keep Charter amendment language to paragraphs 5-3-2 (e) in the warrant and to recommend the article.
- Article 14 (Charter amendment to paragraphs 8-5-2 regarding the Recreation Committee) - on a motion duly made and seconded, the Board voted unanimously to include the article in the warrant and to recommend it.
- Article 15 (petition article for dredging related funds) - voted to reserve recommendation to Town Meeting 5-0
- Article 16 (petition article to amend zoning bylaw) - voted 4-0-1, with Wood abstaining, not to recommend
- Article 18 (funds for Together We Can) - voted 3-2, with Wood and Ryerson voting against, to recommend. On a motion duly made and seconded, the Board voted unanimously to reserve recommendation to Town Meeting.

The Board held the following public hearings at the times noted:

- a) 8:00 p.m. - On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable and to renew the shellfish grant licenses of Barbara and Jerre Austin, #85G and #85GA, for 10 years.
- b) 8:10 p.m. - On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable and to renew the shellfish grant licenses of Clarence and Karl Barrio, #85A and #85AA, for 10 years.
- c) 8:20 p.m. - On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable and to renew the shellfish grant licenses of Alfred and Susan Benton, #85J and #85JA, for 10 years.
- d) 8:30 p.m. - On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable

and to renew the shellfish grant licenses of Margaret Jennings and Laymon Clark, #85C and #85CA, for 10 years.

e) 8:40 p.m. - On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable and to renew the shellfish grant licenses of Robert, Margaret and Ross McClellan, #85B and #85BA, for 10 years.

f) 8:50 p.m. - On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable and to renew the shellfish grant license of Robert Morse and Richard Blakeley, #85F, for 10 years.

g) 9:00 p.m. - On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable and to renew the shellfish grant license of Todd LeBart, #85EA, for 10 years.

h) 9:10 p.m. - On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable and to renew the shellfish grant licenses of Randy Williams, #85I and #85IA, for 10 years.

i) 9:20 p.m. - On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable and to renew the shellfish grant licenses of Shawn Rose, #85H and #85HA, for 10 years.

The Board continued discussion:

b) interim Building Inspector position - there was a consensus to meet with Steve Pechonis and Fran Bishop at the Board's Wednesday meeting to discuss coverage of the Building Department on an interim basis

c) FY'97 mileage rate - on a motion duly made and seconded, the Board voted unanimously to maintain the current rate of \$.25 per mile.

d) DPW bid for 1,000 gallon H-20 leaching basins and 400 gallon leaching galleys - on a motion duly made and seconded, the Board voted unanimously to accept the bid of Shorey Manufacturing Corp. of \$365.00 for 1,000 gal. basins and \$150.00 for leaching galleys as low bidder.

e) Roger Putnam updated the Board on the Town Administrator search process.

f) Appointment to Recreation Committee - on a motion duly made and seconded, the Board voted 4-1-0, with Kiggins voting against, to appoint Nancy Rose to the Recreation Committee through June 30, 1998.

g) Appointments to Beach Study Committee - on a motion duly made and seconded, the Board voted unanimously to appoint Melon Regis-Civetta and Chris Hafferty to the Beach Study Committee through June 30, 1996.

h) Appointment to Planning Board - on a motion duly made and seconded, the Board voted 4-1-0, with Kiggins voting against, to appoint Paul Nossiter to the Planning Board through June 30, 2000.

The Board held a public hearing to consider the recommendation of the Shellfish Constable to suspend the commercial shellfish permit

of William Young Jr. for two weeks, or a period of time the Board feels is necessary up to a maximum of thirty days, for being in possession of seed shellfish well in excess of the 5% allowed under state law (MGL 130). The Shellfish Constable presented his reasons for requesting the license suspension and described the circumstances leading to his conclusion that excess seed shellfish had been harvested. Mr. Young presented his point of view and admitted that on the date in question he had been in possession of seed shellfish in excess of the 5% allowed under the state law but questioned the method of calculation in relation to the term "batch". Several supporters of Mr. Young spoke against the proposed license suspension. Ryerson moved that Mr. Young be assigned some kind of community service, to be determined before next Monday's Board meeting, with no license suspension. The motion failed with a vote of 2-2, with Kiggins and Wood voting against. Kiggins moved that Mr. Young's commercial shellfish license be suspended for 9 days effective 10-1 - 10/9. The motion failed for lack of a second. Wood moved that Mr. Young's commercial shellfish license be suspended for one week. The motion failed with a vote of 2-2, with Ryerson and Paine voting against. On a motion duly made and seconded, the Board voted unanimously to take the matter under advisement and to continue the hearing to 8:15 p.m. on October 2nd.

On a motion duly made and seconded, the Board voted unanimously at 10:12 p.m. on a roll call vote (Kiggins, Ryerson, Paine, Ernst, Wood - yea) to enter executive session to discuss contract negotiations and not to reconvene in open session.

Respectfully submitted,




Linda Smulligan
Administrative Assistant

Carolina Kiggins, Chr.


John Ryerson
Cynthia Paine

David Ernst


Ira Wood