

Board of Selectmen  
Library Meeting Room  
July 8, 1996  
Minutes

The meeting was called to order at 7:01 p.m. by Chairwoman Carolina Kiggins. Selectmen present included Cynthia Paine, David Ernst and Ira Wood. Selectman John Ryerson was absent. Town Administrator John Hinckley also attended.

Open Session:

- Corinne Demas Bliss addressed the Board regarding issues relative to jet skis and requested that the Board consider prohibiting jet ski rentals, tighten bylaws to prohibit jet skis at the Marina and educate the public as to the current bylaws. There was consensus that the Town Administrator and Beach Administrator meet with Ms. Bliss for further discussion and make a policy recommendation to the Board.

There was consensus not to consider the minutes of July 1, 1996 at this meeting since only two of the three members who attended on July 1st were present tonight.

The Town Administrator updated the Board on meetings: 1) regarding Hiawatha Road and Highland Avenue; 2) with the Town Planner and Maggie Downey of Barnstable County regarding various projects and 3) with the Finance Committee.

Selectman Ernst recused himself and left the Board.

The Board held a continuation of the public hearing to consider the application of Tobin A. Storer for renewal of shellfish grant license #811 located at Indian Neck and consisting of approximately 6 acres and of shellfish grant license #811A, located at Indian Neck and consisting of approximately 3 acres. Chairwoman Kiggins read the public notice. Mr. Storer submitted information which he noted were legal documents contesting Mr. and Mrs. Massari's claim of ownership of the tidal flats upon which these grant licenses are located. Attorney Paul Wightman, representing the Massaris, objected to renewal of these grant licenses indicating impairment of his clients' personal property rights. It was noted that once again the Board is not a land court and issues shellfish grant licenses in accordance with the law. The additional language regarding no grant of property rights included in all shellfish grant licenses was read by the Chair as follows and public comment was invited:

"This license does not grant any property rights. Any use of this license for other than digging and taking of shellfish upon privately owned property may not proceed over the objection of the property owner. Pursuant to General Laws Chapter 130, Section 57, the licensee may not impair the private rights of any person. This license does not authorize any injury to private property or invasion of private rights. The issuance of this license is not a determination of title

or ownership. The licensee acknowledges, it is the responsibility of the licensee to obtain permission, if required, from a private property owner before exercising the rights conferred by this license other than for digging and taking of shellfish. The license holder is on notice that owners of the property described above may bring an action for trespass in a court of competent jurisdiction. A license holder may not rely on this license as a defense to an action in trespass."

On a motion duly made and seconded, the Board voted unanimously to approve renewal of shellfish grant licenses #811 and #811A, with the additional language included in Town Counsel's letter of 7/8/96, for a period of ten years.

Selectman Ernst rejoined the Board.

The Board interviewed Luke Fox for appointment to the Town Hall Building Committee. Committee Chairwoman Frauke Rosenthal also attended. Discussion included Mr. Fox's contributions to the project. Ms. Rosenthal indicated her support of the appointment as did the Town Administrator. On a motion duly made and seconded, the Board voted unanimously to appoint Luke Fox to the Town Hall Building Committee through June 30, 1997.

The Board interviewed Ray Crowell for nomination to the Barnstable County HOME Consortium Advisory Council. Discussion included Mr.

Crowell's experience and contributions on the Town's Housing Authority. On a motion duly made and seconded, the Board voted unanimously to nominate Raymond Crowell for appointment to the Barnstable County HOME Consortium Advisory Council.

Selectman Ernst recused himself and left the Board.

Per the recommendation of Town Counsel, the Board voted unanimously to revisit the minutes of May 28, 1996. On a motion duly made and seconded, the Board voted unanimously to amend the minutes of May 28, 1996 to acknowledge receipt of Attorney Wightman's letters dated 3/25/96 and 5/28/96 so that they become part of the minutes and to reaffirm the action of the Chair.

Selectman Ernst rejoined the Board.

The Board met with members of the Planning Board to discuss their proposed amendment to the Zoning Bylaw with respect to communication towers. Ben Gitlow and Alan Platt participated in the discussion. Discussion included possible height restrictions, projected number of towers, a bonding requirement for removal of outdated towers and the anticipated need for technical assistance. On a motion duly made and seconded, the Board voted unanimously in accordance with M.G.L., Chapter 40A, Section 5 to resubmit the

proposed zoning amendment regarding communication towers to the Planning Board for hearing and to ask that they report with recommendations.

The Board held a preliminary discussion to consider the Town Administrator's recommendations regarding selection of a Fire Chief. Discussion included the options of contracting with a search firm or conducting the process in-house. There was consensus to take the matter under advisement and to continue discussion in two weeks at which time the Town Administrator will present further recommendations reflecting tonight's discussion including estimated costs for recruiting firms and possible make-up of a search committee and candidate questionnaire.

There was consensus that the Board begin the bi-annual Town Administrator evaluation process. It was noted that discussion will be scheduled on next week's agenda and that Board members should submit recommendations to the Chairwoman.

The Board discussed the proposal of Bryden & Sullivan for optional employee-pay-all group automobile insurance. On a motion duly made and seconded, the Board voted unanimously to offer this program through Bryden and Sullivan Insurance Agency.

Selectwoman Paine noted that the Sluiceway area could be considered as a public access area and requested that the Town Planner be asked to provide a list of other Town areas which could also be considered for designation as public access areas.

The Board discussed appointments to the Shellfish Advisory Committee in relation to potential conflicts of interest. Discussion included Town Counsel's legal opinion relative to this issue. There was consensus that a copy of the opinion be forwarded to the Shellfish Advisory Committee and that the Town Administrator meet with members of the Committee and the Shellfish Constable to discuss Town Counsel's opinion.

On a motion duly made and seconded, the Board voted unanimously to reappoint Liz Stolnacke to the Commission on Disabilities through June 30, 1999.

On a motion duly made and seconded, the Board voted unanimously to appoint Susan Quigley, Bailey Ruckert, Lawrence Peters, Dorrit Bimbi Jacob, Elizabeth Schultze, Sara Hutchings, Ann Scalley and Catherine Hill to the Cultural Council through June 30, 1997.

On a motion duly made and seconded, the Board voted unanimously to approve the request of the F.O.O.R. Group for use of the Town Hall lawn and an area adjacent to the Town Pier beach sticker booth for a sandwich board to advertise this summer's childrens play sponsored by the Recreation Department.

On a motion duly made and seconded, the Board voted unanimously to appoint Ronald Fissette and Jon Taylor as Relief Dispatchers through June 30, 1997. The Chief, responding to a question regarding Office Fissette's use as a dispatcher, informed the Board that he would only be used as a "safety valve" if no other dispatcher was available.

The Board discussed the proposed lease with the Archdiocese of Fall River for use of the Our Lady of Lourdes Church parking lot. Discussion included hours for provision of police services. On a motion duly made and seconded, the Board voted unanimously to sign the lease and forward it to the Archdiocese in Fall River for signature.


The Board discussed the draft report from the consultant reviewing the Department of Public Works.

The meeting adjourned at 10:48 p.m.

Respectfully submitted,

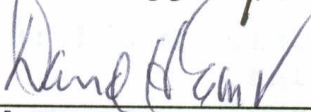


Linda Smulligan  
Administrative Assistant



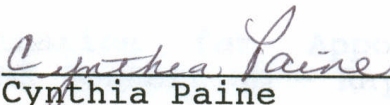
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Carolina Kiggins, Chair



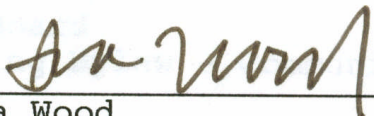
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David Ernst



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Cynthia Paine



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Ira Wood