

Board of Selectmen
Library Meeting Room
September 30, 1996
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. Town Administrator John Hinckley was also present.

On a motion duly made and seconded, the Board voted unanimously at 7:01 p.m. on a roll call vote (Kiggins, Ryerson, Paine, Ernst, Wood - yea) to enter executive session to discuss contract negotiations and to reconvene in open session. The meeting reconvened in open session at 7:11 p.m.

Announcements:

- Captain Ferreira announced that the Fire Department will be holding an open house on Saturday, October 5th in observance of Fire Prevention Week.
- Nancy Durkee announced that the Habitat for Humanity dedication will be Sunday, October 6th at 2:00 p.m. and invited Board members and the Town Administrator to attend.

On a motion duly made and seconded, the Board voted unanimously to accept the minutes of September 24, 1996 as revised.

The Town Administrator discussed with the Board:

- a) Last Gasp Bike Race - The Town Administrator updated the Board noting that this event is not a race and that participants will only be using Route 6.
- b) Special Town Meeting Article 10 - The Town Administrator noted that the Finance Committee wishes to recommend on Article 10 of the Special Town Meeting warrant.
- c) Red Cross Agreement - The Town Administrator updated the Board noting that currently there is no agreement between the Red Cross and the Elementary School for use of the shelter. There was consensus to ask Town Counsel to advise regarding whether it is necessary for the Town to have an agreement with the Elementary School for use of the School as a shelter during less than class #2 emergencies.
- d) The Town Administrator indicated that the Town's workers' compensation carrier has requested permission to put on a back injury prevention seminar for DPW and other Town employees.
- e) Fire Chief job description - There was consensus that further discussion be scheduled next week and that Board members be provided with a copy of the latest draft (#003) of the job description for review and approval.

Selectman Ernst left the Board. At 7:30 p.m. the Board held a public hearing to consider the application of Michael S. Parlante for renewal of shellfish grant license #735A, located at Wellfleet Harbor. Chairwoman Kiggins read the public notice. The Shellfish Constable recommended renewal of this grant license for a 2+ year period to bring Mr. Parlante's grant licenses to a common expiration date. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable to renew shellfish grant license #735A for a term to expire on January 10, 1999.

Selectman Ernst rejoined the Board. The Town Administrator continued discussion with the Board:

- f) Civil Defense meeting - the Town Administrator noted that the next meeting is scheduled for October 9th
- g) Agreement regarding the purchase, installation and maintenance of the Clivus composting toilets on the Cape Cod Rail Trail - it was noted that this agreement makes the Town responsible for trash removal. On a motion duly made and seconded, the Board voted unanimously to authorize the Chair to sign the Memorandum of Agreement between the Massachusetts Department of Environmental Management and the Towns of Eastham and Wellfleet.
- h) 10/11/96 cable rate meeting - the Town Administrator reported on how the towns of Truro, Eastham and Orleans are proceeding with cable television matters. There was consensus that a candidate suggested by Selectman Wood be contacted by Chairwoman Kiggins to see if he is interested in representing the Town at this meeting.

Selectman Ernst left the Board. At 7:45 p.m. the Board held the following public hearings consecutively:

- 1) Recommendation to amend Section V of the Temporary Shellfish Regulations regarding the "No Dragging" Line - the Shellfish Constable read his recommendation. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable to open an area on the east end of the Temporary Closure Area on the south side of Egg Island to the taking of shellfish by any authorized means or methods as of one half hour before sunrise on Tuesday, October 15, 1996 until further notice.
- 2) Recommendation to amend Section V of the Temporary Shellfish Regulations regarding opening of Chipman's Cove - the Shellfish Constable read his recommendation. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable to designate that area of Wellfleet Harbor commonly called Chipman's Cove to the taking of shellfish as of one half hour before sunrise on October 27, 1996, with all past restrictions remaining in effect, and with the daily catch limit for oysters for commercial permit holders limited to one large onion bag (dimensions of 35" x 20.5") per day.
- 3) Recommendation to amend Section 2 of the Shellfish Policies and Regulations regarding definitions including the definition of "Basket Rake, Bull Rake" - the Shellfish Constable read his recommendation. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable to delete the existing definition of manual bullrake in Section 2 of the Wellfleet Shellfish Regulations and to add the following definitions to that same section: basket rake - a rake with a basket or bag with an effective fishing area width of less than 12 inches and bull rake - a rake with a basket or bag with an effective fishing width greater than 12 inches.
- 4) Recommendation to amend Section V of the Temporary Shellfish Regulations regarding closure of a 2 acre area of Herring River - the Shellfish Constable read his recommendation. On a motion duly made and seconded, the Board voted unanimously to close a two acre area near the mouth of Herring River, adjacent to the Town's shellfish propagation area near the yacht club, to the taking of any and all shellfish by any means or method as of one half hour after sunset on October 15, 1996, said area to remain closed until further notice.

5) Letter from the Division of Marine Fisheries regarding a proposal for amendment to the state fisheries regulations regarding opening of an area of Cape Cod Bay to a small scale gear sea clam fishery - the Shellfish Constable read his recommendation noting his concern that pursuing this matter may not be in the best interests of Town fishermen due to permit requirements. Concern with the ramifications of enforcement in this area was also expressed. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable and to request that he draft a letter to the Division of Marine Fisheries for Board signature explaining that the Town has not yet received any communication regarding any regulatory options and therefore it would be premature to submit a formal request to the Division of Marine Fisheries to proceed with this proposal.

6) Letter from Massachusetts Coastal Zone Management regarding assistance for mapping of shellfish grant license areas - the Shellfish Constable read his recommendation. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable and to request that he draft a letter to CZM for signature by the Board indicating that the Board does not wish to take advantage of this offer at this time, leaving the door open to the Town if the Town decides to utilize this technology in the future in a manner that is acceptable to all.

7) Recommendation to amend Section V of the Temporary Shellfish Regulations regarding opening of Duck Creek - the Shellfish Constable indicated that water sampling is continuing and that no action by the Board is necessary at this time.

Selectman Ryerson left the meeting at 8:17 p.m.

The Town Administrator continued discussion with the Board:

i) Marina Grant for water quality protection - the Town Administrator noted that the state's denial of funding is being challenged

j) 1985 Transportation Grant award of \$100,000 to resurface and regrade the Marina - the Assistant DPW Director noted that the grant was awarded but never funded and that it had been refiled should funding ever become available. There was consensus that the Town Administrator consult Representative Gomes regarding the status of this grant. It was suggested that funding for these Marina projects may be available under the Seaport Development Bond Act. There was consensus that the Town Administrator consult the Marina Advisory Committee on this matter.

Police Chief Rosenthal suggested that the Board consider installation of permanent crosswalk signs. There was consensus that the Police Chief and Assistant DPW Director determine the areas for signage.

The Board discussed Special Town Meeting matters. Discussion included:

a) article recommendations - on a motion duly made and seconded, the Board voted unanimously to recommend articles 1, 2, 3, 5, 6, 7, 8, 10, 11, 12 and 13.

b) Article 4 (Town Hall renovations) - there was consensus that more clarity in the explanation is necessary. Discussion included the remaining level of free cash should \$300,000 be used for Town

Hall renovations. On a motion duly made and seconded, the Board voted 3-0-1, with Paine abstaining, to recommend the article.
c) Article 9 (Tower Bylaw) - it was suggested that more public hearings should be held. On a motion duly made and seconded the Board voted unanimously to reserve recommendation to Special Town Meeting.

The Board reviewed and updated their list of goals as outlined in the 8/23/96 document prepared by the Town Administrator. There was consensus that the Town Administrator pursue establishment of a position of grant writer for presentation at the next Annual Town Meeting.

The Board discussed the letter received from Rick Townsend regarding correspondence from the Building Inspector concerning use of Mr. Townsend's property. There was consensus that the Town Administrator draft a letter to Mr. Townsend by Thursday, copied to the Board of Appeals and Building Inspector, referring Mr. Townsend to the Board of Appeals if he wishes to seek relief from the Building Inspector's decision. The Board discussed seeking an opinion from Town Counsel regarding grandfathering of business activities. As a result of a 3-1 poll of the Board, with Wood voting against, there was consensus that Town Counsel be asked the following questions: After six years in one location is a business grandfathered under M.G.L. Chapter 40, Section 6 or any other section? Is the use of the property grandfathered?

On a motion duly made and seconded, the Board voted unanimously at 10:17 p.m. on a roll call vote (Kiggins, Paine, Ernst, Wood - yea) to enter executive session to discuss collective bargaining and to reconvene in open session.

The Board reconvened in open session at 10:22 p.m.

The Board discussed the draft letter to NYNEX regarding removal of pay phones. There was consensus that the letter be redrafted per this discussion, be copied to DPU and the Department of Safety and be mailed certified.

The Board discussed the letter from Pat Roach regarding various DPW matters. There was consensus that the Town Administrator draft a response indicating receipt of the letter and noting that it has been forwarded to Town Counsel.

The meeting adjourned at 10:27 p.m.

Respectfully submitted,

Linda Smulligan
Linda Smulligan
Administrative Assistant

Carolina Kiggins
Carolina Kiggins, Chr.

John Ryerson
John Ryerson

Cynthia Paine
Cynthia Paine

David Ernst
David Ernst

Ira Wood