

Board of Selectmen
October 7, 1996
Library Meeting Room
Minutes

The meeting was called to order at 7:00 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 was also present.

Chairwoman Kiggins announced that Selectman Ryerson would not be attending tonight's meeting. Selectwoman Paine announced the final date for submission of Cultural Council grant applications and the date and time for the Board of Appeals meeting regarding the Bay Village Realty sign.

On a motion duly made and seconded, the Board voted unanimously to approve the minutes of September 30, 1996 as amended.

The Town Administrator discussed with the Board:

- a) draft letter to Brewster Selectman John Mitchell regarding legislation to change the prevailing wage law - on a motion duly made and seconded, the Board voted unanimously to approve and sign the letter. There was consensus that the letter be copied to Representative Gomes and Senator Rauschenbach.
- b) Special Town Meeting matters - there was consensus that Donna Robertson, Ed Wolper and Chester Eisinger be contacted to establish their availability to serve as alternate moderator. There was consensus that the 10/23 Planning Board hearing regarding the Tower Bylaw be advertised in local newspapers, at the Post Offices and with a sandwich board at Town Hall.
- c) request from Michael Rose to develop a portion of Silver Spring Avenue to access his property - on a motion duly made and seconded, the Board voted unanimously to forward the request to the Planning Board and Town Counsel
- d) The Town Administrator noted that Mrs. Dutra had requested that he advise the Board that addressing the drainage issue on Briar Lane does not address the issue of the gravel in the back area of the Box Lunch. He also noted that he had advised Mrs. Dutra to contact the Conservation Commission regarding use of the land behind the Box Lunch.
- e) Cape Cod National Seashore Management Plan - public meeting dates were announced. There was consensus to schedule discussion regarding the plan on the Selectmen's agenda beginning 11/12 at 7:30 p.m.

The Board met with Scott Ridley for a follow-up discussion of restructuring of the electric industry. Chairwoman Kiggins noted Mr. Ridley's background and experience. Discussion included the status of work under the Urban Consortium Grant awarded to Barnstable County, controls allocated to cities and towns by state law and projected dates for "opening up of the lines".

At 8:00 p.m. the Board held the annual "Classification Hearing" to

consider allocation of the local property tax levy. Chairwoman Kiggins read the public notice. Board of Assessors' members Ray Squire and Claire Carroll were in attendance. Mr. Squire presented the Board of Assessors' recommendation that the Town maintain a unified tax rate. Selectwoman Paine recused herself indicating the potential for a conflict of interest due to her personal property holdings. On a motion duly made and seconded, the Board voted unanimously, 3-0, to make the Residential Factor the numeric number 1 for Fiscal 1997. Mr. Squire discussed the state required FY '97 Education Certification form certifying that the Town of Wellfleet complies with the spending requirements of the Education Reform Act. Mr. Squire noted the memo from the Town Accountant indicating that Town appropriations are sufficient to satisfy the requirements of the Education Reform Act. The Town Administrator noted that Nauset Regional Schools' Business Manager Susan Hyland had indicated her agreement with the Town Accountant. On a motion duly made and seconded, the Board voted unanimously to authorize the Chair to sign the FY'97 Education Certification document. Assessor Squire indicated that the FY'97 tax rate was estimated at \$8.67/\$1,000.

The Town Administrator continued discussion with the Board:

- f) updated Board of Selectmen goals and objectives document prepared by the Town Administrator - the Town Administrator requested that Board members forward necessary updates
- g) Septic system repair grants program - the Town Administrator noted that the program has been extended by the Department of Environmental Management
- h) DEP update regarding the water system at the Elementary School - the Town Administrator noted that written information from DEP, as requested by the Board, will be forthcoming

The Board met with Planning Board Chair Ben Gitlow to discuss the status of the Communication Tower Bylaw. Mr. Gitlow summarized the bylaw and noted the upcoming 10/23 public hearing to discuss the latest changes by Town Counsel.

The Board met with members of the Library Trustees to interview Ruth Sklar for appointment to the Board of Trustees to fill the unexpired term of Anne Freyss. On a motion duly made and seconded, the Board voted unanimously to appoint Ruth Sklar to fill the unexpired term of Anne Freyss which expires on May 31, 1997. The Board of Trustees also indicated their appointment of Ms. Sklar to fill Ms. Freyss' unexpired term.

Selectwoman Paine read the letter received from Virginia Crossman dated October 7, 1996. There was consensus that the letter be referred to Police Chief Rosenthal (section regarding skate boarding infractions) and that Selectwoman Paine draft a response. On a motion duly made and seconded, the Board voted unanimously to authorize Chairwoman Kiggins to sign the letter after three days of notification of Board members.

The Board discussed the Fire Chief job description. Discussion included:

- a) "Physical Requirements" - there was consensus to amend the "Physical Requirements" section regarding the state requirement that the Chief be a non-smoker to read "Must be a non-smoker to meet State Law requirements."
- b) "Residency" section - on a motion duly made and seconded that the residency requirement be amended to 12 months the Board voted 2-2, with Ernst and Wood voting against. The motion failed. On a motion duly made and seconded that the residency requirement be amended to 9 months the Board voted 2-2 with Kiggins and Wood voting against. The motion failed. On a second motion duly made and seconded that the residency requirement be amended to 9 months, the Board voted 2-1-1, with Kiggins voting against and Paine abstaining. The motion passed. On a motion to approve the schedule for submission of the ad for Fire Chief position the Board voted 2-2, with Kiggins and Paine voting against. The motion failed. After further discussion regarding adherence to the Board's Hiring and Employment Advertising policies the Board finalized the ad, establishing that applications must be postmarked by December 2nd, and the related advertising due dates.

The Board discussed the outline for the capital budget planning process. There was consensus to adopt it as a working document.

The Board discussed various Marina matters with Joel Fox. The Town Administrator noted that he had spoken with Mr. Fox regarding holding a roundtable meeting of all Committees having the Marina/Harbor as part of their responsibility. There was consensus that the Town Administrator hold a group meeting with the Harbormaster and all committees involved with the Marina.

The Board discussed the request of the Wellfleet Harbor Project through Barnstable County to erect permanent educational display boards at Town Hall, in front of the Harbormaster's office and in front of the Shellfish office. On a motion duly made and seconded, the Board voted unanimously to approve locating the display boards at the Harbormaster's and Shellfish offices and to reserve judgement on locating one at Town Hall.

On a motion duly made and seconded, the Board voted unanimously at 10:06 p.m. on a roll call vote (Kiggins, Paine, Ernst, Wood - yea) to enter executive session to discuss strategy with respect to potential litigation and to reconvene in open session.

The meeting reconvened in open session at 10:17 p.m.

On a motion duly made and seconded, the Board voted unanimously at 10:18 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.

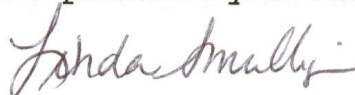
The meeting reconvened in open session at 10:19 p.m.

The Board discussed representation at the upcoming public hearings regarding Continental Cablevision's basic tier rates. There was consensus to sign the Representation Form for Issuing Authorities.

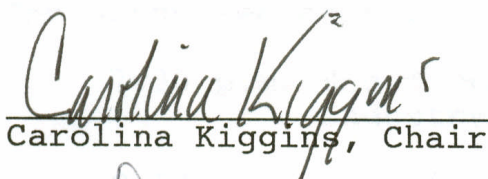
The Board discussed the letters drafted by the Shellfish Constable, per request of the Board at their 9/30/96 meeting, to James J. Fair, Jr. of the Division of Marine Fisheries regarding establishing a small scale surf clam fishery in Cape Cod Bay and Truman Henson, Jr. of Massachusetts Coastal Zone Management regarding mapping of shellfish aquaculture sites.

The meeting adjourned at 10:25 p.m.

Respectfully submitted,



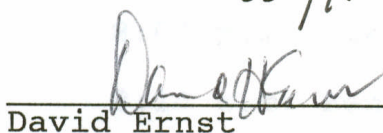
Linda Smulligan
Administrative Assistant



Carolina Kiggins, Chair



Cynthia Paine



David Ernst



Ira Wood