

Board of Selectmen
January 13, 1997
Elementary School Cafeteria
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 also attended.

The Board discussed:

- a) request to use town property by Wellfleet Marine Corp. - on a motion duly made and seconded, the Board VOTED unanimously to approve the request of Wellfleet Marine Corp. to use the Town pier building and related area being all of the demised premises as described in the lease of 6/29/92 between the Town of Wellfleet and Wellfleet Marine Corp. for storage pending the upcoming bid results with the condition that the applicant agrees to vacate the property in a timely fashion as permitted by weather conditions upon request by the Board of Selectmen.
- b) on a motion duly made and seconded, the Board VOTED unanimously to approve the minutes of January 6, 1997 (noon meeting) as printed.
- c) on a motion duly made and seconded, the Board VOTED unanimously to approve the minutes of January 6, 1997 (p.m. meeting) as printed including an addendum of the statement listing ways for the Town Administrator to improve performance unanimously voted by the Board at the January 6th noon meeting.

The Town Administrator discussed with the Board:

- a) request from Lower/Outer Cape Community Coalition - on a motion duly made and seconded, the Board VOTED unanimously to schedule B.L. Hathaway from the Lower/Outer Cape Community Coalition to discuss her request for the Coastal Village Festival at 7:30 p.m. on January 27, 1997.
- b) contract with General Contractor for Phase II of Town Hall Renovations - Town Counsel a) noted that the bonding company has placed a ryder on both the payment and performance bonds designating that bills be processed via an escrow company and b) recommended that the Town include a liquidated damages clause of \$500 per day should the job be delayed. On a motion duly made and seconded, the Board VOTED unanimously to authorize the Chair to sign the contract upon written recommendation from Town Counsel regarding the issue of the additional ryder on the bonds, the issue of checking with the Attorney General's office regarding compliance with specifications, negotiation of a liquidated damages clause and review by the Town Accountant.
- c) contract with the Clerk of the Works - it was noted that an addenda regarding responsibility for monitoring and evaluating wage compliance and attachment of the AIA Document B352 had been added. On a motion duly made and seconded, the Board VOTED unanimously to sign the Town of Wellfleet Agreement for services FY'97 Clerk of the Works for Town Hall Renovation Phase II with Kenelm N. Collins.

At 7:30 p.m. the Board addressed the scheduled agenda item of reconsideration of the Board's 11/25/96 vote not to renew the Town Administrator's contract. Chairwoman Kiggins requested that Town Counsel clarify the Board's position at this point; Town Counsel indicated that the contract extension question was back before the Board. Selectman Ryerson recused himself noting that he was doing so on advice of counsel and left the table. The Board discussed the Town Administrator's response to the Board's 1/6/97 list of ways to improve the performance of the Town Administrator. On a motion duly made and seconded to extend the term of the contract with the Town Administrator for an additional year subject to the Town Administrator and Board of Selectmen mutually agreeing on any other terms contained therein the Board voted 2-2, with Kiggins and Paine voting against. The motion failed. On a motion duly made and seconded, to extend the term of the contract with the Town Administrator for 9 months subject to the Town Administrator and Board of Selectmen mutually agreeing on any other terms contained therein the Board voted 2-2, with Kiggins and Paine voting against. The motion failed. There were subsequent identical motions each duly made and seconded for the time periods of 8 months, 7 months and 6 months. Each motion failed on a 2-2 vote, with Kiggins and Paine voting against. The meeting was recessed at 8:32 p.m. The meeting was called back to order by Chairwoman Kiggins at 8:58 p.m. On a motion duly made and seconded, the Board voted unanimously that the Town Administrator's contract be extended for 4 months, that it incorporate the performance plan submitted by the Town Administrator to the Board of Selectmen on January 10, 1997, and that it contain such further terms and conditions as the Board of Selectmen and the Town Administrator shall agree upon. Selectman Ryerson rejoined the Board at 9:05 p.m.

The Town Administrator continued discussion with the Board:

d) Morrow Family Trust - on a motion duly made and seconded, the Board VOTED unanimously to forward any information to Town Counsel and to meet with him for continued discussion on 1/27/96 at 6:45 p.m. There was consensus that the Assistant DPW Director look at North Circuit Drive and forward a recommendation to the Board and that they be provided with copies of the Assessor's map of the area.

e) Sexual Harassment Policy - it was noted that the Procedure Guideline had not yet been reviewed by Town Counsel. On a motion duly made and seconded, the Board voted unanimously to adopt the Sexual Harassment and Harassment Policy of the Town of Wellfleet; that a copy of this policy be distributed to all employees immediately; and that the Town Administrator forward the correct Procedure Guideline to the Board next week.

The Board discussed:

a) informal committee for maintenance work on Hamblen Park - it was noted that Paul Thimas, Chairman of the Commission on Disabilities, has agreed to participate on the committee. It was requested that the Town Administrator advise Park Commissioner Chairman Wood

regarding creation of this committee.

b) walking path liability issues - there was consensus that the Town Administrator discuss these issues with Board members individually

c) letter from Charles Amsler - on a motion duly made and seconded, the Board VOTED unanimously that the information be forwarded to Town Counsel for discussion at the 1/27/97 Board meeting.

d) modification of parking at the Town Hall lot - discussion centered on the 1/13/97 memo to the Board from the Chief of Police, Fire Department Captain Alan Hight and DPW Assistant Director Luke Fox regarding this subject. Police Chief Rosenthal noted that the recommended plan was suitable on a short term basis for the winter months. On a motion duly made and seconded, the Board voted unanimously to accept the following plan: 1) keep the traffic patterns as they are; 2) temporarily limit (prohibit) parking opposite the trailers; 3) put two handicapped spots as close to the street side as possible (by the bike rack) and relocate the two in the rear adjacent to Hatch's Market; 4) permit unloading of trucks on Main Street during this project; 5) put a stop sign at the Puritan entry into Town Hall, near the rear trailer, to prevent accidents in the lot; 6) the area along Aesop's side of Town Hall, from the two handicapped parking spaces to the two handicapped parking spaces at the fish market should be designated a fire lane during this period; 7) the area directly in front of the first trailer in the lot should not be permitted as a parking or loading zone for safety reasons. There was consensus that a letter outlining this decision be forwarded to downtown business owners and that a press release be prepared. Further discussion included a contingency plan should the Town Hall Phase II project overrun the projected timeline. On a motion duly made and seconded, the Board VOTED unanimously that the Town Administrator address a contingency plan and forward same to the Board by 4/1/97.

e) letter received from the County Commissioners' Office regarding representation on the Barnstable County Coastal Resources Committee - there was consensus that Selectman Wood contact Roger Putnam, the current representative, to determine if Mr. Putnam wishes to continue to represent the Town. Chairwoman Kiggins suggested that Pat Woodbury be considered as an alternate representative to the committee; there was consensus that Chairwoman Kiggins contact Mr. Woodbury after Selectman Wood reports regarding his discussion with Mr. Putnam.

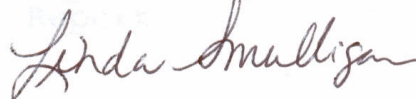
f) FY'98 Capital Improvement Plan - discussion included the addition of funding for the front end loader. There was consensus that the Board vote on the plan at their budget meeting scheduled for tomorrow evening.

g) business licenses - Mr. Dutra addressed the Board regarding the business license of the Box Lunch. On a motion duly made and seconded, the Board VOTED unanimously to request a written update from the Building Inspector regarding his 9/17/96 letter to Mr. MacNutt and from the Health/Conservation Agent regarding his 11/25/96 letter to Mr. MacNutt regarding the wetland area, Box Lunch property, 50 Briar Lane, Wellfleet and an explanation of

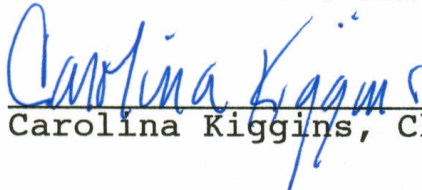
their signoffs on the Box Lunch's application for a business license in view of this correspondence. There was consensus that Mr. Dutra be carbon copied on the replies. On a motion duly made and seconded, the Board VOTED unanimously to approve the business licenses for Townsend Firewood and D & D Market.

The meeting adjourned at 10:14 p.m.

Respectfully submitted,




Linda Smulligan
Administrative Assistant



Carolina Kiggins, Chr.

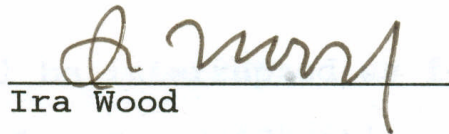


John Ryerson



Cynthia Paine

David Ernst



Ira Wood