

Board of Selectmen
March 31, 1997
Library Meeting Room
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. Acting Town Administrator Bill Hinchey also attended.

Open Session:

- Louise Wallace spoke in favor of the reappointment of David Ernst to the Cape Cod Commission and requested that the Board's scheduled discussion of this matter be moved forward on the agenda. Selectman Ernst recused himself and left the room. It was suggested that the Board wait for two weeks before making the appointment in order to receive applications from others who had indicated interest in serving in this capacity. The discussion was continued to later in the meeting. Selectman Ernst rejoined the Board.
- Clarence Smith spoke in favor of the reappointment.
- Jim Quigley addressed the Board regarding the recall process.

The Board met with Maria Burks and Lauren McKean of the National Seashore Park Service to discuss the Seashore's draft General Management Plan. Ms. Burks updated the Board on the status of the Plan and reviewed Seashore responses to local comments.

The Board held a public hearing to consider the application of Philip and Karen Brady to transfer a seasonal, all alcoholic, package goods store license from Philip & Karen Brady d/b/a Brady's Liquor Locker, to Brady's Liquor Locker, Inc., Philip Brady, Manager. Selectman Ryerson recused himself and left the room. It was noted that this transfer was necessary due to the incorporation of the business. On a motion duly made and seconded, the Board voted unanimously to approve the application. Selectman Ryerson rejoined the Board.

The Board continued discussed with Ms. Burks and Ms. McKean who discussed comments from the Beach Administrator, Town Planner, Assistant DPW Director, Assessor and from the 11/25/96 Board of Selectmen hearing regarding the Plan.

The Board held a public hearing to consider the application of Fobro, d/b/a Flying Fish Cafe for a seasonal, all alcoholic, common victualler license. Selectman Ryerson recused himself and left the room. Applicants Patricia Foley and Lisa Brown attended and requested that the Board grant this license contingent upon ZBA approval of their special permit application. Eric Winslow, representing his father-in-law abutter Win Downs, discussed parking and hours of service. Chairwoman Kiggins read the 3/31/97 letter from abutter Mrs. Francis J. Lis urging the Board not to grant the license due to concerns with noise, underage youths and traffic. Discussion included the Board's past practice of not approving applications until permission from all applicable Board's has been obtained, the delicate nature of business in the Briar Lane area and the applicants' intention to operate a lounge waiting area in a small, food oriented, non-smoking restaurant. On a motion duly made and seconded, the Board voted unanimously 4-0 to approve the application as stated in the public notice with the understanding

that the Board of Selectmen is adjusting its normal policy of waiting for all Town board's to sign-off because the Board is of the understanding that there is a three month wait for a ZBA hearing and such a wait would deprive the petitioners of doing reasonable business this summer and would create a hardship; approval is contingent upon the Board of Appeals granting a special permit; the hours of operation were limited to 6 p.m. to whenever the kitchen closes but no later than 11 p.m. Selectman Ryerson rejoined the Board.

The Board continued discussion with Ms. Burks and Ms. McKean who finished their presentation.

The Board continued discussion of the appointment to the Cape Cod Commission. Selectman Ernst recused himself and left the room. Discussion included the Board's past practice for appointments and reappointments. On a motion duly made and seconded, the Board voted unanimously 4-0 to reappoint David Ernst to the Cape Cod Commission for a three year period beginning 4/25/97. There was consensus that the Board address the existing Committee/Board Appointment policy in April when it is scheduled for renewal.

The Board discussed:

a) draft letter to Kevin Sullivan, Commissioner, Massachusetts Highway Department regarding Route 6 improvements - on a motion duly made and seconded, the Board voted unanimously to approve and send the letter. On a motion duly made and seconded, the Board voted unanimously to authorize the Chair to sign on behalf of the Board.

b) Town Meeting Matters as follows:

- 1) Special Town Meeting transfers - on a motion duly made and seconded, the Board voted unanimously to include both the tennis and basketball courts in the transfer from the beach fund to the FY'97 capital budget in the amount of \$18,324.
- 2) Capital Budget adjustments - the Acting Town Administrator recommended that the Fire Station addition engineering costs in the amount of \$85,000 and interest on the DPW barn renovation in the amount of \$48,000 be pushed back one year on the Capital Improvement Plan and that the capital budget be adjusted accordingly. On a motion duly made and seconded, the Board voted unanimously to reduce the FY'98 capital budget by \$133,00.
- 3) Article for special legislation to allow a surcharge on shellfish permits, said funds to be used to purchase cultch - the Acting Town Administrator indicated that the Shellfish Constable recommended that the article be removed from the warrant. On a motion duly made and seconded, the Board voted unanimously to delete the article.
- 4) School budgets - the Acting Town Administrator indicated that School budget figures will appear in the budget as discussed.
- 5) Article recommendations - on motions duly made and seconded the Board voted its recommendations as follows:
 - a) Special Town Meeting:
 - article (transfers) - recommend 5-0
 - article (chapter 90) - recommend 5-0

- article (Town Hall) - recommend 5-0
- b) Annual Town Meeting
 - article (hear reports) - recommend 5-0
 - article (contract settlements) - recommend 5-0
 - article (elected officials) - recommend 5-0
 - article (non-union wage adjustment) - rec 5-0
 - article (Quinn Bill) - recommend 5-0
 - article (10% of room tax revenues) - rec 4-0-1
 - article (disposal of Town property) - rec 5-0
 - article (accept gifts) - recommend 5-0
 - article (DEP) - recommend 5-0
 - article (Tax Collector) - recommend 5-0
 - article (Town Collector) - recommend 5-0
 - article (cemetery) - reserve 5-0
 - article (CAMA) - approve 5-0
 - article (Wellhead) - reserve 5-0
 - article (cluster development) - reserve 5-0
 - article (Church lot) - recommend 5-0
 - article (school location) - reserve 5-0
 - article (COA position) - recommend 5-0
 - article (compost bins) - recommend 5-0
 - article (water testing) - recommend 5-0
 - article (land auction rec) - recommend 5-0
 - petition articles - reserve 5-0
 - article (other business) - recommend 5-0

c) liquor license renewals - on a motion duly made and seconded, the Board voted unanimously to approve liquor license renewals for the following: Wellfleet Motel and Lodge, Inc.; Chequessett Yacht & Country Club, Inc.; Aesop's Tables'; V.R.'s, Inc.; Sweet Season's Inc.; Captain Higgins Restaurant, Inc.; Flying Fish Cafe; Eric's Seafood Restaurant, Inc.

d) business license renewals - on a motion duly made and seconded, the Board voted unanimously to approve the following business license renewals: Bob's Sub & Cone; Southfleet Motor Inn; Zack's Excellent Sandwiches; Fox's Den; Eric's Seafood Restaurant, Inc.; On the Creek Cafe; Hot Chocolate Sparrow; Cove Gallery and Wellfleet Cycles Ltd.

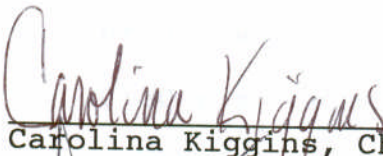
d) Animal Inspector - on a motion duly made and seconded, the Board voted unanimously to nominate Dog Officer Lorial Russell as Animal Inspector.

On a motion duly made and seconded, the Board voted unanimously to adjourn at 10:27 p.m.

Respectfully submitted,




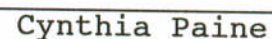
Linda Smulligan
Administrative Assistant



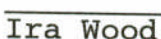
Carolina Kiggins, Chr.



John Ryerson



David Ernst



Ira Wood