

Board of Selectmen
June 2, 1997
Library Meeting Room
Minutes

The meeting was called to order at 6:30 p.m. by Chairman David Ernst. Selectmen present included Jeffrey White, Lawrence Gallagher, Carolina Kiggins and John Ryerson. Acting Town Administrator Bill Hinchey and Town Counsel Michael Ford also attended.

Town Counsel updated the Board on outstanding litigation including zoning and regulatory appeals, shellfish cases and potential damages cases. There was consensus that a more extensive discussion of potential damages cases be scheduled for a future meeting.

The Board discussed the letter from the Town of Chatham regarding abolishment of Barnstable County and the "Resolution to Preserve Regional Government and Regional Services in Barnstable County" supported and signed by the previous Wellfleet Board of Selectmen. On a motion duly made and seconded, the Board voted unanimously to send the same resolution to representatives in Boston signed by this Board of Selectmen.

Open Session:

- Ruth Rickmers addressed the Board regarding Teamsters' Union negotiations.
- Gerard Lofgren addressed the Board regarding the need for battery backups for Town computers.
- Virginia Crossman addressed the Board regarding appointment of the Interim Recreation Director and the oversight of including "AA/EOE" in the Cape Cod Times ad for a Town Administrator.

On a motion duly made and seconded, the Board voted unanimously to approve the minutes of 5/27/97 as submitted.

The Town Administrator discussed with the Board:

- a) Permanent Building Needs Committee - there was consensus that the Board meet at 6:30 p.m. on June 16th in order to schedule interviews with applicants for this committee.
- b) Town Administrator Search Group - noted that Ben Gitlow has expressed interest in serving.
- c) Departmental performance audit - noted that the Auditors will begin with the DPW instead of the financial offices due to the revaluation process.
- d) request for meeting with Board of Selectmen to discuss Town Administrator profile - there was consensus that Board members submit their criteria in writing and meet for discussion on June 9th at 5:30 p.m. in the Town Hall Conference Room.
- e) Chapter 90 - the DPW Director's list of Chapter 90 projects was read.
- f) Virginia Morton's letter regarding the history of Maguire's Landing - it was noted that Beach Department signage will identify

the area as Maguire's Landing at LeCount Hollow Beach. It was requested that Maria Burks be notified of the name of the area.

g) Fire Chief search - there was consensus that Fire Department personnel provide a Fire Chief profile for Board consideration.

The Board met with representatives of the Pan Massachusetts Challenge to discuss their Application to Conduct Races, Events, Shows, Exhibitions, etc. within the Town of Wellfleet. Discussion included prior year problems and safety issues. On a motion duly made and seconded, the Board voted 4-0-1, with Ernst abstaining, to deny permission for use of Town roads. There was consensus that a representative from the Pan Mass Challenge contact the Elementary School Committee for permission to use the building as a water stop.

Chairman Ernst recused himself and Vice-Chairman White read the public notice for the following Shellfish Department matters:

a) presentation by Albert Norgeot of Anchor Marine Aqua Research regarding his proposal to conduct marine habitat improvement projects in the waters of Wellfleet Harbor and Cape Cod Bay. The Shellfish Constable noted the Shellfish Advisory Committee's support of the proposal, his interest in participating in the project and his recommendation for a letter of support. On a motion duly made and seconded, the Board voted unanimously that the Town support the recommendation of the Shellfish Constable and to sign and send a letter of interest as drafted.

b) Public Hearing: Amendment of Temporary Shellfish Regulations re: Storage of Shellfish in Town Pier Area Waters - on a motion duly made and seconded, the Board voted unanimously to amend the Wellfleet Shellfish Policies and Regulations (Open and Closed Areas) by adding the following: "The taking of shellfish from the bulkheads, pilings and adjacent flats in the area inside the "L" pier, behind the fuel dock and inshore of the finger piers near the boat ramp shall be PROHIBITED as of one half hour after sunset on June 14 1997, said prohibition to remain in effect until further notice."

c) Public Hearing: Amendment of Section V of Temporary Shellfish Regulations re: Taking of Shellfish in Town Pier Area Waters - on a motion duly made and seconded, the Board voted to amend Section V of the Temporary Shellfish Regulations (Open and Closed Areas) by adding the following: "The taking of shellfish from the bulkheads, pilings and adjacent flats in the area inside the "L" pier, behind the fuel dock and inshore of the finger piers near the boat ramp shall be PROHIBITED, said prohibition to go into effect as of the official date of posting and to remain in effect until further notice."

d) Public Hearing: Special Legislation re: Taking of Seed Oysters by Aquaculture Licensees - on a motion duly made and seconded, the Board voted unanimously to endorse the "Act Authorizing the Issuance of Permits for Taking of Seed Oysters in the Town of Wellfleet" as drafted by Town Counsel.

e) Public Hearing: Request of Raymond A. Crowell to Transfer

Shellfish Grant License #95-12 from Raymond A. Crowell to Raymond A. Crowell and Edwin C. Berrio, Jr. and for Renewal of Said License - on a motion duly made and seconded, the Board voted unanimously to approve the transfer and to renew this license for a period of ten years starting on the expiration date of the original license subject to all conditions and restriction in that license.

f) Public Hearing: Request of Clifford Dalby and Jacob Dalby for Renewal of Shellfish Grant License #95-31 and Request of Clifford Dalby and Jacob Dalby for a One Acre Grant License Extension #95-32 - on a motion duly made and seconded the Board voted unanimously to renew grant license #95-31 for a period of ten years beginning on the expiration date of the existing license subject to all conditions and restrictions in that license and to approve the application for a one acre license for grant license #95-32 for a period of ten years with the same restrictions and conditions as #95-31.

g) Public Hearing: Request of Christopher H. Merl for Renewal of Shellfish Grant License #95-19 and Request of Christopher H. Merl for a One Acre Grant License Extension #95-20 - on a motion duly made and seconded, the Board voted unanimously to renew grant license #95-19 for a period of ten years from the expiration date of the original license subject to all the restrictions and conditions on the original license and to approve the request for an extension (one acre bed to be called #95-20), said license to run for a period of ten years subject to the conditions and restrictions on the original license.

h) Public Hearing: Request of Edward Simon to Transfer Shellfish Grant License #95-31 from Edward Simon to Edward Simon and Wentzle Ruml IV and for Renewal of Said License - on a motion duly made and seconded, the Board voted unanimously to renew license #95-13 for a period of ten years beginning on the expiration date of the original license and subject to all conditions and restrictions on that license and to approve the request to transfer this license from Ed Simon to Ed Simon and Wentzle Ruml IV.

i) Public Statement regarding legislation proposed by Senator Rauschenbach aimed at resolving some of the problems related to aquaculture and private tidelands ownership - on a motion duly made and seconded, the Board voted unanimously to accept the amendment to the Shellfish Constable's statement as amended. On a motion duly made and seconded, the Board voted unanimously that the Shellfish Constable attend the hearing.

j) Small Cities Grant Proposal - The Shellfish Constable explained his proposal for equipment to facilitate and expand existing shellfish propagation efforts - on a motion duly made and seconded, the Board voted unanimously to endorse the grant proposal by the Shellfish Constable.

Chairman Ernst rejoined the Board.

The Board reviewed correspondence needing action:

a) letter from Shirley Gomes re: Marconi Memorial Bridge - requested that the letter be referred to the Planning Board

- b) Planning Board request to be representative to Route 6 Study Committee - on a motion duly made and seconded, the Board voted unanimously to designate the Planning Board as the official representative to the Route 6 Study Committee. Chairman Ernst noted that he will notify Jackie Foley of the Board's decision.
- c) letter from Outer Cape Realty re: unbuildable lots - on a motion duly made and seconded, the Board voted unanimously to refer the letter to the Planning Board.
- d) letter from Arturo Vivante re: Aesop's Tables - on a motion duly made and seconded, the Board voted unanimously to refer the letter to the Board of Health.
- e) letters from Larry Peters re: hedge at Town Hall - there was consensus that the letter be referred back to the DPW for recommendation.
- f) letter re: Flying Fish and Zoning Board - Selectman Gallagher recused himself. There was consensus that the letters be referred to the ZBA and that a copy of the Acting Town Administrator's letter to Robert Reeves be forwarded to citizens who submitted letters on this matter.

Selectman Gallagher rejoined the Board.

The Board met with Police Chief Rosenthal for a general orientation of the Police Department. Discussion included the "aging" of the department and concerns with the Police/Fire building and departmental budgets. The Police Chief noted that he was continuing to contact other Towns regarding skateboarding bylaws.

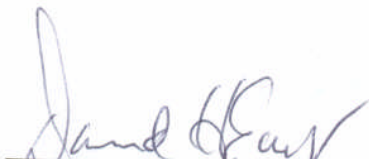
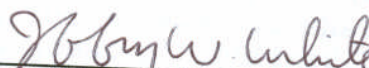
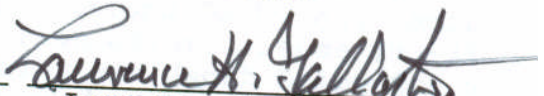
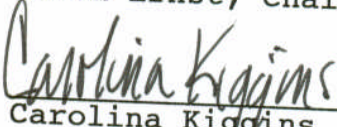
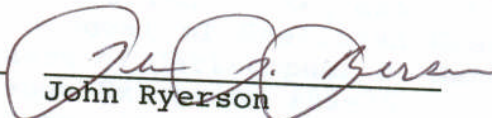
On a motion duly made and seconded, the Board voted unanimously to approve the business licenses of The Works Gallery; Abiyoyo; Down to Earth Crafts; and The Secret Garden.

The meeting adjourned at 9:53 p.m.

Respectfully submitted,



Linda Smulligan
Administrative Assistant


David Ernst, Chair
Jeffrey White
Lawrence Gallagher
Carolina Kiggins
John Ryerson