

Board of Selectmen
Library Meeting Room
August 11, 1997
Minutes

The meeting was called to order at 6:00 p.m. by Chairman David Ernst. Selectman present included Jeffrey White, Lawrence Gallagher, Carolina Kiggins and John Ryerson. Acting Town Administrator William Hinchey also attended.

Chairman Ernst read a statement outlining a procedure for appointment of a Fire Chief. On a motion by Kiggins, seconded by Ryerson, the Board voted unanimously to proceed with item #1 from the list: "We will hear from Fire Department representatives as we requested membership input." Captain Ferreira spoke on behalf of the Fire Department and indicated departmental support for candidates Kevin MacCaffrie and Alan Hight. On a motion by Gallagher, seconded by Ryerson, the Board voted unanimously to appoint Alan Hight as Chief of the Wellfleet Fire Department. Discussion included length of appointment and salary level. On a motion by Ryerson, seconded by White, the Board voted 4-1, with Gallagher voting against, to set up a meeting with the appointee to discuss compensation and duration of appointment. There was consensus to schedule the meeting on Friday 8/15 at 4:05 p.m.; that Labor Counsel be requested to supply examples of labor contracts with Fire Chiefs and that the Town Accountant be asked to determine the budgeted compensation for the Fire Chief position.

On a motion by Ryerson, seconded by White, the Board voted unanimously to move regular business items forward on the agenda.

Minutes:

- On a motion by Gallagher, seconded by White, the Board voted 3-0-2, with Ryerson and Kiggins abstaining (they had not attended the meeting), to approve the minutes of 7/28/97 with one correction.
- On a motion duly made and seconded, the Board voted 4-0-1, with Kiggins abstaining (she had not attended the meeting), to approve the minutes of 7/31/97 with one amendment.
- On a motion duly made and seconded, the Board voted unanimously to approve the minutes of 8/3/97 as written.
- On a motion duly made and seconded, the Board voted unanimously to approve the minutes of 8/5/97 as written.

On a motion by Ryerson, seconded by White, the Board voted unanimously to approve the business licenses for Back of Yak and Scandinavian Corner.

Correspondence:

- a) letter from Betsy Williams regarding formation of a Cable Advisory Committee - there was consensus that Ms. Williams be asked to suggest names of potential committee members
- b) letter from Town of Yarmouth regarding renewal of cable contract - on a motion duly made and seconded, the Board voted unanimously to agree to pursue participation in the regional renewal process

per the memo of July 23, 1997 received from Joellen Daley, Assistant Town Administrator, Town of Yarmouth.

c) letter from the Town of Avon, MA requesting support for additional education state aid for schools - on a motion duly made and seconded, the Board voted unanimously to send a letter of support.

d) letter from Timothy Noonan regarding concern with jet skis in the harbor - on a motion by Gallagher, seconded by Kiggins, the Board voted unanimously to support the policy recommended by the Beach Administrator and to notify Mr. Noonan of the policy.

e) two letters in support of the Flying Fish were read; the first from Winifred Lubell and the second from eight residents of Briar Lane

Chairman Ernst read a prepared statement regarding a headline in the "Banner" referring to "Hinchey dismissal".

The Beach Administrator displayed the trophy received by Town lifeguards for their first place finish in the 20th annual Cape Cod life saving competition.

Open Session:

- Gerard Lofgren addressed the Board regarding compliance with waste collection regulations.

The Town Administrator discussed with the Board:

a) memo from Building Inspector Victor Staley to the Acting Town Administrator regarding the complaint submitted to the Board of Selectmen by Gerard Lofgren of 36 Highland Ave. regarding the unregistered vehicles located at 215 Paine Hollow Rd. - Selectman Gallagher read the memo into the record

b) 111F status - on a motion by Ryerson, seconded by Kiggins, the Board voted unanimously to grant 111F status to Teresa Todino

Selectwoman Kiggins clarified the matter of the "Town" gavel.

On a motion by Ryerson, seconded by Gallagher, the Board voted unanimously to appoint the following election workers:

Democratic Town Committee members - Zel Levin, Anne Ehrenberg, William Magenau, Claire L. Carroll, Donna M. DeVasto, Nancy M. Durkee, Anne C. Fox, Susan S. Gauthier, Virginia Hendrickson, Mark Houk, Denya LeVine, Patricia D. Nugent, Janet P. Rice, Barbara Souther, Barbara Stevens, Terri Frazier and Katherine Stillman
Republican Town Committee members - Alfred Hill, Warren Rhodes, Margaret Carter, Ruth Ann Dykeman, Eleanor Hazen, Phyllis Hill, Judith Rhodes, Roy Cansdale, Eleanor Hazen, Richard Hazen, Deborah Lane, Clarence Smith

The Board met with Claire Alemian of the American Lung Association of Massachusetts to discuss the Association's application to conduct races, events, shows, exhibitions, etc. within the Town of Wellfleet. The Beach Administrator requested that the water stop

be set up in the White Crest back lot. On a motion duly made and seconded, the Board voted 4-0-1, with Ryerson abstaining noting that he did not feel that the Board should vote on these matters, to approve the use of the White Crest parking lot for check point #2 contingent upon Ms. Alemian addressing the concerns satisfactorily of the Beach Administrator. Ms. Alemian agreed to forward a certificate of insurance, with the Town listed as an additional insured, for the day of the event.

The Board recessed from 7:46 p.m. to 8:00 p.m.

Chairman Ernst recused himself and Vice-Chairman White assumed the chair and read the public notice for the following public hearings. The Shellfish Constable gave his recommendations before each hearing.

a) request of Robert Olson for renewal of Shellfish Grant License #95-3 - on a motion by Ryerson, seconded by Kiggins, the Board voted unanimously to approve a ten year renewal from the expiration date of 3/1/98 to 3/1/2008.

b) application of Aquacultural Research Corp. for renewal of shellfish grant license #792 - on a motion by Ryerson, seconded by Kiggins, the Board voted unanimously to approve a ten year renewal from the expiration date of 9/22/97 to 9/22/2007.

c) amendment to section 9.1.1 of the Wellfleet Shellfish Policies and Regulations to open the closed area located on the south side of Egg Island by redesignating the no dragging line - on a motion by Ryerson, seconded by Kiggins, the Board voted unanimously to approve the recommendation of the Shellfish Constable to temporarily open the closed area located on the south side of the "no dragging" line for the taking of shellfish by all means or methods presently approved and allowed south of the line as of 7:00 a.m. Friday, August 22, 1997 until 6:00 p.m. September 12, 1997.

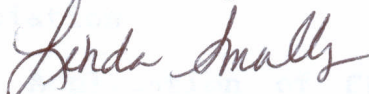
d) amendment to section 9.1.1 of the Wellfleet Shellfish Policies and Regulations and Section V of the Temporary Shellfish Regulations by opening the channel from the "L" pier to the main harbor breakwater for the taking of any and all shellfish - on a motion by Ryerson, seconded by Kiggins, the Board voted unanimously to approve the recommendation of the Shellfish Constable to open the navigational channel from the marina "L" pier out to the main harbor breakwater to the taking of shellfish by dragging only on the following days: October 1,2,3,6,7,8,9,10,13,14 & 15, 1997 and shall remain closed October 4,5,11 & 12, 1997. The area will open as of 7:30 a.m. October 1, 1997 and close 5:00 p.m. October 17, 1997.

The Board discussed the draft National Seashore General Management Plan. Lauren McKean, representing the Park Service, attended and addressed questions posed from the audience and the Board including transportation, availability of a water supply, the positive impact of the Park, zoning, management of local fisheries and the Mutual Aid Agreement between the Town and the Park Service.

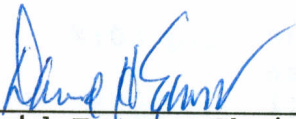
The Board held a Police Department grievance hearing regarding the Town Accountant's refusal to pay travel expenses for student officer Michael Mazzone. Union President Ron Fissette requested that the Board hear this matter in executive session. The Acting Town Administrator noted Town Counsel's opinion dated 8/11/97. On a motion by Gallagher, seconded by White, the Board voted unanimously not to go forward with the hearing and to deny the grievance on the basis that Town Counsel's opinion dated 8/11/97 has advised that student officer Michael Mazzone is not subject to the collective bargaining agreement as to this issue. Police Chief Rosenthal requested that Officer Mazzone be reimbursed as per the Town bylaw. Town Accountant Eagar presented information in support of her determination that Officer Mazzone's submitted expenses were excessive. On a motion by Ryerson, seconded by Gallagher, the Board voted unanimously to grant to Mr. Mazzone the amount of money sought as recommended by the Chief of Police.

On a motion duly made and seconded, the Board voted unanimously at 9:35 p.m. on a roll call vote (Ernst, White, Gallagher, Kiggins, Ryerson - yea) to go into executive session to discuss collective bargaining and not to reconvene in open session.

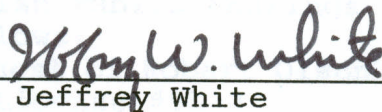
Respectfully submitted,



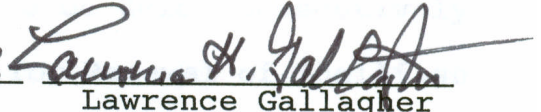
Linda Smulligan
Administrative Assistant



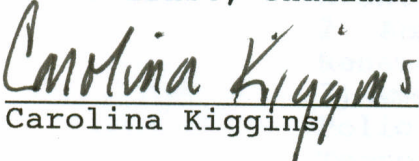
David Ernst, Chairman



Jeffrey White



Lawrence Gallagher



Carolina Kiggins

John Ryerson