

Board of Selectmen  
September 8, 1997  
Library Meeting Room  
Minutes

The meeting was called to order at 7:00 p.m. by Chairman David Ernst. Selectmen present included Jeffrey White, Lawrence Gallagher and Carolina Kiggins. Selectman John Ryerson was absent.

Open Session:

- Ann Bronsdon noted Selectman Ryerson's attendance record at Board meetings.
- Ruth Rickmers addressed the Board regarding the status of an exit summary from the Acting Town Administrator and she was informed that there was no exit summary submitted.
- Bob Costa read a letter regarding recent Board actions and inactions. Mr. Costa will submit copies of letters submitted to the Board for which he has not received replies.
- Ruth Rickmers, Gerard Lofgren, Meg Conor, Dale Donovan and Ira Wood made comments related to Mr. Costa's remarks.

The Board met with the Beach Administrator and DPW Director to discuss beach conditions. The DPW Director reported that due to erosion problems and safety concerns, 30 feet of asphalt had been removed from the ocean side of the Newcomb Hollow parking lot. The Beach Administrator noted her concern that erosion could occur during future storms and suggested that, in conjunction with the National Seashore, Graham Geise be asked to look at the back side beaches. Discussion included the propriety and authorization of the decision to cut back the parking lot. On a motion by Kiggins seconded by Ernst that the Beach Administrator contact Dr. Geise to determine what information he could provide and an estimated cost, the Board voted 2-2, with Gallagher and White voting against. The motion failed.

The Board reviewed minutes:

- on a motion by Gallagher, seconded by White, the Board voted unanimously to approve the minutes of 8/25/97 as submitted.
- on a motion by White, seconded by Gallagher, the Board voted 3-0-1, with Kiggins abstaining (she had not attended the meeting) to approve the minutes of 8/26/97 with one correction.
- on a motion by White, seconded by Gallagher, the Board voted unanimously to approve the minutes of 8/29/97 as submitted.
- on a motion by Gallagher, seconded by White, the Board voted unanimously to approve the minutes of 9/3/97 as submitted.

On a motion by Ernst, seconded by Gallagher, the Board voted unanimously to schedule a Special Town Meeting for November 17, 1997. The Administrative Assistant was asked to confirm this date with the Moderator, Town Clerk, Town Counsel and Elementary School.

The Board met with Shellfish Constable Paul Somerville. Chairman Ernst recused himself. Vice Chairman White assumed the chair. The Shellfish Constable informed the Board of his concern with the increase in the number of shellfish permits sold so far this year



and noted the need to protect the resource. The Shellfish Constable recommended that the Board limit the issuance of permits and distributed Town Counsel's 9/8/97 opinion regarding a moratorium on shellfish permits. On a motion duly made and seconded, the Board voted unanimously to accept the Shellfish Constable's recommendation to schedule a public hearing on 10/6/97 regarding his recommendation that shellfish permits no longer be issued at this time, said recommendation to be retroactive to this meeting date. The Shellfish Constable updated the Board on Skip Norgeot's shellfish enhancement project in the harbor and Cape Cod Bay, noted the need to work with Town fishermen for the project to go forward and requested the Board's support in following through with this project. On a motion by White, seconded by Gallagher, the Board voted unanimously 3-0 that the Board support this effort.

Selectman Gallagher commented on the appropriateness of the salary negotiated with the new Town Administrator and noted his disappointment with the Finance Committee's lack of support for the Board's request for \$2,500 in moving expenses. Selectman White commented on his observations as a guest in a Police Department cruiser and noted the fine performance of the officers.

Correspondence:

- a) letter of resignation from the Historical Commission submitted by Maureen Dalby - on a motion duly made and seconded, the Board voted unanimously to accept the resignation and send a letter of appreciation. There was consensus that the Administrative staff draft the letter.
- b) letter from Planning Board Chair Gitlow regarding the need for secretarial services - referred to new Town Administrator
- c) letter from J. Wildes to C. Kiggins regarding request from Louise Robbins - referred to new Town Administrator
- d) complaint from Ms. Roehrig regarding noisy use of town chipper - on a motion duly made and seconded, the Board voted unanimously to ask the DPW Director to respond.
- e) letter from the Cape Cod Municipal Health Group regarding a change of quorum - on a motion duly made and seconded, the Board voted unanimously to refer the letter to the Town Clerk
- f) letter from David Cabral regarding designation of management's representative for union negotiations - referred to new Town Administrator
- g) letter to request reimbursement of interview travel expenses for Rosemary Kulow - on a motion duly made and seconded the Board voted unanimously to reimburse the submitted expenses from encumbered funds.

Ruth Rickmers requested that the total cost of the removal of the asphalt at Newcomb Hollow Beach be determined. It was requested that the Administrative Assistant obtain the necessary information from the DPW Director.

The Board considered the draft license with Charles Amsler prepared



by Town Counsel per the 8/25/97 vote of the Board granting a license for access over the Town Hall parking lot property to install a septic system. Selectman White recused himself noting a potential conflict of interest. On a motion duly made and seconded, the Board voted unanimously to sign the license contingent upon Town Counsel filling in the appropriate book and page numbers from the Registry of Deeds.

The Board considered Town Counsel's submission of a copy of the pedestrian easement over the Roach property and noted his recommendation that it is in satisfactory form. On a motion duly made and seconded, the Board voted unanimously, per the recommendation of Town Counsel, to authorize Town Counsel to instruct Attorney Meaney that this easement is satisfactory and can be recorded.

The Board discussed:

- a) establishment of mileage rate for FY'99 - on a motion duly made and seconded, the Board voted unanimously to set the mileage rate for FY'99 at \$ .25/mile.
- b) acceptance of FY'98 Council on Aging Formula Grant funds - on a motion duly made and seconded, the Board voted unanimously to approve acceptance of the grant funds and to authorize the Chairman to sign the forms on behalf of the Board.
- c) Town Hall renovations change order #4 - on a motion duly made and seconded, the Board voted unanimously to approve change order #4 in the amount of \$3,200 and to authorize the Chairman to sign it on behalf of the Board.
- d) 8/25/97 letter from John Schmid, Jr. regarding parking at Uncle Tim's Bridge - on a motion duly made and seconded the Board voted unanimously to accept the Police Chief's recommendation to establish two hour parking year round at the area on Commercial Street in front of Uncle Tim's Bridge and that appropriate signage be installed.
- e) Paul Bauer's request to use Town property to replace a seawall on Hiawatha Road and Town Counsel's 8/27/97 legal opinion regarding same - Durand Echeverria attended and presented information from Peter Dow Campbell regarding determination of ownership of the road. On a motion by White, seconded by Gallagher, the Board voted unanimously to accept Peter Dow Campbell's research and forward it to Town Counsel to clarify ownership of Hiawatha Road. On a motion duly made and seconded, the Board voted 3-1, with White voting against, to communicate with the Conservation Commission per Town Counsel's 8/27/97 recommendation. The Board further discussed forwarding Mr. Campbell's research to Town Counsel noting that legal costs to the Town for further research by Town Counsel could be incurred. On a motion by Kiggins, seconded by Ernst, the Board voted 3-1, with White voting against, to reconsider its previous vote to forward Peter Dow Campbell's research to Town Counsel. On a motion by Kiggins, seconded by Ernst, the Board voted 3-1, with White voting against, to forward Peter Dow Campbell's research regarding Hiawatha Road to Town Counsel for his information and



comment.

f) Town Counsel's 8/27/97 legal opinion regarding skateboarders and roller bladers - on a motion duly made and seconded, the Board voted unanimously to forward the letter to the Town's insurance agent for comment.

g) Rosemary Kulow contract - it was noted that a pre-employment physical had not been included in Board discussions with Ms. Kulow. On a motion duly made and seconded, the Board voted unanimously to forward the contract drafted by Town Counsel to Labor Counsel with a request that he insert an additional section in the agreement covering an appropriate pre-employment physical examination requirement.

h) reception for new Town Administrator - Dale Donovan, representing the Forum, volunteered to provide refreshments at the September 22nd reception for the new Town Administrator. On a motion duly made and seconded, the Board voted unanimously to accept Mr. Donovan's offer with thanks.

i) Town Administrator contract - on a motion duly made and seconded, the Board voted unanimously to sign the contract with the new Town Administrator contingent upon satisfactory resolution of the medical examination question and Ms. Kulow signing the contract first.

On a motion by Kiggins, seconded by White, the Board voted unanimously at 9:57 p.m. on a roll call vote (Kiggins, Gallagher, Ernst, White - yea) to enter executive session to discuss contract negotiations with non-union personnel and not to reconvene in open session.

Respectfully submitted,



Linda Smulligan  
Administrative Assistant

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David Ernst, Chairman



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Lawrence Gallagher



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Jeffrey White



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Carolina Kiggins