

Board of Selectmen  
September 29, 1997  
Library Meeting Room  
Minutes

The meeting was called to order by Vice Chairman Jeffrey White. Selectmen present included David Ernst, Lawrence Gallagher, Carolina Kiggins and John Ryerson.

Vice Chairman White announced that Chairman Ernst had requested that the Vice Chair conduct tonight's meeting due to Mr. Ernst's injury.

Selectwoman Kiggins read her letter (attached) of September 24, 1997 requesting that Town Administrator interviews be scheduled so that she can fully participate in the search procedure.

Open Session:

- Clarence Smith thanked COA Director Jaqui Wildes for the beautification project at the Senior Center and commented on the promptness of the emergency services provided by the Town's Fire/Rescue Department as he had recently observed through personal experience.
- Ann Bronsdon addressed the Board regarding the need, if any, for permission to join the paving of a private driveway with a paved Town road. Chief Rosenthal offered to examine the area and refer it to relevant Town departments.
- Joel Fox addressed the Board regarding the split rail fence installed on Old Pier Road. White moved, with Gallagher seconding, a motion that the Board of Selectmen instruct the DPW Director to remove all obstructions on Old Pier Road and restore it to its prior condition as established at the 1931 Annual Town Meeting. Chairman Ernst indicated that, as a shellfisherman, he would not vote unless it became necessary to invoke the Rule of Necessity. On this motion the Board voted 2-2-1, with Kiggins and Ryerson voting against and Ernst abstaining. The motion failed. The meeting set for 10/1 at 11:00 a.m. to discuss this matter among those designated by the Board at its 9/22/97 meeting was noted. It was requested that input from Town Counsel be sought. Further discussion included concern for public safety at this location. On a motion by Ryerson, seconded by White, the Board voted unanimously to instruct the DPW to alleviate any situation in that area which could cause any health or safety problems.

On a motion duly made and seconded, the Board voted unanimously to approve the minutes of September 22, 1997 as submitted.

On a motion by Ernst, seconded by Gallagher, the Board voted unanimously that "Board members prepare memorandums briefly identifying things they see needing Board of Selectmen attention now, and that department heads, other town officials and Committee and Board chairs be requested to do the same, and also that the memos generally follow this format:

- Specific matter needing BOS attention, action, decision
- Priority on a scale of 1 to 3.
- Any associated legal, contractual, time or other constraints.
- Any other brief informational comment felt to be helpful together with recommendation as applicable.

and that this information be requested to be submitted to the

Selectmen's office by next Monday so as to be available at next BOS meeting."

Selectman White noted that DPW Director Bell has requested that Labor Counsel assist him with Teamsters negotiations. On a motion by Kiggins, seconded by White, the Board voted unanimously to request that Labor Counsel assist Jamie Bell with Teamsters negotiations. There was consensus to schedule Labor Counsel Feeley to meet with the Board on 10/14 for an update on Teamsters Union negotiations.

Correspondence:

- a) memo from Chief Hight regarding filling of two vacancies and Howes Pond project - Chief Hight explained the Howes Pond project
- b) Stuart Kramer request for permit for clam bake on 7/5/98 - the Administrative Assistant was asked to forward the proper form(s) to Ms. Kramer
- c) application of Jay Horowitz for appointment to the Board of Appeals - the Administrative Assistant was asked to schedule Mr. Horowitz for an interview with the Board.
- d) notice of Mass. Recycling Day 11/15/97 - the Administrative Assistant was asked to refer this to the Recycling Commission.
- e) Elder Services of Cape Cod "Mass Summit" - the Administrative Assistant was asked to forward this to the Recreation Director.
- f) Historic Preservation Grants informational meeting 9/30 - the Administrative Assistant was asked to forward this to the Historic Commission.
- g) Wellfleet Police Federation letter regarding establishing a date for beginning negotiations - the Administrative Assistant was asked to request that Labor Counsel Feeley be asked to represent the Board during these negotiations and that the Federation be so informed.
- g) memo from the Cape Cod Commission regarding traffic counting stations - referred to Chief Rosenthal

The Board discussed the Wellfleet Marine expansion project. Alfred Pickard addressed the Board to outline his proposal noting his request for permission from the Town, as his landlord, to go to the Board of Appeals and Conservation Commission for the necessary permits. There was consensus that Mr. Pickard request that the Permanent Building Needs Committee review the project. On a motion duly made and seconded, the Board voted unanimously to approve Mr. Pickard's request for permission to file for permits with the Zoning Board of Appeals and Conservation Commission contingent upon a favorable recommendation from the Permanent Building Needs Committee.

The Board discussed the request to use Town property submitted by E-Z-Doze-It. Harold McGinn attended. On a motion by Kiggins, seconded by Gallagher, the Board voted unanimously to grant permission to use Burton-Baker landing from September 15, 1997 to December 31, 1997 from 7:00 a.m. to 6:00 p.m. for access for construction of a rock revetment on Susan Finn's property and completion of construction on Kevin Coady's property with the following conditions: 1) The road leading to Burton-Baker landing will be left in the same condition it is in when the job is begun; with no ruts or holes. The edge of the macadam, if broken, will be replaced by the contractor with dense binder, not cold patch and 2)

the contractor will leave a path for shellfish vehicles to pass.

Attorney Jamie Veara addressed the Board to request that the Board place an article on the Special Town Meeting warrant to amend the Zoning Bylaw by adding a "Grandfather Amendment" as Section 4.2. Gallagher moved and Ryerson seconded a motion that the requested article be placed on the Special Town Meeting Warrant. It was noted that zoning articles are usually addressed at an annual town meeting. The motion failed on a vote of 2-3, with Kiggins, White and Ernst voting against.

Letter of 9/8/97 from Barbara and Durand Echeverria regarding their request that the Town construct a sidewalk on the southwest side of East Main Street from Higgins Lane to Route 6. On a motion duly made and seconded, the Board voted unanimously to forward the letter to the Planning Board.

On a motion by White, seconded by Gallagher, the Board voted 4-1 on a roll call vote (Kiggins, Gallagher, White, Ernst - yea; Ryerson - no) to enter executive session at 8:40 p.m. to screen Town Administrator applications for the purpose of coming up with finalists since discussion in open session would be detrimental to finding a qualified candidate and to reconvene in open session. Kiggins noted that she could not attend the scheduled interview meeting this coming Wednesday and that she would participate in the executive session as long as she was going to be given the opportunity to attend all interviews.

Selectman Ryerson left the meeting at 8:41 p.m.

The meeting reconvened in open session at 9:39 p.m.

There was consensus not to announce the names of the Town Administrator interviewees until confirmation of the interviews.

There was consensus to discuss appointment of an Acting Town Administrator after the conclusion of the interviews.

On a motion duly made and seconded, the Board voted unanimously to adjourn at 9:53 p.m.

Respectfully submitted,



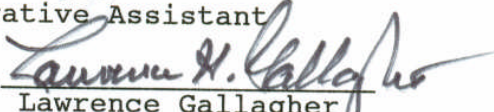
Linda Smulligan  
Administrative Assistant



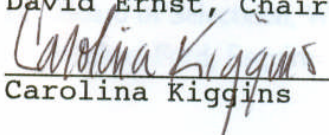
David Ernst, Chair



Jeffrey White



Lawrence Gallagher



Carolina Kiggins

John Ryerson