

Board of Selectmen
October 6, 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, Carolina Kiggins and John Ryerson.

Open Session:

- Maria Burkes presented the New England Region Annual Conservation Award to representatives of Adopt-A-Pond.
- Louise Robbins addressed the Board regarding her interactions with the Police Department.
- Gerard Lofgren requested that Selectwoman Kiggins clarify a comment made at last Thursday's interview meeting. Ms. Kiggins responded. Irene Daitch and Louise Wallace made comments in support of Ms. Kiggins.
- Clarence Smith noted that he sees good in the future of the Town.

The Board met with Bob Sobczak, project hydrologist for the Lower Cape Water Management Task Force, who briefly outlined the work of the Task Force and requested that the Board sign amendment #2 of the Agreement between Barnstable County through the Cape Cod Commission and the Town of Wellfleet through the Lower Cape Water Management Task Force for the groundwater assessment funded by the National Biological Service and the Agreement between the Lower Cape Water Management Task Force through the Wellfleet Board of Selectmen and Robert Sobczak. On a motion duly made and seconded, the Board voted 4-0-1, with Gallagher abstaining, to accept the agreements.

The Board met with DPW Director Bell to follow through on the Old Pier Road issue. Discussion included the recommendations included in the October 2, 1997 memo from the Health/Conservation Agent re: Fencing/Old Pier Road with Mr. Bell noting that the split rail fence has been removed. On a motion duly made and seconded, the Board voted unanimously to accept the ten provisions as outlined by the Health/Conservation Agent and that Jamie Bell be instructed to carry out these provisions.

On a motion by Kiggins, seconded by White, the Board voted unanimously to approve the minutes of 9/29/97 as submitted.

Under Selectmen's Comments/Reports Selectwoman Kiggins requested that the Town Administrator situation be discussed. There was consensus that this discussion take place after the scheduled shellfish hearings.

On a motion duly made and seconded, the Board voted unanimously to approve the following business licenses: Eccentricity's Oualie; Off Center; Emperor's Old Clothes; Eccentricity; Neighborhood Auto Works; Computer Options; Video Stuga, Inc.; West Main Books.

The Board discussed the 9/22 letter regarding the Cape Cod Commission's traffic counting program. The Police Chief recommended the project indicating that the Town would not be responsible for maintenance or camouflage of the units and that the information generated would be advantageous to the Police Department. On a motion duly made and seconded, the Board voted unanimously to approve bringing the devices into Town. The Administrative Assistant was asked to draft a letter to the Commission informing them of this decision.

The Board discussed the Town Administrator position. On a motion by Ernst, seconded by Gallagher, the Board voted 3-2, with Kiggins and Ryerson voting against, to determine whether Mr. Carew is still interested in the Town Administrator position and if he is, to ask for references and determine his availability more precisely. Chairman Ernst proposed amended ads for submission to the Beacon, ICMA Newsletter and selected newspapers. This discussion was continued to later in the meeting.

The Board met with Gwen Pelletier and discussed the CDC Ready Resource Micro Loan Program application. On a motion duly made and seconded, the Board voted unanimously to accept the proposal from Gwen Pelletier and to authorize the Chair to sign on behalf of the Board.

The Board held the following shellfish public hearings consecutively. Chairman Ernst recused himself and Vice-Chairman White conducted the meeting. The Vice-Chairman read the public notice. Shellfish Constable Paul Somerville also attended and indicated his recommendations at each hearing.

- 1) application of James Bruinooge for renewal of shellfish grant license #95-1 - on a motion by Ryerson, seconded by Kiggins, the Board voted unanimously to renew this license for a period of 10 years from the present expiration date of 3/1/98.
- 2) application of Robert Wallace for renewal of shellfish grant license #821 - on a motion by Ryerson, seconded by Kiggins, the Board voted unanimously that the license be renewed from the present expiration date to a new expiration date of 10/8/2005.
- 3) applications of Myron and Judy Parris Taylor for renewal of shellfish grant licenses #734 and #734A - on a motion by Ryerson, seconded by Kiggins, the Board voted unanimously that both licenses be renewed to a common expiration date of 11/9/2007.
- 4) recommendation of the Shellfish Constable with regard to the placement of a cap on Wellfleet shellfish permits for 1997 and 1998 - Mr. Somerville indicated his recommendation that the suspension of shellfish permit sales be lifted since he has learned that the Town does not have the legal right to deny issuance of a non-commercial shellfish permit noting that he will be recommending an increase in permit fees at a future hearing. On a motion duly made and seconded, the Board voted unanimously to accept the recommendation of the Shellfish Constable to lift the temporary suspension of the issuance of shellfish permits.
- 5) recommendations of the Shellfish Constable and Shellfish Advisory Committee to amend Section V of the Temporary Shellfish Regulations regarding opening of Chipman's Cove - on a motion duly made and seconded, the Board voted unanimously to accept the Shellfish Constable's recommendation that Chipman's Cove be opened for the taking of shellfish as of one half hour before sunrise on Sunday, October 26, 1997.
- 6) recommendations of the Shellfish Constable and Shellfish Advisory Committee to amend Section V of the Temporary Shellfish Regulations with regard to the closed area on the south side of Egg Island - the Shellfish Constable recommended that the area be kept closed. There was no objection from the Board.
- 7) recommendations of the Shellfish Constable and Shellfish Advisory Committee to amend Section V of the Temporary Shellfish Regulations with regard to the use of bull rakes etc. in the Egg Island Channel - the Shellfish Constable recommended that the existing conditions remain in effect until December 31st. There was no objection from the Board.

Discussion of the Town Administrator position continued:

- a) draft ads discussed earlier in the meeting - on a motion duly made and seconded, the Board voted unanimously to use the draft ads as presented to the Board by Chairman Ernst tonight. On a motion by Kiggins, seconded by White, the Board voted unanimously to advertise with a resume return date of no later than 12/5/97. On a motion duly made and seconded, the Board voted unanimously to advertise in the New England edition of the New York Times in addition to the other publications already being used.
- b) there was consensus that the search process be started over again and that past applicants not be contacted and asked if they wished their resumes to be considered further.
- c) screening committee - on a motion by Gallagher, seconded by White, the Board voted 3-2, with Kiggins and Ryerson voting against, not to use a screening committee during this screening process and that all applicants be screened by the Board of Selectmen.
- d) contracting with MMA Consulting Group to recruit a new Town Administrator was discussed.
- e) Acting Town Administrator - it was suggested that the Board interview those who have expressed interest and seem qualified. On a motion by Kiggins, seconded by Ryerson, the Board voted unanimously to interview promising people in this group as soon as possible and any others that Board members wish to interview including Mr. McCann suggested by the MMA Consulting Group and that interested staff members be asked to indicate if they are interested in serving in the position. There was consensus that Board members review resumes and meet on Friday 10/10 at 4:10 p.m. to discuss who they wish to interview.

The Board reviewed the draft Special Town Meeting warrant:

- a) article to pay bills from prior fiscal year - there was consensus to include this article on the warrant.
- b) article to fund wage adjustments for any contract settlements - there was consensus to include this article on the warrant.
- c) article regarding Town lots recommended for sale by the Open Space Committee - on a motion by Ryerson, seconded by Kiggins, the Board voted 4-1, with Gallagher voting against, to put off this article until the Annual Town Meeting.
- d) article to increase Police Department to 12 officers - on a motion by Kiggins, seconded by Ryerson, the Board voted unanimously to include this article on the warrant.
- e) article to establish a Town Collector - the 9/29/97 memo from the Tax Collector was discussed. There was consensus that Town Counsel be asked to draft an article.
- f) article requested by Housing Authority - on a motion by Kiggins, seconded by White, the Board voted unanimously not to include this article at this time and that Authority Chair Durkee be so notified.
- g) article for funds to address termite damage at Police/Fire station - there was consensus to include this article.
- h) article for building analysis and drawings for needs of the Police Department - on a motion duly made and seconded, the Board voted unanimously to include this article.
- i) school choice issue article - the Administrative Assistant was asked to get more information from Superintendent Gradone.
- j) article for water quality analysis for wells in downtown Wellfleet - the Administrative Assistant was asked to get a dollar amount and information on the definition of "downtown".
- k) article to appoint more than one Deputy Shellfish Constable/- Laborer - there was consensus that the Shellfish Constable be authorized to

discuss this matter with Town Counsel including the parameters of the Board of Selectmen's authority for appointment.

l) article to waive collection of fee from police academy attendees - on a motion duly made and seconded, the Board voted 4-0-1, with Ryerson abstaining, to bill Derek Litchfield for \$1,800 for his attendance at the police academy. On a motion by Gallagher, seconded by Ernst, to include this article on the warrant the Board voted 2-3, with Kiggins, White and Ryerson voting against. The motion failed.

m) article to dispose of Ford pumper truck - on a motion duly made and seconded, the Board voted unanimously to include this article.

n) article regarding reclassification of non-union employees - the Administrative Assistant was asked to check with John Chatham on the status of this issue.

o) transfer requests - it was requested that Department Heads with transfer requests be asked to meet with the Board next week. On a motion duly made and seconded, the Board voted 3-1-1, with White voting against and Gallagher abstaining, to include a transfer from #123 Town Administrator to #124 General Administration to fund a stipend of \$100/wk. for the Administrative Assistant and \$50/wk. for the Principal Clerk retroactive to the departure of the previous Acting Town Administrator.

The Board reviewed correspondence:

a) letter from Labor Counsel regarding interim Fire Department appointments - a motion by Gallagher to rescind the promotions and the agreement failed for lack of a second. The Administrative Assistant was asked to provide copies of the Agreement to Board members.

b) letter from Building Department re: Gutsy Benders - a motion by Gallagher that this business license be voided if requirements are not met within 15 days failed for lack of a second. There was consensus to schedule Mr. Ellsworth to meet with the Board next Monday at 7:45 p.m. to discuss this matter.

c) Omnipoint Communications letter regarding a tower on town-owned land on Old Hay Road - referred to Planning Board

d) letter from Dept. of Environmental Protection re: database - referred to Town Administrator

e) letter from Division of Energy Resources re: energy engineering program - referred to DPW

On a motion duly made and seconded, the Board voted unanimously to adjourn at 10:05 p.m.

Respectfully submitted,

Linda Smulligan
Linda Smulligan
Administrative Assistant

David Ernst, Chair

Jeffrey White

Lawrence H. Gallagher
Lawrence Gallagher

Carolina Kiggins
Carolina Kiggins

John Ryerson
John Ryerson