

Board of Selectmen
October 14, 1997
Library Meeting Room
Minutes

The meeting was called to order at 6:00 p.m. by Chairman David Ernst. Selectmen present included Jeffrey White, Lawrence Gallagher, Carolina Kiggins and John Ryerson.

The Board interviewed Edgar Gadbois for the position of Acting Town Administrator.

Selectman Ryerson left the meeting at 6:29 p.m.

A motion by White to recess the meeting until 7:00 p.m. was withdrawn.

The Board discussed:

- a) letter of thanks drafted by Selectman White to Senator Lois Pines and Representative Douglas Peterson, Co-Chairs of the Natural Resources and Agriculture Committee, for meeting with the Board to discuss the Rauschenbach bill regarding aquaculture and the letter to Town Planner Walter Stratton drafted by Chairman Ernst thanking him for his service as Town Planner - on a motion by Kiggins, seconded by White, the Board voted unanimously to approve both letters.
- b) bids received on October 10, 1997 for surplus DPW and Shellfish Department items - on a motion by White, seconded by Gallagher, the Board voted unanimously to accept the bids of Russell Apgar for the 1988 GMC Truck in the amount of \$655 and the bid of E. Palin for the Hollingsworth generator in the amount of \$222.22.
- c) upcoming 10/15 Regional School meeting - Selectman White will attend.
- d) request to perambulate the Town border with Truro - Truro Selectwoman Suzanne Thomas will provide several dates for consideration by the Board.
- e) Acting Town Administrator candidate Franklin - Selectman White left the meeting to contact Mr. Franklin to schedule an interview; Mr. White reported that Mr. Franklin was not at home.

On a motion duly made and seconded the Board voted unanimously to recess at 6:47 p.m.

The meeting was called back to order by Chairman Ernst at 7:01 p.m.

Under announcements Selectwoman Kiggins stated that during her tenure as Chairwoman of the Board the tax rate had risen from \$8.19 to \$8.33 representing a total increase of only one percent over four years.

Open Session:

- Ann Bronsdon addressed the Board regarding the retirement of Marion Nickerson, Cafeteria Manager at the Elementary School. There was consensus that a letter of recognition be drafted by

Selectman White.

On a motion by Kiggins, seconded by White, the Board voted unanimously to approve the minutes of 10/6/97 as printed.

Correspondence:

- a) notice from Board of Health regarding Sunday and Monday closing of the Transfer Station beginning the third Sunday in October, 1997 through the third Monday in April, 1998 - on a motion by Gallagher, seconded by White, the Board voted unanimously to support the Sunday and Monday closing of the Transfer Station.
- b) letter from Lower Cape Cod Community Development Corp. regarding the Housing Rehabilitation Loan Program - Selectman Gallagher read several paragraphs from the letter.
- c) request from David Carew for reimbursement of expenses incurred in relation to his interview for Town Administrator - on a motion by Gallagher, seconded by White, the Board voted unanimously to approve payment of \$54.19.
- d) Cape Cod Commission memo regarding proposals requested for potential transportation funding - there was consensus to forward the memo to the DPW Director.
- e) Media One petition for special relief - the Administrative Assistant was asked to speak with the Town of Eastham regarding their proposal to share legal counsel on cable television matters. There was consensus to further discuss this matter at the next Board meeting.
- f) memo to Board regarding Tax Collector certification - on a motion by White, seconded by Kiggins, the Board voted unanimously that Chairman Ernst draft a letter of congratulations to Tax Collector Marianne Nickerson.
- g) letter notifying the Board of the Teamsters Union business representative and head negotiator - there was consensus to forward copies of the letter to the DPW Director and Labor Counsel.

The Board discussed the Acting Town Administrator matter. On a motion duly made and seconded, the Board voted unanimously to defer contacting Mr. Franklin until after the other two Acting Town Administrator candidates are interviewed.

The Board discussed sending letters to Town Administrator interviewees. There was consensus that Chairman Ernst telephone Maureen Malley and David Carew to inform them that the Board will be re-advertising the Town Administrator position.

The Board held the FY 1998 Classification Hearing. Selectman White read the public notice. Assessor Ray Squire was in attendance. On a motion by Gallagher, seconded by Kiggins, the Board voted unanimously to maintain one tax rate. The Board signed the LA5 form.

Virginia Parker met with the Board to discuss her application for installation of utilities within a public way (Cottontail Road).

On a motion by White, seconded by Gallagher, the Board voted unanimously to approve the request.

Mark Vincent was introduced as the new Assistant DPW Director and was welcomed aboard by the Board of Selectmen.

The Board discussed the tax bill insert submitted by the Tax Collector for Board approval per Massachusetts General Law. Tax Collector Nickerson was in attendance and read the proposed insert entitled "What you should know about personal property tax". On a motion by Kiggins, seconded by Gallagher, the Board voted unanimously to approve the memo dated 10/6/97 for insertion in the tax bills.

The Board met with Carl and Stephenie Ellsworth of Gutsy Benders restaurant to discuss the Building Inspector's recommendation that the business license be revoked for failure to comply with Town bylaws. Building Inspector Victor Staley attended and reviewed the history of this matter noting that, per the Zoning Bylaw, the original sign permit issued by him had been voided when he became aware that the property had been sold and the name changed. Dr. Sydney Callis addressed the Board regarding his interactions with Mr. Ellsworth noting the 1/24/97 letter from the Building Inspector to Dr. Callis regarding 2700 State Highway, Wellfleet. On a motion by Kiggins, seconded by White, the Board voted unanimously that Mr. Ellsworth submit a completed application for a dimensional variance within seven days and that the Board of Selectmen postpone its decision on the recommendation of the Building Inspector to withdraw Gutsy Benders' business license until after the Board of Appeals process. On a motion by Kiggins, seconded by White, the Board voted unanimously that the Town Clerk notify the Board of Selectmen if a variance request is not filed by Mr. Ellsworth within seven days. On a motion by Kiggins, seconded by White, the Board voted unanimously that Mr. Ellsworth be instructed to remove his neon signs now.

The Board discussed Special Town Meeting transfer requests. On individual motions duly made and seconded, the Board voted unanimously to include the following transfers on the Special Town Meeting warrant: (Department heads in attendance to provide explanations for the requested transfer are noted.)

- a) Free Cash to #911 County Retirement for adjusted appropriation - \$6,535 (Town Treasurer)
- b) 1997 Tennis Court Receipts to #630 Recreation Sal & Wages to fund deficit - \$961.34 (Recreation Director)
- c) 1997 Recreation Program Receipts to #630 Recreation Operating Expenses for soccer goals - \$2,490 (Recreation Director)
- d) Beach Fund to #699 Beach Program Operating Expenses for three paddleboards - \$2,400 (Beach Administrator)
- e) Beach Fund to #420 DPW Operating Expenses for new lifeguard chairs - \$1,500 (Beach Administrator)
- f) Free Cash to #210 Police Dept. Salary & Wages Full-time for step

increase - \$1,365 (Police Chief)

g) Free Cash to #210 Police Dept. Longevity - \$120 (Police Chief)

h) #210 Police Dept. Sal & Wages Full-time to #210 Police Dept. Op. Exp. Uniform Allowance for cleaning bills submitted for payment - \$3,200 (Police Chief)

i) From #215 Communications Sal & Wages Reliefs to #215 Communications Incentive - \$2,500 (Police Chief)

j) From #699 Beach Program Sal & Wages to #420 DPW Sal & Wages Seasonal for cleaning beach restroom facilities - \$7,400 (Assistant DPW Director)

k) From SEMASS Fund to #433 DPW Trash Hauling/Tipping for repairs to trash transfer trailer and replacement rental - \$5,780 (Assistant DPW Director)

l) From Free Cash to #135 Accountant for training on the UMAS system - \$1,120

Other transfer requests:

a) From Ambulance Fund to #220 Fire Dept. Op. Exp. for a copier and three computers - \$10,059 (Fire Chief) - on a motion by Kiggins, seconded by White, to postpone this request until Annual Town Meeting the Board voted 2-2 with Gallagher and Ernst voting against. The motion failed. On a motion by Gallagher, seconded by Ernst, to include this transfer on this Special Town Meeting warrant the Board voted 2-2 with Kiggins and White voting against. The motion failed. There was consensus to discuss this request at tomorrow's meeting.

b) From ???? to #179 Shellfish Dept. for used pick-up truck - \$7,500 (Shellfish Constable) - on a motion by White, seconded by Kiggins, the Board voted unanimously to postpone this request until tomorrow's meeting.

c) From ???? to #179 Shellfish Dept. Sal & Wages part-time for additional hours for deputies - \$1,500 (Shellfish Constable) - the Shellfish Constable recommended that this request be withdrawn.

d) From ???? to #210 Police Dept. Overtime to address the unfunded liability incurred by compensatory time - \$25,000 (Police Chief) - on a motion duly made and seconded, the Board voted unanimously to include this transfer on the Special Town Meeting warrant with the transfer being made from free cash. After further discussion the Board voted unanimously on a motion duly made and seconded, to reconsider this transfer request. On a motion duly made and seconded, the Board voted unanimously to postpone this request until tomorrow's meeting.

e) From Fund 25 Septic Loan Program to #510 Health Dept. Sal & Wages Full-time for additional work for the Septic Loan Program - \$2,000 (Health Agent) - on a motion by Ernst, seconded by Gallagher, the Board voted 3-1, with White voting against, to include this transfer.

f) article or transfer request for \$44,398 to purchase a transfer trailer and retire the existing debt on the old trailer - \$44,398 (Assistant DPW Director) - there was consensus to discuss this with the Town Accountant.

The Board discussed other potential articles:

- a) article to establish the position of Town Collector - on a motion duly made and seconded the Board voted unanimously to include on the warrant an article accepting MGL Chapter 41, Section 38A and a bylaw amendment article to be drafted by Town Counsel.
- b) school choice article - deferred to tomorrow's meeting
- c) article for water quality analysis in "downtown" area - Ben Gitlow will provide a list of the streets effected.
- d) article to establish an Assistant to the Committee Secretary - on a motion duly made and seconded, the Board voted unanimously to support the intent of the article until it comes into final form and to forward it to Town Counsel to draft.

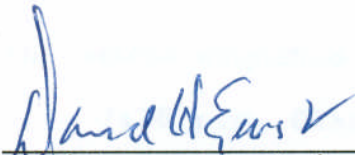
The Board discussed their expiring policies. On a motion duly made and seconded, the Board voted unanimously to continue all existing policies, expired or unexpired, until January 1, 1998.

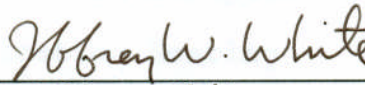
The meeting adjourned at 9:50 p.m.

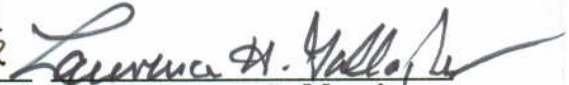
Respectfully submitted,



Linda Smulligan
Administrative Assistant



David Ernst, Chair

Jeffrey White

Lawrence Gallagher

Carolina Kiggins

John Ryerson