

Board of Selectmen
Library Meeting Room
November 3, 1997
Minutes

The meeting was called to order at 6:30 p.m. by Chairman David Ernst. Selectmen present included Jeffrey White, Lawrence Gallagher, Carolina Kiggins and John Ryerson. Acting Town Administrator Edgar Gadbois also attended.

The Board met with the following individually and discussed their applications for appointment:

- On a motion by White, seconded by Ryerson, the Board voted unanimously to appoint Merritt Frazier to the Historical Commission through 6/30/2000.

- On a motion by White, seconded by Ryerson, the Board voted unanimously to appoint Richard Dickey to the Historical Commission through 6/30/98.

- On a motion by Ryerson, seconded by White, the Board voted unanimously to appoint J. Curtis Prince as an alternate member of the Historical Commission through 6/30/99.

It was noted that Robert Paine had withdrawn his application for appointment to the Historical Commission. Commission Chairwoman Helen Purcell indicated that the Commission now considers Mary Magenau as a member emeritus; there was no objection from the Board. On a motion by Gallagher, seconded by White, the Board voted unanimously to recess at 6:39 p.m. The meeting was called back to order by Chairman Ernst at 6:50 p.m.

- On a motion by Ryerson, seconded by Kiggins, the Board voted unanimously to appoint Jay Horowitz as an alternate member of the Board of Appeals through 6/30/2000.

- On a motion by White, seconded by Kiggins, the Board voted unanimously to appoint David Rego to the Permanent Building Needs and Assessment Committee through 6/30/99.

Open Session:

- Ben Zehnder addressed the Board to request that the Board stay its decision relative to Gutsy Bender's business license until Town Counsel has time to review whether the sign bylaw may be applied to pre-existing signs. On a motion duly made and seconded, the Board voted unanimously to grant Mr. Zehnder's request to postpone revocation of Gutsy Bender's license until an opinion from Town Counsel is received.

- Chief Hight reported on today's fire at the Tesson residence on Route 6.

- Town Clerk/Treasurer Dawn Rickman addressed the Board regarding the Town Hall Staff's request to use the first floor of Town Hall for a children's Christmas party on December 19th from 4 p.m. to 6 p.m. On a motion by White, seconded by Ryerson, the Board voted unanimously to approve the request.

- Joel Fox addressed the Board regarding widening of Old Pier Road. On a motion duly made and seconded, the Board voted unanimously to file an order of conditions with the Conservation Commission to move the dune at Old Pier Road. The Acting Town Administrator will make arrangements to proceed with the paperwork. Conservation Chairwoman Joan Platt suggested that Board members attend the Commission's site inspection on the day of the hearing.

- Ruth Rickmers addressed the Board to thank the DPW Director for resetting the town clock promptly after the end of daylight savings time.
- DPW Director Bell addressed the Board to announce that Felco Engineering has donated the cost of plan preparation for the Gull Pond septic system and that three vehicles have been received from government surplus. On a motion duly made and seconded, the Board unanimously voted a vote of appreciation for Felco Engineering.

The Board held a public hearing to consider Sunday package store openings over the holidays. Selectman Ryerson recused himself. On a motion by White, seconded by Gallagher, the Board voted unanimously not to allow Sunday package store openings over the holidays from 11/23/97 through 12/28/97. Selectman Ryerson rejoined the Board.

On a motion by Gallagher, seconded by Kiggins, the Board voted 4-0-1, with White abstaining (he had not attended the meeting), to approve the minutes of 10/20/97 as submitted.

On a motion by White, seconded by Gallagher, the Board voted 4-0-1, with Ryerson abstaining (he had not attended the meeting), to approve the minutes of 10/22/97 as submitted.

The Board discussed the recommendation from the Acting Town Administrator that the Town pass a resolution to participate with the Town of Yarmouth and five other communities in the renewal process for its cable television contract. On a motion duly made and seconded, the Board voted unanimously to pass a resolution to participate in this process with the consortium of other communities headed by the Town of Yarmouth.

The Board held a public hearing to consider the application of Susan Blake for a one day liquor license to sell wine at the Left Bank Gallery on November 28, 1997 from 1 p.m. to 5 p.m. to benefit the Lower Cape Outreach Council. Selectman Ryerson recused himself. On a motion by Kiggins, seconded by White, the Board voted unanimously to approve the application. Selectman Ryerson rejoined the Board.

The Acting Town Administrator indicated that he will recommend the appointment of Alexander Brown as Shellfish Department Deputy; there was no objection from the Board.

On a motion by Ryerson, seconded by Kiggins, the Board voted unanimously to approve the business licenses of Finely JP's, Inc.; Box Lunch, Inc.; Mainstay Motor Inn; Wellfleet Motel & Lodge; D & D Market; Bookstore & Restaurant, Inc.; Bookstore & Restaurant, Inc. (bookstore); Farmhouse Antiques, Inc.; Left Bank Gallery, Inc.; Left Bank Print Gallery; Mikan Gallery; Herridge Books and Narrow Land Pottery.

The Board discussed Fire Chief Hight's recommendation for appointment of Mary S. Willis as a call Firefighter/EMT. On a motion by Kiggins, seconded by Ryerson, the Board voted unanimously

to approve the appointment of Mary S. Willis as a call Firefighter/EMT contingent upon passage of an entrance physical using the National Fire Protection Agency's 1582 medical requirements and the successful passage of the required physical abilities test.

The Board discussed the bids received for Chapter 90 work. On a motion duly made and seconded, the Board voted unanimously to accept the following bids per the recommendation of the Acting Town Administrator:

- a) New England Reclamation, Inc. in the amount of \$3.35/square yard for reclaimed base course and \$1.20/square yard for the optional prime coat for asphalt reclamation of Gull Pond Road.
- b) P.A. Landers, Inc. in the amount of \$52.00/ton for machine work and \$90.00/ton for hand work for paving of Pine Point Way and Arrowhead Road.
- c) P.A. Landers, Inc. in the amount of \$38.75/ton for machine work and \$75.00/ton for hand work for paving of Gull Pond Road.

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 attended and indicated his recommendations at each hearing.

1) proposed fee increases for shellfish permits and creation of new seasonal shellfish permit classifications - the Clerk read the 11/3/97 letter from Susan Milton regarding the proposed fee hikes. On a motion by Ryerson, seconded by Kiggins, the Board voted unanimously to accept the Shellfish Constable's recommendation for a new fee structure as submitted to the Board as follows: Senior Commercial - \$15.00; Junior Commercial - \$50.00; Regular Commercial - \$100.00; Eel - \$3.00; Senior Resident/Taxpayer Non-Commercial - \$5.00; Seasonal Resident/Taxpayer Non-Commercial - \$15.00; Year Round Resident/Taxpayer Non-Commercial - \$25.00; Seasonal Non-Resident Non-Commercial - \$40.00; Year Round Non-Resident Non-Commercial \$125.00.

2) application of Richard Bartke for a one acre shellfish grant license located at Indian Neck, north of grant license #85-A - discussion included past practice for issuance of grant licenses and pending legal matters. Alice Boyd of TRI offered to assist the Shellfish Department with establishment of a harbor-wide plan for aquaculture. On a motion by Ryerson, seconded by Kiggins, to deny Mr. Bartke's application without prejudice the Board voted 2-2 with Gallagher and White voting against. The motion failed. Selectman White asked Mr. Bartke to obtain documentation regarding upland ownership of the requested area.

The Board discussed the applications of James Gray and Richard Gray for commercial shellfish licenses. On a motion duly made and seconded, the Board voted unanimously to approve the applications. Chairman Ernst rejoined the Board.

The Board met with members of the Computer Advisory Committee. Harry Terkanian, Richard Rosenthal and Cal Anderson attended. Discussion included the history of the work of the Committee and

the status of the draft RFP for a computer consultant. On a motion by Kiggins, seconded by Ryerson, the Board voted unanimously that the Acting Town Administrator, in consultation with the Computer Advisory Committee, research consulting firms who can prepare an RFP for management informational services.

The Board reviewed correspondence:

- a) 10/24 letter from Alison Palmer regarding aquaculture - forwarded to Shellfish Advisory Committee
- b) 10/26 letter from John Schmid regarding placement of moorings - forwarded to Harbormaster and Beach Study Committee
- c) 10/28 letter from MMA regarding electric utility restructuring - on a motion by White, seconded by Kiggins, the Board voted unanimously to authorize the Chairman to sign the Authorization to Release Information form.
- d) 10/29 letter of resignation from Board of Health from Dr. Harry Rae - on a motion by Kiggins, seconded by White, the Board voted unanimously to sign and send the draft letter of appreciation to Dr. Rae.
- e) 10/10 letter from the Office of Transportation & Construction regarding the capital program to enhance water transportation - forwarded to the Harbormaster and Water Commissioners' Advisory Group
- f) letter of congratulations to the Tax Collector for receiving her certification; letter of thanks to Krista Hayes of Cape Cod Community College for the traffic safety law enforcement grant and letter of appreciation to Durand Echeverria for his service on the Shellfish Advisory Committee - on a motion by Kiggins, seconded by Ryerson, the Board voted unanimously to approve and sign the letters.

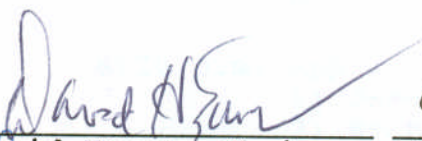
The Board discussed the Town Administrator search procedure proposed by the Acting Town Administrator. On a motion by Kiggins, seconded by Ryerson that the Board follow the Acting Town Administrator's proposed procedure with the addition of #1A - that the Board review all applications and include any candidates that members wish along with those proposed by the committee, the Board voted 2-3 with Ernst, White and Gallagher voting against. Further discussion included determining the particulars of the search procedure after review of applications by Board members.

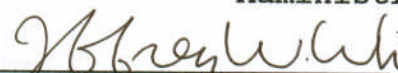
The meeting adjourned at 9:21 p.m.

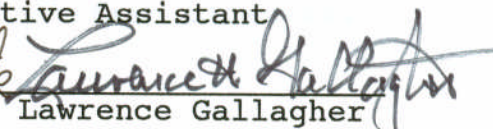
Respectfully submitted,

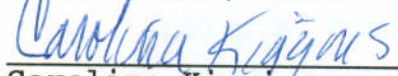


Linda Smulligan
Administrative Assistant



David Ernst, Chair

Jeffrey White

Lawrence Gallagher

Carolina Kiggins

John Ryerson