

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, FEBRUARY 9, 2004

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Mary-Jo Avellar, Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson

Other attendees: Town Manager Keith Bergman, Town Counsel John Giorgio

Recorders: Vernon G. Porter

The following are meeting minutes, in brief.

1A TOWN COUNSEL: LITIGATION STRATEGY

MacMillan Pier Floating Dock System: December 2003 Storm Damage

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.39,§23B, clause 3, to go into executives session for the purpose of discussing strategy with respect to litigation; and to convene in open session thereafter.*

Roll Call:

Sarah Peake - Yes Cheryl Andrews - Yes Mary-Jo Avellar - Yes

Richard Olson - Yes Michele Couture - Yes

Motion by: Michele Couture Seconded by: Richard Olson Yea 5 Nay 0

Mary-Jo Avellar left the room due to conflict. Her husband is Assistant Harbormaster.

The Board went into executive session at 6:04 PM and reconvened in open session at 6:55 PM.

Mary-Jo Avellar returned.

1B WASTEWATER UPDATE - 7 PM

Metcalf & Eddy Presentation

Metcalf & Eddy Vice President Steve Johnson and Brian Daly gave a brief overview of the Action/Correction Plan for Provincetown's Wastewater Vacuum and Collection System.

MOTION: *Move that the Board of Selectmen vote to have Metcalf & Eddy advise, in writing with a carbon copy to the Board of Selectmen, the six similarly situated affected property owners that their properties are under review, and they will be kept up to date.*

Motion by: Richard Olson Seconded by: Sarah Peake Yea 5 Nay 0

2. PUBLIC STATEMENTS

Ellen Freeman - Glad that her sewer problems have been solved and thanks the Board of Selectmen for being a sounding board. Special thanks to DPW & Metcalf & Eddy.

Lisa Westervelt (32 Mayflower Ave.) - Without water. Looking for leadership from the Board of Selectmen to get more equipment and help to thaw out pipes.

Pip Quillen - Last water was three weeks ago ... and she's still waiting.

Custodio Silva, Jr. - Concerned that if town takes Motta Field for Manor it is pitting the kids against the seniors.

Tom Thompson - Water problem - frozen pipes in the street. Has been told it may be the spring before the

water main is thawed. This situation is a health risk - empty drain - cesspool, etc. Not prepared to wait until spring for something to be done.

Mark Melen (63 Mayflower) - Problems with water as well. Had his property dug up from shut-off. Problem is from main pipes to the homeowner's property.

Steven Roderick (41 Conwell St.) - a) Thanked the Water Department for helping him. b) Motta Field.- suggest using the Grace Hall Parking lot and keep the fields. Keep Motta Field recreational. c) VSB - was not notified of the grant meeting. People applying for grants should be notified.

Donna Flax (5 Fishburn Ct.) - No water. This problem is big and very serious. What is the town's responsibility and what is the homeowner's responsibility. Not enough information for people to know what to do and where to go. Bring in more help from elsewhere.

3. SELECTMEN'S STATEMENTS

MOTION: Move that the Board of Selectmen vote to declare a state of emergency due to frozen water pipes, to get additional resources to help; and to disseminate information ASAP.

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 5 Nay 0

Sarah Peake

Discussion on frozen water mains.

MOTION: Move that the Board of Selectmen vote to have the Water Department develop a long-term pro-active plan of action regarding frozen water mains. (including plumbers).

Motion by: Cheryl Andrews Seconded by: Sarah Peake Yea 5 Nay 0

Cheryl Andrews

VSB Grant applications. Applicants should be notified when there is going to be a meeting. How are they being reviewed?

Town Meeting - Land bank - what is ratio update?

Task for Staff - Draft language for Bylaws - get ready for Town Meeting - Growth Management and Water & Sewer Regs.

MOTION: Move that the Board of Selectmen vote to schedule an agenda item in the next four weeks on Growth Management and Water & Sewer betterments.

Motion by: Cheryl Andrews Seconded by: Sarah Peake Yea 5 Nay 0

Michele Couture

Relative to School Board - we have no intentions of pitting the seniors against the kids. There will be a Public Hearing for everyone to participate.

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to the Water Department and the Department of Public Works for all their hard work during this crisis.

Motion by: Michele Couture Seconded by: Sarah Peake Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to send Governor Mitt Romney opposing the cuts in free care pool.

Motion by: Michele Couture Seconded by: Sarah Peake Yea 5 Nay 0

We should do something for them. We must get relief for those without water now.

Richard Olson

Special 'Get Well' wish to David Guertin. Hope he takes care of himself.

Thank Ellen Freeman for having poise, good patience and good humor during this situation.

MOTION: Move that the Board of Selectmen send a letter to the Registrar Kimberly Hinden, Registry of Motor Vehicles, Boston, MA to urge her to keep the Orleans Branch of the RMV in operation.

Motion by: Richard Olson Seconded by: Michele Couture Yea 5 Nay 0

Quarterly Tax Bills? Keith - Should be hearing from DOR shortly.

Mary-Jo Avellar

In answer to Mr. Silva's concerns - Motta Field and pitting the children against the elderly - we certainly have no intentions of doing this. Nobody uses the soccer field. The Tennis Club has been approached to allow students to use their courts. We all have to make compromises. Examine the situation before making judgment.

4A ASSESSOR

Abandonment of Portions of Browne Street

MOTION: Move that the Board of Selectmen vote (1) to insert articles on the warrant for the April 6, 2004 Annual Town Meeting (a) for release of fee Interest in certain abandoned portions of Browne Street, and (b) to abandon a Portion of Browne Street, as recommended by the Principal Assessor; and (2) to execute release deeds for that portion the 1890 layout of Browne Street, as abandoned by Article 59 of the 1991 Annual Town Meeting, Article 27 of the 1992 Annual Town Meeting contingent upon each abutter's bearing their proportionate cost of the preparation of deeds and engineered plans and recording of same at the Barnstable County Registry of Deeds or Land Court, as appropriate.

Motion by: Michele Couture Seconded by: Richard Olson Yea 5 Nay 0

4B PARKING ADMINISTRATOR

Expanding Summer Shuttle Service to Airport: Grant Application, Hearing

MOTION: Move that the Board of Selectmen vote to authorize the Cape Cod Regional Transit Authority to pursue a Congestion Mitigation Air Quality (CMAQ) grant to fund the planned expansion of the Provincetown/Truro Shuttle to Service Race Point Road and the Airport via Conwell Street; and for the Town to assume the Provincetown share of this service based on a grant subsidy which will be similar to the state operating subsidy for the present Shuttle; and, further, that the Board of Selectmen vote to conduct a public hearing on this proposal as part of the Spring Traffic Hearing scheduled for March 23, 2004.

Motion by: Sarah Peake Seconded by: Richard Olson Yea 5 Nay 0

4C REQUEST: PROVINCETOWN HOUSING PARTNERSHIP

Affordable Housing Deed Restriction: 40A Conwell Street

MOTION: Move that the Board of Selectmen vote to accept and execute an Affordable Housing Deed Restriction with Provincetown Heights Inc., for six affordable (rental) housing unit at 40A Conwell Street, as approved as to form by Town Counsel.

Motion by: Michele Couture Seconded by: Richard Olson Yea 5 Nay 0

5A APRIL 7, 2004 ANNUAL & SPECIAL TOWN MEETING

Set Dates for Opening and Closing of Warrants

MOTION: Move that the Board of Selectmen vote to open the Wednesday, April 7, 2004 Annual and Special Town Meeting warrants forthwith and to close them on Monday, March 8, 2004 at 5:00 p.m., in accordance

with Charter §2-1-7.

Motion by: Cheryl Andrews Seconded by: Michele Couture Yea 5 Nay 0

6A MUNICIPAL PURPOSE GRANT ANTICIPATION NOTE #1032

MOTION: *Move that the Board of Selectmen vote to issue a Municipal Purpose Grant Anticipation Note #1032 in the amount of \$7,457.00 dated February 12, 2004 at 1.25% interest payable at maturity to Cape Cod Bank and Trust on March 12, 2004.*

Motion by: Michele Couture Seconded by: Sarah Peake Yea 5 Nay 0

6B MUNICIPAL PURPOSE GRANT ANTICIPATION NOTE #1033

MOTION: *Move that the Board of Selectmen vote to issue a Municipal Purpose Grant Anticipation Note #1033 in the amount of \$1,275,000.00 dated February 12, 2004 at 1.25% interest payable at maturity to Cape Cod Bank and Trust on March 12, 2004.*

Motion by: Michele Couture Seconded by: Sarah Peake Yea 5 Nay 0

6C MUNICIPAL PURPOSE GRANT ANTICIPATION NOTE #1034

MOTION: *Move that the Board of Selectmen vote to issue a Municipal Purpose Grant Anticipation Note #1034 in the amount of \$225,000.00 dated February 12, 2004 at 1.25% interest payable at maturity to Cape Cod Bank and Trust on August 12, 2004.*

Motion by: Michele Couture Seconded by: Sarah Peake Yea 5 Nay 0

7. BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Daniel J. Kells as a Regular member of the Cultural Committee with an expiration date of December 31, 2006*

Motion by: Richard Olson Seconded by: Michele Couture Yea 5 Nay 0

8. MINUTES OF BOARD OF SELECTMEN MEETINGS

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 29, 2003 (Reg. Mtg.) with changes so noted. (RO Absent)*

Motion by: Michele Couture Seconded by: Sarah Peake
Yea 4 Nay 0 Abstain 1 (Richard Olson)

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 12, 2004 (Reg. Mtg.) with changes so noted. (All Present)*

Motion by: Michele Couture Seconded by: Richard Olson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 20, 2004 (Public Forum.) with changes so noted. (CA Absent)*

**Motion by: Michele Couture Seconded by: Sarah Peake
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)**

MOTION: *Move that the Board of Selectmen vote to pass on the minutes of January 22, 2004 (Budget Mtg) (CA Absent) and bring them back at the next regular scheduled meeting.*

**Motion by: Michele Couture Seconded by: Richard Olson
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)**

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 26, 2003 (Reg. Mtg.) as printed. (All Present)*

Motion by: Michele Couture Seconded by: Richard Olson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 28, 2003 (Budget Mtg.) as printed. (All Present)*

Motion by: Michele Couture Seconded by: Richard Olson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 29, 2003 (Budget Mtg.) as printed. (All Present)*

Motion by: Michele Couture Seconded by: Richard Olson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 2, 2003 (Wastewater/CEM BOD) [] as printed. (All Present)*

Motion by: Michele Couture Seconded by: Sarah Peake Yea 5 Nay 0

9. **CLOSING STATEMENTS**

Sarah Peake

Lower Cape Selectmen's meeting is February 12th @ 6:30 PM. Let's try and have a good showing.

Congratulations to Dr. Cheryl Andrews for having her picture in "The Beacon" with Governor Romney.

Cheryl Andrews

On the Land Bank question - do you have a figure? Keith - \$386,580 was our share of the State Matching Funds and we only received that for one year. Our portion is \$250,000 per year x 20 years.

Staff hours that have been expended in the areas of sewer operations and management. At what point will you be advising us as to how we are going to deal with that issue. Keith - I can put something together for you on that. You're touching at contractual issues that are fundamental core - the relationship between the town and M & E and some of which we are covering and we're never going to get a dime back from M & E because there is a level of service that we have to make sure we have at the time we have it. Homeowner program probably the best example of that. Recent events have provided more satisfactory service and have had more satisfactory interactions in the last two weeks than we've had in the past year. The end result is that we're going to have a better sewer system and relationship with M & E.

David Guertin - we all care about him. Keith - He has been released from the hospital today. Mary-Jo - I talked with him tonight and told him we all love him.

Re: Agenda Item - Growth Management Bylaw and the Water & Sewer rate - who would be good staff to interact with it? Answer - Warren Alexander

Michele Couture

SEMASS - Increase in fees? How are they going to affect us? Keith - I'll have to get further word as to when fee increases are being implement.

-
Richard Olson

Vernon has the addresses, fax and phone numbers in San Juan.

Motion to adjourn by: Michele Couture at 9:50 p.m.

Minutes transcribed by: Vernon Porter, Secretary
February 10, 2004