

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING – MONDAY, MARCH 22, 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, Acting Assistant Town Manager Michelle Jarusiewicz

Recorder: Cheryl Andrews and Sarah Peake

The following are meeting minutes, in brief.

**1A PUBLIC HEARING: FY 2005 OPERATING BUDGET**

Joint Public Hearing with Finance Committee (Charter § 9-1-6)

Ruth Gilbert called her meeting to order at 6:15 pm. Attendees: Ruth Gilbert, Matthew Clark, Virginia Ross, Sue Buerkel, Robert Vetric, Ann Maguire, Mark Leach.

Chairman Avellar went through each line.

**MOTION:** *Move that the Board of Selectmen vote to amend Budget 820 Tax Title - from \$39,000 to \$30,000.*

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

Mary-Jo Avellar left the room when we discussed Budget 910 (Insurance and Retirement). Keith discussed approaches to dealing with this problem.

Mary-Jo Avellar returned.

**MOTION:** *Move that the Board of Selectmen vote to amend Budget 210 Police - (Fund 14 summer officers) \$1,483,777 .*

**Motion by:** Sarah Peake ..... **Seconded by:** Mary-Jo Avellar  
Yea 1 (Sarah Peake) Nay 4..... - ***MOTION DOES NOT PASS*** -

Mary-Jo Avellar leaves for discussion of Budget 295 - Harbormaster.

Mary-Jo Avellar returns.

IV - Public Works

Board of Selectmen agreed to invite Cultural Council in to defend budget (673).

VI - Public School

Ruth Gilbert explained discussion between School Committee & FinCom. They will meet this Friday. FinCom has asked them level fund.

Lastly we discussed how we would get basic information on budget process to Town Meeting Floor.

**1B PUBLIC HEARING: HARBOR REGULATIONS**

Amend Mooring Fees for Seniors

**MOTION:** *Move that the Board of Selectmen to amend the Harbor Regulations, Appendix B, Harbor Fee Schedules, by adding the following: "Provincetown residents aged 65 years and older shall only be required to pay 50% of the fee for an individual mooring permit."*

**Motion by:** Michele Couture ..... **Seconded by:** Richard Olson

1C **PUBLIC HEARING**

NSTAR Underground cable and Conduit Petition

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C.166,§22, to:*

- a) *Approve the request of NSTAR to locate underground cables, conduits and junction boxes, including the necessary sustaining and protecting fixtures, in, under, along and across Bradford Street from pole 2/83 under the roadway for underground service to 238 Bradford Street, the Provincetown Theater Foundation;*
- b) *and to request that NSTAR provide an as-built plan to the property owner showing actual location and depth after installation.*

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

2. **PUBLIC STATEMENTS**

Charles Duffy - Talked about rules for soliciting on the street. Show in Front of UU had people in the street for hours. It's getting out of hand. Too aggressive. Feels like it's affecting his business. They used incense too. Wants bylaws obeyed.

Louise Robinson - Says she's leaving town and is not safe here. Breaking into her condo. Would like justice.

Rick Murray - DPW - please instruct that if road is closed - Please phone call. Went to Gay Expo. Thinks VSB booth was too little. We need state of the art.

3. **SELECTMEN'S STATEMENTS**

**Richard Olson**

He was at Expo too.

Article in Boston Globe - Big Sur

**Sarah Peake**

Expo - Agrees with Rick Murray. Asked Sandy about paving. She said 4/5/04. Did get to Assembly of Delegates re: Returning Surplus County Funds to the individual town. April 11<sup>th</sup> is the vote. She says sentiment is No.

Job sharing - between Town Clerk & Tourism Office. We are close to 30 day - put it on agenda. Mini-model - should we have agenda.

**MOTION:** *Move that the Board of Selectmen vote to have a future agenda on mini model transportation issue.*

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

Beacon Hill breakfast - April 13<sup>th</sup>.

**Cheryl Andrews**

Street closing - get letter forms.

Mr. Duffy - problem stems from people treating street like "mine" vs. common area. Consider Community Policing Working Group.

Rick Murray's comments - give DPW a memo.

**Mary-Jo Avellar**

No comments.

**Michele Couture**

Mr. Duffy -its an enforcement issue!!

**MOTION:** *Move that the Board of Selectmen vote to send Kathie Meads a thank you and best wishes on her retirement.*

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

**MOTION:** *Move that the Board of Selectmen vote to send a letter to the Department of Interior re: cuts to New England - National Seashore cuts. (Copy to Congressional Delegates and CCNS Advisor Commission.)*

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

**Sarah Peake** - Kerry Adams is here. Dune shacks comment period is closed.

**MOTION:** *Move that the Board of Selectmen send a letter to the Cape Cod National Seashore re; Dune shack as Cultural Resource and way of life.*

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

**4. BOARD OF HEALTH**

Septic System Inspection & Maintenance Outside the District Program

Attendees: Joy Ursillo, Jane Raasch, Mark Baker.

Open discussion ensued.

Jane started. Suggested Option II for year one.

Brewster condos are mandatory each two years.

Mark Baker - he pumped his system once in 14 years.

**MOTION:** *Move that the Board of Selectmen vote to take Agenda Items 6A1 and 6A2 out of order.*

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

**6A1 PARADE PERMIT REQUEST**

Cape Cod Young People's Decade of Commitment

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Pamela Rimington 157 Thankful Lane, Cotuit, MA on behalf of the Cape Cod Young People's Decade of Commitment, PO Box 1315, Marston Mills, MA to hold a Youth Celebration Day to be held on Sunday, May 2, 2004 from 5:00 AM to 6:00 PM. Further that the Board of Selectmen shall issue a Proclamation saying May 2, 2004 is Cape Cod Young People's Decade of Commitment day.*

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

**6A2 PARADE PERMIT REQUEST**

American Lung Association of Massachusetts, Inc.

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by*

*Special Events Manager Carolyn Whipple on behalf of the American Lung Association of Massachusetts, Inc., 1 Abbey Lane, Middleboro, MA to hold their 2004 Autumn Escape Bike Trek scheduled to take place on Sunday, September 19, 2004 from 11 AM to 3 PM with no rain date scheduled.*

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

Board recessed at 8:50 pm and reconvened at 8:55 pm.

Cheryl Andrews left room due to conflict. Her father is a resident of the Cape End Manor.

Recorder: Sarah Peake

**5A** **CAPE END MANOR BOARD OF DIRECTORS**

Care Campus Update

Discussion ensued. [Mary-Jo Avellar, Marilyn Downey, Bobby Cabral, Margie Perry, Sandy Dobbin, Keith Bergman]

Keith Bergman - gave overview of long range costs associated with CEM. Analysis was prepared by Dennis Anderson.

**5B** **CAPE END MANOR UPDATE**

Review of Financial Assumptions

**MOTION:** *Move that the Board of Selectmen vote to go into executive session and to reconvene in open session thereafter. [Roll Call]*

*Richard Olson - Yea Mary-Jo Avellar - Yea*  
*Sarah Peake - Yea Michele Couture - Yea*

**Motion by:** Michele Couture ..... **Seconded by:** Richard Olson Yea 4 Nay 0

The Board of Selectmen reconvened in open session at 11:05 PM

Cheryl Andrews returned to room.

**MOTION:** *Move that the Board of Selectmen vote to suspend the rules.*

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

**6B.** **DECOMMISSIONING OF WELL CCNS #4**

Request from the Town of Truro

**MOTION:** *Move that the Board of Selectmen vote to approve the Truro Board of Selectmen's request to send a letter to the Massachusetts Department of Environmental Protection requesting that it formally decertify so-called Well CCNS #4, which well was physically removed in 1988, but still remains on DEP's list of certified well sites.*

**Motion by:** Michele Couture ..... **Seconded by:** Sarah Peake  
Yea 3 Nay 2 (Mary-Jo Avellar / Cheryl Andrews )

**7A** **MAY 4, 2004 ANNUAL TOWN ELECTION**

Issuance of Warrant

**MOTION:** *Move that the Board of Selectmen vote to direct that the warrant for the Tuesday, May 4, 2004 Annual Town Election be posted as presented by the Town Clerk.*

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

**7B** **APRIL 7, 2004 ANNUAL & SPECIAL TOWN MEETINGS**

Adoption of Board of Selectmen's Recommendations on Articles

**MOTION:** *Move that the Board of Selectmen vote to table this item until Monday, March 29, 2004.*

**Motion by:** Sarah Peake           .....   **Seconded by:** Mary-Jo Avellar           **Yea 5 Nay 0**

**8.        MINUTES OF BOARD OF SELECTMEN MEETING**

**MOTION:** *Move that the Board of Selectmen vote to table this item until our next regular scheduled meeting.*

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

**9.        CLOSING STATEMENTS**

**Richard Olson** - Noted Paul Tasha's issue re: Town meeting.

Sarah Peake - None                   Mary-Jo Avellar - None  
Cheryl Andrews - None   Michele Couture - None

Mary-Jo Avellar left the room due to conflict of interest. Her husband is Asst. Harbormaster.

**10.      COLLECTIVE BARGAINING**

AFSCME Town-wide Unit A: Ratification of New 3-Year Agreement

**MOTION:** *Move that the Board of Selectmen vote to go into executive session, pursuant to MGL Chapter 39, section 23B, clause 3, for the purpose of discussing strategy with respect to collective bargaining and not to convene in open session thereafter. [Roll Call]*

Sarah Peake - Yea                   Cheryl Andrews - Yea  
Michele Couture - Yea           Richard Olson - Yea

**Motion by:** Michele Couture           .....   **Seconded by:** Richard Olson           **Yea 4 Nay 0**

Board went into executive session at 11:25 PM.

Minutes transcribed by: Vernon Porter, Secretary  
March 30, 2004