

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, MAY 10, 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: Vernon G. Porter

The following are meeting minutes, in brief.

1A REORGANIZATION OF BOARD OF SELECTMEN

Election of Chairman and Clerk

MOTION: *Move that the Board of Selectmen vote to elect Selectman Cheryl L. Andrews, DMD as Chairman of the Board of Selectmen for a term of one (1) year commencing immediately.*

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

MOTION: *Move that the Board of Selectmen vote to elect Selectman Mary-Jo Avellar as Clerk for the Board of Selectmen for a term of one (1) year commencing immediately.*

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

1B1 WASTEWATER PHASE II PLANNING, SEPTAGE

Joint meeting with Water & Sewer Board, Wastewater Staff

Open discussion.

Schedule an agenda item on Laundromat request for proposals.

Request glossary of septic terminology from DPW.

Short report from Water & Sewer Board

1B2 WASTEWATER CONSTRUCTION OVERSIGHT

Environmental Partners Group: \$330,000

MOTION: *Move that the Board of Selectmen vote to authorize execution of Contract Amendment No. 4 with Environmental Partners Group, Inc. of Hingham, Massachusetts in the amount of \$330,000 for Phase I wastewater construction oversight through September 2004.*

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

3. PUBLIC STATEMENTS

- Alex Ritchie - Congratulations to all. Asked the Board of Selectmen for their support for the Economic Development funding and supporting Agenda Item 4B. (Economic Development Task Force: Nomination for Future EDA Funding - Comprehensive Economic Development Strategy.)

- Michael Bunn - Says the new owners at Nelson Ave complex are very happy in their newly selected residence for the first time. Re: Chapter 40B - want affordable housing and thanked the Board of Selectmen for not taking away the one thing that is needed.

Hunter O'Hanian - We are in a unique situation and asked that the Board of Selectmen support Agenda Item 4B - Nomination for Future EDA Funding.

Bill Dougal - Is a member of the Community Housing Task Force and Affordable Housing Task Force and is pleased that the community has voted in support of the CPA. Urge the Board of Selectmen to vote so support agenda item 4B.

George Bryant - Complained that he was pulled over by Police on Route 6 with Blue Lights flashing and handed a letter about this evenings meeting concerning agenda item #5A. He felt that it was demeaning and he also felt intimidated.

Steve Melamed - Ask for support of agenda item 4B.

Rick Murray - Asked for Board of Selectmen's support for agenda item 4B. Concerned if we were going to allow private businesses to use the Wastewater Plant unless there was a significant fee to offset what we are paying for.

Diane Corbo - 462 Commercial Street - Nothing against her neighbors personally and have been friends of the Bryant's for 21 years. The fence just doesn't cut it anymore - the area is over-flowing. It affects look of the entire neighborhood and is degrading to our property. It's a sad situation and has become unsightly and it is simply a dump. Urge the Board of Selectmen to try and help correct this situation.

Jonathan Sinaiko - Correction. The town people who are not on the system have paid, at various times, for RFP's, design work, etc. that was voted on at town meeting. Would like to remind everyone that it is mandated by DEP for us to find a redundant water source.

4. SELECTMEN STATEMENTS

Mary-Jo Avellar

MOTION: Move that the Board of Selectmen vote to send a letter of congratulations to the Town of Truro on the opening of their new Town Hall.

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

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Michael Bunn upon his resignation from the Provincetown Art Commission and for his service to the town.

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

MOTION: Move that the Board of Selectmen vote to send a letter of congratulations to CCNS Superintendent Maria Burks on her temporary assignment as Interim Executive Director for the National Parks of New York Harbor.

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

Re: George Bryant - Police should not have delivered the letter. Should be sent via certified mail.

Congratulations to Cheryl Andrews as new Chairman.

CCNS having a scoping meeting regarding hunting policy alternatives.

MOTION: Move that the Board of Selectmen vote to designate Mary-Jo Avellar as the Board's representative at the Cape Cod National Seashore's Scoping Meeting to be held at the Wellfleet Library on Thursday, May 27, 2004 and to express the will of Town Meeting relative to hunting.

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

Michele Couture

Congratulate Richard & Cheryl on their re-elections.

Congratulations to Keith Bergman for ushering us through the Community Preservation Act.

MOTION: *Move that the Board of Selectmen vote to send a letter of special thanks to Cape End Manor CEO Dennis Anderson for ushering us through the DON.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

Department of Career Services - re: Office hours in Provincetown this year. Keith - Met with DCS and they will also be contacting the Chamber of Commerce as to whether they could provide the services of the job person (Michele Frechette) a couple of days a week and will be getting back to us.

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Len Stewart for serving as our Representative to the Cape Cod Commission and wish him well on his move to Harwich.*

Motion by: Mary-Jo Avellar .. **Seconded by:** Richard Olson Yea 5 Nay 0

Sewer System - Would like a copy of Metcalf & Eddy's policies and procedures.

Lottery Diversion - sent a letter to Representative Gomes - did we sent it to Robert O'Leary also? - Vernon
- Yes.

Chief Meyer's Weekly Bulletin - mentioned that the Crown & Anchor is going before the Licensing Board tomorrow requesting a later closing.

Richard Olson

Mr. Bunn - Just want to commiserate with you and your associates. Re: Nelson Ave. Development. I am looking forward to your opening on June 7th.

Had the pleasure go going to the Economic Summit that Mr. O'Hanian spoke of and I was impressed with the focus and the optimism and the unity that was expressed by all the stakeholders who were there.

Sarah Peake

To address Mr. Murray's concern about taking septage. It is a way to become an income generator for the Sewerage Treatment Plant so the affect that it will have on the people who have paid a betterment fee and are tied into the system when their fee comes around for their user fee the cost per gallon of flow can be reduced if we have another source of income that we can use to defray the cost of operating the plant. So, I think it can be a win-win situation.

Back on March 8, 2004 we unanimously moved to initiate a dialogue with the Massachusetts Division of Marine Fisheries regarding the town re-taking ownership of the sandbar off Herring Cove Beach - wondering what the status of that is? Keith - we will follow-up on that.

Cheryl Andrews

Thank you all very much for your support. Do believe that we have some serious challenges in front of us as Selectmen and for those of you who are taxpayers and citizens, in the next couple of years. Some serious discussions on about what you think government should or should not be doing and how much we are willing to pay for it.

4A **CAPE COD PILGRIM MEMORIAL ASSOCIATION**

Expanding Summer Shuttle Service to Pilgrim Monument

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing for Monday, May 24, 2004 at 6 p.m. on the request of the Cape Cod Pilgrim Memorial Association to expand the Summer Shuttle route to include service to the Pilgrim Monument on a "demand-only" basis.*

Motion by: Mary-Jo Avellar Seconded by: Richard Olson
Yea 3 Nay 2 (Cheryl Andrews / Michele Couture)

4B ECONOMIC DEVELOPMENT TASK FORCE

Submit Nomination for Future EDA Funding - CEDS

MOTION: *Move that the Board of Selectmen vote to schedule a joint meeting with the Economic Development Task Force on Monday, June 14, 2004 to get an update and exchange of ideas.*

Motion by: Mary-Jo Avellar .. Seconded by: Richard Olson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to submit a priority project nomination form to the Cape Cod Commission Economic Development Officer for inclusion of an economic development planning project for Provincetown in the Cape Cod Region's Comprehensive Economic Development Strategy (CEDS) for future funding by the U.S. Economic Development Agency.*

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

4C CAPE AIR: PEAK PERIOD SURCHARGE EXEMPTION

Request Essential Air Service Designation for Provincetown Airport

MOTION: *Move that the Board of Selectmen vote to accept the invitation of Congressman Delahunt's to participate in meetings with MASSPORT to discuss how to include Provincetown Municipal Airport in the peak period surcharge exemption which is proposed to be automatically extended only to those regional airports designated as an "Essential Air Service" (EAS).*

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

5A1 HEALTH INSPECTOR

Removal of Junk and Debris, Bryant property, 467-473 Commercial Street

Discussion ensued. No motions made.

6A1 FERRY EMBARKATION FEE

Implementing May 4, 2004 Annual Town Election Question 1

MOTION: *Move that the Board of Selectmen vote as follows: WHEREAS, by a vote of 733 to 352, the voters at Provincetown's May 4, 2004 Annual Town Election have accepted the law (Section 11 of Chapter 55 of the Acts of 2003) that allows the Town of Provincetown to impose an embarkation fee of \$0.50 per passenger departing per ferry trip, effective January 1, 2005; THEREFORE, the Board of Selectmen hereby directs as follows: (1) that each ferry operator embarking from Provincetown Harbor be notified that said embarkation fee is imposed, with said notice explaining the requirement to collect the fee from every passenger not otherwise exempt from the fee ("fee passenger") and to remit the fees collected to the Commissioner of Revenue; and (2) that the Commissioner of Revenue be notified of the imposition of the fee and be provided with names and addresses of all ferry operators embarking from its port.*

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

6A2 COMMUNITY PRESERVATION ACT

Implementing May 4, 2004 Annual Town Election Question 2

MOTION: *Move that the Board of Selectmen vote to authorize the Town Manager to convene the Affordable Housing Task Force and the boards to be represented on the Community Preservation Committee to work towards implementing the acceptance of the Community Preservation Act by the voters at Provincetown's May 4, 2004 Annual Town Election.*

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

6B **FY 2005 TOWN-WIDE GOAL-SETTING PROCESS**

Adopt Timetable and Meeting Schedule

MOTION: *Move that the Board of Selectmen vote to adopt the timetable for the FY 2005 Annual Town-wide Goal Setting Process, and to schedule a special meeting of the Board of Selectmen for June 7, 2004 at 6 p.m. for the Board to conduct a preliminary goal-setting exercise.*

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

7A **REVENUE ANTICIPATION NOTE #1039**

MOTION: *Move that the Board of Selectmen vote to issue a Revenue Anticipation Note #1038 in the amount of \$1,000,000.00 dated May 11, 2004 at 1.25% interest payable at maturity to Cape Cod Bank and Trust on June 21, 2004.*

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

7B **TREASURER'S TRANSFERS**

John Anderson Francis Scholarship fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$6,655.38 from the John Anderson Francis Scholarship Fund for the payment of awarded scholarships and invoices.*

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

7C **TREASURER'S TRANSFERS**

Heritage Museum Gift Fund

MOTION: *Move that the Board of Selectmen vote as Commissioners of the Gift Funds, to approve the transfer of \$660.00 from the Heritage Museum Gift Fund for the payment of the attached invoice.*

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

8. **BOARD OF SELECTMEN APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote reappoint Kerry L. Adams as a Regular Member of the Cape Cod National Seashore General Management Plan Implementation Advisory Committee with a term expiration date of June 30, 2007.*

Motion by: Mary-Jo Avellar **Seconded by:** Sarah Peake
Yea 4 Nay 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote reappoint Barbara Prato as a Regular Member of the Cape Cod National Seashore General Management Plan Implementation Advisory Committee with a term expiration date of June 30, 2007.*

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

MOTION: *Move that the Board of Selectmen vote reappoint Alex Brown as a Regular Member of the Shellfish Committee with a term expiration date of June 30, 2007.*

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

9. **BOARD OF SELECTMEN'S RULES OF PROCEDURE**

Adoption, Consideration of Amendments

MOTION: *Move that the Board of Selectmen vote to schedule adoption of the Rules of Procedure for its next regular meeting on Monday, May 24, 2004, with any proposed amendments to be submitted in writing to the secretary by Monday, May 17, 2004.*

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

10. MINUTES OF BOARD OF SELECTMEN MEETING

MOTION: *Move that the Board of Selectmen approve the following minutes, as amended:*

March 3, 2004 (Special Mtg.), *March 8, 2004* (Reg. Mtg.), *March 15, 2004* (Special Mtg.),
March 22, 2004 (Reg. Mtg.), *March 23, 2004* (Traffic Hearing), *March 29, 2004* (Special Mtg), *April 7,*
2004 (Town Mtg.), *April 12, 2004* (Town Mtg.), *April 13, 2004* (Town Mtg.), *April 14, 2004* (Town Mtg.), *April*
20, 2004 (Non-Union Contract/CEM), *April 26, 2004* (Reg. Mtg.), *April 27, 2004* (Non-Union Contract).

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

11. CLOSING STATEMENTS

Mary-Jo Avellar - None Sarah Peake - None
Michele Couture - None Richard Olson - None

Cheryl Andrews

To Keith - During our traffic hearing we requested to meet with the owners of the former Patrician (Teddy's Sea Market, 212 Bradford St.) within 30 days. Can you make a mental note of that and check in with Don and see what he would prefer that we would do. The Board during the traffic hearing was very concerned about that corner.

5A2 TOWN COUNSEL: LITIGATION STRATEGY

Removal of Junk - Bryant property - 467 and 473 Commercial Street

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 litigation and not to convene in open session thereafter. [Roll Call]*

Sarah Peake - Yea Cheryl Andrews - Yea Mary-Jo Avellar - Yea
Michele Couture - Yea Richard Olson - Yea

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

12 COLLECTIVE BARGAINING STRATEGY

MGL C.39,§23B cl. 3 Provincetown Police Labor Federation

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 discuss strategy with respect to collective bargaining and not to convene in open session thereafter. [Roll Call]*

Sarah Peake - Yea Cheryl Andrews - Yea Mary-Jo Avellar - Yea
Michele Couture - Yea Richard Olson - Yea

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

Board went into executive session at 9:50 PM.

Minutes transcribed by: Vernon Porter, Secretary
May 19, 2004