

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, MAY 24, 2004

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:00 PM noting the following attendees:

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

Other attendees: Acting Assistant Town Manager Michelle Jarusiewicz

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING: SUMMER SHUTTLE

Expanding Summer Shuttle Service to Pilgrim Monument

MOTION: *Move that the Board of Selectmen vote to approve 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 and further that the Parking Administrator review this route and report back to the Board of Selectmen in 45 days.*

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

1B PUBLIC HEARING: CURB CUT

1 Conway Street (Assessor’s Map 15-3-048)

MOTION: *Move that the Board of Selectmen vote, pursuant to General By-laws Section 11-6-2 to approve the application of Vernon Brown to establish a curb cut at 1 Conway Street (Assessor’s Map 15-3-048) for ten feet as shown on a Revised Plan received by the Community Development Department on May 18, 2004, accompanying the application submitted April 14, 2004 and further that it is required that permeable material be used for the driveway.*

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

3. PUBLIC STATEMENTS

Susan Wasson - Certain resident taking materials from Swap Shop for the purpose of breaking them into pieces to be used in his driveway. Would like to put up a sign to let people know what may happen to the materials they leave there.

Anne Howard - Request clarification re: Conflict of Interest in a case the Planning Board is scheduled to hear.

Celine Gandolfo - Re: Nextel. Would like to get on a future Board’s agenda to discuss this matter. Why was Nextel allowed to turn on the system? (See Attachment #2)

Roslyn Garfield - Takes issue with paid employee calling Provincetown - the Gay Niagara Falls. Feels this is a bad image for Provincetown.

Donna Vaillancourt - President of Provincetown Business Guild - read statement into record regarding Tourism Director. (See Attachment #2)

Barbara Rushmore - Tourism Director must have been misquoted. Anything that is paid for by the VSB must have the VSB logo on it. Feels we went in the wrong direction in the changing of the Adult Entertainment By-Law. Wants a Special Town Meeting and would like guidance from the Board of Selectmen on how to do this.

Elizabeth Patrick - Appreciate the steps that the Town did take in the Nextel case. Judge remanded it to State Court and advised Nextel to sue her individually. Feels everybody in this town is a victim of this law.

Steve Roderick - Speaking as an individual as well as a member of the Chamber of Commerce and the Provincetown Business Guild - expressed his disappointment in the remarks of our Tourism Director as stated in the Provincetown Banner. We should be asking that she represents all types of tourism and she is careful about what she says when she speaks on behalf of the town.

Lynn Davies - Congratulated the Board of Selectmen and the Town of Provincetown for the excellent way they handled Monday, May 17th. It was dignified and well run.

Linda Ersoy - Thanked Board of Selectmen for having sign posted directing people to MPL restrooms.

4. SELECTMEN STATEMENTS

Michele Couture

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to all the volunteers thanking them for their participation and for an excellent job on Monday, May 17, 2004. (To include: Doug Johnstone & his list of volunteers, Chief Meyers, Town Manager, Aaron Leventman, Board of Selectmen/Town Managers Staff, Major Michael Crisp - State Police, Sheriff Jim Cummings of Barnstable County.

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

MOTION: Move that the Board of Selectmen request a report from the Town Manager regarding the request of Robyn Watson to conduct tours of town hall paintings.

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

Thanks to Keith Bergman for working with the Division of Career Services (DCS) in securing Michele Frechette for two days a week to do job outreach at Town Hall.

MOTION: Move that the Board of Selectmen send a letter to our State Representatives asking for their support of House #4535 re: MassTake Back Campaign.

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

MOTION: Move that the Board of Selectmen vote to ask the Town Manager for a report on the comments made by our Tourism Director. (Encompassing "town isn't gay enough; T Shirt incident and Gay Niagara comments")

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

Would like an update from John Fitzgerald re: Health Insurance changeovers.

Richard Olson letter regarding Eugene O'Neill recognition - Snail Road. Excellent idea.

MOTION: Move that the Board of Selectmen vote to have staff report on how to proceed on adding a subtitle to Snail Road in recognition of Eugene O'Neill.

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

MOTION: Move that the Board of Selectmen vote to send Hunter O'Hanian's request for a sign on Route 6 Highway to staff for their input.

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

Richard Olson

On Monday, May 17th, and throughout the week I, as well as everyone in town, was delighted to see how many additions to the sum of human happiness were made in this Town. We've already voted to send our thanks to those who helped facilitate it. I certainly want to add my strong feelings of how proud I was of how the town responded to this wonderful challenge. We still have some more challenges in this connection and I hope we respond as well.

Letter from Brenda Silva - Said she was immensely relieved that the burden of the traffic (construction vehicles) had been alleviated and they now have some peace. But she reminds us, and I would like to remind staff, we were still going to look into any way we could baffle the sound that comes from the skate park when it is being used.

MOTION: Move that the Board of Selectmen vote to ask staff to investigate where there is some noise mitigation that is feasible for the Skate Park at the Jerome Smith Parking Lot.

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

Sarah Peake

Cannot say enough about Monday May 17th and are very proud of the way the day evolved thanks to the organizers and the volunteers. It all went so smoothly and beautifully and was perfect from the beginning to the end.

Nextel - questions asked by Ms. Gandolfo. I know the neighbors are represented by Counsel and I think the neighbors would be able to get that answer from their attorney who is representing them in that matter.

Planning Board question brought up by Ms. Howard. Hope that the unsuccessful applicants applying for the Cape Cod Commission will consider being on the Planning Board.

Mary-Jo Avellar

Re: Ms. Howard's question. Not sure how it works - think the Planning Board may have to invoke the rules of necessity and it is a questions for Town Counsel and it should go through the Town Manager.

MOTION: Move that the Board of Selectmen vote to send a letter to Representative William Delahunt, Senator John Kerry and Senator Edward Kennedy asking that they revisit the board's request for them to commence hearings to study and analyze any and all new data available regarding possible health risks to humans caused by exposure to cellular radio frequency waves.

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

Re: Susan Wasson's comments on sign at Swap Shop - I suggest this be referred to the Board of Health as they have the authority over the Swap Shop.

Barbara Rushmore's re: Special Town Meeting - Submit the petition to the Town Clerk.

The passing of Alice Joseph - former Librarian. Mother of Kathy Meads and Maureen Hurst. Hope that she will be treated kindly in the local newspaper.

Letter from Cape Cod National Seashore - Environmental Impact Study - Hunting in the National Seashore - dated May 24,2004. Already talked with John Thomas and he has some thoughts on this.

MOTION: Move that the Board of Selectmen vote to send a copy of the letter dated May 24, 2004 from the CCNS to Cape Cod National Seashore Group Management Policy Implementation Advisory Committee (CCNSGMPIAC) asking them for a report and to place then on our agenda as soon as possible.

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

Email from David Guertin - dated May 12, 2004 re: Kick-off Phase II.

MOTION: *Move that the Board of Selectmen vote to ask staff for an update on Water & Sewer Matters.*

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

In keeping with the comments made by members of the Board regarding May 17, 2004 - I was very proud of Provincetown and sometimes get kind of misty eyed when I talk about it. It has been a wonderful week. In an article Richard Olson passed on to us, I especially like the part - "What a wonderful caring community Provincetown is and how we fight to keep the schools and fight to keep the Manor and now that we are fighting to make sure there is equality for Gay & Lesbian people is just one more thing that makes our town so special."

Cheryl Andrews

Question by Anne Howard - Staff should be able to assist you and answer your question.

Adult Entertainment situation - Special Town Meetings - I have a lot respect for the process of signatures and special town meeting - and I understand how much work it would be and I would suggest that some of these folks meet with the Chair and Mr. Bergman to get some clarity as to their concerns.

Last Monday, May 17, 2004 - Couldn't even possibly tell you how I felt last week. Acting as the Chairman of the Board and as your representative in front of a bank of cameras and newspaper people from around the world was the high point of the years of service to this town. It as a real humbling experience to have to weigh my words carefully and represent the town truly in an international way. I think we as a town pulled it off in a way that far exceeded any of our expectations and it was pleasure to be a part of it and a pleasure to represent you.

4A **PARADE PERMIT REQUEST**

Portuguese Festival: Saturday, June 26, 2004

MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit application submitted by Susan Avellar & Don Murphy for the annual celebration of "The Portuguese Festival Parade" to be held on Saturday, June 26, 2003 from 5 p.m. to 6:30 p.m.*

Motion by: Michele Couture **Seconded by:** Sarah Peake **Yea 4 Nay 0**

4B **PARADE PERMIT: BLESSING OF THE FLEET**

Blessing of the Fleet: Sunday, June 27, 2004

MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Paul Silva on behalf of Blessing Of The Fleet, Inc., for their annual celebration of "The Blessing of the Fleet" to be held on Sunday, June 27, 2004 from 11:30 am to 12:30 pm.*

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

4C **PARADE PERMIT REQUEST**

Independence Day Celebration: Sunday, July 4, 2004

MOTION: *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by the Recreation Director Dennis Clark for the Town to hold an Independence Day Parade on Sunday, July 4, 2004 from 1 PM to 2:30 PM.*

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

4D1 **CDC PROGRAM INCOME CONTRACT MONITORING/REHAB**

Contract for \$37,091 for Monitoring & Housing Rehabilitation

MOTION: *Move that the Board of Selectmen vote to execute a contract with the Lower Cape Cod Community Development Corporation for up to \$217,091 for monitoring and administration of the housing rehabilitation program along with additional rehabilitation loans.*

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

4D2 CDC PROGRAM INCOME CONTRACT PURCHASE ASSISTANCE

Contract for \$18,000 for purchase assistance 58 Harry Kemp Way

MOTION: *Move that the Board of Selectmen vote to execute a contract with the Lower Cape Community Development Corporation for \$18,000 for purchase assistance for the acquisition of 58 Harry Kemp Way.*

Motion by: Michele Couture

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

5A CONSERVATION COMMISSION STAFFING PLAN

Application Fees, Consultant Fees, Request for Proposal

Discussion ensued. Dieter Groll should meet with Town Manager to address overall plan to include number of people downstairs; how does Truro/County handle now, consultant and/or full-time/part-time staff, revenue stream versus expenditures, two sets of fees; pass through for project specific consultants (including existing town by-law) and fee for funding.

MOTION: *Move that the Board of Selectmen vote to request that this agenda item be rescheduled to June 14, 2004.*

Motion by: Michele Couture

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

6A AWARD CONTRACT: DPW TRAILERS

Steco: \$79,5409 for 2 trailers

MOTION: *Move that the Board of Selectmen vote to award a contract to low bidder Steco of Dorchester, MA in the amount of \$79,540 for the purchase of two (2) trailers for the DPW Transfer Station.*

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

6B CZM COASTAL POLLUTANT REMEDIATION

Grant Application for \$93,750 for Atlantic Avenue Town Landing

MOTION: *Move that the Board of Selectmen vote to authorize the submission of a grant application for \$125,000 to the Massachusetts Coastal Zone Management under its FY 2005 Coastal Pollutant Remediation Program for a Provincetown Harbor Stormwater Assessment Project to install stormwater facilities at the Atlantic Avenue Town Landing.*

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

6C EOPS/MDPH/AHA Automated External Defibrillator

Grant Application for one Automated External Defibrillator

MOTION: *Move that the Board of Selectmen vote to authorize the submission of a grant application for one Automated External Defibrillator (AED) to the Massachusetts Executive Office of Public Safety and Department of Public Health for placement in the Provincetown Police Department.*

Motion by: Mary-Jo Avellar

.....

Seconded by: Michele Couture

Yea 5 Nay 0

7. BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Roslyn Garfield as Provincetown's Representative on the Cape Cod Commission with a term expiration date of April 24, 2007.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Frank Carroll as a Regular Member of the Cable Advisory Commission with a term expiration date of June 30, 2006.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Arturo Alon as a Regular Member of the Local Housing Partnership with a term expiration date of June 30, 2007.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Cynthia Bowes as a Regular Member of the Local Housing Partnership with a term expiration date of June 30, 2007.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Tim Hazel as a Regular Member of the Local Housing Partnership 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 to reappoint Michael VanBelle as an At Large Member of the Visitor Services Board with a term expiration date of June 30, 2007.*

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

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

Adoption, Consideration of Amendments

MOTION: *Move that the Board of Selectmen vote to adopt the Rules of Procedure with the following amendments:*

Change Section 3. Agenda for Regular Meetings to:

1. *Public Hearing*
2. *Public Statements*
3. *Selectmen's Statements*
4. *Appointments*
5. *Requested Agenda Items*
6. *Town Manager's Report*
7. *Minutes*
8. *Closing Statements*

Note: Board discussed desire that Chair be allowed to order the "requested Agenda Items" such that ideally, public requests will precede the staff requests. But if we have requests that seem to require very short amounts of time, put those first e.g. treasurers' transfers. Board also stated its desire not to have the category 'preliminary matters'.

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

9. **MINUTES OF BOARD OF SELECTMEN MEETING**

MOTION: *Move that the Board of Selectmen vote to approve the minutes of May 3, 2004 (Non-Union Contract/Profish) as printed. (All Present)*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of May 10, 2004 (Reg. Mtg.) as printed. (All Present)*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of May 11, 2004 (TM Evaluation) 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 May 17, 2004 (Same Sex Marriage) with changes so noted. (All Present)*

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

10. CLOSING STATEMENTS

Mary-Jo Avellar - None **Richard Olson** - None

Michele Couture - Ribbon Cutting - why in the fall ?

Sarah Peake - Proper safety equipment, locked & unlocked - no unauthorized access to it. Now we hear from the neighbors that people are climbing over the fence; not wearing pads & helmets, etc. Would like an update from the Recreation Director.

Cheryl Andrews - Shankpainter sidewalk. Town owns a lot more of that sidewalk than was originally thought. The shell driveway has to be taking some of our land. Go take a look.

Motion to adjourn by Sarah Peake at 10:15 PM.

Minutes transcribed by: Vernon Porter, Secretary
June 2, 2004