

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – MONDAY, SEPTEMBER 27, 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: Keith Bergman Town Manager

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

#### 1 SEWER SYSTEM UPDATE

Meeting with Metcalf & Eddy, Woodward & Curran

Attendees: Brian Harrington - Metcalf & Eddy and Frank Cavaleri - Woodard & Curran. Open discussion ensued.

***MOTION: Move that the Board of Selectmen vote to reaffirm that, pursuant to its contract with the Town of Provincetown, Metcalf & Eddy is solely responsible for operation and maintenance of Provincetown's sewer system, and is to take all steps, and provide all labor and materials to make sure that the sewer system operates within the requirements of all applicable laws and regulations.***

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

#### 2. PUBLIC STATEMENTS

Joe Neumeister - Owns property at 139A Bradford that was sold to him as 3 units and is taxed as 3 units. Wants to get certificate of occupancy for 3 units. Building commissioner refuses even though he says 1 or both of the apartments may actually be legal. Wants to, maybe, use local amnesty program for one unit but not both. asks for direction from the board.

Cheryl Andrews - Mr. Neumeister the Board of Selectmen, typically, do not dialogue with folks during Public Statements, however, my suggestion to you would be to contact me tomorrow at my dental office - I want to talk with you for a few minutes to see if I can give you a little advice as to where we can go - whether you actually want to be on our agenda, which is an option, and there are other options you can avail yourself of. )

#### 3. SELECTMEN STATEMENTS

##### Michele Couture

Town Landings - when will the town landings storm water drainage remediation begin? Keith - Will find this out for you.

Run-off from private ways (Telegraph Hill and others) - we need to find a way that we can make sure they maintain their own drains.

##### Richard Olson

Congratulations to Sarah Peake and wish you the greatest of luck in the general election.

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Don Richards for his many years of dedicated service as Parking Administrator for the Town of Provincetown.***

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

Sidewalks - Theater district concerns about cleaning sidewalks of snow during wintertime - private sidewalks and people who don't live here. How is this accomplished? Keith - What I've offered to do is to meet with Daniel Kells, the theatre folks and DPW and see how we can address the issue. Richard - Is there any authority to fine people or to just trim their plantings back so that the sidewalks can be used and back-charge them for it? Mary-Jo - Can you find out? Keith - Yes.

Schooner Regatta - was a 'great Schooner Regatta' enjoyed by all.

**MOTION:** *Move that the Board of Selectmen vote to ask the Chief of Police to bring a proposal to the Board of Selectmen with respect to the 'mini-motorcycles' as an agenda item to be scheduled after the fall town meeting.*

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

Primary Voting Day - there was no indication that it was voting day or a polling place. A signboard should always be out there.

**MOTION:** *Motion that the Board of Selectmen vote, in compliance with Local, State and Federal Laws, that at every election a sandwich board be place in front of town hall to announce the fact that it is election day and this is the place to vote .*

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

**MOTION:** *Move that the Board of Selectmen vote to require that the ashtrays located outside town hall be cleaned on a daily basis.*

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

**MOTION:** *Move that the Board of Selectmen vote to send a letter to the Pier Corporation congratulating them on a terrific job on this past weekends "Fisher's & Farmer's Market Festival"*

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

### **Sarah Peake**

Barnstable County - recently hired a Housing Development Specialist (Ms. Laura Shufelt). Will she be of value to the Community Preservation Committee as they talk about housing options or the Affordable Housing Task Force, which I guess, will be the entity that will bring forward suggestions. Keith - I met with the County Administrator and Assistant in a committee of Cape Municipal Managers that are looking at regional services from the county and we agreed to set up separate meetings with county folks who provide housing services. There are menu of services they think that we need. It was unclear as to what the scope of work is that the CCC is giving to this individual compared to other things. We will be following that up and if there are services that person or other people can offer that we want to bring down here.

### **Mary-Jo Avellar**

Received a letter of resignation from Sandra Dobbyn - CEM Board of Directors

**MOTION:** *Move that the Board of Selectmen vote to sent a letter of thanks to Sandra Dobbyn for her service on the Cape End Manor Board of Directors.*

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

To Mr. Neumeister - If building permits were issued anytime in the 70 & 80's, I remember that there was chaos around here so it very well could be that things got misfiled or got lost or whatever or verbally approved - who knows. You can call me as well. Because I have this theory, and I don't mind saying it in public, that I don't think you can take away something that people have and have had for a long time and expected to be able to enjoy through no fault of their own - there has to be some kind of resolution to this situation- especially when we've got somebody who's willingly offering affordable housing. I feel particularly outraged that he had to wait so long.

Sidewalks - We have never gotten around to take a walk to check out the condition of our sidewalks. It has always been my hope that once the sewer was installed and we got our roads repaired that we would embark upon a plan to install proper sidewalks in Provincetown.

**Cheryl Andrews**

Schooner Regatta - is becoming a Cultural Event that John Bennett would have been very pleased with. This year it had events that were different - such as the theatre performance, the Capt. Bailey talk at Cape Inn and the Library fundraiser as well. A lot of creative energy that went into making it what it was this year and it has great potential for really becoming even more fantastic in the future .

**MOTION:** *Move that the Board of Selectmen to send a letter of thanks to Candace Collins-Bowden and Mick Rudd and all the members of the Schooner Regatta Committee and a second letter to the Public Pier Corporation which stood up to the plate when plans were changed and acted as host of the regatta.*

**Motion by:** Cheryl Andrews      **Seconded by:** Mary-Jo Avellar      Yea 5 Nay 0

**MOTION:** *Move that the Board of Selectmen vote to ask the Town Manager to have the leaking faucet in the staff lavatory on the first floor of Town Hall fixed within the next two weeks.*

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

**4A      APPOINTMENTS**

**MOTION:** *Move that the Board of Selectmen vote, pursuant to Charter §7-2-5(b), to approve the Town Manager’s appointment of Alexandra Heilala of Eastham as Town Accountant, effective October 12, 2004.*

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

**5A      SEMASS AGREEMENT**

Exercise Option to Extend Contract to January 1, 2005

**MOTION:** *Move that the Board of Selectmen vote to authorize the Town Manager to notify SEMASS Partnership of the Town of Provincetown’s desire to exercise its option to extend the “Original Term” of the January 1, 1985 waste acquisition agreement from January 1, 2008 to January 1, 2015.*

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

**6A      OCTOBER 25, 2004 SPECIAL TOWN MEETING**

Determine Order In Which Articles Appear On The Warrants

**MOTION:** *Move that the Board of Selectmen vote to accept the ordering of the articles in the warrant for the October 25, 2004 Special Town Meeting, as presented by the Town Manager as amended [Move adult entertainment articles to the end of the warrant making them numbers 12,13,14.]*

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

**6B      OCTOBER 25, 2004 SPECIAL TOWN MEETING**

Adoption of Board of Selectmen’s Recommendations on Articles

**MOTION:** *Move that the Board of Selectmen vote on town meeting articles as follows:*

<i>Article</i>	<i>Motion</i>	<i>Y</i>	<i>N</i>	<i>A</i>
STM-1 Cape End Manor Care Campus Land Exchange – Initial Authorizations. <i>Motion: SP/MJA</i>	R	4	0	1 CA
STM-2 Transfer 0.09 Acres of 100 Alden Street to the School Committee for playground purposes <i>Motion: SP/MC</i>	R	4	0	1 CA
STM-3 Zoning Amendment: Health Care Overlay District Rezoning. <i>Motion: SP/MJA</i>	R	4	0	1 CA

STM-4 Accept MGL C.83, §16A-16F – Sewer Bills. <i>Motion: MJA/MC</i>	R	5	0	0
STM-5 Public Service Use Sewer Hook-up for Provincetown Art Association & Museum property <i>Motion: SP/MC (N = MJA/CA)</i>	R	3	2	0
STM-6 Community Preservation Budget for FY 2005. <i>Motion: MC/SP</i>	R	5	0	0
STM-7 School Energy Rebate. <i>Motion: SP/MJA</i>	R	5	0	0
STM-8 FY 2005 Tourism Fund Appropriation. <i>Motion: MJA/RO</i>	R	5	0	0
STM-9 Return to Semi-Annual Property Tax Bills. <i>Motion: MC/RO</i>	RR	5	0	0
STM-10 Cape Cod National Seashore Wildlife and Recreation Park. <i>Motion: MJA/SP (N = MC)</i>	NR	4	1	0
STM-11 General By-law Amendment: Non-Criminal Disposition of Pier Corporation Regulations. <i>Motion: MJA/SP</i>	R	5	0	0
STM-12 Zoning Amendment: Adult Entertainment – [Article C] <i>Motion: MJA/SP</i>	R	5	0	0
STM-13 Zoning Amendment: Adult Entertainment – [Article A] <i>Motion: MJA/MC</i>	NR	5	0	0
STM-14 Zoning Amendment: Adult Entertainment – [Article B] <i>Motion: MJA/MC</i>	NR	5	0	0

6C

**GRANT APPLICATION**

Massachusetts Cultural Council - Cultural Tourism - \$30,000

**MOTION:** *Move that the Board of Selectmen vote authorize the submission of a letter of intent under the Adams Arts Program for a grant application for approximately \$30,000 from the Massachusetts Cultural Council to stimulate cultural tourism through the development and implementation of a strategic long-range plan.*

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

7. **MINUTES OF BOARD OF SELECTMEN MEETING**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of August 23, 2004 (Reg. Mtg.) as printed. (MJA Absent)*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of September 13, 2004 (Reg. Mtg.) with changes so noted. (SP Absent)*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of September 15, 2004 (Truro/Water) 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 September 20, 2004 (10 Yr. Fiscal Policy Plans) with change so noted. (All Absent)*

**Motion by: Michele Couture**

**Seconded by: Mary-Jo Avellar**

**Yea 5 Nay 0**

**8. CLOSING STATEMENTS**

**Michele Couture** - None

**Richard Olson**

Legal expenses - special counsel for our marriage equality issue - is that urgent at all? Keith - we have about \$1200. Discussion ensued. Cheryl - I will check with Mr. Bergman and find out what is OK for us to do and we'll keep working on our campaign.

**Sarah Peake** - None

**Mary-Jo Avellar** - None

**Cheryl Andrews** - None

**9A TRURO WATER NEGOTIATIONS**

Preparation for Joint Meeting [MGL C.39,§23B cl.6]

**& B** MacMillian Pier Floating Dock System: December 2003 Storm Damager

***MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.39, §23B clause 6 and clause 3, to go into executive session to consider the purchase, exchange, lease or value of real property; and for the purpose of discussing strategy with respect to litigation and not to convene in open session thereafter. [Roll Call Vote]***

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

**Sarah Peake - Yea**

**Richard Olson - Yea**

**Sarah Peake - Yea**

**Cheryl Andrews - Yea**

**Michele Couture - Yea**

The Board went into executive session at 8:15 PM.

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