

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, NOVEMBER 8, 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, Richard Olson

Excused Absence: Sarah Peake

Other attendees: Keith Bergman Town Manager

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING: AT&T WIRELESS

Approve Telecommunications Facility Design for 20-year lease.

MOTION: *Move that the Board of Selectmen vote to wave the reading of the Public Hearing Notice.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 4 Nay 0

Public Comments

Celine Gandolfo - Glad to see that the tower is going to be flush mounted and supports the location of the cell tower.

Open discussion by Board of Selectmen.

MOTION: *Move that the Provincetown Board of Selectmen vote to select the following design for the telecommunications facility to be constructed at the WWTP site pursuant to the January 12, 2004 lease with AT&T: monopole design with external flush mounted antenna arrays.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews Yea 2 Nay 2

MOTION: *Move that the Provincetown Board of Selectmen vote to select the following design for the telecommunications facility to be constructed at the WWTP site pursuant to the January 12, 2004 lease with AT&T: stealth fire tower.*

Motion by: Richard Olson **No second**

MOTION: *Move that the Provincetown Board of Selectmen vote to select the following design for the telecommunications facility to be constructed at the WWTP site pursuant to the January 12, 2004 lease with AT&T: monopole design with external flush mounted antenna arrays.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews
Yea 3 Nay 1 (Mary-Jo Avellar)

1B SEWER SYSTEM UPDATE

Meeting with Metcalf & Eddy, Woodard & Curran

Attendees: Metcalf & Eddy (Brian Harrington & Brian Daly); Airvac (Frank Bland); Woodard & Curran (Frank Cavaleri)

Open discussion ensued re: water logging; lack of standardization; gravity vs. pumping; delay connections; fine-tuning issues. Approximately 100 properties still to be hooked up. No motions made. Next joint meeting scheduled for Thursday, December 16, 2004 at 5 pm.

1C VISITOR SERVICES BOARD

Lopes Square Project - Phase I - Waterfront Park

VSB Attendees: Lynn Davies, Barbara Rushmore, Steve Melamed. VSB vote on Phase I was 5/1/0.

MOTION: *Move that the Board of Selectmen vote to hold a Public Hearing on this matter on December 13, 2004.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 4 Nay 0

2. **PUBLIC STATEMENTS**

Rich Corsino - Complained that police response to incident at Alibi took too long. Doesn't feel safe. Feels incident was a hate crime. Made five calls to Mr. Bergman's office with no response. Need more funds for more police.

3. **SELECTMEN STATEMENTS**

Mary-Jo Avellar

Story of "Draft Report Favorable of Wind Farms" in Cape Cod Times on 11/8/04.

MOTION: *Move that the Board of Selectmen vote to request a report from the Town Manager and Chief of Police by Friday re: the issues and accusations raised by Mr. Corsino during public statements.*

Motions by: Mary-Jo Avellar **Seconded by:** Richard Olson Yea 4 Nay 0

Michele Couture

I feel safe in Provincetown and I have faith in our Police Department.

Congratulations to Town Staff at Town Meeting - and to DPW Staff - Jackie Wilhoite. Our Moderator did a good job and to Mr. Bergman as well.

MOTION: *Move that the Board of Selectmen vote to have "overgrowth encroachment issues" as an agenda item at our meeting on December 13, 2004.*

Motions by: Mary-Jo Avellar **Seconded by:** Richard Olson Yea 4 Nay 0

Joseph Neumeister, 139A Bradford St., - has his issues been taken care of? Cheryl - met with him several times. He is now seeking the advice of a lawyer.

Richard Olson

Special thanks to the Noal Reid Charitable Trust for contributing \$10K to our Same-Sex Marriage Fund.

Congratulations to Sarah Peake on a well-run campaign and congratulations to Representative Shirley Gomes

MOTION: *Move that the Board of Selectmen vote to send a letter of congratulations to Representative Shirley Gomes on her re-election and to thank her for all she has done over the years.*

Motions by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 4 Nay 0

Request by Portuguese Festival Committee re: Heritage Museum Photograph collection. Keith - will be on the November 22, 2004 agenda.

Passing of Robin Watson - very saddening. Memorial service will be on Saturday - 4 pm at the Art Association.

Cheryl Andrews

MOTION: *Move that the Board of Selectmen vote to extend the Interim Agreement with Town of Provincetown and the Provincetown Public Pier Corporation to January 1, 2005.*

Motions by: Cheryl Andrews **Seconded by:** Michele Couture
Yea 3 Nay 1 (Mary-Jo Avellar)

4A APPOINTMENT

MOTION: *Move that the Board of Selectmen vote to appoint, in accordance with the four-Year Extension to the Intermunicipal Water Agreement between the Town of Provincetown and the Town of Truro, under "Terms and Conditions" - Part I, Section 3A, to appoint Cheryl Andrews and Estherann Cyzoski as Provincetown's representatives to the Pamet Lens Oversight Group (PLOG).*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture
Yea 3 Nay 0 Abstain 1 (Cheryl Andrews)

4B APPOINTMENT

MOTION: *Move that the Board of Selectmen vote to appoint Patricia DeLuca as a Regular Member of the Board of Assessors with a term expiration date of December 31, 2007.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 4 Nay 0

5A TREASURER'S TRANSFERS

Harbor Access Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$384.00 from the Harbor Access Fund for the payment of the attached voucher.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 4 Nay 0

5A2 TREASURER'S TRANSFERS

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of 7,651.25 from the Same Sex Marriage Defense Fund for the payment of an invoice.*

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

5B COUNCIL ON AGING: GRANT AWARD

Accept Executive Office of Elder Affairs FY 2005 Formula Grant

MOTION: *Move that the Board of Selectmen vote to accept a grant in the amount of \$4,105 from the Executive Office of Elder Affairs for the FY 2005 Formula Grant for staff education and training, and outreach services bringing the maximum grant through 6/30/09 to \$19,013.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 4 Nay 0

6A 2004 MCDBG - WATER TANK REHABILITATION

Design Engineering/Environmental Partners Group, Inc.

MOTION: *Move that the Board of Selectmen vote to approve and execute a contract with Environmental Partners Group, Inc. of Hingham, Massachusetts in an amount not to exceed \$75,200 for design engineering services for the Mt. Gilboa Water Tank rehabilitation project funded by the Massachusetts Department of Housing and Community Development under its 2004 Massachusetts Community Development Block Grant program.*

Motion by: Mary-Jo Avellar **Seconded by:** Richard Olson Yea 4 Nay 0

6B GRANT ADMINISTRATOR CONTRACT EXTENSION

Approval of Employment Contract Extension

MOTION: *Move that the Board of Selectmen vote, pursuant to Policy Statement No. 2002-01-28-A, to approve the Town Manager's extension of the employment contract with Grant Administrator Michelle Jarusiewicz from December 31, 2004 through December 31, 2005 upon the same terms and conditions.*

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

6C FISCAL UPDATE

Open Discussion. Schedule one agenda item (Fiscal Policy) meeting for Monday, November 15, 2004 @ 6 pm.

6D ASSISTANT TOWN MANAGER

Filling Vacancy on a Permanent Basis

MOTION: *Move that the Board of Selectmen vote to authorize the filling of the Assistant Town Manager position on a permanent basis, including designation of that position as human resources officer, affordable housing specialist, and representative to the CCRTA; to fund said position for the remainder of FY 2005 with funds to be transferred at Special Town Meeting from the 135 Accountant and 299 Parking budgets totaling \$20,000, and to request \$6,348 in Affordable Housing Trust Fund monies from the Provincetown Housing Authority under Chapter 230 of the Acts of 2002.*

Motion by: Michele Couture **Seconded by:** Richard Olson
Yea 3 Nay 1 (Cheryl Andrews)

7. MINUTES OF BOARD OF SELECTMEN MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of October 12, 2004 (Reg. Mtg.) as printed. (SP Absent)*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of October 25, 2004 (Pre-Town Mtg.) as printed. (All Present)*

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

8. CLOSING STATEMENTS

Richard Olson - None

Mary-Jo Avellar

MOTION: *Move that the Board of Selectmen send a letter of sympathy to the niece of Robin Watson.*

Motion by: Mary-Jo Avellar **Seconded by:** Richard Olson Yea 4 Nay 0

Michele Couture - None **Cheryl Andrews** - None

9. LITIGATION STRATEGY

Workers Compensation: Proposed Settlement

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, section 23B, clause 3, to go into executive session for the propose of discussing strategy with respect to litigation; and not to convene in open session thereafter. [roll call vote].*

Roll Call: Michele Couture - Yes Mary-Jo Avellar - Yes
Richard Olson - Yes Cheryl Andrews - Yes

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

The Board went into executive session as 9:10 pm.

Minutes transcribed by: Vernon Porter, Secretary
November 9, 2004