

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, JULY 23 2007

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar convened the meeting at 6:00 PM noting the following Board of Selectmen attending: Mary-Jo Avellar, Michele Couture, Austin Knight, Pam Parmakian, Lynne Davies

Other attendees: Town Manager Sharon Lynn, Acting Asst. Town Manager Michelle Jarusiewicz

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING

Curb Cut: 396 Commercial Street (Assessors Map: 12-2-48, TCC Zoning District)

Chairman Avellar read the public hearing into the record.

For the applicant: Ethan Poulin – Builder and John Derian – Property owner.

Public Comments

Mrs. Mildred Bent - Is there enough space for people to swing into the space. Answer: Yes.

Charlotte Douglas – Not an abutter but it is a very narrow road and if you're going to have two cars in tandem there is going to be problems parking and getting in and out.

Matt Mulvey - Only way it would work if the driveway would be 20 feet longer.

Public portion closed at 6:11 pm.

MOTION: *Move that the Board of Selectmen vote to table this agenda item to a time to be determined.*

Motion by: Michele Couture Seconded by: Lynne Davies Yea 5 Nay 0

1B JOINT MEETING W/ECONOMIC DEVELOPMENT COUNCIL

EDC Members Present: Alix Ritchie, William Dougal, Thanassi Kuliopulos, and Bonnie Adams Campbell,

Alix Ritchie gave a brief overview of what the EDC has been working on and where they want to put their energy in the future. EDC needs to know what goals the Board of Selectmen want them to pursue – long term, short term and strategy.

Bill Dougal - How to get business engaged - we don't know how to do that? Businesses don't trust Town government. We have to have a business conference and the Board of Selectmen have to be involved.

Open discussion ensued.

MOTION: *Move that the Board of Selectmen vote to have a business summit of Thursday, October 18, 2007 at a time to be determined.*

Motion by: Austin Knight Seconded by: Michele Couture Yea 5 Nay 0

1C POLICE MATTERS UPDATE

Acting Police Chief Warren Tobias

Thank you for the opportunity to speak at tonight's meeting about recent events. As you know the Police Department has been in the spotlight concerning a second noise complaint this summer. I'm here to answer what every questions you may have. However, I cannot speak to the facts surrounding the pending criminal case. There are always two sides to the story. I think it is important to recognize that right now only one side is being heard. I am certain that there is misinformation out there. I have heard it myself. It is being said, for

instance, that the Police Dept. in this particular issue received three noise complaints from one person – that is simply not true. There were actually six noise complaints received that night from three different people. The officer's actions that night have been thoroughly reviewed. First by myself as a first level review and then again by the Town Manager. We reviewed the Departments General Order concerning handling of Noise Complaints and found that the Officers followed the general order to the letter. We took the time to meet with the defendant and his attorney. We also interviewed the Police Officers involved in the incident. You the Board is now serving as a third level of review regarding this noise complaint issue. And a fourth level of review will take place once the criminal case has been heard.

I would sincerely caution you not to rush to judgment until the criminal case is resolved and I am confident that once that takes place you will still be able to sit there and say that you are proud of the Provincetown Police Department.

I believe there is misunderstanding in the public concerning the how and why the things we do as police officers. I am considering holding a Public Forum where people can come and simply ask questions and perhaps we can give answer to help people understand.

In conclusion I would like to say that Provincetown has always been a no place for hate community.

Open discussion ensued. Board was in agreement that an Open Forum would be beneficial as soon as possible.

2. PUBLIC STATEMENTS

Lisa 'Kip' Hovsepian - Upset over Rod's Towing Service - Mark Silva's towing fee of \$142.00 and having to pay cash and his non-acceptance of Credit Card. Complained to police and she claims that they told her to come back and see Officer Enos and in essence she is not happy with Glen Enos response to her complaint.

Rachel Peters – I was the officer who followed up with the State DPU and spoke with Bill Clements personally. The rates are set by the DPU. I responded to Ms. Hovsepian complaint and asked Rod and he said he would refund her the \$32.00. She took it upon herself to go against the arrangements that were made and caused a scene at Rod's and then went to Town Hall to complain.

Joseph DeMartino - Re: Noise Complaint this weekend. I was not present but did receive calls from friends on this incident. The problem is that the damage is done. We have a reputation and the change has to come from the top so that the police office know how to handle these kinds of situations better because they are going to continue to happen – we live in a party town. They have to handle noise complaints better. I want to be proud of my Police Department. I want to be proud of Provincetown. I don't want this to keep happening. The reputation of the Police Department has to change.

John Donovan – I was guest of the party on Saturday night and I came here from Boston to speak. My email that I sent last week was not acknowledged except for Mr. Porter your Secretary. I have been coming here for over 30 years on a year round basis and recently purchase a home here. On Saturday evening I was terrified. I've never seen anything like this. I am here this evening because I am concerned that nothing is going to be done. If this is your procedure, then you have a lot of work to do. You need an unbiased investigation done on this matter.

Gary Montague - I also attend the Barry Scott event. As a summer resident for the last three years and I disturbed by the actions of the Police at this event.

John Cicero - Problems with the Farmers Market in that he does not have access to his property when the Farmer's Market is using the Ryder Street Parking Lot. It has not been well organized at all. He would like access to this lot at all times.

Richard Olson – Again he emphasizes to build Piers to have affordable housing to have market rate housing on them. Perception of our summer officers is that they have nothing much to do. We see them looking indolent on the Street Corners.

Jodi Rapose – A police officer for 22 years. Our Police Officers work 8 to 10 hours a day and I take exception to anyone talking about our leadership.

Marty Menangas – Want to thanks to Town Manager Sharon Lynn publically for the way she has treated the Police Department in the last bargaining session. We finally had somebody who talked with us and not at us and not said something and then turn it around. She was very honest and spoke with us and I really appreciate that – Thank You. This is an emotional issue. People don't see what we are doing. We are always doing Community Policing which is working to solve problems and we have an obligation to keep the peace. If anybody has any questions about any policy procedure or any rules or regulations, I work Monday thru Friday – 8 AM to 4 PM – please stop in and ask me, I will be more than willing to explain why and how I do it. I am always available at any time. I hope we have a Forum. We tried to do a Community Policing Academy last winter and we had no takers. You're always faulting us. No matter what we do, how we do it – we're wrong. But, please, get all the facts before you make a decision. I do my job for the person who is the victim and no matter who it is, it doesn't matter, I do my job to the best of my ability.

James Comorford - I was at the party and respect the Police Department very much and they have a very tough job and work long hard hours. That's the problem though – long hours and stress. However, I think the reaction for the situation that took place was beyond what I feel would be the accepted situation. After Mr. Scott make his statement I feel that the Police Department over reacted in this case. I don't want to see this type of over reaction continue ... and I am talking about both sides.

Marcene Marcoux - I am concerned as this is almost the 3rd incident this summer. We have to look at what is going on. This is a tourist town and party town and a place where people come to celebrate. I don't have the answers but I just want to voice a concern.

Barbara Rushmore - Regarding the article in the newspaper saying that the Selectmen have decided to flush their promised made on the Sewer. I caution you all that you have to learn to say “No”.

Linda Benaditto - Spoke on supporting the Dog Park for Provincetown.

Cathy Reno - Thank you to all our Police Officers. If there is a bad seed then take the steps to correct it.

Andrea Poulin - I think people have to have more respect for our summer officers. They are great.

Clarence Walker - Summer officers need to be mentored. At the last Selectmen's meeting you gave a mandate to Building Inspector and for Firehouse #2. Why was Firehouse #3 included.

Chris Snow - I represent Barry Scott. I'm impressed in the manner in which the way that your new Town Manager had a meeting after his arrangement on Monday evening.
Anger management at least.

Caitlia Kennedy - I live with both of the officers that are allegedly beating people up. I just want to say that they are very calm people and this press is running their reputation.

Thanassi Kuliopulos - There were two incidents where I need the help of the police and they acted accordingly. Unfortunately, this incident is going to have an economic impact on this town.

Bill Schneider - Spoke on Provincetown embracing diversity, no tolerance for hate and acting responsibly and adhere to the laws of the land and respect one another.

Warren Tobias - We're down 6 officers. The short answer as to why we do not have a full time officer with summer officers is 'a lack of full time personnel.'

3. **SELECTMEN STATEMENTS**

Austin Knight

Thank everyone for their public comments.

MOTION: Move that the Board of Selectmen vote to send sympathy cards to the families of Xavier McCleod, William Marcus Smith and Loretta White who passed away recently.

Motion by: Austin Knight Seconded by: Lynne Davies Yea 5 Nay 0

Farmers Market – Are trucks remove during the Farmer's Market? Michele Couture: Trucks are going

to be moving in and there was not going to be any through traffic once the market started. They set up and their truck are in back of their stalls and for public safety reasons there is no through traffic. As far as Mr. Cicero is concerned, I've spoken with the Chief and Mr. Schneider and a parking space was offered to Mr. Cicero in back of Town Hall for the six hours that the Farmer's Market was in place. Mr. Schneider is overseeing this project.

MOTION: Move that the Board of Selectmen vote to declare September 11, 2007 as Firefighters Day in Provincetown.

Motion by: Austin Knight Seconded by: Michele Couture Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to support the email petition that Connor Geraghty of Rockville Center, New York is circulating modifying it to National Public Safety Officers Day in order to be inclusive of all services.

Motion by: Austin Knight Seconded by: Michele Couture Yea 5 Nay 0

On August 4th - Dancing by the Sea – there will be a fundraiser for the Fireworks and the Pilgrim Monument. From 7 PM to 11:30 PM.

A lot has been said tonight and I am not going to get into it, however, what concerns me is the tone. Tone of emails, newspaper articles, people throughout the town, etc for the future on events like what happened this past weekend. I think that there needs to be a discussion in the future on the 'tone of events' that occurred. I hope we can have some type of conversation about it and that we can send the message out that Provincetown is a welcoming community; that we do welcome not only tourist, we respect each other and diversity is important to us. I hope that there is some resolve from this meeting.

Regarding traffic on Ryder and Standish Street - When I have to sit in traffic on Standish Street and Ryder Street and see officers just standing there talking – this needs to be addressed.

Michele Couture

I have confidence in the Chief and the Department and in the summer offices in Provincetown and they do an excellent job. I am witness to it on a daily basis.

Regarding the noise complaint – Unfortunate that this is making the rounds with emails and on the radio. Police are doing a very good job and I have no complaints with them. This matter has been investigated by the Chief and the Town Manager. I am proud of Provincetown and nothing has happened to change that.

Regarding to what Mr. Walker was talking about relative to Firehouse No. 3 - I have no idea what he is talking about with someone going to speak at the Historic Commission meeting - perhaps we can get a report as to what he was referring to. It was not at our instigation that that was happening.

Pam Parmakian

On the police issue. I echo Michele Couture's sentiment that these occurrences are not ongoing at all. This is an ongoing investigation and I think it does need to be completed and I do have the utmost faith in how the Town Manager and the Police Chief are handling this matter and realize the seriousness of the ongoing issue.

Relative to community policing - I do think there is some disconnect between our citizens and the Police Department. We need to understand our rights but furthermore we need to work with the Police Department in understanding how to exercise those rights. And that is where I think some of this disconnect has occurred. The first step towards working on this is the Chief's Community Awareness Open Forum.

The Board is in receipt of a letter from Paul Ruchinkas the Affordable Housing Specialist for the Cape Cod Commission. He is requesting we fill the vacancy of Provincetown's representative on the Barnstable County HOME Advisory Council. This seat has been vacant since 2004. They meet once a month. If there is no one on this Board that would like to make that commitment I would make a motion we reach out to other Boards.

MOTION: *Move that the Board of Selectmen vote to send a letter regarding outreach for a nominee to represent Provincetown on the Barnstable County HOME Consortium to the Community Housing Council, Provincetown Housing Authority and the Community Preservation Committee.*

Motion by: Pam Parmakian

Seconded by: Michele Couture

Yea 5 Nay 0

Lynne Davies

Thanks to all who spoke this evening. As it is an ongoing investigation, I cannot comment on except to assure everyone that I and my fellow Board of Selectmen will make sure that all due diligence is done to make sure that there is a fair and complete investigation and that the results of that investigation will be made available. It also points out that we need to have a review of our various By-Laws to make sure that they are clear and concise and that both the public and our police officers are in accord as to what their meaning is.

With regards to those that mentioned this is a party town. This is a beautiful place to vacation. People enjoy Provincetown for many reasons. Because we live so close together and have very narrow streets; we have to be respectful of our neighbors. There are a variety of different ways that we can alleviate some of the issues that might come up with other parties and I would like to see that happen. I am very confident in both our Police Dept. and our Town Manager and the Board of Selectmen that will be looking into this incident.

Public restroom – are they low flush? Answer – Yes.

Highway – Route 6 – on what the town is responsible for? Answer: We do not track small dollars. Those are Mass Highway Cost. Our cost is ‘time’. Do we have to go to the State for signage? Answer: Yes

Towing Issues - Suggest they at least post their hours and how people can retrieve their vehicles. Cash only? Why? Answer – It’s a private business and that’s how he runs it.

Have we received our payment from the Seashore for our Fire Protection/Emergency Medical Services. Answer: We put in a Grant Application for that for two years and the amount is: \$12,600 and we are expecting it and monitoring it

Mary-Jo Avellar

Twice this year we’ve hear that Provincetown is a party town. I take exception to this. There are people who live and work here. As to the event that occurred that everyone was here to talk to us about this evening- to the individuals that were involved in this – the Board of Selectmen has three constituents here - the alleged victim, the people who filed complaints who expect to have the police respond to their complaints when they are made and we have the police department, the town employees whose salary we all pay and I think that it is very easy to get caught up in the emotions of this and I know for myself having talked to at least two of the persons that were involved in the incident both yesterday and today that it’s easy to do that but I think that we have to allow the process to go forward and that intervention of any sort by us or any independent parties can only interfere with that process, so like the other members of the Board I am going to be following this very closely and we will be interested in the results of the investigation when it is finally resolved.

4. BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Steven Bergquist as the Provincetown Business Guild Representative on the Historic District Commission with a term to expire December 31, 2009.*

Motion by: Austin Knight

Seconded by: Michele Couture

Yea 5 Nay 0

5A DOG PARK

Candace Nagle and Kathleen, Co-Chairs of the Provincetown Dog Park Association gave a presentation on their “Proposal for Exploring the Feasibility of a Gated, Off-leash Dog Park for Provincetown.”

Open discussion ensued.

MOTION: *Move that the Board of Selectmen vote to have a Public Hearing on a proposal for a Provincetown Dog Park for Monday, August 27, 2007.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 5 Nay 0

5B **WATER DEPARTMENT – SURPLUS DECLARATION**

Bronze Bodies of Old Water Meters

MOTION: *Move that the Board of Selectmen vote, pursuant to Provincetown By-laws, 6-4-6, to authorize the Town Manager to dispose of approximately 2,000 to 3,000 pounds of scrap metal consisting of the bronze bodies of old water meters.*

Motion by: Austin Knight **Seconded by:** Michele Couture Yea 5 Nay 0

5C **AIRPORT COMMISSION – LAND LEASE FOR TSA TRAILOR**

MOTION: *Move that the Board of Selectmen vote to execute a lease contract in the amount of \$600.00 per month with the Transportation Security Administration for the land space used for the housing of the TSA Trailer.*

Motion by: Pam Parmakian **Seconded by:** Michele Couture Yea 5 Nay 0

5D **LIBRARY BOARD OF TRUSTEES – BELFRY CHANGE ORDER #2**

MOTION: *Move that the Board of Selectmen to approve the request of the Library Board of Trustees for Change Order #2 totaling \$28,037.00 for the belfry construction contract with Campbell Construction Group LLC of Beverly, MA.*

Motion by: Lynne Davies **Seconded by:** Michele Couture Yea 5 Nay 0

5E **TREASURER’S TRANSFER – LIBRARY FURNITURE FUND**

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Library Funds, pursuant to MGL C.44§.53A to approve the use of \$1,725.17 from the Library Building - Belfrey Fund to pay for the payment of the attached invoice(s).*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 5 Nay 0

6A **CURBSIDE RECYCLING BIN - FEES**

MOTION: *Move that the Board of Selectmen vote to approve a \$5.00 fee for the recycling bins the town purchases.*

Motion by: Michele Couture **Seconded by:** Lynne Davies Yea 5 Nay 0

6B **DISPOSAL OF TIRES - FEES**

MOTION: *Move that the Board of Selectmen vote to approve disposal of tires be moved to the Transfer Station and approve the fee schedule as presented: \$4.00 for each car tire with or without rim; \$8.00 for each truck tire with or without rim; \$30.00 for each heavy equipment tire with or without rim.*

Motion by: Austin Knight **Seconded by:** Pam Parmakian Yea 5 Nay 0

Pam Parmakian recused from speaking on this issue because it has a direct impact to the property she owns located at 36 Conwell Street Unit #2.

6C **CONWELL STREET – SIDEWALKS**

MOTION: *Move that the Board of Selectmen vote to send a letter to our State Representative Sarah Peake to contact the State Highway Department to request that a sidewalk be installed from Cemetery Road to Route 6 on Conwell Street.*

6C TOWN MANAGER FOLLOW-UP / OTHER

Town Clock - \$20K was approved at town meeting 4/06 – Parts were ordered in June of this year and expected to arrive by late August. Original installers bid on the project and will be returning to finish the clock and have it working again.

Mary-Jo Avellar – Will the fire horns ever work right?

Austin Knight – Will it be painted as well? Answer: No the painting of the face is not included. Austin Knight – When the CPC approved the funds, originally, the \$20K was to include the painting. That was the motion made by CPC as I was a member of that Committee at the time and also it was said at town meeting. So, they asked for additional funds from what the original bid was and we upped the funds and that included painting and I would like that looked into.

The VSB would like to invite the Board of Selectmen to attend a meeting on Friday, August 10, 2007 @ 11 AM. This meeting will include site inspection of the Waterfront Park with Landscape Architect Patrick Eeley to discuss the revised plans to be presented to you.

Reporting on the condition of the park bulkhead that Mr. Knight requested. Report says that Bill Rogers is the one that designed that back in the 1970’s and it is a concrete structure and there does not appear to be any cracking or spalling of that structure and that will not be affected when the waterfront park is addressed.

Update on Rental Certificate sent out – we’ve had 45 applications - \$6300 has come in within that three week period. Over 1200 letters went out.

Follow-up to question on Firehouse #2 and #3. At your meeting of June 25th you instructed the Building Commissioner and I added the Building Inspector who has the architectural background to look into that. Mr. Mulvey in a memorandum to the Town Manager has ten points that he enumerated regarding the condition of Firehouse #2. Basically structural, safety, floor slabs, plumbing out of line, wind bracing and looking at the rafter and ceiling. As a follow-up to that Mr. Braun our Building Inspector with the architectural background advised me that any architectural rendering he would do would be significant and not within the scope of his newly hired duties and whether or not we would take advantage of his duties in completing that. He was willing to do that but I thought it would be more prudent to use Mr. Braun’s expertise in assisting an outside firm to look at space configurations design. We actually need an architectural rendering of a plan in order to bid this project out and to have bathrooms. How many bathrooms do we need, where are we going to put them – you need a plan. Also, as mentioned in your goals of 2007 – mentioned in town meeting of 2006 a town-wide goals for the then Board of Selectmen for use and reuse of town facilities was to finalize the disposition of Firehouse #2 and to continue with the use of the Freeman Building and Firehouse #3. In doing that and looking at space constraints and hiring possibly a new Asst. Town Manager and where would we put that person and in speaking to Bill Schneider, Director of Tourism there had been previous discussion of Firehouse #3 of possibly the Tourism Dept. moving to Firehouse #3 and that building utilized as office space for the Tourism Director since it is so close to Town Hall. An inspection was made based on the inclusion of that Firehouse #3 in Town-Wide Goals and inspection was made on June 27th – two days after your meeting on June 25th, with two members of the Historic District Commission, Mr. Mulvey, Mr. Braun, David Guertin and myself looking to see the condition of the building and what could be done there. For an additional cost of \$500 an outside architectural firm took that on (it’s under the warrant article inclusive of the \$500K for Firehouse #2]. You need a plan to get this going. That’s what was brought up at the Historic District Commission and I think what Clarence was referring to.

Just to clarify in Firehouse #3 – the front portion of that building would remain the same for any non-profit use, etc.

7. MINUTES OF BOARD OF SELECTMEN’S MEETINGS

MOTION: Move that the Board of Selectmen vote to approve the minutes of June 25, 2007 (Regular Mtg.) as amended.

MOTION: *Move that the Board of Selectmen vote to table minutes of July 9 and July 10, 2007 until the next regular schedule meeting on Monday, August 13, 2007.*

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

8. **CLOSING STATEMENTS**

Michele Couture

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Nick Robertson who resigned from the Licensing Board.*

Motion by: Michele Couture **Seconded by:** Austin Knight Yea 5 Nay 0

Pam Parmakian – None **Lynne Davies** - None **Mary-Jo Avellar** - None

Austin Knight - PLOG meeting – Wednesday @ 9 AM. There will be minutes.

9. **EXECUTIVE SESSION**

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 3 and Chapter 32 B § 15 to go into executive session for the purpose of discussing personnel issues and strategy with respect to litigation; and not to convene in open session thereafter. [Roll Call Vote]*

Michele Couture – Yes **Pam Parmakian** – Yes **Austin Knight** – Yes
Lynne Davies – Yes **Mary-Jo Avellar** – Yes

Yea – 5 Nay - 0 - Motion Passes -

Motion by: Michele Couture **Seconded by:** Pam Parmakian

The Board went into executive session at 10:35 PM.

Minutes transcribed by: Vernon G. Porter, Secretary
July 26, 2007