

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

SPECIAL MEETING - MONDAY, FEBRUARY 24, 2003

## JUDGE WELSH HEARING ROOM

Acting Chairman Cheryl Andrews opened the meeting at 6:00 p.m. noting the following attendees:

Board of Selectmen members: Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson

Excused Absence: Mary-Jo Avellar

Other attendees: Town Manager Keith Bergman,

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

### 1A APRIL 7, 2003 ANNUAL & SPECIAL TOWN MEETINGS

Insert Articles on the Warrant

- SPECIAL TOWN MEETING -

**MOTION BY:** *Move that the Board of Selectmen vote to insert the following articles, subject to approval as to form by Town Counsel*

*Article 1. Low Interest Loans for Repair, Replacement, Upgrade of Septic Systems and Sewer Connections.*

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

*Article 2. Wastewater Phase / Construction - Supplemental Expenses.*

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

*Article 12. Home Rule Petition / Land Bank Amendment / Open Space in the Town of Provincetown.*

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

*Article 13. Home Rule Petition / Land Bank Amendment / Affordable Housing in the Town of Provincetown.*

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

*Article 15. Home Rule Petition / Parking Violations in the Town of Provincetown.*

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

**MOTION BY:** *Move that the Board of Selectmen vote to NOT insert the following article:*

*Article 16 Home Rule Petition / Landing Fee in the Town of Provincetown*

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

**MOTION BY:** *Move that the Board of Selectmen vote to insert the following articles, subject to approval as to form by Town Counsel:*

*Article 18. Accept MGL C 59, §2A9(a) to Add New Growth Properties to Tax Base Six Months Earlier.*

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

*Article 20. Massachusetts Highway Department Chapter 90 Funds for Road and Sidewalk Construction and Repairs.*

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

*Article 21. Capital Improvement Electronic Parking Meters. (Change Station to Department).*

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

**Article 23. *FY2003 Budget Adjustments.***

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

**Article 24. *Use of Old Article Balances to Reduce FY 2003 Property Tax.***

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

**Article 25. *Use of Free Cash to Reduce FY 2003 Property Tax***

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

**- ANNUAL TOWN MEETING -**

**MOTION BY: *Move that the Board of Selectmen vote to insert the following articles, subject to approval as to form by Town Counsel.***

**Article 1. *To Hear Town Reports.***

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

**Article 3. *FY 2004 Enterprise Funds.***

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

**Article 4. *FY 2004 Capital Improvements Program***

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

**Article 5. *FY 2004 Revolving Accounts.***

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

**Disclosure statement by Richard Olson - Cape End Manor**

I have a relative (my aunt) who resides at the Cape End Manor. My disclosure form is on file in the Town Clerks Office."

**Article 6. *Amendments to Personnel By-Law / (Cassifications and Compensation Plan.***

**Motion by: Michele Couture      Seconded: Richard Olson  
Yea 3   Nay 0   Abstain I (Cheryl Andrews)**

**Article 7. *General By-law Amendment §4-1-1 - Annual Town Meeting Start Time.***

**Motion by: Michele Couture      Seconded by: Sarah Peake  
Yea 3   Nay 1 (Michele Couture)**

**Article 13. *General By-law Amendment: No camping from 8 p.m. to 8 a.m.***

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

**Article 16. *Authorize Ten-to Twenty-Year Leases for Wireless Telecommunications Facilities at Water Tanks and Wastewater Treatment Plant Site.***

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

**Article 23. *FY2004 Human Services Grant Program***

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

**Article 25. *Apply Shuttle Funds to Reduce the FY 2004 Tax Rate.***

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

**Article 26. Use of Stabilization Fund to Reduce the FY2004 Tax Levy.**

**Motion by: Michele Couture**

**Seconded by: Rkhard Olson**

**Yea 4 Nay 0**

**Article 27. Use of Parking Fund to Reduce the FY 2004 Tax Levy.**

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 4 Nay 0**

**MOTION: Move that the Board of Selectmen vote to schedule a special meeting for Monday, March 3, 2003 at 6 p.m. to complete action on inserting articles in the warrant**

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 4 Nay 0**

**1B APRIL 7, 2003 ANNUAL & SPECIAL TOWN MEETINGS**

COP Dogs, Noise By-Law Amendments

**MOTION: Move that the Board of Selectmen vote to table the following articles until the March 10, 2003 meeting:**

**(A) To replace §13-2-7, Restraint of Animals, in its entirety with a new §13-2-7, Dogs; and/or**

**(B) To amend §13-2-7, Restraint of Animals, by adding a new §13-2-7-a. Dogs in specific off-leash areas;**

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 4 Nay 0**

**MOTION: Move that the Board of Selectmen vote to insert on the warrant for the April 7, 2003 Annual Town Meeting the following article to amend the General By-laws:**

**To amend §13-2-6 Excessive musical and other noise, by adding a new section 13-2-6-4, Waivers.**

**Motion by: Michele Couture**

**Seconded by: Sarah Peake**

**Yea 4 Nay 0**

**1C APRIL 7, 2003 ANNUAL & SPECIAL TOWN MEETINGS**

Provincetown Housing Authority: Land Exchange - Surplus Parcel C

Cheryl Andrews left the room due to conflict of interest. (Owns 86 Harry Kemp Way abutter to abutter.)

**MOTION: Move that the Board of Selectmen vote to insert on the warrant for the April 7, 2003 Annual Town Meeting an article proposed by the Provincetown Housing Authority to seek to obtain the 4.49-acre surplus Parcel C behind 44 Harry Kemp Way from the Commonwealth for affordable housing purposes, in exchange for conveying an equal number of acres to the Commonwealth from the 40-acre parcel of Town-owned conservation property which abuts the 64 acres along Route 6 owned by Fisheries & Wildlife.**

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 2 Nay 1 (Sarah Peake)**

Cheryl Andrews returned.

**1D APRIL 7, 2003 ANNUAL & SPECIAL TOWN MEETINGS**

FY 2004 Budget Amendments

**MOTION: Move that the Board of Selectmen vote to amend its operating budget request for Fiscal Year 2004 (a) by reducing the 910 Retirement/Benefits/Insurance budget by \$20,000; reducing the Group Health line item from \$2,198,577 to \$2,178,577; and the 910 budget from \$3,800,629 to \$3,780,629; and (b) by increasing the 423 Snow & Ice budget from \$54,451 to \$57,317.**

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 4 Nay 0**

**MOTION: Move that the Board of Selectmen vote to amend its Capital Improvement Program for FY 2004 by deleting the \$619,000 project for Town Hall Stairs and Windows.**

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 4 Nay 0**

**3. PUBLIC STATEMENTS**

**Peter Sousa** -Thinking about the land swap with the Fish & Wildlife - sounded like a good idea but we should not have to give anything to the state. We should go back and get Site Y. I would like to see the Town take a little more responsibility, we've just dropped the ball. It is too important to us. They also allow hunting at this property as well. It's time to end it. Should not allow dogs to run unleashed, especially Clapps Pond area. We have very little wild land left - even the beach areas. I'm asking you, "Let's go after Site Y", let's start doing things right again.

**Acting Chairman Andrews** - As we are ahead of schedule and the Pubic Hearing on Parking Permit and Parking Meter Fee Increases is scheduled for 7:00 p.m., I will entertain a motion to move on to Public Statements at this time.

**MOTION:** *Move that the Board of Selectmen vote to schedule Agenda Item 2 to a time so indicated by the Acting Chairman.*

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

#### 4.      **SELECTMEN'S STATEMENTS**

**Michele Couture**

**MOTION:** *Move that the Board of Selectmen vote to send a letter to the Department of Public Works Staff a letter of commendation, saying what an incredible good job they did on Monday and Tuesday during the blizzard and all the clean up they did thereafter.*

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

**MOTION:** *Move that the Board of Selectmen vote to send a letter to the Superintendent Maria Burks of the Cape Cod National Seashore advising her that we are not revising our position on pheasant stocking.*

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

Letter from Chris Snow re: discontinuance of High Pole Hill Road. Keith - Jean McKnight is in conversation with Attorney Snow; we think there is some miscommunication.

Update on 16 Thistlemore Road - Jon Gilmore: The abutters know what their rights are. Another piece of it is, at the request of Town Counsel, the Building Commissioner and the Zoning Enforcement Officer put together a chronology of the communications back and forth with the 16 Thistlemore abutters so that all the actions that have been taken and counter actions are tabulated ???? in some fashion. The next item agenda, if you want to call it that, is another meeting of the abutters.

Keith: Procedurally they haven't lost their rights. Once of the concerns was, "did the failure to respond and fourteen days elapses, does that mean they lost their right to appeal?" The answer is 'no'.

Rumor that the A & P is closing - especially the pharmacy - Mr. Gilmore call the A & P Corporate Headquarters and nothing is going to happen until something happens. Jon - Nobody at Corporate Headquarters is prepared to talk with us while they are in the process of negotiating the sale of the property. When the property is under agreement, then presumably we will find out a little bit more about it.

**MOTION:** *Move that the Board of Selectmen vote to send a letter to A&P Corporate Headquarters advising them that we have grave concerns of their discontinuance of their store and pharmacy services in Provincetown.*

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

Encroachment at Bas Relief - any follow-up on that report? Keith - We did get a report two weeks ago from which we've taken no action and should schedule an agenda item. The action that was recommended was to send a letter to Ms. Brook that the encroachment be cured.

**MOTION:** *Move that the Board of Selectmen vote to return to Agenda Item #2 and then continue with Selectmen's Statements.*

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 4 Nay 0**

**2. PUBLIC HEARING**

Fee Increases for Parking Permits and Parking Meters

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

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 4 Nay 0**

Question from Public / Comments In Favor

Why is the age 59 designated as the age for seniors to get free stickers?

Public Comments Against

Peter Sousa - Anyone living in Provincetown for 59 years deserves to have a free permit to park. \$1.00 /hr for parking meters is outrageous.

Board of Selectmen Comments

Michele Couture - I think it's the best deal in town.

Sarah Peake - I just hope that our parking meters have people parking at them that are indeed putting quarters in them and paying a \$1 an hour and not filled with people who have bought their stickers and dead parking ... that is an issue for another day.

Cheryl Andrews - Thank you for raising that issue. I was concerned that we were raising some of the rates on some of the older folks - and we're actually giving them free stickers.

***MOTION: Move that the Board of Selectmen vote Pursuant to Chapter 6-1-1 of the Provincetown Parking & Traffic Regulations, to adopt the following fee increases to Town of Provincetown Parking Permits:***

***Parking Permit Type Current Proposed***

**Resident Passenger \$40 \$50**

**Commercial Resident \$125 \$135**

**Non Resident Property Owner \$75 \$90**

**Non Resident \$225 \$250**

**Non Resident Grace Hall Only \$150 \$175**

**Non Resident Jerome Smith Only \$75 \$100**

**Non Resident Jerome Smith Camper \$150 \$250**

**Replacement Fee \$5 \$10**

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 4 Nay 0**

***MOTION: Move that the Board of Selectmen vote pursuant to Chapter 5-3-1 of the Town of Provincetown Parking & Traffic Regulations, to raise parking meter rates at all Town meters to \$1.00 per hour. This increase will become effective with the installation of new electronic parking meters.***

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 4 Nay 0**

Acting Chairman Andrews - Noticed that a couple of unfamiliar faces and wanted to mentioned that our schedule this evening got a little bit twisted. We closed Public Statements but if there is anyone here, being that it is roughly 7 p.m. and you wanted to speak under Public Statements, I will take those statements now. Is there anyone here that wanted to speak to us under Public Statements? *No response from audience.*

***MOTION: Move that the Board of Selectmen vote to continue with Selectmen's Statements.***

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 4 Nay 0**

**Richard Olson**

Know that our spirits and prayers and thoughts are with Mary-Jo's husband Duane who had surgery this

morning.

***MOTION: Move that the Board of Selectmen vote to send Duane Steele a get well card.***

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

Compliment Town Staff - (in light of the West Warwick fire) for getting right on the subject of what we need to look at in enforcement for our community in our business establishments. One of the things that have never been mentioned in any of these discussions of sprinklers and so forth is regular mandate of fire drills. I really wish our public safety official would think of that as well as individual owners of establishments who might just want to do it for their peace of mind. Keith - We'll raise that suggestion at our meeting, in this room, this Friday morning.

Rosalyn Garfield - Commend her on eighteen years of absolutely spectacular service.

Town meeting procedures - Drafted proposed amendment for our Town Charter with respect to town meeting procedures to giving us a little more time to gear up and get a more helpful report into people's hands ahead of town meeting. I want to thank Keith Bergman for your analysis of that and hope that we can discuss it next week.

Articles for raising money for Affordable Housing - I remember that there was a proposal from the task force for legislation that would allow us to tax rentals for less than ninety days; condos, private homes and so forth. Keith - It is not meant as a Home Rule Petition just from Provincetown. Senator O'Leary has filed it as an amendment to the General Laws, which, if it passes, will take affect for all communities.

Letter from Bruce Tarvers - re: replacement of the anchor in Lopes Square.

***MOTION: Move that the Board of Selectmen vote to send a letter of acknowledgement to Flyer Santos for recreating the wooden cross stock for the restoration of the anchor at Lopes Square.***

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

***MOTION: Move that the Board of Selectmen vote to send a letter informing the Massachusetts Water Resource Authority (MWRA), Boston, MA and the Massachusetts and federal environmental agencies that it considers the monitoring program required by the National Pollutant and Discharge Elimination System (NPDES) permit and the associated contingency plan to be essential in tracking the ecosystem of Cape Cod Bay. Further, we find it essential that cost-cutting measures not be employed to the detriment of scientific monitoring of this valuable resource.***

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

**Sarah Peake** - Same one as previous motion - letter from the Town of Barnstable re: MWRA.

### **Cheryl Andrews**

16 Thistlemore - I decided to wait on commenting on this matter before only because I want to be clear at what I am getting at. Every now and then a certain issue comes up where staff spends a fair amount of time on it. Sometimes we know about it and sometimes we don't. How is the message getting from upstairs to downstairs that this much time is getting put on this issue? I guess I am looking from my colleagues for some clarity, for staff, now at this point on this issue. Because it is certainly one we've talked about at our meetings but in my mind the two major questions we have asked have been answered; to the extent that CDD should still get involved in on-going discussions between abutters and the owner of the property or abutters and the town - how long any of this is going to continue is getting to be a concern of mine. On one hand downstairs is open to person that want to walk in the door - but to a certain extent staff receives its direction from us. My concern is, as I said, there were two issue we asked - which have been addressed. 1) We asked for a subsequent inspection to see if staff was in agreement as to whether or not things have been done according to the book and we got an answer back, which was yes. And 2) the second question we asked more recently was the attorneys for the abutters had sent in a complaint and the question was that complaint answered - and now we an have answer to that question. Since those two questions have been answered, my personal feeling, and I've said this before when we've talked about abutters and how they should be dealt with downstairs - I agree with my colleagues that we should disseminate information well

but the questions is “at what point now does this stop being an issue for downstairs and go back to business, which is hearing applications or dealing with appeals as opposed to mediation. That is my question to my colleagues - are we giving a clear message to staff now in terms of how much effort is being put into that issue still.

Michele - Every now and then there’s the unusual case that comes that somehow, because people feel so aggrieved in certain instances because the process really hits a snag - and this seemed to. Fortunately, not all cases are like this and I think every now and then you get something that comes up that because of circumstances - because the Building Commissioner wasn’t well for a period of time; because someone didn’t sign a building request. I was at the ZBA meeting when this happened and the Chairman said he could not hear the case because it was not signed. The abutters were all there as well as their attorney and someone could have told them - it seems that the ball was dropped. From that point on that is when things started getting screwed up. These people thought that they had done what they were supposed to do. There was a procedural mishap and that somehow if it had been caught or if there had been different circumstances then things could have happened differently, but as it turns out that sort of started the process of them feeling aggrieved.

Cheryl - I guess my perception of the situation is different. What I heard was a lot of angry neighbors about what they saw. While the process did not help that someone was out sick and they did not get answered as timely as they would have preferred, the reality is that the construction is done. It has taken place and that is their persistent source of irritation.

Michele - I think the Building Inspector being sick just compounded yet another thing that happened. They had filed a complaint and somehow it didn’t get addressed in a prompt manner. The whole building was completed - this whole thing has gone on for over a year - it just seems like that, at some point, there was a disconnect between downstairs.

Cheryl - My question is, “how long is the town to stay involved with what? What is it that we’re asking staff to do? What is it we’re asking staff to do at this point?”

Michele - I say at this instance, now the abutters are going to be properly heard and to me, as far as I am concerned, it’s up to the Zoning Board. The Board of Selectmen can step back now and say OK, now the people are going to be heard - which this is what they wanted in the first place. They may not get the answers that they want but as far as I am concerned they are getting the hearings that they feel that they were entitled to in the first place. The building is already built so it’s a little beside the point - but as far as getting the hearing.

Cheryl - When you say the hearing - you don’t mean before the Zoning Board? Michele - I do.

Cheryl - Ok, then that is not what I am talking about. Certainly anyone that wants to apply to go before a board can. I’m talking about the staff - and ongoing negotiations and you know, passing over this project.

Michele - Because they were denied this right - because of a flaw in the application it is still going to go back to staff, in-as-much-as had this problem been addressed in the first place, and I am certainly not pointing the finger at anybody - had it been seen in the first place by staff it would not have been getting kicked back to staff because it did not seem like it was being properly addressed.

Cheryl - But we are clear now that if they want to go before Zoning they understand how to do it?

Michele - Right. It just seemed like it was just this big huge mess of someone not having a piece of paper that was in the right place. And that kept getting kicked back to Mr. Gilmore who just came on the job and to Warren.

Cheryl - And I wonder how long this is going to continue?

Michele - Now I suspect it is not.

Sarah - I think it is done now. We’ve given them a satisfactory answer. By satisfactory I don’t mean one that they may be satisfied with the actual substance of it but it is an answer that addresses their questions, it’s been researched and it has been well thought out. Getting to Cheryl’s question as to what is our responsibility or what is staff’s responsibility to respond to concerns like this. I am of the general opinion to let people do their jobs as much as possible. Fortunately or unfortunately there are times that one or all of us get calls from people and things come to our attention and we get drawn into things and have to maybe, sometimes, ask questions that for whatever reason the citizen or constituent doesn’t or can’t ask on their own and I think it’s certainly a very appropriate role for us either individually or as a board to engage in.

Where I want to draw the line is not to go beyond fact finding. I certainly don't think we have an obligation to advise people what their rights of appeal are, whether they need to hire a lawyer, who a good lawyer might be - any of those kinds of things. Where we can be of assistance is in fact finding - or of assistance in just being a conduit of information. - I am very comfortable with that.

Michele - For me it is once the process is served. Once I find out the process is served then it is out of my hands.

Cheryl - So, the message we're giving them is that 1) we'd like the process tightened up and 2) that the end of the line is when they're done with the fact finding

Public Safety - Keith you mentioned over-crowding - I am glad and I am sure our citizens appreciate a rededication to that issue.

**MOTION:** *Move that the Board of Selectmen vote to, as a matter of policy, to support the Fire Chief in his determination not to allow indoor pyrotechnics in the Town of Provincetown.*

**Motion by:** Cheryl Andrews                      **Seconded by:** Michele Couture                      Yea 4    Nay 0

Chapter 70 Working Group (Equity & Funding) - The reality of times have changed. The towns are now fighting for their lives. In terms of what their needs are has changed. In terms of its impact on Provincetown what we'll be watching is if they do change the formula it is not one that hurts Provincetown. The one that has been circulated by Sandwich would - I think it is the target share proposal that they put forward. I am not going to be going to all their meetings anymore. I'm on their mailing list and at this point I will keep an eye on anything that could reduce funds to Provincetown.

Michele Couture left the table.

**5A            BOARD OF HEALTH**

Accept Stockpiling of Thyroid-Blocking Agents

**MOTION:** *Move that the Board of Selectmen, as the governing body for the Town of Provincetown, vote pursuant to MGL C.111, §5K, paragraph G, as added by Chapter 425 of the Acts of 2002, An Act Relative to Nuclear Power Plants, to accept the stockpiling of thyroid-blocking agents (potassium iodide) from the Massachusetts Department of Public Health, as requested by the Provincetown Board of Health.*

**Motion by:** Cheryl Andrews                      **Seconded by:** Richard Olson                      Yea 3    Nay 0

Michele Couture returned

**5B            GROWTH MANAGEMENT**

Refer Proposed Zoning Amendments to Planning Board

**MOTION:** *Move that the Board of Selectmen vote to ask staff for a compilation of data and studies on beach nourishment and erosion.*

**Motion by:** Cheryl Andrews                      **Seconded by:** Sarah Peake                      Yea 4    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to refer to the Planning Board, pursuant to MGL C.40A, §5, the following proposed zoning amendments relative to growth management: Article F. Amendments to §6500 and Article G. Amendments to §6600.*

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

**MOTION:** *Move that the Board of Selectmen vote to take Agenda Item 6C out of order.*

**Motion by:** Michele Couture                      **Seconded by:** Richard Olson  
Yea 3    Nay 0    Abstain 1 (Cheryl Andrews)

Cheryl Andrews left the room due to a conflict of interest. (Her father is a resident at CEM.)

Disclosure statement by Richard Olson - Cape End Manor

“I have a relative (my Aunt) who resides at the Cape End Manor. My disclosure form is on file in the Town Clerks Office.”

**6C**      **CAPE END MANOR BUILDING REPAIRS**

Bay State Contracting Co., Inc.: Change Order 3-\$1,524

***MOTION: Move that the Board of Selectmen vote to approve Change Order No. 3 in the amount of \$1,524 to the construction contract with Bay State Contracting of North Pembroke, Massachusetts for repairs to the Cape End Manor building at 100 Alden Street.***

**Motion by: Sarah Peake      Seconded by: Richard Olson      Yea 3    Nay 0**

Cheryl Andrews returned

**5C**      **REUSE OF FREEMAN STREET BUILDING**

Process and Other Considerations

Discussion ensued. Get an opinion letter from Town Counsel - deed restrictions removed?  
No motions made.

**6A**      **AGREEMENT FOR GROUP HEALTH INSURANCE**

Provincetown Public Pier Corporation Employees

***MOTION: Move that the Board of Selectmen pursuant to Section 5(c) of Chapter 13 of the Acts of 2000 to execute an agreement with the Provincetown Public Pier Corporation providing that its employees shall be allowed to participate in employee insurance, retirement or other group benefit programs offered to Town employees upon the same terms and conditions offered to Town employees, except that the employer's share shall be paid by the Pier Corporation.***

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

Sarah Peake left the room due to conflict as an abuter to the new Library site.

**6B**      **ESTATE OF JOHN ARTHUR HENRY**

Proposed Disposition of Bequest

***MOTION: Move that the Board of Selectmen vote to instruct the Town Manager to establish a task force to provide input to the Board of Selectmen on finalizing a decision for the distribution and use of the Estate of John Arthur Henry.***

**Motion by: Michele Couture      Seconded by: Richard Olson      Yea 3    Nay 0**

Sarah Peake returned.

**8.**      **MINUTES OF BOARD OF SELECTMEN MEETINGS**

**MOTION: Move that the Board of Selectmen vote to approve the minutes of:  
*January 27, 2003 (Reg. Mtg.) with changes so noted. (All Present)***

**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:**

***January 29, 2003*** (Budget Mtg.) *as printed.* (All Present)

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

**MOTION: Move that the Board of Selectmen vote to approve the minutes of:**

***February 10, 2003*** (Reg. Mtg.) *with changes so noted.* (All Present)

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

**9.      CLOSING STATEMENTS**

**Michele Couture** - Will not be here March 3<sup>rd</sup>. I am not requesting a change in the Dog Bylaw.

**Richard Olson** - None - except I think we had a very productive meeting.

**Sarah Peake** - None - I agree with Richard Olson.

**Cheryl Andrews** - If you have anything for Vernon's evaluation make sure I get it, ideally within the next day or so. I haven't had a chance to talk with Mary-Jo Avellar on this, but what I would suggest you do on Mr. Bergman's mid-year is, if you wish - what we've done in the past years is to ask Keith to go through the subject headings and divide them up himself. This year we did not do this. What I 'm thinking is do two things: 1) go through the document if you want but I think the major point of it is - if you would, in English - don't worry so much about numbers, tell me how you feel. Write down how your feel. What do you like? What do you hate? What would you like to see us work on - give us some feedback. Ultimately in the end when it comes down to his evaluation it will be a majority situation - in other words we vote and decide as a board. When Mary-Jo gets back we will sit down and collate it and digest it.

**Michele Couture** - I have a question about Vernon's evaluation. It seems that it is the same crappy form we had last year. I thought we were going to revise that and do it again? **Cheryl** - You're going to have to talk to the Chair about how you want to cope with that. For me personally, I refused to fill that out in the past because I felt like Betty worked with Vernon so closely that it was sort of ridiculous. I could write a little note about this or that or give input to her but I refused to participate. If you guys want a form, Vernon talked about making revisions that the Human Resource Committee suggested. **Vernon** - I did make the revisions suggested by the HRC. **Michele** - I still don't like the structure of this form. I'll do this one but I don't like it. **Cheryl** - For this one, mid-year, write down whatever you want - that will go to Mary-Jo and you can talk to her about the annual review.

Motion to adjourn by Sarah Peake at 8:30 p.m.

**Minutes transcribed by: Vernon Porter, Secretary**  
March 6, 2003