

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, APRIL 14, 2003

JUDGE WELSH HEARING ROOM

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

Board of Selectmen members: Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson (Chairman Mary-Jo Avellar arrived at 9:00 pm)

Other attendees: Town Manager Keith Bergman

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A CAPE & ISLAND EMERGENCY MEDICAL SERVICES

HEARTSafe Community Designation.

MOTION: *Move that the Board of Selectmen vote to accept a certificate and road signage to be presented to the Town of Provincetown by the Cape & Island Emergency Medical Services in honor of the town's participation in the Commonwealth of Massachusetts Department of Health and the American Heart Association "HeartSafe Community Program*

Motion by: Cheryl Andrews Seconded by: Richard Olson Yea 4 Nay 0

1B FY 2003 TOWN-WIDE POLICY GOALS

Quarterly Update from Goal Team Leaders

Affordable Housing Team

1.1 - Affordable Year-round Rental Housing

MOTION: *Move that the Board of Selectmen vote to submit a request to DHCD Director Jane Wallis Gumble for additional funds up to \$49,000 for the affordable housing project at 40A Nelson Ave., \$24,000 of which could be reallocation with the HDSP grant.*

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

1.5 Affordable Housing Task Force

Town Manager to draft a memo on what the process is for the Affordable Housing task Force.

Cheryl Andrews left the room.

Cape End Manor Team

2.1 Cape end Manor Care Campus

MOTION: *Move that the Board of Selectmen request the Town Manager to arrange a meeting with the Truro Board of Selectmen to discuss the Cape End Manor Care Campus.*

**Motion by: Sarah Peake Seconded by: Richard Olson
Yea 2 Nay 1 (Michele Couture)**

MOTION: *Move that the Board of Selectmen vote to schedule a special joint meeting with the Board of Selectmen and the CEM Board of Directors for Tuesday, April 29, 2003 re: CEM Options.*

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

Cheryl Andrews returned

Community Development Team

9.2 Update Zoning By-laws. Keep this item on as a future agenda item

Community Policing - No motions made.

Cultural Resources Team - No motions made.

Facility Reuse Team

8.3 Dog Run. Keep this on the table. Also reuse of Town properties - Jon Gilmore to keep an eye on reuse of buildings. (Former Fire Headquarters - High School Annex, etc.)

Finance & Administration Team

7.1 Fiscal Policy Plan - Carry over. and 7.6 Town Governance - Carry over.
Work with Finance Committee on both of these.

Human Resources Team - No motions made.

Municipal Facilities Team - No motions made.

Public Works Team - No motions made.

2. PUBLIC STATEMENTS

James McGowan - Access to Public Records - Why is town non-responsive to his request for public record and information as it relates to both the sewer project and MacMillan Pier project. Starting in October 2002 he asked Mark Latour if he could review the entire operation of the sewer project relating to its contracts, work change orders, bill paying, etc. and as of this date he has not been given the opportunity to look at anything. Also asked review the records of the town pier and those have not been made available. Relative to the contract that was bid out for the sewer project - the contract was awarded based on the RFP - and as connectors to the sewer we were told that the contractor would go seventy feet on to the persons property and they will make the connections and all of this will take place at no expense up to five feet from the foundation. Much has changed since then. But if the contractor bid, based on those facts - he had a huge number of dollars built into his bid which should either come back to us - we were either going to be paying it or should be used for some other purpose rather than the two million we just floated. I've asked numerous contractors to give me opinions of digging and so forth for that 70 feet from the central line - and it shows on everybody's drawings at the same house that that is what they were going to do - the first set of drawings. Since then it has changed drastically. People are having to do much more than what they were originally obligated to do - or told they would have to do. I'd like to see the change orders that have been created relative to this sewer project. I believe that if we look at these dollars that were involved in all these change orders that have taken place that we may since then, we may have many millions of dollars in savings that should be coming back to us.

Digging during July and August in Provincetown - 60 low flow connects. How many sidewalks will be opened? This will require Police detail. We were originally told there would be no work done in July and August. Water & Sewer Board have been writing new regulations lately - one of which includes a \$4,000 penalty if you're not prepared to hook up to the sewer at the time you supposed to hook plus a \$50 a day fine. As of last Saturday, there were inadequate amount of contractors to do the work necessary. So if you cannot find someone to do the work you are penalized. We never knew about this when this was presented to the town and when it was voted on.

Problems with financing because of liens put on the properties. Documents say that the liens do not have to be put on until after the connections have been made to the sewer project - we've jumped the gun.

Bid process - want to review all the contracts for bids. Want to know how many contracts within the town are awarded without the public bid process over \$25K.

Pier - not in compliance with court order. Never has been informed on anything to do with the pier. a) Informed that another mechanical lift will be put on the bulkhead at the pier. b) Handicapped ramp outside the Surf Club - never saw a draw - were supposed to be informed and allowed to participate. Hasn't happened.

21 Acres issue on Route 6 - Before we give it to the Fish & Wildlife people we should give it to community that needs it desperately for housing - both for the elderly and the affordable market.

Margaret Bergman (Housing Authority) - Wanted to comment on an earlier comment made by one of the Selectmen about the Community Oriented Policing. Cannot understand why some of the Board members don't understand what affordable housing is and how important it is to our community. Housing Authority feels abandoned by the Board of Selectmen and that three of their initiatives were flip-flopped voted on. Feels that PHA & LHP and the Board of Selectmen all have to work together. Need the full wholehearted supported of the Selectmen on this issue.

3. SELECTMEN'S STATEMENTS

Michele Couture

MOTION: Move that the Board of Selectmen vote to ask staff their thoughts on a naming contest for the new Skateboard Park.

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

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to staff for their hard work for town meeting.

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

Meeting was held at the DPW on Saturday regarding the sewer. Can we get a synopsis of this meeting? Keith - it was an excellent meeting and we'll get you something on this.

Update on contaminated soil - Freeman Street. - David Guertin -

Email - Film Festival at Wellfleet Drive-In - Michelle Jarusiewicz gave an explanation of this project.

Email from Sheila LaMontague re: Harbor Regulation changes. Keith - Vernon has already prepared the appropriate public hearing notice and the ad has been place.

MOTION: *Move that the Board of Selectmen vote to send a thank you note to Paul Jahnig thanking him for sending the "Citizen Forest" newsletter to the Board via email.*

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

Richard Olson

MOTION: *Move that the Board of Selectmen vote to send a note of condolence to David Atkinson on the passing of his mother (Mabel Atkinson).*

Motion by: Richard Olson **Seconded by:** Sarah Peake **Yea 4 Nay 0**

Aunt Louise passed away last Wednesday at the Manor. My special thanks to the staff and administration of the Manor for the loving care my Aunt Louise received and I want to state for the record that I am terribly proud that this town sustains and supports the Cape End Manor.

Affordable Housing - My ear is very much at the services of and very much utilized by people who are desperately in need of affordable housing. So please do not feel that there is any wall between us and the

people who are very much in need and that you are providing your good services and advocacy for.

MOTION: Move that the Board of Selectmen vote to send a note of thanks to PTV (Provincetown Television) on an excellent job well by the entire staff on their first Annual Town Meeting.

Motion by: Richard Olson Seconded by: Sarah Peake Yea 4 Nay 0
Sarah Peake

Gary Reinhardt's memo re: Pushcarts - Zoning By-law amendment - Refer to Community Development Department

MOTION: Move that the Board of Selectmen vote to send a note to Chairman of the Zoning Board of Appeals Gary Reinhardt in response to his letter on Push Carts advising him that the matter has been referred to the Department of Community Development and that this matter will be on the Board of Selectmen's agenda for April 28, 2003.

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

Affordable Housing - Come back in fall Town Meeting with at least some preliminary workable solutions. Couldn't agree with Mrs. Bergman more that in order for this to succeed it has to have the full support of the Board of Selectmen.

Cheryl Andrews

Article in Banner - re: A & P Septic system - specifically says that the Health Dept. is not providing pumping data to the Board like it use to and instead is working on some kind of honor system. If there is any validity to this - I am appalled. I would like a response from the Health Agent or the Health Inspector or the County. There are two issues: 1) is that factually accurate 2) direct plans to change it immediately.

Second issue is that the article went on to imply that perhaps our town government was now thinking that this particular locations should qualify for sewer hookup. Again, I was absolutely beside myself. I would like comments from Public Works as to whether or not this property is being considered for hookup.

To Keith - I would like to amend my request of the Health Department. Would you ask them that when they meet with the A & P and make a decision as to how they are going to deal with this, in essence - failed system, what the answer is - maintenance, change to the system or whatever, please carbon copy the Board of Selectmen on it and if there's no decision on a permanent one then at least let us know what the intermediate one is.

In response to Mr. McGowan - 1) On written request to the Town for information would you carbon copy the Board of Selectmen. 2) Mr. Guertin could specifically respond to his comment on the way we are handling the 70 ft. - drop us an email.

Mrs. Bergman on your comments about the Housing Authority - I may not always agree with an approach the Housing Authority will take but I do support the concept of Affordable Housing. I support it very strongly at all levels and support it as a goal of the Board. The Board of Selectmen did not abandon you - the Board of Selectmen reflected a lot of concerns the town had and the town was not ready to buy under one particular approach. This will stay on the front burner.

Evaluation of Town Manager - by the end of the month.

MOTION: Move to take Agenda Action Items 6A and 6B out of order.

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

6A TREASURER'S TRANSFER Beautification Gift Fund

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Beautification Gift Fund to

approve the transfer of \$837.00 from the Beautification Gift Fund for the payment of an invoice.

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

6B REVENUE ANTICIPATION NOTE #1016

MOTION: *Move that the Board of Selectmen vote to issue a Revenue Anticipation Note #1016 in the amount of \$1,000,000.00 dated April 17, 2003 at 1.40% interest payable at maturity to Cape Cod Bank and Trust on June 17, 2003.*

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

MOTION: *Move to take Agenda Action Items 4B and 4C out of order.*

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

4B COUNCIL ON AGING

Submit Executive Office of Elder Affairs FY 2004 Formula Grant

MOTION: *Move that the Board of Selectmen vote to submit a grant application for \$2,880 to the Executive Office of Elder Affairs for a FY 2004 Formula Grant for staff education and raining, and outreach services.*

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

Sarah Peake left the room.

4C BOARD OF LIBRARY TRUSTEES

MBLC Grant Extension for Library Construction Project: \$1.87-million

MOTION: *Move that the Board of Selectmen vote to approve an extension from June 30, 2003 to June 30, 2004 of the grant agreement in the amount of \$1,878,456 from the Massachusetts Board of Library Commissioners under its Massachusetts Public Library Construction program for the reconstruction of the Heritage Museum as the Provincetown Public Library.*

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

Sarah Peake returned.

MOTION: *Move to take Agenda Action Items 4D, 4E1 and 4E2 out of order.*

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

4D PARKING ADMINISTRATOR

Support for Outer Cape Transportation Efforts, Funding

MOTION: *Move that the Board of Selectmen vote to authorize the Chairman to sign a resolution from Outer Cape Boards of Selectmen supporting efforts to develop public transportation for Cape Cod, in particular the extension of the existing service between Provincetown and Truro to Orleans and local routes that would connect this service to the Outer Cape town activity centers; and to request state and federal funding to support this effort.*

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

4E1 PARADE PERMIT REQUEST

Provincetown Business Guild Annual Carnival Parade

MOTION: *Move that the Board of Selectmen vote to approve Parade application submitted by Robert Tosner, Director of the Provincetown Business Guild for the purpose of holding their Annual Carnival Parade to be held on Thursday, August 21, 2003 from 5:00 pm to 7:00 pm with a rain date of August 22,*

2003.

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

4E2 PARADE PERMIT REQUEST

Celebration Of Flag Day For America

MOTION: Move that the Board of Selectmen vote to approve Parade application submitted by David Burbank of 265 Commercial St., Provincetown for the purpose of holding a "Celebration of Flag Day For America" to be held on Saturday, June 14, 2003 from 11 am to 12:30 pm with no rain date scheduled - with the condition that the time change is approved by Staff.

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

Mary-Jo Avellar arrived at 9:00 pm.

4A1 VISITOR SERVICES BOARD - FY 2004 TOURISM FUND

Approval of Promotional Projects

MOTION: Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following promotional projects as recommended by the Visitor Services Board:

(1) \$2,000 – 3rd Monumental Yard Sale; (2) \$3,000 - Commitment Weekend; (4) \$7,000 – 2nd Annual Schooner Race; (5) \$5,000 – Holly Folly; (6) \$15,000 – Fall/Spring Arts Festivals; (7) \$1,500 – By the Sea Bike Trek; (8) \$4,000 – Halloween Weekend; (9) \$4,000 – Single Men’s Weekend; (10) \$6,000 – CabaretFest!; (11) \$1,000 – PAAM Craft Fair; (12) \$2,000 – Swim for Life; (13) \$2,000 – Sunday at 5 Concert Series; (14) \$20,000 – Provincetown Film Festival; (15) \$10,000 – Spring/Fall Playwrights’ Festivals and Holiday Musical; (16) \$750 – Names AIDS Quilt Project; (17) \$3,000 – Portuguese Festival 2004; (18) \$1,500 – Outer Cape Chorale; for a total of \$90,250.

Motion by: Cheryl Andrews Seconded by: Richard Olson Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following promotional projects as recommended by the Visitor Services Board: (3) \$2,500 – Mates Leather Weekend.

Motion by: Cheryl Andrews Seconded by: Sarah Peake
Yea 4 Nay 1 (Michele Couture)

4A2 VISITOR SERVICES BOARD - FY 2003 TOURISM FUND

Approval of Promotional Projects

MOTION: Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following promotional projects as recommended by the Visitor Services Board: (1) \$500 – Year-Rounders Festival; (2) \$2,000 - Portuguese Festival; (3) \$2,000 – Spring Arts Showcase.

Motion by: Cheryl Andrews Seconded by: Richard Olson Yea 5 Nay 0

5A PUBLIC USE OF BAS RELIEF

Schedule Public Hearing on Proposed Amendments

Tabled to time uncertain.

5B TOWN MEETING RECAP

Tracking Sheet of Follow-Up Actions Required to Implement Votes

No motions made.

7. **MINUTES OF BOARD OF SELECTMEN MEETINGS**

MOTION: *Move that the Board of Selectmen approve the minutes of March 24, 2003* (Regular Mtg) *with changes so noted. (All Present).*

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

MOTION: *Move that the Board of Selectmen approve the minutes of April 7, 2003* (Town Meeting) *as printed. (All Present)*

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

MOTION: *Move that the Board of Selectmen approve the minutes of April 8, 2003* (Town Meeting) *as printed. (All Present)*

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

MOTION: *Move that the Board of Selectmen approve the minutes of April 9, 2003* (Town Meeting) *as printed. (All Present)*

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

8. **CLOSING STATEMENTS**

Cheryl Andrews

Town meeting was a blast this year - what I mean by that is that it was successful. A wonderful form of democracy and we got a lot done. Congratulations to our gadflies. Where would the process be without them - especially Barbara Rushmore, Stephen Melamed and Steve Roderick. They care about the town, they get up and ask a lot of hard questions; facilitated a lot of discussion and that is what town meeting is all about and I look forward hearing more from them in the future.

Michele Couture

Discussion on Parcel A - EOEA - 21 Acres.

Discussion over discomfort level - other board members along with the Chair, having meetings with Keith and the rest of the Boards members are not privy to the meeting. Also phone calls between Board members.

Richard Olson - None

Sarah Peake - None

Mary-Jo Avellar - None

Motion to adjourn by Michele Couture at 10:36 p.m.

Minutes transcribed by: Vernon Porter, Secretary
April 22, 2003