

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING – TUESDAY, MAY 27, 2003**

**JUDGE WELSH HEARING ROOM**

Chairman Mary-Jo Avellar opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Mary-Jo Avellar, Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson

Other attendees: Town Manager Keith Bergman

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

**1A PUBLIC HEARING; CURB CUTS**

68 Franklin Street (Assessor's Map 7-1-64)

***MOTION:*** *Move that the Board of Selectmen vote, pursuant to General By-laws Section 11-6-2, to approve the application of Barnett Adler and Joseph DeMartino to establish a curb cut for one vehicle on the Franklin Street side of 68 Franklin Street running 8 feet by 28 feet and located parallel to Franklin Street, as shown on a plan stamped by Felco and dated November 12, 2002; and to establish a curb cut for two vehicles on the Race Road side of 68 Franklin Street measuring 20 feet by 20 feet as shown on the same plan stamped by Felco and dated November 12, 2002, accompanying the application submitted on April 15, 2003.*

**Motion by:** Michele Couture                      **Seconded by:** Cheryl Andrews      Yea 5    Nay 1

**1B PUBLIC HEARING: BAS RELIEF**

Adopt Regulations for Use of Bas Relief

***MOTION:*** *Move that the Board of Selectmen vote to adopt regulations for the public use of the as Relief, as contained in the public hearing notice with the following amendment:*

*Under Application Costs - delete item number 4 and replace it with the following:*

- 4. Payment of the estimated costs of a Requested Use of the park is due no later than three weeks (21 days) prior to the scheduled date of the event(s). This includes pre-paying police details. Payment of any additional costs actually incurred shall be made upon notification from the Authorized Officer to the Responsible Agent.***

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

**1C PRESENTATION: MASSACHUSETTS ESTUARIES PROJECT**

Town of Provincetown Participation

***MOTION:*** *Move that the Board of Selectmen vote to table this agenda item to June 9, 2003 meeting.*

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

**1D1 WASTEWATER PROJECT UPDATE**

Construction Change Orders: summer Early Connection Program

***MOTION:*** *Move that the Board of Selectmen vote to approve Change Orders 4 for the sewer construction contract with Metcalf & Eddy in the amount of \$118,400 for electrical panels for grinder pumps to complete the hybrid collection system; and*

**Motion by:** Cheryl Andrews                      **Seconded by:** Michele Couture      Yea 5    Nay 0

***MOTION:*** *Move that the Board of Selectmen vote to approve Change Orders 5 for the sewer construction contract with Metcalf & Eddy in the amount of \$375,000 for ( a) homeowner connection changes for*

*\$360,000 and (b) Grace Gouveia Building Tie-in for \$15,000.*

**Motion by: Michele Couture**

**Seconded by: Cheryl Andrews**

**Yea 5 Nay 0**

**1D2      SEWER UPDATE: NSTAR**

Utility Installation for Central Vacuum Station

***MOTION:** Move that the Board of Selectmen vote, pursuant to MGL C.166, §22 to amend its vote of March 10, 2003 and approve the amended petition of NSTAR for electric service to the Central Vacuum Station (CVS) on Ryder Street Extension for Provincetown's wastewater system by allowing the placement of the transformer from the pole to a pad-mounted transformer; and to approve and execute an easement in connection therewith.*

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

**1D3      WATER UPDATE**

Collaboration with Truro's Water Resources Committee

Discussion ensued. No motions made.

**2.      PUBLIC STATEMENTS**

Jill Macara - asking Board of Selectmen if there is a way to get the Skateboard Park complete sooner than scheduled.

Barbara Rushmore - Gave special thanks to the following; parking Administrator Don Richards and his staff; DPW Deputy Director Sandra Turner and her staff, and a big thanks to the people who worked on the Sewer Project this winter - they did an excellent job.

John Burke - Thanks to Police Chief Meyer and Parking Administrator Don Richards for answering his email so swiftly and attending to his concerns. Thanks to DPW Director David Guertin for the new attendant (young lady) at the Transfer Station - everyone has been extremely helpful since the change. Also thanks to Town Manager Keith Bergman for his directions to his staff. And thanks to the Board of Selectmen for tabling item "C" on tonight's agenda.

Alix Ritchie - re: Agenda Item 4A (Airport Commission: Runway Project) on this evenings agenda. Proposals by Hatches Harbor Restoration Committee - Suggest that the FAA and the MAC should be requested to take a look at what is being proposed.

Adrian Burhoe - re: Sublease of Floatspace 6W. Due to a letter missing our applications was not completed in time for your agenda. The letter has now been received and working with your Secretary Vernon Porter, today, we were able to have it available for you tonight and asked that you consider it tonight. (Agenda item 4E)

**3.      SELECTMEN'S STATEMENTS**

**Sarah Peake**

Thank you Chief Meyer. We were visited by one of your officers who dropped off "Welcome to Provincetown Visitors" flyers (and I think written by the Chief). It is a terrific pamphlet and was distributed appropriately and the Police Officer was extremely helpful and it was received by myself and by our guest very positively. It was distributed appropriately by your officer who explained what the purpose of the flyer was and indicated that if we needed more we could get them from the Police Department.

To Keith - relative to the skateboard park and what the time issues are on that. Can you respond to Mrs. Macara on the issues she raised. Keith - Yes. Michele Couture - May I add something to that? My vision

on this is the 2<sup>nd</sup> week in July. To Keith - Can you work with David and Dennis to see what can be done. Keith - there is one issue to be resolved. David Guertin - Metcalf & Eddy said, "give us to about the first week in August and if need be, we'll relocate the equipment, at the Town's expense." Further discussion ensued. To David Guertin - obviously I don't want to do anything to jeopardize our \$19M contract but on the other hand to the extent that we can work with them and work with the people from the Recreation Commission, I would appreciate it.

***MOTION: Move that the Board of Selectmen establish a policy vote to express the Board's desire to see the Skateboard Park site as soon as possible and to have staff bring back the cost at our June 9, 2003 meeting.***

**Motion by: Michele Couture**

**Seconded by: Cheryl Andrews Yea 5 Nay 0**

### **Cheryl Andrews**

Police Dept. - First summer where I had people come up to me and take the time to mention the new summer officers. Don't know what that means except that it is different, it's notable and I want to pass it back to Staff.

Memorial Services - Want to thank everyone who was involved

Thank David Guertin - for the paving by our CVS (Central Vacuum System).

Guard Rails - out on Route 6. The decision to use wood instead of metal is much appreciated.

To Keith - can you coordinate the outreach on the question Ms. Ritchie had on Hatches Harbor Project.

### **Michele Couture**

To Chief Meyer - was wondering about the Towing Contract? Answer: Keep getting new request. Now I have the contracts for review. Working on deadline date for this ASAP.

Tree at Jerome Smith Parking Lot - Mr. Guertin - they are being replaced at our cost.

Email from Steve at the Erie House - re: sidewalk from the center of town on Bradford Street to the Provincetown Theatre. Keith - the initial inquiry was what would it cost to install a sidewalk and referred back to Sandy Turner and I think the cost was around \$219K. That is the information that was communicated back to him. Mary-Jo - That has never been a good place to walk on Bradford Street. Nothing has changed on that section of Bradford Street, since I was a little girl, except that there are more cars. If people want to walk to the new theatre they can walk straight down Commercial Street and then take a left on Anthony Street cross Bradford Street and minimize their risk of being hit by a car. I don't mean to minimize the problem or the seriousness of the letter that the gentleman wrote, but there just isn't room for a sidewalk on Bradford Street in that location.

### **Richard Olson**

Memo from Marilyn Monks - re: HeartSafe Program and the cost of \$3K per year. Keith - their memo said that they would be requesting funds through the VSB.

Buses parked at Pier - thought this was going to be temporary and not keep on through the season. David Guertin - in working with the Chamber we had the ability to restore the parking we have in front of the CVS. And through various emails we discussed the transition and it was determined that the Tourism Director would send out the necessary emails to say to the bus people - "Hey! It's Over." Let's do this - let's do that.

Historic District Commission - Now that we have this Commission are we going to start soliciting applicants. Keith - There are some At Large ones that can be included in our next advertisement, but we should send letters specifically to those entities, which make the nominations to you - and we will take care of that. Sarah - maybe the Historic District Study Committee could come up with some model questions or things we should look for in a qualified candidate; different points we should cover during our interview.

Statement - going to miss all of you while I am away for the next two weeks.

**MOTION:** *Move that the Board of Selectmen send a letter to the Eugene O'Neill Society encouraging them to come to Provincetown for their next convention.*

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

**Mary-Jo Avellar**

**MOTION:** *Move that the Board of Selectmen vote to send a letter to new r registered voters welcoming them the voter's role and send them a list of all the vacancies of Town Boards along with an application blank.*

**Motion by:** Mary-Jo Avellar                      **Seconded by:** Sarah Peake .. Yea 5   Nay 0

**4A1                      AIRPORT COMMISSION: RUNWAY PROJECT**

Engineering Services; Edwards & Kelcey, Inc. - Supplemental Agreement

**MOTION:** *Move that the Board of Selectmen vote to approve the execution of Supplemental Agreement No. 1 to increase from \$196,105 to \$251,605 the amount of the contract with Edwards & Kelcey, Inc. of Boston, Massachusetts in the amount of for professional engineering services for the project to reconstruct, mark and light Runway 7-25 at the Provincetown Municipal Airport.*

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

**4A2                      AIRPORT COMMISSION: MODULAR BUILDING**

Ground Lease with Transportation Security Administration

**MOTION:** *Move that the Board of Selectmen vote to approve the execution of a ground lease for airport modular building between the Town of Provincetown (Provincetown Municipal Airport) and the United States of America (Transportation Security Administration), as approved as to form by Town Counsel at Provincetown Municipal Airport.*

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

**4A3                      AIRPORT COMMISSION: GENERAL AVIATION APRON**

Engineering Administration Services; Edwards & Kelcey, Inc. \$275,800

**MOTION:** *Move that the Board of Selectmen vote to approve the execution of a contract with Edwards & Kelcey, Inc. of Boston, Massachusetts in the amount of \$275,800 for professional engineering services for the project to reconstruction the General Aviation apron at the Provincetown Municipal Airport.*

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

**MOTION:** *Move that the Board of Selectmen vote to take Agenda Item 4E out of order.*

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

Mary-Jo Avellar left the room due to conflict. (Husband is Assistant Harbormaster.)

**4D3                      PARADE PERMIT REQUEST**

Portuguese Festival: Saturday, June 28, 2003

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Permit application submitted by Donald Murphy for the annual celebration of "The Portuguese Festival " to be held on Saturday, June 28, 2003 from 5 p.m. to 6:30 p.m.*

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

**4B**     **DUNE SHACKS**

Cape Cod National Seashore Advisory Commission Representative

In attendance to discuss this issue were: Provincetown's Representative to the CCNS Alix Ritchie, CCNS GMPIAC Chairman John Thomas and Parking Administrator Don Richards.

Open discussion ensued.

**MOTION:** *Move that the Board of Selectmen vote to have Mary-Jo Avellar represent the Board of Selectmen at the Cape Cod National Seashore Advisory Committee meeting on Friday, May 30, 2003.*

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

**4C**            **TROLLEY ISSUES**

Yvonne Cabral-Edwards, Provincetown Trolley

Discussion ensued.

**MOTION:** *Move that the Board of Selectmen vote to establish the Bas Relief as the location for the Provincetown Trolley to use during times which Parade have been scheduled.*

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

**4D1**            **PARADE PERMIT REQUEST**

National Multiple Sclerosis Society Cycling Tour

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Development Manager Mary Anne M. Machis of behalf of the National Multiple Sclerosis Society, Central New England Chapter, 101A First Avenue, Suite 6, Waltham, MA to hold their 19<sup>th</sup> Annual Great Mass Getaway Cycling Tour to be held on Sunday, June 22, 2003 from 9:30 AM to 6:00 PM.*

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

**4D2**            **PARADE PERMIT REQUEST**

Blessing of the Fleet: Sunday, June 29, 2003

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Permit submitted by Donald Murphy for the annual celebration of "The Blessing of the Fleet" to be held on Sunday, June 29, 2003 from 11:00 am to 1:00 pm.*

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

**4D4**            **PARADE PERMIT REQUEST**

Independence Day Celebration: Friday, July 4, 2003

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by the Recreation Director Dennis Clark for the Town to hold an Independence Day Parade to be held on Friday, July 4, 2003 from 11:00 AM to 12:30 PM.*

**Motion by: Cheryl Andrews**

**Seconded by: Sarah Peake**

**Yea 5 Nay 0**

**4D5 PARADE PERMIT REQUEST**

Pan-Mass Challenge

***MOTION: Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Kirsten Af Klinteberg of behalf of Pan-Mass Challenge, 77 Fourth Avenue, Needham, MA to hold their Annual Pan-Mass Challenge Cycle Fundraiser to be held on Sunday, August 3, 2003 from 9:30 AM to 3:00 PM.***

**Motion by: Cheryl Andrews**

**Seconded by: Sarah Peake**

**Yea 5 Nay 0**

**4E PUBLIC NOTICE: MacMILLAN PIER FLOAT SPACE**

Transfer of Ownership Interest

***MOTION: Move that the Board of Selectmen vote in accordance with Special Condition No. 7 of the Chapter 91 License for MacMillan Pier issued October 23, 1995, to approve the proposed transfers of ownership interest by George D. Hilton, President of Ranger V Corporation, to sub-lease a portion of Float Space 6W to Shane Burhoe, 1 Left-Hand Road, Truro, MA, owner of the vessel "Keepin It Cool"***

**Motion by: Michele Couture**

**Seconded by: Sarah Peake**

**Yea 5 Nay 0**

**5A POLICE: GRANT AWARD**

MEMA/FEMA Grant Award

***MOTION: Move that the Board of Selectmen vote to accept the grant for \$900 from the Massachusetts Emergency Management Agency [MEMA] for the Federal All Hazards Emergency Operations Planning grant program.***

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

**5B FACILITATED MEETINGS**

Community Vision; Budget Brainstorming

Discussion ensued. No motions made.

**Motion by: Michele Couture**

**Seconded by: Sarah Peake**

**Yea 5 Nay 0**

**5C POLICE: GRANT AWARD**

ADL "No Place for Hate" Matching Grant

***MOTION: Move that the Board of Selectmen vote to accept the matching grant for \$1000 from the Anti-Defamation League's "No Place for Hate" matching grant program.***

**Motion by: Michele Couture**

**Seconded by: Sarah Peake**

**Yea 5 Nay 0**

**6. MacMILLAN PIER PERMANENT FINANCING**

***MOTION: Move that the Board of Selectmen vote to authorize and provide for the incurrence of indebtedness for the purpose of the reconstruction of MacMillan Pier. United States Department of Agriculture will be the issuer of the loan amounting to \$1,954,000, for a period of 40 years.***

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

7A **BOARD OF SELECTMEN'S RULES OF PROCEDURES**

Adoption, Consideration of Amendments

***MOTION: Move that the Board of Selectmen vote to adopt Rules of Procedure, with the following proposed amendments submitted in writing to the secretary by Tuesday, May 20, 2003.***

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

7B **ANNUAL PERFORMANCE EVALUATION**

Secretary to the Board of Selectmen

***MOTION: Move that the Board of Selectmen vote to establish Board of Selectmen's Secretary Vernon Porter's annual performance appraisal score as fourteen point five (14.5).***

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

8. **BOARD OF SELECTMEN APPOINTMENTS**

***MOTION: Move that the Board of Selectmen vote to approve the appointment of John Foley as a Regular Member of the Licensing Board with an expiration date of December 31, 2005***

Motion by: Richard Olson

Seconded by: Sarah Peake

Yea 5 Nay 0

***MOTION: Move that the Board of Selectmen vote to approve the appointment of Irene Rabinowitz as an Alternate Member of the Licensing Board with an expiration date of December 31, 2005***

Motion by: Cheryl Andrews

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

9. **CLOSING STATEMENTS**

Sarah Peake - None

Cheryl Andrews - None

Michele Couture

Schedule joint meeting with Housing Authority on June 23, 2003 re: Appointment.

Richard Olson - None

Mary-Jo Avellar - None

Motion to adjourn by Michele Couture at 10:05 pm.

Minutes transcribed by: Vernon Porter, Secretary  
June 4, 2003