

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, JULY 28, 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 CAPE COD PILGRIM MEMORIAL ASSOCIATION

Issues Update: Joint Collection Committee

Disclosure statements by Richard Olson and Mary-Jo Avellar: “I am a member of the Association of the Cape Cod Pilgrim Memorial Association. I receive no remuneration. No members of my family work for the CCPMA or do they receive any remuneration. For the privilege of belonging to the CCPMA, I pay \$25 per year. I have never voted on an issue at the CCPMA because I am not a member of the Board.”

***MOTION: Move that the Board of Selectmen vote to request that the Cape Cod Pilgrim Memorial Association establish a joint committee with the Town of Provincetown to assess the Heritage Museum collection, and further to request that the CCPMA accept as a donation all or a portion of the remains of the Trap Boat Charlotte.***

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

### 1B PROVINCETOWN PUBLIC PIER CORPORATION

MacMillan Pier Update

Open discussion. No motions made

Mary-Jo Avellar left the room due to conflict. Her husband is Assistant Harbormaster.

### 1B1 PROVINCETOWN PUBLIC PIER CORPORATION

Reappoint Member of the Board of Directors: Nancy Howard

***MOTION: Move that the Board of Selectmen vote, pursuant to Section 4(a) of Chapter 13 of the Acts of 2000, to reappoint Nancy Howard to a term on the Provincetown Public Pier Corporation Board of Directors expiring July 29, 2008.***

**Motion by: Michele Couture**

**Seconded by: Sarah Peake**

**Yea 4 Nay 0**

Mary-Jo Avellar returned.

## 2. PUBLIC STATEMENTS

John Burke - Thanks to Chief Meyer and Don Richards for meeting with him - positive outcome.

Michael Bunn - Pleased to read in the Cape Cod Times the proposed meeting with the Board of Selectmen and an up-cape representative on one of our Legislative bills - and would like to get an updated on where that stands. Report from Community Housing Resource on affordable housing: 27A and 32 Anne Page Way - all units are a rented out; 40 Nelson Ave., site work has begun; 34-36 Conwell St - bids are being received; Meadows Hotel has passes appeal permit stage and Nelson Riding Stable. Businesses will remain there and some very exciting economic ventures, rental and homeownership will be going in as well. Working with neighbors in Truro and responded to their RFP to develop 8 units of affordable rental housing

on the Saada property where the library is.

Eddie Fallas - Provincetown should make sure we have cell towers. Want to publically thank the Police Chief re: July 4<sup>th</sup>. It was a pleasure to walk down Conwell Street to my home with the street being half pedestrian and half outgoing traffic so people could leave town.

### 3. SELECTMEN'S STATEMENTS

#### Sarah Peake

Respond to Mr. Bunn's questions re: our meeting with Representative Turkington. We did, as a board, send a letter requesting a meeting at this his District Office or in Boston. We made our case in the letter and have not heard anything from him as of today. Keith - we can do some follow-up phone calling.

***MOTION: Move that the Board of Selectmen vote to send a letter to Congressman Delahunt, Senator Kennedy and Senator Kerry stating that because: (a) issues relating to the possible health hazards of the radio frequency waves emitted from cellular antennae are of great concern to us and members of this community; (b) new data regarding these health and safety issues may be available; and (c) because seven years have passed since the enactment of the Telecommunications Act so technology may have changed significantly obviating the need for so many cell sites; we ask them to support the commencement of hearings to review all new data relative to health and safety issues and further to support any amendments to the Telecommunications Act as may be necessary to protect the health and safety of the American people.***

**Motion by: Sarah Peake**

**Seconded by: Mary-Jo Avellar**

**Yea 5 Nay 0**

Sewer Treatment Plant - will there be other tours offered for those that missed the opening. David Guertin - Bill Burke who we hired to manage the plant will be handling that. They are transitioning over to their office this week and we will get you the phone number.

Pending court decision on gay marriage. With the idea of planning ahead, I would suggest that if a favorable decision come down from the court, that the Town Clerk have a page ready to go up on the website that would explain the process and conditions, etc., and be prepared for a potentially large number of applicants for marriage licenses, particularly if a decision comes down during Carnival.

#### Cheryl Andrews

Push Carts - I spoke with Joyce Guide - Public Pier Corp - to advise them of the conversation we had relative to Push Carts. Don't want to blind-side them and made it very clear to her that there has been no decision made and hardly even a discussion - and the discussion is that we wanted to have a discussion. To Keith - want to have this ready for Town Meeting.

Letter from MA Highway re: Sign removal on Route 6 Layout. Keith - DPW notified the owner, with supporting documents, directing the owner to take the sign down.

Sandy Turner's report re: manhole covers - says that it has been reported to the contractors. Can we be notified when the covers have been repaired. David Guertin - they already have been done.

Old Anne Page Sidewalk - have you had a chance to look at that and understand the issue I was raising? We have a long-term plan for pedestrian traffic on Conwell Street. I believe that they have built their sidewalk on the town right-of-way. Jon Gilmore - either Mark or I will take a look at that. I would like to hear on this - sooner rather than later.

Pleased to see the email re: odor at center of town. Spoke with Kathy Meads - and mentioned that regardless whether it was a public health crisis or not, that it's not acceptable and that the department has my full support and backing to take whatever action necessary to make sure it doesn't continue.

Went away for a few days .. just being a tourist .. and it's nice to be back.

## Michele Couture

CASAS - Shelter at the Highway Dept. Keith - The board had a superceding vote when we established that site for a Cape End Manor. We still have a DON pending for that site.

Towing contract - when will it be signed? To Chief Meyer - perhaps sometime in the next couple of weeks we can have that signed? Answer: Yes

To Chief Meyer - re: power failure we had on Saturday - Commend both the Police Department and the Parking Department for doing an extraordinary good job. Please pass this on to your staff.

Skateboard Park - what is the status? David Guertin - will have to refer this to Dennis Clark and Sandy Turner.

***MOTION: Move that the Board of Selectmen vote to send a letter to Senator Kennedy, Senator Kerry and Representative Delahunt stating that we strongly object to the library provisions of the USA Patriot Act.***

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

Think Cars - I think they are really fabulous.

Tour of the High School - Attended the tour with Richard & Keith, Therese Nelson and Burt Wolfman and I was very impressed. There is a room there that would be a good place for Cable Commission to be located.

Sewer - fabulous job ... wouldn't even know that the vacuum station is even running. Everyone did a great job.

## Richard Olson

Note, with great sadness, the passing of Alden Clapp - one of the attendants at the Parking Lot.

Carnival Parade - any interest in participating with producers of Hair on a flat bed truck? Answer: No

Young's Court - what is status? Keith - under review by Town Counsel. (Mary-Jo - I understand there is a letter in the Town Assessors office from Attorney Veara.)

Letter requesting name change to Bradford Street Extension suggesting it be named Bradford Street West. What is the procedure? Keith - Requires a town meeting vote and usually with a recommendation from the Planning Board prior to that. We will get a staff recommendation on this.

Eugene O'Neill Way - Possibly within two years there can be a road named after Eugene O'Neill - possibly Snail Road which is the trail that Eugene O'Neill and his friends used to follow to go out to their dune shacks.

## Mary-Jo Avellar

Invitation to attend the changing of command at the Coast Guard Station - don't forget to RSVP.

Commercial Street - are we closing it a couple nights a week? Answer: Yes, Friday and Saturday nights.

Town Manager sent a letter to New England Fisheries Management Council. Have we heard anything back? Keith - two things on that: 1) The Cape Codder reported that ours was the only letter that reached them during their deliberations; and 2) I did receive a call this morning from the Deputy Director of the Massachusetts Division of Marine Fisheries and he proposed a date which I'm running past the commercial fishermen for an informational meeting to be held here in late August in preparation for a public hearing that will then be held by that agency in Hyannis in September.

MMA Action Alert - re: Proposed Chapter 90 funding restrictions by Governor Romney

***MOTION: Move that the Board of Selectmen send a letter to Governor Romney opposing the proposed restrictions of the use of Chapter 90 funds.***

**Motion by: Mary-Jo Avellar      Seconded by: Sarah Peake**

**Yea 4 Nay 1 (Cheryl Andrews)**

Received a lovely letter from Andrea Dimaire of Wolf Swamp Road School in Longmeadow, MA who was assigned to do a presentation about Massachusetts and she chose Provincetown.

***MOTION: Move that the Board of Selectmen vote to send a letter to Andrea Dimaire, Longmeadow, MA and thank her for her interest in our community.***

**Motion by: Mary-Jo Avellar      Seconded by: Cheryl Andrews      Yea 5 Nay 0**

**4A      PARKING ADMINISTRATOR**

Designation of Handicapped Parking Space: 555A Commercial Street

***MOTION: Move that the Board of Selectmen vote, pursuant to Charter §4-2-2, to create an eighteen-foot handicapped space across from 555 A Commercial Street, in the third 18-foot space heading east from the yellow corner restriction at Kendall Lane, with said space to have proper signage and street markings.***

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

**4B      MDPH HIV/AIDS HOME HEALTH GRANT**

Contract Amendment: Further \$10,000 reduction

***MOTION: Move that the Board of Selectmen vote to approve execution of an amendment to the contract expiring June 30, 2004 with the Massachusetts Department of Public Health for a comprehensive HIV/AIDS home health program for a \$10,000 reduction from \$1,324,772.50 to \$1,314,772.50.***

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

**4C      PARADE PERMIT: CARRIE A. SEAMAN ANIMAL SHELTER**

Annual Walking for Shelter Parade

***MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Carol MacDonald on behalf of Carrie A. Seaman Animal Shelter, Box 1374, Provincetown, MA to hold their annual "Walking for Shelter" parade to be held on Sunday, September 28, 2003 from 2:00 pm to 3:30 pm.***

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

**5A      GRANT APPLICATION: HARBOR STORMWATER ASSESSMENT**

FY 2004 Coastal Pollutant Remediation Program

***MOTION: Move that the Board of Selectmen vote to authorize the submission of a grant application, and acceptance of award if funded, for \$67,500 to the Massachusetts Coastal Zone Management under its FY 2004 Coastal Pollutant Remediation Program for a Provincetown Harbor Stormwater Assessment Project to install stormwater facilities at Atlantic Avenue.***

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

**5B      WATER UPDATE**

North Unionfield Testing Program Approvals

***MOTION: Move that the Board of Selectmen vote to execute the proposed memorandum of agreement with the Truro Board of Selectmen to undertake a testing program at the North Unionfield property, at the expense of the ratepayers of the Provincetown Water System; and further to vote to execute an agreement with Environmental Partners Group of Hingham, in the amount of \$53,900 to undertake this scope.***

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

Cheryl Andrews left the room due to conflict. Her father resides at the Cape End Manor.

**5C**     **CAPE END MANOR CARE CAMPUS UPDATE**

Schedule Joint meeting: Support "Project of Community Benefit" Proposal

***MOTION: Move that the Board of Selectmen vote to schedule a joint meeting with the Cape End Manor Board of Directors during our regular scheduled meeting on August 25, 2003 at 6 p.m.***

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

***MOTION: Move that the Board of Selectmen vote to submit a letter for the Cape Cod Commission's July 31, 2003 public hearing in support of the proposal to adopt a Development of Regional Impact (DRI) hardship exemption category for "Projects of Community Benefit," which could apply to the Cape End Manor Care Campus.***

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

**5D**     **FISCAL UPDATE**

Year-end Review of Fiscal Year 2003

Open discussion. No motions made

**6A**     **BOND ANTICIPATION NOTE #1026**

***MOTION: Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1026 in the amount of \$359,930.00 dated July 30, 2003 at 1.25% interest payable at maturity to Cape Cod Bank and Trust on September 15, 2003.***

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

Mary-Jo Avellar left the room.

**7.**     **APPOINTMENTS**

***MOTION: Move that the Board of Selectmen vote to appoint Heather Bruce as a Regular Member of the Harbor Committee with an expiration date of June 30, 2006.***

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

Mary-Jo Avellar returned.

**8.**     **MINUTES OF BOARD OF SELECTMEN MEETING**

***Move that the Board of Selectmen vote to approve the minutes of July 14, 2003 (Regular Mtg.) as printed.***

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

**9.**     **CLOSING STATEMENTS**

**Sarah Peake - None             Cheryl Andrews - None**

**Michele Couture - None     Mary-Jo Avellar - None             Richard Olson - None**

**5E**     **LITIGATION STRATEGY: NEXTEL V. TOWN**

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

