

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, SEPTEMBER 22, 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, Michele Couture, Sarah Peake, Richard Olson

Excused Absence: Cheryl Andrews

Other attendees: Town Manager Keith Bergman, Acting Asst. Town Manager Michelle Jarusiewicz

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A1 HISTORIC DISTRICT COMMISSION

Policy Statement HDC as Regulatory Board

MOTION: Move that the Board of Selectmen vote, pursuant to Charter §4-2-1, to adopt Policy Statement 2003-09-22, Historic District Commission as Regulatory Board, which considers the Historic District Commission as a regulatory board of the Town of Provincetown, for purposes of Charter §3-4-9 and otherwise; does not prohibit a member of the Historical Commission from serving also on the HDC; and proposes that a home rule petition be submitted to the next special or annual town meeting to amend Charter §3-4-9 accordingly.

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

1A2 HISTORIC DISTRICT COMMISSION

Further Interviews and Appointments

MOTION: Move that the Board of Selectmen vote, pursuant to General By-law Chapter 15, §§4.1-4.2 to make the following appointments as a full member of the Historic District Commission:

Meg A. Stewart as a Full Member representing the Provincetown Business Guild, for a term expiring September 22, 2006.

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

And further to appoint Carol Neal as an Alternate Member for a term expiring September 22, 2006.

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

MOTION: Move that the Board of Selectmen vote to table Agenda Item 1B1 and 1B2 until after public statements.

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

2. PUBLIC STATEMENTS

Marjorie Conn - Read statement into record re: her dog being unjustly accused of biting another dog. (See Attachment #1)

Jackie Freitas - Read statement into record in support of previous speaker. re: dog bite. (See attachment #2)

Nick Rudd (Camber of Commerce) - Re: Zoning of an Overlay District for the Pier & Lopes Square. Very important issue and wants to make sure that abutters are notified - as it will affect them as well as the business community in general - and so that the Chamber can notify their members.

None at this time.

Richard Olson

Attended Amendment 13 Public Hearing in support of our fishermen, admired the presentations by Dr. Andrews and Keith Bergman.

Letter from Anne MacAdam re: Assessment and taxes disturbed me. Let's send a letter in response and aim never to repeat.

Letter re: Street Performers - send letter advising him that his complaint is noted. (Chief Meyer will do the letter.)

Robert Wood Foundation - are we going to follow up on that? Keith - Yes.

Wind generated power - article in Globe today was excellent. Hae we heard back from the tow entities that have made prsentations to us?

Article in Cape Cod Time re: Allocation formula for distribution of Lottery funds. Maybe they should be revisited.

MOTION: *Move that the Board of Selectmen vote to send a letter to Representative Shirley Gomes and Senator Robert O'Leary requesting a review of the State Lottery formula as it relates to our town.*

Motion by: Richard Olson **Seconded by:** Sarah Peake Yea 5 Nay 0

Mary-Jo Avellar

Signs for restrooms - are they being worked on. Answer: Yes. Pat & Sandy are working on t hem.

When is the electrician going to fix this light in here?

Like the MMA Conference very much and enjoyed the seminars that we attend. They were not as long and kept the participants interested.

4A VISITOR SERVICES BOARD - FY 2004 TOURISM FUND

Approval of Promotional Project: June 2004 Birdman Event

MOTION: *Move that the Board of Selectmen vote to approve the Visitor Services Board's recommendation of September 9, 2003 to award a \$7,500 promotional project grant to the Gay Men's Domestic Violence Project (GMDVP) for the Second Annual Provincetown Birdman Event to be held in June of 2004.*

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

4B1 WATER UPDATE - TRURO

Site C5 (Higgins Hollow Road) Testing Program Approvals

MOTION: *Move that the Board of Selectmen vote to request permission of the Truro Board of Selectmen to undertake a testing program at the Site C5 (Higgins Hollow Road), at the expense of the ratepayers of the Provincetown Water System; and further authorize execution of an amended memorandum of agreement with the Truro Board of Selectmen in connection therewith; and further to vote to execute an agreement with Environmental Partners Group of Hingham, in the amount of \$49,800 to undertake this scope.*

Motion by: Richard Olson **Seconded by:** Michele Couture
Yea 4 Nay 1 (Cheryl Andrews)

4B2 DPW: WASTEWATER UPDATE

Updated Schedule of Activities, Programs

Discussion ensued. No motion made.

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

4B3 **100 ALDEN STREET (CAPE END MANOR)**

Board of Health Administration Consent Order

MOTION: *Move that the Board of Selectmen vote to enter into an administrative consent order with Board of Health relative to the failed septic system as 100 Alden Street, as authorized by vote of the Board of Health on September 4, 2003.*

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

Cheryl Andrews returned.

5A1 **LIBRARY GRANT AWARD**

LSTA: \$10,000 - "Mother Goose Asks Why?"

MOTION: *Move that the Board of Selectmen vote to accept a grant in the amount of \$10,000 from the Massachusetts Board of Library Commissioners under its Library Service and Technology program for a program at the Provincetown Public Library entitled "Mother Goose Asks Why?" to promote family literacy and explore the processes of science.*

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

5A2 **LIBRARY GRANT AWARD**

Mass Cultural Council: \$3,450 - Operation Support

MOTION: *Move that the Board of Selectmen vote to execute a grant agreement with the Massachusetts Cultural Council for an operational support grant for the Provincetown Public Library in the amount of \$3,450.*

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

5B1 **COUNCIL ON AGING**

Elder Services of Cape Cod & Islands Grant Award: \$5,000

MOTION: *Move that the Board of Selectmen vote to accept a grant from Elder Services of Cape Cod and the Islands under the Older Americans Act Title IIIe in the amount of \$5,000 to fund a program designed to provide respite for those individuals who are caring for seniors 60+ (years of age) and for 60+ caregivers who are caring for individuals in the following categories: 60+ years of age, under 18 years of age or disabled.*

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

5B2 **COUNCIL ON AGING**

Executive Office of Elder Affairs FY 2004 Formula Grant Award: \$3,727

MOTION: *Move that the Board of Selectmen vote to accept a grant from the Executive Office of Elder Affairs for a FY 2004 Formula Grant in the amount of \$3,727 for staff education and training, and outreach services for the Provincetown Council on Aging.*

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

5C **MPH HIV/AIDS HOME HEALTH GRANT**

Contract Amendment: Attach Work Plan

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 to include the approved FY 2004 Work Plan.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

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

5D AWARD CONTRACT: MARINE DEPARTMENT BOAT

Edgewater Dougherty Marine: \$77,315 (Art.4-5, 4/1/02 ATM)

MOTION: *Move that the Board of Selectmen vote as follows: WHEREAS, the Marine Superintendent has reviewed the bids opened on August 7, 2003 for a marine patrol boat and determined that the bid submitted by Maritime Solutions is not responsive to the bid specification issued by the Town; and WHEREAS, the Town Manager as Chief Procurement Officer, has adopted the Marine Superintendent's findings; THEREFORE, the Board of Selectmen votes to award the contract for a marine patrol boat for the Provincetown Marine Department to lowest responsive bidder Edgewater Powerboats/Dougherty Marine of Edgewater, FL in the amount of \$77,315 for the purchase of a Sentinel 245 with Twin Yamaha 150 four strokes.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 4 Nay 0

Mary-Jo Avellar returned.

61 BOND ANTICIPATION NOTE #1027

MOTION: *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1027 in the amount of \$94,930.00 dated September 15, 2003 at 1.25% interest payable at maturity to Cape Cod Bank and Trust on November 14, 2003.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

62 MUNICIPAL PURPOSE GRANT ANTICIPATION NOTE #1028

MOTION: *Move that the Board of Selectmen vote to issue a Grant Anticipation Note #1028 in the amount of \$1,500,000.00 dated September 25, 2003 at 1.25% interest payable at maturity to Cape Cod Bank and Trust on November 14, 2003.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

63 MUNICIPAL PURPOSE GRANT ANTICIPATION NOTE #1029

MOTION: *Move that the Board of Selectmen vote to issue a Grant Anticipation Note #1029 in the amount of \$7,457.00 dated September 26, 2003 at 1.25% interest payable at maturity to Cape Cod Bank and Trust on November 14, 2003*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

7. MINUTES OF BOARD OF SELECTMEN MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of September 8, 2003 (Regular Mtg.) as printed.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of September 15, 2003 (Public Forum) as printed.*

8. CLOSING STATEMENTS

Sarah Peake - None

Michele Couture - None

Richard Olson - None

Mary-Jo Avellar - None

Cheryl Andrews

I erred on the quarantine policy. Spoke with the Chief during our break and he informed me that the policy is that anytime a dog bites he goes into quarantine. So, then the question would be ... is this the intentions of staff and is this the regulation that we want to enforce?

9A LITIGATION STRATEGY; PATRICK V. TOWN

Appeal of Nextel Cell Tower Permit - MGL C.39,§23B, Clause 3

MOTION: Move that the Board of Selectmen vote to, 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. [Roll Call vote]

Michele Couture - Yes

Sarah Peake - Yes

Mary-Jo Avellar - Yes

Richard Olson - Yes

Cheryl Andrews - Yes

Motion by: Sarah Peake

Seconded by: Richard Olson

Yea 5 Nay 0

Motion to adjourn by Michele Couture at 10:05 p.m.

Minutes transcribed by: Vernon Porter, Secretary

September 22, 2003