

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – TUESDAY, OCTOBER 14, 2003

JUDGE WELSH HEARING ROOM

Acting Chairman Michele Couture opened the meeting at 6:00 PM noting the following attendees:

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

Excused Absence: Cheryl Andrews, Mary-Jo Avellar

Other attendees: Town Manager Keith Bergman

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 General By-law Chapter 15, §§4.1-4.2 to appointment Polly Burnell as a full member of the Historic District Commission representing the Provincetown Art Association & Museum with a term expiring October 14, 2005.*

Motion by: Richard Olson

Seconded by: Sarah Peake

Yea 3 Nay 0

1A2 FY 2004 TOWN WIDE POLICY GOALS

Quarterly Update from Goal Team Leaders

Open discussion ensued. No motions made.

Affordable Housing Team

Pg. 1 - Under 'Steps to Completion/Date' change the word 'proposal' to 'proposals'. Find out when PTV will broadcast the Affordable Housing Program taped on October 8, 2003. Have the Affordable Housing Task Force meet more regularly.

Community Policing Team

Pg. 2 - after the words "agreed it would not" add the words "be implemented until 2004."

To Chief Meyer - re: Licensed establishments - get more venues in compliance with the public safety announcements.

Harbor Team

Beach Nourishment plan - would like to see a plan develop along with cost estimates.

Information Resources Team

Future Board of Selectmen agenda item - "Term Limits" - Board of Assessors.

Schedule as future agenda item - Support and training for volunteer board members.

Transportation Team

Parking recommendations to increase revenues - schedule as an agenda item in November or December.

Pg. 3 -Regional facility - reviews continue w/Wellfleet Regional Plan. Take it off, never going to happen.

2. PUBLIC STATEMENTS

Rex McKenzie - Read statement into records. (See attachment #1)

Josh Swirley (Engineer) here on behalf of Grand Union Markets to express interest in any potential viable

sewer connect project that may present itself to Grand Union.

Susan Avellar - Resigned from the Conservation Commission. (See attachment #2)

Linda Vito - Against pushcarts at Pier. Don't think that pushcarts are the way to go right now. There must be another way to do this.

Stephen Roderick - Agree with restrooms facilities and coverage for passengers, etc. - but that should have been taken addressed well before the pier was under construction. Pushcarts - if it's all about retail then we need pushcarts and if not, then we should host events on the Pier to make money. That's not what I want for Provincetown. Pushcarts are not the answer. I think the impact is far greater than the benefits to the Pier Corporation.

Fran Malone - Do not agree with pushcarts. I agree with Linda and Stephen.

Ken Kinkor (Director of Whydah Museum) - Pushcarts carefully regulated is a good thing. In favor of any proposal that will cause traffic to the wharf. For the record, our museum has not and is not and will not be sponsoring lobsterman.

Stephen Melamed (Chair, VSB) - As a citizen he initially was in favor of the pushcarts but since has changed his mind. Feels that the Pier Corp is going in the wrong direction. Pushcarts are offensive to people and give off a poor image. Feels that the Pier needs a lot of assistance. Costs should be distributed more evenly amongst the pier users. Wants to go on record withdrawing his support that he originally offer towards any carts.

Candice Collins-Boden (Executive Director of Provincetown Chamber of Commerce) - Speaking for the businesses that are located on Commercial Street. There are 30 empty stores on Commercial Street as of now. Adding pushcarts will definitely take away more merchants on Commercial Street. What we need on the Pier for our visitors are public restrooms and cover area for visitors. Once you have the basic amenities then you can look forward to making money and everything should be considered - and considered very carefully.

3. SELECTMEN'S STATEMENTS

Richard Olson

Express concerns for the families of the sailors in Maine. (Candy B II)

Express appreciation to the Coast Guard Station for the newly 'secured' fence.

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to the Coast Guard Station in Provincetown for implementing the station's security fence problem and for being such a good neighbor.

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

Congratulate Police Dept. for the excellent work on the recent drug bust.

Sarah Peake

On the topic of pushcarts - I have a lot to say but will keep my comments for our Agenda Item later this evening.

MOTION: Move that the Board of Selectmen vote to send letter to Maria Burks asking her to inform us when and where public input will be received on the Dune Shacks matter and afford us the opportunity to give our input directly to National Park Service anthropologist.

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

RE: Conservation Commission - I am very upset over Susan Avellar's resignation. This is something we talked about the last two or three meetings. Please bring this situation to a resolution as fast as possible. Keith - It's very disappointing. It starts with making appointments that you regret later and I take full responsibility for making appointments initially to the Conservation Commission that I absolutely regret. With that being said, the process of dealing with board members is that there are some procedural safeguards built into the due process

and just cause and that the charter has a set of procedures that needs to be followed. There is what purports to be automatic provision to cease to be board members if they are absent from three consecutive meetings without informing the chair. That's fact specific and subject to cross-examination. When someone is an automobile accident and is not at those meetings, that is the sort of issue that one of the members at least ceases to make as an extenuating circumstance. Bottom line is that the appointments that I made, I'm very disappointed in but I am in a due-process procedure right now, which needs to be followed in order to rectify that part and I hope that can come to a conclusion so that our hardworking chairman does feel that she can return to a very important board. Sarah - In her letter it sounds as though she would be willing to return when there was a Board of consisting people who would work to keep the process moving forward.

Regarding the folks from Grand Union - We also have on our agenda item (5A) that touches on wastewater (very briefly - don't want to give you false hope) and your request and the flow from the Grand Union property to the sewerage treatment plant. So I will hold off on any comment on that.

Keith - I heard my name used by the speaker. What you don't have in front of you is a recommendation from me for hook-up to Grand Union. What you do have is my response to your request for facts from our engineer that would help form the public debate that's already occurring around the property. And in response to a request that I received from at least one Board member, who is not here tonight, asking what is the status of a potential hook-up along Shankpainter Road as we have petitions from a number of folks in that area.

Michele Couture

Really annoyed with the interruption of Verizon service on Saturday. Could not use cell phones, merchants could not use their charge machines and you could not get through to 911. Clearly there was no warning. Chief Meyers - there was no warning at all. We found out at the Chief's meeting in Yarmouth this morning that there was a wire down in Wellfleet. The problem is that we are suppose to have at least three if not four stand alone systems here and it didn't work.

MOTION: Move that the Board of Selectmen send a letter to Verizon expressing our extreme displeasure and the threat to public safety caused by the service interruption on Friday, October 10, 2003.

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

Would like an update from the VSB on the Waterfront Park - to include when the bathrooms will be up and going. People are beginning to ask me and I have no answer for them. Sandy Turner - we have a meeting on October 28th. We will bring the plans to you for review with an anticipated spring construction.

Grand Union - Want to go on record saying that I am totally against hooking up Grand Union to Phase I or II of the sewer. It has the biggest plot of land, was in failure and has been in failure for the some time. From after looking at the plans that you are suppose to have it in by July, which reasonably speaking should be in sometime by the end of November. This should already be underway. I don't like the idea of GU hooking up to when other citizens who may be in failure could be hooking up to the sewer. There is lots of other technology that can be used.

MOTION: Move that the Board of Selectmen send a letter of congratulations to Karen MacDonald on her efforts in securing the "Mother Goose" Grant.

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

Do we have a date for School Summit? Answer: No not yet. We have a planning meeting this month and I would assume it could happen sometime during the month of November.

Future agenda item "Town Meeting" - Schedule this as a regular agenda item.

Rachel White letter re: Federal Grant Monies available for Veteran's grave markers. Can we have Michelle look into it?

4A COUNCIL ON AGING

Elder Services of Cape Cod & Islands Grant: \$8,000

MOTION: *Move that the Board of Selectmen vote to accept a grant from Elder Services of Cape Cod and the Islands, Inc., under the Older Americans Act Title III in the amount of \$8,000 for the Provincetown Council on Aging.*

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

4B OPEN THE SHELLFISH SEASON

Public Shellfish Area East of the Breakwater in the West End: 10/31/03

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.130, §52 and the Selectmen's Recreational Shellfish Regulations, to approve opening the public shellfishing area east of the Breakwater located in the West End, beginning Friday, October 31, 2003, with said area to be open Fridays and Sundays through the end of March 2004, with a ten-quart limit per week.*

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

4C1 CAPE END MANOR CARE CAMPUS

Contract with DiMella Shaffer Architects

MOTION: *Move that the Board of Selectmen vote to approve the October 9, 2003 recommendation of the Cape End Manor Board of Directors and execute a contract with DiMella Shaffer Architects in the amount of \$20,000 to provide a preliminary master plan, including design scheme and financial model, for the Cape End Manor Care Campus.*

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

4C2 CAPE END MANOR BOARD OF DIRECTORS

Request for Surplus B-Bus from CCRTA; Schedule Joint Meeting

MOTION: *Move that the Board of Selectmen vote to authorize submission of a formal request to the Cape Cod Regional Transit Authority for a surplus B-bus to be made available to the Cape End Manor nursing home, as recommended by the CEM Board of Directors on October 9, 2003.*

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

MOTION: *Move that the Board of Selectmen vote to schedule a joint meeting with the Cape End Manor Board of Directors for the Selectmen's next regular meeting on Monday, October 27, 2003 to discuss the care campus project and further to invite the Chairman of the Cape United Elderly to attend.*

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

4D PROPOSED ZONING AMENDMENTS

Community Development Department: Pushcarts

Sarah Peake - There needs to be more public discussion using the COP working group as a model.

MOTION: *Move that the Board of Selectmen vote to table this agenda item to a time uncertain and until the Community Development Department is ready to bring it back.*

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

4E PROPOSED ZONING AMENDMENTS

Open discussion ensued. No motions made.

4F PROCLAMATION: NATIONAL BUSINESS WOMEN'S WEEK

Requested by: Paula Aschettino, Eastham, MA.

MOTION: Move that the Board of Selectmen vote to {approve/not approve} the application submitted by the President of the Business and Professional Women of Lower Cape Cod Paula Aschettino, of 21 Smith Lane, Eastham, MA to proclaim October 20 - 24, 2003 as National Business Women's Week in the Town of Provincetown.

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

5A DPW: WASTEWATER UPDATE

Phase I Flows: Phase II Planning

MOTION: Move that the Board of Selectmen vote have a three way joint meeting to include the Board of Health, Water & Sewer Board and the Board of Selectmen with a date to be determined.

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

5B PROFISH: NMFMP AMENDMENT 13

Submit Joint Written Comments to NEFMC by 10/15/03

MOTION: Move that the Board of Selectmen vote to approve the joint written submission with the Provincetown Fishermen's Association (Profish) and the Provincetown Public Pier Corporation to the New England Fishery Management Council relative to Northeast Multispecies Fisheries Management Plan Amendment 13, in support of Provincetown's commercial fishing industry.

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

5C F/V CANDY B II

Express Support For Crew's Families and Hometowns.

MOTION: Move that the Board of Selectmen vote to express the support of the Town of Provincetown for the families and the hometowns of the crew of the F/V Candy B II-- Howard "Cappy" Crudell, 38, and Brandon Feyler, 17, of Warren, Maine; Adrian Randall, 25, of Rockland, Maine; and Ralph "Bubba" Boyington, 34, of Waldoboro, Maine.

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

6. MASSACHUSETTS WATER POLLUTION ABATEMENT TRUST

MOTION: Move that the Board of Selectmen vote to authorize the Town Treasurer to borrow the amount of \$200,000.00 from the Massachusetts Water Pollution Abatement Trust for a period of 20 years, at 0% interest payable at maturity to the Massachusetts Water Pollution Abatement Trust.

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

7. MINUTES OF BOARD OF SELECTMEN MEETING

MOTION: Move that the Board of Selectmen vote to approve the minutes of September 22, 2003 (Regular Mtg.) with change so noted. (Pg 3 or 7 - 3rd line - change and to not.)

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

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

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

8. **CLOSING STATEMENTS**

Sarah Peake - None Michele Couture - None Richard Olson - None

9A **PROVINCETOWN POLICE LABOR FEDERATION**

Collective Bargaining Strategy

MOTION: *Move that the Board of Selectmen vote to go into executive session, pursuant to MGL C.39, §23B, clause 3, 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 Richard Olson - Yes

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

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

Minutes transcribed by: Vernon Porter, Secretary
October 17, 2003