

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, DECEMBER 2, 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: Acting Assistant Town Manager Michelle Jarusiewicz

Excused Absence: Town Manager Keith Bergman,

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A VISITOR SERVICES BOARD

Recommended Five-Year Financial Plan for Tourism Fund Expenditures

VSB Members in attendance: Steve Melamed, Lynne Davies, Barbara Rushmore and Tourism Director Patricia Fitzpatrick.

MOTION: Move that the Board of Selectmen vote to approve the Visitor Services Board's recommended five-year financial plan for Tourism Fund expenditures with the following amendment as agreed to by the VSB: increase fireworks allocation within the Municipal Projects budget to \$19,850 and to reduce the reserve line to \$0.

**Motion by: Cheryl Andrews Seconded by: Michele Couture
Yea 2 Nay 3 (Sarah Peake/Richard Olson/Michele Couture)**

MOTION: Move that the Board of Selectmen vote to approve the Visitor Services Board's recommended five-year financial plan for Tourism Fund expenditures with the following amendment as agreed to by the VSB: increase fireworks allocation within the Municipal Projects budget to \$17,600 and to reduce the reserve line to \$2,250.

**Motion by: Sarah Peake Seconded by: Mary-Jo Avellar
Yea 3 Nay 2 (Mary-Jo Avellar /Richard Olson)**

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

1B1 CAPE END MANOR UPDATE

Joint Meeting with CEM Board of Directors

Open discussion ensued. No motions made.

1B2 CAPE END MANOR CARE CAMPUS

Value of Land [MGL C.39,§23B cl.6]

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.39,§23B, clause 6, to go into executive session to consider the purchase, exchange, lease or value of real property; and to convene in open session thereafter [roll call vote].

**Sarah Peake - Yes Michele Couture - Yes
Richard Olson - Yes Mary-Jo Avellar - Yes**

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

The Board of Selectmen reconvened in open session at 7:45 pm.

Cheryl Andrews returned.

1C1 WASTEWATER UPDATE

Meeting with DEP's Brian Dudley

MOTION: Move that the Board of Selectmen vote to submit a request to the Massachusetts Department of Environmental Protection to increase from 500,000 to 575,000 gallons per day the limit of the discharge permit for the Provincetown Wastewater Treatment Plant.

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

MOTION: Move that the Board of Selectmen vote, pursuant to Charter §4-2-1, to direct the Water & Sewer Board to develop a proposed process for evaluating proposals for sewer connections for Laundromats pursuant to Chapter 157 of the Acts of 2000, consistent with Town Counsel's opinion letter thereon, for the Selectmen's approval prior to issuance.

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

1C2 SEPTIC SYSTEM FAILURE - 26 ALDEN STREET

Sewer Hook-up (or BOH ACO)

MOTION: Move that the Board of Selectmen vote to table this item until a future meeting.

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

MOTION: Move that the Board of Selectmen vote to establish the following policies:

- 1. That the Board of Selectmen, as owner of record, is to be notified immediately if a septic system discharges to the surface or gives evidence of malfunction in any way. The department head for the system in question will request that an item be placed on the next Board of Selectmen meeting to address the problem and the Health Agent will be notified. The procedure is also to be used if any system is pumped three times in a calendar year.***

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

- 2. That it is the Board of Selectmen's policy to have the Health Department deal with all Town-owned septic systems with the same procedures and policies as they do with privately owned systems, this is particularly in reference to notification letters and decision-making by the Board of Health.***

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

- 3. That if the Board of Health chooses to implement a town-wide septic system inspection and maintenance program, the Town-owned systems will be done first.***

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

Mary-Jo Avellar stepped out of the room.

MOTION: Move that the Board of Selectmen vote to file an appeal with the Board of Health in accordance with the Health Agents Septic Notification relative to a septic system failure of System #1 located at 26 Alden Street.

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

Mary-Jo Avellar returned.

2. PUBLIC STATEMENTS

Michelle Haynes - Requesting that the Board of Selectmen support the Shuttle Bus stopping at the Provincetown Airport and pick-up their passengers and bring them into town.

Candace Collins-Boden - Supports the request by Michelle Haynes. Suggest that if we complete the route longer and better adding Race Point Road it would be a perfect circle. Our current route is incomplete the way it is. We could not only service the Airport but we could service Race Point Beach, the Visitors Center. We also have a lot of condominiums on Race Point Road now with a lot of people and a lot of workers there - they would appreciate the shuttle picking them up too. We have a campground at the corner of Route 6 and Race Point Road. A lot the workers live at that campground in the summer and have to go to work.. All of this would bring in more dollars to support the shuttle. It would support a year-round public transportation entity that is getting very far and few between. We have a new Airport - we have a nice road out there - let's complete the shuttle - let's support the shuttle - let's let it help pay for itself and it will be helpful to everyone in the community.

Rob Tosner - 1) Urge the Board of Selectmen to support Cape Air's request to have the shuttle stop by the airport. 2) Re: Marketing to the GLBT Community - is a goal for myself and in my position as Executive Director of the Business Guild is to try and get more State funding into marketing. There is no currently marketing effort other than the PBG into the Gay & Lesbian Community to promote tourism. We promote a lot of business that goes in and out of Boston before and after stays in Provincetown and a lot of business that goes up Cape. I would like your support, in whatever way possible, to get some attention at the State level to get any funding into this area. 3) Fireworks - Mary-Jo's comments - municipal funding through the VSB. I think you should pursue this further. i.e., spending VSB monies on municipal projects. May want to consider putting an article in town meeting regarding this. 4) Use of town hall for events policy needs to be reviewed in terms of making sure that non-profit community based organizations have priority in both scheduling and the fees they pay.

Barbara Rushmore - 1) Cape End Manor - Suggest that you buy the Tides Motel. 2) Freeman Library - listen to Mr. Freeman - keep the building and sell the top floors as condo's and put them on the tax roll and put the money towards the new library. 3) Shuttle - involved with it and would suggest that, although I support the airport, you have to think of the other business in the area (cab drivers) so that you do not hurt them.

Steve Melamed - Support the shuttle going to the Airport. This is a major transportation center and it will not hurt the taxi business. The shuttle, budget wise, should have come before the VSB, so that we could have given our recommendation to the Board of Selectmen. I am not aware of us ever being contacted regarding this matter. I am not aware that the Town of Provincetown has no interest in support this.

Steve Roderick - 1) Hope that the Board of Selectmen will consider having Public Statements first on the agenda. We had to wait three hours tonight. 2) Applaud your approach on consistency. 3) Shuttle - issue needs to be addressed with a representative of the town speaking on your behalf that you are not interested in doing something. Urge you to support the shuttle. 4) Senior Dinner is December 14th at noon and also asking you for the Sr. Citizens Proclamation tonight as well.

3. SELECTMEN'S STATEMENTS

RICHARD OLSON - None

SARAH PEAKE

MOTION: Move that the Board of Selectmen vote to set as a future agenda item to look at the issue of extending the shuttle down Race Point Road to include the Nelson Avenue properties, the Airport and perhaps Race Point Beach as well.

(Discussion: Mary-Jo Avellar - Whatever discussion we have, the people who run the taxi's should be notified and there should be some kind of a hearing process.)

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

Congratulations to all - for the town on being selected by the MMA to be the recipient of its 2004 Kenneth E. Pickard Municipal Innovation Award for our "Unique Wastewater Solution." Would like you, Madame Chairman and the Town Manager to put your heads together and invite people from town who worked on the various volunteer committees that we should invite to come to that reception to be there when the Town received the award. (Jane Antolini and others)

Rob Tosner seeking State funding and asking support of the Board of Selectmen - I would just ask that he stay in touch with us and let us know how we can support that. Speaking for myself - let us know whatever motions we can make or letters we can write.

CHERYL ANDREWS - None

MICHELE COUTURE

Update on Ted Malone sidewalk? Keith: Forthcoming

NSTAR - public hearing - notice.

MARY-JO AVELLAR

Party for Foreign Workers - why didn't we have one this year? Answer: We did.

Would like sometime after the first of the year to bring back for discussion exactly what the purpose is of the VSB. Sometime in February.

4A VISITOR SERVICES BOARD - FY 2004 TOURISM FUND

Approval of Promotional Project: Provincetown Repertory Theatre

MOTION: Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following promotional project as recommended by the Visitor Services Board: \$1,000 to the Provincetown Repertory Theatre for a Christmas Holiday Performance by Sasha Lazard.

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

4B POLICE: GRANT AWARD

FY 2004/05 EOPS Governor's Highway Safety Bureau /\$7,000

MOTION: Move that the Board of Selectmen vote to accept the grant award and to authorize execution of the State Standard Contract by the Police Chief to the Executive Office of Public Safety under its FY 2004/05 Governor's Highway Safety Bureau grant program in the amount of \$7,000 to fund seat belt and OUI traffic enforcement initiatives for the Provincetown Police Department.

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

4C POLICE: GRANT APPLICATION

FY 2004 EOPS Community Orientation Policing /\$12,000

MOTION: Move that the Board of Selectmen vote to authorize the submission of a grant application to the Executive Office of Public Safety under its FY 2004 Community-Oriented Policing grant program in the amount of \$12,000 to fund the following initiatives for the Provincetown Police Department: Alcohol Server

Training, ADL "No Place For Hate," Cape Cod Law Enforcement Council, and Mobile Data Computer Systems.

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

5A TOWN BOARD APPOINTMENTS

Approve Town Manager's appointments to Conservation Commission

MOTION: *Move that the Board of Selectmen vote pursuant to Charter §6-6-1, to approve the Town Manager's appointments to appoint Elaine Anderson and Dieter M. Groll to the Conservation Commission for terms expiring December 2, 2006.*

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

MOTION: *Move that the Board of Selectmen vote pursuant to Charter §6-16-3, to approve the Conservation Commission's August 14, 2003 request for creation of a second alternate member position for the Conservation Commission.*

Motion by: Sarah Peake Seconded by: Richard Olson
Yea 3 Nay 2 (Cheryl Andrews/Michele Couture)

MOTION: *Move that the Board of Selectmen vote pursuant to Charter §6-6-, to approve the Town Manager's appointment of Francis John Santos to the Conservation Commission for a term expiring December 31, 2005.*

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

5B PROCLAMATION - SENIOR CITIZEN DAY

MOTION: *Move that the Board of Selectmen vote to approve the application submitted by Steven Roderick of Provincetown, MA to proclaim Sunday, December 14, 2003 as Senior Citizen Day in the Town of Provincetown.*

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

6. BOARD OF SELECTMEN 2002 YEAR END APPOINTMENTS

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

MOTION: *Move that the Board of Selectmen vote to appoint Dr. Janet Whelan as a member of the Cape End Manor Board of Directors with an expiration date of December 31, 2006*

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

MOTION: *Move that the Board of Selectmen vote to appoint Patrick Patrick as a member of the Cape End Manor Board of Directors with an expiration date of December 31, 2006.*

Motion by: Sarah Peake Seconded by: Richard Olson
Yea 3 Nay 1 (Michele Couture)

Cheryl Andrews returned.

MOTION: *Move that the Board of Selectmen vote to appoint the following volunteers to their respective Board/Commission with an expiration date of December 31, 2006 as follows:*

Town Board	Position	Name

Airport Commission	Full Member	Richard Silva
Airport Commission	Full Member	Steve Tait
Board of Assessors	Full Member	Leslie Parsons
Board of Assessors	Full Member	Rick Tourgee
Beautification	Full Member	Jennifer Crooks
Board of Health	Full Member	David McLean
Building Committee	Full Member	Joyce Guide
Building Committee	Full Member	Regina Binder
Building Committee	Full Member	Ellen Rousseau
Building Committee	Full Member	Paul DeRuyter
Building Committee	Full Member	James Pipilas
Council On Aging	Full Member	Florence Corea Alexander
Cultural Council	Full Member	Dorothy Antezak
Cultural Council	Full Member	Melanie Braverman
Disability Commission	Full Member	Terry Horwitz
Historical Commission	Full Member	Stephen Milkewicz
Historical Commission	Full Member	Fred Pappalardo
John Anderson Francis Scholarship Committee	Full Member	Brenda Haywood
Licensing Board	Full Member	Hunter O'Hanian
Personnel Board	Full Member	Sandy Fay
Planning Board	Full Member	Barnett Adler
Recreation Commission	Full Member	Robert Cahill
Recycling Committee	Full Member	Decker Johnson
Board of Registrars	Rep. Member	Joan Drysdale
Water & Sewer Board	Full Member	Anne Lord
Water & Sewer Board	Full Member	Jonathan Sinaiko
Water & Sewer Board	Full Member	Sacha Richter
Zoning Board	Full Member	Stephen Melamed
Zoning Board	Full Member	Gary Reinhardt

Motion by: Cheryl Andrews

Seconded by: Sarah Peake

Yea 5 Nay 0

7A TREASURER'S TRANSFER
Joseph F. Oliver Scholarship Fund

MOTION: *Move that the Board of Selectmen, as Commissioners of the Scholarship Funds, to approve the transfer of \$8,500.00 from the Joseph F. Oliver Scholarship Fund for the payment of awarded scholarships.*

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

7B **TREASURER'S TRANSFER**

John Anderson Francis Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$15,500.00 from the John Anderson Francis Scholarship Fund for the payment of awarded scholarships.*

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

8A **SJC DECISION RE: SAME-SEX MARRIAGE**

Urge Legislative Action to Implement Goodridge v. DPH Decision

MOTION: *Move that the Board of Selectmen vote to urge that our state legislative delegation, State Senator Robert O'Leary and State Representative Shirley Gomes, support legislation to enact the Supreme Judicial Court's November 18, 2003 decision in the case of Goodridge et al. v. Department of Public Health, et al., which found that the Commonwealth's prohibition against same-sex marriage violates the Massachusetts Constitution.*

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

8B **CONTRACT EXECUTION**

Town Manager's Employment Contract

MOTION: *Move that the Board of Selectmen vote pursuant to Charter §4-4-1, to execute a new three-year employment contract with Town Manager Keith A. Bergman for the period May 7, 2004 to May 6, 2007.*

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

9. **MINUTES OF BOARD OF SELECTMEN MEETING**

MOTION: *Move that the Board of Selectmen vote to approve the minutes of November 10, 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 November 12, 2003 (Special Mtg w/ Truro Board of Selectmen re: Water) 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 November 17, 2003 (Special Mtg with W&S/BOH Boards) as printed.*

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

10. **CLOSING STATEMENTS**

Richard Olson - Tax bills - assessments - people want to know what their actual tax bills will finally be. **Keith:** It looks like we will be able to get a 3rd quarter tax bill out without a town meeting. **Richard:** People will be happy about this. Can we get on a schedule in the next fiscal cycle so that people get their quarterly tax bills and know what their assessments are? **Keith** - the answer is yes. We are buying software that the DOR like

so that they can approve our values more quickly.

- **Sarah Peake** - None

Cheryl Andrews - None

- **Michele Couture**

Provincetown Sewer Project letter - You or your contractor have to contact Wayne Perry (EPG) 24 hours before your contractor is scheduled to start your connection and failure to give the 24 hour notice may result in increase cost borne by the homeowner. This sounds like a threat to me - not sure I like that! **Keith** - it is the procedure, I believe that is in the W & S Board regulations. The intent has been not to trigger that mechanism. It is to get compliance - you're not after the money.

Mary-Jo Avellar - None

Mary-Jo Avellar left the room due to conflict.. Her husband works as Asst. Harbormaster.

8C MacMILLAN PIER: PPPC INTERIM AGREEMENT

Land Negotiations [MGL c.39, § 23BBC1.6]

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.39, §23B, clause 6, to go into executive session to consider the purchase, exchange, lease or value of real property; and not to convene in open session thereafter [roll call vote]*

Sarah Peake - Yes **Cheryl Andrews** - Yes **Richard Olson** - Yes **Michele Couture** - Yes

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

The Board went into executive session at 10:00 p.m.

Minutes transcribed by: Vernon Porter, Secretary
December 5, 2003