

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – JANUARY 28, 2002

### JUDGE WELSH HEARING ROOM

Betty Steele-Jeffers, Chairman opened the meeting 6:00 PM noting the following attendees: Board of Selectmen members: Betty Steele-Jeffers, Cheryl Andrews, Mary-Jo Avellar, David Atkinson and Michele Couture.

Other attendees: Keith Bergman – Town Manager, Mark Latour – Assistant Town Manager

Recorder: Vernon Porter - Secretary to Board of Selectmen

The following are meeting minutes, in brief.

#### 1A PUBLIC HEARING

FY 2003 Capital Improvements Program Request

***MOTION: Move that the Board of Selectmen vote, pursuant to Charter §9-2-3, to submit to the Finance Committee its recommended Capital Improvements Program for Fiscal Year 2003 as contained in the public hearing notice, with the following amendments and motions:***

***Move that the Board of Selectmen vote to approve FY 2003 Capital Improvement in the amount of \$250,000 to replace Fire Engine #3.***

**Motion by: Michele Couture      Seconded by: David Atkinson      Yea 5    Nay 0**

***Move that the Board of Selectmen vote to approve FY 2003 Capital Improvement in the amount of \$30,000 for Fire Breathing Apparatus with Radios.***

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

***Move that the Board of Selectmen vote to approve FY 2003 Capital Improvement in the amount of \$63,000 to purchase Two Police SUV's.***

**Motion by: David Atkinson      Seconded by: Mary-Jo Avellar  
Yea 4    Nay 1 (Michele Couture)**

***Move that the Board of Selectmen vote to approve FY 2003 Capital Improvement in the amount of \$28,000 for Police Station heating/HVAC.***

**Motion by: David Atkinson      Seconded by: Michele Couture  
Yea 3    Nay 2 (Cheryl Andrews / Mary-Jo Avellar)**

Mary-Jo Avellar left the room due to conflict of interest.

***Move that the Board of Selectmen vote to approve FY 2003 Capital Improvement in the amount of \$102,000 to purchase a Marine Patrol Boat.***

**Motion by: David Atkinson      Seconded by: Cheryl Andrews      Yea 4    Nay 0**

Mary-Jo Avellar returned.

***Move that the Board of Selectmen vote to approve FY 2003 Capital Improvement in the amount of \$38,000 for Town Wide Computer Upgrade.***

**Motion by: Mary-Jo Avellar      Seconded by: David Atkinson      Yea 5    Nay 0**

***Move that the Board of Selectmen vote to approve FY 2003 Capital Improvement in the amount of \$128,500 (\$70,500 at STM and \$58,000 at ATM) for Fleet Replacement.***

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

*Move that the Board of Selectmen vote to approve FY 2003 Capital Improvement in the amount of \$50,000 (\$25,000 for Storm Water Management Plan and \$25,000 for Wetlands Management Plan).*

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

*Move that the Board of Selectmen vote to approve FY 2003 Capital Improvement in the amount of \$25,000 for Street and Sidewalk Repairs.*

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

*Move that the Board of Selectmen vote to approve FY 2003 Capital Improvement in the amount of \$10,000 for Drainage Repair and Maintenance.*

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

*Move that the Board of Selectmen vote to approve FY 2003 Capital Improvement in the amount of \$35,000 for Grace Gouveia Plumbing and Electric.*

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

**1B      SCHOOL COMMITTEE, SCHOOL BUILDING COMMITTEE**

Status of SBA Funded Construction Projects, Funding

Open Discussion.

Other attendees: School Building Committee: Burt Wolfman    School Committee: Terese F. Nelson, Dana A. Berry, Debra Trovato, Dr. Frank Wills    Superintendent of Schools Colette Trainor

Main concerns: Repair of the High School and to get accreditation. Budget request \$7M.

Dana Barry read remarks to the Board of Selectmen regarding the High School component of the School Building Project. (See attachment #1)

**1C      CABLE ADVISORY COMMISSION**

FY 2003 Operating Budget Request

*Tim McCarthy presented, for the record, comments from Mark Latour Ford, District Technology Coordinator Provincetown School District and from Michael Hattersley of Campus Provincetown in support of the Cable Advisory Commission. (Attachment #2 & #3)*

**MOTION:** *Move that the Board of Selectmen vote to approve the Cable Advisory Commission's FY 2003 operating budget request as requested by the Committee in the amount of \$55,250 subject to a plan being submitted by the CAC and further review by the Board of Selectmen.*

**Motion by: David Atkinson      Seconded by: Mary-Jo Avellar      Yea 5    Nay 0**

*Move that the Board of Selectmen vote to approve the Art Commission's FY 2003 operating budget request as recommended by the Town Manager at \$14,450.*

**Motion by: Mary-Jo Avellar      Seconded by: David Atkinson      Yea 5    Nay 0**

**1D      HOUSING AUTHORITY, HOUSING PARTNERSHIP**

Proposal for Property Tax Exemption for Affordable Housing

***MOTION: Move that the Board of Selectmen vote to support the development of a proposal for a property tax exemption available to owners of housing units which are rented to low income households at rents (including utilities) not exceeding HUD limits for low income households, as proposed by the Housing Authority and the Housing Partnership***

***Motion by: Mary-Jo Avellar    Seconded by: Michele Couture  
Yea 3    Nay 2 (David Atkinson / Betty Steele-Jeffers)***

**2.    PUBLIC STATEMENTS**

Michael Bunn - Site work at the old A & P is schedule to begin in February with nine units to be in service by December 2002.

Barbara Rushmore - Rents her units at 4% of assessed value to try and keep it as 'affordable unit.' Evacuation Plan – believes that in light of September 11<sup>th</sup> we should have an evacuation plan in place – possibly by ship. Also, we are so close to the Pilgrim Nuclear Plant.

**3.    SELECTMEN'S STATEMENTS**

***MOTION: Move that the Board of Selectmen combine the Selectmen's Statements and Closing Statements for this meeting.***

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

**4.    REFER ZONING AMENDMENTS TO PLANNING BOARD**

Pursuant to MGL C.40A, § 5

***MOTION: Move that the Board of Selectmen vote, pursuant to MGL Chapter 40A, section 5, to refer to the Planning Board the 35 zoning amendments, labeled E through MM, respectively, as approved as to form by Town Counsel and as filed in the Town Clerk's office for public inspection, proposed by the Planning Board and the Local Comprehensive Plan Implementation Committee***

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

**5.    FY 2002 TOWN-WIDE POLICY GOAL IMPLEMENTATION - 3<sup>RD</sup> QTR UPDATE**

Open discussion .

Keith Bergman and Cheryl Andrews left the room.

***. MOTION: Move that the Board of Selectmen vote to select an entity before the DoN as recommended by Dennis Anderson and schedule a special meeting on Monday, February 4, 2001 at 6:00 PM for selection of a non-profit entity for Cape End Manor Campus proposal.***

***Motion by: Mary-Jo Avellar    Seconded by: Michele Couture    Yea 4    Nay 0***

Keith Bergman and Cheryl Andrews returned.

**Cultural Resources** - Betty Steele-Jeffers and Mary-Jo Avellar left the room at 9:46 PM and returned at 9:49 PM

***MOTION: Move that the Board of Selectmen vote to direct the Town Manager to prepare an article to***

*satisfy local match requirements for MBLC grant, and to notify the Board of Library Trustees that this article will be supported by the Board of Selectmen if significant progress is made by Town Meeting on private fund-raising.*

**Motion by: Cheryl Andrews      Seconded by: Mary-Jo Avellar  
Yea 3 Nay 2 (Betty Steele-Jeffers / David Atkinson)**

Human Resources & Administration Team - 10.1 - Have more discussions with CCNS concerning water. Goal includes proposed joint management of Herring Cove. Change word ownership to 'management'.

6.3 - Address this goal by doing more training and role-playing.

Public Works Team – 7.4 - *Do scientific testing of water quality for all Town Hall buildings.*

**6A1      LOWER CAPE COD CDC CONTRACT AMENDMENT**

Community Development Corp./Business Development Center

**MOTION:** *Move that the Board of Selectmen vote to authorize the Chairman to execute a contract amendment to the subcontract with the Lower Cape Cod Community Development Corporation for the management and administration of the Business Development Center to extend the term of the contract to June 30, 2002, as funded by the 2000 Massachusetts Community Development Block Grant Program.*

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

**6A2      CONTRACT AMENDMENT: WINTHROP STREET CEMETERY**

Historic Landscape Preservation: Winthrop Street Cemetery \$6,100

**MOTION:** *Move that the Board of Selectmen vote to approve Amendment #1 to the contract with Paysage of Northampton, Massachusetts, in the amount of \$6,100, for a total contract of \$21,100 for the restoration of the Winthrop Street cemetery to include Phase 2.*

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

**6A3      READY RESOURCE GRANT AWARD EXTENSION**

MacMillan Pier Construction Project

**MOTION:** *Move that the Board of Selectmen vote to authorize the submission of a grant extension request through December 31, 2002 from the Department of Housing & Community Development under its Ready Resource Program for the MacMillan Pier Reconstruction project and to make the determination that the conditions of the pre-construction MacMillan Pier were substandard and deteriorated.*

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

**6B      SEMASS AGREEMENT – THIRD AMENDMENT**

Mass. Technology Park Corporation Grant - \$71,213.20

**MOTION:** *Move that the Board of Selectmen vote to authorize execution of the Third Amendment to the waste acquisition agreement with SEMASS dated January 1, 1985, providing for the disbursement of a \$71,213.20 grant from the Massachusetts Technology Park Corporation.*

**Motion by: Michele Couture      Seconded by: David Atkinson      Yea 5    Nay 0**

Cheryl Andrews left the room.

**6C**      **UPDATE – ROUTE 6 DISCONTINUANCE**

Ask Governor to File Special Legislation for Site Y and Nursing Home

***MOTION:*** *Move that the Board of Selectmen vote to send a letter to the Governor requesting that she (1) file special legislation directing MassHighways to transfer the 5-acre Site Y to the Town of Provincetown to effect the Cape End Manor Care Campus proposal [with or without an exchange of like acreage from the Town], with the text proposed by the Town to be subject to approval as to form by Town Counsel; and (2) support adequate Medicaid reimbursement for the capital costs of the project.*

**Motion by:** Michele Couture      **Seconded by:** Mary-Jo Avellar      Yea 4    Nay 0

Cheryl Andrews returned.

**6D**      **WATER UPDATE**

Policy Decision on Well Sites and Water District

***MOTION:*** *Move that the Board of Selectmen, as the primary policy making agency of the Town under Charter §4-2-1, vote to inform the Planning Board that, whereas, the Town has undertaken engineering studies which conclude that Site Y is not suitable for use as a public water supply source; and whereas, the Board of Selectmen has requested instead that that the Governor file a bill which directs the Mass Highway Department to said site to the Town for its reuse as the Cape End Manor Care Campus; now, therefore, the Board of Selectmen votes that it has no intention of proposing the use of Site Y for water supply purposes.*

**Motion by:** Michele Couture      **Seconded by:** David Atkinson      Yea 5    Nay 0

**6E**      **FIREHOUSE UPDATE**

Repairing the Foundation of Firehouse #2

***MOTION:*** *Move that the Board of Selectmen vote (1) to allow the Department of Public Works to use \$42,000 from its operating budget to repair the foundation of Firehouse #2, and (2) to support a line item transfer at the April 1, 2002 Special Town Meeting to replenish this amount.*

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

**7A**      **SCALE BY-LAW**

409 Commercial Street

Schedule this item for next regular scheduled meeting – February 11,2002.

**7B**      **EMPLOYMENT CONTRACTS**

Revision of Selectmen's Policy

***MOTION:*** *Move that the Board of Selectmen vote to adopt the following policy: "It shall be the policy of the Board of Selectmen to approve all employment contracts between the Town Manager and 'contract employees' appointed by the Town Manager, as defined in the Personnel Rules.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** David Atkinson      Yea 5    Nay 0

**7C**      **BUDGET WRAP-UP**

Complete Action on FY 2003 Operating Budget; Funding FY 2002 CEM

**MOTION:** *Move that the Board of Selectmen vote to approve FY 2003 operating budget requests as follows: (1) \$43,811 for 310 Cape Cod Regional Tech High;*

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

*(2) \$1,738,709 for 710 Debt Service;*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Cheryl Andrews  
Yea 3 Nay 2 (Betty Steele-Jeffers / Michele Couture)

Mary-Jo Avellar left the room due to conflict of interest.

*(3) \$3,298,190 for 910 Insurance/Retirement/ Fringes;*

**Motion by:** Cheryl Andrews      **Seconded by:** Betty Steele-Jeffers  
Yea 2 Nay 2      - MOTION DOES NOT PASS -

*3) \$3,298,190 for 910 Insurance/Retirement/ Fringes; and to submit its FY 2003 Operating Budget to the Finance Committee, pursuant to Charter §9-1-5.*

**Motion by:** David Atkinson      **Seconded by:** Cheryl Andrews  
Yea 3 Nay 1 (Michele Couture)

Mary-Jo Avellar returned.

David Atkinson and Cheryl Andrews left the room due to conflict of interest.

**MOTION:** *Move that the Board of Selectmen vote to request \$216,334 in supplemental FY 2002 funding for Cape End Manor, said increase to be offset by use of the Parking Fund.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Betty Steele-Jeffers      Yea 3 Nay 0  
David Atkinson and Cheryl Andrews returned.

## 8. MINUTES OF BOARD OF SELECTMEN MEETINGS

**MOTION:** *Move that the Board of Selectmen approve the minutes of: January 7, 2002 (w/ CEM BOD Interview entities) with changes so noted.*

**Motion by:** Michele Couture      **Seconded by:** Mary-Jo Avellar  
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

**MOTION:** *Move that the Board of Selectmen approve the minutes of: January 14, 2002 (Regular Mtg.) as printed.*

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

**MOTION:** *Move that the Board of Selectmen approve the minutes of: January 15, 2002 (w/ Truro Board of Selectmen ) as printed.*

**Motion by:** Michele Couture      **Seconded by:** Cheryl Andrews  
Yea 4 Nay 0 Abstain 1 (Mary-Jo Avellar)

## 9. CLOSING STATEMENTS

**Cheryl Andrews** - Agree with comments made by Barbara Rushmore on evacuation plans. I think that the Pilgrim Nuclear plant should be shut down.

**Mary-Jo Avellar** - Cape Cod Commission bulletin and the property at 351A Commercial Street was in the cue. Don't know how they got away with destroying the historical site. Very annoyed.

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**David Atkinson**

***MOTION: Move that the Board of Selectmen respond to Barry Clifford's letter to the Board received on January 24, 2002.***

**Motion by: David Atkinson      Seconded by: Mary-Jo Avellar    Yea 5    Nay 0**

Letter from Maria Burks (1-24-02) requesting if anyone else is interested in being part of the Comprehensive Interpretive Plan and attending the meeting on February 13 & 14, 2002 at the Four Points Sheraton Hotel in Eastham. Pat Fitzpatrick said she would like to be a part of this group.

**Michele Couture**

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Greta Holman's letter to Keith dated January 24, 2002 re: Town Hall rentals. I am opposed to any long-term rentals. (The rest of the Board concurred.)

Airport Commission – when is meeting going to be about repaving? Keith - Received an email from Butch today proposing February 19, 2002. Near certainty that the project will not be done this spring.

Open Space Committee – Concerned over the Open Space Committee – seems, as they have taken on a life of their own. Re: Letter to Planning Board dated January 16, 2002 going against our Town policy of what we want for the Cape End Manor and they are not even quoting the right specifics. (Michele will provide Mark Latour with a list of names.)

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***MOTION: Move that the BOS direct the Assistant Town Manager to write a memo to the Open Space Committee reminding them of what their role is.***

**Motion by: David Atkinson      Seconded by: Michele Couture    Yea 5    Nay 0**

Clem & Ursie's - what is the situation on affordable housing? Judith Oset – The Local Housing Partnership will address this issue.

Board of Health – Concerned over the recent vote of the BOH going against Title V regulations. Judith Oset to provide Board with copy of minutes from BOH. Ask George Heufelder to write a memo explaining the situation. This information to be provided by next regular schedule meeting on Monday, February 11, 2002.

**Betty Steele-Jeffers** - Announced that she would not be running again this year.

Motion to adjourn by Mary-Jo Avellar at 11 PM

Minutes transcribed by: Vernon Porter, Secretary  
January 29, 2002