

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – FEBRUARY 25, 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, Michele Couture.

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

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A1 WASTEWATER UPDATE

Phase I Construction Project

MOTION: Move that the Board of Selectmen vote to insert the following wastewater articles onto the April 1, 2002 Special Town Meeting warrant:

(A) FY 2002 Wastewater Enterprise Fund amendments (See Agenda Item 5B1 – STM Article 10 Pg. 11 of 16)

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

(B) Wastewater Phase I Construction– Supplemental Expenses (See Agenda Item 5B1 – STM Article 11 Pg. 12 of 16)

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

(C) Wastewater Phase II Facilities Planning. (See Agenda Item 5B1 – STM Article 12 Pg. 12 of 16)

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

1A2 WASTEWATER ENGINEERING ADMINISTRATION

Contract Amendment/Environmental Partners Group/\$222,068

MOTION: Move that the Board of Selectmen vote to authorize execution of a contract amendment in the amount of \$221,068 with Environmental Partners Group, Inc. of Hingham, Massachusetts for wastewater engineering administration and review services.

Motion by: David Atkinson Seconded by: Cheryl Andrews Yea 5 Nay 0

1B WATER UPDATE; RATE PROPOSAL

Expand “Peak Period” Rates from 6 to 8 months.

Water Superintendent Steve Olson gave a presentation on the Water Division: Status of Activities. (See Attachment #3A,B,C)

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.40,§22F, to approve the amended water rate structure as recommended by the Water & Sewer Board and the Department of Public Works on February 13, 2002, to expand the “peak period” from six to eight months.

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

2. PUBLIC STATEMENTS

Paul Tasha - Truro Selectmen are receptive about talking to you with regards to the Manor. Article in the Cape Codder – you can carry on from there if you wish to.

Pieces of pier behind the DPW garage. Maybe we can check into this to be used for an artificial reef in our harbor or the bay. Would be a great benefit in many ways. May be a great solution that could save the town money now and make it more in the future by an enhanced marine environment that would appeal to people and would last for centuries

Peter Sousa - Woke up to chain saws this morning – area E – town cemetery where they are clear-cutting. Urge the Selectmen to take a walk out there to view the elevation of the old burn dump and to see how much can be destroyed in a matter of hours.

Sarah Peake - Consultants mentioned March 13th as a potential date for a Public Hearing on the Wastewater Construction Project. This is the same night the PBG is meeting with approximately 120 in attendance at any one meeting – I think you would lose a large segment of the community who would be interested in knowing what the impact on Commercial Street is going to be.

3. SELECTMEN'S STATEMENTS

Mary-Jo Avellar

Attending meeting last Thursday evening regarding the coyote's situation. Reported by Kerri Adams that the A & P are, apparently, throwing their bread and vegetables out the back of their building and leaving their dumpsters open.

MOTION: Move that the Board of Selectmen ask the Health Agent contact the A & P and ask them to keep their trash covered up.

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

MOTION: Move that the Board of Selectmen vote to insert the letter from the Truro Chief of Police John J. Thomas dated February 14, 2002 regarding DPW Director David Guertin's presentation on the MacMillian Pier project to the Provincetown Lions Club on February 13, 2002.

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

MOTION: Move that the Board of Selectmen through the Town Manager send a letter to Mark Robinson of the Cape Cod Conservation Trust to inform him of what the town has been trying to do and that he should contact us first the next time.

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

MOTION: Move that the Board of Selectmen vote to ask the Harbor Committee to give us an updated report on the Boardwalk.

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

David Atkinson

MOTION: Move that the Board of Selectmen vote to have as this year's theme for the 4th of July Parade, the celebration of the 275th Anniversary of the Town of Provincetown and to so notify the

Recreation Director and the Visitor Services Board.

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

MOTION: Move that the Board of Selectmen vote to propose the following policy:
“That there will be no signs placed on the exterior of the Town Hall building. This does not preclude the use of the Sandwich Board for functions going on in Town Hall and directional signs to town departments.”

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

MOTION: ***Move that the Board of Selectmen send the letter drafted by John Thomas, Chairman of the CCNS GMPIAC Committee to Maria Burks, Superintendent of the CCNS relative to the decision to extend fee collection beyond the traditional Labor Day holiday weekend to Columbus Day Weekend at Herring Cove and Race Point Beach in Provincetown.***

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

Cape End Manor – future use of the building when and if it becomes excess property – to be turned over to elderly housing. I would like to have that “building” be considered for other uses.

Resignation - David read his letter of resignation from the Board of Selectmen effective May 6, 2002. (See attached.)

Michele Couture

MOTION: ***Move that the Board of Selectmen vote to ask management for an update on Habit for Humanity.***

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

Mary-Jo Avellar and Betty Steele-Jeffers left the room.

Letter from Kathryn Fair re: paid parking lot and tollbooth at the Winslow Street entrance from High Pole Hill road into a paid parking lot.

Cheryl Andrews ask that Judith Oset send her an email as to whether or not the public hearing has been closed, and if not, the board may want to have a special meeting to see if the board wants to take a position.

Mary-Jo Avellar and Betty Steele-Jeffers returned.

Letter from Mass. Dept. of Revenue, Deputy Commissioner Joseph J. Chessey, Jr. re: 2001 Schedule A Filing. Keith – is being filed by mid-March. It will be ready in time by March 15.

Article in Cape Cod Times said that we are going to be asked to pick up the tab for a weeks worth of shuttle service by CRTA. Where is the money coming from? Keith - Ask the VSB.

Last meeting ask for report re: David Murphy. Mark Latour – it is in you mailboxes as we speak.

MOTION: ***Move that the Board of Selectmen vote to schedule the Provincetown Repertory Theatre – Use of Town Hall Auditorium .as an agenda item for March 11, 2001.***

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

Cheryl Andrews

Thank you to Mr. Guertin and to DPW for baseboard in the Judge Welsh Room.

We have been talking about cleaning up the area at Harry Kemp Way by Board of Selectmen. (Betty suggests we get a note from David Guertin before we go to the landfill.)

With regards to the ongoing sewer project, I do think, for the Board of Selectmen to entertain approving any kind of hookup or gallorage or dollarage without a water and sewer vote is absolutely unconscionable. Article 11 is proposed to be introduced on town meeting floor by us and the Water and Sewer Board.

Betty Steele-Jeffers

MOTION: Move that the Board of Selectmen vote to have an agenda item with Rosalyn Garfield on the possibility of using a large video screen at town meeting.

Motion by: Betty Steele-Jeffers Seconded by: Mary-Jo Avellar Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to have a copy of the letters Doug Johnstone wrote to David Guertin and Val Carrano regarding the Town Hall Board Recognition Event thanking Jackie Wilhoite and Michael Andrews be put in their personnel file.

Motion by: Betty Steele-Jeffers Seconded by: Mary-Jo Avellar Yea 5 Nay 0

Letter from Mark Latour re: CCNS – Herring cover water usage being up.

MOTION: Move that the Board of Selectmen vote to have a letter sent to the CCNS informing them that the water usage at Herring Cove has gone up and ask them what they are going to do about it?

Motion by: Betty Steele-Jeffers Seconded by: Mary-Jo Avellar Yea 5 Nay 0

4A HISTORICAL COMMISSION

Town Hall Mahogany Doors, Revisited

MOTION: Move that the Board of Selectmen vote to amend its vote of December 10, 2001 and direct that the six new mahogany doors for Provincetown Town Hall be treated with a clear weather sealer, pending further recommendations from the Historical Commission.

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

4B DEPARTMENT OF REGULATORY MANAGEMENT

Open discussion with Department of Regulatory Management Directory Judith Oset.
See attached agenda material.

4C CULTURAL COUNCIL

Conflict of Interest Determinations

MOTION: Move that the Board of Selectmen/appointing authority vote on the request made by Cultural Council member Patricia DeLuca under MGL C.268A, §19 to participate in the Local Cultural Council

Grant Program on matters which do not involve the same artistic discipline as the member's own application, as follows: that the Board has reviewed the facts submitted by the appointee and made the determination that her financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.

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

4D REQUEST: 56B WEST VINE STREET

Affordable Housing Deed Restrictions

MOTION: *Move that the Board of Selectmen vote to execute a Growth Management Bylaw Regulatory Agreement and Declaration of Restrictive Covenants with Edward G. Benz and Thomas J. Bombardier, Trustees, Edgewater Nominee Trust, for affordable housing units 56B West Vine Street, subject to approval as to form by Town Counsel.*

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

5A AMBULANCE SERVICES

Execute Contract with Lower Cape Ambulance Association, Inc.

MOTION: *Move that the Board of Selectmen vote to execute a contract with Lower Cape Ambulance Association, Inc for provision of ambulance services for the Town of Provincetown for the period July 1, 2002 through June 30, 2005, in the amount of \$29,645 for Fiscal Year 2003, subject to appropriation.*

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

5B1 APRIL 1, 2002 ANNUAL & SPECIAL TOWN MEETINGS

Insert Articles on the Warrant

SPECIAL TOWN MEETING

MOTION: *Move that the Board of Selectmen vote to insert in the April 1, 2002 Special Town Meeting, Article 9. Abatement of tax Title Taxes for Affordable Housing: Accept MGL C.58,§8C and Adopt By-Law specifying method for negotiating and approving agreements.*

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

MOTION: *Move that the Board of Selectmen vote to insert in the April 1, 2002 Special Town Meeting, Article 10. Wastewater Enterprise Fund.1*

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

MOTION: *Move that the Board of Selectmen vote to insert in the April 1, 2002 Special Town Meeting, Article 11. Wastewater Phase I Construction – Supplemental Expenses*

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

MOTION: *Move that the Board of Selectmen vote to insert in the April 1, 2002 Special Town Meeting, Article 12. Wastewater Phase II Facilities Planning.*

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

MOTION: *Move that the Board of Selectmen vote to insert in the April 1, 2002 Special Town Meeting, Article 13. General By-Law Amendment: Personal Water Craft Corridor in Provincetown Harbor.*

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

MOTION: *Move that the Board of Selectmen vote to insert in the April 1, 2002 Special Town Meeting, Article 15. Insurance Proceeds*

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

MOTION: *Move that the Board of Selectmen vote to insert in the April 1, 2002 Special Town Meeting, Article 19. Massachusetts Highway Department Chapter 90 Funds for Road and Sidewalk Construction and Repairs.*

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

ANNUAL TOWN MEETING

MOTION: *Move that the Board of Selectmen vote to insert in the April 1, 2002 Annual Town Meeting, Article 4 #13. Water Service Upgrades.*

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

MOTION: *Move that the Board of Selectmen vote to insert in the April 1, 2002 Annual Town Meeting, Article 6. Amendments to Personnel By-Law/Classification and Compensation Plan.*

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

MOTION: *Move that the Board of Selectmen vote to insert in the April 1, 2002 Annual Town Meeting, Article 50. Acquisition of Tax Title Property in Return for Abatement of Taxes Owed – Lot 2, Bayberry Lane.*

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

Cheryl Andrews left the room.

MOTION: *Move that the Board of Selectmen vote to insert in the April 1, 2002 Annual Town Meeting,*

Article 51. Conservation Restriction on Tax Property in Return for Abatement of Back Taxes Owed: 74 Harry Kemp Way.

**Motion by: Mary-Jo Avellar Seconded by: David Atkinson
Yea 2 Nay 2 (Betty Steele-Jeffers/Michele Couture)
- Motion Does Not Pass -**

Cheryl Andrews returned.

MOTION: Move that the Board of Selectmen vote to insert in the April 1, 2002 Annual Town Meeting, Article 52. Lay Out and Acceptance of Common Landing Over “Cart Road” between 145 and 147 Commercial Street.

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

**5B2 APRIL 1, 2002 ANNUAL TOWN MEETING ARTICLE
MMA Classification and Compensation Plan Study**

Already done.

Mary-Jo Avellar left the room.

**5B3 APRIL 1, 2002 ANNUAL TOWN MEETING ARTICLE
Lay Out Cart Road between 145 & 147 Commercial as Town Landing**

MOTION: Move that the Board of Selectmen vote to insert an article onto the April 1, 2002 Annual Town Meeting warrant for the Lay Out and Acceptance of Common Landing Over “Cart Road” between 145 and 147 Commercial Street; and further to vote its intention, pursuant to MGL C.82, §§17 and 21, to lay out a common landing extending from Commercial Street to the Harbor, located between Nos. 145 and 147 Commercial Street over a strip of land shown as “Cart Road” on a plan dated January 3, 1983 by William N. Rogers, recorded in the Barnstable County Registry of Deeds at Book 369, Page 67, and on file in the office of the Town Clerk; and to refer the matter to the Planning Board for its recommendation under MGL C.41, §§81G and 81I. And further to notify abutters.

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

Mary-Jo Avellar returned.

**5C SCHEDULE SPECIAL BOARD OF SELECTMEN MEETINGS
Senator O’Leary; Order of Articles; Permanent Bond Issue**

MOTION: Move that the Board of Selectmen vote to schedule a special board meeting for Monday, March 4, 2002 at 1 p.m. to: a) meet with Senator Rob O’Leary; b) to determine the order in which articles will appear on the April 1, 2002 Special & Annual Town Meeting warrants

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

MOTION: Move that the Board of Selectmen vote to schedule a special board meeting for Monday, March 18, 2002 at 6 p.m. to act on the results of the March 13, 2002 bond sale.

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

6. APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to recommend that the Barnstable County Commissioners appoint Town Manager Keith A. Bergman as the Town of Provincetown's representative to the Regional Wastewater Implementation Committee with Barnstable County will be forming*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture

After discussion both Motion and Second were withdrawn. The Board decided to take no action on this item.

7. MINUTES OF BOARD OF SELECTMEN MEETINGS

MOTION: *Move that the Board of Selectmen approve the minutes of: January 22, 2002 (Budget Mtg.) as printed.*

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

MOTION: *Move that the Board of Selectmen approve the minutes of: January 24, 2002 (Budget Mtg.) as printed.*

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

8. FILL VACANCY ON BOARD OF SELECTMEN

Call Special Election to Coincide with Annual Town Election

MOTION: *Move that the Board of Selectmen vote pursuant to MGL C.41,§10 to call a Special Town Election on the same ballot as the Tuesday, May 7, 2002 Annual Town Election, to fill a vacancy on the Board of Selectmen expiring at the May 2004 Annual Town Election.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture
Yea 3 Nay 1 (Cheryl Andrews)
David Atkinson cannot vote on this item.

9. CLOSING STATEMENTS

Mary-Jo Avellar - None

David Atkinson

MOTION: *Move that the Board of Selectmen vote to have staff look into the possibility of using the debris from the pier as a reef in our harbor.*

Motion by: David Atkinson **Seconded by:** Mary-Jo Avellar
Yea 2 Nay 3 (Cheryl Andrews/Betty Steele-Jeffers/Michele Couture)
- MOTION DOES NOT PASS -

MOTION: *Move that the Board of Selectmen vote to send the Parking Department a copy of the letter from Maria Burks dated January 25, 2002 re: Transfer Station.*

Motion by: Mary-Jo Avellar

Seconded by: Michele Couture Yea 5 Nay 0

Michele Couture - None

Cheryl Andrews - None

Betty Steele-Jeffers - None

Motion to adjourn by Mary-Jo Avellar at 10: 02 PM

Minutes transcribed by: Vernon Porter, Secretary
March 7, 2002