

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – APRIL 8, 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, David Atkinson, Michele Couture. Excused Absence: Mary-Jo Avellar

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.

- 1A** **MOTION**: *Move that the Board of Selectmen vote to table to a time to be determined before the end of this meeting Agenda Item 1A.*

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

- 1B** **PUBLIC NOTICE; MacMILLAN FLOAT SPACE 8W**

Transfer of Ownership Interest – Peter Pannoni & Sons

**MOTION**: *Move that the Board of Selectmen vote in accordance with Special Condition No. 7 of the Chapter 91 License for MacMillan Pier issued October 23, 1995, to approve the proposed transfer of ownership interest in the MacMillan Pier Float Space 8W License from Peter Pannoni & Sons to a Massachusetts Business Corporation of which Peter Pannoni is the sole shareholder.*

**Motion by**: Michele Couture                      **Seconded by**: Cheryl Andrews  
Yea 3 Nay 1 (Betty Steele-Jeffers)

- 2.**      **PUBLIC STATEMENTS**

None

- 3.**      **SELECTMEN'S STATEMENTS**

**Cheryl Andrews**

Well earned thank you to staff for Town Meeting.

**MOTION**: *Move that the Board of Selectmen send a thank you letter to Jack Kelley for his years of service on the Licensing Board.*

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

To Keith - call your attention to memo re: question I had concerning granite sidewalk at 104 Bradford Street. Memo does not address my question as the Building Commissioner just talks about 102 Bradford – I was talking about 104 Bradford encroachment.

Email re: ad in paper for Assistant Harbormaster. Did you get it? Answer: No. I will send it again.

Letter from Greta re: Crown & Anchor – What is the impact of the unpaid tickets on their liquor licenses or licenses with the town? I don't mean to single them out - I am sure there are other businesses that have unpaid tickets too. Keith - we can get and answer for you as to what is the impact.

### **Betty Steele-Jeffers**

Letter from George Heufelder re: sewer hook-up 10 ft or 70 ft – clarification? Keith – the answer is 70 ft. Michele: People are asking a lot of site related questions. What will the dollar cost be, etc? We need one person that people can relate to – with a longer period than fifteen minutes.

David Guertin – we are waiting for Metcalf & Eddie to set up their trailers on site, which will be transpiring very shortly. The next step will be to call each and every person in so that we can make a site profile of their individual properties. Betty: Do you think this will be done by June – by the time people are asked to do something? Answer: Yes

Michele Couture – as long as there is one specific person as a contact instead of getting different answers from different people – then we can say, call so in so and they can answer your questions.

### **David Atkinson**

Also want to thank everyone for an excellent town meeting.

Spaghetti Strip - Would like to ask Town Counsel to have the judge lift the restraining order. Keith – I asked Town Counsel last week to put that advise in writing. Two things have to happen; 1) By-laws have to be approved by the Attorney General - within 90 days after the town meeting. 2) at that time, reading the letter of the judges ruling, it would be right for the Board of Selectmen to decide whether or not they want to go back to court to get the injunction lifted. You cannot do anything until it is lifted – not signs, no posts – nothing until the judge says we can.

Masonic Lodge is having a free benefit dance to raise money for the Motta Field restoration on Saturday – April 20, 2002. at Provincetown Inn.

### **Michele Couture**

Keith - I would like a point person within a week or so and advertise it in the banner? Ok.

**MOTION**: *Move that the Board of Selectmen send a letter of thanks to the Gary Silva Family for the donation of flowers at town hall during the Town Meeting.*

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

5 Conant Street – have we had a report yet? Keith: No – but we will.

Barry Clifford – has his concerns been addressed about the difficult and dangerous docking situation at Float Space 10W? David Guertin – He needs to be concerned. DEP is arriving here Thursday @ 2 PM to meet with Town Officials and Mr. Clifford to allay his fears. And also to have a review for town and Mr. Clifford exactly what the Chapter 91 license requirements are.

### **Cheryl Andrews**

Richard Pepitone sculpture – accident. Does the town plan to file a claim for the damage? David Guertin - AGM has offered to do whatever repairs necessary by a certified foundry. AGM has taken full responsibility and the repair work will be in place shortly.

## **4A MASS. BOARD OF LIBRARY COMMISSIONERS GRANT**

Execute Grant Agreement for Library Construction Project: \$1.87 - million

**MOTION:** *Move that the Board of Selectmen vote, pursuant to Article 8 of the April 1, 2002 Special Town Meeting, to accept a grant in the amount of \$1,878,456 from the Massachusetts Board of Library Commissioners under its Massachusetts Public Library Construction program for the reconstruction of the Heritage Museum as the Provincetown Public Library.*

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

**1A PUBLIC HEARING; COMM. ELECTRIC, VERIZON**

Sewer Project Pole Relocations and Installations [MGL C.166, §22]

Attendees: Mr. John Doherty representing NSTAR. No other attendees were present.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C.166,§22 to approve the request of Commonwealth Electric Company and Verizon of New England, Inc. to: (1) relocate Pole 20/5 and pushbrace 22 feet west to property line per customer request at 24 Court Street;*

**Motion by:** David Atkinson      **Seconded by:** Michele Couture      **Yea 4 Nay 0**

*and (2) Install 7 poles north of Shank Painter Road to the wastewater treatment plant.*

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

**4B BUILDING COMMITTEE**

MacMillan Pier Construction Contract: Change Order

**MOTION:** *Move that the Board of Selectmen vote in favor of the recommendation of the Building Committee to approve the following change order for the MacMillan Pier Construction contract with Fay, Spofford & Thorndike in the additive amount of NOT-TO-EXCEED \$5,100.*

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

**4C COUNCIL ON AGING**

Submit Executive Office on Elder Affairs FY 2003 Formula Grant

**MOTION:** *Move that the Board of Selectmen vote to submit a grant application or \$3,727 to the Executive Office of Elder Affairs for a FY 2003 Formula Grant for a Community Resource Senior Assistance Program, staff education and training, and outreach services.*

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

**4D RYDER STREET PARKING LOT**

Use During Building Reconstruction

**MOTION:** *Move that the Board of Selectmen vote to approve the recommendation of the Parking Administrator regarding the request of Giovanni Cicero to use the six parking spaces behind Cabot's Candy and the building that burned, to minimize the construction impact on Commercial Street.*

*Conditions of this agreement are for the Ryder Street lot only, and include the following:*

- *There can be no storage of heavy construction equipment such as cranes. Any storage of heavy*

*construction equipment must be by private arrangement.*

- *At no time shall the north side of the Ryder Street parking lot or the first three spaces in the rear (northeast) of the lot be blocked in any way.*
- *There will be no parking for construction crews in the Ryder Street lot.*
- *Police and the Parking Department will monitor this lot for compliance. However, the onus will be on Mr. Cicero to ensure that his construction workers abide by these guidelines. If Mr. Cicero does not live up to the terms of this agreement, the Town may terminate this arrangement.*
- *During periods when there is no construction going on, the area will be cleaned up by Mr. Cicero, and the Town will make the spaces available for permit holders and handicapped.*
- *Restore parking lot to original condition.*

**Motion by: David Atkinson**

**Seconded by: Michele Couture**

**Yea 4 Nay 0**

Further to follow-up on this with an agenda item at the Board of Selectmen June 10, 2002 meeting.

**5A TOWN MEETING RECAP**

Tracking Sheet of Follow-up Actions Required to Implement Votes

Open discussion. No motions made. No action taken. Keith commended the entire town staff for an excellent job in preparation for this years Special and Annual Town Meeting.

**5A1 ATM ARTICLE 62 – CART ROAD**

Update after Town Meeting

Open discussion. No motions made. No action taken.

**5B WATER HOOK-UP**

Review of Truro Selectmen's Request for COA

**MOTION:** *Move that the Board of Selectmen vote to schedule a joint meeting after May 13, 2002, with the Provincetown Water & Sewer Board and the Truro Board of Selectmen to discuss matters arising from Truro's February 28, 2002 request for a temporary water hook-up for the former Seamen's Bank Building on Route 6 in Truro, which Truro intends to use as the temporary quarters for its Council on Aging.*

**Motion by: David Atkinson**

**Seconded by: Michele Couture**

**Yea 4 Nay 0**

Cheryl Andrews left the room.

**5C CAPE END MANOR BUILDING REPAIRS**

Award Construction Contract

**MOTION:** *Move that the Board of Selectmen vote to award a construction contract to low bidder Bay State Contracting of North Pembroke, Massachusetts for the base bid and bid alternatives 1, 2 and 3 in the amount of \$298,800 for repairs to the Cape End Manor building at 100 Alden Street; and, further, to authorize execution of said contract by the Board upon receipt of all required bonds and insurance.*

**Motion by: David Atkinson**

**Seconded by: Michele Couture**

**Yea 3 Nay 0**

Cheryl Andrews returned.

**6. APPOINTMENTS**

**MOTION:** *Move that the Board of Selectmen vote to appoint Geraldine Brennan of 70 Snail Road, Provincetown, MA as a Regular Member to the Council on Aging with an expiration date of December 31, 2004.*

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

7. **MINUTES OF BOARD OF SELECTMEN'S MEETINGS**

**MOTION:** *Move that the Board of Selectmen approve the minutes of January 17, 2002 (Budget Mtg.) as printed.*

**Motion by:** David Atkinson      **Seconded by:** Michele Couture      Yea 4 Nay 0

**MOTION:** *Move that the Board of Selectmen approve the minutes of March 11, 2002 (Reg. Mtg.) as printed.*

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

**MOTION:** *Move that the Board of Selectmen approve the minutes of March 25, 2002 (Reg. Mtg.) as printed.*

**Motion by:** Michele Couture      **Seconded by:** David Atkinson      Yea 4 Nay 0

8. **CLOSING STATEMENTS**

**Cheryl Andrews**

Conversation with John Giorgio over dinner re: rules to political activities at Town Hall. Keith – can you give me a copy of the email he sent you? Keith – Sure.

**Betty Steele-Jeffers**

Town pin – who are we giving them to? Cheryl – I've asked a couple of times for a plan, what ever did we say. Mark – We haven't gotten into the town pins. As far as I know the town clerk has been keeping those and is on top of those. Keith - I believe we voted on a policy. Cheryl – It definitely was supposed to be for volunteers, and originally, after a number of years of service.

**MOTION:** *Move that the Board of Selectmen vote to give Robert Vetrick a Town Pin for his nine years of volunteer service to the Town.*

**Motion by:** Betty Steele-Jeffers      **Seconded by:** Michele Couture      Yea 4 Nay 0

**MOTION:** *Move that the Board of Selectmen vote to have our Secretary Vernon Porter or the Assistant Town Manager Mark Latour check the record to see what the policy is for giving the Town Pin to volunteers.*

**Motion by:** Betty Steele-Jeffers      **Seconded by:** Michele Couture      Yea 4 Nay 0

Evaluation forms are due in to me Thursday.

My email re: COA request to do something for Diane Corbo. They would be satisfied to put up a plaque for her years of service and not to name a room per se.

**David Atkinson**

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

*Speak to the employee in question raising the concerns that have been expressed and telling the employee that he/she will have to take care of his/her own animal and the problems or the animal will not be able to come to work anymore.*

**Motion by: Betty Steele-Jeffers      Seconded by: David Atkinson**  
**Yea 3   Nay 0   Abstain 1 (Michele Couture)**

Absenteeism - Do we have a policy on absenteeism? Do people get letters when they have used up all their sick time? Betty - What do the Personnel Rules say – there must be a process or plan. Keith – Yes. Betty – Even for Management? Keith - Yes, and if you are out sick, if you have notes from your doctor with your back problems or whatever else and you are working at home – you are allowed to do that. We've allowed people with cancer, etc., and if people have serious medical conditions they are cut slack if they get the work done. David – we at least calculate the time? Keith – Yes, and time sheets are put in.

**Michele Couture**

To Mark Latour – last meeting we had the folks from Profish that came before us and then Mr. Vinagra walked in at the 11<sup>th</sup> hour – have you had a conversation with him, is that situation being resolved? Answer – I had a brief conversation with him and we need to do more work on this, it is still not resolved. Michele – is that going to be ready for the 22<sup>nd</sup>? Answer - Yes

**MOTION: *Move that the Board of Selectmen vote to take a 10-minute recess.***

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

**9. STRATEGY WITH RESPECT TO LITIGATION**

McGowan v ZBA: Town v. Bayview Wharf Condos [421 Commercial St.]

**MOTION: *Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, § 23B, clause 3, to go into executive session for the purpose of discussing strategy with respect to zoning enforcement litigation, and not to convene in open session thereafter.***

**Motion by: David Atkinson      Seconded by: Cheryl Andrews**

**Roll Call:**

**David Atkinson - Yes      Michele Couture - Yes**

**Betty Steele-Jeffers - Yes      Cheryl Andrews - Yes**

Motion to go into Executive Session at 7:50 PM

Minutes transcribed by: Vernon Porter, Secretary  
April 10, 2002