

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – APRIL 22, 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.

#### 1A PUBLIC HEARING; CURB CUT

6 Johnson Street (Assessor's Map 12-1-118)

***MOTION: Move that the Board of Selectmen vote, pursuant to General By-laws Section 11-6-2, to approve the application of Mary Alice Wells and Cassandra Benson to establish a curb cut at 6 Johnson Street (Assessor's Map 12-1-118) for 17 feet as shown on the Felco Incorporated plan dated March 11, 2002 entitled "Proposed" accompanying the application submitted on March 1, 2002, as submitted.***

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

#### 1B FY 2002 TOWN-WIDE POLICY GOALS

Fourth Quarterly Update from Goal Team Leaders

Open discussion.

Cheryl Andrews - Do we have a set timetable from the Library Board of Trustees on the Capital Campaign?

Keith – No but we can put one in place - a quarterly one would be reasonable for everyone.

***MOTION: Move that the Board of Selectmen vote to have a meeting with the Housing Authority after the election to discuss their role.***

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

Cheryl Andrews - Public Works Team – Pg. 3 7.4 – EPG contract for \$27,500 would like to see a report for that money. David Guertin – Used for sequestering equipment, etc. Will give you a report on this.

Michele Couture – Want to thank DPW (Water Dept.) for their excellent report on leak detection and saving us millions of gallons of water.

#### 1C WASTEWATER PROJECT

Underground Electrical Service to the Treatment Plant

Introduced Mr. Ted Daley, Resident Engineer for the Wastewater Project. His office will be at the Grace Gouveia Building.

Open discussion on the possibility of using underground electrical service in the future. No motions made.

2. **PUBLIC STATEMENTS**

Jason Perry - Read into record complaint against Police Chief Meyer. (See attachment #1)

Peter Sousa – Concerned over wood treated with Chromated Copper Arsenate (CCA) being used to build the sidewalk and boardwalk at the new pier. This issue will be discussed at the Conservation Commission meeting this Thursday night; and the Commission will look at the plans to see if CCA was included in the contract and if so, will we be using this?

Francis Veara – questioned the civil service residency requirements for police officers working in Provincetown. Left messages for the Chief but no response. Would like to have this corrected.

3. **SELECTMEN'S STATEMENTS**

**Betty Steele-Jeffers**

Thank you to my colleagues and staff for the past six interesting years.

Council on Aging – May 5<sup>th</sup> – 2 to 4 PM – Let Vernon know if you plan to attend.

**MOTION:** *Move that the Board of Selectmen vote to write a letter of thanks and good wishes to Alan Souza on his retirement from the police force.*

**Motion by:** Betty Steele-Jeffers      **Seconded by:** David Atkinson      Yea 5 Nay 0

**MOTION:** *Move that the Board of Selectmen vote to request and updated to the board on the points raised by Mr. Sousa during public statements.*

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

**MOTION:** *Move that the Board of Selectmen vote to have the Town Manager tell the Board of Selectmen what the procedures are, so as to respond to Mr. Jason Perry's complaint, which requested a hearing against the police chief.*

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

**Mary-Jo Avellar**

**MOTION:** *Move that the Board of Selectmen vote to ask the Staff for a report on Mr. Veara's complaint of Provincetown Police Officers not living in town.*

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

Wish to thank my two colleagues (Betty & David) for their years of service and for fostering an atmosphere of stability and good will amongst all the members.

**David Atkinson**

Work at Bas Relief – what is going on? Sandy Turner – it is the new brick sidewalk.

***MOTION: Move that the Board of Selectmen vote to ask the Tourism Director to advise the Board of Selectmen of the details of The Lord Mayor visit from Plymouth England on Tuesday, May 7, 2000 between 11 AM – 2 PM.***

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

***MOTION: Move that the Board of Selectmen vote to check with Town Counsel to see if we are covered for liability relative to the issue raised by Mr. Sousa during public statements.***

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

“Finally, I would just like to say that on my last night at this table it’s been mostly a pleasure for four years. I’ve had many good times and my singing voice has improved. I would even like to thank the naysayers and people who called me late at night complaining about things that I said or did because they help me fine tune my operation at this desk and to stay focused and help me make the project or decisions that are best for the town. I’ve had a good experience but I’m glad I’m putting it aside and I am sure I will miss it here. I want to thank everybody that helped me make decisions that were what I felt was appropriate.”

**Michele Couture**

Want to echo Mary-Jo Avellar’s comments. Betty, you have always represented the town with dignity and professionalism. Your style has always been no-nonsense, yet respectful. David, I have to say, sitting on the board with you, you certainly have brought up those issues that may not have otherwise seen the light of day. I think that for myself just these 10 months that I have been on the board that it has been a great board to have an introduction to and you’ve made it real easy. I want to thank you for your service to the town and thank you for helping me along and making it easy for me.

Letter from Mr. Guertin re: sewer project - At the conclusion of the first real week of field activities with the sewer that everyone has done a splendid job and we are ahead of schedule.

Talking with member of our Fire Department relative to parking stickers and the subject came up as to why they do not get free parking stickers.

***MOTION: Move that the Board of Selectmen vote to ask for a report from Don Richards on a proposal to give free parking permits to all members of the Fire Department.***

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

***MOTION: Move that the Board of Selectmen vote to proclaim Sunday, May 5, 2000 as Council on Aging Day.***

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

Future agenda item - May 13, 2002 – select date to meeting with Chapter 91 Amnesty Committee and the Board of Selectmen.

**Cheryl Andrews**

Thanks to Police Chief for attending PBG get together at the Monument on Wednesday night. Simply put, in all the years that I've been here, I've never been at that kind of a function where the Police Chief was. It was warranted for him to meet more and more townspeople in a setting where he could introduce himself and take questions. I thought he conducted his portion of that evening very well and I hope he is going to be doing more of it and I wanted to thank him for his time.

Congratulations to Rex McKenzie for nice coverage in the Cape Cod Times on what to do with your boat so that it doesn't sink to the bottom when you are putting it in.

Wind Farm issue – still want to discuss it and will be bringing it up again in the future.

Attended Shirley Gomes' open seminar last Friday, at Harwich Town Hall, on the State's fiscal situation and how that would affect the towns. It was very interesting and I have a lot of paperwork if anyone would like to take a look at it.

With regards to Betty and David I agree with everything that has been said. It has been fun. I've really enjoyed both of you and welcome everyone to join us Friday night at Napi's.

#### **4A PARADE PERMIT: PARADE OF NATIONS**

***MOTION: Move that the Board of Selectmen vote to approve the Parade application submitted by Recreation Director Dennis Clark on behalf of the Human Rights Working Group's "Parade of Nations" parade to be held on Tuesday, June 4, 2002 at 5:30 PM and ending by 6:00 PM. Further to revise the route to: Begin at the elementary school to Bradford Street, turn left on Bradford and proceed East to Johnson Street, turn right on Johnston Street to Commercial Street, turn right on Commercial to Winthrop St., turn right to Bradford, right on Bradford to end at Town Hall.***

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

Mary-Jo Avellar left the room.

#### **5A PROFISH – MacMILLAN PIER SPACE**

Seafood Offloading Lease/Cape Cod Bay Fisheries, Inc./\$21,577 per year.

***MOTION: Move that the Board of Selectmen vote to extend the lease with Cape Cod Bay Fisheries, Inc. for rent in the amount of \$21,557 per year or \$0.0035 per pound, whichever is greater, a lease beginning May 1, 2002 and ending as soon as the Pier Corporation has legally come into being, or on December 31, 2002, whichever comes first, subject to the restriction that use thereof shall be limited to seafood offloading/handling and activities related thereto, and that the lessee shall allow other fish buyers to pack-out thereat, for MacMillan Pier Space Two: an area comprised of 4900 square feet, more or less, now located on the east end of the "T" as shown in the attached drawing dated 3/21/02. Additionally, the \$21,557 per calendar year rent shall be prorated, with each month of the year being equal in value. So if the Pier Corporation is formed on November 1, 2002, and Cape Cod Bay Fisheries has worked under this contract for six months, then the rent to the Town for this period will be \$21,557 divided by 12 times six months, or \$10,778, or \$0.0035 per pound, whichever is greater.***

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

Mary-Jo Avellar returned.

#### **5B EMPLOYMENT CONTRACT**

Approval of Extension: Assistant Town Manager

**MOTION:** *Move that the Board of Selectmen vote, pursuant to Policy Statement No. 2002-01-28-A, to approve the Town Manager's extension from April 30, 2002 through April 30, 2003 of the employment contract with Assistant Town Manager Mark L. Latour, upon the same terms and conditions.*

**Motion by:** David Atkinson

**Seconded by:** Michele Couture

**Yea 5 Nay 0**

**6. MASSACHUSETTS WATER POLLUTION ABATEMENT TRUST**

Interim Borrowing for Wastewater Project: \$16.3-million

**MOTION:** *Move that the Board of Selectmen vote, pursuant to Article 2 of the April 2, 2001 Special Town Meeting, to authorize the Treasurer to borrow the amount of \$16,375,611.00 from the Massachusetts Water Pollution Abatement Trust and further to adopt the form of the motion prescribed by Bond Counsel Ropes & Gray, a copy of which is attached hereto and made a part hereof, for interim borrowing in said amount.*

**Motion by:** David Atkinson

**Seconded by:** Michele Couture

**Yea 5 Nay 0**

**7A NON-UNION CONTRACT STRATEGY**

Town Manager Employment Agreement

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, section 23B, clause 3, to go into executive session for the purpose of discussing strategy with respect to contract negotiations with nonunion personnel; and to convene in open session thereafter*

**Motion by:** Cheryl Andrews

**Seconded by:** Mary-Jo Avellar

**Yea 5 Nay 0**

Roll Call Vote:

**David Atkinson - Yes**

**Michele Couture - Yes**

**Cheryl Andrews - Yes**

**Mary-Jo Avellar - Yes**

**Betty Steele-Jeffers - Yes**

The board went in to executive session at 7:22 PM

The board reconvened in open session at 7:52 PM.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to the employment agreement dated February 14, 2000, to establish Town Manager Keith A. Bergman's merit pay increase for July 1, 2002 at 4.85%.*

**Motion by:** Mary-Jo Avellar

**Seconded by:** Michele Couture

**Yea 5 Nay 0**

**7A ANNUAL PERFORMANCE EVALUATIONS**

Secretary to the Board of Selectmen

**MOTION:** *Move that the Board of Selectmen vote to establish Board of Selectmen's Secretary Vernon Porter's annual performance appraisal score as 11.1 with a merit pay increase for July 2002 at 4.85%..*

Motion by: David Atkinson

Seconded by: Michele Couture

Yea 5 Nay 0

**7B LETTER FROM OUTGOING BOARD TO INCOMING BOARD**

**MOTION:** *Move that the Board of Selectmen vote to adopt the form of a letter from the outgoing Board of Selectmen to the incoming Board of Selectmen as amended..*

Motion by: Mary-Jo Avellar

Seconded by: David Atkinson

Yea 5 Nay 0

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

**MOTION:** *Move that the Board of Selectmen approve the minutes of April 1, 2002 (Town Mtg.) as printed.*

Motion by: David Atkinson

Seconded by: Michele Couture

Yea 5 Nay 0

**MOTION:** *Move that the Board of Selectmen approve the minutes of April 2, 2002 (Town Mtg.) as printed.*

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

**MOTION:** *Move that the Board of Selectmen approve the minutes of April 4, 2002 (Town Mtg.) as printed.*

Motion by: Michele Couture

Seconded by: David Atkinson

Yea 5 Nay 0

**MOTION:** *Move that the Board of Selectmen approve the minutes of April 8, 2002 (Reg. Mtg.) as printed.*

Motion by: Michele Couture

Seconded by: David Atkinson

Yea 4 Nay 0 Abstain 1 (Mary-Jo Avellar)

**8. CLOSING STATEMENTS**

**Betty Steele-Jeffers**

**MOTION:** *Move that the Board of Selectmen ask the Town Manager prepare a letter to the Sierra Club re: "strip development" for the board's signature.*

Motion by: Michele Couture

Seconded by: David Atkinson

Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

**Mary-Jo Avellar**

**MOTION:** *Move that the Board of Selectmen vote to send a copy of "What is the rule of necessity?" to all Town Boards as published in the Spring 2002 State Ethics Commission Bulletin.*

Motion by: Mary-Jo Avellar

Seconded by: Michele Couture

Yea 5 Nay 0

**David Atkinson**

Still not happy with the No Parking Signs on Commercial Street.

**Michele Couture**

**MOTION:** *Move that the Board of Selectmen vote to send a letter of congratulations to Patrolman Geneva Cook on being promoted to Detective Geneva Cook.*

Motion by: Michele Couture

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

**Cheryl Andrews** - None

Motion to adjourn by Mary-Jo Avellar at 8:15 PM

Minutes transcribed by: Vernon Porter, Secretary  
April 26, 2002