

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, JUNE 10, 2002

JUDGE WELSH HEARING ROOM

Acting Chairman Cheryl Andrews, opened the meeting 6:00 PM noting the following attendees:

Board of Selectmen members: Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson. Chairman Mary-Jo Avellar is due to arrive shortly.

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.

Keith Bergman introduced Acting Staff Sgt. Robert Russell and Prosecutor Glen Enos to the Board and members of the audience. Keith spoke proudly of Robert and Glenn's accomplishments since joining the staff. and becoming the latest two members to be promoted within the Police Department.

1 TOWN BOARD INTERVIEWS

Chairman Mary-Jo Avellar arrived at 6:08 PM

MOTION: Move that the Board of Selectmen vote to schedule an agenda item for June 24, 2002 with the Provincetown Housing Partnership and zoning enforcement/Building Commissioner re: affordable housing permits that are not in compliance and what can we do with our regulations to reflect what we have learned.

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

MOTION: Move that the Board of Selectmen vote to appoint Scott Campbell as a Regular Member of the Local Housing Partnership with a term expiration date of June 30, 2005.

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

Chairman Avellar took over the meeting.

MOTION: Move that the Board of Selectmen table the interview for the Open Space Committee until a time uncertain.

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

2. PUBLIC STATEMENTS

James McGowan – Spoke on several items. 1) Parking lot on Route 6 that has been taken away from the tour buses and used by the sewer construction company. 2) Heritage Museum building – lead paint – chipped and flying through the air. What protection is being taken? 3) MacMillan Pier – a) Pressure treated lumber – men working with no respirators or healthcare issues being protected, b) Pier construction (court agreement) not handicapped accessible, c) Ticket booths are not located where they are supposed to be and in violation of court order.

Peter Sousa – Agree with previous speaker. Sawdust and shavings not being cleaned up. sawdust blowing into harbor. Clerk of The Works told me that she does not want me talking to any of her men. I told her I was on a site visit, I have to be down here. She said, "Just don't bother my men and if you want to start trouble go ahead." I thought she was working for us. That was very rude. Maybe she was upset because I had my video camera taping the workmen working without masks on, without gloves and sawdust blowing into the harbor. If the previous speakers statements are true, and I believe they are, because I have been doing some investigation

myself. The Conservation Commission, and I am not speaking for them, has in their jurisdiction to have that planking removed. It is coming before the Conservation Commission the 26th or 27th of this month. It doesn't look good. Skateboard track – think it should go in front of the kite shop.

Michael Bunn - Update on Conwell St., (old A & P) – two of the buildings have been poured. Framing crew of 20 will be showing up end of this week and beginning of next week. Our next development is the year-round affordable rentals on Nelson Ave. We've worked out an agreement with the abutters and have cut the number of units down from 8 to 6. It is a win win situation. We are working in partnership with the newly created Land Trust for Cape Cod – they will buy and own the land and Community Housing Resource will develop, own and manage the apartments that sit on it. A little bit further down the line we've started working preliminary engineering and architectural design for the Meadows which will be a year-round mixed income development affordable home ownership as well as market rate home ownership as well.

Any help you can give the Provincetown Housing Partnership is greatly appreciated.

Spectacle on Conwell Street - Cars have been stopping and pulling in to our property to take a look at the signs and the circus that is going on. I was nearly rear-ended by a car that was not paying attention to traffic and gawking at what was going on there. This is a two-fold problem; a property management problem for us and a safety issue personally. I thought it was time to say something.

3. SELECTMEN'S STATEMENTS

Sarah Peake

Congratulations to all those who worked towards and contributed to Provincetown's first International Festival. Terrific job! Thank you to everyone involved.

MOTION: Move that the Board of Selectmen vote to schedule a joint meeting with the Licensing Board at our regular scheduled meeting on July 8, 2002.

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

MOTION: Move that the Board of Selectmen send a letter of gratitude to all the agencies who responded to the Dolphin VII Whale Watch emergency on Saturday, June 8, 2000.

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

MOTION: Move that the Board of Selectmen send a letter of response to Richard Conley's letter received June 10, 2002 regarding the Board of Health's decision to ban smoking in bars.

Motion by: Sarah Peake Seconded by: Richard Olson Yea 5 Nay 0

Cheryl Andrews

Pier signage – What is the position of the Town on signs. Is it a fair position for the town to put up a sign to say – 'Construction Site - Enter at your own risk'? Keith –I would want to ask Town Counsel. I would prefer not to see such a sign go up. I may be more appropriate to properly sign areas that are clearly cordoned as part of the active construction as opposed to do it at the entrance.

Improving Crosswalk situation - Crack down on cars that are driving through them. Possible traffic detail on the weekends at the crosswalk near Tropical Joe's and Cumberland Farms?

Reiterate the comments made by Ms. Peake on the International Festival. Kudos to everyone that made it happen! It really reflected well on the town. Also the rescue effort for the Dolphin VII was a very upsetting situation.

Michele Couture

Rescue Squad – all the procedures were in place and everything worked flawlessly.

MOTION: *Move that the Board of Selectmen vote to submit a letter of commendation to Tourism Director Patricia Fitzpatrick's personnel file stating that the Board appreciates the very fine job she did for the International Celebration.*

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to the Chief of Police and the Human Rights Resolution Working Group members for organizing the First Annual International Celebration.*

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

Letter dated May 2, 2002 from Keith to Mark Latour and DPW re: Pier compliance. Keith – I never received a response. I sent a follow-up request today to have that report by the end of the week.

MOTION: *Move that the Board of Selectmen vote to adopt the resolution by the Massachusetts Producer Take Back Campaign supporting Producer Take Back of cathode ray tubes, electronics, and household hazardous products.*

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

Leach field goals update – when will we have it? Keith – it is a propose goal.

MOTION: *Move that the Board of Selectmen vote to ask for a report from Staff on the Leach Fields to include 1) any drawings or documents that will show the Board what the appearance will be after construction, 2) were there any decisions or discussions made about use.*

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

Cheryl Andrews

I made a motion asking about Sewer Construction Project and Women's Week. What will be going on that week and where? Keith – Contractor has been consulted and is aware of the situation and will be setting up work in a way that it does not affect the center of town - it will be in the extremities of town. MJA – that's the problem, the person who raised the issue lives in the extremities and will be having people staying at this property. Sandy Turner - We're trying to limit any work near the center of town – and talking to the contractors to limit any heavy equipment on Commercial Street, trying not to disrupt as much as possible. MJA – you might want to give him a call (he's in Italy right now) and let him know. Keith – We will get something more explicit.

Richard Olson

Echo all the happy sentiments that have been expressed with special emphasis on my feelings of being impressed with the emergency services response in the Dolphin VII mishap.

Mary-Jo Avellar

The Dolphin VII was on my list as well. Also, I want to say thank you to the Human Rights Working Group and to Ms. Fitzpatrick for all they did. Since it was the first one, maybe next year our Eastern European workers can feel more part of the process because I think mostly thought it was a Jamaican celebration. It was a great first effort and I thank you very much.

MOTION: *Move that the Board of Selectmen vote to ask Staff for a report on the alleged violations to the agreement (MacMillian Pier Chapter 91 settlement) entered into by Mr. McGowan and his friends and the Town and further to schedule this an agenda item at our next regular schedule meeting on June 24, 2001. (Handicapped accessibility, ticket booth and the lumber)*

Motion by: Mary-Jo Avellar

Seconded by: Cheryl Andrews

Yea 5 Nay 0

Clerk of the Works issue with Mr. Sousa – can we have an update on this. Keith - we normally do not get into personnel issue.

Lead paint flaking issue. If this is an issue we need to cover the steeple. Can we have an update on this please.

Nuisance factor on Conwell Street. Do we have potential traffic safety issue problem there?

MOTION: *Move that the Board of Selectmen vote to ask for an analysis on the properly located at 22 Conwell Street as to the secondary impacts on public safety and surrounding properties.*

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

4A **AIRPORT COMMISSION; RUNWAY PROJECT**

Approve \$3,029,463 FAA Grant Agreement

MOTION: *Move that the Board of Selectmen vote to execute a grant agreement in the total amount of \$3,029,463 from the Federal Aviation Administration for the project to reconstruct, mark and light Runway 7-25 at Provincetown Municipal Airport.*

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

4B **COUNCIL ON AGING**

Grant Application: Elder Services of Cape Cod & Islands

MOTION: *Move that the Board of Selectmen vote to authorize submission of a grant application to Elder Services of Cape Cod and the Islands under the Older Americans Act Title III grant for \$8,000 to continue providing personal services and medical transportation for seniors 60 years old and older.*

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

4C **VISITOR SERVICES BOARD**

MOTION: *Move that the Board of Selectmen vote to fund the following promotional project from the balance in Article 20 of the April 2, 2001 Special Town Meeting, as recommended by the Visitor Services Board on May 7, 2002: \$3,300 for the Provincetown Cultural Council for "Art in Public Places."*

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

4D **PARADE PERMIT; PORTUGUESE FESTIVAL**

MOTION: *Move that the Board of Selectmen vote to approve Parade application submitted by Aimee Gelnow, Executive Director of Family Price Coalition for the purpose of holding a parade to celebrate their 'Annual Family Week 2002' to be held on Sunday, August 4, 2002 from 4:00 PM to 5:00 PM.*

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

4E **PROCLAMATION**

Provincetown's 275th Anniversary Celebration_

MOTION: *Move that the Board of Selectmen vote as follows:*

WHEREAS, the Town of Provincetown was incorporated on June 14, 1727; and

WHEREAS, various celebrations are planned by the Town of Provincetown and the Cape Cod Pilgrim Memorial Association to commemorate the 275th anniversary of that event;

THEREFORE, the Board of Selectmen votes to issue proclamations in celebration of the 275th anniversary of the Town's incorporation, and to encourage the citizens of Provincetown and others to participate in them.

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

Michele Couture left the room.

5A FY 2003 HUMAN SERVICE GRANT PROGRAM

Award Grants Authorized by 2002 Annual Town Meeting

MOTION: *Move that the Board of Selectmen vote, pursuant to Article 65 of the April 1, 2002 Annual Town Meeting to execute grant agreements totaling \$45,980 under the Town of Provincetown's FY 2003 Human Services Grant Program with the following grantees:*

Cape Cod Human Services.....	\$500
Consumer Assistance Council.....	250
Elder Services of Cape Cod & Islands.....	250
Gosnold	13,000
H.O.W./Helping Our Women.....	4,500
Independence House, Inc.....	4,310
Interfaith Council for the Homeless.....	1,330
Legal Services for Cod Cape & Islands.....	4,000
Lower Cape Outreach Council, Inc.....	3,500
Lower Cape Community Coalition.....	1,540
Mass A-Peal.....	400
Outer Cape Health Services.....	2,500
Provincetown AIDS Support Group.....	6,500
Sight Loss Services, Inc.....	400
Soup Kitchen in Provincetown.....	3,000

Motion by: Cheryl Andrews

Seconded by: Sarah Peake

Yea 4 Nay 0

Michele Couture returned.

5B BARNSTABLE COUNTY HOME CONSORTIUM

Renewal of Mutual Cooperation Agreement

MOTION: *Move that the Board of Selectmen vote, pursuant to Article 32 of the April 6, 1992 Annual Town meeting, to approve the "Mutual Cooperation Agreement of the Barnstable County HOME Consortium under the Cranston- Gonzalez National Affordable Housing Act", in accordance with the provisions of MGL C.121B, and further authorize the Chairman of the Board of Selectmen to sign the agreement on behalf of the Town of Provincetown.*

Motion by: Cheryl Andrews

Seconded by: Sarah Peake

Yea 5 Nay 0

5C HEALTH AGENT SERVICES

Execute Contract with Barnstable County Commissioners

MOTION: *Move that the Board of Selectmen vote to execute an agreement with the Barnstable County Commissioners in an amount not to exceed \$51,153.34 for the provision of Health Agent services to the Town of Provincetown by the Barnstable County Department of Health and the Environment for the period July 1, 2002 through June 30, 2003.*

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

5D HOME RULE LEGISLATION

Cape End manor Care Campus/Route 6 Open Space Corridor

MOTION: Move that the Board of Selectmen vote, pursuant to Article 1 of the April 1, 2002 Special Town Meeting to amend the home rule petition for a Cape End Manor Care Campus and Route 6 Open Space Corridor, contained in House Docket #5209, to conform with the June 6, 2002 vote of the Massachusetts Board of Highway Commissioners on the discontinuance of Route 6, so that said home rule petition reads as set forth in Town Counsel Jeanne McKnight's June 7, 2002 letter to the Board of Selectmen, a copy of which is annexed hereto and made a part hereof.

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

5E1 STREET LIGHTS

Purchase Agreement

New England General Manager of Republic Electric gave a general overview of the Cape Light Company Streetlight Maintenance Program and his company's background. (See attachment #1)

MOTION: Move that the Board of Selectmen vote, pursuant to Article 66 of the April 1, 2002 Annual Town Meeting, to approve the purchase and sale agreement between the Town of Provincetown and Commonwealth Electric D/B/A NSTAR Electric, effective July 1, 2002, as approved as to form by Town Counsel.

Motion by: Sarah Peake

Seconded by: Cheryl Andrews

Yea 5 Nay 0

5E2 STREET LIGHTS

Licensing Agreement

MOTION: Move that the Board of Selectmen vote to approve the license agreement between the Town of Provincetown, Commonwealth Electric D/B/A NSTAR Electric and New England Telephone and Telegraph D/B/A Bell Atlantic – New England, effective July 1, 2002, as approved to form by Town Counsel.

Motion by: Sarah Peake

Seconded by: Cheryl Andrews

Yea 5 Nay 0

5E3 STREET LIGHTS

Maintenance Agreement

MOTION: Move that the Board of Selectmen vote to approve the contract between Republic Electric and the Town of Provincetown for maintenance of all Town-owned street lights, effective July 1, 2002, as approved as to form by Town Counsel.

Motion by: Sarah Peake

Seconded by: Cheryl Andrews

Yea 5 Nay 0

5F USE OF RYDER STREET PARKING LOT

Giovanni Cicero, 278 Commercial Street

MOTION: Move that the Board of Selectmen vote to continue to allow Giovanni Cicero limited use of the Ryder Street Parking Lot in connection with the rebuilding of the structure at 278 Commercial Street destroyed by the March 14, 2002 fire, upon the terms and conditions set out in the Board of Selectmen's April 10, 2002 letter to Mr. Cicero, plus the following additional conditions: (1) that use of the Ryder Street Lot between Memorial Day and Labor Day is limited to the two spaces in the northeast corner (right rear) of the lot for a storage dumpster; and (2) storage of heavy construction equipment may not be in any other Town parking lots.

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

6. BOARD OF SELECTMEN APPOINTMENTS

No appointment was made to the Open Space Committee as the applicant (Stephen Milkewicz) did not show up for the interview for the second time.

7. CLOSING STATEMENTS

Sarah Peake

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to retiring FinCom chairman Bill Dougal for his seven years of service along a pin from the Town.

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

Keith Bergman - I did say to Bill and I want to say for the Board's record that during Bill Dougal's tenure on the Finance Committee the relationship between the Board of Selectmen and the Finance Committee improved markedly. The influence of the FinCom under his leadership finally was integrated in the rest of the town government. A lot of the things that they had been asking for like Long Term Fiscal Planning, Stabilization Fund and the Cape End Manor .

Cheryl Andrews

Grant money – how much do we get? Keith – I would guess it is a couple of million dollars. I will ask for a report.

Parking funds / VSB funds. Keith - Room tax breakdown: Tourism Fund 45%, Wastewater Enterprise Fund 20% and balance goes to the General Fund. General Fund we have always counted the year that we have received the funds.

Mary-Jo Avellar

Habitant For Humanity's capping ceremony on Saturday at noon – is anyone going to be around? - Cheryl will represent the Board.

Read Ted Meyer's booklet to summer employees. I was thrilled with it and maybe someone should remind the new hires of the one that says 'they should not stand around in clusters'.

Michele Couture

Would like an update on Corea vs Bez case. Keith – will have Town Counsel tell us tomorrow night.

Richard Olson

State House notes for temporary borrowing – is any reason why we don't go into the bond market? Keith - The issue is short term versus long term.

Idea of a 'bird book' – book of 'Faces' so people will know everyone. Do it alphabetical – starting with Police Department and possibly try some digital photos for on-line.

Produce a citizen's handbook on town government and how it works – and I will take the lead on this.

8. LITIGATION STRATEGY

Crown & Anchor Adult Entertainment Zoning By Law

MOTION: Move that the Board of Selectmen vote to table this agenda item until Tuesday, June 11, 2002, when it will meet with Town Counsel John W. Giorgio.

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

Motion to adjourn by Michele Couture at 8:06 PM

Minutes transcribed by: Vernon Porter, Secretary
June 13, 2002