

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – MONDAY, JUNE 24, 2002

### JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar, opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Mary-Jo Avellar, Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson.

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 FILLING VACANCY ON HOUSING AUTHORITY

##### **Joint Meeting with Remaining Members**

Attendees from Housing Authority: Michael Bunn, Margaret Carroll-Bergman, and Robert Cabral.

***MOTION: Move that the Board of Selectmen and the remaining members of the Provincetown Housing Authority vote, pursuant to MGL C.41,§11, to appoint Brenda Haywood to fill a vacancy on the Housing Authority which expires at the May 2003 Annual Town Election.***

**Motion by: Michele Couture                      Seconded by: Cheryl Andrews                      Yea 8 Nay 0**

***MOTION: Move that the Board of Selectmen and the Provincetown Housing Authority vote to nominate Andrew A. Barasda, Jr. to fill the Commonwealth's vacancy on said Housing Authority, and to so notify the Massachusetts Director of Housing and Community Development.***

**Motion by: Michele Couture                      Seconded by: Cheryl Andrews                      Yea 8 Nay 0**

#### 1A2 JOINT MEETING WITH HOUSING AUTHORITY

Affordable Housing Issues

Open Discussion

#### 1B JOINT MEETING WITH HOUSING PARTNERSHIP

Affordable Housing Permits – Compliance Issues

Attendees from Local Housing Partnership: Chairman Arturo Alon, and vice-Chair Scott Campbell.

***MOTION: Move to support the Provincetown Housing Partnership in its actions to ensure that affordable housing gets built; and to create viable methods of enforcing affordable housing policy infractions and permit violations after construction is complete; and to schedule a follow-up agenda item on Affordable Housing for the August 12, 2002 regular Board of Selectmen's meeting.***

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

**MOTION: Move that the Board of Selectmen take Agenda item #7 out of order.**

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

#### 7. BOARD OF SELECTMEN APPOINTMENTS

***MOTION: Move that the Board of Selectmen vote to reappoint James P. Souza as a Constable for the Town of Provincetown with a term expiration date of June 30, 2005.***

**Motion by: Cheryl Andrews**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

***MOTION: Move that the Board of Selectmen vote to appoint Stephen Milkewicz as a Regular Member of the Open Space Committee with a term expiration date of May 31, 2005.***

**Motion by: Cheryl Andrews**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

## **2. PUBLIC STATEMENTS**

Jim McGowan - Referenced Agenda Item 5D (McMillan Pier – Compliance with Chapter 91 Settlement Agreement) Miss-information that he would like to clear up. Handicapped accessibility should have been one of the first things undertaken by the Town in construction of the Pier – not the last. Should have been made it fully compliant as soon as the pier was made available for public use. Water quality testing should delineate between human and animal. Should also be testing for arsenic. Beach management – not being cleaned as per agreement. No public telephone on the pier. Installation of kiosks – has been put in already – should not have been done – poor planning and an added expense to the taxpayers.

Peter Souza – re: Banner article of June 20, 2002 – did not know there was a complaint against him. He was on a site visit for ConCom. Why was complaint filed . He would like retraction /apology put in the newspaper because he feels the article is a defamation of character. As far as the Pier goes - remove pressure treated wood.

Jill Vaughan – Signs on Conwell Street still growing and the person, who lives on Conwell Street, is driving by her store 5 – 6 times a day. Want to thank the Police for their support. The Chief has been readily available to them and the officers also stop by. When does public process become public nuisance?

## **3. SELECTMEN'S STATEMENTS**

**Cheryl Andrews**

Re: Complaint against Mr. Sousa – if there was one filed, would like a copy.

***MOTION: Move that the Board of Selectmen vote to refer the letter received from Harold Soultz of 487 Commercial Street requesting a handicapped parking space be referred to Parking Administrator Don Richards.***

**Motion by: Cheryl Andrews**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

***MOTION: Move that the Board of Selectmen vote to request a report from DPW Director David Guertin as to when the cemetery is going to be staked as requested by the Cemetery Commission.***

**Motion by: Cheryl Andrews**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

***MOTION: Move that the Board of Selectmen vote to send a memo to Building Commissioner Warren Alexander asking for a report with an emphasis on whether or not there has been any enforcement action taken to resolve the 5 Somerset Road issue.***

**Motion by: Cheryl Andrews**

**Seconded by: Michele Couture**

**Yea 5 Nay 0**

**Michele Couture**

***MOTION: Move that the Board of Selectmen vote to submit for the Cape Cod Commission record of the Stop & Shop DRI application hearing all materials relative to water management permit and new source investigation.***

**Motion by: Michele Couture**

**Seconded by: Sarah Peake**

**Yea 5 Nay 0**

Memo dated 6/17 from Cape Cod Commission – Grant award of \$25K – what and where is it going to be spent? Mark Latour – it goes to two places – one is to develop/create a Local Historic District that would be

enforceable and the other is to examine the Wellfleet style bylaw that would allow the development of accessory structures if the were to be use for Affordable Housing.

**MOTION:** *Move that the Board of Selectmen vote to request that DPW replace the flags that are in a deteriorated condition and further to ask the VFW to dispose of them in a proper manner.*

**Motion by:** Michele Couture                      **Seconded by:** Richard Olson                      Yea 5    Nay 0

Steve Roderick hand delivered a letter to all of us tonight and the Fall Arts Festival 2002 has been created.

**Richard Olson**

Note with sadness the passing of Peter Boyle who was a selectmen in 1980's.

Skateboard Park – kids are always asking me when are we going to get our skateboard park?

Mary-Jo Avellar – I do agree with you, we have to keep this in the forefront. We were talking about putting it on the beach behind the kite shop.

Comments in the Banner - 'Letter' section from a reader in Waterville Valley, NH suggesting that all you have to do to become a Captain of a Whale Watch Boat is wait your turn in line. And if you do that long enough you get a Master's License. It is obviously untrue and scurrilous.

Book recently published about Provincetown. I've read it very carefully, about halfway through, and I have yet to find accuracy.

**Sarah Peake**

**MOTION:** *Move that the Board of Selectmen vote to schedule a Public Hearing on proposed amendments to Ryder Street metered parking spaces to limit them to three (3) hours.*

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

**Mary-Jo Avellar**

**MOTION:** *Move that the Board of Selectmen vote to send a letter to Ronald Boyle expressing the town's deepest sympathy in the passing of his father Peter Boyle.*

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

In response to Ms. Vaughan – we are looking into the issue as to when private protest becomes a public nuisance.

On the issue of the new book that came out about Provincetown - spoke with the author today and as a result of the article in the New York Times the book is selling extremely well.

**4A    AIRPORT COMMISSION; RUNWAY PROJECT**

Change Order: Construction Contract: Lawrence Lynch \$84,500

**MOTION:** *Move that the Board of Selectmen vote to authorize execution of Change Order No. 1 in the amount of \$84,500 to the construction contract with Lawrence- Lynch Corporation of Falmouth, Mass. for the project to reconstruct, mark and light Runway 7-25 at Provincetown Municipal Airport.*

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

**4B    COUNCIL ON AGING**

Gay and Lesbian Equity Fund the Community Foundation of Cape Cod

**MOTION:** *Move that the Board of Selectmen vote to accept a grant award in the amount of \$1,500 from the Gay And Lesbian Equity Fund (GALE) to fund two Senior Fair/Dances for Lesbian, Gay, Transgender and*

*Bisexual (LGTB) Elders on the Outer Cape.*

**Motion by: Michele Couture**

**Seconded by: Cheryl Andrews**

**Yea 5 Nay 0**

Mary-Jo Avellar left the room.

**4C PIER NOMINATING COMMITTEE**

***MOTION: Move that the Board of Selectmen vote to receive the report of the Pier Nominating Committee and schedule interviews with the five nominees for Provincetown Public Pier Corporation Board of Directors on July 9, 2002, at 6 PM.***

**Motion by: Michele Couture**

**Seconded by: Sarah Peake**

**Yea 4 Nay 0**

Mary-Jo Avellar returned.

**4D VISITOR SERVICES BOARD**

Tourism Fund Municipal Project: Harbor Access Signage

***MOTION: Move that the Board of Selectmen vote to fund the following municipal project from the balance in Article 20 of the April 2, 2001 Special Town Meeting, as recommended by the Visitor Services Board on June 11, 2002: \$2,730 for harbor access signage, requested by the Harbor Committee, with the further condition by the VSB that the Town's promotional logo be included on this signage.***

**Motion by: Michele Couture**

**Seconded by: Sarah Peake**

**Yea 5 Nay 0**

**5A CROSSWALK MANAGEMENT PROGRAM**

***MOTION: Move that the Board of Selectmen vote to approve the 11 recommendations proposed in the summary of the Crosswalk Management Program proposed by staff and affected citizens as part of a Community Oriented Policing effort.***

**Motion by: Michele Couture**

**Seconded by: Cheryl Andrews**

**Yea 5 Nay 0**

**5B1 DHCD GRANT CLOSE-OUTS**

MCDBG 1997 & 1998, Ready Resource 1998, HDSP 2000

***MOTION: Move that the Board of Selectmen vote to close out the following grants from the Massachusetts Department of Housing & Community Development: the 1997 and 1998 Massachusetts Community Development Block Grants; the 1998 Ready Resource Grant, and the 2000 Housing Development & Support Program.***

**Motion by: Michele Couture**

**Seconded by: Cheryl Andrews**

**Yea 5 Nay 0**

**5B2 2002 MCDBG – WATER TRANSMISSION MAIN**

Construction Engineering/Environmental Partners Group, Inc.

***MOTION: Move that the Board of Selectmen vote to approve and execute a contract with Environmental Partners Group, Inc. of Hingham, Massachusetts in an amount not to exceed \$80,000 for construction engineering services for Phase 2 of the Water Transmission Main Replacement project funded by the Massachusetts Department of Housing and Community Development under its 2002 Massachusetts Community Development Block Grant program.***

**Motion by: Cheryl Andrews**

**Seconded by: Sarah Peake**

**Yea 5 Nay 0**

**5C1**    **AWARD CONTRACT: DPW 4WD PICK-UP TRUCKS**

Rizzo Ford, \$46,394 (Art. 4-10, 4/1/02 ATM)

***MOTION:*** *Move that the Board of Selectmen vote to award the contract for the purchase of two (2) four-wheel-drive (4WD) pick-up trucks for the Department of Public Works to low bidder Rizzo Ford of North Providence, Rhode Island, in the amount of \$46,394.*

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

**5C2**    **AWARD CONTRACT: TRANSFER STATION TRAILER**

Thiele Industries \$35,000 (Art. 18-2, 4/1/02 STM)

***MOTION:*** *Move that the Board of Selectmen vote to award the contract for the purchase of a transfer station trailer for the Department of Public Works to low bidder Thiele Industries on Windber, Pennsylvania, in the amount of \$35,000.*

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

Mary-Jo Avellar left the room.

**5D**    **MacMILLAN PIER**

Compliance with Chapter 91 Settlement Agreement

***MOTION:*** *Move that the Board of Selectmen vote to refer to Town Counsel two questions: 1) can we go forward and nominate people to the Pier Corporation and 2) at what point in time can we declare this agreement null-in-void.*

**Motion by:** Sarah Peake            **Seconded by:** Michele Couture            Yea 4    Nay 0

***MOTION:*** *Move that the Board of Selectmen vote to refer to Town Counsel to explain and advise what our options are relative to making a finding as to Provision 4 that the Booths are as far West as practical.*

**Motion by:** Sarah Peake            **Seconded by:** Cheryl Andrews  
Yea 3    Nay 1 (Michele Couture)

Mary-Jo Avellar returned.

**61**    **MUNICIPAL PURPOSE BOND ANTICIPATION NOTE #1010**

***MOTION:*** *Move that the Board of Selectmen vote to issue Grant Anticipation Note #1010 in the amount of \$250,000.00 dated June 28, 2002, at 2.25% interest payable, at maturity, to Cape Cod Bank & Trust Co. on September 27, 2002.*

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

**62**    **MUNICIPAL PURPOSE BOND ANTICIPATION NOTE #1011**

***MOTION:*** *Move that the Board of Selectmen vote to issue Grant Anticipation Note #1011 in the amount of \$112,000.00 dated June 28, 2002, at 2.25% interest payable, at maturity, to Cape Cod Bank & Trust Co. on March 27, 2002.*

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

**61**    **MUNICIPAL PURPOSE BOND ANTICIPATION NOTE #1012**

***MOTION:*** *Move that the Board of Selectmen vote to issue Grant Anticipation Note #1012 in the amount of \$1,422,500.00 dated June 28, 2002, at 2.25% interest payable, at maturity, to Cape Cod Bank & Trust Co. on December 10, 2002.*

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

