

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, JULY 8, 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. Town Counsel John Giorgio and Ilana Quirk.

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A PUBLIC NOTICE; FLOAT SPACE 3W JOHN R. WOODS

Transfer of Ownership Interest to Center for Coastal Studies

Present: Mr. Edward T. Patten, Esq. representing John R. Woods, Inc; Mr. Ansel Chaplin from the Center for Coastal Studies, Attorney Christopher Snow representing Mr. John R. Woods, individually.

Mr. Patten – for the record Mr. Napi VanDerik is the sole shareholder of this Corporation. He is the owner of John R. Woods, Inc and he is the one petitioning for transferring, as a gift to the Center for Coastal Studies, of ownership interest in Float Space 3W licensee.

Mr. Snow – I have several objections to this matter.

(See attachment #1 handed out to Board of Selectmen at the time of this agenda item by Attorney Mr. Christopher J. Snow.)

No discussion took place and the following motion was made.

MOTION: Move that the Board of Selectmen vote to take no action and further to refer the application to Town Counsel to determine who is Float Space 3W licensee, John R. Woods, Inc.

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

1B LITIGATION STRATEGY

Town Counsel John W. Giorgio and Ilana Quirk

. MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.39, §23B, clause 3, to go into executive session for the purpose of discussing strategy with respect to litigation; and to convene in open session thereafter.

Motion by: Michel Couture Seconded by: Cheryl Andrews

[Roll Call Vote]

Richard Olson – Yea Michele Couture - Yea Mary-Jo Avellar - Yea

Cheryl Andrews - Yea Sarah Peake - Yea

1C JOINT MEETING WITH LICENSING BOARD

Licensing Issues and Enforcement

Open discussion. Re: Enforcement issue – Sarah Peake said to be fair and equal.

Town Counsel John Giorgio reminded the Licensing Board Members that they are an independent authority and that they should look at licensing issues independently and make their own decisions. “You should not be governed by how other boards might use and exercise their discretion within their jurisdiction and that includes the Board of Selectmen. Discussions by other boards are not appropriate.

Chairman Avellar – What you are saying is that we should not be in the position of micro managing what it is that they are charged to do? John Giorgio – Under the Charter they have the uniform authority to make those licensing decisions whether you like it or not – that’s the way the charter reads and we should all respect the Charter. The same thing goes for the Selectmen – what decisions the Licensing Board may make should not affect what decisions the Selectmen may make.

Dr. Andrews - I want to say to you all, and make it clear, that I absolutely agreed with everything that Mr. Giorgio just said to you. He has not said anything to you tonight that I did not agree with a month ago – a year ago – or four years ago. If there assumptions on some peoples part otherwise – they were assumptions. And I reiterated that I like to see strong regulatory boards.

Sarah Peake - Again, just be fair and even handed with everyone – along with Mr. Giorgio’s comments. We’re always here for meetings like this or informal discussions anytime as long as it does not involve litigations.

Chairman Avellar - I was a member of the licensing board at one time and it certainly is not easy. What you do is really important and it is hard. Remember that Town Counsel is always at your disposal through the Town Manager’s Office.

2. PUBLIC STATEMENTS

No public statements.

3. SELECTMEN’S STATEMENTS

Michele Couture

MOTION: Move that the Board of Selectmen vote to receive a status report from staff on the drainage problems on the property located at 122 Bradford Street Extension.

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

MOTION: Move that the Board of Selectmen vote to have the Assistant Town Manager send a letter to NSTAR Representative to develop a Customer Service Plan for the Town of Provincetown.

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

Cape Cod Commission Special Hazards Mitigation Needs letter received on 6/26/02 – can we have Ms. Jarusiewicz apply for this.

Would like an update on the chromated copper arsenic at the Pier?

Congratulations to everyone who worked on the 4th of July Parade – a job well done.

Richard Olson

Letter from Chief Meyer’s concerning an incident over the weekend was well handled without going into the specifics of the matter. I think that is a good thing worthy of ‘congratulations’.

MOTION: Move that the Board of Selectmen send a letter of thanks and a Town Pin to Joan Lenane for her service while serving on the Visitor Services Board.

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

MOTION: Move that the Board of Selectmen send a copy of the letter from Kopelman & Paige dated June 26, 2002 re: Extra-Curricular Activities to the School Committee.

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

Can we have an update on the Skateboard Park.

Sarah Peake

Open Forum meeting – publicize it in the Banner.

Requested future agenda item: Proposed reorganization plan for Community and Economic Development – schedule tentatively for July 22, 2002 – depends on Keith’s schedule.

Cheryl Andrews

Special thanks to all the staff that was involved in organizing the 4th of July parade. A tremendous amount of work was put into organizing this even –and in the middle of a heat wave everything went extremely well and everyone deserves a big thank you.

Would like to mention Joan Lenane’s service to the VSB. The VSB has been a real tough committee to work on as a new committee and Joan has done a great service to the Town.

MOTION: Move that the Board of Selectmen send a letter to the family of John Bennett thanking him for his service to the town.

Motion by: Cheryl Andrews

Seconded by: Richard Olson

Yea 5 Nay 0

Mary-Jo Avellar

Thank you to everyone for the 4th of July. Didn’t get to see the parade but heard it was wonderful and that we had the Sheriff’s Command Center set up on Ryder Street.

Fire Works – were wonderful. Maybe next year they could end it with an American Flag? If it cost a fortune – I’ll give up.

I also was going to bring up the early retirement that Sarah brought up.

Street closing – is it Wednesday & Saturday nights? Chief Meyer– no it is Friday & Saturday nights.

Barnstable County Commissioners – we’re going to receive \$7K – what are we going to do with it. Keith - Put it in the General Fund.

4A HOUSING LAND TRUST FOR CAPE COD

Housing Development Support Program – 40A Nelson Avenue

MOTION: Move that the Board of Selectmen vote to authorize the submission of a letter of intent to submit a grant application to the Department of Housing and Community Development, under its Housing Development Support Program, in the amount of \$350,000 for the Housing Land Trust for Cape Cod to acquire 40A Nelson Avenue to be developed into six affordable rental housing units and to schedule a public hearing on said grant application for Monday, August 12, 2002 at 6 p.m.

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

4B TOWN NURSE SERVICES

FY 2003 Agreement with VNA of Cape Cod, Inc.

MOTION: Move that the Board of Selectmen vote to authorize execution of a contract with the Visiting Nurse Association of Cape Cod, Inc. for the provision of Town nurse services for the fiscal year ending June

30, 2003, in an amount not to exceed \$25,000.

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

4C1 SURPLUS DECLARATION

Town-owned Vehicles: Police Cruisers; Transfer One to Airport

MOTION: Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws §6-4-6, to authorize the Town Manager to dispose of the following Town-owned vehicles declared surplus by the Chief of Police: (1) 1991 Ford Crown Victoria 4-door black sedan, VIN# 2FACP72FOMX157012; and (2) 1996 Ford Crown Victoria 4-door silver sedan VIN#2FALP71W6TX166958; and, further to authorize the transfer the 1996 vehicle to the Provincetown Municipal Airport and the disposal of the other by sealed bid.

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 4 Nay 0

4C2 POLICE CHIEF

Accept Donation & Establish Special Gift fund: Police Mounted Unit

MOTION: Move that the Board of Selectmen vote to table this item.

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 4 Nay 1 (Cheryl Andrews)

Sarah Peake left the room.

5A HERITAGE MUSEUM REPAIRS; CHANGE ORDER

Kronenberger & Sons: CO#3 - \$89,530

MOTION: Move that the Board of Selectmen vote to approve execution of Change Order #3 in the amount of \$89,530, for the construction contract with Kronenberger & Sons of Middletown, CT for structural repairs the Heritage Museum building a/k/a future site of the Provincetown Public Library.

Motion by: Cheryl Andrews

Seconded by: Richard Olson

Yea 3 Nay 1 (Michele Couture)

Sarah Peake returned.

5B None submitted as part of the agenda packets.

5C CAPE COD COMMISSION LCP IMPLEMENTATION GRANT AWARD

Affordable Housing & Historic District

MOTION: Move that the Board of Selectmen vote to authorize execution of a memorandum of agreement with the Barnstable County Commissioners for a \$25,000 grant award to the Town of Provincetown under the County's Local Comprehensive Plan Implementation Grant Program for a scope of services including affordable housing and historic preservation.

Motion by: Cheryl Andrews

Seconded by: Sarah Peake

Yea 5 Nay 0

6 BOARD OF SELECTMEN APPOINTMENTS

MOTION: Move that the Board of Selectmen vote to appoint David Eliseo as a Regular Member of the Human Services Committee with an expiration date of June 30, 2005.

Motion by: Cheryl Andrews

Seconded by: Sarah Peake

Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to appoint Marian Roth as a Regular Member of the Cultural Council with an expiration date of June 30, 2005.

Motion by: Cheryl Andrews

Seconded by: Sarah Peake

Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to appoint Rex McKinsey as a Regular Member of the Harbor Committee with an expiration date of June 30, 2005.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Bari Hassman as a Regular Member of the Harbor Committee with an expiration date of June 30, 2005.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Stefanie Saner as a Regular Member of the Human Services Committee with an expiration date of June 30, 2003.*

Motion by: Cheryl Andrews **Seconded by:** Sarah Peake
Yea 4 Nay 0 Abstain 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to appoint Don Richards as a Regular Member of the Cape Cod National Seashore – General Management Plan – Implementation Advisory Committee with an expiration date of June 30, 2005.*

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

7. **MINUTES OF MEETING**

MOTION: *Move that the Board of Selectmen approve the minutes of June 17, 2002 (Goals/Water Permit & Investigate) with changes so noted. (All Present)*

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

MOTION: *Move that the Board of Selectmen approve the minutes of June 24, 2002 (Reg. Mtg.) with changes so noted. (All Present)*

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

MOTION: *Move that the Board of Selectmen approve the minutes of June 25, 2002 (Joint Mtg. w/Truro Board of Selectmen) with changes so noted. (MJA Absent)*

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

8. **CLOSING STATEMENTS**

Michele Couture - None

Richard Olson

Sue Hoffman – called with an extensive briefing on the siting of a broadcast studio. Is that going to come before us? Mark Latour – As soon as they have a quorum and meet they will bring a recommendation to the Town Manager.

Received a letter from Dorothy Walter in Truro. Keith - We are in litigation with her. Was this about Whale Watch Drive? Richard - Yes Keith - then it was inappropriate for her to contact you. It has to do with a water hook up that we denied.

Sarah Peake – None

Cheryl Andrews - None

Any objections to finding a new home for the sled? Mark - None

Pilgrim Monument parking – where are we on this. Keith – The next issue is the educational signage that the Cape Cod Pilgrim Memorial Association wants to put on the Bas Relief property. The next step is a memorandum of agreement to be hammered between the town and the monument. Michelle Jarusiewicz is the key staff person working on this and we can get an update from her on this. Cheryl – that would be great.

Mary-Jo Avellar - None

Cheryl Andrews left the Room

9. **AFSCME CAPE END MANOR UNIT**
Collective Bargaining Strategy

MOTION: Move that the Board of Selectmen vote to go into executive session, pursuant to MGL C.39, §23B, clause 3, for the purpose of discussing strategy with respect to collective bargaining; and not to convene in open session thereafter [roll call vote]

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

[Roll Call Vote]

Richard Olson – Yea Michele Couture - Yea Mary-Jo Avellar - Yea Sarah Peake - Yea

Board went into executive session at 8:34 PM.

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