

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – MONDAY, SEPTEMBER 9, 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 and Richard Olson.

Other attendees: Assistant Town Manager Mark Latour, Director of Public Works David Guertin

Excused Absence: Town Manager Keith Bergman

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

#### 1A PUBLIC HEARING: MCDBG APPLICATION

Housing Rehabilitation, Business Development Center, Administration

**. MOTION:** *Move that the Board of Selectmen vote to submit an application under the FY 2003 Massachusetts Community Development Block Grant program for housing rehabilitation, the Provincetown Business Development Center, and general administration, for a total of \$700,000.*

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

#### 1B HATE PLAN WORKING GROUP

Adoption of “No Place for Hate” Proclamation

**MOTION:** *Move that the Board of Selectmen vote to join with other sponsoring agencies in the town of Provincetown and adopt the “No Place for Hate” proclamation drafted by the Anti-Defamation League and the Massachusetts Municipal Association, “a copy of which is attached hereto and made a part hereof.*

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

Cheryl Andrews left the room.

#### 1C CAPE END MANOR CARE CAMPUS

Update: Establishment of Non-Profit Board of Directors; Timeline

Disclosure statement by Richard Olson - Cape End Manor

“I have a relative (my Aunt) who residing at the Cape End Manor. My disclosure form is on file in the Town Clerks Office.”

**MOTION:** *Move that the Board of Selectmen vote to appoint the following to a Cape End Manor Care Campus Nominating Committee to recommend names for appointment to the Board of Directors of the Non-Profit Health Care Entity: Robert Cabral, Patrick Patrick, Mark Baker, Gail Enos, and Irene Rabinowitz.*

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

Cheryl Andrews returned.

## 2. PUBLIC STATEMENTS

Dr. Richard Ferri - Read statement into record re: Dog Working Group - to correct inaccurate editorial in the local Banner newspaper. (See attachment #2)

### 3. SELECTMEN'S STATEMENTS

#### Michele Couture

We were supposed to have a report from the Parking Administrator on the town's contract with Rod's. What's the follow-up on that? Mark - My understanding is that there is not current contract with Rod's

***MOTION: Move that the Board of Selectmen send a letter of appreciation to Stetson Hall, upon his retirement as Chief Health Officer for Barnstable County Department of Health and The Environment.***

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

***MOTION: Move that the Board of Selectmen send a letter of congratulations to George Heufelder as the new Chief Health Officer for Barnstable County Department of Health and The Environment.***

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

Letters from homeowners at Jerome Smith road about trees and having a proper buffer David Guertin - Should be started on or about the middle of October. Michele - Would be nice if DPW would send a letter to the neighbors of Jerome Smith Parking lot on the planned buffer and timetable, etc. - Board agreed.

Report on 16 Thistlemore Road'

***MOTION: Move that the Board of Selectmen vote to request the Interim Building Inspector to perform a full inspection of the property at 16 Thistlemore Road and prepare a written comprehensive report to be delivered to the Board of Selectmen by September 11, 2002, to include any issues that may have to be taken back to the Planning Board or the Zoning Board of Appeals.***

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

Did not receive the report we requested from the DPW Director, at our last meeting. on the cracks in the concrete at MacMillan Pier that was mentioned at Public Statements.

Keith's letter to Faber Woodworking - dated August 27, 2002 - Keith gave them 14 days - what's happening?

#### Richard Olson

Coast Guard appreciation event will be on Sunday - 15<sup>th</sup> @ 10AM - McMillan Pier.

***MOTION: Move that the Board of Selectmen send a letter of thanks to Chad DeLima upon his retirement as Harbor Master for the Town and also present him with a pin.***

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

Follow-up letter from Kopelman & Paige addressing questions from the Chapter 91 Amnesty Group. Has this been shared with the shore property owners yet? Answer: No. Then I would like this to be shared with the property owners on the shore. Mark Latour - We will do this.

Re: Stop & Shop in Truro - are we going to take a position on this? Answer: No - we have not taken any stand as a Board at this time.

Post meeting follow-up reports on incomplete task assigned by Board of Selectmen on a monthly basis so that things don't fall by the wayside.

#### Sarah Peake

Planning Board members - Anne Howard & Len Bowen. Want to make sure that they are up-to-date on exemptions needed from Board of Selectmen relative to special permit for Nextel application at 232

Bradford Street. Mark Latour will take care of this.

Affordable Housing - are we any closer in setting up round table task force and who will be invited to participate as part of the group? We need to be proactive.

Would like updates from the Chief on Community Oriented Policing Working Groups - Policing and Dogs when he gets a chance. Chief Meyer - our pleasure.

**Cheryl Andrews**

***MOTION: Move that the Board of Selectmen send a letter of thanks to John Gagliardi upon his resignation from the Licensing Board.***

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

***MOTION: Move that the Board of Selectmen direct the Assistant Town Manager to work with the Harbormaster to address the concerns in Mark Schiffman's letter received by us dated September 3, 2002, regarding the berthing at the at the dinghy dock before next season begins. Further that Mr. Schiffman be sent a letter of acknowledgement and notified that his concerns are being addressed.***

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

Stationery for Dept. of Community Development - should have Dept. of Regulatory Management on the letterhead. Have Town Manager take a look at this.

Want to acknowledge the letter to Mr. Bergman from Mr. Guertin re: Vehicle parking during fast ferry docking. I've noticed the increase traffic on the pier as well. I will be happy to see some changes in how we use the Pier vis-a-vie traffic and will not be opposed to looking at your ideas.

***MOTION: Move that the Board of Selectmen vote to ask Assistant Town Manager to have the Town Clerk, with input from our Tourism Director, PBG and Chamber of Commerce, develop a new page on our Town website where events which townspeople and organizations are holding can be listed.***

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

Reminder that our quarterly goals update is due soon. Schedule for 9-23-02 agenda if possible.

**Mary-Jo Avellar**

Wastewater project overrun - preliminary report. I will likely be on vacation for the next meeting - however, I would like this on the agenda for the next regular schedule meeting on 9-23-02.

Send a get-well letter to Greta Holman.

Get our MMA Convention Reservations in to Vernon ASAP.

Question to Town Counsel John Giorgio: We received several letters from neighbors from East End regarding proposed siting of cell phone receives in a residential neighborhood. Is it permitted? Answer: Under the Federal Telecommunications Act - They are required to come before the Local Planning Board or Zoning Board to obtain the necessary approvals under the town's bylaws. However, the Courts can override, theoretically, a provision of a local bylaw if the carrier can demonstrate that that particular local that they are seeking is necessary in order to provide adequate service.

Anyone going to the Barnstable County Selectmen's meeting on Friday? - Answer - No

**4      MacMILLAN PIER PROFISH SUB-LEASE**

MGL C.39,§23B, Clause 6

***MOTION: Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, section 23B, clause 6, to go into executive session to consider the lease and sub-lease of MacMillian Pier, and not to convene in open***

session thereafter.

**Motion by: Michele Couture**                      **Seconded by: Richard Olson**                      **Yea 4    Nay 0**  
[Roll Call Vote]

**Sarah Peake** - Yes                                      **Cheryl Andrews** - Yes

**Michele Couture** - Yes                              **Richard Olson** - Yes

The Board went into executive session at 6:50 PM and convened in open session at 8:15 PM.

**5A                      BUILDING COMMITTEE**

Relocation of Harbormaster's Office

**MOTION:** *Move that the Board of Selectmen to approve the recommendation of the Building Committee to relocate the harbormaster's office to the location shown on a plan submitted by PROFISH, dated September 4, 2002.*

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

**5B                      SKATE PARK UPDATE II**

Recreation Commission, Staff Reports

**MOTION:** *Move that the Board of Selectmen vote to designate the northwest corner of the Jerome Smith Parking Lot for the future skate park (with 80 feet facing the Pine Grove and 125 feet along the north edge of the paved parking lot facing Route 6); to have the Recreation Director come up a plan for what he needs and to develop a plan for capital campaign by October 15, 2002, [also prepare presentation to the Board of Selectmen in December 2002]; and to have staff submit a special permit request to the Zoning Board of Appeals for the use of this site as a skate park.*

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

**5C                      WHISTLE PATH WOODS MANAGEMENT PLAN**

Approval of Plan Required for Self-Help Grant Reimbursement

**MOTION:** *Move that the Board of Selectmen vote to approve the Management Plan for the Whistle Path Woods (a/k/a Locke Property), as adopted by the Open Space Committee with the following amendments:*

Under Executive Summary - Purpose. At the end of Line 5 add "*and the Conservation Trust Restriction*"  
Line 7 - delete the word '*limited*'

Page 12 - Pertaining to the railroad bed acres *should be 24.44 acres* not 17 - typo.

Under Management Issues - **Last two sentences do not make sense - *should be eliminated?***

Page 14 - 1) Handicapped Access - First paragraph last 5 lines eliminate starting with "*Because*" and ending with "*perimeter Whistle Pat Woods.*"

Page 15 - Top of page 1<sup>st</sup> Paragraph - eliminate the last two sentences - beginning with "*The Route 6*" and ending with "*to the railroad bed.*"

Page 15 - #3 Capital Costs and Funding - eliminate the last three sentences - beginning with "*These improvements can be*" and ending with "*available staff, season and scheduling.*"

Page 17 - Property Security - Delete '*Neighborhood volunteer and official stewards*' and *any mention of volunteer stewards.*

Page 18 - 1<sup>st</sup> Paragraph - delete last sentence beginning with "*In consultation with abutters*" and ending with

*“versus fire hazard.”*

*following its public hearing on June 21, 2001, including amendments from the Open Space Committee’s September 3, 2002 meeting; and to submit a request for reimbursement to the Division of Conservation Services under its Self-Help Grant for \$250,000 to the Town of Provincetown.*

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

5D

**COUNCIL ON AGING**

Elder Services of Cape Cod & Islands Grant

***MOTION: Move that the Board of Selectmen vote to accept a grant from Elder Services of Cape Cod and the Islands, Inc., under the Older Americans Act Title III in the amount of \$8,000.00. This grant is used to provide personal services and transportation for seniors 60 years and older.***

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

6.

**MINUTES OF MEETING**

***MOTION: Move that the Board of Selectmen approve the minutes of August 19, 2002 (Reg. Mtg.) as printed. (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 August 26, 2002 (Reg. Mtg.) with changes so noted. (MJA Absent)***

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

7.

**CLOSING STATEMENTS**

**Michele Couture**

Mark can you tell me what happened to Cable Commission - they were supposed to be on our agenda this evening? ML- They are working on getting a budget together so they will be on for the 23<sup>rd</sup>. MJA - that wasn't our question. Our question is what happened in the bidding process? ML - The majority of the Cable members did not really like that location and therefore decided not to accept that bid, so they re-advertised. MJA - they didn't re-advertise they rewrote the specs. ML - Slightly - that's right. MJA - that's the point - there's supposed to be parking, etc. So, they have a right to reject any and all bids and rewrite the specs so somebody else can bid on it. Pat didn't bid on it again. But it looked like there was some hanky-panky going on. ML - There was the recommendation that came in from Town Counsel. Basically we were told if the bid wasn't appealing for certain reasons, then you should make it very clear in the newly issued RFP what the appropriate criteria are. MC - He just said it - it's a newly issued RFP? CA - They changed it. MJA - What was wrong with the old RFP? It sounds like somebody was somebody's landlord. It is suggested by Pat that there is a significant conflict of interest. ML - Both Tim McCarthy and Catherine Russo have signed disclosure forms and waiting for Keith's signature. MC - This is a little after the fact, is it not? MJA - This should have been done before they changed the specs. I think we need a good report on this one. It may be totally above board but it looks awful. It doesn't pass the smell test. (Report due by 9-23-02)

**Richard Olson** - None

**Sarah Peake** - None

**Cheryl Andrews**

Bayberry party - heard a request from the public that is not being addressed - in the sense, that if I live in a residential neighborhood - how can I properly throw a party and know its OK? I think that it would be a nice gesture, on someone's part in town government, to put together basically a sheet that says that.

Future agenda item - Noise Level By-Law.

**Mary-Jo Avellar**

Reminder to be at MacMillan Pier at 10 AM for the Coast Guard ceremonies.

Motion to adjourn by Sarah Peake at 9:05 PM.

Minutes transcribed by: Vernon Porter, Secretary  
September 11, 2002