

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – JANUARY 22, 2001

JUDGE WELSH HEARING ROOM

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

Chairman, Betty Steele-Jeffers opened the meeting 7:04 PM noting the following attendees:

Board of Selectmen members: Elizabeth Steele-Jeffers, Cheryl Andrews, Mary-Jo Avellar, David Atkinson. Richard Prowell joined the meeting at 7:05 PM.

Other attendees: Keith Bergman – Town Manager, Mark Latour – Assistant Manager

Recorder: Vernon Porter - Secretary to Board of Selectmen

The following are meeting minutes, in brief.

1A MacMillan PIER CONSTRUCTION PROJECT

County Dredge Contract \$88, 220

MOTION: Move that the Board of Selectmen vote to approve the request of the Building Committee to execute an agreement with the Barnstable County Commissioners in the amount of \$88,220 for hydraulic dredging for the MacMillan Pier construction project.

Motion by: David Atkinson Seconded by: Cheryl Andrews

Yea 4 Nay 0 Abstain 1 (Richard Prowell)

MOTION: *Move that the Board of Selectmen take agenda item 5A out of order.*

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

5A TRANSFER OF PROPERTY

5 Fritz's Way to Habitat for Humanity of Cape Cod [4/3/00 ATM Art. 18]

MOTION: Move that the Board of Selectmen vote, pursuant to Article 18 of the April 3, 2000 Annual Town Meeting, to execute a deed and land disposition agreement to convey 5 Fritz's Way from the Town of Provincetown to the Habitat for Humanity of Cape Cod for construction of affordable housing, subject to approval as to form by Town Counsel.

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

1B FY 2001 TOWN-WIDE POLICY GOALS

Third Quarterly Update from Goal Team Leaders

The following are a compilation of comments and or suggestions during open discussion on this agenda item.

- 1) **Affordable Housing** - Is zoning amendment needed to ensure that affordable housing units get built first and not just the market rate units?
- 2) **Cape End Manor** – Need to schedule meetings with Facilitator Dennis Anderson. (Cheryl Andrews left room at 7:16 PM and returned at 7:18 PM)
- 3) Submit home rule petition for special act for tax credit or exemption for property deed-restricted for affordable housing.
- 4) **Scale By-Law (8.6) 3-D Imaging** – when will we have it? **Judith Oset:** Due to cost it may be a year or two. It is not know as of yet.
- 5) **8.5 – Health/Conservation Agent job description** – Board of Selectmen has not seen this as of yet. Judith will get a copy for Board members.
- 6) How many acres are there available at the North Truro Air Force Base property for seasonal housing?
- 7) **Committee & Board Members appreciation dates** – need target date. Both groups need to be recognized simultaneously Gifts purchased (Coffee mugs) – where do the funds come from for these purchases. Mark – get input from Department Heads on volunteers that distinguish themselves by devoting a lot of time to the town – we could send them a special letter at the end of the year and say thank you. Especially on some of the projects.
- 8) **3.1 – Cost benefit analysis of auxiliary generators.** Pursue this goal with Seashore. Would like a report on this.
- 9) **10.14 Explore contracting our certain Town services.** Betty Steele-Jeffers - Both of these goals need to be taken a good look at for this summer – we have to provide the services.
- 10) **10.6 - Touch up paint for Town Hall** – Cheryl Andrews – I suggest that we ask our DPW Grounds to budget year for touch up painting on the South façade.
- 11) **Swap Shop – (10.9) Volunteers from the Senior Center could staff it.**

MOTION: *Move that the Board of Selectmen vote to submit warrant article for a Swap Shop.*

Motion by: Mary-Jo Avellar **Seconded by:** Cheryl Andrews

Yea 4 Nay 1 (Richard Prowell)

- 12) **10.10 - Trash Barrels** – Took a look at the Spiritus barrels and this is more of what we need. This goal should not be postponed.
- 13) **10.11 - Litter by-law** – Cigarette butts? What happened with cigarette butt receptacles down town? People actually look for them. Whose budget does this come from or does it come from VSB request? (Staff will check this out for next meeting.)
- 14) **11.2 - Developing new training curriculum related to tourism industry** – will include

DRM, Police and Tourism Director.

- 15) 10.4 – Transportation Team – “Entering Provincetown” sign. Is someone from team going to explain to VSB the reason for request for funding? Answer: Yes.
- 16) 10.12 - Too many signs at the beginning of MPL. Would like to see area more attractive. One sign would be preferable. Continue with pilot project for pavement markings instead of signage.
- 17) 11.4 – Send letter to MassHighways requesting use of State owned land along Route 6 for Bike path.
- 18) 11.6 - Push Town Counsel for opinion – for staff recommendations prior to issuance of licenses.
- 19) 2.1 Wastewater Team – Confirm that Town has allocated a gallonage for a private laundry services – and if so what the gallonage was. (15,000 gpd)
- 20) 7.5 Water Team –Daily compliance – restate goal in terms of reduction in the number of day where 850,000 was exceeded.

2. PUBLIC STATEMENTS

Michael Hattersley – Campus Provincetown – Needs teaching space and ask the Board of Selectmen to direct Town Manager to talk with Campus Provincetown as to whether there may be space in town that Campus Provincetown could hold classes.

Hunter O’Hanian – Fine Arts Work Center – Distributed program catalogues for upcoming program this summer. Space is limited and if town can assist in securing space it would be great.

Bert Wolfman - Provincetown International Art Institute – Constantly growing and plan on expanding and looking to the future for a dedicated space for their studios.

Diane Corbo – speaking on behalf of many Senior Citizens concerning the water cooler issue and want their feelings noted to the Board of Selectmen. Put in their own water cooler and paid for by Friends of COA.

Margie Perry – member of COA Friends Group and Vice-President of COA. Ready statement into record protesting the removal of bottled water from Town owned municipal buildings. (Attachment #1)

Anita Berman - Chairman of COA Board. Reiterate everything that Diane Corbo and Margie Perry have stated. Feel that there should be a freedom of choice for water for our citizens.

Brunetta Wolfman - Member of the Board of COA. Have statement signed by 22 senior citizens

objecting to directive by the Board of Selectmen to remove all water coolers from town owned buildings and replace them with filter town water dispensers and urge the Board of Selectmen to rescind this directive. (Attachment #2)

Patrick Manning - Board of COA. Understanding of regardless of who paid for them that they had to be removed. Would like clarification on this. Important for people with health issues to have a choice of water.

Berta Romano - Regarding one of Board of Selectmen goals –barrels. Suggest taking parking signs down – put up more barrels and put no parking on the barrels. Harbor dredging – east end – will help a lot providing that it gets that far and reassurances is need that this will happen. It is a matter of public safety. Re: water for COA. Know the principal that the Board of Selectmen is trying to get across but the issue is with the people that have problems with sodium. I would like to see none of the coolers replaced in municipal building.

Steve Johnson – representing _____, one of the firms that is interested in the wastewater project and just wanted to introduce myself.

Anita Berman – parking lot at Grace Gouveia Building was this morning was horrendous and I complained about it this morning. Upon returning this afternoon it was in the same condition. Nothing had been done and complained to Mr. Guertin and he said he was trying his best – his best is not enough and if an accident happens – you people have been warned.

Diane Corbo – re: Swap Shop program – Senior Citizen tax rebate program volunteers are at the disposal of the Board of Selectmen if you decide that you are interested in this program.

3. SELECTMEN'S STATEMENTS

Betty Steele-Jeffers

My comment to the Council on Aging, and I guess we will have to verify this, my assumption is that if you are paying for the water cooler and paying for the water then there is no reason why you cannot continue to have it.

The advance budget preparation was excellent this year so that when the budget came to us we did not have a lot of questions. Process is very smooth by the time it reaches the board.

Mark Forest pulled a good meeting together the other night, got a lot of good comment out of the meeting. As a result there will be another this coming Wednesday morning.

At the Barnstable County Selectmen's Meeting this past Friday we had the most members.

MMA got an ice scraper and boy am I happy.

Update – remember last year when we were talking to the Park there had been some discussion about traffic flow at the end of Bradford Street coming around to Route 6. Would not want to anything any thing to go on in terms of traffic patters that we do not know about.

Meeting Friday – Americacorps – brought back handbook. Good group that might help with laying out of the walk areas at the Shankpainter Pond area. Two reps staying in Wellfleet and they are looking for work to do.

MOTION: Move that the Board of Selectmen write to the Moderator regarding appointments to the Regional District School Committee and ask her to appoint two representatives from Provincetown

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

MOTION: *Move that the Board of Selectmen take the MIA flag down and only fly it on Memorial Day and Veterans Day.*

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

MPL Comfort Station – when will work begin? Assume before too long?

Re: T-UNA-S, Inc – our neighbors at 258 Commercial Street is coming before the ZBA again. Do we want to send a letter to ZBA regarding noise, etc. (Consensus is to send a letter to ZBA reminding them to keep the noise down.)

Mary-Jo Avellar

Commend Police and anyone assisted them in solving the crimes that we had last week. (Armed robbery and arson). Town should find out from Chief who came to our assistance and have the Town Manager or ourselves send a letter our.

Esterann Czyoski – saw that she cannot serve on the Water & Sewer Board because they meet at noon. This has been an ongoing complaint of mine that boards and committees should not be meeting during the workday because it prevents people from serving. (Cheryl - Would like to ask the Town Manager to talk to the Department Heads to see why they meet during the day and not the evenings – see what the issue are and if there is a solution. If there isn't there isn't and I will walk away. Keith – I am unaware of any staff issue or would not accept any staff issue that staff says we have to meet during the day.)

Support AmeriCorps. They are all over Cape Cod and based in Bourne and are dying for projects. Will give this info to Town Manager.

Playground Surfacing / Voucher Parking – found on both and will make copies and pass it on.

NStar – our new electric company. Under new regulations you have to be careful. If you have any problems.

Would like a report from Town Manager as soon as possible concerning the request from Campus Provincetown looking for space.

Lower Cape Selectmen's Meeting – Customer Service Department Head – Terry Hunt – made presentation as to what Stop & Shop has done relative to dealing with housing issue with summer employees. Should forward this on to Human Resources. (Mark Latour)

David Atkinson

NStar – working without cones and inconsiderate of traffic flow. Hope this is not a sign of how they operate.

Compliment DPW Director on Storm Report. Zero money on material.

Congratulate Sandy Turner for keeping us up-to-date on the new doors.

5th Annual Cape Cop Beach Cleanup – June 9th @ 9 AM - Head of Meadow Beach Truro.

Memo from Town Clerk on appointments for Board of Selectmen - currently we have 24 openings that we must appoint by March 1, 2001. If anyone has any interest, please sign up.

Support Town Manager's draft response to Truro re: Pier

Before Town Meeting would like to visit site of Sewer System Treatment Plant similar to the one we are proposing here in Provincetown. We can all go together.

Richard Prowell

Want to thank the members of the Council of Aging for coming tonight regarding the bottled water issue. I want you to know that last week we talked about bottle water with the Library and the Board of Library Trustees and other member from the Library. I totally support you. Betty and I were the only two Selectmen who voted against this issue. I will continue to vote against bottle water being removed from any town facility. I think it is a total waste of staff's time and energy and can understand why the PR issue on water and I think that people have a right if they want to drink bottle they should be able to. I drink it all the time. I do not think we should be removing bottle water from any town buildings at all. I think it is a waist of staff's time. I know a few other selectmen do not agree with me but I respect their view but I will continue to vote against them and you have my continued support. I really do not think it going to go anywhere.

Thank you for coming.

Cheryl Andrews

Thank one of our speakers for bringing up the issue to make sure the dredge is brought all the way up to the former Holiday Inn. That absolutely is a public safety issue.

To all the folks on Council on Aging – regardless of how we voted, I appreciate you all being here tonight as well. This has been a very informative issue both ways. For us to hear from you and for us to sharing what our points are with the town. I think ultimately I hope you will understand that there is a certain sense of pride on the part of the three of us that voted this way in our municipal water supply. I drink the water every day and feel very comfortable doing so and it is always remarkable to me when we go to Boston and you go out and have a nice mean and they bring you a glass of water and it is disgusting. It smells like a swimming pool. I am proud of the fact that I come from a town where you can drink the water and it is safe for you. At the same time I appreciate hearing from you. I appreciate the fact that you took the time out from your life on a night like this to come out and sit and listen to all this stuff and tell us how you feel. That is how we learn – that is how I learn and ultimately my goal in dealing with the total issue is to make a commitment to providing you with a municipal water source that you feel is up to the quality you demand. Ultimately the question becomes, what quality do you demand? Are you going to give up on it, do you want us all to go to bottled water, do you feel the town owes you a drinkable water supply or not. I feel we do and that is why I brought up the issue of how high are we going to set our standards for our water supply with the water director – because I believe in it. I do not think it is the right thing for our future for all of us to give up on the drink ability of our public water system. At the same time, like I said, I've heard you I think the discussion is ongoing in terms of how to reach our goal and yours. Betty hit the nail on the head, if anyone wants to bring bottle water to work or wants to supply their own water supply or owns their own water supply has nothing to do with what we are talking about. We were talking about the use of town funds. Literally having the town sell water to people that is drinkable and at the same time taking town funds to buy bottle water for its employees and we saw it as unfair and wanted to deal with that. The issue of private funding sources is a whole separate one and if you folks own your water supply – just like anybody else in town - it is not our job to come in and take away something that is yours. It is too bad that there was confusion about that because that is pretty straightforward. But I did listen to everything you said tonight and once again did learn more.

Complaint about Grace Gouveia Parking Lot - we have a duty to take very good care of that parking lot. Hope that administration will look into whose responsibility that was and see that it gets better next time.

4. BOARD OF LIBRARY TRUSTEES

Strategy for Town Meeting: Library @ Center Street Project

MOTION: Move that the Board of Selectmen vote its intent to submit article/articles onto the April 3, 2001 Annual Town Meeting warrant relative to the relocation of the library function to the Heritage Museum building incorporating the five stipulations from Board of Library Trustees requiring a [two-thirds/simple majority] vote and further that language is to be clarified by the Town Manager, Town Counsel and Bond Counsel

Motion by: Mary-Jo Avellar Seconded by: Richard Prowell Yea 5 Nay 0

See attachment #3 for the five stipulations presented by the Library Board of Trustees.

5A Taken out of order. See Page 1.

5B WATER SUPPLY SCADA SYSTEM

Change Order/Industrial Technical Services, Inc. \$32,400

MOTION: Move that the Board of Selectmen vote to approve Change Order No. 1 in the amount of \$32,400 to the contract with Industrial Technical Services Inc. of Westfield, Massachusetts for a municipal water supply Supervisory Control And Data Acquisition (SCADA) system and appurtenant work for the Provincetown Water Department, said change order to be for additional equipment for monitoring wells, chemical feed facilities and alarm systems.

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

5C GRANT APPLICATION – FIRE DEPARTMENT - \$14,844

Executive Office of Public Safety – Self-Contained Breathing Apparatus

MOTION: Move that the Board of Selectmen vote to authorize submission and acceptance of grant application to Executive Office of Public Safety, under its Firefighter Safety Equipment Grant Program, in the amount of \$14,844 for self-contained breathing apparatus for the Provincetown Fire Department.

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

5D TOWN HALL DOORS

Installation and Treatment of Town Hall Doors

Accept DPW recommendation to wait for the new hinges to arrive before doors are installed.

5E FOREIGN FACTORY SHIPS

Concern over Allowing Foreign Vessels to Take Herring and Mackerel.

MOTION: *Move that the Board of Selectmen vote [to/ not to] indicate its opposition to recent actions of the New England Fishery Management Council allowing massive foreign fishing vessels to take herring and mackerel from right off our own coast.*

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

5F GRANT AWARD – LOWER CAPE COD CDC - \$190,000

housing Development Support Program – 27 Nelson Avenue

MOTION: *Move that the Board of Selectmen vote to accept a grant from the Department of Housing and Community Development, under its Housing Development Support Program, in the amount of \$190,000 for acquisition by the Lower Cape Cod Community Development Corporation of a two-unit property at 27 Nelson Avenue for affordable housing.*

Motion by: Cheryl Andrews **Seconded by:** Mary-Jo Avellar

Yea 4 Nay 1 (David Atkinson)

6. REQUEST

None

7. APPOINTMENTS

MOTION: *Move that the Board of Selectmen appoint Leslie Parsons as a Regular Member of the Board of Assessors with a term limit to expire December 31, 2003.*

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

MOTION: *Move that the Board of Selectmen appoint Ellen C. Battaglini as an Alternate Member of the Planning Board with a term limit to expire December 31, 2003.*

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

MOTION: *Move that the Board of Selectmen appoint John H. Baldwin as an Alternate Member of the Shellfish Committee with a term limit to expire December 31, 2001.*

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

MOTION: *Move that the Board of Selectmen appoint Lucille Plante as a Regular Member of the Water and Sewer Board with a term limit to expire December 31, 2003.*

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

8. MINUTES OF BOARD OF SELECTMEN MEETINGS

Move that the Board of Selectmen approve the minutes of December 18, 2000 (Manor) as printed

Motion by: David Atkinson Seconded by: Richard Prowell

Yea 3 Nay 0 Abstain 2 (Mary-Jo Avellar / Cheryl Andrews)

Move that the Board of Selectmen approve the minutes of December 26, 2000 with changes so noted.

Motion by: David Atkinson Seconded by: Cheryl Andrews

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

Move that the Board of Selectmen approve the minutes of January 8, 2001 as printed

Motion by: David Atkinson Seconded by: Mary-Jo Avellar

Yea 3 Nay 0 Abstain 2 (Cheryl Andrews / Richard Prowell)

Move that the Board of Selectmen approve the minutes of January 16, 2001 as printed

Motion by: Mary-Jo Avellar Seconded by: David Atkinson

Yea 4 Nay 0 Abstain 2 (Cheryl Andrews)

9. CLOSING STATEMENTS

None

10 MID-YEAR REVIEWS

MOTION: *Move that the Board of Selectmen vote to establish February 2, 2001 as the deadline for submission to the Chairman of members' mid-year reviews of the Town Manager and the Selectmen's Secretary.*

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

Cheryl Andrews and David Atkinson left the meeting at 10:26 PM.

11. STRATEGY WITH RESPECT TO COLLECTIVE BARGAINING

MOTION: *Move that the Board of Selectmen vote to go into executive session, pursuant to MGL Chapter 39, section 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: Mary-Jo Avellar Seconded by: Richard Prowell Yea 3 Nay 0

[Roll Call Vote]

Betty Steele-Jeffers - Yes Richard Prowell - Yes Mary-Jo Avellar - Yes

Board went into executive session at 10:38 PM

Minutes transcribed by: Vernon Porter, Secretary

January 19, 2001