

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING – FEBRUARY 12, 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.**

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 UPDATE (Goal 4.1)**

**Project Status Report**

**Open Discussion. Related material attached to agenda item**

**Report on when last testing was done and the soil conditions by next regular scheduled meeting.**

**1B WASTEWATER UPDATE (Goal 2.1)**

**Funding, DBO, Permitting, Upcoming Meetings\_**

**Open Discussion. Related material attached to agenda item.**

**There has been a response from 806 properties within the district ... evident of great interest and need. (Page 5 of report.)**

**2. PUBLIC STATEMENTS**

**Michael Bunn - Read letter of resignation from Provincetown Local Housing Partnership into record. (Attachment #3)**

**Barbara Rushmore - spoke on VSB Grants and the mission of extending the season through using the Shuttle Service. Gave routes of Shuttle Service and an on –call 800 number for Harry Kempt Way.**

**Ghee Patrick - Object to litter barrel on display in Judge Welsh Room. Urge Board of Selectmen to**

avoid this barrel for downtown area.

### 3. SELECTMEN'S STATEMENTS

Mary-Jo Avellar

1. Sorry to lose Michael Bunn and wish him well.

2. Bidding for off-loading for Pier. Did we not extend contract before? Why are we

putting this out to bid? Keith – because the lease that expired in October was based on a annual rent of \$21K per year and the uniform procurement act sets the threshold limit of \$25K per year so we are only eligible to extend the lease up to a point where its value does not exceed \$25K and we are already there now. So, we do not have the ability to extend the lease beyond the \$25K value and must do one of two things: either put it out to public bid and have the occupant be there pursuant to the lease or not have a lease and allow an occupant to be an at-will occupant which prevented no security to the occupant. The initial vote was to do an at-will license in October – a month or so later the occupant objected to the license and wanted it put out to bid – and we put it out to bid and those bids, which are due this month, are suppose to take effect April 1<sup>st</sup>. So that is where we stand.

David Atkinson

Winthrop Street Cemetery restoration - blueberries being removed. Granite benches – would prefer they be wood.

Swap Shack memo dated 2/1/01 - we should send to Mr. Duarte to see if we can get a better deal than \$52,900. Seems like a lot of money.

Complaint letter about occurrence at the Airport – can we talk to someone out there and see if a letter of apology has been sent.

Water Cooler update – re: Transfer Station – cooler ought to be where water is. Should not have to plumb it to other buildings.

Memo form Assistant Town Manager – re: Air Force Base for housing – not sent to any of the people he spoke of. Should be sent as it is a good memo.

Whiskey Barrels – so ugly – impossible to pull full bags out of there – wrong shape. Like the new barrels.

Richard Prowell

Agree with Selectmen Atkinson about the Whiskey Barrels – they are terrible. Great deal of respect for the Beautification Committee. Like the new barrels very much and they will dress up the Town much better.

Like granite benches in the Cemetery. Like wooden benches but there are problems with wooden benches as well.

Cape Cod Times article re: Heritage Museum - We see the same story year after year and I would like to see this come to some type of closure this year. It was my understanding that we were going to have another article on the warrant. If this building does do go off as the Library then I want to see it go up for public sale. I want the public to have the choice. I hope we do not see this article again next year.

Cheryl Andrews

**MOTION:** *Move that the Board of Selectmen send a letter to Michel Bunn for his service to the Town of Provincetown.*

**Motion by:** Cheryl Andrews    **Seconded by:** Betty Steele-Jeffers    Yea 5    Nay 0

**Trash Barrels** – Thank you to member of public who spoke about them. Whether we agree with you or not the reality is that the more info we get from the public – the better.

**Granite Benches** – Defer to Cemetery Commission to make the final decision.

**Water Coolers** - Defer to head of DPW as to where the water coolers should be.

Difference of opinion about articles for town meeting re: Heritage Museum – when I originally made the motion, it was a general agreement that it was time to frame the decision making process this year as clearly as possible. When you have too many ways you can go you never get a consensus. So, the Board of Selectmen intent, I believe, was to frame it clearly to have a choice of ‘A’ or ‘B’. Reality is if the Board of Selectmen made a vote to support the article of changing it into a Library, I don’t really understand how the Board of Selectmen, at the same time, could support an article of conveyance. They are completely opposing each other. The intent on my part was to have the administration prepare those two articles – the one that the Board of Selectmen gave the majority of votes to would be our article, the other article would be available for which ever group of citizens – group of 10 or whatever, wanted to use that information to put that article on the warrant. If the Board of Selectmen wants to make a vote to approve to putting the second article on, I look forward to that discussion. I’ve never heard of such a thing. Maybe that’s legal. I don’t know.

Memo from Town Manager dated 2/6/01 re: Health Insurance – this topic along with Education raised a long of concern at MMA Convention in Boston this year. I agree with your memo about needing to consider spending cuts. If these numbers come to pass in this years budget it will cause a tax levy increase to a tune that I would not be proud of as a selectmen so I will be looking forward the vote and us dealing with it.

Betty Steele-Jeffers

I would also like thank Michael Bunn.

Barbara Rushmore’s comment on the Shuttle Bus. I did get to see the bus and it does look like a nice comfortable mode of transportation and I am glad to see that the routes have been expanded to the Truro Camp Grounds.

Trash barrels – like the ashtray on top.

Memo re: Outer Cape Towns and Seashore use of North Truro Air Force Base – pursue again at Lower Cape Selectmen’s meeting.

#### 4A1 VISITOR SERVICES BOARD – FY 2002 TOURISM FUND

##### Conditional Approval of Promotional Projects

**MOTION:** *Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following promotional projects as recommended by the Visitor Services Board, conditioned upon passage of the FY 2002 699 Tourism Budget by the April 2, 2001 Annual Town Meeting: (1) \$1,000 - By the Sea Bike Trek; (2) \$2,000 - Swim*

for Life; (3) \$2,000 - Composers Music Festival; (4) \$2,000 - Great Music at 5 Series; (5) \$3,000 - Yankee Lambda Car Club Weekend; (6) \$15,000 - Provincetown Film Festival; (7) \$1,000 - Provincetown Art Institute; (8) \$4,000 - Poetry Festival; (9) \$6,000 - Cabaretfest; (10) \$22,500 - Fall arts Festival; (11) \$7,500 - Campus Provincetown; (12) \$2,000 - Fantasia Fair; (13) \$3,500 - Spring Showcase; (14) \$6,000 - Holly Folly; (15) \$5,000 - Single Men's Weekend.

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

**4A2    VISITOR SERVICES BOARD – FY 2001 TOURISM FUND**

Year-Rounders 2001; “Entering Provincetown” (Old Style) Signs

***MOTION:*** Move that the Board of Selectmen vote to approve funding from the Tourism Fund for FY 2001 of the following projects recommended by the Visitor Services Board: (1) \$500 from FY Promotional Projects for a March 10, 2001 Yearrounders Festival event through Michael Noons.

Motion by: Richard Prowell    Seconded by: David Atkinson

Yea 4    Nay 1    (Cheryl Andrews)

***MOTION:*** Move that the Board of Selectmen vote to approve funding from the Tourism Fund for FY 2001 of the following projects recommended by the Visitor Services Board: (2) \$3,136 from Municipal Projects for old-style "Entering Provincetown" signs on Route 6, as requested by the DPW Operations Director.

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

**4B    HARBOR COMMITTEE**

Update on Implementation of Chapter 91 Licensing

Open discussion. Related material attached to agenda item.

**5A    2000 MCDBG AWARD – WATER TRANSMISSION MAIN**

award Engineering Contract/\$40,000/Environmental Partners Group, Inc

***MOTION:*** Move that the Board of Selectmen vote to authorize execution of an engineering contract in the amount of \$40,000 to Environmental Partners Group, Inc. of Hingham, Massachusetts for the Water Transmission Main Replacement project funded by the Massachusetts Department of Housing and Community Development under its 2000 Massachusetts Community Development Block Grant program.

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

**5B    2000 MCDBG – BUSINESS DEVELOPMENT CENTER**

Execute Subcontract with Lower Cape Cod CDC / \$160,000

**MOTION:** *Move that the Board of Selectmen vote to authorize the Chairman to execute a contract in the amount of \$160,000 with the Lower Cape Cod Community Development Corporation for the management and administration of the Business Development Center project funded by the Massachusetts Department of Housing and Community Development under its 2000 Massachusetts Community Development Block Grant program.*

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

**5C    DHCD READY RESOURCE PROGRAM**

**Regional Grant Application /Lower Cape Fisheries Marketing Project**

**MOTION:** *Move that the Board of Selectmen vote to participate in a regional grant application to the Massachusetts Department of Housing and Community Development under its Ready Resource Program through the Town of Eastham for \$397,000 for the Lower Cape Fisheries Marketing Project.*

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

**Yea 4    Nay 1 (David Atkinson)**

**5D    TAP AFFORDABLE HOUSING ASSISTANCE**

**Professional Expertise for Tax Credit / Exemption Proposal**

**MOTION:** *Move that the Board of Selectmen vote to accept a grant award from the Cape Cod Commission in the amount of \$3,000 under its Technical Assistance Program (TAP) for a strategic planning project for professional expertise to examine the proposed affordable housing legislative for a tax exemption/tax credit program for properties deed restricted for affordable housing purposes.*

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

**6A    WATER MANAGEMENT PERMIT ENGINEERING**

**Award Contract / \$54,800 / Environmental Partners Group, Inc.**

**MOTION:** *Move that the Board of Selectmen vote to authorize execution of an engineering contract in the amount of \$54,800 to Environmental Partners Group, Inc. of Hingham, Massachusetts for the Water Management Study which supports the Provincetown Water System's water withdrawal permit application to the Department of Environmental Protection.*

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

**6B    HIGHWAY GARAGE EXPANSION CIP PROJECT**

**A Less Expensive Alternative**

**MOTION:** *Move that the Board of Selectmen vote to add this \$25,000 highway truck storage building to the CIP request for FY 2002.*

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

**Yea 4    Nay 1 (Cheryl Andrews)**

**6C      APRIL 2, 2001 ANNUAL & SPECIAL TOWN MEETING**

**Set Dates for Opening and Closing of Warrants; Insert Articles**

**MOTION:** *Move that the Board of Selectmen vote to open the April 2, 2001 Annual and Special Town Meeting warrant forthwith and to close them on Friday, March 2, 2001 at 5:00 p.m., in accordance with Charter §2-1-7*

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

**MOTION:** *Move that the Board of Selectmen vote to insert the following articles onto the warrant for the April 2, 2001 Special Town Meeting:*

**Article 1.** *Wastewater Facilities Construction/State Revolving Fund 0%-Interest Loan Program/Old Burn Dump Treatment Building Location/Sewer Betterment*

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

**Yea 3    Nay 2 (Mary-Jo Avellar / Richard Prowell)**

**Article 2.** *Authorize Award of Design-Build-Operate Contract for Wastewater.*

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

**Article 3.** *Upgrade Leaching Area E to Create a Recreational Ball Field on Town Land Abutting Route 6y and Town Cemetery.*

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

**Yea 4    Nay 1 (Richard Prowell)**

**Article 4.** *Sewer Betterment Assessment Deferral for Low-income Elderly.*

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

**Article 6.** *Maintenance and Improvement of Land Bank Property.*

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

**Article 7.** *Pre-acquisition Expenses for Proposed Land Bank Property*

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

**Article 8.** *Home Rule Petition for Affordable Housing Trust Fund.*

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

**Article 9. *Land Bank Proceeds for Affordable Housing Trust Fund.***

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

**Article 10. *Home Rule Petition / Land Bank Amendment / Affordable Housing and Open Space in the Town of Provincetown.***

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

**Article 11. *Home Rule Petition / Property Tax Exemptions for Properties Deed Restricted as Affordable Housing.***

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

**Article 13. *Authorize Conveyance of Provincetown Heritage Museum Property.***

**Motion by: David Atkinson      Seconded by: Richard Prowell**

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

**Article 18. *Water Enterprise Fund Capital Projects.***

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

**Article 22. *Capital Improvements. (Heritage Museum Structural Repairs/Old Burn Dump Closure/Parking Department)***

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

**Article 23. *Massachusetts Highway Department Chapter 90 Funds for Road and Sidewalk Construction and Repairs.***

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

**MOTION: *Move that the Board of Selectmen vote to insert the following articles onto the warrant for the April 2, 2001 Annual Town Meeting:***

**Article 5. *FY 2002 Revolving Accounts. .***

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

**Article 6. *Amendments to Personnel By-law/Classification and Compensation Plan***

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

**Article 18. *Accept State Statute Authorizing Quarterly Property Tax Bills.***

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

**Article 24. *Convey 30 Creek Road Property for Affordable Housing..***

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

**Yea 4 Nay 1 (David Atkinson)**

*Article 27. Maintenance and Improvement of Land Bank Property.*

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

*Article 28. Land Bank Proceeds for Affordable Housing Trust Fund.*

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

*Article 32. Use of Parking Funds to reduce the Tax Rate.*

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

**6D      REFER ZONING AMENDMENTS TO PLANNING BOARD**

**Staff Proposals Proposed by Planning Board**

***MOTION:*** *MOVE that the Board of Selectmen vote, pursuant to MGL Chapter 40A, section 5, to refer to the Planning Board the following nine zoning amendments drafted by staff and proposed by the Planning Board: (A) Use Regulations; (B) Amending Definitions: Structure; (C) Amending Definitions: Guest Unit; (D) Dwelling Units and Commercial Accommodations; (E) Building Scale; (F) Building Scale; (G) Growth Management By-law; (H) Growth Management By-law; and (I) Growth Management By-law.*

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

**6E      CAPE COD NATIONAL SEASHORE**

**Monthly Issues Update**

***MOTION:*** *MOVE that the Provincetown Board of Selectmen vote to send a letter to Interior Secretary Gale Norton inviting her to consult with the local community of Provincetown, Massachusetts regarding its issues vis-à-vis Cape Cod National Seashore.*

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

**7.      REGIONAL SOLID WASTE INITIATIVE**

***MOTION:*** *Move that the Board of Selectmen appoint Selectmen Cheryl Andrews to serve on the Ad Hoc Lower Cape Committee to explore regionalization of solid waste.*

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

**8.      TREASURER'S TRANSFERS**

**John Anderson Francis Family Scholarship Fund**

***MOTION:*** *Move that the Board of Selectmen vote, as Commissioners of Gift Funds, to approve the transfer of \$30,500 from the John Anderson Francis Family Scholarship Fund for the payment of outstanding invoices.*

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

**9. APPOINTMENTS**

***MOTION: Move that the Board of Selectmen appoint James Kenneth Barge as an Alternate Member of the Local Housing Partnership with a term limit to expire June 30, 2003***

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

***MOTION: Move that the Board of Selectmen appoint Ellen C. Battaglini as a Regular 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***

**10. MINUTES OF BOARD OF SELECTMEN MEETINGS**

***Move that the Board of Selectmen approve the minutes of January 8, 2001 with changes so noted.***

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

***Yea 4    Nay 0    Abstain 1 (Richard Prowell)***

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

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

***Yea 4    Nay 0    Abstain 1 (Cheryl Andrews)***

***Move that the Board of Selectmen approve the minutes of January 18, 2001 as printed***

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

***Move that the Board of Selectmen approve the minutes of January 22, 2001 as printed***

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

***Move that the Board of Selectmen approve the minutes of January 29, 2001 (Board Interviews) as printed***

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

***Yea 4    Nay 0    Abstain 1 (Richard Prowell)***

***Move that the Board of Selectmen approve the minutes of January 29, 2001 (CIP) as printed***

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

***Yea 4    Nay 0    Abstain 1 (Richard Prowell)***

**11. CLOSING STATEMENTS**

None

**12A LITIGATION STRATEGY**

**Cape Light Compact Suit**

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, section 23B, clause 3, to go into executive session for the purpose of discussion strategy with respect to litigation; and not to convene in open session thereafter. [roll call vote]*

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

***[Roll Call Vote]***

**Mary-Jo Avellar - Yes      David Atkinson - Yes      Cheryl Andrews - Yes**

**Richard Prowell - Yes      Betty Steele-Jeffers - Yes**

Board went into executive session at 10:12 PM

**Minutes transcribed by: Vernon Porter, Secretary**

**February 28, 2001**