

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – FEBRUARY 26, 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, Mary-Jo Avellar, David Atkinson. Richard Prowell. Excused Absence: Cheryl Andrews

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 PUBLIC HEARING: CURB CUT**

194 Bradford Street (Assessor's Map 12-1-141)

***MOTION: Move that the Board of Selectmen vote, pursuant to General By-laws Section 11-6-2,[to approve the application of Sylvia D. Robinson and Mona Anderson to establish a curb cut at 194 Bradford Street (Assessor's Map 12-1-141) as shown on the plan entitled "194 Bradford Street – Proposed 1-31-01" accompanying the application submitted on January 31, 2001 by Mona Anderson.***

**Motion by: David Atkinson    Seconded by: Mary-Jo Avellar    Yea 4    Nay 0**

#### **1B PROVINCETOWN FISHERMEN'S ASSOCIATION**

Memorandum of Understanding re: MacMillan Pier, Pier Corporation

***MOTION: Move that the Board of Selectmen vote to execute a memorandum of understanding with the Provincetown Fishermen's Association relative to MacMillan Pier and the Provincetown Public Pier Corporation.***

**Motion by: David Atkinson    Seconded by: Richard Prowell    Yea 4    Nay 0**

#### **1C PRESENTATION: "GOT HOUSE?"**

Provincetown Housing Awareness Campaign Two-thousand-one

Open discussion and presentation by Michael Bunn.

#### **1D CAPE END MANOR UPDATE**

Facilitator Dennis Anderson

***MOTION: Move that the Board of Selectmen vote to authorize issuance of a Request for Proposals for transfer of the Cape End Manor license and conveyance of the property at 100 Alden Street for a new facility to be constructed by the transferee.***

**Motion by: David Atkinson    Seconded by: Richard Prowell    Yea 4    Nay 0**

**MOTION:** *Move that the Board of Selectmen request that the Cape End Manor Board of Directors, an advisory group, provide the following information:*

- 1. the Board of Director's view of how Provincetown should be looking at "taking care of our elderly population"*
- 2. the Board of Director's substantiated reason(s) for keeping the Manor in Provincetown as opposed to another town on Outer Cape.  
"substantiated" to mean:*
  - demographics to be served for the next 10-20 years*
  - services to be provided by the facility*
  - where the staff will come*
  - what entity will govern and what salary ranges you envision*
- 3. the Board of Director's marketing ideas for such a facility for the next 10-20 years.*
- 4. the size of the facility in terms of number of beds.*

*This information arrived at by the Board of Directors to be presented to the Board of Selectmen at its April 23, 2001 meeting.*

**Motion by: Betty Steele-Jeffers    Seconded by: Richard Prowell    Yea 4    Nay 0**

## **2.    PUBLIC STATEMENTS**

Marilyn Downey - Commented on other sources of funding available and will be checking the sources out.

Lindsey Duff – AmeriCorps – Cape Cod - explained their program and purpose and encouraged the Selectmen to take advantage of the AmeriCorps program and to contact her Supervisor Gretchen Glaub at 508-375-0130 and to submit proposal as soon as possible.

## **3.    SELECTMEN'S STATEMENTS**

### **David Atkinson**

**MOTION:** Move that the Board of Selectmen send a letter to the School Department asking that they mention in one of their assemblies that there is a by-law against any wheeled vehicle on sidewalks or the Bas Relief except for wheelchairs.

**Motion by: David Atkinson    Seconded by: Mary-Jo Avellar    Yea 4    Nay 0**

Note: Copy of letter to be sent to Police Department requesting that they monitor the downtown area during the day on a regular basis (including the bas relief and the dough boy monument).

**MOTION:** *Move that the Board of Selectmen approve the request of the Art Commission to have the "Plowing Amid Dunes by Ross Moffet repaired.*

**Motion by: David Atkinson    Seconded by: Mary-Jo Avellar    Yea 4    Nay 0**

**MOTION:** Move that the Board of Selectmen increase their budget to extend benefits to elected officials.

**Motion by: David Atkinson    Seconded by: Mary-Jo Avellar  
Yea 2    Nay 2 (Richard Prowell/Betty Steele-Jeffers)  
- *MOTION DOES NOT PASS* -**

**MOTION:** *Move that the Board of Selectmen vote to revise the term expiration date of Provincetown's Representative (Len Stewart) to the Cape Cod Commission from December 31, 2003 to April 24, 2004 as requested by Frank Shephard, Chairman of the Cape Cod Commission.*

**Motion by: Betty Steele-Jeffers    Seconded by: Mary-Jo Avellar    Yea 4    Nay 0**

**RICHARD PROWELL** - Pass

**BETTY STEELE-JEFFERS**

**MOTION:** *Move that the Board of Selectmen accept the invitation from the Orleans Board of Selectmen to attend the Orleans Cardinals Baseball Game as "Provincetown Night" on Tuesday, July 10, 2001.*

**Motion by: Betty Steele-Jeffers    Seconded by: David Atkinson    Yea 4    Nay 0**

**MOTION:** *Move that the Board of Selectmen approve the request from The Pan-Massachusetts Challenge for a proclamation declaring Sunday, August 5, 2001 as "Pan-Massachusetts Challenge Day".*

**Motion by: Betty Steele-Jeffers    Seconded by: Mary-Jo Avellar  
Yea 3    Nay 1 (David Atkinson)**

**MOTION:** *Move that the Board of Selectmen send a copy of a letter received from Melanie Gordon, Program Coordinator on the Governor's Alliance Against Drugs commending Office Marty Menangas to the Police Chief and also place a copy in his personnel folder.*

**Motion by: Betty Steele-Jeffers    Seconded by: Mary-Jo Avellar    Yea 4    Nay 0**

**MOTION:** *Motion to move that the Board of Selectmen to fly the MIA flag below the American Flag at the Veterans Memorial after discussion with the Veterans. .*

**Motion by: Betty Steele-Jeffers    Seconded by: Mary-Jo Avellar  
Yea 3    Nay 1 (David Atkinson)**

Note: Mark Latour will compose a letter to incorporate the feelings of the Board of Selectmen on this matter.

**MOTION:** *Move that the Board of Selectmen approve the request by John Strong on behalf of the VFW and the Ladies Auxiliary for Proclamations for their Voice of Democracy and Youth Essay Programs.*

**Motion by: Betty Steele-Jeffers    Seconded by: Mary-Jo Avellar    Yea 4    Nay 0**

**Cape Cod Build Out** – send a letter stating that the board is not interested in any presentation at this time.

**MARY-JO AVELLAR**

Tables and Chairs for Judge Welsh Room – let Sandy Turner know .

**MOTION:** *Move that the Board of Selectmen request the following changes for insertion into the warrant under Section 7102 Zoning By-Laws, Building Scale by revising subsection E, as follows, adding the text in italics and deleting the text with strikeouts:*

**E. Board of Appeals Approval** No approval for a deviation in building scale shall be granted unless the Board of Appeals finds that the deviation ~~from the standards is in keeping with~~ *meets* the standards for a Special Permit under Article IV, Section 4300 and that the deviation is either in keeping with the objectives of the ~~Master Local Comprehensive Plan and~~ or is appropriate for at least one of the following reasons:

**Motion by: Mary-Jo Avellar    Seconded by: Betty Steele-Jeffers    Yea 4    Nay 0**

**4A    APPROVAL OF FEES**

Board of Health: Tattoo License Fees

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C.40, §22F, to approve the establishment of a fee in the amount of \$75 for a tattoo license issued by the Provincetown Board of Health.*

**Motion by: Mary-Jo Avellar    Seconded by: Betty Steele-Jeffers**  
**Yea 2    Nay 2 (Richard Prowell/David Atkinson)**  
**- MOTION DOES NOT PASS -**

**4B    TOWN CLERK**

2000 Town Report Dedication

**MOTION:** *Move that the Board of Selectmen vote to dedicate the 2000 Annual Town Report to those current and former Town board members and employees who died during calendar year 2000, as contained in the list of names submitted by Town Clerk Stephan J. Nofield.*

**Motion by: David Atkinson    Seconded by: Richard Prowell    Yea 4    Nay 0**

**5A    SEAFOOD OFFLOADING AT MacMillan PIER SPACE 2**

Award of Lease/Cape Cod Bay Fisheries, Inc./\$21,000 per year

**MOTION:** *Move that the Board of Selectmen vote to award to sole bidder Cape Cod Bay Fisheries, Inc. for rent amount of \$21,000 per year or \$0.0035 per pound, whichever is greater, a lease beginning April 1, 2001 and ending March 31, 2002, with an option to renew for up to one additional year, subject to the restriction that use thereof shall be limited to seafood offloading/handling and activities related thereto, and that the lessee shall allow other fish buyers to pack-out thereat, for MacMillan Pier Space Two: two areas comprised of 4,900 square feet, more or less, one measuring 45' by 53,' the other 40' by 60,' on the Intermediate Pier Section, subject to relocation to the new "T" section, once completed.*

**Motion by: David Atkinson    Seconded by: Mary-Jo Avellar    Yea 4    Nay 0**

**5B    COLLECTIVE BARGAINING STRATEGY**

AFSCME Council 93, Town-wide Unit

**MOTION:** *Move that the Board of Selectmen vote to approve the tentative agreement reached on February 15, 2001 with Unit A of the AFSCME Council 93, Local 1462 Town-wide Unit for a three-year contract expiring June 30, 2002.*

**Motion by: Mary-Jo Avellar    Seconded by: David Atkinson    Yea 4    Nay 0**

**5C    FY 2002 BUDGET AMENDMENTS**

Implement AFSCME Contract; Health Insurance Increase,

**MOTION:** *Move that the Board of Selectmen vote to amend its proposed operating budget for Fiscal Year 2002 by adding a total of \$66,221 to the several General Government departments with AFSCME Unit A personnel.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** David Atkinson      Yea 4    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to increase its FY 2002 910 Insurance budget request by \$369,884; and to decrease other FY 2002 operating and capital requests by \$224,629, as recommended by the Town Manager.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Prowell      Yea 4    Nay 0

**Noted:** *Under #192A DPW Buildings & Grounds the Board of Selectmen are supporting this decrease only if the \$23,609 reduction is secured from the Tourism Budget.*

**MOTION:** *Move that the Board of Selectmen vote to increase the FY 2002 710 Debt Service budget request by \$98,000 to be offset by septic system loan repayments.*

**Motion by:** David Atkinson      **Seconded by:** Mary-Jo Avellar      Yea 4    Nay 0

61    **APRIL 2, 2001 ANNUAL & SPECIAL TOWN MEETINGS**

Insert Articles; Schedule Special Meeting to Determine Order of articles.

**MOTION:** *Move that the Board of Selectmen vote to insert the following Articles of the April 2, 2001 Special Town Meeting.*

Article 4. *Dedicate for Open Space and passive Recreation Use that Portion of 47-acre site not reserved for Wastewater Treatment Plant.*

**Motion by:** David Atkinson      **Seconded by:** Betty Steele-Jeffers  
Yea 5    Nay 2 (Richard Prowell/Mary-Jo Avellar)  
- **MOTION DOES NOT PASS** -

**MOTION:** *Move that the Board of Selectmen vote to insert the following Article of the April 2, 2001 Special Town Meeting.*

Article 6. *Home Rule Petition/Provincetown Public Pier Corporation /Perfecting Amendments.*

**Motion by:** David Atkinson      **Seconded by:** Mary-Jo Avellar      Yea 4    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to amend the following Article of the April 2, 2001 Special Town Meeting.*

Article 7 Section 2. *Home Rule Petition for Affordable Hosing Trust Fund.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Betty Steele-Jeffers  
Yea 3    Nay 1 (David Atkinson)

**MOTION:** *Move that the Board of Selectmen vote to insert the following Article of the April 2, 2001 Special Town Meeting.*

Article 13. *Interest Repayment on Land Bank Borrowings.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Prowell      Yea 4    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to insert the following Article of the April 2, 2001 Special Town Meeting.*

Article 19. *Fund AFSCME Town-wide Union Collective Bargaining Agreement.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** David Atkinson      Yea 4    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to insert the following Article of the April 2, 2001 Special Town Meeting.*

Article 20. *Fund AFSCME Cape End Manor Unit Collective Bargaining Agreement.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Prowell      Yea 4    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to amend the following Article of the April 2, 2001 Special Town Meeting.*

Article 22 #3. *Parking Department*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Prowell      Yea 4    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to insert the following Article of the April 2, 2001 Annual Town Meeting.*

Article 4. *FY 2002 Capital Improvements Program.*

**Motion by:** David Atkinson      **Seconded by:** Richard Prowell      Yea 3    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to insert the following Article of the April 2, 2001 Annual Town Meeting.*

Article 24. *General By-Law Amendments: 11-7-1, Temporary Repairs to Private Ways.*

**Motion by:** Richard Prowell      **Seconded by:** David Atkinson      Yea 3    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to insert the following Article of the April 2, 2001 Annual Town Meeting.*

Article 32. *Annual Payment on Land Bank Borrowings.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Prowell      Yea 3    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to insert the following Article of the April 2, 2001 Annual Town Meeting.*

Article 33. *FY 2002 Human Services Grant Program*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Prowell  
Yea 3    Nay 1 (David Atkinson)

62      **APRIL 2, 2001 ANNUAL & SPECIAL TOWN MEETING**

**MOTION:** *Move that the Board of Selectmen vote to schedule a special meeting for Monday, March 5, 2001 at 6 p.m. to determine the order in which articles will appear in the warrant posted on March 8, 2001.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Prowell      Yea 4    Nay 0

7. **BOARD OF SELECTMEN APPOINTMENTS**

**MOTION:** *Move that the Board of Selectmen appoint Duane Gregory to serve on the Board of Health with an expiration date of December 31, 2002.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Prowell      Yea 4    Nay 0

**MOTION:** *Move that the Board of Selectmen appoint Decker Johnson to serve on the Recycling Committee with an expiration date of December 31, 2003.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** David Atkinson      Yea 4    Nay 0

8. **CLOSING STATEMENTS**

**DAVID ATKINSON**

Masons met with Knights of Columbus last Tuesday and I brought up the subject of doing something for our skateboard people to get them off our sidewalks and they seemed enthusiastic about talking about an idea of a mutual fundraiser to help them feel wanted in the town.

**RICHARD PROWELL** - None  
**BETTY STEELE-JEFFERS**

Interesting article in paper today on Swap Shops. Sally Sears-Mack called and said this subject was going to be on next Lower Cape Selectmen's meeting on March 22<sup>nd</sup>.

**MARY-JO AVELLAR**

Pier – memorandum of job meeting - do we have to pay for mistakes made by engineers? Answer: It has not been determined at this time.

Letter from Monument – are we supporting their letter? Answer: We are doing it as individuals from home.

9. **LITIGATION STRATEGY**

Tax Title Proceedings

**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.*

**Motion by:** David Atkinson      **Seconded by:** Mary-Jo Avellar      Yea 4    Nay 0

[Roll Call Vote]

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

Board went into executive session at 10:12 PM

Minutes transcribed by: Vernon Porter, Secretary  
March 6, 2001