

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

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

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

Recorder: Vernon Porter - Secretary to Board of Selectmen

The following are meeting minutes, in brief.

#### 1 PUBLIC HEARING: FY 2002 OPERATING BUDGET

Joint Public Hearing with Finance Committee (Charter §9-1-6)

See attachment #1 for comments submitted by Bill Dougal, Chairman of Finance Committee.

**MOTION: *Move that the Board of Selectmen close the public portion of the Public Hearing.***

**Motion by: Mary-Jo Avellar Seconded by: Cheryl Andrews Yea 4 Nay 0**

#### 2. PUBLIC STATEMENTS

Rick Murray - Comment on Scale By-Law Article proposed for Town Meeting. Suggest Board of Selectmen read the Local Comprehensive Plan – Pages 63,64,65. and urge Board of Selectmen to reject the Vevers petition in its entirety.

#### 3. SELECTMEN'S STATEMENTS

##### BETTY STEELE-JEFFERS

- 1) Thank you to Vernon because after we accept tonight's minutes our minutes will be up-to-date – completely up-to-date, year's worth. When Vernon first came we received a backlog of minutes that were not done for the Board of Selectmen. He and I worked on them and as of this date they are all done and it is true, it has never happened before.
- 2) Again, I want to thank you publicly for the organization and for the pre-work that is done in preparation for our meetings. I really think the Town of Provincetown Selectmen are probably a little spoiled and we'd have a hard time if we went some place else because we do get excellent work and we get very good preparation for our meetings.
- 3) Front Hall of the Town Hall – that since we did not want flyers and things around and since the carpet has been put down it looks good and looks formal and clean and lends a nice atmosphere to the front area.

- 4) Yearrounders day – several departments were in attendance with their demonstrations and it was nice to see this happening.
- 5) Memo from Cape Cod Commission on March 9, 2001 – Wastewater Update Report – was wondering if the people who are coming here from the Commission (there will be a public hearing on March 22<sup>nd</sup>) - have all those people toured or viewed the proposed site? Do you know? Keith: Yes Betty: I was going to suggest perhaps they should. Keith: Not sure if they have seen it in daylight. Betty: Might be nice if they see it in daylight.
- 6) Letter from VFW re MIA flag. Would like Mark Latour to contact them (John Strong) and let them know that we are thinking about putting it near the Dough Boy Monument.
- 7) I also attended the VFW for the Voice of Democracy Proclamations on Sunday evening.

### **MARY-JO AVELLAR**

- 1) Offer my congratulations on the retirement of Chief Anthony.
- 2) Copy of letter sent to Diane Corbo from Naomi Palmer of Truro. She missed her footing at the entrance to Grace Gouveia Building and fell and injured herself due to poor lighting. She is seeing a doctor at this time. (Gave letter to Keith to handle.)
- 3) Letter from Lauren Richmond re: Sewer hookup. Betty - Do we know if this property was originally included? Does she show on the map? Keith – That property is coded yellow, which can only comply with Title V – so it is my hope that we will be able to include that property. Betty – when will we know the answer to that? Keith – in the next couple of days.
- 4) When will we find out if the Town is going to have to bear the burden of extra cost because of the failure of the pilings at the pier? Keith – we are already discussing this with Town Counsel. We are very much focused on two things: 1) to make sure we are moving towards the construction of the pier 2) making sure that we are preserving our rights and our ability to have someone other than the Town pay if someone other than the Town is responsible.

### **DAVID ATKINSON**

- 1) PWA Flag – Interesting that it does not fly at Vets .

***MOTION: Move that the Board of Selectmen to send our thanks to the Gard and Bloomingdale families in memory of Barbara Gard and Gwen Bloomingdale for all the service they have provided the town.***

***Motion by: David Atkinson Seconded by: Cheryl Andrews Yea 4 Nay 0***

### **CHERYL ANDREWS**

Moment of silence in memory of Gwen Bloomingdale and Barbara Gard.

#### **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 \$100 for a business tattoo license and \$75 for a tattoo artist's license issued by the Provincetown Board of Health.***

**Motion by: Cheryl Andrews Seconded by: Betty Steele-Jeffers  
Yea 3 Nay 1 (David Atkinson)**

**4B** **TRANSPORTATION TEAM**  
Special Business [Goal 11.6]

**MOTION:** *Move that the Transportation Team hold a Public Hearing to adopt the fee structure as outlined in Team Recommendation Item 2 of their memo to Keith Bergman dated February 26, 2001*

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

Send letter to last years license holders. Adopt a policy. Spell out in black and white what happens when a space becomes available.

**4C1** **PARADE PERMIT: HELPING OUR WOMEN**  
Bike Parade

**MOTION:** *Move that the Board of Selectmen vote to approve Parade application submitted by Beth O'Rourke of Provincetown, MA on behalf of Helping Our Women – "By The Sea Bike Parade – a celebration of the role of the bicycle" to be held on Sunday, June 10, 2001 starting at 12 Noon and ending by 2 PM*

**Motion by: Mary-Jo Avellar Seconded by: Cheryl Andrews Yea 4 Nay 0**

**4C1** **PARADE PERMIT: HELPING OUR WOMEN**  
Bike Trek

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

**MOTION:** *Move that the Board of Selectmen vote to approve Parade application submitted by Beth O'Rourke of Provincetown, MA on behalf of Helping Our Women – "By The Sea Bike Trek" to be held on Saturday, June 9, 2001 starting at 9 AM and ending by 4 PM.*

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

**5** **WATER DEPARTMENT UPDATE**  
Hydrant Flushing Program

Open discussion.

**6A** **APRIL 2, 2001 ANNUAL & SPECIAL TOWN MEETINGS**  
Adoption of Board of Selectmen's Recommendations on Articles

**MOTION:** *Move that the Board of Selectmen vote to recommend Special Town Meeting Article 1.*

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

**MOTION:** *Move that the Board of Selectmen vote to recommend Special Town Meeting Article 2.*

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

**MOTION:** *Move that the Board of Selectmen vote to recommend Special Town Meeting Article 3.*

Motion by: David Atkinson Seconded by: Cheryl Andrews  
Yea 3 Nay 1 (Mary-Jo Avellar )

**MOTION:** *Move that the Board of Selectmen vote to recommend Special Town Meeting Article 4.*

Motion by: David Atkinson Seconded by: Cheryl Andrews Yea 4 Nay 0

**MOTION:** *Move that the Board of Selectmen vote to recommend Special Town Meeting Article 5.*

Motion by: David Atkinson Seconded by: Cheryl Andrews  
Yea 3 Nay 1 (Mary-Jo Avellar)

**6B** DECLARE 40 OF 47 ACRES AS SURPLUS

April 2, 1001 Special Town Meeting Article 5

**MOTION:** *Move that the Board of Selectmen vote, as follows: WHEREAS, the Town of Provincetown acquired for municipal purposes, pursuant to Article 40 of the March 13, 1967 Annual Town Meeting, the property at 244 Route 6 (Assessors Map 08-1-005), lot area 47.71 acres, Class M Municipal District, from the then-Massachusetts Department of Public Works; and WHEREAS, as a condition of its approval for the Order of Conditions for closure of the Old Burn Dump, the Conservation Commission is requiring that approximately 40 acres of this property not needed for municipal purposes be preserved as open space and passive recreation; THEREFORE, the Board of Selectmen, pursuant to MGL C.30B, §16, clause (a), hereby votes to declare as surplus and available for disposition as open space and passive recreation the following: 40 acres of the 47.71 acres of Town-owned land at 244 Route 6, said 40 acres shown as Lot B on a plan of land prepared by Environmental Partners Group, dated March 2, 2001, a copy of which is on file in the office of the Town Clerk.*

Motion by: Cheryl Andrews Seconded by: David Atkinson  
Yea 3 Nay 1 (Mary-Jo Avellar)

**71** TREASURER'S TRANSFER

John Anderson Francis Family Scholarship Fund

**MOTION:** *Move that the Board of Selectmen vote, as Commissioners of Gift funds, to approve the transfer of \$7,500 from the John Anderson Francis Family Scholarship Fund for the payment of outstanding invoices.*

Motion by: Cheryl Andrews Seconded by: Mary-Jo Avellar Yea 4 Nay 0

**8.** MINUTES OF MEETINGS

**MOTION:** *Move that the Board of Selectmen approve the minutes of February 12, 2001 (Regular) with changes so noted.*

Motion by: Mary-Jo Avellar Seconded by: Cheryl Andrews Yea 4 Nay 0

**MOTION:** *Move that the Board of Selectmen approve the minutes of February 26, 2001 (Regular) with changes so noted.*

Motion by: Mary-Jo Avellar Seconded by: David Atkinson  
Yea 3 Nay 0 Abstain 1 (Cheryl Andrews)

**MOTION:** *Move that the Board of Selectmen approve the minutes of March 5, 2001 (Articles on Warrant) as printed.*

Motion by: David Atkinson Seconded by: Cheryl Andrews  
Yea 3 Nay 0 Abstain 1 (Mary-Jo Avellar)

**9. CLOSING STATEMENTS**

**BETTY STEELE-JEFFERS**

Letter of resignation from Police Department – would like a written response from the Police Chief concerning this matter.

Mary-Jo and I will attend the Barnstable County Selectmen’s meeting at Christine’s on Friday.

Delahunt Breakfast – Mary-Jo Avellar & Betty will go ... and David if it rains. Vernon will call in reservations.

**MARY-JO AVELLAR**

Recycling – we need to do more recycling in Provincetown. Need to invite someone from DPW to attend Friday’s meeting where we will be discussing Recycling.

**DAVID ATKINSON**

Group Health Insurance Coverage - present it to Cheryl, as she was not here when it was brought before the Board. Cheryl responded that she would not have voted for it anyway.

**CHERYL ANDREWS**

None

**10 LITIGATION STRATEGY**

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

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

*[Roll Call Vote]*

**Mary-Jo Avellar - Yes      David Atkinson - Yes**  
**Cheryl Andrews - Yes      Betty Steele-Jeffers - Yes**

Board went into executive session at 9:52 PM

Minutes transcribed by: Vernon Porter, Secretary      March 15, 2001