

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – MAY 14, 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 7:00 PM noting the following attendees:

Board of Selectmen members: Elizabeth Steele-Jeffers, Mary-Jo Avellar, David Atkinson, 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 STELLWAGEN BANK NATIONAL MARINE SANCTUARY

Introduction of Director, Update from Congressman Delahunt's Office

Open Discussion. (Agenda material attached.)

#### 1B MacMillan PIER CONSTRUCTION PROJECT

Building Committee Recommendations

***MOTION: Move that the Board of Selectmen vote to approve the recommendations of the Building Committee for the MacMillan Pier Construction contract with AGM Marine, as follows:***

*(1) to approve deductive Change Order #2 in the amount of \$639,464 for scope reductions as per the Value Engineering Credits List dated May 9, 2001;*

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

and

*(2) to approve additive Change Order #3 in the budgeted amount of \$300,000 for proceeding with the tapertube pile installation program for the main pier and "T" section as outlined by Fay, Spofford & Thorndike.*

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

## 2. PUBLIC STATEMENTS

Jose Vinagre – would like to see a police officer ASAP at the pier to help control traffic. Definitely problems that have to be taken care of right away – problems can be avoided. There is so much going on at the pier and Chad is doing an excellent job but he cannot be there all the time.

Joyce Guide - On this same subject. We had a meeting which included about 18 guys and myself and we took all our findings and recommendations and gave them to David Guertin. Some recommendations were: Move barriers, larger signs, authorized people only drive on pier, use of gray tags that Chad has that he can issue to

people who have bonified business on the pier. David and I are looking to hire a retired uniformed policeman in either part-time for full-time. Everyone is working together on this and recognizing the fact that we must close the pier especially between the 11 am to 2 pm when there about 2,000 people getting off and on the pier.

### 3. SELECTMEN'S STATEMENTS

#### David Atkinson

1. Want to thank everyone who voted on May 1<sup>st</sup>.
2. I have money left over from my campaign and the state law says you have to keep track of it until you use it again or give it away to a non-profit. I would like to give my money to the Town of Provincetown Gift Fund earmarked for a skateboard park for us and/or transportation to the skateboard park. We already paid money toward the park. No way to get our youth there.

#### MOTION:

*WHEREAS, Article 56 of the April 5, 1999 Annual Town Meeting appropriated the sum of \$9,750 to be expended under the direction of the Board of Selectmen and the Recreation Commission for the Town of Provincetown's share of a regional skateboard park located in the Town of Wellfleet; and*

*WHEREAS, the need exists to provide not only transportation of Provincetown youth to and from this regional facility but also to investigate a facility of our own.*

*THEREFORE, the Board of Selectmen votes, pursuant to MGL Chapter 44, Section 53A to establish a Skateboard Park Gift Fund. The balance in said fund to be expended by the Board of Selectmen for Provincetown youth to be able to use said facilities.*

**Motion by: David Atkinson Seconded by: Mary-Jo Avellar**  
**- No vote taken- MOTION WITHDRAWN .**

3. Gave preview of WOMR tape on the new shuttle service starting May 26, 2001.

#### Cheryl Andrews

1. Pier – to Keith: We set up a chain of command so that the issues of importance to the public – meaning primarily this whole pedestrian and vehicular public safety issue. Since we set up a chain of command so those things can be taken care of with out having to come to us on a Monday night that is the only thing that concerns me; meaning that if this many people agree we need it – then why is it coming here – why has it not gone through staff – and staff taken care of it? Answer: Keith - Everything happened except the last part about staff taking care of it including staff identifying the problem, identifying solutions and then as we said making several attempts to locate particular individual who would have enough of a knowledge of pier operations. We've gone after a number of recently retired police officers for example. This is the lower cost avenue at the time. Other avenues are in the works.

2. Stellwagen Bank Visitors Center - would hope that the location of the center would be done with a good airing of all the possibilities with the Board of Selectmen involved.

3. Painting south side of Town Hall – has a date been set for this? Sandy Turner – not before Memorial Day.

4. Water Department Flushing Program - apparently there is new activity. Water quality on my street was affected again. Last time we spoke as a board we were going to have a listing of businesses that were going to be affected that would be notified. What happened? Do we know what happened last night and today? Answer: David Guertin: Apparently a hydrant was opened this weekend without our notification – either the Truro or Provincetown Fire Department. We have notified them on a number of occasions to let us

know when they planning testing – as to where and when. But as to the specific event over the weekend we do not have it pinned down at this point in time. Craig has spent some quality time trying to trace it down – there has been no surging on the pumps from the pumping records or the SCADA system. There is nothing that clearly points as to what caused this surge.

Cheryl – I would appreciate being notified as soon as you know what happened.

5. Elections – pleasure to serve you.

### **Betty Steele-Jeffers**

1. People in Town Hall – have chosen pieces of artwork from town collection.

***MOTION: Move that the Board of Selectmen thank the Art Commission for bringing this project forward and letting us all share in the town's great art works.***

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

2. Planting trees – noticed at Cemetery near garage building it looks as though trees are being planted and it look very nice.

3. Town Hall Steps – are the most beautiful steps I've ever seen.

4. Passive Recreation - on properties that Town owns or acquired. Pleased to read report on progress of Open Space Committee.

5. Pier – policeman there? My hope would be that we would not have to pay for a special detail cop – that it would be included in the daily task of those on regular duty. That they might take a swing around down there. I know that Chad has been standing there. There is a lot of activity there.

***MOTION: Move that the Board of Selectmen direct the Town Manager to speak to the Police Department and determine who is in charge of the daily scheduling, and have that person meet with the Town Manager and whomever we need from the pier project, to see what we can do to work together for community oriented policing and report back by the next regular scheduled Board of Selectmen meeting.***

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

### **Mary-Jo Avellar**

1. Thank you to Director of Director of Public Works for schedule on Pier.

2. Congratulations to Water Department for the most improved awards received.

***MOTION: Move that the Board of Selectmen send a letter to the Water Department employees for congratulating them on receiving the most improved award from the Department of Environmental Protection and the Massachusetts Water Works Association***

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

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

Promotional Project: Women's Week

***MOTION: Move that the Board of Selectmen vote to approve funding from the FY 2002 Tourism Promotional Budget of \$2,000 for Women's Week 2001, as recommended by the Visitor Services Board.***

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

**4A2** **MUSEUM MERGER FEASIBILITY STUDY**  
Tappe Associates Economic Impact Analysis \$7,600

Betty Steele-Jeffers left the room.

**Disclosure statement by Mary-Jo Avellar:**

“I am a member of the Association of the Cape Cod Pilgrim Memorial Association. I receive no remuneration. No members of my family work for the CCPMA or do they receive any remuneration. For the privilege of belonging to the CCPMA, I pay \$25 per year. I have never voted on an issue at the CCPMA because I am not a member of the Board.”

**MOTION:** *Move that the Board of Selectmen vote to approve the Visitor Services Board's May 1, 2001 recommendation to transfer \$7,600 from Article 20 of the April 2, 2001 Special Town Meeting to fund the economic impact analysis component of the contract with Tappe Associates of Boston, MA for a study of the feasibility of the Pilgrim Monument & Provincetown Museum merging the Heritage Museum collection with theirs.*

**Motion by:** Mary-Jo Avellar **Seconded by:** David Atkinson **Yea 3 Nay 0**

**4B** **BOARD OF HEALTH: PROPOSED POLICY**  
Prohibiting Use of Town Trash Barrels for Households, Businesses

**MOTION:** *Move that the Board of Selectmen vote to adopt a policy prohibiting the placement of household or business trash into Town-owned trash barrels, in support of action taken by the Board of Health at their meeting on May 3, 2001, pursuant to its authority under MGL C.111.*

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

**4C** **SHELLFISH AQUACULTURE GRANT**  
Approval of Five-year Lease Agreements

**MOTION:** *Move that the Board of Selectmen vote to authorize grant agreements, in accordance with the provisions of Chapter 130 of the General Laws of the Commonwealth as amended and all other powers thereto enabling, do grant to, for a term of 5 years, beginning May 14, 2001 and terminating May 14, 2006 the following parcels of land as described in the attached Town of Provincetown Shellfish Aquaculture Grant Lease Agreements:*

- 1) *Ken Gregory, 6 Soper Street, Provincetown, Ma. Grant No: 25*
- 2) *Alex Brown, 46 Franklin Street, Provincetown, MA. Grant No: 37*
- 3) *Jack R. Joyce, 14 Standish Street, Provincetown, MA Grant No: 9*
- 4) *Sasha Connors, 25A Bradford Street, Provincetown, MA Grant No: 47*

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

**4D** **COUNCIL ON AGING**  
Executive Office of Elder Affairs FY 2002 Formula Grant

**MOTION:** *Move that the Board of Selectmen vote to authorize submission of a grant application for \$4,165 to the Executive Office of Elder Affairs for a FY 2002 Formula Grant for a Community Resource Senior Assistance Program Staff education and training, and outreach services.*

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

**4E**    **MDPH HOME HEALTH GRANT**

Contract Amendments

**MOTION:** *(1) Move that the Board of Selectmen vote to authorize the amendment increase of \$3,000 to the contract with the Mass. Dept. of Public Health for the Comprehensive Home Health Program bringing the total contract from \$990,432.50 to \$993,432.50 and*

*(2) Move that the Board of Selectmen vote to authorize the amendment increase of \$3,000 to the subcontract with the Provincetown AIDS Support Group for Homemaker Services bringing the total contract from \$10,172.50 to \$13,172.50.*

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

**4F**    **REQUEST FOR PERMISSION TO SUBMIT APPLICATION**

Discussion of Float Space License 1W Transfer of Ownership Interest

**MOTION:** *Move that the Board of Selectmen table this item until a future date to be determine.*

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

**5A**    **CONDUIT COMMUNITY GRANT AGREEMENT**

Executive Order 418 Affordable Housing MCDG Grant Funds

**MOTION:** *Move that the Board of Selectmen vote to authorize execution of a Conduit Community grant agreement with the Massachusetts Department of Housing and Community Development to disburse \$131,650 in Mass. Community Development Block Grant funds to non-entitlement communities on Cape Cod for affordable housing community planning funds of between \$10,000 and \$30,000 per community, pursuant to Section 1 of Executive Order 418.*

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

**5B**    **AWARD CONTRACT: DMF/MIS**

MUNIS Financial Software - \$72,995

**MOTION:** *Move that the Board of Selectmen vote to authorize execution of a purchase and license agreement with PROCESS, Inc. d/b/a MUNIS, of Falmouth, Maine in the amount of \$72,995 for financial software for the Town of Provincetown, including accounting and budget, purchase orders, fixed assets, and tax billing.*

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

**5C**    **SURPLUS DECLARATION**

MIS Equipment for Sale at Bicycle Auction

**MOTION:** *Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws §6-4-6, to authorize the Town Manager to dispose, by sale at the Provincetown Police Department's Bicycle Auction or otherwise, of the Town-owned equipment declared as surplus in the MIS Coordinator's May 7, 2001 memorandum to the Town Manager.*

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

**5D1    DPW SERVICE CONTRACTS FOR FY 2002**

Paving with Bituminous Concrete: Tilcon Capaldi, Inc.

**MOTION:** *Move that the Board of Selectmen vote to execute a contract with low bidder Tilcon Capaldi, Inc. of Swansea, MA for the provision of bituminous concrete to the Town of Provincetown for Fiscal Year 2001 at a cost of: \$52.40 per ton delivered in place and for berms to be laid in place; \$6.50 per lineal foot for bituminous concrete curb to be laid in place; and \$93.00 per ton for handwork (sidewalks and driveway approaches).*

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

**5D2    DPW SERVICE CONTRACTS FOR FY 2002**

Heating Oil No. 2: Marcey Oil Company

**MOTION:** *Move that the Board of Selectmen vote to execute a contract with low bidder Marcey Oil of Provincetown, MA for the provision of heating oil #2 to the Town of Provincetown for Fiscal Year 2002 at a cost of Boston Journal of Commerce "low price" plus mark-up of 19.9¢ (\$0.199).*

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

**5D3    DPW SERVICE CONTRACTS FOR FY 2002**

Municipal Solid Waste Hauling Services: J & L Enterprises

**MOTION:** *Move that the Board of Selectmen vote to execute a contract with J & L Enterprises, Inc. of Truro for the provision of municipal solid waste hauling services for Fiscal Year 2002 from the Provincetown Transfer Station to the SEMASS facility in Rochester, MA, including provision of one yard truck, keeping trailers on a maintenance schedule, changing flat tires, and providing an additional trailer during the summer, for the contract price of \$200 per round trip.*

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

**5D4    DPW SERVICE CONTRACT FOR FY 2002**

Removal of Recyclables: J & L Enterprises

**MOTION:** *Move that the Board of Selectmen vote to execute a contract with sole bidder J & L Enterprises of Truro, MA, for the provision of recycling services to the Town of Provincetown for Fiscal Year 2002 at the rate of \$1.40 per mile for mixed paper, corrugated cardboard, glass, metal cans, and HDPE plastic, and with scrap metal removed at no cost to the Town.*

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

**5D5    DPW SERVICE CONTRACTS FOR FY 2002**

Septage Removal: US Liquids (Sep-Tech)

**MOTION:** *Move that the Board of Selectmen vote to execute a contract with low bidder US Liquids (Sep-Tech) of Chatham, MA for provision of septage removal services to the Town of Provincetown for Fiscal Year 2002 at a rate of 6.0¢ per gallon exclusive of the Tri-Town tipping charge*

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

**5E**    **COURT STREET DRAINAGE – ENGINEERING**

Coastal Engineering Change Order No. 3 - \$12,000

**MOTION:** *Move that the Board of Selectmen vote to approve Change Order #3 in the amount of \$12,000 to Coastal Engineering, Inc. for additional professional services in connection with the Court Street/Shank Painter Road Drainage Project.*

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

**5E2**    **BRADFORD STREET DRAINAGE – ENGINEERING**

Northern Paving Change Order No. 3 - \$10,000

**MOTION:** *Move that the Board of Selectmen vote to approve Change Order #3 in the amount of \$10,000 to Northern Paving for additional work to correct the acoustic and vibration effects on nearby houses, from the leaching areas of the drainage project on Bradford Street by Winthrop, Court and Carver Streets*

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

**5F**    **CAPE COD NATIONAL SEASHORE**

Monthly Issues Update

**MOTION:** *Move that the Board of Selectmen direct Alex Ritchie to advise the Cape Cod National Seashore that the Board of Selectmen vote not to favor limiting the public's access to the dune shacks.*

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

**MOTION:** *Move that the Board of Selectmen send a letter to the Cape Cod National Seashore conveying to them that since the popularity of the Seashore is part of the problem, why can't the Highland Center be use for seasonal employees; and ask that the Seashore work with the Board of Selectmen to find a solution to the public housing crisis.*

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

**Raw cost of water** - take a stand on this now.

**6.**    **TREASURER'S BORROWING**

Municipal Purpose Bond Anticipation Note #992

**MOTION:** *Move that the Board of Selectmen vote to issue municipal purpose Bond Anticipation Note # 992 in the amount of \$2,144,425.00 dated May 15, 2001 at 3.75% interest payable at maturity to Cape Cod Bank & Trust Company on September 27, 2001.*

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

**7A**    **FY 2002 TOWN-WIDE GOAL-SETTING PROCESS**

Adopt Timetable and Meeting Schedule

**MOTION:** *Move that the Board of Selectmen vote to adopt the timetable for the FY 2002 Annual Town-*

*wide Goal Setting Process as proposed by the Town Manager, including the scheduling of agenda item on our next regular scheduled meeting on Tuesday, May 29, 2001 and a public hearing on Monday, June 11, 2001 at 7 p.m.*

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

**7B    BOARD OF SELECTMEN'S RULES OF PROCEDURES**

Adoption, Consideration of Amendments

Mary-Jo Avellar left the room at 9 P.M.

**MOTION:** *Move that the Board of Selectmen vote to schedule adoption of the Rules of Procedure for its regular meeting on Tuesday, May 29, 2001, with any proposed amendments to be submitted in writing to the secretary by Tuesday, May 22, 2001.*

**Motion by: Cheryl Andrews    Seconded by: David Atkinson      Yea 3    Nay 0**

Mary-Jo Avellar returned at 9:06 P.M.

**7C    CLOTHING OPTIONAL BEACH**

Adoption, Consideration of Amendments

**MOTION:** *Move that the Board of Selectmen vote as follows relative to the Town-owned Spaghetti Strip property (a) to direct the Department of Public Works to provide Cape Cod National Seashore with 5 4 x4 10 foot pressure treated posts of signage.*

**Motion by: David Atkinson    Seconded by: Betty Steele-Jeffers  
- Motion and second withdrawn -**

**MOTION:** *Move that the Board of Selectmen request the Cape Cod National Seashore monitor for piping plovers.*

**Motion by: David Atkinson    Seconded by: No second - Motion Withdrawn -**

**MOTION:** *Move that the Board of Selectmen request Town Counsel Kopelman & Paige prepare the text of a proposed amendment to the General By-laws removing the conflict between the Town's General By-laws and April 2, 2001 Annual Town Meeting Article 32.*

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

**8.    EXECUTIVE SESSION MINUTES**

Carried forward to next regular scheduled meeting on May 29, 2001.

**9.    CLOSING STATEMENTS**

**David Atkinson**

**MOTION:** *Move that the Board of Selectmen have a sign be installed at the beginning of the Pier stating "Pedestrians Welcomed".*

**Motion by: David Atkinson    Seconded by: No seconded**

*Suggest asking staff address this issue.*

### **Cheryl Andrews**

To Keith – DPW - important issue in this weekend's issue of Cape Cod Times and I did not know about it. I don't want to add more work to him but if he dropped us an email of two sentences saying 'breaking news guys' that would be appreciated.

Metcalf & Eddy – 16-hour coverage – Should be 24-hour coverage.

Letter from outgoing board to incoming board – draft completed and unless there are any changes we can all sign it Thursday morning.

Heritage Board – no quorum anymore. Need to get more people involved.

Lower Cape Board of Selectmen – re: Solid Waste meeting in Wellfleet on Tuesday, May 22<sup>nd</sup>. Keith will attend.

### **Betty Steele-Jeffers**

Email – problems with town email?

Date in the spring whereby there would be an introduction to the town for the summer police officers. (Scheduled for tomorrow.)

Part of my goals was police at Pier. Where is joint communal effort in this town? Don't want to hear that the police want to be paid special detail. Very difficult to move those vehicles around and it should not be Chad doing it.

***MOTION: Move that the Board of Selectmen send a letter to David Nicolau who is leaving the Planning Board and Sarah Robins who is leaving the Shellfish Committee for their service to the Town.***

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

### **Mary-Jo Avellar**

Skateboard is getting out of control again.

Detail work - the town should never be paying officers for detail work – the construction people should be paying.

### **David Atkinson**

***MOTION: Move that the Board of Selectmen request that the Police Orientation Sessions be videotaped.***

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

Motion to adjourn by Mary-Jo Avellar at 10:05 PM

Minutes transcribed by: Vernon Porter, Secretary      May 29, 2001