

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – JUNE 25, 2001

### JUDGE WELSH HEARING ROOM

Chairman, Betty Steele-Jeffers opened the meeting 6:00 PM noting the following attendees:

Board of Selectmen members: Elizabeth Steele-Jeffers, Cheryl Andrews, Mary-Jo Avellar, David Atkinson.

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

Recorder: Vernon Porter - Secretary to Board of Selectmen

The following are meeting minutes, in brief.

#### 1A JOINT MEETING: HOUSING AUTHORITY

Fill Vacancy Expiring at 2002 Annual Town Election

***MOTION: MOVE that the Board of Selectmen and the remaining members of the Provincetown Housing Authority vote, pursuant to MGL C.41,§11, to appoint Howard Burchman and Olga M. Vitello to fill a vacancy on the Housing Authority which expires at the May 2002 Annual Town Election.***

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

Cheryl Andrews left the room.

#### 1B JOINT MEETING: CAPE END MANOR BOARD OF DIRECTORS

Interview Grantham Group

Open discussion.

Cheryl Andrews returned.

#### 2. PUBLIC STATEMENTS

Michelle Knowles – from Express Delivery – would like access Commercial Street for delivery to their customers.

Sally Adams – Sent letter to Selectmen before re: Clothing Optional Beach. Willing to have a site visit. Would like to have all signs, banners, postings, etc. removed. Would like a meeting with selectmen and David Atkinson should not be a part of the discussion.

Jim McGowan – re: pier construction pile driving – does not want during summer season. Town should be ashamed of public beach. Chapter 91 violation and agreement made with him as representative.

Peter Sousa - Beach seaweed must stay there – it is nourishment to the beach and promotes new growth. Clyde Beatty-Cole Circus – cruelty to animals - should not be allowed to come to Provincetown and the by-laws should be changed. They will be protesting.

Heather Bruce - Seaweed very thick – excessive amount of flies and oil. Heard there were dead fish and birds as well. Town does not have plan in place for this type of problem. Something needs to be done. Circus – several citations against them and urge the Board of Selectmen to not permit them to come to town in the future.

Sheila Benzer – Seaweed – agrees with Peter Sousa. Diesel spill was in the middle of the night on Sunday

morning. DEP recommended leaving seaweed on the beach. Did not see any dead birds or fish.

David Adams - Leaseholders near the spaghetti strip. Been paying taxes since 1989 and receives very little from the Town and believes that the clothing optional beach is a disservice to the people living in that area.

Marcia Adams - Lives West of the Spaghetti Strip – with clothing optional area there will be more people and you need to keep people from using the area to protect the birds in the area who are nesting. Hope that the Board of Selectmen will visit the area soon to see how it will affect the area and those that live there.

Austin Knight - Cape End Manor – gives them a long-term lease from the town. Circus – take a stand on cruelty to animals. People by Spaghetti Strip – didn't even know people live there.

Mildred Chaplin – lives east of Spaghetti Strip – reiterate what has been said before and hopes that the Board of Selectmen will visit the area.

### 3. SELECTMEN'S STATEMENTS

#### Cheryl Andrews

- **MOTION:** *Move that the Board of Selectmen send a letter to the organizers of the Portuguese Festival to thank them for organizing a wonder festival*

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

**Closing of Commercial Street** – for any folks want to apply for any kind of permit, is it not the Police Chief they should contact? **Answer:** Keith – Yes, and I am surprised to hear that individual was sent here by the Police Chief.

- **MPL Toilets** – what is summer schedule hours – do they close at 10 PM and do they extend their hours for the 4<sup>th</sup> of July.

**MOTION:** *Move that the Board of Selectmen ask Staff to investigate the hours that we are using now for MPL toilets – let us know what they are on a 7 day a week basis and let us know what our plans are for the summer and also whether or not we can alter those.*

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

- **Seaweed** - Heather Bruce said in her public statements that folks had submitted written statements to the Town. If they were to the town – can we get a copy. **Answer:** Keith – Sure.

- **Circus** - Comments from public – want to thank the folks here tonight bringing this issue forward. It takes time to digest and to listen to all the sides. I will be listening to the public over the next couple of months as far as the town is interested in taking it elsewhere. I think the comments about it going to Town Meeting certainly sounds appropriate as opposed to it being a decision made at any other level.

**Abutters to Spaghetti Strip** - I have been out there and visited the area. I have not had the pleasure of living in a dune shack. You folks are very lucky. I'm going to give your points a lot of consideration but there are lots of issues, many of which I do not think have been addressed in public as far as weighing use of public property.

#### Betty Steele-Jeffers

- **Comments by Michelle Knowles** - during the Public Statements. Elsa & Michelle own Express Delivery and

Elsa mentioned to me that she had asked at the Police Station and was told by the police that it was entirely up to what the Board of Selectmen wanted to do. She also feels that business along Commercial Street are not aware that this is going to happen in general.

***MOTION: Move that the Board of Selectmen ask the administration to speak with the Police Department and come up with an appropriate plan that deals with businesses that use Commercial Street at night and further that we come up with a way to be sure that all business have been notified by July 3, 2001.***

***Motion by: Betty Steele-Jeffers    Seconded by: Mary-Jo Avellar  
Yea 3    Nay 0    Abstain 1 (Cheryl Andrews)***

***Beach Clean Up*** - Two diametrically opposed positions on this and I have seen the memos back and forth and I know that a plan of corrections is forthwith tomorrow morning. ***Keith*** - An important part of that will be that there are regulatory hurdles to deal with including the Conservation Commission so the staff approach is develop a plan – and to make sure it is reviewed by those who need to review it - but that has to happen quick. With all due respect there is a lot of seaweed there.

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***Mary-Jo Avellar***

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***Commercial Street*** – Deliveries are continuing after 11 AM.

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***MOTION: Move that the Board of Selectmen request the Town Manager contact the Chief of Police regarding the issue of deliveries which are occurring on Commercial Street after the hours of 11 AM and that the Police Department be reminded that it is against the town's by-laws to allow such deliveries after 11 AM.***

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

***Seaweed*** - How do you make the determination as to when the seaweed is acceptable and when it is not, when you can clean it up, when you cannot, etc? Whatever is going on at the beach with respect to beach clean up I think is separate and apart from the Pier Project except for the oil spill.

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***MOTION: Move that the Board of Selectmen be given a report, by the week's end, on the third oil spill, which occurred last week. How it occurred, how much was spilled and what remedies were taken to clean it up, and who was responsible for it.***

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

***Spaghetti Strip*** - I was scheduled to visit the area on Saturday and received a phone call from Town Counsel that the owners of the residences were concerned that they were not going to be there and that it might be unsafe to be on their property. As a result I did not go. As far as your particular problems are concerned I've expressed to you in the past that I am sympathetic but there is not any way that I will instruct anyone to arbitrarily overturn a vote of town meeting. If there are other issues out there such as law enforcement, then that is another issue. I will come out and I will view it because I feel it is my obligation.

***Circus*** - ***MOTION: Move that the Board of Selectmen send a letter to the Lions Club with a copy of the information we have received and ask them to respond to us.***

***Motion by: Mary-Jo Avellar    - No seconded***

***Complaints*** from members of the public regarding what they perceive to be a lack of enforcement on the part of one of our appointed boards, the Licensing Board to be specific, regarding 2<sup>nd</sup> violation sting on underage drinking.

**Comments by David Atkinson:** I believe that sting operations are entrapment and I am totally against the operation of them

**MOTION:** *Move that the Board of Selectmen be informed of the policies and procedures by the licensing agent that have been undertaken with regards to second offense of liquor violations of the summer of 2000.*

**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 have the letters of thanks received on behalf of Pat Fitzpatrick, David Guertin and Greta Holman be put in their respective folders.*

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

**David Atkinson**

**Circus** – believe the issue is with the Lions Club.

**MOTION:** *Move that the Board of Selectmen proclaim July 27, 2001 as Nancy Whorf Di Provincetown” Day.*

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

**MOTION:** *Move that the Board of Selectmen ask Sandy Turner, Director of Operations to secure a limited number of barrels for testing. as proposed in her memo dated June 20, 2001.*

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

**4A        COUNCIL ON AGING**

EOEA Service Incentive Program Grant Application

**MOTION:** *Move that the Board of Selectmen vote to authorize submission of a grant application to the Executive Office of Elder Affairs under its Service Incentive Program for \$10,000 for a COA Program/Volunteer Coordinator.*

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

**4B        SURPLUS DECLARATION**

School Bus

**Tabled this item until next meeting – July 9, 2001**

**MOTION:** *Move that the Board of Selectmen vote to ask the Assistant Town Manager to find out what is wrong with the vehicle and secure the estimate to repair same.*

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

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

Discussion of Float Space License 1W Transfer of Ownership Interest

**MOTION:** *Move that the Board of Selectmen vote to table this item until the next regular scheduled*

*meeting on July 9, 2001 and further to allow Town Counsel to update his opinion to the Board of Selectmen on this matter.*

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

**4D      PARADE PERMIT: NATIONAL MULTIPLE SCLEROSIS SOCIETY**

**MOTION: *Move that the Board of Selectmen vote to approve Parade application submitted by Deidre Moynihan on behalf of the National Multiple Sclerosis Society for the purpose of finishing their two day Bicycle Rally on Sunday, July 1, 2001 from 7:030 AM to 5:00 PM.***

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

**5A1      WASTEWATER: METCALF & EDDY**

Authorize Execution of 20-year DBO Service Agreement: \$15-million

**MOTION: *Move that the Board of Selectmen vote, pursuant to Chapter 157 of the Acts of 2000 and Article 3 of the April 2, 2001 Special Town Meeting, to authorize the Town Manager to execute a twenty-year wastewater service agreement with Metcalf & Eddy of Wakefield, Massachusetts in the amount of \$15,013,611 to design, build, and operate a sewer system for the Town of Provincetown.***

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

**5A2      WASTEWATER: MassHIGHWAY**

**MOTION: *Move that the Board of Selectmen vote, pursuant to Article 58 of the April 1, 1991 Annual Town Meeting, to concur with the stipulations for the discontinuance of a portion of State Route 6 in the Town of Provincetown as set forth in the District 5 Highway Director's letter of June 15, 2001, provided that the discontinuance of the state highway be at Station 77+00.00 (east of the Spaghetti Strip property line), rather than at Station 94+00.00 (west of Howland Street).***

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

**MOTION: *Move that the Board of Selectmen take agenda item 5B out of order and place it after item 74.***

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

**6A      WATER GRANT APPLICATIONS**

DEP Wellhead Protection and Source Water Protection Programs

**MOTION: *Move that the Board of Selectmen vote to authorize submission of the following grant applications under DEP's FY 2001 DEP Wellhead Protection Grant Program and its FY 2002 Source Water Protection Grant Program: (1) two ROBO Wells to monitor saltwater interface at the NTAFB Wells, \$45,000; (2) removal of above-ground oil storage tanks at both the South Hollow and Knowles Crossing Wellfields, \$25,000; (3) fencing around pumping and treatment stations at both wellfields, \$40,000; and (4) funding to develop a local by-laws or Health Regulation for Source Protection in Truro, to protect***

*Provincetown's wellfields in Truro, \$25,000.*

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

**6B      AWARD POLICE GENERATOR CONTRACT**

Quahog Electric \$29,000 (Art. 5-7, 4/2/01 ATM)

**MOTION:** *Move that the Board of Selectmen vote to award the contract for a generator for the Provincetown Police Station to sole bidder Quahog Electric of North Truro, Massachusetts in the amount of \$29,000.*

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

**6C      HEALTH AGENT SERVICES - THREE -MONTH CONTRACT**

Execute Contract with Barnstable County Commissioners

**MOTION:** *Move that the Board of Selectmen vote to execute an agreement with the Barnstable County Commissioners in an amount not to exceed \$12,574.27 for the provision of Health Agent services to the Town of Provincetown by the Barnstable County Department of Health and the Environment for the period July 1, 2001 through September 30, 2001.*

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

**71      MUNICIPAL PURPOSE BOND ANTICIPATION NOTE #995**

**MOTION:** *Move that the Board of Selectmen vote to issue Municipal Purpose Bond Anticipation Note #995 in the amount of \$150,000.00 dated June 29, 2001 at 3.50% interest payable at maturity to Cape Cod Bank & Trust Co. on September 27, 2001.*

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

**72      MUNICIPAL PURPOSE BOND ANTICIPATION NOTE #996**

**MOTION:** *Move that the Board of Selectmen vote to issue Bond Anticipation Note #996 in the amount of \$2,770,638.00 dated June 29, 2001 at 3.50% interest payable at maturity to Cape Cod Bank & Trust Co. on September 27, 2001.*

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

**73      MUNICIPAL PURPOSE BOND ANTICIPATION NOTE #997**

**MOTION:** *Move that the Board of Selectmen vote to issue Bond Anticipation Note #997 in the amount of \$336,000.00 dated June 29, 2001 at 3.50% interest payable at maturity to Cape Cod Bank & Trust Co. on September 27, 2001.*

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

74      **MUNICIPAL PURPOSE BOND ANTICIPATION NOTE #998**

**MOTION:** *Move that the Board of Selectmen vote to issue Bond Anticipation Note #998 in the amount of \$1,277,000.00 dated June 29, 2001 at 3.50% interest payable at maturity to Cape Cod Bank & Trust Co. on September 27, 2001.*

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

5B      **LITIGATION STRATEGY**

**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 to convene in open session thereafter*

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

*[roll call vote]*

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

9.      **MINUTES OF BOARD OF SELECTMEN'S MEETINGS**

**MOTION:** *Move that the Board of Selectmen approve the minutes of June 11, 2001 (Regular) with changes so noted.*

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

**MOTION:** *Move that the Board of Selectmen approve the minutes of June 18, 2001 (Dog Hearing) as printed.*

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

10.     **CLOSING STATEMENTS**

**Cheryl Andrews**

Appearance of traffic cops with white shirts – blends right in with others.

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**Betty Steele-Jeffers**

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Reminder of social events this weekend for Portuguese Festival. July 10<sup>th</sup> – Orleans Cardinals – throw out

ball at baseball game. July 20<sup>th</sup> – inauguration of new busses “Bussing of the Fleet”.

**Mary-Jo Avellar** - Nothing

**David Atkinson** - Nothing

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Motion to adjourn by Mary-Jo Avellar at 10:37 PM

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