

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – AUGUST 27, 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 Michele Couture.

Other attendees: Mark Latour – Assistant Manager

Recorder: Vernon Porter - Secretary to Board of Selectmen

The following are meeting minutes, in brief.

MOTION: *Move that the Board of Selectmen take Agenda Item 4A out of order.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture **Yea 4 Nay 0**

4A CAPE COD DISABILITY ACCESS DIRECTORY

MOTION: *Move that the Board of Selectmen vote to accept on behalf of Ms. Jean Ann McLaughlin, Editor of the Cape Cod Disability Access Directory the Town of Provincetown's share of revenues derived from this years sponsors, grants and ad monies received in the amount of \$80.00.*

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

1A PUBLIC HEARING: MCDBG APPLICATION

September 2001 Funding Round: Water Transmission Main, \$750,000

MOTION: *Move that the Board of Selectmen vote to submit an application in the amount of \$750,000 under the September 2001 Massachusetts Community Development Block Grant program for Water Transmission Main Replacement, and general administration.*

Motion by: Michelle Couture **Seconded by:** Cheryl Andrews **Yea 4 Nay 0**

1B AMEND COMMUNITY ACTION STATEMENT

Threshold Requirement for MCDBG Program Eligibility

MOTION: *Move that the Board of Selectmen vote to amend its Community Action Statement to include the Town-wide policy goals adopted for FY 2002, the final implementation plan reports for goals adopted in FY 2001, and the ten-year Fiscal Policy Plan for FY 2002 through FY 2011.*

Motion by: Cheryl Andrews **Seconded by:** Michele Couture **Yea 4 Nay 0**

1C1 HOUSING CERTIFICATE REQUEST

Executive Order 418

MOTION: *Move that the Board of Selectmen vote to authorize submission of a request to the Department of Housing and Community Development for housing certification for the Town of Provincetown under Executive Order 418.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture **Yea 4 Nay 0**

1C2 REGIONAL HOUSING CERTIFICATE REQUEST

Executive Order 418

MOTION: *Move that the Board of Selectmen vote to approve the Cape Cod Commission's submission of a request to the Department of Housing and Community Development for housing certification for the County of Barnstable under Executive Order 418.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews **Yea 4 Nay 0**

1D HOUSING DEVELOPMENT SUPPORT PROGRAM

27 Nelson Avenue – Housing Restriction, Loan, Mortgage Documents

MOTION: *Move that the Board of Selectmen vote to authorize execution of housing restriction, loan and mortgage documents with the Lower Cape Cod Community Development Corporation for the two-unit property at 27 Nelson Avenue for affordable housing under DHCD's Housing Development Support Program.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture **Yea 4 Nay 0**

1E WASTEWATER: METCALF & EDDY

Architectural and Landscape Design: Central Vacuum Station

This item rescheduled to meeting with Board of Selectmen on September 17, 2001 at 6 PM.

2. PUBLIC STATEMENTS

Lance Lambros – Barnstable County Commissioner – introduced himself to the Board and would like to be on the agenda in the fall. He can be reached at 508-477-1000.

MOTION: *Move to take Agenda Item 4B out of order.*

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

4B ATTORNEY CHRISTOPHER SNOW; PARKING SPACE REQUEST

Parking on Standish Street

MOTION: *Move to postpone this agenda item until September 24, 2001 meeting.*

Motion by: Michele Couture **- No Second -**

MOTION: *Move that the Board of Selectmen vote to approve the recommendations of Police Chief Robert Anthony to create four new parking spaces on Standish Avenue east of the intersection with Wareham Street (these four spaces could be designated for "Resident Permit Only" at the next annual traffic hearing).*

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

Chief Anthony will take care of replacing the appropriate signs.

3. SELECTMEN'S STATEMENTS

Cheryl Andrews

Report from Stephan Nofield on Town Seals – quality of the report was very much appreciated and we will follow-up on this item.

Mark – referencing the letter from Michael Piore dated August 20, 2001 relating to the appeals process for new sewer district. It is obvious as the process is established that a clear standard answer is necessary to give to people.

Memo from Chief of Police on the issue that Betty had raised on 'Street Performing' – wanted to ask him about the person performing in front of Town Hall – his memo confused me.

Letter from Marsha Ross re: traffic problem requesting Washington Street be made one way from Bradford St. to Commercial St. Send letter asking if she want to put this matter on Spring 2002 Traffic Hearing.

Lipton Cup – now in safe in Town Clerks office. Sub-committee to look into where this should go: Mark Latour, Cheryl Andrews and Mary-Jo Avellar.

Show cause hearing: Crown & Anchor – I will be attending and give my support to show my support for the committee.

Betty Steele-Jeffers

MOTION: Move that the Board of Selectmen support the motion made by the Licensing Board on August 22, 2001 re: the upcoming hearing of September 4, 2001 and direct the Assistant Town Manager to notify Town Counsel and the Licensing Department of our support. In addition, under guidance of Assistant Town Manager coordinate the Licensing Board's request.

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

MOTION: Move that the Board of Selectmen request through the Assistant Town Manager a report on the effectiveness of the "traffic control" personnel this summer. This report should include problems with filling the positions (if any), shift coverage or lack of coverage, times of shift coverage, locations of shift coverage and suggestions for next season. This report is requested by the second regular scheduled meeting in September.

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

MOTION: Move that the Board of Selectmen request through the Assistant Town Manager how the Street Performers 'licenses' are logged at the police station. In other words, is the 'license' number pertinent information logged onto the computer system and available for the police on duty at all times.

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

MOTION: Move that the Board of Selectmen packets be ready for pick-up by 3 PM on Friday, preceding the Monday meeting.

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

Mary-Jo Avellar

Cape Cod Times article on Crown & Anchor – fines not being collected. Our system is not working. (Vernon – make copies of article for all board members.)

MOTION: *Move that the Board of Selectmen give a copy of the email received from George K. Hibbard III dated August 16, 2001 re: "Incident at the Crown and Anchor you might want to be aware of" to the Licensing Board and the Police Department.*

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

MOTION: *Move that the Board of Selectmen schedule a meeting with the Chief of Police to discuss enforcement policy regarding the service of alcoholic beverages to minors in both license establishments and package stores.*

Motion by: Mary-Jo Avellar **Seconded by:** Betty Steele-Jeffers
Yea 2 Nay 2 (Michele Couture / Cheryl Andrews)

Michele Couture

Chapter 91 License - who is monitoring?

Betty Steele-Jeffers left the room

4C PARADE PERMIT; FALL ARTS FESTIVAL

MOTION: *Move that the Board of Selectmen vote to approve Parade application submitted by Dianna Morton of 27B Conwell Street #4, Provincetown, MA., on behalf of the Fine Arts Festival for a Parade on Saturday, September 22, 2001 starting at 4:30 PM and ending by 5:30 PM.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews Yea 3 Nay 0

Betty Steele-Jeffers returned.

Cheryl Andrews left the room.

4D CONFLICT OF INTEREST LAW DETERMINATIONS

Cape End Manor Board of Directors [MGL C.268A,§19]

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.268A,§19, and as appointing authority for the Cape End Manor Board of Directors, to make the determination that the financial interest of appointee, Mrs. Patricia Papetsas and Mr. Robert Cabral is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.*

Motion by: Mary-Jo Avellar - No Second -

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.268A,§19, and as appointing authority for the Cape End Manor Board of Directors, to make the determination that the financial interest of appointee, Mr. Robert Cabral is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.*

Motion by: Mary-Jo Avellar **Seconded by:** Betty Steele-Jeffers
Yea 2 Nay 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.268A,§19, and as appointing authority for the Cape End Manor Board of Directors, to make the determination that the financial interest of appointee Mrs. Patricia Papetsas is so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.*

Motion by: Michele Couture **Seconded by:** Betty Steele-Jeffers
Yea 2 Nay 1 (Mary-Jo Avellar)

Cheryl Andrews returned.

5A **BOARD OF LIBRARY TRUSTEES**
MBLC Grant Update; Cost Estimate Second Opinion

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MOTION: *Move that the Board of Selectmen vote to table the Finance Committee's recommendation for obtaining a second cost estimate on the library construction project, until the project is further along.*

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

6. **TOWN MANAGER/ASSISTANT TOWN MANAGER**

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No agenda item.

7. **MINUTES OF BOARD OF SELECTMEN MEETINGS**

Move that the Board of Selectmen approve the minutes of:

July 9, 2001 (Regular) with changes so noted.

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

August 13, 2001 (Regular) with changes so noted.

Motion by: Cheryl Andrews **Seconded by:** Michele Couture Yea 3 Nay 0

8. **CLOSING STATEMENTS**

Betty Steele-Jeffers

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MOTION: *Move that the Board of Selectmen request the Assistant Town Manager send a thank you letter to Steve Tait of Aerie House & Beach Club for sending his email letter of August 20, 2001 regarding power outages in Provincetown*

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

MOTION: *Move that the Assistant Town Manager report back to the Board of Selectmen in two weeks asking NSTAR how they keep track of outages in town, how we compare to other towns on the Cape and do we have areas of town in particular that have more trouble than the rest of the town.*

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

Public Bathrooms –none in the East End. Gentleman using bathroom in public in broad daylight.

Mary-Jo Avellar - None

Michele Couture - None

Cheryl Andrews

Spoke about enforcing laws in town.

9A 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 discussing strategy with respect to litigation; and not to convene in open session thereafter

Motion by: Cheryl Andrews Seconded by: Michele Couture Yea 4 Nay 0

[Roll call vote]

Mary-Jo Avellar - Yes Cheryl Andrews - Yes
Michele Couture – Yes Betty Steele-Jeffers - Yes

**Minutes transcribed by: Vernon Porter, Secretary
August 28, 2001**