

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – OCTOBER 9, 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, Mary-Jo Avellar and Michele Couture.
Excused Absence: Cheryl Andrews and David Atkinson
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
120 Bradford Street (Assessor's Map 11-3-088)

MOTION: *Move that the Board of Selectmen vote to continue until its next regular meeting on Monday, October 22, 2001 the public hearing on Mark Schiffman's application to establish a curb cut at 120 Bradford Street (Assessor's Map 11-3-088).*

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 3 Nay 0

1B PUBLIC HEARING: CURB CUT
5 Pear Street (Assessor's Map 12-2-039)

MOTION: *Move that the Board of Selectmen vote to continue this item until the next regular scheduled meeting on October 22, 2001.*

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 3 Nay 0

2. PUBLIC STATEMENTS

None

3. SELECTMEN'S STATEMENTS

Betty Steele-Jeffers - None

Mary-Jo Avellar

Town Hall Siren – sounds anemic. Could we have it checked out.

MOTION: *Move that the Board of Selectmen ask Administration to have the Town Hall Siren checked out.*

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote that the memo to the Board of Selectmen and Town Counsel from Keith Bergman dated October 9, 2001 Re: Sewer Betterment Assessment – Jack and Lora*

Papetsas be forwarded to the Board of Health pending Town Counsel's approval.

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 3 Nay 0

Michele Couture

Couple of meetings ago we voted on getting out packets in on a timely fashion and this is not happening.

MOTION: *Move that the Board of Selectmen ask the Town Manager send a notice to all Department Heads informing them that anything that they intend to have on the Selectmen's agenda be received by the Secretary in our office by no later than noon on Friday.*

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 3 Nay 0

Would like an update on the Miriam Collinson situation.

Re: 421 Commercial Street. Decision by the Court is that it should not be there. Order of Judgment by the Court. Gone through the process and at this time we're waiting for judge to sign the order.

4. AIRPORT COMMISSION

Open Discussion. Ary Sarmiento introduced Steve Page, Steve Tait and Steve Fletcher to the Board of Selectmen. Ary also presented a copy of updated material (attached) and will send an electronic copy to Town Manager Keith Bergman.

One navigational beacon will be used for transporting in bad weather. Helicopters can land by visual flight rules and instrument flight rules. Medi-Vac will be operational. Airport facilities, tarmac and terminal building will remain open. The only thing that will be closed is the runway.

5A INTERFAITH COALITION OF CONGREGATIONS

Adoption of Provincetown Human Rights Resolution

MOTION: *Move that the Board of Selectmen vote to accept and enact the following resolution offered by the Provincetown/Truro Interfaith Coalition of Congregations:*

"The Town of Provincetown resolves that basic human rights and needs of all our community members, whether summer seasonal workers, visitors or residents be acknowledged and respected. The Town of Provincetown will join in partnership with the Provincetown/Truro Interfaith Coalition of Congregations (P/TICC) and other community organizations to promote and ensure fair economic/labor practices, secure affordable housing that meets all sanitary codes, and access to health care for all members of our community."

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 3 Nay 0

5B REQUEST: CUSTODIO J. SILVA, JR.

Parking on Standish Avenue

MOTION: *Move that the Board of Selectmen vote to take no action.*

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 3 Nay 0

5C OPENING THE SHELLFISH SEASON

MOTION: *Move that the Board of Selectmen vote 1) beginning on Sunday, October 28, 2001 and ending March 31, 2002 open the shellfish area from Captain Jack's Wharf to Delft Haven, just East of the Provincetown Inn, and 2) beginning on Sunday, January 13, 2002 and ending March 31, 2002 to open the public shellfish area known as Hatches Harbor on Friday's and Sunday's only.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 3 Nay 0

5D PARADE PERMIT; PROVINCETOWN ROUNDUP

MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit application submitted by John Fitzgerald, 67 Bradford St. Extension, Provincetown, MA on behalf of the Provincetown Roundup to hold their 'Annual Fun Run' on Sunday, October 21, 2001 from 9:00 to 10:00 A.M.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 3 Nay 0

6. TOWN COUNSEL

Adult Entertainment Zoning By-Law Revisions

Open discussion with John Giorgio. Three alternatives: 1) Leave in place, 2) Repeal by-law, 3) Delete Live Entertainment that pertains to nudity. Forms should be revised. Apply decision consistently.

Reschedule this agenda item to next regular meeting (October 22, 2001) so that full Board can be present.

7A WASTEWATER UPDATE

System Capacity; Pursuing a Phase II

MOVE: *Move that the Board of Selectmen vote to adopt the September 26, 2001 recommendation of the Wastewater Implementation Citizens Advisory Committee that the Town pursue a Phase II of the wastewater project as the means of accommodating, over time, all Red Dot Delay properties, as well as outside adjacent properties wishing to hook up.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 3 Nay 0

Keith Bergman recused himself as he is an abutter to an abutter to Site Y.

7B CAPE END MANOR CARE CAMPUS PROPOSAL

Next Steps: Request for Proposals Now; Special Town Meeting Later

Disclosure statement by Mary-Jo Avellar: My mother is a recent patient of the Cape End Manor Nursing Home. I will, however, continue to participate in all discussions related to the Manor other than financial.

MOTION: *Move that the Board of Selectmen vote to direct staff to prepare, for review by the Board of Selectmen and the Cape End Manor Board of Directors, a draft Request for Proposals inviting qualified non-profit health care entities to reuse Site Y as a Cape End Manor Care Campus, including a skilled care nursing home, out-patient rehab therapies, and affordable assisted living.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 3 Nay 0

Keith Bergman returned.

7C DEM GRANT AWARD

Historic Landscape Preservation: Winthrop Street Cemetery \$54,166

MOTION: *Move that the Board of Selectmen vote to authorize execution of a grant agreement in the amount of \$54,166 with the Department of Environmental Management Historic Landscape Preservation grant program for the restoration of the Winthrop Street cemetery.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 3 Nay 0

8. MINUTES OF BOARD OF SELECTMEN MEETINGS

Move that the Board of Selectmen approve the minutes of September 24, 2001 (Regular Mtg.) as printed.

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 3 Nay 0

9. CLOSING STATEMENTS

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Betty Steele-Jeffers - None

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Mary-Jo Avellar - Going to Coastal Studies 25th Anniversary on Nov. 5th. Vernon will confirm reservations for everyone.

Michele Couture - Went over dates for Public Form. Scheduled for October 29th.

10 LITIGATION STRATEGY

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, § 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: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 3 Nay 0

[Roll call vote]

Mary-Jo Avellar - Yes **Michele Couture** – Yes **Betty Steele-Jeffers** - Yes

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Minutes transcribed by: Vernon Porter, Secretary
October 10, 2001