

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – OCTOBER 22, 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, Cheryl Andrews, David Atkinson and Michele Couture.

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 11-5-088)

MOTION: Move that the Board of Selectmen vote, pursuant to General By-laws Section 11-6-2, to approve the application of Mark Schiffman to establish a curb cut at 120 Bradford Street (Assessor's Map 11-3-088) for 24 feet as shown on the plan entitled "Proposed 120 Bradford St. September 2001" accompanying the application submitted on August 27, 2001 by Mark Schiffman, with the following condition: that the hedges along the east property line be removed.

***Motion by: Mary-Jo Avellar Seconded by: Michele Couture
Yea 4 Nay 1 (Betty Steele-Jeffers)***

1B PUBLIC HEARING: CURB CUT

5 Pearl Street (Assessor's Map 12-2-059)

MOTION: Move that the Board of Selectmen vote, pursuant to General By-laws Section 11-6-2, to approve the application of Morgan Mead to establish a curb cut at 5 Pearl Street (Assessor's Map 12-2-039) for eight (8) feet as shown on the plan submitted by the applicant on September 6, 2001, subject to the following conditions: (1) that a convex mirror be installed on the tree at the northwest corner of the property so that traffic can be observed; and (2) that the remaining hedges along the front property line be cut down to and maintained at three feet in height; and (3) that a surface other than an impervious surface be placed.

Motion by: Mary-Jo Avellar Seconded by: David Atkinson Yea 5 Nay 0

2. PUBLIC STATEMENTS

None

3. SELECTMEN'S STATEMENTS

David Atkinson

MOTION: Move that the Board of Selectmen vote to have Boardwalk – Chapter 91 as a future agenda item.

Motion by: David Atkinson

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

Sandy Turner's letter – Vernon date August 30th – barrel pick-ups. Still think businesses that generated waste should provided their own barrels outside their businesses.

Michele Couture - None

Cheryl Andrews

Two things that came out of the Annual PBG meeting last week that I attended:

- 1) Discussion of the impact of the Municipal Airport closure. How do passengers get from Boston to Provincetown? Was told clearly that P & B was not going to be able to provide a Logan to Provincetown service that would be comparable to the kind of schedule that the planes did. The idea came up about the use of the shuttle busses (CCRTA). People are concerned about the downtime. Keith will follow-up and get the discussion going.
- 2) Sewer discussion – Promised access to some representative from the town on a round the clock basis that they can call immediately if they have some problem, concern or idea that has specifically has to do with sewer construction as it is happening. Possibly a separate email address; phone number, etc.

MOTION: Move that the Board of Selectmen vote to ask the Director of Regulatory Management and the Department of Public Works for their commentary on impervious surfaces for curb cuts for driveways as to where it should be town wide or area wide and if so what areas.

Motion by: Cheryl Andrews

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

Bacteria – Spores - What is town doing to be prepared? Red Cross - need contact personnel, etc.

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Betty Steele-Jeffers

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Visited the Pier and continue to say that the Pier project is moving along quite well.

Municipal Finance was working this weekend and I want to compliment them for their attitude and for their willingness to pitching in and help.

Thank you for the agenda packets being ready on time by 3 PM.

Cut out an article from the Sunday Globe on the Cambridge new waterworks building that look like brick and stone Victorian public library or town hall of the same vintage but when you go inside it turns out to be only a shell.

MOTION: Move that the Board of Selectmen vote to write a letter to Plymouth and Brockton Bus lines stating that their winter schedule does not provide a convenient service for Provincetown residents. Further that we request they explore different time schedules and a different type of vehicle that would be convenient to Outer Cape residents. A copy of this letter should be sent to the Cape Cod Regional Transit Authority.

Motion by: Betty Steele-Jeffers

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to write a letter to the Cape Cod Regional Transit Authority requesting a study or survey to be provided by them which addresses the question of what the Outer Cape needs in the off-season for public transportation. This letter should include the following

suggestions:

- 1. possible use of shuttle buses to get people from Provincetown to Hyannis during the time of the airport project*
- 2. consideration of the limited use of the shuttle buses in the off- season as a means of transportation between Provincetown, Truro and Wellfleet.*

Cc: Plymouth and Brockton Bus Lines, Barnstable County Selectmen's Association, the Assembly of Delegates, Representative Shirley Gomes and Senator Robert O'Leary.

Motion by: Betty Steele-Jeffers Seconded by: Mary-Jo Avellar Yea 5 Nay 0

Mary-Jo Avellar

MOTION: *Move that the Board of Selectmen vote not to acknowledging the request of the Visitor Services Board to appoint a liaison to the Water and Sewer Board and further to ask the Town Manager to write a letter on behalf of the Board of Selectmen denying their request.*

Motion by: Mary-Jo Avellar Seconded by: Betty Steele-Jeffers Yea 5 Nay 0

Personal Watercraft - Where are they going to go once they exit the corridor?

MOTION: *Move that the Board of Selectmen send a letter congratulating Craig Weigand and acknowledge the department's accomplishments.*

Motion by: Mary-Jo Avellar Seconded by: Cheryl Andrews Yea 5 Nay 0

4. RECREATION REPORT

Skate Park Feasibility

MOTION: *Move that the Board of Selectmen vote to establish a Skate Park Gift Fund under Massachusetts General Laws C 44 §53A to be expended by the Board of Selectmen without further appropriation.*

Motion by: David Atkinson Seconded by: Mary-Jo Avellar Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to request that the Recreation Director have a report with a final conclusion as to what the Skate Board Park is going to be, including cost so that we may enter this item as part of the next Special Town Meeting.*

Motion by: Michele Couture Seconded by: David Atkinson Yea 5 Nay 0

5A BUILDING COMMITTEE

MacMillan Pier Construction Contract: Change Order

MOTION: *Move that the Board of Selectmen vote to approve the recommendation of the Building Committee to approve Change Order #3 for the MacMillan Pier Construction contract with AGM Marine in the amount of \$188,084 for stage 2 and stage 4 piles.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 5 Nay 0

5B AIRPORT COMMISSION

Runway Improvement Project Local Match

MOTION: *Move that the Board of Selectmen vote to transfer from the Tourism Fund the following sums towards the local match required for award of the airport improvement construction contract: \$19,238 from the balance remaining in Article 20 of the April 2, 2001 Special Town Meeting; and \$46,434 from the FY 2002 699 Tourism Fund municipal projects.*

Motion by: Mary-Jo Avellar **Seconded by:** Cheryl Andrews **Yea 5 Nay 0**

5C BAY STATE CRUISE COMPANY

Berthing Agreement Renewal and Amendment

Mary-Jo Avellar recused herself as her husband works for the Town as Assistant Harbor Master.

Betty Steele-Jeffers – disclosure statement: I work part-time for the Chamber of Commerce and as such the Bay State Cruise Company has a ticket office within the building and pays rent for that space.

MOTION: *Move that the Board of Selectmen vote to amend the Berthing Agreement with Bay State Cruise Company to cover the period beginning January 1, 2002 and ending December 31, 2002 with the rate frozen at \$25,505; and approve as to form by Town Counsel.*

Motion by: Michele Couture **Seconded by:** David Atkinson **Yea 5 Nay 0**

The Board would like to know how the Bay State Cruise Company is charged for charter excursions, etc not covered by this agreement.

6. TOWN COUNSEL

Adult Entertainment Zoning By-Law Revisions

MOTION: *Move that the Board of Selectmen vote to send a zoning amendment to the Planning Board to remove subsection (e) from the definition of “adult entertainment.” in Article V of the Zoning By-Laws, defined “Adult Entertainment Uses”.*

Motion by: Cheryl Andrews **Seconded by:** David Atkinson
Yea 4 Nay 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to take Agenda Item #10 out of sequence.*

Motion by: Mary-Jo Avellar **Seconded by:** David Atkinson **Yea 5 Nay 0**

10 LITIGATION STRATEGY

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL Chapter 59, § 25B, clause 5, to go into executive session for the purpose of discussing strategy with respect to litigation; and to convene in open session thereafter.*

Motion by: David Atkinson **Seconded by:** Mary-Jo Avellar **Yea 5 Nay 0**

[Roll call vote]

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

7A HERITAGE MUSEUM REPAIRS

Award Contract: Kronenberg & Sons, \$327,000

MOTION: *Move that the Board of Selectmen vote to award a construction contract to low bidder Kronenberger & Sons of Middletown, CT in the amount of \$327,000 for the base bid for Heritage Museum structural repairs; and, further, to authorize execution of said contract by the Board upon receipt of all required bonds and insurance*

Motion by: David Atkinson **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

7B GRANT ADMINISTRATOR; MCDBG

Extension Request: 2000 Community Development Block Grant

MOTION: *Move that the Board of Selectmen vote to authorize submission of a request to extend from January 31, 2002 to June 30, 2002 the termination date of the Town of Provincetown's grant agreement under the 2000 Massachusetts Community Development Block Grant program.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 5 Nay 0

7C 2000 MCDBG – WATER TRANSMISSION MAIN

Construction Engineering/Environmental Partners Group, Inc.

MOTION: *Move that the Board of Selectmen vote to authorize execution of a contract in the amount of \$40,000 to Environmental Partners Group, Inc. of Hingham, Massachusetts for construction engineering services for the Water Transmission Main Replacement project funded by the Massachusetts Department of Housing and Community Development under its 2000 Massachusetts Community Development Block Grant program.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 5 Nay 0

7D APPROVAL OF APPOINTMENT

This item was removed from agenda packet.

8. MINUTES OF BOARD OF SELECTMEN MEETINGS

MOTION: *Move that the minutes of October 1, 2001 (Joint Mtg. w/Manor) as printed.*

Motion by: Michele Couture **Seconded by:** David Atkinson
Yea 3 Nay 0 (Abstain Cheryl Andrews /Mary-Jo Avellar)

MOTION: *Move that the minutes of October 9, 2001 (Regular Mtg) as printed.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 3 Nay 0
Yea 3 Nay 0 (Abstain Cheryl Andrews /David Atkinson)

9. CLOSING STATEMENTS

David Atkinson - None

Michele Couture - None

Cheryl Andrews

MOTION: Move that the Board of Selectmen vote to insert an article on the Special Town Meeting warrant dissolving the Heritage Museum Board of Directors and replacing it with the Board of Selectmen.

Motion by: Cheryl Andrews

Seconded by: David Atkinson

Yea 5 Nay 0

Betty Steele-Jeffers - None

Mary-Jo Avellar - None

Motion to adjourn by Mary-Jo Avellar at 8:45 P.M.

Minutes transcribed by: Vernon Porter, Secretary
October 24, 2001