

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MAY 23, 2000

JUDGE WELSH HEARING ROOM

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Chairman, Betty Steele-Jeffers opened the meeting at 7:11 PM, noting the following attendees: Board of Selectmen: Elizabeth Steele-Jeffers, Cheryl Andrews, David Atkinson and Secretary to the Board of Selectmen -Vernon Porter Absent: Mary-Jo Avellar and Richard Prowell. Other Attendees: Keith Bergman - Town Manager, Mark Latour – Assistant Town Manager and other interested parties.

The following are minutes, in brief.

Comments by Betty Steele-Jeffers and David Atkinson prior to start of regular meeting.

Betty Steele-Jeffers – David and I are going to take a few minutes at the beginning of this meeting (not on the agenda). I personally, would like to say Thank You for the opportunity to have been able to go to England for the rededication of the Pilgrim Steps. We had a really nice time and the people were very gracious, hospitable and friendly to us. The weekend coincided with the election of the Lord Mayor of Plymouth, England. He is our best friend now and we liked him a lot. They were just absolutely lovely to us. I was fortunate enough to be able to go under the auspices of the Chamber of Commerce. David was able to go under the auspices of Out On A Limb – David Atkinson, Esquire. We did enjoy the formality and the tradition. David took a continuous picture of the writing that is at the Mayflower Steps and I will let him talk about that. We had taken token gifts. We actually had a tea reception with the Lord Mayor and the other officials after we took part in the parade. At that time the Lord Mayor of the City of Plymouth, England presented to us, as representatives of the Town of Provincetown, Massachusetts, a piece of hand made Dartington Crystal. It was a wonderful time. It was very good for us on lots of levels both historically and linking with another town across the sea. I was very appreciative of being able to go and I hope that you all get to go there someday too.

David Atkinson – The people paid for the chrome monument – half circle chrome fence that you can walk out on. It hangs out over the water where the Pilgrims left from. On the table is numerous pictures of the whole railing that I have pieced together that you can look at. They treated us like we were royal family. I had a very nice time.

Betty Steele-Jeffers - David took this continuous picture because it has inscriptions on it – it has saying across it and also names of people who were on the Mayflower and we wanted to bring it back to show to other members of our Board who are Mayflower descendants. We also got to see the film production that had been done by a film company that came here and then finished up their film project while we were in England. Selectman Prowell was interviewed on it and it was pretty exciting all way round.

David Atkinson – We're hoping to get a copy of the thirty minute video but they cannot give us a copy until the clear the licensing. It was so moving that it brought tears to my eyes.

1A PROJECTS UPDATES

MacMillan Pier Update (See attachment #1)

MOTION: *Move that the Board of Selectmen vote meet on Friday, May 26, 2000 at 8:15 AM to consider calling a Special Town Meeting for supplementing MacMillan Pier funding.*

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

1B PROJECT UPDATES

Water Update

- Discussion followed.

1C WASTEWATER UPDATE

Design/Building/Operate: Stearns & Wheler: \$61,000; Survey Update

- **MOTION:** *Move that the Board of Selectmen vote to authorize execution of a contract with Stearns & Wheler, Inc. in the amount of \$61,000 for procurement of design-build-operate services including development of a request for proposal, solicitation of bids, and evaluation of proposals, said contract as approved as to form by Town Counsel.*

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

2. PUBLIC STATEMENTS

- Susan Wasson - Resignation as "Packing Peanut Lady." (Attachment #2)

- John Bennett – Re: Sublease of Float Space 10W to Mark Finley – Viking Princess.

Office mix-up. Requesting that the Board of Selectmen authorize the Harbormaster to allow Mr. Finley use of this a space until procedural steps are completed.

- Mark Finley – owner of the Viking Princess – went before the Licensing Board earlier this evening as he thought he was on the schedule. However, due to the mix-up he is requesting a temporary authorization to proceed with business until he can come before the Board's next meeting.

- Stan Klein – read letter into the record re: Holly Folly (Attachment #3)

- Barbara Rushmore – Spoke briefly on the re-bidding of the Pier – if open to suggestions – would like to see more business out on the pier. i.e., Fish Market, Restaurant, Gift Shop, etc. Water Department – doing an excellent job and deserves a lot of credit.

- Sheila Benzer - Update on Pigeon projects. Request to put up signs. (Attachment #4)

- John Ransom – Supports Susan Watson's comments 100% - and sorry to see her leave.

- Dingy Dock – ask the Board to take action on the dingy dock extension. Can't get any definitive answer as to when it will be constructed? Request Board of Selectmen to authorize the Harbormaster to allow use of the courtesy float until the dingy dock extension is completed.

- Peter Sousa – Illegal dumping - has Polaroid pictures showing this – approximately 150 feet from Route 6 in Clapps Pond Area. Boxes found had Truro address.

- **MOTION:** *Move that the Board of Selectmen take Agenda Item 5 out of order.*

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

5 AIRPORT COMMISSION

SRE/ARFF Equipment Garage

- **MOTION:** *Move that the Board of Selectmen vote to approve the Airport Commission's existing 2/3/99 contract with MHD General Contractors, Inc. for the Provincetown Municipal Airport equipment garage, and approve the following change orders: (1) \$3,644.34 for equipment garage apron, step, overhead door, etc; (2) \$0 to add 16 days to the contract time; (3) \$10,463.70 to remove excess fill material, and install fence, access ramp, etc; (4) \$-1,325.90 for miscellaneous deductions.*

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

3. **SELECTMEN STATEMENTS**

Cheryl Andrews

Peanuts – Two issues being raised. 1) How the whole program is being managed. Glad Sue Wasson is sending a copy of her letter to the Board of Health.

MOTION: *Move that the Board of Selectmen prepare a cover letter regarding the issue of packing peanuts and specifically ask the Board of Health to investigate and to respond to us with ideas and comments.*

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

2) **Cost differential** between us handling recyclables versus solid waste. Issue raised, “can we have a no-fee access to the recycling areas as opposed to requiring a sticker,” is a legitimate question. I can see the problems in terms of dealing with it but if I had my way, she would be able to go to the recycling center – business or no – and not have to pay. Is there some way that we can figure out programs to accommodate this? I would support it. If you think that needs to come before the Board of Selectmen for a vote then I would urge you to do that.

Water issue – Thank you to Craig Weigand re: well collapse and what is going on out there. There is a level of comfort with regards to quality of the Water Department.

Pigeon signs - are fabulous but should be placed under the direction of the DPW Director.

Dumping at Clapps Pond – needs to be nipped in the bud right away.

Betty Steele-Jeffers

Illegal dumping – Police presence. See better use – put Police Car there. I would like to see a better use of Police surveillance in this area. Pier area – Transportation Center – is full of graffiti. There is no light in it or around the area – find it disappointing. This is one of the areas that we wanted to look nice and provide something for people where all the buses coming in one place. It took years to get this area and it doesn’t look attractive. Some of my suggestions for micromanaging for the Police are: 1) somebody in the downtown area. 2) Highway – maybe they could sit at an area where they could do some good prevention.

Dingy Dock Extension - Mr. Guertin – where are we on it? Request information on where and when it will be.

Pigeons – like Sheila’s signs very much – would like them to be smaller.

David Atkinson

Pigeon Signs - Like them and think the best place to put them is on the two wooden barricades that hold the birch trees – next to the ground.

MOTION: *Move that the Board of Selectmen give John Bennett / Mark Finley emergency temporary permission to dock there until they go through the process.*

No second to the motion.

4A **VISITOR SERVICES BOARD**

(1) *MOVE that the Board of Selectmen vote to approve amendments to Administrative Directive 99-02, Policies and Procedures for Tourism Fund Expenditures, proposed by the Town Manager, in consultation with the Visitor Services Board.*

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

(2) *MOVE that the Board of Selectmen vote to NOT approve the Visitor Services Board's request under Charter §6-16-3 to add an alternative member to said board.*

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

(3) *MOVE that the Board of Selectmen vote to NOT approve the Visitor Services Board's request that the Board of Selectmen refer all matters concerning Tourism to the Visitor Services Board prior to enactment.*

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

4B VISITOR SERVICES BOARD

Tourism Fund Promotional Project

MOTION: *Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following promotional projects as recommended by the Visitor Services Board: (1) \$5,500 for Cabaretfest; \$20,000 for Fall Arts Festival; \$10,000 for Film Festival; \$3,000 for Holly Folly; \$2,500 for Isadora Duncan Dances; \$3,000 for Single Men's Weekend; \$1,000 for Swim for Life; for a total of \$47,000 from the FY 2001 promotional items; (2) \$5,000 for Campus Provincetown from 2000 STM, Article 11; and (3) \$692 for the Y2K Celebration from the 1998 ATM, Article 38. (Total \$45K)*

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

Motion to suspend rules at 11 PM.

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

4C VISITOR SERVICES BOARD

Tourism Fund Municipal Projects for FY 2001

MOTION: *Move that the Board of Selectmen vote to amend the FY 2001 spending plan for municipal projects funded by the Tourism fund, as follows:*

(1) eliminate high school restroom (-\$5,669) and add the landscape design for the Bas Relief Park (+\$5,000)

(2) reduce fireworks by \$1,500 and purchase a few benches or bicycle racks with the total remaining funds of \$2,169.

**Motion by: Cheryl Andrews Seconded by: Betty Steele-Jeffers
Yea 2 Nay 1 (David Atkinson)**

6. SELF-HELP GRANT APPLICATION

Locke Property/Bohm Heights: \$250,000

MOTION: *Move that the Board of Selectmen vote, pursuant to Article 19 of the April 3, 2000 Annual Town Meeting, to authorize the Chairman to execute a grant application in the amount of \$250,000 to the*

Department of Environmental Management's Division of Conservation Services under its Self-Help Program for acquisition by the Town of 7.92 acres, more or less, of the Bohm Heights property owned by the Locke Family Trust.

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

6B **1998 MCDBG**

MOTION: *MOVE that the Board of Selectmen vote to authorize the Chairman to execute a contract amendment to the subcontract with the Lower Cape Cod Community Development Corporation for the management and administration of the Business Development Center in the amount of \$30,901, for a total contract amount of \$134,100 through July 31, 2000, as funded by the 1998 Massachusetts Community Development Block Grant Program.*

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

6C **HERITAGE MUSEUM REPAIRS**

Award Design Contract: Coastal Engineering: \$19,850

MOTION: *Move that the Board of Selectmen vote to award and authorize execution of a contract with Coastal Engineering of Orleans, Massachusetts, in the amount of \$19,850, for design of repairs to the Heritage Museum.*

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

6D1 **HEALTH AGENT SERVICES FOR FY 2001**

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 \$40,862 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, 2000 through June 30, 2001.*

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

6D2 **SEPTIC SYSTEM MANAGEMENT FOR FY 2001**

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 \$65,179 for the development of a septic system management program for the Town of Provincetown by the Barnstable County Department of Health and the Environment for the period July 1, 2000 through June 30, 2001.*

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

6E **CAPE COD NATIONAL SEASHORE**

Monthly Issues Update

Discussion followed.

6F **APPROVAL OF APPOINTMENTS**

Acting Treasurer/Collector John Fitzgerald

MOTION: *Move that the Board of Selectmen vote, pursuant to Charter section 7-2-5 (g) and (i), to approve the Town Manager's appointment of Assistant Treasurer John Fitzgerald as Acting Treasurer/Collector until the effective date of appointment of the next permanent Treasurer/Collector.*

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

7. **BOARD OF SELECTMEN APPOINTMENT**

MOTION: Move that the Board of Selectmen reappoint David Perry as a Regular Member of the Water and Sewer Board with a term expiration of May 28, 2003.

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

8. **BOARD OF SELECTMEN RULES OF PROCEDURES**

Discussion. No action taken.

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

MOTION: Move that the Board of Selectmen approve the minutes of May 01, 2000 with changes so noted.

Motion by: Cheryl Andrews Seconded by: Betty Steele-Jeffers
Yea 2 Nay 0 Abstain 1 (David Atkinson)

MOTION: Move that the Board of Selectmen approve the minutes of May 8, 2000 with changes so noted.

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

MOTION: Move that the Board of Selectmen approve the minutes of May 16, 2000 as printed.

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

MOTION: Move that the Board of Selectmen vote to accept the minutes of August 31, 1998.

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

10. **CLOSING STATEMENTS**

Cheryl Andrews

To Keith re: memo from Sandy Turner – if you go through items one by one, which I would appreciate if someone would do, and read the motions that were made requesting the information. This doesn't even begin to do it. In the past what I would do is get really annoyed and then make a big deal of it in public and I got emotions instead of reports and everybody gets irritated with everybody. I would really prefer to see that we do not have to do a lot of that this year. It would be nice to expect a follow-up of this report back to us answering the questions that we had.

To Betty re: letter sent out regarding Methyl Tertiary Butyl Ether - I don't know how this happened but we did not move to send this letter. We moved to ask for staff for information.

Betty Steele-Jeffers

Sandy Turner memo. Last week I gave Sandy high marks for an excellent report. I look at this report and it says we adjust hours at the MPL lot for Whale Watch Tours first thing in the morning. Doesn't say when they open – when, during the year or what time.

Proclamation– guess the time has gone by. It is stamped that we got it on the 19th. It was to designate the week of the of May 14 – 20th as Emergency Medical Services Week. I look at this and see that it is signed on the 17th and it is stamped received by our office on the 19th. They have a full time person over there.

David Atkinson

Re: Letter from Sandy Turner. She ought to be here so she gets the word directly as we speak. The thing is that you cannot re-cement the top of that sidewalk. It will chip off worse than what is there.

Letter from Public Schools re: use of parking lot for school parking - I would like to have Don Richards give us a report of how many parking spaces they have in front of the School and how many at the Elementary School so we know exactly what we have up there, before we give them any more parking.

Keith – Don provided some staff input to us already and there is a potential loss of revenue.

Cheryl – my question to the Chair is how are we going to deal with it. Are we going to have it as an agenda item?

Betty & Keith – Yes – possibly sometime late summer.

Letter to Kay Halle thanking her for being on a Board. If I spent many years on a board, I would want to have all the signatures of the Board members. (Betty – we haven't done it for everybody else – so, if you want to change policy – we'll do a policy change.)

Cheryl – David, not that one, I've actually felt the same way and I've mentioned it to Betty as well. There were certain letters that I didn't like the fact that Vernon was signing them. It took away from it. I know if I was getting a thank you from the Town, which is really my appointing authority, I'd want it signed by Betty as well. I won't even comment on that particular one but in general, if we take the time to send out a letter. Betty – my response is that we have paid staff and I don't have a problem with that. I told him he could do it and do it that way. If you want to bring before the Board something that you would like to use as a sample type letter – that's fine, but Vernon has been here over a year and you have to give a little more responsibility and leeway for the person in that office. If it's a strongly personal thing then bring in a sample letter. Cheryl - I've got no problem with the letter or the letter writing, I'm simply saying that as an appointee and I was retiring and I got a letter with his signature on it, it would mean nothing to me. But if you say to me, heck Cheryl, there is no way I have the time to sign them - then I could certainly respect that. I happen to agree with David and I've mentioned this to you before. Betty – I know you have and that is the way I feel about it. It isn't earth shattering to me, in my personal opinion. If you want it to be the policy of the Board then I will do it. David, is that what you want? David – I think it should be signed by the Board members. Cheryl – I disagree. It doesn't have to come back to the Board or the meeting for signatures but I it should have Betty's signature on it. Would that be OK? David – I think it should be. Cheryl – do you want Betty or the whole Board? David – at least the Chairman - the whole board makes for a nicer letter. Cheryl – I know but you're not going to get my vote for a whole Board. Do you want it for the Chair? - Betty – I will sign it from now on. David – is that a motion and a seconded and passed – right? Cheryl – if that is what Betty wants.

Letter from Coastal Studies – dated May 11th requesting use of MacMillan pier for their boat. Betty – pointed out that this is for the new MacMillan wharf.

Cape Cod Fisheries – some kind of controversy out at the pier – offloading? Keith – in the works. Vessels are allowed to offload themselves. We encountered this about two or three years ago. We're going to try and deal with it by amending the harbor regulations so that the Town can get some money from those people who are coming in (transient off-loaders).

Cheryl – want to run this by Keith and the others too so you know where I am coming from. When I challenged the DPW to cope with an ever changing target, relative to the Lopes Square trash that was over there – my opinion was then and it is still now that I would like something more sophisticated than that kind of

response to the problem. What I would like is more of a protocol of what happens when we have so many visitors in town, on any given day, and there is so much trash downtown that it's a dump and our schedule for that day can't cope with it. I am looking for the DPW to come up with an idea for that. I can see two obvious ways to do it. 1) Is to have a private contractor that we can call on an emergency basis. 2) To have the Town's whole staff be available on an emergency. That is the kind of brainstorming I'm really looking for out of our staff to make sure that doesn't happen again. Town is really changing. I want to see something more creative in how we're going to deal with this.

- David – and also the toilets. We're taking money for parking – then the toilets should be open at the same time. Cheryl – I agree with David.

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Motion to adjourn by David Atkinson at 11:45 PM

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Minutes transcribed by: Vernon Porter, Secretary - May 31, 2000