

TOWN OF PROVINCETOWN – BOARD OF SELECTMEN

REGULAR MEETING - JULY 24, 2000

JUDGE WELSH HEARING ROOM

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

Chairman, Betty Steele-Jeffers opened the meeting at 7:00 PM, noting the following attendees: Board of Selectmen: Elizabeth Steele-Jeffers, Cheryl Andrews, Mary-Jo Avellar, David Atkinson, Richard Prowell and Secretary to the Board of Selectmen -Vernon Porter
Other Attendees: Keith Bergman - Town Manager, Mark Latour – Assistant Town Manager and other interested parties.

The following are minutes, in brief

1A PROJECT UPDATE: WASTEWATER Policy Decisions for Facilities Plan Submission

MOTION: *Move that the Board of Selectmen vote to approve the boundary for the sewer district as proposed by the wastewater team, said boundary reflecting an initial phase of 425,000 gallons per day.*

Motion by: David Atkinson **Seconded by:** Richard Prowell **Yea 5 Nay 0**

1B OLD BURN DUMP CLOSURE SECONDARY USES Environmental Partners Group

After presentation by Environmental Partners Group with discussion, the following motion was made:

MOTION: *Move that the Board of Selectmen table this item and have it as part of our Board of Selectmen's agenda for Monday, August 14, 2000.*

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

2. PUBLIC STATEMENTS

Sue Hoffman - Does not feel the Cable Contract is in our best interest. \$10K annual amount received is not sufficient.

Barbara Rushmore - should be shop on the Pier. Feels town is doing too much at one time.

Peter Sousa – Passed out Board of Health minutes from February 20, 1996 (*Attachment #1*) and Wetlands Information Request/Complaint Form dated 7-14-2000 re: Clapps Pond – Duck Pond and surrounding wetlands – town owned 47 acres (*Attachment #2*). Concerned over quantities of lead out there.

Pat Benatti – wants to know if parking rules applied equally to everyone?

Sheila Benzer – Dirt bikes not conforming as they said they would. They are not policing themselves. Leaching fields are not being addressed. Damage being done by contractors when testing.

3. SELECTMEN'S STATEMENTS

Betty Steele-Jeffers

- 1) 7/21/99 letter from Orareo – would like proper staff person to take care of this letter. Keith to handle.
- 2) Skateboard Park kick-off dance. Hope some kids in town will go as we did contribute money. Encourage them to skateboard any place but bus parking area.
- 3) ***MOTION: Move to honor the request from Pat Fitzpatrick for us to present town pins to members of the Mayflower II upon their arrival on July 29, 2000.***
Motion by: Betty Steele-Jeffers Seconded by: Mary-Jo Avellar Yea 5 Nay 0
- 4) Reference in Public Statements by someone from the Parking Department talking about fair treatment for all. Ask the Town Manager to direct the appropriate staff person to have a discussion and to find out what this reference was to.
- 5) Response to Barbara Rushmore concerns about having too many large projects to handle at one time – we would all feel more comfortable if we had a time line in front of us.
- 6) Presentation on old burn dump – agree we need to get better boundaries. Disagree – people like to use emotionally charged words – however, I do not think it was the towns intent to exploit the Motor Cross Club.
- 7) Question for Water Department – washing down of sidewalks – are we going to include that in our peak period pricing of those who are washing it down.

Mary-Jo Avellar

- 1) Would like to thank Mr. Sousa for bringing forward the report regarding the Clapp's Pond area. Amazed that it has not gone forward to the Conservation Commission earlier. I'm having a hard time reconciling the use of the area by the dirt bikes.
- 2) Dredging Area – tanks between piers. What are we going to do about dredging? Referencing Marine Superintendent's letter – would like to have a report as to what we are going to do about this at our next regular meeting on the 14th of August.
- 3) Thanks to Town Manager and everyone who was concerned in resolving the Chapter 91 permit appeal situation.
- 4) Selectmen Atkinson was subject of feature on Channel 7 this evening on clothing optional beaches.

MOTION: Move that the Board of Selectmen request a list, from the Superintendent of the Cape Cod National Seashore, of all the clothing optional beaches that exist within the National Park Service.

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

- 5) Request a meeting with Chief of Police re: recreational drugs.
- 6) Thank Sue Hoffman for her public statements on Cable TV.
- 7) Would like copy of letter to Fire Chief Trovato from Joan Able to go into his file.

David Atkinson

- 1) Agree with Barbara Rushmore's point – that people who end up managing the wharf ought to be free to rent spaces to whoever they want – to help pay the rent. Would like to encourage vending of some kind there.
- 2) Attended the Wellfleet Skateboard Park opening on Saturday. Suzanne Thomas from the Truro Board of Selectmen and Dale Donovan from the Wellfleet Board of Selectmen were there. We spoke of the success of our shuttle and Dale mentioned it would be nice if they could pair with Truro and make it possible for our Provincetown kids and tourist kids to get to the skate park by shuttling to Truro then to Wellfleet. Naturally Wellfleet folks could also get there. It seemed a good idea to all who were listening as well.

MOTION: Move that the Board of Selectmen send a letter supporting Dale Donovan's idea of a shuttle service linking Truro and Wellfleet to the two select boards and copy the CCRTA, CCNS, Cape Cod Times, Cape Codder and the Banner. The letter should also invite the financial support of any businesses wishing to move the idea along.

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

Note: Add as agenda item for the joint Lower Cape Selectmen's meeting in September.

- 3) Want to thank many people for their support of the Boston Globe article last week and the Provincetown Banner article this week. (Nude beaches)
- 4) Letter from Wesley Horner re: buried utility lines and bike racks. Will have Vernon send you a copy of this letter as well as the VSB and Beautification Committee.

Richard Prowell

- 1) Letter of approval from Dept. of Environmental Management notifying us that we received the Historic Land Preservation Grant in the amount of \$37,916 for the restoration of the Winthrop Street Cemetery. Combined with local grants this adds up to \$72,916. Michelle just received the grant and timetable will be approximately one year.
- 2) Bike trip out to Clapp's Pond area and view the destruction of the sign put up by the environmental group.
- 3) Also visited Shankpainter Pond area and saw where the fence had been torn down. The fence was put back up as best I could and then I realized it was very light weight and was secured by staples. Not very secure and would like to see the snow fencing put across that area. We have a real problem out there and need some monitoring by the Police. Would like to hear something within the next two to four weeks from the Chief.
- 4) Very happy about Mayflower II coming to Provincetown. I will be at all events.
- 5) Meeting with Water & Sewer Board. (Keith: John Goodrich is facilitating this meeting and our first pick was tonight before we had to reschedule the sewer. It will be rescheduled for a later date.)

Cheryl Andrews

MOTION: *Move that the Board of Selectmen send a thank you letter to Michael Fernandes for his time serving on the Water & Sewer Board and Disability Commission.*

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

MOTION: *Move that the Board of Selectmen send a thank you letter to Joan W. Barron for serving on the Beautification Committee.*

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

MOTION: *Move that the Board of Selectmen request for a plan of repair and cost estimate for the new sidewalk on Harry Kemp Way.*

Motion by: Cheryl Andrews **Seconded by:** Richard Prowell Yea 5 Nay 0

Motor Cross/Old Burn Dump/Lead – there is nothing wrong with the Town having a schedule or timetable with which to mitigate the lead there. That is the norm and that is what the State does. Lead there – the obligation of the BOH is to make sure the high lead area is fenced off. That is the obligation of the town. The town met their obligation and notified the kids not to go there. The kids continued to go there anyway and ended up repeatedly knocking the fence down. Relative to Conservation issues, it is the Conservation Commission’s responsibility to take care of those issues, not the Selectmen, or the Board of Health. I think it is an unfair charge to say the Town of Provincetown is remiss and it belongs in another area.

4A **MASS. COMMUNITY DEVELOPMENT BLOCK GRANT**

Schedule Public Hearing 2000 Application: August 14, 2000

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing on Monday, August 14, 2000 for the Town of Provincetown's application under the 2000 Massachusetts Community Development Block Grant program for the Provincetown Business Development Center, Water Transmission Main Replacement, and general administration for a total of \$600,000.*

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

4B **HOUSING CERTIFICATION 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:** Cheryl Andrews
Yea 4 Nay 1 (David Atkinson)

4C **PARTICIPATE IN REGIONAL CDBG GRANT APPLICATION**

Housing Rehabilitation, Aquaculture & Fisheries Assistance

MOTION: *Move that the Board of Selectmen vote to participate in a regional 2000 Massachusetts Community Development Block Grant application through the Town of Eastham for \$700,000 for a regional housing rehabilitation program and an aquaculture & fisheries marketing program.*

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

4D **AIRPORT COMMISSION: RUNWAY DESIGN**

Accept \$481,500 FAA Grant Offer: Request Use of County Surplus

MOTION: *Move that the Board of Selectmen vote to authorize acceptance of a grant offer of \$481,500 from the Federal Aviation Administration for the design phase of the project to reconstruct, mark and light Runway 7-25; and, further, to meet the required local match of \$16,050, to submit a request to the Barnstable County Commissioners for use of Provincetown's allotment of county surplus funds for this project.*

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

5A REQUEST: MAGURO AMERICA, INC.

Atlantic Bluefin Tuna Holding Pen Project

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing for Monday, August 7, 2000 at 7 p.m. on the request of Maguro America, Inc. (Robert Fitzpatrick of South Chatham) for the Atlantic Bluefin Tuna Holding Pen project.*

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

5B PARADE PERMIT: ANNUAL CARNIVAL PARADE

MOTION: *Move that the Board of Selectmen vote to approve Parade application submitted by Roger Chauvette, 88 Bradford Street, Provincetown, MA on behalf of the Provincetown Business Guild to hold the Annual Carnival Celebration on Thursday, August 17, 2000 starting at 5:00 PM and ending by 8:00 PM. Each float is to have four (4) walking marshals.*

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

6A CABLE TELEVISION CONTRACT RENEWAL

Extension to 11/29/09 (Richard Prowell left the room due to conflict of interest.)

MOTION: *Move that the Board of Selectmen vote to authorize renewal of the cable television contract with Media One for the period beginning July 24, 2000 and running through midnight on November 29, 2009.*

Motion by: David Atkinson **Seconded by:** Betty Steele-Jeffers
Yea 4 Nay 0 (Mr. Prowell was not present.)

6B SURPLUS DECLARATION

Town-owned Vehicles (Richard Prowell returned)

MOTION: *Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws §6-4-6, to authorize the Town Manager to dispose, by sealed bid, of the following Town-owned vehicles declared surplus by the Town Manager and the several departments: (1) 1988 Ford Aerostar (Dog Officer van); (2) 1990 Geo Metro (Parking Department); (3) 1981 Chevy C60 Series 6- Wheel Dump Truck w/plow (Highway Department); and (4) 1983 3/4-ton 2500 Series Chevy Pick-up truck (Transfer Station).*

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

6C OTHER

Parking for town hall employees.

MOTION: *Move that the Board of Selectmen vote to extend to non-resident full-time town hall employees the ability to purchase a resident sticker (\$40.00).*

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

7. TREASURER'S TRANSFERS

Board of Library Trustees Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of Gift Funds, to approve the transfer of \$820.07 from the Library Gift Fund for the payment of outstanding invoices.*

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

8. **APPOINTMENTS**

No votes taken at this time.

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

MOTION: *Move that the Board of Selectmen approve the minutes of July 10,2000 with changes so noted.*

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

10. **CLOSING STATEMENTS**

Betty Steele-Jeffers

MOTION: *Move that the Board of Selectmen direct, through the Town Administration, that the sign on Route 6 at the entrance of Clapp's Pond be removed or the words "Town of Provincetown" be removed and/or notify the State DPW to have the sign removed.*

Motion by: Elizabeth Steele-Jeffers **Seconded by:** David Atkinson
Yea 2 Nay 3 (Cheryl Andrews/Mary-Jo Avellar/Richard Prowell) **Did Not Pass**

MOTION: *Move that the Board of Selectmen request the Town Manager to contact the appropriate authorities of the State regarding the sign located at the entrance of Clapp's Pond to see what action can be take to have the sign removed so that it is not sending an incorrect message on behalf of the Town.*

Motion by: Cheryl Andrews **Seconded by:** David Atkinson
Yea 4 Nay 1 (Richard Prowell)

MOTION: *Move that the Board of Selectmen direct our Secretary, Vernon Porter, to place an order for a sample of the key to the town.*

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

Street Performer – making inappropriate remarks to people. He has done this to me on several occasions. (Chief Anthony – will handle this matter.)

Mary-Jo Avellar

MMA – Chapter 90 – Taken care of.

Firehouse #2 – Do what we can to have it ready to go when sewer can be put in.

David Atkinson

Water Report – where do they test at Town Hall?

MOTION: *Move that the Board of Selectmen as town administration to install snow fencing (wood/wire) in place of plastic at Shankpainter Ponds.*

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

Richard Prowell

Memo from Joan Barron - concerning bumper stickers in front of Shop Therapy.
Can anything be done about this?

Cheryl Andrews

None

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11. **COLLECTIVE BARGAINING STRATEGY**

Cheryl Andrews left the room.

(1) 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 collective bargaining and pending litigation; and not to reconvene in open session thereafter. [roll call vote]

Mary-Jo Avellar - Yes

David Atkinson - Yes

Richard Prowell - Yes

Elizabeth Steele-Jeffers - Yes

Cheryl Andrews returned

Board went into executive session at 10:05 PM

Minutes transcribed by: Vernon Porter, Secretary - July 28, 2000