

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING - SEPTEMBER 25, 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 PM, noting the following attendees: Board of Selectmen members: Elizabeth Steele-Jeffers, Cheryl Andrews, Mary-Jo Avellar, Richard Prowell, David Atkinson (Arrived at 7:20 PM). Absent: Vernon Porter, Secretary to Board of Selectmen and Mark Latour, Assistant Town Manager. Other attendees: Keith Bergman, Town Manager, Doug Johnstone, Secretary to Town Manager, Dana Faris, Principal Assessor and other interested parties.

The following are meeting minutes.

Keith introduced Bruce T. Miller, Town Accountant/Director of Municipal Finance.

#### 1. PUBLIC HEARING: CLASSIFICATION

FY 2001 Property Tax Rate

Chairman Steele-Jeffers read the Public Notice.

#### Public Statements

Barbara Rushmore – Taxes high, hard on rentals. Important to stabilize residential tax rate. Commercial enterprises could pay more.

No public statements on #2 – Split Tax Rate or #3 Small Business Exemption.

**MOVE that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2001 property tax:**

1. *to establish a residential factor of "1".*

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

2. *not to adopt a "residential exemption".*

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

3. *not to adopt a "small business exemption".*

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

4. *to identify \$990,469 in unused property tax levy capacity.*

#### 1B PROJECT UPDATE: WASTEWATER

Policy Decisions for Facilities Plan Submission

**MOTION: Move that the Board of Selectmen vote to accept the recommendations from the Wastewater Citizens Advisory Committee on September 14, 2000, as follows:**

*(a) to amend the Board of Selectmen's vote of July 24, 2000 and increase the proposed capacity of the wastewater system's initial phase from 425,000 to 500,000 gallons per day; and*

**Motion by: Cheryl Andrews    Seconded by: David Atkinson**  
**Yea 3    Nay 2 (Richard Prowell/Mary-Jo Avellar)**

*(b) to accept Health Agent George Heufelder's recommendation that a seventy-foot (70') distance from the street to the structure be installed at the expense of the DBO vendor, to minimize the potential for individual homeowners expense for the cost of the sewer connection.*

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

## **1C    OLD BURN DUMP CLOSURE**

Disposition of 47-acre Parcel.

Discussion followed.

David Guertin Update of Old Burn Dump

Found tires and debris piles. Should do something to clean it up. 2,000 + tires.

Tires to Bourne and/or Connecticut Shredding plan.

Cheryl Andrews – where does money come from for clean up?    Answer: No response.

## **2.    PUBLIC STATEMENTS**

Carol MacDonald - Locke Agenda Item – reminded Selectmen to spend \$752K towards purchase.

Barbara Rushmore - Handed out letter to Board of Selectmen. Sidewalk request in East End. Vote for brick over concrete as previously decided. Cheaper, easier repairs, charm, unifies Town. Wants Board of Selectmen to vote on this issue tonight. Also wants VSB funds to help pay for Conwell Sidewalk. A public safety concern.

- Robin Evans - Feels 'recharge area' is actually bigger for the Wastewater Facilities plant than was indicated in presentation.

- Sheila Benzer - Photos of Old Burn Dump passed out to Board of Selectmen. Speaking as a citizen of Provincetown. She spent a great deal of time cleaning up Clapp's Pond area. Chronic crisis of dumping/illegal activity in Old Burn Dump area. Toxic tire burning, bike riding, etc.

## **3.    SELECTMEN'S STATEMENTS**

**Mary-Jo Avellar**

Old Burn Dump – ridiculed in the past for wanting to protect area. Town should be ashamed of ourselves.

Sidewalks – lobbied hard for brick. Also heard from others that bricks are slippery, - hence concrete. Sticking to concrete.

- Distributing handout for Thursday's Selectmen's meeting: re: Jet-ski's (Support ban and P-Town jet-ski-free zone.)

**David Atkinson**

Nice report from ATM re: Waste bins and butt receptacles. Get 2 to 3 companies to let us use their barrels as a sample. Town could vote on choice. (Cheryl Andrews – Put them downtown and let people decide.)

Town Boards – nice report from Town Clerk.

**MOTION:** *Move that the Board of Selectmen vote to have an agenda item ‘Town Boards’ on our next regular schedule meeting (October 10, 2000).*

**Motion by:** David Atkinson    **Seconded by:** Betty Steele-Jeffers    Yea 5    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to have as a future agenda item – Water in Town buildings.*

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

Assistant Town Manager’s - Seashore Report – Nicely done, but no mention of clothing optional issue.

Parking Department Memo - shuttle report. Would like day of week put on next report.

Shank Painter Road - letter from Peter Stuermer (9/6/00) – concerned over retaining wall proposed by abutting new development. (Captain Bertie’s Road)

**MOTION:** *Move that the Board of Selectmen ask that Staff report on the concerns within the letter from Peter Stuermer dated 9/6/00 at our next regular scheduled meeting. (October 10, 2000)*

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

**MOTION:** *Move that the Board of Selectmen ask the Parking Administrator give a report on how many parking stickers we sell and how many are issued free.*

**Motion by:** David Atkinson    **Seconded by:** Mary-Jo Avellar

Yea 2    Nay 3 (Betty Steele-Jeffers/Cheryl Andrews/Richard Prowell)

**MOTION DOES NOT CARRY.**

### **Richard Prowell**

Thanks to DPW, Peter Souza, and Sheila Benzer re: Clapps Pond. Need aggressive plan to keep it clean – otherwise, cannot support buying more property if we can not maintain them.

We have a different class of tourist now and they expect more.

Invitation to Fine Arts Festival – Whaler’s Wharf received late and I would have liked to have attended.

Donation of boat for Shellfish Constable use. (Town Manager will get report from Staff and place on Board of Selectmen next agenda.)

### **Cheryl Andrews**

Atwood’s grave stone. Official transfer from Provincetown to Wellfleet. Assistant Town Manager to touch bases with Cemetery of Provincetown and Wellfleet and arranges a transfer.

Sidewalks – stick with concrete, but looking for discussion from other Board members.

Clapp’s Pond – respect passion of Sheila & Peter, but why angry now? Has been a mess for quite a while, but this Board has done most toward cleaning it up. Issue is how to maintain area and keep it from getting dumped on again. Areas all over town need to be protected. Angry at people who would do this to Town property. Please be clear on actions to prevent behavior and we can increase fines or penalize bad behavior more heavily? Let people know what’s going on out there.

**Betty Steele-Jeffers**

1. Town Clerk's memo – David did that.
2. Fall Arts Festival – Richard did that.
3. Carpeting – Judge Welsh Room - put in during the weekend – makes a tremendous difference in the room.
4. Town looks very nice and I appreciate it.
5. Peter & Sheila's presentation. Don't know if we can prevent continuation of dumping – unless we put a policeman there 24 hours a day. We thank them for all their efforts, however, would appreciate a suggestion on what to do – have a management plan. Agree with Richard's comments. Board of Selectmen is doing what it can to address issues that have been long-standing. Do not believe that it comes under the DPW Department.
6. Sidewalks - like the brick.
7. Pier project – I would like answered by next meet – October 10, 2000- no need for an agenda item. What is forecast between now and 7/15/2001 and how we feel it will affect the neighborhood, the roads and businesses, etc.

**4. OPEN SPACE COMMITTEE**

Proposed Acquisition of Locke Property [4/3/00 ATM Art. 19]

***MOTION: (1) MOVE that the Board of Selectmen vote to go into executive session, pursuant to MGL Chapter 39, section 23B, clause 6, for the purpose of considering the purchase, exchange, lease or value or real property; and to convene in open session thereafter [roll call vote]***

**Motion by: Cheryl Andrews    Seconded by: Richard Prowell**

**Roll call vote: Richard Prowell - Yes  
Cheryl Andrews - Yes  
Betty Steele-Jeffers - Yes  
Mary-Jo Avellar - No  
David Atkinson - No**

***Board went into Executive Session at 9:20 PM***

***Board reconvened at 10:10 PM***

**5A RAZE FIRE HOUSE NO. 5**

Award Construction Contract – John Rice - \$56,000

***MOTION: Move that the Board of Selectmen vote to award a construction contract to sole bidder John Rice of Provincetown, Massachusetts in the amount of \$55,900 for the razing of Fire Station No. 5; and, further, to authorize execution of said contract by the Board upon receipt of all required bonds and insurance***

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

**5B SIDEWALK RECONSTRUCTION**

Award Construction Contract: Cer-Trom Construction Corp. - \$98,114

***MOTION: Move that the Board of Selectmen vote to award a construction contract to sole bidder Cer-Trom Construction Corp of Waltham, Massachusetts in the amount of \$98,114 for brick and concrete sidewalk reconstruction projects; and, further, to authorize execution of said contract by the Board upon receipt of all***

*required bonds and insurance. Further with the understanding that Santos Court to Howland Street will be completed in brick.*

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

**5C    LIBRARY GRANT AWARD**

Massachusetts Cultural Council Grant - \$9,070

**MOTION: *Move that the Board of Selectmen vote to accept a \$9,070 Operating Support Grant from the Massachusetts Cultural Council for the Provincetown Public Library.***

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

**5D    CAPE COD NATIONAL SEASHORE**

Monthly Issues Update: Prepare for Herring Cove Beach Access Forum

**MOTION: *Move that the Board of Selectmen vote to request that the Superintendent of Cape Cod National Seashore convene a meeting with state officials and outer cape communities regarding the Seashore's proposed ban on personal water craft, and issues of overlapping jurisdiction and the need for coordination arising therefrom.***

**Motion by: Cheryl Andrews    Seconded by: Mary-Jo Avellar  
Yea 4    Nay 1 (David Atkinson)**

**6.0    CLOSING STATEMENTS**

**Mary-Jo Avellar** - Nothing.

**David Atkinson**

Barry Clifford Letter – Heritage Museum – should be added to discussion.

Clapp's Pond - Trash problem might be because of tightening rules at Transfer Station that could be to blame. (Cheryl Andrews – It's been going on for a long time.)

Fall meetings of MMA. 6-8:30 in Bourne, Thursday 10/26 in Wareham. Cheryl Andrews & David may go.

**Richard Prowell** - No comments

**Cheryl Andrews**

Suggest meeting of Board of Selectmen prior to Public Hearing for Heritage Museum. (Keith: Board of Selectmen will have a meeting to discuss this on October 10<sup>th</sup> with a public hearing on October 16<sup>th</sup>.)

**Elizabeth Steele-Jeffers**

Fundraising letter from Fireman's Association looking for donations for grounds. What are the funds for?

**MOTION: *Move that the Board of Selectmen ask the Town Manager to send a letter to the Fireman's Association reminding them that we made the Board of Fire Engineers an offer and they accepted, to let the cost of keeping up the grounds fall under the Department of Public Works and therefore they might want to update their fund raising letter to point this out.***

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

7. **AFSCME TOWN-WIDE**  
Collective Bargaining Strategy

MOTION: Move that the Board of Selectmen vote to go into executive session, pursuant to MGL Chapter 39, section 23B, clause 3, for the purpose of discussing strategy with respect to collective bargaining; and not to convene in open session thereafter.. [roll call vote]

Richard Prowell - Yes

David Atkinson - Yes

Mary-Jo Avellar - Yes

Cheryl Andrews - Yes

Betty Steele-Jeffers - Yes

Board went into executive session at 10:40 PM

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Minutes transcribed by: Vernon Porter, Secretary  
October 5, 2000