

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – DECEMBER 26, 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 7 PM noting the following attendees:

Board of Selectmen members: Elizabeth Steele-Jeffers, Cheryl Andrews, David Atkinson, and Richard Prowell

Excused Absent: Mary-Jo Avellar

Other attendees: Keith Bergman – Town Manager, Mark Latour – Assistant Manager, David Guertin, Director of DPW

Recorder: Vernon Porter - Secretary to Board of Selectmen

The following are meeting minutes, in brief.

1A1 MacMillan PIER CONSTRUCTION PROJECT

Building Committee: Fay, Spofford & Thorndike Change Order

MOTION: *Move that the Board of Selectmen vote to approve the request of the Building Committee to execute a change order in the amount of \$20,602 for the contract with Fay, Spofford & Thorndike for the provision of engineering services during for the MacMillan Pier reconstruction project, for development of engineering data to support the pricing by AGM Marine of considered deletions so defined by staff report.*

Motion by: Cheryl Andrews **Seconded by:** Richard Prowell **Yea 4 Nay 0**

1A2 MacMillan PIER CONSTRUCTION PROJECT

Project Schedule Update

Open discussion with Board of Selectmen and David Guertin, Director of Public Works.

Reworking of the fish off-loading (space #2) required going back to the drawing board and re-submitting a new schedule. AGM resubmitted a schedule that goes to the construction of the "T" first and since we have been out of sequence since day one, to support members of the public, AGM is trying to devise a schedule that is sensitive to the needs of the community and still gets the job done. One of the unfortunate aspects of taking the schedule out of sequence is that it forces them to forecast the project extension into and through the winter of 2003 as detailed on the schedule. After much debate and considering the time frames we have to work with, it is of minor consequence to us as we view it, it is more important for us to address the needs of the community than it is to force the contractor to do things that actually impede the use of the pier. We hope this will be looked upon favorably tonight. We will not have technical aspects on this until this Friday.

1A3 SEAFOOD OFFLOADING AT PIER SPACE TWO

One-year Lease Bid Process

MOTION: *MOVE that the Board of Selectmen vote, pursuant to MGL C.30B, §16, clause (a), to declare the following portion of Town-owned MacMillan Pier deck space as available for disposition for a period of one year, beginning April 1, 2001 and ending March 31, 2002, with an option to renew for up to one additional year, subject to the restriction that use thereof shall be limited to seafood offloading/handling and activities related thereto, and that the lessee shall allow other fish buyers to pack-out thereat: two areas comprised of 4,900 square feet, more or less, one measuring 45' by 53,' the other 40' by 60,' on the Intermediate Pier Section, subject to relocation to the new "T" section, once completed.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

1B1 TRANSPORTATION TEAM

Standish Street Bike path Proposal – Cape Cod Commission

MOTION: *Move that the Board of Selectmen vote to accept the recommendation of the Cape Cod Commission transportation staff for Option 1B to be the future location of a bicycle route from the center of Provincetown to the Cape Cod National Seashore.*

**Motion by: Cheryl Andrews Seconded by: Richard Prowell
Yea 3 Nay 1 (David Atkinson)**

1B2 TRANSPORTATION TEAM

CCRTA Shuttle Updates

Open Discussion.

1C COURT STREET DRAINAGE

Construction Contract Change Order: Northern Paving, \$11,400

MOTION: *Move that the Board of Selectmen vote to approve Change Order No. 1 in the amount of \$11,400 to the construction contract with Northern Paving of Dennisport, MA for Phase One of the Court Street/Shankpainter Road Drainage Improvement Project, for design modification to drainage system at the Community Center reflecting a change to contract drawing SD #1, as recommended by Coastal Engineering*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

2. PUBLIC STATEMENTS

Peter Sousa - Talked about the discussion he had with Town Clerk, Stephan Nofield concerning his application to be on the Conservation Commission. Also his partner's application (Sheila Benzer) to be moved from an alternate position to a regular position.

Barbara Rushmore – 1) Agrees with Peter Sousa concerning his application. Feels that alternates should be moved up on Boards when an opening becomes available. Also keep applications on file for one year as it says on the application. 2) Concerning what happened on Province Land Road (a man was killed – either he was killed or someone killed him) – nothing in appeared in the paper. How can that be? Feels the Board of Selectmen needs to speak to the Police Chief and public needs to be informed. 3) We cannot do five projects at a time. Do the wharf first; make sure it is done right then go on to the next project.

Susan Avellar – What is policy regarding application to Town Boards? How long are they kept on file and is it general practice to overlook a current alternate board member in favor of a newer applicant with no prior service to that board?

William Hency - Attorney from Orleans - Representing 23 boat owners relative to construction of the new Pier. Expressed thanks to Mr. Guertin, Mr. Bergman and to the Selectmen's staff in the office who have been extremely helpful. Concerned over lack of communication on both sides of what the needs are on going forward with the Pier project. The fishermen are forming a Fishermen's Association so that they will have representation and hopefully a liaison with Town Staff.

Carla Anderson - Concerning item 1A – keep in mind what did we take away and how much does it matter to our future? Why did we go to town meeting and ask for that extra \$1M and are we providing the things that we asked the people for that money for?

Sheila Benzer – Conservation Commission – provided copies of her applications that she said she gave to Town Clerk. (See attachments #1 & #2). Concerned over the weeding out of her application.

Phil Machaud - Reminded the board that \$11.7 million in federal funds came in for the pier because of the commercial fishing industry here. Not looking forward to the new Pier Corporation. Feels that they are going to be hard to manage and be held accountable and that safeguards have to be put into protect the fishermen. Need better communications and the fishermen need to be aware of what is going on – and our input needs to be considered

Bernard Nunes - Lobster fisherman start putting their traps in between 4/15 and 6/15. Concerned that things keep changing and the fishermen need to know what is happening so they can somehow work around these inconveniences.

Beau Gribbon – Tuna Fisherman – restricted on where they can unload and fish have to be taken off boat within 24 hours. Very concerned that there may not be an unloading spot with a federal permit. Would like to see Joe Vinagre keep his spot. Federal money was given for this pier because of the commercial fishing industry.

Jean Frottier - We're getting stuck with few areas of access. Day to day problems and hopes that the Board of Selectmen appreciates what the fishermen are going through.

Dave Dutra – Need to revisit what is going on here. Need more unloading facilities.

Robert Cahill – Heard that commercial fishing boat fees would be double what they agreed to in principle earlier in the process.

Chris King - Needs access to pier at all times. Need 'T' section constructed first. Communication is very important.

Luis Ribas - Money for Pier came because of fisherman. More respect needs to be given to the fishermen and ask the help of Board of Selectmen to protect fishermen before all the power goes to Pier Corp. Want all the fishermen to be protected for the future and to have something in writing.

Joe Francis - Been through this ordeal three times in his lifetime. Need a safety mechanism so that we do not want to be forced out financially.

3. SELECTMEN STATEMENTS

Richard Prowell

Town Board applications – was my understanding that were going to get a grip on this and not lose applications. Would like to see the Board of Selectmen interview for appointments.

MOTION: *Move that the Board of Selectmen receive an update on the appointments and process of the Public Pier Corporation.*

Motion by: Richard Prowell Seconded by: David Atkinson Yea 4 Nay 0

Fishermen - Do not feel the town is setting out to hurt the fishermen in any way. The selectmen have always been for the fishermen. Sometimes I feel excluded and that is because I am not getting in there and participating. I do not know of any selectmen out to put any fishermen out of business – we have your best interest at heart and this is going to be a difficult process and I am glad you are going to have someone, even if it is an attorney, who is going to look out for your interest and make sure everything is par with this project. I

think we take care of our fishermen very well – we have your best interest at heart. Just speak-up.

Cheryl Andrews

Applications to Boards and Committees – One thing that was missing from Public Statements and that was the most important fact – the Conservation Committee is appointed by the Town Manager. That is the way our Charter was set up. While there are certain policies to deal with the applications of Board of Selectmen appointments, it is the prerogative of the Town Manager whether you like it or not, and I understand you are upset, but I have to share these facts with you. It is his prerogative to handle any application as he sees fit whether he wants one in writing or he does not. It is his prerogative under the Charter and that is the way it works. He decides whom he wants to nominate and he comes to us and asks for our approval. Our job as Selectmen is to make sure the process as to how it pertains to our appointments, is clean and fair. I think we have made excellent strides in the last couple of years to do that. The policy of keeping them on file for one year is a policy that has been made by this board in the last three years of my term and it is one that I am very proud of.

Fishermen – appreciate what you folks are saying. Feel the same way that Richard does. We do care about and listen to you people. We can only hope that the communications will get better and better. This is going to be a tough process. You asked whether or not we care? For what it is worth – the answer is absolutely, and I mean it – and I know the Town cares too. The Town has showed that by virtue of its vote upstairs. We can only continue to show you how we feel by working with these folks that are building the Pier and listen to your complaints and doing our best to keep it all working out and getting through tough times.

Library Project - Hot topic at the Christmas parties I went to. Public wanted to know why are we expanding the library right now. I hope to see us frame that issue as we go to the public and into town meeting – not so much as to why are we expanding the Library right now but what do we do with that building. What is the best use for that building? Do we turn it into a Library? Do we sell it? Next question they were asking is - if we turn it into a Library can we afford it? What we have to do is share with the public the Town Manager's financial plans that he has put together, that are very good, that are over five or more years and show them how we can do these projects and still make the tax rate that is something that is reasonable.

Only other quick comment about that discussion that I had with some of those folks is 1) they have seen the plans, which surprised me and 2) they were asking a lot about the Freeman Street building. I simply said that it was my understanding that Freeman Street Building never leaves town hands unless it goes to town meeting.

Betty Steele-Jeffers

Fortunate this past year to have good staff and good employees who work hard and with enthusiasm. With all that has been going on in Town we have made some good steps forward. Good mix of people. Pride in Town.

Application of Town Board - I am not going to vote to recommend the person put forth by the Town Manager. I walked in and was handed these papers. I know that some members of the public like to think that there is skulduggery and that horrible things are going on. If they are they are going on, they're going some place else. I can understand that it certainly looks that it looks as though these were pulled so my motion is:

MOTION: Move that the Board of Selectmen request that the Town Manager provide a report regarding Conservation Commission applications filed within the past year.

Motion by: Betty Steele-Jeffers Seconded by: Richard Prowell Yea 4 Nay 0

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Pier project is beginning.

Comments brought up during Public Statements asking why the Town was doing more than one major project at a time. – and I would say the reason the Town is striving to do a couple of these projects (Pier & the Sewer) is that they are most needed. The rate that the sewer is going I would hope that the pier project would in some sense be moving towards some completion before we begin the actual construction of the sewer. The sewer

project has funding that we do not want to lose. I think the Town needs a sewer district as soon as possible and I do not think we can wait another five or ten more years.

The concerns of the fishermen and perhaps the lack of communication. For the whole time that we have had discussions on the pier project, I have had severe reservations about the amount of communications that was going on between people involved back when we were just talking to consultants. It looks like we are down to the nitty gritty now – which is – Oh my God! What is going to happen? The ‘T’ section is going to be built first and I trust that is going to be helpful to you. When you bring up your questions about the Pier Corporations – the reason I went along with Richard’s motion is that I think we all should refresh our memories on what that document says and not speak off the cuff. I am not going to speak off the cuff. You are welcomed to listen to rumors – I don’t know who is talking to whom – so my next motion is:

MOTION: Move that the Board of Selectmen direct the Town Manager to set up a method of communication between the pier users and the town. The Town Manager should bring this plan back to the Board of Selectmen at its next regular scheduled meeting. Also, he should confer with Mr. Henchy if necessary and establish a contact person.

Motion by: Betty Steele-Jeffers Seconded by: Cheryl Andrews Yea 4 Nay 0

David Atkinson

Agree with Ms. Rushmore – too many projects

So happy to see that the Fishermen are forming an Association and having a spokesperson. Definitely in favor of doing everything in favor of the fishermen. The communications is going to have to be in your ballpark. All meetings are posted – they have to be posted by law. Somebody had to check and see when some is going to meet and talk about the pier.

Rumors of doubled fees - do not know where that has come from. There has been no talk about that here. We have only spoken about protecting you guys.

Not being invited to the pier celebration. I have to take responsibility for that, as I did not follow through and ask Keith if everyone that was a pier user was invited.

Preliminary Design Sewer System – two words missing (“or equal”) from the second document – Paragraph 6.3.2.2 Sequencing Batch Reactor.

MOTION: Move that the Board of Selectmen request that Staff comment on the missing words ‘or equal’ from the Preliminary Design Sewer System document located in Paragraph 6.3.2.2 Sequencing Batch Reactor.

Motion by: David Atkinson Seconded by: Cheryl Andrews Yea 4 Nay 0

4A MASS COMMUNITY DEVELOPMENT BLOCK GRANT AWARD: \$600,000

MOTION: Move that the Board of Selectmen vote to accept a grant in the amount of \$600,000 from the Massachusetts Department of Housing and Community Development under its 2000 Massachusetts Community Development Block Grant program for the Provincetown Business Development Center, Water Transmission Main Replacement, and general administration.

**Motion by: Cheryl Andrews Seconded by: Richard Prowell
Yea 3 Nay 1 (David Atkinson)**

4B SCHEDULE FY 2002 BUDGET REVIEW MEETINGS

MOTION: Move that the Board of Selectmen vote to schedule special meetings to review the FY 2002 operating budget requests on the following dates in January 2001 January 4 @ 5:30 PM, January 16 @ 5

PM, January 18 @ 5:30 PM and to schedule a public hearing on the Capital Improvements Program for Monday, January 29, 2001 at 7 P.M.

Motion by: Cheryl Andrews Seconded by: Richard Prowell Yea 4 Nay 0

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APPOINTMENTS

MOTION: *Move that the Board of Selectmen, as the appointing authority appoint Bruce Miller, Director of Municipal Finance/Accountant as the Town of Provincetown's representative to the Cape Cod Municipal Health Board and further to appoint Ryk Tyszka, Treasurer/Tax Collector as the alternate representative.*

Motion by: David Atkinson Seconded by: Cheryl Andrews Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Richard Silva as a Regular Member of the Airport Commission with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Steve Tait as a Regular Member of the Airport Commission with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Joyce Guide as a Regular Member of the Building Committee with a term expiring December 31, 2003.*

Motion by: Betty Steele-Jeffers Seconded by: Cheryl Andrews Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Regina Binder as a Regular Member of the Building Committee with a term expiring December 31, 2003.*

Motion by: Betty Steele-Jeffers Seconded by: Cheryl Andrews Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Paul Redlund as a Regular Member of the Building Committee with a term expiring December 31, 2003.*

Motion by: Betty Steele-Jeffers Seconded by: Cheryl Andrews Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Dr. Janet Whelan as a Regular Member of the Cape End Manor Board of Directors with a term expiring December 31, 2003.*

Motion by: Richard Prowell Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Roberta Elliott as a Regular Member of the Council on Aging with a term expiring December 31, 2003.*

Motion by: David Atkinson Seconded by: Richard Prowell Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Melanie Braverman as a Regular Member of the Cultural Council with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Eileen Kennedy as a Regular Member of the Cultural Council with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Kay Halle as a Regular Member of the Board of Health with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: Betty Steele-Jeffers Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Ken Janson as an Alternate Member of the Board of Health with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews **Seconded by:** Betty Steele-Jeffers Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Peggy Prichet* as a Regular Member of the Heritage Museum Board of Trustees with a term expiring December 31, 2003. (* Nominated by Art Commission to fill the designates Art Commission Seat.)*

Motion by: Cheryl Andrews **Seconded by:** Betty Steele-Jeffers Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Mary Winslow-Crowley as a Regular Member of the Human Services Committee with a term expiring June 30, 2003.*

Motion by: Cheryl Andrews **Seconded by:** David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Frank Turonis as a Regular Member of the Human Services Committee with a term expiring June 30, 2003.*

Motion by: Cheryl Andrews **Seconded by:** David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Brenda Haywood as a Regular Member of the John Anderson Francis Family Scholarship Committee with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews **Seconded by:** David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Hunter O'Hanian as a Regular Member of the Licensing Board with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews **Seconded by:** David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint David Nicolau as a Regular Member of the Planning Board with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews **Seconded by:** Richard Prowell Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint John-Paul Grunz as a Regular Member of the Planning Board with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews **Seconded by:** David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Robert Cahill as a Regular Member of the Recreation Commission with a term expiring December 31, 2003.*

Motion by: David Atkinson **Seconded by:** Cheryl Andrews Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Jill Macara as an Alternate Member of the Recreation Commission with a term expiring December 31, 2003.*

Motion by: David Atkinson **Seconded by:** Cheryl Andrews Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Lisa Westervelt as a Regular Member of the Airport Commission with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews **Seconded by:** David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Joan Drysdale as a Regular Member of the Board of Registrars (Republican Positoi) with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews **Seconded by:** Richard Prowell Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Sarah Robin as a Regular Member of the Shellfish Committee with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Armista Frothinger as an Alternate Member of the Shellfish Committee with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Joan Lenane as a Regular Member of the Visitor Service Board (Chamber of Commerce Position) with a term expiring June 30, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Hunter O'Hanian as a Regular Member of the Visitor Services Board (Art Position) with a term expiring June 30, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Ann Lord as a Regular Member of the Wastewater Management Planning CAC with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Lucille Plante as a Regular Member of the Wastewater Management Planning CAC with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Barbara Rushmore as a Regular Member of the Wastewater Management Planning CAC with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Esterann Czyoski as a Regular Member of the Water and Sewer Board with a term expiring December 31, 2003.*

**Motion by: Cheryl Andrews Seconded by: Betty Steele-Jeffers
Yea 3 Nay 1 (Richard Prowell)**

MOTION: *Move that the Board of Selectmen appoint Ray Boylan as a Regular Member of the Zoning Board of Appeals with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen appoint Peter Bez as a Regular Member of the Zoning Board of Appeals with a term expiring December 31, 2003.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

5A TOWN MANAGER APPOINTMENTS

MOTIONS:

Move that the Board of Selectmen vote to approve the following appointment by the Acting Town Manager: (1) Sue Ogden, Kimberly Lane, to a term on the Conservation Commission expiring December 31, 2003, pursuant to Charter §6-6-1;

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

Move that the Board of Selectmen vote to approve the following appointment s by the Town Manager: (2) Ardis Markarian, 43 Howland Street, and Stephen Milkewicz, 5R Conwell Street, to a term on the Historical

Commission expiring December 31, 2003, pursuant to Charter §6-9-1; and (3) Elizabeth Villari, 81 Shankpainter Road, to a term on the Disability Commission expiring December 31, 2003, pursuant to MGL C.40,s.8J.

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

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6. MINUTES OF BOARD OF SELECTMEN MEETINGS

MOTION: *Move that the Board of Selectmen approve the minutes of: December 11, 2000 with changes so noted.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 4 Nay 0

7. CLOSING STATEMENTS

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Richard Prowell - None

Cheryl Andrews – None

Betty Steele-Jeffers - None

David Atkinson - Summer police officers need bright colors to identify them.

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Motion to adjourn by David Atkinson at 9:38 PM.

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Minutes transcribed by: Vernon Porter, Secretary
January 11, 2000