

# Provincetown Board of Selectmen

## Meeting Notes - March 22, 1999

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The March 22, 1999 meeting of the Provincetown Board of Selectmen was called to order at 7:00 PM. Present: Chairman Betty Steele-Jeffers, Jane Antolini, Mary-Jo Avellar, David Atkinson, and Cheryl Andrews. Also present were: David Guertin, Director DPW, Winn Davis, Assistant Town Manager, and Keith Bergman, Town Manager.

The first item on the agenda was a joint public hearing with the Board of Selectmen and the Finance Committee on the budget for the Fiscal Year 2,000. Chairman Steele-Jeffers informed the members of the Board and the general public on hand that this agenda item was held over from the meeting of March 15<sup>th</sup>. She then read the section of the Town Charter that pertained to having one or more hearings for the public on the budget of the upcoming fiscal year. Ms. Steele-Jeffers then stated that the Selectmen and the Finance Committee were in total agreement on the appropriations in the six parts of the budget, which are:

1. For the general government the Finance Committee and the Selectmen both agreed on \$404,139.00. Bill Dougal, Chairman of the Finance Committee, explained that his committee completed its operating budget review along with the work from the School Committee budget review and pointed out that the operating expenses for the Town would increase by 7.3% – this would include the land bank. Mr. Dougal expressed the concerns of the Finance Committee (in that since there were not any new Capital projects in the works for the next fiscal year) that the numbers which the Finance Committee were coming up with might turn into a trend which he opined to be of a frightening nature. He then complimented the School Committee on its minimal increase for funding, because he stated that if the School Committee had asked for a 2 or 3% increase the expense to the town would reach 9 or 10.3%.
2. The Selectmen's request for Finance was \$3,992,753, which the Finance Committee agreed to.
3. The Selectmen requested \$2,242,067 for Public Safety, which was the figure that the Finance Committee recommended.
4. For the DPW the Selectmen and Finance Committee agreed to the amount of \$1,431,168.
5. In the area of Public Service both the Selectmen and the Finance Committee agreed to the amount of \$725,015,

**6. And for the Public Schools, the Selectmen and the Finance Committee recommended and agreed to the amount of \$3,817,200. After a short discussion pertaining to the Enterprise fund and some of the figures and the actual percentage of the increase for the fiscal year 1,000 turns out to be 4.5%.**

**The next item on the agenda was that of Public Statements. Gwen Bloomingdale the Provincetown Representative on the Cape Cod Commission handed out a fact sheet on how the Land Bank money could be used. (*Cape Cod Land Bank – Fact Sheet #4 – On file in office.*)**

**The next speaker was Peter Bez who spoke about a letter Received by the Board of Selectmen from the Attorney's Veara. He read a letter drafted by the Zoning Board of Appeals. Rick Murray briefly spoke about the letter previously read and that six members of the ZBA were in attendance at the meeting. John Woods requested to put the float in the West End Parking lot do the "Needed repairs." He stated that he was sure that he would be able to have the float out of there before the 15<sup>th</sup> of April. Gary Rinehardt member of the ZBA defended the actions of the Board and urged caution on the part of the selectmen in any action that they might take concerning the Veara's and their problems with the Zoning Board. Custudio Silva next spoke on four issues, which were:**

- 1. If the schools were to close, that 40% of the local businesses would no longer be able to run, thus putting many locals out of work.**
- 2. Mr. Silva then raised the point - not only would jobs be lost but that there would no longer be a need for any affordable housing and that if he and his family had to leave, that the two houses and numerous apartments would probably be sold as condos and used for just two months a year. Mr. Silva believes that Town Meeting has been supportive and that the schools should be accountable for their money, and the town should be responsible for the other \$12 million budget.**
- 3. Concerning the portable lavatory issue, Mr. Silva hoped that the chief of police and the ordinance writer would make sure that the Parking Lot would not become "anymore of a trash can than it already is.**

4. Mr. Silva then expressed his concerns about water issues. He explained that the Water Board was meeting the next day and that there were only three members. He urged anyone to go to the Town Clerk's office and fill out an application. He also wanted to hear the Town Manager's report, and told the BOS that the Water & Sewer Board was chairless and that it was going to reorganize.

5. Mr. Silva then spoke about the fire issue and in doing so, supported Chairman Steele-Jeffers and Jane Antolini by stating he knew how much they cared for the town and that he was sorry that they did not get the chance to say everything they wanted to about where they stood in terms of the fire issue.
6. Barbara Rushmore asked to briefly speak on the three Articles that she placed on the Town Warrant concerning a place on the beach where wheelchairs would be accessible; the amount of money to be paid to the future director of the Visitor's Service Board and the potential \$250,000 that the Town could use for necessary expenses and lower the tax rate; and finally the one concerning people from out of town serving on Town Boards which she finds upsetting in that the people on boards from outside of town "Don't have to live with their decisions and therefore pay residential rates when it comes to fines and tickets. Ms. Rushmore also urged the Board to be more loyal to the other boards to which they appoint members.
7. The new water superintendent then spoke and said that he would do the best he could to work and keep our water safe.
8. The third item on the agenda was Selectmen's statements which was led off by David Atkinson. A motion was made by Mr. Atkinson to send letters to the members of PMAC and was seconded by Cheryl Andrews. The motion was carried through with a five to -0- vote. David moved to grant John woods permission to use West End parking lot until April 15<sup>th</sup>. Seconded by Mary-Jo Avellar. The motion carried unanimously five to -0-. David then made a motion to send a letter of thanks to King Hiram's Lodge, which was seconded, and past unanimously. Mary-Jo moved to send a letter stating that no funding for Chapter 90 to be diverted. Seconded by Jane . After a brief discussion the motion was carried unanimously.

A brief discussion then took place about the antenna(s) and both the health and location issues. Nothing was resolved on this matter

Mary-Jo Avellar then told the Board that she believed that no more money should be thrown to the Cape Cod Commission because of the lack of services that she believes they're not providing. She then suggested that the Commission should take the money that it already gets and fire all of the "consultants" that are not necessary. David Atkinson then motioned to get clarification on the memo form the Cape Cod Commission on wire less,

which was seconded by Jane; the vote was four to one, with Mary-Jo Avellar opposed. Cheryl Andrews then raised scheduling questions which after a short discussion were resolved in the fact that anything needed to be done to catch up, would be done on the 20<sup>th</sup> of April after Town meeting was done.

Chairman Steele-Jeffers then told the Board that she received something from a group called Cape Cod Center for Sustainability, which was also in the Cape Cod Commission Report. She then asked if anyone would like to attend this meeting even though it was on a night when Town Meeting was in session. Chairman Steele-Jeffers then told the Board about the skating park in Wellfleet and that Provincetown and that anybody who might be injured at the skating park, would fall under Wellfleet's umbrella policy and that Provincetown would not incur any liability. Cheryl Andrews made a motion to send a letter to the Town Clerk asking for what minutes are missing going back to last May so as to get them done approved and taken care of. The motion was seconded and past with a unanimous five to -0- vote.

Cheryl Andrews spoke about the Veara's letter and how to address the situation. Jane then spoke and stated that the Board should respond to the Veara's letter in kind. She then made a motion to state in a letter to the Veara's that The Board of Selectmen had full confidence in the ZBA and that if they did not like the decisions they could bring it to court before a judge. The motion was then seconded. Mary-Jo Avellar then stated that she agreed with Cheryl Andrews. After a short discussion the motion made by Jane Antolini, seconded by Betty Steele-Jeffers. Motion defeated by a vote of YEA 1 NEA 4. Jane Antolini then motioned that a letter be sent to the Vearas along with the ZBA'S decision. If necessary they could then go to court and the normal appeals process. Motion made by Jane Antolini, seconded by Mary-Jo Avellar. The motion was passed with YEA 4 NEA 1 (David Atkinson).

Item #4 on the agenda was on the Whaler's Wharf and the Economic Development opportunity. Davis referred the BOS to a memorandum that was sent to them, relating that if the Whaler's Wharf were to be turned into an Economic developmental area, that it would perhaps be eligible for tax abatements. He stated that because of this abatement that the tenants would pay lower rent which was the reason for the program. After several questions of discussion, a motion made by Jane Antolini - Seconded by Cheryl Andrews not to pursue the matter any further. YEA 3 NEA 2 (Mary-Jo Avellar & Elizabeth Steele-Jeffers).

Item #5 (*Attachment #3*) **MOTION:** Moved that the Board of Selectmen vote to authorize the extension from March 31, 199 to June 30, 1999 on the following sub-contracts under the Town's 1997 Massachusetts Community Development Block grant award: (1) with Lower Cape Cod Community Development Corporation of Eastham, MA in the amount of \$51,786 to administer the housing rehabilitation program and (2) with TRI (The Resource, Inc.) of Eastham, MA in the amount of \$124,900 to administer the business incubation and growth program. Moved by Cheryl Andrews. Seconded by Mary-Jo Avellar. Yea 4 Nea 0 Abstain 1 (David Atkinson).

Item #6 (*Attachment #4*) **MOTION:** Move that the Board of Selectmen vote to approve the Visitor Services Board's recommendations to make the following allocations totaling \$1,975 in Tourism Fund monies from Articles 20 and 21 of April 6, 1998 Annual Town Meeting: (1) \$525 for printing rack cards: (2) \$250 for printing a poster with a calendar of events; and (3) \$1,200 for a spring conference for local businesses, etc. on customer service, marketing and tourism. Motion by Cheryl Andrews. Seconded by Jane . Yea 5 Nea 0

**Item #7 - Water report. The report still stands according to David Guertin. DPW Director**

**Item #7B was what to do with the Rose Dorothea. Dave Guertin told the Board of the two-fold report after which much discussion took place. Topics raised were:**

- A. Where to put the ship,**
- B. The historic value of keeping the ship**
- C. What it might mean to the town if it were to be dismantled or destroyed.**
- D. Much was of how it could only cost \$400,000 to move the schooner from its present location at the Heritage. Concerns were also raised via the spread sheet to deal with the economics of moving the schooner and using the removal of the Rose Dorothea as a first step in selling the Heritage. After much discussion, the topic of the Rose Dorothea was tabled. Discussion then moved along to the subject of the Library and the Heritage. Much was made of the point that the Town allegedly doesn't take care of the properties it owns. After further discussion a motion was made by Cheryl Andrews to have the library and the Heritage museum switch buildings. The motion was not seconded, and so it was tabled until after Town Meeting in which several Articles appear on the Warrant for both the Rose Dorothea and the Library/museum.**

**Cheryl Andrews then made a motion to take item 9B out of order concerning the BOSTON BOAT contract, Seconded by Jane Antolini. Davis and Dave Guertin addressed 9B first and explained to the Board the terms of the contract to demolish either the entire tee section or only have a partial demolition take place because of potential funding problems. It was also explained that in the contract there was a change order clause, which enables the Town to change from a partial to a complete demolition of the Tee. A motion was then put forward by David Atkinson to issue a change order, which was seconded and unanimously approved.**

**Item 9B-2 the BOSTON BOAT contract was discussed briefly by Winn Davis as he told the Board that the members would have copies to look over late Thursday.**

**Item 9A. (Attachment #5) MOTION: Move that the Board of Selectmen vote to approve the draft water regulations as agreed by Provincetown's Town Manager and Truro's Town Administrator on March 17, 1999 and to refer those regulations to the Provincetown Water and Sewer Board for a public hearing on their adoption. Motion made by David Atkinson. Seconded by Mary-Jo Avellar. Yea 5 Nea 0**

**Item #10 (Attachment #6) MOTION: Move that the Board of Selectmen, as Commissioners of Trust Funds, vote to approve the transfer of \$507.00 from the John Van Arsdale Memorial Fund for the payment of an invoice. Motion made by David Atkinson. Seconded by Mary-Jo Avellar. Yea 5 Nea 0.**

**The BOS then discussed agenda item 8A - Review & Adoption of Recommendations on Town Meeting Agendas. See attached sheets for tally of board votes. Mary-Jo Avellar left the meeting before the discussions took place. For that reason the votes reflect only 4 members present.**

**Meeting adjourned at 11:20PM.**

*Transcribed by: Frank Brucato*

*Edited by: Vernon Porter, Secretary BOS 3/30/99*