

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING

APRIL 26, 1999

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 attendee:

BOS members: Elizabeth Steele-Jeffers, Jane Antolini, Mary-Jo Avellar, Dr. Cheryl Andrews, David Atkinson and Vernon Porter, Secretary to BOS. Other attendees: Keith Bergman - Town Manager, Winn Davis - Assistant Town Manager, David Guertin - Director DPW and interested parties.

(See attached Meeting Agenda)

1A PUBLIC HEARING – FLOAT SPACE 8W –

Motion: *Move that the Board of Selectmen vote to approve the proposed sub-lease portion of Float Space 8W on the North Side licensed by Peter Pannoni, Jr. of Provincetown, MA to Gabriel Brook and Eleanor Dix of 104 Bradford St., Provincetown, Ma. 02657*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 5 Nea 0

1b CURB CUT – BANG STREET - As a guest house owner, Jane Antolini abstained from voting on this item. After hearing public statements – Pro's & Con's the following motion was made. Winn Davis, Assistant Town Manager stated that it would not be necessary to re-advertise the changes as they are within the scope of the original plan.

Motion: *Move that the Board of Selectmen vote to approve the proposed curb cut on Bangs Street in accordance with plan presented dated 4-23-99 with the following change; that the curb cut will extend to include parking space 6,5,4,3 and it will end as shown on the plan where parking space 3 ends.*

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

2. PUBLIC STATEMENTS

Dennis Clark – Concerned about petition and feels Keith Bergman never got a fair shake relative to evaluation process. Evaluation process needs to be revamped.

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Dale Szczech – Combined Provincetown/Truro ‘Candlelight Vigil’ to support the Columbine High School in Littleton, Colorado will be held May 2, 1999 at 7 PM. Starting at St. Mary of the Harbor Church and ending at Bas-Relief.

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Barbara Stephens – Request Board of Selectmen reconsider their vote and reinstate the Town Crier.

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Barry Clifford – owner of Wyhdah Museum/Learning Center & Provincetown Yacht Marina. Considering closing the Marina. Comes to the Board as a last resort requesting that the Board of Selectmen investigate the discrepancies of the North Side Marina a) Per survey by Army Core of Engineers there is a 10 foot discrepancy on the North Side of Marina. – Why were the moorings taken away? b) No response to several letters to Selectmen and various people in Town Government over the last couple of years. (See attached letters.)

Custodio J. Silva, Jr. - Came to say good bye, thank you and how much he appreciates the Chair and Jane Antolini.

Su Hoffman – introduced Dr. Robert Vetrick to present a petition of No Confidence towards the Town Manager. (See attached. a) Letter as read by Dr. Vetrick – two (2) pages. 2) Eight (8) pages of petition with signatures .

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Brian Shea – Observations re: Town Manager. Does what the Board of Selectmen wants him to do and does a good job. Could be a little more sensitive to the needs of others. Due to work schedule will be submitting his resignation from the Licensing Board.

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Evelyn Gaudiano - Think that the petition was very cowardly and anyone who has a problem should address it to Mr. Bergman directly.

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Len Stewart – Judge Town Manager by his performance and highlights of his accomplishments throughout the year.

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John Dowd – Beautification Committee is feeling overwhelmed. Need volunteers and financial support. Hopefully through the Visitors Service Board and DPW.
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Ken Janson – ZBA – Read open letter to Board of Selectmen relative to allegations by the Advocate Newspaper and J. R. McGowan n ZBA matters. (Copy attached.)
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Lou Ann Bowen – Volunteer and Beautification Committee requests more money and assistance and support from the Town. Need town employees (DPW) intervention in order to keep up with the current needs. Some type of equipment to water the plants, trees, etc. Looking for a grant from the Tourism Fund and looking for the Board of Selectmen support when this comes before them.
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Rick Murray - Read letter to Board of Selectmen re: misquotes by Advocate relative to ZBA issue involving Mr. J.R. McGowan. Thank you to Board of Selectmen for all their support over the last six years during his tenure on the ZBA. Good luck to Jane and expect to see Betty back next week.
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Elizabeth Patrick – Chairman, Beautification Committee – to the point where the town needs to address the issues of continuing services of the Committee.
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Robert Cahill – Commend Police Department. Heavy Duty dump truck backing up going down Commercial from Johnson Street. Dangerous situation. Fishermen when they haul their boats to the West End parking lot to the Provincetown Inn they are required to hire a Police escort. Much respect and endorse Mr. Bergman.

3. SELECTMEN'S STATEMENTS

Cheryl Andrews –

Motion: *Move that the Board of Selectmen vote to declare that Curb Cut(s) are not valid unless a plan is signed by all Board of Selectmen and further that a space is to be provided on such plan(s) for Board members to sign.*

Motion by: Cheryl Andrews Seconded by: David Atkinson Yea 5 Nea 0

Other concerns that I will address in closing statements are: 1) e-mail 2) Chlorine in Water 3) Beautification needs to be discussed as an agenda item

4. UPDATE / ABUTTER NOTIFICATION - PIER PROJECT - Gordon Peabody

Motion: *Move that the staff on behalf of the Board of Selectmen submit to the Board of Selectmen for their review, a list of all parties who use or have direct interest in the works that go on at the pier or any dredging or subsequent happenings. This list will be used to notify these parties of any and all meetings that abutters are invited to.*

Motion by: Jane Antolini **Seconded by:** Mary-Jo Avellar **Yea 5 Nea 0**

5a UPDATE ON TOWN HALL AUDITORIUM RENTAL

Motion: *Move that the Board of Selectmen vote to hold off doing any assessment or work to Town Hall sound system until after the summer season.*

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

Motion: *Move that the Board of Selectmen vote to ask for a periodic short report from Town Manager or Assistant Town Manager on the upgrade of the Town Hall project.*

Motion by: Cheryl Andrews **Seconded by:** Jane Antolini **Yea 5 Nea 0**

5b LOG AND PROCEDURE FOR REQUEST FOR INFORMATION /DOCUMENTATION - Winn Davis, Assistant Town Manager

Betty Steele-Jeffers - General discussion and update received. Town Manager and Assistant Town Manager to take into consideration the points expressed by the Board of Selectmen and no need for a vote.

5c Motion: *Move that the Board of Selectmen vote to approve parade permit request for Candlelight Vigil*

for Columbine High School; Sunday, May 12, 1999 at 7 p.m.

Motion by: Jane Antolini Seconded by: David Atkinson Yea 5 Nea 0

6a RICHARD ORAREO – SEPTIC - BOARD OF HEALTH COMPLAINT

Jane Antolini - Mr. Orareo should be appraised of what his options are: due process, Council on Aging, Legal aid/assistance – whatever referrals he needs to get this done as soon as possible so that we don't lose something due before time runs out.

Motion: *Move that the Board of Selectmen vote to assign Assistant Town Manager, Winn E. Davis to work with Mr. Orareo to establish the processes that are required in which to pursue this matter. Further that Mr. Davis report back to the Board of Selectmen on the progress..*

Motion by: Mary-Jo Avellar Seconded by: Jane Antolini Yea 5 Nea 0

6b INTERNATIONAL FILM FESTIVAL – BANNER REQUEST – Karen Lucas

Sponsored by: Provincetown Banner, Cerutti & Co., The Boston Phoenix, The Brass Key Guesthouse, New Art Cinema, Provincetown Reservations System, The Gay & Lesbian Destination, Chester's Restaurant, Seamen's Bank, Provincetown Visitors Service Board, Cape Air and the Lobster Pot Restaurant.

Discussion – Banner(s) with logos on them may only be hung on any building providing permits are obtained. They cannot be hung across any streets or obstruct any airways within the town. Period of time banners can be hung is designated with each permit request.

Motion: *Move that the Board of Selectmen vote to approve the use of a Banner by the International Film Festival on Town property providing they do not have any sponsors on them. The particular banner on the outside of Town Hall will be hung only during the period of June 17,18,19,20, 1999*

Motion by: Cheryl Andrews Seconded by: Jane Antolini Yea 5 Nea 0

7. APPOINTMENTS -

Motion: *Move that the Board of Selectmen vote to appoint Francis Santos of Provincetown, MA to be the Chamber of Commerce Representative on the Visitor Service Board..*

Motion by: **David Atkinson** **Seconded by:** **Jane Antolini** **Yea 5** **Nea 0**

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Motion: *Move that the Board of Selectmen vote approve Susan Hoffman of Provincetown, MA to the Cable Advisory Commission.*

Motion by: **Jane Antolini** **Seconded by:** **Cheryl Andrews** **Yea 5** **Nea 0**

Motion: *Move that the Board of Selectmen vote approve David G. Murphy of Provincetown, MA to the Harbor Committee .*

Motion by: **Jane Antolini** **Seconded by:** **David Atkinson** **Yea 5** **Nea 0**

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Motion: *Move that the Board of Selectmen vote approve Rick Fleury of Provincetown, MA to the Water and Sewer Board.*

Motion by: **Jane Antolini** **Seconded by:** **Cheryl Andrews** **Yea 5** **Nea 0**

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8. Motion: *Move that the Board of Selectmen vote approve the minutes of the Board of Selectmen meeting dated April 20, 1999*

Motion by: **Dave Atkinson** **Seconded by:** **Mary-Jo Allevar** **Yea 5** **Nea 0**

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Motion: *Move that the Board of Selectmen vote to approve the following guidelines relative to ‘Minutes of Meetings’ – specifically as follows:*

Tape recordings may not be used as a permanent record of meetings. Written minutes must be prepared as outlined. Once minutes have been prepared and approved, the tape may be erased and re-used for another meeting. Until it is erased, however, it is a public record (unless it is a tape of an executive session) which must be made available for inspection and

copying upon request.

Motion by: David Atkinson Seconded by: Jane Antolini Yea 5 Nea 0

9. CLOSING STATEMENTS

Cheryl Andrews – E-mail – confusing – clarification. Winn Davis will handle and set future protocol. Protocol is to advise the Police immediately. Water – smells like chlorine.

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Jane Antolini –

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***Motion:** Move that the Board of Selectmen receive a full report of Mr. Barry Clifford's concerns regarding the Marina and space utilization. Further that the Board of Selectmen, after this review, will respond to Mr. Clifford at the May 10, 1999 regular meeting.*

Motion by: Jane Antolini Seconded by: Mary-Jo Avellar Yea 5 Nea 0

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***Motion:** Move that the Board of Selectmen vote to request a report from the DPW regarding any assistance, (under the present budget), for beautification concerns and request how much money would be necessary under the Visitors Bureau fund as soon as possible.*

Motion by: Jane Antolini Seconded by: Cheryl Andrews Yea 5 Nea 0

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***Motion:** Move that the Board of Selectmen request that the Parking Administrator schedule extended hours on Saturday for registration.*

Motion by: Jane Antolini Seconded by: David Atkinson Yea 5 Nea 0

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Motion to extend the rules.

Motion: Jane Antolini Seconded: David Atkinson Yea 5 Nea 0

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Congratulations to Winn Davis – more money has come in from Mass Development regarding advancing money for the Rehabilitation .

David Atkinson –

Motion: *Move that the Board of Selectmen authorize us to be enrolled in Y2K Program as provided by the Department of Revenue.*

Motion by: David Atkinson Seconded by: Jane Antolini Yea 5 Nea 0

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319 Program OK on Capt. Jacks - The BOS discussed the letter from DEP concerning the potential loss of 319 monies. David Guertin reported that the Captain Jacks project was finally moving ahead, with the contract signed, after design revisions, but that the project referenced in the DEP letter had to be deferred due to design issues. He had met with DEP officials on the prior Friday and alerted them to the problem. David Guertin is to work with the DEP to gain an extension to the funding authorization beyond the May 14th date.

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David Atkinson read letter re: Public / Private Schools

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Mary-Jo Avellar –

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Concerned with truck backing up on Johnson and Commercial Street. Responsibility of the builders to use orange cones. Trucks should not be backing up on Commercial

Thank Town Manager for starting the process of the Police & Fire Department talking to one another.

Cape Cod National Sea Shore – letter responding to Town Manager - still has not addressed the problem. Safety issue here.

Motion: *Move that the Board of Selectmen request that a letter be sent to Superintendent, Cape Code National Seashore in time for Friday's meeting – thanking her for her response, however, we do not believe that forming a committee is the correct action needed to resolve this issue. (Keith to send letter.)*

Motion by: Jane Antolini Seconded by: Cheryl Andrews Yea 5 Nea 0

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Motion: *Move that the Board of Selectmen send a letter to CCNS requesting when Citizens Advisory will be appointed on Off Road Vehicles (ORV) issues.*

Motion by: Jane Antolini **Seconded by:** David Atkinson **Yea 5 Nea 0**

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Betty Steele-Jeffers - Request an update on Fireworks from Dave Guertin, DPW. Would like to have a response by mid May.

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Phone call-requesting status of John Bennett and float renewal. Would like to have update on a) Renewal b) Complaints. Would like update by 1st meeting in May.

10. Motion: *Move that the Board of Selectmen vote to go into Executive Session*

for the purpose of discussing strategy in regard to contract for non-union personnel (the Town Manager) under MGL Chapter 39 Section 23B-3 and not to convene thereafter in open Session.

Motion by: Jane Antolini

Roll Call - Jane Antolini YES Mary-Jo Avellar YES

Cheryl Andrews YES David Atkinson YES

Betty Steele-Jeffers YES

Meeting went into Executive Session at 11:35 PM

Minutes transcribed by: Vernon Porter, Secretary

Board of Selectmen

April 29, 1999