

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING

MAY 24, 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, Mary-Jo Avellar, Dr. Cheryl Andrews, David Atkinson, Richard Prowell and Vernon Porter, Secretary to BoS. Other attendees: Keith Bergman - Town Manager, Winn Davis - Assistant Town Manager, David Guertin - DPW Director, Michelle Jarusiewicz, Grant Administrator and interested parties.

1a PUBLIC HEARING ON MASSACHUSETTS COMMUNITY DEVELOPMENT

BLOCK GRANT APPLICATION: WATER PROJECTS

Motion: *That the Board of Selectmen vote to authorize submission of Town of Provincetown's application in the amount of \$740,000 under the 1999 Massachusetts Community Development Block Grant program for rehabilitation of the wellfields at South Hollow and Knowles Crossing, and general administration.*

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

1b SHANKPAINTER POND UPLANDS'

Motion: *That the Board of Selectmen vote to authorize the Chairman to execute a grant application in the amount of \$500,000 to the Department of Environmental Management under its Self-Help Program for acquisition by the Town of 7.52 acres of Shankpainter Pond Uplands.*

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

1c EXTENSION REQUEST FOR 1997 MASSACHUSETTS COMMUNITY

DEVELOPMENT BLOCK GRANT

Motion: *That the Board of Selectmen vote to authorize submission of a request to extend from June 30, 1999 to December 31, 1999 the Town of Provincetown's housing rehabilitation project under the 1997 Massachusetts Community Development Block Grant program.*

Motion by: Cheryl Andrews **Seconded by:** Mary-Jo Avellar

Yea 4 Nea 1 (David Atkinson)

1D MacMILLIAN PIER GRANTS

Motion: *That the Board of Selectmen vote to authorize the Chairman to execute grant applications for the MacMillian Pier rehabilitation project in the following amounts: \$2,300,000 to the Executive of Transportation and Construction for a Public Works Economic Development (PWED) grant and \$2,000,000 to the Department of Housing and Community Development for a Community Development Action Grant (CDAG).*

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

2. PUBLIC STATEMENTS

James Cole (Library Trustee) - The Library is suffering from lack of janitorial and maintenance services. Presented BoS with letter (attached). DPW to handle.

Celine Gaudelfo – Wanted to thank Board for considering her application for the Open Space Committee.

Peter Sousa – Heard recently about Turkey Hunting. Opposed to any type of hunting. Will be contacting Congressmen and Senators to phase out hunting within the boundaries of the National Sea Shore.

Rick Murray – Need storm drains at Bradford Street extension.

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Gwen Bloomingdale – Also concerned over flooding ponds in roadway / Bradford St. extension.

SELECTMEN'S STATEMENTS

Mary-Jo Avellar

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Ask that the Town Manager report back within two weeks re: Storm Drain concerns.

Cape Cod National Seashore – Advisory Committee – re: ORV - has letter been sent yet?

Digital Signs on Bradford Standish Street – Reading backwards. Put on as agenda item. (Don Richards and Town Manager)

Motion: Move that the Board of Selectmen schedule an agenda item of "Digital – Electronic Signs" for the next Regular BoS meeting to be held on June 14, 1999

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

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Visitors Service Board – Chamber – Transportation Group - Yea 5 Nea 0

Betty Steele-Jeffers

Would like to see the library cleaned by next meeting.

Appointment vacancies –Vernon to schedule meeting on June 28, 1999 @ 6:30 p.m.

Veteran's Memorial Day Services are at 11 a.m. at Town Hall. Everyone is welcome to say a few words. Betty will be Mistress of Ceremonies.

Motion: *Move that the Board of Selectmen request that the Visitors Service Board give a report to the BoS on the installation of Bicycle Racks and Storage Lockers.*

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

Jerome Smith lot - need an update on trailers at this location. Winn Davis will respond.

Provincetown Art Association Museum - requesting to loan paintings.

Motion: *Move that the Board of Selectmen request to have Town Council review the policy and insurance coverage as related to Provincetown Art Association lending policy.*

Motion by: Mary-Jo Avellar **Seconded by:** Richard Prowell **Yea 5 Nea 0**

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Cheryl Andrews

Cape Cod Times – Center for Coastal Studies - 2-part pledge – Whale Watching Ethics and Volunteer Speed.

Motion: *Move that the Board of Selectmen send a letter to all whale watch owners with licenses on our Pier requesting that they sign and support the two pledges that the Center for Coastal Studies has mailed to them.*

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

Richard Prowell

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Will Division of Employment be at Town Hall this year – Answer: No

Follow-up on letter to Town Council re: What letters we (BoS) have to answer.

Old cemetery on Winthrop – hours open – clean up – request report & money available.

Report from Police Department on tickets for Dog waste.

Library – when is it going to be painted? Money from Special Town Meeting?

David Atkinson

Attended Lower Cape Selectmen’s Meeting. Cape Cod National Sea Shore won’t allow spraying for mosquitoes

Motion: Move that the Board of Selectmen request the Board of Health to investigate whether or not there is any health risk identified with the mosquito problem so we could provide information to the National Seashore. Could the mosquito problem fall under the Board of Health Nuisance Regulation.

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

Motion: Move that the Board of Selectmen vote to have the Assistant Town Manager report at the next meeting the status of the RFP ‘s. What are proposed sites? Who is proposing them?

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

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Motion: Move that the Board of Selectmen request that the Visitors Service Board allocate an additional \$10,000.00 for the 4th of July Fireworks.

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

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Town Crier – Vernon to contact Barbara Stevens – schedule for agenda on June 14, 1999

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Maurice Grundberg - complaint – 87 Bradford. Winn Davis will handle.

4. HOUSING AUTHORITY – JOINT APPOINTMENT

Motion: Move that the Board of Selectmen and the Provincetown Housing Authority's Board of Commissioners, jointly, in accordance with Massachusetts General Law c.41 § 11;;, vote to appoint Eric E. Dray as a member of the Provincetown Housing Authority to fill the current vacancy with an expiration date of May 2, 2000.

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

Roll Call Vote: David Atkinson – Yes, Mary-Jo Avellar – Yes, Betty Steele-Jeffers – Yes, Richard Prowell – Yes, Cheryl Andrews – Yes, Michael Bunn – Yes.

5. CAPE COD COMMISSION REPRESENTATIVE - Gwen Bloomingdale

Gave a comprehensive presentation on the progress, developments and future direction of the Cape Cod Commission. Presented Board Members with copies of: Draft – Provincetown Local Comprehensive Planning Committee packet;

Motion: Move that the Board of Selectmen request the Assistant Town Manager to have Committees and Boards choose a Local Comprehensive Plan Committee Member.

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

6A ESTABLISH FIREFIGHTERS LEGAL DEFENSE FUND

Motion: Move that the Board of Selectmen vote to authorize execution of a grant agreement in the amount of \$25,000 with a new non-profit association comprised of the entire membership of the Provincetown Volunteer Fire Department, with said sum be used to establish a "legal defense fund" for employees of said department who are charged with criminal acts arising out of the performance of their official duties. Funding for said grant to come as a line item from the Town's FY 2000 910 Retirement/Fringes/ Insurance Budget and in future budget thereafter.

In addition the Fire Department will provide the Town with a list of its members on an annual (or semi-annual) basis

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

6B1 DPW SERVICE CONTRACTS FOR FY 2000 (Paving with Bituminous Concrete)

Motion: Move that the Board of Selectmen vote to execute a contract with low bidder Tilcon Capaldi, Inc. of Swansea, MA for the provision of bituminous concrete to the Town of Provincetown for Fiscal year 2000 at a cost of: \$49.50 per ton delivered in place and for berms to be laid in place; \$6.00 per linear foot for bituminous concrete curb to be laid in place; and \$90.00 ton for handwork (sidewalks and driveway approaches).

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

6B2 DPW SERVICE CONTRACTS FOR FY 2000 (Heating Oil No 2:)

Motion: Move that the Board of Selectmen vote to execute a contract with low bidder Marcy Oil of Provincetown, MA for the provision of heating oil #2 to the Town of Provincetown for Fiscal Year 2000 at a cost of Boston Journal of Commerce "low price" plus mark-up of 10.9¢ (\$0.109).

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

6B3 DPW SERVICE CONTRACTS FOR FY 2000

(Municipal Solid Waster Hauling Services)

Motion: Move that the Board of Selectmen vote to execute a contract with J & L Enterprises, Inc. of Truro for the provision of municipal solid waste hauling services for Fiscal Year 2000 from the Provincetown Transfer Station to the SEMASS facility in Rochester, MA, including provision of one yard truck, keeping trailers on a maintenance schedule, changing flat tires, and providing an additional trailer during the summer, for the contract price of \$200 per round trip.

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

6B4 DPW SERVICE CONTRACTS FOR FY 2000 (Removal of Recyclables)

Motion: Move that the Board of Selectmen vote to execute a contract with sole bidder J & L Enterprises of Truro, MA, for the provision of recycling services to the Town of Provincetown for Fiscal Year 1999 at the rate of \$1.40 per mile for mixed paper, corrugated cardboard, glass, metal cans, and HDPE plastic, and with scrap metal removed at no cost to the Town.

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

6B5 DPW SERVICE CONTRACTS FOR FY 2000 (Septage Removal)

Motion: Move that the Board of Selectmen vote to execute a contract with low bidder Cape Cod Excavating, Inc. of Provincetown, MA for provision of septage removal services to the Town of Provincetown for Fiscal Year 1999 at a rate of 6.5¢ per gallon exclusive of the Tri-Town tipping charge

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

6B6 DPW SERVICE CONTRACTS FOR FY 2000 (Storm Water Pumping)

MOTION: Move that the Board of Selectmen vote to execute a contract with low bidder E-Z-Doze-It Excavating, Inc. of Wellfleet, MA the provision of storm water pumping services to the Town of Provincetown for Fiscal Year 2000 at a price per gallon pumped/disposed of \$.008 (0.8¢) for the Mack Pumper and \$.007 (0.7¢) for the Mexia Pumper.

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

6B7 DPW SERVICE CONTRACTS FOR FY 2000 (Landfill Grass Cutting)

Motion: *Move that the Board of Selectmen vote to execute a contract with low bidder Robert J. Martin Landscaping, Inc. of North Truro, MA for the provision of landfill grass cutting services to the Town of Provincetown for Fiscal Year 2000 at a cost per acre of \$50 for 0-8 inches, \$75 for 8-18 inches, and \$100 for over 18-inches.*

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

6C1 97 BRADFORD STREET SEPTIC SYSTEM & FENCE

Motion: *Move that the Board of Selectmen visit 97 Bradford Street to see if the new owners would comply with any changes.*

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

Yea 2 Nea 3 (Betty Steele-Jeffers, Cheryl Andrews, Richard Prowell)

Motion: *Move that the Board of Selectmen direct the Assistant Town Manager to enter into a negotiation process with the owners of 97 Baradford Street by which tghey would receive an abatement for a sewer hook-up if the owners will remove the Title 5 and decks.*

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

Motion: *Move that the Board of Selectmen have a letter send to Mr. Orareo informing him of previous motion.*

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

6C2 MEDIAONE UPDATE

Motion: *Move that the Board of Selectmen ask the Assistant Town Manager to issue a letter to MediaOne informing them of the Boards opposition to the rate increases due to no increase in quality and service. Additionally, very upset by failure to respond to consumer requests.*

Motion by: Mary-Jo Avellar Seconded by: Richard Prowell Yea 4 Nea 1 (David Atkinson)

7A TOWN FLOAT USE

MOTION: Move that the Board of Selectmen vote to deny the use of the Town Float as request by Francis Santos, owner of the Flyer's Boat Rental for the purpose of loading and unloading passengers on the Long Point Shuttle, West End and his mooring area.

Motion by: Cheryl Andrews Seconded by: Richard Prowell

Yea 3 Nea 2 (David Atkinson / Mary-Jo Avellar)

Motion: Move that the Board of Selectmen direct the Town Manager to issue a Public Hearing Notice on the use of the Town's Courtesy Float to be scheduled at the Board of Selectmen's meeting on June 14, 1999.

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

7B PERMIT REQUEST – BED RACE

MOVE: That the Board of Selectmen vote to approve Parade application submitted by Rick Hines of 14 Center St., Provincetown, MA for the Annual Bed Race to be held on Tuesday, June 15, 1999 from 1:00 p.m. to 2:00 p.m. (Rain date: Wednesday, June 16, 1999)

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

8. BOARD OF SELECTMEN RULES OF PROCEDURES

- 1. Page 2 Section 2H 1 - Propose change of starting time to 6:00 p.m.**

Discussion – keep meeting time at 7:00 p.m.

Motion: Move that the Board of Selectmen approve the following change listed below (numbered as 2,3,4,5,6,7 and 8) to the Board of Selectmen Rules and Procedures

Motion by: Cheryl Andrews Seconded by: Mary-Jo Avellar Yea 4 Nea 0

- 2. Page 4 Section d - Proposed change: Limit Public Statements to a total of 60 minutes. Each public speaker is limited to 5 minutes speaking time.***

- 3. Page 4 Proposed adding e - The Chairman should rotate from meeting to meeting the order in which the Selectmen make their statements. Selectmen's statements should be limited to 5 minutes per Selectmen.***

- 4. Page 4 Proposed adding f - On Monday meetings, other than the Regular scheduled 2nd and 4th Monday meetings, there will be an agenda item designated Selectmen's Statements. Each Selectmen will be allowed 5 minutes. Total for all Selectmen attending not to exceed 25 minutes.***

- 1. Page 5 Section 6 – Minutes of Meeting – April 26, 1999 BoS Meeting.***

The proceedings of all Board meetings shall be recorded by cassette recording device(s). Tape recordings may not be used as a permanent record of meetings. Written minutes must be prepared as outlined in Section 6 b. 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.

- 6. Page 5 – Proposed addition 6 b 1 - Written minutes should be printed on both sides of the paper they are printed on. (To conserve paper and archive space.)***

- 1. Page 5 – Section 6 d - Executive Session minutes will be written by the Board of Selectmen Clerk. Minutes are to include motions made, actions taken thereon and a record of the roll calls vote.***

8. Page 6 – Section 6 e – Change to:

Minutes of the Executive Session shall remain in the permanent possession of the Secretary of the Board, in a secure place, and shall not be released unless authorized by a majority vote of the Board taken in open session, or upon an order issued by a court of law.

9. Motion: *Move that the Board of Selectmen vote to approve the May 17, 1999 minutes of the Board of Selectmen Meeting as submitted.*

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

6E LITIGATION STRATEGY

MOTION: *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 discussion strategy with respect to litigation; and not to convene in open session thereafter [roll call vote]*

Motion by: Mary-Jo Avellar Seconded by: Cheryl Andrews Yea 4 Nea 0

Roll Call Vote: Mary-Jo Avellar – Yea Richard Prowell - Yea

David Atkinson – Yea Cheryl Andrews – Yea

Betty Steele-Jeffers - Yea

Meeting adjourned at 10:25 PM

Minutes transcribed by: Vernon Porter, Secretary BoS

May 26, 1999