

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING**

**JULY 12, 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 6:45 PM noting the following attendees:

Board of Selectmen members: Elizabeth Steele-Jeffers, Dr. Cheryl Andrews, David Atkinson, Richard Prowell and Vernon Porter, Secretary to BOS. Absent: Mary-Jo Avellar Other attendees: Keith A. Bergman - Town Manager, E. Winn Davis – Asst. Town Mgr., David Guertin - DPW Director, Kenneth Learned - Director of Municipal Finance and other interested parties.

**1a INTERVIEWS – TOWN BOARDS, COMMITTEES, ETC.**

The Board of Selectmen accepted two applications and interviewed the following candidates for two vacancies (2 Alternates) on the **Building Committee**.

Larry Mahan and John-Paul Grunz

**1b APPOINTMENTS - SELECTION OF TOWN BOARDS / COMMITTEES**

From the interviewed candidates, the Board of Selectmen selected the following: (In order of person appointed; Motion by; Seconded By; Board Vote)

**ZONING BOARD OF APPEALS** (2 Alternate Members)

1. Larry Mahan (Cheryl Andrews / David Atkinson) **Yea 4 Nay 0**

Note: John-Paul Grunz is currently on the Planning Board and is satisfied with his current appointment. The BOS felt it would be unreasonable to move him to the Zoning Board at this time.

Motion to adjourn Interview Session at 7:04 PM by Cheryl Andrews **Yea 4 Nay 0**

### **OPENING STATEMENT**

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**Betty Steele-Jeffers** – Agenda Item #7A is tabled for this evening due to recent

information and we need to be briefed by Town Counsel and that will happen next Monday; and we did not have time to put that in place for this evenings meeting.

### **1. PUBLIC HEARING – HARBOR REGULATIONS: COMMERCIAL USE OF SKIFF-DINGHY DOCK, ESTABLISHMENT OF FEES.**

**Motion:** Move that the Board of Selectmen vote to amend Section 3-3-2 of the Harbor Regulations to read as follows: "The skiff-dinghy dock shall be made available only to vessels which are less than maximum 16 feet in length, do not have a steering wheel and are used to access a properly authorized mooring or a transient vessel at anchor.

*Notwithstanding, the skiff-dinghy dock may also be used for commercial purposes as determined by the Harbor Committee and Marine Superintendent."* And, further, to establish the following fees of \$200.00 for commercial use of the skiff-dinghy dock.

**Motion by: Cheryl Andrews Seconded by: David Atkinson**

**Yea 2 Nay 2** (Betty Steele-Jeffers / Richard Prowell)

*Motion did not carry.*

**Motion:** Move that the Courtesy Float be allowed to be used, as commercial use, at low tide for customer drop-

off and pick-up at a fee of \$1.00 per passenger.

**Motion by: David Atkinson Seconded by: None**

*Motion did not carry.*

**Motion:** Move that the Board of Selectmen vote to amend Section 3-3-2 of the Harbor Regulations to read as follows: "The skiff-dinghy dock shall be made available only to vessels which are less than maximum 16 feet in length, do not have a steering wheel and are used to access a properly authorized mooring or a transient vessel at anchor.

*Notwithstanding, the skiff-dinghy dock may also be used for commercial purposes as determined by the Harbor Committee and Marine Superintendent." And, further, to establish a fees of \$200.00 for commercial use of the skiff-dinghy dock. Further, the Marine Superintendent will report back to the Board on July 26,1999 with an implementation of this use.*

**Motion by: Cheryl Andrews Seconded by: David Atkinson**

**Yea 3 Nay 1** (Richard Prowell)

## **2. PUBLIC STATEMENTS**

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**Gwen Bloomingdale** – Re: 1) Cape Cod Commission memo on Gambling Boat.

2) Comprehensive Planning Committee 3) Form Letter on Open Space Committee.

**Sue Hoffman** – Outraged at the selling of a piece of the Liberty Tree to a tourist. Took photos of tree being cut down in stages and has list of people who may or may not be interested in pieces of the tree. (Attached) Several ideas of fund raising or marking pieces of tree.

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**John -Paul Grunz** – Fees at Transfer Station. Wants BOS to have them stopped.

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**Attorney Christopher Snow** – Re: Shankpainter Pond Uplands – Sale is at risk.

Schedule as an Agenda Item for 7-26-99.

**Pat Patrick** - Bankruptcy Court has established a completion date by July 23, 1999.

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**Joe Notaro** - Hired an individual to look at the two appraisals and to give us another appraisal of the property. We expect that in hand this month, which will be in time for Self-Help Plan. Mark Truran is doing appraisal for Trust. Committed to and would be very disappointed if we loose this project.

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**Elizabeth Patrick** - Again, we only have two weeks to have something from the Town in black and white. If this does not happen then the road will be paved and rest of utilities will be put in and property sold as one project or sub-divided. Mark Robinson says that this land is the top environmental property in the State.

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Beautification Committee met and voted in favor of a large Linden Tree and to plant it next spring.

When are repairs going to start on the Heritage Museum

**Rich Murray** - Re: Inspection of his parking – issued citation for having 30 cars in his parking lot – instead of 28. Would like this removed from his record.

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**Christopher Snow** - 1) Airport Commission - Contractors sign should be removed as work has been completed months ago. 2) Garbage is still being picked up in early morning hours. 3) Telephones have improved.

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**3. SELECTMEN'S STATEMENTS**

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**David Atkinson**

**Motion:** Move that Shankpainter be paid immediately.

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**Motion by: David Atkinson Seconded by: Richard Prowell**

**Yea 2 Nay 2** (Betty Steele-Jeffers / Cheryl Andrews)

*Motion not carried.*

**Betty Steele-Jeffers** - *suggest that matter will be discussed with Town Counsel next*

*Monday – July 19, 1999.*

**Motion:** Move that the Town Manager, on behalf of the Board of Selectmen send a letter immediately to the Bankruptcy Court advising them of what our intentions are and what the hold up is and ask the for their indulgence in our process. And further state that the Board of Selectmen will be meeting with Town Counsel on Monday, July 19, 1999 to discuss the issue fully.

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

**Richard Prowell**

Want to thank everyone for their concern over him last July 1<sup>st</sup>. Sent a letter to Police Chief on July 8<sup>th</sup> and waiting for reply / report as he is concerned about the entrance of his home. Would be very helpful if he could have that report as soon as possible. When he does get report he will then make another statement during selectmen statements to try and shed some light on the situation.

**Plymouth Plantation**

**Motion:** Move that we inform Plymouth Plantation that we received their letter and will be putting them on the agenda in the near future.

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

**American Lung Association**

**Motion:** Move that the Board of Selectmen approve the request of the American Lung Association to pass through Provincetown during their 15<sup>th</sup> annual Autumn Escape Bike Trek on Friday, September 17 through Sunday, September 19, 1999.

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

**Cheryl Andrews**

Thank you to the DPW Director for removal of Linden Tree.

Hesitate to respond, however, would be very upset if rumor of anyone giving a piece of the tree for a fee is true.

Article in newspaper that was sent to everyone - re: WATER – cc: Board of Health and Planning as food for thought on things we should talk about for Growth Management By-Law – and what our Growth Management By-Law isn't doing.

**To Assistant TM** – letter from Conservation Commission (7-1-99) addressed to Permit Coordinator re: Permit Streamlining. Concerned about item #4 - enforcement officer acting as Conservation Commission Agent is hereby authorized. I question if this is legal. Would like to see some staff oversight as to what is going on here in this memo.

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Cape Cod Commissioner – some responses. Gaming issue – as of this time, I have no interest in participating in the referrals of the Cape Cod Commission. Mail box – sounds like a staff oversight. Rejection letter falls in the same category, I am sure you felt awkward reading it; I received one like that many years ago too.

Betty Steele-Jeffers

Re: Letter concerning 15 Central Street. No idea as to what this letter is about – would be nice to know.

New Tourism Director – introduced and welcomed Patricia Fitzpatrick.

Local Comprehension Plan – where are we? Answer: Winn Davis - Searching on how it was set up. Betty - Would suggest July 26<sup>th</sup> for the answer at our Regular Schedule Meeting.

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Gambling Boat – Understand concerns and read article about the one in Barnstable. Sounds a little different than ours. Ours is going off from a private pier.

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Heritage Museum - when is the construction going to start. Re: BOS Minutes of 6/28 and the mutual concerns of the BOS and Heritage Museum Board as to when construction is going to start.

**Motion:** Move that the BOS request the Town Manager deal with the situation of work being started at the Heritage Museum and report back by Monday July 19, 1999

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

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Transfer Station - Fees at Transfer Station – whatever staff person can respond to the fees at the Transfer Station as they now exist. Are we working on new ones? Keith will do a report and make direct communication with John-Paul.

- 4. Motion:** Move that the Board of Selectmen vote to authorize the submission of grant application in the amount of \$150,000 to the National On-site Demonstration Project (NODP) for development and implementation of an on-site wastewater management program for the Town of Provincetown

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

**Yea 3 Nay 1** (David Atkinson)

**5. Motion:** Move that the Board of Selectmen vote to approve a grant agreement in the amount of \$79,200 with the Federal Aviation Administration for permitting and final Environmental Impact Statement at Provincetown Municipal Airport.

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

**Yea 3 Nay 1** (David Atkinson)

- 6. TREES ON TOWN-OWNED PROPERTY** – Tabled until 9-13-99 Regular Meeting.

Agenda item for July 26<sup>th</sup> meeting – Determination on how to handle wood from Linden Tree.

**7A BARKING/STREET PERFORMANCE/COMMERCIAL SOLICITATION**

Tabled until / after Board of Selectmen meet with Town Council on July 19, 1999.

**7B1 WATER QUALITY TESTING** – Winn Davis update.

**7B2 LIBRARY BOOK SALE** –

**Motion:** Move that the Board of Selectmen send a letter to the original complainant (Carol Powers of Bookworm) of Library book sales and attach a copy of Staff Memo dated July 9, 1999 from E Winn Davis and Warren Alexander.

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

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**7C CODE COMPLIANCE ALLIANCE UPDATE** – Update by E. Winn Davis.

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**8A HERITAGE MUSEUM/LIBRARY UPDATE** - Reschedule for 7-26-99 meeting.

**8B CHARTER REVISION PROCESS** – Reschedule 1<sup>st</sup> meeting in August. (8-9-99)

**8C REVISE PERFORMANCE APPRAISAL INSTRUMENT**

**Motion:** Move that the Board of Selectmen vote to schedule July 27, 1999 at 7 PM for a negotiation meetings with the Town Manager:. Additional dates will be chosen at that time..

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

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**8D TOWN HALL TELEPHONE SYSTEM**

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**Motion:** Move that the Board of Selectmen vote to authorize the Town Manager to make changes to the phone system per our discussion for a ninety-day test period. i.e., 487-7000 is main line auto attendant.

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

**9. APPOINTMENTS** - See item 1b.

**10. REQUEST** – ZBA Member Gary Reinhardt

**Motion:** Move that the Board of Selectmen/appointing authority vote as follows on the request made by Zoning Board of Appeals member Gary Reinhardt under MGL C.268A. § 19 to participate on matters involving lodging houses that he, Mr. Reinhardt, makes the determination on a case by case basis as every other volunteer board member does.

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**Motion by: David Atkinson Seconded by: Cheryl Andrews**



**Yea 2 Nay 2** (Betty Steele-Jeffers / Richard Prowell)

Motion does not carry.

Discussion: Add as an Agenda Item for 7/26/99 Board Meeting. Send letter to Gary Reinhardt advising him that we are going to bring this matter back when we have a full

Board on 7/26/99.

## **11. MINUTES OF BOS MEETING**

Richard Prowell – Page 9 Motion re: Cape End Manor – change Abstain to I.

**Motion:** Move that the Board of Selectmen vote to approve minutes of meeting dated June 28, 1999 as amended.

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

## **12. CLOSING STATEMENTS**

***David Atkinson***

Talked with DPW re: work being done on Route 6A. Contacted Shirley Gomes and Henri Rauschenbach offices and they sent back a fax stating that there is no law saying that you have to use uniform police for municipal details – we can use flagman.

**Motion:** Move that the Board of Selectmen send a Thank You note to the Provincetown Fire Department and offer them to meet with us anytime they feel the need.

**Motion by: David Atkinson Seconded by: Richard Prowell**

**Yea 2 Nay 2** (Betty Steele-Jeffers / Cheryl Andrews)

*Motion does not carry.*

Land Transfer – is tentatively set for August 2<sup>nd</sup>. Invite past members of Boards.

**Motion:** Move to suspend the rules. (11 p.m.)

**Motion by: David Atkinson Seconded by: Betty Steele-Jeffers**

**Yea 2 Nay 2** (Richard Prowell / Cheryl Andrews)

*Motion does not carry.*

After discussion the following motion was made:

**Motion:** Move to suspend the rules. (11:04 p.m.)

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

**Yea 4 Nay 0**

**Richard Prowell**

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Fireworks – did not seem as long this year. Discussion: Should have a fireworks fund / budget (\$20K) to be worked on for next year.

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High School Students – Would like to see a program for high school students to come to Town Hall to be oriented and interact with the different boards and departments within Town Hall.

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**Cheryl Andrews**

Executive Session – can they be done anytime? Discussion.. Answer: Yes

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**Betty Steele-Jeffers** - None

**13. 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 tax title litigation; and not to convene in open session thereafter (roll call vote)

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**Motion by: David Atkinson Seconded by: Cheryl Andrews**

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**Betty Steele-Jeffers - Yea Cheryl Andrews - Yea**

**David Atkinson - Yea Richard Prowell - Yea**

Regular meeting adjourned and went into Executive Session at 11:15 PM

Minutes transcribed by: Vernon Porter, Secretary BOS

July 16, 1999