

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING

AUGUST 9, 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 PM noting the following attendees: Board of Selectmen members: Elizabeth Steele-Jeffers, Dr. Cheryl Andrews, Richard Prowell and Vernon Porter, Secretary to BOS. Absent: Mary-Jo Avellar, David Atkinson Other attendees: Keith A. Bergman - Town Manager, E. Winn Davis – Asst. Town Mgr., David Guertin – DPW Director and other interested parties.

INTERVIEWS – TOWN BOARDS, COMMITTEES, ETC.

Opened the Board Interviews at 6:45 PM noting the following attendees:

Elizabeth Steele-Jeffers, Cheryl Andrews, Richard Prowell and BOS Secretary – Vernon Porter.

The two applications were received for the Shellfish Committee. One applicant was previously interviewed and the second applicant was unable to attend the interview session.

Motion to adjourn at 6:55 PM without making any appointments at this time.

Motion by: Cheryl Andrews **Seconded by: Richard Prowell** **Yea 3** **Nay 0**

1A WASTEWATER

1. Update from Facilitator John Goodrich.

2. Wastewater Lot-by-Lot Analysis

Motion: Move that the Board of Selectmen vote to execute an amendment to the agreement with the Barnstable County Commissions for the provision of Health Agent services to the Town of Provincetown by the Barnstable County Department of Health and the Environment for the period July 1, 1999 through June 30, 2000, by increasing the amount of said contract by \$15,000, from \$41,837.34 to \$56,837.34, for additional services in connection with the wastewater lot-by-lot analysis.

Motion by: Cheryl Andrews **Seconded by: Richard Prowell** **Yea 3** **Nay 0**

1B WATER

1. DEP Water Management Permit, NTA FB EIS Policy Shift

Motion: Move that the Board of Selectmen vote to authorize the issuance of requests to the Massachusetts Department of Environmental Protection and Cape Cod National Seashore to address Provincetown's water supply needs, first through the Massachusetts Environmental Policy Act and the U.S. Geological Survey, prior to a Federal Environmental Impact Statement.

Motion by: Cheryl Andrews **Seconded by: Richard Prowell** **Yea 3** **Nay 0**

2. Water Agreement with Truro – Extend IMA for Sixty days

Motion: Move that the Board of Selectmen vote, pursuant to Article 9 of the April 5, 1999 Special Town Meeting, to authorize execution of a sixty-day extension to the intermunicipal water agreement with the Town of Truro, which is otherwise set to expire on August 26, 1999.

Motion by: Cheryl Andrews **Seconded by: Richard Prowell** **Yea 3** **Nay 0**

1C SOLID WASTE – BOARD OF HEALTH

Revising Transfer Station Regulations and Fees

Motion: Move that the Board of Selectmen vote to request that the Board of Health hold a public hearing on proposed amendments to the Solid Waste Transfer Station regulations to provide for weight-based fees to be implemented upon installation of a scale at the transfer station, with such fees to be subject to final approval by the Board of Selectmen pursuant to MGL C.40, §22F.

Motion by: Cheryl Andrews **Seconded by: Richard Prowell** **Yea 3** **Nay 0**

1D TOURISM FUND

1. Policies and Procedures on Tourism Fund Expenditures

Motion: Move that the Board of Selectmen vote to approve the issuance of

Administrative Directive 99-2, which sets forth policies and procedures for expenditure of Tourism Fund monies.

Motion by: Cheryl Andrews**Seconded by:Richard Prowell****Yea 3****Nay 0**

Motion:Move that be Board of Selectmen approve the move of Kay Halle as an At Large Member to the position of Women Inn Keepers representative on the Visitors Service Board.Further to advertise an opening for a new At Large Member.

Motion by:Richard Prowell**Seconded by:Cheryl Andrews****Yea 3****Nay 0**

2.Visitor Services Board Expenditures

Approve Recommendations for Use of FY 2000 Tourism Fund

Motion:Move that the Board of Selectmen vote to approve the Visitor Services Board's recommendations to make the following allocations totaling \$11,500 in FY 2000 Tourism Fund monies: Single Men's Weekend, \$1,500; Provincetown Business Guild, \$2,500; Town Y2K Celebration, \$7,500; and to reduce by \$2,921 the amount approved on June 14, 1999 for restrooms and the third barrel pick-up.

Motion by:Cheryl Andrews**Seconded by:Richard Prowell****Yea 3****Nay 0**

Motion:Move that the Board of Selectmen vote to authorize the submission of a special liquor license (Champagne only) application to the Licensing Boardfora Champaign Toast at the Visitors Service BoardY2Kcelebration.

Motion by:Cheryl Andrews**Seconded by:Richard Prowell****Yea 3****Nay 0**

2.PUBLIC STATEMENTS

Lynn Mogell - Representing the Finance Committee.Read a prepared statement addressed to the BOS asking that the BOS reconsider their vote to authorize the purchase of to Shankpainter Pond Uplands property , and to review the Kopelman & Page report before making a final decision. (Copy attached.)

Heather Bruce – concerned over the Harbor Development Article in the Banner re: Harbor Project.Upset that taxpayers and resident were not made aware of the scope of the project and its impact on the Harbor. Personally surveyed abutters of the harbor and many people were not aware of the scope of the project as presented in the article.

Alice Foley-Commented and gave background ofthe Shank Painter Property.Encourage Selectmen to reconsider their vote and pay no more than the fair market value

Peter Sousa-Related an incident that happened between himself, his partner Sheila Benzer andSeashore Ranger Breen while trying to rescue an injured bird along Race Point Road.

Sheila Benzer -Reiterated her fear and questioned Seashore Ranger Breen's conduct.

David Crawl –Concerned, as seasonal residents and property owner ,that he did not receive notice on the scope of the Harbor Project.

Estherann Czyoski – Supports the purchase of Shank Painter Property contingent upon guaranteed certainty that we are paying fair market value.Also read and submitteda letter from Colin Brown of Provincetown, MA who is vacationing in Maine at this time.(Copy attached.)

Pat Schultz - here to express her concerns over the BOS vote to pay \$1.6M for the Shank Painter Purchase.With over 25 years experience in this Town in the Real Estate business – there is simply no way that you can justify the price.Want all 3 appraisals made available to the public.

Paul Trainor- Congratulations to those taking care of the town cemeteries – they look great.Also concerned over the decision the BOS have relative to Shank Painter Property and urge the BOS to take the professional advice of Town Counsel.

Arpina Stanton -Urge the BOS to reconsider their vote to pay \$1.6M and review the material from Town Counsel before making any final decision.

Sarah Peake – Discourage that the full board is not here tonight.There is one particular Board Member, who is missing, who has been a big proponent of this purchase at \$1.6M.We hope this strong public sentiment, being expressed tonight, will be conveyed to absent members of the Board.

Bob Vetrick – Questioned how four members of the Board, after reading Kopelman & Page's memo to them, could choose to blatantly ignore the very strong advice not to pay \$1.6M.BOS to the public and tax payers of Provincetown an explanation from each selectmen as to why they voted the way they did.

3.SELECTMEN'S STATEMENTS

Betty Steele-Jeffers

Response to bulk of comments from Public Statements re: Shank Painter – I was the decenting vote for \$1.6M and therefore would not be able to bring that issue back again.It would have to be brought up by someone who voted for the motion – if in fact members of the BOS wanted to do that.We tried to have an honest exchange of

information prior to the Town Meeting – however, to have someone stand up and say that the property is worth \$1.6M and we would have the report within a couple of weeks and then not receive the report until June 1st, seems to be very inappropriate action at a Town Meeting and feels false information was given to the public. Plan to send a letter to the Attorney General, along with backup information, to question if the Town Meeting article to buy the property was valid.

Motion: Move that the Board of Selectmen vote to support the visit of the Mayflower II in the Summer of 2000.

Motion by: Betty Steele-Jeffers **Seconded by:** Cheryl Andrews

After discussion motion withdrawn – will discuss at another meeting.

Richard Prowell

Question: To Mr. Bergman: Would any type of reconsideration of the vote on the Shank Painter Pond property would affect our \$500K grant we applied for.

Answer: We received written permission of the Dept. of Conservation Services to acquire Shank Painter Pond property without having to wait for notice of a grant award.

We obtained written permission from the Director to acquire the property and by doing so we have maintained our eligibility for \$500K grant. We remain eligible for a grant in the amount of \$500K as long as the appraised value of the property does not fall below \$850K as was explained by Town Counsel's memo.

Richard: Are we stuck to \$1.6M ?

Answer: Permission of the Director only has to do with the timing and not the substance and reconsideration of the purchase price would not have an affect on the eligibility of the grant.

Richard – the night of the vote we were told by Attorney Snow that the Partakes would not take anything less than \$1.6M. I don't think I would want to reconsider this unless I had the two other members here and I'll have to stick by my vote unless the other two people here.

Cheryl Andrews

I don't disagree with much that was said tonight as to the fact that through some different channels it is quite possible the town could acquire the land for less than \$1.6M. I did not support the Land Bank as it came through the last time around; I spoke strongly at the Town Meeting encouraging the town to get out of the Land Bank because I did not think it make fiscal sense whatsoever. I was ostracized for doing so. The Town Meeting spoke and they said they did not want to listen to the selectmen talk about lowering the price, they wanted to pay \$1.6M. They wanted to spend most of the Land Bank money and pay the \$1.6M. Given the size of the Land Bank kitty and the fact that the Town Meeting voted unanimously for it, with the exception of just a few people here tonight, including me. I know that is not going to change your minds but you ask for what "we were thinking," - a legitimate questions – and that is what I was thinking.

Motion: Move that the Board of Selectmen request the Assistant Town Manager send a memo to John Santos explaining their motion that was made several weeks ago.

Motion by: Cheryl Andrews **Seconded by:** Richard Prowell **Yea 3 Nay 0**

Motion: Move that the Board of Selectmen send a 'Thank You' letter to Gwen Billig for her service while on the Barnstable County Dredge Advisory Committee.

Motion by: Cheryl Andrews **Seconded by:** Richard Prowell **Yea 3 Nay 0**

Request to put Heather Bruce and David Atkinson Crawl on Pier User's list.

Motion: Move that the Board of Selectmen request David Guertin, DPW Director to draft a letter to the owners of Romeo's for the Board to review.

Motion by: Cheryl Andrews **Seconded by:** Richard Prowell **Yea 3 Nay 0**

Motion: Send a memo to the Fire Department showing them a page listing a lot of fire collections items from the Museum Board of Trustees Swap Team.

Motion by: Cheryl Andrews **Seconded by:** Richard Prowell **0**

Discussion - David Guertin already working on this matter and waiting for a response from the Board of Fire Engineers. *Motion withdrawn*

4 PARKING ADMINISTRATOR

Staffing Plan/Parking Ticket Backlog

Motion: Move that the Board of Selectmen vote to approve the Parking Administrator's proposed staffing plan for the Parking Department, including the increase of hours for the Parking Administrator from half-time to full-time during the months of December, January, and February, effective December 1, 1999; and including contracting out the backlog of parking tickets to Plymouth County.

Motion by: Cheryl Andrews **Seconded by:** Richard Prowell **Yea 3 Nay 0**

5 DIRECTOR OF PUBLIC WORKS – Tree Cutting Protocol – Discussion.

Keith – Town will make whole to the owners through Insurance Coverage and it will not require a Board vote.

6 TAP Application to Define “Affordable Housing” for Land Bank

Motion: Move that the Board of Selectmen vote to approve the submission of a request for Technical Assistance Program (TAP) assistance for a project to define "affordable housing purposes" under Provincetown's Home Rule Legislation to amend the Cape Cod Open Space Land Acquisition Program Act for the Town of Provincetown.

Motion by: Cheryl Andrews Seconded by: Richard Prowell Yea 3 Nay 0

6 BOTHER - MacMillan Pier – Verbal notification that the Economic Development Agency has approved grant funding in the amount of \$1.5M for MacMillan Pier.

7 APPOINTMENTS – No appointments at this time.

8 MINUTES

Motion: Move that the Board of Selectmen vote to approve the minutes of July 26 and July 17, 1999 with corrections as noted.

Motion by: Cheryl Andrews Seconded by: Richard Prowell

Yea 2 Nay 0 Abstain 1 (Betty Steele-Jeffers)

Motion: Move that the Board of Selectmen vote to approve the minutes of August 2, 1999

Motion by: Cheryl Andrews Seconded by: Richard Prowell

9 CLOSING STATEMENTS

Betty Steele-Jeffers

What is status of Foss Woods and how much public access is there to it.

Motion: Move that the Board of Selectmen request the Town Manager to send a letter to the Provincetown Conservation Trust, asking what is the status of the management plan for Foss Woods.

Motion by: Betty Steele-Jeffers Seconded by: Cheryl Andrews Yea 3 Nay 0

Richard Prowell

Employee Appreciation Day – Keith - Being handled by Deborah DeJonker. Timetable forthcoming with the next few weeks. No specific plans as of yet.

Letter from Kathi Marissal dated 7/28/99 relative to Dennis Anderson at the Manor.

Motion: Move that the Board of Selectmen have this letter put into Dennis Anderson's personnel file.

Motion by : Richard Prowell Seconded by: Cheryl Andrews Yea 3 Nay 0

Want to thank our Secretary for doing an excellent job on securing the information on Stipends for Cape Selectmen.

Whalers Wharf – TIF – will be put on the August 23rd agenda.

Cheryl Andrews

Remind local residents that they can climb up the Pilgrim Monument stairs at No Charge. Saw inflated Beer Can – Budweiser. Suggest you all check it out sometime on a clear day.

10. STRATEGY WITH RESPECT TO LITIGATION

Planning Board v. Miriam Collinson

Motion: Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, §23B, clause 3, to go into executive session for the purpose of discussing strategy with respect to zoning enforcement litigation, and not to convene in open session thereafter.

Motion by: Cheryl Andrews Seconded by: Richard Prowell

Roll call vote: Elizabeth Steele-Jeffers Yea

Cheryl Andrews Yea

Richard Prowell Yea

Regular meeting adjourned and went into Executive Session at 10:15 PM

Minutes transcribed by: Vernon Porter, Secretary BOS

August 12, 1999