

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - NOVEMBER 22, 1999

## JUDGE WELSH HEARING ROOM

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Chairman, Betty Steele-Jeffers opened the meeting at 7 PM noting the following attendees: Board of Selectmen members: Elizabeth Steele-Jeffers, Cheryl Andrews, Mary-Jo Avellar, David Atkinson, Richard Prowell and Vernon Porter, Secretary to the Board of Selectmen. Other attendees: Keith A. Bergman, Town Manager, E. Winn Davis, Assistant Town Manager, Facilitator John Goodrich, Mark White and Paul Gabriel from Environmental Partners Group, Wayne Perry from Stearns & Wheler; and other interested parties.

The following are minutes, in brief.

1 **WASTEWATER UPDATE** – Presentation made by Facilitator John Goodrich, Engineer Mark White of Environmental Partners Group, and Engineer Wayne Perry of Stearns & Wheler.

**MOTION:** Move that the Board of Selectmen vote to request from the Town Manager a comprehensive analysis of the Site 5/Site 31 plan <sup>[1]</sup> (as previously established by Board vote) as compared with the Mount Gilboa, Railroad Right of Way and possibly Route 6 median strip plans, including ownership, legislative, cost, and engineering differences between the two plans.

**Motion by: Cheryl Andrews    Seconded by: Betty Steele-Jeffers**  
**Yea 4    Nay 1** (Mary-Jo Avellar)

## 2 **PUBLIC STATEMENTS**

**Robert Cabral** – Excellent meeting with Director of Public Works on alternative ideas for the wave attenuator and floating dock system currently a part of the MacMillan Pier project.

**Christine Murphy** - Want the Board of Selectmen to know that Save our Seashore group are not against the Pier project and want a vote of confidence from the Board that they will seek alternative solutions for the wave attenuator and floating dock

**Peter Sousa** - Shankpainter Ponds Uplands and Old Burn Dump – dirt bikes are ruining this area and barriers must be put up to block unauthorized vehicular access. Needs immediate attention.

**PAN –MASS CHALLENGE** – Kristen af Klinteberg, Assistant Director of Pan-Mass Challenge at the Dana Farmer Institute introduced Erica Kaitz as the new Provincetown Representative for next year's Pan Mass Challenge (August 6, 2000). On Nov. 14<sup>th</sup> gave a check for \$8.7 Million the largest ever and thanks to Provincetown. Presented the Board of Selectmen with a framed poster of the race coming over the bridge and donated a permanent bike rack to the Town of Provincetown to be built anywhere the Town would like  
**“Thank you, Provincetown for 20 Years of support! from: 20 years of PMC riders and patients and families of Dana-Farmer Cancer Institute.**

**Jim Buckingham** – Willing to share info he has on the Collision property.

**Celine Gandolfo** - Agrees that barrier has to be installed in Shankpainter Pond area as large trucks are using this area.

**Harvey Dodd** – Ask the Board of Selectmen to do whatever possible to light the three faces of the town clock

upon the stroke of midnight on December 31 to commence the start of the millennium.

**Sheila Benzer** – Reiterated problems with the Burn Dump - dirt bikes and leaded area close to wetlands.

**Kenneth Weiss** – In compliance with all Growth Management By-laws Plans. – applications completed with DRM and still can't get permits issued to him. His plans for affordable housing on Harry Kemp Way are being held up as Town is waiting for another applicant whose applications are not complete.

**Richard Murray** – By-laws are already in place they just need to be enforced.

**J.R. McGowan** – Would like to know when minutes from the Building Committee are going to be released.  
Over twenty meetings were held and only eight sets of minutes exist.

**Neva Hansen** – Residents, who are not developers, are very concerned about water and sewerage problems in this town “Until some of them start paying attention to us there is going to be a build up of difficulties about the attitude that was presented before this Board.”

### **3 SELECTMEN'S STATEMENTS**

#### **Cheryl Andrews**

**MOTION:** Move that the Board of Selectmen request a report from the Director of Public Works on the recent meeting with Robert Cabral regarding MacMillan Pier and alternative ideas for the wave attenuator and floating dock system.

**Motion by: Cheryl Andrews** **Seconded by: Betty Steele-Jeffers** Yea 5 Nay 0

#### **143 Commercial Street – Mr. Snow's Building.**

**MOTION:** Move that the Board of Selectmen request the Building Commissioner outline the procedures/process for condemning an unsafe structure

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

**MOTION:** Move that the Board of Selectmen request a report from the Director of Public Works and the Chief of Police on plans for blocking unauthorized vehicular access to the Shankpainter Pond Uplands and the Old Burn Dump.

**Motion by: Cheryl Andrews** **Seconded by: Richard Prowell** Yea 5 Nay 0

#### **Betty Steele-Jeffers**

**Re: Harvey Dodd** – suggest he to meet with Pat Fitzpatrick, Tourism Director and she will bring it back to us.

**Mr. Weiss** - maybe a little memo explaining where we are at this quarter – would be of interest to us.

**Mr. McCowan's** comments on minutes.

**MOTION:** Move that the Board of Selectmen request an update from the Town Clerk on what Town board minutes are still outstanding for the past two years, and what steps are routinely taken to get boards to turn in their minutes.

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

Question as to whether the Board of Selectmen would entertain the request by Jim Buckingham to address the Board for an item coming up during executive session.

Vote: Nay 3 (Richard Prowell, Betty Steele-Jeffers, Cheryl Andrews)  
Yea 2 (David Atkinson and Mary-Jo Avellar)

**Mary-Jo Avellar**

**MOTION:** Move that the Board of Selectmen receive a report for our next regular scheduled meeting on the condition of the property at Clapp's Pond and Shankpainter Property and who is in charge of making sure dirt bikes are controlled

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

**DRM** – Process not working.

**MOTION:** Move that the Town Manager provide the Board of Selectmen with a comprehensive report, before the first of the year, that will provide the Board of Selectmen with a serious analysis of the operation of the Department of Regulatory Management so that we can prepare to go to Town Meeting to ask for some relief or some revision to straighten that department out.

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

**David Atkinson**

**MOTION:** Move that the Board of Selectmen request from our electrical inspector a price on how much it would cost to light the three faces of the clock at the stroke of midnight on December 31, 1999.

**Motion by: Mary-Jo Avellar      Seconded by: Cheryl Andrews**  
**Yea 3    Nay 2** (Cheryl Andrews /Richard Prowell)

Concerning Mr. Weiss and Mr. Murray's comments:

My question to Assistant Town Manager – if there was not affordable housing would we wait for the attorney's opinion? Answer: Yes, has to do with previous grand fathering and protection.

**Motion:** Move that the Board of Selectmen send a letter of thanks to: Chad DeLima and Dick Silva.

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

Intersections overgrown with hedges and things that people have put there so you cannot see – you have to drive out of the intersection to see if anything is coming.  
Refer to DPW Director and Police Chief.

Lower Cape Selectmen's Association meeting – talked about redoing roads and not losing the character of the uniqueness of the roads – and you can get an historical waiver for the design of the road so that you do not have to make it according to State rules.

Attended Cape Cod National Seashore Advisory Commission meeting – interesting discussion on horseshoe crabs being stolen by people from the south and using them for bait. They are looking into by-law to protect this from happening.

**Richard Prowell**

**MOTION:** Move that the Board of Selectmen receive a report within two weeks on the complaints that have been received by the group of citizens concerned over problems at 9 Holway Avenue.

**Motion by: Richard Prowell      Seconded by: Mary-Jo Avellar**

Yea 4 Nay 1 (David Atkinson)

**4** ECONOMIC OPPORTUNITY AREA PROPOSAL

**MOTION:** Move that the Board of Selectmen vote to support a Tax Increment Financing (TIF) agreement for Provincetown Gym & Fitness, Inc., located in the Shankpainter Road Economic Opportunity Area (EOA) for a period of five years as follows: 60% exemption of new value increment in Years 1 and 2, 50% in Years 3 and 4, and 40% in Year 5; and to further vote the intent to place on the warrant for the April 3, 2000 Special Town Meeting an article approving adoption of this proposal.

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

**5A** WATER UPDATE

**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 one-year extension to the intermunicipal water agreement with the Town of Truro, which is otherwise set to expire on December 31, 1999.

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

**MOTION:** Move that the Board of Selectmen vote that, as a matter of policy, it does not wish to accept the Department of Environmental Protection's determination to establish the Provincetown Water System's "Registration Statement for Verified Water Withdrawal" at an average volume per day of 0.85-MGD- a reduction of 100,000 gallons per day from our prior registered level.

The Board further voted to invite Town Counsel's legal analysis of the situation, and whether and how the Town of Provincetown can challenge this determination, which seems to have been effected without any due process protections for the applicant.

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

**6** BOARD OF SELECTMEN – BUDGET FY 2001 – Discussion Dependent

Tabled until December 13, 1999 meeting

**7** APPOINTMENTS - None

**8** MINUTES OF BOARD OF SELECTMEN MEETINGS

**MOTION:** Move that the Board of Selectmen vote to approve the following minutes as printed and or with recommended changes.

October 25, 1999 - Regular Meeting	November 2, 1999 – Board Interviews
November 2, 1999 – Special Meeting	November 2, 1999 - Executive Session
November 8, 1999 - Board Interview	November 8, 1999 – Regular Meeting
November 16, 1999 – Special Meeting	

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

**9** CLOSING STATEMENTS

**Betty Steele-Jeffers**

November 19, 1999 memo from Keith to Department Heads & Facilities Managers – don't see water?

**MOTION:** Board of Selectmen suggest that whomever is running off multiple pages – add numbering to pages – on the lower right hand side of the paper.

**Motion by: Cheryl Andrews      Seconded by: David Atkinson      Yea 5    Nay 0**

**MOTION:** to proclaim December 12, 1999 as the Annual Senior Citizen Day.

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

**Mary-Jo Avellar**

Richard Pepitone - Save our Outside Sculpture Agency - refer to Art Commission

**Motion to refer this Mr. Guertin of the DPW refer this matter to the Art Commission**

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

**David Atkinson**

**MOTION:** Move that the Board of Selectmen ask the Beautification Committee help us beautify the Town by making a list of outdated signs, worn out signs, signs in hedges, empty sign poles, crooked signs poles and taped signs.

No second – motion does not carry.

**Richard Prowell**

Would like to have a section of the bike rack donated by the Pan-Mass Challenge designated for the Board of Selectmen.

**Cheryl Andrews**

Follow-up on Ryder Street parking lot – space for compact car – why was it removed and can it be restored? (Keith will handle.)

Holidays – Holy Days - feel strongly that we have no business decorating Town Hall - not what government should be doing. Separation of Church and State.

Water issue - Board of Selectmen policy not accepting the State standards.

**MOTION:** Move that the Board of Selectmen instruct the Town Manager include metering and billing for water consumption for all Town-owned facilities in the FY 2001 operating budget request.

**Motion by: Cheryl Andrews      Seconded by: David Atkinson      Yea 5    Nay 0**

**MOTION:** Move that the Board of Selectmen send a letter to Pan-Mass Challenge thanking them for their generous gift of the bike rack and the poster presented at this meeting.

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

**10A    MOTION:** (1) Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, section 23B clause 6, to go into executive session for the purpose of considering the purchase or value of real property; and not to convene in open session thereafter.

(2) Move that the Board of Selectmen vote to authorize negotiation for the purchase of Lot 1 of the Collinson

subdivision on the Race Point Road for an amount not to exceed its appraised value.

**10B MOTION:** (1) 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 discussing strategy with respect to collective bargaining; and not to convene in open session thereafter.

(2) Move that the Board of Selectmen vote to authorize the Town Manager to negotiate a successor agreement between the Town of Provincetown and the Provincetown Police Labor federation within the following parameters. (to be specified).

**Motion for both 10A and 10B by: David Atkinson      Seconded by: Cheryl Andrews**

**Roll call vote:** Betty Steele-Jeffers - Yea                      Cheryl Andrews - Yea  
Mary-Jo Avellar - Yea    David Atkinson - Yea  
Richard Prowell – Yea

Meeting went into Executive Session at 10:55 PM.

Minutes transcribed by: Vernon Porter - November 30, 1999

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[1] Site 5 (DDW Highway Garage site) for treatment facility and Site 21 (Route 6 median strip) for leaching facility.