

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - DECEMBER 13, 1999

JUDGE WELSH HEARING ROOM

Chairman, Betty Steele-Jeffers opened the meeting at 7 PM noting the following attendees: Board of Selectmen members: Elizabeth Steele-Jeffers, Cheryl Andrews, David Atkinson, Richard Prowell and Vernon Porter, Secretary to the Board of Selectmen. **Absent**: Mary-Jo Avellar Other attendees: Keith A. Bergman, Town Manager, E. Winn Davis, Assistant Town Manager

The following are minutes, in brief.

1A LIBRARY HERITAGE MUSEUM SWAP

Discussion Update. Request letter of intent and commit some funds for the design.

David Atkinson - the \$100K where is it coming from? You're asking town meeting in April for \$100K to satisfy this. Our goal wasn't a swap it was an informational gathering concerning a swap. **Winn** - and that is what Tappe' is gathering.

Betty Steele-Jeffers - We understand that. We were looking for options that would say this is viable to do. Feel this is step more than I expected to take before Town Meeting. More than I expected and more than we had asked you to do.

Winn - Purpose of this update is to identify for you the steps that will be coming up. We are not asking for a vote - just to bring you up to-date on where we stand on the plans and additionally to let you know where the State stands in terms of the grant process. The commitment is not obligatory. It is only to put us in the best position for the eventual funding and if so at what level.

David Atkinson - when I voted for the goal, my hope was that when the facts and figures came out we would see that it was something that was not affordable. I have no intentions of doing anything else until Town Meeting says we can or can not afford it.

Reading the preliminaries of the report we still are troubled with the boat being in the way - even with the library. It still has not been answered and it will still be a thorn in the side - whatever happens to the building.

Dana Fanning - What Debbie and I are trying to do is maximize the information that we're going to be giving to you without any of you making a commitment. We're trying to do is to put in as much and as accurate information as possible as we go along in this process.

Cheryl Andrews - When we crafted that motion there was one key piece of information that, as of yet, has not been answered. How does keeping that model in the Museum building impact the construction cost of putting the library in there - from primarily a construction perspective? It's one of the pieces of the puzzle I'll have to see before I can figure out whether or not I still support the concept. Before we go to Town Meeting to say we want design money we would have to know the cost impact on the town taxpayer. For this process I would feel uncomfortable voting on a \$100K if I had no concept of the entire project - even if it were a guesstimate

Richard Prowell - If the architects will be here Wednesday, I would prefer waiting until after Wednesday. Want to hear what they have to say. Also under the impression that Town Meeting would have to make a decision on this and I would not vote to appropriate any money until Town Meeting approves this. I will attend the Wednesday meeting.

Betty Steele-Jeffers - Will also attend Wednesday meeting. The fact that you're saying in December '99 it's necessary to submit \$100K for FY 2001 CIP - kind of puts the horse before the cart. It puts it in a portion of the Town Meeting before we've had a discussion and I think that's not fair. Have no problem with the work.

You're asking \$100K for Capital Improvement – that is asking us to do something and make a statement and I don't know that we've would be able to have enough preliminary discussion. I want it to work and to be swap.

- **Cheryl Andrews** - Library/Museum – will be glad to see the slash go away.

Grants - What would be the impact on a particular Library Grant if the two institutions were involved here. Under Visitor Services – Public Areas you had standing only – hope you an alter that. Under Administration – notice the little offices that you have delineated – hope some how there is some flexibility.

- **David Atkinson** – after touring the new library facility in Truro – that cost \$2.4M – Under this scenario we're still end up with two antique buildings to take care of - we'll see how the figures work out but it seems to me that; building a new library, we would be much better off than trying to rehab that old building into a library.

- **Betty Steele-Jeffers** – we don't have a lot of old buildings and we really haven't maintained a lot of our building real well. I would hate the idea of giving them up. I really do want this to work and you may not see it as a statement, but I see it as a statement and a cause for a lot of discussion when we get to the CIP.

- **Cheryl Andrews** - When we do finally have some figures, there's going to be a need of understanding of how we're going to pay for it –public fund raising or library fund raising.

1B CAPE END MANOR – MDPH Determination of Need – Dennis Anderson

MOTION: Move that the Board of Selectmen vote to amend its vote of November 8, 1999 and authorize the Cape End Manor to submit a request to the Massachusetts Department of Public Health for a "Determination of Need" for permission to undertake substantial capital expenditures for replacement of the Cape End Manor facility, thereby also preserving the option of modernizing the existing facility.

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

1C MacMillan PIER GRANTS/TOWN MEETING PREPARATION

Accept Award of State Grants, Apply for More

MOTION: MOVE that the Board of Selectmen vote to authorize the Chairman to execute grant agreements for the MacMillan Pier reconstruction project in the following amounts: \$2,500,000 from the Executive of Transportation and Construction under its Public Works Economic Development and Ferries & Terminal programs, and \$1,700,000 in a Community Development Action Grant from the Department of Housing and Community Development; and, further, to authorize submission of an application in the amount of \$497,000 to the Department of Housing and Community Development under its Ready Resource Program.

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

2 PUBLIC STATEMENTS

- **Napi** – Notice how dark Town Hall is. Being a business town – Town Hall could be an examples of how beautiful the town could be. Many voters would agree that we could make this place the center of attraction. Decorate the trees and use other devices to make it visually appealing.

- **David Murphy** – Re: Wave Attenuator and Floating Dock taken away from the pier plan. Encourage caution in establishing cutback.

- **Peter Bez** – Re: Heritage Museum/Library Swap – glad Board of Selectmen took no action on this matter tonight.

- **Robert Vetrick** - Re: Heritage Museum/Library Swap – Remind Board of Selectmen that at Town Meeting the town refused \$20K to study this swap and voted to relocate the boat somewhere else. No mandate saying that it wanted to keep the boat in the Museum. Relocate library to School. If we move that Library to Museum we are creating a disaster and future generations are going to curse us for doing that.

- **Betty Steele-Jeffers** – Other members of the public would like to be heard?

- **J.R. McGowan** – (verbatim requested by Winn Davis)

- JRM - You betchya. The pier again – interesting comment to you all. In some of the research I have done I discovered that the phone system for the pier is going to cost \$140K. That's a lot of money for telephone. I have been yet to obtain some documents that I have requested from Mr. Guertin and I have also sent a fax to you people relative to the demolition of the T section. I've asked for the engineering reports and I have not yet seen them. I'd like to see them. I would like to see the sewer reports, which we spent money to have three sets done. I've asked repeatedly for that and still no production documents. I got some documents a few days ago – they weren't even complete, they were by the Grant Administrator for the town. Every other page was missing. I go to look at the original and every other page was missing from that. I did come to Town Hall today and Winn Davis was kind enough to give complete report that I could review and take what I was looking for from.

This Pier project is by far much greater that many of the taxpayers understand and it's going to climb more rapidly every day. I have reviewed a letter that was written to Mr. Bergman to one of these funding entities and it indicated that the pier has a life currently for another 5 to 10 years as is with \$300K a year in repairs. I don't understand why we tore the T section down until I can look at the report and determine if it needs to be torn down – or was that just a push off to get Town Meeting to vote to spend \$2.8M of our dollars, and by the way I think the pier will run close to \$22M dollars and we are not getting at all what we were originally promised. There are no comfort stations going to be added to the pier; handicapped accessibility is bare minimal. We're going to have some kiosk's that are going to pay \$6K a year for pushcarts when Whale Watch boats pay \$4K – I think that is highly unlikely. I am concerned that the economics that have been presented are not true, not accurate and the taxpayer of this town will be burdened to death. Somewhere in the neighborhood of \$400 to \$900K is what the loss will be if the current rates remain – and there are no provisions to change them based on the new lease you have created or that this new corporation has created. They'll be in charge of the rates. Well we know what happens when people are in charge – they bend the easiest way possible to least resistance. The rates should have been established by this board and should have been laid right on the table for the whale watch people and the fishermen for the real facts what they are - not \$15 a foot more like \$35 or \$40 a foot. The Whale Watch boat should be paying between \$25 and \$40K a year not 8 – 9 - \$10K that they are paying now. When are we going to find out what they are going to pay – after we committed ourselves to this \$2.8M and mores of dollars and then it comes back to say that well we just can't raise their rates. I'd like this taxpayers base to subsidize my tenants and my property they way we subsidize people on that pier - on the back of every taxpayer – it's just not right and I'll complain about this until something is done about it.

The facts and figures that have been submitted for the funding program – if anyone read them - \$140K for a phone system is insane. Who's going to look at these and say why is that? Yet there is railing system for \$458K – a railing system. And then we were talking that it didn't need a railing at one of the meetings I attended – no need of a railing system around the pier. So who looks at this? Anyone? I've taken the time to spend quite a bit of money having it photo copied so I can get a better understanding of what's going on relative to the pier and I think a lot of people sitting here are making decisions on how to throw away our money should look at it and say “I don't see it”. There isn't a pay phone out there now that we have control over. OH I'm sorry there is one but if it cost \$140K then let Bell Atlantic pay for it. I don't think the taxpayers should pay for it and I am concerned that there is a lot of excess funding – and these are 1999 numbers that I reviewing, by the way, submitted by Mr. Bergman in May of 1999. So, and, we had two or three or four – I don't know how many independent reports have been redone. I'm all for building this pier – I'm all for making it realistic and not a burden to the taxpayer. Not one penny should come back to the taxpayers of this town – it should be supported by the users and the lessors and the tenants – no one else should pay and it should be laid right out front for everyone to understand that. That the taxpayer should not be burdened - it should be the tenant. If my tenants could pass back their losses to me I would be really thrilled. I don't think so. Thank you for your time.

- Alice Foley – Town Meeting in January – disappointed we’re having this meeting. Time for the Board of Selectmen and all of us to show support for the Boards that we have. The Harbor Committee has been working on the pier for the past 2-½ years and has done an extraordinary job. There were plenty of opportunities for everybody to voice their opinion about the pier and I think that’s what is important.

Big buck issues for the future – think we should focus on the Manor before we focus on the Library / Museum swaps.

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3 SELECTMEN’S STATEMENTS

David Atkinson - Memo from Assistant Town Manager dated 12/08/99 - Re: Unsafe structural removal procedure. We asked about 142 Commercial Street. This outlines the process in general but does not help us to know what has been done so far on that property and where are we - and are we at the point where we say go in there, tear it down and send them a bill?

- **MOTION:** Move that the Board of Selectmen request a report from the Fire Chief and keep a log of everything that is being done so that we can, at some point, request that it be torn town.

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

- Time frame for report back to Board of Selectmen? Winn – within about a week.

Draft on Growth Management Bylaw – is not a good name for it. Water use allocation is what we are talking about – name should imply what we’re trying to do.

- Keith - We are amending a Zoning By-law - to control growth.

- Town Clerk – notifying of 64 vacancies for the Board of Selectmen to fill. Too many Boards but encourage people to apply.

- **Richard Prowell**

Thank DMR for their work on Holway Avenue. Winn & Staff have done an excellent job.

Mr. Vetrick’s comments – we all know the problem with Heritage Museum – it has been a failure from day one as far as Capital Improvements. Hope this coming Town Meeting has articles on to deal with the resolution of this issue. It’s sad – it’s tied to history- to the Portuguese people, history of Provincetown and some of us in our community have no love of historical preservation, I feel. I feel that’s very sad but I do understand where you are coming from. No money was ever appropriated to preserve this building and I hope we can resolve this in our next Town Meeting.

Publically thank our law firm in Boston for their Christmas function.

Cheryl Andrews

Minutes – Suggest employee evaluation – timely minutes filed. Should be part of evaluation process. More than once in the past year or two – complaints about past minutes not being available and we asked for a report from the Town Clerk about what minutes are still outstanding. (I know we’re waiting on that). Let DRM respond to this at a later on as an idea.

Lighting up Town Hall - Board of Selectmen set a goal this year of dealing with the appearance of Town Hall. Agree with public speaker that said he could do it in a way that doesn’t necessarily have to deal with religious issues. Couple of well placed spot lights would show off the building nicely.

- Message Signs – Before we start next season – would like to see suggestion from Don Richards to make them

look like they belong in a Town that has been here for a couple of hundred of years. Would like a report from Don on what his plans are for next spring, if we are not going to have a meeting.

- **Museum/Library** – Don't have a clear message from Town Meeting. Been a couple of votes in different directions and we hope that Town Meeting decides what we want to do next spring.

- **Pier project** – Comments of speaker land basting our pier project. Some of the comments he made, I think have been addressed. Some comments he made – they were the first time I've heard them (phone system).

- **MOTION:** Move that the Board of Selectmen have the Secretary to the Board of Selectmen do a rough draft of his (J.R. McGowan) comments and ask that the Assistant Town Manager run through them and respond to them with a copy to the Board of Selectmen

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

Time frame for the above motion is two weeks.

- **Betty Steele-Jeffers** - will wait for closing statements.

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4A **ECONOMIC OPPORTUNITY AREA PROPOSAL**

K.C.'s Animal Resort, Shankpainter Road – Karen & Custodio Silva

MOTION: Move that the Board of Selectmen vote to support a Tax Increment Financing (TIF) agreement for K.C.'s Animal Resort, Inc., located in the Shankpainter Road Economic Opportunity Area (EOA); 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: Richard Prowell **Seconded by:** Cheryl Andrews
Yea 3 Nay 1 (David Atkinson)

4B **ECONOMIC OPPORTUNITY AREA PROPOSAL**

Whaler's Wharf EOA and Tax Increment Financing Proposals

MOTION: Move that the Board of Selectmen vote not to submit to the April 3, 2000 Special Town Meeting for its approval a new Economic Opportunity Area representing all commercially zoned property exclusive of the existing two (2) Economic Opportunity Areas, and further to adopt the proposed Goal Oriented Development policy as the policy of the Board of Selectmen in evaluating future submissions

Motion by: David Atkinson **Seconded by:** Cheryl Andrews
Yea 3 Nay 1 (Betty Steele-Jeffers)

4C **FLOAT SPACE 3W**

MOTION: Move that the Board of Selectmen recommend to the Licensing Board the request of John R. Woods to leave float space 3W in place for the winter season with the following stipulations: a) reset the north west anchor to his float b) in the event that the dredging project begins during this time the float would have to be removed

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

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4D **BOND APPLICATION NOTE #980**

MOTION: Move that the Board of Selectmen vote to issue Bond Anticipation Note #980 in the amount of \$3,222,380.00 dated December 15, 1999 at 4.0% interest payable at maturity to Cape Cod Bank & Trust Company on May 15, 23000.

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

5A **CAPE COD NATIONAL SEASHORE**

Monthly Issues Update from Town Manager

MOTION: Move that the Board of Selectmen vote to support the Cape Cod National Seashore's application to the Department of Transportation for \$600,000 for eight alternative fuel vehicle mini-buses for the Provincetown and Truro Loop.

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

5B **WATER MANAGEMENT PERMIT/MEPA PROCESS**

MOTION: Move that the Board of Selectmen vote to authorize execution of an agreement with Environmental Partners Group of Hingham, Massachusetts in the amount of \$50,600 for provision of engineering services in connection with the Town's water management permit application to DEP through the MEPA process, as authorized by the Board of Selectmen on

Motion by: Cheryl Andrews Seconded by: Richard Prowell
Yea 3 Nay 1 (David Atkinson)

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

MOTION: Move that the Board of Selectmen approve the FY 2001 Budget as submitted.

Motion by: Cheryl Andrews Seconded by: David Atkinson
Yea 3 Nay 1 (Richard Prowell)

8 **PERMIT REQUEST – PARADE OF GIANT PUPPETS**

MOTION: Move that the Board of Selectmen vote to approve the Parade Application submitted by Olga Opsahl-Gee of Provincetown, MA for the Annual Parade of Giant Puppets to be held on Saturday , January 1, 2000 from 2:00 p.m. to 5:00 p.m. (Rain date: Sunday, January 2, 2000)

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

9 **MINUTES OF BOARD OF SELECTMEN MEETING**

MOTION: Move that the Board of Selectmen vote to approve the minutes of November 22, 1999 (Pg. 6 change does carry to does not carry) and November 30, 1999 as submitted.

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

10 **RELEASE OF EXECUTIVE MINUTES**

MOTION: 1) Move that the Board of Selectmen vote to accept the minutes of executive sessions dated: 9-25-72, 10-24-72, 11-13-72, 11-27-72, 1-22-73, 4-23-73, 11-18-74 , 12-23-74 and
2) Move that the Board of Selectmen vote to release the minutes of executive sessions dated: 9-25-72, 10-24-72, 11-13-72, 11-27-72, 1-22-73, 4-23-73, 11-18-74, and 12-23-74.

CLOSING STATEMENTS

Betty Steele-Jeffers

Unsafe structure removal (Commercial St., property) – whatever we're going to do with protocol. Need to get one in place and discuss it with Fire Chief. Would like a report back.

Minutes /Staff – where is report from Staff on missing minutes? Record keeping?

Who does minutes for Committee/Board meetings? Do the Committees/Boards realize that they must keep at least the motions of any meetings and put on file with the Town Clerk. Maybe we should ask for a 6-month update.

David Atkinson -

Lighting of the clock for New Year's Eve – made a motion two weeks ago. Would be nice to have this report. Winn – Wiring Inspector is working on this and expecting a bid within a few days and we'll get the report to you.

Paul Tasha – dragging of the bottom of the ocean. Should have him back to see what he recommends.

Richard Prowell

Napi – agree with him on the lighting of Town Hall.

Cheryl Andrews

MOTION: Move that the Board of Selectmen send a public thank you to all the Commercial and Private Property owners in town. They make the Town look fabulous.

Discussion: David Atkinson - would like to thank whoever is responsible for putting the motion light outside the staircase. It happened so fast. Now what about the light on the trees out front?

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

Lower Cape Selectmen's Meeting

Health Care services – not only reducing ambulance rides to Hyannis – also a lot of folks that need medical care on the weekend and they don't get it. (May want to invite someone from the Fire/Rescue to talk about how often they don't have an ambulance when they need one.) Talked about inviting Cape Cod Health Care (Scott Penn) and Dennis Anderson from Cape End Manor to listen and observe and to at least see where the services are falling apart.

Regional Services – are there things where Towns could work together to do something better than if we work apart.

Transportation - the group voted to support the subsidy.

MOTION: Move that the Provincetown Board of Selectmen sent a letter to CCRTA supporting the continuation of the \$25K subsidy for the Provincetown/Hyannis line.

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

Don Richards to draft letter the Lower Cape Board of Selectmen as well as one from the Provincetown Board of Selectmen.

Next meeting is January 29, 2000 for Lower Cape Board of Selectmen and will be held in Wellfleet. Invite Fire Chief. Subject: Health Care issues/Ambulances

**Motion to adjourn by: David Atkinson Seconded by: Cheryl Andrews
Yea 4 Nay 0 (10: 05 PM)**

Minutes transcribed by: Vernon Porter – December 22, 1999

Approved: Board of Selectmen Mtg. December 27, 1999

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