

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - DECEMBER 27, 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, 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

The following are minutes, in brief.

### 1A GRANT ADMINISTRATOR: EOPS, D.A.R.E. GRANT AWARDS

**MOTION:** Move that the Board of Selectmen vote not to authorize the Chief of Police to execute grant agreements for an FY 2000 D.A.R.E./Tobacco Control Grant in the amount of \$6,000.

**Motion by:** David Atkinson **Seconded by:** No Second - Motion does not carry.

**MOTION:** Move that the Board of Selectmen vote to authorize the Chief of Police to execute a Grant agreement for an FY 2000 D.A.R.E./Tobacco Control Grant in the amount of \$6,000.

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

**MOTION:** Move that the Board of Selectmen vote to authorize the Chief of Police to execute grant agreements for the Provincetown Police Department with the Executive Office of Public Safety, for a Community-Oriented Policing grant in the amount of \$16,000 to fund the Plan to Combat Domestic Violence, Substance Abuse Awareness Program, COP Training Event with National Park Service, Teen Juice Dance, and general administration.

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

### 1B WASTEWATER CONTRACT CHANGE ORDERS

**MOTION:** Move that the Board of Selectmen vote to approve the following change orders to wastewater engineering contracts: with Environmental Partners Group in the amount of \$14,750, and with Stearns & Wheler in the amount of \$31,349, as recommended by the Director of Public Works.

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

### 2. PUBLIC STATEMENTS

**Sheila Benzer** - Water Resources Issues – submitted information of recent meeting she attended. Requested that Board of Selectmen contact Mr. John Lipman, Chief Planner / Deputy Director of Cape Cod Commission and have him speak at one of the Board of Selectmen meetings. (Attachment #1)

**Celine Gandolfo** – Wastewater treatment. Submitted information on Constructed Wetlands – A Natural Treatment Alternative. (Attachment #2)

**Peter Sousa** – Showed pictures of Watershed Areas. Request that Board of Selectmen declare Clapps Pond and Old Burn Dump Area areas as Watershed Conservation areas. Bikers are not doing as they promised at Town Meeting back in 1995. Urge Board of Selectmen to looking into this matter as soon as possible.

**J.R. McGowan** - MacMillan Pier – dredging – where is going to? Check bid package before signing. Adjustments made – numbers not adjusted so that taxpayers know what is really going on. Look at paperwork before we do anything. Pier will never be paid for by its users, it will only be paid for by the taxpayers of this town. Feels every taxpayer in town is being taken to cleaners. Of this Town 52% of tax bills that are mailed out go to people who do not live here. Not one of them was ever notified of this pier – who were sent a local residents mailing. 38% of tax income in this town comes from people who don't use the town on a year round basis so they are high contributors and less beneficiaries. Handicapped accessibility has been moved to the end of the pier – and we do not believe it passed anyone's approval. State says they have never seen a plan – and they'd like to see one. Would like another opinion before putting package out to bid. No handicapped accessibility for finger piers or slips. No information center on pier.

**Joyce Guide** - Wanted to make sure everyone received the information flyer that the Harbor Committee put out today concerning MacMillan Pier. (Attachment #3) Encourage the Board of Selectmen to consider the importance of the Pier design be taken as a whole and not to eliminate the small fishing docks.

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

#### **David Atkinso**

Vacancies on committees – encourage members of the audience to become involved.

**MOTION:** Move that the Board of Selectmen send a letter of thanks to William Turner for his 21 years of service and officially give him our First Town Pin.

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

**Annual Town Report** – letter from Stephan Nofield asking for our input – willing to let him use the picture of the harbor that they already have on the internet.

**Congratulate Pat Fitzpatrick**, Tourism Director, for her report on her trip to England.

**Y2K Report** – on last page of Y2K brochure - Libertarians listed as other

#### **Richard Prowell**

**Mr. Sousa's presentation** – I went out and viewed the two areas (Old burn dump and Clapps Pond) and I am very concerned that the bikers have moved into the Clapp's Pond area. Got the 1995 Annual Town Meeting Report – Article 30 & 31 – dealing with this issue.

**MOTION:** Move that the Board of Selectmen vote to have a report, within two weeks, from either: the Assistant Town Manager or the Director of Public Works, addressing Articles 30 & 31 of the 1995 Annual Town Meeting as to

- 1) How much of this area is wetland/buffer zone
- 2) Lead issues
- 3) Site 6 – area of environmental concern.

Also, whether or not Clapp's Pond is part of the Burn Dump. Further, if Clapp's Pond is not involved, then a barrier should be placed so that vehicles cannot enter.

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

**Comments:** Betty - DPW and Police should be involved in this issue.

#### **Cheryl Andrews**

**Celine – Wetlands area - Cap landfill; Disposal Site; Technically: Legality.**

**MOTION:** Move that the Board of Selectmen request a report from the Fire Chief on the 143 Commercial Street within the next week or two

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

**Pier** – Speakers that spoke on Pier impressed me – when a member of the public asks a valid question, then I am going to ask Staff for an answer. However, when the same person and says, “every taxpayer is being taken to the cleaners” , that’s when I start to say: ‘wait a minute’. Why would someone say that, when we’re getting \$13M – gifted to the Town- as a Grant. I don’t see it. Worse case scenario is ,we get a brand new pier and have to subsidize , like we’re subsidizing this one- that is falling down; which is not what we’re hoping for .We’re hoping for a public pier corporation to run the pier, in a business like manner. How anyone can look at this project and say, we, as a taxpayer, which includes me, is being” taken to the cleaners”. I see a project that has been well handled by Staff. Certainly there have been groups in town that has issues with different components of it ,but I think it is a good project for the town. And, I look forward to seeing all of you on January 5<sup>th</sup>. This statement struck me as taking away from the general thrust – look at the project in its entirety and look at the details. Too bad those kind of comments have to be made – just doesn’t seem to be a fair accusation whatsoever.

**Betty Steele-Jeffers**

*Pick-up where Cheryl left off.* Ask Town Manager (as Mr. McGowan has eluded to this before) give a brief paragraph as to when we start with a project, at any given time, as adjustments are made, when do we finish the whole thing.

**Comments by Keith** - Mr. Guertin has given the definitive answer on that matter, in general, when he made the presentation to us and said until we open the bids we don’t know what the project or any parts of the project actually cost. What we are doing is guessing and doing our best guesses. When we open the bids, that is when we will know for certain, for the first time, exactly what the project is going to cost.

**Handicapped access and information center** (Mr. McGowan’s comments) - We have been slapped down on so many projects for not having taking handicapped access into consideration and the Board of Selectmen felt more strongly about it than the consultants sitting in the audience. It is in a curious place. I don’t know the answer to the point he is raising, which is the whole area handicapped accessible area, and will this satisfy State requirements. We, as a Board, whoever we were at the time, have raised that point – to me that is still a valid point. I don’t want to hear that at the end. God forbid that we should hear that- that aspect of the Pier hasn’t been taken care of.

Agree with Dr. Andrews, that some of the points raised get a little lost when people start accusing or making statements, and that somebody is going to make a lot of money off this deal – and I don’t know who it’s going to be. Some of those implications lose me completely. I just don’t know where that thought comes from.

Celine’s topics - Where are systems like this being used and for how large of an area are they being used? Anything at the landfill I just shake my head and say – we just can’t wait another ten years on this deal.

**Letter from Terri Vorelli** expressing concerns about the new Whaler’s Wharf structure and I also notice that someone is suing the town (calling the Zoning Board to task again on this same particular project).

**MOTION: Move that the Board of Selectmen vote to request that a response be given to Terri Vorelli’s letter, by Staff, and be noted that it was a request from the Board of Selectmen.**

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

Y2K Brochure (Patricia Fitzpatrick) – Does not have the Town logo on it although money is provided by the VSB. It talks about Town Hall party - \$15.00 donation request and says proceeds to benefit Outer Cape Health Services – don’t have a problem with Out Cape Health Services or a problem with someone getting money, I just would like an update as to how the evening evolved and what is actually is going on and I don’t know from whom we get that information. Page 9 of brochure, which talks about- \$15 donation requested- and says proceeds will benefit Outer Cape Health and partially sponsored by the A & P. Perhaps Michelle would know and be able to address this.

**Keith** – I asked Michelle today and she was not aware. We did get some information that Vernon requested from Steve Melamed today, which indicated that at a recent meeting of the VSB, they voted to establish a \$15

admission charge. The indication is that the need between 2 and 3 hundred people paying that amount to break even. Thought was if there were any proceeds in excess of that – the proceeds would go to charity as indicated in the report that we received – mentioned Outer Cape Health and Soup Kitchen.

**David Atkinson** – I was real disappointed in that news, because when I voted the \$7500 to give them for a party for Town Hall, I was under the impression that it was something that was going to be free. – That people who didn't have any money to go places could go here and have a free party. Who's going to come here, (Town Hall) with no drinking for \$15, when they can go anywhere else in town?

**Keith** – Vernon pulled out the Agenda item from August when you approved it and the backup materials indicated that it was going to be a nominal fee charged. Some point between August 9<sup>th</sup> and tonight, a nominal fee became \$15.

**Betty Steele-Jeffers** - To give to somebody else – right?

**David Atkinson** - We already spend \$13K on that project – including \$1500 for a party playground

**Cheryl Andrews** - What I would like to start seeing is a staff report. It's one thing to get a vote from a committee. Would like to see Staff start taking positions on some of these projects and expenditures. That is one of the reasons why we hired staff – so that if there is something where Staff and the Committee agree – that's nice and if the Staff and Committee doesn't agree – I'd like to know about it, 'cause I don't want to get into the minutia.

**David Atkinson** – seems to me like you spend \$13K for a party that you're going to charge them to go to and no one's going to go to it and you've wasted \$13K. And the \$2K we've spend on the Town Hall posters are priced too much for anyone to buy, so they're going to sit in boxes for who knows how long. We're not doing things the right way. We're not spending money like it's our own.

**Betty Steele-Jeffers** - Letter from Vernon and from Andrew Hanes. Would like to have a joint report from Pat Fitzpatrick and Michelle. Maybe that Pat has been here for about six months we need, again, to go over what the guidelines are going to be on these projects and how the money is going to be spent and what the vision is. Up until a week ago I did not know what was going on New Year's Eve – didn't know if it was going to be a bust or not and now it's \$15 and we're giving it away.

**Cheryl Andrews** - One thing I think the Board of Selectmen need to do – if there are particular projects that we're giving a grant to and we feel strongly about a particular issue, we need to make it a condition of the Grant. We have to make it clear that if there are certain aspects of that project that we expect not to change or to mean something, we've got to be very clear about it. I don't recall, even the toast that we had a big discussion about, we never really made it a condition in the motion of the Grant. That is the kind of fine tuning that the VSB and the Staff can do, that will make this a lot easier – they have to tighten it up and that is how you do it.

**MOTION:** Move that the Board of Selectmen instruct the Town Manager to have Pat Fitzpatrick and Michelle Jarusiewicz devise a protocol on how to handle future events and requests for details of how money will be spent. Further, that Staff provide written statements or any comments (supportive or non-supportive) of project.

**Motion by:** Betty Steele-Jeffers    **Seconded by:** Cheryl Andrews  
Yea 3    Nay 0    Abstain 1 (David Atkinson)

4A1

4A2    Tabled until January 10, 2000 meeting.

4B1    **TREASURER'S TRANSFER**

**MOTION:** Move that the Board of Selectmen vote, as Commissioners of Trust Funds, to approve the transfer of \$231.50 from the Van Arsdale Memorial Fund for the payment of two invoices.

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

**4B2** TREASURER'S TRANSFER

**MOTION:** Move that the Board of Selectmen, as Commissioners of Trust Funds, to approve the transfer of \$3,702.50 from the Cape End Manor Gift Fund for the payment of an invoice.

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

**4C** LETTER OF SUPPORT TO DHCD FOR 32 CONWELL STREET PROJECT

**MOTION:** Move that the Board of Selectmen vote to approve submission of a letter to Massachusetts Department of Housing and Community Development in support of the funding request proposed by Edward "Ted" Malone, and recommended by the Provincetown Housing Partnership, for the development of 18 units of affordable rental housing at 32 Conwell Street.

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

**4D** CHAMBER OF COMMERCE AND PROVINCETOWN INFORMATION COORDINATING TEAM

**Motion:** Move that the Board of Selectmen vote to allow the Provincetown Chamber of Commerce to use the Town Seal as a graphic in the New Year's laser show on January 1, 2000 and further to vote to close Ryder Street on January 1, 2000 from the hours of 4:30 p.m. to 5:30 p.m. or until the crowd disperse to provide an area for viewing the laser show.

**Motion by:** David Atkinson **Seconded by:** Betty Steele-Jeffers  
**Yea 2 Nay 2 (Cheryl Andrews / Richard Prowell)**

**Motion:** Move that the Board of Selectmen vote to close Ryder Street on January 1, 2000 from the hours of 4:30 p.m. and 5:30 p.m. or until the crowd disperse to provide an area for viewing the laser show.

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

**5** TOWN MANAGER/ASSISTANT TOWN MANAGER

Nothing at this time

**6** JANUARY 5,2000 SPECIAL TOWN MEETING

**MOTION:** Move that the Board of Selectmen vote not to recommend Article 1 of the January 5, 2000 Special Town Meeting.

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

**7** FY 2001 BUDGET REVIEW SCHEDULE

**MOTION:** Move that the Board of Selectmen vote to schedule special meetings to review the FY 2001 operating and capital budget requests on the following dates in January 2000:

*January 11,13,18 and 25, 2000 at 7 p.m.*

and the

*Public Hearing for CIP on Monday, January 31, 2000*

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

**8** APPOINTMENTS TO TOWN BOARDS/COMMITTEES

**MOTION:** Move that the BOS vote to reappoint the board members as listed on page one of the memo dated December 22, 1999 from Stephen J. Nofield, Town Clerk. (Attachment # 4)

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

9    **MINUTES OF BOARD OF SELECTMEN MEETINGS**

**MOTION:** Move that the Board of Selectmen vote to approve the minutes of December 6, 1999 with changes noted. (Page 10-change fervor to favor.)

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

**MOTION:** Move that the Board of Selectmen vote to approve the minutes of December 13, 1999 with changes noted. (Page 2    first paragraph: change - constructive prospective to construction perspective and add when)

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

10    **CLOSING STATEMENTS**

-    **David Atkinson**

**Memo from MIS Computer Coordination Team** – would like to have somebody do the computer business. My note is find someone we don't need so we don't have to add somebody on to the list.

-    **Cape Cod Household Waster Report of 1998** – ways to solve problems.

-    **Richard Prowell**

**Binder for National Seashore correspondence** - should be ready this week.

**Cheryl Andrews** – no complaints or statements except to say that it has been a really good year and I humbly send my thanks to all the staff that made it as productive as it is.

-    **Betty Steele-Jeffers** – Nothing to say.

Motion to adjourn by: David Atkinson    at 8:47 PM.

-    **Minutes transcribed by:** Vernon Porter – December 30, 1999