

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, JULY 14, 2003

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Mary-Jo Avellar, Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson

Other attendees: Town Manager Keith Bergman, Acting Assistant Town Mgr. Michelle Jarusiewicz

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A1 WASTEWATER UPDATE

Department of Public Works

MOTION: *Move that the Board of Selectmen vote to approve the June 26, 2003 recommendation of the Water & Sewer Board that that the Board of Selectmen invite currently designated red-dot delay sewer hook-up properties to hook into the sewer system now before they fail; not to exceed 25K GPD of capacity.*

Motion by: Richard Olson **Seconded by:** Michele Couture
Yea 4 Nay 1 (Cheryl Andrews)

1A2 WASTEWATER CONSTRUCTION OVERSIGHT

Environmental Partners Group: \$330,000

MOTION: *Move that the Board of vote to authorize execution of Contract Amendment No. 3 with Environmental Partners Group, Inc. of Hingham, Massachusetts in the amount of \$330,000 for Phase I wastewater construction oversight for the period July through December 2003.*

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 5 Nay 0

1B CAPE COD COMMISSION UPDATE

Representative Len Stewart

Open Discussion. Len Stewart gave a brief overview including: regulatory, planning and technical assistance

2. PUBLIC STATEMENTS

Patrick Patrick - Thinks the Board of Selectmen should appeal the decision of the U.S. District court in the matter of Nextel.

Elizabeth Patrick - Also urges the Board of Selectmen to appeal the decision of the U.S. District court in the matter of Nextel. Presented the Board with two petitions. 1) A petition signed by approximately sixty-nine residents asking that the Board of Selectmen uphold the Town of Provincetown's Zoning Bylaw and to vote to appeal the decision of the Federal Court permitting a telecom installation in a residential neighborhood. - 2) A petition signed by approximately 51 residents stating that they support the construction of a town-owned cell tower on the "Burn Dump" or at the town transfer station to co-locate all cell phone facilities out of residential neighborhoods. (See attachment #1 and #2)

Celine Gandolfo - Support the Selectmen on the Wind Farm idea within Provincetown/Truro. Also urge Board of Selectmen to appeal the decision of the Federal Court relative to Nextel.

3. SELECTMEN'S STATEMENTS

Richard Olson

Congratulations to our protective services who ran our 4th of July activities and to everyone who ran the parade.

Status of Heritage Museum Collection - where is it now? Long range goal for securing and making the collection available, and so forth.

Bicycle rack - near Library - where is it?

Delivery trucks on Holiday Weekends - holding up traffic. What happened to policy “no deliveries after 11:00 am?”

Suggested that we look into events to invite Governor Romney?

Spoke to Laurel at the Monument Museum and she said she is sure that they will be able to accommodate the Trap Boat Charlotte.

Art in Town Hall - would like the painting behind us replaced with something less intimidating.

Sarah Peake

S.T.A.R Pilot program - should we join at \$25 per year. Since we own ‘State own land’ - my thought was if we add our name to the list, I think it is one of those things that were more municipalities participate the greater weight they’ll have. I bring it up at a future meeting after you’ve had a chance to look at it.

General Maintenance issues - in front of the Heritage Museum. Can we send someone over there to do some cutting and clean it up a little. (Cheryl Andrews - was at an event this weekend and people mentioned this as well. It definitely is noticed and I don’t think it reflects well on our fundraising campaign - a sight that looks abandoned. Totally agree with Sarah Peake - if there is something we can do, even in the short term) David Guertin - No motion necessary. It will be done tomorrow.

Affordable Housing Task Force - a couple of people have asked me if we are going to meet again? (Keith - My preference would be to have them as a stand-alone group that continues to meet - and we’ll try to do it within the next couple of weeks.)

Cheryl Andrews

MOTION: Move that the Board of Selectmen vote to gift to Mr. Ron Thompson with the trophy that was won by the Board of Selectmen and a letter of special thanks for allowing us to ride in his car and for his driving services.

Motion by: Cheryl Andrews Seconded by: Sarah Peake **Yea 5 Nay 0**

Fireworks were an embarrassment this year. I would have like it almost as twice as long. We need to be clear on what we are buying. The amount we are spending year to year seems to be the same but what we got this year, for the money, changed significantly in my memory.

(Sarah Peake - I would like to look at all the cost: Police detail, state police, crowd control, and cost of coordination with National Seashore, etc.- to see what the total package is. I’ve had some people say that they would be happy to participate in private fundraising - something to think about.) This will be a future agenda item.

Good work by Police in handling traffic & pedestrians. Proud of the Chief and the Officers handling the situations.

Question to Chief: Why does everybody from Cabral’s get to leave first and everyone in the MPL lot has to wait? Answer: That was an error and will be corrected for next year.

Sewer - To Mr. Guertin - Comments from the same party I went to they were talking about the sewer and how nobody could notice it - it was so big and so extensive - and how nice it was. It was a pleasure to listen to. I want to say thank you.

4A PARKING ADMINISTRATOR

Reallocation of Dune Tour Parking Spaces

MOTION: *Move that the Board of Selectmen vote as follows: to find that King of the Hill Tours has abandoned Spaces 5 and 6 on Standish Street; and, further, to approve the reallocation of said spaces to Art's Dune Tours for the remainder of the season at the \$700 per space seasonal rate.*

Motion by: Michele Couture **Seconded by:** Richard Olson
Yea 4 Nay 1 (Cheryl Andrews)

4B COUNCIL ON AGING

Elder Services of Cape Cod & Island Grant Application: \$5,000

MOTION: *Move that the Board of Selectmen vote to authorize submission of a grant application to Elder Services of Cape Cod and the Islands under the Older Americans Act Title IIIe in the amount of \$5,000 to fund a program to provide respite for those individuals who are caring for seniors 60+ (years of age) and for 60+ caregivers who are caring for individuals in the following categories: 60+ years of age, under 18 years of age or disabled.*

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 5 Nay 0

4C USE OF CHAPTER 90 FUNDS

Grading/Paving and Drainage/Paving Projects

MOTION: *Move that the Board of Selectmen vote to approve the use of \$77,000 in Chapter 90 Massachusetts Highway Funds for grading/paving and drainage/paving projects, as recommended by the Deputy Director of Public Works.*

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 5 Nay 0

4D1 PARADE PERMIT: FAMILY PRIDE COALITION

Annual Parade to Chelsea Earnest Playground, August 3, 2003

MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Chris Fahrenthold of Family Pride Coalition, P.O. Box 65327, Washington, DC to hold their annual "Family Pride Parade" to be held on Sunday, August 3, 2003 from 2:00 pm to 3:30 pm.*

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 5 Nay 0

4D2 PARADE PERMIT: THE BLACK DOG

Annual Black Dog Parade, August 2, 2003

MOTION: *Move that the Board of Selectmen vote to not approve the Parade Permit Application submitted by Noelle Tomeo of Cerone Brown & Partners of Manchester-By-The Sea, MA on behalf of The Black Dog, 229 Commercial St., Provincetown, MA to hold an "Annual Black Dog Parade " in support of the Animal Protection League to be held on Saturday, August 2, 2003 from 10 am to 11 am.*

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 5 Nay 0

5A LEGISLATIVE UPDATE

Home Rule Legislation, Local Aid, Municipal Relief Package

MOTION: *Move that the Board of Selectmen vote to a letter to Senator O'Leary in support of his efforts in expanding the scope of the local room occupancy tax to include short-term rentals.*

Motion by: Sarah Peake **Seconded by:** Cheryl Andrews Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to send a letter to Representative Eric Turkington to request a meeting with him to discuss House Bill 3842; and further that we are willing to travel to meet him.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 5 Nay 0

5B **FY 2004 PERFORMANCE OBJECTIVES**

Adopt Goals for Town Manager

MOTION: *Move that the Board of Selectmen vote to pursuant to the employment agreement dated May 7, 2001, to establish Town Manager Keith A. Bergman's FY 2004 performance objectives as presented, with the following major projects: (6) Wastewater, (7) Water, (8) Cape End Manor, (9) Fiscal Policy Plan, (10) Affordable Housing, and (11) Affordable Housing.*

Motion by: Richard Olson **Seconded by:** Michele Couture Yea 5 Nay 0

5C **FY 2004 PERFORMANCE OBJECTIVES**

Adopt Goals for Town Manager

MOTION: *Move that the Board of Selectmen vote to ratify its vote at the April 28, 2003 property tax rate classification hearing , pursuant to MGL C.40,§56, as follows relative to the FY 2003 property tax: (1) to establish a residential factor of "1" ; (2) not to adopt a "residential exemption" and (3) not to adopt a "small business exemption."*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews Yea 5 Nay 0

6A **TREASURER'S TRANSFERS**

Fireworks Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Fireworks Gift Fund to approve the transfer of \$12.13 from the Fireworks Gift Fund for the payment of an invoice.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews Yea 5 Nay 0

6B **REVENUE ANTICIPATION NOTE #1025**

MOTION: *Move that the Board of Selectmen vote to issue a Revenue Anticipation Note #1025 in the amount of \$2,000,000.00 dated July 17, 2003 at 1.25% interest payable at maturity to Cape Cod Bank and Trust on August 18, 2003.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews Yea 5 Nay 0

Mary-Jo Avellar left the room due to conflict. Her husband works as Asst. Harbor Master.

7. **APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote to appoint Melville Coté as an Alternate Member of the Harbor Committee with an expiration date of June 30, 2006.*

Motion by: Cheryl Andrews **Seconded by:** Michele Couture Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to appoint Joseph T. Patrick as a Regular Member of the Harbor Committee with an expiration date of June 30, 2006.*

Motion by: Cheryl Andrews **Seconded by:** Michele Couture Yea 4 Nay 0

Mary-Jo Avellar returned

8. MINUTES OF BOARD OF SELECTMEN MEETING

June 23, 2003 (Regular Mtg.) ***with changes so noted.*** (CA Excused Absence)

Motion by: Michele Couture Seconded by: Sarah Peake
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

June 30, 2003 (Joint w/Truro BOS) ***as printed.*** (All Present)

Motion by: Michele Couture Seconded by: Richard Olson Yea 5 Nay 0

9. CLOSING STATEMENTS

Richard Olson - None Sarah Peake - None Cheryl Andrews - None

Michele Couture - None Mary-Jo Avellar - None

10A TOWN COUNSEL

Revising the Adult Entertainment Zoning By-law.

Discussion ensued with Town Counsel Jonathan Silverstein. No motions made.

Jonathan will do a draft of what was discussed at this meeting tonight. (Keep it simple: a) take out the footnotes, b) regulating as to whether principal or accessory and c) only setbacks will be schools and libraries.)

10B LITIGATION STRATEGY: NEXTEL V. TOWN

Zoning Board of Appeals, Planning Board MGL C. 9, 23B, clause 3

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 9, 23B, clause 3, to go into executive session for the purpose of discussing strategy with respect to litigation; and not to convene in open session thereafter [roll call vote]*

Richard Olson - Yes Mary-Jo Avellar - Yes Cheryl Andrews - Yes

Michele Couture - Yes Sarah Peake - Yes

Motion by: Michele Couture Seconded by: Richard Olson Yea 5 Nay 0

Motion to go into Executive Session at 10:05 PM.

Minutes transcribed by: Vernon Porter, Secretary
July 16, 2003