

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – DECEMBER 17, 2001

JUDGE WELSH HEARING ROOM

Betty Steele-Jeffers, Chairman opened the meeting 6:00 PM noting the following attendees: Board of Selectmen members: Betty Steele-Jeffers, Cheryl Andrews, David Atkinson and Michele Couture. Excused Absence: Mary-Jo Avellar

Other attendees: Keith Bergman – Town Manager, Mark Latour – Assistant Town Manager

Recorder: Vernon Porter - Secretary to Board of Selectmen

The following are meeting minutes, in brief.

1A PUBLIC HEARING: GROWTH MANAGEMENT

Hearing on Annual Report (Zoning By-Laws Art. VIII, §E3)

Chairman Jeffers read the public notice then asks the staff to make any comments prior to opening up the meeting to for public comments.

Public Comment

Celine Gandolfo - Concerned that we have so many condo's sitting year round unused for 10 months – is there a way that some type of a reimbursement could be secured from the state to encourage the condo owners to rent their units?

Peter Sousa - State Highway land that the Town will be acquiring soon. I hear rumors that there are plans to develop certain areas of this land for affordable housing and other uses. This area should be kept strictly as a conservation area.

Board of Selectmen Comments

Cheryl Andrews - Report different from years past. A lot of hard work was done but much emphasized of what was new and outside of what was done in the past. I was concerned that some of the old areas that we covered did not get carried forward. I need to jot down some type an outline of the kinds of data that I would like to see carried forward in our report like the issue of trash, water and sewerage.

David Atkinson - I enjoyed the report.

MOTION: Move that the Board of Selectmen ask staff to prepare an addendum to this report and include annual solid waste and sewerage pumpage figures for the last four years.

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

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Cheryl Andrews - Page 9 #1,2,3. – Because this report is a combination of volunteers and staff it is hard for me to know which is staff supported - so if there is a particular section that is supported by staff for change at this Springs Annual Town Meeting then I would need to see the actual writing in front of me and just a comment from staff explaining the change.

Michele Couture - Though the report was very well done and appreciate the efforts put into it by everyone involved.

1B **WATER: INTERMUNICIPAL AGREEMENT**

Prepare for Joint Meeting with Truro Selectmen

MOTION: *Move that the Board of Selectmen vote to have an agenda item (after Town Meeting) on whether Provincetown is being treated fairly by the State in our water permitting process.*

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

MOTION: *Move that the Provincetown Board of Selectmen vote to schedule a special meeting with the Truro Board of Selectmen for Tuesday, January 15, 2002 at 7:20 p.m. to discuss extending the intermunicipal water agreement through December 31, 2002.*

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

MOTION: *Move that the Board of Selectmen vote to ask the Town Manager to send a letter to the Truro Board of Selectmen advising them of the topics we want to discuss, including Stop & Shop.*

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

Keith Bergman recused himself as he is an abutter.

1C **CAPE END MANOR CARE CAMPUS**

Submit Proposed Zoning Amendments to Planning Board [MGL C.0A,§5]

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 0A,§5, to refer to the Planning Board the following proposed zoning amendments: (1) delete Article IX entirely from the zoning by-laws thereby eliminating the water resource district.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews
Yea 3 Nay 1 (David Atkinson)

Cheryl Andrews left the room.

(2) to establish a Highway Corridor Overlay District which would accommodate a nursing home; affordable assisted living; and outpatient rehab per the attached article.

Motion by: Michele Couture **Seconded by:** David Atkinson Yea 3 Nay 0

(3) and to exempt any non-profit health care uses in the Highway Corridor Overlay District from the Town's Growth Management By-Law, per the attached article. The original copies of these zoning amendments are on file for public inspection in the Town Clerk's Office.

Motion by: David Atkinson **Seconded by:** Michele Couture Yea 3 Nay 0

Cheryl Andrews returned.

2. **PUBLIC STATEMENTS**

Paul Tasha - Broad assumption being made that we don't need a water resource. Down the line we are definitely going to need some water source. Second, I have a package to present to the Board – a petition re: The Cape End Manor with over 300 signatures on it. We are in hopes that you will come up with a different solution.

Celine Gandolfo - Concerned over a back-up for the Manor if it fails at the town meeting.

Received an email copied to me concerning the highway property. Robin Evans sent the e-mail. She talked to Bernard Court, Director of the Highway District and was told by him that the highway land had deed restrictions that would only allow for highway and transportation uses. He said he has told the Administration this countless times and that they do not seem to be listening and that there would be no Manor or affordable housing. This seems confusing on how we are going forward on this whole plan and contradictory. And he said if this was fact that it would have to go before the Legislature and would face many obstacles.

Keith Bergman returned.

The other thing I have been wondering about is the water. I have been considering putting in a well myself and been talking to a contractor and he talked about that one of our main areas has been pumped so much that salt has been seeping into it. So that is another worry that I have – that we have completely eliminate any of our safety fallbacks as far as having any designated water districts.

Peter Sousa - concerned where town is going with water resource area. Only way to get water is to conserve it.

3. SELECTMEN'S STATEMENTS

David Atkinson

MOTION: *Move that the Board of Selectmen vote to add Berta Walker's letter to Tourism Director Patricia Fitzpatrick's personnel folder.*

Motion by: David Atkinson **Seconded by:** Michele Couture **Yea 4 Nay 0**

Memo from Assistant Town Manager re: Purchase of 144 mugs - small quantities are costly – would make more sense to purchase ones with the Town Logo on them that would last year after year.

For information purposes - I did some checking with a professional historic person this week and the year this building was build it would have been just as appropriate either way to have paint or natural. But the town hall would have never been painted white – it would have been multi colors in that era and the only reason it was white is because in 1910 the Daughters of the American Revolution made a decree that all municipal buildings should be white. So we are not historic anyway ...

Michele Couture

MOTION: *Move that the Board of Selectmen vote to send a letter to the Cape Cod Commission to have Mr. Greg Smith do a cost analysis to determine the most efficient and cost effective way to operate Provincetown's Solid Waste and Recycling Operations "hauling".*

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

MOTION: *Move that the Board of Selectmen vote to close Town Hall offices at 3 p.m. on December 24, 2001 and December 31, 2001.*

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

MOTION: *Move that the Board of Selectmen vote to have a couple of Public Forums on the Cape End Manor (Question & Answer Sessions) before the Town Meeting.*

Motion by: Michele Couture **Seconded by:** David Atkinson
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

(Note: Contact WOMR and put on Cable TV)

- **Cheryl Andrews**

- Comment to Mark Latour – I enjoyed reading your memo about mugs. Instead of a picture on the back – you can say ‘thank you for your service’. As far as the pins, I hoped we would develop a plan where this Board (the Board of Selectmen) would wear a silver edge and at some point we would order some with a gold edge or slightly modify them all the time so that if indeed we wanted to give them to groups, other than just those regulatory boards, then we would have a slightly different pin.

- Question to David Guertin – Is there any construction work on the Center Street building planned for the next calendar year? Answer: Contract has been awarded and at the first light of spring they will be there to start work.

Public hearing on the Transportation Plan – they still have an open period for comments – we need to hop on this and respond.

After reading the article in the Banner about our Planning Board’s hearing on our proposed amendment to the Adult Entertainment By-Law, I got a little concerned and I spoke to Judith about it and indeed they have asked me to come down and asked me to talk to them about it and answer any questions they might have. They are continuing their Public Hearing this Wednesday at 4:30 and I will go and I plan to keep my remarks brief and explain to them our vote, which was a 4/1 vote.

Betty Steele-Jeffers

Transportation meeting - There have been meetings and there was one last Wednesday and myself, Keith , Don Richards and Val Carrano attended. The Lower and Outer Cape Towns are united in their concern about year round public transportation and a number of points were raised.

MOTION: *Move that the Board of Selectmen vote to schedule an agenda item at our next meeting on the proposed Transportation Plan with a written report on our concerns.*

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

Question to Keith – couple of comments were made while you were out of the room relative to the Manor that maybe you can address:

1. In terms of taking over Route 6 – you’re fairly confident that we should hear within a week or so?
Answer: Yes. The Mass. Board of Highway Commissioners - I heard is scheduled for this Wednesday. Also, Town Council has been working on this very closely and as far as the future uses and changes – those are matters that come before town meeting.
2. From what you just said – you are not under the impression that there are going to be sever restrictions on use?
Answer: Town Council had identified back in August that there would be several steps that would be necessary in order to have the town do what it wants with the property – including having town meeting to vote to alter the layout of the roadway; depending upon access that there may be issues that impede on properties that have been voted as conservations purposes. That memorandum, a lot of issues, including town meeting votes, including perhaps special legislation that would be necessary. There is no new news. In my presentation on September 10, 2001 at the Public Hearing, I said just because there are those sorts of hurdles that would be necessary and just because that is difficult, is no reason for us not to do it.. There is no new information.

MOTION: *Move that the Board of Selectmen vote to accept, with thanks to its members, the Wastewater Implementation Citizens Advisory Committee's December 13, 2001 recommendation to dissolve the CAC and transfer its duties to the Water & Sewer Board, including making recommendations to the Selectmen concerning the implementation of the first phase, and for planning of future phases, of the sewer system.*

Motion by: David Atkinson **Seconded by:** Michele Couture Yea 4 Nay 0

4B HISTORIC COMMISSION

Preservation Gift Fund – Historic District Study Committee

MOTION: *Move that the Board of Selectmen vote to approve the Historical Commission's request to use \$2,500 from the Preservation Gift Fund to be used by the Historic District Study Committee for the production and distribution of information to the public; subject to written approval of Judith Oset, Permit Coordinator.*

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

4C DEPT OF PUBLIC WORKS

Fire House No. 2 Update

Open Discussion

5A1 SEPTIC SYSTEM INSPECTION PROGRAM

Execute Contract with Barnstable County

MOTION: *Move that the Board of Selectmen vote to execute an agreement with the Barnstable County Commissioners in an amount not to exceed \$25,000 for the development of a septic system inspection program for the Town of Provincetown by the Barnstable County Department of Health and the Environment, for the period July 1, 2001 through June 30, 2002.*

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

5A2 HEALTH AGENT SERVICES CONTRACT

Execute Contract with Barnstable County

MOTION: *Move that the Board of Selectmen vote to execute an agreement with the Barnstable County Commissioners in an amount not to exceed \$25,148.47 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 January 1, 2002 through June 30, 2002, subject to the condition that this contract may be terminated at any time by the Town of Provincetown.*

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

6A MUNICIPAL PURPOSE GRANT ANTICIPATION NOTE #1003

MOTION: *Move that the Board of Selectmen vote to issue Grant Anticipation Note #1003 in the amount of*

\$250,000.00 dated December 27, 2001 at 2.50% interest payable at maturity to Cape Cod Bank & Trust Co. on March 27, 2002.

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

6B MUNICIPAL PURPOSE BOND ANTICIPATION NOTE #100

MOTION: *Move that the Board of Selectmen vote to issue Bond Anticipation Note #100 in the amount of \$50,000.00 dated December 27, 2001 at 2.50% interest payable at maturity to Cape Cod Bank & Trust Co. on March 27, 2001.*

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

6C MUNICIPAL PURPOSE BOND ANTICIPATION NOTE #1005

MOTION: *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1005 in the amount of \$8,443,750.00 dated December 27, 2001 at 2.50% interest payable at maturity to Cape Cod Bank & Trust Co. on March 27, 2001*

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

7. BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen appoint Terry G. Catalano as a Regular Member of the Art Commission with an expiration date of December 31, 2004.*

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

MOTION: *Move that the Board of Selectmen appoint Raffaello LaMantia as an Alternate Member of the Art Commission with an expiration date of December 31, 2004.*

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

MOTION: *Move that the Board of Selectmen appoint Jennifer Crooks as a Regular Member of the Beautification with an expiration date of December 31, 2004.*

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

MOTION: *Move that the Board of Selectmen appoint The Reverend Canon Gregory M. Howe as a Regular Member of the Council on Aging with an expiration date of December 31, 2004.*

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

MOTION: *Move that the Board of Selectmen appoint Thomas E. McNeil as a Regular Member of the Council on Aging with an expiration date of December 31, 2004.*

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

8 MINUTES OF BOARD OF SELECTMEN MEETINGS

MOTION: *Move that the Board of Selectmen approve the minutes of: December 10, 2001 (Regular Mtg.) as printed.*

9. CLOSING STATEMENTS

David Atkinson

Cable Committee – email re: \$11K. Answer: Keith – this is earmarked for equipment use only.

Reviewed - “Sign Of The Times” memo from Keith Bergman – Vernon’s date 12/13/00

Michele Couture

I would like for you to reconsider my previous motion, therefore I:

MOTION: *Move that the Board of Selectmen vote to reconsider closing Town Hall offices at 3 p.m. on December 24, 2001 and December 31, 2001.*

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

Cheryl Andrews - *Happy Holidays*

Betty Steele-Jeffers

Comment on Water – pretty soon we need to have a discussion about things like where is it better to draw our water from, etc. We can’t let the water just keep dripping away. I feel as if we don’t really have a handle on it.

Motion to adjourn by Michele Couture at 9:32 PM

Minutes transcribed by: Vernon Porter, Secretary
December 19, 2001