

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, AUGUST 11, 2008

JUDGE WELSH HEARING ROOM

Chairman Michele Couture convened the meeting at 6:18 PM noting the following Board of Selectmen attending: Michele Couture, Mary-Jo Avellar, Austin Knight, Elaine Anderson, David Bedard

Other attendees: Town Manager Sharon Lynn, Asst. Town Manager David Gardner, Municipal Finance Director Alix Heilala

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

1A UPGRADES & TRAFFIC PATTERNS CONCERNING CAPE COD NATIONAL SEASHORE – Superintendent George Price

Brief update CCNS happenings: Patching and sealing Province Land and Moors Roads. Province Land Bike Trail will be upgraded. Deck improvements and replacement of windows to Province Lands Visitor Center. Modest wind turbine at the Herring Cover bathhouse area by next spring. Over the next year or two, we will have some planning meetings for the Moors Road area – possible sidewalk for pedestrians and room for bikers, etc. In the future we will have open discussion for improvements with bike ways – connections with Provincetown and the Seashore, Truro and Wellfleet – will have open dialogue. Initial planning for Herring Cove bath area is planned in the next year or two. Dune shack issue is status quo.

Michele Couture - It sound like you have some very helpful and pro-active things going on at the Seashore. The issue on quite a few citizens minds is the narrowing of the road on Route 6. You and I have had a discussion, and you had explained the reasoning behind the Seashore's thought process. One of the things I would like to go through with you is the Traffic Study that you did. Did you do an assessment just based on the traffic to the beach or whether you have taken into concern, what I feel is a critical public safety issue, if there ever had to be an evacuation of the far West End, that you're all of a sudden taking away two extra lanes? I don't know if there was any thought process involved in your reconstructing Route 6? **George Price** – Basically, what happens at that location is the changing from the 4 lanes to the 2 lanes was basically in this design moving it up about a ¼ mile – to where Route 6 currently ends and where Park property actually begins. I can't speak to the issue of evacuation as to whether it was consideration on the table or not. **Michele Couture** – For me that is a real concern. That part of Route 6 is the third major road in Provincetown. I think a lot of West Enders use it, and I would be very curious to find out as to whether it was even contemplated, or whether it was just the beach access. **George Price** - I don't know if the Town brought that up during the deliberations, but I will check to see if this was considered at the time.

Mary-Jo Avellar – You said the Dune shack issue is status quo. This needs to be brought to the front burner again, and a new chair to replace Rich Delaney needs to be found so that we can move the discussions forward. **George Price** - We're trying to work with our Advisory Commission on this as well as trying to put into plan some type of Mediation Services, and we're in hopes of having this done by September 22, 2008.

Moors Road – would like to keep it as it is. There would be an outcry from the public if there were major changes. Would like the Town Manager to see that there are minimal changes. Mr. Price indicated that there would be a public process.

Glen Cannon from the Cape Cod Commission is doing a traffic analysis and meeting with CCNS this Thursday.

Evacuation plan – maybe this could be discussed at your Thursday meeting with Mr. Cannon.

Austin Knight - Can you give us the number of accidents that occurred in that area that shows the need for the project? Answer – All that was shown in the original analysis. Also concerned over the enforcement of nudity and surveillance of the parking lots. Still waiting for signs that I requested last year. We should at least post a warning at the entrance to the park indicating that surveillance is being done.

Potential for sharing garage on Race Point Road and bio-fuels depot between Town and CCNS ... would like to move forward with this. Would encourage the Town Manager to continue this dialogue with the Seashore again, as I see it as a win – win situation.

David Bedard - Would encourage you to put a sign up indicating from here to here is a ‘Clothing Optional Area’. I did see the plans on the Web for Route 6 – don’t know if it is worth the money or not, but the plans are stunning. It’s an odd intersection. I personally would rather just see the dip removed, and have those street lamps removed, and have it landscaped differently and maybe put up some different signage to let people know what is going on over there. I don’t know if it is worth the money to do that kind of a project that you are planning at this time. I think you’re only replacing an odd intersection and not a dangerous intersection.

Michele Couture - As we begin to wrap it up Superintendent, I want to focus on some of the things you pointed out that are positive that the Seashore is doing. The fact that the bike path could connect between Truro and Provincetown is the last link and I think it’s really dangerous for bikes on the highway. I see people all the time on the highway on their bikes and it is not a good situation. Safety wise it would be wonderful. There is a lot of positive things you are doing. Sometimes it seems like we focus on the negative but we like to incorporate all of them, the Board members have stated there is a lot of good the Seashore is doing and I certainly think that it’s a good thing the Seashore exists. I believe that the CCNS General Management Plan Implementation Advisory Committee also stress the collaborative approach, and that is one of things that we need to keep focused on. It’s good too that we have these meetings. Sometimes it’s difficult for you, but I think that doing what you do and what we do, you can’t help but take some hits. It makes you think in a different way and then you have to incorporate different opinions. This thing with the traffic on Route 6 is not going to go away, and I look forward to hearing what Glen Cannon from the Cape Cod Commission has to say.

We appreciate your working together with Provincetown and I have to tell you personally, that I think that law enforcement is an issue that is solely up to the law enforcement agencies.. I would never second guess what it is that you all need to do to maintain public safety, whether it be drugs, drinking or whatever it is that you are doing. It is what you do. It is what cops do. Certainly no one sees a sign in Provincetown, “Warning – Surveillance – Police on Duty – or that there is some police officer going to monitor your behavior.”

Sharon Lynn - I just wanted to ask Mr. Price, regarding the traffic patterns, because this has been an ongoing presentation or dialogue for 3 ½ or 4 years. Has anyone, prior to, let’s say 60 days ago, brought forth any negative or positive comments regarding this intersection in any fashion to you? I know that I attended a meeting, on May 23’ 2007, shortly after I was a new Manager here, just about a month and then again this past winter when the Selectmen and I met you out there on a very cold morning on February 21, 2008 and then again when you had a public meeting in May, 2008 and then again on June 23’ 2008 with newly appointed Chief Jaran we were out there looking at the intersection with Ms. Rushmore. So prior to 2007 were there any comments regarding this? Answer – Nothing that was a negative. There was just the give and take dialogue. Ms. Rushmore’s observations that I mentioned about the clear cutting of the trees, and then later the design of the road the first time it came it up in negative way.

Michele Couture - Mr. Price you have the last word. **George Price** - I appreciate the opportunity to be here. I think you all have a lot of challenges in the future and I am committed to working with all the six towns we have involved in the Seashore, and certainly Provincetown, because there is so much land tied up with the National Seashore that I think it is important that we continue to work together, and I think we can do it.

1B RENTER CERTIFICATE PROGRAM AND ENFORCEMENT

Joint Meeting with Licensing Board

Open discussion ensued.

Considering making the regulation a Board of Health regulation and taking it out of the General Bylaw. Check with Town Counsel to consider what process would be required to make appropriate amendments to the regulation including transferring the regulation to the Board of Health, and consideration of fee.

2. PUBLIC STATEMENTS

Jeffrey Epstein (Gale Force Bikes) – Objects to reconstruction of Route 6 by Cape Cod National Seashore.

(See attachment #1)

Daniel Katz, Truro, Ma – Objects to reconstruction of Route 6 by Cape Cod National Seashore.

Rachel White – Objects to Route 6 reconstruction. Should spend the money on taking care of the Province Lands Road. 2) Securing money from Condo Renters – is not easy as people will say that they are guests.

Barbara Rushmore - Object to Route 6 reconstruction, and encourages the Board to do whatever it can to stop this project.

3. **SELECTMEN STATEMENTS**

Mary-Jo Avellar

- Would like to have NSTAR before the Board of Selectmen. Animal put the power out again on Winslow Street.

MOTION: Move that the Board of Selectmen vote to invite Mr. Luce from NSTAR to meet with the Board of Selectmen as soon as possible.

Motion by: Mary-Jo Avellar Seconded by: Austin Knight Yea 5 Nay 0

- **David Bedard** - None at this time.

Elaine Anderson

- I am alarmed that our town is being defaced by graffiti and ask for your cooperation in putting an end to this vandalism. I have spoken with Chief Jaran to be sure that what I am asking you to do will be helpful in our effort to stop this crime.

First, report the site of the graffiti or the person committing the crime to the Police. Second, the police will make a report of the scene and take photos. You too could take photos as well. Third, paint over the graffiti once documented as soon as possible.

Whether the property being defaced is private or public, it is behavior foreign to this town, and not welcome. Thank you for your help.

Attended the Economic Development Council Meeting @ Bayside Betsy's - and it was very favorable for the town and a very interesting meeting and I was very encouraged.

Austin Knight

- Farmers Market – People complaining they have no where to park during the Farmers Market. Can employee parking spaces at Town Hall be used?

Agree with Barbara Rushmore and her whole take on the Route 6. Should seek congressional support to delay the Route 6 improvements by removing the funding.

Michele Couture

- Thank Mr. Epstein for coming to tonight's meeting and his comments.

Clarifying that the restrooms at Town Hall will be closed during reconstruction.

Quarterly revenue expenditure reports – when can we expect them?

Concerned over families getting enough fuel to make it through the winter? – Been making calls all week. Workshops will be held in the next few months. Hopefully we can have a workshop at the School sometime in September. Barnstable County will be putting out fact sheets and Senator O'Leary's office is on top of this as well. Austin Knight – Suggested that we put available information on our town website.

4. APPOINTMENTS

None at this time.

5A ART COMMISSION

Art Loan Agreement – Greenville County Museum of Art, South Carolina

MOTION: *Move that the Board of Selectmen vote to authorize the Town Manager to execute on behalf of the Town of Provincetown an art loan agreement approved by vote of the Art Commission and signed by its Chairman on the Commission's behalf for the loan of the painting "Summer Garden" for the period late November 2008 to late February 2009 to the Greenville County Museum of Art, South Carolina.*

Motion by: Elaine Anderson **Seconded by:** Austin Knight **Yea 5 Nay 0**

5B PROCLAMATION

Swim for Life & Schooner Regatta

MOTION: *Move that the Board of Selectmen vote to approve the request of Jay Critchley and Cheryl Andrews on behalf of the Swim for Life and the Schooner Regatta Committee to proclaim September 2nd through September 7th, 2008, as "Provincetown Harbor Festival Week", in the Town of Provincetown.*

Motion by: Mary-Jo Avellar **Seconded by:** Elaine Anderson **Yea 5 Nay 0**

5C1 TREASURER'S TRANSFERS

Library Building Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Library Building Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$13,240.50 from the Library Building & Gift Fund to pay for the attached invoice(s).*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight **Yea 5 Nay 0**

5C2 TREASURER'S TRANSFERS

Library Building Gift Fund – Landscaping

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Library Building Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$3,967.18 from the Library Building & Gift Fund - Landscaping to pay for the attached invoice(s).*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight **Yea 5 Nay 0**

6A PAMET LENS OVERSIGHT GROUP - UPDATE

Open Discussion – No motions made.

6B TOWN MANAGER FOLLOW-UP / OTHER

Peter Hunt Furniture – all pieces are accounted for and are in storage or being used in Town Buildings.

MOTION: *Move that the Board of Selectmen vote to send a letter to George Bryant advising him that all pieces of the Peter Hunt Collection are accounted for; along with a copy of the report.*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight **Yea 5 Nay 0**

Elaine Anderson – Suggest town may want to loan some art work to Seashore Point.

Town Hall projected move. Want to thank the DPW and the Custodian Staff for moving the thousands of boxes from here to the School. It was a huge undertaking and they did an excellent job.

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to all the DPW workers who assisted the moving of the archives from Town Hall to the School Buildings.*

Motion by: Elaine Anderson

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

7. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

MOTION: *Move that the Board of Selectmen vote to approve the minutes of June 28, 2008 (Public Hearing - Goals.) as printed.*

Motion by: Mary-Jo Avellar

Seconded by: Elaine Anderson

Yea 5 Nay 0

8. CLOSING STATEMENTS

Mary-Jo Avellar – None at this time.

David Bedard

Is there a scheduled meeting for issues on sewer at Race Point Road? Answer: Waiting for Metcalf & Eddy.

Would be interested in taking a tour of town owned property.

Elaine Anderson

I feel that I must apologize for what I consider to be unacceptable treatment of Town Staff.

At our last BOS meeting on July 28, 2008, I believe that the Assistant Town Manager, David Gardner, was rudely treated when he was interrupted, ignored, and worst of all dismissed in what he was clarifying regarding 2 Commercial Street and the Planning Board's decision on that case. Although, I cannot speak for the other members of this Board, I can speak for myself;

David, I am sorry for the treatment you received from Selectmen Avellar and Bedard.

I ran on a platform of civility and respect. I believe that that is the very least I can do as a leader of this community. It is time to change the old, entrenched, and poor behaviors on this Board. It is time to respect and obey the open meeting law. We do not have to agree, but we must in good conscience work for the entire town equitably, fairly, and with the best interest of the Town at heart.

I believe that this town wants leaders with vision, knowledge, and hope. Let the nay Sayers stand aside. Civil discourse and respect guide a community as it grows, changes, and moves forward. I wonder if we as a Board are up to the challenge. Maybe we could start by showing respect for each other and staff.

Austin Knight – None

Michele Couture

MOTION: *Move that the Board of Selectmen vote to update Policy Statement 2004-12-13 to reflect: "from the following arts organizations in Provincetown: the Fine Arts Work Center, Provincetown Art Association & Museum, Cape Cod Pilgrim Memorial Association, Provincetown International Film Festival, Provincetown Theatre, Provincetown Arts Press, WOMR and Counter Productions.*

Motion by: Michele Couture

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

9. EXECUTIVE SESSION

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 3 to go into executive session for the purpose of discussing litigation strategy and collective bargaining; and not to convene in open session thereafter. [Roll Call Vote]*

Mary-Jo Avellar – Yes

Austin Knight – Yes

David Bedard – Yes

Elaine Anderson – Yes

Michele Couture – Yes

Motion by: Mary-Jo Avellar

Seconded by: Austin Knight

Yea 5 Nay 0 - Motion Passes -

Motion to go into executive session by Mary-Jo Avellar at 8:32 PM

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
August 18, 2008