

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – TUESDAY, APRIL 26, 2005

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:00 PM noting the following attendees:

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

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

Sarah Peake recused herself and left the room. She is a guesthouse owner with parking and a guesthouse owner without parking brought this matter before the Board.

1. TRAFFIC HEARING CONTINUED

Loading Zone at 170 Commercial Street

MOTION: Move that the Board of Selectmen vote to schedule a public hearing on the proposed relocation of the 15-minute business parking zone on Commercial Street somewhere between Central and Winthrop Streets within four to six weeks or as soon thereafter.

Motion by: Sarah Peake **Seconded by:** Michele Couture
Yea 3 Nay 1 (Cheryl Andrews)

Sarah Peake returned

2. PUBLIC STATEMENTS

None

3. SELECTMEN'S STATEMENTS

Sarah Peake

MOTION: Move that the Board of Selectmen vote to include in the Public Hearing request on Agenda Item 1 above, the traffic request regarding Pleasant Street and Carnes Lane. (See Attachment #1)

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar
Yea 3 Nay 2 (Cheryl Andrews/Richard Olson)

MOTION: Move that the Board of Selectmen vote to reconsider the Visitor Services Board FY 2006 Grant request by the Crown & Anchor Series - "Die Nasty" for our May 9, 2005 meeting.

Motion by: Sarah Peake **Seconded by:** Michele Couture
Yea 4 Nay 1 (Richard Olson)

MOTION: Move that the Board of Selectmen vote to ask the Town Manager to have staff draft recommendations on the establishment of an Economic Development Committee.

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

Mary-Jo Avellar

MOTION: Move that the Board of Selectmen vote to ask Staff to find out if there is an NSTAR electrical contractor in the Town of Truro that could be the on-call person for power outages in Provincetown.

Motion by: Mary-Jo Avellar **Seconded by:** Sarah Peake Yea 5 Nay 0

Michele Couture

NSTAR - Transformer - is there a public-private partnership to assist with the need the town has in creating a laundromat; which needs three-phase power in order to operate. What about Cape Light Compact - can they assist? What about a write-off for the power companies - capital cost? Board agreed to schedule the matter of three-phase power required for a laundromat within the town for May 23rd meeting.

Health Forum scheduled for Thursday, May 12th @ 6 pm.

Police Department matters - discussion ensued.

MOTION: Move that the Board of Selectmen vote to refer to the Town Manager the matter of communications with the Police Department members and to be bring back to the Board of Selectmen his recommendation.

**Motion by: Michele Couture Seconded by: Sarah Peake
Yea 3 Nay 2 (Cheryl Andrews/Mary-Jo Avellar)**

Richard Olson

Reminder of Library Opening @ 11:23 am on April 28th.

To Mary-Jo - my personal congratulations. And a thanks to a colleague who has been a joy to serve with and a joy to be friends with for many years.

Cheryl Andrews - Will save my comments to the end.

4A BOARD OF SELECTMEN - APPOINTMENTS

MOTION: Move that the Board of Selectmen vote to join the remaining members of the Provincetown Housing Authority in nominating Nancy Jacobsen of Provincetown for appointment by the Governor of the Commonwealth to the position on the Provincetown Housing Authority filled by Governor's appointment.

Motion by: Michele Couture Seconded by: Sarah Peake Yea 5 Nay 0

5A BOND ANTICIPATION NOTE #1049

MOTION: Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1049 in the amount of \$1,110,500.00 dated May 10, 2005 at 2.65% interest payable at maturity to Cape Cod Five Cents Savings Bank on September 30, 2005.

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

5B MDPH HIV/AIDS HOME HEALTH GRANT

FY 2006 - FY 2010 Award

MOTION: Move that the Board of Selectmen vote to authorize the acceptance of a grant award from the Massachusetts Department of Public Health for the period FY 2006 through FY 2010 for a total five year maximum obligation of \$864,410 contract to fund the Cape & Islands HIV/AIDS Home Health Program with a start date of July 1, 2005.

Motion by: Michele Couture Seconded by: Sarah Peake Yea 5 Nay 0

5C VISITOR SERVICES BOARD

FY 2005 Approval of Grant - PRT

MOTION: Move that the Board of Selectmen vote to approve funding as recommended by the Visitor

Services Board from the FY 2005 Tourism Fund of \$3,000, for a total grant of \$5,000, for the Provincetown Rep Theatre "Crazy Eyes."

Motion by: Mary-Jo Avellar Seconded by: Sarah Peake
Yea 4 Nay 1 (Cheryl Andrews)

5D1 REQUEST: FINE ARTS WORK CENTER

Cultural Traffic Sign On Route 6

MOTION: *Move that the Board of Selectmen vote to authorize the installation of a cultural traffic sign on Route 6 listing cultural attractions, with said sign to be located on the right side of the inbound lane (northern barrel) prior to the Snail Road exit; location to be determined by Department of Public Works.*

Motion by: Sarah Peake Seconded by: Mary-Jo Avellar
Yea 4 Nay 1 (Cheryl Andrews)

MOTION: *Move that the Board of Selectmen vote to establish a policy that any and all sign located along Route 6 shall be for Non-Profit Cultural and Educational Institutions and that it is further the policy of the Board of Selectmen that placement and design adhere to Federal Highway Design Standards and shall only be placed after approval of the Board of Selectmen; and that this language be referred to the Building Commissioner for his review and comments.*

Motion by: Sarah Peake Seconded by: Mary-Jo Avellar Yea 5 Nay 0

5D2 REQUEST: EUGENE O'NEILL SOCIETY

Cultural Traffic Sign On Snail Road.

MOTION: *Move that the Board of Selectmen vote to authorize the installation of a cultural traffic sign on Snail Road designating said road as "Eugene O'Neill Way."*

Motion by: Mary-Jo Avellar Seconded by: Sarah Peake Yea 5 Nay 0

5E PROCLAMATION: CENTER FOR COASTAL STUDIES

Sunday, May 22, 2005 - "Spirit of Massachusetts Day"

MOTION: *Move that the Board of Selectmen vote to approve the application submitted by Therese M. Barbo, Director of Communications for the Center for Coastal Studies, 115 Bradford St., Provincetown, MA to proclaim Sunday, May 22, 2005 as "Spirit of Massachusetts Day" in honor of and to herald the arrival of the vessel "The Spirit of Massachusetts".*

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

5F1 PARADE PERMIT REQUEST

Portuguese Festival: Saturday, June 25, 2005

MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit application submitted by Susan Avellar for the annual celebration of "The Portuguese Festival Parade" with this years theme: "To share the Heritage and Culture of Provincetown's Portuguese History", to be held on Saturday, June 25, 2005 from 3 p.m. to 5:30 p.m.*

Motion by: Sarah Peake Seconded by: Richard Olson Yea 5 Nay 0

5F2 PARADE PERMIT: BLESSING OF THE FLEET

Blessing of the Fleet: Sunday, June 26, 2005

MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Susan Avellar on behalf of Blessing Of The Fleet, Inc., for their annual celebration of "The Blessing of the Fleet" to be held on Sunday, June 26, 2005 from 11:30 am to 1:00 pm.*

Motion by: Mary-Jo Avellar Seconded by: Sarah Peake Yea 5 Nay 0

5F3

PARADE PERMIT REQUEST

Independence Day Celebration: Sunday, July 4, 2005

MOTION: Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by the Recreation Director Dennis Clark for the Town to hold an Independence Day Parade to be held on Monday, July 4, 2005 from 11 AM to 12:30 PM.

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

5F4

PARADE PERMIT: FAMILY PRIDE COALITION

Annual Family Pride Parade from Town Hall

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Trina Olson of Family Pride Coalition, P.O. Box 65327, Washington, DC to hold their annual "Family Pride Parade" to be held on Sunday, July 31, 2005 from 3:00 pm to 4:00 pm.

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

5F5

PARADE PERMIT: YANKEE LAMBDA CAR CLUB

Annual Family Pride Parade from Town Hall

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Hector Ramiro, 4 Tiger Row, Georgetown, MA on behalf of the Yankee Lambda Car Club for a Public Showing of Residential Motorcade & Classic Cars on Saturday, September 10, 2005 starting at 2:00 PM and ending by 2:30 PM.

Motion by: Mary-Jo Avellar Seconded by: Richard Olson Yea 5 Nay 0

6A

MT. GILBOA WATER TANK REHABILITATION (MCDBG)

Change Order No. 1 - \$73,000 - Amstar of Western New York

MOTION: Move that the Board of Selectmen vote to approve Change Order No. 1 in the amount of \$73,000 with the contract with Amstar of Western New York for construction services for the Mt. Gilboa Water Tank rehabilitation project funded by the Massachusetts Department of Housing and Community Development under its 2004 Massachusetts Community Development Fund program.

Motion by: Mary-Jo Avellar Seconded by: Sarah Peake Yea 5 Nay 0

6B

CZM COASTAL POLLUTANT REMEDIATION

Atlantic Avenue Town Landing - Award Construction Contract

MOTION: Move that the Board of Selectmen vote to authorize execution of a contract with low bidder Robert B. Our Company in the amount of \$43,450 for construction of stormwater mitigation measures at the Atlantic Avenue Town landing, which project is partially funded by a grant from the Massachusetts Coastal Zone Management under its FY 2005 Coastal Pollutant Remediation Program.

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

6C1

DPW SERVICE CONTRACT FOR FY 2006

Paving with Bituminous Concrete: P.J. Keating Co.

MOTION: Move that the Board of Selectmen vote to execute a contract with low bidder P.J. Keating Co. of Cranston, Rhode Island for the provision of bituminous concrete to the Town of Provincetown for Fiscal Year 2006 at a cost of: \$62.50 per ton delivered in place and for berms to be laid in place; \$4.00 per lineal foot for bituminous concrete curb to be laid in place; and \$135.00 per ton for handwork (sidewalks and driveway approaches).

Motion by: Sarah Peake

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

6C2 DPW SERVICE CONTRACT FOR FY 2006

Septage Removal: James J. Roderick

MOTION: *Move that the Board of Selectmen vote to execute a contract with sole bidder James J. Roderick of Provincetown for provision of septage removal services to the Town of Provincetown for Fiscal Year 2006 at a rate of 10.5¢ per gallon exclusive of the Tri-Town tipping charge.*

Motion by: Mary-Jo Avellar

Seconded by: Richard Olson

Yea 5 Nay 0

6C3 DPW SERVICE CONTRACT FOR FY 2006

Removal of Recyclables: J & L Enterprise

MOTION: *Move that the Board of Selectmen vote to execute a contract with sole bidder J & L Enterprises of Truro, MA, for the provision of recycling services to the Town of Provincetown for Fiscal Year 2006 at the rate of \$1.64 per mile for mixed paper, corrugated cardboard, glass, metal cans, and HDPE plastic, and with scrap metal removed at \$0 per ton.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 5 Nay

6C4 DPW SERVICE CONTRACT FOR FY 2006

Municipal Solid Waste Hauling Services: J & L Enterprises

MOTION: *Move that the Board of Selectmen vote to execute a contract with low bidder J & L Enterprises, Inc. of Truro for the provision of municipal solid waste hauling services for Fiscal Year 2006 from the Provincetown Transfer Station to the SEMASS facility in Rochester, MA, including provision of one yard truck, keeping trailers on a maintenance schedule, changing flat tires, and providing an additional trailer during the summer, for the contract price of \$325 per round trip.*

Motion by: Sarah Peake

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

6D DPW: TRANSFER STATION ACCESS ROAD

Award Construction Contract - Drainage Improvements, Utility Relocation

MOTION: *Move that the Board of Selectmen vote to award and authorize execution of a construction contract with low bidder Robert B. Our Company in the amount of \$39,575 for Transfer Station Access Road Drainage Improvements, Utility; and, further, to authorize execution of said contract by the Board upon receipt of all required bonds and insurance.*

Motion by: Sarah Peake

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

7A ACCEPTANCE OF DEEDS

4.23-Acre Peters Property, Off Route 6, Truro

MOTION: *Move that the Board of Selectmen vote, pursuant to Article 3 of the April 4, 2005 Special Town Meeting, to approve acceptances of deeds, as drafted by Town Counsel, for acquisition of 4.23 acres of land in the Town of Truro located off Route 6, consisting of 3.47 acres to be acquired from Mark N. Peters and 0.76 acres to be acquired from Mark N. Peters and Jane H. Peters, copies of which acceptances are made a part hereof; and to authorize Town Counsel to record the deeds and acceptances of deeds.*

Motion by: Mary-Jo Avellar

Seconded by: Michele Couture

Yea 5 Nay 0

8A LETTER FROM OUTGOING BOARD

To Incoming Board

MOTION: *Move that the Board of Selectmen vote to adopt the form of a letter from the outgoing Board of Selectmen to the incoming Board of Selectmen.*

Motion by: Sarah Peake

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

8B **ANNUAL PERFORMANCE EVALUATIONS**

Town Manager, Secretary to the Board of Selectmen

MOTION: Move that the Board of Selectmen vote pursuant to the employment agreement dated December 2, 2003, to establish Town Manager Keith A. Bergman's merit pay increase for July 1, 2005 at 4.75% and adopt his annual evaluation score of 81.

Motion by: Sarah Peake Seconded by: Mary-Jo Avellar Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to establish Board of Selectmen's Secretary Vernon Porter's annual performance appraisal score as 14.8.

Motion by: Mary-Jo Avellar Seconded by: Sarah Peake Yea 5 Nay 0

9. **MINUTES OF BOARD OF SELECTMEN MEETING**

MOTION: Move that the Board of Selectmen vote to approve the minutes of March 28, 2005 (Traffic Hearing) as printed. (CA/SP Absent)

**Motion by: Michele Couture Seconded by: Richard Olson
Yea 3 Nay 0 Abstain 2 (Cheryl Andrews/Sarah Peake)**

MOTION: Move that the Board of Selectmen vote to approve the minutes of April 11, 2005 (Reg. Mtg.) with changes so noted. (MJA Absent)

**Motion by: Sarah Peake Seconded by: Richard Olson
Yea 4 Nay 0 Abstain 1 (Mary-Jo Avellar)**

10. **LITIGATION STRATEGY**

Collective Bargaining Strategy [MGL C.39,§23B,cl.3]

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 strategy with respect to litigation; and to not convene in open session thereafter. [Roll Call Vote]

**Richard Olson - Yes Michele Couture - Yes Mary-Jo Avellar - No
Sarah Peake - Yes Cheryl Andrews - Yes**

**Motion by: Michele Couture Seconded by: Richard Olson
Yea 4 Nay 1 (Mary-Jo Avellar)**

The Board went into executive session at 10:30 pm.

Minutes transcribed by: Vernon Porter, Secretary
May 4, 2005