

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, AUGUST 8, 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, Sarah Peake, Michele Couture, Richard Olson, David Nicolau

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A COMMUNITY PRESERVATION COMMITTEE

Proposed Plan and Funding Guidelines

Community Preservation Committee Members present: Elaine Anderson, Mona Anderson, Tim Hazel, Nancy Jacobsen, Winthrop Smith and Bill Dougal. Also in attendance: Ms. Laura Shufelt of the Falmouth Housing Authority.

Ms. Shufelt gave a slide presentation (See hard copy – attachment #1) on the CPC program and plans as they apply to the Town of Provincetown, including a definition of CPA goals and the procedures by which CPA funds will be administered. The presentation also gave general information for citizens of the Town, guidelines and instructions for applicants seeking project funding and guidance for this and future Committees in making recommendations to Town Meeting.

The Committee expects that there will be changes in the future as goals for the Town change.

Bill Dougal raised the issue of new development/new construction versus rehab and reuse, and that the members of the CPC were divided on whether to deviate from policy of favoring reuse ...specifically referencing the Shank Painter land. No vote was taken by the Board of Selectmen but sentiment was that it was OK to consider use of raw land for construction as long as proposal was crafted in a way to garner good public support.

CPC would like to have applications available at town hall.

1B STREET PERFORMERS

Community-Oriented Policing Update

Ms. Devorah Landa made a brief presentation to the board as to why she requested this agenda item and read her statement (Page 3 of agenda item 1B).

Chief Ted Meyer also made several comments and listed the following as potential actions to take: 1) develop a decibel plan, 2) limit time and space, 3) sale of CD's/donations, 4) expanding area in front of Town Hall – if it doesn't block sidewalks or pathways.

Open discussion followed.

MOTION: Move that the Board of Selectmen vote to have the Chief of Police schedule a time when he and the Board of Selectmen will do a noise level decibel test of Street Performers before Labor Day. One test to be done in the middle of the week and one on a weekend.

Motion by: David Nicolau

Seconded by: Sarah Peake

Yea 5 Nay 0

2. PUBLIC STATEMENTS

Street Performers - Galvin Thomas from Provincetown street Entertainment Cooperative – read statement into

record (See attachment #2), Bobby Miller, Ireland, Autumn, Andrea, George, Bill Mitchell, Erica, Jeff Turkel, Robert Barrett, Lou Ann Bowen, Tom Osterink - **All** spoke on "Street Performing" and working together with one another and with merchants to come to an equitable solution for all, by keeping the decibel level of their instruments down as low as possible.

Vaughn Cabral – Re: Fisherman’s Wharf – Looking for Town support in his Army Corps of Engineers application regarding parking on his pier and location of Provincia.

3. **SELECTMEN’S STATEMENTS**

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David Nicolau

Increase in Fees - Heard from constituent who is quite concerned over the proposed increase in fees – all over, and to the point where he may have to sell his business. If we’re going to raise fees – where do we need to raise them and where can we save dollars.

Would like to thank Sarah Peake for being a representative to PLOG.

Again, Route 6 and Conwell Street – still looking for correct procedure to cross over. This intersection is quite dangerous.

Sarah Peake

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Increase in Fees – Echo the concerns over the increase in fees. Public Hearings are happening well in advance of the Budget Summit with the School Committee, FinCom and Board of Selectmen, which is scheduled for after Labor Day. We are finding additional revenues but I have yet to see opportunities for cost savings. We’re putting the cart before the horse. Our Economic Development Council will be looking at ways to keep our downtown area vital, and indeed broaden our economy. Yet, I read, quite frankly, at the direction of the Town Manager that we are looking at ways to increase fees that impact those very businesses. I see a major disconnect. Before fees go up I want Economic Council to look at it first and to give them an opportunity to do their work. We need to look at cost saving strategies and solid economic proposals.

Street Performers – working cooperative is right on the mark. We need a Bylaw that works for this community so we can put this matter to rest. We have other very important issues to focus our attention on like housing, economic development, sewer hook-ups, and water. We cannot revisit this every summer.

Michele Couture

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Street Performers – It’s all about mutual respect. I want to thank the Street Performers, Shop Owners and the Chief of Police for Community Oriented Policing.

Mr. Cabral’s concerns of the Fisherman’s Wharf.

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MOTION: *Move the Board of Selectmen vote to schedule Fisherman’s Wharf as an agenda item for August 22, 2005.*

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Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 1 Nay 3 (Richard Olson/Sarah Peake/David Nicolau) Abstain 1 (Cheryl Andrews)

0- Motion Fails -

Would like update on the Maguire-Thomas property in Truro.

Thanks everyone involved in getting us the Citizens Housing and Planning Systems Award for Affordable Housing that is being presented to the Town of Provincetown being presented in Boston on October 25, 2005.

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Richard Olson

Thank you to Mr. Guertin and his staff for fixing the door to the Judge Welsh Room

Cheryl Andrews

To Mr. Guertin – our local newspaper wrote a story about our Town Landing project – can you update us on this– is it to a point where it is a safe passage way or at least corded off? Answer – I think Mr. Bergman is better suited to answer that. Keith Bergman – No. ConCom has not authorized any work and no work has been done. Bottom line is, the rule is that the Town of Provincetown is not to do any work that is not permitted by its own regulatory board. Cheryl Andrews – that I understand, my question becomes, if there is an emergency, how do we deal with it in terms of protecting public safety? Keith Bergman – I raised that issue with ConCom and they chose not to act on it.

Cheryl Andrews – If there is an emergency situation, and I’m getting a sense from two of our most Senior Staff that there is, we have a Board that is possibly not dealing with that emergency situation. Then, I think that the Board of Selectmen should. My suggestion would be that we call an emergency meeting with the Board of Selectmen as a joint meeting with the Conservation Commission and do it tomorrow.

MOTION: Move that the Board of Selectmen vote to direct staff, as soon as possible within the next twelve hours, to cordon off the Atlantic Avenue landing construction site from public access and to make it clear that in doing so, anyone going into this area is doing it at their own risk.

Motion by: Cheryl Andrews Seconded by: Sarah Peake
Yea 3 Nay 2 (Sarah Peake/Michele Couture)

MOTION: Move that the Board of Selectmen vote to call and post an Emergency Meeting with Conservation Commission on Tuesday, August 9, 2005 at 12 Noon in the Judge Welsh Room at Town Hall, re: Atlantic Avenue Landing.

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

Two-minute break.

Sarah Peake and Richard Olson out of the room

MOTION: Move that the Board of Selectmen vote to take Agenda Item #6 – Board Interviews out of order.

Motion by: Cheryl Andrews Seconded by: Michele Couture Yea 3 Nay 0

Sarah Peake and Richard Olson returned.

6. BOARD OF SELECTMEN APPOINTMENTS

The Board interviewed Gabriella Hanna for position on the Council on Economic Development.

No motions made.

4. GROWTH MANAGEMENT BY-LAW

Reallocating Unused Gallons

General discussion on growth management reallocating reductions in flow for changes in use. Title V design flow gallons. Separate Sewer and Title V. Make sure on the policy we set. Wait on Town Counsel until next weeks meeting on sewer bank.

Next Board of Selectmen meeting on August 22, 2005 - Category 5 gallons and how the Board would like to see them distributed. If we have a Council on Economic Development by then we will invite the Council to join us.

5. JULY 4TH

Process for Addressing, Resolving Issues Raised

MOTION: Move that the Board of Selectmen vote to endorse the Chief of Police’s proposal to proceed with

the Community-Oriented Policing (COP) and the Scanning, Analysis, Response, and Assessment (SARA) model to bring forth recommendations to the Board of Selectmen regarding fireworks.

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

6. **BOARD OF SELECTMEN APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote to appoint Gabrielle Hanna to a term on the Council on Economic Development expiring June 30, 2008.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Richard Brunson to a term on the Council on Economic Development expiring June 30, 2008.*

Motion by: David Nicolau Seconded by: Richard Olson
Yea 4 Nay 0 Abstain 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to appoint Paul DeRuyter to a term on the Council on Economic Development expiring June 30, 2008.*

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

MOTION: *Move that the Board of Selectmen vote to appoint William Dougal to a term on the Council on Economic Development expiring June 30, 2007.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Robert A. O'Malley to a term on the Council on Economic Development expiring June 30, 2007.*

Motion by: David Nicolau Seconded by: Richard Olson
Yea 4 Nay 0 Abstain 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to appoint Alix L.L. Ritchie to a term on the Council on Economic Development expiring June 30, 2006.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Madrone Luna to a term on the Council on Economic Development expiring June 30, 2006.*

Motion by: David Nicolau Seconded by: Richard Olson
Yea 2 Nay 2 (Cheryl Andrews/Sarah Peake) Abstain 1 (Michele Couture)
--- MOTION DOES NOT PASS ---

MOTION: *Move that the Board of Selectmen vote to appoint Stephen Melamed to a term on the Council on Economic Development expiring June 30, 2006.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Nathan Butera as the Provincetown Business Guild Representative on the Historic District Commission with a term expiring December 31, 2006.*

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

7A **TREASURER'S TRANSFERS**

Beautification Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioner of the Gift Funds, to approve the transfer of \$300,000 from the Beautification Gift Fund for the payment of the attached invoice.*

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

8A1 **DPW: WATER – NEW SOURCE PUMP TEST**

Contract – Environmental Partners Group, Inc. - \$48,700

MOTION: *Move that the Board of Selectmen vote to authorize execution of an engineering contract amendment in the amount of \$48,700 with Environmental Partners Group, Inc. of Hingham, Massachusetts, for long term pump test for a new source, North Union Field, in Truro.*

Motion by: Sarah Peake **Seconded by:** David Nicolau Yea 5 Nay 0

8A2 **DPW: WATER – SOUTH HOLLOW PRESSURE**

Contract – Environmental Partners Group, Inc. - \$47,100

MOTION: *Move that the Board of Selectmen vote to authorize execution of an engineering contract amendment in the amount of \$47,100 with Environmental Partners Group, Inc. of Hingham, Massachusetts, for pressure sustaining system for South Hollow.*

Motion by: Sarah Peake **Seconded by:** David Nicolau Yea 5 Nay 0

8B **SEWER HOOK-UP ASSISTANCE**

Metcalf & Eddy Engineering Change Orders - \$130,000

MOTION: *Move that the Board of Selectmen vote to authorize execution of change orders with Metcalf & Eddy for engineering services, as follows:*

\$20,000 for Cape End Manor sewer extension permit application and design.

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

\$90,000 for construction supervision and inspections for red-dot-delay and delinquent properties.

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

\$20,000 for planning support activities, hydraulic capacity reviews and related investigations; subject to approval as to form by Town Counsel.

Motion by: Sarah Peake **Seconded by:** David Nicolau
Yea 4 Nay 1 (Michele Couture)

8C **WASTEWATER PLANNING**

Outreach Letter To Properties Not Connected To The Sewer

MOTION: *Move that the Board of Selectmen vote to authorize the amended letter to be sent to all property owners not on the sewer system inviting them to express interest in being considered for a sewer connection during the Board's deliberations on sewer system optimization and expansion.*

Motion by: David Nicolau **Seconded by:** Michele Couture Yea 5 Nay 0

9. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

MOTION: *Move that the Board of Selectmen vote to approve the minutes of June 22, 2005 (Fiscal Update) as printed. .*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of July 11, 2005 (Board Interviews) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of July 11, 2005 (Regular Mtg.) with changes so noted.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of July 18, 2005 (Wastewater) as printed. .*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of July 25, 2005 (Regular Mtg.) with changes so noted.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of August 1, 2005 (Wastewater) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to suspend the rules at 11 pm.*

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

10. CLOSING STATEMENTS

David Nicolau – None

Sarah Peake – Town Beach closings. Leash law / scoop the poop – NO signage for people to see. Signs need to be put up especially on Dyer Street and Johnson Street. Poop bags hanging on a nail. Appropriate signs need to be in place regarding poop scooping and what the fines are for that as well as the leash laws.

Cheryl Andrews - David Nicolau and I attended the Board of Health meeting last Wednesday and reviewed historically the issue of Administrative Consent Orders and Plumbing Code.

Michele Couture - None

Richard Olson - Will be in France for the next two weeks.

11. LITIGATION STRATEGY: GAS DOCK

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.39, §23B, clause 3 and clause 6, to go into executive session, for the purpose of discussing strategy with respect to litigation and land acquisition; and not to convene in open session thereafter.*

Motion by: Michele Couture **Seconded by:** Richard Olson

[Roll Call]

Sarah Peake – Yes
Olson – Yes **Cheryl Andrews - Yes**
Yea 5 Nay 0

David Nicolau – Yes

Michele Couture - Yes

Richard

The Board went into executive session at 11:10 pm.

Minutes transcribed by: Vernon Porter, Secretary
August 16, 2005