

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
SPECIAL MEETING – MONDAY, DECEMBER 5, 2005 – 6 PM

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened 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.

1. PUBLIC HEARING
July Fourth Observances

Cheryl Andrews

This public hearing is a little more expansive and the Board of Selectmen would like to have a more substantive dialogue on what kind of celebration we, as a town, would like to have for the 4th of July next summer, whether we should include fireworks in the celebration or should we not, if we do, what night should we have them? Frankly, your comments can be as simply, yes, I want fireworks or you can take five full minutes and tell us how many police you want to have, what you want us to wear and various other details – it is really up to you as far as your comments. When you stand up to the microphone, please state your name and address for the record, do not ask questions just give input. After we receive input from as many of you that would like to, I will close the public comment portion of the hearing and go to the Board. I cannot promise you any votes tonight – it will be at the pleasure of the Board. The primary purpose of tonight’s meeting is to take input. Certainly if you have a question that you would like the Board to find an answer to, let us know during your statement and if someone on the Board wants to pursue it during our portion, we will.

Input from the Public

Austin Knight - Have citizen’s work together – utilize different group. Enforce drinking laws. Monitor parking areas. Bathrooms – have more for facilities for people. Institute a Review Board if necessary, for policies for our Police Department. (See Attachment #1 submitted).

Barbara Rushmore – Everyone I have talked to wants to have the 4th of July celebration on the 4th and believe that most of the problems come from out-of-towners. The State Police use shock tactics and this scares people.

It is an attitude problem and she believes the State Police are not our friends. Feels some of the criticisms are justified.

Channing Wilroy - Supports the two previous speakers

Stephen Melamed – Let the Police do their job. Think the Fireworks is good.

Candice Collins-Boden – Chamber of Commerce - 68 out of 89 replies from a survey sent out want the fireworks and want to have the Fireworks on the 4th of July. Encourage you to put the word out in mailing & advertising - in advance - that open public drinking will not be tolerated.

Mary-Jo Avellar – I agree with previous speakers and want 4th of July Fireworks. We should not close Commercial Street where crowds can gather. Also don’t think we are doing as many sting operations as we use to. We have to get the word out that we will not tolerate open drinking. Maybe port-a-potties are a good idea and paddy-wagons can be more visible.

Francis Santos – I am sort of representing the Waterfront. See no reason why the fireworks cannot be set off from the ‘T’. What about using the Ball field to set off the fireworks ... this may get some of the people off Commercial Street. Have a band playing, etc. Need more public restrooms. Open drinking has to be worked on as well.

Rick Murray - For retaining the 4th of July for fireworks ... and agree with previous speakers. Do not think it wise to micro-manage our Police Dept. Agree with some of the people who feel threatened ... and suggest that maybe we should have some of the hummers at the parking lots, etc. We have our own marshals that control drinking in our establishment during Carnival Parade and this may be a good idea for the 4th of July as well. There is definitely a need for more public restrooms. There is a lot of public urinating during these events, as there are not enough public restrooms. 4th of July gets a little tense when you see so many uniformed police present.

K. Margie Perry – Support of the 4th of July Fireworks – Need to be more visitor friendly. With out a doubt there is definitely need for more port-a-potties. Keep the comfort station open longer during the year.

Board of Selectmen Comments.

Introduction of Chief of Police Ted Meyer, Sgt. Warren Tobias, Captain Gerard Coletta State Police

Michele Couture – Based on what I have heard from people – keep fireworks on the 4th of July. Issues that need better strategy:

- 1) Crowd Control
- 2) Public Drinking
- 3) Eliminate Bottle Neck on Ryder Street & Commercial Street
- 4) Chief’s suggestion of relocation Command Control is a good one
- 5) Appreciative of the State Police and they have always been very supportive.
- 6) Definitely need more bathrooms.
- 7) Suggest to Town Manager & BOS – Work with other towns.
- 8) Training Summer Officers

David Nicolau – Decide whether or not to have fireworks on the 4th of July next year.

- 1) Next year and for the next few years thereafter the 4th falls during the week.

Sarah Peake – Definitely support having fireworks and having them on the 4th of July

- 1) Hearing the comments, I see that there are concerns that fall into two categories – one is Public Safety and the other is Public Welfare. The Bathrooms and the issues on how we treat our guests fall into the category of Public Welfare. Moving the crowds around and open consumption of alcohol and public ways, that all falls under the Public Safety aspect.
- 2) Because of the previous success of the Community Oriented Policing Model, I would like us to meet, discuss, and support a formation of a COP working group.

Richard Olson – does not make any difference to me what date it is on. On any date my concerns are:

- 1) Overcrowding in Bars.
- 2) Emergency services (Od’s, and other emergencies)

MOTION: Move that the Board of Selectmen vote to observe the 4th of July fireworks on the 4th of July.

Motion by: Michele Couture Seconded by: Sarah Peake

Cheryl Andrews - I will stand by my vote. If something is not working - how do you get the message out that a certain type of behavior is not going to be tolerated? That is why I went to the press and went public so fast last summer to say that I am not going to vote for this again, because I had to send out a message. It had to get in the press to say this is Not OK, it’s Not going to be tolerated, and when I say that I am going to vote a certain way, I going to vote a certain way. It doesn’t mean that I am not going to be there with bells on that summer – hoping for the best and doing everything I can to help this Board and all of you to make sure that it is a kind of celebration that we are proud of. Therefore, I will stand by my vote. But as I said in a number of memos to my colleagues, that is the reason why I felt strongly it needed to be said in the press and we will have to continue by our own actions in the plan we develop, with your help, we will have to continually craft that message so that it is received – because it has been, in my opinion, getting incrementally worse in the last couple of years and we need to nip it in the bud so it turns in a different direction. I think we can do it and rise to the challenge.

Yea 3 Nay 2 (Cheryl Andrews/Richard Olson)

Chief Meyer's

Spoke with several other towns this afternoon and what they have (Dennis, Harwich & Falmouth) is a 4th of July Committee. We definitely agree with a 4th of July COP Committee and welcome anyone who would like to be part of this group. We've learned from this year and have some tactical plans for this up coming year. The message we will put out there loud and clear is that we are not going to tolerate any of the type of behavior that was observed this past 4th of July. We will get the message out.

Cheryl Andrews – Not interested in hearing about last year's 4th of July. Goal is to take that section of town that is the crazy land that is not able to be seen by those that are over the age of 31 ... You will be viewed by the members of the town, by the police

Michele Couture – have some alternatives – all of Provincetown should be a green zone – a safe zone .. the issue of public safety after the fireworks is over.

Richard Olson – agree that there should be some alternative activities. The fireworks are expensive and over too fast.

David Nicolau – Cannot let one bad apple spoil it for everyone. Maybe light up the area more.

State Police Captain Gerard Coletta – An observation - it really is not the alcohol use - it is the alcohol abuse. You have a much more mature crowd at Carnival. At the 4th of July festivities it was not local citizens from the town it was people from out of town that was the problem. It was a combination of conditions. I also agree highly with your approach on the Community Oriented Policing. It should not only be composed of public safety and town officials but also citizens – especially citizens who witnessed what happened last year who can give some input. I have to take strong exception to some of the statements that were made about the State Police not being friendly to the town folk here in Provincetown. This is absolutely not the case. The State Police is not in the business of being antagonistic towards that we serve. I was here for Carnival and every officer under my command enjoyed the time that they were here and they interacted very professionally and friendly.

MOTION: Move that the Board of Selectmen vote to support the formation of a Community Orientation Policing Group for the Fourth of July to work with the Police Department in developing plans for the July 4, 2006 celebration, with representatives from public safety, emergency services, town officials and representatives from the general public.

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

Close public hearing at 7:14 pm.

2. **BAS RELIEF CRECHE**

Disposition

Cheryl Andrews - We have been advised by Town Counsel that the way that area of town property is structured/decorated would not pass constitutional muster at this point and that indeed, we as a town have two options to consider so that the situation will not continue. One options is to have that scene move to a private location; another option would be to somehow extend upon what's there with additional symbols – either secular or non-secular – actually both were in the email from Town Counsel, to the point where it would not be considered an endorsement by Government of religion. Knowing that we had those two choices, it was my opinion that we should at least show the courtesy to the public to allow you to give us input before we made our decision. Clearly we have a time constraint issue. While this is not a Public Hearing in terms of the way we normally conduct a public hearing, I am going to entertain your input in a manner similar in the way we held our discussions about the fireworks. Having said that, again, we're looking at two options.

Comments by the public.

K, Margie Perry – Read statement into record. (See attachment # 1)

Barbara Rushmore – Place for religious symbols is not on Town property. Suggest that you put it on church property.

Channing Wilroy – Against Crèche or any religious symbols on town property.

Mary-Jo Avellar – Christmas is a Federal holiday – and we display the symbols of our Holidays. I lean towards allowing other symbols to be placed and I take exception to Town Counsel’s opinion. When you get right down to it, I will not be offended if you decide to remove it.

Candice Collin-Boden - It is a tradition that we’ve celebrated here for at least the 34 years that I have been here and the Town is losing too many of our traditions too quickly. A lot of people feel very strongly about the Crèche being there. None of them feel strongly about adding more symbols to the Bas Relief and I think that is the right way to go.

Francis Santos – I lived here all my life and the Crèche has always been on that property right where it is. I invite the gentleman who complained about this to come and place his symbol along with the Crèche. This town is a mixing bowl – this is how we all came here. I think Town Counsel is way off base.

Board of Selectmen Comments

Cheryl Andrews

Want to thank all of you for your comments and for the issues you raised tonight. Obviously we have some differences of opinions on this issue. It’s not easy. I don’t think it is about the person who actually made the complaint. Frankly, it’s been known to many of us, regardless of what you may think of Town Counsel, in a number of different ways we’ve had to deal with the situation and we didn’t. So, I asked my colleagues the last time we met if we would bring this issue forward – not the person making the complaint – so it’s the Board of Selectmen holding this meeting tonight.

Written Comments on file from:

Dennis Rhodes, Provincetown, MA. (Attachment #6)

Taylor Polites, Private Equity Group (Attachment # 4)

Mark Adams, Whitman, Ma. (Attachment #2)

Michele Couture - I would vote tonight to add other symbols and ask the High School to make those symbols as they are the ones who gave us the Crèche.

David Nicolau - I think there should be added symbols as well. We’re a great mix of people and I think it is about being equal and being heard.

Sarah Peake – After hearing people this evening, I would support adding symbols. Also, after reading Town Counsel’s letter; secular symbols must be added in addition to sacred symbols. I would like to add the wording “Peace On Earth”.

Richard Olson - I like the idea of “Peace On Earth”. Adding more symbols trivializes the whole thing and I think the crèche ought to be displayed on other premises and not on public premises.

Cheryl Andrews – This is an issue we try the hardest to avoid as it is so personal and yet it is the most important. Separation of Church and State! The manger should be in a place by itself. I would find a proper place or home for the Crèche – then I believe it should go there.

MOTION: Move that the Board of Selectmen vote to add the necessary symbols to place the display in a secular context including a sign saying “Peace On Earth”, a Menorah, and a Holiday Tree.

***Motion by: Michele Couture Seconded by: David Nicolau
Yea 3 Nay 2 (Cheryl Andrews/Richard Olson)***

Motion to adjourn by Michele Couture at 7:56 pm.

Minutes transcribed by: Vernon G. Porter

December 5, 2005