

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – FEBRUARY 11, 2002

JUDGE WELSH HEARING ROOM

Betty Steele-Jeffers, Chairman opened the meeting at 6:00 PM noting the following attendees. Board of Selectmen members: Betty Steele-Jeffers, Cheryl Andrews and Michele Couture.

Excused Absence: David Atkinson, Mary-Jo Avellar

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

Recorder: Vernon Porter - Secretary to Board of Selectmen

The following are meeting minutes, in brief.

1A APRIL 1, 2002 ANNUAL & SPECIAL TOWN MEETINGS

Set dates for Opening and Closing of Warrants; Insert Articles

MOTION: *Move that the Board of Selectmen vote to open the April 1, 2002 Annual and Special Town Meeting warrants forthwith and to close them on Friday, March 1, 2002 at 5:00 p.m. in accordance with Charter §2-1-7.*

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

MOTION: *Move that the Board of Selectmen vote to insert the following articles, subject to approval as to form by Town Counsel:*

SPECIAL TOWN MEETING

Article 2. *Route 6 Highway Corridor Overlay District..*

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

Article 3. *Zoning: Exemption From Growth Management By-Law: Non-Profit Health Care Relate Use.*

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

Article 4. *Zoning: Eliminate Water Resources District.*

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

Article 5. *Authorize Increase in Local Borrowing Authority for Provincetown Public Library at Heritage Museum Property to Satisfy State Grant Deadline for Commitment of Local Match.*

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

Article 7. *Home Rule Petition / Property Tax Exemption for Affordable Year-round Rental Housing.*

Motion by: Michele Couture **Seconded by**: Cheryl Andrews
Yea 2 Nay 1 (Betty Steele-Jeffers)

Article 8. – *Hold* -

Article 9. *Home Rule Petition: Substitute Community Preservation Act for Cape Cod Land Bank Act in Provincetown.*

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

Article 18. *Capital Improvements.*

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

Article 20. *Stabilization Fund Appropriation.*

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

Article 21. *Use of Parking Funds to Further Reduce the FY 2002 Tax Rate..*

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

Article 22. *Apply Encumbered Shuttle Funds to Reduce the FY 2002 Tax Rate.*

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

ANNUAL TOWN MEETING

Article 2. *FY 2003 Operating Budget*

Motion by: Michele Couture Seconded by: Betty Steele-Jeffers Yea 3 Nay 0

Article 3. *FY 2003 Enterprise Funds.*

Motion by: Michele Couture Seconded by: Betty Steele-Jeffers Yea 3 Nay 0

Article 4. *FY 2003 Capital Improvements Program.*

Motion by: Michele Couture Seconded by: Betty Steele-Jeffers Yea 3 Nay 0

Article 5. *FY 2003 Revolving Accounts.*

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

Article 7. *Zoning By-Law Amendment: Adult Entertainment.*

**Motion by: Cheryl Andrews Seconded by: Betty Steele-Jeffers
Yea 2 Nay 1 (Michele Couture)**

Article 43. *Dissolve Heritage Museum Board of Directors.. To see if the Town will vote to rescind its vote under Article 8 of November 12, 1975 Special Town Meeting which established the Heritage Museum Board of Directors.*

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

Article 46. *FY 2003 Human Services Grant Program.*

**Motion by: Michele Couture Seconded by: Betty Steele-Jeffers
Yea 2 Nay 1 (Cheryl Andrews)**

Article 47. *Apply Shuttle Funds to Reduce the FY 2003 Tax Rate.*

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

Article 3. Use of Parking Funds to Reduce the FY 2003 Tax Levy..

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

2. PUBLIC STATEMENTS

Peter Sousa - Sorry to see Betty Steele-Jeffers leaving the Board of Selectmen. You have done an excellent job and have been very fair with everyone.

CEM Care Campus – receiving phone calls from other boards, committees and abutters to Site Y - calling him a traitor. Disturbed by the people who don't understand that Site Y is the only land that will support a Care Campus facility for the elderly.

3. SELECTMEN'S STATEMENTS

Betty Steele-Jeffers

John Warner – Assessors Office – had a great compliment about him from a lawyer who works in Orleans. Says that John is the most pleasant person to deal with and he wanted to make sure that the message gets back to town hall.

Year-rounders Festival – March 9th and Char is anxious to have the Stakeholders participate. Will check with John Thomas to see if he is available.

Thursday afternoon is volunteer appreciation day are we going to hand out something to them? Answer: Yes – mugs.

Michele Couture

Would like the rest of the Board to support the Coalition for the Environmental Bond.

MOTION: Move that the Board of Selectmen vote to support the Town of Framingham in urging the State Legislature to freeze the rollback of the state income tax rate and utilize the excess income as direct revenue to the cities and towns of the Commonwealth.

**Motion by: Michele Couture Seconded by: Betty Steele-Jeffers
Yea 2 Nay 1 (Cheryl Andrews)**

Letter from Dave Murphy re: Boat trailer being parked in MacMillian parking lot. Would like to have a report from Don Richards when he gets back from vacation.

MOTION: Move that the Board of Selectmen vote to deny John Bennett the use of the Town Seal of Provincetown for The Great Provincetown Schooner Race.

Motion by: Michele Couture Seconded by: Betty Steele-Jeffers Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to send a letter to Ruth Anne Cowing congratulating her on graduating from the Reserve Intermittent Police Academy of Plymouth, Massachusetts on February 10, 2000.

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

MOTION: Move that the Board of Selectmen vote to have a plaque of appreciation made honoring Captain George Adam who brought the anchor to Lopes Square.

Motion by: Michele Couture Seconded by: No vote taken. *Decided to wait.*

21A Franklin Street – insurance loss. Never saw anything like this before. Loss of water. (Keith – we will investigate it.)

Cheryl Andrews

Cape Air - issue of runway lighting. Can you find out through the Airport Commission – what the status is of the landing lights after the airport closes? Was anyone able to turn on the lights for her? Can we get some kind of an emergency protocol in place.

MOTION: *Move that the Board of Selectmen vote to have the Town Manager ask the above questions of the Airport Manager.*

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

MOTION: *Move that the Board of Selectmen vote to send a letter to the Town of Barnstable to let them know we agree with their stance on wind power plants.*

Motion by: Cheryl Andrews Seconded by: No Second

MOTION: *Move that the Board of Selectmen vote to send a letter to Governor Swift stating that Provincetown has already voted for the project. (School Building Assistance Fund)*

Motion by: Cheryl Andrews Seconded by: Betty Steele-Jeffers Yea 3 Nay 0

4A

BOARD OF LIBRARY TRUSTEES

Use of Library Building Gift fund for Independent Review

MOTION: *Move that the Board of Selectmen vote to authorize the Board of Library Trustees to expend up to \$10,000 from the Library Gift Fund to undertake a scope of services for the independent review of Tappe Associates' feasibility study of the Library at the Heritage Museum property.*

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

4B

COUNCIL ON AGING; GRANT APPLICATION

Gay & Lesbian Equity Fund (GALE) Community Foundation of Cape Cod

MOTION: *Move that the Board of Selectmen vote to approve the submission of a grant application by the Provincetown Council on Aging in the amount of \$3,000 to the Gay and Lesbian Equity Fund (GALE) of the Community Foundation of Cape Cod, to fund two senior fair/dances for lesbian, gay, transgender and bisexual elders on the Outer Cape.*

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

4C

HISTORICAL COMMISSION

Town Hall Mahogany Doors, Revisited

MOTION: *Move that the Board of Selectmen vote to table this item until the next regular scheduled*

meeting.

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

4D **CEMETERY COMMISSION**

Approval of Fees

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.40,§22F, to approve the establishment of cemetery fees as recommended by the Cemetery Commission on January 31, 2002; with the exception of the Stillborns rate to remain at \$275.00.*

Motion by: Cheryl Andrews **Seconded by:** Betty Steele-Jeffers
Yea 2 Nay 1 (Michele Couture)

4E **SCALE BY-LAW**

409 Commercial Street

Reschedule until time uncertain. Mary-Jo Avellar requested this item but was unable to attend this meeting.

4F **AMERICAN LUNG ASSOCIATION OF MASSACHUSETTS**

Trek 2002 Autumn Escape Bike Trek

MOTION: *Move that the Board of Selectmen approve the annual request by the American Lung Association of Massachusetts to pass through the Town of Provincetown during their Trek 2002 Autumn Escape Bike Trek scheduled to take place Friday, September 20 through Sunday, September 22, 2002.*

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

4G **REQUEST**

Cultural Council Member Patricia DeLuca

MOTION: *Move that the Board of Selectmen vote to table this item until the next regular schedule meeting on February 25, 2002.*

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

5A **MCDBG GRANT AWARD**

Water Transmission Main - \$750,000

MOTION: *Move that the Board of Selectmen vote to accept a grant in the amount of \$750,000 from the Massachusetts Department of Housing and Community Development under its September 2001 Massachusetts Community Development Block Grant program for Water Transmission Main Replacement, and general administration.*

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

5B **SCHEDULE PUBLIC HEARINGS; MARCH 11, 2002**

FY 2002 Property Tax Rate Classification; FY 2003 Operating Budget

MOTION: *Move that the Board of Selectmen vote to schedule public hearings for Monday, March 11, 2002 at 6 p.m., as follows:*

(1) pursuant to MGL C.40,§56, to conduct a public hearing for the purpose of determining the percentages of the local tax levy to be borne in Fiscal Year 2002 by each class of real and personal property:

residential, open space, commercial, and industrial; and

(2) pursuant to Charter §9-1-6, to conduct a joint public hearing with the Finance Committee on the proposed operating budget for Fiscal Year 2003.

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

5C1 MDPH HIV/AIDS HOME HEALTH GRANT

Contract Amendment \$120,000 Reduction over three years

MOTION: *Move that the Board of Selectmen vote to approve execution of an amendment to the contract expiring June 30, 2004 with the Massachusetts Department of Public Health for a comprehensive HIV/AIDS home health program to reduce from \$1,426,772.50 to \$1,306,772.50.*

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

5C2 DEPARTMENT OF PUBLIC WORKS

Reorganization Plan

MOTION: *Move that the Board of Selectmen vote, pursuant to Charter §§7-2-2 and 7-2-3 to approve the reorganization of the Department of Public Works so as to staff the DPW Director's office with a non-union Grade13 DPW Deputy Director and a non-union Grade 10 DPW Project Coordinator.*

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

6. BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint David Linstrom as an Alternate Member of the John Anderson Francis Family Scholarship Committee with a term expiration date of December 31, 2004.*

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

MOTION: *Move that the Board of Selectmen vote to appoint John J. Ciluzzi as an Alternate Member of the Zoning Board of Appeals with a term expiration date of December 31, 2004.*

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

7. MINUTES OF BOARD OF SELECTMEN MEETINGS

MOTION: *Move that the Board of Selectmen approve the minutes of: January 28, 2002 (Regular Mtg.) as printed.*

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

MOTION: *Move that the Board of Selectmen approve the minutes of: February 4, 2002 (Board Interviews) as printed.*

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

9. CLOSING STATEMENTS

Betty Steele-Jeffers

March 4th meeting with Senator O'Leary from 1:00 PM to 1:45 PM – Who is going and what topics would we like to discuss? We should discuss our strategy and bring forth important issues. Schedule this for our 25th meeting.

Notice to Town Department Heads from Cable Committee via email – felt that it was going to come from the administration rather than from the email that Tim sent. (Keith: I responded to Tim and suggested the Provincetown Theatre will be a perfect place.)

Michele Couture

Schedule Manor meeting for this Thursday – 2-14-01 @ 10 AM.

Cheryl Andrews

ZBA hearing – Chairman Reinhardt recused himself but stayed in the room and talked to Warren during the discussion. Don't know how much of this is true – this is just what one person told me. My understanding is that he is not breaking the law but that we have a town policy that is you have a conflict that you should leave the room.

MOTION: Move that the Board of Selectmen send a letter to the Zoning Board of Appeals Members reminding them of the Selectmen's policy which requires that Town Board members leave the meeting room if they refrain from participation due to a conflict of interest. (Administrative Directive No. 97-3)

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

Motion to adjourn by Cheryl Andrews at 8:15 PM

Minutes transcribed by: Vernon Porter, Secretary
February 19, 2002