

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, JULY 22, 2002

JUDGE WELSH HEARING ROOM

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

Board of Selectmen members: Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson. (Mary-Jo Avellar arrived at 6:07 pm.)

Other attendees: Town Manager Keith Bergman, Assistant Town Manager Mark Latour. Town Counsel John Giorgio.

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A **PUBLIC HEARING: TRAFFIC RULES**

Limited Metered Parking Spaces on Ryder Street to 3 Hours

MOTION: Move that the Board of Selectmen vote to amend the Provincetown Parking and Traffic Regulations, Chapter 5, Parking Meters, Section 5-2-1 to read as follows: “Maximum Duration. Parking meters shall allow a maximum paid duration of 10 hours of parking for all new meter mechanisms as installed. All metered spaces on Ryder Street are limited to a maximum of three hours, with or without a current Provincetown Resident or Non- Resident Parking Permit.”

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

Mary-Jo Avellar left the room

1B **PUBLIC HEARING: PROFISH**

Proposed Plan for Commercial Fishing Operations on MacMillan Pier

Acting Chairman Cheryl Andrews read the Public Hearing Notice.

Mr. William Henchy, P.C. representing PROFISH gave a brief overview since the conception of PROFISH. He also went over their proposed plan as to where they have been, where they are now and where they would like to be in the future. (See attached copy of related material for item 1B)

Keith - I just said to Bill - great job - everything that Attorney Henchy said we are delighted to hear. It was heartwarming agreement between the Town and the Fishermen’s Association. The best thing about agreement is that it exists at all. That we have a framework around which its most important user group on the pier, the fisherman, have agreed what life is going to be like there. Bill has, and correct me if I’m wrong, masterfully addressed some of the issues that, which in the intervening months, have been of concern and I’m absolutely delighted to hear the presentation.

Comments by the Public

Lorraine Adams - Feels the fishermen should have what they should have. Something should be done with the regulations the Federal Government is putting on the fishermen.

Mark Forest - (Representative from Congressman Delahunt’s Office) - Speaking for Congressman Delahunt I can safely say that the fish are in good shape and our fishermen are going to be even in better shape as we rebuild our stocks. I want to speak on two points. First, as the Board knows, my role in this agreement has been to facilitate the agreement and to help bring it about. I, again, want to commend this Board of Selectmen for its support and involvement in crafting this agreement. I believe the proposal before you is entirely consistent with our discussions and what we have laid out. I can safely say it’s the sentiments

reflective of the Congressional Delegation. Overall I think it is very much consistent of what we would like to see happen.

As you know my role in this agreement has been to facilitate the agreement and to help bring it about. Again, I want to commend this Board of Selectmen for its support and involvement in crafting this agreement. I believe the proposal before you is entirely consistent with our discussions and what we have laid out. I can safely say it is the sentiments reflective of the Congressional Delegations. Overall it is very much consistent of what we would like to see happen.

The second thing I want to make a point on is that, as you know, I have been involved with this project from the very beginning and our interest is seeing it succeed. What is unusual about this grant is the Association itself is actually taking on the role of developing facilities that is often taken on by the homeports. In recognition of that obviously things have to be structured in a way to provide a revenue string to make the whole thing work. I think that is a reasonable arrangement here. In order for the facilities to work and to meet the interest of the fishermen it is important that the Association play this kind of role and make this kind of effort. The other thing I just want to affirm is that we are obviously willing to continue to work with the Community and with the Association. We've had discussions in the past about where we could collectively provide financial help in terms of development of the facilities that ultimately the Town and the Association agree to work out. I want to basically reaffirm that point. So, I am here tonight to echo our very strong support for this proposal; to reaffirm our strong support for the agreement; also here to answer any questions that the newer members might have about our assumptions and our discussions. I think this community is going in the right direction and I think you are setting up yourselves as a model in terms of how you proceed. Ten years from now when you look back on this you will be quite proud of what you have accomplished.

Craig Pendleton, Saco, ME. - Owns a 54' dragger in Portland, Maine. We pay to come here and tie up in Provincetown frequently. Several times his captain's life has been saved by being able to come into Provincetown. The port of Provincetown is very important to him and he builds it into his business plan. It is important that he know he can come here and be safe. Buying ice would be the next consideration. Pleasure to have driven down from Saco, Maine and to lend his support to PROFISH and hope that this goes successful for you all.

Napi Van Derek - Re: Fish being sold in Provincetown. Fish can be landed in Provincetown but it cannot be sold directly in Provincetown. It has to be taken away and sold at a market and we often don't get that Provincetown fish. The beauty of an idea here is if a market could be crated where the fishermen could bring the fish directly into town so that I as a restaurateur and others like myself, could buy directly. Our interest would be much more advanced because we would be getting fish that would be highly representative of the community and the fishermen would make more money because it does not have to be taken away and handle by people who don't represent them. This is a very important thing and long overdue and needed.

Al Davis - I am in favor of PROFISH itself but what I think they are asking here is based on greed and not on need. I see this money not going to the Town to pay off our \$3 million dollar loan but going to the fisherman to run a business that they don't know anything about right at the present time. Are they going to be able to sublease a portion of this lease, that we are leasing them, to somebody else to make money? What are the protections built into to this to protect the town? The very reason why we wanted a Pier Corporation is to prevent this kind of thing happening. I support all of these ideas but they are ideas that we already had and wanted to do with the Pier Corporation. Let the Pier Corporation do its job. Protect the town taxpayer. I see no agreement in this agreement for the maintenance of their half of the pier. Are they going to repair the pier when they damage it? Are they carrying insurance to protect us if someone gets hurt on their part of the pier? Are they going to carry a bond to guarantee their payment? I think this a bad deal for town taxpayers. The money should go to the town. If they make money on their operation they should pay a fair market cost. It should not be subsidized by the town. If the tax rate goes up because the Pier Corporation fails - it's not the fisherman who moves out of town that are paying that tax, it is going to be taxpayers and ultimately the guys who are working two jobs that paying that tax. Nobody else gets subsidized in his or her business. I hope that our Attorney put in some strong wording so that the town is

not hurt and that this lease cannot be sold, transferred or given away to some other group. Let the Pier Corporation run the Pier.

Priscilla Brooks - Economist from the Conservation Law Foundation. Have been working on marine resource issues in New England for the last 25 years and over the last decade on rebuilding of New England ground fish stock. Highlighted some of the issues in her memo to the Board of Selectmen dated July 22, 2002. Commend the Town of Provincetown for having the forethought to protect the working waterfront and plan for the future of the fishing industry. Urge the Board of Selectmen to approving the Fishermen's Association's Plan for Fleet Services as it is a forward-looking step down a path to a diverse and secure economic future for Provincetown. (See attachment #1)

Mark Seminich - Owns and operates a fish pier in Chatham. Compliment the Board. Suggest that you think ahead and recognize that you will accomplish more by working together. And that we're going to change the way in which we have done business for 100 years. We have new problems that require new solutions. One of those is for accountability and responsibility; not only financially but for fishermen - the fishermen are now ready and beginning to be accountable for the fish. I've operated my pier for the last 10 years on the concept that is being suggested to you with the exception of one person who buys shellfish from hand diggers. I operate the pier for the boats. There is no fish buyer who has priority who is the head rooster who has pecking order on the pier. This puts the onus on the boats to bring their buyer. The consequence of operating like this has been to permit me to put the responsibility on the boats to following my rules, for not abusing the pier and for having certain rules that promote stability on the pier (drinking, yelling or speakers on at night, etc.). I have been happy with this concept and strongly support PROFISH's proposal and I wish them every success. And, of course, to have a successful pier - ice is fundamental in making it a financial success in so many ways it cannot be enumerated here.

Steve Melamed - VSB - Support PROFISH. Echo Napi's comments. Citizens & Restaurants need ice and fish. We need to get behind and support PROFISH.

John Papalarado - Chatham, Ma. - Fisherman, Cape Cod Commercial Hook Fishermen's Association, N.E. Fisheries Management Council and also sits on The State Commission. After reading the Fleet Service Plan - this is exactly what Provincetown needs. Been studying fish stock and management for eleven years and I know there is going to be a boom time off this port in the next few years. If things remain the way they were - it would just pass you by - but now that you have the pier now and this plan or some plan just like it, in order to capitalize and reap the benefits of rebuilt fish stocks.

Luis Ribas - President of PROFISH. - Wish to say thank you very much to everyone for their support. This is like a dream for me. I believe the future will be good for all of us and the fishing boats will come back to Provincetown. Within five years the fishing industry will be more stronger compared to today. Again, thank you everybody for coming here and supporting us.

Paul Gribbin - General comment - Things have changed so much over the years and in order to survive the bottom line is that we need to get the best market price possible and to do that you need ice.

Francis Santos - Owner Flyer's Boatyard, worked for the commercial fishermen for years and I was instrumental in putting this pier project together and worked on it for quite some time. I think in essence that I agree in concept with this plan. As a taxpayer in the community this plan has to be negotiated on a basis with a little more thought as to how it is going to be paid for. The facility they are talking about would be an ideal thing if this port were back 50 years ago when there was 50 or 60 boats unloading. Ice plants are a wonderful idea but they also have to be maintained, and fishermen are kind of lax at that. I think you want your Pier Corporation to be negotiating this contract. Conceptually, I think it's a great idea and it could work.

Mr. Henchy - There were two speakers that spoke tonight, including the last gentlemen who sort of suggested the town needs better protection and their shouldn't be any kind of a give-away. And that, I think, is based on a misconception of what we are suggesting to do. In fact what we have agreed to do with the town - there is not one penny of subsidy that the Fishermen's Association is requesting from the Town

under the MOA or under the plan of Fleet Services that has been presented to you tonight. The Town has a fiscal plan in place for fiscal revenues anticipated to be generated from the Pier Corporation and to the Pier Corporation through various activities on the Pier and we agreed going in the door to conform to that fiscal plan precisely and our plan for Fleet Services specifically provides that the rental payment will meet the plan for Fiscal Services as provided in the MOA. So, to the extent that perhaps there is a misunderstanding out there that the town is considering, "giving away half of the pier" to the Fishermen's Association and getting nothing in return or a legitimate concern out of the Pier Corporation that if the town "give this away" how are we going to meet our obligations to the town. That is not the construct. The construct here is that the revenues that would have been paid to the Pier Corporation through off-loading activities will continue to be paid to the Pier Corporation except those will be done in the exercise of self-governance by the Fishermen's Association. As far as the pedestals, I've been down to the pier myself and I've seen some pretty awful looking things during the construction; gaps in the distances between floats and so forth. I attribute much of that to the ongoing construction activities. But to the extent that there is any damage happening down there, we fully anticipate that the Pier Corporation is going to require vessels tied to that pier to be fully insured; we fully expect vessel operators are going to be responsible for anything they do to the pier and we fully expect that there is going to be a harbormaster or dock master or executive director or whatever it is on the Pier Corporation probably keeping as good a track on what happens on that pier as any fisherman themselves. So, last but not least, sitting to my right is Mr. Giorgio, who hasn't taken on the look of a pushover as of yet, although I keep trying. So, I do want to suggest, at least to the Board and I may not be able to sway the concerns of everybody in the audience, but to the Board we say, 'we are asking for nothing by way of a subsidy, we are asking nothing of give-away and that the central part of this that makes this so exciting, frankly, is that the Fishermen's Association is going to have the responsibility to deal with these matters rather than hanging around and complaining and nipping at Keith's heels or the heels of the Pier Corporation. It is both a responsibility and a privilege that we seek. Thank you very much for holding this Public Hearing.

Acting Chairman Andrews closed the public portion of this hearing and opened it up to the Board of Selectmen and Staff for questions or comments.

Richard Olson - It is not clear to me where the capital cost of these facilities is coming from?

Mr. Henchy - The answer is one step at a time. The first thing that we need, obviously, is a lease. You cannot go out and obtain private capital certainly without having the right to use the area. We have been actively exploring through Senator Kerry's office and I gather that Mr. Forest is looking for us as well, and Mr. Bergman told me he is looking as well - for public grants or public loan assistance to provide the capital for this. The direct answer to your questions is that we don't have it now. The other answer to that is until we have the lease in place we will not have the opportunity to obtain it.

Mark Forest - I'll be more than happy to, again, affirm to this Board our strong interest in helping the Association help finance the facilities. We need to have a plan, we need to have the approval, we need to get a sense from this Board that it's OK with it, and then from that point we can move aggressively, collective together. It is not unusual for the government to step in and participate in helping out with facilities like this. In fact, in most other places the Federal and State governments play a major role.

Sarah Peake - In this point in time, I feel that there are questions that I may have but I would assume that in the not too distant future we will actually have an agreement in a form of a proposed lease that we will be looking at and I can ask my questions at that time. So, just by way of comment, I appreciate your presentation this evening and I look forward to receiving from you more fact based information; a business plan perhaps that the Fishermen's Association will put together that will substantiate some of what has been included in your Fleet Plan. Would be interested to see if you have commitments in hand from seafood off loaders of their intent to do business here in Provincetown where there has been a gap of many years that they haven't been doing business. In light of the new fishing regulations negotiated as part of that May 23, 2002 settlement - just as somebody who is not a professional fisher person, are there estimates of what the pounds landed would be since what's in the MOA links fees to pounds landed of fish. It is an exciting time for PROFISH and the Town and certainly a very important time for everybody. We've heard from taxpayers this evening who are concerned that it get up and running in the right way so that it doesn't

become a burden to the rest of the citizenry. We've certainly heard from the fishermen that there is an absolute strong interest in getting this up and running properly so that everybody can live with it and profit accordingly.

Michele Couture - I will echo Sarah's comments. When we were interviewing for the Pier Corporation Directors one of the questions that came up was, 'whether there had been an analysis of how many vendors the market would bear and would it be viable to have two vendors.' So, in that respect it echoes what Sarah is asking you. When negotiations are closer there are certainly more questions that I would have - one of them, of course, would be 'what would be the price per pound for off-loading', boats unloading at all times - how do you actually police that? - whether it would be based on landing slips, etc. There are a lot of other questions I have in the near future.

Mr. Henchy - as to the latter - excellent question. And this is something we grappled with, and frankly one of the reasons why I'm very interested in involving the Pier Corporation is because we expect they can be of greatest assistance to us in that regard. That is making sure that there is an off-loading going through, that the Fishermen's Association doesn't know about and the revenue stream that escapes, if you will, the legitimate interest of both the Association and the Pier Corporation and precisely why it would be useful to have those folks involved in our discussion.

Cheryl Andrews - In the interest of time, I will keep my remarks extremely limited because most of what I was thinking has already been said except to say for those of you who are interested in the process this is the beginning of a great deal of work tonight. In terms of actually crafting a sub-lease for PROFISH tonight is the first step in another process that we do not know how it will take, so keep an eye on the board for the agenda, keep an eye on the process, let us know what you think, we're going to be basically asking all the hard questions that you folks brought forward to us. So off we go. Thank you very much for your input. And I will if there is a motion from the Board.

MOTION: *Move that the Board of Selectmen vote to take this matter under advisement.*

Motion by: Richard Olson Seconded by: Michele Couture Yea 4 Nay 0

1C PUBLIC NOTICE: FLOAT SPACE 3W JOHN R. WOODS

Transfer of Ownership Interest to Center for Coastal Studies

MOTION: *Move that the Board of Selectmen vote in accordance with Special Condition No. 7 of the Chapter 91 License for MacMillan Pier issued October 23, 1995, to approve the proposed transfer of ownership interest in Float Space 3W licensee, John R. Woods, Inc. to the Center for Coastal Studies, subject to filing with the Board of Selectmen evidence of full compliance [i.e., local & state taxes, with Special Condition No. 7 by the transferor (John R. Woods, Inc., and it's principals) and the transferee (Center for Coastal Studies)]*

Motion by: Michele Couture Seconded by: Richard Olson Yea 4 Nay 0

Mary-Jo Avellar returned.

2. PUBLIC STATEMENTS

Roslyn Garfield - Here to speak about the letter that the Chairman of the Board of Selectmen has written to both the Banner and the Cape Cod Times. Feels that since Ms. Avellar was not at the meeting when the Art Association Board voted not to ask Mr. Manso to speak, she did not hear what the motion was nor was she present for the discussion. I feel that it was an unfair letter. I am here to ask that if any vote ever comes up on a petition for money for any art organization or art celebration that Ms. Avellar reclude herself from the vote, as obviously, she is a very prejudiced person, as far as that goes. I am very sorry about this Mary-Jo but I feel very strongly about this and I will also step down as Moderator if a vote comes up on town meeting floor. I don't think you should have any say in any vote that has to do with giving money to any art association.

Flyer Santos - Your last public hearing is a good indicator of how some things can get turned around and out of hand - like you have a displaced commercial fisherman at this point who had a berth at MacMillan Pier because some kind of corporation and non-profit. And I certainly hope that it does not mean that the Center for Coastal Studies will not be paying a float fee - I hope they will be paying their fair share. My other question: I put brochures in the stand at the back of town hall and I thought the VSB was going to be user friendly for people but they are hidden. We have the fire station that was going to be renovated two years ago; we have the front door at town hall where those brochures could be out and people could pick them up. I think it is a very poor display for business in town or for the VSB to be hidden in the corner like that. I would like to see it move back to the front of town hall or maybe in the #3 Fire Station and have somebody there to offer information and guidance. Toilets: We have super clean toilets here in Provincetown. Is it necessary to have two matrons for four stalls?

Lorraine Adams - Here to complain to the Board of Selectmen, Town Manager and Chief of Police - that the town is pornographic, no sense of anything - to me it's just dirty. Disappointed at people on the street - entertainers with their flyers telling people to go to their place in the evening, others in front of their building screaming their heads off at people across the street - come see us tonight at the show. I have never seen such a display as on the street like you do today - not shirts on - just their bathing suits.

Bert Wolfman - Here to support the Town Manager's proposal on Community & Economic Development. It is innovative and long overdue. Disturbed about what he reads in the paper that the dialogue is being framed about this proposal as if tourism versus culture. As if Tourism is the driving engine. The issue is stretching the appropriate balance between the needs of all. The town is investing in new school facilities that will open in the fall of 2003 with state of the art facilities with more significant training for adults and manpower development. It is the people who do not have degrees that need to be trained and we have the opportunity at the high school and I urge the Board of Selectmen to move forward with this concept.

Alex Ritchie - Commend for your consideration the concept of combining planning and economic development with a year round long-range point of view - this includes tourism and visitor development, as it should, so we can combine all of our economic development vision. We are a 52 weeks a year town and we need to think with a 52-year frame of mind and we need to think 10 years down the road. Planning & economic development should be melted together as we do that. We need to recognize in that process the importance of the visitor industry; we need to help create a development of that industry; we need to come up with cluster alternatives to weather dependent tourism; we need to recognize the importance of the fishing fleet and the fishing industry and our long term economic plans; we need to look at the importance of developing good paying jobs for our year round residents; we need to recognize what we might call the unrecognized industry that we have here which is arts and education tourism; we need to, I believe, to encourage it's contribution to the community not only because of its tax base but because of our quality of life; we need to look at the importance of transportation alternatives so that we are not penalize by mid-cape congestion; we need to look at adequate housing - especially rental housing for our workers and our taxpayers; we need to look at the importance of doing all of this in the constraints of the water supplies we have available. If all of this sounds familiar to you, it's all issues that were discussed in the master plan that we adopted in the 80's. As the Chairman of the Board will remember, because she was part of that process, those very same concepts were reaffirmed in our Local Comprehensive Plan and there are at least a couple of other Board members who were part of that process. I think this proposal to combine planning and economic development and embrace our tourism promotions within that is central to achieving the vision that we've already adopted - and I think it is also very important to keep us on the road to new vision and a better future.

Steve Melamed - Would like to remind the board that the Visitor Services Board has been involved in no less than the following activities that are non-directly related to tourism in many ways: 1) most successful shuttle on Cape Cod; 2) 3rd trash pick-up, 3) Fireworks on 4th of July, 4) assisted in funding of the Museum merger, 5) funding of Airport runway, Bas Relief; extended restroom hours. Just wanted to let the people of the town know that we are doing the best we can with what we have and that we are not just an event based board.

Barbara Rushmore - Want to speak about the letter Mary-Jo Avellar wrote. It is not a personal thing, it is a matter of somebody writing a letter and assuming that they were not invited because of censorship. We don't want the Board of Selectmen to think that the VSB would be nothing other than supportive of all groups and

would never consider censorship.

Gabriel Brook - Advocate for dogs. Concerned over sign that was put up at the Bas Relief per order of Board of Health. Brought it to the attention of the Town Manager and within a couple of hours the sign was taken down. Would like Selectmen to inquire as to what happened? Needs to be a leash free area for dogs to roam.

Vaughn Cabral - Believe that when there is a transfer of license at the pier it has to be for commercial use and not for private use. Also, Mrs. Adams is right - there is a by-law that prohibits anyone from going shirtless - you have to wear a T-shirt in public. As far as sign at the Bas Relief - Ms. Gabriel - I see your dogs defecate there all the time.

Jim Bakker - Wanted to point out my distress here as well as I had in the newspaper re: the Chairmen of the Selectmen's response publically about an issue relating to Arts. It is not of a personal nature but I think that when we speak about things that we really don't know all of the circumstance on as a public official it saddens me. It's a type of thing that I wouldn't want to comment on - unless I had all the knowledgeable facts on it. That is what bothered me most about the response in the paper.

Brenda Haywood - Would like you to vote favorably on the reinstatement of the Hate Crimes Working Group. Another hate crime incident happened two days ago. It is time that we show no tolerance for this type of behavior - whether it is residence or tourism. We need to reinstated it and implement it with full force.

Brunetta Wolfman - Spoken in favor of the Department of Community & Economic Development. Especially concerned about 29% of the population in town who are 55 years of age or older. Many who are retired, semi-retired, displaced or dislocated. People don't retire anymore - they need to work and this town needs to help them find meaningful work.

3. SELECTMEN'S STATEMENTS

Richard Olson - None

Sarah Peake

Don Richards's memo re: Grace Hall lot during construction. Keith - through Chief ask Don to monitor this so that we stay on the side of 14 spaces - so that we don't wander towards the 52 spaces, which is the potential higher number of lost spaces. I'm thinking in terms of revenue and the impact that parking revenues have in lowering the tax rate and its contribution to the general fund. Don has done a great job but let's continue to stay in touch and not let it be a one shot deal.

Cape Codder 7-19-02 Issue - re: Recycle

MOTION: Move that the Board of Selectmen vote to have the Director of Operations for the Department of Public Works look into finding a market/vendor for #1 plastic as part of our recycling.

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

Responding to comments made by Gabriel relative to signs on the Bas Relief - we will get an answer to you. I agree that their needs to be a leash free dog run area and I will work on this for you as well.

Cheryl Andrews

MOTION: Move that the Board of Selectmen vote to ask Town Counsel to give the Board of Selectmen and update on the ad judicatory hearing based on our discussion of the Chapter 91 issues between the town and the private buildings at MacMillan Pier.

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

MOTION: Move that the Board of Selectmen vote direct staff that the Board of Selectmen do not want

to see any unsigned or anonymous documents.

Motion by: Cheryl Andrews

Seconded by: Sarah Peake

Yea 5 Nay 0

Gabriel - Thanks for bringing up the dogs. Glad you mentioned the number of dogs has increased. You are absolutely right and frankly sometimes it scares me. When I walk downtown and how many people come here and walk their dogs up and down the street. If any of you have ever been bit - it is a scary thing. I respect your wishes to have room for your dog but I also think that you have to prioritize. I will work with the rest of the Board of Selectmen in getting an off-leash run but at the same time I think we need to share the space and be respectful of what is happening when the wrong dogs get near each other and kids, etc. As far as the sign, I think you may be reading more in to that than what ever happened.

Mr. Cabral - mentioned his point of order - Chapter 91 - the reason I did not accept his point of order quite simply is because that is a matter of law. The Board of Selectmen can only not transfer ownership under very specific set of circumstance that Town Counsel has very clearly outlined to us. I understand their concerns, but at the same time we have to deal what is properly before us.

MOTION: Move that the Board of Selectmen vote to have the Department of Public Works Department install a street sign at Miller Hill Road Extension.

Motion by: Cheryl Andrews

Seconded by: Michele Couture

Yea 5 Nay 0

Mary-Jo Avellar

Relative to my letter - a) I have no intentions on standing down on anything to do with arts funding. b) Peter Manso knows that I do not agree with him and the things that he has written in his book. c) I feel very strongly about the right of people to be heard. It is well known that there were efforts to prevent the publication of this book even before it hit the newsstand. To me that is a hate crime. Anybody who tries to censor speech whether you like the contents of the speech or not - that is a hate crime because it is the absolutely important right that we have in this country is the right of free expression. I may not like people walking down the street with their shirts off or I may not like people standing in front of their places of employment and shilling for crowds to come in but I am going to defend their right do it even though it is abhorrent to me. I am sorry if I offended anybody by the contents of my letter but I think that the first amendment to the Constitution of the United States of American is the most important right we have and I will defend it. I will defend anybody's right to be heard in Provincetown and when people are 501 3C Corporation who take public money then I think we have an issue. I fully intend to support the request before me tonight and I probably intend to support every request that becomes before me to support the Arts in Provincetown. But no one can tell me that abridging speech, censoring books, preventing their publication and not letting anybody be heard is something that we want to see continue in this country. And that is my public statement on that.

Michele Couture

MOTION: Move that the Board of Selectmen send a letter of thanks to Valerie Carrano for her efforts in securing a psychiatrist for the Town.

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

MOTION: Move that the Board of Selectmen send a letter of thanks to Everett J. Marder our Labor Counsel, for his many years of service to the Town, upon his retirement with our Town Counsel, Kopelman & Paige, P.C.

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

Would like an update on Knowles Crossing eye wash alarm malfunction of 7/02/02. David Guertin - that was a Thursday event and it was resolved on Friday.

Would like an update on the 122 Bradford Street extension that was brought up at the last meeting. Would

like to have this sometime soon.

Does anybody know what happened at the Local Housing Partnership meeting relative to the 58 Harry Kemp Way? For 4 units of housing - requesting to amend the project from one year to two. Can someone answer that sometime soon?

When are we planning on putting on Early Retirement on the agenda? - Schedule for August 12, 2002 meeting.

Oil spill - pictures from Barry Clifford on 7/16/02. - David Guertin - it was not an oil spill. In order to honor our lease agreement with float space 6W where the Hindu is now berthed based on the issue we have with the Whydah in order to provide them with adequate depth AGM brought their small tug over - tied up to the pier and ran their props and that displace approximately 3 ½ to 4 ½ of bottom material to give the Hindu adequate depth.

Settlement with Jim McGowan - what did the ZBA vote - does anybody know? Are they allowed to use wooden or metal decks? Mark Latour - metal decks.

Would like an update on the Planning Board meeting of 7/17/02 on the Provincetown Conservation Trust / Pew & Croxton at 52 Creek Road.

4A VISITOR SERVICES BOARD - FY 2003 TOURISM FUND

2002 Fall Arts Festival - \$12,000

MOTION: Move that the Board of Selectmen vote to accept the Visitor Services Board's July 9, 2002 recommendation to fund \$12,000 for the 2002 Fall Arts Festival (lead agency: Provincetown Art Association & Museum) from the promotional projects budget of the FY 2003 699 Tourism Budget.

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

4B MDPH HIV/AIDS HOME HEALTH GRANT

FY 2003 Subcontracts: VNA of Cape Cod, Hospice of Cape Cod

MOTION: Move that the Board of Selectmen vote to authorize the execution of following subcontracts for the provision of services as outlined in the Town's grant agreement with the Massachusetts Department of Public Health for the period July 1, 2002 through June 30, 2003: (1) Visiting Nurse Association of Cape Cod, Inc. \$98,000; and (2) Hospice of Cape Cod, \$10,000.

Motion by: Michele Couture Seconded by: Cheryl Andrews Yea 5 Nay 0

4C LIBRARY GRANT APPLICATION

Bill & Melinda Gates Foundation

MOTION: Move that the Board of Selectmen vote to authorize the submission of a grant application to the Bill & Melinda Gates Foundation for the Provincetown Public Library in the amount of \$48,000.

Motion by: Michele Couture Seconded by: Cheryl Andrews Yea 5 Nay 0

Sarah Peake left the room

4D LIBRARY CONSTRUCTION PROJECT

Execute Design Services Contract: Perry Dean Rogers \$485,085

MOTION: Move that the Board of Selectmen vote to award and execute a design services contract, as approved as to form by Town Counsel, with Perry Dean Rogers / Partners Architects of Boston,

Massachusetts, for the reconstruction of the Heritage Museum as the Provincetown Public Library in the total amount of \$485,085, as follows: \$382,085 lump sum design fee, \$33,000 lump sum fee for furnishing, furniture & equipment (F, F & E), \$20,000 lump sum for measuring and documenting existing conditions, and a budget of \$50,000 for reimbursable expenses.

Motion by: Michele Couture Seconded by: Cheryl Andrews Yea 4 Nay 0

Sarah Peake returned

4E LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM

Application for \$11,240 in FY 2002 Program Funds

MOTION: Move that the Board of Selectmen vote to authorize the submission of a grant application for \$11,240 to the U.S. Department of Justice under its FY 2002 Local Law Enforcement Block Grant Program for equipment including radar units, Alpha Pagers, video camera system, and battery conditioners for the Provincetown Police Department and designate Grant Administrator Michelle Jarusiewicz as the contact person.

Motion by: Michele Couture Seconded by: Cheryl Andrews Yea 5 Nay 0

4F POLICE CHIEF: POLICE EDUCATION & TRAINING FUND

Accept Donation & Establish Special Gift Fund [MGL C.44,§ 53A]

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.44,§53A, to establish a special gift fund, with the balance in said fund to be expended without further appropriation by the Chief of Police to fund education and training for the Provincetown Police Department.

Motion by: Cheryl Andrews Seconded by: Richard Olson Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to accept a \$10,000 donation from the Adam R. Rose Foundation in New York to be deposited in said fund, and to send a letter of thanks to the donor.

Motion by: Cheryl Andrews Seconded by: Richard Olson Yea 5 Nay 0

5A COP PLAN TO OVERCOME HATE INCIDENTS

Tenth Anniversary of Hate Crimes Resolution; Reactivate Work Group

MOTION: Move that the Board of Selectmen, upon the occasion of the tenth anniversary of its adoption in 1992 of the resolution that "hate crimes of any type will not be tolerated in the Town of Provincetown," does hereby reaffirm its commitment to that resolution and its support for the Town's Community-Oriented Policing Plan to Overcome Hate Incidents, and authorize the reactivation of the Community-Oriented Policing Hate Plan Working Group by the Chief of Police and the Town Manager.

Motion by: Michele Couture Seconded by: Cheryl Andrews Yea 5 Nay 0

5B REORGANIZATION PLAN PROPOSAL

Department of Community & Economic Development

Chairman Avellar read letter from Bob Vetrick (See attachment #1)

Open discussion.

MOTION: Move that the Board of Selectmen vote to table this item until the August 12, 2002 meeting with the following questions to be addressed: 1) job descriptions for the Town Planner /Director; 2) What is

Community Development and Economic Development; 3) How do other seasonal communities/resorts organize themselves to do this function?

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

5C LOCAL COMPREHENSIVE PLAN IMPLEMENTATION

Extend MOA with Barnstable County thru 6/30/03

MOTION: *Move that the Board of Selectmen vote, pursuant to Article 19 of the April 2, 2001 Annual Town Meeting, to extend until June 30, 2003 the memorandum of agreement with the Barnstable County Commissioners dated August 15, 2002 in the amount of \$20,000 for the Cape Cod Commission to assist the Town in performing a comprehensive update of the Town's Zoning By-laws, Subdivision Regulations, and Sign Code in a manner consistent with the Local Comprehensive Plan.*

Motion by: Cheryl Andrews

Seconded by: Richard Olson

Yea 5 Nay 0

5D WASTEWATER ENGINEERING CONTRACTS

Environmental Partners Group: Phase I Administration, Phase II Planning

MOTION: *Move that the Board of Selectmen vote to accept the July 18, 2002 recommendation of the Water & Sewer Board and vote to authorize execution of the following contracts with the Environmental Partners Group, Inc. of Hingham, Massachusetts as follows:*

(1) \$392,000 for Phase I wastewater engineering administration and review services;

Motion by: Cheryl Andrews

Seconded by: Sarah Peake

Yea 5 Nay 0

(2) \$215,000 for Phase II wastewater facilities planning services.

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 3 Nay 2 (Cheryl Andrews/Mary-Jo Avellar)

5E CHAPTER 91 LICENSING

Update on Working Group Activities

Open discussion. No motions made.

5F PUBLIC FORUM FOLLOW-UP

Duarte's Parking: 8 Lovett's Court

Open discussion. No motions made. Michele Couture asked Mark Latour to find out the particulars of 8 Lovett's Court with the Planning Board as his report was inadequate and not what the Board of Selectmen had asked for at the last meeting after the public forum and report back at the August 12, 2002 meeting.

6. BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Steve Roderick as a Regular Member of the Visitor Services Board representing the Provincetown Chamber of Commerce, Inc., with a term expiration date of June 30, 2003.*

Motion by: Cheryl Andrews

Seconded by: Richard Olson

Yea 5 Nay 0

7. MINUTES OF MEETING

MOTION: *Move that the Board of Selectmen approve the minutes of July 2, 2002 (Water Project Update) with changes so noted. (Richard Olson absent)*

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

MOTION: *Move that the Board of Selectmen approve the minutes of July 8, 2002 (Reg. Mtg.) with changes so noted. (All Present)*

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

MOTION: *Move that the Board of Selectmen approve the minutes of July 15, 2002 (Open Forum) as printed.*

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

MOTION: *Move that the Board of Selectmen approve the minutes of July 15, 2002 (Interview Pier Nom. Candidates) as printed. (MJA recused)*

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

8. **CLOSING STATEMENTS**

Richard Olson

Anxious to hear about our timeline of two goals for 2003 - 1) When are we going to set up the affordable housing round table; 2) discussion of a charter change regarding town meeting for future.

Read a letter that I did not like very much that David Flower wrote in the Banner. I spoke with him and he authorized me to extend his apology to the public and the members of the Board.

Sarah Peake - None

Cheryl Andrews - None

Mary-Jo Avellar - None

Michele Couture - None

Motion to adjourn by Michele Couture at 10:55 PM.

Minutes transcribed by: Vernon Porter, Secretary
July 25, 2002