

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, OCTOBER 15, 2002

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar opened the meeting at 6:00 PM noting the following attendees:

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

Sarah Peake joined the meeting at 6:05 PM

Other attendees: Town Manager Keith Bergman, Assistant Town Manager Mark Latour, Director of Public Works David Guertin and Town Counsel

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING

NSTAR Utility Pole Abandonment Petition

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.166, §22, to approve the request of NSTAR to abandon and remove two unnecessary utility poles near 32 Conwell Street: pole 31/13 that is in the way of the proposed driveway for the Provincetown Community Housing Project; and pole 31/31S that is no longer necessary.*

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

1B1 WASTEWATER CONSTRUCTION UPDATE

Project Schedule

Discussion ensued. No motions made.

1B2 WASTEWATER CONSTRUCTION UPDATE

Jerome Smith Road Parking Lot Noise Mitigation

Discussion ensued. No motions made.

2. PUBLIC STATEMENTS

Kathryn Fair - Thanked the Board for listening to her concerns. Does not want Skate Park located at Jerome Smith.

Mary DeRocco - Thanked DPW. Wants DPW to clear all staging from the Jerome Smith parking lot. Need a green buffer zone - cut the noise level.

Laura DePaulo - Mary DeRocco read into the record a letter from Ms. DePaulo. (See attachment #1)

Peter Sousa - Agrees with previous speaker on their concerns relating to Jerome Smith area. The settlement agreement re: Burn Dump - a lot is not in compliance. Request management to get back to him or if not, he is requesting to be on the Board of Selectmen's agenda.

3. SELECTMEN'S STATEMENTS

Sarah Peake

MOTION: *Move that the Board of Selectmen vote to request a compliance status report on the Sewer*

Settlement Agreement as an agenda item for the October 28, 2002 meeting.

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

Skateboard Park - explained to audience that they have an opportunity to speak at the Zoning Board of Appeals hearing as well as when the Article in on the Warrant in April, 2003.

MOTION: *Move that the Board of Selectmen vote to request Noise By-law update review and schedule as an Agenda Item for the December 2, 2003 meeting. (Look at previous iterations of our own by-law.)*

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

MOTION: *Move that the Board of Selectmen vote to request a report on the Cape Light Compact relative to their proposed energy efficient retrofit traffic signals by the October 28, 2002 meeting so that we may make a firm decision.*

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

MOTION: *Move that the Board of Selectmen vote to request that a representative from the UPC Wind Partners (Wind Management, LLC) be on the agenda for December 9, 2002 to discuss their proposal to bring renewable wind energy to Cape Cod.*

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

Women's week - dinner @ Provincetown Inn - everyone welcomed.

Cheryl Andrews

Re: Street lights on Jerome Smith - David Guertin emphasized that if a light is needed - they will certainly put one in. Chief Meyers will you comment, from a public safety standpoint, if you could reassess that area for lighting and let us know whether we should put another light there.

Thanks to Butch Linsenby, Airport Manager for his report.

Michele Couture

Private advertising on public property - Henche Lane studio.

Bas Relief - dog obedience school - on private property. Shouldn't be happening. Can someone check into that - and if it is happening - make it stop.

MOTION: *Move that the Board of Selectmen send a letter to the Cape Cod National Seashore concerning the practice of releasing Pheasants.*

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

Cape Cod Fishermen's Association - schedule for November 12, 2002 meeting.

Town Hall Steinway Piano - bring up at budget time.

Thank the Cemetery Commission for coming up with the good report. Do we need a policy statement as to whether we need fencing or no fencing? Keith - schedule this as agenda item because if you vote not to do it you are giving up \$100K in Grant funds.

Water related issues - schedule for meeting November 18, 2002.

Concrete cracks at Pier - asked for a report on this six weeks ago! David Guertin - as soon as we get satisfactory results from the Engineers, to which I can generate a report, then we will give you that report.

Richard Olson

MOTION: Move that the Board of Selectmen vote to send a letter of congratulations to the Cape End Manor for their 4th year as being deficiency free.

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

Affordable Housing Task Force - action calendar says early November - do we have any volunteers for that? Keith - about half a dozen. The applications have gone to the Grant Administrator and we will be reviewing them in the next day or so as well as trying to come with more concrete plans for a kick-off conference for the Affordable Housing Task Force.

Cigarette butts - on Commercial Street. Spoke with Steve's Alibi and they say they are prevented from putting a cigarette receptacle in front of their property. I see other places that have a bucket of sand that people use for cigarette butts. Seems as though they are trying to make a point. Notify the Police and Board of Health to take a look into this.

Chapter 91 Amnesty Committee - have they report back? Keith - they have until next Monday and then we are meeting next Wednesday.

Disability Commission - access to Town Hall and the Pier Comfort Station - does that need any action on our part? David Guertin - No sir. Regarding the Pier it will not fall through the cracks. I went before the Board two weeks ago and advised them of what the constructions plans are and they removed it from their agenda. We had a good session.

Mary-Jo Avellar

Letter from Water Superintendent Louis Briganti that he wrote to the Town Administrator in Truro was excellent.

Bankruptcy business (Provincetown Reservations) and the people not getting their money. Received email from someone today saying that they did not get any return calls from the Police Department and are very upset and will never come back to Provincetown again. Chief Meyer - that person was responded to earlier this morning.

Ted Malone - Wants to be on our agenda for October 28, 2002 to talk about what he is doing with the Meadows Motel on Bradford Street Extension.

Public Form - schedule for November 4, 2002 @ 6:00 PM

4A AIRPORT COMMISSION: RUNWAY PROJECT

Change Order No. 1: Construction Contract: Lawrence Lynch \$5,000

MOTION: Move that the Board of Selectmen vote to authorize execution of Change Order No. 2 in the amount of \$5,000 to the construction contract with Lawrence- Lynch Corporation of Falmouth, Mass. for the project to reconstruct, mark and light Runway 7-25 at Provincetown Municipal Airport.

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

4B SKATE PARK UPDATE IV

Recreation Commission Fund-raising Update

MOTION: Move that the Board of Selectmen vote to endorse the Recreation Commission's fundraising plan for the Skate Park.

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

4C PARADE PERMIT REQUEST: HALLOWEEN

Provincetown Recreation Department

MOTION: Move that the Board of Selectmen vote to approve Parade application submitted by Dennis J. Clark, Recreation Director for the Town Provincetown for the purpose of holding a Halloween Parade to be held on Thursday, October 31, 2002 from 3:30 PM to 4:30 PM,

Motion by: Michele Couture

Seconded by: Sarah Peake Yea 5 Nay 0

4D OPENING THE SHELLFISH SEASON

MOTION: Move that the Board of Selectmen vote 1) beginning on Friday, November 1, 2002 and ending March 31, 2003 open the shellfish area from Captain Jack's Wharf to Delft Haven, just East of the Provincetown Inn, and 2) beginning on Sunday, January 13, 2003 and ending March 31, 2003 to open the public shellfish area known as Hatches Harbor on Friday's and Sunday's only.

Motion by: Michele Couture

Seconded by: Sarah Peake .. Yea 5 Nay 0

4E COUNCIL ON AGING

MOTION: Move that the Board of Selectmen vote to authorize submission of a grant application to Elder Services of Cape Cod and the Islands under the Older Americans Act Title IIIe in the amount of \$6,000 to fund a program designed to identify, train and provide respite for those individuals who are caring for seniors 60+ (years of age) and for 60+ caregivers who are caring for individuals in the following categories: 60+ years of age, under 18 years of age or disabled.

Motion by: Michele Couture

Seconded by: Richard Olson Yea 5 Nay 0

5A DCAM NOTICE OF SURPLUS STATE PROPERTY

122.28 Acres Along Route 6 - Schedule Public Hearing

MOTION: Move that the Board of Selectmen vote to schedule a public hearing for its next regular meeting on Monday, October 28, 2002 at 6 p.m. on the notice received from the state's Division of Capital Asset Management on the availability for direct public use of 122.28 acres of surplus state property along Route 6 in Provincetown with the following policy parameters provided to staff on options to be explored: Affordable Housing and Open Space.

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 4 Nay 1 (Cheryl Andrews)

5B GRANT AWARD: HARBOR STORM WATER ASSESSMENT

FY 2003 Coastal Pollutant Remediation Program

MOTION: Move that the Board of Selectmen vote to accept a grant award in the amount of \$37,285 from the Massachusetts Coastal Zone Management under its FY 2003 Coastal Pollutant Remediation Program for a Provincetown Harbor Storm Water Assessment Project.

Motion by: Michele Couture

Seconded by: Sarah Peake Yea 5 Nay 0

5C

SURPLUS DECLARATION

Department of Public Works: Vehicles and Equipment

MOTION: Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws §6-4-6, to authorize the Town Manager to dispose of, by sealed bid, certain Town-owned vehicles

and equipment declared surplus by the Department of Public Works on September 26, 2002.

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

5D1

LIBRARY GRANT AWARD

Bill & Melinda Gates Foundation: \$19,603.20

MOTION: Move that the Board of Selectmen vote to accept a grant award from the Bill & Melinda Gates Foundation State Partnership Program for the Provincetown Public Library in the amount of \$19,603.20.

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

5D2

LIBRARY GRANT AMENDMENT

Massachusetts Cultural Council Grant Reduction

MOTION: Move that the Board of Selectmen vote to amend its vote on January 14, 2002 and reduce from \$9,070 to \$3,450 the amount of the grant agreement with the Massachusetts Cultural Council for an operational support grant for the Provincetown Public Library.

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

Cheryl Andrews left the room

Disclosure statement by Richard Olson - Cape End Manor: "I have a relative (my Aunt) who residing at the Cape End Manor. My disclosure form is on file in the Town Clerks Office."

5E

CAPE END MANOR BUILDING REPAIRS

Bay State Contracting Co., Inc.: Change Order 1 and 2

MOTION: Move that the Board of Selectmen vote approve Change Orders No. 1 and 2 in the amounts of \$2,061 and \$22,083, respectively, to the construction contract with Bay State Contracting of North Pembroke, Massachusetts for repairs to the Cape End Manor building at 100 Alden Street.

Motion by: Michele Couture Seconded by: Sarah Peake Yea 4 Nay 0

Cheryl Andrews returned.

Mary-Jo Avellar left the room.

5F1

FLOAT SPACE 3W

Request to leave Float in the water for the Winter

MOTION: Move that the Board of Selectmen vote to approve the October 9, 2002 request of the MacMillan Pier Float Space 3W licensee to leave its float in the water for the winter.

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

Mary-Jo Avellar returned.

5F2

EMPLOYMENT CONTRACT

Approval of Extension: HIV Grant Coordinator

MOTION: Move that the Board of Selectmen vote pursuant to Policy Statement No. 2002-01-28-A, to approve the Town Manager's extension from June 30, 2002 through June 30, 2003 of the employment contract with HIV Coordinator Patrick Manning, upon the same terms and conditions.

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

6. **BOARD OF SELECTMEN APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote to appoint Stephen Borkowski as a Regular Member of the Art Commission with a term expiring December 31, 2004.*

Motion by: Michele Couture

Seconded by: Sarah Peake .. Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to appoint Jean Bock as a Regular Member of the Licensing Board with a term expiring December 31, 2004.*

Motion by: Cheryl Andrews

Seconded by: Richard Olson

Yea 4 Nay 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to appoint Jill Macara as a Regular Member of the Recreation Commission with a term expiring December 31, 2004.*

Motion by: Michele Couture

Seconded by: Sarah Peake .. Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to appoint Treg C. Kaeselau as an Alternate Member of the Recreation Commission with a term expiring December 31, 2003.*

Motion by: Michele Couture

Seconded by: Sarah Peake .. Yea 5 Nay 0

Cheryl Andrews left the room.

61 **BOARD OF SELECTMEN APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote to appoint the following to a Cape End Manor Care Campus Nominating Committee to recommend names for appointment to the Board of Directors of the Non-Profit Health Care Entity: David Eliseo.*

Motion by: Michele Couture

Seconded by: Sarah Peake Yea 4 Nay 0

Cheryl Andrews returned.

7. **MINUTES OF MEETING**

MOTION: *Move that the Board of Selectmen approve the minutes of September 23, 2002 (Reg. Mtg) with changes so noted. (MJA Absent)*

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 4 Nay 0 Abstain 1 (Mary-Jo Avellar)

MOTION: *Move that the Board of Selectmen approve the minutes of October 3, 2002 (Special Mtg/Proclamations) as printed. (All Present)*

Motion by: Michele Couture

Seconded by: Sarah Peake .. Yea 5 Nay 0

8. **CLOSING STATEMENTS**

Sarah Peake - None

Cheryl Andrews

Profish date .. would prefer a Thursday but Tuesday is OK.

MOTION: Move that the Board of Selectmen vote to remove the ‘green’ “Entering Provincetown Sign” located on Route 6 as you enter Provincetown.

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

Michele Couture - None

Richard Olson - None

Mary-Jo Avellar

When are sidewalks between Ciro & Sal’s and Howland Street due to be replaced? They are horrible. Keith - we will find out. Sarah Peake - Hedges have overgrown in the East End making the sidewalks smaller. How can we handle this. Send letter to owners to cut hedge.

Cheryl Andrews left the room.

9. AFSCME CAPE END MANOR UNIT

Collective Bargaining Strategy

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

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

[Roll call vote]

Michele Couture - Yes

Richard Olson - Yea

Sarah Peake - Yea

Mary-Jo Avellar - Yea

Board went into executive session at 9 PM.

Minutes transcribed by: Vernon Porter, Secretary
October 18, 2002