

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

SPECIAL MEETING – MONDAY, DECEMBER 2, 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, Sarah Peake and Richard Olson.

Other attendees: Town Manager Keith Bergman, Acting Assistant Town Manager Michelle Jarusiewicz, Community Development Director Jon Gilmore Deputy Community Development Director Mark Latour, Town Counsel John Giorgio.

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A VISITOR SERVICES BOARD

Prioritized Plan for Tourism Fund \$350,000 One-Time Surplus

MOTION: *Move that the Board of Selectmen vote to approve the Visitor Services Board's recommended priorities for use of the \$350,000 one-time Tourism Fund surplus, as follows: (1) Waterfront Complex, \$77,500; (2) AIDS remembrance \$5,000; (3) Art in Public Places, \$10,000; (4) Historic Walking Trail, \$67,500; (6) Town Art, \$20,000 (with the condition that final approval is obtained from the Board of Selectmen prior to installation); (7) Bicycle Path, \$50,000; and (8) Reserve, \$100,000.*

Motion by: Cheryl Andrews **Seconded by:** Richard Olson
Yea 4 Nay 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to approve the Visitor Services Board's recommendation as part of their priorities for use of the \$350,000 one-time Tourism Fund surplus, as follows: (5) Provincetown Theatre Foundation, \$20,000.*

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

Sarah Peake left the room.

1B BOARD OF LIBRARY TRUSTEES

Library Construction Project Update

Open Discussion. No motions made.

Sarah Peake returned.

2. PUBLIC STATEMENTS

Patrick Patrick - Read statement into record re Nextel - feels that Town counsel should not be trying to convince a reluctant regulatory board to circumvent our bylaws. (Attachment #1)

Elizabeth Patrick - abutter of proposed location of Nextel's communication facility on the Wrigley's property and is opposed to the waiver of the 500 ft. setback and also has the same concerns as the previous speaker.

Celine Gandolfo - Encourage our Town to adhere to Telecommunication Bylaws or it will leave us open to lawsuit. (Attachment #2)

Paul Tasha - My question is in regards to the November 13, 2002 Selectmen's Statement. My curiosity got the

better of me and I was wondering, if it is a Selectmen's Statement, would it be possible to find out which of the Selectmen, in fact, endorsed or agreed to that statement. Also, who was the author of the statement. If that is possible, I can come in tomorrow or whenever.

The other matter is that I received notice that the wetland delineation of the Site Y area done by the Town's Engineers was rejected by the DEP and just wanted to say that we had an engineers services down there - wetlands delineation that has been apparently, to be best of my knowledge, accepted by DEP and if the town wants, rather than have it redone, we could offer our engineers' rendition.

3. SELECTMEN'S STATEMENTS

Richard Olson - None

Sarah Peake

MOTION: *Move that the Board of Selectmen adopt a policy where by any letter written public statement, or press release by anyone other than the elected chair that purports to represent the views and opinions of the Board of Selectmen must first be reviewed by all members and approved by a majority of the members of the Board of Selectmen.*

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

Training Session - need to look into works/training sessions for Town Boards (ZBA and Planning Board, etc.) by Town Counsel with actual case histories, etc. - in particular a training program given by Don Schmidt. Maybe we could have a mid-year training session for all our Boards.

Cheryl Andrews

Nextel - Public Statements relative to Town Counsel trying to sway the Planning Board to approve Nextel's request for a 500 ft setback exemption - it would be my hope that Town Counsel is there only as a resource and not necessarily taking a side, neither pro or against an applications in front of them. I would hope that that is what they are doing. (Keith will look into the matter.)

Michele Couturee

Letter to Miriam Collinson - (damage to catch basin) did we get a response to Town Counsel's letter?
Keith - No written response and I have a phone call to return.

Towing Contract - When Mr. Latour was Assistant Town Manager he was working on a Towing Contract.- can someone get me a copy that? There have been some complaints and I want to make sure that there is a contract in place before summer starts.

Mary-Jo Avellar

Tour Guide Appreciation Day - The tour guides contributed \$160 to the Outer Cape Health in appreciation

MOTION: *Move that the Board of Selectmen vote to send a letter to Bety's Antonillius thanking her and her group for their donation to The Outer Cape Health on behalf of the Town of Provincetown in appreciation for the Tour Guide Appreciation Day held on October 31, 2002 under the direction of our Tourism Director Patricia Fitzpatrick.*

Motion by: Mary-Jo Avellar ***Seconded by:*** Sarah Peake Yea 5 Nay 0

Cheryl Andrews

Relative to several emails from Gwen Pelletier re: Ken Weiss "White Plains Affordable Housing Project." Gwen would like to get all parties together and try and resolve any issues.

MOTION: *Move that the Board of Selectmen vote to send a suggestion to Assistant Community*

Development Director Mark Latour that we are supportive of setting up a meeting within the next four weeks with all parties concerned.

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

4A TED MALONE: COMMUNITY HOUSING RESOURCE, INC.

Support for Meadow Road Affordable Home Ownership Development

MOTION: Move that the Board of Selectmen vote to send of letter of support to the Barnstable County HOME Consortium for the funding request proposed by Community Housing Resource, Inc., to finance the development of the 36-unit Meadow Road affordable home ownership development on a 5.4-acre parcel at 122 Bradford Street Extension.

Motion by: Michele Couture Seconded by: Richard Olson
Yea 4 Nay 1 (Cheryl Andrews)

4B REQUEST: NSTAR, SPRINT

Easement - Mt. Gilboa Water Tank Wireless Telecommunications Facility

MOTION: Move that the Board of Selectmen vote, pursuant to Article 29 of the October 28, 1996 Special Town Meeting, to approve a letter of intent to grant an easement to NSTAR in connection with the telecommunications facility on Mt. Gilboa, as approved as to form by Town Counsel.

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

5A STORMWATER MANAGEMENT PLAN - PHASE I

Award Contract: Stearns & Wheler, LLC: \$44,000

MOTION: Move that the Board of Selectmen vote to award a contract to Stearns & Wheler, LLC, in the amount of \$44,000 for the first phase of the Stormwater Management Master Plan.

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

5B 2002 MCDBG - WATER TRANSMISSION MAIN

Construction Change Orders/Robert B. Our Co./Environmental Partners

MOTION: Move that the Board of Selectmen vote to approve (1) Change Orders No. 1 and 2 in the amounts of \$136,695 and \$55,000 for the contract with Robert B. Our, Co. of Harwich, Massachusetts for a total of 2,770 lineal feet to complete the Water Transmission Main Replacement project; and (2) Change Order No. 1 in the amount of \$5,000 with the construction engineering services contract with Environmental Partners Group.

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

5C APPROVAL OF APPOINTMENT

Licensing Agent

MOTION: Move that the Board of Selectmen vote, pursuant to Charter §7-2-5(e), to approve the Town Manager's appointment of Elizabeth Gallerizzo of Wellfleet as Licensing Agent.

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

6. BOARD OF SELECTMEN APPOINTMENTS

MOTION: Move that the Board of Selectmen vote to approve the appointment of Stephen Melamed from an

alternate member to a regular member of the Zoning Board of Appeals with an expiration date of December 31, 2003.

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

7. **MINUTES OF MEETING**

MOTION: *Move that the Board of Selectmen approve the minutes of November 12, 2002 (Regular Mtg.) with change so noted. (All Present)*

8. **Motion by:** Michele Couture **Seconded by:** Richard Olson Yea 5 Nay 0
CLOSING STATEMENTS

Richard Olson - None

Sarah Peake - None

Mary-Jo Avellar - None

Cheryl Andrews - None

Michele Couture - None

9A **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

[Roll call vote]

Sarah Peake - Yea **Michele Couture - Yea** **Richard Olson - Yea**

Mary-Jo Avellar - Abstain **Cheryl Andrews - Abstain**

Yea 3 Nay 0 Abstain 2

9B **MacMILLAN PIER PROFISH SUB-LEASE**

Meeting with Town Counsel [MGL C.39, §23B, clause 6]

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.39, §23B, clause 6, to go into executive session to consider the sub-lease of MacMillan Pier, and not to convene in open session thereafter.*

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

[Roll call vote]

Sarah Peake - Yea **Michele Couture - Yea** **Richard Olson - Yea**

Mary-Jo Avellar - Abstain **Cheryl Andrews - Abstain**

Yea 3 Nay 0 Abstain 2

Motion to adjourn by Michele Couture at 8:35 PM.

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