

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – APRIL 9, 2001

JUDGE WELSH HEARING ROOM

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

Chairman, Betty Steele-Jeffers opened the meeting 6:30 PM noting the following attendees:

Board of Selectmen members: Elizabeth Steele-Jeffers, Mary-Jo Avellar, David Atkinson, Cheryl Andrews

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

Recorder: Vernon Porter - Secretary to Board of Selectmen

The following are meeting minutes, in brief.

1A AIRPORT IMPROVEMENT DESIGN CONTRACT

Accept \$81,582 Memorandum of Agreement with the FAA

MOTION: *Move that the Board of Selectmen vote to enter into an \$81,582 agreement with the Federal Aviation Administration related to the Town's project to reconstruct Runway 07-25 and relocate lighting and navigation facilities at Provincetown Municipal Airport. The essence of this agreement is that the FAA will assist in planning and design to relocate and/or upgrade lighting and navigation systems at the Provincetown Airport.*

Motion by: David Atkinson Seconded by: Cheryl Andrews Yea 4 Nay 0

1B CONFLICT OF INTEREST LAW DETERMINATIONS

Dual Service on Town Boards; Population under 3,500 [MGL C.268A,§20]

MOTION: *Move that the Board of Selectmen vote as follows: WHEREAS, the State's Conflict of Interest Law, MGL C.268A, provides in §20 that said section "shall not prohibit an employee in a town having a population of less than three thousand five hundred persons from holding more than one appointed position with said town, provided that the board of selectmen approves the exemption of his interest from this section;" and WHEREAS, the U.S. Census has determined that Provincetown's population declined from 3,561 in 1990 to 3,431 in 2000; THEREFORE, the Board of Selectmen hereby adopts the policy that all dual appointments to Town boards made or approved by the Board of Selectmen shall be deemed to be and to have been exemptions from the provisions of MGL C.268A,§20.*

Motion by: David Atkinson Seconded by: Mary-Jo Avellar Yea 4 Nay 0

1C PARADE PERMIT: DOMESTIC VIOLENCE PREVENTION

MOTION: *Move that the Board of Selectmen vote to approve the Parade application submitted by Michelle Jarusiewicz, Grant Administrator on behalf of the Provincetown Domestic Violence Intervention Office to hold a Domestic Violence and Violence Prevention Awareness Parade on Sunday, April 29, 2001 starting at 1 PM and ending by 2:30 PM.*

Motion by: Mary-Jo Avellar Seconded by: Cheryl Andrews Yea 4 Nay 0

2. PUBLIC STATEMENTS

None

3. SELECTMEN'S STATEMENTS

None

4A CONSERVATION RESTRICTIONS

Shankpainter Pond Uplands, Locke Property

MOTION: MOVE that the Board of Selectmen vote to authorize conveyance to the Trustees of the Provincetown Conservation Trust, for no consideration, perpetual conservation restrictions as authorized by MGL C.184§§31-33, allowing conservation and passive recreation uses described in MGL C.40,§8C on the following properties: (1) the 7.52-acre Shankpainter Pond Uplands property acquired by the Town pursuant to Article 71 of the April 5, 1999 Annual Town Meeting and (2) the 7.92-acre Bohm Heights property owned by the Locke Family Trust, upon its acquisition by the Town pursuant to Article 19 of the April 3, 2000 Annual Town Meeting.

Motion by: Cheryl Andrews Seconded by: Mary-Jo Avellar Yea 4 Nay 0

5. TRANSPORTATION TEAM RECOMMENDATION

Policy for Dune Tour, Trolley, and Carriage Space Leases

MOTION: Move that the Board of Selectmen vote to establish the following policy for the Dune Tour, Trolley and Carriage spaces, which the Town leases:

A) The term "season" shall be defined as beginning April 1st and ending October 31st annually;

Motion by: David Atkinson Seconded by: Mary-Jo Avellar Yea 4 Nay 0

B) For traffic control purposes, there shall be a maximum of two vehicle permits per leased space, with no charge for the permit for the second vehicle;

Motion by: Mary-Jo Avellar Seconded by: David Atkinson Yea 4 Nay 0

C) The leases will run for a maximum of five consecutive years, to the owner of record on the date the lease agreement is signed;

Motion by: David Atkinson Seconded by: Mary-Jo Avellar Yea 4 Nay 0

D) No subletting of leases will be allowed;

Motion by: David Atkinson Seconded by: Cheryl Andrews Yea 4 Nay 0

***E) ~~No transfer of ownership, or transfer of ownership interest will be allowed.~~*
*Motion to strike Item E.***

Motion by: Cheryl Andrews Seconded by: Mary-Jo Avellar Yea 4 Nay 0

F) The Lessee may apply to the Board of Selectmen to renew a five year extension of the lease based upon timely lease payments, and the business remaining within the scope of the current lease;

Motion by: Cheryl Andrews Seconded by: Mary-Jo Avellar Yea 4 Nay 0

G) If a space or spaces become available, any new lease would be assigned through a lottery process;

Motion by: Cheryl Andrews Seconded by: Mary-Jo Avellar Yea 4 Nay 0

H) Lease availability is subject to approval by all regulatory boards;

Motion by: Mary-Jo Avellar Seconded by: Cheryl Andrews Yea 4 Nay 0

I) If a lessee does not renew or use the lease in any given year, the lease status will be voided. The space or spaces may become available to new applicants through the lottery procedure, or the Town may eliminate the space for special business usage.

Motion by: Mary-Jo Avellar Seconded by: David Atkinson Yea 4 Nay 0

J) The Board of Selectmen will have the right to change the location of assigned space(s) at the end of each five year period or at any time for public safety reasons

Motion by: Cheryl Andrews Seconded by: Mary-Jo Avellar Yea 4 Nay 0

K) The following current space allocations will remain in effect.

- *Art's Dune Tours – Space 1 through 4 on Standish Street, starting at the corner of Commercial Street and Standish Street*
- *King of the Hill Tours – Space 5 and 6 on Standish Street*
- *Provincetown Horse and Carriage – 2 spaces in terms of length in current location on Commercial Street in front of Town Hall*
- *Provincetown Trolley – 2 spaces in terms of length in current location on Commercial Street in front of Town Hall*

Motion by: David Atkinson Seconded by: Mary-Jo Avellar Yea 4 Nay 0

6A PUBLIC HEARING: APPROVAL OF FEES

Fees for Leases for Dune Tour, Trolley, Carriage Spaces

MOTION: *Move that the Board of Selectmen vote that the season shall be defined as beginning April 1st and ending October 31st.*

Motion by: Mary-Jo Avellar Seconded by: Cheryl Andrews Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote, pursuant to §6-6-2-1 of the Provincetown General By-laws, to adopt fees for the following leased spaces: six (6) dune tour spaces on Standish Street; two (2) carriage spaces on Commercial Street in front of Town Hall; and two spaces (by length) for use of one trolley on Commercial Street in front of Town Hall as follows: Fees for the 2001 Season would be \$400 per space; for the 2002 Season, \$550 per space; and for the 2003 Season, \$700 per space. The season shall be defined as beginning April 1st and ending October 31st annually. Subsequent annual fees will remain at the 2003 rate unless changed by the Board of Selectmen.*

Motion by: Mary-Jo Avellar Seconded by: David Atkinson Yea 4 Nay 0

6B PUBLIC HEARING: TRAFFIC HEARING CONTINUATION

MOTION: *Move that the Board of Selectmen vote to approve the recommendation of the Transportation*

Team to extend the yellow restricted area from the walkway at 205 Bradford Street to the driveway at 203 Bradford Street. .

Motion by: David Atkinson Seconded by: Mary-Jo Avellar Yea 4 Nay 0

7. 7:30 PM Board of Selectmen move to Town Hall Auditorium to conduct Town Meeting Business._

Town Meeting adjourned at 10:00 PM

Minutes transcribed by: Vernon Porter, Secretary April 10, 2001