

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – JULY 9, 2001

JUDGE WELSH HEARING ROOM

Chairman, Betty Steele-Jeffers opened the meeting 6:00 PM noting the following attendees:

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

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 FY 2002 TOWN-WIDE POLICY GOALS

Goal Implementation Plans from Goal Team Leaders

Affordable Housing Team -

MOTION: *Move that the Board of Selectmen add seasonal and year-round housing at the North Truro Air Force Base as part of Goal 2.3.*

Motion by: Mary-Jo Avellar **Seconded by:** Cheryl Andrews Yea 5 Nay 0

Cultural Resource Team

5.3 Freeman Street Building

MOTION: *Move that the Board of Selectmen add “expand all options including its sale”.*

Motion by: David Atkinson **Seconded by:** Betty Steele-Jeffers
Yea 2 Nay 3 (Michele Couture / Cheryl Andrews / Mary-Jo Avellar
- *Motion Failed* -

MOTION: *Move that the Board of Selectmen receive an update by the first regular scheduled meeting in August (August 13, 2001) on how the discussions are going.*

Motion by: Betty Steele-Jeffers **Seconded by:** Cheryl Andrews Yea 5 Nay 0

5.4 Art Collection - Board of Selectmen does not feel that the Tourism Director should perform function of staff support for Art Commission.

Human Resources & Administration Team

6.3 Management Employee Evaluations:

Betty Steele-Jeffers – We were talking about all department heads instilling good attitudes for town employees.

MOTION: *Move that the Board of Selectmen ask that the Human Resources and Administration Team take under consideration the words, “department heads take the lead in assisting employees develop that ‘ intangible’ which is good customer service”.*

Motion by: Betty Steele-Jeffers **Seconded by:** Cheryl Andrews Yea 5 Nay 0

Municipal Facilities Team

11.3 MOTION: *Move that the Board of Selectmen request staff to prioritize the firehouses and send this information back to the Board upon completion so that the board may overview it.*

Motion by: Cheryl Andrews **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

11.4 MOTION: *Move that the Board of Selectmen receive a status report on what the base line recycling levels are.*

Motion by: Cheryl Andrews **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

Mary-Jo Avellar - Swap shop - Who is going to do what and when? **Sandy Turner** - We are thinking of contracting out the foundation and the shell of the building and let Buildings & Grounds finish the work. B & G is straight out right now that they cannot handle any more at this time.

Public Works Team

7.4 MOTION: *Move that the Board of Selectmen request the Licensing Department and the Department of Regulatory Management include the Water Regulations in the licensing packet that go to licensees (not before next season).*

Motion by: Mary-Jo Avellar **Seconded by:** Betty Steele-Jeffers Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen ask the Water Department if we currently have a water regulation that requires a publically posted medallion and if not, are we asking for a regulation?*

Motion by: Cheryl Andrews **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

Transportation Team

11.5 MOTION: *Move that the Board of Selectmen vote to have a presentation by International Traffic Solutions in September.*

Motion by: David Atkinson **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

11.5 Continued 1.

MOTION: *Move that the Board of Selectmen request that the word 'berm' be included as one of the options.*

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

MOTION: *Move that the Board of Selectmen ask the Assistant Town Manager for a report as to whether he agrees to the suggestion of installing bollards (one on either side of the crosswalk, on the town line) at the intersection of Howland and Bradford Streets.*

Motion by: Cheryl Andrews **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to ask staff to investigate the feasibility of a turn-off of incoming traffic from Route 6 onto Howland Street.*

Motion by: Cheryl Andrews **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

11.5 Continued 3.

MOTION: *Move that the Board of Selectmen vote to put a period after “spaces” and eliminate the words “and deal with on a case by case basis” thereby changing the wording to read:*

3. *With specific traffic hearing requests, establish a priority not to produce a net reduction in spaces.*

Motion by: Mary-Jo Avellar **Seconded by:** Cheryl Andrews Yea 5 Nay 0

Page 3 Steps to completion/Date #2

MOTION: *Move that the Board of Selectmen eliminate the word ‘short-term’.*

Motion by: Betty Steele-Jeffers **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

1B **FY 2002 TOWN-WIDE POLICY GOALS**

Town Manager’s Performance Objectives

Selectmen will fill out forms and give to Betty Steele-Jeffers on Friday and discuss at next regular meeting on July 23, 2001.

2. **PUBLIC STATEMENTS**

Keith Stone – Read into record statement on “Disruption at Herring Cove Beach – Saturday, July 7, 2001”. (See attachment #1)

Celine Gandolfo - Wanted to clarify the position of the Open Space Committee’s letter to the State. Committee supports affordable housing but two different issues and separate monies.

Marilyn Downey – Member of Cape End Manor Board of Directors – Special thanks to Dennis Anderson for the excellent job he is doing and all the work he has put into receiving the recent \$571K grant.

Emily Beebe - Read into record a statement on “clothing optional beach”. (See attachment #2.)

3. **SELECTMEN’S STATEMENTS**

Elizabeth Steele-Jeffers

MOTION: *Move that the Board of Selectmen approve the request of the Fine Arts Work Center to mount an exhibition of art owned by the Town of Provincetown in their Hudson D. Walker Gallery for the 2001 Fall Arts Festival.*

Motion by: Betty Steele-Jeffers **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen ask the Town Manager to receive a report from the National Park Services on the matter reported by Keith Stone during public statements.*

Motion by: Betty Steele-Jeffers **Seconded by:** David Atkinson Yea 5 Nay 0

Heard that the Parade & Fire Works went very well. People said they really enjoyed it.

Also heard that the official closing of Commercial Street went very well as well.

Park Department shirts – great idea and they look great and a nice uniform appearance.

MOTION: *Move that the Board of Selectmen request a report if there were any problems with the water*

system during the past week.

Motion by: Betty Steele-Jeffers Seconded by: Mary-Jo Avellar Yea 5 Nay 0

Bike racks at MPL – was under the impression we were going to have bike racks at MPL this summer. I haven't noticed them yet. Could we have an update on this?

Know that the Buildings & Grounds are working very hard - and this is only a notation - I happened to walk down by the little parkway at the end of MPL where we have the benches and noticed that the trees are overhanging a little.

Mary-Jo Avellar

Couple of reports - from minutes of June 25th – have not received yet. One had to do with seaweed. The other was on the oil spill. We are supposed to receive a report on why it happens, why it keeps happening – is it the same parties that are doing it, etc.

The other motion was concerning the deliveries after 11 AM. Parking on sidewalks – why?

Congratulations on memo on total water pumped going down 13.85% and hope that this trend continues and we appreciate it very much.

Parade and fireworks were great.

MOTION: Move that the Board of Selectmen send letters of thanks to Jackie Silver who resigned as Health Inspector and Barbara Sullivan who resigned from the Open Space Committee.

Motion by: Mary-Jo Avellar Seconded by: Betty Steele-Jeffers Yea 5 Nay 0

MOTION: Move that the Board of Selectmen send a letter to John K. Henderson retired Provincetown Police Sergeant who suffered a heart attack on June 29th and had a quadruple by-pass on June 30, 2001 in Sarasota, Florida

Motion by: Mary-Jo Avellar Seconded by: Betty Steele-Jeffers Yea 5 Nay 0

Parking Ban – was wonderful on the 4th of July and great on Saturday night.

David Atkinson

Want to thank Keith Stone for his report during public statements.

Agree with Marilyn Downey on her comments about Dennis Anderson and his securing the \$500K grant for the Manor. We are lucky to have him and he is a treasure

Agree with Emily Beebe that we definitely need a designated area at Herring Cove – that is what we started out doing. Hopefully that will happen when we take over Herring Cove Beach.

The fireworks were superb and the parade was excellent. The whole thing was nice. The Vets party at the VFW was great. It was nice to be part of that.

Deliveries after 11 AM - I've talked with some business owners and one of the main reasons is so many people park their cars in the morning on the street and they are in the way of the delivery trucks and nobody is enforcing 'no-parking' and the delivery trucks have to keep going around and come back and by the time they find a space it is later in the morning.

Board vacancies – if anyone is interested in volunteering.

Report on beach clean up.

MOTION: Move that the Board of Selectmen schedule a ten-minute agenda item at a regular schedule meeting to explore the issues of beach cleaning.

Motion by: David Atkinson Seconded by: Cheryl Andrews Yea 5 Nay 0

Michele Couture

Bike rack at MPL - people have been asking me about this as well and wondering when it is going to be installed.

Update of test tube pile – are we going to have a report on what did or did not happen today? Answer by Keith: We have an agenda item on MacMillan Pier. On the half-hour of testing (Between 4 and 4:30) – bottom line is while the pier piles were being pounded I was standing next to Mr. McGowan and we were listening to it and I said, “how does it sound”? and he said, “I can live with that”. The fact that we are doing it at the ‘T’ section rather the approach pier coupled with the shroud build around the pier pile seems to have diminished significantly the sound.

MOTION: Move that the Board of Selectmen schedule quarterly meetings starting at the end of September solely for the purpose of allowing citizens to come before the board with concerns and to allow the board to have more direct contact with citizens.

Motion by: Michele Couture Seconded by: Mary-Jo Avellar Yea 5 Nay 0

Cheryl Andrews

List of openings of committees – David read what the Board of Selectmen has open for appointments but because the way our Charter is after an opening sits around for a certain number of days it goes to the Moderator to appoint and then to the Committee itself. So, if any of you are interested or know of anyone who may be interested, send him or her to the Town Clerks office to fill out an application.

Thanks to DPW for tidying up the front of the Heritage Museum area.

When we were doing goals – we do not have a sense of the workload of the DPW on a daily basis – and there are only so many hours in a day. Just wanted to verbalize that we are reasonable when we expect things to be done and sometimes it may be just that we don’t know your timetable. What I am look for is just a sense of when something is going to go forward and when you tell me I am not going to ask you about it again.

Open Space Committee – from the very beginning when the Town Meeting met to discuss the Board of Selectmen’s article to not be in the Land Bank the inherent contradiction between the goals of affordable housing and the goals of open space acquisition were apparent and they were not lost on anybody. I do want to say in response to your presentation, while they are separate issues, when Town Meeting voted to disagree with the Board of Selectmen and stay in the Land Bank one of the big issues raised at that time was that the town wanted to use those funds for affordable housing. I remember thinking they are being told this – are they really going to get it? I don’t have a problem with your position – it is in conflict with, I think, with the stated position of town meeting and what most of the people in town want to do with that money at this point – that does not mean that I am angry with you. You folks have your goal, which is open space acquisition and I expect you to do what you think you need to do achieve that and state on how you stand on things. The reality is that town meeting has a second issue that it is going to continue to pursue and pursue strongly. So, they are two separate issues but I think we are going to be working on both of them simultaneously. I just wanted you to let you know that I have no problem with a separate opinion; it’s just not what we are going to be pursuing.

Parade - After last years 4th of July Parade we ask Dennis Clark to form a committee and reach out and get some help. They did and the result was an excellent job.

MOTION: *Move that the Board of Selectmen send a thank you letter to Dennis Clark and his 4th of July Committee (Pat Fitzpatrick, Sandra Turner, Mark Latour, Sgt. Alan Sousa) for an excellent job. Also to make mention that at next year event they publicize the parade route in advance.*

Motion by: Cheryl Andrews **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

4 BUILD-OUT ANALYSIS OF PROVINCETOWN

Executive Office of Environmental Affairs Presentation

Presentation by: Mr. John Litman from the Cape Cod Commission and Patty Kellogg from the Mass Executive Office of Environmental Affairs.

Open discussion followed. The Board of Selectmen questioned the accuracy and current numbers used to compile their statistics particularly as they pertain to Provincetown.

5A REQUEST FOR PERMISSION TO SUBMIT APPLICATION

Discussion of Float Space License 1W Transfer of Ownership Interest

MOTION: *Move that the Board of Selectmen vote to pursue a policy which would allow a transfer of float space licenses from Mr. Salvador and Mr. Pannoni to a corporation where the sole stockholder(s) of the corporation remain the same individual(s) who held a grandfathered float space license; and, to effect this, to direct Town Counsel to negotiate an appropriate agreement for judgment.*

Motion by: David Atkinson **Seconded by:** Mary-Jo Avellar
Yea 3 Nay 2 (Betty Steele-Jeffers / Cheryl Andrews)

6A TOWN NURSE SERVICES

Agreement with VNA of Cape Cod, Inc.

MOTION: *Move that the Board of Selectmen vote to execute a contract with VNA of Cape Cod, Inc. for the provision of Town nurse services for the fiscal year ending June 30, 2002, in an amount not to exceed \$25,000.*

Motion by: David Atkinson **Seconded by:** Cheryl Andrews Yea 5 Nay 0

6B MacMillan PIER CONSTRUCTION PROJECT

County Dredge Contract change Order: +19,424.44

MOTION: *Move that the Board of Selectmen vote to approve the request of the Building Committee to execute a change order in the amount of \$19,424.44 with the agreement with the Barnstable County Commissioners for hydraulic dredging for the MacMillan Pier, for a total of \$107,644.44, reflecting the actual 13,422 cubic yards dredged.*

Motion by: David Atkinson **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

Cheryl Andrews left the room

6C1 SCHEDULE CAPE END MANOR PRESENTATIONS

Execute Contract with Barnstable County Commissioners

MOTION: *Move that the Board of Selectmen vote to schedule joint meetings with the Cape End Manor Board of Directors to interview prospective Cape End Manor proposers, as follows: (1) Monday, July 16, 2001 (special meeting) at 6 p.m. with Landmark Health Solutions; and Monday, July 23, 2001 (regular meeting) at 6 p.m. with Roush and Associates; and (2) Monday, July 30, 2001 (special meeting) at 6 p.m. with Broad Reach.*

Motion by: Betty Steele-Jeffers **Seconded by:** Michele Couture Yea 5 Nay 0
Cheryl Andrews returned.

Motion to take 6C2 out of order.

Motion by: David Atkinson **Seconded by:** Michelle Couture Yea 5 Nay 0

7. **BOARD OF SELECTMEN APPOINTMENTS**

MOTION: *Move that the Board of Selectmen appoint Duane Gregory as a Regular Member of the Board of Health with a term expiration date of April 30, 2004.*

Motion by: David Atkinson **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

8. **MINUTES OF BOARD OF SELECTMEN'S MEETINGS**

MOTION: *Move that the Board of Selectmen approve the minutes of June 25, 2001 (Regular) with changes so noted.*

Motion by: Mary-Jo Avellar **Seconded by:** Cheryl Andrews
Yea 4 Nay 0 Abstained 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen approve the minutes of June 18, 2001 (Dog Hearing) as printed.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture
Yea 3 Nay 0 Abstained 2 (David Atkinson / Cheryl Andrews)

9. **CLOSING STATEMENTS**

Betty Steele-Jeffers - None

Mary-Jo Avellar

MOTION: *Move that the Board of Selectmen vote to have the letter received from Brunetta Wolfman regarding Valerie Carrano be place in her personnel folder.*

Motion by: Mary-Jo Avellar **Seconded by:** David Atkinson Yea 5 Nay 0

David Atkinson - None

Michele Couture - None

Cheryl Andrews - Just would like to welcome Michele again.

6C2 **LITIGATION STRATEGY**

Crown & Anchor Adult Entertainment Zoning By-law Violation

MOTION: Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, section 23B, clause 3, to go into executive session for the purpose of discussion strategy with respect to litigation and not to convene thereafter.

Motion by: Mary-Jo Avellar Seconded by: Cheryl Andrews

[Roll Call Vote]

Michelle Couture – No	David Atkinson - No	Cheryl Andrews - Yes
Mary-Jo Avellar - Yes	Betty Steele-Jeffers - Yes	

Motion to adjourn by Mary-Jo Avellar at 10:37 PM

Minutes transcribed by: Vernon Porter, Secretary
July 19, 2001