

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - JANUARY 24, 2000

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 at 7 PM, noting the following attendees: Board of Selectmen members: Elizabeth Steele-Jeffers, Cheryl Andrews, Mary-Jo Avellar, David Atkinson, Richard Prowell and Vernon Porter, Secretary to the Board of Selectmen. Other attendees: Keith A. Bergman -Town Manager, David Guertin - DPW Director, Mark White, PE and Paul Gabriel, PE from Environmental Partners Group, Inc., and John Goodrich – Facilitator.

The following are minutes, in brief.

1 PROJECT UPDATES

A. WASTEWATER/SITING ISSUES: John Goodrich

Opening remarks by John Goodrich. Presentations by Paul Gabriel.
Discussion dependent.

MOTION: Move that the Board of Selectmen vote to schedule two special meetings, as follows: on Monday, February 7, 2000 at 7 p.m. for a facilitated meeting on wastewater, and on Tuesday, February 22, 2000 for policy decisions and town meeting preparation for the wastewater project.

Motion by: Cheryl Andrews **Seconded by:** Richard Prowell Yea 5 Nay 0

B. DEPARTMENT OF REGULATORY MANAGEMENT REORGANIZATION PROPOSAL

MOTION: Move that the Board of Selectmen vote, pursuant to Charter sections §§7-2-2 and 7-2-3 to approve the reorganization plan for the Department of Regulatory Management set forth in Administrative Directive 2000-01, to become effective March 1,2000; further to ask the focus group to reconvene within six months to give us a report.

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

2. PUBLIC STATEMENTS

Peter Sousa – Disappointed in what goes on in public office re: Treatment Plant is political. Guaranteed it will not go in the areas of the Burn Dump, Highway Garage, or Cemetery. Question the validity of the water tests.

James Pipilas - Provincetown Aids Support Group. Wanted to let the Board of Selectmen know that this past weekend the PAS offices sustained extensive water damage. Office has been shut down and looking to relocate the entire office. The kitchen, the administrative offices, the Library – all have been completely ruined. Will be reaching out to all for support and ask if the Town Manager or Grant staff have any knowledge of any potential of money that they can apply for. Any support would be greatly appreciated.

Barbara Rushmore – Sent email to Board of Selectmen asking for their support on a non-binding public

opinion advisory question to be put on the May 2000 town election ballot; also requesting the Board of Selectmen discuss this matter during their Selectmen statements this evening.

Shuttle Ad Hoc Committee – as a member representing the VSB – worried that it is going to be what we already have and not as much improvements as anticipated. Request Board of Selectmen consider having a public hearing on this matter before making any final decisions.

Wastewater – upset about the underlying necessity of such a large project.

Mary Jane Dean – Visual Arts Fellow at the Fine Arts Work Center – would like the Board of Selectmen to declare February 3 – 9, 2000 as **The Drift Bottle Project Week**.

Sheila Benzer – all water in Provincetown is drinkable. Wants to see water reports. Foss Woods and Site Y are good areas for treatment plant. Urge Board of Selectmen talk to Seashore.

3. SELECTMEN STATEMENTS

Cheryl Andrews

Letter from Parking Administrator - request for legal opinion. Lend my support to do whatever you can do to get a good answer out of Town Counsel for Town meeting.

E-mail – with question from Town Clerk – 1/25/00 – with respect to ConCom. It seems as if the Town Manager could end all of this by simply moving the alternate up to a full member position.

Siting – Treatment plant and disposal – Open to being persuaded by anyone if they have the data and the facts that Site 9 (Engineers describe as piece of property between our Landfill and DPW garage) is so much better than all the others that we should engage in that battle. It would have to have both the plant and the disposal together on that site.

Comments to Engineers, John Goodrich & Staff - when we do look at the alternatives – that the comments have been made in the past that said Site 9 was not at the top of the heap – for example: problems of disposal being next to the landfill and also the fact that it is near the disposal and plant would be near residential property. That should all be outlined so that, regardless of how the Board of Selectmen feel about it – if people want to continue to talk about Site 9 – we should have, at least, the facts.

2nd issue – if people want to talk about siting anything on top of the old landfill then it would be prudent to call it the “old landfill” and stop call it Site 9; because site 9 as we are discussing is not the old landfill – but an 18 acre site between the old landfill and the DPW garage.

Betty Steele-Jeffers

Couple of things from Public Statements:

- 1) Keith – would you check as to whether the land is dedicated for Cemetery use only. Answer: We’ve been calling it the Cemetery Land but in fact it is not. We are not talking about cemetery property we are talking about a parcel that was deeded to the Town in 1978 by MDPW. Betty Steele-Jeffers – we need to get a name for it.
- 2) If there is some assistance we can give to the PASG – with grant information. Pass on to Michelle.
- 3) Memo from E. Winn Davis dated 1/14/00 re: Disability Access Issue Remains at AAB – MacMillan Pier. What bothers me about it is that he uses the word ‘I believe’ at least twice and I

take that to mean that she is not sure that something is factual – if something is actually going to be able to happen. Causes some concern to me because we have been adamant in wanting to know that we are going to have adequate handicapped accessibility to this pier project. I just want to make sure that people are moving forward on it.

- 4) **MOTION:** *Move that the Board of Selectmen approve the request of Barbara Rushmore to have the following non-binding resolution on the Town Ballot on May 2, 2000.*

“Shall the Town of Provincetown call on President Clinton to work actively with other governments to achieve a world without nuclear weapons and nuclear power plants and request the Town Clerk to send the results of the vote to President Clinton, Senators Kennedy and Kerry and our Representative?”

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

- 5) Mr. Bennett’s email – couple of these questions might be answered in the hand book committee and I would like a response to him.
- 6) Memo from E. Winn Davis dated 1/21/2000 – regards to property on Commercial Street.

MOTION: Move that the Board of Selectmen request the Town Manager request of the Finance Committee a Reserve Fund transfer of \$700 for services of a professional engineer with a structural discipline if the deadline of January 27, 2000 is not met regarding the property at 143 Commercial Street.

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

Mary-Jo Avellar

Drift Bottle Project – would like to make a motion to support the requested proclamation. (No seconded – motion did not carry.)

Two letters from Stan Klein - re: Holly Folly and the ad that was in Metro Source. Do we need a report from Pat Fitzpatrick. (Cheryl Andrews – I don’t need one. A lot of this stuff is not news; there’s been a lot of people making accusations about this and that – and I think she’s (Pat Fitzpatrick) is pretty with it as far as what is going on. Once they have a good system I think that system will apply to everybody. Betty Steele-Jeffers - My suggestion would be that we pass this along to the Tourism Director to maintain this information in a file in case it ever comes back to us. David Atkinson - I request that she respond to him and thank him for bringing this to our attention.

Letter from Terry Vorelli – We asked for a report and we have not received anything yet and should have – especially since it is a Zoning Board action.

Alix Ritchie handwritten memo re: Airport. Basically saying that the Commission is not following their own requirements in reviewing the project and she is concerned that there may be a conflict of interest. (Keith – The handwritten cover letter indicated that she had not fully read the attached letter. I did read the attached letter and found references.

Mary-Jo - Keith – can you get back to her and show her that you think all of those are in place.)

PASG - I support the Chairman on doing whatever we can do help support the support group in this time of need. Especially – wondering what they are going to do with the meals on wheels program? If they need to use some space – kitchen at the high school. Keith – could you find out.

David Atkinson - Nothing at this time.

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Richard Prowell

Really happy about the **22.05 acres deeded** over to the Provincetown Conservation Trust for Shankpainter Pond by the Patrick Family.

Want to make note of the January 10, 2000 minutes that Vernon has done about **Clapps Pond** – which I had brought up about getting more information about putting up **barriers** – to keep out vehicles. I wasn't making a motion to put the barriers up, I just wanted to more information about the area and whether this could be done - whether we could just have pedestrian traffic because it's right across the road from Shankpainter Pond. I think we need some signage up in this area.

DPW Director – want to thank him for putting up the trash barrel on the corner of Pearl and Commercial Streets.

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4. HUMAN RESOURCES TEAM

MOTION: Move that the Board of Selectmen vote to approve the Human Resources Team's proposed plan for distribution of service pins to members of Town Boards as follows:

- First Term: Gold pin with blue background and town seal.**
- Second term: Coffee Cup/Mug with blue background and town seal.**
- Third Term: Platinum (silver) pin with blue background and town seal.**

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

5A GRANT ADMINISTRATOR

Local Law Enforcement Block grant award \$13,388 for Police Department

MOTION: MOVE that the Board of Selectmen vote to authorize the Chief of Police to execute a grant agreement with the U.S. Department of Justice under its Local Law Enforcement Block Grant Program in the amount of \$13.388 for radio and computer equipment for the Provincetown Police Department.

**Motion by: Mary-Jo Avellar Seconded by: Cheryl Andrews
Yea 4 Nay 0 Abstain 1 (David Atkinson)**

5B GRANT ADMINISTRATOR

Massachusetts Cultural Council Grant Award \$3,640 for Library

MOTION: Move that the Board of Selectmen vote to accept a \$3,640 grant award from the Massachusetts Cultural Council for the Provincetown Public Library's annual spring play.

**Motion by: Mary-Jo Avellar Seconded by: Cheryl Andrews
Yea 4 Nay 0 Abstain 1 (David Atkinson)**

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5C GRANT ADMINISTRATOR

Mass. Department of Public Health Grant for HIV/AIDS

MOTION: Move that the Board of Selectmen vote to (1) accept a \$75,000 amendment from the Massachusetts

Department of Public Health for the HIV/AIDS Comprehensive Home Health contract, \$25,000 for each fiscal year (2000,2001,2002); (2) amend subcontract for FY '00 with VNA Cape Cod by \$22,000 from \$86,000 to \$108,000; (3) amend subcontract for FY '00 with Hospice of Cape Cod from \$11,0-00 to \$14,000; (4) execute subcontract with Provincetown AIDS Support Group for \$7,042; and (5) execute subcontract with Cape AIDS Ministry for \$2,347.50.

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

6A REQUEST OF CLEMDEB REALTY TRUST

Seeking Letter of Support to DHCD on Affordable Rental Units

MOTION: Move that the Board of Selectmen vote to send a letter to the Department of Housing and Community Development supporting the application of Clemdeb Realty Trust under the HOME Program.

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

6B CAPE COD NATIONAL SEASHORE

Monthly Issues Update from Town Manager

MOTION: Move that the Board of Selectmen vote to submit to the Secretary of the Interior the name of Town Manager Keith A. Bergman for nomination as the Town of Provincetown's alternate member of the Cape Cod National Seashore Advisory Commission.

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

MOTION: Move that the Board of Selectmen vote to request that, in lieu of an operating subsidy for the joint Provincetown/Truro/Seashore shuttle service, the Cape Cod National Seashore provide shuttle riders with free admission to Seashore beaches upon debarkation from the shuttle.

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

7A TOWN MANAGER APPOINTMENTS

MOTION: Move that the Board of Selectmen vote to approve the following appointments by the Town Manager: (1) Rick Fleury, 27A Conwell Street, to a term on the Community Policing Steering Committee expiring December 31, 2002, pursuant to Article 1 of the April 7, 1993 Special Town Meeting; (2) Austin P. Knight, 9 Miller Hill Road, to a term on the Historical Commission expiring December 31, 2002, pursuant to Charter section 6-9-1; and (3) Michael Fernandes, 29 Alden Street, to a term on the Disability Commission expiring December 31, 2001, pursuant to MGL C.40,s.8J.

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

7A1 APPOINTMENTS: Town Boards

MOTION: Move that the Board of Selectmen vote approve the request of The Provincetown Chamber of Commerce, Board of Directors to replace Francis John Santos with Joan Lenane as the Provincetown Chamber of Commerce, Inc. representative on the Visitor Services Board with a term to expire on June 30, 2000.

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

8 **MINUTES OF BOARD OF SELECTMEN MEETINGS**

Motion: Move that the Board of Selectmen vote to approve the minutes of: January 10, 2000 with the following change: Page 1 #2 Change Pride to Priolo.

Motion by: Cheryl Andrews **Seconded by: Richard Prowell**
Yea 4 Nay 0 Abstain 1 (David Atkinson)

Motion: Move that the Board of Selectmen vote to approve the minutes of: January 11, 2000 as submitted.

Motion by: Cheryl Andrews **Seconded by: Richard Prowell**
Yea 4 Nay 0 Abstain 1 (David Atkinson)

Motion: Move that the Board of Selectmen vote to approve the minutes of: January 18, 2000 as submitted.

Motion by: Cheryl Andrews **Seconded by: David Atkinson**
Yea 4 Nay 0 Abstain 1 (Betty Steele-Jeffers)

9. **CLOSING STATEMENTS**

Cheryl Andrews

Wastewater – Comment that we are not under any pressure from the State. People who have signed consent orders may feel differently. The State has a serious interest in the Town and our progress on wastewater is being taken into account in the individual consent orders.

Hazardous Waste Holding Site – excited about this .. and article on Harwich on how they do it. Still interested and would like to see this pursued.

Betty Steele-Jeffers

Skiff Dingy-Dock Extension - memo 1/13/00 – Did you take care of that? Answer: Yes

Keith – your memo to Town Counsel re: **Bankruptcy**: **Answer:** Town is being put on the list.

Mary-Jo Avellar

MOTION: Move that the Board of Selectmen send a letter to Mary-Jane Dean at the Fine Art Work Center stating that we support her Drift Bottle Project.

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

David Atkinson - Nothing at this time.

Richard Prowell

MOTION: Move that the Board of Selectmen send a letter of thanks to the DPW crew for their work during the recent storms.

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

10. **MOTION: Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, section 23B, clause 3, to go into executive session to discuss strategy with respect to contract negotiations with non-union personnel and not convene in open session thereafter. (roll call vote)**

**Mary-Jo Avellar - Yea
David Atkinson - Yea
Cheryl Andrews - Yea
Richard Prowell - Yea
Betty Steele-Jeffers - Yea**

Motion to go into executive session by Mary-Jo Avellar at 10:20 PM.

**Minutes transcribed by: Vernon Porter, Secretary
January 26, 2000**