

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING - MARCH 13, 2000

### JUDGE WELSH HEARING ROOM

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Chairman, Betty Steele-Jeffers opened the meeting at 7 PM, noting the following attendees: Board of Selectmen members: Elizabeth Steele-Jeffers, Cheryl Andrews, David Atkinson, Richard Prowell and Vernon Porter, Secretary to the Board of Selectmen. Absent: Mary-Jo Avellar. Other attendees: Keith A. Bergman -Town Manager, David Guertin - DPW Director and other interested parties.

The following are minutes, in brief.

#### 1A PUBLIC HEARING: CLASSIFICATION

Property Tax Rate

**MOTION**: Move that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2000 property tax:

1. to establish a residential factor of "1" [*a residential factor of "1" establishes a single tax rate for all classes of property; any other factor splits the tax rate between residential/open space and commercial/industrial/personal*].
2. not to adopt a "residential exemption" of \_\_\_% [*an exemption of up to 20% may be adopted, to shift the tax burden from residents to non-residents, within the residential class*].
3. not to adopt a "small business exemption" of \_\_\_% [*an exemption of up to 10% may be adopted, which shifts the tax burden from certain qualifying small businesses to all other commercial and industrial property*]; and
4. to identify \$1,000,468.00 in unused property tax levy capacity.

**Motion by**: Cheryl Andrews    **Seconded by**: Richard Prowell    Yea 4    Nay 0

#### 1B PUBLIC HEARING: SHUTTLE

Proposed Provincetown/Herring Cove/Truro Shuttle Service

**MOTION**: Move that the Board of Selectmen vote to approve the proposal for a single loop shuttle system servicing Provincetown, Herring Cove Beach, and Truro as follows:

1. Route: from Dutra's Market in Truro, along Route 6A to Bradford street to MacMillan Pier terminal, Bradford Street to West Vine, west on Commercial Street and out to Herring Cove Beach. Back along Bradford Street, Shankpainter Road to Jerome Smith Lot, Bradford Street to bus terminal, Bradford Street to Dutra's Market.
2. Duration: Provincetown service from Memorial Day weekend through mid October. Herring Cove Beach and Truro service form the last week in June through mid-September. Initial service would begin June 24, 2000.

3. **Frequency and time of day:** *Every 20 minutes, from 7:15 a.m. to 12:15 a.m. (service to Herring Cove Beach from 9:00 a.m. to 7:00 p.m.)*

4. **Fare:** *Standard CCRTA fare structure: \$1.00 per rider; \$.50 for seniors, handicapped, and children; 25% discount for a block of 20 rides.*

*Further to have the ad hoc committee report back to the Board of Selectmen at the end of the season for its report and recommendations to the Board of Selectmen.*

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

1C

**PUBLIC HEARING : BLOCK GRANT**

Reuse of 1998 MCDBG Funds for Water Projects

**MOTION:** *Move that the Board of Selectmen vote to approve the following activity proposed as an amendment under the 1998 Massachusetts Community Development Block Grant Program: under the Water Conservation Activity: add the replacement and/or repair of Well #1 at South Hollow Wellfield, and delete the component for the installation of toilets for low and moderate income homes and to extend the grant from March 31, 2000 to December 31, 2000.*

**Motion by:** Richard Prowell    **Seconded by:** Cheryl Andrews    **Yea 4    Nay 0**

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**PUBLIC STATEMENTS**

**Alberta Romano** - Appointments – ask Board of Selectmen to adopt a policy that in order for anyone to be a member of a board or committee they must have all their property and water bills paid up to date.

**Barbara Rushmore** - re: Term limits - too many people affected. Move agenda item for appointments up so they don't have to wait so long during a meeting. Wants update on Linda Silva murder investigation. Should have pistol permits.

**Peter Sousa** – State Senator coming to town of March 24, 2000 to present the Town of Provincetown with \$240K as the State's share of Shankpainter Pond Uplands. "Some of us are going to greet him and convince him to come to Shankpainter Ponds Upland and walk across highway and show him how the Town of Provincetown has been neglectful in maintaining the 47 acres that we own. Read article from the Town Meeting in 1992 – re: Article 4l Site 6 Nature Reserve

**Dorothy Anderson** – concern over discussion with Supt. of Schools and Town Manager re: having schools hook up to sewer in exchange for School Committee to consider Motta Field and Grace Hall Parking Lot as additional leaching area.

**Lisa Westervelt** – following up on material Celine Gandolfo dropped off at Board of Selectmen office re: MMA / Telecommunications Bill. Formal request for Board of Selectmen to take a position on this matter.

**Carol** - agrees with Dorothy Anderson and against proposed leaching fields in residential area.

**Sheila Benzer** - Re: Sewerage Treatment Plant, Shankpainter and Clapps Pond == very upset over proposed area for treatment plant.

**SELECTMEN'S STATEMENTS**

**Richard Prowell**

**MOTION:** *Move that the Board of Selectmen request from the Chief of Police an update, in executive*

*session, on the Linda Silva murder case at our next regular scheduled meeting.*

**Motion by: Richard Prowell    Seconded by: Cheryl Andrews**  
**Yea 3    Nay 1 (Betty Steele-Jeffers)**

**Pigeons** – definitely a health problem and the Board of Health need to take a look at this ASAP.

- **Barrier Fence** put up by Mr. Bryant on the East End of Commercial – how did it come about Keith? **Answer:** Put up as part of the legal decision - he had to put the fence up.

**Leaching Fields** – concerned that they were not identified on the Article for Town Meeting. Further that we are filled to capacity now and since this came forward the Provincetown Inn, the High and Elementary schools want to hook up.

- **Sewer Pipe** – for the treatment facility – would run down Shank Painter Road right?

**Keith** – most probably, but not necessarily. **Richard** - Court St., drainage would be hooked in. **Answer:** No **Richard** – thought it was suppose to be in that. **Cheryl Andrews** – originally , but a lot got cut out.

**Cheryl Andrews** -

- **WATER:** Article in paper - Clarification from whoever issues rulings whether or not it is legal to penalize water accounts that use more water than their fair share? - an amount to be determined? Is this legal? **David Guertin:** No it is not legal and we will convey this again to the Water & Sewer Board again.

- **Letter from Sandy Turner 3/9/00 - Round Table Discussion – Solid Waste** - enjoyed reading this to the extent that it is reasonable for her to attend these meetings

- **Appointments** – interesting point made about responsibilities of a citizen of a Town before they become an appointee. The problem is that there are no rules about such things. The best to do, for now, if you have a concern about someone that is applying for a board or committee is to speak to your selectmen and let us know. Air your views.

- **Pins** – follow-up on getting them all out to those that were lost due to term limits.

**MOTION:** *Move that the Board of Selectmen ask Debbie DeJonker to see that all the folks who just left positions, due to term limits, get pins.*

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

Lisa Westervelt who came to speak for Celine about Cell Towers – she is in good company – and what is the truth about this new law? Clearly the MMA is supporting it and telling us one thing and those against cell towers are telling us another ... particularly, that it takes local power away and yet the MMA is saying otherwise. I am in conflict over who to believe – Keith – can you is there a way you can find out, knowing our political sentiments about cell towers. I am on the side that says that the decisions should stay local.

The ongoing **Wastewater** saga – which will be ongoing for decades and decades – as long as there is human life here. I will say only, as an environmentalist, who loves the sound of animals and the smell of plants – I think the most and best thing I can ever do for this Town is to be part of this Wastewater project. I've always felt this way. For the amount of untreated waste that is going into the environment, right now, and instead to be able to turn around and have a significant amount of that treated and then released into the environment – to me that is a contribution to the environment. For all of you that are upset about the concept of your children walking over a leaching field – they're doing it now. They're walking over cesspools now. My involvement in this process has been a source of pride to me and I think it should be the same for a lot of people working on it

in town.

**Betty Steele-Jeffers**

Would like to say why I voted no on the **Linda Silva update**. At a previous update, to me, one of the most uncomfortable experiences I ever sat through. I felt as though there was information that was being decimated that I don't think that I really needed to know and I felt that it was an inappropriate setting to be discussing it; it was not something that was going to go to the public. I don't think that it reached any conclusions; I don't think it moved us forward; I don't think it moved us backwards and I really am not interested in sitting through it again. I don't know that I really need to be privy to the information. It didn't do anything and it didn't solve the case.

**Transportation Center - Sandy Turner's Memo dated 3/8/00** — I would really like something put in place to keep that area clean and neat. Don't know, especially in the off season, how much patrolling we'd have to do, but I would .

- **MOTION:** *Move that the Board of Selectmen request, through the Town Manager, that the Provincetown Police regularly patrol the Transportation Center at MPL on a 24 hour basis.*

**Motion by:** Richard Prowell **Seconded by:** Cheryl Andrews **Yea 4 Nay 0**

- **Richard Orareo** – Letter from Commonwealth concerning Mr. Orareo's ongoing request and the lack of response by the Town of Provincetown to supply him the records he requested. Believe the Assistant Town Manager has been handling this and the information requested should come from that department. (Cheryl Andrews – the only thing I know about it is that he had asked about the letter we generated to the neighbor and I know Winn did finally draft it because I wrote it for him) **Keith** – we don't have a copy of the letter he is referring to.

**DAVID ATKINSON**

**Lower Cape Selectmen's Meeting** - Thursday – April 13, 2000 – Snow Library – Orleans, Ma. Subject: Health Care. We ought to let them know who is coming. (Vernon will notify Fire Engineers/Lower Cape Ambulance, Outer Cape Health, and Dennis Anderson from the Manor.)

- **MOTION:** *Move that the Board of Selectmen ask the DPW Director to look into the comparison of plastic wood floats versus regular wood and if it is within the cost parameters.*

**Motion by:** David Atkinson **Seconded by:** Betty Steele-Jeffers **Yea 4 Nay 0**

**Pigeons – Health Dept.** – we ought to discourage people from feeding the pigeons.

**4** **GRANT ADMINISTRATOR**

“March in March” Proclamation and Parade Permit

**MOTION:** *Move that the Board of Selectmen vote to proclaim Sunday, March 19, 2000 “Domestic Violence Awareness Day” and to issue such proclamation along with a parade permit.*

**Motion by:** Richard Prowell **Seconded by:** Cheryl Andrews **Yea 4 Nay 0**

*Motion to take 5B out of order*

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

**5B** **GRANT ADMINISTRATOR**

Council on Aging Grants

**MOTION:** *Move that the Board of Selectmen vote to accept the following FY 2000 Grants: (1) Executive Office of Elder Affairs (EOEA) Formula grant for \$4,165 to support volunteer mileage expenses and staff education, (2) EOEA Service Incentive Grant for \$4,160 for the program Coordinator for the social service program, and (3) Older Americans Act Title III Grant for \$7,994 to assist seniors with personal services and medical transportation.*

**Motion by:** Cheryl Andrews    **Seconded by:** Richard Prowell  
Yea 3    Nay 1 (David Atkinson)

**5A    SHANKPAINTER POND UPLANDS MANAGEMENT PLAN**

Approval of Plan Required for Self-Help Grant Reimbursement

**MOTION:** *Move that the Board of Selectmen table this item and place it on the March 27, 2000 Board of Selectmen meeting.*

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

**5C    CHANGE ORDER: WASTEWATER ENGINEERING**

Environmental Partners Group, including Leaching/Disposal Capacity

**MOTION:** *Move that the Board of Selectmen vote to approve a Change Order in the amount of \$44,250 to the contract with Environmental Partners Group, Inc. for wastewater engineering services, including \$15,000 for subsurface disposal analyses, and \$29,250 for project support during the months of January and February 2000.*

**Motion by:** Cheryl Andrews    **Seconded by:** David Atkinson  
Yea 3    Nay 1 (Richard Prowell)

**5D    CHANGE ORDER: COURT STREET DRAINAGE**

Coastal Engineering, including former Conant Street Extension

**MOTION:** *Move that the Board of Selectmen vote to approve a Change Order in the amount of \$4,000 to the contract with Coastal Engineering, Inc. for engineering services for the Court Street/Shankpainter Road Drainage project, to include Fritz's Way (formerly Conant Street Extension), as recommended by the Director of Public Works.*

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

**5E    M.O.U. w/D.E.P.**

Universal Waste Storage Shed for Transfer Station

**MOTION:** *Move that the Board of Selectmen vote to execute a memorandum of understanding with the Massachusetts Department of Environmental Protection for a \$900 grant towards the purchase of a universal waste storage shed for certain items mandated by DEP to be removed from the waste stream as of April 1, 2000, as recommended by the Director of Public Works.*

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

**7    MINUTES OF BOARD OF SELECTMEN MEETINGS**

The following minutes of meeting were approved with changes so noted.

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of February 14, 2000.*

**Motion by: Cheryl Andrews   Seconded by: Richard Prowell   Yea 4   Nay 0**

**MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 22, 2000.***

**Motion by: Cheryl Andrews   Seconded by: Richard Prowell   Yea 4   Nay 0**

**MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 28, 2000 – Board Interviews***

**Motion by: David Atkinson   Seconded by: Richard Prowell  
Yea 3   Nay 0   Abstain 1 (Cheryl Andrews)**

**MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 28, 2000.***

**Motion by: David Atkinson   Seconded by: Richard Prowell  
Yea 3   Nay 0   Abstain 1 (Cheryl Andrews)**

**MOTION: *Move that the Board of Selectmen vote to approve the minutes of March 6, 2000 .***

**Motion by: David Atkinson   Seconded by: Cheryl Andrews  
Yea 3   Nay 0   Abstain 1 (Richard Prowell)**

**SELECTMEN'S STATEMENTS**

**Richard Prowell** - Pass

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**Cheryl Andrews** - Pass

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**Betty Steele-Jeffers** - Reminder of the Traffic Hearing tomorrow night.

**David Atkinson** - Pass

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Motion to adjourn by Cheryl Andrews at 10:40 PM

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**Minutes transcribed by:** Vernon Porter, Secretary  
March 17, 2000