

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MAY 8, 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 7:00 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 Bergman - Town Manager, Mark Latour – Assistant Town Manager and other interested parties.

The following are minutes, in brief.

1. REORGANIZATION OF BOARD OF SELECTMEN

MOVE that the Board of Selectmen vote to approve

A) *Elizabeth Steele-Jeffers as Chairman of the Board of Selectmen for a term of one (1) year commencing immediately.*

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

B) *that the Board of Selectmen vote to approve Dr. Cheryl Andrews as Clerk for the Board of Selectmen for a term of one (1) year commencing immediately.*

Motion by: Richard Prowell Seconded by: David Atkinson Yea 4 Nay 0

2. PUBLIC STATEMENTS

Michael Bunn – Local Housing Partnership – Very good news – held lottery for homeowners opportunity at 35 Conwell - 7 happy families. It was a joyous event and everyone quite pleased.

Susan Hoffman - spoke of inadequacies of water use rules as they currently stand. Nothing can be done, according to Health Agent, of the number of bathrooms one can build.

Jamia Kelley - Crosswalk need at the corner of Alden & Bradford Street. Elimination of this crosswalk – extremely hazardous. No one seems to know who is responsible for having the crosswalk replaced. Someone is going to be seriously injured.

Sheila Benzer - New group has formed called: PROVINCETOWN PIGEON CONSULTANTS (& Other Wildlife) FREE RESOURCE & SOLUTIONS NETWORK. Passed out flyer to be put into record. (Attachment #1) All volunteer group to help anyone in our area. Pat Fitzpatrick, Tourism Director – is very supportive and she had some good suggestions – one being “ Street sweeping people (ambassadors).”

Jackie Freitas – Ask for a town-wide moratorium on the killing of Rock Doves (Pigeons) and all other living things. Submitted letter into record. (Attachment #2)

Alberta Romano – Re: Pigeons. Ask that the Board of Selectmen support the group of people who are willing to educate people. We have to educate tourists and ask that the Police Department use discretion.

Peter Sousa - Spoke with David Ditacchio and gave him information on alternative solutions for the roosting problems at the end of the pier. Alden Street: Agree that this area is waiting for an accident to happen. Clapps Pond – “In the very near future a group of citizens from Provincetown are going to be taking over this land and protect it the way it should be protected. We’re taking control. That is not a threat – it is a promise, and it is legal.” The Board of Selectmen has not been doing their job for the past ten years. We are getting Environmental Lawyers and if need be we will get an injunction.

Robert Coane - Will not feed the pigeons. Lopes Square and near the bathrooms – all the waste cans were completely full – these need to be taken care of as well.

SELECTMEN STATEMENTS

RICHARD PROWELL

1) Received a summary of a meeting that was held at Kopelman & Paige on the demolition of MacMillan Pier – wanted to ask Keith – how this set of minutes came about and who wrote these minutes of May 3, 2000?
Answer: Keith – Craig King

2) Made a motion at our last regular meeting and I requested a report from the Health Inspector on the complaint of beach debris behind 333 Commercial Street. Would appreciate a follow-up on this. (Keith – I will follow-up on this.)

3) Direct this to our Secretary – Vernon Porter. Would like to have a copy of the contracts regarding Wastewater that have been signed by three members of the Board of Selectmen. In the future, I would like to see all the original contracts. I’m going to be very watchful over the contracts so that if anything goes wrong the Town is safeguarded financially, if something happens with this project. I want to make sure this is done right.

4) Construction – Dyer Street – We received a memo from Sandy Turner, Warren Alexander – and I walk this street quite a bit and I saw this project going on. I really felt unsafe walking this street the other day – have never seen such heavy equipment on this street. I believe there is some damage to the street. I would like to have Keith direct someone from the Staff to watch over this very closely and I would like to have a report back by next regular meeting.

CHERYL ANDREWS

Lopes Square looked very bad this weekend. Have never seen it so bad. Like the group’s concepts and supports idea of educating people and avoid what happened earlier this year. Ambassadors - a good idea to call DPW when trash barrels are full.

MOTION: Move that the Board of Selectmen ask our DPW Director for a brief report and let us know what is going on regarding his resources and what we need to do to make sure Lopes Square never looks like that again.

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

Signs – are quite tall – can they be shortened? We need better way to educate people – maybe a message around the trash barrels. Think the signs that are there now are ugly and ought to go and be replaced with something more ground level.

MOTION: Move that the Board of Selectmen ask the DPW to send a memo to us regarding the Pigeon signs at Lopes Square and some kind of replacement program.

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

Sidewalks – Harry Kemp Way -

MOTION: Move that the Board of Selectmen ask our DPW for a report on how we can repair the sidewalk at Harry Kemp Way so they will look the way they should look and outlined what the problem is.

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

Transfer Station – would you consider having a hand out that explains all the rules and they can take it away from them. Answer: David Guertin – Commercial is already done and residential is in the process

Memo of May 4, 200 from Don Richards outlining a potential small group task force for the shuttle. I would like to request that a PBG member be a part of the task force.

MOTION: Move that the Board of Selectmen request Don Richards, Parking Administrator to send out an invitation to PBG to put a member on this group.

***Motion by: Cheryl Andrews Seconded by: Betty Steele-Jeffers
Yea 2 Nay 2 (David Atkinson / Richard Prowell)
Motion does not carry.***

BETTY STEELE-JEFFERS

Alden Street – Bradford Street sidewalk – it is my understanding that work order is in for that. Is that correct?
David Guertin: Disability Commission recommended that we do not paint that sidewalk and they are in the process of forwarding their recommendation to Mr. Bergman on how and where that walkway is placed. Their proposal is to place it from Alden Street going east towards Cumberland Farms.

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Dr. Andrews brought up the point for workers. We ought to take a look at whether our season – or the weekend season - is now starting earlier than we have anticipated in previous years. Might go for comfort stations only.

Salary – Seasonal Workers and people who work in the Parking Attendant booths. Pay is frozen - pay is inequitable. We need to address that salary grouping.

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Thank you to Craig Weigand for his First Annual Contest on Water Conservation with the school kids. Excellent idea.

Sandra Turner’s report – that was turned in because she could not attend a staff meeting – was an excellent and informative report of what her department was doing. It was precise and told us everything that was going on and it would be nice to see this from other areas.

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Re: Susan Hoffman – would like to see some clarification on the things she was talking about. Response:
Cheryl Andrews – With regards to growth and bathrooms – if you look at the actual data - it works pretty well. System is based on engineering principals - it is done by bedrooms as they are considered habitation units.

DAVID ATKINSON

Letter from Town of Barnstable re: banning of MTBE (Methyl Tertiary Butyl Ether). MTBE is a gasoline additive and potential carcinogen already showing up in Cape water supplies.

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MOTION: Move that the Board of Selectmen request more information from the Staff on MTBE.

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

New Shuttle - played a tape recording he made for the new shuttle service between Provincetown and Truro.

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MOTION: Move that the Board of Selectmen name the bus service between Provincetown and Truro “The

Shuttle”.

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

Memo from Maria Burks to Judith Oset re: upcoming meeting on redoing zoning on the Seashore. My comments is: My comment when I read it was, the only thing on the Seashore in Provincetown territory are the Dune Shacks and I would think they would be grandfathered and I would think you would just leave them alone and not have any zoning changes. So, I am hoping that’s what happens out of this process. (Keith – I will refer this to Judith.)

Letter from John Lundborn a Constable in Truro, requesting to be a Constable in the Town of Provincetown.

MOTION: *Move that the Board of Selectmen respond to Mr. John Lundborn of PO Box 345, North Truro, MA 02652, request to be appointed Constable in the Town of Provincetown via sending him the process for same.*

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

Trash buckets – push contents down and push air out.

Crosswalk – Alden & Bradford Street – There is no reason why that crosswalk should not be there. The sign is still there. It has been there for years.

4. **ART COMMISSION: ACQUISITION POLICY**

MOTION: *Move that the Board of Selectmen approve the application as amended by the Art Commission to establish an “Acquisition Policy of the Provincetown Art Commission”.*

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

Item # 7 C - Amended to read: Works, which, because of their historical importance and or value, do not fit the above criteria.

5 **DEM GRANT APPLICATION**

Historic Landscape Preservation Grant: Winthrop Street Cemetery

MOTION: MOVE *that the Board of Selectmen vote to submit a grant application for \$37,916 to the Department of Environmental Management Historic Landscape Preservation grant program for the restoration of the Winthrop Street cemetery.*

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

5B1 **WATER UPDATE**

“Unaccounted For” Water Reduced by 19.78% to 15.78%

Discussion followed.

5B2 **WATER UPDATE**

Proposed Settlement of Appeal of Water Registration Level

MOTION: *Move that the Board of Selectmen vote not to authorize execution of an administrative consent order with the Massachusetts Department of Environmental Protection which allows the Town to withdraw an annual average of 1.05 MGD (million gallons per day) of water during the pendency of the Town's water withdrawal application, and includes a suspended penalty for alleged past violations of the Water Management Act.*

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

5C **WASTEWATER/GROUNDWATER MODELING**

Environmental Partners Group \$97,5000

MOTION: *Move that the Board of Selectmen vote to authorize execution of a contract with Environmental Partners Group, Inc. in the amount of \$97,500 for groundwater modeling engineering work in support of the Comprehensive Wastewater Management Plan, said contract as approved as to form by Town Counsel.*

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

MOTION: *Move that the Board of Selectmen take Agenda item 5G out of order.*

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

5G **COUNCIL ON AGING FY 2001 GRANT APPLICATION**

Social Service Assistance Outreach Program

MOTION: *Move that the Board of Selectmen vote to authorize submission of a grant application to the Executive Office of Elder Affairs under its Service Incentive Program for \$10,000 for the "Social Service Assistance Outreach Program" for the Provincetown Council on Aging.*

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

5D1 **DPW SERVICE CONTRACT FOR FY 2001**

Paving with Bituminous Concrete: Tilcon Capaldi, Inc.

MOTION: *Move that the Board of Selectmen vote to MOVE that the Board of Selectmen vote to execute a contract with low bidder Tilcon Capaldi, Inc. of Swansea, MA for the provision of bituminous concrete to the Town of Provincetown for Fiscal Year 2000 at a cost of: \$49.50 per ton delivered in place and for berms to be laid in place; \$6.00 per lineal foot for bituminous concrete curb to be laid in place; and \$90.00 per ton for handwork (sidewalks and driveway approaches).*

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

5D2 **DPW SERVICE CONTRACTS FOR FY 2001**

Heating Oil No. 2: Marcey Oil Company

MOTION: *Move that the Board of Selectmen vote to execute a contract with low bidder Marcey Oil Oil of Provincetown, MA for the provision of heating oil #2 to the Town of Provincetown for Fiscal Year 2000 at a cost of Boston Journal of Commerce "low price" plus mark-up of 10.9¢ (\$0.109).*

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

5D3 **DPW SERVICE CONTRACTS FOR FY 2001**

Municipal Solid Waste Hauling Services: J&L Enterprises

MOTION: *Move that the Board of Selectmen vote to execute a contract with J&L Enterprises, Inc. of Truro for the provision of municipal solid waste hauling services for Fiscal Year 2000 from the Provincetown Transfer Station to the SEMASS facility in Rochester, MA, including provision of one yard truck, keeping trailers on a maintenance schedule, changing flat tires, and providing an additional trailer during the summer, for the contract price of \$200 per round trip.*

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

5D4 DPW SERVICE CONTRACTS FOR FY 2001

Removal of Recyclables: J&L Enterprises

***MOTION:** Move that the Board of Selectmen vote to execute a contract with sole bidder J&L Enterprises of Truro, MA, for the provision of recycling services to the Town of Provincetown for Fiscal Year 1999 at the rate of \$1.40 per mile for mixed paper, corrugated cardboard, glass, metal cans, and HDPE plastic, and with scrap metal removed at no cost to the Town.*

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

5D5 DPW SERVICE CONTRACTS FOR FY 2001

Septage Removal: Cape Cod Excavating, Inc.

***MOTION:** Move that the Board of Selectmen vote to execute a contract with low bidder Cape Cod Excavating, Inc. of Provincetown, MA for provision of septage removal services to the Town of Provincetown for Fiscal Year 1999 at a rate of 6.5¢ per gallon exclusive of the Tri-Town tipping charge*

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

5E MPL COMFORT STATION REPAIRS/UPGRADE

Design Contract: Brown & Lindquist, \$12,500

***MOTION:** Move that the Board of Selectmen vote to authorize execution of a contract with Brown & Lindquist, Inc. of Yarmouthport, Massachusetts in the amount of \$12,500 for design services in connection with the rehabilitation of the MPL Comfort Station, subject to approval as to form by Town Counsel.*

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

5F ACCEPTANCE OF DEED

Collinson Property (Transfer Station Access Road Intersection)

***MOTION:** MOVE that the Board of Selectmen vote, pursuant to Article 18 of the April 3, 2000 Special Town Meeting, to execute an Acceptance of Deed for the purchase by the Town of Provincetown from Miriam Collinson of Lot #1 of the Subdivision Plan dated December 23, 1999, comprising 4,800 square feet, more or less, for the purchase price of \$18,000.*

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

5G Listed above prior to 5D

5H FY 1997 and FY 1999 Revenue Deficits

This item tabled until May 16, 2000

5H SOUTH HOLLOW WELLFIELD IMPROVEMENTS

Award Construcion Contract/Approve Change Order No. 1

***MOTION:** Move that the Board of Selectmen vote to ratify its vote of May 1, 2000 to award a construction contract to low bidder Dragin Drilling, Inc. of Wareham, Massachusetts in the amount of \$26,900, and to approve Change Order No. 1 in the amount of \$85,600, for a total of \$112,500, for improvements to the*

South Hollow wellfield; and, further, to authorize execution of said contract by the Board upon receipt of all required bonds and insurance.

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

6A LETTER FROM OUTGOING BOARD TO INCOMING BOARD

MOTION: *Move that the Board of Selectmen accept letter from outgoing board to incoming board.*

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

6B FY 2001 TOWN-WIDE GOAL-SETTING PROCESS

Adopt Timetable and Meeting Schedule

MOTION: *Move that the Board of Selectmen vote to adopt the timetable for the FY 2001 Annual Town-wide Goal Setting Process as proposed by the Town Manager, including the scheduling of a special board meeting on Monday, June 5, 2000 and a public hearing on Monday, June 26, 2000 at 7 p.m.*

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

(Keith will do up a form soliciting input from Town Boards for goal-setting projects to be given to the Board of Selectmen.)

7. BOARD OF SELECTMEN APPOINTMENTS

Appoint applicants to Town Boards.

MOTION: *Move that the Board of Selectmen appoint Diane Shumway as a Regular Member of the Art Commission with an expiration date of December 31, 2002.*

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

MOTION: *Move that the Board of Selectmen appoint Susan Hoffman as a Regular Member of the Cable Advisory Commission with an expiration date of May 31, 2003.*

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

MOTION: *Move that the Board of Selectmen appoint Patrick Manning as a Regular Member of Council on Aging with an expiration date of December 31, 2001.*

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

MOTION: *Move that the Board of Selectmen appoint Roberta Elliott as an Alternate Member of Council on Aging with an expiration date of December 31, 2000.*

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

MOTION: *Move that the Board of Selectmen appoint Rex McKinsey as a Regular Member of the Shellfish Committee with an expiration date of December 31, 2001.*

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

MOTION: *Move that the Board of Selectmen appoint Armista Frothinger as an Alternate Member of the Shellfish Committee with an expiration date of December 31, 2000.*

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

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

MOTION: *Move that the Board of Selectmen approve the minutes of:
April 10, 2000 Regular Meeting and April 10,2000 Special Meeting as printed.*

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

MOTION: *Move that the Board of Selectmen approve the minutes of:
April 11, 2000 Regular Meeting (Continued from April 10, 2000) as printed.*

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

MOTION: *Move that the Board of Selectmen approve the minutes of:
April 24, 2000 Regular Meeting with changes so noted.*

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

9. **SET DATE FOR RECALL ELECTION: JULY 11,2000**

School Committee Member Dana Berry

WHEREAS, the Board of Selectmen has given notice to School Committee Member Dana Berry inviting his resignation within five days, as mandated by Charter §10-1-6; and whereas School Committee Member Dana Berry has notified the Board of Selectmen of his intent not to resign;

NOW, THEREFORE, I move that the Board of Selectmen vote pursuant to Charter §10-1-7; to schedule a Special Town Election to be held on Tuesday, July 11, 2000.

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

10. **CLOSING STATEMENTS**

Richard Prowell

- 1) Dogs running wild on the Beach. A real mess – dogs not on leashes and dog fights all the time. Need more Police surveillance (foot patrol). Someone is going to get hurt down there.
- 2) When will we get an update on Pier? Keith – is already prepared and will be presented at next regular schedule meeting.
- 2) Shelter at Bus Stop – is being vandalized constantly – can't something be done about this?

Cheryl Andrews

- 1) MPL starting to charge fees but comfort station is not open. Need to discuss with Don Richards - should be open simultaneously.
- 2) Lopes Square – This past weekend - I don't every want to see it look like that again – we have to have a back-up plan.

Betty Steele-Jeffers

1) Reschedule May 22nd meeting to May 23rd @ 7 PM.

David Atkinson

MOTION: *Move that the Board of Selectmen request the Department of Public Works to look into cleaning up and painting, where necessary, the MacMillan Pier Lot.*

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

2) **Keys to doors.** There is no record of who has keys to Town Hall. Something should be done to have an official log of all keys given out – in case something is missing from here. (Keith will handle.)

Cheryl Andrews -

MOTION: *Move that the Board of Selectmen send a memo to the Fire Board of Engineers re-offering them the idea of having our newly consolidated Building and Grounds Department maintain their grounds on Shankpainter Road.*

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

Motion to adjourn by David Atkinson at 10:15 PM

Minutes transcribed by: Vernon Porter, Secretary May 12, 2000