

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - JUNE 12, 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 7:11 PM, noting the following attendees: Board of Selectmen: Elizabeth Steele-Jeffers, Cheryl Andrews, Mary-Jo Avellar, David Atkinson, Richard Prowell and Secretary to the Board of Selectmen - Vernon Porter

Other Attendees: Keith Bergman - Town Manager, Mark Latour – Assistant Town Manager and other interested parties.

The following are minutes, in brief. (Chairman, Betty Steele-Jeffers read all related public notices for this meeting.)

1A PUBLIC HEARING: CURB CUT

25 Pearl Street, Mary Alice Wells

Letter of support for the curb cut, from Richard Reynolds and John Mirthes, read into record by Chairman Steele-Jeffers. (*Attachment #1*)

MOTION: Move that the Board of Selectmen vote, pursuant to General By-laws Section 11-6-2, to approve the application of Mary Alice Wells to establish a curb cut at 25 Pearl Street (Assessor's Map 12-3-57).

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

1B1 AQUACULTURE GRANT APPLICATIONS

MOTION: Move that the Board of Selectmen approve the first time commercial aquaculture grant applications for Michael Vernon Anderson and Daniel John Notaro pursuant to Aquaculture Grants Regulation #19A.

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

1B2 REGULATIONS FOR AQUACULTURE GRANTS

MOTION: Move that the Board of Selectmen amend the Regulations for Aquaculture Grants by adding a new regulation as follows:

25. Every grant holder shall pay to the town, on or before April 1, an annual fee as defined in the grant lease agreement. If such fee is not paid within six months, the Board of Selectmen shall hold a hearing as to ascertain the facts of non-payment and determine if the license shall be revoked.

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

1B3 RECREATIONAL SHELLFISH REGULATIONS

MOTION: Move that the Board of Selectmen vote to amend the Recreational Shellfishing Regulations as follows:

Recreational shellfish regulations are designed to both promote and protect shellfish supplies for recreational harvesters, giving them the opportunity to enjoy this natural resource. They will tell you how, when, what to harvest, and how many to keep. Shellfish areas are rotated to allow juveniles time to develop into legal size. Provincetown's rotating recreational shellfishing areas are east and west of the West End breakwater, the East End of town, and Hatches Harbor. Recreational harvesters are not allowed to rake in the designated shellfish aquaculture areas.

All persons harvesting shellfish are asked to re-bury undersize shellfish to protect them from both the weather and predators, such as crabs and seagulls. It takes about two years for a soft-shelled clam to reach legal size and three or four years for a quahog to reach legal size.

We ask that dog owners keep their pets on leashes, as dogs can have an effect on the shellfish such as: Fecal materials contain high levels of fecal coliform bacteria. Federal water testing procedures test for this bacteria. Results of these tests may result in the closure of areas for shellfish harvesting or in extreme cases, swimming. Dogs can inadvertently tear shellfish aquaculture netting. Unplanned encounters with fecal material deposits on the beach can be very unpleasant and unsanitary. We expect dog owners to be prepared to scoop the poop.

The Town's Shellfish Constable is on the flats, both, to assist shellfishers, and to enforce these regulations.

- 1. The Provincetown tidelands shall be closed to the taking of quahogs, soft-shelled clams, oysters, and mussels except in areas designated by the Board of Selectman under the conditions herein imposed.*
- 2. The Town Clerk to any legal resident or real estate taxpayer upon receipt of a \$10 annual fee shall issue a family permit for the non-commercial recreational taking of shellfish. Residents or taxpayers shall be issued a free shellfish permit at age 65 or older. The fee for a non-resident shellfish permit is \$25.*
- 3. Quahogs must be one-inch thick, soft-shelled clams must be two inches long, and oysters must be three inches long. Possession of a gauge is required or you will be denied access to the tidal flats.*
- 4. The weekly limit for recreational permit holders for any combination of quahogs, soft shelled clams, and oysters is either one level 10 quart pail or a peck shellfish basket. No other containers are allowed on the tidal flats. No limit on mussels. Sea clam limit is one bushel per week. If bay scallops are abundant the Shellfish Constable will post their taking and the recreational limit shall be two pecks per week.*
- 5. Certain days of the week may be specified for the recreational taking of quahogs and soft-shelled clams. This information will be posted in the Town Clerk's office. Harvesting is limited to daylight hours, sunrise to sunset.*
- 6. No permit required for sea worms, periwinkles, and mussels which may be taken year round.*
- 7. Upon leaving the flats, all recreational shellfish harvesters will report to the Shellfish Constable who maintains a record of the town's yearly harvest.*
- 8. Violations of the above regulations shall be punishable by a fine of no less than \$50 and no more than \$300 and/or revocation of license or permit.*

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

1C1 PUBLIC NOTICE: TRANSFER OF OWNERSHIP INTEREST

Float Space 2W

MOTION: *Move that the Board of Selectmen vote, in accordance with Special Condition No. 7 of the Chapter 91 License for MacMillan Pier issued October 23, 1995, approve the application of Cee Jay Corporation to sub-lease a portion of Float Space 2W on MacMillan Pier to Flyer's Inc. of 131A Commercial St., Provincetown, MA, owner of the Vessel, "Flyer's Party Barge".*

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

1C2 PUBLIC NOTICE: TRANSFER OF OWNERSHIP INTEREST

Float Space 10W

MOTION: Move that the Board of Selectmen vote, in accordance with Special Condition No. 7 of the Chapter 91 License for MacMillan Pier issued October 23, 1995, approve the application of Hindu of Provincetown, to sub-lease a portion of Float Space 10W on MacMillan Pier to Mark Finley, d/b/a Cape Marine Science Inc., P.O. Box 1926, Orleans, Ma. owner of the Vessel, “Viking Princess”.

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

2. PUBLIC STATEMENTS

Michelle Couture - I am here speaking as Board of Health Chair this evening. I am here to correct a procedural error by one of our board members – you must have it in your packets – our member Gary Delius has resigned from the BOH. He notified me that he was going to resign and handed his resignation into the Board of Selectmen last Thursday. Then he called me two days later and asked that I sit on the resignation, I think I’m going to think about it – don’t know if I actually need to step down and not resign. I said, OK. The reason this is of any concern to me at all really, besides from the fact that he’s a full time board member is that we have Ken Jensen as an alternate and I spoke to him about moving up to a full position on the BOH and it’s usually standard procedure for a Chair of BOH to write a letter supporting that move from alternate to full time or permanent member – and I would like to do that now. I certainly would have had something to you in writing had I known he actually had changed his mind – and I didn’t find that out until it was a fait accompli and he had decided that he would, in fact resign. But he never really notified me that that was the case – in which case I would have written something to all of you saying that every member of the Board of Health would support Ken’s moving out from an alternate to a regular member. Even the short time he has been on as a member of the BOH he’s really been an efficient member and he’s really picked up a good grasp of exactly of what we do and why we do it and why we have to be there. His previous experience on the Zoning Board has really helped as a board member of a regulatory board. Plus I found out that someone else had applied and I didn’t want to not have our support behind Ken Jensen – so, that is why I am here.

Peter Sousa - Passed out photos and complained of five trees destroyed by Environmental Partners while working to find leaching areas for the town’s sewer and wastewater treatment plant.

Met with Police Chief, National Park Service and DPW last Thursday for management plan for the Clapp’s Pond area.

At least 500 tires on the old burn dump – wetlands. Need to be cleaned up immediately.

Rex McKenzie – Shellfish Committee – read letter addressed to Board of Selectmen into record in support of MacMillan Pier. (*Attachment #2*)

3. SELECTMEN STATEMENTS

Mary-Jo Avellar

MOTION: Move that the Board of Selectmen ask the Town Manager for a report, by our next regular scheduled meeting, on the tires at the Wetlands at Clapps Pond and plan to remove them.

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

Art Commission - future Board of Selectmen agenda.

Lipton Cup – new case coming. Keep on front burner.

Lower Cape Wireless Working Group – is anyone from Staff going?

Our Accountant – being certified tonight – copy put in his file.

Good job Donald Richards on the increase in the collection of Parking violations.

MOTION: Move that the Board of Selectmen ask the Town Manager to secure a report from Environmental Partners on the removal of trees from the leaching fields.

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

Shellfish/Dog Ticket issue would like to have a report.

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David Atkinson

MOTION: Move that the Board of Selectmen support Mr. Guertin and the Art Commission's idea of an exhibition of Town owned art, in Town Hall, for the fall be supported.

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

Letter from Pilgrim Monument re: Tourism Director, Pat Fitzpatrick. Letter should go in her file. She did an excellent job on the trip to England.

Cheryl Andrews

To Mark Latour – Street performer arrested. Police Dept. should make clear to performers just what the regulations are and make sure they read the hand out when it is given to them.

Discussion during night of goal setting – mixed in some annual goals, there was one of mine and also one of David's - that asked for immediate attention - one of which was when we discovered that Town funds were being used to provide spring water to certain departments. We raised objections particularly because we are trying to raise quality awareness with regards to our municipal waster supply. Mixed messages – great document that we are handing out from our Water Department saying look how great our water is and all this time we are paying to bring in water from Maine. So it became a question of what was the message and what are the issues. Bringing it up tonight because this is another issue where there is a surprise factor that affects the Staff and they do not have any awareness – where we talk about it and they do not have any input in it.

Talk with someone over at DPW to find out exactly what some of the concerns were. They were certainly different than the ones that I had anticipated – which was nice because there were concerns that we can address and still, at the same time, meet our stated goal which is to promote Town water as a high quality product that we are selling that we are very proud of. Concerns were more that the employees wanted to have access to chilled water constantly. I think there is a way we can meet our goal of promotion high quality Town water and at the same time meeting the needs of our employees. Just wanted to state that publically because when you upset a few people it gets around town very quickly and this one did. I just wanted to put it out there we're talking to people to find out what their concerns are because I don't think they are mutually exclusive. When all is said and done, we're going to send a real good message that we're proud of our product and that we're still going to work in the future to improve the quality even more.

Richard Prowell

MOTION: Move that the Board of Selectmen ask staff for a short report on whether the fence is up at Shankpainter Pond and what steps are being taken to make sure it does not happen again.

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

24th.) Memo from Water & Sewer Board – requesting a joint meeting with Board of Selectmen. (*Scheduled for July*

Washington Street – Beach Access – is a public access. Cars parking there. (Chief Anthony will check out.)

Thank Mark Latour, Asst. Town Mgr. for excellent memo re: Dogs. Get word out to public to pick up after their dog.

Betty Steele-Jeffers

Street Performers – Rules and regulations – mention the most pertinent part to applicants and highlight it.

Pigeon Signs – all over the place. On benches in Lopes Square – on front door of Town Hall. All signs should be handled by the DPW.

Tourism Information Sign – add ‘use side entrance.’ If Pat Fitzpatrick doesn’t mind having a rack over there – have her check the material first.

Barnstable County Selectmen’s Meeting - Mary-Jo Avellar and David Atkinson will attend. Vernon will confirm their attendance.

David Atkinson read the following into the record.

At our last meeting I suggested that it was not right for taxpayers to pay for bottle drinking water for Town employees when the Town employees are responsible for selling drinking water to the taxpayers of the Town. It seems to me a moral issue. I felt this since becoming a Selectmen and finding out that we had bottled water in Town buildings. For instance, imagine that I sell you water and I tell you it was drinkable then I charge you to pay for the water I drink because I don’t drink the water I sell you. It doesn’t seem neither fair nor moral to me. If I want to bring water to work and pay for it – that’s another thing, I should not expect the people I am selling drinking water to, to pay for my extravagant taste. I’m not against water coolers. I will support installing water coolers to cool our water but I cannot support making the taxpayers pay for bottle water for us to drink. I will not change my vote on removing Poland Springs water and the coolers because I believe the principal of the issue is on my side.

Mary-Jo Avellar – and I agree with you and Dr. Andrews.

4. WASTEWATER UPDATE

Properties to be served by the Sewer

Open Discussion

5. MacMILLAN UPDATE W/BUILDING, HARBOR COMMITTEES

Adopt Selectmen’s Recommendation on STM Article

MOTION: *Move that the Board of Selectmen vote to recommend Article 1 of the June 26, 2000 Special Town Meeting, which seeks supplemental borrowing authority of \$1,000,000 for the rehabilitation of MacMillan Pier.*

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

6A WATER DEPARTMENT UPDATE

Five-Year Plan and Water Quality Report

Open Discussion

6B SUMMER PROTOCOLS
Public Works and Police Departments

Open Discussion

6C FY 2001 HUMAN SERVICE GRANT PROGRAM
Award Grants Authorized by 2000 Annual Town Meeting

MOTION: *Move that the Board of Selectmen vote, pursuant to Article 32 of the April 3, 2000 Annual Town Meeting to execute grant agreements totaling \$42,060 under the Town of Provincetown's FY 2001 Human Services Grant Program with the following grantees:*

| | |
|---|---------|
| Cape Cod Human Services Committee..... | \$1,000 |
| Gosnold on Cape Cod..... | 13,000 |
| H.O.W./Helping Our Women..... | 4,000 |
| Independence House, Inc..... | 4,310 |
| Interfaith Council for the Homeless..... | 1,200 |
| Legal Services for Cod Cape & Islands..... | 4,000 |
| Lower Cape Outreach Council, Inc..... | 3,000 |
| Mass A-Peal..... | 350 |
| Outer Cape Community Mediation Service..... | 2,300 |
| Provincetown AIDS Support Group..... | 6,000 |
| Sight Loss Services, Inc..... | 400 |
| Soup Kitchen in Provincetown..... | 2,500 |

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

6D DPW FRONT-END LOADER & BACKHOE
Award Contract: R.F. Morse & Son, Inc. \$36,272 (Art. 6-4, 4/3/00 STM)

MOTION: *Move that the Board of Selectmen vote to award a contract to low bidder R. F. Morse & Son, Inc. of West Wareham, Massachusetts in the amount of \$36,272 for a new tractor with front end loader and backhoe combination Provincetown Water Department.*

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

6E AWARD FIRE AMBULANCE CONTRACT
Bert's Emergency Vehicles \$99,475 (Art. 16-2, 4/3/00 STM)

MOTION: *Move that the Board of Selectmen vote to award a contract to low bidder Bert's Emergency Vehicles, Inc. of Blackstone, Massachusetts in the amount of \$99,475 for a brand new Type III emergency ambulance for the Provincetown Fire Department.*

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

6F AWARD FIRE VEHICLE CONTRACT
Emergency Vehicles of Maine, Inc. \$189,985 (Art. 16-2, 4/3/00 STM)

MOTION: *Move that the Board of Selectmen vote as follows: WHEREAS, the Board of Fire Engineers has reviewed the bids opened on June 1, 2000 for a fire engine and determined that the bids submitted by Dingee Machine Co. and C&S Specialty Vehicles are not responsive to the bid specification issued by the Town; and WHEREAS, the Town Manager as Chief Procurement Officer, has adopted the Board of Fire Engineers'*

findings; THEREFORE, the Board of Selectmen votes to award the contract for a fire engine for the Provincetown Fire Department to lowest responsive bidder Emergency Vehicles of Maine, Inc. of Freeport, Maine, dealer for Ferrara Fire Apparatus, in the amount of \$189,985.

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

7A1 BLESSING OF THE FLEET

MOTION: *Move that the Board of Selectmen vote to approve Parade application submitted by Mark R. Silva for the annual celebration of “The Blessing of the Fleet” to be held on Sunday, June 25, 2000 from Noon to 1:00 p.m.*

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

7A2 BLESSING OF THE FLEET & PORTUGUESE FESTIVAL

MOTION: *Move that the Board of Selectmen vote to approve Parade application submitted by Mark R. Silva for the annual celebration of “The Blessing of the Fleet and Portuguese Festival ” to be held on Saturday, June 24, 2000 from 5 p.m. to 6:30 p.m.*

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

8. TREASURER’S TRANSFERS

John Anderson Francis Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of Scholarship Funds, to approve the transfer of \$6,222.25 from the John Anderson Francis Scholarship Fund for the payment of scholarship awards and outstanding invoices.*

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

9. BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen appoint:*

Mark Baker as a Regular Member of the Health Department with a term expiration date of December 31, 2002.

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

Rex Peterson as a Regular Members of the Local Comprehensive Plan Implementation Committee. with a term expiration date of June 30, 2003.

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

Anne Howard as a Regular Members of the Local Comprehensive Plan Implementation Committee. with a term expiration date of June 30, 2003.

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

Mindy Baransky as a Regular Members of the Local Comprehensive Plan Implementation Committee. with a term expiration date of June 30, 2002.

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

Mona Anderson as a Regular Members of the Provincetown Housing Authority with a term expiration date of May 31, 2003.

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

Rex Peterson as a Regular Member of the Planning Board with a term expiration date of December 31, 2000

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

10. **MINUTES OF BOARD OF SELECTMEN MEETINGS**

10.

MOTION: *Move that the Board of Selectmen approve the minutes of May 23, 2000.*

Motion by: Cheryl Andrews **Seconded by:** David Atkinson

Yea 3 Nay 0 Abstain 2 (Mary-Jo Avellar/Richard Prowell)

MOTION: *Move that the Board of Selectmen approve the minutes of May 26, 2000.*

Motion by: Mary-Jo Avellar **Seconded by:** David Atkinson

Yea 4 Nay 0 Abstain 1 (Richard Prowell)

11. **CLOSING STATEMENTS**

Mary-Jo Avellar - None

David Atkinson

More meetings with people who are disturbed with the evaluation of their property. Know its State Law but hoping next year we can find out if there is a way to change this law.

Successful cleaning of the beach by the Nudist organizations. Mike Murray – possibility of arranging signage so we can get what we want.

Violation Notice – order to correct. State sanitary code has to do with garbage. Does not have to do with what the yard looks like to the next door neighbor.

Richard Prowell

Letter from Library Board of Trustees re: Bottle Water. Petition around and I signed it. I would hope my fellow Selectmen would reconsider it.

Cheryl Andrews

It's always nice to have a discussion but I think it is important to listen clearly to find out what the issues are. If they want a water cooler – even with a water filter – I'll be very happy to entertain us expending the funds to provide those.

Betty Steele-Jeffers

MOTION: Move that the Board of Selectmen ask Staff to provide the following:

- 1) I would like to see, by Monday, a list of all Town buildings – including the School Department that use bottled water.
- 2) Origin as to when we started to buy bottled water and why.
- 3) Cost to the Town and whose department budget it is.

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

To Keith – re: Memo about trash. Emergency service from Small Town Trash or Jimmy Rogers – problem with it being directed to a Staff person who normally would not do something like that. My question would be – do we have to have a contract with somebody or would it be less that \$10K. Memo directed to Ray Duarte who is not a supervisor and would not be doing the groundwork. Do we have to do a bid? Wouldn't want to see anyone get into trouble – or us to get a bill and the account questioned who authorized this – and he would be right.

Motion to adjourn by David Atkinson at 10:08 PM

Minutes transcribed by: Vernon Porter, Secretary - June 21, 2000