

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - AUGUST 14, 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 6:00 PM, noting the following attendees: Board of Selectmen members: Elizabeth Steele-Jeffers, Cheryl Andrews, Mary-Jo Avellar, David Atkinson, Richard Prowell and Secretary, Vernon Porter Other attendees: Keith Bergman - Town Manager, Mark Latour – Assistant Town Manager, Stephan Nofield – Town Clerk, David Guertin, Director of Public Works, and other interested parties.

The following are meeting minutes.

1. **TAPPE' ASSOCIATES LIBRARY/HERITAGE SWAP**

Joint Meeting with Library Trustees, Heritage Museum Trustees

Present: Library Board of Trustees, Jim Cole, spokesperson. Heritage Museum Board of Trustees, Heritage Museum Director - Dale Fanning, Debra DeJonker-Berry – Library, Gary Delius – MIS Coordinator and Tappé Associates representatives, Jeff Hoover and Charlie Hay.

Jim Cole introduced those in attendance and gave an update on the happenings of the library. Attendance, on a rainy day, at approximately 750 people per day.

Tappé Associates – Representatives Jeff Hoover & Charlie Hay gave a video and verbal presentation on their report: **Relocation of Provincetown Public Library and Heritage Museum Feasibility Study.** *Note: Report on file at Town Clerk's Office as of 8/10/00.*

SELECTMEN COMMENTS

Richard Prowell – Very impressed with presentation. Would like to know more about grant monies that could be available for the Library. Against taking the boat out of the building and spending a lot of money to take it out. Would rather see money spent to fix up the building.

Cheryl Andrews - You mentioned costing out three alternatives for the Library – where are they in packets? Answer: We did not include the costing out in this packet. Cheryl - Then I do not consider it a report that is complete, without this data. Would like the data for which the report was designed to answer. Missing data to determine the cost of turning the Heritage Museum into a Library with the boat there vs. not there. There are parts of the report that appeal to me and there are parts that I could not present right now in all fairness to the public and say that I support this. Two areas of concern of mine, as well, are the excavation and the addition and until someone changes my mind, my vision of the renovation does not include those two points.

Betty Steele-Jeffers - Agree with comments Richard made. Public attention has been more focused on the Library as opposed to the Museum. Great presentation as to what a museum could be. My biggest concerns are excavating the basement and putting on an addition at the Center Street building.

Mary-Jo Avellar - The addition did not bother me too much but I am concerned about the excavation. But not so concerned about it that it took away from my excitement of the possibility of maybe being able to do this project. I was not surprised at the cost, I expected it to be probably more than we could absorb. Found the Museum renovations into the Library exciting. I was not so thrilled with the conversion of the Library into the Museum space mainly because I am not thrilled about having the visitors center in there. I do not want it to be

turned into another Chamber of Commerce. I am not in favor of moving the Rose Dorothea from the Center Street building and I am convinced that there is a way of having a Library with an historical artifact within it. We still need to explore some of the financial questions that Dr. Andrews has raised and to try and work amongst ourselves to find a way to make this swap possible. I was pleased with the report and I think we can find a way to keep the Library on Commercial Street where it belongs.

David Atkinson - I think it is a valuable document. The best part of it was the Main Street design section. Were we not in the middle of building a sewer and a pier there might be something we could jump on faster.

STAFF COMMENTS

Keith Bergman – I think it is an excellent report and well worth the wait. Thought provoking presentation. As we proceed and consider what the mix of alternatives are that we look at we may want to view as component parts that are not necessarily contingent on one another; that is you make it into a library but not a museum – just as one scenario. The idea of outside funding is critical and has been said where we have so many capital projects in the cue, ahead of this one, for which we are already looking at, in a number of cases, significant outside funding – the community as whole is going to have to decide which capital funding raising projects are we to take on. For the future it is a matter of what are we able to pay for.

Mark Latour - I was impressed and inspired by the report. My only worry related to the expansion of the basement and whether or not it was a feasible considering our high water table.

MOTION: *Move that the Board of Selectmen schedule a walk-through of the Freeman Street and Center Street buildings by the Selectmen and the Library and Heritage Museum Trustees this fall;*

- 1) *A Public Hearing held jointly with the Board of Selectmen, the Library Board of Trustees, and the Heritage Museum Board of Trustees to present the Tappe Report to the community in the early Fall: and*
- 2) *The Board of Library Trustees proceed to prepare and submit a Letter of Intent for a Massachusetts Public Library Construction Grant, by October 4, 2000, in order to get wait-listed for recently approved \$12M State library construction grand funding.*

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

2. **PUBLIC STATEMENTS**

Khristine Hopkins – Read statement into record concerning the shortage of local housing for our residents. (Attachment #1)

Michael Bunn – Shortage of housing. Need a central location for people to call. Encourage the Board of Selectmen to address the affordable housing crisis and appoint an affordable housing coordinator.

Peter Bez - High property tax in the news lately. Feels that taxes are so high because we spend so much. Urge Board of Selectmen to voice concerns and keep tabs on the cost of the Heritage/Library swap and how it will fit into the town's budget and what affect it is going to have on us.

Rachel White – If Rose Dorothea is going to stay – were they considering shortening the mast?

Custodio Joseph Silva, Jr. – 1) Follow-up on Khristine Hopkins and Michael Bunn's comments. Push School Committee to build as much as they can and to bring as many families into this town as possible as there is a direct relation between the school system and year round jobs. 2) Talked to Chief Anthony and Cumberland Farms on behalf of K C Animal Clinic seek temporary permission to park at the Jerome Smith parking lot for the dog show that will be held on Saturday – Sept. 30th at the VFW from 11 AM to approximately 2 PM and if

we need additional spots we asked the Town Manager if we could use the Jerome Smith parking lot. 3) Request Board of Selectmen to meet with Water & Sewer Board - we have lost our direction and our focus. Part of the reason is secretarial and part is that we are down to three members. 4) Shutdown Ryder Street – 3 nights a week for Arts & Crafts. 5) 4th of July – need to promote it more to make it what it should be for this community. Need involvement of Tourism Director.

- **Peter Sousa** - West Vine Street – sharp curve by riding stables – need to put up guardrail. Rebuttal to Town Counsel on the Old Burn Dump buffer zone. (Reference Agenda Item 5C)

- **Francisco Vicente** - Went to Washington, DC. – Concerned over new law (ITQ's) that will cause much suffering for many people and many may lose their businesses.

- **Asia Westwood** - work with Cape Cod Commercial Hook Fisherman, North Chatham, MA. Concerned over current moratorium that exist on ITQ's (Individual Transferable Quota's). ITQ's are a propose management tool for the US. Would like letter of support to for an extension of one year on ITQ's sent to Senator Kerry and Senator Kennedy.

SELECTMEN STATEMENTS

David Atkinson

MOTION: Move that the Board of Selectmen send a letter of support for ITQ's to Senator Kerry, Senator Kennedy and Congressman Delahunt.

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

- ***MOTION: Move that the Board of Selectmen approve the use of Jerome Smith Parking Lot for the dog show September 9, 2000.***

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

Richard Prowell

Do we have a meeting scheduled with the Water & Sewer Board? (Scheduled for Tuesday, September 12, 2000 @ 7 PM)

Letter from Kopelman & Paige – re: Holway Avenue property. Very happy with the research Kopelman & Paige did on this whole subject. Gave copy to all the abutters.

Thank you for the Board of Selectmen assignments for meetings that both Keith and Mark are doing. Still unable to get up fencing on Shankpainter Pond . Do like that we are getting our motions and can follow-up on what has been done.

Request from Mr. Orareo. Would like to see a copy of the Davis report. Keith – we are not aware of such a document. I think he is still looking for a report which he knows there is none. Judith Oset is following up.

Cheryl Andrews

- ***MOTION: Move that Staff give the Board of Selectmen a brief comment on the request by Michael Bunn for an Affordable Housing coordinator's position.***

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

- ***MOTION: Move that the Board of Selectmen schedule an agenda item with Dennis Clark to discuss the 4th of July celebration.***

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

Burn Dump issue raised by Mr. Sousa. Article submitted by Mr. Sousa is backing up exactly what I said the last time you raised this which was that it did go to the Conservation Commission, which it should have and as he provided to us not too much was done by the Conservation Commission five years ago about the issue. As a selectmen, I do not approve of the behavior that is going on at the buffer zone up there. The proper channel would be to see a Conservation Commission that does not approve of that activity going on out there. When we sit down and start talking about burn dump closure and some of those issues I will raise the issues that I have about what I think is appropriate for buffer zone activity and what I do not think is appropriate. In the meantime the Conservation Commission needs to do their job.

MOTION: *Move to schedule an agenda item for Selectmen and Staff only to discuss the Tappé report prior to a Public Hearing.*

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

Betty Steele-Jeffers

Custodio brought up about W & S Board that they do not have a secretary – thought that we were doing something about on-call secretaries. Do we or do we not have money set aside for this? Keith – Each budget would have enough for on-call secretaries and if we cannot find \$45 twice a month in a \$700K Water Budget – then something is wrong. Betty - you should have access to your own secretary and I think we've been going around and around on this and I know that other boards utilize this service.

Letter from Town Counsel re: If streets are disturbed when construction is done and they mentioned about amending the current by-law.

MOTION: *Move that the Board of Selectmen amend the by-law to require a performance bond for damage to town ways during construction. (Section 11-6)*

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

Was driving by the end of Commercial Street this morning and was surprised at the amount of water near the Provincetown Inn. Did not know if it was because of all the rain we have been having lately or if it was a clogged drain. Is it our responsibility? Would like this check out. Same with Bradford Street – a lot of water there. Also by the green monster – Surfside Inn. where I thought we were being careful digging out the drain. Would appreciate a mini report on the Provincetown Inn and if it happens all the time and what causes it.

Mentioned in the office this morning that I really think people are doing a good job in getting the work out to us. I think our agendas are really well prepared. I was reading something and was reading the numbering on the bottom of the page and such a simple little thing but it really makes a difference and I'd like to compliment all of the staff for our paperwork. We get our work in an orderly fashion and 99% of the time it is complete and we have it all by early Friday, so I say thanks to all of you for the work you do.

Mary-Jo Avellar

Custodio Silva talked about having Ryder Street closed a couple of night's a week – I have a better proposal that I would like put in the file for the Traffic Hearing next March. I would propose that we discuss the concept of: a) closing Ryder Street a couple of night a week, b) closing Commercial Street from Lopes Square to Court Street from 9 PM to 2 AM.

MOTION: Move that the Board of Selectmen have a report on the possibility of installing a guardrail at West Vine Street Extension.

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

Shocked at letter re: Booze Cruises from Town Counsel to Permit Coordinator. I will not support any by-laws about booze cruise. The Whale Watch vessels and the vessels that dock at MacMillan Pier and serve alcoholic beverages are licensed by the Commonwealth of Massachusetts and not by the Town of Provincetown.

Response from the Superintendent of the CCNS regarding where in the Nation they have clothing optional beaches. Turns out that there are only two in the Nation where clothing optional beaches are prohibited – our CCNS and the Kaloko-Honokohau National Historical Park in Hawaii. I am not pleased with the response but have to say finally we get a letter that states the reason we do not. I am sure David will pursue it.

Represented the Selectmen at the 50th Anniversary of West End Racing Club.

Almost agree with Dr. Andrews concerning the Conservation Commission but I am trying to determine if the ConCom can come up with a management plan if the town has not filed a Notice of Intent, which is the question Peter Sousa was raising. (47 acre parcel of land known as “Clapps’ Pond – Duck Pond Wetland Echo System.)

MOTION: Move that the Board of Selectmen file a Notice of Intent with the Conservation Commission to formulate a management plan for the 47 acre parcel of land known as “Clapps’ Pond – Duck Pond Wetland Echo System.)

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

Motion does not carry.

David Atkinson

Coast Guard Station – had a wonderful time at the rededication. Cheryl and I represented the Board. Went to Barry, Vermont where they do granite. Would be nice to replace the chain-linked fence at the cemetery with granite post with chains on them. Brought back some literature that I will pass on to the DPW.

Maria’s letter (CCNS). I received several emails from various Nature Organizations reminding me that she was very wrong when she wrote about the damage that the naturists did to the dunes. Actually, and it was documented at the time, the damage was done by the Rangers jeeps not the nude people. Will follow-up and give them a call to find out how they went about obtaining their nude beach.

**4A PARADE PERMITS
Yankee Lambda Car Club**

MOTION: Move that the Board of Selectmen vote to approve Parade application submitted by Jack Foster, P.O. Box 207, So. Pomfret, VT., on behalf of the Yankee Lambda Car Club for a Public Showing of Residential Motorcade & Classic Cars on Saturday, September 9, 2000 starting at 2:00 PM and ending by 2:20 PM.

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

**4B PARADE PERMITS
Community Compact**

MOTION: Move that the Board of Selectmen vote to approve Parade application submitted by Dianna Morton, 27B Conwell St., Provincetown, MA on behalf of Community Compact – Fall Arts Festival /Community Children Participation to be held Saturday, September 23, 2000 starting at 3 PM and ending by 4 PM.

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

5A **GRANT APPLICATION –POLICE**
FY 2001 EOPS Community Oriented Policing / \$14,000

MOTION: *Move that the Board of Selectmen vote to authorize the submission of a grant application to the Executive Office of Public Safety under its FY 2001 Community-Oriented Policing grant program in the amount of \$14,000 to fund the following initiatives for the Provincetown Police Department: Plan to Combat Domestic Violence, Alcohol Server Training Program, continuation of joint COP efforts with Cape Cod National Seashore, and general administration.*

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

5B **GRANT APPLICATION – LOWER CAPE CDC**
Housing Development Support Program – 27 Nelson Avenue

MOTION: *Move that the Board of Selectmen vote to authorize the submission of a letter of intent to submit a grant application to the Department of Housing and Community Development, under its Housing Development Support Program, in the amount of \$160,000 for acquisition by the Lower Cape Cod Community Development Corporation of a two-unit property at 27 Nelson Avenue for affordable housing.*

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

5C **OLD BURN DUMP CLOSURE**
DPW, Environmental Partners Group

MOTION: *Move that the Board of Selectmen vote to NOT approve any supplemental secondary uses for the closed Old Burn Dump [area of capping activity] except the site for the wastewater treatment facility and pedestrian trail access after revegetation will be allowed.*

Motion by: David Atkinson **Seconded by:** Betty Steele-Jeffers
Yea 4 Nay 1 (Mary-Jo Avellar)

5D **PROPOSED USE OF CHAPTER 90 FUNDS**
Sidewalk on Commercial Street – East End

MOTION: *Move that the Board of Selectmen vote to approve the use of \$43,000 in Chapter 90 Massachusetts Highway Funds, for concrete sidewalks on Commercial Street from Howland to Anthony in the East End.*

Motion by: Mary-Jo Avellar **Seconded by:** Cheryl Andrews
Yea 4 Nay 1 (Betty Steele-Jeffers)

5E **COURT STREET DRAINAGE**
Project Update (Goal 10.2)

Open Discussion. Have meeting with all neighbors to keep them informed.

5F **CAPE COD NATIONAL SEASHORE**
Monthly Issues Update: Prepare for Herring Cove Beach Access Form

No motions made.

5G **AMEND PURCHASE & SALES AGREEMENT**

4/3/00 STM Article 18, Acquire Transfer Station Access Road Intersection

MOTION: *Move that the Board of Selectmen vote to amend the purchase and sales agreement dated on April 24, 2000 with Miriam Collinson, pursuant to Article 18 of the April 3, 2000 Special Town Meeting-- for the purchase by the Town 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-- to provide that relocation from Lot #2 to Lot #1 of the three-phase electrical service serving the transfer station at the Town's expense can occur after the closing.*

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

5H **USGS OUTER CAPER GROUNDWATER MODELING PROJECT**

Memorandum of Agreement with Cape Cod Commission

MOTION: *Move that the Board of Selectmen to authorize the chairman to execute a memorandum of agreement with the Barnstable County Commissioners, acting by and through the Cape Cod Commission, to undertake the U.S. Geological Survey study on "Water Resource Analysis of the Lower Cape Cod Aquifer System."*

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

5H **APPROVAL OF APPOINTMENT**

Town Accountant

MOTION: *Move that the Board of Selectmen vote, pursuant to Charter section 7-2-5, to approve the Town Manager's appointment, of Bruce T. Miller of Nantucket, Massachusetts as Town Accountant*

Motion by: David Atkinson **Seconded by:** Richard Prowell Yea 5 Nay 0

6. **TREASURER'S TRANSFERS**

None at this time.

7. **BOARD OF SELECTMEN APPOINTMENTS**

MOTION: *Move that the Board of Selectmen approve the appointment of John Thomas as a Regular Member of the CCNS General Management Implementation Advisory Committee with a term expiration date of June 30, 2003.*

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

MOTION: *Move that the Board of Selectmen approve the appointment of Patrick Patrick as a Regular Member of the CCNS General Management Implementation Advisory Committee with a term expiration date of June 30, 2003.*

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

MOTION: *Move that the Board of Selectmen approve the appointment of Don Richards as a Regular Member of the CCNS General Management Implementation Advisory Committee with a term expiration date of June 30, 2002.*

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

MOTION: *Move that the Board of Selectmen approve the appointment of Peter Demers as a Regular Member of the CCNS General Management Implementation Advisory Committee with a term expiration date of June 30, 2002.*

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

MOTION: *Move that the Board of Selectmen approve the appointment of Miriam A Collinson as a Regular Member of the CCNS General Management Implementation Advisory Committee with a term expiration date of June 01, 2001.*

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

Motion does not pass.

MOTION: *Move that the Board of Selectmen approve the appointment of Melville Côté as an Alternate Member of the Harbor Committee with a term expiration date of June 30, 2003.*

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

MOTION: *Move that the Board of Selectmen approve the appointment of Edward ‘Ted’ Malone as a Regular Member of the Local Comprehensive Plan Implementation Committee with a term expiration date of June 30, 2001.*

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

MOTION: *Move that the Board of Selectmen approve the appointment of Michael Bunn as a Regular Member of the Local Housing Partnership with a term expiration date of June 30, 2001.*

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

8. MINUTES OF BOARD OF SELECTMEN MEETING

MOTION: *Move that the Board of Selectmen approve the minutes of July 24, 2000 (Board Interviews) as printed .*

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

MOTION: *Move that the Board of Selectmen approve the minutes of July 24, 2000 (Regular Meeting) with change so noted.*

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

9. CLOSING STATEMENTS

David Atkinson

Non-Resident Town Hall employees – park away from Town Hall.

Reading memo from Health Dept. talking about Police Dept.

Memo from Stephan Nofield re: Carnival - Drag Brunch. They should not need permit.

Confidential memo Kopelman & Paige re: Zoning. My decision is: do not make the decisions if we do not want to defend them.

Richard Prowell

Heritage Museum report was very good. First time I have seen anything positive about the boat in the building. Pleased with what I saw with the boat in the building.

Carnival Parade – are we going to do anything for the parade? (Louise Davies Cadillac)

Cheryl Andrews

Sign: Sanctuary - has an extra 'R'. Needs to be fixed or replaced. (Shankpainter Pond area)

Betty Steele-Jeffers

Library & Museum presentation – they / we will have to do a lot better / bigger job in selling this option.

Mary-Jo Avellar

Pigeons are back!

10. STRATEGY WITH RESPECT TO LITIGATION

(1) 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 in open session thereafter. [Roll call vote] 10:35 PM

David Atkinson - Yes

Mary-Jo Avellar - Yes

Richard Prowell - Yes

Cheryl Andrews - Yes

Betty Steele-Jeffers - Yes

Minutes transcribed by: Vernon Porter, Secretary
August 31, 2000