

TOWN OF PROVINCETOWN- BOARD OF SELECTMEN

REGULAR MEETING – NOVEMBER 27 2000

JUDGE WELSH HEARING ROOM

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Chairman, Betty Steele?Jeffers opened the meeting 7 PM noting the following attendees:

Board of Selectmen members: Elizabeth Steele?Jeffers, Cheryl Andrews, Mary-Jo Avellar, David Atkinson, and Richard Prowell

Other attendees, Keith Bergman – Town Manager, Mark Latour – Assistant Manager

Recorder: Vernon Porter - Secretary to Board of Selectmen

The following are meeting minutes, in brief.

1ALIBRARY/HERITAGE FOLLOW-UP

Exploring Future Options

Mary-Jo Avellar- Pleased with report that we received from Library Director.I think the Board of Selectmen has come to a point where it is time for us to make a decision on this matter – at least as far as the Library is concerned, I think there is a lot that we have to examine as far as the Heritage Museum and how to deal with that.But at least as far as making a policy decision about where the Board should go from here I think that its time for us and I will move that, and I don't know how I should make the motion and maybe Dr. Andrews can help me out.I think we have to make a decision that we would like to put the Provincetown Public Library in the Heritage Museum building with the Rose Dorothea intact as we saw in one of those Tappe' Study – the recommended option –, which I do not have with me.I think that is what we have to do.I don't know how many more examinations of this we can undertake and how many more public hearings we can hold because the questions that were listed have been listed and talked about for a couple of years, that I can recall.I think it is time to start this ball rolling.

Betty Steele-Jeffers – Is there a 2nd to this motion?Is there a different motion?

Cheryl Andrews - Actually I would like to make a comment before a motion.It sort of reiterates some of what Mary-Jo Avellar said which is, in my mind, what the process calls for now especially amongst the Board of Selectmen – and that is what we had said following our meeting where we had the Tappe' Study presented to us – when we said, OK lets sit down and huddle as a Board of Selectmen and figure out where we want to go from here. That is what I have been thinking about and so I agree with what she said up to that point.But the question is more for the five of us to look at the options of where to go and then go there.For me what I ended up thinking, and I look for input from you folks as well, is a slightly unusual approach to this in a sense that my experience at Town Meeting the last ten years is typically the Board of Selectmen sets its sights on a particular goal and then all of the work gets focused on that goal whether it is an article for Town Meeting or whatever and then if there is an opposing viewpoint then it is up to the people coming from the other side to do all the background work and prepare a contrary article.Unfortunately, by virtue of that process we have some tremendous staff and legal resources and also probably sometimes a greater grasp of the issues we tend to present articles that are legal and well thought out and supported by those people and the other side typically ends up with a little bit of a disadvantage.I have been looking at this issue from the perspective of the building as we call it the Center Street Building, the former Church Building, the former Museum Building and saying all right what has it come down to to me – and what it has come down to is two possible scenarios- one is that we turn it into one of the finest Libraries in Massachusetts or at least on Cape Cod anyway – the other is that we actually sell it.My draft motion is request that the Administration prepare two Articles for us for Town Meeting.

1.Pursuing a relocation of the Library to Center Street.

(To the extent that we discuss that and maybe support that we give direction to administration on what type of article we would support.For example in mine I wrote with no footprint change.Of course it would be up to Board of Library Trustees to decide if they wanted a competing article or if they wanted to join us and support ours. and the second article I believe would be called a conveyance article.

I have tried to get a hold of Roger Chauvette to find out why that was withdrawn the last time on Town Meeting floor.Perhaps somebody can remember – came after two other articles.

After those two articles are brought back to us then it is up to us to decide what to do with them. I would assume three of us at one point would support one of them over the other

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

1. FISCAL POLICY PLAN II

The Next Iteration: FY 2002 – FY 2001 [Goal 6:1]

Open Discussion

1C Underground of Overhead Wires Goal 10.5

Feasibility of Placing Overhead Wires Underground [Goal 10.5]

Richard Prowell left the room at 7:40 PM

MOTION: Move that the Board of Selectmen vote to sponsor a \$38,000 Annual Town Meeting Article to fund the conceptual and detailed engineering studies needed to determine the engineering and construction requirements and provide a cost estimate to underground the utility wiring in a four block section of Commercial Street from Center Street to Gosnold Street. Funding for the actual project would come from the State Law Chapter 1662% surcharge on customer utility bills.

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

Richard Prowell returned at 7:42 PM

2. PUBLIC STATEMENTS

Ansel Chaplin, Attorney, representing Jane Notaro, 10 Johnson St., Provincetown.

Would like one of the Board of Selectmen (who voted to deny the curb cut request) to make a motion to reconsider and hope that one of the three selectmen would do so and re-examine the Curb Cut for 10 Johnson Street for discussion.

3. SELECTMEN'S STATEMENTS

Mary-Jo Avellar

Tax bills – have they been sent out yet? Keith -DOR is expected to approve the tax recap this week and if they can do it early enough in the week they may be able to issue the tax bills by the end of this week.

For our Traffic Hearing in March 2001 – I propose that the Board of Selectmen entertain the prospect of banning vehicular traffic on Commercial Street from between Johnson Street to Winthrop Street from 6 PM to 2 AM or any variation thereof during the summer hours.

David Atkinson

Town Hall – lights still shining into the trees and not on to the buildings.

Tour offered by Buildings & Grounds on their projects.

Nantucket poles & wires ordinance - \$100 fine per day for putting poles or wires overhead. (*Board members requested copy of letter.*)

Memo from Stephan – new doors – what is going to happen to them?

Richard Prowell

Clarify dates: Groundbreaking date for MacMillan Pier. Possibly December 11th.

How much Land Bank Money is left if we're successful in securing Locke Property?

Answer: \$1.27 M. How much would be looked to the seashore managed what we have already? Keith: It would take a Legislative change and the proposal in the fiscal policy plan would not reduce the amount of borrowing that we can do – what it does is tap the interest that the Land Bank Fund is earning otherwise over time and spending that interest rather than just leaving it there.

At our last Cape End Manor meeting it was mentioned that we could take some of this open space land and build a Manor on property that we now own – and that is just not true – is it? Answer: No. Because the property is deed restricted for open space. Under Article 97 of the Mass. Constitution Amendments you would need a 2/3 votes of both the House and Senate in order to take a piece of property that is in conservation now and take it out. You would have to have the Legislature vote to do that. Further since some of those properties were purchased with Grant Funds we would need to repay the Funding Agencies for those grants funds.

Cheryl Andrews

In response to Public Statements on reconsideration on the Curb Cut. Question for Mr. Bergman on the process. In my mind there would be two scenarios where the Board might consider looking at that property again. One would be strictly a reconsideration of the application which we already heard. Then there is also a reconsideration where you consider a change to plan that is presented and my question to you would be – if the applicant in some way is interested in modifying the plan that is presented – what would be the proper process to bring that forward. Answer: Keith – a new Public Hearing Cheryl – that is what I assumed but the question is can that person legally just make a new application or do they have to have that reconsideration motion? Keith -I think that if it were a new application then you would not need procedurally a motion to reconsider. Frankly, I

am not sure you can entertain a motion to reconsider on a public hearing. You conducted the public hearing, you made your decision and you closed the public hearing – so we are not there anymore. You closed the public portion of it. Cheryl- Is there anything stopping the applicant from making any kind of adjustment they see fit in the application and reapply? Answer: Procedurally none.

Corner of Conwell St./Harry Kemp Way Intersection – waiting for an accident to happen.

Brought this to the attention of Chief Anthony – he will look in to this.

Zoning changes or Tax changes that the Board of Selectmen could entertain going to Town Meeting with that would encourage basically some kind of affordable level apartment house that we need desperately in town that no one has proposed. Maybe something like Clem & Ursie's?

Betty Steele-Jeffers

Thank You's – from Helen Valentine, Pat Sawyer and Earl Chaddock for the letter and pin we sent them. And it was nice to receive the letter from Mr. Marino thanks us.

Are we doing a good job of recycling paper in our own building? Just wondering if we are encouraging people to recycle.

4REQUEST:FLOAT SPACE 3W-JOHN R. WOODS INC.

MOTION: *Move that the Board of Selectmen recommend to the Licensing Board the request of John R. Woods to leave float space 3W in place for the winter season with the following stipulations: a) reset the north west anchor to his float b) in the event that the dredging project begins during this time the float would have to be removed*

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

5AMacMillan PIER PROJECT: AWARD CONTRACT FOR CLERK OF THE WORKS

MOTION: *MOVE that the Board of Selectmen vote to award a contract in the amount of \$119,192 to Whittaker Consulting, Inc. for services including construction monitoring and administration, and non-technical inspection services during the demolition and replacement of MacMillan Pier, with the form of said contract subject to approval as to form by Town Counsel.*

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

5BSEASONAL WORKFORCE ISSUES

MOTION: *Move that the Board of Selectmen vote as follows: (1) to submit to the Personnel Board for its review the Schedule C pay rates proposed by the Human Resources Team; (2) to investigate partnerships with opposite season resort towns; and (3) to initiate a discussion with the Boards of Selectmen of Truro and Wellfleet about requesting that the Cape Cod National Seashore consider conversion of abandoned buildings at the former North Truro Air Force Base into affordable dormitory housing for seasonal workers in our communities and/or include year-round residence.*

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

5COTHER- No Agenda Action Request sheet for this item.

Cheryl Andrews

Clarification from Mark Latour re: Pilgrim Monument and Rose Dorothea and Heritage Museum on Pilgrim Monument property.

Memo about Dinner – confused on who has been invited other than employees.

Mark – Department heads were asked to invite any volunteers who had worked for them during the course of the year. Cheryl – To open up a dinner to a group of small volunteers and not many of the volunteers – I think is terribly wrong and I understand very unintentional but it one of those things that can send bad messages to all of the volunteers who are not invited. I hope in the future that when these things get done that a little more attention get paid to that – that there are very tender feelings involved with serving the town in a non-paid way and how we treat those people. I did not realize how many people volunteered for the town and how many hours – until we had this conversation – just about every year since I have been on the board. I will let you deal with it as you see fit.

Memo from Keith on tax recap sheets – people who own second properties elsewhere are asking me, “what are you people doing – why are you costing me money?” Their impression is by us not having the tax bills out on time is costing them money and that we are not effectively managing the town. I am just responding to your comments – as you know I initially responded negatively the first time I read it - so, bring it forward in May.

Memo from Sandy Turner re: some of our loads of glass being rejected and her proposed solution is to do exactly what we have been doing and it is really an eyeball solution and I want to draw your attention to it.

MOTION: Move that the Board of Selectmen send a memo to the Historical Commission in response to their memo to us dated October 5, 2000 that we as a Board have affirmed their direction as to handle signage on the door.

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

MOTION:Move that the Board of Selectmen send a memo to the Historical Commission advising them that the doors for the Town Hall will be provided to the town in an unfinished state and would they provided direction as to how they would like to have them stained or painted.(Whatever proper term is?)

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

To Keith – Your memo to management - Water Goal – **add 7.3A**and the one underneath it – focus on Orleans buffer zone – add the word **by-law**.

Can we have a **progress report on 143 Commercial Street**.

Mary-Jo Avellar -can the Chairman and our Secretary see what we can do to get together with the Art Commission and schedule a meeting.They want to be notified about all of these meeting that pertain to the future of the Heritage Museum, the Library and the Art Collection.

6.MINUTES OF BOARD OF SELECTMEN MEETINGS

MOTION:*Move that the Board of Selectmen approve the minutes of:*

November 6, 2000 with changes so noted.

7.CLOSING STATEMENTS

Mary-Jo Avellar- None

David Atkinson – None

Richard Prowell – None

Cheryl Andrews- None

Betty Steele-Jeffers

Motion:*I move that the Board of Selectmen request Len Stewart as the Outer Cape Representative to the Cape Transit Task Force to present the following concerns of our town:*

- 1.Need for more transportation for towns from Provincetown to Orleans on a year round basis.*
- 2.Need for a shuttle service between Provincetown and Truro to Skate Board Park in Wellfleet.*
- 3.Need for a more user-friendly bus schedule by P & B in the off-season.
(P & B presently runs two trips a day leaving Provincetown @ 6:45 AM and 1:30 PM)*
- 4.Need to institute a contact person or ombudsman to air transportation complaints – this is a request for a real person with a real phone number.*

Motion by: Betty Steele-Jeffers**Seconded by: Mary-Jo Avellar****Yea 5****Nay 0**

MOTION:*Move that the Board of Selectmen send a memo to each of the Human Resources Team members thanking them for their work on seasonal work force issues.*

Motion by:Betty Steele-Jeffers**Seconded by:Mary-Jo Avellar****Yea 5****Nay 0**

8.COLLECTIVE BARGAINING STRATEGY

MOTION:*Move that the Board of Selectmen vote to go into executive session, pursuantto MGL Chapter 39, section 23B, clause 3, for the purpose of discussing strategy with respect to collective bargaining; and not to convene in open session thereafter. [roll call vote]*

David Atkinson-Yea**Richard Prowell**-Yea

Mary-Jo Avellar-Yea**Cheryl Andrews**- Yea

Betty Steele-Jeffers- Yea

Motion to go into executive session at 9:07 PM

Minutes transcribed by:Vernon Porter, SecretaryDecember 5, 2000