

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING - MONDAY, JULY 10, 2006

### JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Cheryl Andrews, Sarah Peake, Michele Couture, Richard Olson, David Nicolau

Other attendees: Town Manager Keith Bergman

Recorder: Vernon Porter

The following are meeting minutes, in brief.

#### **1A PUBLIC HEARING: MOORING PERMIT FEES**

Establish Single Rate Structure for Residents, Non-Residents

Keith Bergman gave brief presentation to public on the chronological events of mooring permits that has happened on a yearly basis since August 10, 2004

Kerry Adams for the Harbor Committee – the vote on this matter is 3-0-2.

Lee Ash, Chairman of the Provincetown Public Pier Corporation (PPPC) –Just want to clarify for everyone that both the Town Manager and the Pier Manager have to work together on lots of things at different times. In trying to do that, Rex did put together the proposed amendments to Harbor Regulations Mooring Fees. The PPC vote on this was 3 to 1 against raising residents rates to same rate as non-residents rates.

#### **Public Comments**

James Downy, Truro, MA. – A non-resident mooring holder. Feels that the Board of Selectmen is not in compliance with the letter from Town Counsel Laura Goldberg regarding non-resident mooring fees.

Alex Brown - Nothing has changed in the past two years since the last increase. You cannot justify the type of increase you are looking for without providing any additional services. There's been an increase of problems not a decrease of problems. Money from moorings goes into a waterways fund – is this correct? What happened to all this mooring money? Access is horrible. Look at what you have for mooring landing -- junk.

Mark Schiffman - It is my feeling that out-of-town mooring holders do present cost to our town. And if the State Law says that we cannot charge the higher rates for using the mooring in this town, perhaps there can be something such as a landing fee that would be required prior to being issued a mooring permit.

Chris Snow – That there is a complaint among non-residents for paying any fee for the privilege of mooring in our harbor, I find incredibly obnoxious. There is a distinction between resident and non-resident. We do the same with parking stickers for motor vehicles. Your charge is to advance the best interest of residents and taxpayers of Provincetown. I think its time that you look to the voters and taxpayers and give them some relief for the incredible expenses they suffer as a part of maintaining the harbor and related expenses. Differentiate between a resident and a non-resident fee.

Kerry Adams – The problem I have is that we are raising the resident fees and I think that is the unfair piece of the pie. I would like to see at least one public meeting come out of this before we finalize this.

Annie Ditacchio – Non-resident mooring holders should not be penalized. We pay excise tax to the town. The waters cannot be restricted just to the townspeople.

Warren Golf - Have not seen any improvements to the dingy dock yet there has been mooring increases. Don't think it is fair to increase fees to residents.

Fran Coco - I just want to make the distinction between value and tax. We're providing all the materials and the town is not providing anything and we're paying the fees. If you're afraid of a lawsuit then cut the



Sarah Peake - I agree with David Nicolau. Clearly there is confusion at DEP. What action can we take? How do we proceed from here .. do we meet with Town Counsel?

***MOTION: Move that the Board of Selectmen vote to send a letter to the Department of Environmental Protection requesting plans indicating the Historic High Water Mark for the Provincetown Harbor.***

**Motion by: Sarah Peake**

**Seconded by: David Nicolau**

**Yea 5 Nay 0**

Michele Couture - Maybe some type of mediation between all parties and I would like to be part of this.

Richard Olson – Agree that Town Counsel should be part of this.

Keith Bergman – They have been involved in this for years.

Cheryl Andrews – I think my colleagues pretty much covered all my sentiments. ... but I clearly have not made up my mind. I don't know whether we should have a split rate or not. Certainly there is a part of me that thinks we should because I know my tax dollars go to a lot of services that go right down to the pier. But I haven't make up my mind how I will vote. I agree with Mr. Nicolau. I would like to see what the other towns are doing and talk with the Pier Corp members, the Harbor Masters Office and the Harbor Committee. The suggestions are that we have some kind of a joint meeting – I think what we will need to know is, if you want to have a joint meeting with the Pier Corp or whether you want to have a meeting with the Selectmen to deal with this. Our State politicians set the timeline. The Board of Selectmen go on record in a public way – this is an area that we need to pay attention to and we've done that by this public hearing. I don't believe there is any need for a vote tonight and I happen to agree with my colleagues that it needs to be a thoughtful one. A little more discussion needs to happen and a little more input to decide where to go in the next couple of months.

.... I am appreciative of all your input. I think the Selectmen will try very hard to do the right thing and we'll all continue to receive your input individually until we have our next pubic hearing, assuming that's where we go.

Sarah Peake – I would like to give time for the Pier Corp and the Harbor Committee to bat this about somewhat. I don't feel a need for us to meet about this in August. Let them work it over and meet sometime after Labor Day. Then let's have the three boards get together. Also, I think it would be helpful for the Harbor Committee to be in the meeting with Town Counsel.

David Nicolau – My only question is that, based on some of the things you've heard, there is information that I want and you will plan on having this available? Then sometime in September after Labor Day is fine.

Keith Bergman – I followed-up with them (DEP) on the weekend and I'm still waiting on a response.

## 2. **PUBLIC STATEMENTS**

Austin Knight – Applaud town and Task Force Committee on 4<sup>th</sup> July celebration this year. Ask business to help with funds on the shortfall of monies. Maintain the Task Force as is.

Marcene Marcoux - Thanked everyone who was involved and to keep it as a Task Force Committee.

Clarence Walker - Keep the Task Force .. and I learned to respect Chief Meyers.

Richard Wood – Owner of Nelson Bait and Tackle. Closure of Cape Cod National Seashore because of the Piping Plovers. Ask Board of Selectmen to have an ongoing process with the Seashore for over sand users.

Toni Schiff – Chair of Disability Commission. Handicapped charges in MPL parking lot - Disability is totally against it.

Michelle DeMarco - Member of the Disability Commission. The Commission did a survey with people coming



*George Price to meet with the Board of Selectmen on Monday, July 17, 2006 at 5 PM to discuss cooperation with them.*

**Motion by: David Nicolau**

**Seconded by: Cheryl Andrews      Yea 5    Nay 0**

Sarah Peake - My suggestion is that since the meeting is next Tuesday evening, that the Board of Selectmen send a letter to Mr. Price and that it be part of the record of statements that are received for the Tuesday, July 18, 2006 Public Meeting that is being held stressing our understanding of the ecological needs of the piping plover but also expressing our concerns with the extensiveness of the closures, That we further ask for a process be put in place using the model of how the permits distribution was used for the user group to find a better solution to this problem. (The Board will also wait until they meet with John Thomas on Agenda item 4D regarding additional concerns to this letter.)

**David Nicolau** - Regarding giving Parking Tickets – in general people have to think on their feet before giving tickets. We rely on people to come here and we need to be more people friendly. Don't be so quick to give a ticket.

**Sarah Peake**

My first question is: "Where is PTV?" this is our second meeting with no TV coverage. The public has come to rely on our televised meetings and we use it as a way to convey information. I haven't heard when we're next going to have a camera crew in here.

(Cheryl Andrews – the last I heard is that the Chairman has resigned. And we are scheduled to meet with the CAC on the 24<sup>th</sup> of this month.) Sarah - I would absolutely like to make sure we meet with them on July 24<sup>th</sup> and help them, however we can, because we've lost a very important tool in communicating with the public.

*(Have Cheryl Andrews send letter to CAC to come back and tape our meetings.)*

Thanks to Chief Myers for 4<sup>th</sup> July .. and DPW also.

Handicapped Parking at MPL – is one of our agenda items that we will talk about later.

Response from Truro re: Water. We need to move forward on this and communicate more directly.

**MOTION: *Move that the Board of Selectmen vote that the general subject of negotiation strategy with the Town of Truro regarding redundant water source be placed as an agenda item during our regular meeting.***

**Motion by: Sarah Peake**

**Seconded by: Michele Couture**

**Yea 5    Nay 0**

**Michele Couture**

**MOTION: *Move that the Board of Selectmen vote to send a letter of Congratulations to the Cape End Manor Staff for deficiency free survey.***

**Motion by: Sarah Peake**

**Seconded by: David Nicolau**

**Yea 5    Nay 0**

**MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to all those involved in this year's 4<sup>th</sup> of July Celebration, Barnstable County Sheriff's Department, State Troopers, Provincetown Police Dept, Department of Public Works and Town Staff.***

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 5    Nay 0**

Appreciate Mr. Schneider's reports on the VSB, public relations and the things he is doing.

Regarding Parking Meter staff, they do an outstanding job.

**Richard Olson**

The public statement segment this evening was extremely enlightening and I thank everyone who

participated this evening.

**Cheryl Andrews**

On the ORV access issue. This is outrageous. I am speechless about this. People have made plans well in advance, bought these stickers, made reservations and then come here and are told the whole beach is closed. It feels just so out of control. It is going to be the power of the people and not just the power of the Board of Selectmen that we are going to need for this. I will certainly be glad to be there next Tuesday and I will write the letter from the Board of Selectmen but I a little more prep on this issue would be a wonderful thing. The sad thing is that we're talking about this hearing here on July 10<sup>th</sup>. If they ever dare to close that many roads again all at once - our response needs to be a lot quicker because it is just not fair. It's really not. There has to be some commonsensical balance here and I hope that Superintendent Price learns about that really quickly.

July 4<sup>th</sup>. – To Chief Meyer – my sincere congratulations. For the first time in my life I did not feel afraid after the fireworks were over. I felt like a grown-up. It was a nice feeling.

To the Dune Shack owners - as for the eviction notice. I would like to see a copy of the paperwork you mentioned.

Incident of someone getting a parking ticket while doing business at Town Hall. On one hand, I want our Staff to be friendly and courteous .. but I have to also say that we, this little wonderful Town of Provincetown, it is amazing how nasty some of Provincetown's residents can be towards those meter readers.. And I know it because I've heard about it, saw them upset and crying, and then saw them quit their jobs. It was the visitors or the tourist, it was the townies who felt entitled and took it out on these people who are trying to earn a living and do their job. So the message to me is that we all should be a little bit nicer to each other even when we are unhappy including during some of our pubic hearings. I'm very sorry people get a ticket for the wrong reason. I got one. I didn't like it. But I think we should treat our staff a little be better and each other a little bit better – I will try to do that and I thank you for your patience.

**4A YEAR-END BUDGET TRANSFERS**

Fiscal Year 2006

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 44, §33B to approve year-end budgetary transfers for Fiscal Year 2006 as requested by the Town Accountant.*

**Motion by:** Michele Couture      **Seconded by:** Richard Olson  
Yea 4 Nay 1 (Sarah Peake)

Sarah Peake recused herself as she is on the Cape Cod Advisory Council.

**4B COUNCIL ON AGING**

Elder Services of Cape Cod & Island Grant Application: \$8,000

**MOTION:** *Move that the Board of Selectmen vote to authorize submission of a grant application to Elder Services of Cape Cod and the Islands under the Older Americans Act Title III grant for \$8,000 to continue providing personal services and medical transportation for seniors 60 years old and older.*

**Motion by:** Michele Couture      **Seconded by:** Richard Olson      Yea 4 Nay 0

Sarah Peake returned.

**4C PARKING**

Handicapped Parking – Changes in Parking Lots – Inventory of Spaces

**MOTION:** *Move that the Board of Selectmen vote to rescind its votes at the March 21, 2006 Traffic Hearing to charge vehicles with handicapped placards the regular rate at the MPL and at the Grace Hall lot.*

**Motion by:** Sarah Peake      **Seconded by:** David Nicolau  
Yea 3 Nay 2 (Cheryl Andrews / Michele Couture)

***MOTION: Move that the Board of Selectmen vote to have the Disability Commission review the number and location of handicapped parking spaces in the town and prepare a recommendation to the Board of Selectmen.***

**Motion by: Sarah Peake**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

**4D CCNS GMP IMPLEMENTATION ADVISORY COMMITTEE**

Dune Shack Eviction Notice: ORV Beach Closure/Piping Plovers

Alix Ritchie gave a brief presentation on her view of what has been happening as Provincetown's Alternate Representative on the Seashore Advisory Commission.

John Thomas presented what the General Management Plan views are on the ORV issues.

***MOTION: Move that the Board of Selectmen vote to send letters to the Cape Cod National Seashore Superintendent George Price asking him to meet with the Board of Selectmen, the Cape Cod National Seashore Advisory Representative and CCNS General Management Plan Implementation Advisory Committee on Monday, July 17, 2006 at 5 PM.***

**Motion by: Sarah Peake**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

**5. TOWN MANAGER**

No agenda item.

**6A FOURTH OF JULY FIREWORKS**

Establish Standing Committee on Fireworks

***MOTION: Move that the Board of Selectmen vote to establish Task Force Committee to meet to discuss July 4<sup>th</sup> Celebration and Fundraising and to bring a recommendation to the Board of Selectmen.***

**Motion by: David Nicolau .....**

**Seconded by: Michele Couture**

**Yea 5 Nay 0**

**6B BOARD OF SELECTMEN**

Executive Search Consultant – Schedule Special Meeting

***MOTION: Move that the Board of Selectmen vote to schedule a special board meeting for July 19, 2007 at 4 PM to interview consultants submitting executive search proposals for the Town Manager search process.***

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

**8. CLOSING STATEMENTS**

**David Nicolau** - None

**Sarah Peake** – Traffic tie ups at Lopes Square constantly and police officers not keeping traffic flowing.

**Michele Couture** – None **Richard Olson** - None

**Cheryl Andrews**

Sewer vent pipe – near bicycle – smell is horrible .. needs to go up higher.

***MOTION: Move that the Board of Selectmen vote to have Metcalf & Eddy look at the vent pipe located at Lope Square next to the parking attendants building and run it up along the pole a little higher.***

**Motion by: Cheryl Andrews**

**Seconded by: Sarah Peake**

**Yea 5 Nay 0**

Executive Session Minutes - give Keith Bergman five sessions to review and then the board will review them for release at each Regular Meeting.

9. **EXECUTIVE SESSION: STRATEGY NON-UNION CONTRACT NEGOTIATIONS**

[MGL C.39, §23B cl.3

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 3, to go into executive session for the purpose of conducting strategy sessions in preparations for negotiations with nonunion personnel; and not to convene in open session thereafter. [Roll Call Vote]*

**Motion by:** Michele Couture                      **Seconded by:** Richard Olson

**Michele Couture – Yea      Sarah Peake – Yea                      David Nicolau – Yes**

**Richard Olson – Yea                      Cheryl Andrews - Yea**

**Yea 5    Nay 0                      Motion Passes**

The Board went into executive session at 10:33 PM.

Minutes transcribed by: Vernon Porter, Secretary  
July 17, 2006