

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, AUGUST 12, 2002

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Mary-Jo Avellar, Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson.

Other attendees: Town Manager Keith Bergman, Assistant Town Manager Mark Latour, Chief of Police Ted Meyer

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING: HOUSING DEVELOPMENT SUPPORT

Housing Land Trust for Cape Code - 40A Nelson Avenue

Michael Bunn read into the record a letter of support from Francis Peters. (Attachment #1)

MOTION: Move that the Board of Selectmen vote to authorize the submission of a grant application to the Department of Housing and Community Development, under its Housing Development Support Program, in the amount of \$350,000 for the Housing Land Trust for Cape Cod to acquire 40A Nelson Avenue to be developed into six affordable rental housing units.

Motion by: Michele Couture Seconded by: Richard Olson Yea 5 Nay 0

1B PUBLIC HEARING: TRAFFIC RULES

Handicapped Parking Request - 480 Commercial Street

MOTION: Move that the Board of Selectmen vote to amend the Provincetown Parking and Traffic Regulations, Chapter 4, Article 2 Handicapped Parking, Section 4-2-2, "On Street HP Zones" to add the following handicapped parking space: 480 Commercial Street – Ispace, 18 feet, (going westward) starting at the yellow restriction to the driveway at 480 Commercial Street.

Motion by: Michele Couture Seconded by: Richard Olson Yea 5 Nay 0

1C PUBLIC HEARING: CURB CUT

10 Alden Street (Assessor's Map 12-1-028)

MOTION: Move that the Board of Selectmen vote, pursuant to General By-laws Section 11-6-2, to approve the application of J & S Realty Trust (James Anderson, Trustee) to establish a curb cut at 10 Alden Street (Assessor's Map 12-1-028) for 16 feet as shown on a plan dated May 1, 2002 (and annotated August 5, 2002) entitled "Site Plan 10 Alden Street" accompanying the application submitted on June 28, 2002, with the condition that the hedges between the proposed parking spaces and the gate be kept trimmed to a height of no more than three feet so as to increase visibility and safety, and (2) with the condition that the driveway will be constructed of permeable material as agreed to by applicant.

Motion by: Cheryl Andrews ... Seconded by: Sarah Peake Yea 5 Nay 0

2. PUBLIC STATEMENTS

James Baer - Chief is not the problem - the Town Manager is.

Kiki Herold - read letter into the record. (Attachment #2) "Feel that what is going on is a moral judgment and not community police work and that David and I feel between the Police Chief comments and the Town

Manager's comments and the Banner reporting of the comments in a slanted way have tarnished us as business owners and on an individual level as well. So, we are not happy with the direction of law enforcement and we are appealing to our Selectmen to change that."

Bonnie Campbell - Works locally in town. Regardless of who you are - if you are drunk and disorderly or you act like complete idiots you go into Protective Custody, no matter how you look at it. Does not matter if they are vacationers, townspeople or other. I think if you want clean streets and not want people to act like complete idiots, I think you are going to have to have somebody with a little bit of a stern hand. Thank you very much.

Lorraine Adams - Reading paper of how many people were put in PC this year. Goes to show you how uncontrolled the town is. Feel the Police are trying very hard and has a lot of confidence in the Police Chief to make our street safe for everybody.

Donna Vaillancourt on behalf of the Provincetown Business Guild - read statement into the record. (Attachment #3)

Neva Hansen - Does not think we have a problem of over-policing but that we've had a problem for many years of under-policing. Support Town Manager and Police Chief and hope others will come forward and do the same.

Betty Steele-Jeffers - Re: Proposal on Economic Development Person - My main concern when I started to read about this was affordable housing. We have problems filling jobs that we have in town now, including jobs at the Cape End Manor and as you know, we wanted to open our restrooms up at the High School but I believe we haven't been able to do that for two years. I know some people are pretty excited about this idea but my question is, 'are we really thinking about all the people in the community?' I've certainly supported organizations like Campus Provincetown and I think they have done a lot for Provincetown. But my new phrase is, "Joe Doe and Janice Doe where are they going to live and where are they going to work?" The State is going through budget woes, as I am sure we all know, so that money that we may have received we may not receive in the future. One thing we have to think about is Transportation. If we're going to put an economical development person in our town, for whom are we creating jobs for either year round or seasonal? I think when we talk about affordable housing - and I may have this wrong - but for some reason in my head, I think we're talking in terms of building properties that people can buy. There are people who probably still live in this town who cannot afford to buy and every house that is converted to a condo where the rents go up - and every time that happens there are a few more people who feel forced to leave town. My question is," will this person address that?" I think it is almost time for us to go back to having a few workshops or focus groups so we can get a broad range view from the people in the community as to how they view this kind of a job. If you wait a month or two, I don't think anything will really be lost - we're going into the off-season now where maybe you will get more people who have concerns. What do we do about rentals and where are the rentals? To fuel anything we have in this town, whether it is tourism or the educational institutions that are coming in, we need basic workers. Some people in this town still don't have automobiles and as I've said before we have very poor public transportation. My final remark is that I'm afraid to have one more positions - I always want to know what position is being deleted before we add something else. I hope you will take my remarks into consideration and maybe think about having a workshop after Labor Day so that you will get the "workers" of the town.

Rob Tosner - To the previous, previous speaker - I take offense to associating drugs use with the gay community. It has been around for a long time. It has been a problem in Provincetown long before the gay community came here - so I do take offense to that. (Read statement into the record. - Attachment #4)

Dr. Richard Ferri - Read statement into the record - Attachment #5)

Bob Harrison - President Chamber of Commerce - as of tonight we have not receive any complaints from any of the 350 members of the chamber or any of the public.

Peter Sousa - Skateboard Park - would prefer you put it in front of the Kite Shop. Police Chief is doing his job. We're giving adults in this community a lot of slack.

Gabriel Brook - as a follow-up to Dr. Ferri's comments. Suggest that bylaws be changed to include a \$200 fine for people who use the beach as a toilet. Dog poop is a problem but human feces are a threat because it can be viral and there is evidence of it on the beach now. Open to dialogue with any group. Below high water mark is State owned - why is local dog office able to issue tickets - is it legal? Suggest time for dogs to be on beach from 6 pm to 11 am and more poop bags.

Alix Ritchie - Suggest that we revisit Community Values Day process and establish some respect for ourselves and our community - and that includes the Police enforcement. Ask that you support the marketing efforts of Campus Provincetown. Also, support the Economic Development and consider it as part of the town's structure.

Ian McMillan - Frustrated on how often the town policies regarding sewer hook-up and sewer connections seem to change with little regards to how that may affect individual property owners. I think I have it settled and then I get a letter that says it has changed again and I get sent into this endless loop. It is extremely frustrating. I thought the sewer was going to be spread over 20 years and now I understand that that is being changed and we are going to have to pay a huge portion of the cost in advance. I think that is wrong and it should be looked at and it should be changed. I'm here to ask for somebody's help on this.

Len Paoletti - Police car at the end of his driveway at his guesthouse for approximately 20 minutes and his guest were very apprehensive. When asked the officer why he was parked there and said he said, 'to see if anyone was going to go through Conwell Street and Bradford Street without stopping so he could give them a ticket.' What police officers don't realize is that gays and lesbians, maybe not in this town, are a minority and live in fear - especially by a man of authority. They do not need to be picked up and put in protective custody. I think the police are being a little overzealous at this point. I've lived here for over 30 years and for the most part the police have been very helpful and I have been very supportive of them. But when I see this action happen I get a bit apprehensive myself. I believe there is a State option in MA, that when a Police Officer picks someone up for PC they have the option of taking them to the police station or taking them home. So why don't they take them home. I could be wrong about this - by why don't they take them home.

Patrick Patrick - Responded to RFP for video production editing studio for the Cable Advisory Committee. (Read statement into record - Attachment #6)

Peter Bez - Re: member of this community being stopped by police being asked where you are going. I've always felt that the police were always looking out for me - now I feel as though I have to look out for them.

Steve Melamed - There has been some mistrust with the Police Dept. and to help the Chief, I suggest the re-implementation of the Community Police Steering Committee. I think it is necessary at this time and I don't want Provincetown to have its economic base destroyed.

Joe Pallant - Has been coming to Provincetown for 30 years and owns a home in west end. We are coming to a crossroads. PC situations - one person will tell another, which will tell another, and so on. Must work together as a committee. You have heard from the Business Guild and they are not happy - they are a representative of the town. I would propose to Rob that certain bylaws be changed to address political issues, which affect your business owners. Propose a workshop or interest groups to be formed with a legal committee - I don't think that you are on the right course of micro-managing the committee. Every person that has been PC's has a right to be taken home. Don't ruin your community or your tourism base - let's take them home. Let's get a fund - get a cab. Organize - don't destroy the confidence.

Ryan Landry - We all love Provincetown. We are not the children that the Police Dept. seems to think that we are and we can handle ourselves a little bit better than what they think we are capable of. The PC is not only silly but is bad for the town - and the word does spreading around. What we all want is a Provincetown to stay the way that we love it.

Deanna Franscilla - complained about police following her and how she was given a \$100 ticket for driving through town on a motorcycle with her dog in front (wearing glasses). Unfortunately her dog passed away last

month as well.

John Gordon - owns guesthouse in town. Spoken with Chief and Business Guild. I'm concerned why we are stopping the boys on their way home at nighttime. During the day I saw two policemen today. Where are the police during the day - crosswalks, directing traffic, protecting children, etc. We need crossing guards at these intersections. Why all the PC's - it is not necessary.

Cecilia Hall - Upset that plants and trees are not being looked after through the town. Not being watered and weeded by shopkeepers. Not enough money in the Beautification budget. Not enough help. Can't expect Barbara Rushmore to do it all the time.

John Thomas - Suggested a moments of silence in memory of the passing of Deanna Franscilla' dog and all the other lost dogs in Provincetown. (Read statement into record - see attachment #7)

Steve Roderick - Fall Arts Festival - programming money is for events - free events at Town Hall. Keep the history of FAF is the purpose - about the community; events that everyone can come too. Concerned about community - I think we are loosing our community. Something has to be done. I like a lot of members of the police force but I am concerned when there's not police officer on the street and when all day all you can hear on Route 6 is sirens. What is going on? The Chief told us we were going to have more police out there. Where is the whole sense of community and customer service? You need to do something about your customer service because it is unacceptable. Answers should not be lectures or opinions on what rules should or should not be enforced. If there are rules enforce them and enforce them fairly. Make us respect you. I urge you to bring back the community.

Andrew Simon - What is community? I hear everybody saying that we're loosing community. I think we have to worry about what we have in this special place unlike anywhere in this county. It's not the Selectmen's fault or the Chief's fault. People like pointing fingers in this town and it's time they started talking to each other instead about each other and started doing something. We're the people in charge; so let's do something. Thank you.

David Ditacchio - Early retirement - encourage you to vote in favor. I and several others in town are ready for it.

Tim Caldwell - Early retirement - urge the selectmen to respectfully vote in favor of the early retirement package coming before you tonight.

Jason Perry - Hello everyone, you know me, I live on Conwell Street. Hello, Chairman, remember the last time I was here? Brought up all his comments made at the last two Board of Selectmen's meetings he attended. People talk about getting tickets and everything, it's terrible they're harassing girls driving around with dogs on motorcycles but they are tormenting my family and me night and day. People say, where are all these police? Oh, they're around - they're at my house, making false accusations, false charges - coming over making my life miserable. You guys control the newspapers - they print outright lie about me, over and over about me. The local paper doesn't do nothing conveniently about my last meeting against this. Now everyone is all upset about this now. Chief of Police is doing this, he's doing that. He is. I called everyone's attention to these Gestapo tactics long ago. Now everyone is here today. I just say to them say put signs on their houses or whatnot. I do. And there are still signs there. I will not be suppressed. You can control the press. This is what? The Judge Welsh meeting room - that's the Orleans judge in court - that's nice and convenient! Everything around here seems a lot corrupt to me. I told you also that the Chief of Police is nothing but a puppet pulled by strings of gold by the top cop - Mr. Bergman. Yes he is, the Chief of Police is non-civil service, Mr. Bergman hired him, he's getting over a \$100K a year, housing allowance, new trucks to play with. He wanted to get more to surround my friends at Spiritus but that got stopped quickly. The dancing cop is fired - everyone complained about it supposedly, - I had a sign on my house, how about the dancing cop - what's going on with that? - All of a sudden the dancing cop is rehired. Oh, yea, that's great. I mean this isn't right, you know what I'm saying. You see my signs up on my house now - they are still the same basically - Bergman and his puppet Police Chief endorse hate is one sign - is in the Boston Magazine next to Peter Manso's book, which I don't know anything about. There's a lot of stuff going on here. I said to you before I left the last meeting, when I

wanted to have a hearing to have a vote for the town to get rid of Mr. Bergman and the Chief - and will I hear from you Chairlady, will I hear from you and I think you even said yes, you shook your head yes and you said yes to me. I continued my protest, week after week, in the rain, the wind, whatever. I never heard from you people. It's just turned into a playground. A playground of hate just to harass me, harass my family. Every morning I throw up blood now, I've got ulcers but I'm still living. And I've told you I was going continue this until I was dead, and I am. You guys have wrongfully harassed me, persecuted me, tormented my family, done terrible things to me, they keep given me false tickets for driving down Commercial Street supposedly without a motorcycle shield down on my helmet and my motorcycle has a shield on it. Three cruisers there - it's ridiculous - it's Gestapo tactics. No one's like this. On my garage I have, "Welcome Back to Old Time Provincetown." That is what I want to see happen. This stuff is not right. This is a police state. This guy has no clue how to be a Chief of Police anywhere. He's only being the Police Chief where Mr. Bergman runs. You guys are responsible for all of this. You guys ignored me. But now all these people here have heard what I have said at all these meetings maybe now you will not ignore me. The paper prints lies about me and does whatever they want. The police continue to harass me every day and make false charges and what not. The days of Jesus they used spike to crucify people, now a days they use false actuations, abuse of power, false criminal charges, a judge that family name is on this meeting room when you go Orleans court - doesn't seem like a kid is getting a fair shake here. I've never been a victim of a crime in my life. Now I'm supposedly a terrorizer or whatnot. Everyone knows who I am and I'm standing up for myself and this what happens when you stand up to people in power - or shouldn't be in power. I'm not stopping. I just want you to know that - so just remember that, all right!

Chairman Avellar declared a five-minute break.

3. SELECTMEN'S STATEMENTS

Sarah Peake

I'd like to thank everyone for coming this evening and giving us the feedback in an orderly and reasoned way that you did. Glad to hear everybody's concerns that were expressed tonight. It has been more than tonight's process for me personally. These are emails and letters that I've received over the last four or five days regarding police issues specifically, and the phone has been ringing pretty consistently - something that I take very seriously. Some where along the way we have strayed from the commitment for Community Oriented Policing that was set forth by the Police Chief Goals Committee when we set goals for the new Police Chief back in May 2001. "In essence Community Oriented Policing is a community partnership and problem solving linked together. In order to develop community partnership, police must develop positive relationships with the community and must involve the community with the quest for better crime control and prevention and must pool their resources with those of the community to address the most urgent concerns of community members. Problem solving is the process through which the most appropriate remedies to abate these problems are found." I think this is something that we need to rededicate ourselves to now. We do have an Agenda Item on this evening #4A, after Selectmen's Statement where we will be having a discussion with the Chief regarding Citizen's Complaints. Concerns raised tonight and prior to tonight requires a two pronged approach - we have to take immediate action to address immediate concerns to bring about change basically to get through the realities of what our summer life is like between now and Labor day weekend. And then on the long-range after Labor Day comes and goes and we have time to catch our breath and think, we absolutely have to reactivate the Community Oriented Policing Steering Committee. Initially, when that was brought to life it was through a vote of town meeting that the committee was formed, we don't have the luxury of waiting until April, I'm sure our Town Manager can come up with a way to create a committee - ad hoc group - or citizens, whatever you may want to call it, so that can be formed immediately and we have an avenue and a vehicle for there to be dialogue between the community and the Police Department for the benefit of the community and the Police Department. I'll be discussing with the Chief, who has received a copy of the email that I have prepared with some immediate action plans. It seems to me that it is areas where police officers had the ability to exercise discretion and citizens who spoke tonight feel that discretion has not been exercised the best way; that courtesy and customer service has been put aside, somewhat, by some of the officers. Again, to reiterate, it's not all police officers, it is not the whole police department, it's a few people but the problems absolutely need immediate addressing. Given that these are often discretionary areas where these problems occur, it is my thinking that before somebody can be PC'd, for example, that a Duty Sergeant or the Chief himself must

OK that so that there is a check and a double check system involved. I have several other thoughts on this. As far as addressing concerns - is it coming from just one segment of the community and is it being blown out of proportion? When I had the opportunity to really look through and address what the statistics are I was disturbed and shocked to look that the citations issued in 2001 vs. 2002 is over 300% increase. I know we said we wanted people to stop speeding on Bradford Street but a 300% increase in the first 7 months seem a bit extreme in that way. PC's first 7 months 2000 vs. 2002 is 70% increase 2001 vs. 2002 is 62% increase. I feel that you elected me to see these things, seek them out, understand this and act on your behalf and that is what I am committed to doing. As I said, we must work for short-term solutions to get us through Labor Day Weekend and then work for long-term solutions. It is not good for anybody. It is not good for the citizens here; and it cannot be good for the Police Department. They can't enjoy going out on the street if they know the citizens are upset or up in arms with them. Yet the citizens are also distrustful of the police department. We're working on it - and we're going to work very hard on it and we have heard what you have said. Thank you.

Cheryl Andrews

Harry Truman - before my time and many of yours as well - was know for having a sign on his desk at the White House that said, "The Buck Stops Here." It's right here - The Buck Stops Here - we owe you folks an explanation. You elected us and that's our job and I don't shirk it at all. I welcome it and I appreciate it that you folks are here tonight to share your concerns and help us do our job better. I've been thinking a lot about what a Selectman should do in a situation like this - what is our obligation - what's my obligation? My obligation to you is to either defend what is going on or do something about it. And there are certainly some things that I think our Police Department have done that are perfectly fine and reasonable but some of the things that came up tonight don't seem fine and reasonable to me and I will not defend them. I have serious questions about some of the things you folks raised. One is about the number of folks that have been PC'd this summer. One is the question of rudeness. I won't rearticulate what you have heard but I don't like hearing about it. I think that everyone that comes here is our guest, whether they are my personal guests, whether they are here for a day, week or month or whatever they are our guests and you don't treat guest rudely. Unless they are being rude first, obviously. Another issue is the tone and style of our police being consistent with our community standards. Towns are different. Provincetown is certainly different from other towns. So, the question is, "Is what's going on here consistent with what we feel are our values and standards?" Those questions need to be asked - and I am not sure about it. One issue that was raised, and I'm glad it was mentioned it was, this question about following people. I heard about it a couple of weeks ago. Those of you that know me, I'm pretty much what I call a law & order gal. The way we respect one another in a small town is to follow the rules, so I wasn't quick to think we had a problem at the time but I keep hearing it over and over and from people I really respect enough to say that something needs to be talked about here. The last one, which is maybe the least, but certainly one that I've noticed, is the sirens. I don't want to hear sirens all day. This isn't Boston. I like the clean air. I like the water. I like the good life and I like our community and it doesn't sound right to me. And I'm not downtown, I'm up on the highway and I hear it. So those are my concerns - they are your concerns - I hear you. I think as a selectman what I owe you now is a plan of action. The question is designing it and I think we should begin the process tonight. I don't think we will finish it because the way you find out whether it is working is constantly reevaluating it. I do believe that that plan will include executive sessions meetings with the Police Chief, possibly on a very regular basis, on the short term. So that our employee, which is what he is, he gets the respect that he deserves which all personnel, which we meet with him in executive session when we are talking about their job performance, also if we have to ask about specific cases where peoples names are involved, we cannot do that in public. That is one aspect of that and there is also the public section, which is what we are doing tonight as well as things we will be doing in the future - which lots of people are talking about, whether they be forums with the police chief or forms with the Board of Selectmen or community values discussion again. I am happy to hear about a committee but I have to say, honesty, I think the Board of Selectmen needs to do their job first. If we had a disconnect between the Town and the Board of Selectmen then I would be worried about committees and having more discussions and forums. I'm not so sure there's a disconnect. I think we have a tendency to agree and the question is seeing how we can make some changes to put that into effect. If someone could get me a copy of the IN WEEKLY article I would appreciate it. Thank you all again. I echo what Sarah Peake said as far as all of you people coming tonight and I hear you and I look forward to working with my colleagues to develop a very quick response to the situation.

Michele Couture

I echo what my colleagues have said. I see that what is happening in Provincetown is basically a management problem. I think we have a new Executive Officer who is running our Department and there is a problem in some of the management style. Clearly there are five points that I can think of that are huge points, points that making everyone really in sane. The first one is the amount of people who are PC'd. We have one officer who is responsible for more than 50 PC arrests then perhaps that could be over zealously and something obviously has to be done about it. One of the previous speakers mentioned something about Community Values Day, which I think is a fabulous idea, I think it is something we can do very quickly, probably within the next couple of weeks. Capt. Al Sweeney, from the Boston Police Dept. - I think sometimes people don't understand a police point of view and perhaps police don't understand where the citizens are coming from. I think people need to come together and find out what's happening with each other. This is something certainly we could do. We can schedule it sometime today and get it together by the first week of September when everyone has taken a little breather after Labor Day. I'm not happy with the idea that there are uniform officers standing in nightclubs in uniforms - and staying there for a good amount of time. I think it is intimidating. It strikes me as like an old fashion East German kind of tactic of intimidation and I don't like it and I think it needs to change. Another previous speaker mentioned something about traffic, I have spoken to the Chief on a couple of occasions, I work just off Lopes Square and I find it a little more than maddening to find that if Donald is not out there directing traffic then it seems that nobody is - especially on rainy days. It's like suicide trying to get downtown into the parking lot. I talked to the parking people and it makes it ten times rougher for them when there is no traffic cop. Ryder Street would be one thing but Lopes Square makes me insane. It is just an accident waiting to happen. That certainly needs to be corrected. Like Sarah, I keep getting phone calls and email, and one of the phone calls I got was kind of unusual - this woman called and said that the Police Chief is against people who are over 50 and we are being discriminate against. So, I think everyone has his or her own take on exactly what the Chief is against. I think the Chief has to, as I said, come into line with - he has admitted that there are some problems and he needs to work them out. One of the things, when I was thinking about this, there are this core group of officers that almost everyone knows. Carrie Benjamin is our Civil Rights Officer, certainly enough people have seen Carrie walk into bars and restaurants and check in and see if everything is all right. Officers Ménages, Peters and Palheiro who I know really well. And almost every one of you knows these offices and trusts them. I certainly trust the police department to protect my civil rights and to protect my life and property and I think they do an excellent job. I just think we need to connect better about what is happening. I think that is where we need to have some discussions with the Chief. I'll talk about this at the next agenda item.

As you know from recent articles in the newspapers, there has been a move on Beacon Hill to reduce the MassHealth, which is Medicaid, reimbursement rate for prescriptions. The reduction in rate, if enacted, would pay pharmacies 2% less than wholesale, as opposed to the present rate of 10% over wholesale. Several large pharmacy chains have said that they would stop serving MassHealth enrollees if this happens and it would cause serious financial stress on the remaining independent pharmacies, such as Adams. I did speak with Vinnie Duarte about this when I first read about it and he said that between approximately 1/3 of his business is presently made up of MassHealth prescription and that if the new rate was enacted, he would probably have to stop taking MassHealth and then have to close his prescription service. Mass Health provides coverage to many poor children and disabled children and elderly citizens in Provincetown and his change would impact them greatly. It is unfair to pay these providers less than their wholesale cost and especially harmful to small independent businesses such as Adams. Hearings are being held on this issue on September 5th and I would like to suggest that the Board send a letter asking that the rate that is ultimately set is one that allows pharmacies to continue to serve MassHealth enrollees.

MOTION: Move that the Board of Selectmen send a letters to Representatives Shirley Gomes, Senator Robert O'Leary and Governor Jane Swift expressing concern on behalf of Provincetown residents for MassHealth enrollees and to request that the rate set for reimbursement for MassHealth prescriptions be one that allows small independent pharmacies and the chain providers to continue to accept these prescriptions.

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

Encourage everyone, if they can, to please send similar letter - it would be helpful.

I have one other issue because I know these folks are here. I had asked for a report on 8 Lovett's Court and I got the report when I came here at 5:30 tonight after I got out of work. At our last selectmen's meeting I has asked that the report be delivered by August 12th. I can't understand why it was not in our packets earlier. These folks have been waiting over six weeks to get some resolution. Having just given a quick glance at this report it calls for yet more study. This is totally unacceptable to me. What I would like to see is for this to go back to the Planning Board where it should have been rightly taken care of in the first place. I want this to be taken up by the Planning Board - that's the course of action that needs to be taken. Constant study about what is or isn't either a land court case or whatever, I am over this. Therefore, I would like to make a motion.

MOTION: Move that the Board of Selectmen vote to have 8 Lovett's Court on the Planning Board Planning Board on the agenda and properly resolved.

Motion by: Michele Couture Seconded by: No Second

Chairman Avellar - hearing no second - do you have anything else. Michele - At some point this has to be taken care of. I'd love to find out why my colleagues don't think this is a matter that needs to be taken up. Chairman Avellar - because we have not had a chance to read the report. I just picked it up at 6 o'clock tonight. Michele - Hopefully, everyone will join me in being a little more than annoyed that things are supposed to as it says in our minutes from 5F on August 12th to have a report in our packets and it came to us now that some direction to Mr. Bergman towards the person who was supposed to take care of this needs to be given. Chairman Avellar - I understand your stress but I am not going to vote to do anything until I've had a chance to read the report. You're probably the only who had a chance to read it. Michele - I didn't get a chance to read it. That is my point. Sarah Peake - I'm not sure what our power and authority is to direct the Planning Board to put the thing on their agenda or not put it on their agenda.

Richard Olson

I am as anxious, as I am sure everyone else is to get on with the substance of discussion in the next agenda item. So, I will limit my comments by associating myself with good comments that have been made, and I am sure the ones Madam Chairman will make, thanking everyone for giving us an illuminating sharing of your views and your observations and a tempered and reasonable one which. reflects, I think, everyone understands that this is a tough thing to find the right balance. I want to thank Madam Chairman for allowing the hearing to go on an extra forty-five minutes so that everyone got their say. Finally, just to say that I, myself, personally observed many things that I thought ranging from disturbing, to deeply troubling, to all the way to outrageous - and when I've always brought to the Chief to share them directly with him. I've always gotten, what I've thought was a response that either there was a reasonable explanation in some cases - ranging through - "we're looking into that one, don't like that" - and all the way to "came down on that person like a ton of bricks." I have confidence that the Chief is making a very terrific effort, but we still have a long, long way to go and I am anxious to get on with that process.

Mary-Jo Avellar

I'd like to thank you all for coming and for sharing information with me personally that I really wasn't aware of. I think someone said tonight that the Selectmen micro-manage. Well, I am one Selectmen that doesn't spend a lot of time calling up department heads. When I hear things, I tend to share them with my colleagues on the Board and go to the Town Manager with them first. I don't feel that it is my responsibility to be involved in a lot of the day-to-day activities of all of our many departments. Some of the things that you told us tonight, I think warrant closer attention. I'm very much in favor of Community Values Day. I did participate in the last one and it was very much an illuminating experience for me. There are some things that I've notice about the police department this summer that a lot of you have mentioned already, so I will not go into it. I have confidence that the timber of your complaints tonight was such that you are very respectful of the Board and you are very respectful of the Chief and members of the Police Department, even though you are obviously upset. As Ms. Peake and other members told you - we have

heard you and that we are anxious to begin a process that will hopefully rectify a lot of the issues that you have brought tonight. So, I thank you for your civility and the way you helped us in running this meeting tonight.

Chairman Avellar explained to the public that the next agenda item is not an open discussion between members of the public and the Chief; rather that it will be an open discussion between the Chief and the Board of Selectmen. I think that the Chief has heard what you have had to say tonight and I think he looks forward to working with us and trying to find a resolution to the problems that you have brought forward to us tonight. My number is in the book, just like everyone else's here. My email address is available, and I am willing to hear your complaints and contact me personally - may not be quick, but I will get back to you. So, I appreciate everything that you have contributed to this meeting tonight whether you were for or against.

4A **BOARD OF SELECTMEN**

Discussion with Police Chief Regarding Citizen Complaints

Opening Comments - Chief Meyer

I appreciate everyone coming in tonight. I learn a lot of things when I attend groups like this. The issues are clear - there is group dissatisfaction. I've very concerned and I want to make sure that that gets put on the table right up front. One of the things, even though I am a trained investigator, and this is very important, I have to have particulars to create an investigation. One of the problems that I heard mentioned of - for example - 'following people down the street'. The only thing I can tell you is, 'they better not be doing this.' And that was one of the first rumors when I first arrived in January, and for the life of me I could not track it down to anything - any place it was happening. People said, 'Oh yes! it was fact. I've seen it.' Well, people do walk down the middle of the street and cars do follow them and I want to know, **"Who, Where, When, Why and I will get on it."** This Board and the people in this room have my assurance that I will follow-up on it. But I have to have something to chew on. I just cannot have thrown at me - 'I heard' and I am expected to handle it from a third person third hand issue.

When I came here and I was told basically what was expected - follow the parameters of the Community Oriented Policing Plan, understood what customer service was all about - I have been in the game for a long time, it's nothing new - when I first was in school we learned about customer service, I learned about it working in a grocery store - as everybody has at some time of life. Customer service means, particularly in a store - in a product that you are selling, that a customer has choices and they have choices because if I don't like the services or the product you are selling me, I can go buy somebody else's. When you have a Police Department you have what you get and you have to do something else about that because it is the only product that we have to offer. And I am really aware of that and try to be responsible. There are some very important issues mentioned here tonight and one that really struck me hard was mentioned at the point that people who visit here, gay and lesbian members who come in from other communities, have perhaps bad feelings, bad issues, negative issues that take place. Well, I have a vow, since I've walked through the door here, that I subscribe to - the PBG ad that says, 'you can come here to Provincetown and you can do what you would like to do - hold hands, and so forth and so on'. I think it is a great ad and I constantly make that as part of my presentation.

One of the first groups that met with me when I started hearing rumors was the BEARS. I sat down with one of the guys for three hours (I believe his name was Rob - and numerous other people) and he helped me chart a course in which direction I have to go in terms of handling the issues that arise here in town. They were extremely gracious and very helpful. Times and places and charting the course and posting the issues that they wanted. I am very concerned about what I've heard. Mr. Olson mentioned some things that he saw, one of which miffed me, was an issue of picking up a prisoner from one of the clubs in town, who called us to get him out of there. Put him in the back of the car and he started to kick the door, so the officer took off in a spray of people with blue lights and siren all the way back to the station. That is not appropriate. That is not acceptable and that issue is being dealt with Mr. Olson. That is not the way we handle a situation. There are bars in the back windows to keep them from being broken - that's one situation.

I look at this and I say, 'what do I want to do based on what I've heard?' I really don't think it serves a purpose for me to try to answer all of the issues that were presented tonight because there are too many in number.

What I really want to do is what we set out to do with Mr. Bergman, which is to have a forum and somebody else can facilitate it. I think it is very important that member of my staff sit in this forum and have members of the community come in who have issues that need to be address. It is one thing for me to sit in a meeting to hear it and carry it back - it is another for them to hear it first hand. I think that is really critical. That would be my intention, for me to schedule a forum as suggested by Ms. Couture. I think that is something we have to do.

The three things that we always look at: educating, engineering and enforcement - the crosswalks / traffic at the corner of Standish or Ryder Streets. We try to educate people that you have to slow down there. Somebody mentioned tonight that there ought to be a stop sign there. Maybe there should be! I see people coming from the MPL and shooting across Commercial. That's not appropriate. A police officer does need to be their or some other traffic control device. We've been working on Ryder and you should have seen changes already within the last few days at Standish. I want to point out that we do listen, I listen, I hear what is being said and I think I am very responsive. One gentleman mentioned tonight that he received letters from me. Yes he did. He called- I won't go into that - he was disrespectful, if I can say that, maybe that is a better word, to one of my officers - so, I take offense to that and I will defend the officer. The officer is doing what she was told to do; how she is assigned, she has rules, orders to enforce and she does it.

A question came up earlier about dogs in the water. My answer to that was, "I don't think we ought to enforce that, let them get in the water." But once they come out they ought to be put on their leash because that's what the ordinance says. If you want something different - get it changed. In short we listen and one of the best places I can listen, and some of you have been with me and you know this - the most fun that I've had here, quite frankly in a day, is Spiritus. Spiritus is a great place to go - good conversation, a lot of fun, good contacts and great feedback. Sometimes when I hang out down there some groups are friendlier than others - that's fine - it turns over every week. I make it a point to set an example to ask people how they are enjoying their stay in Provincetown. I have to tell you folks their response has been extremely positive, "I love it here", and other responses are, "Thank you for asking." I see that as our role. I don't see it as our role when an officer, allegedly the other night said something about, 'Hey! Are you boys enjoying yourselves?' That's not appropriate and it's my responsibility to make sure that doesn't happen again. That's 60's language and somehow it got out, and I mean he may have been trying to be friendly, I don't know, it certainly had nothing to do with any enforcement. I don't want that. You don't want it and the department doesn't need it.

You know, you get fooled - because you hear from all of these people how great the Police Dept. is doing and then you come into a meeting like this and you hear differently. I do not see anyone, and I've heard this and read it, anyone being afraid of the police. I've had a couple of comments from people who have said, "I think you have too many cops out here." One person. The rest that I hear, and maybe only those people who are positive are going to tell me say, "I think it's great, the officers are courteous, they respond to me." It's not 100% folks, but there are a lot people saying that. And I really think we do a disservice to the hard working police, and Ms. Couture mentioned some names, of who are really diligently presenting the customer service case, the community oriented policing case, and are working (in fact some of them are here today) very hard to live up to the expectations that this town has, that I have, that Mr. Bergman has, that the Selectmen has. To me that is a sign of tremendous success. But some of them ask the question, "What's different?" Some of them say, "There isn't anything different - we always treated people that way, on the positive side." And that's true; they've been at the job. There's Rachel, standing over here, she's been on the job 15 years in this town providing one kind of service or another - she knows this town. Officer Palheiro - you mentioned. These are guys who have been here; they know how to handle what goes on in this community. They are well aware of diversity. I know in talking with a consultant before coming here - I said which one, he said, Provincetown - and of course that's it. Provincetown is a very diverse community. It is a very tough job for police officers to balance the kind of diversity we have. I am very proud them. I am very proud of the job that most of the police officers do. Is there a couple that I need to rein in? - of course. Do I need to rein myself in? Probably. I'm the guy where ultimately the buck stops. It stops with me. I've got to be able to be satisfied that everybody in my department, our department - your department, is doing exactly as you expect. And that goes for me too. I am accountable to Mr. Bergman, to you and to this community and it is understood that I have that responsibility and am willing to do it but I need help. And the help I need is for the people to be very specific about the things that are going on, not this nebulous, 'Oh, well, I heard so-in-so'. I've got to have the specifics and believe me I will deal with it. Mr. Olson and I have had discussions, several times, on some of these issues. We have a great team here and we have a great opportunity and this folks is the beginning of the rest of our lives, perhaps is

another way of looking at it. I really appreciate everybody behind me who is here and those who have left and the comments I've heard and also from you. All I have to say to you is let's get to work.

Response by Board of Selectmen

Michele Couture

First, let me say you've heard a lot of what needs to be changed and one of the things I would like to say is that there's a lot that the department does really really well. I know that when I was running for re-election someone asked me what I thought about you, as we were talking about the Chief and his policies and stuff like that, and I said, well, I defy you to show me a person he hasn't talked to. I think that is one of the things that you really do well. All the selectmen except for Mary-Jo and Cheryl have done ride-a-rounds with you and I thought that was very informative. Especially seeing you in front of Spiritus. I have seen you there doing a meet and greet and it is interesting - because when we went to a couple of bars with myself, Officer Roche and you - and you both were in uniform and a couple of people were apprehensive, like, Oh God! What are the cops doing here? Then it was like, we're only here to say hi. That is one of the things you do well - community outreach. Obviously you heard that there are problems - there is nothing that cannot be corrected and I am really grateful for people coming to this meeting and airing their problem. I think there are things that can be worked out. There's nothing that is not plausible that people have talked about. One of the things you might want to look at is the summer officers'. Maybe they should not be allowed to ride in cars by themselves. For the most part it is my understanding these are officers right out of the academy and they do not have a lot of seasoning. We have really great officers here - pair them up with some of the summer officers who are a little more enthusiastic than they should be. Probably not a bad idea.

One of the things we hear a lot of complaints about is the leash law. I have two minds when it comes to that. On one hand, everyone likes to see their dogs free in the water - that's great and I believe dogs should be allowed to run free - we happen to have a bylaw against it and I think the bylaw needs to be enforced and I think that is where we can help you. The Board should help set policy for that and help change that. For every letter we receive from people annoyed who received tickets we receive other letters from other people saying why aren't the leash laws being enforced. Some people are just terrified of dogs. If you have ever been bitten by a dog you would know. For Officer Cowing she's between a rock and a hard place. There's nothing that can't be solved here. That is my whole point. That is why I wanted to have this meeting tonight - obviously you need to hear what people's concerns are and we need to solve problems that I don't think that are not solvable.

Cheryl Andrews

I'll be very reluctant to jump in and try and help you solve in a sense that you're the professional one - I'm a dentist. One of the reasons I have not joined you in the cruiser is that I observe best when not observed. I trust you, as a professional, on how to solve these problems with input from the community. The main thing I would like see is the Board deal with the Chief rather than as individuals and for us to set up an action plan.

MOTION: Move that the Board of Selectmen vote to set up an action plan to include the following: 1) meet with the Chief of Police once a week for 30 minutes for the next four weeks; 2) schedule another Board of Selectmen agenda item with the public input, like tonight, in one month; 3) a report from the Town Manager, within one week, on his recommendations regarding what he has heard and his experiences; 4) that the Chief of Police follow through on scheduling the Forum he discussed sometime in September; and 5) to schedule a Community Values Day.

Motion by: Cheryl Andrews

Seconded by: Richard Olson

Yea 5 Nay 0

I want to read the last line of a letter from the Chief to Mr. Bergman, as it means a lot to me - I am responsible ultimately to you, the Board of Selectmen and our customers. If there are misunderstandings will hope for understanding; if there are errors, corrections will be made and if outright violations, sanctions will follow. I thought that was a wonderful message from you to us and I think we should share it with the public because it is absolutely the right direction to go.

Chief Meyer - Before the Open Forum in September, I would like to offer my availability to the group who took the time to come here to be available during the week - night or weekend - at the police station or any place, for small groups - large groups, whatever, would be a benefit. If 5 or 6 people can get together and want to sit with me a couple of times a week or more before September, I will be glad to start now. So, I make that offer. All they have to do is call me, I am available.

Mary-Jo Avellar

Based on the reports that I have received I do not have any issues with speeding. It comes up all the time at our traffic hearings. Especially Bradford Street. A person speeding on these narrow streets in town is dangerous. I'm more concerned of what appears to be more of a public relations problem now between you and your department and what is obviously a perception that there is Selective enforcement going on. I know that in the next three weeks it is not going to be easy for you to deal with these issues because of the crush towards the end of the season and Carnival Week coming up next week. Those are the things I'd like to see you be more involved with.

Would there be any need for you to have a hotline? Answer - There is no need for a hotline. They can call me directly at 1213. Once it goes directly to my line it is not recorded and/or they can leave a message anytime on my voice mail. I will call you back ASAP.

Do we need a facilitator for the next Public Forum? Answer - yes. Michele Couture suggested looking into Cape Cod Mediations. Keith - will take care of a mediator.

This is a new department, a new Chief and there are a lot of new personnel. We always get a lot of complaints about rent-a-cop in the summer time (never as many as we have received this year), but I still think that, in my experience here I've never seen a Chief of Police, and I've been through three, that would ever put them self out there for Public Forum. And I think it's something we should be grateful for and use it.

Sarah Peake

Police Department Goals & Values is a beautiful thing and articulates what everybody in this community would like to see how policing should operate and happen here. It's especially wonderful since it came from the department - it wasn't something that you wrote and happened to sign on to - it came from them. That being said, I feel that there is a disconnect between what this says and what's happening with certain officers on the street and how they are treating the public and I would get back to my question, "what are we going to do to address some of these behaviors that have brought people here this evening, so that those behaviors are curtailed or brought into line with this value statement while our visitors are still here between now and Women's Week and Single Men's Weekend?"

Chief Meyer - Right now, they have to sign out that they have read and understand that and discuss it in roll call training with their Supervisors as a re-familiarization that that exists and it guides the operations of the department. A very simple statement and everyone must apply.

Sarah - Regarding specific incidents of rudeness. Do you need to meet directly with everybody in your department and not leave it to your Supervisors if there is some specific disciplinary action set up that addresses specific issue of rudeness. But, I think, just carrying on this issue of rudeness is not going to do it. I would implore you; do the things you need to do so that those positive faces are out on the street.

Chief Meyer - I concur. I spend a certain amount of time with the summer officers on the street and talk with them - how you doing, what's going on - remember courtesy and little friendly reminders. The fear that I have is that some of them came back to me today saying, "We're afraid to do anything." That really bothers me.

Richard Olson

Daytime comment - happy to see that Donald in Lopes Square was instructing your younger officers today. Nighttime comment - I think the PCing statue has a standard for somebody being incapacitated or

impaired - there is a difference. I wonder if it would not be possible, within the Police Department, to workout some kind of consistent, to the extent possible, objective standard for when an officer makes that initial approach to somebody. That, I think, will go a long way toward solving, what seems to me one of the worst wounds that are being inflicted here. Also, larger badges would be helpful to identify whom people are talking to.

Chief Meyer - Re: PC - the summer officers that I've talked to, and I have not talked to them all, to clarify that issue; if somebody is weaving down the street - don't touch him - don't talk to him - let him go. On the other hand - if he's bouncing off the building, falling into the street - you need to take some action, otherwise we will be responsible.

Mary-Jo Avellar - I like bike patrols - they are effective and people like them. People also like officers walking the beat.

Cheryl Andrews - Next time we meet with you could you address the issue of chain of custody where if your friend was PC'd they could take custody of that person so they don't have to spend the night in the station and where that responsibility is transferred.

Sarah Peake - Ready #5 of the Police Chief Goals Committee Report - Addendum - June 11, 2001 Item #5.

“Lastly, it our goal that our townspeople ‘know’ our police department better. We would like our department members to be more visible in town and to have townspeople know them by name. We would like our next chief to ‘know’ the department, and lead it in a proud, cohesive manner.”

Somewhere along the line, as I said earlier, we've gotten off track and I need to count on you to bring us back on track. I trust your word, I trust that your intentions are honorable and that you are doing the best job you can. I want us to be here as a resource for you. But at the same time what I have heard from the community is a human cry for a change in the way police work has been done. Let me know how I can help.

Ted Meyer - This Board and the Town Manager are a professional group as of any I've ever worked for. You have been sincere and have come forward with great information and feedback. One thing I really need to see, and it is at the bottom of our rumor control bulleting - is a very clear message that needs to be heard loud and clear, “Catch a Cop Doing Something Right!” To me that is one of the most important messages to get across - and you folks can help me with that. They do it right all the time. I take care of the ones that fall by the wayside; I'll pull them in - or else!

Michele Couture - I like our officers. I think we have great officers. Most people know them on a first name basis. It's Marty, Carrie, Bobby, and Rachael - that's how we know our officers.

Chief Meyers - But they need to be told. They don't hear it enough. Thank you. Appreciate your time and certainly appreciate the group coming here tonight.

Cheryl Andrews left the room.

4B **SURPLUS DECLARATION**

Town-owned Vehicle: Cape End Manor

MOTION: Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws §6-4-6, to authorize the Town Manager to dispose of by sealed bid the following Town-owned vehicle declared surplus by the Cape End Manor: 1987 Dodge Raman, Vehicle Identification Number 2B6HB23T6HK313485.

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 4 Nay 0

Discussion ensued.

MOTION: *Move that the Board of Selectmen vote, pursuant to Charter sections §§7-2-2 and 7-2-3 to approve the reorganization plan for the creation of a Department of Community Development, as set forth in Administrative Directive 2002-03, to become effective October 15, 2002.*

Motion by: Richard Olson **Seconded by:** Michele Couture
Yea 4 Nay 1 (Cheryl Andrews)

5C COMMUNITY-ORIENTED POLICING INITIATIVES

Plan to Overcome Hate Incidents: Human Rights Resolution

MOTION: *Move that the Board of Selectmen vote to approve the Human Rights Resolution Working Group's rest to hang flags of the nationalities represented in our workforce along the outside of Town Hall.*

Motion by: Richard Olson **Seconded by:** Sarah Peake
Yea 3 Nay 1 (Cheryl Andrews) Abstain 1 (Michele Couture)

5D AWARD CONTRACT: MARINE DEPARTMENT BOAT

Offshore Performance Inflatables \$97,715 (Art 4-5, 4/1/02 ATM)

Tabled until next regular scheduled meeting - August 26, 2002.

6. TREASURER'S TRANSFERS

Beautification Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Beautification Gift Funds, to approve the transfer of \$308.00 from the Beautification Gift Fund for the payment of an invoice.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews Yea 5 Nay 0

7. MINUTES OF MEETING

MOTION: *Move that the Board of Selectmen approve the minutes of July 22, 2002 (Reg. Mtg.) with changes so noted. (All Present)*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen approve the minutes of July 29, 2002 (Pier Corp. Appointments) as printed. (MJA recused herself due to conflict.)*

Motion by: Michele Couture **Seconded by:** Sarah Peake
Yea 4 Nay 0 Abstain 1 (Mary-Jo Avellar)

MOTION: *Move that the Board of Selectmen approve the minutes of August 5, 2002 (Special Mtg.) as printed.*

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 5 Nay 0

8. CLOSING STATEMENTS

Sarah Peake

Pier Corp. meeting tomorrow night at 6 PM

Cheryl Andrews

Miller Hill Street Extension - Check out to see if it is private or town owned.

New dump? - Harry Kemp Way - near Ken Weiss property. Check this out also.

Went to Chapter 70 mtg. - Their goal right now is 'Equitable Funding - Chapter 70

Reimbursement'. The only issue I raised for them to consider was: 'Special needs reimbursement from the State.'

Michele Couture

Memo from 7/31/02 - Handicapped issue. (Keith - it is a procurement issue. David and Town Counsel are working on this issue.)

MOTION: *Move that the Board of Selectmen vote to extend this meeting past 11 PM.*

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

Reports on 8 Lovett's Court and 122 Bradford Street extension reports.

Richard Olson

MOTION: *Move that the Board of Selectmen vote to plan a Coast Guard Appreciation event for September 15, 2002.*

Motion by: Richard Olson **Seconded by:** Michele Couture **Yea 5 Nay 0**

Mary-Jo Avellar - None

Motion to adjourn by Michele Couture at 11:12 PM.

Minutes transcribed by: Vernon Porter, Secretary
August 22, 2002