

OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, JANUARY 12, 2009

VETERANS MEMORIAL SCHOOL – MULTI PURPOSE ROOM

Chairman Michele Couture convened the meeting at 6:00 PM noting the following Board of Selectmen attending: Michele Couture, Elaine Anderson, Mary-Jo Avellar, Austin Knight, David Bedard

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner, Town Accountant Alix Heilala

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

1. PUBLIC HEARING – TAX RATE CLASSIFICATION

FY 2009 Property Tax Rate

Chairman Couture read the Public Hearing notice into the record.

Public Comments: Barbara Rushmore feels that the town should have a split tax rate.

Move that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2009 property tax:

1. to establish a residential factor of "1".

Motion by: Mary-Jo Avellar Seconded by: Elaine Anderson Yea 5 Nay 0

2. NOT to adopt a "residential exemption".

Motion by: Austin Knight Seconded by: Elaine Anderson Yea 5 Nay 0

3. NOT to adopt a "small business exemption.

Motion by: Mary-Jo Avellar Seconded by: Elaine Anderson Yea 5 Nay 0

1B PUBLIC HEARING: GROWTH MANAGEMENT ANNUAL REPORT

[Zoning By-Laws 6600 (3)]

MOTION: *Move that the Board of Selectmen vote, pursuant to the Provincetown Zoning By-Laws Section 6600, Growth Limitation Goal Allocations, to make the following findings that the average daily withdrawal for the Provincetown Water System in 2008 was 695,602 GPD; that the permitted level is 850,000 GPDs; and that, therefore, the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection ("DEP") pursuant to 310 CMR 36.00 and all applicable rules and regulations by DEP with respect thereto.*

Motion by: Mary-Jo Avellar Seconded by: Austin Knight Yea 5 Nay 0

1C GROWTH MANAGEMENT REVIEW

By-Law Amendment Recommendations for April Town Meeting

MOTION: *Move that the Board of Selectmen vote to endorse the recommendations of the Growth Management team and the Town Board's and move forward with the Planning Board's public process leading to a Growth Management bylaw amendment at the April Town Meeting.*

Motion by: Elaine Anderson Seconded by: David Bedard Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing on February 9, 2009 to consider changes to the Board of Selectmen's Economic Development Policy 2007-03-12 and the Economic Development Permit Guidelines and Procedures.*

Motion by: Elaine Anderson

Seconded by: Austin Knight

Yea 5 Nay 0

1D WASTEWATER

Proposed Optimization of the Sewer System

MOTION: *Move that the Board of Selectmen vote to direct the Town Manager to request that the Sewer Team prepare a Warrant Article for the April 2009 Town Meeting for the proposed East End Optimization of the Sewer System.*

Motion by: Elaine Anderson

Seconded by: Michele Couture

Yea 4 Nay 1 (Mary-Jo Avellar)

2. PUBLIC STATEMENTS

Candace Nagle - Talked about Pier Management and would like to have Selectman Bedard as Board of Selectmen's liaison to Pier Corp.

Rick Murray - 1) Need directions from Board of Selectmen regarding finances for fireworks this year. Will reconvene Fireworks Fundraising task Force to raise the necessary money but has to know where they stand in order to move forward. 2) Licensing regulations should be applied to everyone across the board.

George Bryant - Passed out picture of the Bas Relief - in great need of improvements and funding.

Barbara Rushmore - Licensing regulations should not restrict businesses but encourage them to expand and to be open year round.

3. SELECTMEN STATEMENTS

David Bedard - Concerned over budget process and the failure to make tough decision.

Elaine Anderson - Also concerned over the budget process

Austin Knight - Full cost of fireworks is not within the budget. Would like an update on the fireworks gift fund balance and have Fireworks on the agenda for February 9th.

Reminder to have CPC grant for Town Hall preservation.

Mary-Jo Avellar recused herself and left the room as her husband is a town employee who services are leased to the Provincetown Public Pier Corporation

Discussion of having David Bedard as the Board of Selectmen representative liaison to the Pier Corp.

MOTION: *Move that the Board of Selectmen vote to nominate David Bedard to be the Board of Selectmen's representative liaison with the Provincetown Public Pier Corporation.*

Motion by: Austin Knight

Seconded by: David Bedard

Yea 2 Nay 2 (Elaine Anderson/Michele Couture) - Motion Does Not pass -

Schedule a joint meeting with PPPC for February 9, 2009 at 4 PM .

Mary-Jo Avellar returned.

Mary-Jo Avellar

MOTION: *Move that the Board of Selectmen vote to send a note of condolence to the family of Alice Reyes.*

Motion by: Mary-Jo Avellar

Seconded by: Austin Knight

Yea 5 Nay 0

Is it legal for the Board of Selectmen to meet on property not owned by the town?

Understand that Town Hall is being heating during construction period – why?

COMCAST has moved country music channel.

MOTION: *Move that the Board of Selectmen vote to send a letter to our congressional delegates to delay the digital conversion.*

Motion by: Mary-Jo Avellar **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to contact NSTAR to determine the progress of improvements to Winslow Street.*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight Yea 5 Nay 0

Letter from the public regarding the request for CPC applications – make sure we apply.

Can the Licensing Board change dates for seasonal licenses that may be in conflict with State Liquor Licenses?

Michele Couture

Would like to invite Sarah Peake to our meeting.

4A APPOINTMENT

MOTION: *Move that the Board of Selectmen vote to re-appoint Mary Ann Powers as a Regular Member of the Beautification Commission with a term expiration date of December 31, 2011.*

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

MOTION: *Move that the Board of Selectmen vote to re-appoint Patricia DeLuca and Mike Wright as Regular Members of the Cultural Council with a term expiration dates of December 31, 2011.*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to appoint Carrie Notaro as a Regular Member of the Recreation Commission with a term expiration date of December 31, 2011.*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to appoint Dorothy Palanza as a Regular Member of the Planning Board with a term expiration date of December 31, 2011.*

Motion by: Elaine Anderson **Seconded by:** David Bedard
Yea 4 Nay 1 (Austin Knight)

5A FINE ARTS WORK CENTER

Preservation Restriction and Community Preservation Grant Agreement

MOTION: *Move that the Board of Selectmen vote to accept and execute the Preservation Restriction Agreement and Community Preservation Act Grant Agreement for the Rehabilitation and Repair of the Days Lumberyard Building of the Fine Arts Work Center.*

Motion by: Mary-Jo Avellar **Seconded by:** Elaine Anderson Yea 5 Nay 0

5B TREASURER'S TRANSFERS

Library Building Gift Fund – Landscaping

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Library Building Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$1,540.00 from the Library Building & Gift Fund - Landscaping to pay for the attached invoice(s).*

Motion by: Mary-Jo Avellar **Seconded by:** Elaine Anderson Yea 5 Nay 0

6A TOWN MANAGER FOLLOW-UP / OTHER

MOTION: *Move that the Board of Selectmen vote to direct the Town Manager to apply to the CPC for grant funds for the rehab of Town Hall.*

Motion by: Austin Knight **Seconded by:** Elaine Anderson Yea 5 Nay 0

Joint meeting request with the Board of Fire Engineers on January 29, 2009 at 6: 00 PM to b e held at the Fire Station.

6B POLICE: PORT SECURITY GRANT

This agenda item tabled to a future date.

7. MINUTES OF MEETINGS

None at this time.

8. CLOSING STATEMENTS - None

9. BARGAIN STRATEGY

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 discussing litigation; and not to convene in open session thereafter. [Roll Call Vote]*

Mary-Jo Avellar – Yes

Austin Knight – Yes

David Bedard – Yes

Elaine Anderson – Yes

Michele Couture – Yes

Motion by: Austin Knight **Seconded by:** Mary-Jo Avellar

Yea 5 Nay 0 - Motion Passes -

The Board adjourned to go into Executive Session at 10:20 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
February 12, 2009