

**OF PROVINCETOWN - BOARD OF SELECTMEN**  
**REGULAR MEETING - MONDAY, FEBRUARY 23, 2009**

**LARKIN HALL, CENTER FOR COASTAL STUDIES**

Chairman Michele Couture convened the meeting at 6:05 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: David Gardner

The following are meeting minutes, in brief:

**1. PUBLIC HEARING: PUBLIC WORKS ECONOMIC DEVELOPMENT GRANT**

Michele Couture read Public Hearing into record.

Sandy Turner, Russell H. Kleekamp, EIT, Project Engineer, GHD - Stearns & Wheler, LLC gave an overview of the purpose of this public hearing, and the back-up material contained in this agenda item.

Open discussion and comments ensued.

Barbara Rushmore: Very much in favor of the project to pave Commercial Street. Approves of the town looking at previous paving to provide the storm water improvement. Would support a wider work area as the east end and west end of Commercial Street is in dire need of repair.

Rick Murray: Should meet with downtown business owners to avoid disruption to businesses during construction.

Rob Tosner: Supports commercial street paving. Has been a goal of the VSB to pave Commercial Street. Concerned about the cut off of the area at Johnson Street and Court Street.

Austin Knight: Should have figures to present to the Town that would extend the improvement area. Streetscape improvements could include solar lighting or solar power trash receptacles.

Elaine Anderson: Very supportive, and is glad that the storm water drainage improvements are included. Supportive of the solar power trash receptacles.

David Bedard: Does not want to see any wastewater project tear up the road after paving.

Mary-Jo Avellar: Concerned about the surface materials especially on the sidewalks.

Michelle Couture: Coordinate with businesses to limit impact during construction. Likes the idea of using a pervious paving material.

***MOTION: Move that the Board of Selectmen vote and sign attached letter to hereby designate the Department of Public Works as the lead department for the proposed project, and fully support and authorize the submission of this Public Work Economic Development (PWED) Grant and further;***

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

***MOTION: Move that the Board of Selectmen vote the expenditure of \$16,488 for Stearns & Wheler for professional services to develop the formal application for the fiscal year 2009 PWED Grant in the amount of 1,000,000,00 to help fund the paving, sidewalks, curbing, drainage and storm water for an area of***

*Commercial Street. To be funded by ATM 2006 Art# 7-4 with uncommitted funds in the amount of \$40,411.67 which sum shall be verified by the Town Manger and Finance Director.*

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

**1B    STATE REPRESENTATIVE SARAH PEAKE**

Update on Happenings

Home Rule bill to collect unpaid water bills was signed by the Governor.

Home Rule bill regarding High Pole Hill and the Malicoat Easement were both approved.

Home Rule bill for the Community Housing Council was approved.

Re-filed the bill regarding Term Limits and the Bill to extend the room occupancy tax to short term rentals, and are pending before committee.

Room Occupancy Tax Expansion Omnibus Bill has been filed, and will let the town know if it progresses.

Concerned about the Governor's Budget and his formula for returning money to the communities. Also concerned about the Governor's gas tax proposal.

Chapter 91 bills support parking as a water dependent use on Fishermen's Pier, as well as the former Flagship Restaurant property's request for perpendicular access to the waterfront.

Michelle Couture: Concerned about the Governor's meals tax proposal vs. the local option meals tax, which goes back to the community. Regionalization meetings are ongoing and looking toward the state to support the local efforts at facilitating regionalization of services.

Austin Knight: Status of the Home Insurance Fair Plan? Response: Market is correcting itself slightly, however, a bill has been filed to set up a state-wide Catastrophic Fund, and to revise the makeup of the Fair Insurance Plan Group to ensure there is public participation.

Mary-Jo Avellar: Concerned about the lottery formula the state uses for local aid. Interested in wind energy and what the state can do to help the town obtain renewable energy resources of their own.

**1C    VISITOR SERVICES BOARD**

Proposed Five-Year Plan for Tourism Fund Expenditures

**MOTION:** *Move that the Board of Selectmen vote to approve the Visitor Services Board's recommended Five-Year Financial Plan – Executive Summary for Tourism Fund Expenditures for FY 2010-FY 2014 as presented.*

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

**1D    VISITOR SERVICES BOARD**

Tourism Fund Expenditures

**MOTION:** *Move that the Board of Selectmen vote to insert an article on the April Town Meeting Warrant to appropriate \$77,000 from the Tourism Fund to fund the FY2010 budget.*

**Motion by:** Michelle Couture    **Seconded by:** Austin Knight    Yea 3    Nay 2

**2.    PUBLIC STATEMENTS**

Candace Nagle – MC criticized me in a public forum. Met with personal insults and harassment on the local blog. My findings are in the best interest of the town. PPPC has begun to look at some of my issues.

Rick Murray - empathize with the budget difficulties. BOS should be grateful to VSB/ PPPC/ CHC for stepping up to the plate. Will support the \$77,000 at Town Meeting.

Barbara Rushmore – thank the administration for their service. Boards that control money think that it is their money; it is taxpayer money. Thinks that VSB money should go more to the town. Community Center & Grace Gouveia building are benefits to the Senior Center. Shuttle funds not fair – look at all expenses you take over. 1% Real Estate transfer fee will solve some of our problems. Think of other ways to raise revenue.

### 3. SELECTMEN STATEMENTS

**Mary-Jo Avellar** Real Estate Transfer fee – shouldn't have to be penalized if I sell my home. Could support the VSB amount of 77k, does thank them for their donation. NSTAR – haven't had an update. Also update from Comcast – Mary O'Keefe. And Verizon FIOS. **Austin Knight** – meeting in April in Orleans Comcast & Verizon will update. Firehouse #2; BOS wants to wait, and there was an ad in the banner re-advertising –SL - still in the queue and not pulled in time. Formal vote was not taken previously.

**MOTION:** *Move that the Board of Selectmen vote to ask the TM to contact Jeff Luce to find out about the problem on Winslow Street*

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

**MOTION:** *Move that the Board of Selectmen vote to set the bids for Firehouse # 2 to be advertised in end of July.*

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

**David Bedard** - Appreciate all the public speakers. Sometimes the locations are not accurate with times and dates of the BOS meetings. Also the web site has the incorrect information. Attending the FinCom Meetings – thanks to staff and FinCom for the job that they are doing. School Committee – the chair will decide what meetings will be taped by PTV. Upset about the outburst.

**Elaine Anderson** - Commend the community for its reaction to the economic challenge we face. Thank Candace Nagle for her diligence and the hard work that she has done, and hopes that the discourse will be civil going forward. School Committee could rise to the occasion and invite the community to their meetings (via PTV).

**Austin Knight** - Cape Cod Times “pick your favorite Cape Cod spot” online. Several places in Provincetown were mentioned. Need to look to the future for green trash barrels. School Committee – last year during the budget process they promised to have PTV televise the meetings; disappointed that this has not happened.

**Michele Couture** - School Committee – I have contacted all parties to have the meetings filmed. Filming of meetings is very helpful to the public. Harbor Committee will vote on supporting. Congratulations to Chief Jaran as being selected as one of 24 chiefs across the country to the Violence Against Women Conference. Candace – I didn't mean any disparagement to you, and would like to meet with you personally to discuss. Thank you for raising these issues, but there needs to be a better way of doing this, so as not to lose your effectiveness.

**MOTION:** *Move that the Board of Selectmen vote to send a letter of thanks to Sandy Turner for the work she has done to secure the \$1,000,000 grant for Commercial Street.*

**Motion by:** **Michele Couture**                      **Seconded by:** **Mary-Jo Avellar**                      **Yea 5**    **Nay 0**

### 4. APPOINTMENTS - None at this time

### 5A PROVINCETOWN PUBLIC LIBRARY FAÇADE

Award Base Bid on Facade

**MOTION:** *Move that the Board of Selectmen vote to execute a contract in the amount of \$216,435 with Campbell Construction Group, LLC, of 21 Caller St., Suite 4, Peabody, MA, for the base bid on the façade (main gable and lantern) at the Provincetown Public Library, 356 Commercial Street, Provincetown, MA 02657.*

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

### 6A REGIONALIZATION UPDATE

Discussion on regionalizing transfer station services to see if some are open certain days of the week. Procurement opportunities with Barnstable County – ordering in bulk.

**MOTION:** *Move that the Board of Selectmen vote to meet on March 4, 2009 at 7:00 PM at the Wellfleet Council on Aging with the three other boards.*

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

**6B**    **APRIL 6, 2009 ANNUAL & SPECIAL TOWN MEETINGS**

Set Dates for Opening and Closing of Warrants

**MOTION:** *Move that the Board of Selectmen vote to open the Monday, April 6, 2009 Annual and Special Town Meeting warrants on Thursday, February 26, 2009 at 8:00 AM and to close them on Thursday, March 5, 2009 at 5:00 pm, in accordance with Charter §2-1-7.*

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

**6C**    **TOWN MANAGER FOLLOW-UP / OTHER**

Coastal Engineering will look at the drainage by the corner of Jerome Smith Parking lot regarding the ponding.

Mary-Jo wants hard copies of e-mails - Vernon. Town Hall progressing, CPC toured the building last week.

**7. CLOSING STATEMENTS**

Mary-Jo Avellar – None

David Bedard – Would the Board of Selectmen be interested in forming a fund raising committee for Town Hall?

Elaine Anderson – Thank Town Manager for the town hall tour; dog park alive and well; note from George Bryant about the regional office.

Austin Knight – Historic Committee voted in favor of the color scheme for Town Hall. Any town boards that have a favorable report should weigh in. MJA – asked Sal Del Deo about the colors; he thought it was great. 400<sup>th</sup> Celebration

Michele Couture – thank Sharon & Alix for hard work during this time.

**8. 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 9:30 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen  
March 18, 2009