

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

SPECIAL MEETING - MONDAY, MARCH 23, 2009

VETERANS MEMORIAL ELEMENTARY SCHOOL

Chairman Michele Couture convened the meeting at 5:00 PM noting the following Board of Selectmen attending: Mary-Jo Avellar, Elaine Anderson, Mary-Jo Avellar, Austin Knight, David Bedard

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

Recorder: Vernon Porter

The following are meeting minutes, in brief:

1. **APRIL 6, 2009 ANNUAL & SPECIAL TOWN MEETINGS**

Adoption of Board of Selectmen's Recommendation on Articles

APRIL 6, 2009 SPECIAL TOWN MEETING ARTICLES

MOTION: *Move that the Board of Selectmen vote to table Article STM-1 FY 2009 Budget Adjustments – Operating and Enterprise to April 6, 2009 Town Meeting.*

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

MOTION: *Move that the Board of Selectmen vote to recommend STM-2 Wastewater Optimization and expansion – Borrowing authorization \$3,300,000*

Motion by: Michele Couture **Seconded by:** Austin Knight
Yea 4 Nay 1 (Mary-Jo Avellar)

MOTION: *Move that the Board of Selectmen vote to recommend STM-3 Replace Ladder Truck - \$3,000 (debt exclusion)*

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

MOTION: *Move that the Board of Selectmen vote to recommend STM-4 Create Regional School District Planning Committee*

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

MOTION: *Move that the Board of Selectmen vote to recommend STM-5 Street Sweeper - \$182,162 (2 ½ over-ride)*

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

MOTION: *Move that the Board of Selectmen vote to recommend STM-6 Use of Parking Funds to Purchase Automated Pay Stations - \$100,000*

Motion by: Austin Knight **Seconded by:** Elaine Anderson
Yea 4 Nay 0 Abstain 1 (Mary-Jo Avellar)

MOTION: *Move that the Board of Selectmen vote to recommend STM-7 Local Options Hotel Tax*

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

MOTION: *Move that the Board of Selectmen vote to recommend STM-8 Local Option Meals Tax*

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

APRIL 6, 2009 ANNUAL TOWN MEETING ARTICLES

MOTION: *Move that the Board of Selectmen vote to Hear Town Reports.*

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

MOTION: *Move that the Board of Selectmen vote to recommend ATM-2 FY 2010 Operating Budget \$19,431,904.*

Motion by: Austin Knight **Seconded by:** Elaine Anderson
Yea 4 Nay 1 (Mary-Jo Avellar)

MOTION: *Move that the Board of Selectmen vote to recommend ATM-3 Public Services / Recreation Dept.*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight
Yea 4 Nay 0 Abstain 1 (David Bedard)

MOTION: *Move that the Board of Selectmen vote to recommend ATM-4 Cape Cod Regional Technical High School Assessment \$88,072*

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

MOTION: *Move that the Board of Selectmen vote to recommend ATM-5 Wastewater Enterprise Fund \$2,365,714 and Water Enterprise Fund \$1,904,870*

Motion by: Austin Knight **Seconded by:** David Bedard
Yea 4 Nay 1 (Mary-Jo Avellar)

MOTION: *Move that the Board of Selectmen vote to recommend ATM-6 FY 2009 Capital Improvements Program: DPW Street/Sidewalk Repair \$50,000*

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

MOTION: *Move that the Board of Selectmen vote to recommend ATM-7 Capital Improvements Program: DPW Drainage Maintenance \$50,000*

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

MOTION: *Move that the Board of Selectmen vote to recommend ATM-8 FY 2009 Revolving Accounts: Town Hall Auditorium and Shellfish Grants*

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

MOTION: *Move that the Board of Selectmen vote to recommend ATM-9 Greenhead Fly Assessment \$938.75*

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

MOTION: *Move that the Board of Selectmen vote to recommend ATM-10 Community Preservation Budget for FY 2009 \$1,470,623*

1A. Open Space Reserve \$0

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

1B. Community Housing Reserve \$0

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

1C. Historic Resources Reserve \$57,153

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

2A. Open Space Debt \$60,530

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

2B. Community Housing Debt \$243,200

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

2C. Housing Office \$59,740

Motion by: Austin Knight

Seconded by: Elaine Anderson Yea 5 Nay 0

2D. Community Housing Reserves \$150,000

Motion by: Austin Knight

Seconded by: Mary-Jo Avellar

Yea 4 Nay 0 Abstain 1 (David Bedard)

2E. Purchase of Land at 608 Commercial St. \$100,000

MOTION: *Move that the Board of Selectmen vote to reconsider at Town Meeting on April 6, 2009*

Motion by: Austin Knight

Seconded by: Mary-Jo Avellar

- Motion Withdrawn -

MOTION: *Move that the Board of Selectmen vote to reserve recommendation.*

Motion by: Michele Couture

Seconded by: David Bedard Yea 5 Nay 0

2F. Community Housing at 35 Race Point Road \$800,000

MOTION: *Move that the Board of Selectmen vote to recommendation.*

Motion by: Mary-Jo Avellar

Seconded by: NO SECOND

MOTION: *Move that the Board of Selectmen vote to reserve recommendation.*

Motion by: Austin Knight

Seconded by: David Bedard

- Motion Withdrawn -

MOTION: *Move that the Board of Selectmen vote to NOT recommend..*

Motion by: Austin Knight

Seconded by: Mary-Jo Avellar

Yea 4 Nay 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to recommend ATM-11 Town Hall Project \$2,000,000*

Motion by: Austin Knight

Seconded by: Mary-Jo Avellar Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend ATM-12 Town Hall Historic Preservation Restriction.*

Motion by: Mary-Jo Avellar

Seconded by: Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend ATM-13 Amendments to Personnel By-law/Classification and Compensation Plan*

Motion by: David Bedard

Seconded by: Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend ATM-14 Expenditures from the Tourism Fund \$423,136*

Motion by: Austin Knight

Seconded by: David Bedard Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend ATM-15. FY 2010 Human Services Grant Program. \$53,799*

Motion by: Mary-Jo Avellar

Seconded by: Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to indefinitely postpone ATM-16. Adoption of MGL. C. 32B § 18 - Medicare*

Motion by: Michele Couture

Seconded by: Mary-Jo Avellar

Yea 4 Nay 1 (David Bedard)

MOTION: *Move that the Board of Selectmen vote to recommend ATM-17 Land Bank – Acquisition of Land at 6R, 10R and 14R Browne Street \$200,000*

**Motion by: Elaine Anderson Seconded by: Mary-Jo Avellar
Yea 3 Nay 2 (Austin Knight / David Bedard)**

MOTION: Move that the Board of Selectmen vote to Reserve Recommendation on ATM-18 Land Bank – Acquisition of a portion of 608 Commercial Street \$150,000 Land Bank and \$250,000 appropriate and borrow.

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

MOTION: Move that the Board of Selectmen vote to recommendation - ATM-19 Non-criminal Disposition of Pier Corporation Regulations

Motion by: Austin Knight Seconded by: David Bedard Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to NOT recommend - ATM-20 Marijuana Policy

**Motion by: Mary-Jo Avellar Seconded by: David Bedard
Yea 4 Nay 1 (Michele Couture)**

MOTION: Move that the Board of Selectmen vote to Recommend - ATM-21 Historic District By-law

**Motion by: Michele Couture Seconded by: Austin Knight
Yea 4 Nay 1 (Mary-Jo Avellar)**

MOTION: Move that the Board of Selectmen vote to Reserve Recommendation on ATM-22 Delete By-law Section 9-5 Habitations for Rent

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

MOTION: Move that the Board of Selectmen vote to Recommendation - ATM-23 Licensing and Vaccination of Dogs

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

MOTION: Move that the Board of Selectmen vote to Recommendation - ATM-24 Safe Transportation of Animals

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

MOTION: Move that the Board of Selectmen vote to NOT Recommend - ATM-25 Controlling of Dogs

Motion by: Mary-Jo Avellar Seconded by: Austin Knight - Motion Failed –

MOTION: Move that the Board of Selectmen vote to Recommend - ATM-25 Controlling of Dogs

**Motion by: Michele Couture Seconded by: Elaine Anderson
Yea 3 Nay 2 (Mary-Jo Avellar / Austin Knight)**

MOTION: Move that the Board of Selectmen vote to recommend - ATM-26 Zoning By-law Amendment: Article 6 Growth Management By-law

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

MOTION: Move that the Board of Selectmen vote to recommend - ATM-27 Zoning By-law Amendment: Section 2330 Floodplain District Boundaries and Base Floodplain Elevation Data

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

MOTION: Move that the Board of Selectmen vote to NO recommendation - ATM-28 Eliminate Term Limits

**Motion by: David Bedard Seconded by: Austin Knight
Yea 4 Nay 1 (Mary-Jo Avellar)**

MOTION: *Move that the Board of Selectmen vote to Reserve Recommendation - ATM 29 Name a street After Original Shawnee Tribe*

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

MOTION: *Move that the Board of Selectmen vote to Recommend - ATM-30 Smoking Cessation Class*

Motion by: Mary-Jo Avellar **Seconded by:** - NO SECOND -

MOTION: *Move that the Board of Selectmen vote to Reserve Recommendation - ATM-30 Smoking Cessation Class*

Motion by: Michele Couture **Seconded by:** David Bedard Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to NOT Recommend - ATM-31 Real Estate Transfer Fee*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight
Yea 3 Nay 2 (Elaine Anderson / Michele Couture)

MOTION: *Move that the Board of Selectmen vote to NOT Recommend - ATM-32 Waterways Capital Reserve Fund*

Motion by: Austin Knight **Seconded by:** Mary-Jo Avellar
Yea 4 Nay 1 (Mary-Jo Avellar)

Motion to adjourn by Mary-Jo Avellar at 6:29 pm

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
April 1, 2009