

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, MAY 11, 2009

LARKIN HALL

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, and David Bedard

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner

Recorder: Vernon Porter

The following are meeting minutes, in brief:

1A REORGANIZATION OF BOARD OF SELECTMEN

Election of Chairman and Vice Chairman

MOTION: *Move that the Board of Selectmen vote to elect Selectman Michele Couture as Chairman of the Board of Selectmen for a term of one (1) year commencing immediately.*

Motion by: Elaine Anderson **Seconded by:** David Bedard

Yea 3 Nay 2 (Mary-Jo Avellar/Austin Knight) - **MOTION PASSES** -

MOTION: *Move that the Board of Selectmen vote to elect Selectman Elaine Anderson as Vice Chairman for the Board of Selectmen for a term of one (1) year commencing immediately.*

Motion by: Michele Couture **Seconded by:** No Second

MOTION: *Move that the Board of Selectmen vote to elect Selectman David Bedard as Vice Chairman for the Board of Selectmen for a term of one (1) year commencing immediately.*

Motion by: Austin Knight **Seconded by:** No second

MOTION: *Move that the Board of Selectmen vote to elect Selectman Elaine Anderson as Vice Chairman for the Board of Selectmen for a term of one (1) year commencing immediately.*

Motion by: Michele Couture **Seconded by:** Elaine Anderson

Yea 2 Nay 3 (Mary-Jo Avellar/Austin Knight/David Bedard) - **DOES NOT PASS** -

MOTION: *Move that the Board of Selectmen vote to elect Selectman David Bedard as Vice Chairman for the Board of Selectmen for a term of one (1) year commencing immediately.*

Motion by: Austin Knight **Seconded by:** David Bedard

Note: Mary-Jo Avellar stated that because David Bedard is the Board's liaison to the Provincetown Public Pier Corp., which employs her husband, she will abstain from the vote.

Yea 4 Nay 0 Abstain 1 (Mary-Jo Avellar) - **MOTION PASSES** -

1B PUBLIC HEARING – GRANT APPLICATION AND AWARD

Massachusetts Community Development Block Grant FY 08 Economic Development Funds

Chairman Couture read the Public Hearing Notice into the record.

MOTION: *Move that the Board of Selectmen vote to authorize the execution of a grant application and grant agreement under the Massachusetts Community Development Block Grant's Economic Development Fund for a grant of approximately \$20,000 for the payment of legal fees associated with recovering a past loan to Provincetown Laundromat, Inc. through the Massachusetts Department of Housing & Community Development.*

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

1C ECONOMIC DEVELOPMENT PERMIT

306 Commercial Street, Unit 3

Chairman Couture read the Public Hearing Notice into the record.

Public Comments

Bobby Enos – In favor of this application.

Steve Roderick – What they are trying to do is great and converting this space to residential is beneficial to the community and the applicants have proven themselves to the community. I hope you can support their request.

Roger Lookingbill (7A Nelson Ave.) – Neighbors of applicants and I urge the Board of Selectmen to support their application.

Rob Costa – I know them personally and the location of the business is a dead zone and I commend them for bringing this forth as residential use and encourage you to support this application.

Chairman Couture read written comments attached to the agenda item into the record.

Assistant Town Manager David Gardner – Gave an update as to why this has had to come before the Board of Selectmen to be approved for an Economic Development Permit. Town Counsel gave several options for the board to select from.

Board of Selectmen Comments

Open discussion ensued.

MOTION: Move that the Board of Selectmen vote to approve the Economic Development Permit for the 306 Commercial Street Unit #3, based on findings that the proposed use is consistent with the criteria set forth in Selectmen Policy 2009-02-09, subject to the attached permit as submitted, and subject to a residential use covenant, which could require year-round residency.

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

2. PUBLIC STATEMENTS

George Bryant – Reported on Barnstable County Assembly of Delegates happenings.

Steve Roderick - Issue of Farmer's Market – hope that the zoning issues in his letter sent to the Board of Selectmen will be addressed in writing. Would like a drop box to put mail in when the office at town hall are closed.

Richard Keating - Proposal that he will be talking to the Cemetery Commission concerning the Winthrop Cemetery. He would like to volunteer to help restore many areas of the cemetery with the permission and blessing of the Board of Selectmen and Cemetery Commission.

3. SELECTMEN STATEMENTS

David Bedard

I am in favor of work being done in Winthrop St. Cemetery – to work with DPW and thank Dr. Keating for his proposal and for volunteering.

Economic Counsel – would like to have them in a future meeting.

Thanks to those who voted for me in the last election.

Elaine Anderson

Thanks to Treg Kaeselau for standing out in the weather at the town election.

Thank the Town Manager for answering letters of citizens concerns.

Complaints from people regarding Street Performers. I would like to set the tone for all Street Musicians – appealing to all of you to use your common sense with each other this year.

Congratulations to David Bedard on being re-elected.

Austin Knight

Follow up on George Bryant's comments.

Email from Gay Men's Chorus to Tourism Director to talk with them regarding a venue.

Congratulations to Ms. Notaro on her election to the School Board.

Mary-Jo Avellar

Town Boards – We need people volunteers for our town boards.

Meeting with Mark Forest (Rep. Delahunt's Representative) – Spoke about a transportation center and that the location may possibly be MPL with the possibility of eliminating some parking spaces. If this is the case, I would not support such a project. Would like this scheduled for a future agenda item.

Quite concerned that the Banners did not have any press coverage on the 5 major prop 2 ½ override articles prior to the town election.

Michele Couture

Congratulations to town staff on their work during the recent election.

Tom Philben email regarding Municipal Health Insurance Bill pending at the State House. (Sharon Lynn explained what this was all about and that it does not relate to Provincetown at this time.)

My thanks to Elaine Anderson for her year as Vice-Chair and congratulations to David Bedard on being elected as this year's Vice-Chair.

The 2008-09 Provincetown High School Academy Arts & Science Technology Class will hold their 10th Annual Exhibition of Student Works at the Ptown Art Association & Museum May 8 – 17th.

Welcome Summer Police Officers.

Letter from Doug Johnstone from Ken Weise re: matching donations up to \$2,500 for the History Preservation Project.

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Ken Weiss for his generous pledge to match donations up to \$2,500 for the History Preservation Project.

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

Note letter received from Past President of COA Kay Vogt thanking Val Carrano. Mr. Porter submitted a copy for Ms. Carrano's personnel file upon receipt of Ms. Vogt's letter.

4. APPOINTMENT

None at this time.

5A HERRING COVE VILLAGE

Regulatory Agreement

MOTION: Move that the Board of Selectmen vote to authorize the execution of a Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for Herring Cove Village units #4, #7, and #10 at 21 Bradford Street Extension.

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

5B PROVINCETOWN FARMERS' MARKET

Farmer's Market Organizer - Andy Pollock would welcome a market committee to take over the farmer's market to help him out.

Wait to hear from Town Counsel. Organize a Farmer's Market Marketing Committee.

5C DPW SERVICE CONTRACT FOR FY 2010

Heating Fuel #2 – Cape Cod Oil

MOTION: *Move that the Board of Selectmen vote to execute a contract with low bidder M.J.T. Enterprises, Inc. d/b/a Cape Cod Oil Co., 227 Route 6, Provincetown, MA., for the provision of providing Heating Oil #2, with Service, to the Town of Provincetown, for the contract price not to exceed \$0.134 over the Boston Low as specified in the "Form Of General Bid."*

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

5D1 WEST END PARKING LOT DRAINAGE OUTFALL PIPE

Execute Professional Service Agreement with Stearns & Wheler

MOTION: *Move that the Board of Selectmen vote to execute a professional Services Agreement with Stearns and Wheler in the amount of \$26,630.00 for final design of the West End Parking Lot (Outfall P-3) Stormwater Improvements. 75% of this professional services agreement will be paid for through the Coastal Zone Management in the amount of \$20,480.00.*

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

5D2 DPW – COASTAL ZONE MANAGEMENT/CPR GRANT

West End Parking Lot Drainage Outfall Pipe

MOTION: *Move that the Board of Selectmen vote to execute a contract with the Commonwealth of Massachusetts – Coastal Zone Management in the amount of \$20,480.00 for 75% reimbursement for the West End Parking Lot (Outfall P-3) Stormwater Improvements Final Design.*

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

5E PARKLAND ACQUISITIONS & RENOVATIONS FOR COMMUNITIES

Grant Request – 608 Commercial Street – Suzanne's Garden

MOTION: *Move that the Board of Selectmen vote to approve to submit a Parkland Acquisitions and Renovations for Communities (PARC) Grant application to the Massachusetts Department of Conservation and Recreation (DCR), and Executive Office of Environmental Affairs (EOEA), seeking a reimbursement grant in an amount not to exceed 52 percent of the purchase price or 52 percent of the appraised value, which ever is less, and as determined under the Yellow Book appraisal guidelines and PARC grant guidelines as established by DCR.*

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

5F POLICE STATION PUMP UPDATE

Sharon Lynn - On-going problems of a vital building that has to be fixed. Chief Jaran gave an overview of where the building stands as of now, prior to the building study being done next week. The short term fix are mechanical, electrical, plumbing, etc Funding could come from FinCom Emergency Fund. Elaine Anderson – We should obtain a comprehensive estimate to know what the anticipated expenses could be.

Mary-Jo Avellar left the room

5G TREASURER'S TRANSFERS

John A. Henry Trust Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$1,150.00 from the John A. Henry Trust Fund for the payment of the attached invoice(s)*

Motion by: David Bedard

Seconded by: Austin Knight

Yea 4 Nay 0

6A **INSERT BALLOT QUESTION**

June 23, 2009 Special Town Election

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 59, § 21C(g) to insert ballot question(s) onto the June 23, 2009 Annual Town Election as follows:*

“Shall the Town of Provincetown be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund Phase 2 construction costs for the comprehensive restoration and renovation of Town Hall, consisting of the replacement of the mechanical, electrical, plumbing, and fire protection systems and including all costs incidental and related thereto?”

Motion by: Elaine Anderson

Seconded by: Austin Knight

Yea 4 Nay 0

Mary-Jo Avellar returned.

6B **TOWN HALL PROJECT GIFT FUND**

Establish Special Gift Fund – M.G.L. c. 44, §53A

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL Chapter 44, section 53A, to establish a special Town Hall Project Gift Fund, with the balance in said fund to be expended without further appropriation by the Town Manager to maintain and make repairs to the Town Hall.*

Motion by: David Bedard

Seconded by: Elaine Anderson

Yea 5 Nay 0

6C **SURPLUS DECLARATION**

Fire Department Vehicle

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, a 1996 Ford CF8000 Chassis, VIN # 1FDYH81E4TVA14734 with a 75 ft. four section Maxim aerial ladder which vehicle was declared surplus by the Board of Fire Engineers on March 26, 2009; with a minimum bid of \$10,000.*

Motion by: Mary-Jo Avellar

Seconded by: Elaine Anderson

Yea 5 Nay 0

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

Town hall is proceeding on schedule and scheduled to be painted in the next few weeks. Will follow-up on what preparations are being made to ensure the paint does not peel immediately. (Austin Knight – Is there a warranty on the painting of town hall?)

Recreation Director would like to hang plywood at the Skateboard Park to allow kids a venue for their art (graffiti).

MOTION: *Move that the Board of Selectmen vote to authorize the Town Manager go forward with this project.*

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 send a letter of thanks to Brandon Motta for the graffiti art at the Skateboard Park.*

Motion by: Mary-Jo Avellar **Seconded by: Elaine Anderson**

Yea 4 Nay 0 Abstain 1 (David Bedard)

(David Bedard recused himself from the above motions as he is the owner of a for-profit gym which provides services similar to those provided by the Community Center)

7 **MINUTES OF BOARD OF SELECTMEN’S MEETINGS**

MOTION: *Move that the Board of Selectmen vote to approve the minutes of April 21, 2009 (Special*

Meeting) with changes so noted.

Motion by: Austin Knight

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the minutes of April 27, 2009 (Regular Meeting) with changes so noted.

Motion by: Austin Knight

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

8. CLOSING STATEMENTS

David Bedard – None

Elaine Anderson - Request that one port-a-pottie be place at the East End Fire Station for any large week-end events. Town Manager Sharon Lynn – this has been discussed with DPW, and the cost is the problem.(\$600 each). We will look into this further.

Austin Knight – When is our next meeting with water team? Identified sites for water? We need to come to speed with alternative sources soon. I don't think we have a clear plan. We need to come up with a better plan. Request to bring Mark White from EPG be brought in for next meeting.

Mary-Jo Avellar - None

Michele Couture – Have Mr. Guertin send pumpage report comparisons for the past several years.

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 personnel issues; and not to convene in open session thereafter. [Roll Call Vote]

Elaine Anderson – Yes

Austin Knight – Yes

Mary-Jo Avellar - Yes

David Bedard – Yes

Michele Couture – Yes

Motion by: Austin Knight Seconded by: Elaine Anderson

Yea 5 Nay 0 - Motion Passes -

The Board adjourned to go into executive session at 9:55 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
June 3 , 2009