

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – MONDAY - DECEMBER 14, 2009

### LARKIN HALL

Vice-Chairman David Bedard convened the meeting at 6:04 PM noting the following Board of Selectmen attending: David Bedard, Mary-Jo Avellar, Austin Knight, and Elaine Anderson

Excused Absence: Michele Couture

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

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

#### 1A PILGRIM MONUMENT & PROVINCETOWN MUSEUM

100<sup>TH</sup> Anniversary Update – Mr. James Bakker

Executive Director James Bakker and President of PMPM – Charles Silva presented an update on the Centennial planning process for next year.

Letter campaign - Asked the Board of Selectmen to send letter to the President Barack Obama, and to encourage our citizens to participate as much as possible. Also would like a proclamation for August 5, 2010.

Austin Knight will conduct a letter writing campaign for 10,000 letters to the President.

***MOTION: Move that the Board of Selectmen vote to send a letter to the President of the United States, Vice President, Governor, and all our State and Congressional representatives encouraging them to attend the 100<sup>th</sup> Anniversary of the Pilgrim Monument.***

**Motion by: Mary-Jo Avellar    Seconded by: Austin Knight            Yea 4    Nay 0**

Need to start planning for police and support services.

#### 1B JOINT MEETING WITH BEAUTIFICATION COMMITTEE

This agenda item has been postponed.

#### 2. PUBLIC STATEMENTS

Lincoln Sharpless – thanked the Town Manager & Assistant Town Manager David Gardner for working on the three areas of Route 6. Concerned about the cost, and suggest the money should already be budgeted.

Robin Evans – Request Board of Selectmen and Town Government to set up a land use program to cover town owned land.

Astrid Berg - 1) In favor of the Town Hall Water Fountain, and has donated a bench in her parents name adjacent to the fountain. 2) Not happy about the water fee increases and the process the Water & Sewer Board conducted at the public hearing. 3) Concerned over the negative balance in the Water Enterprise Fund because of town's failure to do long term borrowing at the end of the fiscal year. 3) In minutes of Water & Sewer Board \$966,000 – where is this money? 4) Route 6 issue – don't want to see any construction in that area.

Miriam Collinson – Thanks TM & ATM for their work on Route 6, and hopes there will be no need to use any area on Route 6. Suggest that the DPW area should be used for all staging.

Candace Nagle – Concerned about the additional clearing in Route 6 median which came to light at the

Conservation Commission meeting last week.

### 3. **SELECTMEN STATEMENTS**

#### **Mary-Jo Avellar**

Heard that at the ConCom meeting there is going to be more clear cutting on Route 6, and definitely does not want this to happen. Wants DPW to reconsider where pipes can be housed to ensure that more trees are not cut.

Relative to the recent water bills, would like a report on the \$966K that we cannot use. The Elderly Low-Income Water Exemption should be published to the seniors through the Council on Aging. How many seniors have take advantage of the Elderly Low-Income Water Exemption?

Wants a joint meeting with the Water & Sewer Board to explain the water increases.

***MOTION: Move that the Board of Selectmen vote to get a report regarding the Water Enterprise Fund balance, and why there is a need for the increase, and what are the future infrastructure needs within Water.***

**Motion by: Mary-Jo Avellar    Seconded by: Austin Knight                    Yea 4    Nay 0**

Wants a follow-up on the letter from Gerry Walsh concerning his home at 9A Conwell St., Apt. 6. Complaints that it is in disrepair and the landlord is not doing anything about it. Has been to the town for assistance on several occasions, and feels he is getting no where. This matter has been going on too long and needs to be addressed immediately.

***MOTION: Move that the Board of Selectmen vote to get a report on the situation at 8 Conwell St., Apt 6.***

**Motion by: Mary-Jo Avellar    Seconded by: Elaine Anderson                    Yea 4    Nay 0**

Oil tank at town hall – was it installed? Answer – No.

***MOTION: Move that the Board of Selectmen vote to ask the Provincetown Public Pier Corporation where their financial statements are, and why they have not been released since 2006.***

**Motion by: Mary-Jo Avellar    Seconded by: Austin Knight                    Yea 4    Nay 0**

How do we get the gallons back from Clem & Ursie's? January 21, 2010 is the auction date.

#### **David Bedard**

Disappointed in the dragging of their feet on the Nelson Ave. project.

#### **Elaine Anderson**

Large timbers left at Kimball Lane have been removed.

Lighting of the monument was very festive this year and Holly Folly was a success.

Lopes Square was featured in the Cape Cod Times.

I visited the DPW site and there is a lot of area there. We all have our eye on Route 6 and re-vegetation.

Land Use Plan suggest by Robin Evans is a good idea.

Why is Ted Malone's project on 83 Shank Painter taking so long?

#### **Austin Knight**

***MOTION: Move that the Board of Selectmen vote to send a letter of appreciation to PBG for David Asher Senior Dinner.***

**Motion by: Austin Knight    Seconded by: Mary-Jo Avellar                    Yea 4    Nay 0**

#### **David Bedard**

New Fire Truck will be delivered this week, and there will be a get together at the Fire Station in January for people to come and see the new truck.

***MOTION: Move that the Board of Selectmen vote to have joint meeting with FinCom at 4 PM on January 5, 2010 to discuss budget strategies.***

***Motion by: David Bedard                      Seconded by: Austin Knight                      Yea 4    Nay 0***

***MOTION: Move that the Board of Selectmen vote to take Agenda Item 6A out of order.***

***Motion by: Austin Knight                      Seconded by: Mary-Jo Avellar                      Yea 4    Nay 0***

#### **6A ROUTE 6 CLEAR CUTTING & CONSERVATION REMEDIATION**

Letter from Brian Carlson in your packets is self explanatory. Update from Town Manager Sharon Lynn.

Floating dock stored in the DPW Garage has to be removed. Procurement to clean up the Highway Garage was received at a cost of \$24,900, is ready for my signature, and I will sign it if the Board does not have any objections. Answer – None

Austin Knight – ConCom is going to meet with DPW on the whole program for Route 6.

Mary-Jo Avellar – suggest that we consider our relationship with Robert B. Our due to the dirty fill that was placed on the Route 6 parcels.

Request report from Robert B. Our why the fill at Route 6 was not clear?

***MOTION: Move that the Board of Selectmen vote to have the DPW Director come before the Board of Selectmen at the first regular scheduled meeting each month and report on the Phase III progress.***

***Motion by: David Bedard                      Seconded by: Mary-Jo Avellar                      Yea 4    Nay 0***

Mary-Jo Avellar expressed that if there are any fines levied upon the town by the State, etc., for remediation that the consultants should pay if any fault is found.

Direct the Town to not use any staging areas along Route 6, and require DPW to stay off of Route 6.

#### **4A BOARD OF SELECTMEN APPOINTMENTS**

***MOTION: Move that the Board of Selectmen vote to appoint Kelli Dahl as a Regular Member of the Recycling and Renewable Energy Committee with to expire on December 31, 2012,***

***Motion by: Mary-Jo Avellar                      Seconded by: Austin Knight                      Yea 4    Nay 0***

***MOTION: Move that the Board of Selectmen vote to appoint Paul Gavin as a Regular Member of the Airport Committee with a term to expire on December 31, 2012,***

***Motion by: Mary-Jo Avellar                      Seconded by: Austin Knight                      Yea 4    Nay 0***

#### **4B TOWN MANAGER APPOINTMENTS & RE-APPOINTMENTS**

***MOTION: Move that the Board of Selectmen vote to approve the Town Manager's appointment of Vernon Porter to the Disability Commission, pursuant to MGL C.40, §8J, for a term to expire on December 31, 2010.***

***Motion by: Mary-Jo Avellar                      Seconded by: Austin Knight                      Yea 4    Nay 0***

***MOTION: Move that Board of Selectmen vote to approve the Town Manager's reappointments for terms expiring December 31, 2013, as follows:***

***(a) Michelle DeMarco to the Disability Commission, pursuant to M.G.L. c.40, §8J;***

***(b) Richard A. Silver and David Hale to the Conservation Commission, pursuant to M.G. L. c.40 §8C and Charter §6-6-1; and***

***(c) Stephen Milkewicz to the Historical Commission, pursuant to M.G.L. c.40 §8D and Charter §6-9-1.***

**Motion by: Mary-Jo Avellar      Seconded by: Austin Knight      Yea 4    Nay 0**

**5A    CHAPTER 90 REIMBURSEMENT REQUEST**

Court Street and 254 Bradford Street Project

***MOTION: Move that the Board of Selectmen vote to approve the 1<sup>st</sup> Chapter 90 Reimbursement Request in the amount of \$11,758.94 for the portion of the Court St/254 Bradford St Drainage Project that is funded by Chapter 90.***

**Motion by: Elaine Anderson      Seconded By: Mary-Jo Avellar      Yea 4    Nay 0**

**5B    TOWN HALL FOUNTAIN – Candace Nagle**

***MOTION: Move that the Board of Selectmen vote to endorse the proposal for a drinking fountain at Town Hall; and direct Staff to come back to the Board of Selectmen with the site plans, before the final location is decided.***

**Motion by: Mary-Jo Avellar      Seconded by: Elaine Anderson      Yea 4    Nay 0**

**5C    CURB CUT POLICY**

***MOTION: Move that the Board of Selectmen vote to direct staff to draft a Board of Selectmen Policy Statement regarding the Process and Procedures for the review of Curb Cut applications, along with a proposed fee, and schedule a public hearing on Tuesday, February 23, 2010; and further not to consider any curb cuts until this policy is in place.***

**Motion by: Elaine Anderson      Seconded by: Mary-Jo Avellar      Yea 4    Nay 0**

**5D    TREASURER’S TRANSFER**

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 \$ 823.20 from the Library Building Gift Fund - Landscaping to pay for the attached invoice(s).***

**Motion by: Mary-Jo Avellar      Seconded by: Elaine Anderson      Yea 4    Nay 0**

**5E    FISHERMAN’S WHARF GIFT FUND**

***MOTION: Move that the Board of Selectmen vote, pursuant to MGL Chapter 44, Section 53A, to establish a special gift fund to be named, “Fisherman’s Wharf Gift Fund,” with the balance in said fund to be expended to cover costs associated with the potential acquisition of the Fisherman’s Wharf.***

**Motion by: Mary-Jo Avellar      Seconded by: Austin Knight      Yea 4    Nay 0**

**5F    CEMETERY UPDATE**

Open discussion. Board request to see plans beforehand. Work will be done by DPW crew under the direction of the Engineers. Landscape buffer will be maintained along Alden Street and existing soccer field.

**6B    TOWN HALL COSTUME BALL**

Town Hall Auditorium Fundraiser

***MOTION: Move that the Board of Selectmen vote to direct the Town Manager to move forward on planning a Town Hall Costume Ball Fundraiser for the soon to be renovated Town Hall Auditorium.***

**Motion by: Elaine Anderson      Seconded by: Mary-Jo Avellar      Yea 4    Nay 0**

**6C    TOWN MANAGER FOLLOW UP**

Firehouse #2 – work started today. No plans to close any roads through this project.

Thanks to all the volunteers who showed up for the Brown Street Community Project.

Went before the Recreation Commission to discuss the potential relocation of some programs to the Schools. Would like to form a working group with two members of the Recreation Commission, School Committee to participate in a discussion of potential consolidation of programs with the School and the future uses at the Community Center.

***MOTION: Move that the Board of Selectmen vote to grant the request of the Town Manager to form a working group with the Recreation Commission, School and Board of Selectmen to discuss the feasibility of moving the Recreation Department to the School.***

**Motion by: Austin Knight                      Seconded by: Mary-Jo Avellar  
Yea 3    Nay 0    Abstain 1 (David Bedard)**

Volunteers for this group – Elaine Anderson and Mary-Jo Avellar.

Future of Community Center and the repairs needed.

***MOTION: Move that the Board of Selectmen vote to send a letter of appreciation to Val Carrano who will be retiring in January after seventeen years of service to the town.***

**Motion by: Mary-Jo Avellar                      Seconded by: Austin Knight                      Yea 4    Nay 0**

6D **OTHER** – Nothing at this time.

7. **MINUTES OF BOARD OF SELECTMEN'S**

***MOTION: Move that the Board of Selectmen vote to approve the minutes of November 10, 2009 (Exec Session 4:30 PM.) as printed.***

**Motion by: Elaine Anderson                      Seconded by: Austin Knight                      Yea 4    Nay 0**

***MOTION: Move that the Board of Selectmen vote to approve the minutes of November 10, 2009 (Exec Session 5 PM) as printed.***

**Motion by: Elaine Anderson                      Seconded by: Austin Knight                      Yea 4    Nay 0**

***MOTION: Move that the Board of Selectmen vote to approve the minutes of November 10, 2009 (Joint Mtg. w/Truro) as printed.***

**Motion by: Elaine Anderson                      Seconded by: Austin Knight                      Yea 4    Nay 0**

***MOTION: Move that the Board of Selectmen vote to approve the minutes of November 23, 2009 (Regular Mtg.) with change so noted..***

**Motion by: Elaine Anderson                      Seconded by: Austin Knight                      Yea 4    Nay 0**

***MOTION: Move that the Board of Selectmen vote to approve the minutes of December 1, 2009 (Joint Mtg. w/FinCom.) as printed.***

**Motion by: Elaine Anderson                      Seconded by: Austin Knight                      Yea 4    Nay 0**

***MOTION: Move that the Board of Selectmen vote to approve the minutes of December 7, 2009 (Town Mgr.) with changes so note.***

**Motion by: Elaine Anderson                      Seconded by: Austin Knight                      Yea 4    Nay 0**

8. **CLOSING STATEMENTS**

Mary-Jo Avellar – None                      Austin Knight - None

David Bedard – None                      Elaine Anderson - None

Motion to adjourn by Mary-Jo Avellar at 8:52 PM,

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