

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY – MARCH 22, 2010

LARKIN HALL

Chairman Michele Couture convened the meeting at 6:10 PM noting the following Board of Selectmen attending: Michele Couture, David Bedard, Mary-Jo Avellar, Austin Knight, and Elaine Anderson

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

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

MOTION: *Move that the Board of Selectmen vote to take agenda item 5G out of order.*

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

5G **PROVINCETOWN POLICE DEPARTMENT** FFY 2010 Underage Alcohol Enforcement Grant

MOTION: *Move that the Board of Selectmen vote to authorize the Chief of Police Jeff Jaran, to submit and accept a grant to the Executive Office of Public Safety under its Federal FY 2010 Underage Alcohol Enforcement Grant program in the amount of \$5,000.*

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

1A **ECONOMIC DEVELOPMENT PERMIT** 361 Commercial Street, Tonga Trust (Gandolfo), Property Owner

Chairman Couture read the public hearing into the record.

Public Comments – None

Celine Gandolfo – presented her reasons for this request.

Chair Michele Couture read letter from Brian Dudley of DEP – in favor of this request.

MOTION: *Move that the Board of Selectmen vote to approve Economic Development Permit 10-01 for 361 Commercial Street, 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 with condition as submitted.*

Motion by: David Bedard **Second By**: Austin Knight Yea 5 Nay 0

1B **NSTAR – ROUTE 6 – “LOOP FEED PROJECT”**

NSTAR Attendees: Supervisor Customer Service Jeff Luce, Manager of Operations Fred Slade, Lead Engineer John Gomber and Sr. Engineer, Asset Strategy James Weaver, and

In addition to the material attached to the agenda item, Mr. Luce gave a brief update as to

what the project entails such as proposed pole and cable upgrades along with new underground routes.

Open discussion ensued.

1C JOINT MEETING WITH HOUSING AUTHORITY & OPEN SPACE COMMITTEE

Housing Authority attendees: Molly Perdue, Cheryl Andrews, Noah Taylor and Nancy Jacobsen

Open Space Committee: Stephen Milkewicz, Henry (Hank) Janowsky, Elizabeth Patrick, Dennis Minsky, and David Hale.

Open discussion ensued on the potential uses for the purchase of the Hawthorne Property based on Articles 18 and 19 of the Annual Town Meeting.

Chairman Couture recommended that both committees meet again to secure more information before making a decision.

2. PUBLIC STATEMENTS

Candace Nagle – Commented on the previous meeting this evening re: Pier Corporation. Wants to know the updates on the 12 recommendations to the PPPC by the Finance Committee Plans to start her own website regarding the Pier Corp.

Jim Foss – Opposed to Article 16 – Bylaw amendment to extend hours of entertainment. Asked the Board of Selectmen not to support this article put forth by the Licensing Board. Feels it will lead to crime, increase drunkenness, and drunk driving.

Barbara Rushmore - Pleased with the vote taken by the Congress last evening for Health Reform but appalled with behavior of the Tea Party demonstrators. Would like the Board of Selectmen to look into, and reduce, the amount of salt used on our town streets during the winter.

Rick Murray – Urge the Selectmen to support Article 16 – increase in hours of entertainment.

3. SELECTMEN STATEMENTS

Mary-Jo Avellar

Inquired about our town custodians Michael Andrews and Jackie Wilhoite. (Vernon-Cards have been sent to both.)

The twelve recommendations by the FinCom for the Pier Corp. that Ms. Nagle was referring to in Public Statements – would like a report and added to our next agenda.

David Bedard

MOTION: Move that the Board of Selectmen vote to send a letter to the Cape Cod National Seashore Park Service expressing the Board's disappointment on the issue of poisoning crows.

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

Acknowledge the person who stayed with the body found at the West End.

Elaine Anderson

Agrees with Barbara Rushmore that is disappointing that people continue to not come forward to volunteer and is unfortunate that there is no Selectmen race.

Urge citizens to participate in our town government.

Please trim back your hedges so that they are not on town sidewalks, around corners, etc.

Remind everyone that this Wednesday, at Veterans Memorial School – State of Town

Austin Knight – Remind people to come to Town Meeting.

Michele Couture – None at this time.

4A **BOARD OF SELECTMEN APPOINTMENTS** - None at this time.

5A **COMMUNITY HOUSING COUNCIL - REPORT**

Michelle Jarusiewicz and Joe Carleo gave an update on the Housing Needs Analysis Update from the Community Housing Council.

5B **PROVINCETOWN TOWN HALL – AUDITORIUM**

Massachusetts Historical Commission Grant Agreement

MOTION: Move that the Board of Selectmen vote to accept the grant award of \$50,000 from the Massachusetts Historical Commission under the Massachusetts Preservation Projects Fund grant program for the repair and restoration of the town hall auditorium and to enter into a preservation restriction in perpetuity.

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

5C **DEPARTMENT OF PUBLIC WORKS**

Stearns & Wheler GHD Professional Services Contract

MOTION: Move that the Board of Selectmen vote to execute a Professional Services Agreement with Stearns & Wheler, GHD, 1545 Iyannough Road, Hyannis, MA, in the amount of \$14,542.00 for the construction of Stormwater Improvements at West End Lot (P-3).

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

5D **AIRPORT COMMISSION**

Snow Removal Equipment Purchase

MOTION: Move that the Board of Selectmen vote to execute a grant in the amount of \$47,500.00 from the Federal Aviation Administration (FAA) for the purchase of snow removal equipment for the Provincetown Municipal Airport.

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

5E **TREASURER - BOND ANTICIPATION NOTE #1075**

Cape Cod Five Cents Savings

MOTION: *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1075 due January 31, 2010 in the amount of \$3,630,000 dated April 1, 2010 at 1.25% (\$37,916.10) interest payable at maturity to the Cape Cod Five Cents Savings Bank on January 31, 2011.*

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

5F **TOWN HALL AUDITORIUM RENTAL POLICY**

MOTION: *Move that the Board of Selectmen vote to refer the proposed Town Hall Auditorium Rental Policy amendments to a public hearing on May 10, 2010.*

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

6A **APRIL 5, 2010 ANNUAL & SPECIAL TOWN MEETINGS**

Adoption of Board of Selectmen's Recommendations on Articles

SPECIAL TOWN MEETING

MOTION: *Move that the Board of Selectmen vote to recommend.
STM-1 FY 2010 Budget Adjustments – operating and enterprise*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
STM-2 Rescind Unused Borrowing Authority*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
STM-3 Transfer of Funds into Provincetown Public Pier Corp. Reserve Account (\$140,504)*

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-4 Replace Fueling Station (\$200,000)*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
STM-5 North Union Field Land Acquisition*

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 Stabilization Fund (\$250,000)*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
STM-7 Meals Tax Option (0.75%)*

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.
STM-8 Room Tax Option (2%)*

Motion by: David Bedard Seconded by: Elaine Anderson
Yea 4 Nay 1 (Mary-Jo Avellar)

MOTION: *Move that the Board of Selectmen vote to recommend.*
STM-9 Create a Special Purpose Stabilization Fund for Capital Improvements

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

MOTION: *Move that the Board of Selectmen vote to recommend.*
STM-10 Create a Special Purpose Stabilization Fund for Special Events

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

MOTION: *Move that the Board of Selectmen vote to recommend.*
STM-11 Home Rule Petition – Amend Room Excise Tax Distribution

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

MOTION: *Move that the Board of Selectmen vote to recommend.*
STM-12 Room Occupancy Tax

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

MOTION: *Move that the Board of Selectmen vote to recommend.*
STM-13 Cemetery Improvements

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

MOTION: *Move that the Board of Selectmen vote to recommend.*
STM-14 PARC Land Grant – Suzanne’s Garden

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

MOTION: *Move that the Board of Selectmen vote to recommend.*
STM-15 Land Bank – Pre-acquisition Expenses

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

MOTION: *Move that the Board of Selectmen vote to reserve recommendation.*
STM-16 General By-Law Amendment: Hours of Entertainment and Amusement Operation

Motion by: Michele Couture Seconded by: Elaine Anderson
Yea 4 Nay 1 (Austin Knight)

ANNUAL TOWN MEETING

MOTION: *Move that the Board of Selectmen vote to recommend.*
ATM-1 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 \$20,377,129 – +4.1%

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

MOTION: *Move that the Board of Selectmen vote to recommend.*
ATM-3 Cape Cod Regional Technical High School Assessment \$75,000

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

MOTION: *Move that the Board of Selectmen vote to recommend.
ATM-4 Wastewater Enterprise Fund \$2,817,594*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
Water Enterprise Fund \$2,103,899*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
ATM-5 FY 2011 Capital Improvements Program:*

1. *Building Assessment \$300,000*
2. *Storm Water Management \$100,000*
3. *Public Works Fleet Replacement Plan \$270,100*
4. *Replace Rescue Ambulance \$200,000*
5. *Police Fleet Upgrade Plan \$19,835*
6. *Public Safety/Communications Software \$150,200*
7. *Photocopier Replacement \$10,500*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
ATM-6 FY 2011 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-7 B-Street Garden Revolving Account*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
ATM-8 Greenhead Fly Assessment \$938.75*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
ATM-9 Community Preservation Budget for FY 2011 \$686,865*

- 1A. *Open Space reserve \$0 - No vote taken*
- 1B. *Community Housing reserve \$0 – No vote taken*
- 1C. *Historic Resources reserve \$0 – No vote taken*

MOTION: *Move that the Board of Selectmen vote to recommend.
ATM 9 - 2A. Debt Service \$444,856
(affordable housing \$254,099; open space \$62,987; historic preservation \$136,770)*

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

Mary-Jo Avellar recused herself and left the room due to conflict of interest on ATM 9-2B, ATM 18, and ATM 19.

MOTION: *Move that the Board of Selectmen vote to reserve recommendation.*
ATM 9 - 2B. Harry Kemp Way (Hawthorne property) open space acquisition \$133,200
Motion by: David Bedard **Seconded by:** Austin Knight Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to reserve recommendation.*
ATM-18 Land Bank – Acquisition of Hawthorne Property, Scenario 1: Conservation, Open Space and Affordable Senior Housing at 15 Aunt Sukeys Way
Motion by: Michele Couture **Seconded by:** David Bedard Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to reserve recommend.*
ATM-19 Land Bank – Acquisition of Hawthorne Property, Scenario 2: Conservation and Open Space at 15 Aunt Sukeys Way
Motion by: Austin Knight **Seconded by:** Elaine Anderson Yea 4 Nay 0

Mary-Jo Avellar returned.

MOTION: *Move that the Board of Selectmen vote to recommend.*
ATM 9 - 2C. Housing Office Support \$34,309
Motion by: Mary-Jo Avellar **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend.*
ATM 9 - 2D. Library Façade Restoration, Phase 2 \$45,000
Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to reserve recommendation.*
ATM 9 - 2E. Building Provincetown historic building book \$12,500
Motion by: Michele Couture **Seconded by:** Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to reserve recommendation.*
ATM 9 - 2F. CPC General Administration \$17,000
Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend.*
ATM-10 Amendments to Personnel By-law/Classification and Compensation Plan
Motion by: Mary-Jo Avellar **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend.*
ATM-11 Fund Collective Bargaining Agreement
Motion by: Mary-Jo Avellar **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend.*
ATM-12 Non-criminal Disposition of Pier Corporation Regulations
Motion by: David Bedard **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend.*
ATM-13 Expenditures from the Tourism Fund \$450,000

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

MOTION: *Move that the Board of Selectmen vote to recommend.
ATM-14 FY 2011 Human Services Program \$53,799*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
ATM-15 July 4th Celebration \$22,000*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
ATM-16 Library Renovations (Prop 2 ½ debt exclusion)*

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-17 Adoption of MGL c.40 §22G: Funds received from handicapped parking violations;
deposits in account; expenditures*

Motion by: Michele Couture Seconded by: Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to reserve recommendation.
ATM-18 Land Bank – Acquisition of Hawthorne Property, Scenario 1: Conservation, Open
Space and Affordable Senior Housing at 15 Aunt Sukeys Way*

Motion by: Michele Couture Seconded by: David Bedard Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to reserve recommendation.
ATM-19 Land Bank – Acquisition of Hawthorne Property, Scenario 2: Conservation and
Open Space at 15 Aunt Sukeys Way*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
ATM-20 General By-law Amendment: Stretch Energy Code*

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

MOTION: *Move that the Board of Selectmen vote to recommend.
ATM-21 Formula Business Regulated District*

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

MOTION: *Move that the Board of Selectmen vote to indefinitely postpone.
ATM-22 Survey and Define Route 6 Wildlife Corridor*

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

6B INSERT BALLOT QUESTIONS

Tuesday, May 4, 2010 Special Town Election

MOTION: *Move that the Board of Selectmen vote to insert the following ballot questions onto
the May 4, 2010 Annual Town Election, as printed.*

1) Shall the Town of Provincetown be allowed to exempt from the provisions of Proposition 2 ½, so-called, the amounts required to pay for the bond issued in order to pay for the completion of the

restoration of the Town Library building and grounds?

2) Shall the Town of Provincetown be allowed to exempt from the provisions of Proposition 2 ½, so-called, the amounts required to pay for the bond issued in order to purchase a new rescue ambulance for the fire department?

3) Shall the Town of Provincetown be allowed to exempt from the provisions of Proposition 2 ½, so-called, the amounts required to pay for the bond issued in order to purchase and replace two pick-up trucks, one highway heavy duty truck, one van and one open top trailer for the Department of Public Works Fleet Replacement Program.

4) Shall the Town of Provincetown be allowed to exempt from the provisions of Proposition 2 ½, so-called, the amounts required to pay for the bond issued in order to continue to improve storm water and drainage issues and to apply for grant funding for these improvements by the Department of Public Works.

5) Shall the Town of Provincetown be allowed to assess an additional \$19,835 in real estate and personal property taxes for the purpose of paying the first year of an installment on a lease purchase agreement for two police cruisers for the fiscal year beginning July 1, 2010?

6) Shall the Town of Provincetown be allowed to exempt from the provisions of Proposition 2 ½, so-called, the amounts required to pay for the bond issued in order to pay for police management and public safety computer software for the Police Department.

Motion by: Austin Knight

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

6C TOWN MANAGER FOLLOW-UP

Town Hall rehab update. Water infiltration in the basement due to seepage from the floor up. Will consider potential remedies to excavate around the foundation and seal the brinks to prevent moisture.

Roof sealing and slate shingle roof also being looked at to prevent leaking during high wind activities. Fuel tank being delivered the week of April 5th. NEI will purchase 5 parking spaces during the time period.

6D OTHER - Nothing at this time.

7. CLOSING STATEMENTS

Michele Couture – None

Mary-Jo Avellar - None

Elaine Anderson - None

Austin Knight - None

David Bedard – None

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

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
March 24 , 2010