

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, APRIL 14, 2008

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar convened the meeting at 6 PM noting the following Board of Selectmen attending: Mary-Jo Avellar, Michele Couture, Austin Knight, Lynne Davies

Other attendees: Town Manager Sharon Lynn, Asst. Town Manager David Gardner, Municipal Finance Director Alix Heilala

Recorder: David Gardner

The following are meeting minutes, in brief.

1. PUBLIC HEARING – CONTINUE ANNUAL TRAFFIC HEARING

MOTION: Move that the Board of Selectmen vote to eliminate one parking space on Aunt Sukey's Way for fire truck access to the Fire Lane entrance to the Maushope elderly housing complex.

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

MOTION: Move that the board of Selectmen vote to amend Resident Permit eligibility to require that all addresses on the applicant's driver's license and on the vehicle registration or lease vehicle agreements be Provincetown addresses.

Motion by: Michele Couture Seconded by: Lynne Davies Yea 4 Nay 0

2. PUBLIC STATEMENTS

Candace Nagel – Identified Pier budget accounting irregularities

Austin Knight – FinCom agreed to form a subcommittee to look at PPPC budget with assistance of staff.

MOTION: Move that the Board of Selectmen vote to formally request that the Town Manager and FinCom work cooperatively with the PPPC Financials.

Motion by: Austin Knight Seconded by: Michele Couture Yea 4 Nay 0

Terry Catalano – Future rental of Town Hall auditorium. Fee increases should reflect the type of users, nonprofits, nonprofit entertainers; for profit entertainers and For-profits. Entertainers should bear greater burden of fees since they make the greater amount of income. Seeks continued use of Town Hall auditorium.

Sacha Richter – Working on a project planned to be held in the auditorium. Aware of Engineers recommendation, and can work within the limitations imposed. Seeks continued use of Town Hall auditorium.

Barbara Rushmore – Request the BOS reconsideration of the petitioned article re: Real Estate Transfer Fee. According to Assessor, it could raise approximately \$1 million. Spoke with Sarah Peake to look into the expansion of the Embarkation Fee to all boats utilizing MacMillian Pier.

Eric Yingling – Supports Barbara Rushmore's Transfer Fee; seeks BOS to come up with innovative fees and revenue solutions.

Astrid Berg – Town Meeting – suggested that people at town meeting were not properly registered to vote, and that they should be required to show it prior to checking in and receiving a voter tag. Housing Specialist – when is that opening going to be posted and when did it become available?

Marcene Marcoux – Was there money placed in an escrow account for 6 Sandy Hill Lane?

Clarence Walker – Town Meeting went well. Should return to private ballot regarding personnel issues.

3. SELECTMEN STATEMENTS

Lynne Davies

Housing Specialist – position to be advertised on April 15, 2008 and applications will close on May 15, 2008
Town Manager advised the Board of Selectmen of this on April 4, 2008 via email.

Can Freeman Street Building be utilized for events?

Correct sign adjacent to Freeman Street parking lot for upcoming Farmer's Market.

Austin Knight

Art work reappraisal was completed.

Bid issued regarding Fire Station #2?

Town Clerk should look into voter registration irregularities, Can the teller's ask for voter ID's prior to issuing voter tag? Invite Town Clerk to a future meeting to discuss the voter and Town meeting process.

District Attorney issued an opinion regarding open meeting law, and I will comply.

A process regarding sexual harassment allegations is in place, and AK has no further comment.

Town Manager's first year anniversary is April 17th.

Michele Couture

Send a letter of appreciation: 1) To staff regarding Town Meeting, 2) To the Moderator thanking her for an excellent Town Meeting, 3) To Town Counsel thanking him for the meal after town meeting.

Follow-up with Truro BOS for a meeting regarding North Union Field.

Request quarterly revenue expenditure reports and meetings with FinCom.

Mary-Jo Avellar

Ballots at Town Meeting are up to vote of town meeting.

BOS needs to do Town Manager and Secretary evaluations. Forms by the end of this week due by the 18th.

Home Rule Transfer Fee should not penalize town residents who seek to sell their house to downsize. Should push room tax on short-term condo rentals.

Regarding article in the Banner this past week, I will stand behind Austin Knight.

4. APPOINTMENTS

None at this time.

5A VISITOR SERVICES BOARD

FY 2009 Tourism Promotional Grant Awards – ATM Article 14

MOTION: *Move that the Board of Selectmen vote to approve funding from the Tourism Fund the following FY2009 Tourism Promotional Grants as recommended by the VSB: 1) Leather Mates, \$2,500 2) Provincetown Jazz Festival, \$1,000 3) Provincetown Music Festival, \$1,000 4) Susan Glaspell Women in Theater Con \$1,500 5) Summer Play Series-Counter Productions, \$2,500 6) 24th Annual Women's Week, \$8,500, 7) 51 Annual Single Women's Weekend, \$5,000 8) Norman Mailer Society Annual Conf., \$2,000 9) Provincetown International Film Festival, \$14,000 10) FAWC Summer Workshop Program, \$2,000 11) Fantasia Fai \$2,000 12) Historic House Tour, \$1,000 13) 4th Annual Provincetown Dance Festival, \$1,000 14) Castle H Paints the Town, \$1,000 15) Shakespeare of the Cape, \$2,000 16) Cabaret Fest, \$4,000 17) Meet Your Man i*

Provincetown, \$3,000 18) Holly Folly, \$3,000 19) The Studio Show, \$3,000 20) Harbor Swim for Life Paddler Flotilla, \$2,000 21) 4th Annual Women's Week-Women's Kiss, \$0 22) Provincetown Farmer Market, \$2,000 23) GLSEN Boston Educator Retreat, \$2,000 24) Multiple Off Season Events – PAAM \$4,000 25) Outer Cape Chorale Concerts, \$2,000 26) Provincetown Tennessee Williams Festival, \$2,000 27) Gre Music on Sundays @ 5, \$2,500 28) Celebrate Provincetown, \$2,500 29) Aquarium Mall Free Outdoor Movie \$500 30) Moonlight Madness, \$2,000 31) The Great Provincetown Schooner Regatta, \$7,250 32) New England International Erotic Art Festival, \$2,000 33) Provincetown Portuguese Festival, \$4,500 34) Heritage Day 2008 – Library, \$2,000 35) Drag Kickball, \$0 36) Bear Week Provincetown 2008, \$1,750 37) Women of Color Allies Weekend, \$2,500 38) Girl Splash, \$1,500.

Motion by: Austin Knight Seconded by: Lynne Davies Yea 4 Nay 0

5B VSB WATER FRONT PARK FY 2008

MOTION: *Move that the Board of Selectmen vote to approve this contract with low bidder ProBuilt Construction, for the Water Front Park. The contract is for \$79,995 plus an added \$5,005 from VSB to completely fund this project and include a small contingency for a total of \$85,000.*

Motion by: Michele Couture Seconded by: Lynn Davies
Yea 3 Nay 1 (Mary-Jo Avellar)

5C ASSESSORS: IMPLEMENTATION OF FY 2009 RECERTIFICATION PROGRAM

Award Contract – Paul s. Kapinos & Associates - \$65,200

MOTION: *Move that the Board of Selectmen vote to award a contract to sole proposer Paul S. Kapinos & Associates of South Hadley, Massachusetts in the total amount of \$65,200 for Commercial Personal Property Collection (\$20,000) and FY 2009 Real Property Valuation & Re-Certification (\$45,200) for the Provincetown Assessing Department, with the FY 2008 & FY09 services subject to appropriation.*

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 1

5D1 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 \$750.00 from the John A. Henry Trust Fund for the payment of the attached invoice(s)*

Motion by: Austin Knight Seconded by: Lynne Davies Yea 4 Nay 0

5D2 TREASURER'S TRANSFERS

Library Building Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Library Gift, pursuant to MGL C44 § 53A, to approve the use of \$2,755.04 from the Library Gift Fund to pay for the attached invoice(s).*

Motion by: Lynne Davies Seconded by: Austin Knight Yea 4 Nay 0

5E PARADE PERMIT – AMERICAN HEART ASSOCIATION FUNDRAISING WALK

Cliff Bohaker, Hyannis, MA

MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Cliff Bohaker on behalf of the American Heart Association, 396 Main Street, Hyannis, MA 02601, to hold a fundraising walk on Sunday, April 27, 2008, starting at 9:00 AM.*

Motion by: Austin Knight Seconded by: Lynne Davies Yea 4 Nay 0

5F LOWER CAPE CDC

MOTION: *Move that the Board of Selectmen vote to send a letter to the Massachusetts Housing Partnership in support of the Lower Cape Cod Community Development Corporation's application for a grant to help fund their affordable housing initiatives.*

Motion by: Michele Couture Seconded by: Lynne Davies Yea 4 Nay 0

5G PROCLAMATION – EQUAL PAY DAY

MOTION: *Move that the Board of Selectmen vote to approve the request of Dr. Carole Carlson to proclaim Tuesday, April 22, 2008 as Equal Pay Day in the Town of Provincetown.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 4 Nay 0

6A PUBLIC USE OF TOWN HALL AUDITORIUM

Continued from March 24, 2008

Open discussion ensued. It was decided that there will be no use of the auditorium until repairs are made.

6B CELL TOWER REQUEST FOR PROPOSALS

Lease of Municipal Real Estate for Wireless Communications

MOTION: *Move that the Board of Selectmen vote to authorize the acceptance of the proposal submitted by Omnipoint Communications Inc., dba T Mobile, dated April 3, 2008 and further, authorize the execution of the requested lease agreement between the Town and T- Mobile as per the Request for Proposal (RFP) for Wireless ~~Communications~~ for Communications for the lease of property at the Waste Water Treatment Plant located at 200 Rt 6, consisting of approximately 2,000 square feet of land for the construction of a telecommunications facility.*

Motion by: Michele Couture **Seconded by:** Lynne Davies
Yea 3 Nay 1 (Austin Knight)

6C AFLAC – Employee Voluntary Benefit Option

Open discussion ensued. Will invite AFLAC to attend Employee Insurance Session. No motions made

6D SHELLFISH REGULATIONS – SCHEDULE PUBLIC HEARING

Shellfish Advisory Cmte Request: Regulation Change, Aquaculture Grants

MOTION: *Move that the Board of Selectmen vote to approve schedule a public hearing on May 12, 2008 at 6 pm. to receive comments from the public on the following changes to the aquaculture regulations as approved by the Shellfish Advisory Committee on April 2008:*

1. *Shellfish Grants may be granted to Provincetown residents who can show to the satisfaction of the Board of Selectmen that they are a ~~bona fide domiciled resident~~ registered voter or property tax payer of the Town of Provincetown. Grants shall be issued only to individuals, not corporations.*

2) *Move that the Board of Selectmen vote to approve schedule a public hearing on May 12, 2008 at 6 pm. to receive comments from the public on the aquaculture grant applications of Nancy E. Jacobsen, and of Francis J. Santos and Lory Stewart.*

Motion by: Michele Couture **Seconded by:** Austin Knight Yea 4 Nay 0

7. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 23, 2008 (Town Hall Rehab) as printed.*

Motion by: Michele Couture **Seconded by:** Austin Knight Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 29, 2008 (Budget Mtg.) as printed.*

Motion by: Michele Couture **Seconded by:** Austin Knight Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 5, 2008 (Budget Mtg.)*

as printed.

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the minutes of February 11, 2008 (Regular Mtg.) as printed.

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the minutes of February 25, 2008 (Regular Mtg.) as printed.

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the minutes of March 18, 2008 (Business Summit III) as printed.

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the minutes of March 18, 2008 (Annual Traffic Hearing) as printed.

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the minutes of March 24, 2008 (Joint Mtg w/FinCom) as printed.

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the minutes of March 24, 2008 (Regular Mtg.) as printed.

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the minutes of March 26, 2008(State fire Marshal Mtg.) as printed.

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the minutes of April 4, 2008 (Mtg. prior to Town Mtg.) as printed.

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the minutes of January 14, 2008 as printed.

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

8. CLOSING STATEMENTS

Lynne Davies – None Austin Knight – None

Mary-Jo Avellar - None Michele Couture – None

9. EXECUTIVE SESSION

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 strategy with respect to litigation; and not to convene in open session thereafter. [Roll Call Vote]

Motion by: Michele Couture Seconded by: Austin Knight

Lynne Davies – Yes Austin Knight – Yes

Mary-Jo Avellar - Yes Michele Couture – Yes

Yea 4 Nay 0 - Motion passed. -

Motion to go into executive session at 931 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
April 18, 2008