

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, FEBRUARY 27, 2006

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6 PM noting the following attendees:

Board of Selectmen members: Cheryl Andrews, Michele Couture, Richard Olson, David Nicolau. Sarah Peake arrived at 6:10 pm.

Other attendees: Town Manager Keith Bergman, Acting Asst. Town Manager Michelle Jarusiewicz

Recorder: Vernon Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING

NSTAR Pole Relocation

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.166, §22, to:*

- a) *Approve the request of NSTAR to relocate one existing pole and push brace 2/12 and 2/12pb on Bradford Street Extension to correct clearance issues with primary wires as indicated on plan No. 103463 dated January 18, 2006 submitted by NSTAR to service the property located at 125 Bradford Street Extension.*
- b) *And to request that NSTAR provide an as-built plan to the property owner showing actual location and depth after installation.*

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

1B VISITOR SERVICES BOARD

Proposed Five-Year Financial Plan for Tourism Fund Expenditures

MOTION: *Move that the Board of Selectmen vote, relative to the Visitor Services Board's recommended five-year financial plan for Tourism Fund expenditures, to approve as amended, totaling \$427,314 of which \$52,784 is for municipal projects and \$7,004 for the Beautification Committee.*

Motion by: Sarah Peake

Seconded by: David Nicolau

Motion withdrawn By Sarah Peake and David Nicolau

MOTION: *Move that the Board of Selectmen vote, relative to the Visitor Services Board's recommended five-year financial plan for Tourism Fund expenditures, totaling \$427,314 of which \$52,784 is for municipal projects and \$7,004 for the Beautification Committee with the bathrooms to be closed January 15th to February 15th.*

Motion by: David Nicolau

Seconded by: No Second

Motion fails.

MOTION: *Move that the Board of Selectmen vote, relative to the Visitor Services Board's recommended five-year financial plan for Tourism Fund expenditures, totaling \$423,136, of which \$48,606 is for municipal projects and \$7,004 for the Beautification Committee and that the MacMillan Pier Lot restrooms will be closed from January 15th to February 15th which will save a total of \$4,178.*

Motion by: David Nicolau

Seconded by: Sarah Peake

Yea 3 Nay 2 (Cheryl Andrews / Richard Olson)

1C JULY FOURTH WORKING GROUP

Proposed Expenses for July 4, 2006 Observance

Present: Chief Trovato, Police Chief Meyer

Board of Fire Engineers – Warren Alexander and Adam Wolf.

Fireworks Committee: Rick Murray, Steve Melamed, Austin Knight, Sandy Turner

Chief Trovato – very much concerned over safety issue. Not enough ambulances and personnel to staff. We will not sign off on permit if we cannot get rescue personnel and ambulances from other towns to come to Provincetown – will not jeopardize public safety. We will need four more ambulances. Can't get private ambulance service. Will ask other chiefs at Mutual Aid Meeting, but will not have answer until May or June. Last two years we have stripped the other towns of their ambulance coverage.

Warren Alexander & Austin Knight – Support not having Fireworks this year – take a year off.

Sarah Peake – agrees and suggests that we not have fireworks this year.

Michele Couture - Even if we don't have the fireworks we still need a plan in place, because people will come and party whether we have fireworks or not. If we cannot have rescue vehicle available that we thought we would have then I think it would be a huge mistake to carry on with things as they are.

Richard Olson - I said months ago that I thought this was a lost cause. Chief Meyer's and Chief Trovato memo says it all. The festive celebration is something to focus on... but we can do it without the fireworks.

David Nicolau – I'm listening to everything I hear and all along and it's been a matter of safety. Suggest we approve the funds and if we find out we cannot get support from other towns for the need emergency equipment and personnel – then we can cancel the fireworks.

Cheryl Andrews – We all agree on the basics. Lots of things I agree with. Also agree with the concept to have one year off. Question is where we go from here and how do we do it. Would like more information on the type of calls the emergency personnel received and at what events throughout the year. We should meet on not what we not doing but what are we doing. We need to agree on what we are going to do on the 4th. The second thing is fireworks or not – if we want to have them and we don't want to have them on the 4th – when do we want to have them? Maybe fireworks at some other time – I know the Portuguese Festival is celebrating their 10th this year, there is also Labor Day; maybe the shoulder season. It's a serious discussion.

MOTION: *Move that the Board of Selectmen vote to cancel the 4th of July fireworks for 2006.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

Sarah Peake – Re: Number of personnel. It would help to form our decision if we could see some new numbers in advance of our first meeting in March.

MOTION: *Move that the Board of Selectmen vote to insert on the warrant for the April 3, 2006 Annual Town Meeting to raise and appropriate \$30,000 for the Fourth of July celebration in FY 2007 and costs associated therewith.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Motion & seconded withdrawn.

MOTION: *Move that the Board of Selectmen vote to insert on the warrant for the April 3, 2006 Annual Town Meeting to raise and appropriate \$50,000 for the Fourth of July celebration and fireworks at some other date to be determined in FY 2007 and costs associated therewith.*

Motion by: Sarah Peake

Seconded by: Richard Olson

Yea 5 Nay 0

2. PUBLIC STATEMENTS

Arlin – Member of the COP Street Performers group and I will not be participating in the following meeting

because there has been no opportunity to review any of the material that needs to be discussed.

Steve Melamed – Would like to suggest to the Board of Selectmen that the funds you saved on the reductions from the fireworks be reverted back to VSB.

Austin Knight – I think the townspeople will be acceptable to this. There is more facts known now than there was at the last town meeting. I think people just want honesty and to be told the whole thing.

Kerry Adams - 1) Re: High School issue – hopes board will reconsider their decision to send students out of town to school. 2) Ask the Board of Selectmen to lend their support to Senator O’Leary’s Bill #628 – Catastrophic Disaster Relief Fund.

3. SELECTMEN’S STATEMENTS

Richard Olson - None at this time.

David Nicolau

To Austin Knight – encourage you to make known at town meeting the differences and the reasons why we’ve made the decision to not have Fireworks this year.

The School situation – it’s been difficulty and an emotional issue. There is a lot of miscommunication sometimes and ideas and statements that go out that get twisted and changed when they reach one part of town to the other. But, just for the record, I’ve always supported the children and the schools. My position is that I hope that the School Committee goes for their override for the 2.6% and they do that with a study and I hope they do the study with the town as a community. If we’re talking about community then we need to do this together. Because this is so emotional -- people forget that we all know each other.

Sarah Peake

MOTION: Move that the Board of Selectmen vote to send a letter to Senate Insurance Committee, President of the Senate and Speaker of the House of Representatives in support of Senate Bill #628 – an Act Establishing the Massachusetts Catastrophic Event Fund.

Motion by: Sarah Peake Seconded by: David Nicolau Yea 5 Nay 0

School issue – I think it’s absolutely essential that no one board or committee barges ahead of others. That administrators don’t do that – that we have to communicate. I think that we are taking strides in that direction. We have a joint meeting with the School Committee coming up later this week. When we move to open the warrant, I asked, and at least one of my other colleagues asked – while there are some articles that say that they are requested by the Board of Selectmen – and we haven’t even discussed these – one being term limits and the other was forming the Regional District School Study Committee. What was said loud and clear is that this is not an endorsement – just bringing it forward to foster the conversation. Certainly, nobody is going to make any fast, rash decisions. I don’t feel that it is my role as a Selectman to, in any way, assert the authority from the School Committee. But I do feel it is my role in partnership with the School Committee and to raise tough issues and ask the questions.

Michele Couture

Barricade of access to Evans Field. Is there any feedback from that? Keith Bergman – understand this was done at the request of the Conservation Commission ... yet when they were contacted they did not seem to know anything it. Still checking this out.

Police budget – officer availability and use of civil service personnel. Did not see anything on the warrant. Keith Bergman – suggest that we take this up with the Unions first.

MOTION: Move that the Board of Selectmen vote to send a letter a letter of thanks to Bob Seay from WOMR for all the work he has done in the community.

Motion by: Michele Couture Seconded by: David Nicolau Yea 5 Nay 0

Cheryl Andrews

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Ron Robillard upon his resignation from the Open Space Committee.*

Motion by: Cheryl Andrews **Seconded by:** Michele Couture Yea 5 Nay 0

In answer to Mr. Adams issue of the School – I am very concerned as well and I don't have any children in school. I am upset too and at the same time I think it is my responsibility to do the upsetting thing – which is to continue to push us to say 'let's talk'. Let's talk about all the options even if some of them are the ones we don't like. There is a part of me that still thinks that maybe there is something else out there that we haven't talked about. I don't know. I know we haven't talked and its time we start doing that and I certainly am going to be at the table with plenty of caring and respect for the feelings that people have - but a commitment that we get real answers to these hard questions. It feels to me now that we are running our own regional school system. Now that the balance has been tipped in terms of how many kids are residents of town versus now for the High School. Yet we are not legally allowed to access the cost the way that a regional school system does. That puts an amazing burden on the local system and we need to have these conversations. So, I appreciate your comments and glad you came to share them with us. I'm sorry that some of the hearings I will not be able to attend the ones the school is having as we've already posted some of ours. We have met with the School Committee already and will be meeting again with them this week and I think we will be meeting with them a lot and I know, for me, that I will be doing everything to help to see that we have a full in-depth conversation.

4A BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Molly Perdue as a Provincetown's Representative to the Cape Cod Human Right Commission with for an indefinite period.*

Motion by: Sarah Peake **Seconded by:** David Nicolau Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to appoint Paul C. Mendes as a Regular Member of the Council on Aging with a term expiration date of December 31, 2008.*

Motion by: Sarah Peake **Seconded by:** David Nicolau Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to advertise the Alternate Member opening for the Historic District Commission..*

Motion by: Sarah Peake **Seconded by:** David Nicolau Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to appoint Dennis Minsky as a Regular Member of the Open Space Committee with a term expiration date of June 30, 2007*

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 5 Nay 0

5A TREASURER'S TRANSFERS

Library Building Furniture Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$1,459.86 from the Library Building Furniture Gift Fund for the payment of invoices.*

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 5 Nay 0

5B LIBRARY

Massachusetts Cultural Council Operating Gant Application

MOTION: *Move that the Board of Selectmen vote to authorize the submission of a grant application for approximately \$3,500 under the Massachusetts Cultural Council Operating Support grant program for a three-year operating support grant for cultural programming.*

Motion by: Sarah Peake

Seconded by: David Nicolau

Yea 5 Nay 0

6A CAPITAL IMPROVEMENTS PROGRAM

Action on FY 2007 Program Requests

MOTION: *Move that the Board of Selectmen vote to approve the Capital Improvement Program #422-1 DPW Road Construction Phase I in the amount of \$400,000.*

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote pursuant to Charter §9-2-3, to submit to the Finance Committee its recommended Capital Improvements Program for Fiscal Year 2007 as set forth in the plan submitted by the Town*

Motion by: Richard Olson

Seconded by: Richard Olson

Yea 3 Nay 2 (Sarah Peake / Michele Couture)

6B FY 2007 Budget Amendments

Completing Action on FY 2007 Budget Requests

MOTION: *Move that the Board of Selectmen vote to amend its FY 2007 budget request: by reducing the 910 Insurance/Fringes/Retirement budget request by \$100,000, from \$4,365,040 to \$4,265,040 due to savings from voluntary switches to lower cost group health plans; and by reducing the 499 Airport Commission budget by \$10,000, from \$87,800 to \$78,800, per the Airport Manager.*

Motion by: David Nicolau

Seconded by: Richard Olson

Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to request that the Provincetown Housing Authority approve the transfer of funds from the Affordable Housing Trust Fund to pay for property tax exemptions for affordable year-round rentals under Chapter 408 of the Acts of 2002, rather than charging those to the overlay reserve funded by the property tax levy.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 4 Nay 1 (Sarah Peake)

MOTION: *Move that the Board of Selectmen vote pursuant to Charter §9-1-6 to schedule a joint public hearing with the Finance Committee on the FY 2007 budget for Monday, March 13, 2006 at 6 p.m.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

6C FY 2007 SCHOOL BUDGET

Schedule Joint Meeting with School Committee

No motion necessary – meeting already schedule.

7A MASS. COMMUNITY DEVELOPMENT BLOCK GANT

Schedule Public Hearing on Application March 13, 2006

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing for Monday, Mach 12, 2006 at 6 p.m. for the Town of Provincetown Provincetown's application under the Massachusetts Community Development Block Grant's FY 2006 Community development Fund program for water system improvements including security installation of fencing and general administration, or any other eligible activity, for an estimated total of \$550,000.*

Motion by: Sarah Peake

Seconded by: David Nicolau

Yea 5 Nay 0

7B CDC HOUSING REHAB CONTRACT MONITORING

Contract for Monitoring & Housing Rehabilitation

MOTION: *Move that the Board of Selectmen vote execute a contract with the Lower Cape Cod Community Development Corporation for up to \$25,241 for monitoring and administration of the housing rehabilitation program along with additional housing rehabilitation loans and affordable housing activities.*

Motion by: Sarah Peake **Seconded by:** David Nicolau
Yea 4 Nay 0 Abstain 1 (Michele Couture)

7C

SURPLUS DECLARATION

Department of Public Works Equipment

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, approximately 1,000 to 2,000 pounds of scrap metal consisting of the bronze bodies of Water Meters declared surplus by the Department of Public Works on February 8, 2006.*

Motion by: Sarah Peake **Seconded by:** David Nicolau Yea 5 Nay 0

7D

INSERT TOWN MEETING WARRANT ARTICLES

April 3, 2006 Annual & Special Town Meetings

SPECIAL TOWN MEETING

MOTION: *Move that the Board of Selectmen vote to insert the following Articles on the warrant for the April 3, 2006 Special Town Meeting.*

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to insert Article 3 – Cape End Manor Repair Costs.*

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to insert Article 4 – FY 2006 Budget Adjustments..*

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to insert Article 9 – Increase Length of Borrowing from 10 to 20 years for SBA-Reimbursable School Building Improvements.*

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

ANNUAL TOWN MEETING.

MOTION: *Move that the Board of Selectmen vote to insert the following Articles on the warrant for the April 3, 2006 Annual Town Meeting.*

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to insert Article 1 – To Hear Town Report.*

Motion by: Sarah Peake **Seconded by:** David Nicolau Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to insert Article 2 – FY 2007 Municipal Operating Budget.*

Motion by: Sarah Peake **Seconded by:** David Nicolau Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to insert Article 4 – FY 2007 Cape Cod Regional Technical High School Assessment.*

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to suspend the rules at 11:03 pm.*

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to add an agenda item for its Monday, March 6, 2006 special meeting at 5 p.m. - "to determine the order in which the articles will appear on the April 3, 2006 Annual & Special Town Meeting warrants."*

Motion by: David Nicolau **Seconded by:** Richard Olson Yea 5 Nay 0

7E1 REGIONAL GRANT APPLICATION

MCDBG FY 06 CDF

MOTION: *Move that the Board of Selectmen vote to authorize the execution of the joint authorization form for participation in a regional Massachusetts Community Development Block Grant 's Community Development Fund Application for approximately \$780,000 for a Housing Rehabilitation program and Childcare voucher program through the Massachusetts Department of Housing & Community Development.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 5 Nay 0

7E2 PLANNING BOARD

Refer Proposed Zoning Amendments to Planning Board [MGL c.40A,§5]

MOTION: *Move that the Board of Selectmen vote pursuant to MGL C. 40A,§5, to refer to the Planning Board the following zoning articles proposed by the Planning Board: (A) Outside Vending, (B) Growth Management, and (C) Growth Management.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 5 Nay 0

8. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 19, 2006 @ (Fiscal Summit) as printed.*

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 13, 2006 (Regular Mtg.) as printed..*

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

9. CLOSING STATEMENTS

Richard Olson - None **David Nicolau** - None **Michele Couture** -None

Sarah Peake – None **Cheryl Andrews** - None

Motion to adjourn by Sarah Peake at 11:08 pm.

Minutes transcribed by: Vernon Porter, Secretary
February 28, 2006