

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, MARCH 13, 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.

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: FY 2007 OPERATING BUDGET

Joint Public Hearing with Finance Committee (Charter §9-1-6)

Comments from Public

Betty White – Like to see the Budget for School Committee put back as number 6 on the Warrant.

FinCom Comments – No comments at this time.

Discussion of Budget – Questions / Comments

The Board of Selectmen and Finance Committee review all of the budget categories and agreed on the dollar amounts. There were no public comments

III. Public Safety - #210 - Police Dept budget figure different. Finance Committee number is \$1,596,289.00. (-\$41,549 difference of one patrolman and cost for schooling.) This also reduces the 910 Budget (Benefit) by \$12K.

Five minute recess at 6:27 p.m. Reconvene at 6:30 pm.

IV – Pubic Works - Commend DPW for not bringing any Capital request this year.

Explaining Prop 2 ½ to the voters is essential – Board of Selectmen will meet and discuss this.

No motions made.

1B PUBLIC HEARING: MCDBG 2006 PROGRAM

Water System Improvements, Community Development Strategy

MOTION: Move that the Board of Selectmen vote to authorize submission of the Town of Provincetown's application under the Massachusetts Community Development Block Grant's FY 2006 Community Development Fund program water system improvements including security fencing for the water tanks and well fields, well field upgrades at Knowles Crossing, well head flow monitoring and SCADA equipment upgrades at pump stations, \$738,000; general administration, \$62,000; for a total of \$800,000.

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

1C PUBLIC HEARING: HARBOR REGULATIONS

Amendments Proposed by Harbor Committee, Pier Corporation

Comments from Public.

Vaughn Cabral – you can't board any vessel, as it is unlawful.

MOTION: Move that the Board of Selectmen vote to approve amendments to the Harbor Regulations as

recommended by the Provincetown Public Pier Corporation's vote of January 26, 2006, and the Harbor Committee on February 8, 2006 as amended as follows: add the following words in Article 6 – Live-a-boards Section 3-6-1 a) “the Harbormaster may, with the permission of the vessel owner” - before the word ‘wire-ties’ and also before the word ‘dye tabs’.

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

David Nicolau recused himself as he is the applicant.

1D PUBLIC HEARING

Curb Cut Request 27 Conant Street

MOTION: *Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws Section 11-6-2, to approve the request of David M. Nicolau to establish a curb cut at the property located at 27 Conant Street (Assessor's Map 07-2-057) (Res 3 Zone); and to request that a certified plot plan be provided showing the actual location of the proposed curb cut.*

Motion by: Sarah Peake .. **Seconded by:** Richard Olson **Yea 4 Nay 0**

David Nicolau returned.

2. PUBLIC STATEMENTS

Chris Snow – Pilgrim Monument has been dark due to money problems ... and request for grant from VSB has been denied. Not seeing the Monument lit is a disgrace. Would appreciate any help the Board of Selectmen can do to see that it is lit.

Steven Ross – Fireworks – maintain fireworks the same as it has in previous years. Feels that there is a lack of evenhandedness in handling public safety.

Dixie Federico - Fireworks – keep fireworks on the 4th.

Gabbie Hanna – Representing the Provincetown Business Guild - Read statement into the record. Ask the Board to reconsider their decision on canceling the 4th fireworks.

Clarence Walker – Fireworks – Ask that the Board of Selectmen reverse their decision not to have Fireworks on the 4th.

Diana Hardy - Fireworks - Families come here for the July 4 celebration and the fireworks. Ask Board of Selectmen to reconsider.

Vaughn Cabral - Fireworks – Ask the Board of Selectmen to reconsider their decision to cancel the fireworks. Find out the solutions to the problems.

Marcene Marcoux - Fireworks. Vote taken at Special Town Meeting to have the fireworks. Asked the Board of Selectmen to reconsider.

Kerry Adams - Fireworks – very thoughtful comments from the public this evening. If all the evidence you heard about safety issues was from the Fire Chief and the Police Chief then I ask that the Board of Selectmen reconsider and take other solutions and advertise in advance about public safety and that we are not going to tolerate rowdyism ... You have to take a risk -- then I think this is the time.

Rick Murray - Fireworks - Ask the cancellation of July 4th fireworks be reconsidered. If there is a way to find a solution – everybody would love that. Will devastate many business owners if we don't have the fireworks on the 4th.

Fire Chief Michael Trovato - We looked at the whole picture including ambulances, police detail, crowds, etc. The last two years we had no ambulances available if there was an emergency. The Board of Selectmen took

the report from us and made their decision.

Mary-Jo Avellar – You’re hearing frustration from people who got this information at the last minute. We have to get the word out that we’re not going to tolerate rowdyism. People are very much concerned. Good luck in making your decision.

Don Murphy – Fireworks - It’s clear that the real issue and tradeoffs are an impact on the 4th of July and the economy of this town.

Adam Wolf - Fireworks – Only way it is going to work is to get more Police and Ambulances.

Chief Meyer – We are prepared to make sure that the town is safe this 4th and this summer.

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Ginny Ross - 4th July Fireworks. - Agree with Chris Snow on preventive issues. Businesses need the money from the tourism that is generated on the 4th.

Dixie Federico - Overkill is overkill – we don’t need police on horses. Let’s get people volunteering. Use triage assistance.

Dan Hort - Fireworks – Trust the professionals to make the right decisions on what we need to guarantee safety for our citizens and our visitors.

Bonnie Campbell - Reverse the clock and go back where we were five years ago.

Keith Wilkinson - Illegal fireworks will happen if you cancel the public fireworks – I believe there will be onslaught of private fireworks.

Mary-Jo Avellar - Use Triage. _

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Chief Trovato – asked for help from Outer Cape and all they could give us was a Doctor in a tent.

Chris Snow - Hear that as a repeating theme the cost may not justify the rewards. I think it is just the opposite. The savings we have just on the budget line item where we do not have to pay our Volunteer Fire Department - that we don’t have to pay taxes to ought to be dedicated to insure public safety on an income generating night such as the 4th of July.

Vaughn Cabral – I just find it funny that you can have circuit parties out at the Airport and at the Pier but you can’t have fireworks for the 4th of July.

3. SELECTMEN’S STATEMENTS

David Nicolau

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Fireworks - That evening we voted on the fireworks, I expected the committee to come in with a plan. However, having listened to the members of the committee concerning overcrowding, safety issue, and logistical issues, we made our decision. Now, we have certain information and hindsight is 20/20, I would not have voted the way I did. But we listened to our safety experts.

Sarah Peake

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David summed up our last meeting on this. It was a difficult decision to make because there was a town meeting vote; yet in some ways it was not difficult because there was a real risk to public safety. If we decided to spend the money for the barge, and then didn’t use it – then at the end of June all of you would be back here after us for not having cancelled the barge and losing the deposit.

What I would like is to do is lay out a list of questions – which we will do under Agenda 6A & B. My feeling is if we can’t get the fireworks on the 4th then I want them on the 5th. It would be nice to have them on the 4th if that’s achievable and we can ensure public safety.

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Michele Couture

Echo the sentiments of my two fellow Selectmen .. and unless someone can show me that public safety is not going to be an issue and we can have ambulances, then and only then will I change my mind. _

Richard Olson

Thank everybody who shared their views on this. Special thanks to Rick Murray, Chief Trovato and Chief Meyer for their work on this matter.

Dislike the Washashore term - newcomers is a better expression.

Lighting of the Monument – would like to explore a way of helping them.

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Cheryl Andrews

This whole thing is heartbreaking to everyone. I'm glad you're all here to help us find a way to get through the summer and we will and I appreciate very much all of you being here.

4A BOARD OF SELECTMEN APPOINTMENTS

None at this time.

5A1 TREASURER'S TRANSFERS

John Anderson Francis Scholarship Fund

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$22,350.00 from the John Anderson Francis Scholarship Fund for the payment of awarded scholarships and an invoice.

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

5A2 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 \$5,377.11 from the John A Henry Trust Fund for the payment of attached invoices.

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

6. BOARD OF SELECTMEN

Planning and event with fireworks; Organizing July 4th Celebration without.

Sandy Turner - Date available are: Sunday – Monday and Tuesday - July 9, 10 11th.

David Nicolau – Available dates for barge. Sandy – barge available on the 6th. Fireworks not available until the 8th .. after that the July 11th (Tuesday) is good and is a full moon.. Any day expect for Friday's is available.

Keith Wilkinson - Will give us info on fireworks low impact and high impact fireworks companies.

Lynn Davis - Check to see if July 2,3, or even the 30th of June may be available.

Vaughn Cabral has offered his barge if we can get insurance.

MOTION: Move that the Board of Selectmen vote to form a Fireworks Task Force open to the public but minimally include representatives from the Provincetown Business Guild, the Visitor Services Board, the Chamber of Commerce, the Rescue and Police to meet to discuss fireworks and to bring a recommendation

to the Board of Selectmen on March 20, 2006.”

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

Set meeting date – Wednesday - at 3 pm. – Judge Welsh Room – March 15, 2006. Volunteer -- Kerry Adams.

Organizing a Fourth of July Celebration without fireworks

MOTION: *Move that the Board of Selectmen vote to table this item until Monday, March 27, 2006.*

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

7A USDA APPLICATION: CEM CARE CAMPUS

Wastewater: Care Campus Sewer Connection

MOTION: *Move that the Board of Selectmen vote to authorize submission of the Town of Provincetown's grant application under the United States Dept. of Agriculture Wastewater Program for Care Campus sewer connection wastewater improvements for a total project cost of approximately \$925,000 with grant funding up to 75%, or approximately \$693,750.*

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

7B APRIL 3, 2006 ANNUAL & SPECIAL TOWN MEETINGS

Adoption of Board of Selectmen's Recommendations on Articles

APRIL 3, 2005 SPECIAL TOWN MEETING ARTICLES

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-1 Wasterwater Optimization and Expansion – Borrowing Authorization: \$1.5 million.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-2 Community Preservation: Acquisition of 90 Shankpainter Road for Community Housing Purposes.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-3 Land Bank – Open Space Acquisition –74 Harry Kemp Way; \$340,500 borrowing.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-4 Land Bank Pre-acquisition Expenses: \$30,000 transfer.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-5 Perfecting Land Transfers.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-6 Cape End Manor FY 2006 Supplemental Appropriation: \$550,000.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-7 Cape End Manor Building Repair Costs. \$100,000 borrowing.*

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

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

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-10 Insurance Proceeds: Harbormaster's Boat Repairs. \$45,665 transfer.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-11 Cost of living increase adjustment to 17D Surviving Spouse, Minor Child, or Elderly Person exemption for Fiscal Year 2006.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-12 Fireworks - \$32,100 transfer.*

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

APRIL 4, 2005 ANNUAL TOWN MEETING ARTICLES

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-1 To Hear Town Reports*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-2 FY 2007 Municipal Operating Budget \$13,654.421.*

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

MOTION: *Move that the Board of Selectmen vote to Not Recommend Article ATM-3 School Committee's Request for Another Audit of Town Finances.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-4 FY 2007 Provincetown Public Schools Operating Budget: \$4,152,958.43.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-5 FY 2007 Cape Cod Regional Technical High School Assessment: \$140,935.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-6 FY 2007 Enterprise Funds*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-7 FY 2006 Capital Improvements Program*

1. Replace Fire Rescue Vehicle 199: \$170,000

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

MOTION: *Move that the Board of Selectmen vote to Not Recommend Article ATM-7 #2 - Police Fleet Replacement Program: \$47,332.*

Motion by: Michele Couture - -- No second.

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-7*

2. Police Fleet Replacement Program: \$47,332

**Motion by: Richard Olson Seconded by: Sarah Peake
Yea 4 Nay 1 (Michele Couture)**

3. Parking Program: \$25,200 (Computers)

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

4. Stormwater Master Plan Improvements: \$150,000

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

5. DPW Road Construction Phase I: \$400,000

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

6. Water DEP Water Management Permit/New Source Development: \$500,000

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-8*

FY 2007 Revolving Accounts: Town Hall Auditorium, Shellfish Grants

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-9*

Cape Cod Greenhead Fly Control District Assessment.

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-10*

Community Preservation Budget for FY 2007.

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-11*

Cape End Manor Transition Costs.

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-12*

Cape End Manor Board of Directors

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-13*

Fund Collective Bargaining Agreements.

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

MOTION: *Move that the Board of Selectmen vote to Not Recommend Article ATM-14*

Resolution: Reduce Police Court Overtime by Ticketing for Marijuana Possession.

**Motion by: Sarah Peake Seconded by: David Nicolau
Yea 3 Nay 2 (Michele Couture/Cheryl Andrews)**

MOTION: *Move that the Board of Selectmen vote to Reserve Recommendation on Article ATM-15: Tax Relief for Income Eligible Seniors*

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

MOTION: *Move that the Board of Selectmen vote to NOT RECOMMEND Article ATM-16*

Discount on Sewer Bills for Income Eligible Seniors.

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

MOTION: *Move that the Board of Selectmen vote to NOT RECOMMEND Article ATM-17 Resolution: Big Tax Break for Full-time Residents.*

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

MOTION: *Move that the Board of Selectmen vote to Not Recommend Article ATM-18 Resolution: Lock In Real Estate Taxes*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-19 Home Rule Petition / Charger Amendment / Eliminate Term Limits.*

**Motion by: Michele Couture Seconded by: Richard Olson
Yea 3 Nay 1 (David Nicolau) Abstain 1 (Cheryl Andrews)**

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM- 25 General By-Law Amendment: Non-Criminal Disposition of Pier Corporation Regulations.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM- 26 General By-Law Amendment: Town-owned Docking Facilities.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM- 28 Nathan Freeman Building.*

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

MOTION: *Move that the Board of Selectmen vote to Not Recommend Article ATM- 29 Construction & Operation of Recreational Facility.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-30 July Fourth Celebration, Historic Walking Trail: \$50,000.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-31 Expenditures from the Tourism Fund: \$423,136*

**Motion by: Sarah Peake Seconded by: Michele Couture
Yea 4 Nay 1 (Cheryl Andrews)**

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-32 FY 2007 Human Services Grant Program: \$53,799.*

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

MOTION: *Move that the Board of Selectmen vote to Reserve Recommend on Article ATM- 33 Funding Lower/Outer Cape Community Coalition: \$750.*

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

MOTION: *Move that the Board of Selectmen vote to Reserve Recommend on Article ATM- 34 Emergency Public Health Services.*

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

MOTION: *Move that the Board of Selectmen vote to Not Recommend Article ATM- 36*

Resolution: MacMillan Pier Transportation Center.

Motion by: Sarah Peake **Seconded by: David Nicolau**
Motion withdrawn

MOTION: Move that the Board of Selectmen vote to Reserve Recommend Article ATM- 36
Resolution: MacMillan Pier Transportation Center.

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

MOTION: Move that the Board of Selectmen vote to Not Recommend Article ATM- 37
Resolution: Shade Tree Removal.

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

MOTION: Move that the Board of Selectmen vote to recommend Article ATM- 38
Resolution: Stop the War in Iraq.

Motion by: Michele Couture **Seconded by: David Nicolau**
Yea 4 Nay 1 (Richard Olson)

8. **MINUTES OF BOARD OF SELECTMEN'S MEETINGS**

MOTION: Move that the Board of Selectmen vote approve the minutes of February 22, 2006 @ (Wastewater) as printed.

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

MOTION: Move that the Board of Selectmen vote to approve the minutes of February 27, 2006 (Regular Mtg.) with changes so noted.

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

MOTION: Move that the Board of Selectmen vote to approve the minutes of March 6, 2006 (Warrant) as printed.

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

9. **CLOSING STATEMENTS**

David Nicolau - None

Michele Couture

MOTION: Move that the Board of Selectmen vote to send a letter to the Truro Board of Selectmen asking for input on a joint project to get a motor-cross track in Truro.

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

Sarah Peake – None **Richard Olson** - None

Cheryl Andrews

Disseminating information between town hall and the public re: override. Put on website and send to newspapers. Richard Olson will work with Dr. Andrews on this.

Motion to adjourn by Michele Couture at 10:49 pm.

Minutes transcribed by: Vernon Porter, Secretary
March 22, 2006