

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, APRIL 10, 2006

## JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:02 PM noting the following attendees:

Board of Selectmen members: Cheryl Andrews, Sarah Peake, Michele Couture, David Nicolau.

Excused Absence: Richard Olson (On Vacation)

Other attendees: Town Manager Keith Bergman

Recorder: Vernon Porter

The following are meeting minutes, in brief.

### 1A PROCLAMATION: FORMER FIRE CHIEF JAMES F. MEADS, SR. DAY

Present Proclamation to his family.

Dr. Andrews read the contents of the proclamation to the general public and then presented the plaque to Mrs. Meads (See attachment #1).

### 1B VISITOR SERVICES BOARD

FY 2007 Tourism Grant Awards – ATM Article 31, Item 4

VSB Members Present: Peter Bez, Kathleen Fitzgerald, Hersh Schwartz, Michael Peregón and Administrative Tourism Director Bill Schneider.

MOTION: *Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following FY 2007 Tourism Grants as recommended by the Visitor Services Board:*

*(A) Provincetown Portuguese Festival, \$6,500;*

Motion by: Sarah Peake                      Seconded by: David Nicolau                      Yea 4    Nay 0

*(C) Meet Your Man in Provincetown, \$4,000;*

Motion by: Sarah Peake                      Seconded by: David Nicolau                      Yea 4    Nay 0

*(D) Holly Folly, \$4,000;*

Motion by: Sarah Peake                      Seconded by: David Nicolau                      Yea 4    Nay 0

*(E) Third Annual Conference of the Norman Mailer Society, \$2,500;*

Motion by: Sarah Peake                      Seconded by: David Nicolau                      Yea 4    Nay 0

*(F) Mates Leather Weekend, \$2,500;*

Motion by: Sarah Peake                      Seconded by: David Nicolau                      Yea 4    Nay 0

*(I) Shakespeare on the Cape, \$4,000;*

Motion by: Sarah Peake                      Seconded by: David Nicolau                      Yea 4    Nay 0

*(J) Great Provincetown Schooner Regatta, \$8,000;*

Motion by: Sarah Peake                      Seconded by: David Nicolau                      Yea 4    Nay 0

*(K) Bear Week 2006, \$1,750;*

Motion by: Sarah Peake                      Seconded by: David Nicolau                      Yea 4    Nay 0

*(L) Provincetown Swim for Life and Padilla Flotilla, \$2,000;*

Motion by: Sarah Peake                      Seconded by: David Nicolau                      Yea 4    Nay 0

*(M) 4<sup>th</sup> Annual Kate Clinton Classic International Women's Flag Football Tournament, \$2,500;*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

*(N) Fantasia Fair, \$2,500;*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

*(O) Provincetown Tennessee Williams Festival, \$2,500;*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

*(P) Blanche Lazzell: The Hoffman Drawings, \$5,000;*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

*(Q) Second Annual WOMR Provincetown Jazz Festival, \$3,500;*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

*(R) New Provincetown Players' Holiday Extravaganza, \$7,000;*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

*(S) Third Annual Provincetown Harbor Lights – Memorial of Hope, \$1,000;*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

*(T) Outer Cape Chorale, \$2,000;*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

*(U) A Video Tour of Provincetown, \$4,800;*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

*(V) Castle Hill Paints the Town, \$1,000;*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

*(W) Provincetown Dance Festival, \$2,500;*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

*(X) Great Music on Sundays at Five, \$2,000.*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

Sarah Peake & Kathleen Fitzgerald recused themselves due to conflicts of interest.

*(G) 22<sup>nd</sup> Annual Women's Week in Provincetown, \$8,500;*

**Motion by:** Michele Couture                      **Seconded by:** David Nicolau                      Yea 3    Nay 0

*(H) Single Women's Weekend, \$5,000; (I) Shakespeare on the Cape, \$4,000;*

**Motion by:** Michele Couture                      **Seconded by:** David Nicolau                      Yea 3    Nay 0

Sarah Peake and Kathleen Fitzgerald returned.

David Nicolau recused himself as he has a conflict on this item.

*(Q) Second Annual WOMR Provincetown Jazz Festival, \$3,500;*

**Motion by:** Sarah Peake                      **Seconded by:** Michele Couture                      Yea 3    Nay 0

David Nicolau returned.

Peter Bez left the room due to conflict.

*(B) Provincetown International Film Festival, \$15,000;*

**Motion by: Sarah Peake**

**Seconded by: Michele Couture**

**Yea 4 Nay 0**

Peter Bez returned.

*For a total of \$100,050.00.*

## **1C HARBOR COMMITTEE**

Repair to Sixth Town Landing – Good Templar Place

Open discussion ensued. Sarah Peake requested a copy of the master plan that is going to ConCom. Check scope of temporary work.

***MOTION: Move that the Board of Selectmen vote to direct the Department of Public Works to develop and submit a plan to the Conservation Commission by week's end a plan to effect the temporary repair of Good Templar Place, subject to obtaining the prior approval of the Conservation Commission.***

**Motion by: Sarah Peake**

**Seconded by: David Nicolau**

**Yea 4 Nay 0**

## **2. PUBLIC STATEMENTS**

Kerry Adams – Would like help from the Board of Selectmen in crafting a article for the Fall Town Meeting for speaking after an article has been brought to the floor so that people want to speak that the have the opportunity to do so and stay within the confines of what is legal for town meeting.

Bert Wolfman – Heads up -- on the open vacancy for the Recreation Director. The School Committee and the Recreation Committee are having a joint meeting this Friday to begin to explore what summer programming and after school programming should look like.

## **3. SELECTMEN'S STATEMENTS**

### **Michele Couture**

Thank everybody for the preparation of Town Meeting – they did an excellent job.

If Prop 2 ½ does not pass – we need to schedule a separate meeting to deal with this. Ask colleagues how they feel on this. Sarah Peake – We need to establish a Steering Committee – a broad based group ... The Town Manager explained a little more about forming a Committee and said that the Board of Selectmen ought not act as a Board and take any official action in establishing a Campaign Committee.

Michele - I think that we need to get a handle on this and I think we need to do this as a Board first and have Keith come back with a report on a couple of different scenarios of what it's going to mean if the 2 ½ override doesn't pass. And then from there we can then discuss what we are going to do with it.

**Decision:** Set a date of Tuesday, April 18, 2006 @ 6 PM for a Board of Selectmen's meeting to discuss Fiscal Update – Planning & Options FY '06 & '07.

***MOTION: Move that the Board of Selectmen vote to send a special thanks to Veteran's Memorial Elementary School Principal Anthony Teso for the posters by students for a job well done.***

**Motion by: Michele Couture**

**Seconded by: Sarah Peake**

**Yea 4 Nay 0**

Schedule out next Public Forum for – Tuesday – May 23, 2006 @ 6 PM

Beach clean up a few weeks ago and got some great feedback. Folks from Barnstable County Correctional Facility and other volunteers helped us. Got an email from our Harbor Committee Chairman and there is a move afoot get a beach rake .. and I want to thank everyone who participated and I look forward to hearing from the Chair of the Harbor Committee as to whether he and an old school buddy can work out something to get a beach rake.

Had a phone call from a fisherman today and he was describing a problem he had and I called the Chairman of

the Pier Corp and want to say that she was very responsive and very helpful. And she also mentioned that it might be interesting to have a tour of the Pier with the Pier Corp .. to see how things are running, etc.

Cheryl Andrews – will contact Lee Ash for site visit to Pier.

Where are we with the ten year Fiscal Policy Plan? Keith – is posted at the web site.

***MOTION: Move that the Board of Selectmen vote to send a letter of congratulations to Town Treasurer John Fitzgerald upon his retirement and move to Florida.***

**Motion by: Michele Couture                      Seconded by: Sarah Peake                      Yea 4    Nay 0**

To Keith - There is something about an Emergency crossover for vehicles – has that already been done?

Answer – No, we're waiting for a DPW recommendation. Michele – Is that going to come before us or is that just your call? Keith – No I would want you to vote on that. Michele – Good, I think that is a great idea.

Letter from Mary Smith – re: Debris on her property – has this been attended to? Keith – This letter came in on Monday morning and we got a phone call from her Monday afternoon thanking us for attending to it.

### **David Nicolau**

Stephen Kovacev gave a brief background for the reasons behind his being nominated by Brent Nicholas Earle for the Tom Wardell Award – Gay Games VII and asked for a letter of support from the Board on behalf of the Town of Provincetown.

***MOTION: Move that the Board of Selectmen vote to extend their congratulations to Mr. Stephen Kovacev of Provincetown, Massachusetts on his nomination for the Tom Wardell Award – Gay Games VII and to add their endorsement to his nomination submitted by Brent Nicholas Earle.***

**Motion by: David Nicolau                      Seconded by: Sarah Peake                      Yea 4    Nay 0**

Opportunity to attend the Workforce Housing Summit in Chatham along with Sarah Peake today and it was an incredible event. It was great to hear from different people from all over the Cape and their stories of just how difficult it is to create the housing that is needed from other towns that were similar to Provincetown's where they had funding but not enough land. Actually, changing what I learned was that the Work Force Housing itself includes all the income ranges, including the middle income, which is something I have been trying to do for a long, long time. They talked about funding – the lack of funding – it was really a great meeting. There must have been a 100 or more people there. Very inspiring and informative – a tremendous learning experience.

### **Sarah Peake**

Ways to communicate with our citizens – inform them of what is happening on a regular basis. Let us explain why it is we are asking for a Prop 2 ½ Override for FY 2006.

***MOTION: Move that the Board of Selectmen vote to have the Town Manager consult with our MIS Director regarding ways to develop a plan for e-mailing a newsletter to communicate with the citizens of Provincetown.***

**Motion by: Sarah Peake                      Seconded by: David Nicolau                      Yea 4    Nay 0**

Regarding the comments by Mr. Adams about allowing the minimum amount of time for comments to be made before the question is moved – I think working with Town Council would be great – and I think we need to bring the Town Moderator into the loop because she moderates the discussion up there and also I don't know how she is bound by Town Meeting Times, the book that she follows – but it would be important to have a conversation with Mary-Jo about this as well and I will be more than happy to work with you on it.

And to Mr. Wolfman .. thank you for the information and heads up about the School Committee working with the Recreation Committee and I would ask that just after your meeting that if there are notes taken that they can be forwarded down to Vernon just so that we are included in the loop. If you need our help and assistance or if something comes up also let us know that .. and if you'd like us to participate, also let us know that – and if you want to work through a few meetings on your own first, that's fine too – but thank you for taking the initiative on that, I appreciate it very much.

Right after Town Election – It would be important to breathe life back into the Affordable Housing Task Force. We really need to take a look at where we are. There were a number of articles that were brought forth at Town Meeting in April 2004 as incentives to create affordable housing in the community. We put measures into place but are we getting results? If not – then we need to go back and look and after the Town Election I hope we can reconvene the Affordable Housing Task Force.

Also, we haven't had an update from the Economic Development Council in a little bit of time and I would like to schedule them for a meeting after Town Election as well.

Set a date for sometime in May or June.

**Cheryl Andrews**

Thanks to Town Manager and Staff - who performed exceedingly well during Town Meeting – it was an amazing amount of work You all did an excellent job – you have my gratitude

During Town Meeting the Moderator - referenced for many of us, for the first time, what she kept calling a by-law about if someone moves an article at a lower amount the by-law requires you to move the main motion first. I am wondering if we can get a copy of that by-law and find out what kind of by-law it is – when it was passed, procedurally what is it about that by-law that caused her to trump – I'm guessing it is a general by-law. Keith – It is a general by-law of the Town. Cheryl – Can we get a copy of this please.

Very happy to hear Mr. Wolfman mentioning the intermingling needs and goals of the School Committee and the Recreation Commission. I haven't talked to your Chairman about setting any agenda for our first joint meeting on May 9<sup>th</sup>. My intention was to put that on the agenda. Your discussions are timely and we appreciate the help

Mood of the town – our goal is to minimize surprises.

***MOTION: Move that the Board of Selectmen vote to appoint David Nicolau to the Represent the Board of Selectmen at the two-day School Conference on May 16 & 17, 2006.***

**Motion by: Sarah Peake                      Seconded by: Michele Couture                      Yea 4    Nay 0**

***MOTION: Move that the Board of Selectmen vote to appoint Cheryl Andrews as an Alternate Representative for the Board of Selectmen at the two day School Conference on May 16 & 17, 2006.***

**Motion by: Sarah Peake                      Seconded by: Michele Couture                      Yea 4    Nay 0**

**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 to as Commissioners of the Scholarship Funds, to approve the transfer of \$2,000.00 from the John Anderson Francis Scholarship Fund for the payment of scholarships.***

**Motion by: Michele Couture                      Seconded by: Sarah Peake                      Yea 4    Nay 0**

**5A2    TREASURER'S TRANSFERS**

Bond Anticipation Note #1058

***MOTION: Move that the Board of Selectmen vote to authorize the issuance of a Bond Anticipation Note #1058***

*in the amount of \$4,714,813.00 dated April 13, 2006 at 3.80% interest payable at maturity to Cape Cod Five Cents Savings Bank on May 31, 2006.*

Motion by: Michele Couture

Seconded by: David Nicolau

Yea 4 Nay 0

**5A3 TREASURER'S TRANSFERS**

Bond Anticipation Note #1059

***MOTION:*** *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1059 in the amount of \$2,460,187.00 dated April 13, 2006 at 3.85% interest payable at maturity to Cape Cod Five Cents Savings Bank on September 29, 2006.*

Motion by: Michele Couture

Seconded by: David Nicolau

Yea 4 Nay 0

**5B SCHOOL COMMITTEE**

Accept MSBA Audit of PHS, VMES Project

***MOTION:*** *Move that the Board of Selectmen vote to authorize acceptance of the draft agreed-upon procedures reports from the Massachusetts School Building Authority dated March 31, 2006 concurring with the schedules, findings and ineligible costs contained therein as follows: (1) Provincetown High School, Project #W2004132 in the total grant amount of \$3,307,304, and (2) Veterans Memorial Elementary School, Project #W2004134 in the total grant amount of \$1,407,499; for a total of \$4,714,813, or 60%, of eligible costs totaling \$7,858,021.*

Motion by: David Nicolau

Seconded by: Michele Couture

Yea 4 Nay 0

**5C MDPH HIV/AIDS HOME HEALTH GRANT**

Amendment

***MOTION:*** *Move that the Board of Selectmen vote to authorize the execution of a contract amendment with the Massachusetts Department of Public Health for a reduction of \$33,000 for FY 2006, July 1, 2005 to June 20, 2006, which will reduce the maximum obligation from \$166,882 to \$133,882.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 4 Nay 0

**6A WASTEWATER CONTRACT – JOHN GOODRICH**

Sewer Optimization & Expansion – Facilitated Meeting Process

***MOTION:*** *Move that the Board of Selectmen vote to authorize execution of a contract for facilitation services with Mr. John Goodrich in an amount not to exceed \$25,000.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 4 Nay 0

David Nicolau recused himself due to conflict.

**6B1 APRIL 3, 2006 TOWN MEETING FOLLOW-UP**

Perfecting Title to PHS Annex Parcel 4 – STM Article 5

***MOTION:*** *Move that the Board of Selectmen vote, pursuant to Article 5 of the April 3, 2006 Special Town Meeting to approve a Confirmatory Order of Taking, incorporated herein by reference, to acquire the parcel of land shown as "Parcel 4 Area = 1,975+ Sq.Ft." on a plan of land entitled "Plan of Land in Provincetown as Surveyed for the Town of Provincetown," dated November, 2005, revised through December 1, 2005, prepared by William N. Rogers Professional Civil Engineers & Land Surveyors, and to approve a confirmatory deed for transfer of said property to the Provincetown Center for Coastal Studies.*

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 3 Nay 0

David Nicolau returned.

**6B2** APRIL 3;, 2006 TOWN MEETING FOLLOW-UP

Accept Deed for Nathan Freeman Building – ATM Article 28

**MOTION:** *Move that the Board of Selectmen vote, pursuant to Article 28 of the April 3, 2006 Annual Town Meeting, to acquire by purchase, gift, eminent domain or otherwise and to accept the deed of a fee simple interest or less in the parcels described below, currently owned by James Cole, Trustee of the Nathan Freeman Trust under Indenture of Trust dated December 1, 1873 and recorded with Barnstable County Registry of Deeds in Book 175, Page 95, upon such terms and conditions as the Board shall determine to be appropriate, for general municipal purposes, including conveyance by the Board of Selectmen, said parcel of land being described as follows: Beginning at the south east corner of the premises at a stone bound on Commercial Street running thence southwesterly by said Commercial Street fifty seven feet and four inches to land of the late Nathaniel Holmes to a post; thence northwesterly by land of said Holmes seventy five feet three inches to a post; thence northeasterly by land of Nathan Freeman forty feet and eleven inches to the town road and thence southeasterly by the Town Road sixty seven feet eight inches to the first named boundary. Being the premises conveyed to the Grantor by deed from Nathan Freeman dated December 1, 1873 and recorded with Barnstable County Registry of Deeds in Book 175, Page 194. See also Barnstable County Probate Docket No. 01P1610TPI*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      **Yea 4    Nay 0**

**6B3** APRIL 3, 2006 TOWN MEETING FOLLOW-UP

Tracking Sheet of Articles Passed.

No action needed. No motions taken.

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of March 13, 2006 (Regular Mtg.) with changes so noted. (All Present)*

**Motion by:** Sarah Peake                      **Seconded by:** Michele Couture                      **Yea 4    Nay 0**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of March 20, 2006 (Special Mtg.) with changes so noted. (All Present)*

**Motion by:** Sarah Peake                      **Seconded by:** Michele Couture                      **Yea 4    Nay 0**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of March 21, 2006 (Annual Traffic Hearing.) as printed. (All Present)*

**Motion by:** Michele Couture                      **Seconded by:** Sarah Peake                      **Yea 4    Nay 0**

**MOTION:** *Move that the Board of Selectmen table the minutes of March 22, 2006..*

**Motion by:** Michele Couture                      **Seconded by:** Sarah Peake                      **Yea 4    Nay 0**

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

**Motion by:** Sarah Peake                      **Seconded by:** Michele Couture                      **Yea 4    Nay 0**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of April 3, 2006 (Town Mtg.) with changes so noted. (All Present)*

**Motion by:** Sarah Peake                      **Seconded by:** Michele Couture                      **Yea 4    Nay 0**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of April 4, 2006 (Town Mtg.) with changes so noted. (All Present)*

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      **Yea 4    Nay 0**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of April 5, 2006* (Town Mtg.) *with changes so noted.* (All Present)

**Motion by:** Sarah Peake                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of April 6, 2006* (Town Mtg.) *as printed* (All Present)

**Motion by:** Michele Couture                      **Seconded by:** David Nicolau                      Yea 4    Nay 0

8. **CLOSING STATEMENTS**

**Michele Couture**

Re: Handicapped parking at the Library on Center Street. Sarah Peake left the room due to conflict. Michele would like to have this on the agenda . David said he would not support any change in his previous decision. Michele said she will wait until Richard Olson comes back to see if he will support bringing it back as an agenda item.

**David Nicolau** – National Seashore – starting dialogue – using some of their land for housing. Idea of transfer development. Something to look into.

**Sarah Peake**

**MOTION:** *Move that the Board of Selectmen vote to have a joint meeting with Truro re: Cape Tip Motor Cross Trail and Affordable Housing at the North Truro Air Force Base, sometime in early June.*

**Motion by:** Michele Couture                      **Seconded by:** Sarah Peake                      Yea 4    Nay 0

Motion to adjourn by Sarah Peake at 8:30 pm.

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