

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING - MONDAY, JUNE 26, 2006

### JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:00 PM noting the following attendees:

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

Other attendees: Town Manager Keith Bergman

Recorder: Vernon Porter

The following are meeting minutes, in brief.

#### 1A PUBLIC HEARING:

Adoption of Town-wide Policy Goals for FY 2007

***MOTION:*** Move that the Board of Selectmen vote, pursuant to Charter §4-2-1, to adopt as Town-wide Policy Goals for Fiscal Year 2007 those goals contained in the public hearing notice [with the following amendments:

1. Administrative Transition – No comments.

2. Fiscal Management

Add “and achieve an excess levy capacity of \$350,000 for FY ’08.” at the end of paragraph three following “matter of policy.”

***MOTION:*** Move that the Board of Selectmen vote to add to goal #2 Fiscal Management at the end of the 2<sup>nd</sup> paragraph; “And to achieve a common vision for the future of the Provincetown Public Schools.”

**Motion by:** Richard Olson                      **Seconded by:** Sarah Peake  
Yea 4 Nay 1 (Cheryl Andrews)

***MOTION:*** Move that the Board of Selectmen vote to add to goal #2 Fiscal Management the following; “that the Town of Provincetown meet all the Department of Revenue filing deadlines and set the Town’s tax rates and mail tax bills in a timely manner on November 1<sup>st</sup> and May 1<sup>st</sup>.”

**Motion by:** Sarah Peake                      **Seconded by:** Michele Couture  
Motion and Second Withdrawn

#3 Implement Cape End Manor Care Campus

***MOTION:*** Move that the Board of Selectmen vote to change the wording in goal #3 Implement Cape End Manor Care Campus as follows: “remove Cape Cod Commission and Historic District Commission” and add on to the last sentence “and to meet the closing date as set forth in the Purchase and Sales agreement.

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

#4 Wastewater - Change the word ‘continue’ to ‘finalize’.

#5 Water Management Permit – No comments

#6 Affordable Housing

Austin Knight – Entertain a tax for affordable housing the same as Nantucket.

Add “Convene a local housing summit for fall 2006”.

#7 – Tourism and Economic Development



years ago.

### 3. SELECTMEN'S STATEMENTS

#### Richard Olson

**MOTION:** *Move that the Board of Selectmen vote to send letters of thanks and congratulations to all the units who marched in the parade for the Portuguese Festival and the Blessing of the Fleet.*

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

Happy to see if Olhao, Portugal can be a sister city to Provincetown.

My thanks to Don Murphy for everything he does to bring the Portuguese Festival and the Blessing of the Fleet about every year.

Sorry that PTV is not covering us this evening. I find it a little demoralizing and I understand there is a good deal of demoralization in that organization and I am very sorry about that and hope it gets straightened out.

Mosquito infestation – people are asking me why are we not spraying? People can call Jane Evans our Health Agent and see what she can do to help you with your concerns.

Measles – Assuming that if you had them when you were a kid you are OK. Michele Couture – if you were born before 1957. .. Brian Carlson has coordinated with VNA, Outer Cape, Cape Cod Medical Reserve Group and Val Carrano and they have coordinated to make vacancies available at the Grand Union and the Middle School.

#### David Nicolau

Work on Shankpainter Road – will it be paved by July 4<sup>th</sup>. Weekend? Keith Bergman – I will find out for you.

#### Sarah Peake

**MOTION:** *Move that the Board of Selectmen vote to send a letter to the Portuguese Festival Committee for all their hard work during this year's festivities.*

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

Congratulate the Town for being designated as a No Place for Hate Community.

**MOTION:** *Move that the Board of Selectmen vote to authorize Selectman Sarah Peake to draft a Proclamation celebrating Pan Mass Challenge and bring it back to the Board of Selectmen for approval*

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

**MOTION:** *Move that the Board of Selectmen vote to rescind their vote taken at the March 21, 2006 Traffic Hearing regarding charging people with handicapped placards to park in the MacMillan Pier parking lot.*

**Motion by:** Sarah Peake                      **Seconded by:** Richard Olson

--- Motion and Second – withdrawn ---

**MOTION:** *Move that the Board of Selectmen vote to reconsider its vote taken at the March 21, 2006 Traffic Hearing regarding charging people with handicapped placards to park in the MacMillan Pier parking lot.*

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

**MOTION:** *Move that the Board of Selectmen vote to schedule this matter for the Board's next regular meeting on July 10, 2006.*

**Motion by:** Sarah Peake                      **Seconded by:** Richard Olson

**MOTION:** *Move that the Board of Selectmen vote to have the Parking Department provide the Board of Selectmen with a comprehensive town-wide plan indicating where each and every handicapped parking space is located by our next regular schedule meeting on July 10, 2006.*

**Motion by:** Sarah Peake

**Seconded by:** David Nicolau

Yea 5 Nay 0

**Michele Couture**

Thanks to Lillian DeSousa and Don Murphy for all they do in organizing and being ambassadors for the Portuguese Festival.

My thanks to Sean O'Brien, Barnstable County Health for sending a generator our way.

Thanks to our Health Inspector Brian Carlson for super job relating to the recent Measles case and ask Town Manager to pass our thanks on to his Supervisor.

Drainage pipes in the East end – will look into this myself.

**Cheryl Andrews**

Congratulations to everybody at the Portuguese Festival – you've worked a tremendous amount and already working on next year's event.

**4A BOARD OF SELECTMEN APPOINTMENTS**

None at this time.

**5A1 TREASURER'S TRANSFER**

John A. Henry Trust Fund

**MOTION:** *Move that the Board of Selectmen vote as Commissioners of the Trust Funds, to approve the transfer of \$2,199.50 from the John A. Henry Trust Fund for the payment of the attached invoice.*

**Motion by:** Michele Couture

**Seconded by:** Richard Olson

Yea 5 Nay 0

**5A2 TREASURER: BOND ANTICIPATION NOTE #1064**

**MOTION:** *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1064 in the amount of \$661,000.00 dated June 28, 2006 at 3.95% interest payable at maturity to Cape Cod Five Cents Savings Bank on September 29, 2006.*

**Motion by:** Richard Olson

**Seconded by:** David Nicolau

Yea 5 Nay 0

**5A3 TREASURER: REVENUE ANTICIPATION NOTE #1065**

**MOTION:** *Move that the Board of Selectmen vote to issue a Revenue Anticipation Note #1065 in he amount of \$2,000,000.00 dated June 30, 2006 at 3.95% interest payable at maturity to Cape Cod Five Cents Savings Bank on September 1, 2006.*

**Motion by:** David Nicolau

**Seconded by:** Richard Olson

Yea 5 Nay 0

**MOTION:** *Move that the Board of Selectmen vote to amend its prior vote from "\$0" to "\$6,374.94" in unused levy capacity.*

**Motion by:** Sarah Peake

**Seconded by:** Richard Olson

Yea 5 Nay 0

**5B**      **AIRPORT LANDING FEES**

Service Contract for Collection of Landing Fees – Vector – US

**MOTION:** *Move that the Board of Selectmen vote to approve and execute a contract with Vector-US, Inc. of Arlington, VA for a three-year period for the calculation and collection of landing fees at the Provincetown Municipal Airport, for a service charge of 35% of the fees collected, as approved as to form by Town Counsel.*

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

**5C1**      **DPW – TREES**

Tree Planting On Ryder Street

Bring this item back at next regular schedule meeting.

**5C2**      **GOOD TEMPLAR PLACE REPAIRS**

Conservation Commission Notice of Intent Filing

**MOTION:** *Move that the Board of Selectmen vote to authorize the chairman to sign a revised Notice of Intent with the Conservation Commission for temporary repairs to the Good Templar Place Town Landing undertaken by the Department of Public Works pursuant to the Board of Selectmen's vote of April 10, 2006.*

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

**5D**      **PARADE PERMIT REQUEST**

Yankee Lambda Car Club

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade application submitted by Hector Ramiro, 4 Tiger Row, Georgetown, MA on behalf of the Yankee Lambda Car Club for their Annual Public Showing of Residential Motorcade & Classic Cars on Saturday, September 9, 2006 starting at 2:00 PM and ending by 2:45 PM.*

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

**6A**      **WILLOW STREET WATER TANK**

Amstar of Western New York Change Orders \$57,000

**MOTION:** *Move that the Board of Selectmen vote to authorize change order no. 1 for additional pit filling and installation of sample taps in the amount of \$12,500 and change order no. 2 for the relocation of emergency radio equipment from a valve pit to a shed adjacent to the Winslow Street water tank in the amount of \$44,500 to the contract with Amstar of Western New York for a total change of \$57,000, bringing the total contract amount to \$490,350 to be funded under the Town of Provincetown's FY 2005 Community Development Fund Grant program.*

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

**6B**      **VISITOR SERVICES BOARD**

Pilgrim Monument & Provincetown Museum Co-op Marketing Grant Agreement

**MOTION:** *Move that the Board of Selectmen vote to approve the Visitor Services Board's recommendation for a \$5,000 cooperative marketing grant agreement with the Pilgrim Monument and Provincetown Museum for Centennial Planning, which will enable the Pilgrim Monument and Provincetown Museum to promote and produce the Centennial celebration of the laying of the cornerstone of the Pilgrim Monument.*

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 5 Nay 0**

**6C AFFORDABLE HOUSING PRODUCTION**

Priority Development Fund – Planning Grant Application - \$50,000

***MOTION: Move that the Board of Selectmen vote to authorize submission of a grant application to the Massachusetts Department of Housing and Community Development under its Priority Development Fund for \$50,000 in planning assistance for housing production.***

**Motion by: Richard Olson .....**

**Seconded by: Sarah Peake**

**Yea 5 Nay 0**

Cheryl Andrews left the room as she is an abutter to an abutter. David Nicolau left the room due to potential conflict.

**6D LAND BANK ACQUISITION – 74 HARRY KEMP WAY**

Purchase & Sales Agreement – Provincetown Theater - \$340,500

***MOTION: Move that the Board of Selectmen vote, pursuant to Article 3 of the April 3, 2006 Special Town Meeting to enter into a purchase and sales agreement to acquire the fee interest in the 2.0-acre property at 74 Harry Kemp Way owned by the Provincetown Theater Foundation Inc., for the sum of \$340,500, of which at least \$150,500 shall be obtained from grants, limiting to \$190,000 the amount borrowed under the Cape Cod Open Space Land Acquisition Act for this purchase.***

**Motion by: Michele Couture**

**Seconded by: Richard Olson**

**Yea 3 Nay 0**

***MOTION: Move that the Board of Selectmen vote to take agenda item 6F out of order.***

**Motion by: Michele Couture**

**Seconded by: Sarah Peake**

**Yea 3 Nay 0**

Cheryl Andrews and David Nicolau returned.

**6F MEADOW ROAD AT 122 BRADFORD STREET EXTENSION**

Regulatory Agreement & Affordable Housing Restriction Amendment

***MOTION: Move that the Board of Selectmen vote, to authorize and execute a Regulatory Agreement with a revised Affordable Housing Restriction document for the housing development known as Meadow Road at 122 Bradford Street Extension for housing for low income families and individuals.***

**Motion by: Sarah Peake**

**Seconded by: Michele Couture**

**Yea 5 Nay 0**

**6E CAPE END MANOR CARE CAMPUS**

New England Deaconess Association, NEDA Cape Manager, Inc.

***MOTION: Move that the Board of Selectmen vote to execute the following agreements with New England Deaconess Association's wholly owned affiliate, NEDA Cape Manager, Inc. of Concord, Massachusetts relative to the Cape End Manor Care Campus: (1) an amended and restated purchase and sales agreement; (2) Management Agreement Amendment No. 1, and (3) Business Associate Agreement No. 1.***

**Motion by: Sarah Peake**

**Seconded by: Michele Couture**

**Yea 5 Nay 0**

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

***MOTION: Move that the Board of Selectmen vote to approve the minutes of June 6, 2006 (Joint Mtg w/School Cmte/FinCom) with changes so noted.***

**Motion by: Michele Couture**

**Seconded by: Cheryl Andrews**

**Yea 4 Nay 0 Abstain 1 (Sarah Peake)**

***MOTION: Move that the Board of Selectmen vote to approve the minutes of June 12, 2006 (Special Mtg/Goals) with changes so noted.***

**Motion by:** Michele Couture      **Seconded by:** Cheryl Andrews  
Yea 3 Nay 0 Abstain 2 (Sarah Peake/David Nicolau)

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of June 12, 2006 (Regular Mtg.) with changes so noted.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of June 14, 2006 (Special Mtg. 5 PM) with changes so noted.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of June 14, 2006 (Special Mtg. 6 pm) with changes so noted..*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of June 21, 2006 (Joint Mtg. w/Truro BoS) with changes so noted.*

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

8.      **CLOSING STATEMENTS**

**Michele Couture**

**MOTION:** *Move that the Board of Selectmen vote to proclaim June 30, 2006 as Dennis Anderson Day.*

**Motion by:** Michele Couture      **Seconded by:** Sarah Peake      Yea 5 Nay 0  
**Richard Olson** - None

**Sarah Peake** – Future agenda item to discuss town manger hiring strategies.

**Cheryl Andrews**

Set a timeline to meet re: letter sent out by Keith on issues of DOR will be discussing this again at the end of July (7/24/06).

Will meet again with School Committee.

DOR suggest Financial Management Review – they come and evaluate how we do things and make suggestions on how to properly do it in a timely fashion. We will be talking about it again at the end of July.

The only other questions I have is for you folks to remind me what you want me to do to extend an invitation to the School Committee.

9.      **COLLECTIVE BARGAINING/LAND NEGOTIATIONS/LITIGATION STRATEGY**

[MGL C.39, §23B cl.3 & cl 6]

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 3 & 6, to go into executive session for the purpose of discussing strategy with respect to litigation; and for the purpose of discussing land negotiations and the value of land ; and not to convene in open session thereafter. [Roll Call Vote]*

**Motion by:** Sarah Peake      **Seconded by:** Michele Couture

Michele Couture – Yea      Sarah Peake – Yea  
Richard Olson – Yea      Cheryl Andrews - Yea

**Yea 5 Nay 0      Motion Passes**

The Board went into executive session at 10:01 PM.

Minutes transcribed by: Vernon Porter, Secretary  
June 26, 2006