

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, AUGUST 28, 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, Richard Olson, David Nicolau.

Other attendees: Town Manager Keith Bergman

Recorder: Vernon Porter

The following are meeting minutes, in brief.

1A JOINT MEETING: TOWN COUNSEL

Harbor Plan Update

. Town Manager Keith Bergman gave some background on the Harbor Plan and introduced Town Council Kathleen O'Donnell who gave an update presentation on the parameters of the Harbor Plan and clarification of what that State will or will not approve – to get our harbor back in balance. The point of the harbor plan is – a guidance document. Because of the amnesty section, DEP will not approve the amended harbor plan. DEP will not allow amnesty property to completely avoid both either avoiding monitoring or granting public access. It's been ten years since the plan closed. Explained that the harbor plan has to have appendices in order to be approved.

Board is scheduled to meet with Harbor Committee on September 25, 2006.

1B STEARNS & WHEELER PRESENTATION DRAINAGE

Master Plan, Good Templar Place, 276 Bradford, C.90 funds, CZM Grant

MOTION: Move that the Board of Selectmen vote to schedule MCZM grant application for September 11, 2006 meeting [Ab Tech technology pilot.]

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

MOTION: Move that the Board of Selectmen vote to invite the abutters of Good Templar Place to discuss the issue of permanent improvements to Good Templar place, the Sixth Town Landing.

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

MOTION: Move that the Board of Selectmen vote approve a request to MassHighways for the use of \$75,074.95 in Chapter 90 funds for stormwater improvements at 276 Bradford Street totaling \$196,686.

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

MOTION: Move that the Board of Selectmen vote to approve the submission to the Conservation Commission proposed plans for permanent improvements to Good Templar Place, the Sixth Town Landing.

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

2. PUBLIC STATEMENTS

Susan Rohrbach – Senator Robert O'Leary's office - As of August 9, 2006, Alden Street Playground bill is on the order of the day and is hoping to hear within the next couple of weeks. Relocation of High Pile Road – currently with House Committee. Home Owners Insurance – did get by Senate Ways and Means and he will re-file it again next year.

Francis John Santos - Most of problems at Good Templar Place over the years has been the lack of nourishments, which recently the DPW has started to put some sand on the beaches when they dig out the storm drains. There used to be drain pipes but after a storm in 2002 they were wiped out and the town never replaced

it. So because storm run-off and beach erosion is the reason why we have Good Templar Place the way it is. Thought Good Templar Place was on the top of the priorities?. Good to see Sterns and Wheeler down there and thank you for considering this.

3. **SELECTMEN'S STATEMENTS**

Richard Olson – None at this time.

David Nicolau

Time management! Would like to have a discussion with the Board on how much time to give people for presentation at our meetings.

MOTION: Move that on our meeting agendas that Public Statements will be the first order of business as long as there is not a Pubic Hearing scheduled.

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

Sarah Peake

Cape Cod Selectmen's & Councilors Association Meeting this Friday at the Cape Codder. Breakfast starts at 7:30 AM and everyone is invited to attend.

Would like an agenda item at one of our meetings in September re: financial update on where we are? How are we spending our money. Look at the whole picture – what else is in the pipeline, etc.

Michele Couture

Center for Coastal Studies – Partial opening of Long Point Stone Dikes – requesting letter from Board of Selectmen.

MOTION: Move that the Board of Selectmen vote to send a letter to the U.S. Army Corps of Engineers requesting a feasibility study for Long Point Stone Dike (Section 1135).

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

Letter from Bay State Cruise – re: National Oceanic and Atmospheric Administration and National Marine Fisheries Services proposed regulations - schedule as an agenda item to discuss this matter.

Cheryl Andrews

Carnival was a lot of fun ... Kudos to everyone involved.

Appreciate comments from Sandy Turner on being able to empty two free barrels.

4A **BOARD OF SELECTMEN APPOINTMENTS**

None at this time.

5A **AIRPORT ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT REPORT**

Accept FAA Grant and Approve Edwards & Kelcey Contract

1) ***MOTION: Move that the Board of Selectmen vote to accept a grant award in the amount of \$656,925 from the Federal Aviation Administration for the preparation of a draft Environmental Impact Statement/Environmental Impact Report (EA/EIR) for the Provincetown Municipal Airport Plan of Improvements recommended in the 2005 Airport Master Plan.***

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

2) **MOTION:** *Move that the Board of Selectmen vote to execute a contract in the amount of \$682,000 with Edwards and Kelcey, Inc, 343 Congress Street, Boston, MA for the preparation of the EA/EIR to be funded by the FAA grant.*

Motion by: Michele Couture

Seconded by: David Nicolau

Yea 5 Nay 0

5B **PARADE PERMIT REQUEST**

Dog Run Dog, LLC

MOTION: *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Paul Gardner, Founder of Dog Run Dog, LLC, P.O. Box 880, Norwich, Vermont to hold an Dog Run to benefit the Carrie A. Seamen Animal Shelter to be held on Sunday, September 24, 2006 from 8 AM to 10 AM. No rain date. Route: From Town Hall to Tennis Courts on Ryder Street Extension.*

Motion by: David Nicolau

Seconded by: Cheryl Andrews

Yea 3 Nay 1 (Richard Olson) Abstain 1 (Sarah Peake)

6A **ECONOMIC DEVELOPMENT PERMITS**

Initial Allotment for growth Management General Use Category 5

MOTION: *Move that the Board of Selectmen vote to accept the Economic Development Council's recommendation to set aside 5,000 gallons per day for Growth Management Zoning By-law General Use Category 5 (economic development permits), and to bring such a proposed zoning amendment to the next special town meeting.*

Motion by: Michele Couture

Seconded by: David Nicolau

Yea 5 Nay 0

6B **HOUSING SUMMIT**

Update on Affordable Housing Initiatives

Open discussion ensued. No motions made. Housing summit will be held at Ptown Inn on Thursday, September 21, 2006 from 8:30 AM to 3 PM.

6C **TOWN HALL AUDITORIUM PIANO GIFT FUND**

Receive Donation, Purchase Piano, Surplus Declaration

MOTION: *Move that the Board of Selectmen vote to receive a donation of \$15,000 from Joseph Nicolson and Peter Spinelli to be deposited in the Town Hall Auditorium Piano Gift Fund established under MGL C.44,§53A; and to use the proceeds of said gift fund to purchase a Yamaha piano from Leslie Gerber of Truro for \$15,000.*

Motion by: Cheryl Andrews

Seconded by: Sarah Peake

Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to pursuant to MGL C.30B,§15 and Provincetown General By-laws 6-4-6 to declare as surplus the 1921 Steinway M piano in Town Hall Auditorium, and to authorize the Town Manager to dispose of said surplus piano by sealed bids, an auction, or an established market.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Joseph Nicolson and Peter Spinelli for their donation of \$15,000 to the Town Hall Auditorium Piano Gift Fund.*

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

7A **WATER: SOUTH HOLLOW BOOSTER PUMP STATION**

Robert B. Our Co., Inc. - \$184,668.10

MOTION: *Move that the Board of Selectmen vote to award and authorize execution of a construction contract with low bidder Robert B. Our, Co., Inc., of Harwich in the amount of \$184,668.10 for construction of the South Hollow Booster Pump Station and appurtenant work; and, further, to authorize execution of said contract by the Board upon receipt of all required bonds and insurance.*

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

7B FY 2007 FOUNDATION RESERVE PROGRAM

Submit Grant Application – Categories D, F and H

MOTION: *Move that the Board of Selectmen vote to authorize submission of a funding request to the Massachusetts Department of Education under its FY 2007 Foundation Reserve Program under the following categories: Category D: Relief for municipalities affected by stresses in the commercial agricultural, fishing or lobster industry; Category F: Relief for municipalities with high property values in comparison to income; and Category H: Reductions in payment in lieu of taxes for state-owned land from FY 2006 to FY 2007.*

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

7C FORMER FIRE STATION No. 2

Dispose of Surplus Property at 189 Commercial Street; 4th Town Landing

MOTION: *Move that the Board of Selectmen vote to pursue following option(s) relative to the former Fire House No. 2 at 189 Commercial Street, for consideration by the November 2006 special town meeting:*

(1) carve out a 5,080 +/- square foot lot from the Fourth Town Landing and sell that lot and the former Fire House No. 2 building on it and to direct that appropriate zoning relief be obtained for the lot created and to include in that lot enough space to park one car behind the building.

Motion by: Cheryl Andrews **Seconded by:** Richard Olson Yea 5 Nay 0

7D CONSERVATION COMMISSION

Submit Barnstable County Land Management Grant

MOTION: *Move that the Board of Selectmen vote to submit a grant application in the amount of \$4,300 to the Cape Cod Cooperative Extension under its Land Management Grant program for the Shankpainter Pond and Clapps Pond Wildlife Information Program."*

Motion by: Michele Couture **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 August 14, 2006 (Wastewater) as printed..*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of August 28, 2006 (Regular Meeting) with changes so noted.*

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

9. CLOSING STATEMENTS

Richard Olson – None

David Nicolau - Legislation for middle income. Are we going to have an agenda item on this? CPA funds available for middle income – is a legislative change. Need more discussion on what our options are. Keith Bergman – Should invite Susan Kadar back for another discussion. And this should come up at the Housing Summit.

MOTION: *Move that the Board of Selectmen vote to invite Susan Kadar to a future meeting to discuss housing.*

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

Discussion about VSB. Taking money back for infrastructure. Would like to converse about this.

Michele Couture

Re: Firehouse #3 reservation -don't want it to be complicated or bogged down.

Laundromat – what is status of it? Would like an update. Answer: Permits have been pulled.

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

10A EXECUTIVE SESSION

MGL C.39,§23B cl.6 and cl 3

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

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

Michele Couture – Yea **Richard Olson** – Yea **Sarah Peake** - Yea

David Nicolau – Yea **Cheryl Andrews** - Yea

Yea 5 Nay 0 **Motion Passes**

The board went into executive session at 9:03 pm.

Minutes transcribed by: Vernon Porter, Secretary
September 11, 2006