

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING - MONDAY, SEPTEMBER 25, 2006

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:01 PM noting the following attendees:

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

Other attendees: Acting Assistant Town Manager Michelle Jarusiewicz, Town Counsel Lauren Goldberg.

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING

Curb Cut Request 11 Prince Street

David Nicolau recused himself and left the room as his firm sold the property located next to this property.

Board of Selectmen

Michele Couture – I am satisfied after seeing the layout and a move to save the existing tree cluster.

Richard Olson – I walked the area the next day. The tree cluster is up to them .. it is their property.

Sarah Peake - Same concerns that I raised last time – if the board is willing. The exit lane should be egress only. Portion of the parking lot -access to Mozart during high traffic times. Northwest boundary where it abuts Mozart be blocked off during high traffic times.

MOTION: Move that the Board of Selectmen vote, pursuant to Provincetown General Bylaws Section 11-6-2, to approve the request of St. Peter the Apostle Church to extend an existing 11' curb cut by adding an 8' planter (to save the existing tree cluster) and a 15' exit lane with a 20' radius to alleviate traffic exiting the Church Parking Lot onto Mozart Ave. and Prince Street for a total cut of 40' on Prince Street (Assessor's Map 07-4-065 and 07-4-066), Provincetown, MA 02657; ... subject to the following conditions; 1) subject to the approval of the Zoning Board of Appeals; 2) the so called 'exit lane' shall be used for purposes of egress only; 3) no Ticket Booth or other apparatus whose purpose is to facilitate the collection of parking fees shall be erected or placed either on a permanent or temporary basis at this exit; 4) the Northwest boundary of the Church property where it abuts Mozart Avenue shall be blocked off so as to prevent vehicles from exiting the Church lot via Mozart Avenue during high use times; and 5) subject to Form 'A' being signed off for approval by the appropriate parties.

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 4 Nay 0

David Nicolau returned.

1B MOORING PERMITS

Schedule Public Hearing for Rates Effective January 1, 2007

MOTION: Move that the Board of Selectmen vote to schedule a public hearing for Monday, December 11, 2006 at 6 p.m. on the proposed amendments to the Mooring Permit fee schedule to become effective January 2, 2007 and to schedule an agenda item language on Tuesday, October 10, 2006 to finalize the language for the public hearing notice.

Motion by: Michele Couture .

Seconded by: David Nicolau

Yea 5 Nay 0

1C HARBOR PLAN UPDATE

Joint Meeting with Harbor Committee, Town Counsel

Open discussion ensued. Richard - Schofield Line has changed and bears no relations to the historical line .. Town Counsel - Suggested that Harbor Committee give her a list of what they want and she can then present it to DEP and see if they will review it .. no guarantees. The Harbor Committee – is willing to work on this and compromise. They need to know what exactly is the DEP immovable on, and where there might be a compromise. Main issues are amnesty, '329 line vs. Schofield.

Rex McKensey – Looking for Staff support for Appendix B .. someone who understands property boundaries, etc. Chairman Andrews ask that the Harbor Committee send the Board of Selectmen a letter outing exactly what they are looking for.

MOTION: Move that the Board of Selectmen vote to direct the Town Manager to arrange for Town Counsel to spend an hour with Harbor Committee at a future meeting.

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

1D1 EMERGENCY PREPAREDNESS

Joint Meeting with Board of Health

MOTION: Move that the Board of Selectmen vote to postpone this agenda item as requested by the Board of Health.

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

1D2 RESTROOMS

Joint Meeting with Board of Health Board

MOTION: Move that the Board of Selectmen vote to postpone this agenda item as requested by the Board of Health.

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

2. PUBLIC STATEMENTS

Astrid Berg - Re: Chapter 91 – Still having problems with DEP for the past fifteen years and now they want her to build a walkway to the beach and her property is located adjacent to the Johnson Street parking lot that already has a walkway to the beach. Needs the town's support. Complete waste of money.

Barbara Rushmore - 1) Congratulations to Sarah Peake on her winning the primary election. 2) Suggest putting electrical wires under ground on Commercial Street – even if is only for one block – will make it wider and safer street. 3) To protect the Pier .. you don't need a wave attenuator – suggest fill in area from Johnson Street to Pier.

Phil Tarvers – Is it true that the Board of Selectmen signed off on the sewer line going to the Pier .. that will only handle 4 bathrooms and no room for expansion?

Austin Knight - Mooring fees, suggest one rate. DEP may rule in our favor. Regarding the belfry restoration – hope that the Library works with Historic.

Tom Thompson – 2) Bell on town hall has not been ringing? Appears that the mechanism is broken and the clock maker in Maine says that it is beyond repair. I miss it. 2) Challenge consultant that says it would cost \$30 million to build affordable housing here in town. As a designer I think it would cost much less and I challenge them on this. The town should establish a warehouse – lots of materials and appliances being thrown out that can be re-used.

Gail Cohen - Pleased with Town Clerk's project to protect historic papers, should scan George Bryant's as well. Dune shack continue to be fierce with CCNS/NPS, the CCNS was not intended to be Wilderness Park, continue to help dwellers; continue to cherish our history.

Chris Hamilton - Encourage town to look into recycling all types of plastic.

- Peter Borelli (Provincetown Center for Coastal Studies) - Spoke on issue of Right Whales and in favor of Alternative 6. (See attachment #2).

Michael Glasfield - Spoke on the NOAA Ship Strike Reduction Strategy and how they affect the Fast Ferry industry. Not an issue of pro or anti-whale, everyone wants whales to be protected; 2006 numbers would have led to 41 days running at 10 knots.

3. SELECTMEN'S STATEMENTS

Sarah Peake

To Mr. Hamilton on recycling - thank you for bring it tour attention. We can do a better job.

Regarding Astrid Berg's public statements relative to Chapter 91 - I am glad that she brought her diagram. Glad to see that Town Counsel will be helping with the Harbor Plan. We need to take a hard line with DEP

Congratulations to our Chairman and our Town Manager for organizing the Housing Summit. It was well attended and a great number of ideas came out of the summit.

Michele Couture

I echo what Ms. Peake said about the Housing Summit ... it was only the foundation to build on other essential things.

Congratulate Ms. Peake on her win at the Democratic Primary and look forward to having you in the State House.

Re: Bell on the Town Clock - ask Keith for a report

Agree re: Ms. Berg's property - absolutely absurd to ask for another sidewalk when her property abuts town land that already has a sidewalk.

MOTION: *Move that the Board of Selectmen vote to request a report from the Town Manager as to the condition of the Town Clock.*

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

Need an update from Keithon our meeting with the Truro Board of Selectmen.

Richard Olson

Congratulation to Sarah Peake – I am tremendously proud of you.

New England Deaconess - Cape End Manor - final approval this week.

Tom Thompson – Statement that \$30 million for 250 units breaks down to \$120K per unit. If you have a way to do it cheaper let me know.

Relative to Gail Cohen's comments on the Cape Cod National Seashore. I certainly second her sentiments.

David Nicolau

Congratulations to Sarah Peake! The Housing Summit – was just great and a lot came from it.

Relative to Mr. Thompson comments - the point is that everyone is looking at this and as we move along with the summit it will bring us closer to more of a plan.

In response to Ms. Rushmore's comments for putting wires underground .. I would love to see this happen but it is very costly .. we'll see what the future brings and as money allows us to do this.

MOTION: *Move that the Board of Selectmen vote to schedule and agenda item "Fiscal Forecast for FY*

2008” for our next regular schedule meeting on October 10, 2006.

Motion by: David Nicolau

Seconded by: Sarah Peake

Yea 5 Nay 0

Cheryl Andrews

To Ms. Rushmore suggestion on underground wiring – I had this on the floor of town meeting about six years ago and it was at the very end and people were too tired and it went by the wayside. Go back and look at it .. the article is there if you want to take a look at it.

To Phil Tarvers on your question about the sewer at the pier ... we’ll definitely check this out with the sewer folks.

To Tom Thompson – we will get a report on the Bell and get back to you on this.

Regarding DEP – I would like us to do our homework before we meet with them.

Underground wires – I’m in favor of them. Love the bell and hope it can be fixes.

Will check to see if Swap Shop has limitations and if they can accept appliances.

4A BOARD OF SELECTMEN APPOINTMENTS

MOTION: Move that the Board of Selectmen vote to appoint Kerry Adams to the Board of Directors of the Provincetown Public Pier Corporation with a term expiration of June 30, 2011.

Motion by: David Nicolau

Seconded by: Sarah Peake

Yea 5 Nay 0

Sarah Peake recused herself as she is an abutter to an abutter.

Debbie DeJonker-Berry introduces Mick Rudd as the new Chairman of the Library Board of Trustees. Marcia Fair is now Vice-Chair.

5A BOARD OF LIBRARY TRUSTEES

Use of Library Gift Fund for Belfry Restoration Engineering

MOTION: Move that the Board of Selectmen vote as Commissioners of the Gift Funds, to approve the use of \$9,000 from the Library Building Gift Fund to procure the engineering services of Coastal Engineering Company, Inc. of Orleans, for the Library’s belfry restoration project.

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 4 Nay 0

Sarah Peake returned.

5B PARADE PERMIT

Provincetown Fire Department – Annual Fire Muster

MOTION: Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Fire Chief Michael Trovato of Provincetown, MA on behalf of the Provincetown Fire Department to hold their Fire Prevent Week - Annual Fire Muster to be held on Sunday, October 15, 2006 from 10 AM to 11 AM with a rain date of Sunday, October 22, 2006.

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

Sarah Peake recused herself as she is member of the Board of Directors for the Center for Coastal Studies. David Nicolau recused himself as the Center For Coastal Studies are clients of his.

6A NOAH SHIP STRIKE REDUCTION STRATEGY

Submit Comments on Proposed Rules

MOTION: *Move that the Board of Selectmen vote to submit comments on NOAA's Proposed Rule to Implement Speed Restrictions to Reduce the Threat of Ship Collisions with North Atlantic Right Whales as drafted by the Town Manager with the understanding that the draft will be circulated for 48 hours for public comments.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews Yea 3 Nay 0

Sarah Peake and David Nicolau returned.

6B RULES OF PROCEDURES AMENDED – ORDER OF AGENDA ITEMS

Open discussion ensued. No motions made.

7A MASS. COMMUNITY DEVELOPMENT BLOCK GRANT

Schedule Public Hearing on Amendment: June 27, 2005

MOTION: *Move that the Board of Selectmen vote to request a grant extension through June 30, 2007 for the rehabilitation of the Winslow Street Water Tank and to schedule a public hearing for Tuesday, October 10, 2006 for an amendment under the Town of Provincetown's FY 2005 Community Development Fund Grant program for additional rehabilitation work for the Mt. Gilboa Water Tank to provide reservoir mixing systems.*

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

7B CAPE END MANOR CARE CAMPUS UPDATE

Schedule Special Meeting with New England Deaconess Association

MOTION: *Move that the Board of Selectmen vote to schedule a special board meeting for Monday, October 2, 2006 at 4 p.m. with the New England Deaconess Association to execute the remaining agreements for the Cape End Manor Care Campus project.*

Motion by: Sarah Peake **Seconded by:** Michele Couture 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 September 11, 2006 (Wastewater) with change 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 September 11, 2006 (Regular Meeting) with changes so noted.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of September 13, 2006 (Executive Search Consultant) with changes so noted.*

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

9. CLOSING STATEMENTS

David Nicolau – None **Sarah Peake** – None
Michele Couture

Peter Souza asked me to check with the Conservation Commission as he is upset that Passive Recreation now includes hunting at Clapps Pond. ... and he is very upset over this.

Richard Olson

Noticed the Pier Corporations new letterhead and it looks wonderful.

Cheryl Andrews – Congratulations to Sarah ... it's hard work and you've done a super job.

MOTION: *Move that the Board of Selectmen vote to adopt as policy that any partisan or political mail [electronic or hard copy] addressed to the Board of Selectmen will not be distributed to the Board.*

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

10. EXECUTIVE SESSION

MGL C.39,§23B cl 3

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

Motion by: Michele Couture **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 27, 2006