

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, OCTOBER 23, 2006

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:08 PM noting the following attendees:

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

Excused Absence: Sarah Peake and Richard Olson

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1. PUBLIC STATEMENTS

John Eider – lives at Atkins-Mayo Road - work is already being done on the Old Colony Trail and abutters were never notified. The trail has been put in place for approximately 500 ft already and some of the material is hazardous (Brought samples – and Dr. Andrews asked him to leave them at the Board of Selectmen's office).

Hersh Schwartz – Regarding Mr. Eider's concerns. The Conservation received a grant and wanted to use it before they lose it. Seems to be some total miscommunication. Would like to know who did what, when and why.

Rachel White – Comments on the selection of the Town Manager Search Committee letter she received. Asked if all the applicants were interviewed and if not why not?

Austin Knight – Fire House #2 sale – Have any of the Board of Selectmen done an evaluation on this building? Willing to donate shingles to repair the leak in the roof. Looks like the building next door is leaning into our building. Opposed to any sale of any public buildings until the Housing Summit report comes back.

Barbara Rushmore - Want to see justice done – re: Lovett's Court. Friend (Colette's) who have been getting the run-around from the Planning Board and the Police Department. Planning Board made a decision without the abutters being present and/or notified properly. Property owners were told to put a fence up. They did but the neighbors keep taking it down. Will submit information to the Board of Selectmen.

Tom Osterink – Submitted a Noise By-Law on Town Warrant and urges the Board of Selectmen to endorse support of this article.

2. SELECTMEN'S STATEMENTS

David Nicolau

Responding to Mr. Eider's comments on the construction work near the railroad. I thought that there was money set aside for certain hardness to accommodate handicapped access. Keith Bergman – It was a 2005 Grant that was awarded from Barnstable County. I can get you a fuller report from ConCom on what has and is happening on this project. Cheryl Andrews – What is the legal purview of the ConCom on this project? What did they say was the appropriate material?

Firehouse #2 comments by Mr. Knight – I'm curious which building is holding up which building?

MOTION: *Move that the Board of Selectmen vote ask the Town Manager for a report on the cost of hiring a structural engineer.*

Motion by: David Nicolau

Seconded by: Michele Couture

Yea 3 Nay 0

Regarding the selling of town property – we are not selling the land – re: Firehouse #2. This is on the Town Warrant.

Dept of Housing and Community Development – 40B Inventory Update – Michelle Jarusiewicz is working on it.

Lovett’s Court – I think it falls under a civil matter. However, I think it is important that the planning board following the appropriate rules and regulations.

Michele Couture

Lovett’s Court – I followed up with the owners and have looked over the paperwork with them and request that more follow-up is due.

MOTION: *Move that the Board of Selectmen vote to request a copy of all the recent minutes from the Planning Board relative to Lovett’s Court.*

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

To Austin Knight – re scope creek, which is happening to many of the boards. I didn’t mean it as any disrespect. I meant it as a point of clarity. People become involved and in their enthusiasm they take on more than what is their purview of that particular board and sometimes we have to meet with individual boards to clarify their mission.

To Rachel White – re: Town Manager Search Committee - explained that this was one of the most difficult processes that the Board of Selectmen has ever had to do. And it meant no disrespect to those that were not selected. It was unbelievable agonizing and probably one of the most difficult meetings I’ve ever had since being a Selectmen.

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Suede for her contribution of \$650.00 toward the Town Hall Piano Gift Fund.*

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

MOTION: *Move that the Board of Selectmen vote to support Brewster Selectman Ed Lewis’ proposal for expanding the local room occupancy excise tax base.*

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

Thanks to DPW for completing the Truro water booster pump project.

Reminder about the New England Deaconess Association proclamation for the October 27th groundbreaking.

Need to have meeting with School Committee.

Cheryl Andrews

Explained to Mrs. White the process in which the Board of Selectmen used to select the Town Manager Search Committee and that there were no special criteria as this is the first time that this selection process has been used and that it was an extremely difficult one. There was no process – the Board of Selectmen just did this on their own - we invented the process on the spot. The Board appreciated everyone who submitted letters of interest. I will be happy to be discuss with you on a personal basis how you can be part of the process – there is room for different ways for people to be part of the process.

First time that Public Statements has been on the agenda .. thank you all for that.

3. BOARD OF SELECTMEN APPOINTMENTS

None

4A1 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 \$1,000.00 from the John A. Henry Trust Fund for the payment of the attached invoice.*

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

4A2 TREASURER'S TRANSFER

John Anderson Francis Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, approve the transfer of \$6,750.00 from the John Anderson Francis Scholarship Fund for the payment of awarded scholarships.*

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

4A3 TREASURER'S TRANSFER

Joseph F. Oliver Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$13,750.00 from the Joseph F. Oliver Scholarship Fund for the payment of awarded scholarships.*

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

4A4 TREASURER'S TRANSFER

Cape End Manor Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$351.84 from the Cape End Manor Gift Fund for the payment of the attached invoices.*

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

5A APPROVAL OF APPOINTMENT

Licensing Agent

MOTION: *Move that the Board of Selectmen vote pursuant to Charter §7-2-5(e), to approve the Town Manager's appointment of Darlene Van Alstyn of Provincetown as Licensing Agent.*

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

5B FY 2007 FOUNDATION RESERVE PROGRAM

Accept Grant award – Categories D, F, and H

MOTION: *Move that the Board of Selectmen vote to accept a grant award of \$84,000 from 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, \$45,000; Category F: Relief for municipalities with high property values in comparison to income, \$10,000; and Category H: Reductions in payment in lieu of taxes for state-owned land from FY 2006 to FY 2007, \$29,000.*

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

5C FISCAL UPDATE

FY 2007 Status, FY 2008 Prognosis

MOTION: *Move that the Board of Selectmen vote continue this item until November 9, 2006 at 5:00 pm.*

Motion by: David Nicolau

Seconded by: Michele Couture

Yea 3 Nay 0

5D NEW ENGLAND DEACONESS

Taking of Property for Perfecting Title Thereto

MOTION: Move that we vote to execute an order of taking for the purpose of perfecting the Town's title to the land authorized to be conveyed to New England Deaconess Association by the vote under Article 1 of the April 4, 2005 Special Town Meeting, taking by eminent domain the parcel of land shown as "Parcel 2 Area = 61,667± Sq.Ft. 1.416± Acres" on a plan of land entitled "Plan of Land in Provincetown as Surveyed for Town of Provincetown 'Cape End Manor,'" dated October, 2005, prepared by William N. Rogers Professional Civil Engineers & Land Surveyor, which order of taking shall be in form acceptable to Town Counsel, and that we determine that no damages are due for such taking, and that we authorize Town Counsel to record such order of taking.

Motion by: David Nicolau

Seconded by: Michele Couture

Yea 3 Nay 0

6A1 NOVEMBER 13, 2006 SPECIAL TOWN MEETING

Determine order in which articles appear on the warrant.

MOTION: Move that the Board of Selectmen vote to accept the ordering of the articles in the warrant for the November 13, 2006 Special Town Meeting, as presented by the Town Manager [as amended].

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 3 Nay 0

6A2 REFER ZONING AMENDMENTS TO PLANNING BOARD

Proposed Amendments for November 13, 2006 Special Town Meeting

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C. 40A, §5, to refer to the Planning Board the following proposed zoning amendments received by the close of the November 13, 2006 Special Town Meeting warrant:

A. *Zoning By-Law Amendment: Growth Management Surplus Gallonage Pool [Requested by the Board of Selectmen and the Economic Development Council]*

B. *Zoning By-Law Amendment: Growth Management Change of Use: Affordable Housing Requirement [Requested by the Provincetown Local Housing Partnership]*

Motion by: Michele Couture

Seconded by: David Nicolau

Yea 3 Nay 0

6A3 NOVEMBER 13, 2006 SPECIAL TOWN MEETING

Adoption of Board of Selectmen's Recommendations on Articles

MOTION: Move that the Board of Selectmen vote to table this agenda item until Thursday, November 9, 2006 at 5 p.m. to complete action on article recommendations.

Motion by: Michele Couture

Seconded by: David Nicolau

Yea 3 Nay 0

7. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

MOTION: Move that the Board of Selectmen vote to approve the minutes of October 10, 2006 (Wastewater) as printed.

Motion by: Michele Couture

Seconded by: David Nicolau

Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the minutes of October 10, 2006 (Regular Mtg.) as printed.

Motion by: Michele Couture

Seconded by: David Nicolau

Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of October 12, 2006 (Executive Search) as printed.*

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

8. CLOSING STATEMENTS

David Nicolau – Complaints of electricity going out all time. NSTAR problem. _

MOTION: *Move that the Board of Selectmen vote to write to NSTAR asking why the power keeps going out in Provincetown.*

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

Explained what he meant by meeting with boards/committees – ‘ taking responsibility for helping our boards as a communication tool’. I want to work more closely with the boards.

Michele Couture - Were the conditions that we made on curb cut on Priscilla Alden been adhered to?

Cheryl Andrews – My colleagues have an important point and when committees/boards start going outside their purvue it’s almost predictable that trouble is going to ensue. It is up to the Board of Selectmen to tell these appointees and that’s what I think my colleagues were trying to do in the spirit of responsibility.

9. 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 collective bargaining; and not to convene in open session thereafter. [Roll Call Vote]*

Motion by: Michele Couture **Seconded by:** David Nicolau

Michele Couture – Yea David Nicolau – Yea Cheryl Andrews - Yea

Yea 3 Nay 0 Motion Passes

Board went into executive session at 7:45 pm

Minutes transcribed by: Vernon Porter, Secretary
October 24, 2006