

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**  
**SPECIAL MEETING – THURSDAY, NOVEMBER 9, 2006 5 PM**

**JUDGE WELSH HEARING ROOM**

Chairman Cheryl Andrews opened the meeting at 5:00 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 G. Porter

The following are meeting minutes, in brief.

**1A        GENERAL OBLIGATION BOND**

\$5,153,000 BORROWED AT 3.86%

***MOTION:*** *Move that the Board of Selectmen vote to accept the terms and conditions as contained in the General Obligation Bond documents amounting to \$5,153,000 dated November 15, 2006 at 3.861472%, payable to the Cape Cod Five Cents Savings Bank as the Town's paying agent.*

**Motion by:** Richard Olson

**Seconded by:** Sarah Peake

**Yea 5    Nay 0**

**1B1        SURPLUS DECLARATION**

Fire Department Vehicle

***MOTION:*** *Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws §6-4-6, to authorize the Town Manager to dispose of, by sealed bid, a 1980 Mack MC Pumper, VIN # MC487F1005, which vehicle was declared surplus by the Board of Fire Engineers on October 12, 2006.*

**Motion by:** Michele Couture .

**Seconded by:** Sarah Peake

**Yea 5    Nay 0**

**1B2        AWARD FIRE AMBULANCE CONTRACT**

Quality Emergency Vehicles \$129,900 (Article 7-1, 4/3/06 ATM)

***MOTION:*** *Move that the Board of Selectmen vote to award a contract to sole bidder Quality Emergency Vehicles, Inc. of Natick, Massachusetts in the amount of \$129,900 for a new emergency ambulance for the Provincetown Fire Department.*

**Motion by:** Sarah Peake ...

**Seconded by:** David Nicolau

**Yea 5    Nay 0**

**1C1        MCDBG AMENDMENT STATUS**

This item tabled until next regular scheduled meeting.

Cheryl Andrews recused herself as she is an abutter to an abutter.

**1C2        SELF-HELP GRANT AWARD – 74 HARRY KEMP WAY**

Massachusetts Division of Conservation services - \$177,060

***MOTION:*** *Move that the Board of Selectmen vote, pursuant to Article 3 of the April 3, 2006 Special Town Meeting, to accept a grant in the amount of \$177,060 from the Commonwealth of Massachusetts' Division of Conservation Services under its FY 2007 Self Help program, for acquisition of the Provincetown Theatre Foundation property at 74 Harry Kemp Way as conservation land; and to authorize execution of the Self-Help Project Agreement, State Standard Contract, and other required documentation.*

**Motion by: Sarah Peake ...      Seconded by: Richard Olson      Yea 4    Nay 0**

Cheryl Andrews returned.

**2.      FISCAL UPDATE**

FY 2007 Status, FY 2008 Prognosis

Keith Bergman – gave presentation with special noted that ‘Schedule A’ was filed on time – for the first time every and tax rate should be set by January in time for bills to be sent out in April. Open discussion followed.

**3.      NOVEMBER 13, 2006 SPECIAL TOWN MEETING**

Adoption of Board of Selectmen’s Recommendations on Articles

***MOTION: Move that the Board of Selectmen vote to recommend Article STM-1 Wastewater Optimization and Expansion – Borrowing Authorization - \$6.2 Million.***

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

***MOTION: Move that the Board of Selectmen vote to recommend Article STM-2 Zoning By-Law Amendment: Growth Management Surplus Gallonage Pool.***

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

***MOTION: Move that the Board of Selectmen vote to recommend Article STM-3 Endorsement of the U.S. Mayor’s Climate Protection Agreement.***

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

***MOTION: Move that the Board of Selectmen vote to recommend Article STM-4 Cape Cod Renewable Fuels Partnership Declaration of Support.***

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

***MOTION: Move that the Board of Selectmen vote to recommend Article STM-5 Fourth Town Landing – Disposition of Former Fire House No. 2.***

**Motion by: Cheryl Andrews      Seconded by: Michele Couture  
Yea 4    Nay 1 (Sarah Peake)**

***MOTION: Move that the Board of Selectmen vote to recommend Article STM-6 Fire works Expenses - \$14,751.***

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

***- Motion withdrawn by David Nicolau -***

***MOTION: Move that the Board of Selectmen vote to indefinitely postpone Article STM-6 Fire works Expenses - \$14,751.***

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

***MOTION: Move that the Board of Selectmen vote to defer Article STM-7 Fund Collective Bargaining agreements.***

***MOTION: Move that the Board of Selectmen vote to recommend Article STM-8 FY 2007 Budget Adjustments.***

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

***MOTION: Move that the Board of Selectmen vote to recommend Article STM-9 Massachusetts Highway Department Chapter 90 Funds for Road and Sidewalk Construction and Repairs - \$119,907.***

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

**MOTION: *Move that the Board of Selectmen vote to recommend Article STM-10 Accept MGL C. 39, §23D Town Board Quorums at Adjudicatory Hearings***

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

**MOTION: *Move that the Board of Selectmen vote to recommend Article STM-11 Accept C.137 of the Acts of 2003, as amended: Military Laves of Absence.***

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

**MOTION: *Move that the letter received by the Board of Selectmen from Jack Yandrisovitz of 5 Conant Street, Provincetown, MA dated November 7, 2006 be added to the minutes as attachment #1.***

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

**MOTION: *Move that the Board of Selectmen vote to recommend Article STM-12 Zoning Bu-Law Amendment: Growth Management Change of Use: Affordable Housing Requirement.***

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

Michele Couture recused herself as she owns a store on Commercial Street.

**MOTION: *Move that the Board of Selectmen vote to NOT recommend Article STM-13 General By-Law Amendment: Noise Regulations for Street Performers.***

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

**MOTION: *Move that the Board of Selectmen vote to indefinitely postpone Article STM-14 Abolish the Historic District Commission.***

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

**MOTION: *Move that the Board of Selectmen vote to reconsider Article 5.***

**Motion by: David Nicolau      Seconded by: Cheryl Andrews  
- Motion Withdrawn -**

#### **4A COLLECTIVE BARGAINING**

& AFSCME Town-Wide Unit A: Ratification of New 3-Year

#### **4B LAND NEGOTIATIONS /VALUE OF LAND**

90 Shankpainter Road – Cumberland Farms / V.S.H. Realty

**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 strategy with respect to collective bargaining and land negotiations and value of land; not to 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 7:00 pm.

Minutes transcribed by: Vernon Porter, Secretary  
November 9, 2006