

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, DECEMBER 11, 2006

JUDGE WELSH HEARING ROOM

Acting Chairman Sarah Peake convened the meeting at 6:00 PM noting the following attendees: Board of Selectmen members: Sarah Peake, Michele Couture, Richard Olson, David Nicolau

Excused Absence: Cheryl Andrews

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

Special thanks – Term Limits - Chairman Peake introduced invited guest Peter Bez, Richard Silva, Stephen Melamed, Gary Reinhardt and Robert Cahill who are stepping down from various boards and committees due to term limits. Chairman Peake also read a list of all their accomplishments with the Town and the Board presented them with the “Town Pin” to be worn proudly for thanked them for all they have done for the town. Joan Drysdale and Regina Binder were unable to attend and a ‘town pin’ will be sent to them.

1A **PUBLIC HEARING: MOORING PERMIT FEES**

Establish Single Rate Structure for Residents, Non-Residents

MOTION: *Move that the Board of Selectmen wave the reading of the Public Hearing.*

Motion by: Richard Olson **Seconded by:** Michele Couture **Yea 4 Nay 0**

Public Comments:

Alex Brown - Does not have any more protection now that he has had for years .. then why the increase? My letter says it all. (See comments/letter dated December 4, 2006 attached to this agenda item.)

Marty Huey - As a private citizen – I support Alex Brown’s comments. And I have additional financial figures for you. (See attachment #1)

Robert Cahill - There are hazards out there with moorings and they should be cleaned up. We need to look to raise funds from the masses and not the ones who work on the water.

Austin Knight – 1) Has there been a determination from the State about resident and non-resident fees? Answer – Keith Bergman - DEP has not made a ruling on that as of this date. Austin – Then I question approving this item before a ruling has been made. 2) I questioned borrowing funds out of the Waterways Use Funds and shifting them to other areas – to pay a short debt that has come up.

Town Manager Comments - Just to say for the record – because there has been discussion of part of the issue that came up at Town Meeting but the answer has not come out that was offered at town meeting - and that is that we did not technically vote to use the Waterways funds to pay for a budget shortfall. We technically applied the money to fund the Marine Budget. Town meeting voted to send \$135K on the marine boat. So, we’re using the funding source for the appropriate point ... which is a lawful use of those funds.

Board of Selectmen Comments

Richard Olson – I’m a little surprised, although procedurally there may not be any reason for the Pier Corporation or the Harbor Committee to have taken a position or be here to advise us and I am disappointed that they haven’t and I feel a little bit adrift on the subject without that kind of guidance or their wisdom on this.

Sarah Peake – Relative to the \$135K – we did it for a practical reason and town meeting approved it. There was a shortfall in the School Budget and the choice was to cut the School Budget, cut the General Fund Budget for find a different funding source for the Marine Budget which then freed up funds from there. The decision was made by the Board of Selectmen and endorsed by Town Meeting was to fund the Marine Department differently. This doesn't take away from the comments we received from two members of the public regarding the use of those funds.

Michele Couture – I just wanted to make really clear that statutorily we had to come up with the \$135K.

Not having input from the Harbormaster or Pier Corporation on this matter. It certainly would have been helpful to have a vote from the Harbor Committee.

Rex McKinsey – The original reason for this issue coming up had to do with a potential of a lawsuit due to split rates. In the case of the Harbor Committee and the Pier Corporation neither of those entities was not comfortable supporting a single rate knowing what it was going to do to resident rates – so that is why you got either silence or lack of enthusiasm going down this road. We do recognize that the Board of Selectmen have a different set of responsibilities that you have to take care of.

As far as the mooring that Mr. Cahill is referring to, that is all under our mooring mapping project and the work that we have done on that in the last year. We know that there is still a number of outstanding issues involved with the mooring fields and it's something we will continue to work on over the next two to three year until 1) we get everyone into compliance; 2) get all the bad moorings out of the field which costs the department money.

Michele Couture – Rental slips? Rex McKinsey – Rental slips on Cabral's have never had a permit.

Sarah Peake - Does Cabral's and Flyer's pay a rental fee per mooring to the town? Answer – Yes - \$150 for each mooring and each field is 110 moorings.

Michele Couture – I think we should have one single rate.

MOTION: Move that the Board of Selectmen vote to table this item until January 22, 2007.

Motion by: Michele Couture Seconded by: Richard Olson Yea 4 Nay 0

1B1 PROVINCETOWN PUBLIC PIER CORPORATION

Joint Meeting with Board of Selectmen

PPPC Members Present: Chairman Leonard Clingham, George Hitchcock, Lee Ash, Kerry Adams and Harbormaster Rex McKinsey.

Open discussion ensued. No motions made.

1B2 DEP WATER QUALITY APPLICATION

Estuarine Water Quality Monitoring

MOTION: Move that the Board of Selectmen vote to submit a letter of support for the submission of a grant application under the Water Quality Management Planning Grant through the Department of Environmental Protection for an estuarine water quality monitoring project in Provincetown Harbor, Hatches Harbor, East Harbor, and Pamet River System to include \$3,000 from the Harbor Access Gift Fund as a match.

Motion by: Michele Couture Seconded by: Richard Olson Yea 4 Nay 0

1C CAPE COD COMMISSION

Presentation: Solid Waste Disposal Contract Options

Greg Smith from the Cape Cod Commission - Gave a presentation on Solid Waste and the alternative of long-term solid waste. Open discussion ensued. No motions made.

1D VISITOR SERVICES BOARD

Proposed Five-Year Financial Plan for Tourism Fund Expenditures

VSB Members Present: Michael Pergeon, Mick Rudd, Lynn Davies, Kathleen Fitzgerald, Peter Bez, Hersh Schwartz, laurel Guadazno and Tourism Administrative Director Bill Schneider.

Open discussion ensued on the Five-Year Financial Plan for tourism Funding Expenditures (FY 2008 – FY 2012)

MOTION: *Move that the Board of Selectmen vote to approve the Visitor Services Board's recommended five-year financial plan for Tourism Fund expenditure without amendments.*

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

MOTION: *Move that the Board of Selectmen vote to approve the request of the VSB to allow the Recreation Department to paint and beautify the trash receptacles owned by the Town.*

Motion by: David Nicolau **Seconded by:** Richard Olson Yea 4 Nay 0

2. PUBLIC STATEMENTS

Lou Ann Bowen – Thanks for town pin and the recognition tonight. Tonight I am making an appeal for townspeople to come forward and apply to Town Boards .. especially the Cable Commission which does not have any members as of this time and there is a lot on our plates at this time that will affect our future. Serious renegotiation of our cable contract and the town has some definite obligations.

Anne Howard - I trust that the Board of Selectmen will consider positively the contributions of board members up for reappointments above the perception of Conflicts of Interest. They have given positive contributions, they have expressed great interest and I think that it is something that before we disqualify them as potential board members that we look a little further.

Austin Knight – 1) Meet with Rep. O'Leary last week and discussed the steps to possibility taxing condo owners who rent. 2) Legislators are meeting again and will be discussing the Gay Marriage Act again and hope that the Selectmen will send a letter or statement of support and protect the laws that have already been passed. 3) Assessment of all the town building and what has to be done with them. Town owned sites .. cuts down the cost of new construction. 4) As Chairman of TM Search Committee – requesting your help for a Secretary for the next two Public Hearing meetings and for future meetings as well if we need a Secretary. 5) Fireworks task committee – talked with Sgt. Tobias on this and wanted to tell the town that the Fireworks this coming July and there is a budget that we may have to come with soon.

3. SELECTMEN'S STATEMENTS

Richard Olson - Nothing at this time.

David Nicolau

Responding to Mr. Knight's request for a Secretary for the TM Search Committee, I agree. Keith Bergman – just ask for an On Call Secretary.

Michele Couture

MOTION: *Move that the Board of Selectmen vote to send a letter to our Representatives requesting them to take whatever action necessary to stop the process from going forward.*

Motion by: Michele Couture No second - *Motion Withdrawn* -

Town hall report – repair of town hall

VSB 5 Year plan mentioned about Beach cleanup. Also, the Chair of the Harbor Committee that they would like to get a rake with funds out of the Water Access Fund? Do you know where that stands Keith ?
Answer - Since the Board of Selectmen has not voted to access those funds it doesn't happen. Michele - Then can we ask the Chairman of the Harbor committee where they are on this? David Nicolau - Before we spend money we might want to check with the Conservation Commission to see how they feel about it.
Sarah Peake – About five years ago we brought up raking the beach and were give a packet and I think David is right to proceed with caution.

Sarah Peake

To Keith - We need a budget snapshot of where we are .. what we've spent and future spending. So we have a global sense of where we are versus our projection and where we can tap into an area when we need to.

4A BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to approve the appointment of Patrick Eeley to the Zoning Board of Appeals as a Regular Member with a term to expire December 31, 2009.*

Motion by: Michele Couture **Seconded by:** David Nicolau Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the appointment of Philip Gaudiano to the John Anderson Francis Family Scholarship Committee as a Regular Member with a term to expire December 31, 2009.*

Motion by: Michele Couture **Seconded by:** David Nicolau Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the appointment of Philip Gaudiano to the Provincetown Scholarship Committee as a Regular Member with a term to expire December 31, 2009.*

Motion by: Michele Couture **Seconded by:** David Nicolau Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the appointment of Ronald Gamella to the Board of Registrars as a Regular Member with a term to expire December 31, 2009.*

Motion by: Michele Couture **Seconded by:** David Nicolau Yea 4 Nay 0

4B BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to approve the appointment of Marcene Marcoux as a Regular Member of the Historic District Commission with a term to expire December 31, 2009.*

Motion by: David Nicolau **Seconded by:** Michele Couture Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the appointment of Joseph DeMartino to the Planning Board as a Regular Member with a term to expire December 31, 2009.*

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

MOTION: *Move that the Board of Selectmen vote to approve the appointment of Kevin Rich to the Planning Board as a Regular Member with a term to expire December 31, 2009.*

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

MOTION: *Move that the Board of Selectmen vote to have a joint meeting with the Historic District Commission at the next regular meeting on January 8, 2007*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Steve Tait as a Regular Member of the Airport Commission with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Leslie Parsons as a Regular Member of the Board of Assessors with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Gregory Muse as a Regular Member of the Board of Assessors with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Jennifer Crooks as a Regular Member of the Beautification Committee with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Karla Vogt as a Regular Member of the Council On Aging Board with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Cherie Mittenthal as a Regular Member of the Cultural Council with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Cynthia Walker as a Regular Member of the Cultural Council with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Michael Leger as a Regular Member of the Recycling Committee with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Paul Tasha as a Regular Member of the Shellfish Committee with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Austin Knight as a Regular Member of the Water & Sewer Board with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the appointment of Sasha Richter as a Regular Member of the Water & Sewer Board with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Jonathan Sinaiko as a Regular Member of the Water & Sewer Board with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the appointment of Olympia Ciliberto as a Regular Member of the Town Scholarship Committee with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

4C APPROVAL OF TOWN MANAGER APPOINTMENTS

Conservation, Disability and Historical Commission Reappointments

MOTION: *Move that the Board of Selectmen vote to approve the Town Manager's reappointments for terms expiring December 31, 2009, as follows: (1) Elaine Anderson to the Conservation Commission, pursuant to M.G. L. c.40 §8C and Charter §6-6-1; (2) Michelle DeMarco and Terry Horowitz to the Disability Commission, pursuant to MGL C.40, §8J; and (3) Stephen Milkewicz to the Historical Commission, pursuant to Charter §6-9-1.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

5A FINANCE DEPARTMENT

Property Tax Rate Classification – Review of Policy Options

Open discussion ensued. No motions made.

5B POLICE

Schedule Hearing on Vicious Dog Complaints – MGL C. 140, §157

MOTION: *Move that the Board of Selectmen vote to have a Public Hearing on Friday, December 15, 2006 at 10 AM pursuant to MGL C. 140, §157 relative to complaints about two vicious dogs owned by Mr. Michael Clifford, 156 Bradford Street.*

Motion by: Michele Couture Seconded by: David Nicolau Yea 4 Nay 0

6A HOUSING SUMMIT UPDATE

Preliminary Review of Proposed Plan of Action

MOTION: *Move that the Board of Selectmen vote to authorize the Town Manager to convene a working group to determine an appropriate entity/ies necessary to house the Housing Action Plan implementation effort including; but not limited to: a. staff positions within Town Government; b. contract services from the Lower Cape CDC; c. establishment of a separate housing office; and d. other; said working group to be comprised of representatives from the Board of Selectmen, Local Housing Partnership, Housing Authority, Finance Committee, and the Community Preservation Committee, and to include input from the community, to report back to the Board of Selectmen by January 31, 2007 and further to appoint Michele Couture and David Nicolau as the Board of Selectmen representatives.*

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

7. MINUTES OF BOARD OF SELECTMEN'S MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of: October 23, 2006 (TM Search) as printed.*

**Motion by: Michele Couture Seconded by: David Nicolau
Yea 3 Nay 0 Abstain 1 (Richard Olson)**

MOTION: *Move that the Board of Selectmen vote to approve the minutes of: November 9, 2006 (Special Mtg.) as printed.*

Motion by: Michele Couture Seconded by: Richard Olson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of: November 13, 2006 (Special Mtg.) as printed.*

Motion by: Michele Couture Seconded by: David Nicolau Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of: November 16, 2006 (TM Search) as printed.*

Motion by: Michele Couture Seconded by: Richard Olson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of: November 27, 2006 (Wastewater) as printed.*

Motion by: Michele Couture Seconded by: David Nicolau Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of: November 27, 2006 (Regular Mtg.) with changes so noted.*

Motion by: David Nicolau Seconded by: Richard Olson Yea 4 Nay 0

8. CLOSING STATEMENTS

Richard Olson - None David Nicolau - None

Michele Couture - None Sarah Peake - None

9A COLLECTIVE BARGAINING

AFSCME Town-Wide Unit A: Ratification of New 2-year Agreement

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9B LAND NEGOTIATIONS/VALUE OF LAND

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

Move that the Board of Selectmen vote to go into executive session, pursuant to MGL Chapter 39, Section 23B, Clause 3 and Clause 6, for the purpose of discussing strategy with respect to collective bargaining; the discussion of land negotiations and the value of land; and not to convene in open session thereafter. [Roll Call Vote]

Motion by: Michele Couture Seconded by: Richard Olson

**Michele Couture – Yea Sarah Peake – Yea
Richard Olson – Yea David Nicolau – Yea**

Yea 4 Nay 0 Motion Passes

Motion to adjourn by Michele Couture at 9:47 PM.

Minutes transcribed by: Vernon Porter, Secretary
December 16, 2006