

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, MARCH 8, 2004

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Mary-Jo Avellar, Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A1 PUBLIC HEARING: TAX RATE CLASSIFICATION

FY 2004 Property Tax Rate

Chairman Avellar read the Public Hearing Notice.

Principal Assessor Dana Faris gave a brief summary hearing and the feelings of the Board of Assessors.

No public comments in favor of a split tax.

Public comments opposed to a split tax were from: Charles Silva, Steve Roderick, Bill Dougal (Attachment #1), Mark Leoshe ? , David Nicolau, Rob Tosner, Mick Rudd, John Burke, and Steve Marcello.

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2004 property tax:*

1. to establish a residential factor of "1"

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

2. not to adopt a "residential exemption".

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 5 Nay 0

3. not to adopt a "small business exemption".

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 5 Nay 0

4. to identify \$955,803 is unused property tax levy capacity.

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 5 Nay 0

1A2 PUBLIC HEARING: NSTAR

NSTAR Underground Cable and Conduit Petition

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.166,§22, to approve the request of NSTAR to install cable and conduit running under Commercial Street to upgrade service to the Provincetown Art Association and Museum at 460 Commercial Street. The cable and conduit will be run from pole 1/85, which is next to Angel Food and further that NSTAR provide "as-built" to property owners showing location and depth.*

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

1B1 PRESENTATION: WIND POWER

MOTION: *Move that the Board of Selectmen vote to request that Massachusetts Technology Collaborative for Community Wind undertake a feasibility analysis for the Town of Provincetown and invite the expert from University of Massachusetts to do an assessment of potential sites at not cost to the town.*

Motion by: Sarah Peake **Seconded by:** Richard Olson **Yea 5 Nay 0**

1B2 PRESENTATION: STORMWATER MITIGATION ASSESSMENT

Coastal Zone Management, Stearns & Wheler

MOTION: *Move that the Board of Selectmen vote to ask the Department of Public Works to prepare a report on what Vortechs stormwater drainage systems have been installed; when they were installed, what maintenance they have received and what they should be receiving.*

Motion by: Cheryl Andrews **Seconded by:** Sarah Peake **Yea 5 Nay 0**

2. PUBLIC STATEMENTS

Steve Roderick - Would be really helpful if you would put Public Statements first so that people who do want to make them do not have to wait all night.

Elizabeth Patrick - Windmills - landfill should be considered for them. If Mt. Gilboa is considered would the windmills be higher than the water tower? Agree that the CCNS should be involved. Visual overhead displays - should be used in our town meetings as well.

Read statement into record re: Nextel (See attachment #2)

3. SELECTMEN'S STATEMENTS

Michele Couture

Break in sewer line - Pearl Street. This is the 2nd time ... better not be a 3rd.

MOTION: *Move that the Board of Selectmen send a letter to Roger Keene thanking him for his service on the Historic District Commission.*

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

Gull's Nest Sign - still up ... when is it coming down. Sandy Turner - it will be removed tomorrow.

MOTION: *Move that the Board of Selectmen vote to appoint Len Stewart as Provincetown's Representative to Cape Cod Commission with a term expiring April 24, 2007 and to so notify the Cape Cod Commission, 3225 Main Street, Barnstable, MA 02630.*

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

Sign on Skateboard Park - saying "Temporary site of the Skateboard Park" - Invite Dennis Clark to attend next Board of Selectmen meeting.

Send a letter to Ms. Wolfman and Council on Aging Board to attend the March 23, 2003 Board of Selectmen's meeting to let them know that we are interested in their concerns.

Bring back Decommission Well #4 at next regular scheduled meeting.

Richard Olson - I will expedite our proceedings by not bloviating.

Sarah Peake

MOTION: *Move that the Board of Selectmen vote to invite Town Counsel and our Town Clerk to attend our next regular meeting for the purpose of the issue of surrounding the issuance of marriage licenses to same sex couples so that this Board can pursue a policy decision.*

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

MOTION: *Move that the Board of Selectmen vote to send a letter to Senators Kennedy and Kerry and Representative Delahunt expressing our concerns about the negative impact a quota enforcement will have on our economy if our local businesses are not able to have their H2B visas processed.*

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

Mary-Jo Avellar

Residential tax exemption - schedule a meeting with Board of Assessors after town meeting.

Sarah Peake left the room. She is an abutter to an abutter.

4A1 BOARD OF LIBRARY TRUSTEES

MBLC Grant Extension for Library Construction Project: \$1.87 - million

MOTION: *Move that the Board of Selectmen vote to approve an extension from June 30, 2004 to June 30, 2005 of the grant agreement in the amount of \$1,878,456 from the Massachusetts Board of Library Commissioners under its Massachusetts Public Library Construction program for the reconstruction of the Heritage Museum as the Provincetown Public Library.*

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

4A2 BUILDING COMMITTEE

Library Construction Project change Orders #1 - 4: +\$10,859,23

MOTION: *Move that the Board of Selectmen vote to approve four change orders totaling \$10,858.23 for the library construction contract with J.K. Scanlan of East Falmouth, MA, as follows: Change Order #1 adds \$8,771.84 for supplemental structural revisions and improvements, both steel and wood, to the basement plans; Change Order #2 adds \$2,752.39 for demolition and disposal of exterior site walls and subsurface drainage/waste structures; Change Order #3 adds \$3,393 for plumbing; and Change Order #4 subtracts \$4,059 for plumbing.*

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

4A3 LIBRARY GRANT APPLICATION

LSTA: \$40,000 - "Provincetown Online: The Advocate Live!"

MOTION: *Move that the Board of Selectmen vote to approve the submission of a grant application in the amount of \$40,000 to the Massachusetts Board of Library Commissioners under its Library Service and Technology Act (LSTA) program for a one-year project at the Provincetown Public Library entitled "Provincetown Online: The Advocate Live!"*

Motion by: Cheryl Andrews **Seconded by:** Richard Olson Yea 4 Nay 0

Sarah Peake returned.

4B VISITOR SERVICES BOARD - FY 2005 TOURISM FUND

Conditional approval of Promotional Projects

MOTION: *Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following FY 2005 promotional projects as recommended by the Visitor Services Board, conditioned upon*

approval of funding the April 7, 2004 Annual Town Meeting:

(1) \$3000-Portuguese Festival; (4) \$16,000 – PIFF; (5) \$2,000 – Swim for Life; (6) \$6,000 – Great Schooner Regatta (8) \$1,500 – How Bike Trek; (9) \$5,000 –Birdman; (11) \$7,000 –Cabaretfest!; (12)\$7,500 – Fall Arts Festival; (13) \$2,000 –AIDS Support Group Auction and Concert; (14) \$2,000 – Monumental Yard Sale; (15) \$5,000 – Holly Folly; (16) \$4,000 – Couples Weekend; (17) \$1,500 – Outer Cape Chorale November & May Concerts; (18)\$2,500 – Sundays at Five; (19) \$2,000 - Rep Weekend with Playwrights; (20) \$3,000 - Fantasia Fair; (21) \$5,000 - Single Men’s Weekend; for a total of \$89,500.

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

MOTION: Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following FY 2005 promotional projects as recommended by the Visitor Services Board, conditioned upon approval of funding the April 7, 2004 Annual Town Meeting:

(2) \$3,000 - Mates Leather Weekend.

**Motion by: Cheryl Andrews Seconded by: Richard Olson
Yea 4 Nay 1 (Michele Couture)**

MOTION: Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following FY 2005 promotional projects as recommended by the Visitor Services Board, conditioned upon approval of funding the April 7, 2004 Annual Town Meeting:

(3) \$5,000 Cavalcade of Music.

**Motion by: Richard Olson Seconded by: Cheryl Andrews
Yea 4 Nay 1 (Michele Couture)**

MOTION: Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following FY 2005 promotional projects as recommended by the Visitor Services Board, conditioned upon approval of funding the April 7, 2004 Annual Town Meeting:

(7) \$1,500 –Castle Hill ‘Paint the Town’.

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

MOTION: Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following FY 2005 promotional projects as recommended by the Visitor Services Board, conditioned upon approval of funding the April 7, 2004 Annual Town Meeting:

(10) \$5,000 – Women’s Week.

**Motion by: Cheryl Andrews Seconded by: Richard Olson
Yea 4 Nay 0 Abstain 1 (Sarah Peake)**

**4C SHELLFISH COMMITTEE
Schedule Hearing on Fees: Division of Marine Fisheries**

MOTION: Move that the Board of Selectmen vote to schedule a public hearing for a special meeting on March 29, 2004 at 6 p.m. on the Shellfish Committee’s recommendation to amend the Shellfish Regulations to raise the shellfish permit resident fee from \$10 to \$15 and the non-resident fee from \$25 to \$50.

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

MOTION: Move that the Board of Selectmen vote to initiate a dialogue with the Massachusetts Division of Marine Fisheries for the Town to retake control of Town waters from Long Point Light to Race Point Light from the Commonwealth.

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

5A AWARD CONTRACT: WELLFIELD GENERATORS

Annese Electrical Services, Inc. - \$178,00

MOTION: *Move that the Board of Selectmen vote to award a contract to low bidder Annese Electrical Services, Inc. of Weymouth, MA in the amount of \$178,000 for the purchase and installation of generators for the South Hollow and Knowles Crossing Well Fields; and, further, to authorize execution of said contract by the Board upon receipt of all required bonds and insurance.*

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

5B WASTEWATER: USE OF TOWN PROPERTY

License Agreement of 300 Commercial Street Grease Trap

MOTION: *Move that the Board of Selectmen vote to grant approval for the use of Town property to accommodate the installation of a grease trap to hook 300 Commercial Street (Mayflower Restaurant) to the sewer system, and to execute a license agreement with the owners of said property, as approved to form by Town Counsel; also that a sketch be provided and kept part of the file which shows the location of the grease trap.*

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

5C APRIL 7, 2004 ANNUAL & SPECIAL TOWN MEETINGS

Refer Proposed Zoning Amendments to Planning Board [MGL C.40A,§5]

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 40A,§5, to refer to the Planning Board those petitioned zoning articles received by the March 8, 2004 5 p.m. closing of the April 7, 2004 Special and Annual Town Meeting warrants: (1) LCPIC's growth management proposal, (2) rezoning Masonic Place, and (3) Outdoor Display.*

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

5D1 APRIL 7, 2004 ANNUAL & SPECIAL TOWN MEETING

Determine order in which articles appear on the warrants.

MOTION: *Move that the Board of Selectmen vote to accept the ordering of the articles in the warrants for the April 7, 2004 Annual and Special Town Meeting, as presented by the Town Manager.*

Motion by: Michele Couture ***Seconded by:*** Richard Olson
Yea 4 Nay 1 (Cheryl Andrews)

5D2 COMMUNITY DEVELOPMENT STAFF PLAN

MOTION: *Move that the Board of Selectmen vote to approve the proposed staffing plan for the Community Development department for FY 2004 with two inspectors and a second clerical position funded from Licensing (\$8,900), Assessing (\$6,064), General Government Administration (\$3,600), and Police (\$10,000), and to adjust the FY 2004 budget requests accordingly.*

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

6. MINUTES OF BOARD OF SELECTMEN MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 10, 2004 (Joint Mtg. w/School Cmte) as printed. (RO Vacation).*

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

**MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 23, 2004*
(Regular Mtg.) *with changes so noted. (All Present).***

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

**MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 24, 2004*
(Reg. Mtg/School Cmte Public Hearing EM) *as printed. (SP Vacation/CA Conflict).***

**Motion by: Michele Couture Seconded by: Richard Olson
Yea 3 Nay 0 Abstain 2 (Sarah Peake / Cheryl Andrews)**

**MOTION: *Move that the Board of Selectmen vote to approve the minutes of March 2, 2004* (Joint
Mtg. w/School Cmte) *as printed. (SP Vacation).***

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

7. **CLOSING STATEMENTS**

Cheryl Andrews

1) Schedule a future agenda item on sewer regulations and growth management. 2) Maybe DPW can give us a better explanation of the sewer betterment letters - confusing! What properties are they for (e.g. Angels Landing) and basis for GPD calculations.

Motion to adjourn by Michele Couture at 10:20 pm.

Minutes transcribed by: Vernon Porter, Secretary
March 9, 2004