

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, MARCH 29, 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

Articles are meeting minutes, in brief.

1 PUBLIC HEARING: SHELLFISH REGULATIONS

Amend Shellfish Permit Resident and Non-Resident Fees

Chairman Avellar read the Public Hearing Notice and opened the hearing to the general public for comments. No comments were received. Public porting of the hearing was closed.

Shellfish Warden Tony Jackett gave a brief overview for the proposed increases.

MOTION: Move that the Board of Selectmen vote to approve 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, so that paragraph 2 of the Shellfish Regulations reads as follows: "2. The Town Clerk to any legal resident or real estate taxpayer upon receipt of a ~~\$10~~ \$15 annual fee shall issue a family permit for the non-commercial recreational taking of shellfish. Residents or taxpayers shall be issued a free shellfish permit at age 65 or older. The fee for a non-resident shellfish permit is ~~\$25~~ \$50."

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

2A OPEN SPACE COMMITTEE

April 7, 2004 Town Meeting Articles

MOTION: Move that the Board of Selectmen vote to indefinitely postpone ATM Article 24 (Release of Fee Interest in Certain Abandoned Portions of Browne Street) and ATM Article 25 (Abandon a Portion of Browne Street)

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

Cheryl Andrews left the room due to conflict. She is an abutter.

MOTION: Move that the Board of Selectmen vote to approve Article STM-18 (Land Bank - Open Space Acquisition - 82 Harry Kemp Way).

**Motion by: Sarah Peake Seconded by: Richard Olson
Yea 3 Nay 1 (Michele Couture)**

Cheryl Andrews returned.

MOTION: Move that the Board of Selectmen vote to approve Article STM-19 (Land Bank - Open Space Acquisition - 290F Bradford Street - \$100,000).

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

2B CULTURAL COUNCIL

FY 2005 Budget Request

Discussion ensued. No motions made.

MOTION: *Move that the Board of Selectmen vote to take Agenda Item 3A out of order.*

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

3A **MASS HIGHWAYS**

Discontinuance of Remaining State Roads in Provincetown

MOTION: *Move that the Board of Selectmen vote to express its interest to the Massachusetts Highway Department in pursuing the discontinuance of the remaining state roads in the Town of Provincetown as town roads, upon terms and conditions to be negotiated.*

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

2C **APRIL 7, 2004 ANNUAL & SPECIAL TOWN MEETINGS**

Adoption of Board of Selectmen's Recommendations on Articles

Mary-Jo Avellar left the room due to conflict. Her husband is Asst. Harbormaster.

MOTION: *Move that the Board of Selectmen vote to amend its FY 2005 budget request under ATM-2 by reducing the 910 Insurance budget by \$148,941 from \$4,453,669 to \$4,304,728.*

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

Mary-Jo Avellar returned.

- SPECIAL TOWN MEETING ARTICLES -

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-1 General By-Law Amendment: Establish Community Preservation Committee.*

Motion by: Cheryl Andrews **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: Affordable Accessory Apartments: Amnesty.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-3 Zoning By-law Amendment: Growth Management Reallocation for Affordable and Middle-Income Community Housing Units.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-4 Cape End Manor FY 2004 Supplemental Appropriation - \$2324,353*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-5 Cape End Manor Care Campus Options \$20,000.*

Motion by: Sarah Peake .. **Seconded by:** Michele Couture
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-7 Capital Improvements (1) - SBA - Reimbursable Repairs to Provincetown High School: \$495,000.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-7 Capital Improvements (2) - Parking Vehicle: \$14,200.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-7 Capital Improvements (3) - Transfer Station Hauling Trailers: \$90,000.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-8 Acceptance of MGL.C.90§20A - Increase Parking Fees.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-9 Acceptance of MGL.C.40§42J - Deferral of Water Charges for Low Income Elderly Taxpayers.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-10 FY 2004 Water Enterprise Fund.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-11 FY 2004 Wastewater Enterprise Fund.*

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 FY 2004 Budget Adjustment.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-13 FY 2004 Fund Collective Bargaining Agreement.*

Motion by: Michele Couture **Seconded by:** Sarah Peake
Yea 4 Nay 0 Abstain 1 (Mary-Jo Avellar)

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-14 Use of Parking Fund to Reduce the FY 2004 Tax Levy.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-15 use of Free Cash to Reduce FY 2004 Property Tax.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-16 MassHighway Department Chapter 90 Funds for Road, Sidewalk Construction, Repairs - \$67,550.*

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

MOTION: *Move that the Board of Selectmen vote to recommend STM-17 Land Bank Pre-acquisition Expenses - \$25,000.*

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

Cheryl Andrews left the room due to conflict. She is an abutter.

MOTION: *Move that the Board of Selectmen vote to recommend STM-18 Land Bank Open Space*

Acquisition - 82 Harry Kemp Way - \$125,000.

Motion by: Sarah Peake **Seconded by:** Richard Olson
Yea 3 Nay 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to recommend STM-19 Land Bank - Open Space Acquisition - 290F Bradford Street - \$100,000.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-20 Home Rule Petition: Local Option Meals Tax.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-21 Home Rule Petition: Expanding Local Room Occupancy Tax Base.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-22 Home Rule Petition/Charter Amendment/Historic District Commission as Regulatory Board.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-23 Home Rule Petition/Charter Amendment/Board of Assessors.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-24 General By-law Amendment: Non-Criminal Disposition of Pier Corporation Regulations.*

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

MOTION: *Move that the Board of Selectmen vote to not to recommend Article STM-25 General By-law Amendment: Personal Water Craft By-law: Move marked Channel From West End Ramp to Good Templar Landing.*

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

- ANNUAL TOWN MEETING ARTICLES -

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-2 FY 2005 Operating Budget \$20,276,517.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-3 FY 2005 Enterprise Funds.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-4 FY 2005 Capital Improvement Programs #1 through #8.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-5 FY 2005 Revolving Accounts - \$20,000; \$2,500; \$10,000.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-6 Personnel By-law*

Amendments/Classification & Compensation Plan - C. \$15,393.

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

MOTION: *Move that the Board of Selectmen vote to hold recommendation on Article ATM-7 thru ATM-18 and ATM21 thru ATM-23 - Zoning By-law Amendments.*

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

MOTION: *Move that the Board of Selectmen vote to recommend ATM 19 Zoning Amendment: Adult Entertainment.*

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

MOTION: *Move that the Board of Selectmen vote to recommend ATM 20 Zoning Amendment: Definition of Theater*

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

MOTION: *Move that the Board of Selectmen vote to NOT recommend ATM 26 Hunting Within Cape Cod National Seashore.*

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

MOTION: *Move that the Board of Selectmen vote to NOT recommend Article ATM-27 Site Y for Cape End Manor Care Campus.*

**Motion by: Sarah Peake Seconded by: Mary-Jo Avellar
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)**

MOTION: *Move that the Board of Selectmen vote to NOT recommend Article ATM-28 Non-binding referendum to dissolve Provincetown Public Pier Corporation.*

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

MOTION: *Move that the Board of Selectmen vote to NOT recommend Article ATM-29 Study Septage at Wastewater Treatment Plant. - \$20,000.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-30 FY 2005 Human Services Grant Program. \$51,744.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM 31 Expenditures from the Tourism Fund \$438,000.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM 32 Replenishment of Tourism Fund. \$81,183.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM 33 HeartSafe Program. \$28,800*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM 34 Use of Free Cash to Reduce FY 2005 Property Tax.*

Motion by: Richard Olson

Seconded by: Sarah Peake

Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to recommend Article ATM 35 Use of Parking Fund to Reduce the FY 2005 Tax Levy.

Motion by: Richard Olson

Seconded by: Sarah Peake

Yea 5 Nay 0

Cheryl Andrews left the room. Her father is a resident of the CEM.

3B CAPE END MANOR CARE CAMPUS - PLAN C

Value of Land [MGL C. 39,§23B cl.6]

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C. 39,§23B, clause 6, to go into executive session to consider the purchase, exchange, lease or value of real property; and to convene in open session thereafter [roll call vote]

Richard Olson - Yea

Sarah Peake - Yea

Mary-Jo Avellar - Yea

Michele Couture - Yea

Motion by: Michele Couture

..... Seconded by: Sarah Peake Yea 4 Nay 0

The Board went into executive session at 8:12 pm and reconvened in open session at 8:35 pm.

The following is an announcement made by Chairman Avellar upon reconvening.

- 1) That the Board of Selectmen voted unanimously to withdraw its proposal for Cape End Manor Plan B and request that the School Committee vote to declare as surplus to its needs and available for transfer to the Board of Selectmen, for the purposes of conveyance, that portion of Grace Hall Lot 2 that the Board of Selectmen and the Bishop of Fall River shall determine to be needed in exchange for a 1.1 - acre portion of the St. Peter's Cemetery property adjacent to 100 Alden Street for the Cape End Manor Care Campus.***
- 2) We also voted unanimously to authorize the Town Manger to send a letter to the Bishop of Fall River proposing a land exchange wherein the Town acquires a 1.1 acre portion of the rear of the St. Peter's Cemetery, abutting the Town-owned nursing home at 100 Alden Street and the Bishop acquires fee ownership in a land area large enough to accommodate forty (40) parking spaces - but not more than 1.1 acres -- of a portion of the Town-owned Grace Hall parking Lot, which abuts the St. Peter's Church parking lot at 11 Prince Street.***

Motion to adjourn by Michele Couture at 8:53 pm.

Minutes transcribed by: Vernon Porter, Secretary
March 30, 2004