

TOWN OF PROVINCETOWN-BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, DECEMBER 13, 2004

JUDGE WELSH HEARING ROOM

Mary-Jo Avellar acting as Chair opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Mary-Jo Avellar, Michele Couture and Sarah Peake

Excused Absences: Cheryl Andrews and Richard Olson

Other attendees: Keith Bergman, Town Manager

Recorder: Phyllis Lutsky

The following are meeting minutes, in brief.

1A PUBLIC HEARING: LOPES SQUARE ISLAND & MACMILLAN

Pier Dedication Area Improvements

Present: Lynne Davies, VSB Vice-Chair and Sandra Turner, Deputy DPW Director.

MOTION: Move that the Board of Selectmen vote to approve the proposed design for improvements to the Lopes Square Island and MacMillan pier dedication area as recommended by the Visitor Services Board and the Department of Public Works with additional lighting, if financially feasible.

Motion by: Michele Couture Seconded by: Sarah Peake Yea 3 Nay 0

Public Comments

Candace Collins-Boden-Chamber of Commerce

Likes proposed design, but feels that there is insufficient lighting in Lopes Square. She would also like to see the benches that are being replaced be used in other locations.

Lynne Davies: VSB Vice-Chair

Aware of lighting issue and is looking into the matter with Architect.

Elena Hall: She thinks that there are too many trash cans (12) in the proposed design.

Sandra Turner: Same number that is there every summer.

Lynne Davies: Design will try to disguise the cans.

Leonard Enos: Stressed that insufficient lighting is both uninviting as well as a safety issue.

Jim McGowan: Asked why they don't clean up sidewalks as well as the center.

Lynne Davies: Funds are limited and this is only Phase 1.

Jim McGowan: Asked if Lopes Square improvement wasn't included in the original pier design.

Keith Bergman: He didn't think so.

Michele Couture: Thanked all involved.

Sarah Peake: Also thanked all for a terrific presentation.

Keith Bergman: Stated that County may contribute money to the area for a Local Transportation Center.

**1B. PUBLIC HEARING: PROPOSED RESTORATION OF MACMILLAN PIER
FLOATING DOCK SYSTEM**

MOTION: *Move that the Board of Selectmen vote to approve the Provincetown Public Pier Corporation and Building Committee's Revised recommended design criteria for restoration of the MacMillan Pier floating dock system which was damaged by the December 2003 storm.*

Motion by: Sarah Peake Seconded by: Michele Couture **Yea 3 Nay 0**

Present: Rex McKinsey, MacMillan Pier Manager and Paul de Ruyter, Pier Corporation Board of Directors, Chair.

Public Comments

Paul de Ruyter: Original proposal was reviewed with the Building Committee and project contractor which lead to revised proposal.

Mary-Jo Avellar: BOS are concerned about getting the docks up so fishermen can have berthing place by spring and would like to contain discussion to that tonight.

Heather Bruce: Concerned that drawings indicate an increase in footprint.

Mary-Jo Avellar: There will be no increase in footprint.

Jim McGowan: Asked if town has filed a claim with insurance company for past damage.

Keith Bergman: There was no insurance.

Jim McGowan: Thinks town should go after designers of damaged docks for financial compensation.

Phil Gadiano: Why are taxpayers paying for repairs rather than the Pier Corporation?

Sarah Peake: Hasn't cost the taxpayers any money yet.

Elena Hall: Why weren't floating docks taken out of the water last winter?

Keith Bergman: Damaged docks weren't designed to be taken out of the water, but that proposed design is to be taken out.

Jim McGowan: We should ask insurance companies that cover maritime projects for design ideas.

Phil Gadiano: Public needs more information about Pier Corporation's budget, etc.

Mary-Jo Avellar: Information is available from Town Clerk and Pier Manager.

Paul de Ruyter: Public is invited to attend Pier Corporation Meetings at any time.

Sarah Peake: Glad to see revised plan includes removable docks.

Michele Couture: Agrees with Sarah

2. PUBLIC STATEMENTS

Celine Gandolfo: Read and submitted letter from Michael Burbank, resident of Provincetown and a Tree Surgeon

regarding tree on PAAM grounds. Said she was disturbed that the Water & Sewer Board would go against the will of Town Meeting. She spoke of the beauty of the tree and the need to preserve it. She also mentioned possible conflict of interest with a member of the Water & Sewer Board.

Martin Huey: Submitted proposal for Reorganization of Staffing Model for MacMillan Wharf.

Candance Collins-Bowden: Spoke against Water & Sewer Board going against will of Town Meeting. She supports the Flex Route and asked for support from BOS.

3. SELECTMEN STATEMENTS

Sarah Peake:

In reference to the Water & Sewer Board, she clarified that Town Meeting approved that PAAM could apply for sewer hook-up under special status, with no guarantee of approval. She agrees with previous speakers about the tree and stated that DPW is trying to mediate an agreement between PAAM and the Water & Sewer Board.

MOTION: *Move that the Board of Selectmen direct the Town Manager to investigate possible conflict of interest regarding PAAM.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 3 Nay 0

Keith stated that conflict of interest arises if a town board member is also serving on the Board of a non-profit, but does not include membership in organization.

What recourse does PAAM have if issue isn't resolved? Keith stated that they could appeal in court.

MOTION: *Move that the Board of Selectmen send thank you notes to Tom Boland and Paul Church for their service on the Historic District Commission in light of their respective resignations.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen send thank you note to Ann Maguire for her service on the Finance Committee upon her resignation.*

Motion by: Sarah Peake **Seconded by: Michele Couture**

Yea 3 Nay 0

Asked Keith status of town providing assistance to Planning Board. Keith stated that a new building commissioner has been hired who will attend Planning Board meetings and that he is in discussion with the County to purchase services from them to assist on various boards.

Michele Couture

Asked about correspondence dated December 12, 2004 regarding UST. David Guertin responded that it stood for Underground Storage Tank which was found during sewer construction and that he is in the process of having it de-listed with DEP.

She stated that she has spoken with David Guertin regarding the PAAM tree and that it appears that a solution is in the works.

She questioned letter dated December 12, 2004 from parking clerk regarding transfer of 2004 Taurus to the Police Department. Keith clarified that there was an agreement that the vehicle would be jointly used between both departments.

Raised conflict of interest issue (particularly in regards to Conservation Commission meeting) and suggested need for a workshop. Keith stated that one was held about 3 weeks ago and that no one attended.

Requested a more detailed analysis of 910 budget (benefits) for all departments as is done for the Cape End Manor.

Mary-Jo Avellar

MOTION: *Move that the Board of Selectmen send a thank you note to Brian Flavey for his service as an alternate member of the Zoning Board of Appeals upon his resignation.*

Motion by: Mary-Jo Avellar

Seconded by: Sarah Peake

Yea 3 Nay 0

Thinks that PAAM did not go through the process correctly and thinks that fairness in process is as important as flexibility so if a compromise can be made, good. But she feels that the project as a whole has been a problem for the entire neighborhood and feels that they have not been considerate.

4A APPOINTMENTS-VISITOR SERVICES BOARD-ARTS REPRESENTATIVE-POLICY STATEMENT

MOTION: *Move that the Board of Selectman vote, pursuant to Charter 4-2-1, to adopt Policy Statement 2004-12-13, to provide that the position on the Visitor Services Board reserved by vote of Article 64 of the April 5, 1999 Annual Town Meeting for “one member from the Art community” shall be filled after inviting nominations from the following arts organizations in Provincetown : the Fine Arts Work Center; the Provincetown Art Association & Museum; the Cape Cod Pilgrim Memorial Association d/b/a the Pilgrim Monument & Provincetown Museum; the Provincetown International Film Festival; and the Provincetown Theater Foundation, the Provincetown Repertory Theatre, Provincetown Theatre Company, Provincetown Arts Press, and WOMR.*

Motion by: Michele Couture

Seconded by: Mary-Jo Avellar

Yea 3 Nay 0

5A1 TREASURER’S REQUEST-BOND ANTICIPATION NOTE 1043

Present: John Fitzgerald-Treasurer

MOTION: *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1043 in the amount of \$7,010,000.00 dated January 14, 2005 at 2.60% interest payable at maturity to Banknorth N.A. on January 13, 2006.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 3 Nay 0

5A2 TREASURER’S REQUEST-BOND ANTICIPATION NOTE 1044

Present: John Fitzgerald-Treasurer

MOTION: *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1044 in the amount of \$1,709,777.00 dated January 14, 2005 at 2.60% interest payable at maturity to Banknorth N.A. on September 30, 2005.*

Moved by: Sarah Peake

Seconded by: Michele Couture

Yea 3 Nay 0

5B CAPE COD REGIONAL TRANSIT AUTHORITY-APPROVAL OF FLEX ROUTE PROPOSAL

MOTION: *Move that the Board of Selectmen vote to instruct its representative to the Cape Cod Regional Transit Authority Advisory Board to vote to approve the Flex Route proposal scheduled to be acted upon by the CCRTA Advisory Board on December 15, 2004.*

Moved by: Michele Couture

Seconded by: Sarah Peake

Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen authorize Carrie Benjamin to represent the town on as an alternative at the CCRTA Advisory Board meeting on December 15, 2004.*

Moved by: Michele Couture Seconded by: Sarah Peake Yea 3 Nay 0

5C **REQUEST: PORTUGUESE FESTIVAL TEAM-HERITAGE MUSEUM COLLECTION**

MOTION: Move that the Board of Selectmen vote to approve the request of the Portuguese Festival Committee relative to certain photographs in the collection of the Heritage Museum, and to authorize execution of a loan agreement therefore. This request also includes the following items: Blue and Gold Captain Bill Banner, Captain Bill Life Ring, Strings of embroidered fishing vessel ribbons (one red, one white) and separate framed photo of Kenny Macara.

Moved by: Michele Couture Seconded by: Sarah Peake Yea 3 Nay 0

6A **LAND BANK ACQUISITION-290F BRADFORD STREET- ACCEPTANCE OF +DEED-AARON CURTIS PROPERTY**

MOTION: Move that the Board of Selectmen vote pursuant to Article 19 of the April 17, 2004 Special Town Meeting, to approve an acceptance of deed, as drafted by Town Counsel, for acquisition of a certain parcel of real estate at 290F Bradford Street to be acquired from Aaron L. Curtis, containing 1.5-acres, more or less, shown as Assessors Map 15-3-105, copy of which acceptance is made a part hereof; and to authorize Town Counsel to record the deed and acceptance of deed on or before December 31, 2004.

Moved by: Sarah Peake Seconded by: Mary-Jo Avellar
Yea 2 Nay 1 (Michele Couture)

6B **GROWTH MANAGEMENT ZONING BY-LAW**

MOTION: Move that the Board of Selectmen vote, pursuant to the Provincetown Zoning By-laws Article VII, Section E(3), to schedule a public hearing for Monday, January 10, 2005 at 6 P.M. on the annual report on growth management, and to notify in writing the members of the Planning Board, Board of Health, Water & Sewer Board, Local Housing Partnership and the Local Comprehensive Plan Implementation Committee about this hearing.

Moved by: Sarah Peake Seconded by: Michele Couture Yea 3 Nay 0

6C **DISPOSITION OF CERTAIN TAX TITLE PROPERTIES**

MOTION: Move that the Board of Selectmen vote to schedule public hearing for Monday, January 10, 2005 at 6 p.m. on the proposed disposition of the following properties acquired by the Town for tax title purposes: 951R Commercial Street (19-2-003), 686 Commercial Street (18-1-019), 12R Pilgrim Heights Road (02-1-022) and 107 Race Point Road (09-2-003-1).

Moved by: Michele Couture Seconded by: Sarah Peake Yea 3 Nay 0

7. **MINUTES OF BOARD OF SELECTMEN MEETINGS**

MOTION: Move that the Board of Selectmen approve the minutes of November 15, 2004 as printed.

Moved by: Michele Couture Seconded by: Sarah Peake Yea 3 Nay 0

MOTION: Move that the Board of Selectmen approve the minutes of November 22, 2004 with changes so noted.

Moved by: Michele Couture Seconded by: Sarah Peake Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen approve the minutes of November 29, 2004 (Mtg. w/VSB) with changes so noted.*

Moved by: Michele Couture Seconded by: Sarah Peake

Yea 3 Nay 0

Motion to adjourn by Michele Couture at 8:20 p.m.

Minutes transcribed by: Phyllis Lutsky
December 13, 2004

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