

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING - MONDAY, FEBRUARY 12, 2007

### JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened the meeting at 6:00 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 Porter

The following are meeting minutes, in brief.

#### 1A PUBLIC HEARING CONTINUED: MOORING PERMIT FEES

Establish Single Rate Structure for Residents, Non-Residents

**MOTION:** *Move that the Board of Selectmen vote to waive the reading of the Public Hearing Notice.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the Harbor Fees as recommended and put forth by the Harbor Committee and including Senior Discount.*

**Motion by:** Richard Olson                      **Seconded by:** David Nicolau for discussion.

**MOTION:** *Move that the Board of Selectmen vote to accept the proposal of the recommendation of the Harbor Committee as printed.*

Individual Mooring Permits	Current		Proposed	Recommended
	Resident	Non-Resident	In public hearing notice	By Harbor Committee
Location/Vessel Length				
Vessels equal to and less than and less than 16 feet	\$50.00	\$100.00	\$75.00	\$50.00
Vessels greater than 16 feet	\$75.00	\$200.00	\$150.00	\$100.00
<i>Vessels greater than 20 feet</i>			\$200.00	\$125.00
Vessels greater than 30 feet	\$125.00	\$300.00	\$250.00	\$175.00
Vessels greater than 40 feet	\$150.00	\$400.00	\$300.00	\$200.00

**Motion by:** Michele Couture  
**Seconded by:** David Nicolau                      **Yea 5    Nay 0**

Chairman Andrews closed this hearing at 6:19 pm.

#### 1B PUBLIC HEARING: TAX RATE CLASSIFICATION

FY 2007 Property Tax Rate

**MOTION:** *Move that the Board of Selectmen vote to waive the reading of the Public Hearing.*

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

#### **Staff Comments:**

Principal Assessor Paul Gavin – the Board of Assessors does not recommend a split tax rate ... recommends staying with a factor of ‘1’.

#### **Public Comments:**

Austin Knight – Agrees with the Assessor in keeping the single rate.

Astrid Berg – Agreed with the previous speaker. This is not the time to put additional burdens on businesses.

Rachel White - Supports a split-level tax rate.

Public Hearing portion closed by Chairman Andrews at 6:28 PM.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2007 property tax:*

1. *to establish a residential factor of "1" [a residential factor of "1" establishes a single tax rate for all classes of property; any other factor splits the tax rate between residential/open space and commercial/industrial/personal].*

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

No Public Comment. Chairman Andrews closed the Public Hearing portion at 6:31 PM.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2007 property tax:*

2. *not to adopt a "residential exemption".*

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

Public Comments

Astrid Berg - Agrees with previous speakers on this matter.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2007 property tax:*

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

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

**MOTION:** *Move that the Board of Selectmen vote to have a joint meeting with the Economic Development Council and the Licensing Board discuss licensing fees and help for year round businesses.*

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

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2007 property tax:*

4. *to identify \$7,629.13 in unused property tax levy capacity.*

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

1B hearing concluded at 6:38 PM.

**1C PUBLIC HEARING**

Growth Management Report [Zoning By-laws §6600(3)]

**MOTION:** *Move that the Board of Selectmen vote to waive the reading of the Public Hearing.*

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

Public Comments

Howard Burchman – Relative to growth management .. we have to look at these percentages as they are not the numbers we are looking for.

Austin Knight – We need to look at helping small business to use the Economic Development gallons. Look at the whole market.

Public portion of this hearing closed by Chairman Andrews at 6:50 PM

### **Board Comments**

David Nicolau - The issues isn't always the gallons – it's how to take those gallons and use it to their advantage to make those units.

Michele Couture – Attended several housing meetings recently and several people came before the boards and I don't think the 33% presents any problem.

Cheryl Andrews – Septage Pumping - we need to know gallonage. Suggest that the board call for a joint meeting with Water & Sewer Board, Board of Selectmen, or whatever board, so as to get the information they need to prepare before they have to go to town meeting.

Recycling – would like to have this in next years report.

***MOTION: Move that the Board of Selectmen vote to make findings pursuant to Section 6600, Growth Limitation Goal Allocations, as follows: (1) that the average daily withdrawal for the Provincetown Water System has decreased from 784,666 gallons per day in 2005 to 724,797 GPDs in 2006; (2) that the permitted level is 850,000 GPDs; and (3) that, therefore, the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto.***

**Motion by: Michele Couture      Seconded by: David Nicolau      Yea 5    Nay 0**

## **2. PUBLIC STATEMENTS**

Mary-Jo Avellar – PBG used to have businesses put flyers in their guest rooms to conserve water and energy. As your Representative to the Cape Cod National Seashore Advisory Committee at your meeting on February 26, 2007 with the Superintendent, I hope you will favorably support the Wolf-Ferguson Dune Shack Report.

John Thomas - The CCNSGMPIAC just met and will be forwarding some information to the Board of Selectmen for their comments and approval. We would like to be invited to your meeting with Superintendent Price on the 26<sup>th</sup> of February.

Kerry Adams – Agree with previous speakers on the CCNS. Thank you all for the passing of the mooring fees with the Sr. Citizens discount in it.

Howard Burchman – Spoke on the funds allocated for the consultant for the Housing Contract as presented in agenda item before the Board of Selectmen this evening. He feels that it has been written by the consultant and he does not feel that this appropriate.

Rachel White – A lot of things did happen at the pier on your watch and we thank you. The Sr. Center is deplorable and it's a shame that the Town doesn't treat our seniors as good as we should. Referencing to the Whiter Museum – there is paperwork stating that they own 30 feet around their building. Personally want to thank all of you .. you serve the town well.

Marcene Marcoux - 4<sup>th</sup> of July task force and the Fundraising Committee are meeting every week. New project – a new CD – lots of plans, well organized, and just wanted you to know we on our way to securing the \$25,000 we need. Regarding our Fire Houses – town needs to have a long range plans for its buildings and speaking in favor of keeping them. As a member of the Historic District Commission – regarding 531 Commercial Street – explained that the fine we levied is the max that we could in find under our guidelines.

Mary-Jo Avellar – The Board needs to appoint an alternate at the CCNS Advisory Committee and I suggest Kerry Adams.

Michael Lussier – Confused as to what is happening regarding his housing and the whole experience has been an horrific one and I am very confused on what is happening. Received a 60-page document today saying that he could lose his home. Doesn't understand .. can you help me on this?

Astrid Berg - Regarding what Mr. Burchman was talking about earlier – I think we ought to take a look at what and how we spend our money. Also the situation with Mr. Lussier and his situation, what is happening here? Regarding the Freeman Building – the current use is in conflict of what Mr. Freeman wants it used for. Would like to know what are the rental fees and how long is their lease?

Austin Knight – Firehouse #2 – the town needs to save this building. We need an assessment of all our town buildings and come up with a plan for them. I've asked for this several times and challenge this board and future boards to handle this.

Clarence Walker - Agree with previous speaker on Firehouse #2 .. with the new interim Building Commissioner there should be great opportunity to communicate and review the information necessary to move forward with this and many other projects.

Celine Gandolfo – Wanted to clarify that “Ray and Nickie Wells’s Conservation Area needs to be cleaned up .. that was when there was foliage there .. The theatre company did a magnificent job and cleaned up 90% of what was there and I think the rest can be done by volunteers.

### 3. SELECTMEN'S STATEMENTS

#### Richard Olson

Attended a Tourism Summit last week that was very enlightening and I think we will be hearing from the VSB shortly to have a joint meeting.

The letter from the Superintendent of the CCNS – I look forward to our meeting on the Dune Shack issues.

Re: Astrid Berg's question about the Freeman Building. Keith Bergman – The BOLT

Mr. Lussier's problems? Keith Bergman - Explained the situation as related to him from Town Counsel as of today.

***MOTION: Move that the Board of Selectmen vote to waive the marketing provision of the regulatory agreement for the unit 48 Racepoint Road, Provincetown.***

***Motion by: Richard Olson      Seconded by: Sarah Peake      Motion withdrawn***

***MOTION: Move that the Board of Selectmen vote to schedule a meeting of the Board of Selectmen at 4:30 PM on Thursday, February 15, 2007 regarding 48 Race Point Road and permitting issues.***

***Motion by: David Nicolau      Seconded by: Michele Couture      Yea 5    Nay 0***

***MOTION: Move that the Board of Selectmen vote to invite the Council On Aging to have a joint meeting with the Board of Selectmen to discuss their facilities***

***Motion by: Richard Olson      Seconded by: David Nicolau      Yea 5    Nay 0***

#### David Nicolau

***MOTION: Move that the Board of Selectmen vote to assess all town owned buildings and what it would cost to bring them into code; excluding Firehouse #2.***

***Motion by: David Nicolau      Seconded by: Sarah Peake      Motion withdrawn***

#### Sarah Peake

Thanks to Rachel White for her comments.

Regarding Mrs. Marcoux's comments on the top level of fines and how much they can fine. (Keith Bergman – the limit for anything else is \$300 per day.) There was an article in Cape Cod times about a homeowner who chopped down trees and was fined. I'm getting ready to file legislation to increase the level of daily fines and will be happy to work with the Historic District Commission.

Also excited to let you all know that I have been appointed to and look forward to serving on several committees: Municipalities and Regional Government, Financial Services, Environment Natural Resources and Agricultural.

### **Michele Couture**

Went to Historic District Commission meeting on Wednesday and addressed the fine of \$250 per day. I proposed that they bring it to Town Meeting and then to be sent to the Legislature. This would be a new fine structure .. one suggestion I made was to take a look at replacement value and charge them the cost of the assessed value of the structure.

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Building Commissioner Doug Taylor thanking him for his service.***

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

Mr. Burchman spoke on what he felt was unethical practice in hiring a consultant for the Housing Implementation Plan and I feel it was a great disservice to the members of several boards. We worked hard during the Housing Summits the Local Housing Authority voted to approve the funds for this consultant (John Ryan).

### **Cheryl Andrews**

Letter from PPPC – respond to them to let them know we got it and to encourage them move forward and that we're always available.

Article on Town Warrant to expand the scope of the Recycling Committee.

## **4A    BOARD OF SELECTMEN APPOINTMENTS**

None at this time.

## **5A    HOUSING ACTION PLAN IMPLEMENTATION**

Working Group Report

Attendees: Ted Malone, Pam Parmakian, Austin Knight, Elaine Anderson

***MOTION: Move that the Board of Selectmen vote to approve the report of the Housing Action Plan Implementation Working Group dated February 8, 2007, with funding therefore from the Provincetown Housing Authority (Affordable Housing Trust Fund) and the Community Preservation Committee (community housing funds subject to April 2007 Town Meeting).***

**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 meet with Consultant John Ryan on Tuesday, February 20, 2007 at 5:30 pm to discuss forming Housing Summit Report.***

**Motion by: Michele Couture      Seconded by: David Nicolau      Yea 5    Nay 0**

## **5B    AIRPORT COMMISSION**

Massachusetts Aeronautics Commission Grant - \$17,288

**MOTION:** *Move that the Board of Selectmen vote to accept a grant award in the amount of \$17,288 from the Massachusetts Aeronautics Commission (MAC), with revised Grant Assurances, to support the preparation of a draft Environmental Assessment/Environmental Impact Report (EA/EIR) for the Provincetown Municipal Airport Plan of Improvements recommended in the 2005 Airport Master Plan.*

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

**5C**    **NEW ENGLAND DEACONESS ASSOCIATION**

Winslow Street Access to CEM Care Campus Construction Site

**MOTION:** *Move that the Board of Selectmen vote to approve the request of Delphi Construction, Inc. on behalf of New England Deaconess Association to: 1) access the CEM Care Campus construction site via a temporary turnoff from Winslow Street, adhering to posted one-way restrictions; and, 2) reserve three parking spaces on Winslow Street adjacent to the temporary turn-off for the duration of the construction, provided that New England Deaconess shall pay the sum of \$1,092 for the temporary displacement of six parking meters at the location.*

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

**5D**    **RYDER STREET REQUESTS**

Schedule Public Hearing

**MOTION:** *Move that the Board of Selectmen vote to schedule public hearings on Ryder Street Requests for Monday, March 12, 2007 at 6 p.m. for: (1) Portuguese Festival Committee: "Bring Life to Ryder Street" and (2) Tourism Office: Farmers Market Proposal in Ryder Street Lot.*

**Motion by:** Michele Couture      **Seconded by:** David Nicolau      Yea 5    Nay 0

**5E**    **RENAMING OF ABANDONED RAILROAD RIGHT-OF-WAY**

Old Colony Nature Pathway

**MOTION:** *Move that the Board of Selectmen vote to insert an article on the warrant for the April 4, 2007 Annual Town Meeting to assign the name "Old Colony Nature Pathway" for what is now know as the 'old abandoned railroad right-of-way" with the address of 61 Howland Street, located on the Town of Provincetown Assessor's Map / Parcel 13-4-11.*

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

**5F**    **FORMER FIRE STATION NO. 2**

Repair Costs – 189 Commercial Street; 4<sup>th</sup> Town Landing

**MOTION:** *Move that the Board of Selectmen vote tonight the sentiment to insert an article in this form on the April Town warrant with the dollar numbers to be filled in and also vote to include as a companion article the Special Town Meeting last fall article.*

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

**PROPOSED MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C.59,§21C(k) to insert a ballot question onto the May 1, 2007 Annual Town Election ballot to read as follows: "Shall the Town of Provincetown be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to repair former Fire House No. 2, 189 Commercial street,? Yes\_\_ No \_\_"; and, further, to vote to insert onto the warrant for the April 4, 2007 Annual Town Meeting an article requesting borrowing authority in the amount of \$\_\_\_,\_\_\_ for said repairs contingent*

*upon the voters approval of a Proposition 2½ override ballot question, in accordance with the provisions of MGL C. 59, §21C(m); and further to vote to insert on the April 4, 2007 Annual Town Meeting the article which appeared as Article 65 on the November 13, 2006 warrant, Fourth Town Landing, Disposition of Former Fire House No. 2.*

**6. ECONOMIC DEVELOPMENT PERMITS**

General By-laws Section 5-15

**MOTION:** *Move that the Board of Selectmen vote to send the Economic Development Permit list and letters contained in this agenda item 6 to Metcalf & Eddy for review.*

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

**MOTION:** *Move that the Board of Selectmen vote to establish a preference for Economic Development Permits list as follows:*

- 1) *Year-round business*
- 2) *Increase in jobs*
- 3) *Length of Season*
- 4) *Smaller projects first*
- 5) *Preferences to independently owned businesses*
- 6) *Preference for first year under 500 gallons per year*

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

**MOTION:** *Move that the Board of Selectmen vote to send the list to Metcalf & Eddy and to schedule and agenda item when Metcalf & Eddy's review is complete.*

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

**7A APRIL 4, 2007 ANNUAL & SPECIAL TOWN MEETINGS**

Set Dates for Opening and Closing of Warrants

**MOTION:** *Move that the Board of Selectmen vote to open the Wednesday, April 4, 2007 Annual and Special Town Meeting warrants forthwith and to close them on Monday, March 5, 2007 at 5:00 p.m., in accordance with Charter §2-1-7.*

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

**7B FY 2008 CAPITAL IMPROVEMENTS PROGRAM**

Projects for April 2007 Town Meeting

**MOTION:** *Move that the Board of Selectmen vote, pursuant to Charter §9-2-3, to submit to the Finance Committee its recommended Capital Improvements Program for Fiscal Year 2008 as set forth the plan submitted by the Town Manager.*

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

**8. MINUTES OF BOARD OF SELECTMEN'S MEETING**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of: January 8, 2007 (Regular Mtg.) as printed.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of: January 22, 2007 (Wastewater.) as printed.*

**Motion by:** Cheryl Andrews 1      **Seconded by:** Michele Couture

**Yea 4 Nay 0 Abstain 1 (Sarah Peake)**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of: January 22, 2007 (Regular Mtg.) with changes so noted.*

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

**9. CLOSING STATEMENTS**

**Richard Olson** - None      **David Nicolau** – None      **Michele Couture** - None

**Cheryl Andrews** – None

**Sarah Peake** - My attendance has been spotty and I appreciate the indulgence of the Board with that but know that I will be stepping down effective March 30, 2006 and having a wild schedule between now and then, I think it would be fair for the Board, for me effective tonight to resign as Vice-Chair and at your next meeting see if you want to reorganize or elect a new vice-chairman prior to the May town election.

Motion to adjourn by Michele Couture at 10:08 PM.

Minutes transcribed by: Vernon G. Porter, Secretary  
February 12, 2007