

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, FEBRUARY 26, 2007

## JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened the meeting at 6:00 PM noting the following Board of Selectmen attending:  
Cheryl Andrews, Michele Couture, Richard Olson

Excused Absence: Sarah Peake, David Nicolau

Other attendees: Town Manager Keith Bergman, Acting Assistant Town Manager, Town Counsel Jeanne McKnight

Recorder: Vernon Porter

The following are meeting minutes, in brief.

### 1A1 **PUBLIC HEARING**

Curb Cut Request 3 Cook Street

Chairman Andrews read the Public Hearing notice.

***MOTION:*** *Move that the Board of Selectmen vote pursuant to Provincetown General Bylaws 11-6-2, to approve the request of Mary-Jo Avellar, representing Thomas Brown Real Estate Associates. on behalf of the Estate of James Bayard, to establish a curb cut at the property located at 3 Cook Street (Assessor's Map 12-4-055) (Res 3 Zone).*

**Motion by: Michele Couture      Seconded by: Richard Olson      Yea 3    Nay 0**

No public comments. One letter from abutter at 6 Cook Street who is concerned about turning in the space zoned and may run into her hedges. (Letter attached to agenda item.)

Chairman Andrews closed this hearing at 6 pm.

### 1A2 **PUBLIC HEARING**

Curb Cut Request 14 Howland Street

- *Application withdrawn* -

### 1A3 **PUBLIC HEARING**

Curb Cut Request 22 Alden Street

Chairman Andrews read the Public Hearing notice.

Public Comments

Meg Stewart - Supports this request

Chairman Andrews closed public portion of this hearing at 6:12 pm

Discussion ensued.

***MOTION:*** *Move that the Board of Selectmen vote to take no action and continue this hearing until March 12, 2007.*

**Motion by: Michele Couture      Seconded by: Richard Olson      Yea 3    Nay 0**

### 1B **JOINT MEETING WITH PHA/CPC**

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

Other attendees: Town Counsel Jeanne McKnight

Provincetown Housing Authority Attendees: George Bryant, Molly Purdue and Patrick Manning

Community Preservation Committee Attendees: Mona Anderson, Austin Knight, Arturo Alon, Stephen Milkewicz, Molly Purdue, William Dougal and Elaine Anderson.

Keith Bergman explained that the Purchase and Sale Agreement is the next step in order for the Town to move forward. Jeanne McKnight reviewed the Purchase and Sale Agreement and indicated that Attachment "A" has not been word processed as of this time and that if Board of Selectmen made a motion to sign the P & S tonight it would be conditioned upon review by Town Counsel as to from.

Mark White explained the process of cleaning up the area and where the materials will go.

Cheryl Andrews asked the CPC to come up with a value for each unit in order to give the Board of Selectmen some idea of what the CPC thinks the costs should be.

Further discussion ensued.

***MOTION: Move that the Board of Selectmen vote, pursuant to Article 2 of the April 3, 2006 Special Town Meeting, to execute a purchase and sales agreement with Cumberland Farms, Inc., a Delaware corporation, (successor by merger to V.S.H. Realty, Inc.) of Canton, MA for the purchase of the 2.53-acre parcel at 90 Shankpainter Road (Assessors Map 8-1-4A) for the sum of \$1,000,00; provided that Exhibit 'A' Indemnity Agreement shall be in form acceptable to Town Counsel before the Agreement is delivered.***

**Motion by: Cheryl Andrews      Seconded by: Michele Couture      Yea 3      Nay 0**

Cheryl Andrews brought forth the question of CPC supplying funds (\$100,000.00) in order for Phase II of the Sewer System to move forward which will support the Affordable Housing Projects.

## **1C      JOINT MEETING CAPE COD NATIONAL SEASHORE**

Superintendent George Price

Mr. Price gave a presentation on what has been happening lately including his proposal to establish a new committee called Advisory Commission Dune Shack Sub-Committee. This new committee would encompass a number of changes and the designees from who would comprise this committee has not been determined as of yet. Chairman Andrews invited General Management Plan Implementation Advisory Committee (CCNSGMPIAC) Chairman John Thomas to give a brief synopsis of the meeting they had with George Price on February 12, 2007. The Cape Cod National Seashore recommends taking the middle ground but keeping a close eye on this new committee and to make sure that whatever process is taken that Public Hearings/Comments is always part of any process. Definitely want to keep a "Watchful observation and participation".

Environmental Assessment (EA) or Environmental Impact Statement (EIS)  
Open discussion ensued.

Cheryl Andrews emphasized that it is important for the public to be able to observe all the meetings of the subcommittee.

***MOTION: Move that the Board of Selectmen vote to support the reconstitution of the Cape Cod National Seashore Advisory Committee on Dune Shacks with the condition that and all meetings be open to the public and a list of the dates and times of the meetings be emailed to the Board of Selectmen on a monthly basis.***

**Motion by: Cheryl Andrews      Seconded by: Michele Couture      Yea 3      Nay 0**

Mr. Price mentioned that the bathhouse at Herring Cove has some structural issues and is getting pretty bad and will have to be addressed very soon .. and over the next few years a committee will be formed to handle this project.

## **2.      PUBLIC STATEMENTS**

John Thomas - In reaction as to what just happened with the meeting of the Board of Selectmen and George Price from the Cape Cod National Seashore he is even more concerned over the process and the prospects of closed door meetings. Dune shack issue has been transparent. Very concerned with how this whole process is

going to be handled. Request back-up information for all meeting – so that we have it in advance.

- Jody Melander - Agree with the previous speakers and thank the Chairman for her tenacity in making the motion this evening.

Kerry Adams - 78% of Provincetown belongs to the Federal Government. Odd they chose a chairman before they chose a committee ... something is not quite right.

Dennis Minsky - Express thanks to the Board of Selectmen for taking the position they do in supporting the dunes.

- Celine Gandolfo – Read portion of an email she mailed to the Board of Selectmen today re: Railroad Right-of-Way and the width of the easement.

- Marcene Marcoux - Would like to address issue of Town Manager Search meeting held on Saturday, March 17, 2007. Found disturbing that the ones that would bring the most to the town were eliminated. Would have like to have it so that the public could have asked questions of all four candidates. Think the town is facing a crisis and the ship is not headed in the right directions.

Clarence Walker – Has some of the same concerns as the previous speaker. Urge everyone to review the DVD. Ask the public to look at the candidates.

Lynn Davies - 1) Selection of Town Manager .. thanks to all who worked on the Search Committee. My concern is in viewing the DVD, I have concerns of a few of the candidates. If you have any doubts, go for a second round .. seek new candidates. 2) Affordable Housing – suggest how do we keep people living here stay here? 3) Water bills – suggest that we have the Water Department come up with a blended rate and have two billings a year.

Hersh – Candidates for Town Manager- before you come to a final decision, I think you should have a public form like you do for candidates night.

Bonnie Campbell- Candidates for Town Manager – people would like to see Leon come back.

### 3. **SELECTMEN'S STATEMENTS**

#### **Michele Couture**

We are elected officials and it is our duty to select the Town Manager. It was an open process and you saw us interview the candidates. This is not a task I take lightly and one of the most difficult decisions a Selectman has to make and I think people have to trust the decisions of the elected officials. The Search Committee did an excellent job. Whoever is going to be chosen is going to be chosen with an incredible amount of thought.

Congratulations to the Town Manager for being chosen by the Housing Assistance Corporation.

Cape Cod Selectmen's Association – asking for innovative things we have done. I would recommend the Affordable Housing. Summit. (Cheryl Andrews will put something together with Michele Couture)

#### **Richard Olson**

Bobby Ray passed away around Christmas time.

Town Manager Selection Process – Suggest that we reconsider Mr. Leon Gaumond.

Sign on Route 6A to be replaced. Is the year 1686 the correct date?

#### - **Cheryl Andrews**

- Regarding the Town Manager Search – I've thought about it and to put them out in public ... it is not the way to choose a Town Manager. I will do my best serve you and select the best possible candidate. Potted plants – I will miss hearing from all of you.

**4A** BOARD OF SELECTMEN APPOINTMENTS

Cape Light Compact Governing Board

**MOTION:** *Move that the Board of Selectmen vote to appoint Heather R. Wishik of 3 Thistlemore Way, as Provincetown's Representative on the Cape Light Compact Governing Board.*

**Motion by:** Michele Couture      **Seconded by:** Richard Olson      Yea 3    Nay 0

**4B** BOARD OF SELECTMEN APPOINTMENTS

Disability Commission Appointment

**MOTION:** *Move that the Board of Selectmen vote to approve the Town Manager's appointment of Richard Kapler to the Disability Commission, pursuant to MGL C.40, §8J, for a term to expire December 31, 2007.*

**Motion by:** Richard Olson      **Seconded by:** Michele Couture      Yea 3    Nay 0

**5A** ART IN PUBLIC PLACES – AIDS MEMORIAL

Establish Special Gift Fund – MGL C,44,§53A

Cultural Council Attendees: Amy O'Hara, Cheri Mittenthal and Frank Vasello.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL Chapter 44, section 53A, to establish a special gift fund, with the balance in said fund to be expended (without further appropriation) by the Board of Selectmen, to support project expenses for the AIDS Memorial and Art in Public Places projects.*

**Motion by:** Michele Couture      **Seconded by:** Richard Olson      Yea 3    Nay 0

**5B** TREASURER

Use of Library Building Gift Funds - Debt Service \$84,830.63

**MOTION:** *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, pursuant to MGL C.44, § 53A to approve the use of \$84,830.63 from the Library Building Gift Fund to pay for FY 2007 debt service on the library construction project.*

**Motion by:** Michele Couture      **Seconded by:** Richard Olson      Yea 3    Nay 0

**5C1** VISITOR SERVICES BOARD

Fine Arts Work Center Co-op Marketing Grant Agreement

**MOTION:** *Move that the Board of Selectmen vote to approve the Visitor Services Board's recommendation for a \$5,000 cooperative marketing grant with the Fine Arts Work Center to purchase a minimum of 46 radio spots on Boston radio station WBUR during April 2007 to promote the shoulder season workshops in creative writing and visual arts at the Fine Arts Work Center.*

**Motion by:** Richard Olson      **Seconded by:** Michele Couture      Yea 3    Nay 0

**5C2** VISITOR SERVICES BOARD

Pilgrim Monument and Provincetown Museum Co-op Marketing Grant Agreement

**MOTION:** *Move that the Board of Selectmen vote to approve the Visitor Services Board's recommendation for a \$5,000 cooperative marketing grant with the Pilgrim Monument and Provincetown Museum to promote the centennial celebration of the laying of the Pilgrim Monument cornerstone through an advertising campaign, which will help to maintain the centennial's impact on the local economy.*

**Motion by:** Richard Olson      **Seconded by:** Michele Couture      Yea 3    Nay 0

**6A** MCCATF

Mass. Cultural Council Grant Award - \$30,000 – Cultural Tourism

**MOTION:** *Move that the Board of Selectmen vote to authorize execution of a grant agreement in the amount of \$30,000 from the Massachusetts Cultural Council under its Adams Arts Program for a project to stimulate cultural tourism in Provincetown for funding further implementation of Provincetown's Path to Culture - Wayfinding & Storytelling to implement our collaborative efforts.*

**Motion by:** Richard Olson                      **Seconded by:** Michele Couture                      Yea 3    Nay 0

**6B** INSERT TOWN MEETING WARRANT ARTICLES

April 4, 2007 Annual & Special Town Meeting

**MOTION:** *Move that the Board of Selectmen vote to schedule a Public Meeting for Monday, March 19, 2007 to discuss the Affordable Housing Articles for the Special Town Meeting in April.*

**Motion by:** Cheryl Andrews                      **Seconded by:** Richard Olson                      Yea 3    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to insert Article 1, 2,3,4,5,9 and 11 on the warrant for the April 4, 2007 Special Town Meeting.*

**Motion by:** Michele Couture                      **Seconded by:** Richard Olson                      Yea 3    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to insert Article 1, 2,3,4,5,6,7, 10,11 and 14 on the warrant for the April 4, 2007 Annual Town Meeting.*

**Motion by:** Michele Couture                      **Seconded by:** Cheryl Andrews                      Yea 3    Nay 0

**6C** REFER ZONING AMENDMENTS TO PLANNING BOARD

Proposed Amendments for April 2007 Town Meeting

**MOTION:** *Move that the Board of Selectmen vote to, pursuant to MGL C. 40A,§5, to refer to the Planning Board the following proposed zoning amendments:*

*B. Zoning Amendment - Provincetown Community Housing Council requested by the Board of Selectmen.*

*C. Zoning Amendment - Growth Management Affordable Housing and Community Housing requested by the Board of Selectmen*

**Motion by:** Michele Couture                      **Seconded by:** Richard Olson                      Yea 3    Nay 0

**6D** GRANT ADMINISTRATOR

Approval of Employment Contract Extension

**MOTION:** *Move that the Board of Selectmen vote, pursuant to Policy Statement No. 2002-01-28-A, to approve the Town Manager's extension of the employment contract with Grant Administrator Michelle Jarusiewicz from January 1, 2007 through June 30, 2008 upon the same terms and conditions.*

**Motion by:** Michele Couture                      **Seconded by:** Richard Olson                      Yea 3    Nay 0

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of: January 30, 2007 (Budget Mtg.) as printed.*

**Motion by:** Michele Couture                      **Seconded by:** Richard Olson                      Yea 3    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of: February 7, 2007 (Planning Board) as printed..*

**Motion by:** Cheryl Andrews                      **Seconded by:** Richard Olson                      Yea 3    Nay 0

**8.** CLOSING STATEMENTS

**Michele Couture** - None      **Richard Olson** - None      **Cheryl Andrews** – None

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

Minutes transcribed by: Vernon G. Porter, Secretary  
February 28, 2007