

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - TUESDAY, MAY 29, 2007

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar convened the meeting at 6:30 PM noting the following Board of Selectmen attending: Mary-Jo Avellar, Michele Couture, Austin Knight, Pam Parmakian, Lynne Davies

Other attendees: Town Manager Sharon Lynn

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING

Chelsea Earnest Memorial Playground

Chairman Avellar read the public hearing into the record and also the memo to the Board of Selectmen from Warren Tobias,

Public Comments

Bonnie Campbell - If you use option two what is the cost going to be.

Constantine Amonos - There are enough parking spaces already. Limit spaces to one hour only.

Rachel White - Suggest moving the fence to make some room for parking. Hope you find some solution.

Jean Brock - Do not want to be boxed in with parking lot. (See attachment #1 & 2)

Diane Mattingly - Like the fact that we can go into the front of the playground. Parents clean up the area and fix things. Visitors use this area all the time as well. Great need for a port-a-john.

Betty Comey - Hope that the Recreation Dept would have some input on this. (See attachment #3)

Bronwyn Malicoat - Read letter from parent into record. (See attachment #4)

Michael Kacergis - No better neighbor than the playground and wouldn't be happy to see the land taken away from the playground.

Closed public portion at 6:51 pm.

Board of Selectmen Comments

Austin Knight

Would like a report from Recreation Director and also visit the site with here. Also take a look at moving the fence as Mrs. White suggested.

Michele Couture

I would like something done now and not two weeks from now.

Sandy Turner, Warren Tobias, Tracey Trehwella came to the table and an open discussion ensued.

MOTION: Move that the Board of Selectmen vote to instruct the Department of Public Works to created for (4) new spaces on the East Side of Nickerson Street opposite the playground and that these spaces be posed as "Playground Use Only – All Others Towed at Owner's Expense" from 8 am to 6 pm. and contingent upon assessment that the Towns all of the land and to continue to explore other option.

Motion by: Michele Couture Seconded by: Pam Parmakian Yea 5 Nay 0

1B WATER ACTIVITIES UPDATE

Environmental Partners Update

Attendees: Mark White of Environmental Partners Group Mark White, Hydro Geologists Andy Miller (Subcontractor to EPG) and DPW Director David Guertin

Mark Adams gave a presentation on water activities. (Attached to agenda item.)

Open discussion ensued. No motions made.

1C **EMERGENCY PREPAREDNESS PLANNING**

Town of Provincetown

Brian Carlson gave an update to the Board of Selectmen on where the Town is on the Emergency Preparedness and what the Board of Health and Provincetown Emergency Preparedness Citizen Working Group have put together.

Town website ?? Why is it not available?

2. **PUBLIC STATEMENTS**

Cindy Ladd – Cape Cod Scenic Tours - Requesting permission to bring her tours to Provincetown and drop them off at the MPL Comfort Station and in doing so the State of Massachusetts says she needs permission from the town to do this and therefore she is here tonight to request this from the town via a permit or simply a letter of permission will suffice.

Bonnie Campbell - Reminder to have the VSB and PBG and Chamber to remind people to pick up their trash.

Mrs. White - Concerned about the taste of our water.

Kerry Adams - Notice of sewer construction on Shankpainter Road not being as advertised. Poor time of year. CCNSGMPIAC would like to have a meeting with Board of Selectmen. Would hope that you would ask our State Representative Sarah Peake to help us with the Dune Shack issue.

Lisa Bowden - the Cruise ship the “Spirit of Nantucket” - will be here in Provincetown on June 14, 18 and 28th and September 24, 2007. Everyone is welcome to come to town hall to help stuff bags on June 5th at 1 PM in the Caucus Room.

Peter Clemens - National Register denied Dune Shack district and want to thank previous Selectmen for their involvement in this issue. Can’t imagine how the Register got away with what they have and he is available to discuss this with the Selectmen at any time.

3. **SELECTMEN STATEMENTS**

Pam Parmakian

Update on Ryder Street lighting ... Frosted lights have been ordered and should arrive in a few weeks.

Closing of Bradford Street and Shankpainter Road. Business were not notified. What happened. Urge DPW to put up detour signs in the future. Suggest posting all information on Website. Also David Guertin said he would put a Display Ad in the Banner.

May 16th – attended Renewal Energy Committee Meeting - Ptown rates 2nd worst on Cape Cod. Encourage all us to use the blue bins. People and business are not recycling and I would encourage everyone to start recycling.

Lynne Davies

On request by Cindy Ladd request – I am all in favor.

MOTION: *Move that the Board of Selectmen vote to extend a welcome to “Cape Cod Scenic Tours” of So.*

Dennis, MA. to Provincetown with the understanding that there is no requirement for a tour permit or license and that the drop off locations established will be MPL Comfort Station and the Pilgrim Monument Parking Lot and vehicle being used will be housed at the Jerome Smith Parking Lot.

Motion by: Lynne Davies Seconded by: Michele Couture Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the request of the Portuguese Festival to place propane mosquito killer at the bar relief during their festival providing their insurance coverage does not hold Provincetown liable and that NO SMOKING signs are posted appropriately nearby.*

Motion by: Lynne Davies Seconded by: Michele Couture Yea 5 Nay 0

I will be on vacation 9th of June and return on the 17th.

28 Alden Street situation ? Sharon Lynn – Hopefully this issue should be resolved this week.

Austin Knight

It was a great Memorial Day weekend and like all our Board members I was delighted to participate in the ceremonies.

MOTION: *Move that the Board of Selectmen vote send a letter of thanks to all those who participated in the Memorial Day services.*

**Motion by: Austin Knight Seconded by: Pam Parmakian Yea 5 Nay 0
Michele Couture**

Porta-a-john's at the playgrounds. What will be the cost? Sandy Turner- they have already been ordered. Mary-Jo Avellar – What about the broken swing? Answer – Recreation just has to report these things and we go and fix them.

Pier bathroom are now up and running. Who is taking care of the maintenance? Sandy Turner – We are working with Rex on this.

Letter from Chair of Pier Corp – re: Buying Barge – (Mary-Jo Avellar left the room due to conflict of interest – her husband works for the Pier Corporation.) Suggest that we have a meeting with the Pier Corp. Sharon Lynn – Pier Corp will be attend next Board of Selectmen meeting – June 11th.)

Asked Sandy Turner – to give report on storm drains.

Mary-Jo Avellar

MOTION: *Move that the Board of Selectmen vote to grant the request of the Provincetown Portuguese Festival as follows: 1) for the annual use of the banner from the Cap'n Bill which is now part of the Heritage Collection; 2) have the Town of Provincetown fly the Portuguese Flag that was donated to the Heritage Museum by Barbara Zawalik in memory of her son Robert during the Festival on Town Hall property June 21 through June 24th; 3) temporarily rename Ryder Street, during the event, "Portuguese Festival Square" and to mount a sign designating it as such in place of the current sign.*

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

MOTION: *Move that the Board of Selectmen vote to send to the Cape Cod National Seashore from the Town of Provincetown expressing its strong disappointment regarding the National Registry's decision and copies to Cassandra Walters, Janet Schneider-Matthews, Congressman Delahunt and Senator Kennedy.*

Motion by: Mary-Jo Avellar Seconded by: Austin Knight Yea 5 Nay 0

To remind people what our late President John F. Kennedy did when he had the Congress pass the Act that created the National Seashore, I make the following motion:

MOTION: *Move that the Board of Selectmen vote to give a copy of the Enabling Legislation to each*

Selectmen and the Town Manager and further have a framed copy hung in the Selectmen's office.

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

Lynn Davies – suggested that the Board of Selectmen invites members of the CCNSGMPIAC to meeting with the Board of Selectmen at their next regular scheduled meeting on Monday – June 11, 2007. The Board agreed.

MOTION: *Move that the Board of Selectmen vote to take agenda item 5A out of order.*

Motion by: Michele Couture Seconded by: Pam Parmakian Yea 5 Nay 0

5A. STATE REPRESENTATIVE SARAH PEAKE

Update

Representative Peake gave update on Provincetown Home Rule Bill Status and Local Revenue Proposal Allocations. She is also working on many other projects such as Homeowners Insurance, Affordable Housing.

Open discussion ensued. No motions made.

MOTION: *Move that the Board of Selectmen vote to request that State Representative Sarah Peake pursue whatever means possible to represent Provincetown concerning the Cape Cod National Seashore Dune Shack.*

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

4. BOARD OF SELECTMEN APPOINTMENTS

Have Town Manager schedule joint meeting with Truro Board of Selectmen for sometime in August once North Union Field stats are in. PLOG will be discussed thereafter.

5B NATHAN FREEMAN BUILDING

Disposition for July 1, 2007 through June 20, 2008

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.30B,§16 to extend the lease with New England Deaconess Association for a portion of the first floor of 330 Commercial Street for the period July 1, 2007 through June 30, 2008 under the same terms and conditions as the original lease approved by the Board of Selectmen dated August 22, 2005, and \$10,000 contributions be awarded to the Town for maintenance, repairs as the Town deems necessary.*

Motion by: Lynne Davies Seconded by: Michele Couture Yea 5 Nay 0

5C PROCLAMATION DECLARATION

Josephine C. Del Deo Day, June 14, 2007

MOTION: *Move that the Board of Selectmen vote to declare June 14, 2007 as Josephine C. Del Deo Day in recognition of her dedication to recognizing and celebrating Provincetown's heritage, and her tireless contributions to the preservation of Provincetown's history for nearly half a century.*

Motion by: Austin Knight Seconded by: Lynne Davies Yea 5 Nay 0

5D1 PARADE PERMIT

Provincetown Business Guild Annual Carnival Parade

MOTION: *Move that the Board of Selectmen vote to approve Parade application submitted by Don Knuuthle on behalf of the Provincetown Business Guild for the purpose of holding their Annual Carnival Parade to be held on Thursday, August 16, 2007 from 3:00 pm to 6:00 pm.*

Motion by: Michele Couture Seconded by: Pam Parmakian Yea 5 Nay 0

5D2 PARADE PERMIT – PROVINCETOWN POLICE

Law Enforcement Torch Run (Special Olympics)

MOTION: *Move that the Board of Selectmen vote to approve Parade application submitted by the Office Glen A. Enos on behalf of the Provincetown Police, 26 Shankpainter Road, Provincetown, MA to hold a Law Enforcement Torch Run (Special Olympics) to be held on Friday, June 15, 2007 starting at 5:00 AM and ending at 7:00 AM*

Motion by: Michele Couture **Seconded by:** Lynne Davies Yea 5 Nay 0

5D3 PARADE PERMIT – ANNUAL 4TH JULY PARADE

Independence Day Celebration: Wednesday, July 4, 2007

MOTION: *Move that the Board of Selectmen vote to approve Parade application submitted by Recreation Director Tracy Trehwella on behalf of the Town of Provincetown to hold the Annual Independence Day Parade to be held on Wednesday, July 4, 2007 starting at 11:00 AM.*

Motion by: Michele Couture **Seconded by:** Lynne Davies Yea 5 Nay 0

5D3 PARADE PERMIT – HELPING OUR WOMEN

7th Annual By The Sea Bike Trek

MOTION: *Move that the Board of Selectmen vote to approve Parade application submitted by Irene Rabinowitz and Beth O'Rourke on behalf of the Helping Our Women, 336 Commercial Street #9, Provincetown, MA to hold their 7th Annual By The Sea Bike Trek to be held on Saturday, June 9, 2007 starting at 8:00 AM. Rain Date of June 10, 2007.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 5 Nay 0

5E1 TREASURER'S TRANSFER

Library Gift Fund

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 \$2,140.24 from the Library Building Gift Fund to pay for the payment of the attached invoice(s).*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 5 Nay 0

5E2 TREASURER'S TRANSFER

Town Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the payment of the award of \$2,000.00 from the Town Scholarship Fund for the 2006 Town Scholarship.*

Motion by: Michele Couture **Seconded by:** Lynne Davies Yea 5 Nay 0

5E3 TREASURER'S TRANSFER

John Anderson Francis Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the use of \$50.00 from the John Anderson Francis Scholarship Fund to pay for the payment of the attached invoice(s).*

Motion by: Michele Couture **Seconded by:** Lynne Davies Yea 5 Nay 0

5F **AMBROSE HOMES, INC.**
Temporary Parking Spaces for China Realty Trust, 361 Commercial Street

MOTION: *Move that the Board of Selectmen vote to approve the request of Ambrose Homes, Inc. on behalf of China Realty Trust to reserve two parking spaces in the Johnson Street parking lot for the period May 18, 2007 to June 28, 2007, provided that the applicant shall pay the sum of \$1376.00 for the temporary displacement of said parking spaces with the knowledge that there will be no further extension and no blocking of other spaces and payment due immediately before bags are placed on meters.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 5 Nay 0

6A **FIRE DEPARTMENT**
FY 2007 Firefighting Equipment Grant

MOTION: *Move that the Board of Selectmen vote to accept a grant in the amount of \$3,900 from the Executive Office of Grants and Research under the FY 2007 Firefighting Equipment Grant program and to authorize the Fire Chief to execute such grant contract.*

Motion by: Lynne Davies **Seconded by:** Austin Knight Yea 5 Nay 0

6B **FORMER FIRE STATION NO. 2**
Repair Costs – 189 Commercial Street – 4th Town Landing

MOTION: *Move that the Board of Selectmen vote schedule Public Hearing at our next regular meeting on Monday, June 25, 2007*

Motion by: Michele Couture **Seconded by:** Austin Knight Yea 5 Nay 0

6C1 **DPW SERVICE CONTRACT FOR FY 2007**
Bituminous Concrete Paving: P.J. Keating

MOTION: *Move that the Board of Selectmen vote to execute a contract with low bidder P.J. Keating of Cranston, RI, for the provision of bituminous concrete paving to the Town of Provincetown for Fiscal Year 2008 at a cost of: \$82.63 per ton delivered in place and for berms to be laid in place; \$10.00 per lineal foot for bituminous concrete curb to be laid in place; and \$175 per ton for handwork (sidewalks and driveway approaches).*

Motion by: Michele Couture **Seconded by:** Lynne Davies Yea 5 Nay 0

Austin Knight recused himself and left the room as has a personal conflict.

6C2 **DPW SERVICE CONTRACT FOR FY 2007**
Municipal Solid Waste Hauling Services: J & L Enterprises

MOTION: *Move that the Board of Selectmen vote to execute a contract with low bidder J & L Enterprises, Inc. of Truro for the provision of municipal solid waste hauling services for Fiscal Year 2008 from the Provincetown Transfer Station to the SEMASS facility in Rochester, MA, including provision of one yard truck, keeping trailers on a maintenance schedule, changing flat tires, and providing an additional trailer during the summer, for the contract price of \$370.00 per round trip.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 4 Nay 0

Austin Knight returned.

6D **SURPLUS DECLARATION**
Department of Public Works Water Department Vehicle

MOTION: *Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws §6-4-6, to*

authorize the Town Manager to dispose of, by sealed bid, the following vehicle declared surplus by the Department of Public Works Water Department on May 11,2007: 1992 Isuzu Pick-up. VIN# 4S1CR11Z5N4216926

Motion by: Michele Couture Seconded by: Pam Parmakian Yea 5 Nay 0

Town Manager Sharon Lynn

May 24 & 31st – we are advertising for appointments Provincetown Community Housing Counsel.

Emergency Preparedness on the Website – we do have it on the Police Department website a brief description of that. On our website we're in the process of creating a virtual Town Hall.

Chief Tobias – gave a briefing motorcycle noise.

7. CLOSING STATEMENTS

Pam Parmakian - None **Lynne Davies** - none

Austin Knight – June 1st. Graduation at High School

Mary-Jo Avellar -

Reschedule Harbor Hearing to our June 25, 2007 meeting.

Congratulation to Alix Heilala upon her successful accomplishments of being certified as a Certified Governmental Accountant by the Massachusetts Auditors' and Accountants' Association. Copy of letter to be place in her personnel file.

Michele Couture

MOTION: Move that the Board of Selectmen vote to send a letter of Congratulations to the Graduating Class of 2007.

Motion by: Michele Couture Seconded by: Austin Knight Yea 5 Nay 0

Motion to adjourn by Michele Couture at 9:59 PM.

Minutes transcribed by: Vernon G. Porter, Secretary

June 3, 2007