

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, AUGUST 13, 2007

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar convened the meeting at 6:00 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, Municipal Finance Director Alix Heilala

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A CAPE COD NATIONAL SEASHORE

Joint Meeting with Superintendent George Price and Truro Board of Selectmen

Attendees: CCNS Seashore Superintendent George Price, Truro Board of Selectmen – Chairman Fred Gaechter, Christopher R. Lucy, and Truro Town Administrator Pam Nolan and. CCNSGMPIAC Members - John Thomas and Kerry Adams.

George Price - Gave a brief history of the Seashore and the future projects planned.

Fred Gaechter - Thanks the Board of Selectmen for inviting Truro to participate this evening as there are a lot of items that are always of mutual interest between our two towns and the Seashore and anytime we can talk to George about it – it is great. Certainly we want to talk about the Dune Shack Subcommittee, and a few potential land swaps with the Seashore we've been involved with – we'd like to have an update on and always the water issues are key to us.

Mary-Jo Avellar – Re: Dune Shacks - I think that I can speak for the Board of Selectmen in that we are extremely disappointed that after two studies which found that it was a cultural way of life that the Seashore ignored those two studies that they paid for – for whatever reason – it seem very suspicious to us. It seems almost malevolent to some of us as we look at the introduction to the enabling legislation which is very clear about maintaining our cultural and historic way of life, not only for those who have live here but for those that continue to live here - and that is in the enabling legislation – it seems very strange to us that the Seashore has chosen to ignore that. It is upsetting and I guess we are looking for some kind of an explanation from you as to why this is happening.

Open discussion ensued over the Dune Shacks and Hunting.

Additional comments:

Request copy of by-laws from George. Would like list of who is on Sub-Committees.

Michele Couture - Dune shacks are the hot issue at this time and we are going to hold your feet to the fire and I am optimistic that the subcommittee will address this issue. Applaud the fact that the Seashore is working on many projects of interest to all.

Fred Gaechter – asked Provincetown to support Truro's letter to the Senate and Congress requesting funds to pay for the Army Corps of Engineers study for East Harbor.

Pam Parmakian - Bike Trails – timeline status on rehab? Working on a plan and expect to start in 2008. Fred Gaechter – We would like some kind of commitment to pick-up the bike trail from Wellfleet to Provincetown – going through Truro. (Transportation Improvement Program – TIP Program) .. all three join together.

Cell Towers - In you plan to supply those services. Will work with town staff on this.

Clothing Option Area – Why don't we have this here? George - A law was passed prohibiting this. John Thomas – This was codified by the National Seashore. Question -Can we look into this again? Yes, I will see what I can uncover on this. Austin Knight – Why ticket people. Why not give a warning?

Austin Knight – Plans for new facilities – at Herring Cove – will we be given an opportunity to see the plan and have a say in what will be built? Answer – We are not close to a conceptual design at this point.

Joint effort for green fuel – potential funding opportunities for green activities.

Kerry Adams would like to have meetings of this type 2 or 3 times a year. Moors Road to New Beach – bike racks. Erosion in this area is something to keep in mind. George – We are addressing some of these areas and will continue to do so.

Mary-Jo Avellar - Provincetown & Truro Board of Selectmen to get together on Wind Energy. George Price – The adhoc committee have been meetings looking at properties conducive to Wind Energy.

Lynne Davies - The bullet points have been a lot of information. However, I don't have a feeling that we are walking away with any take-a-ways. We've had a lot of opportunity to air a lot of issues and I agree with Kerry that we might be better off having more regular meetings and that we pick three or four topics at a time and roll up our sleeves and let's get an understanding and that there is take-a-ways – not just talk. I know that there is a general frustration that there is an awful lot of talking happening but there is no understanding agreed upon as to where we are going to go next and what is going to happen. I'd be far more comfortable if we were leaving with something and I'm not leaving with anything or any comfort level that anything has been decided or agreed upon.

George Price – What I would offer is two things. 1) I would be more than willing to do the “Bullet Meeting” as far as the construction items backed up with an on site tour of some of the places so you get a full understanding of where we are. We can do this at your convenience through the Town Manager.

Fred Gaechter - closing comments - We have some issues that are unique to Truro and we meet with George on a regular basis as well. And I just wanted to end a little bit on a positive note. There have been some cases recently, very timely situations with the Seashore, where George and I have communicated on individual basis and gotten some specific very quick actions done and I'd like to compliment George in those case for his response and I would encourage more direct dialogue as well. I've found that it's help with the Seashore when you have something of particularly timely nature that George responds very quickly. I want to end up that we are glad to have the Seashore in Truro and we have issue like everybody else with neighbors but it certainly is a great thing to have 70% of our town National Seashore. There's always problems, there's always issues and I think we can work them out together and I think between us we have identified a couple of issues tonight that the three of us can work on – Provincetown, Truro and the Seashore and I look forward to doing that.

Mary-Jo Avellar – I think we do too, and I want to thank you all for coming. I know it's been a long evening.

1B PUBLIC HEARING: NSTAR UNDERGROUND ELECTRICAL SERVICE

Chairman Avellar read the Public Hearing. No written comments received from the public prior to this meeting.

No Public Comments. **Board Comments** - Minimize street closure.

MOTION: *Move that the Board of Selectmen vote pursuant to MGL C.166, §22, to:*

- a) *Approve the request of NSTAR to install cable and conduit from Pole 52/11 under the roadway to provide underground electric service including the necessary sustaining and protecting fixtures, in, under, and along and across Alden Street to service 100 Alden Street, east and west for Seashore Point – Deaconess.*

And to request that NSTAR provide an as-built plan to the property owner showing actual location and depth after installation.

Motion by: Michele Couture **Seconded by:** Lynne Davies
Yea 4 Nay 1 (Pam Parmakian)

1C PUBLIC HEARING: ADOPTION OF TOWN-WIDE POLICY GOALS FY-2008

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

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

MOTION: *Move that the Board of Selectmen vote pursuant to Charter §4-2-1, to adopt as Town-wide Policy Goals for Fiscal Year 2008 those goals contained in the public hearing as advertised in the Provincetown Banner on July 26 and August 2, 2007 with the following amendment:*

#5 Wastewater: Continue oversight and completion of Phase 2 sewer construction including maximization of utilization and connection of Manor Care Campus and final construction of Bradford Street-East connection as well as pump station on Shank Painter Road. Finalization of fiscal review for wastewater operations which is being prepared by consultants to include an absolute rate reduction schedule and increase of red dot delay properties. Follow through with optimization of the Phase I system so as to increase available gallons for economic development, connecting nearby properties with Administrative Consent Orders, and thus bringing a higher level of financial efficiency to this system.

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

2. **PUBLIC STATEMENTS**

Mildred Chaplin – Puzzled why the Seashore has not listed to the Keeper of the Records. Has formed their own Community composed of members from Provincetown and Truro known as the TCP Association.

Astrid Berg - Not happy that she received a letter in August saying that if you are a Red Dot Delay and you have to get a building permit of any kind then you have to hook up to the sewer.

Ron Dean - Apologize for his comments towards Acting Chief of Police Warren Tobias during his public statements at a past Board of Selectmen's meeting. Also apologize to Michele Couture. Supports the Summer Officers and give special thanks to everyone. Suggest drug tip line sign be put on all police cars. Suggest police mix with people to get to know them better. Speed limit on Commercial Street needs to be reduced.

Rick Murray - Ask Selectmen to visit the rental fees – for 'FOR-PROFIT' renters for the use of Town Hall .. believes the current fee is much too low.

Peter Clemens – Commented on the TCP Association and the people who put it together .. and that the purpose of speaking was so that Superintendent George Price could see his comments on Cable Television. Would like the Selectmen to help the Seashore define "What is the Province Lands?"

Bonnie Campbell – Spoke on issues that were raised and presented by various people this evening.

Rex McKinsey - Representing King Hiram's Lodge – Invited the Board of Selectmen to participate in the Pilgrim Monument Ceremonies and gave details of the event.

3. **SELECTMEN STATEMENTS**

Michele Couture

Letter stamped by Vernon on July 27th received from Molly Ross – regarding her concerns over a loss of parking at the Grace Gouveia.. She wants to know why there was a driveway that seems to have eliminated a parking spot. So I called Mr. Guertin, Val Carrano, Paul Gavin and Doug Johnstone to check this out ... and found out that there is nothing on record of any town meeting granting an easement or right-of-way for that property which is 28 Alden Street. Paul Gavin looked into the Barnstable County Deeds Records and saw that there was nothing listed, only a plan written on it "right of way". So, I would like the Town Manager to continue to find out if anything has been legally recorded as a right-of-way on town property and give us a report on that.

Memo from Building Commissioner –July 13th and August 10th... re: Series of Library violation issues. Please keep us updated on this. Glad we're on top of this.

One of our goals is a State Approved Harbor Plan. Would like to have state officials meet with us sometime in September. Have Attorney Kathleen O'Donnell from K & P.

MOTION: Move that the Board of Selectmen vote to invite State Official Lou Gitto to discuss – Chapter 91 - State Approve Harbor Plan for sometime in September.

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

Received an email on special event that was happening on the Pier this past weekend and I have two concerns about it: 1) it was really short notice and I did not know anything about it until I got the email, 2) it's August in Provincetown and it was a tax-free weekend and Mr. Murray was talking about competition with private businesses and having unfair competition. It was a Craft Fair – people from out of town. It just feels like it takes business away from the restaurants and stores downtown and I was not really happy about it. Maybe it's time to chat with the Pier Corp. because there was an issue about skateboarding and I certainly would have been in favor of eliminating skateboarding on the Pier.

If we're having a Fall Town Meeting one of the things I want to do is establishing a Housing Bank to provide funds for middle income people .. as there is no device for that right now.

Want to thank Mr. Dean for coming this evening and that the changes are pleasant ones. You are much more effective when you are calmer and write things down. Thank you for the flowers, by the way. I think that it is not a bad idea to advertise on the doors of police cars for a drug tip lines. Thank you for apology and thank you for changing you tact because I think it is much more effective.

Pam Parmakian

Thanks the Dune dwellers for coming in presenting tonight and for all the emails that has been keeping us so well informed.

Also Ron Dean for his comments. It was so proactive what you were saying tonight and so inspiring to see you come in and present these great ideas and that you are talking about awareness and solutions.

To Astrid Berg comments on Red Dot delays – I think that is such a delicate topic and I really look forward to the Water & Sewer Board and Board of Health meeting.

To Mr. Murray's comments – I agree with him and we need to look at the fees and the policy of renting Town Hall.

MOTION: Move that the Board of Selectmen vote to set a date of Monday, November 5, 2007 at 6 PM as the date for a Special Fall Town Meeting.

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

I have asked Vernon to place on our next agenda Noise By-Law.

Remind everyone of the Open Forum meeting

Request Town Manager to ask Dana Farris for a GIS overlay map of Seashore Road, Town own Roads and State owned Roads

Lynne Davies

Would like more on the noise by-law. Sharon Lynn - Looking at a Warrant Article for the Special Town Meeting on Noise By-Law. K&P are working with us on this.

Skateboarders – I appreciate where the Pier is coming from. The skateboarders are using the bar relief and other places practicing their moves and in the process what they are doing is breaking down our infrastructure.

Town Hall rentals – I spoke with Dr. Murray on this and I agree with him that we should be looking at this.

Beach Clean Up – Our success has been noted by other towns and our resource has been from the prison and as such we are in competition for their services.

Parking Signs outside on Ryder Street indicating 30 minute parking - they need to be more user friendly.
Sharon Lynn – I did address this with the Parking Lot Manager. I believe they can be programmed and I've asked him to look into this.

Problem with heavy traffic on Conwell Street & Bradford. Acting Chief Tobias – Sometimes can't get manpower.

Red Dot Delay - Why does anyone have to hook up for ANY permit (window replacement – shingle replacement, etc.) This can be addressed when we have our meeting with the Water and Sewer Board.

Has the Filter in Pump House by MPL been changed? Answer: Will look into it again.

What happening with wind turbines? Eligible for test turbines, etc. Would like a report on this.

Would like to see the Financial budget pages on the website enhance to show a variety of things and make it user friendly.

Austin Knight

August 23, 2007 – Air National Guard – Band Concert. Would like to have a process developed so that a sign off can occur fairly quickly.

MOTION: Move that the Board of Selectmen vote to schedule an agenda item 'Insurance for Board of Selectmen' for the next meeting.

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

Roger Keene passed away this Saturday, August 11, 2007. He was very actively involved and passionate about our town. Our Secretary has sent a card to his significant other Peter Denault. And a tribute to Howie Schneider will be held here at Town Hall this week as well.

When are we going to start to work on Town Hall. Answer: Sharon – We have a request out with an August 30th deadline and a review committee.

Town Hall Clock – company has been here once and is due back soon. Asked to see if Tony Lemme could have the town clock ring the same time as the Library bell on August 20th.

Mary-Jo Avellar

In reading the minutes of a previous meeting there was a request, and I think that I made it, that the Chief provide us a report in writing on the Crystal Meth situation, don't know if that was ever passed on to you .. but I think that was the results of Mr. Dean's appearance before us the last time.

The issues that Ms. Berg raised, I think are to be serious considered and I totally agree with everything that she had to say.

MOTION: Move that the Board of Selectmen vote to approve the Lipton Cup Proclamation and declare September 7,8,9, 2007, as Lipton Cup Centennial and Great Schooner Regatta Weekend.

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

4. BOARD OF SELECTMEN APPOINTMENTS

MOTION: Move that the Board of Selectmen vote to appoint Joseph Collins as an Alternate Member on the Historic District Commission with a term to expire June 30, 2008.

Motion by: Pam Parmakian Seconded by: Lynne Davies **Yea 5 Nay 0**

5A1 TREASURER'S TRANSFERS

Waterfront Access Gift Fund

MOTION: *Move that the Board of Selectmen vote as Commissioners of the Gift Funds, pursuant to MGL C. 44§53A to authorize the use of up to \$3,000.00 from the Harbor Access Gift Fund for the payment of invoice (s) for additional testing of the harbor waters under the direction of the Director of Community Development.*

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

5A2 TREASURER'S TRANSFERS - Massachusetts Water Pollution Abatement Trust Interim Borrowing for Wastewater Project: \$5,600,000.

MOTION: *Move that the Board of Selectmen vote to pursuant to Article 1 of the November 13, 2006 Special Town Meeting, to authorize the Town Treasurer to borrow the amount of \$5,600,000. from the Massachusetts Water Pollution Abatement Trust at 2% Interest and to further authorize the Town Treasurer to obtain interim financing from the Massachusetts Water Pollution Abatement Trust at 1.85%.*

**Motion by: Austin Knight Seconded by: Pam Parmakian
Yea 4 Nay 1 (Mary-Jo Avellar)**

Pam Parmakian recused herself due to possible future or potential financial interest.

5A3 TREASURER'S – BOND ANTICIPATION NOTE #1069

MOTION: *Move that the Board of Selectmen, pursuant to Article 2 of the April 3, 2006 Special Town Meeting, vote to issue Bond Anticipation Note #1069 in the amount of \$1,000,000 dated August 20, 2007 at 3.95% interest payable at maturity to Cape Cod Five Cents Savings Bank on June 25, 2008, for the acquisition of 90 Shankpainter Road for Community Housing purposes.*

**Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0
Pam Parmakian returned.**

5A4 TREASURER'S TRANSFERS

Library Building – Belfry & Exterior Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Library Building Gift Funds, pursuant to MGL C44§ 53A to approve the use of \$19,225.13 from the Library Building - Belfry & Exterior Gift Fund to pay for the attached invoice(s).*

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

5B AIRPORT COMMISSION

Independent Fee Estimate for EA/FEIR/DRI

MOTION: *Move that the Board of Selectmen vote to execute a contract in the amount of \$3,150.00 with URS Corporation, 26 Corporate Drive, Clifton Park, New York for the Independent Fee Estimate of the Environmental Assessment (EA) Final Environmental Impact Report (FEIR) and Development of Regional Impact (DRI) for the Provincetown Municipal Airport.*

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

Mary-Jo Avellar recused herself and left the room as her husband is a town employee who services are leased to the Provincetown Public Pier Corporation.

5C CENTER FOR COASTAL STUDIES

Cape Cod Bay – No Discharge Area

Presentation by: Steve McKenna, Cape & Islands Regional Coordinator for the Massachusetts Office of Coastal Zone Management on behalf of the Cape Cod Bay No Discharge Area Working Group – asking for the Board of Selectmen's support of their application for Federal recognition of the Cape Cod Bay No Discharge Area via sending a letter to Mass. Office of Coastal Zone Management, Boston, MA

MOTION: Move that the Board of Selectmen vote to send a letter to the Massachusetts Office of Coastal Zone Management (MA CZM) supporting Federal recognition of the Cape Cod Bay No Discharge Area and supporting the efforts of the Cape Cod Bay No Discharge Area Working Group to designate it as such.

Motion by: Michele Couture **Seconded by:** Pam Parmakian
Yea 4 Nay 0 Abstain 1 Mary-Jo Avellar

5D **PARADE PERMIT REQUEST**

American Lung Association – Annual Autumn Escape Bike Trek

MOTION: Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Mr. Paul Curley of the American Lung Association, 460 Totten Pond Road #400, Waltham, MA to hold a their Annual Autumn Escape Bike Trek on Sunday, September 16, 2007 from 10 AM to 3 PM. No rain date.

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

6A **DPW CHAPTER 90 REIMBURSEMENT REQUEST**

Reimbursement for Backhoe and 276 Bradford St. Drainage

MOTION: Move that the Board of Selectmen vote to sign two (2) Chapter 90 Reimbursement Requests; 1) Backhoe/Loader w/Thumb in the amount of \$78,408.24; 2) 276 Bradford St Drainage Project in the amount of \$75,074.95, for a total request in the amount of \$153,483.19.

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

6B **PAMET LENS OVERSIGHT GROUP - UPDATE**

Open discussion – no motions made. Everyone like having minutes.

6C **TOWING REGULATIONS**

MOTION: Move that the Board of Selectmen vote to renew the contract with Rod's Towing Service for six months.

Motion by: Lynne Davies **Seconded by:** Pam Parmakian
Yea 4 Nay 1 (Austin Knight)

6D **TOWN MANAGER FOLLOW-UP/OTHER**

Acting Chief Tobias noted that: 1) the weekend before last the ABCC was in town this week and several places (Euro and Governor Bradford) were caught serving underage customers. 2) on Friday afternoon we were able to secure 4 seats in the Reading Police Academy for September 17, 2007 – much sooner than we expected.

Potential Candidates – are required to pay the academy fee (\$2500.00) and when they get out of the academy they will be reimbursed at the rate of \$100 per month.

Parking Meters – Every parking meter in town can accept a card but not a credit card. It's a type of card where you would have to go to the department to buy a certain amount and then use the card. We do not have the cards at this time but they are capable of doing that. It is something we'd have to look into if we were to use this system.

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

MOTION: Move that the Board of Selectmen vote to approve the minutes of July 9, 2007 (Regular Mtg.) as printed.

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

MOTION: Move that the Board of Selectmen vote to table minutes of July 10, 2007 as printed.

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

MOTION: Move that the Board of Selectmen vote to table minutes of July 16, 2007 as printed.

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

MOTION: *Move that the Board of Selectmen vote to table minutes of July 23, 2007 as printed.*

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

8. CLOSING STATEMENTS

Michele Couture – None Pam Parmakian – None Austin Knight - None

Mary-Jo Avellar - None

Lynne Davies – Is the Library furnace going to be fixed? Answer – Yes, we have to get it fixed before winter season.

9. EXECUTIVE SESSION

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 3 to go into executive session for the purpose of discussing personnel issues with respect to litigation; and not to convene in open session thereafter. [Roll Call Vote]*

Michele Couture – Yes Pam Parmakian – Yes Austin Knight – Yes

Lynne Davies – Yes Mary-Jo Avellar – Yes

Yea – 5 Nay - 0 - Motion Passes -

Motion by: Michele Couture Seconded by: Austin Knight

The Board went into executive session at 10:35 PM.

**Minutes transcribed by: Vernon G. Porter, Secretary
August 19, 2007**