

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – TUESDAY, OCTOBER 9, 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, Assistant Town Manager David Gardner

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

#### 1A PRELIMINARY PLANS FOR FIREHOUSE #2

189 Commercial Street

Robert Evans of A & E Architects, Brewster, MA and Provincetown Building Inspector Russell Braun gave a slide show presentation on the Preliminary Plans for Firehouse #2 followed by a question and answer period.

***MOTION: Move that the Board of Selectmen vote to schedule a Public Hearing on Firehouse #2 at our regular schedule meeting on Monday, December 10, 2007.***

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

***MOTION: Move that the Board of Selectmen vote to take Agenda Item 5#C out of order.***

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

#### 5C LIBRARY: LOCAL CULTURAL COUNCIL GRANT APPLICATION

Provincetown Cultural Council

***MOTION: Move that the Board of Selectmen vote to approve the request of Assistant Library Director Karen MacDonald to submit a Local Cultural Council Grant in the amount of \$1000.00 for the purpose to commission John Thomas of Provincetown to assemble and/or compose music for the Provincetown Public Library's on the history and significance of the schooner Rose Dorothea (and its half-scale replica).***

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

***MOTION: Move that the Board of Selectmen vote to take Agenda Item 5#E out of order.***

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

***MOTION: Move that the Board of Selectmen vote to take Agenda Item 5#E out of order.***

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

#### 5E OPEN THE SHELLFISH SEASON

Public Shellfish Area

***MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.130,§52 and the Selectmen's Recreational Shellfish Regulations, to approve opening the public shellfishing areas as follows: [1] Sunday, November 4, 2007, the area west of Captain Jacks to the east side of the Provincetown Inn and 25' inside of the Private Grants. [2] Sunday, December 2, 2007, the shellfish area from Allerton Street to the Provincetown/Truro Line. [3] Sunday, December 30, 2007, Hatches Harbor. The days allowed are Sundays and Fridays through the end of March 2008 with a ten-quart limit per week.***

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

***MOTION: Move that the Board of Selectmen vote to take Agenda Item #5F1 & #5F2 out of order.***

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

**5F1 PARADE PERMIT: PROVINCETOWN FIRE DEPARTMENT**

Fire Muster Parade

***MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Fire Chief Michael Trovato, on behalf of the Provincetown Fire Department to hold a "Fire Muster Parade" on Sunday, October 14, 2007 from 10:00 am to 11:00 am with a rain date of Sunday, October 21, 2007.***

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

**5F2 PARADE PERMIT: RECREATION DEPARTMENT HALLOWEEN PARADE**

Annual Recreation Department Halloween Parade: Wednesday, October 31, 2007

***MOTION: Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Recreation Director Tracy Trehwella on behalf of the Town of Provincetown to hold the Recreation Department's "Annual Halloween Parade" on Wednesday, October 31, 2007 from 3:30 PM to 4:30 PM.***

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

**1B JOINT MEETING WITH FINANCE COMMITTEE**

Review Warrant Articles & Budget for Nov. 5, 2007 Special Town Meeting.

Members of the FinCom Present: David Biddle, Thomas Thurston, Walt Winnowski Thomas Coen, Robert Vetrick, Gary Delius, Ruth Gilbert, Virginia Ross.

Open discussion ensued over articles for the November 5, 2007 Town Meeting.

Article 1 – Supplemental Operating Budget for FY08 - FinCom broke this down into 4 Sections.

Article 1 – Section 1, AFSCME contracts, Approved by vote of 7-0-0.

Article 1 – Section 2, Dept. 123 Town Manager's budget - Approved by vote of 7-0-0.

Article 1-Section 3, Wide Area Network – Would prefer to see this come a one package to the voters in the spring town meeting.

***MOTION: Move that the Finance Committee vote to postpone this item to spring town meeting.***

**Motion by: Ruth Gilbert      Seconded by: Robert Vetrick      **Yea 8 Nay 0****

Article 1 – Section 4, Wastewater Enterprise Fund & General Fund. – Approve by vote of 7-0-0

Article 2 – Police contract 07 and 08 – Approved by vote of 7-0-0

Article 3 – Repair schools stairs – Suggest this become from Reserve Fund.

Article 4 – Telephone System.

***MOTION: Move that the Finance Committee vote to postpone this item to spring town meeting.***

**Motion by: Ruth Gilbert      Seconded by: Robert Vetrick      **Yea 8 Nay 0****

Article 5 - Prior Year Bills - Approve by vote of 7-0-0

Article 6 – Stearns & Wheler Contract - Approve by vote of 6-1-0

Article 7 – Budget Adjustments – Are not yet in so this item remains on the table and we will take it off the table when numbers are made final prior to Town Meeting.

Article 8 – Cap the Visitor Service Board - We believe this is not a legal motion and therefore as a result voted not to recommend by a vote of 8-0-0.

Article 9 - Restore the Race Point Parking Lot – Finance Committee has no recommendation

## 2. PUBLIC STATEMENTS

Dave Schropfer – (Selectman from Town of Eastham). Re: Metropolitan Planning Organization – Running for position on this organization and asking the Provincetown Board of Selectmen to cast their one vote for him. If elected he will try to have this changed so that it will be an open ballot and not a secret ballot.

Bonnie Campbell - Made several comments on items brought before Selectmen this evening.

Kiki Herald - Noticed people are beginning to recycle more often now. Concerned over influx of traffic in her area in the West end. Also not liking the amount of new construction that is going on in town. Very glad the Board is looking at the noise bylaw and would like construction times change to 8 AM. Thanks to Board of Selectmen for their dedicated time to the town.

## 3. SELECTMEN STATEMENTS

### Michele Couture

I want to address a letter that the Board of Selectmen was copied on by the Chair of Community Preservation Committee. In it, it references my attending a meeting of the CPC on October 2, 2007. I'm a little distressed at the tone of the letter as the implication is that I diverted Town Department Heads and Staff to attend this meeting and nothing could be further from the truth. I've been very interested in this project from its inception. It's been no secret that I've been a booster of this project and I was very happy that Town Meeting voted by two-thirds to approve the funding for this article and that it went through. What I find distressing is that this project seems to have hit obstacles that I find frustrating and I can't imagine that the developers have not found frustrating as well.

The five points that the Chair, Ms. Anderson has written in her letter, it appears to members of the CPC that the Selectman present was a designated voice of the Selectmen. Is that true? No it is not. I never intimated that I was there speaking on behalf of the Board. I was there as a Selectman. At no time, and in the minutes anyone can see that I never made any mention that the Board instructed me to do anything that I had said.

I have no financial interest in this project. I have never had any financial interest in this project. I have absolutely every right to go to any meeting I want of any regulatory board or any town board as a public citizen and/or as a Selectmen. We are the appointing authority for two members of the CPC. I certainly have made no secret of the fact I have long advocated for affordable housing. I was very happy that the CPC saw fit to approve this application and was there simply to see the last piece of the puzzle, the signature that was required by the CPC. I was astounded by the discussion as to whether \$70K should be dedicated or not, and I was very pleased that the Chair allowed me to speak. I gave my opinion as to what we approved at Town Meeting, and what we approved was very simple - \$732,000 for 12 community housing units proposed for 6 Sandy Hill Lane. My frustration at the meeting was that the applicant was really, I think, being pressed to agree to language that was never in there in the first place. And in previous minutes of the CPC there was discussion about putting money in an ACO. I find the whole thing quite puzzling to be honest with you.

I am glad that the CPC decided to sign it because otherwise the applicant then would be facing another month or two before the language could be agreed upon and causing them further cost that they hadn't agreed upon or intended. I was hoping this project would be a model for private development and private developers to create some affordable housing. I think this project has not been the type of model that I hoped that it would be. I would like to say that I am sorry that the CPC thought that I was somehow heavy handed. I don't believe that I was. I was simply giving my impression of what everyone had voted for at Town Meeting, and I in no way acted unethically.

Perhaps I can attend the next CPC meeting, and if anyone has any questions they can personally address me, and I will be happy to do so. Hopefully I addressed all the concerns and the minutes are public.

Thank you Ms. Herald for coming to tonight's meeting. I have a letter dated September 20, 2006 from Mass

Technology Collaborative and I think it is time to invite them to one of our meetings to give us some information on wind technology. We can have the Town Manager invite them to meet with us and be more specific as to what we want.

***MOTION: Move that the Board of Selectmen vote to ask the Town Manager to contact Green Power Director Steven Weisman, Mass Technology Collaborative, 75 North Drive, Westboro, MA., to a future Board of Selectmen's meeting to discuss Wind Energy/Alternative Energy. (January 2008)***

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

***MOTION: Move that the Board of Selectmen vote to extend the Farmer's Market until October 27, 2007.***

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

Have we obtained a Housing Specialist yet? Answer – Not as yet. Should know by tomorrow.

Town Boards Minutes up-to-date? Can we get a report from Town Clerk?

***Mary-Jo Avellar recused herself and left the room as her husband is an employee of the Pier Corporation***

Request joint meeting with Pier Corporation. Purchase of \$40K barge? List of how their debt service is. How far behind they are? If they purchased a barge .. where the money came from? Etc. Who's going to run the equipment? All sorts of questions.

***MOTION: Move that the Board of Selectmen vote to schedule a joint meeting with the Provincetown Pier Corporation.***

**Motion by: Michele Couture      Seconded by: Austin Knight      Yea 4 Nay 0**

Mary- Jo returned.

### **Pam Parmakian**

Thanks to everyone for speaking tonight at public statements; specifically to Kiki, and thank you for bringing up recycling again.

For information purposes our new Asst. Town Manager will be looking at new construction on an ongoing basis.

Business Summit next week on Thursday @ Provincetown Theatre 7 – 9 PM and I encourage everyone to attend. This is a very important meeting for everyone in our community.

On Oct. 15, 17 & 22<sup>nd</sup> from 6 to 9 PM the Lower Cape CDC is conducting an education class for First Time Home Buyers at the Community Center. Fee is \$25.00.

Our Town Manager has put together a report for us on accidents that have happened on the CCNS Bike Trails over the past six years. Now we have to transfer this into dollar comparisons.

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### **Lynn Davies**

Eko green vehicle – I have asked in past meetings that both the DPW and the Police about this and I'll keep pushing the issue.

Encourage everyone to attend the Business Summit. This is an opportunity for all Business Owners out there to tell us really what they think, and I really want to hear it.

### **Austin Knight**

We are all invited to the High School Awards Banquet @ the Provincetown Inn on Wednesday, October 24, 2007 from 6:30 to 9 pm.

How are rates/fees for Building Permits determined? Answer by Michele Couture: Two things: 1) we find out what is comparable across the Cape and 2) what it really cost us in personnel hours.

Is there any enforcement for bicycles on Commercial Street?

**Mary-Jo Avellar**

The assessments that are in the data base are less than what is out in new Assessors Books and I was wondering when the data base was going to be brought up to the book?

We need to contact all our Representatives on the H2B issues that we are having. Also all the Selectmen's Representatives on the Cape. This is very serious and should be taken care of immediately. Mary-Jo Avellar and town Manager Sharon Lynn will get together this week and write a letter on this.

Mary Heaton Vorse Day – Proclamation will be read at the Library - Thursday – October 11, 2007.

**4A BOARD OF SELECTMEN APPOINTMENTS**

None at this time.

Pam Parmakian recused herself from this discussion. Although her employer does not have a present or past financial interest in the property located at 90 Shank Painter Road, her employer may respond to a future RFP which at that time would create a conflict of interest.

**5A 90 SHANK PAINTER HOUSING**

Mass Development's Brownfields & Initiate Steps to Remediate Site

***MOTION: Move that the Board of Selectmen vote to authorize the Town Manager to: take the necessary steps to approve a Memorandum of Agreement with Mass Development, subject to legal review as to form, which then allows Mass Development to issue to the Town an agreement as referenced in their correspondence of September 25, 2007 (which is the recognized funding source)***

**Motion by: Michele Couture                      Seconded by: Lynne Davies                      Yea 4 Nay 0**

***and further to authorize a contract with Environmental Partners Group in the amount of \$99,300 for Site Remediation.***

**Motion by: Michele Couture                      Seconded by: Lynne Davies                      Yea 4 Nay 0**

Pam Parmakian returned.

**5B WASTEWATER PROJECT UPDATE**

Phase 2 Wastewater: Change Order #2 to Metcalf & Eddy

***MOTION: Move that the Board of Selectmen vote to authorize a Change Order to Metcalf & Eddy, Phase 2 – Collection System Expansion, in the amount of \$361,676 for a) provide sewer connections to 22 additional properties [\$220,176], and b) reduce the Town's construction contingency of \$175,000 by the amount of \$141,500 for work performed by M&E related to water and drainage piping relocations and abandonment.***

**Motion by: Lynne Davies                      Seconded by: Michele Couture  
Yea 4 Nay 1 (Mary-Jo Avellar)**

**5D RESTRICTIVE EASEMENT**

For WK Red Clay, LLC, 21 Bradford Street Extension

***MOTION: Move that the Board of Selectmen vote execute "Restrictive And Easement – Document A" for the property owned by WK Red Clay, LLC, a Massachusetts Limited Liability located at 21 Bradford Street Extension, Provincetown, Barnstable County, Massachusetts to protect the upland buffer of the property, and therefore the interests and values of the wetland resource area located on that property.***

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

**5G TREASURER'S REQUEST**

Town of Provincetown - IRC Section 125 Premium Conversion Plan

***MOTION: Move that the Board of Selectmen vote to approve, retroactively, the Town of Provincetown's***

*Internal Revenue Code, Section 125 Premium Conversion Plan implemented on July 1, 2007 to comply with the State of Massachusetts Chapter 58 of the Acts of 2006 Approval of Section 125 Cafeteria Plan.*

**Motion by: Lynne Davies                      Seconded by: Pam Parmakian  
Yea 4 Nay 0 Abstain 1 (Mary-Jo Avellar)**

Pam Parmakian recused herself from this discussion as her employer has been hired by the owners of this property as a consultant.

**5H      SANDY HILL LANE**

Grant Agreement

**MOTION: *Move that the Board of Selectmen vote to approve the grant agreement for the housing development known as 6 Sandy Hill Lane for \$732,000 for 4 affordable moderate units and 8 median income units.***

**Motion by: Michele Couture                      Seconded by: Lynne Davies                      Yea 4 Nay 0**

Pam Parmakian returned.

**6A      INSERT BALLOT QUESTIONS**

November 5, 2007 Special Town Election

**MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.59, § 21C (g) to insert five (5) ballot questions onto the November 13, 2007 Special Town Election ballot as specified in attachment "A"*  
Attachment "A"**

**Question # 1 - Operating Override**

***Shall the Town of Provincetown be allowed to assess an additional \$340,700 in real estate and personal property taxes for the purpose of funding the town's operating budget for the fiscal year beginning July 1, 2007?***

**Question # 2 - Operating Override**

***Shall the Town of Provincetown be allowed to assess an additional \$165,000 in real estate and personal property taxes for the purpose of funding the collective bargaining agreement with the IBPO for the fiscal year beginning July 1, 2007?***

**Question # 3 - Capital Exclusion**

***Shall the Town of Provincetown be allowed to assess an additional \$15,000 in real estate and personal property taxes for the purpose of structural repairs to the concrete stairway that connects VMES, PHS and the Grace Hall parking lot for the fiscal year beginning July 1, 2007?***

**Question # 4 - Capital Exclusion**

***Shall the Town of Provincetown be allowed to assess an additional \$30,000 in real estate and personal property taxes for the purpose of funding the implementation of a new telephone system for the fiscal year beginning July 1, 2007?***

**Question # 5 - Debt Exclusion**

***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 fund the costs associated with Engineering and Design for repairs to Commercial Street?***

**Motion by: Michele Couture                      Seconded by: Austin Knight  
Yea 3 Nay 2 (Michele Couture / Pam Parmakian)**

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

Open discussion. No motions made.

**6C** MASS DEPARTMENT OF CONSERVATION & RECREATION

**MOTION:** *Move that the Board of Selectmen vote to send a letter supporting the Cape Cod National Seashore's application to the Department of Conservation and Recreational, Northampton, MA for their Recreational Trails Grants Program that is funded through the Federal Highway Administration, and offers assistance for projects involving the development and maintenance of recreational trails.*

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

**6D** MID-YEAR REVIEWS

Town Manager, Secretary to Board of Selectmen

Open discussion. Lynne Davies, Pam Parmakian and Town Manager to work together to come up with new Performance Evaluation tools for Town Manager and Secretary to Board of Selectmen.

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

Comfort station still open. Funding will be found to keep them open.

Schedule meeting with VSB re: Bathrooms, etc.

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of September 24, 2007 as printed.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of October 3, 2007 (Special Meeting) as printed.*

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

**8.** CLOSING STATEMENTS

**Michele Couture** – I want to thank the Town Manager, and Representative Sarah Peak, and Sandy Turner, as we all met and discussed sidewalk strategy on Conwell Street and the Representative is on it.

**Pam Parmakian** – None      **Lynne Davies** - None

**Austin Knight** - None      **Mary-Jo Avellar** - None

Motion to adjourn by Austin Knight at 9:05 PM.

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