

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, APRIL 28, 2003

JUDGE WELSH HEARING ROOM

Acting Chairman Cheryl Andrews opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson

Excused Absence: Mary-Jo Avellar

Other attendees: Town Manager Keith Bergman

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A BARNSTABLE COUNTY

Presentation on County Services

MOTION: *Move that the Board of Selectmen vote to accept a return of funds in the amount of \$30,646 from Barnstable County, and to express the Board's appreciation to the Barnstable County Commissioners and the County Assembly of Delegates for enacting County Ordinance 03-03, which returns a total of \$1,000,000 in county assessment funds to the fifteen towns which generated those funds.*

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 4 Nay 0

1B PUBLIC HEARING: TAX RATE CLASSIFICATION

FY 2003 Property Tax Rate

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.40, §56, as follows relative to the FY 2003 property tax:*

1. to establish a residential factor of "1"

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 4 Nay 0

2. not to adopt a "residential exemption".

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 4 Nay 0

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

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 4 Nay 0

4. to identify \$1,093,517 in unused property tax levy capacity.

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 4 Nay 0

1C PUBLIC NOTICE; MacMILLAN PIER FLOAT SPACES

Transfers of Ownership Interest

MOTION: *Move that the Board of Selectmen vote in accordance with Special Condition No. 7 of the Chapter 91 License for MacMillan Pier issued October 23, 1995, to approve the proposed transfers of ownership interest:*

was changed - then why are we not getting money back from the contractor? What happened to the \$385K approved for the repaving Commercial St.? 3) Lien situation has not been solved for anyone - we need to address the removal of all the leans on all of the properties until sewer system is complete and the property is hooked to it - as what is said in the original order that was signed into legislation. It can be done with a blanket renewal notice.

3. SELECTMEN'S STATEMENTS

Michele Couture

Follow-up to Selectmen's meeting of 4/14/03 re: pumping. According to our Health Agent records have not been compiled for several years. Cannot believe that this is the case. We have a regulation that requires this be done and I'm annoyed with this. Cheryl Andrews - This is really hard to fathom. It is a basic data gathering process and I would like to understand how this has happened, if nothing else. Keith Bergman - I will look into that.

Response to Mrs. Cabral-Edwards statements - can understand why she is upset.

MOTION: Move that the Board of Selectmen vote to schedule Yvonne Cabral-Edwards as part of the next Board of Selectmen's agenda on Monday, May 27, 2003.

Motion by: Michele Couture Seconded by: Richards Olson Yea 4 Nay 0

Richard Olson

In response to concerns of Ms. Cabral-Edwards, would expect that during the entire week when all the additional visitors from the drum and bugle organizations are in Town, when they are not marching down the street for a couple of hours on one day, they will be riding the trolley.

Attended the Affordable Housing Roundtable - last week and was disappointed that many participants seemed more interested in "making Chapter 40B go away", by meeting its minimal 10% goal, than by meeting our actual human goals for affordable housing.

Note that Town Meeting has now, for a second time, approved filing a home rule petition for legislation allowing us to use up to 35% of Land Bank funds for affordable housing. Note further that the report of the Open Space Committee contained in the Annual Town Report, to the extent that I can make any sense of it at all, indicates that the committee is still not on board with carrying out the will of Town Meeting in this regard. Note still further that minutes of roughly half the meeting of the Open Space Committee over the last year and a half have not been made available. Wonder if we need to have a sit down with them. Keith - Have great faith in the Community Development Plan and the best use of our time is to try to move forward and work together with all concerned and staff will be bring some specific recommendations to you on that real soon.

I am still concerned that an appointed board appears not to be fulfilling its obligation to publish minutes.

Sarah Peake

Town Board/Boards Members - will bring up as part of our goals and will discuss more then.

Policy as it relates to various organizations using town property.

MOTION: Move that the Board of Selectmen vote to set as a future agenda item to look at the use of and the fee structure of the town hall auditorium, street spaces and public spaces in general including parade routes.

Motion by: Sarah Peake Seconded by: Richards Olson Yea 4 Nay 0

In response to what Dr. Murray said - can someone give him a call and let him know roughly when that center section of town will be paved.

Sewer hook-up during summer. Sandy Turner - there are 60 properties that are early hook-ups, which have to

be done before July 7th . Over the course of the summer there are additional hook-ups. What will occur over the summer are private property connections. Most of the work will be done on private property. There will be some interruptions when that final connection has to be made. They will try to keep traffic flowing at all times - working early morning hours. If they are in the middle of the road then there could possibly be a shutdown. By May 15th all disruption to the street itself should be accomplished. The 60 permits were chosen to spread all over the system in order to start-up the system properly. From July 7th to September 15th there will be no work done in the street but they will be doing private properties, which could put us in the street to a certain degree. Robert Our makes the last connection - private contractors cannot make the final connections.

May 8th @ 6:30 Informational Meeting on Sewer Project - here in Judge Welsh room.

Cheryl Andrews

To Keith - I had posed the question to you, which staff member was going to be the one to directly answer the Board of Selectmen when we had questions of process regarding our Conservation Commission - did we get an answer or are we still trying to decide how to do that. Keith - we don't have an answer. Cheryl - OK. Because the question that was raised tonight concerns me and it's an issue of process and I would really like to have an answer. I would say to my colleagues that I hope we meet with the ConCom sooner rather than later and I will remind the Chair that we voted to do that and have some answers to these questions, particularly if there is pending litigation which was alleged tonight.

Comment re: singing from the same hymnal phrase - When it comes to appointing board members my goal is not to have necessarily everyone singing from any particular hymnal or necessarily to agree with what I think is best for the town but instead, first and foremost, to have wide representation of all the different views. Because, in my opinion, in the end the product is going to be a success. Richard - I agree with everything that you say. Only the book that town meeting wrote when it passed its vote - and not pulling different directions. Cheryl - I thought you were talking about their minutes. Cheryl - People are people and they will still do what they have to do to further their agendas.

4A AIRPORT COMMISSION: RUNWAY PROJECT

Change Order No. 3: Construction Contract: Lawrence Lynch \$68,200

MOTION: Move that the Board of Selectmen vote to authorize execution of Change Order No. 3 in the amount of \$68,200 to the construction contract with Lawrence- Lynch Corporation of Falmouth, Mass. for the project to reconstruct, mark and light Runway 7-25 at Provincetown Municipal Airport.

Motion by: Michele Couture Seconded by: Sarah Peake Yea 4 Nay 0

4B CCNS GMP IAC: DUNE SHACKS

Submit Comments to Cape Cod National Seashore Advisory Commission

MOTION: Move that the Board of Selectmen vote to submit to the Cape Cod National Seashore Advisory Commission the preliminary comments prepared by the Town's CCNS General Management Plan Implementation Advisory Committee relative to the document entitled "Cape Cod National Seashore Dune Shack Subcommittee Findings" dated January 2003; and to indicate further that supplemental comments will be forwarded to the Advisory Commission following the Selectmen's May 12, 2003; as amended with edits.

Motion by: Michele Couture Seconded by: Sarah Peake Yea 4 Nay 0

4C1 PARADE PERMIT REQUEST

Over The Line Productions

MOTION: Move that the Board of Selectmen vote to approve Parade application submitted by Joseph McStowe, on behalf of Over the Line Productions, 85 Bettencourt Rd., Plymouth, MA. for the purpose of holding the Drum Corps Reunion - "2003 Cavalcade of Music" (a traveling showcase of music) to be held on

Yea 3 Nay 0 Abstain 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen approve the minutes of March 18, 2003* (Open Forum) *with changes so noted.* (All Present)

Motion by: Sarah Peake Seconded by: Richard Olson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen approve the minutes of April 8, 2003* (Town Meeting) *as printed.* (All Present)

Motion by: Michele Couture Seconded by: Sarah Peake Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen approve the minutes of April 14, 2003* (Regular Mtg.) *as printed.* (All Present)

Motion by: Michele Couture Seconded by: Sarah Peake Yea 4 Nay 0

8. CLOSING STATEMENTS

Michele Couture - None Richard Olson - None

Sarah Peake - Meeting in Boston on Friday. John Giorgio will be meet with the Board of Monday @ 5 pm re: Profish. Board will meet at 4:30 for one agenda item - Performance Review.

Cheryl Andrews - Will attend the Old Ann Page Way opening ceremony.

Motion to adjourn by Michele Couture at 10 pm.

Minutes transcribed by: Vernon Porter, Secretary
May 7, 2003