

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, NOVEMBER 10, 2003

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Mary-Jo Avellar, Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson

Other attendees: Acting Assistant Town Manager Michelle Jarusiewicz

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A VISITOR SERVICES BOARD

Recommended Five-Year Financial Plan for Tourism Fund Expenditures

MOTION: Move that the Board of Selectmen vote to table this item until December 2, 2003; and further that it be the first agenda item with VSB to discuss fireworks in particular.

Motion by: Michele Couture Seconded by: Cheryl Andrews Yea 5 Nay 0

Richard Olson - Attended the Tour Bus Guide Appreciation event that Patricia Fitzpatrick organized and it was such a success with the 56 or so tour guides. It is such a plus what she does.

2. PUBLIC STATEMENTS

Ken Weiss - Re: Affordable building at 58 Harry Kemp Way - waiting for the Conservation Orders and Conditions on which that building should have been built. I went before the Conservation Board in February and the orders and conditions have still have not been issued. I need them to be issued so that I may come to the Conservation Commission and ask that they can be lifted so that we can move forward with the building. Also the Lower Cape CDC is in the process of negotiating a deed restriction that they would like to place on that property that will only allow Section 8 tenants. I am here tonight looking for some leadership from the Selectmen on enforcement on our Provincetown Zoning Bylaw. Also, Mr. Hazel sits on the Lower Cape CDC and no attempt has been made for him or CDC to reveal his conflict of interest. I have addressed this matter to the Town Manager.

Alex Ritchie - Re: Transportation - Request the Board of Selectmen be fierce. What happened with P & B was an outrage. We need 'regular schedule service'. Stand up to P & B and CCRTA and get the type of service we deserve.

Steve Melamed - Re: Public meeting held by Public Pier Corp. on rate changes for the Pier. Felt that many of us were not treated particularly well - as we were not made aware of what the budget was they were working from or how they were controlling the numbers. It appeared that everything was predetermined. It was just a meeting to take public input; which when the public input was there nobody was listening to it. I would like to inform the Board that I, for one, do not plan to return to the Pier. I know many other people, in all likelihood, will not return to the Pier this year as well, if what I listened to the other night is factual. There has become, unfortunately, a great deal of dissention and disagreement amongst the way the Pier Board seems to do their operation - and in the particular case of those of us who are trying to operate businesses on that pier and without being given the insight to at least what the budget was and understand. It makes it very hard to give intelligent input and also makes it very hard to have them be credible to us as to what their real needs were. It basically was, I felt, a meeting, which was conducted strictly because a public meeting was required. However, a public meeting should have been held before the publication of the changes was done would have been a lot more fairer and the input should have been received before their pre-rate setting, so-on-and-so-forth. I just find that it's really going a little backwards for the town. We all worked really hard at being much more open - no matter whether it has been good - bad or indifferent. I think this is in poor taste and I think it is a bad direction to be going and I just want to express that."

3. SELECTMEN'S STATEMENTS

MICHELE COUTURE

- Congratulations to Chief Meyer on GOAL award on Saturday in Boston.

. **MOTION:** *Move that the Board of Selectmen send a letter of congratulations to James Golden for his recent promotion to Sergeant.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews **Yea 5 Nay 0**

Need to get together and discuss structure within the PPD as a future agenda item. For example - creation of a Lieutenant's position.

Board of Assessors - With disqualifications of members by the State. Who remains now that Leslie has been disqualified? We need to have some discussion about that. If we can have some sort of an update, Michelle, on what's going on with that.

- Skateboard Park - looks like it has stuff in it. Can we have an update? When is the dedication going to happen?

RICHARD OLSON

- I will be out of town starting on Wednesday - November 12th and returning on Sunday the 16th.

Tickled by Keith's memo about the possibility of a sister town in Portugal - great idea.

Took it upon myself to visit the Planning Board at their last meeting as I saw on the agenda the Adult Entertainment Bylaw and I could imagine some confusion about what we were driving at and what they thought ought to be done. We had a good discussion with Johanthan Silverstein and Mark Latour, I think, sent out a memo. So they are going to be asking if they could meet with us at one of our meetings and I encouraged them to do that so that we can get it straight what we have in mind. I was concerned in the way the draft came back from Boston because in it the definition of 'theatre' somehow we meant to say that the presentation of live nudity in a theater might be subject to the further regulation of the adult entertainment bylaw. And I thought that needs to be fully explored and everybody be in agreement.

SARAH PEAKE

- Thank you for bringing this matter up. We should schedule a meeting with the Planning Board to discuss this matter ASAP.

MOTION: *Move that the Board of Selectmen vote to support the Town Moderator's request to make use of "power point technology" as part of communication during Town Meeting.*

Motion by: Sarah Peake **Seconded by:** Michele Couture **Yea 5 Nay 0**

Community Vision - Future agenda - as soon as reasonable - Have CDD Jon Gilmore come and talk to the Board of Selectmen on where we are in the community vision.

Future Agenda Item - Invite Steve Weisman, State Planner come and talk to us re: Community Wind Collaborative - maybe in January or February 2004. Mark Latour can arrange.

Michele Couture out of room.

MOTION: *Move that the Board of Selectmen send a letter to Department of Telecommunications and Energy in support of an expeditious review and approval of the Cape Light Compact's extension of its default service pilot project through calendar year 2004.*

Motion by: Sarah Peake **Seconded by:** Cheryl Andrews **Yea 4 Nay 0**

MOTION: *Move that the Board of Selectmen send a letter of thanks and a town pin to former Chairman of the Conservation Commission Susan Avellar for her years of service to the community.*

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

Michele Couture returned.

CHERYL ANDREWS

Regarding Mr. Weiss / Harry Kemp project awaiting ConCom Order of Conditions - is this a second order? Clearly the building is almost done and the building permits have all been issued. I have a question (Asst Acting Town Manager) Michelle to our Conservation Department via Jon Gilmore - and the question is: "Why would there be an issue about the order of conditions at this point?" If you could just ask Jon to update us on what exactly is going on there. Is this a 2nd order of conditions and if so why?

To Mr. Melamed - Hear your frustration. I've been to other public hearings and heard the same things. Typically that is a common comment you make. But as to your specific request that you make with regards to budget, I know that a lot of material that you ask for is public and if you do end up having an interest in receiving it, let me know and I will make sure you get it. As to our appointees on the Pier Board, I'll simply say, it is a new job for them and it has a steep learning curve and at this point I will certainly not be critical and believe its important to give them my support.

Thanks to Mr. Guertin for the arbor vitae on Jerome Smith Road.

Cemetery Road - fencing - posts need to be straightened out and painted - until they are replaced. Please remove the bent pipes also.

MARY-JO AVELLAR

Tomorrow is Veteran's Day services @ 11 AM.

Library dedication is on Thursday @ 11 AM

Regarding Mr. Weiss - Section 8 issue - can we get a report back on that.

Ms. Ritchie can be rest assured that the Board of Selectmen intends to take a strong position regarding bus service on this end of the cape.

To Mr. Melamed - although I do not participate in any of this - "I told you so!"

4A HUMAN SERVICES COMMITTEE

Recommended Use of John Arthur Henry Trust Fund for FY 2004

MOTION: *Move that the Board of Selectmen vote to adopt the Human Services Committee's recommendation relative to the use of the John Arthur Henry Trust Fund for FY 2004; and further subject to the Town Manager's approval to the combining of funds with Scholarship investments for now.*

Motion by: Michele Couture **Seconded by:** Richard Olson **Yea 5 Nay 0**

Sarah Peake left the room due to conflict of interest. She is an abutter.

4B LIBRARY CONSTRUCTION PROJECT

Update from Director of Public Works

Discussion ensued. No motions made.

Sarah Peake returned.

4C PARKING ADMINISTRATOR

Support for CCRTA Subcommittee Proposal: Increase Bus Service

MOTION: *Move that the Board of Selectmen vote to authorize and direct Cape Cod Regional Transit Authority Advisory Board representative Donald Richards to vote in support of the CCRTA Subcommittee's two-phased proposal for expanded bus service between Provincetown and Hyannis; and further to send letters of support for this proposal to the Boards of Selectmen and Town Council of the affected towns.*

Motion by: Sarah Peake **Seconded by:** Michele Couture **Yea 5 Nay 0**

4D **PTV: CABLE ADVISORY COMMISSION**

Plans for Televising the Board of Selectmen's Meetings

MOTION: *Move that the Board of Selectmen vote to approve the Cable Advisory Commission's plans for televising the Board of Selectmen's meetings, as outlined by the Information Systems Director four directives on page 2 of his memo to the Town Manager dated November 7, 2003 and further to make use of one camera only.*

Motion by: Sarah Peake **Seconded by:** Richard Olson **Yea 5 Nay 0**

5A **SCHOOL-MUNICIPAL SUMMIT**

Schedule Joint Meeting: December 8, 2003

MOTION: *Move that the Board of Selectmen vote to schedule a joint meeting with the Provincetown School Committee for Monday, December 8, 2003 at 6 p.m. for a school municipal fiscal summit; and in preparation therefore, to schedule an agenda item on the fiscal outlook for FY 2005 at our next regular meeting.*

Motion by: Sarah Peake **Seconded by:** Richard Olson **Yea 5 Nay 0**

5B **MASS. COMMUNITY DEVELOPMENT BLOCK GRANT**

Schedule Public Hearing on Application: December 8, 2003

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing for Monday, December 8, 2003 at 7 p.m. for the Town of Provincetown's application under the October 2004 Massachusetts Community Development Block Grant program for the rehabilitation of the Mt. Gilboa and Winslow Street water tanks and general administration, for a total of \$700,000*

Motion by: Cheryl Andrews **Seconded by:** Richard Olson **Yea 2 Nay 3**

6A **TOWN BOARD APPOINTMENTS**

Approve Town Manager's Appointment to Conservation Commission

MOTION: *Move that the Board of Selectmen vote, pursuant to Charter §6-6-1, to approve the Town Manager's appointments of Sarah Robin, 4 Stearns Avenue, for position on the Conservation Commission expiring December 31, 2005.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews **Yea 5 Nay 0**

6B **APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote to appoint Laura Jean Shabott as a Regular Member to the Harbor Committee with a term expiration date of June 30, 2006.*

Motion by: Michele Couture **Seconded by:** Cheryl Andrews **Yea 5 Nay 0**

7A **TREASURER: GENERA OBLIGATION BOND**

MOTION: Move that the Board of Selectmen vote to accept the terms and conditions as contained in the G.O. Bond documents amounting to \$2,420,000 dated November 14, 2003 at 4.006730%, payable to Cape Cod Bank & Trust Co. as the Town's paying agent.

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

7B TREASURER: MULTI PURPOSE GRANT ANTICIPATION NOTE #1030

MOTION: Move that the Board of Selectmen vote to issue a Grant Anticipation Note #1030 in the amount of \$7,457.00 dated November 14, 2003 at 1.25% interest payable at maturity to Cape Cod Bank and Trust on February 12, 2004.

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

7C TREASURER: MULTI PURPOSE GRANT ANTICIPATION NOTE #1031

MOTION: Move that the Board of Selectmen vote to issue a Grant Anticipation Note #1031 in the amount of \$1,500,000.00 dated November 14, 2003 at 1.25% interest payable at maturity to Cape Cod Bank and Trust on February 12, 2004.

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

7D TREASURER'S TRANSFER: SKATE PARK GIFT FUND

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$2,000.00 from the Skate Park Gift Fund for the payment of the attached invoice.

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

7E TREASURER: OBLIGATION NOTE #R-1

MOTION: Move that the Board of Selectmen vote to issue General Obligation Note #R-1 in the amount of \$4,600.00 dated November 14, 2003 at 4.006730% interest payable at maturity to Cape Cod Bank & Trust Co. on November 1, 2004.

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

8A MINUTES OF BOARD OF SELECTMEN MEETING

seemed to exclude the presentation of nudity and I didn't think that is what we meant. I think

MOTION: Move that the Board of Selectmen vote to approve the minutes of October 27, 2003 (Regular Mtg.) as printed.

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 5 Nay 0

9. CLOSING STATEMENTS

Sarah Peake - None **Cheryl Andrews** - None **Michele Couture** - None
Richard Olson - None **Mary-Jo Avellar** - None

10. NON-UNION CONTRACT STRATEGY

Town Manager Mid-Year Review, Employment Agreement

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, section 23B, clause 3, to go into executive session for the purpose of discussing strategy with respect to contract negotiations with nonunion personnel; and not to convene in open session thereafter [roll call vote].*

Sarah Peake - Yes

Cheryl Andrews - Yes

Michele Couture - Yes

Richard Olson - Yes

Mary-Jo Avellar - Yes

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

Board went into executive session at 9 p.m.

Minutes transcribed by: Vernon Porter, Secretary
November 14, 2003