

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, DECEMBER 8, 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: Town Manager Keith Bergman, Acting Assistant Town Manager Michelle Jarusiewicz

Recorder: Secretary to Board of Selectmen Vernon Porter

The following are meeting minutes, in brief.

1A SCHOOL-MUNICIPAL SUMMIT

Joint Meeting of Board of Selectmen and School Committee

Disclosure: Mary-Jo Avellar disclosed that her sister is an employee of the School Department.

School Committee Members Present: Terese F. Nelson, Peter Grosso and Molly Perdue.

Other Attendees: Superintendent of Schools Colette Traylor and Attorney Jennifer Geosits

Recorder for School Committee: Sheila Colburn

Ms. Nelson called the School Committee meeting to order. Chairman Nelson handed out packets to all attendees. (See Attachment #1)

Discussion ensued. No motions made.

1B PUBLIC HEARING; MCDBG 2004 PROGRAM

Water Project Rehabilitation of Water Tank

MOTION: *Move that the Board of Selectmen vote to authorize submission of the Town of Provincetown's application under the FY 2004 Massachusetts Community Development Block Grant program for the rehabilitation and fencing of the Mt. Gilboa water tank and general administration, for a total of approximately \$800,000; and further vote to submit the EO 418 Housing Certification for FY 2004.*

Motion by: Cheryl Andrews

Seconded by: Michele Couture **Yea 5 Nay 0**

2. PUBLIC STATEMENTS

David Murphy - Hopes the Board of Selectmen will consider the wave attenuator. Excellent job this past weekend by all of the Pier Staff.

Steve Roderick - VSB ads in local publications. If we are going to put ads in local publications that they should have information as to what is going on for the visitor - not to just welcome people home. 2) Heard for months about trip to Brazil and how the gay tourism market was ripe - that we were going to get visitors here through the Port of Miami and through Boston - and then I read in the Cape Cod Times that our Tourism Director got there and found there was no gay market - so let's switch to the Portuguese market. How does that happen? How are we told for months that there is such a pot of gold - get there at a cost of \$3200 and then find our pot of gold was a pot of tar? How prepared were we to market the Portuguese community. Did we cross out gay in all the publications we had to hand out and write Portuguese? I don't think it is the same type of market we are looking at. I think that research has to be done a little more closely. I feel that \$3200 to go to Brazil was a waste of money when we really need to look at getting more people locally to this community. 3) Fascinating to hear your discussion with the School Board this evening. Explained about Charter Schools. What he did not get from tonight's discussion was that the School Committee should be considering 'budget' as their highest priority.

Luis Ribas - The accident on the finger pier needs action taken quickly - before another storm comes and destroys the rest. This is essential to the livelihood of the fishermen.

Elizabeth Patrick - read statement into record re: Nextel. (See attachment #2)

Joyce Guide - Special thanks to the Harbormaster Department, Pier Manager and Marine Superintendent Chris Flavell for the great job they did this weekend. The Pier Corporation is fully prepared to cooperate with the Town in this investigation that we have to go through. I'm asking you to let us have a complete investigation and look at all the situations before we jump to any conclusions as to why it happened. Let's take our time and do it right.

3. SELECTMEN'S STATEMENTS

SARAH PEAKE

There will be a Lower Cape Selectmen's meeting on Thursday, January 8, 2003 at 6:30 PM in Eastham.

Echo thanks to Harbor Master's Office, Marine Superintendent, DPW, Police and all those that responded over the weekend. The comments made by Joyce Guide are well taken that we need to thoroughly investigate this. My initial reaction is that somebody designed it, somebody built it, we used it. Liability questions will come to the forefront and I think before we, as amateurs, start to point fingers at any one particular group, entity or organization thorough an investigation of the facts will occur and all costs and liabilities will be appropriately placed. I have full confidence that we will be able to do that.

CHERYL ANDREWS

One of the things that happens during storms is that we all lose track of how many people go out and do wonderful things for the town. To all of those who helped out this past weekend - thank you very much. I am not aware of any injuries and am very pleased not to hear of any. I will do everything that I can, as one selectman, to see that we get that pier up and running by next summer as it should be.

To Mr. Roderick - I hope you will reconsider rejoining the VSB sometime. And I would like to talk to you more about Charter Schools.

As to jumping to conclusions - questions to Chief Meyer - You referred to the power outage and to a potential cause in a fire. Answer: We talked to NSTAR and they said it was a small fire and that was the last information we had and they are assessing it now.

Thank you to the School Committee for joining us. It is a step in the right direction.

MICHELE COUTURE

MOTION: Move that the Board of Selectmen vote to send a letter to Greta Holman wishing her the best in the future and thanking her for service to the town and wishing her good luck in her recovery.

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

MASS DEP Sanitary Survey Summary (letter from Lou Briganti dated 12/5/03) - would like to have this as a future agenda item.

MARY-JO AVELLAR

Tree on Conwell Street (across from Dexter's Inn) has worn away some of the electrical wires. 2nd time this has happened in a year as a result of this tree. Need to know why this has happened two years in a row.

To Mrs. Fitzpatrick - I don't know what to say.

Appreciate all the efforts that everyone put in this weekend at the Pier.

Passing of former Town Manager Bill McNulty. Very disappointed that I did not receive any phone calls from the local newspaper in regards to his passing.

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RICHARD OLSON

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Pier storm damage - no need for me to add to what has been said. I visited the area and it was an appalling sight.

Employee Appreciation Dinner - was a wonderful occasion and everyone enjoyed it.

Long Point Lighthouse keeper's cottage reconstruction proposal. I think it would be a marvelous addition to our harbor scape.

Mr. Roderick's comments on Tourism Director's trip to Rio - I didn't read that Cape Cod Times article to indicate that the proposal to market to the gay community was in anyway compromised or not followed through upon. The additional aspect that Brazil has a Portuguese descended population was a natural.

4A PLANNING BOARD

Adult Entertainment Zoning By-law Amendments

Open Discussion. No motions made.

4B BOARD OF ASSESSORS

Estimated Third Quarter Property Tax Bills for FY 2004

MOTION: Move that the Board of Selectmen vote, pursuant to Section 1 of Chapter 138 of the Acts of 2003, to join the Board of Assessors in requesting that the Commissioner of Revenue allow the Town of Provincetown to issue a third-quarter preliminary tax bill for fiscal year 2004.

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

4C PARADE PERMIT: PEP/CAR RALLY

MOTION: Move that the Board of Selectmen vote to approve Parade application submitted by Lisa Zawaduk of Truro, on behalf of the Friends of the Provincetown High School to hold their Pep/Car Rally on Friday, December 19, 2003 starting at 2:45 PM and ending by 3:15 PM.

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

MOTION: Move that the Board of Selectmen vote to take Agenda Item 5F under Town Manager out of order.

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

Mary-Jo Avellar left the room due to conflict. Her husband is Assistant Harbormaster.

5F1 MacMILLAN PIER DAMAGE

Open discussion. David Guertin gave an overview of his report.

Three important matters to concern ourselves with:

1. Immediate "make safe" efforts which AGM has come forward to perform

2. Immediate steps to be taken in the next several weeks to mitigate any potential for more damage to those sections of the floating docks not damaged.
3. Long term assessment on what floating docks we should have and the host of operational issues we have with no disassembly opportunities or no protection mechanisms in place.

No motions made.

The Board of Selectmen agreed to meet on Thursday - December 11, 2003 @ 4 PM to further discuss this matter. Meeting will be posted as a one agenda item.

Mary-Jo Avellar returned.

5A REGIONAL GRANT APPLICATION

MCDBG FY 04 MCDBG

MOTION: Move that the Board of Selectmen vote to authorize the execution of the joint authorization form for participation in a regional Massachusetts Community Development Grant Application for approximately \$1,000,000 for a Housing Rehabilitation program through the Massachusetts Department of Housing & Community Development.

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

5B GRANT EXTENSION

Housing Development Support Program - 40A Nelson Avenue

MOTION: Move that the Board of Selectmen vote to authorize the submission of an extension request through September 30, 2004, to the Department of Housing and Community Development, under its Housing Development Support Program, for the acquisition of 40A Nelson Avenue to be developed into six affordable rental housing units.

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

5C FY 2005 BUDGET REVIEW SCHEDULE

Schedule Special Board of Selectmen Meetings for January 2004

MOTION: Move that the Board of Selectmen vote to schedule special meetings to review the FY 2005 operating budget requests on the following dates in January 2004:

*Thursday, January 22, 2003
Wednesday, January 28, 2003
Thursday, January 29, 2003.*

and to schedule a public hearing on the Capital Improvements Program for Monday, January 26, 2004 at 6 p.m.

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

5D GRANT MANAGEMENT ZONING BY-LAW

Schedule Public Hearing: Monday, December 29, 2003

MOTION: Move that the Board of Selectmen vote to, pursuant to the Provincetown Zoning By-laws Article VIII, Section E (3), to schedule a public hearing for Monday, December 29, 2003 at 6 p.m. on the annual report on growth management.

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

5E SPECIAL TOWN MEETING PROGNOSIS

Considering a February 2, 2004 Special Town Meeting

MOTION: *Move that the Board of Selectmen vote to table until its next meeting on December 29, 2003 the matter of whether or not to call a special town meeting for this winter.*

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

5F2 **VISITOR SERVICES BOARD - FY 2004 TOURISM FUND**
\$750 for Promotional Project: Outer Cape Choral Holiday Concert

MOTION: *Move that the Board of Selectmen vote to approve the November 18, 2003 recommendation of the Visitor Services Board to approve use of Tourism Funds for a promotional project as follows: \$750 for a free holiday concert by the Outer Cape Chorale on December 12 and 13, 2003 at Town Hall.*

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

6. **BOARD OF SELECTMEN APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote to appoint Peter Bez as a Regular member of the Zoning Board of Appeals with an expiration date of December 31, 2006*

Motion by: Cheryl Andrews **Seconded by:** Richard Olson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to appoint Patrick L. Eleey as an Alternate member of the Zoning Board of Appeals with an expiration date of December 31, 2006.*

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

7. **CLOSING STATEMENTS**

Sarah Peake

MOTION: *Move that the Board of Selectmen vote that the incremental amount for implementing group health increase for same-sex marriage shall be exempt from the Board of Selectmen's 2.5% property tax levy increase goal.*

Motion by: Sarah Peake **Seconded by:** Cheryl Andrews
Yea 4 Nay 1 (Michele Couture)

Cheryl Andrews

Keith - would you investigate a report I received from two different employees as to whether or not an outside business was somehow accessing the town's paycheck process and sending out notice to our employees offering an "X" amount off membership.

Planning Board - little disappointing, although understandable to hear from the Planning Board how much better they felt after hearing two sentences from us explaining where we were coming from on all that stuff. I would hope someday that Staff would be able to sit with their meetings with us and them be able to give that information to the Boards.

Michele Couture

Order of Conditions re: Grand Union. Poorly handled by staff. People need to be trained.

Richard Olson

Adult Entertainment Bylaw, etc. - There may be cases where we may help out by delegating ourselves to go and sit with a another committee when we can foresee when we need to explain ourselves.

Mary-Jo Avellar - None

Mary-Jo Avellar left the room due to conflict.. Her husband works as Asst. Harbormaster.

8. COLLECTIVE BARGAINING STRATEGY

Land Negotiations [MGL c.39,§ 23BBCl.6]

MOTION: *Move that the Board of Selectmen vote, pursuant to go into executive session pursuant to MGL C.39, §23B, clause 3, for the purpose of discussing g strategy with respect to collective bargaining; and not to convene in open session thereafter [roll call vote]*

Sarah Peake - Yes Cheryl Andrews - Yes

Richard Olson - Yes Michele Couture - Yes

Motion by: Cheryl Andrews Seconded by: Michele Couture Yea 4 Nay 0

The Board went into executive session at 10:10 p.m.

Minutes transcribed by: Vernon Porter, Secretary

December 17, 2003