

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – OCTOBER 25, 2010 6 PM

LARKIN HALL

Chairman Michele Couture convened the meeting at 6:00 PM noting the following Board of Selectmen attending: Michele Couture, David Bedard, Austin Knight, Elaine Anderson and John Santos.

Other attendees: Assistant Town Manager David Gardner, Municipal Finance Director Dan Hoort

Recorder: David Gardner, Assistant Town Manager

1. WASTEWATER UPDATE – Continued from 5 PM Mtg.

DPW Director David Guertin, Facilitator John Goodrich, and Mark White of Environmental Partners

Austin Knight - Thinks it is important to increase capacity at the plant, as interest already exceeds capacity. Return to compliance is filtering its way through DEP – several weeks away.

1B JOINT MEETING WITH HARBOR COMMITTEE

Provincetown Beach Raking Permitting

Harbor Committee Members Present: Gerry Irmer, Susan Avellar, Chris Brook, and Mel Cote.

Chairman Irmer handed out details on what the cost would be for Waterfront Beach Cleaning. (See attachment #1) ConCom Public Hearing is scheduled for December 7, 2010.

Selectmen had previously approved the expansion to the Beach Point. Harbor Committee is requesting permission to proceed as the application does not commit the town to actually clean the beaches. Michele Couture is concerned about the burden of cleaning private beaches as well as the staff demands necessary to meet this commitment.

East End Breakwater to Town Line, and Howland to Court St

MOTION: *Move that the Board of Selectmen vote to reaffirm the adding of Beach Point area to the Notice of Intent.*

Motion by: David Bedard **Seconded By**: Austin Knight
Yea 4 Nay 1 (Michele Couture)

2. PUBLIC STATEMENTS

Barbara Rushmore – 1) Should allow public statements first on the agenda. 2) Cape Cod Commission on Shank Painter Rd meeting was not properly posted. 3) Add a bike trail on the south side of Route 6 from Shank Painter to Conwell St. 3) Conwell St needs sidewalks and bike path – should appoint a group to work towards that goal. 4) Town should provide Wi-Fi all over town. 5) Route 6 should be open to 4 lanes in Wellfleet. 6) Salt on winter streets damage cars and foliage. 7) Sand should replace salt.

3. **SELECTMEN STATEMENTS**

Elaine Anderson

Concerned about parking issue on Bradford between Cook and Allerton. Cars parking on both sides of the street make street very congested. Tourists are still coming, yet businesses and restaurants are closed. Need a task force to sit down and try to extend the season. People are taking pictures of the historic signs on Route 6.

John Santos –

Police Chief needs to respond to traffic issues. We need to have a comprehensive traffic flow study. Bradford Street needs a bike trail along the entire length. MPL should have an entrance and exit to eliminate some traffic at Lopes Square. Restroom attendants should be trained as visitor ambassadors.

Austin Knight

Conwell St needs a study. Election next Tuesday. Ballot Questions are important, reduce state budget has reduced level of services at state level, increasing processing time of permits and state reviews. Sales tax decrease ballot initiatives would have severe impact on local governments. Unintended consequences are significant, and would reduce services and impact non-profits who provide essential services.

David Bedard

Relative to Ms. Rushmore's comments regarding Cape Cod Commission on Shank Painter Road, it was their meeting and not ours.

Michele Couture

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to the Center of Coastal Studies for the use of Larkin Hall, and to Father Dahl for the use of the church parking lot while Town Hall was being rehabbed.*

Motion by: Michele Couture **Seconded By:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to rescind their previous motion on the opening of the Town Hall Auditorium, and to instead open it on the weekend of Thanksgiving - November 26, 2010 so that the Lions Club may use it for their Craft Fair.*

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

4 **APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote to appoint Harriet Gordon as a Regular Member on the Provincetown Housing Authority, with a term to expire at the next Annual Town Election on May 2, 2011.*

Motion by: Elaine Anderson **Seconded By:** Austin Knight Yea 5 Nay 0

5A **RECREATIONAL TRAILS GRANT PROGRAM**

Bradford Street Extension Bike/Pedestrian Trail Connector

MOTION: *Move that the Board of Selectmen vote to authorize the submission of a grant*

application in the amount of approximately \$23,580 to the Massachusetts Department of Conservation and Recreation (DCR) for their 2011 Recreational Trails Program to support installation of the Bradford Street Extension bike and pedestrian trail connector from the end of Bradford Street Extension along Province Lands Road to the National Seashore property boundary.

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 5 Nay 0

5B DPW SERVICE CONTRACT – FY 2011 THROUGH THE REGIONAL COOPERATIVE BID – ROAD SALT BID #21015

MOTION: *Move that the Board of Selectmen vote to execute the FY2011 Regional Cooperative Bid # 21025 for the Salt Contract as presented by the Plymouth Regional Cooperative be awarded to Eastern Minerals, Inc., 134 Middle St., Lowell, MA for Road Salt in the amount of \$56.39 per ton.*

Motion by: David Bedard **Seconded By:** Austin Knight Yea 5 Nay 0

5C SINGLE STREAM RECYCLING – UPDATE

Open discussion. The Board thanked Sandy Turner for her update. No motions made.

5D1A BOND ANTICIPATION NOTE #1077

MOTION: *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1077 in the amount of \$3,825,000 dated November 15, 2010 at 1.04% (\$8,392.23) interest payable at maturity to Cape Cod Five Cents Savings Bank on January 31, 2011.*

Motion by: Austin Knight **Seconded By:** Elaine Anderson Yea 5 Nay 0

5D1B BOND ANTICIPATION NOTE #1078

MOTION: *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1078 in the amount of \$3,825,000 dated November 15, 2010 at 1.04% (\$10,257.60.) interest payable at maturity to Cape Cod Five Cents Savings Bank due March, 15, 2011.*

Motion by: Austin Knight **Seconded By:** David Bedard Yea 5 Nay 0

5D1C BOND ANTICIPATION NOTE #1079

MOTION: *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1079 in the amount of \$2,000,000 dated November 15, 2010 at 1.10% (\$8,800.15.) interest payable at maturity to Cape Cod Five Cents Savings Bank due November, 15, 2011.*

Motion by: Austin Knight **Seconded By:** David Bedard Yea 5 Nay 0

5D1D BOND ANTICIPATION NOTE #1080

MOTION: *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1080 in the amount of \$2,000,000. dated November 15, 2010 at 1.10% (\$21,998.55.) interest payable at maturity to Cape Cod Five Cents Savings Bank due November, 15, 2011.*

Motion by: Austin Knight **Seconded By:** Elaine Anderson Yea 5 Nay 0

5D2A TREASURER'S TRANSFER- Captain Joseph F. Oliver Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$17,250.00 from the Captain Joseph F. Oliver Scholarship Fund for the payment of scholarship(s).*

Motion by: Austin Knight **Seconded By:** David Bedard Yea 5 Nay 0

5D2B TREASURER'S TRANSFER- John Anderson Francis Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$10,750.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship(s).*

Motion by: Austin Knight **Seconded By:** John Santos Yea 5 Nay 0

5D2C TREASURER'S TRANSFER- John A. Henry Trust Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$3,226.04 from John A. Henry Trust Fund for the payment of the attached invoice(s).*

Motion by: Austin Knight **Seconded By:** John Santos Yea 5 Nay 0

5D3 TREASURER'S TRANSFER- Public Fountain Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$18,686.00 from the Public Fountain Gift Fund to pay for the attached invoice(s).*

Motion by: Austin Knight **Seconded By:** Elaine Anderson Yea 5 Nay 0

6A CAPITAL BUILDING NEEDS ASSESSMENT

Contract for Designer Services

MOTION: *Move that the Board of Selectmen vote to authorize the Town Manager to execute a contract with Bargmann Hendrie + Archetype, Inc., 300 A Street, Boston, MA 02210, in the amount of \$149,840 for the purpose of designer services for the Capital Building Needs Assessment.*

Motion by: Austin Knight **Seconded By:** Elaine Anderson Yea 5 Nay 0

6B SURPLUS DEFLATION – Temporary Town Hall Unused Furnishing

MOTION: *Move that the Board of Selectmen vote to declare all used furniture items in the Temporary Town Hall that cannot be re-used or re-purposed in other departments as surplus, and, pursuant to M.G.L. c. 30B and Provincetown General By-law law §6-4-6, to authorize the Town Manager to dispose of same in the manner deemed most advantageous to the Town.*

Motion by: Elaine Anderson **Seconded By:** Austin Knight Yea 5 Nay 0

6C **NOVEMBER 8, 2010 SPECIAL TOWN MEETING ARTICLES**

Adoption of Board of Selectmen's Recommendations on Articles

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-1 - Prior Year Bills.*

Motion by: David Bedard **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-2 - Enterprise Funds – Amend Budgets: 440 Wastewater and 450 Water.*

Motion by: David Bedard **Seconded by:** Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-3 – Use of Parking funds to Purchase 3 Automated Pay Stations.*

Motion by: Austin Knight **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-4 - Discharge the Regional School District Planning Committee*

Motion by: Austin Knight **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-5 - Cemetery Improvements.*

Motion by: Austin Knight **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-6 - Adoption of MGL c. 138 § 33B: Sales of Alcoholic Beverages on Sundays.*

Motion by: Austin Knight **Seconded by:** John Santos Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-7 - General By-law Amendment: House of Alcoholic Beverage Service.*

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

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-8 - General By-law Amendment: Deletion of Chapter 7, Domestic Partnership.*

Motion by: Elaine Anderson **Seconded by:** Austin Knight
Yea 4 Nay 0 Abstain 1 (David Bedard)

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-9 - General By-law Amendment: Unlawful Restraint of Dogs.*

Motion by: Elaine Anderson **Seconded by:** Austin Knight
Yea 4 Nay 1 (John Santos)

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-10 - General By-law Amendment: Provincetown Dog Park Rules and Regulations.*

Motion by: Elaine Anderson **Seconded by:** David Bedard Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-11 - General By-law Amendment: Animals Left Unattended in Motor Vehicles.*

Motion by: David Bedard **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-12 - Zoning By-law Amendment: article 1 Definitions.*

Motion by: David Bedard **Seconded by:** Michele Couture Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-13 - Zoning By-law Amendment: Formula Business Regulated District.*

Motion by: David Bedard **Seconded by:** Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-14 - Zoning By-law Amendment: Multiple Buildings Per Lot.*

Motion by: David Bedard **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-15 - Zoning By-law Amendment: Design Standards and Dimensional Schedule.*

Motion by: David Bedard **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-16 - Zoning By-law Amendment: Building Scale.*

Motion by: David Bedard **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-17 - Zoning By-law Amendment: Demolition and Reconstruction.*

Motion by: David Bedard **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-18 - Zoning By-law Amendment: "Open for Business" Flags.*

Motion by: Elaine Anderson **Seconded by:** David Bedard
Yea 5 Nay 0 Abstain 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-19 - Real Estate Transfer Fee – Home Rule Petition By-Law.*

Motion by: Elaine Anderson **Seconded by:** Michele Couture
Yea 2 Nay 3 (Austin Knight / David Bedard / John Santos)
- Motion Fails -

MOTION: *Move that the Board of Selectmen vote to Reserve Recommend Article STM-19 - Real Estate Transfer Fee – Home Rule Petition By-Law.*

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

6D TOWN MANAGER FOLLOW-UP

Acting Town Manager David Gardner reported the elevator at Maushope is out of order again, and is scheduled to be fixed on Friday, Oct 29, 2010.

Sign installed at B St Garden, and will be installed at Suzanne's Garden this week.

Lost quorum for Board of Health.

John Santos - Suggest petitioning the State to request teleconferencing at town board meetings. Place item on future agenda to review town board membership.

6E OTHER

Future agenda item – Re-assess Town Boards.

7. MINUTES OF BOARD OF SELECTMEN'S MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of September 27, 2010 (Tour Town Hall) as printed.*

Motion by: David Bedard **Seconded By:** John Santos Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of October 12, 2010 (Regular Mtg.) as printed.*

Motion by: David Bedard **Seconded By:** John Santos
Yea 0 Nay 0 Abstain 1 (Elaine Anderson)

8. CLOSING STATEMENTS

David Bedard - None **John Santos** - None

Elaine Anderson - None **Austin Knight** – None

Michele Couture

MOTION: *Move that the Board of Selectmen vote to notify the Provincetown Housing Authority of the Board's appointment of Harriet Gordon.*

Motion by: Michele Couture **Seconded By:** Elaine Anderson Yea 5 Nay 0

Motion to adjourn by Austin Knight at 8:50 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
October 26, 2010