

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING – NOVEMBER 22, 2010 6 PM**

**TOWN HALL – JUDGE WELSH ROOM**

Chairman Michele Couture convened the meeting at 6:15 PM noting the following Board of Selectmen attending: Michele Couture, David Bedard, Austin Knight, Elaine Anderson, and John Santos.

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

Recorder: David Gardner

**1A PUBLIC HEARING: TAX RATE CLASSIFICATION**

FY 2011 Property Tax Rate

Rachael White – Supports the split tax rate.

**MOTION**: *Move that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2011 property tax:*

*1. to establish a residential factor of "1"; and*

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

*2. to not to adopt a residential exemption; and*

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

*3. to not to adopt a small business exemption; and*

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

*4. to identify \$22,514.68 in unused property tax levy capacity.*

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

**1B PUBLIC HEARING: ECONOMIC DEVELOPMENT PERMIT**

Ruth Gilbert, 167 Commercial Street, Unit #7, Owner / Applicant

**MOTION**: *Move that the Board of Selectmen vote to approve Economic Development Permit 10-04 for 167 Commercial Street Unit 7, Ruth Gilbert, based on findings that the proposed use is consistent with the criteria set forth in Selectmen's Policy 2009-02-09, subject to the attached permit with conditions as submitted.*

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

**MOTION**: *Move that the Board of Selectmen vote to take item 6C1 out of order*

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

*David Bedard recused himself and left the room as he is an abutter.*

**6C1 90 SHANK PAINTER LAND LEASE**

**MOTION**: *Move that the Board of Selectmen vote to approve the Ground Lease to be entered into by and between the Town and Province Landing Limited Partnership, 95*

*Berkley Street, Suite 500, Boston, Massachusetts, in the form presented to us by Town Counsel as of this date, the execution of which Ground Lease shall be subject to Province Landing Limited Partnership providing the Town with firm financing commitments for the construction of the project and satisfying the other conditions stated in the Land Development Agreement between the parties dated December 4, 2008.*

**Motion by: Elaine Anderson      Seconded By: Michelle Couture      Yea 4    Nay 0**

**MOTION: *Move that the Board of Selectmen vote to approve the extension for the Land Development Agreement with Province Landing Limited Partnership to February 26, 2011.***

**Motion by: Austin Knight      Seconded By: John Santos      Yea 4    Nay 0**

David Bedard returned to the room.

*Visitor Services Board called their meeting to order at 7:12 pm. Members Present: Rob Tosner, Jim Bakker, Michelle Haynes, Mick Rudd, Hersh Schwartz and Michael Peregou.*

1C **VISITOR SERVICES BOARD (VSB)**

Proposed Five-Year Financial Plan for Tourism Fund Expenditures

Selectmen want follow-up information from grant awardees on attendance and marketing of events. Selectmen urge the VSB to encourage local businesses to install bike racks throughout town.

**MOTION: *Move that the Board of Selectmen vote to approve the Visitor Services Board's recommended Five-Year Financial Plan for Tourism Fund Expenditures for FY2012-FY2016 with amendments of the recommended Agreements for FY2012 Tourism Grants and FY2012 Enhancement Grants by eliminating the restriction to reimburse grantees in their fourth year of existence or more to a 50% reimbursement of total Marketing expenses for event.***

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

2. **PUBLIC STATEMENTS**

Rachael White – Very happy with the outcome of the Town Hall Rehab project. Here to support the Fishermen's Memorial.

3. **SELECTMEN STATEMENTS**

John Santos – Looking for ways to enhance bike amenities, including a connection of a bike path along Province Lands Road.

**MOTION: *Move to request a bike path connecting Commercial Street with Bradford Street along Province Lands Road.***

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

Austin Knight - Thank staff who organized Saturday's Town Hall Open House.

**MOTION: *Move that the Board of Selectmen vote to thank town staff for their hard work in the move back to Town Hall.***

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

Support upcoming fundraiser at Lobster Pot for two residents with serious illnesses.

**David Bedard** - None

**Elaine Anderson** – Would like to see businesses stay open after Labor Day. Businesses should take advantage of the shoulder season. We should extend the restroom hours on weekends until late into December.

**Michele Couture** - As a small business owner, I realize it is difficult to stay open year round. Had a conversation with Candace Nagle at the Dog Park, and they are seeking the Board of Selectmen support for their grant application.

**MOTION:** *Move that the Board of Selectmen vote to send a letter of recommendation to the VSB supporting the grant application from the Dog Park for shade structure.*

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

4.    **APPOINTMENTS**

**MOTION:** *Move that the Board of Selectmen vote to appoint Laurie Delmolino as a Regular Member on the Board of Health with a term to expire on December 31, 2013.*

**Motion by:** Michele Couture    **Seconded By:** Elaine Anderson

- **Motion Withdrawn** -

**MOTION:** *Move that the Board of Selectmen vote to appoint Elizabeth Williams as a Regular Member on the Board of Health with a term to expire on December 31, 2013.*

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

**MOTION:** *Move that the Board of Selectmen vote to make a recommendation to the Board of Health for the appointment of Laurie Delmolino as an Alternate Member on the Board of Health.*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Steven Borkowski as a Regular Member on the Historic District Commission with a term to expire on December 31, 2011.*

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

5A1    **AIRPORT COMMISSION**

EA/FEIR/DRI Permitting – Execute Grant Extension

**MOTION:** *Move that the Board of Selectmen vote to execute a grant extension in the amount of \$7,637.50 from the MassDOT / Aeronautics for the EA / FEIR / DRI PERMITTING at the Provincetown Municipal Airport.*

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

**5A2 AIRPORT COMMISSON**

Purchase Aircraft Rescue Fire Fighting (ARFF) Vehicle

**MOTION:** *Move that the Board of Selectmen vote to execute grant assurances from the MassDOT Aeronautics Division for the purchase of an Aircraft Rescue Fire Fighting (ARFF) Vehicle for the Provincetown Municipal Airport.*

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

**5A3 AIRPORT COMMISSON**

Snow Removal Equipment (SRE) Purchase

**MOTION:** *Move that the Board of Selectmen vote to execute grant assurances from the MassDOT Aeronautics Division for the purchase of Snow Removal Equipment for the Provincetown Municipal Airport.*

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

**5A4 AIRPORT COMMISSON**

Purchase Aircraft Rescue Fire Fighting (ARFF) Vehicle

**MOTION:** *Move that the Board of Selectmen vote to execute a contract in the amount of \$670,586.00 with Rosenbauer/General Safety Equipment LLC, 5181 260<sup>th</sup> Street, Wyoming, MN for the purchase of an Aircraft Rescue Fire Fighting (ARFF) Vehicle for the Provincetown Municipal Airport.*

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

**5B FISHERMAN'S MEMORIAL COMMITTEE**

**Attendees:** Carol Peters, Kerry Adams, Louis Ribis, Christin Verde, Marybeth Depoutilosf.

Seeks to fundraise for the creation and installation of a fishermen's memorial to be located in Lopes Square. Need to have a location and an artist rendering to get started. Will need to confer with the Art Commission. There is an existing Fishermen's / Mariner's Memorial Gift Fund which can be used for this memorial.

John Santos suggests incorporating the memorial with the existing anchor or to choose a location along the waterfront to allow for more room than is available in Lopes Square.

**MOTION:** *Move that the Board of Selectmen vote to support the Fishermen's Memorial Committee and to establish a Fishermen's Memorial in the Town.*

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

**5C PROVINCETOWN A.I.D.S. MEMORIAL RFP**

**Attendees:** Frank Vasillo and Judith Ciccerio

Provincetown Cultural Council is requesting to locate a 12 foot by 12 foot location to the northeast corner of the Town Hall lawn along Ryder Street just south of the sidewalk to the East Entrance of Town Hall.

**MOTION:** *Move that the Board of Selectmen vote to make a recommendation to the Art Commission to move forward with a RFP for an AIDS memorial to be located on a*

*12 foot by 12 foot location to the northeast corner of the Town Hall lawn along Ryder Street just south of the sidewalk to the East Entrance of Town Hall.*

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

**5D1 TOWN HALL AUDITORIUM – REQUEST FOR BEER & WINE SERVICE**

MassEquality Education Fund – Taste of Provincetown

**MOTION:** *Move that the Board of Selectmen vote pursuant to the Regulations for Public Use of Town Hall, to authorize the consumption or sale of beer and wine service in the Town Hall Auditorium for the event on Saturday, August 27, 2011, subject to the following conditions:*

- 1. Provide copy of Commercial General Liability with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as “Additional Insured”*
- 2. Provide copy of Liquor Liability Coverage with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as “Additional Insured”*
- 3. Provide copy certificate of insurance showing that a Workers’ Compensation policy in effect. The Town would NOT be an additional insured on this policy.*
- 4. Ensure that all bar tenders are TIPS trained.*

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

**5D2 TOWN HALL AUDITORIUM – REQUEST FOR BEER & WINE SERVICE**

Crown & Anchor Inc/Recreation Marketing – Comedian Leslie Jordan

**MOTION:** *Move that the Board of Selectmen vote to continue the item to December 6, 2010.*

**Motion by: Michele Couture Seconded By: Elaine Anderson Yea 2 Nay 3**

**MOTION:** *Move that the Board of Selectmen vote pursuant to the Regulations for Public Use of Town Hall, to authorize the consumption or sale of beer and wine service in the Town Hall Auditorium for the event on Thursday, July 14, 2011, subject to the following conditions:*

- 1. Provide copy of Commercial General Liability with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as “Additional Insured”*
- 2. Provide copy of Liquor Liability Coverage with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as “Additional Insured”*
- 3. Provide copy certificate of insurance showing that a Workers’ Compensation policy in effect. The Town would NOT be an additional insured on this policy.*
- 4. Ensure that all bar tenders are TIPS trained.*

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

**5E1 TREASURER’S TRANSFER - Harbor Access Fund \$5,792.20**

**MOTION:** *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, pursuant to MGL C.44§.53A to approve the transfer and use of \$5,792.20 from the Harbor Access Gift Fund for the payment for the payment of the attached invoice(s).*

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



**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of November 8, 2010 (Town Mtg.) with changes noted.*

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

8.    **CLOSING STATEMENTS**

**David Bedard** - None

**John Santos** - Flags to be moved from Larkin Hall back to the Judge Welsh Room.

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

**Michele Couture** - None

Motion to adjourn by David Bedard at 10:14 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen  
December 14, 2010