

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – JANUARY 10, 2011 6 PM

TOWN HALL – JUDGE WELSH ROOM

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: Town Manager Sharon Lynn

Recorder: Vernon G. Porter

1A MEET AND GREET NEW POLICE OFFICERS

Staff Lt. James Golden on behalf of Chief Jaran introduced the three new police officers: Gregory M. Hennick, Meredith K. Lobur and Scott D. Chovanec and who were all welcomed by the Board.

1B PROVINCETOWN HARBOR PLAN

Present: Town Counsel Kathleen O'Donnell, Chair of Harbor Committee Gerry Irmer and Harbormaster Rex McKinsey.

Kathleen O'Donnell, Esq. and Jerry Irmer, chair Provincetown Harbor Committee, explained the draft Harbor Plan as revised on December 27, 2010. The Harbor Committee, with the assistance of Ms. O'Donnell, has been working hard on this plan for the past 8 years. The draft plan is readable and informative. Ms. O'Donnell reviewed the process that she and the Harbor Committee when through with the State DEP to finalize the Harbor Plan. It is important to note that the Harbor Plans only provides a recommendation to the DEP for its reviews. Also, with a plan in place the town will receive a portion of licensing fees. Without a plan all the fees goes directly to the State. The Harbor Plan provides DEP with some flexibility that they don't ordinarily have. Peter Markunas, engineer from the Woods Hold Group representing the Cabral family, advised that DEP will be looking at the plan for guidance when the Cabrals make application for Chapter 91.

Gerry Irmer - Keep in mind that this is just a recommendation – it is not set in stone. The Harbor Committee does agree with the plan.

Rex McKinsey – The Committee has done a voluminous amount of work over the last several years. There are a number of objectives that this plan serves. i.e., More understandable and workable for our citizens, and the needs of the proper owners and the town.

Michele Couture - This plan has been a long time coming – much more user friendly, and provides a lot more access to the harbor. Greater flexibility. Much more public access. Compatible with the LCP.

Elaine Anderson – I congratulate you all. I appreciate that this is a tool and guide to be used in planning. What about kayaks – we have been working on a plan for the West End and hope this will not be forgotten? Answer: Kathleen – This is something that can be looked at as revenue sources become available. Elaine - Should be access at the Flagship.

Austin Knight - We've always supported the Cabral family and parking at Fisherman's Wharf. Kathleen - DEP will look at the Harbor Plans.

John Santos – Would like thank the Committee for all their work. Excellent plan.

Mr. Markunas of Woods Hole Group spoke on the language presented by Kathleen in that it could be consider guidance only. Kathleen – I want to make it clear that this language is considered a recommendation only and DEP will address individual situations when the application is brought before them.

MOTION: Move that the Board of Selectmen vote to approve the attached Provincetown Harbor Plan dated December 28, 2010 as approved by DEP and reviewed by Town Counsel contingent upon the next meeting of the Harbor Committee.

Motion by: Austin Knight Seconded By: Elaine Anderson

- *Motion withdrawn* -

Open discuss ensued.

MOTION: Move that the Board of Selectmen vote to approve the attached Provincetown Harbor Plan dated December 28, 2010 as approved by DEP and reviewed by Town Counsel contingent upon the next meeting of the Harbor Committee meeting on January 20, 2011.

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

See attachment #1 – handout by Attorney Kathleen O'Donnell to be voted upon by Habor Committee as part of the Harbor Plan at their next meeting on Thursday, January 20, 2011

2. **PUBLIC STATEMENTS**

Vaugh Cabral – His family has contributed to the economy for 5 generations in providing moorings, bathrooms and other services on the wharf – “what are we doing wrong?”

Barbara Rushmore - Acknowleging tragedy in Arizona regarding shooting of Congressman Gibbons and others. Cited “dumb plan” to close Commercial St. to cars.

Rick Murray – 1) Kayaks at the West End – would like to see the racks installed. At high tide there is no beach because of all the boats and kayaks left there. 2) Should not allow public to speak if it is not an advertised public hearing.

Candace Nagle – Possible new revenues source for PPPC if you charge for floats spaces at West End.

3. **SELECTMEN STATEMENTS**

David Bedard – During budget meeting the Economic Development Department mentioned future electronic digitizing process of permitting. I have some concerns at this time. Town Manager Sharon Lynn – there has been a lot of research done on this already. Have as a future agenda item.

Would like to see a seasonal ice rink downtown in the MPL lot from maybe Thanksgiving to April. I would like to have a discussion with Candy from Chamber of Commerce, our Tourism Director, and Nick from Provincetown Business Guild. Schedule this for sometime in February.

Elaine Anderson – Look for ways that citizens to comment on Selectmen's statements after

watching the Boards meetings on PTV. Town Manager Sharon Lynn – They can comment through our website.

In respond to Mr. Cabral’s question as to what we he is doing wrong? He is doing everything right. Parking, wonderful location. He is not doing anything wrong. It is always tough to comply with State regulations. I commend him and his family.

Kayaks at the West End – we sent this back to the Harbor Committee quite some time ago.

MOTION: *Move that the Board of Selectmen vote to request from the Harbormaster what is holding up the progress on building the Kayak Racks at the West End Parking Lot.*

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

Compliment the DPW on their snow plowing on the last storm.

Harry Kemp Way issue regarding duen invastion- thank you to Brian Carlson and ConCom for taking a look at the local regs and keeping an eye on this.

Remind people to support business open year round.

John Santos – Thank DPW for clearing streets and side walks.

Austin Knight - To Barbara Rushmore – the Chief is setting up a task force on the Walking Mall Group – add Barbara to this group. Sharon will inform Barbara when the first meeting is going to be held.

Michele Couture – Several comments from citizens that they can’t find trash/recycling pick-up information anywhere on the Town website. Have DPW coordinate with the Clerk’s office for trash closing dates and times on the web site.

In response to Mr. Cabral - The Board of Selectmen has been very supportive of parking on the pier and has always advocated for the Cabral family. My vote for the Harbor Plan is also a vote for helping the Fisherman’s Wharf. Would comment to DEP through a letter of support also.

Board took a five minutes recess at 7:16 PM.

4. **APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote to appoint Thomas Roberts as a Regular Member of the Zoning Board of Appeals with a term to expire on December 31, 2012.*

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

5A **REVIEW TOWN BOARDS**

Look at the future of bicycle trails. Have a future public hearing on Economic Development – possibly create a task force.

5B1 **TREASURER’S TRANSFER – Beautification Committee 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 \$465.93 from the Beautification Committee Fund to pay for the attached invoice(s).*

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

5B2 TREASURER’S TRANSFER – Harbor Access Gift Fund

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 \$700.00 from the Harbor Access Gift Fund for the payment of the attached invoice to the Wood Hole Group, Inc.*

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

5B3 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 \$600.75 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

5C PILGRIM BARK PARK – TREE SHADING

Robert Adams, AECOM, consulting engineer advised his concerns regarding roots from trees proposed to be planted along south side will eventually follow the water line to the effluent beds creating problems. A root barrier would help but concern is still great for growth interference. A cantilevered structure is a better solution with footings placed outside the effluent bed area and a surface shade structure mounted as protruding into the park. Chair Couture recommends that Mr. Adams and Ms. Nagle continue to work together for viable solutions and bring back to the Selectmen prior to the spring.

6A LIBRARY GENERAL CONTRACTOR – Colantonio Inc., Holliston MA

MOTION: *Move that the Board of Selectmen vote to conditionally approve the contract between the Town of Provincetown and Colantonio, Inc., of 16 Everett Street, Holliston, MA for the Provincetown Public Library Restoration Project subject to the returned agreement from MHC for the award granted.*

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

6B TOWN MANAGER SHARON LYNN FOLLOW-UP - None

6C OTHER - None

7. MINUTES OF BOARD OF SELECTMEN’S MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of November 20, 2010 (Special Mtg. 2:45 PM) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of November 20, 2010 (Special Mtg. 3 PM) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of November 22,*

2010 (Special Mtg. 5 PM) as printed.

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of November 22, 2010 (Regular Mtg.) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 6, 2010 (Regular Mtg.) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 13, 2010 (Special Mtg. 4:30 PM) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 13, 2010 (Regular Mtg.) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 4, 2011 (Special Mtg 9:30 AM.) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 4, 2010 (Special Mtg. 10 AM) as printed.*

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

8. CLOSING STATEMENTS

David Bedard

MOTION: *Move that the Board of Selectmen vote to send a letter to the Harbor Committee to thank them for all their hard work in putting the Harbor Plan together.*

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

Elaine Anderson – Revenue from floats at Provincetown Inn – may need review.

John Santos - Pledge of Allegiance – next agenda item.

Austin Knight - Minutes of town boards – still need to have them submitted to the Town Clerk in a timely fashion.

Michele Couture – Chairs in auditorium. Have Historical Commission come before the Board to discuss chairs.

- 9. MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 3 and 6, to go into executive session to discuss personnel; negotiations and the value of land; and to not convene in open session thereafter. [Roll Call Vote]*

Michele Couture – Yes **David Bedard** – Yes

Elaine Anderson - Yes Austin Knight – Yes John Santos - Yes

Motion by: Austin Knight Seconded by: David Bedard

Yea 5 Nay 0 - Motion Passes –

The Board went into Executive Session at 8:03 PM

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
January 11,2011