

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING - MONDAY, NOVEMBER 3, 2008

### JUDGE WELSH HEARING ROOM

Chairman Michele Couture convened the meeting at 6:00 PM noting the following Board of Selectmen attending: Michele Couture, Elaine Anderson, Mary-Jo Avellar, Austin Knight, David Bedard

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner, Municipal Finance Director Alix Heilala

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

#### 1A1 PUBLIC HEARING: CURB CUT REQUEST – 89 FRANKLIN STREET

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to:*

*1) Approve the request of 52 Pleasant Street LLC, Doug Dolezal and Greg Welch to establish a curb cut at the property located at 89 Franklin Street (Assessor's Map 7-1-51-0) (Res 3 Zone); 2) to request that a certified plot plan be provided showing the actual location of the proposed curb cut; 3) that it be conditional on the approval of the Fire Chief.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight  
Yea 4    Nay 1 (Michele Couture)

#### 1A2 PUBLIC HEARING: CURB CUT REQUEST – 2 CARVER STREET

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to:*

*1) Approve the request of John Spazzarini and Daniel Archambault to establish a curb cut at the property located at 2 Carver Street (Assessor's Map 7-2-171-0) (Res 3 Zone); 2) that a certified plot plan be provided showing the actual location of the proposed curb cut; 3) that it be conditional on the approval of the Fire Chief.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight  
Yea 4    Nay 1 (Michele Couture)

#### 1B JOINT MEETING – RECYCLING & RENEWABLE ENERGY COMMITTEE CAPE LIGHT COMPACT UPDATE

In attendance were: Margaret Downey from Cape Light Compact, Mark Zelinski from Barnstable County and Michael Leger from Recycling Energy Committee - open discussion on Renewable Energy Credits; Wind Turbine heights, cost to end-users ... explaining that there is no savings for the general public only for municipalities. There are, however, some grants available when you rehab a building above and beyond bringing it up to code.

The Board asked that the Ms. Downey's slide presentation be sent to our Town Clerk to be put on our website.

#### 1C COMCAST – UPDATE

Mary-Jo Avellar stated that all Provincetown residents should receive a free box forever.

**MOTION:** *Move that the Board of Selectmen vote to send a letter to the Attorney Generals' office to see what can be done about this matter with copies to our State and Federal Representatives and cc to Mary O'Keefe.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Michele Couture      Yea 5    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to bring this issue up at the County Selectmen's meeting later this week.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** No second

## 2. PUBLIC STATEMENTS

Michael Rogovsky – Read statement into record thanking Selectman Couture for agreeing with the article changing the designation of the CPA funds and disagreeing with Selectman Anderson’s reasoning on this matter. (See attachment #1)

## 3. SELECTMEN STATEMENTS

### Elaine Anderson

Gave her rationale for not supporting the 10/10/10/70 Article – and that she believes we are not finished with the need for housing.

### Austin Knight

Under \$600K is being spent. 10/10/10/70 is an application process. Can we get the numbers for the amount we can borrow under the Historic category?

Mary-Jo Avellar – none at this time.

David Bedard – Supports the 10/10/10/70.

Michele Couture – Supports the 10/10/10/70

## 4A APPOINTMENT – TOWN MANAGER REAPPOINTMENTS

Conservation Commission

***MOTION: Move that the Board of Selectmen pursuant to M.G.L. c.40 §8C and Charter §6-6-1, to approve the Town Manager’s reappointment Lynn Martin, Dennis Minsky and Jack MacMahon as Regular Members to the Conservation Commission with terms to expire on December 31, 2011.***

***Motion by: Elaine Anderson                      Seconded by: Mary-Jo Avellar                      Yea 5    Nay 0***

## 4B APPOINTMENT – TOWN MANAGER REAPPOINTMENTS

Historic Commission

***MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.40, §8D: to approve the Town Manager’s reappointment of Eric Dray, Polly Burnell and Stephen Borkowski as Regular Members and Char(lene) as an Alternate Member to the Historical Commission, with term expiring on December 31, 2011.***

***Motion by: Elaine Anderson                      Seconded by: Mary-Jo Avellar                      Yea 5    Nay 0***

## 4C APPOINTMENT – TOWN MANAGER REAPPOINTMENTS

Disability Commission

***MOTION: Move that the Board of Selectmen pursuant to M.G. L. c.40 §8J, to approve the Town Manager’s reappointment of Jo-Ann DiOrio and Jamia Kelly as Regular Members of the Disability Commission with terms to expire on December 31, 2011.***

***Motion by: Elaine Anderson                      Seconded by: Mary-Jo Avellar                      Yea 5    Nay 0***

## 5A PROVINCETOWN OFFICE OF TOURISM

Contract Approval: Website Development Services

***MOTION: Move that the Board of Selectmen vote to approve the request of the Visitor Services Board to retain Icon Enterprises d/b/a Civic Plus as the website developer for the Town of Provincetown for a contract not to exceed \$10,000.***

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

## 5B1 MDPH HIV / AIDS HOME HEALTH GRANT (Subcontract)

Cape Cod Health Inc./Infectious Disease Clinical Services: Outer Cape Health Services; Nantucket AIDS

Network; Visiting Nurses Association of Cape Cod, Inc.

**MOTION:** *Move that the Board of Selectmen vote authorize the reduction amendment and termination of the following subcontracts for the provision of services as outlined in the Town's grant agreement with the Massachusetts Department of Public Health Cape & Islands HIV/AIDS Home Health Program for FY 2009 (1) \$8,333 for Cape Cod Health, Inc/Infectious Disease Clinical Services; (2) \$6,667 for Outer Cape Health Services, Inc.; and (3) \$5,600 for Nantucket AIDS Network; (4) \$3,700 Visiting Nurses Association of Cape Cod, Inc.*

**Motion by:** Elaine Anderson      **Seconded by:** Michele Couture  
Yea 3 Nay 2 (Mary-Jo Avellar / David Bedard)

**5B2**    **MDPH HIV / AIDS HOME HEALTH GRANT (Subcontract)**

Cape Cod & Islands HIV / AIDS Comprehensive Home Health Program

**MOTION:** *Move that the Board of Selectmen vote to authorize a \$231,470.00 amendment decrease to and termination of the contract with the Massachusetts Department of Public Health for the Cape Cod & Islands HIV/AIDS Comprehensive Home Health Program for FY 2009 through FY 2010 with an effective date of November 15, 2008*

**Motion by:** Elaine Anderson      **Seconded by:** Michele Couture  
Yea 3 Nay 2 (Mary-Jo Avellar / David Bedard)

**5C**    **POLICE TRAINING GIFT FUND**

Acceptance of Gift

**MOTION:** *Move that the Board of Selectmen vote to accept a \$5,000 gift to the Police Training Gift Fund.*

**Motion by:** Austin Knight      **Seconded by:** Mary-Jo Avellar      Yea 5 Nay 0

**6A**    **TOWN MANAGER FOLLOW-UP / OTHER**

Today was the first day Town Hall has started their 10 hour days. Transition to trailers will be this Friday and Trailers are being outfitted. Perimeter lighting will be necessary without impacting the neighborhood.

Discussion on CPA Historic borrowing availability and the need to have this available for Town Meeting and the State of the Town Address. Free Cash balances after the articles are voted.

Have Visual Aids on the Town Hall designs/plans available for the public. They are on the Town website. Also display in as many public places as possible. Contact Seaman's Bank to see if it can be displayed there.

**MOTION:** *Move that the Board of Selectmen vote to transfer from Free Cash the amount of \$138,000 (approximately) to fund Article 15 for the purchase of the Front End Loader.*

**Motion by:** Michele Couture      **Seconded by:** Mary-Jo Avellar      Yea 5 Nay 0

**6A1**    **TREASURER'S TRANSFERS**

Library Building Gift Fund – Landscaping

**MOTION:** *Move that the Board of Selectmen vote as Commissioners of the Library Building Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$3,640.00 from the Library Building & Gift Fund - Landscaping to pay for the attached invoice(s).*

**Motion by:** Mary-Jo Avellar      **Seconded by:** David Bedard      Yea 5 Nay 0

**7.**    **CLOSING STATEMENTS**

None.

**8.**    **BARGAIN STRATEGY**

MGL C. 39, §23B, cl. 3

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 6 to go into executive session for the purpose of discussing litigation; and not to convene in open session thereafter.*

***[Roll Call Vote]***

***Mary-Jo Avellar – Yes***

***Austin Knight – Yes***

***David Bedard – Yes***

***Elaine Anderson – Yes***

***Michele Couture – Yes***

**Motion by: Mary-Jo Avellar Seconded by: Austin Knight**

**Yea 5 Nay 0 - Motion Passes -**

The Board adjourned to go into executive session at 9:15 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen  
November 13, 2008