

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, JANUARY 10, 2005

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Cheryl Andrews, Mary-Jo Avellar, Sarah Peake, Michele Couture, Richard Olson

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING

Growth Management Report [Zoning By-Laws §6600(3)]

MOTION: *Move that the Board of Selectmen vote, pursuant to the Provincetown Zoning By-laws Section 6600, Growth Limitation Goal Allocations, to make the finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto.*

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

1B PUBLIC HEARING

Disposition of Certain Tax Title Properties

MOTION: *Move that the Board of Selectmen vote relative to the disposition of the following properties acquired by the Town for tax title purposes:*

(1) 951R Commercial Street (19-2-003), to obtain a two-thirds vote of town meeting authorizing the Board of Selectmen to dispose of said property with reuse restrictions - to be used for Affordable Housing.

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

(2) 686 Commercial Street (Assessors Map 18-1-019), to obtain a two-thirds vote of town meeting authorizing the Board of Selectmen to retain said property for the Town of Provincetown - to be use as conservation land.

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

(3) 12R Pilgrim Heights Road (Assessors Map 02-1-022), to obtain a two-thirds vote of town meeting authorizing the Board of Selectmen to retain said property for the Town of Provincetown - to be used as conservation land.

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

(4) 107 Race Point Road (09-2-003-I), to authorize the Treasurer to auction said property to the highest bidder with a minimum bid of \$6,400 set by the Town.

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

(See attachment #1)

1C PUBLIC HEARING

Flyer’s Boatyard Rental Mooring Field

MOTION: *Move that the Board of Selectmen vote, pursuant to Section 2-3-9 of the Harbor Regulations to approve the application of Flyers Boat Rental, Inc. for a expansion of a rental mooring field in Provincetown*

Harbor, as set forth in an Army Corps of Engineers permit application (File No. NAE 2004-1602) under Section 10 of the Rivers and Harbor Act of 1899 to expand their existing field to include another location within Provincetown Harbor, described on plans entitled "MOORING FIELD SITE PLAN" on 3 sheets and dated April 23, 2004.

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

2. PUBLIC STATEMENTS

Francis Vieira - Complaint of Police harassment towards his son and himself. With one specific incident happening on December 11, 2004

Luis Ribas - Has proposal for new docking floats. (See attachment #2)

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

Duane Steele - Re: Provincetown Public Pier Corp. (See attachment #3)

Mary-Jo Avellar returned.

Barbara Rushmore - 1) Upset with Water & Sewer Board and the way they set the water usage rates. Water rates too high. 2) Health Benefits changes saves \$100K - what was it used for? 3) Pier - not surprised at Mr. Steele's comments. It's like a Port Authority and leads to waste.

Louis Ribas - Re: email to BOS - signed letter re : Pier Corp - 99% of Pier users do not support Pier Corp.

3. SELECTMEN STATEMENTS

Richard Olson

Pleased to be back and enjoyed the MMA Convention.

Sarah Peake

MOTION: *Move that the Board of Selectmen vote to declare February 5, 2005 as Frances Raymond Day in the Town of Provincetown, in recognition of her 100th Birthday to be celebrated on Saturday, February 5, 2005 at Michael Shea's Restaurant.*

Motion by: Sarah Peake Seconded by: Mary-Jo Avellar Yea 5 Nay 0
Mary-Jo Avellar left the room as her husband is Asst. Harbor Master.

MOTION: *Move that the Board of Selectmen vote to schedule a meeting for Tuesday, January 18, 2005 at 5 p.m. with Assistant Harbormasters Duane Steele, Christopher Fiset and Luis Ribas to discuss their thoughts relative to the Provincetown Public Pier Corporation.*

Motion by: Sarah Peake Seconded by: Richard Olson Yea 4 Nay 0

Mary-Jo Avellar returned.

MOTION: *Move that the Board of Selectmen vote to invite CCNS Acting Superintendent Mike Murray to attend a Selectmen's meeting to discuss the new parking permit fee increase.*

**Motion by: Sarah Peake Seconded by: Mary-Jo Avellar
Yea 4 Nay 1 (Cheryl Andrews)**

Mary-Jo Avellar

MOTION: *Move that the Board of Selectmen vote to have a report relative to the comments made by Mr. Francis Vieira during public statements.*

**Motion by: Mary-Jo Avellar Seconded by: Sarah Peake
Yea 4 Nay 1 (Cheryl Andrews)**

Welcome back our Secretary Vernon Porter from knee surgery.

MOTION: Move that the Board of Selectmen vote to have the Town Manager set in motion visits to Princeton and Hull to view their windmills, and to prepare information in advance of the visits.

Motion by: Mary-Jo Avellar Seconded by: Sarah Peake Yea 5 Nay 0

Michele Couture

Cape Cod Light Compact Rep still needed to represent Provincetown.

MOTION: Move that the Board of Selectmen vote to send a letter of special thanks to Cape End Manor CEO/DON Dennis Anderson and Town Manager Keith Bergman for their work on securing the IGT funds.

***Motion by: Michele Couture Seconded by: Mary-Jo Avellar
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)***

Report on Laundromat progress?

Garfield Street - who owns it?

Cheryl Andrews

Pier Corp - the PPPC is being misquoted. They did not say they would not be self-sufficient in 20 years. They said they would not be for the first 2-5 years.

MMA - very enjoyable

Milestones - Provincetown is coming up close to its 1000th Same Sex Marriage license. We should plan to do something special.

4A BOARD OF SELECTMEN - APPOINTMENTS

MOTION: Move that the Board of Selectmen vote to appoint Philip Gaudiano to the John Anderson Francis Scholarship Committee with a term expiration date of December 31, 2007.

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

MOTION: Move that the Board of Selectmen vote to appoint Melvin Cote as a Regular Member to the Shellfish Committee, with a term expiration date of December 31, 2007.

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

MOTION: Move that the Board of Selectmen vote to appoint Karla M. Vogt as a Regular Member to the Council On Aging, with a term expiration date of December 31, 2007.

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

MOTION: Move that the Board of Selectmen vote to appoint Ilene Charles as an Alternate member on the Council On Aging, with a term expiration date of December 31, 2006.

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

MOTION: Move that the Board of Selectmen vote to appoint Robert McCandless as a Regular Member to the Board of Registrars, with a term expiration date of December 31, 2007.

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

4B TOWN BOARD APPOINTMENT: DISABILITY COMMISSION

Selectmen's Approval of Town Manager's Appointments

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.40,§8J, to approve the Town

Manager's appointment of Kenneth Russo of 15C Miller Hill Road as regular members of the Disability Commission, for terms expiring December 31, 2005.

Motion by: Mary-Jo Avellar Seconded by: Sarah Peake Yea 5 Nay 0

5A1 TREASURER

Bond Anticipation Note #1045

MOTION: Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1045 in the amount of \$135,000.00 dated January 20, 2005 at 2.60% interest payable at maturity to Banknorth N.A. on January 13, 2006.

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

5A2 TREASURER

Bond Anticipation Note #1046

MOTION: Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1046 in the amount of \$765,000.00 dated January 20, 2005 at 2.50% interest payable at maturity to Banknorth N. A. on September 30, 2005.

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

5B1 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 \$6,000.00 from the John Anderson Francis Scholarship Fund for the payment of awarded scholarships.

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

5B2 TREASURER'S TRANSFER

Joseph F. Oliver Scholarship Fund

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$5,500.00 from the Joseph F. Oliver Scholarship Fund for the payment of awarded scholarships.

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

5C PARADE PERMIT; SILENT MARCH BY SCHOOL CHILDREN

Wednesday, January 12, 2005 at 8 a.m. - Tsunami Victims

MOTION: Move that the Board of Selectmen vote to approve a parade permit for Wednesday, January 12, 2005 from 8 to 9 a.m. to conduct a silent march down Commercial Street in honor and memory of the children who were killed by the South Asian tsunami; with the parade route to be as follows: from the Veterans Memorial Elementary School, down Winslow St., northeast onto High Pole Hill Rd., northeast onto Bradford St., southeast onto Standish St., southwest onto Commercial St., northwest onto Gosnold St., and northwest onto Winslow St. to the VMES.

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

5D **CAPE COD NATIONAL SEASHORE**
Renewal of Law Enforcement Mutual Aid Agreement

MOTION: *Move that the Board of Selectmen vote to approve and execute the Memorandum of Understanding between the Town of Provincetown and the National Park Service for mutual aid law enforcement emergency response services.*

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

5E **VISITOR SERVICES BOARD - FY 2005 TOURISM FUND**
Approval of Benches for Pier

MOTION: *Move that the Board of Selectmen vote to table this item until our next regular schedule meeting on January 24, 2005.*

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

Cheryl Andrews left the room due to conflict. Her father is a resident of the CEM.

6A **CAPE END MANOR**
MassHealth: Supplemental Aid Contracts: +\$645,078.23 for Manor

MOTION: *Move that the Board of Selectmen vote to authorize execution of an Amendment to the MassHealth Program Nursing Facility Contract for Supplemental Payments to a non-State, Government Owned or Operated Nursing Facility in the amount of \$1,290,156.46 to be received from the State.*

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to authorize execution of an Intergovernmental Funds Transfer Agreement Between the Public Entity and the Commonwealth of Massachusetts, Executive Office of Health and Human Services, in the amount of \$645,078.23 to be paid to the State.*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 4 Nay 0

Cheryl Andrews returned.

6B **FY 2006 BUDGET REVIEW SCHEDULE**
Schedule Special Board of Selectmen's Meetings for January.

MOTION: *Move that the Board of Selectmen vote to schedule special meetings to review the FY 2006 operating budget requests on the following dates in January. January 19,20 and 25, 2005 at 5:00 p.m. and to schedule a public hearing on the Capital Improvements Program for Monday, January 24, 2005 at 6 p.m.*

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

6C **LEASE PURCHASE : DPW VEHICLE**
Ford Motor Credit Corporation (\$83,075)

MOTION: *Move that the Board of Selectmen vote to approve the execution of a lease-purchase agreement with Ford Motor Credit Corporation in the amount of \$83,075 for a Ford F 750 dump truck.*

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

6D **SURPLUS DECLARATION**
Fire Department Vehicle

MOTION: Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws §6-4-6, to authorize the Town Manager to dispose of, by sealed bid, a 1992 Ford Explorer, XL, 4X4 utility vehicle VIN # 1FDKE30M8PHB90961, which vehicle was declared surplus by the Board of Fire Engineers on November 17, 2004.

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

7. MINUTES OF BOARD OF SELECTMEN MEETING

None.

8. CLOSING STATEMENTS

Richard Olson - None

Mary-Jo Avellar

Should think about term limits -- put article in Warrant to rescind?

Michele Couture - None

Sarah Peake

MOTION: Move that the Board of Selectmen vote to reschedule their regularly schedule meeting on February 14, 2005 to February 7, 2005.

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

Cheryl Andrews

MOTION: Move that the Board of Selectmen vote to ask the Town Manager to prepare a warrant article that dissolve the Local Comprehensive Plan Implementing Committee and transfer its functions to the Planning Board.

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

9. PPPC LEASE NEGOTIATION STRATEGY

MacMillan Pier Lease, Marine Management [MGL C.39,§23B cl.6]

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 6, to go into executive session to consider the purchase, exchange, lease or value of real property; and not to convene in open session thereafter. [Roll Call Vote]

Sarah Peake - Yes Mary-Jo Avellar - Yes Michele Couture - yes

Richard Olson - Yes Cheryl Andrews - Yes

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

Board went into executive session at 9:12 pm.

Minutes transcribed by: Vernon Porter, Secretary
January 20, 2005