

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, FEBRUARY 7, 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, Michele Couture, Sarah Peake Richard Olson

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A CAPE COD NATIONAL SEASHORE

Acting Superintendent Mike Murray attended. Beach Permit Fee Increase

Open discussion ensued. Skip lines - take shuttle - no fee. Seniors over 62 can get passes for \$10. Handicapped placards are available at the Visitors Center.

MOTION: Move that the Board of Selectmen vote to instruct the Town Manager to draft a letter to our congressional delegates expressing our concerns over the lack of budget increases for the Cape Cod National Seashore to cover mandated salary adjustments; and further to explore through the Cape Cod National Seashore Advisory Committee reduced entrance fees for local residents.

**Motion by: Mary-Jo Avellar... Seconded by: Richard Olson
Yea 4 Nay 1 (Richard Olson)**

1B PUBLIC HEARING

FY 2006 - FY 2010 Capital Improvements Program Requests

MOTION: Move that the Board of Selectmen vote, pursuant to Charter §9-2-3, to submit to the Finance Committee its recommended Capital Improvements Program for Fiscal Year 2006 as set forth in the revised plan submitted by the Town Manager with the following amendments:

#136-1 MIS - Replace Town Hall Server - \$20,000.

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

#192-1 Town Hall Structure Repairs - \$675,000 with direction to Town Manager & Grant Administrator to apply for alternate funding sources.

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

#210-1 Police - Fleet Replacement - \$51,253.

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

#220-1 Fire - Replace Engine 194 - \$300,000.

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

#421-1 DPW Storm Water Improvement - \$100,000.

**Motion by: Michele Couture Seconded by: Sarah Peake
Yea 4 Nay 1 (Cheryl Andrews)**

MOTION: Move that the Board of Selectmen vote to have the Conservation Committee involved as part of an oversight committee for storm water improvement.

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

#422-1 DPW Drainage Maintenance and Repairs - \$50,000.

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

#422-2 DPW Street & Sidewalk Maintenance & Repair - \$50,000.

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

#439-1 DPW Transfer Station Repairs - Hopper - \$85,000.

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

#525-1 CEM Relocate St. Peters Cemetery Shed - \$300,000.

Motion by: Michele Couture Seconded by: Richard Olson
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

MOTION: *Move that the Board of Selectmen vote to table #630-1 Recreation- Soccer Field until we can meet with the Recreation Director.*

Motion by: Mary-Jo Avellar... Seconded by: Richard Olson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to table #440-1 Phase II Sewer Planning.*

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

MOTION: *Move that the Board of Selectmen vote to approve the Water Enterprise Fund Capital Improvement requests (450-1,2,3 & 5) for a total amount of \$1,060,500.*

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

1C **PUBLIC HEARING: MCDBG 2005 PROGRAM**

Water Project: Rehabilitation of Water Tank

MOTION: *Move that the Board of Selectmen vote to authorize submission of the Town of Provincetown's application under the Massachusetts Community Development Block Grant's FY 2005 Community Development Fund program for the rehabilitation of Winslow Street Water Tank No. 2 and general administration, for a total of \$800,000; and further vote to submit the EO 418 Housing Certification for FY 2005.*

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

2. **PUBLIC STATEMENTS**

Rick Murray - Agrees with putting a halt on Phase II of Sewer Planning. Mandatory sprinkler systems - when will it take effect in P-town? Will business be notified in a timely fashion?. Caution on rental of Town Hall if repairs are needed - liability! Peak period - water rates - too high. Year-round townies need relief!

3. **SELECTMEN'S STATEMENTS**

Michele Couture

Congratulations to Michelle Jarusiewicz in securing \$20K for a facilitator.

MOTION: *Move that the Board of Selectmen vote to invite Henry Tuttle, Executive Director of Outer Cape Health Services to our February 28, 2005 meeting to discussion a Health Symposium.*

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

Richard Olson

Attended the 100th Birthday of Frances Raymond on Saturday and was honored to read her the proclamation from the Board of Selectmen. A very enjoyable time.

Sarah Peake

MOTION: Move that the Board of Selectmen vote to invite the Lower Cape Selectmen's Association to hold a meeting in Provincetown and to have a presentation on the future of the Cape End Manor.

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

Town Hall balcony usage - rely on Building Commissioner - use main hall and not the balcony.

MOTION: Move that the Board of Selectmen vote to ask staff to develop an information program for notifying business on the "State Sprinkler System Law."

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

Mary-Jo Avellar

Power outage again this weekend. Its time we have Jeff Luce here from NSTAR at one of our meetings.

Cheryl Andrews

Thank you Dr. Murray for coming to our meeting and for expressing your concerns and comments.

4. BOARD OF SELECTMEN - APPOINTMENTS

None

5A TREASURER'S TRANSFER

Heritage Museum Gift Fund

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$760.00 from the Heritage Museum Gift Fund for the payment of the attached invoice.

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

5B CCNS ADVISORY COMMISSION DUNE SHACKS

MOTION: Move that the Board of Selectmen vote to send a letter to the Cape Cod National Seashore Advisory Commission relative to dune shacks, as prepared by the Cape Cod National Seashore General Management Plan Implementation Advisory Committee.

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

5C REQUEST: PILGRIM MONUMENT

Peter Hunt Furniture Collection - Loan Agreement

MOTION: Move that the Board of Selectmen vote approve the request of the Cape Cod Pilgrim Memorial Association for a loan of the Peter Hunt furniture collection to be included in a Pilgrim Monument and Provincetown Museum exhibit from May 20 to November 20, 2005, and to authorize the execution of a loan agreement therefore.

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

6A WATER - ENVIRONMENTAL ASSESSMENT

Contact - Environmental Partners Group, Inc. - \$23,000

MOTION: *Move that the Board of Selectmen vote to authorize execution of an engineering contract in the amount of \$23,000 with Environmental Partners Group, Inc. of Hingham, Massachusetts for preparation and submission of an Environmental Assessment (EA) to the National Park Service regarding the continued short-term use of the former North Truro Air Force Base wells.*

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

6B PURCHASE & SALES AGREEMENTS

4.23-Acre Peters Subdivision Abutting South Hollow Wellfield

MOTION: *Move that the Board of Selectmen vote to authorize execution of purchase and sales agreements to acquire for wellhead protection purposes, subject to approval of the April 4, 2005 Special Town Meeting, the 4.23-acre four-lot Peters subdivision in Truro abutting the South Hollow Wellfield for \$1,110,500, of which \$750,000 is to be borrowed from the Community Preservation Fund for open space and \$360,500 borrowed under MGL C.44,§8 with debt service charged to the Water Enterprise Fund.*

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

6C APRIL 4, 2005 ANNUAL & SPECIAL TOWN MEETINGS

Set Dates for Opening and Closing of Warrants; Insert Articles

MOTION: *Move that the Board of Selectmen vote to open the Monday, April 4, 2005 Annual and Special Town Meeting warrants forthwith and to close them on Friday, March 4, 2005 at 5:00 p.m., in accordance with Charter §2-1-7.*

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

7. MINUTES OF BOARD OF SELECTMEN MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 13, 2004 (Reg. Mtg.) as printed (CA/RO Absent)*

Motion by: Sarah Peake **Seconded by:** Michele Couture
Yea 3 Nay 0 Abstain (Cheryl Andrews/ Richard Olson)

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 16, 2004 (Spsl Mtg.) as printed. (RO Absent)*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 4, 2005 (Spsl. Mtg.) with change so noted. (MJA Absent)*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 27, 2005 (CEM Budget) as printed. (CA Absent)*

Motion by: Michele Couture **Seconded by:** Sarah Peake
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 27, 2005 (Budget Mtg.) as printed (MJA Absent)*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 31, 2005 (Reg. Mtg.) with change so noted. (MC/SP Absent)*

Motion by: Richard Olson **Seconded by:** Mary-Jo Avellar
Yea 3 Nay 0 Abstain 2 (Michele Couture/ Sarah Peake)

8. CLOSING STATEMENTS

None

9A. LITIGATION STRATEGY

MacMillan Pier Floating Dock System: December 2003 Storm Damage
Cape Cod Oil - Cumberland Farms - Encroachment Issue - Housing
Collective Bargaining, Lease Negotiation Strategy [MGL C.39,§223B, cl.3,6]

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.39,§23B, clause 3 and 6, to go into executive session for the purpose of discussing strategy with respect to litigation; and to not convene in open session thereafter. [Roll Call Vote]*

Richard Olson - Yes Michele Couture - Yes Mary-Jo Avellar - Yes
Sarah Peake - Yes Cheryl Andrews - Yes

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

The Board went into executive session at 10:16 pm.

Minutes transcribed by: Vernon Porter, Secretary
February 9, 2005