

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, JUNE 13, 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, Michele Couture, Sarah Peake, Richard Olson, David Nicolau

Other attendees: Town Manager Keith Bergman, Assistant Town Manager Michelle Jarusiewicz

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A PROVINCETOWN HIGH SCHOOL YEARBOOK PRESENTATION

Class of 2005 Dedication to the Town of Provincetown

Before presenting the Yearbook to the Board of Selectmen Ms. Susan Avellar read the following on behalf of the Class of 2005;

“We have come to realize that, like the actual construction of this yearbook, it would be impossible to bestow credit for its creation to a single individual. We also recognize the time and sacrifice given to our school by our tightly knit community. Without the school, the community would be vastly different. The police department, restaurant owners, carpenters, electricians, artists, secretaries and builders are our families; and our families are the businesses, workers and the fabric of this community. And so we dedicate this yearbook to the ... TOWN OF PROVINCETOWN

MOTION: *Move that the Board of Selectmen vote to accept the copy of the 2005 Provincetown High School Yearbook, dedicated to the Town of Provincetown, presented by the graduating class of 2005 through their class advisor Susan Avellar with highest gratitude and appreciation for their thoughtfulness. (Copy to the Town Clerks Office.)*

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

1B TRAFFIC HEARING CONTINUED

Loading Zone at 170 Commercial Street: Carnes Avenue Parking Spaces

A guesthouse owner brought this original request before the Annual Traffic Hearing therefore, Sarah Peake recused herself, as she is a guesthouse owner. David Nicolau recused himself, as he is an abutter. Both Selectmen left the room at 6:08 pm.

MOTION: *Move that the Board of Selectmen vote to approve the proposed relocation of the 15-minute loading and unloading zone directly in front of 170 Commercial Street to six (6) feet West of the present parking zone.*

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 3 Nay 0

Sarah Peake and David Nicolau returned at 6:17 pm.

MOTION: *Move that the Board of Selectmen vote NOT to approve the removal of two parking spaces on Carnes Avenue; and to leave to the Department of Public Works discretion “No Parking” signs on the North Side of Carnes Avenue.*

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

2. PUBLIC STATEMENTS

Lynn Davies – Rumors about people getting tickets parking at the Library because they are parking in the wrong direction.

Tom Osterink – Wants to know why business owners cannot complain about Street Performers who are totally out of control. Was told by Police Department that they cannot take complaints from Merchants.

3. SELECTMEN’S STATEMENTS

David Nicolau

MOTION: *Move that the Board of Selectmen vote to ask the Town Manager for an update within the next three to four weeks on the Cape End Manor Care Campus and renovations to Town Hall.*

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

Sarah Peake

MOTION: *Move that the Board of Selectmen vote to invite our Cape Cod Commission Representative Roslyn Garfield to one of our future meetings to update us on the Commission’s proposed changes to the regional policy plan.*

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

MOTION: *Move that the Board of Selectmen vote to ask for an update report from our Cape Cod Regional Transit Authority Representative Chief Meyer on the Flex System.*

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

MOTION: *Move that the Board of Selectmen vote to adopt a resolution against the closure of Otis Air Force Base and to notify our State and Federal Representatives.*

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

Planning Board has a new Chairman and some new members. Maybe we can invite them to a future Board of Selectmen for an open discussion. Keep this in mind for one of our future goals.

Ticketing at the Library. It is possible that people don’t know that it is only one-hour parking and also we may need clarification on which way they can park – south or north?

Michele Couture

Definitely agree with Mr. Osterink regarding Street Performers and the noise level. He is absolutely correct and we definitely need to revisit this By-Law. Definitely a problem. Town Manager can talk to Chief of Police to get direction. Volume/amplification of music in general; noise violations by licensed businesses. Would be interesting to see relevant case law that people are talking about where merchants cannot complain.

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to David Guertin, Rex McKinsey and Clay Schofield in appreciation for their assistance in securing the \$375,000 grant awarded by the Executive Office of transportation for the FY05 EOT Water Transportation Capital Improvement Program for MacMillan Pier.*

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

MOTION: *Move that the Board of Selectmen vote to send a letter of congratulations to outgoing Cape Cod National Seashore Superintendent Maria Burks and incoming Superintendent George Price.*

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

MOTION: *Move that the Board of Selectmen vote to send a letter to the Chief of Police stating that the Board of Selectmen disapproves of the thirty (30) day trial period for the use of Tasers.*

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

MOTION: *Move that the Board of Selectmen vote to have an agenda item “mooring fees” schedule in the fall and invite the Harbor Committee and the Pier Corporation to participate.*

Motion by: Michele Couture Seconded by: David Nicolau Yea 5 Nay 0

Richard Olson

Regarding noise this weekend – motorcycles were revving up their engines beyond what I understand was permissible.

Thank you to DPW for trying to angle the anchor at Lopes Square.

Eugene O’Neill Conference is this coming weekend. Saturday – free performance @ 12:30 on Bobby Cabral’s Pier – open to the public and Sunday – open concert at the UU Meeting House. Many other events are scheduled around town.

Cheryl Andrews - none at this time.

4. BOARD OF SELECTMEN - APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Rachel Peters a Constable for the Town of Provincetown with a term expiration date of December 31, 2008.*

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

MOTION: *Move that the Board of Selectmen vote to appoint James A. Souza a Constable for the Town of Provincetown with a term expiration date of December 31, 2008.*

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

Sarah Peake recused herself and left the room as she is a member of the Women Innkeepers.

MOTION: *Move that the Board of Selectmen vote to appoint Kathleen M. Fitzgerald as the Women Innkeepers Representative to the Visitor Services Board with a term expiration date of June 30, 2007.*

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

Sarah Peake returned.

5A1 TREASURER

Revenue Anticipation Note #1051

MOTION: *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1051 in the amount of \$1,148,743.95 dated June 15, 2005 at 2.80% interest payable at maturity to Cape Cod Five Cents Savings Bank on September 30, 2005.*

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

5A2 TREASURER

Revenue Anticipation Note #1052

MOTION: *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1052 in the amount of \$30,000.00 dated June 15, 2005 at 3.20% interest payable at maturity to Cape Cod Five Cents Savings Bank on January 13, 2006.*

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

5A3 TREASURER

John Anderson Francis Family Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$270.00 from the John Anderson Francis Family Scholarship Fund for the payment of the attached invoice.*

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

5A4 TREASURER

Library Building - Furniture Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$816.42 from the Library Building Furniture Gift Fund for the payment of the attached invoice.*

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

5B ART COMMISSION

Loan Agreement with Provincetown Art Association and Museum

MOTION: *Move that the Board of Selectmen vote to approve the request of the Provincetown Art Association & Museum for a loan of three works from the Town Art Collection to be included in two shows at the PAAM from June 17 to July 10, 2005, and to authorize the execution of a loan agreement therefore.*

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

5C VISITOR SERVICES BOARD

Joint Meeting/Work Session

Open discussion ensued.

MOTION: *Move that the Board of Selectmen vote to have the Town Manager meet with the Visitor Services Board and the Town Clerk's Office to develop interim staffing recommendations to be presented to the Board of Selectmen at their meeting on June 27, 2005.*

Motion by: David Nicolau **Seconded by:** Sarah Peake Yea 5 Nay 0

6. FY 2006 TOWN-WIDE POLICY GOALS

Preliminary Goal-setting exercise

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing for Monday, June 27, 2005 at 6 p.m. on the following proposed Town-wide Policy Goals for Fiscal Year 2006, as amended as follows:*

1. Fiscal Management - Revise and update Ten-Year Fiscal Policy Plan. Establish process of working financial summit meetings between the Board of Selectmen, School Committee, and Finance Committee to discuss budget issues and provide policy guidance to the Town and School staff in revisiting FY 2006 and finalizing FY 2007 budget recommendations.

MOTION: *Add: Prepare and distribute to the Board of Selectmen bi-monthly (every 2 months) financial reports which show actual revenue and spending versus budget for each department. These reports will also contain an analysis of spending and revenue trends to enable the Board of Selectmen to determine where spending is tracking over or under the budget and allow for proactive corrections to be made and savings to be achieved.*

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

MOTION: *Investigate steps to reduce the portion of health insurance paid by town employees to be less than the current 80/20%.*

Motion by: David Nicolau **Seconded by:** Sarah Peake
Yea 2 Nay 3 (Sarah Peake/Michele Couture/Richard Olson)

- DOES NOT PASS -

MOTION: Move to work towards setting the Annual Tax Rate in the fall rather than in the spring.

Motion by: David Nicolau **Seconded by:** Sarah Peake Yea 5 Nay 0

Develop parking strategy to maximize the revenues while balancing the needs of residents for parking.

MOTION: *Have Staff develop a recommendation on the idea of having a special parking permit for businesses that they could buy on an annual basis.*

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

MOTION: *Avoid overrides of Proposition 2 1/2, as a matter of policy*

Motion by: Cheryl Andrews **Seconded by:** Sarah Peake Yea 5 Nay 0

2. Implement Cape End Manor Care Campus: Implement Cape End Manor Care Campus deal with the New England Deaconess Association. Obtain approvals from Mass. Department of Public Health, Cape Cod Commission, Historic District Commission. Assist NEDA in outreach to achieve pre-sale of 60-70% of independent living units, to obtain its bank financing.

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

3. Wastewater - Develop and implement a plan for fiscal health of the Wastewater Enterprise Fund. Complete the construction of the Phase I sewer project; continue facilities planning for Phase II of the sewer project and maximize use of the existing sewer system.

MOTION: *Add: Maximize use of existing sewer collection system.*

Motion by: Cheryl Andrews **Seconded by:** Sarah Peake Yea 5 Nay 0

4. Water Management Permit - Continue to pursue new source identification with the Town of Truro, pursuant to the revised Intermunicipal Agreement.

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

5. Affordable Housing – Monitor, update, and revise Community Housing goals and implementation strategies with the Affordable Housing Task Force for review by the Board of Selectmen; implement adoption of the Community Preservation Act (80% of funds for housing) with the Community Preservation Committee.

MOTION: *Add: Address middle income housing needs.*

Motion by: David Nicolau **Seconded by:** Sarah Peake Yea 5 Nay 0

MOTION: *Add: Explore Duarte's parking lot for affordable housing.*

Motion by: Cheryl Andrews **Seconded by:** Richard Olson
Yea 5 Nay 1 (Michele Couture)

6. Tourism and Economic Development – Through the Visitor Services Board and the Selectmen's Council on Economic Development, to develop, coordinate and implement a long-term comprehensive plan to enhance tourism year-round and to advise the Board of Selectmen on the development of strategies consistent with the Local Comprehensive Plan which will foster a sustainable year-round economy for Provincetown.

MOTION: *Add: Develop strategy for reallocation growth management gallonage in a way that promotes the local economy.*

Motion by: David Nicolau

Seconded by: Sarah Peake

Yea 5 Nay 0

7. Organizational and Staff Support - Develop and implement plan for organizational and staff support which delegates more authority to key staff members, empowers and supports all staff members, their retention, and their professional development. Provide for regular feedback from affected boards and departments.

MOTION: *Make it a Board goal to meet on a regular basis with volunteer boards to facilitate communications regarding common issues.*

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

Michele Couture to develop the calendar.

MOTION: *Add: Develop 360-degree review procedure for Town Manager with his department heads.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 5 Nay 0

Board of Selectmen Policy - MOTION: *Reduce the number of town boards, streamline, and coordinate.*

Motion by: Cheryl Andrews

Seconded by: Michele Couture

Yea 5 Nay 0

8. Use & Reuse of Town Facilities – Develop plans for reuse of Town properties which may become surplus; Continue to maintain and upgrade Town facilities;

9. Wind Energy - MOTION: *Work with Cape Light Compact, Massachusetts Technology Collaborative and communicate with Harwich and Orleans to gather information regarding both the technical and business aspects and bring this to the Board of Selectmen for consideration.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 5 Nay 0

7A CONSERVATION AGENT SERVICES

Execute Contract with Barnstable County Commissioners

MOTION: *Move that the Board of Selectmen vote to execute an agreement with the Barnstable County Commissioners in an amount not to exceed \$14,476.80 for the provision of Conservation Agent services to the Town of Provincetown through the County of Barnstable for the period July 1, 2005 through June 30, 2006.*

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

7B PROPOSED ESTABLISHMENT OF TOWN BOARD

Provincetown Council on Economic Development

MOTION: *Move that the Board of Selectmen vote to establish the Provincetown Council on Economic Development to advise the Board of Selectmen on the development of strategies consistent with the Local Comprehensive Plan which will foster a sustainable year-round economy for Provincetown. Said council shall be comprised of seven members appointed by the Board of Selectmen for three-year overlapping terms so arranged that the terms of at least two members shall expire each year. Members of the council shall have education and experience in one or more of the following fields: tourism and visitor services, arts and culture, retail, general business, education, health care, commercial fishing and aquaculture, and housing and construction; and the council as a whole shall include persons with education and experience in several of these fields. In fulfillment of its mission, said council shall actively solicit ongoing input from businesses, organizations, and interested individuals.*

And further to vote to advertise to fill positions thereon, with the establishment of said council to become effective upon appointment of its members.

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

7C MASS. COMMUNITY DEVELOPMENT BLOCK GRANT

Schedule Public Hearing on Amendment: June 27, 2005

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing for Monday, June 27, 2005 at 6 p.m. for an amendment under the Town of Provincetown's FY 2004 Community Development Fund Grant program for the rehabilitation of the Mt. Gilboa Water Tank and the rehabilitation of wells at South Hollow.*

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

7D **FISCAL UPDATE**

FY 2005 Recap and FY 2006 Update

MOTION: *Move that the Board of Selectmen vote to reschedule this agenda item to Wednesday, June 22, 2005 at 6 pm.*

Motion by: Sarah Peake **Seconded by:** Cheryl Andrews Yea 5 Nay 0

7E **PETERS PROPERTY RESIDENCE**

Leases for Summer Police Officers

MOTION: *Move that the Board of Selectmen vote to authorize execution of leases for the residence on the Peters property in Truro to seasonal employees of the Provincetown Police Department.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 5 Nay 0

8. **MINUTES OF BOARD OF SELECTMEN MEETING**

MOTION: *Move that the Board of Selectmen vote to approve the minutes of May 9, 2005 (Reg. Mtg.) with changes so noted. (All Present)*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of May 23, 2005 (Reg. Mtg.) with changes so noted. (All Present)*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of May 27, 2005 (Sppl. Mtg.) with changes so noted. (All Present)*

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

9. **CLOSING STATEMENTS**

David Nicolau

Visited the Economic Task Force meeting last week and it was a great meeting. Very professional.

Sarah Peake

Barnstable County Selectmen's breakfast – Mary LeClair, County Commissioner mentioned that Septic Fund money is available as the borrowing authority has gone through and towns are no longer limited to just a certain amount. (Keith - Kendall Ayers from the County was bumped from tonight's meeting and is scheduled for our next meeting on June 27th.)

Michele Couture – None **Richard Olson** - None **Cheryl Andrews** – None

Motion to adjourn by Michele Couture at 10:30 pm.

Minutes transcribed by: Vernon Porter, Secretary
June 17, 2005