

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – TUESDAY, MARCH 29, 2005

JUDGE WELSH HEARING ROOM

Acting Chairman Mary-Jo Avellar opened the meeting at 6:00 PM noting the following attendees:

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

Excused Absence: Cheryl Andrews

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

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING: FY 2006 OPERATING BUDGET

Joint Public Hearing with Finance Committee (Charter §9-1-6)

Finance Committee Members attending: Virginia Ross, Sue Buerkel, Robert Vetrick, Mark Leach, Ruth Gilbert, Edward Gage and Walter Winnowski.

Open discussion ensued. There were no changes to budget as presented by Board of Selectmen and FinCom. No motions made.

Mary-Jo Avellar left the room as her husband works for the town as Asst. Harbormaster.

1B1 PROVINCETOWN PUBLIC PIER CORPORATION

Execute 20-year Lease for MacMillan Pier

MOTION: Move that the Board of Selectmen vote, pursuant to Chapter 13 of the Acts of 2000 as amended, to enter into a twenty-year lease for MacMillan Pier with the Provincetown Public Pier Corporation, to become effective forthwith.

**Motion by: Sarah Peake .. Seconded by: Richard Olson
Yea 2 Nay 1 (Michele Couture)**

1B2 PROVINCETOWN PUBLIC PIER CORPORATION

Marine Management Services - Execute 5-year Agreement

MOTION: Move that the Board of Selectmen vote, pursuant to Chapter 13 of the Acts of 2000 as amended, to enter into a five-year marine management service agreement with the Provincetown Public Pier Corporation, effective July 1, 2005; subject to final approval by Town Counsel as to wording for the sake of clarity to incorporate the Provincetown Public Pier Corporation memo dated December/February and the memo from the Town Manager to the Board of Selectmen dated late February 2005.

**Motion by: Sarah Peake .. Seconded by: Richard Olson
Yea 2 Nay 1 (Michele Couture)**

2. PUBLIC STATEMENTS

None

3. SELECTMEN'S STATEMENTS

Michele Couture

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Pat Pajaron for her years of service to the Town and to wish her the very best on her new venture.

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 4 Nay 0

Richard Olson

Memo from MMA re: Telecommunication installations and tax loopholes. Asking Town Manager if this is on his radar screen? Answer: It is political. MMA is mobilizing politically to seek to have the law changed to have them taxed.

Happy to see that the printed version of the Finance Report was available to us. This has been the earliest it has been available to us and I would like to see it made available much sooner to the public. It may be practical, in the future, to send this out to PO Boxholder or to send a notice to PO Boxholders that it is available for them to pick-up at Town Hall or final on our website prior to Town Meeting.

Attended a PBG meeting regarding the Warrant and was impressed at the range of skills and the interest that many people bring to that process.

Sarah Peake

Cape Cod Selectmen's & Councilor's Assn. is having their monthly breakfast on April 8, 2005 @ Cape Codder and Jeff Beckwith from MMA is the guest speaker and there will be an opportunity for questions and answers with him.

FinCom handbook in people's hands - they should be available in all town buildings. This is important - also, developing a database of our citizens. Put this on our July discussion list.

FinCom's use of 'slight-of-hand' -- It is unfortunate that this was use in FinCom's message in their handbook. Unfortunately, people on the street tend to make wild accusations about the municipal budget and that there is money hidden and there is a slight-of-hand and for the Finance Committee to give credence to a notion like that in an official handbook that is handed out at Town Meeting, I think does dis-service to the budget process and does dis-service to each and every person, including the Finance Committee who is involved in developing the budget. It is regrettable that this was used.

Mary-Jo Avellar

I agree with Ms. Peake.

4. BOARD OF SELECTMEN - APPOINTMENTS

None

5A TREASURER'S TRANSFER

Revenue Anticipation Note #1048

MOTION: Move that the Board of Selectmen vote to issue a Revenue Anticipation Note #1048 in he amount of \$1,500,000.00 dated March 30, 2005 at 2.50% interest payable at maturity to Cape Cod Five Cents Savings Bank on June 15, 2005.

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 4 Nay 0

5B ART COMMISSION

Art Loan Agreement with Pilgrim Monument - Peter Hunt Portrait

MOTION: Move that the Board of Selectmen vote to approve the request of the Cape Cod Pilgrim Memorial Association for a loan of the portrait of (Peter Schnitzer) Peter Hunt 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: Sarah Peake

Seconded by: Richard Olson

Yea 4 Nay 0

5C **DPW: AWARD CONTRACT**

Lopes Square Island & MacMillan Pier Dedication Area Improvements

MOTION: Move that the Board of Selectmen vote to award a contract to low bidder Certrom Construction Corporation of Plymouth, MA for the base bid of \$95,603 for improvements to the Lopes Square Island and MacMillan Pier dedication area; and, further, to authorize execution of said contract by the Board upon receipt of all required bonds and insurance.

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

5D **VISITOR SERVICES BOARD - FY 2005 TOURISM FUND**

Approval of Enhancement Project & Grants

MOTION: Move that the Board of Selectmen vote to rescind FY 2005 promotional grant awards as follows: (1) \$5000 for Cavalcade of Music, (2) \$7000 for CabaretFest!, (3) \$4000 for PBG Couples Weekend, and (4) to reduce the Fall Arts Festival award from \$7500 to \$2000.

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

MOTION: Move that the Board of Selectmen vote to approve funding from the FY 2005 Tourism Fund the following as recommended by the Visitor Services Board municipal enhancement project in the amount of (1) \$5,000 – Provincetown Pier Corporation for an informational kiosk.

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

And promotion grants (2) \$10,000 - Provincetown International Film Festival

**Motion by: Sarah Peake Seconded by: Richard Olson
Yea 3 Nay 1 (Michele Couture)**

(3) \$500 for Great Music Sundays at Five,

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

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

(4) \$6,000 – Women Innkeepers Single Women’s Weekend,

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

Sarah Peake returned.

(5) \$1,000 – PAAM Family Week,

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

(6) \$2500 – Crown & Anchor Theatre Series Production “Die Nasty,”

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

(7) \$2,000 - Provincetown Rep Theatre “Crazy Eyes.”

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

Mary-Jo Avellar left the meeting at 8:55 p.m. Michele Couture continued the meeting as Acting Chair.

5E **INTERIM LAUNDROMAT**

Withdrawal of sewer Connection Permit; Reissuance of RFP

MOTION: Move that the Board of Selectmen vote to authorize the reissuance of a Request for Proposals for an Interim Laundromat to be brought back to the Board of Selectmen in final form.

Motion by: Sarah Peake Seconded by: Richard Olson Yea 3 Nay 0

6A DISPOSITION OF PHS ANNEX PROPERTY

Lease/Purchase - Provincetown Center for Coastal Studies - \$800,000

MOTION: *Move that the Board of Selectmen vote to accept the proposal of the Provincetown Center for Coastal Studies for the lease/purchase of the PHS Annex property for \$800,000, subject to authorization by the April 4, 2005 Special Town Meeting and execution of a purchase and sales agreement.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

6B APRIL 4, 2005 ANNUAL & SPECIAL TOWN MEETINGS

Adoption of Board of Selectmen's Recommendations on Articles

April 4, 2005 Special Town Meeting Articles

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-1 Conveyance of 2.2-acre Care Campus Site to New England Deaconess Association*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-2 Care Campus: \$1.9 Million in CPA Funds for Community Housing Restriction.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-3 Cape End Manor Care Campus Land Exchange Expenses - \$140,000.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-4 Stabilization Fund Appropriation in the amount of \$418,000.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-5 Acquire Peters Subdivision in Truro for Wellhead Protection - \$1,110,500.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-6 Conveyance of PHS Annex property, 5 Holway Avenue.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-7 Apply PHS Energy Rebate to Reduce SBA Debt Service - \$75,000.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to indefinitely postpone Article STM-8 Increase Length of Borrowing from 10 to 20 years for SBA Reimbursable School Buildings.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-9 Semi-Annual Property Tax Bill.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article STM-10 FY 2005 Budget Adjustments.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to indefinitely postpone Article STM-11 Fund Collective*

Bargaining Agreements.

Motion by: Sarah Peake Seconded by: Richard Olson Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to recommend Article STM-12 MassHighway Chapter 90 Funds for Road and Sidewalk Construction, Repairs.

Motion by: Sarah Peake Seconded by: Richard Olson Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to recommend Article STM-13 Extension of SEMASS Solid Waste Disposal Agreement

Motion by: Sarah Peake Seconded by: Richard Olson Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to recommend Article STM-14 Wastewater Design/Implementation

Motion by: Sarah Peake Seconded by: Richard Olson Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to recommend Article STM-15 Wastewater System Monitoring/Enforcement

Motion by: Sarah Peake Seconded by: Richard Olson Yea 3 Nay 0

April 4, 2005 Annual Town Meeting Articles

MOTION: Move that the Board of Selectmen vote to recommend Article ATM-2 FY 2006 Operating Budget \$20,621,434

**Motion by: Richard Olson Seconded by: Michele Couture
Yea 2 Nay 1 (Sarah Peake)**

MOTION: Move that the Board of Selectmen vote to recommend Article ATM-3 Cape Cod Regional Technical High School Assessment Formula.

Motion by: Sarah Peake Seconded by: Richard Olson Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to recommend Article ATM-4 Apply School Budget Reduction to Reduce SBA Debt Service - \$20,000.

Motion by: Sarah Peake Seconded by: Richard Olson Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to recommend Article ATM-5 FY 2006 Enterprise Funds WWF \$1,947,4521; WEF \$1,836,749.

Motion by: Sarah Peake Seconded by: Richard Olson Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to recommend Article ATM-6 Community Preservation Budget for \$Y 2006 - \$539,434.

Motion by: Sarah Peake Seconded by: Richard Olson Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to recommend Article ATM-7 Provincetown Town Hall Structural Repairs - \$750,000.

Motion by: Sarah Peake Seconded by: Richard Olson Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to recommend Article ATM-8 FY 2006 Capital Campaign Programs:

- 1. Replace Fire Engine 194: \$300,000**
- 2. Police Fleet Replacement Program: \$51,253**
- 3. Town MIS Computers: \$20,000**
- 4. Streets and Sidewalks: \$50,000**
- 5. Drainage: \$50,000**
- 6. Stormwater master plan Improvements: \$100,000**
- 7. DPW Transfer Station Repairs: \$85,000**
- 8. Soccer Field Completion: \$40,000**

9. DEP Water Management Permit/New Source Development: \$300,000

10. Water: South Hollow Pump House: \$200,000

11. Water: South Hollow Well Development \$200,000

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-9
FY 2006 Revolving Accounts - \$20,000; - \$2,500.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-10
Funding FY 2006 Twenty-seventh Pay Period - \$200,000.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-11
Personnel By-law Amendments/Classification & Compensation Plan - A - \$90,400; C - \$34,100.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-12
Zoning By-law Amendments: Affordable and Community Housing Units - PIHP*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-13
Zoning By-law Amendment: Extend Amnesty for Affordable Accessory Apartments.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-17
Accept MGL C.40,§15A; Transfer Tax Title property at 951R Commercial St to PHA.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-18
Transfer Tax Title Properties at 686 Commercial St., 12R Pilgrim Heights Rd to Con Com.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-19
General By-law Amendment: Trees & Shrubs: Height Restrictions for Traffic Safety.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-20
General By-law Amendment: Non-Criminal Disposition of Pier Corporation Regulations.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-25
Amend Harbor Plan.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-26
Transfer LCP Implementation Functions to Planning Board; Abolish LCPIC.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-27
Establish Committee for Animal Welfare.*

Motion by: Sarah Peake **Seconded by:** Richard Olson
Yea 2 Nay 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM- 28
FY 2006 Human Services Grant Program - \$53,674.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-29 Upgrade Emergency Fire Horn on Town Hall Roof - \$6,000.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-30 Fourth of July Fireworks - \$23,000.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to indefinitely postpone Article ATM-31 Reconstitute Visitor Services Board as Council on Tourism and Economic Development.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article ATM-32 Expenditures from the Tourism Fund - \$406,073.*

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 0

7. **MINUTES**

. **MOTION:** *Move that the Board of Selectmen vote to approve the Minutes of February 28, 2005 (Reg. Mtg.) as printed. (All Present)*

Motion by: Richard Olson **Seconded by:** Sarah Peake Yea 3 Nay 0

. **MOTION:** *Move that the Board of Selectmen vote to approve the Minutes of March 1, 2005 (Spsl Mtg.) as printed. (All Present)*

Motion by: Richard Olson **Seconded by:** Sarah Peake Yea 3 Nay 0

. **MOTION:** *Move that the Board of Selectmen vote to approve the Minutes of March 7, 2005 (Spsl Mtg.) as printed. (All Present)*

Motion by: Richard Olson **Seconded by:** Sarah Peake Yea 3 Nay 0

. **MOTION:** *Move that the Board of Selectmen vote to approve the Minutes of March 14, 2005 (Reg. Mtg.) as printed. (CA Absent)*

Motion by: Richard Olson **Seconded by:** Sarah Peake Yea 3 Nay 0

8. **CLOSING STATEMENTS** - None

Motion to adjourn by Sarah Peake at 9:37 pm

Minutes transcribed by: Vernon Porter, Secretary
March 29, 2005