

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, JUNE 27, 2005

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:25 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, Acting Asst. Town Manager Michelle Jarusiewicz

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A FILLING VACANCY ON HOUSING AUTHORITY

Joint Meeting with Remaining Members

Housing Authority Members present: Arturo Alon, George Bryant. Also present PHA Director Patrick Manning

MOTION: *Move that the Board of Selectmen and the remaining members of the Provincetown Housing Authority vote, pursuant to MGL C.41,§11, to appoint Nancy Jacobson to fill the vacancy on the Provincetown Housing Authority which expires at the May 2006 Annual Town Election.*

Motion by: Michele Couture Seconded by: David Nicolau Yea 7 Nay 0

1B HARBOR COMMITTEE

Joint Meeting re: Harbor Plan Update

Harbor Committee Members in attendance: Alice Brock, Gerry Irmer, Heather Bruce, Kerry Adams and Ann Colbourn.

Open discussion ensued. Both boards agreed to meet at a future date and to further discuss the “Schofield line”; make lists of things they want to discuss; have maps; possible site visit, etc.

1C PUBLIC HEARING

Reprogramming FY 2004 MCDBG Funds

MOTION: *Move that the Board of Selectmen vote to approve submission of a program amendment under the Town of Provincetown's FY 2004 Community Development Fund Grant program for the rehabilitation of wells at South Hollow for approximately \$99,000.*

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

1D PUBLIC HEARING

Adoption of Town-wide Policy Goals for FY 2006

Comments from public:

Ruth Gilbert – In agreement with Fiscal Management Goals. Also in agreement with David Nicolau’s comments on increasing employees contribution towards health benefits and the Finance Committee would like to pursue this matter.

Barbara Rushmore – Would like to see the Board of Selectmen adopt a better tree policy and utilize the laws already in place by the Commonwealth of Massachusetts.

Celine Gandolfo – Would like to see the Board adopt more Open Space goals and referred to the goals that her committee submitted, especially those related to Shankpainter Pond area.

Kerry Adams – Would like to see the Board develop a rapport with the new Superintendent of the Cape Cod National Seashore for better access and communications to the CCNS.

MOTION: *Move that the Board of Selectmen vote, pursuant to Charter §4-2-1, to adopt as Town-wide Policy Goals for Fiscal Year 2006 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. 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. Develop parking strategy to maximize revenues while balancing the needs of residents for parking. Avoid overrides of Proposition 2½, as a matter of policy.*

Motion by: Michele Couture Seconded by: Richard Olson 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; maximize the use of the existing collection system*

Motion by: Michele Couture Seconded by: Richard Olson 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; address middle income housing needs; explore Duarte's parking lot for affordable housing*

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

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; develop strategy for reallocating growth management gallage in a way which promotes the local economy*

Motion by: Sarah Peake Seconded by: David Nicolau 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; develop 360-degree review procedure for Town Manager with his department heads

Motion by: Sarah Peake **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*

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

9. **WIND ENERGY** - *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

10. **CAPE COD NATIONAL SEASHORE** – *adopt a goal regarding the Cape Cod National Seashore to open lines of communications with the CCNS beyond those that are in place with existing boards.*

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

2. **PUBLIC STATEMENTS**

George Bryant - Spoke on fecal coliform problems on his and his mother's property that he says is caused by the Town of Provincetown – whereby water is coming down Cook Street into their property at 473, 471 and 467-46 Commercial Street.

Christine McCarthy – Provincetown Art Association and Museum Read statement into record re: sewer hook-up. (See attachment #1).

Ruth Gilbert - As a Board of Director of the PAAM – ditto what Ms. McCarthy just read. Had an opening last Friday night and operating with port-a-potties and chemical toilets. Need to know that a sewer hook-up is going to happen soon or will have to install a title five.

Leslie Gerald – (470 Commercial Street) – Appeal to Board of Selectmen to have Bryant property trash removed.

Celine Gandolfo – Would like help with encumbering funds for Open Space Committee before the end of this fiscal year.

Devorah Landa (Owner of Pure Gold Jewelry Store, 277 Commercial Street) – Read letter into record re: Street Performers. (See attachment #2)

Barbara Rushmore – Have people consult with DPW Director before cutting down trees.

Street Performers: Val Crisko, Bobby Miller, George, Marsha, Ireland and Ellie – All spoke on “Street Performing” and working together with one another and with merchants to come to an equitable solution for all.

Chief Meyer – Appreciate all the remarks from the Street Performers tonight. Also want to assure the Board of Selectmen that we are going to have a meeting with John Thomas, the business people and the Street Performers to go over some of the issues we heard tonight. Getting ready for 4th of July – everything is ready to go and we want to remind the public that Commercial Street will be closed to traffic from 9 AM to the end of the parade.

3. **SELECTMEN'S STATEMENTS**

Sarah Peake

Glad to hear from the Chief that the Working Group will be getting together again. I feel that Street Performers are a part of who we are as a Community of Provincetown. What I would ask for is that people exercise consideration for each other and that the performers have a notion of just how loud your instrument, whether amplified or not, might be; how long you are playing in any one spot and the impact that has on the person who is working in a store. We're not looking to craft a set of specific hard rules. We will if we are put in a position where consideration does not work on a voluntary basis. The comments by Ireland and George were very thoughtful and thought provoking. It's louder this year than it ever has been and it has to be addressed. That is the bottom line.

Art Association hook-up – Keith – the Water & Sewer Board has already made a decision which has to be implemented. Staff is meeting with Metcalf & Eddie is meeting this Wednesday in hopes of resolving the issues to mutual satisfaction between Metcalf & Eddie and DEP – and I hope to be able to report favorably after that meeting.

George Bryant property – there will be a hearing on this property scheduled for July 28th and the Town is actively pursuing matter.

Private property water leak (Senior Citizen). Thanks to COA Director Val Carrano, Health Agent Jane Evans and DPW David Guertin and Sandy Turner, everything was taken care of and water was restored to this property within 3 to 4 hours. I want to thank them for that.

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Michele Couture

Street Performers – everyone is saying the same thing. No one is saying that they do not want Street Performers, it is quite the opposite and I echo that. They are a part of Provincetown. People complain because they are frustrated and their concerns are not being heard. Right now they are frustrated with the high amplification. I hear it not only as a storeowner but as a resident – for hours upon hours. All we are asking for is a little consideration and cooperation in reducing the amplification.

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to the organizers of the Portuguese Festival for the outstanding job they did during this year's festival.

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

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Richard Olson

Portuguese Festival – always an exciting and moving thing for me in Provincetown.

Eugene O'Neill Conference – terribly grateful to all the people who pitched in and helped out.

Appointments/Applications for Town Boards – People don't type or print clearly on their applications or don't include anything in the category for qualifications. They just leave it blank or write "re-application". To me, this is not enough for this Board to go on.

MOTION: Move that the Board of Selectmen vote to ask the Town Clerk to consider developing a cover sheet to go with the Town Board Applications requesting them to print or type legibly and to include whatever qualifications they may have.

**Motion by: Richard Olson Seconded by: Michele Couture
Yea 2 Nay 3 (David Nicolau/Sarah Peake/Cheryl Andrews)
- MOTION DOES NOT PASS -**

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David Nicolau

Great Portuguese Festival.

Street Performers – will work these things out. Tourist like Street Performers.

-
Cheryl Andrews

Portuguese Festival & Blessing of the Fleet – Thanks to all .. gets better every year.

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Congratulations to Mr. Olson as Conference Chairman – on the Eugene O'Neill Conference. You and your

committee did an outstanding job.

Street Performers - Lots of fun listening to you tonight. You touched on all the issues. The challenge is in front of you all first and if not, back in front of the Selectmen again to figure out how to achieve the balance – whether it means moving around a bit more or limiting the amount of hours that amplification can be used in one spot. We’re going to find a way and I look forward to seeing the product of your meeting with the Chief this summer. This Town can rise to this challenge. It is just a question of how we can all do it at the same time and make it work. Some changes are in order and necessary.

Regarding the Art Association – What I heard was some new information that the agreement was made to allow the Art Association to stay open and keep its occupancy permit with port-a-potties. And it certainly helps me understand emails I’ve been reading. In the end it is up to the State. I’m sorry to hear that the tree is being held hostage again – in the end it is a construction project. The Board of Selectmen have gone on record saying we want to see this hook-up take place. At this point, because we are in a transition period with the sewer, we are at the mercy of DEP. I hope the answer is that we find some way to avoid the port-a-potties and still have your Labor Day opening and not necessarily have to put in a Title V. I think putting in a Title V would be a disappointment, both for the Board of the Art Association and the Town.

4. BOARD OF SELECTMEN – APPOINTMENTS

The Board conducted interviews.

. MOTION: *Move that the Board of Selectmen vote to appoint Ramona Anderson as a Regular Member to the Community Preservation Committee with a term expiration date of August 23, 2007.*

**Motion by: Sarah Peake Seconded by: Richard Olson
Yea 4 Nay 1 (Michele Couture)**

. MOTION: *Move that the Board of Selectmen vote to reappoint Anita Berman as a Regular Member to the John Francis Family Scholarship Committee with a term expiration date of December 31, 2006.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Mary Ann Cabral as a Regular Member to the John Francis Family Scholarship Committee with a term expiration date of December 31, 2008.*

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

. MOTION: *Move that the Board of Selectmen vote to reappoint Lynne A. Davies as the Provincetown Business Guild Representative to the Visitor Services Board with a term expiration date of June 30, 2008.*

**Motion by: Sarah Peake Seconded by: David Nicolau
Yea 4 Nay 1 (Richard Olson)**

MOTION: *Move that the Board of Selectmen vote to appoint Rita “Hersh” Schwartz as an At Large Member to the Visitor Services Board with a term expiration date of June 30, 2008.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Michael P. Peregon as an At Large Member to the Visitor Services Board with a term expiration date of June 30, 2008.*

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

The Board voted the following without requesting interviews.

MOTION: *Move that the Board of Selectmen vote to reappoint Catherine Russo as a Regular Member to the Cable Advisory Commission with a term expiration date of June 30, 2008.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Richard Silver as a Regular Member to*

the Cable Advisory with a term expiration date of June 30, 2008.

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

MOTION: *Move that the Board of Selectmen vote to reappoint Marian Roth as a Regular Member to the Cultural Council with a term expiration date of June 30, 2008.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Gerald Irmer as a Regular Member to the Harbor Committee with a term expiration date of June 30, 2008.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Ann Colbourn as a Regular Member to the Harbor Committee with a term expiration date of June 30, 2008.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Kerry L. Adams as a Regular Member to the Harbor Committee with a term expiration date of June 30, 2008.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Diane Corbo as a Regular Member to the Human Services Committee with a term expiration date of June 30, 2008.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Scott Campbell as a Regular Member to the Local Housing Partnership with a term expiration date of June 30, 2008.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Celine Gandolfo as a Regular Member to the Open Space Committee with a term expiration date of June 30, 2008.*

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

5A VISITOR SERVICES BOARD

Interim Staffing Plan

MOTION: *Move that the Board of Selectmen vote to approve the interim staffing plan for the Tourism Department, jointly presented by the Visitor Services Board and the Administration, as follows: for the transition period, i.e. through Columbus Day 2005, the staff responsibilities of the office of tourism be comprised of: 20 hours per week of the current Administrative Assistant's time be devoted as the interim department head, that he is authorized to obtain additional clerical assistance as needed, along with 10 hours per week of the Acting Assistant Town Manager's time to work with the interim department head and the VSB. The Acting Department Head's schedule will normally be 8:00 am – 10:00 am and 3:00 pm – 5:00 pm in the Tourism Office plus VSB meetings, with the understanding that the hours will be flexible depending upon each department's needs. The goal of the VSB is to adopt a long-term plan by the end of July for implementation this fall.*

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

5B1 TREASURER

Revenue Anticipation Note #1053

MOTION: *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1053 in the amount of \$1,000,000.00 dated June 30, 2005 at 2.70% interest payable at maturity to Cape Cod Five Cents Savings Bank on July 15, 2005.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 5 Nay 0

5B2

TREASURER

Revenue Anticipation Note #1054

MOTION: Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1053 in the amount of \$175,000.00 dated June 30, 2005 at 2.80% interest payable at maturity to Cape Cod Five Cents Savings Bank on September 30, 2005.

Motion by: Sarah Peake

Seconded by: David Nicolau

Yea 5 Nay 0

5C

YEAR END BUDGET TRANSFERS

Fiscal Year 2005

MOTION: Move that the Board of Selectmen vote pursuant to Section 123 of the Chapter 46 of the Acts of 2003, to approve year-end budgetary transfers for Fiscal Year 2005 as requested by the Town Accountant.

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

5D

AIRPORT COMMISSION

Submit Special Circumstances Exemption Application to Massport

MOTION: Move that the Board of Selectmen vote to submit to Massport a request for a Special Circumstances Exemption for Provincetown Municipal Airport under 740 CMR 27.08, Peak Period Surcharge Regulation; and to ask that our state and federal legislative delegations support this request.

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 5 Nay 0

5E

AQUACULTURE GRANT APPLICATIONS

Schedule Public Hearing

MOTION: Move that the Board of Selectmen vote to schedule a public hearing for Monday, July 25, 2005 at 6 p.m., pursuant to Aquaculture Grants Regulation #19A, on the Shellfish Advisory Committee's recommendations to approve applications for Aquaculture Grants from Alex Brown, David Louis Salvador and Jason Chase Baldwin.

Motion by: Michele Couture

Seconded by: David Nicolau

Yea 5 Nay 0

5F

COMMUNITY PRESERVATION – HOUSING DEVELOPMENT

Executive Contract with Falmouth Housing Authority

MOTION: Move that the Board of Selectmen vote to execute an agreement with the Falmouth Housing Authority in an amount not to exceed \$25,000 for the provision of housing development assistance services to the Provincetown Community Preservation Committee.

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

5G

RESOLUTION - OTIS AIR NATIONAL GUARD BASE

MOTION: Move that the Board of Selectmen vote to adopt the resolution to support the Otis Air National Guard Base.

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to suspend the rules at 11:00 pm.

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

6A

AMBULANCE SERVICES: THREE-YEAR CONTRACT

Lower Cape Ambulance Association, Inc.

MOTION: Move that the Board of Selectmen vote to execute a contract with Lower Cape Ambulance

Association, Inc for provision of ambulance services for the Town of Provincetown for the period July 1, 2005 through June 30, 2008, in the amount of \$216,300 for Fiscal Year 2006, and with future years subject to appropriation.

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

6B DPW SERVICE CONTRACT FOR FY 2006

Premium Unleaded, Diesel Fuel: Cape Cod Oil

This item withdrawn by Town Manager.

6C PHS ANNEX PROPERTY

Provincetown Center for Coastal Studies Lease, Purchase & Sale

David Nicolau recused himself and left the room as Center for Coastal Studies is one of his clients.

MOTION: Move that the Board of Selectmen vote, pursuant to Article 6 of the April 4, 2005 Special Town Meeting, to execute a lease and purchase and sales agreement with the Provincetown Center for Coastal Studies for the PHS Annex property; and further to authorize execution of Amendment No. 1 to the January 31, 2005 Memorandum of Understanding with the Provincetown School Committee; all subject to approval as to form by Town Counsel and with such changes as to form as are approved by Town Counsel

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

6D MacMILLAN PIER CONSTRUCTION PROJECT

Whydah Pier Betterment Assessment

MOTION: Move that the Board of Selectmen vote with respect to the reconstruction of MacMillan Pier that the Board of Selectmen does hereby determine that the Whydah Museum and Marina at 16 MacMillan Wharf located on a pier or floating dock in and over the waters of the Commonwealth pursuant to License Number 5795 held by Lelio Marino, Peter Grela and Frederick Nolan, Trustees of Provincetown-MacMillan Realty Trust under declaration of trust dated January 28, 2000 and recorded with the Barnstable Registry of Deeds in Book 12986, Page 339, which license is recorded with said Deeds in Book 10784, Page 113, will receive from said project benefits or advantage, other than the general advantage to the community, and that said property will be assessed a betterment assessment for its proportionate share of project costs under G.L. c.80 in the estimated amount of \$658,985.

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

David Nicolau returned to the room.

7. MINUTES OF BOARD OF SELECTMEN MEETING

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

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

8. CLOSING STATEMENTS

Sarah Peake - None Michele Couture - None Richard Olson - None

David Nicolau - None Cheryl Andrews - None

Motion to adjourn by Michele Couture at 11:21 pm.

Minutes transcribed by: Vernon Porter, Secretary
July 6, 2005