

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, JULY 12, 2004

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, Acting Assistant Town Manager Michelle Jarusiewicz

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1 **MTC RENEWABLE ENERGY TRUST**

Preliminary Assessment of Wind Resource

Provincetown's MIS Coordinator Gary Delius and Ms. Sally Wright, PE, Research Fellow - Renewable Energy Laboratory, UMASS, Amherst, Ma. gave a overview of the next steps to be taken in this process.

Open discussion ensued.

MOTION: Move that the Board of Selectmen vote to pursue the installation of a met tower at the Transfer Station and explore the business side of such a venture.

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

2. **PUBLIC STATEMENTS**

John Baldwin - Presented a petition from the citizens of Provincetown and Truro respectfully requesting the Provincetown Board of Selectmen to reconsider granting Flyer's Boat Club, 1313 Commercial St., and a permit to enlarge and relocate a portion of its Mooring Field. (See Attachment #1)

Hunter O'Hanian - expressed his support for Daniel Kells as the Arts Community Rep on the Visitor Services Board and asked that the Board of Selectmen appoint Mr. Kells

Don Richards - re: Wind Energy - Picking the right area for it is important. Also suggest that we hear from the Alliance to Protect Nantucket Sound.

3. **SELECTMEN STATEMENTS**

Mary-Jo Avellar

Found very interesting the letter from the Board of Health re: wanting to disassociate themselves from any authority that could be exercised over them by the Board of Selectmen or the Health Agent - or be responsible to the Town Manager's office.

Attended the CCNS ORV Subcommittee last Thursday evening. Very well attended. Number of suggestions were presented on how to better allocate the stickers for next year - including not having any quota - buy back stickers, etc. Was not an acrimonious meeting at all. Also I object to gun carrying officers - and find it offensive.

Michele Couture

Email soliciting our help re: Tax exemption for year round housing. Keith - they have been advised that their application is complete.

MOTION: Move that the Board of Selectmen vote to send a letter to Butch Lisenby and Candace Collins-Boden thanking them for their trip to MASSPORT in support of essential Air Service to Provincetown.

Motion by: Michele Couture

..... **Secoded by: Richard Olson**

Yea 5 Nay 0

Thanks to David Guertin/Sandy Turner for the carbon filters at the Central Vacuum System.

Special thanks to all those involved with the July 4th celebration.

26 Alden Street - Ask Health Agent for an update.

Special Town Meeting - When? Keith - Scheduled to be discussed at our August 1, 2004 regular meeting. Main purpose for this meeting is: CEM Care Campus, Zoning Amendments. Time frame is late September or sometime in October - depending on our discussion sometime in August.

Laundromat RFP - when will it close? Answer: Closed last week. Possibly will be on our agenda July 26th.

Rental Mooring Fields - Based on the information I have received - I would not vote to approve this. Sarah Peake - public comment period for the Army Corp of Engineers Study is still open and would encourage you (Mr. Baldwin) forward your comments to them. Also Ginny Binder's email talking about the year round impact and the potential loss. I encouraged her to forward her comments on to them as well. Also the Personal Watercraft Channel cuts right through this proposal. Question: Could we on our own motion hold a Public Hearing on this matter? Keith - Yes. Cheryl Andrews - There is a lot of interest in this issue. My question to Keith earlier today was the 'process'. Hate to see the applicant go through a lot of expense going through the Army Corp of Engineers and doing all these things without even meeting with the Board of Selectmen. Don't know the timeline as to when it normally would come to us but I agree with Sarah. Given the process that has already been put in motion by Mr. Santos - we're going to have a say on it either way, whether it is at the end of the application or in the middle and as a courtesy to him I would not mind seeing this Board send a letter to him now and let him know that there has been significant public interest in it and that perhaps he may wish to visit with us sooner rather than later. That is up to him. As to our holding a Public Hearing - I agree and just a question of when we would set the date ... whether prior to going to the Army Corp of Engineering process or not - and I would be happy to receive staff input and any information that staff has that is germane to this application (pro or con) should go off to the Army Corp of Engineers. Certainly material that you are referring to with regards to that channel run is a must and any other information that the public has should go off as well.

MOTION: *Move that the Board of Selectmen vote to have staff send all pertinent information to the Army Corp of Engineers in time for their July 22, 2004 public comment period; with a copy to the applicant.*

Motion by: Michele Couture

..... **Secoded by: Sarah Peake**

Yea 5 Nay 0

Mary-Jo Avellar returned.

Recognize Michelle Jarusiewicz for all the efforts she puts forth in securing all the grant funds.

Richard Olson

4th of July - Crowds and everybody were well controlled. Enjoyed the parade and the fireworks were fabulous. The hold-up during while the barge was put in place - better safe than sorry.

MOTION: *Move that the Board of Selectmen vote to send a thank you letter to the State Police and the Barnstable County Sheriff's were quite helpful during the 4th of July festivities.*

Motion by: Michele Couture

..... **Secoded by: Cheryl Andrews**

Yea 5 Nay 0

Mary-Jo Avellar - I did get some objections from the shop owners who opened up their store early because the cruise ship was coming in. I suggest that if a cruise ship comes in again on the 4th of July that arrangements have to be made to transport passengers to another area.

Cheryl Andrews - I spoke with the Pier Manager on that issue and he insisted that there was other information about the entire story that was not in the newspaper. Until we actually talk with him, let's not make assumptions. The main point you are making is valid - where to send the passengers. The idea of

coordination is a valid one. I will send a letter to the Pier Manager.

Fireworks - they were much nicer than last year. Only question I had was the 'encore' performance? Does anybody know why we had leftovers? Answer: Delayed fused. Timing was off.

Richard - Throwing of candy by the kids off the fire trucks. Last year we asked PBG to not throw candy - as soft candy gets brought into the shops and stick to the floors, etc. Cheryl - to Staff & the Chief - it is obvious that it is a problem and seems to be escalating - do you know how other towns handle this?

Richard - Great experience in taking the trip to Boston on behalf of air transportation. And I'm also going to Boston tomorrow to listen to the oral arguments in the case of Doug Johnstone, Provincetown Town Clerk against the Attorney General of the Commonwealth of Massachusetts.

Sarah Peake

Echo comments of my colleagues to all who did an excellent job during the 4th of July Parade and Fireworks. Did receive some comments from shop owners regarding the lack of coordination between the set up of the fireworks and the arrival of the people who wanted to disembark from the cruise ship. In future years - be aware of other special circumstances might be.

Economic Development - motion made at our June 28, 2004 meeting to have this as an agenda item at this meeting. It is not on our agenda tonight so I will bring it up tonight during Selectmen's Statements. This was proposed to be goal #9. I feel now, more than ever, that it is appropriate for us to include as one of the town managers goals - economic development with an emphasis on our year-round economy and ensuring the survivability of our year-round economy.

MOTION: Move that the Board of Selectmen vote to include a ninth goal for the town manager this year and that being to encompass the areas of Economic Development and the survivability of our year-round economy here in Provincetown.

Motion by: Sarah Peake Seconded by: Richard Olson

Discussion ensued. *Motion withdrawn.*

Room tax revenues declined. What impact are we going to see and how are we going to make up for shortfall in FY 04 because our projections was actually higher than what the actual revenues received - for General Fund and Wastewater. Keith - the fault answer is the property tax levy in a future year. If the Room Tax Revenue is treated as a local receipt in a year in which the actual receipts are less than what was estimated then it reduces your certified free cash figure the following year. To the extent that we routinely use certified free cash to reduce the tax levy then if we have less free cash then we will need to rely more on the levy to make up for spending. So, short term less free cash - longer term you would need to raise the property tax level - or reduce spending. Sarah - that is always an option and we will talk more about that later when we are talking about on how we are going to get our quarterly tax bills out on time.

Michele Couture - curious as to what affect these guesthouses that have gone condo will have.

Cheryl Andrews

Thank you to our speaker (Don Richards) who grew up in Hyannis. I feel exactly the way you do re: Nantucket Sound. Alliance to Protect Nantucket Sound will be at WOMR on August 19, 2004.

Vision for this town for me - is still affordable housing as the hub of the wheel.

4. APPOINTMENTS

Provincetown Public Pier Corporation Board of Directors

MOTION: Move that the Board of Selectmen vote, pursuant to section 4 of Chapter 13 of the Acts of 2000, to appoint Paul DeRuyter to a term on the Provincetown Public Pier Corporation Board of Directors which expires July 29, 2007.

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

MOTION: *Move that the Board of Selectmen vote, pursuant to section 4 of Chapter 13 of the Acts of 2000, to appoint John Baldwin to a term on the Provincetown Public Pier Corporation Board of Directors which expires July 29, 2006.*

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

4B BOARD OF SELECTMEN APPOINTMENTS

Move that the Board of Selectmen vote to appoint Daniel J. Kells as the representative for the Arts Community on the Visitor Services Board with an expiration date of June 30, 2007.

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

5A BOARD OF Selectmen / COA BOD JOINT MEETING

COA Board members present: Brunetta Wolfman, Greg Howe, Gerry Brennan all read statements into the record (See Attachment #2)

Open discussion ensued.

Council on Aging Board Goals for FY 2004 submitted to the Board of Selectmen:

1. To make elected and administrative Town officials aware of the needs of the Town's elderly, to make them aware of the "quality of Life" issues which affect the elderly and to solicit suggestions from Town officials for programs and activities which will enhance the lives of the elderly.
2. To encourage a coordinated Town-wide approach to the recruitment of volunteers, especially those over 59, to serve agencies and programs.
3. To develop means to contact new elderly residents and voters who are not COA participants to inform them of available services and programs and to recruit additional volunteers.
4. To make the Senior Center pleasant and accessible for the elderly and handicapped and review Senior programs and change as needed.
5. To get the approval of the Board of Selectmen and Town meeting to increase the amount allowed in the Senior Citizen Real Estate Tax Program from the current \$500 to \$750.

MOTION: *Move that the Board of Selectmen vote to increase the amount allowed in the Senior Citizen Real Estate Tax Program from the current \$500 to \$750.*

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

5A2 COUNCIL ON AGING

Elder Services of Cape Cod & Island Grant Application: \$5,000

MOTION: *Move that the Board of Selectmen vote to authorize submission of a grant application to Elder Services of Cape Cod and the Islands under the Older Americans Act Title IIIe in the amount of \$5,000 to fund a program to provide respite for those individuals who are caring for seniors 60+ (years of age) and for 60+ caregivers who are caring for individuals in the following categories: 60+ years of age, under 18 years of age or disabled.*

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

5A3 COUNCIL ON AGING

Elder Services of Cape Cod & Island Grant Application: \$8,000

MOTION: *Move that the Board of Selectmen vote to authorize submission of a grant application to Elder Services of Cape Cod and the Islands under the Older Americans Act Title III grant for \$8,000 to continue providing personal services and medical transportation for seniors 60 years old and older*

Motion by: Mary-Jo Avellar

Seconded by: Michele Couture

Yea 5 Nay 0

5B

SCHOOL COMMITTEE

Amended Request to Lease Surplus Portions of PHS Annex

School Board Members attending: Therese Nelson, Peter Grosso, Debra Trovato, Molly Perdue, Burt Wolfman. Other Attendees: Director of Student Services/Elementary School Principal Mr. Anthony Teso

School Board handed out "Brief Overview of the Academy of Art, Science and Technology at Provincetown High School. (See Attachment #3)

Open Discussion ensued.

MOTION: *Move that the Board of Selectmen vote to amend its vote on March 2, 2004 and vote, pursuant to MGL C.40,§3, to approve the request of the Provincetown School Committee to issue a request for proposals to lease for non-profit educational organizations a portion of the PHS Annex Building, 5 Holway Avenue (Assessor's Map 07-4-065-A) with the duration of the lease to be proposed by the bidder; and with a minimum of \$8.00 per square foot with up to 8,540 square feet of available space.*

Motion by: Sarah Peake

Seconded by: Richard Olson

Yea 4 Nay 1 (Michele Couture)

Mary-Jo Avellar left the room.

5C

CCNS GMP IAC - Hunting EIS

Schedule Public Scoping Session in Provincetown

MOTION: *Move that the Board of Selectmen vote to request that CCNS conduct a public scoping hearing on Thursday, July 22, 2004 from 6:30 to 8 PM at Provincetown Town Hall on the Seashore's Hunting Program Environmental Impact Statement.*

Motion by: Sarah Peake

Seconded by: Richard Olson

Yea 4 Nay 0

Mary-Jo Avellar returned.

6A

WATER MANAGEMENT PERMIT UPDATE

Preparation for Joint Meeting with Truro Selectmen on July 19th

Open discussion ensued.

MOTION: *Move that the Board of Selectmen vote to not accept this report as written and to request a re-write to be presented to the Board of Selectmen at a future meeting.*

Motion by: Cheryl Andrews

Seconded by: Mary-Jo Avellar

Yea 5 Nay 0

6A2

DPW: STORMWATER MITIGATION ASSESSMENT

Operation and Maintenance Plan

Deputy DPW Director Sandy Turner, Stearns & Wheler Representatives Nate Weeks and Gage Muckleroy gave brief presentation.

Open discussion ensued. No motions made.

6A3 DPW: MassHIGHWAYS UPDATE

Discontinuance of Remaining State Roads In Provincetown

Open discussion ensued. No motions made.

6B1 FINANCE UPDATE

Group Health Insurance Savings

- Discussion dependent. No motions made.

6B2 FINANCE UPDATE

Strategy for Timely Tax Bills

- Discussion dependent. No motions made.

7A HOUSE BILL 3840 HIGH POLE HILL ROAD

Proposed Amendments to Home Rule Legislation

MOTION: *Move that the Board of Selectmen vote, pursuant to Article 14 of the April 7, 2003 Special Town Meeting, to amend the home rule petition contained in House Bill 3840 by striking the reference in Section 3 thereof to an exemption from MGL C.30B, so that said section reads as follows: "SECTION 3. The board of selectmen of the town of Provincetown in connection with the alteration of layout of High Pole Hill Road from time to time, may, for such consideration as the selectmen shall deem appropriate, which may be nominal consideration, release to the owner of the underlying fee in the land within said layout all right, title and interest of the town of Provincetown in said land and, if the land within said layout is held in fee by the town of limitation the land shown as "West Approach — East Approach" on the plan titled "Plan of Land in Provincetown," prepared by George F. Clements., CE., dated January 21, 1938, filed with Land Registration Office on April 11, 1938 as Plan No. 16813A, notwithstanding the requirements of ~~section 16 of chapter 30B~~ and sections 15 and 15A of chapter 40 of the General Laws."*

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

Cheryl Andrews left room due to conflict. Her father is a resident of the Cape End Manor.

7B CAPE END MANOR CARE CAMPUS LAND EXCHANGE

Determination under MGL C.30B,§16(a)

MOTION: *Move that the Board of Selectmen as the body authorized pursuant to G.L. c. 40, §3 to convey real property, to determine that a portion of the Grace Hall Parking Lot, to consist of +/- one half acre, containing approximately 40 parking spaces, is available for disposition for the purpose of enabling a land exchange by which the Town will acquire title to a parcel of land of sufficient size and convenient location to accommodate the proposed Cape End Manor Care Campus, and for that purpose alone. Title to the said portion of the Parking Lot shall not be conveyed until all the following conditions have been satisfied:*

- 1. The Town Meeting shall have approved the specific land exchange transaction identified through the RFP process;*
- 2. Through a subsequent Chapter 30B solicitation, the Town shall have identified a mission-driven for-profit or a non-profit health care entity to assume title to the existing Cape End Manor property and the additional property to be acquired by the Town through the land exchange;*
- 3. The Town Meeting shall have approved the transfer of the Cape End Manor and additional land to the mission-driven entity and provided any zoning amendments necessary to authorize the proposed Care Campus; and*
- 4. All regulatory approvals, licenses and permits of whatever kind necessary to authorize the construction and operation of the proposed Care Campus have been obtained.*

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

Cheryl Andrews returned.

Sarah Peake - Yea

Richard Olson - Yea

Cheryl Andrews - Yea

Mary-Jo Avellar - Yea

Michele Couture - Yea

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

The board went into executive session at 11:20 PM.

Minutes transcribed by: Vernon Porter, Secretary
July 19, 2004