

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – TUESDAY, OCTOBER 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, Richard Olson

Excused Absence: Sarah Peake

Other attendees: Keith Bergman Town Manager

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A JOINT MEETING WITH TRURO BOARD OF SELECTMEN

Water: Execute IMA Extension; Submit Plan to CCNS

Truro Board of Selectmen members: Chairman Alfred Gaechter, Christopher Lucy, Gary Palmer, Lloyd Rose, Paul Asher-Best and Assistant Town Administrator John Sanguinet

MOTION: *Move that the Provincetown Board of Selectmen vote, pursuant to MGL Chapter 40, section 4A, to extend through December 31, 2008 the Intermunicipal Agreement with the Truro Board of Selectmen, in the amended form negotiated by the parties, and with the additional language under section 5G “All final decisions shall be made by the Town of Provincetown”, a copy of which is incorporated herein by reference.*

Motion by: Mary-Jo Avellar Seconded by: Richard Olson Yea 4 Nay 0

Truro: Motion by: Alfred Gaechter Seconded by: Paul Asher-Best
Yea 4 Nay 1 (Gary Palmer)

MOTION: *Move that the Provincetown Board of Selectmen vote, pursuant to Section 31 of the 2004 Special Use Permit from Cape Cod National Seashore to submit, jointly with the Truro Board of Selectmen, a plan for replacing the North Truro Air Force Base wells with North Union Field in the Town of Truro.*

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 4 Nay 0

1B PUBLIC HEARING

Curb cut Request: 109 Commercial Street

MOTION: *Move that the Provincetown Board of Selectmen vote, pursuant to MGL C.11, §6-2, to:*

a) *Approve the request of Kathleen Meads on behalf of Laurie Gomon Ring and Jacques and Florence Salvan to establish a curb cut at the property located at 109 Commercial Street (Assessor’s Map 15-3-048) ((Res 3 Zone). “Condition that pervious materials be used for driveway.”*

b) *And to request that a certified plot plan be provided showing the actual location of the proposed curb cut.*

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

1C OUTER CAPE TRANSIT SERVICE PROPOSAL

Flex Route Service Proposal - CCRTA, Outer Cape Transit Task Force

Attendees: Cape Cod Commissioner Transportation Planner Clay Schofield, Cape Cod Regional Transportation Authority Joseph Potzka, Plymouth & Brockton’s John Greene.

Discussion ensued. No motions made.

2. PUBLIC STATEMENTS

Cheryl Gayle - Director of Housing Program from Lower Cape Cod CDC - kicking off their housing rehab program with a \$100K available to the residents of Provincetown for property repairs and renovations. Asked everyone to spread the word.

Barbara Rushmore - Here tonight to warn the Board of Selectmen against some of the projects you just heard. When something looks like a gift - it has to be manned, it has to be insured and it takes away from the town some of the public land that we have.

3. **SELECTMEN STATEMENTS**

Richard Olson

Letter from Susan Leonard on behalf of Portuguese Festival Team re: Archiving photos, etc. (KB - will check into this.)

Sidewalk - snow removal - trimming of bushes, etc. - KB will get back on this.

Ashtrays in front of Town Hall - Reminder that they are still full of butts.

Mary-Jo Avellar - None

Michele Couture

Need to reconsider our decision to have an Assistant Town Manager. Budget neutral - Parking Administrator is retiring - Director of Municipal Finance who is an Accountant and salary is less than a Director, a part-time MIS Coordinator - there is room in the budget to have an ATM. It is not fair to Keith and it is not fair to Michelle. Michelle needs to focus on grants and Keith is spread so thin that it is very difficult to supervise staff and attend all the meetings to implement the policies of boards that we would be better served if we got ourselves an ATM. Mary-Jo Avellar - Agrees with Michele. Richard Olson - The Town Manager is the one who should come forward with this. Cheryl Andrews - To Keith - I think you're hearing from the Board two things 1) a tentative support for filling that position if you end up agreeing that it would be a good thing to do and 2) you're also hearing a reluctance to interfere with your decision making. We can schedule this as a discussion item with you - an ATM and an overall organizational chart for the next five years. Keith Bergman - I look forward to putting something together on this for your consideration on this.

Mr. Malone's laundry proposal - encourage the Water & Sewer Board to give us a recommendation as soon as possible.

Letter Sisson & Veara re 351 A-B-C Commercial St., - I prefer not to get involved in this matter. Refer this to the Water & Sewer Board.

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Health Inspector Patricia Pajaron for her report on rabies.

Motion by: Michele Couture Seconded by: Mary-Jo Avellar Yea 4 Nay 0

Water Tank - when will it be repaired. Answer - Work to be schedule and completed next spring.

Richard Olson

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Congressman Delahunt for organizing the Affordable Housing Summit on October 1, 2004.

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

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Acting Superintendent Mike Murray of the Cape Cod National Seashore for organizing the "Endless Summer" Conference on October 6,7,8, 2004 here in Provincetown.

**Motion by: Richard Olson Seconded by: Michele Couture
Yea 3 Nay 1 (Mary-Jo Avellar)**

Cheryl Andrews - None

4A **APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote to appoint Chief of Police Schuyler (Ted) Meyer as Provincetown's Representative to the Cape Cod Regional Transit Authority Advisory Board.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 4 Nay 0

5A **AIRPORT COMMISSION**

Massport Peak Period Surcharge - Special Circumstances Exemption

MOTION: *Move that the Board of Selectmen vote to submit for Massport's October 19, 2004 public hearing in Hyannis on its proposed Peak Period Surcharge regulation a request that Massport include in its final regulation the designation of Provincetown as a recipient of a Special Circumstances Exemption; and to ask that our state and federal legislative delegations support this request.*

Motion by: Mary-Jo Avellar **Seconded by:** Michele Couture Yea 4 Nay 0

5B **TREASURER'S TRANSFERS**

Same Sex Marriage Defense Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$1,195.00 from the Same Sex Marriage Defense Fund for the payment of an invoice.*

Motion by: Mary-Jo Avellar **Seconded by:** Richard Olson Yea 4 Nay 0

5C **COUNCIL ON AGING**

Elder Services of Cape Cod & Islands Grant

MOTION: *Move that the Board of Selectmen vote to accept a grant from Elder Services of Cape Cod and the Islands under the Older Americans Act Title III in the amount of \$7,250.00. This grant is to provide personal services and medical transportation for seniors 60 years old and older.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 4 Nay 0

5D1 **LIBRARY GRANT AWARD**

LSTA: \$40,000 - "Provincetown Online: The Advocate Live!"

MOTION: *Move that the Board of Selectmen vote to accept a grant in the amount of \$40,000 from the Massachusetts Board of Library Commissioners under its Library Service and Technology Act (LSTA) program for a one-year project at the Provincetown Public Library entitled "Provincetown Online: The Advocate Live!"*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 4 Nay 0

5D2 **LIBRARY GRANT AWARD**

Mass. Cultural Council - Operating Support grant - \$2,700

MOTION: *Move that the Board of Selectmen vote to accept a grant in the amount of \$2,700 from the Massachusetts Cultural Council for an operating support grant for the Provincetown Public Library.*

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

5E **BUILDING COMMITTEE, BOARD OF LIBRARY TRUSTEES**

Library Construction Project Change Orders #9-17

MOTION: *Move that the Board of Selectmen vote to approve Change Orders 9 through 17 totaling \$316,532 for the library construction contract with J.K. Scanlan of East Falmouth, MA, recognizing that the Board of Library Trustees has raised its fundraising goal by a like amount.*

Motion by: Mary-Jo Avellar **Seconded by:** Richard Olson Yea 4 Nay 0

5F **OPEN THE SHELLFISH SEASON**

Public Shellfish Area east of the Breakwater in the West End: 10/31/04

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.130,§52 and the Selectmen's Recreational Shellfish Regulations, to approve opening the public shellfishing areas as follows: [1] Sunday, October 31, 2004, the area west of Captain Jacks to the east side of the Provincetown Inn and 25' inside of the Private Grants. [2] Sunday, November 28, the shellfish area from Allerton Street to the Provincetown/Truro Line. [3] Sunday, January 2, 2004 Hatches Harbor. The days allowed are Sundays and Fridays through the end of March 2005 with a ten-quart limit per week.

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

5G **PARADE PERMIT: PROVINCETOWN FIRE DEPARTMENT**

Fire Muster Parade

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Captain Larry Flores, on behalf of the Provincetown Fire Department to hold a "Fire Muster Parade" on Sunday, October 24, 2004 from 10 am to 11 am with a rain date of Sunday, October 31, 2004

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 4 Nay 0

Mary-Jo Avellar out of the room.

6A **TELECOMMUNICATIONS FACILITY AT WWTP SITE**

Approve Facility Design for 20-year lease with AT&T Wireless

MOTION: Move that the Board of Selectmen vote to schedule a Public Hearing on November 8, 2004.

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

Mary-Jo Avellar returned.

6B **GRANT ADMINISTRATOR CONTRACT EXTENSION**

Reschedule to next meeting.

6C **OCTOBER 25, 2004 SPECIAL TOWN MEETING**

Adoption of Board of Selectmen's Recommendations on Articles

MOTION: Move that the Board of Selectmen vote to recommend Special Town Meeting Article 9, semi-annual tax bills, and further to carry out the purposes of that article to vote the Board's intent to insert onto the April 2005 Town Meeting warrant an article drafted by Town Counsel to accept the amended MGL C.59,§57C which now allows for semi-annual tax bills with a preliminary fall tax bill.

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 4 Nay 0

6D1 **PARADE PERMIT: HALLOWEEN PARADE**

Provincetown Recreation Department's Annual Kids Halloween Parade

MOTION: Move that the Board of Selectmen vote to approve Parade application submitted by Recreation Director Dennis Clark, on behalf of the Provincetown Recreation Department to hold their Annual Kids Halloween Parade on Friday, October 29, 2004 starting at 3:30 PM and ending by 4:30 PM.

Motion by: Mary-Jo Avellar Seconded by: Michele Couture Yea 4 Nay 0

6D2 **VISITOR SERVICES BOARD - FY 2005 TOURISM FUND**

Approval of Certain Marketing Expenditures

MOTION: Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the

following expenditures from the FY 2005 marketing budget, as recommended by the Visitor Services Board: (1) \$7,500 for Festive Lights Project - Phase I; (2) \$1,500 for Tour Guide Appreciation Day, October 29, 2004; (3) \$1,900 for travel and expense for attendance at the American Bus Association Annual Convention in Chicago, IL; and (4) \$30 for attendance at Endless Summer Conference; for a total of \$10,930.

Motion by: Mary-Jo Avellar Seconded by: Richard Olson Yea 4 Nay 0

7. MINUTES OF BOARD OF SELECTMEN MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of September 27, 2004 (Reg. Mtg.) as printed. (All Present)*

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

8. CLOSING STATEMENTS

Richard Olson - Women's week has been very successful and I gave my walking tour on Sunday and will be giving another one on Wednesday at 2 pm in front of Town Hall.

Mary-Jo Avellar - None Michele Couture - None Cheryl Andrews - None

Motion to adjourn by Michele Couture at 9:12 pm.

Minutes transcribed by: Vernon Porter, Secretary
October 14, 2004